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D.K. January.

23RD JANUARY, 1961.

COURT RESUMES : APPEARANCES AS BEFORE.

The Public Prosecutor calls:

DANIEL KOKOZELA JANUARY, duly sworn, states:

EXAMINED BY THE PUBLIC PROSECUTOR:

Are you an Interpreter in the Department of Justice and presently stationed at the Supreme Court, Witwatersrand Local Division, Johannesburg? --- I am.

And in what native dialects are you fluent? --- In Xhosa, Zulu, Southern Sotho, Sec^huana and Northern Sotho.

Before joining the Department of Justice is it correct that you were a school teacher by profession? --- That is correct.

Now, before you is a book of exhibits which you have already had an opportunity of looking at? --- I have.

If you will turn first of all to Exhibit No. 5, which is titled "Calling the Nation"? --- I have it.

It has English on the one side and an African language on the reverse side? --- That is correct.

What language is that? --- It is South Sotho.

Were you able to compare the English with the South Sotho version, and what did you find? --- I was able to compare the English with the South Sotho version, and found that they were identical.

The following exhibit is Exhibit No. 6. That is a pamphlet called "Alerting the Nation"? --- Yes, I have it before me.

It has English on the one side and what is on the reverse/....

BY THE COURT:

The original manuscript is Exhibit 100. The other is just a copy of it.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Then the following exhibit is No. 55? --- Yes, that is correct.

That consists of five documents? --- That is correct.

Are any of those documents in African dialects? --- Some of them are in the Bantu dialects, and one of them has both English and a Bantu dialect.

And on those containing the Bantu dialects did you make your translations between brackets on the bottom of the exhibit? --- Yes, I have.

Then the next exhibit is No. 90? --- That is correct.

Is that just one exhibit, No. 90? --- It is 90 to 91.

Which is the exhibit that you translated? --- The exhibit which I translated is Exhibit No. 90.

And where is your translation? At the bottom of the letter or not, or on a loose piece of paper? --- My translation is on a loose piece of paper.

That will be Exhibit No. 101, Your Worship.

BY THE COURT:

It is a translation from South Sotho? --- Yes, Your Worship.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Now, all the translations which you have given so far have been to the best of your ability? --- That is correct.

In the Xhosa language, what is the word "to shoot"? --- The word "to shoot" in Xhosa is "Ukudubula".

And what is the sound that is made by beating on a drum/....

drum in Xhosa? ---There are various ones Your Worship, and they could both be correct, depending on how the word is used in a particular or given sentence. One of them is "Ingxolo", and the other is "Isidumo".

Now, will you have a look at Exhibit "B"? There is some inscription there in a Bantu dialect. What language is written there? --- It is South Sotho.

How many sentences are there? --- One sentence in the Bantu dialect. It is the same thing repeated.

And what is your translation of Exhibit "B"? --- I would say it is the consolidation of a shadow.

The consolidation of a shadow? --- Yes, or status.

BY THE COURT:

I think the witness should write in his translation at the bottom in brackets, like he did with the others. There is plenty of writing space on that exhibit. Put it in brackets and initial it so that it is clearly yours.--(Witness writes his translation on the bottom of the exhibit). I have written down here "Consolidation of a status".

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

There is an English sentence there. Would you mind reading it out? --- "We shall take a further step or steps". There is the word "step". From the schedule I read it "We shall take a further step", but there is something which indicates as if it could be an "s" and giving the plural of "steps".

And how would you translate that into South Sotho? --- "Re tla kna khato elingoe". That is as step. "Re tla nka khato tse lingoe". That is the plural.

BY THE COURT:

Now, did the undefended accused want to see these translations/....

BY THE COURT:

The original is just a copy of it.

EXAMINATION BY THE PUBLIC

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is correct.

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BY THE COURT:

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EXAMINATION BY THE

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translations of certain of the exhibits, or did you want to see them Mr. Unterhalter?

BY MR. UNTERHALTER:

If Your Worship pleases.

BY THE COURT:

The undefended accused are also entitled to see whether the witness' translation is correct, and whether they wish to challenge it. The point is they must see the original exhibits, and they are entitled to compare that with the witness' written translations. Show them the original exhibits too please.

Now, for the information of the undefended accused will they take note that the witness has given evidence about Exhibits 5, 6, 32, 48, 55, 90 and "B".

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. January, I take it that your knowledge of African languages embraces a knowledge obviously of idiomatic expressions in African languages? —That is correct.

And I also assume you have an expert knowledge of the meaning of utterances in certain situations? —I have.

I wanted Mr. January to ask you a question or two about the use of the word "Afrika" as it occurs in assemblies of African people. Now, it is correct is it not, that very often this word is used by a speaker on a platform addressing a crowd of Africans assembled before him? — I have heard that being said. I have personally passed at some meetings and I have heard the word "Africa" being addressed to the listeners by the speaker.

Would you agree that it is a word that has been ^{used} over a number of years in South Africa as an introductory word when a speaker addresses a meeting of Africans? — I will agree with/....

with that.

In other words, when he stands up and before he starts to talk about what he wishes to convey to his audience, his would say "Africa!?" --- That is correct.

It is usual is it not, that as he says that word he raises his thumb in the air, as I pointed to you? --- I have known thumbs being raised even on the trains, along the streets, and not necessarily at a meeting.

In other words, it really is in a sense a form of greeting between Africans? --- It is, Your Worship; I would compare it to this extent. Before the advent of the common use of the word "Africa", I know that the common word which was used by a speaker in addressing a meeting used to be "Pula!", which was a peaceful form of greeting. Translated "pula" means rain, and when the speaker has finished saying whatever he wanted to say, the listeners would in their numbers also respond by saying "Pula!".

And in recent years do I understand from what you have just said, the greeting "Pula!" has been substituted by the greeting "Africa!?" --- Yes.

Mr. January, can I also assume that in the ordinary course the exchange of such a greeting between people, is not in any sense provocative? --- No, it is not.

Now, it is true also is it not, that particularly at a political meeting an African as well as commencing his address by saying "Africa!" and raising his thumb in the air as I indicate to you, would also say "Mayibuye!?" --- I have no personal knowledge of that because I do not even attend political meetings. I have heard that being said. I have no personal knowledge.

Now, "Mayibuye" means Well, give it to me in your/....

your own words? --- "Let it come back!".

And if the words are "Mayibuye Africa!" would that mean "May Africa come back!"? --- Yes.

Now, would it be fair to say that if a political leader uses the phrase "Mayibuye Africa!" as a slogan in addressing a group of people, that one of the meanings that could be attached to that phrase is "May Africa return to us", in the sense that "May we also participate in the government of Africa as the people who live in Africa"? --- It could be interpreted like that.

You told us Mr. January that in comparing the English and the Zulu on Exhibit 48, you found that the Zulu did not give a true reflection of the English, and you therefore prepared your own translation in Exhibit 100? --- That is correct.

Now, were the differences just minor and textual, or was there anything fundamental in it? --- I would say the differences were fundamental. That is why I took the trouble of giving a translation of the Zulu into English.

And those differences will reveal themselves if we read your English translation and compare it with the English that appears on Exhibit 48? --- That is correct.

Now, you also said in regard to Exhibit 55 that these consisted of five documents, some of which are in the African dialects, and some had English and Afrikaans dialects, and you made a translation on the bottom. Now, may I please see that? --- (Exhibit No. 55 is handed to Counsel for the defence). The translation of the South Sotho portion of that letter is there on the white sheet.

Mr. January, the exhibit is numbered 55 on the white piece of paper? --- That is correct.

It/....

It commences in English with the phrase "Dear love", and it then goes on in the body of the letter to use an African language. Your translation of that portion in the body of the letter is to be found? --- It is attached to the exhibit. That is my translation.

That is right at the very top, where it says: "Translation of letter dated the 9th February, 1960"? --- That is correct.

There is just one other thing. I don't know if you can assist us with this. Do you of your own knowledge Mr. January happen to know what the gesture of the Pan Africanist Congress is? By gesture I mean the hand sign? --- No, I do not.

Do you agree, however, that for some years the African Nationalist Congress has used as their gesture or hand sign the upward pointing of the thumb as I demonstrated to you? --- Yes, I will agree with that.

Thank you, Your Worship.

BY THE COURT:

Have the undefended accused had an opportunity of comparing say Exhibit 100 with the English of Exhibit 48, and with the Bantu language on it, or any of the other translations? Have they had a full opportunity? Do they want to see these documents first?

The undefended accused state that they would like to see the exhibits first.

BY THE COURT:

I am going to adjourn now, and then they can see the witness' translations and compare them with the original documents, and then tell me whether they want to cross-examine the witness/....

witness or not.

COURT ADJOURNS.

COURT RESUMES:

DANIEL KOKOZELA JANUARY, under his former oath, continues:

NO CROSS-EXAMINATION BY ACCUSED NO. 1.

CROSS-EXAMINED BY ACCUSED NO. 3:

I want you to refer to Exhibit 32.

BY THE COURT:

No, wait a minute. If you look at that typed copy of Exhibit 100, the endorsement Exhibit 32 at the top of it is erroneous. In the body he talks of Exhibit 48, the Zulu version translated. Is that the document you have before you?

BY ACCUSED NO. 3:

Yes, Your Worship.

BY THE COURT:

Now, what you have before you is a copy of Exhibit 100, and it is supposed to be a translation of the Zulu version on Exhibit 48.

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

I want you to translate that word for me, i.e. the word "Bantu" in Zulu as it appears there? -- I would like to see the original first, because there may be a difference.

BY THE COURT:

Is he referring to the word "Bantu" say as it appears in about the seventh line of the body of Exhibit 100,
of/....

of the typed copy of Exhibit 100?

BY ACCUSED NO. 3:

Yes Your Worship, that is correct.

BY THE WITNESS:

"Ngoba isikhathi si ndzima kumuntu ontsundu". Is that what you are referring to perhaps?

BY ACCUSED NO. 3:

Yes, that is what I am referring to.

BY THE COURT : TO THE WITNESS:

Now, you have translated which word by the word Bantu? --- I have translated the word "Kumuntu ontsundu". Here, Your Worship, it gives one the impression that it is in the singular, but that expression is in the plural. That is why the English translation I have got it as Bantu. I have given the plural in English, as the "Kumuntu ontsundu" is the collective form of the Bantu people in general.

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

I want you now to put it exactly as it appears there, as it is written "Umntu ontsundu", i.e. as it appears there? --- Before I reply to that the question is not quite correct, because the original herd says: "Kumuntu ontsundu", and not "Umntu ontsundu". There is a big difference. "Umntu ontsundu" would be a native person. "Kumuntu ontsundu" would be the collective form.

I am requesting you to put it as it appears there in the singular form and not as the witness is trying to say?

BY THE COURT:

What does it appear in the original? Is it in the singular or in the collective form? --- It is in the collective/....

collective form, Your Worship.

I am not concerned with other translations, except the translation of this document!

BY ACCUSED NO. 3:

Your Worship, it will be difficult because now the whole question centres around the word as it stands there. The word as it appears there in the original is not in a collective form, and it refers to an individual.

BY THE COURT:

Well, you heard the witness' reply.

BY THE WITNESS:

I could elaborate on that further, Your Worship. As the question is now put the whole thing is taken out of its context. The English translation says: "It is obvious to all that the times are hard on the Bantu". I will give it in the vernacular here: "Niyazibonela kudzama kumantu ontsundu". "Niyazibonela", that is plural, collective, and it is not singular.

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

Were you translating the matter as it appeared there, or were you trying to make some corrections? --- I was translating it as it appears on this document which was given to me.

Now then, please translate the correct version of it, "that it is obvious that times are hard on Bantus" or something to that effect? It is not as you have translated it. --- It begins further than that, Your Worship. "Tshelani isihlobo senz sigsine imali nokudla ngobo isikhathi niyazibonela si ndzima kumuntu ontsundu".

Will I then be wrong if I say that the true and correct/....

correct version is "Tell all your people that now times are hard on a Black person"? --- I would disagree with you. I am satisfied that my translation here is correct.

In view of the fact that you were able to substitute the word which is found in the original, i.e. substitute it for the word "Bantu", why then in the following phrase "So says the African organisation" did you not translate it as it is there? --- I have not substituted anything, Your Worship. I have translated this document as it stands. The word "Ishonjalo ke ma-Afrika iahlangano ka vukaibambe P.A.C.", those are the exact words used. "Ma-Afrika" I have translated as "African", and "Kumuntu ontsundu" I have translated as "Bantu". I could not say "African".

Is it not true then that the meaning of the word "Bantu" in the true sense of it when the Zulus say "Bantu" it means "we people"? --- That is not true as far as the Zulu is concerned. When the Zulu talks of "Abantu" the Zulu specifically refers to the Zulu people only. It excludes the Xhosas, the Vendas, the Sechuanas, the Sothos; all the other African groups are excluded, but the common meaning, the true and proper meaning of the word "Bantu" means "people".

BY THE COURT: TO ACCUSED NO. 3:

Accused No. 3, what is your quarrel with this translation? Do you object to the word "Bantu" in it, or what is your quarrel? What is your real quarrel with this witness' translation? --- My objection or my quarrel is with the word "Bantu", because I do not believe that the P.A.C. can refer to the African people as Bantus.

Yes, all right. Is that the only objection you have got? --- Yes, Your Worship.

Now, have you got any further cross-examination on any/....

any other point, because so far as this Court is concerned you are now splitting hairs. What you call an African I may call a Bantu and somebody else may call a Native and some few people may even call a Kaffir, a term to which you people object, but we all know what is meant by the word. That is what matters really, namely the people that I see before me, i.e. you and the public there. Anyway, have you finished with your cross-examination, or do you want to cross-examine the witness further? --- Then I am of the view, if that is the position, that that is not then what was being said by the original pamphlet.

I will tell you what. Do you want to cross-examine the witness further, because you have the right to call an Interpreter yourself to come and give me a translation of the Zulu in Exhibit 48 if you want to, and I will have to take into account his translation. --- Thank you, Your Worship. I have no further questions.

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

RE-EXAMINED BY THE PUBLIC PROSECUTOR:

When did you first become aware that the word "Pula" or the form of address "Pula" was changed in favour of the word "Africa"? When did that first manifest itself? --- It was about four or five years ago.

And as far as you know is there any reason for that change? --- I know of no reason, Your Worship.

Now, could the use of the words "Africa Mayibuye" acquire perhaps a different flavour depending on the circumstances when it was being used? --- Oh yes, it could.

Now, in seeking your opinion, could it be used for example as a form of exhortation or encouragement under any circumstances/....

circumstances? ---It could be used as that, Your Worship.

Thank you, Your Worship.

BY THE COURT:

You would not find a Minister of Religion introducing his church service by the word "Africa"? --- No, Your Worship.

I dare say you would not find that at a Sunday school meeting either? ---No, Your Worship.

Would you find it at a picnic? --- No, I don't think it could be found there.

Well, what type of gatherings then would the word be used? --- It would be used at gatherings of political nature or gatherings of a local nature, where people in a certain locality meet to discuss their common domestic problems about their locality.

Thank you. You may stand down.

9-----

DANIEL JOHANNES HENDRIK ENGELBRECHT, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Is u 'n Speurdersersant in diens van die Suid-Afrikaanse Polisie gestasioneer te Jeppe, Johannesburg? ---
Bezuidenhoutvallei, Edelagbare.

Nou te Bezuidenhoutvallei, Johannesburg. Op die 19de Mei verlede jaar was u 'n beampste in bevel van 'n uitkenningsparade wat gehou is by die nuwe tronk te Vereeniging? --- Dit is reg.

Nou, waar het u die verdagte persone vandaan gekry wat u op die parade geplaas het? --- Hulle was daar gebring

gewees/....

gewees. Ek weet nie wie die reëlings getref het nie.

Maar hoe het u geweet wie is die verdagte persone wat u op die parade moet plaas? --- Hulle was in 'n sel in die tronk geplaas, en ek was gesê dat hulle daar is.

Nou, het u almal gevat wat in daardie besondere sel was, of net 'n sekere aantal van die persone? --- Ek het almal gevat wie in daardie sel was.

Tydens die hou van die parade het u enige notas gemaak? --- Ek het.

Op watter tydstip het u die notas gemaak in verband met die gebeure van die besondere insident waarvan u 'n nota gemaak het? --- Party notas het ek gemaak onmiddellik nadat dit gebeur het. Die verklaring het ek gemaak nadat die parade gehou was.

Dit is u eie verklaring? --- My eie verklaring.

Nou, sonder om na die notas te verwys in verband met hierdie parade, sal u alles kan onthou wat u daar geskryf het? --- Ek sal nie.

En watter effek sal dit hê as u na die notas verwys? --- Dit sal my geheue verfris van wat gebeur het.

DEUR DIE PUBLIEKE AANKLAER:

Edelagbare, mag die getuie na sy notas verwys wat hy gemaak het tydens die parade?

DEUR DIE HOF:

Hy mag dan net na daardie notas verwys wat gemaak is tydens die gebeure by die parade self.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Nou Sersant, hoeveel verdagte persone - en wat was hulle name - het u in die sel gekry? --- Daar was 36 persone.

Ses-en-dertig persone? --- Ses-en-dertig verdagte persone. Ek het hulle name nêg geskryf nadat hulle hulle

posisies/....

posisies op die parade ingeneem het.

So het hierdie parade alleenlik uit verdagte persone bestaan? Daar was nou nie enige ander persone wat verhoor-afwagtend was op enige ander aanklagtes by nie? --- Ek kan nie met sekerheid sê nie.

Nou, ek stel belang in twee name, nl. die name van George Qotzwa en Lechael Musibi? Kom hulle voor onder u name? --- Hulle kom voor hier ja.

En u sê u het die name neergeskryf nadat hulle posisie ingeneem het op die parade? --- Dit is korrek.

U het die nommers gevat van links na regs? Is dit reg? --- Van links na regs het ek dit gevat.

Nou, waar het die persoon George Qotzwa gestaan? --- Hy het posisie nr. 10 ingeneem.

En Lechael Musibi? --- Hy het posisie nr. 34 ingeneem.

Nou, voor die persone in gelid gestaan het op die parade, was die doel van die parade aan hulle verduidelik? --- Dit was.

Watter taal het u gebruik? --- Ek het Afrikaans gepraat, maar ek het 'n tolk gehad.

Wie in een van die Bantoetale getolk het? --- Ja, dit was Bantokonstabel John.

Wat het u vir die beskuldiges deur die tolk gesê? --- Ek het vir hulle gesê dat die doel van die parade was om getuies te laat sien, om mense uit te wys wie deelgeneem het aan die geweldpleging by Sharpeville gedurende Maartmaand.

En terselfdertyd was enige voorregte in verband met parades aan die beskuldigde persone verduidelik? --- Hulle was gesê dat hulle enige posisie op die parade kon inneem. Hulle was gevra of hulle tevrede was met die parade, en hulle het

gesê/....

gesê hulle was.

Toe die parade opgestel is Sersant, was u bewus van waar die uitkennende getuies gehou was? --- Hulle was buite die tronk gewees.

Buite die tronk? --- Buite die tronkgeboue.

Kon hulle sien of hoor wat daar by die parade aangegaan het toe dit opgestel is? --- Hulle kon gladnie sien of hoor wat daar aangaan nie.

Was enige fotos van die parade geneem? --- Daar was fotos van die parade geneem ja.

Voor enige uitkennende getuies geroep is of na dit? --- Voor die getuies geroep was.

Ek wil u bewysstuk 102 toon. Dit is 'n foto van mense wat op parade staan. Herken u daardie mense wat op die parade staan? --- Dit is die mense wie op die parade was wat ek gehou het.

Die persoon George Qotzwa, die tiende persoon van links, is dit die man wat 'n tweekleur tipe bosbaadjie aan het? --- Dit is reg.

En die persoon Lechael Musibi, is hy die derde persoon van die regterkant se kant af, met sy arms gevou oor sy bors en 'n hoed? --- Dit is reg.

Wie was die eerste uitkennende getuie wat na die parade gebring is? --- Dit kan ek nie sê nie.

Was die prosedure daardie dag dat 'n getuie ingebring is en in sy besit het hy 'n strokie papier gehad met sy naam daarop, en as hy iemand uitgewys het dan het u die naam van die persoon wie hy uitgewys het op daardie stukkie geskryf? --- Dit is reg. As hy niemand uitgewys het nie het ek daar aange-teken hy het niemand uitgewys nie, en as hy iemand uitgewys het en hy het iets gesê dan het ek aangeteken wat hy gesê het.

Maar/....

Maar u het nie gebruikgemaak van die gewone vorm nie, d.i. die Polisie paradevorm nie? — Nee. Daar was te veel getuies om soveel te gebruik. Die parade het aangehou van nege tot na twee in die agtēmiddag.

Sal u net dit herhaal? Van omtrent hoe laat? — Van omtrent kwart-oor-nege tot kwart-oor-twee.

Nou, u het 'n klomp strokies voor u met die name van persone daarop, waarop u notas gemaak het indien die persoon enige persone uitgewys het? — Dit is reg.

Nou, wanneer 'n getuie na die parade gebring is, watter woorde het u teenoor hom gebruik, of wat het u vir hom gesê toe hy daar gekom het? — Ek het hulle versoek om die persoon of persone, indien hulle op die parade was, uit te wys wie op die 21ste van Maart 1960 te Sharpeville Polisie-stasie aan die betogings en oproer deelgeneem het, of wie gedurende die nag van die 20ste/21ste Maart 1960 en gedurende die loop van die dag 21.3.1960 elders in Sharpeville lokasie aan die betogings en oproer deelgeneem het.

U het nou vanaf een van daardie vorms gelees? — Dit is reg.

DEUR DIE HOF:

Het u nie vir my 'n blanko vorm beskikbaar nie? Nie een wat daar notas op is nie, want dit is nie getuienis nie, maar 'n blanko vorm sal die rekord net aanhelp en duideliker maak.

DEUR DIE PUBLIEKE AANKLAER:

Ons kan een inhandig Edelagbare, van die wat hy wel gebruik het. Ek het ander vorms hier maar nie in blanko nie.

DEUR DIE HOF:

Nee, maar een kan voorberei word lateraan.

Verhoor/....

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Wat is die eerste strokie wat u daar het? Wie is die uitkennende getuie? --- Bantoespeurder Malakia Mmotong, d.i. van die Vereeniging Polisie. Hy was net versoek om die persoon of persone, indien op parade, uit te wys wie op die 21ste Maart by Sharpeville lokasie aan die betogings of oproer deelgeneem het. Dit is al wat aan hom gevra was.

En het hy enige persone uitgewys? --- Hy het vir nr. 10, George Qotzwa, uitgewys en hy het gesê "Ek het hom tussen die mense by die Sharpeville Polisiestasie gesien".

Was dit die enigste persoon wie Malakia uitgewys het op u parade? --- Die enigste een wie hy op my parade uitgewys het. Die meeste van die getuies het niemand uitgewys nie. Dan het Konstabel van Zyl.....

Net 'n oomblikkie, voor u aangaan. Nadat Malakia Mmotong klaar was met die persoon wie hy uitgewys het, klaar was met die parade, wat het van hom geword? --- Hy is uitgeneem aan die anderkant by die deur.

Is dit dieselfde deur waar hy ingekom het of by 'n ander deur? --- Nee, by 'n ander deur.

Kan u onthou die naam van die persoon wie gebruik is as 'n "Usher", d.i. die persoon wie die mense ingebring het en hulle uitgeneem het? --- Ek het 'n idee dit was 'n Konstabel Nel, maar ek is nie heeltemal seker nie.

Nou, voor die volgende getuie ingebring is het u enigiets vir die verdagte persone gesê wat op parade gestaan het? --- Ek het vir hulle gesê dat hulle van posisies mag verander indien hulle wil.

Het enige van hulle hulle posisies verander? --- Die enigste wie van posisie verander het was Lechael Musibi.

Waar het hy gaan staan? --- Hy het sy posisie

verskeie/....

verskeie kere verander.

Het hy sy posisie verskeie kere verander? ---Ja.

Kan u onthou na watter getuies hy sy posisie verander het of nie? --- Hy het verander die eerste paar keer nadat hy uitgewys was.

Wat verskyn op die volgende strokie? --- Konstabel van Zyl van die Polisie te Springs.

Het jy sy voorletters daar? --- F. van Zyl. Hy was versoek om die persoon of persone, indien op die parade, uit te wys wat op die 21ste Maart 1960 te Sharpeville Polisiestasie aan die betogings en oproer deelgeneem het, of wie gedurende die nag van die 20ste/21ste Maart en in die loop van die dag van 21 Maart elders in Sharpeville lokasie aan die betogings en oproer deelgeneem het. Hy het vir nr. 10, George Qotzwa, uitgewys, en hy het gesê "Hy het by die draad gestaan en skree".

BY MR. UNTERHALTER:

Your Worship, I am aware that the witness is giving evidence in regard to an identification parade, but in regard to the particular evidence of what the identifying witness said, that the person whom he pointed out on the parade said, that obviously in my submission will not be evidence.

BY THE PUBLIC PROSECUTOR:

Your Worship, it is part of the res gestae in so far as the pointing out at the parade goes.

BY THE COURT:

It is not part of the res gestae of the crime before me, Mr. Prosecutor, and I think there is something in the point. I would like to hear you.

BY THE PUBLIC PROSECUTOR:

There could be a reaction from an accused person as well Sir, as to anybody who says anything.

By/....

BY THE COURT:

Until the accused want to know what he said so as to test his credibility and compare it with the evidence he has given, I don't think it is competent for the Crown to lead evidence of what witnesses said on the parade, but just merely as to whom they pointed out in reply to whatever question was put to them.

BY THE PUBLIC PROSECUTOR:

Yes. I am really only interested in the pointing out Sir, and not particularly in the remarks made.

BY THE COURT:

Well, I think that seeing you have had the objection you had better just confine yourself to what the witness pointed out or whom the witness pointed out after he had been asked a particular question.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Voordat ons verder aangaan Sersant. Die blanko vorm wat 'n afskrif is van die tipe vorms wat by die parade gebruik is, is dit nou bewysstuk nr. 103? Is dit reg? ---Ja.

DEUR DIE HOF:

Dit is 'n voorbeeld van die vorm wat gebruik was?

--- Ja.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Sersant, nadat elke uitkennende getuie na die parade gebring is, het almal dieselfde roete gevolg as wat Malakia gevolg het? --- Ja, hulle het ingekom en uitgegaan.

Ingekom en uitgegaan by verskillende ingange en uitgange? --- Ja.

En na elke uitkennende getuie was die verdagte persone of die persone op die parade 'n kans gegee om hulle posisies/....

posisies te verander as hulle wou? --- Hulle was.

Wie was die volgende persoon? --- Speurdersersant Wessels van die Veiligheidsafdeling.

En was dieselfde vraag aan hom gestel as wat op bewysstuk 103 voorkom? --- Dit is reg.

Het hy enige persone uitgewys? --- Hy het vir Lechael Musibi uitgewys.

En die volgende getuie? --- Ek kan nie sê dit is die volgende getuie nie, maar dit is die volgende getuie wie uitgewys het.

Die volgende strokie watu daar het? --- Dit is Konstabel van Wyk. L.V. van Wyk van die Radio, Johannesburg. Hy het ook vir Lechael Musibi uitgewys.

Wie was die volgende een? --- Konstabel van Zyl, J.P.M. van Zyl van Radio, Johannesburg. Hy het vir Lechael Musibi uitgewys. Dan Konstabel E.M. Pretorius van Radio, Johannesburg. Hy het vir Lechael Musibi uitgewys. Konstabel S.G. van Niekerk van Radio, Johannesburg, het vir Lechael Musibi uitgewys. Konstabel Steyn, P.C. Steyn, het vir Lechael Musibi uitgewys. Bantoe Sparderkonstabel Amos Dhubada het ook vir Lechael Musibi uitgewys. Konstabel P.F. Mynhardt het vir Lechael Musibi uitgewys. Konstabel J. Joubert van Springs het vir Lechael Musibi uitgewys. Konstabel de Vries van Springs het vir Matthews Mashea en Hophny Marabe uitgewys. Ek weet nie....

Wat is daardie man se naam Sersant, die Konstabel se naam? --- Konstabel A. de Vries.

U het nie 'n persoon op die parade gehad met die naam van Hophny Marabe nie, d.i. as u op die lys van verdagtes kyk nie? U moet net seker maak? --- Ek het, Edelaagbare.

Watter posisie het Hophny Marabe ingeneem? --- Nr.18.

Deur/....

DEUR DIE HOF:

Herhaal net 'n bietjie? Hy het vir Hophny Marabe uitgewys en wie nog? --- En vir Matthews Mashea, nr. 3 op die parade.

Mr. Prosecutor, are we now hearing about persons who were accused before the Court?

BY THE PUBLIC PROSECUTOR:

The last name he mentioned is not before the Court, Your Worship.

BY THE COURT:

Is it perhaps a person who formerly was an accused or something like that?

BY THE PUBLIC PROSECUTOR:

He was an accused, Your Worship. These were all suspects.

BY THE COURT:

It looks like accused No. 46.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Wie was die volgende persoon? --- Dit was al.

Dit is al dankie, Edelagbare.

BY THE COURT:

In regard to the statements alleged to have been made by the first few witnesses before you took the point Mr. Unterhalter, I must disregard those as the matter now stands.

BY MR. UNTERHALTER:

As Your Worship pleases.

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. Engelbrecht, I gathered from what you said that this was rather a difficult parade to organise, because of the length of time it involved and the large number of people on parade? Is that correct? --- That is correct.

The/....

The particular people who were assembled on the parade to be identified, or rather to be presented for examination by witnesses, do you know if they all came from the Sharpeville location? --- I think they did. I see now on my list except one. I have the address as "Hostel". It might be Sharpeville hostel; I don't know.

Now, you were aware I take it of the need to protect the people who were ranged up for inspection as best as could be arranged and in fairness to them? --- That is correct.

As far as the clothing is concerned, did you, when you had arranged them to be lined up, yourself go down the line and look at them and pay regard to their clothing? --- In what respect?

To see whether there was anything that any of them was wearing that might perhaps make them more conspicuous than otherwise? --- They were all dressed differently. There was one person on the parade with a broken leg. He was standing there with a crutch. I think it would have been extremely difficult.

It would have been extremely difficult. Can I take it from that then Mr. Engelbrecht, that you did not yourself go down the line and look at each one of them and examine them and judge whether or not their clothing was conspicuous? --- There was no one whose clothing was that conspicuous that they could be identified.

No Mr. Engelbrecht, what I am asking is did you go down the line and look at them and consider each one individually and form your own judgment, or did you not? I take it you did not? --- I did not.

Can you say on what basis the people who were summoned to be lined up on this parade, were selected, or don't you/....

you know? --- I don't know. I did not select them.

Do you know if anybody did? --- I presume somebody must have.

But you don't know? --- I don't know.

Mr. Engelbrecht, in conducting a parade, and having regard to questions of fairness affecting a suspected person, is it not usually the procedure to take people who are of the same height and build as the suspect, to eliminate any possibility of his standing out for height? Just, if I may complete my question, for example if he was a conspicuously short person, i.e. the suspect, would the person organising the parade for example not see that there were at least a certain number of people of similar height, so as to safeguard him in that respect? --- If there was only one suspect, but here you have a number of suspects of different builds and different heights and different ages.

Carry on? --- I had I think eight or ten suspects on this particular parade out of thirty-six people, and I was satisfied that the balance of the persons on the parade were in a sufficient number similar to each suspect to make the parade fair.

Just let me get the procedure correct first. Am I correct in what I put to you? If there was only one suspect who was say conspicuously short, is it usual in a case like that to have several of the same height and build, to protect him against his conspicuousness in that regard? --- That is correct.

Now, do you say that when there are several suspects assembled on one parade, then you just leave it without getting a specific number of people of the same height as each suspect?

--- In a case like this where there were a number of suspects and/....

and a large number on the parade, unless one of the suspects was conspicuously short or tall or conspicuous in any other way, I would have been satisfied that the parade was fair.

Mr. Engelbrecht, is it usual to put several suspects on one parade, or is it more usual or is it the procedure to put one suspect on a parade by himself, and another suspect on a parade by himself, and so on? — That is not the practice.

You do put several suspects on one parade? — That is correct.

Now, if you will look please at Exhibit No. 102, you will see that there are some windows behind the people whose photographs have been taken? You agree with that? — That is correct.

They may not all be windows, and one of them looks like a glass door, but they are all windows are they not? — Yes.

Yes, I think it is. They are all windows. I thought that one of them looked like a glass door, but they are all windows are they not? — Yes. The high windows are the windows on the outside of the gaol, and the low windows on the right of the parade are the windows on the inside of the gaol.

Now, Exhibit No. 102 is actually a composite photograph made up by joining various small photographs? Is that right? — It is actually five different photographs.

Five different photographs? — Five yes.

It looks as if it is six, does it not? — Yes, it is six.

Were these six separate photographs then taken of different sections of the parade? — That is correct. The photographs had to be taken closeup because of the confined space, and then they could not all be got in at once, and they were/....

were not standing in one straight line. They were standing....

In a horseshoe? — Not quite a horseshoe, but in a semi-circle.

Standing in a semi-circle? — Yes.

And I understood you to say you could not get back sufficiently far to put them all on the one film? — Yes, that is correct.

Now, the picture was not taken by you? — No, this picture was taken by the photographer.

By joining these pictures together we have a group of people presented in a certain order on the composite photograph? Is that correct? — That is correct.

How can you be satisfied today Mr. Engelbrecht, that in fact the order in which these photographs are joined on Exhibit 102, is in fact the order in which these particular people were assembled in that semi-circle on that day? — These photos were taken in my presence and there were thirty-six people on the parade, and here are thirty-six different persons on the parade, and I am satisfied that these are the persons that were on the parade that I held.

What makes you satisfied after this length of time, that for example photographs shall we say 4 and 5 are not incorrectly juxtaposed? — I have made a list of all the names in numerical order, and Lechael Musibi was No. 34 on my list, and he is No. 34 on this photo. No. 10, Qotzwa, was No. 10 on my list, and he is No. 10 on this photo.

Now, when you say that both these people have those numbers on the photograph, do you say it because you know them and can connect the photograph with the name? — I cannot remember Qotzwa, but I can remember Musibi.

Mr. Engelbrecht, why did you say then that Qotzwa

is/....

is No. 10 on the photograph if you cannot connect the face of Qotzwa with No. 10 on the photograph? --- About Qotzwa I have made enquiries this morning and they told me that he was No. 10, and I looked at my parade and I saw that he was No. 10.

In other words, to some extent you are relying on information provided to you by other people? --- That is correct.

Now, did it not seem to you Mr. Engelbrecht somewhat undesirable to have these people assembled in a room with so many windows through which people might perhaps have peered? --- They could have seen inside the room from inside the gaol, but they could not see inside the room from outside the gaol.

What prevented their seeing into the room from outside the gaol? --- The outside windows are too high.

Now, would you look at Exhibit 102, right at the extreme right as you look at it? --- Yes.

You will see that there is a window behind the last three people? --- Yes.

And it appears to be a window looking out of a building to an exterior? Is that in fact correct? --- This is a window.... The building at the back is part of the gaol building on the inside of the triangle in the gaol.

In other words, the window gives out onto an exterior portion of the building? Am I correct? --- That building is still part of the gaol.

But it is giving out onto the open air? Let me put it that way, and not onto an interior portion of the building, i.e. this last window on the right? --- It faces the inside of the gaol.

No, you don't follow me. You see, outside here, this courtyard, is the open air. It is outside this building, but it is not outside in the street, but it is part of an interior/....

interior portion of the building? Do you follow that? — Yes, I follow that.

The door that I point to is outside this room but it is part of the interior of the building? Do you agree? — To that I agree.

Now, when I point to this window on the extreme right of the photograph, that gives out on an exterior portion of that gaol? Is that correct? — Yes.

And moving to the left along this photograph the next window appears to give on to some interior portion of the building? Is that correct? — Which window would that be? That is two windows next to each other.

Well, it is the second one from the righthand side? — Yes. The first and the second one are two windows in the same wall.

Yes, but does the one on the extreme right give onto an exterior and the one next to it give onto an interior? — They both give onto an interior, onto the inside of the gaol itself. The building at the back of the window on the extreme right, that is a building built inside the triangle of the gaol itself.

Yes, I follow that. — On the other one you ^{see} the side of the gaol running down.

Now, if you were to go out of either of those windows, would you have the sky above you or would you have a roof above you? — There would be a verandah and then the sky.

For both those windows? — Yes.

And will you take the window just beyond that, i.e. the third from the right? Is that still inside the gaol? — That would be looking out of the gaol.

Onto the street so to speak? — Well, not the street/....

street; the veld.

Onto the veld? --- Yes.

And the next two windows? --- Onto the veld.

Also? --- Yes.

Now, do you say in regard to these last three, which look out onto the veld, they are too high for anyone to have looked in? --- They are not too high to look through if you are to climb up against the windows; from the ground level you cannot see through.

Now, in regard to the two windows that give onto a portion of the interior of the gaol, did it not seem to you undesirable that these people should be assembled close by those windows, with opportunities for people to peer through? --- The witnesses were outside the gaol, and not on the inside.

Mr. Engelbrecht, what guarantee did you have as the person in charge of the parade, that the people assembled outside to be called in for identification, were there under proper control and had no opportunity to get into any part of the interior of the gaol, to peer through this window and have a look at what was going on before they were called? --- There were uniformed Policemen stationed there to stop anybody from entering, and the witnesses themselves were under the control of Policemen before the parade was set up.

Now, do you know of your own personal knowledge that Police were stationed in the interior of the gaol to prevent witnesses from getting access to these windows? --- I know of my own personal knowledge.

Do you remember the names of these Constables or Policemen? --- I cannot remember their names. They were unknown to me, but I saw them standing there and I enquired why they were there and I was told why.

Was/....

street; the veld.

Onto the veld? --- Yes.

And the next two windows? --- Onto the veld.

Also? --- Yes.

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Do you remember the names of these Constables or Policemen? --- I cannot remember their names. They were unknown to me, but I saw them standing there and I enquired why they were there and I was told why.

Was/....

Was this done by arrangement with the Superintendent of the gaol? --- That gaol was not in use at the time. It was still in the process of being erected. That particular portion where the parade was held was complete but not in use.

Were they uniformed Policemen who were acting as guards? --- They were uniformed Policemen.

Africans or Europeans? --- Europeans.

Do you know who gave the instruction to them to stand as guards? --- I don't know.

Do you know if in addition to Constables there were some Officers senior to them moving around that building, who might have given this instruction? --- Some of the guards were N.C.I.'s. They were not all Constables, and there were Head Constables moving around. I do not know what their duty was there.

You saw no Officers yourself, uniformed Policemen, Officers, say of the rank of Lieutenant or Captain or anything like that, who might have given such an instruction? --- I cannot recollect seeing a uniformed Officer in uniform.

Were you present when these people arrived at this prison for the purpose of being assembled for inspection? --- When I arrived there some had already arrived. The suspects arrived after I arrived there.

The suspects arrived after you arrived? --- After I arrived. They were brought there in a closed truck.

You saw them as they arrived in this truck? --- I saw them as they got out of the truck.

Were you in the company of other members of the Police Force when they arrived? --- I must have been.

Did you perhaps hear, as the suspects descended from the lorry, somebody shout out "Waar is die "teacher"?"

and/....

and then observe any person point out one of the suspects and say "Die "teacher" is hier"? --- I did not hear that.

I am not saying you said it. I am asking if you heard it? --- I did not hear that.

Nor did you see that? --- See what?

See the pointing out? Someone come over and say "Die "teacher" is hier"? --- I did not see that.

At the time that this lorry with the suspects arrived, where were the witnesses? --- They were at the Vereeniging Police Station. They had been assembled not at the gaol, but somewhere else. I did not see any witnesses there when I arrived.

Is it possible Mr. Engelbrecht that among the Police at the gaol at the time that the lorry with the suspects arrived, there may have been certain Police who were subsequently called as witnesses to the parade? --- It is possible.

You see, I put these questions to you about the windows because the evidence of Lechael is going to be that opposite him and behind him there were large windows, into which people from outside could see? Now, what is your comment on that? --- There were windows and people could possibly see through them.

Mr. Engelbrecht, I wonder if you were aware of the fact that shortly before this parade on the 19th May, there had been an inquiry held in this very Court room before His Lordship Mr. Justice Wessels, into the disturbances at Sharpeville? Were you aware of that? --- I was aware of that.

Did anyone inform you or did you know of yourself that one of the suspects had given evidence before His Lordship? --- I cannot say that. I do not know.

Was it not brought to your attention that one of

the/....

the suspects had had his photograph in a newspaper, and that there were news items both in the English and Afrikaans Press about his evidence at the parade a week before? --- It was not brought to my attention.

And you did not read anything yourself in the newspapers I take it? --- I did not.

Now Mr. Engelbrecht, can I assume that had you as the Officer in charge of this parade known that one of the suspects about a week before had had this widespread publicity, you would have taken very special steps, out of the ordinary may I say, to protect him on the parade? Is that a fair assumption for me to make? --- I would have asked the witnesses whether they had seen him at the Inquiry or whether they had seen his photo at the parade.

Now Mr. Engelbrecht, I understood you to say that they were invited to choose their positions on the parade and to say if they were satisfied with the parade? --- That is correct.

Well, I must tell you Mr. Engelbrecht that my instructions are - let me deal first with Lechael, accused No. 63 - that he was not asked to choose his position on the parade, nor to say if he was satisfied with it? --- They were all asked that; not everyone in particular.

And I have the same instructions in regard to George Qotzwa, No. 52, that he was not invited to choose his position? What do you say to that? --- He was requested to take up his position wherever he wanted on the parade; all of them, all the suspects. Lechael changed his position several times.

Well Mr. Engelbrecht, let me put it to you this way. If you tell a group of people who are assembled on a parade ground/....

ground to choose their positions, then without an instruction from anyone in authority as to where each one should go, is there not something of a turmoil? Perhaps you had better explain to me. How did it happen when you invited them to choose their positions that they did it? --- I had the names of the suspects, and I told them all to line up in a row around the room. Then I read out the names of the suspects and they answered, and I asked them whether they were satisfied to stand in that particular position where they were. At first they all remained there, and after the witnesses had pointed out Michael he changed from one to the other; three or four times he changed.

Well then Mr. Engelbrecht, is it correct that at the very beginning they were not invited to choose their own positions, but you lined them up in whatever order they happened to be at that time? Is that correct? --- Yes. The suspects were brought in after the other people had been in the room.

Yes? --- And then I asked them to line up, and they picked the positions where they wanted to be, and I asked them if they were satisfied to stand there, and they said yes. I did not take the suspects one at a time and say "There is the line. Pick your position". I told them all to pick their positions, and the parade formed. I asked them if they were satisfied to stand there, and they said yes.

Then is the picture something like this? Here are a group of people lined up on the parade without the suspects? --- No, they were in the room without the suspects, and then the suspects were brought in.

Well, that is what I am putting to you. Let me put it to you again. The people who were not suspects were in the room? --- That is correct.

They were lined up anyhow? --- They were not lined

up/....

up.

They were just standing about? --- They were just standing around.

Now, before the suspects were brought in were they lined up? --- They were not lined up.

Were they not lined up until the suspects came in? --- Not until the suspects came in.

So the suspects come in and then we have got two groups of people so to speak mixed up, the non-suspects and the suspects, and nobody yet lined up? --- Yes, they were all mixed up. They were not two separate groups.

They were all mixed up and nobody was lined up? --- Nobody was lined up.

How did you get them lined up? --- I told them to line up.

You told everybody to line up? --- Yes.

Now, I take it there was a certain number of people there who were not under suspicion at all? They had just been brought in to make up the parade to a total of thirty-six? --- Yes, I think there were eight suspects, and there would have been twenty-eight non-suspects.

Do you speak authoritatively about that, or do you assume that there were eight people who were suspected and the others who were just there as make-weight? --- I assume that there were eight people who had been charged in this particular case.

But it may be that they were all under suspicion? --- That may be so.

Anyway, now you have these two groups - let's put it that way - all together in the room and you tell them to line up? --- That is correct.

And/....

And they line up? — That is correct.

You don't tell them to line up in any particular position that you wish to, but you just tell them to line up and they line up? — I just tell them to line up.

And then you say to them "Are you satisfied with your positions?" — No, then I say..... I read out the names of these suspects I had. I had the names of these persons who had been charged in this case, and I told them "Look, this parade is being held for the people to point out persons who were involved in the Sharpeville affair", and I told them that they may choose their positions on the parade and I asked them if they were satisfied. At that time some of them changed around from one position to the other.

Well, as I have said, these two are going to say that they were not asked to choose their positions. You are quite certain that the exit and the entrance were separate doors? — I am not so sure about that, Your Worship.

You see, both these people claim that the people came in and went out by the same door? Now, that is possible is it not? — That is possible.

So when you said in your evidence-in-chief that they left by a separate exit you were mistaken, or you may have been mistaken? — Yes, I may have been mistaken. I did not say that. The Prosecutor said that and I agreed to that, but I am not so sure that that is correct. They did not leave the gaol by the same entrance that they entered. It is possible that that particular room where the parade was held had only one entrance. They entered the gaol from the one side and they left the gaol right at the other end.

Mr. Engelbrecht, when my learned friend put the question to you, you did understand it did you not as referring to/....

to an entrance to and exit from the parade? --- That is correct

Why did you agree with what he put to you without qualifying it as you have now done? --- I have since thought about it. This parade was held eight months ago. I cannot remember everything that happened in detail.

Is it possible then Mr. Engelbrecht that in regard to this other detail of having invited them to change their positions right at the beginning of the parade, that you may be mistaken? --- There I am not mistaken.

Was there a Policeman guarding the entrance to the parade? I am talking of the door through which they came? --- Yes.

Was there any guarantee that he was not talking to these people as they came through the door? --- I would have heard it.

Now, Lechael, No. 63, will say that after he had been pointed out by a number of Europeans the person in charge suggested that he change his position and he did so. --- I did not suggest that to him. He changed several times.

Well, did you not perhaps invite him, after he had been pointed out by several people, to change his position? --- I told him that he could if he so desired.

That was during the course of the parade? I want you to distinguish from what you have told us about the beginning of the parade, from what happened during the parade. After he had been pointed out by several people, did you not say to him "You can change your position if you want to"? --- After every person had been called he was invited to change his position. After he had been pointed out, and he was invited, he did change.

He will say he only received that invitation after

he/....

he had been pointed out several times? --- That is not correct.

He will say that on one occasion after having been pointed out he was told to go back to his original position? What do you say to that? --- I deny that.

You deny it? --- I deny that.

Now, there was a man called Amos, was there not? Do you remember him, i.e. an African detective in plain clothes? --- Called to the parade?

No, who was present there to identify, a man called Amos? Do you remember him? --- The witness yes. I think it was one of the papers that I had here.

If I am not mistaken I think you gave evidence about it.....

BY THE COURT:

Well, if he did not give evidence or is not going to then I am not interested in what he did. I have the note as Bantu Detective Constable Amos.... I am not sure about the surname.

BY MR. UNTERHALTER:

Dabada,
Dabada, Your Worship.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, is it not correct that this man went past the whole of the circle and pointed nobody out? --- I cannot recollect him on the parade at all. I cannot remember.

Have a look at your slip of paper? Do you have it before you? --- Yes.

Now, does it assist you perhaps to answer my question? --- It does not assist me at all.

Well, Lechael is going to say that this man went past the horseshoe, the semi-circle as you put it, and pointed nobody out, and as he was leaving he said in Sesethe "Our people/....

people, I have seen nobody except the teacher who was doing nothing and was on a bicycle at the far corner". He is going to say that when this was said by Amos you or the European in charge - I assume it was you - called him, i.e. Amos, and wrote down answers to certain questions that you apparently put to him? --- That is definitely not correct.

He is going to say further that you asked Amos who the teacher was, and that Amos then pointed out accused No. 63, and that you then asked his name and he gave it to you? --- That is incorrect.

Do you happen to know if Amos is still in the Police Force or available to give evidence?

BY THE COURT:

He has been called. He has given evidence, Mr. Unterhalter.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

These particular people all of whom pointed out Michael, the various Constables, do you know whether they did it one after the other, or were there people inbetween before they were called? In other words, have you any record of the sequence of the witnesses as called? The order in which they were called? --- It was not one after the other. Of that I am sure.

Now Mr. Engelbrecht, what information have you personally got that can satisfy His Worship this morning, that the people who left the parade did not have access to those who were waiting to come onto the parade? --- I cannot say that. I merely saw them come in from the one side and go out the other end. Whether they went right out of the gate also I cannot say; I do not know.

May I just see the papers for a moment please? ---

Yes/....

Yes.

BY THE COURT:

Are you now looking at the notes from which the witness refreshed his memory?

BY MR. UNTERHALTER:

That is so, Your Worship.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Do you know who it was who took the photographs, Mr. Engelbrecht? --- I knew who it was.

Could I have his name please? --- I cannot recollect his name. He is a fingerprint expert from Johannesburg Fingerprint Office.

He is a fingerprint expert? --- Yes.

And the time approximately when the photographs were taken? --- Half-past nine I should imagine.

And the list that you made, at what time did you make the list? --- I made the list after the suspects told me they were satisfied with their positions; I took down the names.

If there were any wrong identifications or identifications of people other than the eight suspects whom you said you have in your list, did you make a record of that too? --- Yes. Your Worship, these were not all the witnesses that were called.

These are not all the witnesses that were called? --- No, there must have been about a hundred witnesses that were called.

And you have only confined yourself then to the witnesses in connection with accused No. 52 and accused No. 63? --- I have only confined myself to accused who are still being charged now.

Thank you, Your Worship.

No/....

2,828.

D.J.H. Engelbrecht.

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

COURT ADJOURNS.

COURT RESUMES:

BY MR. UNTERHALTER:

Your Worship, there is just one question that with the leave of the Court I should like to put?

BY THE COURT:

Very well.

DANIEL JOHANNES HENDRIK ENGELBRECHT, under his former oath, states:

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Mr. Engelbrecht, in your evidence there was reference made to accused No. 65, i.e. Hephny, as having been pointed out and being on the parade. Do you recollect that? — I do.

He likewise is going to say that he was not invited either to choose a position or to change his position? What do you say to that? — I say that he was.

Thank you, Your Worship.

BY THE PUBLIC PROSECUTOR:

Your Worship, before re-examining this witness it might perhaps be convenient for me to make an application to Your Worship to hold an inspection-in-locus at the local gaol, which will enable me then to.....

BY THE COURT:

The scene where this parade was supposed to have been held?

By/....

BY THE PUBLIC PROSECUTOR:

Yes, Your Worship.

BY THE COURT:

It would be useful I suppose. Do you want to keep the question of re-examination over until after the inspection?

BY THE PUBLIC PROSECUTOR:

If Your Worship pleases.

BY THE COURT:

The witness of course will have to be there to assist us, to point out the places. It would help me if I was to go and look at this scene, so we will adjourn for an inspection-in-leece.

COURT ADJOURNS.

COURT RESUMES:

DANIEL JOHANNES HENDRIK ENGELBRECHT, under his former oath, states:

BY MR. UNTERHALTER:

Your Worship, I wonder if with the permission of the Court I might ask just one or two other questions which I can now put more intelligently having seen the precincts of the gaol?

BY THE COURT:

Very well, Mr. Unterhalter.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Mr. Engelbrecht, now that I have seen the new Vereeniging gaol at which this parade was held on the 19th May of last year, I want to ask you a question about the presence of the witnesses at the time that the lorry with the suspects arrived/....

arrived. You will remember that apparently these witnesses came through that big door that gives onto the shelter, and that beyond that shelter there is the open courtyard, and leading off the courtyard are the cells, in one of which you conducted your parade? That is correct, is it not? — That is correct.

Now, although the area is today built up — it is a complete building — at that time the building was only partially complete and some of the walls were not erected? Is that correct? — That is not correct.

Is that incorrect? — It is incorrect. That portion of the gaol where the parade was held was complete. The building outside the entrance, that was not there at all. That had not been erected.

BY THE COURT:

Was the building complete in so far as it enclosed that courtyard on all sides? — That is correct, Your Worship.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

And before the parade were there not a very large number of Policemen and people generally gathered in that courtyard, wandering around and inspecting the building, and looking at the cells through the windows? — No.

Do you say that none of the witnesses that were required later to come into the parade had at any time before the parade wandered about in the courtyard that we saw this afternoon? — No, the witnesses were not there.

Now, it is correct is it not, that the witnesses were assembled outside that double door through which we came when we entered the courtyard? — They were not assembled there. They were brought to that spot. They had been assembled somewhere else.

Well, they had been assembled somewhere beyond that

at/....

at the point somewhere near the present kitchens? --- I believe they had been assembled at the Vereeniging Police Station, and brought there after the parade had been set up.

When they were brought from Vereeniging they got out of whatever conveyances had brought them, and stood somewhere near where the present kitchens are? Would that be correct? --- That would be correct, but I did not see them stand there. I only saw them come into the courtyard from outside.

Can you not say if the lorry which brought the suspects and the others who had to be assembled on the parade, came to the same point somewhere near the kitchens where these witnesses were likewise standing? --- I cannot say that.

Thank you, Your Worship.

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER:

Sersant, u het die Hof vergesel op 'n inspeksie-ter-plaatse vanniddag, en u het toe uitgewys ... ek dink dit was aan die noordekant ... die selgebou waarin u die parade gehou het? --- Dit is korrek.

Neu, weet u op watter tydstop die uitkennende getuies na die treuk gebring is, d.i. na buitekant? --- Dit was nadat die persone reeds op die parade was.

En die vensters in die selgebou waar u die parade gehou het wat na buitekant toe kyk, d.w.s. aan die veld se kant, het u opgelet vanniddag hoe hoog hulle is van die grond af? --- Van binne die sel is hulle ongeveer ses voet, en van buite is hulle ongeveer sewe na agt voet.

En terwyl u besig was om die parade te hou, die vensters wat na die binneplein toe kyk, na die "quadrangle" sal ons maar sê, as enige persone daar ingeleer het sou u dit opgelet het? Die binnevenstertjies, d.w.s. die vensters op bewysstuk/....

bewysstuk 102? --- Ek sou dit heel waarskynlik opgemerk het.

Het u ooit enige klagtes ontvang van enige beskuldigde in verband met die manier waarop u parade opgestel was? ---
Nee.

Tydens die verloop van die parade self nie? --- Nee.

Nou, daar was geen burgers wat van buitekant gebruik is op hierdie parade nie? Al die mense op die parade was mense in hegtenis? --- Ek vermoed so.

U het natuurlik net belang gestel in die aangehouden wat wel aangekla was? --- Dit is reg.

Ek ^{wee} nie of ek dit vasgestel het nie. Het u vir ons vertel waar Hophny Marabe gestaan het op die parade, watter nommer? --- Ja.

DEUR DIE HOF:

Ja, die getuie het. Laat ek net u geheue verfris mnr. die Aanklaer.

DEUR DIE PUBLIEKE AANKLAER:

Ek het 'n idee dat hy het nr. 18 gesê.

DEUR DIE HOF:

Ja, dit is reg.

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

U was nou by die inspeksie-ter-plaatse, en nadat die mense by die parade ingekom het waarheen het hulle gegaan toe hulle uitgegaan het? --- Hulle het eers na 'n derde parade toe gegaan, en toe het hulle gegaan na die uitgang aan die suidelike kant van die gebou.

DEUR DIE HOF:

Mnr. Engelbrecht, ek dink ek sal dit so aan u stel. U het nou 'n sel uitgewys waarin die parade gehou was. U het my vanmiddag die sel gewys waarin die parade gehou was? --- Dit is reg.

Daardie/....

bewysstuk 102? — Ek sou dit heel waarskynlik opgemerk het.

Het u ooit enige klagtes ontvang van enige beskuldigde in verband met die manier waarop u parade opgestel was? —

Nee.

Tydens die verloop van die parade self nie? — Nee.

Nou, daar was geen burgers wat van buitekant gebruik is op hierdie parade nie? Al die mense op die parade was mense in hegtenis? — Ek vermoed so.

U het natuurlik net belang gestel in die aangehoudendes wat wel aangekla was? — Dit is reg.

Ek ^{wee} nie of ek dit vasgestel het nie. Het u vir ons vertel waar Hophny Marabe gestaan het op die parade, watter nommer? — Ja.

DEUR DIE HOF:

Ja, die getuie het. Laat ek net u geheue verfris mnr. die Aanklaer.

DEUR DIE PUBLIEKE AANKLAER:

Ek het 'n idee dat hy het nr. 18 gesê.

DEUR DIE HOF:

Ja, dit is reg.

HERVERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

U was nou by die inspeksie-ter-plaatse, en nadat die manse by die parade ingekom het waarheen het hulle gegaan toe hulle uitgegaan het? — Hulle het eers na 'n derde parade toe gegaan, en toe het hulle gegaan na die uitgang aan die suidelike kant van die gebou.

DEUR DIE HOF:

Mnr. Engelbrecht, ek dink ek sal dit so aan u stel. U het nou 'n sel uitgewys waarin die parade gehou was. U het my vanmiddag die sel gewys waarin die parade gehou was? — Dit is reg.

Daardie/....

Daardie sel is aan die noordekant van die binneplein?

--- Dit is korrek.

Daar is dan ook selle aan die anderkante van die plein, nie waar nie? --- Daar is selle aan al vier kante.

Rondom die binneplein wat meer in 'n vierkant is?

--- Dit is reg.

Die getuies het ingekom by 'n deur van buite af wat ten weste van jou sel was waar jy die parade gehou het? Is dit reg? --- Dit is reg, Edelagbare.

Hulle het oor 'n stoep geloop en dan uiteindelik by die ingang van die sel beland? Is dit reg? --- Hulle het eers na die sel gegaan langs myne.

Ja, hulle het eers na 'n ander sel gegaan verstaan ek vir 'n ander parade, en toe daarvandaan gekom na die deur van u sel? --- Dit is korrek.

Alles ten weste van jou sel? --- Dit is reg.

Hulle het ingekom en die parade is daar binne-in gehou, en hulle het by die seldeur weer uitgegaan? --- Dit is reg.

En soos u dit vir my daar aangetoon het, daarvandaan af is hulle ooswaarts van jou sel af, en suidwaarts om by die suidelike kant van die binneplein uit te gaan? --- Dit is korrek.

Nou, die vensters in die noordelike muur van die sel waar u parade gehou is, die is vensters wat aan die buitekant van die gebou is? --- Dit was aan die buitekant van die gebou op daardie tyd.

Dit is die noordelike muur van die sel? --- Dit is reg.

Jy stem saam? Ons het almal daarna gaan kyk, en 'n gewone persoon sou nooit daardeur kan sien nie tensy hy op iets staan? --- Dit is korrek.

Die vensters in die suidelike muur van jou sel was

so/....

so dat persone daardeur kon na binne kyk en sien wat aangaan?
 --- Dit is korrek.

Nou Sersant, u getuienis omtrent wat by die parade aangegaan het is vir my nog nie heeltemal duidelik nie. Kyk, die getuies wat geroep sou word die het u verstaan word by die Vereeniging Polisiestasié gehou? Is dit reg? Hulle was daar bymekaar gewees, by die Vereeniging Polisiestasié? --- Ek het verstaan hulle sou daar bymekaar gemaak word en dan na die tronk gebring word.

Maar hulle sou daar bymekaar gemaak word? U het nie gesien of dit gebeur het nie? --- Ek het dit nie gesien nie. U is na die tronk toe? --- Ja.

Nou, het u die vangwa met die verdagtes gesien aankom by die tronk? --- Ja.

Was u buite of was u binnekant? --- Toe was ek buite.

Buitekant toe hy daar aangekom het? --- Ja, toe hy daar aangekom het.

Nou, toe hy daar aangekom het was daar toe enige van daardie getuies teenwoordig? --- Toe was die getuies nie daar nie.

En is die verdagte persone toe deur daardie selfde deur waar ons ingegaan het vanmiddag? Is hulle by daardie deur in? --- Hulle is by daardie deur in.

U het gesien dat hulle ingaan? --- Ek het gesien dat hulle daar ingaan.

Tot op daardie stadium was daar dan geen uitkennings getuies op die perseel van die tronk sover as wat u weet nie? --- Sover ek weet nie.

Nou, u is toe natuurlik in die sel in en het daar die parade opgestel? Is dit reg? --- Dit is korrek.

Hoe het die persone buitekant gewet wanneer hulle moet/....

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D.J.H. Engelbrecht.
J. Nthekoa.

moet tronk toe kom om te kyk of hulle kan mense uitwys? Het u hulle laat weet of het iemand anders hulle laat weet? — Iemand anders het hulle laat weet, Edelagbare. Ek het hulle nie laat weet nie, maar hulle was daar gebring nadat die parade opgestel was.

Nadat jou parade opgestel was. Verstaan ek dit reg dat die getuies — ek weet nie of hulle nou almal eers na 'n ander parade gegaan het nie, in die sel langs jou sel nie? — Ja, hulle was almal eers na die ander parade toe.

En daarvandaan af na die parade wat u gehou het, en daarvandaan verstaan ek na 'n derde parade toe? — Dit is korrek.

Dankie. Jy kan maar afstaan.

JOHN NTHEKOA, duly sworn, states: (Witness speaks Sesotho).

EXAMINED BY THE PUBLIC PROSECUTOR:

Are you a Bantu Constable in the South African Police stationed at Vereeniging? — That is correct.

Now, on the 19th May last year, did you act as an interpreter for Detective Sergeant Engelbrecht at the Vereeniging gaol, the new Vereeniging gaol, when the Sergeant was holding a parade? — That is correct.

And did you have to interpret for him? — Yes.

Did you faithfully and to the best of your ability translate whatever he said into the native language that you were using? — Yes.

What language did you translate into what the Sergeant said? — It was translating back to Sesotho, i.e. From Afrikaans to Sesotho.

By/....

BY THE COURT:

Into Southern Sesotho? — Yes, into Southern Sotho.

CROSS-EXAMINED BY MR. UNTERHALTER:

When Sergeant Engelbrecht first spoke to the parade, was that the first time that you spoke to the parade, in translation? — Yes.

Before that you did not ask any of the people on the parade any questions yourself? — No.

And after that you only translated what Mr. Engelbrecht said in Afrikaans? — That is correct.

And you used the Southern Sotho language? — That is correct.

You were the only interpreter on duty there throughout that parade? — Yes.

Now, how could you be satisfied if you spoke Southern Sotho, that all the people who were on this parade understood what you were saying? — When the first question was asked by the man in charge of the parade I made enquiries from those on the parade whether they will understand me if I speak in Southern Sotho, and they said yes, they all agreed.

Was that the first question that was put? — That was the first question. I asked them after the first question had been asked by the Sergeant. That question was put by me.

Now, how do you know that the question as you put it was understood by everyone on parade? — I still asked them in the Southern Sotho language, and they said they understood my first question I put to them, whether they would understand what I was going to say to them in Southern Sotho.

Now, when you said they understood, did everybody from the parade say "Yes"? — Yes.

How could you be satisfied that each and every one of/....

of them said "Yes", and not only just some of them? --- I walked down the line of the parade and asked them individually whether they understood and they said yes.

Are you quite sure about that? --- Yes.

You see, I understood from your answers to my very first questions that in effect all you were doing was translating what Sergeant Engelbrecht said in Afrikaans, and you had not yourself done anything on your own initiative? --- It was Sergeant Engelbrecht who asked me to enquire from the people on the parade whether they understood. The request came from him.

Well, Sergeant Engelbrecht did not tell us that he did this, and certain of the people whom I represent are going to deny that you personally addressed a question to them as to whether they understood you in the Sotho language? --- I do not believe that they may deny that, in view of the fact that Sergeant Engelbrecht asked me to ask them the first question, i.e. whether they understood or whether they would be in a position to understand what he was going to tell them through me in Southern Sotho. Then he said I should ask them individually, and therefore I did so.

And do you say that every single one of these people agreed that you addressed them in Southern Sotho? --- Yes.

There was not any person there who said "Look, I prefer to be addressed in Zulu or Xhosa or Shangaan or Sepedi, or a language other than Southern Sotho; among those thirty-six people? --- No.

All right. Now, having done that tell us what was the next statement of Sergeant Engelbrecht that he required you to translate to this crowd? --- The next question that Sergeant Engelbrecht asked me was if I could ask them whether they were satisfied/....

satisfied with the positions which they had taken up, where they were standing. They then all agreed and said they were satisfied with the positions they had taken up.

Did not any of these people, when you first addressed this remark to them, say they would like to alter their positions? — Yes, there was one who altered his position. He changed his position.

Right at the beginning? — Yes, it was only one person who changed his position. Thereafter there were none.

BY THE COURT:

Try to answer the question. You were asked whether he changed his position right at the beginning? — Does the Court mean that when the question was put to them, the first question, whether he then thereafter immediately changed his position?

I don't know. You had better ask Mr. Unterhalter what he meant by the question, but that is how he put it.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

The people are lined up on the parade? — Yes.

No witnesses have yet been called in to identify anybody? — Yes.

You apparently say to them "Are you satisfied with your positions"? — Yes.

At that stage does anyone say "I would like to change my position"? — No, not at that stage.

So that every single person at that stage was satisfied to remain where he was? — Yes.

You were there when the people who were to be assembled on the parade were first brought into the cell? — Those persons for whom I later on interpreted when they were on the parade? Are you referring to them?

Yes/....

Yes, that is who I am referring to? --- When they were being brought in I was outside near the door.

You saw them being brought in? --- Yes.

And how were they told to line up? Were they told to choose their own positions where they wanted to be, or were they just told "Fall in"? ---At first when they entered the premises, i.e. the inside of the gaol, they proceeded directly into the cell. Thereafter I was then called by the Sergeant to come and tell them that they should stand in a line, they should line up.

When they were told to stand in a line were they told that they could choose their own positions where they wished to stand, or were they just told "Stand in a line"? --- They were just told to stand in a line.

And was that translated by you? --- Yes.

And they then obeyed? --- Yes.

Now, at that time who was on the parade in addition to yourself and Sergeant Engelbrecht? --- It was this witness who has just left the witness box, whose name I don't know.

BY THE COURT:

That is Sergeant Engelbrecht. --- There were no other persons other than the two of us.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

He is the person for whom you translated? ---Yes.

Now, the two of you being there, did the witnesses then start to come in and point out people from time to time? --- Yes.

And during the whole time that the witnesses pointed out some of the people on parade, were there only the two of you there? --- Yes.

Now, when the last witness had come in to point out someone/....

someone and had left, did you remain on the parade? --- Yes, I remained there until the stage when all the people who were on the parade had been taken out.

So then it is correct to say is it, that you were there from the time these people lined up until the time that they left the cell? --- Yes.

And throughout that period there were only yourself and the last witness with you? --- Yes.

You are satisfied about that? --- Yes.

You see, the last witness told us that a photographer was present and took a picture of all these people as they were lined up? What do you say to that? --- Yes, he was there. He then left after having photographed the persons on the parade.

Well, why did you not tell us that when I asked you? --- It is because I was only asked a question that was particularly referring to the stage when I was still interpreting what was being said by the Sergeant in charge of the parade. This photographer only came there, and when he was still present there nothing was said between myself and the Sergeant, until the stage he left.

You see, I rather understood from what you said that you and Sergeant Engelbrecht were the only two people who were together on that parade from the beginning until the end?

--- It is because the question was not directed in that way when put to me, and secondly this photographer said nothing to these people. He only came there and took a photo of these people on parade, and he then left. Nothing was said during the short interval he was there.

When you said that there were only yourself and Sergeant Engelbrecht, had you forgotten about the photographer coming/....

coming in? --- I had not forgotten, but the question did not require me to say that.

Now, at what stage did the photographer take a picture of the parade? At the beginning or at the end of the parade? --- I do not recollect well, but I think it was during the course of the parade that he came there and took a photograph.

You say then that as far as you can remember he took the picture after certain witnesses had been called to try and identify some of the people lined up? --- Yes.

It could not be that the photographer took a picture before anyone came to identify members of the parade? --- I have not got a good knowledge of this photographer, as to what stage he came on the scene.

Now, at that time only a part of the prison had been built? --- Yes, it was not yet completed.

But the portion where the cells are was complete and also the courtyard onto which the cells look? --- Yes.

Were you there fairly early that morning for duty? --- No.

About what time did you come there? --- I have no good recollection about the time, because I live out at Kliprivier. On my arrival there there were quite a number of people who had gathered there already.

Were these Europeans and non-Europeans who had gathered there? --- It was non-Europeans as well as Europeans.

The Europeans, were there among them a number of uniformed Policemen? --- Yes, there were. Also those who arrived together with me had their uniforms on.

These people, were they interested in this new building and were they walking around inspecting the building?

On/....

--- On our arrival there in our pickup van we found other pick-up vans there. They were then selected and told to remain there and not to leave that spot.

Yes, but did any of the people whom you found there on your arrival, move about in the courtyard, outside the courtyard, looking at these new buildings? --- Those who were members of the South African Police, and whom we found there, I did not see them going in and out. It was only those who were employed there at the gaol whom I noticed walking about.

Among the people whom you saw when you arrived, were there any who were later called as witnesses to try and identify the people on parade? --- No, I did not see them.

Well, you cannot be definite about it? As far as you are concerned you don't know? Is that what you are saying? --- Those who came in while I was interpreting there on the inside, I saw them the first time at that stage. I had not seen them prior to him or her or them coming in.

Well, let me put it to you this way. When you came you saw a large number of people, and among them some uniformed Police, i.e. when you first arrived at that gaol? --- Yes, they were Police.

You did not go up to them and inspect everyone's face carefully? You just saw a group of Policemen there? Is that not so? --- Yes, I was with them.

What do you mean you were with them? Did you come in the same van with them? --- I found them there when my van stopped there at that spot where they were standing.

Well, I'll put the question to you again. You did not go up when you came there and inspect everyone's face so that you could remember exactly who was there? You just saw a crowd of Policemen? Is that not so? --- No, that I did not/....

not do.

In other words, you saw a crowd of Policemen but you did not inspect them carefully? Do you agree with me? — Yes, with the exception perhaps of those or the one whom I happened to know, but the others I did not individually inspect.

Now, about how many would there have been? Twenty, thirty, forty, ten? Give His Worship some estimate of the number whom you saw on your arrival. — I do recollect that there may have been a little over ten, between ten and twenty, but not more than twenty.

Now then, how can you say to His Worship that as these people came into the parade you are absolutely definite that they were not among the people whom you saw when you first arrived? — Those persons who came into the identification parade were uniformed members of the Police Force. I was not in uniform, but I was in civilian clothes, as well as the others. That is why I say I am definite about these.

Look, I understood you to say that when you came among these people when you saw were men in uniform? — Some of them; not all.

Well, if there were some in uniform how can you claim from that that the people who came onto the parade were not among the people in uniform when you saw on your arrival at the gaol? — I say it is possible that some of them may have been amongst the group I saw the first time, although I may qualify it further and say that I did not, because I did not know most of them there. I saw them the first time on my arrival there, and therefore I cannot say that all those people or some of them whom I saw there were at a later stage brought inside.

Why did you not assist us by saying that at the beginning/....

beginning in stead of taking up this definite line that these people were definitely not among the crowd whom you first saw? — I did say that or I did qualify that by saying that the faces I saw of those persons who came on the parade, I was not then certain whether they were those faces whom I had originally seen on my arrival outside there.

That is not as I understood it, but let me get on to my next point. Were you present outside the gaol when there arrived the people who were to be assembled on the parade for pointing out? — No, I did not see them on their arrival.

Where were you when you first saw the people who were to be lined up? — I was called into the courtyard. I was there.

And did you then see them come through the gate, or were they already assembled in the courtyard preparatory to going into the cell, or were they already in the cell? — I saw them at the stage when they were already in the cell, because I was called to come and interpret.

At the time when you were in the courtyard, were there any other people moving around in the courtyard? — I do not know, but I saw one person who was in charge of directing those witnesses who were coming to point out some people. He showed them the cell, and from there I then showed them the exit.

BY THE COURT:

If it is convenient I would like to adjourn somewhere roundabout now. You may want to make a point?

BY MR. UNTERHALTER:

No, I have not observed the time, Your Worship. I beg the Court's pardon.

HEARING POSTPONED TO 26.1.1961.