S. Stors 326;323.2 (68232) Com Vol. 51 3308- 3330.

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? --- Nel ...

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 Masumje' the chairman of the Alexandra branch? --- He was,

Well you know accused No. 4 was quite friendly with Masumje; he wrote to him - you can see it in the Exhibits, se give him his correct title. New, how would the leaders in this area, for example, know about the day of the launching - only on the day when they got the pamphlets? --- No, they have been told that the pamphlets will be distributed, and the date for the launching, nebedy knews 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 got that about three days ...

## BY COURT:

Hew would they get it? Hew would the less! regional ... ?--- He would get it like any other ordinary man, P.P.

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

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

involve the executive to a place with the exploy them from earth and the earth of t

It seems to a least to a least to a least them. They den't we many their to according

That is not o

P. P. :

And mann't Malarane branch transport will you know wall you know Manuala, is wrote to so give him his correct in this area, for examinating — enly on the tributed, and the date tributed, and the date it, even a member of the tives. It is entirely would then would

intimation of the date three days...

three days...
BY COURT:

17HU00 X

How would they a

.....

By means of a pa

not ordinary administrati

eg et tuen I tell

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

And once he's get that pamphlet, he would knew "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 how that.

BY COURT:

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

But new 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 - know 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 dome here, wouldn't consult anybody, people they might hire/to distribute pamphlets, so the pamphlets might therefore never get to a local executive member?—Might never get. Well I know that in that area the circulars were to be distributed in every house.

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

P.P.:

New there is just...

BY COURT:

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

Yes, all right.

P.P./ ...

information that t of the campaign, b phlet himself?---Y come.

And once he SE SENDER W. S. must lead the peopl of that circular?

多一位中心 光影斯 mow that. BY COURT:

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he would know that. But new the

the local people and how would they get

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to be distributed in

Those circul .oe at tenT --- Touved.

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New there is

BY COURT:

ent blush will Just a moment cient N.W.C. members from people in Sharpe

--- Anyhow, they woul

circulars.

Mary Treb

Yes, all righ

Way not? - How can they tell you when you are a P.P.: member of a mational group that benefits from the material interests of White domination, how can he tell you?

Even if he is under eath like you are?--- They are net under eath, they are net bound to tell you because they are not under eath.

No, but are you making a sweeping statement that nobedy would tell a Court of Law when they testify under eath, that they received the pamphlets?-- I haven't speken about eath for testimeny ....

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

BY COURTS

In other words, are yousuggesging that these people .. that told me they mever saw the pamphlets, have not told the truth? -- I'm not suggesting that, that is your own suggestion. I say those pamphlets a that people who got pamphlets, they would never have left the legation to come and tell Mr. Presecutor or His Worship that 'I got the pamphlets in my house, put through the door". He wouldn't have come, but under eath it is different ...

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

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

Anymay, let's get one thing clear about your organise-P.P. tion. De 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 earry passes? --- You are putting/..

3311

P.P.:

Why not? -- He member of a mational g interests of White dom Even if he is

not under oath, they as are not under oath.

No, but are you nobedy would tell a Cou oath, that they receive about onth for testines

Well I'm puttin

that?

BY COURTS

In other words. that told me they never truth? -- I'm not sugge tion. I say these pampl May would never have les Presecuter or His Werent bouse, put through the energies at it dies relate Way not? Way w

should they when they kee set-up of White demination

mont-That is so.

1.9.5

Anyway, let's get di bustarelau I of .mel mag miedt evest et siges lice Station, as a methe Hen requires that people 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?

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

BY COURTS

Look, will you now please keep quiet until the Presecutor 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 earrying of reference books required by law?-- It was not a policy, it was a method of positive action in the program of African nationalisms

Yes, empty word. What was it to achieve? What were you setting out to ...? -- To achieve, amongst other things, the abeliahing 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 Prosecutors

P.P.

Well, Your Worship, I have the Mational Secretary -Wast/ ..

putting it in your own w

mational secretary for one of the official lan-

on the basis of that.

Would you like

the question?--- Why show

New I'll repeat

Matter n'I Tief

yeur organisation and d

ef... BY COURT:

Look, will you

Presecutor has complete

Perei told no they never

Was it the poli

in fact set out to do s

reference books at home

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you setting out to...?

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Way didn't you

you simply? may late

BY COURTS I WAS STO LAND

You did use ra

Prosecutori ... as a m

P.P.:

Well, Yeur Wen

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 sabetage your campaign? —That is so.

And did you r organisation realize that these irrespensible organisations which you've named, might sabetage
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 metorear carrying an African who was on his way to work in Sharpeville on the merning of the 21st of March. It must have been the A.N.C. or the Presstantit 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 Elet 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:

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

50/ ..

What are your educational Transvaal Teachers Certif Se your organisat

organisations, namely the

And did you rong
spensible organisations v
your nevement by being un
violence? — Tes, we did

And you still per ting leaflets indiscriming village?---We insisted,

people would heed our cal

who stened a metercar can way to work in Sharpevill March. It must have been could mover have been. or the Press or the polit

persons going to surrend would be responsible for or March? The P.A.C.?-

of the Pike.? The le

regard the position in defending himself again in in South Africa and in for the averthrew of Walneslyes, we are on the

Wally Year North

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. Leballe, 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 get 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 philasophy of Pan Africanism in a post reconstructed era.

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

All right, new 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 aberiginal native of Africa?---Yes.

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

111/..

The attack? ---Most dynamics actus the attack? ---Most dynamics P.P. NO FURTHER QUESTIONS RE-EXAMINED BY ACCUSED NOTE LEVELLE, conference without being not have been admitted.

vision Did - Ceuld anyb a member? --Yes.

BY COURTS

right?—Thet is so.

right?—Thet is so.

African'? —I have one d

Only one?—Yes.

You see, I seem t

me. The one seems to inc

things, comply with what

Indians. Peeple whese fe

Is that correct or net?—

Derect You've said "An

'dflike owns a Legion to a

'right?—That is in e

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Africaniem in a post

Mhliright, being, according to mative of Africa, i defectionshipheright

is South Using the wearwhat the what his the South Affi

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LEBALIO/

All right, we have it new. New, I have had a little bit of evidence of the printing of tickets tobe wern 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 semething in the hands of the N.W.C.? ——If they were the tickets written "Africa for the African", these are printed by the New.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,

New, what about the coloured man, can he be an African, according to you? The coloured man that we know historical in this country? --- According to our 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.

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

and what is the position of the Zulu/Indian them, a half ofbanes resulting from the union of a Zulu and an Indian?

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

If he is a coloured?-That is see

B/ ...

3314

All right, we have it no little bit of evidence of the point by people on their lapels. That - who did that and what we has for, or was that semething be for, or was that semething - If they were the tickets writhous are printed by the N.W.C. those are printed by the N.W.C. "Africa for the Africation of another ticket which amongs "Away with passes"?--Alse for

printed by the N.W.C.
They can of course havenly, or by any printing works
cases one place.

Which Printing Works d
that?-- It is a Printing Work
Some Printing Works in
New, what about the co
African, according to you? The
in this country?---According t

Although his father me but his father me but historically we have come coloured man is an Africane.

One, a coloured man is what is the difference which there are your fine pesition is that we coloureds:

and what is the posthalf ofbuned resulting from t \_\_\_\_\_If he is a coloured, he wi If he is a coloured? I den't think that is the pepular 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 dwon.
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 consermed, he is discharged.

### ACCUSED No. 39 COLDSURT:

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 Evaten 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 yet 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'l...

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/ ...

I den't think th coloured person in South the Seath African set-up at berueles

dern by people on their separations of the

P.P TO COURT:

Will Your Worship

egain?

EY COURT:

per od ten IIIw I concerned, he is discharge

PE ACCUSED No. 39 GALDOURT:

Your Wership, with Gabuse, I saw him this mer wend ask the Court to give interview with him before h De Villiers, I have gene to whereabeuts, I could note eretnisq a as tueds alevert

in this country? \_\_\_icording t the Court to give me anothe trace this witness at Evat lees to his house and when cellenge of Il's the journ se that you can h

and if you're calling h COURT ADJOURNS. COURT RESUMES:

ACCUSED No. 39 CALLS:

GILBERT GABUSE s.s.:

SESUTHU.

EXAMINED BY ACCUSED No. 39:

Mr. Gabuse, do you still thmember the 21st of March when the pelice 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 get up in the merning, I get up and found people walking about outside in the street. I then preceeded to the bus rank where the buses are in order to proeeed to work. I found many people at the bus rank. Amongst the erowd which was standing at the bus terminus or the bus rank, I then came across - I met some of my co-workers there. I them 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 food, 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 them asked me if I could not be in a

position/..

GILBERT GABUSE ....

EXAMINED BY ACCUSED No. 3

Coloured Mr. Gabuse, de ye March when the police fix

. recall that day.

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Court about your merement

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BY COURTE at are you not

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at that stage that I ca

No. 39. David them as

BRUKE SE HE WILL STORY

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

Yes, new you will have to go slowly. Proceed?---Accused No. 39 was in company of another person whom 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 ewning a metercar, 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 Evaten. We were them four, myself, accused No. 39, David, and the person who was accompanying David, as well as the driver of the vehicle. On arrival at Evaten, at a certain house where we stopped, David, accused No. 39, and the person who was originally in his company, them got intooshohe car and went into this house to see the person when accused No. 39 They took a very long time there. wanted to interview. I and the driver then teld 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 gotch them. We then returned. On our return we then found that the person whom David, accused No. 39, was waiting for, had not yet come. Phereafter I then fell asleep in the ear. I was only awakened by them when we were about to leave the area of Evaton. After we had left Evator, it is a few miles out to Evator, we then met a person who was my co-worker at the time, de Villiers. He is known by the name of 40 Villiers.

Yes, you met de Villiers, a co-werker. 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 ear stopped and de Villiers was then asked as/...

3317

pesition to obtain or get his him to Evaton as he had some Yes, now you will ha

Accused No. 39 was in compan regarded as his father. Fr est Ling the three of us. I then went a tract ratio knew to be owning a metercar discussion with the owner of t at que tag te seme agreement cencerning was then instructed to cenve We were them four, myself, person who was accompanying of the vehicle. On arrival where we stopped, David, acc was eriginally in his compan more division went into this house to see The wanted to interview. I and the driver then teld we're leaving to have our l stores or shops and that we return to fetch them. then found that the person waiting for, had not yet co asleep in the car. I was on about to leave the area of Evaten, it is a few miles person who was my co-werker is known by the name of de Yes, you met de Vi

then David, accused No. 39 order that we should ask dwas wreng. The car steppe

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. 398

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 Sharppville, 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 not 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 were 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 know 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. 1, 4, 8, and 38 NO QUESTIONS.

BY/ ..

as to where he came from
he had been told by his
there were no other word
then returned to Sharper

BY ACCUSED No. 39:

If you estimate
Sharpeville? --I can s
bantu pregram of the S.

On our arrival shot or not yet been she
already been shot, becauses

tewnship, we met ambular vehicles which were con De you still per

which I had on on this ponton on?---You had a blazer

BY COURT:

Just a moment,

BY ACCUSED No. 39:

Can you say whe celeur was it?---It was

blazer I was wearing the I was sitting in the basend teek off your blaze on the back seat there.

As far as you k man who can if possible without any good reason there, I've never known

self from work,

ACCUSED No. 39 NO FURTH

action on that we should be

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 them.

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

De you know accused No. 1?

BY COURT:

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

You've fften seen accused No. 1 in the lecation?-

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

P.P.

No. 2? -- I do not recollect this person.
No. 4?

BY COURT:

Just a mement, we are new getting mixed up. If these men den't stand up, then the witness deesn't knew. Will No. 2 stand up firstly. That is accused No. 2. De you knew him? —Accused No. 2 is a person when I have eften seen, perhaps here in town or some other place, but now 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

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

ARG/ ...

MR. UNTERHALTER NO QU

CROSS-EXAMINED BY P.P

Where were yet

year? --- I was employe

And de Villian

the same firm as well.

Do you know so

BY COURT: THE PART ATTEMPT

No. 1. stand u the leastion. You've seten se

.ergan roller neleta.easY\_

the legation. on an thin

No. 27 --- I do

No. 4? Change

BY COURTS

Just a mement, these men den't stand u Ne. 2 stand u p firstly knew him? ——Accused Neseen, perhaps here in twery often.

P.P. the back shar ther

No. 4 accused?--No. 87 --- Accusected the location
Security in the location
Wath, Ald you stated weeking at Africal what is the theresees the constant of the stated an operator

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

Just let them stand up? --- Accused Nes. 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?

Me. 39, stand up please?---Yes, I knew him very well, accused Ne. 39.

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

P.P.1

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

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

Had you ever heads 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.

Se your estimations of the time are all approximate?

Yes, my first estimation of time, that is when so 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. 397 - In front of a section of schools, the Reman Cathelic, and the other schools.

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

and these people. No them at your work at African BY COURT:

Just let them stand I have seen them at my place

P.P

I take it you know place of work, African Cabl

BY COURT:

No. 39. stand up p

well, accused No. 39.

Was he from the sa

from the same place of emp tegether.

P.P.:

Were you a member Did you get a pan

deer, that you shouldn't

Had you ever head

21st of March, 1960? au baata

just conversing amongst

Did you know the off becaused. TELL YEAR

tion on this day, the 21 et at orde aquating .d

Did you have a

. Andre year 19607 --- No. I did not.

Se your estimat

--- Yes, my first estima

is because I's just con is the Lecati

bentu progress of the S.

In the gathery betrare 1 of a section of school out at tour had

schools, was an operat

That is in Se

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 whem 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 clesely 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. Moleti?--- 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 new?

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 teld 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 'Prisen' matter, BY COURT:

Evaton, what the certain reason was? --- No, he did not tell me.

P.P. :

Why did you go to Evaton? --- 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 get into the/..

What was he deing was walking acres

BY COURT:

He was walking ter

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P.P.:

Whe was this other elderly man whom I'd seen

And did Ne. 39 tel

-Ne, he did net tell me.

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He was just in a hurry.
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Meleti?--No, he did not to go and sec.

Did he tell you he he wanted assistance in constants. Statien? ---Which erewd n

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What did he tell in fact, whether I could

vehicle as he was going t BY COURT:

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P.P.

. 911

Why did you go to asked me if I could not a person who also wanted to the car.

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

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 Houtkop, it was then that we met him, in that area.

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

BY COURT:

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

P.P.:

No. 39 deesn'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,

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 get off, in that vicinity.

You got off before No. 39? --- Yes, I got 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/ ...

the car.

What did you want to just accompanying the owner ride.

BY COURT:

You were just account

jeyride?---Yes.

P.P.:

Did you ge anywhere

Evaten?---Ne.

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de Villiera? --- When we wer

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you drep No. 39 accused? -

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vicinity of the red brick

vicinity.

You got off before

because I saw my uncle and

person I'm net interested

No. 39?---Yes.

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 food, 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 Evaton, is that correct? -- Tes, I would say so.

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

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 centents were, perhaps, in his peckets. I did not search his peckets.

Are you trying to be facetious? I asked you what else he had on besides his blazer, not what was in his peckets? --- 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 REMEXAMINETION.

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

MR. UNTERHALTER NO QUESTIONS.

BY COURT:

Dien't accused No. 39, when you were weken 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 new, I've seen the man I wanted to see! or anything like that? --- No, he did not.

You/ ..

saw the man in Evaten whe he in a position to say.

taking our food, I immed was then awakened by the As far as you we going to see one man at

What else did Ne -- He did not have anythit the blaser.

I would say so.

It must have lected as sitting next to you he was wearing also a what celour the contents were, perhabearch his peckets.

Are you trying to also he had on besides he peckets? — He was not on said that he had on a where he are here.

ACCUSED No. 39 NO RESERVANCUSED No. 1. 4. 8. 38

MR. UNITERHALTER NO QUEST

Didn't accused in tell you whether or net visit to Evaton? --- I din the say it let's so now, I've seen

thing like that? --- No.

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BY COURT:

You didn't find it difficult to get held 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 know 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 er..?---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 Pelice Station that day? — I live right in front of the Pelice Station.

I walked past the Pelice 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/...

You didn't find it
vehicle to get to Evaten, d
on the yard premises there.
No. 39, to have a discussion
No. 39, to have to find trans

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there were no buses?---I h
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The usual number that time of the day, or which was walking there.

Yes, I know, but

Were there mere people number, or less, en an more than I had expecte pid you at any that day? -- I live rid

that day? --- I live ris I walked past the Polic And what did ye

there.

Weren't you in

walked away to attend to my own affairs.

Bu didn't want anything to do with the demonstration then? ——I was not a number, I was not interested in the demonstration.

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

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 read that goes near Sharpeville.

You went from Sharpeville, you didn't come into Verceniging,
you went straight on from there?—Yes, just from there, we
came out and then proceeded direct on the main read.

Did you meet any pelice vehicles on the read, 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 ear, we crossed one another in full speed. I did not see -- but there were people in the troop carriers.

No well, if these vehicles went via van der Bijl
Park, Mr. Presecutor, they may have missed the greater part
of this read?
P.P.: Yes.

BY COURTS

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 knew where he is?---No. Thank you, you can stand down. walked away to attend to s fasw t'abib ud tien then? --- I was neit

the demonstration.

Which way did you That is the main read pro .bser nism berrat

There are twe.

belsw the Court reem, an way, Nerthwards? --- We f ene running frem the Ceu

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You went from Sharpevill you went straight on fre came out and then proceed

Did you meet an

Saracena, the armeured cars?---We enly came ac

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Park, Mr. Presecutor,

of this road?

THUOD YE

I well as well, to help work teday? Or ds he mere in the empley of services

You den't kne then then you, yo BY COURT TO ACCUSED No. 39:

Accused No. 39, what is the next thing you want to de? --- I'm making a request to the Court to give me a chance ever 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 Evaten to look for de Villiers.

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

Very well, you can stand down.

BY COURT:

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

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

ACCUSED No. 1:

I de net elect te give evidence, ner de I wish te make an unswern statement. I elect to be quiet, nothing to say. BY COURTS

Anyway, no evidence, and no unswern statement?--Yes, BY COURT :

Accused No. 4, the first point is whether you wish te give evidence er net.

ACCUSED No. 4:

I de net wish to give evidence, ner to make an unswern statement. I elect to say nething 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 te make an unswern statement er I den't want to make an unswern statement". Is it clear to you? --- Yes, I understand.

I/..

• OUT TO ACCUSED NO.

Accused No. 39. M

de? - I'm making a requentance over the weekend.

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Te he suppessed to

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Very well, you e

BY COURT:

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ACCUSED No. 1:

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ACCUSED No. 4:

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BY COURT TO INTERPRETER

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unswern statement". Is

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 unswern statement from where I stand.

BY COURT

You wish to make an unsworn statement?

15/ ...

T elect to be quiet and ha

BY COURT:

Accused No. 8?

ACCUSED No. 8:

I have nothing

That means you

you do not wish to make a

ACCUSED No. 8:

I do not elect

BY COURT:

Accused No. 389

ACCUSED No. 38:

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Accused No. 39

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ACCUSED No. 39:

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BY COURT:

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BY ACCUSED NO. 38:

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BY COURT

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BY ACCUSED No. 39:

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

BY COURT:

Anyway, you can change your mind if you with te. Wait a minute, after you've heard the evidence of de Villiers?-Yes, I wish to make the unswern 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 t 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 Vaderland 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 somebody having persons some part of the Exhibit which contained a photogrpah, 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 documetn had been handed to me in a certain state.

MR/..

#### BY ACCUSED No. 39:

An unsworn state statestatement after my witnessevidence, not now.

BY COURT:

Anyway, you car

to. Wait a minute, afte de Villiers?--Yes, I wi ment after I'd heard my Just go back

BY COURT TO MR. UNTERNA

further evidence or no

The one -Your Worship The one -Your Worship while ago for the word its translation, and I me this afternoon, and Worship had also, I seland translation, or land translation, or 63's evidence at the I m also waiting for the

I expressed some part of the Exhiling Exhiling the Exhibit 63 - it may he report of the eyidenct to the Judicial committee the Judicial committee out after the parties a certain state.

co deto nex

BY COURT:

## 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 parden, I see new what you mean. I haven't had placed before me anything from Die Vederland..

MR. UNTERHALTER:

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 repreach 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 new Friday afterneen, 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 Menday merning next, that is the 15th of May, at 9.30 a.m., and to extend the bail until them. Accused Ne. 39 can then, in 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 unswern statement.

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

given/

MR. UNTERHALTER:

Yes, and an a for what was dene, butthat was the publicat

BY COURT:

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Oh, I beg yeu haven't had placed be MR. UNTERHALTER:

From Die Vade place befere the Cour cated, in regard to t censent, and I prepes paper, about May 10th the prepesal was to b criginal, with the tendanded in. Se far I'm to arrive befere luseme delay. Apart fre evidence en behalf ef

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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 uncentradicted evidence given against him. They can, if they wish to, even at this stage, change their minds. New please, I'm not trying to influence you to change your minds. I'm just, in view of the fact that there is new 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 Menday, the 15th of May, I hope the evidence on the evidential part of these preceedings, 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 earry 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.

MR. UNTERHALTER:

DEFENDOA TE

Yes, and an a fer what was dene, bu that was the publicet BY COURT:

Oh, I beg yeu haven't had placed be MR. UNTERHALTER:

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