

generally the trend of the questions and I take it that your answers, if I put them to you now, would be the same? -- Dit is korrek.

MR UNTERHALTER : My Lord, I have a difficulty. Certain of the detail that has just been put to this witness, I do not have instructions. I suppose I could get instructions in five minutes.

COURT : My assessors say they want time - they need time to simulate the enormous amount of facts that had been placed before this court. I have decided that it is proper today (10) to adjourn very early.

MR UNTERHALTER : We would welcome an adjournment now.

COURT : I would like you to finish with this witness. If you could just within a few minutes get your instructions. If you have no objection, Mr Jacobs and you have no objection, Mr Unterhalter, after Mr Unterhalter has finished with this witness I propose to adjourn the court. I think at this stage it is right that we should all be able to take stock, a reflection of what has gone on so far. Will you let me know as soon as you are ready to go on? (20)

MR UNTERHALTER : As the Court pleases, in a few moments.

MNR. JACOBS : Voor My Geleerde gaan, kan ek net iets sê. Dit mag miskien van belang wees. Hy het dit gister opgehaal dat daar 'n verkeerde stelling blykbaar was omtrent die byt in die bors of in die been wat ons moes opgeklaar het. Dit was aan hierdie getuie gestel. Miskien is dit gewens dat hy nou daardie kwessie opklaar vir sy gebruik.

COURT : I know what you are talking about, but we will fix that up, because we have looked through our notes and the only way we will be able to fix that up - it is probably a perfectly innocent mistake on Mr Unterhalter's part or it might be (30)

... / simply

simply a mistake on the part of the record. The way to do it is by listening to the tape, but we all know that whatever he put originally is subject to that qualification, but I would like you just to take instructions on these few little matters you want to.

WITNESS STANDS DOWN.

COURT ADJOURNS.

COURT RESUMES.

GERT VISSER, still under oath

CROSS-EXAMINATION BY MR UNTERHALTER : Captain Visser, you said before the Court adjourned that when you came on the scene (10) at the island, you saw the two accused sitting together under a tree. Did I understand that correctly? -- Dit is korrek.

You did not see them lying together? -- Nee, hulle het so teen die boomstam gesit.

Were they handcuffed to one another? -- Aanmekaar vas.

The evidence has been that they were lying down? -- Nie toe ek daar aangekom het nie.

You went on to say that you got a report from Mr Van Wyk about the lip of accused no. 2? -- Dit is korrek.

Did he give you a report in Afrikaans? -- Ja.

You cannot say if accused no. 2 understood the communication that passed between the two of you? -- Nie op daardie stadium nie.

HOF : Is hy Afrikaans magtig? -- Hy is Afrikaans magtig, maar ek het toe nog nie met hom gepraat nie, so ek kon nie gesê het nie.

Maar die punt is, nou dat u hom leer ken het, is hy Afrikaans magtig? -- Hy is Afrikaans magtig.

MR UNTERHALTER : But you cannot be positive that he heard the exchange between the two of you, Van Wyk and yourself? --(30) Ek het aangeneem dat hy gehoor het wat aangaan. Daar was gewys

en te kere gegaan.

HOF : Dit is wat u aanvaar het? -- Dit is so.

MR UNTERHALTER : Because he says he has no knowledge of the communication made to you by Van Wyk concerning his lip. Then you went on to say that you took accused no. 2 away and if I understood you correctly, Mr Kendall and Mr Dos Santos were with you and they were four or five paces away and you had done this for safety sake? -- Dit is korrek.

You remember giving evidence last time in chief about these particular incidents? -- Ja.

And you gave them, I take it, with accuracy? -- Ek glo so.

I am mentioning that because we have had a look at the record at page 360 in about the middle of the page and this was how you recounted "Wat het u toe gedoen?" "Ek het beskuldigde nr. 2 weggeneem van die polisie en buite hoorafstand hom ondervra." "En hy het toe sekere inligting aan u gegee?" "Dit is korrek." "Wat het daarna gebeur?" "Hy het my geneem na 'n punt." There is no reference at all here of the fact that you were accompanied by Messrs Kendall and Dos Santos and that you brought them along with you to be there as a safety measure.(20) What do you say to that? -- Ek kan nou nie presies my woorde onthou nie, maar moontlik verder in daardie rekord sal dit dalk staan dat ek die mense saamgeneem het.

You do mention their names and I am going to read it to you at once, but it is in a different context. At page 361 there is a reference to having found certain goods "Het u dadelik die goed daar uitgehaal?" "Nee, ek het dit net so gelaat." "Was dit net soos op foto's 26 en 27?" "Net soos op foto's 26 en 27 het ek dit aangetref en so het ek dit ook op daardie stadium gelaat." "Was daar ander lede van die Mag (30) wat saam met u gegaan het?" "Daar was nog twee lede van die Mag

wat saam met my was." "Wie was hulle?" "Kaptein Kendall en adjudant-offisier Dos Santos." "Het hulle saam met u ook daar gearriveer?" "Ja." "Toe u gegaan het toe beskuldigde nr. 2 die uitwysing gaan doen het, waar was hulle gewees?" "Hulle het weerskante van my geloop, so vier, vyf treë in die bos in en het dekking gegee." "In 'n dekkingsposisie en toe u nou teruggaan nadat u hierdie gat gekry het, sê u het u dit net so gelos. Het u iemand in die omgewing daar gelaat om daar te bly?" "Ja, ek het kaptein Kendall in die omgewing van daardie gat soos op foto 27 gelaat om observasie te hou." So, the (10) evidence that you gave last time suggests that these two gentlemen were there in connection with the discovery of the weapons, but not in connection with the interrogation. What do you say? -- Hulle was saam gewees met die ondervraging ook.

You have also said that Major Nel in his office on 5 January 1982 put - had accused no. 2 present and that accused no. 2 made a statement to him. Major Nel asked if he was prepared to make the statement before a magistrate and he assented. That is a fair summary of what you said, is it? -- Ja.

The evidence of accused no. 2 is going to be that on (20) that day, that is on 5 January, you came to him at Compol and said that he should repeat to you what he had said previously about his activities and you said you are giving him a chance to make up his mind. -- Nee, ek het nie dit aan hom gesê nie.

And he then repeated to you what he had said previously? Then you said to him that you are going to make arrangements for him to say these things before a magistrate? -- Nee.

COURT : That Visser would make arrangements?

MR UNTERHALTER : Yes. Then you returned and said that you had made those arrangements and that he must tell the magistrate everything?

(30)

COURT : I just want to get this clear. You say accused no. 2 says that Visser came to him and he was not with Nel then at all?

MR UNTERHALTER : No.

COURT : Let us get this clear, Captain. I do not know how important it is. Is u miskien verward of het u miskien fouteer deur te sê dat hy saam met majoor Nel was en dat hierdie gesprek daar gevoer is? -- Nee. Majoor Nel het met hom die gesprek gevoer. Ek was teenwoordig en majoor Nel het al die reëlings getref dat hy by die landdros moet uitkom. (10)

I just want to ask you something, Mr Unterhalter, to see if my notes are correct. Visser came to accused no. 2 at Compol and said he (accused no. 2) should repeat to him (Visser) what he had said previously about his activities and he said that he was giving accused no. 2 a chance to make up his mind whether to do so or not.

MR UNTERHALTER : Yes.

COURT : What was accused no. 2's words then? I do not know if I got that down? Did accused no. 2 then say he would do so or ...? (20)

MR UNTERHALTER : And he responded by repeating what he had said previously.

COURT : Thank you, I have got the rest.

MR UNTERHALTER : He will add that when you gave him the injunction to tell the magistrate everything, you warned him not to say what happened to him on the island? -- Dit is nie so nie.

And he was further warned by you, he says, that if the magistrate should be told what had happened to him previously, it would happen to him again, namely that he would have a repetition of the torture? -- Ek ontken dit. (30)

MNR. JACOBS : Ek het nie herondervraging nie, maar kan ek met

verlof van die Hof net een ding vra? BEWYSSTUK T foto's 21, 22 en 23, of dit die klere is wat beskuldigde aangehad het die dag toe hy hom daar aangetref het en toe die foto's geneem is? -- Dit is korrek.

HOF : Ek dink ek moet dit net baie duidelik stel dat wanneer die kruisondervraging hier ingevoeg is, soos aangevra deur mnr. Unterhalter, sou dit ook enige herondervraging insluit. Do you understand that too, Mr Unterhalter? Obviously?

MR UNTERHALTER : I do, yes.

HOF : Veiligheidshalwe sê u dit was sy klere soos hy dit (10) aangehad het daardie dag, beskuldigde nr. 2 soos op die foto's in BEWYSSTUK T? -- Ja.

MNR. JACOBS : 21, 22 en 23? -- 26 ook.

COURT : Any questions arising out of that?

MR UNTERHALTER : No.

GEEN VERDERE VRAE.

HOF VERDAAG TOT 26 JULIE 1982.

Collection Number: AD2021

SOUTH AFRICAN INSTITUTE OF RACE RELATIONS, Security trials 1958-1982

PUBLISHER:

Publisher:- Historical Papers, University of the Witwatersrand

Location:- Johannesburg

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