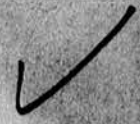


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HOF HERVAT : VERSKYNINGS SOOS VOORHEEN.

Die Publieke Aanklaer roep:

WILLEM ADRIAAN WILLERS, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

U is 'n Kaptein in diens van die Suid-Afrikaanse Polisie en verbode aan die Veiligheidstak en gestasioneer te "The Greys", Johannesburg? --- Dit is reg.

Kaptein, op die 21ste van Maart hierdie jaar, omtrent 7.15. v.m. was u by die Munisipale kantore te Sharpeville naturelledorp, Vereeniging? --- Ek was.

Was daar enige natuurlike daar voor in die straat? --- Ja, daar was duisende, soos ek dit geskat het, natuurlike saamgedrom.

En het u Speurderseersant Wessels gesien daardie oggend? --- Ek het.

Nou, het u opgelet of Speurderseersant Wessels enige persone weggeneem het vanuit die skare? --- Ja.

Wat was die persoon besig om te doen wat Sersant Wessels weggeneem het? --- Die persoon het op en af voor die skare - daar was nou so 'n opening tussen die skare en die Polisie - op en af beweeg, en tussen die voorste rye in wat bestaan het uit kinders en jong Bantoes, en hulle vorentoe gedruk.

Die kinders en jong Bantoes vorentoe gedruk? --- En dan het hy weer uitgekom en voor hulle beweeg en tekens met sy arms gemaak asof hy sê hulle moet kom.

DEUR DIE HOF:

Soos u daar wys met u arm het hy vir hulle

gewink/....

gewink om te kom? --- Gewink om te kom, Edelaagbare.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Sal u die Bantoe kan uitwys as hy vandag hier is? ---

Ja, ek dink so. Dit is die tweede een met die swart trui in die voorste ry. (Getuie wys beskuldigde nr. 2 uit). Ek het lateraan uitgevind sy naam is Thaddea Ntoampe.

Het u opgelet of beskuldigde nr. 2 enigiets aan sy klere gehad het? --- Hy het 'n bruin baadjie gedra, en op die lapel van die baadjie het hy twee vierkantige kaartjies gehad; die een was "pink" en as ek my nie misgissig was die ander een blouerig.

Wat het daar op die kaartjies gestaan? --- Op die eerste een het gestaan "Away with passes! P.A.C.". Op die tweede een het gestaan "Africa for Africans. P.A.C.".

Sal u na bewysstukke 51 en 52 kyk asseblief Kaptein?

--- Ja.

Wat is bewysstuk 51? --- "Africa for Africans. P.A.C."

En bewysstuk 52? --- "Passes must go! P.A.C.".

Wat het van die naturel geword, d.i. beskuldigde nr. 2? --- Ek het Speurdersersant Wessels instruksies gegee om hom te arresteer, want hy het my voorgekom as een van die voorbokke daar en hy was besig om die skare aan te hits.

En wie het toe wel die man gearresteer, d.i. beskuldigde nr. 2? --- Speurdersersant Wessels.

Daarna het u opgelet of Sersant Wessels enige verdere arrestasies uitgevoer het? --- 'n Rukkie later - ek moet eers net hier verduidelik hoedat die land daar lê. Jy kom van Sharpeville lokasie of Sharpeville Bantodorp teen 'n helling af, en dan maak hy 'n valleitjie, en dan is dit so effentjies.... hier by ons, waar ons toe was voor die kantore was dit gelyk. Van bo af het ek 'n groep Bantoes tussen die

skare/....

skare deur gesien marsjeer. Ek het hulle geskat so 'n tien of twaalf. Hulle het my voorgekom asof hulle inggelid marsjeer.

In watter rigting het hulle beweeg? --- Hulle het in die rigting van die kantore gekom, in ons rigting.

Ek wil u net bewysstuk 2 toon Kaptein. --- Ja, ek sien bewysstuk nr. 2.

Sal u net aangaan met die verduideliking Kaptein van die mense wat in gelid marsjeer het? --- Die mense het met Seeisostraat - ek sal sê was na oos min of meer"- gemarsjeer, in die rigting van die kantore.

Omtrent hoeveel was daar van hierdie mense? Wat is u skatting? --- Ek het geskat so tussen tien tot twaalf, soiets.

Tien tot twaalf Bantoes? --- Ja, hulle was ver, 'n hele end weg gewees. Hulle het gelyk of hulle in gelid marsjeer.

En wat het van hulle geword? --- Hulle het gemarsjeer tot by die voerpunt van die skare. Daar was so 'n klompie jong Bantoes nog voor, en vooraan die skare, of ten minste die marsjerende Bantoes, het ek 'n Bantoe opgemerk met 'n bruin hoed, 'n uitstaande bruin velt hoed en 'n vaal reënjas aan. Ek moet byvoeg dat sover die Bantoes gemarsjeer het is hulle luidkeels toegejuig deur die skare wat beide kante van die straat gewees het, en toe hulle hier voor aankom het daar 'n oorverdowende lawaai plaasgevind. Die Bantoe met die bruin hoed het die groep verlaat en langs die pad, aan die kant van die ander Bantoes wat daar naby die kampong gestaan het, verbybeweeg in die rigting van die kampong se hek. Verskoon my; ek noem dit kampong, maar ek dink dit is die hostel. Ek het toe vir Sersant Wessels vorentoe gesien beweeg en hy

het/.....

het met 'n Munisipale Bantoeconstabel gepraat, en ek het gesien dat die Bantoeconstabel die Bantoe met die bruin heed optel, van agteraf om sy lyf pak en hom aandra na die vangwa toe.

Sal u die Bantoe kan uitken? --- Ja, ek sien hom nou.

Hy sit nr. 1 voor. (Getuie wys uit beskuldigde nr. 1). Met beide die arrestasies van die twee genoemde Bantoes het die aanwesiges oorverdowend geskree en gebee. Daar het verskillende voertuie uit die Sharpeville Bantoeoord in die rigting van Vereeniging beweeg, en elke voertuig is deur die skare voorgekeer. Ek kan nie sê waaroor nie.

Laat ons nou net eers aangaan met beskuldigde nr. 1.

Wat het van nr. 1 geword nadat hy vanuit die skare gedra is?

--- Hy is in die vangwa geplaas.

Het u opgelet of hy enigiets aan sy klere gehad het?

--- Hy het een etiket of een kaartjie op sy lapel gehad, op sy jas se lapel.

En wat het daareop gestaan? --- "Away with passes!

P.A.C.".

Na die verwydering van die twee beskuldigde persone, wat was die bui van die skare in vergelyking met hulle bui voor die arrestasie van die twee persone? --- Hulle was te alle tye oproerig, maar soos ek so flussies gesê het, met die arrestasie van die twee Bantoes het die skare oorverdowend geskree en gebee.

En watter indruk het beskuldigde nr. 1 u gegee, sy houding in verband met die skare? --- Asof hy een van die leiers sou wees.

En later was u toe by die Sharpeville Polisie-stasie?

--- Ja.

Waar was u toe die skietery plaasgevind het? Was u binnekant of buitekant? --- Ek was binne-in 'n kantoor.

Besig met wat? --- Besig om 'n sekere Bantoe te

ondervra/....

ondervra.

Is daardie Bantoe wat u ondervra het teenwoordig? ---  
Ja, ek dink so. Dit is beskuldigde nr. 3 en ook nr. 4. Ek  
het net daarna hom ook ondervra.

Dankie Edelagbare.

KRUISVERHOOR DEUR MNR. UNTERHALTER:

Captain, were you present at the time that the teargas  
bombs were thrown? --- Ja, ek was net op die punt om te vertrek.

Do you know if accused No. 2 was arrested before or  
after the teargas bombs were thrown? --- Voor die tyd sover as  
ek kan onthou.

Did you add "As far as you can remember"? --- Ja.  
Dit was voor die tyd gewees, want terwyl die traangas gegooi is  
toe was ek al op die agtergrond.

Captain Willers, he is going to say that he was  
arrested after the teargas bombs were thrown, and during the  
time when his eyes were affected by the teargas? --- Daar was  
nog nie sprake van traangas voordat hy gearresteer was nie.

You are quite certain as to the order in which the  
accused were arrested? --- Ja, definitief.

If evidence has been given that No. 1 accused was  
arrested first, and No. 2 accused subsequently, that would be  
wrong? --- Ja.

Now, No. 2 accused is going to say that he was on  
the side of the crowd nearest the hostel? --- Dit is reg. Hy  
het daarheen beweeg. Hy het voor die skare en na die kant toe  
beweeg. Ons het gewag totdat hy seintoe beweeg waar die  
skare nie so dik was nie voor ons hom gearresteer het.

He is going to say that he was moving about there,  
but he is going to deny that he did anything to incite or  
provoke the crowd? --- Ja, hy sal dit seker sê.

Deur/....

DEUR DIE HOF:

Maar wat is jou antwoord daareop? — Nee, hy het gedoen soos ek gesê het, Edelagbare.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Now, accepting your description of his movements Captain, is it possible that what was taking place was the gesticulation of an excited man, somewhat similar to what you see when a cheer leader conducts a crowd at a rugby match? — Nee, dit was heel anders. Jong Bantees en ouer Bantees in die skare, terwyl hy daar so opgetree het, het met klippe in hulle hande gestaan, en ander Banteekinders het klippe bymekaar-gemaak, soveel so dat toe die traangas gegooi is en dat hulle teruggedryf word daar hopies, hopies klippe gelê het. Dit was klippe so groot — ek toon soos lemeene — en kleiner.

You cannot of course directly connect No. 2 accused with the piling up of these heaps of stones? It just happened about the same time? — Onder sy oë. Dit het onder sy oë plaasgevind. Hy het self nie 'n klip gehad nie.

But that is the extent of your connection; it happened under his eyes? — Ja.

You cannot take it further than that? — Nee.

So in total therefore your evidence amounts to this, that according to you the accused No. 2 was moving up and down in front of this crowd, shouting and moving his arms about? — En, soos ek gesê het, nense verentee gestee. Hy het nie ne 'n ent voor nie, hy het in en tussen die voorste rye langs inbeweeg en vir hulle verentee gestee.

Are you then saying Captain that he got among the crowd and physically touched these people with his hands and impelled them forward? — Ja.

Was he the only one doing this? — Wat ek gesien he

And/.....

And was it something that immediately attracted your attention as rather interesting movements? Shall I put it that way? — Ja, dit het my ny of op hom laat hou; sy hele gedrag saangevat.

Sergeant Wessels was with you and you gave him the instruction to arrest him? — Ja.

Were there any other members of the Police near you at the time, observing the behaviour of the crowd? — Daar was baie ander lede van die Mag, maar hulle het rondgestaan. Speurdersersant Wessels was ook in die omgewing, maar ek kan nie sê nie — ten minste Speurdersersant Muller, maar ek kan nie sê waar hy presies op die oomblik was nie.

When you say you don't know exactly who, are you referring to Mr. Muller? — Ja.

Now, the man in charge was Captain Cawood? — Vir 'n sekere tydperk tot dat Majeer van Zyl opgedaag het met versterkings.

So at the time of the arrest of accused No. 2 it was Captain Cawood who was on the spot? — Ja.

Now, would you say that the behaviour of No. 2 accused would have been apparent to Captain Cawood? Must he have noticed it? — Ja, as hy spesiaal gekyk het kon hy dit raakgesien het.

Well Captain, as I understand the setup it was, according to evidence given here previously, something as follows. That there was this big crowd of people in Secise Street, somewhere in the vicinity of the hostel and the Municipal offices, and to the east of them, i.e. more towards the town side, a group of Police stood outside those Municipal offices and near the hostel, to prevent the movement of this crowd eastward along Secise Street, and their possible movement towards/....



towards Vereeniging? That would be correct? --- Ja, dit sal reg wees. Ekskuus, ek kan net daareop kwalifiseer. Ek was nie in bevel daar nie, maar ek neem aan ook om die kantere, die Bantoesuperintendent se kantere, te beskerm.

Now, I understood from your own evidence-in-chief that there was some little distance between the front of the crowd and the body of Police who were observing them? --- Ja, daar is altyd so 'n niemandslandstroek met 'n wydte van sal ek sê van twintig, dertig of vyftig treë; dit het gevarieer, wyer, wyer en smaller.

And I take it Captain that obviously, in view of the desire of the Police to prevent any movement of the crowd nearer Vereeniging, the Police, all of you, were observing the crowd with a fair amount of care and attention? --- O ja, my oë was wyd oop. Ons was natuurlik skrikkerig ook gewees Edelagbare.

You see, I am putting these questions to you Captain for the following reason. We have had evidence from Captain Cawood, who was in charge at the time, and we have also had evidence from Sergeant Wessels, and we have had certain evidence from Sergeant Wessels in regard to the arrest of two people who were in the front of the crowd, but neither Captain Cawood who was in charge, nor Sergeant Wessels who was connected with one of the arrests, have described in the same words as yourself the behaviour of No. 2 accused, to the effect that he mingled with the crowd and pushed them forward physically in the way you said? --- Dit is meentlik dat hulle dit nie gesien het nie, en dat ek dit gesien het. Dit is nie 'n ding wat.... hy staan hom nie self daar en adverteer en sê „Haai, kyk ek steet nou hierdie een" nie. Hy geen hom so 'n stamp en hy beweeg na die ander een toe.

And/....

And yet Captain, in view of the set-up as I have described it to you, if it happened there was nothing really to prevent these two gentlemen from seeing it in the same way as you may have seen it? --- Hulle ken dit gesien het as hulle spesiaal na die man op daardie oomblik gekyk het, want dit is 'n groot veld en te dek. Dit is duisende Bantees wat heen en weer beweeg, en nouja 'n mens staan nie vas op een plek en kyk nie; ons almal staan ook nie vas op een plek en kyk nie. Dit is ondervind dat twee mense altyd 'n ding miskien verskillend sien.

Is it possible Captain that you may have seen No. 2 accused moving about in front of the crowd, and it struck you because of his movement as a leader, but that you may have confused him with some other person who had mingled among the crowd and was pushing these people from behind? --- Definitief nie. Hy het 'n uitstaande bruin baadjie aangehad, en as ek dit nie mis het nie 'n swart mus, maar daardie bruin baadjie was die uitstaande herkenningspunt gewees; iets soos 'n Harris Tweed was dit gewees.

Now, you say you gave instructions to Sergeant Wessels to arrest him and he did arrest him? --- Ja.

You intended him to be arrested as a person who, as far as you could see, was committing some kind of an offence in inciting the crowd to dangerous activities? --- Ja, aanhitsing.

Evidence has been given Captain by other witnesses to the effect that the behaviour of the men who were arrested was not such as to be described as offences in law? Now, are they wrong in having said that? --- Hulle sal verkeerd wees, en dit is natuurlik weer 'n kwessie van diskresie daardie. My diskresie is so en die ander man s'n is anders.

Now/....

Now, when you had given this instruction to Sergeant Wessels you watched him carry it out? ---Ja.

And you saw that he obeyed your instruction and he arrested the man? --- Ja.

The evidence that he has given - I think I am putting it to you correctly when I use the following words - is that he did not arrest him, but he led him away, and the impression that he created in my mind was that he was not placing the man under arrest, he was merely taking him away? Is that wrong? --- Wel, daar is verskillende maniere van arrestasie. Sedra ek 'n man vat en hom weglei het ek hom klaar gearresteer. Ander wil nie loop nie, en dan tel ek hom op en ek smyt hom in die vangwa.

That is a description as we were given it by a Municipal Constable as to the manner in which he arrested one of these persons. He lifted him up bodily, carried him with his feet off the ground towards the van? --- Ja.

That did not happen with No. 2 accused? --- Nee gladnie.

Now Captain, you said that accused No. 2 was wearing two labels on the lapel of his coat at the time that he was arrested? That is correct? --- Dit is reg ja.

You said in your evidence-in-chief originally that one of them had the slogan on it "Away with passes"? You did say that, did you not? --- Ja, ek dink so. Nadat ek natuurlik die ander gesien het; daar was nie 'n kaart met "Away with passes" nie.

Now, Exhibit No. 52 as shown to you, bears the legend "Passes must go!"; That is correct? --- Ja, dit is reg. Dit is die "slogan" wat daar was.

Now, looking at Exhibit No. 52 are you saying that  
that/....

that is either the exact one, or one similar that had the same words as the one that accused No. 2 was wearing, or are you saying that he might have worn a little card similar to Exhibit 52, but that the words were "Away with passes!", and not "Passes must go!"? --- Nee, ek sal nie dit sê nie. Daar was nie "Away with passes!" nie.

Captain, do you say that now having looked at Exhibit No. 52, you correct your evidence and say that he was not wearing a badge with the words "Away with passes!" on? --- Ja.

He was wearing a badge similar to Exhibit No. 52, if it was not Exhibit 52 itself? --- Ja, ek mees gesê het in my hoofgetuigenis "Away with passes!" of woorde met 'n soortgelyke strekking.

And are you quite sure that he was wearing two badges and not one? --- Ja.

And that the one that he was wearing was not merely one that said "P.A.C. Africa for the Africans!"? --- Ja.

DEUR DIE HOF:

Nee kyk, die punt is dit word aan jou gestel hy het net een kaartjie gedra met die woorde "Africa for Africans" daarop? --- Nee, hy het altwee gedra.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Do you happen to know Captain if accused No. 2 was searched? --- Nie in my teenwoordigheid nie.

You knew nothing personally about any documents that are alleged to have been found on him? --- Nee.

The people whom he pushed forward according to you, were they children? --- Ja.

Only children? --- Ja. Hulle het die grootste gedeelte van die voorste linie opgemaak.

And/....

And in pushing them forward he brought them to the front of the crowd? — Hulle was voor die skare gewees.

So he pushed them still a little further? — Ja, hy wou gehad het hulle meet verder aangaan. Dit is die indruk wat ek gekry het.

Thank you, Your Worship.

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

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER:

Kaptein, wat was die gemiddelde euderden van die kinders wat verentee gestoot is? — Ek het hulle geskat tussen agt en sestien.

Jy het gesê dat julle was natuurlik toe 'n bietjie skrikkerig. Waareer was julle skrikkerig, of jy perseonlik? — Die skare het vir my opgesweep veergeken; daaren dat hulle so ruwe was. Ek het dikwels geheer dat van die vrouens daar teenwoordig maak die bekende Banteeteken wat gewoonlik by stangevegte, wat ek in die Transkei al agtergeken het, geding word as hulle wil hê die mans meet aanval, en dit is hierdie teken — ek weet nie heedat hulle dit maak nie, maar ek sal dit probeer namaak Edslagbare — „Hee, hee, hee, hee...”, seits, of iets tot daardie effek. Dit is net die vrouens wat dit gewoonlik doen, en ek het hier en daar geheer dat vrouens daardie teken gee.

DEUR DIE PUBLIEKE AANKLAER:

Edslagbare, daar is 'n paar vrae wat ek wil aan die getuie stel. Ek het vergeet om dit te doen in my hoofgetuie- nis, en dit is rakende Speurdersersant Müller. As ek dit net mag stel?

DEUR DIE HOF:

Ja.

Herverhoor/....

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOIG:

Kaptein, toe u na die Sharpeville Polisiestasie gaan, was dit in 'n Polisiemotorkar? --- Ja.

En daar by die groot hek aan die westekant, wie was die bestuurder van hierdie motor? --- Sersant Muller; dit was sy amptelike voertuig wat hy bestuur het.

Het u enige insident daar opgelet daar in die nabyheid van die hek sover dit Sersant Muller aanbetref? --- Ja. Ons het moeilikheid gehad om by die hek te kom. Individue uit die skare het herhaaldelik vorentoe gespring en weer terug-gespring uit die pad uit, en o.a. het een Bantoe vorentoe gespring en vir Sersant Muller aan die arm beetgekry. Dit was aan sy kant natuurlik, aan die bestuurder se kant. Ek het die indruk gekry hy wou hom probeer uit die kar pluk, maar Sersant Muller het toe 'n bietjie petrol getrap en ons is toe verby.

BY THE COURT:

Mr. Unterhalter, do you want to cross-examine on these points?

BY MR. UNTERHALTER:

If Your Worship please.

FURTHER CROSS-EXAMINATION BY MR. UNTERHALTER:

Who was with you in the car besides....? --- Net Sersant Muller en ek.

Only the two of you? --- Ja, sover as ek kan onthou.

Was there not some other member of the Police Force sitting alongside Sergeant Muller, with yourself in the back of the car? --- Ek het voor gesit. Ek het ook met my pistool in my hand gesit.

DEUR DIE HOF:

Het u voor langs hom gesit? --- Ja, Edelagbare.

Verdere/....

VERDERE KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

You were not sitting at the back? --- No.

There was nobody else sitting at the back? --- Sover as ek kan onthou nie. Ons het voor ons by die kantoor gekom het, so 'n ent weg, stilgehou in Seeisostraat om te wag dat die "Saracens" ons kan deurneem, en daar mag iemand ingeklim het maar ek kan nie onthou nie. Ek het nog die indruk dit was net ek en hy alleen in die kar.

Captain, I cannot at this moment precisely remember the name of the witness, but if my memory serves me correctly there was a witness who spoke to being in the car with Sergeant Muller - I understand it was a Mr. Wessels - he was sitting alongside Muller, who was driving, and yourself being in the back, and I questioned him about this incident that Sergeant Muller spoke to, and he said he had not noticed it. --- Dit is verkeerd. Ek sal nie dat 'n manskap voor inklim en ek agter sit nie. Ek sit altyd voor. Ek het voor gesit, ek onthou dit baie goed.

DEUR DIE HOF:

Is dit jou gewoonte om as Offisier voor langs die bestuurder te sit? --- Ja, Edelagbare.

VERDERE KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

The Senior Officer Captain does not enjoy the privilege of sitting in the back and being driven by the Junior Officer as if he was a chauffeur! --- Ons sit agter as ons twee Offisiere is. Dan laat sit ons die bestuurder voor en die twee Offisiere agter. Jy laat nie 'n ander Offisier alleen agter sit nie.

Captain, did you go inside the Police buildings straight away and remain inside all the time? --- Ja, ek het net/....

2,590.

W.A. Willers.

net daar gekom. Toe het ek sekere instruksies gekry van Kolonel Spengler, en ek is toe in die kantoor daar totdat ek lateraan skote gehoor val het.

So I take it you saw no arrests in the Police area?

--- Nee.

Outside the Police Station? --- Nee.

Did you ever see any men being brought by Police Officers from any part of the Police grounds into the building? --- Nee.

Thank you, Your Worship.

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

DEUR DIE HOF:

Kaptein, kan u onthou waar Speurdersersant Wessels was ten tye van hierdie insident met Sersant Muller? --- Speurdersersant Wessels het sy eie voertuig bestuur, en ons was nie bymekaar nie. Ek kan nie sien waarna hy sou sy voertuig op 'n ander plek laat en by ons inklim nie.

Dit is nou maar wat u vermoed? --- As hy by ons sou ingeklim het dan moes hy sy voertuig in die straat laat staan het waar dit baie gevaarlik was.

U sien Speurdersersant Wessels sê hy het eers daardie kar bestuur wat u drie in was. Hy sê u was drie daarin, hy, u en nog 'n persoon, en naby die Polisiestasie het hulle twee geruil en toe het Muller bestuur. --- Dit is moontlik. Soos ek gesê het daar kon iemand gewees het, maar ek kan nie verseker sê nie. Ek het nog altyd die indruk net ek en Muller was alleen.

Dankie. Jy kan maar afstaan.

By/....



BY THE PUBLIC PROSECUTOR:

Your Worship, I would like to apply to recall Detective Sergeant Wessels?

BY THE COURT:

Yes.

WYNAND JACOBUS WESSELS (Herroep), beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Sersant, u het alreeds getuienis gegee in hierdie saak? --- Ja.

Na die voorval op die 21ste van Maart hierdie jaar, het u 'n sekere beskuldigde se huis gaan deursoek? --- Ja.

Watter beskuldigde was dit? --- Dit was Emmanuel Teketsi, beskuldigde nr. 8.

En was beskuldigde nr. 8 by gewees toe u sy huis deursoek het? --- Ja.

Is sy huis geleë te Sharpeville? --- Ja.

Het u enigiets in beslag geneem daar by sy huis? --- Ja, ek het.

Is dit die papiere wat u aan my vanoggend getoon het, en wat ek nou vir u sal wys? Die eerste een is bewysstuk 85. Dit is 'n bewysboekiesomslag met 'n stukkie papier in, met die woorde daarop "I will never carry a pass come what may", en dit is deur iemand Goane Teketsi geteken? --- Ja.

Dit is bewysstuk 85, Edelagbare. --- Ja.

BY THE COURT:

It seems to me to be the sort of plastic cover which can be used for keeping a person's reference book, and then there is this piece of paper with the words which you have quoted, and the words "African Cables Limited", a signature

and also "Goame Teketsi" on it?

BY THE PUBLIC PROSECUTOR:

Yes, Your Worship.

BY THE COURT:

That whole lot then comprises Exhibit 85.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Dan het u beslag gelê op bewysstuk 86, wat 'n program is, en die titel bo-aan is "Pan Africanist Congress, First National Conference, Orlando Communal Hall, Orlando East, Johannesburg, 19th and 20th December, 1959"? --- Dit is korrek.

En agterop is daar handskrif? --- Ja.

Dit sal bewysstuk 86 wees, Edelagbare.

BY THE COURT:

Somebody seems to have been imitating the Security Branch Detectives by taking notes!

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Sersant, wat ek u wil vra is sal u na die handskrif kyk op bewysstuk 86, en dit vergelyk met die handskrif op bewysstuk 85? --- Edelagbare ja, ek is nie 'n handskrifdeskundige nie, dog die handskrif is 'n gekrap en dit kom baie ooreen dieselfde gekrap te wêes.

BY THE COURT:

I must observe at this stage that unless the witness is a handwriting expert, his evidence is of no evidential value.

BY THE PUBLIC PROSECUTOR:

No Your Worship, but it is admissible.

BY THE COURT:

Well, the Crown may as well invite my attention to it and ask me to look at it myself.

By/....

BY THE PUBLIC PROSECUTOR:

That is one way of inviting Your Worship's attention to it!

BY THE COURT:

Oh, I see. Very well, but the witness' evidence is of no evidential value. He is not a handwriting expert, and he admits it straight away.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Dan Sersant, het u die tweede ook in beslag geneem? Dit is bewysstuk 87, en dit is 'n duplikaat van bewysstuk 86, maar daar is nou nie handskrif op die papier nie? — Ja.

En ook die volgende dokumente, bewysstuk 88. Dit is die "Pan Africanist", die November 1959 uitgawe? — Ja.

Dan is daar 'n stukkie papier, en die eerste paar woorde is "Unity is a National sentiment", en dit is bewysstuk nr. 89? — Dit is korrek.

Die volgende stukkie papier is in Bantoetaal geskryf, bewysstuk 90? — Ja.

En nog 'n derde stukkie papier is blykbaar getitel in Engels: "Procedure", en dit is bewysstuk 91? — Dit is korrek.

Het u die datum wanneer u hierdie papiere in beslag geneem het, Sersant? — Ja, dit was op die 23ste Maart 1960.

Nou Sersant, op die 21ste Maart, die dag van die skietery, u het natuurlik beskuldigde nr. 3 gesien daar by die Polisiestasie en hy was gearresteer? — Ja.

Nou, het u enigiets van hom in beslag geneem op daardie besondere dag? — Ek het sy huis deursoek.....

Nee, nie sy huis nie, maar op die dag van die skietery by die Polisiestasie, na sy arrestasie? — Ek kan nie/.....

nie onthou nie.

Ek wil u 'n bewysstuk toon Sersant. Dit is bewysstuk nr. 92, en dit is 'n etiket "Passes must go. P.A.C.". Het u dit voor vandag gesien, hierdie besondere bewysstuk? --- Soortgelykes ja.

Maar weet u miskien of dra u enige kennis van hierdie een, hoe dit miskien in my besit gekom het? --- Nee, ek kan nie onthou nie.

Dankie, Edelagbare.

BY MR. UNTERHALTER:

Your Worship, if I might be permitted to look at the documents? I may have questions to ask the witness.

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

BY ACCUSED NO. 8:

Your Worship, I deny knowledge of the exhibits.

CROSS-EXAMINED BY ACCUSED NO. 8:

Ek stem saam met u as u sê u het my huis deursoek op die betrokke dag, maar is dit nie waar dat u het my nie 'n skriftelike dokument gegee dat u het beslag gelê op die betrokke dokumente nie? --- Hy was teenwoordig gewees.

DEUR DIE HOP:

Maar jy het hom geen skriftelike bewys gegee nie? --- Ek het hom een gegee ja, Edelagbare.

Jy het hom een gegee? --- Ek het hom 'n lys gegee.

Van hierdie papiere? --- Ja, Edelagbare.

KRUISVERHOOR DEUR BESKULDIGDE NR. 8 VERVOLG:

Ek stel dit aan u dat alhoewel u daar gekom het het u my nie 'n lys gegee wat 'n beskrywing gee van die dokumente wat u geneem het nie? --- Ek het hom 'n kopie gegee van die/....

die lys wat ek gemaak het van die dokumente.

Onthou u nog destyds toe u die eerste keer getuie is gegee het in die Hof, het ek dit voor die Hof gebring dat u het my foto weggesteek, en u wou dit nie na die Hof bring nie? — Ek het 'n foto van hom gehad.

Ek verwys nou na bewysstuk 86. Jy moet na die agterkant van die bewysstuk kyk. Verwys ook na bewysstukke 89, 90 en 91. Is die handskrifte op bewysstukke 89 en 90 dieselfde of soortgelyk as die op bewysstuk 91? — Blykbaar nie.

Ek stel dit aan u dat ek dra geen kennis van bewysstukke 88 en 90 nie, maar ek dra wel kennis van bewysstuk 91? Wat sê u daarvan? — Ek kan niks daarop sê nie. Ek het 'n lys gemaak van die dokumente wat ek in sy besit gevind het, en dit is die dokumente hierdie.

Sal u dit dan erken dat omdat die handskrifte op bewysstukke 89 en 90 nie dieselfde of nie soortgelyk as die op bewysstuk 91 is nie, dat u my geen lys gegee het van die beskrywing van die dokumente wat u op beslag gelê het nie? — Ek het hom 'n kopie gegee van die lys van dokumente wat ek in beslag geneem het.

Onthou u miskien die datum toe u die dokumente geneem het? — Die 23ste Maart 1968.

Ek het geen verdere vrae nie, Edelagbare.

GEEN KRUISVERHOOR DEUR BESKULDIGDES MRS. 38 EN 39.

KRUISVERHOOR DEUR MNR. UNTERHALTER:

Sergeant, when you came into the Police Station were you with Sergeant Muller and Captain Willers in the same car?

— Dit is korrek ja.

I think you said last time you were sitting in

front/....

front with Sergeant Muller? --- Tot op 'n sekere stadium onthou ek het ek voorgesit. Ek moes die pad aanwys na Sharpesgille toe.

You were actually driving up to a certain stage, and then you changed over, did you not? --- Dit is korrek.

You and Sergeant Muller? --- Dit is korrek.

Then when you changed over he took the wheel, and I think you said last time you sat alongside him, and Captain Willers sat at the back? --- Ja, ek het so gesê. Dit is moontlik, ek kan nie onthou nie. Met die uitklimmery en inklimmery, ek kan nie onthou wat het werklik gebeur nie. 'n Mens neem nie baie kennis daarvan nie, hoe jy gaan sit in 'n kar en waar jy gaan sit nie.

Captain Willers gave evidence this morning and he is very definite that as an Officer he sat in the front of the car next to Muller? --- Dit is heel moontlik, omrede ek gewoonlik is daaraan dat Offisiere gewoonlik voor in 'n kar sit as hulle alleen is, of saam met sy bestuurder.

You remember my putting a question to you last time Sergeant about any attack that you may have seen attempted upon Sergeant Muller by someone reaching towards his arm through the window of the car, as if to pull him out of the car, and you stated that you did not observe such an attack? --- Dit is korrek ja.

Whether you were sitting alongside him or whether you were sitting at the back, you have got no recollection of seeing that? --- Ek het dit definitief nie gesien nie.

If you were sitting in the back there was nothing to obstruct your view either of the driver or of the man sitting next to him? --- Dit is korrek.

At the hostel, when you spoke about the arrest of two/....

two men - you will remember when I cross-examined you last time - did you personally have anything to do with having either of these men placed in the pick-up van? --- Ek het hulle vergesel na die vangwa.

Can you remember how these two men were brought from the crowd to the pick-up van? --- Die eerste beskuldigde het ek geneem na die vangwa. Die tweede een het 'n Munisipale Bantoeconstabel geneem en hom na die vangwa geneem.

Do you remember how the Municipal Constable conveyed him? --- Hy het hom in die eerste instansie omarm.

He embraced him? --- Dit is korrek.

And the one that you yourself escorted, did you actually place him under arrest when you took him from the crowd? --- Ek het hom aan sy arm geneem.

Did you indicate to him when you first did that that you were arresting him? Did you say to him that you were arresting him? --- Nee, ek het nie aan hom gesê ek arresteer hom nie.

How did it come about that this particular man was taken by the arm by yourself? --- Dit was as gevolg van sy optrede.

Had you been observing him carefully for some little while before you arrested him? --- Ja.

I think you told us last time Sergeant that you saw him moving about in the front of the crowd. Do you remember I put his version to you that he said he was on the side, and he had not behaved in any provocative way? --- Dit is korrek.

And you said that he moved up and down in front of the crowd? --- Dit is korrek ja.

Apart from his moving up and down in front of the crowd/....

crowd, was there anything else in his movements or behaviour that was noteworthy or important, that leaves an impression upon you today, that you can still tell His Worship about? --- Ek onthou dat hy het op 'n stadium met sy rug na die Polisie gestaan en gebare met sy hande gemaak wat my tot die gevolgtrekking laat kom het dat hy die skare aanroep.

Apart from that, anything else that he did that you thought might have warranted his being arrested, or reinforced you in the idea that you should remove him? --- Op daardie stadium was dit vir my heeltemal genoegsaam dat die persoon is iemand wat 'n leidende rol daar speel, en ek wou hom onder-  
vra.

What you observed was his movement in front of the crowd, his movement with his hands, and apparently his beckoning this crowd forward? --- Ja.

Nothing else? --- Nie tot op daardie stadium nie.

Would you have kept him under observation for a couple of minutes before you arrested him? --- Ja, dit was 'n paar minute seker gewees.

You see, I have just questioned Captain Willers about the behaviour of accused No. 2, and he speaks to having seen No. 2 accused go in among the front line of the crowd and push children aged between 8 and 16 from the back, push them forward, and I said to him that that was not described to us by other people who were there. I take it you did not see that? --- Dit is moontlik dat ek dit nie gesien het nie. Ek kan dit nie onthou nie.

But having observed the behaviour of this man, do I understand you made up your mind he was the leader, and that he ought to be out of the way? --- Ja.

And did you then go forward and arrest him? ---

Ja/....



--- Ja, die eerste een het ek weggeneem.

You exercised your judgment in regard to this man, and who exercised judgment in regard to the other man who was arrested? Was it you who gave the Municipal Constable the order? --- Nee, ek het hom geen bevele gegee nie. Hy het uit sy eie gegaan en hom omarm. Dit mag wees dat iemand anders dit ook gesien het, alhoewel ek het gesien dat hy ook die houding inneem van 'n leier, maar ek was nie so na aan hom gewees dat ek na hom toe kon gaan en vir hom kon sê „Kom saam met my nie“, of dat ek met hom wou praat nie.

You concentrated on the man whom you led up, and it was your own decision to take him out of the way? ---  
Dit is korrek.

You see Captain Willers told us that he gave you the instruction and it was in obedience to his order that you went? Is that not correct? --- Dit mag wees dat hy iets gesê het, alhoewel ek het nie op daardie oomblik geluister nie. Dit was 'n lawaai en ek het probeer luister wat die beskuldigde sê. Kaptein Willers was met oomblikke by my gewees, en party oomblikke was hy 'n endjie weg van my af. 'n Mens het nie presies op een plek stil bly staan nie.

As far as you can remember today it was actually your own personal independent judgment that caused you to take this man out of the way? ---Ja.

Thank you, Your Worship.

NO RE-EXAMINATION BY THE PUBLIC PROSECUTOR.

Marthinus/....

MARTHINUS SMUTS, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Mnr. Smuts, is u die Hoof Bantoesakekommissaris van die Witwatersrandafdeling? --- Dit is reg.

Met u kantore te Johannesburg? --- My kantoor is in Johannesburg.

En val Vereeniging onder u gebied? --- Vereeniging val in my gebied.

En dit sluit ook in Evaton en Vanderbijlpark? --- Dit is reg ja.

Nou, op die 21ste van Maart hierdie jaar het u inligting ontvang vanaf Vereeniging in verband met die toedrag van sake by Evaton en Vanderbijlpark? --- Dit is so. Ek het van Vereeniging en van Evaton inligting ontvang.

En het u besluit om na Evaton en Vanderbijlpark te gaan? --- Ek het besluit om na Evaton te gaan, en daarna toe die moeilikheid daar ten einde geloop het, het ek besluit om na Vereeniging te gaan.

Vir watter doel wou u na eerstens Evaton en Vanderbijlpark toe gaan? --- Te Evaton het die Bantoesakekommissaris my gevra om te kom, en toe ek daar aangekom het, en nadat ek die saak met hom bespreek het, het ek besluit dat ek na die Polisiestasie te Evaton moet gaan om indien moontlik die Bantoes toe te spreek.

Het u enige persoon verwittig van u bedoeling, d.w.s. om die Bantoes toe te spreek daar? --- By die Polisiestasie ja wel; Luitenant van Eeden was daar in bevel gewees.

Hoe laat was dit mnr. Smuts? --- Ek is kwart-voor-nege weg. Dit was omtrent half-tien.

En wat was u van plan om vir die Bantoes te sê daar? --- Ek was van plan om hulle aan te raai om huistoe te gaan, en/....

en om aan hulle mee te deel dat bewysboeke nie summier afgeskaf kan word nie, en dat die Regering nie kon luister na versoeke wat met geweld of deur optogte gesteun word nie, maar dat hulle deur hulle Bantoesakekommissaris vertoë, indien hulle griewe het, aan die Regering moet oordra.

Was Luitenant van Eeden die enigste Polisiebeampte vir wie u van hierdie plan vertel het? --- Ja, sover ek weet. Majoor Bayman het later aangekom, en kort daarna het die vliegtuie begin duik oor die mense, en in elk geval was dit nie moontlik om hulle toe te spreek nie want die grootste gros van die Bantoes was vergader op 'n oop stuk grond omtrent 200, 300 treë weg van die Polisiestasie, en daar was net 'n klompie leiers voor die Polisiestasie gewees.

En nadat die vliegtuie oorgekom het wat het van die Bantoes geword? Het hulle uitmekaar gegaan? --- Wel, 'n mens kon sien - ek het hulle gestaan en dophou, en eers het hulle....

Ek wil nie so volledig daarop ingaan nie, maar het hulle toe uitmekaar gegaan? --- Ja, na 'n tyd het hulle uiteengegaan.

En u het hulle dus nie gespreek nie? --- Ek het hulle nie toegesprek nie.

En daarna het u berigte ontvang van Vereeniging en het u toe hierheen gekom? --- Wel, ek het gewoet van Vereeniging toe, en ek het <sup>hierheen</sup> gekom.

Hoe laat het u hier by Vereeniging aangekom mnr. Smuts? Kan u onthou? --- Ek sou sê dit sou so half-aan gewees het.

En het/ingang gevind tot die lokasie daar by die Munisipale kantore? --- By die lokasieingang ja. Ek het by die Munisipale kantore ingekom, en ek het Majoor van Zyl daar raakgeloop, en hom verwittig dat ek graag wou ingaan na die Polisiestasie toe, en hy het my gewaarsku om dit nie te doen nie.

Wat/....

Wat wou u by die Polisiestasië kom doen mnr. Smuts?

--- Weer om behulpsaam te wees en om die Bantoes toe te spreek. Ek het Majoor van Zyl so gesê ook, en hy het my belowe later om my in te neem, maar voordat dit nog kon gebeur het 'n telefoniese boodskap deurgekom - ek kan nie sê wie dit nou aan my oorgedra het nie, maar een van die Polisie het - dat ek moet wag op Senior Offisiere van die Polisie, en dat ons tesame sou ingaan om die Bantoes toe te spreek.

En wou u die Bantoes toespreek op dieselfde manier as wat u wou gedoen het by Evaton en Vanderbijlpark? --- Ja, dit is reg.

Nou, afgesien van Majoor van Zyl en Luitenant van Eeden en Majoor Bayman, was enige ander Polisie-amptenare in kennis gestel van u plan om die Bantoes toe te spreek hier by Vereeniging veral? --- Ja, nadat Brigadier Els aangekom het het ek vir hom dit gesê, maar dit was toe te laat gewees.

Dit was toe te laat? --- Ja.

Maar voor dit, d.i. voordat Brigadier Els daar gekom het, en voor die skietery plaasgevind het, was enige ander Polisiebesampes in kennis gestel? --- Wel, Majoor van Zyl was in bevel gewees. Ek het met Kaptein van der Linde ook gepraat daarvoor ja.

Maar het enige Offisiere te Vereeniging voor 12.30, d.i. die tyd toe u aangekom het, gewet dat u was van plan om die Bantoes toe te spreek? --- Nee, hulle het daar niks van gewet nie. Ek het daar onverwags aangekom.

Het u ooit voordat u by Vereeniging gekom het die feit bekendgemaak dat u was van plan om naturelle toe te spreek? --- Nee. My eie kantoor se mense het nie gewet dat ek oorgekom het hiernatooe nie. Ek het haastig vertrek vanaf Johannesburg, nadat ek in Kolonel Lemmer se kantoor was.

Het/....

Het u ooit daarin geslaag om by Sharpeville Polisie-stasie te kom? — Ek het met Kaptein van der Linde saangery in 'n "Saracen", en deurgery. Ek het gehoop hy sou my daar kon afsit, maar hy kon nie want die naturelle was so opstandig voor die hek van die stasie dat hy direk saangery het. Hy het net die Polisieversterkings ingeneem onder Kolonel Pienaar.

En waar was u toe die Polisie geskiet het? — Toe het ek net weer terug by die hek aangekom. Ek het net uit die "Saracen" toe geklim, en terwyl ek nog vir een van my vriende vertel het wat daar aangaan het die skietery plaasgevind.

Was u alreeds terug by die Munisipale kantore? — Voor die Munisipale kantore.

Voor die Munisipale kantore? — Dit is reg ja.

En ek dink kort daarna het Brigadier Els daar opgedaag? — Dit is reg.

En het u Brigadier Els vergesel terug na Sharpeville Polisiestasie? — Ja, ek het hom eers in die kantoor in vergesel terwyl hy reëlings getref het vir die gewondes en soan, en toe is ek terug na die Sharpeville Polisiestasie.

En daar was toe nie meer naturelle om die Polisie-stasie toe u en Brigadier Els daar aangekom het nie, behalwe vir die gewondes? — Die gewondes en soan was daar, en die ander was veraf sigbaar in die straat.

Nou mnr. Smuts, daar is 'n storie versprei in die naturelledorp vroeg daardie dag, omtrent tussen 9 en 10 v.m., dat 'n hooggeplaaste beampte sou hulle daar by die Polisiestasie om 2. n.m. kom toespreek in verband met passe of pasaangeleenthede. Dra u enige kennis daarvan? — Ek dra geen kennis daarvan nie. Ek het van die storie gehoor eers na die gebeure.

Dankie, Edelagbare.

Kruisverhoor/....

KRUISVERHOOR DEUR MNR. UNTERHALTER:

Mr. Smuts, I take it as the Senior person concerned with Bantu Affairs on the Witwatersrand you would have received certain reports about the demonstration that was being planned by the Pan Africanists some little while before the 21st March? — Yes.

I take it Mr. Smuts you were also aware that there had been considerable criticism of the operation of the Pass Laws by numerous African organisations over quite a period before the 21st March? — Your Worship, the Pass Laws as such were abolished by the Abolition of Passes Act. At that time there were the reference books. Reference books had to be carried by natives, and there were certain, and there are still certain restrictions on the entry into Urban Areas. There was certain criticism of these Laws.

When I use the term "pass" Mr. Smuts I mean in connection with the reference books? — Well, I am not prepared to use the word "pass". The whole issue is being confused by the use of this term "Pass Laws", and people's feelings have been whipped up about that in the past.

Mr. Smuts, I am not quarrelling with you, but I am merely explaining to you that the term actually that is used in the indictment here, with the explanation that the term "reference book" is intended, and we will discuss it in future on the basis of a reference book so that there would be no confusion. I take it Mr. Smuts that the discontent among the African people regarding reference books was a problem that has been occupying your Department for some time prior to the 21st March, a matter that your Department had had under notice, under consideration? Will you agree with that? — Yes, that is so.

Now/....

Now, it is correct is it not, that some days after the shooting at Sharpeville, and just before the declaration of the State of Emergency at the end of March, an order went out that the strict letter of the law in regard to the carrying of reference books was not to be implemented by the Police, and that Africans were to be told that at least for the time being these books would not be demanded of them? Am I putting it to you correctly? --- Well, that is in accordance with what I saw in the Press.

As an official connected with this aspect of the Law, can you tell His Worship if this was a policy decision in regard to which you, as the Senior Officer on the Witwatersrand, was consulted? --- I had no information on the matter.

Mr. Smuts, when you were in Colonel Lemmer's office on the morning of the 21st March, did you inform him of what you proposed to do in the two troubled areas of Evaton and Vereeniging? --- No, I did not. Our meeting was for quite a different purpose, and we postponed that meeting and I left immediately.

When you postponed the meeting did you perhaps tell him that you were putting it off because you were going post-haste to Evaton and Vereeniging because of the disturbances that you had heard about? --- Colonel Lemmer was most anxious to postpone the meeting himself, because he was busy making arrangements for Police reinforcements and so on, and I told him that I was most anxious about the position, but I cannot recall what I said to him. I don't think I said to him that I was going to address the natives.

Even if you can't recollect having told him that you were going to address the people, is it possible that you might have/....

have said to him "Well, I am going down into those areas"? ---  
I think I said to him "I want to go to Evaton". I had not  
decided to go to Vereeniging yet at that stage.

And do you recollect Mr. Smuts at approximately  
what time this conversation took place between yourself and  
Colonel Lemmer? --- It was just after half past eight.

Colonel Lemmer made no suggestions or requests to  
you in your capacity as the Chief Bantu Commissioner for the  
Witwatersrand? --- Our whole discussion went on another subject  
really, and this was something aside. We just wanted to wipe  
out the arranged discussions, so that we could both be free.  
I don't think I had any clear plans at that stage, except that  
I intended to go to Evaton.

This proposed discussion that you had come to have  
with Colonel Lemmer, did that have any bearing at all upon  
the incidents or the problems at Vereeniging? --- No, it had  
to do with the Union Festival arrangements.

But in regard to the grave problem that had arisen  
that morning, did Colonel Lemmer ask you to do anything or  
seek your advice or anything or discuss the matter with you  
in any regard? --- No, he was so busy making his arrangements  
and there was no time.

Do you know if there was anyone present, any Senior  
Police Officer or Junior Police Officer, i.e. present at the  
time that you were there with Colonel Lemmer? --- I was  
present with Colonel Lemmer alone, and we had arranged quite  
a big meeting. The other people were all in a different room,  
and they were not met by Colonel Lemmer in the end but by one  
of his subordinates; none of them were present. I was alone  
with Colonel Lemmer at the time, except afterwards - I remember  
now - Colonel Olivier came in, and Colonel Lemmer said to him

I/....



"I hear there is also difficulty at Evaton. I heard from Mr. Smuts that there are also natives gathered at Evaton", and so Colonel Olivier said "Yes, the news has just come through". That is about all that I discussed with him about it. I would not be sure about Colonel Olivier. I think it was Colonel Olivier.

You know Mr. Smuts, usually before one has access to a Senior Police Officer one has to be announced through one of his Junior Orderlies. Now, were you in fact announced to Colonel Lemmer that morning by anyone in an outer office? — Actually I went through the office of his Junior. I think I insisted on going straight in to Colonel Lemmer. I think that was the position that morning, because I was in a hurry and I wanted to get this meeting postponed.

Did you perhaps tell this Junior that you were the Senior Bantu Commissioner for the Witwatersrand, or did he know you or recognise you? — There was a standing arrangement for a meeting with myself, Mr. Toerin, Mr. Carr and a number of other people, and he knows me too, so he knew me when I came in.

Anyway, you then left, and do I take it you proceeded immediately to Evaton? — I proceeded immediately to Evaton yes.

Before you did so did you leave any message at your office to the effect that you were going there? — No, I did not go back to my office. I had the Bantu Affairs Commissioner with me in the car, and I dropped some way towards his office in Sauer Street and then I went straight on.

Did you perhaps convey to him your intention of addressing the crowd at Evaton or Vereeniging? — It is most unlikely that I would have done that. I just said I was going/....

going there. I wanted to go and see what exactly the position was. I had not made up my mind yet. I made up my mind when I got to the Bantu Affairs Commissioner at Evaton.

Did you perhaps phone your office or leave a message so that they should know where you were in the intervening hours? --- The Bantu Affairs Commissioner Mr. Smithers did so as far as I know, and told them that I had gone there. Then I was immediately followed up by a second officer from my office.

Now, did Mr. Smithers do this because he received the information from you? --- I should say so yes. I think I asked him. Now I come to recall that I think I asked him to tell them that I was going to Evaton, but I never tell my office what I am going to do, unless I meet my second in command and then I would tell him what I intend to do, but I would not send a message as to what I intended to do.

Now, when you say that Mr. Smithers told them, who do you mean? --- I mean my second in command Mr. Oelschig.

Anyway, it is quite clear that your office in Johannesburg knew that you as the senior man had gone down into the troubled spot at Evaton? --- Yes, in fact they were worried about it, because they followed me up.

Were you accompanied by anyone on your journey from Johannesburg to Evaton? --- No, I was alone.

When you got to Evaton I understood you to say that you had a conversation at the Police Station there with Lieutenant van Eeden? Am I correct? --- That is right yes.

At about what time would that have been? --- I suppose about ten o'clock.

Now, were there any Saracens stationed at Evaton when you got there? --- No, the Saracens were on the road. I passed/....

passed them on the road. They did not arrive there until I left. I think those that I had passed on the road had gone to Vereeniging and Vanderbiljpark.

Do you know if any Saracens at any time arrived at Egaton? --- Yes, there were Saracens two days later when I was there.

No, I mean on that particular morning? --- I don't know. I did not go back to Evaton that day. Well, I did to go and pick up my car, but I did not see any Saracens.

Do you know if there were any radio installations working at Evaton? --- No.

Was the telephone communication between Evaton and the outside world intact? --- Between the Police Station yes. When I got there there was a newspaper reporter ringing his newspaper.

Now, you spoke to Lieutenant van Eeden and it was to him, was it not, that you conveyed your intention of speaking to the people at Evaton? --- If it were possible yes.

Was anyone else present with him when you said this to him? --- I think Mr. van Heerden, the Senior Information Officer from my office, was present yes.

Was there any opportunity at all while you were at Evaton to communicate with any of the Africans at all, leaders or members of the crowd? --- When I got there Lieutenant van Eeden's big worry was what should be done, because it did not seem that he had very many men with him, and my advise to him was to do nothing at all for the time being until more reinforcements arrived. So we decided not to do anything. There were leaders at the gate, clamouring to be arrested, but we decided not to do anything at all.

Mr. Smuts, do you know if anyone attempted to

mediate/....

mediate with the crowd at Evaton through one of its leaders?

--- There were repeated discussions by detectives - I think they were detectives - and Mr. van Heerden with members of the crowd, but we could not make very much headway. This was with individuals in front of the gate.

Now, this is Mr. van Heerden the Information Officer?

--- Yes, he is now with the South African Broadcasting Corporation. He is no longer with the Department. Oh, he had an Assistant with him too, a Bantu Assistant, who also tried to talk to the crowd or with individuals in the crowd.

Can you say Mr. Smuts whether in the course of these parleys between Mr. van Heerden and his African Assistant on the one hand, and members of the crowd on the other, your representatives might have said to these people that it was your wish, as the Senior Bantu Commissioner, to talk to them? --- I don't think anything like that was said. The main object was to find out what the people wanted. We were still at a loss you see. We had just landed in amongst a huge crowd of people like that, and we were still finding our bearings.

Anyway Mr. Smuts, I take it that you cannot definitely assure His Worship this morning that Mr. van Heerden or the Bantu subordinate did not say something to that effect to the crowd? They may have said it, you don't know? --- I don't think anything like that was said. I really don't think so.

Well, that is your opinion, but you can't assure His Worship definitely that some aside, some phrase, some words were dropped that might have conveyed this impression, and then as His Worship has suggested the grapevine got operating, and before we know where we are it is down at Sharpeville? You were not present all the time listening to Mr. van Heerden talking to the crowd, nor listening to this

Bantu/....

Bantu talking to the leaders? --- No. There was not very much talking. There were endeavours to talk to the leaders, but I don't think the Bantu Assistant .... definitely he could not have said so because he did not know what my intentions were. As to Mr. van Heerden I doubt whether he said anything. Personally I think that this statement that somebody would speak to them was part of a plan, a pre-arranged plan.

That is just your opinion? --- That is my opinion yes.

But I want to get some facts from you. --- The funny thing is that according to the Press the same thing happened at Cape Town.

Mr. Smuts, let us confine ourselves to the facts because that is the only way we will ever get to the truth. Just to round off this aspect of the matter I repeat that you can't definitely assure His Worship by any facts that are known to you that some statement was not made to the crowd when Mr. van Heerden or the Assistant were talking to them? Apart from your opinion there is nothing by way of fact that you can give? --- A statement was not made to the crowd. Talking took place with individuals.

You can't assure His Worship that something may not have been said to those individuals? --- No, but I am pretty certain nothing was said.

I don't want your opinion, but you cannot say anything as to facts? --- No, I was not present each time they spoke to them.

Quite. Now, you then left Evaton and you went on to Sharpeville. Did you go alone or were you accompanied by anybody? --- Then Mr. van Heerden accompanied me.

Now, when Mr. van Heerden and yourself arrived in

Vereeniging/....

Vereeniging, did you go straight to the Sharpeville Municipal Offices? --- I came here to the Native Commissioner first, to the Bantu Affairs Commissioner.

That African Assistant was not with you? --- In the car yes. The African Assistant was in the car.

Did you have any discussions between yourself, you and Mr. van Heerden, as to what you intended to do? to assist at Sharpeville? --- I think our discussions were mainly about what had taken place at Evaton.

May it be that you said in the car to Mr. van Heerden that if you had the chance you would try to talk to the crowd? --- It is possible yes.

This of course could have been overheard and understood by your African Assistant? --- It could have been yes.

Anyway, you arrived here, you left your African Assistant in the car and you came to speak to the Officer in charge here? --- Yes, that is right.

Did you tell him that that was your plan? --- I don't think so. I think I said I was going to see what was happening. I may have said so.

You may have said so? --- Yes.

Was that Mr. De Sousa you spoke to? --- Mr. De Sousa yes.

Was anyone present apart from Mr. van Heerden and you? --- No, nobody else.

Just the three of you. Then did Mr. De Sousa come with you or did he remain behind? --- No, Mr. Wilson, his Assistant, was already out there, so Mr. De Sousa remained in the office.

So it was just the two of you who then left here and went with the African Assistant into Sharpeville? --- That is/....

is right yes.

What would the time have been when you left these buildings? --- About twenty past twelve or about twenty-five past twelve; roundabout there.

When you arrived at the entrance to Sharpeville who was it whom you first saw? --- Oh, I saw many people there. I saw Major van Zyl, I think I saw Captain van der Linde, I saw Mr. Ferreira, I saw Mr. van Ravenswaay, and various others, and my talks to them were confined to finding out what had happened, how the events had taken place.

You did not say to any of them that it was your wish to get nearer to this crowd in order to talk to them and advise them to go home and mention to them generally what you told us earlier? --- No, I told nobody what my intention was to say to the crowd. I just told Major van Zyl that I wanted to go in and see whether I could not speak to them. I did not tell him what I intended to say to them.

So although you did not communicate the contents of your proposed address, you did communicate to him the fact that you would have liked to address the crowd? --- Yes, I said I wanted to drive in in my car, and he advised me not to go in, and he said that he would try and arrange for me to be escorted in.

Do you know if this conversation between yourself and Major van Zyl about your wish to address the crowd might have been overheard by anyone standing nearby? --- I think Captain van der Linde might have been nearby yes.

There were Saracens stationed at the Municipal Offices? --- Yes.

You don't know if this wish of yours communicated to Major van Zyl, was relayed by radio from a Saracen at the Municipal/....

Municipal Offices to the Police Force stationed at the Police Station? --- I don't know what was radioed.

We have had evidence here some while ago Mr. Smuts that a certain person moving among the crowd outside the Police Station heard an announcement made by an African inside the grounds of the Police Station to the effect that a highly placed officer - I don't use that in the sense of a Policeman, an official rather - would come to address the people on the Pass Laws at about two o'clock. You have told my learned friend that you heard about the rumour but you know nothing of the rumour? --- Yes, I heard about the rumour only after the events.

You can't comment on this aspect that I have just put to you? --- No, I can't comment on that.

There has also been evidence that Lieutenant Visser had a conversation with a person who was supposed to have made this announcement. Do you know Lieutenant Visser or anything about him that could assist His Worship on this aspect of the case? --- I don't think I know Lieutenant Visser.

Now, Brigadier Els and yourself had a conversation after the shooting? --- After the shooting yes.

Did Brigadier Els perhaps say to you that he had had the same idea as yourself, to come and talk to the crowd and try to quieten them? --- No, he did not say anything like that. He said it was too late to talk now.

Now Mr. Smuts, apropos of what did he say it was too late to talk? Apropos of his plans to have spoken if he had had the chance, or apropos of your plans, or apropos of both your plans? --- I think it was both our plans.

Did you gather from that that he had made a journey to Vereeniging for a similar purpose to yourself? --- Well, that

is/....



is from the message I received, that he was coming for the purpose that the two of us should go in together. Actually the message was to the effect that Brigadier Els and Colonel Lemmer were coming along and I should not go to the Police Station to speak to the Bantus until they arrived. Colonel Lemmer never arrived.

Did you gather from that that they did not want you alone to be the Senior man addressing the crowd, but that they as Senior people wanted to be present with you at the time of addressing the crowd? --- That is what I thought yes, that they would like to be with me.

Now, besides yourself Mr. Smuts, who else was aware of this message of the coming of Colonel Lemmer and Brigadier Els? Was Major van Zyl aware of it? --- Well, some of the Officers must have been aware of it, because they told me. I did not get the message over the telephone, but I was told that such a telephone message had arrived, but I could not tell you who told me.

You don't know where the telephone message had been received, at the Municipal Offices at Sharpeville or where? --- At the Municipal Offices yes. That was the only means of communication; it was by telephone to the Municipal Offices and then relayed by radio from the Saracen to the Police Station.

There has been evidence that the whole of Sharpeville was cut off from Vereeniging. You don't know anything about that? --- No.

You are quite certain the message reached the Sharpeville Municipal Offices? --- Yes, oh yes. Well, I went in there repeatedly when various Officers were speaking on the telephone.

So as you have said there was communication between the/....

the Municipal Offices and Vereeniging, but not between the offices and the Police Station other than by radio signal between the Saracens? --- That is right yes.

Brigadier Bayman did you say his name was? --- Major Bayman.

Major Bayman. Where did you see him? --- I saw him at Evaton.

He did not come back into Vereeniging? You did not see him there? --- No, he stayed on. He stayed in command at Evaton.

You had not had any special discussions with your Vereeniging area a few days before in the light of the coming demonstrations? --- No.

Did the severity of the outbreak here come as a surprise to you? --- That is right.

Thank you, Your Worship.

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

RE-EXAMINED BY THE PUBLIC PROSECUTOR:

Mr. Smuts, what time was it that you received this hearsay information about this message that Brigadier Els and Colonel Lemmer were on their way? --- It was while I was there in front of the Municipal Offices, but I could not tell you the time.

Somewhere between twelve twenty-five and one I should imagine? --- Yes, that is right.

And when you were in your motor-car coming from Evaton to Vereeniging, when you discussed with your Information Officer, possibly as you stated, that you wanted to address the crowd, what time would that have been? --- Well, I left Evaton about twelve and it was during that time.

Between/....

Between twelve and twelve twenty-five? --- That is right, but we travelled at a very high speed and we did not talk very much in the car.

BY THE COURT:

Mr. Smuts, the position, if I understand your evidence correctly, is that having got to Evaton you decided to try to get an opportunity to address the Bantus there? --- That is right.

You did not succeed? --- I did not succeed.

And you left there then about twelve o'clock? ---

That is right.

And then the same idea entered your mind in regard to Sharpeville when you got to Vereeniging? --- That is the position.

And you were told to wait until the more senior Police Officers, i.e. Brigadier Els and Colonel Lemmer, came along, before doing anything about it? --- That is right.

Can you remember whether they came along before or after the shooting? --- They came along just after the shooting.

They arrived in other words at the Municipal Offices just after the shooting? --- Just after the shooting.

They must have left Johannesburg before the shooting? --- That is right. When I got the message it was said that they were on their way.

And that was before the shooting? --- That was before the shooting.

Yes, thank you very much. You may stand down.

By/....

BY THE PUBLIC PROSECUTOR:

Your Worship, I would like to recall Edwin Litelu. I called him previously on one certain aspect, and at that time I omitted to call him on other aspects which I wanted to.

EDWIN LITELU, duly sworn, states: (Recalled).

EXAMINED BY THE PUBLIC PROSECUTOR:

You are a Detective Constable in the South African Police stationed at Sharpeville? Is that correct? ---That is correct.

And you have already given evidence in this trial? ---That is correct.

How long have you been stationed at Sharpeville? --- Up to today it is already a year and two months.

And prior to that where were you stationed? --- Previous to that I was stationed at Vanderbijlpark.

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

Do you want to go down and point them out? --- Yes.

(Witness stands down and points out accused No. 65, Hophny Marabe).

Now, how do you come to know No. 65 accused? --- I have often seen him at Sharpeville.

On the 21st March this year, i.e. the day of the shooting, did you see No. 65 at all? --- Yes, I did.

Where were you when you saw No. 65? --- I was at the Sharpeville Police Station.

What time was that approximately? --- It was approximately nine o'clock and onwards.

From nine o'clock onwards? --- Yes.

And whereabouts in the Police Station did you see the accused, or in the vicinity of the Police Station did you

see/....

see the accused No. 65?

BY THE COURT:

Ask him where he saw him and not as you have put it.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Where did you see accused No. 65? You were at the Police Station. --- I saw accused No. 65 amongst the crowd which gathered there at the Police Station.

On which side of the Police Station? The Zwane Street side, i.e. the street with the island in the middle, or where else? --- He was in Zwane Street.

BY THE COURT:

Do you know now which is Zwane Street? --- Yes, I do know, Your Worship.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And what was No. 65 doing when you saw him? --- He was shouting together with the others. They were shouting "Africa Iswe Lethu!".

And what else did you see or hear him do? --- I saw him lifting up his hands in the air.

Can you demonstrate how he was lifting up his hands? --- Yes. (Witness demonstrates to the Court).

BY THE COURT:

You indicate with one hand up and the palm forward? --- Yes, and shouting and saying "Iswe Lethu!".

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Did you see what eventually became of No. 65? --- I do not know what eventually became of accused No. 65, because people were moving up and down there.

Was there any reaction from the crowd in the vicinity of No. 65 when he raised his hand and shouted "Iswe Lethu"?

He/....

--- He was lifting up his hand in the manner I have indicated together with the group which had gathered there.

Thank you, Your Worship.

CROSS-EXAMINED BY MR. UNTERHALTER:

You gave evidence in this Court previously? ---Yes, I have already given evidence.

Why did you make no reference to accused No. 65 on the first occasion? --- I have no reason as to why I did not.

Now, you were present when the planes came over? --- Yes, I was.

Will you agree with me that if you saw accused No. 65 it was before those planes came over? --- There I cannot be certain.

That is what he is going to say, that he was present before the planes came over. Do you deny that? --- I do not deny that.

Now, as to the place where you saw him, he denies that he was in Zwane Street, but he places himself somewhere to the north? --- I say he was in Zwane Street.

What is it that makes you so certain that it was accused No. 65 that you saw in Zwane Street? --- It was because I saw him.

Is he the only one whom you remember seeing? --- There were many others I saw there.

Do you remember how he was dressed? ---No, I do not.

You only remember him by his face? -You/ Yes.

He is going to deny that he was demonstrating or shouting and gesticulating in the way you have told His Worship. --- Anybody can deny it.

BY THE COURT:

Yes, some people will deny something truthfully and some/....

some falsely. Apparently he is prepared to deny if necessary on oath that he was doing that. What is your comment on that? --- I say he was there and lifting up his arm in the way I have indicated to the Court.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

About how far away from him were you? --- It was a distance as far as the witness box to the inside of that office. There is a shelf there where forms are being stored. (Witness indicates about 15 paces).

And throughout all this time there was a very loud noise coming from the crowd? Is that not so? --- Yes.

Now, is it not possible that if you saw accused No. 65<sup>1</sup> mouth opening and shutting it was not because he was shouting "Africa Iswe Lethu!", but he may have been singing? --- The position is this, that those people who had gathered there, when they were saying "Africa Iswe Lethu!" all of them were saying that, and nobody would sing a song at that stage.

Accused No. 65 will say to His Worship if he gives evidence that he sang while he was with the crowd, and he is going to deny that he shouted "Africa!"? --- He was not singing but he was shouting like the others.

Now, how can you be certain about that in view of the very loud noise that the crowd was making, that he in particular were using the word "Africa!"? Those about him might have said it and you might have thought it was him, but how can you be quite sure in that big crowd and with that noise and at that distance that he particularly used that word? --- I saw him.

Yes, but the question is did you hear him, could you hear him? --- I did not hear him alone, but the voices which were/....

E. Litelu.  
(Recalled).  
J.S. Joubert.

were shouting brought together they sounded or they shouted the same thing. He was amongst them.

BY THE COURT:

Can I put it this way? There was a chorus of "Africa Iswe Lethu!"? ---Yes.

And you did not hear his voice individually? --- No.

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

NO RE-EXAMINATION BY THE PUBLIC PROSECUTOR.

BY THE COURT:

Did you identify accused No. 65 at a parade or not?

--- No, Your Worship.

Did you go to a parade yourself to identify anyone?

--- I was never at a parade.

JOHANNES STEFANUS JOUBERT, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

U is 'n Sersant in die Suid-Afrikaanse Polisie en waar is u op die oomblik gestasioneer? ---Ek is gestasioneer te Springs.

En op die 21ste van Maart verlede jaar was u nog nie bevorder tot Sersant nie? --- Nee.

Nou, het u saam met 'n Polisie-eenheid onder die bevel van Kaptein Theron na Sharpeville natureselldorp gegaan?

--- Ja.

Was u een van die bestuurders van die Polisievoertuie?

---Van 'n Polisievoertuig ja.

Nou/....



Nou, toe u by die Polisiestasie aangekom het met u voertuig het u enige aanmerkings gehoor vanaf die skare toe u by die groot hek wou ingaan aan die westekant? --- Ja.

Wat se aanmerkings het u gehoor? --- Ek het gehoor dat ons gedreig word deur te sê "Vandag sal ons julle doodmaak!" Verder is daar gesê "Afrika! Mayibuye Afrika!". Daar was ook gebare gemaak met hande.

Watter soort gebare was dit? --- Daar is vuiste gewys.

Vriendelike gebare of hoe? --- Bemenslike gebare.

En u het later deurgekom en uit u voertuig geklim, d.i. nadat u toegang verkry het tot die Polisieperseel? --- Ja, toe het ons uit die voertuig uitgeklim.

En was u in die nabyheid van die groot hek aan die westelike kant toe Kolonel Pienaar se voertuig aangekom het? --- Ja, ek het regoor die hek gestaan.

Nou, het u gesien of daar enige insident was waarin Kolonel Pienaar se motorkar betrokke was toe hy daar gekom het? --- Ja, daar was 'n insident, maar ek kon dit nie eintlik mooi aanskou wat daar eintlik gebeur het nie. Ek het net gesien dat daar 'n klomp mense saamron by die kar en net 'n groot gesukkel is die voertuig toe ook in die stasiegronde in.

En daarna was u ook een van die lede van die Polisie wie in gelid gestaan het op 'n bevel van Kolonel Pienaar? --- Dit is reg ja.

Het u enigiets gesien plaasvind daar by die hek voor die Polisie geskiet het? Waar daar enige insidente by die hek, die groot hek? --- Ja, daar was 'n persoon gearresteer voor die hek.

Hoeveel persone het u gesien wat gearresteer was daar by die hek? --- Ek het net een persoon opgemerk daar.

En wie het daardie persoon gearresteer? --- Op daardie oomblik/....

oomblik het ek nie geweet wie die persoon is nie, maar hy was in burgerlike klere gekleed gewees.

Het u later uitgevind wie die persoon was? — Later het ek uitgevind wie die arrestasie gedoen het. Dit was Kolonel Spengler gewees.

Daardie dag was u deur enige voorwerp getref? —

Ja.

Watter soort voorwerp het u getref? — 'n Klip omtrent die grootte van 'n man se gebalde vuus.

Vanwaar het die klip gekom? — Vanuit die skare.

En het u enige ander klippe gesien miskien behalwe vir die een wat u getref het? — Ja.

En wat was die volgende ding wat gebeur het nadat u deur die klip getref was, d.i. wat gebeur het of wat u gehoor het? — Ja, daar het.... sal u nou sê by die hek of waar?

Wel, net die volgende insident in die regte volgorde wat gebeur het? — Na die klipgooiery het ek 'n aantal Bantoes by die hek gesien instorm.

En daarna? — Ek het ook 'n skoot - dit het gegaan soos 'n .22 geweer of 'n rewolwer - vanaf my regterkant van die skare se kant af gehoor.

En daarna <sup>wat</sup> het gebeur? — Daarna het ek ook aan weerskante van my, die linkerkant en die regterkant, skote gehoor vuur wat gegaan het na .303 asook rewolwerskote.

Polisiegewere? — Polisiegewere ja.

Nou, het u enige beserings opgedoen as gevolg van die klip wat u getref het? — Geen uitwendige beserings nie maar wel moontlik inwendig.

Wat het van u geword toe die klip u tref? Het u innekaargesak of op u voete bly staan of wat? — Ek het net

gegryp/....

gegryp na my bors maar ek het nie inmeaargesak nie, ek het bly staan.

DEUR DIE HOF:

Waar het die klip jou getref? --- Op my linkerbors, Edelaagbare.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOIG:

Nou, nadat die skietery oor was Sersant het u enige voorwerpe daar opgetel? --- Waar ek gestaan het ja.

Watter soort voorwerpe het u opgetel? --- Die klip waarmee ek gegooi was, asook 'n ander klip wat by die een gelê het.

Vanwaar het die ander klip gekom? --- Ook vanuit die skare.

En wat het u met die klippe gemaak? --- Ek het dit geneem en ingehandig as bewysstukke.

Nou, voor die Hof begin het vandag het u deur 'n blik klippe gekyk hier in die Hof? --- Neg nie.

Sal u net asseblief na die blik klippe kom kyk, bewysstuk 36, met die Hof se toestemming, om te sien of die twee klippe wat u ingehandig het moontlik hier is? --- Ja. (Getuie staan af en dui twee klippe aan).

Ek sien u het twee klippe vanuit bewysstuk 36 gehaal. Ons sal dit nou 'n nuwe nommer gee en die twee klippe sal nou bewysstuk 93 wees, Edelaagbare, d.i. uit bewysstuk 36. Is dit die twee klippe waarvan u melding gemaak het in u getuienis? --- Ja.

Watter van die twee het u geraak? --- Die bruinerige kleur klip.

Hierdie een? --- Ja.

Dit is eintlik die kleiner een van die twee? --- Die kleinste een van die twee ja.

Die/....

Die ander een lyk soos 'n stukkie "concrete"? — Ja, "concrete".

Was u daardie dag bewapen? Het u 'n vuurwapen by u gehad? — Ja.

Watter soort vuurwapen? — Ek was bewapen met 'n Stengeweer.

Terwyl u daar gestaan het en voor die klippe oorgekom het, het u opgelet of die skare enigiets, of enige lid van die skare enige goed in hul hande gehad het? — Ja.

Watter soort goed het hulle in die hande gehad? — Daar was party van hulle wat kieries in hulle hande gehad het. Ek nag as dit is algemeen dat hulle kieries in hulle hande gehad het.

Dankie, Edelagbare.

HOF VERDAAG.

HOF HERVAT:

JOHANNES STEFANUS JOUBERT, onder sy vorige eed, vervolg:

KRUISVERHOOR DEUR MNR. UNTERHALTER:

Sergeant, you said that you were hit by a stone and you have shown it to His Worship as being one of the exhibits, portion of Exhibit No. 93, i.e. the brown one. Now, <sup>do</sup> you say it is precisely that stone or is it one that looks similar to it? — Dieselfde een.

How is it that you are so sure among that big collection of stones that it is exactly this one? — Ek het die twee klippe voor die Hof self aanmekaar vasgebind met die lyn soos dit voor die Hof verskyn vandag.

I see. You mean when you took these stones out of the/....

the tin, Exhibit 36, there was a string round it, and this string assists you to identify the two stones? --- Ja, asook die kleure en die klippe hulleself. Ek ken hulle.

Now, you yourself were armed with a Sten gun you said? --- Dit is reg ja.

And did you use it? --- Ja.

How many shots did you fire? --- Tien enkelskote het ek gevuur.

Your gun could also, if you adjust it, shoot quick fire? --- Dit is reg.

Why did you operate it on single fire rather than quick fire? --- Die rede daarvoor is dat wanneer jy hom op enkelvuur het is die wapen nie so gevaarlik as wanneer jy hom op snelvuur het nie. As daar enigens iets met die vuurwapen gebeur, dat hy val of so, as een skoot afgaan kan die hele magasyn afgaan, en waar hy op enkelvuur is kan dit nie gebeur nie.

Do you mean that ordinarily you keep it on single fire in case an accident should happen and then there would be a whole splutter of bullets? --- Heeltemal reg.

When you had to use it against the crowd why did you not switch it over to fire quick fire? --- Ek het dit nie nodig gegag om hom op snelvuur te sit op daardie stadium nie.

I believe that when you first started to shoot you also shot into the ground? Is that correct? --- Heeltemal reg.

Now, you say that before the firing you heard a shot like a .22 coming from your right side and from the crowd? --- Ja.

Is that the only shot you heard coming from the crowd? --- Ja, dit is die enigste skoot wat ek gehoor het.

Other people have said they heard more than one

shot/....

shot? --- Dit mag moontlik wees. Ek myself het net een skoot gehoor.

You gave evidence before the Commission did you not Sergeant? ---Ja.

You did not tell the Commissioner that you heard the shot coming from the crowd? --- As ek reg onthou het ek.

You remember that you had occasion to look at the evidence that you gave at the Commission? ---Ja.

Before you gave your evidence in Court this morning? --- Dit is reg.

Do you remember perhaps coming across something in that record when you read it this morning about hearing shots from the crowd? --- Ek sal nie kan sê of ek dit vanmôre in die rekord gelees het nie. Ek het nie op daardie sekere punt ag geslaan nie.

You see, I have read it myself in the lunch adjournment and I can't see any reference to your having said it, but I may have omitted it. Perhaps you would like to look at the evidence yourself, roundabout page 983, just to see if I am wrong in what I have suggested to you. It may be on other pages, but I think that is where it probably would be if it were anywhere. --- (Witness studies the Report of the Commission of Inquiry). Ek sien niks in die rekord dat ek spesifiek gesê het dat ek skote van die skare gehoor het nie, alhoewel hier is op rekord dat ek .... hier staan „Daar was skote gevuur voordat ek geskiet het“. Ek mag dit moontlik net nie op die sekere punt gesê het nie.

Have you perhaps discussed what happened that day with other Policemen who were present with you? --- Nee.

Have you not at any stage Sergeant discussed with any other Policemen the great experience that you had on that day?

Ek/....

--- Ek sal sê daar is oor gepraat maar nie dat ons die voorval bespreek het nie, deur een persoon die ander persoon attent maak op sekere punte nie.

Well, you said in your evidence-in-chief that you were the only man from Springs. Were there not other people who came from Springs too? --- Ek was die enigste persoon wat met 'n Stengeweer gewapen was. Ons was twaalf blanke mans.

Did you not perhaps sometime after this event go over what had happened in your discussions with some of these men who had come from Springs with you? --- Soos ek gesê het die voorval was bespreek gewees, maar nie op sekere punte nie. Dit is dood logies dat die een sal dit met die ander een bespreek.

Did anyone else mention to you that they heard shots coming from the crowd? --- Ek sal nie op hierdie stadium kan sê nie. Die voorval was in die algemeen bespreek gewees. Soos ek sê nie sekere punte nie.

Now, while you were shooting I take it that the crowd in front turned round as if to get away? --- I beg your pardon?

While you were shooting the crowd in front, the people in front, turned round as if to escape? --- Ja, hulle het gemaal. Die persone wat voor was het omgevlieg en na agtertoe gedraai, so of hulle in 'n bondel gemaal het.

And this happened immediately the firing started, did it not? --- Wel, ek sal nie sê onmiddellik nie. Na 'n kwessie van oomblikke, toe het dit gebeur.

Well, it amounts to the same thing does it not? This is what was said at the Inquiry at page 994. "The position is after you had fired your first shot, in fact when the first shots were fired the people right in the front tried to get back", and your reply is "Hulle het onmiddellik padgegee". You did say that, did you not? --- Nadat die eerste skote gevuur is ja.

That/....

That is correct is it not? --- Ja, hulle het padgegee dadelik.

And if anything prevented their getting away it was the fact that there was a big crowd, there were people at the back, and they were not giving way because everybody was milling around in confusion? That would be right would it not? --- Die voorste persone het gemaak, maar die persone aan die agterkant, in die middel sal ek sê, dit het gelyk of hulle nog na vorentoe kom. Het hulle ook omgedraai sou die persone wat voor was nie nodig gehad het om te maal nie, maar ook 'n oop pad gehad het om weg te kom.

Of course the people in the middle of the back may not have realised that there was live ammunition, and they may only have heard the shots, and could not have turned round? That may have been the reason why they did not turn round? --- Ek sou reken as die voorste persone toe omgevlieg het behoort die persone agter hulle en agter ook gesien het dat daar is gevaar, en almal sou omgedraai het, maarop daardie oomblik het die middelste persone nie omgedraai nie.

But it may well be that the people in other parts of the crowd did not realise in those first few seconds what had happened, and that is why they did not turn round? --- 'n Persoon met 'n gesonde verstand behoort op daardie stadium geweet het of gesien het wat aangaan en sou ook omgedraai het.

Sergeant, you are not suggesting to me are you that in the face of this terrible withering fire from seventy Policemen armed with Sten guns and rifles, that the crowd in the centre at the back was foolhardy enough to press forward despite the firing? You are not suggesting that are you? --- Wel, wat hulle houding op daardie oomblik was sal ek nie kan sê nie. Hoekom hulle nie padgegee het nie weet ek nie, en of party/....



party van hulle padgegee het en party nie weet ek ook nie.

I believe your frame of mind was that even though you had heard an order to load, you did not think you were going to get an order to fire? --- Nee, ek sal nie daar sê nie. Ek weet nie wat was in die persoon se gedagte toe ons die bevel gekry het om te laai nie.

Sergeant, I am asking you in your own mind you did not think you were going to get an order? --- Nie op daardie onmiddellike oomblik nie, maar later wel.

Well, you did not say that last thing at the Inquiry you know. You did not say "later wel" at the Inquiry, but you left it in the way I have suggested it to you. I am going to read to you what you said..... --- Edelagbare, ja.....

Just a moment, let me finish my question and then you can comment on it. At the bottom of page 996 this was asked of you: "When the order to load was given and you were standing there with your gun, what did you think was going to happen? Did you think you might get an order to fire?" Your answer: "Nee". Question: "Why not?" Answer: "Heel moontlik het hulle.... miskien sou die bevel anders gewees het om die skare op 'n ander manier te probeer uitmekaar uitmaak". Question: "And perhaps just scared the crowd off?" Answer: "Moontlik ja". Question: "To make quite sure that they did not attack you?" Answer: "Wel, dit kan ook die geval wees". That is all that was said on that. Now, you admit that that was what was asked of you and that is what you said? --- Soos ek sê dit kom op dieselfde neer.

No, just answer the question first Sergeant. Do you admit that these questions were asked you and those were the answers that you gave? --- Ja, dit is aan my gevra en ek het dit geantwoord.

Thank you, Your Worship.

No/....

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

NO RE-EXAMINATION BY THE PUBLIC PROSECUTOR.

JOHANNES STEFANUS SMIT, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

U is 'n Konstabel in diens van die Suid-Afrikaanse  
Polisie en gestasioneer te Marshallplein? --- Dit is reg.

Nou, op die 21ste van Maart hierdie jaar was u by  
die Sharpeville Polisiestasie? --- Dit is reg.

Was u een van die lede van die Polisie wie in gelid  
gestaan het op 'n bevel van Kolonel Pienaar of sy Offisiere?  
--- Dit is reg.

Was u deur enige voorwerpe getref daardie dag? ---  
Ja, ek was deur 'n klip getref.

Waar het die klip u getref? --- Op my linkersy.

En omtrent hoe groot was die klip? --- Wel, hy was  
die grootte van 'n appel.

Wat het gebeur toe die klip u tref? Het u nog bly  
staan of het u geval? --- Nee, ek het net half gesteier.

Het dit enige/loop wonde veroorsaak? --- Nee.

Vanwaar het die klip gekom? --- Nee, ek het nie  
opgelet nie. Ek het net gevoel hy tref my. Hy moes natuurlik  
van die skare afgekom het, want dit was die enigste wat kon  
gegooi het.

Was u op daardie gedeelte van die Polisiestasie waar  
die groot hek is? --- Ja, ek was omtrent vyf treë regs van  
die hek af gewes.

Het u enige klippe of voorwerpe opgetel nadat die

Polisie/....

Polisie geskêet het daardie dag? --- Nee.

GEEN KRUISVERHOOR DEUR MNR. UNTERHALTER.

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

ISAAC NGWENYA, duly sworn, states: (Witness speaks Zulu).

EXAMINED BY THE PUBLIC PROSECUTOR:

Are you by occupation a commercial traveller and do you live at Sharpeville Native Township? --- That is correct.

How long have you been living at Sharpeville? --- Since 1946.

And are you a member of the Advisory Board of Sharpeville Native Township? --- That is correct.

Now, do you remember the day that the shooting took place at Sharpeville Police Station, which was on a Monday, the 21st March? --- I remember some of the things that happened that day, and some I do not remember.

Yes, I just want to bring it back to your memory that this took place on a Monday in March, on the 21st? --- Yes, it can be so.

Now, the day before that Monday, the Sunday, did you go to bed in your own house? --- That is correct.

Were you disturbed at all during the night? I am talking about that Sunday night? --- Yes, I think there were people who came there and knocked.

What were you doing when the people arrived and knocked? --- I was asleep.

So/....

So you were awakened by the knocking? Is that correct?

--- Yes.

And what did you do when you woke up? --- I went out and looked outside.

What did you see outside? --- It was at night and I saw many people walking there in the street. At that stage I could not make out who the people were who were in the yard.

Was anything said by these people outside which you overheard? --- There was nothing which I heard or which I overheard being said by these people.

And what did you do when you got outside and saw that there was somebody outside in the yard and other people in the vicinity? --- I have already said that it is some time that this happened. When I looked around outside there I saw many people in the street there.

Did you see what these people were doing? --- I could not see what these people were doing there.

Did you have anything in your hands when you went outside? --- I think I had a torch with me, but I am not certain.

And after you had had a look around outside what did you do? --- Although I do not remember well, I did not do anything, but I saw people running up and down the streets.

Yes, but after having seen that what did you do? Did you go back into your house, or did you do anything else? That is what I want to find out. --- I think if I recollect well I returned to my house.

Did you have occasion to leave your house at all during the rest of the night? --- No, I do not remember well.

BY THE COURT:

Look, it is time you start remembering a little bit! You are not an uneducated man. You have now said five or six times/....

times, if not more, that you don't remember well. Now, when you are asked the next question just think well and see if you can remember.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

The following morning were you supposed to go to work?

--- Yes.

And did you set off to go to work at all? --- Yes.

How did you set off to go to work, on foot to a bus stop or by some means of your own transport? --- I left by car.

What time did you leave? --- Well, it was in the morning. I think it was seven o'clock or half past seven.

Do you know Seeiso Street? --- Yes.

Now, to get to your place of employment did you have to go down Seeiso Street at all? --- Yes.

And as you drove down Seeiso Street did you see anything happening in the street? --- I saw another car coming back. I then heard that people were hitting others there.

Did you hear that from the occupant of this car? --- Yes, from the occupants of that car.

They gave you certain information and as a result of that information what did you do? Did you carry on further or did you do anything else? --- I then returned home and I remained at home. I drove into the yard and left my car there.

In the yard? --- Yes.

And after that what did you do? --- I stood outside looking on, and at that time I could see that there were many people. They were moving up and down the streets.

What were these people doing whilst they were moving up and down the street? --- I did not see what they were doing, but they were just walking there.

Now/....

Now, what did you do the rest of the day? Did you remain at your house or did you go anywhere? --- I remained at home for the rest of the day.

Did you have any previous knowledge that there was going to be some form of demonstration on this particular Monday --- No, I did not have such knowledge beforehand.

Before this weekend had you ever heard of the Pan Africanist Congress at all? --- I had heard before, but I did not know who were the people responsible for it, and what it was about.

Did you ever receive any literature which purported to have been issued by the Pan Africanist Congress at all? --- In those days - that is why I say I cannot remember well - we used to find some papers there in the yard.

Are you talking about your yard? --- Yes.

Did you ever read any of these papers? --- Yes, I did read some but I cannot say what the contents were.

And what did you do with the papers when you had finished reading them? --- The day I read it I then threw it in the dustbin.

Do you know any of the accused persons? --- No, I do not know them.

Do you know a youth at all by the name of Stolo or Tsolo - I am not sure how it is pronounced? --- Where? Here in Sharpeville?

I don't know. Anywhere perhaps? --- Yes, there are people known by the name of Tsolo in Sharpeville.

Do you know anybody? Do you know any of that clan? --- I know their father. I do not know the children very well.

Now, about a week before the 22nd March, 1960, and at a bus terminus in Sharpeville, did you ever overhear anybody/....

anybody addressing people or talking at the bus terminus? ---

No, I do not remember.

Let me try and refresh your memory. Did you make a statement to the Police? --- Yes, I did make a statement to the Police concerning my neighbour who was killed.

Kaifas Motsepe? --- Yes.

Is that the only statement you made to the Police?

--- I recall so.

Well, have a look at this statement, and is that your signature on it? --- Yes, that is my signature.

BY THE COURT:

You see your signature where, on what? You have been shown two pieces of paper? --- Two pieces of paper yes.

BY THE PUBLIC PROSECUTOR:

It is pages 1 and 2, Your Worship.

BY THE COURT:

One signature or two signatures?

BY THE PUBLIC PROSECUTOR:

There is a signature on either page, Your Worship, on each page. That will be Exhibit No. 94, Your Worship.

BY THE COURT:

I have marked these two pages 1 and 2 respectively in Exhibit 94, and I have not read the contents.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

This statement is dated the 22nd March, 1960? Would that be correct? --- Yes.

And I see you also swore to the truth of the contents of the statement? Is that correct? --- Yes, I think it is so.

I see there was no Interpreter there. Did you speak

English/....

English to the man who was taking your statement? --- No, I was speaking in Afrikaans.

Anyway, all I can ask you is this. Is the evidence which you have given now in Court today consistent or inconsistent with what you have said in your statement which you have already identified? --- I will not know that. I have already said that it is some time since this happened, and I cannot recollect everything now.

BY THE PUBLIC PROSECUTOR:

I wonder if I might read the statement out to him Sir, and then draw his attention to the parts which the Crown submits are not inconsistent?

BY THE COURT:

Yes.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Well, this is how the statement reads in English. "Isaac Ngwenya, 2576, Sharpeville, Vereeniging, sworn, states: I reside at the above address and am employed as a commercial traveller, "Greytex", Pritchard House, Johannesburg. I am an Advisory Board Member at the location and I do not belong to any movements. I have not got my identify book with me today because I left it at home hearing an attack on me should I have it on me. On Sunday night, 20.3.1960, at approximately 1 a.m. 21.3.1960 I was woken up by a loud knock on my door. I armed myself with a stick and went to my kitchen. As I got into the kitchen the door flew open and I struck at a human form in the door but missed. This person left and I heard people talking in Sesuthu, saying that I am one of those that eat with the Europeans, and they will return to burn my house and to kill me, or rather they will return to burn my house and gar and to kill me. At this I got into my car and went

to/....



to the Sharpeville Police where I made a report to the European Officer of the S.A. Police. I returned to my home. On Monday morning, 21.3.1960, I did not go to work. Next to me at No. 2574 resided Kaifas Motsepe and at approximately 11 a.m. 21.3.1960 I saw him standing at his gate in the company of another native male Mtika of the same street, the number unknown. I told him what happened to me during the previous night, and suggested to them that we should make some plan to combat a recurrence. Both of them did not pay much attention to me and I left it at that and they walked away. I then saw a lot of people going towards the Police Station at approximately 1 to 1.30 p.m. Fearing trouble I did not join them. I heard the shooting afterwards. Later in the day I received a report from general talk that Kaifas was also killed. On 22.3.1960 and at the Police Station, Vereeniging, I identified the body of Kaifas Motsepe to Constable Matthee. Approximately one week ago - it was a Monday or Tuesday last week - I heard native youth Tsole and others at the bus terminus at Sharpeville telling the people that what he had organised in Sharpeville no one will disorganise. He emphasised that this was our country and no passes will be carried. There were quite a number of people listening to him. That is all I know." Then it was signed by you. Is that right, is that what you said in your statement? --- No, I deny it.

Let me try and find out something. Do you deny all that I have read out to you, or certain portions of what has been read to you? --- Some I did say, i.e. of the things read out to me, and the others I did not say. As I have already said it is some time since this thing happened. I do not remember everything.

Well, I will just go through it quickly and then will  
you /....

you tell me which portions you deny saying? You said you resided at a certain address and you are employed as a commercial traveller at this firm "Greytex", Pritchard House, Johannesburg. Is that correct? — That is correct.

You said you are an Advisory Board Member in the location and you do not belong to any movements? — That is correct.

And you said you have not got your identity book with you today, i.e. the day that the statement was taken, because "I left it at home fearing an attack on me should I have it on me". — Yes, that is correct.

You said "On Sunday night 20.3.1960 at approximately 1 a.m. 21.3.1960 I was woken up by a loud knock on my door". — That is correct.

"I armed myself with a stick and went to my kitchen". — No, that I do not know.

"As I got into the kitchen....."

BY THE COURT:

Just a moment please. Did you not say that you armed yourself with a stick? or can't you remember what you said? — I do not remember what I said on that point.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Then you said "As I got into the kitchen the door flew open and I struck at a human form in the door but missed". — That I do not know very well. I do not remember having said that.

"This person left and I heard people talking in Sesuthu saying that I am one of those that eat with the Europeans and they will return to burn my house and car and to kill me". — That I do not remember.

"At this I got into my car and went to the Sharpeville Police/...."

Police where I made a report to a European Officer at the S.A. Police, or rather of the S.A. Police". --- That I do not remember having said.

BY THE COURT:

Did you go to the Police Station that night? --- I did not go.

In fact you did not go? Is that right? --- I did not go.

Are you sure now of that? --- I did not go out.

Just let us have it quite clear. Did you go to the Police Station during the night between Sunday and Monday, the 20th and the 21st March? Now, the Monday I assure you is the day on which the shooting took place. You were not so sure just now even of the date, but I assure you it is the Monday. I want to know whether during the previous night or on that Monday you went to the Police Station in your car? I am asking you this myself now because it is a thing which you must remember. Either you remember you went there, or else you say you did not go there, one of the two. Now, what do you say? --- I do not remember well whether I went to the Police Station or not.

Is there anything wrong with you mentally, that you do not remember well? --- Yes, mentally I am in order.

So mentally you are in order, or else you would not be an Advisory Board Member I suppose! Very well.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

You carry on and you say "I returned to my home", i.e. after you are alleged to have said that you made a report at the Police Station. You carry on and you say "I returned to my home". --- I think it is so.

Then you say "On Monday morning 21.3.1960 I did not go/....

go to work". --- Yes, that is so.

"Next to me at No. 2574 resided Kaifas Motsepe and at approximately 11 a.m. 21.3.1960 I saw him standing at his gate in the company of another native male Mlike of the same street, number unknown". --- Yes.

BY THE COURT:

Is that correct now? --- Yes, that is correct.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

"I told them of what happened to me during the previous night and suggested to them that we should make some plan to combat a recurrence". --- That is so.

"Both of them did not pay much attention to me and I left it at that, and they walked away". --- Yes, that is correct.

"I then saw a lot of people going towards the Police Station at approximately 1 to 1.30 p.m.". --- Yes.

Is that correct? --- Yes.

"But fearing trouble I did not join them". --- That is correct.

"I heard the shooting afterwards". --- Yes.

"Later in the day I received a report from general talk that Kaifas was also killed". --- Yes, that is so.

"On 22.3.1960 and at the Police Station, Vereeniging, I identified the body of Kaifas Motsepe to Constable Matthee". --- Yes.

"Approximately one week ago - it was a Monday or Tuesday last week - I heard native youth Tsole and others at the bus terminus at Sharpeville telling the people that what he had organised in Sharpeville no one will disorganise". --- That I do not remember having said.

"He emphasised that this was our country and no

passes/....

2,643.

I. Ngwenya.

passes will be carried". --- That I do not remember.

"There were quite a number of people listening to him. That is all I know". --- That portion I do not remember having said.

BY THE COURT:

Do you remember anything about people at the bus terminus about a week before you made this statement or the statement was taken? --- No, Your Worship.

NO CROSS-EXAMINATION BY MR. UNTERHALTER.

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

BY THE COURT:

Now, today you say that there were people outside your house in the street, but you cannot remember what they did or what they said? Is that definite now, that you can't remember what they did or what they said? --- No, at night I do not remember.

One can remember what happens at night. At night has got something to do with what you can't see perhaps but not what you can remember. Now, if people had threatened to destroy your house and your car and kill you, would you remember it or would you forget it? --- I will remember it.

You will remember it, but you don't remember anything like that? Is that quite definite now? --- I remember nothing

You remember nothing about saying anything like that to the Police, or about anything like that happening? --- No, I do not remember.

Now, let us get it quite clearly. Did you go to Sharpeville Police Station or not? I am now <sup>talking</sup> of

Sunday night, the night between the Sunday the 20th March and Monday/....

Monday the 21st March; any time during that night did you go to Sharpeville Police Station? --- I do not remember going to the Police Station.

But why can't you remember going to the Police Station? Is it that you go there so frequently or not? --- Perhaps I may go to the Police Station for the reason that I take a report, or perhaps if I just happen to pass the Police Station, but I remember very well that on Sunday I did not go to the Police Station, during the Sunday night, as well as the Monday. I am definite that on Monday I did not go to the Police Station I remained at home the whole day.

You remained at home the whole day. Nobody suggested you went there on Monday during the day, but the suggestion is that you said you went there during the night of Sunday. Now, if you go to the Police Station many times, because you have got a lot of friends there or you are always taking complaints there on behalf of your people, I can understand if you get mixed up about when you did go and when you did not go. Now once more, how do I understand your evidence? Did you go to the Police Station after you are alleged to have been threatened and your car was threatened and your houses was threatened, on this Sunday night, the night before the shooting took place when the large number of people were killed at Sharpeville Police Station? --- Your Worship, I have already said that I do not remember having gone to the Police Station.

But if you did go to the Police Station about such a threat to your life and your house and your car, surely you will remember it? --- Yes, I would remember it.

Now, it is not suggested that you went there with a petty complaint about your neighbours, but it is suggested in this statement that you went there on account of the threat

and/....

I. Ngwenya.  
R. Mtinkulu.

and on account of the happenings at your house. Now, do you now say you do not remember whether you went to the Police Station, or you did not go? --- Your Worship, when I say I do not remember I mean in other words that I do not know.

You do not know. Very well. You do not know or remember anything about a young man at the bus terminus and some other people talking about this country being theirs and about passes being carried and so on? --- No Your Worship, I do not know. I do not remember.

Tell me, when is the next Advisory Board Council election due? --- In September.

This year? --- This year.

And are you still a member? --- Yes.

Have you got any ideas about offering yourself for re-election? --- At present I do not know.

You may stand down thank you, Isaac.

RICHARD MTINKULU, duly sworn, states: (Witness speaks Sesuthu.)

EXAMINED BY THE PUBLIC PROSECUTOR:

Do you know any of the accused? --- No.

Do you remember the day of the shooting at the Sharpeville Police Station, which was on a Monday in March? --- Yes, I do remember.

Prior to that day had you had any previous knowledge that there was going to be some form of demonstration on that day, on the Monday the 21st March? --- No.

Had you prior to the 21st March, i.e. the day the shooting took place, ever heard of the Pan Africanist Congress? --- No, I had never about it.

Had/....

Had you ever had any literature sent to you through the post which purported to have been written by the Pan Africanist Congress? — No, I never received it.

Now, on the Sunday night before the day of the shooting, did you go to sleep in your house? — Yes.

Did anybody come to your house that night? — Yes,

many people came there to my house.

Where were you when the people came to your house?

— I was asleep.

And how did these people make their presence known to you? — They knocked.

What did you do? Did you get up and go and see who was knocking? — I got up and discovered that it was just a number of people who were standing outside there.

Did they speak to you? — Yes.

What did they want? — They said we should come

out and go to the ground.

Did they say for what purpose you should go to the grounds?

BY THE COURT:

Just a moment. What do you mean by the ground?

— The football grounds.

Yes, and then? — They did not say the reason why

I should go to the football grounds, but they said we should just go there.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Did you know the names of any of these people? —

No, I did not know these names.

Was that all they said, that you should come to the

grounds? — Yes.

And what did you do? — I went out!

Whereto/....



Whereto? --- Just when I went out of the gate of my yard then the Police van came.

And what happened then? --- The many people then ran away when they saw the Police van, and I also ran away.

Where did you run to? --- I ran into the house.

Into your house? --- Into my house.

When you had gone out did you have your reference book with you on your person? --- Yes, I had it with me outside.

Was there any talk there that night about reference books before you left your house to go out? --- No, nothing was said about the reference books.

Do you know anybody by the name of Dhlamini? ---

Yes.

Who is Dhlamini? --- It is another tall boy who lives in Sharpeville. He is a tall boy with side-whiskers, as well as the way he cuts his hair; he cuts them in a certain fashion.

Is he here today? --- No, he is not here today. I last saw him that night.

Where did you see him? --- There when they were up; that is where I saw him.

Did he say anything to you? --- He said nothing to me.

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

How many did you make? --- Only one statement.

And did you swear to tell the truth in that statement? --- Yes.

Is that your signature on this statement? --- Yes, that is my signature.

This will be Exhibit No. 95, Your Worship.

Was there somebody interpreting when you made your statement/....

IN THE COURT

EXAMINATION BY THE PUBLIC PROSECUTOR

EXAMINATION BY THE PUBLIC PROSECUTOR

EXAMINATION BY THE PUBLIC PROSECUTOR

EXAMINATION BY THE PUBLIC PROSECUTOR

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EXAMINATION BY THE PUBLIC PROSECUTOR

EXAMINATION BY THE PUBLIC PROSECUTOR

EXAMINATION BY THE PUBLIC PROSECUTOR

statement? --- I made my statement to the native detective.  
There was no interpreter.

BY THE COURT:

Did you say without an interpreter? --- There was  
no interpreter, Your Worship.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Now, what you told the Court today, is that the  
same or different from what you have said in your statement?  
--- The evidence which I gave is the same as that which I  
gave in my statement.

I will read your statement over to you. You say:  
"2760, Sharpeville, Vereeniging. I am an adult Bantu male  
residing and employed and carrying out my own business. On  
25th March, 1960, at Johannesburg Government Mortuary I iden-  
tified body No. 566 as Elizabeth Mtinkulu, my wife. I ident-  
fied her to the Johannesburg Government Mortuary Curator. I  
last saw my wife alive on Monday 21.3.1960, the day of the  
riots. As I left my house she was still at home. I knew  
before Monday that the Monday 21.3.1960 was a day of demonstra-  
tions. I learnt this through a circular issued by the P.A.C.  
which was left at my house by night, and I do not know who  
brought it. I am no more in possession of the circular.  
On Sunday night 20.3.1960 people came to my house and demanded  
my reference book. One of these people was one Dhlamini of  
Sharpeville. Dhlamini was one of those who entered my house  
and demanded my reference book. He informed me that I must  
follow them to a meeting at the Sharpeville football grounds."

BY THE COURT:

What is the difference between his evidence and this  
Mr. Prosecutor?

By/....

BY THE PUBLIC PROSECUTOR:

The difference is Sir that he said he knew before Monday that there was going to be a demonstration, and here he says he did not know. He said that he never received any literature through the post, and he knows nothing about the P.A.C. in fact Sir, and here in his statement he says he learnt about this.....

BY THE COURT:

Is that now such a material point really, i.e. what this man knew and did not know? What has that got to do with the case?

BY THE PUBLIC PROSECUTOR:

It has a lot to do with the case Sir. The Crown case is that circulars were distributed amongst the inhabitants of the location....

BY THE COURT:

Well, let us suppose that he did give evidence today that circulars have been received. What proof have you got that the accused distributed the circulars, or were parties to it?

BY THE PUBLIC PROSECUTOR:

Your Worship, no direct proof can be afforded by any one witness. As Your Worship knows facts can be proved by circumstantial evidence, and by inferences which can be drawn from proved facts.

BY THE COURT:

Yes. What other differences are there?

BY THE PUBLIC PROSECUTOR:

Then there is the demanding of his reference book. He makes no mention of that, but he denies it.

BY THE COURT:

Well, he has not said anything to contradict it today, unless/....

unless I am mistaken as to what he has said.

BY THE PUBLIC PROSECUTOR:

He said he heard nothing that was said about reference books at his house that night.

BY THE COURT:

Yes, I see. That is right. Do you want to put anything more to the witness?

BY THE PUBLIC PROSECUTOR:

No thank you, Your Worship.

BY THE COURT:

Are you putting it to him whether this is what he said or not? That is the procedure you followed with the last witness.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Is that correct as I read your statement out to you? Did you say that? --- Yes.

Well, I would just like to point out the differences in your statement and to what you said in evidence. In your statement you say that you knew before Monday that this particular Monday was going to be a day of demonstrations. In your evidence you have said that prior to this weekend, i.e. that Sunday and Monday, you had no previous knowledge that the 21st was going to be a day of demonstrations, or that there were going to be demonstrations on the 21st? Then the second discrepancy is that in your statement you allege that you learnt through a circular issued by the P.A.C., which was left at your house at night and you don't know who brought it. In your evidence you stated that you have never received any literature purporting to have been written or subscribed to by the P.A.C. Lastly you say that on Sunday night the 20th March people came to your house and demanded your reference book/....

book, and in your evidence you say that there was no talk of reference books. — I have forgotten those points. I do not know if that is correct.

BY THE COURT:

Well Mr. Prosecutor, are you discrediting the witness? Of course you can't try to refresh his memory by putting this to him.

BY THE PUBLIC PROSECUTOR:

No Sir, I am calling the detective. I am following the procedure under Section 286.

BY THE COURT:

He says he has forgotten these points and now you have reminded him. In other words, he says now there is no difference. What is the result now? What must the Court now do about evidence like that?

BY THE PUBLIC PROSECUTOR:

Well Your Worship, I am not in a position to ask him for an explanation. Your Worship has ruled that I am only allowed to ask him "Is your evidence consistent or inconsistent with what you have given today?" I have put the discrepancies to him, and he says "Well, I cannot remember. There are those points....."

BY THE COURT:

He says he has forgotten about those points.

BY THE PUBLIC PROSECUTOR:

Well Sir, I would make the submission to Your Worship that that is not true, because his evidence is <sup>in direct</sup> conflict with these facts.

BY THE COURT:

I don't want to say anything, but it seems to me that this is a Section which the Crown must use very, very sparingly, and/....

and only when there is definite contradiction on material points.

BY THE PUBLIC PROSECUTOR:

Well, if Your Worship is ruling that.....

BY THE COURT:

I am not giving any ruling. I am expressing a view.

That is all.

BY THE PUBLIC PROSECUTOR:

Well, Your Worship is making it extremely difficult for me. Whenever I seek to follow a legal procedure which the Crown is entitled to follow Sir, then Your Worship is almost asking me.....

BY THE COURT:

Just be careful what you say!

BY THE PUBLIC PROSECUTOR:

Well Your Worship, I am finding it extremely difficult to follow the procedure which I find that I must follow to present, as it is my duty to present, the truth to Your Worship, or facts which would enable Your Worship to assess the truth, and if I feel that the witness has made, as I bona fides do feel, discrepancies, then I feel I am entitled to bring these facts to Your Worship's notice, and there is only one procedure to be followed, and it is laid down in the Act; I can do no more than that.

NO CROSS-EXAMINATION BY MR. UNTERHALTER.

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

BY THE COURT:

New look, here you were asleep in the middle of the night in your house, and people tell you to come to the football grounds/....

grounds. Is that right? --- Yes.

Now, why did you go out to the football grounds?  
Why did you not tell them "Go along and go to the football  
grounds in the middle of the night yourself? I am not going?"

Why did you go there? --- I do not know.

You do not know why you went to the football grounds?  
Is that really true? --- I was drunk. I do not know why I  
went there.

Were you in fact drunk that night? --- Yes, Your  
Worship.

Are you sure of that now? --- Yes, Your Worship.  
All right, you can stand down thank you.

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COURT ADJOURNS UNTIL 5.1.1961.

MICROFILE JOHANNESBURG.

**END**

MICROFILE JOHANNESBURG.

**END**