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missing  
C. Kumalo.  
B. Mentour.

9TH DECEMBER, 1960.

COURT RESUMES : APPEARANCES AS BEFORE.

BY THE PUBLIC PROSECUTOR:

Before Your Worship administers the oath to the witness, I would like to mention that the Crown has experienced some difficulty in bringing its witnesses to Court, both civilian and Police. Quite a few of the Police are now on duty behind the so-called "iron curtain" in Pondoland, and others are on leave, and the same applies to my civilian witnesses. I mention this Your Worship, in case the Crown is compelled perhaps later on during the course of the following two weeks to apply for a remand if it cannot proceed. I shall, however, do my best to proceed.

BY THE COURT:

Well, we won't anticipate things until we have to come to the position.

CHRISTIAAN KUMALO, duly sworn, states:

CROSS-EXAMINED BY MR. UNTERHALTER:

No questions.

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

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BESSIE MENTOUR, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Bessie, bly jy in Sharpeville? ---Ja.

En omtrent hoe oud is jy? Weet jy hoe oud jy is?

--- Nee, ek weet nie.

Baie/....

Baie oud? ---Baie oud.

Nou, kan jy die dag onthou toe die vliegtuie daar oor die lokasie gekom het, en daar was skietery daar by die Polisiestasie? ---Die dag, was dit nie op 'n Maandag nie?

Dit is reg, dit was 'n Maandag. Nou, daardie dag het jy vroeg opgestaan om vuur te maak? --- Ja.

En het jy mense in die straat gesien daar voor die huis? --- Nie voor my deur nie. Diekant toe in die strate het hulle geloop.

Watter straat bly jy in? --- Hy het nie 'n nommer nie. Vorentoe het hy 'n nommer.

Was daar baie mense of net 'n paar? Was daar baie van die mense wat jy gesien het? --- Nee, nie baie nie.

En wat het hulle gemaak? ---Hulle het niks gemaak nie. Ek het hulle net gesien daar in die strate loop en sing en skree „Afrika! Afrika!”

Het enige persoon by jou huis gekom daardie dag?

---Ja.

Wie was dit? --- Die "Sergeant".

'n "Sergeant"? ---Ja.

Ken jy sy naam? --- Nee, ek ken nie sy naam nie.

Hoe het hy by jou huis gekom? Het hy met 'n fiets gekom, geloop, gestap of gehardloop? --- Hy het geloop met die voet. Hy het 'n "bicycle". Ek staan toe in my hek, in my "yard", en toe kom hy daar van diekant af met die straat op, en toe het hy sy "bicycle" in die hand. Nou, voordat hy by my kom skree die ander mense vir hom daar „Los die "bicycle" en hardloop jy alleen!" Toe kom hy nou deuskant toe, na my kant toe. Nou, toe hy hier by my kom by die tweede hek toe vra hy vir my „Tannie, waar kan ek ingaan?" Ek sê „Gaan maar by daardie hek in". Toe gaan hy in. Toe

vra/....

Toe vra hy „Waar moet ek deurgaan?" Toe sê ek „Jy kan maar daar by die "gate" uitgaan".

En het jy gesien of daar enige bloed aan hom was?

---Ja, hy het 'n merk gehad aan die kant. (Getuie dui aan).

Jy wys by sy rug of daar iewers?

DEUR DIE HOF

Sy wys by sy linkerskouer.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Hier by sy linkerskouer? ---Ja.

„n toe hy by die hek ingaan, wat het van hom geword?

--- Toe hy by die hek ingaan toe spring hy weer regoor my draad na my "closet". Toe gaan hy in my "yard". Toe is hy nie dwarsdeur nie. Toe ek van die "gate" af kom en toe ek kyk toe sien ek daar staan hy. Toe sê hy vir my ek moenie praat nie asseblief.

Waar was hy? ---In my "yard".

In jou "yard"? ---Ja.

Maar het hy gestaan op 'n plek waar die mense hom kon sien? ---Nee, daardie plek was te ruig, te vuil, baie vuil; riete en al daardie goed.

So hy het toe by 'n plekkie ingekruip daar, weggekruip? --- Ja, hy het daar gestaan tussen die riete.

En wou hy toe weer loop? ---So 'n rukkie daarna toe kom hy uit, toe kom hy daar na die huis toe, en toe is ek binnekant. Toe greet hy my, en ek sê „Ja?" Hyhet toe gesê „Tannie, ek wil 'n bietjie die klere uithaal, want die volk sal my sien wat my seergemaak het. Kan jy nie vir my 'n ou breek leen nie, en 'n ou baadjie?" Toe sê ek „Dit is "all right", ek sal vir jou leen". Dan sal hy daardie klere van hom uittrek en bêre hier by my, en dan sal hy weer onkom as hy sien dit is stil.

So/....

So hy het sy uniform daar gelaat en jou klere aangetrek wat jy vir hom gegee het? ---Ja.

Is dit die man hierdie? --- Dit is hy daardie.

Dit is Sersant Kumalo? --- Ek ken nie sy naam nie, want dit was die eerste maal ook wat ek hom gesien het.

En het jy hom nie weer gesien nadat hy geloop het nie? ---Hy het toe gesê „Tannie, ek gaan na my huis toe nou”. Hy vra vir my „Waar moet ek deurgaan?”. Ek sê toe „Spring sommer by daardie draad van daardie huis oor. Daar is 'n hek en dan gaan jy sommer daar uit. Waar bly jy?” Toe sê hy hy bly bokant my.

En toe gaan hy? --- Toe gaan hy.

Dankie, Edelaagbare.

GEEN KRUISVERHOOR DEUR MNR. UNTERHALTER NIE.

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

DEUR DIE HOF:

Die plek hier op sy skouer, het jy daarna gekyk? --- Ek het hom gesien toe hy die baadjie uittrek. Hy trek die baadjie uit, en toe trek hy daardie een aan, en toe hy hom uittrek toe vra ek vir hom „Maar wat se roeiheid is hier agter jou?” Hy sê „Tannie, hulle het my gesteek”, en toe sien ek die merk.

Maar het jy gesien dat dit bloei of nie? --- Hy het gebleei.

PIETER JOHANNES VAN SCHALKWYK, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

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

En/....

En op die 21ste Maart hierdie jaar, omtrent 11.45 v.m. was u 'n lid van 'n Polisie-eenheid onder bevel van Kaptein Theron, wat by Sharpeville naturesdorpe te Vereeniging gekom het? --- Dit is reg.

Was dit 11.45 toe julle daar aangekom het? --- Dit was toe ons by Sharpeville lokasie ingekom het.

En het julle by die hoofingang gekom? Jy kom met die hoofpad en dan draai jy met 'n gruispaadjie af en kom by 'n biersaal en 'n kanteen en seaan? --- Dit is reg.

En het julle daar vertoef vir 'n rukkie en toe later met die Polisievervoer deurgery tot by die Polisiestasie? --- Vergesel van 'n "Saracen", dit is reg.

Was daar enige Bantoes by die Polisiestasie? --- Daar was.

Baie? --- Daar was baie.

Ek wil jou net 'n bewysstuk toon, d.i. bewysstuk 13. Dit is 'n lugfoto van die Sharpeville Polisiestasie. Heel bo op die foto is noord, onder is die suidekant, die westekant is die groot hek, en dan die grasperk aan die westekant word verdeel in twee deur die pad wat van die heining loop tot by die gebou, en derhalwe is daar 'n noordelike kant en 'n suidelike gedeelte. Nou, na jy van die voertuig afgeklim het, het jy enige aanmerkings gehoor vanaf die skare se kant? --- Ek het.

Wat se aanmerkings het jy gehoor? --- Sees die van "Mabuya Afrika! Vandag gaan ons julle doodmaak! Jou meer!".

En nog? --- En "Wat soek julle witmense in ons land?".

Enige ander vloekwoorde? Ek sien jy kyk na 'n dame, maar dit is in die Hof, en jy kan maar daardie woerde gebruik as dit as dit nodig is? --- Nee, dit is al.

Nou, van watter kant het die aanmerkings gekom?

Van/....

Van die westekant of die suidekant? --- Van die westekant af.

En wat was die houding van die Bantoes? Wat het hulle gedoen daar? ---Hulle was in 'n ernstige luim.

Het jy toe enige wapens tussen hulle gesien? ---Ek het.

Watter soort wapens was dit? ---Kieries, Bantoes met klippe in hulle hande. Ek het selfs 'n fietspomp gesien, wat ek ook as 'n bewysstuk uitgeken het.

En later het Kolonel Spengler daar gekom? ---Hy het.

En na hom het Kolonel Pienaar opgedaag? ---Dit is reg.

En nadat Kolonel Pienaar gekom het was 'n bevel gegee dat die lede van die Palsie meet in 'n linie aantree, in gelid staan? --- Inval, dit is reg.

Het u ook ingeval? --- Ekhet.

Aan watter kant? --- Aan die westekant.

Aan die westekant. Nou, noord of suid van daardie pad wat deur die grasperk gaan? --- Dit sal nou aan die suidekant van die pad wees, onmiddellik met links van die hek.

En het u enige voorvalle gesien plaasvind daar by die hek tussen Kolonel Spengler en enige ander persone? --- Daar was een Bantoe arrester gewees.

Het u net die een gesien gearrester, of ...? --- Ek het net op die oomblik of daardie tyd gesien dat een gearrester was.

En wat was die volgende ding wat gebeur het na die arrestasie van hierdie Bantoe by die hek? --- Onmiddellik daarna het ek klippe, kieries en voorwerpe deur die lug sien kom na ons.

Was u deur enige van die voorwerpe getref? --- Ek was, deur 'n klip op my linker be-arm.

Omtrent hoe groot was die klip wat u getref het?

Omtrent/.....

--- Omtrent ses duim lank en twee duim in deursnit.

Weet u wat van daardie klip geword het? --- Ek het hom uitgewys.

Het u nog bly staan nadat u deur die klip getref was? --- Ek het my maters gesê hulle moet pasop, en van hulle uit die rigting van die klippe uitgetrek.

Het u gesien of enige Polisielede geval het, of getref was deur klippe? --- Ek het gesien twee of drie val, maar ek het nie daardie tyd van hulle kon notisie neem nie.

En wat was die volgende ding wat gebeur het na die klippereën? --- Daar het skote geklap.

Vanwaar het die skote gekom? --- Die eerste een het ek van die kant van die skare gehoor, en daarna het ons self gevuur.

En wat het daar by die hek plaasgevind net kort voor die klippe gekom het? --- Die arrestasie.

En daarna? Kyk, in watter volgorde het dit gebeur? Die arrestasie, die klippe, die skote? --- Dit is soos dit is ja. Die arrestasie, die klippe, en toe die skote.

En het u self gevuur daardie dag? --- Ek het self gevuur.

Wat se wapen het u gehad? --- 'n .303 geweer.

En hoekom het u geskiet? --- Omdat my lewe in daardie tyd in gevaar was.

Hoe lank Polisie diens het u? --- Tien-en-'n-half jaar diens.

Is dit alles te Johannesburg, op die Witwatersrand? --- Op die Witwatersrand te Springs.

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

En/....

En toe u na die parade gebring was, watter vraag was aan u gestel? ---Om van die Bantoes uit te wys wie op die toneel by Sharpeville-lokasie was.

Kon u enige persone uitwys? ---Ek het.

Kan u onthou hoegeel persone u uitgewys het? ---Twee Bantoemans.

Sal u in staat wees vandag, as hulle teenwoordig is, om daardie persone weer uit te wys? ---Ek sal.

Sal u net afstaan en deur die Hof kyk, en sien of daardie persone teenwoordig is? ---Ja. (Getuie wys uit beskuldigdes nrs. 3 en 31).

DEUR DIE HOF:

Is dit nou die twee wat u sê wat u uitgewys het op die parade? ---Op die parade te Boksburg ja.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Nou, waar op die 21ste van Maart het u nr. 3 gesien? --- Dit is die eerste een wat ek uitgewys het?

Ja? --- In die binneplaas van die Polisiestasie.

En wat het hy daar gemaak? --- Hy het met sy rug na ons toe, en met sy gesig na die skare, slagkrete geskree, wat toe deur die skare herhaal is.

Het u gesien wat het van nr. 3 geword? ---Hy is deur Kolonel Spengler arresteer.

Is dit die arrestasie wat u gesien het? ---Dit is die arrestasie wat ek gesien het.

En nr. 31 beskuldigde, die ou man met die baard wat u uitgewys het, waar het u hom gesien? --- Hyhet aan die buitekant van die draad gestaan.

Aan watter kant? ---Aan die westekant.

Suid van die hek of noord van die hek? --- Suid van die hek.

En/....

En wat het hy gedoen? ---Hy het gestaan en die slagkrete herhaal wat hierdie nr. 3 openbaar het.

Was daar enige ander persone tussen nr. 3 en die draad, of was hy teenaan die draad? ---Hy was teenaan die draad.

En hoe ver van u af was hy? ---Ongeveer 3, 4 treë.

Het u enige beserings opgedoen as gevolg van die klip wat u getref het? ---Ek het uitwendig, 'n kneusplek op die linker bo-arm.

DEUR DIE HOF:

Was dit waar die klip jou getref het? ---Dit was waar die klip my getref het.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Edelagbare, mag die getuie afstaan om te sien of die klip of die fietspomp hier tussen die bewysstuk is?

DEUR DIE HOF:

Laat die getuie nou maar net deurkyk en dan terug na die getuiebank toe gaan met wat hy uitkies.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

U het nou na bewysstuk 36 gekyk, wat bestaan uit 'n viergelling drom met klippe in, en u het 'n klip uitgehaal, bewysstuk 75. ---Ja.

Is dit die klip wat u getref het daardie dag? --- Dit is die klip wat my getref het.

En u het ook 'n fietspomp daar, wat uit bewysstuk 40 kom. Dit sal nou bewysstuk 76 wees. Is dit die fietspomp wat u genoem het? ---Ja.

Vanwaar kom dit? ---Ook van die kant van die skare, wat ek met my hand afgekeer het.

Het u enige persone in besonder gesien klippe gooi of nie? --- Nee, dit het meer of min van die aggerkant af gekom.

Dit is al dankie, Edelagbare.

Kruisverhoor/....

KRUISVERHOOR DEUR MNR. UNTERHALTER:

Constable, you know Colonel Spengler? --- Ek ken hom.

And you would recognise him if you saw him? --- Ek sal.

And you recognised him on that particular day when he arrived? --- Ek het.

And you saw him moving about in that grass area, somewhere in the vicinity of the gate? --- Dit is reg.

Especially at the time when he arrested this man? --- Dit is reg.

Now, I take it that from the time that Colonel Spengler arrived, you were outside in that grass area with your fellow Constables, until after the shooting? --- Dit is reg.

You saw Colonel Spengler arrest No. 3 accused? --- Ek het.

Do you remember today Constable how he carried out that arrest, what he did? --- Dit is onmoontlik om te sê.

But as far as you were concerned what he did to No. 3 accused, looked to you as if it was an arrest that was being effected by a Policeman? --- Ek kon sien dat dit sy bedoeling was om te arresteer.

Does that mean Constable, as far as you are concerned, Colonel Spengler must have with his hand touched the person of No. 3 accused? --- Hy het hom aan sy arm gevat.

And holding him that way he took him off the scene? --- Dit was die laaste wat ek hom toe gesien het.

Is it possible for you Constable to remember where on his person he touched him, where on his arm he touched him, i.e. whether around the forearm or gripping the elbow or holding his/....

his hand? --- Nee. Die bewegings is vinnig, en jy kan nie alles fyn dophou nie.

Now, did I understand you to say that the throwing of the stones followed on that arrest, and the shooting came thereafter? --- Kort daarna het die skietery plaasgevind.

Now, I would like, if it is possible, to get from you some idea of time. When No. 3 accused was arrested by Colonel Spengler and the two of them moved off, did the stones start coming immediately, or was there an interval of five minutes, ten minutes, or two minutes, or was it immediately? --- Nee, dit was sekondewyse, onmiddellik daarna.

And then the shooting that followed, did that take place minutes after the stones, or would you say that the shooting followed almost immediately after the stone-throwing? --- 'n Paar sekondes daarna.

So then in a matter of seconds No. 3 accused was arrested by Colonel Spengler, the stones were thrown, and the shooting commenced? --- Dit is reg, maar om die presiese tyd vas te stel is baie onmoontlik.

But if it were seconds it would be five seconds, ten seconds, fifteen seconds, something like that? --- Dit is reg.

COURT ADJOURNS.

COURT RESUMES:

PIETER JOHANNES VAN SCHALKWYK, under his former oath, states:

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Constable, you have no doubt about the accuracy of what you have just spoken to? --- Dit is reg.

I am saying that to you because other evidence that has been given in this Court differs from the description that you/....

you have given to His Wership. --- Dit is presies net soos ek dit gesien het.

Certain other witnesses have said for example, that No. 3 accused was arrested and taken off the scene. Thereafter there were two other people who were removed. There was another incident, and then there was the coming over of the stones and the shooting. Now, that evidence indicates that there was some little time - it was not very long, but there was some little time between the removal of No. 3 accused and the shooting, and during that time there were a couple of other arrests and a certain other incident. You will observe from what I have said to you that that differs from what you have said. Now, is that evidence as I have given it to you wrong, or is what you have described to His Wership possibly mistaken? --- Edelaagbare, al wat ek kan inlas is die twee andersarrestasies wat gebeur het; dit het ek nie raakgesien nie.

Your position was in this grass area, facing west?

--- Dit is reg.

You were somewhere near that double gate, a little to the south of the path that you notice on Exhibit 13? --- Dit is reg.

About how many paces to the south of that path would you have been positioned? --- Omtrent drie of vier tree links.

I take it that the gate was within your vision throughout all the time that you were at that position? --- Hy was nie al die tyd sigbaar nie. Daar was Polisiemanne aan my regterkant gewees, Offisiere en Hoefkonstabels wat voor ons verbygeleef het, en ek kon nie alles sien nie.

But any particularly noteworthy event you would have had an opportunity of seeing? --- Ja.

New/....

Now, you said that there were certain Officers about, and did you suggest that that might have prevented your seeing the gate all the time? --- Nie al die tyd nie.

A portion of the time? --- Gedeeltelik ja.

Now, you had also fallen into line with your fellow Constables? --- Dit is reg.

As far as you can remember were most of the Constables in line together with you, until the time of the fixing? --- Nie al die tyd nie. Dithet vinnig gegaan, dit is deurmekaar, dit is nie juis net 'n kwessie van staan en stilstaan nie. Daar is maar altyd 'n beweging aan die gang.

They were moving about, some of them? --- Ja.

But were any of them, as far as you could see, doing any special job somewhere near the gate? --- Nee.

Would you be sufficiently clear about that Constable, to say that you are definite that a team of ten or fifteen of them were not doing anything special near the gate? --- Nee, ek het al die rigtings gekyk, maar jy kan nie elke ding presies onthou soos wat hy daar voorgekom het nie.

But in the ordinary course, if ten or fifteen of these men were joining together in a special job at the gate, you should have seen it? --- Dit was duisende mense gewees. Ek het nie juis so opgelet daar is spesiaal vyftien afgesender gewees om iets spesiaals te doen nie.

In any event what you have to report is the arrest, the stone-throwing and the shooting? There is nothing else that is of sufficient importance and that you can remember, that you want to describe in the sequence of events leading up to the shooting? --- Nee.

Now, I mentioned to you a moment or two ago that there has been evidence describing certain events in a way

different/....

different to yours, and I also referred to an incident. The incident that has been described by other witnesses was an apparent breaking through at the gate by a portion of the crowd. Now, since you have not mentioned it I take it that as far as you are concerned you did not see it? --- Nee, ek het dit nie gesien nie.

And other witnesses have said that because of this break through, or rather not other witnesses but one of the witnesses if my memory serves me, has said that because of this breaking through of the crowd, a team of about ten or fifteen Constables were gathered together somewhere near to the gate, and were endeavouring to press these people back through the gate, so as to clear the area? That is something you did not see, I take it? --- Dit kan meentlik wees, want ek het min of meer soos ek daar gestaan het na die heek se kant toe... wees, dit sal in 'n suid-westelike rigting wees wat ek min of meer gekyk het, weg van die hek af, en ek sal nie die hek se insidente so goed kan beskryf nie.

You did not see it. You will admit that you were not always looking in the direction south-west? Your eye obviously must have been travelling up and down? --- Presies.

Now, you have described the crowd as having had "kieries", as having shouted, and some of them had stones, and one of them had the bicycle pump which you have identified? --- Dit is reg.

Apart from the remarks that you heard and the weapons that you claim to have seen, would you say that as far as movement is concerned they were a reasonably well-behaved crowd? --- Nee, ek sal nie sê dat hulle hulle goed gedra het nie.

Well, what were they doing that leads you to say that/....

that they were not behaving themselves well? --- Die gerags  
wat hulle gemaak het, die houding wat hulle openbaar het ....

That is their bearing and their noise? but nothing  
else that you can mention? --- En die vleckwoorde wat uitgekome  
het.

Their language? --- Die lelike woorde, die taal.

But as far as movement within the crowd is concerned,  
I take it that there is nothing that you would wish to criticise?  
--- Ja, daar het baie van hulle wat die draad gespring, wat  
weer teruggespring het as daar 'n Polisieman naderkom of so.  
Hulle was maar altyd in beweging gewees.

Do you say that people jumped over that fence and  
then jumped back again when the Policemen moved towards them?  
--- Dit is reg. Nie op die plek waar ek gestaan het nie, maar  
'n endjie verder na die hoek se kant toe, na die suidekant toe.

Are you definite about that Constable? --- Ek is  
seker daarvan.

Were there many of these people who jumped over the  
fence? --- Nee, dit was maar net 'n paar wat ek gesien het.

Now, why, if just a couple of them jumped over the  
fence, do you condemn the whole of the crowd because of that?  
--- Dit is iets wat ek nie kan sê nie.

Well, with the exception of this couple whom you  
say you saw jump over the fence and jump back again, there was  
no threatening movement from the crowd that you can report? ---  
Wat daar wel opgemerk was was hulle het teen die draad gestaan  
en se teen die draad gedruk dat die draad op party plekke  
stukkend was, en dat die paaltjies omgedrukkwas. Dit is  
'n sterk draad, 'n heining, daardie.

Well, if this happened, did it happen because the  
crowd was intentionally pushing against the fence, or was it  
because/....

because the pressure of the mass of people behind that fence was such that it affected the angle of the fence? --- Ek sou sê almal wou nader gaan, en dit het die drukking veroorsaak in my opinie.

Well, did they want to come nearer because this was part of a threatening move towards the Police, or because out of curiosity they were leaning over to see what was happening? --- Hulle het 'n dreigende houding gehad, en hulle het ons altyd gedreig.

In addition to the weapons that you say you saw, did you see any umbrellas, open umbrellas? --- Dit is moeilik om nou te sê, want dit is lank terug.

But look Constable, you have no difficulty in remembering that this crowd had "kieries". How is it that you cannot remember whether there were scattered among the crowd people holding open umbrellas? --- Dit is deel van my werk. Ek moet daarna kyk. Kieries, klippe en gevaarlike wapens sien jy altes eerste raak!

It is also Constable part of your duties as a Policeman to observe any dangerous scene, or any extraordinary scene, accurately only as regards weapons and "kieries", but generally? Is that not so? --- Ja.

Well, in observing this crowd generally, did you not see that there were several people there standing with open umbrellas as if to protect them from the sun? --- Nee, hulle het nie spesiaal gestaan in kopies of so nie.

You did not see that. --- Om eerlik te wees ek het nie sambrele gesien nie.

You say you did not see umbrellas? --- Ek het nie gesien nie.

Will you go so far as to say that there were not umbrellas/....

umbrellas? --- Daar kon gewees het.

But you did not see them? --- Ek het dit nie gesien nie.

And yet you have admitted to me that your eye was travelling up the line of the western fence, from the south-west corner to the double gate? --- Dit is reg.

And it must have travelled up many times during the time that you were on parade there? --- Ja, ek het nie so opgelet nie. So ek het gesê ek het dit nie gesien daar nie, wat daar aangegaan het en wie hulle was nie.

Now, I am going to show you a photograph. Exhibit 77, Your Worship. If you look at that picture you will see that the camera is directed, among other things, towards a crowd standing beyond a fence? Do you agree with that? --- Ja.

In the foreground of that picture you see some "Saracens"? --- Ja.

And you see in a certain portion of that photograph the middle portion, the area near the double gate? --- Dit is reg.

And for the most part the picture shows the crowd against the western fence and to the south of that double gate? --- Ek sien dit.

I want you to look carefully at the group of people near the gate. There is a figure there with what appears to be a white handkerchief over his head or her head. There is a white shirt worn by that person, and there is a pair of dark trousers. It might almost look at first glance as if it was a woman with a white "doek" and a black skirt. Do you see that figure? --- Ja, ek sien dit.

Now, just next to that person, i.e. to the right of the photograph, there is a figure that to me looks very much like/....

like Colonel Spengler. I wonder if you would look at that figure and tell me if you agree with me? ---Hy lyk so.

Now, will you look at the crowd in that portion of the photograph to the south of the double gate, to which I have directed your attention? You will agree that there are a fair number of open umbrellas among that portion of the crowd? --- Ek sien vier sambrele.

You will agree that generally that crowd seems to be looking towards the part of the grounds where Colonel Spengler and that person with the "doek" on his head were assembled, as if they were curious to see what was happening? --- Dit is reg. Ek sien dit.

And at that particular time, I think in fairness Constable you have to admit that that picture of the crowd does not show that crowd to be hostile? --- As jy nou self op die toneel is dan kan 'n mens dit nou beter beskrywe, d.i. soos ek dit reeds beskrywe het.

I am asking you to be fair Constable. Just look at the photograph and you can give your view. If you are fair you must say I put it to you that that crowd does not appear to be hostile? It looks curious? --- Op die foto lyk dit so.

You agree with me. Now, as far as the fence itself is concerned, that fence seems fairly erect, does it not? --- Dit is reg.

Now, you told His Worship that certain of the people climbed over the fence, and they came back again. How did they manage to get over the fence? --- Hulle spring lyk dit my op die een se skouer of hulle tel hom oor en dan spring hy oor, en dan vat hulle hom weer oor. Die draad het redelike groot oëls waar hulle hul voete kan insteek en gou oorklim.

Yes, it is correct, it is diamond mesh. Now, what

I/....

I want to know is did they use the diamond mesh, or were they actually just raised up by the other crowd, pushed over the fence, and assisted back, or did they climb over the fence by means of the diamond mesh? --- Die Bantoes het so teenaan die draad gestaan. As jy net sien dan sien jy hy is oor. Jy kan nie presies sê of hy oorgeklim het, of hy oorgetel is, of wat nie. Jy hou nie sy bewegings so fyn dop nie.

If this happened Constable, I am putting it to you that the pressure of the crowd against the fence was such that it must have been very difficult for a man to try to climb over the fence by putting his feet through the diamond mesh? If he got over at all it must have been because he was lifted by the crowd? Will you agree with that? --- Ek het nou net gesê hoedat hy oorgekom het weet ek nie.

Now, having seen the umbrellas as I have pointed them out to you on the photograph, does it refresh your memory, so that thinking back on it you can now say that that southern portion over which your eye travelled, did show you certain umbrellas? Think back in your own mind. --- Nee, ek het gesê ek het dit nie opgemerk nie.

Well, the picture then does not refresh your memory? --- Op hierdie stadium nie.

But I take it that having seen the picture you will of course not deny that the crowd had umbrellas? --- Nee, ek sê nie dat daar was nie.

Now, you say that these stones were thrown and one of them hit you? --- Dit is reg.

And you made certain warning remarks to your colleagues who were near you? --- Dit is reg.

Something to the effect that they must look out, and they should try to avoid the stones? --- Dit is reg.

I/....

I take it Constable that if one saw a person in the act of throwing a stone towards one, in the light of the advice you gave to your own Constables, and you watched that stone, you would have a reasonable chance of dodging it, would you? --- Jy kan miskien een ontduik, maar nie 'n tweede en 'n derde nie, as hulle vinnig opgehaal kom nie.

I am not suggesting to you that if there were a hail of stones that you could hope to escape all of them, but if you saw one particular man and he seemed to have his eye on you, and that he was going to throw that stone - let us assume that there was no hail of stones - and that was the man whose stone you wanted to avoid, with a little care in watching the stone you could have dodged it? --- Die klip se trek is vinniger as jou bewegings. Jy moet gelukkig wees as jy daar uitkom.

Well Constable, I understood you to agree with me? I am not sure if you do or not. Let me put it to you again. If you saw a man and he was about to throw a stone at you, and you watched the flight of that stone, and you wanted to dodge it or duck/<sup>it</sup>er step back or something like that, you would have been able to do so? --- Ja, as die man teen jou staan, 'n paar tree van jou af staan, sal jy dit nie kan doen nie, maar as hy natuurlik neg ver staan, en dat jy dan die trek of die vlug van die klip kan dephou, dan is dit 'n ander saak. As jy naby is is dit onmoontlik.

Six or seven paces away you might still have dodged it? --- Nee, nie op vyf, ses tree nie.

Well, do you say that you could not have dodged or you might not have been able to dodge because he was too near, but there was nothing in the grounds itself where you were positioned, that would have handicapped you? --- Ja, ons staan dan in gelid. Ek kan nie my maters omsteet nie. Ek

meet/....

meet maar net daar staan.

Well, why do you say that you could not push a man who is next to you? If that stone was coming to you, surely you would move to one side? You would not mind pushing your man if it is going to save you an injury?—As jy een klip sien kom, vir 'n distansie aankom, dan kan jy hom "dodge", maar nie van naby en op 'n vinnige speed nie.

And if you saw one stone coming you would automatically try to dodge, even if it meant rudely pushing the man to one side or other of you? —Dit is so, Edelagbare. Dan sou jy.

Now, then you said that there was the shooting. There was a volley of shots that came from all the Police, but before that there were some single shots? — Dit is reg.

Now, as I have heard you did you say that one of these single shots came from the crowd? — Dit is reg.

After that single shot, was there then the volley, or were there then other single shots which came from the Police? — 'n Tydjie daarna, na die klippe erg begin kom het, toe het enkelskete van die Polisie se kant gekom.

This one shot from the crowd of which you speak, did it come before this throwing of the stones, during the throwing of the stones, or afterwards? — Gedurende die gooi van die klippe.

What kind of a sound did it have? — Hy het 'n deewer klank as die van 'n gewone groot geweer. Ek sou sê dit klink soos 'n .22, maar watter kaliber dit is of was weet ek nie.

Do you remember the direction from which it came?  
— Ja, van die westekant af.

As you were standing to the south of the path, was  
it/....

it immediately opposite you, or was it to your right, i.e. somewhat in the north, or to your left, i.e. somewhat to the south of you? ---Nee, dit is omeentlik om te sê watter rigting presies dit gekom het. Ek het maar net die skeetje heer klap.

The street that runs south of the Police Station, i.e. outside the main entrance, not the double gates, but the main entrance to the Police Station, is known as Zwane Street. In other words, if you are facing west as you were, that street would be on your left. Do you follow me? ---Ja, maar dit is nie presies waar die skeet vandaan gekom het nie. Dit het maar net van die kant van die skare afgekom. Ek kan nie presies sê watter rigting nie.

It might perhaps have come from the Zwane Street side? Are you suggesting that? --- Dit kon gewees het.

You only heard the one shot from the crowd? --- Ek het net die een geheer van die skare se kant.

The other single shots that you heard you are definite came from the Police? --- Dit was groot gewese wat geskiet het, en dit was die Polisie gewees.

Other people have said that they heard two shots from the crowd. Would that be wrong? ---Nee, ek sal nie sê dit is verkeerd nie. Ek het net een geheer.

In the ordinary course if two <sup>shot</sup> had been fired from the crowd, I take it you would have noticed it, i.e. if two shots had been fired you would have noticed it? It is a sufficiently startling and extraordinary thing for you to have observed? Will you agree with that? --- Jou aandag is miskien vir 'n oomblik net afgetrek op iewers anders, en daar klap 'n skeetje wat jy nou miskien nie heer nie.

Now, did you hear an order to fire? --- Nee.

If an order had been given in the same tone of voice as?....

as the order that told you to fall in, and it had been given from someone at the path as you see it on Exhibit 13, from where you were a few paces away to the south, ordinarily would you have heard such an order? --- As hy baie hard geskree is sou ek hom geheer het.

Other Policemen have put their distance from that path almost the same as you have put yours, and they said that they heard the word "Skiet!": --- Ek het dit nie geheer nie.

Now, you yourself shot with a .303 rifle? --- Ek het geskiet.

Constable, did you shoot because you heard others shooting and you thought that "Well, perhaps there is an order that I have not heard, I had better shoot as well"? --- Ek het uit my eie uit geskiet, volgens omstandighede.

You did not shoot because you lost your head or panicked? --- Nee, gladnie.

You used your own judgement? --- Ek het my eie idees gevorm.

And as far as you judged it, the circumstances were such that you then had to fire? --- Dit is heeltemal reg.

Now, did you fire into the crowd? --- Die eerste twee skote het ek in die lug afgevuur, en daarna het ek na die bene gemik.

And how many shots did you fire altogether? --- Agt.

And what was it that made you stop firing? --- Toe het die klipgeelery opgehou.

Was that the only factor that made you stop firing, the ceasing of the stone-throwing? --- En die persone agter my wat ook geskree het. Ek weet nie wie dit was nie, maar hulle het geskree ook "Stop! Meenie skiet nie!"

Now/.....

Now, the circumstances that made you fire, were circumstances that according to you made you think that your life was in danger? --- Dit was.

Were these circumstances the fact that there was this big crowd outside the fence, and there had been this stone-throwing, one of which had hit you? --- Dit is reg.

Nothing else? --- Ja, en natuurlik die houding, die dreigende houding.

But you personally were not influenced to shoot by the fact that a crowd of people were streaming through the gate, because you did not see people streaming through the gate? --- Nee, ek het van die daad af geskiet.

And you did not think that even though these stones were being thrown, you ought nevertheless to have waited until you get an order to fire? --- Jy kan nie wag nie. Dit is 'n hael of 'n reën van klippe, en enigeen van daardie klippe mag dalk dedelike oorsake het.

It was Colonel Pienaar who gave you the order to fall in? Is that correct? --- Kolonel Pienaar, en van my Hoefkenstabels. Kaptein Theron was daar; almal het gereël vir die invallery.

Did you perhaps hear Colonel Pienaar say "Tree aan?" --- Ek het hom gesien waar hy dit gesê het.

Did you hear him give an order to lead? --- Ja. Ons was veer dit oekal gewaarsku om ons gewere in gereedheid te hou en om te laai.

What order did he give when he told you to lead? How did you hear it? --- Hy het net gesê "Het almal ammunisie, en is julle gewere gelaai?".

Are you sure Constable that he expressed himself in these words? --- Die man loop al veer die mense, veer die

Polisiemanne/....

Pelisiemanne verby, en hy kyk en hy praat verskillend. Hy mag teen my so gesê het, en teen die andere het hy weer so gepraat.

Are you sure that he used these words? --- Tee hy by ons verbygestap het het hy gesê „Het julle ammunisie, en maak julle gewere gereed; laai!”

You see Constable, Colonel Pienaar gave evidence here, and he did not describe having done that. What he said was that he issued an order, and he said „Laai vyf rondes!”? --- Nee, vyf rondes het ek nie geheer nie. Die bevel van laai vyf rondes het ek gladnie geheer nie.

Well, that is what he said, but you did not hear it? --- Hy mag so gesê het.

Did you hear him shout the command „Laai!”? --- Nee, nie so hard dat dit uit... hee sal ek sê, dat almal dit kon geheer het nie.

No, did you hear it? --- Ek het dit geheer terwyl hy voor ons verbygestap het. Sees ek reeds beskrywe het, „Het julle ammunisie? Laai julle gewere!”.

Did you not hear him shout out a general command to the whole group of men „Laai vyf rondes!”? --- Die het ek nie geheer nie.

Now, it was a confused scene generally, was it not, with people moving up and down, crowds shouting, noise and you were disturbed by what you thought was the threat from the crowd? --- Dit is reg.

You claim that accused No. 31 was one of the members of the crowd when you noticed? --- Dit is reg.

Now, how is it that in the whole confused scene at that particular time, you particularly remember that man? --- Omdat hy naby die draad gestaan het, en sy houding was uitstaande. Hy het hard geskree en hard gepraat, en ek het

spesiaal/....

spesiaal van hem netisie geneem; dit is daaren wat ek hem ken uitken.

So as far as you are concerned the thing that marked him out from the others, was that he appeared to be more insolent and more active than the others? Is that the way...?  
---Hy was meer aktief, hee sal ek sê=Edelagbare.....

And because of that he especially attracted your attention? --- Dit is reg.

And that is the reason why you remember him so well?  
--- Dit is reg.

There are no other reasons why you remember him so well? other than what you have just said? --- Sy gedrag was sleg.

There are no other reasons other than what you have given to the Court? --- Sy gedrag en die taal... hee sal ek sê, die houding wat hy ingeneem het, en natuurlik die hard praterij.

Yes, you have repeated that, but there are no other reasons besides that why you remember him so well? --- Verder het ek niks gesien teen hom nie.

Now, having paid such special attention to him because of the way he was behaving, can you perhaps describe to His Worship how he was dressed? --- Nee.

Now, why is it that you cannot do that, if this man attracted your attention so especially, that you can point him out today? --- Sy gesig. Jy kyk na iemand dan kyk jy na sy gesig. Jy kyk nie na sy kleredrag of sy skeens nie.

Well, let me ask you a simple question. Was he wearing a hat or was he bareheaded? --- Nie, die seun ek nie ken sê nie.

How is it that you can't remember that? This man  
who/.....

who struck you as behaving in this way that you have described so graphically? How is it that you cannot tell us? --- Ek het reeds gesê ek het in sy gesig gekyk.

You can't tell His Worship at all whether he was bareheaded or had a hat on? --- Nee.

I want you to have another look at him Constable? I want you to be as fair as you can. I want you to say whether you still adhere to your statement that he was the man when you saw on the western side at the fence? --- Dit was hy.

Did you draw the attention of any of the men who were near you to the outstandingly bad behaviour of this old man, and point him out and say to them "Just look how that man is behaving". --- Edelagbare, ons kan nie daardie ding beskryf daardie kritieke tydperk nie.

Constable, he is going to deny that he stood at the point that you have described, namely, at the western fence south of the gate. What do you say to that? --- Herhaal net 'n bietjie die vraag asseblief?

He is going to deny <sup>it</sup> Constable; he is going to say that he was not standing at the western gate, or rather at the western fence, somewhat south of the gate, as you have said in your evidence? --- Hy kan stry. Ek het hem daar gesien, en daar het ek hem gekry net soos alreeds beskryf is.

He was up against the fence, was he, i.e. in the leading row? --- Hy wasse eerste of tweede teen die draad gewees. Natuurlik die Bantees het almal gestaan teenaanwaaikkaar, die een teen die ander.

Now, what I want to be clear on is this. Was his body pressed up against the fence, <sup>or</sup> was there two or three people between him and the fence, as far as you can remember?

--- Nee, twee het so voor hem teen die draad gestaan, en hy

het/.....

het tussen die twee deurgeleun, met sy hande in die lug in.  
Dit is waar ek hom gesien het.

Just that I am quite sure that I have understood what you have said. There were two people in front of him. He was just behind them, and he leaned over between the two of them? ---Ja, hy het teen hulle gedruk en half deur hulle geleun. Hy is 'n groot Bantoe, en hy was 'n bietjie heër as die ander gewees.

Could you see - if you can remember - the shirt or whether he had a jacket on or anything like that? --- Nee, ek het nie so fyn opgelet nie.

You can't say. Now, it was into that portion of the crowd that the bullets were fired? Is that correct? --- Ek het in daardie rigting geskiet.

And if he was there he had a very good chance of being hit by a bullet from the Police? ---Jy skiet nie na 'n perseon spesifiek nie.

Now look Constable, don't fence with me. I am not suggesting that you aimed directly at him; I am very far from suggesting that you picked out a particular individual and shot him down. Just please listen to me carefully. If he was there and the Police were firing into that portion of the crowd where he had been standing, he had a very good chance of being hit by a bullet? ---Ja.

Now, what happened with the shooting? Did the crowd turn and run away, or did the crowd remain, or what happened? --- Na die skete wat ons in die lug geskiet het, het ons natuurlik op hulle bene gemik. Toe het hulle geretireer, en geleidelik was hulle teruggesteet gewees.

Does that mean that the crowd moved back facing the Police, or that the crowd immediately turned their backs on

the/....

the Police and ran? --- Party het miskien die rug gedraai, en dan draai hulle om en dan geel hulle weer met klippe. Hulle het al die bewegings.... dit was verentee en agtertee. Jy het hulle rûens gesien jy het hulle gesigte gesien.

Certain of the people might have been shot while their backs were turned to the Police? ---Ja, dit is baie meentlik.

Now, you have pointed out Exhibit 75 as the stone that hit you? --- Dit is reg.

I could understand Constable your pointing out a stone similar to the one that hit you. Are you suggesting that this was precisely the stone that hit you? --- Waarem ek weet dat dit presies dieselfde een is hierdie, is omdat dit was veer die ergste klippe gekem het. Hee sal ek sê tee die klippe neg in 'n mindere mate gekem het, en tee het hy teen my arm geval, afgeval. Ek het na hem gekyk en op hem getrap; die grond is effens of dit nat is, hee sal ek sê sag is, en tee het ek hem half ingetrap, en ek het teruggeken na die skietery en daardie selfde klip weer in dieselfde posisie gekry as daar waar ek hem ingetrap het.

I can understand all that Constable, but how is it that after all these months you recognise that precise stone in that whole miscellaneous collection of stones, as being exactly that one? --- Die klippe lê nie almal in een bondel nie. Dit lê verspreid; dit is baie maklik om dit uit te ken.

And after all these months you carry very vividly in your mind the memory of that particular stone which you have identified? --- Dieselfde as watek die gesigte herken.

Although you cannot after all these months remember whether there were umbrellas opened up in the crowd alongside the fence? --- Nee.

Now/.....

Now, you have pointed out Exhibit 76 as the bicycle pump that you saw? --- Dit is reg.

This was held by members of the crowd, was it? --- Dit moes gewees het, want hy was gegooi uit die rigting van die skare.

You remember it as something that was thrown from the crowd? --- Dit was van die skare af gegooi.

You don't remember it as being held in the air by anyone whom you saw in the crowd? --- Nee, ek kon dit nie sien nie, wie hom gegooi het nie.

It is a rather light instrument is it not? --- Dit is baie lig.

It could hardly have done much damage? --- Nee, nie soveel skade nie.

Now, the time that you saw No. 31 as you claim at the western fence, was that immediately before the shooting? --- Dit was 'n paar sekondes voor die skietery.

And if he says that at the time of the shooting - because he is not going to deny that he was there - if he says that he was in Zwane Street, i.e. the street to the south that I described to you earlier, would he be wrong? --- Hy kon op ander stadions daar gewees het; dit is heeltemal reg.

No, at the time of the shooting? --- Maar ten tye van die.... voor die skietery, onmiddellik, 'n paar oomblikke voor dit, was hy op die westelike kant gesien, vlak voor my.

Had you noticed him there for some considerable time before the shooting, or only a few seconds before? --- Nee, dit was alleenlik 'n paar sekondes voor die skietery.

He is going to deny in any event that he shouted these war-cries that you said he was shouting? --- Hy het geskree.

Now/....

Now, it was on an identification parade at Boksburg was it, on the 19th April, that you claim to have pointed him out? --- Dit is reg.

Were you not assisted in your identification of him Constable, by the fact that he appears to be an old man who has a beard? --- Dit is juis waarom ek hom so fyn opgeleë het op Sharpeville.

Yes Constable, I almost invited you to say that in my earlier questions, but you were persisting in saying that the reason why you remember him was only his behaviour, but you say that because he had this beard you were able to point him out? --- Ja.

Will you agree that among all the people that were lined up there on the parade for your inspection, he was the only man who had a beard? --- Hy kon gewees het miskien. Ek het nie so opgelet nie.

Now, is it possible that you pointed him out on the parade because he had a beard, and the man that you saw had a beard, and you therefore associated him with the man whom you saw in the crowd, but that you might have been mistaken? --- Ek is baie seker dit is dieselfde persoon.

I want to show you Exhibit 71 Constable. Now, in that photograph there is a man who seems to be wearing a black hat, and he has a beard. Do you agree that the face is similar to the face of accused No. 31? --- Ek sien dit is so.

Now, does that picture there look like the man whom you saw in the crowd? --- Dit lyk dieselfde een.

You see, in point of fact and in fairness to you Constable, I must tell you that the man whose picture you see here, Exhibit 71, is not accused No. 31, and I am putting that to you just to illustrate to you how easy it is for one to make mistakes/....

mistakes in identification? --- Edelaagbare, ek het geen fout gemaak nie. Dit is dieselfde perseon in daardie geval.

Thank you, Your Worship.

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

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER:

Hee ver was die Polisiegedid vanaf die draadheining ten tye van die klipgeciery? --- Omtrent drie, vier treë.

En werd die Polisie met .22 gewere uitgereik, .22 kaliber wapens? --- Ek is nou nie seker nie, maar ek dink die Speurdiens is in besit van .22 gewere.

Dit is net wat u dink? U is nie seker nie? --- Ja, ek is nou gladnie seker nie.

Was dit moeilik om te hoor daardie dag, d.i. watter bevel gegee was deur enige Offisier? Was dit moeilik om te hoor wat enige Offisier gesê het, of wat se bevel <sup>hy</sup> gegee het hy daardie dag? --- Dit was.

Heekom was dit moeilik om enige perseon te hoor daardie dag? --- Dit was 'n oerverdewende geraas.

Nou, natuurlik die pomp is 'n ligte instrument en kan nie veel skade doen nie, maar 'n klip van die grootte wat u gewys het, as dit u miskien in die oog of die gesig getref het, wat se skade kon dit gedeen het? --- Dit kon dedelik gewees het.

Nou, die perseon op bewysstuk 71, u het gesê dit lyk dieselfde as die man in die skare. Wat het u bedoel daarby, dat dit is nr. 31, of dit lyk net so? --- Dit is hy daardie.

O, u sê dit is nr. 31? --- Ja, hy lyk identies.

Hy lyk identies? --- In ander woorde, dan moet dit hy wees.

Frans/....

FRANS PETRUS VAN ZYL, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

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

Hee lank diens het u in die Polisiemag? --- Amper vyf jaar; vier jaar en nege maande.

Neu, op die 21ste van Maapt hierdie jaar, was u teenwoordig by Sharpeville Polisiestasie toe die Polisie geskiet het? --- Dit is reg.

En op die 19de April hierdie jaar het u 'n uitkenningsparade bygewoon te Beksburg trenk? --- Nee.

Op die 19de van Mei hierdie jaar het u 'n uitkenningsparade bygewoon te Vereeniging? --- Dit is reg.

Watter graag was aan u gestel nadat u na die parade gebring is? Nie die juiste weerde nie, maar min of meer wat het die man vir u gesê, wie in bevel was? --- Hulle het vir my gevra het ek iemand herken op die parade.

En het u enige persone uitgewys? --- Ek het twee uitgewys, 'n Banteeman en 'n Banteevrou.

Neu, sal u in staat wees om vandag daardie twee persone uit te wys as hulle teenwoordig is? --- Ek is nie seker/ nie.

Neu, heekom het u daardie twee persone uitgewys? --- Omdat ek hulle by Sharpeville se veerval gesien het.

By die Polisiestasie of by 'n ander plek? --- By die Polisiestasie.

Neu, ons sal vir 'n oomblik vergeet van die Banteevrou, maar die Banteeman wie u uitgewys het, waar het u hem gesien? Laat ek u eers bewysstuk 13 teen. Dit is 'n lugfote van die Polisiestasie. Heel bo aan die fote is die neerdekant, heel onder die suidekant, die linkerkant se kant is die

westelike/....

westelike gedeelte, en dan die oostelike gedeelte. Was u toe aan die westelike gedeelte ten tye van die skietery? ---Dit is reg.

Neu, daardie westelike gedeelte is verdeel in twee deur die gruispad wat deur die grasperk loop, d.w.s. 'n noorde-  
like gedeelte en 'n suidelike gedeelte. Aan watter kant was u, noord van daardie pad of suid van daardie pad? --- Ek was suid van daardie pad.

Ken u Konstabel van Schalkwyk? --- Ek ken Konstabel van Schalkwyk.

Waar was hy, aan u linkerkant of u regterkant, of kan u nie onthou nie? --- Nee, ek kan nie onthou nie, maar ons was almal bymekaar gewees.daar.

Omtrent hoe ver suid van daardie pad was u? --- Ek sal sê se drie treë.

Was daar ander manne tussen u en die pad, aan die regterkant se kant? --- Daar was manne gewees.

En die Banteeman, waar washy gewees? ---Hy het daar by die draad gestaan, buitekant die Pelisiestatie.

En wat het hy geseen? ---Hy was een van die wat geskree het „Afrika!“, en die duim in die lug gegooi het, en daardie dinge.

Heeken was u aandag op hem gevestig? --- Ek het hulle deurgekyk en toe het ek daardie een gesien.

En hoe het die ander mense in die nabyheid van die Banteeman opgetree toe hy sy duim in die lug gesteek het en „Afrika!“ geskree het? Wat was hulle reaksie? --- Hulle het dieselfde reaksie gehad. Hulle het ook geskree „Afrika!“ en seaan.

Neu, het u enige klipgeciery gesien daardie dag? ---

Ja.

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

Het/....

Het u 'n vuurwapen gehad daardie dag? --- Ek het 'n vuurwapen gehad.

Wat was dit? --- Dit was 'n .303 geweer.

Het u dit gebruik daardie dag? --- Ek het dit gebruik.

Hoekom het u die vuurwapen gebruik? --- Omdat my lewe in gevaar was.

Vanwaar het die gevaar gekom? --- Van die natuurlike kant af.

En wat was die aard van die gevaar? --- Hulle het 'n dreigende heuding ingeneem.

En wat neg? --- En die draad besterm, die Polisie-stasie besterm.

Wanneer het u geskiet, voor of na die klipgeciery, of gedurende die klipgeciery? Kyk, u het gesê klippe het toe oorgekom? --- Ja.

Op watter tydstip het u u vuurwapen gebruik en geskiet, voor die geeciery, tydens die geeciery of na die geeciery? --- Gedurende die klipgeciery.

Ken u enige van die beskuldigde persone wat daar sit aan die regterkant van die Hof? U kan afstaan as u wil.

--- Nee, ek kan hulle nie onthou nie.

Dankie Edelaagbare.

BY THE COURT:

Mr. Unterhalter, do you want to cross-examine now? I think the Prosecutor should still intimate to the Defence, if he is calling the man in charge of the parade, what the man in charge of the parade will say in regard to the identity of the two people identified by the witness. I may add that I don't want it disclosed to the witness at this stage.

BY MR. UNTERHALTER:

I am indebted to Your Worship for the suggestion.

By/....

BY THE COURT:

Don't you think that would be fair Mr. Prosecutor?

BY THE PUBLIC PROSECUTOR:

Yes Your Worship, I am calling the man from the parade.

BY THE COURT:

Yes, who will say that this man identified certain people. Well, you have <sup>new</sup> conveyed that to Mr. Unterhalter and to the undefended accused.

CROSS-EXAMINED BY MR. UNTERHALTER:

This particular person whom you pointed out on the parade, what was he doing on the day that you were at Sharpeville, i.e. the man? --- Hy was tussen die opreeriges. Hy was een van die wat duim in die lug gegee het en geskree het „Afrika! Beere, vandag maak ons julle dood!” en daardie klas dinge.

Where was he standing Constable? --- Hy het by die draad gestaan. Ek kan nie presies sê hoeveel treë van die draad af of so nie.

Now, have a look at Exhibit 13 Constable? You will remember the double gate? --- Ja, ek onthou dit.

They are so to speak at the end of the path that you see in the photograph? --- Dit is reg.

Now, you were standing to the south of the path? --- Dit is reg.

The particular person whom you saw at the fence, was he standing opposite you to the south of the gate, or was he standing somewhere to your right to the north of the gate? Just try and give us a little more exact information as to where you saw him? --- Hy het aan die suidekant gestaan.

And was he right up against the fence, or were there some/....

some people between him and the fence? — Ek kan nie sê  
hoeveel treë van die draad af was dit nie.

DEUR DIE HOF:

Meen dit hy was 'n paar treë van die draad af? —  
Hy was 'n paar treë van die draad af.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

That means that he was within the crowd? — Ja.

There were people in front of him, there were people  
behind him, and there were people on the side of him? Is that  
right? — Dit is reg.

And was he sufficiently tall, this person, to be  
clearly visible among the people who were surrounding him?  
— Ek kan nou nie sê hy was lank geweest of so nie. Hy was  
middelmatig gebou sal ek sê.

But in relation to the people around him, was he  
taller than them, so that you could see his face clearly? —  
Ek kan nie sê nie.

Well Constable, if you can't say that how is it  
that this particular person, whoever he was, that you pointed  
out on the parade, was so clear to you on the 21st March that  
you remembered his face when you pointed him out on the 19th  
May? — Ons het daar gestaan, lank daar gestaan, en ek het  
kans gehad om die skare deur te kyk, en hy is een van hulle  
wat ek gesien het.

You looked at him carefully? I mean at the Police  
Station, not on the parade. Did you look at him carefully?  
— Ek het gewoonweg na hom gekyk.

Did you have a chance to look at him for quite some  
time? — Ja, ek het 'n paar keer na hom gekyk.

Constable, I want to know was he there so that you  
could look at him from time to time over a period of ten  
minutes/....

minutes, or five minutes, or did you just have a glance at him and then not look at him again? Just tell His Worship, so that the Court can understand what opportunity you had for seeing this man. --- Hy was 'n hele ruk daar gewees, want ek het 'n paar keer na hom gekyk, 'n paar keer hom gesien.

Would you say that you only looked at him twice, or you looked at him five times, ten times,....? --- Dit kan ek nie sê nie.

Did he especially attract your attention, Constable?  
--- Hy is een van die wat ek daar gesien het. Ek kom nie die ander herken nie, maar toe die uitkenningsparade gehou is het ek hom herken omdat ek hom gesien het.

DEUR DIE HOF:

Maar die vraag is of hy nou spesiaal iets gedoen het wat jou aandag getrek het? ---Hy het gedoen wat al die ander gedoen het, Edelaagbare.

Hy het maar net gedoen wat al die ander gedoen het?

--- Ja.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

And why is it that if he did what all the others were doing, that he especially attracted your attention? --- Omdat ek 'n paar maal na hom gekyk het, en hom herken het.

Yes, but why did you particularly look at him a few times? --- My oë het oor die skare gegaan, en elke slag wat my oë oor die skare gegaan het het ek hom gesien.

It just so happened you are saying, if I understand you correctly, that your eyes going over the crowd, it was always he to whom your eyes were attracted, but you cannot tell us why they were attracted to him? --- Ek het hom maar gesien. Ek kan nie sê wat hy presies gedoen het dat ek hom gesien het nie, maar ek het hom definitief daar gesien.

Now/....

Now, can you give us some indication of how he was dressed? --- Nee, dit is te lank terug. Ek kan nie meer onthou hoe hy aangetrek was nie.

Well, let us just try to assist you. Was he wearing a hat? --- Ek weet nie.

Was he wearing a tie? --- Ek weet nie.

Were you able to see the colour of his shirt? --- Ek kan nie meer onthou nie.

All that you remember is the face, or remembered at the parade was the face? --- Dit is reg.

Did you see this particular person after the firing? --- Nie voor op die uitkenningsparade nie.

DEUR DIE HOF:

Nee, daardie selfde dag, net na die skietery? Dieselfde dag nog het jy daardie persoon weer iewers raakgesien of nie? --- Nee, ek glo nie, Edelagbare.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Was he in a position, from where you saw him, that he stood a very good chance of being hit by a bullet from the Police as they were firing? --- Dit is 'n moeilike sake om te sê. Ek kan nie sê dat hy blootgestel was aan 'n koeël wat hom maklik kon gevat het of so nie. Hy het tussen die skare gestaan.

Well look, you know the direction of fire of the Police was westerly direction generally, was it not, towards the crowd outside the fence, in which the double gate was? That is more or less the direction in which the Police were firing. Do you agree with that? --- Ja, dit is naasteby reg.

Now, putting my question another way, where he was standing would he have been in the line of fire? --- Ek sal aanneem dat hy in die lyn van vuur was.

ConstableE.....

Constable, you pause somewhat before giving your answers to my questions. Are you having difficulty perhaps in remembering the things that happened on the 21st March, because it is now December, which means that it is nearly nine months ago? ---Nee, ek dink naer net <sup>wat</sup> gevra word voer ek antwoord.

The person whom you pointed out at Vereeniging on the 19th May, did you have difficulty in pointing him out? --- Nee.

Well, how did you point him out? Did you go up to him straightaway and touch him, or did you walk up and down the line for some little while before you finally made up your mind? --- Ek het opgestap, die persone daar deurgekyk, en hom toe uitgewys.

Does that mean that as you went along the line you looked at the different people, and when you came to this particular person you were able to point him out, or did you have to go up the line, down the line, up the line, and then point him out? --- Ek het hulle net deurgekyk, vir 'n oomblik deurgekyk, en toe het <sup>ek</sup> die persoon uitgewys.

HOF VERDAAG.

HOF HERVAT:

FRANS FERRUS VAN ZYL, onder sy vorige eed, vervolg:

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Now, you said that you used a .303 rifle and you shot because your life was in danger? --- Dit is reg.

You also said that the crowd had a threatening attitude, and as I understood you I think you said they stormed the station. Now, I may be wrong about that. If I am will you please correct me? Did you say that, that they stormed the/....

the station? --- Ja, ek het dit gesê, maar ek het nie bedoel dat hulle hom darem nou wild storm nie; ek meen hulle het met 'n dreigende houding nadergekóm, die draad platgedrukk.

Now, when you say that the crowd had a threatening attitude, from what did you conclude that that was a threatening attitude? What was going on in the crowd that made you describe them in that way? --- Hulle het duime in die lug gegooi, hulle het ons gevloek en gesê „Vandag gaan ons julle doodmaak!” en hulle het al nader beweeg na die draad toe; jy kon sien dit is 'n dreigende houding, hulle kom nader na ons toe.

And therefore is it because of the words that they used and the fact that they seemed to be coming nearer all the time, that you thought that your life was in danger? --- Dit is reg.

No other reasons that you want to give His Worship for your having shot? --- Ja, dit was natuurlik oor die klippe ook op ons begin reën het, en verskeie Polisiemanne was raakgegooi.

Now, you did not see any members of the crowd go beyond the fence? Were they just moving towards the fence, or did anyone go beyond the fence? --- As ek reg kan onthou was hulle binne ook dink ek. Daar was 'n paar van hulle wat deur die hekke ook <sup>gekóm het.</sup> ~~gekóm het.~~

What was it? When you say „'n paar van hulle” do you mean that there were just two or three that went through the gate? --- Dit was darem meer as drie of vier. Dit was 'n klompie bymekaar gewees. Ek het nie juis getel nie.

Do you know how it was that these people came to get through the gate? --- Nee, ek weet nie.

Did you hear an order to shoot before you shot? ---

Nee.

You see, there has been evidence by some Constables that/....

Constables that they heard the word "Skiet!" You did not hear it? --- Dit kan moontlik wees.

Well, you did not hear that? --- I did not hear that.

Now, how did the shooting start? Can you tell us? What led up to it? --- Dit was nadat die klippe begin reën het op ons, die klomp daar deur die hek gegaan het, en die draad platgedruk was soos hulle wou oorkom het dit vir my gelyk. Dit het vir my voorgekom of hulle wou oor die draad storn.

Are you going to add anything, or have you finished what you wanted to say? --- Daar het 'n skoot ook geklap, wat vir my geklink het na 'n .22. Ek is nie seker nie, maar dit het vir my voorgekom of dit 'n .22 was.

How many shots? --- Wat ek afgevuur het?

No, no, that you heard, that sounded like .22 shots? --- Daar was een gewees, en daarna het die gevuur natuurlik deur die Polisie afgegaan.

Can you say the direction from which you heard this .22 shot coming? You are facing a crowd which is <sup>west.</sup> ~~east.~~ On your left is south and on your right is north. Was it south or west or north? --- Ek dink dit was noord gewees.

Now, you said that the fence "was platgedruk". Do you mean by that that it was level with the ground, and that people could just step over it and come in, and if not, what do you mean by it? --- Hy was half plat. Ek sal nie sê plat op die grond nie.

And was that just before the shooting? --- Ja.

When you talk about the fence, do you mean the fence on the south side of the double gate? --- Dit is reg.

Had this fence been leaning in as you have described for some time, or did it only lean in just before the shooting?

Dit/....

--- Dit was net voor die skietery wat hulle hom so gedruk het, wat die skare hom so gedruk het.

I want you to look please at Exhibit 77. Now, you see that crowd of people with some of them holding umbrellas?

---Ja.

Against the fence. Now, they are actually on the south side of the west fence. Do you agree with me? ---Ja.

Now, you see the fence there, do you not? --- Ek sien hom.

Do you agree that the fence as you see it there is not leaning in halfway as you have described? --- Ek sien.

So if in fact the fence was leaning in it must have happened after that photograph was taken? --- Ja.

Now, did you notice anything special happening that made it immediately obvious to you that this fence was being pressed inwards as you have described? --- Ja, toe die skare begin skree het en die dreigende houding ingeneem het, dit is vanselfsprekend dat jy sal sien wat nou aangaan, en toe sien ek hoe hulle by die hek inbewegg en sê "Nou gaan ons julle doodmaak!", toe storm hulle. Ek sal nie sê storm nie, maar hulle het nadergekom, en met die het hulle die draad platgedruk

Because it is not strictly accurate to describe the fence as "platgedruk"? What you are meaning is that it was pushed inwards? --- Oorgedruk.

If this happened Constable, could it have been not because the crowd <sup>intended</sup> to push the fence inwards, but because there was such a great pressure in that crowd, coming from the back and the centre of it, that the people in front, whether they liked it or not, were pushed against the fence, and when the weight of the bodies might have tilted the fence at an angle? Is that possible? --- Nee, dit het vir my gelyk of hulle wil

oor/....

oor die draad kom.

You then say that this was a deliberate act of pushing on the part of the crowd? — Ja.

Now, apart from pushing against the fence, did you notice anything else in connection with the crowd and the fence? You told us that some people came through the gate, and you told us that you think that the crowd deliberately pushed that fence inwards. Anything else that you noticed the crowd or members of the crowd doing with reference to the fence? — Nee.

I can therefore assume from that answer that you did not see anybody climbing over that fence? — Ek weet nie of hulle oorgeklim het nie.

You did not see it yourself? — Nee.

Thank you, Your Worship.

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

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER:

Mnr. van Zyl, verwys asseblief na die twee bewysstukke, bewysstuk 12 en bewysstuk 14. Bewysstuk 12 toon aan die westelike heining geneem vanaf 'n suidelike rigting, en bewysstuk 14 toon ook die westelike heining, geneem vanaf 'n noordelike rigting. Nou, het u bewysstuk 12? Gebruik hom eerste? — Ja.

Hoe vergelyk die toestand van die heining op daardie kiekie met die getuienis wat u gegee het, wat u gesê het dit was oorgedruk. — Jy kan sien die draad is hierd<sup>beskuldig</sup>beskuldig.

Kan u nou kyk net ten suide van die hek op bewysstuk 12? Kan u net beskrywe hoe loop die boomste draad van daardie heining? Kan u dit sien? — Hier op die kiekie?

Ja, op die kiekie? — Hy is krom.

Gaan hy ver in of nie? — Ja, jy kan sien hy gaan

'n/....

'n bietjie ver in.

Nou, is dit wat u beskryf het in u getuienis?

Was die toestand soos in daardie kiekie aangedui? ---Ja.

En bewysstuk 14? --- So was die draad.

ABRAHAM HERMANUS DE VRIES, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Is u 'n Konstabel in diens van die Suid-Afrikaanse  
Polisie gestasioneer te Springs? --- Ja.

Hoe lank diens het u in die Polisiemag? --- Sewe jaar.

Alles op die Witwatersrand of nie? --- Ja.

Verstaan u enige naturelletale? --- Nee.

Op die 21ste van Maart hierdie jaar was u teenwoordig  
by die Sharpeville Polisiestasie toe die Polisie geskiet het?  
--- Ja.

Kyk 'n bietjie na bewysstuk 13. Dit is 'n luggoto  
van die Polisiestasie te Sharpeville. Heel bo is die noordelike  
kant, onderaan is die suidelike kant, aan die linkerkant se  
kant is die westelike kant waar die grasperk is en die groot  
hekke waar die voertuie in- en uitgaan, en dan die oostelike  
kant is aan die regterkant. Verstaan u hierdie posisies? ---Ja.

Nou, ten tye van die skietery was u toe aan die  
westelike kant van die Polisiestasie? --- Ja, aan die westelike  
kant.

En was u ook een van die Polisielede wie in gelid  
gestaan het? ---Ja.

Nou, die westelike gedeelte is verdeel in twee deur  
daardie gruispaadjie wat vanaf die heining tot by die

Sharpeville/.....

Sharpeville Polisiekantoor gebou is. Aan watter kant wasu, aan die noordelike kant of aan die suidelike kant? --- Aan die suidelike kant.

Omtrent hoe ver vanaf die gruispaadjie was u? ---

Omtrent 'n tree na twee treë.

Was u die naaste man of die eerste man...? --- Nee, daar was langs my gewees.

Daar was iemand langs jou aan die regterkant se kant?

--- Ja.

DEUR DIE HOF:

Ja maar was daar 'n gaping in die lyn oor die pad, of het die manne dwarsoor die paadjie gestaan? --- Die manne het dwarsoor die paadjie gestaan.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

En was u met 'n .303 bewapen? --- Ja.

En het u ook gebruik gemaak van u .303? --- Ja.

Op 'n latere stadium het u uitkenningsparades bygewoon? --- Ja, ek het.

Hoeveel? --- Dit was een by Boksburg, een in Vereeniging, en een in Johannesburg.

Die Johannesburg se een, daar was net lyke wat u daar gesien het? --- Ja, dit was net lyke gewees.

Nou, die Boksburg parade was gehou op die 19de van April hierdie jaar.....

DEUR DIE HOF:

Was daar 'n parade van lyke gehou?

DEUR DIE PUBLIEKE AANKLAER:

Dit is 'n uitkenningsparade by Boksburg hierdie, maar in Johannesburg Edelagbare was dit 'n lykskouing of 'n uitkenning van lyke eintlik.

Verhoor/....

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Nou, op Boksburg toe u na die parade gebring is, wat het die man in bevel van die parade u gevra om te doen? ---  
Hy het my gevra om die Bantoes uit te wys wat by Sharpeville gewees het.

En het u enige persone uitgewys? --- Ja, ek het.  
Hoeveel? --- Een.

Sal u in staat wees om daardie persoon weer uit te wys as hy vandag hier is? --- Ja.

Op die 19de Mei het u 'n uitkenningsparade by Vereeniging bygewoon? ---Ja.

En daar was omtrent dieselfde vraag aan u gestel?

---Ja.

En het u enige persone uitgewys? ---Nee, ek kan nie onthou nie.

U kan nie onthou wie u daar uitgewys het nie? ---

Ek kan nie onthou wie het ek daar uitgewys nie.

DEUR DIE HOF:

Ja maar het u iemand uitgewys, of kan jy nie eers onthou of jy iemand uitgewys het of nie? ---Ek kan nie eers onthou nie, Edelagbare.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Nou, by die Boksburgparade..... Edelagbare, mag die getuie afstaan? Sal u net deur die persone in die Hof kyk en sien of die een wat u op Boksburg uitgewys het teenwoordig is of nie? ---Ja. (Getuie wys beskuldigde nr. 3 uit). Dit is die derde een.

DEUR DIE HOF:

Die derde een? --- Ja.

Die een wat daar sit en skryf met die groen potlood?

--- Ja.

Nr. 3? --- Ja.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Waar het u hom gesien? --- Hy was een van die Bantoes wat by Boksburg trok op die parade gestaan het.

Ja, maar waar het jy hom op die 21ste Maart gesien?  
--- Ek het hom by Sharpeville gesien.

Aan watter kant? Aan die westekant of aan 'n ander kant? --- Ja, aan die westekant.

Wat het hy daar gedoen? --- Hy het daar die ander Bantoes wat daar was opgestook, en hy het oor die draad gesprong, en hulle het geskree en getaas daar; alles in 'n dreigende houding.

Het u gesien wat het van nr. 3 beskuldige geword uiteindelik? --- Nee, ek het nie.

Nou, voordat die Polisie geskiet het, wat het gebeur daar? --- Wel, voor ons geskiet het.....

DEUR DIE HOF:

Meen jy nou net voor die Polisie geskiet het, mnr. die Aanklaer? --- Ja, net voor die Polisie geskiet het.

Mnr. <sup>de Vries,</sup> ~~de Vries,~~ wat het gebeur net voor daar geskiet is? --- Ek het 'n skoot gehoor kom uit die rigting van die skare. Hulle het begin met klippe gooi .....

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

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

Het u gesien wat by die plek plaasgevind het toe die klippe gegooi was, of net kort voor die klippe gegooi was? --- Daar het 'n arrestasie plaasgevind, maar ek het nie baie aandagaraan geskenk nie.

En omtrent hoe lank na die arrestasie het die klippe gekom? --- Dit was net na die arrestasie gewees.

DEUR DIE HOF:

Wat het jy nou gesê? Wat het eerste gebeur, die arrestasie/.....

arrestasie of die klipgooiery? --- Die arrestasie.

Eers die arrestasie en toe die klipgooiery? --- Ja.

KRUISVERHOOR DEUR MNR. UNTERHALTER:

What kind of a shot was it that you heard coming from the crowd? --- Dit was 'n skoot gewees wat gevuur was deur 'n vuurwapen.

Have you any idea of what kind of a fire-arm it might have been? --- Dit was die geluid van 'n .22, van 'n kleinerige kaliber vuurwapen.

Do you remember from what direction it came in the crowd? Let me help you. If you look at Exhibit 13 you will see that the double gate is in the western fence. You were facing towards the crowd on the west. Am I correct? --- Ja.

On your left is south as you face towards the crowd, and on your right is north? --- Ja.

Did the shot come from in front of you, that would be to the west, did it come from the left, which is the south, did it come from the right, which is the north? --- Dit het gekom van die wes-noordelike rigting.

Only one shot? --- Ek het net een gehoor.

Now, you took part in the shooting, did you? --- Ja.

Did you hear an order to shoot? --- Nee.

Now, did you shoot because you heard the others shooting and you thought there might have been an order and you ought to shoot? --- My lewe was in gevaar.

Do you come from the same station as Constable van Zyl and Sergeant van Schalkwyk, or Constable van Schalkwyk? --- Ja.

The three of you were together that day at Sharpeville? --- Ons was alreie daar, maar ek sê nie ons was saam gewees nie.

You/....

You don't remember if you were next to one another in line? --- Nee, ek kan nie.

Did you discuss this matter, the three of you, since that date? --- Nee.

Constable, are you quite sure about that answer? ---Ja, ek is.

Do you mean to tell His Worship that since the 21st March, and in the light of all those dangerous and world-known events that happened that day, that not you, nor Mr. van Zyl, nor van Schalkwyk, have ever from March to December sat down and talked about the things in which you were together? --- Nee, ons het nie.

You are often together at your station at Springs, are you not? --- Ja, ons is.

Had you ever been in as dangerous a situation as you were on that day? ---Nee.

Had you ever been in any situation where you had seen so many <sup>people</sup> killed and wounded before your eyes? ---Nee.

For you it might not have been a pleasant experience, but it was an experience you will remember for the rest of your life, I am sure? --- Ja.

Will you please tell me, in the light of this extraordinary experience that you took part in, how it is that you and the men who were with you there, namely Messrs. van Zyl and van Schalkwyk, who live or serve rather at the same station, never once since March of this year have had any discussion about this important event? How does it come about? ---Oms het nie daaroor gepraat nie.

But now I am asking you why? Is there any reason you can give? You don't have to have spoken about it, I am just interested as to how a thing like this, which the whole

South/....

South Africa and the whole of the world spoke about, was not spoken about by three men who took part in it? Why? --- Wat ek sien en wat ek doen hou ek vir myself. Dithet niks met ander mense te doen nie.

Then when the three of you used exactly the same phrase that you shot because your lives were in danger, I take it that that is just coincidence? --- Nee, ons lewes was in gevaar.

No Constable, you may not have understood my question. Mr. van Schalkwyk was asked why he shot, and he said because his life was in danger. It might have been quite a proper answer to give me. Mr. van Zyl was asked, and he gave exactly the same answer, and it might be quite a proper answer. I have asked you and you have given the same reply, and it might also be quite a proper answer, but on the other hand it might be an answer that has been given to His Worship because you have discussed the matter between you, and that is how you compared notes, and that is why this evidence is being given. All I want to establish from you is this. When the three of you use exactly the same phrase, is that just a coincidence, or is it because there was any discussion between you? --- Dit was net 'n toeval.

Were you there when the planes came over, or did you arrive after the planes? --- Ek was daar toe die bliggtuise daar was.

Now, you have pointed out No. 3 accused. Had you observed him before the planes came over, or did you only direct your attention to him after the planes? --- Nee, ek kan nie onthou nie.

And you are not sure whether you pointed anyone out on any other parade? --- Nee, ek kan nie onthou nie.

Apart/....

Apart from accused No. 3, was there anyone else at any time during your being at the Police Station, who specially attracted your attention? --- Ja, daar was.

What was this person doing that attracted your attention? --- Die ander persone het die skare opgesteek en geskree.

Do you say other persons, using the plural? --- Ja, ander persone.

Any person in particular who was doing anything or dressed in any particular way, who apart from accused No. 3 especially attracted your attention? --- Ja.

What was it that especially attracted your attention about this person? --- Hulle het die skare opgesteek....

No, no, I am sorry to interrupt you. You say "hulle". I am asking you about a person in particular? Any person - I use the singular - who was doing anything in particular, who was dressed in a particular way, who specially attracted your attention? I am talking of one individual, and not a group of people who might have been doing something? --- Nee, ek het nie na ander gekyk nie. Dit was in die algemeen gewees.

Thank you, Your Worship.

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

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER:

Weet u van enige ander uitdrukking in Afrikaans wat kortliks die sinnetjie kan beskryf "My lewe is in gevaar"? --- Kan u dit net herhaal asseblief?

Wat ek wil weet is, is daar enige ander sin wat die woorde of wat in ander woorde die woorde "My lewe is in gevaar" kan beskrywe? Kan jy dit op 'n ander manier sê? --- Ja.

Hoe sal jy dit uitdruk? --- Ek was angsbewange en die/....

en die skare Bantoes was opgesweep, en ek kon sien dat hulle sou my aanval en my doodmaak.

Dit is 'n hele lang sin om te beskrywe „My luwe was in gevaar“, nie waar nie? ---Ja.

DEUR DIE HOF:

Het julle drie miskien dié kwessie bespreek van hoeveel skote julle vanuit die skare se rigting gehoor het? --- Nee, ons het nie.

Want julle aldrie praat van een skoot, en die meeste van die ander getuies praat van twee skote. --- Edelagbare, daar kom miskien meer skote gewees het.

Maar julle het dit nie bespreek nie? --- Nee, ons het nie.

Dankie, jy kan maar afstaan.

-----  
MATTHEWS NGUMBUXA, duly sworn, states: (Witness speaks Zulu).

EXAMINED BY THE PUBLIC PROSECUTOR:

What part of Zululand do you come from? North or South, near the Free State? --- I come from Herschel.

Anyway, you are a Bantu Constable in the South African Police Force, and you are stationed at Sharpeville, Vereeniging? --- Yes.

BY THE COURT:

Now just a moment. You were born near Matatiela? --- Yes.

And can you speak Southern Sesuthu? --- Yes, I can. Although that is not your language? ---It is not my language, but we live together and I know the language.

Examination/....

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Now, on the 21st March this year, i.e. the Monday that the Police fired at the Police Station, were you present?

--- I was present.

And later did you attend identification parades? ---

Yes.

How many parades did you attend? --- Only one at Boksburg.

That was on the 19th April this year? --- Yes.

And when you were called onto the parade what were you asked by the man in charge of the parade? --- I was asked to point out anybody whom I saw at Sharpeville.

And were you able to point out anybody? --- I pointed out two persons.

Will you be able to point out today those two persons if they are present? --- I see one of them in Court, but I do not see the other one. (Witness stands down from the witness box and points out accused No. 19).

Where did you see accused No. 19 on the 21st? --- I saw him at the Police Station at Sharpeville.

Now, you have got before you an exhibit, i.e. No. 13, which is an aerial photograph of the Police Station? --- Yes.

Can you see on the grass side there opposite the clinic where the vehicles come in and out? --- Yes.

Now, whereabouts in relation to that side did you see accused No. 19? --- In front of the clinic and also near the gate, the entrance to the Police Station.

BY THE COURT:

The gate where the cars come in, and not the small gate? --- Yes, the big gate.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Do I understand you to mean that you saw him at two/....

two different places, firstly somewhere opposite the clinic, and then near the gate, or is that a general description in which you eventually pinned it down towards the gate? --- I only saw accused No. 19 once.

At the gate? --- Outside the gate.

How far was he from the wire fence? What I want to find out is this. Was he against the fence, or was he behind other people? --- There were many people close to the fence, and accused No. 19 was also close to the fence amongst these people.

Now, if we can just try and establish whereabouts he was. You know where the shops are? --- Yes.

And you know where Zwane Street is? --- Yes.

Now, was No. 19 on the Zwane Street side of the gate, or on the shop side of the gate? --- Between the clinic and the Police Station.

Yes, but was he nearer to Zwane Street, or was he nearer to the side where the shops are? --- I was near Zwane Street, because the shops are far away from there.

I see. Well, have a look at that photograph?

BY THE COURT:

We must get back to the question of how far from the gate it was, from the big gate. Show us approximately?

--- The motor gate?

Yes, the motor gate? --- Close to the gate.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

What was he doing there? --- He was just moving about with the others when I saw him.

How long have you been stationed at Sharpeville? ---

One year; since the station was opened.

BY THE COURT:

Since the station opened? --- Yes.

Well/....

Well, we have got that. It was on the 1st November, 1959.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

What was it that attracted your attention to the spot where you saw accused No. 19? --- It just happened that I stood inside the yard at the gate.

Did he do anything else besides just move up and down? --- I cannot say whether he did anything else, apart from moving up and down. I did not watch him all the time.

Now, were you sent on any messages at all that day, the 21st March? I want to know first of all from you whether you were sent on any messages? Just tell me that. Either you alone, or you and some other Constable? You see, I was not there, and I am trying to find out from you. --- I was sent to these people, to tell them to go away from that particular place.

Were you at the Police Station when you were given a message to go anywhere else? --- Yes, I was there all day.

Now, who gave you this message? --- There were too many Policemen there. I cannot tell you.

Was this before the aeroplanes came over? --- Yes, before the aeroplanes came over, and before there were so many people; before the many people came there.

Was it before any Saracens came there? --- Before the Saracens arrived.

And what was the message? What did you have to do when you got this message? --- I was sent with a Municipal Constable to the crowd, and I was instructed to tell the crowd that they must disperse. I then told them to go away, but they would not listen. The man who was with me told them to go away.

What language did he speak? --- Sesuthu. He spoke in/....

in Sesuthu.

And what did the crowd have to say? What did the people have to say? Did they say anything when they were told to go away? --- They did reply, but what they actually said I don't remember because they spoke at the same time.

Now, apart from that, were you given any notes or letters or pieces of paper to take somewhere other than within the immediate vicinity of the Sharpeville Police Station?

BY THE COURT:

You were not sent on a message to Major van Zyl by somebody? --- No, Sir.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Where were you at the time that the Police opened fire? Were you on the western side or somewhere else? --- I was between the Police Station and the clinic.

What were you doing? --- I was just standing there and watching these people, the crowd.

Whereabouts were you standing? in relation to that little road, that gravel road that goes from the fence to the Police Station? --- There are two gates to this Police yard, and I stood between the two gates.

BY THE COURT:

Yes, between the gate of the building and the gate of the fence? --- Yes.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And were there other Policemen in front of you? --- Yes, many European Policemen were in front of me.

Did you see what happened at the gate just shortly before the Police fired? --- Yes.

What happened at the gate? --- I saw a Policeman fighting with Bantus near the gate, near the yard where the cars enter/....

enter.

Now, this Policeman that you saw, was he in uniform or not? --- He was in private clothes, but he came from Johannesburg.

How do you know he was a Policeman? --- I could see he was a Policeman because there were not any other people but Policemen there.

Did he have big brown boots on or something like that? --- He was wearing brown shoes.

And can you describe what you saw him doing that you have given a description of fighting? --- He was pulling this native about at the gate, and there were people standing at the fence at the time.

Well, why was he pulling him about? --- I was standing far away, and it looked to me as if they were going to have a fight.

And what was the next thing that happened whilst this struggle was going on at the gate? --- I then saw a struggle between a Policeman in uniform and another Bantu, and this Bantu was pulled inside.

From where? --- From the fence close to the gate.

Did this happen after you had seen this European in civilian clothes have a little struggle at the gate? --- This happened after I had seen the private man.

And then what happened with this man who was brought in by the uniformed man? --- I cannot say what happened to them, but then the shooting started.

Just before the shooting started, did you see anything else happening in general, and not at a specific spot? --- Like what?

BY THE COURT:

Anything? --- The trouble and this moving about started after the struggle with these people near the gate.

These two men were taken inside, and then the shooting started.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Now, you had been there all morning at that Police Station? --- Yes.

Before the Police fired, did you see any stones on the grass there and on the western side? --- I did not.

And after the Police had stopped firing, what did you do? --- I went outside to the bodies.

After you had done whatever you did outside there, rendered whatever help you could I suppose, what did you do then? --- I went back to the Police Station, but this took a long time. We were assisting these people outside.

When you came back to the Police Station, did you notice any stones anywhere? --- I saw stones that had been placed on the stoep when I got there.

Where did they come from? --- I cannot say where they came from.

Did you see any stones thrown that day at all? --- I did not. I did not see any stones being thrown about.

Do you know any of the accused people? --- I know some of them by sight.

Which ones do you know by sight? --- I knew that accused Sir, and also No. 1. (Witness points out two persons). It is accused Nos. 1 and 41, and No. 27.

Where do you know them from? --- I have seen them in Vereenging before.

Did you see them on the 21st March at all? --- I cannot say whether I saw them. There were many people at the Police Station on that particular day. They could have been there.

Now, do you remember when Colonel Pienaar arrived there/....

there that day, i.e. the Officer with the blue band round his cap? ---I remember.

And a little while after he had arrived, did you hear him give any order at all? --- No, I did not. I only saw him when he came in.

Did you notice the stage when the Policemen began to line up on the western side of the fence? --- I did.

At that stage what was the mood of the crowd like? --- The crowd was shouting and at that stage the two men, whom I referred to before, were brought in.

Were the crowd shouting because they were happy, or what was their mood? --- They were just shouting. I cannot say whether they were happy or not.

Did you see anything thrown that day? --- I saw a cool drink bottle yes.

Where was this cool drink bottle, and describe what you saw? --- This bottle came from the crowd at the time when these two men were pulled into the yard. It was thrown.

From which side? Was it thrown from the Police side, or was it thrown from the crowd? --- From the crowd.

Now, did you notice the Police picking anything up on the inside of the Police fence? --- I did not see anything being picked up by the Police in the yard, because I left immediately after the shooting to attend to the wounded people outside.

Do you speak English? --- A little yes.

What do you mean a little? --- I can speak English.

Did you see anything being picked up by the Police at all?

BY THE COURT:

Mr. Prosecutor, I am sorry but he has answered that question/....

question. I am disallowing that question.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Did you make a statement to the Police? ---Yes.

How many did you make, just the one or more than one? I am talking about this case. --- As far as I remember only one statement.

Is that the one on the 30th March, 1960, at Sharpeville? --- That must be the one yes.

Is this your signature? --- Yes, this is my signature.

Now, is the evidence that you have given here today the same or different from what you said in your statement? --- I would not know, but you could remind me.

BY THE COURT:

What do you say? ---I think it is the same.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Do you say you would like to look at your statement? --- Yes.

Well then, have a look at your statement. This will be Exhibit No. 78, Your Worship. --- (Witness reads the statement, Exhibit 78).

Can you read it? Just read it out to the Court please? --- (Witness reads the statement out to the Court). "I remained in the Police Station all day, From 8 a.m. I saw Bantu people gathering in the streets surrounding the Police Station. There were men, women and children. I saw a Bantu male, Tsolo, in front of the group, and he appeared to be the leader of the group. He walked inside the Police Station yard and the group was outside the yard. He waved his hands with his palms in the air, and he then shouted "Africa!" and also "Africa! Iswe Lethu!", which means "Africa is our land!" At about/....

about 11 am. a European in private clothes appearing to be a Detective, called Tsole and spoke to him. He took Tsole particularly, and asked him what he wanted with a group at the Police Station. Tsole said that he wanted to be arrested with his group. The boss said that he had no room for the group, but he would arrest Tsole..... I only heard that they came to protest against the passes". That is all.

Is that correct? Is that what you said? --- That is what I said.

You see, there you mention stones being picked up firstly amongst the wounded and dead, and then you also mention stones being picked up in the Police yard. Here you say you never saw stones being picked up at all.

BY THE COURT:

"I saw some Policemen picking up stones and sticks amongst the wounded and dead. I saw some wounded persons running away. Some stones were also picked up in the Police yard". He does not say he saw it. Is this the only conflict, or is there some other conflict which you contend exists Mr. Prosecutor?

BY THE PUBLIC PROSECUTOR:

Well no, not really Sir. There is a mentioning of Tsole, but I am not pressing that part about Tsole. I am confining myself solely to the stone episode, and the mood of the crowd.

BY THE COURT:

He said the crowd was shouting. ~~He could not say~~ they were a happy crowd. There was a cool drink bottle that was thrown from the crowd.

BY THE PUBLIC PROSECUTOR:

He did not go so far as to say that they were aggressive and pushing the fence down.

By/....

BY THE COURT:

Well, he has not said anything in conflict with that yet. I am sorry, I must now rule that I cannot see that statement as it stands now, unless you want to bring further evidence on the point.

BY THE PUBLIC PROSECUTOR:

There is no further evidence that I'll bring on this particular statement. He has admitted that he made it.

BY THE COURT:

The statement is before the Court, and it is available to the Defence, but that is all I can say at this stage.

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. Mr. Ngumbuxa, you said that you saw a Policeman, who was not in uniform, fighting apparently with a man whom he had arrested? --- Yes, they were pulling each other about.

Do you remember if this man had a straw hat on, the African whom he was arresting? --- I don't remember whether he was wearing a hat or not.

It would not have been a red one perhaps? --- He was wearing a brown jersey I remember.

Now, would it have been brown, or would it perhaps have been red? --- It almost had the same colour as the brown suit of the Interpreter.

Well, that is brown. Now, would you say it was a jersey, or did it look like a waistcoat to you? --- It was a jersey with buttons on, a cardigan.

Might it have been a kind of waistcoat as well? --- It was not a waistcoat.

Now, when you saw this Policeman and this man fighting, did you at any time notice whether the Policeman tried to trip this man up? --- Yes, I did. The Policeman

wanted/....

wanted to throw this man to the ground.

BY THE COURT:

Was that now the Policeman in uniform or in private clothes? --- That is the man in private clothes.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, did you notice if this man in private clothes also perhaps struck this African somewhere about his person? on his face and about his head? --- I did not see the private man hit this other person anywhere. I saw the Policeman go to that particular place where the private man was and this Bantu.

Perhaps you may not have understood me. I am concerned with the struggle that you saw between the Policeman in private clothes and an African? ---Yes.

Did you see the Policeman in private clothes strike this African on his face, or his head? --- I did not. My view was then obscured by other people.

Did you see whether in the struggle as you call it, the African seemed to be protesting at the way he was being handled? --- No, I would not know.

It might have happened, but you could not see it you say because people were in your way? --- Yes, I have said so already.

You did not at any time see a straw hat lying on the ground after the arrest of this African by the private Policeman? --- I don't remember. I don't remember anything about a straw hat.

Now, you say that before the shooting you did not see any stones on the grass outside the western entrance? I mean in the Police Station yard, you did not see any stones? --- There were no stones and I did not see any stones.

Now/....

Now, you did not see them. What I want to ask you is might the stones have been there and yet you did not observe them because you were not taking any notice, i.e. before the shooting? --- What kind of stones are you referring to?

Stones similar to the Exhibit No. 36? --- There were no stones like these before the Court before the shooting.

Might there have been a few stones, not as many as that, on the grass, and you did not take any particular notice because you were not attending to that matter? ---As far as I am concerned the Police Station was clean before the shooting. I do not think that these stones before the Court were in the Police yard.

Now, after the shooting you say that you saw members of the Police picking up stones, was it, amongst the wounded and the dead, or picking up stones and sticks amongst the wounded and the dead? ---Yes.

Now, the wounded and the dead of course were outside the Police Station grounds on the pavement or in the street? --- Yes, they were all over; from the pavement to the street.

And was it then from the pavement and the street where the wounded and dead were lying, that the Policemen picked up the stones and sticks? --- Yes.

Were there many Policemen picking up the stones and sticks? --- I cannot say Sir, because I did not take notice of that as I was busy assisting the people outside, i.e. the wounded people.

The stones that you saw the Police picking up in the street or on the pavement, were they picking up many stones? --- I have already said that I cannot say. Some of them were picking up stones, and some of them were assisting the wounded outside, and so I did not take notice of them.

You can't say if they were picking up many stones or

a/....

a few stones? Is that it? --- No.

Can you say whether they were picking up many sticks outside in the street or on the pavement? --- I did not see.

Did you see perhaps whether the Policemen who picked up these stones and sticks from the street or the pavement, carried those stones and sticks into the Police Station grounds? --- I did not see.

This tin of stones that you say you saw on the stoep.....?

BY THE COURT:

I have no record of a tin being used. He just saw stones that had been placed on the stoep.

BY MR. UNTERHALTER:

As Your Worship pleases. I thought I heard a tin mentioned. I may be wrong.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

The stones that you saw on the stoep, were they similar to the stones that you saw being picked up in the street or on the pavement by the Police? --- I cannot say whether they were similar. I have already said that I did not take particular notice of this.

Perhaps you have misunderstood me. I can't expect you to say that they were the identical stones obviously. I can't expect you to tell His Worship that they are identical, but did they look something like the stones you saw being picked up in the street? --- I have already told you that I did not take particular notice.

Now, you noticed a man being arrested? --- Yes.

Would you say that after the arrest of this man the crowd seemed to be angry because he was arrested? ---Yes, I would say so, because the noise got worse.

Now, more than one man was arrested? Is that

correct/....

Correct? --- Yes, two were arrested.

When the second man was arrested did the crowd seem to get still more angry? --- Yes, they shouted and moved about.

Now, you have described the struggle that took place at the gate between a uniformed Policeman and some Africans, the Policeman trying to arrest the man? --- As far as I could see at first they struck each other with the fist.

What I want to ask you is did it seem to you as if the crowd were trying to pull this African back to their midst, and the Policeman was trying to pull the African away from the crowd into the Police Station grassed area? --- Yes.

Now, as a result of that did the crowd sort of come in through the gate, into the Police grounds? --- Yes, some of them did go in.

And was it immediately after that that the firing started? ---Yes.

Thank you, Your Worship.

NO CROSS-EXAMINATION BY ACCUSED NO. 1.

CROSS-EXAMINED BY ACCUSED NO. 3:

Will you agree with me that usually there were no stones inside the yard at the Police Station? ---Yes, there were no stones, and even at the moment there are no stones in the yard at the Police Station.

But you saw some stones on the steep at the Police Station at one time? --- I saw stones on the steep of the Police Station after the dead people had been removed. Where the stones came from I do not know.

Were the bodies being removed at the time when you saw the Policemen pick up stones? --- I cannot say whether they picked up stones at that stage or what they were doing, because everybody/....

everybody were busy doing something.

I heard you say in your evidence that you saw policemen picking up stones near the bodies outside? --- I think I made a mistake. I told the Court that I did not take notice of any stones.

What did you think where these stones came from at the time when you saw them on the stoep, in view of the fact that you knew at the time that there were no stones in the yard at the Police Station? --- I thought these stones must have come from the crowd.

BY THE COURT:

Tell the accused I am not concerned with what this witness thinks, but only what he saw. I must come to a conclusion <sup>of</sup> what I think ~~of~~ the facts.

BY ACCUSED NO. 3:

The witness told the Court that he saw stones between the bodies at the time, and now he turns round and he says he did not take notice of any stones.

BY THE COURT:

Yes all right, I know that.

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

You see you belong to this Police Station, and you have said there were no stones in this yard of the Police Station, and you have also said that you saw Policemen picking up stones between the bodies outside, and after that you saw the stones on the stoep of the Police Station. Then what did you think, where did these stones come from, taking into consideration now that you had seen Policemen picking up stones outside between the bodies? --- I told the Court that I took no notice of it.

By/....

BY THE COURT:

But what did you think? He wants to know what you thought? --- I thought that the stones came from the groups

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

You have mentioned Tsolo's name on many occasions in your statement? ---Yes.

Do you know him? --- That is you.

Why did you not point me out when you were asked to point out the people you knew in this Court? --- I did point you out when I was asked to point the people out whom I knew in this Court.

And at the identification parade, did you point me out there? ---No.

I put it to you that you did not point me out in this Court just now? --- Even if I did not point you out I knew you.

You were asked at the identification parade to point out anybody you had seen at the Police Station? Is that so? --- Yes.

Why did you not point me out? --- There were many prisoners, and you were a short man and I did not see you. I did not see you at the gael.

Do you remember that the people were all placed in a queue or a line there at the identification parade? --- Yes.

And I was in that line and I was shorter than the others? --- Yes.

And you knew me well, and you also knew my name? --- Yes.

What is the reason now? Why did you not point me out? Because I was short? --- There were many Policemen and there was no time. There was no time to look properly, you just had to pass.

That/....

That means that the man you pointed out, you just pointed out without looking properly at him? --- I knew him, and when I saw him I recognised him.

On the day at the Police Station, was there something uncommon about me or did I look like anybody else in the crowd? At the Police Station there was a big crowd, and I was inside the yard of the Police Station. There were many Policemen in this yard, and I was the only person amongst these Policemen in that yard. What I want to put to you is this. On the 21st of March, 1960, I was one man who was inside the Police grounds, and the other people were standing outside the fence. So I put it to you that I don't understand how you can point out somebody who was amongst the crowd at the identification parade, and not myself when I was just there? i.e. in the Police grounds? --- I knew you before this day. I knew your home before, but it happened that I did not see you at the parade.

Taking that point also into consideration, why did you not point me out at the identification parade? --- I did not see you in the gaol.

Thank you Your Worship, no further questions.

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

RE-EXAMINED BY THE PUBLIC PROSECUTOR:

You stated under cross-examination that the Police Station was clean before the shooting, and I think you were referring to the yard, i.e. clean of stones. What was the position after the shooting? --- Well, the fence was flat....

BY THE COURT:

Do you mean flat altogether, or just partially? --- It was just pushed forward, Sir. It was not flat on the ground.

Re-Examination/....

RE-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Well, the fence did not dirty the yard before the shooting, did it? ---No.

Well now, what was the position of the yard in regard to cleanliness after the shooting? What was the position in regard to the lawn, the grass lawn? --- I could see that cars had been running over the lawn, or cars had been driven across the lawn. There were also holes all over, hollow places.

Now, you mentioned that accused No. 3, whom you call Tsoho..... you mentioned that you saw him? --- Yes.

Where? --- I saw him in the yard, walking all over.

What was he doing? Did he speak to anybody? --- He spoke to the people outside the yard.

Were those the only people he spoke to, those outside the yard? ---He also spoke to the Chief of the C.I.D., Colonel Spengler. Tsoho actually called him.

What was said? Did you overhear what was said? --- No, the Colonel called Tsoho.

Did you overhear what accused No. 3, Tsoho, said to Colonel Spengler? --- I did not hear Colonel Spengler when he spoke to Tsoho, but I heard him say "Look <sup>at</sup> all the people on the roof at the clinic! Why do you people do all this on your own place?"

When did this conversation take place? Before or after midday? --- Before.

Would you say very early, before midday? --- About 10 a.m.

Now, can you describe this detective whom you have called the head of the C.I.D.? --- I know him by seeing him.

Where is he stationed? --- Somewhere in Johannesburg.

By/....

BY THE COURT:

I understood him to say Tsolo spoke to the Chief of the C.I.D., Colonel Spengler.

BY THE PUBLIC PROSECUTOR:

Yes Your Worship, he mentioned Colonel Spengler, but now he has brought the time down to about ten o'clock.

RE-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Do you know a Lieutenant Visser of the C.I.D. at Vereeniging? — Yes.

There is no confusion in your mind between Lieutenant Visser and Colonel Spengler, is there? — No mistake. They don't look the same either.

Thank you, Your Worship.

BY THE COURT:

Mr. Prosecutor, before we adjourn I would like to dispose of the matter of your application to prove that the witness has said something in conflict with his statement. Do you wish to add anything to the matter? If you don't wish to add anything then I can give my ruling.

BY THE PUBLIC PROSECUTOR:

Yes Sir, I have nothing further to add.

BY THE COURT:

Well, my ruling is that I must disregard Exhibit No. 78 altogether. It must be withdrawn from the record, and that part of the record in which the witness read out his own statement must be regarded as expunged. I will certainly not have any regard to it if I see it in any transcript of the proceedings, and the exhibit will go back to your docket so far as I am concerned.

COURT ADJOURNS UNTIL 12.12.1960.