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20 DESEMBER 1960.HOF HERVAT : VERSKYNINGS SOOS VOORHEEN.JAKOBUS NICOLAAS PIETERSEN COETZEE, beëdig, verklaar:VERHOOR DEUR DIE PUBLIEKE AANKLAER:

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

Op die 21ste van Maart hierdie jaar was u te
Vereeniging gestasioneer? ---Ja.

En op daardie besonder dag, die 21ste Maart, was
u aan diens in die oggend in die nabyheid van die Munisipale
kantore in Sharpeville naturelledorp? --- Ja.

Nou, het u enige beserings opgedoen daardie oggend?
--- Ja, op my hoof.

Wat het gebeur? Hoe het u die beserings opgedoen
daardie dag? --- Wel, na die knuppelstormloop het ons terugge-
gaan na die voertuie. En Paar van die kere het in die voorste
voertuig geklim wat 'n oop bakkie was, en skielik van die huise
aan ons regterkant het daar 'n klippereën gekom op ons. Aange-
sien die bakkie onveilig was het ons afgespring om skuiling te
gaan soek tussen die huise, en by die hoek van die eerste straat
wat regs uitdraai vanuit die hoofstraat was die klippe so baie
dat ons kon onmoontlik nie meer koets vir die klippe nie.

Kan jy dit net herhaal? --- Aangesien die klippe
so baie was kon ons onmoontlik nie daar meer koets nie. 'n
Klip het my hoof toe getref.

En wat het gebeur toe u die klip teen die kop gekry
het? --- Ek het swart gesien en ek het bedwelm neergeslaan op
my knieë.

En wat was die volgende ding wat u onthou het? ---

Wel/....

Wel, die volgende wat ek onthou is toe iemand my aan die arm gryp en my ophelp.

Het die persoon enigiets gesê toe hy u optel? ---

Ja, hy het gesê "Kom seun, daar is gevaar!".

Weet u wie daardie persoon is? --- Ek dink dit was Hoofkonstabel Heyl geweest.

En waarheen was u geneem? --- Ek was terug na die ligte vragmotor geneem en toe na die Vereeniging hospitaal.

Was daar enige oop wond wat opgedoen was? --- Daar was 'n oop wond; ek het steke ontvang.

Hoeveel steke? --- Drie.

Waar is die plek waar die klip u getref het? ---

Reg bokant. (Getuie dui aan).

DEUR DIE HOF:

Reg bo-op die kop? --- Ja.

Soos u dit daar wys was dit darem effens na vore, en nie heeltemal bo-op nie? --- Nie heeltemal nie.

In jou hare in die middel, voorlangs bo-op? --- Ja.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Is u nou heeltemal gesond? --- Heeltemal gesond, ja.

Het u die klip gesien wat u getref het? --- Nee.

Wie het hierdie klippe gegooi? --- Die Bantoes wat voor ons gestaan het.

KRUISVERHOOR DEUR MNR. UNTERHALTER:

Mr. Coetzee, I understand that at the time you were hit with the stone you discharged a rifle shot? Is that correct? --- Yes.

If you wish you can answer me in Afrikaans. Now, did you fire this shot immediately you were struck, or after you were helped to your feet and your senses came back to you?

---It was before I was helped to my feet.

And/....

And you just shot in the air to serve as a warning?

--- Yes.

Was that the only shot that was discharged? --- That was the only shot the whole day.

That you fired? --- That I fired.

There were no other shots that were fired? --- Not by me.

Or by anybody else? --- Yes, there were shots fired.

Now, by whom were these other shots fired? --- I did not see these blokes as they were behind me, and ^{not} next to me.

Were these shots fired at about the same time that you were hit by the stone? --- Yes.

Could they have been from other Police who wanted to give the same kind of warning that you had given? --- Yes.

Now, you said that because of the stones coming towards you you wanted to seek protection in the houses? --- Yes.

I take it Constable therefore you were not frightened of approaching the houses in order to get that protection? --- No.

And nothing happened in connection with those houses to make you frightened, and that is why you thought you would go to them for protection? --- Yes.

I am putting this to you Constable because we have had evidence from other people about shots coming from the backyards of houses in the street. Now, I take it that in your going towards these houses for protection, that certainly did not affect you? You did not notice shots coming from the backyards of houses, or you would not have gone to the houses for protection? Am I correct? --- Yes. The first house on the corner, there was nobody there, i.e. where we stopped
next/....

next to the house, and we made for that house.

Now, you went to hospital and I understand that because you were needed you came back from the hospital and resumed your duties with the rest of the Police Force? --- Yes.

And you took up your position later on in Zwane Street, i.e. the street running south of the Police Station outside the small gate of the Police Station? --- Before we took up position there we were in the main street, further up, where we had been in the morning.

But in due course you came and took up your position in Zwane Street? --- Yes.

Now, when I referred to Zwane Street you understand the street I am talking about, i.e. the street with the islands outside the entrance to the Police Station? --- Yes.

And were you under the command of Captain Coetzee?

--- Yes.

And did he give an order to you and a few other Constables to watch the rear of the Police who were lined up under his command in that street? --- Yes.

That was because both his group and your group were actually surrounded by Africans, and you wanted to watch them? Is that right? --- Yes.

Now, is it correct that the group that you were watching had no "kieries" and were really standing there watching out of curiosity? --- Yes.

And you had no difficulty with them? That is right, is it not? --- Yes.

And while you were there no attack was made on you?

--- From the rear? No.

And no stones came from that portion of the crowd?

--- No.

Your vehicles were not damaged as they stood there?

No/....

--- No.

Mr. Coetzee, did you see any men standing on top of some of these vehicles nearby where you were standing guard with a few men, guarding the rear of Captain Coetzee's unit? ---

Yes.

These were European Policemen, were they? --- Yes.

Did you notice if these men at any time fired? ---

No.

Does that mean that they may have fired but you did not notice it? --- No.

We must try and get it clear Constable. Are you agreeing with me when I put it to you that they may have fired, but as far as you are concerned you did not notice it? Do you agree with that proposition? ----- I did not see anybody and I heard no shots coming from any place from the rear.

You did not hear the shots, but they might have come and you might not have noticed them? --- Yes.

You heard when the firing started in the Police Station grounds? --- Yes.

Did you just hear the volley of firing, or did you hear anything before the firing? --- I heard about a shot or two, and then the volley of firing.

Are you quite sure that you did hear some single shots before the general firing? --- Yes.

Did you at some stage have your back to the crowd just before you heard the rifles fire? --- Yes.

And I take it that you were not worried at that stage? --- I was worried.

Had you not become so used to the noise of the crowd that it really did not disturb you anymore? --- Yes.

So/....

next to the house
you were
because you were
remained your duties
and you
the street
the small gate of the
position there we were
had been in the
But in
in Swane Street
now when
the street I
outside the entrance
and were
Yes
and did
Constable to
under his command
That was
were
I
now
watching had no
watching out of
and you
backwards
Yes
And will
from the
And no
No
the corner
your

So when you said a moment ago that you were worried were you perhaps making a mistake? --- No, I was expecting things.

And when you say that you were not worried, then what do you mean? --- Well, there was so much noise, but we did not expect it was going to happen as it did, but we were expecting something would happen or could happen.

But you were not worried? --- We were not worried.

Now, you may be making a mistake when you say that you did hear some single shots. I want you to reconsider that. Did you actually hear single shots before the firing or not? --- I heard single shots and just after that I heard the volley of fire and I turned around and ran up to the front.

You did give evidence before Mr. Justice ^{Wessels} at the Commission of Inquiry into these disturbances, did you not? --- Yes.

I want to read to you questions that were put to you by the learned Judge and your answers as they appear at page 367 of the record of the Inquiry. "Die Voorsitter: Het u enige herinnering vandag van hoe die skietery begin het? --- Nee. In die sloop, het u enige enkele skote gehoor en daarna 'n sarsie, of hoe het dit voorgeval? --- Die Bantoes het so lawaai daar, om die waarheid te sê ek het net die gewerskote hoor afgaan. Die Bantoes het so 'n lawaai gemaak - ons was so gewoon daaraan, ons het ons nie daaraan gesteur omtrent meer nie. Ek het nog met my rug na hulle gesit, toe hoor ek die gewere afgaan. Ek kan nie sê dat ek een enkele skoot gehoor het nie". --- Yes.

You did say that to Mr. Justice Wessels? --- Yes, I did say that.

You notice there clearly you say that you did not hear/....

hear single shots beforehand? ---Yes, I said that.

You told His Worship here that you did hear it. Now, had you made a mistake as I have suggested to you? --- I could have made a mistake, but I thought afterwards when the Court adjourned about something happening before the volley of shots.

You see, lower down on the page His Lordship asks you: „Jy kan gladnie onthou nie?" and you say „Nee, dit was te veel van 'n deurmekaarspul gewees daar by Sharpeville Polisie stasie". You did say that too? --- Yes, I said that.

When you remembered afterwards what you have just told us, did you not approach Mr. Claassen, the gentleman who was leading the evidence, and tell him that you have had second thoughts about your evidence? --- No.

And suggest that you should amend it? --- No.

Why did you not do so Mr. Coetzee? --- As it was my first experience in riots, as it is.....

But I don't understand how your first experience of riots could have affected your relationship with Mr. Claassen. It was a simple matter to go up to him and say "You know Mr. Claassen, I think I have made a mistake in my evidence. I told the learned Judge that I did not hear single shots, and I now remember that I do and I want to tell you that". It was a very easy thing for you to have told him, is that not so? --- Yes.

What other reason do you wish to give His Worship for not having approached him? --- It was only as an inexperienced Constable in riots and in a Court like that. It was my first Court experience as it was, and I had no idea or did not know that I had to go back to Mr. Claassen about it.

Now, these single shots, where did you hear them coming/.....

coming from? --- I did not hear from which side. I was sitting with my back towards the crowd at the Police Station.

Now, you know Zwane Street is south of the Police Station? --- Yes.

And it runs east to west and west to east? --- Yes.

Bearing that in mind did the single shots that you heard come from south of Zwane Street, or behind you to the east, or in front of you to the west? --- I cannot recollect that. As I heard the shots and the other shots following them I was sitting with my back towards them, and I cannot say definitely from which side it came.

Well, did the shots come from behind you? --- From behind me.

Now, when you say that you had your back to the crowd, do you mean the crowd in Zwane Street nearer the dam side? --- I was facing away from the crowd at the Police Station. I was facing the dam.

You were facing the dam? --- That is right.

BY THE COURT:

Where was the Police Station, behind you, or to the one side? --- The Police Station was behind me.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

And did it come from somewhere close behind you, or somewhere far away from you? --- Far away.

Now, were they loud reports or soft reports? --- Well, as single shots do.... they were about the same sound as the shots fired by the Police.

And then you heard the volley of firing? --- Yes.

Have you discussed this incident of the single shots having been fired before the general shots with any Policemen who were there on the day of the firing? --- No, I have not discussed/....

discussed ^{it} with any Policemen.

Did you discuss the incident of everything that happened that day at Sharpeville, the rioting and the firing by the Police, with any Policemen? --- Yes.

You are now stationed at Port Shepstone? --- Yes.

For how long after the shooting on the 21st March did you remain stationed at Vereeniging? --- Up to the 4th April, 1960.

Did you discuss the matter very often between the 21st March and the 4th April with various other Policemen who were stationed at Vereeniging? --- No, not often.

Did you not ask any Policemen who were there how this firing actually began? --- Yes, on the day of the shooting.

Did no other Policemen tell you that shots came from the crowd before they fired, and then the Police fired? --- Yes, they heard shots and stones were thrown at them.

Did you in the course of the morning, while you were standing in Zwane Street, see Constable Bajl come towards you in a Land Rover with some message? --- Not in Zwane Street. It was in the main Sharpeville Street.

That is a Constable Bajl who is attached to the Vereeniging station? --- Yes.

Thank you, Your Worship.

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

RE-EXAMINED BY THE PUBLIC PROSECUTOR:

Mr. Coetzee u het gesê "you were expecting things". Watter dinge het u verwag? --- Well, since that night or the early Monday morning things were not as they used to be at Sharpeville, and I was expecting things were going to happen.

But what sort of things were you expecting to happen?

Well/....

--- Well, as the Bantus that morning at approximately eleven o'clock, they were getting ready to fight the Police, attack the Police, i.e. before the Johannesburg/Police arrived.

DEUR DIE HOF:

Konstabel Coetzee, wanneer het jy nou diinge oordink nadat jy voor die Regter getuienis afgelê het? --- Dit was nadat ek van die Hofgebou af weg is.

Was dit op dieselfde dag toe jy getuienis afgelê het of lateraan? --- Nee, dieselfde dag.

Nou maar as dit dieselfde dag was hoekom het jy nie vir die persoon wat die getuienis gelei het of vir enige ander Polisiebeampte in bevel van die ondersoek gaan sê "Ek het 'n fout gemaak. Ek wil dit regmaak"? --- Edelagbare, soos ek voorheen gesê het ek het nie die ondervinding gehad van die tipe hof nie.

Maar wat is die rede? Wat het jou ondervinding daarmee te doen? Was jy bang om dit te doen, of het jy gedink jy moet dit maar so laat en dit sal wel regkom? Wat het jy gedink? --- Ek het/om dit so te laat aangesien 'n Konstabel nie juis met geleerde mense rondgaan nie!

Hoe oud is jy? --- Vier-en-twintig, Edelagbare.

Dankie. Jy kan maar afstaan.

FRANCIS MOTSOAHOLE, duly sworn, states: (Witness speaks Sesuthu).

EXAMINED BY THE PUBLIC PROSECUTOR:

Do you live in Sharpeville Native Township? --- That is correct.

How long have you been living there? --- I have lived/....

into the street". That is what they said. Then thereafter I discovered that there were many people there in the yard. I then asked them why do they then cause damage to my property. They denied that they had damaged the window panes, and I then said they should go and have a look at them. After they had seen them they said they were not the people who broke the window panes. They said it was these young tsotsi boys who broke the window panes, and they promised that the following day they would have them repaired.

Were these two people old or young? --- They were young people.

What happened then? --- They then asked me to come out of the yard into the street, i.e. together with the people who were inside there, who had accompanied them. We then went out to the street.

Did they tell you why they wanted you to come out into the street? --- Yes, they said all men should go out because of the passes.

Did you understand what was meant by that? --- At that stage there was a big crowd. I could not make any further enquiries, but I was told that we all had to go to the main street, and there we would be told what was to be done.

Did you go with them? --- Yes.

Why did you go with them? --- They came and fetched me from my house after having caused damage to my window panes.

Did you go with them voluntarily? --- No.

Why did you go with them then? --- I think I have made a mistake when I said I went with them unwillingly. I think I went with them willingly, seeing that they had promised that they would repair my window panes the following day.

And did you get as far as the main street? --- Yes.

Is/....

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And did you get as far as the main street? --- Yes.

Is/....

Is that Seeiso Street? ---Yes.

Did you notice any reference books when you got into Seeiso Street? --- Where? On the ground?

Anywhere? --- No, there were no reference books there on the ground.

No, not on the ground, but anywhere? --- We were not for a very long time there in Seeiso Street. It was only for a very short interval, while others were knocking on the door of Doctor Mokgash, and then we saw the Police vehicles approaching.

And did the Police come there and disperse the people who were present? --- Immediately the Police had dismounted from the vehicles the Senior Officers of the Police then requested the crowd not to run away; they said they wanted to talk to them. In fact it was not the Senior Police Officers who said the crowd should wait and not run away and not disperse. The leaders of the crowd requested the crowd not to run away because the Police had something to say to them.

BY THE COURT : TO THE INTERPRETER:

Mr. Interpreter, are you misunderstanding the witness? Why do I get these constant changes in his evidence? Is there any difficulty about understanding him?

BY THE INTERPRETER:

It was only this point, Your Worship.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And was there any conversation between the leaders of the crowd and the Police Officers? ---No, there was none.

Did the Police disperse the crowd? --- At that particular instant I then saw the Police come running towards the crowd. I felt something, I felt a blow on my head, and it was at that instant that I fell to the ground.

And did you get up again? --- I fell there and I remained/....

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F. Motsoahole.

remained there on the ground for some time. When I got up there there were no people.

And did you go home? --- When I was trying to get up I was bleeding profusely. It was then that I noticed a Native Constable who came running from a vehicle. He had a stick with him, with which he struck me here on my back.

And did you go home? --- Yes.

Did you have any conversation with the Native Constable before you went home? --- I did not have any conversation with the Native Constable, because after he had struck me the blow with the stick he had he then ran away. I also got up and proceeded home.

Thank you, Your Worship.

COURT ADJOURNS.

COURT RESUMES:

FRANCIS MOTSOAHOLE, under his former oath, continues:

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. Motsoahole, what work do you do? --- I am a shop assistant.

Did you have some education? --- Yes.

And did you know some of the people who went to the Police Station the next day? --- No.

Do you not know any of the people who were at the Police Station on the day of the shooting? --- I knew some of the persons who were injured during the shooting at the Police Station.

Do you perhaps know why they went to the Police Station/....

Station? --- It was announced there in the location that they should go to the Police Station and at about two o'clock a certain big person would come there and tell them what would be done about the passes.

The particular people who went, how would you describe them, those whom you knew who were shot and wounded? Were they a bad type of people? --- They were not bad people, they were all respectable people.

Thank you, Your Worship.

BY THE COURT:

That is those you knew? --- Yes.

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

RE-EXAMINED BY THE PUBLIC PROSECUTOR:

Were you perhaps one of the respectable people who went along to the Police Station? I am talking about the Monday? --- Yes.

And this announcement that you heard in the location that people should go along to the Police Station, when did you hear that announcement? --- On Monday morning.

What time was it approximately? --- It was at about 11 a.m. when that announcement was made.

And where were you when the announcement was made?

--- I was at my home.

And who made the announcement? --- I do not know, but there were three people who went about the location telling people to go to the Police Station.

Europeans or not? --- They were Natives.

And did you know these three people? --- I did not know them.

Will you be able to point them out again? --- Yes,

I/....

I will be able to point them out if I see them.

Will you have a look through the court room to see if those three people are perhaps here? or any of those three? --- Yes. (Witness stands down but is unable to point out anyone). I do not see even a single one of them.

BY THE COURT:

You cannot see any of the three in Court? --- No.

RE-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Were these three persons on foot and moving down the street at the time this announcement was made? --- They were on foot. At that particular stage there was so much confusion. There were Police vehicles there and a large crowd of people, who were then stopped and some of them were told to go to the Police Station.

But these three persons, what I want to know is were they making the announcement in general, or were they going from house to house or from person to person making the announcement? --- They were not going from house to house. They were just making the announcement along the route they followed.

Were they wearing any type of uniform or were they in civilian clothes? --- They were wearing private clothes.

And can you more or less give the substance of the announcement, or the announcement more or less in the words that you heard it? I think you have given the substance of the announcement, but can you tell the Court more or less the wording as you heard it? --- They made the announcement in words to this effect. They were telling the people that all the people should go to the Police Station, because there would be a big person or thing who would come there and tell the people what is eventually going to happen to the passes.

Was/....

Was that the first and the last time that you heard such an announcement made? --- Yes.

And did you pay heed to the announcement? Did you go along to the Police Station as a result of that? --- Yes, I accompanied others. We walked and we proceeded to the Police Station.

And was any announcement made by anybody at the Police Station? --- No announcement was made; nothing was said.

Thank you, Your Worship.

BY THE COURT:

Now, you told me you can identify the three persons who went about and they are certainly not in Court? Is that right? --- I do not see them here.

You do not see them in Court? --- Yes.

You have told me that if you see them you will be able to recognise them, so I must assume they are not in Court? --- Yes.

What about the two people who spoke to you during the night at your house, and with whom you went out into Seeiso Street ultimately? Can you identify them? --- Yes, I will be able to identify them.

Do you think you saw them well enough to be able to identify them? --- Yes.

Are they here perhaps, or are any of them here? --- Yes, one of them is here.

Where is he? I don't want any hesitation. Go and touch the person if he is in Court. --- (The witness stands down and points out accused No. 3).

Accused No. 3? --- Accused No. 3.

You said they were young men, and he is a young man, is/....

is he? --- Yes, he is a young man.

Well now, you have expressed the view that the people who went to the Police Station the next day were respectable. What do you think of the conduct of those who woke you up at night and broke your windows and told you to come out into the street? ---I do not know what type of people were there, seeing that it was at night and there were many people there outside.

BY THE COURT:

Mr. Unterhalter, you stood up just now?

BY MR. UNTERHALTER:

Yes Your Worship, there is just one question.

BY THE COURT:

I was going to ask you and the other accused whether perhaps you wanted to further cross-examine the witness, in view of the matters that have come out in re-examination and now as a result of questions by the Court.

FURTHER CROSS-EXAMINATION BY MR. UNTERHALTER:

You said that at the time you heard the three people making the announcement about an important person coming to talk about the Pass Laws, there was some confusion and there were Police vehicles about? --- Yes.

Do you know whether this announcement made by these three men or any of them, was made in the hearing of Policemen? --- Yes, they did hear the announcement, i.e. the Police.

Was it made in the African language, the announcement? --- Yes, it was made in the Sesuthu language.

Was it made at all in English or Afrikaans? --- It is possible that they could have made it in one of the official languages, but I did not listen to hear that, seeing that there were many Police vehicles which were travelling upwards.

Now/....

Now, the Policemen in whose hearing the announcement was made in the Sesuthu language, were these African Policemen? --- Yes, as well as the European Police.

When the announcement was made, did the African or European Policemen do anything in connection with that announcement? --- At the same instant when the announcement was made there were also Native Constables who were along this route which was followed by the Police vehicles. They were also telling people to go up in the direction that the Police vehicles followed.

Now, who was telling the people, the Constables or the three men to whom you have referred? --- These three persons were only making the announcement and telling people to go to the Police Station, and the Police were also telling the people to go in the same direction as they moved them out of the way.

This was done by African Constables talking to the people in the Sesuthu language? --- Yes.

Did you get the impression from this then that in fact the message was an official message? --- Yes.

Thank you, Your Worship.

NO FURTHER CROSS-EXAMINATION BY ACCUSED NO. 1.

FURTHER CROSS-EXAMINATION BY ACCUSED NO. 3:

I want to know from you if you know me very well?

--- Yes, I knew you.

When did you start knowing me? --- I knew you from the time when your father was still alive.

How far is my home from your home? --- From where you stay it is a distance of about from the Court here to the O.K. Bazaars in town.

By/....

BY THE COURT:

Where are the O.K. Bazaars? How many streets away?

--- It is the third street from the street in front of the Court

About three streets away? --- Yes.

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

Do you still recall having attended an identification parade here in Vereeniging? --- Yes, I do.

Do you still remember what you were asked to do there at this parade? --- I was asked to point out persons who were present there on that day.

BY THE COURT:

Who were present where? --- The day there at the Police Station.

At the Police Station on the day of the shooting, or on some other day? --- On the day of the shooting.

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

Were you not asked to point out persons whom you saw on a certain night? --- As far as I understood the question which was put to me I was only asked to point out persons whom I saw at the Police Station.

Were you the only person who was there at the Police Station, or were there other people who crowded together there at the Police Station? --- There were very many people there at the Police Station.

I am asking you this question because there at the Police Station the evidence is that there were so many people who were killed there, and you were the only person, although there were other persons present at the Police Station, who was asked to go and point out people there? Can you say why you were the only person who was asked to go and point out people who were present there? ---I went to three doors there at the parade/....

parade, and on each occasion I was asked to point out persons whom I saw there at the Police Station.

After the day of the 20th, when you say your window panes were broken, did you make a statement to the Police concerning that incident and explaining what happened there? --- Yes

Were you asked by the Police Officers whether you knew these people who were there at your home? --- I said I only knew two of them, and one of the two ^{who} then promised that they would repair the window panes the following day, because there were many people there.

Is it not surprising that when you were there at the identification parade you did not say "One of the persons who were there, here he is!"? You did not point him out? --- I was not asked anything concerning that night, but I was asked something concerning the Police Station.

Yes, I am also referring to that. Why did you not point me out there on the parade when you saw me and told them what I did there? --- No, that I did not do.

Why not? --- I was not asked about that.

Perhaps you do not understand the question clearly. I will put it to you again. At the identification parade there you were asked to point out persons whom you saw at the Police Station. Did you not see me there at the Police Station? --- Yes, I did see you.

Why then did you not point me out? --- I did not see you there at the parade. That is why I did not point you out.

BY THE COURT:

You did not see him on the parade? --- Yes, Your Worship.

Cross-examination/....

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

Can you then say what makes you now see me here and recognise me, and point me out? --- As I looked amongst these people who are seated here in Court I then recognised you as the child whom I know.

I am going to put it to you that on the same day there at the identification parade you passed me thrice? I was amongst the persons who were standing there in line? --- I am telling the Court the truth when I say that I went to three lines where people were lined up for identification, and I did not see you amongst these people.

I am putting it to you that you are making an error when you say you saw me there that night, and I am one of the persons who promised that we would have your window panes repaired the following day? Perhaps you may just think over the answer. You may have made a mistake when you said I was present? Is that not so? --- I am speaking the truth when I say you were also present there. It was you and the other person who spoke to me.

When you speak about the following day, you are referring to the 21st March? Is that not so? These persons whom you say promised to repair your windows the next day, that would be the 21st March? --- Yes, this was on a Sunday night and the following day was supposed to be the Monday.

I am putting it to you that on that Sunday I was not present at your home, and secondly that on the Monday I was a person who was very busy, I was very much occupied because I was going to surrender myself at the Police Station, and I did not have time to go and repair your window panes? --- I am still saying that what I am telling the Court is the truth.

BY THE COURT : TO ACCUSED NO. 3:

Were you occupying a Police cell when you should have/....

have been repairing these window panes! All right No. 3, any other questions?

BY ACCUSED NO. 3:

I have no further questions, Your Worship.

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

BY THE COURT:

Tell me, if you knew accused No. 3 from the time his father was still alive, can you tell me when his father died? All I really want to know is how long do you know that young man? --- It is not very long that the father of accused No. 3 died. He grew up in front of me.

Did you already know him during that night when he came to you, or was he then a stranger to you? --- I went along with these people and as a result of the fact that when accused No. 3 and the other man spoke to me I knew them, and it was for that reason that I went along with them.

You knew him already? Did you know his name, or just as a young man you had seen about? --- I knew him as the son of Tsole.

The son of Tsole? --- Yes.

At the Police Station were you close to the fence or far back from the fence, i.e. you personally? --- I was not far from the fence on the sides where the detectives' vehicles were parked.

Would that be in Zwane Street? You knew Zwane Street? That is the main street in front of the small gate, or were you in that part between the Police Station and the clinic? --- I was on the side of the Police Station where there is no gate.

Where there is no gate? --- Yes.

Just have a look at that photograph, Exhibit 13? Mr. Interpreter, just explain to him north, south, east and west/....

west, where the shops are and where the clinic is. --- (The Interpreter explains the photograph to the witness). It was to the east of the Police Station, not far from the quarters.

Somewhere to the east of the Police Station, on the side where there is no gate. I will tell you why I have asked you that, because I wanted to ask you whether you saw accused No. 3 again? Did you see accused No. 3 again except during the night? ---He was inside the Police Station premises.

Did you see him there? --- I saw him there while these people were outside.

You were in a part where the crowd was not so very thick? --- Yes.

May I put it fortunately you were not on the western side where the shooting took place? --- No, I was not there.

Thank you. You may stand down.

DANIEL RALEBESE, duly sworn, states: (Witness speaks Sesuthu).

EXAMINED BY THE PUBLIC PROSECUTOR:

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

How long have you been living there? --- I think I am new there for a year, having been there at Sharpeville location from Top location.

Is Top location in Vereeniging? --- Yes.

Now, do you remember the day that the shooting took place at Sharpeville? --- Yes.

That happened on a Monday? --- Yes.

Now, the day just before that was a Sunday. Did you sleep in your house in Sharpeville on that Sunday night? ---Yes.

Did anything happen to your property that night,

i.e./....

i.e. to the windows or doors or anything like that? ---Yes.

What happened? ---Only one window pane was broken.

How was it broken? --- Three men came there. They knocked on the door and said I should get up. I then slightly moved aside my curtain in order to look through the window. They said I should get up and come with them. I did not go with them.

Did they tell you why they wanted you to come with them? --- No.

Did you tell them that you were not going to come with them? --- Yes.

What happened then? --- When I refused it was then that they broke this window pane.

How did they break it? --- One of them poked at the window pane with a stick.

And after^{doing} that to your window pane what did they do? --- After they had broken the window pane they then left, and nothing happened then.

Did you know any of these three? --- No.

Will you be able to point out any of them should you see them again? --- These were persons whom I had never seen. They were strangers to me, and I will not be in a position to point out any of them.

And are you employed on the South African Railways? --- Yes.

The Monday morning, were you to go to work? ---Yes.

What time do you go to work in the morning? ---At 6 a.m. I usually leave my home.

And on this Monday morning did you leave at your usual time to set off, to go to work? --- Yes.

Did you reach your place of employment? --- Yes.

And did anything happen on your way there? --- No, nothing/....

nothing.

Where were you working on that particular day, on that Monday that the shooting took place? --- Our group did not go to any particular place. We were in the yard, the Railway yard, working there.

BY THE COURT:

Where? --- At the Vereeniging Railway yard.

At Vereeniging station? --- It is at a different office. It is at the electrical office on the other side of the station.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And what time did you finish work? Did you only hear about the shooting afterwards when you came home? --- Yes.

Thank you, Your Worship.

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

Tell me, how did you get to work on that Monday morning? On foot, or by bus, or by bicycle, or what? --- By bicycle.

Which way did you leave the location? --- I followed my usual route, i.e. the route which goes past the Brick and Tile premises.

That is not along the main street which goes past the Municipal offices and the brewery and post office and so on? --- No, Your Worship.

Thank you very much. You may stand down.

Paul/....

PAUL MAVIMBELA, duly sworn, states: (Witness speaks Zulu).

EXAMINED BY THE PUBLIC PROSECUTOR:

Do you live in Sharpeville? --- Yes.

And you have been living there for the past seven years? Is that correct? --- That is correct.

And do you own a motor-car? --- That is correct.

And the two pictures which I am going to show you, i.e. Exhibit 8, and a new one Exhibit 82, do they show your motor-car from the sides? --- Yes.

Do you still work at the Central Butchery which is in Vereeniging? --- No, I am at present employed at Leslie Meat Market.

Anyway, on the 21st March, 1960, i.e. the day that the shooting took place at Sharpeville, were you working at the Central Butchery in Vereeniging? --- That is correct.

That day was a Monday, and did you set off on your way to go to work that Monday morning? --- That is correct.

What time did you set off or leave your home? --- I think it was approximately half past eight when I left my home.

And how did you go? By what sort of transport did you proceed? --- I left in my own car.

Did you have anybody else with you in the car? --- No.

Do you know Secise Street, i.e. the main street of Sharpeville? --- The street which leads from the office?

Is that the Municipal offices you are talking about? --- Yes, I know it.

Now, which street did you drive down on your way to work? --- I followed the street which leads from Pelindaba, which goes past the shops and then joins the main street.

Se/....

So eventually you came out into the main street, Seeiso Street? --- Yes, I eventually joined the main street.

And were you able to leave the exits of Sharpeville Native Township? --- I could not get my way through to the offices.

Why not? Will you describe to the Court what happened, what prevented you? --- As I stepped at the corner of the street I came with before I joined Seeiso Street, there were many people on the side on which I was supposed to turn and travel, i.e. the lefthand side of the street.

Why did you stop? --- I stepped there because I noticed many people there, and I wanted to hear what was being said there.

And did you hear anything being said? --- I did not hear anything actually being said, but I just heard people singing there and shouting "Africa!".

Did they say anything else besides just the bare word "Africa"? --- "Iswe Lethu!".

And after you did not hear what you had probably stepped to hear, what did you do then? --- I then get into the car and then turned to the left, and made an attempt to drive through that crowd on the lefthand side of the street. I could not, and I then turned my vehicle to travel then on the side as one approaches the location, on the lefthand side of Seeiso Street, travelling into the location. It was then at that stage that stones struck my car.

Where did the stones come from? --- The stones came from the crowd which was there on the side of the street as one travels in the direction of the town, of Vereeniging.

And did any of the stones strike your car? --- Many of the stones struck my car.

Was/....

Was any damage done to your car? --- All the side windows were broken, as well as the small back window. The only window which remained was the big window, i.e. the wind-screen in front of me.

And apart from broken windows was there any other damage done to your car by stones? --- There were only small dents on the other portion, i.e. on the metal portion of the car, but there were no penetrations of the stones or holes.

I just want to be clear on one point. In which direction was the front of your motor-car facing when the stones were thrown at the car? Was it facing in a direction that would take it out of the location towards Vereeniging, or was it facing as though it was going up the location, away from the town? --- At that stage it was facing the dam, i.e. when these stones fell on it.

Were you in the process of making a turn in the street at that stage then if you were facing the dam? --- Yes, I was in the process of making a turn in the direction of Vereeniging, of the town.

Can you give any reason why stones were thrown at your car? what you think of it? --- No, Your Worship.

And what did you do when you were stoned in your car? --- When my car was struck by the stones I then drove through that open space onto the gate which has a chain, where there was a group of Police, and there I stopped.

So you did not follow a road, but you drove over the veld? Is that correct? --- Yes.

Why did you not follow the road? --- There were many people there. I could not follow the road. I was also afraid that I might have to knock down some people if I insisted on driving on the road.

Did you suffer any injuries or were you struck by any/....

any of the stones which damaged your car? --- On my body?

Yes? --- There was one stone which struck me on my left shoulder where I now indicate, but by the time it landed on my left shoulder it had no force with it; it had lost force as a result of striking against the window pane.

And what did you do when you reached the place where the Police were? --- I got out of my car and then told them that there were people who were trying to injure me in my car.

Did you go to work? --- I did not go to work. I got into the office there and telephoned my place of employment and told them that I had failed to come to work.

And where did you go to after you had made your telephone call? --- I then returned home.

By car? --- Yes.

Did anything happen to you on that occasion? --- Nothing happened to me.

Now, before this particular day, the 21st March, did you ever receive anything in your post which mentioned this Monday? --- No, Your Worship.

Did you ever receive any circular letters at all before the 21st March? --- There was at one time a certain spot. When I got there I found people discussing the question of the passes, that by 1963 the passes should have come to an end.

When was this? --- I think it was on the 14th of that same month but I am not certain about that.

Whereabouts was this spot that you are talking about? --- It was higher up in the location at a place which is called something like the "dust". I think it is a nickname in that location. These people who had a letter with them were discussing the contents, and they wanted to take that letter to the office.

Oh/....

Oh, that was just a group of people who apparently ^{come} had/into possession of this letter, and were discussing what they should do with it? --- Yes, that is the position. They said they did not know where it came from. They were making enquiries from one another.

BY THE COURT:

Did you see that letter? Did you look at the letter and examine it, or did you just see a piece of paper that day? --- Yes, I did see that letter. It was written in the English language, and I could not read it.

CROSS-EXAMINED BY MR. UNTERHALTER:

Now, you told His Worship that you were going to work and that your car was interferred with by a crowd in the sense that it threw stones at the car? --- Yes.

And you were finally able to make your way to the chain where you found the Police? --- That is correct.

Now, apart from your car actually being stoned and the windows broken, was anything else done to your car that you can remember? --- No.

Your car is a Ford car, is it? --- That is correct.

An old model? --- Yes.

You have actually already identified it by looking at Exhibit No. 8? --- Yes.

You are quite satisfied with the description that you have given of what happened to the car at that time? --- Yes.

Now, you said this happened at about half past eight in the morning? --- Yes, it can be like that.

Is it possible that it happened at about seven o'clock in the morning and not half past eight? --- No, not at 7 a.m.

At seven o'clock in the morning would anyone else have/....

have been driving your car? --- No.

Now, ^{if} evidence has been given that your car was seen where you have described it at seven o'clock in the morning or about seven o'clock in the morning, that would not be correct? --- That would be incorrect.

And if evidence was given that your car was lifted up from the ground I take it that that also would be incorrect? --- No.

For the convenience of the Court Your Worship, these particular aspects appear at page 366 of the evidence in this trial, i.e. the evidence of Mr. Labuschagne.

There is just one point I am not sure about. Did you say that at about that time you went into some office and used the telephone? --- When I got into the office I was told that the telephone was out of order, it was not in working order, so that I could not use it and they still had to repair it.

So actually you did not then get into communication with your employers on the telephone? --- No, I did not get through to speak to my employer.

Then did you mean to say in your evidence-in-chief that you had intended to phone your employer's office to say that you were not going to work? --- Yes, because when I arrived there at the office I found the native Sergeant I found there, i.e. of the Police, to phone my employer, and he said the phone was not in working order.

So you did not mean to say in your evidence-in-chief that you actually did get through? --- Yes.

I now refer you to Exhibits Nos. 8 and 82. Is it possible that some of the marks and dents that are to be seen on this car are old marks and dents from before the time of the stoning of the car? --- No.

What/....

What model is it in terms of years? --- 1937.

Now, are you suggesting that between 1937 and 1960 this motor-car got no marks or dents or bumps on it? --- If one is very careful about his property it will not have any dents or any marks of that nature on it.

Yes, but you cannot be sure that other people will be as careful of your property as you are! Other people might have damaged it in the last twenty-three years? --- I am the only person who uses my car. Even my child does not drive my car.

When you bought it was it a secondhand motor-car?

--- Yes.

In what year did you buy it? --- I have now owned it for four years, this motor-car of mine.

Did you not ever bump it or scratch it in those four years? --- I have never collided with anything or bumped against anything.

I would like to show you on Exhibit 82 the mudguard of the left rear wheel; at the top of that mudguard there are what look like three parallel lines. You have seen them, have you? --- Yes, I do see three marks, but then what you are concerned with now are these dents which are more visible than those others. If the car is dented then such marks will obviously show.

Now, before I carry on will you just show the picture and the marks to His Worship? --- Yes. (Witness indicates the marks to the Court).

Now, you are not suggesting in regard to those marks that they were caused by anything the crowd did on that morning? --- No, one will notice that these three marks are in a straight course. These dents are visible, and it is visible that/....

that they were caused that morning.

So that ^{not} every mark on the car was caused by the crowd on that morning? Do you agree with that? --- I have already said in my evidence here that those dents which were caused by stones on this particular day are visible, and those marks... I will not say they were caused on the same day, because they are in a straight course.

Therefore you are agreeing with me that not every mark on the car was caused by the crowd on that day? --- I will say I do not understand what you are putting to me. I will not agree to that, because I have already objected to your putting it to me when you said they lifted up my car. If they did lift it up then those marks which are in a straight course would have been caused perhaps if they had to scratch it against something when lifting it up.

But you agree your car was not lifted up that day? --- Not even a single person ever touched it.

So those three parallel marks could not have been caused by anyone lifting up your car? --- No, the three marks were not caused during this incident.

When were the photographs of your car taken? Do you happen to know, i.e. Exhibits 8 and 82? --- I was called by the Police or told that I should bring my car to the Police Station so that they could take photos, Exhibits 8 and 82.

How many days after this stoning did you bring the car for photographing? --- I think it was the third day, although I am not certain.

Were any marks made upon your car between the time of the stoning and the time that you brought the car for photographing? --- From the office I was asked by the Police to drive straight home, and on my arrival home I should not use/....

use the car anymore.

And you did not use the car? --- No, I did not use it.

And nothing happened between the time of your driving it back home and your bringing it for photographing? --- Nothing happened in that interval.

On Exhibit 8 the right rear mudguard has a fairly considerable discolouration? What is that? --- No, I do not know what the discolouration is.

That was not caused by the crowd I take it? --- No, that big mark there was not caused by the crowd. What I can say was caused by the crowd is this mark on the middle here, and that first mark there is an old mark; it was there before this day.

Thank you, Your Worship.

BY THE COURT:

The other dent on the right rear mudguard above the wheel is also an old one? That is what you showed here? --- Yes, Your Worship.

As a matter of fact it is an old car full of old marks, and it got some new ones? Is that right? --- Yes.

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

NO RE-EXAMINATION BY THE PUBLIC PROSECUTOR.

COURT ADJOURNS.

Court/....

COURT RESUMES:BY THE PUBLIC PROSECUTOR:

Your Worship, before calling the next witness for the Crown I would like to dispose of a small matter that involves accused No. 74. The Crown, with the permission of the Attorney-General for the Transvaal, accepts the plea of accused No. 74 on all counts.

BY THE COURT:

In the circumstances Moses Mooi is found not guilty on count 1 as framed, and on the main and all the alternative charges of count 2 as framed. He may leave.

ISAAC TATAI, duly sworn, states: (Witness speaks Sesuthu).

EXAMINED BY THE PUBLIC PROSECUTOR:

Are you still employed at African Cables? --- Yes.

How long have you been working at African Cables?

--- For seven years I have been in the employ of African Cables.

Do you know any of the accused persons? --- Yes, I do.

Which ones do you know? Just step down and point them out? --- I know four of the accused. (Witness steps down and points out accused Nos. 8, 3, 2 and 1).

BY THE COURT:

And you shook hands with those four people now? --- Yes, Your Worship.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Where do you know these four persons from? --- I used/....

used to work with them at the same firm.

Now, do you know anybody by the name of Dhlamini? ---

Yes.

Who is that? --- (Witness points out accused No. 1).

Accused No. 1, the first one sitting there? --- Yes.

BY THE COURT:

Do you know him as Dhlamini? --- Yes, Your Worship.

EXAMINATION CONTINUED:

Do you know the name of the third accused? --- I know his surname.

BY THE COURT:

Yes, and that is? --- Tsolo is his surname.

Tsolo you said? --- Yes.

Do you know how to spell it? --- Unfortunately I do not know the spelling.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Do you know his christian names at all? --- I do not know his christian names.

Now, you remember the day of the shooting at Sharpeville Police Station? That was on a Monday? --- Yes.

And were you yourself wounded at the Police Station? --- Yes.

Now, approximately a week or ten days before the shooting took place, did anybody speak to you at your place of employment about that particular Monday that was to come?

--- No.

Before the day that the shooting took place, did you have any advance knowledge as to any happening or event which might take place on that Monday? --- I did not have such advance knowledge.

And on this particular day, the 21st March, when you/....

you were wounded, under what circumstances did you go to the Police Station? --- I went to the Police Station as a result of seeing many people in the streets. Then I heard one of them saying there at the Police Station, there are many people there. After having heard from these particular persons that there were many people at the Police Station I then went to my home, took my bicycle and I then cycled to the Police Station.

Now, we have had evidence in this Court that there had been rumours circulated as to why people should go to the Police Station. Did you hear any rumours? --- I did not hear any rumours saying that we should go to the Police Station, but then I heard that particular person saying there were many people at the Police Station. By so saying he was not inviting me.

Do you know the person whom you heard saying that there were many people at the Police Station? --- I do not know him.

Now, that morning, was that a normal workday for you that Monday? ---Yes.

Did you set off to go to work that morning? --- That particular week I was supposed to go on night shift duty.

So you would not have gone to work until the early hours of that evening? --- Yes.

Now, whereabouts do you live in Sharpeville in relation to any public building, the Municipal offices, the schools, the milk depot, the Police Station, the library? --- I live at Putsae Setenie.

And on this particular morning, the 21st, what time did you leave your house? --- I did not look at a watch but I think it was approaching nine o'clock, half past nine to ten o'clock.

And/....

And where did you go to? --- I proceeded up in the direction of the Police Station.

Straight from your home to the Police Station? --- I did not go into any other place. I went direct from my home to the Police Station.

Were you at the Police Station when the aeroplanes flew over? --- Yes, they found me there; I was there.

Now, what did you do at the Police Station? --- I found many people there at the Police Station.

But what did you do? --- I got amongst the people and stood amongst them and waited there to hear what was going to be said, because these people were waiting for something to be said, and that is why I got amongst them.

How did you know that these people were waiting for something to be said? --- On my arrival there I heard amongst the people there, they were discussing amongst themselves and saying we should hear about this matter concerning the passes.

Did you know what all that meant when you overheard this little snatch of conversation? --- As a person who is also carrying a pass, and having heard this conversation that there was something to be said concerning the passes, I decided to wait there. I also gathered that there was a big European, an important European, that was supposed to come there and say something about the passes.

Where did you gather that from? How did you come to understand that? --- I gathered that information there at the Police Station.

From any particular person, or just a general conversation amongst others who were standing there? --- Just from a general discussion and not from a particular individual.

Did/....

Did you see anybody there at the Police Station whom you knew, or in the vicinity of the Police Station? --- Yes, I did see Mr. Tsolo there at the Police Station.

Is that No. 3 accused? Is that the person you are mentioning? --- Yes.

Did you notice whether No. 3 accused spoke to anybody at the Police Station? --- Yes, I noticed that he was talking to another European.

Now, when did you hear the rumour that some highly placed official would address the crowd? Was it before or after you noticed No. 3 accused speaking to the European? --- I heard that after I had seen accused No. 3 talking to this European.

What did No. 3^{do} after he had spoken to this European? --- He was not near the place where I was. He walked towards the fence. I did not hear what was being said.

Did you see his mouth moving as though he was talking? --- Yes.

And was it after that that you heard the conversation amongst the other members of the crowd gathered there about the highly placed officer or person? --- Prior to my seeing accused No. 3 talking to this European. On my arrival I did hear about this important official who was supposed to come there and address the crowd, and thereafter, i.e. after I had seen accused No. 3 talking to this European, I again heard the same thing, but this time it was more specific. They even made mention of the time, two o'clock.

Did you make any enquiries amongst your fellow members of the crowd to find out, if possible, what the discussion was going to be in respect of how it involved the passes? --- I did not have a desire to make enquiries. I was

only/....

only anxious to wait and see and hear what that European was going to say on his arrival.

Now, which side were you on of the Police Station? The front of the Police Station runs, or Zwane Street, i.e. the street with the island, runs past the front of the Police Station, and then there is a little street between the clinic and the other side of the Police Station. --- I was at the corner of Zwane Street and the street without a name running between the clinic and the Police Station.

Were you right up against the fence, or were there some other people between you and the fence? --- Yes, there were people who were standing in front of me, as well as on my side and at the back.

Before the Police opened fire - obviously you were there when the Police fired - did you notice what happened? --- Yes, I did notice.

Could you see, from where you were, the Policemen standing in a line? --- I was right in front of them where I was; they were visible. When they were falling into line I was looking at them.

And what happened next? --- As I was standing there the big western gate was on my left hand side. I saw a European there just dragging a person there, tearing his shirt and pulling him into the Police Station building.

And what was the next thing that you saw? --- I again saw a second person who was also taken in the same manner as the first one.

And then? --- Thereafter I then noticed that those who were standing in a line were then getting ready with their fire-arms, their guns. I then heard a voice saying "Shoot!".

And/....

And then? --- And then the firing started.

Now, inbetween the arrest of the last person whom you saw being removed there, and the voice saying "Shoot!", did you see anything else happen on the western side of the Police Station there? --- What I saw was a stone, although I cannot say who threw the stone, and whether it was a child or who. The stone was thrown at the stage when the firing was already on the go. It did not strike any person.

Had the firing already commenced and then the stone was thrown? --- Just when the firing commenced I then saw the stone go past me, and in front of me.

Before that did you see any other stones? --- No.

And apart from that single stone that you saw, did you at any stage see any stones going through the air? --- No, I did not see them, nothing.

What did you do when the Police began to fire? --- I stood there at the fence and became confused. (The witness uses the Afrikaans words "Ek het dom geword".)

And then? --- At the same instant I then saw people falling in Zwane Street. At the stage when I saw these people I had my back towards the Police who were firing. When those persons were falling there I then saw one walking up. He was red with blood. It was then at that stage that the thought came to me that I should run away.

And did you turn and start running away? --- I then ran away.

Were you wounded as you were running away? --- I ran towards the direction of the spot where the people had fallen. I crossed Zwane Street and when I was about to enter the gate of a certain yard it was then that the bullet reached me and I was injured.

Now/....

Now, prior to this particular day, the 21st March, at your firm African Cables, had you ever had any discussions with anybody about the passes? Had anybody discussed passes with you? Let us put it that way? --- No.

Now, when you left your house on the 21st March to go up to the Sharpeville Police Station, were you by yourself or was somebody with you? --- I was in the company of a person with whom I live, i.e. the person from whom I hire a room.

Just the two of you? --- It was only the two of us.

And when you walked to the Police Station - I assume for the moment that you walked there? Is that correct? --- We were cycling.

Along which street did you go? Did you go up Zwane Street or up Seeiso Street to get to the Police Station? --- I do not know the name of that street, but just on the other side of the main street there is another tarred street, but I do not know its name.

Well, you know the street that runs down past the Municipal offices? --- Yes.

That is what they call the main street? --- Yes.

Did you use that street to cycle in on your way to the Police Station? --- No.

Were you ever in that main street at all that day? --- Yes.

When were you there? --- It was at nine o'clock in the morning when I was there in that vicinity of the main street, when I saw a crowd of people going down. I then accompanied that crowd of people who were walking towards the direction of the offices, because I noticed at the offices there was also a crowd, and so I thought that perhaps there was something happening there.

And/....

And did you reach the Municipal offices? --- We only went as far as the hostel. We could not proceed any further because there were Police there and we could not pass.

Did you hear where the crowd was moving to, and why it was going down that direction when you joined it? --- I did not hear where the crowd was proceeding to, because at the stage when we reached that spot where the Police were the Police then started driving the people away in the direction of the location again.

And what did you do when the people were driven back? --- Persons were hit with these "knopkieries" and sticks, and driven away from that spot.

And what did you do when you saw this happening? --- We proceeded back to the location.

And where did you go when you went back to the location? --- I followed the main street home.

So you actually went to your home, you went back home? --- I went straight to my home.

And was it after that that you went out again? --- Yes, it was after that that I again went out.

And was that the occasion that you heard you should go to the Police Station from the people there? --- It was at that stage when I made my ^{way} home that I then heard a person saying "Many people are there at the Police Station!".

So you first went home and then on to the Police Station? --- Yes.

Now, whilst you were waiting at the Police Station did you hear any shouts coming from the crowd? --- Yes, I heard them saying "Iswe Lethu!", and others were singing Sesuthu songs.

What were the songs about that they were singing?

They/....

--- They were hymns which they were singing, church hymns.

These words "Iswe Lethu!", do they have any meaning for you? --- Those words mean "Our country".

But does it have any special meaning or any meaning at all when people gather together and shout "Iswe Lethu!", meaning "Our country! ". What significance does that have? --- I at that time took it to mean this. Seeing that there at Sharpeville it was only the Africans living there at that time, and I took it to mean that they mean that particular area belongs to us.

Have you ever heard of an organisation with the initials P.A.C.? --- No, I have never heard of that.

Before this day did you ever get any circular letters or pamphlets in your post box at home? --- Yes, I did receive one.

You received one? --- I did receive one letter.

How long before the 21st March did you receive this? --- I found this particular letter, and that was the day before the Monday. If I found it today then tomorrow was to be a Monday.

Well, did you find it just the day before the shooting took place? --- Yes.

And what did this thing have to say? --- I heard people remarking that they had found some letters in their post boxes, and so I also went and looked and found one. I did not read it because I am illiterate. I cannot read.

What did you do with it? --- I threw it away.

Now, apart from No. 3 accused did you see anybody else on that day, the 21st March, that you knew? --- Yes.

Who did you see? --- That person sitting there,

Mooi.

Moses/.....

Moses? --- Moses Mooi.

BY THE COURT:

Well, I am not concerned with him anymore! No more questions about Moses Mooi!

BY THE PUBLIC PROSECUTOR:

I am not really concerned with him either Sir!

COURT ADJOURNS.

COURT RESUMES:

ISAAC TATAI, under his former oath, continues:

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Now, did you make a statement to the Police in connection with the happenings at Sharpeville? --- Yes, I did.

Did you make more than one or was it only one statement that you made to the Police? --- I made my statement twice.

Now, were you in hospital when you made one statement? --- Yes, I was in hospital.

Was that the first one or the second one? --- That was the first statement I made, i.e. while at the hospital.

Is that the one some six days after the 21st March? It was on a Sunday? --- I do not know. I cannot recollect.

So have a look at this and tell me if that is your signature on the statement? --- Yes, that is my signature at the bottom.

Now, that is a statement which purports to have been made on the 27th March, 1960, at the Vereeniging Hospital at 9.30 a.m. (Exhibit 83). --- I cannot say whether it was on a Sunday or on what day, because at that time my senses were not clear.
^{together.}

Where were you wounded? --- The bullet penetrated my/....

my back and came out on the right side of my neck where I show a wound.

Do you understand Afrikaans? ---Yes, although not so much.

I would like to read out some portions of your statement, and then to find out from you whether you said that, i.e. those three portions which the Crown alleges are.....

BY THE COURT:

Mr. Prosecutor, your procedure is not quite correct. You may put it to the witness bluntly whether he had made a previous statement inconsistent with his evidence today, after you have given him particulars as to the date and place when he made the statement.

BY THE PUBLIC PROSECUTOR:

Yes, Sir. I did envisage doing that Sir, but Your Worship will recall

BY THE COURT:

Yes, all right. That seems to me the correct procedure. Give him the date and place, and then you put it to him whether he has made a statement inconsistent with his evidence. Then you may prove it after that.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

You apparently have some recollection of making a statement in the Vereeniging Hospital?

BY THE COURT:

Except that he said "at the time my senses were not well." Remember that. He was a wounded man, with some wound in the back and an exit wound through his neck.

BY THE PUBLIC PROSECUTOR:

Yes Sir. All I can really do is to put that blunt statement to him and then ^{if I want to} ~~ask him to~~ take it any further I will/.....

will have to obviously prove that he was in his sound and sober senses through some other means.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Now, is the evidence which you have given here today in Court consistent or inconsistent with anything you might have said in the statement you made at the Vereeniging Hospital? --- I would not say, because I am not in a position to say what I said at the time when I was still ill. I do not recollect what I said then.

BY THE COURT:

Mr. Prosecutor, are you going to try to prove the statement or what are you going to do?

BY THE PUBLIC PROSECUTOR:

Yes Sir, I will obviously have to call the man who took the statement.

CROSS-EXAMINED BY MR. UNTERHALTER:

I would like you please to look at Exhibits 45, 46 and 77? --- Yes, I do see them.

Now, those pictures show a crowd standing against a fence. Do you recognise that as being a part of the crowd that was outside the Police Station before the shooting on the 21st March? --- Yes.

You will notice that in Exhibits 45 and 46 the crowd seems to be looking rather curiously towards the gate in the middle of the western fence? --- Yes, I see that they are looking in one direction.

And in Exhibit 77 you will notice that some people in the crowd have got open umbrellas? --- Yes.

Now, for the period that you stood where you have described, i.e. at the south-western corner of the Police

Station/....

Station, would you say that that was more or less the way the crowd was behaving, or not? --- The majority were standing there in the vicinity of Zwane Street, and their attitude as far as I see them in Court, I would say it was the same as I see here.

On the photograph. About what time did you get to the Police Station and join this crowd? --- It was between ten and eleven o'clock.

That was before the planes arrived? --- The planes arrived whilst I was there already.

And you remained after the arrival of the planes until the firing started? --- Yes.

Now, you say that you saw two men being pulled in at the gate apparently by their shirts? --- Yes.

Did you notice if one of them was wearing a straw hat? --- Yes, the Sesuthu straw hat.

Did you see that hat fall off as he was pulled along? --- Yes.

Now, you have told His Worship that you saw the firing and you stood confused? --- Yes.

As the firing broke out did the crowd continue to remain there for the time that the shooting continued, or did the crowd almost immediately break and run away? --- The crowd ran away.

That was almost immediately after the firing started? --- Just when the firing commenced then the crowd ran away.

Now, you said that you ran too and when you reached the gate of a certain yard you were hit by a bullet? --- Yes.

I want you to try if possible to tell His Worship approximately where you were when you were hit by the bullet, and I am going to ask you some questions to assist you in

giving/....

giving the answer. Now, you know that Zwane Street runs past the Police Station? --- Yes.

In one direction it goes towards the dam, i.e. somewhere near where you come into Sharpeville from Vereeniging? That is where the sun rises in the morning. In the other direction it goes down towards where the Site and Service is, and the sports ground is, and that is where the sun goes down at night. --- Yes.

Now, you were standing somewhere near the corner of Zwane Street and the street that has not got a name? --- Yes, I was at the corner.

And you said that you ran across Zwane Street to a yard. What I want to know is did you run immediately opposite to where you were standing in Zwane Street, or did you run at an angle along Zwane Street towards the east, i.e. where the sun rises, or did you run along Zwane Street towards the west where the sun sets? --- I ran southwards, following the direction in which this street which crosses Zwane Street is running.

I see. And were you still in Zwane Street when you were hit, or were you already beyond Zwane Street in this southern street in which you say you were running? --- I had by then crossed Zwane Street, and I was then running along the street which crosses Zwane Street, running southwards.

As you go down that street were you on the lefthand side of that street in which you were running, or on your righthand side, when you were hit? --- I was running on the righthand side of the street.

Do you know the main entrance to the Police Station? That is not where the big double gates are, but where the small gate is in Zwane Street. --- Yes, I do know.

Now/....

Now, we have been told in this Court that there was a group of Policemen stationed beyond that gate and across Zwane Street about the time that the firing took place and earlier? --- Yes, I did see that group of Police, but they were not at the corner where I was. They were a distance, a little below the small Police Station gate on the southern side.

That is where Captain Coetzee places them himself. What I wanted to ask you is can you tell His Worship whether, while you were standing at the south-western corner where you have placed yourself, you at any time heard any shots coming from the direction of where those Police were? --- At that stage, whilst I was still standing there the first time, I did not hear any shots being fired from that direction, but at the stage after the Police, who were immediately standing in front of us there in line, had started firing, I then heard shots coming from that direction too where the group of Police were in Zwane Street.

Now, I want you to consider your answer to my next question very carefully before you answer it. The shots that you say you heard coming from that direction, i.e. in Zwane Street just beyond the small gate of the Police Station, is it possible that those shots came just a couple of seconds before the men started firing from the Police Station grounds? --- I cannot give a definite answer to that question, because what I actually heard was what happened in front of me there at that spot.

Apart from the firing which you heard coming from in front of you, and I take it from the line of Police who were in the Police Station grounds, did you at any time hear any shots coming from the crowd of Africans beyond the fence? --- No, Your Worship, I only heard that firing.

Thank you, Your Worship.

No/....

2,489.

I. Tatai.

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

NO RE-EXAMINATION BY THE PUBLIC PROSECUTOR.

BY THE COURT:

This matter of the applicability of the Section to be left over, i.e. Section 286.

BY THE PUBLIC PROSECUTOR:

Yes, Your Worship.

BY MR. UNTERHALTER:

Your Worship, I assume that depending upon the development of this aspect of the case Exhibit No. 83 will be made available to the Defence.

BY THE COURT:

I think it is available to you. I don't want to look at it meanwhile. It is a bit difficult to give an exact ruling, but having been exhibited by the Crown it becomes part of the record only on purpose. At this stage I am not going to look at it.

BY MR. UNTERHALTER:

As Your Worship pleases.

COURT ADJOURNS UNTIL 21.12.1960.