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# ON RESUMING 15. 5. 1961. APPEARANCES AS BEFORE: BY COURT:

New 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 positions is this that on Saturday I went to
Evaten to search for my witness. I first wents 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 COURTS 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 en anything outside
of what the last witness speke of, or about the meeting that
the last witness teld of, with this de Villiers, I think en
your way back from Evaton? ——I wanted to call this witness
de Villiers concerning the point when we met him there, when
we left Evaton on our way back.

Not about what may have happened early that merning before you left Sharpsville?--No.

New, 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 Presecutor's attitude about your alleged meeting with de Villiers.

P.P.:

There already speken to the accused about his witness de Villiers, we had an off the record discussion about/...

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about this witness. BY COURT: TO P.P.:

No, but insefer as the Crewn is concerned, is it strenuously denying that the accused ever met de Villiers, that is about the time the witness Gilbert speke about, or not?

P.P.:

No.

BY COURT: TO ACCUSED No. 391

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

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

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

Direct in English?---Yes.

DAVID RAMODIBE (Unswern) states:
BY COURT:

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

And you wish to make an unswern 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/..

about this witness BY COUNTY TO P.P.

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BY COURT: TO ACCU

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# BY ACCUSED No. 39:

I still remember quite clear that on the 21st of March, in the merning, I felt very sick, se I weke up in the merning. When I was wellingup by the neise of the people ...

# BY COURT:

Just a mement, just go a bit lew. You weke up in the merning? --- When I weke up, I was weken up by the neise of the people in Secise and in the adjacent street. Se I went outside because I knew that it may be connected with the demonstrations on that day. So that when I get to Seeise Street, I found a let of people making noise.

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

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 show me to Melife's place, if only we could get transport. So I went up towards the vicanity 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 "Roodsteen". I met Gilbert Gabuse, and I teld 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 "Recisteen", on the

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P.P.:

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BI COUNT: TO ACCUM

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BY ACCUSED No. 39:

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BY COURT:

Just a memen the merning? --- When noise of the peeple I went outside becau the demonstrations o Street, I found a le L o yes neY a l I felt it was my re auch neise. Well. wherever a group of notes, but I trued because I was sick I decided to go to ed t'abth I to meet a certain l very wolly but with - I used to call h Evaten, he said th enly we could get vicinity of the so a car from becaus fortunately, just when I was about

Gilbert Gabuse, a

transport, He said

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right hand side when you go up like that. When I get 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 Evaton. After we reached our agreement, Gilbert accompanied us to Evaton. 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 fermer 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 Seeise Street at the other end, and then we moved straight to Evaten. We took the Beaconsfield way to Evaton, just where it change to Beacensfield Read. If I do remember, we must have met certain vehicles conveying police or soldiers, I did not see, sort of troop carriers. Feeling very het, I took my blaser and handed it ever 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. Se we went straight to Evaten until we reached Melife's place. When we get there the driver and Gilbert remained in the ear, so that 'Fatey' took me to the house. BY COURT:

Melefe's place?-MOLLETE.

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 ear had moved away and I felt that well, we should leave non it was just about time to leave now. I told 'Patey'. 'Patey' said "I'll try to consult by finding him somewhere in the location".

When he came back, whether he met Melette er not, I den't know, but he actually told me that Melette said that he had no business to be there. Inter on — in fact, we stayed

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the band side when you go up speke to the owner of the c end he said he could allew veten. After we reached our bad ow .netsya of au baine ut of the lecation, although goups of peeple whe were sti to take a turn into the adjac mes the former Anglienn Sch we joined a certain str is called Sebusa Street. We seems Street at the other o to Evaten. We teek the Peace where it change to Beaceneft sust have met certain vehicl I did not see, sert of trees took my blazer and handed i sitting at the back, and te because at this stage I fel se. Se we went straight to place. When we get there th the car, se that 'Patey' t BY COURT:

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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 new getting late, we went to the ear where in the first place I woke up Gabuse and teld 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 food, but we wasted no time, we shot straightaway. There is a certain place just before you pass Houtkop, and that is where I met a certain de Villiers. I only know 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 heet by stepping, because I teld the driver to stop him. I again told him to come on this other side because he was appreaching us from this end, then he came this side and then came not to the window where I was actually next to. He was en a bicycle. I asked him what is wrong, because he seemed to be semewhere from town, and then he teld me that he was from work and then he was teld 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 themselves 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 Pulsas Setonie, that where we not the ambulances and some cortain other vehicles, and then I remarked and said that people must have been shet or some sort of accident must have happened, Gilber seemed to be a bit denfused and he ordered the driver to stop/a.

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for a while ther we waited for a for Sharpeville te the car where teld the driver well, they aske they could take mere time becau wanted no time. place just befe met a certain d de Villiers. First Aid Depar actnes to leon answered the h te step him. because he was this side and actually next is wrong, becan then he teld s to go back hom as a result of be used that selves would electricity. me that people wasting much just when we as where we vehicles, an been shet er

seemed to be

"Step, Step". I thought of course he was shouting to semebody. I also wanted to get out but I had to report to the ewner of the car that we had arrived safely that side, but I did not see the owner of the care, so eventually I went home. That is all.

Just a mement. I'm geing 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:

BY COURT:

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

MR. UNTERHALTER:

Your Wership, 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 thephotograph in the top, right hand/...

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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 Mkosi Sekelele, together with the English translation.
Your Worship will notice that the first or the second line
says "Lot its horn be raised" and in brackets "Let its flag
be heisted", I understand that is...
BY COURT:

The Zulu idion.

#### MR. UNTERHALTER:

The Zulu idion. 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 idion. There is no musical notation together with that, and I don't know whether Your Worship wishes to hear the song sang, but..

BY/ ...

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BY COURTS

I don't think it is necessary. It willbe very interesting, but I den't think it is necessary. This is Exhibit 124, Mr. Presecutor?

P.P.:

That is correct.

MR. UNTERHALTER:

I now close the case for the defence,

BY COURTS

Yes, new the pesition, Mr. Unterhalter, is that you are closing the case of your clients.

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

Accused No. 1, do I understand the position correctly,

de you close your case?

ACCUSED No. 1:

I close my case.

ACCUSED No. 41

A also close my ease.

ACCUSED No. 8:

I close nyease.

ACCUSED NO. 38:

I close my case.

ACCUSED No. 39:

I close my case.

BY COURTS

The case for defence is new 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.

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BY COURTS

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ACCUSED No. 81

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ACCUSED NO. 38:

I close my ease.

ACCUSED No. 390

I close my case.

BY COURTS

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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.

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BY COURT:

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Exhibit 124, Mr.

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MR. UNTERHALTES:

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BY COURT!

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P.P. ASKS PO MB. UNTERMAL ACQUESD NOS BY COURTS TO INTERPRETERS

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 precedure will be that the Presecutor 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 us to whether a case has been made out or note 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 may anything you wish, so keep that in mind and be ready next week. The hearing of the case is postponed until the 22ml of May, 1960, at 9830 a.m.

REMANDED TO 22. 5. 1961