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1ST DECEMBER, 1960.COURT RESUMES : APPEARANCES AS BEFORE.LOUIS CHRISTIAAN VAN WYK, beëdig, verklaar:KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Mr. van Wyk, you had been telling us yesterday that you were in the Police Station grounds for approximately four hours, from half past nine until a little after half past one when the shooting started? --- Dit is reg.

I take it that during these four hours you had a very good opportunity of observing the crowd? --- Ja, dit is reg.

What was the behaviour of the crowd like in the first hour, say from half past nine to half past ten? --- Hulle het maar gedurig geskree en geraas en soan.

Would you not say that in the first hour, which was reasonably early in the morning, the crowd on the whole was quite a well behaved crowd? --- Ek sal nie sê dat hulle... hulle het maar gedurig vir my maar eners gewees.

I can't hear you Mr. van Wyk? --- Hulaâ het vir my die eerste tyd ook maar net so geraas. Later van tyd was dit 'n bietjie meer, maar hulle het die eerste tyd net so te kere gegaan, die eerste uur.

Well, on the whole in the beginning would you say it was a well behaved crowd, or it was a badly behaved crowd? taking into account that certain people might have been shouting and you might have noticed a noise coming, but bearing that in mind would you still say that it was a badly behaved crowd on the whole? --- Ja.

Well, would you say that even at that early stage
it/....

it seemed to you like a dangerous crowd of people? --- Ja.

And did you feel frightened because of that even at the early stage? --- Ja.

You are quite sure Mr. van Wyk, in giving that evidence, that you are not perhaps biased against the crowd as you saw it? ---Nee, die getuienis wat ek hier lewer is net wat ek gesien het, volgens my oordeel.

We have had evidence from an African, a member of the Department of Bantu Affairs, who was among that crowd for several hours, and he described the crowd in different terms to yourself? ---Vandat ek daar gekom het, van die eerste keer was ons tussen die skare ingery het, het my bemanning in die kar sy geweer uit gehad, sy rewolwer uit gehad, want dit het vir ons gelyk toe ons so ingaan asof hulle die hele kar sou wegdra, so het hulle te kere gegaan en die kar gestamp, en party het in die kar ingekyk.

Mr. van Wyk, I am having great difficulty in hearing you. I wonder if you would mind speaking a little more slowly and a little more distinctly? ---Van ek die eerste keer daar gekom het by die Polisiegronde, vandat ons die skare begin binnegaan het, in hulle ingery het, wou ons ons gewere laai, en ons het nie geweet nie; hulle kon enige oomblik daardie kar omkeer soos hulle te kere gegaan het en die kar geslaan het. Sommige van hulle het halflyf in die kar ingekyk, en ons gevra „Wat kom maak julle hier?”.

Now, that might apply to the portion of the crowd through which you passed as you came into the gate, but does that apply to all the people who were around the Police Station and as you noticed them once you were inside the Police grounds? --- Wel, seker dit my aangaan was die meeste van die skare op daardie moment voor daardie hek.

Now/....

Now, in the evidence that you gave yesterday I understood you to say that you had a Sten gun, that you had it in your possession after you arrived in the Police Station grounds and had got out of the motor-car, and that you went towards the gate, and that this gun was unloaded? You did say that, did you not? ---Dit is reg.

Now, in view of the fact that according to you, even at that early stage, this crowd was a dangerous one and it made you frightened, why was it that you walked around with an unloaded weapon in stead of a weapon that was loaded? --- Ek sou hom gelaai het of altans ek kon hom eers laai as ek 'n bevel kry om hom te laai. Ek sal hom nie laai alvorens ek nie sien dat dit nou noodsaaklik is om hom te laai uit my eie uit nie.

You would not load it before you considered it was necessary to load it? Is that what you are saying?

BY THE COURT:

I don't want to interrupt, but that is not what he said. He said he did not load it because he had not received an order to load it, and he would not do so until he had received such an order.

BY MR. UNTERHALTER:

Your Worship, with respect I did hear him also use the word "noodsaaklik", and I submit that he used it in the context in which I have just put it to him.

BY THE COURT:

I don't want to argue with you, but I never heard the word "noodsaaklik".

BY THE PUBLIC PROSECUTOR:

Yes Your Worship, he said it very softly.

Cross-examination/....

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Well, let me put it to you again. You said to His Worship just now that you would not have loaded that gun unless it was necessary for it to be loaded?

BY THE COURT:

Is it now said that he did not utter any such sentence as I mentioned, Gentlemen? Have I misheard the witness' evidence?

BY MR. UNTERHALTER:

No, he did say that, but he added Your Worship.....

BY THE COURT:

But now you are only putting it to him as if he said one thing, and he may have said two things.

BY MR. UNTERHALTER:

I shall put both of them to him, Your Worship, and take them with respect in their order as I heard them.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, did you say that you would only have loaded that gun when it was necessary for it to be loaded? — Ek mag hom nie laai nie, tensy ek bevel kry nie, maar ek het gesê ek sal hom laai as ek sien dit is noodsaaklik; ek meen daarby as die skare op my afstorm, as ek sien kyk hierse, nou gaan hulle my doodmaak. Dan gaan ek nie wag vir 'n bevel nie, maar dan sal ek hom laai.

And I take it that you did not see the necessity at that stage for you yourself loading your weapon? — Nee.

And whoever was in charge of you similarly at that stage did not give you an order to load? — Nee.

Now, is the reason not only for your own attitude, but for that of a man who in the ordinary course would have given you an order, that the situation in the crowd was such that/....

that it was not necessary? In other words, there were no danger coming from the crowd? --- Nie op daardie tydstip nie.

You are agreeing with me in other words? --- Ja, dit is reg.

Now, as the morning wore on what happened to the crowd? --- Hulle het maar al erger en al harder geraas, ^{en} volgens my nog meer en meer geword; hoe later dit word hoemeer het hulle geword.

I take it that the order to load was finally given to you by Colonel Pienaar when he arrived? --- Dit is reg.

Now, when you heard that order I presume that you loaded your own weapon? --- Dit is reg.

I put it to you Mr. van Wyk, that therefore from about half past nine when you arrived, until the arrival of Colonel Pienaar which was around one o'clock, the behaviour of the crowd was not so serious that it required the loading by you of your weapon? What do you say to that? --- Ja.

What command did you hear Colonel Pienaar use when he required you to load? When I say you I don't mean you personally, I mean the group of Policemen who were there? --- Ek kan nie die direkte woorde so goed onthou nie, maar ek dink hy het gesê „Tree aan en laai“.

You did not hear him say "Load five rounds"? --- Nee, ek weet nie, want ek het nie vyf patrone gehad om te laai nie, so ek sal nie so goed kan onthou nie.

I will come to what you had available to load in a moment. Did you hear him use the words "Five rounds" when he gave the order to load? --- Nee, ek sal nie op die tyd sê dat hy dit gesê het of nie gesê het nie, want ek kan regtig nie so mooi onthou wat die presiese woorde was nie.

Now, you clearly heard him use the word "load", i.e.

laai/....

"laai" in Afrikaans? — Ja.

Was he fairly close to you Mr. van Wyk? — Nee, hy was taamlik ver van my af gewees. Die dubbele hek, die sypaadjie, hy was meer aan die suidekant, en ek was aan die noordekant.

And approximately what distance separated you, how many paces? — Min of meer so vyftien tree.

Now, you had a Sten gun? — Dit is reg.

How old are you Mr. van Wyk? — Ek is 21.

Why is it, can you tell us, that you were issued with a Sten gun and not with an ordinary .303? — Ek het 'n kursus geloop vir 'n Stengeweer, om hom te hanteer, en baie op ons stasie het dit nie geloop nie, en almal kan met 'n .303 skiet, maar almal kan nie met 'n Stengeweer skiet as hy nie 'n kursus geloop het nie.

I did not hear you, I am afraid. I must please ask you to talk more slowly and more distinctly. Your Worship, I am sorry, I don't know if the Court has difficulty, but I just can't hear him.

BY THE COURT:

I have no difficulty as he happens to be talking towards me.

DEUR DIE GENUIE:

Edeelagbare, hulle het aan my 'n Stengeweer uitgereik omdat ons 'n kursus geloop het, of ek myself een geloop het, en omdat daar baie by ons op die stasie is wat nie so 'n kursus geloop het nie, en omdat almal met 'n .303 geweer kan skiet, enige persoon min of meer van sy eie kennis kan met hom skiet, maar almal kan nie met 'n Stengeweer skiet nie, d.i. uit sy eie ondervinding uit nie.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

How long was this course Mr. van Wyk? — Min of meer/....

meer drie dae.

Drie dae? ---Drie dae ja. Dit is saam met die skietoefeninge alles.

Is that actually the full period of the course that is necessary to train you, or is that just a period that you happened to be in the course of being trained when this gun was issued to you? --- Nee, ek is spesiaal gevra om die kursus by te woon.

What I am asking is this. Was the course completed in three days? In other words, had you learnt everything that you had to learn, and had you had all the experience that you had to have, in this three day course? --- Ja.

How long before the 21st March had you completed this course? --- Nou kan ek nieneer die datum so goed onthou nie, maar dit was 'n geruime tyd gewees.

DEUR DIE HOF:

Wanneer? Hierdie jaar, of verlede jaar, of wanneer? --- Nee, dit was in 1959.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

And between the time of completing the course, and the 21st March, had you had occasion to use a Sten gun at all for any purpose? --- Nee, ek het nooit weer een gebruik of geskiet met hom.nie.

A Sten gun has two magazines, is that right? --- Op die moment wat jy skiet of hoe meen u nou?

Don't you have two magazines? Is there not place in the Sten gun for two magazines? --- Nee, net een. Een op 'n slag kan jy gebruik.

And how ^{many} bullets does this magazine hold? --- Hy vat dertig, maar ons laai gewoonlik net vyf-en-twintig, omdat

sy/....

sy veer pap word as jy hom vol laai of dertig patrone gee.

And did you load your magazine or your gun with a magazine containing about twenty-five bullets? — Ja, ek het dit nie persoonlik self gelaai nie. Hulle was gelaai gewees toe ons dit gekry het, maar ek neem aan dit was vyf-en-twintig, want die instruksies op die stasie is so.

Was this the same gun as you were telling His Worship you had earlier in the day when you went towards the gate? — Ja, dit is dieselfde een.

Now, I understood you to tell us that that gun was unloaded then when you went towards the gate earlier in the morning? — Ja, hy was nie gelaai nie.

Now, does that mean that there was something else done to the gun between the time that you had it in its unloaded condition about half past nine, and the time when it had to be loaded after Colonel Pienaar gave the order? — Nee, daar was niks gedoen nie. Van ek hom geneem het was daar niks gedoen aan hom nie, d.i. totdat Kolonel Pienaar gekom het. Natuurlik toe het ons gelaai, maar voor dit het ek niks aan hom gedoen nie.

Now, when you got the order I take it that you did something to this gun to make it into a loaded condition? — Ja, maar sy magasyn was klaar gelaai. Dit is 'n sekonde se werk om hom te laai. Jy druk net die magasyn in en dan is hy gelaai.

DEUR DIE HOF:

Die magasyn was sal ons se vol? — Die magasyn ja.

Hy het patrone bevat? — Dit is reg, maar dit vat lank om hulle te laai.

En dan moet jy iets doen om hom in 'n gelaaide geweer oor te sit, nie waar nie, al is die magasyn alreeds

gelaai/...

gelaai? — Al is dit klaar gelaai dan moet jy iets doen om die geweer te laai.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

And what you were saying to us a few minutes ago I take it was really the following? That you personally had not put the bullets into the magazine, and that is why you did not know the number? — Dit is reg ja.

Now, I want you Mr. van Wyk to take your mind back to the state of affairs in those grounds of the Police Station just a couple of minutes before the firing started? Do you remember if anything was happening at that gate, the double gate through which you had taken your car earlier that day? — Wel, daar is 'n persoon in hegtenis geneem, by daardie dubbele hek. Daar is 'n persoon in hegtenis geneem. Hy is toe weggeneem. Ek het nie opgelet nie, want ek het gekyk na die skare hier voor my. Ek het nie opgelet waarna toe hy geneem is en deur wie hy geneem is nie, maar hulle het toe so geraas en lawaai gedurende die tyd dat ek maar gekonsentreer het hier voor my.

Now, when this person was taken away, did the crowd remain outside the gate, did the crowd come through the gate, or what happened? — Daar was 'n paar van hulle - voor daar nog 'n persoon in hegtenis geneem is was daar al 'n klomp van hulle. Hulle het so in die hek ingekom en dan kom hulle weer uit, en dan maak hulle weer die hekke toe. Hulle het ingekom, hulle het so in die hek gestaan.

You never noticed I take it a crowd of people bursting through the gate and coming into the Police Station grounds? Do I gather that that is what you are telling us? — Nee.

You did not see a team of about ten or fifteen European/....

European Policemen acting as a group and trying to push a big crowd of these Africans that had come past the gate back into the street? --- Nee, wat ek wel weet ^{da's} ek dink Kolonel Pienaar het daardie hek toegemaak, maar ek het nie daar vyftien of soveel gesien nie.

If there had been as big a group of European Policemen doing that, I take it in the ordinary course you would have noticed it? It is something that must have attracted your attention? --- Dit is moeilik om te sê, want op daardie moment het ek dalk net in 'n teenoorgestelde rigting gekyk. Daar was baie meer Polisiemanne op daardie moment gewees as wat daar die oggend was. Die Offisiere almal het voor by die hek gestaan. Daar was nie so 'n gestoeiery sal ek maar sê gewees dat dit opmerkzaam was en almal se aandag te trek nie.

Did you notice a struggle at any stage going on at the gate between the crowd trying to pull an African back into the crowd, and some European Policemen trying to pull him into the Police Station grounds? --- U meen by die arrestasie?

No, whether at the arrest or at any time? --- Nee, ek het nie soiets gesien nie.

I take it you realised that if the crowd were going to come into the grounds, the weakest point was really the gate? --- Sowel as die draad, want die was feitlik plat.

I take it you kept looking constantly at that gate? --- Nee, ek het hier voor my gekyk, want die klomp daar was ver van my af, en die voor my was 'n paar tree van my af.

You said that the fence "was bitlik plat". What exactly do you mean by those words? --- Wat ek bedoel is dat dit vir so 'n groot skare mense baie maklik was om daaroor te klim, want die draad, soos hy nou moet staan, was so gedruk gewees/....

gewees, hy was amper in 'n lêende posisie gewees. (Getuie demonstreer aan die Hof).

Now, you indicate with your hands that that fence was leaning inwards towards the Police Station buildings? —
Dit is reg.

Now, I want to get the degree inwards that this fence was leaning? When the fence is upright it is at 90 degrees. If it would be halfway between the upright and lying on the ground it would be 45 degrees. If it leans even more towards the ground, say even halfway between the half position and the ground, it could be say 22½ degrees. Now, what I want you to tell His Worship is as best you can estimate, was that fence halfway between the upright and the ground, i.e. 45 degrees, or was it three-quarters the way to the ground, which would be about 22½ degrees? — Ek sou sê hy was nader na 22½ grade toe, as na 45 grade toe. Hy was tussen die twee. Ek sou sê 22 grade nie, maar nader daaraan as aan 45 grade.

Which means that according to your estimate that fence was leaning over towards the ground more than halfway? — Ja, maar dit moet ook in aanmerking geneem word dat die twee hoekpale, ek sal maar sê die dubbele hek, kyk daar is die draad mos vas aan, en aan die eerste ankerdraad, ek sal maar sê aan die noordekant, daardie hoek, daardie twee draade, dat hy so gekom het binnekant toe, want hy is daar geanker, daardie paal is geanker en hy kan nie maklik vooroor getrek word nie, en aan die dubbele hek se kant is hy in sementblokke, sodat in die middel van die draad was hy feitlik laer as aan die pale se kant.

Well, whatever the degrees were, this fence at a certain portion was certainly very low according to you? —

Ja/....

Ja, dit is reg. Dit was baie maklik vir 'n mens om oor te kom as jy wou.

Now, I take it it was so easy for people to spring over that if any member of the crowd near that low portion had wanted to, he could just have made a simple low jump and got over the fence? — Ja, hy kon maklik ingekom het.

Did you notice any members of the crowd actually use the opportunity of jumping over this low fence to get into the Police grounds? — Die wat daar gestaan het het net gewag. Ek sou sê hulle het net gewag vir die regte oomblik; dan sou hulle definitief daar oorgespring het. Ek het nie gesien dat een oorspring nie.

You know Mr. van Wyk, this is the first time that evidence such as this has been heard in this Court, as to the fence having sunk as low as you have described it. You are quite sure about the evidence that you are giving to His Worship? — Ek is doodseker daarvan, want daar was meer Polisiemanne as ek en ons het in 'n ry gestaan, en hulle het by 'n ander draad gestaan as ek.. Baie het aan die suidekant gestaan, baie was weer aan die oorkant van die straat gewees, so daar het baie op verskillende plekke gestaan.

Now, the portion of the fence that you are describing, I take it is on the northern side of this double gate? — Dit is heeltemal reg. Dit is waar ek gestaan het.

That is on the righthand side of the gate as you look at the gate from the Police Station grounds? — Dit is reg.

At about how many paces from the double gate, in a northerly direction, did this fence start to sag as low as what you have described? — Dit is omtrent, jy kan sê hy het van die ankerpen as so geleop, so gelykmatig afgegaan. (Getuie demonstreer/....

demonstreer aan die Hof). Met ander woorde, waar hy nog....

Let's first get the distance Mr. van Wyk. You know there is a pole at the northern side of the gate? That pole is the pole around which the gate swings if it opens? — Dit is reg ja.

Now, if you were to start from that northern pole of this gate and walk along the western fence in a northerly direction, after how many paces would that fence have started to show that it was leaning inwards? — Waar hy begin, twee, drie tree.

About three paces. And as you continued to pace northwards along this western fence, for how many paces would you say the fence was approximately at 22 degrees? — Sê vir so ses tree, sewe tree, min of meer.

Six or seven paces? — Ja.

And after that do you say because the western fence is tied or secured to the other fencing standard, the fence gradually started to come upright again? — Dit is reg ja.

So that according to you the front portion of the crowd that was standing near this low portion of the fence, could have easily jumped over that fence at any point in a distance of about six paces where the fence was as low as you have said? — U meen vanwaar ek sal naar sê hiesou oorspring, hy kan ses tree aanspring?

No, no, no. (Vraag word in Afrikaans aan die getuie herhaal). — Ja.

And I take it that at that point because the fence was so low, it certainly was not serving any function in holding the crowd back? — Nee, hulle moes hom nog plat druk. So dra hulle hom les dan spring hy op, die draad, want dit is 'n net, so hulle het teen hom geleë feitlik, dat hy so lê, so plat/....

plat 18.

Do you say that the crowd was leaning against this fence, which in turn was leaning forward 22½ degrees from the ground? and in so leaning against the fence the crowd was helping to keep the fence in this position 22½ degrees from the ground? — Ja, want hulle het op hom getrap met hulle voete, so. Ek sal maar sê hulle het hoog laag gehou. Dit is nou 'n groot klomp mense wat teen die draad druk, en hulle druk hom daar bo.

Do you say in your last few sentences that they were keeping this fence in that position by putting their feet on it? — Dit is nou moeilik om so presies te sê hoedathullê nou daardie tyd gestaan het, maar 'n sekere gedeelte van die draad, plat, waar hy onderop die grond kom, het hulle op hom getrap met hulle voete. Party het hom so gestaan en skpp, die draad. (Getuie demonstreer aan die Hof).

Now Mr. van Wyk, we have had evidence that there was a great deal of pressure on the front portion of the crowd by the people standing further back, and that this pressure from the back of the crowd was pressing the front of the crowd against the fence. I want to put it to you that if your description of the height of that fence is correct, that the pressure from the back of the crowd would have sent the front portion of the crowd right into the Police grounds, whether they wanted to hold back or not? Now, in fact we have had no evidence that that happened. I am putting it to you therefore that what you have said about the position of that fence cannot be correct? Now, what would you like to say in reply to that? — Ek sê dit dat as hulle van agteraf so druk, toe daardie draad op die moment so plat was dat hulle kon oorgegaan het, sou enig- een van hulle 'n plan gemaak het om terug te gaan, en hulle het ook met mekaar gepraat daar, in die drukking; so niemand van hulle/....

hulle sou van agteraf so gestoot ^{het} dat van hulle voor ingegaan het nie, want hy sou lievers uitgespring het daar hy te bang was om oor die draad te gaan. Hy sou nie oor die draad gegaan het alleen nie, tensy almal nie gegaan het nie, of almal nie gelyk gegaan het nie.

Mr. van Wyk, I am putting it to you that people in a crowd like that at that time, would not have had any chance to make a plan, they would just simply have been pushed forward? They could not have helped themselves. What do you say to that? --- Wel, ek kan nie eintlik sê wat hulle volgens opgetree het daar nie, maar hulle het nie oor die draad gekom nie.

The state of this fence was such that it must have been obvious to anyone looking at that portion of it? --- Ja, hy was hoe sal ek sê? Soos ek gesê het hy het van die kante af na die middel toe gekom, maar hy was so gewes, waar ek nou gestaan het voor my het ek gesien kyk, die draad is plat. Hy het nie meer veel drukking nodig om heeltemal plat te kom nie.

Mr. van Wyk, we have had that description from you. Now, all I want from you is that it was so obvious that other people must have noticed it too if they were looking at that portion of the fence? --- Ja, as hulle daarna gekyk het sou hulle dit gesien het.

Do you have the names of any Policemen who were near you, on either side of you, who must have been looking in the same direction and noticed this fence and could confirm what you have just told His Worship? --- Wel, Konstabel Mynhardt, wie saam met my gestasioneer is op Radio, het langs my gestaan, en hy sal definitief dieselfde getuienis kan lewer.

What is his name Constable? --- Mynhardt.

P.F. Mynhardt, is that it? --- Dit is reg ja.

Now, at approximately what time did you notice that

this/....

this fence was in this particular condition? — Dit was die tyd kort voor Kolonel Pienaar ons die instruksie gegee het om te laai.

Were any Policemen posted at this portion of the fence which was so low, so as to prevent people jumping over or coming over? —Nee, daar was nie.

Now, you were telling us earlier you were looking at the gate - I don't remember if you said that you had your attention fixed on the gate most of the time or not? —Nee, ek het net gekyk na die hek. Ek het maar min aandag aan daardie hek bestee, want ek het nie daar gestaan nie.

Do you say that you were hit by a stone? — Dit is reg.

And was it shortly after that that the firing started? — Ja, omtrent so 'n sekonde ^{of sekondes} was die verskil gewees.

Now, here was this crowd outside the western fence. You were hit by a stone that came out of the crowd I presume?

— Ja.

The firing started seconds after that? — Ja.

Apart from that is there anything else that happened in relation to that crowd before the shooting that you wish to report to this Court this morning? —U sien gegooi, iets van die skare af?

No, anything that you want to tell us at all in connection with the crowd? You have told us about the stones, you have told us about the noise, and then the Police started to fire. Now, just before the Police started to fire, anything else about the crowd, from the crowd that you want to tell us about? — Al wat ek kan sê is daar het 'n klomp klippe oorgekom en 'n yster - ek weet nie of hy ingehandig was nie - maar dit het ons daar gesien lê. Nie juis 'n yster nie, of jy kan sê 'n yster, so 'n langerige pen het ook daar gelê; dit is

amper/....

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L.C. van Wyk.

amper soos 'n "dropper" wat in 'n draad kom, wat skerpge maak is, iets soortgelyke aan dit, wat daar gelshet. Hy het definitief nie daar gels voor ons geskiet het nie, so hy was gegooi gewees daar.

And this fell into the Police grounds? — Na die skietery het ons hom opgetel so 'n endjie van ons af op die Polisiegronde.

And then the Police started to fire? — Dit is reg ja.

So I take it from what you have just said that as far as you are concerned you heard no shots coming out of the crowd? — Nee, daar kon gewees het, maar op daardie moment....

DEUR DIE HOF:

Sê maar net wat jy gehoor het? — Nee, ek het niks gehoor nie, Edelhagere.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

If this had happened and you had heard it, I take it it would have been sufficiently important for you to remember even today? — Ja.

Did you hear an order to fire? — Nee, ek het hom nie gehoor nie.

You fired yourself did you? — Ja.

How many shots did you fire Mr. van Wyk? — Ek kan s'leen-en-'n-half magasyn.

One and a half magazine? — Ja.

That is approximately 37 shots? — 37, 38 skote. Dit is reg ja.

Now, I asked you earlier about the magazine in the gun. I said to you "Were there two magazines", and I rather understood from your evidence that the magazine has 25 shots. Do you have to put in another magazine after the 25 shots are completed/....

completed, in order to continue firing, or are the two magazines already in the gun, so that you can switch from the one to the other, and fire a total of say 50 shots without stopping? — Nee, na die een leeg is haal jy hom uit en druk 'n ander een in.

So am I to understand that having fired 25 shots with the one magazine, you stopped and removed the empty magazine put in a fresh magazine, and then fired half of its contents? — Dit is reg.

In order to get this second magazine, you would have to open your sling bag and take out the magazine where it is in that bag? Would that be correct? — Ja, hy is oop. Hy het oopgehang langs my sy, dit was net vir vat.

I take it that to reload, or let me put it this way, to discharge the empty magazine, to get the fresh magazine out of the bag, and to put that magazine back into the gun, and to put your gun into the position for loading, would take a few seconds? — Ja, dit neem gou.

DEUR DIE HOF:

Omtrent hoeveel sekondes? Dit is die leë magasyn uithaal, die vol een uit die sak uit neem, ^{en} dit insit? Omtrent hoe lank? — Sê vier sekondes, as dit so lank is.

KRUISVERHOOR DEUR MNR. UNDERHALTER WERVOLG:

The firing of the first magazine, the emptying of it into the crowd, about how many seconds did that take? — Ek het nou vergeet hoeveel hy in 25 minute afskiet, en ek sou regtig nie kan sê hoeveel sekondes dit is nie. Ek het nou vergeet in hoeveel sekondes hy daardie 25 patrone afskiet, maar ek sal nie sê hoeveelheid kan sê nie, maar dit is gou; dit vat maar gou om hom leeg te skiet, daardie 25 patrone.

Five or six seconds would you say? — Wel, dit is vir my moeilik om te sê. Ek kan regtig nie sê hoeveel

sekondes/....

sekondes nie.

Well, would it have been longer than that, or would it have been shorter than that? We can't expect you to give a split-second timing, I know that. --- Dit was omtrent so, sê so vyf, ses sekondes.

Now, before you loaded the second magazine and recommenced firing, did you not have a look at the effect of the first 25 bullets on the crowd, and the effect of the firing by everybody else, to see whether it was necessary to fire any more? --- Toe hulle so geskiet het om my het ek so 'n vinnige blik gevang, maar toe was die magasyn alreeds in gewees. Ek het gaan sit, en toe was die magasyn alreeds in the Sten-gewees gewees. Hier voor my was nog van die skare net so op daardie moment.

But surely Mr. van Wyk these 25 bullets fired into this crowd must have had some effect in the five or six seconds? Did you not notice anything? ^{as far as you were before you fired?} ~~as far as you were before you fired?~~ concerned, were they exactly the same as ~~befoer~~ ^{before} ~~gepos~~ ^{you fired?} ~~gepos~~? Ja, hulle het reageer, maar hulle het ek sal sê in beweging | gekom. Dit was amper net soos 'n roering gewees.

They certainly were not moving towards you after those 25 shots in a threatening attitude, as if they were going to overwhelm you, were they? --- Nee, hulle het nie.

While you were in the act of loading the second magazine, was this crowd not itself in the act of turning round and running away from this fire? --- Nee, ek sal nie sê hulle het ongedraai nê. Hulle het net geroer weerskante toe, so. Party het nog so net die arms geswaai en 'n paar het geskree "Hey, hay!" en so.

Did you notice if any members of the crowd had fallen as a result of the fire? --- U meen daar waar ek geskiet/....

geskiet het?

Yes? ---Nee, ek kon nie sê nie.

I take it that your gun was pointed at the crowd in a westerly direction? --- Ja, dit is reg.

Was it on quick fire? --- Ja, hy was op "automatic".

Hy het aanmekaar geskiet, outomaties ja.

It can be set for single shots as well, can it not?

--- Ja, dit kan.

Why did you not set it for single fire? --- Dit was baie moeilik vir my gewees om as hy op enkelskoot was, en ek het byvoorbeeld een skoot afgevuur, en daardie skare het gestorm, sou hulle my doodgemaak het voordat ek nog daardie knoppie ooit kon dink om te druk, om dit weer op "automatic" te kry.

You genuinely believe that to have been your position Mr. van Wyk? --- Ja.

Even when you put in the second magazine, did you not think that then perhaps you might switch it to single fire? --- Dit is moeilik om in so 'n posisie al sulke dingetjies in aanmerking te neem, of oor al sulke dinge te dink.

You knew that the other men had .303 rifles that could only fire single shots after the bolt had been manoeuvred? ---Ja.

If they were only in a position to fire single shots, why did you not bring yourself into a similar position? --- Wel, daardie Sten-geweer is geneig om as hy op enkelskoot gestel is, en as hy vorentoe gaan en die ontploffing voor klaar is, en as hy terugkom dan bring hy 'n patroon saam. Nou, baie keer gebeur dit dat hy dit op enkelskoot nie doen nie, en dan los hy die patroon daar; dan bring hy hom nie saam nie, en dan slaan hy al voor vas, sonder dat hy 'n skoot afvuur, of die deppie slaan dwars. Dan is dit baie moeilik met 'n enkelskoot

om/....

om daardie doppie uit te kry, dit vat 'n hele tyd om hom weer uit te kry, sodat jy weer hom kan skiet op enkelskoot.

Are you suggesting that it is difficult to get the empty cartridge case out on single fire, but that the gun would not jam on automatic fire by cartridges not ejection? — Ek sal so sê. Gedurende ons skietoefening het ek dit ^{persoonlik gevind} persoonlik gevind dat hy so vasgeslaan het, die doppie voor vasgeslaan het, en dit het gebeur net op enkelskoot, en dit het nog nooit met my gebeur as ek geskiet het as hy op outomaties is nie.

Would you express the opinion that because of this there was something really wrong with the Sten gun equipment? — Ek sal nie sê daar is iets verkeerd nie, maar hulle is maar geneig om dit te doen. Dit kan hom oorkom; al is hy perfek kan dit hom oorkom.

It can be overcome if the gun is properly checked?

— Ja.

HOF VERDAAG.

HOF HERVAT:

LOUIS CHRISTIAAN VAN WYK, onder sy vorige eed, vervolg:

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

I think I was asking you whether you thought the gun was perhaps not in the best condition, and you said that even if this was ^{something} wrong with it that it could not eject properly on single shots, that could be corrected? Was I correct in putting it to you in that way? — Ek sou sê jy kan dit amper nie voorkom nie. Al is daardie Sten-geweer ook heeltemal reg, al is hy perfek, dan kan daar nog 'n doppie vassit.

So it can really never be put right? Is that your opinion? — Nee, dit kan nie uitgeskakel word nie. Hy kan

maklik/....

maklik so vasslaan. Die dopple kan net 'n bietjie verkeerd draai, dwars draai, dan slaan hy hom vas.

Did you have a revolver on you? --- Ja, ek het.

Why did you not rather use your revolver in preference to a Sten gun, which apparently you could only use on quick fire? --- Wel, ek was uitgereik met daardie Sten-geweer om as hier moeilikheid kom te skiet daarmee, en daarom het ek dit gebruik.

Now, did you fire right into the crowd when you pointed your gun west? --- Dit is reg.

Did you keep it pointed in the one direction, or did you move it to the left and to the right as you fired? --- Ek het maar 'n klein deeltjie gehad om te draai. Ek het hom geroer, maar nie veel nie.

Did you not think that you ought to discharge the first few shots into the ground before you fired into the crowd itself, to see whether the crowd would turn and run when they saw you firing? --- Die eerste paar skote wat ek geskiet het... so 'n Sten-geweer, outomaties gaan hy op, hy trek op, en so die eerste paar skote het ek laag geskiet, baie laag, en dit kon die grond geraak het.

Well, having fired them low did you pause at all before you went on with the rest of the firing, to see whether the low firing had perhaps checked the crowd? --- Nee.

Why did you not stop to check as I have suggested to you? --- As daardie eerste paar skote in die grond hulle sou gehelp het dan sou ek onmiddellik gesien het dat hulle teruggeval het.

You did not hear an order to shoot? --- Nee.

Now, did you shoot because you lost your head? ---

Nee.

Did/....

Did you shoot because you heard other people shooting, and you thought you may not have heard the command and that you ought to get on with the job? --- Nee, nadat hulle my raakgegooi het het ek geskiet, want met die volgende klip kon ek dood gewees het.

Does that mean that you then used your own independent judgment and you made your own personal decision to fire? --- Dit is reg ja.

You know of course that in the ordinary way of things you may not fire unless you have had an order to fire from a Senior Officer? --- Dit is reg. Ek is heeltemal bewus daarvan, maar as 'n geskree en 'n geraas so groot is dat jy nie daardie bevel kan hoor nie, en jy sien dat jou eie lewe en jou matts se lewe in gevaar is, glo ek nie dat enige persoon sal wag of sal naderloop om sy oor so te hou dat hy kan hoor as hy 'n bevel hoor nie.

You see, I want to put it to you Mr. van Wyk, that in the description that you have given of this crowd, you may have completely misjudged the danger of the crowd as you put it? Do you agree with that or not? --- Nee, dit is nie vir my heel duidelik hoe ek my misgissing het nie.

You made a mistake in saying that the crowd was as dangerous as you told us, or you thought it was? --- Nee, ek sal sê ek het nie 'n fout gemaak nie, want dit kon net anders-om gewees het. Hulle was in staat om ons aan te val, en as hulle ons aangeval het dan sou daar van ons eenvoudig niks oorgebly het nie.

Anyway, you stopped when you second magazine was half used up? --- Dit is reg.

What caused you to stop? --- Wel, ek het 'n bevel gehoor dat ons moet ophou vuur.

Deur/....

DEUR DIE HOF:

Jy het opgehou omdat jy 'n bevel geheer het om op te hou? ---Ja, Edelagbare.

KRUISVERHOOR DEUR MNR. UITEHALTER VERVOLG:

Had you not heard that order you would have gone on firing I take it? --- Ek sou nie verder geskiet het nie. Ek glo nie ek sou verder geskiet het nie, aangehou skiet het nie.

At any time that you were pointing your gun towards the crowd, and especially when you were busy firing from the second magazine, did you see any of the crowd running away with their backs to you? --- Nee.

You see, I am given to understand that a very large number of the people who were shot were shot in the back? --- Ja, dit is dit kan waar wees, maar waar ek geskiet het en toe ek opgehou het skiet het was daar niemand wat met sy rug na my toe was terwyl ek gevuur het nie.

As far as you were concerned you fired no shots into people who were running away from you? --- Heeltemal reg.

Are we therefore to understand that as far as you were concerned, for the whole time that you were firing the crowd either continued to face you, either remained where it was facing you, or if it moved back it moved back facing you? --- Van hulle het teruggestaan met hulle gesigte na my toe, maar andere of die mees het nog net so gestaan. Hulle het so effens na die kante beweeg, maar steeds met hulle gesigte na my toe.

So really for the whole time of the firing by you this crowd did not move to run away? ---Nee.

You said that even if you had not received the order to stop firing, you would have in any event stopped firing? --- Ja, dit is reg.

How/....

Now, if according to you there appeared to be no reaction from the crowd to move away when you were in the middle of your second magazine, why is it that you say that you decided that you would have stopped firing anyway? --- Omrede ek begin skiet het, of toe ek geskiet het het ek nie 'n bevel geheer om te vuur nie, en ek sou opgehou het toe om te hoor wat gebeur, wat verder daar gebeur, of daar nou 'n bevel kom om aan te hou vuur of om op te hou; daarom sou ek opgehou het.

Mr. van Wyk, I don't understand that answer, because if that is really the correct answer why did you not step long before that to see what was going to happen in regard to an order? --- Toe was die skare nog hee sal ek sê ... dit was kort nadat hulle ons gegooi het, en toe was hulle nog meer in die stadium om ons aan te val, as toe ek opgehou het.

Mr. van Wyk, you did not perhaps fire into that crowd in a mood of vindictiveness, because you had been struck by a stone, because you had heard the crowd talking about Cato Manor? You knew that your own colleagues had been killed at Cato Manor sometime before, and you were using this as an opportunity to teach these people a lesson? --- Nee, dit is nie die geval nie.

Is it possible that you have described the mood of this crowd to His Worship in the way that you have done, in order to justify your actions? --- Ek sou sê ekself, my eie opinie was ek moet skiet, want ek skiet nie en ek is dood of my maats is dood, want soes ek reeds gesê het hulle was gevaarlik genoeg om ons dood te maak.

Thank you.

GEN KUNTSVERHOOR DEUR BESKULDIGDES NRS. 1, 3, 5, 8, 38 EN 39.

Herverhoor/....

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER:

Mnr. van Wyk, kan u nou net beskryf hoe word 'n ronde in die loop van die Stengeweeß gesit vanaf die magasyn? Ek meen hoe "cock" jy hom soos hulle sê in Engels? —U meen heedat jy hom in die....

Met 'n .303 is die magasyn in die geweer, en om 'n patroon in die loop te kry word die "bolt" oorgehaal en die patroon kom uit en hy word dan in die loop ingestoot en die "bolt" word weer afgedraai. Nou, hoe werk dit met 'n Stengeweer? —Met 'n Stengeweer het jy, as jy die magasyn ingestoot het, so 'n klein knäppie net voor die sneller. Dan druk jy hom nou op "automatic", op outomatiese vuur. Nou, hy het sulke voertjies, en daarin lê die patrone. Nou, daardie knep wat jy hom mee uittrek en op "automatic" sit, dit is 'n stuk staal. Nou, hy het so 'n hakie aan, amper twee sulke hakies, en as jy hierdie magasyn ingestoot het dan lê die patroon in die voorste greefie, daar lê hy nou. Nou, as jy hom aftrek dan gaan hy en hy vat 'n patroon, steet hom uit die magasyn uit en hy steet hom in die voertjie in, en dan slaan hy hom af, en dan gaan hy uit verentee. Dan kom hy terug en dan neem hy 'n patroon — dit is nou as hy begin skiet — dan neem hy een.

O, sedra as die magasyn ingesit is is die eerste patroon reg om gevuur te word? Is dit hoe ek u verstaan? — Ja, as jy hom dan teruggetrek het. Kyk, jy trek hom terug.

O, jy moet hom eers terugtrek? — Ja, hy moet eers een skeet afgaan, verentee gaan, en as gevolg van die entpleffing spring hy self terug.

Ja, dit is reg, maar om daardie eerste skeet te laat afgaan moet jy eers iets af- of terugtrek soos 'n "bolt", of verentee steet om 'n patroon naby die loop te kry? — Dit is

reg/....

1,938.

L.C. van Wyk.

reg ja.

U het gesê dat u het gedink Kolonel Pienaar het die hek toegemaak. Hgt ek u reg verstaan? ---Ja.

En wat het u Kolonel Pienaar gesien doen by die hek op daardie tyd wat u onder daardie indruk verkeer het? --- Ek het gesien dat hy vir hulle wys om terug te gaan met sy hande. Hy het ook aan hulle gesê hulle moet terugstaan, en toe het hy die hek toegestoet.

Nou, ek wil u verwys na bewysstukke 12 en 14. Bewysstuk 12 verwys na die westelike draadheining by die Polisiestasie, wat van die suidekant geneem is, en bewysstuk 14 teen aan die draad wat van die noordekant geneem is. Nou, eerstens bewysstuk 12. Het u die geleentheid gehad om die heining aan die suidelike gedeelte van die westelike heining waar te neem na die skietery? --- Wel, ek het dit nie onmiddellik na die skietery gedoen het.

En bewysstuk 14, hoe vergelyk die draadheining op bewysstuk 14 met die toestand van die draad net kort voordat die skietery plaasgevind het? --- U meen in watter toestand hy was voor die skietery?

Ja? Was dit erger as dit, of was dit erger as wat u gesien het? --- Hy was erger as dit gewees, want toe was die skare teen hom gewees.

Nou, kan u die ysterpaal beskryf wat u gesê het u daar gesien het, wat soos 'n "Drepper" gelyk het - ek dink dit is die woord wat u geneem het? --- Ja.

Kan u dit net meer beskrywe, hoe dit gelyk het? --- Dit is darem lank terug, en ek het nie baie ag geslaan nie; ek het, terwyl ons so geleop het, aan een van my maats gesê "Kyk hier" en die ding so geskep. Ek verbeel my dit was 'n blinkerige ystergewees, en ek kan nie met sekerheid sê of hy skerp/....

skerp voor was of nie. Dit is darem te lank terug, en ek kan nie so goed onthou nie.

Kan jy onthou of dit gaatjies gehad het in die metaal soos die gewone "drepper" of nie? — Ek glo nie hy het dit gehad nie.

DEUR DIE PUBLIEKE AANKLAER:

Edelagbare, mag die getuie afstaan en deur bewysstuk 40 kyk om te sien of daardie besondere tipe ding hier is?

DEUR DIE HOF:

Ja.

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

U het nou bewysstuk 40 noukeurig deurgekyk en u het hierdie besondere stuk yster uitgehaal? I would say it resembles something like a shepherd's creek, Your Worship?

BY THE COURT:

Little Be-Peep!

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Is dit die ding wat u verwys het na as 'n "drepper"? — Ja, 'n "drepper" is natuurlik 'n bietjie dikker en sesen, maar min of meer die lengte.

DEUR DIE HOF:

Het jy gesê jy dink daardie yster is die een wat jy na verwys het? — Dit is seertgelyk.

Iets seertgelyk? — Ja.

Daardie sal nou 'n aparte nommer moet kry. Maak dit net die volgende bewysstuknommer. Die rekord sal duidelik teen dit kom uit bewysstuk 40. Dit is dan bewysstuk 69 ex bewysstuk 40. Dit is 'n stuk staal of iets, ontrent 'n kwart duim in deursnit en drie veet lank, met die be-punt omgebui en die onderpunt skerp.

Herverheer/....

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Het u gesien toe Kolonel Pienaar daar aangekom het?

— Ja, ek het hom gesien toe hulle in die kar deurkem.

Maar het u gesien toe hy by sy meterkar uitklim nadat die meterkar in die agterplaas gekom het? — Ja, ek het hom gesien.

En omtrent hoe lank nadat Kolonel Pienaar uitgeklim het, het hy die bevel gegee dat die manne meet in linie tree?

— Dit was 'n taamlike geruime tydjie gewees. Hy het daar gepraat met ons en seën veerdat hy daardie bevel gegee het. Hy het met die luidspreker ook gepraat met die skare.

Hy self, Kolonel Pienaar? — Ek is nie seker of dit hy self was nie. Ek dink dit was hy.

Hee was Kolonel Pienaar aangetrek? — Hy was in uniform gewees.

En het hy enige ander tekens gehad wat aantoon dat hy is 'n heeggeplaaste Offisier, be die rang van Kolonel?

— Ja, sy "cap" en sy....

Sy "cap" en hierdie blou....? — Ja, 'n Kolonel s'n.

Het u enige ander beampste of Offisier gesien 'n luidspreker gebruik daar? — Daar het nog. Hulle het hom daar gedra om te praat met die skare, maar dit was so 'n geraas en geskree dat hy nie 'n woord kon praat nie.

BY MR. UNTERHALTER:

Your Worship, with the leave of the Court may I put one other question arising out of re-examination?

BY THE COURT:

Yes.

FURTHER CROSS-EXAMINATION BY MR. UNTERHALTER:

Mr. van Wyk, did you grow up on a farm? — Ja, ek het/....

het.

Do you know what a fencing dropper looks like? ---

Ja.

Now, you described this piece of iron, in reply to questions I put to you, as being like a fencing dropper. --- Ja.

Am I correct when I say that? --- Ja.

I want to put it to you Exhibit 69 does not look anything like a fencing dropper? --- Nee, ek stem nie saam nie. Jy kry baie "Droppers", baie verskillende "droppers". Jy kry groot dik ysterpale, jy kry die dun "droppertjie". Hy is amper net so dik soos daardie, maar hy het amper 'n patroontjie in hom in.

Will you look at Exhibit 14? You will see those iron standards used to support the fence? --- Ja.

That is the usual appearance of a fencing dropper is it not? --- U sien hierdie een?

BY THE COURT:

I am sorry Mr. Unterhalter, I can't see any fencing droppers on here. A dropper is the loose pole inbetween the poles which are in the ground. The pole into the ground is not called a dropper, unless I am totally ignorant about it. The dropper is the one just to hold the straight strands into position, and it does not enter into the ground, or am I wrong?

BY MR. UNTERHALTER:

Well, there may be a confusion between a dropper and a fencing standard, Your Worship?

BY THE COURT:

Yes, there is a difference.

DEUR DIE GETUIE:

Edelagbare, jy kry die dun paaltjie.

DEUR DIE HOF:

Is daar "droppers" op bewysstuk 14 wat jy kan sien?

Is daar wat jy "droppers" sal noem daarop? Kan jy "droppers" op daardie portret sien? --- Nee.

BY THE COURT:

You would not find droppers where there is wire mesh, but only in barbed wire fences.

JAN HENDRIK GROVÉ, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Is u 'n Konstabel in diens van die Suid-Afrikaanse Polisie gestasioneer te Vereeniging? ---Dit is reg.

En is u 'n vangwabestuurder? --- Dit is reg.

Nou, op die aand van die 20ste Maart hierdie jaar, het u 'n vangwa bestuur in die Sharpeville naturelledorp? --- Nee, die oggend van die 21ste.

Ja, maar het u wel op die aand van die 20ste dit bestuur? --- Ek het deur die dag.

Deur die dag? --- Deur die dag.

En nie in die nag nie? --- Nee, vyfuur die aand is ek af.

Nou, toe u by die voertuig kom op die oggend van die 21ste Maart, was daar enige skade aan die besondere vangwa? --- Daar was twee merke gewees.

Waar was die twee merke? --- Die een was bo-op die dak, en die een was op die regterdeur.

Kan u die registrasienommer van die vangwa onthou? --- Ja, dit is T.V. 17556, S.A.P. 7556.

Het u uitgevind hoe die merke daar gekom het? --- Konstabel Fouche het 'n rapport aan my gemaak.

Konstabel Fouche het 'n rapport aan u gemaak? ---Ja.

Nou/....

Nou, ek wil u 'n bewysstuk toon. Dit sal bewysstuk 70 wees. Is dit die betrokke vangwa? — Dit is die betrokke vangwa.

En is dit die skade wat u sê u gesien het op die oggend? — Party van daardie merke.

Sal u net vir die Hof vertel watter skade was aan die voertuig toe u dit gekry het die oggend? — Dit is op die regterdeur omtrent halfpad af aan die kant van die deur. Daar was nog ^{een} op die dak, maar ek kan nie onthou watter een van die drie wat daar is was dit gewees nie.

Nou, omtrent hoe laat was dit toe u die vangwa daar gekry het? — Dit was ongeveer 3 v.m. op die 21ste Maart.

En waarheen het u gegaan met die voertuig? — Ek het hom ontvang by Konstabel Fouche by die ingang van Sharpeville lokasie.

Dit was in die nabyheid van die Munisipale kantore? — Dit is tussen die Munisipale kantore en die eerste huise.

En terwyl u daardie voertuig bestuur het was daar enige verdere skade aan dit gedoen? — Later, tussen 7 en 8 die oggend.

En presies waar was u in die lokasie toe die skade opgedoen is? — Dit was links van die kampong, agter die winkels op 'n oop stuk grond.

Is dit wat hulle noem die "hostel"? — Ja.

En onder watter omstandighede is die skade opgedoen? — Ek het ingegaan om manne wat 'n knuppelstormloop uitgevoer het uit te bring, d.i. indien daar moeilikheid ontstaan het.

En op watter manier is die skade veroorsaak? — Dit was veroorsaak deur Bantoes wat ons met klippe gegooi het.

Omtrent hoeveel klippe het u voertuig getref? — Hy het nog elf merke by daardie twee gehad, d.i. ingesluit die/....

die voorste windskeem.

Was dit stukkend geslaan? --- Dit was stukkend gegooi gewees met 'n klip.

Was dit min klippe wat gegooi is of baie? --- Daar is baie klippe gegooi.

En was u self in enige gevaar ten tye van die klipgootery of kort daarna? --- Op daardie oomblik was ek in gevaar.

Het u die manne opgetel wie die knuppelstormloop daar uitgevoer het? --- Een blanke Konstabel en ek dink vier of vyf Bantoes.

En het u hulle veilig teruggebring? --- Na ons ons vuurwapens moes gebruik om die pad oop te skiet.

Kan u die omstandighede beskryf waaronder u verkeer het, sodat u moes vuurwapens gebruik om uit te kom? --- Ons was omsingel gewees van al die kante en die klippe het gereën op ons van al die kante af.

En het u enige waarnemings gemaak behalwe net die klipgootery? --- Ek het 'n skoot gehoor vuur eers.

U het een gehoor? --- Ek het een skoot gehoor vuur.

Vanwaar het dit gekom? --- Van die Bantoes wat in die omgewing was het dit gekom.

En in watter rigting het u geskiet toe dit nodig was om u vuurwapen te gebruik? --- Wel, feitlik na al die rigtings toe.

Het u vir enige besondere persoon gemik? --- Nee.

En het u ⁱⁿ die grond geskiet of in die lug, of hoe? --- Ek het probeer voor hulle skiet. Ek het probeer om voor hulle in die grond te skiet.

En het dit die nodige uitwerking gehad? --- Met die .38 rewolwers nie, maar toe het ek Konstabel Els beveel om sy

.303 te gebruik. Nadat hy twee skote gevuur het het hulle padgegee.

En toe kon jy uitkom? — Toe kon ek uitkom.

En later die dag het u "Saracens" begelei vanaf die Munisipale kassere of vir hulle die pad gewys tot by Sharpeville? — Ek het ja, na die Polisiestasie toe.

Was dit die "Saracens" onder die bevel van Kaptein Brümmer? — Dit is reg.

En was u by Sharpeville Polisiestasie tydens die skietery? — Ek was.

Omtrent hoe lank het u by Sharpeville Polisiestasie aangekom voor die skietery plaasgevind het? — Ek is nie seker van die tyd nie. Dit was ek dink in die geweste van twaalfuur toe ek hulle begelei het soontoe, na die oostekant van die Polisiestasie.

So van omtrent twaalfuur het u daar gebly totdat die skietery plaasgevind het? — Ja, ek het daar gebly tot omtrent vieruur die middag.

Het u daar gebly tot die skietery plaasgevind het? — Ja, ek het daar gebly tot omtrent vieruur die middag, tussen vier en vyf.

En aan watter kant het u gebly, aan die westelike kant? — Aan die oostekant. Die straat wat voor die Polisiestasie verbyloop....

DEUR DIE HOF:

Meen u nou in die Polisiersseel of in die straat? — Nee, op straat, Edelagbare.

In die straat buitekant? — Die eerste kruisstraat.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Ek wil u bewysstuk 56 joon. Dit is 'n lugfoto van die Polisiestasie en die onmiddellike omgewing. — Ja.

(Getuie/....

(Getuie dui aan op die foto).

U toon aan dat u was in Zwanestraat? Is dit die dwarsstraat net kort agter die Polisiestasie aan die oostekant wat u bedoel het? — Nee, die groot, die hoofstraat, die dubbele straat wat aan die suidekant voor die Polisiestasie verbyloop.

Ja, maar min of meer in die posisie waar daardie dwarsstraatjie is? — Ja, min of meer by die dwarsstraatjie.

Was dit Kaptein Coetzee se eenheid? — Dit is reg.

En het u daar gebly tot die Polisie geskiet het aan die westekant? — Ons het daar gebly tot die Polisie geskiet het.

En later op die 19de April het u 'n uitkenningsparade bygewoon by die Boksbuig tronk? — Ek het.

En het u enige persone uitgewys daar? — Ek het een persoon uitgewys.

Sal u in staat wees om die persoon wat u daar uitgewys het vandag uit te wys as hy hier is? — Ek sal.

Sal u net afstaan en deur die Hof kyk en sien of daardie persoon wel hier is? — Ja. (Getuie wys beskuldigde nr. 31 uit).

DEUR DIE HOF:

Die getuie wys beskuldigde nr. 31 uit, d.i. Thomas Mainango.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Waar het u beskuldigde nr. 31 gesien op die 21ste Maart? — Eers naby die Municipale kantore die oggend, en later by die Polisiestasie naby die plek waar ons stelling ingeneem het.

U het gesê eers by die Municipale kantore in die oggend, en later? — Later by die Polisiestasie aan die

oostekant/....

oostekant waar ons gewees het.

DEUR DIE HOF:

Naby waar jy was? — Naby waar ons stelling ingeneem het toe ons die "Saracens" daar gebring, het, Edelagbare.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Daar by die Munisipale kantore in die oggend, wat het hy daar gedoen? — Hy het duim in die lug gesteek en geskree „Afrika! Vandag sal ons julle wys!“ Hy het ook in Bantoetale gepraat wat ek nie kon verstaan nie.

Vir wie het hy so gesê, „Vandag sal ons julle wys!“? — Wel, hy het in ons rigting gepraat.

Was hy alleen gewees of nie? — Nee, hy was in die massa Bantoes wat daar rond was.

En wat was die hele houding van die massa Bantoes wat daar saamgedrom het? — Baie oproerig.

En later aan die oostekant van die Polisiestatie, was dit toe nadat u posisie ingeneem het en voor die skietery? — Dit is reg ja.

En wat het nr. 31 daar gedoen? — Hy het daar maar dieselfde houding ingeneem, rondgehoop, ander opgesweep.....

Op watter manier het u gesien dat hy die ander mense opsweep? — Hy het hande in die lug gesteek en gepraat met hulle, en rondgewaai met sy hande.

En hoe het hulle reager nadat hy met hulle gepraat het? — Hulle het almal geskree en gejuig.

Het u gesien wat van nr. 31 uiteindelik geword het? — Ek het nie gesien wat het van hom geword nie.

KRUISVERHOOR DEUR MNR. UNTERHALTER:

Constable, Exhibit No. 70, the photograph of van T.V. 17556, do you know when this photograph was taken? —

Die/....

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Die foto was geneem 'n paar dae later, ek dink drie of vier dae na die voorval.

So this picture is supposed to show some of the damage to the car that was done to it while you were driving it during the morning of the 21st March? —Dit is reg.

Now, you were describing this damage and you said that halfway up the right door on the side of the door there was a mark, and then you said there was one mark on the roof, but you can't remember which of three? Is that correct? —Dit is korrek.

Now, when you referred to one of three, what did you mean by that? — Omdat op die oomblik drie merke nog duidelik op die dak is.

Say that again? — Die merke is nou nog op die dak. Die wa staan hier buite. Dit is nie herstel nie.

DEUR DIE HOF:

Is die wa hier buitekant die Hof? — Dit is by die Laerhof.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Are you saying that on the picture one mark is shown, but in actual fact there are three dents in the car? — Dit is so.

And you say they don't come out clearly on the picture? — Dit is reg.

Now, how can we be sure that some of the marks that you have described were not there before the 21st March? — Ons voertuie word elke week inspekteer deur die Stasiebevelvoerder, en eenmaal 'n maand deur die Offisier.

On which day of the week is this inspection taking place? — Op daardie tyd was dit Vrydagoggend deur die Stasiebevelvoerder, en eenmaal 'n maand op 'n Saterdagoggend deur

die/....

die Offisier.

Are you saying that on the Friday before the 21st March it was last examined by an Officer? — Ek meen dat dit die 19de was. Ek dink dit is die Offisierinspeksie die derde Saterdag in die maand.

How can we be sure that between the Saturday of the inspection and the Monday of the damage, other marks had not come upon this vehicle? — Elke keer as 'n bestuurder 'n voertuig oorneem dan inspekteer hy hom, en rapporteer enigiets, enige merke of enige skade aan die voertuig.

And was this vehicle absolute faultless, perfect, when you took it over? — Daar was net die twee merke op hom gewees.

And the marks to which you refer, are these the marks that you mentioned in your evidence-in-chief on Exhibit 70? — Dit is reg.

And you say that subsequent to that other marks came on the vehicle because of the stones that were thrown? — Dit is reg. Ek mag meld Edelagbare, dit was 'n nuwe voertuig, hy was net pas 14 dae op die pad.

Now, you received this vehicle from Constable Fouche at the entrance to the Sharpeville location around seven o'clock in the morning did I understand you to say? — Nee, ontrent drie-uur die oggend.

Three o'clock. But you were involved in an incident at roundabout seven o'clock? — Dit is reg.

Now, was it around this time that either Captain Cawood or Major van Zyl was in charge of a group of Police near the hostel? — Dit is reg.

And had a baton charge under the command of Major van Zyl already taken place when you moved your truck into the hostel/....

hostel to go and pick up some of the men? --- Dit was terwyl die knuppelstormloop uitgevoer was wat ek die manne opgevolg het.

Now, just let me understand it clearly. Did you see a baton charge under the command of Major van Zyl take place? --- Dit is reg.

Did certain of the European Constables in the course of the baton charge go into the hostel grounds? --- Nee, in die Bantodorp in.

They went into the location? --- In die lokasie in.

Did you follow with your vehicle to pick up the men who had taken part in the baton charge and had gone into the location? --- Dit is reg.

And in the course of trying to pick up these men your vehicle was stoned? --- Dit is reg.

You were going to pick up European Constables who had taken part in the baton charge and also non-European Constables? --- Dit is reg.

These people presumably, these Policemen, had scattered about somewhere in the cross streets off the main street? ---Dit is reg.

I don't suppose you remember today in which particular cross street you went? --- Ek weet goed.

Were you only in one cross street, or were you in more than one cross street? --- Ek het in 'n westelike rigting gery met die straat langs die hostel verby. Die hostel is afgekamp.

DEUR DIE HOF:

van
Dit is ~~met~~/die groot straat? --- Nee, in 'n westelike rigting. Die een wat feitlik van oos na wes loop.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

That is Seciso Street do you mean? ---Nee, uit hom
uit/....

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uit het ons gegaan.

You see, if you look at Exhibit 2, you will find that the main road runs roughly east to west? — Wel, dit was dan in 'n noordelike rigting.

BY THE COURT:

We are having a little bit of difficulty about west to west. I think Seeiso Street really runs at an angle, if the points of the compass are shown correctly in that top lefthand corner.

BY MR. UNTERHALTER:

Yes, there is a difference, Your Worship.

DEUR DIE GETUIE:

Edelagbare, aan die linkerkant is geen strate nie, dit is oop veld nog.

DEUR DIE HOF:

Ja, dit is reg; dit kan ek sien. Daar waar die woorde "Biersaal en hostel" nou staan, dit is oop veld daardie, „Biersaal, hostel en dan“.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

You have Exhibit 2 before you, Constable? — Ja.

Now, do you see where the arrow points to "Kantore", and on the opposite side of the road to "Biersaal"? — Dit is reg.

Do you see a little lower down there is the word "Hostel"? — Dit is reg.

And then "Poskantoor en melkdepot"? Do you see all these words? — Dit is reg.

Now, it was in that street that you were I presume, somewhere near the hostel, when the baton charge took place? —

Ja, dit is reg.

Then you moved into a cross street as I understand your/....

your evidence, and you know the name of this cross street well?

Am I correct so far?

BY THE COURT:

I think he said he knew the street well. --- Ek

ken die straat, maar ek ken nie sy naam nie.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Oh, you know the street but you don't know the name?

--- Dit is reg.

Now, do you see where the word "Hostel" is on

Exhibit 2? --- Dit is reg.

Where the actual letters "Hostel" are? --- Ja.

That is on an open piece of ground? --- Ja.

And just a little lower down the first group of houses start? --- Dit is die pad tussen die hostel en die eerste huise waar ek mee gegaan het.

Now, just bear with me a moment. I will come to that. Do you see where that first group of houses commence just below the word "Hostel" on Exhibit 2? --- Dit is reg.

If you are going down Seeiso Street towards the communal hall, those would be the first houses on your left that you would meet after passing that open veld? Is that correct? If you come in through the main street, at the main entrance, and you go down Seeiso Street towards the "Gemeenskaplike saal", what I just pointed out to you would be the first group of houses on your left as you are going into the location down the street? --- Nee, op die regterkant.

DEUR DIE HOF:

Op die regterkant van die hoofstraat? --- Op die regterkant van die hoofstraat as jy ssentoe gaan.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

No, please follow me Constable. Now, just listen to/....

to my questions. I will ask you your evidence in a moment. I just want to position you in relation to the map. Please look at the map. Are you looking at the map? --Ja.

Do you see the word "Hostel", the letters h-o-s-t-e-l? --Ek sien dit.

Do you see below that that the houses start, just below that? --Ja.

Now, I am putting it to you that as you go down Seeiso Street towards the communal hall, in other words, as you move from right to left roughly in a diagonal position down the map, that would be on your lefthand side as you are going into the township, as you come into the township and you go down the main street? Do you agree with that? Those particular houses that I have pointed out to you on the map. -- Nee, dit was nie by daardie huise nie.

No, I am not asking you whether it was by those houses. I am just trying to get from you whether those houses are on your left as you go down? It is obvious? --Dit is reg, daar is huise op die linkerkant.

Now, you say that it was not on the lefthand side that you went into the cross street, it was on the righthand side? --Dit is reg.

Now, you see the letters "X.2"? --Ja.

Was it somewhere around there? -- Dit is reg.

You went into that particular side street, looking for some of the Police who had taken part in the baton charge? -- Dit is reg.

Was it more or less in the area of "X.2" on Exhibit 2 that you had to fire your way out from among a crowd that surrounded you? -- Ek het met daardie straat gery in 'n westelike rigting, omgedraai in die eerste dwarsstraatjie, en toe/....

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toe op 'n oop stuk grond gekom.

Yes, and was it there that you had to start your firing? --- Dit is reg.

Some short distance from the point "X.2" on that map, Exhibit 2? ---Dit is reg.

Now, did you go through several side streets in trying to pick up the men you were looking for? --- Ek het deur een dwarsstraatjie gegaan, en toe op 'n oop stuk veld gekom.

And did you pick up men from time to time as you went along? --- Hulle was almal omtrent bymekaar.

You did not pick up any isolated people? ---Nee.

How many shots did you find it necessary to fire? --- Ek het ses skote met my diensrevolver geskiet.

Apart from you did anybody else among the Police use weapons? --- Konstabel Els, wat ek daar opgetel het, het ook sy diensrevolver gebruik en skote gevuur.

How many shots did he fire? --- Ek weet nie hoeveel hy met sy diensrevolver geskiet het nie, maar hy het twee skote met die .303 geskiet, nadat hy sy revolver gebruik het.

Well, he used more than one shot from his revolver I take it? --- Ja.

And did anybody else besides the two of you use fire-arms among the Police? --- Ek weet nie. Waar ek gewees het was dit net die twee van ons wat daar gewees het, in daardie omgewing.

DEUR DIE HOF:

Ja, dit is nou by of in jou vangwa? --- In my vangwa, ja. Wat die ander mense gadoen het weet ek nie.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Now, I take it the distance that you were away from/....

from Seeiso Street when you fired these shots was not very great? ---Ek sal sê in die geweste van 200 tree. Miskien 'n bietjie verder, miskien 'n bietjie nader.

And I take it that those shots could quite easily have been heard by people who were in Seeiso Street? ---Ja, ek reken hulle kon dit hoor.

And they could certainly have been heard in any other cross streets that were nearby you? ---Ja.

Did you fire into the crowd? ---Ek het probeer om voor hulle te skiet.

Does that mean you fired into the ground? ---Dit is reg, maar ek kan nie sê waar my skote geval het nie.

Did you notice any members of the crowd fall? ---Nee.

Had any of them fallen as a result of your gun-fire I take it you would have seen them? ---As hulle op die oop veld gewees het, maar party het gegooi van agter die huise af; in die agterplase, agter bome, dit kan ek nie sê nie.

Well, you fired into the ground, so you would not have expected people to fall in the backyards because you were not firing there? Is that not so? ---Ek kan nie seker sê waar dit tref nie.

You mean that the bullets may have ricocheted off the ground? ---Ja.

Anyway, you looked at what had been happening there and you saw no people either injured or dead or anything like that? ---Nee.

And was it then that you moved off? ---Dit is reg.

Now, you say that in addition to being stoned in that area you heard a shot, which according to you was not a Police shot? ---Ja.

Did/....

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Did you see anybody firing that shot? — Nee.

From how far away did it come? — Dit kan ek nie se
nie.

Might it have been a hundred yards away? — Dit
kan wees, dit kan nader wees.

Could it have come from a neighbouring cross street?
— Daar was nie veel dwarsstrate naby ons nie, behalwe een,
d.i. naby die hostel.

Is it possible that it might have been fired by a
Policeman who had taken part in the baton charge and had got
separated from the main group? — Ek het nie gehoor van een
wat afgedwaal het nie, maar dit kan moontlik wees.

And it was after that that you returned with these
men, whereto? — Na Seeisostraat toe, om 'n rapport te maak
aan Majoor van Zyl.

And you reported to him what you have described to
His Worship this morning? as having taken place? — Dit is reg.

Now, you say that when you were surrounded the car
was damaged by the throwing of stones, and did I understand
you to say the front windscreen had been damaged? — Dit is
reg.

Is that damage to be seen on Exhibit 70, the photo-
graph? — Ja.

Is that the mark at the licence disc? — Dit is
naby die lisensiedisk. Die lisensiedisk sit reg bo, en
daardie merk is onder.

Now, you say that it was while you were at the
hostel that you saw accused No. 31? — Dit is reg.

Or rather at the Municipal offices, which are
nearby the hostel? — Ja.

Did you see him before the baton charge, or did you
see him after you brought the men back, having collected them
on/....

on the open piece of ground, or when? --- Voor die knuppelstormloop.

Before the baton charge? ---Ja.

And was anyone with you at the time when you saw him? ---Ek dink daar was; ons was almal bymekaar gewees.

Do you know if he was noticed by anybody else who might have been with you at that time? ---Ek kan nie se nie.

What is there about him that makes you remember him among all that crowd of Africans that was there outside the Municipal offices at that time of the morning? --- Ek dink hy is maklik herkenbaar, sy vorm van gesig.

Do you say the features on his face? ---Dit is reg.

Anything else apart from the features? By the features do you mean the nose, the eyes, the ears, and so on? --- En die baard.

And the beard. You admit that there are many men in Sharpeville location who wear beards? ---Dit is reg.

Is it possible that you confuse him because he wears a greying beard with someone else who might have been there and who also had a greying beard? ---Nee, ek sal sy gesig nooit vergeet nie.

Did he have anything with him, or was he just standing there? --- Ek het niks by hom opgemerk nie.

Now, where exactly was he, on the beerhall side of Seeiso Street, or on the hostel side of Seeiso Street? --- Op die hostelkant.

Was he on the pavement or was he in the street? ---Ek kan nie presies onthou watter plek nie.

There was a big crowd there, was there? --- Daar was 'n baie groot skare gewees.

Now, was he in the middle of this crowd, in the front/....

front of this crowd, on the edge of this crowd? --- Dit was op die kant langs, daar het hy rondbeweeg.

You say he was on the side of this crowd? ---Ja.

Would that be towards the pavement? --- Ek meen aan die kant naaste aan ons, die punt, die voerpunt van die massa mense.

Do you remember how he was dressed? ---Nee, ek kan nie onthou nie.

Do you know if he had a hat on, or was he bare-headed? ---Ek meen hy het 'n hoed opgehad.

Are you not sure about that, or are you certain he had a hat on? ---Ek meen hy het 'n hoed opgehad.

What kind of a hat was it? Do you remember its colour? ---Dit was 'n donker kleur hoed sover ek kan onthou.

I want you to look at him again carefully Constable. You see, he is going to give evidence that he was not at that hostel at all? ---Hy was.

You have no doubt whatsoever? ---Gladnie.

You did not see any bicycle with him? --- Nee.

And you say that he had his thumb up in the air and he said "Africa!"? --- Ja.

And what else? --- Hy het geskree "Ons sal julle wys vandag!"

Did he use the Afrikaans language? ---Ja.

That was all that he was doing? ---Wel, hy het sy arms gewaai en in Bantoetale met die ander gepraat.

Now, you as a Policeman I take it, seeing him doing that would not have considered that he was doing anything wrong and you would not have arrested him I take it? ---Nie op daardie oomblik nie.

He was wearing the same hat when you saw him outside the Police Station? ---Ek meen so.

By/....

BY THE COURT:

Mr. Unterhalter, the witness has only said „Ek meen hy het 'n hoed gedra". "I am of the opinion or I mean that he had a hat", and not "I am sure of it". He never said that he is certain that the man wore a hat.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, it may be that he was not wearing a hat at all as far as you are concerned? —Dit is moeilik om te sê. Daar was baie van hulle.

May it be that instead of wearing a black hat similar to that style of hat you see in the corner there.... It is my hat, it is very disreputable! — As ek reg onthou het hy 'n hoed opgehad wat platterig was.

Not a white helmet hat? —Nee.

By the way Constable, it is your duty to drive? — Dit is reg.

Is it correct that you drove the accused from the Boksburg prison to Vereeniging as and when they had to appear for remands before the Magistrate here? —Dit is reg.

You did that on several occasions? — Ja, na ek die beskuldigde reeds op 'n uitkenningsparade uitgewys het.

Did you not drive them at any time before you attended that identification parade? —Nee.

Now, this identification parade took place on the 19th April? — Ek kan nie die datum onthou nie.

Do you know if anybody else brought them here for any remand before the 19th April? —Wat ek van weet nie.

Did you do all the driving after the 19th April in connection with each remand of these accused? —Ek dink die meeste van hulle.

If there were any remands before the 19th April -

I/....

I don't know, and I am not suggesting it....

BY THE COURT:

Accused Nos. 1 and 2 were in Court on the 23rd March from the record before me. They were remanded to the 14th April, and later on others were added. On the 23rd March again, on the 24th certain added, on the 25th certain added, and the 26th March. Any number of remands took place before the 19th April. You can have a look at this part of the record Mr. Unterhalter, and you can also see who they were. Accused No. 31's name was added to the charges on the 1st April, when there was a postponement to the 14th April.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

You have heard from His Worship that there were a number of remands of various prisoners before the 19th April?
--- Dit is reg.

Now, that being so would there be any reason why you should not have done any of the moving of these people to Boksburg and back again here before the 19th April? ---
Op een stadium weet ek het die Onderzoekbeamptes gesê dat ek nie moet daar gaan nie want ek moet op die parade wees.

Constable, when you performed these duties of moving people from Vereeniging to Boksburg or bringing them from Boksburg here, you would of course record this in your occurrence book, the little note book you carry, would you not? --- Ja, ek meen so. Ons maak gewoonlik aantekening daarvan as ons hulle gaan haal.

DEUR DIE HOF:

In julle sakboek? --- Ons maak aantekeninge in ons sakboek indien ons gaan.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

And if you are able to refresh your memory from that/....

demonstreer.

Did you see any other people performing in front of that crowd as if they were leaders? — Ja, ek het.

Those people you did not point out at the identification parade? — Nee, ek het nie.

Now, how is it that if others were behaving as leaders — let's make the assumption for a moment that they were on the parade — that you did not notice anybody else? — Hulle is nie so maklik herkenbaar in 'n groot menigte nie. Agterna as jy hulle op parade sien is jy nie seker nie.

So you are saying that the old man has been betrayed by his beard, is that it? — Ek sal nie sê by sy baard nie, maar sy hele voorkoms.

Did he then disappear into the crowd and you lost sight of him? — Ja.

Now, after you had picked up the men who were on that open piece of ground, and you had come back and made your report to Major van Zyl, what did you do? — Toe ek die hoofpad nader het ek gesien Majoer van Zyl se voertuig ry in 'n suidelike rigting, en hy draai in 'n dwarsstraat. Ek het hom gevolg. Ons het weer by die hostel verbygekom, en met Majoer van Zyl voor my, en die klippe het weer gereën op ons daar. Ons is tot weer in die hoofstraat, en ek het 'n rapport aan Majoer van Zyl gemaak.

Well, from your use of the word "reën" it would seem as if the stones falling on your car must have caused a very considerable amount of damage to the vehicle? — Hulle het nie almal getref nie. Die Bantoes was party te ver, en die klippe het nie getref nie.

Was the crowd fairly close who threw these stones at you? — Wel, hulle was uitgesaai gewees rondom ons. Party was naby, sê ontrent 50 tree, party 100 tree en verder.

Were/.....

Were there also many people closeby among the Africans, closeby your vehicles? —Ja, ontrent soverraas daar na die oorkant van daardie gebou toe.

None nearer than that? — Wat ek gesien het nie.

And are you suggesting that it is at that distance, which subject to what His Worship says may be approximately 50 yards, that these stones were thrown at you? —Ja, 40, 50 tree van ons af het die klippe gekom.

Well, the men who threw those stones must have been very good throwers I am putting it to you to cover that distance? —Nie noodwendig nie.

Anyway, in due course you came to the Police Station? — Dit is reg.

Were you under the command of Captain Coetzee when you went there? —Kaptein Coetzee.

Did you line up with these other men there? —Nee, ek was nie in die parade gewees nie.

DEUR DIE HOF:

Jy was nie in die opgestelde linie nie? —Nie in die opgestelde parade nie, Edelaagbare.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

You still had your vehicle, did you? — Ek noes kyk na my voertuig.

Now, was this vehicle in front of Captain Coetzee's men as they faced towards the crowd, behind them, or on the side of them? — Die voertuie was op die kant van die straat, op die linkerkant teen die sypaadjie het ons geparkeer, en die manne was opgestel voor die voertuie in die dubbele straat.

Now, will you please look at Exhibit 56? You see the Police Station, and you see the street running to the south of it, which is Zwane Street? —Ja.

And you see the street crossing Zwane Street to the east/....

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east of the Police Station? — Ja.

Was it in that cross street approximately that the men were lined up, going across Zwane Street? — Dit is ontrentdaar wat hulle opgelyn was. Ons voertuie kan net nie op die kieke gesien word nie.

You say that your vehicle can be seen on this Exhibit? — Nee, hy kan nie gesien word nie.

DEUR DIE HOF:

U meen dit was in so 'n posisie dat dit nie op hierdie portret sal verskyn nie? — Nee, hulle was net terug van die kruisstraat af.

Af van die portret af? — Dit is reg.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Now, you say it was on the side. Was it on the north side, i.e. the Police Station side, or the south side, where they were parked? — Nee, hulle was aan die suidekant.

That is not on the Police Station side, but on the south side of Zwane Street? — Dit is reg.

Which means that you would have to cross over Zwane Street from where your vehicle was parked to get onto the pavement where the Police Station is? — Dit is reg. Ek kan byvoeg daar mag van die voertuie op die dubbele straat gewees het nader oek, maar myne was aan die anderkant.

Did you have any men with you in that vehicle? — Ek het nie in die voertuig gesit nie, ek het buite rondbeweeg.

Yes, I knew you said that you did not sit there, but were men there? — Nie in my voertuig nie.

Were any men on the roof of your vehicle at any time? — Nie op my voertuig nie.

Did you at any time see men on the roofs of other vehicles nearby? — Ja, ek het manne daarop gesien.

Did/....

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Did you at any time hear any firing coming from men either on or nearby vehicles parked near you? — Nee, ek het nie. Die tyd toe daar gevaar is het ek langs een van die ander voertuie in die keelte gesit, by die agterwiele.

You were there for sometime before the firing that took place in the Police Station grounds? — Ja, seker van 'n uur na twee ure.

You were there during the firing? — Ek was, op daardie plek.

And you were there after the firing? — Dit is reg.

The other vehicles were not very far from you at the time that the firing took place in the Police Station grounds? — My voertuig was die eerste een gewees, die naaste aan die klemp Bantoes wat daar gewees het. Die ander voertuie het almal agter my opgelyn en miskien party aan die oerkant van die straat; ek is nie seker nie.

What was the distance that these other vehicles would have been away from you, the maximum distance that the furthest one would have been away from you, these grouped near Captain Coetzee's unit? — Nee, ek kan nie sê nie. Daar was 'n hele paar groot vragneters gewees. Ek weet nie die afstand wat hulle opgeneem het nie.

Well, just approximately? A 100 yards or a half a mile? — Nee, dit sal minder as dit wees, minder as 100 tree.

Less than 100 yards? — Ek meen so, ek is nie seker nie.

You are quite sure that before the firing you heard no firing yourself coming from either your vehicle or the other vehicles parked nearby? — Nee.

You see, Captain Coetzee gave evidence here, and

he/....

he told the Court about certain firing that had occurred. He did not report it directly as having heard it himself, but he said that he received certain information that firing had taken place from the vicinity or upon certain vehicles upon which men were near him about the time that the firing took place in the Police Station grounds. Can you throw any light on that? — Ek het seker 'n vyftien na twintig minute toe in die skaduwee gesit van een van die voertuie, by sy agterwiel. Dit was ek dink die tweede voertuig, of die eerste of tweede van myne af, want dit was aan die verkeerde kant van die pad parkeer. Ek het daar gesit en se half ingesluimer, en toe heer ek 'n geskiet, en ek heer 'n lawaai. Ek spring toe op, en toe ek by die voorkant van die voertuig kom toe sien ek net Bantoes hardloop uitmekaar uit. Die skietery was toe eers gewees reeds.

DEUR DIE HOF:

Met ander woorde, jy het daar se half gesit en insluimer en toe heer jy die skietery by die Polisiestasie? — Toe heer ek die geweldige skietery.

En toe sien jy die gevolge? — Ja.

HOF VERDAAG.HOF HERVAT:

JAN HENDRIK GROVÉ, onder sy vorige eed, vervolg:

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Constable, I had been asking you questions as to whether you heard any shots coming from any of the vehicles nearby where yours was placed, east of the Police Station in Zwane Street on the 21st March, and I think your reply was that you had not heard these shots, but you had been dozing or you had been sleeping in the shadows there, and you were
awaken/....

awaken when shots came from the Police Station? —Dit is reg.

Now, I take it as far as you are concerned you certainly were not awakened by shots that came from the Police vehicles parked close by you? —Nee. Dit was nie enkele skote nie, dit was 'n gekletter van gewerskote.

What you heard was a volley of shots and they came from the direction of the Police Station? —Dit is reg.

Is it possible that there were shots fired from the vehicles closeby you, but they were not sufficient to awaken you, and you only got woken up by the shots that came from the Police Station? —Ek het nie vas geklaap nie.

You were just dozing? —Ja.

I don't remember if I put this to you before lunch. Were there in fact any men standing on top of any of the Police vehicles nearby you? —Daar was op twee voertuie wagte gopos voor ek daar in die keelte gaan sit het.

And were these men armed? —Ek is nie seker nie. Ek meen hulle was.

Now, when you came to Zwane Street and you took up your position east of the Police Station, what time of the morning was it approximately? — Ek meen dit was tussen elf en twaalf; van die tyd is ek nie seker nie.

When you arrived had the aeroplanes that later swept over the Police Station already come, or were they still to come? — Ons was daar gewes voor hulle gekom het.

And when you came there was the crowd fairly big or was it a small crowd? — Daar was 'n baie groot massa van Bantoes bymekaar. Die strate was gepak.

And Captain Coetzee lined his men up across Zwane Street? —Oer die een helfte.

Did not his men cross the whole of Zwane Street, both halves? —Die voertuie was seker ek kan onthou aan

weerskante/....

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weerskante van daardie helfte, die suidelike helfte, geparkeer, en die bestuurders het maar daar rondgestaan.

Were the vehicles parked across the road to prevent anyone going? —Nee.

Or were they parked parallel with Zwane Street? — Hulle het gelyk gestaan weerskante van die straat, van die suidelike helfte; dit is 'n tweerigting straat.

Do you know of any reasons why the line of men did not cross the whole of Zwane Street? — Hulle mag in die tweede helfte gewees het, maar hulle het nie die hele straat volgestaan sover ek kan onthou nie.

Could it have been that it really was not necessary to have the men fill the whole of the street? — Ek meen dit was om die bestuurders van die verskeie voertuie — die meeste het daar rondgestaan aan daardie kant waar die voertuie parkeer was.

Now, you were not put into the line? —Nee. Op een stadium het ons posisie ingeneem op die suidelike sypaadjie op bevel van Heefkenstabel Kruger.

Would you talk a little more slowly? I did not get that. Will you just say it again? — Op een stadium was ons beveel, of die bestuurders beveel deur Heefkenstabel Kruger, om posisie in te neem om die Bantoes te verhinder om deur te gaan op die suidelike sypaadjie, sowel as die straat aan daardie kant.

But that did not last very long apparently? — Nee. Dit was op 'n stadium gewees toe hulle begin verbysoepel het by ons, en die meentlikheid het bestaan dat hulle ons sou omsingel van agteraf.

Now, these men who were lined up across Zwane Street, they were facing the crowd? —Dit is reg.

Was any portion of the crowd behind the men who were/....

were lined up in Zwane Street at any time? —Ja.

Approximately how many members of the crowd do you think were behind Captain Coetzee's men? —Dit ^{is} moeslik om te sê. Hulle was versprei in die straat, klompe, klompe....

Just estimate it? — Wel, af, sover ek kon sien in die straat, het ek geskat in die geweste van 2,000.

So there were on your estimate 2,000 people behind Captain Coetzee's men, and I suppose a much larger number in front of him in Zwane Street? —Dit is reg.

As far as these 2,000 members of the crowd were concerned, Captain Coetzee's men, who were lined up across the road, had their backs to them? — Dit is reg. Hulle was nie nie net een klomp gewees nie. Hulle was verskillende klompies gewees wat voor die huise gestaan het en in die strate rond.

Now, in a sense these men were therefore surrounded, because there was a crowd in front of them of much more than 2,000, and ~~there were~~ you estimate about 2,000 men or members of the crowd behind them? In that sense Captain Coetzee's men were surrounded? Will you agree with that? — Ek sal nie sê hulle was omsingel gewees nie, maar die moontlikheid het bestaan dat hulle ons van agteraf kon aanval, en vir daardie doel was die wagte bo-op die voertuie gepos sover ek weet.

Now, this line of men across Zwane Street therefore had a very big crowd to their west in front of them, ^{and} about 2,000 men on your estimate to their east behind them? — Ja, in die volle lengte van die straat. Dit is byna omtrent 'n halfmyl sal ek sê.

Were there any men, or were there any persons to the north of this line of men, i.e. on the righthand side of this file of men as they faced west towards the bigger portion/....

portion of the crowd? — Nee, voor die paar huise het daar klompies gestaan, maar nie die straat vol nie.

And on the south side of this line of men, were there any people there? — In daardie kruisstraat het hulle in verskeie klompies rondgestaan voor die huise en ⁱⁿ die straat.

Now, how many guards were posted on these vehicles? — Twee wat ek van weet.

And were these the only two men who were posted there to keep an eye on the 2,000 members of the crowd behind the line of Captain Coetzee's men? — Die bestuurders het ook daar rondbeweeg, en hulle kon enige beweging gou raaksien.

How many drivers were there? — Ek is nie seker nie, maar daar was seker ses of agt voertuie as ek reg onthou.

You can't remember how many drivers? — Nee.

Were you one of those drivers? — Dit is reg.

Were the drivers under the command of anybody?

— Wel, onder bevel van Kaptein Coetzee.

And were the two guards on top of the vehicles also under his command? — Die een was op een stadium 'n Munisipale amptenaar wat ek daar gesien het, een van die Munisipale inspekteurs. Hy was op een van die voertuie se dakke.

So he was not under Captain Coetzee's command, he was independent so to speak? — Ek sal sê op daardie stadium was hy al is hy 'n Munisipale amptenaar.

You don't know, you assume so? — Ja.

Was the other one under the command of anybody, the other guard? — Onder Kaptein Coetzee.

Now, Captain Coetzee took up his position, did he, in front of the file of men across the road? — Ek dink hy het rondbeweeg.

The drivers were not lined up in a file, they
just/....

just moved around? ---Dit is reg, op die suidelike helfte van die straat.

And at a certain time you were able to get relief from the heat by going and sitting somewhere in the shadow? --- Dit is reg.

Were other drivers able to do the same thing? --- Party het ja.

Now Constable, I want to put it to you that if approximately 2,000 men were behind the line of men across Zwane Street, they were not in any dangerous mood? Do you agree with that? --- Party het verbygesypel uit die groot massa uit, by ons verbygesypel, en vir daardie doel het ons hulle verhinder om daar verby te kom.

Constable, I am not going to hold you to the figure of 2,000 - you said you estimated it - but Captain Coetzee's estimate, if I recollect it, is about 500, but I am not quarrelling with you about that. There were a large number of people behind Captain Coetzee's men? --- Ek praat van die hele straat af, omtrent 'n distansie van 'n halfmyl.

Anyway, even close to this file of men, there were a considerable number of members of the crowd were there not? --- Daar was 'n goeie klompie digby ons.

Now, I am putting it to you that if this group of men, or this group of people, members of the crowd, closeby to Captain Coetzee's file, were allowed to be behind his men, that group of people could not have been dangerous? Do you agree with that? --- Die voorstes was ook naby hulle.

Do you agree with it Constable, or don't you agree with it? Just tell me? --- Hulle was gevaarlik.

They were. You say that quite seriously? --- Ja.

Were they dangerous throughout the whole time that you were there? --- Na die vliegtuie verbygekom het het hulle

baie/....

baie opstandig geword.

Were they dangerous throughout the whole time that you were there Constable? ---Ja.

Why do you say that they were dangerous? ---Omrede die wat by ons verbygesypel het het party gevaarlike wapens gehad.

Even if a few did have dangerous weapons, why do you condemn the whole of the people because of that, who were behind Captain Coetzee's men? ---Die houding wat hulle ingeneem het, 'n dreigende houding.

So it was the situation then that required care and careful watching? ---Dit is reg.

Can you explain why, if these people were as dangerous as you suggest they were, Captain Coetzee allowed them to continue to be behind the backs of his own men across the street? ---Daarom het ek gesê het ons op die sypaadjie hulle verhoed om verby te kom by ons.

But those that you had not prevented, those that were already behind, why did Captain Coetzee allow them to remain behind, instead of baten charging them or getting them out of the way, if they were as dangerous as you say? ---Dit is 'n kwessie van opinie.

I am putting it to you that on the facts as you have given them, your opinion is a wrong one, and that the crowd could not have been dangerous, otherwise Captain Coetzee would never have allowed them to be behind the backs of his own men? ---As hulle nie gevaarlik was nie sou Kaptein Coetzee nie wagte op die vragmeters gepees het om uit te kyk daarvoor nie.

Do you suggest Constable that one Municipal guard, and one Policeman posted on top of these vehicles, and a group of drivers who were apparently not in any line, were sufficient

to/....

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to be able to take care of these people behind the file if they suddenly were to have gone to the attack of the men whose backs were turned towards them? Do you seriously suggest that? ---Ek sal nie sê hulle sou ons dadelik aangeval het nie, maar die moontlikheid het bestaan dat as die massa groter werd dat hulle ons kon omsingel, van al die kant af aanval.

Do you agree that the number of people that you have described were not sufficient to keep watch over a dangerous group of men operating behind the backs of the Police? ---Ek dink hulle was genoeg gewees.

Now, what was the behaviour of the crowd in front? --- Hulle was baie oproerig gewees, het geskree, gesing, duine in die lug gegooi.....

And the file of men, most of them, were facing that crowd? ---Dit is reg.

Did you watch the behaviour of these people at all, the main crowd facing the Police? ---Ek het.

Now, you said that they were excited, they put their thumbs in the air? Is there anything else that you would care to describe about the way that crowd was behaving? ---Hulle het geskree "Afrika!", en het hulle baadjies en hoede in die lug gegooi, ^{en} hulle het stekke in die lug gegooi.

You were watching them throughout the whole time you were there I take it? --- Nie die hele tyd nie, maar seker vir ten minste die eerste uur.

Nothing else that you want to add to the description of the crowd? --- Wel, dit was 'n malende massa, oproerig, 'n geskree op ons. Hulle het beledigings na ons gewerp en ons gespeeg.

And you were worried about the behaviour of that crowd too, i.e. the crowd in front? ---Sekerlik.

And would you say it was as dangerous as the group of/.....

of people behind the men, or more dangerous, or less dangerous?
 --- Baie meer, want dit was 'n baie groter massa gewees.

Now, you spoke about sticks. Did you see very many sticks in the crowd? --- Ek het verskeie stekke gesien, en selfs ysters en klippe in die hande.

What do you mean by „verskeie stekke”? How many would you put them at, hundreds or tens or thousands? --- Dit is moeilik om te sê. As jy die hele dag massas sien met stekke kan jy nie sê hoeveel nie.

I obviously can't ask you to give me the exact number, but I just want to know if there was an isolated stick or two, or would you say that there were crowds of sticks in that crowd? --- Daar was baie gewees.

We had the evidence yesterday of an African member of the staff of the Bantu Commissioner's Office at Vereeniging, and he told us that he was in the crowd around the Police Station for several hours, and he was there until approximately one o'clock, although he said in his evidence twelve - he was there until a certain person was arrested by the Police. He said that he saw one stick in the crowd and he was moving around for hours. Was he wrong or are you wrong? --- Ek dink hy is verkeerd.

Anyway, the irons, the sticks, the shouting of the crowd, the putting up of thumbs in the air, the singings, all these things were signs to the Police that they had to be on the alert, and they had to be careful because danger could come at any moment? --- Ja.

Would that be correct? --- Op een stadium het ek een Bantoe arresteer wat 'n yster in sy hand gehad het, en die hele lot het op ons afgestern. Ek was verplig en laat hom los. Die yster het ek in besig gehou.

In/....

In fact you had to let him go because you did not want to create any incidents? ---Hulle het net geweld geskreep op ons en op my afgestern.

Just answer the question. You had to let him go because you were worried that this crowd might give you trouble if you did not let him go? Would that be correct? ---Hulle se definitief.

And the crowd got bigger and bigger as time passed? --- Dit is reg.

And as the crowd got bigger did they start shouting more and more? 999 'n Groot menigte raas meer gewoonlik.

I want to tell you Constable that that is not the view that other people have formed of the behaviour of the crowd. I have given you one example of this man who is in the employ of the Bantu Affairs Department. Do you still adhere to what you have just described as the behaviour of the crowd? --- Definitief.

Now, in the light of that Constable, I would like you please to explain to His Worship how it comes about that with such a dangerous situation at hand, and with such a dangerous crowd all about you, you were able to take advantage of the opportunity to have a dose in the shadows until you were rudely awakened by the sound of the firing? ---Ja, op daardie stadium het hulle 'n bietjie weg beweeg van ons af, nader na die Polisiestatie toe. Op daardie stadium het hulle weg beweeg van ons af, met die dwarsstraat af, verder op na die Polisiestatie toe.

Now, when you saw these people move, did you not perhaps think that here is the beginning of an attack upon the Police Station, because they are moving west along Zwane Street? ---Dit was nie 'n merkbare beweging gewees nie. Hulle was 'n malende massa, en geleidelik het hulle voet vir voet weg

beweeg/....

weeg.

So they moved away in the direction of the Police Station, but I take it their mood remained the same? —Ja.

You were aware that there were a lot of your colleagues in the Police grounds? —Dit is reg.

I take it you also were aware that there were a very big crowd of people on the western side of the Police Station? — Ek ken nie om die heek sien nie, maar seker ek ken sien was daar.

What led you to believe Constable that if these people were gradually moving away from you, and coming towards the Police Station where your colleagues were in the Police Station grounds, that you could not take time off for a quiet dezer? —Ek was tevrede gewees hulle was wel gewapen gewees, goed bewapen daar, en daar was geen gevaar vir hulle nie.

No Constable, I am putting it to you that the reason why you went off and had this rest, was that you were not really as gravely threatened as you have been making out to His Worship in Court today? —Op ons flank was dit op daardie oomblik taamlik stil.

And you did not think, having regard to the whole situation, that this was an occasion for you still to keep your eyes on this crowd in case anything happened, so that you could come to the assistance of your men who were surrounded, or perhaps prevent the crowd if they suddenly changed their mind and came east along Zwane Street, from going in the direction towards Vereeniging? That did not cross your mind? — Daar was 'n parade opgestel gewees, heeltemal goed gewapen. Daar was nie gevaar vir ons manne nie.

So as you interpret the situation there was no danger for your men, they were adequately armed and they could take care of themselves? — Indien hulle aangeval was ken hulle/....

hulle hulle verdedig.

And realising all that you thought it was a good occasion for you to go and get, I have no doubt, a well deserved nap? ---Ek het gesit en rus.

Tell me Constable, what happened to this 2,000 strong group of persons that were behind Captain Coetzee's men, when the crowd that was in front moved gradually towards the Police Station? ---Die hele straat was maar neg vel van hulle. Hulle het verder weg beweeg van ons af.

So according to you we have this position, that the crowd in front of Captain Coetzee's men moved gradually to the west towards the Police Station, and if I understand you correctly the people behind his men, the 2,000 strong group, moved somewhere to the east along Zwane Street, separating themselves by a greater distance? Is that what you are trying to tell us? ---Dit is na die skietery, het hulle beweeg, het hulle weggegaan.

Constable, you knew that I am asking you questions about what happened during the occasion that you were sleeping, and not after the shooting. Now, listen to my question again. What happened to the 2,000 people who were behind Captain Coetzee's men when the crowd in front moved towards the Police Station, west along Zwane Street? ---Hulle het nie ver weg beweeg nie. Dit was 'n kwessie van entrent 'n 15, 20 tree, en die ander klemp het daar gebly waar hulle gewees het, en rendbeweeg, greepies hier, greepies daar.

And were they similarly dangerous in the way that you have described earlier in your evidence? ---Daar was 'n moontlikheid dat hulle ken aanval. Ons nees versigtig wees al die tyd.

Were they dangerous and threatening in the way you described/....

described earlier, that group of 2,000 people behind Captain Coetzee's men? —Ek het nie gepraat van 2,000 wat opstandig was nie. Ek het gesê daar was ontrent 2,000 langs die hele straat in greepies.

Whatever the number was that were closeby Captain Coetzee's men, were they in the same dangerous, threatening mood? —'n Klomp van hulle Edelagbare, nie die 2,000 nie.

Do you place the size of that group at about 500, like Captain Coetzee did? —Nie in een klomp nie. In 'n paar klompies, digby ons.

The total of these groups nearby you estimate as somewhere near 500? —Dit mag wees.

And they were dangerous in the way you have described? —Ja.

Newk in the light of that, why did you go to sleep? — Omdat ek moeg gewees het.

I am putting it to you again Constable, that a man who is on duty and is in the face of danger, does not go to sleep because he is tired, but he stands on duty to watch the situation? — Daar was wagte gapes, en ek was nie op paaie gapes gewees nie, en ek het gaan sit 'n rukkie om te rus.

But you gave us to understand that you were one of the group of drivers that were moving around behind Captain Coetzee's men to protect the rear/te speak? Do I now understand that you were not expected to do that duty? —Nee, ek was nie veronderstel om daardie werk te doen nie. Ons nees na ons veertuie kyk.

Well, why did you include yourself among that group of men in such a way/certainly to give me the impression that you were keeping an eye on the rear of these men, together with the two men on top of the vehicles and the other drivers

who/....

who were moving around? --- Ons het rondbeweeg.

And some of the others also took time off to go and rest you told me earlier? --- Ek weet nie. Daar was Munisipale amptenare ook gewees, en party van hulle het ook gaan sit en rus.

Will you not agree that they took the opportunity to rest because the situation permitted them to do so? It was not a dangerous situation? --- In ons onmiddellike omgewing was dit nie baie gevaarlik op daardie oomblik nie.

Now Constable, I asked you earlier about your occurrence book? I don't know if you have it on you? --- Nee, ek het nie.

I mean your pocket book, I am sorry? --- Ek het dit nie by my nie.

Will it be possible, if His Worship directs you to do so, to bring it for inspection? --- Ek sal, Edelaagbare.

BY THE COURT:

Which one do you want? The one that concerns the conveying of the prisoners?

BY MR. UNTERHALTER:

Yes, Your Worship.

DEUR DIE HOPE

So dit moet die sakboek of sakboeke wees wat die tydperk 21 Maart tot 19 April dek? --- Ek sal, Edelaagbare.

Mr. Unterhalter, you are not concerned with entries after the attendance at the parade?

BY MR. UNTERHALTER:

No, Your Worship.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, in regard to accused No. 31, you say that you saw him outside the Police Station in Zwane Street, was it, when/....

when you were there? — Dit is reg.

Now, when did you see him, before or after the aeroplanes came? — Ek is nie heeltemal seker nie. Ek dink gedurende die tydperk wat die vliegtuie daar rond gewees het.

Did you notice in which portion of the street he stood? — Hulle het beweeg oor die hele straat, die hele massa.

No, I am talking of him, not they. — Hy het saam beweeg oor die hele straat.

You saw him for quite a long time on the second occasion? — Dit is reg.

Now, on this occasion do you remember what he was wearing? — Nee, ek weet nie hoe sy klere gelyk het nie.

Nothing whatsoever except his face? — Dit is reg.

What about the black hat that you noticed earlier? Did you see that again? — Hy was dieselfde aangetrek sover ek kan onthou. Ek het geen merkbare verskil aan sy kleredrag gemerk nie.

Now, you told His Worship that you thought that he had a black hat? That was earlier on in your evidence? — Dit is reg.

On the second occasion outside the Police Station, do you still think that he had a hat, or can you now say definitely that he had a black hat? — Ek is nog nie seker nie.

Just tell His Worship what did he do on this occasion? Tell it to us again please? — Hy het weer daar rondbeweeg en in Kaffertaal gepraat, sy arms geswaai, sy vingers omhoog gesteek.....

So on this occasion you noticed the movements of his body, and you heard him say something in the African language? — Dieselfde as die oggend.

Do you understand African languages? — Nee.

And when you say the same as in the morning, by that/.....

that do you mean? --- Hy het hom dieselfde gedra.

Just don't interrupt me.

DEUR DIE HOF:

Konstabel Grové, gee mnr. Unterhalter net 'n kans om sy vraag te voltooi, en antwoord dit dan asseblief. --- Goed, Edelagbare.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

When you said African language, do you mean he was using the African language similarly to what he had done in the morning, or are you trying to tell His Worship that he used the same words in the African language as you heard in the morning? --- Hy het 'n Bantoetaal gepraat; watter taal dit was weet ek nie, en watter woorde dit was weet ek ook nie.

And is it only the African words that you heard on the second occasion outside the station? --- Ja.

He was not doing anything for which in the ordinary course you would have arrested him? Nothing unlawful as far as you could judge as a Policeman? --- Nee.

Well, he is going to deny that he behaved in the way you have described, although he will not deny that he was there. What do you say to that? --- Hy was daar.

No, no, I am agreeing with you you see, but I am just saying he is going to deny that he was behaving in the way you have described? --- Dit is hoe hy hom gedra het.

Constable, I want to show you a photograph of a man who appears to have a black felt hat and a beard, and a face that seems similar to accused No. 31's. I wonder if you would have a look at it. (Exhibit No. 71). --- Nee, dit is nie die beskuldigde nie.

BY THE COURT : TO MR. UNTERHALTER:

You are referring in this photograph Mr. Unterhalter to the only man who has got a hat? --- That is so yes.

As/....

As distinguished from caps and other things? ---

That is so, Your Worship.

Just under the uplifted arms? ---That is so.

DEUR DIE HOF : AAN DIE GETUIE:

Het jy gekyk na daardie persoon? --- Ek het gekyk, Edelagbare.

Wat die hoed dra hier onderkant die man se arms?

--- In my opinie is dit nie die beskuldigde daardie nie.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Constable, I would like you to look at Exhibit 71?

Do you see a portion of a building at the back? ---Ja.

Will you agree that that is the southern portion of the Police Station, i.e. what we know as the main entrance from Zwane Street? ---Dit is so.

You will agree therefore that the section of the crowd that you see in that picture is a section of the crowd in Zwane Street? ---Dit moet wees.

Now Constable, I want to put this to you. The man in the felt hat, that seems to be of a black colour, has a beard? ---Dit is reg.

He seems to be an old man? --- Ja, dit is 'n bejaarde persoon.

Now, have a look at accused No. 31 again? ---Ja.

I want you to look at the photograph, and I want to put to you that there is a marked similarity between the man in that picture and accused No. 31, although they are not the same person? --- Nee Edelagbare, met die eerste oogopslag kon ek sien dat dit nie dieselfde persoon is nie, en hy lyk ook gladnie vir my daarna nie.

Let's take the question in two parts. You agree that the picture is not the picture of accused No. 31? --- Dit is/....

is reg.

Do you not agree that there is some similarity between that face and the face of accused No. 31? ---Behalwe die baard is daar nie.

I want to put it to you that there is a similarity? That you may have observed someone doing what you say you saw being done, and that you have confused the two people? --- Nee, ek het nie.

Don't you identify accused No. 31 because he was the only person on parade with a beard? ---Nee, ek het die dag daar 'n hele paar se gesigte gemerk wat ek gemeen het ek agterna sou uitwys, maar ongelukkig was ek nie so seker op die parade nie, alhoewel ek agterna hulle weer raakgesien het.

Don't you identify him as the person here because in fact among all the accused he is the only person with a beard? Do you agree with that? --- Hy is die enigste een in die Hof nou, van die beskuldigdes, met 'n baard, maar dit is nie vir daardie rede wat ek hom uitgeken het nie.

I take it you did not see this man when he was shot, did you? ---Nee.

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

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Nou, u het melding gemaak dat op een stadium het u 'n Bantoe met 'n yster gearresteer? Kan u nou net daardie insident volledig beskryf? Hoekom wou u daardie man arresteer? --- Hy was een van die wat by ons in die suidelike aypaadjie probeer verbysspel het agter ons om. Toe dit te veel word het Hoofkonstabel Kruger gesê ons moet daar stelling inneem en hulle verhoed. Daar was toe alreeds verskeie of 'n goeie klomp by ons verby. Toe skielik het 'n Bantoeman gekom met 'n yster in sy hand, en hy wou ook by ons verbygaan. Ek was naby

hou/....

hom en ek het hom arresteer.

En daarna, volgens die houding van die skare, was u, as ek reg verstaan, verplig om hom te laat gaan? ---

Ek was. Hulle het op my afgestorm, en ek was verplig om hom onmiddellik te laat gaan. Die yster het ek in besit geneem.

Ek wonder of u bewysstuk 40 sal nagaan en sien of daar miskien soiets daar is?

DEUR DIE HOF:

Wat het van die yster geword? --- Ek het hom oorhandig aan die Speurders.

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Sal u die yster weer ken as u dit sien? --- Ek sal hom ken, Edelagbare.

Sal u net afstaan en bewysstuk 40 deurgaen? ---

Ja. (Getuie ondersoek bewysstuk 40).

U het nou 'n stuk yster uitgehaal - dit sal Bewysstuk 72 wees, wat vanuit Bewysstuk 40 kom - en u sê dit is die stuk yster wat u van 'n naturel geneem het? --- Dit is hy, Edelagbare, 'n soortgelyke yster.

DEUR DIE HOF:

Dit is soortgelyk? --- Ja.

It seems to me to be just about two feet long, getting on for half an inch in diameter, and slightly flattened at the one end.

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Hoe lank was u aan diens die hele tyd van die onluste? --- Op daardie datum?

DEUR DIE HOF:

Van watter uur ^{af} was jy nou saanenlopend aan diens? --- Van half-drie af die oggend tot omtrent sewe-uur die aand.

Het jy die Sondagnag geslaap? --- Ek het Sondagnag aand vyfuur van diens afgegaan, en die nag twee-uur het hulle my/....

my weer uitgeroep.

Hulle het jou twee-uur uitgeroep? --- Twee-uur die nag het hulle my uitgeroep.

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Nou, het u Bewysstuk 71 voor u? ---Ja.

Is enige van die skare in daardie gedeelte oproerig?

--- Wel, ek sou sê behalwe die een wat sy hand omhoog gooi, die ander op hierdie foto lyk taamlik bedaard.

En ek neem aan dit was moontlik dat die ander gedeelte wat afgeskeur is moontlik iemand wys wat oproerig is? ---Heel moontlik.

BY THE COURT:

I notice that the Prosecutor first was handed half a photograph, or half of something that had been ^{divided} into two!

BY THE PUBLIC PROSECUTOR:

That is the divided half that I saw. I have not had the privilege of seeing the other half.

BY THE COURT:

You may be guessing as to what is on the other side, and so would the witness be guessing.

DEUR DIE HOF : AAN DIE GETUIE:

Een man sê jy is oproerig, die eenmet die hand in die lug? ---Ja Edelagbare, op hierdie foto lyk dit so.

'n Hele klomp van die ander hierop lyk my is heeltemal kamerabewus! Hulle weet hulle word afgeneem lyk dit vir my? --- Dit is reg. Die een deel kan ons nie sien nie.

Nou, wat is jou ouderdom? --- 53 Jaar.

Dankie, u kan maar afstaan.

1,986.

A. Mabuya.

ALFRED MABUYA, duly sworn, states: (Witness speaks Zulu).

EXAMINED BY THE PUBLIC PROSECUTOR:

You are employed by African Cables at Vereeniging?

--- Yes.

And do you live at the hostel in Sharpeville? ---

Yes.

Now, do you remember the day that the shooting took place at Sharpeville? Did you hear about it, that is what I want to know? --- I was there.

Were you at the Police Station on the day that the shooting took place? --- I was at the Police Station.

9 Were you wounded at all? ---No.

Now, do you know which is the front of the Police Station, where that streets runs past that is tarred and the island in the middle, i.e. the street going past in front of the Police Station? --- Yes.

You say you know the street which runs between the clinic and the Police Station? ---Yes.

Now, I want to know on which side of the Police Station you were at the time that the shooting took place? --- I was in the main street near that island.

Why had you gone there? --- I was told by the Police to go there, and that is why I went there.

When did the Police tell you to go there? --- In the morning when they were at the hostel.

Now, do you know the difference between a Policeman who is an Officer and one who is not? --- No, there are too many of them, I would not be able to distinguish.

How did it come about that the Policeman told you to go to the Police Station? --- The natives in the street were chased by the Police with guns, and we were then told to

go/....

go to the Police Station.

You say they were told by Policemen with guns and then you were told to go to the Police Station? ---Yes.

BY THE COURT:

Now, who told you to go, one man or all the Policemen, or why do you say you were told to go? ---Only one told me to go.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

How do you know that this person who told you to go to the Police Station was a Policeman? --- He was wearing a uniform, and that is why I say he was a Policeman.

Did he speak to you personally, or to the whole crowd? ---He spoke to the crowd.

Was this before or after the Policemen chased them with guns? ---After they had been chased.

Were you told why you were to go to the Police Station? ---I was not told of any reason. We were just told to go to the Police Station, all of us.

Now, what were you doing there in the street at the time that the Police chased these people? --- I was not going anywhere, because I was not going to work.

Were you on holiday or something? --- The Bantus told me not to go to work, and that is the reason why I did not go to work.

When were you told not to go to work? --- On the morning of the shooting.

Who told you not to go to work? --- There were some people standing at the gate, and they told me.

Do you know any of them? ---No.

Will you be able to point out any of them again?

---At that time I would have been able to point them out, but not/....

1,988.

A. Mabuya.

not now.

Had you ever seen this man before that day? ---

Yes, I had seen him before.

Where had you seen him before? --- I worked with the one at the same place.

Can you describe him generally? --- He was not the man who told me not to go to work. The ^{man} whom I worked with was not the man who told me not to go to work.

But the man who told you not to go to work? --- He was still a young man; that is all I know about him.

Was that the first time that you had ever seen this young man who told you not to go to work? --- I had seen him once before.

Just generally in the location, or at your place of employment? --- In the location.

And this other man that you are talking about, whom you also saw in that vicinity, is a man whom you saw at your place of employment? --- Yes, I saw him or I had seen him at work.

Will you be able to point out that man? --- I won't be able to point him out. Although I had seen him at work, I did not work with him at the same place; we worked at different places.

Why did you listen to these people when they said you must not go to work? --- I listened to them because there were also some Policemen present, i.e. at the gate.

Did you find out from this person why he was telling you not to go to work? --- I did not.

Do you get paid if you don't go to work for any one day? --- No.

So you were going to lose a day's pay? --- Yes.

How/....

1,989.

A. Mabuya.

How much would you have lost? --- I was earning £2.17.3. a week at the time. I don't know how much that will be per day.

Now, what did the fact that there were Policemen in the vicinity of the gate have to do with the fact that you did not go to work? --- Because this man spoke in the presence of the Police, and the Police did not say anything. That is why I did not go to work.

What Police were these? Municipal Police or South African Police? --- S.A.P.P., and also Municipal Police.

And what language did this man speak to you in? --- Afrikaans.

Can you recall his exact words and repeat them in Afrikaans? --- No, I am not too good in Afrikaans. I cannot repeat it.

Now, I will come to this later. About a month or so prior to this particular day when you were told not to go to work, was there ever any discussion at your place of employment about matters such as this? --- Yes, I heard some discuss the matter at my place of employment.

Were you involved in this discussion? --- No, I was not. I did not take part in the discussion.

Were you ever asked to pay any money sometime before this particular day? --- No.

Do you know anything about an amount of £1.2.6.? --- No, I know nothing about that.

Now, to come back to this particular day when you were told to go to the Police Station. Did you hear the Police talk to the crowd that was gathered there before they were dispersed with guns and batons? --- Yes, I did.

What did they say? --- The Police did not say anything/....

1,990.

A. Mabuya.

anything to the crowd, except to tell them to go to the Police Station.

And what did the crowd do when they were told by the Police to go to the Police Station? --- They did not do anything. They were satisfied and they went to the Police Station.

And did you follow them to the Police Station? ---

Yes.

Did you have your reference book with you on that day? --- No.

Was there any reason why you did not have it with you? --- There were Bantus that told me not to carry a reference book on that particular day, and those that told me not to go to work on that day.

Was it a different group who told you not to carry a reference book on that day, to the ones who told you not to go to work? --- No, not a different group, the same people.

Did you have your book with you when they told you not to carry it? --- Yes, I had it with me.

And what did you do when you were told not to carry it? --- I went back home and left it at home.

How was the crowd behaving there in front of the hostel? --- They were walking in the street and they had their arms raised. They walked all over the road.

Did you hear what they were saying? --- I did.

What were they saying? --- They raised their arms and they said "Iswe Lethu!"

What does that mean? --- I don't know how to explain it in one of the official languages, but it means "Our country".

Was there anything strange about people walking about and shouting "Iswe Lethu!?" Did it strike you at the time? --- Yes, I was surprised because I did not know what was

going/....

going on.

Did you find out? --- I was going to but then the Police interfered and drove us back.

Did you see whether the Police arrested anybody or took them away that day near the hostel? --- I did. They arrested two people.

Did you know those two people whom you saw being arrested? ---No.

Will you be able to point them out again should you ever see them? --- I don't know.

Will you be able to describe them? You know, their general features? --- I don't think so now, not at the moment; at the time yes.

Now, prior to this particular day did you ever get any circular letters or pamphlets pushed under your door? --- I got a document but I never read it. I am illiterate.

Did you notice whether there was anybody's signature at the bottom of it? --- I can't say whether there was any signature, but I remember it was a white document.

And what did you do with this document? ---I threw it away.

Why did you not read it to see what this thing was? --- I thought it was just blown in underneath the door.

Have you ever heard of the letters P.A.C.? --- No! Were you ever asked by anybody before this particular day to hand over your book and £1.2.6.? --- No.

When was the earliest date before the day that you were told to go to the Police Station, that you learnt that there was going to be this strike as we'll call it on that day? --- It was about the Tuesday or Wednesday prior to this day when I heard it for the first time.

And where were you when you heard that? --- At work/....

ork.

At work? --- At work.

Together with this discussion that you overheard about this proposed strike, was there any discussion about food? --- No.

Have you ever been to school? --- No.

Can you read and write? ---No.

Can you write your own name? --- No.

Did you make a statement to the Police at all? ---

I did not.

What is your number at the hostel, of your room or your building that you are in? --- 78.

BY THE COURT:

What is that? Your number or your room number?

--- It is my room number.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And what is the full name of your firm? --- African Cables.

Is it perhaps called African Cable Timber House?

---No. I am employed in the rubber shop.

In the rubber shop? ---Yes.

Now, after the shooting had taken place, did you remain in Vereeniging and carry on working? --- I did not go back to my work.

Where did you go to? --- I went to Reitz to my relations for a visit.

Do you know the name of the farm there? ---No.

And did the Police speak to you at all whilst you were down at Reitz? ---They arrested me.

They arrested you? ---Yes.

What for? --- I was arrested for trespassing on

a/....

1,993.

A. Mabuya.

a complaint received by the Police from the owner of the farm.

Did the Police speak to you about anything else besides your presence on the farm? --- No.

Is this your signature? I don't suppose you can tell me since you can't read or write?

BY THE COURT:

Is it a signature, something written?

BY THE PUBLIC PROSECUTOR:

There is a signature there, Sir. It is disturbing because the ink is the same as the signatures of the attesting officers.

BY THE WITNESS:

This is not my signature.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Do you know what a statement is? --- I know what a statement is.

Tell me what you know a statement to be?

BY THE COURT:

Mr. Prosecutor, I don't know if you are entitled to virtually cross-examine your witness, because that is what your examination now amounts to. You are entitled to do certain things....

BY THE PUBLIC PROSECUTOR:

Your Worship, I submit that I am dealing with an ignorant or an illiterate type of person, whose conception of what a statement might be might well be different from Your Worship and

BY THE COURT:

But how is it relevant to these proceedings whether this man knows what a statement is?

By/....

BY THE PUBLIC PROSECUTOR:

Well Your Worship, before I can really put a statement to a man I must find out if he understands what a statement is, to try and find out and orientate his memory as to what procedure was followed, before I can seek to discredit it.

BY THE COURT:

Well, is that what you are trying to do? I don't know, I must be guessing what you are trying to do.

BY THE PUBLIC PROSECUTOR:

Well, I must try and find out carefully before I discredit a statement in front of a man, who says "No, I have never seen it in my life".

BY THE WITNESS:

I don't know what a statement is, because the Police has never taken any statement from me. I wish to add that I was very drunk on the day when I was arrested on the farm at Reitz by the Police.

COURT ADJOURNS UNTIL 2.12.1960.