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J. Nthekoa.

26TH JANUARY, 1961.

COURT RESUMES : APPEARANCES AS BEFORE.

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

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, you were present while witnesses came onto the parade and from time to time pointed out certain people who were lined up? --- Yes.

Did you do any translation on the occasions when a witness pointed out anyone on the parade? --- Yes.

For example what would you say? --- On each and every occasion, after a certain individual on the parade had been identified, I then interpreted for the person who had been pointed out.

Generally what form did this interpretation take? What were you talking about? ---After that particular individual had been pointed out I then told the person pointed out that "It is also said that you were amongst that group".

Do you know an African detective by the name of Amos? --- Yes, I do.

Do you remember if he was on the parade that day? --- No, I do not remember.

BY THE COURT:

Do you mean whether he was at the parade, Mr. Unterhalter? You said on the parade.

BY MR. UNTERHALTER:

I am sorry, Your Worship.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

At the parade, attending as an identifying witness? --- No, I do not remember whether he was at the parade.

You/....

You cannot remember a person saying "^{Our}New people, I have seen nobody except the teacher who was doing nothing and was on a bicycle at the far corner"? Do you remember hearing that said by anybody? --- I do remember words to that effect, but I do not know whose voice it was which uttered those words.

BY THE COURT:

Just repeat those words for me please?

BY MR. UNTERHALTER:

"^{Our}New people, I have seen nobody except the teacher who was doing nothing and was on a bicycle at a far corner".

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

After these words were said, do you remember if the European in charge of the parade called the person who used those words and put certain questions to him? --- Yes.

And can you remember perhaps if this European then asked this person who the teacher was, and whether this man then went and pointed out someone on the parade? --- I only remember that he asked him what was he doing if he says he saw him there on a bicycle, and then he replied and said he was amongst the group, doing nothing.

By that do you mean he was referring to the teacher being among the group and not doing anything? --- Yes.

Can you tell His Worship whether, after people were pointed out, they changed their positions at any stage? --- Only one changed his position.

Throughout the whole time that this parade was held did only one person change his position? --- Yes, only one person changed his position.

Are you quite sure about that? --- Yes, I am quite certain/....

2,847.

J. Nthekoa,
D. Fourie.

certain.

Now, the invitation regarding the positions, was it translated by you only at the beginning, or at any other time during the parade, i.e. the invitation for people on the parade to change their positions? Was it given by you in translation only once at the beginning, or at any other times during the parade? --- I told them at the beginning as well as during the course of the parade; after a witness had pointed out somebody I then repeated 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.

DANIEL FOURIE, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Mnr. Fourie, is u 'n bewaarder of wat is u amp? ---

'n Opperbewaarder.

By die nuwe Vereeniging tronk? --- Ja.

Is u die boumeester daar? --- Ja.

En het u vandag 'n plan gebring, d.i. 'n plan volgens skaal van die nuwe tronkgebou? Dit is die grondplan eintlik? --- Ja, die grondplan.

Is dit die een nou voor u, bewysstuk 104? --- Ja.

DEUR DIE HOF:

Mnr. Fourie, het u miskien gesien nou die dag toe ons die tronk besoek het vir 'n inspeksie-ter-plaatse? Was u daar/....

daar? --- Ja, Edelagbare.

En u wys my nou 'n grondplan van die plek wat ons daar gesien het? --- Dit is reg.

Hierdie plan is dan mar. die Aanklaer van die toneel waar die inspeksie-ter-plaatse plaasgevind het?

DEUR DIE PUBLIEKE AANKLAER:

Ja, Edelagbare.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Op die plan het u sekere selle gemerk A, B en C? ---

Ja.

Is dit as gevolg van inligting wat u van Kaptein van den Bergh ontvang het? --- Ja.

DEUR DIE HOF: AAN DIE PUBLIEKE AANKLAER:

Met ander woorde, sal die ander getuienis vir my sê wat sel A, sel B en sel C is? --- Ja, Edelagbare.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Nou, wat ek wil weet is dit. Van daardie besondere selle wat u gemerk het A, B en C, wat is die hoogte van die grond af van die buitevensters? Hoe hoog is hulle van die grond af? --- Wel, A en B is agt voet, of plus-minus agt voet nege van die grond tot onder die venster; ses voet nege.

DEUR DIE HOF:

Herhaal asseblief Die buitevensters van A en B is hoe hoog? --- Ses voet nege vanaf die vloer tot onder die vensters.

Is dit binnekant? --- Dit is aan die buitekant, die buitevensters.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

En nr. C is gemerk hier agt voet drie duim? --- Ja, dit is presies agt voet drie duim, want die fondament is daar

hoër/....

hoër as op die ander plekke.

En al die binnevensters is glo vyf voet van die grond af? --- Ja.

Dankie, Edelagbare.

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. Fourie, were you on the site of this gaol about the 19th May of last year? --- Yes, I have been there from the 16th June, 1959.

The 16th of June? --- July.

Of July? --- Yes.

You would not have been there earlier than that? ---

No.

Which means that in May of 1960 you were there.

Were you supervising the building? --- The building yes.

Do you remember a parade being conducted on those premises? --- Yes.

At the time I understand the buildings were only partially complete? --- Yes, those where the parade was were completed.

That is the cells were complete? --- Yes.

Now, you knew there is a courtyard, and to the north of the courtyard there is a place marked "Shelter", and there is a double gate in the northern wall that goes into the shelter? --- Yes.

Was that northern wall complete on the date of that identification parade? --- Yes, it was.

Do you remember if the gate was open for people freely to move in and out at that time? --- Yes.

I take it a lot of people who came on that parade were as far as you could judge interested in this new building, and were wandering around exploring it?
 Would that be correct?
 Yes/....

2,850.

D. Fourie.
B.J. van Beloll.

--- Yes.

Thank you, Your Worship.

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

RE-EXAMINED BY THE PUBLIC PROSECUTOR:

Het u enige besondere aandag geskenk aan die persone wat daar gekom het? --- Op die dag van die parade?

Op die dag van die parade? --- Nee, want ek was besig met my werk. Ek het my nie daaraan gesteur nie.

Dankie, Edelagbare.

BARRY JOHN VAN BELOLL, duly sworn, states:

EXAMINED BY THE PUBLIC PROSECUTOR:

Mr. van Beloll, are you a photographer on "The Star" newspaper at Johannesburg? --- Yes.

Now, before you there is a photograph, Exhibit 13, which shows a photograph of the Sharpeville Police Station and a certain number of persons gathered around it? --- Yes.

Did you take that photograph? --- Yes.

On what day was that taken? --- On the day of the Sharpeville shooting.

That is the 21st March, 1960? --- The 21st March,

yes.

Now, that is an aerial photograph? --- Yes.

What time did you take that photograph? --- At approximately eleven o'clock.

Was that the only photograph that you took? --- I took one or two other aerial views, which were almost identical/....

identical to this one.

All at approximately the same time? --- Yes, as long as it takes the aircraft to circle round and get back.

And after the photographs were taken did the aircraft in which you were leave the scene? --- It did.

Thank you, Your Worship.

CROSS-EXAMINED BY MR. UNTERHAUER:

Mr. van Bellell, is it possible that the time might have been nearer noon than eleven? --- No, I have since established with the aircraft company from whom we chartered the aircraft that I returned to Johannesburg at approximately twenty-five past eleven, which would have been the flying time from here to Baragwanath.

While your aircraft was over the Police Station taking these photographs, I believe you witnessed seven Jets come over? --- We certainly saw Jets. I am not sure about the number.

Approximately at what time Mr. van Bellell would your aircraft have been over the area of Sharpeville? --- At eleven o'clock.

So we can then assume, can we, that you arrived in that area at eleven, you took some minutes to take the photographs, the aircraft then returned to Baragwanath, and the total time was approximately half an hour? --- No, it would have been slightly longer than that. I should think that we arrived there sometime before eleven o'clock.

Fifteen minutes before, half an hour before? --- Oh, possibly fifteen minutes before.

Say about a quarter to eleven? --- Possibly yes.

And the Jets you would have seen how soon after your arrival there? --- Five minutes, ten minutes, I think.

Did/....

Did you actually see the Jets dive? --- We saw aircraft diving. Whether they were Harvards or Jets is a little difficult for me to remember now

How low did they go? --- I suppose thirty or forty feet above the roof of the Police Station.

And did you observe whether it had any effect on the crowd? --- I think they were, from what we could see.... I must first of all say that our aircraft naturally, when we saw the Jets and the other aircraft, kept well out of their way. It was rather difficult to see what the reaction of the crowd was, but I seem to remember that there was some waving from the crowd as the Jets dived, as the aircraft dived.

Apart from that would you say the diving had little effect on the crowd? --- Yes.

Your height approximately during the flight over the location would have been about 800 feet? --- When I took this photograph do you mean?

Yes? --- It is a little difficult to say. I suppose

so. Now, was it at this height Mr. van Beloll that, if you did fly over other areas of Sharpeville, you would have flown, or would you have been considerably higher in flying over other parts of Sharpeville to look at the township as a whole? --- We would indeed have been higher yes.

Very much higher? --- About 1,500 feet I suppose.

But at 1,500 you could have still had a good view of movement and conditions in the township? --- Of large gatherings of people yes. They could have been noticed.

You did in fact reconnoitre the whole township, did you not? --- Very briefly yes.

And from what you saw there were no other large crowds/....

B.J. van Beloll.

2,853.

crowds in Sharpeville? --- No.

And the rest of the location seemed quiet, did it?

--- It did.

The photograph before you Mr. van Beloll, Exhibit 13, what estimate do you have of the number of people there? --- I think I said at a previous hearing and once again that I am not a very good judge of crowds, but I should have said about ten thousand.

You did give evidence at a previous hearing, and that was the one before Mr. Justice Wessels. You were asked that question at page 1210, and this is how it is recorded: "We have had various people estimating the size of the crowd. You had another view, namely from the top. What impression did you get at the time you took this photograph? I know you can only give a rough estimate, but are you prepared to make an estimate?", and your reply was: "It can only be a rough one. I take it there must have been a crowd of about 4,000 or 5,000 people at that point". You did say that, did you not? --- I am prepared to admit that I said that yes.

Would you say that the estimate that you now give of about ten thousand is in fact excessive? Would you prefer your earlier estimate of four thousand to five thousand? --- Let me have a look at the photograph again? (Photograph is handed to the witness). I would say under ten thousand.

Would you not confirm the figure that you gave last time of four to five thousand? --- I would not like to be definite about it.

About that though? --- Well, under ten thousand.

Would you say six? I don't want to bargain with you! --- I would say six!

BY THE COURT:

M5. Unterhalter, is the witness in any better position/....

position from the photograph to judge the number of people than
the Court is?

BY MR. UNTERHALTER:

No, that is so, Your Worship. Unless of course
the witness has got any special experience.

BY THE COURT:

Unless the witness is an expert at counting crowds,
which the Court is not.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Have you had occasion, as part of your work, to
estimate the numbers of crowds? ---Yes.

Thank you, Your Worship.

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

RE-EXAMINED BY THE PUBLIC PROSECUTOR:

Was Exhibit 13 taken before or after the Jets
arrived on the scene? --- Before.

Thank you, Your Worship.

WARWICK DELEY PATRICK ROBINSON, duly sworn, states:

EXAMINED BY THE PUBLIC PROSECUTOR:

Mr. Robinson, are you a photographer attached to
the "Rand Daily Mail" in Johannesburg? --- I am.

On the 21st March last year, did you accompany Mr.
Sacks first to Orlando and eventually did you arrive at
Sharpeville Native Township? ---Yes.

And did you arrive at the Municipal Offices? ---Yes.

And did you and Mr. Sacks seek permission to go
into/....

BY THE COURT:

Mr. Unterhalter

2,855.

W.D.P. Robinson.

into the township? --- That is correct.

Did you notice Colonel Pienaar at the Municipal Offices at all when you arrived there? --- Yes.

Who left first, you or Colonel Pienaar? --- Colonel Pienaar left first.

How long after Colonel Pienaar had left did you and Mr. Sacks obtain permission and start your way through the location? --- Oh, I suppose at the outside about ten minutes.

Did you hear any firing coming from the vicinity of the Police Station? --- Yes, we did.

Was that before or after you were enroute? --- That was before; immediately before we left.

What was the duration of the firing? Can you give the Court the time? --- Well, I estimated it at the outside about twenty seconds in two separate bursts.

And you say shortly after that you and Mr. Sacks left by car to go to the Police Station? --- Yes, that is right.

Did you have an uneventful trip up to the Police Station? --- No, we had a most eventful trip.

What happened? --- We had travelled about half a mile I suppose when we encountered the Africans who were running away from the Police Station, and they stoned us and also shot at us.

Anyway, I take it that apart from that you managed to arrive safely at the Police Station? --- Yes, that is correct.

Where were the Police Officers and Policemen in general - I am including ordinary members and ranks - when you arrived at the Police Station? --- They were still in the yard of the Police Station.

None of them had yet come out of the yard? --- No, apart from those who were on the other side of the Police Station across the road.

Is/....

Is that the street with the island in the middle, Zwane Street? --- The one that we approached down.

Well, let me show you Exhibit 13. I think it is right in front of you. Did you approach the Police Station so that you came along what we call on the western side? --- (Witness indicates on the plan). We approached from here.

Which street did you approach in? --- From the left side of the picture.

From the left side of the picture? --- Yes.

That is from the western side? --- We approached and we parked our car more or less on this corner. (Witness indicates on the plan).

Which corner would that be according to compass points, Mr. Robinson? Is that from the south-western corner? ---Yes.

That is on the south-western corner? --- Yes.

BY THE COURT:

The south-western^{corner} of the exhibit.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And that means you could look straight down that street which has an island in the middle - you cannot see the island actually - and it runs straight past the front of the Police Station? --- When you look straight down. There yes.

That is right. That is the street which they call Zwane Street? ---Yes. There were some Police further down there.

You are pointing towards the south-eastern section?

--- Yes.

And you say apart from that there was nobody? No Policemen had yet emerged from the fence or from the premises on the western side? --- That is right.

Did/....

Did you take photographs that day? ---Yes, I did.

Did you take them before the Police came out of the premises or after they had come out? --- As far as I can remember the first couple that I took were before the Police came out.

Will you have a look at Exhibit 64 first of all Mr. Robinson? ---Yes.

Is that a photograph of a car? Is that an American car? --- It is an American car.

And do you recognise that car? --- Yes, that is the car that Mr. Sacks and I travelled in.

Did you take that photograph? --- As far as I can remember yes.

I think on the top portion of the windscreen, where it joins the hood, there is some damage? ---Yes, that is right.

Do you know how that damage came to be caused? --- Yes, as we were approaching the Police Station and we encountered the Africans that I mentioned just now, Mr. Sacks noticed one of them pick up an extremely large stone which he threw at the car, and fortunately it missed the windscreen and hit just above it.

Did you see that event too? --- I did not see it. I took Mr. Sacks' word for it.

Oh, I see. --- I was keeping down in the background. No, I was under the impression that you had seen that? --- No, I did not actually see it.

And Exhibit 65? ---Yes.

Did you take that exhibit too? --- No.

Exhibit 71? ---No, I did not take that.

Exhibit 74? --- No.

Exhibit 77? --- No.

Exhibit/....

2,858.

W.D.P. Robinson.

Exhibit 79? --- No.

BY THE COURT:

Mr. Prosecutor, I would suggest that before you call a photographer you make sure which photographs he has taken. It is no use my listening to him saying "No, I did not take that photograph".

BY THE PUBLIC PROSECUTOR:

I had a list, Your Worship, which I had when I discussed this matter with the witness, but that was unfortunately left in another suit of clothing.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And Exhibit 84? --- Yes, I took that photograph.

Just have a look at Exhibit 84. Can you see any sticks or any weapons on that exhibit at all? --- Yes, there is a stick near the fence in the foreground on the left.

You also gave evidence at the Commission, Mr. Robinson? --- Yes, that is correct.

Can you recall whether that particular photograph was shown to you at all? --- I think this one was, but I think there is another one here that was not shown to me, and that showed some sticks in the background. It is Exhibit 98.

Did you take that one? --- I took that photograph yes.

And you say it is No. 98 which was not shown to you at the Commission? --- I cannot remember it being shown to me, because there were several shots that were similar.

And are there any weapons on that one? --- Yes, on the righthand side of the picture, almost central. You can see quite a large stick there.

Now, did you notice any stones lying anywhere on your/....

your arrival at the Police Station? --- Inside the Police yard yes, and I actually heard a Police Officer telling the men to gather them up.

And Exhibit 99, did you take that? --- Yes, I took that one.

Did you ever have an opportunity of inspecting the car in which you and Mr. Sacks were, to see whether there were any marks, particularly any marks which could have been caused by bullets? ---Yes. There were two places on the car that were actually identified by the Police as bullet marks.

But whereabouts were those situated? --- The one was at the rear of the car and the other in the front of the car.

Will you have a look at Exhibit 105? That is a photograph showing what appears to me to be a portion of a bumper of a car? --- Yes.

Do you recognise that bumper at all? --- It looks like the rear bumper of our car.

And there appears to be a round mark in the bumper? --- Well, that round mark is actually a rivet.

Is that a rivet? --- Yes, but the bullet struck just behind that.

Is there any mark visible on that photograph? --- Well, you can see that the ^{rivet} rivet is not round.

You did not take that one? --- I might have taken it.

Now, did you notice Policemen removing anything from any wounded or apparently wounded or prone natives at all? --- Not in front of the Police Station, but I did see them remove a large knife from one of the wounded that they carried inside.

How was your attention drawn to this fact, that a knife was being removed? --- I went into the Police yard at the back/....

back of the building, to go into the toilet, and they were on the verandah.

So did you actually see them removing the knife from the person of this man? ---Well, they had the knife on top of him. A Policeman was taking away in his hand, so I presumed that it had come off him, and they said that it had come off him.

Will you be able to identify the person, the African, who was lying under the knife? --- Oh no.

And would you be able to identify the knife? --- I should not think so. It was more or less a fleeting glimpse, and I was not concentrating on that at the moment.

I would like to show you another exhibit, i.e. exhibit 106. Does that show the fence of the Police Station on the southern side in Zwane Street? --- Yes.

Did you take that photograph? --- No.

On your arrival at the Police Station, if you look at the way the fence is leaning, how does that compare with the time when you arrived on the scene? --- To be perfectly honest when we arrived there I did not notice the fence, whether it was leaning over or not.

BY THE COURT:

You mean you did not take particular notice of the condition of the fence? --- No, I did not take particular notice.

(No further questions by the Public Prosecutor).

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. Robinson, you say that Colonel Pienaar was present at the Municipal Offices at the entrance to the Sharpeville Location when you and Mr. Hafold Sooks arrived? --- No, he/....

he was not present when we arrived. He arrived within a few minutes of us.

You saw him there? --- Yes, we did see him there.

He left and you heard shooting would you say ten minutes after his departure? --- As far as I can remember approximately ten minutes.

Almost immediately after that you got permission to go into the township? --- That is correct.

And then you went in quickly? --- Yes.

Now, I wonder if you would care to revise your estimate of the time that elapsed between the departure of Colonel Piensar and your hearing the shooting? --- On that particular thing I would not like to be definite. We did not take any particular note of the time.

Could the interval Mr. Robinson have been in your estimate thirty to thirty-five minutes? --- No, I don't think so.

Are you quite definite as to the time of your arrival at Sharpeville location? --- Well, it all depends how you mean that.

When your car first crossed the boundary? --- I don't know if it was ten past one or five past one or anything like that.

I am putting this to you Mr. Robinson, because other evidence that has been given in this Court is to the effect that there was an interval of anything between twenty-five minutes to thirty-five minutes between the arrival of Colonel Piensar at the Police Station - mark you at the Police Station - and the commencement of the firing. Your evidence suggests that a very much smaller period of time elapsed. Do you want to comment on that? --- Using my judgment I cannot see that half/....

W.D.P. Robinson.

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half an hour elapsed.

You feel it must be somewhere in the vicinity of ten minutes or fifteen minutes? --- It could have been around there. It is very difficult afterwards to try to go back after a time and ~~guess~~ ^{gauge exactly} how long it was.

Now, you heard the shooting. How did it come to your ears? --- It appeared to come to us as two bursts; a long burst, a short break, and then another long burst.

You did not hear prior to the first burst any isolated shots? --- No.

Now, you went in at some speed because I take it you wanted to be on the spot as quickly as possible? --- That is correct.

And at what speed would you say you were driving? --- I estimate probably fifty miles an hour.

BY THE COURT:

Don't be afraid! You are not in the motor Court now, Mr. Robinson!

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

And en route you say you encountered a crowd and you were stoned? --- That is correct.

Could you venture a view, if it is possible Mr. Robinson, as to whether because of your speed and the appearance of the car the crowd might have thought you were a Police car? --- That is possible. I think the actual reason though was the fact that we had an African driver.

Now, in your evidence-in-chief you said that the crowd stoned you and shot at you? --- That is correct.

Are you quite definite about the shooting? --- Well, we heard what sounded like shots being fired, and the Police afterwards identified marks on the car as bullet marks, so I feel/....

feel pretty sure that those shots were fired at us.

Now, I would like you to try to answer the next question as carefully as you can Mr. Robinson. Is it possible that in the confusion and the excitement of travelling down, and hearing afterwards from the Police that apparently bullets had reached your car, that ipso facto you have assumed that some of the sounds that you heard in the course of this quick journey of yours were revolver shots? --- No, those were shots that we heard and they were fired at pretty close range.

Have you any idea of the calibre of the fire-arms?

--- No.

Having heard the shot was there anything associated with the sound of the shot that you recollect today? --- It sounded like the crack of a shot going off.

Apart from the report, anything else? --- It is just that. As far as I can remember there were several of these reports, and not just one isolated one.

Now, apart from the sound of the report itself, any other sound associated with that report that you can recollect? --- It will be difficult to try to pick out any bullet striking the car, because the stones were raining on the car at the same time.

You are definite that there was the sound of more than one shot? --- Yes.

Now, Mr. Sacks was in the car with you? That is correct is it not? --- That is correct.

The evidence that Mr. Sacks gave to His Worship was that he heard a shot being fired, a small calibre shot being fired. He does not seem to speak to more than one shot. Do you think that perhaps you are mistaken if he only speaks of one shot? --- I don't think so. It all depends on what position Mr.

Sacks/....

Sacks was in at the moment.

Well, he was in the front was he not? --- He was in the front and I was in the back.

And you were in the back? --- That is correct.

Now, Mr. Sacks speaks about hearing a tingle. You don't recollect that? --- No.

You say that when you arrived at the Police Station no one had yet.....

BY THE COURT:

Mr. Unterhalter, if you have left Seeiso Street we'll leave off for a while before we get to the Police Station!

COURT ADJOURNS.

COURT RESUMES:

WARWICK DELBY PATRICK ROBINSON, under his former oath, continues:

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Mr. Robinson, on your arrival at the Police Station I understood you to say the Police were still inside the grounds? --- That is correct.

You saw bodies lying outside in the street? --- That is correct.

And from the inside of the Police grounds you proceeded to take a series of photographs? --- That is correct.

My first picture was actually taken through the windscreen of our motor-car as we approached.

Now, would it be correct that you concentrated your camera on the south-western corner, i.e. somewhere near the junction of Zwane Street and the unnamed street, because most of/....

had an African driver"? --- That is correct.

Why do you say that? --- Because he was threatened earlier in the day at Orlando and also at Evaton for working on the day when they called a strike.

BY THE COURT:

Mr. Prosecutor, I don't think I can listen to what happened at Orlando and other places. I will disregard that bit of evidence.

BY THE PUBLIC PROSECUTOR:

As Your Worship pleases.
Thank you, Your Worship.

BY THE COURT:

Before you call the next witness I want to place on record something which I perhaps ought to have done this morning, or perhaps even earlier this week. Within the last few days there have been reports in the newspapers that the report by the Judicial Commissioner, Mr. Justice Wessels, has been laid on the tables of the Houses of Parliament. Now, I just want to assure everybody that I am studiously refraining from reading anything in the papers concerning the views or the findings of the Judge. For that matter I have been doing so over the months during which we have been trying this case, so that both the Crown and the Defence have my assurance that I am trying my utmost to not get any information beyond the record of this case for the purposes of coming to a conclusion one day.

BY MR. UNTERHALTER:

As Your Worship pleases.

By/....

2,868.

A. Doubada.
(Recalled).

BY THE PUBLIC PROSECUTOR:

I call Amos Doubada, Your Worship. I understand my learned friend would like to recall him.

AMOS DOUBADA, duly sworn, states:

FURTHER CROSS-EXAMINED BY MR. UNTERHALTER:

You attended the identification parade held in the Vereeniging gaol on the 19th May of last year, did you not? ---
That is correct.

And you were asked, were you, by the Officer in charge of the parade to point out any persons, if they were on the parade, whom you might have seen at Sharpeville on the 21st March during the disturbances? --- That is true.

Now, is it correct that you went down the line of all the people who were assembled there, that you pointed nobody out, but that you then said in Sesotho "Our people, I have seen nobody except the teacher who was doing nothing and was on a bicycle at a far corner"? --- That is true. I said so.

After that did the European who was in charge of the parade, call you over and put certain questions to you and write down your answers? --- Yes, he did call me. That is true.

And after that did he ask you who the teacher was? --- Yes, he did ask me, and I then pointed him out because I had walked past him and did not see him at that stage.

Thank you, Your Worship.

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

NO RE-EXAMINATION BY THE PUBLIC PROSECUTOR.

By/....

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A. Dqubada.
J.B. Laurens.

BY THE COURT:

Well, who is the teacher? --- I will go and point him out, Your Worship.

Very well. --- (Witness points out accused No. 63).

Lechael Musibi. Is that right? --- That is right.

Thank you. You may stand down.

JOHANNES BERNARDUS LAURENS, beëdig, verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Is u 'n Hoofkonstabel in diens van die Suid-Afrikaanse Polisie gestasioneer te Boksburg, Streekafdeling Suid-Transvaal? --- Dit is so. Nee, Oes-Transvaal.

DEUR DIE HOF:

Mnr. Laurens, dit is nog Suid-Transvaal as dit die Streekafdeling is. Jy is op die Oesrand!

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Op die 19de van April verlede jaar was u in bevel van 'n uitkenningsparade wat by die Cinderellatronk te Boksburg gehou was? --- Dit is so.

Vanwaar het u die verdagte persone gekry om op die parade te plaas? --- Die persone was in die gevangenis gewees, d.i. in die Boksburgtronk.

Maar hoe het u geweet waar hulle is en wie hulle is? --- Die verdagtes was eers ingebring. Daarna was daar sekere verhoorafwagtende prisoniers by hulle geveeg.

Is dit reg dat die parade bestaan het uit 77 persone? --- Dit is reg.

Waarvan 42 verdagte persone was in verband met die saak/....

saak te Vereeniging, die Sharpevillesaak? --- Dit is reg.

Vyftien van die persone was verhoorafwagende persone in verband met die Vanderbijlparksaak? --- Dit is reg.

En twintig persone was verhoorafwagende prisoniers by die Cinderellatronk? --- Dit is reg.

Nou, tydens die opstel van die parade, waar was die uitkennende getuies? --- Hulle was in 'n aparte gebou by die tronk gewees.

Kon hulle sien of hoor wat by die parade aangegaan het terwyl dit opgestel is? --- Nee.

En het u 'n tolk by u gehad mnr. Laurens? --- Ja.

Wat was sy naam? --- Dit was 'n Bantobewaarder met die naam van Richard.

'n Bantobewaarder? --- 'n Bantobewaarder ja.

Nou, tydens die opstel van die parade het u notas gemaak mnr. Laurens? --- Ja.

--- Dit het geduur tot die middag ongeveer vyfuur. Ek het twee parades gehou. Ek kan nie presies sê nie. Ek dink die een parade het geduur tot ongeveer drie-uur die middag, en die ander parade het nie so lank gemeen nie.

En omtrent hoeveel getuies het u geroep by die verskillende parades? --- By beide die parades het ek 127 getuies geroep.

Die notas wat u gemaak het, was dit gemaak tydens die verloop van enige besondere voorval? --- Ja.

Sal u die besonderhede van die parades kan onthou sonder u notas? --- Nee.

DEUR DIE PUBLIEKE AANKLAER:

Edelagbare, mag die getuie na sy notas verwys wat hy/.....

hy tydens die parade gemaak het in verband met die parade?

DEUR DIE HOF:

Ja.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Ek dink die beste sal wees mr. Laurens as ek
of voor ons daar kom. Was enige voorregte aan die persone
wat op parade was, die verdagte persone, verduidelik in ver-
band met die parade? ---Ja, ek het aan hulle die doel van die
parade verduidelik. Ek het ook aan hulle gesê dat hulle is
geregtig om na elke uitkenningsgetuie van posisie te verander,
en voor die aanvang van die parade kan hulle enige posisie
opneem en hulle kan enige beswaar maak teen die parade, wat
hulle nemat nie in hulle guns is nie of hulle sal benadeel.

Nou, wat het u hulle vertel is die doel van die
parade? --- Ek het vir hulle gesê dat ek sal sekere getuies
inroep en dat hierdie getuies sal verseek word om die persoon
of persone, indien op parade, uit te wys wie op die 21.3.1960
te Sharpevillelokasie aan die betogings en oproer deelgeneem
het.

En was die verduideliking aan hulle getolk? ---

Dit was.

Het enige persone op daardie tydstip beswaar gemaak?

--- Hulle het geen beswaar gemaak nie.

Hoe was hulle in linie geplaas? Hoe het u hulle
in linie gekry? --- Hulle het nie heeltemal in 'n reguit lyn
gestaan nie. Hulle het so effens in 'n halfmaan gestaan.

In 'n halfmaan? --- Ja, dit is 'n groot agterplaas
waar die parade gekou was.

Nou, was die volgende persone op die parade? Ek
sal die name uitlees en u kan my die posisies gee van die
persone op die parade?

Deur/....

DEUR DIE HOF:

Buiten as hulle van posisie verander het? --- Hulle
het nooit van posisie verander nie, Edelagbare.

Hulle het nie van posisie verander nie? --- Hulle
het deurgaans dieselfde posisies behou.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Die eerste persoon, Johannes Monyake? --- Johannes
Monyake. Hy het posisie nr. 73 gehad.

Dan Thaddea Ntoampe? --- Thaddea Ntoampe was nr. 19.

BY THE PUBLIC PROSECUTOR:

I wonder if it might not save time if Your
Worship grants me a short adjournment, and I could just tick
them off quickly on his list for him?

BY THE COURT:

Very well, Mr. Prosecutor.

COURT ADJOURNS.COURT RESUMES:

JOHANNES BERNARDUS LAURENS, onder sy vorige eed, vervolg:

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Mr. Laurens, ons het nou gekom by die naam
Nyakane Tselo? Kyk na nommer 17 op die parade? --- Dit is reg.
Hy het posisie nr. 17 ingeneem op die parade.

Wie het posisie 58 ingeneem? --- Nr. 58 was Thomas

More..

En wie het posisie 32 ingeneem? --- Nr. 32 was
Albert Matlala.

En posisie nr. 15? --- Emmanuel Teketsi.

En posisie nr. 61? --- Isaac Motaung.

En/....

En posisie nr. 8? --- Azael Kuteane. ✓

BY THE COURT:

Which accused is this last one, Mr. Prosecutor?

BY THE PUBLIC PROSECUTOR:

That is Azael Kuteane Sir, i.e. accused No. 24. ✓

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Posisie nr. 47? --- Johannes Seretho. ✓
 Posisie nr. 25? --- Thomas Msimanga. ✓
 Posisie nr. 51? --- Peter Thabane. ✓
 Posisie nr. 5? --- Simon Mhlambi. ✓
 Posisie nr. 30? --- Edward Moloto. ✓
 Posisie nr. 13? --- Stefaans Lepee. ✓
 Posisie nr. 54? --- David Ramodibe. ✓
 En posisie nr. 62? --- Adam Sakwane. ✓

U kan nie onthou natuurlik wie die eerste getuie was wat na die parade geroep was nie? --- Ja, dit was Kaptein Theron.

Watter vraag is aan hom gestel? --- Hy was versoek om die persoon of persone, indien op parade, uit te wys wie op 21.3.1960 te Sharpeville lokaal aan die betogings en oproer deelgeneem het.

Is daardie vraag aan elke uitkenningsgetuie gestel? --- Ja, die vrag was almal eners gewees, en was aan al die getuies gestel.

En daardie vraag het u uitgelees vanaf 'n strokie papier wat elke getuie aan u oorhandig het? --- Dit is reg.

As daar iemand uitgewys is was die persoon wie hy uitgewys het op daardie strokie deur u aangeteken en die strokie is aan hom oorhandig? --- Dit is reg.

BY THE PUBLIC PROSECUTOR:

I am just having a copy made of that for Your

Worship's/....

Worship's convenience.

BY THE COURT:

Is it not the same as the one already handed in?

BY THE PUBLIC PROSECUTOR:

There might be a slight difference, Your Worship.

DEUR DIE HOF : AAN DIE GETUIE:

As hy dan iemand uitwys mnr. Laurens het jy self op die strokie aangeteken wie hy uitgewys het? --- Ja, ek het.

Is dit die notas wat jy van praat? --- Ja.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Het Kaptein Theron enige persone uitgewys? --- Kaptein Theron het uitgewys Stephen Mofokeng en Joseph Mokwena.

Mnr. Laurens, het u nou nie alleenlik die strokies wat ons uitgesorteer het, d.i. net vir die getuies wie getuienis gegee het nie? --- Ja.

DEUR DIE HOF:

Mnr. die Aanklaer, maar as 'n getuie soos Kaptein Theron, wat hier getuienis afgelê het, ander mense uitgewys het dan is dit miskien belangrik, d.i. persone wat miskien gladnie verdagtes was nie. Dan is dit belangrik.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Hy het twee persone uitgewys? --- Ja.

DEUR DIE HOF:

Ja, ek het die name hier. Stephen Mofokeng en Joseph Mokwena? --- Ja, en Joseph Mokwena.

Mnr. die Aanklaer, is daardie nie name van beskuldiges nie?

DEUR DIE PUBLIEKE AANKLAER:

Nee, Edelagbare.

Verhoor/.....

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Daardie twee persone wie hy uitgewys het, van watter afdeling het hulle gekom? Van die verdagtes van Sharpeville of Vanderbijlpark of van die verhoorafwagtende prisoniers? --- Stephen Mofokengwasa van Vanderbijlpark en Joseph Mokuwama, nr. 46, was van Vereeniging. Hy was een van die verdagtes.

Wie was die volgende getuie? --- Die volgende getuie was Kolonel Pienaar.

En deurgaans het u dieselfde vraag aan die getuies gestel as wat u aan Kaptein Theron gestel het? --- Die vyf was identies gewees aan al die getuies.

Het hy enige persone uitgewys? --- Kolonel Pienaar het uitgewys Jagoniwa Hlongwana en Stephen Mofokeng.

Van watter groep kom Hlongwana? --- Van Vereeniging.

Mnr. Laurens, kyk asseblief na hierdie strokies.

Sien of dit u handskrif is, en is dit van toepassing op die Boksburgparade? --- Ja.

Wel, laat ons eers met daardie strokies aangaan.

Wie is op die strokie wat u nou daar het? --- Kaptein Willers. X

En wie het hy uitgewys? --- Hy het uitgewys Nyakane Tsolo, Thaddea Ntoampe en Thomas More.

Wie is die volgende getuie? --- Kolonel Spengler. X

Het hy enige persone uitgewys? --- Hy het uitgewys Samuel Qotso Goeleman.

Samuel Qotso Goeleman? --- Ja, en ook Thomas More.

In watter groep kom Samuel Qotso Goeleman? --- Van Vanderbijlpark af.

BY THE COURT:

Was this identification parade supposed to serve some other case at the same time? He is also talking about people/....

2,876.

J.B. Laurens.

people from Vanderbijlpark.

BY THE PUBLIC PROSECUTOR:

Your Worship will call that there were 77 on parade, comprising of 42 suspects from Vereeniging

BY THE COURT:

Oh yes, exactly. There were also suspects from Vanderbijlpark. Suspects in my case or in some other case?

BY THE PUBLIC PROSECUTOR:

Suspects in Vanderbijlpark's case, and not in this case.

BY THE COURT:

Yes. Perhaps I have given you the wrong impression. I don't want to really have unnecessary evidence led.

BY THE PUBLIC PROSECUTOR:

No, it was obvious to me Sir that he had the wrong set of slips in his possession, so we have given him the right set of slips.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOIG:

Wie was die volgende getuie? --- Die volgende getuie was Bantoe Speurderkonstabel Amos Dabada. X

En het hy enige persone uitgewys? --- Hy het uitgewys Simon Mhlambi, Nyakane Tsolo en Isaac Motaung.

Is dit al wat hy uitgewys het? --- Ja.

Wie was die volgende getuie? --- Bennett Kingwana. X

BY THE COURT:

I hope that is a witness!

BY THE PUBLIC PROSECUTOR:

Yes, Your Worship, he was the Native Affairs clerk, who was a little bit apprehensive when he went into the box.

DEUR DIE GETUIE:

Hy het uitgewys Nyakane Tsolo. ✓

Verhoor/....

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Net die een? --- Ja.

Wie was die volgende getuie? --- Konstabel P. van Schalkwyk. Hy het uitgewys Nyakane Tsolo en Thomas Msimanga. X

En is dit al wat hy uitgewys het? --- Ja.

Wie was die volgende getuie? --- Konstabel C. Spies. X

Wie het hy uitgewys? --- Azael Kutoane en Nyakane Tsolo.

Is dit al wat hy uitgewys het? --- Ja.

Wie was die volgende getuie? --- Speurdersersant B. van der Merwe. Hy het uitgewys Nyakane Tsolo. X

Wie was die volgende getuie? --- Mnr. Labuschagne van die Stadsraad van Vereeniging. Hy het uitgewys Nyakane Tsolo en Thomas More. Die volgende getuie was A. de Vries. Hy het uitgewys Nyakane Tsolo. Die volgende getuie was Sersant Grobler en hy het uitgewys Nyakane Tsolo en Thomas More. Dan Konstabel L.C. van Wyk. Hy het uitgewys Nyakane Tsolo. X

Net die een persoon? --- Ja.

Wie was die volgende getuie? --- Sersant J. Oosthuizen. Hy het uitgewys Nyakane Tsolo. Kaptein Cawood. X

Hy het uitgewys Nyakane Tsolo. Dan Hoofkonstabel J. Heyl. X

Hy het uitgewys Nyakane Tsolo, Thomas More en Johannes Monyake. Dan Konstabel Grové. Hy het uitgewys Thomas Msimanga. Die volgende getuie was Bantoespeurder P. Serebonyane. X

Hy het uitgewys Simon Mhlambi, Izael Kutoane, Nyakane Tsolo, Isaac Motaung en Adam Sakwane. Die volgende getuie was Luitenant Visser. Hy het uitgewys Nyakane Tsolo, Thomas More. X

Hy het net die twee uitgewys. Die volgende getuie was Konstabel A. Kallis. Hy het uitgewys Simon Mhlambi en Johannes Monyake. Die volgende getuie was Konstabel J. White. X

Hy/....

2,878.

J.B. Laurens.

Hy het uitgewys Nyakane Tsolo, Alfred Mbulane, en dan het hy ook uitgewys Samuel Qotso Goeleman, Edward Moloto en Adam Sakwane.

Nou, hierdie Alfred Mbulane, van watter groep het hy gekom? — Hy was ook van Vereeniging.

Wie was die volgende getuie? — Konstabel W. Lourens. Hy het uitgewys Nyakane Tsolo en Thomas Msimanga.

Wie was die volgende getuie? — Die volgende getuie was Konstabel J.P. Prinsloo. Hy het uitgewys Nyakana Tsolo, Edward Moloto en Thomas More. Die volgende getuie was

Bantoespeurder Malakia Mmotong. Hy het uitgewys Azael Kutoane, Emmanuel Teketsi, Nyakane Tsolo, Johannes Sereho, David Ramodibe, Thomas More, Isaac Motaung, Adam Sakwane, Johannes Monyake en Thaddea Ntoampe.

Is dit al wat hy uitgewys het? — Dit is al wat hy uitgewys het.

Wie was die volgende getuie? — Dit is al.

Is dit al in verband met die Boksburgparade, d.i. die eerste parade by Boksburg? — Ja. Dan was daar natuurlik ander getuies gewees.

DEUR DIE HOF:

Ek verstaan daar was baie ander getuies? — Daar was 129 getuies; 129 of 127.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Dan op dieselfde dag by die Boksburgtronk, die Cinderellatronk, was u in bevel van 'n uitkenningsparade wat uit vrouens bestaan het? — Dit is reg.

Daar was agtien op die parade? — Dit is reg.

Waarvan agt verdagtes vanaf Vereeniging was? —

Dit is reg.

En tien was verhoorafwagend by die Boksburgtronk?

Dit/....

--- Dit is so.

Nou, wie het posisie nr. 14 beklee? --- Anna Lethege. ✓

Was daar enige verskil in die manier van opstel en die verduideliking van die voorregte van die vorige een? ---
Nee, dit was op dieselfde manier opgestel as die vorige parade.

Was die persoon wie posisie nr. 14 beklee het ooit uitgewys? --- Ja.

Wie was die persoon wie haar uitgewys het? ---
Konstabel Fouché. ✓

Was sy alleenlik deur daardie getuie uitgewys? ---
Dit is reg. Dit was ook die enigste getuie wie iemand uitgewys het.

Daarna, op die 19de Mei verlede jaar, by die nuwe Vereenigingstronk, was u ook in bevel van 'n parade daar? ---
Dit is reg. Ek was in bevel van wat na verwys word as parade nr. 3.

Ek wys nou vir u bewysstuk nr. 104. Sal u net eers kyk na die plan totdat u die letters A, B en C sien? ---
Ja, dit is reg.

U het nou 'n keuse van drie daar mnr. Laurens. Kan u daardie plan verstaan, en kan u vasstel by watter sel u die parade gehou het? --- Ja, my parade was gehou in die sel wat aangedui word deur 'n C.

Waar het u die verdagte persone gekry om in daardie sel te plaas? --- Toe ek daar kom het hulle van buitekant af ingekom met 'n lorry en hulle was direk na hierdie sel geneem.
Het u enige Polisiebeamptes in die omgewing gesien met 'n draagbare radiostel? --- Nee.

Die parade het uit 40 persone bestaan? --- Dit is reg.

Was almal verdagtes in die Vereenigingsaak? --- Ja.

Het/....

2,880.

J.B. Laurens.

Het u 'n tolk gehad daardie dag? — Ja, hy was
gewees Bantoesersant Lukas Makgoe.

En was die doel van die parade aan die persone
verduidelik? — Dit was.

Was daar enige verskil van die verduideliking wat
u by Boksburgtrek gegee het aan die verdagte persone op
daardie parade? — Ja.

Wat was die verskil? — Die doel van hierdie
parade wat aan hulle verduidelik was was dat sekere getuies
sal versoek word om die persoon of persone, indien op parade,
uit te wys wat gedurende die nag van 20/21.3.1960 en in die
loop van die dag van 21.3.1960 te Sharpeville persone opgeklop
en wakker gemaak het, eiendom beskadig het, beïnvloed het
en/of verhoed of gedreig het om nie na sy werk te gaan nie,
uitgelok, aangehits of gekry het om teen die passe te betoog
of protes aan te teken.

En was hulle voorregte aan hulle verduidelik? —

Dit was.

Nou, nadat posisies ingeneem is was daar enige
veranderinge van posisies tydens die verloop van die parade?
— Nee, hulle het deurgaans dieselfde posisies behou.

Nou, wie het posisie nr. 16 ingeneem? — Nr. 16
was Johannes Monyake.

En posisie nr. 27? — Dit was Thaddeus Ntoampe.

Posisie nr. 11? — Nyakane Tsolo.

Posisie nr. 21? — Thomas More. ✓

Posisie nr. 7? — Albert Matlala. ✓

Posisie nr. 30? — Emmanuel Teketsi. ✓

Posisie nr. 8? — Adam Sakwane. ✓

Posisie nr. 6? — Asael Kutoane. ✓

Posisie nr. 25? — Johannes Seretho. ✓

Posisie/....

Posisie nr. 26? --- Thomas Msimanga. ✓

Posisie nr. 34? --- Peter Thabane. ✓

Posisie nr. 33? --- Stefaans Lepee. ✓

Posisie nr. 36? --- David Ramodibe. ✓

En posisie nr. 38? --- Simon Mhlambi. ✓

Was 'n getuie met die naam van Piet Kok na die parade gebring? --- Ja.

En was die vraag wat u nou aan die Hof uitgelees het, of die inligting wat u vanaf 'n vorm uitgelees het, aan die getuie Piet Kok gestel? --- Dit is reg.

✓ Het hy enige persone uitgewys? --- Hy het uitgewys Albert Matlala.

DEUR DIE HOF:

Was daar baie ander getuies by hierdie parade wat persone nie kon uitwys nie, of wat ander persone uitgewys het? --- Ja Edelagbare, daar was etlike getuies wat niemand uitgewys het nie.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Kyk na bewysstuk 108? Dit is 'n nuwe bewysstuk, Edelagbare.

Is dit die tipe strokie wat die vraag bevat het wat u aan uitkenningsgetuies gestel het by die Boksburgparade op die 19de April verlede jaar? --- Dit is reg.

En was u in bevel van 'n parade van vrouens op Vereeniging? --- Nee.

Dankie, Edelagbare.

CROSS-EXAMINED BY MR. UNTERHALTER:

Mr. Laurens, were you responsible for the whole conduct of the first parade at Boksburg on the 19th April? Were you solely in charge of that parade? --- Ja, ek was geheel deur/....

deur 'n bewaarder, Swart.

But the responsibility for the parade rested upon you? --- Dit is so.

Now, you were aware of the need for being scrupulously fair in the conduct of this parade? --- Dit is reg.

As I read your evidence-in-chief there were actually 57 suspects on the parade, and 20 awaiting trial prisoners put in so to speak for make-weight? --- Nee, in werklikheid was daar 42 volgens die versoek aan die getuies. Die getuies was versoek om die persone, indien op parade, uit te wys wat op die 21ste te Sharpeville lokasie aan die betogings of oproer deelgemeem het. So dan was daar in werklikheid net 42 verdagtes.

Can I assume then that as regards this parade it was not used in order to identify any suspects who might have been awaiting trial in connection with a charge relating to Vanderbijlpark? --- Nee, nie volgens hierdie versoek nie.

Mr. Laurens, I follow that in regard to the request, but what I want to know specifically from you is this. On that particular parade did you address a request to any of the witnesses to make any identification in regard to some offence related to the area of Vanderbijlpark? --- Nee, ek het nie.

It was used only for offences at Sharpeville? --- I only mentioned what was written on this paper here.

Which is in connection with Sharpeville? --- Ja.

Now, in regard to the appearances of the suspects, did you personally examine these people to see whether any special action to protect them was required by you? --- Ja, ek het hulle almal deurgekyk en ek het nie aan engeen van hulle enige besondere uitstaande kenmerk gesien wat hom as 'n uitstaande persoon sou identifiseer nie. Ek kan ook net meld/....

Postate nr. 267
Postate nr. 347
Postate nr. 337
Postate nr. 367
En postate nr. 367
Was 'n getuie me
parade getuie
En was die vrees
bet of die inligting wat
die getuie Piet Kok gegee
Het hy enige be
Albert Matlala.
DEUR DIE HOE:
Was daar baie
persone nie kon niwys ni
--- Ja Edelskape, daar
bet nie.
VERHOOR DEUR DIE HERR
Kyk na bewyse
Edelskape.
Ja dit is
wat u aan niktkenninge
op die 1ste April vert
En was u in
Vereniging? --- Nee.
Dankie, Ed
GROSS-EXAMINED BY MR.
Mr. Laurens
conduct of the first
Were you solely in co

meld dat ek het vir hulle gesê dat as hulle hulle klere drag wil omruil dan kan hulle dit doen, en daar het van hulle van baadjies en so aan verwissel.

Mr. Laurens, did you not see that among the suspects there was a certain person wearing a beard? --- Ek dink daar was ja. Ek dink daar was meer as een geweës.

Now, you say you think that there was more than one. You are not certain about that? --- Ek is nou nie meer baie seker nie.

And if one of the accused for whom I appear will state in evidence that he was in fact the only person on parade who had a beard, you would not be in a position to deny that? --- Nee, alhoewel ek van die opinie is dat daar was meer as een geweës.

But you won't deny what I am just putting to you? --- Nee, ek sal dit nie ontken nie.

BY THE COURT:

Mr. Prosecutor, have you not got a photograph in this case, for this parade, as you have in respect of another parade?

BY THE PUBLIC PROSECUTOR:

Yes, I have one, Sir.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

You did not think Mr. Laurens, in view of your remembering that there was at least one person with a beard, that you should have had quite a fair sprinkling of bearded men there to protect the suspect? --- Ja, daarom sê ek dat ek is onder die indruk daar was meer geweës wat baard gehad het, andersins as ek opgemerk het, as ek sou opgemerk het dat daar is net een persoon wat 'n baard het, dan sou ek seerskerlik probeer/....

probeer het om meer persone op die parade te kry wat ook 'n baard het.

Anyway, the photograph of the parade should make that clear in a moment or two? --- Daar was nie 'n foto geneem van daardie parade nie.

I don't want there to be any misunderstanding Mr. Laurens. I am questioning you at the moment on the parade of men that you held at Boksburg? --- Dit is reg.

As far as you are concerned that is the first one? --- Dit is reg.

The second one would be the parade of women at Boksburg? --- Dit is reg.

And the third one would be the parade at Vereeniging to point out people who had threatened others on the night of the 20th and the 21st? --- Dit is reg.

BY THE PUBLIC PROSECUTOR:

I am sorry if I have misled Your Worship. There was a photograph taken but at the Vereeniging parade and not at Boksburg.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Så in fact we have no independent check by way of a photograph as to the number of bearded people who were on the parade? --- Nee, ons het nie.

Now, your interpreter, the man called Richard, was he known to you before this parade? --- Nee.

Did you address any questions to him before he embarked on his duties with you? --- Al wat ek hom gevra het was of hy in staat sal wees om aan die beskuldiges te vertolk, om as tolk op te tree tussen my en die beskuldiges van Afrikaans na hulle taal, en hy het gesê dat hy is bevoeg om dit te doen.

In regard to this question of the interpreter, did you/....

you address any questions generally to the suspects regarding the competence of this person as an interpreter? --- Nee, Edelagbare. Nadat hy aan hulle vertolk/wat gesê is het ek vir hulle gevra of almal mooi verstaan wat die doel van die parade is, en daar was niemand gewees wat gesê het dat hy nie verstaan het nie.

Is it correct Mr. Laurens that this was a general address made to the group as a whole? --- Ja.

It was not personally addressed to each one of the people? --- Nee.

Just in passing Mr. Laurens. You had a fair amount of experience with various identification parades I take it over the years? --- Ja, ek dink so.

Is the usual procedure for yourself and your interpreter to address the parade at large, or is the usual procedure to go and have an independent individual conversation with each one of the people on parade? --- Nee in die geval waar daar een beskuldigde op parade is, maar wanneer daar meer op parade is dan gewoonlik spreek ek hulle toe as 'n geheel, die hele parade. Wanneer daar nou net een verdagte op 'n parade is dan praat ek gewoonlik net hoër direk.

Now Mr. Laurens, you are aware that there are various ethnic groups who make up the African population of South Africa, and who speak different languages? --- Dit is so.

Did you know the language that the interpreter was using? --- Nee, ek weet nie.

When I say that Mr. Laurens I don't mean did you understand it, but I mean did you know the name of the language? --- Nee, ek weet nie.

Now, how were you satisfied in regard to that parade that all the people there were of sufficient community so to speak/....

speak to understand the language of the interpreter? Let me make it simpler for you. Supposing the interpreter was using Sesotho, how could you as the Officer in charge of the parade be satisfied that everyone on that parade understood that language, and was not perhaps in difficulties because they were Zulu, or Shangaan, or Sepedi, and hence might not be able to understand Sesotho? Do you understand my question? --- Ja. Edelagbare, ek het my eintlik toegespits op een van die beskuldigdes, Nyakane Tsolo, en ek het seker gemaak dat hy my baie goed verstaan, en ek het ook aan hom gesê dat as daar enigeen van sy medeverdagtes is wat nie iets verstaan nie of enige beswaar wil maak, dan kan hulle deur middel van hom die beswaar maak of hulle kan self die beswaar maak.

Now, when you said that to him what did he do? --- Wel, ek glo nie hy het op daardie stadium iets gedoen nie. Dit het my voorgekom asof almal, nadat wat ek gesê het vertolk was aan hulle, verstaan het wat daar gesê is en dat almal tevrede was.

I take it he did not leave his position on the parade and go and speak to each person individually and say to them "Now look, this is the instruction I have had from the Officer in charge. I want to satisfy myself that you understand it. Is it in order?", and having checked up on all of them return and report to you that everything is in order? He did not do that? --- Nee.

And of course the interpreter also did not do anything like that? --- Nee.

Now Mr. Laurens, I have been putting these questions to you because I have instructions from a very large number of the accused whom I represent, that they never heard the objects of the parade being explained to them, and they did not hear the/....

invitation in regard to their positions. I am not at the moment suggesting that that was not put to them, but I want to suggest to you that if this is so, may it not be that in fact they did not understand what was being said to them, and they left it at that, and therefore they really were not fully acquainted with their rights as they should have been in their own language? May that have been the case? --- Ek glo nie. Ek glo nie dit kon die geval gewees het nie. Ek voel altyd dat wanneer ek 'n parade hou dan moet dit in alle regverdigheid gehou word en tot die beste van my vermoë. Hulle het vir my almal daar redelik intelligent gelyk, en ek glo dat hulle sou beswaar maak het as hulle die verrigtinge nie kon gevolg het nie.

Of course, you will in fairness to them I take it concede Mr. Laurens, that some of them might have been ignorant, frightened, bewildered, and just accepted this as an official procedure, and therefore were genuinely in ignorance? That possibility exists? Is that not so? --- Hulle het vir my almal baie op hulle gemak gelyk, en deurgaans was daar geen tekens van enige verskrikking of iets dergeliks nie.

But I take it that you will admit that the ideal way of proceeding with this would have been for you personally to have satisfied yourself in regard to these people, as to the language they understood, and not leaving it as a general impression in your mind? You do concede that, don't you? --- Ek weet nie. Selfs in 'n Hof word een tolk gebruik waar daar 'n hele aantal beskuldiges is, en ek het nog nooit gehoor dat daar persone beswaar maak dat hulle nie die tolk kan volg nie.

Well, may I assure you that other people have had other experiences, Mr. Laurens!

By/....

BY THE COURT : TO THE ACCUSED:

Are there any of the accused who don't understand South Sesotho? Let them speak!

(All the accused understand South Sesotho).

BY THE COURT:

Well, I think we made sure of that previously.

COURT ADJOURNS.COURT RESUMES:

JOHANNES BERNARDUS LAURENS, onder sy vorige eed, vervolgt:

KRUISVERHOOR DEUR MNR. UNTERHALTER VERVOLG:

Now, after any particular witness had identified any particular individual suspect or otherwise standing in the line there, was any announcement made as to what the people on parade could do? --- Ja, elke slag nadat 'n getuie die persone uitgewys het of die persoon uitgewys het, dan het ek gevra of hulle nog tevrede is met hulle posisies, en dit was herhaal deur die tolk.

You see because here again some of the accused will say that they did not realise they could change their positions. Is there anything you want to say about that? --- Nee, ek dink dit was baie duidelik aan hulle gewees. Ek het na elke getuie, en voor die volgende getuie inkom, gevra of hulle nog tevrede is met hulle posisies.

Mr. Laurens, I wonder if you recollect an incident where the parade broke for a little while after one witness had appeared, and when it re-assembled the positions were somewhat different and you insisted that they take up the original positions? Do you remember such an incident? --- Nee, Edelagbare.

Dit/....

Dit het gebeur nadat een of ander getuie ingekom het. Voor ek die volgende getuie inroep dan vra een van hulle om net na die gemakshuisie te gaan, en dan sê ek vir hom ja, hy kan gaan, maar dan moet hy nou weer dieselfde posisie inneem. Hy moet onthou waar hy gestaan het, of so nie moet hy vir my sê as hy 'n ander posisie inneem; andersins sou dit 'n groot verwarring veroorsaak het.

Now, you have told His Worship of the people who were identified by certain of the witnesses whom you have named, and that there were 127 witnesses altogether? --- Ja.

In certain cases you have named the people who had come from areas other than Sharpeville. I take it that you don't know of your own knowledge that they came from the other areas? This is evidence given by you on information afforded you by other people? --- No, I wrote down their names and the places from where they came.

As they gave it to you? --- Yes.

You assume from what they said that that was correct? --- Dit is so.

Is it possible for you Mr. Laurens to tell His Worship this afternoon either accurately or approximately how many people were pointed out by the witnesses as having come from Sharpeville, when in fact, according to your records, the people pointed out were Vanderbijl people or awaiting trial prisoners, not in the Sharpeville group? --- Nee, dan sal ek moet al daardie 127 strokies nagaan, en ek sal dit moet vergelyk met die lys hierso.

Well, were there in fact as far as you can remember any instances where people other than the Sharpeville suspects were pointed out by some witnesses? --- O ja, daar was gevalle.

Now, in regard to the women's parade Mr. Laurens,

it/....

it is correct is it not, that this was held after the completion of the men's parade at Boksburg? --- Dit is reg.

Now, the times that you gave were approximately three o'clock in the afternoon, and I think you also made a reference to its lasting until about five? --- Dit is reg ja.

Now, would it be correct for one of the witnesses to say that in fact this women's parade was being conducted when it was almost dark? --- Nee, dit was nog lig daardie tyd. Hierdie parade het baie gou gegaan, want die meeste van die getuies het sommer net ingekom en gesê hy sal nie in staat wees om enigeen uit te wys nie; dan het hy nie eers gekyk na die parade nie, en hy het doodeenvoudig net deurgestap.

And as far as explaining the purpose of the parade and the privileges of the suspects were concerned, do you say that it was similar to what took place at the men's parade? --- Ja.

I take it that the evidence you gave His Worship in regard to the use of the language by the interpreter and so on, is the same as the evidence that you now give? --- Nee, hierso by die vrouensparade het ek nie gebruik gemaak van 'n tolk nie. Hulle het vir my gesê dat hulle verstaan almal Afrikaans, en ek het hulle die doel van die parade in Afrikaans verduidelik.

Now Mr. Laurens, when you say they said to you that they understood Afrikaans, what precisely do you mean? Do you mean that each one came up to you individually and spoke to you in Afrikaans? --- Nee, ek het vir hulle gepra of hulle almal Afrikaans verstaan, en hulle het gesê ja, hulle verstaan almal Afrikaans. Ek het vir al die verdagtes dié een vir een gevra. Soos ek haar naam opgeskryf het het ek vir haar gevra "Verstaan jy Afrikaans?", en dan sê sy ja.

Are/....

Are you quite sure about that Mr. Laurens? --- Ja, want dit was geen moeite om 'n tolk in te kry nie.

You see, one of the witnesses is going to say that she did not understand at all that there was a right to change her position, and I am putting it to you again that it may have been because the language was not clear to her? --- Nee, as ek die minste aanduiding gekry het dat hulle nie almal Afrikaans verstaan het nie, sou ek 'n tolk gekry het want daar was baie tolke beskikbaar gewees.

You see, there will be evidence Mr. Laurens, that one of the women who were on parade was not asked that question by you, and she will go further and say she does not understand Afrikaans? --- Nee, as ek die minste aanduiding gekry het dat daar enigene was wat nie Afrikaans verstaan het nie, sou ek gebruik gemaak het van 'n tolk.

Did you assume that the question that you put "Will you understand me in Afrikaans?" was understood because according to you the reply came back "Ja"? --- Ja, hulle het gesê ja, hulle verstaan dit.

Apart from the fact that you decided on the basis of this enquiry to put your questions or make your statements in Afrikaans, why did you not, even without putting that proposal to them, have an African interpreter there? What was the difficulty? --- Nee, daar was geen moeslikheid nie, maar aangesien hulle Afrikaans verstaan het het ek toe nie een ingeroep nie.

And there was a total of eighteen African women on the parade? --- Dit is so ja.

It did not appear to you to be surprising that eighteen African women one and all understood Afrikaans? --- My ondervinding is dat die meeste Bantoevrouens verstaan Afrikaans en praat Afrikaans.

Now, on the 19th of May at Vereeniging you held your first/....

first parade in cell "C" as it appears on Exhibit 104? --- Dit is reg ja.

Mr. Laurens, did I understand your evidence-in-chief to be this? That there were forty persons on that parade, and all of them were people suspected of being implicated in the Sharpeville offences? --- Dit is reg.

In this case why were not these forty suspects mixed with awaiting trial prisoners or others who had nothing to do with it, to make the weight, as I used in my earlier questions, more evenly distributed? --- Ek het ongeveer twintig ander persone daar gehad wat in privaatklere was, maar hulle het toe my aandag daarop getrek, een van die verdagtes, dat die persone is almal Bantoe-konstabels, lede van die Polisie, en ek het hulle toe verwyder van die parade af, want ek het besef dat daar mag die moontlikheid bestaan dat enige van hulle mag 'n indikasie gee van wie 'n moontlike verdagte kan wees, en nadat ek hulle verwyder het van die parade af het ek toe deur middel van die tolk vir die verdagtes gevra of hulle tevrede is met die parade soos dit is, en of ek nog moet ander persone kry, en toe sê hulle nee wel hulle is tevrede soos dit is, en daar was toe nie ook op daardie stadium ander persone glo ek beskikbaar nie.

Well Mr. Laurens, as a person who has admitted that you wish to be as scrupulously fair as possible, why did you not defer this particular parade until say the following day, and then intermix with the suspects certain strangers so that you would have a balance? --- Ek het gevoel aangesien daar so 'n groot hoeveelheid persone teenwoordig is op die parade, om nou sê 'n tien of selfs twintig ander persone by te voeg sal nie veel verskil maak aan die uitkennings nie.

Mr. Laurens, won't you agree with me that in effect by having suspects only on the parade, it diminishes the value of/....

of the parade very greatly for the following reasons. If an irresponsible witness decides to pick out any one of those forty people there who are suspects, prima facie he has picked out a suspect, whereas if there were non-suspects there and he went and picked one of those out you would have a guarantee that he would be making a mistake? Is that not common sense? --- Wel, ek weet nie. Dit is moeilik vir my om daardie vraag te antwoord. Enige getuie kan onder enige omstandighede 'n oneerlike ding doen, wat ek nie kan verhoed nie. Al sou ek nou ook 'n honderd persone op parade sit kan ek dit nie verhoed nie.

If ten people were suspected of murder, you would not only line the ten people up, would you? You must put others in to give you some assurance? --- Ek weet nie. Ek het nog gevoeg dat aangesien daar so 'n groot hoeveelheid persone is, dat een of ander persoon nie juis daardeur benadeel kan word nie. Die feit bly ook staan dat van die hele reeks uitkenningsgetuies was daar net een gewees wat een persoon uitgewys het.

Now, that particular person was Piet Kok? --- Dit is so.

May I see please the slip upon which you made your notes in regard to his identification? --- Ja.

While the slip is being looked for let me put some other questions to you. Were you present when the suspects arrived by lorry at the gaol at Vereeniging? --- Nee, ek kan nie baie goed onthou nie. Ek dink die lorries was reeds daar gewees, maar hulle was nog in die lorries gewees toe ek daar gekom het.

And I presume that likewise a large number of the witnesses had arrived at the gaol in order to be called to identify/....

identify if possible in due course? --- Ek volg nie die vraag nie.

You say the suspects were in a lorry but had not descended from the lorry? --- Ja.

The lorry was at the Vereeniging goal at the time you were there. I am putting it to you that I assume there had already also arrived numbers of the witnesses who were to be called to identify people on the parade? --- Ek glo nie die uitkenningsgetuies nie. Ek het nie op daardie stadium van die uitkenningsgetuies daar rond gesien nie. Ons was betreklik vroeg daar. Ek was saam met die Kaptein gewees daar, en ek dink ons was feitlik die eerstes wat daar gekom het.

Then can I understand that according to you the order of arrival would be the following? Officials concerned with organising the parade, the suspects in their lorry, and then after that the witnesses? --- Ja, ek dink dit is soos dit was, maar ek meen dat die verdagtes was reeds al daar gewees. Ek is nie baie seker nie, maar ek dink met ons aankoms daar was hulle reeds daar gewees en hulle was toe onmiddellik ingevat na die verskillende selle waar hulle moes wees.

This was a new set of buildings, was it not, i.e. just erected? --- Ja, dit is reg.

Or rather partially erected? --- Ja wel, ek kan nie sê tot hoe 'n mate dit voltooi was nie. Ek het nie in besonder aandag geskenk aan die gebou op sigself nie.

Did you not notice certain members of the Police Force wandering around in that inner courtyard and looking out of curiosity at the various parts of the building? --- Nee, al wat daar binne in die gebou was was Polisiemanne wat gehelp het met die verskillende parades. Hulle was spesiaal aangesê om daar te kom om behulpsaam te wees met die parades.

Was there not any situation where the suspects, getting/....

getting down from the lorry, might have been seen by some of the people who were to be called as witnesses to the parade?
--- Ek het geen van die uitkeningsgetuies in die omgewing gesien toe die verdagtes ingekom het nie.

Well, may there not perhaps have been people there whom you did not realise were witnesses, but who later turned out to be witnesses? --- Ek het niemand gesien nie.

So we must understand the effect of your evidence to be that in fact there were no witnesses there at all? --- Ek het hulle nie gesien nie.

Now, I have been asking you about your remarks. May I just see the paper please? --- Yes. (Slip of paper is handed to Mr. Unterhalter).

Now, this slip refers to two parades? Parade No. 1. I take it that is then the parade at Boksburg? Would that be right, i.e. parade No. 1? Then parade No. 3, which is the one at Vereeniging? --- Nee, dit was parade nr. 1 op Vereeniging.

Oh, parade No. 1 at Vereeniging? --- Ja.

Was that in cell "B"? --- Sel "A".

Cell "A"? --- It must have been in "A".

And that was not conducted by you? --- No.

That was conducted by Mr. Engelbrecht I presume? ---

I don't know.

Anyway, we are only concerned with parade No. 3, are we? --- Ja.

And I wonder if you would please read out to His Worship what you noted? --- Moet ek sê wat die getuie aan my gesê het?

That is so yes. That is Piet Kok. --- Die getuie wys uit Albert Matlala as een van die persone wie gedurende die nag/....

nag van 20/21.3.1960 by sy huis was, aan die deure geklop het en die venster gebreek het". Hy het verder verklaar dat hy hom nie gesien het nie, maar sy stem herken het.

Thank you, Your Worship.

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

DEUR DIE PUBLIEKE AANKLAER:

Edelagbare, ek het vergeet om sekere van my getuienis te lei. Die strokies was toe uit orde uit.

DEUR DIE HOF:

Verdere hoofverhoor? Goed.

VERDERE HOOFVERHOOR DEUR DIE PUBLIEKE AANKLAER:

Wat is die eerste strokie wat jy het? Is dit van die parade op Boksburg? --- Dit is die eerste parade op Boksburg ja. Die getuie Speurdersersant Wessels het uitgewys Emmanuel Teketsi, Nyakane Tsolo, Timothy Mbata en Thomas More. Ek het dat hierdie strokie het reeds al gedien as 'n bewysstuk. Dit is bewysstuk nr. 59.

Ja Edelagbare, ons het dit ingehandig toe Sersant Wessels getuienis gegee het om te dien as 'n voorbeeld. Dit is bewysstuk nr. 59, Edelagbare.

Ja, wie was die volgende persoon? --- Die volgende getuie Bantoespeurder Sidwell Kele het uitgewys Emmanuel Teketsi, Nyakane Tsolo, Thaddeus Ntoampe, Thomas More en Johannes Monyake. Die getuie Konstabel A. Struwig het uitgewys Thomas More. Konstabel Beyl het uitgewys Samuel Polo, John Moloto, Stefaans Lepsee, Nyakane Tsolo, Thomas Msimanga, Michael Tsoloyane, Sidwell Ghaza, Albert Matlala, Joseph Makoebe, Johannes Seretho, Peter Thabane, Thomas More en Johannes/.....

Johannes Monyake. Die volgende getuie Bantoeconstabel M. Ngumbuxa. Hy het uitgewys Joseph Makoebe, Samuel Dhlamini en Adam Sakwane. Die volgende getuie Bantoesersant D. Makabela het uitgewys Azael Kutoane, Emmanuel Teketsi, Nyakane Tsolo, Silas Ramapule, Samuel Goeieman, Elliot Kupeka, Joseph Mokwena, Thomas More en Piet Tshabalala. Die volgende getuie Konstabel C.R. Meyer het uitgewys Bachelor Mtomyene, Nyakane Tsolo en Simon Mhambi. Die volgende getuie Konstabel R. Olivier het uitgewys Stefaans Lepee en Peter Thabane. Die volgende getuie Bantoeconstabel Dawid Kutoane het uitgewys Emmanuel Teketsi, Nyakane Tsolo, Edward Moloto. Die volgende getuie Konstabel Fouche het uitgewys Nyakane Tsolo en Thomas Msimanga. Die volgende getuie Konstabel P. Mynhardt het uitgewys Andries Tshope, Azael Kutoane, Samuel Moloi en Johannes Seretho. Die volgende getuie Sersant Scheepers het uitgewys Timothy Thabane, Richard Dhlamini, Germuel Mohale, Albert Matlala en Johannes Monyake. Die laaste getuie Sersant Muller het uitgewys Thomas More.

Mr. Laurens, ek verstaan daar was 'n foto geneem van hierdie parade, maar is dit reg dat ^{dit} in u afwesigheid geneem is? U het net daarvan gehoor? --- Nee, van hierdie parade was geen foto geneem nie.

En te Vereeniging? --- By die Vereenigingparade was daar 'n foto geneem, maar nie in my teenwoordigheid nie.

By die Bantoevrouensparade, toe u die vrouens vra of hulle kan Afrikaans verstaan, het elkeen geantwoord "Ja", of was dit net.....

DEUR DIE HOF:-

Mr. die Aanklaer, laat ons eers die kruisverhoor klaarmaak voordat u die herondervraging aanpak. Ek weet nie of daar nou verdere kruisverhoor is nie. Mr. Unterhalter, any/.....

any further cross-examination?

BY MR. UNTERHALTER:

No further cross-examination, Your Worship.

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

RE-EXAMINED BY THE PUBLIC PROSECUTOR:

U het 'n vraag gestel aan die Bantoevrouens, nl.

"Verstaan julle Afrikaans?" ---Ja.

Dit is aan elkeen gestel? --- Ja.

En het elkeen geantwoord "Ja" of nie? --- Ja kyk, terwyl ek hulle name afgeskryf het het ek vir elkeen gevra "Wat is jou naam?" Dan sê sy "My naam is Anna so en so", en dan het ek vir haar gevra "Verstaan jy Afrikaans?" en dan sê sy ja, sy verstaan Afrikaans.

As ek 'n foto aan u wys sal u in staat wees om te sê of dit mense is wat op u parade was? --- Ek kan kyk daarna, Edelagbare.

Dit is bewysstuk, 110, Edelagbare. --- Hier is van die gesigte wat vir my bekend lyk. Ek herken byvoorbeeld Nyakane Tsolo. Die kan ek hier herken, maar ek sal lievers nie wil sê dat hulle was almal daar gewees nie.

Nou, in elk geval terwyl ons besig is met bewysstuk 110, hoe vergelyk die persone op bewysstuk 110 met die voorkoms van die persone wie op parade was by Boksburg? --- Ja, dit is dieselfde tipe persone.

En kyk na bewysstuk nr. 109? ---U Ja.

Nou, bewysstuk 109 wat u nou voor u het, is dit 'n "pro-forma" van die tipe vorm wat die getuies by die Vereeniging-parade aan u oorhandig het, en bevat dit die vraag wat u aan hulle gestel het? --- Dit is reg.

Dankie, Edelagbare.

LUKAS MAKGOE, duly sworn, states: (Witness speaks Sesotho).

EXAMINED BY THE PUBLIC PROSECUTOR:

Are you a Bantu Sergeant in the South African Police stationed at Vanderbijlpark? --- That is correct.

On the 19th May last year, and at the new gaol in Vereeniging, were you an interpreter for Detective Head Constable Laurens? --- That is correct.

Was that at an identification parade? --- Yes.

And did you faithfully and to the best of your ability interpret or translate whatever Detective Head Constable Laurens stated into a Bantu or African language? --- That is true

What was the Bantu language or dialect that you used? --- Ordinary Sesotho.

Well, what language are you talking now? --- I interpreted into Southern Sotho.

BY THE COURT:

Southern Sotho. And what language are you using now? --- I am using Southern Sotho now.

Is that your home language? --- Yes.

EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Did anybody ever complain to you from the parade that they did not understand the language you were using? --- No.

Thank you, Your Worship.

CROSS-EXAMINED BY MR. UNTERHALTER:

How were you satisfied that the language you were using was being understood by all the people on the parade? --- It was because I asked them if they understood, and they all of them said that they did understand.

Now, when you say you asked them, did you ask each one/....

2,900.

L. Makgoe.

one individually or did you ask the crowd as a whole? --- I just asked them in general.

Well, how do you know that that question was understood by all the people on the parade? --- There was no person who said he did not understand.

BY THE COURT:

Yes, but supposing you asked the question in Chinese and they all spoke South Sesotho, how could they tell you yes or no? --- That I do not know. I cannot say.

Anyway, you were speaking to Bantus, were you? --- Yes, Your Worship.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

You did not go down the line and get an individual reply from each one of the people to your question put to them generally? --- No, I did not do that.

And you cannot be sure that every single one on the parade replied to your question, can you? --- Yes, that is so.

You are agreeing with me? --- Yes.

Now, what was it that you first said to this parade in translating what Mr. Laurens said? --- I think the first thing which I interpreted to the persons on the parade was when as they arrived there, I was told to inform them that each individual could stand where he wants to stand.

Did you say this to each one of these people as they came, or did you address it to the crowd as a whole already assembled? --- I told them all after they had been assembled. I did not tell them individually.

And having told them that did you notice whether they did anything? --- No.

What was the next matter that you translated for

Mr./....

Mr. Laurens? --- I do not remember.

Now, as each witness came in, some of them may have identified some of the people on the parade and some may not have? Is that not so? --- There was only one person who was identified by one individual.

But several witnesses came in in order to attempt to identify? --- Yes.

Now, throughout the whole of this period of witnesses coming in and witnesses going out, did you do any interpreting at all for Mr. Laurens? --- Yes.

And what did you say, interpreting during the course of the parade? --- When the next witness was being called he then informed the persons on the parade that if any of them wanted to change their positions, they could do so before the witness comes in.

And did this happen every time an old witness left and just before a new witness arrived? --- Yes.

Thank you, Your Worship.

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

NO RE-EXAMINATION BY THE PUBLIC PROSECUTOR.

COURT ADJOURNS UNTIL 27.1.1961.