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8TH DECEMBER, 1960.COURT RESUMES : APPEARANCES AN BEFORE.

The Public Prosecutor calls:

SALMON ERASMUS VERMAAK, beëdig, verklaar:VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Is u 'n Speurdersersant in diens van die Suid-Afrikaanse Polisie gestasioneer te Reits in die Vrystaat? --- Ek is.

Ek wil u 'n bewysstuk toon, dli. bewysstuk 73. Is dit u handtekening? Die verklaring is deur u geseem? --- Dit is reg.

Die persoon wat die verklaring gemaak het, die persoon wie se naam daar staan, Alfred Mabuya, sal u daardie persoon ken as u hom weer sien? --- Moontlik.

Ken u die man wat nou daar staan, Sersant? --- Dit lyk soos hy.

Nou, onder watter omstandighede is daardie verklaring geseem? --- Onder gewone omstandighede. Die Alfred Mabuya het normaal voorgekom en was sober.

En het u 'n tolk gebruik? --- Ek het. Die tolk was Bantoespeurder Michael Toba, 'n plaaslike Speurder te Reits.

Kan u onthou watter taal die tolk gebruik het om met die naturel te praat? --- Ek kan nie herinner of dit Zulu was of Basuthu was hy vertolk het nie.

En op watter manier is die verklaring geseem? Deur middel van vroe of het die naturel gepraat en het u die tikmasjien gebruik? --- Daar was vroe aan hom gestel gewees ook.

En nadat hy die verklaring gemaak het, was dit aan
hom/....

hom oorgelees? --- Die verklaring was weer aan hom oorgelees na die verklaring geneem was.

En was hy tevrede met die verklaring? --- Hy was tevrede.

Nou, ek sien op die verklaring dit wil voorkom asof die verklaring beëdig is? --- Dit was toe beëdig.

En was die tolk gebruik om die verklaring te laat beëdig? --- Dit is reg.

Alfred Mabuya,

En die handtekening wat daaronder staan, wie s'n is dit? --- Hy het self daar geteken.

In u teenwoordigheid? --- In my teenwoordigheid en in die teenwoordigheid van die tolk.

En hoe het u die adres gekry van die verklaarder wat daar staan in die verklaring? --- Die adres het hy self aan my gegee.

Sal u net die verklaring uitles Sersant?

BY MR. UNTERHALTER:

Your Worship, before my learned friend has this read out may the Defence have an opportunity of reading this statement?

BY THE COURT:

Have you not had that?

BY MR. UNTERHALTER:

I don't recollect it, Your Worship.

BY THE PUBLIC PROSECUTOR:

I am sorry, Sir. I thought my learned friend had read it when he put his initials on it.

BY THE COURT:

Well, just make sure Mr. Unterhalter.

BY MR. UNTERHALTER:

Your Worship, I have had an opportunity of reading
the/....

the statement. It may or may not be prejudicial to the accused,
Your Worship, It is a little difficult to say at the moment.

BY THE COURT:

Mr. Unterhalter, I don't know. I don't want to pre-
judge things, but the contents of the statement will not be
evidence against anybody. The Prosecutor is purely seeking....
The witness himself, i.e. Mabuya, has not given that evidence.
I have not got the contents of the statement as evidence of the
facts in it before me, but it is purely for the purpose of
proving that Mabuya has given evidence in conflict with that
statement, and it affects the credibility of Mabuya. If
there is anything that may be prejudicial to anybody I must
forget about it, and disabuse my mind of it as best as I can.

BY MR. UNTERHALTER:

I am quite happy with that assurance from Your
Worship.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOIG:

Sersant, ek wil nou net probeer vasstel die omstan-
dighede waaronder u die verklaring geseem het. Was dit as
gevolg van instruksies wat u gekry het vanaf Johannesburg,
of hoe het dit gebeur? --- Dit was op inligting wat ontvang
is vanaf die plaas "Opstal", distrik Reitz.

DEUR DIE HOF:

Nee maar was daar 'n versoek aan u of iemand op
Reitz gerig om 'n verklaring van die persoon te neem? --- Daar
was 'n versoek van die Stasiebevelvoerder om die Bantoeman,
Alfred Mabuya, te ondervra waaroor hy weg is van Vereeniging?

Ja, dit is reg. --- Dit is so, Edeleagbare.

BY THE COURT:

Well, before I have the statement read out do you
want/....

want to cross-examine the witness, Mr. Unterhalter?

BY MR. UNTERHALTER:

No, Your Worship.

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

BY THE COURT:

Now, it seems to me for the purpose that I have just intimated, I must have the statement as evidence.

Lees dit uit asseblief, Sersant Vermaak? ---

„Alfred Mabuya, 78, Hostel, Sharpeville-lokasi, Vereeniging, verklaar: Ek is 'n Bantoeman woonagtig te bogenoemde adres. Ek is werksaam by die African Cable Timber House, Vereeniging. Gedurende laaste maand het een van die naturelle waar ek werksaam is aan al ons naturelle wat werksaam is by die African Timber House, Vereeniging, gesê dat ons elkeen £1.2.6. moet bring om ons name in sy boek te skryf. Die £1.2.6. sal gehou word om ons te voorsien van kos gedurende die tydperk wat ons nie werk nie vir 'n "strike" wat aan die kom is. Die betrokke naturel sou die boek op Donderdag, die 17de van die derde maand 1960 gebring het, maar het nie die boek gebring nie, en sêdoende het ek nie die geld aan hom gegee nie. Ek ken nie die naturel nie, maar ^{hy}werk saam met my by dieselfde firma en kan hom aan die Polisie uitwys. Die naturel het ook gesê dat ons Maandag, die 21ste van die derde maand 1960, nie moet kom werk nie, en ons moet ook nie ons bewysboekies saambring nie. Op Maandag, 21.3.60., het 'n naturel ons voorgekeer by die hostel waar ek woon, en het gesê dat ons nie moet gaan werk nie. Ek ken ook nie hierdie naturel nie, maar kan hom ook aan die Polisie uitwys. Laasgenoemde naturel was deur die Polisie arresteer. Ek was teenwoordig toe die Polisie hom arresteer het. Ek was ook by die hostel toe die Polisie/....

Polisie aan die nateurl daar gesê het dat hulle moet teruggaan, maar die nateurle het nie geluister nie. Ek het na die Polisie gegaan en die Polisie het toe begin skiet. Ek was saam met die Munisipale Polisie toe die Polisie begin skiet het. Die Polisie was nie in die hostel gewees nie. My bewysboek het in Januarie verloor en ek is nie nou in besit van 'n bewysboek nie, maar ek het wel 'n bewys dat my boek verloor het. Ek het weggegaan vanaf Vereeniging omdat ek nie kan werk nie, want die ander mense keer my voor as ek van die werk af kom en wil my dan doodmaak. Ek wou die 21ste Maart 1960 gaan werk het, maar was voorgekeer en het op 22.3. gaan werk, en toe ek by die werk kom het die Baas gesê dat ek maar moet teruggaan want die ander nateurle het nie gekom nie. Die man wat gesê het dat ek nie moet gaan werk nie, was ook op 21.3.60. arresteer. Ek het toe op 24.3.60 na Reitz toe gekom waar my familie woonagtig is. Op Donderdag 17.3.60 het ek 'n brief gekry wat onder my hut se deur ingegooi was dat ek nie op 21.3.60 moet gaan werk nie, en ook nie my pasboek moet dra nie. Die brief het ek vir Piet Mofokeng gegee wie saam met my werk. Die brief was geteken deur Robert Sobukwe. Piet Mofokeng het ook 'n brief gekry". Die verklaring is geteken Alfred Mabuya op Reitz die 30ste Maart 1960 om 11.35 v.m. Dit is ook geteken deur my en ook geteken deur die getuie M. Mbeba, 'n Bantoe Speurderkonstabel te Reitz.

DEUR DIE HOF:

En deur die persoon wat die verklaring afgelsê het? Het hy ook geteken? — Die persoon wat die verklaring afgelsê het het self geteken.

Deur sy naam te skryf? — Hy het self sy naam geskrywe, Alfred Mabuya. (Verklaring word ingehandig en gemerk bewysstuk 73).

Michael/.....

MICHAEL THOBA, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Is jy 'n Bantoe Speurkondesstabel in diens van die Suid-Afrikaanse Polisie te Reits in die Vrystaat? ---Ja.

Het jy bewysstuk 73 voor jou? ---Ja.

Is dit jou handtekening daar op bewysstuk 73? --- Ja, onderkant Speurdersersant Vermaak se handtekening.

Hou, sal jy die persoon ken wie daardie verklaring afgelê het? ---Ja, ek sal hom ken.

Ken jy daardie man wat daar opgestaan het? (Alfred Mabuya staan op in die Hof). --- Ja.

Wie is hy? --- Hy is Alfred Mabuya.

En het jy toe as tolk opgetree terwyl Sersant Vermaak daardie verklaring geneem het? ---Ja.

Watter taal het jy gebruik? --- Ek is nie meer seker nie, maar ek dink ek het van Sesuthuttaal na Afrikaans getolk.

En kon daardie persoon, Alfred Mabuya, jou goed verstaan? --- Ja, hy het my baie goed verstaan.

En was die verklaring aan hom oorgelees? ---Ja.

En het jy dit vertolk? ---Ja, ek het getolk.

En toe die eed geneem is het jy die eed vir hom getolk? ---Ja.

En het jy alles tot die beste van jou vermoë van watter natureeltaal jy ookal gebruik het na Afrikaans, en van Afrikaans na die natureeltaal, getolk? ---Ja.

GEEN KRUISVERHOOR DEUR MNR. ONTERTALER NIE.

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

BY THE COURT:

Mr. Prosecutor, is that the evidence on this aspect?

By/....

BY THE PUBLIC PROSECUTOR:

That is the evidence on that aspect, Your Worship.

BY THE COURT:

Well, I propose to put Alfred Mabuya back into the witness box.

ALFRED MABUYA, duly sworn, states: (Recalled by the Court).

BY THE COURT:

Now Alfred, do you remember the evidence you gave the other day? --- Yes.

You have heard this evidence this morning of Detective Sergeant Vermaak and Bantu Detective Michael Thoba from Reits? --- Yes.

Now, that evidence, if accepted, proves that you made a statement to them, which on many points is in conflict with your evidence here, and the Prosecutors has proved that statement in order to discredit you. What the Crown is going to do later I don't know, but there is a possibility that they may take steps against you for making two conflicting statements on oath. Now, as that is so, although I am going to ask you whether you want to say anything about it, I am going to warn you that it is not compulsory for you to say anything on this position that has arisen at this stage. As a matter of fact perhaps you would like my advice, and that is rather to say nothing at this stage. Is that clear to you? ---Yes.

Now, with that before you do you want to say anything as to the alleged conflict between your evidence and the statement you are alleged to have made to the Police at Reits? You need not say anything, that is quite clear? --- I have nothing to say. I would like to say something else, not in connection/....

connection with the statement I made?

Well, I am prepared to listen. Perhaps it has got something to do with me, and perhaps not. --- I just want to know how these detectives know me? That is all I would like to know.

Well now, the one says he thinks you are the man, the European detective, and the Bantu detective says you are the man, but I don't think I am concerned with going into that question at this stage. As far as this Court is concerned the witness can stand down, and he need not attend the Court anymore.

Now, I am stressing the effect of this evidence is possibly to disprove the evidence of the witness, but the contents of the statement I stress is not evidence against any accused person.

PIET KOK, beëdig, verklaar:

KRUISVERHOOR DEUR MNR. UNTERHALTER:

Now, you told His Worship when you last gave evidence here that you were woken up on the Sunday at about midnight? ---Ja.

By people who were knocking outside? --- Ja.

Now, when you heard this noise did you get up? --- Ek het opgestaan.

And when you got up what was the first thing that you did? --- Ek het na die deur se kant toe gegaan.

You went to the door? ---Ja.

And what was the next thing that you did? --- Voor ek na die deur is toe is die vensters al stukkend geslaan. Toe kom ek my skoene aantrek.

Yes/....

Yes, anything else that you did? --- Nee, ek het nie iets anders gedoen nie.

Now, does that mean you did not open the door because the windows were broken? --- Ek het die deur oopgemaak.

And when you opened the door what happened? --- Toe kom hulle het in.

And then you say they spoke to you? --- Hulle het net gesê „Ons soek ons land, Afrika!”

DEUR DIE HOF:

Herhaal 'n bietjie? --- Hulla het net gesê hulle soek hulle land, Afrika.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

They said nothing else to you? --- Nee, niks nie.

You are quite sure about that? --- Ek is seker.

Hulle het net gesê „Staan op, laat ons saamloop”.

And you did not obey them I understand? --- Nee, ek het nie geluister na hulle nie.

Now, I am going to go over it again with you carefully and I want you please to listen and make sure that what I am saying is correct. --- Ja.

And if there is anything that you did which I have left out, you must please tell His Worship. --- Ja.

You were asleep in your bed and you were woken by a noise at approximately twelve midnight? --- Ja.

You got up and went towards the door? --- Ja.

As you did that the windows were broken? --- Ja.

The door was opened? --- Ja.

People came in? --- Ja.

They said to you "Africa, our land!"? --- Ja.

And then they said to you "Get up!" or „Staan op!”.

"You must come with us", or words to that effect? --- Ja.

Now, have I left out anything that you did between the/....

the time of your being woken by that noise, and these people coming in? — Ja, dit is net so.

I have not left anything out? — Nee, niks is uitgelaat nie.

Now, from what I understood of your evidence-in-chief, you remained behind to put on your shoes? — Ek het agtergebly. Ek het klaar my skoene aangetrek, en toe hulle my uitdruk toe sit ek op die sofasteel. Hulle het my uitgetrek uit die voorhuis uit, die voorhuis by die kombuis se kant.

BY THE INTERPRETER: (Interpreting on behalf of Mr. Unterhalter).

The witness said "I was pulled from the sittingroom towards the kitchen".

KHUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

The room into which you let them when you opened the door, which room was that? — By die "kitchen" se deur.

You let them in at the kitchen? — Ja.

DEUR DIE HOF:

Toe hulle van buite af kom? — Ja.

In watter kamer in? — Die "kitchen".

In die kombuis in? — Ja.

KHUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

And you say they pulled you from the kitchen into which room? — Ek het net die deur oopgemaak en toe gaan ek terug daar in die voorhuis in, en toe se hulle vir my ek moet opstaan.

And then? — En toe trek ek my skoene klaar aan by die sitkamer se deur. Toe trek ek my skoene aan, en daar het hulle my laat ^{staan} daar. Daar het hulle my in die huis laat staan.

And they left you in the house? — Ja, en toe is hulle weg.

And/....

And they left? --- Ja, toe loop hulle.

Now, how is it if they told you to come with them, that they just left you like that without compelling you to accompany them? --- Hulle was baie in die huis, en die tyd toe die een sê "Laat ons uitgaan", toe sit ek, en toe stoot die andere die andere ook uit. Toe sit ek daar in die russtoel.

Hee is dit dan dat hulle jou nie verplig het om saam met hulle te gaan nie? --- Daar kan ek nou nie sê nie.

So you are saying that what happened is this. That despite the fact that they broke the windows of your house, knocked on the door, were admitted by you, apparently pulled you, ordered you to come with them, they nevertheless for no reason that you can tell His Worship allowed you to remain behind? --- Hee, daar kan ek nie sê nie.

And is this everything that happened from the time that these people came in to the time that they left you there? --- Ja, dit is al wat gebeur het.

And nothing has been left out? --- Hee.

Were there any other people of your family or friends present in the house when this happened? --- My broers was daar.

They were present when it happened? --- Ja.

Who was the first one to get to the kitchen door to let them in? --- Dit was my grootste broer.

And did he actually let them in? --- Hy het hulle laat inkom.

So it is not correct when you said earlier that you let them in? In fact somebody else let them in? --- Ek was saam met my broer daar by die deur.

And what did your other brother do? --- Hy het ook sy skoene gaan aantrek, by die tyd wat hulle hom uitvat. Hulle

het/....

het hom eerste uitgevat.

Please talk slowly, I can't hear you. --- My grootste broer het sy skoene gaan aantrek.

Die ander broer, wat het hy gemaak? --- Daardie een het niks gemaak nie.

Did he also come to the door? --- Nee, hy was nog in die kamer.

In which room was he? --- Dit was regoor die voorhuis se kamer.

So it was only you and your elder brother who went to the kitchen door? --- Ja.

And it was your elder brother who opened up the door? --- Ja.

Did he have to unlock the door? --- Hy het 'n knip wat toeskuij.

He did not have to turn a key in the lock? --- Nee.

Before he opened the door did he ask any questions? --- Hy het gevra maar hulle het net geskree „Afrika!”

What did he ask before he opened the door? What were the words he used? --- Hy het gevra „Wie is julle?”

Did he get a reply? --- Hulle het gesê „Afrika! Ons soek ons land!”

And when he heard that did he immediately open the door, or did he persist in getting an answer as to who the people were who were outside? --- Hy het die deur oopgemaak. Die tyd wat hulle die deur skop toe maak hy hom oop.

Did you say anything? --- Ek het niks gesê nie.

Is your brother still living in this house? --- Hy bly nog in daardie huis.

When the people came in was your brother still in the kitchen? --- Hy was nog in die kombuis.

Did they address any remarks to him, or did they only address/....

address remarks to you about "Staan op" and "Kom saam met ons"?
 --- Hulle het my broer uitgetrek. Hulle het net gesê "Afrika!",
 hulle het niks gepraat nie.

Then am I to understand that the only person who
 received an instruction to get up and go with them was yourself,
 or am I wrong in that? --- Ja.

Can you tell us why they should have singled you
 out to give this instruction, and to have left your brother
 alone? --- My broer is uit, en hulle het my in die huis laat
 staan.

Ja, maar hulle het nie vir hom instruksies gegee
 nie? --- Hulle het net gesê "Afrika!"

I am asking you again, can you give us any reason
 why they should have given the order to you, and not given
 the order to your brother? --- Daar weet ek nie.

When this crowd came in, was your second brother
 still in this room opposite the "voerkamer" or the "voorkamer",
 or did he also come into the kitchen? --- Hy het ook uitgegaan.

Now, what do you mean when you say he went out?
 I want to ask you did he come into the kitchen? We will come
 to whether he went out in a moment. Did he come into the
 kitchen when these people came into the room? --- Ja, hy het
 kombuis toe gekom. Nadat hulle binnekant gewees het, was dit.

Did he say anything to these people when he saw
 them in the kitchen? --- Hy het niks gesê nie.

Now, did anyone give this second brother of yours
 any instructions? --- Nee, ek het dit nie gehoor nie. Nee,
 ek kan nie sê nie.

You don't know whether they did or not? --- Nee,
 ek weet nie.

How is it that in this house, where all these
 people were, i.e. in the kitchen, you are not able to say?

Either/....

Either you did not hear or you did hear? --- Wat ek gehoor het is hulle het net gesê „Afrika! Ons moet ons land soek!” Dit is al wat ek gehoor het .

So while this second brother of yours was in the kitchen with this crowd of people who had come in, they gave no instruction to him to come along with them? --- Hulle het gesê ons moet ons land gaan soek saam met hulle, d.i. aan my broer het hulle so gesê. Hulle het aan my broer so gesê.

I am talking of your second brother now. What did they say to him? --- Die tyd was dit my grootste broer gewees. Die kleintjie, hulle het niks gepraat met hom nie. Hy het net opgestaan en toe gaan hy uit. Hulle het niks met my tweede broer gepraat nie.

DEUR DIE HOF:

Hee klein is hierdie kleintjie? ---Hy is 18 jaar oud.

Is julle drie broers, of is julle meer? ---Nee, ons is net drie broers.

Die oudste een, dan jy, en dan die een wat 18 jaar oud is? Is dit reg? ---Ja, ons is net drie broers.

KRUISVERHOOR VAN DIE BROSERS NA HUL VERVOLG:

Can you explain why no instruction was given to your younger brother, the one aged 18, by this crowd? --- Nee, hy het opgestaan. Daareer kan ek nie praat nie.

Now, did your elder brother or your younger brother go with the crowd? --- Ja, hulle was saam met hulle.

Al twee van hulle? --- Al twee van hulle.

So they went out of the house together with the crowd? --- Ja, hulle het saam met hulle gegaan.

Even though neither of them had been instructed by members of the crowd to accompany them? --- Hulle het hulle nie beveel nie. Hulle het vir hul gesê „Ons gaan ons land

soek/....

soek!" Dit was die tyd toe hulle saam met hulle uitgaan.
Hulle het net gesê hulle moet saamkom.

Now just a minute. Have you just said ^{that} they only
said to them "Kom saam"? — Hulle het vir hulle so gesê.

But you told me a couple of minutes ago that they
gave neither of these men any instructions? They gave you
the instruction? I asked you to explain it, and you could
not explain it. Are you now changing your evidence? — Die
ding is so. Ek het nou gesê hulle het ingekom en gesê "Ons
moet ons land soek, staan julle op!" Toe sit ek op die bed,
en toe sê ek "Waarvoor moet ek opstaan?" Dit is die tyd wat
hulle my trek.

No, that is not the question that I am asking you
Mr. Kok. I understood you to tell His Worship that the crowd
gave no instructions to either your older brother or your
younger brother to come with them, and I have just heard you
say that they did now tell them to come, using the words
"Kom saam!", i.e. to your younger brother and to your elder
brother. Now, which is the truth? — Die waarheid is met
my grootste broer het hulle gepraat die tyd toe hy die deur
oopgemaak het. Dit was gewees "Kom saam vir ons land,
ons land Suid-Afrika".

So you now say that they did say to your elder
brother "Kom saam"? — Hulle het so gesê.

DEUR DIE HOF:

"Kom saam" of course Mr. Unterhalter may be an
order or it may be a suggestion.

BY MR. UNTERHALTER:

Yes, I'll bear that in mind, Your Worship.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Did they say anything similar to your younger
brother? — Ek het nie gehoor nie.

Because/....

Because from what I understood you to say a moment or two ago, this remark was addressed both to your younger brother and your older brother. Now, am I mistaken in that?

--- Hulle het net een woord gepraat. Ek kan nie sê hulle het vir my gesê of met my gepraat nie, maar hulle het vir my eintlik getrek.

Well, we will leave that. They pulled you apparently from the kitchen into the sittingroom? --- Nee, van die sitkamer na die kombuis toe.

BY THE COURT:

He said just now he had gone back to the sittingroom.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

They did not do any pulling with your elder brother or your younger brother? --- Nee, ek kan nie sê nie.

When they pulled you back into the kitchen were your elder and younger brothers still there? --- Toe was hulle al buitekant.

They did not come to your assistance I take it? --- Nee, hulle het my nie kom help nie.

And having pulled you as far as the kitchen, how is it that they came to leave you there? --- Hulle het my toe laat staan. Toe hulle staan toe sit ek.

DEUR DIE HOF:

Wag so 'n bietjie. Het hulle jou self gelos? --- Ja, hulle het my gelos.

En toe sit jy? --- Toe sit ek.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

They just left you alone and then did they go out? --- Ja, toe gaan hulle uit.

Did all this take place in a very short time? --- Ja, dit het gou gebeur. Hulle was baie in die huis. Ja, dit was/....

Because from what I understood you to say a moment or two ago, this remark was addressed both to your younger brother and your older brother. Now, am I mistaken in that?

--- Hulle het net een woord gepraat. Ek kan nie sê hulle het vir my gesê of met my gepraat nie, maar hulle het vir my eintlik getrek.

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BY THE COURT:

He said just now he had gone back to the sittingroom.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

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And having pulled you as far as the kitchen, how is it that they came to leave you there? --- Hulle het my toe laat staan. Toe hulle staan toe sit ek.

DEUR DIE HOF:

Was so 'n bietjie. Het hulle jou self gelos? --- Ja, hulle het my gelos.

En toe sit jy? --- Toe sit ek.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

They just left you alone and then did they go out? --- Ja, toe gaan hulle uit.

Did all this take place in a very short time? --- Ja, dit het gou gebeur. Hulle was baie in die huis. Ja, dit was/....

was nie so lank nie.

HOF VERDAAG.

HOF HERVAT:

PIET KOK, onder sy vorige eed, vervolg:

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

I would just like to be clear about the point I am going to put to you now. You were in the kitchen with your elder brother when the crowd came in through the kitchen door?

--- Ja.

You went back into the "voorkamer", is it? ---Ja.

Is that where you sleep? ---Ja, daar waar ek slaap.

Did you go back immediately the crowd came into the kitchen? --- Ja.

You did not wait at all? --- Nee, ek het nie gewag nie.

And did your elder brother see you go back into your room? --- Hy het nog saam met hulle gepraat toe draak ek na.

I did not hear that? --- Ek kan nie sê of hy na my gekyk het en of hy na hulle gekyk het nie, d.i. toe ons daar praat met hulle en hulle het gesê "Afrika!"

Anyway, you went back into your room. What did you do when you got to your room? --- Ek het op die bed gesit.

You sat on your bed, and then what happened? --- Toe is hulle mos in die huis. Toe sê hulle "Afrika!" Dit is al wat ek gehoor het, "Afrika! Die land gaan soek!"

No, but you were in your room and you were sitting on your bed. Did the crowd come into your room? --- Ja, hulle het in die voorkamer, daar in die kamer gekom; in my kamer/....

kamer in.

About how many of them came in? --- Die hele huis was vol. In my kamer was dit vol ook daar, en my broer se kamer ook.

Now, when they came into your room when you were sitting on your bed, what did they do? --- Hulle het gesê „Afrika!, en toe trek hulle my, „Ons moet ons land gaan soek“.

They pulled you? --- Ja.

And it was then that they pulled you back into the kitchen? --- Ja.

How did you know that your younger brother had gone outside? Did you see him going outside? --- Ek het hom nie gesien uitgaan nie. Toe hulle weg is toe kyk ek, en toe sien ek hulle nie daar nie.

Now, you told us earlier that ~~anything~~ that you have described and as I gave it back to you, is correct and nothing has been left out? --- Nee.

Can I assume from that therefore, that when you get up and you went to the door no lights were switched on? --- Hulle het die kers doodgeblaas. Daar was geen lig nie.

I take it there are no electric lights in your house? --- Nee.

Now, you said that a candle was blown out or they blew out a candle? Did you say that? --- Ek het so gesê. Ek het die kers opgesteek en toe blaas hulle hom dood.

Who blew the candle out? --- Ek kan nie sê nie, maar hulle was baie.

Do you mean to say that you were trying to light a candle and the candle was just blown out? --- Ja, uitgeblaas.

And this happened before the crowd came in through the kitchen door? --- Ja, toe hulle uitgaan.

Please listen to my question. Was that candle blown out/....

out before the crowd came into the kitchen through the kitchen door that your brother opened for them? --- Dit was nog nie verlig nie. Toe was daar nog nie 'n lig nie.

So you opened the door in darkness? --- Ja.

At what stage did you try to light the candle? --- Die tyd toe ek op die bed sit. Toe was hulle saam met my daar.

Do I take it that you were not successful in lighting the candle, and that your lighting was just momentary? ---Ja.

So I take it then that most of the events you have described took place in darkness? ---Ja, dit was donker.

That being so, I take it that you saw nobody's face, such that you could identify that person? --- Toe ek lig toe sien ek hom voor my, en toe blaas hulle hom dood, wat op die regterkant van my gestaan het.

So you saw a person's face momentarily as you tried to light a candle? ---Ja.

Apart from that particular person you saw nobody else? --- Nee, nie wat ek hier ken nie. Ek het nie aangegien nie. Dit was vol in die huis, en ek het hom nie herken op die tyd nie, wie dit is nie.

This particular person whom you saw, did you recognise that person? --- Ja, ek het hom herken.

And who was it? --- Dit was die een wat ek uitgewys het.

And do you say that you had sufficient opportunity, in that large crowd, and in the momentary lighting of the candle, clearly to see the features of the person whom you pointed out? --- Die persoon het reg voor my gestaan.

And then you were pulled into the kitchen in darkness? ---In die donker.

Now/....

Now, were you looking at anybody's hands at all? ---
Nee, ek het nie na hulle hande gekyk nie.

I am asking you that because as I took a note of your evidence there is a statement you made to the effect that you did not see anything in the hands of the people who came into the house? ---Nee, ek het niks gesien nie.

BY MR. UNTERHALTER:

Your Worship, I wonder if this Court would assist in checking as to whether I have put the question correctly. It appears fairly early on in the examination-in-chief.

BY THE COURT:

My note is „Ek kon nie sien of hulle goed in hullehande het nie“.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, that would seem to convey that you had an opportunity of seeing their hands, but that in fact there was nothing in their hands? It does not convey that this house was in darkness, such that you could not see anything anyway. --- Dit was ligtemaan. Dit was nie so donker nie.

Oh, we now have a light moon. I see. ---Ja.

And was this moon perhaps peeping gently through one of the windows? --- Ja, die gordyne is nie so dikk nie.

Was it bright enough to illuminate the interior of your house? --- Dit was so lig..... Dit was nie so donker nie, dit was 'n bietjie lig.

What kind of a moon was it? Was it a full moon perhaps, or not a full moon? --- Nee, dit was nie volmaan nie.

Was it a very small moon, or half a moon? --- 'n Halwe maan.

And you say this lit up your house? the interior
of/.....

of the house? ---Ja, binnekant.

Did this assist you to recognise any other people?

--- Dit is net daardie lig wat ek opgesteek het wat my gehelp het.

All right now, you see No. 7? Was it No. 7 or was it someone else you are referring to? Let me be quite sure about this? ---Ja.

BY THE COURT:

Stand up please No. 7? --- (Accused No. 7 stands up in Court).

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

And having seen him in the light that you had just struck, what happened? --- Die tyd wat hulle my trek, die tyd wat hulle my uittrek uit die voorkamer uit, na die "kitchen" se kant toe. Toe word ek uitgetrek "kitchen" se kant toe.

Yes, but didn't he say anything? --- Die tyd toe ek sit op die sofa toe sê hy "Hier bly 'n Polisieman ook", d.i. hy, nr. 7, en "Dit is nie al wat buitekant is nie".

Now, did he say that as you struck the light and you saw his face, or did he say it before, or did he say it afterwards? --- Hy het dit gesê die tyd toe ek daar op die sofa sit; toe was ons al in die "kitchen".

So he said that in darkness? --- Ja, in die donker.

Well, how did you know that in the darkness it was No. 7 who was saying these words? --- Hy het gesê "Daar bly 'n Polisieman". Dit is 'n kind wat daar by ons huis ook 'n jaar dae gebly het. Ek ken sy stem.

And do you know his voice so distinctly that you can't possibly be making a mistake, and somebody else may have used those words and not No. 7? --- Hy het laasjaar

'n/....

'n paar dae daar by my breertjie gebly binne in die huis, in my Ma se huis.

And because of that you claim that the words that you heard must have come from No. 7 accused? ---Ja.

This experience of yours of lighting a match in order to light a candle, and seeing in the light of this candle No. 7 accused standing in front of you, why did you not tell that to His Worship in your evidence-in-chief? ---Mag ek praat? Hulle het my nie gevra nie.

Now, you pointed out, according to your evidence-in-chief, No. 7 accused on the identification parade? ---Ja.

When you pointed him out did you just point to him, or did you make any other observations to the man in charge of the parade? --- Ons het begin binnekant die kamer daar, en hy was nie in daardie kamer nie.

DEUR DIE HOF:

Nee, nee, die Advokaat praat nou van wat op Boksburg gebeur het. ---Nee, ons was hier by die tronk.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Well, wherever you pointed him out, did you merely point him out on the parade, or did you make any remarks or observations to the man in charge of the parade? ---Nee, ek het niks opmerkings gemaak nie. Ek het hom net gaan uitwys.

You never said a thing to the man in charge of the parade about No. 7 accused? All you did was according to you, to point out No. 7 accused? --- Ek het hom uitgewys.

Well, is it not correct that you did make a remark to the man in charge of the parade, that you point out No. 7 accused because you heard his voice that night in your room and that is why you identify him? ---Ek het so gesê.

Deux/....

DEUR DIE HOF:

Sê jy jyhê so gesê? — Ja, ek het so gesê.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Well, why did you tell me a moment or two ago when I asked you if you made any remarks to the man in charge of the parade, other than point out, that you made no remarks to him? — Ek het hom so gesê. "Die man, ek ken hom, dat hy daar by ons huis gekom het", en hy het daar gebly, en dit is daarom dat ek hom daardie dag gaan uitwys het.

Did you also tell the man in charge of the parade that not only do you recognise him by his voice, but you recognise him because you saw him with your eyes? — Nee, daar het ek dit nie gesê nie.

Well, if you had seen him why did you think it necessary to say to the man on parade that you recognised No. 7 accused by his voice? — Hulle het my gevra of dit hy is, en toe/ek ja, dit is hy, ek het hom deur sy stem gehoor, hy was daar by die huis.

Well, why did you not add "And I saw him also"? — Ek het nie sover gedink nie.

No. 7 accused is going to deny that he was in your house that night, and he is going to deny that he used these words to you that you have said that he did use? What do you say to that? — Ek kan niks sê nie, behalwe die wat ek gesien het.

Now, you went on to tell His Worship that early the next morning you went to the Municipal Offices? — Ja.

Did you remain outside those offices until you later departed for the Police Station? — Ja.

About what time did you come to the hostels? — Dit was so 'n bietjie oor agt.

And/....

And you were present when the teargas attack took place? --- Ja.

You remained outside in the street? ---Ja.

Until you departed for the Police Station? ---Ja.

That is in Seiso Street? ---Ja.

Now, I have recorded you as having said that you did not see the baton charge? Is that correct, you did not see the baton charge? ---Nee, ek het dit nie gesien nie.

What time did you go to the Police Station? ---Dit was so twaalfuur se kant toe.

Now, there has been evidence that this baton charge took place long before twelve o'clock. If you were outside in the street in Seiso Street at the time of the teargas attack, and did not move until roundabout twelve o'clock, how is it that you did not see the baton charge? --- Ek was agter, ver agter.

About how far behind? --- Dit was omtrent hiervanlaan na die anderkantste hof.

Well, let me put the question to you another way.

DEUR DIE HOF:

Die afstand wat hy gee is seker 'n goeie 50, 60 tree.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Throughout most of this time were you standing somewhere near the hostel gates, or were you standing elsewhere? --- Nee, dit was nie so ver nie. Toe hulle begin het, toe die mense afgekom het, was dit voor die hostel. Daar het die polisie hulle mos teruggekeer.

Well, later on were you outside the Municipal offices, or did you go further down Seiso Street in the direction of the communal hall? --- Af, na die "hall" se kant toe.

So are you saying that if a baton charge took place it may have happened because it was behind you then? --- I was behind/....

behind them.

DEUR DIE HOF:

„Ek was ver agter“, „I was far behind“.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

You were far behind the people who were carrying out the baton charge? —Ja.

DEUR DIE HOF:

Jy weet wat 'n knuppel is, nè? —Ja.

Dit is 'n knopkierie? —Ja.

Jy weet, dit is hierdie kieries wat die Polisie gebruik? —Ja.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

But you could look down Seeiso Street, even though you were a far distance behind, could you not? —Agter was ook mense, wat langs die straat op die "pavement" was. Ja, jy kon sien. Jy kon afgekyk het met Seeisostraat.

Andeven though you had the opportunity of looking down Seeiso Street, you did not see this baton charge? — Ek weet nie voor nie; agter nie.

Maar jy kon nie sien daar in Seeisostraat dat dit plaasvind nie? —Nee.

You were saying I think that there was a crowd in the way that was obscuring your vision? Is that what you meant to say? — Baie mense was voor my, die Polisie was voor my.

Oh, were members of the crowd in front of you? — Ja, hulle was ook voor my.

You see, the impression that I have had from the evidence given by the Police, is that certainly no members of the crowd were behind them? They drove them forward with their baton charge? — Maar ek was agter. Soos ek hier is die skare was voor en nie agter nie.

Now/....

Now, you say a man was arrested and as I have noted it the crowd followed the man? --- Ja.

Now, how did they follow this man? Was he on foot or was he in a van or what? ---Hy was met die "van" Polisie-stasie toe.

And do you say the crowd followed a van in which an arrested man had been placed? ---Ja.

Did they follow close behind this van all the way to the Police Station? --- Die "van" hardloop en hulle loop met die voet. Hulle was ver agter, maar hulle het dit gevolg, hulle het Polisiestasie toe gegaan.

Did you have the impression then that the crowd was actually chasing the van in which this arrested man was? --- Hulle het nie gehardloop nie.

No, please answer the question. Did you have the impression that the crowd was actually chasing this van? --- Nee.

Do you say that you went by van to the Police Station and you were in Zwane Street? ---Ja.

Were you there at the time of the shooting? ---Ek was daar, maar ek was ver. Die "van" was onderkant die Polisiestasie. Ek was ver. Ek was daar waar lorries en "vans" was.

Did you hear the shooting? ---Ek het net gesien die nense val.

No, answer the question. Did you hear the shooting? You say you saw people falling? ---Ja.

But you did not hear the shooting? --- Nee, hier by/kant het ek nie skote ghoor nie.

Well, you know we have had evidence from people situated quite a distance from the Police Station who said that they/....

they heard a volley of shooting?

BY THE COURT:

We have heard from somebody at the Municipal offices who heard the volley of shooting. --- Ek was so deurmekaar ek het nie gehoor nie.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

I think it is an accurate description not only of what you were, but what you are! Are you perhaps deaf? --- Nee, ek is nie doof nie.

Thank you, Your Worship.

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

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER:

So daardie aand was dit alleenlik nr. 7 se stem wat jy gehoor het daar in jou huis? --- Hoe sê Meneer nou?

Daardie aand wat jy sê nr. 7 was by jou huis gewees, was dit alleenlik sy stem wat jy gehoor het, of het jy hom met jou oë gesien? --- Ek het hom gesien die tyd wat ek lig, en sy stem ook.

Jy sê die mense het jou getrek vanaf die voorkamer tot by die kombuis. Hoe het hulle jou getrek? Waar het hulle jou gevat? --- Aan my hand.

Aan jou hand? --- Aan my hand.

Maar hoekom trek hulle jou? Wou jy nie gegaan het nie? --- Ek wou nie gegaan het nie.

Het hulle gesê hoekom trek hulle jou soontoe? --- Hulle het my nie gesê nie.

Nou, jy het gesê dat net jou broer was toe in die kombuis, en toe gaan jy uit na die voorkamer toe, en hy was besig om met hulle te praat? --- Ja.

Kan jy hoor wat daar gesê is net voordat jy uitgeloop het? --- Nee.

Jy/....

Jy sê 'n man is gevang daar naby die Munisipale kantore? --- Ja, regoor die hostel.

Wie het daardie man gevang? Was dit 'n Blanke of 'n nie-Blanke wat hom gevang het? ---Dit was 'n Bantoe.

'n Bantoe? --- 'n Polisieman.

'n Polisieman? --- Van die Munisipaliteit.

DEUR DIE HOF:

'n Munisipale Polisieman? --- Ja.

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Ken jy daardie man se naam? ---Ja.

Wat is sy naam? --- Dit is Ntsamae.

David Ntsamae? ---Ja.

Hee ver van die man wat gevang is het jy gestaan toe dit gebeur het? ---Daar was ek tussen hulle. Hy was omtrent tien tree van my af.

Hoekom is die man gevang? Wat het hy gedoen daar? --- Hy het daar gepraat ook van „Afrika“.

Hy het daar ook gepraat van „Afrika“? ---Ja, toe sê die hekkonstabel „Vang hom, sit hom in die „van“.“ Dit is al wat ek gehoor het.

En wat maak die mense daar toe die man gevang is? --- Hulle het maar gestaan en gesê „Afrika!“

Maar jy het gepraat dat die man is gevang en toe is die skare agter die man aan? --- Ja.

Wat het jy gesien wat jou onder daardie indruk gebring het, dat hulle will agter die man gaan? ---Toe die „van“ ry.

Toe die „van“ ry, toe wat maak hulle? --- Toe gaan hulle af „location“ se kant toe.

Het jy enigiets van hulle gehoor wat hulle gesê het toe hulle omdraai en die „van“ agtervolg? ---Nee, hulle

het/....

het net geskree. Daar het ek nou nie gehoor nie.

Het jy gesien toe jou twee broers uit die huis uitgaan? — Nee, ek het nie gesien nie. Die huis was te vol.

Jy het toe weer gekyk en jy het gesien hulleins weg? — Ja, toe hulle al weg is.

Nou, jy het gesê die deur het oopgegaan en toe kom die mense in. Hoe het die deur oopgegaan? — My broer het hom oopgemaak.

Jou broer het hom oopgemaak? — Ja.

BY MR. UNTERHALTER:

Your Worship, I am afraid there were two questions I omitted. Would the Court give me permission to put them now?

BY THE COURT:

Yes.

FURTHER CROSS-EXAMINATION BY MR. UNTERHALTER:

You gave evidence at the Inquiry before His Lordship Mr. Justice Wessels, did you not? You gave evidence at the Inquiry under oath before Mr. Justice Wessels, did you not? — Ja, ek het ondersoek.

DEUR DIE HOF:

Eyk, jy het voor die Regter getuiedenis afgels oor hierdie saak? — Ja.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

At page 1162 of the record of that evidence the following is recorded: „Daardie nag voor die skietery was jy by jou huis? — Ja, ek het gaan slaap. Vertel ons wat het gebeur daar? — Hulle het daar by die huis gekom, toe klop hulle. Toe ek versuim om oop te maak kap hulle die venster/....

venster stukkend. Naderhand tee maak ek oop." Dit you say that? --- Ek het so gesê ja.

Why did you tell the learned Judge that you opened and not that your brother did? --- Ek was saam met my broer by die deur.

Now, you will remember I asked you on a couple of occasions during my cross-examination "Have you given a full description of everything that had happened, and you have left nothing out"? --- Ja, ek onthou.

How is it that you left ^{out} this description of the lighting of the candle in those circumstances? --- Meneer het my mos nie gevra of dit donker ^{en} of dit lig was nie.

EDWIN DETHEDO, duly sworn, states:

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. Dethedo, you were present at the Police Station when the crowd had assembled round it during the morning of the 21st March of this year? --- Yes.

Now, did you hear any African addressing the crowd? --- No.

Did you not hear anyone say to the crowd at round-about twelve noon that a high official would come and speak to them? --- Yes, Tsolo said so.

So you did hear someone address the crowd and use those words? --- Yes.

And did you think that this was information that was being conveyed from the Police?

BY THE PUBLIC PROSECUTOR:

I object Sir.

By/....

BY THE COURT:

Yes, I don't think I can allow that question, Mr. Unterhalter.

BY MR. UNTERHALTER:

Well YourWorship, I don't wish to withdraw the question. There is a certain aspect of it that I think the Court should be informed of. I will perhaps put it without leading.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

From whom did you think this information was being conveyed? What impression did you have of the source of this information, of this statement? --- I could not say where this information came from.

You gave evidence at the Inquiry before His Lordship Mr. Justice Wessels? ---Yes.

And you told His Lordship what you have just told His Worship about this statement having been made to the crowd? --- Yes.

Did the learned Judge at page 2687 ask you this question? "Did you understand from what Tsolo told the crowd that he was conveying to them information which he had got from the Police?" Your reply was: "That is so". --- I said so because I did not know where he got this information from.

All I want to know is have I conveyed to you correctly what the Chairman asked you and what you replied? --- That is correct.

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

RE-EXAMINED BY THE PUBLIC PROSECUTOR:

Who is Tsolo? --- The third man here, accused
o. 3.

Did/....

was said that we should come at two.

Thank you.

WILLEM ABRAHAM VAN ZYL, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

U is 'n Majoor in diens van die Suid-Afrikaanse
Polisie gestasioneer te Vereeniging? --- Ek is.

Is u die Distrikskommandant te Vereeniging? --- Dit
is so.

Hoe lank Polisie diens het u Majoor? --- Bykans
34 jaar.

En verstaan u enige natuurelletale? --- Ja, ek
verstaan Zulu.

Net Zulu? --- Zulu ja.

Majoor, wat is daardie eerste medalje wat jy daar
het? Is dit die "M.M." of....? --- Dit is die Koningsmedalje
vir dapperheid.

Sal u dit net herhaal? --- Die Koningsmedalje vir
dapperheid.

Het u dit gekry gedurende u Polisie diens? --- Ja.

En tydens die onluste hoe lank was u op Vereeniging
gestasioneer? --- Ek is gestasioneer van die late Januarie
1959.

Wanneer was die eerste kennis wat u gekry het
dat daar iets verkeerd was by Sharpeville Naturelledorp? ---
Dit was die môre omstreeks 2 v.m. op die 21ste Maart.

Was dit van 'n telefoniese boodskap van Kaptein
Cawood? --- Dit is so.

En/....

En as gevolg van daardie boodskap wat het u gedoen?

--- Ek is na die aanklagkantoor te Vereeniging, waar ek 'n klompie manne bymekaar gemaak het, en toe na Sharpeville.

Na die Sharpeville Polisiestasië of na die Sharpeville natuuredorp self? --- Die natuuredorp, waar ek Kaptein Cawood ontmoet het.

Waar het u hom ontmoet? --- Ek meen dit was in die hoofstraat.

Dit is Seesisostraat? --- Ja.

Naby die Munisipale kantore of nie? --- Nee, dit was heeltemal bo in die dorp. Ek is nie honderd persent seker waar ek hom ontmoet het nie, maar ek is van mening dat dit verder op was in die straat en nie by die Munisipale kantore nie.

Ek wil vir u bewysstuk 2 toon. ^{hier} is 'n fotostatiese afskrif van 'n lugfoto. U kan Seesisostraat daar, daar is die Munisipale kantore, die melkdepot en die poskantoor, en dan die skook, die bustermibus, tot daar by die gemeenskaplike saal en die winkels.

DEUR DIE HOF:

U het die punte van die kompas daar op die kaart.

--- Ja.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Nou, omtrent waar het u Kaptein Cawood ontmoet? ---

Ek is nie seker nie, maar dit was 'n lang ent van die ingang. Dit was meer in die middel, of ek sal sê regoor die Polisiestasië sover ek onthou.

Regoor die diensstasië? --- Die Polisiestasië.

Die Polisiestasië? --- Ja.

Hoe laat was dit? --- Dit was omstreeks 3 v.m.

En was daar enige skare in die nabyheid van die Polisie tydens daardie ontmoeting? --- Nee, dit was stil.

betreklik/....

betreklik stil, met enkele naturelle op straat.

En het Kaptein Cawood 'n rapport aan u gemaak en die hele geskiedenis van die vorige aand aan u vertel? --- Hy het dit gedoen.

En daarna wat het u gedoen? Hoe het u opgetree? --- Ons het toe die dorpie gepatrolleer.

Het u ook groepies uitmekaar gejaag tydens die patrollie? --- Nee, nie uitmekaar gejaag nie.

Nou, het u self met die eenhede uitgegaan om die patrollies uit te voer? --- Ja, ons het die patrollie opgedeel in twee eenhede, waarvan ek in bevel van een was, en Kaptein Cawood in bevel van die tweede.

En tot hoe laat het u aan diens gebly? --- Geleidelik het die natuurlike meer hulle verskyning op straat gemaak, en ons het teen vyfuur, wanneer ons die busse verwag het, die bushaltes beman, en gevind dat naturelle net by die bushalte kom en dan onmiddellik wegstap. Geen bus het opgedaag nie.

Kon u enige rede sien hoekom hulle tot by die bushalte kom en dan weer wegstap? --- Daar het naturelle gestaan en ek vermoed dat hulle 'n teken gegee het, maar ek het dit nie gesien nie.

U het niks gesien nie? --- Ek het niks gesien nie.

Het u enige stappe geneem teen die persone wat daar by die bushalte gestaan het? --- Ja, ons het hulle gewaarsku om weg te gaan, en dan sou hulle geloop het en ander weer kom.

Ek dink die eerste bus kom daar omtrent vyfuur se kant? --- Omtrent vyfuur.

Ek dink dit was sesuur toe u stelling ingeneem het daar by die Municipale kantore? --- Ja, ons het probeer die naturelle oorreed om uitmekaar te gaan, en met groepies van hulle gepraat, hulle die onwenslikheid uitgewys, maar hulle

het sterker geword, groter bymekaar gekom, en ons het teruggetrek en teruggetrek tot ongeveer regoor die natuurlike hostel, en daar het ons stelling ingeneem.

Nou, die groepies wat al groter geword het, het enige van hulle wapens bymekaar gehad? — Ja, daar was van hulle gewapen met klippe in hulle hande, en sommige het ysterstawe gehad, ander ysterpype.

En wat was die houding van hierdie groepies toe u met hulle gepraat het en gesê het „Gaan asseblief huistoe” en soaan? — Hulle was veglustig.

Hoeveel manne het u by u gehad op daardie stadium? — Plus-minus ongeveer 20 blankes, en ongeveer plus-minus 40 nie-blankes.

Ek kry die indruk dat u was verplig om agteruit te gaan af met Seeisostraat? — Ek was verplig.

Hoekom? — Die massa, hulle was toe al etlike duisende, en ek was van plan om sover as moontlik geen geweld te gebruik nie, en dit op een of ander taktvolle manier reg te kry.

Kon u nie 'n knuppelloop uitvoer op daardie stadium nie? — Ek wou nie. Ek het gereken dat ek iets anders kon doen, en dat hulle lateraan oorreed sou word.

So u was verplig om stadig agteruit te gaan tot daar by die Munisipale kantore? — Naby dit ja.

Naby dit? — Ja.

En hoe groot het die skare geword daar, wat is u skatting van die skare? — Ek is in Vereeniging toe om rapport te doen aan die Hoofkantore, en toe ek ongeveer om sewe-uur terugkeer toe vind ek dat daar plus-minus ongeveer teken ek 9,000 was in die straat en in die systrate en agter, en ek het gevind dat Kaptein Cawood toe juis al traangasbomme gegee het,

en/....

en die traangas was tussen die skare en die Polisie.

Het u vorige ondervinding van skares? --- Ja, ek was elf- of twaalfjaar in Johannesburg gestasioneer, en ek het redelike ondervinding van skares.

En nadat u opgedaag het daar by Kaptein Cawood, wat het daarna gebeur? --- Kaptein Cawood moes na Vanderbijl en ek het oorgeneem.

En wat was die bui van die skare wat daar voor u gestaan het toe u oorgeneem het? --- Hulle was baie veglustig, oproerig, beledigend, en uittartend.

Het u enige klippe gesien op daardie tyd? --- Benewens die wat hulle aan hulle persoon gehad het, het hulle ook hopies klippe bymekaar gemaak en dit tussen die straat, op die "boulevard", gepak.

Nou, het u gesien of enige persoon daar weggegaan is vanuit die skare? --- Daar was twee vermoedelik gearresteer in my afwesigheid. Die was in hegtenis dink ek in 'n klein oprukwaentjie daar op die toneel.

DEUR DIE HOF:

Majoor, is dit nou toe u terugkom toe vind u hulle alreeds in hegtenis? --- Ja, toe ek terugkom.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Nou, toe u terugkom nadat Kaptein Cawood vertrek het, het u enige pogings aangewend om met hierdie skare te praat? --- Ja, ek het. Hulle het my net eenvoudig ignoreer en doodgeskree.

Kan u net vir die Hof beskryf waar u gestaan het en hoe u die skare toegesprek het, wat u gedoen het? --- Ek het besluit of ek het gesien dat geweld enige minuut kon gebeur. Dit was ooglopend dat die minste vonkie die vat kruit aan die brand sou steek, en ek het toe voor hulle gaan staan, my hand opgesteek en die vyf vingers vir hulle gewys, en vir hulle/....

hulle gesê „Ek gee julle vyf minute om uitmekaar te gaan. As julle dit nie doen nie sal ek geweld gebruik". Ek het dit driemaal herhaal, en ek het vir hulle gesê „Die tyd begin nou". Toe was dit twintig-voor-agt. Ek was uitgejou. Die skare het klippe opgetel van die hopies, en ek kon sien dat geen gehoor aan my bevel gegee sal word nie. Ek het toe dit gerade geag om na hulle te stap en met hulle leiers, die voorste klomp, te praat. Ek het vir hulle gevra om asseblief huistoe te gaan. Ek het aan hulle verduidelik dat van hulle kan seerkry, en miskien van ons ook. Hulle het my uitgetart en geskree „Jy moet huistoe gaan!" en ander uitskelwoorde, "Africa for the Africans!", „Kom, moenie bang wees nie! Ons sal vandag hier doodgaan!" Ek kon sien dat 'n aanval enige minuut sou gebeur het. Op die vyfminute het ek my manne die bevel gegee „Maak skoon!" In Polisietaal meen dit 'n knuppelstormaloop.

Net voor u saggan Majoor, waar was die twee prisoners op daardie tydstip? — Die twee prisoners was in die vangwaentjie, en ek het hulle gevra „Kêrels, wat wil julle hê? Wat wil julle hê? Wat wil julle maak?" Toe sê hulle vir my „Ons wil daardie twee manne van ons, daardie twee kêrels wat daar is, terughê", en ek het hulle gesê dit kan nie geskied nie, en toe sê hulle hulle sal hulle dan self vat.

Was dit na die twee prisoners wat hulle verwys het?

— Ja.

Hoekom wou u nie die twee prisoners ogee nie of oorgee nie? — Ek was van mening dat as ek die twee prisoners oorgee, die houding wat hulle opgeneem het, sou nie die einde van die saak gewees het nie.

So hulle het gedreig om die prisoners self te vat?

— Self te vat.

En daarna het u gesê „Maak skoon kêrels!"? — „Maak

skoon/....

skoon!".

En het die Polisie toe 'n knuppelstormloop uitgevoer?
 --- Onmiddellik toe ons die knuppelloop begin toe reën die klippe op ons. Ons het die knuppelloop bevorder op in Seeisostraat, en party het in Seeisostraat opgehardloop, ander het in systrate regs en links gehardloop, party van die manne het ... sal ek sê ons het versprei toe, en party het op in die straat en ander regs agter die skare aangegaan. Gedurigdeur was ons bestook met klippe.

Het u gesien of enige Polisielid beseer was? --- In een van die systrate het 'n halfdosyn of meer man ingehardloop, en ek was in Seeisostraat 'n endjie verder. Onmiddellik nadat hulle ingegaan het was die straat van agter toegemaak, van voor en van die kante, en klippe was gegooi van die huise, van binne in die erwe, van die kant af, en skote het geval van agter huise, twee skote.

So ek verstaan die Polisie-eenheid het in een van die systrate ingegaan, en wie het die strate verseël? --- Die naturelle.

En toe kom skote? --- Toe hoor ek ^{twee} skote; dit het geklink asof dit van agter uit die huise kom. Die manne het nog steeds gehardloop, en toe was skote deur my manne gevuur. Ek het ingehardloop, maar toe ek daar kom was die vuur alreeds gestaak en Konstabel Coetzee het 'n wond op sy kop gehad.

En wat het daarna gebeur? --- Toe, net omtrent gelyktydig, val daar skote bo van die naturellehostel se kant af. Hoofkonstabel Kruger met 'n paar man was daar. Ek het toe in 'n oprukwaentjie gespring en my soontoe gehaas. Daar het ek onder 'n klippe-haelstorm deurgeloopt, en die vuur was ook daar gestaak.

Was dit Polisie wie daar gevuur het by die hostel?

Die/....

--- Die eerste skote blykbaar nie, sover as ek kon vasstel, wat ek kon hoor nie.

Maar Polisiegewere was daar gebruik? --- Was daar gebruik ja.

En die klippereën waardeur u gery het, het enige van daardie klippe die voertuig getref? --- Ja, baie.

Wie was die bestuurder? --- Ek kan nie onthou nie. Ek dink dit was een van Sharpeville se bemanning, maar ek kan nie onthou wie dit was nie.

Het u self enige beserings opgedoen as gevolg van die klipgooiery? --- Nee, die Polisievoertuig is verskans met draad.

Nou, net voor ons verder gegaan Majoor, die klompie natuurlike wat u daar in die straat gekry het toe u teruggekom het van Vereeniging, in watter rigting het hulle gewys? --- Hulle was besig op na Vereeniging te marsjeer. Hulle was toe al juis 'n lang ent verby die Sharpeville Polisiestasie.

En blykbaar wou u nie toelaat dat hulle moet verder gaan nie? --- Ek wou dit nie toelaat nie.

Was daar enige ander Polisie by Vereeniging self, in die dorp self, wie die dorp kon verdedig indien nodig? --- Daar was 'n halfdosyn of meer, maar baie min.

Die blanke woongebied op die grense van die dorp verstaan ek is nie ver van die lokasie self nie? --- Baie naby.

Nou, ons het by die stadium gekom dat u toe weer by die hostel gekom het. Wat het daarna gebeur daar? --- Daar het die vuur ook vanself gestaak, en ons is toe uit onder 'n reën van klippe, het ons teruggetrek.

Tot waar het u eenheid teruggeval? --- Terug in die hoofstasie.

Maar/....

Maar naby watter gebou? --- Dit was naby die Munisipale kantore, en toe het ons weer opgewerk, bo op na die westelike kant in Seeisostraat.

Hoekom moes u terugval? --- Dit was gevaarlik.

En watter pad het julle gevat om weer op te gaan? --- Met Seeisostraat.

O, u het toe weer met Seeisostraat opgegaan? --- Ja, weer opgegaan.

Waarheen toe? --- Die hoof samedromming was toe bo in Seeisostraat.

En wat hetvan die skare geword wat onmiddellik voor u gestaan het, die wat die klippe gegooi het en soan? --- Hulle het... die meeste het opgehardloop bo in Seeisostraat al gooiend, en toe ons hulle ongeveer sal ek sê 'n halfmyl of so opgedryf het, het ek my manne beveel om te staan, want toe was die mag bo in Seeisostraat juis al so sterk dat dit nie gerade vir my was om met die paar manne van my dit te waag nie.

Omtrent hoe groot was daardie mag voor u Majoor? --- Ongeveer tienuur die môre sou ek hulle geskat het op 20,000 tot 25,000. Sover as jou oog kon sien in die straat in - en ek reken hy is 60, 70 tree breed - was dit een swart massa saamkekaar.

En hoe lank het u daar vertoef op die plakk? --- Ek het daar vertoef tot na tien, na Kaptein Coetzee daar arriveer het met 'n dosyn of meer manne. Toe is ek weer in Vereeniging toe, om verdere versterkings, en om reëlings te tref.

En wie was toe in bevel daar? --- Kaptein Coetzee.

U sê u wou weer vir versterkings vra? --- Ek het.

Het u vir enige spesifieke geval gegra? --- Ja, ek het gevra vir versterkings. Ek het die Skietkommando op die been geruk in Vereeniging. Ek het die Hoofkantore gevra om

vir/....

vir my vliegtuie te stuur om oor die mense te duik, en om hulle te probeer afskrik. Ek het vir "Saracens" gevra en meer manne.

Is dit normaal om die Skietkommando op die been te bring en om vir vliegtuie te vra? —Nee, dit mag ek nie gedoen het op my eie houtjie nie, maar die posisie was so vlambaar dat daar was nie tyd om dit deur die gewone kanale te doen nie, want sou hulle ons oorweldig het en die deurgang tot die dorp gekry het, met die agtergrond van wat juis toe al bestaan het op Vanderbijl, op Evaton en Meyerton en die plekke, was ek seker sou daar 'n bloedbad gewees het.

Hoe laat het u teruggekom Majoor vanaf die dorp?

— Dit was omstreeks elf of na elf.

En waar het u gebly? — Ek het gekom tot by die Munisipale kantore, en toe Kaptein van der Linde daar met twee "Saracens" aankom het ek hom daarna vergesel na die Polisie-stasie op Sharpeville.

Was daar enige wyse van kommunikasie met die Sharpeville Polisie-stasie en die Munisipale kantore? —Nee, die nag was al die telefoonverbindinge afgesny.

Dit was as gevolg van inligting wat u ontvang het?

— Ja.

Maar watter metode het u gebruik om boodskappe heen en weer te stuur? — Ons het lateraan 'n "Saracen" wat uitgerus is met 'n draadloos by die Munisipale kantore laat staan.

En een seker by Sharpeville? — Een by Sharpeville. Daar het lateraan toe weer drie gekom en die is ook soontoe.

Nou, tot tienuur was u nooit naby Sharpeville Polisie-stasie self nie? —Nee, ek was nie daar nie, maar gedurende daardie tyd het ons 'n berig ontvang dat sommige

naturelle/....

naturelle hulle na die Polisiestasie gewend het, dat hulle soontoe gaan.

Volgens die berigte wat u ontvang het, wat omtrent die veiligheid van die stasie? Was u ooit daarvoor bekommerd? —Nee, ek was nie bekommerd oor die stasie nie. Ek het Hoofkonstabel Heyl meen ek, met 'n paar man soontoe gestuur, maar die getalletjie was klein en daar was geen gevaar sover ek bewus was nie.

Maar daar wel gevaar was by die Polisiestasie kon u enigiets gedoen het? U was mos daar vasgepen met die skare voor u? —My mag was so klein dat ek kon dit nie versprei meer nie.

Nou, ek kan nie verstaan nie. U moes terugval in Seesostraat al die tyd tot daar by die Munisipale kantore, en toe later is die knuppelstormloop uitgevoer, en u moes weer terugval deur die reën van klippe om by die hostel te kom? — Dit is nadat ek ingegaan het met die oprukwa om Hoofkonstabel Kruger te help.

Dit is reg. Nou, toe blykbaar het u al die manne weer bymekaar gemaak en stadig weer met Seesostraat op beweeg? —Dit is so ja.

Het die naturelle of die skare voor u geleidelik was hulle geleidelik teruggedruk of nie? —Hulle was teruggedruk.

En tot hoe ver kon u hulle druk? — Ongeveer 300 tree of 400 tree sal ek sê - dit kan meer wees - van die Munisipale hostel af op aan die westekant van Seesostraat.

En daar wou hulle verder padge? —Daar het die mag so aangewas, en die opsweping so versnel, dat ek dit nie gerade geag het om verder te gaan nie.

Nou, tot op daardie stadium Majoor, was u die enigste Polisiebeampte/....

Polisiebeampte wat die skare toegesprek het, wat u gesien het, of waarvan u geweet het tot op daardie tydstip? — Wel, ons het dit individueel gedoen. Voor die knuppelloop het ons individueel met hulle gepraat.

Is dit die Offisiere? — Nee, enige.... die Hoofkonstabels en mnr. Labuschagne - ek dink hy is die Superintendent van die lokasie.

Het u enige van die persone vir die natuurlike hoor so dat hulle moet opgaan na die Polisiestasie toe? — Nooit een | gehoor nie.

Nou, het om weer voort te gaan. Kaptein Coetzee het toe daar gekom, en later het die "Saracens" gekom, en het u daar by die Munisipale kantore gebly? — Nee, ek is in. Ek is driemaal in en uit.

Vir watter doel? — Ek het die eerste maal ingegaan en die "Saracens" gestel. Dit is die een wat ek gehad het en die een wat ek in gery het. Toe het ek 'n noodberig ontvang dat ek onmiddellik Hoofkwartiere moet skakel, en ek is weer terug. Ek het geskakel en is weer terug soontoe, onmiddellik weer uit, weer moes ek teruggaan. Ek is vir 'n derde maal in en weer moes ek terugkom.

Majoer, is u verantwoordelik vir die Polisie-eenhede op Evaton en Vaderbijlpark ook? — Ja.

En was daar moeilikheid daar by daardie stasies daardie dag ook? — Daar was groot moeilikheid.

En moes u beheer hou oor die hele wyk? — Oor die hele wyk.

Watter dorpe word by u wyk ingesluit? — Dit is Vanderbijlpark, Vereeniging, dit is ou Evaton wat nou Residentia is, Kliprivier, Meyerton.

Nou, ten tye van die skietery by die Polisiestasie waar was u? — Toe was ek by die Munisipale kantore.

U/....

U het seker die skote gehoor daar by die Munisipale kantore? —Ja, om 1.30 die middag het ek twee dowwe skote gehoor, gevolg deur 'n sarsie ander skote.

Dra u enige kennis van enige hooggeplaaste Offisier of Staatsamptenaar wie 'n afspraak gehad het om by Sharpeville Polisiestasie met die inwoners van die lokasie te praat of te gesels oor enige vak, in besonder die bewysboekie of die pasboekie? —Nee, mnr. Smuts het daar arriveer by die Munisipale kantoor, maar daar was geen sprake dat hy.... ek het nie geweet vir watter doel hy gekom het nie.

Wie is mnr. Smuts? — Hy is die Bantoe-kommissaris dink ek van Johannesburg.

En ek verstaan dat later het een van die Brigadiers toe daar gekom, d.i. Brigadier Els? —Ja, dit was net na 1.30 wat hy daar arriveer het.

Na die skietery? — Na die skietery. Om 12.45 het Kolonel Pienaar daar gekom, en van my oorgeneem, die bevel geneem.

Weet u hoekom die Brigadier daar gekom het - ek weet nou nie hoeveel daar was nie? — Dit was juis een van die telefoniese berigte wat ek moes beantwoord, waar ek net gesê was dat hy kom, en dit was van Johannesburg Hoofkantore wat ek dit gehoor het.

U het net 'n boodskap gekry dat Brigadier Els is op pad soontee? —Dit is al.

Nou, die Bantoes wat u gesien vergader het daar die dag, watter geslag was in die meerderheid? Mans of vrouens? — Mans, alhoewel daar baie vrouens en kinders was.

En hoe het die vrouens hulself gedra? — Die vrouens, van hulle was besig om die mans op tesweep.

Op watter manier is dit gedoen? — Hulle het

hierdie/....

hierdie naturellekreet "Leyle-le!" (?) gegee. Dit is 'n soort van 'n oorlegskreet.

En u sê dit het die effek om die naturelle op te sweep? — Dit het 'n geweldige effek op die manlike naturelle. Bo in Seeisostraat was daar twee van hulle wat hulle ontnaak het van onder af tot hier, en voor die skare rondgespring het, so op hulle agterente gemaak het, en voor tekens gemaak het, en selfs klippe gevat het en dan na ons kant gegooi het, alhoewel ons maklik 'n 100 en meer treë van hulle af was. (Getuie demonstreer aan die Hof).

Was u in 'n Polisie-uniform geklee daardie dag?

— Ek was in 'n Polisie-uniform geklee.

Die donker uniform of die ligte kleur wat u nou aan het? — Nee, die kakie.

Het u voorheen enige soortgelyke skare gesien as die skare en die bui waarin hulle was die dag, in u loopbaan? — Ek het etlike skares in my loopbaan teëgekom, maar nie een soortgelyk as die een wat ek die môre op Sharpeville ontmoet het nie.

Hee het hierdie een verskil? — Hierdie het, dit het vir my voorgekom asof hulle ten alle koste hulle lewe wil ten doen gestel het of op die altaar geplaas het, want hulle het vir my gesê "Kom, neem bang wees nie. Ons sal doedgaan en ons wil doedgaan".

Majoor, onder watter omstandighede het u die medalje vir dapperheid gekry? — Dit was gedurende die oegleg, 'n man of drie kêrels wat op sekere sabetasie uit was, wat ons toe omsingel het en wat op ons geskiet het, wat my verwond het, en wat ons toe oerweldig het en arresteer het.

Het u te enige tyd enige beedskap ontvang van Luitenant Vissier, die Speureffisier? — Nee, nie wat ek kan

onthou/....

onthou nie.

En van Kaptein Theron? --- Kaptein Theron was binne in die nee, hy was buitekant aan die oostekant.

Nee, dit was Coetzee. --- Dit was Coetzee. Kaptein Theron was binne in die Polisieterrein.

Het u enige boodskappe ontvang van hom af? --- Nee, nie wat ek kan onthou nie.

Het daar wel boodskappe gekom vanaf Sharpeville Polisiestasie met boodskappers? --- Ja.

En vir wat het die boodskappe gevra? --- Dit was boodskappe na my van die Munisipale kantore af, en dan mag daar ook etlike andere gewees het, maar ek kan nie dink wat dit kon gewees het nie; ek onthou dit nie.

Dankie Edelaagbare.

KRUISVERHOOR DEUR MNR. UNTERHALTER:

Majoor van Zyl, being the Officer in charge of the district, the responsibilities for the good order in the district are primarily yours? --- That is so.

And in the ordinary course of events you are the final judge for this district of the steps that have to be taken to maintain such good order? --- Yes.

It was for that reason presumably that you received a message from Captain Cawood as to the state of affairs in Sharpeville location in the early hours of the morning of the 21st March this year? --- That is so.

And in pursuance of what you had been told you therefore personally came on the scene and personally took over? --- That is so.

And the arrangements that you then made were arrangements made by you in the exercise of your judgment as a Policeman as to what the situation then required? --- That

is/....

is so.

I take it Major that you are reasonably well-informed by your subordinate Officers generally as to the state of affairs in the district? --- I am.

You had received certain information in the days before this event on the 21st March, of things that were pending? --- Yes.

Is there a liaison between the Security Branch and the Uniform Branch? --- There is.

And when internal security is affected, you receive reports from the Security Branch to enable you to take such steps as are necessary to control a situation that might develop? --- Yes.

And did you give such reports regarding events pending for the 21st March? --- Yes, I did.

I take it Major, that getting these reports it must have been drawn to your attention that the Pan Africanist Congress was concerned with what was going on, or was that not drawn to your attention? --- I don't remember that.

Were you not at any time before the 21st March shown any pamphlets about the plans for that date? --- I did. I saw some.

Do you remember Major whether any of these pamphlets made a reference to the fact that the activities should be non-violent? --- I have reason to believe ^{that} that was contained in some of them.

Did you consider as a result of that, that if demonstrations were to take place they might in all probability be non-violent? --- I firmly believed that.

Was it then a matter of surprise to you when you found yourself confronted by the crowd that you have described

in/....

in Secise Street? --- I was greatly surprised.

Now, just to get the chronological order of the story. You were in command of one patrol, Captain Cawood was in command of another patrol, in the very early hours of the morning of the 21st March, but I understood from your evidence-in-chief that there were no incidents as far as your patrol was concerned during that period? --- No incidents at all.

When you saw this behaviour at the bus stops that you have described, of people coming and then promptly leaving, and you assumed that it might be due to the presence of others there, who might have been making signs, and you ordered these others to go, I take it that they went without opposition? --- They went without opposition.

Now, can I then assume that the position really only became menacing as far as you are concerned, when you saw these groups starting to increase as the daylight waxed in Secise Street around six, seven o'clock in the morning? --- Yes.

And that was the problem to which you then gave your attention? --- Yes.

Now Major, I would like you please in reply to the question that I am about to put to you, not to allow yourself to be influenced by any questions of modesty, but to attempt to give me a straightforward answer if you can. You are a Police Officer of many years experience? That is correct? --- That is correct.

In the handling of the situation in Sharpeville Location, was it necessary that an Officer senior to yourself should take command and exercise his judgment instead of you? --- Well, it is difficult to answer. I mean these policies were decided by Headquarters, and it would be insubordinate

en/....

on my side to criticise that.

Well, you enjoy a privilege in this Court, which is seeking for the truth of this matter, and it is for that reason that I have said to you that I do not wish your answer to be coloured by aspects of modesty or anything else. If Officers senior to yourself had not come on the scene, do you consider that you were capable of taking wise and effective steps to control the situation as best you could? — I thought I could manage.

I take it as far as you were concerned, you did not ask to have the guidance or control of men senior to you in the situation, but it was sent to you without your request? — I asked for reinforcements.

BY THE COURT:

You did not ask for senior people? — No Sir.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Because your demand was man power, not policy power? Can I put it that way? — Man power I wanted, and weapons.

COURT ADJOURNS.

COURT RESUMES:

WILLEM ABRAHAM VAN ZYL, under his former oath, continues:

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

New Major, until the reinforcements were made available to you in the township, you made do with the men that were there? — Yes.

And I understood from your evidence-in-chief that the keynote of your approach to the situation was one of tact? — Yes.

Now, your description of the crowd in Seeise Street conveys/....

conveys to me that that crowd was a threatening crowd? ---

That is so.

I take it there were certain features about the whole situation that made them a threatening crowd? ---Yes.

Would you agree Major that one of the problems that you faced was that as between the Police on the one hand and the crowd on the other, there was no barrier, no physical barrier? --- Will you repeat that again?

Would you agree that one of your difficulties as a Police Force facing a crowd is that there was no physical barrier between you that could serve as a means of keeping you apart? --- Yes, it may be.

And however slight say a fence would be, do you agree as a man of experience that the psychological fact of a fence separating one crowd of people from a Police Force on the other, is a form of deterrent for co-mingling of the two? Would you agree to that? --- It would be to a small measure, depending on the strength of the fence of course.

I take it Major that another factor would be the absence of what I would call threatening armament? If you had had a few tanks strategically placed alongside you, it might perhaps have made a difference to the behaviour of the crowd, just its mere presence? --- Yes, it might have.

I take it thirdly that there was always the possibility that your Force might have become encircled through people infiltrating along the flanks of your men and coming up behind them? --- Are you speaking now of Secise Street?

Secise Street? --- Yes, we were on the lookout for that.

And the situation is quite different to one where a group/....

group of people are in an area and they have buildings at the back of them to protect their rear? ---It might be to an advantage and also the other way.

But generally Majer, you would agree that if your back is protected by the presence of buildings, it is an easier situation to control, than when your back is unprotected? --- Yes, depending on the force you have to meet. If it amounts to a matter of having to retreat your wall at the back would be a hindrance rather than an advantage.

But if it is a question of standing your ground and not retreating, you are in a better position to stand your ground with these buildings behind you than otherwise? --- That is so.

Now, the men under your command were armed? ---Yes, they were armed.

You made I take it a proper appraisal of the situation after that teargas attack? You judged it and sized it up as best you could? --- Yes.

You were fully aware on your return from Vereeniging that in effect the teargas attack had not been successful? --- That is correct yes.

And you had to decide on other measures? --- I did.

You then decided to launch a baton charge after warning them? --- That is correct.

Even before you did that, you took it upon yourself to do everything in your power to persuade that crowd to disperse? --- I did.

You signalled as I understood to the crowd as a whole by means of raising your hand with your fingers extended, to indicate they have five minutes to go away? --- Yes.

And seeing certain people there whom you thought
might/....

might be leaders, you tried to persuade them also to influence the crowd to leave? --- These were the people at the front?

Yes? --- Yes.

And when all these things failed you then ordered a baton charge? --- I did.

Can I assume Major that even at that stage, and having regard to your whole description of the crowd, you did not deem it necessary to fire bullets into the crowd? --- That is correct.

I take it the situation would have had to be far more extreme than what it was for such a drastic step to have been taken by you? --- Yes.

Had it become such that you had no alternative but to use fire-arms, would you have fired immediately into the body of the crowd, or would you have fired shots in front of the crowd in the ground, or would you have discharged certain shots into the air? How would you have set about acting once you decided you had to use fire-arms? --- I would have acted at the dictation of the circumstances. Circumstances vary and countermeasures vary accordingly.

Well, assume a situation where the crowd as a whole in Secise Street, were not en masse rushing towards you, but you feared that you might be overwhelmed within a very short space of time, half a minute or something like that? It looked as if something was about to burst. Would you, before that happened, in order to stop them, have fired into the ground as a preliminary? --- I might have.

In all probability you would have I take it? --- I might have fired shots over their heads. It depends again on the imminence of the danger.

It is a step which if it is at all possible, a Police Officer/....

Officer would like to take, before resorting to wholesale slaughter of a crowd? — Yes.

And Major I take it that when at last, if it should ever come about that one has to fire, if it is at all possible even there, one would shoot to kill the leaders before spraying bullets indiscriminately into a crowd? If there were such leaders leading them? — Well, that is what I would have done, but again these it depends on what you are faced with.

Still Major, it is desirable I take it, and if it is at all possible you would use these measures before the last, final step of having to shoot indiscriminately into the crowd? — Yes well, as I have said it depends on that, on the circumstances. If the position permitted it I would do that.

As I have suggested. You described to us what happened after the baton charge, and you said that your men pursued some of the crowd into various sidestreets, and there was stoning? Is that correct? — Yes, and revolver shots; small arm shots.

Now, I gathered from the evidence given by other people in this Court, that during the course of the baton charge the Police became somewhat dispersed? In other words, they did not remain together as a unit, they were spread out over an area? — Yes.

You I take it went with a portion of these Police? — I went with the whole at first, and they were pursuing in different directions, spreading.

And you went in one direction and other members of the Police Force went elsewhere? — Yes, I was more or less in the centre, I remained in the centre.

Now, you said that you heard certain shots while in the sidestreets? — Yes.

Is/....

Is it possible that these shots may in fact have come from members of the Police Force that had got separated from the group with which you were, and had found it necessary to fire in adjoining areas? — No, I had full vision of my men, and they were baten charging, not firing.

Are you quite certain about that Major? — I am certain.

How can you be assured in the confusion of that time, that with your men going in different directions, some of them in fact were out of sight? — They were not out of sight. They were in a narrow sidestreet, and I was about at the entrance of the street, in Secise Street.

You have said that the street was sealed off? — Yes.

Was that the street in which Constable Coetzee received his injury? — That is the one.

Was there no firing at all from the Police in that street? — Oh yes, there was.

Can you describe that firing? — Yes, it was a burst of a short duration; a few shots each I would say.

Did you actually see this firing? — I saw it. I saw some of them.

And in which direction did they fire? Into the houses on either side? Along, up the street, down the street? — Into the houses and up the street.

To hit somebody if they could, or were they merely warning shots? — That is difficult. They all missed apparently.

Did you have a vision of the people close to Constable Coetzee when he was injured? — I did not see him being injured.

But was not he within your sight just as you have said/....

said all other members of the group were? --- Yes, he was within my sight, but I did not see him injured.

Did you see anything happen to him? --- Only after I saw the wound. I did not know he was injured.

Was Mr. Labuschagne in your company throughout all this time? --- Yes, he was there. I would not know where actually he was, but he was present that morning.

Was he not close to you during this charge into the sidestreets? --- I cannot recollect where he was.

So you have no independent recollection of seeing Constable Coetzee being hit? --- No, I did not see that.

Now, was it only in this area, that is, the sidestreet into which the men had infiltrated after the baten charge, that there was shooting by the Police? --- Not after the baten charge, during the baten charge.

During the baten charge yes. --- And at the Native hostel to the east, north-east.

Did that happen at the same time? --- More or less at the same time.

Now, that group of men Major must have been out of your sight, close to the north-east? --- I did not see the men individually. I saw them charging, and I heard shots a distance in front of them, coming from the Native hostel.

Now, these shots Major may have come from that contingent of the Force that was in the neighbourhood of the hostel? Is that not so? --- I saw the men, and as I have said before, the shots came from a distance of a hundred yards in front of them, from the side, from the north-east side.

Were you in a position at that moment Major, really to form a correct judgment of where these shots were coming from in relation to the men? --- Well, I have given you my

observations/....

observations, and that is what I think happened.

Major, are you not perhaps making a deduction as to what happened? ---No, I am making a deduction on what I heard.

Now, I would like you please to look at Exhibit No. 2, which is the map of the location. Now, I would like you to tell His Worship whereabouts in this sidestreet you went with the main group of men during the baton charge? Do you see this little area called "Putsae Setenie"? That is what I understand it is called. --- Yes.

Were you somewhere among that group of houses? --- It was the first, second or third little sidestreet, somewhere there.

Now, let us try and position it as best we can. Do you see the main street, Seeiso Street? --- Yes.

Do you see the arrow pointing to Vereeniging? --- Yes.

That is the eastern side of Seeiso Street? --- That is correct.

As you go down Seeiso Street into the township you are moving in a westerly direction? --- That is so.

Now, where the word "hostel" is is actually an empty piece of ground? ---That is correct.

Just below the word "hostel" the first group of houses start? --- Yes.

Now, if you are going in a westerly direction down Seeiso Street and you come to where that first group of houses start, they are on your left as you go west? ---Which are on my left?

That group of houses? --- Yes, the "Putsao Setenie"?
Yes? ---Yes.

New/....

Now, was it into one of the sidestreets in that lefthand group that you and your men went? --- On the righthand side.

Not on the lefthand side? --- Not on the lefthand side.

So is it in the block immediately opposite "Putsao Setenie" in your right? --- It is about I would say the second or the third, or the first sidestreet. I cannot on this map tell you where it was.

It does not matter exactly. As you go west? --- As you go west on the righthand side.

On the righthand side, the second or third sidestreet really running say south to north from Seeiso Street, into that group? --- Yes.

And you were in that sidestreet when you heard the shooting? --- No, I was in Seeiso Street.

And you had an opportunity of looking up the sidestreet at your group of men? --- Everywhere. I tried to keep the whole scene under observation.

Now, you could see your men in the sidestreet? --- Yes.

And you heard certain shots, and you assumed that those shots came from the back of the houses? --- Yes.

Now, how could you be sure Major that the men in that particular sidestreet were the whole contingent, and there were not other men that had gone up other sidestreets nearby? --- I saw them. I was there, and it was a body of men, a party of about eight or nine men running into this little sidestreet.

How many men were in the baton charge originally? --- About twenty Europeans.

It/....

It was only the Europeans who were armed? ---Yes.

Eight or nine of these men went into the sidestreet you have described? --- Yes.

The other twelve men were also chasing people I presume? --- They were also chasing people.

They were not in that sidestreet, they were elsewhere? ---Elsewhere.

Now, those men being elsewhere Major, how can this Court be satisfied that the shots did not come from one or other of the balance of the twelve men who were in other sidestreets? --- As the men were entering the intersection of the sidestreet the shots were fired in front of them, alongside of them. It was then that they were closed in or surrounded.

I understood your evidence Major to be, that they came from the backs of the houses? --- From the side of the street, i.e. from the houses.

From the backs of the houses as I understood your evidence? ---Yes, because I did not see them.

You were left with the impression that somewhere at the backs of the houses shots were being fired into the sidestreet that you have been discussing? ---Yes.

Now, may it not have been that some of this body of twelve men were in one of the adjoining sidestreets? They had fired, and you thought that the firing had come from the backs of the houses in your sidestreet, whereas it had come from Police who were in adjoining sidestreets? --- No, that was the only sidestreet where some of my men were, except the few that were pursuing the crowd in the vicinity of the Native hotel.

Now, was it the twelve who were pursuing the people at the hotel? ---No, Head Constable Kruger with one or two men, and some Native personnel.

That/....

That would take two off the balance of twelve, and what happened to the other ten men who were in the original baton charge? --- They would have been with me.

Now, you say they would have been with you, or were they with you? --- They were.

And there were no other units of the Police busy in any other portions of the township at that time? --- In Secise Street, in that sidestreet, and near the Native hostel.

No, I mean apart from that? We have had evidence that during the night there were patrols all throughout the township. Were there any other men, a portion of these patrols that had been active during the night, who might have been in any other areas of the location, and who might have been nearby? --- Not Europeans.

Now Major, having a look at the map, can you give us as best you can the position of Head Constable Kruger and the men who were with him? --- Following the arrow from "hostel" to its origin, to its commencement; in that vicinity.

Now, you were standing in Secise Street approximately opposite the third sidestreet on your right as you look west down Secise Street? --- Approximately there.

Was your vision of Head Constable Kruger and his men not obscured by hostel buildings or other buildings between you and him? --- No, there were no buildings between us.

And did you have him constantly in sight throughout the whole of his operations until he returned to you? --- Not constantly no.

Did you have him in sight at the time of the firing by him? --- No.

I rather gathered from what you said earlier that you saw him and the shots came from about a hundred yards in front/....

front of him? --- Yes, from the side, from the east, the north-west.

And I gathered from that that you must have had him in sight at the time that you heard the firing? ---Yes, I had him in sight then. I saw him running.

So you were mistaken when you said a moment ago that you did not have him in sight when the shots were fired? --- You said constantly I think.

Oh, I said that, but I also put to you did you have him in sight at the time that there was firing in his vicinity? ---I gathered that you meant when he fired.

Oh, I see. You say you did not have him in sight when he fired? ---No.

But you had him in sight when there was firing in his vicinity about a hundred yards in front of him? --- Yes.

And he would have been somewhere near the point "X.2" on the map? --- More to the west.

That is somewhere near the letter "t" in the word "poskantoor"? --- "T" yes.

Now, do you know Constable Grevé? ---Who?

I believe he is one of the men in your Force here, G-r-e-v-é? ---Yes, I knew him.

Do you know if he went towards Head Constable Kruger? Was he sent by you, or not? --- I can't tell you that. I don't know.

Do you remember his making a report to you on anything that he heard or saw? --- There?

Yes?

BY THE COURT:

Are you not thinking of somebody else, Mr. Unterhalter?

BY MR. UNTERHALTER:

Well Your Worship, there is Head Constable Heyl,

and/....

and there is also Grové I think....

BY THE COURT:

Yes all right, you may proceed.

BY THE WITNESS:

I don't remember anything reported to me by Grové.

BY THE COURT:

You mean you do not remember Grové in particular being anywhere there? --- No Sir, he was there. He was one of the party.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

He is the man who drives the van usually? ---Yes.

And you don't remember his giving a description to you of a certain shooting incident in which Head Constable Kruger was involved at about the time of the baton charge? --- He might have, but I.....

You have forgotten? --- I cannot tell you, I don't remember it.

BY MR. UNTERHALTER:

Your Worship, if my memory serves me it was Grové who indicated on Exhibit 2 the position of this group of people, not in the sidestreet, where there was shooting.....

BY THE COURT:

Yes, I don't remember now quite candidly Mr. Unterhalter.

BY MR. UNTERHALTER:

Yes, it was on an open piece of veld, Your Worship.

BY THE WITNESS:

Well, where Kruger was is open veld.

BY THE COURT : TO THE WITNESS:

Yes, there is open veld. If you refer now to the

"t"/....

"t" in "poskantoor"--- That is open veld.

BY MR. UNTERHALTER:

But if my memory serves me YourWorship, I think that Mr. Grové pointed to something on the map, or am I wrong?

BY THE COURT:

Well now, I can't help you at this stage without going through my notes.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Major, if you will look at the map you will see the word "kantore"? You have that before you? --- Yes.

Now, I am not putting this to you positively, I am only relying on my memory at this stage, but as I recollect the evidence of Constable Grové he said that it was somewhere in that vicinity that he went to the assistance so to speak of Head Constable Kruger and his men, and that he heard certain shooting not coming from the Police there? If he said that, would that be wrong? --- If he said....?

If he said that it was at the point "kantore" and not at the point "t" of "poskantoor"? --- It was in that vicinity. I have got no scale to this map, and I can only tell you approximately on the map. It looks like somewhere in the vicinity of "t", somewhere there.

Yes, I don't want to confuse you between the word "kantoor" joined to "poskantoor", and the word "kantore" which is above it? --- No, I am not looking at "kantore", I am looking at "poskantoor".

Now, if Grové - I don't say he did, because my memory may be quite wrong - but if he said that it was in the vicinity of "kantore" that the shots, not by the Police but by others, were fired, hear Head Constable, Kruger would he be wrong? --- Kruger was running from Seeiso Street into this

open/....

open piece of veld, and I heard these shots. It sounded to me like coming from a distance in front of him, from the side, from the north-eastern side.

You see, he claims that Kruger was not there? I am suggesting it to you? Please don't misunderstand me, I may be wrong in this and only the record will be able to show us. But he claims that both Kruger and the shops were in the vicinity of the word "kantore" on the map. As I understand your evidence Kruger was somewhere near the letter "t" in "poskantoor" on the map, and the shots were in front of him?

--- Yes.

So the difference between you is that you place Kruger in that open piece of veld roundabout the letter "t" in "poskantoor", and Grové places him, if I am correct, somewhere in the vicinity of the word "kantore" at the top of the map. If he has placed him there then would he be wrong? i.e. at the time of the firing of the shots to which you speak?

---If Grové says Kruger was at "kantore", that is on the outside of the township. It is incorrect.

As I say I may be quite wrong, but that is just my recollection.

BY MR. UNTERHALTER:

Your Worship, my learned friend reminds me it may not have been on Exhibit 2 that the mark was put. It may have been on Exhibit 56. Is it No. 56, or....?

BY THE COURT:

No, no, 56 is of the Police Station and vicinity. I am sure you will be able to clear it up lateron.

BY MR. UNTERHALTER:

Yes, I won't detain you, Your Worship.

Cross-examination/....

Now, could it have been Major, that standing as you were in Seeiso Street, you might in the confusion, because of the noise and everything, have made a mistake in believing that the shots had come from ahead of Head Constable Kruger, and in fact they might have been fired by him? --- No, I could not have made that mistake.

What is it that makes you so certain that they must have been ahead of him? --- I heard the shots and there were nobody there. Our men were far behind.

How far away from you was Head Constable Kruger when you heard the shots? --- I would say about 150 yards.

You judged that these shots came from 250 yards? --- No, not from 250 yards. About 100 yards or something like that in front of Kruger.

Well, if he was 150 yards away from you, and these shots came from 100 yards ahead of him, then the shots must have been 250 yards ahead of you? --- You mean when you speak of a parallel position?

Yes, from wherever you were? --- No, I would not say it would not be nearer.

It would have been nearer. Did they not come from a point in a straight line beyond Head Constable Kruger? --- It did not sound like that to me. It is possible, but it did not sound like that.

And it may have come from beyond some buildings on the other side of where Head Constable Kruger was? --- It is possible yes.

When the baton charge took place Major, approximately how far from the hostel was your group of men? Have a look at the map? --- Opposite I would say.

Opposite the hostel. Not a very great distance from/....

from the Municipal offices? --- No.

Now, between the Municipal offices and the point at which this baton charge took place, were there any members of the crowd, or was that area cleared? --- That area was clear. There were some standing behind some fencing.

That would be on property? ---Yes.

But the street itself was clear? --- The street was clear.

And if one were standing at the Municipal offices and looking down Seeiso Street/^{to} where the baton charge was taking place, it would be clearly visible, not obscured by any crowd in the street? --- Looking down from the Municipal offices?

From the Municipal offices down Seeiso Street towards the baton charge? --- No, you should be able to see it quite well.

There would be no members of the crowd at the back of the Police? ---No,

Anyone who says otherwise is not giving correct evidence? --- I did not see them.

Well, you would certainly have been fully aware of the fact? --- I was particularly careful not to allow a position where I could be surrounded.

That is one of the most important things that you would ^{have} paid attention to, to see that your rear was protected? --- Yes.

Was Captain Theron under your command in the Vereeniging area? ---No.

And Lieutenant Visser? ---Yes.

I take it he is a reliable and responsible man?

--- He is.

He was aware that you were at a certain stage in the/....

the location at the Municipal offices? --- I suppose he knew that yes.

Let me put it to you another way. Did he at any time during that morning know of your presence in command of the situation at the Municipal offices? Had you ever seen him, or....? --- I cannot recollect where I saw him. I know he was there, and if I am not mistaken I think I told him to go to the Police Station.

You told him to go to the Police Station? --- I think so.

If there was a very grave emergency at the Police Station you would have expected an immediate communication from him? --- The report we had from the Police Station, was that a small number of natives were converging on the Police Station, sort of going towards the Police Station.

Do you remember about what time you got that message? --- That was somewhere... it could have been half past nine, ten o'clock; somewhere there. I was not at the Municipal offices, I was in Seeliso Street. That is when I sent Head Constable Heyl. I distinctly remember sending him.

And you were not disturbed by the information you got then? --- No.

Now, later on Colonel Piensaar came and a little while after that you heard these shots? --- Yes.

You say you heard two shots, and they were followed by a volley? --- Yes.

You were a distance, the Municipal offices from the station. What would it be? A mile, one and a half, as the crow flies? --- It could be that. It could be a mile, it could be three-quarters of a mile, I just cannot be positive.

Now, these first two shots that you heard, would they/....

they have been two single shots fired by the Police as a preliminary to the volley that came afterwards? --- It could have been.

Thank you, Your Worship.

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

RE-EXAMINED BY THE PUBLIC PROSECUTOR:

Major, you said that you firmly believed that the demonstrations would be of a non-violent nature. What was it that led you to believe that? --- What made me believe that?

Yes? --- The reports we had before the 21st March gave me the impression or led me to believe that there would be a procession, a demonstration against the reference books, but that these people would present themselves at charge offices and hand themselves over or tell you that they have got no reference books, and ask to be arrested. That is what I had in mind would be the position.

And I take it these reports had their origin from the Special Branch? --- Yes.

Now, these groups who apparently might have been making signs to others who approached the bus steps, you went along and dispersed them and told them to go home? --- Yes.

And they obeyed you? --- They did not go home. They would walk away and go to another bus stop, and others would come in their place.

Now, I think... or would it be correct that strategically for any striking force, it must be mobile? Once it is hemmed in it is no longer as forceful as it could be? --- That is correct.

My learned friend has put a hypothetical situation to you, to draw upon your opinion and experience, and I would

like/....

like to do the same. Now, if you were surrounded in a building; you were in a building surrounded by approximately 10,000 to 15,000 hostile natives, and outside you have a fence, not a very strong fence, but about 4 feet high ordinary diamond mesh, and whilst you are there the crowd is growing all the time, and according to the observations the hostility or the signs of hostility are on the increase, and after some persons are removed from the crowd their hostility further increases, and then there is a break through at the gate and a body of men surges forward as though they are going to enter the gate; possibly two shots are fired from out of the crowd, and a hail of stones descend upon the Police. You have got nowhere to retreat, but you have your fire-arms. How would you act in a situation like that? --- I would give the command "Fire!", if I had in mind that it was in danger of life.

Thank you, Your Worship.

BY THE COURT:

Major van Zyl, was there not a stage, if I understand you correctly, in which the crowd in Secise Street turned to go westwards towards the Police Station, whilst you were there? You have told me now about the baton charge and the crowd somewhere ahead of you people in Secise Street. Now, whilst you were there, was there a question of the crowd, led by one man, turning round and saying "We are now going to the Police Station?" --- No, Your Worship.

You knew nothing about a position like that? ---
No.

It seems to me that that is what did happen. I don't know whether you are aware of it. Somehow at a certain stage the crowd, almost as a body, turned and went along to the Police Station? --- That must have been the position, Your

Worship/....

W.A. van Zyl.
C. Kumalo.

Wership.

You were not aware of that? --- I was not there.

No, but if you had been aware of that might you have acted differently? If you had known that there was going to be 10,000 or 15,000 people standing round Sharpeville Police Station, might you have acted differently? --- When Sir?

Well you see, I understand that this happened steadily up until about one or one-thirty, up until the time you heard the shooting. Can I put it to you in this way? When you heard the shooting were you then aware that there was a very big crowd around Sharpeville Police Station? --- I knew that yes.

Have you any idea of the actual size, or did you just know there was a big crowd? --- There was a big crowd, a very big crowd.

You were then aware that Colonel Piensaar had gone along there, I take it? --- No, I came from Sharpeville and met Colonel Piensaar at the Municipal offices, and there I reported the position to him. I told him that the position was ugly.

Then he went along to Sharpeville? --- He went. He said he was coming to take over, and he went along.

Thank you very much Major. I think you can stand down.

CHRISTIAAN KUMALO, duly sworn, states: (Witness speaks English).

EXAMINED BY THE PUBLIC PROSECUTOR:

Sergeant, you are in the South African Police and attached to the Native Affairs Department at Vereeniging? ---

Hew/....

How long have you been attached to the Native Affairs Department at Vereeniging? --- I have been here for five years.

How long have you been in the Police Force? --- I have been in the Police Force for thirty-one years.

And are you a married man Sergeant? --- Yes, I am.

And you have children? --- I have children.

Do they all live with you in Sharpeville Native Township? --- Yes.

Do you understand the Southern Sesuthu language that is spoken by most of the inhabitants of Sharpeville? --- Yes, although not very well.

What exactly are your duties here at the Native Affairs Department? --- Here at the Native Affairs Department I am used for looking after the prisoners, to see that the prisoners are brought to Court.

So do you have quite a lot to do with the prisoners in general and people of Vereeniging? --- Yes.

Has there ever been any complaints that you don't understand what they say to you in their language? --- No.

Now, do you remember the day of the shooting, i.e. on the 21st March, a Monday? --- I remember that morning.

Now, the day just prior to that was a Sunday. The Sunday night did you go to bed in your own house? --- Yes.

And during the night did anything disturb you at all? --- Well, very early in the morning, although I cannot quite remember what hour of the morning it was, some Bantu males came to my house and woke me up.

How did they wake you up? --- They knocked hard at my door and shouted "Get up!"

And did you get up and go to the door to open it?

Then/....

--- Then I woke up and asked who it was who was knocking at my door.

Yes, and was there any reply who it was? --- They told me that they wanted me out. They did not tell me who they were. There were many outside. I could hear that there were many people outside. They just told me to get up and come out.

And what did you do? --- I told them that I would not come out, and that I don't know why I should come out.

Did they tell you why they wanted you to come out? --- Yes, they told me they wanted me to come out to protest against the carrying of reference books.

Did you say anything when they told you that? --- Well, I told the one who was speaking that I was a Policeman and had nothing to do with their business.

You had not yet opened the door? --- No, I had not yet opened the door.

Was this all talking through the closed door? --- Yes.

And was anything said further by this man or the people outside when you said you are a Policeman and you are not interested in their business? --- Then that man asked whether I carried a reference book or not, and I told him that I carried a reference book. Then he said "Well, it does not matter whether I am a Policeman or a Minister of ^{religion} ~~religion~~ or a teacher or anything, so long as I carried a reference book had to come out.

And did he say what would happen to you if you did not come out at all? --- Yes, they threatened to break my door, and when I told them that I would not come out one of them knocked at my window and broke one of the window panes of my bedroom.

I/....

I take it by this time your wife had woken up and was with you? ---Yes.

Did you go outside at all? ---Yes, on the advice of my wife. I still refused. I did not want to come out, but my wife advised me to go out and see what I could do outside.

And did you open the front door then? ---Then I dressed myself in my uniform trousers, and I put on my uniform shirt and my uniform overcoat with the badges on.

Did you have anything in view dressing up like that? Did you have anything in mind? ---Well, it was because I wanted to show to these people ^{that} what I told them, that I am a Policeman, was true. I am a Policeman, and I would walk out as a Policeman.

And when you opened the door what did you see? ---When I opened the door one of them asked me where my reference book was, and I told him that I had it in my house, and then he said I had to place it on the table and come out.

And did you do as he told you, and put it on the table? ---Yes.

You put the book on the table? ---I put my reference book on the table, and then walked out.

And what happened then Sergeant? ---Well, outside they told me to walk towards the street where some people were standing; there were many of them.

And what were they all doing outside in the street? --- Well, I suppose some of the people whom they had woken up that night... They were just standing in the street, and some of them were knocking at the doors there along the houses, waking up some more people.

Did you do anything to stop them from waking up people/....

people and so on? ---I could not do so, since they forced me out of my house.

And did you go out of your own house freely, because you wanted to go out? --- No, I was forced out. My wife advised me to go out and see what these people would do, because she did not want to see me being assaulted in the house.

And were your children asleep in the house? --- Yes, my children were sleeping in the house, and they had woken up by the time I went out.

How old are the children? --- Well, there was one boy. He was born in 1944, and another one was eleven years old; he is now twelve.

And how did the children behave when they were woken up and they heard the noise and the commotion and so on? ---Well, they were very excited, even my wife, all of them.

Now, were they excited because they were pleased or not? ---No, they were in a bad mood, frightened.

So when you went outside and you saw what was happening, what happened to you, what did you do? ---Well, I walked on with these people as they told me, until we got down to the second lot of houses from my house, i.e. the second block of houses from my house. Before we came to that second block they divided that number of people into two groups.

Now, up to that stage had you seen anybody you knew? ---Yes, I saw Bernard Xingwane, one of our clerks there, i.e. outside in the street.

And did you have a chance to speak to him? ---Yes.

Was he in any different position from you? ---He was with me. He was in the same group as I was.

And you say the group was divided into two. Were you and Bernard in the one group? --- Yes, and the other group was/....

was sent southwards in the location.

And whereabouts did your group go to? --- My group came down this way, from my house.

Is that along Secise Street, or where? --- It is along Ghabasane Street I suppose.

And where did the group go to? --- Our group?

Yes? --- From my house we went to the second block of houses from my house, and they started waking up people there.

And as they went along did they say why they were waking these people up? --- They had always said that they were waking these people up because they wanted them to join their procession to protest against the carrying of reference books.

And did people come out of the houses that they woke up? --- Yes, because they were threatened. Even those who did not want to, but because of the threats they came out.

How were these people threatened? --- That they would be assaulted if they refused to come out.

Was this the biggest group now that were waking people up, or not? --- I don't know how many there were, because nearly every door was knocked upon there. It was ^{too} dark to ascertain how many there were.

And what happened to your group as it moved along waking people up? --- Well, as we walked along we came to the end of that block, and there someone, I think he was the leader, called all of us together and told us where they wanted us to go, i.e. to the lower portion of the location.

Now, which portion do you mean is the lower portion of the location? --- What we call Putsoo Setenie. That is the portion of the location just on the other side of the beerhall.

Can you describe this man, what he looked like,

this/.....

this leader? --- It was too dark to describe him. He was not a tall man, of slender build.

You say not a tall man, slenderly built? --- Yes, all but I cannot tell is the description of his face.

And did he say why he wanted the people to go down to Putsao Setenie? --- In order to meet another group there, because he told us that there was a group of people at Putsao Setenie, and another group up there in the other part of the location.

Which part was he referring to when he said in another part of the location? --- That is the part we found out afterwards, when we accompanied the Police, up in that new location there.

Is that what they call Site and Service? ---Yes, I think that is the place where we found a gathering. It is on the sports grounds.

Oh yes. Anyway, after this man had addressed you and said you should all go along to Putsao Setenie, what happened there? --- While he was addressing us the Police came.

Do you know who the Officer was in charge of that Police detachment? --- Well, I saw Sergeant..... a young Sergeant here in Vereeniging....

Grobler? --- No.

There is Sergeant Scheepers, there is Sergeant.... --- Sergeant Scheepers.

Sergeant Scheepers? --- Yes, that is the one I readily recognised.

And was there any Officer there? ---Yes, there was an Officer I saw afterwards, after I had seen Sergeant Scheepers.

Who was the Officer? --- Sub-Inspector Fourie.

And/....

And what happened when Lieutenant Fourie and Sergeant Scheepers and that Police detachment arrived? --- Well, all the people dispersed; they ran away when the Police appeared.

Before the Police could do or say anything, did they all run away? --- Yes, at first sight, when they saw the people who stopped there in cars, and this Sergeant jumped down - he jumped down very quickly. When they noticed that it was a detachment of Police through the lights of the motor-cars, they ran away. Then I walked straight to Sergeant Scheepers, accompanied by Xingwane, because he was just here at my side.

And you told them what had happened to you? ---Yes.

And did you then join that Police unit? ---Yes.

And did you go with them throughout the location on patrol? ---Yes.

And was it then that you came across this other group near the sports grounds? ---Yes.

Was Lieutenant Fourie still in charge there at the sports grounds? --- We found some Police detachment there.

Do you know who was in charge of the detachment you found there? --- All the time I don't remember who I saw there.

Well, that is all right if you don't remember. What happened when your unit with Lieutenant Fourie arrived up there? Was there any group there? --- There was a large group of these location Bantus, and one was speaking there in the middle of them.

Could you hear what he was saying? ---At first I could not hear, and then I went nearer and I heard him say that he wanted to hold a meeting.

Who was he talking to? --- He was talking to the Lieutenant.

Lieutenant/....

Lieutenant Fourie? --- Yes. He asked him.

Oh, had he asked him what he was doing? --- What he was doing there.

Did they speak English? --- Sometimes they spoke in Afrikaans and English, and then the man also spoke in Sesuthu.

And did Lieutenant Fourie speak Sesuthu too? --- I did not hear him speak Sesuthu.

Was there anybody there who interpreted for him?

--- Yes.

Who interpreted? --- I think Native Constable Malakia was there, helping to interpret.

What time was this about? --- It was very early in the morning. That was between two and three, or three and four, Your Worship.

And whereabouts was this group? Was it on the sports grounds or on that open piece of veld near the sports grounds, or somewhere else? --- There is grass on that place.

Yes, I think the sports grounds has got a big fence round it, has it not? --- Yes. It is a bit difficult for me to describe the place, because it was dark.

I see. What was the conversation that took place between Lieutenant Fourie and this man? --- He asked him why he intended to hold a meeting at night.

And what did the man say? --- He said well, he intended to hold the meeting at night because the Municipality had refused to give him permission to hold the meeting during the day.

Can you describe this man that Lieutenant Fourie was speaking to? --- No, he is short, he is a short man.

A short man? --- He is a short man.

And did he say what sort of a meeting he wanted to hold/.....

hold at all? --- Well, I heard him talk about a meeting. That is all. I did not hear him describe the purpose of the meeting.

And what happened to this man and Lieutenant Fourie after this conversation had taken place? He said he wanted to hold a meeting at night time, and what did Lieutenant Fourie tell him then? --- He told him to get the permission first if he wanted to hold a meeting, but at that time I then left this place where we found them, and I don't know what happened, i.e. whether the man was taken into custody or just left there. I cannot say that.

And what happened to that group of Bantus with this man? What happened to them? --- Well, the group stood there with him.

And did all the Police go away, or did you just go away by yourself? --- Well, I and some of the Police left the spot.

And when you left was Lieutenant Fourie still talking to the man there, or not? --- Yes, we left and we went to the charge office at Sharpeville. The Lieutenant was still talking to the man.

And what did you do at Sharpeville Police Station? --- At Sharpeville Police Station I tried to go back to my house, and dress myself and prepare myself to come and report for duty, because it was light then. It was time for me to go to my work.

Did you actually go home? --- Yes, from the charge office I went home.

And did you eventually have something to eat I suppose, and then set off to come to work? --- Yes, I cleaned my uniform, ^{shaved,} and then I took my bicycle.

You took your bicycle? --- Yes.

And/....

And were you in full Police uniform like you are now? ---Yes.

What happened to you on your way to work? Did anything happen to you? ---On my way?

Yes? --- Before I came towards town I went to the charge office at Sharpeville to try and get some transport for coming into town, because there were so many people in the streets. Some people advised me that it was dangerous to ride into town.

Were you able to get any transport? --- No.

So did you set off? ---Yes, after finding that I could not get any transport into town I decided to ride into town on my bicycle.

And which street did you use, Zwane, Secise or some of the side-streets? --- I came down Ghabaseane Street.

And what happened to you? ---Further in the location I came to Secise Street. I turned into Secise Street.

BY THE COURT:

The big street, the main street? ---Yes, Your Worship.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And what happened to you? ---I rode down Secise Street, not for very long, and I then met a group that assaulted me.

How big was this group? How many people were there?

--- There were many people, very many.

Were they men? ---Many.

Yes, I knew many, but men? ---Yes, men, young men.

And did they have any weapons with them? Did they have any arms, weapons, sticks, stones, or anything like that?

--- I could not see any weapons with them.

And what happened? ---When I approached them they picked/....

picked up stones. I heard one of them say "Here is the Native Affairs Department's Sergeant". Then they started throwing stones at me.

Did any of the stones hit you? ---Yes.

Now, how many stones hit you Sergeant? --- Well, one stone hit me here before I jumped down from my bicycle.

BY THE COURT:

You show on your back? ---Yes. The other one was on my left shoulder blade. Then I jumped down from my bicycle, because they had knocked the wheel out of order. I could not use the bicycle at all.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

How had they done that, with a stone or what? --- With a stone.

Which wheel was that? --- The back wheel.

How was it broken? Did you find out later on what damage there was? --- Some of the wires were broken, the spokes, the spokes were broken.

So you jumped off your bicycle, and what happened then? --- Then there was a hail of stones. I used my bicycle to ward off this throwing of stones at me.

Did it help much? --- It helped me a lot as far as my legs are concerned, and also my chest.

Did any of these strike you when you were holding your bicycle? --- Yes, here. (Witness indicates to the court).

It struck the lower portion of your chest? ---Yes.

A lot of them, or one or two? --- Well, I cannot remember how many struck me, because there ^I was in a confusion.

And what happened then Sergeant? --- Then someone came there and asked what they were doing, and they had better step/....

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step.

Did they stop then? ---No, he only told them to stop but they did not stop. Then another came out and stabbed me with a sharp instrument in my right shoulder blade.

Did he come from behind? ---He came from behind. I was looking at others, and I felt the stabbing in my shoulder. I turned round and I saw him jump away.

Do you know the one who stabbed you at all? --- No Your Worship, because I saw him at a glance.

BY THE COURT:

I did not hear that? --- I could not see him so well that I could recognise him.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And what happened when you received this stab-wound? What happened then? ---Then after the stab-wound they suddenly broke off. I don't know what happened.

Do you mean now they suddenly stopped attacking you? ---Yes.

And what did you do? --- Then I tried to push my bicycle and I could not, because it was badly damaged. I just left it there and walked away.

Where did you go to? --- I went to one of the houses in the location, because someone advised me not to walk along the streets in uniform.

Do you know the name of the person whose house you went to? --- It is the house of one ^{Menkour} "Mantore", Coloured people.

And what did you do there? --- I asked that old woman to lend me some clothes in order to change my uniform. She did so.

And then, where did you go to? --- Then I went to my house, after changing my uniform.

And/....

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And then, where did you go to? --- Then I went to my house, after changing my uniform.

And/....

And did you have any treatment for your wound? What sort of a wound had you got? ---From my house I went to the charge office.

And at the charge office, what happened there? --- There I met the Red Cross people. They put some plaster on the wound, and told me to wait there until they could get me to the hospital.

What treatment did you have for your wound? Did you have any treatment later on? ---Yes, some medicine was put on the wound by the Red Cross people. Then I went to my house because I could not wait there any longer. These people could not take me quickly to the hospital.

BY THE COURT:

Tell me, what time did you get to the Police Station? Before or after the shooting? --- That was early in the morning, long before the shooting took place.

It was still early in the morning. Very well.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

What I want to find out is this. Did you ever have any stitches or anything like that put in the wound? --- No, it was just a penetrating wound. It was done with a sharp instrument; not a knife, something like a wire, a sharpened wire. No stitches were put into the wound.

And when you went to your house did you stay there for the rest of the day? --- I lay down because I felt very, very ill because of the pains that I had in the arm.

And did you go out again for the rest of the day, or did you stay in? --- I lay down the whole day, and the next morning.

Did you hear any shooting from your house? ---Yes, I heard the shooting from my house after the aeroplane had flown/....

blown over the location for sometime.

And I suppose the next day you found out all about what had happened? ---Yes, I heard people say they shot in Sharpeville location. I could not get up myself.

Do you know any of the gentlemen sitting on that side of the Court? --- I do not know any of them. I know one by sight. I saw him at the charge office at Sharpeville, the one with the blue pen writing there.

No. 3. When did you see him at the Police Station?

--- I saw him at the Police Station when I went to report that I was assaulted on my way to work.

What was he doing there? Had he been assaulted too or something? ---No, I saw him there saying that he came to protest against the carrying of reference books, and he offered himself for arrest. He had no reference book.

8 And what happened to him? Did anybody arrest him?

---No, not at the time I was at the charge office. I left him sitting outside. I asked him to tell his people to make way for me to walk out and go to my home and lie down. He did so. He told his people to make way for me, and I went out to lie down.

COURT ADJOURNS UNTIL 9.12.1960.