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NOTAUNG/

ON RESUMING: 2.5.1961.

MR. UNTERHALTER CALLS:

EMILY NOTAUNG s.s.

SUTHU.

EXAMINED BY MR. UNTERHALTER:

Are you related to any of the accused whom you see here in Court? --- Yes, I'm related to Isaac.

Which one is that? --- Accused No. 22.

BY COURT:

No. 22.

MR. UNTERHALTER:

Accused No. 22. You are his mother, are you?---

Yes, I'm his mother.

You remember the day of the shooting in Sharpeville last year, the 21st of March? ---Yes, I do.

Did anything happen to your son, Isaac? ---Yes, he was injured.

How did you come to see that he was injured? ---I saw him arrive home, dragging himself. His one thing was injured.

Did he come by any vehicle, or did he come on foot? --- He came there on foot.

You didn't see any police van or anything like that deposit him there? ---No.

And then, when he came to the house, what did you do?---I ran to the gate of my premises and stopped a taxi to take accused No. 22 away.

And he went off to the hospital, did he?---Yes.

MR. UNTERHALTER NO FURTHER QUESTIONS.

ACCUSED Nos. 1, 4, 8, 38 and 39 NO QUESTIONS.

CROSS-EXAMINED BY P.P.:

Do you live in the same house as Isaac, No. 22 accused? ---Yes, we live in the same house.

And on the night before the shooting, did he stay

at/.

at home - did he sleep in the house?---Yes.

And did he go to work on the morning of the Monday?  
The same day that you noticed he was injured?---He did not  
go to work.

So he never left the house to go to work that day?

---No.

Do you know why he didn't go to work?---The buses  
were not conveying people as usual.

How was that - how did you find that out? ---Because  
I saw many people not going to work. They had to remain there  
at the location.

And did you then tell Isaac "Well, you'd better stay  
at home, the buses are not running"? ---All of us had re-  
mained at home.

What time - did he ever leave the house? ---He did  
not leave the house.

But where was he when you noticed that he had an  
injury? ---When he returned during the daytime.

So he went out sometime during the day? --- Yes,  
during the daytime, approximately 1 p.m.

Is that the first time that he left the house that  
day? ---Yes.

You see, the accused has told the Court that he left  
the house early in the morning to go to the Bus Stop to  
catch a bus? That can't be correct?---I do not know.

P.P. NO FURTHER QUESTIONS.

MR. UNTERHALFER NO RE-EXAMINATION.

BY THE COURT:

You say you don't know whether your son left the  
house early in the morning in order to go to the buses to  
go to work? ---Yes, I do not know because I'm a shabby  
person/...

person, I'm always in bed.

Were you in bed that morning?—Yes, I was in bed.

And all you know is that he certainly was still in the house at a time when he should have been at work? — (Before reply) Is that right? Was your son still in the house at a time he should have been at work?—When I get up he was still there.

Was that when he should already, in the ordinary course, have been away? —Yes, that is correct.

And did you ask him "Isaac, why aren't you going to work today"? —Yes, when I saw him being present at home I did ask him.

Can you remember what he said? —I do not remember because it is a long time.

Yes. How did you then know that the buses were not operating?—We usually heard the sound of the buses.

And on this morning you hadn't heard any buses going past? —Yes.

Did you perhaps know before that morning that the buses wouldn't go? —No.

Did you know before that Monday morning that people wouldn't go to work that day? —No.

Yes, thank you.

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MR. UNTERHALTER CALLS ACCUSED No. 19:

ABAM SAKVANE s.s.:

EXAMINED BY MR. UNTERHALTER:

You were present at the Police Station at Sharpeville on the 21st of March of last year, were you not?—Yes, that is correct.

And were you wounded during the shooting? — Yes, I was.

Now, will you tell His Worship where were you at the

time/

time when you were shot? ---I was at the corner of Zwane Street and the unnamed street, that is in the vicinity of Zwane Street.

Yes, and when the shooting started, what did you do? ---I ran away.

In which direction did you run? ---I crossed Zwane Street, ran in the direction of the location.

BY COURT:

In the direction of?---In the location, after I crossed Zwane Street.

MR. UNTERHALTER:

Is that in the direction towards the shops or away from the shops? --- Away from the shops.

And did you seek safety somewhere? --- I then sought safety in a garage of private premises.

And were you later taken by car to Vereeniging hospital and then to Baragwanath hospital? ---That is correct.

And upon your discharge from the hospital, were you arrested?---Yes.

You were then sent to the Boksburg Gaol? --- Yes.

Now, during the time that you stood outside the Police Station, did you shout or raise your hand or make common course with the crowd in any way? ---No, I did not do anything except standing.

MR. UNTERHALTER NO FURTHER QUESTIONS.

ACCUSED Nos. 1, 4, 8, 38, 39 NO QUESTIONS.

CROSS-EXAMINED BY P.P.:

Were you working that day? ---I was not working on this day.

You mean you were not in employment that day, that is how I understand your reply? ---I was in employment but I did not go to work on this Monday.

Why/...

Why didn't you go to work? ---There were no buses.

Did you set out to go to work? --- Yes, I did.

What time? ---I left at 7.45.

Do you get your bus at the terminus in Secise Street?

---Yes.

Did you see any of the other accused in the vicinity of the bus terminus or in the street on that morning? ---I did not.

Did you see any of the other accused here today, on that day at all? ---No, I did not.

When did you go to the Police Station?--- It was between 11 and 11.30.

Why did you go there? ---I heard that the Europeans was going to speak at 2 o'clock in the afternoon.

Where were you when you heard that rumour?---It was after I'd returned home.

Did you hear that rumour at your house?---Yes, while I was busy turning soil in my garden, I heard that rumour.

You heard that rumour?---Whilst I was busy in my garden, turning the soil.

Were people going past in the street, or did someone come and give you that message expressly?---It was just a number of people who were passing there near my house, talking amongst themselves.

And after you'd got to the Police Station, were you there when any Saracens arrived?---Yes, I was there.

Have a look at this picture, Exhibit 115. Is that what the scene looked like when the Saracens arrived, whilst you were there?--- This which appears on the photograph, I did not see. From the side on which I was standing I could not see the Saracens clearly.

BY COURT:

You did not see this scene?---I did not.

P.P./...

P.P.:

What did you see of the Saracens? Just them coming along between the crowd and turning into the Police Station?

---Yes.

And you heard the previous day, or prior to this day, that there was going to be some demonstration on this Monday?

---I did not hear that there was going to be demonstrations. I only heard from people conversing among themselves that on Monday there would be no going to work. We will not be going to work.

Did you hear why the people were not going to work, when they were discussing that? ---I did not hear why we would not be going to work because I did not have so much interest in following up the matter.

And was that the reason why you didn't go to work, because of these rumours that you heard? ---No, it was not because of that reason.

Why didn't you go to work?---There were no buses at the Bus Stop.

Whereabouts do you work? ---Gas Expansion Engineering.

Was there any reason why you couldn't walk through to town?---Yes, the reason being that whilst I was standing at the Bus Stop, I saw a large number of police who were - who blockaded the way, and there were no people passing there.

BY COURT:

Just put that again. You could not go to work because?---Because whilst I was standing at the Bus Stop I saw a large crowd of police who were standing and blockaded the way. People could not pass there.

P.P.:

Did you try an alternative route?---I did not.

BY/..

BY COURT:

Were there police only in the way? Only policemen standing in your way?—There were also private citizens who were walking in that street.

What did you reply to the other question whether you tried some by-way? —I did not try the alternative route.

P.P.:

Why not? —It is because I did not see any people going to work, nor did I see any individual taking a different route.

Did you look upon this as an excuse..

BY COURT:

It seems to me, according to you, that the good old days when a man walked, had gone. You must have a vehicle? Chaka's impis didn't have vehicles, they were on their feet? —Yes, that is what we are accustomed to...

Chaka's impis had feet, and that is all they used. They had no vehicles and they went many hundreds of miles. All right, Mr. Prosecutor?

P.P.:

Did you regard this as an excuse to avoid going to work, or were you afraid to go to work? —Afraid of what? I'm asking you. I'm giving you two <sup>choices</sup> ~~questions~~, did

you regard it as an excuse not to go to work, or were you afraid to go to work? —There were two reasons. There was no transport to take me to work, secondly, I had a fear that if I go alone to work and others remain at home, what would then happen?

What would happen to you? —Because other people were not going to work, it may have happened that I would be assaulted.

You/...



You lose pay when you don't go to work, is that correct? — Yes, I'm not paid for not having gone to work.

And the loss of pay would be a great hardship to you?—Yes.

So then strictly speaking, the fact that there was no transport for you, was not really an obstacle. You could easily have managed to get to work somehow, had you wanted to, for that reason alone?—Yes, if I wanted, but then, under these circumstances, I could not.

You could have got to work if you wanted to, so the fact that there was no transport wasn't an obstacle, by itself, preventing you from going to work?—I wanted to go to work. I did want to.

But you were afraid to go to work?—Yes.

You were afraid that you might be assaulted by others who didn't want you to go to work? —I did not know the persons who did not want others to go to work. Then I thought to myself that if I alone go to work, what would then be said about me.

Did you see any people being prevented from going to work by others?—I did not see.

Were any threats made to you as to what would happen to you if you went to work? —There were no threats.

Then how did you arrive at this nameless fear? How did it come to beset you? —Whilst I was still standing at the Bus Stop, I saw police, a considerable distance from where I was standing. I then asked myself the question "Why do the people not go past the policemen".

Were no people going past the police?—No.

Did they come back, after they'd reached where the police were in the street?—Yes, they kept on streaming back.

And did you speak to any of them? — I did not speak/.

speaking to any of them. I then returned home.

You hadn't heard the day previously that this was going to happen, did you? — No, I only heard that on Monday there would be no going to work, but I did not follow that up very much with particular interest.

What time was it that you heard this man was going to address you at the Police Station? — I think it was approximately 10.30, because I was at home when these people walked past my premises.

And was the time mentioned when this man was going to address people at the Police Station? — No, at the time they walked past my premises no mention was made of time. I only heard the time the first time when I was at the Police Station, that the time would be 2 o'clock.

Who told you that? — I just heard that from people who were conversing among themselves, saying "Yes, it is 2 o'clock when this man is coming to address the people".

Did you know what the crowd had gathered there for? — I did not know.

Did you make any inquiries to find out why they had gathered there? — There was no necessity for me to make inquiries, because I'd already heard that the European would be arriving there at 2 o'clock to speak to the crowd".

About what? — There they did not explain to me.

And you didn't bother to find out? — No, I did not bother myself so very much.

Why were you so interested to come and listen to a European come and discuss something that you did not know what it was all about? — Because I did not know what was going to be discussed, that was why I was interested to remain there, to listen what the European was going to say.

Did you see No. 4 accused being arrested that day? — At that stage I only saw a person being arrested. I did not know that it was accused No. 4. I only began to learn about that/...

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SABAKWE/

that the first time when we were in gaol, that it was him, accused No. 4.

Did you see accused No. 3, Tsolo, being arrested?—  
I also saw just a person being arrested at that stage. I only knew that it was him on arrival. I learnt about that at the gaol.

BY COURT:

How many persons did you see arrested? —I only saw two persons being arrested.

P.P.:

And at the time that you saw these arrests being affected, you didn't see the people to be able to identify them. You only learnt about their identity later in gaol, is that correct? — Yes, because at the time of the arrest I was a distance away from them.

So it follows that you can't say what these people were doing before their arrest? —No, I did not see what they were doing.

Were you able to see what was going on inside the police yard? — Yes, I was able to see.

So you must have been close to the fence to be able to see what was going on there? —Yes, the fence was about from where I stand to where the Prosecutor is.

BY COURT:

About 4 - 5 paces.

P.P.:

Did you see anybody with a loudspeaker moving about inside the police grounds - that plastic instrument that was displayed in Court? —I did not.

Did you see the man with the sjambok? —I did not see him too.

Did you hear anybody address the crowd from inside the Police Station? —No, I did not see.

Did you see the police form up in a line?---Yes, I did see.

What did they do with their guns when they lined up? --- They held them against their bodies and then bent them.

Did you see them putting the rounds of ammunition into the breach? ---I just saw them putting something into the magazines or breach of the guns, but at that time I did not know that that was ammunition.

Was this the first time that you'd seen policemen line up with firearms and open them in the manner you've demonstrated, and put something in? --- Yes, that was the first time.

Do you know anything about military or police procedure at all?---No.

BY COURT:

Didn't you think it was time to move away when you saw the policemen getting ready to use their firearms? --- No, I took it as if they were just people who were preparing to drill.

For a drill?---Yes.

P.P.:

And did you see them lift up their firearms to their shoulders? --- There I do not recollect whether I saw them or not.

Weren't you interested to see what these police were doing? Here they were fiddling about with their firearms, right in front of you? ---At times one doesn't just have your attention fixed on one thing. Sometimes one has to look at some other objects or happenings.

What else could be distracting your attention? There was something of major importance taking place in front of you? ---Yes, it is possible that a person who was perhaps

standing next to me, spoke to me, or somebody happened to trample on me from behind.

And what was the first intimation you had of the police firing? — The sound of the firing.

And did you look up when you heard the sound? — Immediately I heard the sound I just saw people running away. I also joined in the running away.

Weren't you perhaps considering that the police were only drilling at that stage? — No, the police never drill with their guns in that position, that is by firing. They never drill in that manner.

P.P. NO FURTHER QUESTIONS.

MR. UNTERHALTER NO RE-EXAMINATION.

BY COURT:

Were you shot before you turned around, or after you turned around? — I was shot, that is immediately after I had crossed Zwane Street, on the other side, that is then where I fell.

You'd started to run away when you were shot? — Yes.

Where were you shot? — On my right buttock.

In the right buttock? — Yes.

Back, side? — In the back.

Yes, thank you.

COURT ADJOURNS.

COURT RESUMES.

MR. UNTERHALTER CALLS ACCUSED NO. 41:

SIMON MELANEL, s.s.:

(ZULU).

EXAMINED BY MR. UNTERHALTER:

On the 21st of March of last year, were you wounded in the Sharpeville Location? — That is correct.

Where were you wounded? — The bullet entered from the left side of my body and penetrated through and got an exit on the right side.

When/....

When you were wounded, where were you? --- I was in the vicinity of the shops, in the street, the unnamed street.

BY COURT:

Just a moment, let me have that again. In the vicinity of the shops? --- In the vicinity of the shops, at the corner of the unnamed street and the main street.

MR. UNTERHALTER:

Now what were you doing there at that time? --- I was standing there, just standing.

Now there was a very big crowd round the Police Station? --- That is correct.

Had you at any time during that morning, been with that crowd? --- I was never amongst the big crowd. I was standing alone there, isolated.

Did you ever sing or dance or gesticulate, raise your hand in the air? --- No.

And after you were shot, what happened to you? --- After I'd been shot, I was carried by two unknown boys to me, who then placed me into a vehicle, this motorcar vehicle, which then conveyed me to the hospital.

And were you then treated at the Baragwanath hospital? --- Yes.

Upon your release, were you arrested and sent to the Boksburg gaol? --- That is correct.

MR. UNTERHALTER NO FURTHER QUESTIONS.

ACCUSED Nos 1, 4, 8, 38 and 39 NO QUESTIONS.

CROSS-EXAMINED BY P.P.:

What time did you go to the Police Station? --- I do not know what time I arrived at the Police Station, but I left my home at 12 noon.

It is only a few minutes walk from your home to the

Police Station?—The Police Station is far from my home.

Do you live on the dam side of the Police Station?

—Yes, right near the dam is where I live.

And to get to the Police Station, did you walk up that street called Zwane Street, that is the main street which runs past the front of the Police Station, the one with the island in the middle? —No.

Were you ever at any stage on that day in that street, the one with the island in the middle which goes past in front of the Police Station? —I was never there.

Were you in employment on that day? — I was in employment.

Why didn't you go to work?—I had to go into the night shift.

Were you on night shift?—Yes.

And what time did you start your night shift?— 4.45

That is in the afternoon?—Yes.

And what time had you come off duty? —I'm off duty at 2 a.m.

2 a.m. on the Monday morning? —Yes, 2 a.m., Monday morning.

Had you received any pamphlets before the Monday, or seen any pamphlets that there were going to be a demonstration? —No, I know nothing about that.

Had you heard any talk, any rumours, before this Monday, that some form of demonstration was going to take place? —No.

What made you go to the Police Station? — I was walking past that area. I was on my way to "Hua Huselele".

Is he a friend of yours? —I was on my way to my brother to borrow some money for the bus, but then, when I got to this juncture, I was then injured.

Were you still in the process of walking past, on your way to your brother, when the shooting broke out? —

Just at the time when I was passing at this particular spot where I later fell down, then the firing started. I did not even get to the place which I was going to.

So you weren't even interested in the crowd of persons you saw at the Police Station, you were merely continuing past on your own private business, when the firing broke out? ---Yes.

This wasn't a usual sight, I take it, to see a large crowd around the Police Station, of this nature? ---Yes, that was the first time for me to see such a crowd.

Were you at all curious to find out why they had gathered there?---No, I was not at all curious.

Did you see any of the accused present here today at the Police Station or in the vicinity, as you walked past? --- No, I did not.

Did you notice anybody amongst the crowd, as you walked past, who were opening their shirts and shouting "Skiet ons"?---No.

I'll tell you formally what one of the Crown witnesses, Constable Galitz, has said. He said he saw you in Zwane Street among the crowd in front of the Police Station. You were about 20 yards from him. He was with the police unit which was in Zwane Street, and you were jumping around and shouting "Africa" and "Isweletho", and his attention was drawn to you because you appeared to be shouting the loudest, and when you shouted, the others joined in shouting and jumping, and people opened their shirts and said "Skiet ons". What do you say to that? ---I was never in Zwane Street. I deny that. I did not do all these acts.

So were you walking along the unnamed street, about to enter Zwane Street, when you received your wounds? --- I never went in the direction of the Police Station. I was at the corner of the unnamed street and Secise Street where



I was injured and where I laid myself down and where I was picked up.

Is that the nearest that you ever came to the Police Station that day? --That was the nearest I ever came to the Police Station. I never went further than that.

Did you stand still or - were you standing when you received your wounds? --At that stage I heard the firing and saw people running away. I was just running away when I was then shot.

Had you been standing prior to your commencing to run away, or were you walking? --At that stage I was standing.

Were you standing facing towards the Police Station, looking to see what was taking place there? -- Yes, I was looking at the many people.

And then, when you turned to run, you received the wound?--Yes, I was then shot.

P.P. NO FURTHER QUESTIONS.

MR. UNTERHALTER NO FURTHER QUESTIONS.

BY THE COURT:

I propose to show Exhibit 2 to the witness. Do you understand that Plan? Show him Seciso Street, show him the Police Station, show him the Municipal offices, and show him the dam. Can you follow that Plan? --Yes, I do.

Now, along which way were you walking before you got to the corner of the unnamed street and Seciso Street? -- I walked along the half tarred street.

Which one?--The half tarred street.

Half tarred street?--Yes.

I don't know which one that is. Can he show it on the Plan?--No.

At what stage did you get into Seciso Street?

(WITNESS INDICATES ON PLAN) What mark should he put there?

No well, just come and show it to me, what point he shows as the point where he got into Seeiso Street?

Well, he points to the corner of Seeiso Street and the unnamed street, and he pointed that out correctly, but to get to that corner, had he been walking along Seeise Street or across the veld, or along the unnamed street? --The accused indicates that he was walking along where the street is marked X.5, that is the first street from Seeiso Street, before he got to the corner.

In other words, he was walking along the street just to the South of Seeiso Street?--Yes.

And how did he get into Seeiso Street? --The accused points out that just from X.5, point X.5.....

There is no X.5 on Exhibit 2 here. Oh, he was a street to the North of Seeiso Street, not to the South, when he came down the unnamed street and got to the corner. And where were you going to go? Where was your brother living? --My brother lives in the Masenzela Section of the location. It is not shown on this.

I suppose that is somewhere off the picture here. Now let us suppose that that day there was no crowd or anything like that, would you have walked past the front of the Police Station, past the West side of the Police Station, between the Police Station and the clinic - the way you were walking?-- Yes, my route would take me past the Western gate of the Police Station.

You were going past the Police Station on the one side and the clinic on the other side? --The clinic on the other side.

But you never got so far?--I never get so far.

Now it is clear to me which way you were walking, thank you.

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MR. UNTERHALTER/...

MR. UNTERHALTER CALLS ACCUSED NO. 65:

HOPHY MOROBE s.s.:

ENGLISH.

EXAMINED BY MR. UNTERHALTER:

You were in the vicinity of the Police Station on the 21st of March of last year?—That is correct.

Until what time were you there? —I'm not sure of the time, but it was when the aeroplanes came that I left.

When the aeroplanes came, you left?—Yes.

And you did not return after that?—No, I did not return.

So you were one of the lucky ones who were not wounded?

BY COURT:

What about accused 3, 4 and 7...

MR. UNTERHALTER:

Among them, Your Worship.

BY COURT:

You were not there at the time of the shooting?—No.

MR. UNTERHALTER:

Now, during the time that you were there, what did you do? —I stood for a little while, to have a look.

Were you looking on?—Yes.

Did you shout, or utter any slogans, or lift your hand in the air, or gesticulate or gesture in any way?—Not at all.

Now, on what day were you arrested in connection with this case?—I think it was on the 17th of May.

BY COURT:

Just repeat that?—I think it was on the 17th of May when I was arrested. It was a Tuesday, I think.

MR. UNTERHALTER:

And you were then taken to a parade, were you?—Yes.

I/

I was taken to a parade.

And after that, were you kept in gaol until you were released on bail?—That is right, yes.

MR. UNTERHALTER NO FURTHER QUESTIONS.

ACCUSED Nos 1, 4, 8, 38 and 39 NO QUESTIONS.

CROSS-EXAMINED BY P.P.:

What is your address in Sharpeville?—My address is S.192, Sharpeville, city site and service scheme.

Did you write any examinations last year at all, in connection with any educational body at all?—Yes, I wrote last year.

And just for the record, what was it that you wrote?—I wrote an examination for the Institute of Bookkeepers, London.

Now, did you know before this day that there was going to be demonstrations in Sharpeville?—Yes, I had heard rumours.

How long before the 21st of March had you heard the rumours?—I think it was on the Saturday preceeding the Monday.

And from whom had you heard the rumours?—No, it was in the bus. I was from town, going to the township.

Is that the only source of information that you had, that there was likely to be a demonstration of some sort on the Monday, was by means of what you overheard in the bus?—Yes, that was as far as Sharpeville was concerned.

Do you know any of the accused present?—I've seen them in the township.

Did you have any contact with any of the accused in Court, in any form, before the 21st of March?—No, I did not have any special contact with them.

Have you an aunt who lives in nSharpeville at all,

or/

or a sister?—I've got some relations in Sharpeville.

What is the relationship with her?—I've got a brother, who has got a wife. Then I've got a grandma, so to say. These are the closest relations I've got, apart from many other who are remote.

And on this particular day, were you in employment on the 21st of March?—Yes.

Were you on night shift, or were you supposed to go to work in the morning?—I was supposed to go to work in the morning.

BY COURT:

I can't hear?—I was supposed to go to work in the morning.

P.P.:

And did you go to work, or try to go to work?—Yes, I tried to go to work.

And what was it that stopped you from going?—First of all, I couldn't get transport when I got to the Bus Stop. Then we hung about for some time at the Bus Stop, and people were talking about some trouble further down in the township, in the region of the Putsae Setenie.

BY COURT:

Look, I'm sorry, but you are talking very indistinctly and it is very important that I should hear what you say. Will you repeat all that - you were hanging about at the Bus Stop, and then what happened?—And then we heard that there was some trouble down in the lower portion of the township, in Putsae Setenie.

Which way would that be?—Somewhere in the region of Putsae Setenie.

Somewhere towards the offices or hostels?—Yes, in that region. And then from there I left, proceeding to my home/...

home.

MR. UNTERHALTER:

What was the nature of the trouble that you heard, why did it cause you to go home?—I learnt that there were some police down there, and people, in a clash of some kind. I did not...

You say the <sup>police</sup> people down there and the people were in a clash of some kind?—Yes, there was some trouble with the police. I did not know what it actually was, because it was just people talking at the Bus Stop.

Did you try going to work by some alternative route, that would take you past the source of trouble?—No.

Why not? — Well, as I proceeded towards my place, because I stay out at site and service, I - on leaving the bus terminus, I had to go across Zwane Street, and it was at Zwane Street that I saw some people cycling up the street and saying that they had been stepped somewhere on the edge of the township, that is near the place where they dump ash, Eastwards along Zwane Street. It was for these reasons that I decided to stay.

BY COURT:

You are not mixing up Zwane Street and Secise Street?

—No.

P.P.:

So were you in Zwane Street that morning?—I crossed Zwane Street on going to my house.

And where did you cross it, in the vicinity of the Police Station, or lower down?—A bit lower down.

Towards the dam?—Yes.

And did you notice the crowd of people at the Police Station when you crossed Zwane Street?—No, I saw no crowd at that time.

What/...

3,152.

MOROBÉ/

What time was that?— It must have been about  
— past 8, I'm not sure.

And after you'd gone home, did you then decide to  
go to the Police Station?— I hung about my place and I  
saw some people pass, saying there is some discussion at  
the Police Station.

BY COURT:

Just repeat that, you hung about your place and saw  
people doing what?— I heard people pass by, saying they  
are going to the Police Station for some discussion.

P.P.:

Did they say what was being discussed at the Police  
Station? — Yes, they spoke about passes.

And was this of interest to you, the fact that there  
was a discussion about passes?— Yes, it was of some interest.

And did you go up to the Police Station to hear what  
the discussion was in connection with the passes?— Yes.

And at the Police Station, when you arrived there,  
did you see any of the accused there at all?— No, I did not  
see any of them. There were many people around.

And Weale, did you notice him at all at the Police  
Station? — No, I did not see him.

Isale, No. 38 Your Worship, the former No. 38— I  
did not see him.

Did you walk up Swane Street to get to the Police  
Station?— No, I have to walk across Swane Street, because  
I come from the Southern side.

And did you make any inquiries at the Police Station  
amongst members of the crowd as to what was happening there?  
— When I got there I stood round and heard people that they  
were waiting for some highly placed official that was coming

Was that all that was said, that some highly placed man was going to come and address the crowd?—It was this sort of talk from many people about. No one was quite exact in details.

And was any mention made of the time that this man would come to address the crowd?—Yes, they said roundabout 2 p.m.

And did you get tired of waiting and then went home? —No, it wasn't a long time that I've been there. When the aircraft came sweeping over the Police Station, mostly I get frightened and I left.

What was there about the behaviour of the aeroplanes that frightened you, as you put it?—Well, they dived down too low over the people.

BY COURT:

Isn't that what they were supposed to come for, to disperse the crowd?—Yes, and amongst them there was one from which I got the full blast of the exhaust and I.

Full blast of the exhaust from one plane?—Yes, and they were busy for a little while and I decided to leave.

P.P.: ASKS FOR ADJOURNMENT.

COURT ADJOURNS.

COURT RESUMES:

HOPHNY MOROBÉ s.u.c.

BY P.P.:

Would you please give me your signature on this piece of paper? Thank you. That will be Exhibit 116.

Would you have a look at the signature on Exhibit 28? Is that your signature? — Yes, it is.

BY COURT:

Allow me just to look at that. The one right at the bottom, where it says "Signed"?—Yes.

Your/...



3,154.

MOROBE/

Your signature, 24/9/59?—That is right.

BY COURT TO P.P.:

Mr. Prosecutor, just to help me to follow whatever you're going to ask. Where did this Exhibit 28 come from?

P.P.:

I took it out of the envelope of....

BY COURT:

No, I know it comes from the envelope here, or are you not discussing that yet?

P.P.:

Well, Your Worship, this was part of the Exhibits which was re-introduced by means of my cross-examination - of my re-examination after No. 4 accused had cross-examined Mr. Labuschagne.

P.P.: So, do you know these people, Michael Tenyane? — No. I don't know that one.

Thomas More?—Yes, I know him.

Is that accused No. 4?—Yes, that is him.

Tsele - is that referring to accused No. 3 who used to be here?—Yes.

And Ramadipe, is that accused No. 39?—That is right, yes.

This appears to be a Minute of an Executive Meeting opened at 7 p.m. on the 9th of September, 1959. That was a meeting of a branch of the Pan African Congress in Sharpeville Township, wasn't it?—Yes, it was.

And these persons here, "Mr. Morebe and his Executive Members," that is accused No. 3 and accused No. 39 were members of that Executive Branch together with you?—Yes, it was a provisional Executive.

When did you join the Pan African Congress? —I

August, 1959?—Yes.

Now, do you agree that the Pan Africanists Congress organisation is a Unionwide organisation - throughout the Union. It is not just confined to one Province?—Well, at that time it was just on the Reef.

BY COURT:

You must please reply clearly. What did you say?—I say it was just on the Reef at that time.

On the Reef?—On the Reef, when I joined it, and I later left it.

P.P.:

When did you leave?—I think it was in September, roundabout the end of September.

BY COURT:

Roundabout the end of September?—I left them. Which year?—1959.

P.P.:

Why did you join the Pan African Congress? — (Before reply)

P.P. TO COURT:

Your Worship, this accused is not cited in the Particulars as being a member. Your Worship will recall that these books were only brought to light after trial had commenced.

BY COURT:

Yes. The question is, why did you join the Pan African Congress?—I loved that organisation.

I? —I loved the organisation when it started.

P.P.:

Now, was the prime reason for joining this organisation because, firstly, because it wanted to abolish the Pass System, in other words, the system whereby all Africans had to carry passes?—No, that was not the issue at that time. All they thought at that time, they just wanted to unite the African people.

BY/..

BY COURT:

They just wanted to?—They just wanted to unite the African people at that time.

P.P.:

With what object in mind?—Well, that I wouldn't know, because I just know that we loved unity.

Did you do any lecturing?—No, as I say, it was just about two months or so, then we couldn't pull on together with some of these chaps, and I just left.

Now, for what purpose was the African people to be united?—To let them stand as a nation, a race.

But for what purpose?—No, I wouldn't know. I might have learnt later, but I...

Was Sebukwe President of the Pan Africanist Congress at the time that you joined?—Yes.

And was Leballo the Secretary, the National Secretary?—Yes, he was.

And Zacharias Mduni, was he a member of the <sup>Regional</sup> Executive for the South Western Witwatersrand Division?—I didn't know.

Did you attend the conference of the Pan African Congress in December, 1959 - the National Congress?—No.

BY COURT:

At this instance at the Communal Hall at Orlando.

Did you go to that?—No, I'd long left them, as I've already said.

P.P.:

This temporary body of which you were office bearers, you were the Chairman of this, and Tsole, No.3 accused, was the Secretary, and No.39 accused was the Treasurer. Is that right?—I don't remember what positions they had, but we were together in some form of body.

Will you have a look at Exhibit 28 and confirm it for me, or...?—Yes, according to this it was so.

Who - for what purpose was that particular Committee constituted/...

constituted?—To establish a branch.

Was there already a branch in existence? Was this to be the second branch in existence?—No, I don't know, there was no other branch in existence.

Who approached you to join the Pan Africanist Congress?—I don't remember well.

Was it accused No. 4 or accused No. 3?—No, none of the accused.

Was it Jock Tsole? —No.

Well surely you can remember the man who approached you?—No, I just read about it in the papers, and saw that there was such an organisation. That is how I got to know about it.

BY COURT:

Just a moment, you just read about it in the newspapers? —Yes, originally. That is how I came to know about it.

Well then, what is the next step about your interest in the P.A.C.?— I'm just not sure what I did, until I got to know. I remember we came together, some of us, and we tried to make a branch of it.

MR. P.P.:

Where were you working at that time?—I was still working at Brick & Tile.

Brick & Tile. And who did you approach when you decided to join the Pan Africanists Congress. Who did you go to and say "I want to offer myself as a member"? — No, I - I think when we started this, we were trying to go and affiliate - we were going to go and see these people. There was none of them yet who had come to see us, or anybody...

Look, first of all, to be elected an executive member of the branch, you had to be a member of the Pan Africanists Congress first of all, don't you?—Yes, but this was not a branch/...

MOROBEE/

branch.

No, but you had to be a member before you could offer yourself to be <sup>an executive</sup> ~~an executive~~ of the branch, not so?—

A member of what?

You had to be a member of the Pan Africanist Congress in order to form a branch?—No, this was not yet a Pan Africanist Congress. As a group we were going to affiliate ourselves at some later date.

BY COURT:

You were a group?—Of people who were interested. Of people interested?—Yes.

P.P.:

What I want to know is this. You had to approach somebody to offer yourself as a candidate for membership of the Pan Africanist Congress, not so?—Yes.

I want to know who the person was that you approached to offer yourself and say "Look, I am over the age of 18 years of age, I'm an African, I don't belong to any other organisation whose policy is in conflict with the Pan African Congress". Who did you approach?—No, I'd not approached anyone then. We were just a group who was going eventually to go over to them.

Were you issued with a membership card?—No.

Did you pay any membership fees?—No.

Are you suggesting that you, accused No. 3, accused No. 39 and some other man, Nku, just decided out of the blue that you were all going to be members of the Pan Africanists Congress?—Well, we spoke about it for some time, but we - I for one, we never actually became a member in the sense that I was issued with a card. I do not know if the others became members.

Do you now say that you were not a member of the Pan Africanist Congress?—Yes, I was not.

3.121.3  
BY COURT:—To establish  
Was there already a  
to be the second branch in  
there was no other branch  
Who approached you  
I don't remember  
Was it accused No.  
the accused.  
Was it look  
Well surely you  
you?—No, I just read  
there was such an  
about it.  
BY COURT:  
at the time that you  
Just a moment, you  
—Yes, originally, that  
Well then, what  
in the P.A.C.?—I'm  
got to know. I remember  
we tried to make a  
MR. P.P.:  
Where were you  
working at Brick & Tile  
Brick & Tile.  
decided to join the Pan  
to and say "I want to  
No, I - I think when we  
to and affiliate - we  
There was none of them  
anybody...  
Look, first of  
of the branch, you had  
Congress first of all,  
Who

3,159.

MOROBEE

So then your former statement to the Court, when you said you were a member of the Pan African Congress, is not correct?—It is not correct that I - this was just an organisation which was going...

Just go step by step. Do you recall saying earlier on in cross-examination to the Court that you were a member of the Pan African Congress? —I'm not sure that I said that.

BY COURT:

You said you joined the P.A.C. in August, 1959?— That was the time that...

Just a moment, and you left it in September, 1959. You told me you joined, and you left. Can I appeal to you, try to be truthful and answer these questions truthfully? —Yes.

P.P.:

Now let's settle this question. Were you or were you not at any stage a member of the Pan Africanists Congress?— I was a member of that group.

A member of the Pan Africanists Congress?—Branch. You were a member of a branch of the Pan Africanists Congress. Is that correct?—Yes.

Now how did you join the branch of the Pan Africanists Congress?—We organised the group, and I'm almost sure, I think we got some.

Isn't it correct that there was already a branch of the Pan Africanists Congress in Sharpeville Native Township? when you and your group formed a second branch? Isn't that correct? —That I don't know.

How many members were there comprising your branch of which you were Chairman of?—I don't remember now, it is a long time ago.

Didn't/...

3,160. MOROBE/

Didn't you found your branch under the guidance of accused No. 4? Didn't he help you found your branch of the Pan Africanists Congress?—I don't remember if it is him, but certainly we were together with him.

Here it says: "Mr. Tenjane proposed, after an explanation by Mr. Morebe, regarding the forming of one permanent body, that Mr. Morebe's body stands permanent, and only to be augmented by candidates on the date to be mentioned. The suggestions was seconded by - it is not quite legible - Mr. "Thoko", Mr. Tsole and accused No 39, Mr. Ramadibe. It was further clarified by Mr. <sup>More</sup> ~~More~~ that the proposal was so good that it was in itself constitutional for the fact that Mr. Morebe's party was already registered as a branch". So you were already registered as a branch? —I can't get that clear.

Well read it. Perhaps it is easier to read then when somebody reads it out to you?—Yes, so it is.

So you were already registered as a branch?—I'm not sure about that,

You signed the document. Surely you must know what you're signing?—Yes, we must have been registered.

That means you were registered as a branch, through the National Secretary, Mr. Leballe?—Yes, yes.

In other words, Mr. Sebukwe was the National President of your branch as well as all the other branches?—Quite right.

Now, is it correct that accused No. 1 was also a member fo the Pan Africanists Congress at the time that you joined?—No, not at that time.

Did he join later?—I don't know if he joined later.

BY COURT:

Just a moment. There is unfortunately talking by

3,161.

MOROBÉ/

the witness and interpreting by the interpreter, and I can't hear. What was your reply?—I did not know when he joined.

P.P.:

But he became known to you afterwards as a member of the Pan Africanists Congress. Do I understand that that is what you're saying?—No, not while I was still a member.

And accused No. 2?—No, he was not a member.

Not as far as you know?—Yes.

What about No. 8 accused?—No, not at that time.

Did you later learn that he was a member, or you don't know whether he ever was a member?—No, I don't know.

Do you know Stephen (Stefaans) Lepee, accused No. 38?

—I see him in Court.

BY COURT:

What is your reply?—I see him in Court here.

You did not know him as a member?—Yes.

P.P.:

Have a look at Exhibit 50. What happened to your card, like that? —I think I tore it up.

You think you tore it up?—Yes.

BY COURT:

May I have a look at that, please.

P.P.:

Was yours also signed by Rebelie?—I think so.

You see, what I find strange in believing your evidence so far, or trying to orientate it, this is for the year 1959, Tsele was the Secretary of the branch, wasn't he?—Yes, he was.

BY COURT:

Which Tsele?

P.P.:

Didn't you find  
of accused No. 4? Didn't  
of the Pan Africanists  
it is how, but certainly  
Here it says "H  
explanation by Mr. Morobé  
permanent body, that Mr.  
and only to be augmented  
mentioned. The suggesti  
quite legible - Mr. "The  
Mr. Ramadibe. It was the  
the proposal was so good  
for the fact that Mr. M  
as a branch". So you we  
I can't get that clear  
Well read it. P  
somebody reads it out to  
So you were alive  
not sure about that.  
You signed the do  
you're signing?—Yes, we  
That means you we  
the National Secretary,  
In other words, I  
dent of your branch as we  
Quite right.  
Now is it correct  
member to the Pan African  
you joined?—No, not at  
Did he join later  
later.  
BY COURT:  
That's a moment.



And this is issued to Johannes Monyake for the year 1959, the same branch of which Tsele was Secretary. Is that correct? Does that bring it back to your memory that accused No. 1 was a member at the time that you were a member?—Not at the time when I was a member. You see, it doesn't say when he joined or something like that.

Except for the "annual fee for 1959"? — Well, it might have been some time after I'd left. Still in October this man was Secretary, also. I mean, in November also. But I just don't remember him being a member whilst I was a member.

BY COURT:

Is there any date on Exhibit 50? Just make sure? No. It contains no apparent date of issue.

P.P.:

And did you, when you joined the Pan Africanists Congress, did you subscribe to their oath? —What oath?

Did you subscribe to any oath when you joined the Pan Africanists Congress?—No.

How did you register yourself as a branch with Mr. Leballe? —The National Secretary?—I think someone went up to him and brought some cards and issued them and we were a branch. I don't remember the procedure well. That is how it was done.

That would have been the job of the Secretary, he would be the man who would see to things like that, on an instruction from the Chairman. You probably said to the Secretary "Look here, we must register ourselves as a branch, you'd better go up and see the National Secretary, have the branch registered and come back to me and bring the membership cards". That is what probably took place?—No, no. I think someone brought the cards to us. I don't remember who

it/..

it was, and after we became members, we made a local committee.

You have a bad memory for a Chairman?---I must say it is a long time - I've long left the thing. I cannot remember them well.

You see, this Exhibit, No. 28, appears to come from Exhibit 15, which is the book of Minute of Meetings. Would you have a look at Exhibit 15, and you will see that Exhibit 28 seems to fit in in the gap just before a meeting dated the 10th of September. You agree that Exhibit 28 appears to be a missing page from that book?---I didn't follow this - I wouldn't know.

All right, have a look at Exhibit 15 - just lift up Exhibit 28 and look at Exhibit 15. There is your name mentioned in that book, is that correct? "Mr. Morebe's committee"?---Yes.

That is you that is being referred to, your committee, on the 10th of September, 1959?---What is the question?

That is you and your committee that is being referred to in Exhibit 15 on the 10th of September, 1959?---That is right.

How often were your meetings held - once a week? ---I think we held them whenever it was necessary. I can't remember.

Now, do you agree with me that an organisation is only as strong as the amount of members it can draw to its ranks? In other words, the more members you can bring into your ranks, the stronger your organisation?---That is true, yes.

So it is the function of every good Pan Africanist and every good Pan Africanist branch to try and recruit as many people as they could?---Yes.

Well/...

New then I think it is good commonsense that in order to attract people to your organisation, you must have something, some favourable policy which will also attract them to come to you. You must have something to offer them?  
 ---Yes, it often happens that way.

And one method whereby members are recruited, is by holding meetings and spreading your doctrine amongst the people, so that they will decide "Well, this is the doctrine for me, let me join that organisation". Isn't that correct?  
 ---Yes, not only with meetings, You can talk to people.

Yes. And the welding - the African Nationalism that you talk about, had an object in mind, didn't it? In order to weld the African people into one solid united block, you had a specific purpose for wanting to do that, to make them stand together as a nation?---That is true.

And that object, in order to get them to stand together as one united nation, was so that they could rule and govern themselves in this country in 1963? Wasn't that part of...?---  
 No, there was no talk of that at that time.

No talk of that at that time?---No. There had not been any program developed then, as far as I can remember.

As far as you can remember. Your memory isn't too good. It is possible there was a program but you've forgotten it?---No, but I was not well acquainted with it, if it was there. I've refreshed myself enough now, I could remember, I'm sure.

Did you see the Constitution of the Pan Africanists Congress at all?---No, I did not see it. We wanted to get one but..

Do you mean to tell me that at the time when you were elected Chairman of the branch, you didn't even know what the Pan Africanist Congress stood for?---I've already told/.

told the Court that it stood for unity.

Plain unity?—Unity of the African people. I wouldn't know what other program would follow, but then that was what was mostly discussed.

Did you say unity of Government now?—I said unity of African people.

Was it just a philanthropic organization which wanted to unify the African people, with no other purpose in mind? —No, it wasn't a philanthropic organization, it was political all right, but..

And what was the political aims of the organization? What did it aspire to? —As I say, I did not get the Constitution. I don't know them, I just knew the one object, that we had to unite.

Did you see the Pan Africanist for May and June, 1959, when it came out?—No.

Have you seen any Pan Africanists magazines at all? —Yes, I've seen some.

I'll read you an extract from the Pan Africanist in January, 1959. Perhaps it might refresh your memory. It is called the Africanists, and then the future of the Africanist movement, and it says here ...

BY COURT:

Which Exhibit are you quoting from?

P.P.:

I'll quote from one of these, and then I'm going to hand in..

BY COURT:

It is not one that has been handed in yet?

P.P.:

It is not one that has been handed in.

BY COURT:

You haven't taken it from the book, from the register

of Exhibits then?

P.P.:

No. Here is the question posed "Who are the Africanists?" and the answer which was given here is a simple, "would be that they are the members of the Africanist movement, but if one wishes to go deeper into the question, one would say that they are these Africans who believe that African Nationalism is the only liberatory outlook that combine the African masses by providing them with a loyalty higher than that of the tribe and thus mold them into a militant, disciplined, fighting force". Is that what the object was, as put there?—No, I do not remember reading that or ever hearing it put that way. All I can say is that they wanted to achieve some unity, as I've already said. I have not yet had access to the Constitution. I did not know everything yet.

Did you ever find out what the policy was of the Pan Africanist Congress?—No, in the short space of time that I was a member, I did not.

How did it come about that you were elected Chairman? I'm sure that they elected informed people to the ranks as leaders in their organization. How were you elected Chairman? —I wouldn't know. It is just that people thought me all right, but I definitely did not have any special information about the movement, if I may say so. You see, we were all starting then. There was nobody who knew what the P.A.C. was or what it stood for.

Did you go to the Police Station on the 21st of March, 1960, because...

BY COURT:

If you're returning to more actualities, we'll take the adjournment for lunch.

COURT ADJOURNS.

COURT/...

COURT RESUMES:

HOPHNY MOROBE s.u.o.

P.P.:

Now, from the time that you joined the Pan African Congress until the time that you left, did you attend these meetings regularly?--No, not regularly.

The meetings that you attended, were they presided over by accused No. 4?--I think one or two, yes.

Can you remember the exact date when you left the Pan African Congress?--No, I cannot, but it was the end of September.

And did you attend some meetings in September, 1959? -- Just the one that..

Yes, you attended the one apparently on the 9th and the one on the 10th. The one on the 10th is here : "The undermentioned were elected office bearers to fill Mr. Morebe's Executive", and the names were given. I take it you were present at that one? --Of?

Look, on the 9th of September, that is the document you signed?--Yes.

That one you attended?--Yes.

And then, on the 10th of September, there was also one here that a meeting was held, and it says here "The undermentioned were elected office bearers to fill Mr. Morebe's Executive". So I take it you were present, seeing that that effected you?--I'm not sure, I'll not lie about that one.

And then, on the 20th of September, there was another meeting held, and the Chairman was Thomas More, accused No.4. Do you recall that meeting?--No, I was not present at that meeting.

You say you were not present, or you can't remember

whether you were present?—No, I was not present.

You were not present?—No.

Do you know who lives at Stand No.s.905 in Sharpeville?—Yes, I've learnt that in Court.

No, do you know who lives at Stand No.905?—Yes.

Who lives there?—Thomas More.

What made you leave the Pan African Congress?—I think we had an argument on one occasion, shortly after I was chosen Chairman.

Who had an argument?—I think it was I and More and Tsele, I think, and I decided to leave.

What was the argument about?—I can't remember it clearly, but I think it concerned some money, I don't know.

Now, on the 21st of March, 1960, did you go to the Police Station in order to associate yourself with the demonstration that was being staged there?—No, I was just going to listen.

You knew of course that - in view of the fact that you had been a member of the P.A.C., that there was going to be a demonstration there that day?—Not because I was a member before. It was not discussed whilst I was a member.

Did you ever see any pamphlets, calling upon people to surrender themselves to the Police Station on the 21st?—No, I did not get any myself.

Did you learn that such pamphlets had been distributed?—Yes, I learnt from people who had them.

And did you yourself see any of these pamphlets?—No, I did not see them.

Who did you learn from that these pamphlets had been distributed?—I think it was also in the bus on Saturday, that the people talked the 'stay at home'. They mentioned this pamphlet.

Is/...

MOROE/

3,169.

In No. 8 accused also known as Keale Teketsi? ---

No, I don't know that name.

Now, you say you went to the Police Station to hear what was going to happen?---Yes.

And whilst you were there, did you hear people shouting "Africa" and "Iswelethu"?---No, they were singing when I got there.

There has been evidence in this Court by Edwin Lethelu that he saw you giving a sign, presumably the thumbs-up sign, in the vicinity of the Police Station in Zwane Street. What do you say to that? --- No, I deny that. I was never in Zwane Street and I never behaved in the manner that was described.

Did you ever personally meet the President or the National Secretary of the P.A.C.? ---No.

P.P. NO FURTHER QUESTIONS.

RE-EXAMINED BY MR. UNTERHALTER:

This particular committee that is recorded in the Minutes of this Meeting in Exhibit No. 28. At the time that that meeting was held, was that of an already constituted branch of the P.A.C. or if not, what was it?---No, it wasn't a duly constituted branch, in fact, as mentioned in the document, we were trying to get registration. If we had that it would have been duly constituted, that is, fully accepted in all respects.

And the purpose of your business at that stage was then what?---It was then - as we had the membership, it was to register with the - to be a native branch of the movement, so to say.

Did you later receive some kind of official intimation that you had been recognized as a branch?---Not that I remember. I can't think of ever having it.



the arrangements, did you, at that stage, already regard yourself as a member of the P.A.C. or as a person who hoped to be a member of the P.A.C.?—Well, I'd obtained a membership card, but though I have not yet complied with many other requirements which I had to learn of later. I have not yet, so to say...

BY COURT:

You got a membership card?—Yes.

Why don't you answer the questions? You know, you're not answering the questions even of Mr. Unterhalter..?—I don't follow it properly.

MR. UNTERHALTER:

Just let me put it to you again, with His Worship's leave. That meeting was held on the 9th of September, the meeting that is reflected in Exhibit 28?—Yes.

At that date, when that meeting was held, had you already received your membership card, or did you receive your membership card subsequently. Do you understand my question? —I understand it.

What is the answer?—I received it subsequently when I'd already changed my mind.

Then, at that particular meeting, were you hoping that your branch would be accepted by the P.A.C. and that you personally would in due course be accepted as a member? —Quite right.

MR. UNTERHALTER NO FURTHER QUESTIONS.

BY COURT:

Now, there were certain of the other accused, particularly No. 8 - particularly No. 1, rather, and No. 4 about whom this witness has now, in cross-examination, given evidence which they hadn't heard when they had their opportunity for questioning them. Are there any further questions

... you, accused No. 1 and accused No. 4, No. 8, No. 38 and No. 39?

NO QUESTIONS BY ACCUSED NOS. 1, 4, 8, 38, and 39.

BY COURT:

When you - you say you left the Pan Africanists Congress after a quarrel, so you think?—Yes.

You think the quarrel may have been over money?—  
It was over money.

It was over money. But what was your attitude towards the ideas of the Pan Africanists Congress after you left it? —No, I completely left.

Pardon?—I was completely divorced with the P.A.C. Completely divorced?—Yes.

Did you no longer want African unity, or what?—No, I didn't care for that then.

You didn't care for it. Now is it that you didn't care for the persons who were members of the P.A.C. or that you didn't care for its ideas?—Well, I did not get to know it any further since then.

You knew some local persons with whom you had a quarrel?—Yes, but since I'd had the quarrel, I did not know much concerning the P.A.C. thereafter.

May I have Exhibit 28 please, and also that membership card?

Exhibit 28 seems to be the Minutes of something held on the 9th of September, but you signed it on the 24th of September, is that right? Have a look?—Yes.

Did you write out this Exhibit, or did somebody else write it out?—No, that is not my writing.

The writing is not yours. Whose writing is it? Look at it? —I cannot say now whose writing that is.

Can/...

Can you now really not tell me whose writing that is? ---No, I...

You signed a document but you don't know in whose writing it is?---It is some time ago, I do not know.

I know it is some time ago, but I don't think you attended, on your residence, more than about 2 or 3 meetings, how is it that you can't remember?---Some meeting were held in my absence, and...

I'm not talking about meetings held in your absence. I'm talking about meetings you attended?---Yes, but definitely I cannot say whose writing that is.

Now, who is the first person who mentioned the Pan Africanists Congress to you?---that sort of suggested that you should join?---I cannot remember.

You cannot remember?---No.

Was it somebody in Sharpeville, or somebody for elsewhere, who suggested it to you personally?---As I say, I cannot remember. I wouldn't be sure...

You can help me a little bit by trying to remember whether it was a local person or a person from elsewhere, surely? ---I think it was a local person, but I'm not sure.

Is that as far as you can help me there?---Yes, I really cannot say who it is.

Isn't the position perhaps that you - I don't know, I'm putting it as a possibility - that you had been persuaded by people from elsewhere, and you came along here to try and persuade people to establish a branch. You were the moving spirit in Sharpeville?---No.

You see, this Exhibit 28 talks of "Mr Morobe and his Executive members". Now, you and your Executive members. Who are your Executive members, of what? It seems to me as if you and some executive members of yours had...

formed some association and that you were no in contact with other people?---I can't get that?

You can't get it? Neither can I. On the context of this Exhibit which was signed by you..?---Yes?

There are possibilities that you and some Executive Committee of yours were trying to get others to join the P.A.C., or otherwise, that you and some Executive Committee of yours, met some other committees or association, and the two were trying to amalgamate?---I think that was the position.

Oh, you think there was an amalgamation of something you had and something somebody else had?---If I remember clearly now, there was some other organisation earlier.

Well now, I want to know from you, you were amalgamating with who else?---With some other organisation.

Who else?---I think it must have been the one that...

No, this is not clear to me. Who were the persons with whom you were trying to amalgamate? ---The other organisation. I think that was led by accused No. 4.

You think so? ---Yes, if I remember well.

And was the quarrel between you and accused No. 4, perhaps, when you left?---He was involved.

He was involved?---Because, as I say, he...

It wasn't the two leaders clashing as to who was to be the leader of the combined effort?---No, it was a question of money.

Money. You say here - this appears above your signature: "It was further clarified by Mr. More that the proposal was so good that it was itself constitutional for the fact that Mr. Morebe's party was already registered as a branch". You see, just now to Mr. Unterhalter you said you were not sure whether you were registered. According to this you were already registered as a branch. Is there anything you can say to explain that? And then finally, "Mr. More will meet his full committee

and explain what has 'expired' at this meeting". I don't know who expired there?—Yes, he was going to give over his group.

Now, there is a signature here penned for vice-chairman. Whose signature is that - have a look? — No, I don't know this signature.

It looks like More, doesn't it?—It looks like it, yes.

Very well, then there is another signature you can look at, the one in pencil, opposite the words Assistant Secretary?—No, this one I can't make out.

You cannot remember who signed as Assistant Secretary?—No.

If you look at Exhibit 50, on the back, you will see something called a "pledge". Was that what each member who get such a card was supposed to sign?—Yes.

Did you sign such a pledge?—Yes.

Yes, it is just "Pledge to embrace and maintain the principle of the Pan africanists Congress and voluntarily and sincerely bind myself to carry out faithfully the obligations entailed by membership of the organisation". Then their motto was "Service and sacrifice and suffering"?—That is true.

Now, I suppose when you tore up your card, you really severed all the connections with the P.A.C.?—Yes.

-----  
MR. UNTERHALTER CALLS ACCUSED No. 76.

PETER MOLEFE/...

BY MR. UNTENHALTER:

Your Worship, I call accused No. 76, Peter Molefe.

PETER MOLEFE (Accused No. 76), duly sworn, states:

EXAMINED BY MR. UNTENHALTER:

You were at the Police Station on the 21st March of last year? --- Yes, that is correct.

And where about were you just before your arrest? --- I was in front of the big gate facing the clinic.

BY THE COURT:

In front of the big gate on the western side.

EXAMINATION BY MR. UNTENHALTER CONTINUED:

Now, you were taken into the Police grounds? --- Yes.

Before that what were you doing in the crowd? --- I was there amongst the crowd singing the songs which were being sung. I was singing hymns, church hymns.

Apart from singing these hymns were you doing anything else? --- No, I was doing nothing else.

Now, will you describe to His Worship how it came about that you were taken inside the Police grounds? --- Whilst I was still standing outside the main entrance gate to the Police Station premises, I saw a detective who was wearing private clothes, and who was approaching in the direction of the gate. He appeared as if he was a person who was coming to say something because the people were singing hymns. At that stage I was not singing. These people who were standing there in front of the fence then told the people to keep quiet in order that they could listen to what this person was coming to say. I then also told them to keep quiet after I had heard those in front saying so. This man then approached the gate

and/....

3,176.

and wanted to go out of the gate, Because there were many people there outside the gate I assisted him by pulling the gate so that he could get out. It was then that he grabbed hold of me by my red waistcoat and pulled me inside the precincts of the Police Station.

Before he grabbed hold of you, did he do anything else that you can remember? --- He asked me one question and without my having replied to the question I was then at that stage hit.

BY THE COURT:

Hit by whom? --- The same detective who was wearing these private clothes, and who had grabbed hold of me there.

EXAMINATION BY MR. VETTERWALTER CONTINUED:

Now, apart from anything that was done to you, did this detective in private clothes do or try to do anything to anybody else at the gate? --- There in the vicinity of the gate I was the only person who was then caught hold of and pulled in. I think thereafter perhaps he may have caught some other persons.

But before he caught hold of you he did not do anything else? --- Before he caught hold of me in the vicinity of the gate he did nothing. I did not see him do anything else in front of the gate there.

Anyway, at that stage how were you dressed? --- At that stage I was wearing this red waistcoat of mine.

BY THE COURT:

The one you have got on today? --- Yes, the same waistcoat I have got on today. Also a white shirt.

It is really a black and red waistcoat.

By/....

BY MR. UNTERHALTER:

With buttons down the front, Your Worship.

BY THE COURT:

And a Basutu hat? — Yes, and a Basutu hat. Also a brown pair of trousers, and a brown pair of shoes.

EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, you were taken into the grounds. Was there any other European detective nearby? — Just at the stage when I was taken away there was another person who had a sort of handkerchief around his head. He accompanied us past the Police inside the grounds, i.e. past the line of Policemen who were standing there.

And after that were you handed over to a third European detective to take you inside? — Yes.

Now, what happened between that third European detective and yourself? Will you describe it to His Worship? — This third detective, when he came to me, took me by my right arm and tried to pull me in order to walk faster than I was walking. When I tried to stiffen my legs and not lift them up, he then tried to put his shoulder under my arm in order to use a bit of Judo. Instead of allowing my arm to come onto his shoulder I brought it more against my body, and he then instead went over and fell down.

BY THE COURT:

He went over and fell? — Yes, Your Worship. He got up and came to me. It was then I asked him "What do you want" or "What is the trouble", or what did he want with me. I then asked him what the trouble was that he had with me. It was then that he handed me over to a native Policeman.

EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, apart from trying this Judo grip on you did he/....



he do anything else to you? — He was shorter than I in height. He tried to hit me, but as I am taller than him I just kept on standing back so that he could not touch me.

What happened to your hat during these proceedings? — The hat fell at the stage when the detective who came to fetch me from the gate "elapped" me. He touched it and then it fell there at that spot.

BY THE COURT:

No, make it clear to me. When which detective slapped you? You have been talking about three or four persons now. The man with the handkerchief, the first man, the third man? — No, Your Worship, the detective who pulled me from the gate.

EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, did any of these three people say to you that they were placing you under arrest? — No.

Did any of them say to you why you had been taken away from the crowd and removed inside? — None of the three men ever told me why I was removed from the crowd and taken inside, with the exception of what happened during the discussions; that was from one of them after the shooting.

No, I am talking about at this stage when you were taken from the gate. They did not say anything to you? — No.

Can you tell His Worship if there was anything that you were doing at the gate or among the crowd at that time, that explains to you why you were taken inside? — I could not find a reasonable reason why I was taken away, but I was standing... I was the nearest among the people there at that gate where I was taken away. After I had been taken in I could not get any reasonable explanation.

By/....

BY THE COURT:

Were you standing against the gate? Were you in the first row? — As I was standing there there could perhaps have been one or two persons - short people - in front of me, who were also assisting in opening the gate like myself.

EXAMINATION BY MR. UNTERHALTER CONTINUED:

Now, you were taken inside and handed into the care of an African Constable? — Yes.

And during the time that you were under his guard did any conversation take place between yourself and anybody else? — Yes, there was some conversation between myself and a detective known as Amos.

Is he one of the people who gave evidence in this Court? — Yes.

What was that conversation? — He asked me "Why do these Europeans arrest you from outside there?" He again asked me where my hat was which I had on.

Was there anything else that he said to you or that you said to him? — I told him that my hat fell at the stage when I was assaulted at the gate there, and I did not have sufficient time to pick it up because I was afraid that I may get further blows with the flat hand, i.e. if I stood there and picked it up.

Did he say anything in reply to that or commenting on that? — If I remember well I think one of the Sergeants then stepped him from conversing or talking to us.

Now, you of course were away from the crowd at the time that the shooting took place? — Yes, I was away.

Did you have any conversation with the man who arrested you after the shooting was over? — Yes.

What did he say to you?

By/....

Accused No. 76.

BY THE COURT: 3,180.

You had a conversation with which one now? The first one or which one? --- The man who arrested me first at the gate.

By the way, can't we get some idea from you as to who he is? Have you seen him giving evidence or anything like that? --- Yes, I saw him, Your Worship. I don't know how to pronounce his name correctly. I think the Court called him "Sprengler" or "Spengler".

EXAMINATION BY MR. UNTERHALTER CONTINUED:

And what did he say to you after everything was over and when he spoke to you?

BY THE COURT:

That is the first person now. You think that is the one who gave evidence here as Spengler? --- Yes, Your Worship.

Yes, what conversation did you have with him after the shooting was over? --- He asked me if I was one of the members of the Pan Africanist Congress.

EXAMINATION BY MR. UNTERHALTER CONTINUED:

Yes, but did he say anything to you about the shooting? --- Yes, he did say something.

Well, what did he say? --- He said to me I should be thankful for what he has done to me, i.e. by removing me from there. If he did not do that then I would have been shot.

Now, when you were taken away did you observe anything at all about the crowd? --- In the manner in which I was removed from that spot I would not have had time to look behind, because should I have done so perhaps I would have got several slaps.

Well, if you did not see anything with your eyes, did you hear anything with your ears as you were removed? --- If I

remember/....

remember well there were still some who were singing hymns amongst the crowd.

Is that all that you remember? --- That is all I remember now.

Now, were you asked to make a statement to the Police? --- Yes, I was asked.

And you signed it did you? --- Yes, I did sign it.

And did you continue to be under arrest or what happened to you? --- Before I made the statement I was given a warning that the statement I was about to make would not put me into trouble or.....

BY THE COURT:

I am wondering when you people are going to just answer the questions that you are asked! We will get on much more quickly if you answer the questions. Your counsel is conducting your case.

EXAMINATION BY MR. UTENHALTER CONTINUED:

Thank you, Your Worship.

Please answer my question. Now, did you continue to remain under arrest or what happened to you? --- No, I was released.

BY THE COURT:

You were released when? --- Approximately half past eight in the evening.

That evening yes.

EXAMINATION BY MR. UTENHALTER CONTINUED:

Now, you remember that a Judicial Inquiry was held in Sharpeville under Mr. Justice Vessels? --- Yes.

You gave evidence before that Inquiry, did you? ---

I did.

Your Worship, I wonder if the Court could adjourn for/.....

for a moment. Apparently one of the accused is not well.

COURT ADJOURNS.

COURT RESUMES:

PETER MOLEFE, under his former oath, continues:

EXAMINATION BY MR. UNTERWALTER CONTINUED:

I have been asking you about the Judicial Inquiry presided over by His Lordship Mr. Justice Wessels? --- Yes, I did give evidence before the Judicial Inquiry.

Now, what happened after the Judge left? --- It was just a few hours after the Judge had left that I was then arrested. I was arrested by native detectives.

And shortly after that were you admitted to bail? --- Yes.

Thank you, Your Worship.

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

CROSS-EXAMINED BY THE PUBLIC PROSECUTOR:

Was it conveyed to you by the Judicial Commissioner before you gave your evidence that no matter what you said it would not be used against you at any future trial? --- That is true.

Now, did you go to the Police Station at Sharpeville on the 21st March because you wanted to take part in a demonstration against the carrying of passes? --- I went there as a result of a rumour, and after I had heard that an important European would come there to address the people of Sharpeville or the residents of Sharpeville. That is the first reason. The second/....

second reason is that my grandfather had been stopped from going to work by others, and so I went there in order to listen to what this important European official would say, because then I had realised that <sup>if</sup> I had gone to work I would have been stopped in the same way as my grandfather had been stopped from going to work.

Were those the only reasons why you went to the Sharpeville Police Station that day? — The other reason being that in the neighbouring vicinity of where I live the people were not at their homes, with the exception of the people who were walking past in the direction of where most people were going to.

Do you deny going to the Sharpeville Police Station because you wanted to take part in a demonstration against passes? — Yes, I deny that because I did not know how it would be fulfilled in reality, i.e. that demonstration.

Did you know that there was to be a campaign against passes on that Monday? — Yes, I knew. I did not have knowledge, but as a result of the pamphlet which I received on the 17th when I returned from work I gained the knowledge.

Was that the pamphlet which they call "Calling the Nation"? — I cannot remember it very well, but I remember that one; I handed it over to the Police.

Have a look at Exhibit No. 5? — Yes.

Tell me if that is in substance the pamphlet that you received? — Your Worship, what now confuses me and why I am having such a close look at it, is because in that one there were the words "Abolition of Passes", which do not appear here.

Well, give it to me. Perhaps I could find the one that you are referring to. Now it seems to be more clear when  
you/....

you say it contained the words "Abolition of Passes". Was it called "The Dawn Has Come"? — I only remember there at the bottom there were these words "Abolition of Passes", and also "Increased Wages".

Have a look at Exhibits 48 and 49, and then tell me whether those were the ones? Exhibit 47 too might help you. — If I recollect well that one had the words at the bottom that it was a demand of £35 per month.

None of the ones that you see and that you are being shown at the moment seem to strike a chord in your memory? Is that correct? — None of them.

Was this on about the 17th of the month that you received this pamphlet? — Yes.

And did this one purport to have been issued by the Pan Africanist Congress? — Yes, but it was signed by a person who is unknown to me.

Sebukwe? — Yes.

Were you a member of the Pan Africanist Congress? —

No.

And you say you gave this pamphlet to the Police? —

Yes.

To the Charge Office Police or to a Special Branch Policeman? — I believe it was the Charge Office Police, because it was the same people who took statements from me.

Was it not Captain Willers who took your statement from you, a bald-headed man? — Yes, a tall man.

You did not give a statement to him though? —

Although I do not recollect very well he was present when I made my statement.

BY THE COURT:

May I just find out this. Is it now definite that you/....

you only handed it in after you had been taken in from the gate? It was handed in when you were inside the Police Station, i.e. on the 21st March? --- After I had given my statement at about half past eight in the evening, I was taken by them to my home. They had gone to fetch that particular pamphlet, and they then left me at home.

They took you home, you gave them the pamphlet, and they left you at home? --- Yes.

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And was it because of this pamphlet that you went to the Police Station on that Monday? --- No.

Did you feel that you would like to go to the Police Station that day to associate yourself with others who were making representations and demonstrations against the carrying of passes? --- No, it is not so. It would be difficult for me to do such a thing unless I had the policy which would be adopted, and the way that demonstration would be carried out.

So did you go there out of curiosity? --- I went there to listen to the matters which were supposed to be discussed by this important European official who came from Pretoria. That is the first reason why I went there. The second reason is that my grandfather had been stopped from going to work, and so it was necessary that I should go and listen to what was being said there.

Where were you when you heard this rumour that somebody was going to address the people at the Police Station? --- I was inside my yard sitting on a chair.

And did you go to the Police Station at half past nine that morning? Approximately, I am not binding you down to the time? --- I don't remember well, but it could have been approximately/....



approximately that time.

So it must have been before nine-thirty in the morning that you heard this rumour that somebody was coming to address the people at the Police Station? --- Yes, it was about half past nine when I heard that rumour, and then when I went there it was between a quarter to and a quarter past ten.

And when you heard the rumour was it also mentioned that this person would come at two p.m.? --- No, those who walked past there never made mention of the time.

Was it only at the Police Station that you heard the time that this person would be coming to address the people? --- Yes.

And did you hear that through Tsolo who made an announcement to the people that a man would come and address the crowd at two p.m.? --- No, I heard from people amongst the crowd.

Did you see Tsolo, No. 3 accused, at the Police Station?

BY THE COURT:

You are talking about accused No. 3, or the other Tsolo?

BY THE PUBLIC PROSECUTOR:

No, 3, Your Worship.

BY THE WITNESS:

Yes, I did see him.

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Did he make any address to the crowd whilst you were there? --- If I remember well he told the crowd that the crowd should not lean against the fence, but they should stand a little back, away from it. Secondly he told the people who

were/....

3,187.

were sitting on top of the clinic roof that they should get off there.

Did you also hear him tell the crowd that an official or somebody highly placed was coming to address the crowd at two p.m.? --- No, I did not hear him say that. I do not recollect.

Did No. 3 accused make any announcement at all in which two p.m. was mentioned? --- What I heard specifically was what concerned the fence. It may be, but I did not hear him say that or making mention of it. I do not recollect very well that he did make mention of the time.

Did you see any of the other accused at the Police Station? --- Yes, I saw More, accused No. 4.

BY THE COURT:

Not inside?

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Was that before your arrest? Let us put it that way. --- Before my arrest I saw Escob inside the precincts of the Police Station.

But you did not see any of the other accused before your arrest at the Police Station? --- No.

And it must have been about ten o'clock when you learned that this man was going to come at two o'clock to address the people? --- It was approaching about a quarter past ten or half past ten when I heard that this official would be there at two p.m.

From the time that you went to the Police Station did you remain at the Police Station all the time until you were arrested by Colonel Spangler? --- <sup>No,</sup> I did not remain there <sup>all</sup> the time; I went for lunch.

And/....

And then came back? --- Yes.

Were you ever in Zwane Street at all, i.e. the street running past the front of the Police Station? --- No, I was never there. If I remember I think I did pass there in Zwane Street, but I did not stop; I did not stand in that vicinity.

Now, when Colonel Spengler approached the gate and you wanted to assist him, did you open the gate by pulling it outwards towards you? --- Yes, I pulled it towards me because should I have pushed it to his side then I may perhaps have hit him with it.

And how far were you able to open the gate before he grabbed you? --- It was not completely open. As it was closed it opened half, approximately half. It opened to the extent that two persons of an average size could go out.

Did you have difficulty in opening the gate against the pressure of the crowd? --- Those persons who were at the gate assisted me in pulling the gate open, although they were not pulling it hard. It was not difficult.

What will you say if I tell you that the gate cannot be opened that way? --- I will say it did open, because it did open on this particular day.

Is that the normal way that gates open? --- I think these double gates open to both sides, i.e. inside and outside.

BY THE COURT:

Anyway, are you sure that you pulled it open outwards, pulling it towards the clinic and pushing it in towards the Police Station? --- I pulled it outside because he was coming out.

Yes. Now, I believe it is a double gate. Did you  
only/....

Accused No. 76.

only pull one of the gates?--It is a double gate, but as I was facing the Police Station I was opening the portion which is on the left and the others were opening the portion on the right.

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Will you have a look at Exhibit 14? Does that show the normal way the gates are opened? -- Yes, here I notice that it has been opened to the inside, but I do believe that it does open to the outside.

Now, when Colonel Spengler seized hold of you and pulled you inside without saying anything, did you realize that he was arresting you or confining you for some reason? -- I was under the impression that perhaps he needed somebody to interpret to these people, because at that stage he did not have an interpreter, and so I was very much surprised at the time that I was hit.

Had you not seen Tsolo, accused No. 3, being pulled inside or taken away from the inside? -- I am not certain because there were many people there at the Police Station.

Had you seen anybody removed from inside the premises by some official prior to your removal? -- At times whilst I was there I saw Tsolo being taken in or going in with the officers and then at a later stage coming out, but I cannot actually say that he was then under arrest or what the position was.

Did you at any stage see a civilian or a man dressed in civilian clothes arresting Tsolo? --I think I saw somebody taking Tsolo away, but I did not pay much attention because I had my attention fixed on what was happening here in the nearby vicinity, i.e. in front of me, and what was inside.

Did it enter your head at the time that Tsolo was  
perhaps/.....

perhaps being removed for purposes of being an interpreter?

--- I did not believe so because should that have been the case he would not have been taken inside the building, but he would have remained there or come to us in the vicinity of the gate, so that he would be able to interpret to the people.

The way Colonel Spangler seized you according to your description was a very rough and rude manner, was it not?

--- Yes, the way he hit me was a very unmannerly way of treating a human being.

Did he strike you as soon as he seized hold of you?

--- He seized me and pulled me, and just as I was then about to go through the gate, it was then that he slapped me the first time.

It all took place within a matter of seconds? ---

Yes, it is possible, although I don't know how long it takes to seize a person in that fashion.

And do you still persist in saying that you thought this was a polite manner of asking somebody inside to act as an interpreter? --- I have said that that surprised me, because when I saw him approaching me I was under the impression that he was coming to look for somebody there who would be able to interpret to the people, or who would be used as an interpreter.

And when he grabbed hold of you by the waistcoat, did you still think he was coming to ask you to be an interpreter?

--- That thought was not in existence, but it was to do what he wanted me to do.

So by the time he grabbed you you realized that you were not going to be asked to interpret? --- Yes, because immediately thereafter, a few minutes thereafter or seconds,

it/....

it was then that I then got the slaps.

So you must have taken this man, Colonel Spengler, to be a man of some authority when you saw him approaching?

--- Yes, I took him as a person in authority, in view of the fact that he came from the direction of the Police offices, because the others were standing there and he was coming in the direction of the gate.

And when the man smacked you and began to remove you forcibly, did you realize that your liberty was being curtailed and you were being removed for some reason or other which was not conveyed to you at that stage? --- Yes, I was very much surprised about the way he did things.

Yes, you were surprised, but did you realize that you were being removed under the authority of a person who had some authority there? --- Yes, that is what I thought in the first instance when I saw him approaching, because I was under the impression that he was coming to talk to the people there.

Did you say anything to Colonel Spengler in the substance of "We don't want passes. We want our freedom"? --- I did not utter those words. Should I have been asked those questions or perhaps questions requiring such replies, then I would have not been in a position to reply to such questions.

The Constable whom you referred to as a man with a handkerchief on the head, did you see him give evidence here?

--- Yes, I did.

Was that Constable Saaman? Can you remember his name?

--- I do not remember his name. It may be that of Saaman.

Have a look at Exhibit 777 Between a Police truck and a Saracen you will see a group of people standing at the gate. There is a man with a white shirt on and a handkerchief on his head. Was he the second man who confined your body after

Colonel/....

Colonel Spengler had? --- If I recollect this person was with Colonel Spengler.

No, Colonel Spengler is also there. Have a look at Exhibit 77. Are those the two men, the man with the hanky on the head and Colonel Spengler?

BY THE COURT:

You can tell the witness that Colonel Spengler is not the man who had a handkerchief on his head. The man with a handkerchief on his head is a Constable and the other man is a Colonel; a big difference in rank. --- Yes, I have seen Colonel Spengler, as well as the man with the handkerchief on his head.

Well, you don't see yourself perhaps, do you? Have a good look at the exhibit. --- I do not see myself here. I was not right in front.

Yes, the faces are rather indistinct. One would not recognise anybody's face on there.

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

There was a Constable Seaman who handed you over to the third man, Detective Sergeant Muller, who has given evidence here? --- Yes, I believe so.

BY THE COURT:

Is it correct? Did the third witness also give evidence? --- Yes, Your Worship.

Do you remember that he was a man with horn-rimmed glasses? --- Yes.

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Were you asked by any of these three gentlemen to produce your pass or reference book? --- Not on that day; I was not.

Did/....

Accused No. 76.

Did you realize then that you were in the hands of the Police? --- Before the firing or after the firing?

Oh no, by the time you had been passed to this third man, Detective Sergeant Muller, did you realize that you were in the hands of the Police? --- Just at the first instant when I was seized and struck the first blow, it was then that I realized that I was in the hands of the Police.

And when Detective Sergeant Muller tried to take you off, why did you resist him? --- No, I did not resist, but I only stiffened my legs in following him.

You objected to being removed from the scene as quickly as he wished to?

BY THE COURT:

Don't you call stiffening your legs any form of resistance? --- The position is this, Your Worship. He wanted me to walk faster and that I should walk at the same rate he wanted me to, so that when he entered where he was going to enter I should also enter.

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

You were not prepared to be hurried up by the Police? Is that it? --- I was supposed to walk at the rate the Police were walking. If they were walking slowly I was to walk slowly, and if they were hurrying up I was supposed to hurry up because in case they were walking slowly and I ran, they would then get the impression that I wanted to run away and escape.

Well, you realized that the Policeman wanted to make you walk faster. Why did you not? --- Yes, I then walked faster the way he wanted me to walk.

But you have just told the Court that you resisted by stiffening your legs, so much so that this man eventually fell down/....



down, i.e. ultimately? — In fact I hurried up. I lifted my legs. In other words, to stiffen my legs. I did not mean stiffening them so as to hold them tight, but to lift them up and walk faster.

BY THE COURT:

9 You wanted to walk with stiff legs? Is that what you wanted to do? — No, I wanted to walk at the rate the Policeman was walking.

What did you do to your legs? Please try to tell me what you are trying to convey? — What I did was I walked fast, at the rate the Policeman was walking. That is what I did.

Look, did you say that you stiffened your legs in answer to your Advocate and now to the Prosecutor? Did you say that you stiffened your legs?

BY THE INTERPRETER:

I may explain it in this way Your Worship.....

BY THE COURT:

No, no, I have had no reply from him, Mr. Interpreter. I don't want an explanation from you.

BY THE COURT : TO THE ACCUSED:

Did you say "I stiffened my legs"? — No.

You never said so? — No.

What did you say? — I moved more quickly. (The rest of the accused's answer is inaudible, as he is now speaking English and standing away from the microphone).

Look, do you want to give evidence in English now? Then I want it on the microphone please, or do you want to use the Interpreter? — I will use the Interpreter.

Well, then speak through the Interpreter. You did say "I moved more quickly".

By/....

BY THE INTERPRETER:

Your Worship, may I just explain this point to the Court?

BY THE COURT:

Do you Mr. Interpreter now want to give an explanation?

BY THE INTERPRETER:

Yes, Your Worship.

BY THE COURT:

I am not concerned with explanations from the Interpreter. I am concerned with the evidence which the witness has given.

BY THE INTERPRETER:

I may indicate at this stage Your Worship that the word the witness used in the Sesotho language may imply two things. That is what I am trying to explain.

BY THE COURT:

These are my notes of the original examination-in-chief. "This third detective, when he came to me he took me by my right arm and tried to pull me to walk faster than I was walking. I tried to stiffen my legs, not to lift them up. He put his shoulder under my arm in order to use Judo". Well, we had better hear your explanation now, Mr. Interpreter?

BY THE INTERPRETER:

Your Worship, the explanation I want to give to the Court is this. That when the accused used the word in Sesotho "ka teisa maoto" that is in the sense it was used at that stage, and the subsequent sentence which implied the falling over of the Policeman, it implied as if he stiffened his legs, but as he now explains it means that it is taken in the other sense, that he did not stiffen his legs but he walked at the rate the Constable wanted him to walk.

By/.....

BY THE COURT:

Yes, that is about as clear as mud now! What I want to know now from you Mr. Interpreter is has the accused said two things or one thing?

BY THE INTERPRETER:

He has not said two things, but the word implies two things at the same time.

BY THE COURT:

What word is it that can mean two things?

BY THE INTERPRETER:

That is the word "ka teisa maoto".

BY THE COURT:

Yes, and what is the one meaning of it?

BY THE INTERPRETER:

In the sense it was used "ka teisa maoto"....

BY THE COURT:

I just want to know the two meanings. I don't want you to give senses used by the witness. Now, just give me the two meanings please?

BY THE INTERPRETER:

To "ka teisa maoto" may mean to walk slowly or to stiffen one's legs when you are asked to walk faster, another meaning is that he at the same time may be required to walk at the rate the witness wants him to walk, i.e. in the sense it was used.

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Now, is it correct that this is what you said to your Counsel in reply to a question put by Counsel: "This third detective took me by my right arm?" — Yes.

BY THE COURT:

Let us take it slowly, step by step now. "He did take me/....

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me by my right arm". Is that right now? --- Yes, when he came to me he took me by my right arm.

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

"And tried to pull me to walk faster than I was walking"? --- He walked faster, and I then also adopted the same way of walking and walked faster.

BY THE COURT:

Did he pull you is the question? --- The way he held me he pulled me away, because he came immediately and pulled me away.

CROSS-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

Well, just let us get it slowly. First of all the detective came along and he grabbed you by the right arm? Is that correct? --- That is correct.

Having done that he tried to pull you to make you walk faster than you were actually walking? Is that correct? --- Yes.

Now, what did you do when that happened? --- I then walked faster, the way he was walking.

What led this man to try to put his shoulder under your arm in some sort of Judo technique as you have stated? --- The impression I gained was that he wanted to Judo me in that way, so that I should fall down.

And you resisted that movement? --- No, the only thing I did was I had my arm more to my body in order not to rest on his shoulder.

You prevented him achieving his purpose? Is that it? --- That he should not throw me over onto the ground.

And did you cause him to fall? --- He fell because he was the person who was holding me; I was not holding him.

When Colonel Spengler seized hold of you and handed you/....

THE COURT:

...by my right arm... to me he took me by...

THE COURT:

...He walked in... way of walking and...

THE COURT:

Did he pull you... pulled me away, been... away.

THE COURT:

Well, just let us... same along and... correct? -- That is...

THE COURT:

...later than you were... later than you were...

THE COURT:

...What led this man... some sort of... I gained...

THE COURT:

...And you testified... I had my arm... shoulder.

THE COURT:

...You prevented him... he should not... and did you cause... the person who was... When Colonel Sp...

...you ever... head, did... that stage... at that stage...

...Did... head slightly.

...Did... head slightly.

...that you... head slightly.

...Did... head slightly.

THE COURT: