

Names of Witnesses Examined.—Name van getuies wat ondersoek is.	Page.—Bladsy.
(1) Robert Anthony van der Molen	1 -
(2) Nomsisi Moses Radebe	2 - 10
(3) Laura Basson	10 - 17
(4) John Bagala	17 - 42
(5) Adam Maleke	42 - 43
(6) Allen Gamba	44 - 73
(7) Kenneth Edgar Tanner	73 - 82
(8) Adam Maleke	82 - 96
(9) John Kubeka	96 - 104
(10) Stella Ndlovu	105 - 109
(11) Peter Willem Basson	109 - 116
(12) David Khanda	116 - 122
(13) Miriam Vandla	122 - 123
(14) Phelemon Donald Hlatwayo	123 - 133
(15) Edward Hlengwa	133 - 134
(16) George Nkisi	134 - 137
(17) Ferguson Mbadu	137 - 139
(18) Albert Dhlamini	140 - 143
(19) Hilton Maselesa	143 - 145
(20) Good ^{win} Gxagxisa	145 - 151
(21) Watson Belme	151 - 154
(22) Ludwig Uys	155 - 156
(23) George Nkisi	156 - 160
(24) Matthys Petrus Wilsenach	160 - 162
(25) Richard Shongewe	162 - 167
(26) Alwyn Petrus Coetzee	167 - 168
(27) Piet Mabundha	168 - 169
(28) Gerhardus Christian Roelvert	170 - 171

List of Exhibits.—Lys van bewysstukke.

- Exhibit "A" : Photo of deceased
- Exhibit "B" : Rough scetch plan
- Exhibit "C" : Rough scetch plan
- Exhibit "D" : Rough scetch plan
- Exhibit "E" : Identification parade
- Exhibit "F" : 2nd Identification parade
- Exhibit "G" : 3rd Identification Parade
- Exhibit "H" : Assistant Curator's report
- Exhibit "I" : Post Mortem report
- Exhibit "J" : Pamphlets.

Exhibit 1 : Pamphlets bundle.

Preparatory Examination.

Voorlopige Onderzoek.

Covering Sheet.

Dekblad.

District of Johannesburg

Distrik P.E. 299/60

Names of accused

Name van beskuldigdes

AS PER ANNEXURE "A"

Names of persons committed for trial

Name van persone wat ter strafsitting verwys is

AS PER ANNEXURE "A" except

CALIB SIBISI (No. 5)

Offence with which charged (1) MURDER

Oortreding waarvan aangekla

(2) C/S.15(g) Act 67 of 1952

(3) Assault

(4) Malicious injury to property

Apprehended on 11/4/60

Gearresteer op

Committed for trial (or sentence) on the

Ter strafsitting (of vir vonnis) verwys op

195

195

on a charge of Murder

op 'n beskuldiging van

(1) C/VSec.15(g) Act 67 of 1952

(3) Assault

(4) Malicious injury to property

by D.C. CHANQUION, Add. Magistrate,

deur _____ Magistraat.

and meanwhile to be detained in the

en moet intussen in die gevangenis te

Johannesburg. goal.

_____ aangehou word.

Whether bail found or not NO.

Op borgtog vrygelaat of nie

Address mentioned in bail bond for service of

Adres vir betekening van prosesstukke in borg-

process N/A

akte aangegee

Whether short service accepted Yes

Of kortdiening aanvaar is

Names of accused discharged

Name van ontslane beskuldigdes

CALIB SIBISI

Certified a true copy of the original.
Gesertifiseer 'n ware afskrif van die oorspronklike.
Clerk of the Court/Klerk van die Hof
Johannesburg.
1/6/60

Date 22/7/60.

Datum

G.A. MARTIN, Add. Magistrate.

_____ Magistraat.

REMARKS AND INSTRUCTIONS OF ATTORNEY-GENERAL.

OPMERKINGS EN INSTRUKSIES VAN PROKUREUR-GENER.

ANNEXURE "A"

- (1) Samson Fadana
- (2) Brian Somane
- (3) Thami Bonga
- (4) Alios Manci
- (5) Caleb Sibisi
- (6) Jerry Mpenbe
- (7) Richmond Mlomo
- (8) Milton Gasa.

Case No. Kliptown 4891/60
P.E. No. 299/60
R.C.A. 88/5/60

Police Station Morokka
Investigation Officer B/D/S. Edward Hlengwa
Inner Sheet. _____
District of Johannesburg.

PREPARATORY EXAMINATION.

- Against
- (1) SAMSON FADANA, native male - 36 years - S.A. Born, labourer.
 - (2) BRIAN SOMANE, native male - 28 years - S.A. Born. Labourer
 - (3) THOMI BONGA, native male - 23 years, Labourer
 - (4) ALOIS MANCI, native male - 32 years. Labourer.
 - (5) CALEB SIBISI, native male - 31 years S.A. Born, labourer
 - (6) JERRY MPEMBE, native male - 27 years - labourer
 - (7) Richmond Mlomo, native male 20 years, labourer
 - (8) Milton Gasa, native male a labourer - 35 years.
- Bail 229495 R25.

who are found to be in their sound and sober senses, charged with the crime of

- (1) Murder
- (2) C/S 15(g) Act 67 of 1952 as amended
- (3) Assault
- (4) Malicious injury to property.

Before G.A. MARTIN. Add. Magistrate of Johannesburg.
at Johannesburg this 6th day of June 1960

FOR THE CROWN:— J. W. van Dyk
FOR THE DEFENCE:— D. Kany by Shulawith Miller 33-3323 for No. 1 - 7
Mr. Binhowitch instructed by Edward Nathan Friedland
and Mansell for No. 8 accused
INTERPRETER:— H.K. Pelo.

Saak No. _____

V.O. No. _____

R.A.A. No. _____

Polis:stasie _____

Onde:soekbeampte _____

Binne:lad. _____

D:STR:IK _____

VOORLOPIGE ONDERSOEK.

In sale _____

wat by _____ volle verstand _____ beskuldig van die misdaad
van _____

Voor _____ Landdros van _____
te _____ op hede die _____ dag van _____ 19 _____

VIR DIE KROON:—

VIR DIE VERDEDIGING:—

TCLK:—

On 20/4/60.

Remanded to 28/4/60 for further investigation.

N.W. CALLAGHAN.
ADD. MAGISTRATE.

ON 21/4/60.

Accused Nos. 3 and 4 added.

Remanded to 28/4/60.

ON 28/4/60.

Remanded to 30/4/60.

N.W. CALLAGHAN.
ADD. MAGISTRATE.

On 30/4/60.

Remanded to 2/5/60. For trial date.

N.W. CALLAGHAN.
ADD. MAGISTRATE.

ON 2/5/60.

Remanded to 4/5/60.

Accused charged with murder. Case requiring further investigation.

Accuseds 1, 3 and 4 Morokaa police cells.

Accused No. 2 in absentia. In Fort hospital.

N.W. CALLAGHAN.
ADD. MAGISTRATE.

ON 4/5/60.

Accused charged with murder.

Case 4891/60. Remanded to 11/5/60.

No. 2 in absentia. In Fort hospital.

N.W. CALLAGHAN.
ADD. MAGISTRATE.

/ ON

On 11/5/60.

Remanded to 13/5/60 for Trial date at "J"
Court.

accused No. 2 in hospital.

N.W. CALLAGHAN.
ADD. MAGISTRATE.

ON 13/5/60.

Remanded to 25/5/60. To "J" Court.

N.W. CALLAGHAN.
ADD. MAGISTRATE.

ON 21/5/60.

Remanded to 25/5/60. To "J" Court.

Additional accused 6, 7 and 8.

J.J. v.d. VENTER.
ADD. MAGISTRATE.

21/5/60.

ON 25/5/60.

Remanded to 6/6/60.

D.C. CHANGUION.
ADD. MAGISTRATE.

25/5/60.

CASE NO.

SAAK NR. **Klip. 4891/60.**

DATE:

DATUM: **6. 6. 1960.**

IN THE MAGISTRATES COURT FOR THE DISTRICT OF JOHANNESBURG.

HELD AT JOHANNESBURG.

INDIE LANDROSHOF VIR DIE AFDELING VAN

GEHOU TE

BEFORE: MR.

VOOR: MNR.

G. A. MARTIN.

REGINA → versus - **SAMSON FADANA AND**

DIE KROON TEEN: **SEVEN OTHERS.**

CHARGE: **1. Murder.**
2. c/s 15(g) Act 62/1952
KLAGTE: **3. Assault.**
4 Malicious injury to property.

PLEA:

PLEIDOOI: **P.E.**

FOR THE CROWN: MR.

VIR DIE KROON: MNR.

J.W. VAN DYK.

FOR THE DEFENCE: **Nos. 1, to 7 - MR. KUNY.**

VIR DIE VERDEDING:

No. 8. Mr. Berkowitz.

TRANSCRIBER:

M. VILJOEN.

OORSKRYFSTER:

INTERPRETER:

H.K. PELO.

TOLK:

PREPARATORY EXAMINATION.

In the case of Regina versus

AS PER ANNEXURE

Insert following particulars after each prisoner's name:—
Sex,
Race,
Occupation,
Approximate Age,
Birthplace,
Nationality.

charged with the crime of (1) Murder
(2) C/V. Sec. 15(g) Act 67 of 1952.
(3) Assault
(4) Malicious injury to property

at Johannesburg in the District of Johannesburg
on the day of June 1960, in presence of D.C. CHANGUION.
Add. Magistrate for the said district appeared the said accused
36, 28, 23, 32, years of age, born at by trade or occupation
31, 27, 20.

a residing at Jabulane and Zola location in the District of Johannesburg. who having heard the evidence adduced in support of the charge made against them
COUNT 1: that upon or about the 3rd day of April 1960, and at or near Zola Location in the District of Johannesburg the said accused did wrongfully and unlawfully the one, the other or all of them did wrongfully and unlawfully kill and murder PIET VUNDLA, a native male during his lifetime

COUNTS 2, 3 and 4 AS PER ANNEXURE.

and being asked what he will say in answer thereto, and being at the same time cautioned that they are is not obliged to make any statement that may criminate them and that what they shall say may be used in evidence against declares: ALL STATE :

I am not guilty I reserve my defence.

(sgd). Seson Padana, B. Somane - T. Bonga, Al Nanci
C. Sibisi - Jerry Mpenbe - R. Mlomo - Milton Gasa

The above declaration was freely and voluntary made by the said who was then in their sound and sober senses, and having been read over and interpreted to them adhered to the same and affixed their signatures thereto in the presence of the subscribing Witnesses. We are satisfied that the accused understood the charge and his declaration was made in answer thereto.

WITNESSES:—

1. (sgd.) H.K. Pelo

2. (sgd.) -----

G.A. MARTIN.
ADD. Magistrate.
22/7/60.

VOORLOPIGE ONDERSOEK.

Insake die Kroon teen

Vul in die
volgende
besonderhede
na die
naam van elke
gevangene:—

Geslag,
Ras,
Beroep of
besigheid.
Leeftyd
(ongeveer),
Geboorte-
plek,
Nasionaliteit.

beskuldig van die misdaad van
oud jaar, gebore te
van beroep woonagtig op
in die distrik het op die dag van 19 ,
te in genoemde distrik voor mnr.
magistraat vir genoemde distrik, verskyn, en nadat voornoemde
die getuienis gehoor het wat tot staving van die beskuldiging teen
aangevoer is, nl. dat op omtrent die
dag van 19 , en op in die
distrik wederregtelik en onwettiglik

en nadat gevra is wat daarop wil antwoord en
tegelykertyd gewaarsku is dat nie verplig is om iets te verklaar wat
teen aangevoer kan word nie en dat wat sê teen
gebruik kan word, verklaar:—

Bostaande verklaring is vrywillig en sonder dwang afgelê deur voornoemde
wat toe by volle verstand was en
nadat dit aan voorgelees en vertolk is, het dit bevestig en in
die teenwoordigheid van ondergetekende getuies
daaraan geheg. Ons is daarvan oortuig dat die beskuldigde die aanklag verstaan
het en sy verklaring is in antwoord daarop gedoen.

AS GETUIES:—

1.

2.

Magistraat.

A N N E X U R E

R E G I N A v e r s u s

No. 1 : SAMSON FADANA

No. 2 : BRIAN SOMANI

No. 3 : THAMI BONGA

No. 4 : ALOIS NANJI and others.

(hereinafter referred to as the accused).

COUNT 11 :

That the said accused are guilty of contravening Section 15(g) of Act No. 67 of 1952, as amended by Section 24 of Act 79 of 1957, and read with Section 1 of Act No. 8 of 1953.

In that upon or about the 28th March 1960, and at or near Zola, in the district of Johannesburg, the said accused did wrongfully, unlawfully and by way of protest, or in support of a campaign against a Law, to wit the Natives (abolition of passes and co-ordination of Documents) Act No. 67 of 1952, or in support of a campaign for the repeal or modification of the said Law or the variation or limitation of the application or administration of the said Law, deface, destroy or mutilate reference books.

COUNT 111 :

That the said accused are guilty of the crime of assault, read with section 1 of Act 8 of 1953.

In that upon or about the 28th March 1960, and at or near Zola, in the district of Johannesburg, the said accused did wrongfully, unlawfully and by way of protest or in support of a campaign against a Law to wit the natives (Abolition of passes and co-ordination

/ of

of Documents) Act No. 67 of 1952, or in support of a campaign for the repeal or modification of the said Law, or the variation or limitation of the application or administration of the said Law, assault K.E. TANNER by striking him with the fists upon the shoulder, giving to him then, there and thereby certain wounds, bruises, hurts or other injuries.

COUNT IV :

That the said accused are guilty of the crime of malicious injury to Property, read with Section 1 of Act 8 of 1953.

In that upon or about the 28th March 1960, and at or near Zola in the district of Johannesburg, the said accused did wrongfully, unlawfully, maliciously and by way of protest or in support of a campaign against a Law, to wit the natives (Abolition of passes and co-ordination of Documents) Act No. 67 of 1952, or in support of a campaign for the repeal or modification of the said Law or the variation of limitation of the application or administration of the said Law, damage a motor car, the property or in the lawful possession of K.E. TANNER, by throwing stones at it, with intent then and there and thereby to injure the said K.E. TANNER in his property.

(Election by an Accused Person in terms of section 113 of Act No. 56 of 1955.)

The accused, having been committed for trial, is upon conclusion of the preparatory examination informed by me, as follows:—

In terms of section 113 of Act No. 56 of 1955, you are informed that if you are indicted for trial before a Superior Court you shall have the right, subject to the provisions of sections 111 and 112 of the Act, to be tried by a Judge and jury, provided your demand to be so tried be made in one or other of the following manners and within the following periods:—

- (a) Verbally now at these proceedings: or
- (b) by written notice to the Magistrate, Johannesburg, within three weeks from today; or
- (c) if, before the said period of three weeks mentioned in (b) has elapsed, notice is served upon you that you will be tried upon an indictment before a provincial or local division of the Supreme Court by written notice to the Magistrate, Johannesburg, within seven days after the service of such notice.

Do you understand what your rights are? Yes

Do you wish to make any election now? All accused Yes

Accused in reply states All accused elect to be tried by Judge and
Magistrate.

G.A. MARTIN

ADD. Magistrate.
22/7/60.

(Keuse deur beskuldigde persoon ingevolge artikel 113 van Wet No. 56 van 1955.)

Nadat die beskuldigde ter strafsitting verwys is, en na afloop van die voorlopige ondersoek, word die beskuldigde soos volg deur my meegeedeel:—

Ooreenkomstig artikel 113 van Wet No. 56 van 1955, word u in kennis gestel dat, indien u op 'n akte van beskuldiging voor 'n hoër hof vervolgt word, u die reg het om, behoudens die bepalinge van artikels 111 en 112 van die Wet, te eis om voor 'n regter en 'n jurie verhoor te word mits u eis om aldus verhoor te word, op een of ander van die volgende maniere en binne die volgende tydperke geskied:—

- (a) Mondelings nou by hierdie verrigtings; of
- (b) by skriftelike kennisgewing aan die Landdros, _____, binne drie weke van vandag af; of
- (c) indien, voor bedoelde tydperk van drie weke genoem in paragraaf (b) verstreke is, Kennisgewing aan u bestel word dat u op 'n akte van beskuldiging voor 'n provinsiale of plaaslike afdeling van die Hooggeregshof verhoor sal word, by skriftelike kennisgewing aan die Landdros, _____, binne sewe dae na die bestelling van bedoelde kennisgewing.

Verstaan u wat u regte is? _____

Wil u nou enige keuse uitoefen? _____

Beskuldigde, verklaar in antwoord, _____

Landdros.

JABULANI

Box B

cup 4891

MAIN Road.

(K) Bus Stop

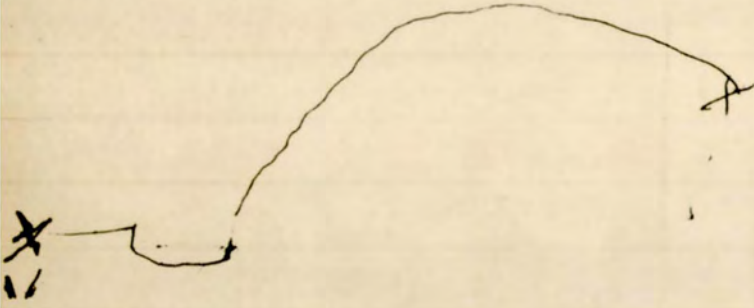
aluminum
office

26C



Sports

SPORTS FIELD



JABUKANI ROAD

1

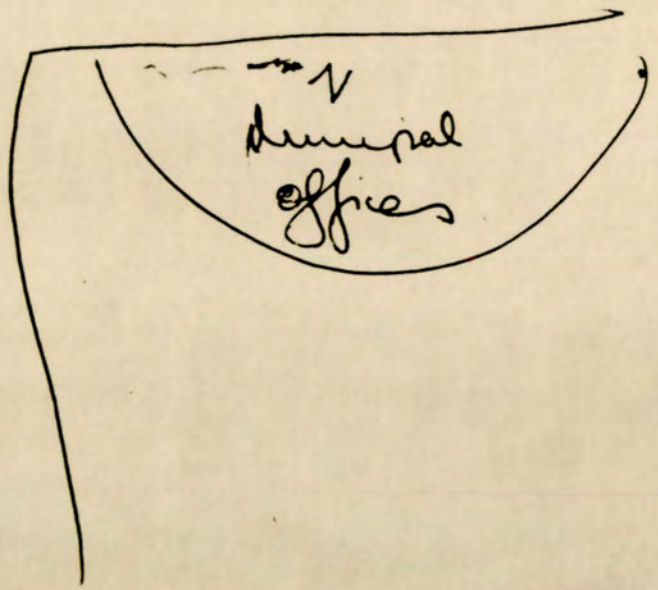
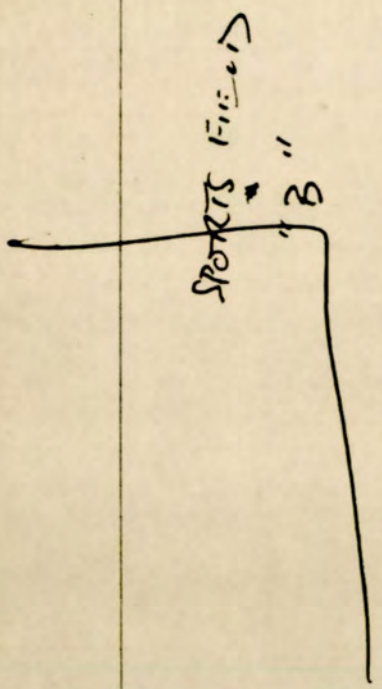
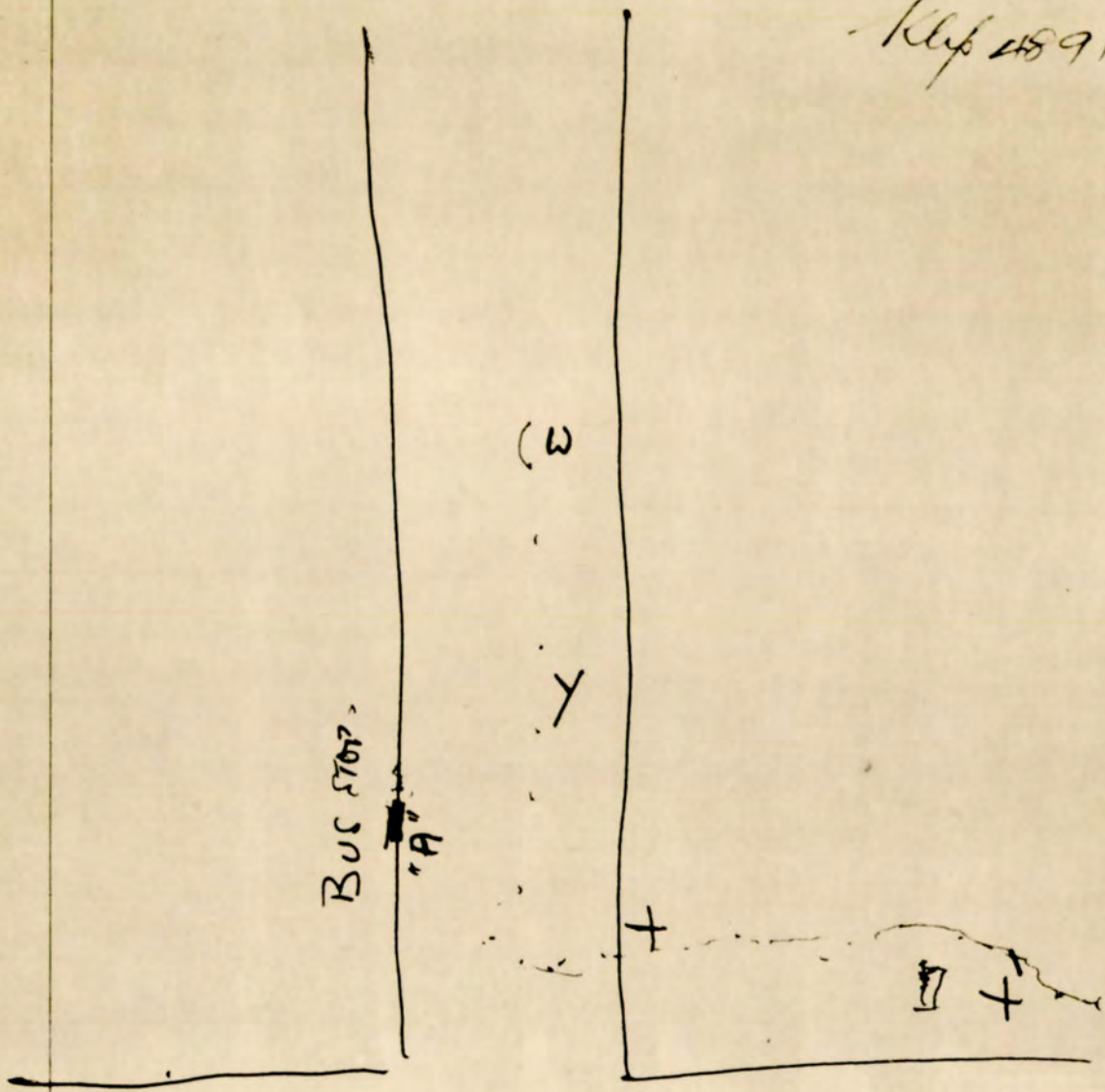
1684/201

EXHIBIT
"D"

Jahleini

(26 D)

Klip 4891



STATES:-

I am a Bantu Senior Sergeant in the South African Police stationed at Moroka No.60(Newlands) District Johannesburg.

On 20.4.1960 at 9.55 a.m. I held an Identification parade at Moroka Police Cell yard, on Moroka R.C.I. 56/4/1960. The Parade consisted of 20 Bantu males detained in the Cells. The suspects were unknown to me.

When the parade was being formed up, the witnesses were kept out of sight and hearing. The people who formed the parade were informed that they are at liberty to take up any position on the parade and to change their positions after each witness if they so desire.

The persons on the parade were more or less of the same build, height and age and also of more or less the same appearance and of the same vocation. The people on the parade were asked if they are satisfied with the arrangements and they each replied "Yes".

Assisted by No.138425 B/Const.Piet Mabunda to call witnesses to the parade.

The object of the parade was explained to those who formed it, and they were as follows:-

1.	SELLO	MOTLOUNG	248,	NALEDI
2.	PETRUS	LESETHA	9,A,	MOPOLO VILLAGE
3.	JOSEPH	HLATYWAYO	2195	ZOLA NO.2
4.	ABRAM	MZINYANE	2693 B,	ZOLA NO.1
x	5.	CALEB	SIBISI	570 JABULANI NO.1
	6.	WILSON	LIBAZI	142 A,ZOLA NO.3
	7.	ROLPHUS	JELE	809 A,ZOLA NO.3
x	8.	ALOIS	MANCI	1516 ZOLA NO.3
x	9.	SAMSON	FADANA	1830 B,ZOLA NO.2
x	10.	BRIAN	SALAMANA	454 A.ZOLA NORTH.
x	11.	THAMI	BONGA	145 B,ZOLA NORTH
	12.	BENJAMIN	NALA	1173 A,JABAVU
	13.	WILSON	SOBANDLA	1527 ZOLA NORTH
	14.	RICHMOND	DLOMO	1250 A ZOLA NORTH
	15.	JERRY	MASOKA	1534 A ZOLA NORTH
	16.	VESTUS	KUNENE	1913 JABULANI NO.1
	17.	GILBERT	MSENGANA	454 ZOLA NORTH
	18.	CLEMENT	LESEEA	1146 TLADI
x	19.	JERRY	MPEMBE	1315 ZOLA SITE & SERVICE
	20.	DAVID	MANKELA	441 MALEDI

Witness: John Begala was brought to the parade and asked to look at the people on the parade and to point out the person or persons he saw stopping motor cars and throwing stones at motor Van T.J.3995 near Zola Municipal Office on 28.3.1960 at 3.p.m. if he or they are on the parade.

Witness walked up to the left of the parade and without any hesitation pointed out Bantu male Brian Salaman on position No.10 and then pointed out bantu male Samson Fadana on Position No.9. The witness was taken away and placed in a Cell.

The people on the parade were again warned that they are at liberty to change their positions. Samson Fadana then changed to position No.5 and Brian Salamana took up position No.14 on the parade.

Witness: Adam Malika was brought to the parade and asked to look at the people on the parade and to point out the person or persons he saw stopping motor cars and throwing stones at motor Van T.J.3995 near Zola Municipal Office on 28.3.1960 at 3.p.m. if he or they are on the parade.

Witness walked up to the right of the parade and without any hesitation pointed out Samson Fadana on position No.5 and said "This man was the leader" of the people" and he then pointed out Jerry Mpeembe on position No.19. The witness was taken away.

The people on the parade were informed that they are at liberty to change their positions but they elect to remain on the same positions.

WITNESS/-

Witness: Charles Zide was brought to the parade and asked to look at the people on the parade and to point out the person or persons he saw stopping motor cars and throwing stones at motor Van T.J.3995 near Zola Municipal Office on 28.3.1960 at 3.p.m. Witness went up to the right of the parade and without any hesitation pointed out Samson Fadana on position No.5 The witness was taken away.

The people on the parade were again informed that they are at liberty to change their positions but they again elected to remain on the same positions.

Witness: Allen Gqabu was brought to the parade and asked to look at the people on the parade and to point out the person or persons he saw stopping motor cars and throwing stones at motor Van T.J.3995 near Zola Municipal Office on 28.3.1960 if he or they be on the parade

Witness went up to the left of the parade and without any hesitation pointed out Jerry Mpembe on position No.19 and then pointed out Brian Salamana on position No.14, pointed out Thami Benga on position No.10, pointed out Caleb Sibisi on position No.6 and pointed out Samson Fadana on position No.5 without any hesitation. The witness was taken away.

The people on the parade were informed that they are at liberty to change their positions but they elected to remain on the same positions.

Witness: John Kubheka was brought to the parade and asked to look at the people on the parade and to point out the person or persons he saw stopping motor cars and throwing stones at moto Van T.J.3995 near Zola Municipal Office on 28.3.1960 at 3.p.m.

Witness went up to the right of the parade and without any hesitation pointed out Samson Fadana on position No.5 and pointed out Alois Mancini on position No.9 and pointed out Jerry Mpembe on position No.19 without any hesitation. The witness was taken away

The people on the parade were again informed that they are at liberty to change their positions but they again elected to remain on the same positions.

Witness: David Khanda was brought to the parade and asked to look at the people on the parade and to point out the person or persons he saw stopping motor cars and throwing stones at motor Van T.J.3995 ~~if he or they be on the parade~~ near Zola Municipal Office on 28.3.1960 if he or they be on the parade.

Witness went to the right of the parade and without any hesitation pointed out Samson Fadana, on position No.5, pointed out Alois Mancini on position No.9 and pointed out Brian Salamana on position No.14.

After the parade was held Samson Fadana complained and said "A municipal Sergeant looked at the parade through the charge Office window facing the Cells"

I questioned the Charge Office Sergeant about the allegation but B/Sgt.Albert Thothela who was Charge Office Sergeant at the time denied that a Municipal Sergeant was in the Charge Office during the the time the parade was being conducted.

The parade was held in accordance with the Rules laid down in the hand Book "Hints on Crime"

O.B. 2836.

MOROKA.
20.4.1960.

P. M. M. wayo
NO.114954/P' B/S/SGT.

Lindor f.
R12.

STATEMENT OF NO. 114954 B/S/SGT. PHILEMON, D. HLATYWAYO.
SOUTH AFRICAN POLICE, MOROKA.

States:-

I am a Bantu Senior Sergeant in the South African Police stationed at Moroka No.60(Newlands) District Johannesburg.

On 20.4.1960 at 11.a.m. I held an Identification parade in Moroka Police Cell yard on C/S. 2 Act 8 of 1953 CRIMINAL LAW AMENDMENT ACT.

The parade consisted of 20 Bantu males detained in the Cells. The suspects were unknown to me. When the parade was being formed up the witnesses were kept out of sight and hearing.

The people who formed the parade were informed that they are at liberty to take up any position on the parade and to change their positions after each witness if they so desire.

The persons on the parade were more or less of the same build, height and age and also of more or less the same appearance and of the same vocation.

Assisted by No.138425 B/Const.Piet Mabunda to call witnesses to the parade.

The object of the parade was explained to those who formed it. They were asked if they are satisfied with the arrangements and they each replied "Yes" They were as follows :-

1. DAVID	MANKELA	441	NALEDI
2. VESTUS	KUNENE	1913	JABULANI NO.1
3. THAMI	BONGA	145 B,	ZOLA NORTH
4. GILBERT	MSENGANA	454	ZOLA NORTH
5. RICHMOND	DILOMO	1250 A	ZOLO NORTH
6. BRIAN	SALAMANA	454 A	ZOLA NORTH
7. WILSON	LIBAZI	143 A	ZOLA NO 3.
8. BENJAMIN	NALA	1173 A	JABAVU
9. SELLO	MOTLOUNG	248	NALEDI
10. JERRY	MASOKA	1534 A	ZOLA NORTH
11. ROLPHUS	JELE	809 A	ZOLA No.3
12. SAMSON	FADANA	1830 B	ZOLA No.2
13. JERRY	MPEMBE	1315	ZOLA SITE & SERVICE
14. CLEMENT	LESEEA	1146	TLADI
15. ABRAM	MZINYANE	2693 B	ZOLA NO.1
16. ALOIS	MANCI	1516	ZOLA No.3
17. PETRUS	LESETHA	9 A	MOFOLO VILLAGE
18. CALEB	SIBISI	570	JABULANI No.1
19. WILSON	SOBANDLA	1527	ZOLA NORTH
20. JOSEPH	HLATYWAYO	2195	ZOLA No. 2

Witness: Richard Shongwe was brought to the parade and asked to look at the people on the parade and to point out the person or persons he saw burning Reference Books near Zola Municipal Office on 28/3/1960 if the person or persons are on the parade.

Witness went up to the left of the parade and without any hesitation pointed out Samson Fadana on position No.12 and pointed out Brian Salamana on position No.6
witness was taken away and placed in a Cell.

The suspects were informed that they are at liberty to change their positions but they elected to remain on the same positions.

Witness: Watson Bene was brought to the parade and asked to look at the people on the parade and to point out the person or persons he saw burning Reference Books near Zola Municipal Office on 28/3/60 if the person or persons are on the parade.

Witness went up to the left of the parade and without any hesitation pointed out Samson Fadana on position No.12 and pointed out Brian Salamana on position No.6 without any hesitation.

Witness was taken away. The people on the parade were again informed that they are at liberty to change their positions but they again elected to remain on the same positions.

Witness: Hilton Mazamisa was brought to the parade and asked to look at the people on the parade and to point out the person or persons he saw burning Reference Books near Zola Municipal Office on 28/3/1960

Witness went up to the left of the parade and pointed out without any hesitation Samson Fadana on position No.12

Exh. G.
Krup 4891

States :-

I am a Bantu Senior Sergeant in the South African Police stationed at Moroka No.60(Newlands) District.Johannesburg. On 20.4.1960 at 11.a.m. I held an Identification parade at Moroka Police Cell yard on C/S. 2 Act.8 of 1953 CRIMINAL LAW AMENDMENT ACT.

The parade consisted of 20 bantu males detained in the Cells. The suspects were unknown to me. When the parade was being formed up, the witnesses were kept out of sight and hearing.

The people who formed the parade were informed that they are at liberty to take up any position on the parade and to change their position after each witness if they so desire.

The persons on the parade were more or less of the same build,height and age and also of more or less the same appearance and of the same vocation.

Assisted by B/Const.Piet Mabandu to call witnesses to the parade.

The object of the parade was explained to those who formed it. They were asked if they are satisfied with the arrangements and they each replied "Yes" and they were as follows :-

1.	CLEMENT	LESEEA	1146	TLADI
2.	JOSEPH	HLATYWAYO	2195	ZOLA No.2
3.	PETRUS	LESETHA	9A	MOFOLO VILLAGE
4.	WILSON	SOBANDLA	1527	ZOLA NORTH
5.	ABRAM	MZINYANE	2693B	ZOLA No.1
6.	CALEB	SIBISI	570	JABULANI NO.1
7.	SAMSON	FADANA	1830B	ZOLA NO.2
8.	ROLPHUS	JELE	809A	ZOLA NO.3
9.	SELLO	MOTLOUNG	248	NALEDI
10.	ALOIS	MANCI	1516	ZOLA NO.3
11.	JERRY	MASOKA	1534A	ZOLA NORTH
12.	JERRY	MPEMBE	1315	ZOLA SITE & SERVICE
13.	THAMI	BONGA	145B	ZOLA NORTH
14.	BENJAMIN	NALA	1173	JABAVU
15.	WILSON	LIBAZI	142A	ZOLA NO.3
16.	BRIAN	SALAMANA	454A	ZOLA NORTH
17.	RICHMOND	DLOMO	1250A	ZOLA NORTH
18.	DAVID	MANKELA	441	NALEDI
19.	GILBERT	MSENGANA	454	ZOLA NORTH
20.	VESTUS	KUNENE	1913	JABULANI

Witness : Mr.K.E.Tanner was brought to the parade and asked to look at the people on the parade and to point out the person or persons he saw stopping motor cars, intimidating him and throwing stones at motor cars near Zola Municipal Office on the 28.3.1960.& burning Reference Books.

Witness went up to the right of the parade and without any hesitation pointed out Samson Fadana on position No.7 and pointed out Alois Mancini without any hesitation on position No.10 witness was taken away.

The people were again informed that they are at liberty to change their positions. Mancini (Alois) changed to position No.13 others elected to remain on the same positions.

Witness: Mr.M.P.Wilsnach was brought to the parade and asked to look at the people on the parade and to point out the person or persons he saw burning Reference Books, intimidated him, stopping and throwing stones at motor cars, on 28.3.1960 near Zola Municipal Office

Witness went up to the right of the parade and without any hesitation, pointed out Thami Bonga on position No.12. There were no complaints. The parade was held in accordance with the Rules laid down in the hand Book "Hits on Crime"

O.B. 2837.

MOROKA.
20.4.1960.

Philemon D. Hlatywayo
NO.114954 'F' B/S/SGT.

and also pointed out Brian Salamana on position No.6 without any hesitation.

Witness was taken away. The people were again informed that they are at liberty to change their positions but they again elected to remain on the same positions.

Witness: Innes Gilman was brought to the parade and asked to look at the people on the parade and to point out the person or persons he saw burning Reference Books near Zola Municipal Office on 28/3/1960. If the person or persons are on the parade.

Witness went up to the left of the parade and without any hesitation pointed out Samson Fadana on position No.12 and then pointed out Brian Salaman on position No.6 without any hesitation.

Witness was taken away and the people on the parade were informed that they are at liberty to change their positions but they elected to remain on the same positions.

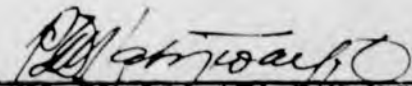
Witness: Goodwin Gxagxisa was brought to the parade and asked to look at the people on the parade and to point out the person or persons he saw burning Reference Books near Zola Municipal Office on 28.3.1960 if the person or persons are on the parade.

Witness went up to the right of the parade and without any hesitation pointed out Brian Salaman on position No.6 and then pointed out Samson Fadana on position NO.12 without any hesitation.

There were no complaints. The parade was held in accordance with the Rules laid down in the hand Book "Hints on Crime"

O.B. 2837.

MOROKA.
20.4.1960.


NO.194954 'F' B/S/SGT.

I am Assistant Curator at the South African Police
Medico-Legal Laboratories, Hospital Hill, Johannesburg.

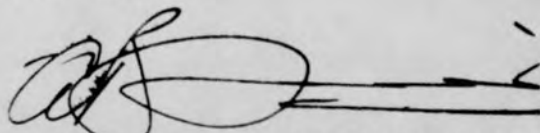
On the 7th day of April, 1960 I proceeded to Baragwanath Hospital
where I received the body of an adult bantu male which I removed to
the Government Mortuary on same date.

On the same date I took a photograph of the same body. I hand in
photograph. (EXHIBIT.....A.....).

On the same date the body was identified to me by Moses Radebe as
being that of Piet Vundla.

On the 11th day of April, 1960 I identified the body to Dr. John
Maurice Meyersohn, District Surgeon, Johannesburg who held an autopsy
thereon. I hand in Dr. Meyersohn's post mortem report which is in
affidavit form. (EXHIBIT.....2.....).

On the 13th day of April, 1960 the body was identified to me by
Miriam Vundla as being that of Piet Vundla.



.....
No. 32057 'F' Constable.

The deponent has acknowledged that he knows and understands the con-
tents of this affidavit.

Sworn to and signed before me at Johannesburg this 3rd day of May,

1960
MEDICO-LEGAL LABORATORIES
S.A. POLICE
2-5-1960
S.A. POLICE
JOHANNESBURG
GENEESK.-GEREGT. LABORATORIUM
S.A.P. MEDICO-LEGAL LABS, HOSPITAL HILL, JOHANNESBURG.

G.P. Botha 15743 J. Sergeant.
.....
COMMISSIONER OF OATHS,
S.A.P. MEDICO-LEGAL LABS, HOSPITAL HILL, JOHANNESBURG.

Urinary bladder and contents (3) normal.

Genital organs (2) normal.

E. SPINE.

Spinal column (27) Not opened.

Spinal cord (28) Not opened.

F. ADDITIONAL OBSERVATIONS.

Nil.

G. SPECIMENS REMOVED FOR FURTHER INVESTIGATION.(29)

Nature of Specimens.	Nature of Examination requested.	Disposal of Specimens.(30)

Tab I.
Ref 4891

I, John Maurice Meyerschn, of Johannesburg,
do make oath and say :-

x I am ~~Assistant~~ District Surgeon, employed in the
Department of Public Health, of the Government of the Union of
South Africa.

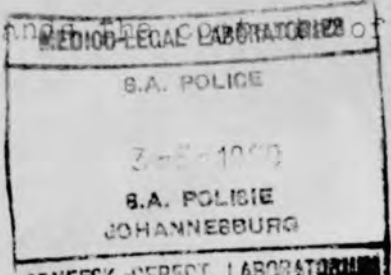
On 11th April, 1960 made a post-mortem examination on a
body which was identified to me as being that of
Piet Vundla.

I found the appearances recorded in the annexed post-mortem
examination report.

[Signature]
~~Additional Assistant~~ DISTRICT SURGEON.

Sworn before me at Johannesburg this 3rd day of May, 1960.
and signed,

x I certify that the deponent has acknowledged that he knows
and understands the contents of this affidavit.



[Signature]
Commissioner of Oaths.

S.A.P. Medico-Legal Laboratories,
Hospital Hill, Johannesburg.

x Delete the words ~~not applicable~~.

Exh. J.
CHIEF LUTHULI

Calls upon you to:

Ref 4891 (41)

- **MOURN THE VICTIMS OF POLICE VIOLENCE.**
- **PROTEST AGAINST POLICE KILLINGS.**
- **PROTEST AT THE PASS LAWS.**

STAY AT HOME

FOR ONE DAY

MONDAY 28th MARCH 1960

Issued by:- Chief A. J. Luthull — Groutville — Natal.



UNION OF SOUTH AFRICA.

DEPARTMENT OF HEALTH.

P.M. NO. 741/60.

File 4691

Report on Post-mortem Examination.

To the Magistrate of ⁽¹⁾ Johannesburg.

I HEREBY CERTIFY:—

That at ⁽²⁾ Johannesburg on 11th

day of April, 19 61 commencing at 8.45 a.m. a.m./p.m.

I examined the body of ⁽³⁾ male ⁽⁴⁾ Bantu ⁽⁵⁾ adult

That the body was identified to me ⁽⁶⁾—

(a) by A.B. Smit of SAP. Medico-Legal Laboratories and

(b) by _____ of _____

as being that of ⁽⁷⁾ Piet Vundla

whose reputed age was 36 years;

That the body was also identified ~~XXXX~~ ⁽⁸⁾—

(a) by _____ of _____

as being that of SEE ATTACHED AFFIDAVIT BY CONST. A.B. SMIT.;

(b) by _____ of _____

as being that of _____ and

(c) by _____ of _____

as being that of _____

And that as a result of my observations, a schedule of which is appended I formed the opinions—

that death occurred ⁽⁹⁾ on 3.4.60 prior to my examination and that the cause of death

was ⁽¹⁰⁾ _____

FRACTURED SKULL : INTRACRANIAL HAEMORRHAGE : CEREBRAL
LACERATION.

See attached sheet for instructions as to the filling in of this form.

AFRIKAANSE VORMS IS BY DIE STAATSDRUKKER VERKRYGBAAR.

SUMMARY OF PATHOLOGICAL FINDINGS.⁽¹⁾

Fractured skull ; intracranial haemorrhage ; cerebral laceration.

Dated at Johannesburg, this 11th
day of March, 1960.

Signature (Sgd.) J. Meyersohn,

Qualifications ⁽¹²⁾ M.B.B.Ch.

Designation District Surgeon, Johannesburg.

SCHEDULE OF OBSERVATIONS.

A. GENERAL.

Apparent age ⁽¹³⁾ 36 years Height ⁽¹⁴⁾ 5' 4"

Weight ⁽¹⁵⁾ 104 lbs Physique ⁽¹⁶⁾ Average development.

Nutrition ⁽¹⁷⁾ Average.

Post-mortem changes present ⁽¹⁸⁾ Nil.

Special identifying features ⁽¹⁹⁾ Nil.

External appearance and condition of limbs ⁽²⁰⁾ In the right parieto-temporal region there is a sutured wound running diagonally forwards, 4½" in length. In the right parieto-occipital region there is a 1" sutured wound, running vertically. Tracheotomy wound present on the neck.

B. HEAD AND NECK.

Skull Subaponeurotic bruising of the whole of the scalp. Extensive fractures of the skull involving the whole of the left frontal bone, right temporal and parietal bones. Fractures of both middle fossae.

Brain and meninges and cerebral vasculature ⁽²¹⁾ Large extradural haemorrhage involving the whole of the right cerebral hemisphere. Subdural and subarachnoid haemorrhage over the surface of the brain. There is almost complete destruction of the middle part of the right cerebral hemisphere. Multiple haemorrhages in the substance of the brain.

Orbital, nasal, accessory nasal and aural cavities ⁽²²⁾ Not opened.

Mouth, tongue and pharynx normal.

Neck, larynx, thyroid and other neck structures ⁽²³⁾ normal.

C. CHEST.

Ribs and chest wall normal.

Diaphragm normal.

Mediastinum ~~and Thorax~~ ⁽²⁴⁾ normal.

Oesophagus normal.

Trachea and bronchi ⁽²⁵⁾ normal.

Pleural cavities: Right normal.

Left normal.

Lungs ⁽²⁶⁾ Right is ballooned and pale and weighs 22 ozs.

~~Heart is ballooned and pale and weighs 22 ozs.~~

Heart and pericardial sac ⁽²⁷⁾ Pericardial sac is normal. Heart is dilated. Myocardium is pale. Valvular structures and coronary arteries are normal. Heart weighs 10 ozs.

Large blood vessels ⁽²⁸⁾ are normal.

D. ABDOMEN.

Abdominal wall normal.

Peritoneal cavity normal.

Stomach and contents ⁽²⁹⁾ Stomach contains a recently ingested meal.

Intestines (small, large and vermiform appendix) and mesentery ⁽³⁰⁾ normal.

Liver, gallbladder and ~~duodenum~~ ⁽³¹⁾ Liver is pale and weighs 61 ozs.

Pancreas normal.

Spleen ⁽³²⁾ is pale and weighs $3\frac{1}{2}$ ozs.

Adrenals ⁽³³⁾ Right normal.

Left normal.

Kidneys, renal pelves and ureters ⁽³⁴⁾ Right Kiney is pale. Ureter is normal.

Left as above.

Pelvic walls normal.

CHIEF
LUTULI

CALLS UPON YOU TO:-

- * mourn the victims of Police violence.
- * protest against Police killings.
- * protest at the Pass Laws.

STAY AT HOME
for ONE day
MONDAY 28TH MARCH

Issued by:- Chief A. J. Lutuli
Groutville
Natal.

CHIEF
LUTULI ^{Enkhg.}
<sub>Khup
4501</sub>

CALLS UPON YOU TO:-

- * mourn the victims of Police violence.
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STAY AT HOME
for ONE day
MONDAY 28TH MARCH

Issued by:- Chief A. J. Lutuli
Groutville
Natal.

CHIEF
LUTULI

O IKELE TSA BOIPILET SO
HO SETSHABA GORE O-

- * Le lleleng ditopo tsa ba
balaioeng ke maponeso
- * Le ganetsaneng le polao
oa batho ke Maponesa.
- * Le loeseng melao ya
dipasa.

NNANG KO MAGAF

le phuthe matsago
letsatsi le le
lengoefela la:-

MONDAY 28TH
MARCH

Pitso ke ya:-
Chief A. J. Lutuli
Groutville
Natal.

NATURE OF PROCEEDINGS EXPLAINED TO ACCUSED.THE CROWN CALLS:ROBERT ANTHONY VAN DER MOLEN s.s.EXAMINED BY P.P.:

Doctor, are you a medical practitioner at Baragwanath Hospital? --- Yes.

On the 28th of March, 1960, at a request by the police, did you examine a certain man? --- I did.

His name?--- Piet Vundla.

And what did you find? ---Well, the patient was in deep coma and he had a 5 inch laceration in the posterior part of the right parietal area of his skull. Underlying this 5 inch laceration there was a fracture of the skull, through the wound, in other words, the brain was visible, and that is all really .

At the stage you examined him, was he in hospital? ---He was in hospital.

Did you examine him at any subsequent stage? -- Yes.

When again, doctor, do you remember? ---Well, we saw him every day thereafter until the 3rd of April.

And after the 3rd? ---He died on the 3rd.

He died on the 3rd. Do you know what caused his death? ---Well, I would say that it was infection - a meningitis infection of the Meninges surrounding the brain that caused his death. The wound was infected.

Did he die there in hospital, or was he out, at that stage? ---No, he died in hospital.

P.P. NO FURTHER QUESTIONS.MR. KUNY (FOR ACCUSED 1 - 7) NO QUESTIONS.CROSS-EXAMINED BY MR. BERKEWITZ:

Was that the only wounds that you found on the deceased? --- Yes.

MR. BERKEWITZ NO FURTHER QUESTIONS.

NOMZIZI MOSES RADEBE s.s.: (N.I. 1963308)

(ZULU)

EXAMINED BY P.P.:

Where are you residing? --- 853 e, White City Jabavu, Johannesburg.

Which is your nearest Railway station from Johannesburg? --- Dube.

Where are you employed? --- I am unemployed.

Where were you employed...? --- I am still an out-patient receiving medical attention.

Where were you employed last time? --- I was previously employed by Messrs Gallagher's Bakery in Orange Grove.

Was that your last place of employment? --- That is so.

Were you ever employed at a vegetable store at White City? --- No.

On the 28th of March, did you work on that day? --- No, I was not.

Did you visit anybody on that day? --- Yes.

Who did you visit? --- I visited a certain Mr. Piet Vundla at Site & Service.

Were you employed with him, or under him, or anything of that sort? --- Well, I was doing some casual work for this man. He hadn't a register.

Did you two then work on that day, after you went to him? --- No, he said we should go visiting.

You didn't work with him? --- No.

On that day, about 12 noon, do you still remember who you visited then? --- Yes, I do.

Who did you visit? --- Well, we visited a certain Radebe at Zola. From there we visited certain people unknown to this man, at Orlando.

Now, how did you go to this man, Radebe? --- Well,

we/

we were driving in a van, that is the deceased's van.

How many were you? --- Well, there were altogether five in the car. Four passengers and the deceased.

When you were still going to Ratebe's house? --- Well, when we went to Zola, there was only the deceased and myself. We picked up these three passengers at Zola. We then proceeded to Orlando.

Now, who did you pick up as passengers - the names of those people? ---Well, there were two women and a man. I only knew one, that is the man, Radebe, of the three people we picked up there.

You said you went to Orlando, and then? ---Yes.

And then, thereafter? ---We returned to Dube.

Yes? --- From Dube we went to Zondi. From Zondi we then drove to Zola, that is where we picked up these three passengers.

Yes, but now, after you picked up the three passengers, where did you go then? ---We went to a certain place in Orlando, but on arrival there the people we had to see were not at home.

And did you at any stage return to Zola location? ---Yes, we were going to Zola to take these people back.

And while you were going back, did anything happen? --- Yes.

At what time was this, approximately? ---I should say it was about four.

What happened? ---Well, we were driving off from Jabulani, near the shacks we met a large group of people. These people shouted to us to stop. This other man, Radebe, told the driver not to stop and said that these people would injure us.

This group of people that you saw, where exactly were they, in the street or on the side of the street, or where/

where? --- On both sides of the road.

What were they doing when you approached them?

--- These people were noisy and shouting and I didn't know what was happening, or what they were saying, it was quite a din.

Were they just standing around there, or were they actually doing something? With their hands, for instance?

--- Well, they were just standing around there. Some were armed with sticks and others had stones.

When this man spoke to the driver, what did the driver do? ---The driver ignored the command of these people to stop and he continued driving, and we were driving towards these offices in an endeavour of avoiding these people.

What did the people do when you continued driving? --- They started pelting the van with stones.

Could you see who threw stones at the van? --- No, not a single one of them.

Yes, they threw stones at the van, and what happened then? --- The deceased continued driving at a fast pace. He was struck by one of the stones on his head, (as the witness indicates on the right side of the head) and I was also struck. I was struck on the forehead and on my chin.

Yes, and did he keep on driving, or what happened? ---The deceased then lost control of the steering wheel, he fell inside the van. I then changed from where I was sitting next to the driver in the van. I went and sat on the back.

Was this now after ...?---This is a Bedford.

What happened to the people in the back of the van? --- I couldn't tell you what happened to those people. The next thing that I discovered was that I was left with the deceased - only the two of us.

You've/

You've told us that the van was still in motion. What happened to the van - did it continue running on, or what happened to it? --- It continued running until we got to the offices of Zola, and there it stopped.

Where, in the street, or where? --- Just off the road at the Bus rank.

Have you any idea what happened to the people in the back of the van? --- Not that I actually saw. I only heard of it afterwards.

Now, when the van stopped, what happened then? --- A Municipal constable then approached us.

Who was he - do you know his name? --- I don't know his name.

Yes, and then? --- At that stage there were still other people running behind the van. This constable shouted to these people and asked them what we had done, and these people, that is the crowd that were following the van, said "Well, these people are running away. Why should they run away? They are trying to get away and we want to get their passes".

Yes, and then? --- This crowd then stood and this constable then said he would get a vehicle to take us to hospital.

Did he get a vehicle? --- Yes.

And who were then removed to hospital? --- The deceased and myself. We were the people injured.

When the deceased was put in this vehicle, was he dead or alive? --- He was still alive, but speechless.

To which hospital were you then removed? --- To the Baragwanath Hospital.

On your way to hospital, did anything further happen? --- No, nothing transpired in transit.

What I mean is did you or the deceased receive any further injuries on your way to hospital? --- No.

Were/

Were you then admitted to hospital? —That is so.

And how long were you in hospital? —Well, I was treated and allowed to return home. My injuries were bandaged and I attended hospital as an out-patient for two weeks.

For which injuries or wounds did you have to attend hospital as an out-patient? — Well, the wound on my chin had three stitches and the one above my left eye had two stitches and both these wounds were bandaged, and each time I went to hospital the dressing was changed and I was always treated.

On that day, the 28th of March, while you were driving round with the deceased, did you have any of your personal possessions with you? — Well, I had my money and my pass.

When you arrived at the hospital, did you still have it? — Well, I had my pass on me when I got to the hospital, but not the money.

COURT ADJOURNS.

COURT RESUMES:

MOSES RADEBE s.u.o.:

BY P.P.:

Do you know whether you had any other reference books in the van while you were driving towards Zola location? —There was only one reference book in the van.

Where? — It was inside the van, it belonged to the deceased friend.

Yes, but where in the van? —It was under the seat where he keeps his tools.

Just before you were removed to hospital, do you know whether that reference book was still there in the van? —I couldn't tell you, but the following day when I searched the van for the reference book, it wasn't there.

On/

On the 7th of April, 1960 about 2 p.m., did you identify a certain body to the Assistant Curator at the Government Mortuary? --- Yes.

Whose body did you identify? ---The body of Piet Vundla.

I now show you a photo, Exhibit A, do you know that man? --- No, I don't know this person.

Have you seen that wound, or a similar wound, before? ---No, this isn't the first time that I have seen this wound.

Did you or your friend, the driver, give any of this group of people any reason to assault you or to throw stones at your car? ---No.

P.P. NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. KUHN:

BY COURT: Where did you, for the first time, see a wound like this wound on the photograph, Exhibit A? Where did you see a similar wound?---Well, I saw that wound on the deceased's head. He had an injury of a similar type.

MR. KUHN:

Now, when you first came across this crowd of people, did the driver stop the van at all? ---No.

Not at all? ---Not at all.

And approximately how far would you say it was from the point that you first came across this group of people, to the point where the van eventually came to rest? ---Well, I would say approximately 3 miles.

3 miles? ---Yes.

Now, when did these people begin to stone the van - when you wouldn't stop for them? ---They started stoning the van immediately we failed to stop.

Immediately you failed to stop, that is to say about three miles from the point where you eventually stopped?

---Yes/...

---Yes.

Do you know what a mile is - how far is a mile?

--- Well, I think a mile is about as far away as Westgate Station is from here.

Well anyway, let's put it this way, even if you are not quite sure exactly what a mile is. It was a considerable distance from that point to the point where you eventually stopped? ---That is so.

And there were a lot of people on both sides of the road? ---That is so.

Most of the way along this road? ---That is so.

And for quite a long way, people from both sides of the road were throwing stones at your van? ---That is so.

Was there a lot of stones thrown at the van?---
Yes, very many, they were full inside the van.

What sort of van was it - an open or a closed van? --- It is a closed van - the Bedford van, with the sliding doors.

And were the other three people sitting at the back? ---Yes, and I was sitting in the front, with the driver.

Did you actually - at what point was it that you were struck by stones? ---It was whilst the van was still in motion, just before it stopped at the point that it stopped, that is at the office.

MR. KUHN NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. BERKEWITZ:

Did the van stop just near the Municipal offices at Zela. Is that correct? ---Yes.

Not very far - can you indicate how far it stopped? ---I would say as far away as West Street from the witness-box.

About 100 - 150 yards. And the toning commenced after you left Zondi, is that right? --- Just as we got

into/

into Jabulani.

Just as you got into Jabulani. Now, is there any points in Jabulani - are there any offices, any shops, that you could identify the place where this stoning commenced?---
Yes.

What is that point? --- Where there are those shacks there, and it was at that point that the stoning occurred.

What shacks are these? --- Well, there are these shacks built of corrugated iron - temporarily, for those people who haven't been housed yet.

And did you travel on the main road all the way from Jabulani to Zola? --- Yes.

MR. BERKEWITZ NO FURTHER QUESTIONS.

BY COURT:

Now tell me, the driver collapsed, slumped to the bottom of the van. Did the van then go careering on by itself? ---Yes.

Did it stop by itself? --- That is so.

Now, it wasn't the first group of people then who threw the stones, was it, because you passed them? --- Well, the first group of people did throw stones, but these stones only hit the van. It was the second group of persons who threw stones which eventually injured us.

Was it a stone that caused the injury to the deceased's head? --- Well, there were stones, and then there were bricks. I couldn't tell you whether it was a stone or a brick that caused the injury on the deceased's head.

Did the van stop with a sudden jerk, or did it stop gradually? --- I couldn't tell you, because at that stage I had this injury and I was hazy.

Do you know whether the van ran into anything when it stopped? --- Not that I saw. I saw nothing which could

have caused the van to stop.

RE-EXAMINED BY P.P.:

At what exact stage was the deceased struck by the stone that was thrown at him, do you remember? --- That was just as we were nearing the office that the deceased was struck.

Which office? --- Zola office.

How far did this van till run on before it stopped, after the deceased had been struck? --- Well, I would say as far away as the second street from West Street, - I think that would be 'Harry' Street. Just as far away as Marshall Square.

BY COURT:

300 yards is accepted then.

P.P. NO FURTHER QUESTIONS.

WITNESS WARNED RE CHANGE OF ADDRESS.

LAURA BASSON s.s.:

(ZULU)

EXAMINED BY P.P.:

Are you residing at 1015 b, Zola Location? --- Yes, 1015 b.

Are you employed? --- No, I only do washing.

Which is your nearest Railway Station to Johannesburg? --- Nyledi.

On Sunday, the 27th of March, were you on that day at your home? --- Yes.

Were you alone, or was there anybody with you? --- Do you mean during the day?

Yes? --- I was with my husband, Pieter.

On that day, at about 11 p.m., did anybody come to your house? --- Yes, many people arrived at my house.

What did you do then - were you asleep or not? --- Yes.

And/

And while you were asleep, what happened then - how did you know about the people? --- Well, there was a knock at the door.

And then? --- Well, when I heard this knock on the door, my husband was fast asleep. I then inquired who it is. I asked if they were police and then the reply was "We are not the police. We are Congress people. We are not here to fight".

Did you then open the door? --- Yes, I did so on my husband's instructions.

And then? --- These people then came into the house.

How many? --- Well, there were men and women, and I should imagine there were about seven inside the house, seven men, and the women were standing outside.

Could you recognise any of them? --- No.

Would you recognise them again if you see them? --- I don't think I would do that with certainty.

If you look around the Court now, do you see anybody that was there that night? --- Should I confine myself to these seated in the dock?

No, anywhere? --- It was at night. I don't seem to see anyone of them.

What did this group of people do? --- These people came in and they said they wanted passes.

Yes, and then? --- I then told my husband about it. My husband then said "Well, I am not going to part with my pass and give it to anybody. I shall give my pass to a White man because I got it from a White man".

What happened thereafter? --- These people then moved forward and got nearer to my husband. He was then slapped in the face.

And then? --- I then pleaded with my husband to surrender/

surrender his pass to these people, because they were assaulting him and I wouldn't like them to kill him in my presence.

Did he give his pass to these people? ---Yes, he took out his pass from his jacket and gave it to them.

And you? ---They then demanded my pass. I took out mine and I gave it to them.

Do you remember the name or the face of the person to whom you gave your pass, and your husband gave his? --- No.

What did this group of people then do? --- They had a canvas bag with them, and it was bulgy. It contained other passes.

How did you know that? ---Well, I could see from its size and the weight, as these men lifted it up, that it had contents.

Did you actually see any pass books in that bag, or not? ---I did.

Yes, and then? ---Our passes were then put into this bag. They then left.

Did they take this bag with them when they left? ---They left with the bag.

On the 28th of March, that is the Monday following the Sunday, at about midday, do you remember whether anybody visited you then? ---Yes.

Who visited you? --- Well, my husband's friend arrived.

What is his name? ---Piet Vundia.

Was he alone? ---He was with Moses Radebe, the previous witness.

And when they left again, did the two of them leave alone, Moses and Piet, or..?---No, they left with us.

With whom? --- Well, my husband and a neighbour

of ours.

His name? ---Stella Ndlovu, the three of us.

You then drove around. Do you remember approaching Zola location again? ---Well, we left for Orlando, and we were returning from Orlando to home.

And on your way to home, did anything happen?

---Yes.

What happened? --- Just as we entered Jabulani, there was a group of people standing in the road, and as we appeared they started pelting this van of ours with stones.

Without saying or doing anything, they just started pelting it with stones? ---Well, as they threw stones, they said "Halt".

Did they first throw stones and then cried 'Halt' or tried to stop you and then threw stones?---First the stones and then the 'Halt'.

Who was driving the van at that stage? -- The owner of the van was driving.

His name? ---Vundla - Piet.

What did he do - did he stop, or drive on?--- Well, we requested him to stop, but he refused.

And then, what happened then? --- These people continued throwing stones at us and the driver continued driving. We pleaded with him to stop but he wouldn't. I had a travelling rug and I asked this other woman who was with us to lie on my lap. I then covered ourselves with the rug. That is, as the stone throwing grew larger.

Grew what? ---Larger.

Now, what happened thereafter? Did you just continue driving on to Zola and stop there, or what happened? ---No, we continued driving and we were nearing Zola, and the stones throwing were also continuous.

Yes, and then? --- At some stage the van was zig-sagging and it creered off the road. I didn't see when

the/

the driver and the previous witness left the van, but the next thing that I discovered was that only the three of us were left in the van, and at that stage the van had stopped.

Now, while you were driving through this group of people, who were sitting in front, with the driver?--- The deceased and the previous witness.

You said when the van had stopped you were still in the van. Is that correct? ---No, no, before it stopped - it was during the zig-zagging that we jumped out of the van.

Who are 'we'? You alone, or somebody with you?--- Well, Stella jumped out first, she fell, and I was next and I fell on top of her, and then my husband followed.

Now, after you'd fallen down there, did you still see this van going on and stopping at a certain place?--- Yes, it had stopped.

What happened to you after you had fallen out?--- We then walked to the van to see if we could find the driver. We then found the driver lying on the side of the van, outside.

Was there anything wrong with him?---He was injured.

Where - in what way? --- Well, I shouted his name and he did not answer and I saw blood running down the left side of the face, from the head.

The other passenger in the front seat, Moses Radebe, what happened to him? ---Well, I saw Moses standing on the side. That was after we had seen the deceased. He was also bleeding from his chin. I asked him what had happened, but he wouldn't talk.

When you approached this van where it was standing, what was this group of people doing?---Well, these people came to us and inquired if we were hurt, that is all.

Didn't they approach the van at all - came in touch with the van, in other words? ---This group of people came to us and inquired whether we were hurt or not. I could not/

not say whether this group was the same that threw stones at us.

Yes, but did any of this group search the van?---
Not that I saw.

What happened to the deceased and Moses Radebe then? --- Well, we left them there. I had also been injured on my leg.

Did you then go away, or did you stay there?---We went home.

Do you know at what exact stage the deceased and Moses received their injuries? ---Yes.

When? ---It was near the office.

Did you see it happen? ---Yes.

What struck the deceased? ---I didn't see him being injured. I think...

No, I don't want any thinking. Do you recognise any of those people throwing stones there?---No, I was mixed-up.

P.P. NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. KUNY:

Approximately what time was this, that this occurred? ---I think it was about 3.

And you were in the back of the van, were you?---
Yes, on the side.

But did you look out and see the people at the side of the road? ---Yes.

And were there people on both sides of the road? ---Yes.

Many people? ---Yes.

Most of the way along to the Municipal offices?---
That is so.

And was this stoning continuous from the point that you first came across this group of people until the van stopped? ---Yes, the stone throwing was perpetual.

And/

Adn I take it that the driver must have travelled fairly fast, in order to try and avoid these stones?---
That is so.

Now, I also take it that the van zig-zagged for some distance before it came to a stop? --- Yes, off the road.

When the van was zig-zagging, did it seem to you that it was out of control? ---Yes.

Are you able to give us some idea of the distance that it carried on after it appeared to get out of control? ---It would be as far away as the intersection of Marshall and West Street.

BY COURT:

About 50 yards.

P.P.:

Is this the point at which you got out of the van, that is to say from where the van stopped, to where you jumped out, is that 50 yards - is that this distance that you've indicated?---Yes.

But before you got out of the van it had already started zig-zagging? ---Yes.

So that the van had zig-zagged for more than 50 yards, in fact? --- Yes.

MR. EUNY NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. BERKEWITZ:

Whereabout in Jabulani did the stoning start? ---
That was at the last Bus stop to Zola.

Last Bus stop...?--- That is at the beginning of Jabualni.

The stoning started at the beginning of Jabulani? ---Yes.

MR. BERKEWITZ NO FURTHER QUESTIONS.

BY COURT:

Now you went up to the van after it had stopped?

---Yes.

Had it crashed into anything? --- No, I didn't see that.

P.P. NO RE-EXAMINATION.

WITNESS WARNED RE CHANGE OF ADDRESS.

JOHN BAGALA s.s.:

(KOZA)

EXAMINED BY P.P.:

You are a Municipal sergeant employed by the Municipality of Johannesburg, stationed at Zola office?---
That is so.

On the 28th of March, did you report on duty at about 5.25 a.m. at Zola office? ---Yes.

When you arrived there, did you find any people around the office, or not? --- Yes, there were people in front of the office, that is where the bus attends.

How many people approximately, would you say? --- Well, at that time I should think about 6 people I saw there.

Did you recognize those people? ---No, I beg your pardon, my mistake - about seven.

Did you recognize any of those people you saw there? ---Not that I noticed at that stage, early in the morning.

What were they doing? ---There were people getting to work and to the bus. Now, these people were stopping these people going to work, and demanding passes from them, and also telling these people not to go to work.

Did you hear that?---I heard that as I passed, going to the office.

Now, when you passed them, could you at that stage recognize anybody? --- No, not at that stage.

Now/

Now, later on that same day, did you see a Municipal bus approaching? --At about 8, a municipal bus arrived at the office.

BY COURT:

A.m.? ---Yes.

P.P.:

And what happened? --- At that stage there was quite a big crowd of people standing in front of the office. Samson Fadane, one of the people there, said we should get to this bus, that is the municipal bus, the European bus.

Who is this Samson Fadane? --- That is the man who said he is the leader of these people.

Do you see him anywhere here?---Yes, that is the first accused, with the scarf - accused No. 1.

Now, whenever you refer to any of the accused after this, you name them No. 1, 2, 3, from the left.

When did accused No. 1 say that he was the leader - or that he is the leader? --- When accused No. 1 one said that he was the leader of these people, he said that at the stage after a youth, also a party to this crowd, had thrown a stone and smashed a windowpane of the municipal office.

My constables then gave chase to this youth who was then running away, and during the chase the other police reinforcements arrived - that is the S.A.Police. They gave chase and eventually this youth was caught. He was brought back and placed in the van of the S.A.Police. It was at that stage that he said, with accused No. 2, Brian, that they are the people in charge of this gathering - they are the leaders

What I wanted to know, actually, was it before 8 a.m., or was it afterwards that you found out who was the leader? ---Once he said that, it was about 9 a.m.

Now, at 8 am. when the bus came there, you said accused No. 1 made a certain suggestion, and what did they

do then? --- Accused No. 1 was addressing this big crowd. He said "Let us get to this bus conveying the Europeans". The crowd then surged forward to the bus. Accused No. 1 then addressed the Europeans in the bus. He said "We do not want you to work today". I was signalling to the driver of the bus to move forward so as to make a turn, but they started reversing. He was forced to reverse from there, right down the street, and eventually there to turn and drove off.

2 Now, this group that approached the bus - you spoke of accused No. 1. Did you recognize anybody else there?---Yes, accused No. 2, Brian, he was there.

What did he do? --- He repeated what accused No.1 had said to the Europeans, that they were not to work on that day; that they should go back to their homes.

Did you recognize anybody else, apart from No.1 and No.2? --- Well, at that stage I recognized accused No.1 and No.2 only.

What induced this bus to reverse - only this threat made by accused No. 1 and No. 2.?--- And they were following, which was a very big crowd.

Yes, but did they threaten the people in the bus in any way, or what was their attitude? ---The driver said nothing, and there were no threats of violence made to them, but they just reversed.

The bus then left?---Yes.

Now thereafter, who approached the office next?--- During that commotion the Superintendent, Mr. Besselaar, (WILSNACH) drove through the gates into the yard of the office, drove into the garage.

Was that whilst the bus was still going away, or was it afterwards?---No, the bus had already left.

How long after the bus had left? --- It was still about 8 - I would say about 8.5.

Was/

1/2
2
Was the same crowd still there, or other people now? ---It was the same crowd, led by accused No. 1 and No. 2, and they jumped over the fence. That is accused No. 2 who first jumped the fence, and thereafter the others followed.

2
Yes, and then? ---I walked over to the Superintendent and advised him not to work today. At that stage accused No. 2 approached us. He addressed the Superintendent in English and said "I am giving you 7 minutes to get away from here".

Where was the ...?--- Superintendent said "What did you say". He said "I say, get out of here, we don't want Europeans here. Get out". Superintendent then said "I am leaving." I said it is in order. He got into his car, drove it through the gate and left.

Where was the rest of the crowd when accused No.2 addressed Mr. Wilsnach? ---They were there, standing there. They were repeatedly saying "We do not Whites here".

What was their attitude at that stage? --- Well, according to my observations, these people were happy with what they were doing.

Thereafter, as you've told us, at about 9 one of the youths threw a stone through a window. Is that correct?---
Yes.

The rest of the crowd, were they still there, or had they left for home? ---The crowd was very large at that stage.

Now, when accused No. 1 and No. 2 spoke to you - when they told you that they were the leaders, did anybody else also approach you with them, to speak to you in regard to this youth?--- At that stage it was the two accused approaching me, and accused No. 1 said "Yes, so when you see Whites, you start hitting us", and this crowd surged forward,

and/

1+2

and as they were also walking towards me. I said "But I don't understand what you say. Will you please repeat what you said? Who has assaulted you?". First accused No. 1, then accused No. 2 said "Your policemen have done it". I have been surrounded by this crowd. I then asked the accused, that is No. 1 and No. 2, that we move over to the garage and there I would hear what they say. We got into the garage and there we started talking, that is accused No. 1 and No. 2 and myself. Accused No. 1 asked me why my policemen had assaulted this youth. Accused No. 2 repeated the same question. I said "Well, if this youth hadn't smashed the window, then all this unpleasantness wouldn't be there". I said "Well, you have been here the whole of this morning, burning passes and chasing people away and we haven't interfered with you in any way, but it was when this youth smashed this window, that we then saw that the police had a duty to perform, and they did it." I said "I have no cause to reprimand my policemen for their attitude. Let us understand each other. You talk to your people and I will talk to my policemen if they want to interfere with you." Accused No. 1 and No. 2 then said "Nyosa - I am also known as Nyosa - we have heard you". They left with the crowd. They were on the other side of the fence. The accused No. 1 and No. 2 then addressed this big gathering. After the address I heard repeated shouts of "Afrika, Afrika", and they walked away. They then walked back into the street and continued their work at which they were busy, burning passes. I then informed my men to confine themselves to duties about the office - regarding the office, and not to interfere with these people.

These passes that these people were burning, where did they get those passes from? --- Well, a person coming from the location, leaving the location, or coming into

the location would be stopped; his pass would be demanded from him; this person would then take it out and in his presence it would be burnt. I saw passes burning like paraffin that day.

Who demanded the passes from the ...?---Accused No. 1 and No. 2 and the large following of me, women and children.

Do you recognize any of the other people demanding passes? --- No, there was quite a big confusion there. I only recognized the two accused, No.1 and No. 2.

Now, thereafter - when did you for the first time see passes being burnt? --- Well, I saw that the first thing when I reported for duty in the morning that this pass would be taken from a person and then it would be opened, a match would be struck, it would be burnt.

Did this burning go on from the morning when you first saw it, up to this time at night, or only once or twice during that day? ---The whole day.

Now, after this incident at 9 o'clock, what happened thereafter? --- The S.A. Police then arrived by lorry. The European constable then asked the policeman standing at the office who is in charge.

When the police arrived there, what did the crowd do? ---They fled.

Out of your sight, or only a distance? --- They fled into houses.

At what time was that approximately? ---Well, there were two stages. There was the first stage at 9, after the window incident. When the police lorry arrived, at that stage the crowd also fled. At about 11 again, when reinforcements came, they fled again.

Did they at any stage return again? --- Well, they did/

didn't return immediately after the police lorry arrived.

Yes, but later? --- After this European had inquired who is in charge and I had told him that I was, I told him it was quiet. He left, and after the police lorry had driven off, this crowd came back again.

What did they do then?---They continued burning passes - demanding passes from people passing.

Yes, and was accused No. 1 and No. 2 still there, or not?---Yes, at all times.

At that stage, did you recognize anybody else?---
No.

Now, what happened thereafter, during the afternoon. Did you see a van approaching?---Yes, it was about 3 in the afternoon when I saw this van approaching.

From where? ---Well, it was travelling from East along the road.

Yes, but from the direction of which place towards where? --- Well, it was proceeding along the main road from the East.

Yes, and what happened then? --- There was another crowd in the road as well, also busy burning passes, and as this van was approaching, it was thrown with stones. As the van was nearing the office, accused No.1 addressed the crowd. He commanded them to move forward, he said "Let's get there, at the van". The stone throwing continued and others were running to the van. I saw the van getting out of the road. I saw the door of the van falling off. The van careered down. I saw someone falling out of the van. The van was running on its own. I ran to the van. My policemen followed. Somebody fell out and a third person fell out, two women and one man. There was a little ditch. The van stalled there. I tried to grab hold of the brake - hand brake. I saw someone lying behind the steering-wheel. I

then/

1-2

then called to my men. There was a member of the S.A. Police Force, Michael Mahobe. I asked him to help me carry this man who was lying behind the steering-wheel, out of the van. We took him out. After we had lain this person outside, I saw a big gap on the scalp. I ran to the Stop also near the office. There accused No. 1 was standing there, and No. 2. I called a man driving in a car. This man came and I asked him to take this injured person to hospital. We placed this man inside the car, and I instructed one of my men, Charles, to escort the injured person to hospital. After that I approached accused No. 1 and No. 2. I said to them "Do you see, chiefs, do you see what has happened". They said "Yes, we do." Accused No. 1 then said "Even on a wedding day, a gay time, there is someone who gets hurt or dies. Such incidents do happen. I parted company with them and returned to the office. At about 3.40...

COURT ADJOURNS.

COURT RESUMES:

JOHN BAGALA s.u o.

BY P.P.

Before the lunch break you told us that accused No.1 spoke to the crowd and the crowd then went forward to this van, and what did they do then? ---Well, most of the people were throwing stones at the van.

Now, when the van stopped there and you approached the van, what did this crowd of people do? ---No, they did nothing. They just stood and looked.

When you found the deceased - this person who was lying at the steering-wheel, was there anybody else in the van? --- I only saw the deceased alone in the van. I didn't see any other person.

Did/

Did you only look in the front part of the van, or also in the back of the van? --- Only the front part of the van, where I saw this person.

When you put this person in the car, did you also put in another person in the car - also another man who was hurt? --- No, I only know of the deceased. I didn't see any other person being put into the car that was driven to hospital to take the deceased there.

Did you watch until the car drove off - did you watch the car until it drove off to hospital? --- Yes, I saw the car driving off for the hospital. I then returned to these men.

Don't you know whether another man was also conveyed in this car, or was he, in fact, not conveyed? --- No, there was only this policeman, Charles, who escorted the deceased.

I now show you a photo, Exhibit A. Was this the wound the person whom you conveyed in the car, received? --- Well, I don't know if this is the same person, but nevertheless the wound was about the same vicinity as this on the photo.

Now, after this man had been removed, did you return to your office? --- No, after the car had driven off with the deceased, I then approached accused No. 1 and No.2.

Was that what you told us this morning when they spoke to you and told you about the wedding and so on? --- That is so.

Now, did anything further happen that afternoon? --- At about 3.40 the manager of the Bantu Affairs, Mr. Carr, arrived. He stood in front of the office. He stopped the car in front of the office and got out. After the manager's car/

2
 car had stopped and as he got out of the car, he was approached by accused No. 2, who was dressed in a multi-coloured blanket. I heard accused No. 2 say to the manager "You, Mr. Carr, we do not want you here. You are the very factory of these passes. I am giving you seconds within which you must get out of here." Mr. Carr then asked the accused for an explanation as to what he means when he says he is the factory of the passes. Accused No.2. said "I reiterate, I said Get away from here. Now, we have given you seconds within which to get out of here, now get away". Mr. Carr then got into the car and drove off.

While Mr. Carr was there, did anybody show him anything? --- Well, there was considerable pandemonium around the car there, and there were people who had passes there, and I couldn't with certainty say that I saw somebody showing anything to him.

P.P. TO INTERPRETER:

What did he say to you about a wire -- he said something about a wire? ---Well, they had a pass pierced through with wire.

P.P. One pass? --- More than one, and they were spiked into by this wire.

1+2
 1+2
 Now, did anything happen after Mr. Carr left? --- At about 6 p.m. accused No. 1 and No. 2 came to me. I was in the Police Guardroom. Accused No. 1 said "We are now closing down this function. If anything should happen, do not lay the blame on us", and this was also repeated by accused No. 2. I said "Oh well, when you started this, you didn't tell me. Don't tell me that you want to close it down now". They then left.

Was that the last you saw of that crowd that evening? ---That is all that I saw of that day's activities.

1+2
 Accused No. 1 and No. 2, do you know them from previous occasions? --- I know them. Accused No. 1 is my uncle, and accused No. 2 is my home-boy from Nxobo.

On the 20th of April, about 9.55 a.m., did you attend an identification parade? ---Yes.

And did you point out anybody there? --- I pointed out accused No. 1 and No. 2. That was at the Marokka Police Station.

As having done what? ---I pointed out the two accused as the persons who were present on the 28th of March at Zola, who were also participating in the burning of passes, and also as persons who were present at the scene where the deceased was injured.

How many people were there in that van, to your knowledge? ---Well, I saw two women and two men.

Could there have been more? Could have there have been more people in the van or not?

MR. BERKEWITZ:

I must object to this question. He is cross-examining his own witness.

BY COURT:

Could you put your question in another way?

P.P.:

Have you seen all four of them clearly? ---
I saw four people.

P.P.: NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. KUNY:

At what time was this identification parade held? --- Well, I only know that we were at the Marokka Police in the morning. I cannot say what the exact time was.

And where, at the Police Station, was it held? --- It was inside the police yard.

Now, how many people were on the parade? --- I did not take stock of the people who were on the parade.

But you were called there to make certain identifications? --- I was requested to point out the persons I

knew/

742

2. p. 124.

knew - people that I had seen, and I did so.

What were your instructions before going to point out the people on this parade - what were you told? What were you asked to do? --- We were kept in a house, or a room, which was out of view from where the parade was held, and we were told never to leave that room until such time that somebody would be sent to come and call us out and to the parade. I was then fetched from this room. I was then brought to the parade and the sergeant in charge of the parade said to me "Well, here are the people, now who of these people do you know? Who of them have you seen on the 28th of March". I then walked down the queue and I pointed out accused No. 1 and No. 2.

Was anyone else present at the parade at the time? --- Well, I was there with the sergeant in charge of the parade, and after I had pointed out the accused on the parade, I was then locked up in a cell. I cannot tell you what transpired after I was locked up in the cell.

Now, you know that there are certain windows looking out into this yard where this parade was held? --- Well, at the place where we were kept...

No, no, just answer my question. The yard in which the parade was held, is a yard on to which certain windows looked. Is that correct? --- Yes, there are windows.

Were there any people at these windows? --- I think there were S.A. Police at these windows, people who were working there.

BY COURT:

The question is did you see people at these windows? --- I only saw S.A. Police constables there as I passed.

Looking out into the yard? --- No, they were working inside.

And/

And how far from these windows were these people in the identification parade lined up? ---Well, the distance would be as far away as the bench, from where you're standing

BY COURT:

About 5 paces.

MR. KUNY:

I take it you didn't pay particular attention to the windows and the people at the windows. You were concerned with the parade? ---That is so.

And you didn't take particular notice as to whether the windows were open or closed? --- No, I didn't notice that.

Now, on this particular morning, you've told us that there was a crowd outside the Municipal offices. Was it a very large crowd? --- Yes.

Running to thousands, perhaps? --- I would say there were many people. I couldn't tell you if there were thousands, but there were definitely many.

And I take it there was considerable noise going on, people talking and shouting and laughing and so on? --- Yes, there was quite a din. People were jolly there and screaming and shouting.

Was the crowd getting out of hand at any time?--- The crowd couldn't be controlled.

Couldn't be controlled. Did you try and control the crowd? ---I didn't even attempt to get near them.

I take it that when you say the crowd couldn't be controlled, someone did try to control them? --- There were people who were controlling them.

Perhaps accused No. 1 and No. 2 were trying to control them? --- Quite.

But did they call on you for assistance to try
and/

and control the crowd? --- No, they did not.

Not you in person. Did they ask anyone else there for assistance, or don't you know? --- I didn't hear that.

Is it possible that they asked you for assistance but that you'd forgotten about that? -After all, a lot was happening there that day? --- They did not say to me that I should assist them in controlling the crowd.

You seemed strangely reluctant to try and control the crowd that day, you and your police? --- Personally it was a physical impossibility. I couldn't control these people.

Could you have spoken to them? --- Well, I spoke to some. That was at the stage the window pane was smashed.

You talked to a small group? --- Well, I spoke to two of the crowd at that stage.

But the crowd wouldn't keep quiet for anybody? ---Quite. But nevertheless I persevered in persuading the two accused.

1 + 2
But now you've said that No. 1 addressed the crowd? ---Yes, accused No. 1 and No. 2 did address this crowd. That is after they had had a talk with me.

Did they address the whole crowd, or just a portion of the crowd? --- The people were outside. They walked up to the people and said "Listen to us, give us a hearing. We are talking to you". They were shouting to the people.

At what stage was this? --- It was after two accused had been talking to me, as they left me they had been addressing the crowd, when I heard shouting "Afrika".

But you didn't actually hear No.

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