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9TH JANUARY, 1961.

COURT RESUMES : APPEARANCES AS BEFORE.

The Public Prosecutor calls:-

FREDERICK JOHANNES POTGIETER, duly sworn, states:

EXAMINED BY THE PUBLIC PROSECUTOR:

Mr. Potgieter, are you in the service of the firm African Cables which trades at Vereeniging? --- Yes.

During the month of January 1960 were you the Paymaster of that firm? --- Yes.

And as such were you responsible for putting the money into the pay envelopes of the non-European employees of the firm and handing the same to them? --- Yes, under my supervision. I did not do it all personally.

Now, I would like to show you an exhibit, i.e. Exhibit No. 81, which is a pay card made out in the name of a person Thaddea Ntoampe. That is not your handwriting? --- No.

Do you know the handwriting of that person? --- Well, the cards are usually made out by the native clerks provisionally.

Do you know or did you know anybody at African Cables by the name of Thaddea Ntoampe? --- Yes.

Will you be able to point out that person should he be present here today? --- Yes, I knew him quite well, and unless he has changed in his features I am almost certain I would know him again.

Would you have a look through the Court room to see if the person whom you know as Thaddea Ntoampe is present? --- Yes, he is sitting in the front row here, second from the

outside/....

outside.

BY THE COURT:

That is accused No. 2.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Now, for the week ending the 10th January, 1960, can you recall seeing a pay packet handed or personally handing a pay packet to accused No. 2? --- No, I would not like to say that. I mean all I can say is that once the card has been prepared and it has been handed to me, then either myself or my staff would make up the pay. If a man is discharged or if he resigns he would come to me and I would pay him out in cash.

Who actually presents that pay card to you? Is it already in your possession or does the person to whom the money is due have it in his possession and brings it along to you? --- Well, that is the present system, but at that time the card was handled by one of our clerks who would identify the man from his pass book and then present him with the card. He would thumb print the card there and then and then come along to the window and present it to me or my assistant for payment.

So a thumb print on the back of any pay card is not an acknowledgement of having received his salary? It is merely to establish identity? --- It is for identity purposes.

And I take it you are not prepared to say whether or not any particular person put his thumb print on that exhibit? ---No, I could not say that, unless he came up to me, if he was paid at my window, and if he was resigning or had been discharged, then I would personally see that he puts his thumb print on there.

Is anything, any mark or any endorsement, made on a pay card to show that a man has in fact been paid at all, or a pay packet was handed to him? --- Yes, once he has been paid it

is/....

is immediately stamped with a stamp "Paid" in front.

And Exhibit 81 has a little stamp with the word "Paid" on it? —— Yes.

Now, assuming that a man comes along - let us take this particular case, let us take for example that accused No. 2 came along for the week ending the 10th January, and he said "Look here, I have a query to make about my pay. I have been perhaps underpaid" or whatever it might be. How would the matter be adjusted? —— Well, whoever is responsible, whoever is paying him, actually handing him his pay envelope, whether it was myself or anybody else, would immediately make a note on here to say that "claims underpaid", whoever it is, i.e. overtime or ordinary time, and then he would either come up that day or the next day, or it would be adjusted in the following week.

And does that particular exhibit have any endorsements concerning any query or anything like that? —— No, nothing at all.

So then it is possible that a pay card for an employee for the following week might show something? —— Yes, usually it is noted on here, but even if it is not, if there was anything wrong with this card, either underpaid or overpaid, it would be adjusted on the following weekend.

Is there any indication on that card, Exhibit 81, who the actual person was who handed the pay packet to the man whose name appears on that exhibit? —— No, there is not, except that we were in sections, you know, and judging from the number it would not at that time, if he was paid out at the factory gates in the usual way, be myself that would pay him out, unless he was acting as clerk at that particular time, in which case I would pay him out myself.

How many persons are employed for paying out the

employees/....

employees? --- Well, usually four at that time.

Are those four persons still with the firm African Cables? --- Yes. Actually I think at that time we had six. We had three pay windows, 1 to 200, 200 to 400, and then 400 to the end.

I would like to refer you to another exhibit, which will be Exhibit 96. Is that a pay card similar in shape and design to Exhibit 81? ---Yes.

And is there any discrepancy between the number on the top righthand corner and the name of the person as compared with Exhibit 81? --- None that I can see.

And is that also a pay card emanating from your firm? ---Yes.

Now, is there any endorsement on Exhibit 96 which might show salary adjustments or anything? --- No.

And does Exhibit 96 refer to the week ending the 17th January, 1960? --- Yes.

Can you recall at all whether you handed a pay packet to the man mentioned on Exhibit 96, whose name is given as Thaddeo? --- Could I just look at the card again?

Yes. --- No, I could not.

Who is responsible for issuing a number to employees at the firm? --- Well, it is usually done by our Labour Officer or clerks under his supervision.

Thank you, Your Worship.

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. Potgieter, do you agree that this card only contains the christian name of whomever the employee might be? --- Yes.

Well, that would be both for Exhibit 96 and for

Exhibit/....

Exhibit 81? --- Yes.

Would you care to look at it or not? --- No, I know that that is the case.

Now, I see that on one of these cards there is a payment for nine hours on two days, i.e. on Exhibit 96, and on another card, i.e. Exhibit 81, there is a payment for one day of nine hours, and the rest of the week is 9½ hours? Would you just check that? --- Yes. Well, actually on Fridays they only work for 9 hours. In each case it is 9 hours paid out on a Friday. Now, during the week, i.e. Monday to Thursday, they usually work 9½ hours, and then of course if they are called on to work on Saturdays or Sundays they get extra time, which is the case with the one card, Exhibit 96. He worked on Sunday, and therefore he gets overtime. He get 9 hours double time for working on a Sunday.

BY THE COURT:

I want to have a look at Exhibit 96. Now, Exhibit 81 shows no work on a Saturday or Sunday? Is that right? --- Yes, that is when he would not be required for work.

But Exhibit 96 shows that he worked on both Saturday and Sunday? --- Yes.

Saturday what date, and Sunday what date? Can you give me the dates? --- Well, the dates would be adderding to the card.

I just wanted the witness to see that card to give me the dates for record purposes Mr. Unterhalter.

He worked on Saturday, and what date would that be? The week ends the 17th January, and he worked on Saturday? --- Yes, the 17th would be on a Sunday, so the Sunday that he worked would be the 17th January.

And the Saturday? --- And theSaturday would be the 16th.

Cross-examination/....

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, in order to make up a pay roll for the factory there is obviously a time lag between the closing of the time cards and the preparation of the wages? —— Yes.

Now, I say obviously because if for example you closed your factory pay roll today with a large staff, it would be impossible to work out the times and the calculations for everyone as at tonight and to pay them tonight? —— Exactly.

Now, in respect of African Cables and as at about that date, i.e. January 1960, on what day did you close the time cards, what period did the staff have to calculate times and wages, and when was the payment made to the staff in respect of any particular week? —— Well, I can only tell you what the general practice is. Assuming that the Monday .... the pay roll would close on that Sunday, the 16th. On the Monday the cards would be sent up to be worked out, and payment would be made on the Friday in the normal course.

Does that then mean that ordinarily the firm was paying about a week in arrear? —— Yes.

Can it perhaps be that, although what you have said is the ordinary routine, the Saturday and the Sunday overtime of one week is included in the pay roll of the following week? —— No.

Just to illustrate what I am trying to say. Is it possible, having regard to Exhibit 96, that in fact the clocking of this card commenced with the Saturday and the Sunday, and then shifted back to the Monday, the Tuesday and the Wednesday, so that really the dates for the payment of the Saturday and the Sunday were the 9th and the 10th January, and not the 16th and the 17th January? —— No, the pay cards are run from the Monday up to and including Sunday every week.

New, if there were overtime worked say on Saturday the 10th January, and nothing is recorded on Exhibit 81 to show that work was done, it might be that a particular workman in fact did work and omitted to clock his card? That could happen could it not? —— Yes, it could happen if he himself forget to clock his card, but it is unusual because he would naturally be keen to see that his time is reflected on the card. If it did not, if for some unknown reason he either could not get the card at the time and that it had been mislaid by himself or somebody, he would immediately report it to the Labour Officer, to have a copy made or to have a search made as the case may be, and it must be recorded on that particular week that he worked, and either confirmed by his immediate foreman - in this case it would be the Labour Officer because he is a clerk or he was a clerk - or by his factory foreman, and initialled, because it has not been clocked on the machine.

If you will look at Exhibit 81 again Mr. Petgieter, you will see on the reverse of the card that there is a code number and to the left of that code number there are certain initials? —— Yes.

To the right of that code number there are certain hours that are set out? Youobbserve that? —— Yes.

New, the code number I take it is something that is used in your firm for costing? —— For costing.

For costing on a punch card system, Hollerith or something like that? —— Yes.

New, you notice that the last code number has been scratched out? —— Yes.

There is nevertheless an initial to the left of that code number? Do you agree with that? —— Yes.

First of all what does the initial mean? —— Well, that confirms that he has in fact worked the hours indicated. These

particulars/....

particulars usually agree with what is shown in the front, and if there is a disagreement it has to be checked and initialled by the person under whose immediate supervision this employee works.

In other words, do you then have a check so to speak on the card by way of a confirmation through the particular employee's superviser that he was in fact present? --- Yes.

May I see the card a moment please? --- Yes. (Card is handed to Mr. Unterhalter).

Now, a cost code number used with a punch card system would punch into this card certain information regarding a particular employee, the time that he works possibly, the amount of money that he earns, and the work that he was doing, whatever information the Management wanted? Is that not so? --- Yes. Well now, I must clarify that point. As far as I am concerned I have nothing to do with the costing. When the cards are all paid out they get them and they cost them, they code them and cost them, and I would not say that they use the punch card system - I did not quite follow you when you mentioned that in the first place - but they are totalled, the hours are totalled and they are allocated to different departments. That is what the code number indicates. They then balance the totals, the hours. The hours worked must balance with the total money paid out.

Well, whether it is done on a punch card system or any other cost system, it is an indication that the data on this card are carried forward in some way or another into the cost system of the factory? --- Yes. Well, that is automatically done, whether the card is punched or not. It is automatically done as soon as all the cards have been paid out, and the costing check that and allocate the work to the

different/....

different departments, machines, etc., etc., and their records .... I mean the result of what they do must correspond with the total amount paid out on the pay roll.

Either on the pay roll or through whatever other means the Company use to pay its employees? --- Yes.

And the noting of the cost code number on thecard is in a way a sort of posting from that card into the cost system? --- Yes.

Of what has happened. Now, I have asked you this question Mr. Potgieter because I see in the column on the reverse side of Exhibit 81, which I shall show you in a moment, under the heading "Cost code" there has been a posting of the cost code number 75000 and this has been scratched out. Just look at it please? ---Yes, I noticed that. That I presume was merely a mistake, because it had been initialled, the card, and yet there was no time. In fact, the hours worked here, 46 hours, are the total hours that he worked for that week, so that probably the Labour Officer wrongly initialled the card again at the bottom, and somebody went and stuck a code number there and then noticed it. There was no time actually worked. The total at the bottom here, 46, was made up by the five days that he had worked.

Now, that is an assumption that you make? You can't speak positively of your own personal knowledge as to the reason for the code having first been put in and subsequently deleted? --- Yes, I assume that, becauseI have seen it happen, Ihave seen it done, and that is why I am assuming that that is what happened in that particular case.too.

Now Mr. Potgieter, it is of course also possible that the last 75,000, being the cost code number on the card, represents a genuine posting which would balance with the

disbursement/...

disbursement made and not reflected on the card - it might have come through petty cash or some other source - and that the reason for the deletion is something that we just don't know in this Court this morning? Will you agree with that? --- No, I would not agree with that, because as a matter of fact - I can't say for certain, but that code number may have been put in by the officer himself. It may be done at the factory or by the officer, and that itwould not have been done by the costing department. The fact that it was scored out to my mind shows positively that it was a mistake. It wouldnnot be paid out any other way but on that card, or on the subsequent week's card.

Now, I have put a certain proposition to you, and you have said that you don't agree with it, but I should like you, apart from just giving your opinion, to tell His Worship if you can a little more explicitly why the proposition I put to you must be wrong according to you? You will remember that I suggested to you that this was a so to speak posting mechanism of part of the cost, and that it might very well relate to time worked and not reflected on the car. You have disagreed with that. Give to His Worship, if you can, the reason why you disagree with it, apart from your opinion? --- Well, the cards are checked. The time that is punched on the front of the card is checked with the time at the back, shown at the back. That happens right away, and if there is any query it is referred to the officer who initials it on the lefthand side there. It is referred to him and he has to adjust it and initial it, and until that is done the card is not complete.

You will notice Mr. Potgieter, on Exhibit 81, that in fact the initial which purports to be that of the foreman is on the line that corresponds directly with the figure

75,000/....

75,000 that has been scored out? Do you follow what I have said? --- Yes, I have noticed that.

Well, in the light of the reason that you ventured to give His Worship a few months ago, does it not appear from this card that the foreman in fact is certifying whatever he purported to certify in regard to the 75,000 which has been struck out, and which contradicts what you have said? --- No, he actually certified the time. As I say I could not be certain whether he would put the code number on, or whether it would be done by the costing. As a matter of fact I think it is done by the foreman, and he only really certifies - he may have been putting on the wrong code - but he is only certifying the time that the boy worked. That is all that he is actually certifying If there is no figure in the column that he worked, andhe could not very well have a figure there without it being relfected in the punched holes in the front, or he would have to write it in himself and initial it in front, in lieu of the punch machine's punched holes.

Now, you will notice that this last pair of initials are on a line which is opposite the column under "Hours" which has no hours? --- Yes, I noticed that.

Can you tell His Worship why the foreman should have put his initials in that portion of that card where there are no hours at all? --- Yes, I presume, as I must say, it was done in error, in a hurry, because they have a lot of these cards to sign, but when he noticed his mistake he scored out the code. He should hage also scored out his initials.

In fact you will agree Mr. Potgieter that the obvious thing to do if he has made a mistake, is to score out his initials long before he scores out the cost code? ---Yes. Well, as I say because he did not.... there is no time recorded in the time column, he might have thought it was not necessary,

but/....

but if he had scored out the time then he would have had to initial that specially.

I want to put it to you Mr. Potgieter this card is rather valueless as an exact record of the facts it purports to describe? Would you agree with that? --- No.

I shall tell you why I have suggested that to you. If you will have a look at the card again you will see there are four sets of initials on this card, i.e. at the back of the card? --- Well, it is actually by the same officer. That is our Labour Officer, Mr. Coetzer. I happen to know his initials.

Never mind who it is by. You agree there are four sets of initials on the back of that card? Is that correct? --- Yes, there are four initials.

You will notice that as far as the inked-in hours are concerned they purport to cover five days? --- Yes.

Four at 9½ and one at 9? Do you agree with that? --- Yes, I see.....

No, just bear with me Mr. Potgieter. Do you agree with me? --- There are five sets of initials and five....

No, no, no. There are four sets of initials and there are five periods set out on that card? Do you agree with that? Look, there is 9½, 9½, 9½, 9, and in the lefthand column there are four sets of initials? --- Yes.

You agree with that? --- Yes, that is so.

Now, you told us earlier that the foreman's initials represent a kind of check on the time card that the man was present and worked? That is what you toldmme a few minutes ago? You agree with that do you not? --- Yes.

Now, he having signed for four periods, and one of them apparently without any hours, in a way seems to contradict this card, which seems to give credit for at least five days' work as far as the hours are concerned and the punching

on/....

on the other side? Do you agree with that? —— Just repeat that question again or that query?

He having put his initials to four periods of work, and one of them without any houss at all, appears to contradict a statement in that card that there were five periods worked, four at 9¼ and one at 9, as reflected on the back of the card, and also apparently as reflected on the punching through the machine on the front of the card? There should have been, in other words, five sets of initials? Is that correct? —— No, to my mind there is no doubt at all about the time that he worked for this week, because it is clearly indicated. There is no mistake, and it is clearly indidated that he worked five hours, and that this officer, his initials being rather large, has omitted to sign in smaller writing exactly opposite to each of these codes.

Well, in fact he has failed to certify a five period week? He has only certified for four periods? Do you agree with that? —— Yes.

And in as much as one of them is against a period with no hours at all, we don't really understand what he is certifying for that last one? Do you agree with that? —— No. I mean even if he had initialled the card only once, he would still be certifying that the punched woles and the time indicated on the front were correct, though he should by right initial each entry, but even if he initialled once and bracketed the rest, and the position is quite clear in the front, that would be accepted by us as correct, unless queried by the employee.

Now Mr. Potgieter, I want you please to listen to me carefully. His Worship is hearing evidence from you this morning as to systems in your factory? —— Yes.

It is most important that you describe the system to His Worship with the greatest accuracy that is possible. Do

you/....

you understand that? --- Yes.

I understood from your earlier evidence, and it certainly appears to me from the card, that the system that operates is a daily certification by the foreman and not a single weekly certification? Now, am I right or am I wrong in suggesting that that is the system? --- Normally it is a daily.

And in as much as four signatures or four initials appear on Exhibit 81, it is clear that the foreman is adopting a system of daily certification on that card? Do you agree with that? --- Yes.

In fact if you will look at Exhibit 96 for the following week it is perfectly clear? He has put six initials against six periods of time? --- Yes.

Now, if that purports to be a daily certification, and we have only got four initials on Exhibit 81, will you not now agree with me that that does not seem to be a very accurate record, at least as to certification? --- Yes. Well, as to certification I would not say, not in view of this, that it is a very accurate method, but we depend more on the clocking in the front than on the initials, because often we can't read the initials. The foreman might be changed, he might go on holiday. We would not know the initials of the relieving foreman, but we definitely go by what is stated in front and if the time given on the back agrees with that, then we accept it as correct.

But you do agree that the certification by the foreman is an integral part of the system that operates? --- Yes, generally speaking.

Now, you were telling His Worship a moment ago that you rely on the time printed on the card by the clock

primarily/....

primarily? --- Yes.

Now, I want to put it to you that you must rely quite considerably on the human element and judgment of your foreman as well? --- Oh yes.

You agree with that? --- Granted.

And I want to illustrate that to you by asking you to look at Exhibit 96, where you will see that as far as the Monday column of that card is concerned, the employee apparently clocked in at 6.25, and he failed to operate the machine for the rest of the day, i.e. the time clock, and he is nevertheless credited with 9½ hours, and this is signed by the foreman. So that there is an independent source of reference that allowed him to get the 9½ hours for the Monday, despite the fact that the card has got no other information than a commencement of work at 6.25. ---Well, in this case he must have been working night shift, because with the dash under the six it indicates itwas p.m. So he started work at night at 6.25 p.m. and finished up the next day. The number is not very distinct there when he finished up, but it was assumed, and the foreman, our Labour Officer, confirmed it, that he worked 9½ hours. In fact there is their break at 12 midnight, 12.56 a.m.....

Are you looking at the same column to which I have referred you, the Monday column, i.e. 6.25 on the Monday? --- Yes.

You will notice that there is only one time printed, 6.25? --- Yes. Well, that is what happens when he signs on at night time, because when he clocks out it is the next day, Tuesday, in the morning.

There are no breaks that a man has even on a night shift? ---Yes, he has a break from 12 to 12.56. It is supposed to be an hour's break, from 12 midnight to 12.56 a.m. The

time/....

time he signed off actually was 5.27 on the Tuesday morning.

Just allow His Worship to see it so that the Court can follow what you are now saying? --- Yes. The clock that is not clear is the signing on at night time on Tuesday. That is indistinct.

COURT ADJOURNS.

COURT RESUMES:

FREDERIK JOHANNES POTGIETER, under his former oath, continues:

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Mr. Potgieter, I am not sure that I understood your explanation about the time recorded in the Monday column of Exhibit No. 96. I want to put it to you as I understood you to say it, and if I am wrong will you please correct me? I see that the time is punched as 6.25, and there is a line under the six which indicates that it is in the afternoon? --- P.m. yes.

Apparently he is commencing an evening shift at 6.25. Now, the Tuesday column shows that he punched at 12 and it is in blue. Would that mean that he was then punching out at 12 midnight? --- Yes.

He then punched at 12.56, which would be on the Tuesday, and he punched again in blue at 5.27 on the Tuesday, and that would be about half past five on the Tuesday morning? ---Yes.

That would then complete his shift? --- Yes.

Which had commenced at twenty-five past six on the Monday? Have I understood you correctly? --- Yes.

Do you wish to look at the card to follow me, or

have/....

have you understood my question? —— No, I know. I can follow you because I have seen it, and because his time would actually up.... he would work from seven, and his time would really start at seven o'clock on the Monday evening, though he was a bit early, and then his time would finish at quarter past five. Now, he might just dawdle a bit before he punches his card, but that is neither here nor there.

But in effect what he commenced was a period of service in the evening of the Monday, which terminated on the early morning of the Tuesday, and that was the end of his shift? ——Yes.

Now, if that is so Mr. Potgieter, I would like you please to explain to His Worship why this man, whoever he is, has been given credit for a full 9½ hours on the Monday, and a full 9½ hours on the Tuesday, whereas from what you have said it would appear that he should just have been credit for lapsed time between the Monday evening when he started and the early Tuesday morning when he stopped. Have a look at the card and see for yourself. —— Yes, I can tell you that without looking at the card. It is merely a practice of ours to put in, to say well, he worked or he turned out for work on Monday; so we put the time at the bottom against Monday, whereas in fact part of the time was worked on Tuesday, but we always work it that way. We put it under the day that he commences the work. That iswhere we show it at the bottom.

In other words Mr. Potgieter, what I understood you to say is this. That although he completed the shift on the early morning of the Tuesday, you give him the credit for it as if it were a Monday job? —— Yes.

If that is so, will you please explain why you have given any credit at all in the Tuesday column, because he seems

to/....

to have finished the Tuesday at half past five in the morning, and he does not go on to work until twelve o'clock on the Wednesday? Just have a look? --- No. You see, as I have said before, the time of clocking in on the Tuesday evening is indistinct. I can barely see a 47, which probably was 6.47, but he is not on duty officially until 7 o'clock. The Labour Officer, or his foreman in this case, was satisfied that he did sign on in good time on Tuesday evening, and he finished up again on Wednesday morning, and as in the case of Monday the time is put down for Tuesday.

Now, you remember that I said to you earlier that these records are not very reliable, and you were inclined to doubt it, but you must surely admit Mr. Potgieter, that without your assistance this morning the problems to interpret the Monday and Tuesday times, could not have been solved? In other words, without your explanations to assist His Worship, this cards gives very great difficulty as far as understanding it is concerned? You admit that? --- Well, I would say to an outsider but not to us who work with them, i.e. regularly.

I am not talking about you people, I am talking about ourselves. You agree with that, do you not? --- Yes, to outsiders I would admit that it probably would be difficult. It is like any job you have got to learn.

You will also notice that in Exhibit 96 in the Sunday column the time 3, presumably 3 in the afternoon, has been written in in ink. I assume that that is the foreman who did it, and who put his initials there? ---Usually that is what happens.

Which means that the machine was not used for the purpose of recording what happened? --- Well, the machine.... it might not have been worked correctly, and machines can also

go/....

go wrong sometimes.

Now, may it not be Mr. Potgieter, that a workman, sometime after the particular week in question, discovers that he has not been paid the full amount that he is entitled to, and raises his query and an adjustment is made a couple of weeks afterwards? —— It could happen, but the employee usually sees his card - it is given to him - and he has a chance to examine it before he actually gets his pay, and therefore he is in a position to say, when he gets his pay packet, that he is underpaid or incorrectly paid.

He might raise a query and there might be some investigation or check, and the payment might take place a couple of weeks after the query was raised? —— It has happened, but as I say it is unusual.

Thank you, Your Worship.

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

NO RE-EXAMINATION BY THE PUBLIC PROSECUTOR.

MATTHEUS WESSEL HERMANUS FOURIE, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Mnr. Fourie, u was in die Polisiemag gewees? —— Dit is reg.

Tot wanneer? —— Tot September.

Van verlede jaar? —— Ja.

En op die 21ste van Maart verlede jaar was u 'n Konstabel in die Polisie en gestasioneer waar? —— Te Ferndale, Johannesburg.

Nou, op daardie besondere dag was u by die

Polisiestasie/....

Polisiestasie te Sharpeville, Vereeniging? ---Ja.

Nou, ek wil u bewysstuk 13 toon. Dit is 'n lugfoto van die Polisiestasie te Sharpeville. Aan die linkerkant se kant, d.i. die westelike kant van die Polisiestasie, is daar 'n grasperk wat ek twee verdeel is deur die pad wat vanaf die heining tot die gebou lei en soaan. Nou, aan watter gedeelte van die Polisiestasie was u tydens die skietery? Was u aan die westelike kant of aan die ander kant? --- Aan die westelike kant.

En was u noord of suid van die grasperk? --- Ek was suid van die paadjie.

Was u een van die Polisielede wie in gelid ingetree het op 'n bevel van Kolonel Pienaar? ---Ja.

Was u deur enige voorwerp getref daardie dag? --- Deur 'n klip was ek getref.

Waar het die klip u getref? --- Agter die rug.

Kan u net vir die Hof toon waar u nou wys? --- (Getuie demonstreer aan die Hof). Aan die regterkant, so effens agter.....

DEUR DIE HOF:

Hy wys onderkant sy regterblad.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Hoe groot was die klip? --- Ek kan regtig nie sê hoe groot was die klip nie.

En wat het gebeur toe u deur die klip getref is? --- Toe het ek net skote gehoor knal.

Maar die klip self, het u nog op die been gebly of nie? --- Ja, ek was nog op die been.

Vanwaar het die klip gekom? --- Van die Bantoes se kant af.

Van die Bantoes se kant. In watter rigting het u gekyk/....

gekyk toe u deur die klip getref was? Kyk, u het ingetree op die westelike kant. Kyk na die kiekie. --- Ek het na die noordekant gekyk.

Heel bo aan die kiekie is die noordekant, en aan die linkerkant se kant is dit die westelike kant? ---Op die westelike kant het ek gekyk.

So na watter kant het u gekyk toe u deur die klip getref was? --- Na die westekant.

DEUR DIE HOF:

Het jy met jou rug na die skare toe gestaan, met jou sy, of het jy met jou gesig na die skare toe gestaan? --- Ek het omgedraai.

Vir wat het jy omgedraai? Het jy vir iets omgedraai? --- Hulle het gesê ons moet inval en toe draai ek om om na die anderkant toe te gaan.

Ek sien. En...? --- En toe tref die klip my.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

En wat was die volgende ding wat gebeur het of wat u gehoor het nadat u deur die klip getref was? --- Al wat ek gehoor het wassskote.

Vanwaar het die skote gekom, die eerste skote wat u gehoor het? --- Van die Polisie.

Het u enige beserings opgedoen as gevolg van die klip? --- Nee.

Het u na die skietery enige voorwerpe opgetel of in beslag geneem? --- Ek het 'n Bantoeman. Na die skietery het ons hom in die straat gekry. Hy het geslê en toe het ek gedink hy was gewond, ek en nog 'n ander Konstabel. Toe ons by hom kom toe kyk ons of daar nie wonde aan hom is nie, en toe het ons 'n mes hier in gekry, by sy broek ingesteek.

Kan u onthou wie die ander Konstabel was wie saam met

u/....

u was? --- Nee.

En kan u die mes beskrywe wat u daar gekry het? --- Ek weet dit was net 'n lang mes gewees. Ek kan nie meer onthou nie.

En het hierdie Bantoe enige beserings aan hom gehad? --- Nee, glad geen beserings nie.

Sal u in staat wees om die Bantoeman weer uit te ken as u hom sien? --- Ek kan nie seker wees nie.

Sal u asseblief afstaan mnr. Fourie en deur die Hof kyk om te sien of daardie persoon hier is, as hy teenwoordig is vandag? --- (Getuie staan af en wys beskuldigde nr. 43 uit).

Nou, ek het hier 'n bewysstuk, bewysstuk nr. 44. Herken u die bewysstuk? --- Ek is nie dood seker nie.

En wat het van beskuldigde nr. 43 geword nadat u die mes by hom ontdek het? --- Ons het hom gevat tot by die Polisiestasie, en die ander Konstabel het daar saam met hom gebly.

Afgesien van hierdie besondere tipe voorwerp wat u gesien het, het u enige ander voorwerpe opgetel of in beslag geneem of versamel daardie dag? --- Ja, ons het klippe opgetel.

Waar het u klippe opgetel? --- Waar ons gestaan het by die Polisiestasie, in die draad wat gespan is, binne-in die grondo van die Polisiestasie.

Aan watter kant? Kyk weer na die kiekie. Ek sal dit net weer herhaal. Heel bo-aan die kiekie is die noordelike kant, die linkerkant se kant waar die grasperk is is die westelike kant, en dan onder is suid. Nou, aan watter kant van die Polisiestasie het u klippe opgetel? --- Aan die weste-kant.

Aan die westekant. Kan u nou net herhaal presies waar aan die westekant was hulle opgetel? Binne of buitekant die heining? --- Binnekant die heining.

Binnekant/....

Binnekant die heining? --- Ja.

Dit wil sê binnekant die Polisiestasie? --- Ja.

Omtrent hoeveel klippe het u opgetel, d.i. u persoonlik? --- So vier of vyf.

En wat was die grootte van die klippe gemiddeld? --- Dit was taamlike klippe. (Getuie dui die grootte aan).

U wys omtrent die grootte van 'n man se hand? --- Ja.

Vanwaar het die klippe gekom? --- Van die Bantoes se kant af.

Voor of na die Polisie geskiet het? --- Voordat die Polisie geskiet het.

En die klippe wat u opgetel het, wat het u met hulle gemaak? --- Ek het hulle by die Polisiestasie ingegee. Die Kolonel het vir ons gesê ons moet almal bymekaarmaak.

Het u opgelet of ander voorwerpe opgetel is behalwe klippe? --- Ja, daar was kieries en yzters opgetel.

Waar was hulle opgetel? --- Ek kan regtig nie sê nie; nie wat ek gesien het nie.

U het 'n uitkenningsparade bygewoon by Boksburg omtrent 'n maand daarnaopp die 19de April? --- Ja.

Was dit die enigste parade wat u bygewoon het? --- En in Vereeniging ook.

Ook op Vereeniging op die 19de Mei. Nou, by enige van daardie parades het u enige persone uitgewys? --- Geen.

Nou, u het vandag beskuldigde nr. 43 uitgewys. Is daar enige rede hoekom u hom nie op enige parade uitgewys het nie, as hy wel daar was? --- Ek het nie so mooi gekyk nie.

Dankie, Edelagbare.

BY THE PUBLIC PROSECUTOR:

Your Worship, before my learned friend cross-examines this witness. Shortly after the tea adjournment he informed

me/....

me that accused No. 36 is suffering from heart trouble and that he had been to the clinic and received an injection, and I have called for Dr. Lambinon who is present at the moment, Sir. My learned friend mentioned to me that the possibility exists that perhaps the following days his condition might deteriorate.....

BY THE COURT:

Do you want me to adjourn for the doctor to see him, or what do you want me to do?

BY THE PUBLIC PROSECUTOR:

Well, if I could have his opinion Sir it might perhaps be better.

BY MR. UNTERHALTER:

I think it might assist the Court Your Worship, because he complains of a heart condition. He has told me that he thinks he can go through to four o'clock today, and I have explained to him that tomorrow and Wednesday he will have an opportunity to rest, but he has expressed the wish that the District Surgeon should see him, and I asked my learned friend that the doctor should be brought. If the Court does not mind perhaps there could be a short adjournment. It might save time.

BY THE COURT:

Yes.

COURT ADJOURNS.

COURT RESUMES:

BY THE COURT:

What is the position in regard to the accused, Mr. Prosecutor?

By/....

BY THE PUBLIC PROSECUTOR:

Your Worship, I don't know if Your Worship wants the evidence formally on record, but the doctor says that he has a rapid pulse and....

BY THE COURT:

Well, is he fit enough to proceed for the time being?

BY MR. UNTERHALTER:

Yes, he can remain in the Court today, Your Worship.

BY THE COURT:

Is he in his sound and sober senses, Mr. Unterhalter?

BY MR. UNTERHALTER:

That is so, Your Worship.

MATTHEUS WESSEL HERMANUS FOURIE, onder sy vorige eed, vervolg:

KRUISVERHOOR DEUR MNR. UNTERHALTER:

Mr. Fourie, it is correct is it not, that this morning you were peering through the window at the back of the Court at the accused as they were sitting in the Court? —— Nee.

Do you deny that Mr. Fourie? —— Ja, ek was by die venster gewees.

And you looked through the window, did you not? —— Ek het net daar verby gestap.

Just answer my question Mr. Fourie. You looked through the window, did you not? —— Hoe meen u deur die venster

You looked through the window. I cannot put it in any more simple language. —— Ek het nie my kop deur die venster gesit nie. Ek het net verbygestap; toe sien ek hom.

En toe sien jy wat? What were those other words you used? —— Toe sien ek die Bantoes daar sit.

That is correct, i.e. that you were standing and looking through the window, were you not? —— Ek het verbygestap

Toe/....

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That is correct, i.e. that you were standing and looking through the window, were you not? —— Ek het verbygestap

Toe/....

Toe kom ek terug en toe staan ek.

So at a certain stage you stood outside that window in the company of another man, and you looked towards the accused assembled here in Court? --- Nee.

Do you say that you did not stand outside this window at all? You were moving all the time? --- Ek het gestaan maar ek het nie na die "accused" gekyk nie. Ek het hom nie eers gesien nie.

Well, you were standing outside the window and you were looking into this room at a group of people? Is that right? ---Ja, dit is reg.

And among the group of people at whom you were looking is a group of people assembled on the righthand side of the Court as you look at it, that group there? --- Ek het nie na hulle alleen gekyk nie.

I am not suggesting that you only looked at them, but you did look at them as well as anyone else you may have looked at? Is that correct? --- Ja.

Why have you been so evasive about this Mr. Fourie? Why have you not just candidly said to His Worship "Yes, I did look at these people", and leave it at that? --- Ja, maar ek het nie na die "accused" gekyk nie. Ek het ingekyk.

Why did you look in at all if you knew you were going to give evidence in this Court? --- Ek het nie geweet die beskuldigdes is in die Hof nie.

Why did you not just keep yourself as far from this Court as possible, so that one could not query your presence here at all?

BY THE COURT:

How do you suggest a person must approach the Court room now, without getting near it somehow, and in time?

By/....

BY MR. UNTERHALTER:

No Your Worship, with respect my question is why does he stand outside that particular window looking through.

BY THE COURT:

No, your question now was why did he not stay away from the Court or was so far away that nobody would query it.

BY MR. UNTERHALTER:

I will put it another way if Your Worship pleases.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Why did you not remain away from this Court until you were called, and then come through the door in the proper way instead of peering through the windows of the Court? --- Ek het klaar herhaal dat ek het nie gekom, ek het nie geweet dat die beskuldigdes in die Hof sit nie.

I am still asking you why did you not keep away from this Court room until you were called and asked to come in? --- Ek het nou weer herhaal dat ek sê dat ek het nie geweet die beskuldigdes was in die Hof nie.

There have been many, many witnesses called in this Court, and a large number of them have remained in the waiting room until they have been called, and have not come near this Court. You are not aware as a Policeman that you should keep yourself away from a Court? --- Ja, en ek is nie meer 'n Polisieman nie.

You think that because you are no longer a Policeman that you enjoy a special privilege then? --- Nee.

Now, you told His Worship that you were standing in line under the order of Colonel Pienaar when you were hit by a stone? ---Ja.

Did you hear an order to shoot? --- Nee.

Now, you say that after the shooting you went outside

and/....

and you found a man whom you say was carrying a knife? --- Ja, hy het in die straat gelê. Hy het gelyk of hy dood is.

Now, when you came upon him were you alone or was another Policeman walking with you? --- Ja, daar was nog 'n Polisieman saam met my.

You don't remember the rank of that Policeman? --- Hy is 'n Konstabel.

I understood you to say you don't know what his name is. Do you perhaps remember what station he came from? --- Nee.

And were you and this Constable the first two people to come upon this man lying in the street there? --- Ek dink so.

There was nobody busy handling him or examining him or searching him when you and the Constable came along? --- Nee.

Now, have a look please at Exhibit No. 13 again. You know which is north, south, east and west on that exhibit, don't you? --- Ja.

Whereabout approximately did you find him lying? In regard to the double gate in the western fence? South of that, north of that, opposite it? --- Aan die suidekant.

South of the gate? --- Ja.

Now, just to assist you in getting your bearings. The path that you described in your evidence-in-chief as being the western part of the Police Station, is bounded by a fence that has a double gate in it? Do you remember that? --- Ja.

Outside that gate is a road? --- Dit is korrek.

Across the road there is a building which is known as a clinic? --- Ja, dit is korrek.

Now, was this person whom you found there lying somewhere in that road between the clinic and the double gates? --- Ja.

And his position was somewhere in that road to the

south/....

south of the double gates? --- Ja.

About how many paces Mr. Fourie to the south of the double gate would he have been, i.e. roughly? --- About twenty.

Was he in the street or was he lying on the pavement? --- In the street.

And if you were to pace directly west from the fence, that western fence, into the street to where he was lying, approximately how many paces from the fence? --- About seven.

When you came upon him how was he lying? On his side, on his back, on his stomach? --- On his stomach.

And what did you do when you saw this man lying there? --- Ons het hom omgedraai sodat hy op sy rug lê.

What was it that made you do anything at all to this man? Why did you not just leave him lying there? --- Ons het gekyk of hy gewond is of raakgeskiet is of iets, en toe kry ons die mes in sy broek.

Now, could you perhaps indicate on your own person the position in which you found this knife? --- Die skerp kant was onder gewees en die handvatsel was bo.

What I would like to know is was it somewhere on the side, was it in the front here, was it on this side? --- On this side.

DEUR DIE HOF:

Die getuie wys aan sy regterkant.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

You point to the right side? --- Ja.

DEUR DIE HOF:

Wel, regs voor? --- Regs voor ja.

Nie aan sy regtersy nie, maar voor? --- Voor.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

And was the handle hidden by his trousers or his jacket/,....

jacket, or not? --- Nee, hy was nie weggesteek onder die baadjie nie.

Let me put another question to you. Was he wearing a jacket or not? ---Dit kan ek nie onthou nie.

But when you came to examine the top of his trousers was the handle appearing above the top, or was the handle also hidden by the trousers? --- Hy was gelyk gewees met die broek. Die punt van die mes was gelyk met die broek. Jy kon hom niks gesien het nie, d.i. die punt van die hadvatsel. Dit was effens uit, effentjies was jy hom gesien het.

DEUR DIE HOF:

Wat het jy gesê van effentjies? --- Hy was net effentjies uit geweem.

Jy kon die punt net effentjies sien. Dit is nou die punt van die handvatsel? --- Van diehandvatsel.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

And it was that which showed you that there was a knife? --- Ek het nie geweet dit is 'n mes nie. Ek het gesien die ding, en toe haal ek hom uit, en toe ek dit is die mes.

But it was what you saw, this little bit peeping above the top of the trousers, that showed you there was something there? --- Ja.

You did not have to unbutton the trousers or search him or anything like that? --- Nee.

Now, in what condition did you find this man when you turned him over? --- Hy het gelyk of hy dood is.

And you could not talk to him as he lay there I take it? --- Nee.

Did you take possession of the knife? --- Ek het die mes gevat, en die ander Polisieman het hom gedra, gehelp deur 'n ander Rantoekonstabel.

Speak/....

Speak a little louder Mr. Fourie? I can't hear you. --- Ek het die mes gevat en die ander Konstabel wat saam met my was en 'n ander Bantoekonstabel het hom ingedra na die Polisiestasie toe.

Now, do you remember how they carried him in Mr. Fourie? --- Die Bantoekonstabel het sy voete gevat en die blanke Konstabel het hom onder sy arms gehad, hy het so sy hande onder deur sy arms gesteek.

So he was carried in in a sort of horizontal position, with the African Constable supporting the legs and the European the upper portion of the body? Would that be correct? --- Ja.

You did not assist in carrying him in at all? --- Gaadnie.

The only Police concerned with this were yourself and the other European, and then an African Constable? --- Ja.

There were not two other European Constables, or European Policemen, in addition to yourself concerned in this matter? --- Nee, dit was net ek en hy, en die Bantoekonstabel wat hom gedra het.

As he was carried into the Police Station did anything special happen that you think you should inform His Worship about? --- Nee, gladnie. Niks nie.

Were you carrying the knife so that it could be seen, or did you yourself put it away somewhere? ---Ek het hom in my hand gedra. Almal kon hom gesien het.

Were there any remarks made about this knife or this man who had it while he was being carried in? --- Nee.

You make that statement quite positively? No remarks were made? --- Nee, geen opmerkings nie.

Either by you or the other Constable who was with you, or by people whom you passed? --- Nee, gladnie.

Colonel/....

Colonel Pienaar gave evidence in this Court and he said something to the effect that as the man was being carried past, whoever that man might be, someone drew attention to a long knife that this person who was being carried had in his possession. You know nothing of it? --- Nee, ek weet niks daarvan af nie.

You are quite definite when you came upon this person he was lying on his stomach and it was only when you turned him over that the knife was revealed? --- Ja.

And after you turned him over on his back was it still only you and the other European Constable that were concerned in this matter? --- Ja.

Nobody else? --- Nee.

No other European who came to assist or who came to look or anything at all? --- Ek kan nie meer so mooi onthou nie. Daar mag gewees het en daar mag ook nie. Dit kan ek nie sê nie.

But whether a person did or did not come to look, no other persons took part in the carrying of this man in, other than yourself, the African Constable and the other European Constable? ---Ja.

Have you discussed this incident of this man and the knife with any of your former Police colleagues since that date? ---Ja.

With the people who took part in carrying him in or who saw him with the knife? --- Ja, die wat my gehelp het.

About how long after the shooting at Sharpeville did you discuss this matter with these people as you say? --- Vyf minute daarna.

Only on that day or on any other subsequent occasions? --- Op daardie dag; net op daardie dag.

Now, if evidence has been given in this Court that

the/....

the knife was seen to be where I pointed out to you on myself, in the centre, and with the whole handle protruding above the level of the trousers, would that be wrong? --- Ja, dit is verkeerd.

When you brought the man into the Police Station was he still in an unconscious state? --- Ja.

Did it look as if he had been trampled on by the crowd, as if he had fallen and his clothes soiled or anything like that? --- Dit kan ek nie sê nie. Dit mag wees dat hy getrap is deur iemand of omgestamp is of iets.

Did his clothes look dirty? --- Ja, sy klere was vuil.

With recent dust marks on them? --- Dit kan ek nie sê nie.

Did you then leave him there, or did you wait until he was revived? --- Ek het hom daar gelos in die Polisiestasie.

You know nothing more about him after that? ---Nee.

Now, at the identification parade you were given a full opportunity of examining the people who were lined up for your inspection on both occasions? ---Ja.

You made a careful examination of the faces and the figures of the people? --- Ja, ek het gekyk.

And as you have already told my learned friend you could point out no one on that parade? ---Ja.

When you looked into the Court this morning did you subsequently ask anyone anything that might assist you with your identification today? --- Nee, gladnie.

Now, you told His Worship that you picked up stones in the area surrounded by the fence on the western side of the Police Station? --- Ja, dit is korrek.

And you also picked up certain "kieries" and irons,

but/....

but you cannot say from where? Oh, you saw them being picked up? I am sorry. --- Yes.

Did you see any stones being picked up outside the fence? --- Nee, dit het ek nie gesien nie.

You did not yourself pick up stones outside the fence? --- Nee.

Did you yourself take part in the shooting? --- Ja.

What weapon did you use? --- 'n Rewolwer, 'n .38.

How many shots did you fire? --- Ses.

You noticed the crowd as the firing started? ---Ja.

Now, as this shooting started did the crowd turn round and run away? --- Ja, hulle het weggehardloop.

If the crowd turned and started to run away as the firing commenced, why was it necessary for you to fire six shots? Why would not one have been sufficient in the circumstances? --- Ek het geskiet toe hulle nog gestaan het. Hulle het nog nie weggehardloop toe ek geskiet het nie.

Do you say that only after you had fired six shots did the crowd turn and run? Is that it? --- Ja.

Were they just standing there until they turned and ran? ---Hulle het geskree en 'n lawaai gemaak.

While the shooting was in progress? --- Ja.

Accused No. 43 was actually on both those parades. You can't say anything as to why you failed to point him out? --- Nee, ek kan nie.

Thank you, Your Worship.

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

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER:

Vir watter doel het u hier verbygestap by die Hofsaal en by die venster ingekyk? Hoe het dit gebeur? --- Ek het net

verbygestap/....

verbygestap tot daar anderkant, en toe kom ek weer terug en toe kyk ek net in en toe sien ek die mense sit hierso.

Was u ooit by enige Hof te Vereeniging? --- Ekskuus?

Was u ooit voorheen by Vereeniging gewees? ---Nee, dit is die eerste keer wat ek hier kom.

Die getuiesaak hier buitekant, ken u die kamer? --- Nee.

Want ek sien dit is vol banke en goed? --- Ek het hier buitekant gesit.

DEUR DIE HOF:

Nie in die wagkamer nie? --- Nee, ek het nie in die wagkamer gesit nie.

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Nou, u het die mes in u besit gehad. Wat het u met daardie mes gemaak? --- Ek het hom vir die ander Konstabel gegee in die Polisiestasie, en toe sê hy hy sal die saak vat.

Ken u Kolonel Pienaar? Ek meen sal u hom herken as u hom sien en soaan? --- Ja, ek sal hom herken as ek hom sien.

Nou, terwyl die Bantoe toe ingedra was, en die mense was toe besig om die Bantoe in te dra, d.i. die een wat die mes gehad het, kan u sê of het u opgelet waar Kolonel Pienaar was? --- Nee, daar het so baie Konstabels en mense geloop dat ek nie opgelet het nie.

U het verder gesê dat die klere van die Bantoe was vuil. In watter opsig was dit vuil, wat het u bedoel daarby? --- Daar was - hoe sal ek sê - olie.... ek weet ook nie of dit olie of wat was nie, maar daar was kolle op die klere gewees.

Ek sien. Dankie Edelagbare.

DEUR DIE HOF:

Het u vandag Hoftoe gekom op 'n waarskuwing of op

'n/....

'n dagvaring? --- Op 'n dagvaring.

Op 'n dagvaring dat jy om 9.30 v.m. in die Hof moet wees? ---Ja.

En het die dagvaring gesê in watter Hofsaal? --- Nee, nie in watter Hofsaal nie.

Het dit net gesê Vereeniging of wat? --- Ek is nie seker of daar gestaan het in watter Hof nie.

Het jy alleen oorgekom Vereeniging toe? --- Ja, ek het alleen Vereeniging toe gekom.

En hier na die gebou toe gekom? --- Ja, ek het 'n Konstabel hier buitekant gevra in watter Hof kom die saak voor van Sharpeville, en toe kom wys die Konstabel vir my die Hof.

Watter pad het hy met jou geloop? --- Ek is nou nie seker nie.

Kyk, ek verstaan jy het by 'n venster iewers verbygeloop en ingekyk. By watter venster was dit? Wys vir my watter venster? --- By daardie venster.

Die venster aan die agterkant, aan die teenoorgestelde kant waar die beskuldigdes nou sit? --- Ja.

Nou, hoe het dit gekom dat jy daar moes verbygaan? Het iemand vir jou die pad gewys of wat? --- Nee, niemand het my die pad gewys nie. Die Konstabel het my net gebring tot hier op die hoek en toe sê hy vir my ek moet hiernatoe kom, hier sal ek die Hof sien, die Naturellekommissaris se Hof.

Nou weet jy of daardie Konstabel iets met hierdie saak te doen het, ~~of~~ en of hy 'n Konstabel is wat hier op diens is of wat? --- Nee, ek weet regtig nie.

En by wie het jy jouself toe hier kom aanmeld? --- By die Kaptein.

By Kaptein van den Bergh? --- Ja.

Nou, was jy by die venster voor of nadat jy Kaptein

van/....

van den Bergh gesien het en jouself aangemeld het? --- Dit was nadat ek Kaptein van den Bergh gesien het.

Jy het Kaptein van den Bergh gesien en daarnaby die venster ingekyk? --- Ja.

Hoekom het jy dit gedoen? Hoekom het jy dan nie op een plek gebly toe jy jou by die Kaptein aangemeld het nie? --- Ek het nie geweet die beskuldigdes is in die Hof nie, want in die Johannesburg Hof kom die beskuldigdes van onderaf in.

Is dit waaraan jy gewoond is? --- Ja, dit is wat ek gewoond is aan.

Het die Kaptein nie vir jou gesê waar jy moet sit of iets nie, d.i. toe jy jouself by hom aangemeld het nie? --- Die Kaptein het gesê ons moet hier wag.

Hy het gesê jy moet hier wag? --- Ja.

En het hy nou 'n besondere plek gesê of net gesê „Man, jy moet hier wag"? --- Nee, hy het nie gesê op watter besondere plek nie.

Dankie. Jy kan maar afstaan.

DEUR DIE PUBLIEKE AANKLAER:

Edelagbare, voor ek die volgende getuie roep wil ek net meld dat die saal, die getuiesaal hier buitekant, is vol bankies. Daar is nie plek vir my getuies om te sit nie; hulle moet buitekant op 'n bank sit.

Ek roep nou Konstabel Mynhardt, Edelagbare.

PAULUS FRANCOIS MYNHARDT, besdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

U is nou nie meer in die Polisiemag nie? --- Dit is reg.

Wanneer/....

Wanneer het u bedank? --- Die 31ste November het ek my laaste dag gewerk.

DEUR DIE HOF:

Watter datum? --- Die 31ste November.

Die 31ste of die 30ste? --- Ja, dit was die laaste dag van Novembermaand gewees, Edelagbare.

Dit is die 30ste dan. Was dit verlede jaar? --- Ja.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Voor dit was u 'n Konstabel in die Polisie gestasioneer te Johannesburg? --- Dit is reg.

En op die 21ste van Maart was u by die Sharpeville Polisiestasie tydens die skietery? --- Dit is reg.

Nou, voor u is bewysstuk 13. Dit is 'n lugfoto van die Sharpeville Polisiestasie. Sien u die bewysstuk? --- Ja.

Heel bo is die noordekant, aan die linkerkant van die foto is die westelike gedeelte, en dit is die gedeelte waar die groot hek is tussen die Polisiestasie en die sogenoemde kliniek, en dan natuurlik heel onder is die suidekant, en aan die regterkant is dit die oostelike kant. Verstaan u die foto? ---Dit is reg. Ek verstaan dit.

Nou, aan watter kant van die Polisiestasie was u tydens die skietery? --- Ek was hierso aan die linkerkant, hier by die groot hek, waar die groot hek daar ingaan.

Dit wil sê aan die westekant? --- Aan die westekant ja.

Nou, u sal sien dat daar is 'n paadjie wat loop vanaf die heining aan die westekant tot by die gebou self, d.i. oor die grasperk? --- Ja.

Natuurlik dit sny daardie grasperk in twee gedeeltes, so ons het nou 'n noordelike gedeelte van die grasperk en 'n suidelike gedeelte van die grasperk aan die westekant. Verstaan

u/....

u dit? --- Ja.

Nouk waar was u, noord of suid of op daardie gruispad? --- Ek was op die grasperk gewees.

DEUR DIE HOF:

Op die? --- Op die grasperkie hier langs die draad, Edelagbare.

Op die grasperk? --- Ja.

Ja, maar aan watter kant van die pad wat van die dubbelhekke af na die gebou toe loop? --- Soos 'n mens nou so sal ingaan het ek aan hierdie kant gestaan. Net soos jy by die hek ingaan, en waar die pad nou afloop hier na die kantore toe, het ek hier op die gras gestaan.

Jy wys aan die linkerkant soos jy ingaan? ---Ja.

Dit lyk vir my noord van die paadjie.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

En was u een van die Polisielede wie op 'n bevel van Kolonel Pienaar in gelid gestaan het of besig was om in te tree? --- Ek was besig gewees om in te tree.

En het enigiets u getref daardie dag? --- 'n Klip het my getref op my regterbeen.

Hoe groot was die klip? --- Dit was maar 'n kleintjie. Dit was nie te groot gewees nie.

Wys net weer vir die Hof wat u 'n klein klippe noem? --- So. Dit is nou nie te groot nie. (Getuie toon die grootte van die klip aan die Hof).

DEUR DIE HOF:

Omtrent so groot soos 'n tennisbal of 'n krieketbal.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

En vanwaar het die klip gekom? --- Hy het reg van vooraf gekom. Ek kon nie sien wie het presies gegooi nie, want

dit/....

dit was te veel Bantoes gewees wat daar gestaan het.

Was dit die enigste klip wat u gesien het? --- Wel, dit was die enigste klip wat my getref het. Daar het voorwerpe ook oorgekom maar wie hulle getref het weet ek nie.

Watter soort voorwerpe het oorgekom? --- Ysters; sulke lang ysters.

En het u enige voorwerpe versamel na die skietery of beslag op gelê? --- Ja, ons het beslag op hulle gelê en hulle ingehandig daar by die kantoor. Ons het hulle daar in die kantoor neergesit.

Nou, watter voorwerpe het u self in beslag geneem? --- Ek het net 'n paar klippe opgetel wat daar gelê het.

Waar het hulle gelê? --- Hier by ons waar ons gestaan het.

Aan die westelike kant? ---Ja.

Was hulle daar voor die Polisie geskiet het? --- Nee, hulle was nie daar nie.

En het u enige ander Polisielede gesien voorwerpe optel? --- Wel, daar het opgetel, maar daar was so baie Polisiemanne dat ek nou nie weet wie presies dit opgetel het nie, want ek het gekonsentreer op wat ek gedoen het, op die klippe.

En daarna het u uitkenningsparades bygewoon? --- Dit is reg.

Het u twee bygewoon? --- Dit is reg.

Die eerste een was natuurlik op Boksburg op die 19de April, en dan daarna op Vereeniging op die 19de Mei? --- Dit is reg.

Nou, ons wil eers met die parade by Boksburg handel. By daardie parade het u enige persone uitgewys, d.i. op die parade te Boksburg? --- Ja, ek het.

Kan u onthou hoeveel? --- Dit was twee gewees.

Nou/....

Nou, sal u in staat wees om daardie twee persone weer uit te wys as hulle vandag teenwoordig is? —— Wel, soos ek sê, dit is 'n bietjie baie onmoontlik vir my, want die tyd toe ons geskiet het daar, dit was nie lank gelede daarna nie en toe het ons hulle uitgewys op Boksburg, asook op Sharpeville, maar dit is nou amper tien maande terug dat ons hulle laas gesien het en ek het baie te doen gehad met Kaffers, of Bantoes.

En die parade by Vereeniging, het u enige persone daar uitgewys? —— Op die parade by Vereeniging het ek een uitgewys.

En geld die antwoord in verband met die Boksburg-parade vir die Vereenigingparade ook? —— Dit is wel so.

Nou eerstens, hoekom het u die persone by Boksburg uitgewys? —— Ek het hulle gesien by Sharpeville; toe ek daar gestaan het het hulle geskree en aanhitsing veroorsaak.

Nou eerstens, hulle het geskree en wat gedoen? —— Hulle het die ander aangehits en hulle het gepoog om ons Polisie aan te vand en daardie tipe van dinge.

Nou, aan watter kant van die Polisiestasie was die twee persone wat u by Boksburg uitgeken het toe u hulle gewaar het? —— Soos wat ek nou so gestaan het hierso, en soos die draad hier was, het hullemet so 'n endjie van my af gestaan, met so 'n endjie van my af.

Bedoel u daar aan die westekant? —— Aan die westekant.

Was hulle so skuins links of regs van u af? —— Skuins links.

Altwee van hulle? —— Altwee van hulle.

En wat was die houding of wat was die reaksie van die ander Bantoes in die nabyheid van hierdie twee toe hulle so

geskree/.....

geskree het en die mense aangehits het soos u dit stel? --- Hoe kan ek sê? Hulle het almal saamgestaan en hulle ... ek weet nie hoe om te sê nie ... hulle het so aangehits, aangehits, en hulle het net aangehou „Afrika! Afrika!2 Afrika!".

U doen iets met u duim? --- Met die duim ja.

Wat van die duim? --- Hulle het dit opgehou en geskree „Afrika! Afrika!".

En die persoon wat u op die Vereeniging uitkennings-parade uitgewys het, waar het u hom gesien? --- Hy het op 'n fiets gesit en hy het 'n bleu trui aangehad. Hy het op 'n fiets gesit en hy het die ander ook so aangespoor .... hoe sal ek sê? Ek weet nie hoe om te sê nie .... dat hulle nie moet loop nie, hulle moet net aanhou, aanhou, aanhou, aanhou met die besigheid.

Waar was die kaan, die man op die fiets? --- Hy was net so 'n endjie van die hek af. Net so 'n endjie van die hek af het hy daar gestaan.

Maar in vergelyking met die posisie waar u gestaan het, was hy direk voor u, links of regs voor u? --- Hy was nog links gewees. Hy was nog meer links gewees.

En hoe ver was hy van die draad van die Polisiestasie af? --- Wel, ek sal sê so vyf voet van die draad af.

Nou, hoekom was dit dat u hierdie mense opgelet het, of u aandag daarop gehad het? Hoe het dit gebeur dat u hulle gesien het? ---Wel, ek kon hulle sien want die ander het ook om die draad gestaan en hulle het ook geskree „Afrika!"2 maar hulle het altyd hulle hande bo gehad, bo die andere, en geskree.

Het u enige beserings opgedoen as gevolg van die klip wat u getref het? --- Nee, ek het geen beseering opgedoen nie.

Kruisverhoor/....

KRUISVERHOOR DEUR MNR. UNTERHALTER:

Mr. Mynhardt, this morning you were in the company of the last witness, Mr. Fourie? Is that right? —— That is right.

And did you, together with him, look through that rear window in that wall into this Court? —— We did look into it.

Did you do that in order to try to identify any of the people who were in Court? —— No, we did not try to identify anybody.

Then for what reason did you look into this Court room through that window? —— Well, we just wanted to look in to see how it looks inside.

Could you not contain your impatience and curiosity until you were admitted into the Court? —— That is right.

Are you not aware that you should keep away from this Court room until you are called to give evidence? —— I did not know that.

BY THE COURT:

I don't know it either Mr. Unterhalter! What is there to say that a witness must keep away from a Court room before the Court has formally commenced its sessions?

BY MR. UNTERHALTER:

Your Worship will recollect that it was from Your Worship's own lips that a direction went forth some weeks ago that it was highly desirable that witnesses should be kept away from the precincts of this Court. There was a similar.....

BY THE COURT:

I have no recollection of giving any such direction! The record will show whether I have given such a direction. I have given no such direction.

By/.... 1574

BY MR. UNTERHALTER:

Your Worship, my memory may be at fault but my recollection is that words fell from Your Worship's lips to the effect that it is highly desirable that that practice should be observed. It occurred at a time when I made.....

BY THE COURT:

The only words that fell from my lips were that witnesses should not stand at this door.

BY MR. UNTERHALTER:

I don't recollect the exact words, but I am only conveying my recollection of the event.

BY THE COURT:

Anyway, I have no interest in carrying on with this controversy Mr. Unterhalter. You may proceed with your cross-examination.

BY MR. UNTERHALTER:

I can only repeat Your Worship that it is, as far as I am concerned.....

BY THE COURT:

Mr. Unterhalter, why do you insist on having the last word? I asked you to proceed with your cross-examination now!

BY MR. UNTERHALTER:

Your Worship, this is not a question of the last word. I am now saying something in the interests of my clients, and I ask the leave of the Court to say it, and it is this. That it is in their interests and highly desirable in their interests that people should not be near this Court at any stage in order to embarrass.... as regards matters that affect identification.

BY THE COURT:

Very well; proceed with your cross-examination.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, you were standing on the western side of the Police Station and you place yourself as being north of the path that you see in Exhibit 13? --- That is right.

How many paces to the north of that path would you say you were? --- To the fence?

No, no. Look at the path. You will see that it runs from the fence? --- Yes.

The double gates, towards the building? --- Towards the buildings yes.

Now, you place yourself on the north side? As you have described it, on the lefthand side of the path as you go in through those gates? --- Yes.

Now, if you were to pace from that path in a northerly direction, how many paces would you take before you reached the position where you were standing? --- I should say about ten, tem feet.

Ten feet or ten paces? --- Ten paces. I am sorry Sir.

Now, do you then place yourself somewhere in the middle of that portion of the western fence, between the double gates on the one hand and the northern fence on the other, halfway up that fence? Would that be right? --- Yes, it is about halfway up.

About halfway up? --- Yes.

And from the fence walking eastwards, i.e. towards the Police Station, what distance away were you? --- About eight paces.

You heard the order to fall in? --- Yes.

Did you know who gave it? --- No.

Did you hear an order to load? --- Yes, I heard an order to load.

As/....

As best you can do you remember the words that were used? --- Yes.

What were they? --- They just told us we must just load.

DEUR DIE HOF:

Gee maar die juiste woorde? Jy kan dit in Afrikaans of in Engels gee. --- Hy het dit gesê in Afrikaans.

Wat was die woorde? --- Dit was net gewees dat ons moet saamtree, ons moet laai. Dit was al.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

You did not hear the Officer who gave the order say "Load five rounds!"? --- No.

You were hit by a stone and how soon after that did the firing commence? --- Well, I should say about two minutes; just after that.

Between your being hit by the stone and the firing commencing, was there anything else that happened that you think is important enough to tell us today? --- No, there is not.

So the two incidents were your being struck by the stone and then the firing commencing? --- Yes, the firing commencing.

How did the firing start? Was there a volley or was there a single shot? --- Well, I did not hear anybody shouting out that we must fire. I just heard shots, and then I was starting to shoot too, but I did not hear anybody who was telling us that we must shoot.

Shots that you heard, was it a volley, a "sarsie", from the Police, or was it single shots, or what? --- It just went like that. Just the one after the other. The whole crowd started.

How were you armed? --- With my revolver.

You/....

You shot I unde~~rs~~tand? --- Yes.

How many times did you shoot? --- I shot twelve shots, but I cannot say who and what I shot.

Mr. Mynhardt, how many bullets does your revolver ordinarily hold? ---Six shots.

Now, at the end of the six shots what did you do to enable you to fire another six shots? --- Well, when I had shot my six shots they were still shooting, so I thought then I would shoot again.

Did you think that you would shoot again because the others were still shooting? Was that the reason? --- No, I thought it was my duty.

Now, did you think it was your duty to do it because others were still shooting? --- No. Well, they started the trouble and throwing us with stones and all that. We just defended ourselves.

How old are you Mr. Mynhardt? --- I am 21 years of age.

Now, in order to fire the second six shots, what did you have to do to your revolver? --- I had to open it and put in the other six.

This took a couple of seconds I suppose? --- Yes, but it did not take me long.

Now, while you were doing that, did you have a look at the crowd, i.e. while you were busy loading your second charge? --- Well, I was holding the revolver and the six bullets were still in my pocket, so I just grabbed the six bullets and put them in. I did not look at the natives. I just loaded them again and I pulled back my gun again and I started shooting again.

Now, if you did not look at the crowd while you were

busy/....

busy loading your revolver for a second charge, did you not look at the crowd carefully before you started to shoot your second set of six? --- Well, as I closed my revolver I did have a look up and I saw they were still around us, and they were still by the fence, and so then I started shooting again.

But what were they doing at the fence when you looked at them before you were going to shoot for the second lot? --- It was just like the beginning.

Now, what do you mean just like the beginning? --- Well, they were throwing the stones and the pieces of iron and all that over the fence. As we were shooting they just went a bit backwards, and then they came forward again.

Now, do you say - let me analyse this - that when you were going to shoot your second set of six they were still throwing stones and irons and sticks? ---I won't say that, but they were still forced to come to the fence.

They were forced to come to the fence? ---Yes, and they still shouted "Africa!" and they spat at us.

At the time you were just about to fire the second six, firing was still going on around you? --- Yes.

From the Police? --- Yes.

Among those who were firing were men armed with Sten guns? --- That is correct.

And do you say that in the course of that fire these people from the crowd were still moving forward and still using insulting behaviour towards you? ---Well, as I say Sir my six shots were very fast, and just after those six shots.... well, I was a bit fast.

Whether you were fast or not you persist in saying that in the middle of that firing that crowd was still behaving in an insulting and threatening way towards you? --- That is

right/....

right.

This crowd had not turned with the first opening shots of the Police, and put their backs to the Police and just ran away for all their lives? --- No.

According to you they remained there in the face of this fire? ---Yes.

When did you first notice the crowd starting to disperse? running away, turning around and moving off? --- Moving off?

Yes? --- Well, when my twelve shots were finished.

And not before? ---Not before.

What made you stop at the end of the twelve shots? --- Well, seeing that they were turning their backs and running away after my twelve shots I stopped.

That was the only reason? --- Yes.

You did not hear an order to stop shooting? --- Yes, we heard that as well.

You did not obey that, but you just stopped because you saw the people running? --- Well, I obeyed and I stopped.

Now, when you first started to fire, did you fire because you heard others firing? --- That is right.

Did you perhaps think that an order to shoot had been given which you may not have heard, and therefore you must join in the firing? --- No, to defend ourselves.

If you had not heard the shooting coming from the other Policemen around you, would you have fired independently? --- Yes.

Because a stone had been thrown at you? --- That is right, and they threatened us with these long irons, and they spat at us and they named us all sorts of things.

Mr. Mynhardt, what made you think that this was a

threat/....

threat whatever you saw there? --- Well Sir, seeing that they were throwing bricks and stones at us. I mean I wont stand if somebody throws me with a brick. I'll hammer him.

Apart from the stone throwing was there anything else that you construed or understood as being threatening? --- No.

Anyway, after the shooting was over you say you picked up some stones that were lying near you? ---Yes.

And you handed them in to the Police Station? --- That is right.

Did you see others picking up stones as well? --- Yes.

Did you see anyone doing this outside the Police grounds in the streets? --- No.

Did you see anything at all being picked up outside by Police such as sticks or irons? ---Nothing at all.

Now, you said that some of the stones what were picked up had not been there before you shot? --- Yes.

How can you be certain that some of the stones that were picked up were not there before? --- Well Sir, some of them were big, but the smallest ones are lying in the Police Station. They are a bit small and they are not big. As everything was finished there we found that big stones were lying there. There was not one big one lying in the Police Station. It was all clean there.

Do I understand you to say that there might have been small stones, or there were small stones there before the shooting, but there certainly were not large ones? ---Yes.

And you therefore noticed the large ones after the shooting? --- Yes.

Now, at the identification parades you say you pointed out two persons at the Boksburg gaol? --- That is right.

And you say that the two that you pointed out were

shouting/....

shouting and inciting the others? --- That is right.

Did you hear what they were shouting? ---Yes, they were shouting "Africa!".

Now, there was a very loud noise coming from the crowd for quite a while, was there not? ---Yes.

How far away were you from the first one - it does not matter who it is, I am going to deal with them as if they were A and B because we don't know who they are - but the first one A, how far away from him were you when you heard him shouting? --- From that person sitting over there.

About five paces? --- It is around there.

Was he close to the fence? --- He was not too close. He was not too close to the fence.

Now, was he among the crowd? --- Yes, he was among the crowd.

How many paces from the fence would you say? --- About six paces.

Six paces. Did you observe this person as you were standing in line? --- Yes.

From the position that you described to me earlier in your evidence? --- That is right.

Well, I have some difficulty in understanding your position, or rather the distance, because you have put your distance as about eight paces from the fence, and if he is still another six that is fourteen paces away, but the distance of yourself in the Court, from this gentleman as you indicated in the Court, is not fourteen paces. Do you understand the difficulty as I am putting it to you? --- Well, as I say if the fence was over there we were about here, and he was about there where that person is sitting there.

Where the gentleman in the black gown is? --- That

is/....

is right. (Distance is paced off).

Now Mr. Mynhardt, you were eight paces from the fence? --- Yes.

The man whom you saw was on the other side of the fence? ---Yes.

Approximately six paces from the fence? --- From the fence, and not towards me.

Yes, on the other side, towards the street? ---Yes.

You must have been separated therefore by fourteen paces? --- From me yes.

So when you say that you were a distance from him when he shouted where you are in the Court to where he is here, i.e. of five paces, you are clearly wrong? You agree with that? --- Well Sir, I agree with that, but as I say I can't take the distance and all those types of things.

There were lots of others shouting at the same time as he was? --- Yes, they were all shouting but he was the big bloke, the big bloke who was shouting that.

Was not his single voice drowned in the loud noise of the shouting by the crowd? ---No, his voice was high up, high up, high up.

Are you quite sure that it was from his throat that the words were coming? --- Yes, that is right. I was looking at him.

DEUR DIE HOF:

Mnr. Mynhardt, ek wil hê jy moet in Afrikaans antwoord. Jy druk jouself baie wlel in Engels uit. --- Reg, Edelagbare.

Antwoord in Afrikaans en as jy nie verstaan nie dan sê jy vir my. --- Reg, Edelagbare. Ek het hom uitgekyk. Ek kon met sien „Janse kyk, hy is 'n groot man daarso. Hy maak

'n/....

'n "hang" se lawaai daarso".

Meen jy nou hy is liggaamlik 'n groot man of hy is die groot baas van die klomp? Wat meen jy met 'n groot man? — Hy wil net wys hy is nou Afrika, Afrika! Hy wil net wys.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Didyou pay particular attention to him? — Ja.

Can you tell His Worship how he was dressed perhaps? — That I can't remember. Ek kan dit nie onthou nie.

Now, he was six paces beyond the fence. You were looking west? — Ja.

You said that he was on your left? — Ja.

Now, was he on your left beyond the double gates, i.e. south of the double gates, or still a little bit north of the double gates? — Ek Bietjie noord van die hekke af.

Now, you are understanding me when I am talking about north of the gates? — Ja.

As you come into the Police Station through those gates north is on your left? — Ja.

This man was therefore to the left of the gate outside the fence? — Dit is reg.

How many paces to the left of the gate? — I should say three paces.

Now, you have said that he was inciting the crowd? — Ja.

What precisely do you mean by that? Why do you say he was inciting the crowd? — Omrede die ander... hulle het ook nou geskree, maar hulle het nou nie juis so 'n behaai gemaak soos wat hy 'n bohaai gemaak het en gewys het ja, nou is dit Afrika, Afrika nie. Hy het die ander opgesteek. Hy het gesê hulle moet almal skree, hulle moet almal - hoe sal ek sê - hard skree, en die ander het net 'n bietjie - hoe kan ek sê - onder

langs/....

langs gebly, maar hy het hoog uitgegaan tussen die ander uit.

You say that he was shouting louder than the others? --- Ja, ek het dit gehoor vir 'n feit.

Do you say that because he was shouting louder than the others he was inciting the others? --- Presies, want hoe sal ek sê, jy kon sien hy steek die ander op, hy steek die ander op om nog harder te skree as wat hy skree.

That is exactly what I want to find out Mr. Myrhardt. How did he suggest to the others that they should shout louder? Did he talk to them or what? --- Wel, soos hy skree „Afrika!" dan slaan hy hulle aan die skouer. Hy slaan hulle aan die skouer en hy steek hulle op om ook te skree.

Now, what you saw, apart from what you inferred, is that he shouted loudly and he hit them on the shoulders? --- Op die skouers ja.

Did he do anything else besides that? --- Nee, dit was al gewees.

How soon before the firing started did you notice this? --- Nee, net voor ons begin skiet het; net voor ons begin skiet het.

You had not noticed him before that? --- Nee.

And you don't remember him after that? ---Dit is reg.

BY THE COURT:

Yes, I think we can stop at this stage Mr. Unterhalter.

Mr. Prosecutor, are you going to call today witnesses who are identifying people?

BY THE PUBLIC PROSECUTOR:

Yes, Your Worship.

BY THE COURT:

Because then I want to know what the wishes of the

accused/....

accused are. I must set their minds at rest. What must we now do with witnesses who are called to Court to identify people? Must we tell them to wait outside somewhere, and must they not come hear the Court, or what must they do? Mr. Unterhalter, can you give me the wishes of your clients?

BY MR. UNTERHALTER:

Your Worship, with respect, if I may speak first, I would suggest that the same procedure be adopted as has been adopted very satisfactorily in the last few weeks, and that is that these witnesses remain out of sight round the corner of this building here until they are called.

BY THE COURT:

I don't know. I have not even looked at the geography on this side of the building from that point of view. I believe there is a little waitingroom here on my lefthand, about five or six paces from the entrance of the Court. Now the Prosecutor tells me that is not available because it is full of other stuff. But now, to get to the waitingroom, how must they get to that waitingroom without passing somewhere near a window of this Court? As it is they are allowed inside the building and the private part of the building and the passage at the back where I go along.

BY MR. UNTERHALTER:

Your Worship, just behind this waitingroom are a set of benches, which are out of sight of the door and where the witnesses have been seated the last few weeks.

BY THE COURT:

But how is the witness now to be intercepted when he comes along from Johannesburg and not somehow pass near the

Court/....

Court windows?

BY MR. UNTERHALTER:

Well Your Worship, no one can prevent that. I can only say this to the Court, that behind me are the back of the premises. There is a lane at the back where Africans sell food and so on. It seems to me to be very clearly the whole back of the premises, and I should hardly imagine in the ordinary course when a person approaches this Court he would come through that lane. I am not saying that one can prevent a person going through there, but as far as I have been able to observe Your Worship, most of the witnesses who have come have come through one of the passages, similar to the route that Your Worship uses each morning.

BY THE COURT:

I do not propose to make any order other than the order I have made that witnesses are not, whilst the Court is in session, to come near this door. I cannot stop witnesses. I cannot interfere with the freedom of people to that extent that before I come onto the bench they may stand here and they may not stand there. I have no such power as far as I know, and I don't think it would be reasonable. All I can do is to leave it to the Prosecutor and Captain van den Bergh to see that witnesses do not look at these accused who don't want to be looked at before the Court starts.

BY MR. UNTERHALTER:

I take it Your Worship that nevertheless I may be permitted to draw the Court's attention to anything that seems irregular?

BY THE COURT:

Of course. You have done so. I have not interfered,

I/....

I,have not suggested that you must not do that.

BY MR. UNTERHALTER:

As Your Worship pleases.

COURT ADJOURNS.

COURT RESUMES:

PAULUS FRANCOIS MYNHARDT, onder sy vorige eed, vervolg:

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Now, you said that there were two men whom you pointed out on the Boksburg parade, and I now want you please to tell us whereabout this second man was whom you have described in your evidence-in-chief? Was he together with the man that you have described just before lunch, or was he in quite a separate part? --- Hy was saam met hom.

Does that mean that he was alongside of him? --- Ja, hy was langs hom, langs hom.

What was he shouting? --- Hy het ook geskree „Afrika!"

And how was it that you particularly heard this word coming from him? --- Wel, u kan darem die twee verskillende hoor. U kan darem hoor dit is daardie twee wat aanhou daardie geluid uitroep.

His voice was not drowned by the loud noises coming from the crowd? --- Hoe sal ek sê? Jy kan net daardie twee se stemme baie duidelik hoor. Jy kan hulle baie duidelik hoor.

Are you quite sure that the loud sounds that you heard were coming from those particular two persons? --- Dit is reg.

Now, you also said that this one was inciting the

others/....

others. In what way was he inciting the others, the second one? --- The same way as he did.

You can continue to speak Afrikaans if it is easier for you. --- Ja. Dieselfde soos wat hy dit gedoen het.

That is? --- „Afrika! Afrika!", aanhou „Afrika!" skree.

Apart from shouting "Afrika!" in what other way was the second man inciting the crowd? --- He had both his hands up. Hy het altwee sy hande bo sy kop gehad.

And you inferred from that that he was therefore inciting the crowd? --- Dit is reg.

And that is all that he was doing, the second man? --- Dit is reg.

If you look at Exhibit 13 you will see a drowd outside the main entrance to the Police Station in what is called Zwane Street, i.e. the south side of the Police Station. Have you got it on the exhibit? ---Ja.

Did you ever have occasion to look at any of the crowd in Zwane Street? ---Nee.

You saw the faces of the people whom you pointed out at the identification parade. It was not because at any stage they were inZwane Street? --- Dit is reg.

You agree with what I have said? ---Ja.

Now, in regard to the man whom you pointed out at the parade at Vereeniging, did you have an opportunity of looking into the place where the people were lined up for inspection before you were called into that place? --- Soos ek sê hy was net aan die anderkant. Soos die hekke nou hier gewees het, en ek het daar gestaan, het hy hierdie kant van die hekke gestaan. Hy het nie aan hierdie kant gestaan nie, hy het aan daardie kant van die hekke gestaan.

I don't think thatyou have understood my question.

Deur/....

DEUR DIE HOF:

Die vraagwwas of jy by die parade wat in Vereeniging gehou is die parademense kon sien voordat jy ingeroep was na die parade toe? --- Soos die Polisiemanne aangetree het?

Nee, ons praat van die parade op Vereeniging? --- Nee Edelagbare, jy kon hulle nie sien nie.

Kon jy die mense sien voordat jy ingeroep is na die parade? ---Nee, Edelagbare.

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

You did not have an opportunity of looking through some window? --- Nee.

Now, you say that you pointed out a man who according to you had been near the Police Station on a bicycle on the 21ste March? --- Dit is reg.

Now, how soon before the shooting did you see him, this man on the bicycle? --- Dit was net voor dit, omtrent twee minute voor ons geskiet het. Dit was ook dieselfde tyd toe ek daardie ander gesien het.

Mr. Mynhardt, would you try to talk a little bit slower please?and towards His Worship, so that we can all hear you more clearly? You had not seen the man on the bicycle before then? --- Ek het hom nie op die "bicycle" gesien nie. Hy het die "Bicycle" in sy een hand gehad, en hy het so half op 'n klip gestaan; hy het die "bicycle" so in sy hand gehad.

Now, this was two minutes before the shooting, but before that you had not seen him at all? --- Nee, ek het hom nie gesien nie.

Now, you were describing to His Worship a few minutes ago the position where you saw him. In relation to the double gates in the western fence, was it also on the lefthand side, i.e. the northern side, or was it on the righthand side as you

go/....

go in, i.e. the southern side of the gates? --- Hy was aan die regterkant van die hekke.

DEUR DIE HOF:

Aan die regterkant? --- Dit is reg.

As 'n mens ingaan? --- As 'n mens ingaan dan is dit aan die regterkant.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

That is the southern side of those gates? ---Ja.

How far down the fence from the double gates would you have noticed him? How many paces about? --- Van die draad af, dat hy nou....?

No, no. If you were going south along the fence, if you were walking along that western fence south towards Zwane Street, how far from the gate would he have been? Do you understand my question? --- Ek verstaan nou nie so mooi wat u daar bedoel nie. Dit is omtrent vier voet.

Feet or paces? --- Vier voet.

It is one pace about, a little more than one pace? --- Ja.

Now, I want to be quite clear Mr. Mynhardt. I am not asking you the distance that he stood from the fence, away from the fence in the street, but I am asking you how far from the gate down the street? --- Van die hek na die straat se kant toe. Ek verstaan wat u bedoel.

From the gate along the fence in a southerly direction? --- Ja.

How far down? --- Dit is die vier voet wat ek nou net gesê het.

So he was very close to the south post of the double gate in the western fence? --- Dit is reg.

Now, how far from the fence in a westerly direction,

i.e./....

i.e. towards the street, was he? --- Hy was amper teenaan die draad. Hy kon net so gevat het en dan het hy aan die draad gevat. Hy was amper teen die draad.

Was there a big crowd around him? --- Ja, hulle was baie dig om hom gewees; daar was baie van hulle daar.

Did he not have a great deal of difficulty in standing there with this bicycle of his because of the crowd milling around him? --- Nee, hy het ook - hoe kan ek sê - hy het ook die ander aangespoor om ook te skree „Afrika! Afrika!". Ons kon dit baie duidelik gesien het.

Do you say that even though there was a heavy crowd pressing around him, it did not make any difference? He had no difficulty in moving about? --- Ja, dit is reg.

Now, was he sitting on his bicycle or was he standing alongside his bicycle, what was he doing? --- Hy het so op die klip gestaan met sy een voet op die klip, en hy het die "Bicycle" so met sy een hand gehouvas.

He was not sitting on the saddle of the bicycle? --- Nee, hy het gestaan met sy een voet so op die klip.

What size stone was this? A big size? --- Dit was nie 'n te groot klip nie, sodat hy net sy voet so op hom kan rus, dat hy nou net so kan staan. Hy was gebuig gewees. Sy voet was so half gebuig.

DEUR DIE HOF:

Jy meen sy been was so half gebuig? ---Sy been ja, Edelagbare.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, which way was he facing? Was he facing towards you, was he facing south, or was he facing north? --- Soos ons dit so gestaan het in die ry, en soos die draad hier is het hy in daardie rigting gekyk.

Yes/....

Yes, but could you please try to describe it to the Court in terms of north or south? --- Hy het daar na my kant toe gekyk, reguit daar na my kant toe, soaan.

He was looking towards you, i.e. he was looking east? --- East.

Now, his bicycle, the front of his bicycle, was it pointing north or was it pointing south? --- No, the bicycle was pointing east.

His bicycle also was pointing east? --- Yes.

In other words, he was holding his bicycle at right angles to the direction of the western fence? Is that correct? --- Dit is reg.

Now, did you say he was shouting too? --- Hy het ook geskree.

And what was he saying? --- Hyhet ook geskree „Afrika!". Wel, dit was so 'n bohaai gewees dat jy kan keer hy skree en hoe poog hy om die ander mense ook op te steek om te sê „Afrika! Afrika! Afrika!". Jy kon dit duidelik gesien het.

His voice was not drowned by the crowd? --- Nee.

Was he shouting at the same time as the other two that you have referred to in your evidence? --- Ja, dieselfde tyd.

You did not confuse his voice with that of the other two that you have described? --- Nee. Hy het darem 'n bietjie sagter geskree, maar jy kon darem sien - hoe kan ek sê - dat hy die ander Bantoes sê hulle moet aanhou skree, aanhou skree.

Well, what was he doing that leads you to the conclusion that he was inciting the others? --- Wel, jy kon sien hoe hy die ander ook vat, aan die skouers vat en hulle sê hulle moet dit doen.

Was he hitting them on the shoulders in the way

the/....

the first one was that you described this morning? --- Dit is reg.

BY THE COURT:

Not hitting Mr. Unterhalter, but touching them, i.e. „vat".

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

That is correct, is it, i.e. as His Worship has put it, that he was not hitting but he was just touching? --- Dit is reg.

Just let me be clear on this. The first man whom you were describing this morning, was he actually hitting them on the shoulder? --- Nee, dit is nie "hitting nie". Hulle raak net so aan mekaar, omtrent soos wat ek nou sal sê „Kom Boy, kom, kom, kom!". Hulle slaan nie.

Just touching them on the shoulder? --- Hulle raak net aan mekaar.

BY THE COURT:

This morning he did use the words „slaan hulle op die skouers".

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, this man you are quite clear had a blue jersey on, the one with the bicycle? --- Dit is reg.

Could you see that the article of clothing was a jersey? --- Dit was 'n trui en hy het 'n swart hoed opgehad, en 'n ligblou broek.

What did you say was black? --- Sy hoed.

He had a black hat. And the colour of the trousers? ---Dit was ligblou.

You have got a clear recollection of the clothing of the man with the bicycle? --- Dit is reg. Ek kan beskryf hoe die klere lyk.

You/....

You don't remember the clothing of the other two whom you described this morning? --- Nee, daardie weet ek nie.

Mr. Mynhardt, these two whom you described this morning, they were surrounded by lots of people in the crowd, were they not? --- Dit is reg.

Now, the fact that they were deep in this crowd, a distance of approximately six paces from the fence, did it not make it very difficult for you really to see accurately at all what they were doing? ---Nee, jy kon dit baie duidelik sien. Jy kon dit baie duidelik sien hoe hy die ander aanspoor om dit te doen.

You yourself were standing on the ground, were you? --- Dit is reg.

I would like you please to look at Exhibits 45 and 46, and also Exhibit 77. --- Ja.

You will see that those are pictures that show a portion of the crowd alongside the fence at the Police Station on the day in question? Is that correct? --- Ja.

Now, you will notice Mr. Mynhardt, as far as the eye of the camera is concerned, it does not penetrate much beyond the first row of people alongside the fence? You don't see much of any people behind, do you? --- No, you don't see it.

I am showing that to you because I have got a little difficulty in understanding how you could see beyond the first row or two of people alongside the fence, a distance back of about six paces as you put it? --- Janee Meneer, ek sê u duidelik ek het hulle definitief gesien, hoe hulle die ander aanspoor om ook te skree.

And at that distance, about six paces from the fence? --- Ja, ek het definitief dit gesien.

Thank you, Your Worship.

No/....

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

RE-EXAMINED BY THE PUBLIC PROSECUTOR:

Nou, u het 'n beskrywing gegee van wat die man wat ons genoem het A gedoen het daar by die Polisiestasie. Toe u A uitgeken het by die parade op Boksburg, was hy die eerste een of die tweede persoon wie u uitgeken het? — Dit was die eerste persoon gewees.

En B was die tweede persoon? — Ja.

En die man met die fiets was daar by Vereeniging uitgeken? — Dit is reg.

Dankie, Edelagbare.

HERMANUS SCHEEPERS, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Is u 'n Sersant in diens van die Suid-Afrikaanse Polisie gestasioneer te Vereeniging? — Dit is reg.

Hoe lank is u op Vereeniging gestasioneer? — Dit is nou 'n jaar.

Nou, op die 21ste Maart verlede jaar was u teenwoordig by die Sharpeville Polisiestasie toe die Polisie geskiet het? — Dit is reg.

Aan watter kant was u tydens die skietery? Aan die noordekant, die suidekant, die westekant of die oostekant? — Aan die noord-oostelike kant.

Ons het hier 'n bewysstuk, en u sal sien dat heel bo is die noordekant, die linkerkant van die foto is die westelike kant, en heel onder is die suidekant. — Ek was aan hierdie

kant/....

kant.

U weet waar die groothhek is van die Polisiestasie? Dit is aan die westekant? --- Ja.

Nou, watter kant van die Polisiestasie was u toe die Polisie geskiet het?

DEUR DIE HOF:

Die getuie het daar op die portret uitgewys waar hy was.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Kan u net die plek aandui op dbe foto? --- Ja. (Getuie dui aan op dbe foto).

DEUR DIE HOF:

Jy het gesê jy was aan die noord-oostelike kant en jy wys aan die oostekant? --- Volgens my. Ek weet nie, ek kan miskien 'n bietjie rigtingloos wees.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Sersant, kan u met 'n merkie "S" sit op bewysstuk 13?

DEUR DIE HOF:

Maar maak nou eers seker dat jy daardie bewysstuk ken en hom verstaan voordat jy daar merke op maak.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Was jy ooit by Sharpeville Polisiestasie geweest? --- Ek was baie daar gewees ja.

Nou, jy weet die groot hek in die heining tussen die kliniek en die Polisiestasie, ken u dit? --- Ja.

Dit is diewestelike heining? --- Ja. Wel, ek het dit gevat vir die suidelike heining.

Nee, die suidelike heining is waar die klein hekkie is in die straat met die eiland in die middel wat hulle noem

Zwanestraat/....

Zwanestraat. Waar die vlagpaal is, daar voor. --- Ja.

Is jy reg nou Sersant? Kan jy nou net die merkie "S" sit waar u was tydens die skietery? Verstaam u daardie foto? Kyk na bewysstuk 56? Laat ek dit nou net vasstel. Blykbaar is u nie tevrede met bewysstuk 13 nie, en daar is iets verkeerd? Is dit reg Sersant? Het u bewysstuk 56 daar voor u Sersant? ---Ja, dit is nou reg dankie.

Wie was die Offisier in bevel van u daar? --- Dit was 'n Kaptein wat by ons was. Ek het nou sy van vergeet; Coetzee dink ek.

Coetzee? --- Kaptein Coetzee.

Was dit waar u was tydens die skietery? --- Dit is reg.

DEUR DIE HOF:

Met ander woorde Sersant, jy was gladnie binne-in die Polisiegronde nie? --- Nee, ek was gladnie in die Polisiegronde nie.

Dit lyk my die Aanklaer het gedink jy was, en dit is die dat daar so 'n bietjie verskil is tussen julle twee.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Na die skietery het u 'n uitkenningsparade bygewoon? --- Ja.

Hoeveel parades het u bygewoon? --- Twee. Daar was een parade waar die eerste klomp Bantoemans gewees het, en toe weer Bantoevreuens. Dit was albei dieselfde dag gewees.

En alles op dieselfde sentrum? --- Ja, alles op dieselfde sentrum.

Was dit Boksburg? --- Boksburg.

Ek wil net sekermaak. Het u ooit 'n parade hier bygewoon te Vereeniging by die nuwe tronk wat hulle bou? --- Ja, dit is reg. Ek was daar ook gewees.

Was/....

Was u daar? --- Ek was daar en op Boksburg.

En op Boksburg? --- Die twee ja.

Nou, by die Boksburgparade - ons sal eers met daar-die parade aangaan - d.i. die parade wat op die 19de April gehou is, toe u na die parade gebring is watter vraag is aan u gestel? ---Om enige van die persone uit te wys wat ek met die Sharpeville-onluste gesien het, wat daar teenwoordig was.

En het u enige persone uitgewys? --- Ja, ek het uitgewys.

Hoeveel? --- Ek kan nie onthou nie. Twee of drie.

Sal u in staat wees vandag om die persone wie u te Boksburg uitgewys het weer uit te wys, d.i. as hulle teen-woordig is? --- Nee, ek sal nie dit kan doen nie. Dit is te lank gelede. Ek kan nie hulle gesigte onthou nie.

Nou, hoekom het u die persone uitgewys wat u sê u wel uitgewys het op die parade? --- Die uitkenningsparade was kort na die voorval gehou.

Maar wat het die persone gedoen op die dag van die onluste? Hoekom het u hulle uitgewys? --- Hoekom?

Ja? --- Nee, ek kan nie sê wat hulle gedoen het nie. Ek kan nie gaan sê nie. Daar was duisende van die Bantoes. Ek kan nie sê wat elkeen gedoen het nie. Ek het hulle maar net daar gesien as persone wat onder die getal Bantoes was.

Geld dit vir die Vereeniging parade ook? --- Ja, dit geld vir al die parades, enigeen wat ek uitgewys het.

So u het blykbaar mense by parades uitgewys wie u bleet op die dag van die onluste gesien het? --- Ja, daar was te veel gewees.

Dankie, Edelagbare.

Kruisverhoor/....

KRUISVERHOOR DEUR MNR. UNTERHALTER:

Mr. Scheepers, you were under the command of Captain Coetzee? --- Yes, the moment just before the shooting.

Do you know if there was any shooting from among the men near you under Captain Coetzee's command? --- No, I can't say.

Captain Coetzee in his evidence said that although he did not observe it personally, there was some information about certain people having fired from on top of some vehicles stationed nearby where his men were. Do you know anything about that? --- I don't know anything about it.

Thank you, Your Worship.

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

NO RE-EXAMINATION BY THE PUBLIC PROSECUTOR.

PIETER MACHIEL SAAIMAN, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

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

En is u 'n lid van die sogenoemde „Speekeenheid", d.w.s.....

DEUR DIE HOF:

Ek weet nie wat dit is nie mnr. die Aanklaer! Amptelik weet ek nie wat dit is nie!

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Ja. Sal u die terme noem wat die Polisie gegee is?

DEUR DIE HOF:

Het dit iets met die saak te doen?

Deur/....

DEUR DIE PUBLIEKE AANKLAER:

Dit mag miskien iets met die saak te doen het.

DEUR DIE GETUIE:

Edelagbare, ek werk op die Artikel 29 eenheid, asook diefstal uit motorkarre en handsakke in die straat.

DEUR DIE HOF:

Diefstalle uit motorkarre en handsakke, en Artikel 29 is in verband met leeglepers? —— Dit is korrek.

Wat voor die Banteekommissaris verskyn!

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Nou, ek dink die punt wat ek wil maak is dit. Dat alhoewel u 'n Konstabel is wat normaalweg uniform dra, in die uitvoering van u pligte dra u burgerlike drag? Is dit reg? —— Ja.

Nou, op die 21ste van Maart verlede jaar was u by die Sharpeville Polisiestasie? —— Ja.

Was dit die eerste keer wat u by Sharpeville Polisiestasie gekom het? —— Dit was die eerste keer.

Nou, voor u is 'n bewysstuk, d.i. nr. 13. Kyk na dit. Dit is 'n lugfoto van die Sharpeville Polisiestasie. Heel bo is die noordelike kant, aan die linkerkant se kant van die foto waar daar blykbaar 'n klompie Polisiebeamptes staan op die gruispaadjie wat vanaf die heining tot by die gebou lei is die westelike kant van die Polisiestasie, en dan heel onder is die suidelike kant, d.i. waar die straat is met die eilamd in die middel. Verstaan u die foto? —— Ja, ek verstaan dit.

Nou, voor die skietery plaasgevind het aan watter kant van die Polisiestasie was u? —— Ek was aan die westekant van die Polisiestasie.

Het u enigiets op u kop gehad? —— Ek het.

Wat/....

Wat was dit? 999 'n Sakdoek.

DEUR DIE HOF:

Was jy in burgerdrag daardie dag of nie? ---Ek was in burgerdrag.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Kyk na bewysstuk 77 asseblief. Dit is 'n foto van die toneel aan die westekant van die Polisiestasie. Tussen die Polisievangwa en die Saracen sal u sien daar is 'n persoon - vermoedelik 'n blanke man, dit is nou nie heeltemal duidelik op daardie kiekie nie - met iets op sy kop? --- Ja.

Kan u daardie persoon herken? --- Dit is ek.

Terwyl u aan die westelike kant was het u.....

DEUR DIE HOF:

Dit is tussen die motorkar en die Saracen daar. Jy het ook nie 'n baadjie aan nie, en dit lyk of jy daar in 'n hemp staan? --- Ek was in 'n hemp geklee, Edelagbare.

'n Wit hemp en iets wit op jou kop? --- Ja, Edelagbare.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Terwyl u daar aan die westelike kant was voor die skietery, het u enige persone in hegtenis geneem of enige persoon gehelp om'n persoon in hegtenis te neem? --- Ek het niemand gehelp om enigiemand in hegtenis te neem nie, maar ek het wel vir Kolonel Spengler gehelp om 'n Bantoe weg te neem van die hek af.

Ek sien. Hoe was daardie man gekleed? --- Die persoon - ek is nie heeltemal seker nie, maar ek dink hy het 'n rooi hemp aangehad.

Sal u in staat wees om daardie persoon uit te wys as hy vandag hier is? --- Nee, ek sal nie.

Nou, op watter manier het u Kolonel Spengler gehelp?

Hoe/....

Hoe het u hom tegemoetgekom of gehelp? --- Ek het gesien dat die betrokke persoon, die Bantoe, terugpluk toe Kolonel Spengler hom neem. Ek het vorentoe geloop en die persoon aan sy arm geneem en hom gesê „Kom saam!".

En het die persoon wel saam met u gegaan? --- Hy het.

En waarheen hey u hom geneem? ---Net 'n endjie verder het ek hom aan 'n persoon in privaatklere oorhandig. Die het hom geneem by my en die het hom in die Polisiestasie ingeneem.

Die persoon wat u geneem het ek neem aan was 'n Bantoeman? --- Dit is reg.

Het hy enigiets vir u gesê nadat u hom geneem het en weggelei het? --- Hy het niks aan my gesê nie.

Was enige aanmerkings aan u gemaak daardie besondere dag deur enige lid van die skare of vanuit die skare? --- Daar was.

Op watter tydstip was dit? Voor die besondere insident of na dit? --- Dit was net daarna.

En onder watter omstandighede het dit gebeur? --- Ek het na die draad toe gestap en 'n Bantoeman gevra om nie aan die paal te pluk van die omheining van die Polisiestasie nie.

Wat was hy besig om met daardie paal te doen? --- Hy het beide hande om die paal gehad en die paal gepluk.

Wat wou hy met hierdie paal doen volgens u waarneming van wat gebeur het? --- Dit het vir my voorgekom asof hy hom wou lospluk, of hy hom wou uithaal.

En u het toe na hierdie Bantoeman gestap? --- Ja.

En wat het u vir hom gesê? --- Ek het aan hom gevra om nie die paal so te pluk nie want hy beskadig die paal en die omheining.

Het hy enige antwoord gegee? --- Hy het my 'n antwoord gegee.

Ek wil sy juiste woorde hê as u dit kan onthou?

Die/....

--- Die betrokke Bantoe het aan my gesê "Fuck off you Dutch bastard! We'll burn you and your Police Station today!".

En hoe het u opgetree toe hy die beledigende taal teenoor u gebruik het? --- Die Bantoeman het toe teruggestaan tussen die skare in en een van die Bantoevrouens het toe op my gespuug.

En daarna? Wat het daarna gebeur? --- Ek het toe omgedraai om terug te stap na waar die Polisiemanne al in 'n lyn gestaan het, besig was om op te vorm.

En wat het gebeur terwyl u besig was om terug te stap? --- Die Bantoes was toe baie oproerig wat daar gestaan het, en ek het twee skote gehoor val vanuit die skare, afkomstig van die westekant van die Polisiestasie. Ek het toe omgedraai en toe ek omdraai het een van die Bantoes my met 'n klip in die sy gegooi.

Hoe ver was u vanaf die draadheining toe u gegooi is? --- Dit was ongeveer vyf treë. Dit was naby.

In watter sy? Kan u net die plek aantoon waar die klip u getref het? --- Dit was hier in my sy gewees.

DEUR DIE HOF:

Jou linkersy? --- My linkersy ja, Edelagbare.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Omtrent hoe groot was die klip? --- Dit was omtrent so 'n klip. (Getuie dui die grootte van die klip aan). Dit was nie groot nie.

DEUR DIE HOF:

Ook maar weer so groot soos 'n tennisbal of 'n krieketbal.

VERHOORDEUR DIE PUBLIEKE AANKLAER VERVOLG:

Was dit seer of nie? --- Dit was seer.

Het u op die been gebly toe u deur die klip getref

is/....

is? --- Ek het.

En was daar enige ander klippe wat u gesien het? --- Ja, van die ander Bantoes het ook klippe gegooi na die Polisie.

Wat het van die Bantoe geword wat die klip gegooi het? --- Hy het 'n tweede klip geneem in sy hand en voordat hy my kon gooi met die klip - want hy wou my gooi met die klip - het ek my diensrewolwer geneem en 'n skoot op hom gevuur.

As enige van daardie klippe u in u gesig sou getref het, sou u enige beserings opgedoen het? --- Ja.

Het u voor enige ander Polisielid geskiet? --- Ek het eers geskiet toe daar reeds geskiet was.

Ek sien. Het u gesien wat by die hek plaasgevind het net kort voor u geskiet het? --- 'n Klomp van die Bantoemans het vorentoeggedruk en probeer by die hek inkom.

Onder watter indruk was u toe dit daar by die hek plaasvind, wat gebeur nou? --- Ek was onder die indruk dat hulle storm om die Polisie by te kom.

Nou, onder watter omstandighede het u by Sharpeville gekom daardie dag? Hoekom het u nie u uniform aangetrek nie? Dit is wat ek wil uitvind? --- Ek sou om 8 v.m. die oggend begin in burgerdrag, en toe ek by die Polisiestasie opkom - dit was net voor agt, kort voordat ek sou aan diens gaan - was ek beveel om onmiddellik die opruktrok te neem en onder bevel van Hoofkonstabel Malan te gaan na Sharpeville met twintig Polisiebeamptes.

Het u tyd gehad om 'n Polisie-uniform aan te trek? --- Nee, die Offisier het my beveel om nie een aan te trek nie want daar was nie tyd nie.

En na die skietery by Sharpeville Polisiestasie het u enige voorwerpe in beslag geneem of opgetel? --- Ek het.

Watter soort voorwerpe? --- Ek het 'n paar klippe

opgetel/....

opgetel.

Waar was die opgetel? --- Binne die omheining op die grasperk.

Aan die westekant of aan 'n ander kant? --- Aan die westekant waar ons gestaan het.

Hoeveel klippe het u opgetel? --- Ek het net drie of vier opgetel.

En was daar enige verskil in die grootte van die klippe wat u opgetel het en die een wat u getref het? --- Nee, dit was almal normale groottes.

Vanwaar het die klippe gekom wat u opgetel het? --- Van die westekant af, van die Bantoeskare af.

En enige ander voorwerpe? --- Ek het stokke opgetel, 'n paar stokke.

Waar was die opgetel? --- Die het ek aan die westekant van die Polisiestasie buite die omheining opgetel.

Omtrent hoeveel het u opgetel? --- Ook maar drie of vier.

Is dit al voorwerpe wat u opgetel het? --- Ek het o.a. ook 'n byltjie, so 'n kapbyltjie met 'n skerp haakpunt bo, opgetel.

Waar was die opgetel? --- Dit was ek sal sê aan die suid-westekant van die Polisiestasie gewees.

Binne of buite die heining? --- Buite die omheining.

Sal u in staat wees om die byltjie weer uit te ken as u dit siem? --- Ek reken so.

En die stokke? --- Ek glo nie die stokke sal ek kan sê watter presies nie.

Hoeveel jaar diens het u mnr. Saaiman? --- Ongeveer ewe.

En praat u enige naturelle- of Bantoetale? --- Nee.

Het/....

Het u ooit vorige ondervinding gehad van skares van die getal wat u daardie dag gesien het? --- Ja, ek was al voorheen.....

Waar was dit? --- O.a. in Newclare.

Voordat u Kolonel Spengler gehelp het die man inbring, het u opgelet wat hy besig was om te doen, d.i. die Bantoeman voor Kolonel Spengler aan hom gevat het? --- Nee, ek het nie.

Het u enige ander Bantoeman gesien wat weggeneem is vanaf die westelike kant behalwe hierdie een? --- Daar was twee ander Bantoes wat binne die omheining was, wat gevra is om binne na die binneplein toe te gaan, en wat gegaan het.

En was hulle toe weggeneem? --- Ja.

Was hulle voor die persoon wie u weggeneem het daar weggeneem, d.i. die ander twee? --- Ja.

Het u opgelet wat hulle daar in die binneplein gedoen het voordat hulle weggeneem is, d.i. die ander twee? --- U meen binne die omheining?

Ja, binne die omheining? --- Ja, een van hulle het geloop en voor die skare geskree en met sy hande die "Afrika" teken gegee.

Is u vandag met vervlof? --- Ek is met verlof.

Vir hoe lank? --- Tot die 16de toe.

Vanwaar kom u nou? --- Ek het deurgekom van Bloemhof af.

DEUR DIE HOF:

Mnr. die Aanklaer, is dit nou getuienis in die saak of maar sommer net inligting wat jy wil hê?

DEUR DIE PUBLIEKE AANKLAER:

Dit is slegs inligting, Edelagbare. Perhaps my learned friend might be inspired to shorten his cross-examination!

Verhoor/....

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Sal u net afstaan en bewysstuk 40 deurkyk? --- Ja. (Getuie staan af en ondersoek bewysstuk 40).

U het nou bewysstuk 40 deurgekyk en u het toe 'n byltjie of 'n hamertjie uitgehaal? --- Ja, dit is meer bedoel vir 'n hamer as vir 'n byl.

Dit sal bewysstuk 97 wees Edelagbare. Dit het 'n skerp punt agter? --- Ja.

Is dit die instrument wat u bedoel u toe opgetel het? ---Dit is reg.

DEUR DIE HOF:

Dit het 'n hout steel met 'n punt soos 'n hamer en 'n kou soos 'n hamer wat jy spykers mee uittrek? ---Ja.

En 'n moorddadige skerp punt. Waarvoor word sulke instrumente gemaak wonder ek!

(Geen verdere vrae deur die Publieke Aanklaer nie).

KRUISVERHOOR DEUR MNR. UNTERHALTER:

Mr. Saaiman, you saw Exhibit No. 77 and I would like you please to look at it again. You will notice there is a crowd of people alongside the fence, and a few umbrellas you can notice in the crowd, some women and children there.... Do you agree with that? --- Ja.

The crowd as shown in the picture alongside the fence at that moment seem reasonably well behaved? Do you agree with that? --- Ek steem saam daarmee op die oomblik toe die foto geneem is.

Now, you noticed Colonel Spengler trying to bring somebody in from the crowd? --- Dit is reg.

I gathered from your evidence-in-chief Mr. Saaiman that it did not seem to you as if Colonel Spengler was trying to arrest this man? Am I correct in understanding your evidence

in/....

in that way? --- Ja, ek het nie geweet of Kolonel Spengler hom wou arresteer of net inneem vir ondervraging nie.

You of course looked at the man he was trying to bring in? Your eyes fell on him? --- Dit is reg.

It did not seem to you from what you noticed that this particular man was committing any offence? ---Ek het hom eers gesien toe Kolonel Spengler hom het. Dit was die eerste keer. Ek het nie gesien of hy enige misdaad gepleeg het of besig was om iets te doen nie.

And this man apparently did not want to obey Colonel Spengler? ---Dit kon moontlik wees ja.

No, I want to get what you yourself noticed, and not possibilities. Did it seem to you as if this man was resisting Colonel Spengler or declining to obey the order or the request that Colonel Spengler was making to him? --- Ja.

So you went forward yourself and got hold of the man, did you? --- Dit is korrek.

Did you go through the gates Mr. Saaiman? --- Nee.

Did you stand at the gates? --- Dit was net duskant die hek.

That is on the inside? --- Aan die binnekant van die hek.

The gate I am referring to, is that the double gate in the western fence of the Police Station? --- Ja.

Now, were both those gates open at the time to which I am referring? ---Daar was Polisiebeamptes wat dit toegemaak het. Dit was toe.

It was closed. Now, how was Colonel Spengler trying to get this man? Was he leaning over the gate, or was the gate partially open and was he going through the gate? Just describe to His Worship what Colonel Spengler was doing? ---

Toe/....

Toe ek Kolonel Spengler sien toe was die persoon reeds binne die omheining.

Brought in apparently through the gate? ---Dit moet wees.

With the gate partially open or entirely closed? --- Ek het nie gesien toe Kolonel Spengler hom inbring nie van buite af nie; die het ek nie gesien nie.

No, but at the time you actually saw Colonel Spengler and this man, was the gate then a little bit open or was it entirely closed? Can't you remember? --- Ek kan nie mooi onthou of hy effens oop was en of hy al heeltemal toegemaak was nie.

Now, was not Colonel Spengler able to cope with this man by himself? Was he not able to handle him alone, that you had to intervene? --- Ek weet nie wat sou gebeur het as ek hulle gelos het nie, maar ek het vorentoe gestaan want ek was nie in die lyn gewees nie, en ek het net gereken ek sal Kolonel Spengler net help die man inneem om nie moeilikheid te maak daar nie.

I take it you did not receive an order from Colonel Spengler to come and assist him? --- Nee, ek het nie.

It did not perhaps Mr. Saaiman seem to you that if you went forward to help Colonel Spengler, you might make the crowd very angry? --- Nee.

I take it that thought did not cross your mind? All you wanted to do was go and help your superior Officer? Is that it? --- Dit is omtrent al.

Now, when you came forward did you so to speak take over from Colonel Spengler and get hold of the man yourself? or did Colonel Spengler continue to hold him until you got this man in your power? --- Ons het saam gegaan tot by die

Polisiebeampte/....

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Polisiebeampte/....

Polisiebeampte in privaatklere. Ek weet nie wie hy is nie. Ons het hom aan hom oorhandig, en hy het hom toe geneem na die binneplein van die Polisiestasie.

When you say "Ons het saam gegaan" do you mean by that you and Colonel Spengler together took this man until he was handed over to this other person in private clothes? --- Ja.

Now, you say he was wearing a red shirt, was it? --- Ja.

Could it perhaps have been a red waistcoat? --- Nee, dit was 'n hemp.

Mr. Saaiman, I don't expect you today to be exact in regard to every detail. Is it possible that it might have been a red waistcoat and not a red shirt, something with buttons down the fromt? --- Dit het knope gehad maar dit is 'n hemp.

Was that man wearing any headgear that you remember? A hat or something? --- Nee.

He was not perhaps wearing a Basuto straw hat - you know the conical types that you sometimes see African people wearing? --- Nee, ek kan nie onthou of hy enige.... wat verder aan was nie. Ek onthou net dat die persoon het 'n rooi hemp aangehad.

You did not see a hat perhaps fall in the grounds somewhere near where this man was being brought away? --- Nee, ek het nie gesien nie.

And did this man struggle when you and Colonel Spengler took him into the Police grounds? --- Nee, toe ek hom aan sy arm vat het hy gekom.

No resistance at all? --- Nee, nie verder nie.

Did you hear any request made to him for his reference book? --- Nee.

You/....

You did not see anybody hit him and you did not hit him yourself I take it? ---Nee.

And you were not the person who pulled him through the gate? He was already inside? ---Hy was reeds binne.

BY MR. UNTERHALTER:

Your Worship, I wonder if the Court would grant me an indulgence? May this witness be asked to go outside while my attorney gets a certain instruction from me?

BY THE COURT:

All right.

Mnr. Saaiman, verwyder jouself nou buite gesig. (Getuie verlaat die Hof).

PIETER MACHIEL SAAIMAN, onder sy vorige eed, vervolg:

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Now Mr. Saaiman, at the time that you came to help Colonel Spengler, you did not see Colonel Spengler hit this man? --- Nee.

And when you handed this man over to the other man in private clothes, was there a struggle between the man in the red shirt as you call it and the man to whom you handed him over? --- Nee.

You did not see any tripping by this man to whom you handed over the man in the red shirt? --- Nee, ek het nie gesien nie want ek het daarna omgedraai.

It did not seem to you Mr. Saaiman, in taking this man away, that perhaps you were carrying out an unlawful arrest upon a person who had not committed an offence? --- Ek het hom nie gearresteer nie.

Now, Colonel Spengler had hold of him did he not? --- Ja.

Where/....

Where? --- Aan sy arm.

The lower, the top part of the arm, which part? --- Ek kan nie meer mooi onthou nie, maar ek dink dit was hier gewees..... (Getuie dui die posisie aan).

On the top part? --- Aan die bo-arm.

Did he have his hand round the arm or gripped the clothes? --- Nee, ek het nie so opgelet nie.

Did you also put your hands on the man? --- Ek het.

How did you get hold of him Mr. Saaiman? --- Ek het hom aan sy arm geneem met my linkerhand.

The opposite arm to the one Colonel Spengler was holding? --- Dit is korrek.

Also the upper part of the arm? ---Ja.

But Mr. Saaiman, if this was not an arrest, how would you describe what you were doing to this man? --- My enigste bedoeling waaroor ek die man gaan neem het was ek het gesien hy ruk by Kolonel Spengler en as daar moet 'n gestoeiery ontstaan daar - hoe gouer ons die man na die binneplein kan neem hoe beter vir almal.

And in continuing to hold him from the time that you left from the gate to when you handed him over to this man in private clothes, you did not consider that you were perhaps behaving unlawfully towards this man? ---Nee.

Now having done that, you say that you went back to the fence and told a certain person to stop interfering with the fence? ---Ja.

At that stage was the mood of the crowd an angry mood? --- Nogal.

You remember my showing you Exhibit 77, and your agreeing with me that the crowd appeared to be reasonably well behaved at that instant when that photograph was taken?

Ja/....

Where? --- Aan sy arm.

The lower, the top part of the arm, which part? --- Ek kan nie meer mooi onthou nie, maar ek dink dit was hier gewees..... (Getuie dui die posisie aan).

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You remember my showing you Exhibit 77, and your agreeing with me that the crowd appeared to be reasonably well behaved at that instant when that photograph was taken?

Ja/....

— Ja.

After the arrest of this man in red, was the mood of the crowd very much worse than what you see on the photograph? — Ja.

From what you had seen going on all the time Mr. Saaiman, would you say that perhaps this crowd had been angered by this man having been arrested, or as you put it taken away by Colonel Spengler and yourself? --- Nee, ek sal die so sê nie.

Why Mr. Saaiman do you say that this did not operate on the crowd to make it angry or angrier? --- Dit was oor die algemeen was die skare oproerig die dag gewees.

But if it were angrier at that stage why do you say it was not because of the arrest? --- Wel, ek kan nie sê waaroor dit was nie. Die kan ek nie sê nie.

It might have been? --- Dit is moontlik.

In view of the heightened temper of the crowd, did you not think that you ought to leave this man alone who was busy at the fence and not do anything further to disturb the crowd? --- Nee, ek het gereken om net te praat met die man kan dalk help.

Of course in the result you were proved wrong because of the elegant language he used towards you? Is that not so? --- Dit is korrek.

BY THE COURT:

Mr. Unterhalter, who are you talking about? The man at the fence or the man in the red shirt?

BY MR. UNTERHALTER:

The man at the fence, Your Worship.

BY THE COURT:

I was understanding you to talk about the man in the/....

the red shirt.

BY MR. UNTERHALTER:

No, we have finished with him, Your Worship. He had been handed over to the man in private clothes.

BY THE COURT:

No Mr. Unterhalter, I understood you to be talking about the mood of the crowd before this man and Colonel Spengler did something to a man and afterwards. Now, that man was the man with the red shirt. Then the man at the pole was something later, the man who used the vile language, the man at the pole.

BY MR. UNTERHALTER:

That is so, but Your Worship will recollect that my question was that "You then went back to the fence and did you not think that in view of the heightened temper you should leave this man at the fence alone?". Perhaps I did not make it clear that it was the man who was tampering with the fence.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

You did understand it Mr. Saaiman as being the man who was tampering with the fence and who swore at you? --- Ek het dit so verstaan.

You followed my questions in that sense? --- Ja.

Now, a stone was thrown after this man had sworn at you and the woman had spat? --- Ja.

And was it after that that you heard the shots from the crowd? --- Dit was net voordat die persoon my raakgegooi het met die klip dat ek die skote gehoor het van die skare af.

And after the shots the stone reached you? --- Ja.

Did not something also touch your hand at a certain stage? --- Ja.

Have you any idea what it was? --- Geen idee nie.

Did/....

Did it require any medical attention? --- Nee, dit was alleenlik 'n klein skrapie gewees.

It did not draw blood? --- Ja, daar het 'n bietjie bloed uitgekom maar nie veel nie. Dit was net die vel weg.

Now, the gates in the western fence face west so to speak? ---Ja.

Where did you hear the shots coming from in relation to the gates? --- Ek sou sê net as jy in die binneplein staan en jy kyk wes na die hek, dan sal ek sê dit is aan jou regterhand nog van die hek af, net aan die regterkant van die hek.

Somewhere in a north-westerly direction? --- Ja.

What was the sound of the first shot that you heard coming from that direction? What was it like? Loud or soft? ---Dit het ongeveer gegaan soos 'n rewolwerskoot. Dit was twee kort opmekaar.

A loud report like a .38, or a soft report? --- Nee, dit is darem sagter as die slag wat 'n .38 maak.

A .22 would you say? --- Dit is moontlik; 'n .25 of 'n .22.

And the second shot? --- Dieselfde.

It was not louder? --- Nee.

It came from the same direction? ---Ja.

Now, you saw the man apparently who threw the stone at you? --- Dit is korrek.

And you say he took another stone in his hand? --- Ja.

Now, having this stone in his hand what did he do? --- Hy het hom opgetel in sy hand, sy regterhand.

And was it then that you shot him? ---Ja.

This shot of yours, was it fired before the rest of the Police commenced their firing? --- Nee, toe ek my skoot skiet het daar alreeds van die Polisie geskiet.

Now, did you fire at this man because the other

Police/....

Police had fired or independently? --- Ek sou sê ek het alleenlik op die persoon geskiet wat my raakgegooi het omdat hy 'n ander klip opgetel het om na my te gooi. Dit is die groot of hoofrede waarom ek op daardie persoon geskiet het.

If you shot him down obviously he would not have been able to throw the stone at you? --- Ja.

And you then of course would not have been injured by that stone? --- Ja.

Now, if you wanted to escape injury from that stone Mr. Saaiman, why instead of shooting him, did you not try to do something to avoid the stone hitting you, such as ducking or sidestepping or anything like that? --- Ek glo nie dit sou juis gehelp het om weg te hardloop nie, want waarnatoe sou jy hardloop? Daar is geen plek om heen te hardloop nie, en op daardie tydstip het ek gesien dat die skare vorentoe beweeg.

You of course were concerned with the attack on you by this man holding that particular stone? ---Ja.

Mr. Saaiman, if you would have been in a situation different to that particular day, where at the same distance from you a man had picked up a stone and was about to throw it at you, would you likewise have drawn your revolver and shot him down? --- Dit is moeilik om te sê wat ek in ander omstandighede sou gedoen het. Ek kan nie sê wat ek sou gedoen het nie.

In the ordinary course, if you are walking in the streets of Vereeniging and a man does that to you at that distance, would you draw your revolver and shoot him down? Say it happened this afternoon after you have left Court? --- Dit is moontlik. As ek nie kan wegkom van daardie persoon af nie, en ek vermoed dat hy kan my beseer of dood, sal ek van my vuurwapen gebruik maak om te verhoed dat hy dit doen.

In fact you have never done that in a situation similar/.....

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In fact you have never done that in a situation

similar/.....

similar to what I have just put to you, either because it has not happened to you or there have been other means of avoiding the danger? Is that correct? ---Edelagbare, ek verstaan nie.

I don't want you to answer it if you are going to embarrass yourself. You can refuse to answer my question. I will repeat the question. This I take it has not been done by you in fact in the circumstances which I have just put to you on other occasions to protect yourself or for whatever the reason might be? --- Is dit nodig dat ek die vraag moet antwoord?

I won't persist in it Your Worship if he does not wish to answer.

BY THE COURT:

Leave it at that.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, did you see this man fall?as you shot him? --- Nee, ek het hom maar net die tydstip daar gesien.

DEUR DIE HOF:

Jy het na hom geskiet? ---Ja.

Het jy gesien of hy geval het of nie? --- Ja, hy het geval. Nadat ek my ronde gevuur het het hy geval.

CROSS-EXAMINED BY MR. UNTERHALTER : (CONTINUED):

You seemed doubtful about it a moment ago. Why did you not answer my question directly Mr. Saaiman? --- Ek verstaan nou nie mooi wat u bedoel nie.

You see I asked you - if I remember my question precisely - if you saw him fall or you saw what happened to him, and I rather understood youto say you did notnotice it or you did not see, and then when His Worship intervened you said you did see him fall. My question is why were you not

able/....

able to give such a direct answer to my question? --- Ek het verstaan u vra of ek hom voorheen gesien het, wat het geword van hom voorheen, voor die skietery. Dit is soos ek dit verstaan het.

Now, he fell? --- Ja.

So as faraas he was concerned the danger was past? --- Dit is korrek ja.

Did you continue to shoot? --- Ja.

Will you explain to His Worship why you continued to shoot when the man whom you were attacking was out of the way now? --- Daar was gevaar want die Bantoes het vorentoe gestorm, die skare het vorentoe gekom, en 'n klomp het reeds by die hek ingebaas.

Now, where did you fire? Towards the gate or towards the fence? --- Ek het na 'n persoon geskiet wat naby die hek was.

Now, were the gates open when he was near the gate? ---Ja.

How far from the gate on the outside was he when you saw him? --- Hy was so te sê in die hek gewees.

What was he doing? --- Hy het 'n stok omhoog gehou. Dit het my voorgekom asof hy op Hoofkonstabel Malan afstorm wat naby die hek was.

What was the distance between him and Head Constable Malan when you saw him? --- Ongeveer vier tree.

Was Head Constable Malan looking in his direction as he was coming towards him? --- Nee.

Was Head Constable Malan armed? Did he hage a revolver or a gun or anything like that? --- Hoofkonstabel Malan was bewapen met 'n rewolwer, 'n .38 rewolwer.

Was/....

Was he shooting with it? ---Nee.

You did not shout a warning to Head Constable Malan about this attack that was coming from this man? --- Ek glo nie Hoofkonstabel Malan sou my ooit kon hoor met daardie rumoer wat aangegaan het toe nie.

Now, you say this man was rushing towards Head Constable Malan? --- Ja.

And at that time the Police were already firing into the crowd? --- Dit is korrek.

And according to you this man was rushing forward in the face of that fire with the stick in his hand? --- Dit is korrek.

You have no doubt about that Mr. Saaiman? --- Nee.

How long had the firing been in progress when this man was rushing forward, i.e. approximately? --- Dit was maar met 'n paar sekondes.

So what did you do? --- Ek het 'n skoot op hom geskiet.

Did you fire low, high, or where? --- Ek het na die lyf geskiet.

Did he fall? --- Ja.

And you saw him lying there? --- Nee, ek het net gesien dat hy val.

Would you say that you had killed him with that shot? --- Nee.

How do you know that Mr. Simon? --- Na die skietery was die persoon nie daar gewees waar hy geval het nie. Ek kan ook nie sê dat ek die persoon raakgeskiet het nie.

You were close enough to him to have a good chance of hitting him though when you fired the shot? --- Ja.

That was the second shot that you fired? ---Ja.

How/....

How many did you fire altogether? --- Ses.

Now, why did you fire the other four? --- Ek het die andere geskiet met om die skare weg te kry gan die draad af, van die Polisiestasie af.

Did you hear the order to stop fire? --- Ja, ek het.

When you heard that order did you then stop, or had you stopped before that order? --- Ek het voor dit reeds gestop.

Did you fire your shots fairly quickly Mr. Saaiman? ---Ja.

At the end of the sixth shot did you consider it was unnecessary to fire anymore because the crowd had turned and gone? --- Nee, ek het my rewolwer weer gelaai om te vuur, maar toe ek my rewolwer klaar gelaai het toe het die bevel gekom om te stop. Ek het toe nie verder geskiet nie.

Now, at the time that you hadfinished loading your revolveraand you heard that order, did you notice if in fact the crowd had turned and was running away? --- Ja.

Now, you are quite sure that you only fired six shots? --- Ja.

It is correct is it not, that in the return that was submitted you made a request to have twelve bullets replaced instead of the six that had been fired? ---Ja, dit is korrek.

Tell His Worship in your own words why, if you only fired six shots, you made a request for twelve to be replaced? --- Ses van my patrone het weggeraak by Sharpeville Polisie-stasie.

I am sorry Mr. Saaiman, I did not hear you. Just repeat that please? --- Ses van my patrone, .38 patrone, - nie ses nie, maar 'n klompie van my patrone - het weggeraak by Sharpeville Polisiestasie.

Now, when you asked for a replacement did you give an explanation to the Officer that you are asking for six because

these/....

these were shot by you and the other six because they were lost, or did you just make a request for twelve? --- Ek het net gevra vir twaalf patrone.

Mr. Saaiman, this statement was made by you how long after the shooting? --- Ek is nie seker nie maar dit is 'n hele rukkie daarna.

Were you not aware that the information was being asked of you in order that the authorities might know how many bullets in fact had been fired by the Police on that day? --- Ek het 'n beëdigde verklaring afgelê van hoeveel patrone ek weggeskiet het die tweede dag na die skietery. Dit was gewees op die 23ste Maart.

And in that statement did you say that you had used six or you had used twelve? ---Ek het gesê ek het ses gebruik.

Has that statement ever been found, do you know Mr. Saaiman, that sworn statement that you have just referred to? --- Nee, sover as my aangaan is hy nog nie teruggevind nie. Ek het 'n ander een gemaak.

Was the second statement made in about July? or May? When was the second statement made? --- Ek dink dit was die 29ste Mei gewees, of die 9de Mei.

And how many did you say you had fired in that second statement? --- Ses.

Now, it is correct is it not, that the learned Judge at the Inquiry gave you an opportunity to have this matter investigated, so that it should be cleared up to everyone's satisfaction? --- Die verklaring?

Yes well, this matter that I am discussing with you now. The learned Judge did say at the end of your examination that you were to have an opportunity of clearing this matter up? Is that correct? --- Dit is reg.

And did you attempt then to clear it up before the

learned/....

learned Judge? --- Ja.

You see, you did give evidence at the Inquiry before that particular Judge, did you not? --- Ja.

And the learned Counsel who cross-examined you went so far Mr. Saaiman, as I read this cross-examination, to say to you that you had been telling a lie? Do you remember that form of his questions? --- Ja.

And he put at the bottom of page 2786 this question to you in connection with the bullets that had been used: "But you say that you told them that you had used twelve?" Do you remember that being asked of you? I'll show it to you if you don't recollect. Your answer was „Ja". Just look at it please, at the bottom of page 2786. You have read it as I have stated it to you just a moment ago? ---Ja.

Is that in fact the question that was put to you? --- Ek kan nie sê nie. Dit behoort so te wees, maar volgens dit meen dit ek erken dat ek 'n leuen vertel het daar, en dit is nie 'n leuen nie, want ek het aangevra vir twaalf. Ek het ses gebruik en ek het aangevra twaalf, en ek het so gesê in die Hof, dat ek het aangevra vir twaalf.

Now, I am concerned with the statement that you make in the next sentence. Learned Counsel says to you "Was that a lie?" and your answer is „Hulle is verbruik. Hulle is weg.". Now, was that the answer you gave him? "Hulle is verbruik. Hulle is weg"? --- Ja, dit is die antwoord.

Mr. Saaiman, what did you intend to convey to the Inquiry by the use of the words „Hulle is verbruik"? ---Ses het ek gebruik en die ander het weggeraak.

But does the Afrikaans word "verbruik" have any special meaning? --- Verbruik meen hulle is gebruik.

And to put it in English, they were used? ---Ja, en die ander sin meen hulle is weg.

Why/....

Why when Counsel put that to you Mr. Saaiman, did you not say "Well, six were lost and six were used", instead of conveying the impression that the whole twelve were used? --- Soos ek my antwoord daar gegee het, dit noem nie die getalle nie, maar dit meen hulle is gebruik en hulleis weg. Dit meem daar is verbruik em daar is vam hulle weg.

Now, the form that you filled in that gave the information about the twelve, am I correct in saying that that was not a request for a replacement of ammunition, but a statement of the ammunition that you had expended? ---Nee, dit is nie 'n verklaring hoe sal ek sê vam wat ek verbruik het nie. Dit is alleenlik waarvoor ek vra.

I am still not clear Mr. Saaiman, as to why you did not tell Counsel when he challenged you so deliberately with telling a fàlsehood, why you did not explain to him clearly "Look, twelve were not used up. Six were lost and six were used", instead of as I am saying use the phrase „Hulle is verbruik"? --- Dit is wat hy my gevra het en dit is my antwoord wat ek hom gegee het, en hy was tevrede met die antwoord; vermoedelik tevrede, want hy het my nie verder daaroor gevra nie.

You see Mr. Saaiman, it does not appear that Counsel was satisfied because.....

BY THE COURT:

How often is Counsel satisfied Mr. Unterhalter?

BY MR. UNTERHALTER:

One does not know, Your Worship.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

I want to read to you what Counsel says a few lines lateron on page 2787. He says: "But this lie that you have

now/....

now admitted you told, what was the object of that lie?" and your answer is: „Ek wou net twaalf patrone teruggehad het van hulle". Counsel then said: "The object of that lie you say was to get an extra six?" and you answered „Noem dit so as u wil". Now, my question to you is why did you not turn round to Counsel and say "Mr. Kentridge, I am not lying. You have misunderstood me. Six were used and six were lost", because this is a very grave allegation to make against a witness, Mr. Saaiman? --- Ons het die dag 'n argument gehad in die Hof. Toe het ek vir mnr. Kentridge gesê2„Noem dit so as u wil, ek noem dit nie so nie".

Anyway, you are quite definite that you did not fire twelve shots and you only fired six? --- Ek is seker.

Did you hear the word "shoot" or "skiet"? --- Ek het.

Counsel asked you at the Inquiry if you shouted that word, and your reply was? ---Nee.

And you stand by that today, do you? --- Ek staan daarby.

Now, you say that you picked up a few stones after the shooting and some sticks and that Exhibit No. 97 from outside? ---Ja.

Did you pick up any stones from outside? --- Nee, alleenlik wat op die grasperk gelê het.

Did you see anybody else pick up some stones from outside? --- Nee.

Or any sticks or instruments from outside? --- Ja, daar was ander van die Polisiebeamptes wat stokke buite die omheining opgetel het.

You are quite definite that the sticks were there? --- Ek is.

I understand that you picked them up at the intersection of Zwane Street and the unnamed street that runs between the/....

the Police Station and the clinic? --- Dit is korrek.

I want you please to look at these photographs which I show you, and will you confirm that they show the intersection of ZwaneStreet and the unnamed street?

BY THE PUBLIC PROSECUTOR:

These exhibits will be Nos. 98 and 99, Your Worship.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Have a look at them Mr. Saaiman please, and tell me if you agree that that is a picture of the intersection? You notice there is a pole in an island? That is Zwane Street, and as the road goes off to your right that is the unnamed street. Do you recognise it? --- Ja.

Now, was it there that the axe, Exhibit No. 97, and the sticks were picked up by you? --- Dit is korrek.

You will notice Mr. Saaiman there does not appear to be in those photographs any evidence of any sticks at all, or any axe? Do you agree with that? --- Dit is korrek.

If evidence is given that those photographs were taken before the Police went outside to pick up anything, what would your comment be? --- Soos ek reeds gesê het die enigste wat ek daarop kan sê is dit is heel moontlik dat hierdie fotos geneem is nadat ons die stokke opgetel het en teruggekom het.

But if the evidence is that it was taken before do you have any other comment to make? --- Ek het geen ander kommentaar om te maak nie.

I won't detain you further. I would just like to check one other point with His Worship's permission.

Thank you, Your Worship.

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

By/....

BY THE COURT:

I have noticed that some of the accused have just granted themselves permission to sit here dressed in any manner but the way in which they should be dressed in a Court, without their jackets. I know it is hot but you will at least have the decency to get my permission to come here dressed like that before you do so again.

RE-EXAMINED BY THE PUBLIC PROSECUTOR:

Mnr. Saaiman, u het gesê dat iets het u hand geraak. Kan u die gevoel of die sensasie beskrywe wat u aandag getrek het op die feit dat iets u hand geraak het? --- Daar was net effens 'n brandpyn aan my hand. Ek het toe gekyk daarna en gesien dat daar 'n klein wondjie aan my hand is.

Nou, wanneer het u die brandpyn aan u hand gevoel in verband met die tyd toe u die skote, die twee skote wat u vermoedelik vanaf die skare gehoor het, gehoor het? --- Dit was net na die skote. Onmiddellik nadat die skote geval het het ek die brand aan my hand gevoel.

En kan u die wond aan die Hof beskrywe wat u gesien het toe u na u hand gekyk het? --- Dit was net effens 'n merkie so, met die vel af.

Wys net vir die Hof wat se merkie dit was? --- Dit is amper heeltemal weg. Dit is net so effens 'n bruin merkie wat nog daaris waar die vel af gewees het.

Het u ondervinding van koëlwonde of nie? --- Ek het al....

Ek meen was u self voorheen gewond? --- Ja.

Deur 'n koël? --- Ja.

Dankie, Edelagbare.

HOF VERDAAG TOT 12.1.1961.

BY THE COURT:

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Het u ondervinding van koëlwonde of nie? --- Ek het al....

Ek meen was u self voorheen gewond? --- Ja.

Deur 'n koël? --- Ja.

Dankie, Edelagbare.

HOF VERDAAG TOT 12.1.1961.

12TH JANUARY, 1961.

URT RESUMES : APPEARANCES AS BEFORE EXCEPT FOR ACCUSED NO.36, WHO IS NOT PRESENT.

Y THE COURT : TO THE PUBLIC PROSECUTOR:

Are all the accused here except the man who is ill, r. Prosecutor? --- That is correct, Your Worship. It is ccused No. 36, Peter Thabane.

Are you calling any evidence about his position? --- will call medical evidence, Your Worship. I call Doctor ollery.

NN MARGARET DOLLERY, duly sworn, states:

XAMINED BY THE PUBLIC PROSECUTOR:

Are you a registered medical practitioner and edical officer at the Vereeniging Hospital? --- I am.

And on the 10th January this year, was a male atient admitted by the name of Peter Thabane? ---Yes.

Is he under your treatment? --- He is.

What is wrong with him, Doctor? --- Peter Thabane as a left upper and left middle lobe pneumonia.

We are primarily concerned with his state of health n regard to him being able to attend Court. When will he be able to attend Court to stand his trial? --- I should think n about a week to ten days.

Thank you, Your Worship.

O CROSS-EXAMINATION BY MR. UNTERHALTER.

O CROSS-EXAMINATION BY ACCUSED NOS. 1, 3, 4, 8, 38 AND 39.

HEARING POSTPONED TO 23.1.1961.