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5TH JANUARY, 1961.

COURT RESUMES : APPEARANCES AS BEFORE.

The Public Prosecutor calls:-

FILIBERTO CIOFFI, duly sworn, states:

EXAMINED BY THE PUBLIC PROSECUTOR:

Mr. Cioffi, are you a Director of the Vaal Transport Company? ---Yes.

Which provides a bus service from Sharpeville Native Township to Vereeniging proper? ---Yes.

Do you know of any discussions held between drivers of the bus service and members of the Management prior to the 21st March regarding that particular Monday? --- No.

And on the 21st March, 1960, in the morning, did you become aware that the buses were not running from Sharpeville to Vereeniging? ---Yes.

And did you proceed to the Municipal Offices at the entrance to Sharpeville Township? ---Yes.

And after consultation with the Police did you take your bus into Sharpeville Native Township? --- Yes.

You did not drive the bus but you accompanied the driver? --- Yes.

Who was a European? --- Yes.

What time did you take the bus into Sharpeville? ---
About six o'clock.

And did you drive up Seciso Street to the bus terminus? --- Yes.

Was the bus in which you were travelling involved in any incidents on the way up to the bus terminus? --- No.

And at the bus terminus were there any people standing/....

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F. Cioffi.

standing in the vicinity of the bus stop? --- No.

Did the bus stop at the terminus? --- Yes.

How long did it remain stationary at the terminus?

--- About two or three minutes.

And did anybody board the bus? --- No.

Did the bus then pull off and return along the bus route down Seeiso Street? --- Yes.

Did you notice whether on the way back at the bus stops there were any people who might have appeared to be waiting for a bus? --- No, there were no people.

And did the bus make any stops along Seeiso Street on the way back? --- No.

Were you involved in any incidents, or the bus involved in any incidents on the way back? --- No.

How did you learn that the bus service was not operating that morning? --- Because you see in the morning we have got a standby driver, and if anything happens they phone me.

What is the standby driver for? --- To go and fetch the drivers in Sharpeville and to let them start work.

And the standby driver did not report for duty? --- Yes, they went there and there was no call for duty.

And did any drivers report for duty that day? ---

No.

NO CROSS-EXAMINATION BY MR. UNTERHALTER.

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

BY THE COURT:

When you drove up Seeiso Street and then down, were there any people in the street? --- No.

Was the street empty? --- Yes.

You/....

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F. Cioffi.
G.P. Blake.

You mean there were no people about? --- No people.
And is that usual or unusual for that time of the
day? --- It is unusual.

In other words, at what time do your buses start
picking up passengers usually, i.e. the first bus? --- At a
quarter to five.

The buses start operating at 4.45 a.m. from the
location into Vereeniging? --- Yes.

And then back again? --- Yes.

Thank you very much. You may stand down.

GEORGE PETER BLAKE, duly sworn, states:

EXAMINED BY THE PUBLIC PROSECUTOR:

Mr. Blake, you were formerly a Detective Sergeant
in the South African Police stationed at Johannesburg? --- I
was.

When did you leave the Police Force? --- October 1960.

Do you speak any Bantu dialects? --- Yes, I speak
the Nguni dialects. I am most proficient in Zulu.

What dialects are included in the Nguni dialects?
--- Zulu, Swazi and Xhosa.

BY THE COURT:

A sort of Nguni group of languages? Is that correct?
--- Yes, Your Worship.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Will you have a look at Exhibit No. 94? --- Yes.

Is that your signature on it Sergeant? --- Yes, I took
this statement and I attested it.

Now/....

Now, I see the statement was taken in English? ---

Yes.

Did you have to use any native dialects at all to converse with the person? --- No, this person, if I can remember, is an Advisory Board Member, and he spoke first to me in English and then afterwards in English and Afrikaans, and then sometimes we switched over in the Zulu language.

Now, will you recognise him if you see him again? --- I am sure I would yes.

Is he here today? ---Your Worship, I am not positive but I think it is this man sitting here.

Which row Sergeant? --- Just behind Sergeant Bester there, the man with the black suit.

BY THE COURT:

He is in Court, that is right. The witness identifies the witness Isaac Ngwenya.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

In what manner was the statement taken from him Sergeant? --- Well, he identified a body and he brought me the chit that he had identified this body, and then I explained to him who I was and what I was doing, why I was there, and I asked him to give me a general story of what he knows about the incidents. I asked him to start back, and not only define himself to the shooting incident, but before, i.e. what actually happened.

And then did he start talking and you commenced writing? --- I did.

How were the contents of the statement which you had noted down brought back to his attention after he had completed it? --- I read it back to him myself.

And/....

You mean the
And is this
day? It is
In other
picking up
printer to
The press
location into
And then
Thank you
GEORGE PETER BLAKE,
EXAMINED BY THE PUBLIC
Mr. Blake,
in the South African
was.
When did you
Do you speak
the Nguni dialect?
What dialect
--- Zulu, Swazi and Xhosa
BY THE COURT:
A sort of Nguni
--- Yes, Your Worship.
EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:
Will you have
Is that your
this statement and I

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And was he satisfied with what you had written down?
--- He was satisfied and he signed it. He took the oath and he signed it.

You administered the oath to him? --- I administered the oath to him.

Thank you, Your Worship.

NO CROSS-EXAMINATION BY MR. UNTERHALTER.

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

LOURENS BESTER, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Is u 'n Speurdersersant in diens van die Suid-Afrikaanse Polisie en gestasioneer te Johannesburg? --- Dit is reg.

Ken u enige Bantoetale? --- Ja, ek praat Zulutaal vlot.

Ek wil u 'n beysstuk toon, d.i. bewysstuk 95, die verklaring van die getuie Richard Mtinkulu. Is dit u handtekening in die plek van die persoon wie die verklaring beëdig het? --- Dit is reg.

Ek verstaan dat die verklaring is geseem deur 'n Naturellekonstabel, 'n Speurderkonstabel? --- Dit is reg.

Nou, voor u die verklaring laat beëdig het, watter prosedure het u gevolg? --- Ek het dit oorgelees aan hom en hom gevra of dit korrek is, en hom toe laat beëdig en hom dit toe laat teken.

Was die verklaring aan hom in Engels oorgelees of was dit/....

dit in een van sy tale? --- In Zulutaal.

In Zulutaal? --- Ja.

En was die verklaarder tevrede met die verklaring soos u dit aan hom oorgelees het? --- Hy was tevrede geweest.

Sal u die man ken as u hom weer sien Sergant? --- Dit is die eerste persoon wat daar sit.

DEUR DIE HOF:

Dit is die getuie nie waar nie? --- Edelagbare, ek ken hom. Ek het met hom gepraat in Johannesburg by die lykshuis, ensovoorts.

Laat ek dit nou mooi verstaan. 'n Bantoespeurder het hom gespreek en die verklaring uitgeskryf? --- Ja.

En dit is voor jou beëdig? --- Ja, dit was in my teenwoordigheid geweest.

Alles was in jou teenwoordigheid? --- Ja.

En is dit deur hom in jou teenwoordigheid geteken?

---Geteken ja.

GEEN KRUISVERHOOR DEUR MNR. UNTERHALTER.

GEEN KRUISVERHOOR DEUR BESKULDIGDES NRS. 1, 3, 4, 8, 36 EN 39.

GEEN HERVERHOOR DEUR DIE PUBLIEKE AANKLAER.

QUARTUS STEFANUS FOURIE, duly sworn, states:

EXAMINED BY THE PUBLIC PROSECUTOR:

Mr. Fourie, you are a Lieutenant in the South African Police and stationed at Vereeniging? ---That is correct.

And on the 20th March last year, i.e. the Sunday night before the Monday of the shooting, were you in charge of a Police patrol that toured Sharpeville Native Township dispersing/....

dispensing gatherings of Bantus? --- On the 20th I was in the company of Captain Cawood.

Now, you know where the sports ground is situated in Sharpeville Township? --- I do.

Were you ever in the company of Captain Cawood when he spoke to a Bantu or Bantus in the vicinity of the sports ground? --- I was in the company of Captain Cawood on the sports ground.

Can you describe that incident please, of how you came across this crowd, and their number and so on? --- Previous to this incident Captain Cawood left Sharpeville for Vereeniging. All the telephones were then still out of order, and I was in charge of the patrol then. Just before he left we made a turn through the location, and on the south side of the Police Station we came across a group of natives, approximately 100 to 150. We stopped our vehicles and I alighted, and in the company of Head Constable Heyl and Detective Bantu Constable Malakia I went up to this group and asked them who their leader was. A Bantu came forward and I asked Malakia whether he knew this man. He said yes, his name was Thomas More. Then I asked this Bantu what his name was and he said Thomas More. I asked them what they were up to, and Thomas said to me that they intended holding a meeting. I told him it was irregular and asked him whether he had any permission and he denied that he had permission. I also told him that it was only criminals that ^{would} hold a meeting during the night, and I asked him to tell his men or his followers to leave for their homes. We then left this group. About an hour later, or more or less an hour later, Captain Cawood rejoined us, and we made another turn through the location when we spotted a number of natives, a group of natives, again. These natives then made for the sports/....

sports grounds. They climbed through the fence and we had to go a roundabout way to get onto the sports fields with our vehicles. When we came to this group they were assembled on the sports ground already. They have a stand there on the sports ground and the majority of them were on the stand already. Then Captain Cawood again demanded from them their reason for congregating there, and the Bantu with the name of Thomas More again said that he intended to hold a meeting there.

And what transpired then? — Captain Cawood ordered them home and they would not leave, and he ordered a baton charge and they were driven home.

Will you be able to identify this Bantu male who gave his name as Thomas More? — I am unable to identify him.

Now, to sum up you actually met Thomas More on two occasions? On the first occasion Captain Cawood was not present, and on the second occasion he was present? — That is correct.

Thank you, Your Worship.

CROSS-EXAMINED BY MR. UNTERHAUER:

Lieutenant Fourie, do you perhaps know anything about the line of Police that were assembled outside the Police Station in Zwane Street under the command of Captain Coetzee roundabout eleven o'clock in the morning of the 21st March? — No, I left Sharpeville Location at 3.30 a.m. on the 21st, and I was not present there.

BY THE COURT:

During the rest of that whole day were you not present? — I was absent from Sharpeville, Your Worship.

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

NO RE-EXAMINATION BY THE PUBLIC PROSECUTOR.

_____ Gladwin/....

GLADWIN MEKHOE, duly sworn, states: (Witness speaks Sesuthu).

EXAMINED BY THE PUBLIC PROSECUTOR:

Do you live in Sharpeville? ---Yes.

How long have you been living there? --- I do not know but it is quite a long time.

Do you know any of the accused? Just stand down and have a look if you want to? --- There is no one I know amongst the accused.

Now, approximately nine days before the day of the shooting, which was in March and on a Monday, were you ever at a wash house in Sharpeville? --- That is correct.

For what purpose had you gone there? --- I went there to wash my body.

Was that the only purpose you went there for? --- Yes.

Now, had you ever received any invitation to go there?

--- No.

You remember that the shooting took place on a Monday? Is that correct? --- Yes.

Now, the Saturday before the shooting were you at a beer hall at all? --- Yes.

And whilst you were there did anybody speak to the people gathered there? --- Yes, there was a person who spoke to the people who had gathered there.

Who is this person? --- Job.

Job who? --- Job Tsolo.

And what did he say? --- He spoke something about passes.

Yes, what did he say about the passes? --- He posed a question about the passes. He asked those who had gathered there whether they appreciated carrying the passes, or whether they disliked the idea of carrying these passes.

By/....

BY THE COURT:

Just repeat that please? He asked them whether they appreciated....? — The carrying of passes, or whether they disliked the idea of carrying passes. By so saying he was not forcing any person to follow him or follow his ideas.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

You were not asked for that! Was there any answer from the audience? — I think the audience did understand. I think you too Mr. Interpreter will understand that as a human being you do realise that the passes are a burden to us.

Yes, that may well be, but was there any reply from the audience when Job Tsolo posed this question to them, to the people who were there? — We were drinking. I did not hear others replying to his question, but I did reply to his question.

What did you say? — I said "Yes, I do understand that the passes are a burden to us, because one cannot find work at Vanderbijlpark but one has to remain here at Vereeniging."

And what else did Job say? — With the exception of this he did not say anything further. He then went out, he left.

Now, do you know anybody by the name of David Ramodibe? — Yes.

Do you know where he lives? — Yes, I do know.

What is his address? — I do not know his address, but I know his house. He lives in the next street from that one, the first street from my street.

Will you have a look through the Court to see if the person whom you know as David Ramodibe is perhaps present? — Yes, he is present.

Where/....

Where is he? --- (Witness stands down and points out accused No. 39).

BY THE COURT:

It is accused No. 39? --- Yes, Your Worship.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Did you approximately between seven and fourteen days before the shooting have any discussion with accused No. 39? --- I had often met him at the bus stop on my way to work.

Were there ever any discussions between you and him about some day in the future? --- A discussion took place between myself and accused No. 39. It was to the effect that one day we Black people should come together at a meeting and discuss the question of passes.

What were you going to discuss about the passes? --- So that we could after the meeting make enquiries from the White people about these passes which we now carry at present, because they are not similar to those we used to carry before.

Yes, but what was your aim? What did you want to do? What did you want to discuss at the meeting, and what did you hope to achieve? --- What I had in view was only that we should change these passes we now carry, because we were told that we only had to carry these present passes for five years, and the five years have long since passed.

Who suggested that all the Black people as you put it should get together and have a meeting? --- I do not know. There was no particular individual who made that suggestion, but each and every person was suggesting that.

And who was it that told you that the pass that you now have must be carried for five years only? --- Many people. I heard from them that I had to carry it for five years.

How long have you been carrying yours? --- This is the fifth year that I have been carrying it, but my father has been carrying/....

carrying it for a number of years.

Now, on the Tuesday before the day of the shooting, did you see No. 39 in the street at all? --- No, I did not meet him.

Did you ever receive any circular letters or pamphlets? --- Yes, I have received some through the post box at home.

And did you read them? --- I do not know how to read. I am illiterate.

What did you do with the pamphlets? --- I gave them to my friends who accompanied me. They were always read by those who knew how to read, i.e. members of my family.

How many days or weeks or what period of time before the day of the shooting did you receive these pamphlets? --- I do not know because this happened some time back.

Were you ever in the company of Sergeant Ben Pitso about a week before the shooting took place, i.e. a Municipal Sergeant?

BY THE COURT:

Do you know the man first of all, i.e. Ben Pitso, a Municipal Native Sergeant? --- Yes, I know him very well.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Were you ever in the company of Sergeant Ben Pitso when he was handed something? --- Something like what? Handed something like what?

Well, you said you were in the company of Ben Pitso. Now, did you ever see Ben Pitso receive anything whilst he was in your company? Was he ever handed anything? --- Yes, those boys with whom I was drinking, I saw them giving him a paper.

Who gave him a paper? --- One of the native men who was drinking with me there, because we often just drink together although you do not know the person. I do not know him.

Was/....

Was this the man who gave this piece of paper to Ben?
 ---Yes. After he had been given this paper he then requested us, i.e. myself and these other two men, to follow him to the office.

BY THE COURT:

Is this the Sergeant now? --- Yes. I am not certain whether he is a Sergeant, because he does not put on something which indicates that he is a Sergeant.

Well, Ben! Never mind what his rank is. Ben asked you to accompany him to the office.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And when you got to the office what happened to the paper that he had been given? ---We were taken into the Superintendent's office one by one. We did not all three of us go at the same time.

And when you went in what happened to the piece of paper that you had been given? --- When I got inside the office Ben had this paper with him. I was not given one. When I went in I was then asked if I knew anything about the paper.

What colour was the paper? Do you remember? --- No, I do not know.

And was it of a size like this, the ordinary foolscap size? --- It was of that size.

BY THE COURT:

The size is about half a foolscap.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

You could not read what was written on it? --- I requested Ben to read the contents to me.

Now, the day that this paper incident took place, was that the same day that Job Tsolo came to the beer hall or was/....

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G. Mekhoe.

was it a different day? --- It was on the same day, and it was after Job Tsolo had been to the beer hall and after he had left that Ben then received this paper.

Thank you, Your Worship.

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. Mekhoe, how old are you? --- I am 23 years old.

Now, have you had any difficulty in getting employment at any time? --- Very much so.

BY THE PUBLIC PROSECUTOR:

I object to that Sir. It is not relevant to the issue whether a man could get employment or not, i.e. to the issues in this case.

BY THE COURT:

I must allow it at this stage. I don't know what Mr. Unterhalter is aiming at.

BY MR. UNTERHALTER:

I hope to make it relevant in a very short space of time, Your Worship.

BY THE COURT:

One should allow Counsel to develop his point first, and perhaps rule it out afterwards or not according to the merits. Now, go on with the question and put it again Mr. Unterhalter.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Have you had any difficulty in getting employment?
--- Yes, very much. Even now, recently; I have just started work the day before yesterday.

In seeking to get employment have you looked for your job in Vereeniging? --- We are many people who report to the Vereeniging Pass Office, and whilst there, waiting to be ^{give} ~~def~~.

given work, we have been arrested.

Now, can you tell His Worship for what reason you are arrested while waiting to get work? --- There are many work seekers who report there at the Pass Office, and whilst you are waiting there - there are no vacancies at the firms which we have here, they are insufficient in number - and if you happen to be taken into a firm then you only work as a casual worker and not as a permanent worker.

But how does any of this give rise to you or your friends being arrested as you informed His Worship a few moments ago?

BY ACCUSED NO. 3:

Your Worship, if I am permitted to point out that when you are out of work for four months then you are arrested.

BY THE COURT:

Yes, you will have your turn just now to cross-examine the witness. Don't interrupt whilst somebody else is busy.

BY ACCUSED NO. 3:

The Interpreter omitted it, Your Worship.

BY THE COURT:

Oh, the Interpreter omitted it?

BY ACCUSED NO. 3:

Yes, Your Worship.

BY THE COURT : TO THE INTERPRETER:

Well now, did you omit anything? Did you omit anything that the witness said?

BY THE INTERPRETER:

I think I did omit it, Your Worship, because he said four things at the same time, four points, and that is why I omitted it.

By/....

BY THE COURT:

Well, what did you omit please?

BY THE INTERPRETER:

I now recall that he said while he was making mention of the point that when you are out of work for four months and not getting any employment, then you are arrested.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Do you then say that

BY THE COURT:

Mr. Unterhalter, if we can get shorter questions there will be shorter replies, and there won't be any omissions.

BY MR. UNTERHALTER:

I will try to curtail my questions, Your Worship.

BY THE COURT:

There is nothing wrong with your questions. It is just a general suggestion I am making.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Do you say then that these arrests take place after four months of unemployment? ---If you remain there at the office for a period of four months, i.e. reporting daily, and then if you do not find any employment you are told that you are not looking for any work, and then you are arrested.

Under the system as you have experienced it, are you entitled to go from factory to factory or house to house and ask yourself for work, or can you only go to places to which you are directed by the authorities? --- When you report at the Vereeniging Pass Office as a work seeker you are not given permission to go yourself to go and make enquiries with different factories and houses, but you are directed by the officials to go where there are vacancies.

You are told the place to go to. And then you present/.....

present yourself at that factory or place, and you are either given a job or refused a job? Is that right? --- Yes, at other times when you report there they give you the job to do, and sometimes they tell you to go back to the office as there is no work for you.

So that if your are unsuccessful you then have to come back to the Labour Bureau Office and get an instruction to go somewhere else to start the search again? Is that right? --- That would be after a number of days or a number of weeks after they had found you a vacancy that they would send you to another place.

No, perhaps you don't understand me. If the factory you go to has no job then I take it you must come back again and get the name of another factory from the office to try and get a job at the new factory? --- Yes, then I would be sent to a different factory. I would not go to the same place.

Now, before you are sent to this second factory might you have to wait some weeks before you get this chance to make another application for a job? --- Yes, you have to wait at the office for weeks before you are sent to the second factory.

And in the meantime while you wait you can't try to get a job on your own? --- No, You cannot get a job on your own.

Now, I take it that you can only take instructions from one office? You cannot for example try on your own to go to Vanderbijlpark or Springs or Johannesburg to look for a job? --- Even if you go there on your own and do find employment you will not be granted permission. You have to come and ask for permission and it may be refused.

Has that perhaps been your personal experience? --- Yes, that has been my personal experience on various occasions.

And/....

BY THE COURT: ...
Well, ...
BY THE INTERVIEWER: ...
I now ...
to the point that ...
and not getting any ...
GROSS-EXAMINATION BY ...
Do you ...
BY THE COURT: ...
Mr. Untermyer ...
will be shorter reply ...
BY MR. UNDERMYER: ...
I will try ...
BY THE COURT: ...
There is no ...
just a general answer ...
GROSS-EXAMINATION BY ...
Do you ...
four months of unemployment ...
office for a period of ...
and then if you do not ...
you are not looking for ...
Under the ...
entitled to go from ...
ask yourself for work ...
you are directed by the ...
Vereniging Pass Office ...
permission to go yourself ...
factories and houses, but ...
go where there are vacancies ...
You are told that ...

And have you got permission to go and work in these outside areas or has it been refused to you? — I have been refused such permission on various occasions. Even now I want to go to Johannesburg to go and work there, but I am being refused the right to go there.

Now, when you are at these offices you are there in the company of many other young African men I take it? — The ages vary. There are young people and old people and middle-aged people who wait there at the office.

Now, do you have occasion among yourselves to discuss these difficulties you have in getting jobs, i.e. you and the others who wait? — We usually ask the officials why they do not find us employment, because if you are a tenant or a resident of the location and you are in arrear with your rental then you are arrested.

Now, do you or your friends associate these experiences that you have had in trying to get a job, in any way with the fact that you carry a pass or a reference book? — Yes, the difficulties are being caused by these reference books which we carry, because when it is torn like this one of mine which I now show to the Court, then you have to buy a duplicate which costs £1.4.0.

Would you say, as a result of your experiences, that people of your generation are particularly interested in the reference books? Not that they like it or dislike it, but that they have an interest in this because it has a bearing on their lives? — It depends what interest you mean.

BY THE COURT:

Do you take notice of the pass books? Do you concern yourselves with the pass books? — Yes, one has an interest because it concerns you.

Cross-examination/....

Now, if you were to be told that there was to be any meeting to discuss these reference books and the effect they have on your lives, would you and your friends be interested to attend such a meeting, or would you ignore such a meeting? --- We would have an interest in it, i.e. in attending the meeting.

As far as you can gather from people of your own age, friends with whom you mix and live in the location, do they have this similar kind of interest to the one I have put to you, in reference books? --- Yes.

Mr. Mekhoe, as far as you know from among your friends in Sharpeville, are there a large number of people of your age who are at present without work, or are there very few of them? --- The majority who are out of employment are the elderly people. My group is only a small group which is out of employment.

Can you estimate the number approximately? --- That I cannot estimate, but there are quite a number there at the office waiting for work.

Well, would they be ten, or would you say there are fifty, a hundred? Just approximately. Is it nearer a hundred, is it nearer ten, is it nearer fifty? --- Those whom I know to be out of employment may be about twenty-five.

Have you ever noticed if a man is out of employment for a number of months, whether he tends to become a tsotsi? --- Even elderly people are tsotsis.

Yes, but the point of my question is do you notice whether people who otherwise appear to you to be respectable, whether they are young or old, after waiting for months to get a job, do you notice any of these people suddenly become tsotsi types from being respectable men, or not? --- No.

Thank you, Your Worship.

No/....

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

CROSS-EXAMINED BY ACCUSED NO. 39:

Gladwin, I am sure you will agree with me when I put it to you that on the day you alleged that there was a discussion between myself and you, it was just a general discussion and it took place in the presence of many other people? — Yes, I do agree there my brother. There were many people who were in the bus and some were getting off and some were getting on the bus.

I am sure you will again agree with me that because of the difficulties or the burdens encountered as a result of the passes, many people, when they are out of work, and being respectable people, thereafter, whilst still looking for employment, they then become what you can call tsotsis? — Yes, I do agree with you there my brother, because if you are out of employment for three months you are in need, very much in need, of money, and when your heart desires to get some money then you change your attitude and you become what they used to call in the old days "blue nines", i.e. to make them hooligans. A "blue nine" is a person who is very much in need of money, who is in poverty, and when he sees somebody handling money he has that ^{desire of depriving} ~~desire~~ ~~depriving~~ that person, of taking away the money from him.

BY THE COURT:

Does he also get a desire to use a knife on him perhaps or something like that? — Yes, a desire to deprive him, to take away from him the money he has so that you could get yourself some food.

(No further questions by accused No. 39).

No/....

NO RE-EXAMINATION BY THE PUBLIC PROSECUTOR.

BY THE COURT:

Tell me where were you born? --- I was born at the Top Location.

In Vereeniging? ---Yes.

You have grown up here? --- Yes.

Are you in employment now? --- Yes, it is about one or two days that I have found employment with Stewarts and Lloyds.

When did you find employment with Stewarts and Lloyds?

--- On Tuesday, Your Worship.

That is from last Tuesday? --- Tuesday of this week.

The 3rd January. Before that were you out of employment? --- Your Worship, I have been out of employment since the day when I gave evidence in this Court, and when I returned..

Is that the day when you gave evidence? --- Yes.

In what case did you give evidence on that day? --- I think it was in this Court, the same Court, that I gave it, but I do not think it is this Court, but in a matter concerned with this trial now before the Court.

Concerning this matter? ---Yes.

Did you give evidence before the Judicial Commissioner?

--- I was subpoenaed at first and asked to come and give evidence, but it was not in this trial.

Did you not come and give evidence or did you actually give evidence? --- Yes, I came and gave evidence.

All right now, we are going into side issues. How many months have you been out of employment? --- For five months.

Could you not find work? --- I could not find

employment
ment/....

employment because there at the office there were many people who were looking for work.

There were not enough vacancies? --- There were not enough vacancies.

That is when you got the idea that you really would have wanted to go to Johannesburg or one of the other places to look for work? --- Yes, to look for work at those other places because at that time I had already found work in Johannesburg. I was refused permission to go there.

You were refused permission to go and work in Johannesburg? --- Yes, I was refused permission.

Now you have got work you say? --- Yes, I am working.

And in those five months you were not arrested or put in gaol, or were you? --- During the five months?

Yes, when you were out of employment? --- We had already been warned that if we fail to find employment before the end of December 1960, then thereafter we would be locked up in gaol.

Locked up in gaol? --- Yes.

Is that what you were threatened with? --- That is what we were told.

Tell me, who threatened you with that? --- The officials at the window where we obtain our permits to seek employment. They told us that at the Pass Office.

Where are these officials stationed? Here in this building, or where? --- At the Sharpeville Pass Office.

The Municipal Pass Office? --- Yes, at the Municipal offices.

Were you told what you would be locked up for? --- They said it was now a long time that I had not been working, and they would now have me arrested.

Let/....

Let me assure you that nobody can arrest you just for not being able to find work! What you may be arrested for is if you are an idle and disorderly person who does not want to find work, then something may be done about it, but if you genuinely try and you can't find work you can't take it from me that the Law does not allow you to be arrested. Is that clear to you? --- Yes, Your Worship.

Very well. You may stand down.

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

EXAMINED BY THE PUBLIC PROSECUTOR:

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

Are you a bus driver for the Vaal Transport Company, Vereeniging? --- Yes, that is so.

Do you remember the day that the shooting took place at the Sharpeville Station? That happened on a Monday the 21st March of last year? --- Yes, I do remember.

Now, were you scheduled to go to work on that Monday morning? --- Yes.

And do you drive one of the buses that take people to and fro from Vereeniging to the Sharpeville Township? --- Yes.

What time did you set off to go to work on the Monday? --- At half past three in the morning I set off to go to work.

How did you go, on foot or by some means of transport? --- From my home I have to walk to the bus stop where I then board a bus.

And on your way through the streets did anything happen/....

happen to you? --- I found many people. I came across many people.

And what happened when you came across these people?
--- They then informed me that I should go back.

Did they tell you why? --- After having been told to go back I did not waste any time. I then went back and I did not make any further enquiries.

You went back to your home? --- Yes.

Now, why did you pay heed to what these people had been telling you? Why did you go back to your house? --- I was afraid that they may do something.

Such as? --- Perhaps to hit me.

What was there about their attitude which gave you this impression? --- I became frightened because I have never come across people who were telling me what these people told me, i.e. that I had to go back.

About how many people did you come across? --- It was a big crowd.

Well, I don't know what your idea of a big crowd is. Can you give some numerical estimation of the crowd that you came across? --- There were very many. I did not count them.

And did you ever report this incident to anybody? --- Yes, I did report it at the Police Station.

Straight after the incident or perhaps later in the day? --- At 8 a.m. I then went to the Police Station.

BY THE COURT:

Which one? Which Police Station? --- The Sharpeville Police Station, Your Worship.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And after you had made your report at the Police Station and were leaving to go home, did anybody approach you

at/....

at all? ---After reporting I returned home. Nothing befell me on my way back home.

And did you remain at home? --- I remained at home the whole day.

And later that day did you hear the firing take place at the Police Station, the sound of firing? --- Yes, I did hear a sound of firing.

Did you know any of the crowd that you encountered when you were on your way to work and who told you to return home? ---I did not know any of them.

Will you be able to point out any of the members of that crowd again should you see them? --- I could not see clearly because it was at night.

Thank you, Your Worship.

NO CROSS-EXAMINATION BY MR. UNTERHALTER.

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

BY THE COURT:

Was it about half past three when you went to the bus stop to take a bus to go to work? ---Yes.

Now, by the way, who drives that first bus? --- A European, Your Worship.

A European. Does he bring ~~he~~ into the location from the depot somewhere here in town? --- Yes.

And does he then fetch the drivers, i.e. all the drivers who have to go on duty? Do they get into that bus? --- Yes.

Then they all come into the depot and each takes his bus to drive it to and fro? Is that right? --- Yes, Your Worship.

And do you know who the European driver was to be on/....

D. Seetsi.
A. Killishe.

on that Monday morning, who had to come in to fetch the drivers to get the bus service going? --- He has now left the Company. It was Mr. Uys.

And one more point. Is it usual to meet such a big crowd at that time of the morning when you go to your first bus, or is it unusual? --- It is something unusual.

Were they males, females, or a mixture? --- What I saw was it seemed to be men only.

By appearance they seemed to be men? --- Yes, by appearance they seemed to be men only.

Yes, thank you. You may stand down.

AARON KILLISHE, duly sworn, states: (Witness speaks Xhosa).

EXAMINED BY THE PUBLIC PROSECUTOR:

Are you in the employ of the Vaal Transport Bus Company as a driver taking buses backwards and forwards from Sharpeville to Vereeniging? --- That is correct.

8 Do you know any of the persons seated on the right-hand side of the Court? --- Know them how?

Well, I want to find out from you? Won't you tell me whether you know them or not?

BY THE COURT:

The difficulty with the witness is this. I may have seen a person and yet not know him. I think he is right in asking you to explain what you mean by know, i.e. know them by sight or otherwise.

Examination/....

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Well, do you know them by sight or otherwise? ---
Yes, I know some by seeing them when they boarded the bus
proceeding to town, to the places where they are going to.

Do you remember the day that the Police used their
guns and fired at the Sharpeville Police Station? --- Yes, I
do.

That happened on a Monday? --- Yes, it was on a
Monday.

Now, before that day, the Monday, did you ever receive
any letters or circulars through the post which had anything
to do with that Monday? --- We only heard that on that Monday
people would not go to work.

Did you yourself receive anything through the post
which mentioned that Monday, or find it in the letter box or
under your door? --- I do not remember having received it.

Now, this rumour that you heard, where were you when
you heard it? --- I was at work when I heard that rumour.

When you say you were at work do you mean you were
at one of the depots or driving the bus? --- We heard this
rumour whilst at work. Then the drivers as a whole, a portion
of those drivers, went and interviewed the owner or the director
or the manager of the Company, to tell him that we as drivers
would not come to work if people are not working on that day.
We did not want to get ourselves into trouble.

Were you a member of the group of drivers who
approached somebody on the Management? --- Yes, I do remember
that I was amongst them.

And do you know who the Company official was that
this group spoke to? --- It was Mr. Cioffi. That is his
name, i.e. the name of the particular official.

When/....

When did this discussion take place? The representations, when were these made? How many days before the Monday that the shooting took place? --- We notified the particular official about our intentions of not coming to work on the Friday preceding the Monday of the incident.

Now, on that particular Monday were you supposed to go to work? --- First of all after having made our representations to the Management, they agreed there that we should not come to work. Thereafter messages were sent out to certain drivers that they should come to work on that particular day.

And were you one of the drivers who received such a message? --- Yes, because I was on day shift during that week.

So then you were supposed to go to work on the Monday? --- Yes.

Did you leave your house on the Monday to go to work? --- Yes, I left at about half past three in the morning.

On foot? --- On foot.

Did you reach your place of employment? --- I did not reach my place of employment.

Why not? --- When I was a considerable distance from the bus rank in the location I then saw vans parked there, and I then went back.

How did the fact that there were vans parked there influence you? --- The reason being that on the evening and the night of the Sunday before the Monday, there were vans running about the location and hitting people, and there was some salt which was being sprayed on these people, and they said the salt was burning them.

And could you see to whom these types of vans belonged? --- They were pickup vans and they were being escorted by some other vehicles.

By/....

BY THE COURT:

Escorted by? — Some other vehicles, Your Worship.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

You did not have any salt put on you did you? — No.

So you did not go to work that day? — No, I did not.

Did you make any report anywhere to anybody about what you had seen and heard about the vans and the salt and what stopped you from going to work? — At about half past nine in the morning I then left for the Police Station.

For what purpose did you go to the Police Station?

— To report that I had not gone to work.

And after making your report what did you do? — I then stood there for a little while at that spot where I was standing.

And then did you go to work or did you go home?

What did you do? — From there I then proceeded into the location. I did not go to work.

Where did you go in the location? Did you go back to your home or to some other place? — I did not go to my home. I went into the location somewhere.

Where?

BY THE COURT:

Look, you must go into somebody's house or stay in the street or something. That is what we want to know.

— I went to somebody's house in the location.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Was it just a social call? — Yes, I happened to go along with the other drivers, my colleagues, to one of their homes, because we happened to meet there at the Police Station.

BY THE COURT:

To one of your colleagues' home? — Yes, Your Worshi

Examination/....

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Who was the colleague? --- We were four in all including myself.

BY THE COURT:

Where were you at the time when the shooting took place? --- We were at a particular house, sitting there and having conversations and listening to music.

So you did not see any of the shooting or the incident at the time of the shooting? --- I was not present, Your Worship I did not see it.

CROSS-EXAMINED BY MR. UNTERHALTER:

Were you at Court today at about half past nine this morning? --- Yes.

BY THE COURT:

It is now twelve noon.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Did you perhaps see Mr. Cioffi in the precincts of this Court while you were waiting to give your evidence? --- No, I was sitting on the other side of the Court and not inside it.

BY THE COURT:

Did you just see him here? --- No, I did not see him here.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Is there only one person by that name who is on the Management of the Vaal Transport business? --- I only know him alone. I do not know if perhaps he has some relatives who also work for the same Management, and who may have the same name.

Whenever there has had to be an approach to the Management/....

Management it has always been to a particular Mr. Cieffi? Is that right? --- Yes, he is the highest official there, who also comes into contact with other high officials of the Management.

Now, you say that it was on the Friday that you formed a portion of the delegation that went to interview Mr. Cieffi? --- Yes, although I am not certain, but I think it was on a Friday, because it was the week before this Monday.

BY THE COURT:

Mr. Unterhalter, are you correct in saying this? Did this witness say it was Mr. Cieffi, i.e. the gentleman they saw? It sounded to me like some totally different name.

BY THE COURT : TO THE WITNESS:

What is the name of the man that the delegation saw? --- It is Mr. Cieffi and Mr. "Pellene".

BY THE COURT:

All right, it sounds something like it. The other name sounds like Pelony to me! I don't know what it is.

BY MR. UNTERHALTER:

I don't wish to detain the Court by getting a description of him, Your Worship.

GROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Anyway, it was a couple of days or so before the sheeting that this interview took place? --- Yes.

And the discussions concerned events that you thought would take place on the Monday? --- Yes.

Now, the people who formed the delegation were drivers employed by the Company? --- Yes.

And it was made clear to Mr. Cieffi that there was a possibility that your buses would not run on the Monday? --- Yes.

And/....

And you had this discussion because you were worried that you might perhaps antagonise certain people if you did run the buses? — We were of the opinion that we may be hindering these people in what they were doing, because when one wants to board the bus and the other does not want to board it, then there is a confusion.

You personally had not been threatened that if you drove the bus you would get into trouble? — I was not told that or not threatened in that manner, but we had already heard of the experiences of the drivers who died at Ewaton the year before last.

And you acted in this way to prevent something similar happening to you? — Yes.

You certainly did not sit down and make a plan with leaders of the demonstration to go on strike, did you? — No.

Now, I can't say whether the Mr. Cieffi to whom you have referred in your evidence is the person to whom I am going to refer in a moment, but a certain Mr. Cieffi gave evidence in this Court this morning. — Yes.

He seemed to have a cast in his eye, as if it was a false eye or there was something wrong with his eye. — Yes.

Does the man to whom you refer perhaps have something wrong with his eye in a similar way? — There I cannot make out the difference, whether it was Mr. Cieffi or Mr. Pallone. to whom we made our request or to whom we went about our fears for the Monday.

Did you make this address to two people of the Management or only one person? — There I cannot distinguish, because we have made several requests to them on various occasions, but I do remember that we did make the special request to them that we would not have ourselves involved in this/....

this trouble because there is work which we have to perform.

Now, what I would like to know is when you made it on the occasion to which you referred in your evidence-in-chief, were two people of the Management present? --- That I cannot admit because I do not know. I am not certain whether there were one or two officials when the interview was held.

You see, this gentleman to whom I have referred, Mr. Cieffi, is the Director of the firm, and he said that he knew nothing of discussions between drivers and the Management about that particular Monday. Can you comment on that evidence that he gave? --- It is possible that he may now deny that we did interview him, because perhaps he may be trying to evade some trouble that may come his way. I also did not want trouble. That is why I went and made this request to him in the company of the other drivers.

Anyway, you are definite that whoever represented the Management gave you and the other drivers permission to absent yourselves from work on the Monday as a result of your representations? --- Yes, they did consent to our absence on the Monday, but thereafter they again sent messages that we should come on the Monday.

When did you receive your message? --- I think it was on the Saturday or the Sunday. I am not certain, but it was these days just before the Monday.

Do you know if others among your fellow drivers also received such a message? --- That I cannot explain.

When you received this message did you take any steps to make further representations to the Management? --- Even if I wanted to make some representations after having received the message I could not have done so, in view of the fact that we can only interview these officials on Fridays. That is when they/....

they are available. Thereafter they are not available.

And when you set off at half past three on the Monday morning to go to work, did you still have this fear present in your mind that you might have the same experiences as the Evaton drivers had had the year before? --- Yes, we were thinking of that.

So it required very little to persuade you to go back to your house that Monday morning? --- Not a little was required to turn me back to my house, because I was on my way to work.

But I take it that the fear of what might happen also made you go back to your house, did it not? --- No, I don't agree because if I had that fear then I would not have got up and made preparations to proceed to work.

Then was it the appearance of these pickup vans as you saw them that made you go back to your house? --- I came back because I knew that those people do not have laws, they do not control themselves, and they just do anything to get any person in trouble.

I am not sure that I understand your answer. Do you or do you not agree that the sight of the pickup vans made you turn back and return to your home? --- Yes, after seeing the pickup vans there; that made me turn back and go home, and in view of the fact that I had seen them the previous night and the people in them were assaulting people. That is another reason.

Thank you, Your Worship.

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

RE-EXAMINED BY THE PUBLIC PROSECUTOR:

You have mentioned seeing pickup vans the previous night. What time was that? --- It was at night because we were/....

were already in bed by that time, i.e. the Sunday night.

Who was fighting in the vans? --- We heard as if people were running past our house, and they were then being assaulted by the occupants of these vans. It was the same people who were running past our place, from whom we thereafter made enquiries, and then they said they were burnt and it was salt which was thrown at them. They were burnt by the salt which was thrown at them.

Were you able to see who the occupants were of these vans that were driving past? --- We were standing.....

Who are "We"? --- I was standing on the verandah of my house when I saw these vans driving past my place there. They were running on both sides of the street, and when they see people walking about there then they start assaulting them.

You saw these vans driving up your street. Were you able to see what class of persons were occupying the driving seats and the front portions of the vans? --- The drivers were Europeans.

How were they dressed? --- They were wearing these dark khaki clothes.

Were they Policemen? --- I would say they were Policemen.

And did you with your own eyes see these vans spraying people with this salt as you have described it? --- If one says that he saw it it means that he saw something while he was looking at it, but then I was told by those people who alleged that salt was thrown at them.

So you did not see this happening yourself? --- No.

Did you see what these people were doing in the streets before the Police came with their vans? --- ^{We} ~~They~~ were in bed.

Now/....

Now, you mentioned that you were afraid of hindering some people if you went to work or drove your bus. Wh~~at~~ people were you afraid of hindering? --- Those are the people who, when they are on strike, don't want to go to work. Those are the people I am referring to.

Thank you, Your Worship.

BY THE COURT:

What time of the night did you see the vans and the men in them chasing people? In the night or in the evening? --- It was at night, because we were awakened by the shouts and screams of the people who ran past our house.

And how many people were there running past? Just the usual few you would find in the streets at that time, or more, or less? --- There were quite a few. It was not all of those people who were running along the streets. Some of them were deviating and running into the yards.

All that I want to know from you is whether there were the usual people that you would have expected that time of the night, or whether there were more people than that in the streets? --- I think I saw about four or five persons who went past my place running, and then I asked one of them what was wrong, and he told me that they had been burnt by salt.

And did he show you any place where he had been burnt by salt? --- No, he spoke to me and he was in a hurry; he did not stand still.

Anyway, when you went to the bus stop to catch that first bus you saw some vans at the bus terminus? Is that right, i.e. vans and other vehicles? --- That is correct.

Did you not think "There are the Police. I had better go and tell them I want to go to work"? --- I could not go

near/....

near them because they hit any person who came near to them.
They did not discriminate.

They hit indiscriminately? Is that right? --- Yes,
Your Worship.

Well, the next day you went to the Police Station
all the same with your troubles? Is that right? --- Yes.

What was the difference then? Why did you not think
that you might be hit there by the Police? --- Yes, one can
have that impression, i.e. that perhaps he may be hit there
at the Police Station, but the Police Station is different from
an incident which takes place in the street.

Yes, all right. Thank you. You may stand down.

COURT ADJOURNS UNTIL 9.1.1961.