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involve the executives - the branch executives. They can go to a place with their own men, ready to distribute, employ them from anywhere.

BY COURT:

It seems to me the whole P.A.C. doesn't trust branch executives very much?---No!..

They don't want them at conferences, they don't want them to distribute pamphlets?---No that is not the correct view.

That is not correct?---No.

P.P.:

And wasn't Masunje' the chairman of the Alexandra branch? ---He was.

Well you know accused No. 4 was quite friendly with Masunje; he wrote to him - you can see it in the Exhibits, so give him his correct title. Now, how would the leaders in this area, for example, know about the day of the launching - only on the day when they get the pamphlets? ---No, they have been told that the pamphlets will be distributed, and the date for the launching, nobody knows about it, even a member of the branch, or of the regional executives. It is entirely a matter for the N.W.C.

Yes, when would the branch executive get the first intimation of the date of the campaign?---He get that about three days...

BY COURT:

How would they get it? How would the local regional...?---He would get it like any other ordinary man.

P.P.:

By means of a pamphlet?---That is the campaign is not ordinary administrative work and it is an entirely different matter.

What I want to get at is this. Was the first

information that the branch executive would have of the date of the campaign, be only when he actually received a pamphlet himself?---Yes, after all he is ready for the call to come.

And once he's get that pamphlet, he would know " I must lead the people in my area to the Police Station in terms of that circular? ---Well, if he is well disciplined he would know that.

BY COURT:

What is your answer? ---If he is well disciplined he would know that.

But now, <sup>if</sup> the members of the N.W.C. didn't even know the local people and never found them to give pamphlets to, how would they get to know of the -- knew what they would have to know of the final date and..?---They know the final date by receiving pamphlets.

By receiving pamphlets, but my point is, you say the N.W.C. members would come here, wouldn't consult anybody, they might hire <sup>people</sup> to distribute pamphlets, so the pamphlets might therefore never get to a local executive member?---Might never get. Well I knew that in that area the circulars were to be distributed in every house.

These circulars were to be distributed in every house?---That is so.

P.P.:

Now there is just...

BY COURT:

Just a moment, you'd better deal with your inefficient N.W.C. <sup>m</sup> members because I've got lots of evidence here from people in Sharpeville who never received the pamphlets? ---Anyhow, they wouldn't have told you if they get these circulars.

Yes, all right.

P.P./...

P.P.:

Why not? — How can they tell you when you are a member of a national group that benefits from the material interests of White domination, how can he tell you?

Even if he is under oath like you are?—They are not under oath, they are not bound to tell you because they are not under oath.

No, but are you making a sweeping statement that nobody would tell a Court of Law when they testify under oath, that they received the pamphlets?—I haven't spoken about oath for testimony....

Well I'm putting that to you, are you suggesting that?

BY COURT:

In other words, are you suggesting that these people that told me they never saw the pamphlets, have not told the truth? —I'm not suggesting that, that is your own suggestion. I say these pamphlets — that people who get pamphlets, they would never have left the location to come and tell Mr. Prosecutor or His Worship that 'I got the pamphlets in my house, put through the door'. He wouldn't have come, but under oath it is different...

Why not? Why wouldn't they come and tell it?—Why should they when they knew that you benefit from the material set-up of White domination? They don't trust you.

The P.A.C. doesn't trust me either, thanks very much?—That is so.

P.P.:

Anyway, let's get one thing clear about your organisation. Do I understand that your organisation was persuading people to leave their passes at home and to surrender at the Police Station, as a method of protesting against the Law which requires that people shall carry passes? —You are putting/..

putting it in your own way, I...

Well, you're an educated and intelligent man, the national secretary for the P.A.C., you've chosen to speak one of the official languages, do you want me to repeat it? -- That is not the way. We didn't go to the Police Station on the basis of that.

Would you like an interpreter, or shall I repeat the question?--Why should I like an interpreter?

Now I'll repeat my question. Was it the policy of your organisation and did it...?--It was not the policy of...

BY COURT:

Look, will you now please keep quiet until the Prosecutor has completed his question.

P.P.:

Was it the policy of your organisation, and did it in fact set out to do so, to persuade people to leave their reference books at home on the 21st of March, 1960, and to surrender or offer themselves for surrender at the Police Stations as a method of protesting against the carrying of reference books required by law?--It was not a policy, it was a method of positive action in the program of African nationalism.

Yes, empty word. What was it to achieve? What were you setting out to...?--To achieve, amongst other things, the abolishing of the Pass Laws.

Why didn't you answer the question when I put it to you simply?

BY COURT:

You did use rather a large number of words Mr. Prosecutor!

P.P.:

Well, Your Worship, I have the National Secretary -  
What/..

What are your educational qualifications?—Matric and Transvaal Teachers Certificate.

So your organisation was aware that there were other organisations, namely the Press and the A.N.C., which would be likely to sabotage your campaign? —That is so.

And did your organisation realize that these irresponsible organisations which you've named, might sabotage your movement by being undisciplined and resorting to violence? — Yes, we did realize that.

And you still persisted in your campaign of circulating leaflets indiscriminately to anybody in any town and village?—We insisted, because we knew that the African people would heed our call.

I see. Then I suppose it wasn't Pan Africanists who stoned a motorcar carrying an African who was on his way to work in Sharpeville on the morning of the 21st of March. It must have been the A.N.C. or the Press?—It could never have been. These instigated by the A.N.C. or the Press or the police would have done so.

Who would have been responsible for large numbers of persons going to surrender at the Police Stations? Who would be responsible for that state of affairs on the 21st of March? The P.A.C.?—Definitely.

And who would have led them there - the local leaders of the P.A.C.? —The local leader, chosen by the people themselves.

Finally, just one question which I put to your leader, Mr. Sebukwe, is this. Did you and your organisation regard the position in South Africa as the African person defending himself against a foreign aggressor? —No, we in South Africa and in Africa, we are awaking the struggle for the overthrow of White domination, we don't defend ourselves, we are on the offensive.

Se/..

So you were actually a militant fighting force on the attack? ---Most dynamic force, with a tremendous power.  
P.P. NO FURTHER QUESTIONS.

RE-EXAMINED BY ACCUSED No. 39:

Mr. Leballo, could anybody who were going to the conference without being a member be admitted?---No, he could not have been admitted.

BY COURT:

Did - Could anybody go to the conference who is not a member? ---Yes.

Only members could go to the conference then, is that right?---That is so.

How many definitions have you got for the term 'African'? ---I have one definition.

Only one?---Yes.

You see, I seem to detect two, from what you've told me. The one seems to include, if they do the necessary things, comply with what you wish, such people as Europeans, Indians. People whose forbears comes from other continents. Is that correct or not?---That is...

You've said "An inhabitant of Africa is an African if he owns a legion to Africa and no other place", is that right?---That is in agreement with our philosophy of Pan Africanism in a post reconstructed era.

Oh I see, then only one day they would be Africans, they are not Africans yet?---Not at this moment.

All right, now I understand you. For the time being, according to the P.A.C., an African is an aboriginal native of Africa, is that right?---An indigenous.

An aboriginal native of Africa?---Yes.

Using the word native in its ordinary meaning now, what is the South African meaning?---It may be a native of any other country, but not South Africans.

ELL/..

All right, we have it now. Now, I have had a little bit of evidence of the printing of tickets worn by people on their lapels. Can you help me with that - who did that and what were these tickets supposed to be for, or was that something in the hands of the N.W.C.? ---If they were the tickets written "Africa for the African", these are printed by the N.W.C.

"Africa for the Africans". I have heard mention of another ticket which amongst others contained the words "Away with passes"?---Also for that local area, it should be printed by the N.W.C.

They can of course have the printing done in one place only, or by any printing works, if they choose?---In most cases one place.

Which Printing Works did all that - which office did that?--- It is a Printing Works in Cape Town.

Some Printing Works in Cape Town?---Yes.

Now, what about the coloured man, can he be an African, according to you? The coloured man that we know in this country?---According to our <sup>historical</sup> ~~total~~ analysis, he is an African.

Although his father may have come from Europe?---Yes, but historically we have come to the conclusion that a coloured man is an African.

Oh, a coloured man is an African?---Yes.

What is the difference between him and a half-breed Zulu/Indian, which there are many of in Natal, I'm told? --- Well, the position is that we have no Indians that we call coloureds.

And what is the position of the Zulu/Indian then, a half-breed resulting from the union of a Zulu and an Indian?

---If he is a coloured, he will be regarded as an African.

If he is a coloured?---That is so.



I don't think that is the popular meaning of a coloured person in South Africa at all?—Well, possibly the South African set-up is able to describe what a coloured is.

That will be all thank you, you can stand down.

P.P TO COURT:

Will Your Worship be requiring the witness at all again?

BY COURT:

I will not be requiring him again. As far as I'm concerned, he is discharged.

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ACCUSED No. 39 CALLS:

Your Worship, with regard to the witness Gabriel Gabuse, I saw him this morning outside the Court, and I would ask the Court to give me a few minutes to have an interview with him before he gives evidence. In regard to De Villiers, I have gone to Evaton in order to trace his whereabouts. I could not, in view of the fact that he travels about as a painter. That is the position.

BY COURT:

What are you going to do about him?—I would ask the Court to give me another chance during the weekend to trace this witness at Evaton. In case I then fail to locate his house and whereabouts and then I'll...

We'll go into that at 2 o'clock. I will now adjourn so that you can have an interview with your witness, and if you're calling him, have him ready at 2 o'clock.

COURT ADJOURNS.

COURT RESUMES:

ACCUSED No. 39 CALLS:

GILBERT/...

GILBERT GABUSE s.s.:

SESUTHU.

EXAMINED BY ACCUSED No. 39:

Mr. Gabuse, do you still remember the 21st of March when the police fired at Sharpeville?—Yes, I still recall that day.

Was it on a Monday?—Yes, it was.

Can you tell the Court in brief what were the conditions prevailing that particular day? Can you tell the Court about your movements, in short, on that particular day? —When I got up in the morning, I got up and found people walking about outside in the street. I then proceeded to the bus rank where the buses are in order to proceed to work. I found many people at the bus rank. Amongst the crowd which was standing at the bus terminus or the bus rank, I then came across - I met some of my co-workers there. I then asked them what the matter was, whether people are not going to work. Others then told me that they had been to work, and they had been turned back by their employers because there was only a handful of workers who had turned up at work on that particular day.

BY COURT:

Just a moment. They said they'd been turned back by their employers because?—Because there had only been a handful of workers or labourers who had turned up for work on that particular day. I thereafter returned home. After having had my feed, I then left my home again to see my friend. I remained there for some time with my friend at his home. At a later stage I then left my friend's home and told him that I was proceeding downwards. It was then at that stage that I came across, or met, David, accused No. 39. David then asked me if I could not be in a position/..

position to obtain or get him a vehicle which would convey him to Evaton as he had some matter to settle there.

Yes, now you will have to go slowly. Proceed?—  
Accused No. 39 was in company of another person when I regarded as his father. From the spot where we were standing, the three of us, I then went to the nearby person when I knew to be owning a motorcar. Accused No. 39 then had a discussion with the owner of the vehicle and they then came to some agreement concerning the trip to Evaton. A driver was then instructed to convey us by the vehicle to Evaton. We were then four, myself, accused No. 39, David, and the person who was accompanying David, as well as the driver of the vehicle. On arrival at Evaton, at a certain house where we stopped, David, accused No. 39, and the person who was originally in his company, then got into the car and went into this house to see the person when accused No. 39 wanted to interview. They took a very long time there. I and the driver then told David and the other man that we're leaving to have our lunch at the Indian block of stores or shops and that we would at a later stage then return to get them. We then returned. On our return we then found that the person when David, accused No. 39, was waiting for, had not yet come. Thereafter I then fell asleep in the car. I was only awakened by them when we were about to leave the area of Evaton. After we had left Evaton, it is a few miles out to Evaton, we then met a person who was my co-worker at the time, de Villiers. He is known by the name of de Villiers.

Yes, you met de Villiers, a co-worker. Yes? —And then David, accused No. 39, requested the driver to stop, in order that we should ask de Villiers what was happening, what was wrong. The car stopped and de Villiers was then asked

as/..

as to where he came from. He then said he was from work, he had been told by his employers to return home, because there were no other workers or labourers at work. We then returned to Sharpeville.

BY ACCUSED No. 39:

If you estimate, what time was it when we left Sharpeville? ---I can say it was after 10 a.m. because the bantu program of the S.A.B.C. had already come to an end.

On our arrival at Sharpeville, had the people been shot or not yet been shot? --- At that stage people had already been shot, because on our entering the Sharpeville township, we met ambulance vehicles as well as other vehicles which were coming out of the location.

Do you still perhaps recollect any of the garments which I had on on this particular day - the clothing I had on?---You had a blazer on, that I recall well.

BY COURT:

Just a moment, he wore a blazer?---A blazer.

BY ACCUSED No. 39:

Can you say whether it was a black blazer, or what colour was it?---It was a black blazer.

What made you be so much particular about the blazer I was wearing this particular day? ---It is because I was sitting in the back seat when you came into the car and took off your blazer and requested me to put it just on the back seat there, next to the small window.

As far as you knew this man de Villiers, is he a man who can if possible just absent himself from work without any good reason? ---Ever since I started working there, I've never known de Villiers to have absented himself from work.

ACCUSED No. 39 NO FURTHER QUESTIONS.

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

BY/..

MR. UNTERHALTER NO QUESTIONS.

CROSS-EXAMINED BY P.P.:

Where were you working on the 21st of March, last year? ---I was employed at African Cables then.

And de Villiers as well?---Yes, he was employed by the same firm as well.

Do you know accused No. 1?

BY COURT:

No. 1, stand up please?---I've often seen him in the location.

You've often seen accused No. 1 in the location?---

Yes.

And accused No. 2?---Yes, I knew them by sight in the location.

P.P.:

No. 2? ---I do not recollect this person.

No. 4?

BY COURT:

Just a moment, we are now getting mixed up. If these men don't stand up, then the witness doesn't know. Will No. 2 stand up firstly. That is accused No. 2. Do you know him? ---Accused No. 2 is a person whom I have often seen, perhaps here in town or some other place, but not very often.

P.P.:

No. 4 accused?---I do not know accused No. 4.

No. 8? --- Accused No. 8 I've often seen on some occasions in the location.

When did you start working at African Cables? --- I started working at African Cables in 1958.

And what is the nature of the work which you did then?---I was an operator.

And/...

And these people, Nos. 1, 2 and 8, have you seen them at your work at African cables?

BY COURT:

Just let them stand up? ---Accused Nos. 2 and 8, I have seen them at my place of employment, African Cables.

P.P.:

I take it you knew accused No. 39 as well from your place of work, African Cables?

BY COURT:

No. 39, stand up please?---Yes, I knew him very well, accused No. 39.

Was he from the same place of employment? ---Yes, from the same place of employment. We attended school together.

P.P.:

Were you a member of the P.A.C.? ---No.

Did you get a pamphlet before this day under your door, that you shouldn't go to work?---Nothing at all.

Had you ever heard of the P.A.C. by this date, the 21st of March, 1960? ---Very slightly, from people who were just conversing amongst themselves.

Did you know that there was going to be a demonstration on this day, the 21st of March? ---No, I did not.

Did you have a watch with you on the 21st of March, 1960? ---No, I did not.

So your estimations of the time are all approximate? ---Yes, my first estimation of time, that is when he left, is because I'd just come out of that particular house, the bantu program of the S.A.B.C. had just come to an end.

Whereabouts did you meet accused No. 39? --- In front of a section of schools, the Roman Catholic, and the other schools.

That is in Secise Street?---Yes, in Secise Street.

What/..

What was he doing when you met him? --- We met, he was walking, coming across one another.

BY COURT:

He was walking towards...?---Yes, to cross one another.

P.P.:

Who was this other man with him?---That was an elderly man whom I'd seen for the first time.

And did No. 39 tell you he had been sick that day? ---No, he did not tell me.

Did he look sick? ---He was in a hurry. I didn't look at him so closely and with such interest.

Did he look frightened? ---No, he was not frightened. He was just in a hurry.

Did he tell you he wanted to go to Evaten to see Mr. Melati?---No, he did not tell me the person whom he wanted to go and see.

Did he tell you he wanted to see this person because he wanted assistance in controlling the crowds at the Police Station? ---Which crowd now?

I'm putting it to you, whether he told you that?--- No, he did not tell me anything about it.

What did he tell you? --- He told me - he asked me, in fact, whether I could not help him by getting him a vehicle as he was going there for a certain 'Prison' matter.

BY COURT:

Exactly. Did he tell you why he wanted to go to Evaten, what the certain reason was?---No, he did not tell me.

P.P.:

Why did you go to Evaten? ---The owner of the car asked me if I could not accompany the driver, and as a person who also wanted to get a lift, I also got into

the/..

the car.

What did you want to do at Evaton? ---No, I was just accompanying the owner of the driver, having a joyride.

BY COURT:

You were just accompanying the driver, taking a joyride?---Yes.

P.P.:

Did you go anywhere near the Police Station at Evaton?---No.

And coming back, whereabouts did you meet this man de Villiers? ---When we were approaching a place called Heutkep, it was then that we met him, in that area.

What is his surname? ---I do not know his surname.

BY COURT:

Just a moment, you were already right out of Evaton then, you were already approaching Heutkep?---Yes, we had just left Evaton, out of Evaton.

P.P.:

No. 39 doesn't know his surname either? --- We used to call him by the name of de Villiers, all of us.

And whose house did you go to, do you know?---No, I do not know it.

And when you came back to Sharpeville, where did you drop No. 39 accused? --- When we entered the location, after we'd heard that people had been shot at, it was in the vicinity of the red brick houses that I got off, in that vicinity.

You get off before No. 39? ---Yes, I get off there because I saw my uncle and I wanted to ask him perhaps who are the relatives of ours...

I'm not interested in that. Did you get off before No. 39?---Yes.

As/...



As far as you can establish, accused No. 39 never saw the man in Evaten when he went to see? ---I would not be in a position to say, because after I returned from taking our feed, I immediately fell asleep in the car. I was then awakened by them when we were about to leave.

As far as you were aware accused No. 39 was only going to see one man at Evaten, is that correct? ---Yes, I would say so.

What else did No. 39 have on besides his blazer? ---He did not have anything else on with the exception of the blazer.

It must have looked very strange, having a naked man sitting next to you after giving his blazer to you? ---He was wearing also a white shirt and a pair of trousers, I cannot say what colour it was. I did not know then what the contents were, perhaps, in his pockets. I did not search his pockets.

Are you trying to be facetious? I asked you what else he had on besides his blazer, not what was in his pockets? ---He was not carrying anything. I've already said that he had on a white shirt and a pair of trousers.

P.P. NO FURTHER QUESTIONS.

ACCUSED No. 39 NO REEXAMINATION.

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

MR. UNTERHALTER NO QUESTIONS.

BY COURT:

Didn't accused No. 39, when you were woken up, tell you whether or not he achieved the purpose of his visit to Evaten? ---I did not ask him.

Didn't he say it perhaps? Didn't he say "All right, let's go now, I've seen the man I wanted to see; or anything like that? ---No, he did not.

You/...

You didn't find it difficult to get hold of a vehicle to get to Evaton, did you? ---No, the car was on the yard premises there. I then told David, accused No. 39, to have a discussion with the owner.

No, my point is this, why didn't you find it as easy as that to find transport to go to work? I knew there were no buses?---I have already said in my evidence in chief that when I got to the bus rank or terminus, I came across a group of persons there. Some told me that there was no transport to convey them to work, and others told me that they had been turned back by the employers in view of the fact that only a few workers had turned up at work for the day.

When you met accused No. 39, were there any people about in the street?---There were people.

More than usual or..?---People were walking there ordinarily.

The usual number of people you would expect for that time of the day, or not? ---It was just a group which was walking there.

Yes, I knew, but you're not answering my question. Were there more people than you would expect, or the same number, or less, on an ordinary working day?---There were more than I had expected to see there.

Did you at any time pass near the Police Station that day? ---I live right in front of the Police Station, I walked past the Police Station when I leave my home.

And what did you see there?---I saw many people there.

You saw many people there?---Yes.

Weren't you interested in what was going on?--- Because I'd heard that it was a demonstration I then walked/..

walked away to attend to my own affairs.

You didn't want anything to do with the demonstration then? ---I was not a member, I was not interested in the demonstration.

Which way did you travel to Evaton - which road?--- That is the main road proceeding to Johannesburg, the tarred main road.

There are two. The one, you take the street below the Court room, and the other one you travel this way, Northwards? ---We followed the Beaconsfield road, the one running from the Court room.

That is via the road that goes near Sharpeville. You went from Sharpeville, you didn't come into Vereeniging, you went straight on from there?---Yes, just from there, we came out and then proceeded direct on the main road.

Did you meet any police vehicles on the road, the Saracens, the armoured cars, treep carriers, radio meter-cars?---We only came across two treep carriers.

Were they full of police? ---They crossed our car, we crossed one another in full speed. I did not see - but there were people in the treep carriers.

No well, if these vehicles went via van der Bijl Park, Mr. Prosecutor, they may have missed the greater part of this road?

P.P.: Yes.

BY COURT:

Well, to help accused No. 39, is de Villiers at work today? Or is he no longer working there?---He is no more in the employ of African Cables. He has left their service.

You don't know where he is?---No.

Thank you, you can stand down.

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BY/..

BY COURT TO ACCUSED No. 39:

Accused No. 39, what is the next thing you want to do? -- I'm making a request to the Court to give me a chance over the weekend. In view of the fact that we have to report in the morning, I'll not be able, unless it is a weekend, that I'll have time to go to Evaton to look for de Villiers.

Is he supposed to live in Evaton? ---I knew him to be a person who is in Evaton.

Very well, you can stand down.

BY COURT:

I'm going to ask the undefended accused now whether they are going to give evidence or not, and I expect them to have made up their minds by now. They have had ample time since this morning and an ample explanation of their rights.

Accused No. 1, do you want to give evidence yourself?

ACCUSED No. 1:

I do not elect to give evidence, nor do I wish to make an unsworn statement. I elect to be quiet, nothing to say.

BY COURT:

Anyway, no evidence, and no unsworn statement?--Yes.

BY COURT :

Accused No. 4, the first point is whether you wish to give evidence or not.

ACCUSED No. 4:

I do not wish to give evidence, nor to make an unsworn statement. I elect to say nothing at all.

BY COURT TO INTERPRETER:

Yes, well make it clear to these people, they can either give evidence, say yes or no to that, or they can in any case, even if they give evidence, also say "I want to make an unsworn statement or I don't want to make an unsworn statement". Is it clear to you? ---Yes, I understand.  
I/..

I elect to be quiet and have nothing to say at all.

BY COURT:

Accused No. 8?

ACCUSED No. 8:

I have nothing to say.

BY COURT:

That means you do not wish to give evidence and you do not wish to make an unsworn statement.

ACCUSED No. 8:

I do not elect to do any of the two.

BY COURT:

Accused No. 38?

ACCUSED No. 38:

I have no statement to the Court which is sworn or unsworn. I have nothing to say.

BY COURT:

Accused No. 39, apart from the witness you want to call, what do you want to do yourself, give evidence or not?

ACCUSED No. 39:

Does it mean that when I go there, questions will be put to me by the Prosecutor, and if I make an unsworn statement, no questions will be put to me?

BY COURT:

Quite right, but I do not pay much attention to what you say if there were no questions put to you. Perhaps it is not right to say I do not pay so much attention, but that way of putting your case is not so persuasive, but at the same time, the choice is yours.

BY ACCUSED No. 39:

I wish to make an unsworn statement from where I stand.

BY COURT

You wish to make an unsworn statement?

BE/...

BY ACCUSED No. 39:

An unsworn statement. I'll make the unsworn statement after my witness, de Villiers, has given evidence, not now.

BY COURT:

Anyway, you can change your mind if you wish to. Wait a minute, after you've heard the evidence of de Villiers?—Yes, I wish to make the unsworn statement after I'd heard my witness, de Villiers.

Just go back in the meantime.

BY COURT TO MR. UNTERHALTER:

Mr. Unterhalter, are you perhaps calling any further evidence or not?

MR. UNTERHALTER:

There are only two matters which I have hoped that perhaps I could place before the Court this afternoon. The one—Your Worship has expressed a request a little while ago for the words of the song "Nkosi Sekelele" and its translation, and I'd hoped that it would be brought to me this afternoon, and very early on in the case Your Worship had also, I seem to recollect, asked that the Vadersland translation, or publication in regard to Accused No. 63's evidence at the inquiry might be made available, and I'm also waiting for that.

BY COURT:

I expressed concern ~~that~~ <sup>removed</sup> somebody having ~~passed~~ some part of the Exhibit which contained a photograph, Exhibit 63 - it may have been, as far as I'm concerned, a report of the evidence which he was supposed to have given to the Judicial commission, or not, I don't know, I didn't look at it. I did express concern at somebody having cut it out after the particular document had been handed to me in a certain state.

MR/..

MR. UNTERHALTER:

Yes, and an apology was tendered to the Court for what was done, but Your Worship will recollect that that was the publication from The Star and ...

BY COURT:

Oh, I beg your pardon, I see now what you mean. I haven't had placed before me anything from Die Vaderland..

MR. UNTERHALTER:

From Die Vaderland, and it was that that I wished to place before the Court. My learned friend has kindly indicated, in regard to the song, that it could be admitted by consent, and I propose, in regard to the Vaderland newspaper, about May 10th, last year, to make a civil reproach -- the proposal was to bring the newspaper down here, the original, with the text copied, and then have it checked and handed in. So far I'm without instructions, I'd expected it to arrive before lunch. I don't know if there's been some delay. Apart from that, there will be no further evidence on behalf of the people I represent.

BY COURT:

It is now Friday afternoon, and I think in all the circumstances, in view of the various requests from the defence, it is just as well to postpone the further hearing until Monday morning next, that is the 15th of May, at 9.30 a.m., and to extend the bail until then. Accused No. 39 can then, if he has traced his witness and heard him, can then decide finally whether or not he is going to give evidence, and whether or not he is going to make an unsworn statement.

Now, in regard to all five underended accused, so far they have decided not to give evidence on oath. They are entitled to do that, but I trust the explanations I've

given/

given to them in the past have been clear, that is, that an accused person can only give evidence on his own application. If he remains quiet and certain evidence have been given against him, affecting him, then that evidence may, not - must, be accepted by the Court. The fact that he has given no evidence himself, may be taken into account by the Court, in deciding whether or not to accept the uncontradicted evidence given against him. They can, if they wish to, even at this stage, change their minds. Now please, I'm not trying to influence you to change your minds. I'm just, in view of the fact that there is now a postponement, somewhat unexpectedly, I'm going to give you the opportunity, if you wish to, to change your minds and give evidence if you wish to. Bear that in mind and on Monday, the 15th of May, I hope the evidence on the evidential part of these proceedings, will be concluded.

Mr. Laudin, I would like, if on Monday the evidence is concluded early, and you're ready to proceed with your argument, I would like to carry on with the hearing from day to day as expeditiously as we can. I'm not for a moment anticipating what my rulings might be on any request from you or Mr. Unterhalter or any of the undefended accused, but if you are ready to proceed with your argument, I shall be very pleased.

REMANDED TO 15. 5. 1961.



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