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Die Publieke Aanklaer roep:

JOHANNES PETERUS MOSTERT VAN ZYL, beëdig, verklaar:VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Is u 'n Konstabel in diens van die Suid-Afrikaanse Polisie gestasioneer te Radiowyk Jan Hofmeyr, Johannesburg? ---
Korrek.

En op die 21ste Maart hierdie jaar was u by die Sharpeville Polisiestasie? --- Korrek.

Was u teenwoordig toe die Polisie geskiet het? ---
Korrek.

Nou, ek wil u bewysstuk 13 toek. Dit is 'n lugfoto van die Polisiestasie. Heel bo is die noordekant, heel onder is suid, aan die linkerkant se kant is die westelike kant, d.i. waar die hek is en die grasperk, en u sal sien dat die grasperk aan die westelike kant word in twee verdeel deur daardie gruispaadjie wat vanaf die heining tot by die gebou lei? --- Dit is korrek.

Nou, was u ook een van die lede van die Polisie wat in gelid gestaan het? ---Korrek.

Aan watter kant? Was dit aan die westekant wat u in gelid gestaan het? ---Aan die westekant.

Noord of suid van die hek? --- Dit was noord van die hek.

Omtrent hoe ver van die gruispaadjie? --- Dit was omtrent ongeveer twee tot drie treë vanaf die gruispaadjie.

En daarna op die 19de Mei hierdie jaar en te Vereeniging, het u 'n uitkenningsparade bygewoon? --- Korrek.

En toe u na die parade gebring was, watter vraag was
aan/....

aan u gestel deur die Offisier of die beamppte in bevel van die parade? --- Of ek kan enige van die Bantoes teenwoordig uitwys wat die dag op Sharpeville was.

En het u enige persone uitgewys? --- Ek het uitgewys.

Kan u onthou hoeveel persone? --- Een Bantoeman en twee Bantoevrouens.

Nou, op die oomblik stel ons net belang in die Bantoeman. Sal u in staat wees om daardie Bantoeman uit te wys as hy vandag hier is? --- Ek dink ek sal hom kan uitwys.

Sal u net afstaan en deur die Hof kyk en sien of daardie persoon vandag hier teenwoordig is? --- (Getuie staan af en wys beskuldigde nr. 63 uit).

U het nou beskuldigde nr. 63 uitgewys. Waar het u hom gesien op die 21ste Maart? --- Hy was ook aan die westekant van die Polisiestasie waar ek was, daar was die beskuldigde gewees, d.i. ongeveer op die noord-westelike hoek.

En wat het nr. 63 daar gedoen? --- Hy was onder die Bantoes daar gewees en baie oproerig, geskree....

Kon u hoor wat hy geskree het? --- Daar was 'n groot rumoer gewees. Ek kon nie presies hoor wat hy gesê het nie.

En u sê hy was oproerig. Kan u beskryf in watter opsig hy oproerig was? --- Hy het merendeels sy arms geswaai, en terwyl hy sy arms swaai het hy dan geskree.

Het die gedrag van beskuldigde nr. 63 enige effek gehad op die naburige Bantoes in die straat? --- Ek het tot die gevolgtrekking gekom dat hulle na hom geluister het asof hulle opsien na hom.

Was dit voor of na die skietery wat dit gebeur het? --- Dit was voor die skietery.

Kan u sê hoe lank voor die skietery u hom daar opgemerk het? --- Dit was ongeveer 'n vyftien, twintig minute voor die skietery. Dit mag miskien 'n paar oomblikke langer wees/....

wees.

En wat was dit wat u aandag na daardie gedeelte van die gebied getrek het? Wat was dit wat u aandag op daardie plek waar nr. 63 gestaan het gevestig het? Wat ek wil weet is was dit maar net per toeval dat u hom daar gesien het, of was daar enigiets besonders wat u aandag daar getrek het? — Nee, dit was maar net per toeval dat ek dit daar opgemerk het.

Het u miskien opgelet hoe hy aangetrek was? — Ek kan nie nou meer onthou hoe hy aangetrek was daardie dag nie.

Dit is al dankie, Edelagbare.

KRUISVERHOOR DEUR MNR. UNTERHALTER:

Mr. van Zyl, you gave no evidence at the Judicial Inquiry held in Vereeniging before Mr. Justice Wessels, did you? — Nee.

Now, at what time did you arrive at the Sharpeville Police Station? — Die presiese tyd weet ek nie. Ons het verskillende Polisiestasies daardie more besoek, en ek het nie na die tyd opgelet nie.

Well, would it have been very early in the morning? — Ek sal se op die middag.

Roundabout twelve o'clock? — Ongeveer.

Did you arrive on a Saracen? — Korrek.

And under whose command were you when you came? —

Kaptein Brümmer.

DEUR DIE HOF:

In ander woorde jy het saam met Kaptein Brümmer daar aangekom? — Ek was saam met Kaptein Brümmer.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

When you arrived did you notice if Colonel Spengler was there, or did Colonel Spengler come afterwards? — Ek dink Kolonel Spengler het 'n paar oomblikke daarna daar opgedaag.

Hy/....

Hy mag vroeër daar gewees het en op die moment wat ons daar gewees het, en dat ek hom miskien nie gesien het nie.

Do you know who Colonel Spengler is? --- Ek ken Kolonel Spengler.

And you would recognise him? --- Definitief.

And in fact on that day you did recognise him there?

--- Korrek.

Now, do you remember the arrival of Colonel Pienaar?

--- Korrek.

And you know Kolonel Pienaar? --- Ek ken Kolonel Pienaar.

You can recognise him too? --- Korrek.

Did you notice if Colonel Spengler did anything during the time that you were present in the Police Station grounds? --- Hy het een arrestasie daar uitgevoer.

Did you notice how he carried out this arrest, Mr. van Zyl? --- Ongelukkig nie.

Nothing at all about it? --- Nee. Die Bantoe het hom teëgesit.

You say the man was fighting with him? --- Ja, hy het hom teëgesit.

Resisting him? --- Resisting yes. Not very much, but....

The man whom he arrested, did you notice how this man was dressed? --- Ongelukkig nie.

Did you notice if he had a straw hat? --- Ongelukkig nie.

Did he wear a ^{red} waistcoat perhaps? --- Ek weet gladnie hoe hy aangetrek was nie.

Mr. van Zyl, what form did this resistance take? How did you see him resisting Colonel Spengler? --- Hy het probeer/....

probeer om te ontkom van die arrestasie, deur te probeer uitruk of hand uitruk, om homself te bevry.

You are sure about this? — Korrek.

Did you notice what portion of the arrested man's body Colonel Spengler had hold of at the time of the arrest? — Een tyd wat ek die bestek onthou het hy hom aan die arm gehad.

Which portion of the arm? The top portion, the elbow, the bottom portion? — Die bo-arm.

And was it while he held him like that that this man was resisting? — Dit is korrek.

It was quite an obvious struggle, was it? — Nie te danig nie.

But sufficiently clear for you to have noticed it and to remember it day, that this man was resisting an arrest being carried out by Colonel Spengler? — Ek was kortby gewees. Ek kan dit goed onthou.

You agree with what I have just said? It was sufficiently clear as far as you are concerned for you to have noticed it and ^{to} remember it today? — Ek kon dit sien en ek kan dit onthou.

Did you notice any other arrests effected by Colonel Spengler? — Nee.

Did you notice any tripping perhaps, or attempted tripping? — Nee.

And when this man resisted what did Colonel Spengler do? — Hy het hom gearresteer gehou en in die Polisiestasie ingeneem.

And he was not assisted by anyone? — Ja.

He was? — Ja.

By whom was he assisted? — Ek kan nie meer onthou nie.

I/....

I will ask you a question about that in a moment.
I want to ask you some other questions now. Do you know why Colonel Spengler arrested this man? — Nee.

Had he been doing anything beforehand, before the arrest that might have suggested why Colonel Spengler acted that way towards him? — Dit sal ek nie weet nie.

I beg your pardon? — Ek sal dit nie weet nie. Ek weet nie of hy enigiets gedoen het nie.

Now, when Colonel Piensar came on the scene did he order you all to fall into line? — Ja Paar oomblikke daarna.

And in fact did you fall into line? — Korrek.

Were you one of those who fell into line? — Korrek.

^{You were} ~~Yakowga~~ a member of the Saracen crew, were you? —

Korrek.

How is it that as a member of the Saracen crew you fell into line with the others, instead of remaining attached to the Saracen crew of which you are a member? — Die bemanning wat die Saracen, of sal ek ^{was} ~~die~~ geweer hanteer, was in die Saracen gewees.

I did not get that. Say that again? — Die bemanning wat die geweer van die Saracen hanteer was in die Saracen gewees. Ons was bemanning gewees, hulpbemanning van die Saracen gewees.

Now, my question is if you were a member of the crew of the Saracen, why is it that you did not continue to be with the Saracen rather than leave it and line up? — Ons was in noue kontak nog met die Saracen gewees; hy was op die toneel gewees.

Mr. van Zyl, would you do me the favour please of speaking a little more slowly. I have difficulty in hearing you. Just repeat the answer? — Ons was in die onmiddellike

omgewing/....

omgewing van die Saracen, en was nie beveel om in die Saracen te bly nie.

You were not expected to be on top of the Saracen?
— Ongetwyfeld nie. Jy mag ten geen tye bo-op die Saracen wees nie.

Mr. van Zyl, why must one not be on top of the Saracen? — Ek het nie opleiding in die Saracenkursus gehad nie, en ek sal ongelukkig nie weet nie.

Well, if you don't know the reason for it, how is it that you make such a definite statement that a man must not be on top of a Saracen? — Ons het 'n bevel gekry.

Was this a general order, or was it a specific order given to you that day? — Dit was ons die mōre gevra op pad vanaf Johannesburg na Sharpeville. Op pad na Sharpeville.

Who gave you that order? — Kaptein Brümmer.

When were you supposed ^{to be} not on the top of the Saracens? In other words, when did he say to you "Don't place yourself on the top of the Saracen?" — Wanneer dit beweeg en wanneer daar tekens van gevaar is.

How long have you been attached to the Saracen as a member of its crew? — Vanaf die 21ste, die mōre, tot die 23ste, die aand.

Do I understand that in the ordinary course a person who is a member of the crew of a Saracen, undergoes some training? — Die persoon wat hom bestuur en wat die geweer hanteer, daardie dag het altwee opleiding gehad te Potchefstroom.

But no other members of the crew of a Saracen get any special training? — Ek definitief nie.

Had you ever had anything to do with a Saracen before that day? — Nee.

So was it just more or less by accident that you happened to be attached to the Saracen as part of its crew? —

Hulle/....

Hulle het gevra vir bemannings vir die Saracen, en hulle het my gestuur; ek was een van die bemanning.

And you say that while you were en route you were given an instruction that you were not to stand on top of the Saracen? --- Korrek.

And this applied while the Saracens were moving, or if you were to be in any danger? --- Dit is korrek.

And as far as you could judge, was that order obeyed? --- Nee.

When was it not obeyed Mr. van Zyl? --- Ten tye wat ons die lokasie gepatrolleer het was daar tye wat ons op die modderskerm gestaan het of gesit het, en op pad na Johannesburg voor ons die bevel gekry het was ons ook op die Saracen.

Do you know why this order was disobeyed? --- Gewone ongehoorsaamheid.

Well, this usual disobedience I put it to you was not only usual, but general? I want to show you an exhibit, a photograph.

Does No. 78 disappear Your Worship? It was the statement which Your Worship disallowed.

BY THE COURT: TO MR. UNTERHALTER:

Is that a new one you are putting in? --- It is a new one, Your Worship.

Well, you may as well make it 79. No. 78 is something which has been handed back.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, will you look at Exhibit 79? It shows a group of Saracens along a road? --- Dit is korrek.

Do you perhaps recognise that scene Mr. van Zyl? It shows, does it not, a group of Saracens, a rear view of a group of Saracens, going along the road, apparently in some African/....

African township. Do you recognise that scene? —Ja, ek dink dit is een van Sharpeville se strate.

Is it possible for you to say whether you were in that group of Saracens that were making an entry then? — Ek kan nie sê ek was persoonlik hier nie. Dit mag wees. Hier is van die uniforms van agter af, die meeste van agter af geneem, en dit is baie moeilik om te sê.

DEUR DIE HOF:

Die meeste manne het hulle rug na die kamera? — Dit is korrek, Edelagbare.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

You will agree Mr. van Zyl, that without exception everyone of the Saracens we see in that photograph have a group of men on top of it? Do you agree with that? — Korrek.

So apparently in respect of each one of those Saracens, if an order had been given for them not to be on top, each one of those men were disobeying the order? — Korrek.

Now, as far as you can remember, when the Saracens were stationed in the Police Station yard, did the men continue to disobey the order, in that they remained on top of the Saracens, or did they now become obedient, get down and remain on the ground? — Baie van die tye was daar manne op die Saracens of op die grond gewees. As hy agter gesluit is dan moet jy opklim om deur die valluik te gaan.

Immediately before the firing Mr. van Zyl, did you see any men on top of the Saracens? — Ek het met my rug na die Saracens gestaan. Ek kon nie sien nie.

Did you at no time look towards the Saracens? — Nee, ek het voor my gekyk.

Now, during the shooting I assume that you did not look at the Saracens? — Ek kan nie sê ek het spesifiek na die Saracens/....

Saracens gekyk nie.

As soon as the shooting was over did you look at the Saracens? — Die meeste van die tyd het ek maar in die strate gekyk.

Just answer the question Mr. van Zyl. After the shooting, immediately after the shooting, did you look at the Saracens? — ~~S~~oever ek kan onthou nie.

You therefore cannot tell His Worship whether there were men on top of those Saracens, either immediately before the shooting, during the shooting, or immediately after the shooting? — Nee, ek kan nie.

Now, did you hear Colonel Pienaar give any command, apart from telling the men to fall in? — Ja.

What did he say? — Dat ons moet laai.

How did he express himself if you can remember today? What were the words that he used? — Ek is nie seker of dit vyf of tien rondes laai was nie; dit was die bevel gewees. Nou, ek sal die nommer noem om die woorde te pas, en ek sal sê vyf rondes laai. Dit is die woorde wat gebruik is. Die nommer sal ek nie presies kan sê nie.

DEUR DIE HOF:

Dit was vyf rondes laai of tien rondes laai? — Ja, maar dit was die woorde wat gebruik is.

KRUISVERHOOR DEUR MNR. ONTFRALTER VERVOLG:

So your recollection is that he gave an order to load, and that he gave a certain number of rounds? It may have been five, it may have been ten, but you are definite that a certain number were ordered to be loaded? — Dit is korrek.

Now, did he mumble this or did he speak in a sufficiently clear and distinct voice for the men under his command to hear him? — Op daardie oomblik was Kolonel Pienaar

naby/....

naby my gewees. Ek kon hom hoor.

Apart from the fact that you could hear him, was he speaking in a fairly clear and distinct voice? — Ja.

And did the men proceed to load, or were they already loaded? — Hulle het gelaai.

Does that mean the men who were armed with the .303's actually loaded these weapons? — Ja.

Now Mr. van Zyl, I would like you in your own words please to tell His Worship what is the next event that you remembered, between the time of Colonel Pienaar giving the order to load, and the time that the firing actually started? — Daar was 'n nie baie lang tussenpose gewees vandat die manne begin laai het nie, vandat hulle die bevel gekry het om te laai nie, totdat geskiet is nie.

And in that short interval did anything special happen that you would like to tell us about? — 'n Paar sekondes voor ek begin skiet het het daar 'n bevel gekom om te skiet.

And then did you respond by shooting? — Korrek.

Do you remember the words? You have described it "n bevel het gekom om te skiet", but do you remember the words and how it came about? As you gave us the words for the loading, will you try to give us the words as best you can for the firing? — Op daardie moment, nadat ons begin laai het, het die natuurlike baie geraas. Ek kan die presiese woorde nie meer onthou nie. Dit was ook baie dof gewees.

Do you remember who gave that order? — Nee.

Now, did it come from the direction of where Colonel Pienaar was standing? — Ek glo nie Kolonel Pienaar hetop een plek by staan nie.

You were standing approximately three paces to the north/....

north of the path that you see on Exhibit 13? — Dit is reg.

As far as you are concerned you heard it sufficiently clearly for your own purposes? — Korrek.

Did you then fire because as a Policeman, having received an order to fire which you thought had come from a responsible person, you just carried out your duty? — Dit was nie nodig gewees om te wag vir 'n bevel nie. Ek sou uit my eie uit ook geskiet het.

Now, tell us why, irrespective of whether you got an order or not, you yourself would have shot on your own in any event? — Omrede ek dink dat my lewe op daardie moment in gevaar was.

Why did you consider that your life was at that moment in danger? — Die houding van die Bantoes, die aantal Bantoes.....

A little more slowly Mr. van Zyl please? Die houding van die Bantoes, ja? — Die aantal Bantoes wat daar teenwoordig was. Dit is alleenlik genoeg om jou lewe in gevaar te ag.

Anything else you want to add to that? — Nee, ek het nie nodig nie.

When you talk about the bearing of the Africans who were there, do you meanas you looked at them they seemed to be angry people, did they, threatening people? — Ten tye wat ek begin skiet het wel.

So at the time that you were shooting, what you are trying to describe to the Court is that there was a threatening attitude in the crowd, as you gathered it from the appearances on their faces? You must correct me if I am wrong in the way I am putting it to you. — Die houding wat hulle ingeslaan het. Ek het nie juis na hulle gesigte gekyk nie.

Well/.....

orth of the path that you see on Exhibit 13? — Dit is reg.

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Well/....

Well, just develop it when you talk about their bearing? You say not only what their faces looked like; is there anything else that you want to tell us? — Deur klippe te gooi. Dit is een rede. Stokke in die lug, en vorentoe te storm, en met die stokke te gooi ook.

Did you say that they moved forward? — Van die agterste deel het vorentoe beweeg. Die voorste was al teen die draad, half oorgeklim, en die draad platgedruk,

When you say „platgedruk“, please be a little more exact about that? Do you mean? — Nie tot op die grond nie.

Don't interrupt me please while I am putting a question to you, because it makes the record difficult. You say not entirely on the ground. At what degree would you say? — Omtrent 35, 45. Ek het dit van voor gesien. Dit kon platter gewees het, of dit kon miskien hoër gewees het. As jy dit van die kant af sien is dit baie makliker om te skat watter grade dit platgedruk is.

And have you now completed your description of what it was that made you fear for your life? — Ja, ek dink dit is genoeg.

No other special or striking event that you want to tell us of? — Neewat Edelagbare, dit is nie nodig nie. Op daardie moment sê ek my lewe was in gevaar, en dit was waarom ek geskiet het.

Mr. van Zyl, I therefore assume from what you have told us that this is a complete description of everything that happened as far as you can remember, between the time of the loading and the time of the firing? — Ja.

I can therefore further assume that as far as you are concerned you heard no shots coming from the crowd? —

Vanwaar/....

--- Vanwaar?

From the crowd? --- As daar skote gewees het kon ek dit miskien nie hoor nie.

DEUR DIE HOF:

Jy het nie gehoor nie? --- Ek het nie gehoor nie, Edelaagbare.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

There has been evidence given by other people that in some cases..... people speak to one shot, other people speak to two shots of a small calibre fire-arm having been discharged from the crowd, and some people say in a westerly direction, some people say in a north-westerly direction, and one person says in a south direction, but as far as you are concerned you heard no such shots coming from the crowd? --- Nee.

Now Mr. van Zyl, I can also assume from what you have said about the description that you have given of the behaviour of the crowd, that you saw no group of Africans storming through the gate? --- Ten tye wat Kolonel Pienaar daar aangekom het het hulle probeer om saam met die kar of net kort na die kar in te kom. Daarop het ons die hekke toegemaak, maar ten tye wat ons die bevel gekry het om te skiet het hulle nie by die hek ingestorm nie.

You see, one of the witnesses gave a description of something that happened almost immediately before the firing, of a group of about ten or fifteen uniformed European Constables go to speak forming a line - he did not say it explicitly but that is the effect of his evidence - to push back a crowd that was surging through the gate, and trying to get them behind the gate. You did not observe any such thing? --- Dit kon gebeur het wat ek daar genoem het met die aankoms van Kolonel Pienaar. Toe het ek gesien dat daar

Polisie/....

Polisie die Bantoes terugdruk.

This evidence Mr. van Zyl was not given relative to the time when Colonel Pienaar arrived and tried to get his car through the gate, it was given relative to the situation almost immediately before the firing. You did not observe it, did you? — Nee, dit is ook nie my getuienis wat ek gegee het nie.

And being two or three paces to the north of the gate as you have indicated, if any exceptional events were taking place near the gate at that time, you would surely have noticed them? — As sy aandag nie deur iets anders afgetrek is nie.

Can you remember at this time if in fact your attention was distracted, or can't you remember today? — Ek kan nie onthou nie.

Now, with what weapon were you armed Mr. van Zyl?

— 'n .38 Rewolwer, en 'n Stengeweer.

You took part in the shooting? — Korrek.

Which weapon did you use? — Beide.

Did you use them together? Well, I presume you did not use them together. Did you use first the one and then the other? — Korrek.

Which one did you use first? — Die Stengeweer.

Have you an approximate idea of the number of shots you discharged with your Sten gun? — Twee magasyns.

I believe the maximum that each magazine holds is thirty, but you don't usually fire thirty? Is that correct? — Ja, die gemiddelde wat die magasyn kan dra is dertig, twee-en-dertig.

Would you say then Mr. van Zyl that you must have fired approximately sixty bullets with the two magazines? — Normaalweg laat hulle op Radiohoofkwartiere laai tot vyf-en-twintig.

Daardie/....

Daardie mōre was dit haastig gewees; hulle kon dertig in daardie magasyn, in al die magasyns gelaai het. Dan laat dit my patrone wat ek gaskiet het van vyftig tot sestig.

That is the approximate number that you fired? ---

Korrek.

When the first magazine was empty I take it you had to reach for a second magazine from your sling-bag and insert it, to continue your firing? --- Korrek.

This required you to pause for a little while while you put in the second magazine? --- Korrek.

Now, while you so paused did you study the crowd, to see whether perhaps you could ^{be} assist after having discharged your first magazine into the crowd? --- Just repeat that please?

Did you, during that time that you paused for replacing a fresh magazine in the gun, look at the crowd for the purpose of deciding whether perhaps you had fired enough shots, and it was not necessary therefore to fire the second magazine? Have you understood me now? --- Ja, ek het afgekyk om my leë magasyn in die sak te kry en die volle weer terug te kry, en die spasie wat jy die magasyn insit is ook baie nou; jy moet jou oë daarop vestig. Ek het nie met die verposing na die skare gekyk nie.

Mr. van Zyl, after having discharged approximately twenty-five bullets into the crowd, did you not think that you ought to look at the crowd? --- Ek het na die skare gekyk nadat ek my tweede magasyn gelaai het.

And before you started to fire the second magazine?

--- Korrek.

Your gun I assume Mr. van Zyl was on quick fire in any event? --- Korrek.

Now/....

Now, having loaded the second magazine and looked at the crowd, what did you see? — Dit was baie deurmekaar gewees. Ek kan nie nou beskrywe wat ek gesien het daar nie, of onder die omstandighede nie.

How long would it have taken approximately for that first magazine of yours to have been discharged? I can't tie you down to an exact time, but as far as seconds are concerned, three, four, five seconds? — Nee, ek kan ongelukkig nie se hoe lank dit neem nie. Dit is 'n baie korttydjie; dit is al wat ek kan se.

One other Constable who used a Sten gun gave evidence that he empties his magazine containing twenty-five bullets in about five or six seconds. Would it be more or less correct? — Ek sal nie daarop antwoord nie. Ek se ek weet nie.

Anyway Constable, be that as it may, you said that the crowd looked confused to you. Had not the first round of firing by you achieved a sufficient result in that crowd not to require the discharge of yet another twenty-five or thirty bullets into that crowd? — Dan sou ek seker nie my tweede magasyn geskiet het nie.

Are you then Mrl van Zyl suggesting that despite the firing that had taken place in the few seconds that had elapsed from the time you started and that everybody else had been firing, it had had not a sufficient effect upon the crowd to justify you in stopping? — Dit moet seker nog in daardie tydstop wees.

I am not sure that I understand your answer. Are you saying that it could not have been so by the very reason of the fact that you continued to fire? Is that it? — Ek het gesê dat as ek nie nodig gegag het om te skiet nie sou ek nie geskiet het nie.

HOF VERDAAG.

HOF HERVAT:

JOHANNES PETRUS MOSTERT VAN ZYL, onder sy vorige eed, vervolgt:

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Mr. van Zyl, you told us that you would not have continued to fire with the second magazine had it not been necessary? That I understand is in effect what you were trying to convey? —Korrek.

Now, I would like you please to tell His Worship not only how you view the position today, because in fact you fired, but what you saw with your own eyes as you looked at that crowd after you had loaded the second magazine? What was in front of you? — Van die voorste Bantoes het begin terugval, maar die agterstes het nog steeds met klippe gegooi en by tye nadergestorm. Daar was ook nog nie 'n vreeslike reaksie van die voorstes gewees nie, en terug te gal nie.

Had you not noticed any members of the crowd at all turning round and running away when you looked at them with this second magazine loaded in your gun? — Nee.

Were there a very large number of stones still falling around you? —Ja, daar was nog steeds klippe gewees.

These stones were thrown before the firing started?

— Korrek.

During the time that you fired your first magazine did the stones continue to fall about you? — Ja.

When you had finished discharging your first magazine, were the stones still falling? — Ek het so gesê, Edelagbare.

While you discharged the second magazine did the stones also continue to fall round you? —Nee.

Did the stones not fall at all during your firing of the second magazine? — Toe ek begin skiet het het hulle nog geval.

And/....

And did they stop falling somewhere in the middle of your firing of the second magazine? — Ek kan nie presies sê of dit in die middel was en of dit op die end was nie, en of dit daarna was nie.

Mr. van Zyl, I obviously can't expect you to give me precise times, and you must not understand me as asking you for them. All I am trying to get is an idea as to whether the stones were falling during your firing of the second magazine? — Korrek.

For most of the time that you fired the second magazine, or only for a small portion of the time? — Die meeste van die tyd. Ek kan dit so noem ^{byna die hele magasin} byna die hele magasin, want my derde magasin het ek ook.... my tweede magasin het ek uit gehad en die derde een het ek in my hand gehad om te laat.

Now, certain of your colleagues who have given evidence here have described the falling of the stones as a hail of stones coming over? Would you agree with that description Mr. van Zyl? — In die begin het hulle baie gekom.

And did many of them continue to fall and come over while you were firing both magazines? — Korrek.

Now, you were speaking about a third magazine. Did you use the third magazine? — Nee.

You were also telling us earlier about a revolver, and you said you used the revolver? — Korrek.

Why did you not use the third magazine Mr. van Zyl? — Daar is ongeveer vier-en-twintig patrone meer in 'n Stenmagasin as in die rewolwer.

Yes, carry on? — En dit is waarom ek hom nie gebruik het nie.

Did you reckon it was not necessary to fire a further twenty-four bullets from a third magazine? — Korrek.

You/....

You used your revolver you told us. Now, why did you use your revolver? — Seker vir dieselfde doel as wat ek die Stengeweer gebruik het.

That is to continue to fire into the crowd, but not to the extent of twenty-four bullets, but to the extent of the number of bullets which your revolver held? — Korrek.

Mr. van Zyl, if you judged that it was not necessary to fire twenty-four bullets from a magazine of your Sten gun, did you not also come to the conclusion at the end of the second magazine that you ought to stop altogether? — As ek tot daardie konklusie gekom het sou ek nie met my rewolwer geskiet het nie.

At the end of the firing of the second magazine, did you survey the crowd again before you commenced firing still further? — Nee.

Why not Mr. van Zyl? — Deurdadig daar nog 'n groot hoeveelheid Bantoes teenwoordig was, wat op daardie moment nog kon baie skade veroorsaak het indien die skietery totaal gestop word, wat dieselfde houding ingesien het as aan die begin. Dit is waarom ek my rewolwer ook gebruik het.

Mr. van Zyl, do you seriously want His Worship to believe that after you had discharged sixty bullets into that crowd from your Sten gun, there had not been a sufficient alteration in the behaviour of this crowd to diminish its danger, and that it was therefore still necessary for you to fire into that crowd with a revolver? — Ek het so gesê.

And you wish His Worship to believe that? — Dit is vir Sy Edelagbare om te besluit.

How many bullets were there in the revolver? — Ses.

And did you discharge all of them into the crowd?

— Korrek.

Now/....

Now, I have got a little difficulty in understanding what you have said ^{Mr.} van Zyl, because I asked you "Did you survey the crowd, did you look at the crowd at the end of the second magazine", and you said "No." There was a long pause - I don't know whether the pause was ^{because} ~~because~~ you were waiting for His Worship to complete writing down the note or you were thinking of the answer? — Ek het gekyk dat die Magistraat eers klaar skryf.

Be that as it may, you then gave me the reply "Because the crowd was still dangerous and their behaviour had not changed". How could you judge that Mr. van Zyl if you did not look at the crowd at the end of the second magazine? — As jy begin skiet dan moet jy in daardie rigting kyk, maar ten tye wat die onruiling plaasgevind het het ek nie daarna gekyk nie. Dit was my antwoord wat ek bedoel het.

Then you had fired the six shots from the revolver, what did you do? — Ek het toe gestop.

Did you stop because your ammunition from the revolver? — Nee.

Please allow me to finish my question Mr. van Zyl, otherwise you will just make this record very difficult to type. Did you finish or did you stop firing because your ammunition from your revolver was exhausted? Was that the reason that you stopped? — Nee, ek het nog genoeg ammunisie gehad; ek kon nog laai.

So why did you stop? — Ek het nie meer die nodigheid gegag om te skiet nie. Hulle was totaal onder beheer, ek sal nie sê beheer nie, maar toe was daar nie meer nodigheid / om te skiet nie.

You did not stop because you heard a command telling you to stop? — Nee.

Did you at any time hear such a command? — Korrek.

And/....

And at the time that you heard it what were you doing? — Toe was ek klaar gestop.

Would it be correct to say then that at the time of the second magazine you had made up your mind that a certain effect had operated on the crowd, so therefore it was not necessary to use a third magazine, but the effect was not such as to justify your stopping, and you therefore calmly judged that it would be better to fire six shots from a revolver, and then to stop? — Ek dink dit is omtrent die regte antwoord.

Surely Mr. van Zyl, the position, even though everything was happening at such speed, must have been that you were either satisfied that the crowd had had enough, or that there was not enough firing, and you would have continued? Not that you should have judged that you had to do it in this particular manner? — Ek het nog tien magasyns van die Stengeweer oorgehad. As ek gedink het dat daar nog nodig was om meer te skiet, kon al al tien ook leeg geskiet het.

Now, whatever the firing might have been when you used the two magazines, was not the firing of those six bullets from the revolver at that stage unnecessary because the crowd were scattering? — Dan sou ek nie geskiet het nie.

No, I am not asking you to justify yourself. I am just asking you to answer the question. You can say yes, you can say no. You can agree with me, you can disagree with me. I must put it to you. Was not the firing of those six shots from the revolver after you had used up two magazines, an unnecessary piece of firing? — Dit was nie onnodig nie.

At the time that you fired with the revolver, were you being stoned? — Nee, seker ek kan onthou nie.

I beg your pardon? — Seker ek kan onthou nie.

Well, you did tell us that the stoning had stopped somewhere/....

somewhere towards the end of the second magazine. That is correct, is it not? — Kerrek.

Now, if you were not at that stage being stoned, why did you have to fire those revolver shots? — Ek het al daardie vraag geantwoord.

Please repeat the answer then? — Ek het gesê dat die houding en die aantal Bantoes wat daar teenwoordig was min of meer nog dieselfde effek kon gehad het as voor die skietery.

In other words, the sixty bullets that you had fired from your Sten gun had apparently not yet had the desired effect upon the crowd? — Volgens my insiens.

If that was so Mr. van Zyl, why were you so generous to this crowd as not to use the third magazine, but just to use six bullets from your revolver? There still was a threatening situation according to you that required drastic action. — Daar was dit net prinsip.

I beg your pardon? — Daar was dit net prinsip. Ek het nie nodig gehad om nog die Stengeweer se volle magasyn leeg te skiet nie. Jy skiet stadiger met die revolver.

What do you mean when you say to His Worship it is a matter of principle? I don't understand what that answer conveys? — Dit is net my gevoeg wat ek daardie tyd gehad het.

Well, I want you please to explain to us why, if according to you the crowd was still so threatening, you did not continue to make use of your Sten gun? — Jy skiet stadiger met die revolver as met die Stengeweer. Die houding van die Bantoes kon in daardie tydperk heeltemal omgeslaan het, dat hulle totaal gee pad het na die skietery van die revolver, en dit is wat ook plaasgevind het.

No, I am not asking you Mr. van Zyl what happened after/....

after you fired the revolver shots. I am asking you what happened before you fired them, and according to you the attitude of the crowd was still threatening and dangerous? —
Korrek.

If that is so why did you not continue to use the same weapon? — Ek het dit net nie nodig geag nie. Ek het die rewolwer gebruik omdat ek dit nie nodig geag het om nog 'n derde magasyn te gebruik op die Bantees nie.

I am putting it to you Mr. van Zyl, that in point of fact at the end of the firing of the second magazine, irrespective of the merits of the firing before that, it was unnecessary to fire into that crowd, and you fired into that crowd with those revolver shots absolutely without reason? — U mag miskien so dink. Ek het daardie tyd nie so gedink nie.

Are you not prepared to concede today, looking back on it, that you might have been wrong in the firing of the revolver shots? — Nee.

I would like you, with His Worship's permission, to step down and have a look at the Exhibit No. 36, the stones that were collected from the scene? Have you seen the stones, Exhibit 36; you have seen the quantity of stones? — Korrek.

Now, I want to put it to you Mr. van Zyl, that if the description of the stone throwing as you have given it over the period of your firing two magazines is correct, it must have been a considerably greater number of stones than has been exhibited before the Court? What do you say to that? — As dit al die klippe is wat daar gemaak is, dan moet dit 'n groter/ hoeveelheid wees. Ek neem aan dit is nie almal wat daar bymekaar gemaak is nie. Vir bewysdoeleindes hee groot die klippe is, die tipe klippe wat gebruik word, is dit voor die Hof dink ek genoeg as 'n bewysstuk.

Mr./....

Mr. van Zyl, I am not asking you to give your opinion as to the adequacy or otherwise of exhibits. I am just asking you to express your view as to whether the number of stones that you see here, are the number that you would have expected to have been picked up, if they were all picked up, seeing them come across as you did? — Dit is nie al nie.

You would have expected, according to you, to have seen a considerably greater number of stones? — Dit moet meer wees.

Now, I would like to return for a moment to the description you gave us a little earlier about Colonel Spengler and this tussle he had with this man. You said the man was resisting. You observed the encounter between the two of them? — Ek entou neg. Die fynere punte nag my miskien ontgaan het.

Now, will you tell us where Colonel Spengler got hold of this man when he wanted to prevent him resisting? — Ek het gesê aan die be-arm.

And did he just continue to hold him there? — Ek dink sees hulle saagegaan het ken hy vervat het.

I am not sure that I understood you. Did he just continue to hold him on the upper portion of his arm while this man tried to get away? — Sever ek kan entou.

And nothing else? — Nie juis nie.

The description that Colonel Spengler gave of the man who resisted him, was that he seized him by the shirt front? Would that not be correct? — Herhaal asseblief?

Would that not be correct when he describes him as having seized him by the shirt? — Ek het gesê hy het hom aan die arm gehad toe ek Kolonel Spengler gesien het, en ek hou neg daarby. Kolonel Spengler het die arrestasie uitgevoer

en/....

en hy behoort beter te weet.

After the shooting did you go outside the area of the Police grounds? — Kerrek.

Did you assist the wounded? — Nee.

Why not Mr. van Zyl? — My dienste kon benodig gewees het by ander plekke. As hulle my roep dan moet ek gaan.

I did not get that? — My dienste kon benodig geword het op ander plekke, en dit is waarem ek nie gehelp het nie.

You say your services could have been needed. Were your services needed elsewhere? — Daarna was ons teruggereep na die Saracens.

How long after the shooting were you called back to the Saracens Mr. van Zyl? — Ek kan nie sê nie.

Well, was it two, three, four, ten minutes? — Dit kon 'n halfuur ook gewees het daarna.

Well, during that half hour, if you were not called back to the Saracens, why did you not go out to assist with the wounded? — Omrede ek my Stengeweer nog steeds by my gehad het, en ek kan hem nie daar neerlê om verwende mense te help nie. Ek het nog my sak met magasyns ook by my gehad.

Did no other members of the Police Force who were armed go out to help the wounded? — Sever ek kan onthou nie.

Do you know who then did help the wounded? — Daar was van die Polisie wat gehelp het met die verwendes.

And who were they? I don't want their names, but what group were they? — Blankes en nie-blankes.

Men who had been armed previously? — Ja.

Now, if these men who had been armed went to the assistance of the wounded men, why did you not? — Hulle kon miskien/....

miskien hulle gewere iewers gelaat het, en een of twee man aangesê het om te kyk daarna, en gaan help het.

And why could you not have done the same? — Ek het nie daaraan gedink om my geweer, my Stengeweer, daar toe te sluit en te los nie, en dat ander manne moet daarna kyk nie. Ons was twee of drie bemannings op die Saracen, en dan is ons net twee. Dit is waarom ek dit nie gedoen het nie.

Was it Mr. van Zyl possibly because you were indifferent to what you saw? Was it because you were perhaps indifferent, you did not really care about the scene that you saw in front of you? — Nee, heeken? Ek het neg altyd verwondes of beseerdes bejammer.

And was it Mr. van Zyl perhaps because it was the same kind of indifference that enabled you to fire these revolver shots after you had used up two magazines on the crowd? — Nee.

I take it then that you remained in the Police Station grounds, watching what was going on outside the fence? — Ek was buitekant gewees sees ek gesê het.

What were you doing outside Mr. van Zyl? — Ek het gaan kyk.

So you went to have a look, without going to give assistance? Is that it? — Kerrek.

Not doing anything in particular as a Policeman, just looking around? — Daar was nie iets wat ek gedoen het nie. Ek het gaan kyk daarna, en daar was sevele wat gehelp het met die gewondes.

Just answer the question. You were not doing anything special as a Policeman, you were just looking around? — Ja.

Somewhere near the gate? — Ja.

Did you notice anybody picking up stones among the dead and the wounded? as you looked around? — Nee.

Nobody/....

Nobody at all? --- Daar kon gewees het wat ek nie gesien het nie.

You did not yourself pick up any stones outside? ---

See. Ek sou lievers wou die verwendes gehelp het as en stene en klippe op te sal, en stakke.

And then did you finally return to the Saracen? ---

Korrek.

Now, in regard to accused No. 63, you said that you saw him to the west of the Police Station grounds, and you then later said that it was north-west. You have Exhibit 13 before you?

BY MR. UTERHALTER : TO THE COURT:

Perhaps Your Worship could clear this up for me? I have noted it as follows: "He was on the west side where I was, about at the north-west corner".

BY THE COURT:

That is quite right. Your note is correct.

CROSS-EXAMINATION BY MR. UTERHALTER CONTINUED:

Now, you have Exhibit 13 before you? --- Ja.

Was he right up against the fence on the north-west corner? --- By tye, Edolagbare.

I did not hear that? ---By tye was hy daar.

At times. --- Hy ken daar verskillende persone op verskillende punte gesien gewees hetook.

But there was a certain stage when he was right in front of the crowd roundabout the north-west corner of the fence? --- Dit is korrek.

And approximately over what period of time did you notice this man? --- Kort voor die skietery.

DEUR DIE RECHT:

See, hoe lank was dit wat jy hom daar gesien het? Vir watter tydperk het jy hom daar gesien? --- Dit was entrent...
Hy/....

Hy het toe rondbeweeg, en sê entrent vir tien minute, wat ek hem daar heen en weer tussen die mense gesien het.

KRUISVERHOOR DEUR MNR. UNTERHAUFER VERVOLG:

And would this period of ten minutes be the ten minutes before the firing, or would you have seen him half an hour before the firing, or twenty minutes before the firing?

— Dit was kort voor die skietery.

Now, what is it Mr. van Zyl about this particular man, No. 63, that attracted your attention at the time, or has left a memory with you, that you are so certain it was he when you saw at that time? — Miskien die houding wat hy ingesien het. Daarna het ek hem gesien. Hy het 'n baie bekende uitkyk op sy gesig wat jy kan onthou.

Principally the way he was behaving? Is that what it is? — Neen dit so ja, Edelaagbare.

Nothing about his clothing that you can remember specially today? — Neen.

He is going to deny that at any time he was against the fence? — Ek hou daarby dat hy wel by die draad was.

Did you notice anything special about him, apart from his clothing, that might assist in identifying him as the person who was there? — Ek het gesien hy het 'n fiets ook by hom gehad, as dit is waarop die Advokaat bedeel.

Did you always notice him up against the fence? — Ja, soos hy beweeg.

As I understand you he moved about over the period of ten minutes that you saw him, but always against the fence? — Toe ek hem gesien het.

Now Mr. van Zyl, it is correct that the accused No. 63 was in the vicinity of the Police Station about that time. It is also correct that he had a bicycle, but he denies, as I have/....

have told you, that he was ever against the fence, and he is also going to deny that he behaved in the way that you have described. Now, will you explain to His Worship that if there was such a closely packed mass of people as you have stated, how he could be there with this bicycle of his? — Daar was meer as een met 'n "bicycle". Hierdie nr. 63 was wel daar met die "bicycle".

Are you then Mr. van Zyl suggesting that he worked his way into the forefront of this crowd, got himself almost pressed against the wire fence, and moved over a period of ten minutes up and down against the fence, armed with his bicycle? — Korrek.

Did he not have considerable difficulty in moving about in a tightly pressed crowd like this with his bicycle in his possession? — Korrek.

He is going to say that he was there with his bicycle, but that he was approximately in the area, in the open space at the north-west point of the Police Station, where you see ^{few} a single individuals in the roadway? — Daar mag miskien getuies wees wat hom daar gesien het ook.

He is going to say that he never came near the front of that crowd with his bicycle? — Ek kan nie ongee wat hy gaan is nie.

Do you know of other witnesses who can speak to this? You just made this reference "daar kan ander getuies wees". Do you know of these other witnesses? — Nee, onder geen omstandighede weet ek van enige getuies wat enige van die beskuldigde gesien het nie. Ek ken van die getuies wel.

What newspapers do you read Mr. van Zyl? — Ek is nie 'n groot liefhebber van keerrante nie.

Well, what newspapers do you read? — Die meeste van die tyd "Die Vaderland".

De/....

Do you read "The Star"? --- Onder geen omstandighede nie. Baie keer op diens, as ek in die voormiddag werk, dan is daar 'n "Daily Mail" vir ons beskikbaar, waarin ek al gelees het.

Did you perhaps see a photograph of accused No. 63 in "Die Vaderland" a few days before this identification parade of the 19th of May? --- Nee, definitief nie.

Did you perhaps read a report of the evidence given by accused No. 63 before the Commission? --- Nee, seker ek kan enthou nie.

Were you perhaps aided in your identification of accused No. 63 on the 19th of May by having seen such photograph and read the evidence that he gave of his movements? --- Nee.

Well, I want to show you "The Star" of Friday, May the 13th, 1960. Perhaps if you look at it it might refresh your memory. I am not challenging what you say Mr. van Zyl, but I would like you to look at it? --- Nee, ek het dit nie gesien nie. (Keerant werd ingehandig en werd gemerk (Nwysstuk 80)).

BY THE COURT:

Mr. Unterhalter, is this alleged to be a photograph of accused No. 63? --- No. 63 yes, Your Worship.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Mr. van Zyl, you agree that the likeness is complete between the picture as it appears there, and the accused as you see him today? --- Kerrek.

Now, you said that you definitely don't read "The Star". I have not got the picture of "Die Vaderland", but having seen this picture in the newspaper before you, you are still definite in your own mind that you had not seen anything yourself/....

yourself in "Die Vaderland" which tended to facilitate your identification, or describe his movements as he gave it in his own evidence? — Definitief nie.

Now, I have also recorded you as having said "Hy het baie oproerig geskree". You did say that or use those words, did you not? — Korrek.

Mr. van Zyl, there was a very loud noise coming from the crowd, was there not? — Ook korrek.

If there was such a loud noise how could you hear him screaming? — Hy was nie baie ver van my af gewees nie.

Are you suggesting that he shouted sufficiently loudly for his voice not to have been drowned by the very loud noise coming from the crowd? — As dit was sou ek hom nie gehoor het nie.

Now Mr. van Zyl, don't please reconstruct what you would or would not have heard. Just please answer my question. Was he shouting so loudly that his voice was not drowned by the loud noise coming from the crowd? — Ja.

You see, other Constables have given evidence of not having heard this order to shoot, although they were five paces away from where this order apparently came from, because of the noise of the crowd. So I take it that this must have been a very, very loud shout indeed coming from this man, for you to hear it? — Dit was miskien op verskillende tye gewees dat die rumoer sagter of harder was, as toe die bevel gegee was om te skiet.

Well, if his voice came out above the whole noise of the crowd, what were the words that he was using? — Die presiese woorde kan ek nie sê nie.

How is that Mr. van Zyl, if he was shouting so very loudly that it rose above the noise of the crowd? You must have heard something of what he was saying? — Ek mag dit miskien/....

... miskien kort daarna ef ten tye van dit gehoor het, en dat ek nie kan presies sê wat dit is nie.

Well, what language was it, as you heard it coming from him? — Hy het verskillende tale.... As ek kan goed onthou het hy 'n soort Kaffertaal gepraat, maar watter tipe taal weet ek nie, d.i. spesifiek in elk geval nie.

Well, for all you know Mr. van Zyl he might have been saying to that crowd "For heaven's sake go home, or behave yourselves, or quieten down", or something like that, could he not? — Nee. Ek het nou net gesê hy het verskillende tale gepraat. Ek het nog nie geneem dat hy nie-Afrikaans of nie Engels gepraat het nie.

You are not fencing with me, are you Mr. van Zyl? I just want to get the truth from you! — Dit is korrek.

Well, we are not playing a game of draughts here. What languages did he use? — Hy het Afrikaans ook gebruik, en hy het Engels ook gebruik.

So what did he say in Afrikaans? — Ek kan nie weet nie.

Ek kan nie....? — Ek kon nie presies hoor wat hy gesê het nie.

What did he say in English? — Die kon ek ook nie hoor nie.

Then how did you know it was Afrikaans or English if you could not hear it? — Jy kon die verskil van tale hoor.

Is there no particular word that you remember of what he said? — Ongelukkig nie.

And you can't even convey to His Worship today the meaning or the sense of what he was saying? — Nee.

And if that is so then he might have been telling the crowd to go home for all you know? Is that not so? — Ja, ek kan dit nie betwis nie.

Then/....

Then why did you dispute it a few moments ago when I put it to you? --- Dit was gewees toe ek gepraat het van die Kaffertaal, of Banteetaal, en daar kon ek dit nie sê nie, met die gevolg dat ek dit ontken het.

Well, the record will speak as to that. You don't understand African languages yourself, do you? --- Ongelukkig nie.

Now, if he had been speaking to them in the African language he might also have been telling them to go home for all you know? Is that correct? --- Ja.

Well, why did you dispute it with me when you were intending to refer to his use of African languages? Why did you deny to me just now that when he was using the African languages he might have been telling the crowd to go home? --- Ek kan nie spesifiek sê heeken ek dit gesê het nie. Ek het geen spesifieke rede heeken ek dit ontken het nie.

Well, were you speaking the truth to His Worship just now when you did dispute it with me? --- Ek was ten alle tye nog besig om die waarheid te praat.

Well, I am giving you an opportunity of trying to explain the conflict in this evidence? --- In die eerste instansie, ek ken nie sê wat die doel was, of wat sy woerde was nie. Die uitwerking kan ek wel verduidelik, wat die uitwerking was wat sy woerde gehad het, d.i. op die skare rondom hem ten tye wat hy die taal gebruik het. Dit is waarep dit neerkom, en dit is waarek ek dit ontken het.

Supposing he told them to go home, and they were just voicing their disapproval of him? That might have also been the case, might it not? --- Dan sou hulle miskien nie daardie heuding ingeslaan het nie, deur ook daarna te skree en 'n dreigende heuding in te neem nie.

Mr./....

Mr. van Zyl, is your evidence perhaps coloured by any prejudice at all? --- Ek verstaan nie presies die vraag nie.

Are you prejudiced at all towards the African people or this crowd that you were confronted with? --- Nee.

When you used the word "Kaffer" as you have done throughout your evidence, until you just corrected yourself now, is that just an oversight or is that also possibly prejudice on your part? --- Dit was die gewone woord wat gebruik was greeër, tet tyd en wyl dit nog enlangs verander is, en dat ons dit meet gebruik as Bantoe, en daarna prebeer ek my net seveel kere korrigeer wanneer ek daardie woord gebruik.

You are aware that in fact there is an instruction that has gone out from senior people in the Police Force, that Police Constables must not use the word "Kaffer" when they refer to the Bantu African people? --- Dit is korrek. Ons mag nie meer daardie woord gebruik in die uitvoering van ons pligte nie.

And you know the reason for that is because it has been recognised that African people feel insulted when they are described that way? --- Ja, ek meet dit erken.

Now, as a Policeman who is supposed to carry out his duties, why have you throughout your evidence, until just a few minutes ago, used that word? Is it an oversight or is there any other explanation? --- Ek raak nog partykeer deurnekaar en dan gebruik ek daardie woord, aangesien ek hon seveel jare gebruik het. Dit is nie om te domineer of enige geveelens needswilliglik seer te maak nie.

You don't think Mr. van Zyl in view of the fact that it is generally recognised as an insulting word, that one has to use the greatest of care in giving one's evidence and making such a reference? --- Ek doen dit. Ek prebeer altans.

New/....

Now Mr. van Zyl, you were approximately three paces to the north of the pathway that you see on Exhibit 13? —
Korrek.

And how many paces from the fence were you? By the fence I mean at the point immediately opposite you? — Oek omtrent twee of drie treë. Ek was in elk geval in die voorste gelid wat daar ingeval het.

Now, is it not a fact that the north-west corner of the Police Station is some distance away from where you were stationed? — Hy is 'n paar treë weg.

I am putting it to you that it is more than „n paar treë”? — Ja, dit is 'n paar treë weg.

We have not got the exact distance. We have not had measurements yet, but looking at the photograph it is some distance away? — Ja, dit was 'n distansie verder van my af.

Now, do you claim that at that distance, i.e. from where you were to the corner point on the north-west, and bearing in mind the confusion, the moving of the crowd, and everything else, you had a full and clear opportunity of seeing accused No. 63, and you are not perhaps confusing him with someone else? — As jy op die omtrentelike hoek gestaan en bly staan het sou dit miskien moeilik gewees het. Soos ek alreeds gesê het het hy beweeg, maar hy het op die noord-westelike hoek gebly, en die hek van die ingang natuurlik is wes, maar daardie hoek - op tot omtrent ongeveer 'n vyf treë van weerskante van die hek tot sewe treë - bly nog die noord-westelike hoek van die gronde.

Now, taking the double gates as a point of reference, and taking the northern portion of the fence as the area in which you saw the accused No. 63, how many paces from the northern post of that double gate was he away at any time? Putting it another way, I don't know if you can answer this,
from/....

from the north-western corner coming down towards the double gate, how many paces towards the gate did he reach approximately?

--- Dit is nou moeilik om te sê . Ek kan ongelukkig nie sê nie. Dit kan wees van vyf tot sewe, van sewe tot nege, van die hek af tot waar hy gekom het.

Which means that at a certain point Mr. van Zyl, he must have been approximately in the middle portion of the west fence on the north side of the gate? --- Meer in die middel tot op die heek; daardie deel het hy beweeg.

And you say that stationed as you were at the point you have described, you had a clear enough opportunity of seeing this person as he moved up and down? --- Ja.

Because he is going to deny as well that he was ever at those points in the western fence that you have just described to the Court. --- Dit is vir hom om te sê.

He is also going to say that he was there a very short time indeed before the firing commenced? --- Ek weet nie wat hy gaan sê nie.

The time that you seem to give is a somewhat longer time than the time when he arrived on the scene just before the shooting? What do you say to that? --- Ek hou nog by my verklaring wat ek gesê het.

There is just one last question. When you used this Sten gun, did you fire straight or did you move it from side to side as you fired? --- Ek het dit beweeg van kant tot kant.

DEUR DIE KRUISVERHOOR DEUR BERECHTEGDES NRS. 1, 3, 4, 8, 18 EN 19.

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Hoe klim 'n perseon by 'n Saracen in? --- Van agter e daar twee deure wat oopmaak; die hoofdeure wat jy by ingaan. e agter.

En/....

En wat word van hierdie twee deure as daar tekens van gevaar is? — Dit word gesluit.

En dan hoe klim 'n mens in? — Dit word teegemaak van buite, en dan klim jy op. Op die dak is daar 'n rende valluik waag jy kan inkom.

Is dit gewoonlik waar die kanonnier sit? — Die kanonniers sit verentee. Daar is nog vir hulle ook 'n opening.

Het u Kolonel Pienaar gesien toe hy die bevel gegee het „Laai!“? — Nee, ek het nie vir Kolonel Pienaar persoonlik gesien ten tye hy dit gesê het nie.

En die stem wat u gehoor het, of die bevel wat u gehoor het van „Skiet!“, vanwaar het die stem gekom? — In die omgewing waar Kolonel Pienaar vroeër was toe ons gesê is om aan te tree.

En waar was dit? — Dit was omtrent by die gruispad, d.i. wat ingaan na die Polisiestasie.

Neu, u het gesê dat die Bantoes het probeer om by die hek in te kom toe Kolonel Pienaar daar aangekom het? — Kerrek.

Wie het hulle teruggedruk? — Daar was van die Konstabels wat hulle teruggedruk het.

O, u het hulle nie gehelp nie? — Nee.

Hoe het hulle hul terugdruk? — Hulle het 'n kerden gevorm, so een teen die ander, en dan met die hande teruggesteet.

Neu nr. 63, toe hy met sy fiets dagg op en af beweeg het of heen en weer, het hy met die fiets gestap of het hy op die fiets gesit en gery? — Nee, gestap.

Wat was die uitwerking van beskuldigde nr. 63 toe hy met die skare gepraat het in Bantestaal en Afrikaans en Engels? Wat was die uitwerking wat dit gehad het? — In

daardie/....

daardie naby omgewing van hem het hulle baie rumeerig geword.

En was die rumeer wat u geheer het gemik op beskuldigde nr. 63, volgens die houding van die skare wat u gesien het? — Volgens die houding, die uitwerking van wat hy daar geskree het, het dit definitief op hem gehad.

Definitief? — Op hem gehad, as hulle inspirasie het dit my voorgeken daardie dag.

Dankie, Edelagbare.

BY MR. UNTERHALTER:

Your Worship, I don't wish to detain the Court, and the Court has been very indulgent with my cross-examination. May this one further question be put through the Court? It is a very brief question, Your Worship.

BY THE COURT:

Yes.

BY MR. UNTERHALTER : THROUGH THE COURT:

Mr. van Zyl, in view of the fact that you heard Colonel Pienaar order five or ten shots to be loaded, why did you fire more than that number? — Edelagbare, eureds ons, die Stengeweer se magasyn vat nie net vyf rondes nie. Daardie is meer reetine weerde wat gebruik word, as wat dit die presiese aantal patrone aandui.

With the order to load five or ten, did you not think that you should use your revolver before you used your Sten gun? — Nee.

Thank you, Your Worship.

Isak/....

IZAK MARHERRE PRETORIUS, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

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

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

En toe u by die parade kom wattervraag was aan u gestel? --- Of ek enige van die persone wat op die parade is herken, of of hulle by Sharpeville Polisiestasie gewees het.

En kon u enige persone uitwys? --- Ja, ek het een persoon uitgewys.

Drie persone? --- Een persoon.

Sal u in staat wees om daardie persoon vandag uit te wys as hy wel in die Hof is? --- Ek dink so.

Staan net af en kyk deur die Hof, en sien of die persoon hier is? --- (Getuie staan af en wys beskuldigde nr. 63 uit).

Waar het u nr. 63 beskuldigde gesien? --- Hy was aan die noord-westelike kant van die kliniek.

Wel, ek bedoel eers op watter dag was dit? --- Die dag met die skietery.

Die dag met die skietery by Sharpeville? --- Dit is reg.

Nou, ek wil u 'n foto toon, d.i. bewysstuk 13. Was dit die eerste dag wat u by Sharpeville gekom het op die 21ste Maart? --- Dit is reg.

Nou, daardie kieke wys heel bo die noordelike kant, en heel onder is die suidelike kant, en op die linkerkant se kant van die foto is die westelike gedeelte, en aan die anderkant van die pad is die kliniekgebou. Nou, sien u daardie grasperk daar/....

daar? Dit word in twee gedeel deur die paadjie wat vanaf die heining tot by die gebou loop. — Dit is reg.

Hoe het u na Sharpeville gekom? — Ons het per motor gekom.

'n Saracem of 'n radiokar? — 'n Radiokar; ons het die Saracem vergesel vanaf Johannesburg.

Omtrent hoe laat was dit? — Ons is die oggend uit Johannesburg uit, maar ons is eers na Vanderbijlpark, en daarvandaan af is ons na Sharpeville.

Wie was die Bevelvoerende Offisier van die Saracem? — Kaptein Brümmer.

En was u een van die Polisielede wat in gelid gestaan het op die westelike gedeelte? — Dit is reg.

Aan watter kant, aan die noordekant of die suidekant van die westelike gedeelte? — Is dit nou van die paadjie?

Ja, noord van die paadjie of suid van die paadjie? — Noord van die paadjie.

Omtrent hoe ver vanaf daardie paadjie? — Ongeveer vier, vyf treë vanaf die paadjie aan die noordekant.

Ken u Konstabel van Zyl, wie nou net hier getuie is gegee het? — Ja.

Het u gesien waar hy gestaan het daardie dag? — Nee.

Nou, as u na daardie bewysstuk kyk, presies waar op die bewysstuk het u beskuldigde 63 gesien? — Hy was aan die westekant van die Polisieostasie, d.i. aan die noordekant van die paadjie.

Maar u sien dat die westelike heining maak so 'n hoek daar met die noordelike heining? — Dit is reg.

Nou waar in verband met daardie punt was nr. 63? — Hy was ongeveer in die middel van die hoek en van die paadjie/....

paadjie.

DEUR DIE HOF:

Ongeveer halfpad tussen die hek en die paadjie?

--- Dit is reg, Edelagbare.

VERHOOR DEUR DIE PUBLIEKE AANKLEER VERVOLG:

U het toe u u getuienis begin het melding gemaak van noord-wes van die kliniek? --- Ja, dit is die noord-westelike hoek. Ongeveer vanwaar ek gestaan het was hy tussen my en die noord-westelike hoek gewees.

Maar u het melding gemaak van die kliniek, en die noord-westelike hoek van die kliniek sal nos aan die anderkant van daardie gebou wees, van die kliniekgebou natuurlik? Verstaan u wat ek bedoel? --- Nee, ek bedoel dan is dit die noord-oostelike deel, want dit is tussen die Polisie-stasie en die kliniek, die noordelike hoek.

Ek sien. Wat het u saterdag daar op beskuldigde nr. 63 getrek? Hoekom het u hom spesiaal opgelet? --- Hy was met 'n fiets tussen die Bantoes aan die agterkant. Hy het aanhoudend geskree "Afrika!", en hy het sy hande opgesteek in die lug, sy duim.

Het u miskien opgelet hoe hy aangetrek was? --- Hy was netjies aangetrek, maar ek weet nie die klere wat hy aangehad het nie.

En watter effek, indien enige, het beskuldigde nr. 63 se geskree van "Afrika!" en die duim in die lug, gehad op die ander mense in die nabyheid? --- Hulle het aannekaar geskree.

Hy het aannekaar geskree of hulle het aannekaar geskree? --- Hulle het aannekaar geskree, en hy het ook aannekaar geskree.

Het hy net daar op een besondere plek gebly, of nie? --- Hy het rondbeweeg agter die naturelle, en dan as daar

gepraat/....

gepraat word met die Bantoes, dan het hy ook geskree.

Wie het met die Bantoes gepraat? — Daar was van die Offisiere wat met hulle gepraat het; daar het naturelle-mans ook gepraat met hulle, van voor af, van binne die Polisieperseel.

Was hulle lede van die Polisie, die naturelle wat binne die Polisieheining was? — Ek sou nie kon sê nie.

Nou, ken u Kolonel Spengler? — Dit is reg.

Het u hom daardie oggend gesien daar? — Ja.

Het u enige soggende arrestasies wat deur Kolonel Spengler uitgevoer is gesien plaasvind? — Nee.

Nou, het u daardie dag gebruik gemaak van 'n vuurwapen? — Dit is reg.

Watter soort vuurwapen het u gebruik? — Ek het my rewolwer gebruik.

En hoekom het u 'n vuurwapen gebruik? — Ons het bevel gekry om te skiet, maar die naturelle was baie opstandig gewees; dit het gelyk of hulle ons gaan aanval.

Wat het gebeur wat jou onder daardie indruk laat verkeer het dat hulle u wou aanval? — Hulle was voor teen die draad. Hulle het die draad platgedruk, hulle het ons met klippe gegooi en ook met kieries en ysters.

Was u getref deur enige van die voorwerpe? — Nee.

Het kort voor die Polisie geskiet het, of voor u geskiet het, het u opgelet wat daar by die hek plaasgevind het? Was daar enigiets in besonder wat u waargeneem het wat by die hek gebeur het? — Al wat ek gesien het, wat ek gekyk het na die hek - ek het die meeste van die tyd na die Bantoes gekyk - was toe Kolonel Pienaar by die hek ingery gekom het. Ek het gesien dat hulle sy motor met kieries slaan.

Maar net voor die skietery het u te enige tyd

Kolonel/....

Kolonel Spengler by die hek gesien? ---Nee.

Dit is al dankie, Edelaagbare.

KRUISVERHOOR DEUR MNR. UNTERHALTER:

Mr. Pretorius, when you started your evidence you said that accused No. 63 was seen by you at the north-west corner of the clinic? Did I understand you correctly, did you use those words? --- Dit is reg.

Now Mr. Pretorius, I would like you please to look at Exhibit No. 2. You see the arrow „Polisiestasie“? --- Dit is reg.

And that is coming from a building which you will recognise as an aerial photograph of the Police Station? --- Dit is reg.

You will see that the next arrow, the end of it has the legend „Hek“, and that comes from the end of the pathway that you see in Exhibit 13, where the double gates are in the western fence of the Police Station? --- Dit is reg.

Now, immediately to the left of the gate you will see a road which is running roughly south to north? --- Dit is reg.

That is the western street, a street without a name, that runs outside the Police Station? Do you recognise that? --- Dit is reg.

Now, still letting your eye travel to the left, i.e. to the west of the photograph, you will see a building called „Kliniek“? --- Dit is reg.

Now, when you said that you saw accused No. 63 at the north-west corner of the clinic, whereabouts in relation to the buildings that I have pointed out to you on Exhibit 2, did you see him? In order to assist the Court I would be glad with the leave of the Court, if you would mark Exhibit 2 with

the/....

the figures 63 at the point where you saw him? --- (Witness marks the spot on Exhibit 2).

Now still keeping the map before you Mr. Pretorius, what you have done in marking the letters 63 on Exhibit 2, is to indicate the north..... you have indicated a position on the map which is actually the north-eastern corner of the piece of ground that contains the clinic? --- Dit is reg.

And that is what you meant when you said the north-west corner? --- Dit is reg. presumably because it is in a north-westerly direction from the Police Station? --- Dit is reg.

Now, accused No. 63 was in that vicinity. He places himself a little more to the north than that. Just have a look at the map? Is it possible that he might have been perhaps a little closer to the shops, i.e. the buildings ^{marked} with the word „Winkels“? --- Dit kan wees, want hy het beweeg daar. Hy het nie stilgestaan netop een plek nie.

Approximately how long before the shooting commenced did you see him? --- Dit was ongeveer veertig minute, veertig, vyf-en-veertig minute. Ons het ongeveer twintig minute voor een daar aangekom, en van daardie tyd het ons gebly tot die skietery. En hy was daar gewees al die tyd wat ek hom gesien het.

DEUR DIE HOF:

Dit was twintig voor een toe julle daar aangekom het, en toe het jy hom daar gesien? --- Ja, dit is reg.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Did you keep him constantly under observation from that time until shortly before the shooting? --- Nee, ek het weggekyk en ek het weer gekyk. Ek het nie aannekaar net na hom gekyk nie.

No, I am sure. I mean he did ^{not justify that} nto special/....

special attention by you, I am sure, but say five minutes before the shooting, did you still notice him moving around?

— Dit kan ek regtig nie sê nie.

Approximately? I can't tie you down to five minutes, but very shortly before the shooting did you still notice him moving around? — Dit kan wees.

I don't want to know if it could be? — Ek is nie heeltemal seker of hy daardie tyd daar gewees het nie, maar ek het hom gesien tussen die tyd wat ek daar gekom het en tussen die skietery, het ek hom 'n hele paar keer gesien.

Did he make an impression on you, that you noticed him, so that you were able afterwards to point him out at the parade, and also to point him out today in Court? — Ek het die oppaie gekry dat hy die agter natuurlike aanhids van agter af.

And from time to time as you saw him you recognised him as the same person that you had seen a little while before? — Dit is reg.

Now, you were standing a few paces to the north of the path that has been pointed out to you on Exhibit 2, and about how many paces from the fence would you say? — Ek was ongeveer vier, vyf tred van die draad af aan die binnekant.

And did he continue to move about roughly in the area in the vicinity of the point that you have marked on Exhibit No. 2? — Dit is reg.

You used another phrase later in your evidence, that he was moving about behind the crowd. You did say those words, did you not? — Dit is reg. Hy was nie teen die draad nie, hy was aan die agterkant.

How was it Mr. Pretorius that with the crowd as dense as it was, that you were able to see him at the back of the crowd? — Partykeer is daar langes voor hom en dan kan ek nie sien nie. As ek kyk dan is hy miskien weg agter ^{hulle} ~~aan~~, maar

as/....

as van die kort Bantoes voor hom is dan kan ek hom sien.

Some witness for the Crown have placed the crowd in the neighbourhood of 15,000 to 20,000. Let us take the lower figure of 15,000. Do you agree that the crowd was somewhere in that vicinity? — Dit kan so gewees. Daar was baie Bantoes gewees.

And was there a very big mass of people outside the western fence? — Omtrent die hele pad het hulle volgestaan.

Will you look again please at Exhibit No. 13? I don't think it has been shown to you. Exhibit No. 13 is an aerial photograph of the Police Station. Do you see the group of people at the end of the pathway on the left of the photograph? There is a small group of people before a large crowd? — Dit is reg.

Those people are standing approximately opposite the double gates in the western fence? — Dit is reg.

Beyond them you see a crowd of people lining the fence and standing massed behind that fence? — Dit is reg.

Now, beyond them again you see a thinning out of the crowd somewhat, until the road ends at the edge of the photograph? — Dit is reg.

Now, this photograph was taken at a particular time. At the time that you arrived, namely twenty-to-one, was the crowd on the edge of the photograph, where it is thinned out as I have described it to you, as scattered as on the picture, or was it a very much denser crowd on the western side of that road? — Dit kan wees dat hulle meer gewees het, maar ek kan nie definitief sê dat hulle dikker gestaan het of dunner nie.

Now, you came in with a motor-car, did you? — Dit is reg. Did/....

Did you come down towards the Police Station past the shops, or did you come up so to speak from the bottom of the photograph, Exhibit 2? --- Ons het die onderste pad, nie die noordelike kant nie. Ons het nie van die noordkant af gekom nie, ons het van die suidekant gekom.

You came from the bottom. So that means that when you turned into the double gates you turned right? --- Dit is reg.

Now, presumably you were obeying the rules of the road and you were keeping to the left? --- Ek weet nie watter kant van die pad ons gery het nie, want hulle het te dig gestaan; ek kan nie sê of dit die regterkant of die linkerkant gewees het nie.

But as you drove up the street and came approximately opposite those double gates, was the whole street full of people? --- Voor die hek was hulle vol gewees. Van die suidelike hoek waar ons gedraai het was hulle ook; so ons het tussen die twee kloppe deurgery, 'n pad oopgemaak.

Perhaps I am not putting my question clearly Mr. Pretorius. What I want to know is in the street immediately outside those western gates - you see the whole street? --- Dit is reg.

Was the whole street full of people ^{as} and you drove up, a whole mass of people? --- Tot by die hek die hele pad was vol gewees, maar verder aan kan ek nie sê nie.

Look, on the other side of the road to the gate, I shall call that the western side of the road. Was the western side of the road full of people? --- Ons moes 'n pad oopmaak tussen die Hantoes deur.

Which means that the road was very crowded? --- Hy was vol gewees.

Now/....

Now, you got in eventually through the double gates and you took up your position? — Dit is reg.

Did you notice any thinning out of the crowd on the western side of that road after you got in and after you took up your position? — Nee.

Which means then that there was then a mass of people from the western gate right across the street to the other pavement? Would that be correct? — Hulle het dik opmekaar gestaan, en ek kan nie sê of hulle die hele pad volgestaan het en of dit net die voorste part was wat hulle so saamgekom gestaan het nie, maar hulle was vol gewees.

Now, if that is so, I still would like to know from you how you could see through all that crowd to somebody who was on the western portion of that road, and see him clearly?

— Ek het hom gesien. Ek het nie gesien sy kleres wat hy aangehad het nie, ek het gesien dat hy moes die fiets stoot en die Bantoes moes gepad voor hom. Hy het stadig rondbeweeg.

He will stand up now. He is not a very tall man? You would not call him an excessively tall man, would you? He is of average height? — Nee, nie baie lank nie.

He is of average height? Would you agree? — Dit is reg.

BY THE COURT:

Mr. Unterhalter, I must observe that he is not a short man either.

BY MR. UNTERHALTER:

No, average height, Your Worship.

BY THE COURT:

I would like to stand next to him, and then I can tell you exactly how tall he is.

Cross-examination/....

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Cross-examination/....

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Ordinarily in a crowd he would not stand out above the crowd as a very tall man would? — Ek sal nie so sê nie.

You are agreeing with me, are you? — Dit is reg.

HOF VERDAAG.HOF HERVAT:

IZAK MALHERRE PRETORIUS, onder sy vorige eed, vervolg:

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Mr. Pretorius, accused No. 63 had come down into the well of the Court and you had seen him, and you agreed with me he was of average height, and the question I wanted to ask you was how, standing as you were in the open area of the Police grounds, you could, through the mass of people who stood beyond the western fence, have seen the man moving around with his bicycle and doing the things that you have described? Now, could you tell us how you had a vision of him at the back of the crowd? — Soos ek gesê het partykeer het ek hom gesien waar hy uitkom waar die openings is tussen die koppe en waar party korter is as die ander. Partykeer kon ek hom nie sien nie, en ander kere het ek hom gesien.

Nothing distinctive about him that made you especially notice him moving around? — Soos ek gesê het solank as wat die mense gepraat het, was hy een van die wat aannekaar geskree het. Hy het sy vinger in die lug gedruk en hy het aannekaar geskree „Afrika!”

And was it that that drew your attention to him in particular? — Daar was nog ander ook gewees wat dieselfde gedoen het.

Was it that in particular that drew your attention to/....

to him? --- Dit is reg. Daar was ander wat geskree het maar dit is net sy gesig wat ek kon onthou het.

You see if others were doing exactly the same as he was doing, why is it that you so particularly had your attention directed to him? --- Ek is net meer seker van sy gesig. Die ander se gesigte is ek nie seker van nie.

I am going ^{to} ask you to look at Exhibits Nos. 45, 46? Now, these are pictures, are they not, of the crowd against the western fence of the Police Station? ---Dit is reg.

And you will notice that apart from seeing the people in the front row and perhaps just behind them, the eye of that camera has not been able to indicate any detail at all of people further back? You notice that on the picture? ---Ja, ek kan dit sien.

Now, will you look at Exhibit No. 77 please? --- Ja.

That is a similar picture but taken from a little distance back, and the crowd that is against the fence is the crowd that is on the southern side of the western fence? Do you agree with that? --- Nee, ek weet nie presies watter kant hulle is hier nie.

Well, if you look in the picture you will see there is somebody in the middle distance with a white handkerchief on his head and a white shirt, standing among a group of people, i.e. if you look through the Saracens? --- Dit is reg.

That point is somewhere near the double gates? --- Ja, dit kan wees.

Therefore the people that I am pointing out to you, who have got the umbrellas and the other things in the picture, must be to the south of that gate? Do you agree with that? --- Dit is reg.

And you will notice that there similarly the eye
of/....

of the camera does not get any detail of people beyond those in the front? --- Dit is reg.

Mr. Pretorius, I wonder if you would mind, with the leave of the Court, just stepping onto the floor of the Court? --- (Witness steps down into the well of the Court).

You are what will be called a shortish man? --- Ek is, soos die beskuldigde gesê het hy is 5 voet tien duim, ook 5 voet 10 duim.

Are you five foot ten? --- Dit is reg.

You are about the same height would you say as the accused? --- Dit is reg.

Well, accepting your height as you give it, I am still putting it to you, not only as a matter of commonsense but in the light of those photographs, that your eye could not have penetrated to the back of the crowd to have seen any details? --- Dit hang af van watter hoogte die kamera gehou is toe die fotos geneem is. As hy laer gehou is as wat my oë is dan kan hy nie agter sien nie.

I want to put it to you Mr. Pretorius, if you look at those photographs, that they were taken from an average height? They were not taken from the ground, otherwise you would have got a distortion, and you would have seen the people at a different angle? Do you agree with that or not? --- Ek weet nie.

The average bicycle is about two-and-a-half feet high, would you say, i.e. roughly?

BY THE COURT:

The average adult bicycle wheel is 28 inches across, i.e. two feet four inches. That is the size of the wheels, so I would put it a little higher than two-and-a-half feet.

CROSS-EXAMINATION BY MR. UNTERHALPER CONTINUED:

Three foot six, four feet? --- Vier voet.

Let/....

Let us put it at four feet. It is not one of the penny-farthings? Do you remember the old-fashioned ones from the nineteen-twenties? — Nee.

Now Mr. Pretorius, surely the bicycle itself was not visible to you through the mass of the crowd? — Jy kon sien dat hy die fiets stoot. Die fiets, partykeer kon jy hom sien wanneer die Bantoes beweeg voor hom; as hulle van mekaar af gegaan het dan kon jy sien hy het die fiets in sy hand. Jy kon sien dat die Bantoes voor hom gee pad om met die fiets deur te kom.

Did you see the bicycle, or are you assuming from the way that he was walking that he had it? — Ek het hom gesien ook, die fiets.

Were you a member of the crew of any Saracen? — Nee.

Now, is it possible that if you did get a sight of the accused you got it because you were standing on the top of a Saracen? — Nee, ek was geen oomblik bo-op die Saracens gewees nie.

Well then, is it possible that you saw the accused with his bicycle because you were looking in a north-westerly direction, where the crowd was not so thick, and you saw him in the middle distance there? Is that perhaps the reason? — Dit kan wees. Soos ek gestaan het het ek my oog op die noord-oostelike hoek gehad van die kliniek, die noord-westelike kant van die Polisiestasie.

Do you have Exhibit 13 still before ^{you?} — Nee.

Well, perhaps you would look at it in the Court's book? — Ja.

You have it before you? — Ja, dit is reg.

Do you notice beyond the north-west corner of the Police Station, in that open space, there are only a few people standing/....

standing? --- Dit is reg.

You have described the street as full from the western fence to the western edge of the street, but is it possible that as you were looking, and at the time you were looking, the density of the crowd further to the north-west was approximately the same as what you see it on the photograph? --- Dit kan wees.

And may it be then that it was at that point, or roundabout there, that you saw the accused, or that you were able to see him, because he was not enclosed by a lot of people? --- Ek kon hom daar gesien het, en ek het hom op die ander plekke gesien ook, want hy het nie stilgestaan nie; hy het rondbeweeg in daardie gedeelte.

Now Mr. Pretorius, I know that it is difficult for you after this length of time, and in view of all the circumstances, to remember details accurately, but I would like you to try if you can to assist the Court and say approximately how long before the shooting you last remember seeing accused No. 63, five minutes before, ten minutes before? Try the best you can to remember? --- Dit kan vyf minute voor dit wees; ek is nie heeltemal seker nie. Dit kan 'n paar minute wees, dit kan 'n kwartier ook wees.

I can't tie you down to a minute. I appreciate that. Would you say that it was very shortly before the shooting that you also had a glimpse of him? --- Dit is reg.

And there again he was moving about with his bicycle, either at the back of the crowd on the western side of that street, or somewhere near the north-western corner of the clinic as you have described? --- Dit is reg.

Now, we have had evidence that roundabout that time - don't say precisely at that time, but roundabout that time - accused/....

accused No. 63 was seen against the fence on the western side, together with his bicycle, in the front of the crowd. You did not see him there I take it? — Nee, daar het ek hom nie gesien nie.

Now, you were facing the western fence and from time to time your eyes must have looked at the leaders of the crowd pressing against the fence? — Dit is reg.

And if you had seen this man who previously had attracted your attention with a bicycle, moving at the back of the crowd, right in the front still with his bicycle, this interesting phenomenon would have been something that you would have noticed? — Ek kon hom gesien het, maar ek is nie heeltemal seker of ek hom daar gesien het nie. Ek kan nie sê ek het hom daar gesien nie.

I am not suggesting that you did, but you don't remember seeing him? — Nee.

But in the ordinary course of events a man with a bicycle right in the front of that crowd pressed against the fence, is something that you would ordinarily have noticed? Is that not so? — Dit is reg. Ek kon hom daar gesien het, maar ek kon hom ook nie gesien het nie. Daardie oomblik wat hy daar gewees het kon ek miskien net na 'n ander plek gekyk het.

The evidence that we have heard Mr. Pretorius, is that accused No. 63, together with this bicycle of his, moved up and down that fence, from the north-west corner about anything from five to nine paces south, and was approximately at various points along that fence in a period of about ten minutes the witness told His Worship; he, together with his bicycle, in the front of the crowd and against the wire. You did not notice that? — Nee.

I/....

I don't know if I have already put it to you Mr. Pretorius. I told you that he was in the vicinity approximately of the point that you mentioned on Exhibit 2, but possibly a little more to the north of that. He is going to deny, accused No. 63 is, that he shouted or gesticulated or did anything at all that could be considered to be an incitement of the crowd. Now, is it possible, looking at him, and bearing in mind the confused state of the crowd, the difficulty of seeing through so many people, that you might perhaps be confusing him with somebody else? — Nee, ek glo nie. Ek het sy gesig gesien en ek kon hom sien waar hy skree oek.

What papers do you read Mr. Pretorius, what newspapers? — Ek lees „Die Vaderland“ en „Die Transvaler“, ek lees die „Daily Mail“ en „The Star“.

Now, I want to show you a photograph that appeared in „The Star“ on the 13th May, i.e. six days before the identification parade. It is Exhibit 80. I want you to have a look at it. — Ja.

You will notice that the picture of the African is a picture of a man who resembles accused No. 63? — Dit is reg.

In fact it is No. 63, is it not? — Dit is reg.

Now, together with that photograph there appeared in the newspaper on that day an account by accused No. 63 before His Lordship Mr. Justice Wessels of what he was doing at the time of the shooting, where he was and so on. Now, did you perhaps read that article in „The Star“, or see that picture? — Nee.

It did not influence your ability to point him out at the identification parade? — Nee.

It did not give ^{you} some indication of what he was doing/....

doing and so on, to enable you to speak about him as you are doing today? --- Nee.

Now, I understand that a similar photograph and a similar description of his evidence appeared at the same time in „Die Vaderland“. If you did not read it in „The Star“, did you perhaps read it in „Die Vaderland“? --- Die eerste keer wat ek die beskuldigde gesien het na die dag in Sharpeville, was die dag met die uitkenningsparade. Ek het definitief dit nie in die koerant gesien nie, sy portret gesien of niks nie.

Do you not read the paper every day? --- Ek lees dit.

Now, as far as the identification parade is concerned, was there not a window in the room in which you pointed out accused No. 63, such that you could look into this room from the outside? --- Nee, nie wat ek van weet nie.

It may have been, you don't know? --- Ek weet nie.

Do you know the profession of accused No. 63? ---

Nee.

You did not overhear anyone at the parade say anything about him that perhaps assisted your identification of him? --- Nee.

BY THE COURT:

Are you suggesting that somebody peeped through the window? Mr. Unterhalter?

BY MR. UNTERHALTER:

I am not suggesting that someone peeped through, Your Worship, I am suggesting there was an opportunity.

BY THE COURT:

Somebody could have peeped through?

BY MR. UNTERHALTER:

Yes, Your Worship

By/....

BY THE COURT:

Well, that is surely just raising suspicion? Somebody must be very suspicious about these things. Parades will have to be held in rooms that have not got windows, to satisfy the suspicions of people like that.

BY MR. UNTERHALTER:

Well, there will in due course be evidence as to the size of the window and so on. There may have been the opportunity, and I think I must in fairness put it to the witness. I cannot, and I do not suggest YourWorship, that he was a party to anything like that.

BY THE COURT:

But is it seriously suggested that parades must be held in places that have not got windows or anything like that? Why can't the window of a room in which a parade is held be guarded, or with a man in charge to see that there is nobody at the window?

BY MR. UNTERHALTER:

Well, it is not suggested that there should not be a window, Your Worship; not apropos of this, but generally I would say that a parade of course should be conducted in such a way that just as one cannot look over the prison wall to see what is going on on the other side, one should not be able to look through the window.

CROSS-EXAMINATION BY MR. UNTERHALTERCONTINUED:

You of course did not hear what the accused was saying? —Nee.

All that you saw was some gesture on his part, was it, some movement that he was making? —Dit is reg.

You were not equipped with a Sten gun Mr. Pretorius?

— Nee.

You/....

You say you did hear the order to shoot? — Dit is reg.

Did you hear who gave the order? — Nee.

And the words that were used, do you remember them?

— „Skiet!”

Did you see where Colonel Pienaar had been when he ordered the men to line up? — Dit is reg.

Was he in the same spot when he told the men to load? — Dit is reg. Dit was ontrent regoor die hek.

When you heard the word „Skiet!” did it come approximately from the same direction or the same point as Colonel Pienaar had been when he issued the two earlier commands? — Toe die woord „Skiet!” gekom het het die Bantoes ons met klippe gegooi. Ek kan nie se of dit die direkte plek is waar Kolonel Pienaar gestaan het of nie. Dit het uit die rigting, uit die suidelike rigting van die Polisiestasie gekom.

Now, you yourself just immediately before the firing saw no accident at the gate? — Nee.

You saw no Policemen just before the firing trying to push the crowd back through the gate? — Nee.

As far as you are concerned, if I understand you correctly, the stones were thrown, there was the order to fire, „Skiet!”, and then you obeyed that order and you shot? — Dit is reg.

Nothing else that you noticed in connection with the crowd, before the firing started? — Hulle het die draad vorentoe gedruk. Die draad wat hulle teen gewees het het hulle veeroor gedruk.

That might have been caused of course by the pressure of the crowd from the back pushing the people in front/....

front forward, and so causing the fence to lean over? — Dit kan wees.

Nothing else that you saw being done by people in the front of the crowd against the fence, other than being pushed forward and tilting the fence over? — Hulle het na ons gespeeg, hullehet dreigendate geskree, en seaan; almal het geskree.

Nothing else besides that? — En hulle het met kleries gegee en met klippe gegee, alles.

That is all? — Dit is reg.

Now, I take it you did not see members of the crowd climbing over the fence? — Hulle het, sees wat hulle van agteraf ken is die draad veereer gedruk; hulle het teen die draad phat gelê en egegaan.

You did not see people climbing over the fence and then coming back again? — Nee.

You did not see members of the crowd assisting people to get over the fence, and come back again? — Nee.

Now, I take it from what you have told His Worship you did not hear any shots coming from the crowd? — Ek het gehoor.

Well you knew Mr. Preterius, I asked you to give us a full description of everything that had happened from the time of the leading until the shooting. Did you omit this particular detail of shots coming from the crowd in your earlier evidence to me? — Daar het skote van die Bantoes se kant af gekom.

Did you omit to tell me about it when I asked you to give a full description of everything that happened? Did you overlook it in your evidence? — Ek het.

How many shots did you hear? — Twee. Dit kan

meer/....

meer wees maar twee het ek gehoor.

And you faced the crowd? You were looking west?

— Dit is reg.

Did the shots come from opposite you, that would be west, or from the left, which would be south, or from your right, which would be north, or where? — Dit is 'n oop plek. 'n Mens kan nie sê van watter kant direk kom die skote nie.

Approximately? — Ek sal sê van die suidekant vanwaar ek gestaan het; my suidekant. sou ek sê het die skote vandaan gekom. Hulle was baie def ook gewees.

Were both of them dull shots? — Dit is reg. Hulle was nie sees wat ons nou langs mekaar sal staan en skiet nie, hard skote nie, hulle was def; hulle was dowwer as wat die ander skote gewees het wat geskiet is die dag.

Both of them? — Dit is reg.

There was not one that was dull, and one that was similar to a Police revolver shot of a .38 revolver? — Nee, altwee van hulle was def gewees.

Then when the Police started to fire, was there the volley straight away, or were there a few single shots and then the volley? — Dit was 'n sarsie gewees.

You are quite sure about that? — Dit is reg.

If other witnesses have said that the Police fired some single shots before the volley, then they are mistaken? — Nee, wat ek gehoor het was 'n sarsie wat gelyk gekom het; na ons die bevel gehoor het „Skiet!” het die sarsie gelyk gekom.

Did you not notice anything that Colonel Spengler was doing before the firing? — Nee.

Thank you, Your Worship.

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

Re-examined/....

RE-EXAMINED BY THE PUBLIC PROSECUTOR:

Neu, daardie keerantverslag wat u gesien het, bewysstuk 80, het u ooit sulke keerantverslae gelees te enige tyd? --- Nee. Ek het gelees oor die saak.....

Ja, maar in verband met daardie besondere onderwerp van daardie besondere beskuldigde? --- Nee.

DEUR DIE HOF:

Die getuie het al klaar gesê hy het nie daardie verslag gesien nie, of een seergelyk nie. --- Nee.

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Neu, kort daarna het u gesê u het nie geheer wat die beskuldigde gesê het nie? Is dit reg? --- Meen u nou in die Hof of waar?

Ja, dit was nie juis mooi gestel nie. Het u enigiets geheer wat die beskuldigde gesê het op daardie dag, op die 21ste Maart by Sharpeville? --- My hand was op, en „Afrika!“, soos wat hulle ^{skree} „Mabuya Afrika!“, soos wat hulle gewoend is om te skree, het hy geskree.

U sien dit was onder kruisverhoer aan u gestel in verband met die venster in die kamer van die parade, of die gebeu waar die parade gehou was, en kort daarna was die vraag gestel „Se u het nie geheer wat die beskuldigde gesê het nie“, en toe sê u nee? --- Maar ek het gedink dit was in die Hof waar hy vir Regter Wessels vertel het wat gebeur het. Ek is jammer.

Wel, u het melding gemaak dat hulle het na u gespeeg en u het dreigemente geheer.

BY THE COURT:

A question was put at the same time as to whether the witness knew what the profession of the accused was, i.e. in regard to happenings at the parade.

Herverhoer/....

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Nou, u het verder gesê u het dreigemente gehoor. Watter dreigemente het u gehoor daar by die skare? — Hulle het vir ons geskree "This will be the next Cate Maner!" en "Cate Maner!"

En was u al bewys op daardie dag wat by Cate Maner plaasgevind het? — Dit is reg.

En wat was u gevoelens toe u dit gehoor het, daardie dreigemente en die houding van die skare? — Ek kan u iets sê, Edelaagbare. Ek was bang.

BY MR. UNTERHALTER:

Your Worship, I must have misunderstood the witness. I was under the impression that when he said he heard nothing it was at the crowd. Perhaps I did not put my question properly, and I did not follow that up when he said he heard nothing. May I put one further question in regard to that?

BY THE COURT:

Yes.

FURTHER CROSS-EXAMINATION BY MR. UNTERHALTER:

Mr. Pretorius, you say that you heard accused No. 63, when you saw him moving in the crowd, saying "Afrika!"? — Dit is reg.

There was a loud noise coming from the crowd generally at that time? — Wat dit opmerklik gemaak het was wanneer, wat gelyk het soos leiers van die Bantoes, hulle stilgemaak het voor. Dan het die Bantoes stilgebly, maar hy het geskree van agter af. Jy kon sien hy skree en jy kon hoor hy skree.

And his voice reached ^{you} ~~from~~ ^{the} distance at which you saw him? — Dit is reg.

Sybrand/....

SYBRAND GERHARDUS VAN NIEKERK, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Is u 'n Konstabel in diens van die Suid-Afrikaanse Polisie gestasioneer te Radiohoofkwartiere, Johannesburg? ---
Korrek.

Hoe lank is u in die Polisiemag? --- Vanaf die 1ste Maart 1956.

Op die 21ste van Maart was u by Sharpeville toe die Polisie geskiet het? --- Korrek.

Ek wil u net bewysstuk 13 toon. Dit is 'n lugfoto van die Polisiestasie. Aan die linkerkant se kant is die westelike gedeelte van die Polisiestasie, heel bo is noord, en heel onder natuurlik is die suidelike kant. Was u aan die westelike kant van die Polisiestasie? --- Volgens hierdie foto was ek aan die suid-westelike deel van die Polisiestasie.

Was u 'n lid van die Polisiebeamptes wie in gelid gestaan het toe Kolonel Pienaar daar gekom en 'n bevel gegee het dat hulle moet aantree? --- Korrek.

Het u Kolonel Spengler gesien daardie dag by die hek, in die nabyheid van die hek, net kort voor die Polisie geskiet het? --- Ek ken hom nie persoonlik nie, maar ek/wel het Offisiere daar in die omgewing gesien.

Het u dan enige Bantoes gesien wat weggeenem is vanaf die hek se rigting? --- Korrek.

En ken u die Offisier of die persoon wie die Bantoes weggeenem het? --- Nee.

Hoeveel Bantoes het u gesien wat weggeenem was? --- Vanaf die hek was daar een weggeenem wat ek gesien het.

En was hy deur 'n persoon in burgerlike drag weggeenem? --- Korrek.

Was u die laaste man wat in die gelid gestaan het daar/....

daar aan die suid-westelike kant, of was daar nog manne aan u linkerkant? — Nee, nadat ons aangetree het het ek aan die westelike kant ten noorde van die hek aangetree.

En net kort voor die Polisie geskiet het, wat het plaasgevind daar vanaf die skare se kant? — Hulle het gepoog om oor die draad wat om die Polisiestasie is te klim. Hulle het gegooi met klippe en stokke na die Polisie, en daar het drie skote, vermoedelik rewolwerskote, uit die skare en vermoedelik in die rigting van die Polisie gekom.

Was u deur enige van daardie klippe getref? — Nee.

Moes u padge vir enige klippe of voorwerpe wat naby u gekom het? — Dit is korrek.

Vir wat moes u koes of padge? — Vir klippe.

Het u gesien wat by die hek plaasgevind het toe die klippe gegooi is? — Wat ek van die hek weet is dat hy op een stadium oopgemaak is vir een voertuig om in te kom. Van die Bantoes wat buitekant die hek was het gepoog om in te kom by genoemde hek, maar hulle is teruggedruk deur die Polisie.

Maar tydens of net onmiddellik kort voor die klipgoolery, het u gesien of enigiets daar by die hek plaasgevind het? — Behalwe van die arrestasie van daardie een Bantoeman is dit al.

Het u daardie dag gebruik gemaak van 'n vuurwapen?

— Korrek.

'n Stengeweer? — Korrek, sowel as my dienspistool.

Nou, later was u op uitkenningsparades gewees? —

Korrek.

Hoeveel parades het u bygewoon? — Een.

By Boksburg of by Vereeniging? — Vereeniging.

Dit dan was op die 19de Mei. Toe u by die parade

kom watter vraag is aan u gestel? — Of ek enigeen van die mense

voor/....

voor my kon uitgewys het.

En het u enige persoon uitgewys? — Korrek.

Hoeveel? — Een.

Sal u in staat wees om daardie persoon weer uit te wys as hy vandag hier is? — Dit is moontlik.

Sal u net afstaan en deur die Hof kyk asseblief mnr. van Niekerk? — (Getuie staan af en wys beskuldigde nr. 39 uit).

DEUR DIE HOF:

Jy het nou 'n beskuldigde daar uitgewys, en sy nommer is nr. 39? — Korrek, Edelagbare.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Waar het u beskuldigde nr. 39 gesien op die 21ste Maart? — Sover ek kan onthou was hy gewees aan die noordwestelike kant van die Polisiestasie, d.w.s. aan die oosnoordelike deel van die kliniek, regoor die Polisiestasie.

En hoe laat was dit wat u hom daar gesien het? — Die kan ek ongelukkig nie met sekerheid sê nie.

Laat ons probeer vasstel. Hoe laatthet u daar by Sharpeville aangekom? — Volgens ek kan onthou was dit om en by 10 v.m.

En hoe lank na u aankoms het u beskuldigde nr. 39 waargeneem? — Dit was 'n hele ruk daarna gewees, aangesien ons lank by die Polisiestasie rondgestaan het voordat ons aangetree het.

Was dit lank of kort nadat u aangetree het wat u hom gesien het? — Onmiddellik nadat ek aangetree het het ek die beskuldigde in die omgewing rond gesien.

En wat het hy gedoen? — Hy het daar rondgestaan. Hy het die Bantoes wat daar by hom in die omgewing was probeer aanhits.

Op/....

Op watter manier? — Hy het geskree „Afrika!” en
 “This will be the next Cato Manor!”.

En hoe het die Bantoes om beskuldigde nr. 39 geraa-
 toe hy dit geskree het? — Terwyl hy daar rondbeweeg het het
 hulle vir hom plek gemaak om te beweeg tussen hulle deur.

En toe hy die woorde skree “This will be the next
 Cato Manor!” en „Afrika!”, wat was die reaksie van die skare
 in die nabyheid van die beskuldigde persoon? — Hulle het
 ook opstandig begin raak daar, en baie van hulle het dieselfde
 gedoen as hy en ook begin skree.

Dankie, Edelagbare.

KRUISVERHOOR DEUR MNR. UNTERHALTER:

You have a good memory, Mr. van Niekerk? — Tsaanlik.

What you are reporting to His Worship this afternoon
 corresponds with what happened that day as far as your evidence
 is concerned? — Sover ek kan onthou, Edelagbare.

You say that you witnessed the arrest of one man?

— Dit is korrek.

Only one man? — Dit is korrek.

He was arrested by a Police Officer in civilian
 clothes? — Hy is deur 'n Polisiesman in uniform gearrester.
 Daarna het iemand in siviele klere hom weggenem.

You are quite definite that the arrest was carried
 out by a man in uniform? — Korrek.

You are making no mistake about that at all? — Sover
 ek kan onthou.

You said that you heard three shots coming from the
 crowd? — Korrek.

Are you sure they came from the crowd? — Dit is
 korrek.

Are you positive that three shots came from the crowd?

Dit/....

— Dit is wat ek gehoor het.

And hearing those three shots, as far as you heard them they came from the crowd? — Korrek.

You were facing west? — Korrek.

Did the shots come from immediately in front of you, or thereabouts, i.e. to the west, or did they come from your left, which is the south, or did they come from the right, which is the north? — Hulle het van voor af gekom, effens na links.

That means from the west and just a little bit to your left? Is that right? — Korrek.

What kind of shots were they? — Vermoedelik rewolwerskote.

The same kind of report that one gets from a .38?

— Nee.

What kind of a report? — Min of meer dieselfde as 'n rewolwer.

What calibre revolver? — Dit kan ek ongelukkig nie sê nie.

Certainly not a .22 pistol are you suggesting? — Nee, ek glo nie dit kan een van dit wees nie.

A fairly high calibre would you say? — Dit mag wees.

No, not it might be. As far as you remember was it a fairly high calibre? — Dit mag wees. Ek kan definitief nie sê presies watter kaliber pistool dit was nie.

Give us your estimate? Was it a high calibre or a low calibre as you estimate it? — Ek kan definitief nie meer sê nie.

Can you give us any description at all of what kind of calibre it was? — Nee.

Why do you say it was a revolver shot and not a pistol/....

pistol shot? --- Dit kan 'n pistool sowel as 'n rewolwer wees.

You looked with some care at No. 39, and you are satisfied about your identification I take it?

BY THE COURT:

Yes, I noticed that it took him about forty-five seconds before he identified anybody.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED

You are satisfied about your identification? --- Tot 'n sekere mate wel, Edelagbare. Ek kan nie met definitiewe sekerheid sê dat hy wel daar was nie; sover ek kan onthou.

You are stationed at the same station as Constable Pretorius and Constable van Zyl? ---Korrek.

Have you discussed this matter at all, the shooting at Sharpeville, with Constable Pretorius at any stage? --- Ons het wel die dag na die skietery, wat ons op pad terug was, 'n paar dae later, het ons wel half en half daaroor gesels.

Since then have you discussed the matter with him at all? --- Vannêre op pad hierheen het ons 'n bietjie daarentrent gesels; nie veel nie.

Thank you, Your Worship.

GEEN KRUISVERHOOR DEUR BESKULDIGDES NRS. 1, 3, 4, 8, en 18.

KRUISVERHOOR DEUR BESKULDIGDE NR. 39:

Die tyd toe u my daar gesien het, hoe laat was dit, watter tyd was dit? --- Soos ek reeds gesê het kan ek nie met sekerheid sê nie.

Kan u miskien onthou hoe ek gekleed was? --- Ek kan nie onthou watter kleur klere u aangehad het nie.

Wat het gemaak dat u sulke besondere aandag op my gevestig het? --- Soos ek reeds gesê het het hy tussen die

Bantoes/....

Bantoes deur beweeg en hulle opgehits, deur krete te skree.

By die uitkenningsparade te Vereeniging, toe u daar gesit het en gewag het, het u miskien in die betrokke kamer waar u gewag het deur die venster gekyk en my gesien, goed gesien van binne af? — Nee, ek het hom nie eenkeer gesien behalwe die moment toe ek voor hulle gekom het om enigiemand uit te wys nie.

Die eerste ding is dit. Ek sal dit aan u stel dat u het my nie uitgewys by die uitkenningsparade wat gehou was op die 19de Mei 1960 te Vereeniging nie? — Volgens wat ek kan onthou is dit wel die beskuldigde wat ek uitgewys het.

Ek stel dit verder aan u dat daar was twee kamers daar gewees, en u het in die tweede kamer ingegaan, alhoewel ek nie gesien het toe u in die eerste kamer ingegaan het nie? Is dit nie juis nie? — Edelagbare, ek verstaan nie die vraag nie.

Ek sal die vraag so aan u stel. Daar was twee groepe mense wat moes uitgewys word deur sekere getuies daar. Ek was in die eerste groep, en u het net na die tweede groep gegaan, en u was nooit by ons groep gewees of persone daar uit te wys nie? — Nee, ek was wel by beide gewees.

Ek stel dit verder aan u dat ek het nooit die dinge wat u aan die Hof beskryf het daar gedoen by die Polisiestasie op die betrokke dag nie? — Hy het wel.

Ek stel dit verder aan u dat op die stadium dat toe u sê u my wel daar gesien het, was ek nie daar teenwoordig nie? Ek was nooit daar nie. — Hy was wel daar.

DEUR DIE HOF : AAN DIE BESKULDIGDE:

Are you saying you were never at the Police Station?

— Nie by die Polisiestasie nie. Ek was nie daar nie.

(Geen verdere vrae deur beskuldigde nr. 39 nie).

Deur/....

DEUR DIE HOF:

Waar het jy hierdie man gesien? Hoe naby of hoe ver van die draad af? --- Edelaagbare, hy was nader aan die noord-oostelike kant van die kliniek gewees as aan die Polisie-stasie se hoek.

Hoe ver van die heining af ongeveer? --- Ongeveer 25 treë vanaf die heining.

En jy sê hy was noord-wes van die Polisie-stasie en oos-noord van die kliniek? --- Korrek.

Was hy in die straat of op die aypaadjie of waar? --- Hy het daar rondbeweeg in die straat, op die aypaadjies.

Hoe lank voor die skietery kan jy onthou het jy hom nog gesien? --- Min of meer vyf tot tien minute voor die skietery het ek die beskuldigde daar rond opgemerk.

Kyk Konstabel van Niekerk, ek het van ander getuies, van baie van hulle al verstaan dat daardie skare was so dig dat niemand kon beweeg as hy tien of vyftien treë van die draad af was nie? --- Dit is korrek, maar in die sekere geval het die Bantoes wat daar gestaan het, die skare, plek gemaak vir die beskuldigde om daar te beweeg.

Jy sê die skare was dig, maar hulle het vir hom plek gemaak? --- Korrek.

GEEN HERVERHOOR DEUR DIE PUBLIEKE AANKLAER NIE.

PAUL MACHIEL STEYN, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Ek is 'n Konstabel in diens van die Suid-Afrikaanse Polisie gestasioneer te Radichoeckwartiere, Johannesburg? ---

Ek is.

Op die 21ste van Maart hierdie jaar was u by die

Sharpeville/....

Sharpeville Polisiestasie toe die Polisie geskiet het? — Ek was.

En op die 19de Mei hierdie jaar en te Vereeniging het u 'n uitkenningsparade bygewoon? — Ek het.

En toe u na die parade gebring is watter vraag is aan u gestel deur die Offisier of die beugpte in bevel? — Of ek iemand kan uitken wat op Sharpeville gewees het.

Het u enige persone uitgewys? — Ekhet.

Hoeveel? — Net een.

Sal u in staat wees om daardie persoon weer uit te wys vandag, d.w.s. as hy hier is? — Dit is moontlik.

Sal u asseblief net afstaan en deur die Hof kyk en sien of daardie persoon hier is? — (Getuie staan af en wys beskuldigde nr. 63 uit).

DEUR DIE HOF:

Jy het nou 'n man daar uitgewys en dit is beskuldigde nr. 63? Is dit reg? — Ja, Edelagbare.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Nou, sien jy daardie bewysstuk, nr. 13, die lugfoto van die Polisiestasie? — Ja.

Laat ek u net reghelp met die verskillende punte. Heel bo is die noordekant, heel onder is suid, aan die linkerkant se kant is die westelike gedeelte van die Polisiestasie. Herken u dit? — Ja.

Het u op die westelike gedeelte gestaan toe u in geld geplaas^s nadat 'n bevel gegee is deur Kolonel Pienaar? As u enige twyfel het oor daardie kiekie sê liewers nou, en dan kan ek verder die ding vir u verduidelik. — Ek het op die noord-oostelike hoek gestaan van die Polisiestasie.

DEUR DIE HOF:

Het jy in geld gestaan? Het jy in die linie gestaan/.....

gestaan wat die Kolonel opgestel het? — Nee.

Jy was nie in linie nie? — Nee.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Was jy by enige plek op die westelike kant? Jy het nou melding gemaak van die noord-oostelike hoek van die Polisie-stasie? — Ons het daar rondbeweeg.

Ja, maar tydens die skietery waar het u gestaan? — Op die noord-oostelike hoek van die Poliestasie.

Sal u net u vingerop daardie kaart sit waar die noord-oostelike hoek is, dan kan ons dit net sien? — (Getuie dui aan op die kaart). Daar op daardie hoek.

Ja wel, dit is die noord-westelike hoek wat u nou aandui? — Ek is jammer, Edelaagbare.

DEUR DIE HOF:

Dit is nou die noord-westelike hoek? As jy dit nou aanneem wys jy die noord-westelike hoek? — Die noord-westelike hoek.

DEUR DIE HOF : AAN MR. UNTERHALTER:

Mr. Unterhalter, I have made a note that he pointed out the north-western corner. Are you satisfied? — Yes, Your Worship.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Nou, waar op die 21ste van Maart het u beskuldigde nr. 63 gesien, al. die man wat u uitgewys het? — Op die westekant van die Poliestasie.

Nou, noord of suid van die hek aan die westelike kant? Verstaan u wat ek bedoel? — Watter hek?

DEUR DIE HOF:

Die groot hek waar die voertuie ingekom het.

Verhoor/....

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Nou, waar was beskuldigde nr. 63? — Op die noordwestelike hoek.

Wat het hy gedoen toe u hom sien? — Hy het daar rondgeswaal.

Rondgedwaal? — Dit is reg. Hy het daar heen en weer geloop.

En het hy enigiets by hom gehad toe hy so rondgedwaal het? — Hy het.

Wat was dit? — 'n Fiets.

Het u opgelet wat se klere die man aangehad het daardie dag? — Nee, ek kan nie sê nie.

En afgesien daarvan dat hy net heen en weer geloop het, wat was sy hele houding? Was daar enige bewegings wat die man gemaak het wat buitengewoon was? — Ja, ek sou sê hy het die Bantoes aangehits.

Hoekom sê u so? — Hy het luidrugtig geskree.

Het u enige woorde gehoor wat hy geskree het? — Ja.

Watter woorde het u gehoor? — Hy het sy duim in die lug gedruk en geskree "Afrika!"

Nou, lees u enige koerante? — Af en toe.

En watter koerante verkies u as u so af en toe een lees? — 'n Spesifieke koerant se naam?

Wel, ek weet daar is "The Argus", "Die Vaderland", "Die Burger", "Die Transvaler", dan die beroemde "The Star", en die "Rand Daily Mail". — Ek sou sê die Afrikaanse koerant.

DEUR DIE HOF:

In Johannesburg? — Dit is reg, Edelaagbare.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Nou, vanaf die 21ste Maart tot die dag van die uitkenningsparade/....

uitkenningsparade, het u beskuldigde nr. 63 ooit gesien, of in 'n koerant, of in die lusse, in die straat rondstap? --- Nee, hy is onbekend.

KRUISVERHOOR DEUR MNR. UNTERHALTER:

Mr. Steyn, you are at the same station, are you, as Constable Pretorius, Constable van Niekerk, and Constable van Zyl? --- Dit is reg.

And you were with them at the same station on the 21st March? --- Ek was.

Have you at any time discussed the incidents of the 21st March with one or other of these men? --- Nee, dit was nie nodig nie.

Whether it was necessary or not Mr. Steyn, do I understand you to say that you have never discussed these incidents with them? --- Ek het nie.

At no stage at all? --- Hoegenaamd nie.

Were there any other Constables from your station who were at Sharpeville on that day, or are you the only four who came from the same station? --- Daar was ander ook gewees.

Do you know who they are? --- Ek weet nie of ek almal kan sê nie. Ek kan 'n paar name noem.

Well, how many whose names you remember can you tell us of? --- Ek weet van vier, d.i. op hierdie stadium.

Give me their names please? --- Konstabel Struwig, Konstabel van Wyk, Konstabel du Plessis en Konstabel Mynhardt.

The first one is that S-t-r-u-w-i-g? --- Dit is reg. A.A. Struwig.

Do you have the initials please? I don't know if you know the initials, but you know the initials of Struwig is R.R.? --- A.A., die eerste letter van die alfabet.

Is that A.A.? --- Ja.

And/....

And Constable Van Wyk? --- Ek weet nie wat is sy voorletters nie. Ek dink amper L.V. Ek is nie sekernêe. Constable du Plessis? --- Mnr. du Plessis kan ek nie sê nie.

And Constable Mynhardt? --- Ek dink P. Ek is nie seker nie.

How old are you Mr. Steyn? --- Vier-en-twintig.

And you have been in the Police service for how long? --- Ek het sewe jaar diens.

Would you say of all your experiences in your seven years service, this was the most startling, the most exciting? --- Dit is moontlik. Ek kan nie sê nie.

Had you ever before in a situation where about 80 people were killed and about 150 wounded, having surrounded the Police as you apparently were at Sharpeville on that day? --- Ek was al op vorige onluste gewees, maar nie in vergelyking met die spesifieke een nie.

Was this one worse? --- Ek sal sê ja.

And when you got back to your station you must have met some of these gentlemen, i.e. Mr. van Zyl, Mr. Pretorius and Mr. van Niekerk? That is correct, is it not? --- Dit is.

And you have seen them from time to time between the 21st March and today? That is also correct, is it not? --- Ek werk saam met hulle.

And yet you tell His Worship that in all this time you never discussed this matter with these three gentlemen? --- Ons het daaroor gepraat, maar ons het niks bespreek nie.

What do you mean you spoke about it but you did not discuss it? What is the difference? --- Ons het gepraat oor die gebeure van die dag.

What/3...

What do you mean to convey when you say "But we did not discuss it"? — Ons het nie enigiets spesifieks bespreek nie.

Why did you in reply to my first question convey that there had been no talk about the events of that day between you and these men? — Dit is wat ek kon aflei.

I don't understand that. What do you mean by that reply? — Dit is wat ek van die vraag kon aflei.

What did you infer from my question? Was it not clear enough to you? What did you infer? — Ek het reeds gesê volgens die vraag wat aan my gestel is het ek dit afgelei, of die saak bespreek is en of ons gepraat het oor die ding.

If that is what you inferred from my question, why did you first say that you did not talk about it, and then later you said that you did talk about it but did not discuss it? — Ek kon nie iets anders sê nie. Ek het nie geweet wat om te sê nie.

Over the lunch period did you have occasion to discuss this with any of the gentlemen who gave evidence before lunch, i.e. the lunch period today? — Ek het tyd gehad om dit met hulle te bespreek.

Are you having difficulty in understanding me? Would you prefer to have my questions translated to you?

DEUR DIE HOF:

Sê maar net as jy die vrae nie verstaan nie. —
Asseblief Edelaagbare. (Getuienis word nou vertolk).

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Did you in fact during the lunch period today discuss this case or the evidence given by the people who gave evidence before lunch, with those people? — Nee.

Not a word Mr. Steyn? — Nee.

Was/....

Was it just accidental or was it deliberate? ---

Dit was nie nodig nie.

Just answer my question please? --- Dit was toevallig.

Now, how is it that you did not fall into line with the others when the order „Tree aan!” was given by Colonel Pienaar? --- Ek het eenkant gestaan.

DEUR DIE HOF:

Herhaal dit weer? --- Ek het eenkant gestaan van die ander.

Ja, maar hoekom was dit dat jy eenkant gestaan het en nie in die linie was nie? --- Volgens myself het ek gevind ek staan gereed.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Constable, are you telling His Worship that notwithstanding an order given to the men by a high-ranking Colonel in the Police Force, you decided to disobey that order and remain on your own? --- Ek het dit nodig geag om.....ek het alreeds gereed gestaan indien daar enige aksie kom.

You know, we have heard this morning from one of your colleagues another example of what he describes of the usual disobedience of the Police Force. Is this what you are testifying to as well, that you were disobeying a command? --- Nee.

By what authority did you decide that your own judgment as to whether you were right and ^{where} whether you should stand, was to be preferred to that of the order of Colonel Pienaar? --- Volgens die bevel wat Kolonel Pienaar gegee het het ek gevind dat ek reeds gereed staan.

Did you hear the order given to load? --- Ek het.

Did you obey that order? --- Ek het.

Why did you obey that order when you disobeyed the first/....

first order?

BY THE COURT:

I don't think the witness admits disobeying any first order, really; certainly not unqualified.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Well, why did you obey that order? --- Ek het nie 'n opsie gehad nie. Ons lewes was in gevaar.

Did you hear an order to shoot? --- Ek het.

And you then shot? --- Ek het.

With what weapon? --- Met 'n Stengeweer.

How many shots did you fire? --- Met die Sten vyftig rondes, d.i. twee magasyns.

Yes, was there any other weapon you used? ---

'n .38.

How many shots from that? --- Ses.

What made you stop? --- Ek het 'n bevel gekry.

Constable Steyn, will you look at Exhibit 13 again please? You have it before you? --- Ja.

Do you see the north-west corner of the Police Station, where you pointed out, or which you pointed out earlier? --- Ja.

Now, that north-west corner is an angle that is formed by the western fence and the northern fence? --- Ja.

The western fence is the fence that is running past that group of people standing on that pathway, at the end of the pathway? Do you see it clearly? --- Ja.

And the northern fence is the one above those people and running parallel to the path? --- Dit is reg.

Now, with reference to the western fence, how many paces from that fence were you? --- Ongeveer vyf tree.

With reference to the northern fence, how many paces from/.....

from the northern fence were you? --- Ongeveer sewe tree.

BY THE COURT:

Mr. Unterhalter, before I go any further. Somebody has cut a piece out of Exhibit 80. I want to know who did it?

BY MR. UNTERHALTER:

Your Worship, it was cut out by the attorneys.....

BY THE COURT:

Once an exhibit is an exhibit it is not to be interfered with by anybody!

BY MR. UNTERHALTER:

No, but Your Worship will recollect that I informed the Court that it was the photograph only that was being put in.

BY THE COURT:

Well, then you ought to put in the photograph only, and not put in portions which I mark as exhibits and then I find that the exhibits have been interfered with.

BY MR. UNTERHALTER:

Oh but Your Worship with respect, I informed the Court that it was the photograph that was going in.

BY THE COURT:

Yes, you pointed out the photograph was going in, but there are other stuff here and I don't quite like the idea of interference with exhibits. What has been cut out and why was it been cut out?

BY MR. UNTERHALTER:

Well Your Worship, what has been cut out is the evidence as reported in the newspaper that was given by accused No. 63.

BY THE COURT:

Well, that is something which you put before the Court!

By/....

BY MR. UNTERHALTER:

No Your Worship, with respect I informed the Court that it was the photograph. It may be that perchance in putting it before the witness that typing was there.

BY THE COURT:

That is another matter. I don't want interference again. Will you Gentlemen please note. I have had to warn previously about the half of a photograph being put in, being cut in half deliberately here in front of me.

BY MR. UNTERHALTER:

Well Your Worship, that was done before that was even put to the witness.

BY THE COURT:

I don't know why I must have half things put to me! I am displeased about it. I have just noticed this in regard to Exhibit 80, as I was looking through the exhibits. I am certainly expressing my displeasure about this sort of thing.

BY MR. UNTERHALTER:

Your Worship, I can only express my regrets and apologise to the Court for having caused the Court annoyance. I thought that I had made it quite clear that what was being put before the Court was the photograph, and if my memory serves me I used those words. It is only the photograph.

BY THE COURT:

If the Prosecutor now wants that other piece put in I shall have to go into the question as to whether I am going to allow it. I am not going to go into it now, Mr. Prosecutor, but I am raising it now. You may and you may not. I don't know. It may be valueless, there may be nothing in it.

By/....

BY THE PUBLIC PROSECUTOR:

No Sir, I think it was I who drew my learned friend's attention to the fact that that photograph contained the copy of the report, and it was after that that my learned friend then told Your Worship that he was putting the photograph in only. At the time it was shown to the witness, it is true, and it did contain the report that has subsequently been cut out.

BY THE COURT:

Well, the least that can be done is to acquaint me with the position at the time when there are cuttings out.

BY MR. UNTERHALTER:

Yes well, as I say Your Worship, I can only apologise to the Court. There was no intention to do anything to displease the Court.

BY THE COURT:

I may have read that for all you know, and then? What would the position have been? In fact I have not, but I may have read it, and then what would the position have been? You placed it before me!

BY MR. UNTERHALTER:

Well, that is so Your Worship. It was not realised at the time.

BY THE COURT:

I am sorry for the interruption, but I don't want this again please. You can now proceed with your cross-examination.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Constable Steyn, you said that you were approximately six paces from the western fence, was it? — Nee, ongeveer vyf.

And from the northern fence? — Ongeveer sewe.

For ^{how} long before the shooting did you occupy that

positich/....

position? --- Ek kan nie sê.

Well, approximately? Ten minutes, fifteen minutes, five minutes, half an hour? --- Ongeveer tien minute.

Before that Mr. Steyn, where had you been in that area? --- Ek was in die gronde van die Polisiestasie.

Yes, but whereabouts? Anywhere? Were you just walking around generally? --- Ek het.

And before you took up that position had you seen accused No. 63, or was it only after you took up that position that you saw him? --- Nadat ek die posisie ingeneem het.

Now, you saw him on the north-west corner you say? --- Dit is reg.

About how far from the fence? --- Ongeveer by die draad aan die westekant, d.i. die oostekant se draad van die kliniek, ongeveer.... Dit was daar op die hoek gewees.

DEUR DIE HOF:

Maar dit is nog nie vir my duidelik op watter hoek nie. Jy praat nou van die draad van die kliniek en jy praat van die draad van die Polisiestasie. Nou waar was hy? --- Dit was op die noord-oostelike hoek van die kliniek.

KRUISVERHOOR DEUR MNR. ONTERRALTER VERVOLG:

Now Mr. Steyn, could you see him through the crowd that surrounded the Police Station? --- Ja.

How was it that it was possible for you to see through that crowd to the point that you have mentioned? --- Hy het rondbeweeg. Hy het nie stil gebly staan nie.

But even if he was moving around, how is it that you could see anybody at all, standing or moving, through that thick crowd? --- Omdat hy daar rondbeweeg en die mense aangehits het.

Well, perhaps I will make my point clearer to you

Mr./....

Mr. Steyn if you will look at Exhibits 45 and 46 please? Look also at Exhibit 77, but first look at Exhibit 45 please? --- Ja.

Now, you see Mr. Steyn that that is a picture of a crowd of people round the fence near the double gate at that Police Station? --- Ja.

You will notice that the eye of the camera takes in the people in the front and a couple of people behind? --- Ja.

Nothing of the crowd further back and across the road can be seen? --- Dit is reg.

How is it that you could see it? --- Hy het rond-beweeg.

Perhaps you have not understood my question.

Whether the man moved or whether he stood still, if the crowd prevents your eye penetrating behind the first few ranks, how can you see anything, moving or stationary? --- Om so te staan Edelagbare; hy het tussen die skare deurgedruk. Ek het hom geken deur die mense aan te hits.

You were at all times on the ground I take it? ---

Ek was.

You never stood on a Saracen or any elevated position?

--- Dit mag wees. Ek kan nie onthou nie.

As far as you can remember you did not stand on a Saracen? --- Ek het, maar ek kan nie se watter tyd nie.

Anyway, the reason you give for seeing accused No. 63 is because he was moving, and not because you looked at him from an elevated position? --- Nee.

You are agreeing with me are you? --- Ek stem saam.

Now, it was only roundabout that point, i.e. somewhere in the region of the north-eastern corner of the clinic, that you saw accused No. 63? --- Dit is reg.

During that time I take it you kept on looking at

the/....

the crowd that was pressing against the western fence as well?
 --- Ek het.

I take it at no time did you see him in the fore-
 front of the crowd pressed against the western fence near you?
 --- Ek het.

I understood you a moment ago to say that it was
 only at this north-eastern corner that you saw him? --- Hy
 het daar rondbeweeg.

Well, do you now claim you saw him pressed against
 the fence or in the front row near the fence? --- Ek het. Hy
 het nie stilgestaan nie.

And was he there with his bicycle? --- Hy was.

How did he manage to move about in the front of
 that crowd accompanied by his bicycle? --- Ek weet nie hoe
 hy dit reggekry het nie.

He managed to do it, did he? --- Hy het.

Will you look at Exhibit 45 again? Is that before
 you, No. 45? --- Ja.

You will admit there is very little elbow room
 between the crowd and the fence? --- Kulle mag meer yl gestaan
 het op daardie hoek.

And did he move up and down that fence with his
 bicycle? --- Hy het rondbeweeg.

With his bicycle? --- Met sy fiets.

DEUR DIE HOF:

Probeer tog die vraag beantwoord of hy by die draad
 op-en afgegaan het met die fiets? --- Hy het.

WISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

And did the crowd permit him to do it? --- Ja.

You did not perhaps discuss this with Mr. van Zyl
 during the lunch interval? --- Nee.

Why/....

Why did you not give us this information about this curious position of accused No. 63 before now? --- Ek weet nie wat u bedoel met 'n smakke posisie nie.

Well, I am putting it to you it is very strange that a man stands there with his bicycle almost pressed against the fence, and certainly in the forefront, surrounded by this crowd, and then moves up and down? --- Hy het dit nogtans gedoen.

Did he perhaps ring his bell to get clearance as he moved up and down? --- Nie wat ek kon hoor nie.

Now, you told my learned friend that you read Afrikaans newspapers. Do you read "Die Vaderland"? --- Af en toe.

I want to show you Exhibit 80. You will notice there is a photograph of an African there in the bottom portion?

---Ja.

Now, you will agree that that is a picture of accused No. 63? --- Dit lyk so.

Did you ever see a similar picture in "Die Vaderland"? --- Nie waaraan ek kan dink nie.

Did you perhaps see an old back copy of it after the date of publication, i.e. about the 13th May? --- Nee.

BY THE COURT:

"Die Vaderland" keeps on being mentioned. Can't you then say whether such a photograph was published in "Die Vaderland"?

BY MR. UNTERHALTER:

Yes, there was. I have not got the original one before me, Your Worship. That is the difficulty.

BY THE COURT:

I should imagine it will not be very difficult for the Defence to get hold of such a copy.

By/.....

BY MR. UNTERHALTER:

Yes, it will be made available, Your Worship. I may say Your Worship, the difficulty is no fault of my learned friend at all, but one just does not know when the particular identification is coming, and it is for that reason that I was not prepared.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, you were not assisted at the identification parade to point him out because of a photograph you might have seen in "Die Vaderland"? — Nee.

DEUR DIE HOF:

Het jy 'n portret van hom in enige koerant gesien?
— Nee Edelagbare, hy is vreemd.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

You had no opportunity to refresh your memory by looking at an old cutting, to enable you to identify accused No. 63 in Court today? — Nee.

You did not get any information from any outside sources to his having a bicycle? — Nee.

You see Mr. Steyn, accused No. 63 in his evidence will say that he was shortly before the shooting approximately at the spot that you indicate at the north-^{east} corner? Well, roughly in that area of the street, and near the perhaps if anything a little to the north of where you indicate, towards the shops, but he is going to deny that he was ever against the fire fence? — Ek stem nie saam met hom nie.

He is also going to deny that he shouted the words that you have spoken about, or gesticulated as you have said?
— Nee.

Did you have any discussions at the identification parade with anyone in regard to accused No. 63? — Nee.

How?....

BY MR. UNTERHALTER:

Yes, it will be made available, Your Worship. I may say Your Worship, the difficulty is no fault of my learned friend at all, but one just does not know when the particular identification is coming, and it is for that reason that I was not prepared.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, you were not assisted at the identification parade to point him out because of a photograph you might have seen in "Die Vaderland"? — Nee.

DEUR DIE HOF:

Het jy 'n portret van hom in enige koerant gesien?
— Nee Edelagbare, hy is vreemd.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

You had no opportunity to refresh your memory by looking at an old cutting, to enable you to identify accused No. 63 in Court today? — Nee.

You did not get any information from any outside sources to his having a bicycle? — Nee.

You see Mr. Steyn, accused No. 63 in his evidence will say that he was shortly before the shooting approximately at the spot that you indicate at the north-^{east} corner? Well, roughly in that area of the street, and near the perhaps if anything a little to the north of where you indicate, towards the shops, but he is going to deny that he was ever against the fire fence? — Ek stem nie saam met hom nie.

He is also going to deny that he shouted the words that you have spoken about, or gesticulated as you have said?
— Nee.

Did you have any discussions at the identification parade with anyone in regard to accused No. 63? — Nee.

How?....

How far from you was Constable Pretorius at the time that you were on that open ground before the shooting? --- Ek weet nie.

And after the shooting did you perhaps see him close-by to you? --- Sover ek kan onthou nie.

You see, he has also given evidence here, and he does not speak at all to having seen accused No. 63 move up and down with his bicycle close to the fence, although he does speak to seeing him somewhere near the point that you originally mentioned? --- Ek weet nie waar Konstabel Pretorius hom gesien het nie.

Thank you, Your Worship.

VEEN KRUISVERHOORDEUR BESKULDIGDES 1, 3, 4, 8, 38 EN 39 NIE.

VERVERHOOR DEUR DIE PUBLIEKE AANKLAER:

By watter onluste was u voor hierdie een? --- Ek was op 'n hele paar.

Ja, maar by watter plekke wil ek weet? --- By Sophiatown, Newclare, Meadowlands, Masoka.

Dankie, Edelagbare.

HOF VERDAAG TOT 15.12.1960.