S. Stare 326:323, 2(68232) Com NOC 50 3278- 3307

ON RESUMING: 12. 5. 1961.

APPEARANCES AS BEFORE.

BY COURT:

Accused No. 39, are you calling your next witness?

MR. UNTERHALTER:

Your Worship, I wender if I could just - I brought a witness down to prove certain photographs. He would just be about two minutes. May he...

BY COURT:

We'll hear him first.

MR. UNTERHALTER CALLS:

IAN GORDON BERRY S.S.:

EXAMINED BY MR. UNTERHALTERS

Mr. Berry, you are a photographer by profession, are you?---Yes.

And on the 21st of March of last year, were you in the vicinity of the Sharpeville Pelice Station?---Yes.

And there you took cortain photographs, did you?----

Would you open the Exhibits please, and turn to Exhibit No. 41. Did you take that?---Yes.

And Exhibit 42?---Yes.

And Exhibit 43?

BY COURTS

Es this matter/going on record, talk into the microphone please. Try to face me, I'm sorry it is a bit awkward there for you, perhaps. New we're dealing with Exhibits 41 and 42, these were taken by yourselft -- Yes, WR. URTERHALTER:

And No. 43?---You,

No. 457---Yes.

No. 46? --- Tos.

Then would you please turn to Exhibit 71. Was that taken/...

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These would y

taken by you?---Yes.

And Exhibit 74 - I don't think that was taken by you?---No.

Exhibit No. 77?---Yes.

And Exhibit No. 79? --- Yes.

3279

The earlier Exhibits, that is 41, 42, 43, 45 and 46, could you tell His Wership where, in relation to the Pelice Station, you were situate at the time you took those photos. You might perhaps be assisted by looking at Exhibit 2, which is a photostatic copy of the map.

BY COURT:

Exhibit 11, I think, is it, of the Police Station itself may be ...

MR. UNTERHALTER:

Exhibit 56, yes, perhaps Exhibit 56 might help.

BY COURT:

You couldn't have this worked out with the witness in my absence, perhaps. It is awkward for him there to handle the Exhibits and find the different spots. Let him sit down with you and work it out, let the Prosecutor be present, I've no objection, then the evidence can be recorded much more easily.

COURT ADJOURNS.

COURT RESUMES:

IAN GORDON BERRY

MR. UNTERHALTER:

Mr. Berry, you've had an opportunity of looking at Exhibit No. 55, to determine the approximate position at which you were situate when you took the photographs of the people in flight from the Police Station?---Yes.

Now, with the leave of the Court, could you mark it? Your Worship, I suggest the witness putthe letter 'B' at the place. Would you mark it there with the letter 'B'. Mr.

Berry/...

taken by you?--Yes. and Exhibit 7 you?---No.

Exhibit No. 7 And Exhibit M The earlier E could you tell His Wor Station, you were attu You might perhaps be a is a photostatic copy BY COURTS

Exhibit 11, I ttuelf may be ... MR. UNTERHALTER:

Exhibit 56, ye

You couldn't be my absence, perhaps. It the Exhabits and find with you and work it or no objection, then the eastly.

COURT ADJOURNS.

COURT RESUMES:

LAB COMMON BERRY S.U.S. MR. UMPERHALTER:

Mr. Berry, you! Militate No. 50, to dete which you were situate the people in flight fr

Now, with the 1 Your Werehip, I suggest place. Would you mark Berry, while you were taking these photographs, could you describe what was happening? --- Well, I saw people running towards me ...

Will you talk towards His Wership? Yes?--- And I took photographs of them as they ran.

Did you observe any bullets or can you give His Wership any description of what might have been occurring at that time as regards bullets?---Well, I could hear firing.

Anything near you? At your place? --- A few, yes.

BY COURTS

A few what near you? A few people near you firing, or .. ?--- No, there were a few bullets going past.

Perhaps I might just look at Exhibit 56 to see where the witness' mark is.

You were somewhere roughly North/ North-East of the Pelice Station? -- That is right.

MR. UNTERHALTER:

New Mr. Berry, the series of photographs, Nes. 71,

77 ...

BY COURT:

Would this refer to the photographs 41 to 46, with

gaps in?

MR. UNTERNALTER:

With gaps, that is so.

BY COURT:

Taken from positon 'B'?

MR. UNTERHALTER:

From position 'B', yes. Now, Exhibit 77, that of course was taken before the shooting?--- Yes,

At that particular time, Mr. Berry, just prior to having taken that photograph, what were you doing? --- Well, I'd walked up to this point from a point about 25 yards back along/ ...

3280

Berry, while you were take describe what was happeni

towards me...

Will you talk toy

took photographs of them

Did you observe

sereintp any description

at that time as regards

eiring.

Anything near y

BY COURTS

Then Jadw was A

or..?---We, there were

Perhaps I alght

the witness' mark is.

YOU WOLE SOMEN

Police Station?-That

MR. UNTERHALTER:

TTTON ---

ayon has not affor

BY COURT:

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Cape La?

MR. UNTERHALTERS

with saps.

BY COURTS

Taken from

MR. UNTERHALTER:

Fron positi

course was taken by

At that par

having taken that

I'd walked up to t

along the read, so as to take these photographs.

Were they taken from outside the fence at the Pelice Station, or from within the grounds?---No, from outside.

Have you an approximate idea of what the time would be. Perhaps you could say to His Worship about how long before the firing would that photograph have been taken? ——
I suppose about 20 minutes.

What was the attitude of the crowd to you, as a Burepean, when you moved to that point where you had come? — Well, I had no difficulty, I just walked up and took the photographs:

Wore you nelected in any way, or attacked or threatened?---No.

And the eroud, as you saw it at that stage, would you describe it as a wild and dangerous crowd?----Well, not to not. Talking gener

Talking generally, would you say that apart from you, they were behaving in a wild and dangerous way? ——It didn't appear to be.

And Exhibit No. 71, approximately when was that taken? --- At about the same time.

would you say that these two photographs are typical of the behaviour of the crowd, or atypical, in other words not typical?—Yes, I would say they were typical, the crowd as I saw it.

That is Rehibits 71 and 777-Yes.
MR UNTERSALTER NO FURTHER QUESTIONS.
Dr COURTS

Do they want to see these photographs, the undefended

Afonsod?

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

Mr. Berry, were you a photographer, still are, I take it, on The Drum magazine?---Yes.

And/...

Station, or from within th Have you an appres

be. Perhaps you could say

before the firing would th

I suppose about 20 minute What was the atti

Burspean, when you neved

wollie I had no difficu

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Were you melested

threatened?--- No.

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you describe it as a wild

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MR UNTERHALTER NO PURTH \$1575 (65) 104·

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Leeused?

ACCUSED Nos. 1. 4. 8.

CHOSS-EXAMINED BY P.P.

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TOWN TOTTY, WOL

3282

BERRY/

And The Drum has a large African circulation?-Yes. New, your photographs which were taken, most of them by means of what is called a telephoto lens?--- No. not all.

Weren't Exhibits 41, 42 and 43 taken with a telephoto lens? --- We they weren't.

And 45 and 46? -- They were taken with a lens of about 2.3 magnification.

That has the effect of shortening the perspective? ---Yes.

And the other Exhibits, 71, 77 and 79? --- No. as you can see from the perspective, they were the normal wide angle lens.

A wide angle lens? - A 35 m.m. lens, yes.

Does that affect perspective at all?-- Very slightly. Could you explain to the Court what the effect is of using a wide angle lense - what does the term wide angle lens mean?- It gives an illusion of greater depth and would make things further away - appear in fact further away than they

New, did you actually process these prints yourself from the negatives of your camera? --- No. I didn't make the prints.

Have a look at Exhibit 71 for the mement. That would appear to be a photograph term in helf?--Yes, it is.

And that deesn't display/that would be displayed on the megative of your film?-- No.

There is a pertien on that Exhibit 71, it looks almost as if there is an arm upraised?---Yes.

Can you recall today what the other portion of the print would she, from your negatives? -- That were and as you can see, a little bit more in the background, the Police Station

B handar gare were

And The Drum has
New, your photog
them by means of what is
all.

Weren't Exhibite
photo lens?-Ne they we
And 45 and 467 of about 2.3 magnificati
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Could you explat

using a wide angle lense

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Can you recall t
print would sho, from yo
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Polices Statices

BY COURT:

That missing pertien, what does that show? ---It has more crowd and more of the background with the Police Station.

3283

P.P.:

How many cameras did you have slung round your neck that day?--- I had three with me altogether.

Did you have, apart from the cameras, anything to stamp you as a Pressman?—— I think I had a bag with me, a camera bag.

From the type of equipment that you were carrying, and the fact that you were in civilian clothes, I take it it would have been fairly obvious to the persons in that vicinity that you were semebedy from the Press?—Oh yes.

Generally speaking, fromyour experience as a Pressman, have you ever had any hestility shown to you by people? ---Yes.

Apart from the police force, Mr. Berry?---Yes,

New, I think at the commission - you gave evidence
before the Commission?---Yes.

You mentioned that there were a large number of shouts of "Isse Lethu" and "Africa" coming from the crowd?---Yes.

On page 1825 of the Commission, the question was put to you "Well then I must just ask you for your impression. You've said that this crowd shouted "Africa" and "Iswe Lethu". Did you gain the impression that this crowd was being abusive to the police". The Chairman interrupted, or interjected, and said "New you must distinguish, if you can, between the crowd as a whole and the conduct of individuals? —Yes, I think the crowd as a whole were shouting these words at the Police pretty well continuously. It was impossible for me to see any individuals who were behaving differently". Would that be correct?——Yes.

What/...

BY COURT:

og painsing ted! has more crowd and more Station. The state of the state

How many camera that day? --- I had three Did you have, a

stamp you as a Presenta a camera bag.

From the type o and the fact that you w it would have been fair vicinity that you were

Generally speak man, have you ever had

---Yes. They that selfer

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before the Commission?

Tour wentloned t of "Inve Lethu" and "Af

On page 1825 of

I dent Liewe nov of the pression. Yeu've said t "Isw Latin". "Bid you was being abusive to th or interfected, and sai can, between the crowd Maint I .mey- ?elaubty these words at the Poli impossible for me to se

differently". Weuld th

報放信 我的 罗奇铁 群岛部 思音思。

Peterson Statement 一个多个大学 电热量下极管

What actually was your metive in taking photographs? --- Well, I was taking them for petential publication in the normal course of my job.

Anything of topical interest? --- Quite.

New after you'd taken the photographs, apparently from Zwane Street, showing the Police Station, that is where you moved through the crowd to the fence - that would be Exhibit ...

BY COURT:

Do you know which street is Zwane Street?

P.P.

That is the one with the double carriage read?-Yes.

BY COURT:

South of the Pelice Station?---Yes.

P.P.:

Exhibit 77 - just check on that?---Yes.

That was taken from what we call Zwane Street. That is the one where you moved through the crowd to get to the fence to take it?--- That is right.

And after that, where did you move? Did you move round the back of the Pelice Station to position 'B' where you eventually took the other photographs? --- Yes, the back, the opposite side to where these people are.

And were you seated in your metercar with Mr. Tyler at that point?--- That is right, yes.

And then, the question was put to you at page 1828 of the Commission: "As you were sitting there, did you hear semething out of the ordinary, semething other than the shouts of the crowd?--Shortly after we stopped, I heard a report. I think it sounded like a shet". "Was that a single report?---Yes". "Where did it appear to have come from? -- From the direction of the shops or beyond". And

then/...

BY COUR Wast actually was --- Well. I was taking the normal course of my job. station Anything of topic t b'usy retts well from Zwane Street, showin you moved through the ore Exhibit dee you have stiding BY COURTS: HE R PROPERTY a comercio you know which The action the stype of P.P.: and the That is the energy BY COURT: have been rairing violating South of the Pola P.P. Generally opearin man, an Expidit off - junt That was taken fr is the one where you move fence to take it free That berers (And Cafter that, w round the back of the Pol you eventuelly took the the opposite side to when the candwork yoursend at that point?--- That is "Iswa Leand then, the que of the Commission: "As ; hear semething out of the chaute of the crowd?--Shu reports. I think it seems single report?----Yes!.

from? -- From thedirection

differencely".

Fools that

then the general sheeting broke out after that isolated shet, would that be correct?---Yes.

BY COURTS

The question is is that so?

P.P.

The witness said yes.

BY COURT:

The witness said he said semething to the Judge. I'm not consermed with what he said to the Judge, I want to know what he is saying to me?

P.P.

Would that be correct? --- Yes.

And then you noticed the people running and you jumped out of your car and took the shots - I think you took three in all, in quick sequence?—That is right, yes,

New, the bullets which you became aware of - have you been in action before, and experienced bullets...? --- I have been shot at before, yes.

You have been shot at. And the sounds that these bullets were making, a ricechet makes a tetally different sound from a bullet which hasn't struck an object and rice-chetted off, if you follow what I mean?——Yes,

The sound of these bullets, were they the sound of riceehets perhaps, or of bullets which hadn't struck an object, they were obeing fired in your direction, in other words? —I think I said before there was only a very short burst in my direction, and it sounded as though they were just going straight past.

Not ricochettes? --- No.

Did you have an eppertunity at all, whilst you were taking your photographs, in the vicinity of the Police Station, what the position of the fonce was?—— I honestly didn't notice the condition of the fonce at the time.

If/ ...

them the general shooting brok shet, would that be correct?-BY COURTS

Asstract votal

The question is is the

P.P.

The witness said yes.

BY COURT:

The witness said he a net cemeerned with what he sa what he is saying to me?

P.P.:

Would that be correct And then you noticed

jumped out of your car and to

took three in all, in quick

Mow, the bullets whi been in action before, and e

been shot at before, yes.

You have been shet

bullets were making, a riced

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words? --- I think I said be

burst in my direction, and

just going straight past. Not ricochettes?

nid you have an ep

teling your photographs, il

Station, what the position

didn't notice the condition

If you have a leek at Exhibit 12, that is a photograph showing the Western section of the police fence? ---Yes.

I take it with the crowd standing there, it would have been difficult for you to have noticed the damage shown to the fence as in that photograph?---Yes.

Did you have any idea at all that day as to why the crowd had gathered round the Police Station? --- I gathered it was a protest.

Was this information which was racquired from hearsay sources?---Yes.

You were there some 20 minutes before the sheeting. Were you selely concerned with just the taking of photographs?---Yes.

Did you make any positive attempt to assess the number of persons present at the time, in other words, some people do it by counting a block of 100 people, then multiply it by the area to get the ..? -- No, I didn't.

So you were enly left with your impressions? --- Yes. And you have seen crowds before, I take it?---Yes. What would be your estimate of this crowd, at the time that you took this photograph? --- It is so long ago but.

We're not going to quarrel with you .. ?-- I think at the time I fermed the impression that it was 5,000 er perhaps a few more.

New, we've had evidence from pelice efficers, particularly Colonel Spengler, who followed the procedure of counting approximately 100 people in a block and then multiplying it round the area to get the number of the crowd, and his estimate was in the vicinity of 15,000. You wouldn't dispute that, under systematic calculation like that?---I don't intend to be expert at all, it is merely my estimate.

Bid you at all see anybedy removed by the pelice,

OF/ ...

If you have a look photograph showing the Wes-

I take it with the have been difficult for y to the fence as in that p Did you have any crowd had gathered round

Was this informat

sources?---Yes.

it was a protest.

You were there so were so were you solely concerned graphs? ---Yes.

Did you make any number of persons present people do it by counting multiply it by the area

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or arrested, as the pepular term is?---Ne, I didn't.
P.P. NO FURTHER QUESTIONS.

MR. UNTERHALTER NO RE-EXAMINATION.

BY COURT:

De you knew Exhibit 115 at all? --- No.
Thank you, you may stand down.

COURT ADJOURNS.

COURT RESUMES.

POTLAKO KITCHENER LEBALLO S.S.:

(ENGLISH).

EXAMINED BY ACCUSED No. 39:

Mr. Petlake, de yeu knew of an erganisation called the Pan Africanists Congress?---Yes.

Were you a member of that organisation? --- I am a member of that organisation.

What is your ...

BY COURT:

Just a mement, the question was whether you were a member. New I'm net investigating the position as of teday. Presumably I'm investigating the position up to the 21st of March, 1960. Were you a member at that time?—Up to now.

Up to new, since when?--- From 1960 I have been a member.

New listen, Mr. Leballe, you're still being indefinite, you're still saying 1960. Give me a date so that we can get on with the matter please?——I have been a member of that organisation from the 6th of April, 2959.

That is right, now we know.

BY ACCUSED No. 39:

Were you helding any pertfelie in that erganisation?

How old was the organisation before the 21st of March/...

2001/1 02/20

or arrested, as the popular P.P. NO FURTHER QUESTIONS.

MR. UNTERHALTER NO RE-EXAM

BY COURT:

De you know Exhibited to be the control of the cont

COURT ADJOURNS.

CTOWN DAMA MACHEN COLOR

POTLAKO KITCHENER LEBALLO
EXAMINED BY ACCUSED No. 39

Mr. Petlake, de ye

the Pan Africanists Congra

Were you a member.

member of that erganisation

What is your action

BY COURTS of persons process

Decoulatie moment, the

a member. New I'm net inv teday. Presumably I'm inv

21st of March, 1960. Were

to now. When t would be you

Up to new, since w

nember.

New listen, Mr. Le

indefinite, you're still

that we can get on with the

That is right, no

BY ACCUSED No. 391 CARRO

Were you helding

-Xerote that wedge egg

I don How old was the o

the to pay bed the same

March, 1960? --- About 11 months.

Were you in the National Executive of that organisation?-Yes, I was the National Secretary.

BY COURT:

Is that the National Secretary in the National Executive?---Yes.

What bedy cemes immediately after the National Executive?--- I beg your parden?

What next bedy comes immediately after the National Executive? --- There is a Regional Executive.

What comes immediately after the Regional Executive?

-Branch.

BY COURT:

Branch what? --- Branch Executive.

BY ACCUSED No. 39:

Can you describe, without entering too much into detail, the pelicy of the P.A.C.? — The pelicy of the P.A.C. is based on the creeder African nationalism, and the philosophy of Pan Africanism.

BY COURT:

Just repeat that last part - and? --And the philose-Day of Pan Africanism, which embraces the whole Continent, from Cape to Caire, Merocco to Madagasear, based on the ideal of Africa for the Africans, in a Government of the Africans by the Africans for the Africans, with everybedy who ewes loyalty only to Africa and who unequivocally accepts the democratic rule of an African majority, being regarded as an African, in the creation of a giant monolific state.

BY COURT:

Repeat that?--- In the creation of a giant monelific state.

Guard - how do you spell that? --- A giant monelific State/...

March, 1960? --- About 1

organisation?--Yes, I w

BY COURT:

Is that the Nati

Exacutive?---Yes.

What bedy cemes

Executive?--- Deg your

What next bedy c

Executive? --- There is a

What comes immed

--- Branch

BY COURT:

Branch what?---B

BY ACCUSED No. 39:

Can you describe

detail, the pelicy of th

is based on the greenf Af

of Pan Africanism.

BY COURT:

Just repeat that

pay of Pan Africanism,

from Cape to Caire, Mer

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工程 共元公司的基本

who ewes levelty only

accepts the democratic

regarded as an African.

state.

BY COURT:

state.

A giant ... ?--- A giant ...

Menelistic?---Menelific state,

Yes? --- Of the United States of Africa, whose sytem of Government is original in concept, Africanistic in orientation ...

African ... ?--- Africanistic in orientation, secialistic in contact, democratic in form and creative in purpose. That shall be the pinnacle of a new Africa.

That shall be?--- The pinnacle of a new Africa.

BY ACCUSED No. 39:

Mr. Leballe, what we mean by this "Africa for the Africans".

BY COURT:

What do 'we' mean.

BY ACCUSED No. 39:

What do we mean by this "Africa for the Africans"?--- It simply means that - a democratic rule of an African majority.

If a person wanted to join this organisation, how was he to go about it, to be a full registered member of the P.A.C.?--He has to inquire for conditions and membership eard from the branch secretary or an official of a branch.

Was it necessary for a person to take an eath before joining the organisation? -- Well, that - usually the regional secretary gives instructions to the branch under his administration.

How was a branch to be registered in this organisetion?--- The branch was registered by the regional office. BY COURTS

Repeat that - a branch? --- A branch is registered by the regional office.

BY ACCUSED No. 39:

Did you have any foreign policy at all?

H/...

60

Were you in the

Guard - how do

3289

A giant...?---A gi Menelistic?---Mone Yes? ---Of the Uni

sytem of Gevernment is ort

in orientation ...

African..? -- Afri tic in contact, democratic That shall be the pinnecl

That shall be?---

Mr. Leballe, what

Africans" put comes incom

BY COURTS

Mast do 'we' mean

BY ACCUSED No. 39:

What

Africans"?---It simply med

an African majority.

If a person wante was to to to the parter of the parter of

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Was it necessary

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under his administration.

How was a breach to

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state, Repeat that - a

by the regional office.

BY ACCUSED No. 39:

state. Did you have any

of wen - brand

BY COURT:

Did you have a?

ACCUSED No. 39:

Foreign pelicy at all?---Yes.

Can you , in short, just describe it?

BY COURT:

Accused No. 39, what has that get to do with the case, the fereign policy of the P.A.C.?

ACCUSED No. 39:

I beg to withdraw the questions

BY COURTS

You withdraw that. I think we're concerned very with much/what happened demestically here in Verceniging.

ACCUSED No. 39:

There are certain pamphlets here in Court, and I'll refer them...

BY COURT:

All right, show them to the witness. No.5. 6. 47, 48 and 49. Just have a look at those pamphlets first, Nos. 5. 6. 47, 48 and 49. Give the witness a chance to just glance at them, and then you can get on with the question. Very well, now what is it you want to put to the witness?

BY ACCUSED No. 39:

De you know any of these pamphlets?---Yes, I have seen them.

BY COURT:

You have seen them before today? --- Yes.

ACCUSED No. 39:

Were they issued by the P.A.C.?--They were issued by the N.W.C. of the P.A.C.

BY COURT:

Now what does the N.W.C. stand for?--- Mational Working Committee. It is an organ...

National/...

Sect/ 02/40

ACCUSED No. 39:

Fereign pelicy at

Can you, in short

BY COURT:

Accused No. 39, wh

case, the fereign policy o

ACCUSED No. 39:

I beg to withdraw

BY COURTS and the single

You withdraw that. much/what happened demesti

ACCUSED No. 39:

There are certain

refer them ...

BY COURT:

All right, show th 48 and 49. Just have a la

5. 6. 47. 48 and 49. Give glance at them, and then y

Very well, new what is it

BY ACCUSED No. 39:

Do you know any es

con density the branch acos

BY COURT: SE SECONDER SE

You have seen them

ACCUSED No. 39:

Were they issued

by the N.W.C. of the P.A.

BY COURTS The LIBERT STAR THE

Now what dees the

Werking Committee, It is

.out'the Camather and of

THE LEGISLESS TO THE

AND BANK ROL PW.

3291

DEBALLO/

National Working Committee of the P.A.C.? --- It is an organ of the National Executive,

It is a sub-ergan of the National Executive?-Ies. Now we have it. Yes?

ACCUSED No. 39:

What was their purpose?

BY COURT:

The purpose of the pamphlets?

BY ACCUSED No. 39q:

Of the pamphhets? - The purpose of the pamphlets as stated in different panphlets, were in fact to get the African people to launch an anti-pass campaign.

When was the first pamphlet issued?

BY COURT:

Of these? Or rather, den't you want to know when the first anti-pass campaign pamphlets were issued? Isn't that what you want to know?

BY ACCUSED No. 39:

Definitely?

BY COURT:

About when? --- About the beginning of March.

BY ACCUSED No. 39:

By that, do you mean that no other pamphlets were distributed in connection with the anti-pass campaign before that time?--- N t to my knowledge.

When was the last of these pamphlets issued?---On er about the 18th of March 1960.

BY COURT:

19607-Yes.

BY ACCUSED No. 39:

Were they to be given to the people so that they could know about the campaign? --- The last pamphlet was giving/..

IPE . SH WERVELL

National Working C

an organ of the National E

It is a sub-ergan Now we have it. Ye

ACCUSED No. 39:

What was their pur

The purpose of the

BY ACCUSED No. 39q:

Of the pamphhets?

stated in different panphl

people to launch an anti-

When was the first

BY COURT:

Of these? Or rath

first anti-pass campaign

what you want to knew?

BY ACCUSED No. 39:

Definitely?

BY COURTS NOW KEEP ANY

About when?--Abo

BY ACCUSED No. 39:

By that, de you

distributed in connection

that time? __ N t to my kn

When was the las

or about the 18th of Mar

BY COURTS WELL GOED THE

19607--Yes.

BY ACCUSED No. 39:

Were they to be

could know about the car

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LEBALLO/

giving the people the nature of the campaign.

Was it the duty of the branch to see that the panphlets were delivered or the duty of somebody else? --It was the duty of the members of the N.W.C. to see that pamphlets were distributed.

BY COURTS

To see that?--- To see that pamphlets were distributed.

BY ACCUSED No. 39:

Were strict orders given in the last pamphlet that

no...

BY COURTS

Please ask questions, don't tell the witness what to

88y .

BY ACCUSED No. 39:

Did the P.A.C. advecate for violence in any of these pamphlets? -- No, it advecated non-violence,

Did the P.A.C. ever advocate for violence at any of its meetings?--- Not to my knowledge.

How was this campaign to be conducted? --- It was to be conducted on a peaceful basis.

Do you think, in your opinion, that the members of the organisation, the branches in particular, knew about the distribution of these pamphlets?--- They did not know.

What was to be done with the passes, as far as the paign was concerned? --- There were strict instructions for the people to leave their passes behind at home, and surrender themselves for arrest, to various Pelice Stations.

De you think certain undisciplined elements could have sabetaged the campaign by way of preventing the people of getting to work or by any other means of violence? BY COURT:

Just repeat that question?

BY ACCUSED No. 39:

Do you think that certain undisciplined elements.

who/

giving the people the nat Was it the duty phlets were delivered or It was the duty of the me pamphlets were distribute

TANK SAN SAN STRUCT To see that?---Te

BY ACCUSED No. 39: Were strict order

BY COURTS STATES OF THE

Please ask quest

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BY ACCUSED No. 39:

Did the P.A.C. a

pamphlete? ---Ne, it adv DAM the P.A.C.

its meetings?---- Not to m

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Do you think, in

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What was to be d

campaign was concerned? for the people to leave surrender themselves fer

De you think cer

have sabetaged the campa of getting to work or by

BY COURT: The they to be

Just repeat that

BY ACCUSED No. 39: De you think

who did not belong to this organisation, could have done anything else to sabetage the campaign by way of violence? ---Yes, certainly. Encaies of African freedom, the Press, the A.N.C., the Masumje's, were in actual fact trying to

Who is this Josias Masunje?-- A little member of confuse the people. the Alexandra branch of the P.A.C.

Was he still a member up to the day the P.A.C. launched its campaign? --- No, he was expelled on the 18th of March for indiscipline and collaborating with the

Was the Sharpeville branch a registered branch in enemies of P.A.C. the organisation?

BY COURT:

Was?

BY ACCUSED No. 39:

Was Sharpeville branch registered in the organisation? --- According to the Regional Secretary's report, it

Was membership of the P.A.C. strictly for the was registered. Africans?---Yes, it was strictly open to Africans. No foreigners are allowed.

No? --- No foreigners are allowed to become members BY COURT: of the P.A.C.

BY ACCUSED No. 391 But why were they not allowed? --- They allowed because they benefits materially in the status que and set-up of a domination.

Please repeat these last few words. They benefit BY COURTS materially in the status que and? --- They benefit materielly... Yes/ ...

whe did met below enything else te — Yes, certainl the A.W.C., the confuse the peop

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BY COURTS

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BY ACCUSED NO

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righty.

Yes, I've got that? --- In the set-up.

In the set-up, yes? -- Of the status que, white

Yes?

ACCUSED No. 39:

domination.

What were the demands of the P.A.C.? ——The abolished ing of the Pass Laws, one of them, the increment of African wages up to about £36 per menth.

BY COURT:

You mean R.72 - you're not up to date.

BY ACCUWED 39:

Is that all?---Well, there are others, unless I have to refer to the pumphlets I can't...

BY COURT:

Oh well, there were other demands too? --- There were other demands.

Accused No. 39, I hardly think we are concerned with other demands. After all, I'm trying this case, I'm not concerned with anything outside the boundaries of this case and they are wide enough as it is.

BY ACCUSED 39:

In all your meetings, did you tell your leaders what

BY COURT:

We, no, what did you tell your leaders, not "Did you tell your leaders this, that and the other". What did you tell the leaders.

BY ACCUSED 39:

What did you tell your leaders in connection with the compaign? —That the compaign should be conducted on a non-vielence basis, and also, it should be a disciplined company.

Who did all the printing of the P.A.C.? -- Of what?

BY/ ...

Yes, I've got the In the set-up, ye

domination.

Yes? .. . PasY

ACCUSED No. 391

What were the dending of the Pass Laws, one wages up to about £36 per

BY COURTE STOR I'VE CONTACT

You mean R.72 -

BY ACCUMED 39:

Is that all?---W

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Oh well, there

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Accused Me. 39.

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BY ACCUSED 39:

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BY COURTE! STEEL

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BY ACCUSED 39: Pat wh

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the campaign? -- That t

a non-violence basis,

company.

Who did all th

A ... 7250.20

BY COURT:

Yes, perhaps...?—The literature for the penphlets or the whole literature of the P.A.C.? BY ACCUSED No. 39:

The whole literature? --- The N.W.C. was responsible for the printing of literature.

Was it never the responsibility of the branches to print anything without the knowledge of the National Executive or the Regional Executive?——The printing of panphlets or any material belonging to the P.A.C. is solely the responsibility of the N.W.C.

ACCUSED No. 39 NO FURTHER QUESTIONS.

ACCUSED No. 1, 4, 8 and 38 NO QUESTIONS.

MR. UNTERHALTER NO QUESTIONS.

CROSS-EXAMINED BY P.P.:

The National Working Committee, that was a bedy established to implement the policy of the P.A.C. FOR convenience reasons? — During the interim period, not does that.

And were the Chairman of the various Regions ipse facts members of the N.W.C.?---No.

How were the members of the N.W.C. chesen?--- The members of the N.W.C. centact the Regional Secretary, not the Chairman of the Regional Executives.

BY COURT:

Just repeat that?--- The N.W.C. kept in centact with the Regional Secretaries, not with the Chairman of the Regional branches.

Yes, but I'm afraid that deem't help the Presecutor yet as to how is this N.W.C. constituted?--- It is constituted from the members of the National Executive.

So it consist of certain members of the National Executive?--- Yes.

D.P./ ...

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BY ACCUSED No. 39:

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MR. UNTERHALTER NO

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BY COURT: . William of the h

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Executive?---Yes.

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P.P.:

And were you a member of the N.W.C.? --- No, not a member of the N.W.C.

You had enough to do as the National Secretary? ---I'm only concerned with administration of the organisation.

New, under which Region did the Sharpeville branch fall? --- The Witwatersrand Region.

And who was the Chairman of the Witwatersrand Region as at the day of the campaign? -- The late George Siwisa.

And can you recall who the Executive was - the Regional Executive? --- I can only remember the secretary of the Region.

Who was that?-- It was a certain Mr. Kekana.

BY COURT:

What is his name? --- Kekana.

P.P.

Was this Moses Kekana? -- Moses Kekana.

And his address was 2267 Thlake Street, Western Native Township? --- No, he stayed at Alexandra Township.

Yes, but before he moved, he used to stay at 2267 Thinke Street, Western Native Township? --- He might have moved from that place but I'm not certain about that, BY COURT:

Do you know what his address was originally?---No. I don't know.

It was suggested to you by the Presecutor, you can say yes I know or no, I don't know? --- I didn't know his address.

Did not knew his address, or deyou mean you do not new remember it?--- I do not knew his address,

P. P. :

New, at the National Conference held at Orlando

01/a.

P.P.:

And were you

a member of the N.W.C

You had enou

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New, under wi

fell?---The Witwater

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P.P.

now at th

on the 19th/20th of December, 1959, you were the Chairman - at least, not the chairman, but you organised the eredentials committee, isn't that correct? There was you, Mangua from Cape Town, and Tjejane from Processe? --- Yes,

And what was the purpose - was the purpose of the credentials committee to receive all the delegates and to find out their names and their branch and how many delegates there were from the branch? --- To organise delegates and also to find how many delegates are entitled for a certain branch.

The fermula for representation at the National Congress was one delegate for every 15 members?-That is consistent with the position.

New will you agree with me if I tell you that, according to the eredentials that were presented to you at that meeting, Sharpeville had 149 members and 9 members - delegates, attending the conference? --- No, I will not agree,

Can you give me the figure?--- I do not know how much was the figure, but it could not have been that much,

And Alexandra Township, for example, had a membership of 208 and there were 10 delegates. Dees that perhaps refresh your memory?---Yes, Alexandra is entitled to a much bigger delegation, as far as I know.

And Windmore, for example, had 223 members and six delegates. Does that ring a bell in your memory? cannot remember that.

Anyway, do you recall meeting the Chairman of the Sharpeville branch at this meeting, Job Toole? --- Which meeting?

I'm talking about the Orlande Matienal Conference -I shouldn't have called it a menting, it was a conference?

And/ ...

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at least, not the chair
credentials committee, in
Mangus from Cape Town, a
And what was the
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P. Rew-Mo.

And can you recall meeting the accused who interviewed you here this morning, at that conference?---No, not one of them I have seen at that conference.

You state that positively? --- Positively. I never saw them at that conference.

Or might they - it is so long age, it might have slipped your memory by new?—Ne, I wouldn't have known them because actually delegates came in in numbers, according to their presentation. I'm not supposed to know what their names are.

I don't want to be unfair to you. What you are saying to the Court is this, that they may have been there and they may not have been there, is that it?---No, but they were not there.

They were not there. You can say that positively?--Yes, they were not there.

BY COURT:

Dea you know all the delegates who came there? ---

Did you know all the delegates that came there, or can you remember them from that day onwards?—Tes, I could remember their faces if I were to see them, yes,

And therefore you say that the accused were not any of the delegates, they were not there, not one of the accused?—Ret one of the accused was there, not one of the accused.

Could you give me the names, for example, of the Aliwal North delegates who were there?--- There were delegates from Aliwal North,

Would you be able to identify them if they were here in Court today?--- I would be able to identify the delegates from Aliwal North. And/...

And can you recaptioned you here this merene of them I have seen You state that You state that saw them at that confers them at they had been they had been they had been they wight they - it is your memory by new?-- actually delegates can presentation. I'm memore are.

I don't want saying to the Court and they may not have they were not there.

They were not there are not they were not

BY COURT:

Dad you know here delegates?

Did you know here can you remember their factor that factor factor any of the delegation accused?—Not exaccused.

Could you could you here delegated accused.

gates from Aliw Weuld y here in Court delegates from

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And from George Gooh, for example, would you be able to identify the delegates from George Gooh? --- Yes.

Because there were something like 38 branches represented there, with delegates ranging from 2 to 10.

Would that be correct?—— 38 branches?

Yes?--- No, that is not correct.

Did you have more than that? --- I had more than that number.

Well I'm giving you a quote. You had more than 38, and would you be able to identify all the delegates who were present at that conference?——I will identify delegates who were present at the conference.

All the delegates who were present?---Yes, I would be able, because was there with the delegates throughout the two days of the conference.

Are you denying the total absence, or the total presence of any of these accused before Court at that national conference? ——Yes, the total number is too high here.

Me, any of the accused. For example, let's just take the first row, do you don't that they were ever at that National Conference? --- None of them.

And the second row? --- No.

And the third row?--- No.

And the fourth rew? --- No.

of a branch, any branch, who would be the persons most likely to attend as delegates - the branch executives, surely?---No, an ordinary member of the branch could be elected by..

BY COURTS

Idsten, you have not listened to the question. The Presecutor says who would, in the ordinary course, be the most likely delegates?---It is unlikely to be a member of

And can you recal viewed you here this merr one of them I have seen You state that p saw them at that confere If they had been Or might they - it is a your memory by now?--actually delegates came presentation. I'm met are.

I don't want saying to the Court i and they may not have they were not there. They were ne Yes, they were net t

BY COURT:

Dad you kno All the delegates? Did you kno can you remember to

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any of the delega accused?--Net es accused.

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And the fourth row? -- No.

Of a branch, any branch, who most likely to attend as delegates - the branch executives, surely?--- No, an ordinary member of the branch could be elected by .. BY COURT:

Listen, you have not listened to the question. The Prosecutor says who would, in the ordinary course, be the most likely delegates?--- It is unlikely to be a member of

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Yes?---Ne.

Did you have that number.

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Are you demy!

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And the third :

And the fourth

Of a branch, an

mest likely to attend a

Surely? -- No. an ordinar

EK COURTS

Listen, you have Presecutor says who woul nest likely delegates?-- the Executive, because ...

Delegates are unlikely to be members of the Executive? --- Delegates to conference are not necessarily members of the Executive.

That is another natter, they are not necessarily, but are they unlikely to be - that's what you've said. Is that right?—That is correct.

2.P.:

Why would a member of the Executive branch be unlikely to be a delegate? —— Because there are also other members of the branch who must have the opportunity to attend conference and to learn precedure.

usually elected by members of the branch, because they are the most competent people for the positions for which they are elected? —That is not the position with our organisation. We do not encourage the 'cult' of the individual.

have, say, five candidates for election as chairman, and
No. 3 candidate is the most capable, he can perform all
the tasks, he has the right personality and he is efficient,
you would naturally vote for him as chairman, rather than
vote for him because he is a friend of yours? — No, they
elect from the ordinary members, and the branch Executive
members usually attend as ex efficie members, without having
to shoulder the task of delegation.

butes do you look for in a man when you go to elect him as chairman of a branch. If you're an ordinary member and you've get five people there, how would you - what sort of standard would you adopt in your mind for a chaffman? What would you want from the man? Would you vote for him because he is a friend of yours?——No, only on the basis of the

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the Executive, bec Delegates Executive? ---Del members of the Ex

necessarily, but you've said. Is th P.P.:

Why would unlikely to be a members of the bra attend cenference Isn't it

usually elected by the most competent are elected? --- Th tien. We do not

No. you mi have, say, five ea No. 3 candidate is the tasks, he has You would naturall vete for him becau elect from the erd members usually at te shoulder the ta Let's put

butes do you look chairman of a bran yeu've got five pe re etanderd would you would you want fro he is a friend of

fact that he understands the policy of the organisation, and he has some ability to administer the affairs of the brancha

That is right, he has a knowledge of the policy, and he is efficient?---Yes.

In other words, your organisation is like any other organisation, you don't vote for farouritism, you vote for efficienty?--- No, but our erganisation, to conference, the members...

Ferget about the conference. I'm talking merely about the branch executive. You vete for a man because of his efficiency, not because of favouritiem? -- Because he understands the pelicy and he is efficient.

New, will it be more likely that the delegate would be an efficient man, and a man who understands the policy of the P.A.C.? -- It will have to be an efficient man and one who understands the policy of the P.A.C. from the ordinary members for the pusphseefed delegation to conference.

Se was branch executives then totally barred from becoming a delegate to the conference?--- It is the practices not tobarred by constitution.

But that is a custem? -- It is the practice.

BY COURT:

Byut What is the practice? --- It is the practice to elect from the ordinary members for delegation to National conference.

P.P. New, at the National Conference, this particular one at Orlando, certain resolutions were taken, Mr. Sebukwe has teld us what these resolutions were, not se?---Yes.

Now these delegates there, at the National Conferences, would be expected to go back to their branches and they would be expected to tell the branch members what had taken place at the conference, what the recolutions

fact that he underst and he has some abil branch.

That is rigiand he is efficient In other we

organisation, you defriciency?---No. b

Forget about the branch executi efficiency, not becomes the policy a

Now, will

be an efficient mage the P.A.C.? --one who understand nary members for t

becoming a delegate

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BY GOURTS

Byut What

elect from the er

conference.

P.P.:

Now, at to now, at to one at Orlande, chastons what we what

reaces, would be end they would b were that had been adepted and how the pelicy was to be furthered, not se? — They had to report to their branch executives.

This conference at Orlando in December, 1959, that was the first annual conference and one of the most important conferences?--- It was the first after the matienal convention.

delegate who would be able to return and report accurately on what had taken place?——It is always important and it would have been important at the time to have such a man.

It is not the sert of conference you would use as a training centre for prespective branch executive members, was it? — No. it is for the general numbers, and in its important for any other member who is elected, to do his duty correctly by reporting back to the branch executive, not to the branch members.

New when you refer to membership of the P.A.C. as being confined solely to Africans, I take it you are referring to the indigenues people of Africa, who are commonly called today - they've been called natives and they've been called bantu. Are those the people you mean? --- Bantus and natives are meaningless terms. We...

Me, I'm not concerned with that. You know what I am referring to ...?—We refer to our factors, these who originated from the soil they inhabit.

Mr. Leballe, I'm net interested in embarking en a pelitical discussion with you. Do you know that when I refer/...

were that had been adepte furthered, not se? -- The executives.

New why is the production of the branch a chance to how conference is run, be are not there permanently this conference.

was the first annual con conferences?---It was the

delegate who would be all on what had taken place?
have been important at the second the

trainin centre for prewas it? ---- No. it is fo important for any other duty correctly by reporte the branch members.

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No. I'm not co

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BY COURT:

You answer the questions now please, and let us got on with this case.

P.P.:

De you knew who I'm referring to when I refer to people as Africans, bantu and natives?——I'm not referring to bantus. If you are referring to bantus I can't answer that question because I den't understand the term bantus, it is meaningless to me. I'm referring to Africans.

BY COURTS

Just a mement, who are the Africans who may be members of the P.A.C.? ——The indigeness founders of ...

The indigenous enhabitants of the continent of Africa, is that it?—The true sens of the soil, these who originated from the soil, they inhabit the soil...

P.P.:

There are worms in some of the soil, Mr. Lebello.

Let's get things in preper perspective?——Yes, but I must give my own interpretation. You can't put words into my mouth.

What do you mean by indigenous?——Sons of the soil, these who originated from the soil they inhabit, not foreigner or who came as a result of foreign power.

I just want to make sure on that point. In other words - I'll put it to you in another way. Indians and Europeans were totally excluded from joining the P.A.C.?

——Completely, they are foreigners.

What do you mean by monolific? --- One single United States of Africa.

New the fact that a man has a membership card, a P.A.C. membership card, that would mean that he is a member/

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refer to mutives ...

You answer the ques

P.P.

Do you know whe I'r people as Africans, bantu to bantus. If you are ref that question because I do is meaningless to me. I'm

BY COURT!

Just a mement, who members of the P.A.C.? -on whe indigenous and

Africe, is that it?---The originated from the soil.

P.P. tel bernso entriet.

There are werns 1 Let's get things in prope give my own interpretation

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What do you mean those who ordginated from or who came as a result team I just want to m

words - I'll put it to y Europeans were totally e --- Completely, they are

men not op talled no

United States of Africa.

New the fact the P.A.C. membership card,

by the regional secretary and he will be a member of the BY COURT: P.A.C. Have a look at Exhibit 50, please, that is a memon with this case. bership card. Is that your signature there? --- Yes.

And you den't issue a membership card unless you are satisfied yourself that the man is a member, obviously, etherwise you might be taking on sell-outs?--- I den't issue membership eards myself. I sigg them and give them to the Regional secretaries and they do their work by seeing that they enrell genuine members of the P.A.C.

member of the P.A.C., if he has been issued with one signed

P.J.Leballe?--- He should be issued with such a membership

So you have faith in the regional secretaries of your erganisation, they are responsible, competent men, etherwise you wouldn't sign a membership card in blank and hand it to them to recruit, would you? -- I had faith, but I den't knew what happened at these places where he keeps these things, whether it is a proper place where a spy cannot steal a membership card.

BY COURT:

Do you want to tell me that you signed them in blank?--- I signed them in blank.

Is that a responsible action? --- Yes, it is a respensible action.

P.P. :

New you've used the words here "Anti-pass campaign", By pass, de you mean the reference books as it is called? --- Dempas.

Dempas, yes, is that the document you're referring te? I'll show you one, perhaps you might recognise it. BY COURT:

> Have you get any, or have you only get bits of one? P.P./ ...

member of the P.A.C. P.J. Leballe?-- He she by the regional secret P.A.C.

Have a look at bership card. Is that And you don't

satisfied yourself tha otherwise you might be membership cards mysel Regional secretaries a they enrell genuine me Se you have fa

your organisation, the etherwise you wouldn't hand it to them to rec I den't knew what happ thesethings, whether it

steel a membership car BY COURT:

De you want to blank?--- signed then Is that a res

spensible action.

P.P.:

New you've us By pass, de yeu mean --- Dempas.

Dompas, yes, te? I'll shew you one BY COURT:

Have you got

I've get pertien ef ene, Sir. I'll shew you ene ... P.P.:

BY COURT:

I den't knew, we den't want to burden the record further with Exhibits

P.P.

No. I'm not going to hand it in. It is this type of decument? --- That is the dempas.

BY COURT:

Why is it called by that name? -These who are responsible for this, I think that is the name they have given it. I have known it by that name. I don't know any other name.

Whilst we are about it, what is a 'slim pas' then? I'm asking you a question, what does a 'slim pas' look like, if that is a "dempas"? --- A 'slim pas'? Well, I'm net conversant with passes, except these who believe in slavery of pessessing passes in this country, can be that explanation P.P.:

How were the leaders in the outlying districts away from Johannesburg, how some the leaders know when this campaign was going to be launched? -- They would have the circulars up to the last one, distributed by members of the N.W.C.

So would the N.W.C. make sure that the branch executives received circulars so that obviously they could elect their leaders for that day? --- They would make sure that the regional executives are certain that the area in which the branches are situated, these areas have been distributed with the pamphlets.

And obviously the first people who would receive the pamphlets would be the branch executive and the members of the branch, from the regional people? --- No.

Or were they just disbursed and handed out all ever the country without any regard to whom they were being handed to? — The N.W.C. members are responsible for distributing the circulars, not the branch executive members.

BY COURT:

The N.W.C. has to do what? --- Yes, member.

Has to do what?--- Are responsible for seeing that the circulars are distributed.

Distributed to whom?—To the people in that area.

How could the N.W.C. be responsible for the distribution of circulars as such in places so far apart as, say,

Johannesburg and Cape Town?—We have members of the N.W.C.

who are sent to different places.

P.P.:

So then we can take it that a member of the N.W.C. came to Verceniging to distribute pamphlets?--- That is so.

Now when that man, or the person from the N.W.C. came to Verceniging to distribute pamphlets, would be distribute the pamphlets to the branch executive and the branch members or would be just indiscriminately put them in letter boxes throughout the township?—He applies his own methods by personally getting some small boys or some other people or employ them, but he has to see that the circulars are distributed.

He would have to take steps, of course, that the people when he chose to assist him in distributing the pamphlets, weren't going to sabetage his movement by taking the pamphlets and destroying them. He would have to choose semebody he could trust, wouldn't that be correct?——He has to get people, that is, sometimes he has to pay them, To see that they do the job he moves around with those, not necessarily the members of the branch.

But it would be legical that the people when he could/..

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BY COURT:

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He would have to people whom he chese pamphlets, weren't the pamphlets and desembled and desembled he could to get people, the see that they do necessarily the meaning the mathematical and the mathematical and the meaning the meaning

could trust, would be the members of his branch and the branch executives? Of the local branch? ——He doesn't know them in most cases, he knows the Regional...

BY COURT:

Why aren't you trying to answer the question?——
Therefore it can't be the members of the branch because he deesn't knew them.

P.P.:

Wouldn't it be reasonable to suppose that a member of the N.W.C. who came here to distribute pamphlets, would go to semebody whom he could trust, and people whoms he could trust would be the branch executive and the members of the branch in the area in which he intended to distribute the pamphlets. Wouldn't that be reasonable to suppose that he would do that?—No, these are not our methods.

You see, your organisation which professes to be seefficient, is based on this type of method, is based on a pyramid. At the better you have the ordinary members. 15 members elect a branch executive, don't they?——Yes.

The branch executive is superceded by a regional executive which controls so many branches in a region, and right up at the top you have the national conference, just below the president and the national executive, in other words, instructions come right from the top of this big pyramid and so it goes and get spread throughout the organisation, isn't that so?--- That is see

Now that is a very efficient type of cell mevement, isn't itte. It is so,

And it was obviously organised like that so that control could be kept to see that the policy of the P.A.C. was properly carried out, not set—Yes, but in the case of distributing pamphlets it is entirely themethods and the tactics to be used by the N.W.C. members, not to, in fact,