

AC
IN THE SUPREME COURT OF SOUTH AFRICA
(TRANSVAAL PROVINCIAL DIVISION)

CASE NUMBER: CC. 431/77.

PRETORIA,
17th FEBRUARY, 1978.

THE STATE VERSUS:

MOSIMA GABRIEL SEXWALE AND
ELEVEN OTHERS.

VOLUME 34

(Pages 1576 - 1622)

HEARING OF 17TH FEBRUARY, 1978, CONTINUES.

MR. VAN PITTIUS: My Lord, then the admissions again of another witness's evidence, a witness who gave evidence at the previous hearing, and it is admitted that the evidence of this witness is correct and true and can be read into the record.

BY THE COURT: Then the interpreter must interpret to the accused.

MR. KUNY: My Lord, I don't think it is really necessary. This evidence was given in the presence of the accused on the (10) last occasion, although it is in Afrikaans I think it will go much more quickly if we simply read it in, and we can always explain to them later.

BY THE COURT: Such an application is granted.

MR. VAN PITTIUS: My Lord, apart from the fact that it is consented that it is correct and true, it is also consented that it can be read into the record of this case as being evidence before this court. U Edele, dan lees ek:

- - - - -

"DEON GREYLING v.o.e.

(20)

ONDERVRAGING DEUR MNR. GEY VAN PITTIUS: U is 'n luitenant in die Suid-Afrikaanse Polisie verbonde aan die Veiligheidstak gestasioneer te John Vorster Plein, Johannesburg? --- Dit is korrek.

Kan u maar voortgaan, wat is u pligte? --- Ek is 'n springstof deskundige. Ek het opleiding ontvang in bomopruiming en skadeloosstelling asook springstowwe. Ek het meer dan drie jaar ondervinding van springstowwe en geprakseerde toestelle. Gedurende hierdie tydperk het ek ook ondersoek ingestel na sake van terroriste insypeling en skadeloosstelling (30) van bomme.

Op 31 Desember 1976 om 3.15 nm. kan u onthou waarnatoe u toe gegaan het? --- 3.15 die oggend?

O, is dit voormiddag? --- Was ek deel van 'n deursoekings-span en was ons te 124, 7de Laan, Alexandra dorpsgebied.

Waar is dit, Alexandra? --- Johannesburg.

Ja? --- Ek het in die agterplaas 'n sinkkamertjie gevind waarin steenkool was. Die kamertjie was aan die suidekant van die erf ongeveer 7 meter van die agterdeur van die huis af. Ek het hierdie steenkool met behulp van 'n graaf weggeskuif en 'n sinkplaat daaronder gevind. Ek het die sinkplaat(10) verwyder en 'n plank daaronder gevind en dit ook verwyder. Ek het toe 'n gat in die grond gevind, die gat was mooi omring met 'n sinkplaat wat binne in die gat gedruk was. Aan die wande van die gat was 'n sinkplaat gebuig en daarin het ek 'n plastiese emmer, dit is Bewysstuk 26, gevind." - My Lord, I show the court Exhibit 26.

DEUR DIE HOF: Dit is 'n gewone blou plastiese emmer met 'n wit deksel, Bewysstuk 26.

MNR. VAN PITTIUS: Lees voort: "'n Blou plastiese emmer? --- 'n Blou plastiese emmer. (20)

Was die emmer oop of toe? --- Die emmer het 'n wit deksel gehad wat toe was soos die deksel wat daarby is. Ek het die deksel verwyder en 'n aantal blikke daar gevind binne in.

Voor u verder gaan, ek wil net aan u toon Bewysstuk 64, foto Bewysstuk 5. Sal u daarna kyk. Herken u die omgewing daar wat aangetoon word op die foto?" - I show the exhibit to the court My Lord. Photo no.5.

Antwoord: "Dit is die gat, die sinkplate - met die wat ons die gat oopgegrawe het het ons die sinkplate nou 'n bietjie na die kant toe oopgedruk en stene en goed weggestoot.

Foto, Bewysstuk 6? Foto 6, Bewysstuk 64. (30)

Herken u /...

Herken u daardie miskien? --- Dit is dieselfde gat.

Dan foto 7, is dit iets anders of herken u dit? --- Ja.

Nou kan u net meld wat het u toe in die emmer gekry? ---
Ek het 'n groot aantal bewysstukke daar gekry waarvan ek 'n
lys op die oomblik hier voor my het. As dit moontlik is
sal ek graag van die lys wil gebruik maak?

Dan kan u dit maar uitlees asseblief. Dit is getik,
hy kan dit moontlik net inhandig ook, maar daar is sekere as-
pekte wat hy net sou wou nader toelig deur middel van sy
getuigenis. (10)

Deur die Hof: Ja, maar ek wil weet wat is dit?

Mnr. Gey van Pittius: Ja, ek dink hy moet dit uitlees en dan
miskien net aantoon waar hy wil aantoon spesifiek ten opsigte
van die bewysstukke voor die hof. Kan u dan net uitlees en
waar u spesifiek wil verwys na spesifieke bewysstukke met
die bewysstukke self, kan u dan net toelig op die bewysstukke
self. --- Ja, die eerste ding was 'n Ricoffy blik bevattende
ses blokkies TNT van 200 gram elk.

Nou kan u net sê die blik, was dit toe? --- Dit was toe
met 'n deksel. (20)

Was die deksel net toegedruk? --- Hy was net toegedruk.

En binne in sê u was die TNT? --- Ja.

Ja? --- Een blik sonder 'n etiket bevattende drie 200 gram
blokkies TNT.

Was die blik toe? --- Die deksel van hierdie blik was so
oorgedruk.

Ek sien soos u dit afgehaal het is daar die rantjies gesny?
--- Die rantjies is gesny." -

My Lord, at this stage I can just tell the court that those ...
(Hof kom tussenbei).

DEUR DIE HOF: Laat ek net 'n bietjie kyk na daardie - nie (30)
die/...

die Ricoffy een, ja, hierdie een.

MR. VAN PITTIUS: The tins that I show to Your Lordship now are the tins that he referred to. They were all part of - they were all in Exhibit 26 and form part of ... (tussenbei)?

DEUR DIE HOF: Hierdie een wat nou hier is, hierdie blik, hy is nou afgesny, en dan bo op is kepies ingesny om hom nouer te maak en dan pas daardie een deel soos 'n deksel op die ander deel?

MNR. VAN PITTIUS: Dit is waarvan die getuie gepraat het, ja. My Lord, those are all tins that were in Exhibit 26. (10)

BY THE COURT: No, I follow that. Hoeveel van hulle was daar, van die blikke?

MNR. VAN PITTIUS: Kan u net tel asseblief kolonel. U Edele, daar is ... (Hof kom tussenbei).

DEUR DIE HOF: Hierdie een het watter in.

MNR. VAN PITTIUS: Ja, U Edele, ek kan net meld daar is agt min of meer wat in daardie blik nou is, in die Bewysstuk 26, maar daar is nog die ander wat uitgehaal was vir ander doeleindes; waarvan ons later ... (tussenbei).

DEUR DIE HOF: In elk geval, daar was ongeveer agt blikke? (20)

MNR. VAN PITTIUS: Daar was ongeveer tien in die geheel. Nou dan gaan hy verder ... (tussenbei).

DEUR DIE HOF: Net 'n oomblik, laat ek dit reg verstaan, was daar iets wat in hierdie blikke was of was hulle leë blikke?

MNR. VAN PITTIUS: Ek kan net verwys weer, hy het gesê die eerste was 'n Ricoffy blik bevattende ses blokkies TNT van 200 gram elk.

Mnr. Van Pittius lees voort: 'Nou kan u net sê was die blik toe? --- Dit was toe met 'n deksel.

Was die deksel net toegedruk? --- Hy was net toegedruk. (30)

En binne-in sê u was die TNT? --- Ja.

Ja? /...

Ja? — Een blik sonder 'n etiket bevattende drie 200 gram TNT". — Dit is een van daardie ander blikke.

"Was die blik toe? — Die deksel van hierdie blik was so oorgedruk" — As Your Lordship has also seen now.

"Ek sien soos u dit afgehaal het is daar die rantjies gesny? — Die rantjies is gesny.

Was dit so gesny? — Dit was so." — Dit was verwysend na die snyplekkies.

"Deur die Hof: Is dit 'n tuisgemaakte deksel? — Dit was blykbaar 'n ander blik se deksel. (10)

Mnr. Gey van Pittius: En was dit so los dat dit kon loskom of was dit verseël of wat was die posisie? — Hy was styf op maar 'n mens kon hom darem afkry.

Kan u voortgaan? — Dan een Vim blik bevattende plastiese springstof, die Vim blik is nie in die hof nie.

Wat het daarvan geword? — Al die plastiese springstof is aan Majoor Van Eeden oorhandig."

That is the witness whose evidence has already been read in, My Lord. Die getuie gaan verder:

"Verder een Cremora botteltjie bevattende springstof. (20) Die bewysstuk is ook nie voor die hof nie.

Is dit ook aan Majoor Van Eeden oorhandig? — Ook aan Majoor Van Eeden oorhandig. Een Robertson's Custard bottel bevattende plastiese springstof, ook nie voor die hof nie, ook aan Majoor Van Eeden oorhandig. Een Nestlé Kakao blik bevattende plastiese springstof, ook nie voor die hof nie, ook aan Majoor Van Eeden oorhandig.

Deur die Hof: Dit is die plastiese springstof? — Al die plastiese springstof, Een Koo Yellow Cling Peach blik, bevattende die volgende komponente van 'n fopmyn ..

'n Wat? — 'n Fopmyn. (30)

Mnr. Gey van Pittius/...

Mnr. Gay van Pittius: Wat 'n mens in Engels noem 'n "booby" trap? --- Drie 30 by 30 sentimeter geel vinielboek waarop 'n ANC wekroep in rooi geskryf is. Dit is Bewysstuk 28." - I show Exhibit 28 to the court again, My Lord.

DEUR DIE HOF: Laat ons net daarna kyk. Dit is Bewysstuk 28.

MNR. VAN PITTIUS: Ek kan net verder lees terwyl u dit in u hand het, U Edele, waar hy sê .. "Waarop 'n ANC wekroep in rooi geskryf is, dit is Bewysstuk 28, met een handgranaat ontstekingsmeganisme vasgeheg aan die agterkant van die vinielboek en een F-1 handgranaat. Die handgranaat is onskadelik (10) gestel wat hier voor die hof is, en dit is die boek wat binne in was."

DEUR DIE HOF: Dit is hierdie ding wat nou hier staan : "ANC calls you to take up arms".

MR. VAN PITTIUS: Yes, My Lord, that is what he calls "ANC wekroep". Dan vra ek die vraag:

"Die boks waarop die boek nou is? --- Nee, dit is maar net om vir die hof te wys hoe die ding sou gewerk het." - It was not like that when it was in the Yellow Cling Peach tin, My Lord. Die getuie gaan verder: (20)

"Majoor Van Eeden sal waarskynlik die tegniese getuienis lewer.

Goed, kan u voortgaan? --- Dan een Ricoffy blik bevattende die volgende komponente van 'n fopmyn: Ek wil net uitwys dat Bewysstuk 67 is die blik." -

I show the court Exhibit 67, My Lord. That was the tin that he was showing to the court, Exhibit 67.

"'n Gedeelte van Bewysstuk 67? --- Dit is omdat dit alles" - daardie blik U Edele, en ander blikke wat alles deel vorm van Bewysstuk 67, dit is twee blikke wat deel vorm van (30) Bewysstuk 67. In die kartondoos daar.

DEUR DIE HOF: Ja nee, ek sien die blikke.

MNR. VAN PITTIUS: Dit is net daarin gesit vir gerieflikheids-
halwe, daarom is die vraag :

"'n Gedeelte van Bewysstuk 67? --- Ja, dit is gedeelte.
Dit is die blik hierdie, dit is die eerste blik.

Deur die Hof: Is dit die blik wat die deksel gehad het? ---Ja.

Is dit dieselfde een? --- Dit is die dieselfde een waar
die fopmyn meganisme in was." -

Dit is daardie blik, U Edele.

"Mnr. Gey van Pittius: Die blik waar die fopmeganisme wat u (10)
nou net gemeld het in was? --- Wat ek nou net gemeld het.

Met ander woorde is dit die Koo Yellow Cling Peach blik?
--- Dit is korrek.

Ek wil net meld vir die hof se inligting daardie getuie-
nis sal ook later gelei word ten opsigte van daardie Bewys-
stuk 67. Kan u voortgaan dan met die een Ricoffy blik? --- Dan
een Ricoffy blik bevattende die komponente van 'n fopmyn,
30 by 30 sentimeter geel vinieldoek waarop 'n ANC wekroep in
rooi geskryf is, een handgranaat ontstekingsmeganisme vasge-
heg aan die agterkant van die vinieldoek, een RG-42 handgranaat (20)
dit is Bewysstuk 29." -

I show Exhibit 29 to the court, My Lord.

DEUR DIE HOF: Hierdie Bewysstuk 29 met die ANC ding op, is
dit nie dieselfde een as wat ons nou net gesien het nie?

MNR. VAN PITTIUS: Nee, dit is twee, die ander een is Bewysstuk
28, ek wys hom nou aan die hof. Dan is die ander een Bewysstuk
29, daar was twee sulke ... (tussenbei).

DEUR DIE HOF: Die twee lyk op die oog af ... (tussenbei).

MNR. VAN PITTIUS: Hulle is soortgelyk, U Edele.

DEUR DIE HOF: Dit is dieselfde geel agtergrond, en die verf(30)
daarop is dieselfde, die bewoording lyk vir my is ook dieselfde.

MNR. VAN PITTIUS:/.

MNR. VAN PITTIUS: Dit is soortgelyk, daar was ander handgranate wat daarin gekry is. Hulle lyk vir my identies.

DEUR DIE HOF: 29 en 28. Daardie geel goed lyk dieselfde, dit is net die twee handgranate of wat dit ookal is wat agter lyk verskillend.

MNR. VAN PITTIUS: U Edele, die hof verstaan dat die getuie het getuig dit is net so vasgesit gewees vir die hof se gemak. Maar dit was elkeen in 'n blik gewees, en die dele is uitgehaal. Die een is van Bewysstuk 67 wat hy reeds van gepraat het, en dan gaan die getuie verder: (10)

"Dit is Bewysstuk 29, dit is die bewysstukke voor die hof, en die blik is Bewysstuk 68." -

I just want to show it to the court, that is Exhibit 68. Dan vraag: "Daar sal ook later getuienis ten opsigte van daardie bewysstuk gelewer word. --- Dan het ek verder in die plastiek-emmer gevind een Ceramin Yellow Cling Peach blik bevattende 'n RG-42 handgranaat met los ontstekingsmeganisme.

Is dit hierdie blik? --- Ja, die deksel trek ook netso af soos die ander." -

I show it to the court, My Lord. While Your Lordship has (20) that tin there I can just read out what he said about it.

"Is die rantjies ook gesny of nie? --- Hy is ook gesny daarso."

DEUR DIE HOF: Ja, ek sien hoe is hy gesny, maar die deel hierbo is nie oop nie. Mnr. Gey van Pittius, jy sien daardie deel, die sagte deel van die blik is nie oopgesny nie, hy is so lams die kent omgesny, met hierdie gleufie affêre daaraan. Nee, ek verstaan.

MNR. VAN PITTIUS: Dan gaan ek verder: "Wat het van die handgranaat geword? --- Die handgranaat en ontstekingsmeganisme is (30) aan Majoor Van Eeden oorhandig. Dan een Ceramin Taaipit

Perskeblik bevattende 'n RG-42 handgranaat sonder ontstekingsmeganisme. Dit is die blik die." -

I show it to the court, My Lord.

"Dan een blik sonder etiket bevattende 'n RG-42 handgranaat sonder 'n ontstekingsmeganisme.

Die vorige handgranaat en ontstekingsmeganisme het u dit ook oorhandig aan Majoor van Eeden? --- Al die handgranate is aan Majoor van Eeden oorhandig.

Kan u voortgaan? --- Twee Berec en een National Hi-Top 9-volt batterye, Bewysstuk 30" -

(10)

I show it to the court, My Lord.

"Het u dit los in die emmer gekry of wat was die posisie? --- Dit was los in die emmer gewees. Dan een Rothmans King-size 20 sigaretdosie bevattende drie gewone koper springdoppies en drie gewone aluminium springdoppies. Die springdoppies is ook aan Majoor Van Eeden oorhandig.

Ek toon aan u Bewysstuk 31." -

I show it to the court, My Lord.

Anntword: "Dit is die sigaretdosie sonder die doppies."

"Dan toon ek ook aan u Bewysstuk 64, foto no.10. Dit (20) is 'n Rothmans Kingsize sigaretdosie op. Weet u miskien waar dit vandaan kom? --- Dit is die dosie en net so skuins onderkant sal u sien die springdoppies wat ons daar gekry het." - My Lord, he was referring to the Rothmans box there and then the - wat is springdoppies?

DEUR DIE HOP: Ja, gister het ons na daardie selfde een gekyk in die vergrote vorm.

MNR. VAN PITTIUS: Ja. Dan : "Kan u voortgaan? --- Vier elektriese springdoppies, koper elektriese springdoppies. Aan drie van hierdie springdoppies was tuisgemaakte drukskake-(30) laars geheg. Die drukskakelaars, Bewysstuk 32." -

I show/...

I show the court Exhibit 32.

"En die springdoppies? — Die springdoppies is aan Majoor Van Eeden oorhandig.

Kan u voortgaan? — Dan drie lengtes swart veiligheidslont, die eerste een was 398 sentimeter, die tweede een 196 sentimeter en die derde een 242 sentimeter. Hierdie veiligheidslont was ook aan Majoor Van Eeden oorhandig. Dan een blik wat ek nie oopgemaak het nie, dit is Bewysstuk 27." — I show Exhibit 27 to the court, My Lord.

"Die blik het ek ook aan Majoor Van Eeden oorhandig wat (10) hy later oopgemaak het.

U weet nie wat daar binne was nie? — Daar was patrone, watse patrone weet ek nie.

Maar u weet nie self toe u dit gesien het nie? — Toe ek dit gesien het nie.

Hoekom het u dit nie oopgemaak nie? — Op daardie stadium het ek nie oor die gereedskap beskik om hom oop te maak nie, en as gevolg van die gewig het ek ook gevoel dat ek nie op daardie stadium sou waag om hom oop te maak nie aangesien ek nie geweet het wat daarin is nie. (20)

Dan kan u voortgaan? — Op dieselfde dag het ek 'n F-1 handgranaat ontvang van Majoor Burger. Hierdie handgranaat was binne in 'n geroeste blik, dit is Bewysstuk 34." — I show the exhibit, My Lord.

"En die handgranaat, wat het daarvan geword? — Ek het dit aan majoor Van Eeden oorhandig. Ek het ook van Majoor Burger een bruin papiersak met 33 bondels staanwol ontvang. Dit is ook aan Majoor Van Eeden oorhandig. Dit is Bewysstuk 35." I show the exhibit, My Lord.

"Kan u voortgaan? — Op 3.1.77 het ek van nou kolonel Booysen die volgende goedere ontvang. Ek wil net sê dat (30) al hierdie/...

al hierdie bewysstukke wat ek nou sal noem is op 4.1.77 aan Majoor Van Eeden oorhandig. Twee F-1 handgranate, een RG-42 handgranaat, twee ontstekingsmeganismes vir handgranate, En dan het ek gliserien ontvang, drie botteltjies 100 ml, vyf 50 ml. bottels, drie 20 ml. bottels, wat 'n totaal gee van 610 ml. gliserien. Dan kalium-permanganaat, twee maal 30 gram, vyf maal 12,5 gram, dit gee 'n totaal van 122,5 gram. Dan silwer nitraat een maal 25 gram en een maal 2 gram, en dan die totaal daarvan is 27 gram. Kalium-nitraat, een maal 50 gram, swawel twee maal 40 gram en een (10 maal 20 gram, die totaal gee vir my 100 gram. Plus die plastieksak met 3,5 kilogram en dan een plastiek botteltjie bevattende 102 plastiek kapsule. Al hierdie bewysstukke is Bewysstuk 33." -

I show the court Exhibit 33, My Lord.

"Wat het u met die artikels gedoen, die chemikalië en die handgranate? --- Al hierdie artikels was aan majoor Van Eeden oorhandig op die 4e. Op die 6e van die eerste maand het ek twee F-1 handgranate met ontstekers van Majoor Booysen ontvang wat ek ook aan Majoor Van Eeden oorhandig het op (20 dieselfde dag.

Met u ondervinding as deskundige, wat is u bevinding ten opsigte van die springstowwe, springdoppies en veiligheidslont wat u gekry het? Weet u waar dit vervaardig is? --- Al hierdie springstowwe behalwe die chemiese stowwe, die chemiese stowwe lyk of dit hier vervaardig kon gewees het, maar al die springstowwe insluitende die handgranate, die TNT, die plastiese springstof, die springdoppies, die veiligheidslont, is springstowwe wat nie in Suid-Afrika vervaardig word en gebruik word nie. (30

Dan wil ek u net Bewysstuk 64 toon. Dit is weer die

foto /...

foto album. U het reeds met foto 5 gehandel en ook no.6. Dan wil ek u net toon fotos no.8 en 10. Sal u net na daardie twee fotos kyk. 8 en 10 kan u die hof meedeel of u daardie fotos, die voorwerpe daaropkerken? --- Hierdie foto 8 dit is die goedere wat ek eerste genoem het wat ek by Alexandra dorpsgebied gekry het. Hierdie foto is geneem deur 'n polisiefotoograaf in my teenwoordigheid.

Deur die Hof: Dit was in die plastiese emmer gevind? --- Dit is die goed wat in die plastiese emmer gevind is. Daar is die plastiese emmer ook." - Referring to photograph (10) no.8.

"Is dit al die inhoud? --- Dit is al die inhoud wat in die plastiese emmer was.

Voordat dit aan Majoor Van Eeden oorhandig is? --- Dit is korrek. Dan Bewysstuk 10 .." - I think My Lord, he was referring to photo no.10. - ".. het die meeste van die goed op wat ek aan Majoor Van Eeden oorhandig het. Maar ek sien hier is 'n paar goedjies wat nie deur my aan Majoor Van Eeden oorhandig is nie. Dan wil ek ook net meld dat die vingerafdrukdeskundige het die nodige vingerafdrukke geneem in my (20) teenwoordigheid van al die bewysstukke.

In u teenwoordigheid? --- Ja, hy het die goed uitgesoek wat hy sou gebruik het.

Mnr. Gey van Pittius: Dan wil ek u net Bewysstukke 45 en 47 toon." - I show the exhibits, My Lord. - "U sal sien daar is pamflette daar. Weet u enigiets van daardie pamflette af? --- (Hof kom tussenbei).

DEUR DIE HOF: Daar in die hof is al die bewysstukke, dit lyk my hier is 'n hele vrag vol.

MNR. VAN PITTIUS: Dit is daardie pakke pamflette, Bewysstukke (30) 45 en 47. Dan antwoord die getuie:

"Ek het hierdie pamflette gesien maar ek kan nie sê waar dit vandaan gekom het nie.

U kan nie onthou waar dit was nie? --- Nee, ek weet dit was in die kantoor. Die pamflette was saam gebring met sommige van hierdie .. (Hof tussenbeide).

Deur die Hof: Watter kantoor? --- Dit was die kantoor ingebring deur Majoor Booyen en die goed was saam met handgranate, ek weet nie waar dit vandaan kom nie.

Daar was geen springstowwe binne in die pamflette nie? --- Nee."

(10)

Dan het ek geen verdere vrae gevra nie. Die getuie staan af vir kruisverhoor. En dan later het my geleerde vriend, mnr. Chaskalson, die hof ingelig dat hy nie enige vrae gehad het vir daardie getuie nie. Dit voltooi dan die getuie se getuienis wat ingelees word in die rekord.

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MR. DONEN: My Lord, my learned friend Mr. Chaskalson is back.

BY THE COURT: He came back with his client while you were reading. Mr. Chaskalson, are you ready to finish the ..?

DISCUSSION IN REGARD TO ADJOURNMENT OF THE CASE BEFORE LUNCH TIME. COURT ADJOURNS UNTIL 2 O'CLOCK.

(20)

- - - - -

COURT RESUMES AT 2 O'CLOCK.

ANDREW VUSI MBELE (Still under oath)

CROSS-EXAMINATION BY MR. CHASKALSON (Continued): Now you told us of the occasion when you and accused no.12 - when you went to Swaziland with Inch and when accused no.12 was with you?

--- Yes, Lord.

Now is it correct that you had not met accused no.12 before she got into the Combi that night? --- Yes, it is correct.

And the other thing is this, is it correct that there (30)

were/...

were no street lights on that night? --- Yes, it is correct.

And I think - and is it correct that there are no electric lights in the houses there? --- Yes, Lord, it is correct.

Now you see, accused no.12 admits that she was there in that Combi, and she admits that Inch came into her house to collect her as you have described, but she says that she came out of that house with Inch alone. There was no-one with her when she and Inch came out of her house? --- Yes, Lord, that is true when she says that she came out with Inch out of the (10) house. Because the others were in front.

I see, are you saying that when you arrived there were people waiting outside? --- No, they were not outside, they came out of the house.

BY THE COURT: Ahead of her and Inch? --- Yes, Lord.

MR. CHASKALSON: But are you saying now that - anyway, is it correct that she and Inch came out of the house together? --- Yes, Lord.

And that other people as you are saying had come into the Combi at that stage before Inch and accused no.12 came out(20) of the house? --- (Court intervenes).

BY THE COURT: He did not say that. He did not say that they were in the Combi.

MR. CHASKALSON: Well, can I put it this way, were the others in the Combi before accused no.12 and Inch came out of the house? --- (Court intervenes).

BY THE COURT: He said the others came out of the house.

+ MR. CHASKALSON: Well, you were talking about another three people. Were those other three people in the Combi before accused no.12 and Inch came out of the house? --- Yes, Lord. (30)

Now what I am putting to you is that those people did

not come/...

not come out of accused no.12's house, they may possibly have come out of another house in that neighbourhood, but not out of accused no.12's house? — I saw them, they came out of accused no.12's house.

BY THE COURT: I just want to see whether I've got the evidence correctly. When you were there on the first occasion, that was at no.12's house, just tell me again what happened when you were there on the first occasion? — (Intervention).

Don't tell me what Inch told you, just tell me what you saw happening? — Inch made a report to me. (10)

Did he go into the house? — Yes.

And then he came out of the house and made a report to you? — Accused no.12 came out with Inch and accused no.12 accompanied Inch.

Was this now the first occasion? — Yes, as far as the gate.

Yes, and then you went off, and then you came back? — Yes, Lord.

RE-EXAMINATION BY MR. DONEN: Where was Inch when the three people came out of no.12's house? — Inch had just entered (20) into the house.

How many nights did Inch spend in Swaziland with you? — About two.

And where did he sleep those nights? — I have no knowledge, he was not sleeping with us.

NO FURTHER QUESTIONS.

MR. VAN PITTIUS AND THE COURT DISCUSS A POSSIBLE RECALL OF THE WITNESS IAN DEWAY RWAXA.

MR. DONEN: Your Lordship, more admissions are to be read into the record. The following is read into the record and admitted to be true, that is the evidence of Byron Edward Busby. (30)

BY THE/...

BY THE COURT: Is this also evidence of a technical nature?

MR. DONEN: Of a technical nature.

"BYRON EDWARD BUSBY d.s.s.

EXAMINATION BY MR. VAN PITTIUS: You are ^a senior engineering assistant (civil) stationed at Pietersburg, is that right?

— That is right, yes.

Employed by the South African Railways. For how long have you been employed up to this stage? — I have been employed since March, 1959, on the Railways.

Up till this stage? — Yes.

(10)

Now what exactly were your duties and are your duties up to this stage? — At this stage my duties are to see that the track is maintained in a sound condition.

What track? — This is the railway track or permanent way in other words.

In order to see that what are your functions, what do you do? — I carry out inspections, sometimes by motor trolley and sometimes by foot, and I do spot inspections at various points where the track is accessible.

At a certain stage do you remember having seen any damage(20) to any part of the railways near Pietersburg? — Yes.

Can you please tell the court how that happened and what happened, and when this was? — I do not remember exactly the date offhand but we got a report and I went out, to see what the matter was.

By what means did you go out? — With a light delivery van.

Yes, can you carry on? — We came, first I went to the spot between Dikgale and Munnik approximately 330 kilometers, and we found that at this place half of the concrete sleeper (30) had been destroyed. Just the reinforcing was sticking out,
the track/...

the track had been damaged considerably at this point. What we call the coach screws and stuff holding the one rail in place had been pulled out of the sleepers and at this point the gauge could not be held satisfactorily for a long period.

By the Court: What does the gauge mean? --- That is your wire, the width between the rails.

Between rails? --- Yes. Fortunately as I was there I noticed a vehicle, one of our lorries coming past with a gang on board, so we stopped this truck and I instructed the (10) ganger to repair the track at this point and they replaced the sleeper that was damaged.

So that could be done immediately? --- Yes, while I was there he did it, and from there we went to look at the other place that was between Dikgale and Pietersburg approximately 322 kilometers, where we found that just a piece of the flange of the rail had been broken out by some explosive device.

Can you remember what shape it was? --- It was in the shape of a halfmoon just on the one side of the flange. (20)

Any other damage? --- Well, the two sleepers on both sides where the blast had taken place where the hole in the track was was pushed out of square, in other words they were not parallel to each other anymore.

By the Court: The sleepers? --- The two sleepers, yes.

At the same place where the halfmoon had been taken out? --- On either side of the halfmoon.

As a result of this? --- Yes."

Question: "Can you carry on? --- This point was not considered as dangerous, or you know the condition of the track at this (30) point was not considered to be as dangerous as the first point/...

point I mentioned, but I nevertheless went to instruct the gang to return to this point when they had finished the other one and fix it up.

Was that also to be done immediately? — Yes.

You say this point, now mentioning 322 kilometer distance, was not so dangerous as the previous point which you have mentioned in your evidence, but what do you consider what would the result of the damage be as far as the safety of trains passing that specific place is concerned? — Trains could pass over that. (10)

By the Court: That is the second place? — Yes, it is the second place.

That is 322? — That is right, yes. Well, they could pass over that but it is not, you know, acceptable to leave it like that, it has to be repaired as soon as possible.

With regard to the first one was it not safe for trains passing? — No, it was not safe, although trains did pass over they for some reason, I think due to lack of speed, did not come off.

They did not derail in other words? Talking about the (20) first place? — At 330, yes.

Question: What would you consider the position there at 330 as far as the safety was concerned? — It was definitely unsafe.

The way that you saw the damage there, what would you consider would be the position as far as derailment may be concerned? — The damage caused there for about four or five sleepers on either side of where the blown-up sleeper was, the gauge could not be effectively held by the fasteners because they had been pulled out of the sleepers. In other (30) words your rail for that distance was virtually loose, and

being on the outside of the curve, any train coming at a fair speed would tend to push this rail out of the alignment of the track and so derail.

Is that now by way of its movement? — That is right.

Its forward movement? — Yes, it tends to go in a straight line, but this place being on a curve it would tend to push the rail out of the track and in that way derail itself.

Is the fact that there was a curve that you told about, does that have any importance as far as your examinations were concerned with regard to possible derailment? — Yes, being (10) on a curve as I said the train would tend to go in a straight line, but the rails are not curved and the rail has to actually guide the train around the curve, and it uses the rail to kick against sideways to negotiate the curve. The rail takes a lot of sideways thrust on the curve, especially the outside rail.

Do you know perhaps whether any trains in fact passed over the damaged places that night and how many trains, if any? — I know that trains did pass over that portion but I do not know how many. (20)

By the Court: Do you know that they passed over after the damage was done? — Yes.

Question: What were the costs to repair the damage to these two places for the Railways? — The costs were minimal. It was one new concrete sleeper that goes at R10.50 roughly plus half an hour labour which was also about R10.00.

Have you only seen these two places where the damage was that you have described? — That is correct.

You were only concerned? — With those places.

Where there was damage? — Yes. (30)

Could you tell the court perhaps what type of trains

use/...

usually use that part of the railway line where the damage was, the two places where the damage was? --- Yes, mainly goods trains, but there are passenger trains that also use that.

By the Court: Does any express pass there? --- The Tzaneen goes past there and the one from Messina.

Question: Does it go onto Soekmekaar? --- That is correct.

Now you told the court that you know about trains having passed there after these two places were damaged. Do you know what types of trains those were that you mentioned just (10) now? --- No, I would imagine it could have been goods trains. I do not know what time the explosion took place.

Do you know or don't you know? --- No, I do not know.

I just want you to look at Exhibit 11, photograph album, the black and white photographs. Could you just have a look at them and tell the court whether you recognise those photos there? --- Yes, I recognise photos 1 and 2.

Where were they taken? --- No.1 was taken at 330 and also no.2.

Carry on? --- No.3 was at 330 and no.4 apparently - this(20) is the one in the station, I was not there.

You were not there.

By the Court: Is there anything significant about no.4 in the station that you see? --- I have been to this site afterwards but I was not there on the day in question.

Are those just the usual beer tins lying around? You see there are two tins underneath the rail in fore(?). --- Yes, I see the tins, I do not know.

You do not know their significance? --- Yes. No.5 is in the station, no.6 is at 320. (30)

That is where the halfmoon was taken? --- Yes, that is correct. /...

correct.

Is that the indication of the halfmoon on the rail? ---

That is correct.

Mr. Van Pittius: Where was that, 5 and 6? --- 5 was in the station and 6 was at 220.

220? --- Sorry, 322.

That is the one that you mentioned second in your evidence?

--- That is right, yes.

And 7? --- 7 is at 322, and also no.8.

By the Court: Just before we pass off no.8, what is that (10)
piece of some object lying across the rail there, do you see it
on the upper rail in the photograph no.8? --- Yes, it looks
like a piece of the flange although ...

Question: The halfmoon piece that was out? --- It looks like
it, yes, although I never saw this piece when I got there.

Where was the piece when you saw it, had it been lying loose
around the track? --- That is right.

Had you seen any other bits and pieces lying around at
either that place or at the other damaged place or hadn't
you seen any? --- I have only seen the sole plate when I (20)
got to the first place, that is at 330.

What did you call it? --- Sole plate.

What is that? --- That is the portion of steel that comes
under the rail on which the rail lies, it lies between the
rail and the concrete sleeper.

By the Court: Isn't that the things you talked about having
come loose? --- No, that was the piece that was blasted out
of the sleeper. I have a photograph of it here if you would ..?"

That was the witness's own photo, My Lord.

"Those were not the coach screws you were talking about?(30)
--- No, the coach screws are the actual bolts.

Do they/...

Do they relate to the plates? — They go through the plates holding the plates onto the sleeper. It grips the rail underneath between the rail and the sleeper.

With reference to Exhibit 4, the witness might be able to point it out, the rail lies in this direction? This is the sole plate? This is the insulation pad, this is your coach screw, your nut and the spring washers, these are guage clips; and then there is a demonstration, My Lord.

"Do you clamp your rail on? — Yes, your rail clamps down in this here, now your rail forms in this flange on (10) both sides. That sort of fits over the shoulder, fits over the shoulder of the flange and holds it in this direction, in a verticle direction, My Lord. Now when these were pulled out in this fashion, now your rail can wobble in between this and that, and it is quite possible with the train being a heavy object it can shear off this bolt, it often happens when you have a derailment. These bolts get sheared off and then the thing starts moving.

Does it allow a wobble laterally as well as up and down in the rails if that comes loose?— Yes. (20)

Now you have referred to Exhibit 4. Do you recognise that Exhibit 4? — Yes." -

Exhibit 4 is demonstrated to the court, My Lord.

BY THE COURT: That is the thing that clamps the rail line down onto the sleeper is it?

MR. DONEN (Continues): "Now can you explain where you recognise that from? — It was lying on the edge of the ballast. The ballast being the stone foundation under the track.

At what part? — It was lying about 3 ft. from the rail(30) at 330 kilometers.

Will you/...

Will you just also have a look at Exhibits 1 and 2. Do you recognise Exhibit 1, the section of the railway line?"--- (Court intervenes).

BY THE COURT: Is that the piece that we see taken on the photograph 6?

MR. DONEN: I don't know My Lord, but there is only one piece like that.

BY THE COURT: Well, I take it it is similar to photograph no.6. Just fit it in there? (Court speaks away from the microphone).

MR. DONEN (Continues): 'Now this is the piece of rail which(10) had been taken out of the track at 322 kilometers. It was not out of the track when you saw it? --- No, it was still in the track, that was subsequently removed.

For some railway purpose it was taken out, cut out? --- Yes.

And then Exhibit 2, you say that is the bit of rail? --- Yes.

Do you recognise it by the halfmoon? --- Yes.

Then Exhibit 2, can you just have a look at that. Do you recognise that and if so where from? --- Yes, that is the(20) sleeper that comes from 330 kilometers.

Now when you saw it were those wires bent like it is now? --- No, they were more or less straight as shown in this photograph.

Those were the reinforcing rods? --- Those were the reinforcing rods.

Do you say they were bent like that when you saw them or not? --- No, they must have been bent at some later stage.

Was the sleeper still across the rail? --- Yes.

It was not removed, it had not been thrown out? --- No, (30) it was still in position.

Was it/...

Was it broken? --- Yes, it was broken.

Was it broken in that form there, that there was a piece of the concrete at one end that had been broken off? --- Yes.

Now you being a civil engineer, can you give an opinion to the court as to what force would have been needed to cause the damage as you have seen it at these two different places? --- Destruction of a sleeper in this form would have to be done by an explosive device.

Are you referring now to 330 and also 322? --- In my opinion it was an explosive device. (10)

Cross-examination by Mr. Chaskalson: No questions.

Cross-examination by Mr. Kuny: You say that trains did in fact pass over both damaged portions 330 and 322? --- That is correct.

You do not know how many trains? --- No.

But you indicated that they passed over without any mishap? --- That is correct.

Can you remember the day on which you went to the scene or the date? --- I cannot remember the exact date, it was the day on which it was reported to me. (20)

The same day that you received the report you went? --- Yes.

How far from Pietersburg would the nearest point be? --- To the order of 30 kilometres.

So you would have got there very quickly? --- Yes.

And you say the replacement of the sleeper took about half an hour? --- That is correct, yes.

Are there gangs readily available to do a job like this without delay? --- The thing is these gangs work at various points along the line. I was just fortunate that a gang was (30) on the road that was going somewhere else.

And they/...

And they had a sleeper handy? — Yes, they usually carry a few spares with them.

So the replacement of a sleeper like this would not take very long to organise and to actually do? — In that particular case it did not, but it would normally take a few hours if you had to go and look for a gang first.

And as far as the damaged rail was concerned, when was that repaired? — This piece of rail that you see here, is that what you are referring to?

Yes? — I think this was removed on the request of the (10) Railway Police for an exhibit.

Oh, I see, otherwise it would not have been removed? — We would have removed it eventually as a matter of course, because it would eventually fail.

Yes, but it could have stayed there for some time before you would have removed it in the ordinary course? — Yes.

Sometimes perhaps even weeks or months? — No, not that long. Say weeks.

Why, just because it has been damaged? — It had been damaged, in principle it would have ... (interruption). (20)

But you did not consider that needed any - not an immediate track? — No.

And at the point where the sleeper was replaced, I take it you did not in fact find any other sleepers having been pushed out of the square? — No, they were still in their beds.

So the only thing that needed to be done at that point was to replace the one damaged sleeper? — That is correct.

Do you remember what time of the day it was that you went to this place? — Yes, it was after midday.

The goods trains that pass over this portion of the line, (30) are they relatively long and heavy goods trains carrying heavy loads/...

loads? --- There are some that carry heavy loads and others that are very short again.

So you cannot say what the nature of the trains were that passed over the lines that day before you got there? --- No.

And you mentioned that on the one portion which you considered to be more dangerous than the other, that is where the sleeper was damaged, the trains may have slowed down? You said something about slowing down? --- Yes.

But that would not have been for any special reason I take it? Just in the ordinary course would trains slow down(10) at that point? --- Yes, they would, that particular place ..."
.. (Court intervenes).

BY THE COURT: Is this now under the cross-examination part?

MR. DONEN: This is cross-examination by Mr. Kuny.

"... --- Yes, they would. That particular place is within what we call the warning board, you see on approaching Dikgale station from Munnik, before he gets to this point there is a warning board, a station warning board.

Calling upon trains to slow down? --- Yes. When the driver approaches this warning board he has to bring his (20) train under control, which means that he has to reduce speed in order to be able to stop at the station.

So when you speak about a train having slowed down in that area, this would have been in the normal course following the instructions on the warning board? --- Yes, that is so.

Re-examination by Mr. Van Pittius: Were any precautions in fact taken to slow down trains or to warn them? Any other precautions apart from what my learned friend has asked you about those warning boards? --- No, there was no time to warn the trains. (30)

Just one other question. Would you say weather conditions might/...

might have affected the possible or not possible derailment of the line at 330 kilometres? --- Yes, on the night before apparently there was a thunderstorm and it was fairly cool on the day when I was there. And these are very long rails on that section and if it had been a hot day these rails expand and they build up terrific forces on the side of the rails because of the length, and in this case where the fastenings were loose, there was quite an appreciable distance you could get what you call a kick out, this rail would kick out of the track. (10)

As a result of hot weather conditions? --- Yes, and it not being fastened down.

By the Court: So a kick out probably can happen apart from any explosive device having been put down in ordinary conditions? --- In ordinary conditions it happens if you have very high temperatures. Because of the heat of the day even if it is not damaged they are known to occur.

Now is the situation here that this did lend itself more to that, because there was less control and less securing of the rail? --- Yes, that is correct. (20)

Was the danger here the fact that - what did you call it, the crown? What was the name of that, the coach screws and all that? What did the coach screws do? --- They hold the clamp of the gauge closed.

What is the plate called? --- Sole plate.

That is the one I was looking for. That was the danger in that having come loose? --- Yes, and on either side of that if you look at the photos you can see that the gauge clips are not securing the rail. If you look at photograph no.2 you can see on the following sleeper there is a big gap (30) under the gauge clip on the inside.

Is that /...

Is that the bolt, the nut and the bolt? --- The whole thing.

Holding it down? --- Ja.

I see that. --- And the one on the outside is actually missing altogether, the one on the lefthand side of the photograph. You can just see the little hole in the sole plate, now that one is completely gone.

As you read it, that was all caused by the one ...? --- That was with the explosion and must have lifted the rail up and it probably shot that one clean out into the veld some- (10) where. And the following ... (interruption).

Did not do it immediately next to where the explosion happened at the badly damaged sleeper? --- Yes, the rail actually whipped with the force of the explosion.

I see, so that your damage is distributed on either side of the actual point of what you regard as the explosion? --- That is correct.

Is photograph no.1 also the position as far as you read it now?---Well,you can see the sleeper damaged there more or less opposite the case that is standing there. (20)

That is right, yes. Is that the same place? --- That is the same place.

That is the 330 one is it? --- That is correct, yes.

Does that also incidentally reflect the curve of the rail? --- That is correct.

It is a continuous curve even where the explosion had happened? --- Yes.

Obviously beyond that leading away from the photographer, as you can see it in the distance there is a distinct curve. Was that where the ... --- The explosion was.

Further cross-examination by Mr. Kuny: My Lord, arising out (30)

of what ... (Mr. Kuny speaks and asks to put a question).

You talk about how the heat can result in a displacement of a rail. I take it it has to be very hot before that can happen of its own accord? --- Yes. You see, steel expands at a fixed rate for every degree in changing temperature. It either contracts when it gets cold and expands when it gets hot, this is well call it a foot, it expands a certain amount. Now these rails are very long, they are all laid end to end, so that supposing you have a ..(inaudible).. that are already a bit closed at the start of the day, (10) and then the temperature builds up and these rails can get very hot, I do not know if you have ever touched one on a hot day, this is in the Northern Transvaal and it does get hot. These rails have to expand. Now they cannot if they are held down by these sleepers, these concrete sleepers each weighing about 400 pounds, Now there are 1,444 per mile, so it is quite a weight that holds these rails in place. But they are held to this weight at the bottom by the plates? and the screws, and if the screws are slacked off as in this case on either side for about four or five sleepers(20) it is quite a distance, it is over 20 ft. that this rail is not clamped into position. So now this force is acting throughout the whole length of the rail and it will obviously jump out at the weakest point where it has been held very strongly, if it is very hot, well, if the temperature does rise appreciably.

Is this a continuing problem which you face in examining rails in that particular area? --- Yes, we look at the gaps to see if your expansion gaps are correct.

And obviously this question of temperature and the (30) expansion is something which is taken into account in constructing /...

constructing your railroad? --- It is taken into account as much as it can, yes.

And late in October do you usually get temperatures of such a nature that this might occur, or is it more in mid-summer that you would expect to find this happening? --- Late in October is already fairly hot in that part of the world.

Fairly, but it gets much hotter in November? --- It does get hotter.

December/January I imagine? --- That is correct.

And do you get a lot of rain round about that time in (10) that area? --- No, then it is a very low rainfall area.

But you say on that particular night it had been raining? --- It was raining, a thunderstorm during the night.

And the day that you went there, was it still raining or not? --- No, it was not.

Re-examination by Mr. Van Pittius: What were the weather conditions like on the day when you were there? --- It was not very hot." -

And that is the end of the evidence of Mr. Busby, My Lord.

- - - - -

MNR. VAN PITTIUS: U Edele, die getuienis van Kaptein Lambertus Myburgh Thomas. Dit word ook erken dat dit gelees word in die rekord as synde getuienis voor hierdie hof. Ek lees dit uit: (20)

"LAMBERTUS MYBURGH THOMAS v.o.e.

ONDERVRAGING DEUR MNR. GEY VAN PITTIUS: U is 'n kaptein in die Suid-Afrikaanse Spoorwegpolisie te Pretoria, is dit korrek? --- Dit is so.

Kan u maar voortgaan, kaptein? --- Op die 18e Januarie 1977 het ek in geselskap van Speurderadjudantoffisier Van Jaarsveld beskuldigde no.2 by die Pretoria Gevangenis gespreek. Adjudantoffisier Van Jaarsveld het my aan die beskuldigde (30)

voorgestel." --- (Hof kom tussenbei).

DEUR DIE HOF: Beskuldigde no...?

MNR. VAN PITTIUS: Beskuldigde no.2, U Edele.

"Deur die Hof: No.2? --- No.2, en ek het hom meegedeel dat ek 'n vrederegter is en hom volgens Regtersreëls gewaarsku, en hom gevra of hy nog bereid is om sekere plekke aan ons uit te wys. Beskuldigde no.2 het homself bereidwillig verklaar waarna ons na Pietersburg per motor vertrek het.

Mnr. Gey van Pittius: Nou op daardie stadium kaptein, wie was almal saam met u in die motor? --- Ek was vergesel van (10) beskuldigde no.2, speurderadjutantoffisier Van Jaarsveld, Bantoespeurdersant Freddie Letswalo en Bantoespeurderkonstabel Sam Masinga.

Deur die Hof: Letswalo? --- Letswalo.

En die laaste een? --- Sam Masinga.

Was hy ook ..? --- 'n Speurderkonstabel.

Sam? --- Bantoespeurderkonstabel Sam Masinga.

Mnr. Gey van Pittius: Ja, kaptein? --- Te Pietersburg het beskuldigde no.2 ons versoek om in die rigting van Dikgale te ry. (20)

Waar in Pietersburg na Dikgale toe, van watter punt in Pietersburg? --- Ons het by die spoorwegstasie het ons stilgehou.

Deur die Hof: By Pietersburg? --- By Pietersburg.

Ja? --- Waar ons ook by ander lede van die Mag aangesluit het, dit was Speurderadjutantoffisier Malherbe van die Spoorwegpolisie, Speurdersersant Snyders en Speurder Bantoesersant Edward Mabasa.

Ja? --- Daarvandaan het ons almal - ons het met twee karre in die rigting van Dikgale gery.

Mnr. Gey van Pittius: Is dit nou per pad? --- Per pad. (30)

Ja, /...

Ja? — En die pad loop meerendeels parallel en in sig van die spoorlyn.

Deur die Hof: Is dit nou suid van Pietersburg of is dit noord van Pietersburg? — Dit is in 'n noordelike rigting rofweg.

Ja? — Toe ons Bosbult stasie genader het het hy ons versoek om stadiger te ry, en toe later versoek om stil te hou. Ons het uitgeklim, en hy het die omgewing besigtig en toe versoek dat ons verder ry. Daarvandaan het ons tot net anderkant Dikgale stasie, dit is aan die Munnik kant van (10) Dikgale stasie oor 'n bruggie gery, of 'n spruit, en hy het ons versoek om die kar in te draai. Hy het gewys waar ons moet stilhou. Daarvandaan het ons saam met beskuldigde no.2 onder sy leiding na die spoorlyne gestap en hy het toe op die hooflyn aan die Dikgale kant van 'n brug op die spoor gaan staan, treinspoor gaan staan."

U Edele, hier is sekere getuienis wat ek nie sal uitlees nie, wat myns insiens nie nou sal toelaatbaar wees nie. Dit het daarop neergekom dat daar 'n punt toe uitgewys was.

DEUR DIE HOF: Hy het toe 'n punt uitgewys? (20)

MNR. VAN PITTIUS: Ja, U Edele.

DEUR DIE HOF: Watter punt het hy uitgewys? Kan u sê - die punt beskrywe wat hy uitgewys het?

MNR. VAN PITTIUS: U Edele, daardie punt sal blyk duidelik uit ander aspekte wat ons later sal ... (weg van mikrofoon).

DEUR DIE HOF: Die punt wat beskuldigde no.2 uitgewys het?

MNR. VAN PITTIUS: Die punt wat beskuldigde no.2 uitgewys het. Dit is op die hooflyn aan die Dikgale kant van 'n brug op die treinspoor. Dan laat ek die getuienis uit.

DEUR DIE HOF: U sê daar is ander getuienis wat hierdie punt (30) meer volledig toelig? Watter punt dit presies is?

MNR. VAN PITTIUS:/...

MNR. VAN PITTIUS: Ja, U Edele, sover ek kan onthou kom ons later daarby. Daar is wel - ek verbeel my daar is toe later, ons sal dit in elk geval opvolg.

Dan gaan hy verder: "Kaptein, u was besig om voor die verdaging te vertel hoe die beskuldigde no.2 u geneem het na 'n plek toe. Kan u net van daar af voortgaan, watter plek toe spesifiek? --- Dit was 'n posisie baie na aan 'n brug oor 'n riviertjie, 'n treinbrug. Tussen die brug en Dikgale stasie ongeveer 15 meter van die brug/^{gie}af na skatting.

Deur die Hof: 15 Meter van die brug? --- Van die brug. (10)
Die beskuldigde no.2 het ook 'n rapport aan my gemaak.

Ja? --- Van daar op versoek van beskuldigde no.2
Mnr. Gey van Pittius: Net voor u verder gaan, weet u wat die kilometer afstand op daardie plek is miskien? --- Nee.

Of is u nie seker nie? --- Nee, ek is nie seker nie.

Reg, gaan maar aan? --- Vandaar het beskuldigde no.2 ons versoek om verder te ry in die rigting van Koperstasie, dit is aan die Munnik kant.

In watter rigting het u toe nou gery? --- Dit is nog steeds In 'nnoordelike rigting. (20)

Ja? --- En toe by kilometer afstand 330 het hy ons versoek om weer stil te hou.

Deur die Hof: Is dit nou op die pad, 330? --- Die treinspoor kilometers.

Ja? --- Reg teenoor die pad, dit loop nog steeds langs die treinspoor. " - (Hof kom tussenbei).

DEUR DIE HOF: Mnr. Gey van Pittius, hierdie ander wat mnr. Donen uitgelees het, verwys dit ook na afstand 330?

MNR. VAN PITTIUS: Ja, dit is kilometer afstand, dit was verduidelik aan die hof, dit was treinspoor kilometer afstand(30) wat hulle van praat.

DEUR DIE HOF: Is hierdie selfde plek as wat ons nou van weet.

MNR. VAN PITTIUS: Ja, dit is 330 en 322 dink ek.

En dan : "Is dit so dat die kilometer afstand blykbaar die treinspoor ..(onhoorbaar).. die treinspoor is? --- Nie noodwendig nie, die kilometer afstand is nie op die treinspoor nie. Dit is nie die van die pad nie, dit is die verskil.

Ja, toe het hy daar...? --- En daar het hy ons weer na die treinspoor geneem waar hy weer 'n plek aan ons uitgewys het, aan my uitgewys het en 'n verdere rapport aan my gemaak het. By die plek het ek waargeneem dat daar 'n nuwe beton (10) dwarslêer ingeplaas was, dit was nog heel nuut het dit voorgekom.

Was dit in posisie? --- Dit was in posisie onder die spoor.

Ja? --- En daar het ook stukke beton rondgelê in die omgewing.

En die spoor self, die stawe? --- Nee, ek het daar niks opgemerk nie.

Met ander woorde was die spoor oënskynlik reg, heeltemal goed? --- Die spoor was in orde gewees. (20)

Ja? --- Vandaar het beskuldigde no.2 ons weer versoek om in 'n suidelike rigting te ry terug op pad na Pietersburg.

Is dit nou weer soos u gekom het? --- Dit is hoe ons oorspronklik gekom het. En by 'n punt tussen Dikgale en Bosbult stasie het hy ons versoek om stil te hou.

Deur die Hof: Bosbok? --- Bosbult.

Bosbult? --- Bosbult stasie. En vandaar het het ons saam, ek en ander lede, saam met beskuldigde no.2 al op die treinspoor langs geloop in die rigting van Pietersburg vir ongeveer twee kilometer. Beskuldigde no.2 het een of twee keer gaan staan en die plek besigtig, en hy was nie in staat (30)

om enige /...

om enige plek uit te wys nie.

Mnr. Gey van Pittius: Weet u naby of op watter kilometer afstand u daar gestaan het? — Dit was naby kilometer 322.

Deur die Hof: 322? — Dit is reg. Hy het toe verder 'n rapport aan my gemaak waarna ons die toneel verlaat het." — (Hof kom tussenbei).

DEUR DIE HOF: Wat was daardie ander een wat ons beskryf het se afstand gewees?

MNR. VAN PITTIUS: Die eerste een was 330 dink ek.

DEUR DIE HOF: Dit was 330, maar hierdie een, die 322, en (10) die getuienis van die man van die Spoorweë, watter afstand is dit?

MNR. VAN PITTIUS: Kaptein Thomas het gepraat van die eerste een waar hulle was as 330.

DEUR DIE HOF: Ja, dit is reg, ons praat nie nou van daardie een nie, uit die tegniese getuienis het gepraat van 330 en 322.

MNR. VAN PITTIUS: Ja, dit is reg.

DEUR DIE HOF: Ja, daar by 322 het u nou daar gelees het hy 'n punt uitgewys? (20)

MNR. VAN PITTIUS: Ja, U Edele, ek wil net kyk na hierdie .. (pouse). Lees voort: "Mnr. Gey van Pittius: Nou daar op die toneel was daar langs die spoorlyn — wat is die geaardheid van die omgewing daar, die natuur op sigself? — Die omgewing daar is hoë gras en struik, doringbosse wat redelik welderig gegroei het as gevolg van die reën.

Deur die Hof: Hoe hoog was die gras gewees volgens u skatting? — Op plekke hoër as knie hoogte.

En die doringboompies? — Die was so halflyf hoogte en sommige bome hoër as 'n man.

Omtrent 2 meter hoog? 3 Meter? — 'n Meter na 2 meter. (30)
Ja? — Sommige was hoër, die bome.

Mnr. Gey van Pittius: Ek wil u net 'n ander vraag vra, ek weet nie of u sal kan antwoord nie, maar as u kan. Weet u miskien in vergelyking met toe daar saam met beskuldigde no.2 daar gegaan het, toe hy die plekke vir u uitgewys het, hoe het die posisie van die natuur van daardie omgewing toe vergelyk met Oktober of November verlede jaar? --- Ek sal nie kan sê nie, dit is na my mening sal die omgewing heelwat verander het aangesien daar heelwat reën intussen geval het. Dit is maar my eie afleiding wat ek maak, ek sal nie kan sê nie. (10)

Dan wil ek net vir u toon Bewysstuk 11, vanaf fotos nos. 9, 10, 11, 12 en 13. Die omgewings en spoorlyne op die fotos, kan u vir ons sê of u enige van daardie omgewings daar op die fotos erken? --- (Hof kom tussenbei).

Deur die Hof: Wat is die nommers sê u, mnr. Gey van Pittius?

Mnr. Gey van Pittius: Bewysstuk 11, nos. 9, 10, 11, 12 en 13.

Kan u net kyk na foto 9, ken u die omgewing daar? --- No.9 U Hele, dit is 'n foto wat op my versoek geneem was by die eerste plek wat ek van oor getuïenis gegee het by die bruggie.

Was dit die eerste plek wat u van gemeld het wat (20) beskuldigde no.2 vir u uitgewys het? --- Dit is so.

Was u teenwoordig toe die foto geneem was? --- Ja, ek sit op my hurke met my rug na die kamera, ek is teenwoordig op die foto.

--- No. 10 is van dieselfde posisie geneem maar in die rigting van Dikgale stasie net om die liggings aan te toon en ek is ook teenwoordig.

Deur die Hof: 'n Ander rigting nou? --- Dit is .." ... (Hof kom tussenbei).

DEUR DIE HOF: Hier op die foto langs hom staan daar 'n man (30) en daar staan twee persone langs hom daar. Weet u wie die

twee /...

twee persone is?

MNR. VAN PITTIUS: Ek dink die een is - ek kan my nou nie mooi herinner nie, ek het ongelukkig nie die ... (pouse).

DEUR DIE HOF: Ek weet nie of die getuienis dit uitwys nie, as die getuienis dit nie sê nie dan wil ek dit nie weet nie.

MNR. VAN PITTIUS: U Edele, sover ek kan onthou is die een Adjudantoffisier Van Jaarsveld wat ook getuig het, waarby die getuienis ... (Hof kom tussenbei).

DEUR DIE HOF: Ja nee, maar dit is reg, ek het gedog u weet wie dit is. Ja? (10)

MNR. VAN PITTIUS: "Was u teenwoordig toe die foto geneem was? --- Ja, ek sit op my hurke met my rug na die kamera, ek is teenwoordig op die foto. En no.10 is van dieselfde posisie geneem maar in die rigting van Dikgale stasie net om die rigting aan te toon, ek is ook teenwoordig.

Deur die Hof: 'n Ander rigting nou? --- Dit is net - ja, net om die ligging aan te toon in verhouding met die Dikgale stasie."

DEUR DIE HOF: Mnr. Gey van Pittius, by watter foto is ons nou?

MNR. VAN PITTIUS: Dit was foto no.10, U Edele, op die bewysstuk. Dan op 'n vraag van die hof : (20)

"Deur die Hof: Op no.10 waar is die buig in die lyn? Ek sien op no.9 buig die lyn, dit loop na my mening parallel met die pad wat daar draai, dat die lyn ook daar draai, die spoor? --- Dit is dan die teenoorgestelde rigting as dié wat no.10 geneem is." - Dit is nou verwysend na blykbaar foto no.9, U Edele.

"Dit is agter die fotograaf dan? --- Die buig daar sal op no.10 agter die fotograaf wees.

Met ander woorde kan u net op foto no.9 in 'n kompas rigting, watter rigting is dit geneem? --- In 'n noordelike rigting. /.... (30)

rigting.

Deur die Hof: Dit wys noord daar? --- Ja. En no.10 is in 'n suidelike rigting geneem.

Mnr. Gey van Pittius: Dan foto no.11, ken u dit miskien? --- Dit is nog altyd dieselfde posisie, net dit is dieselfde plek uit 'n ander posisie geneem.

Deur die Hof: Is dit dieselfde bruggie wat 'n mens daar sien? --- Dit is nog altyd dieselfde bruggie daardie.

Mnr. Gey van Pittius: Is dit korrek, dit lyk of dit van die(10) linkerkant van die spoor af geneem is na regs, half skuins regs, is dit korrek? --- Dit is heeltemal korrek.

Dan foto no.12? --- Foto no.12 is geneem by kilômeter afstand 330 waar beskuldigde 'n plek aan ons uitgewys het. Ek was ook teenwoordig.

Deur die Hof: Is dit nou 'n ander plek? --- Dit is by 330.

Dit is die tweede plek is dit nie? ---

Mnr. Gey van Pittius: Dit is die tweede punt wat .. --- Dit is die tweede punt.

En dan no.13? --- " ... (Hof kom tussenbei). (20)

DEUR DIE HOF: Maar kyk nou hierdie foto no.12, sê hy op enige stadium wie is die persone wat daar op die foto verskyn? Want die een persoon wat op die foto verskyn is geboei aan die ander een?

MNR. VAN PITTIUS: Nee, hy het nie self sover ek kan onthou, het hy nog nie tot op hierdie stadium dit gesê nie, U Edele.

DEUR DIE HOF: Nee, maar 'n mens kan sien die twee persone is aanmekaar geboei. Hoekom kom hy dan nie tot die punt wat ter sake is nie, nou al hierdie onnodige - ja, gaan maar aan?

MNR. VAN PITTIUS: Dan gaan hy voort, U Edele. Die vraag (30) is : "En dan 13? --- En 13 is ook dieselfde punt as dié op no.12"../...

no.12." - Dit is nou foto no.13.

"Kan u net weer dit teruggee. Die fotos is almal geneem in u teenwoordigheid? --- In my teenwoordigheid, ja.

Nou kaptein, het u ter eniger tyd self op die stadium toe u daar was saam met beskuldigde no.2 enige skade aan die spoorlyne aangetref nog? --- Nee, niks nie, dit was alles herstel gewees."

Dan is daar geen verdere vrae nie.

"Kruisondervraging deur mnr. Kuny: Kaptein, het u enige notas gemaak van wat daardie dag aan u uitgewys was? --- Ek het (10) aantekeninge in my amptelike sakboekie agterna gemaak maar nie op daardie tydstip nie.

Wanneer het u hierdie aantekeninge gemaak? --- Daardie aand nadat ons teruggekeer het na Pietersburg.

Terwyl die gebeurtenisse nog fris in u geheue was? --- Dit is so.

Het u daardie sakboekie saam met u gebring? --- Nee, ek het nie.

Is dit beskikbaar? --- Dit is beskikbaar en dit is 'n vertroulike dokument. (20)

As Sy Edele dit beveel sal u dit hof toe bring? --- Ek sal so maak.

Wie was die fotograaf wat die fotos geneem het? --- Die fotograaf was Speurdersersant Snyders. Ek verwys na die kleurfotos nou, U Edele, daardie wat ek oor getuienis gegee het.

Wie was daardie dag in bevel, was u in bevel? --- Ek was die senior op die toneel gewees.

Was die beskuldigde dieselfde dag terug na die gevangenis toe geneem? --- Ja, daardie nag het ons in Pietersburg oornag en die beskuldigde was in die Pietersburg Gevangenis vir die (30) nag in veilige bewaring geplaas.

En wanneer /...

En wanneer is hy terug Pretoria toe? — Die volgende dag, die 19e Januarie."

Dan is daar 'n versoek dat die kruisverhoor afstaan. Dan deur die Hof, oor die sakboekie, U Edele :

"Waar is dit op die oomblik? — Ditis in my kantoor." - Daar is 'n bespreking dan. Dan het die getuie afgestaan.

DEUR DIE HOF: Mnr. Gey van Pittius, verstaan ek die getuienis nou reg, dit gaan 'n bietjie vinnig, dat die beskuldigde no.2 het net een punt uitgewys? Of het hy twee punte uitgewys?

MNR. VAN PITTIUS: Ja, hy het die een punt by 330 uitgewys. (10)

DEUR DIE HOF: Dit is nou die een wat hier op foto no.12 verskyn?

MNR. VAN PITTIUS: Ja, U Edele.

DEUR DIE HOF: En die ander een het hy daar rondgeloop by die plek wat hy omskrywe het, daar by die bruggie? En toe het hy 'n rapport gemaak en toe het hulle geloop?

MNR. VAN PITTIUS: Ja, U Edele, dit is reg. Dit was by 322. Hy het net daar rondgeloop en hy was nie in staat om enige plek uit te wys nie.

U Edele, sover ek kan onthou, my geleerde vriend deel my(20) ook mee sover hy kan onthou was daar definitief geen kruis-ondervraging nie. Daar was verder geen kruisondervraging nie. Die sakboekie was toe gevra, daar was 'n geskil oor die sakboekie, of 'n bespreking oor die sakboekie. Dit was later gekry en hy was toe nooit weer verder gekruisverhoor sover ek kan onthou nie. Ek sal net om seker te maak sal ek dit net wil graag kry dat ek net dubbeld seker maak.

DEUR DIE HOF: Is u nou klaar gelees wat u nou wil lees?

MNR. VAN PITTIUS: Die stuk wat ek nou van Kaptein Thomas, behalwe met die voorbehoud dat daar miskien die stukke is (30) van die kruisverhoor, as daar nog kruisverhoor is van mnr. Kuny.

U Edele, /...

U Edele, daar is ander aspekte, daar is sekere erkennings wat my geleerde vriende wens te maak. Dit is getik maar ons het wysigings daaraan gemaak nadat ons gesels het met ons geleerde vriende, so ek wil dit nie aan die hof oorhandig in hierdie vorm nie. Ek kan dit uitlees nou.

DEUR DIE HOF: Nee, wat ek wil voorstel is gebruik liewer die volgende halfuur, liewer om dit uit te lees laat dit oorgetik word en dan kan u dit sommer inhandig, die getikte erkennings.

- - - - -

MNR. VAN PITTIUS: U Edele, daar is nog Majoor Baker se (10)
getuienis wat ook ooreengekom was.

MAJOR HARRY BAKER:

Major Baker is a major in the South African Police Force and attached to the Security Police, Headquarters, Pretoria. In terms of Section 2(3) of Act 83 of 1967 of the Terrorism Act, he hands in Exhibits 81 to 100. These are photostatic copies of documents, pamphlets and publications. They are certified photostatic copies of documents, pamphlets and publications.

They consist of the Sechaba, this news sheet is the (20)
official organ of the South African National Congress of South Africa which is published in Dar es Salaam and was edited by a listed communist, the late M.P. Michael of 49, Rathbone Street, London, W.1 and it was printed by the Drukkery Erich Leinert, 208 .. strasse.. (inaudible).. German Democratic Republic.

The next document is the African Communist. --- (Court intervenes).

BY THE COURT: I see they have got it tagged here.

MR. DONEN: This is a description of them as a whole, My Lord. (30)
Then they are specified. The next document is the The African

Communist. This booklet is published quarterly in the interest of African solidarity and is a firm for marxist ..."
(Court intervenes).

BY THE COURT: I haven't got that, 80 ..?

MR. DONEN: My Lord, what happened, those are excerpts from these books.

BY THE COURT: Yes, but look, 81 is a document in this book and 82 ...

MR. DONEN: Exhibit 81 are excerpts from these books, My Lord. Now in terms of the Terrorism Act we must establish that (10) these excerpts come from books which are on the face of it published by these organisations, so we are now leading evidence as to that fact. As to the source of those excerpts. "And the next document is The African Communist, this booklet is published quarterly in the interests of African solidarity and is a firm for Marxist ..(indistinct).. throughout our continent by the South African Communist Party. "

And then the question:

"You are handing in parts of each of these publications."

- The witness will describe them before they are handed in. (20)

"The third one is a pamphlet which is the official organ of the central committee of the South African Communist Party which is known as Inkululeko Freedom. The fourth lot are various journals which includes Vukani Awake, Sechaba we Sizwe, which will be the determination thereof is clearly set out on page 46 of Volume 10, Fourth Quarter of the Sechaba." I may add Amandla Matla is another pamphlet. Then each exhibit is detailed, My Lord. "Exhibit 81, is Sechaba, Vol. 3, No.7, July, 1969, the whole. Exhibit 82 is Sechaba, Vol.4, No.1, January, 1970. Exhibit 83, Sechaba Vol.5, No.3, March 1971. Page 9 under the headings "Go Ahead" and "What Must Be Done". (30)

Exhibit 84 /...

Exhibit 84, Sechaba Vol.5, No.12, Vol.6, No.1, December, 1971/January, 1972. It is pages 12 to 15 and up to and including Those Who Shed Blood to rid our Country of Tyranny and Colonialism 1961 to 1971, Ten Years of Armed Struggle."

BY THE COURT: What date is this one for instance?

MR. DONEN: It is December, 1971, and January, 1972. It comes from that booklet.

"Exhibit 85 comes from Sechaba Vol.7 No.6, June, 1973, on page 8 from "The Biggest Struggle inside Our Country, to a protracted Armed Struggle that must culminate in the (10) armed seizure of power, Amandla Matla, Power to the People.

Exhibit 86 is Sechaba Vol. 7 No.8, August, 1973, page 13. From Rupture?, The Imperial Alliance, paper submitted by the African National Congress of South Africa to the Oslo Conference, Seizure of Power, and page 14, Revolutionary Way Out.

Exhibit 87 is Sechaba Vol. 8 No.8 - 9, August and September, 1974, pages 26 to 27, J.D. Died Like a Soldier, and page 27 Moses Mabhida of the ANC National Executive addresses the gathering. (20)

Exhibit 88 Sechaba Vol.9 No.3, March, 1975, page 15, The Opposition Press.

Exhibit 89 is Sechaba Vol. 9 No.5, May, 1975, page 1, Photograph of Moses Mabhida, Secretary of the Revolutionary Council. Pages 6 and 7 The Seizure of Power, and pages 12 and 13 Declaration of the African National Congress of South Africa Executive Committee, Morogoro, 17th to the 20th of March, 1975.

Exhibit 90 is Sechaba Vol. 9 Nos. 8 - 9, August and September, 1975, pages 44 to 48. Amandla Matla/Power. (30)

Exhibit 91 is Sechaba Vol. 9 No.10, October, 1975, pages/...

pages 8 and 9. The Freedom Charter Dynamic Programme, and pages 20 and 21, Isitwalandwe Kotane and African National Congress.

Exhibit 92 Sechaba Vol.10 Third Quarter 1976, page 7(a), from "Therefore we must reject all tricks" to the "ANC and her Allies" in the first paragraph, and then (b) "From our Revolutionary Goal" to "Irrespective of Race, Colour or Creed", third paragraph, and (c) from "The Conditions of developing our Liberation Struggle" to "Our People that Vorster and his Police can never crush". Page 11, from (10) "What then are our tasks in this situation of revolutionary ferment" to "The Struggle Goes On/Amandla Matla".

Exhibit 93 Sechaba Vo.10 Fourth Quarter 1976, pages 46 and 47, Clandestine Journals, the whole.

Exhibit 94 "Fifty Fighting Years", The Communist Party of South Africa, 1921 to 1971. A series of articles published in the party's quarterly journal. The African Communist, (1) Page 106, Umkhonto We Sizwe, (2) pages 110 and 111, The Party in the Armed Struggle and (3) pages 112 and 113, Inkululeko Freedom. (20)

Exhibit 95, The African Communist No.63 Fourth Quarter 1975, pages 58 to 62, Moses Kotane honoured on 70th Birthday; pages 97 to 101, Tributes to Bram Fischer; pages 103 to 104 Detente; A Tactical Offensive by Vorster (a) to destroy the ANC and (b) pages 104 to 105, to Destroy the Armed Struggle up to and including the dangers of the Communist involvement.

Exhibit 96 No.1 Inkululeko Freedom July 1971, the journal as a whole.

Exhibit 97 Vukani Awake, issued by supporters of the National Liberation Movement, January, 1977. The journal as (30) a whole. The contents of Exhibits 45 and 47 before court

under the heading True Liberation Needs a Strong Working Class, pages 20 to 25.

Exhibit 99 The African Communist No.68 First Quarter 1977,

And then finally Exhibit 100 is Sechaba Vol.11 Second Quarter 1977, pages 1 to 4, December 16th, 1976, Heroes Day, Fifteen Years Since Launching of Umkhonto We Sizwe, Six Months Since Bloody Wednesday in Soweto, and The Rioting of the Youth, December 16th, South Africa Heroes Day."

The State, My Lord, also admits the cross-examination (10) of this witness by my learned friend Mr. Kuny. It is one page long.

BY THE COURT: I see amongst these documents here there are many names and photographs. Are any of them to be found in the list attached to the indictment?

MR. DONEN: Yes, My Lord. Some of them are to be found among the photographs that have already been handed in. The law in this respect implies that if the document on the face of it is issued, then it is prima facie proof of the contents therein. That obviously can only relate to the other things (20) that were proved, the mere fact that there was a name on the list of annexures can hardly take one much further.

BY THE COURT: Let's just try and analyse this, if in the indictment you have got Mr. A and Mr. A's photo appears in here, let us assume that is so, I don't know, is that of evidential value?

MR. DONEN: It is only of very slight evidential value but it will be our submission that where we have led evidence on the participation of that person then it will have that amount of evidential value. (30)

BY THE /...

BY THE COURT: Well, at any rate, we can analyse that in due course.

MR. DONEN: And then finally there is the short cross-examination by Mr. Kuny of Major Baker. It does not relate to these exhibits handed in.

Mr. Kuny: "In the course of your investigations in connection with this case, did you go to Rustenburg in connection with the arrest of accused no.10, Michael Ngubeni? --- I did.

Did you accompany Loots, I cannot remember his rank, to Michael Ngubeni's home? --- Captain Loots. (10)

You cannot remember the specific date I take it? --- No, I do not remember.

Can you remember how many of you were present? --- I cannot remember the exact number how many of us were present. I know Colonel Gloy was there.

You and Colonel Gloy and Captain Loots? --- Yes, and I think there must have been somebody else.

And do you remember speaking to Michael Ngubeni? --- Yes.

No.10 accused. And do you remember referring to him (20) as Whitey? --- Possibly.

And that he said his name was Michael, not Whitey? --- No, that I cannot remember.

By the Court: Do you mean that the witness personally did it, not that it was done in his presence?

Mr. Kuny: You personally or someone else there referring to the accused was Whitey? --- That is possible.

You cannot remember what his answer to that was? --- I do I recollect he denied that he was Whitey.

And said that his name was Michael? --- That is possible."(30)
That is the end of the cross-examination. I think that is all we/...

all we have for today.

BY THE COURT: I must confess this last piece of cross-examination I can't fit into any sort of thing at the moment.

MR. DONEN: I think we still have to hand in an exhibit to which that cross-examination relates.

MR. KUNY: My Lord, it does not relate at the moment to any evidence that Your Lordship has actually heard so it is a bit out of context.

MR. DONEN REFERS THE COURT TO PART OF EXHIBIT 70, A LETTER
ADDRESSED BY A CERTAIN "WHITEY".

(10)

COURT ADJOURNS.

COURT ADJOURNS TO THE 20TH FEBRUARY, 1978.

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