S. Storo 326: 323.2 (68232) com Nol 35

2490 - 2553.

#### 21 DESEMBER 1960.

#### HOF HERVAT : VERSKYNINGS SOOS VOORHEEN.

Die Hof versoek die getuie Isaac Tatai om op hierdie stadium na vore te kom en na die getuienis te luister, aangesien dit hom raak.

Die Publieke Aanklaer roep:

GENGE PREDERIK REYNEKE, bevestig dat hy die waarheid sal prast: VERHOOR DEUR DIE PUBLIEKE AANKLAER:

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

En op die 27ste Maart hierdie jaar, omtrent 9.30 v.m., het u na die Verseniging Hospitaal gegaan met die doel om 'n verklaring te neem van 'n sekere Isaac Tatai? --- Van hom en verskeie ander Bantoes.

Sal u Isaac Tatai kam uitwys? --- Nec.

En kan u onthou waar u die persoon gekry het, d.i.
Isaac Tatai? --- Hy was in 'n bed in die hospitaal waar hy
behandeling ontvang het.

Was enige beserings sighaar aan die persoon van Isaac Tatai wat u kon sien? — Ek kan nie onthou nie. Ek het daardie oggend ongeveer dertig verklarings gemeen, en ek kan nie die besondere geval onthou nie.

En het u 'n Bantoekomstabel saamgemeem en as 'n tolk op te tree? --- Bantoespeurder James.

Nou, ek wil u 'n bewysstuk toon. Dit is bewysstuk 83. Is dit 'n verklaring wat u gemeem het? --- Ja.

En dit wil voorkom awof 'n sekere persoon met die maam van Isasc Tatai daardie verklaring aan u gemaak het? ---Dit is reg. In die Vereeniging Hospitaal op die datum..

wat was die toestand gan die persoon van wie u die verklaring geneem het, d.i. in verband met bedwelmende drank, bedwelmende middels, of of hy by sy volle verstand en nugter HOF HERVAT : VERS

Die Hof versoek d na vore te kom en

hom reak.

Die Publieke Aani

GEORGE PREDERIK

VERHOOR DEUR DIE

La u.

Afrikaanse Polisi

En op

het u na die Vere

verklaring te nee

verskeie ander B

Sal u

En kon

Issac Tatai? ---

behandeling ontv

Was es

Issac Tatai wat

daardie oggend o

nie die besonder

En he

op te tree? ---

Nou.

83. Is dit 'n v

En 81

naam van Isaac I

Dit is reg. In

Wat w

verklaring genee

bedwelmende midd

was? --- Ek het myself tevrede gestel dat die persoon nugter was en dat hy samehangend was.

Nou, hoe was die verklaring van hom geneem? Deur middel van een algemene inleidende vraag, of deur vrae en antwoorde, d.i. vrae wat u aan hom gestel het en wat hy geantwoord het? — Ek het vasgestel dat die persoon van wie ek die verklaring gemeem het op die 21ste verwond was, en dat dit blykbaar 'n skietwond was, en ek het toe aan hom gevra ek wil by hom weet waar hy verwond was en hoe hy verwond was, en hy het toe aan die tolk 'n storie vertel wat aan my corvertelk was, en wat ek toe paragraaf-paragraaf angeneem het soos die storie vertel is.

In madet die verklaring geneem is en voordat die persoon die verklaring geteken het, hoe was die inhoud aan die persoon eorgedra? --- Wat ek altyd doen is ek lees die verklaring in die taal oor aan die tolk en hy tolk dit weer terug aan die getuie, en dan vra ek hom of hy tevrede is dat dit reg is, en as hy dan te kenne gee dat dit/is dan teken hy, en dit was dan gedoen in hierdie geval.

Op hierdie stadium het ek geen verdere vrae nie, Edelagbare.

#### KRUISVERHOOR DEUR MNR. UNTERHALTER:

Sergeant, what was the day upon which according to Exhibit 83 you took the statement? --- It was on a Sunday morning.

The calendar day I mean? — You mean the date?
Yes, the date? — The 27th.

The 27th Magch. You say that you took statements from about thirty injured? — About. It was quite a good number. I should say about thirty. When I say statements some did not want to say anything, and others just gave very

short/....

was? -- Ek h was en dat hy

middel van een antwoorde, d.i woord het? \_\_\_

verklaring gen blykbaar 'n sk

by hom west wa

het toe aan di.

storie vertel

standarin En r

persoon die ver persoon oorgedr

in die taal oor

getuie, en dan as hy dan te ke

gedoen in hierd

d qo

Edelagbere.

KRUISVERHOOR DE

Serge

Exhibit 83 you t

The

Yes,

The 2

from about thirt
number. I shoul
some did not wan

short statements, just to say that they did not know how they got injured, but this was one of the long ones.

2,492.

Now, having handled quite a large number of these on that day, you have not got an independent recollection of each one of them, have you? —— No, I said so earlier in my evidence that I cannot recollect this specific case. It is only by referring to this statement now before me.

Now, these people, being in hospital, were in various states of injury I presume? —— Yes. The one in question, according to my information, had a bullet wound of the back.

When you say the one in question is this the one who gave you the statement Exhibit 837 --- Correct.

You say that from refreshing your memory by reading what you see on the statement before you new? --- Yes, what he told me.

Now, is it not a fact that very many of these people just a few days after having been wounded was still in con-

And Sergeant may it not be that because of their physical condition and their pain, the type of statement they gave you might possibly not be as accurate as one given by a man not in pain? —— Your Worship, I did not take a statement unless a man appeared to be coherent and to be able to tell me what he knew or what I wanted to know.

Sergeant, you used your own judgement as to whether or not a particular person was able to talk properly to you?

---- Yes.

I take it you did not consult any doctor? --- Well, we did get permission from the Medical Superintendent.

BY THE COURT:

Would that just be general permission to interview the/....

short statemer

on that day, y each one of th

NO M

Winer

evidence that only by referr

states of injurace to my

who gave you the

what you see on told me.

wolf et at

just a few days stderable paint

physical condition

gave you might po man not in pain? unless a man appe

what he knew or w

or not a particul

I take

BY THE COURT:

BlueW

the persons? --- To interview yes, but not specifically.

Not as to the state of the person concermed? --- No.

# CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now Sergeant, it therefore follows I take it that in connection with any particular person whom you were interviewing you yourself were unaware whether he might at that moment be under the influence of drugs to alleviate the pain you would not know that? — I don't think so Your Worship. I would have been able to judge whether the man was able to give me a coherent statement.

No Sergeant, you don't seem to have understood my question. I am going to put it to you again. You as a layman, not consulting the doctor specifically, did not know whether any particular man whom you were interviewing, was or was not under the influence of drugs? —— Yes. I cannot say that the man did not have drugs or did have, but I say this. That I took a statement from a man who appeared to me to be able to know what he was saying.

Just to clear it up completely. You would not know whether a few hours or half as hour before your interview the man had been given say an injection of "pethadame"? You would not know that? —— I would not have known it, but I wouldhave seen it in his condition, if he was affected by the drug.

Sergeant, you don't claim to know what the effect say of a drug like "pethidine" might be in its external/mani-festations, do you? --- No, but I claim to know when a man is coherent or not in regard to a specific matter.

But the effect of administering along might have had a subjective influence upon the patient which you could not observe and know? —— I agree, but on the same hand I asked observe and know? —— I agree, but on the same hand I asked all the people what date it was, and by various questions I satisfied/....

the persons? --s toN . Francisco

CROSS-EXAMINATION Now Se

in connection wit viewing you yours moment be under t you would not kno I would have been give me a coheren No Ser

ms I question. not consulting the any particular man under the influence man did not have d took a statement f know what he was s Just to

whether a few hour man had been given mot know that? --seen it in his cond Sergean

say of a drug like festations, do you? is coherent or not. But the

had a subjective in observe and know? all the people what

satisfied myself that at that stage the persons that I took statements from knew what they were talking about. What the effect of drugs of them were I cannot say. I cannot say what the effect had been.

When you asked the date you did it in order to test the patient's orientation in time? --- Not only that. That was one of the things.

Now, did you record for example on Exhibit 83 that you had made this test to orientate him in time by asking him the date? --- I have recorded here in Afrikaans: "Ek is tame 'n pasient by die Vereeniging hospitaal". That would have been in reply to a question of mine. "Ek was op Maandag die 21ste Meart versond by Sharpeville Polisiestasie in die skietvoorval toe die Polisie op die Bamtoes gevuur het." Now, that is part of a verbal statement to me through which I satisfied myself that the man knew why he was in hospital, and how he got injure

My question is your having said to His Worship earli you questioned him as to the date, why does it not appear at the heading of your statement "The patient says that he is awar today is Sunday the 27th March?. He answers this in reply to a question that I put to him", or words to that effect? Why is that absent from the statement? --- I see no reason why I should have recorded it. The man was regarded as an ordinary witness. It is never done.

Sergeent, you will concede that he is not en ordinar witness in the sense of a man who is unwounded? Here is a man lying in hospital with a wound that apparently entered ) and came out at his neck. It is not like a person whom you interview in his office, and who is unaffected by any injury? You agree with that, don't you? -- I agree with you, but I would like to add that I used more tact, and was in fact more courteous/....

satisfied myself statements from kn effect of drugs or the effect had be When yo

the pattent's ori one of the things. in sommooming at

you had made this the date? --- I ha 'n pasient by die in reply to a quest Meart verwond by SH toe die Polisie op omedeta ladrev a lo

that the man know w any farth my quest you questioned him the heading of your today is Sunday the to a question that Why is that absent roper even bluome I ven at TT .asentiw not know Sergeent witness in the sens lying in hospital wi

and came out at his

interview in his off

You seree with that,

would like to add th

ns subjective in

- Smound pure extracto

all the people what

courteous than what you normally are.

Sergeant, I am not suggesting to you that you were unkind. I am sure any person seeing these unfortunate people in a hospital in that condition, would have acted similarly. What I want to ask you, however, is this. You were aware by very reason of the fact that you have said to His Worship that you tested for date, that this was just not an ordinary person, but it required very special attention on your part as the questioner, is that not so? -- Correct.

Now, being aware of that Sergeant, then why did you not safeguard your own position by putting that as a preliminary to your interview at the head of Exhibit 83? --- I did not consider at the time that it would ever have been questioned that this man was not possibly in his sound and sober senses; it never entered my mind.

You gave evidence in this Court some weeks ago Sergeant, did you not? -- I did yes.

Do you remember that on that earlier occasion there was testimony to the effect that you informed the person you were interviewing that he was under a duty to disclose certain information to you? -- I did.

Now, as a Policeman Sergeant, do you concede that that was the wrong procedure to adopt, do you not? --- It is not; not as far as I am concerned.

Does the Code not give a Policeman only the power to ask the name and address? --- Yes, but the Code also provides that if a person does not wish to or refuses to make a statement he cam be brought before a Magistrate and info obtained from him.

But Sergeent, there is no provision in the Code which says that a Policemen may say to a person whom he is interviewing/ .... ourteous than what

united. I am sure in a hospital in the that I want to ask the carry reason of the you tested for date, but it required very questioner, is that

not safeguard your of to your interview at consider at the time that this man was not the accordance on the conserver of the conserver.

Now, bein

Sergeant, did you no

ver testimony to the

that was the wrong a mote and the far and

Does the name and that if a person does the can be brought be obtained from him.

But Serse which cays that a, P.

ha everontume a bak

he seemed like granemate

Tally michael and Lia

interviewing "You are under a duty to answer my questions, other than name and address". Do you concede that? --- No. I don't. There is bothing in the Gode which forbids me as a Policeman not to say that to a person. My actions are not governed by the Gode.

Let me put it to you another way. Is there anything in the Gode that empowers you to make that statement to a person whom you interview, other than as regards name and address? — Well, to tell you, a Policeman's duties in so far as witnesses and accused persons are concerned, are laid down in what is termed the Judges' hules, which do not appear in any Law; it is just a guide to a Policeman. A Policeman must use his discretion. There are ten different rules by which he is guided.

Mr. Reynelse, you have not answered the question. I am asking you is there snything in the Gode - I will hand it to you if you would like to look at it - that empowers you as a Policemen to make that statement "That you are under a duty to answers my questions," other than in connection with names and addresses? -— I have answered you. I told you that according to the Gode a man is compelled to make a statement to a Magistrate, and it is a Policeman's duty to put it to a person that unless he tells him he can be compelled to give the information.

No, that is not my question Mr. Reyneks. I am not discussing Section 83. I am discussing your rights as a Police-discussing Section 83. I am discussing your rights as a Police-discussing Section 83. I am discussing your rights as a Police-discussing Section 83. I am discussing your rights as a Police-discussing section 83. I am discussing your rights as a Police-discussion of the Police of t

Now, in regard to your investigation apropos of Exhibit 83, do you not think that here similarly your procedure was/....

unicipal. I an are an interpretary to a property the page and policemen not to say governed by the Code that empression whom you interpretary to the test and acquaed paragraph and say acquaed the Judgest Buttermed the Butt

counteons than wast y

discretion. There ex Stea ung bin abouting Mr. Reynels an saking you is then to you if you would l Policemen to make the answers my questions! addresses? --- I hav to the Code a man is Magistrate. sand it is that unless he tells wast nonted a suction he can be Me, thetet disquesing Section 83 man. Is there saythin empowered to say sto a under a duty to answe Now, in re Exhibit 83, de you no

was not as exhaustive as it might have been? --- No, I don't agree. The position was entirely different.

Mr. Reymeke, I am not suggesting that you told the person you were interviewing that he was under a duty to answer your questions. Can I assume that you did not? —— I am not implying that.

#### BY THE COURT:

Then what are all the questions being asked about them?

#### BY MR. UNTERHALTER:

In one moment Your Worship I will make the point clear.

## CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

I take it Mr. Reyneke that in fact you did not say to this man he was under a duty to answer your questions? ——
No, because he was a possible witness. I mean there was no need to tell him that.

Now, having suggested to you, and I shall argue that in due course to His Worship, that your procedure on other occasions had actually been wrong in having told a person that he was under a duty to answer questions as a Policeman when you should not have put it to him, I am suggesting to you that less likewise your procedure was wrong in having failed clearly to indicate on Exhibit 83 the test for orientation that you have spoken about to His Worship? —— Your Worship, I don't see. I was referred to one other occasions, and not occasions, where I have taken some of the statements, and on hat occasion the circumstances were different.

Mr. Reyneke, I take it you did not understand the inguage in which that particular person was giving his answers you? --- No, I said that I used an Interpreter.

80/ ....

was not as exhaustive agree. The position

person you were interv
your questions. Can I

BY THE COURT | THE SEE

rate Then what ar

then? L. to tall young

BY MR. UMTERHALTER:

In one moment

clear. that a milde to a

CROSS-EXAMINATION BY MR.

and it was I take it Mr.

to this man hewes under a No, because he was a poss

Now, having suin due course to His Worsh occasions had actually been seems under a duty to ansou should not have put it as illewise your proceduation indicate on Exhibit 83 to a spoken about to His Worse. I was referred to o

cessions, where I have tal

under a daty to ansee Mr. Reyneke, I t

nguage in which that part

So you had to judge coherence from the way the answer was conveyed to you by the Interpreter? —— And by the appearance of the witness at the time.

You could not gather from the language whether in the African language the words were coming out in a hesitant or disconnected way and were in fact being assembled into a coherent form by the Interpreter as he gave you the answer, could you? — No, of course I cannot remember how the witness spoke, but I say that I would not have taken the statement if I had seen that this man was for instance sleepy or he appeared to have been under the influence of a drug, or he could not speak properly; I would not have taken his statement. Although I do not understand his tongue, you can see when a man wpeaks fluently or hesitantly or incoherently. That you observe. You don't have to know the man's tongue.

Mr. Reyneke, is there any reason you can give why in fact you did not deem it fit to consult a doctor as to the condition of any man you proposed to interview? — The only answer I can give there is that from my observations the man was not so seriously injured or in such a physical condition that he could not interview me. There were cases where we did not interview the people. They were in elwious pain and they could not... it was obvious that it would have been/embarrassment to be interviewed.

Thank you, Your Worship.

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

RB-EXAMINED BY THE PUBLIC PROSECUTOR:

Sorgeant, is there anything in the socalled Code which prescribes or requires that a person taking a statement....

BY THE COURT:

Why not ask me that question, Mr. Prosecutor?

10/. No.

was not us and new So you b

Engwer was conveyed

appearance of the w

You could

the African language

or disconnected way

coherent form by the

could you? -- No. of

spoke, but I say that sidt jadt ness bad T

to have been under th

speak properly; I we

though I do not under

speaks fluently or hes

ad t'nob boy cevredo of

tog becomes hard acresses

seen fact you at a not dec

condition of any man yo

in shewer I can give there

comes met so seriously in

that he could not inter

bonot interview the people erwould not.... it was ob

ment to be interviewed.

ave spoken sighank your Yo

ree. I sag referred : NO GROSS-EXAMINATION BY

LIEUT SHT YE GENINATE-ES

Sergeant, is,

which present bes or requi

THE COURT I DATE THE

Why not sak me

## BY THE PUBLIC PROSECUTOR:

I could argue it, Your Worship, I will abandon that question, Your Worship.

# ELABORITATION BY THE PUBLIC PROSECUTOR CONTINUED:

Sergeant, how long is that statement? How many pages does it comprise ? -- Nearly three, two-and-a-half. Thank you, Your Worship.

# JAMES NTIKANE, beedig, verklaar:

# VERHOOR DEUR DIE PUBLIEKE AANKLAER;

Is u 'n Bantoe Speurderkonstabel in diens van die Suid-Afrikaanse Polisie te Vereeniging? --- Ek is,

Op die 27ste van Maart hierdie jaar omtrent 9,30 v.m. het jy Sersant Reyneke vergesel na die Vereeniging Hospitaal om as tolk op te tree wanneer hy verklarings neem? --- Ja,

Jy het nou bewysstuk nr. 83 voor jou, Staan jou handtekening daarop as 'n getuie en tolk? --- Dit is my handtekening ja.

Sal jy in start wees om die persoon wie daaydie verklaring geteken het, nl, die persoon Issac Tatai, uit te ken? --- JA.

Sal jy net afstaen en deur die Hof kyk om te sien of deardie persoon teenwoordig is? -- (Getuie steam of em wys Iwasc Tatal uit).

# BY THE PUBLIC PROSECUTOR:

Your Worship, I noticed that there was some slight disturbance amongst the accused when the witness walked across and pointed out the witness Isaac Tatai,

Verhoor/....

## BY THE PUBLIC PROSE

I could

that question, Your

#### wait to sometrough HE THE MOITARTHANKEARS

Sergeant,

pages does it compri

Thank you

Thor bluos

d seles and eved eved es JAMES NTIKANE, beedig VERHOOR DEUR DIE PUBL

Is u 'n Bar

at no promoved assoque Suid-Afrikaanse Polisi

Op die 27s

het jy Sersant Reyneke

om as tolk op te tree DATE TO BE TO BE TO BE

Jy het nou

handtekening daarop as

tekening ja. t and land

mot latery Sal jy in s verklaring geteken het

Sal Jy net

of dazrdie persoon teer

we Issac Tatet uit).

HE THE PUBLIC PROSECUTO

Your Worship

Hay not seek

disturbance amongst the

and pointed out the wit

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Jy het nou Isaac Tatai uitgewys. Kan u onthou of hy in die bed was en of hy rondgeloop het, of waar hy was tydens die verklaring? - Ek dink hy was in die bed gewees.

En watter tale het jy gebruik toe jy getolk het? --- Ek het Bantoetaal gepraat, maar ek kan definitief nie sê....

En die ander amptelike taal, wat was dit? -- Dit was Afrikaans.

En het jy tot die beste van jou vermoë getolk vanaf die Bantoetaal na Afrikaans, en weer vanaf Afrikaans na die Bantoetaal? -- Ja.

Nou, wat was die toestand van die getuie Isaac Tatai sover as sy bekwaamheid om die verklaring te maak betref? ---Dit is baie moeilik om te sê wat die toestand van die getuie Was.

Hoe lank is deardie verklaring wat hy gemaak het, hoeveel blasis? -- Ekskups?

Hoe lank is deardie verklaring? Twee-en-'n-half bladsye, is dit nie? - Ja.

Nou, tydens die neem van die verklaring het die getuie Isaac Tatai ooit gekla or enige klagtes aan jou gerig? --- Nie sover ek onthou nie.

Dankie, Edelagbare.

# KRUISVERBOOK DEUR MUR. UNCEREALTER:

Were you in the Court at all during t

- Yes.

Did you observe Issue come forward when His Worship suggested that he should be present to hear this testimony? -Not at that time. At that time I was outside.

How do you know that His Worship made such a statement, or do you know it? -- No.

Ву/...

UE HIG RUNG HOOHRHY

dy het n

of hy in die bed was

trulars ath enshits

En wation

esteorned ded Mantootes

an die an

was Afrikasos.

kt ted al

die Bantoetaal na Af

Bantoetaal? ---Ja.

JAMES WILL NOW, wat

sover se sy bekwasein

Dit is bate mocilik d

ALL THE STATE OF THE SECTION OF THE

Hoe lank 1

I --- Setsold Iseveon

om as tell Hoe Jonk 1

bladaye, is dit nie?

hand to tyden

tactuie Issac Tatat on

die sover en onth

verkieren Denkie. Ede

KENTSVERHOOR DEUR MUR.

Were you in

eves accepted elegant 10

the Lanco Printe you obe

Neugreeted that he show

Not at that time. At

distribute How do you

i womi you do you imow i

BY THE COURT:

I think you have just the witness, Mr. Unterhalter.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

If Your Worship will bear with me. I want to be

fair to him. Do you know that His Worship used those remarks? No, I do not know.

Were you entrusted with the service of a subpoens upon this witness? --- No.

Were you in Court yesterday at all? -- No.

Was the only time that you saw him the time that you took the statement from him in the hospital? --- Yes.

And you did not know him before that day? --- I did. You have an independent recollection of his face then? --- Yes.

I take it you cannot remember in what manner he gave the information to you on the day that you translated what is on Exhibit 83? - I don't clearly follow the question.

Let me put it to you another way. Sergeant Reyneke said that there were about thirty people with whom you were busy at the hospital. Would you agree? -- Yes.

Most of these people were injured? - Yes.

You yourself I take it, because of the large number of people, have no distinct recollection today of the manmer in which whoever the person was who made that statement, spoke to you? You could not describe how he spoke to you today because you handled so many people that day? Would that be correct? --- That is correct.

Among these thirty people there were lots of them I take it who appeared to you to be in pain? -- That is correct. You cannot say whether as regards Isaac he was or was/....

THE COURT: I thi

CHOSS-EXAMINATIO or il

fair to him.

Do you

No, I do not knor

was Afrikanas Were y upon this witness

Were y die Penicetal

Was th Pisstootsall. you took the stat

And you POVER TOVOS You har

then? --- Yes.

Dit is bate :

exist I

the information to

on Exhibit 83? \_\_\_

electer, in Let me

said that there wer

busy at the hospita

lo JeoM parce all ---

You your

of people, have no

in which whoever th to you? You could

because you handled

correct? --- That is

to their latensmit Among the

Not at the tree. At

You canno weets were obtained there a was not im pain at the time? --- No, I cannot. Thank you, Your Worship.

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

NO RE-EXAMINATION BY THE PUBLIC PROSECUTOR.

## BY THE PUBLIC PROSECUTOR:

I will call no further evidence on this point Sir.

#### BY THE COURT!

The question is whether in terms of Section 286 you have proved that the witness has previously made a statement with which his evidence is inconsistent?

### BY THE PUBLIC PROSECUTOR:

That is so, Your Worship.

#### BY THE COURT:

I first want Isaac back in the witness box please,

ISAAC TATAI, duly sworn, states: (Recalled by the Court). BY THE COURT:

Isaac, the Public Prosecutor alleges that you made a statement in hospital which is inconsistent with the evidence which you gave yesterday. I have not read that statement but I am going to ask him to point out on what points he says the evidence is inconsistent. Will you do that very shortly Mr. Prosecutor, and then I will address the witness further.

## BY THE PUBLIC PROSECUTOR:

The crown alleges Sir that on a day approximately w week before the shooting at Sharpeville, and at African Cables two Bentues whom he knows as Dhlamini and Michael spoke to him about/....

PRINCIPALITY was not in pain at Thank y

NO CROSS-EXAMINATIO NO RE-EXAMINATION T

No, I do not have

BY THE PUBLIC PROSEC o Ifiw I

BY THE COURT:

you took the quest

have proved that the with which his eviden BY THE PUBLIC PROSECU

the imigrantion be

That is so

EV THE COURT; 838 ---

I first war

ISAAC TATAT, duly swor THUO OURT IN

ent ossel

Istiquod ai taemetats which you gave yesterd mid was of galog ins I evidence is inconsister Prosecutor, and then I BY THE PUBLIC PROSECUTO

The crown al week before the shootin two Bantues whom he know about "passangeleenthede, en het ons sangesé om op Maandag weg te bly by die werk".

BY THE COURT:

You say that is inconsistent with his evidence? BY THE PUBLIC PROSECUTOR:

Yes, Your Worship. The other one is Sir where he ways "Ek het nie gehoor dat ons daar deur iemand toegespreek sou word nie". That is when he is referring to going to the Police Station. Then the third one is "Ek het nie geweet wat ons dear gemaak het nie. Die Bentoes het almal "Afrikat" gekbree. Ek het nie verwag om deur 'n hooggeplaaste blanke persoon toegespreek to word nie".

BY THE COURT!

Well, that is the same point.

BY THE PUBLIC PROSECUTOR:

Yes, Your Worship.

BY THE COURT:

Then it is really the two points?

BY THE PUBLIC PROSECUTOR:

Really the two points, Sir.

# BY THE COURT : TO THE VITNESS ISAAC TATAL:

Now, the Prosecutor says that you have now said that you had no discussions with a person called Dhlamini and a person called Michael at your work about a week before the shooting. That is what you have said in Court, where ding to the Police statementorou told the Police you did have such discussions with those two people concerning passes, and that they told you not to go to work the next Monday, i.e. on the day of the shooting. Now, you told me yesterday that you had heard from people that a highly placed official was going to address the gathering at the Police Station, and that is why everybody/....

\*\*Mout 'npassangels
weg te bly by die

HY THE COURT:

NO GROSS-E YOU SA

Yes, Y

ways "Ek het nie | sou word nie". Th

Police Station.

ons daar gemask he

person toegespre

THE THE COURT IS NOT

with witten at word,

E PRE SUBLIC FROM

Y ROY

EX THE COURT:

Then it

BY THE PUBLIC PROS

ISAAU TATAT. GReally

OT : THE COURT : TO

Now, th

you had no discuss
which
person called Mich
shooting. That is
evi and ding to the Police

that they told you

such discussions wi

the day of the shoe

Week hed heard from peor

two to address the gath

everybody was going there. Then according to your statement to the Police you said that you had heard nothing like that, you did not expect to be addressed by a highly placed official.

New Isaac, I am going to ask you whether you wish to say amything on the alleged differences between your evidence yesterday and the statement as given to Detective Sergeamt Reyneke and the last witness, James. You admitted your signature to that document yesterday, and they say they took it.

By the way, what all the dispute about his identity this morning was about I still danmot see!

Do you wish to comment on the differences? Do you wish to explain them? What do you wish to do? —— Your Worship, concerning the statement I made first, I have no full knowledge of it. I was not at that time in my sober senses. The statement I have knowledge of is the evidence I gave yesterday.

Did you yesterday say that you made two statements to the Police, i.e. another one afterwards? --- That is correct.

Do you recollect when you made the second statement?

When you were in hospital or when you were out of hospital? ——

I was out of hospital and I was attending the climic when I made the second statement. I still remember.

BY THE COURT:

Mr. Interpreter, have you got that second statement?

BY THE PUBLIC PROSECUTORS

I have got one statement, Sir.

BY THE COURT:

Well, how does it affect this one?

BY THE PUBLIC PROSECUTOR:

This is the one that Your Worship has. It is the only/....

everybody was going to to the Police you sat you did not expect to Now Issae.

ser emything on the all yesterday and the stat Reyneke and the last weignsture to that does

this norming was about

ANT SHOPE POPICEDE

wish to explain them?

ship, concerning the st

knowledge of it. I was

The statement I have kn

yesterday.

to the Police, i.e. and

Do you recoll

I was out of hospital an made the second statemen

THUO AND YE

Mr. Interpret

much I have got one

BE THE COURT:

THE PUBLIC PROSECUTOR:

o ent at athretie of

only one that I have in my possession.

#### BY THE COURT:

Yesterday it was already clear that there were two statements made by this witness to the Police. If I suppose for a moment that the second statement is in accordance with his evidence, then what is the position?

#### BY THE PUBLIC PROSECUTOR:

I did not pay particular attention Sir first of all to his statement that he made a second statement to the Police, because I know that.....

#### BY THE COURT:

It will affect the question of his credibility very much!

#### BY THE PUBLIC PROSECUTOR:

Yes, I know Sir, but I did not pay too much attention to it. I know that persons other than the Police also took statements from people in the hospital, and I thought that there might have been a confusion.

#### BY THE COURT : TO THE WITNESS:

To whom did you make the second statement? To a Policeman, to a private person, to whom? Have you any know-ledge of a second statement so far as the Police are concerned, Mr. Prosecutor?

#### BY THE PUBLIC PROSECUTORS

No Sir, I have only this one and a copy of it, a typed copy of it.

#### BY THE WITNESS:

The Detective who is now standing. He was present when I made that statement.

#### BY THE COURT:

Which detective? --- The one standing up. I made the/....

only one that I heve

THUOD BHT YE

you did not Testerday

etetements made by th edt tadt taemon a Tole

yhis evidence, then wh

PROSEORY DIJERY SHEAT

f fon 516 I'd saussonain

ite his statement that because I know that...

DECOME THE PROOF SHT 18

Tra Lilw JI

words to explain these

OTUDERONS DIABUT THE YE

knewledge Yes, I know

to it. I know that per

statements from people i

might have been a confuc

IN THE COURT ! TO THE WE

to whom did ye

Policemen, to a private

ledge of a second stateme

M. Prosecutory

MOTUDE PROSECUTORS

eved T wis on

of to vood begge

M THE FITNESSIAVE COS

BY THE COURTE Detective wi

when I made that statement.

EL THE COURT OF THOUSE

Which detective?

the statement to a private individual, who was wearing private

That is Mr. Lerm. Was he present? Did you make it clothes. to him or to somebody else? -- I made it to a native, but this detective now in Court was also present.

NO FURTHER QUESTIONS BY THE PUBLIC PROSECUTOR.

# CROSS-EXAMINED BY MR. UNTERHALTER:

Were you in pain at the time that you made that statement in hospital to Mr. Reynske? --- I was in pain. The right portion of my body was paralysed. It is still slightly paralysed.

Did the people in the hespital give you anything at about that time to make the pain a little less? 9- I was given an injection to make it a little bit better.

# CROSS-EXAMINED BY ACCUSED NO. 1:

Between the statements you pregiously made and the evidence you gave in Court, which do you think is the correct version? -- What the true statement is is the evidence I gave yesterday here in Court. I would be telling lies if I say the two former ones are correct.

## BY THE COURT:

How do you know? Do you know that the two former ones are not correct? There is only an allegation that they are not correct, or that one of them is not correct. --- I do not buy they are correct, nor do I say they are incorrect.

What you say is that your evidence here in Court is the truth? and if the statement or statements do not agree with it then you still say that the evidence is the truth and not the statements? Is that right? --- Yes, Your Worship.

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

the statement to a pri

clothes.

.TM ai JadT BIZ Yo

to him or to somebody detective now in Court

NO FURTHER QUESTIONS B

STORY AND A STORY

CROSS-EXAMINED BY MR.

Were you in

statement in hospital right portion of my bo

, begy Large

Did the peo

about that time to mak

an injection te made i

CROSS-EXAMINED BY ACCU

To it. I Between the

the evidence you gave

correct version? --- W

L'eye yesterday here

I say the two former or

THE COURT :

Legge of a How do you

ones are not correct?

are not correct, or th

not key they are corre

Thed on what you sa

to the truth? and if the

with it then you still

L fatuemetate and ton

NO CROSS-EXAMINATION B

BY THE COURT:

Gentlemen, as I see the position that is how I am going to leave the matter at this stage. I shall not peruse Exhibit No. 83 yet. When it comes to the question of the parties addressing the Court on the credibility of this witness the whole matter can be dealt with. I must remark in any case that even if a witness does make conflicting statements that does not necessarily mean that the Court must discard his evidence, or must discard all of his evidence. It is just a matter to be taken into account when the Court weighs his credibility and the weight to be attached to his evidence.

BY THE PUBLIC PROSECUTOR:

Might this Exhibit then Sir be filed in the Exhibit

Book?

BY THE COURT:

Yes. I have marked it and initialled it, and you have told me very roughly what the two points of difference are.

COURT ADJOURNS.

COURT RESUMES

CHRISTRAS EPRETE, states:

BY THE INTERPREEER

Your Worship, the witness is refusing to take the oath. He says even if he does not take the oath he will still speak the truth.

BY THE COURT : TO THE WITNESS:

Why do you refuse to take the oath? --- Why I am refusing/....

the statemen HY THE COURT:

Gentlen

going to leave the

Exhibit No. 83 yet

parties addressing

the whole matter o that even if a wit

does not necessari

teum to .somebive

rimetter to be taken

pactoritty and the

ni in the BENEFICE PUBLIC PROSI

an intention Michteb

Yes. I

have told me very r

T say the tag tag I

TELEPOOR DET M

COURT RESUMES:

Commission of the State of the - CHRISTMAS MERMPE, ST

HY THE INCESSESSES:

is the track work oath. He says even

apent the truth.

BY THE COURT : TO THE

NO OROSA Way do you

refusing to take the oath is because I do not know what it means when I say "God", in otherwoods, "So help me God".

I see. You do not know what an oath means? Is that right? -- No, I do not know.

Have you got may education at all, any formal education? Did you ever go to school or anything like that? --- I do not know even how to write an "A".

Well now, that being so, if you do not understand the nature of an eath, I must admonish you that you must speak the truth. You must go further and speak the whole truth and nothing but the truth. -- Yes, Your Worship.

A further warning which I must give to you is that if a man in the witness box gives evidence which is not the truth, which he knows is not the truth, he may be punished ---Yes. fath the crime of perjury.

Now, let us have a few further details. Do you know what your age is? -- I was born in 1918.

You are no child! --- Yes, I am a man seeing that

And how long/you been working, i.e. working in the I have a wife. towns, if that is what you are doing now; or whether you have just come from the farms or the kreal? -- Does Your Worship want me to tell you where I originally come from, or whether

I have been working in the urban areas? I just want to know whether you have been working

ady or not? -- I have been in the towns for some time alres

working here in Verseniging since 1937.

STANDED HE THE PUBLIC PROSECUTOR: You live in Sharpeville Native Township? --- Yes,

I do.

How long have you been living there? --- For a very long/....

refusing to take the o

I see. Yo

I .on --- Pring by tade

Have you go

education? Did you ev

- I do not know even

that even (Well new, t

the nature of an oath,

the truth. You must a

nothing but the truth.

derestivate A further v

if a man in the witne

tritte, which he knows

ship the crime of per

Now, let us

what your age is? ---

You are no

I have a wife.

And how lon

towns, if that is what just come from the far

want me to tell you wh

I have been working in

tnew taut I Just want

in the towns for some

working here in Vereen

EXAMINED BY THE PUBLIC

esth. No Xou live it

Andreas and woods

MY THE CO How long he

they so with

long time I have been living there.

And have you a wife and children? -- Yes.

and do they live with you at Sharpeville? —— One of my children lives with me there, and the other children of mine are in the Orange Free State.

And the child that lives with you, is it of school going age or is that child working? —— it present that whild, it is a girl, is not of school going age. She is not working, but there are people who are making an attempt to "lobola" her. She is in Johannesburg at present.

BY THE GOURT:

She is approaching marriageable age? Is that right? — Yes. The position is this that at present she has been requested by the people who want to marry her that she should come and visit the home.

# EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Now, do you remember the day that the shooting took place at the Sharpeville Police Station in March this year? — Yes, I do remember.

Do you recall that that took place on a Monday? --Concerning a Monday I don't know anything.

#### BY THE COURT:

You mean you don't know what day of the week it was? -- No. I know nothing about the Monday.

Does he mean he knows nothing about that Monday, or he does not know snything about what Monday is? —— I know nothing concerning that particular Monday, but I know something concerning the 20th, Your Worship.

# EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUEDS

was the 20th the day just prior to the day of the shooting? -- I should only be asked concerning the Sunday.

I/....

long time I have bee refusing to And have means when And do the

of my children lives that right of mine are in the O

And the c school going are or that while, it is a

is not working, but the name to "lobola" her. She the firth. BY THE COURT:

She ta ap

right? — Yes. The been requested by the bruth come and visit

EXAMINATION BY THE PU

what you Now, do yo took took place at the Shawerfunger Ness I do r

Concerning a Monday I

TARUOD SHT AN

want me to You mean y

Does he me

obs hardose not know a nothing concerning the concerning the 20th,

EXAMINATION BY THE PU

shooting --- I should

I should not be asked anything concerning the Monday, because I know nothing.

## BY THE COURT :

Would you mind minding your business? It is not your business as to what you must be asked here in Court! Now, the Public Prosecutor wants to know whether the 20th was the Sunday, and whether it was the day before you heard of this shooting having taken place? Is that so? —— Yes, Your Worship, but I only know much about the Sunday. That is the day that I can give evidence about.

# EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Yes, I just want to establish that your Sunday is thesame Sunday that I am interested in. Now, what do you know about this Sunday? Let's hear it! --- On Sunday night I was woken up. I think it about a quarter to one. After I had been woken up I did not want to go and open the door, but seeing that I was induced in a certain way to open the door From there I then went and opened. I then realised I did so. that should I not open the door these people would then enter through the windows, seeing that they were knocking hard on I then eventually opened. After having opened the windows. I then went to the bedroom. They then filled up the diming-I then asked this room. One then came into the bedroom. particular individual what was the matter, why do they knock on my window so hard and wake me up? He said to me "Man, wake up! Why are you asleep?" I just kept on hesitating. I was very hasitant there. These people were many, and they then forced me out of the house. When I came out in the street I found that there were very many outside, more than those I had seen there inside the house. When I asked them they said There/....

long baca I oned moot I should not be asked I know nothing.

HY THE COURT: of mine Would your your business as to wi Now, the Public Prosec the Sunday, and wheth this shooting having Worship but I only in day that I can give ev EXAMINATION BY THE PUT right? Yes, I just thesame Sunday that I

know about this Sunday I was woken up. I thi had been woken up I dt ubni new I tadt antese I did so. From ther that should I not open through the windows, medt I ... ewobatw alt I then went to the bed room: One then came i particular individual on my window so hard s uple Why are you aslee very heat tant there. forced me out of the b found that there were seen there inside the

"There is nothing you can say here, but go!". I then left.

Where to? --- We then got to the main gate proceeding upwards. When we got to the post office the Police then appeared from the opposite side in their vehicles. On their arrival they did not ask us what we wanted there. They then started hitting us. I was also assaulted, and I show a mark on my head. (Witness indicates the mark to the Court). BY THE COURT:

The witness shows quite a long mark, about 2 inches long. --- Your Worship, the wound received five stitches. After I had been struck I fell alongside the main street. When I got up there at that spot I did not see anybody there in the nearby vicinity. I then took off my vest and tied it round the wound, so that it could not bleed profusely. I then walked away. I went to the hospital.

When did you go to hospital? --- At the same time. In the night? -- In the night.

# EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Now, when these people entered your house did they tell you what they wanted with you? -- They did not tell me. Did you try and find out at all? -- I did ask them what they wanted, but they replied and said I should come out and walk away, come with them.

And once you were outside and walking with them were you able to find out where you were going to and for that purpose? --- When I asked them on arriving outside they said there was nothing we could discuss there, but "You must go. You will see where you are going to".

Did you know any of the persons who same into your house that night? -- There were many people there whom I call. tsotsis. It was this young group. I do not know tsotsis. W111/....

where is nothing y I should my Where to upwards. When we appeared from the o arrival they did no started hitting us. mark on my head. TRUOD ANT YE at lw say the state Iong. -- Your Wo de need ben I retta When I got up there in the nearby victr tiet round the wound them walked away. I was walker Then 61 had been win In the EXAMINATION BY THE Now, wh .os am I tell you what they through the tha you what they wanted, and walk away, com room. One tand one you able to find of nerw -- when there was nothing You will see where forces no cotots you house that night?

t esw tI .efstoef

Will you be able to point out any of these people you allege are tsotsis? --- If he is present here in Court, and if he was present at that time, I will be able to point him out, although I have my doubts as I look amongst them that he is here or they are here.

Will you just stand down and have a look to see if they are present? --- (Witness stands down but is unable to point out anybody). Amongst these who are here I do not recognise anyone as one of those who were present there.

Now, was any damage done at your house that might?

\_\_\_ Yes. What was damaged? -- The windows; the window panes were damaged.

And how were they broken? -- I think they hit them with some object, esusing holes. They had sort of holes in them.

BY THE COURT: How many panes? --- Altogether there were mine window panes which were damaged.

# EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Was emything else besides the window pames damaged?

\_\_\_ No.

and did you remain the rest of the night at the Verseniging Hospital, or did you go home after you had been treated? --- After having been treated for my wound I was then released and allowed to go home.

## BY THE COURT

Them? At what time? -- In the morning.

# EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Were you supposed to go to work that morning?

Yes.

Did you go to work? --- No, I did not go to work because/ .... Will you

There is boom of

ad if he was presen

nim out, although I

he is here or they s

started by Will you

if they are present?

to point out anybody

recognise anyone as

Now, was

.seX ---

Long.

What was

were damaged.

And how

with some object, can

THE COURT:

How many

window panes which w

TANTHATION BY THE F

Was anyth

ing Mas

could backw

And did 3

Verseniging Hospital

treated? -- After 1

released and allowed

THUOD HER OURT:

A PROMW, .... PINIS

THE YE HOLTANTHATE

Were you

fragin sould be wer

. wistons

Did you

because the wound was painful.

mank you, Your Worship.

## CROSS-EXAMINED BY MR. UNTERHALTER:

Just before you were struck on the head somewhere near the post office, did you hear any warning given by the Police, telling you that you must disperse? —— No, I did not hear such a thing.

Did you see the Police clearly as they came out of their vehicles? — I did see them because they appeared from the direction of the hall, the communal hall, proceeding downwards.

And according to you they got out of the vehicles
and they rushed you and struck you without any warning whatsoever?

-- They did not ask what it was, but immediately they came to
us they started just hitting us with their sticks.

Thank you, Your Worship.

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

NO RE-EXAMINATION BY THE PUBLIC PROSECUTOR.

#### BY THE COURT:

Well Christmas, where did you think you were going to that night with this gang of tsotsis? -- I did not know where I was going to.

But why did you go with the tsotsis? — They were pushing me and forcing me to come with them.

And when you saw the Police you did not even have time to complain that you were being adducted? Is that right?

— At the first stage when I was confronted by the Police, when they rushed past me, I did not get a chance of lifting up my hands in order to show them that there was peace with me.

As/ ....

monuse the wound was

Jest the post office,

pitce, telling you th

reception bld you see

their vehicles? -- I

throops bas and scored

md they rushed you an

w they eterted just hi Thank you.

s star webate

IO RE-EXAMINATION BY TH

THE COURT:

Verseast Well Christm that night with this ca

I was soing to.

time.

But why did;

menting me and forcing a

And when you

time to complain that ye

then they rushed past me when they rushed past me

As I say they rushed past me, and when they returned they came from both sides and then started hitting us.

Can you remember what time of the day it was when you were discharged from hospital? Was it still night-time or was it already day-time? — It was already in the early hours of the morning. There was light already.

Did you go straight home? — When I got outside the hospital I found a vehicle there which carried eithers into the location, and I also got into it. I also got a lift to the location.

Did you go straight home, or did you go about in the location first? --- From this vehicle I went straight home.

Did you see any people in the streets? i.e. before you got into your house? — I did not see any people. I remained inside my house.

The whole day? or did you go out? — The whole day.

And then when did you hear that there had been shooting? — I was at my home. I have no evidence concerning the incident of the shooting.

When did somebody tell you about it or when did you hear the sound of the shots, i.e. you yourself? —— I live at Putsao Setenie. The Police Station is far away from there, and I would not be able to hear snything from that distance.

AARON MOKOENA, duly sworn, states: (Witness speaks Sesuthu).

ETAKINED BY THE PUBLIC PROSECUTOR:

Do you live in Sharpeville? ---Yes.

How long have you been living there? --- A very long

And are you your own employer? Do you sell coal?

As I say they rushed trom both sides and the

--- Yes.

you were discharged for was it siready day hours of the morning.

the hospital I found the location, and I a

the part of you go

the location.

the location first? -

you got into your hou

They all the whole

shooting? -- I was a

the incident of the s

a bib medw

hear the sound of the

et Putsao Setenie. T

AKRON MOKOBNA, duli s EXAMINED BY THE PUBLI

Use to commission of the

How long h

the decision value of the your comments of the comments of the

Have you a wife and children? --- Yes.

How old are your children? --- My first child is twenty-three years old.

Have you got any young ones? --- The youngest is ten years old.

Is that a boy or a girl? --- A boy.

And do you and your children and your wife all occupy the same house? —— Yes.

Now, do you remember the day that the shooting took place at Sharpeville, which was on a Monday? --- Yes.

And the day just before that actually was the Sunday?

Now, did you and your family go to sleep in your house on the Sunday night? --- Yes.

And did enything disturb you during the night? --Yes, at night.

What was the first intimation you had of the disturbance? -- I heard a sound of a breaking window pane. It was falling to the ground.

In which room was that? --- That was the front bedroom.

Were you in that room? ---Yes, I was sleeping in that room.

Approximately what time was this? --- I think it was half past twelve.

And what did you do when this sound woke you up? --These people then said "Get up! We are waiting here on you!"

And what did you do? — I then wanted "What is the matter, seeing that you have already broken my window pane?".

They continued and said "We are waiting on you. Do not talk

2/ ....

How old at

New, do yo

place at Sharpeville,

And the day

.esY --

Now, did ye

house on the Sunday ni

eas bib baa

Ies, at night.

baneey --- I heard a c

falling to the ground.

In which ro

bedaroons.

and I were you in

that room.

10.494

Approximate

.evlewf tasg lisd asw

ib tanw bas 100 As

There people then said

And what did

matter, seeing that you

They continued and sat

a lot!"

What did you do then? -- I then dressed myself. They continuously said "Dress immediately! Do not weste our time!" After having dressed myself I then went outside. Just as I walked out of the kitchen door I then found them standing there in front of the kitchen.

How many? -- It was a group.

of what? --- of people.

Men or women? --- Men.

Did you know any of them? --- No, I did not know

them.

Well you be able to point out any of them? --- I did not know them, i.e. at that stage.

BY THE COURT:

No, but the question is willyou be able to identify any of them now? --- I will not be an a position to paint out any of them, seeing that when I got outside they were at that stage then fighting with me.

# EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

How did they fight with you? -- They assaulted me.

How? -- I do not know what object out me on my head, but it was an object which cut me on my head.

But can you describe the sensation you felt? How did you become aware that some object was cutting you on the head? -- I only felt that something was cutting me when it ren down my head.

And at that stage were you aware of anybody behind you? -- I was not aware that there was anybody standing behind me at that stage.

And were there people in front of you? -- The people I saw were in front of me.

Did/....

Have you

twenty-three years of

Mave you

years old.

s tant al

And do you

occupy the same house

The state of the state of the state of

What was th

"!toI a

Tes.

what did y

they constinuously sai

After having time!"

tuo bealew I as fem standing there in fro

How many?

- Stadw 10 di vouce

Men or wom

place at Did you kn

them.

- Iss. Will you b

did not know them, t.

THE COURT:

Mo, but the

eny of them now ---

any of them, seeing th

tw gairing it near easts

ELAMINATION BY THE PUR

How did the

I --- ?woH

do ne saw it jud .beed

But can you

did you become aware t

head? --- I only felt

th them but ren down my nead.

at abile direct bredT And at that

ti cariw bat. you? --- I was not awar

me at that stage.

did were the

I saw were in front of

Did you see any movements amongst these people in front of you at the same time that you felt this sensation on your head? -- Bs, they were lifting up their sticks. They were in a fighting mood.

And after you received this wound, did it cause an open wound, i.e. whatever it was you received on your head? --- Yes.

What happened to you when you received this open wound? -- I then toldfishem that I am not going now. "You can do what you like, because you have already injured me".

Did they tell you where they wanted you to go to? --- No, they did not tell me where I should go with them.

And when you said that you refused to go with them, what happened them? -- Nothing followed after I had refused to accompany them, because I had been injured by them.

Yes, but what did they do? Did they just walk away and leave you, or was there some other incident that took place? --- They then left me there ..

And did you see where they went to? -- That group went downwards from my home ..

Did you notice what they did as they went down the street? --- No ..

and what did you do when they left your premises? --- I received some treatment from my wife. She removed the hair so that the hair should not get into the wound.

Was your wife woken up at all that might when the window pane was shattered? -- Yes.

What happened to your wife when you went out of the kitchen door? -- My wife followed me from behind, in order to close the door from the inside after I had gone out of the house.

D14/ ....

Did yo

front of you at t

your head? --- 'i

nere in a fightin

te bua

an open wound, i.

mending share the

What h

wound? --- I then

do what you like.

Did th

- No, they did

And wh

add not but a what happened the

to accompany then

Yes,

and leave you, or

ments to vin --- They then led

to bna

ri shrawnwob thew

Did yo

street? Du No.

head, but it and wh

--- I received ed

fant on rish ent blo

head? -- I onlyas yo

rem window pane was

d fadw

the ki tchen door

to close the door house. End verse

I HAW WELL IN CLOSE OF

Did you hear her speak at all? ---Yes, she said "I ill close the door from the inside behind you after you have eft".

Did you want her to close that door behind you? --es, seeing that these men wanted me to accompany them. After had walked out of the door I wanted her to close the door ehind me.

Did you have any medical treatment for your wound? --- I remained at my home until in the morning. there astonished because I had had information that there were no people going about; there were no vehicles or there was no transport proceeding to the station or into town.

Did you remain at home the whole day? -- Yes, I remained at home the whole day.

Now, how many window panes were broken at your house? --- Two window panes were broken.

Was there any other damage besides the windows? ---No, it was only the window panes which were damaged. No other damage was caused.

# NO CROSS-EXAMINATION BY MR. UNTERHALTER.

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

## BY THE COURT:

Is there still a visible scar or mark on your head? --- I believe it is still visible, because it was a big wound. Well, show it to me? Let me see it. --- (Witness indicates a mark to the Court).

There is a very small sear on top of his head. Is that the sear now from the place where you got wounded that night? --- Yes, Your Worship.

It is about a quarter of an inch in diameter. did/ ....

Did you difference the door

were in Did you

yes, seeing that th

behind me.

Did you

- I remained at m

no people going abo

no transport proces

Did you

is smalled at home th

to accrew, how

-- Two window pane

no. it was only the

damage was caused.

NO CROSS-EXAMINATION

NO CROSS-EXAMINATION

Total Control (1995)

BY THE COURT:

the hair schere

window pene sh

indicates a mark to

the kt There is

that the sear now for night? \_\_\_ Yes, Your

ods at #I

did not get that wound elsewhere at some other time? --- No, Your Worship.

Very well, thank you. You can stand down.

JOSHUA MOTA, duly sworn, states: (Witness speaks Zulu).

EXAMINED BY THE PUBLIC PROSECUTOR:

Were you employed by the Vaul Transport Company at Verceniging? -- Yes, that is correct.

Are you still employed there? — I do not know now, seeing that since the time of my injury I have never been there.

You were wounded when the shooting took place at Sharpeville? --- That is correct.

Where were you wounded? — Just on the groin. That is where I was injured.

Are you in plaster? --- Yes, I am in plaster.

Now, were you one of the drivers of the buses that do the run from Sharpeville to the Verseniging city? --- Yes.

And the Sunday before you were wounded were you on duty at all? --- Yes, I was on duty.

What time did you come off duty? -- I came off duty at half past eight at night.

And were you scheduled to go on duty on the Monday?

---Yes.

What time? --- I was scheduled to go on duty at 9.30 a.m. the next day.

Now, the Sunday night did you go to bed in your house in Sharpeville? --- That is correct.

Have/...

Did you dil close the door Theed Trong to

were inna you

yes, seeing that th I had walked out of en battae

Did you

- I remained at m there astonished be

no people going abo

no transport proces

Did you

my smod at bentamer

word wow how

-- Two window pane and leswas ther

No. it was only the

damage was caused.

minaroxeb tuows

NO CROSS-EXAMINATION

NO CHOSS-EXAMINATION

Trus Andrews

BY THE COURT! SIVES.

otal the hard there

--- I believe it is

window pens she

indicates a mark to

the Lt Chere is that the sear now fr night? — Yes, Your

ods at tl

did not get that wound elsewhere at some other tige? --- No, Your Worship.

Very well, thank you. You can stand down.

JOSHUA MOTA, duly sworn, states: (Witness speaks Zulu). EXAMINED BY THE PUBLIC PROSECUTOR:

Were you employed by the Vaal Transport Company at Vereeniging? -- Yes, that is correct.

Are you still employed there? --- I do not know now, seeing that since the time of my injury I have never been there.

You were wounded when the shooting took place at Sharpeville? -- That is correct.

Where were you wounded? -- Just on the groin. That is where I was injured.

Are you in plaster? --- Yes, I am in plaster.

Now, were you one of the drivers of the buses that do the run from Sharpeville to the Verseniging city? -- Yes.

And the Sunday before you were wounded were you on

duty at all? -- Yes, I was on duty. What time did you come off duty? -- I came off

duty at half past eight at night. and were you scheduled to go on duty on the Monday?

---Yes. What time? -- I was scheduled to go on duty at 9.30 a.m. the next day.

Now, the Sunday night did you go to bed in your house in Sharpeville? -- That is correct.

Have/....

HA not get that w

w. Indone ...

9 Very we

ha éve dez**léh** busy Tim deze

JOSHUA MOTÁ, duly s WANTNED BY THE PUT

there was were you

fercentging? --- Ye

se transport Are you

now, seeing that si

You were

Sharpeville? --- Th

Where we

to where I was inju

dunage was Are you

TO CHOSS-ST Now, were

do the run from Shan

And the

duty at all? --- Yes

What tig

duty at half past et

And were

Trans a set 18 fort

What time

9.30 a.m. the next of

Now, the

house in Sharpeville

Have you a wife and children? --- Yes.

How many children? - I have seven children.

Are they young ones or working already? --- The first child is still attending school, and the others are not yet. Three of the seven children are attending school, and the four others are not yet of school going age.

Now, after you had gone to bed on the Sunday night did anything disturb you during that night? --- Yes.

What time was it that you were disturbed? --- It was approximately at midnight, at twelve midnight.

And how were youdisturbed? --- People came there and woke me up.

How did they make their presence known to you? ---

Where? - They knocked on the door.

Did you get up and go to the door? -- I requested my son to open the door.

And what happened then? --- At the stage when my son opened the door I was also busy getting up to go to the door and see what these people wanted.

Were you able to reach the door or did something happen before you got there? --- I was able to reach the door.

Nothing happened.

Yes, and what did you see when you reached the door?

--- I just saw a small group of people there.

Were they men or women? --- They were men.

Did you know any of them? -- It was dark and I did not put on the light. I was not able to know any of them.

Will you be able to point out any of the people that you saw? — There was none of them that I recognised.

What did they want there? -- They said that I should/....

Have you man; 11d not set How man; Your Worsit Are ther

first child is stil yet. Three of the

the four others are.

aid anything disturios Wisturios What time

was approximately

Vercont dag?

How did

They knocked.

Where? Totall Did you

my son to open the

And where I had whe

opened the door I

and see what these

do the run from Election to the present the post of th

Nothing happened.

outy at all? Yes, an

duty at half care a duty at the the

Did you

did not put on the

Will y

you saw? — Ther

horse in Sharpevill

should get up. I should get up and dress myself, and they asked me further whether I did not know what this day meant. I then dressed myself.

#### BY THE COURT:

Did you know what that day meant? -- I had already heard about it.

Yes, what had you heard? -- I had already heard that on that day people should not go to work.

## EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Yes, these people spoke about this day, and what else did they say to you at the door there? —— After having dressed myself and having come out of the house and being them, amongst/they then said to me "Seeing that you are one of the drivers we want to take all of you drivers, and you must go outside the location there; because if we do not do that you as drivers may go and fetch the buses and drive people here and cause trouble, and yet we do not want any trouble.

Yes, but what trouble would you be causing by taking people to work? --- That I did not ask them.

Did you know of any trouble if you carried on with the bus service on the Monday? — After having heard already that on that particular Monday people were not supposed to to to work, I then at that stage when this was said to me realised that that was the trouble they were referring to.

And did you go with them? -- Yes, I did go with them.

Where did you go to? --- We went to a spot outside the location, near the trees and in the direction of Vanderbijl-park.

Why did you go with them? -- Because they said we were supposed to go and sit there.

Did/ ....

hould get up. I maked me further t then dressed mys

H THE COURT: yets Ind you

heard about it.

Yes, wh

on that day people

THAMINATION BY THE

Yes, th

did they say to you said bus

dressed myself and them,

amongst/they then

drivers we want to

outelde the locati

as drivers may go s

and cause trouble,

Yes, but

opened the dor people to work? the real year han

Did you

the bus service on

There is the learning of the contract of the c that on that pertic

Mothing happen to work, I then at

that that was the t

And did

them.

Where di

to the for bid the location, near

TOO BOY

Why did

were supposed to go

Did you want to go with them? -- I did not want to

go. Did you tell them that? --- I did not tell them that I did not want to go, because I was afraid.

What were you afraid of? --- I was afraid that perhap they may quarrel with me.

So you went to this place under the trees? - Yes. Did you notice any other bus drivers there? -- I saw them in the morning after dawn.

At this spot under the trees? --- Yes.

And what happened to you when you reached this spot under the trees? -- I just sat there.

For how long? --- Until morning.

Why did you sit there so long? --- Because we were told that we should sit there.

Did anybody remain there to see that you sat there? --- I am not in a position to say whether there was any person or persons who were looking after us there, guarding us, because there were so many. I could not see.

Are you experiencing any discomfort standing there in the witness box? -- Yes, my one leg which got injured gets tired. I am only using the one leg.

### BY THE COURT:

What would be a more comfortable position? To mit down or to stand in some other way? -- Yes, if I am sitting down. (At this stage the witness is given a chair and he sits down).

# EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Did you at any stage try going home? - Yes, during the day when we left the trees and we were proceeding in the location. Others came there and told us that we should go straight/....

sould get up. I show saked no further bld you

that I did not wan

sw tank . The same and branch

they may quarrel w

So you really and real you

eaw them in the mon

He they say at this

under the trees? --

CLIVETE WE WELL FOR HOW

outside the lawy did

fold that we should

and cause troops any

ani jou ma I ---

prow oilw andaren with were

there were so many.

the bus sare Are you

the in the witness box?

to tered. T am only t

\*PRUCO STEP YOU ALL

And what wou

edown or to stand in

down. (At this ets

HET YE MCITANIMAX

Did you

the day when we lef

location. Others c

straight to the Police Station and report why we did not go to work.

Who were these people who suggested that you should go along and make a report? -- I do not know them.

And did you go to the Police Station? --- We went to the Police Station.

What time did you arrive at the Police Station? ——
If I am not making a mistake it was between half past eight
and nine a.m.

And did you make your report? --- Yes, we did make a report.

And after you had made your report what did you do then? --- When we came out there I then left for home.

and once you reached home were there any further interruptions at your home? —— Immediately on my arrival at my home I requested my wife to prepared food for me. Whilst she was busy preparing the food a young boy, or rather a group of young boys arrived there and asked me what was I doing there at my home while the other people had gathered there at the Police Station.

Did you know any of this group? -- Yes, I was able to know three amongst those, whom I had previously seen while on duty.

Will you be able to point them out today if they are present here? — Yes, if they are present here I will.

Will you just look round the Court and see if you see any of them here? Have a good look round? -- I did look before, and I think they are not here.

BY THE COURT:

Have a good look please, at both the people on the lefthand side and on the righthand side? --- No, none of the three/....

straight to the Po . MOM

Taw off

go along and make

And did

the Police Station.

What tin

They bear gaidem ton me I 11

and nine a.m.

And did

STREET, STREET, a report.

And afte

then? --- When we c

And once

interruptions at you

at my home I reques

she was busy prepar

of young boys arriv

at my home while the

Police Station. .

Did you l

to know three amongs

on duty.

Will you

present here? --- Ye

MILL You

to awohile see any of them here

before, and I think

EX THE COURT:

Have a go

Lefthand side and on

the day wife and

location. Coltabal

three are here, but I have had information that one of the three is deceased.

You have heard that one of them is now dead? -On my return from the hospital I heard about that.

# EXAMINATION BY THE PURDIC PROSECUTOR CONTINUED:

So they said to you "What are you doing here? Other people are ghahering at the Police Station". --- Yes.

What happened then? What did you say to them? I then explained to them that I was already from the Police Station and that I had been woken up very early during the night and that I had come home only to get some food to eat.

Yes, and what happened then? -- They then said "All of us have not yet had food. Come, let us go! We do not want that other people should hear from others what is I again persuaded them to wait a going to be said there". few minutes so that I could get myself some food. Then they said to me "Old man, don't cause trouble. Getupp, let us got" I then got up.

Did you go with them? --- I then got up and went with them.

Did you have any food before you left? -- No. When last had you eaten? --- I had had food the last time on my return from work, when I arrived home, and that was the previous night.

So you went with them to the Police Station? --- Yes I then went with them to the Police Station.

And were you there when the Police opened fire? .

From the time that these people came and took you Yes. away from your house, did you remain at the Police Station continuously until the firing took place? --- Yes, I did whilst at/ ....

three is deceased.

three is deceased.

To along an You have

On my return from

THE WINATION BY THE

So they

Ipeople are caherin

I then explained t

a Station and that I

night and that I h

"All of us have no

innet want that othe

atgoing to be said

di few minutes eo th

of set d to me "Old m

at Inthen got up.

Police Statispid yo

with them. d out

Tomono north

to know three Did 40

on duty. When 1

last time on my 2

presenthe previous

Wi So you

sed then went with

before, and I And w

MY Yes. COURT:

MOTT

lefensy from your h

at the Police Station make two attempts to get away and go home, but I was on two occasions then returned or taken back to the Police Station.

#### BY THE COURT:

Just repeat that please? You made two attempts to get away, but? —— I made two attempts to get away to my home, but on two occasions I was taken back to the Police Station.

### EDAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Who took you back? —— I was not the only person who was stopped by these young boys, and they told us "You should go in that direction!". They indicated, and it was not the direction in which we were proceeding.

Was this the same type of courteous young men who had interrupted your meal? —— Those were different ones, although I am not certain whether they were also amongst that group.

I meen the same age group? ---Yes, of slight ages, although of the same group.

How did they actually set about stopping you from going? —— They just shouted and maid "Where are you going to?" to us when we tried to get away.

Why did you not just ignore them and carry on? ——
I was afraid to ignore them and just go away. I was afraid
that perhaps in the evening they may come and cause trouble
for me.

On which side of the Police Station were you? There is the bit gate side opposite the elinic, and then there is a small gate side which is in the street with the island in the middle. Which side of the Police Station were you on?

— When what happened?

No/....

et the Police Stat home, but I was on to the Police Stat

BY THE COURT:

to get away, but?

home, but on two o

ENAMINATION BY THE

oot onware action too

who was stopped by should go in that

not the direction

had interrupted you

although I am not

groups to be "C.L.

nsem I a manif Isa

although of the sa

bib wolled the did

going? -- They ju

to us when we trie

at of bierts esw I

that perhaps in th

for mean write with

On which

ta the big gate side a small gate side the middle. Which

No, when you were taken to the Police Station? I just want to know on which side of the Police Station you were?

— When I approached the Police Station I approached it from the side where there is a small gate. I also got amongst the people there in that vicinity.

whilst you were there on that side did anybody address the crowd? — No, nobody addressed the crowd at that stage.

Did you remain on that side of the Police Station?

all the time? — When I left the south side of the Police

Station I went to the western side where there is a big gate.

Now, from the time that you arrived at the Police Station until the shooting took place, did you hear anybody address the crowd —— No person addressed the crowd whilst I was there, i.e. to say a person perhaps who got on top of something where he could be seen and address the crowd.

No, before we carry on. What query did he put to you Mr. Interpreter? He mentioned something about "Willope...."

BY THE INTERPRETER:

No, it was the word "person", and so he is asking whether it was awwhite person or a non-White person who addressed them.

## EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Well, I want to know whether anybody spoke to the erowd whether White, Black or Yellow, and whether he stood on a beach, on a ladder or on the ground, from the time that you arrived there until the time that the shooting took place? ——
There were people on the inside of the fence who were trying to persuade the people not to come near the fence, close to the fence.

Were these Police officials or otherwise? --- They were/....

No. when

net want to know

L when I approach

pople there in the

Mires the crowd?

deage. but as see a

-- Yould old III

Station I went to

who was of now, fr

Stutton until the

eddress the crowd?

was there, i.e. to

comething where he

alcheogh I No, bef

you Mr. Interprete

BY THE INTERPRETER

st .ou in worth a

whether it was all

- work

SHE YE HOTTANING

Well, I

erowd whether White on a 1 on the bench, on a 1 or a 1 or

the middle were th

NTER TRUE CONTROL

hey were just ordinary people and not Police Officers.

White? --- They were non-Europeans.

Do you know amy of them? —— I was right at the back.

I only heard their voices saying "Do not come close to the

fence. Do not lean against the fence. You must not cause any

damage to any property".

Did you remain at the back in the position where you could not see what was happening just inside the fence until the shooting took place? —— I remained there at the place where I was until such time as the shooting commenced. I could not see or get near to the front to see what was happening there.

So from the time that you were there until the time that the shooting took place, were you able to see what took place there at the gate at all, i.e. at the big gate? —— I was not standing at one spot. When the Police vehicles arrived there in large numbers at that stage I was standing in the visinity of the big gate.

What was the first intimation that you had .....

## BY THE COURT

No, let us get it clear. Could you see what happened at the big gate? You have not replied to that question yet. --- At that minute I could see.

When the vehicles arrived. And after that? ---Yes, at the stage when the Police vehicles arrived I could
see what was happening at the gate.

# EXAMINATION BY THE PUBLIC PROBECUTOR: CONTINUED:

After that stage until the firing took place were you able to observe my other events which took place in the vicinity of the gate? — No. There was a time when I left that spot and proceeded to the café.

And/...

HO, states were just ordinar White? --the stee Do you know

mly beard their voi ones, Do not lean ag

mese to any property Did you ren nou could not see what

mill the shooting tod dese where I was unti

could not see or ge leppening there,

store so from th

that the chooting too place there at the ga

me not standing at o there in large number

visinity of the big

What was

HE THE COURT:

No. Let us

ato ent the benegat m tedt ta ---

When the

Yes, at the stage wh a what was happeni

CAMINATION BY THE P

to permer After the

You able to observe vicinity of the gate

that apot and procee

And when you came back from the café where did you ake up your position? --- On my return from the cafe, between he café and the Police Station, I met other young men whom I We remained there and had a conversation. mew.

Now, just listen carefully. From the time that you returned from the eafé until the time that the Police opened fire, were you able to observe any events that took place in the vicinity of that big gate? --- At the time when I was there I did see what happened, but at the time when I had my back to that area I do not know what happened, or at the time when I was not there and when I was away.

#### BY THE COURT:

Why not let us hear if he saw anything happening at the gate at any stage he happened to look at it? BY THE PUBLIC PROSECUTOR:

Your Worship, I don't want to lead him on that sepect. I want to find out whether he had the opportunity of seeing events which took place at that gate from the time that he arrived until the time that the shooting took place. If he will give me an answer that he did see that or he did not see events taking place, when I will know what aspect to pursue. BY THE COURT:

Just proceed in the way in which you think you want

#### EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

My question to him was from the time that he returned from the café until the time that the shooting took place, was he able to observe any events which took place at the big gate? --- On my return from the café at the spot where I was standing I saw three vehicles, i.e. short vehicles as I indicate with my hand, which arrived there. Seeing that what we had heard

Was/ ....

And w take up your pos the care and the

mew. We remaind the collection of the collection the

fire, were you at

that area I do no was there and was not there and

N THE COURT:

et the gate at an

place there Your Wo

I want to find out
events which took
arrived until the
will give me an an

M THE COURT:

Asppened the bust pro

TANTHATION BY THE

My quest
from the café until
he able to observe

On my return fr

was to the effect that this important European would only arrive there at two o'clock, the one who was supposed to make that speech or whose speech was awaited by these people.....

when did you hear that? — That I heard when I ! returned home, when I came back home.

When you came back after being in the veld? ——
That inssrmation I got after my return from my home, and when
I tried to have a meal at home and was stopped, and when I
returned again to the Police Station.

And where were you when you heard this rumour? At the Police Station, or on your way to it, or still at your house? —I was at the Police Station when I heard that rumour.

Now, was that just a rumour you heard circulating amongst members of the crowd, or was it an announcement made specifically by some particular person? —— I just heard that rumour from the people who were standing there waiting.

Now, you said you went to the café and you came back to the Police Station. When you returned to the Police Station did you remain in the position to which you had returned to until the shooting took place, i.e. in the same spot? —— Yes, I stood at that spot where eventually I was shot.

Row, let's try and establish your position. Here is an exhibit, i.e. No. 13. Just have a look at it for a moment so that I can help you understand it. Do you agree that that is a photograph from the air showing the Sharpeville Police Station? —Yes.

And you can see the front of the Police Station is in the street which has the island running down the middle? That is the street they call Zwane Street. That is where you were earlier on in the morning? —— Yes.

Then you moved round to the western side, i.e. the

was to the eff errive there at that apeech or When

returned home. nedw . Decine

rast insbruation T tried to have returned again

bna

the Police Statt saw I--- Tosuon Now.

amongst members specifically by rumour from the wow or action I

to the Police Sta did you remain in ultoods edt Litau I stood at that a

Now, 1 is an exhibit, i. so that I can hel

the photograph f Station? ---Yes.

from the corand you the street whi

That laythe street were earlier on in

my hand, whichen yo food tags

side just opposite the clinic where that little group is standing opposite where the big gate is situated in the fence? \_\_\_ Yes. Now, I think if you will take a pencil or a pen

and put an "M", 1.e. for your surname, on the spot where you were standing when you were shot, because you were standing on the same spot all the time as I understand your evidence. Before you do that do you understand the photograph sufficiently to be able to put your mark on the spot where you say you were shot? -Yes, I do understand it. (Witness marks the spot on the photograph).

Now, were you on the shop side of the gate or on the Zwane Street side of the gate, the big gate? -- On the shop side.

How far were you from the big gate? Can you indicate the distance? --- As far as the wall.

### BY THE COURT:

Well now, the distance you are indicating is very much the distance from you to the small wall at the back. That was paced off yesterday. --- No, it is not the same distance. (Distance paced off as 12 paces).

# EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED!

And how far were you from the wire fence of the Police Station, i.e. from the nearest point of the wire fense? --- A distance of about from the table to where I am sitting. (Witness indicates about two paces).

(The witness is warned not to discuss the merits of the case with anybody during the lunch adjournment).

COURT ADJOURNS.

Cours/ ....

ade just opposite the etanding opposite where

Now, I thin

and put an "M", i.e. f were standing when you the same apot all the Before you do that do to be able to put your shot? --- Yes, I do une

on the photograph).

House? ... Now, were

the Zwane Street side

shop side.

specifical How far wen

the distance? -- As !

BY THE COURT:

to the Followell now,

much the distance from

was paced off yesterd

(Distance paced off a

DATE OF THE PU

te am existent had now fa Police Station, 1.e.

ods to constate A 111

(Witness indicates ab

De Box box (The witness is warne

distribute and not with snybody during t Tracts off all fail?

OF SI as Thrivan Brown

THE PARTY OF THE P

Market State of

Yes.

JOSHUA MOTA, under his former oath, continues: EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

COURT RESUMES:

We had reached the stage where you described exactly where you were standing on the western side after you had come back from the eafe? -- That is correct.

Now, are you able to tell the Court how long you stood in that position before the firing commenced? --- I cannot say how long it took me, i.e. whilst I was there before the firing started, but it was not a very long time.

And during the time that you stood there until the time that the shooting took place, were you able to observe what took place at that big gate? -- Yes, I was able to see what happened at the big gate.

Now, what was the first intimation that you had that the Police were firing? --- I heard a person who said "Fire!", and then I heard them firing.

What language was used when you heard the word "Fire!"? --- That was said in Afrikaans.

Do you understand Afrikaans? --- Yes, I do not understand it fully but I do understand it.

Will you be able to repeat the word in Afrikaans that you heard and which you have interpreted as "Fire!"? The word is this. He said "Skiet!".

And then the firing took place? --- And the firing took place.

Were you struck by a bullet before you could turn to run away, or had you already commenced to run away when you were struck by a bullet? --- Whilst I was in the act of gurning and running away the first bullet struk me here where

I/....

## OUNT RESUMES:

THE DEED THE

TOSHUA MOTA, under his
TANTHATION BY THE FUBLE
We had reach

nere you were standing nek from the café? ---

rood in that position of how long it took m

time that the shooting that took place at the that happened at the law, what

that the Police were :
"Pire!", and then I he

nereins --- Lust ass Do Non and

understand it fully b

that you heard and wh The word is this. He And then

took place.

to run away, or had you were struck by a turning and running

indicate on my ....

You show on the right outer thigh? --- On the right thigh. The first bullet penetrated here through my thigh. It entered on the side and penetrated in front of the groin. It did not fouch the flesh, Your Worship.

It went through your clothing, the first bullet? --It went through the clothing. I had this glass container
of mine inside, and it got damaged.

BY THE COURT:

You had a glass case in your right trousers pocket?

Is that right? —— Yes.

And the case was struck? I see a mark on it there.

### EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

and then was it another bullet that struck you in the right legs in the right thigh? — When I was about to lift up my leg then the second bullet struck me where I now indicate with my right hand. (Witness indicates near his right hip). When I phinted to my glasses I was saying that it also damaged the case of my spectacles whilst it was still in my pocket.

And as a result of that wound you fell to the ground and could not get up? --- Yes.

And you remained there until you were first of all moved to the side of the road, and then later moved away by transport to hospital? --- Yes.

Now, do you know angledy by the name of Tsolo? --I know him from hearing about him.

But do you know the man? Will you be able to point out a person and say "Well, that is Tsolo"? --- The person whom I saw at the bus stop on the Sunday, i.e. the Sunday before this happened/....

You show on th

The first bullet

mored on the side and n

dd not touch the flesh,

It went through

it sent through the cloti

of mine incide, and it g

H THU COURT:

You had a gla

Is that right? -- Yes.

And the case

SAT THE SOL

DALINATION BY THE PUBL

was the man then was

the right legs in the

lift up my leg then the

indicate with my right

Mp). When I paint also demaged the case

in my pocket.

wederwood and as a re

and could not get up?

Shan son hand you re

loved to the side of

transport to hospital

took plan Now, do yo

I know him from heari

to Link an But do you

out a person and say

I want at the bus sto

happened, I will be able to point him out.

I will come to that in a moment, but will you be able to point out a person as a person whom you know as Tsolo? --- Yes. I can point him out.

Will you have a look through the Court to see if there is anybody here whom you know as Tsolo? --- I have looked and he is not there, that person whom I know as Tsolo.

Do you know any of the accused persons? --- I know those with whom I was at the hospital.

Did you just learn to know them because they happened to be at hospital with you? --- knew before we met at the hospital. The others I just happened to know at the hospital.

Now, which are the four you met before going to hospital? --- The person with the green-blue shirt, and the one next to him. (Witness stands down and points out accused Nos. 24, 27, 41 and 65).

#### BY THE COURT:

BY THE COURT:

Is that all you can point out? --- Those people I have pointed out I know very well.

#### EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Did you see any of these four on the Sunday before the day of the shooting? -- I saw the one right at the back. (Witness points out accused No. 65).

Ambbody else, i.e. on the Sunday? -- That is the person I saw on the Sunday.

#### EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Where did you see him? -- I saw him at his home where he resides. I was walking past his place in the street on my way to work.

By/....

happened, I will be

You I will con

sole to point out a

rest, I can point

and not though Will you !

there is anybody her

and he is not there,

of sine incl. Do you km

those with whom I wa

Did you j

happened to be at ho

we met at the hospit

at the hospital.

Now, which

hospital? -- The I

one next to him. (

Nos. 24, 27, 41 and

HY THE COURT:

test al

I have pointed out

EXAMINATION BY THE

Did you

en the day of the shoo

(Witness points out

DY THE COURT:

transport to Anthody

person I saw on the

THY YE MOITANIMANI I

Where &

owners he resides.

I on my way to work.

THE COURT :

Oh, in the morning? --- I was from my break, my

terval.

AMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Oh, your interval of duty at the bus company? ---

Is that the only occasion on which you saw him in the Sunday or the Monday? -- I saw him on that occasion in Sunday, and I again saw him on Monday there at the Police tation.

What time was that? --- When?

When you saw him at the Police Station on the Monday?

- It was ten o'clock or after ten. I did not look at the time.

Did you speak to him at all? -- No.

When you saw him which side was he of the Police Station, on the southern side or on the western side? --- On the western side.

How far was he from pat? -- As far as that hat in the corner, that coat.

BY THE COURT:

About eight paces away.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

What was he doing when you saw him? ——He was stopping people from going inside the gate. I heard him saying "Do not come near here!" He was saying that in the Sesuthu language.

Did you see what ultimately happened to him? -- No.

Now, the other three that you have mentioned, i.e.

Nos. 24, 27 and 41, did you see them either on the Sunday or
the Monday?

BY THE COURT: Well, why not take them one by one? No. 24,

1/....

W THE COURT ! WILL

Oh, in the m

interred to retain out of

MINATION BY THE PUBL

Oh; your int

ion there is my being be

and he Is that the

m Sunday, and I again

Station.

happen What time wa

we met When you sav

\_\_ It was ten o'clock

Did you spe

hospit When you sa

Station, non the souths

the western side.

ESW TEL HOW far was

the corner, that cost

M THE COURT ( DEED OF THE

LIANTE About eigh

EXAMINATION BY THE PU

d ear tany of ant

stopping people from

Do Mot come near her

language.

person intervouse

MANUEL Now, the

Nos. 24, 27 and 41,

the Monday?

BY THE COURT: TO Well

I want you to stand up please. --- No, I did not see accused No. 24 on the Sunday or on the Monday.

The next one, No. 27? — I did not see accused No. 27 on the Sunday or on the Monday.

## EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And No. 41? --- I also did not see accused No. 41 on those days.

Now, you mentioned something about somebody at a bus stop, and I said that we would return to that later. What were you about to say in respect of that bus stop? — That person I say I saw there at the bus stop on the Sunday I have known before by sight, but I did not know that he was Tsolo. I heard from other people who gathered there; when they told him to go away they said "Tsolo, go away here!"

What was he doing there, this person whom they called Tsolo? —— He was speaking when they told him to go away.

Did you hear what he was saying? —— At that time I was also busy loading the passengers into the bus, but I heard him when he said "We request you not to go to work tomorrow".

Was it on a Sunday? — He continued and said
"We should come and meet here at this square tomorrow, men and
women!".

#### BY THE COURT:

Mr. Prosecutor, do your further Particulars cover speeches by anybody called Tsolo, not an accused or a member of the P.A.C. or mything like that? I just want you to make sure please. Are you going to ask me to infer that Tsolo was one of the accused, or that Tsolo was another person, and if he was another person what common purpose is there alleged

between/....

No. 24 on the Sund

No. 27 on the Sunda

EXAMINATION BY THE

And No. on those days.

Now, you

bus stop, and I sai

person I say I saw

have known before b

Tsolo. I heard from

told him to go away

What was

是一生中生 "TPB

called Tsolo? --- H

away.

the corner, Did you l

ntm when he said "We

was it or

women!".

stopping por it is not a stopping and stopping s

AND THE PROPERTY OF

Mr. Prose

of the P.A.C. or any sure please. Are

was one of the accus

between the accused and this man Tsolo? I have an idea you have alleged it somewhere. I am just not certain, and that is all I want to know.

#### BY THE PUBLIC MOSECUTOR:

Tes Your Worship, there has been alleged in the particulars.... The inference which can be drawn Sir is that we have an accused - I am taking a hypothetical case, Sir, I am not going to say that it is so - that we have an accused corresponding in name to the name that the witness mentioned. Perhaps lateron there might be direct evidence of identity, otherwise the Grown might ask Your Worship to take into consideration the other proved facts, to draw the inference that it must be one of the accused whose name corresponds with the man the witness mentioned, who is that person.

#### BY THE COURT:

I will leave it at that for the time being.

#### BY THE PUBLIC PROSECUTOR:

Your Worship will see on page 6 of the Particulars to count 2 there is mention made of one Job Tsolo, who is a member of the Pan Africanist Congress.

#### BY THE COURT:

Yes, all right. Is there any mention of Job Tsolo in regard to count 1 anywhere, i.e. in regard to Public Violence?

#### BY THE PUBLIC PROSECUTOR:

No, not yet Sir.

#### EXAMINATION BY THE PUBLIC PROSECUTOR : CONTINUED:

What were you saying? He requested you not to?

--- "We request you not to go to work tomorrow. Men and women should gather here at this square, and then from here we will then/....

n of fasw I IIs at TY THE PUBLIC ROSE EXAMINATION YES YOUR particulars.... that we have an acc I am not going to a corresponding in ne Jerhaps lateron the otherwise the Crown deration the other it must be one of t men the witness men

netween the accuse

neveralleged it so

EX THE COURT:

EX THE PUBLIC PROSE

Your Wor

to count 2 there is nember of the Fan A

BY THE COURT: Tes, ako 110 Yes, all

in regard to count 1

aviolence?

BY THE PUBLIC PROSEC

ton on ve asmoores

A ZHT YE WOLTAN PHATE

ours plases. What were

nov Jesuper ower per

e ered redter blood

then take a march to the Police Station to take the complaint about the passes. Women now also carry passes, and we should not leave them behind. We should go along with them so that they can hear for themselves. There is no fighting. You should not be afraid, because we are going to surrender ourselves. If they see that there is anything wrong then they should lock us up. We do not want any person who comes carrying a dangerous weapon or a fighting weapon. You should come here with peaceful spirits. Our complaint is After having only one that is about this burden of a pass". said these words this person then went down the street, and I also then drove away in the bus.

Can you describe this man who was making this speech? --- I can describe this man to a certain extent, where I can still remember his features. He is light in complexion. He is not tall, he is of an average height. He is not a person who is heavily built, but he is just average. He is slightly of my body built, but not equal in size with my body. He is shightly below my build. Those are the features of his body I can describe.

Now, I would like accused No. 3 to stand up and I would like you to look at him for a moment, and I will ask you a question after you have looked at him. How would you describe accused No. 3? --- No, this person is not heftily built. His bodily features are not the same as that one.

I am only asking you to give the Court a description in your own words of No. 3 secused as you have now looked at him? I am not asking you to draw a companison. --- He is also light complexioned. He is not tell and he is not heavily built, but he is of a slight build. That is all.

Now, did you notice whether this man who made this speech/....

then take a march to the Folt bout the passes. Women no not leave them behind. new cen hear for themselves should not be afraid, becaus oursives . If they see that they should lock us up. We cerrying a dangerous weapon second dome here with peace. only one that is about this end these words this person t also then drove away in t It must bocan you describe Tar I can describe this man still remember his features is not tall, he is of an av

I can describe.

who is heavily built, but I

of my body built, but not

entently below my build.

Now, I would li

would like you to look at e question after you have ecoused No. 37 --- No, this bodily features are not the I am only askin

in your own words of No. wov satiss for me I with light complexioned. He 1 butlt, but he is of a slit should sat Now, did you t

speech had anything attached to his clothing, any emblems? -There was a small piece of "letter" which was attached here to his lapel.

Did you notice what was on it, whether there was anything written on that piece of paper or letter? --- Yes, there was something written on it but I cannot say what it was.

Did you see any similar pieces of paper stuck up anywhere in the vicinity of the bus stop? -- I again saw letters of a similar nature on those passengers who boarded the bus, and who happened to come close to me, and then I noticed that something was also written on them.

Did you notice what was written on them? --- There was written "P.A.C.".

At that time did you know what the letters P.A.C. stood for? --- No.

Do you perhaps know what the letters P.A.C. stand for today? --- Until today I do not know what the letters P.A.C. mean.

Who were the people who told this man who was making the speech to move on, or to go away from the bus stop? ---I cannot say who they were. I do not know.

What I want to know is whether they were civilians or officials of some sort? -- I cannot say whether they were or not, but they were dressed in the ordinary way, like any other civilian person.

Now, this man, this speaker that you saw on the Sunday, did you ever see him again after that Sunday? -- I again saw him on the Monday.

Where was he when you saw him on the Monday? --- He was at the Police Station when I saw him again.

> What time was that? --- It was before dinner time, in/....

then take a march to the form

persupple sensit piece of Mg lepst.

My lepst.

My you notice we set thing written on that piece witten on that piece witten on that piece witten written of the you see any our the vicinity of letters of a similar nature the bus, and who happened to poticed that something was notice.

Did you notice

Did you notice of the print the distance of the print the distance of the print today of the print today of the print today of the print of the prin

Manager Manager the best on description of the speech to move on, or the speech to move on, or common say who they were question. What I want to or officers or not, but they officers or not, but they like any other civilian part of the see they are the see the built, he whom the description of the Mond on the Mond on

in the morning hours.

Try and establish the time some other way. On which side of the Police Station were you when you noticed this man? — I was standing at the corner of Zwane Street and the street which runs from the café across Zwane Street.

That is the unknown street going pastbettween the Police Station and the clinic? — Yes.

Was that before or after the aeroplanes came over? --- At the time of the aeroplanes.

And on which side of the Police Station was this man? --- On the western side, where the sun sets.

And on which side of the fence was he? On the street side of the fence or on the Police Station side of the fence? — It seemed as if he was a person who was proceeding upwards, and who kept on calling on the people and saying "Africans! It is said that you should follow me to the field, to the grounds!". It seemed as if this person was going afwards. It was the football field grounds.

Did anybody pay any attention to him? —— Most people remarked and said "We are not going to the field there. What they want to do is they want that the aeroplanes should fall on us. They must say what they want to say whilst we are standing here".

Did you see any groups leave the vicinity of the Police Station in response to this request and go up in the direction of the football grounds? —— No.

Did you hear this make any other announcements other than this which you have just told the Court about? --- No.

And what happened to this man who had made this announcement? What eventually happened to him? Didyou see? —— I do not know what eventually happened to this person,

and/ ....

in the morning hours. ners was a guall please of

Try and establis

wich side of the Police St alyon nov bit this man? --- I was standin the their up gott true muids

md the street which runs f

disk autistance team atom That is the unkn

M.O. you her a rolice Station and the clin distant who at arenayou

Was that before

isticza of a sigilar ma - At the time of the sero

LANG ONE DANG CAME OF And on which sid

TO STANKE DOOL TO man? --- On the western sid

a non prog And on which sid

street side of the fence or

li as bemese tI --- Teonel

upwards, and who kept on ca

tedt biss at II !snaokni

repor tot

to the grounds!". It seeme . CLASE DE D. A. wards. . It was the footb

Did anybody pay

remarked and said "We are n

ASC OCH YES SCHOOL I they want to do is they wan

on us. They must say what

standing here".

Titteers or no stepting Did you see any

Milce Station in response

drection of the football g

Did you hear this

A THE CLASS wen this which you have jus

And what happened

**Wan** 如此 生过6 mouncement? What eventual

- I do not know what even

nd whether he again went back or he proceeded there, or in which direction he went.

Now, did you ever notice at all any person dressed in a uniform, a khaki uniform or some uniform from which you could make an inference that he was a Policeman, address the crowd at all? --- No.

Now, after you had been shot and lay in the street wounded. was there a Bantu male who came along amongst the wounded? --- An ordinary person who is not a Constable?

Yes? --- No, he did not come to me.

But did you see any ordinary person walking about amongst the wounded and the dead? --- There were many persons who walked about at the dead and the wounded there, and the Police drove these people away or chased them away.

> Do you know anybody by the name of Motho? --- Yes. Who satthat? --- I only know that name, that he is

What is he? Do you know what he does? --- He is working at a seere, at an outfitter's store here in town.

Did you see him at all that day? - After I had fallen there at that spot, and after the firing had stopped, he walked past me just below my legs, between my legs and the fence, with his hand lifted up in the manner I now indicate, mething. (Witness demonstrates to the Court).

In relation to the Police Station in which direction was he facing? --- He was from the cafe side and proceeding towards the big western gate.

BY THE COURT:

Motho.

I am now hearing about a café for the first time. Where is that?

By/....

md whether he again went in the morning hours

Try an established Now, did you even which side of the live,

the uniform, a khaki unif

Now, after you Now, after you Folice Station and the counded, was there a Bantu Was there is Bantu

counded? — An ordinary p At the time of the se And on sector

man? -- On the western

amongst the wounded and the

upwards, and wie who sktthet? --

"Africana! It is a sale

speards. It was that the working at a setze, at an

the given Did you see his

tellen there at that apot they want to do less the selection of the select

ce if he was stopping some Did you see the Court). Court ).

In relation to

direction of the football
was he facing? -- He was
Did you near the

towards the big western g

IN THE COURT!

uncouncement Tem now hear's
where is that?

BY THE PUBLIC PROSECUTOR:

I em not interested in the café Sir. I will clear that up for Your Wership.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Let us just get this point cleared up. The café, is that contained in the shops which are at the end of this street that runs between the clinic and the Police Station?

--- Yes.

Those are the shops shown on Exhibit 13 right at the top lefthand corner? --- Yes.

In that block of buildings there, is that where the café is? — Yes.

Now, prior to this day, or this weekend rather, had you ever received any pamphlets or letters in the post? \_\_\_\_\_ No.

Thank you, Your Worship.

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. Mota, you were telling us about what you heard on the Sunday afternoon at the bus stoy? --- Yes.

Now, among the things that you heard did you hear any reference to Europeans? Was the word European used in any context? --- Yes.

Can you remember what was said? —— If I am not making a mistake something was said to the effect that "We should go and complain to the Europeans because these passes are giving us a difficult time, we are having sintisticy,", and so they should go and complain to the Europeans.

Did you not hear it also said "We are not going to fight with the Europeans"? --- Yes.

"We just want to ask them to alter this Pass Law because/....

TE PUBLIC PROSECUTOR:

I am not interest

not up for Your Worship.

NUTRATION BY THE PUBLIC PR

t teg test us just get t

to that contained in the sho

street that runs between the

THE PERSON NAMED IN THE PERSON OF THE PERSON NAMED IN COLUMN

conded! Those are the sh

top lefthand corner? --- Ye

In that bleck of

.asy ---- Yes

to walke Now, prior to th

d you ever received any r

Thank you, Your

MOSS-EXAMINED BY ME. UNTE

working a Mr. Mota, you w on the Sunday afternoon at

rallen the Now, smong the

eny reference to Europeans

esy -- Ptxatuce

es if he can you remembe melting a mistake somethin

should go and complain to

ere giving us a difficult

and so they should go and

THE COUNTY DAG YOU not he

fight with the Europeans'

"We just want it at eredu because it is hard on us"? --- Yes.

Now Mr. Mota, you told us that you saw No. 65 accused i.e. the man who is standing up now, at the Police Station on the Monday morning? --- That is correct.

He is going to say that he was at the Police Station before the aeroplanes came. Would you agree with that, and was it at that time that you saw him? --- I saw him when we came from the trees, when we returned from the trees.

That was very early in the morning? -- It was not ve early in the morning, because it was after eight o'clock.

Now, you said that you were standing near the western fence and could see the double gate in the western fence? ---Yes, that is correct.

Did you perhaps witness the arrest of a man who was wearing a hat? -- Yes.

Can you tell us whether or not you saw this man being hit whilst he was being arrested or removed to the Police buildings? --- Yes.

Now, did you also see the Police being lined up inside the Police grounds? --- Yes.

You told His Worship in your evidence-in-chief something about some vehicles coming with an important man? --- When the three vehicles entered, in view of the fact that standing a distance away from that area where they entered then came nearer, and I had the impression that that was the official, the European they were waiting for.

And did you hear something to that effect spoken among the people who were in a crowd with you? -- Yes, that that is the important or the big European.

> Now, when you saw the Police being lined up, did you/ ....

because it is hard on ton . wow wor and qu fant to at one man who is at Monday morning? -- Th te that com He is going before the seroplanes dt enit that time th came from the trees, w top lefthand That was ve early in the morning, oard tay . Now, you sa fence and could see th Yes, that is correct. Did you per wearing a hat? --- Yes Can you tell ow ed talidw the maked buildings? --- Yes. on the Sundalow, did you inside the Folice groun th bist soY and yes omos tuods antitamos --- When the three volu there were three of the estanding a distance aw then came nearer, and official, the European And did you work sine people who w that that is the impor

Now, when y

you connect it in your own mind at all with the arrival of the important person? — When I immediately saw the Police being lined up there, I was then under the impression that they were saluting that big European or the important European who was arriving there.

You had been standing in that crowd for several hours, had you not? --- Yes, I was there for several hours.

You had an opportunity during that time to observe the behaviour of the crowd generally? --- Yes.

Up until a little time before the shooting would you say that this crowd was a wild and dangerous crowd, or was it a friendly and well mannered crowd, i.e. on the whole?

— As far as I could see this crowd or make it out it appeared as if it was a good mannered and respectable crowd.

would you say that there were very many people in this eroud carrying dangerous weapons such as knives, or less dangerous weapons such as sticks, or on the whole were there very few sticks to be seem? — When I saw the crowd in general I did not see any individual or individuals carrying any weapons, with the exception of the old people who palked past that area there and who then had their usual sticks with which they support themselges.

Now, you heard the shooting from the Police? ---

Before any shooting started from the Police side,
did you perhaps hear any shots coming from the crowd? —— No.

Were you surprised when the shooting started from
the Police? —— I was surprised but I did not think that they
were shooting with something which kills.

What did you think that they were shooting with?

you connect it in your
the important person?
being lined up there,
they were saluting tha
who was arriving there
you had you not?
Tou had an
the behaviour of the c
you say that this crow

you say that this crow
was it a friendly and
--- As far as I could
as if it was a good ma

would you say that the
carrying dangerous wes
weapons such as sticks
sticks to be seen?

not see any individual
with the exception of

support themselves.

Before any
old you perhaps hear

the Police? -- I was
were shooting with so

that thet in the income

—I thought that they were firing with the bullets which were used during 1959. Those bullets were the ordinary bullets; they don't cause any danger, and they only spark off and cause some flames.

Do you mean to refer to what is known in English as a blank? —— Yes, that is correct.

As a result of hearing the Police firing did you immediately turn and run away, or what did you do? —— I stood there for some time, being under the impression that they were just frightening the people there and that they did not mean to shoot them actually.

When did you first realise that they were firing bullets that could kill and wound and not just blanks? — At the time when I stood there and watched I saw just flames, 1.e. smoke, going up, and at the instant when I turned to look in the direction of the shops it was then that I was hit by the bullet. I then realised that they were firing with something that could would and injure a person.

Now, immediately before the Police fired, was there anything in the behaviour of the crowd which in your opinion justified the Police in opening fire?

#### BY THE PUBLIC PROSECUTOR:

I object Sirt

#### BY THE COURT:

I am allowing the question.

#### BY THE WITNESS:

In the group in which I was on the western side there was not even a small thing which justified that.

## CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, you were hit, and I take it that you fell where you/....

the west

thought that they we see during 1959. Those

one of the arthogon mean t

ad blank? --- Yes, the

bours, backson result o

imediately turn and run

just ffightening the pec

to shoot them actually.

was it a rwhen did you

milete that could kill

is time when I stood th

moke, going up, and at

the direction of the sh

miletan I then resides

that could would and in

attore to Now, immedia

mything in the behavio

instiffed the Police in

STREPPERLIC PROSECUTO

THE COURT!

I am allowin

M THE WITNESS:

In the group

here was not even a su

a way I --- Yeoriot or

ROSS-EXAMINATION BY ME

Now, you wer

you were standing? --- I just fell at that spot.

BY THE COURT:

You fell where you were shot? --- Yes, Your Worship.

### CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

After you were hit were you able to see and hear what was going on around you? --- Yes, I did see after the firing had stopped.

Now, was it then that you saw this man called Motho?

And it was then that you saw Motho raise his hand as you indicated in your evidence-in-chief? --- Yes.

Did you hear the Police say anything as Notho raised his hand? --- Yes.

what did you hear being said? --- "Jy moet 'n wit sakdoek om daardie hand van jou sit. One skiet jou nou dood bliksen!"

Now, did he reply to this, i.e. when the Police used these words to him? -- He did not reply.

Did he go on? --- He continued walking towards the direction of the gate.

Did you hear any other Europeans talk to him? --I again heard one saying to him "Wear gasm jy?"

And what did he say, if snything? -- He then replied and said "Wat gasn hier san? Byk hoe 18 die mense hier dood!"

Did he comment on what they had perhaps done? ——
I then heard another European saying "Hockom wra jy nie jou
eie mense nie? Hockom wra jy viw ome?".

When Motho had used the words "Kyk Bas hoe 18 die memse dood", did he say anything about what these people who were lying around may have done before they were killed? --No. He only said "Wat het die mense gemank?", i.e. Motho.

Did/....

you were standing? ---

TRUCO SHT

one finale. You fell wh

CROSS-EXAMINATION BY M

After you w

what was going on arou

firing had stopped.

Now, was i

Yes seed topic of

And it was

es you indicated in y

Did you he

his hand? --- Yes.

THE VELTER WILLIAM

What did y

sakdosk om daardie ha

bliksem!"

et could nous as as a l

these words to hiz?

Did he go

the direction of the

by end by Did you he

I agetn heard one sa

Jan Sul College and what

esd said , wat gaan h

OS SA DECEMBER OF

I then heard another

termenter mens

GROUNDER FARE Motin

mense dood", did he

were lying around ma

No. He only said ,

Did he answer his own question when he said "Wat het hulle gemaak?". — Answering his own question in what way?

Well, he said "Wat het hulle gemaak?", and did he add anything to that? "Kyk hoe 18 die mense dood! Wat het hulle gemaak?", and did he add anything after that? ---- At that time he was then chased away.

He did not perhaps say after the words "Wat het hulle gemaak?" the word "Niks!"? --- Yes, that he did say when he asked.

Now, the man who had told Motho to put a white rag round his hand, did he have any station? Was he any particular kind of person? — It was a European Policeman.

Do you know if he did anything in relation to you, i.e. this European Policemen in relation to you, the witness?

— While I was lying there I was chewing my chewing gum.

While I was lying there he then said to me....I cannot remember whether he said "Donder" or "Bliksem", but "Hy kou nog! Staan op! One het jou mie geskiet nie, staan op en loop! One gaan jou nou mog skiet as jy hier bly 18!"

Now, when he said that Mr. Mota, what did you do?

--- I only pointed out to him with my hand, indicated. When
I pointed that out to him he said "There is no blood coming
out there. We have not yet shot you!".

In fact at that time were you bleeding? -- There was no blood coming out, but some fat was coming out.

And was that visible? Could anyone looking at you see that the fat was protruding? —— Yes, that fact was not actually protruding out, but it was sort of cosing out.

Yes, was it visible? --- Yes, it was visible.

BY THE COURT:

Under your trousers or how was it fisible? --- It was/....

you were this her

mile, geneak?".

Well, h

edd enything to the

that time he was

what was Re did

ulle gemesk?" the

then he asked.

- Yes. How, t

round his hand, d

tind of person? -

Do you

1.e. this European

I asw I often -

mile I was lying

" bies ed Tenten

opt One het jou'

jou nou nog skiet

Now, w

etnica vino i

I pointed that ou

out there. We ha

In fac

Luce boote of

ew boa

tal that the fat

etdally protruct

Yes,

THE COURT:

were lyingar

No. He cally a

was visible on the trousers.

## CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Was there a kind of discolouration there? Is that what you are saying? —— Yes.

Now, did this Policeman give you an order to do anything? --- While I was aying there?

Yes? --- Yes, what he told me was that I should get up and leave that spot because I had not been injured, they had not shot me.

And did he say what he would do if you did not get up and obey him? —— He said "If you continue lying here we would shoot and kill you".

What did you do Mr. Mota when he gave you this order and uttered this threat to you? —— I again pointed out to him the same spot I had pointed out before, and said "Julle het my geskiet hier Bass".

Did you hear any comment from any other European who might have been near this Policeman who threatened you? --- No, I do not remember.

Now, were you later assisted into any vehicle? 2The Native Constables came there and lifted me up from that
spot and placed me mext to the clinic fence.

From there did you have a view of the fence across the road, i.e. the western fence of the Police Station? -- Yes.

Did you see any bodies lying about in the street as you lay there? — I did notice a body which was across the street, on the side where I previously lay. It was just Phane a few paces away from that spot, and his name was Phase. I don't know whether it is Phoho or Phowe.

Before you were moved from where you lay when you had been shot, did you also notice some bodies nearby you? ---

was visible on

CROSS-EXAMINATI

Was

LLOW what you are sa

of nathbreas the .woW

The service mything? --- W

and of smit tody Yes?

M. on. up and leave th

had not shot me

. Do fee on nede And

up and obey him

and site bruge would shoot and Topoton to han

JENW

and uttered this

ENGULIAL SIZE IZO. him the same ap

AND I WILLIAM ... het my geskiet

Did 3

bing but undisedu who might have b

opt one and to

-- No, I do not

ini non man nati Now,

"报动物 The Native Const

spot and placed

we dadd bedatog I

exally fuo

the road, i.e. t

Did y

From

we no bleed deal as you lay there

the street, on t

TALL ONLY THE TOP a Lew paces away

thingony extendes don't know whethe

Ios. W Before

: PERMOD REMOVES: had been shot, di

A Line of . Since

On that side where I previously lay it was only the two of us, myself and that other man, but because he was a distance away it appeared as if he was shot whilst in the act of running away.

And as you were carried across the road as I assume you were to the clinic fence, did you perhaps see any bodies lying in that street between the clinic and the western fence of the Police Station? -- On the western side of the street there were bodies, because where I was placed I was also placed nest to the body of one Maselo. In the same vicinity there were others who were crying and shouting and saying they should be helped too; stretchers should be called for them, so that they could be helped. They were bleeding but they were not They were next to the clinic fence. yet dead.

Mr. Mota, I am going to show you a photograph of the scene just immediately after the shooting, and I wonder whether after looking at it you could tell His Worship whether this bears any resemblance to the meene as you saw it, either when you lay on the western side or when you lay on the clinic side or as you were being earried across the street? BY THE COURT:

Was this taken from inside the Police grounds? BY MR. UNTERHALTER:

It would appear to be so Your Worship.

BY THE WITHESS.

Is this Zwame Street? I am a little confused about

the area.

BY MR. UNTERHALTER : CROSS-EXAMINATION CONTINUED:

It appears to be a portion of the road running off Zwene Street and going towards the double gate. In other words, the southern portion of the western fence. Does it bear any resemblance/....

m that side where I pr m myself and that oth

And as you wanted the clinic

lying in that street be of the Police Station?
there were bodies, because to the body of one

w helped too; stretch they could be helped. Tot dond. They were

him the same. Mota, I

the scene just immedia

this bears any resemble

eide or as you were be

as full court and the to

H MR. UNTERBLITERE

W THE WITHESS: RE YOU LEY TOOK IS this Zwe

the area.

the old no tempte ods

It appears

Swone Street and going the southern portion

resemblance to that? --- What confuses me is that block of houses there.

The block of houses I think it is clear must be in Zwane Street, but the fence appears to be running at right angles to that. — Seeing that those people who are standing there are standing near those houses which are situated in Zwane Street....

## BY THE COURT:

that more or less resembles the scene as you saw it at any stage?

— Your Worship, it is difficult for me to say what stage
this photo resembles, because if there was some object with
which I could fix the spot where I was standing, or where I
was the first time after I had been injured, it would be better.

## CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Let me put the question to you in another way.

You were carried across the road that divides the clinic from
the western entrance to the Police Station? --- Yes.

As you were carried across did you notice any scene in that street or round the corner in Zwane Street, somewhere near you, that resembled what you see in that photograph?——
Yes. I saw something which resembles what appears in the photo on the climic fence.

Now Mr. Mota, I would like you please to look at Exhibit 84 again for a moment, with particular reference to the fense. Now, as you lay either on the western side where you were shot, or on the other side to which you were carried, you notice whether any portion of the fence of the Police did you notice whether any portion of the fence as you see it Station was similar in its angle to the fence as you see it in that photograph? — As it is I cannot explain, because in that photograph? — As it is I cannot explain, because those houses, unless I know whether these houses are in the direction/....

me visible on the to dto tant bus Heeve it appeared as if

confuse ous por real And ss you w you were to the citate id series that at sort be Sao itail esfict on? there were bodies, beca nest to the body of one ore others who were or

betree too; stretch they could be helped. or dead. They were I atom . This out mid aibemmi jeut saess eit mether after looking

this bears any resembl then you lay on the we side or as you were be salded and rance and w er sind eaw has tors

M MR. UNTERHALITER the road, it would ar

M THE WITHESS: as you lay Is this Zw to wit no treate eat

the area. HEDRY WOL A ME MR. UNTERHALTER : It appears

Before Swene Street and goin had been shot, di the southern portion

resemblance to that? --- What confuses me is that block of houses there.

The block of houses I think it is clear must be in Zwane Street, but the fence appears to be running at right angles to that. -- Seeing that those people who are standing there are standing near those houses which are situated in Zwane Street ....

## BY THE COURT:

Anyway, can't we get to the question as to whether that more or less resembles the scene as you saw it at any stage? --- Your Worship, it is difficult for me to say what stage this photo resembles, because if there was some object with which I could fix the spot where I was standing, or where I was the first time after I had been injured, it would be better.

## CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Let me put the question to you in another way. You were carried across the road that divides the clinic from the western entrance to the Police Station? --- Yes.

As you were carried across did you notice any scene in that street or round the corner in Zwane Street, somewhere near you, that resembled what you see in that photograph? --Yes. I saw something which resembles what appears in the photoon the clinic fence.

Now Mr. Mota, I would like you please to look at Exhibit 84 again for a moment, with particular reference to the fense. Now, as you lay either on the western side where you were shot, or on the other side to which you were carried, did you notice whether any portion of the fence of the Police Station was similar in its angle to the fence as you see it in that photograph? -- As it is I cannot explain, because those houses, unless I know whether these houses are in the direction/.... resemblance to that

on that olds were bouses there.

use myself The bloc

Twane Street, but to that. --- Seein

are standing near to and or without hou Street....

Y THE COURT:

Anyway,

that more or less no ent of then --- Your Worship,

our eredio er this photo resemble which I could fix

was the first time

. Audob tow CROSS-EXAMINATION B

Let me r

the coerc You were carried ac

the western entrano

As you w in that street or r

near you, that rese

Yes. I saw somethi

on the clinic fence

Now Mr.

Exhibit 84 again fo the fence. Now, as

you were shot, or o

in that photograph? those houses, unless

the southers perils

did you notice wheth Station was similar direction of the shops or in the direction of Zwane Street. the clinic as well as the Police Station fence are the same. so I cannot distinguish between the two.

Yes, perhaps I have not made myself clear. not asking you in particular in regard to the portion of the fence that you see in the photograph. I am asking you in regard to any portion of the fence on the Police Station side that you may have seen as you lay where you were shot, or you may have seen as youlay on the clinic side? Did it seem to be at the same angle approximately as you see it in the photograph, or if you saw the fence as you lay was the fence at a different angle to what you see in the photograph? --- On the side on which I was the fence was at the angle as it is, i.e. in the position as I see it here on the photograph.

Now, did you as you lay after being shot, notice any people going about among the wounded and dead and picking up stones or weapons? --- No.

Before the shooting did you notice any European Policemen going among the crowd carrying any kind of weapons? --- At one stage I noticed the Police when they caught hold of a person, i.e. an "Unfaan", a boy. He was caught outside the fence and brought in by the Police. He was wearing his private clothes, a sports coat. When they tried to pull this person in his hat fell. When he tried to look back, to look at his hat, then he was struck with the flat hand. He was pushed.

Now, what I want to ask is this. Anyone who went into the crowd, i.e. of the Police, did he have a weapon in his hand, a stick or ...? -- I was still going to answer that point.

> Well, could you just tell me, was he carrying a stick/....

redirection of the she the che of the she see I cannot distingut to any you in parting to any portion that you may have see that you may have see may have see angle at the same angle or if you saw the continue or if you saw the position as the position as I have position as I was the position as I was I was

people going about and stones or weapons? — You were the Pefore the Policemen going among

At one stage I not
in the tenson, i.e. an "
the fence and brought
private clothes, a spor
person in his hat fell
at his hat, then he was

Mow. what I you what I the the crowd, i.e. of did you will be a stick or...

those housel, could

The second of the second

a stick or anything like that? -- He had a short stick, the length of which I now indicate to the Court.

Was it a stick? It was not a "sjambok" or anything like that? --- No, it was a stick of that length, i.e. a foot.

Now, there has been evidence that one of the European Policemen was carrying a "sjambok". Did you yourself perhaps see any European standing near the gate with a "sjambok"? —— In the morning when the Police arrived there I did see some of them carrying "sjamboks". Some carried the actual "sjamboks and others carried the home made "sjamboks", i.e. the motor-car fan belts with a stick handle at the back, but at the time of the shooting I cannot say, because at that stage there were so many European Police, who still at that stage carried some of those "sjamboks".

Did these Police merely carry these "sjamboks", or did you see them do anything with the "sjamboks"? --- No.

You also told His Worship that you heard someone just before the shooting use the word "Skiet!"? --- Yes.

Did you perhaps notice who it was who uttered that word? --- No.

Did any people, apart from Police, offer to assist in carrying the wounded or the dead? --- Yes, there were very many.

And what was the attitude of the Police to these people who wanted to assist? Did they welcome this assistance from the civilians? — I cannot say, because in the first instance the Police drove away those people who wanted to assist, but eventually they just left them alone and they assisted there in carrying.

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

Re-examined/....

entth or enything 11

length of which I now

"""" Was it a st

Lite that? —— No. 1t

Lite that? —— No. 1t

Now, there

Rolleemen was carrying

see any furopean stand

If the morning when the

of them carrying "sjam"

do there carried the

the shooting I cannot s

way European Folice, who wanted to see "sjambeks".

Did these Podid you see them do any You also to!

Just before the shootin of you perhims world?

Life wounded the wounded have the wounded have been wounded to see the what was been wonded to see the civilians?

Instance the Police da

Vileutneve tud . Teles

pared thore in cerry

O GROSS-EXAMINATION BY

## RE-EXAMINED BY THE PUBLIC PROSECUTOR:

What type of hat was this man wearing whom you saw being arrested? —— It was a hat. I cannot say what type it was.

I will give you a whole selection. You get these straw hats, you know the Basuthu hats, and then you get the ordinary felt hat, you get the peak cap...? --- It was an English hat.

An English hat? --- Yes.

You would not call a Basuthu hat an English hat, would you? You know, the ones that are woven out of straw? — No, it was not a Basuthu hat which is made of grass or something like that.

How would you describe this hat?

#### BY THE COURT:

Well, I think I have heard enough about the hat, Mr. Prosecutor.

#### BY THE WITNESS:

It was a grey hat.

#### BY THE PUBLIC PROSECUTOR:

As long as Your Worship is satisfied that it is this type of hat.

#### BY THE COURT:

I am satisfied what this witness is mying. I am not satisfied what hat it is. I'll go into that one day when I have to give judgement!

## RE-EDAMINATION BY THE PURDIC PROSECUTOR CONTINUED:

Did you hear what this men said before he was smacked as you say he was , before he was struck? — I did not hear what he said but I only heard this European who was wearing private clothes saying: "Kom hier, kom hier, kom hier, com hier, repeating/....

THE PLANTINED BY THE PU

length of a What type o

being arrested? --- I

dy . all --- Treat -see

vin filiw I will give

straw hate, you know t

ordinary felt hat, you

of them car An English

mgiden hat.

and others You would n

would you? You know,

The No. 1t was not a B

compthing like that.

those "s How would y

N THE COURT!

did you see Well, I thin

E. Presecutor.

W.THE WITNESS:

It was a gre

THE PUBLIC PROSECUTO

As long as Y

ted to sout all

THE COURT:

theites me I am setisfic

the matteried what hat a

Thave to give judgement

DE ENT YE HOLTANIMAN

med av. Did you hear

decked as you say he wa

od bise of tedw rand ou

maring private clothes

repeating that several times.

Have you had any previous experience before of how Police set about saluting anybody that comes along, i.e. anybody of high station? —— I have never seen Police saluting, but I have seen soldiers saluting, and I took it to be the same.

What made you think the Police would use blanks? --Because I did not see anything wrong done by the black people
who were there, which could have caused the Europeansto kill.

Yes, but I think you agreed with my learned friend that they were frightening the people? —— I thought they were frightening the people to go away from there.

Were you in any pain as you lay there? --- At that stage I did not feel much pain.

Did that only set in later on? -- I only felt great pain when I was being lifted up fremethere and placed in the ambulance.

#### BY THE COURTS

I want to know from you why you did not get away
from the trees? Why could you not leave? I am talking about
you and the other bus drivers? --- Go where, Your Worship?

From the place where you had been taken to in amongst the trees, or near the trees, by the people during the Sunday might? —— Your Worship, we could not go anywhere because on all sides we were told that it was the same thing.

What was the same thing? -- People are not going

Just because some youngsters tell you "People are not going to work", therefore you and a lot of bus drivers

stay in the trees? Is that right? —— Yes.

Are you people/of those youngsters then? —— Yes,

we do respect them, because we did not want to make any trouble

with/....

the that several

Have you had

les foods tes estroi de

molists daid to whoden

int I have seen soldters ov shan tank what made you

seause I did not see an

were there, which co

at I sud aer

that they were firl chtens

ore frightening the pec

The los i were you in a

pum feel ton net feel mad

Lino tant bid

in when I was being li

abel I . LLOW . some Lude

THE COURTE

. Totroesor . M

day of thew I

MIN A HEW TI from the trees? Why cou

ORT DIMEDIALIN you and the other bus da

As long as I From the place

. and to envis sum

concest the trees, or no the Sunday night? -- Yo

I sm satisfi coause on all sides we

Wad Jadw bailtaites in

What was the semental, evto of evel

TANTE THE Decouse

let going to work", the

of the trees Is

Ment whate you peop

do respect them, bec

with them, and then tomorrow it would be said that it was the Vaal Transport drivers who caused the trouble.

As far as I could see and from what you say these people were causing the trouble by holding the transport drivers away from their work! Now, I want to know why a number of transport drivers - I don't know how many you were - could not walk away and go to their work? -- I personally wanted to hear what was eventually going to be said, and what was eventually going to happen about the passes.

I am concerned with the night hours. You were taken in the night to near the trees. Before the buses had to start running why could you not walk away and go and do your work on the buses? --- From there where could we have gone to?

To your work! In the way which you ordinarily ---- We could not, because we only had to follow the one do! route which passes through these people, and we could not do that.

How many of these people were there then that you bus drivers could not go past them? --- I did not count them but there were many.

COURT ADJOURNS UNTIL 3.1.1961.