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3,058.

1ST MAY, 1961.

COURT RESUMES : APPEARANCES AS BEFORE.

BY MR. UNTERHALTER:

Your Worship, I call as the next witness Johannes Seretho, accused No. 27.

JOHANNES SERETHO (Accused No. 27), duly sworn, states:

EXAMINED BY MR. UNTERHALTER:

On the 21st March of last year were you wounded? ---
Yes.

Where did you receive your wound? What part of your
body? --- On my heel, i.e. my left heel.

Now, that morning had you gone to work? --- I did not
go to work.

Why was it that you did not go to work? --- When I came
out of the gate of my premises I met my co-workers who were
returning from where they had gone to get transport to convey
them to work. They then made a report to me, the contents
of which was that they had been assaulted by certain persons.

Anyway, they made a report to you and as a result of
that you decided not to go to work? --- Yes, I then stayed
away. I was afraid of being assaulted.

BY THE COURT:

You stayed away on account of being assaulted or in
fear of being assaulted? --- In fear of being assaulted, Your
Worship. I was not actually assaulted.

EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, you remained at your home for some little while
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EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, you remained at your home for some little while
then/....

then? ---Yes.

And then you went to the Police Station, did you? ---
That is correct.

What was it that induced you to leave your home and go
to the Police Station? --- I went to the Police Station when
I noticed the aeroplanes flying over and past the place where
I live, in the direction of the Police Station.

And then when you came to the Police Station did you
remain there for some while? --- Yes.

Now, while you were there did you do anything? Did
you shout or sing, or wave your hands, or put your thumb up
in the air? --- No, I was just standing there doing nothing.

And after you were wounded how were you removed to
hospital? --- I was then removed to hospital in an ambulance.

You remained there and received treatment for some
while?

BY THE COURT:

May I just clear it up. Were you removed from the
place where you were wounded, or had you gone home or something
before the ambulance called for you? --- I was removed by the
ambulance from the same spot where I get injured or hurt.

EXAMINATION BY HEE UNTERHALTER CONTINUED:

Which was somewhere near the Police Station? --- Yes.

You were treated in the hospital for some little while?

--- Yes.

And upon your release from the hospital you were then
arrested there? --- That is correct.

And you were kept in the Boksburg gaol until you were
admitted to bail? ---That is correct.

Thank you, Your Worship.

No/....

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

CROSS-EXAMINED BY THE PUBLIC PROSECUTOR:

What is your address at Sharpeville? --- 8698, i.e. the number of my house.

And how long have you been living in Sharpeville? --- I have lived here in Sharpeville for the past twenty-one years.

Have a look at Exhibit 2, which is a photostatic copy of the aerial photograph of Sharpeville, showing where the Municipal Offices are and Secise Street. Can you understand that photograph? --- Yes.

Now, as you go down Secise Street with your back towards the Municipal Offices - in other words, you are walking down towards the vicinity of the Police Station - on which side of Secise Street do you live? On the lefthand side or the righthand side? --- I am on the left side of that portion of the location.

BY THE COURT:

On the same side as the dam? --- Yes, Your Worship.

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And do you live in the block before you get to the school or beyond that block? --- I live beyond the block, i.e. the school block. I walk past it.

Past the school, and then do you have to go past the bus terminus? --- Yes, I still have to go past the bus terminus.

Do you have to go past the shops? --- I then have to walk along that street with no name running between the clinic and the Police Station, and that leads me to my home.

Do you have to go past the Police Station to get to your home? --- Yes.

So you have to cross Zwane Street? -That is the one with the/....

the island in the middle which runs past the front of the Police Station? --- I then have to go down Zwane Street, slightly past the southern gate of the Police Station, and then the immediate street as I proceed, the immediate street not far from the small gate, there I have to turn; that leads me to my home.

I see. So the street in which you live, if you continued that street upwards so that it crossed Zwane Street, that street would run into the Police Station below the small gate? --- Yes, that is correct.

And as you stand in the street and face your street, and face the Police Station, on which side do you live of that street? The lefthand side or the righthand side? --- When I am facing the Police Station standing in the same street which leads to my home, it is the houses on the right.

And how many houses down from Zwane Street is your house? --- If I am not making a mistake I think it is the fifth house down that street.

So standing at your house you can see the Police Station --- Yes, but the trees obstruct my view.

You can climb these trees, or if you stood on the roof of your house you would be able to see the Police Station, not so? --- Yes, I think I would be able to see the Police Station.

Now, before this trial did you know any of the accused who are here today? --- I did not know any of the accused.

Did you see any of them on the 21st March last year? --- No, I did not see any of them.

Did you see any of them before, the day just before, the Sunday before that Monday on which the shooting took place? --- No.

Had/.....

Had you ever heard of the Pan Africanist Congress before the 21st March, 1960? --- No, I know nothing about that organisation.

Did you know before the 21st of March or had you learnt that there was going to be some form of demonstration on that day? --- No, I did not.

Had you ever seen or come into possession of any pamphlets mentioning this day, the 21st March? --- No, I did not receive any or come across any.

Where were you employed on the 21st March? --- I was employed at President Foundry.

That is in one of the industrial areas of Vereeniging? --- Yes.

What time did you leave or come out of your house to go to work on the Monday? --- At twenty to seven or a quarter to. I usually leave at that time.

And did you follow the route that you have just described? In other words, you walk up your street until you get into the street in front of the Police Station, and then round and up past the clinic and the shops towards the bus stop? Is that the route that you were going to take that morning? --- I do not often take that route. I usually take the route which goes past the dam.

And where did you meet your co-workers? --- My co-workers often take the route which leads into Zwane Street. On this particular day I came out of the yard and just outside there met my co-workers.

Just as you left your premises? --- Yes.

How many co-workers were there? --- Two.

Do they live in your street? --- It is the next street
low nine.

When/....

When you say below yours do you mean towards the dam?
 --- No, not the street in the direction of the dam. It is the street above, i.e. the next street....

Towards the sports grounds? --- Yes.

Do you usually meet these people in the morning or was this something unusual? --- They usually start working at six in the morning, and I start working at seven, but that is the route which they usually take, which goes past my home.

But normally you never see them? --- I do see them.

Do you go to work with them? Is it your habit to accompany them on their way to work? --- That is if I have to start work at six a.m. I then go with them.

And if you don't have to start work at six they go on ahead without you I take it? --- Yes, I do not go then. Then they go before me and I follow afterwards.

So on this morning you did not have to accompany them to work? You were starting later? --- Yes.

And when you saw them were they on their way to work? --- They were stopped on their way to work, and therefore they were then returning.

So they were on their back after having made an attempt to go to work as far as you could establish from what they told you? --- Yes.

Why were you afraid that you would be assaulted that morning? --- It was because I heard from these persons that they had been assaulted by persons, and that their lunch had been left there in the street, i.e. the lunch that they were carrying and that they were supposed to eat at work.

And what happened to these two people after you had had your discussion with them? --- They left for their homes.

Did/....

Did you understand that it was people who were going to work who were being prevented from going to work? --- Yes.

Did you try going to work by some other route which would perhaps lead you in a different direction from where the assaults were taking place? --- I did not.

And did you remain at your house for the rest of the day until you decided to go to the Police Station? --- I remained at home until the stage when I noticed the aeroplanes flying above the Police Station, and then I decided to go there.

Now, before that time had you remained inside or had you perhaps worked in your garden or pattered about in your garden premises? --- Yes, I was turning the soil, working in my garden.

And did you notice people gathering at the Police Station? --- Yes, different groups of people walked past there in the street towards the Police Station, and others were returning.

Were you at all curious to find out what was going on at the Police Station? --- As these groups walked past my place I heard them talking amongst themselves and saying that they were going to the Police Station and they made mention of the passes.

I can put it to you that this was an unusual sight on a working day, to see groups of people going on towards the Police Station and talking about passes? --- Yes.

And you are interested in finding out anything that has something to do with passes I take it? --- These groups, when they walked past my place there.... one group which was still going to the Police Station, the one which was returning from the Police Station made enquiries as to why they were

new/....

now returning or going back, and the other group then replied and said "No, we are going back because we have been told to return at two o'clock in the afternoon, and we are still going to have some food."

The remarkable thing is that you were not asked to give that evidence now. I was asking you whether the fact that the passes were going to be discussed was not of importance to you? --- I did not know that discussions about the passes were going to take place.

No, but anything to do with passes, is it of interest to you? It has been suggested in this Court that anything to do with passes would affect most Africans. --- Yes, that is so.

And did you make any enquiries from these people "What is taking place at the Police Station? What is all this about? What is all this pass business?" --- No, I did not make enquiries.

Did you go to the Police Station because your attention was attracted by the aeroplanes, or because you felt you would like to obtain a decent vantage point ^{before} two o'clock to hear this person talk? --- I went there as a result of seeing the aeroplanes flying about there.

What was it that attracted your attention to the aeroplanes? What were they doing that pinpointed your attention? --- It was because I saw them, as if they were giving a display of their flying over the Police Station, i.e. flying over the Police Station and crossing one another.

Did they appear to be concentrating their attention at the Police Station? --- The position is that one after the other they would fly past the Police Station, and the other one would/....

would then cross it, and they then kept on displaying.

So you could see them from your house all the time?

--- I did not see them because the trees were there obstructing my view.

Surely they were flying higher than the trees, the aeroplanes? --- Yes.

Have a look at Exhibit 56? Can you see the Police Station, can you see your street, and can you see the house that you think is yours, and which I have marked No. 27 on that copy of the photograph? Is that scene exactly the same as your street was on the 21st March? --- Yes.

You are not seriously suggesting that there are any trees there that obstruct your view, are you, i.e. of aeroplanes up in the air? --- I am speaking the truth when I say that these aeroplanes were flying above the Police Station, and that I wanted to go and see what was actually happening.

Do you agree that on that photograph in your street there are hardly any trees that could obstruct your view of an aeroplane up in the air?

BY THE COURT:

Mr. Prosecutor, I am not so sure that I can agree with you. There are any number of trees in the yards of these houses. A human being would stand under a tree, and he is not taller than a tree. I don't quite know what you mean by there are no trees that would obstruct. There are no trees that would obstruct an aeroplane, but there are trees that might obstruct the view of a person standing on the ground of an aeroplane in the air.

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Well, I will put it to him this way, Sir.

I put it to you then that if you went out into your street/....

street, into e.g. the middle of your street, that you would have a clear view down the street, and your view would then be unobstructed by any trees which would not be in the way? In other words, do you agree that you could have stood in your street and watched the aeroplanes from a position in the middle of the street, e.g. just outside your house, with an uninterrupted view? Do you agree? --- Yes, that I understand, but the position is that these aeroplanes dived low over the Police Station and then flew upwards again. That was the position as I saw it, i.e. from where I was standing.

So we can come back to the position that because the aeroplanes were doing something which appeared to you to be peculiar to the Police Station, you wanted to get there to see what exactly was happening at the Police Station? Is that it? --- Yes.

If you had said that at the beginning we would have been satisfied. Now, did you walk straight up your street towards Zwane Street? --- Yes.

And when you arrived at Zwane Street I take it there was a considerable crowd of persons gathered round the Police Station? --- Yes.

And then where did you go to? Which part of the Police Station did you go to to have a look? Did you stand in Zwane Street and have a look, or did you walk round to the corner where the clinic is? --- I stood at the corner of Zwane Street and the unnamed street.

And was that where you were shot as well? --- Yes.

So you remained there in the one position all the time?

--- Yes.

Did you edge your way and work your way through the crowd/....

crowd to get nearer to the fence, to be able to see what was going on inside? --- No, there were many people and I could not edge my way through them.

Can you tell the Court approximately how many rows of people were between you and the fence when you arrived there? --- The persons standing in front of me were not standing in a line or in lines, but they just crowded there.

Well, can you estimate or indicate your distance away from the fence? --- I cannot estimate the distance. I did not notice how far the fence was from the spot where I was standing.

Did people start coming? More people kept on coming to the same portion where you were standing? --- Yes.

And ultimately was there a considerable body of people behind you as they had come up and gathered behind you? --- Yes.

What is your height? You are not very tall are you? --- No, I am not very tall.

Could you see what was going on inside the Police Station from where you were standing, i.e. inside the fence? --- No, I could not see.

Now, how did the first sounds of firing come to your ears? What did it sound like? Could you describe the sounds that you heard? Were there first of all single shots, and then what they call a burst of firing, or was it a burst of firing straight off? --- (The accused makes a certain sound). That is the sound I heard.

BY THE COURT:

It sounds like a hen clucking! Try to answer the question of the Prosecutor, whether you first heard some single shots and then a burst, or a burst of firing straight away?

I/....

--- I only heard a burst of shooting, a big noise, at one and the same time.

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Now, on your arrival at the Police Station I take it that this was one of the biggest crowds that you had seen surrounding the Police Station? --- Yes.

COURT ADJOURNS.

COURT RESUMES:

JOHANNES SERETHO, under his former oath, continues:

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

I think you said that on your arrival at the Police Station you found that this was the biggest crowd you had ever seen surround or in the vicinity of a Police Station? --- That is correct.

And were the aeroplanes still diving down towards the Police Station after you had arrived on the scene? --- Yes.

Did you wave or throw up your hands towards the aeroplanes? --- No.

Did others in your vicinity throw up their hands or wave at the aeroplanes? --- No.

Were you there some length of time before the shooting broke out? --- Yes.

And did you know why these people had gathered round the Police Station when you arrived there? --- I did not know.

Did you make any enquiries from any bystanders "What are all the people doing here?" or something to that effect? --- No, I did not.

Did/....

Did you have any idea at all as to why these people had gathered there? --- Whilst I was still cleaning my yard at home I heard them passing there and talking amongst themselves.

Yes, but as a result of what you heard and when you went there, did it enter your head that people were there in connection with passes? --- Yes, I thought so.

Did you hear anybody make any announcements about passes whilst you were there? --- No, I did not hear anybody.

Did you notice anybody at all who appeared to be controlling the crowd? --- I did not see anybody doing that, controlling the crowd.

And were people singing? --- Yes, they were.

What were they singing? --- They were singing "Nkosi Sikelele".

And did you hear any shouts of "Afrika!?" --- Yes.

And shouts of "Afrika! Iswe Lethu!?" --- Yes.

What does that convey to you? --- That was the first time for me to hear such words, because I am not well versed in the "Nguni" language, i.e. Zulu.

BY THE COURT:

These words are in Zulu, are they, i.e. "Iswe Lethu"?

--- Yes, Your Worship.

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Did you notice that during the time that you were there the people became more and more impatient or restless? --- I did not notice that.

Did you notice any vehicles arriving and entering that gate on the western side of the Police Station during the time that you were there? --- I did not see any.

Just before you heard the shooting did a sudden roar

break/....

break out from the crowd on the side there, i.e. on the western side? --- There was an average noise coming from the direction of the crowd, but I cannot say that it became worse just prior to the shooting. I do not know.

How were you dressed on that day? --- I was wearing a blue suit.

And anything on your head? --- Yes, I was also wearing a blue hat.

Do you know the witness Serobanyane? --- Yes.

Are you on speaking terms with him? --- He is not my friend. I know him by sight. We are not on speaking terms.

So you merely know him from the fact that he is a Policeman stationed at Vereeniging? --- Yes.

A little while before the shooting broke out, before you took up your position where you were when you were shot, you had to walk up Zwane Street? Is that correct? --- That is correct.

What is your home language? Is it Sesotho? --- Yes.

Do you speak any other languages? --- With the exception of South Sotho that I am speaking I ^{also} know Sechuana.

Now, I will just put formally to you what the Crown witnesses have said and hear what you have to say about it. Serobanyane, he says he saw you before the shooting started in Zwane Street near the Police Station, not far from the Police Station fence, and that you were shouting and saying "Afrika! Iswe Lethu!"? --- No, I do not recall having said that. I deny that.

And Constable Beyl, do you know him? He is the man who was described in the witness box as the man who was holding a "sjobok". --- No, I saw him for the first time here in Court.

Well/....

Well, he has told the Court that he saw you in the vicinity of the south-western corner of the Police Station, and it does appear that you were there, i.e. somewhere in the vicinity of the intersection with Zwane Street at the bottom of the clinic there? You don't dispute your presence there? You know where Zwane Street joins the unnamed street at the bottom of the Police Station? --- Is that the corner of Zwane Street and the unnamed street?

Yes, that is right? --- Yes, I do not dispute that I was there.

And he carries on and he says he saw you dancing around and pushing your thumb in the air, shouting "Afrika! W, and that you adopted a threatening attitude, and that when the aircraft came over your emotional state was such that he interpreted that you were in such a mood that you ^{would} have pulled the aeroplanes out of the sky had you been able to do so? --- No, I do not recall having been in that state.

You deny that anyway? --- I deny that. I do not remember having done that.

Were you struck by a bullet immediately you heard the shooting? --- Yes.

And that was before you had a chance to turn round and run? --- I was busy running when the bullet struck me.

At what stage did you turn to run? --- Just when the firing started I turned in order to run away.

And then straight away you were struck by the bullet? --- Yes.

Were you in any pain at all, i.e. a great deal of pain, after you had been struck? --- Yes, I was unable to walk.

You did not pay any attention to what anybody else was doing in that vicinity after you had received the wound? ---

Yes/....

Yes, I was not paying any attention to others because I was concentrating on the pain I was feeling.

Whilst you were there at the Police Station did you notice people walking about with little emblems attached to their clothing, with lettering on? --- Yes, others had them on.

Were you able to see what was the lettering on these emblems? --- I was not able to see what was written there.

And did you notice what these people who had these emblems on their clothing were doing? --- They were just walking there, passing up and down in that vicinity.

Now, when one of the Police Captains, i.e. Captain Brümmer, gave evidence here he showed the Court a loudspeaker, which was a white plastic instrument. Did you notice anybody carrying an instrument like that inside the Police grounds on that day just before the shooting? --- No, I do not remember seeing anybody carrying that.

Before the shooting did you hear any words like "Go home! Gaan huistoe! Julle sal seerkry!" and "Hamba!" coming from somebody inside the Police Station? --- No, I did not hear that.

Did you see the Policemen inside the Police fence forming up into a line? --- I did not see them when they formed up into a line.

And just before the shooting took place, when you heard the shooting, did you notice any stones going through the air? --- No, I do not remember that.

Thank you, Your Worship.

NO RE-EXAMINATION BY MR. UNTERHALTER.

By/....

BY MR. UNTERHALTER:

Your Worship, I call accused No. 63, Lechael Musibi.

(Accused No. 63 elects to give his evidence directly and not through an Interpreter).

LECHAEL MUSIBI (Accused No. 63), duly sworn, states:

EXAMINED BY MR. UNTERHALTER:

How old are you? --- I am 39 years of age.

You are married? --- I am married yes.

By civil rights? --- Yes, by civil rights.

How many children do you have? --- I have five children.

What is your profession? --- I am a teacher by profession.

Does your wife have any profession? --- Yes, she has a profession. She is a teacher too.

For how long have you been a teacher? --- Since 1943.

Where did you first teach in the district of Vereeniging? --- I taught at the old location, the Top location, at the Anglican school, the mission school.

And after that where did you teach? --- I taught at the Bantu Community School at Sharpeville.

Are you a member of any church? --- Yes, I am a member of a church.

What church do you belong to? --- The Roman Catholic Church.

And do you belong to any particular section? --- Yes, I belong to the "Legion Sodality".

Now, at the time of the shooting on the 21st March of last year you were present somewhere near the Police Station?

Yes/....

--- Yes.

And you were one of those who were wounded on that occasion? --- Yes, I was one of those.

That morning when you had got up where did you go to?
--- I went to school.

About what time did you arrive there? --- I think just about a quarter to eight or ten to. I am not quite sure, but I think it was round about that time.

Is that school in the Shappegille location? --- Yes.

Among the group of schools? --- Yes, among the group of schools.

Are these schools situated just beyond Putsao Setenie?

--- Yes!

Now, when you got there were there a large number of children attending school? --- In fact there were no children. I ^{saw} some children who were not in uniform. They were passing in the street, up and down there. At first I did not realise that they were school children, but later on I realised that, and there were no teachers at the school.

Now, what did you do when there were no children there?

--- I waited I think for about an hour, and later on I saw some teachers of the neighbouring school discussing on the other side, and then I decided to go to them. Just at the gate, when I was going out, I recognised some of the school children, and then I sent them to go and call a teacher who was not staying very far, and then I proceeded to those teachers who were in the neighbouring school.

And what did you and these other teachers do once you had got together? --- When we came there we were surprised. In fact I think we discussed about

Well, don't tell us what you discussed. You just had a discussion/.....

discussion? --- Yes, we had a discussion.

And for how long did you remain there together having your discussion? --- I think until about eleven or just after eleven.

Now, is this school close by the one at which you teach or is it a long distance away? --- No, it is just parallel; it is divided by a fence, and both of them are facing south.

Now, after you had had this discussion with the others what did you eventually do? --- Just before we parted I had seen my principal crossing the fence, and so I decided to go and see him.

BY THE COURT:

You saw your principal? --- Yes, my principal.

And you decided to go to him? --- Yes.

EXAMINATION BY MR. UNTERHALTER CONTINUED:

Was this then a decision to go back towards your own school? --- That is right.

And did you in fact go to your school? --- Yes, I went there.

Did you find the principal there? --- To my surprise I did not find him there.

And then what did you do? --- I waited a little - I think until about half past eleven - and when I saw that there was nothing doing I then decided to go home; I think at about a quarter to twelve or round about that time.

Now, what did you then do? Did you go home? --- Yes, I went home.

And on your arrival at home what did you do? --- I found the children alone. The nurse girl who looks after the baby was not present on that day, and so I tried to please the son, i.e. the little baby, not to cry or worry its young

sisters/....

sisters, and then I took the time even to try and make it sleep. I think I also had tea, and that took me until about one or after one; I am not quite sure.

Apart from the baby whom you were comforting were the other children at home? --- Yes, they were at home.

What is the age of the eldest one who was at home? --- She was then about ten years of age.

Now, you were at home and you were playing with the children, and you say it came to about one o'clock. What did you then decide to do? --- When the baby was asleep I decided to do my work because that was the closing week and we were very busy with the Bantu Festival Music Competition, and then I decided to go and get my books, text books, in order to prepare for the next quarter.

And where did you go to fetch these text books? --- To school, to our school.

When you arrived at the school were you able to get the text books? --- I opened the door and then when I looked at the bunch of keys I noticed that the cupboard key was missing. Then I remembered that the boy did not hand it over to me the previous Friday.

Is that the class monitor? --- That is right.

Now, what did you decide to do not having this key? --- Then I decided to go to his home.

And did you proceed on your way to his home? --- Yes, I went out through the gate and then I followed the route, which he once directed me, to his home.

Now, where did that route lead you? --- The route led me towards the café and the library; I mean passing the Police Station it was on my left.

The Police Station was on your left as you approached

it/....

it? ---Yes, and on my right were the cafés. I had to pass there to join the road, in order to cross Seciso Street.

Now, in what manner did you proceed from the school along this route? Did you walk? --- I was cycling.

And as you approached the Police Station what did you see around the Police Station? --- First my attention was struck by the big crowd which was all over the open space near the Police Station, and then I followed a gravel path which I could call a footpath. Now, as I was nearing the place there I could not just pass. I had to slow down, and then as I slowed down and was winding my way through that crowd a big confusion happened. There was shooting then.

Were you on your bicycle all the time or did you have to get off your bicycle? --- Yes, I think I got off my bicycle at first, but just when I got onto the bicycle and was pedalling - I think I started one, two, three - then the shooting occurred; the crowd fell over me, and I don't know whether it was a shot or the crowd which caused my falling; I am not quite sure.

Did you then fall? --- Yes, I fell.

And what happened to you? --- Then at first I was... I fell on the bicycle, and then there followed a volley of bullets, i.e. shooting, and then I lay myself down in order to escape the shots. Then I think there was an interval after that, and then I started waking up again. When I was trying to proceed there was another shooting again, and then I got a better place and I lay myself down there in order to escape the shots.

Apart from your falling did anything else happen to you as you lay there? --- No, I did not realize then - it was only afterwards when I was going on the other side of the

library/....

library, when one of the school children started shouting and saying "Even the teacher is shot!". Looking at that child then I saw that I must have been injured. I tried to check myself but when I was looking at the eyes of the child I noticed the child was looking at my legs. When I turned I noticed that my trousers were burnt and the calf muscles were torn, and they were exposed. It was then that I realised that I was shot.

You had left your bicycle behind or were you wheeling your bicycle? --- Yes, I left it behind because I thought it was dangerous to take it. It just came into my mind that if I took my bicycle they might shoot me, and so I just left quietly.

Were you eventually removed to the Vereeniging Hospital and then to the Baragwanath Hospital, where you received treatment? --- Yes, that is correct.

Now, at the time that you reached the vicinity of the Police Station did you shout and gesticulate and demonstrate?

--- I never did such things. In fact it would be very unbecoming on my part to do such things.

Did you do anything to incite the crowd to violence?

--- Not at all. I never did such things.

Were you at any stage pressed close-up against the fence, between the fence and the crowd, moving up and down together with your bicycle? --- Never at all.

Now, you remained in the hospital until what date approximately? --- Until the 17th May if I am not mistaken.

The 17th of May? --- Yes.

And you were then discharged from the hospital? --- Yes, I was then discharged but the Police lorry or van was waiting outside to transport us to Sharpeville Police Station.

And/....

And were ^{you} then placed under arrest? --- That is correct.
Were you then interrogated by the Police? --- Yes, I
was interrogated.

And did you give them a statement and did you sign it?
--- Yes, they first told me that if I wanted to make a state-
ment I could make it, and if I did not I could leave it, and
so it was up to me. Then I told them that I was innocent and
I was not afraid to make a statement, and so then I made a
statement.

You did make a statement? --- Yes.

And after the statement was taken did the detective
escort you to the school? --- After the statement we were
detained, we were locked in. Then the following day, it was
then that we went to the school.

And did he take you to other places as well? --- Yes,
he took me to other places as well.

What were the places to which he took you? --- After
checking with the school he then got the key, the monitor, and
then we left with him, and we went to the boy's home. That is
where he got the keys because the boy had told him that the
keys were at his home.

And having got the key what did he do? --- After
getting the key he then took us to the Police Station. I
think that is where the boy made a statement, and then he said
he would like to see my wife. We then left and went to my
wife's teaching place. There he got a statement from her,
and he decided to release me then that day.

Now, having got the key from the monitor did you go
anywhere to do anything with that key? --- He took it and he
said he wanted to check the cupboard, and then he went there.
He tested it and it opened, and then he checked the books. He

saw/....

saw the text books and the other books which were in the cupboard.

Now, was this done in your presence? --- Yes, I was present when he was doing that.

Now, having done all this did he continue to hold you in detention or were you then released? --- I think he was satisfied then. That is why he told the principal "I think this man is innocent. I'll release him".

No, never mind about conversations!

BY THE COURT:

Will you just say whether you were released or not? --- Yes, I was released.

EXAMINATION BY MR. UNTERHALTER CONTINUED:

You must please not give me the contents of any conversations between yourself and other people. --- Thankyou. I beg your pardon.

Then you went home? --- Yes, I went home.

And the next day did you return to the Police Station? --- Yes, he told me to come to the Police Station.

Just answer my question, and don't tell me of the conversations between you. Did you the next day return to the Police Station? --- Yes, I returned there again.

And from there where were you taken? --- I was taken to the new Vereeniging gaol.

Alone or in the company of others? --- We were many in the lorry.

When you arrived at the new Vereeniging gaol what did you see on your arrival? --- There were many Policemen outside who were just moving idly up and down.

Were they in plain clothes or in uniform? --- They were some of them in uniform, and some were not in uniform.

Now/....

Now, you got out of the van? --- Yes, I got out of the van.

As you got out of the van did you hear anything? --- Yes, I heard a shout.

And what were the words that you heard? --- The shouts surprised me because they were saying „Waar is die 'teacher'? Waar is die 'teacher'?".

And as you emerged did you hear anything else besides that „Waar is die 'teacher'”? --- Yes, it continued afterwards. Then he said „Ja, hier is hy, hier is hy! ", and then he pointed at me.

When he said this were there any people nearby? --- There were.

BY THE COURT:

Just a minute. Who is the "he" who said this? --- It was the detective who charged me; the one who first charged me and then released me.

Who is he? --- I don't know his name.

EXAMINATION BY MR. UNTERMALTER CONTINUED:

You say there were people about when he said this? --- Yes, there were Policemen and others around there, Europeans.

Now, when you had descended where were you taken? --- Then we were told to follow a certain route. We were just in a group; in fact we were just giving way to other Policemen who were going up and down, and then we went and followed or we were directed to a certain room I think.

You were present at the inspection-in-loco that was held during the course of this trial? --- Yes, I was present.

And certain rooms were pointed out to His Worship when that inspection was attended? --- That is correct.

Were you taken into one of those rooms for the identification/....

identification parade? --- Yes.

You were formed into a horseshoe, all of you? --- That is correct.

And you were third from the end of it as spoken to by the witness for the Crown when he gave his evidence? --- That is correct.

Were you far from the windows that give onto the court yard or near to the windows that give onto the court yard? --- I was very close; the window was just behind me.

BY THE COURT:

Which window was behind you? There are windows which give access to the outside of the building, and there are windows which give access to the court yard.--The windows which gave access into the court yard.

Into the court yard? --- Yes.

EXAMINATION BY MR. UNTERHALTER CONTINUED:

Did you at any time see any people passing in that court yard? --- Many. At first many, but I think when they were formed into a line then I just saw one or two passing.

Now, the people who were lined up, were they all wearing the same clothes? --- No.

Were they all of the same height? --- No.

Now, how would you describe your clothes compared with the clothes of the others? --- In fact I was the neatest. Most of them were shabby.

Now, you were pointed out by a large number of people? --- Yes.

Among them was an African detective? --- Yes.

And did he point you out immediately, or what happened as far as he was concerned? --- No, he passed the horseshoe line at first, and then at the door when he was just about to go he spoke/....

spoke.

What were his words? --- He said in Sesotho "Our people, I am sorry I saw nobody, except the teacher who was standing at the far corner, and the poor person did nothing on that day".

The man in charge of the parade, when he heard this what did he do? --- I think he wanted to know what he was doing, but he called him.....

And after the African detective was called did he do anything in relation to yourself? --- Yes.

What did he do? --- He then said "That is the teacher" after being questioned "Who is the teacher?".

He pointed you out? --- Yes.

Now, while you were still in the hospital were you invited to attend anywhere, or were you called to attend anywhere, before your discharge from the hospital? Did you leave the hospital to go anywhere? --- No, I never left the hospital.

When you were at the hospital were you questioned by any official body? --- Yes, there were many, but later on I thought they were detectives. They did question me. There were ^{too many} ~~too many~~. I could not just make out who they were.

You knew that a Judicial Inquiry was held into the incidents at Sharpeville, and Mr. Justice Wessels was the Judge who presided over that? Are you aware of that? --- Yes, I am aware of that. There I was called.

Now, did you give evidence before that Inquiry? --- Yes, I gave evidence there.

BY THE COURT:

Where did you actually give the evidence? What place?
--- At Baragwanath.

At the hospital? --- Yes.

Examination/....

EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, did anything happen in connection with newspapers arising out of your giving evidence? --- Yes, it happened.

What happened? --- My picture was out in the two afternoon papers, i.e. "The Star" and "Die Vaterland", and the statement which I gave before the Judicial Inquiry.

Which of these newspapers, if any, did you yourself personally see? --- I saw "The Star", and I think the detective also sent me one of "Die Vaterland" while I was lying in the hospital. I also saw it on the front page.

BY THE COURT:

You say you think the detective sent it to you? --- Yes, I think it was the detective, because an African detective brought it, but it was not his.

EXAMINATION BY MR. UNTERHALTER CONTINUED:

Will you look at Exhibit No. 80 please? --- Yes.

Is that your picture? --- Yes, this is my picture.

And is that as you saw it in the newspapers that you yourself studied? --- That is correct.

Now, after the identification parade was it then that you were arrested? --- Yes, after the identification parade.

And you were thereafter detained in the Boksburg gaol for a number of months until you were finally admitted to bail?

--- No, it was not a number of months, because I think when I arrived there it was five or six days before we had to come and appear in Court here.

Oh yes, it was May of course? --- It was May yes.

And you were then admitted to bail? --- Yes, I was admitted to bail.

So you were not in the gaol very long before you were admitted to bail? --- No.

Thank you, Your Worship.

No/....

NO CROSS-EXAMINATION BY ACCUSED NOS. 1, 4, 8, 38 and 39.CROSS-EXAMINED BY THE PUBLIC PROSECUTOR:

As a school teacher you possess a standard of education higher than the average person amongst your people at Sharpeville? --- That is correct.

And also as a school teacher you occupy a higher social standing than the average man? --- That is correct.

And your views and opinions would be respected? --- That is correct.

Were you a member at all of the Pan Africanist Congress? --- I was never a member of any political group.

The school in which you are teaching is a Government subsidised school? Is that correct? --- That ^{is} correct.

Now, what time was it on the Monday that you left your home to go to school? --- I think about twenty to eight.

Is that the usual time that you leave to go to school? --- That is the usual time I leave.

And whereabouts in Sharpeville Township do you live? --- I live in Putsoe Setonie.

Did you walk up Secise Street or take your cycle with you up Secise Street when you left? --- Yes, first I cycled southwards to join Secise Street, and then upwards, and then southwards again.

And when you entered Secise Street did you notice large gatherings of people? --- What I noticed were people who seemed to be in a hurry to rush down towards the hostel side.

Was this an unusual sight as far as you were concerned? --- It was an unusual sight.

And did you look or cast your eyes down to get a view of what was happening in the direction that the people were

going/....

going to? --- I just looked but that did not help me with anything. I just saw them rushing down.

Did you notice any Police units down towards the Municipal offices? --- No, not at that stage; I did not notice any.

Did you see anybody that you knew in the street? --- No, not that I knew.

Now, did you know before this Monday morning that there was going to be a demonstration in Sharpeville? --- Actually not a demonstration, but I think when I was in a bus I heard people talking about something like not going to work.

Was that the day before, on the Sunday? --- No, I think it was the Saturday, because usually on Saturdays I go to Evaton to see my mother.

And you heard a general discussion in the bus that people would not be going to work on the Monday? --- Yes, it was just a general discussion in the bus.

And was this general discussion linked up with the pass system? --- No, in fact I would not say it because I was not paying any attention. I did not believe that it could happen in Sharpeville.

Now, on that particular Monday, the 21st March, did you see any of the other accused at all during your wanderings backwards and forwards? --- No, I don't think so. I did not see them.

Did you know any of the accused before? --- Well, some of them by sight only, and not well.

Which ones did you know by sight? --- I know that one by sight, i.e. accused No. 39. He once attended the "Basutu" school where I was teaching.

Were you the first of the teachers of your school to arrive/....

arrive at the school buildings? --- In fact I was the first, and I was surprised because usually I always find the teachers there.

And when you found that there were no children present did you recall the conversation that you had overheard on the bus on the Saturday? --- I thought of the incident which I saw when I was crossing Seeise Street, i.e. people rushing downwards. Then I began to think that well, this is going to take effect.

As you were on your way up to the school did you speak to anybody along the way at all? --- Not to anybody.

Did anybody speak to you? --- No, not at all.

What was the nearest that you came to the Police Station ever on that day? --- I beg your pardon?

What was the nearest distance that you came to the Police Station fence on that day? --- I think it could be fifteen to twenty paces. I am not quite sure, because that footpath passes not very far.

Well, I will show you Exhibit 56. Do you recognise the Police Station and the open piece of ground there? You can also see the shops there? --- If I see the shops I will be able to recognise them.

Can you help him Mr. Interpreter just to find the spot? (The Interpreter explains the map to the accused) 1

You are still looking a bit puzzled. Please say so if you don't understand it.

BY THE INTERPRETER:

Your Worship, the accused has made a mark. He says he can see the place where he was.

BY THE COURT:

What mark are you making now? Mr. Prosecutor, what do you want him to do? To mark the nearest point he was?

By/....

BY THE PUBLIC PROSECUTOR:

Yes Your Worship, the nearest point.

BY THE COURT:

Then mark it with the figure 63 please. --- (Accused marks a spot on the map).

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

You have marked on Exhibit 56 the nearest point that you ever came to the Police Station, and you have marked it with a 63? Is that correct? --- Yes.

So when the firing broke out and you were on your bicycle and you were either hit by a bullet or knocked over by the crowd, that was the first time you were approaching the Police Station? Is that correct? ---Yes, at first I slowed down and then it was because the crowd was too full on that side, and then I tried to wind my way through, and then all of a sudden there was that confusion and then the shooting began. I think I was on the bicycle pedalling one or two or three; I am not quite sure.

But that was the first time that day that you went past the Police Station? --- That is right.

And do I understand you correctly that when you fell down you were lying on your bicycle? --- First I lay on the bicycle.

And then you got up? Was there a break in the firing that you were able to get up? --- There was a break. At first I fell on my bicycle, and then the crowd... some I think fell on me, and later on there was an interval of shooting and then I woke up. Just when we were rising up then a bigger - I think a bigger - volley of shooting started.

So as I understand your evidence were there three distinct/....

distinct bursts of firing? --- No, not three, but two.

Two? --- Yes.

So really you never had much opportunity to observe the crowd before the shooting took place? --- No, not at all, except those whom I saw in front who were moving idly towards the Police Station, and some were just standing and facing south, west, east, north.

Now, can you describe the detective who charged you? Was it a big man with fair hair inclined to be curly on top? --- Not very big, but I think slightly built. He should be bigger than myself, or a little bigger. He came here I think several times when the case first started, several times.

It was not Detective Sergeant Lerm was it? --- I don't know his name.

Did you notice whether he had a little bow tie on when he was there? --- No, he used to go together with that one. (Witness indicates a person).

BY THE COURT:

Did this detective give evidence? --- No, he never gave evidence.

You have seen him about the hearing but he has never given evidence? --- Yes.

Because otherwise I would have wanted to know from your Counsel why he did not put certain things to him!

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

He seemed to be taking an unusual interest just to make sure that you were present in this van? --- At first I thought it was so, but the way the Police pointed me out I then recalled that that shouting was not meant only for making sure whether I am present or not, and I could not understand why he was so anxious about me.

So/....

So when this man shouted out „Waar is die 'teacher'?" you are suggesting that he was attracting people's attention to that direction? --- Not at that moment, but later on when I saw that big crowd - I mean the number of Police - who were pointing me out. Then I was surprised, and then later on I thought of him, and that that shouting meant that I should be exposed.

Let us go step by step. He first of all shouted „Waar is die 'teacher'?", and when you climbed out of the van I take it you were not the last to get out, were you? --- No, we were just getting out all over. First I think there were several who got out, and then I came, and then the shouting was still going on. Even some of the accused...I think they were just equally as surprised as myself. Then I got down.

BY THE COURT:

Yes, but let me try to get it clear. Who was shouting „Waar is die 'teacher'?" --- The detective, the one which I mentioned.

This detective? --- That is correct.

And then he answered his own question and said "Here he is?" --- Afterwards when I was passing there he said „O, hier is hy!" That is what he said.

To whom did he then shout „Waar is die 'teacher'?" --- I beg your pardon?

To whom did he shout „Waar is die 'teacher'?" --- He was just shouting I think.... It seemed as if he was just shouting with these people with whom he was standing.

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

He might have been wanting to satisfy himself that you were in fact amongst the crowd of people who were coming

to/....

to the identification parade? --- At first I thought so.

And then after he noticed you and said "O, hier is hy" nothing else happened to draw attention to you? --- No, and then I passed on. In fact we were being escorted. There was no time to make sure whether he did anything, but we were just passing. Then we were told "Get into that room".

And you are merely suspicious because a large number of people pointed you out? Is that it? --- Yes, I am suspicious because I think if he wanted to make sure of everybody he could have made sure of all the other accused, and not only myself.

You were the only accused who was on bail? --- No, I think we were several, but there was no bail at that time.

But you were the only one who was not in custody at that stage? You had been told to come along to the Police Station and then you were put in a van and taken up together with the others? --- I think there were some. I was not the only one, because most of the people who came with me from Baraganath were all released. Some were released even a day before, but on that day they were told to come there were several.

And these people that you saw passing the inside window leading onto the quadrangle, were they all accused people who were being marshalled or sent to the next room to form up on the parade? --- No. In fact I think our group was the last to be escorted into the room. Most of the people who were outside there I think were people who were the Crown witnesses, who had come to point people out, and the Police.

How were you dressed on the day that the shooting took place? --- Being a cold day I think I had my pullover jersey on, i.e. a green one, and I think a fawn pair of trousers.

You/.....

You did not have anything red on you at all, did you?

--- No, not at all.

So you deny any suggestion by Crown witnesses that you were at the fence and shouting and waving your arms and perhaps putting your thumb in the air? --- I deny all that. I think they must have seen my pictures, and they read the statement. That is why they talk a lot about the bicycle and so on, and even the window I think.

So if your suspicions are correct then you are suggesting that this is a deliberate fabrication of evidence against you? --- Yes. In fact even the inhabitants of Sharpeville, they are all surprised. I am well known there. The school children who were there, and the people who were there, they could not have left me out. The teachers are so well known in the location that any small thing they do is published in the papers in headlines. I think even recently I read about one of the teachers.

Now, how long have you been teaching in a Government subsidized school? --- Since I started in 1943.

Since 1943? --- Yes, since I started.

And has there ever been any complaints about your behaviour either as a teacher or politically? --- Never at all. I think even the Superintendent knows about that, and even the Special Branch.

So this man Anes Daubada - that is the Constable who was referred to as the man at the parade, who as he went out said something in Sesotho? --- That is correct.

BY THE COURT:

He is the man who said you had done nothing? --- That is correct, Your Worship.

(No further questions by the Public Prosecutor).

No/....

NO RE-EXAMINATION BY MR. UNTERHALTER.BY THE COURT:

You say quite a number of the Constables and so on picked you out on the identification parade? --- That is correct, Your Worship.

Did you see any of those particular Constables outside?

--- No, not at all.

Can you say they were there or they were not there when you got out of the van? --- I beg your pardon? Where? At the Police Station or.....

No, at the identification parade. We are talking about the identification parade. --- I did not see any except the detective.

My question is this. At the identification parade, before you were identified, did you see any of the Constables who did pick you out? --- It is very difficult to say.

Can I put it that you did not notice any of the witnesses who pointed you out? --- They were just Police to me because I just saw them in a group, but I could not see whether this one was there or that one.

You saw a number of Police outside and you saw a number of Police in the yard inside? --- That is correct.

But whether they were the men who identified you you don't know? --- That I don't know. It was difficult for me. I was escorted myself too.

And the people who passed the window when you were on the parade, were those any of the people who identified you later? --- The form I could not just make out.

But because so many people picked you out as having seen you in the vicinity of the Police Station, you think this detective/....

detective has deliberately fabricated evidence against you?
 --- Knowing myself that I am innocent and I think even the people.....

Just a moment. But you were at the Police Station, so what is wrong with any number of people saying that you were at the Police Station? You were there. You admit it.

--- Yes, I was passing there.

Exactly. Now, what is the evidence that you think he has fabricated against you now? --- Because he shouted. He shouted when I came there "Waar is die 'teacher'?" It was very unusual because he only did that to me.

Yes, but now what do you think he has fabricated against you? What do you think he has brought falsely against you? --- I think he exposed me.

He exposed you? --- Yes, he exposed me.

That is right. He may have exposed you as being the man who was at the Police Station. You admit being at the Police Station? --- Yes.

So what has he done falsely? --- Well, why I think so is I think he helped those who write about me in the newspapers, like "The Star" and "Die Vaderland", who have seen the picture and read the statement that I was on a bicycle passing there.

Do you now think that this detective told all the other detectives about you? What do you suggest? You know you are making a very serious suggestion against some Police Officer. It is a very serious suggestion. You are making a suggestion which if true means he is guilty of attempting to defeat the ends of justice. That is what you are doing. What ground have you for making that serious suggestion? --- Your Worship, it is very difficult to say, but his shout in fact made me suspicious. That is all I can say.

Just/....

Just his shouting made you suspicious? --- Yes, his shouting.

Now, he is the man who had let you out - I don't know whether on your own recognisances or what - the previous day? Is that right? --- Yes.

He told you "Go home, and come to the Police Station tomorrow"? --- That is correct.

And you undertook to do so? --- Yes, as he released me I went home.

And you went to which Police Station? --- Sharpeville. Sharpeville? --- Yes, Sharpeville.

Were you taken from Sharpeville Police Station to the new gaol? --- We were taken in the lorries.

From Sharpeville Police Station? --- Yes, from Sharpeville Police Station.

Not from the Vereeniging Police Station? --- No.

You and a number of others? --- Yes.

Where did you first see the detective on the day of the parade? At the gaol or at Sharpeville Police Station already? --- At first I saw him at Sharpeville Police Station.

Did he see you getting in? --- Not on the morning of the parade.

Well, that is what I am trying to find out. --- I saw him first at Vereeniging gaol.

And there he was shouting "Where is the teacher? Where is the teacher?" --- That is correct.

Or as you say in Afrikaans "Waar is die 'teacher'?" --- That is correct.

And you think by doing that he was doing something which was wrong? --- Yes, it made me suspicious.

But what is wrong with his making sure that the man

he/....

he told to come along had come along? What is wrong with his making sure that the man had come along? --- I think that he must have told the others also to come on that day.

Are you not just being suspicious without having any grounds for your suspicions? --- Your Worship, as I said it is difficult, but that came into my mind as he shouted.

You may stand down thank you.

BY MR. UNTERHALTER:

I call Steven Gopane. He is not one of the accused, Your Worship.

STEVEN GOPANE, duly sworn, states: (Witness speaks English).

EXAMINED BY MR. UNTERHALTER:

Mr. Gopane, what is your profession? --- I am a teacher by profession.

At which school do you teach? --- I am at the "Muedi" Bantu Community School in Sharpeville.

On the day of the shooting, i.e. the 21st March of last year, where were you in the early part of the morning about eight o'clock? --- In the early part of the morning round about eight o'clock I went to school.

And did you find anybody there? --- No, there was nobody at school at that time.

BY THE COURT:

Tell me, had you perhaps given the children a holiday for that day or not? --- No, we had not given the children any holiday.

They must have helped themselves!

Examination/....

EXAMINATION BY MR. UNTERHALTER CONTINUED:

Did you later receive some message? --- Yes, later I received a message from Mr. Musibi.

Was this when you had already returned home? --- I was at home at that time.

When you received the message did you go anywhere? --- After receiving the message I then followed and I went over to Mr. Musibi.

Where did you find him? --- I found him at the corner of a certain street in Sharpeville.

Anywhere near the school? --- It was quite near the school.

BY THE COURT:

Mr. Musibi is the last witness? Is that right? Is that the man you are talking about? --- That is the man I am talking about.

EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, when you met him what did you do? --- When I met him we were just standing there and then we met other teachers, and then we just started discussing about....

Well, you just had a discussion? --- Just a little discussion.

For about how long did you remain together? Until what time about? --- Well, it should have been until round about ten or eleven; round about that time, but I would not just give the exact time.

And did you then part? --- From there then we departed.

And you went home? --- I went home.

Thank you, Your Worship.

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

Cross-examined/....

CROSS-EXAMINED BY THE PUBLIC PROSECUTOR:

You never saw Mr. Musibi again after you had had your discussion with him at the corner there? --- I never saw him after that no.

Thank you, Sir.

BY THE COURT:

That is you last saw him somewhere round about ten or eleven o'clock you say? --- Round about ten or eleven o'clock yes.

You may stand down, thank you.

BY MR. UNTERHALTER:

I call Bernard Ndame, Your Worship. It is not one of the accused.

BERNARD NDAMSE, duly sworn, states: (Witness speaks English).

EXAMINED BY MR. UNTERHALTER:

What is your profession? --- I am a teacher.

At which school? --- At Etsutse Bantu Community School.

Is that nearby the Musidi school? --- Yes.

Do you remember the 21st March of last year, the day of the shooting in Sharpeville? --- I remember it very well.

Where were you at about eight o'clock? --- I was at school.

Did you see any of the accused that are here on the day that you went to the school? --- I remember I saw Mr. Musibi.

That is accused No. 63. Now, did you have anything to do with him during that morning? --- Yes, We had a conversation that/....

3,100.

B. Ndamse.

that morning.

For about how long did you talk to him approximately?
--- Well, I could not say for how long, but we met round about eight or after eight or so. I am not sure of the exact time, but we spoke for a long time until after half past ten.

And then you went home? --- And then I went home.

Thank you, Your Worship.

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

NO CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR.

BY THE COURT:

What were you talking about for such a long time? ---
On Fridays we had some music competitions for the Bantu Festival or something like that. Now, we were talking about the results of that day.

Were your children at school that morning, your pupils?
--- In fact there were no children.

Did you not speak about that, i.e. about the fact that there were no children at school quite unexpectedly on a Monday morning? --- It is true, but you see mostly we spoke about the music competitions.

I see. But also about the fact that unexpectedly the children did not come to school? --- Although we did not talk much about it, we were just wondering where the children were. We did not talk so much about it.

Thank you, you may stand down.

NO RE-EXAMINATION BY MR. UTENHALTER.

COURT ADJOURNS.

COURT RESUMES:BY MR. UNTERHALTER:

Your Worship, I call Paul Moleko, accused No. 75.

PAULUS MOLEKO (Accused No. 75), duly sworn, states:

EXAMINED BY MR. UNTERHALTER:

You remember that there was shooting in the Sharpeville location on the 21st March of last year? --- Yes.

Do you remember the day well? ---Yes.

The day before was a Sunday? --- Yes.

During the daytime of that Sunday where were you? --- I went to my parents' home. On my return I went to my home and prepared some food for myself.

About what time was it that you had this food? --- Approximately one o'clock.

And after one o'clock what did you do? --- I then wandered about with my friend in the near vicinity of my home.

In the evening what did you do? --- In the evening I returned to my home and went to bed.

When you went to bed did you get up at all during the night? --- No, I did not get up during the night.

And did you just wake the next morning? --- Yes.

Now, you were arrested some months afterwards, were you? --- Yes, I was.

At what place were you arrested? --- At work.

And from your work where were you taken? ---I was taken to the Sharpeville Police Station.

On your way to the Police Station did you go anywhere or see anybody? --- From my place of employment I was conveyed to the Police Station. On our way to the Police Station, at

the/....

the entrance gate to the location, the vehicle in which I was travelling stopped, and a Municipal Constable was then asked if I was the person and he replied "Yes, this is the person".

And the man who said that, do you know his name? ---

Yes, I know him.

Apart from saying "This is the person" did he say anything else as to how he recognised you? --- No, he did not say anything further about how he recognised me.

Now, you know where this man lives, do you, i.e.

Elliot Mvala? --- Yes.

Or rather where he used to live at that time? --- Yes, I knew where he lived at that time.

Did you go there a few days ago to ascertain the distance that a certain lamp post is from his backyard? --- Yes, I did.

Now, did you ascertain what the distance of that lamp post is, not from the lamp post itself, but from the corner in line with it, to the gateway of the house? --- Yes.

How many paces is it? --- Thirty paces.

The premises are no longer occupied by Elliot Mvala?

Is that right? --- Yes.

Did you go into the back portion of those premises?

--- Yes, I did.

Did you look towards the street light in the street beyond the first house? --- Yes.

Is your view of the light as you stand there completely uninterrupted? --- There are a number of trees which obstruct one's view.

Can the light come through uninterrupted, or is it obstructed by the trees? --- The light is obstructed by the

trees/....

trees.

Thank you, Your Worship.

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

CROSS-EXAMINED BY THE PUBLIC PROSECUTOR:

How did you come to know where Elliot Mvala lived at that time? How did you know on the 20th and 21st March where he lived? --- It is very near to where I live.

Do you live in the same street as that ^{man} used to live? --- No, he lives in the next street from me.

Did you know him at that time personally, as a man to talk to? --- Previously we worked together, i.e. before I left that employment.

How long were the two of you working together? --- We worked together for eight years.

And were you friendly disposed to each other during that eight years? --- Yes.

And since the shooting at Sharpeville has there been any change in the relationship between the two of you, apart from the fact that he has given evidence implicating you? --- The relationship between us is still the same, because we have had no quarrels.

So the mere fact that the man says he saw you on the night of the 20th, i.e. the Sunday night before the shooting, amongst people who came to wake him up, he must be mistaken in his identity? That is all it could be. There is no motive for implicating you. --- No, it is incorrect. He is telling a lie. He did not see me.

Do you know of any reason why he should tell a deliberate lie to implicate you? --- No, I do not know.

What is your address at Sharpeville? --- 126, Putso

Setenie/....

Setenie.

Were you in employment on the 21st March? --- Yes, I was in employment.

Did you go to work on that day? --- No, I did not.

Where did you go to? --- When I came out I heard people saying that people must not go to work. I then returned and did not go to work.

Where were these people whom you heard saying people should not go to work? --- They were walking past there in the street in front of my premises.

Does your premises abut onto Seciso Street? --- No, it is facing a different street in the vicinity of the dam.

Did you know any of these people? --- I did not know any of them. They were just conversing whilst walking past that area.

Will you be able to point out any of them should you see them again? --- No.

And were they talking amongst themselves as they walked past? --- Yes, they were talking amongst themselves while they walked past there.

Approximately how many of them were there? --- At first there were two. They were riding on bicycles or cycling past the area, and they were talking amongst themselves.

And then? --- After these people had cycled past my place I then went into the house and I did not see any others.

BY THE COURT:

You did what? --- I did not see any others, Your Worship, passing there.

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

So it was only the conversation that you overheard between these/....

these two that made you decide not to go to work? --- Yes, after this conversation had taken place between the two persons, I then decided to stay.

BY THE COURT:

You heard only their conversation and then decided to stay at home? --- After having heard their conversation and at the same instant I saw a crowd which was a distance away from my house, and as a result of the conversation and seeing that crowd I then decided to stay at home.

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Were these two persons on the bicycles riding towards or away from the crowd of persons that you saw? --- They cycled round the corner. They were cycling towards the crowd and not away from the crowd.

And were they cycling normally? --- Yes, they were cycling normally, i.e. not fast and not slow.

And there was nothing to show that the two cyclists were in any way connected with the crowd that you saw? --- Yes, there was nothing.

And the two cyclists made no reference in their conversation to you at all? --- Yes, they just talked amongst themselves as they cycled past, and I then went into the house.

Where exactly were you? Were you in the street or inside your house or in the yard about to leave? --- I was inside the yard.

What were you doing? --- I had the draught board and I was placing the small pieces in their correct order.

What time was that? --- It was in the morning at that time.

Could you be more specific? --- I cannot say what time it was.

What/....

What time did you have to be at work that morning? ---
I usually start work at eight a.m.

So this must have been before eight a.m.? --- Yes, it
was before eight a.m. when I saw the two cyclists cycling
past.

What time do you leave to go to work in the morning?
--- I leave at seven-thirty a.m.

And after placing these draughts on the board were
you going to leave for work? --- Yes.

How far away was this crowd of persons from you? ---
They were a considerable distance away from me, because they
were almost in the vicinity of the Municipal offices.

Were they moving towards the Municipal offices?
In other words, away from your house? --- When I was sitting
there at my house I could see the crowd moving towards the
direction of the Municipal offices.

Away from your house? --- Away from my house, because
it is almost at the corner.

Was this crowd that you saw already in Seciso Street?
--- Yes, this crowd was in the main street, Seciso Street.

Was it the biggest crowd you had ever seen? --- The
crowd I saw - because it was still in the morning - was not
such a surprisingly big crowd. It was just an ordinary crowd.

Were they carrying any weapons? --- I did not see any.

Could you hear what was being said amongst this crowd
from where you were? --- No, it was far from me; I could not.

Was there anything that distinguished this crowd from
a crowd of workers going to work? --- I could not say whether
the crowd was proceeding to work. I could not distinguish it
from a group of workers, but they walked past the corner where

my/....

My house is situated and proceeded down the street.

Have you in the past seen similar groups going past in the street in the morning in that fashion? ---My house is situated at the corner, and yes I have often seen people walking along in small groups and proceeding to work.

And was this group that you saw this morning any different from the groups that you have seen in the past?

--- This particular crowd was a distance away from me, and I was not able to make out what type of crowd it was, because I only saw those two cyclists who cycled past my place.

But there was nothing suspicious about this crowd either numerically or its behavior as it moved down the street? --- This crowd was far from my home. I would not be able to make any comment on it or something of that sort.

So it was not unusual to see a crowd of that nature at that time of the morning? --- That is a main street. I often do not take so much notice in distinguishing the crowds of people who are going to work because that is the main street.

Was there anything startling about this crowd or anything unusual about it that you could see or draw any inference from when you saw it that morning? --- No.

It constituted no threat to you? --- No.

And the purpose of the crowd was of no interest to you? --- No, it was of no interest to me.

In other words, it was not unusual to see a crowd of that nature proceeding down a street that time of the morning?

--- This main street where this crowd was walking is a distance far from my home. I do not usually notice the crowds walking up and down that street at this particular early hour of the morning.

Was it a combination of what was said by the cyclists and/....

and the sight of the crowd that you saw that deterred you from going to work? --- It was as a result of the conversation of the two cyclists who cycled and talked amongst themselves when passing near my home that I did not go to work.

Only as a result of that conversation? --- I then noticed the crowd in front there, and I was then under the impression that the two cyclists were going to that crowd.

So it was the combination of what you heard from the cyclists and the sight of this crowd that prevented you from going to work? --- Yes.

Why did you think the two cyclists were going to this crowd? --- I had a fear that why should there be such a big crowd there, and the two cyclists cycling towards the crowd. I was a person who was supposed to walk on foot and my route had to take me past these people.

You told the Court that there was nothing unusual about this crowd of persons. Why should they suddenly worry you? --- It was because after I had heard the two cyclists conversing, i.e. the persons who cycled past my place there, I then began to have fears.

Groundless fears if I may say so. Now, was that the first intimation you had that people were going to stay at home and not go to work on this Monday? --- That was the first intimation I had from the two cyclists.

And the only inference you could draw that the cyclists were ^{connected} connected with the crowd was because they were cycling towards that crowd? --- Yes, that made me have a fear because they were cycling towards the crowd.

Now, is it not correct that in the mornings lots of people go to work by bicycle? --- Yes, there are many people cycling to work and there are also a large number of people who

board the buses to go to work.

And lots of people all move down Seeiso Street, which is the main entrance and exit of Sharpeville Township? --- Yes.

Now, why were you afraid to go to work? --- I was afraid because my route had to take me past this group which was standing there as well as where the two cyclists were proceeding to.

And what were you afraid would happen to you should you go to work along that route? --- I was afraid of these people because I have not often seen them standing there or walking there.

What were you afraid would happen to you? --- As a result of what I heard from the conversation of the two cyclists I then decided to stay away and see what happened.

What were you afraid would happen to you if you proceeded along that route and past these people? --- I was afraid that in case I had to walk past them they would ask me where I was going to.

And why were you afraid to be honest and to tell them "I am going to work"? --- It was because these people were people whom I do not often converse with.

What made you think they would ask you "Why are you not going to work"? --- What made me have the fears was that after I had seen the two cyclists cycling past my home they then get up to the crowd, and I then ^{decided} decided to stay away and not go away, i.e. as a result of their conversation they had.

Did you see what happened to them when they reached the crowd? --- Just at the stage when they were about to turn into Seeiso Street it was then that I walked into the house.

Did you hear anybody ask anybody else "Where are you going today"? --- No, the last conversation I heard was of the

two/....

two cyclists. I never heard any other persons.

Can you tell the Court why you lacked the courage to go to work that morning, the real reason? --- When the two cyclists cycled past they then remarked that "Today there is no going to work". I then got the impression that the two cyclists would eventually come up and get to the crowd which I saw a considerable distance from where I was standing.

Was not the real reason that you knew before this morning that people were not going to go to work on that day?

--- No, I did not know that.

Had you not received any pamphlets? --- No, I do not even know them at all.

Did you know any of the present accused before this trial? --- No.

Did you stay at your house the whole day? I am talking of the Monday? --- Yes.

Did you hear the aeroplanes? --- Yes, I saw them when they flew past my home there in the direction of the Police Station.

And did you not talk to your neighbours during the course of the day? --- No.

Were they at home or did they go to work? --- There was a son of my neighbour who was working at the mine, at the compound. He was not at home.

Did you not go abroad at all during the day, for a walk or to converse with your friends in the vicinity as you had done the previous day? Did you not have a beer at one of the depots? --- No, I remained at home there the whole day.

Did you ever go out? Did you hear any shooting in Seeiso Street at all after you stayed at home? --- No, Seeiso Street is far from my home, but during the course of the day,
immediately/....

immediately after the aeroplanes had flown past my place, I then heard some shooting in the direction of the Police Station.

And did you go up to have a look? --- I did not.

That is all, Your Worship.

NO RE-EXAMINATION BY MR. UNTERHALTER.

BY THE COURT:

How do you go to work usually, on foot or by bus or how? --- On foot.

You usually go to work on foot? --- Yes, to and from work I usually walk.

Well, why did you not walk another way? The crowd was only in one street. Why not walk past in the next street? --- There was no alternative route, because further down there is a dam. The only route I could follow to bring me to my place of ^{employment} is the one where the crowd was standing.

Can't you walk past the dam, via Brick and Tile? --- That route is far because I have to walk on foot.

That route would be too far. Do you usually walk past the Municipal offices? --- Yes.

Onto the main road? --- Yes, and then thereafter walk to town.

But what have you got to do with two cyclists who say that people are not going to work? What have you got to do with them? --- It was because they cycled past my place and they were cycling towards the crowd where I had to go past on my way to work.

You were afraid to go past that crowd? Is that right? --- Yes.

Why? What might the crowd do to you? --- Perhaps the crowd/....

crowd would have to ask me where I was going to.

And if you told them what could they do to you? ---
Then I did not go. I then decided to stay away.

You stay away very lightly as I see it? You stay
away from your work for very unconvincing reasons? --- I heard
the two cyclists cycling past my place saying that there was
no going to work.

What have two strangers got to do with you and your
work? Do you work for the two strangers, the two cyclists,
or for your boss? --- I work for my boss.

What have two cyclists got to do with your not going
to work then? --- I heard them talk amongst themselves in the
manner I have described to the Court. I then got the
impression that they were proceeding to this particular crowd
which I then saw there in that vicinity.

Yes, I have heard about that about ten times now, but
what could happen to you if you went to work? --- It was
because it was the first time I saw such a crowd.

You can stand down, thank you.

BY MR. UNTERHALTER:

Your Worship, I now call Emily Moleko, i.e. the wife
of accused No. 75.

EMILY MOLEKO, duly sworn, states: (Witness speaks Sesotho).

EXAMINED BY MR. UNTERHALTER:

Are you the wife of Paulus Moleko, accused No. 75?
--- Yes, that is correct.

Now, you remember that on the 21st March of last year
there was shooting at the Police Station in the Sharpeville
location/....

location? --- Yes.

That was a Monday? --- Yes.

Now, on the night before, i.e. the Sunday, will you tell His Worship of the movements of your husband? Where was he in the evening? --- On the Sunday evening, i.e. the Sunday preceding the Monday, accused No. 75 arrived at home. He arrived there, and having had his supper he then went to bed. He left us sitting in the kitchen, i.e. my sister and I.

About what time would he have gone to bed? --- At 8 p.m. It was still very early.

Did you go to bed at the same time? --- I remained sitting there with my sister until 10 p.m.

And then did you go to bed? --- Yes, thereafter I then went to bed.

Do you share the same room with your husband? --- Yes, we share the same bedroom and the same bed, i.e. my husband and I.

And you got into that bed at around about ten o'clock?

--- Yes.

About what size bed is it, a double bed, a single bed, a three-quarter bed? --- A three-quarter size.

And you went to sleep in that bed? --- Yes.

Now, were you disturbed at all during the night? --- Nothing disturbed us during the night.

If your husband had got up during the night would it have had any effect on you? Would you have woken up or not?

--- I would have heard. It is not possible that he can get out from the blankets under which he was sleeping without my feeling that he is getting out.

And did you feel any movement from him during the night indicating that he was getting out of the bed? --- No.

And/....

And when you woke the next morning where was he? ---
We got up at the same time, i.e. my husband and I, in the morning, and I then cleaned the stove whilst he washed himself.

Thank you, Your Worship.

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

CROSS-EXAMINED BY THE PUBLIC PROSECUTOR:

Was your husband in the bed when you got into bed? ---

Yes, he was sleeping there underneath the blankets.

Now, what time had he come home on that Sunday? ---

Are you referring to the evening?

On the Sunday? I want to know what time he came home on the Sunday? --- At 8 p.m.

Had he been away the whole day, and was 8 p.m. the first time he came home that Sunday night? --- He was not away the whole day. At one o'clock he came back to have his lunch, and thereafter he then left and returned at 8 p.m.

Did he go to work on the Monday? --- No, he did not.

Did he get dressed to go to work? --- I asked accused No. 75 "Are you not going to work?" He then said "No, I have heard that people are being assaulted". I then said to him "All right. If that is the case then you can stay away and not go to work". It was then that he remained at home.

Was that in the morning before he washed and dressed himself? --- That was after he had washed and dressed himself.

Why don't you answer my questions first? I want to know whether he got dressed and left for work? --- He did not at all go out through the gate.

I see. He did get dressed, did he not? --- Yes, it is obvious. Every person when he gets up in the morning gets dressed.

Sometimes/....

Sometimes! Did he dress himself in the clothes that he usually wears when he goes to work? --- My husband, when he proceeds to work, has to dress himself neatly, and he then puts on his neat clothes and puts on a tie, because the employer for whom he works wants him to be neat.

And did he dress himself in this fashion on the Monday morning? --- Yes, he dressed himself in that fashion.

Does he take lunch to work? --- No, he does not take lunch with him.

And did you see him off at the front door? --- He did not get out of the house, nor did he get out of the gate at all.

What did he tell you? --- He did not tell me anything. I asked him "Why are you not going to work?" and he then said "I have heard that people are being assaulted". It was then that I left him alone. He remained there at home the whole day.

Why did you ask him "Why are you not going to work?" --- I asked him because I noticed that it was time for him to leave for work, but I then noticed that it seemed as if he was not concerned; he was just sitting.

From your house can you see Seciso Street? --- Yes, my house is situated at the corner and I can see it.

And from what room can you see Seciso Street? From the front room or the back room? --- It is immaterial whether I am standing in the back premises of my house or in the front premises; I can still see.

You are quite sure your husband never left the house before he told you he was not going to work? --- I am speaking the truth. There was nowhere he went to.

So he did not leave the house before he told you he was not going to work, and he had heard people were being assaulted?

--- He did not go anywhere. He remained there at home the

whole/....

whole day until sunset. We then went to bed.

Did he remain indoors all day? --- Yes, he remained indoors the whole day. He was playing cards and draughts.

Did he not go outside the house at half past seven in the morning? --- No, he did not at any time get out of the house or stand outside the door in any way.

Where is the draught board kept? --- The draught board is usually kept in the drawer of my sideboard, i.e. if it is not in use. If it is in use it is placed on the table.

Now, on the Monday morning that draught board was in the drawer of the sideboard? --- Yes, it was in the drawer there of the sideboard.

Has he only got the one draught board? --- Yes, it is only one.

Did your husband tell you where he had overheard that people were going to be assaulted? --- No, he did not tell me.

Now, what you have told the Court is the truth. You have already told us that? --- Yes.

Well, your husband says he went outside the house at 7.30 in the morning and put some pieces on the draught board. Could he have gone outside without you noticing it? --- I do not know. It may be that I did not see him when he went out of the house.

Well, don't be so dogmatic in the future. Thank you,
Your Worship.

NO RE-EXAMINATION BY MR. UNTERHALTER.

By/....

BY MR. UNTERHALTER:

Your Worship, I call Thomas Msimanga, accused No. 31.

THOMAS MSIMANGA (Accused No. 31), duly sworn, states:
(Witness speaks Zulu).

EXAMINED BY MR. UNTERHALTER:

Do you know when you were born? --- I do not know. I was born during the Anglo Boer War.

For about how long have you lived in this district?

--- In Vereeniging?

Yes? --- Thirty years in the Vereeniging district.

And for how long have you worked with your present employer? --- I am thirteen years with this present employer of mine, but this is a ten years service pin which I have got here.

BY THE COURT:

You wear a ten years service emblem? --- Yes.

Not a P.A.C. emblem? --- No.

(The emblem worn by the accused is shown to the Court).

It shows a "knopkierie" and an assegai, with 10 over it, and then U.S.C.O. Is that your firm's name? --- Yes, Your Worship.

EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, on the 21st March of last year, the day that there was the shooting in the Sharpeville location, you were in the vicinity of the Police Station? Is that not so? --- That's correct.

What was it that brought you to the Police Station? --- This particular night, i.e. the previous night, I was working nightshift and I arrived from work in the morning; I am usually off at six a.m. I then went home. On my way home I then heard that people were going to the Police Station. There was

an/....

an important European who was coming. On my arrival home I sat there and washed myself. I took off my work clothes and put on clean clothes. After I had finished eating I then walked up to the Police Station.

Now, at the time that you got there did you see anything special at the Police Station, or notice anything extraordinary?

--- I saw many people and I saw aeroplanes as well.

And did you remain there for some time? --- Yes, I was there for some time.

Why did you remain there for that length of time? What were you waiting for? --- I remained there because I had heard that an important official, a European, would come there. I was then also interested to hear what was going to be said.

Did you have an opportunity of observing the behaviour of this crowd during the time that you stood there? --- Yes, I did look at the crowd. I observed the crowd.

Would you say it was a wild and dangerous crowd? --- No, I would not.

How would you describe the crowd as you saw it? --- It seemed as if it was a happy crowd, because the crowd was singing, laughing and doing all the things that are connected with pleasure. I cannot describe the other things.

As far as you personally are concerned, did you dance and jump in the air, and shout "Afrika!" and put your thumb up? --- No.

In fact what did you do as you stood there waiting? --- I remained there at that spot on my arrival, and thereafter I left this particular spot and went to Zwane Street. I remained there and even sat on the ground there. When the firing broke out I was still at that spot in Zwane Street.

Were you ever close to the fence? --- No, I was unable

to/....

to get close to the fence.

You know where the Municipal offices are in the Sharpeville location? --- Yes, they are almost on the entire outskirts of the location as one proceeds to town.

Now, on the morning of the 21st March, were you a member of any crowd that was outside the Municipal offices? --- No, I was not.

Anyway, the shooting broke out and did anything happen to you? --- Yes.

What? --- I was shot.

Now, will you tell His Worship where you were shot? --- I was shot between my shoulder blades.

BY THE COURT:

In the back? --- In the back, Your Worship.

EXAMINATION BY MR. UNTERHALTER CONTINUED:

Has the bullet been removed? --- No, the bullet has not yet been removed.

But you were treated in hospital, were you? --- Yes, I was treated. I went to the Baragwanath Hospital.

After first having had the wound treated at the Vereeniging Hospital? Is that right? --- The same day of the 21st March, 1960, we were brought to the Vereeniging Hospital, and later the same evening we were then transported or removed to Baragwanath Hospital.

In due course you were discharged from the Baragwanath Hospital? --- That is correct.

And when you were released were you allowed to leave the hospital and go home? --- I was then taken by the Police in a Police vehicle and brought to the Sharpeville Police Station from Baragwanath Hospital.

And you were then arrested, were you? --- Yes.

You/....

You were taken to the Boksburg gaol? ---Yes.

Now, before being taken to the gaol you were brought before a Magistrate here in the Vereeniging Court, were you not? --- That is correct.

And from time to time you were brought back to this Court for remands of this case? --- That is correct.

Now, on the occasion that you were first remanded in the Vereeniging Court, in custody to the Boksburg gaol, do you remember who the person was who drove you in the van from this Court to Boksburg? --- Yes, it was the same European who gave evidence here and who said he saw me there at the Municipal offices who drove us.

BY THE COURT:

That would be Constable Grevé.

EXAMINATION BY MR. UNTERHALTER CONTINUED:

On that particular occasion that you were driven by him after your first remand, was that before or after the identification parade at Boksburg? --- The first time when I saw the Boksburg gaol it was the same European who conveyed us to Boksburg.

So it was before the parade? ---It was before the parade.

Were you wearing the beard then that you wear today?

--- Yes, the same beard.

Have you kept that beard ever since? ---Yes.

Now, you attended that identification parade of course? --- Yes.

Did you have a look at the people who were assembled at that parade together with you? --- Yes, I did.

Can you tell His Worship if besides yourself there was/....

was anyone else who were the kind of beard that you have, or any beard at all? --- No other person were the same kind of beard as I had.

Did anyone else have another beard which might have been of a different fashion or style? --- Although I did not notice every person particularly, there was no person as far as I looked and saw who were the same beard, of the same style as my beard. There were young men of some of the accused's age there.

Children? --- Yes, children.

With small beards? --- Yes, with small beards.

Thank you, Your Worship.

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

CROSS-EXAMINED BY THE PUBLIC PROSECUTOR:

Where were you born? --- I was born in the Free State.

What part of the Free State? --- I was born in Reitz in the Free State.

You are a Zulu speaking Sesotho.

BY THE COURT:

Is it right that lots of you people round about Harrismith speak Zulu? --- The majority speak Zulu, i.e. that portion of the Harrismith district.

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Now, did you leave your place of employment at approximately 6 a.m. on the 21st March, i.e. the Monday the shooting took place? --- Yes, we were off work at 6 in the morning.

Where exactly were you when you heard this rumour about some important person who was going to come and speak at the Police Station? Were you still in town or in Sharpeville? ---

I/....

I followed the route which goes past Brick and Tile, and which also goes past the dam, and proceeded into the location. When I got to the main street it was there where I came across a large number of people. The majority of this large crowd I ^{saw} was there were proceeding in the direction of the Police Station, and they kept on saying that they were going to the Police Station.

Did they say they were going to the Police Station to listen to an important European who was coming there to speak to them? — Yes, they were saying they were going to the Police Station because there was an important European who would come there.

Now, what time was that? — I remember that I left fairly early from my place of employment and I was delayed on the way because I kept on coming across people, who then informed us that things were very bad inside the location. I knew that on previous occasions I arrived at home at seven a.m. Then on this particular day, if I recollect well, I think I arrived home at half past seven. I kept on stepping on the way.

So it was between 6 and 7.30 a.m. on the 21st March that you first heard this rumour that the people were going to the Police Station to hear an important European speaking? — Yes, I think it was between that time.

And at the same time did you hear or was any indication given of what this important European person was coming to discuss? — No, they did not explain what this important official would discuss, because they only said an important European would be coming to discuss.

BY THE COURT:

To discuss what? — From the information I gathered they/1....

they did not disclose what the discussion would be about.

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Were these people also discussing passes, that they were going to the Police Station in connection with passes? --- As far as I could gather I could only hear that there was an important European who would be coming to discuss at the Police Station. The matter of the passes was not mentioned.

Before arriving at Sharpeville you had heard reports of trouble at Sharpeville? --- Yes.

Now, had you learnt in any way before this Monday that there were going to be demonstrations? --- Yes, I had.

When had you learnt that? --- I heard that on the Friday when we were receiving our pay at the pay office. There was conversation amongst people there that they had received some documents or papers, but I never received one.

Where were you working then? At Union Steel? --- Yes, I was still working at the steel works.

Were you able to read one of these papers? --- I did not receive one. I never received one. They were received by others.

Were you able to read one even though you did not receive one? --- I could not read something which I did not receive, i.e. something abstract.

BY THE COURT:

Can you read or can't you read? --- Yes, I can read Zulu, i.e. something written in Zulu.

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Did you look over anybody's shoulder or pick up a piece of paper or acquire one of these to be able to read it? --- No, I did not.

Se/....

So was the only information you were able to acquire the fact that on Monday there were going to be stay-at-home people? --- I did not hear the question of people staying away or of remaining at their homes on Monday, but I only heard that discussions would be held. I also did not hear that people would perhaps be stopped when they proceeded to work.

So the sum total of your knowledge is that trouble was likely to arise on the Monday? Let us put it that way. --- No, I did not see any trouble.

All right. Now, what time was it when you reached the Police Station after you had washed and changed your clothes, and had something to eat I take it? --- I arrived at the same time with the aeroplanes which arrived at the Police Station. I cannot say whether it was ten o'clock or eleven o'clock.

Now, do you know Zwane Street? That is the street which has the island in the middle, and which runs past the front of the Police Station? --- Yes, I do.

Did/....

I followed them...
 they did not...
 which...
GROSS-EXAMINATION
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 Yes, I...
BY THE COURT:
 Can you...
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GROSS-EXAMINATION
 Did you...
 paper...
BY THE COURT:
 I did not...

And did you walk up Zwane Street to get to the Police Station? ---No, I'm far from the Police Station, I'm at the place they call Phemeleng. When I had come down to the vicinity of the Police Station, I usually walk along Balane Street. This then joins into Seeise Street. From there then I walk as if I'm proceeding towards the Communal Hall, along Seeise Street. Then there, in the vicinity of the sheps, then I have to turn somewhere there, and then proceed to the Police Station.

And was that the way you came on this day?---Yes.

And did you walk down and stand at the corner of where Zwane Street joins that street that goes in front of the clinic? ---Yes.

Could you see what was going on inside the Police Station yard? ---I wanted to see but was very much unable to see what was happening.

Were there too many heads in the way? -People in front of you, in other words?--- It was just, in other words, a nation which was standing in front of me.

A what? ---A nation.

A nation. And then later on, did you move down Zwane Street in an endeavour to see what was going on at the Police Station? ---Yes, at a later stage I then moved to a spot which is near the electrical post. There is a spot there which forms a small hilly portion where I then went and had myself accommodated on the ground.

When you arrived at the Police Station, did you know for what purpose the crowd was gathering there? --- I heard them already. I had already heard on Friday that discussions were going to centre round the question of passes.

And had you heard on Friday that the discussions were going to centre round the Police Station in respect of the passes? --- No, I did not know that people had to congregate

Accused No. 31.

3126.
round the Police Station. I was under the impression that, when I learned that discussions concerning the passes, that these discussions would perhaps take place here in town, that is to say here at the Bantu Commissioner's office. I did not know that it would take place in the location.

Where were you when you heard this, or learnt this, that there were going to be discussions about the Pass system --- I learnt about this at work on Friday when we received our pay, our wages. The others then informed us that they had received these documents or pamphlets.

Were you able to read one? --- At the time when I learnt of this, the persons informing me did not have these papers. I was not therefore able to read one of them.

Are these persons here today? --- They are not here, not a single one is here. All these boys don't work at the Steel works,--the accused now before Court.

So when you got to the Police Station and found that large crowd there, the nation, did it strike you for what purpose they were there?--- That did not strike me, because prior to that I had already heard that there would be some discussions concerning passes, and on this particular day, when I was at the location, I then again heard that people are proceeding to the Police Station because there is some important European persons coming there to address them and have discussions. According to my own thinking I was then under the impression that it was the Bantu Affairs Commissioner who was coming to the location to address the people.

Did you think that it was the Bantu Commissioner because he is the most likely person to come and address a gathering of that nature? ---Yes.

When you arrived at the Police Station, did you know why these people had gathered there?---No discussions ever took place. No mention was made there of passes and the

People who had congregated there, perhaps they did not say, if they're supposed to say so, that they had come there because they'd come to listen to discussions concerning passes, nor did the Bantu Affairs Commissioner arrive there. He never came.

No, don't get too involved, just answer my question, it is a simple one. Did you know, when you arrived at the Police Station, for what purpose the people had gathered there? ---No, I did not know.

Did you make inquiries amongst the people there to find out? ---No.

Did you have any idea in the back of your head that it was to do with passes at all? ---Yes, my thoughts were that it had something to do with passes.

And were you going to wait there until a certain time, 2 o'clock, to listen to this man talk? ---Yes, I was waiting for that.

When did you hear what time the man would come? --- I heard that information, that he would come at 2 o'clock.

Who told you? ---I heard people talking amongst themselves.

Did you see any of the accused there that day, at the Police Station? ---I did not know any of the accused now before Court. I saw them the first time, -I began to know them here at Court.

Did you say you came up Secise Street when you came home?

BY COURT:

He said he came via the dam.

P.P.:

I wasn't too sure, I just wanted to verify. So you were never in Secise Street at all that morning? --- I was

Will you agree that you are a fairly distinctive looking man with that beard? Especially when you're put in amongst 19 children? --- Yes, I do agree that somebody can enter this Court he would immediately distinguish me amongst the people sitting in Court, if I was sitting amongst them.

And on that day at the Police Station, did you notice many bearded people, similar to your style of beard? --- There was very many.

Were there many where you were standing? --- No, I did not notice whether there were any standing in the vicinity where I was standing, but there were many who also have beards in Sharpeville.

BY COURT:

Yes, there is one of them running in Exhibits 41 and 42.7 --- I do not know because on this particular day things were very bad, things were very hot behind men, so they had to run for their lives.

P.P.:

I'll put it to you formally what Crown witnesses said, so that you can deny it or confirm it. Constable Beyl, the gentleman who was criticized for having a sjambek, he says he saw you on the South Western side of the Police Station, that is near the corner of Zwane Street, and there you were waving and throwing your arms in the air when the aeroplanes went over and apparently you were in a very angry mood? --- No, that is not so.

Constable Greve says that he saw you in Secise Street near the Municipal offices, and there you had your thumb in the air, and you were shouting towards the police "Vandag al ons julle wys?" --- (Before reply) Just deny it or...? --- I can only say that this particular witness is making the greatest lie which I've ever...

You mean he is making a mistake? — The greatest mistake before the Almighty God.

He says later on that he was with the police unit which was in Zwane Street. Did you see that unit there? — Yes, I did notice that unit of police which was lower down.

Well, he says he was there and then he saw you again in Zwane Street there, and you were waving your arms in the air and shouting, and that the crowd reacted more intensely after this behaviour of you? — That is not true. I never controlled any crowds behind me.

9 Did you ever shout "Africa Iswelethu", or any other war cries? — No, I did not shout any slogans.

You deny shouting at all, I think. Is that correct? — I deny shouting at all.

Were the people making a large amount of noise there that day at the Police Station? — There were many people there who were singing and talking very loud. It is always the case where many people had congregated. You always find a very big noise. Even now in Court, the people in this Court can talk all at the same time, there would be a deafening noise.

And were they getting more impatient as the time wore on? — I cannot say even though I'd been amongst them, but I just saw them being a jelly group, laughing and

So apparently there was this general rumour that someone was going to come and address these people at 2 o'clock? — Yes.

Why didn't you go home and come back again? — I did not like to go home. I realized that in case I went home, perhaps I would then go to bed because I just came from work, and miss what was going to be said there.

When you were taken to Boksburg by this man, Constable Greve, after your arrest, in a van, were you

the only prisoner in that vault — No, we were a number,
small number. It was not I alone.

P.P. NO FURTHER QUESTIONS.

MR. UPTON: NO FURTHER QUESTIONS.

EXHIBIT NO. 5, 1934

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