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ON RESUMING 15. 5. 1961.

APPEARANCES AS BEFORE:

BY COURT:

Now accused No. 39, we will deal with the question of your still wanting to call a witness. What is the position please?

ACCUSED No. 39:

The position is this that on Saturday I went to Evaten to search for my witness. I first went to the house of a chap who was supposed to take me to where the witness is supposed to be living. I did not find Gerry, so I thought then that I'd better leave the matter there.

BY COURT: TO ACCUSED No. 39:

Is the witness the de Villiers who was mentioned by the last witness?— Is that the person you wanted to call? --Yes.

You wanted to call de Villiers on anything outside of what the last witness spoke of, or about the meeting that the last witness told of, with this de Villiers, I think on your way back from Evaten? ---I wanted to call this witness de Villiers concerning the point when we met him there, when we left Evaten on our way back.

Not about what may have happened early that morning before you left Sharpeville?---No.

Now, in all the circumstances, do you want to still call de Villiers, or what do you want to do? ---I do not wish to call this witness de Villiers any more.

It may assist you if I get the Prosecutor's attitude about your alleged meeting with de Villiers.

P.P.:

I have already spoken to the accused about his witness de Villiers, we had an off the record discussion about/..

about this witness.

BY COURT: TO P.P.:

No, but insofar as the Crown is concerned, is it strenuously denying that the accused ever met de Villiers, that is about the time the witness Gilbert spoke about, or not?

P.P.:

No.

BY COURT: TO ACCUSED No. 39L

In other words, the Prosecutor virtually agrees that you did meet Gilbert at about the time - did meet de Villiers at about the time Gilbert spoke about, so perhaps you will feel better about your unfortunate position of not being able to find him, is that right?—Yes.

Now you yourself said something about wishing to make a statement. As you know the choice before you is as to whether you wish to give evidence on oath, or whether you wish to make an unsworn statement. What would you like to do? — I want to make an unsworn statement from where I stand.

Through the interpreter, or directly? —Direct to the Court.

Direct in English?—Yes.

DAVID RAMODIBE (Unsworn) states:

BY COURT:

Just to have the record proper, you are accused No. 39, David Ramodibe? —Yes.

And you wish to make an unsworn statement. You may make that statement now. Just speak slowly and clearly so that we make sure that it is recorded on the recording machine. Come a little nearer, I would like to hear you. Come and stand here, you're standing a little bit far away. All right, David?

BY/..

BY ACCUSED No. 39:

I still remember quite clear that on the 21st of March, in the morning, I felt very sick, so I woke up in the morning. When I was waking up by the noise of the people...

BY COURT:

Just a moment, just go a bit low. You woke up in the morning? --- When I woke up, I was waken up by the noise of the people in Secise and in the adjacent street. So I went outside because I knew that it may be connected with the demonstrations on that day. So that when I get to Secise Street, I found a lot of people making noise.

You say a lot of people making noise?---Noise, yes. I felt it was my responsibility to stop them from making so much noise. Well, I felt that it was a common thing that wherever a group of people is together, there should be noise, but I tried to quell the noise, but failed. It was because I was sick and I became discouraged very quickly, so I decided to go to Evaten.

I didn't hear that?---So I decided to go to Evaten to meet a certain Mr. Melife, but I did not know his place very well, but with the help of a certain man called "Fatey" - I used to call him "Fatey", he said that he also stays at Evaten, he said that he could shew me to Melife's place, if only we could get transport. So I went up towards the vicinity of the schools. I did not know exactly where to get a car from, because there was no other transportation. But fortunately, just when I was about to pass the schools, just when I was about to enter a place named "Reeisteen", I met Gilbert Gabuse, and I told him about my difficulty of getting transport. He said he knew where I could get a car from. It was at a corner, just when you enter "Reeisteen", on the

right/..

about this witness
BY COURT: TO ACCUSE
He, but in
strenuously deny
that is about the
or next
F.F.F.
No.
BY COURT: TO ACCUSE
In other words
you did meet Gilbert
at about the time
feel better about
able to find him
New York was
make a statement. As
whether you wish to
what to make a statement
I want to make
stand
through the
Court.
Direct in Ex
DAVID RAMADIBE (UN)
BY COURT: YE
Just to have
David Ramadibe?
And you wish
make that statement
that we make sure the
Come a little
Come and stand here
All right, David?

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I didn't hear that?---So I decided to go to Evaten to meet a certain Mr. Melife, but I did not know his place very well, but with the help of a certain man called "Fatey" - I used to call him "Fatey", he said that he also stays at Evaten, he said that he could shew me to Melife's place, if only we could get transport. So I went up towards the vicinity of the schools. I did not know exactly where to get a car from, because there was no other transportation. But fortunately, just when I was about to pass the schools, just when I was about to enter a place named "Reeisteen", I met Gilbert Gabuse, and I told him about my difficulty of getting transport. He said he knew where I could get a car from. It was at a corner, just when you enter "Reeisteen", on the right/..

right hand side when you go up like that. When I got there I spoke to the owner of the car, and he sympathized with me and he said he could allow me a young man to drive to Evaten. After we reached our agreement, Gilbert accompanied us to Evaten. We had no difficulty at all in moving out of the location, although of course there were certain groups of people who were still in Secise Street. We decided to take a turn into the adjacent street, just when you pass the former Anglican School, we took a turn there, and then we joined a certain street which, if I'm not mistaken, is called Sebusa Street. We went right down until we joined Secise Street at the other end, and then we moved straight to Evaten. We took the Beaconsfield way to Evaten, just where it change to Beaconsfield Road. If I do remember, we must have met certain vehicles conveying police or soldiers, I did not see, sort of tresp carriers. Feeling very hot, I took my blazer and handed it over to Gabuse, because he was sitting at the back, and to make place for it at the back, because at this stage I felt that things were a bit heavy on me. So we went straight to Evaten until we reached Melife's place. When we get there the driver and Gilbert remained in the car, so that 'Fatey' took me to the house.

BY COURT:

Melife's place?—M O L L E T T E.

Oh, Melette. All right? — Unfortunately Mr. Melette was not there, but he had two patients, so we waited for him but he still did not come. At this stage the car had moved away and I felt that well, we should leave now, it was just about time to leave now. I told 'Fatey'. 'Fatey' said "I'll try to consult by finding him somewhere in the location". When he came back, whether he met Melette or not, I don't know, but he actually told me that Melette said that he had no business to be there. Later on - in fact, we stayed

for/..

right hand side when you go
to the owner of the
and he said he could allow
After we reached our
to us to Evident. We had
of the location, although
of people who were at
take a turn into the side
the former Anglican School
we joined a certain street
called Sibus Street. We
at the other
to Evident. We took the
where it change to Bencalla
must have met certain
I did not see, see ten feet
took my bicycle and handed
sitting at the back, and
because at this stage I
se. So we went straight
place. When we got there
the car, as that 'later'
BY COURT:

for a while there and later on the car came back, but still
we waited for a while. When we eventually decided to leave
for Sharpeville because it was now getting late, we went
to the car where in the first place I woke up Gabuse and
told the driver to sheet straightaway. If I remember
well, they asked us whether we are hungry or not, so that
they could take us to the sheps. I said that there was no
more time because they must have get some feed, but we
wasted no time, we shot straightaway. There is a certain
place just before you pass Heutkep, and that is where I
met a certain de Villiers. I only knew him by the name of
de Villiers. He is wellknown as a man who worked at the
First Aid Department, he is wellknown to the people there.
Well of course, he doesn't know most of the people. He
answered the host by stepping, because I told the driver
to stop him. I again told him to come on this other side
because he was approaching us from this end, then he came
this side and then came not to the window where I was
actually next to. He was on a bicycle. I asked him what
is wrong, because he seemed to be somewhere from town, and
then he told me that he was from work and then he was told
to go back home because there were few people at work and
as a result of that the amount of electricity which would
be used that day, would not pay. In fact, the people them-
selves would not make up the amount of money to pay for the
electricity, so they had better go home. He actually told
me that people arrived in groups of 2, 3 and so on. Without
wasting much time, we went straight to Sharpeville, but
just when we were about to get out of Pubsac Setonic, that
is where we met the ambulances and some certain other
vehicles, and then I remarked and said that people must have
been shot or some sort of accident must have happened. Gilbert
seemed to be a bit confused and he ordered the driver to
stop/..

step immediately. He got out and started saying "Ema, Ema" - "Step, Step". I thought of course he was shouting to somebody. I also wanted to get out but I had to report to the owner of the car that we had arrived safely that side, but I did not see the owner of the car, so eventually I went home. That is all.

BY COURT:

Just a moment. I'm going to put to you one question which you need not answer if you don't want to, but I think that it is in the interest of justice to have your version on this one point. If you choose not to answer the question, then your choice not to will not, and cannot, count against you. The question is very simply this. Were you in amongst the crowd at the Police Station that day, or not, at any time? At the Sharpeville Police Station? ---Not at all.

Very well, you can go back.

BY COURT TO MR. UNTERHALTER:

Mr. Unterhalter, there were some matters which you were going to bring forward. What is the position?

MR. UNTERHALTER:

Your Worship, with the consent of my learned friend, I beg to hand in a photostatic copy of the front page of Die Vaderland of the 13th of May, 1960, and of course this is tendered only as proof of the fact that there was publicity in regard to witness No. 63 having appeared before the commission. Exhibit 123, I think it would be.

P.P.:

That is correct, Your Worship, the Exhibit number and the position as stated by my learned friend.

BY COURT:

You are referring to the photograph in the top, right hand/...

hand corner?

MR. UNTERHALTER:

That is so. There is also a report...

BY COURT:

I want to emphasize I'm interested in the photo only. If I read the rest of the stuff it may be just out of curiosity as to what the news of the day was, not anything to do with the case.

MR. UNTERHALTER:

It will disclose certain interesting exchanges between learned counsel...

BY COURT:

No, I do not propose to go into anything like that, Mr. Unterhalter.

And next after that, Mr. Unterhalter?

MR. UNTERHALTER:

Your Worship, I would have liked to place before the Court a typed copy of "Nkasi Sekelele", but unfortunately it hasn't been made available to me, and I ask the Court to excuse the handwriting, it is fairly legible, it is the Zulu words of Nkasi Sekelele, together with the English translation. Your Worship will notice that the first or the second line says "Let its horn be raised" and in brackets "Let its flag be hoisted", I understand that is...

BY COURT:

The Zulu idiom.

MR. UNTERHALTER:

The Zulu idiom. I seem to recollect that in some of the songs there is a reference to the horn being raised, so it may be that it is that idiom. There is no musical notation together with that, and I don't know whether Your Worship wishes to hear the song sang, but..

BY/...

BY COURT:

I don't think it is necessary. It will be very interesting, but I don't think it is necessary. This is Exhibit 124, Mr. Prosecutor?

P.P.:

That is correct.

MR. UNTERHALTER:

I now close the case for the defence.

BY COURT:

Yes, now the position, Mr. Unterhalter, is that you are closing the case of your clients.

Accused Nos. 1, 4, 8, 38 and 39.

Accused No. 1, do I understand the position correctly, do you close your case?

ACCUSED No. 1:

I close my case.

ACCUSED No. 4:

A also close my case.

ACCUSED No. 8:

I close my case.

ACCUSED NO. 38:

I close my case.

ACCUSED No. 39:

I close my case.

BY COURT:

The case for defence is now closed.

P.P. ASKS FOR REMAND TO PREPARE ARGUMENT.

MR. UNTERHALTER HAS NO OBJECTIONS.

ACCUSED Nos. 1, 4, 8, 38 and 39: HAVE NOTHING TO SAY.

BY/....

BY COURT:

I don't think it is necessary. It will be very interesting, but I don't think it is necessary. This is Exhibit 124, Mr. Prosecutor?

P.P.:

That is correct.

MR. UNTERHALTER:

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BY COURT:

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MR. UNTERHALTER HAS NO OBJECTIONS.

ACCUSED Nos. 1, 4, 8, 38 and 39: HAVE NOTHING TO SAY.

BY/....

BY COURT: TO INTERPRETER:

Explain please, Mr. Interpreter, to the undefended accused that they have closed their case, but that they will be afforded again an opportunity, a last one, of addressing to me any argument that they may wish to. In other words, they will get another opportunity of speech. The procedure will be that the Prosecutor will address his argument to me. I will then ask Mr. Unterhalter, on behalf of the defended accused, to address me, and then I will afford each of the five of you individually the opportunity to address argument to me. In the course of that argument you can give me your views as to whether a case has been made out or not, you can give me your views on the questions of credibility, reliability of the witnesses, and whether the evidence is sufficient or not, and all such matters. As you are undefended, I will allow you to say anything you wish, so keep that in mind and be ready next week. The hearing of the case is postponed until the 22nd of May, 1968, at 9:30 a.m.

REMANDED TO 22. 5. 1968

BY COURT:

Interesting, but
Mr. Unterhalter,
P.F.

That is
MR. UNTERHALTER:

I now
BY COURT:

Yes, now
are closing the
accused
accused
as you close
ACCUSED No. 1:

I close
ACCUSED No. 2:

A
ACCUSED No. 3:

I close
ACCUSED No. 4:

I close
ACCUSED No. 5:

I close
BY COURT:

The

P.F. ASKS TO

MR. UNTERHALTER:

ACCUSED No. 1: