

B.466

Nou mnr. Els, jou dienste i.v.m. die ondersoek van die saak, was dit algemene dienste ? -- Algemene dienste.

En het jy daar onder andere sekere van die persone wat aangehou was i.v.m. die saak ondervra ? -- Ek het, u Edele.

En het jy ook geskrewe verklarings geneem van sekere van hulle? -- Ek het, u Edele.

Nou kan/vir <sup>u</sup> beskuldigde Nr. 4 onthou, Victor ? -- Ek kan, u Edele.

Het jy 'n geskrewe verklaring van hom geneem ? -- Ek het 'n verklaring van hom geneem wat getik was direk deur Lt. Swanepoel. 10

Het jy hom ondervra en Lt. Swanepoel het dit getik ? -- Dit is korrek, u Edele.

Waar het dit gebeur? -- Dit was in die selle by Marshall Plein.

Was dit in die selle ? -- In die selle.

En kan jy onthou voor daardie geleentheid wat jy die getikte verklaring dan van hom geneem het, of jy hom ondervra het ? -- Dit is moontlik, u Edele, ek kan nie onthou nie.

En mnr. Els het jy die beskuldigde op enige stadium aangerand? -- Nee, u Edele. 20

En het jy enige van die ander aangehoude persone op enige stadium aangerand ? -- Nee, u Edele.

GEEN VERDERE VRAE DEUR MNR. KROG.

DEUR DIE HOF:

Van wanneer af is u nie meer by die Sabotasie-afdeling nie ? -- Ek sou sê ongeveer 'n maand gelede was ek toe onttrek en terug na my stasie, u Edele.

KRUISVERHOOR DEUR MNR. JOFFE:

Mr. Els, I understand from the evidence that you gave previously in this case that for a certain period you were 30

B.467 engaged just in questioning the prisoners and thereafter you started taking statements ? -- Dit is korrek, u Edele.

Now did you personally question many of the prisoners out of the group of 37 ? -- Ek het van die prisoniere ondervra.

You personally - now was there any system whereby you used to .. whereby you were instructed to question a particular prisoner? -- Nee, u Edele, ons het maar net uit die .. self van die prisoniere ondervra, daar was nie gesê watter persoon jy moet ondervra nie.

I see, you would just indiscriminately pull out 10 any prisoner for questioning? -- Dit is korrek.

Without having regard to whether he had been questioned before or without having regard in fact to any .. ? -- Dit is korrek.

How would you decide whom to pull out ? -- Jy het maar net na 'n persoon toe gegaan en hom dan ondervra, u Edele.

Can you perhaps speak a little harder, I can't ... a little louder, I can't hear you? -- Jy het maar sommer enige persoon geneem, u Edele, en hom dan ondervra .

I see, would you go down then to the cells, or 20 where would you get these people ? -- Van die prisoniere was op 'n stadium na die kantore gebring, ek was net eenkeer in die selle gewees, u Edele.

I see, you would just go into the general office and say: you, come here, and you would start questioning him ? -- Dit is korrek, u Edele.

And the results of your questioning, did you make any notes or .. any notes or report to anyone about it ? -- Ek het nie notas gemaak nie, u Edele, tensy dit nie van belang was nie.

30

Tensy dit van belang was? -- Tensy dit van belang was



B.468 sou ek notas gemaak het.

I see, was anything said of importance? -- Nee, u Edele.

I see, so you made no notes? -- Nee, Edele.

You never reported to anyone? -- Nee, u Edele.

You carried on a private investigation of your own?  
-- Korrek, u Edele.

No one was co-ordinating this group of detectives who were working on this particular investigation - no one was co-ordinating and finding out what was happening from these 10 particular detectives? -- Nee.

Is that the way the Police always operate? -- Dit is soos ons daar gewerk het, u Edele. ]

I see. I think it was on the 13th of April that you received an instruction to take statements? -- Dis korrek, u Edele.

I see, who did you receive the instruction from? -- Van Lt. van Wyk, hy het gesê dat ons moet verklarings neem, u Edele.

I see, was this at a general meeting of detectives 20 or not when he gave that instruction? -- Dit was in sy kantoor gewees, u Edele, voordat ons na die selle gegaan het.

I see, so you were all in his office and then you went to the cells? -- Dis korrek.

Who exactly was in his office - what were the names of the people in his office? -- Daar was 'n aantal gewees, u Edele, ek kan onthou Hoofkonstabel Weyers, Adj. Offisier Weyers, myself, Lt. van Wyk, Lt. Swanepoel, ek dink S/Konst. van der Berg was daar.

Was Mr. Trijtsmann there? -- Dit is moontlik dat 30 hy daar gewees het.

Mr. Louw? -- Dit is ook moontlik, u Edele.

B.469  
Belt 62.

I see, and then you all proceeded down to the cells?

-- Dis korrek, u Edele.

And what happened at the cells, as I understand the position the 37 accused were all present in one big cell ? -- Ek weet nie of op daardie stadium alreeds 37 gearresteer was nie, u Edele.

Sorry, perhaps that is not a fair question, the group of prisoners who had been arrested were all kept in one cell at that stage ? -- Ek weet nie waar hulle aangehou was nie, u Edele, hulle was bo in die selle en ons was onder in die selle. 10

I see, so you didn't go to the cell where the group of accused were kept ? -- Nee, Edele.

They were brought - you say they were above and you were below ? -- Dit is korrek.

I see, are there a whole lot of offices below there ? -- Die selbewaarder se kantoor is daar en ek dink daar is nog ander kantore waar ek nie in gewees het nie.

DEUR DIE HOF: Is dit onder ? -- Dit is in die onderkant.

En u sê hulle was bo ? -- Hulle was aan die bokant.

MR. JOFFE: I see, and below there is the cell guard's office 20 and you think possibly other offices ? -- daar is heelmoontlik ander ook.

And you went into an office there and proceeded to take a statement? -- Dis korrek, u Edele.

Now how did you get hold of the prisoner whom you took a statement from ? -- Hulle was afgebring van bo en ek het hom aan die onderkant gekry en toe besluit om van hom 'n verklaring te neem nadat hy gewaarsku is.

DEUR DIE HOF: Mnr. Els, u moet bietjie harder praat, ek dink mnr. Joffe sal baie moeilik vir u kan hoor, ek kan u net hoor 30 waar ek hier sit en hy staan 'n hele entjie verder!

Mnr. Joffe, kon u die antwoord hoor? MNR. JOFFE: Nee, u Edele.



B.470 DEUR DIE HOF: U moet maar die vraag weer stel dan.

MR. JOFFE: My Lord, I'll take it up from another stage.

TO WITNESS: Now you all went .. this group of you, this group of detectives, led by Lt. van Wyk went to the cells down in Marshall Square ? -- Dit is korrek, u Edele.

*Day at the cells* I see and the whole group of you I assume was standing around .. ? -- Ek het daar rondgestaan, u edele, voordat ek ...

With the other members of the group ? -- Dis korrek, u Edele.

Now was a group of prisoners then brought to you ? 10  
-- Dis korrek.

And you each took a prisoner .... (inaudible) ? --  
Nie onmiddellik nie, u Edele.

What did you do ? -- Ek het eers 'n rukkie rondgestaan en later het ek toe beskuldigde 4 geneem na die kantoor van die selbewaarder.

I see, nou miskien kan jy 'n bietjie harder praat, ek vind dit moeilik om te hoor. You were standing around - I will tell you I have some difficulty, I'd like to visualise the picture of what was happening over there, you and a group 20 of detectives headed by Lt. van Wyk are standing around somewhere in Marshall Square - is that correct? -- Korrek.

A group of prisoners are then brought to you ? --  
Dis korrek.

Is that correct - then what happened from there on, presumably there are 5 detectives or whatever number there were standing around somewhere and a certain number of prisoners standing around facing them or .. ? now what happened from there ? -- Van die ander speurders het van die prisoniere geneem en ondervra, ek myself het nie onmiddellik iemand geneem om 30 te ondervra nie.

B.471

I see, now just let's take it from there, where did the other detectives take the prisoners for questioning ? -- Hulle het hulle blykbaar na van die kantore geneem, u Edele, ek het nie hulle gevolg nie.

They took them to the offices ? -- Dis korrek ja.

Is that the offices in Marshall Square, the offices round about the place where you were standing ? -- Dis heeltemal korrek.

Now do you know how many offices there are there ? --  
10  
Ek weet nie, u Edele, ek is nie bekend met die kantore daar nie.

Now did everyone except you take a prisoner ? -- Daar mag miskien nog een of so rondgestaan het, u Edele.

Daar mag wat ? -- Daar mag miskien nog een of ander van die speurders rondgestaan het, u Edele.

Possibly one of the other detectives also stood around, is that your answer ? -- Dis korrek.

And the others took prisoners to offices and started questioning ? -- Dis korrek, u Edele.

And you were just standing around possibly with one other officer ? -- Dis korrek, Edele. 20

I see and the prisoner you were to question was also standing there opposite you ? -- Hulle het daar onder rondgestaan, u Edele.

They stood around, and you were just .. you weren't questioning them, you were just standing and waiting ? -- Dis korrek, u Edele.

What were you waiting for ? -- Ek kan nie sê hoekom ek gewag het nie, Edele, ek het maar net gestaan.

Why were you waiting ? -- Soos ek reeds gesê het, Edele, ek weet nie hoekom ek gestaan het nie, ek het maar net 30 'n rukkie gestaan.



B.472

No, Mr. Els, here you are a detective of considerable experience investigating a most important case in which the safety of the State is involved and you were just standing around ? -- Dis heeltemal korrek, u Edele, ek kan nie sê hoekom ek rondgestaan het nie.

But is it comfortable over there, I mean what were you doing standing around ? -- Ek het maar net rondgestaan, u Edele, 'n rukkie.

How long for ? -- 10 minute of 15 minute.

10  
10 to 15 minutes you were standing there, the prisoner whom you were to question was standing opposite you and you were just standing looking at each other ? -- Dis heeltemal korrek.

It is not that you were standing in another office where a different prisoner was being questioned - isn't that what really happened ? -- Nee, u Edele, ek het daar rondgestaan waar die ander prisoniere was.

DEUR DIE HOF: Prisoniere sê u ? -- Dis reg.

Hoeveel was daar dan toe afgebring - hoeveel was daar afgebring op daardie stadium d.w.s. ander prisoniere - ongeveer, by benadering nou, nie 'n presiese getal nie ? -- Ek sou sê 20 daar was in die omgewing van 10 na 12 prisoniere afgebring, u Edele, dit mag miskien 'n bietjie meer wees. ek het hulle nie getel nie. )

MNR. JOFFEM Mnr. Els, ek vind dit 'n bietjie moeilik om te hoor, kan jy probeer om harder te praat ....

MNR. KROG: Ek ook, Edele, ek kan niks hoor wat die getuie sê nie!

DEUR DIE HOF: Wel, ek het die getuie reeds gevra om harder te praat, as dit nie moontlik is nie vrees ek dat ons 'n tolk moet kry om die woorde duidelik oor te dra maar ....

30

MNR. KROG: Ek sien nie hoekom 'n tolk nodig is nie, Edelagbare,

B.473 die getuie kan harder praat.

DEUR DIE HOF: Mnr. Els, sal u u bes doen om harder te praat?

-- Ek sal, u Edele.

U moet so praat dat almal hoor en as die Advokate nie hoor nie moet hulle asseblief sê. Ek slaag daarin om te hoor maar ek sit baie nader aan die getuie, en as die Advokate nie hoor nie moet hulle my onmiddellik sê want dit verdraag die verhoor as almal wat betrokke is nie kan hoor nie. So ons moet elke antwoord wat gegee word ..... (onhoorbaar - opname baie onduidelik). 10

✓ MR. JOFFE: Now Mr. Els, you were standing around for 10 to 15 minutes looking at the accused just standing around, that is correct is it not so? -- Ek het nie juis na hulle gekyk nie, Edele, ek het maar net daar rondgestaan.

Yes, you were just standing around and the last question that His Lordship asked you I think was how many prisoners were there, is that correct? -- Dit is korrek, u Edele.

And what was your answer? -- Ek sou sê in die omgewing van 10, 12 na 15 prisoniere, Edele. 20

I see, and you were standing around possibly with one other detective? -- Dit is korrek, u Edele.

You weren't waiting for anything in particular? -- Nee, Edele.

I see. Now do you remember who the other detective was? -- Nee, Edele.

I see. Now suddenly you decided, or just let me put the question ... (inaudible) - what made you decide to start questioning - to start taking the statement? -- Ek het maar net na beskuldigde 4 gegaan en hom na die kantoor geneem, daar 30 ondervra en toe 'n verklaring van hom geneem.



B.474

I see. Now what I don't understand is - what I want to know is: What made you decide after standing around for 15 minutes doing nothing that you should suddenly start taking a statement? -- Ek het maar net besluit om beskuldigde te ondervra en van hom 'n verklaring te neem.

That's what you were meant to be doing from the beginning wasn't it ? -- Nie juis nie, Edele.

No, what precisely were you meant to be doing - as I understand your last answer it was 'nie juis nie', is that correct? -- Korrek, u Edele. 10

Now what precisely were you meant to be doing - why can't you answer that question, Mr. Els ? -- Ek het maar net later besluit om van die beskuldigde 'n verklaring te neem, u Edele, ek het nie in die begin besluit ....

You still haven't answered the question, what precisely were you meant to be doing ? -- Ekskuus?

BY THE COURT: I will try and clear it up!

MR. JOFFE: I will be grateful, my Lord.

DEUR DIE HOF (aan getuie)

Kyk die antwoord wat u gegee het was - toe gevra is 20 wat was die bedoeling, was dit nou nie die bedoeling om te ondervra nie, toe sê u nee dit was nie juis die bedoeling nie, nou is die vraag eintlik nou maar wat was die bedoeling gewees wat moes u eintlik daar gaan doen, of wat sou die prosedure wees ... wat gevolg sou word onmiddellik as u nou daar inkom ? -- Ons was nie instruksies gegee om onmiddellik verklarings te neem nie, u Edele, ons was gesê om na die selle toe te gaan en die beskuldigdes te ondervra. NB

MR. JOFFE: Is that your answer ? -- Dis korrek.

I see. Now eventually you took I think .. was it 30 accused No. 4 into this office of the 'selbewaarder' ? -- Dis

B.475 korrek, Edele,

I see, was anybody else in the office? -- Lt. Swanepoel was teenwoordig gewees.

Was he there when you walked into the office? -- Hy was in die kantoor gewees, u Edele.

When you walked into the office? -- Dis korrek, u Edele.

I see. Was he alone? -- Hy was alleen gewees.

Now you walked in there with the accused - with accused No. 4? -- Dis korrek, u Edele. 10

I see and what did you start to do? -- Ek het beskuldigde gewaarsku volgens Regtersreëls, die klagte aan hom verduidelik en toe hom ondervra waarna Lt. Swanepoel dit afgetik het wat beskuldigde gesê het.)

I see, well let's get the picture straight, in this little office what was there - is there a table there? -- Daar is 'n tafel, u Edele.

And how many chairs? -- Daar was 2 stoele gewees.

I see, now were you and Lt. Swanepoel sitting? -- Dis is korrek, u Edele. 20

And the accused No. 4 was standing? -- Hy het gestaan u Edele.

I see. Now is it your custom to take statements in the presence of another detective or another Policeman? -- Ek het beskuldigde se verklaring geneem in teenwoordigheid van Lt. Swanepoel omrede hy dit onmiddellik getik het.

No, no, ...? -- Indien hy dit nie sou getik het nie, sou ek 'n verklaring van hom geneem het en dan later sou ek dit laat tik het.

I see. .. 30

DEUR DIE HOF: Het u die vrae gestel of Lt. Swanepoel? -- Ek



B.476 het vrae gestel, dit is moontlik dat Lt. Swanepoel ook vir hom  
vrae gestel het.

MR. JOFFE: I see, but what I'm asking you is: Is it your habit  
your custom to take statements in the presence of another  
Policeman ? -- Nee, Edele, dit was maar net per toeval gewees.

And you were armed with pen and paper when you went  
down ? -- Dis korrek, u Edele.

Now when you walked in you found Lt. Swanepoel there?

-- Dit is korrek, u Edele.

10

And what happened between you and Lt. Swanepoel ? --  
Ek kan nie onthou wat ons gepraat het nie, Edele.

Well didn't you say: Here I've come to take a  
statement, it is my habit that .. my custom not to have other  
Policemen present when I take a statement, will you please go  
somewhere else ? -- Nee, edele.

You didn't, why not ? -- Ek het dit nie gesê nie,  
Edele.

But why not? -- Ek weet nie waarom ek dit nie gesê  
het nie.

Look, Lt. Swanepoel was sitting there, you were 20  
sitting there and accused was standing there? -- Dit is korrek,  
u Edele.

And I assume that up till then Mr. Swanepoel, or  
Lt. Swanepoel has been questioning somebody else ? -- Dit is  
moontlik dat hy iemand anders kon ondervra het voordat ek  
ingekom het en ondervra het.

I see and there were lots of other prisoners waiting  
outside for questioning? -- Dit is korrek, u Edele.

It would have been quite possible for you and Lt.  
Swanepoel to each individually question a prisoner ? -- Dit 30  
is korrek, u Edele.

477

So why then did you and Lt. Swanepoel embark on this joint venture of cross-examining - of taking a statement from a prisoner? -- Dit is .. Lt. Swanepoel het wel besluit dat hy somar dit sal tik dan sal dit baie gouer gaan, u Edele, as ek die beskuldigde ondervra.

What did he need you there for ? -- Ek het die beskuldigde ingebring en ek het hom ondervra en Lt. Swanepoel het getik wat hy sê, u Edele.

What did Lt. Swanepoel need you for to ask questions ? -- Ek weet nie, u Edele. 10

There was no reason at all for you to be present was there? -- Dit was nie nodig gewees nie.

Lt. Swanepoel was quite able to put questions himself I suppose ? -- Dit is heeltemal reg.

He was one of the men .. the senior men in charge of this investigation ? -- Dis heeltemal reg.

But you for some reason or another put questions and Lt. Swanepoel typed it down ? -- Dis heeltemal korrek.

Now why precisely was this procedure adopted? -- Geen verduideliking nie, Edele. 20

It is impossible to explain - not possible that the general procedure in this case was for more than one Policeman to take statements .. to take a statement from the same accused at the same time ? -- .....

I beg your pardon ? -- Ek kan nie gehoor het wat u sê nie.

You didn't hear the question. I say to you is it not possible that in this particular investigation it was the procedure for more than one Policeman to simultaneously take a statement from a single accused ? -- Nee. 30

No, it just happened in this case? -- Net in die geval



B.478 van hierdie een.

Of No. 4? -- Dit is korrek, u Edele.

For a reason which you cannot explain? -- Dis korrek, u Edele.

I see. Now I still have some difficulty in understanding how it came about that this particular procedure was adopted with accused No. 4, I got to the stage where you walked into the office with .. you walked into the office with accused No.4 and Mr. Swanepoel was there, what happened then? -- Ek het besluit om van die beskuldigde 'n verklaring te kry nadat hy 10 gewaarsku was.

No, no, I'm not interested in what you said to the accused, I'm interested in what you said to Lt. Swanepoel and Lt. Swanepoel said to you? -- Ek dink ek het vir Lt. Swanepoel gevra of hy sal die verklaring tik terwyl ek die beskuldigde ondervra en hy het dit gedoen...

I see, you think you said to Lt. Swanepoel would you like to type the statement while I put questions? -- Dit is korrek, u Edele, dit is wat ek vir hom gevra het.

What is your rank? -- Konstabel - Speurder ~~Konstabel~~. 20

And you a constable in the Police Force say to a Lieutenant: Lieutenant, would you care to type while I ask questions, is that what happened? -- Dis korrek, Edele.

Is it the usual procedure for Lieutenants to type for Constables? -- Ek kan nie iets sien wat snaaks is daaraan nie, u Edele.

You cannot? -- Dis korrek, Edele.

You see what I cannot see is why it was necessary for you to be there at all? -- Ek het die beskuldigde ingebring en ek het hom ondervra, u Edele. 30

But there were a lot of other people who were brought

B.479 there for questioning, you could have spent your time better taking statements from them, why didn't you go and start examining other people and taking statements from other people?  
-- Daar is geen verduideliking daaromtrent nie, Edele.

No explanation again, alright. You see the evidence of another detective constable who has given evidence in this case, I think it is Mr. van der Berg, is that it is inconceivable that he as a junior officer would question a prisoner in the presence of a senior man - a Lieutenant - what would you say to that? -- Ek kan nie iets snaaks daaraan sien nie, Edele, 10  
hoekom dit nie gedoen kan word nie.

You see nothing strange in it? -- Dit is korrek.

Belt 63 (6) So if Lt. van der Berg(?) sees something strange in it, you find it quite inexplicable? -- Dis heelmoontlik.

I see. Now you say before you took this statement from accused No. 4 you knew nothing at all about his role in the case? -- Dis korrek, Edele.

You had no idea what information he would give you?  
-- Nee, Edele.

Of course you might have questioned .. in fact you 20 might have questioned him before you took the statement? -- Op vorige kere kon ek hom ondervra het, Edele.

But you still wouldn't know what his alleged role in the case was? -- Dis korrek, u Edele.

Did Lt. Swanepoel know how he was meant to have been involved? -- Ek weet nie, Edele, of hy geweet het nie.

Did Lt. Swanepoel ask questions while this statement was being taken? -- Ek dink Lt. Swanepoel het een of twee vrae gevra aan die beskuldigde.

I see, just one or two, and you yourself? -- Ek 30  
het 'n paar vrae aan hom gevra en hy het toe 'n storie vertel wat



B.480 afgetik was.

Now, so virtually your function and that of Lt.

Swanepoel was the same, you both asked one or two questions and he typed and you just stood there, or no, you sat there doing nothing? -- Terwyl die beskuldigde gepraat het, het ek niks gedoen nie, u Edele.

I see, but you just said you put one or two questions and Lt. Swanepoel put one or two questions? -- Dis korrek, u Edele.

And Lt. Swanepoel typed and you sat there listening?<sup>10</sup>  
-- Dit is korrek.

So really I suppose it was Lt. Swanepoel who took the statement every bit as much as you? -- Wel hy het dit afgeneem, u Edele, getik.

And he asked questions? -- Soos ek alreeds gesê het hy het een of twee vrae gevra en ek het aan die beskuldigde vrae gestel.

Who asked more questions? -- Ek het meer vrae gevra as Lt. Swanepoel, Edele.

You asked more questions. But of course, I'm<sup>20</sup> sure you will agree, that Lt. Swanepoel knew far more about this case than you did? -- Hy het heelmoontlik meer geweet as ek.

I beg your pardon? -- Hy het heelmoontlik meer geweet as ek, u Edele.

I'm sorry, I still don't hear ...? -- Hy het meer geweet blykbaar as ek, u Edele.

I see, but nonetheless it was you who asked the questions? -- Dis korrek, u Edele.

Right. What happened when you finished with the statement, what did you do then? -- Beskuldigde - ek het aan<sup>30</sup> beskuldigde gevra of ek die verklaring aan hom moet oorlees

B.481 waarop hy gesê het nee, hy het self die verklaring oorgelees en toe onderteken.

I see and was Lt. Swanepoel there all the time ? --  
Hy was daar gewees.

And then what did you do after this was finished ? --  
Ek het die verklaring ook onderteken.

Yes, what did you do then ? -- Die verklaring was oorhandig aan Lt. van Wyk.

I see, did you personally hand it over ? -- Ek het dit persoonlik aan Lt. van Wyk oorhandig. 10

And did Lt. Swanepoel leave himself, did he leave simultaneously with you - did he leave the office where you had taken the statement together with you ? -- Ek dink Lt. Swanepoel het agter gebly in die kantoor, u Edele, ek is nie seker nie.

Hy het wat ? -- Hy het agter gebly in die kantoor, ek is nie seker op daardie punt nie.

Right, now you took this statement, did you take the statement straightaway to Lt. van Wyk ? -- Ja, u Edele.

You did? -- Ek het.

Where did you find him ? -- Hy was nog onder in die 20 selle gewees.

I see, what did you do .....

(COURT ADJOURNS FOR 15 MINUTES)

COURT RESUMES:

REUBEN JOHANNES ELS n.o.e.

KRUISVERHOOR DEUR MNR. JOFFE (VERV.)

When you had finished questioning the accused No. 4, you say you took him - you took the statement to Mr. van Wyk ? -- Ja, u Edele, nadat ...

He was in the cells at the time ? -- Dis korrek, u 30 Edele.



B.482

What did you do with the accused? -- Die beskuldigde was daar gelaat, u Edele, ek weet nie wat het later van hom geword nie.

I see, where did you leave him in the cells, did you take him back to the general cell? -- Ek het hom uit die kantoor uit geneem en ek het hom daar gelaat, u Edele, buitekant die kantoor.

Where did you find Mr. van Wyk? -- Hy was onder in die sel-afdeling waar ons gewees het.

Yes, where precisely? -- Ek dink hy het naby die 10 deur gestaan, Edele.

Of the cells in Marshall Square, the cells below? -- Dis korrek, u Edele.

I see. What was he doing there? -- Hy het daar gestaan, u Edele en ek het aan hom die verklaring oorhandig en ek het toe geloop.

He was also just standing around? -- Hy het daar gestaan, u Edele.

Did you speak to Mr. van Wyk - tell him what was in the statement? -- Ek het hom nie gesê wat in die verklaring 20 was nie, ek het net die verklaring aan hom oorhandig.

*Ajke statement* I see, and what did you do then? -- Toe het ek maar daar rondgestaan, u Edele, ek het nie weer van die beskuldigdes daardie dag ondervra nie.

I see, you just stood around again in the cells? -- Dis korrek.

For how long did you stand around this time? -- Dit was seker tot ongeveer 7-uur die aand, u Edele.

7 in the evening - what time did you finish taking the statement from accused No. 4? -- Dit was in die omgewing 30 van 5-uur, u Edele.

B.483

I see, so you stood around in the cells for another 2 hours ? -- Dis korrek, u Edele.

Doing nothing? -- Niks gedoen nie.

And I suppose there were other accused standing around - other prisoners standing around also ? -- Daar was prisoniere gewees, u Edele.

Why were you standing around? -- Daar is geen verduideliking nie.

You didn't think of questioning any of the other accused - prisoners, and taking statements? -- Dit is 10 heeltemal korrek.

Now we have again an experienced constable standing around in the cells for 2 hours doing nothing ? -- Dit is heeltemal korrek.

Really, Mr. Els, are you quite serious, do you expect the Court to accept this evidence ? -- Ek is heeltemal ernstig daaromtrent, u Edele.

I see. You never took, after you had taken accused No. 4's statement, you never took him to Mr. van Wyk ? -- Ek het hom nie na Lt. van Wyk geneem nie, u Edele. 20

You know nothing about the general instruction to take the statement to Mr. van Wyk together with the prisoner after you'd finished taking the statement ? -- Nee, Edele.

There have been allegations that you - there have been allegations by accused No. 4 that you assaulted him ? -- Dit is nie korrek nie, u Edele.

Not correct ? -- Nee, Edele.

It would be a serious thing for a Policeman to assault a prisoner ? -- Dis heeltemal korrek.

But you deny it ? -- Ek ontken dit, u Edele. 30

NO FURTHER QUESTIONS BY MR. JOFFE.



B.484 GEEN HER-VERHOOR.

DEUR DIE HOF: Mnr. Els, by benadering hoeveel ondervraers sou u sê was daardie dag gewees onder by die selle toe die verklarings nou geneem is, hierdie laaste dag waaroor u nou net getuienis gegee het, toe u Nr. 4 se verklaring help neem het ?  
-- ....

Hoeveel persone was daar om verklarings te neem onder by die selle ... ? -- Ek sou sê daar was ongeveer 7 blankes, u Edele., 7 blanke Polisie lede, wat verklarings geneem het en ondervra het. 10

En ek weet nie of u vantevore die vraag beantwoord het of nie, ingeval u dit geantwoord het moet u asseblief maar net weer antwoord, het u enige idee, kan u onthou hoeveel kantore daar was waar verklarings geneem kon word ? -- Soos ek reeds gesê het, u Edele, ek is nie bekend met die selle onder nie en ek weet nie hoeveel kantore daar is nie. Ek weet net van die een waarin ek was, by die selbewaarder se kantoor.

Is verklarings van gevangenes geneem in een of ander aparte kantoor of is dit by sommige gevalle ook somar sal ek 20  
maar sê tussen die bondel geneem - ek verstaan, ek mag verkeerd verstaan maar ek meen daar is 'n plek waar al die gevangenes byeen was en dan vandaar het ek verstaan is hulle geneem na kantore waar hulle kon verklarings aflê, is dit korrek? -- Dit is korrek, u Edele.

(Vraag onhoorbaar) ? -- Dit is heeltemal korrek.

En daar in die, sal ek sê in die algemene deel waar die bondel was, was daar verklarings geneem of nie ? -- Ek het geen persone opgemerk wat daar verklarings geneem het nie, u Edele.

Ek lei af, as ek verkeerd is moet u vir my sê, as ek 30  
reg is kan u sê, dat u self/<sup>op</sup>geen stadium enige moeilikheid

B.485 gehad het om 'n kantoor te kry om 'n verklaring te neem nie ? --  
U Edele, ek het geen moeilikheid gehad nie, ek kan onthou dat  
Adj. Offisier Weyers uit daardie kantoor gekom het en ek het toe  
met daarna in daardie kantoor gegaan waar hy uitgekom het met  
'n beskuldigde,

Is dit nou die kantoor van die selbewaarder ? -- Van  
die selbewaarder.

MR. JOFFE: My Lord, I never heard that question .. the answer  
rather, could the witness repeat it please.

DEUR DIE HOF: Yes, certainly. Herhaal asseblief die antwoord? 10  
-- Ek het geen moeilikheid gehad of ondervind om 'n kantoor  
te kry nie, ek het gemerk dat Adj. Offisier Weyers uit die  
kantoor kom en ek het toe in daardie kantoor gegaan.

DEUR DIE HOF: Enige verdere vrae?

MR. JOFFE (to witness)

You say you saw Mr. Weyers leave this office ... ? --  
Dit is heeltemal korrek, u Edele.

You remember that clearly ? -- Ek kan dit goed onthou,  
u Edele.

Did you see anybody else come out of this office? -- 20

....

I mean a prisoner ? -- Daar het 'n Bantoe saam met  
mr. Weyers uit die kantoor uitgekom.

I see, he came out of the office together with ...  
one of the prisoners? -- Dit was een van die prisoniere gewees,  
u Edele.

Do you remember which one ? -- Nee, Edele, ek weet  
nie.

Did you see Mr. Weyers go into the office with a  
prisoner? -- Ek het hom nie gesien toe hy in die kantoor 30  
gegaan het nie, Edele.



B.486

Were you watching the office for some time when you say you saw Mr. Weyers came out of the office ? -- Ek het maar net per toeval gesien dat hy daar uitkom, u Edele, ek het nie na die kantoor gekyk nie.

Yes, I see. And when you came into the office Lt. Swanepoel was inside the office ? -- Dit is korrek, u Edele.

So we can assume then that at one stage Lt. Swanepoel, Mr. Weyers and the prisoner were all together in that office ? -- Ek weet nie wanneer Lt. Swanepoel in daardie kantoor gegaan het nie, dit mag miskien wees nadat mnr. Weyers uitgekom het. 10

But your evidence is that when you went into the office, Lt. Swanepoel was sitting there ? -- Dit is heeltemal korrek, u Edele.

So he couldn't have gone in in between, presumably as I understand your evidence Mr. Weyers left the office and you went inside the office ? -- Ek het nie onmiddellik ingegaan nie, dit was 'n kwessie van 'n paar sekondes, u Edele, ek het na die beskuldigde 4 gegaan en hom geneem tussen die klomp. Dit mag miskien wees dat Lt. Swanepoel in daardie tyd in die kantoor gegaan het. 20

Well your evidence previously was that prior to going into this office, Lt. Swanepoel had been busy taking a statement of another prisoner - that was your original evidence, not today but previously? -- Dit kan wees, u Edele.

BY THE COURT: The reply was, I don't know what a former reply was, but it was put in this way - according to my notes; this is today: Moontlik kon Swanepoel vantevore iemand ondervra het, I don't know what the reply was previously ..

MR. JOFFE: My Lord, I'm referring to a previous occasion, I will just find my note to make sure .... BY THE COURT: Yes. 30

MR. JOFFE: No, I have a record, my Lord, before when my learned

B.487 friend was cross-examining on accused No. 1's confession, the witness said that Lt. Swanepoel was taking a statement in the office before him. If Your Lordship would like to refer back to his notes I can tell Your Lordship approximately where it is.

BY THE COURT: Well you can ask the witness about that in the meantime, we can check later.

MR. JOFFE: According to my notes, Mr. Els, you said to His Lordship that Lt. Swanepoel had been busy taking a statement in that office immediately prior to your having entered the office, is that correct? -- .... 10

DEUR DIE HOF: Dis by 'n vorige verhoor gewees - nie nou in hierdie getuienis nou nie, by 'n vorige geleentheid volgens die nota van mnr. Joffe ? -- Ek kan onthou u Edele toe ek in die kantoor inkom was Lt. Swanepoel besig om 'n verklaring uit die tikmasjien te haal van 'n mede-beskuldigde, voordat hy myne .. 'n verklaring van myne getik het.

MR. JOFFE: Oh I see, he was busy then finishing off the statement ? -- Dis korrek.

BY THE COURT: He was busy taking the statement from the typewriter - besig om 'n verklaring uit die tikmasjien te haal. 20

MR. JOFFE: That is correct, my Lord, that is as I understand it. TO WITNESS: Was the prisoner still there ? -- Daar was geen prisoner op daardie moment in die kantoor nie.

I see, he was taking the statement out of the typewriter ? -- Dit is korrek, u Edele.

Now that is very strange, I would have expected that the .. normally I take it that one types out a statement, takes it out of the machine and thereafter ask .. read it over to the accused or to the prisoner and ask him to sign it - is that the normal procedure ? -- Dit is wat gewoonlik gebeur, u Edele, dit mag miskien 'n verklaring wees wat hy reeds oorgetik het van 30



B.488 'n verklaring wat deur iemand anderste geneem was.

Oh I see, perhaps he was typing over a statement that he had taken from someone else ? -- Dit kan ook wees, u Edele.

How do you mean typing over a statement taken from someone else ? -- Daar was wel verklarings geneem van die Polisie in die selle wat deur persone gagee was om later oorgetik te word, u Edele.

Oh, I see. So Lt. Swanepoel, one of the men in charge of this investigation, you think was spending his time typing <sup>10</sup> out statements ? -- Dit is korrek, u Edele.

I see, but in any event the impression which you clearly gained was that he'd been in the office for some little time ? -- Ek kan nie sê of hy in die kantoor gegaan het nadat mr. Weyers uitgekom het nie, Edele, of hy in die kantoor gewees het nie, ek het nie gesien toe ...

You found him in the office with the typewriter in front of him and with him taking out a statement from the typewriter ? -- Dit is korrek, u Edele.

And it was just a few seconds before that that you <sup>20</sup> had seen Mr. Weyers leave the office ? -- Dit is heeltemal korrek.

Just one other question, about how long would you say it took you to take accused No. 4's statement ? -- Ek sal sê ongeveer 'n half uur, Edele.

And that is the only statement you took that day ? -- Dit is heeltemal korrek.

What time did you start taking that statement? -- Ek kan nie onthou nie, as ek die verklaring sien sal ek kan sê, u Edele, ongeveer 'n half-uur voor ...

Oh do you think the time is on the statement? -- Toe

B.489 die verklaring geneem is, u Edele, moet die .... (onhoorbaar)

I don't think it is - there is no time on your statement, what time did you go down to the cells to start taking the statement - approximately, I'm not trying to pin you down .... ? -- Dit was na 2 in die agtermiddag gewees, u Edele.

And you left at about 7 ? -- In die omgewing van 7-uur het ek geloop, u Edele.

GEEN VERDERE VRAE NIE!

-----  
HENDRIK JOHANNES WEYERS v.o.e.

10

KRUISVERHOOR DEUR MNR. JOFFE: (Verv.)

Mr. Weyers, I understand you are not feeling too well, if at any stage you feel you would like to draw it to His Lordship's attention don't hesitate to interrupt the cross-examination ?

-- Ek sal so maak, Edele.

Now Mr. Weyers, as I understand the evidence you have given, you were at all stages in this case acting on the instructions of Mr. van Wyk ? -- Dit is korrek.

You at no stage arranged .. or let me put it this way: You took statements from time to time acting on a general instruction ? -- Dit is korrek. 20

That you and all the other men had received from Mr. van Wyk ? -- Dit is korrek.

You at no stages told the other staff and the other detectives who should take a statement from which particular prisoner ? -- Nee, Edele.

You at no stage instructed the other detectives as to whom they should question ? -- Nee, Edele.

It all came directly from Mr. van Wyk ? -- Dit is korrek.

Now Mr. van Wyk in his evidence has said that you 30



B.490 | co-ordinated the questioning of the various prisoners and the taking of statements from the various prisoners .. ? -- Nee, Edele.

That is not true ? -- Nee, Edelagbare.

Have you any explanation as to why Mr. van Wyk should have said this ? -- Nee, Edele.

BY THE COURT: Mr. Joffe, my understanding or my recollection of that evidence is to the effect that Mr. van Wyk said he left it to his second in charge to do so, I did not, I may be wrong, if so please correct me, but I did not gain the impression 10 that he said his second in charge in fact did so.

MR. JOFFE: He said he gave an instruction to that effect, my Lord, my note of the evidence ...

BY THE COURT: (Inaudible)

MR. JOFFE: It doesn't affect this witness as such, I can't take it any further, if I put the question wrongly well the record will show it up but I do not think I have ..(?)

TO WITNESS: Now I suppose you discussed the case from time to time with Mr. van Wyk ? -- Ja, Edele.

In the course of investigation? -- Ja.

20

Did you at any stage discuss with Mr. van Wyk the question of using any of these particular accused as a State witness? -- Nie sover ek kan onthou nie.

Well I suppose .. did you discuss with Mr. van Wyk using any of the prisoners as a State witness ? -- Nee, ek het nie.

I see, and did Mr. van Wyk ever mention this to you? -- Nie sover ek kan onthou nie, Edele.

Well it is the sort of thing I suppose that you would remember, it is rather an important feature of the case ? -- 30  
Ja, ek veronderstel ek sal dit onthou.

B.491

So you think you would have remembered it ? -- Ja.

Now Mr. van Wyk says that he mentioned to you that he proposed .. he was thinking of using No. 1 and 2 as State witnesses? -- Nie sover my kennis strek nie, u Edele.

So again Mr. van Wyk must be mistaken? -- Ek vermoed

so.

Ek sien. Now you told us that the dealings with the group of 37 prisoners were really divided into two stages, one the questioning of all the prisoners during the period the 10th to the 13th of April and thereafter the taking of state-<sup>10</sup>ments from these prisoners after the 13th of April ? -- Edele al the prisoniere was nie in hegtenis reeds die 13de nie.

Yes I understand that, I mean those who were arrested ? -- Ja.

And you used to question them, I use the word 'question' as opposed to taking statements, you used to question them indiscriminately, you would just haul the one out and question him and then call somebody else and question him .. ? -- Dit is korrek.

And sometimes this questioning took place in the <sup>20</sup> presence of several detectives ? -- Dit is korrek.

And you advanced the reason that there were on occasion more than one detective present was that the remaining detectives could gain experience by listening to the questioning?  
-- Ja, of soos ek gesê het miskien 'n vraag vra wat ek nie vra nie, miskien belangstellend.

But I take it when there were more than one detective questioning each one of them was asking questions? -- Edelaagbare ek sal nie kan sê of dit in elke geval die geval was nie.

No, no, I'm just asking what you know, you know for 30 example that on occasions several detectives were at one and the



B.492 same time questioning the same accused ? -- Dit is korrek.

So you would know then whether the detectives were all asking questions ? -- Ek kan nie onthou of hulle in al die gevalle ...

Let's take any case, was there any case where several of the detectives were putting questions to the accused one after the other ? -- Edelagbare, daar mag sulke gevalle gewees het.

I see. And before you used to start questioning these accused did you used to warn them ? -- Nee, Edele.

would  
You didn't, you/just start asking them questions 10  
the answers to which could have been very incriminating ? -- Dit mag wees.

And this questioning went on in the day time and at night time and at all times ? -- Dit is korrek.

And if an accused, a prisoner, never gave a direct answer you would tackle him from a different angle ? -- Ja, Edele.

Trying to pin him down ? -- Ja.

---

Is this the way the Police always investigate cases?  
-- Ek sal nie kan sê nie - die maniere wat ander persone 20  
ondersoek nie.

No but you've investigated other cases haven't you?  
-- Ek het.

Apart from sabotage cases ? -- Ekskuus?

You've investigated other cases apart from sabotage cases ? -- D it is karrrek.

And the Police, it is the procedure of the Police to question people accused of crimes continuously ... (inaudible, Mr. Joffe not speaking into microphone) ? -- Wel ek sal nie sê ons forseer antwoorde uit nie. 30

But you try and trap them into answering, you go from

B.493 the one angle, you go from the other angle(?) ? -- Ek weet nie of ek dit sal/<sup>n</sup>lokval stel nie, Edele. Ek weet nie of ek dit sal noem dat ons hom in 'n lokval lei nie.

What is the purpose if the accused said no I know nothing about this matter of tackling him from a different angle ? -- Edlagbare, om te probeer uitvind of hy werklik niks weet nie.

To what ? -- Om vas te stel of hy werklik niks weet nie.

I see. So you are really trying to find out .. 10 you are trying to get the prisoner to say that he is involved, isn't that so ? -- Wel of dat hy iets van die saak weet.

Now these prisoners were kept at Marshall Square all the time - at any rate they were kept there during the period 9th of April to I think the 7th of May ? -- Ek sal nie kan sê wanneer is hulle vir die eerste maal Fort toe nie.

But it was for some weeks? -- Ja, Edele.

And you had access to them at all stages ? -- Dit is korrek.

You wouldn't have had access to them at all times 20 at the Fort ? -- Nee.

Did you give an instruction that they were to be denied access to their friends and relatives ? -- Nee, Edele.

Or, I think it is Mr. Labuschagne who said it could have been one of three people, either Mr. van Wyk or either you or either Lt. Swanepoel ? -- Ek het nie die instruksies gegee nie.

You didn't give that instruction. Now do you consider .. I take it in the Police to assault a prisoner is looked upon rather seriously ? -- Dit is korrek. 30

You personally, would you take a serious view of an



B.494 assault on a prisoner? -- Wel ek sal hom nie aanrand nie, Edele.

You what? -- Ek sal hom nie aanrand nie.

If you heard about an assault on a prisoner, what would you do? -- Edelagbare, ek sal verwag dat die prisonier 'n formele klagte lê.

I see, that is what you would expect, you would never investigate ... (inaudible)? -- Ek sal verwag dat hy 'n klagte indien.

I see. Are there no general instructions about what a Policeman must do if hears of allegations of assault against a prisoner by another Policeman? -- Hoe meen u, as hy amptelik by u kla?

No, no, is there a general instruction about assaults by Policemen - about what a Policeman must do if hears of an assault on a prisoner? -- Nie sover my kennis strek nie.

Now there are 37 - this group of 37 prisoners, when did you first hear of allegations of assault ... (inaudible)? -- Edelagbare, as ek reg onthou dink ek dit was op die bekentenis van Nr. 2.

Oh I see, when you saw the confession of No. 2? -- Dit is korrek.

When did you see this confession of No. 2? -- Ek dink dit was op die .. dit was nadat ek die dossier oorgeneem het.

I see, I think you took over the dossier on the 23rd of April? -- Dit was die 23ste of 24ste.

Was it immediately thereafter that you heard of this allegation of assault? -- Ja, ek het dit gesien in die bekentenis.

Did you do anything about it? -- Nee, Edele.

B.495

I see, but you are quite sure you first knew of these allegations of assault when you saw this confession some time in April ? -- Edlagbare, ek .. soos ek sê ek kan nie presies onthou of dit die eerste maal is wat ek die konfessie .. of een dag in die Hof by die verskyning van die beskuldigdes was nie.

Oh, now you say you think it was possibly at Court when the accused appeared? -- Edlagbare, sover my kennis strek vermoed ek dit is op die konfessie, ek mag verkeerd wees.

I see, now when you say at Court, do you mean when 10 the accused were brought down to the Magistrate's Court ? -- Dit is korrek.

I see, that is when Mr. Chaskalson appeared the first time and raised these points with the Magistrate ? -- Ek dink mr. Chaskalson het toe verskyn, Edlagbare.

BY THE COURT: What date was that?

MR. JOFFE: The 7th of May, my Lord, that was the first time my learned friend appeared in this case, the 7th of May, I'm referring, my Lord, to the Magistrate's Court.

BY THE COURT: Yes.

20

MR. JOFFE: Yes, if it wasn't the 7th of May, it was ....  
(completely inaudible).

MR. JOFFE (to witness)

Now why is it in your evidence that you gave in regard to the confession of accused No. 2 in this matter, that you said the first time you ever heard of assaults was that day when you were giving evidence ? -- Dit het my ontgaan.

Dit het jou ontgaan ? -- Dit is korrek.

But you gave evidence in a very casual way as I understand? -- Nee, Edlagbare.

30

Did you give evidence only as to what you know? -- Ja.



B.496

It is strange then that you should have given this evidence - the first time you ever heard of the assaults was actually while you were giving evidence ? -- Ja, dit was 'n fout.

It was a mistake. You made several mistakes in your evidence from time to time haven't you ? -- Ek sal nie kan sê nie, Edele.

You can't say, well let me refresh your memory - you said in your evidence-in-chief in regard to accused No. 2 that he was straightaway very, very helpful - right from the beginning - do you recall that ? -- Dit is korrek. 10

Subsequently when you were cross-examined you said you couldn't remember when he became helpful - do you remember that? -- Dit is korrek.

So there is another mistake in your evidence? -- Edelagbare, ek sou sê dit is moeilik om te sê presies op watter stadium 'n beskuldigde behulpsaam was.

Yes that is my point but if you don't know you shouldn't say it, apparently you gave evidence as to what you don't really remember. Another point as I understand it in your evidence that you gave originally was with regard to the 20 pointing out at the parade, you said in your evidence in chief in regard to accused No. 2 that he pointed out certain people at the masks parade - do you recall that ? -- Dit is korrek.

Subsequently when you were cross-examined you said you couldn't really remember ? -- Dis korrek.

So really your evidence on your own admission is very unreliable - you can't .. well, I don't expect you to answer that. Now if we could come back to the night of the 9th of April, on that night you were interrogating accused No. 3 in the lavatory at Marshall Square ? -- Dis korrek. 30

Now were you in the lavatory there all the time this

B.497 questioning took place ? -- Dit is korrek.

I see. You remained there until when ? -- Tot Luitenant van Wyk gesê het ons moet ry.

I see, did Lt. van Wyk tell you this personally ? --  
Dit is korrek.

He came down to the lavatory and said come, let us go?  
-- Dit is korrek.

And you went immediately ? -- Dit is korrek.

Was there anybody else in the lavatory at any stage ?  
-- Edelagbare, soos ek gesê het ek kan nie presies onthou of 10  
daar iemand ingekom het nie.

Yes, if anyone else .. I would think one standing there cross-examining or not cross-examining, questioning a prisoner in a lavatory which is a very unusual place to question someone, you'd remember whether other people were coming in and out or whether other people were around who were helping you with the questioning ? -- Daar het niemand my gehelp met die ondervraging nie.

Was anybody else present ? -- Nie sover ek kan onthou nie. 20

So all you can remember is that you were there alone with accused No. 3 and then Lt. van Wyk was the first persone who materialised and he said come, we are going to New Canada ? -- Edelagbare, daar mag persone ingekom het.

Did Lt. van Wyk come in with anybody else ? -- Ek kan nie onthou nie.

You see there is the evidence of Mr. van der Berg that he for some reason or another was instructed to also come to the lavatory with his accused, I think it was accused No.4, do you know anything about that ? -- Edelagbare, soos ek sê 30 dit mag wees.



B.498

You don't remember seeing him ? -- Nee.

He also says that when he came into the lavatory there were other Policemen there apart from you and accused No. 3 ? -- Edelagbare, niemand het my daar gehelp met die onder-vraging nie.

He says there were other Policemen present there with you and accused No. 3 ? -- Nie sover ek kan onthou nie.

Not as far as you can remember. Now can you give us a description of this lavatory at Marshall Square ? -- Edelagbare, dit is 'n langwerpige vertrek, hy het slegs 10 gedeeltelik 'n dak oor.

Slegs gedeeltelik ? -- 'n Dak oor.

Oh yes .. ? -- En daar is 'n wasbak en natuurlik die gewone gemakshuisie toebehore.

I see, so there is one basin, is there one actual toilet, one lavatory ? -- Nee, daar is meer as een.

One basin ? -- Dit is korrek.

In which part of this room were you questioning accused No. 3 ? -- Edelagbare, ek dink dit was op die punt sover as ek kan onthou. 20

Op die punt ? -- Dit is reg.

Watter punt ? -- Die kant waar die wasbak is.

And you were standing facing each other ? -- Dit is korrek.

Do you remember whether the accused washed themselves at any stage ? -- Nee, E<sub>d</sub>ele.

You don't remember, they might have ? -- Edelagbare, ek sal dit seker onthou as hy hom in die wasbak was.

You would remember it, why are you so sure that you would remember it? -- ..... 30

BY THE COURT: Hy sal dit seker onthou, he isn't very sure, hy

B.499 sê hy sal dit 'seker' onthou.

MR. JOFFE: As I understand it ...

BY THE COURT: The word 'seker' is one of the Afrikaans words which is not very easy to translate, it is not an allegation of being certain.

MR. JOFFE: Probably, as I understand it, that is the meaning

BY THE COURT: 'Seker' - in other words 'ek dink ek sal ..

MR. JOFFE: Yes I think I follow, it is probably that I shall, thank-your, my Lord. TO WITNESS: So you think you will, but you can't say whether or not they did wash themselves? -- 10  
Edelagbare, dit is 'n blanke-gemakshuisie ...

Its a what? -- Dit is 'n blanke gemakshuisie.

Yes .. ? -- Ek twyfel of ek sal toestemming gee om in die wasbak te was.

Well I suppose it would be equally unusual for non-Europeans to be in a white wash-house in any event? -- Ja, ek was by hom, Edelagbare.

So you could have been with them when they washed as well? -- Ek kan my nie dit voorstel nie.

Well let me put it to you - let me put it quite 20 simply: Do you deny then that the accused washed themselves in that lavatory? -- Ek sal dit ontken, Edelagbare.

So you remember that very clearly? -- Ek sal onthou het as hy hom gewas het in die wasbak.

Now when you took statements from the various prisoners, you knew at the time that you took the statement more or less what they were going to say, is that correct? -- Ek kan nie mooi volg nie.

Sorry, you took statements from prisoners from time to time? -- Dit is korrek.

And before you started taking statements you had a



B.500 pretty clear picture of what the offence was with which they were to be charged .. ? -- Ja, Edelagbare.

And you knew from your consistent questioning more or less how each of the accused was involved in this incident ? -- Ja, Edelagbare.

So before you took a statement you virtually knew what the accused - what the prisoner is going to say ? -- Ek sal nie sê jy het in besonder elke puntjie geweet nie.

You knew more or less ? -- Ja, in breë trekke.

Let's assume you were taking a statement from No.4 10  
you would know that he was meant to have been at the meetings  
... ? -- Ja, Edelagbare.

You would know that allegations were made that  
certain of the people who attended these meetings slept at his  
home that night ? -- Ja, Edele.

And you would know in pretty general terms precisely  
what he was going to say ? -- Edelagbare, soos ek gesê het in  
breë trekke nie in fyner besonderhede nie.

That's right, now when you were questioning, when you  
had taken a statement from an accused, or from a prisoner, 20  
and he said something which you, according to your information,  
knew to be incorrect, what would you do ? -- Edelagbare, ek sal  
miskien die vraag aan hom stel op 'n ander manier.

Oh I see. That is while you were taking a statement?  
-- Dit is korrek.

So you would say for example when you took a statement  
Were you at the meeting on the 9th of April ? -- Ja.

He would deny it ? -- Dit is so.

And then what would you say ? -- Wel ek sal hom dan  
miskien vra waar was hy die aand. 30

And if he says I was at bioscope that night? -- Dan sal

B.501 ek dit daar laat, Edelagbare.

You'd what ? -- Ek sal dit daar laat.

You wouldn't say for example well, so and so says  
you were at that meeting? -- Edelagbare, ek mag hom dit sê.

I see, eventually with a bit of luck you might  
extract from him that he was at that meeting ? -- Ja, Edelagbare.

And so you would take a statement ? -- Dis korrek.

Now you said that other people were present during  
questioning in order to gain experience - isn't that so ? -- Dit  
is korrek. 10

Is this the sort of experience you would like him to  
gain? -- Ek dink dit is 'n kwessie van opinie.

No, it is not a question of opinion at all, you are  
the person who said they were there to gain experience? -- Dis  
soos ek dit beskou.

That's the sort of thing you would like them to ..(?)  
how to extract information from witnesses who weren't too keen  
to give it ? -- Ek volg nie mooi die vraag nie.

How to get information out of witnesses who weren't  
too willing to give information ? -- ... 20

DEUR DIE HOF: Die vraag is of the metode wat u wou hê die ander  
moet leer, waarmee hulle ervaring moes opdoen, of dit behels  
dat hulle moes leer hoe om getuienis af te dwing van getuies  
wat dit nie graag wou gee nie ? -- Ek sal nie sê afdwing nie,  
Edelagbare.

MR. JOFFE: Not 'dwing' but to extract, to get it out of them  
? --- ...

DEUR DIE HOF: Uit te trek ? -- <sup>J</sup>a, Edelagbare.

MR. JOFFE: By brains and not by brawn ? -- Dit is korrek.

Mr. Weyers if brains didn't help, subtle



B.502 questioning didn't help, would you perhaps have resorted to anything else ? -- Nee, Edelagbare.

You would never do that ? -- Nee,

Now I suppose that when you took a statement from an accused, from a prisoner, you would immediately take it to Mr. van Wyk ? -- Dit is korrek, u Edele.

Would you discuss the statement with Mr. van Wyk ? -- Nee, ek het dit nooit bespreek nie.

You would just leave it in his office ? -- Dit is korrek.

10

I see, and you wouldn't take the prisoner with the statement to see Mr. van Wyk ? -- Ek kan nie onthou dat ek dit gedoen het nie.

You certainly don't remember a general instruction that the prisoner should be taken to Mr. van Wyk with the statement after you'd taken the statement ? -- Wel die verklaring was daar, Edelagbare ..

Yes but not the prisoner as well ? -- Nie sover ek kan onthou nie.

You don't remember a general instruction to that effect ? -- Nee, Edelagbare.

20

Because one of the detectives has testified that there was a general instruction that when you take a statement you must bring the statement and the accused to Mr. van Wyk ? -- Nee, ek kan nie soiets ...

You know nothing about that? -- Ek kan nie so een onthou nie.

Were different instructions given to everyone in this case - or were there general instructions ? -- Edelagbare, ek sal nie kan sê of verskillende instruksies gegee was nie. 30

Were any special instructions given to you for instance,

B.503 Mr. Weyers, I want you to do just this but I don't want anybody else to do it - something to that effect ? -- Daar mag sulke gevalle gowees het.

Such as ? -- Edelagbare, ek was besig met 'n ander ondersoek, korrespondensie in ander sake, en so aan.

You were busy with correspondence in other cases ? -- Dit is korrek, sake en korrespondensie.

.. specific instructions in regard to those other cases ? -- Sover ek kan onthou ja.

Not in regard to this case - I mean in this case 10 you were given the same instructions as the other detectives? -- Ja, Edelagbare.

Now you've given evidence that on the 13th of April you took a statement of ... ? -- No. 2.

And where did you take this statement ? -- In die selbewaarder se kantoor.

I see, this was the first statement you took ? -- Ja, dit was die eerste dag wat ons begin het.

I see and I understand there was a whole group of you, you assembled in Mr. van Wyk's office and he said we are now 20 going to take statements today and you went down to the cells? -- Dis sover ek dit kan onthou.

I see, and could you tell us who was in that group who went down to the cells ? -- Edelagbare, soos ek nou die dag gesê het ek kan nie presies onthou nie.

You can't remember anyone ? -- Lt. van Wyk was daar, die onthou ek.

Yes, anybody else ? -- En ek vermoed die Sabotasie personeel.

Well I don't want you to give evidence of what you 30 don't know, was Lt. Swanepoel there ? -- Ek dink hy was daar.



B.504 Was Mr. Els there ? -- Ja, hy is lid van die Sabotasie personeel.  
Ek dink hy was daar.

Alright, well, you are not sure so we won't take that any further. And the whole group of you then went down to the cells at Marshall Square ? -- Dis korrek.

What time was this ? -- Edelagbare, dis moeilik om te sê, ek vermoed dit was hier in die dag, ek weet dit was gedurende die dag, ek kan nie sê die tyd nie.

Jy kan nie sê of dit in die môre of die middag was nie ? -- Sover ek kan onthou was dit in die middag. 10

I see, so you went down there and what happened - where did you go to - the whole group of you ? -- In die selle.

Yes but whereabouts, did you go to the big cell where the various prisoners were kept ? -- Sover ek kan onthou, Edelagbare.

What did you do there ? -- Wel ons het begin verklarrings neem.

Yes but where did you take the statements ? -- In die selbewaarder se kantoor.

Is that adjoining the main cell where the .. the big cell where all the prisoners were ? -- <sup>in</sup>ee, Edelagbare, sover ek kan onthou was die prisoniere op die eerste vloer.

I see, the prisoners were on the first floor and where was the 'selbewaarder se kantoor' ? -- Hy is op die grond vloer.

Is there just one office ? -- Nee, daar is nog n onderhoudkamer en dan dink ek is daar nog 'n vertrek.

I see, so as far as you can remember there are three offices there, the interview room, the 'selbewaarder se kantoor' and 'nog 'n vertrek' ? -- Ja, dis wat ek van weet. 30

Yes that I think is correct because Mr. Labuschagne

B.505 confirms that, the man in charge of the Fort .. I mean of Marshall Square. Now all the prisoners - were some of the prisoners brought to a place outside these various three offices? -- Ek kan nie onthou of daar meer uitgebring was as wat verklarings van geneem is nie.

What I want to know is this: Do you remember whether you went and called No. 2 out of the main cell or whether he was brought to this office and you simply said come into this office and started taking a statement? -- Edelagbare, sover ek kan onthou het ek hom gaan haal. 10

You went and fetched him yourself ? -- Ja.

Why did you decide to fetch him ? -- Geen besondere rede nie.

You just went down and fished out anyone ? -- Ja.

I see. And then you took him ..and did all of you just go out in a group and say .. and fish out various prisoners and then bring them back ? -- Wel ek weet nie wat het die ander gedoen nie.

But you went as a group, Mr. Weyers, a group of you set out to take statements, I assume you all arrived at the 20 cells together and you all acted more or less in each other's presence there is nothing to hide ? -- Edelagbare ek kan nie onthou nie.

You can't remember, but you remember very clearly taking a statement from No. 2 that day ? -- Dit is korrek.

Now you took him to this office ... just before we get to that, did you take statements from anyone else that day ? -- Ek dink so, Edelagbare.

Now you arrived down at the cells and you took No. 2 to the 'selbewaarder se kantoor' - is that right ? -- Dit is 30 korrek.



B.506

And what were the other detectives doing, where were they taking their prisoners to ? -- Ek sal nie kan sê nie.

You never saw any of the others ? -- Edelagbare, ek kan nie onthou presies waar het hulle hulle .. of alger verklarings geneem het, of waar hulle die prisoniere heen geneem het nie.

Did you notice detectives standing around doing nothing ? -- Ek kan nie onthou nie, Edelagbare.

Did detectives normally stand around in the cells doing nothing ? -- Ek sal nie kan sê nie. 10

What would detectives be doing in the cells who weren't taking statements and who weren't questioning prisoners ? -- Wel ek vermoed dan sou hulle slegs daar rondgestaan het.

Just standing around, can you think of any reason why people stand around in cells, detectives, whose job it is to do work and take statements, not to stand around ? -- Ek sal nie kan sê nie.

Do you remember any people standing around ? -- Edelagbare, ek kan nie onthou nie. 20

You see as I understand the position there are three offices there and there was a group of about 6 or 7 detectives? -- Ja, ek sal nie kan sê wat was die getal nie.

You won't deny that it was about 6 or 7, we've got the evidence that you were there, Lt. van Wyk was there, Mr. Els was there, Lt. Swanepoel was there, so without dealing with whom you think might have been there, there were at least 4 people there ? -- Ek sal dit nie betwis nie.

And there are three offices there ? -- Dit is korrek.

So there were more detectives than there were offices ? -- Ja. 30

And the others were just standing around, the detectives,

B.507 while these statements were being taken - the detectives who never had offices ? -- Wel ek vermoed so.

Why were there so many detectives there if there were so few offices in which to take statements ? -- Wel ek sal nie kan sê nie.

There were more than one detective to each office? -- Nie daar by my nie, Edele.

Not in your case ? -- Nee.

Now when you write down on a statement the time that you take a statement, do you write down the time that the statement is finished or the time the statement begins ? -- Die tyd wanneer die verklaring klaar geneem is.

When you finish with the statement - now that day you took several statements you say - the 13th of April ? -- Nee, ek het nie gesê 'n aantal nie, ek het gesê ek kan nie onthou hoeveel ek geneem het nie.

You said you think you took more than one ? -- Ja, dit is wat ek gesê het.

Do you remember what time you left the cells that day ? -- Nee, Edele.

Now according to the note on the statement, the time that you took Michael i.e. No. 2's statement, was 12.45 ? -- Dit mag wees, u Edele.

Well it must be the time you finished taking the statement ? -- Ja, as hy daar so is.

So you obviously must have started some considerable time before that ? -- Ja, ek sal nie kan sê hoelank dit my geneem het om die verklaring te neem nie.

Now at any time that morning, were you in an office with Lt. Swanepoel, the two of you together in the 'selbewaarder se kantoor' ? -- Nie sover ek kan onthou nie.



B.508

After you've taken No. 2's statement, do you remember what you did? -- Nee, ek kan nie uit die vuis uit onthou nie -- ek kan nie onthou wat ek ...

You can't remember. I suppose .. yes, did you stay down at the cells and take other statements or did you go on? -- Ek glo nie ek het weggegaan nie.

You think you remained in the cells? -- Ja.

Was there any reason why you should go away? -- Nee, Edele.

I see, so you think then you stayed at the cells? <sup>10</sup> --

Ja.

Now did you leave this office in which you were taking the statement of No. 2 after you had finished? -- Ek dink so ja, Edelagbare.

What do you think you did then? -- Ek kan nie presies onthou wat ek toe gedoen het nie.

And where was Mr. van Wyk at the time you were taking this statement? -- Edelagbare, dit is moeilik om te sê, ek sal nie kan sê of hy die heel tyd in die selle gewees het nie.

Do you remember seeing him after you had taken <sup>20</sup> the statement? -- Ek sal nie kan sê nie.

When did you give this statement to Mr. van Wyk? -- Ek dink dit was dieselfde dag.

Where did you give it to him? -- Edelagbare, dit is moeilik om te sê. As hy daar gewees het neem ek aan sou ek dit vir hom gegee het daar, as hy nie daar gewees het nie sou ek dit blykbaar op sy tafel in sy kantoor neergesit het.

I see. Now the evidence of one of the other detectives, I think it was Mr. Els, .. just before we get to that, you say you took various .. you think you took more <sup>30</sup> than one statement that day? -- Dit is korrek.

NB

B.509

Now would you have taken them all in this particular office ? -- Nee, ek dink ek het daarna in die onderhoudkamer gesit as ek reg onthou.

Oh I see... and you took the statements there ? -- Ja, ek sal nie kan sê of ek net een verklaring of verklarings .. ek kan my nie voorstel nie .

Now there is evidence by Mr. Els before the Court that he saw you and a Bantu prisoner leaving this particular 'selbewaarders' office and after a few seconds he went inside  
.....

10

MR. JOFFE (to the Court)

Sorry, my Lord, I won't put that question to him now.

TO WITNESS: Did you see Els outside this office ? -- Edelagbare, dit is moeilik om te sê.

Well let's put the question this way again: There is evidence before this Court from Mr. Els that you came out of an office with a Bantu prisoner - the 'selbewaarder's kantoor' and that Mr. Els entered a few seconds later and found Lt. Swanepoel sitting there, and the evidence also suggests that you and Lt. Swanepoel and the Bantu prisoner must have all  
20  
been in there together? -- Nee, Edelagbare.

Quite out of the question ? -- Ja.

When you finished taking the statement from accused No. 2 - I think you typed the statement ? -- Dit is korrek.

And did you read it over to the accused ? -- Ek het, Edele.

I suppose you took it out of the typewriter first ?  
-- Ja, ek dink so.

And then you got the accused, that is No. 2, to sign the statement ? -- Ja.

30

That was after it had already been taken out of the



B.510 machine ? -- Ja, ek kan nie presies sê of ek .. dit is moeilik om te sê of ek alreeds die verklaring uitgehaal het, toe ek hom oorgelees het en of hy nog in die masjien gewees het.

But when the accused No. 2 signed it, was it in the machine or out of the machine ? -- Nee, dan sal hy buite wees.

It would obviously be outside the machine ? -- Ja.

I suppose No. 2 .. as soon as you had taken the statement you read it back to the witness ? -- Dit is korrek.

And he signs it on the spot ? -- Ja.

And so obviously when No. 2 left the office he'd 10 already signed the statement ? -- Dit is korrek.

Is it difficult to take a statement in a sabotage case ? -- Edelagbare, ek glo nie.

It is in no way different from any other statement is it ? -- Nee, ek neem aan jy skryf maar net die feite af, soos in enige verklaring.

Now the accused No. 4 has said that you assaulted him .. ? -- Ek ontken dit.

The accused says that you assaulted him because he never gave you the answers which you wanted from him ? -- Ek 20 ontken dit.

You would only use brains and try to get admissions out of accused and not resort to assaults ? -- Dit is korrek.

GEEN VERDERE VRAE DEUR MNR. JOFFE.

HER-VERHOOR DEUR MNR. KROG:

Mnr. Weyers, jou antwoord op een van die vrae was dat julle ook van die persone wat aangehou was gedurende die aand of nag ondervra het - is dit reg ? -- Ja, Edele.

Nou was dit die enigste doel gewees van die persone te sien in die aand of in die nag net om hulle te ondervra? -- 30 Edelagbare, dit is indien jy enige inligting kry dan is dit

B.511 beter om uit te gaan in die Bantoe-gebiede gedurende die nag.

Ja maar hoekom sou julle die mense wat aangehou was nou in die nag gaan ondervra ? -- Edelagbare, ek vermoed dit is om inligting te bekom.

Daar waar hulle is in die selle ? -- Ja.

Dan het jy ook gesê as jy 'n persoon ondervra en jy het sekere inligting dan mag jy aan hom sê: O, so en so het so gesê dat jy daar was of dit gedoen het - kan jy dit onthou ? -- Ek onthou dit ja.

Nou as jy sê: O, so en so het dit gesê, sal jy die 10 persoon se identiteit bekend maak of nie ? -- Nee, Edelagbare.

Dan het jy ook nou net aan my geleerde vriend gesê dat jy sal nie 'n persoon aanrand as jy hom ondervra en hy miskien nie gunstige antwoorde gee nie ? -- Ek sal hom nie aanrand nie.

Hoekom nie ? -- Edelagbare, dan sal sy inligting uit my oogpunt beskou nutteloos wees.

Sal die aanranding enige uitwerking op jou hê - op jou posisie as dit uitkom? -- Ja, Edelagbare.

Wat? -- Edelagbare,<sup>ten</sup> eerste hulle kan jou aankla, 20 dieselfde tyd rang-verlaging, hulle kan jou salaris vir 'n jaar .. verhoging terughou - dit is nie 'n individuele straf nie, dis bykomstig.

DEUR DIE HOF: Wat bedoel u bykomstig ? -- Edelagbare, as hulle jou skuldig vind aan aanranding, behalwe dit kan hulle jou rang verlaag ...

MNR. KROG: U meen dit is Polisie .. ? -- regulasies.

Mag gee in teenstelling met wat mag gebeur as jy in die Hof skuldig gevind word ? -- Dit is korrek.

GEEN VERDERE VRAE DEUR MNR. KROG.

30

DEUR DIE HOF: Dreigemente van aanranding, staan dit op 'n ander



B.512 basis, sou jy dit gebruik ? -- Nee, Edele.

In teenstelling natuurlik met werklike aanranding ? --  
Ja, ek sal nie daarvan gebruik maak nie.

U het gesê dat u soms deur verskillende vrae te stel  
probeer vasstel of 'n aangehoudene sekere inligting het of nie  
het nie ? -- Ja, Edele.

Is dit op die stadium wat u ondervra in teenstelling  
met verklarings neem, of op albei stadiums of op net een van  
die twee stadiums - as u onderskei tussen die proses van  
ondervraging en die proses van verklarings neem, onderskei 10  
u dan ook wat betref daardie .. die gebruik van daardie metode  
wat u verduidelik het of is daar eintlik by u nie enige  
onderskeid nie ? -- Ek sal in albei gevalle dieselfde toepas.

GEEN VERDERE VRAE NIE.

-----  
(HOF VERDAAG TOT 2 n.m.)

Belt 67

HOF HERVAT - 2 n.m.

DANIEL WILHELM V/D BERG v.o.e.

VERHOOR DEUR MNR. KROG:

Mnr. v/d Berg, wat is jou rang in die Polisie ? --  
Speurder Konstabel, u Edele. 20

En waar is jy gestasioneer ? -- Op die oomblik  
Veiligheidspersoneel, The Grays, Johannesburg.

Van wanneer af is jy aan die Veiligheidspersoneel  
verbonde ? -- U Edele ons het .. ek dink nou ...

Min of meer ? -- Ek dink April maand .. nee, net na  
April, is ek oorgeplaas na die Veiligheid ...

Net na April ? -- Ja.

En waar was jy dan voor jy oorgeplaas is na die  
Veiligheid toe ? -- Verbonde aan die Sabotasie-afdeling. 30

En op die 9de April hierdie jaar, was jy toe verbonde

B.513 aan die Sabotasie-afdeling ? -- Dit is reg, u Edele.

En was jy ook op die aand van die 9de ingeroep om behulpsaam te wees met die ondersoek i.v.m. die saak? -- Dis reg, u Edele.

En het jy daarvan af gehelp? -- Ek het.

Nou kan jy onthou mnr. v/d Berg of jy ooit te doen gehad het met beskuldigde Nr. 4 - dit is nou 3 soos hulle daar sit ? -- Ja, u Edele.

Hier van die duskant af ? -- Ja, u Edele.

Het jy iets te doen gehad met hom ? -- Ja, ek het 10 hom ondervra die eerste aand.

Jy het hom ondervra die eerste aand, en na die eerste aand, het jy weer iets te doen gehad met hom ? -- Op die 16de, u Edele, het ek hom geneem na die Landdroshof.

Is dit toe hy 'n verklaring daar gaan maak het? -- Ja, u Edele.

Nou mnr. van der Berg, het jy op enige stadium vir beskuldigde Nr. 4 aangerand ? -- Nee, Edele.

GEEN VERDERE VRAE DEUR MNR. KROG.

KRUISVERHOOR DEUR MNR. CHASKALSON:

20

Mr. van der Berg, you have given evidence previously in the same trial ? -- Ja, u Edele.

In regard to other confessions which had been tried? -- Dis reg, u Edele.

And do I understand the picture that for the first few days of the investigation accused were questioned and thereafter statements were taken from .. the arrested persons shall we say ? -- Dis reg, u Edele.

Before the 4 people it was a growing number? -- Hulle was 'n groot ...

30

4 the first night, I think 18 the second day and



B.514 gradually growing to 37 ? -- Ja, u Edele.

Now I think that you told us previously that you were present on occasions when Mr. Weyers questioned arrested persons during the early period ? -- Dis reg, u Edele.

Mr. Weyers says that he thinks the reason for the presence of other people whilst he was questioning was that the detectives present could get experience of how to approach this sort of a problem ? -- Dis reg, u Edele.

Is that correct? -- Yes.

Were you present then so that you could learn 10  
how to question suspects and what to do ? -- Ek was teen-  
woordig, u Edele.

But is that the reason why you were present - to get  
experience ? -- Om ondervinding op te tel ja.

Is that correct? -- Ja.

I gathered from Mr. Weyers' evidence which he has  
just given that what the questioned had to do was to try and  
get information from people who may not want to give the  
information to the questioner - is that correct ? -- Ek kan  
nie die vraag mooi volg nie! 20

Well let me explain to you, what Mr. Weyers said was  
that one had to use brains in questioning arrested persons and  
you had to know how to put questions to them to try and get  
them to furnish you with the information which you required? --  
Met my ondervinding van ondersoek, u Edele, vra ek ook maar  
partykeer vrae en dan met die tyd van verloop van jou onder-  
soek begin jy beter leer watter vrae nodig is om te ondervra.

But I gathered from him that you had to know how to  
question a person so that if he says no to a question which you  
put to him, you wouldn't take no for the answer but you'd be 30  
able to come back to it from a different point of view, and

B.515 that is the system which he adopted ? -- Ek weet nie wat was sy metode nie.

Well you listened to him, didn't you Mr. v/d BERG ?

- Ja.

So you must have heard him adopting that system - is that correct ? -- Ek het geleer by sy ondervraging.

Yes, but you heard him adopting that system - Mr. Weyers wasn't going to be fooled by somebody who said that he wasn't at the meeting - he would come back to the question cleverly to see whether he was there or not - is that correct? -- Ja, 10

And was the reason why you were present to learn how to do that - to get experience on that form of questioning ? -- Edelagbare ja, en ek het ook vrae gevra.

Oh, you also asked questions ? -- Ja.

When did you ask questions ? -- Edelagbare, dit was die middag van die 13de of die aand toe ons vrae gevra het aan beskuldiges.

Yes I know, but let's go to the period before the 13th, I think that for the first days, the 10th, 11th and the 12th, the arrested persons were being questioned by the 20 Police ? -- Ja.

And it was on that occasion that Mr. Weyers said that other people were present when he asked questions? -- Ek weet nie wat mnr. Weyers gesê het nie, of hulle teenwoordig ...

Well is that correct, were you present when Mr. Weyers questioned people during the 10th to the 13th ? -- Ek was teenwoordig by die 13de ja.

No but before the 13th, Mr. v/d Berg, during the period the 10th to the 13th - were you ever present when Mr. 30 Weyers questioned ? -- Ek kan nie onthou tussen daardie periode



B.516 nie, dit mag dalk wees.

Well try and think because evidence has been given about this, try and think, do you think you were present during the period the 10th to the 13th when Mr. Weyers questioned people ? -- Dit mag wees, Edele.

Well when were you present when Mr. Weyers questioned people was it on the 13th that you were present ? -- Ja.

Oh I see, when Mr. Weyers was taking statements on the 13th you were present when he put the questions? -- Nie wanneer hy verklarings . gevat het nie, Edelagbare, ek het 10 apart verklarings gevat.

But then what happened on the 13th, wasn't the 13th the day that statements were taken ? -- Ja, ek het verklarings gevat op die 13de.

So if you were present when Mr. Weyers questioned people on the 13th, you must have been present when Mr. Weyers was taking statements on the 13th - isn't that so ? -- Nee, Edelagbare, ons het ...

Well what was happening, did you do anything - sorry, let me put the question to you this way, Mr. v/d Berg, 20 didn't the statements start on the 13th - the 13th was the first day on which statements were taken ? -- Dit het begin die 13de.

And I think it was you who told us that on the 13th you got the instruction from Et. van Wyk ? -- Om verklarings te neem.

Yes and there was a group of detectives ? -- Ja.

And you all went down to the cells to take the statements ? -- Ja.

And that was when Mr. Weyers questioned people ? -- 30 Edelagbare, op daardie dag het ek my eie verklarings gevat ..

B.517

Yes, I know, you took your own statements, but you told us you were present when Mr. Weyers questioned people? --  
Ja, dit was na die verklarings.

After the statements? -- Ja.

Well what experience did you require after the statements had been taken? -- Ek kan nie .. ek kan nie die vraag antwoord nie.

But you told us one of the reasons for you being present at the questioning was to get experience as to how to investigate this case, that is correct isn't it? -- Ja. 10

Well why did you require experience after the 13th? After the statements had all been taken? -- ....

BY THE COURT: Surely, Mr. Chaskalson, experience remains experience whether before or after, after all if you want to gain experience you gain it continuously or you don't - its either one of the two isn't it?

MR. CHASKALSON: My Lord, I'd like to know what the witness ...

BY THE COURT: .. yes, but is there any point really ...

MR. CHASKALSON: Well my Lord, I would like to know the witness' answer because I will follow it up. 20

BY THE COURT: Yes, alright, but I think you are wasting a lot of time now.

MR. CHASKALSON: My Lord, I would prefer to proceed. TO WITNESS: Mr. van der Berg, why .....

BY THE COURT: You must put it in a manner so that he can understand because he's got to reply to it, but it is almost unintelligible the way you framed the question.

MR. CHASKALSON: Well, my Lord .... Mr. van der Berg, if you don't understand my question will you please say so.

BY THE COURT: I personally would find it very difficult to 30 give an intelligible answer to that particular question.



B.518 MR. CHASKALSON: My Lord, I'll put the question to the witness..

TO WITNESS: Mr. van der Berg, please, if you don't understand me will you please say so as soon as I've put the question? -- Ek sal u Edele.

Will you? -- Ja, ek sal.

Now you told us that one of the reasons why you were present when Mr. Weyers questioned people was to get experience ? -- Ja.

To know how to question people yourself? -- Ja.

Now you yourself took statements from people? -- Ek 10 het, u Edele.

Did you require the experience, or did you require to obtain the experience of how to question people before or after you took statements ? -- Dit was voor.

Before you took the statements ? -- Ja.

Right, now when did you take the statements ? -- Die 13de.

On the 13th, so you required the experience before the 13th - so when were you present then when Mr. Weyers questioned people ? -- Dit was voor ek die verklarings gevat 20 het.

Before you took the statements, now was it on the 13th itself or was it during the period the 10th to the 13th ? -- Dit moes tussen daardie periode gewees het.

Between the period the 10th to the 13th - so when you said just now that it was after the 13th that was a mistake ? -- Ja, Edele.

Right. Now did you make use of this experience which you gained from Mr. Weyers when you took the statements yourself ? -- Ek het gebruik gemaak daarvan.

Did you adopt the same method ? -- Nie altyd nie.

B.519

No, but I mean did you adopt the methods which you had learnt from Mr. Weyers? -- Ek het nie my vrae altyd so gestel soos hy dit gestel het nie, ek het my vrae gewissel.

Yes, but with the same plan to try and get information? In other words, if a person whom you were questioning said 'no', you would come back to the question from another point and try to use your brains to beat them? -- Nee, as hulle gesê het nee dan is dit nee.

And you just left it? -- Ja.

So you didn't adopt Mr. Weyers' method? -- Ek 10  
het nie altyd die vrae wat mnr. Weyers gevra het ....

No, but I mean Mr. Weyers has told us his method of questioning - that he uses his brains when he questions, if he gets no for an answer he'd come back to that question from another point of view to see whether he can't get yes to the same question? -- Nee ...

You didn't adopt that method? -- Nee.

Well what were you learning from Mr. Weyers then? --  
Ek weet nie hoe moet ek antwoord ...

[Well you said that you were there to get experience, 20  
what experience would you require? -- Van hoe om sekere vrae  
te stel aan ...

How to put certain questions - now how long have you  
been in the Police Force? -- Van '47 af.

So that would be 16 years? -- Ja.

Have you taken statements before then - before the...  
? -- Ek het voorheen geneem ja.

For 16 years you've been taking statements? -- Ek sal  
nie sê pal nie maar ek het verklarings geneem.

Yes, well why did you need to get extra experience? -- 30  
Dis die eerste keer wat ek so 'n saak ondersoek, u Edele.



B.520

Now how do you mean, you mean its the first time you've investigated a sabotage case ? -- Ja.

I see, and were you learning the technique of investigating a sabotage case ? -- Ek het dit geleer.)

And you were learning from Mr. Weyers ? -- Nie net spesifiek altyd van hom nie maar ...

Well from whom else did you learn ? -- Lt. van Wyk.

Did Lt. van Wyk question people ? -- Hy het sekerlik gevra, ek kan nie onthou of hy gevra het nie.

And whom else did you learn from besides Lt. van Wyk and Mr. Weyers ? -- Dit is al.

Just those two, alright. Now you got instructions to question accused No. 4 on the night of the 9th of April ? -- Ja, Edelagbare.

Do you remember how long you were with accused No.4? -- Ek was nie lank nie.

About how long ? -- Ek kan nie sê hoelank nie maar dit was nie lank nie.

Well, you took him away to question him somewhere did you? -- Ja.

Where did you go ? -- Ek kan nie onthou of dit kamer 11 of 12 is nie, u Edele, maar dit is net langs aan kamer 9, twee kamers van kamer 9 af.

What room was it, do you remember ? -- Dit was 'n kantoor.

An ordinary office ? -- Ja, speurders kantoor.

Oh, detectives office - was it open ? -- Hy was oop.

Were there other people there ? -- Nee, daar was niemand nie.

Did you find an office right away or was there any difficulty in finding a vacant office ? -- Nee, ek het somar

10

20

30

B.521 geloop na die deur toe en gevoel of die kantoor se deur oop is en toe hy oop is toe gaan ek somar in.

I see ....

BY THE COURT: On the night of the ?

MR. CHASKALSON: Of the 9th.

GETUIE: Die 9de, u Edele.

MR. CHASKALSON (to witness)

Tell me, are there many offices at Marshall Square ?

-- Daar is 'n ...

Can you give us an idea of how many ? -- Ek sal 10  
rofweg skat, u Edele, omtrent 32.

I see, and are most of them occupied at night or are most of them free at night ? -- Hulle word gesluit gedurende die .. na ure word hulle gesluit, party wat nie gesluit word nie die het ons ingegaan.

Could you use those ? -- Ja, die wat nie ...

How did you know which offices weren't locked ? --  
Ek het gaan voel aan die deure of hulle gesluit is.

And then you found the one and you went in ? -- Ja.

Now did Mr. Weyers ever come into the office while 20  
you were questioning No. 4 ? -- Nee.

Are you sure ? -- Ja.

He didn't open the door and look in and see you questioning accused No. 4 ? -- Nee.

Are you quite sure ? -- Die deur het ek oop gelos.

You closed the door ? -- Nee, die deur het ek oop gelos.

Oh, you left the door open ? -- Ja, dis 'n groot ..  
dis 'n taamlike groot kantoor.

Why did you leave the door open ? -- Ek het hom maar  
net oop gelos, ek sien geen rede waarom moet ek hom toe maak 30  
nie, u Edele.



B.522

But how is it that you remember leaving the door open? -- Ek het hom nie toegemaak nie, ek is seker ek het hom nie toegemaak nie.

No, that I understand, but why is it that you remember so clearly that you left the door open? -- Ek het hom net nie toegemaak nie, ek weet ek het hom nie toegemaak nie ... (inaudible, Mr. Chaskalson interrupts witness).

No, I say that you say you didn't close it, but do you have any reason why you should remember having left the door open that night? -- Ek weet nie, ek het nie.... 10

Just one of the things that you remember? -- Ja. ek het hom net oop gelos, dis al.

Well do you usually leave the door open when you question people or do you usually close the door when you question someone? -- Nee, Edelagbare ...

Is it your practice to question people with the door open? -- Ja.

Why? -- Waarvoor moet ek die deur toemaak, ek sien nie rede hoekom moet ek hom toemaak nie.

Well I would have thought that you wanted to be 20 alone with a person when you question him, you didn't want to be disturbed by other people? -- Maar ek was dan allenig daar.

Yes but then anybody who is walking by could see you questioning a person and could come inside? -- Nee, dan vra ek hom om die kantoor te verlaat.

But didn't you want privacy when you questioned a person? -- Nee, al persoon wat daar sou kon gekom het is Lt. van Wyk, die het later daar aangekom.

Alright, so can we put it this way then, you must correct me if I'm wrong, Mr. v/d Berg, do you mean that it 30 is always your practice to leave the door open when you question

B.523 people and that is why you say you left the door open, or is it something which you specifically remember? -- Edelaagbare, ek los maar altyd die deur oop as ek iemand ondervra.

No, you've told us that but you must try and help me please, Mr. v/d Berg, I want to know whether it is something which you specifically remember doing, or whether it is simply your practice always to leave the door open and therefore you say you must have left the door open that night? -- As 'n reël los ek maar die deur oop.

I see, that is why you think that you left the door 10 open - it is not something which you actually remember? -- Ek weet net as 'n reël los ek die deur oop.

Alright. Now if I remember your evidence correctly, you said while you were questioning the accused No. 4, Lt. van Wyk came into the room where you were questioning him? -- Dis reg.

And he gave you an instruction? -- Ja.

What was the instruction? -- Hy het gesê: Bring die man hiernatoe.

Did he say where? -- Hy het gesê bring die man 20 hiernatoe na die latrine toe.

Bring this man to the lavatory? -- Ja, bring die man hiernatoe na die latrine toe.

How far was the lavatory from the room where you were questioning? -- Edelaagbare, nou moet ek rofweg skat, ek dink hy is hiervan af tot by die deur (distansie aangedui in Hof).

DEUR DIE HOF: About 8 paces.

GETUIE: Ja, 8 na 10 dink ek.

MR. CHASKALSON: 8 to 10 paces? -- Ja.

So you were quite close then to the lavatory - was



B.524 the door of the lavatories open? -- Nee, hulle slaan somar toe, die deure slaan toe.

Could you -- oh you couldn't see what was happening in the lavatory ? -- Nee.

And where was Lt. van Wyk -- where did he come from can you remember ? -- Ek kan nie sê waar het hy ...

He just put his head in and said: Bring the man to the lavatory ? -- Hy het net by die deur gekom en gestaan en gesê bring die man hier na die latrines toe.

I see. And then when you got to the lavatory he 10 told you to go somewhere else? -- Ja, hy het gesê ons moet almal gaan na kamer 9 toe.

Everybody must go to room No. 9 ? -- Ja.

Was there any reason why you should go to the lavatory before you would go to room No. 9 ? -- Ek kan nie sê wat was die rede nie.

Well let's try and think of a reason shall we, there is a wash basin in the lavatory isn't there? -- Ja, daar is 'n wasbak.

Do you remember whether that wash basin was used 20 that night? -- Ek kan nie sê of hy gebruik was nie.

Well do you remember -- I think that we've heard that accused No. 2 had blood on his face that night -- do you remember whether blood was seen -- whether you saw blood on accused No. 2's face ? -- Eidelagbare, ek kan nie sê of ek gesien het nie, dit mag dalk wees dat hy bloed aan hom gehad het.

You see possibly accused No. 2 had his face washed in the lavatory -- in the basin there, does that bring anything back to you ? -- Ek kan nie ...

Can you think whether anybody was washed in the 30 lavatory that night ? -- Nee, ek kan nie ...

B.525

You can't remember? -- Ek kan nie.

Is it possible that they could have been? -- Dit mag dalk gewees het ja.

You see accused No. 4 says that he was taken to the lavatory to wash? -- Nee, ek kan nie ...

You don't remember - he says there was blood on his face and he had to go there to wash? -- Dit mag dalk gewees het, ek het nie so opgelet of daar was nie.

You can't say - I'm talking about accused No. 4, the man whom you were questioning? -- U meen was daar bloed aan 10 hom?

Yes? -- Nee.

There wasn't any blood on him - so if he says he went there to have the blood washed off his face that wouldn't be a reason? -- Nee, E<sub>d</sub>elagbare, dit is nie waar nie.

You see I find it very difficult to give a .. for an explanation as to why you were sent from the room you were questioning to the lavatory and straightaway to another room - you can't advance that - you can't give us any explanation? -- Ek kan nie sê waarom het Lt. van Wyk my soontoe gestuur nie. 20

Alright, now you say you weren't very long with accused No. 4? -- Nee.

Can you give us some idea of what 'long' was - was it 10 minutes, 15 minutes, half an hour - just so as we can have an impression, obviously you weren't sitting there with a watch and timing it? -- Nee.

But you must have some vague idea - was it quarter of an hour, half an hour, an hour? -- Nee, dit was nie so lank nie.

Can you give us an idea, about quarter of an hour?  
-- Nee, dit was nie so lank nie.

30

Not as long as quarter of an hour? -- Nee.



B.526  
BELT 68

So you were with him for a very short period of time?

-- Ja, ek was nie lank daar nie.

And then you didn't question him again? -- Nie weer  
 nie, Eaelagbare.

You couldn't have had much time to put many questions  
 to him? -- Nee, ek het nie veel vrae gevra nie.

Now were you told that there was a hurry about  
 getting information - did Lt. van Wyk say you must see what  
 you can get as quickly as possible? -- Nee, hy het net vir my  
 gesê ondervra die beskuldigde. 10

But did he tell you it was urgent, that this was an  
 urgent case? -- Nee, hy het net vir my gesê gaan ondervra  
 die beskuldigde .

That is all he told you? -- Ja.

Did you know what you had to question him about? --  
 Die klagte was brandstigting.

But did you know that? -- Ja, hy het my gesê.

Who told you - Lt. van Wyk? -- Ja.

And did he tell you what had happened? -- Nee, Lt. van  
 Wyk het net gesê die klagte teen die beskuldigdes is brand- 20  
 stigting, vat die beskuldigde en ondervra hom.

He didn't tell you where they had been arrested? --  
 Ja, by M.E. Stores.

Oh, he told you that? -- Ja, by M.E. Stores en die  
 beskuldigde is op die toneel van die misdaad gekry.

Oh he told you all that? -- Ja, dis al.

And then you had to question on that information?  
 -- Ja.

Now when you got - you say that if you got an  
 answer 'no' from a person you questioned, you wouldn't take 30  
 it any further - if you asked them a question and said: were you

B.527 at the meeting or were you there and he said 'no', you wouldn't take it any further? -- Nee.

You just accept that answer? -- Ja.

Did you adopt the same procedure when you questioned accused No. 4 - did you just accept the answer that he gave? -- Ek het dit so aanvaar ja.

You just accepted his answers? -- Ja.

You were satisfied with what he told you? -- Ek was...

You didn't try to get more information that he was willing to give? -- Nee, Edelagbare. 10

You see he says that you did, he says that when he .. when you weren't satisfied with the information that he gave you that you tried to get more information - is that not so? -- Ek het hom net ondervra soos ek hom moet ondervra.

But he says that you tried to get more information when he declined to give you information? -- Nee.

Is that not correct - he says in fact that he was assaulted? -- Nee, Edelagbare.

Is that not correct? -- Nee.

Was this a tricky case, Mr. v/d Berg - was this a 20 complicated case - difficult case - as far as you were concerned? -- Dit was 'n moeilike saak, maar nie so vreeslik nie.

Did it require skilful interrogation? -- U meen ...

Of the arrested persons? -- Dit verg goeie ondersoek ja.

Now would you agree with Mr. Weyers when he says that you had to use your brains when you questioned the people - questioned the arrested persons? -- As 'n reël as jy iemand ondervra dan moet jy maar jou verstand gebruik om 'n vraag te stel. 30

Right, but he says that apparently that is why people



B.528 were with him when he was questioning to see how to set about it - apparently as I understand Mr. Weyers' evidence he had other detectives around him when he was questioning people so that they should know how to approach the problem - is that correct? -- Ek was teenwoordig, u Edele.

In other words, you were being shown how to use your brains to investigate this particular case - is that correct? -- Ek kan nie mooi volg nie.

What I mean is that .. did your sessions with Mr. Weyers assist you - did you gain assistance from being with 10 him and seeing how he questioned suspects? -- Dit het my tot 'n sekere mate gehelp.

Did it help you in your own investigations?, -- Dit het my tot 'n sekere mate gehelp.

It helped you to show you how you should set about your investigations? -- Ja.

Is that correct - and it helped ... you see Mr. Weyers says he would never use brawn to .. you know the statement brains and brawn - he would use brains to get information but he would never use brawn to get information - is that your 20 same ..? -- Ek kan nie antwoord op wat mnr. Weyers sê nie...

He wouldn't use force, he wouldn't use violence or force to obtain information from somebody, he would use his brains to get the information - do you agree with that? -- Ja, ek meen jy sal jou brein gebruik om inligting te kry, jy gaan nie geweld gebruik nie.

You wouldn't use force to get information? -- Nee, ek sal nie geweld gebruik nie.

You agree with that? -- Ja.

Now, Mr. v/d Berg, how far did you go at school? 30 -- Standard six.

Collection Number: AD1901

**SOUTH AFRICAN INSTITUTE OF RACE RELATIONS, Security trials Court  
Records 1958-1978**

**PUBLISHER:**

*Publisher:-* Historical Papers, University of the Witwatersrand

*Location:-* Johannesburg

©2012

**LEGAL NOTICES:**

**Copyright Notice:** All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

**Disclaimer and Terms of Use:** Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of the collection records and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

This document is part of a private collection deposited with Historical Papers at The University of the Witwatersrand.