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A. RAMOGHADI
Vol 6

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

CASE NO.: CC. 431/77.

PRETORIA,

23rd JANUARY, 1978.

THE STATE VERSUS:

MOSIMA GABRIEL SEXWALE and
ELEVEN OTHERS.

BEFORE:

THE HONOURABLE MR. JUSTICE
MYBURGH.

ASSESSORS:

MR. A.C. MEYER and
MR. D.H.J. COETZEE.

ON BEHALF OF THE STATE:

MR. N. GEY VAN PITTIUS and
MR. M.J. DONEN.

ON BEHALF OF THE DEFENCE:

MR. A. CHASKALSON for accused:
1, 2, 3, 4, 5, 7, 11 and 12.
MR. D. KUNY and MR. L. BOWMAN
for accused: 6, 8, 9 and 10.

INTERPRETER:

MR. G. MSUTHWANA.

CHARGE:

PARTICIPATING IN TERRORISTIC
ACTIVITIES.

PLEA:

ALL ACCUSED: NOT GUILTY.

CONTRACTORS:

LUBBE RECORDINGS (PRETORIA).

COURT RESUMES ON THE 23rd JANUARY, 1978.

ALPHEUS RAMOKGADI d.s.s. (Through interpreter)

CROSS-EXAMINATION BY MR. KUNY: Mr. Ramokgadi, you are a herbalist by occupation? --- Yes.

Where do you carry out your occupation? --- No.20, 15th Avenue, Alexandra Township.

Is what where you live? --- That is where I carry on my work.

Where do you live? --- I have hired a room, that is where I stay. (10)

Where is this room that you have hired? --- No.20, 15th Avenue.

Yes well, that is what I asked you. I asked you whether you lived at that place? --- That is where I live.

And your wife and children? --- They are at home.

Where is that? --- At Pietersburg.

So you live alone at No.20, 15th Avenue? --- Yes.

Have you ever lived at the house of accused no.6 in 11th Avenue? --- No.

Is it your intention to move in there at some stage? --- (20) No, My Lord.

Have you been there recently? --- Yes, I used to go there during the time when accused no.6's wife was sick.

But recently in the last few months have you been going there? --- No.

At all? --- Not at all.

You haven't been there recently in the company of any police? --- No.

How many children do you have? --- Three.

How old are they? --- The first born was born during 1953, (3) the second born 1955, and the last born 1966.

So the /...

So the one that was born in 1966 is presumably still dependent on you? --- Even the one born during 1955.

And your wife, is she also dependent on you? --- Yes.

You own a motor car? --- I had one but it is broken.

Is that the Valiant? --- Yes.

Have you had it fixed or have you replaced it? --- Neither fixed nor replaced.

What do you use for transport now? --- Those that need me they bring their cars to me.

But prior to no.6 accused's arrest, when your vehicle was (10) broken, you would borrow a vehicle from no.6 or from Joseph Tseto? --- I never borrowed any from Joseph, but I did borrow from accused no.6.

A Combi? --- A Combi.

Which was kept at Joseph Tseto's house? --- Yes.

BY THE COURT: He borrowed this vehicle, this Combi, from accused no.6, is that correct? ---

MR. KUNY: Yes, from accused no.6. But you knew that there were a number of Combi's that were kept at Joseph Tseto's house? --- Yes, My Lord. (20)

And he lived diagonally across the road from accused no.6? --- Yes, opposite.

And you knew that there was a friendship between accused no.6 and Joseph Tseto? --- I did.

And that Joseph Tseto used to hire out Combi's? --- I didn't know that they were hired, I didn't know that Joseph Tseto used to hire Combi's.

Did you never see the sign outside his house which said that there were Combi's for hire? --- These were not hired. There was a written paper or board. (30)

Which said what? --- It was written that they are being hired, /...

hired, I have never seen people hiring them.

No, but it was apparent that Combi's were for hire from Joseph Tseto's house? — Yes, it was written like that on the board.

Now you wouldn't know about - or perhaps you might - about the business association between accused no.6 and Joseph Tseto in regard to the hiring of Combi's? — I didn't know, they didn't tell me about that.

Well, did you have some idea about the fact that they were working together? — Yes. (10)

BY THE COURT: When you went to borrow this Combi, to whom did you speak to get hold of this Combi? — I spoke to accused no.6.

MR. KUNY: Because he was your brother and you knew that he would lend you a vehicle if you needed one? — Yes.

Now on the two occasions that you went to Nelspruit you were actually paid for the use of your vehicle and your services? — Yes, I was.

And you were quite happy to go because this was a way of earning some extra money? — Yes, they were paying me.

And the fee that you were being paid was perfectly adequate(2) as far as you were concerned? — Yes.

Do you remember that after the funeral of accused no.6's wife you transported a whole lot of people up to the Northern Transvaal, I think the Pietersburg area? — It was on Christmas when I was going home.

Yes, I know about that occasion, I was going to ask you about that, but I am talking now about the time after the funeral of accused no.6's wife, you also transported people up to Pietersburg? — I conveyed my wife, my brother's wife and my sisters to Pietersburg. (30)

That was after the funeral? — Yes.

BY THE COURT: Which vehicle did you use? — (Intervention).

MR. KUNY: Did you use your own vehicle? — My own vehicle.

BY THE COURT: That's what I want to be sure about.

MR. KUNY: Yes, I was going to put that, My Lord. So you took your own family to Pietersburg in your own vehicle? — Yes.

And then there was the time round about Christmas when you were going up to Pietersburg for Christmas and you conveyed certain people to the Northern Transvaal? — I looked for that transport to go to Pietersburg.

How do you mean you looked for that transport? — I asked(10) no.6 to give me the vehicle.

I see, and he agreed to do so? — He agreed.

And he asked you also to take a certain old lady to Duiwelskloof I think? — This side of Duiwelskloof.

That was at no.6's request? — Yes.

And there were also some other people who approached you to convey them, once you were already going on that journey? — Those were small boys.

And you were paid for transporting them? — They paid me.

And what did you do with the money, did you keep it or did(20) you give it to accused no.6? — The balance, because I poured petrol with the other money, I gave it to no.6.

And as compensation for the conveyance of these people? —
Yes, My Lord.

At that time was your Valiant still broken? — Yes, it was still broken.

When did your Valiant break? — Just after winter.

And has it never been repaired since then? — It has never been repaired.

Now I just want to get the time sequence right. Accused (30) no.6's wife died early in July, 1976, is that correct? — It is that time, /...

that time, but I don't just remember the exact date.

You were at the funeral? --- Yes, I was.

And do you remember that as is customary money was collected for accused no.6 as the surviving spouse? --- Yes.

And quite a large sum of money was collected for him? --- I did not see.

Well, you do know that money was collected? --- Yes, I know, but then at all funerals we do collect money.

So you can't tell us how much money was collected, or whether it was a large or a small sum? --- I did not see. (10)

Alright, and it was after that time that this new Combi was acquired? --- It was the first Combi, not the new one.

Well, a Combi was acquired after the funeral and after the money had been collected? --- The Combi was not bought by the amount that was collected at the funeral.

But you don't know that, because you don't know how much was collected? --- Accused no.6 told me about this Combi before its arrival.

But you don't know what money he used to buy the Combi, (20) or exactly when it was bought or how much was paid for it? --- I do not know.

And is it that Combi that you want to have a look at? --- Yes, I saw it.

BY THE COURT: Was that before it was purchased or when did you see it? --- After it had been purchased.

MR. KUNY: After it had been purchased. Was that at Joseph Tseto's house or at accused no.6's house? --- I saw it in the yard of accused no.6.

Now it was after that that you went on the first of your (30) two trips to Nelspruit? --- Yes.

BY THE COURT: If I can just understand it, I haven't got my sequences/...

sequences quite correct. When you went to the house of no.6 and you saw this Combi to which you have been referring as the first Combi, now was that before or after the death of accused no.6's wife? --- After her death.

MR. KUNY: And I think you said in your evidence-in-chief that the first trip to Nelspruit was during August, 1976? ---
Yes, My Lord.

You couldn't give a precise date but you said it was about the middle of August? --- Yes.

And the second trip was the following week? --- Yes. (10)

Those trips were on a Friday I think you said? --- Yes.

And on each occasion because it was over a weekend and you obviously couldn't buy petrol you were furnished with petrol at the other end in order to come back? --- No, My Lord, Petrol at that time was still available.

Oh, I see. So you went on a Friday and you travelled overnight and you came back on the Saturday. That was the first trip. And the same with the second trip? --- That is correct.

Now you mentioned that on the first trip a man by the name of Bafana accompanied you back from Nelspruit? --- Yes. (20)

And you say that on the second trip he accompanied you from Johannesburg to Nelspruit? --- Yes.

Now by what name did you know him at that time? --- Bafana and no other name except Bafana.

Are you sure, Mr. Ramokgadi? --- I am.

Because you see, my instructions are that he wasn't using the name Bafana at that time, he was known by the name Bennie? --- It is the first time that I hear that name Bennie. I do not know it. (30)

Well, you certainly must have got to know him quite well? ---

--- Yes/...

--- Yes, My Lord.

After all you did travel alone with him? --- Yes.

And he told you his name? --- Bafana.

And his appearance firmly sticks in your mind? --- I was not so much used to him, I would know him when I see him.

But you could point him out in this court? --- I did.

Do you see him here now? --- I do.

Do you recognise him quite clearly as the person you call Bafana? --- Yes.

You wouldn't make any mistake in pointing him out in a crowd of people? --- I see his face, I know it. (10)

BY THE COURT: Accused no.4 can be seated.

MR. KUNY: He is a young man, isn't he? --- Yes.

He has a good head of hair? --- Yes.

A round face? --- Yes.

Anything else about his features that you would point to? --- I see his face. I see him.

Now you were asked in the course of your evidence-in-chief to look at a photograph and to identify the person on that photograph, EXHIBIT F? Do you remember? --- I do remember. (20)

And when you looked at the photograph you said this is Bafana? --- Yes, I thought it was but when I started thinking I realised that it was not.

Well, have a look at the photograph? --- This is not Bafana on the photograph.

Well, can I read your evidence that you gave in your evidence-in-chief about that? You say: "I see the photo Exhibit F, this is Bafana." Then you said: "I don't see well, it appears as though it is him. At times he looks like Norman. I can't see properly." Do you remember giving that evidence? (30) --- I do.

Now you /...

Now you started off being quite certain that that was Bafana, you then expressed doubt? --- Yes.

You said it looks like Norman at times? --- Yes.

Now why did you have some doubt about it after you were quite positive that that was Bafana? --- His hair on the face puzzled me.

But why did you think that was Bafana to begin with? I put it to you it looks nothing like Bafana? --- Yes, that is what I thought, thereafter I realised that it was not Bafana.

But you didn't say that in your evidence-in-chief, that it was not Bafana? --- I said it appears^{as}/though it is Norman but not Bafana. (10)

Tell me, do you have some difficulty with your eyesight? Are you at the age where it is difficult to read without reading glasses? --- I have a difficulty with my eyesight.

What is that difficulty? --- Sometimes they are watering.

And when you read and you look at something like a photograph? --- When I look at an article, at an object.

Nearby? --- Yes.

And when you take it further away? Do you still have difficulty? --- They become better. (20)

Even though it is not absolutely clear? --- Not absolutely clear.

So you agree that you might have been making a mistake when you looked at the photograph, Exhibit F? --- Yes, I do, but I told the court that it is not him.

So you agree that you in fact made a mistake in the first instance with Exhibit F? --- Everybody is liable to mistakes.

I agree, it may be difficult to identify a person positively from a photograph. --- Yes. (30)

And in this case in fact you did make that error? --- Yes.

Now I /...

Now I want to ask you about Norman. You say that you knew someone by the name of Norman? --- Yes.

And eventually you said this photograph looks like Norman? --- Yes.

That is Exhibit F? --- Yes.

When did you first see or meet Norman? --- At accused no.6's house.

When was that? --- At daytime.

When? When in the year? --- After the death of accused no.6's wife, 1976. (10)

Are you not able to pinpoint it more accurately than that? Just some time after his wife's death? --- Yes.

Was it in the middle of the year or towards the end of the year or when was it? --- After winter.

After winter, not before winter? --- After July it isn't winter, is it?

When does winter stop? --- July.

So it was after July? --- Yes.

Was it in August? --- Yes.

Are you sure? --- I am sure. (20)

And when did you first meet accused no.2? Would you have a look at no.2? --- I see him.

When did you first meet him? --- I first saw him at accused no.6's house.

When? --- After the winter.

Well, can you be more accurate than that? Was it in August, in September or October, or when was it? --- Well, it must be September.

Why do you say it must be September? --- Because in August I took those boys to Nelspruit. I had not yet seen accused no.2. (30)

Could it/...

Could it have been in November that you first saw him?

--- No, My Lord.

Before November? --- Before November.

And you have also told His Lordship that on the trips you made to Nelspruit, Norman was present? --- Yes.

You see, I put it to you that you are making a mistake about this, Norman was not on either of those trips? --- I left with Manca at 11th Avenue, I then saw Norman at the corner of Louis Botha and Corlett Drive with four boys.

Yes, there may have been a person there but I put it to (10) you it wasn't Norman? --- I say it was Norman. It is Norman, I am sure.

Well, I am putting it to you you are making a mistake, because Norman never arrived on the scene until sometime in November? --- I say I went along with him to Nelspruit.

And nor did no.2 accused come to Alexandra before sometime in November? --- It was wrong, but he was there.

Do you remember the occasion when you got the Combi in 6th Avenue? --- (Court intervenes).

BY THE COURT: Can you just help me, when you talk about 6th (20) Avenue, do you mean a specific house in 6th Avenue? I noticed when I looked over my notes over the weekend I wrote down 11th Avenue and I wrote down 6th Avenue, but I got the impression it refers to a specific house in 6th Avenue? And 11th Avenue?

MR. KUNY: I don't know whether he intended to refer to a specific house, he merely said that they went to 6th Avenue.

BY THE COURT: To which house did you go in 6th Avenue? I take it 6th Avenue is quite a long street? --- To accused no.11's house, namely Currie.

MR. KUNY: You were going to drop accused nos. 2 and 4 in 6th (30) Avenue? --- Yes.

Was this after you had been to the Marlborough Garage? ---

Yes, My Lord.

That was evening? --- Yes.

And it was at that time that the Combi arrived? --- Yes.

Driven by a person who was unknown to you you say? --- Yes,
driven by an unknown person.

And you hadn't expected the Combi to arrive there? --- No.

It was just by chance that you came across it there, or
they came across you? --- Accused nos. 2 and 4 were looking
for it. (10)

BY THE COURT: Were looking for who? --- For the Combi.

MR. KUNY: But when you got to 6th Avenue the Combi had not yet
arrived? --- Yes, it had not arrived.

And you were about to go away when the Combi came? ---
Yes, My Lord.

And so you decided that you would borrow the Combi that
evening? --- No.

Well, you did borrow it that evening? --- I had borrowed
the red car, not the Combi.

No, but then that night you took the Combi? --- They told (20)
me that there was not enough petrol in the Combi, it would not
carry me to and fro to Benoni.

Yes, so you took the Combi and they took the red car? ---
Yes, My Lord.

BY THE COURT: You see, you say and "they" took the red car.
It really does not help me much, I don't know who the "they"
refers to. Is it now this man who is the driver who is unknown,
who took the red car? --- Accused no.2 and 4.

MR. KUNY: And who drove it? --- The person who came along with (30)
the Combi drove the red car.

When had you borrowed the red car? --- At daytime.

When?/...

When? — The day when they were looking for the Combi I had already borrowed the red car.

Where did you borrow it from and from whom did you borrow it? — From accused no.6.

Earlier that day? — During daytime.

But I thought you said that accused nos. 2 and 4 came to your house in the red car? — Before. They came before I knocked off at work.

No, but you said earlier that day you had borrowed the red car from accused no.6? — I borrowed it but I didn't take (10) possession of it, I left it.

Where did you leave it? — In the house opposite where they used to stay.

Joseph Tseto's house? — Yes.

So then what do you mean you borrowed it but didn't take possession of it? Either you borrowed it or you didn't borrow it? — I told him that I would come and fetch the car, and he said to me "it is alright, you can get it". I then after working hours had to go to him.

I don't understand, once you were going to borrow the car, (20) why didn't you just take it there and then? — I was still at work.

What work, as a herbalist? — Yes.

Where were you at work? — At No.20, 15th Avenue.

So you walked from 15th Avenue to 11th Avenue to ask no.6 if he would lend you the car? — Yes.

And then he said he would lend it? — Yes, after working hours.

But instead of taking it you walked back to 15th Avenue again? — Yes. (3)

Intending to walk back later again to fetch the car? — Yes.

Which was standing there waiting for you? — Well, I had already informed him about it that I would need it.

And you say that nos. 2 and 4 then arrived in this car?

— Yes, My Lord.

You see, I put it to you that it is not correct that nos. 2 and 4 arrived in the car, they came on foot? — No, not on foot.

Well, let me get to the evening of that day when you exchanged the Combi for the red car. — Yes.

Where did you travel that evening with the Combi? — I travelled to Norwood. (10)

Where is that? Norwood? — Norwood.

You travelled to Norwood, and then the next morning the Combi was still at your house? — At Norwood it was still with me.

Oh, you slept at Norwood? — That is where I slept, yes.

And then the following morning at Norwood you noticed that the Combi had blood in it? — In the morning, yes.

And was it at Norwood that you cleaned out the Combi? — There is a certain place where the vehicles are being washed, I took it there. (20)

Where? In Johannesburg somewhere? — Yes.

What? A garage? — Yes, a garage.

And there the vehicle was washed? — Yes.

And then you took in back to Alexandra? — Yes.

And when you returned it to accused no.6's place you mentioned to him that there had been blood in the vehicle? — Yes.

And he didn't comment? — He did not comment.

He simply said nothing? — I told him that there were bloodstains in the Combi.

BY THE COURT: But the question is, you told him about the blood-stains. What Counsel is asking you, what reaction did it elicit

from /...

from accused no.6, that is what he is asking you? He just said nothing about it? --- He just said it is alright if you have washed it.

MR. KUNY: That was his sole comment on that? --- Yes.

And you never discussed it further with him? --- No.

Now on what date was it that you were arrested? --- I was arrested on the 3rd January.

And where were you arrested? --- (Court intervenes).

BY THE COURT: I take it that is the 3rd of January, 1977?

MR. KUNY: 1977, yes. --- Before I got to the Marlborough Garage. (10)

That is near Alexandra Township? --- Yes.

And after your arrest, where were you taken? --- Norwood.

Police station? --- Yes.

You were kept there overnight? --- Yes.

Now you must have been very shocked by your arrest? --- Yes, I was.

Because there was no reason for you to be arrested? --- Yes, My Lord.

At least you could see no reason for it anyway? --- They told me when they arrested me. (20)

They told you you were being arrested because of accused no.6? --- They told me that they arrested me because I conveyed boys to Nelspruit.

Which you had done for reward and perfectly innocently? --- Yes, My Lord.

So you could still see no reason why you should be arrested? --- They told me why they were arresting me.

But when they arrested you they were interested in accused no.6, weren't they? --- Yes, because he had gone away with the Combi vehicle. (30)

And they wanted to know where he was? --- Yes.

And did /...

arrest
V

And did you tell them where he was? — I did.

Where did you tell them that? Immediately? — I told them, it was towards the morning when they questioned me.

They questioned you the whole night? — (Court intervenes).

BY THE COURT: Mr. Kuny, tell me, does that refer to the trip by Combi to Pietersburg?

MR. KUNY: My Lord, at this stage the witness says he was at the Norwood police station, and accused no.6 he says had taken the Combi and they were now questioning him as to no.6's (10) whereabouts. Is that correct? — (Court intervenes).

BY THE COURT: But you don't know about any specific trip that it was used for?

MR. KUNY: No, My Lord, they were questioning him at the moment as I understand it about no.6's whereabouts.

BY THE COURT: That is right. — Yes, My Lord.

MR. KUNY: And you wouldn't tell them at first? — Yes, I tried to hide.

But did the police make it clear to you that they were looking for no.6 because they wanted to arrest him? — Yes. (20)

BY THE COURT: Mr. Kuny, do you know the date on which this episode referred to the trip to Norwood was?

MR. KUNY: My Lord yes, we can pinpoint it by reference to the bloodstains on the Combi. It would have been probably the 30th of November/1st December, the night of the 30th to the 1st, according to the previous ... (intervention).

BY THE COURT: I got the impression it was somewhere round about that date in November, but we are now talking about the 3rd of January. That must have been about a month after the incident referred to as the trip to Norwood? Is that correct? (30)

MR. KUNY: Yes. But My Lord, this trip to Norwood, that is the/...

the night he slept over at Norwood, is unrelated to his presence at Norwood at this stage.

BY THE COURT: I quite follow that, but I am just trying to get the sequence of the events in my mind.

MR. KUNY: We are now, Mr. Ramokgadi, dealing with the 3rd of January when you were arrested? --- (Court intervenes).

BY THE COURT: That is when he was in custody in the - at the Norwood police station?

MR. KUNY: Yes. --- Yes, My Lord.

BY THE COURT: I think you were still asking him about him and (10) the police, yes?

MR. KUNY: They had indicated that they were looking for no.6 to arrest him? --- Yes.

And they told you that they knew all about no.6? --- Yes.

And that you were his brother and they knew you were his brother? --- Yes.

And they knew that you had undertaken certain journeys in the Combi? --- They told me that I had conveyed people by my car.

So they knew all about you they said? --- Yes. (20)

And they knew all about no.6? --- Yes.

Did they mention Bafana? --- (Court intervenes).

BY THE COURT: That is accused no.4?

MR. KUNY: Yes, My Lord. --- Yes.

They mentioned Bafana. Did they mention accused no.2, Naledi? --- No, they did not mention accused no.2.

Did they mention Norman? --- Yes, they did mention Norman.

Did they mention Mancini? --- Yes, they mentioned him too.

So they mentioned all these people to you while you were being questioned at Norwood police station? --- They were telling me that they knew all that was happening. (30)

Now why /...

Now hy were they telling you this? --- They were informing me that we want you to know why you were arrested.

Yes, but why did they take the whole night to inform you of these facts? --- Well, at times I was trying to hide from the police about my brother, I didn't want to tell them where he was.

Why not? --- I was trying to save him.

But eventually you told them where he was? --- Well, they told me that they know everything about him.

So what then induced you to tell them where he was? --- (10) Because I realised that they knew everything about him.

Was that the only thing that induced you to tell them where he was? --- They told me that if I do not want to tell them, because I am also grown up, that they will assault me.

Did you believe that? --- Well, the police do assault people, I should believe it.

How do you know that? --- I have been sometimes before arrested, I know.

Arrested and assaulted? --- Yes, if one does not tell them, one is being assaulted. (20)

Have you actually been assaulted in this sort of circumstance? --- They told me that I am grown-up, I must tell them the truth.

Did they indicate how they would assault you? --- They only told me that if I do not tell them the truth they will assault me.

But you held out the whole night until you told them the next morning where accused no.6 was? --- They used to question me and thereafter go and question my brother's children.

And wasn't there some reference to electricity? --- No. (30)

Are you sure about that? --- I am sure.

While you /...

While you were being questioned by the police? --- They told me that I am a grown-up, I am not a child, and that they don't want to choke me.

And that if you didn't talk you would be? --- Yes, but they did not do it.

BY THE COURT: Tell me, after the threat, did you then tell them the truth as far as you knew? --- I beg your pardon, Lord?

After these threats did you then as you said tell them the truth? --- Yes.

MR. KUNY: What you told them was where no.6 was to be found? (10)
--- Yes.

You didn't make any other statement to them at that stage?
--- No, My Lord.

Your statement was made at a later date in Pretoria? --- Yes.

At Compol Building? --- Yes.

At a stage when you were in detention? --- Yes.

Now you were in fact arrested on the 3rd of January and when were you ultimately released? --- In August I was released.

After you have given evidence in this court? --- Yes.

During that period from January to August, were you kept (20)
in solitary confinement? --- Yes.

Did you see your family during that period? --- No.

Did you get books to read? --- No.

You didn't see any people other than the warders and the police? --- Yes.

And you were taken on a number of occasions from the jail here in Pretoria to Compol Building in order to make your statement? --- Yes.

Do you remember when that was? --- All I remember is during July my statements were read over to me so that I can remember (30)
them.

By whom were they read over to you? --- By the police.

Oh, so you say that you had made your statements earlier, and then in July they were read over to you by the police? --- Yes, My Lord.

You mean if they hadn't been read over to you you wouldn't have remembered them? --- They were doing it for the purpose that I should not forget.

So that you could refresh your memory? --- Yes.

Otherwise you might forget? --- Yes.

And since July have your statements been read over to you (10) again, apart from the time that you gave evidence in this court? --- Yes, they were re-read over to me.

When? --- In July. I said July.

Yes, my question was after that time, before giving evidence again in this court was your statement read to you? --- I came to court during July.

BY THE COURT: Yes, but now the question is since July, 1977, from July, 1977, until today, have those statements been read over to you, that is the question? --- On Thursday it was re-read over to me. (20)

MR. KUNY: Thursday before you gave evidence? --- Yes.

Outside court? --- At the Compol Building.

BY THE COURT: Is that now Thursday last week in other words? Or the week before last week? --- Thursday last week.

MR. KUNY: Before you were brought to this court? --- Yes.

And you came to court I think it was about twenty-past-three on Thursday afternoon? --- Yes.

So prior to that during the day on Thursday you were at Compol Building and your statement was being read over to you? --- Yes, My Lord. (30)

Now why was that necessary, Mr. Ramokgadi? --- For my purpose that/...

that I need not forget.

Did you say to the police that you might forget if the statement was not read over to you? --- Yes, I told them.

And were you then told that you must give evidence in this court in accordance with that statement? --- They were merely refreshing my memory.

But let me refresh your memory about this question of the electricity. You denied just now that any reference was made to electricity? At page 1357 of the previous record, My Lord. The question was put to you by me arising out of something that (10) you had said earlier: "At the Norwood police station when the police were questioning you the whole night as you have described, and they threatened you, and they showed you something to do with electricity", and your answer was "Yes"? --- They told me about that.

What did they tell you about that? --- They said to me: "You are no longer a child, you are a grown-up man. You must tell us the truth." I then told them the truth.

Yes, but what did they tell you about electricity? --- They said to me: "If you can tell us the truth there won't be (20) any reason for us to place you under electricity".

I see, and you were afraid? --- Yes.

You believed that the police had you in their power? --- Yes.

And they could assault you? --- That is true.

And that they could place you under electricity? --- Yes.

So eventually you told them where accused no.6 was? --- Yes.

Thereafter you were taken up to the Northern Transvaal to try and show them where accused no.6 was? --- Yes, but I found that he was already arrested.

And then I think you told His Lordship in the last case (30) you were then taken to the Pietersburg police station? --- Yes.

And /...

And then to Middelburg? --- Yes.

And then were you taken back to Pietersburg or were you brought back to Johannesburg? --- I was brought back to Johannesburg.

At some stage during that journey you were locked in a yard, I think it was at the Pietersburg police station? --- Locked?

Well, you were kept in custody in a yard at the police station? --- We were in the Middelburg police station, in Pietersburg we were outside. (10)

In a yard? --- In Pietersburg we were outside in the yard. That is what I put to you. And was no.6 also at that stage in the yard? --- He found me there when they arrived with him. I don't know where they had gone to.

And then you were returned to Johannesburg, and when were you put into the prison in Pretoria? --- Yes.

When? --- In the middle of January. We arrived in Pretoria on the 14th of January.

Now did you know at that stage why the police were continuing to detain you, even after you had gone to the Northern Transvaal with them to show them where no.6 was? --- No, they had told me. (20)

Because you had conveyed boys to Nelspruit? --- Yes.

And did you think that you were going to be charged for this? --- That is what they told me.

That you were going to be charged? --- Yes.

And of course you didn't want to be charged? --- Yes.

You could see no reason why you should be charged when as far as you were concerned you had done nothing wrong? --- I was hired, I didn't know that I was doing anything wrong. (30)

Well, you must have told the police that? --- I didn't know that/...

that it was wrong to convey the people.

You told the police that? --- They told me that they know.

Yes, but you must have said to them "why do you keep me locked up when I merely conveyed people quite innocently"? ---

The police told me why they arrested me.

And you wanted to get free? --- As far as I was concerned I had done no wrong. They told me about it.

And did you think that if you coöperated with them then they would release you? --- No.

Well, how did you think you could secure your release? --- (10)
I explained to the police how I had gone there.

And having explained didn't you expect them to release you? --- I saw them releasing me then after court.

Yes, but you were in custody for about seven months? ---
Yes, My Lord.

For having done nothing as far as you were concerned? ---
But they told me the reason.

Now they told you all along that they knew everything? ---
Yes.

And when you were questioned by them at Compol they told (20)
you the same thing, that they knew it all and they wanted you to make a statement? --- They told me that I must write and tell them what I know.

Who did the writing, you or they? --- No, not me, but the policeman.

How long did it take you to make that statement? --- Three and a half days. Two and a half days.

Why did you take so long to make a statement about relative-
ly few events and simple events? --- They were not in a hurry.

But why did it take you two and a half days? --- All they (30)
want is that if one gives a statement he must be at ease.

And were /...

And were you at ease? --- Yes, I was at ease.

You were in detention at that stage? --- Yes.

You had been kept in solitary confinement? --- Yes.

You didn't know when you were going to be released? ---
I did not know.

You didn't know whether you were going to be charged? ---
I did not know.

And you were at ease you say? --- Yes, one is given enough
chance to be at ease.

Now they questioned you about the second trip that you made (10)
to Nelspruit? --- Yes.

Incidentally just before I get onto that, did the police
who were questioning you at Compol say anything to you about
your family? --- Yes.

What did they say? --- Well, he asked me how many children
I have and asked me about my wife as well. I told him.

Yes, and then what did they say? --- They just wrote what
I told them.

Did they say anything at all about what would happen to (20)
you if you didn't make a statement to them? --- No, they didn't.

Now they were asking you about the second trip to Nelspruit?
--- Yes.

When you conveyed this man with the briefcase? --- Yes.

Now that man was a complete stranger to you? --- Yes, it
was the first time for me to see him.

You didn't know his name? --- Even now I don't know it.

And you merely found him at the corner and picked him up?
--- I found him where I found Norman.

Yes, at the corner of Louis Botha and Corlett Drive? --- Yes.

Where you had found the person you say is Norman on the (30)
previous occasion? --- Where I found Norman.

On that/...

On that day? --- No. It is the corner where I found Norman for the first time.

And this man got into the vehicle and you drove to Nelspruit?
--- Yes.

And having dropped him you returned and you never saw him again? --- Yes.

So even to this day you don't know the man's name? --- I don't know his name, I know his face.

He is a person you have no knowledge about? --- I was driving. He was not talking to me. (10)

So you agree with me he was a person you had no particular interest in? --- Well, I was hired to convey him.

That is right, and you never thought that it might happen one day in the future that you would have to give evidence in court about this incident and this person? --- No, I never thought of that.

So you paid no particular attention to him? --- I didn't pay attention to him.

And at a much later stage when you were arrested by the police and taken to Pietersburg and Middelburg, did they not ask you about that particular journey and that particular person? --- No. (20)

Did you never speak to them about that person either at Pietersburg or at Middelburg? --- No.

Are you sure about that? --- I am.

If you have would you remember it? --- I was never asked. I never told them about it.

You never described this person to them? --- No.

Did you ever describe this person to the police? --- In my statement I did. (30)

How did you describe him? --- I told the police that he had/...

had spectacles on. That is what I told the police.

That was the only distinguishing feature you could remember about him? --- Yes.

You remembered that? --- I do.

So when they said to you "describe this man to us", all you could tell them was that he was a man who had spectacles?

--- Yes, My Lord.

And then they showed you photographs? --- Yes.

And it was from the photograph album that you then pointed a person out as that person? --- Yes. (10)

I take it in that photograph album the person you pointed out had spectacles? --- Yes.

Now you ... (Court intervenes).

BY THE COURT: Mr. Kuny, is that photograph amongst some of the photographs we haven't seen because I've got no recollection of anything like that?

MR. KUNY: No, My Lord. You have pointed in this court to accused no.7? --- Yes, I have.

As the person whom you conveyed? --- Yes.

Do you remember that while you were in detention and you (20) were being taken to Compol there was an occasion on which you were taken in the same vehicle with no.7 to Compol Building? --- Yes, we were both in that vehicle.

You were in fact handcuffed to one another? --- Yes, we were.

And my instructions are that this happened on two occasions?

--- No, one.

You say it was once, but that was when you were being taken to Compol to make your statements? --- Yes.

Now you were then at Compol shown the photograph album? (30) --- Yes.

And there you pointed out the photograph you say of accused

no.7? /...

no.7? --- Yes.

And you said "this is the person I conveyed to Nelspruit"?

--- Yes, My Lord.

You never went or were taken to any identification parade?

--- No, that was never done.

And you never took the police to this man, no.7 accused, and said "here is the man"? --- No.

You merely relied on the photograph? --- Yes.

Why didn't you say to the police then "You know, it is the man I was handcuffed to when we were brought from the prison (10) to Compol"? --- When should I have told the police that?

When they were asking you about this man and you were looking at the photographs? You had already been taken from the prison to Compol, handcuffed to the very man that you were now identifying? --- When should I have told them that?

When they were asking you at the time that you were making your statement at Compol, and you were looking at the photograph album? --- The photograph was contained in a book.

BY THE COURT: And tell me, when you looked at his photograph shown to you by the police and you said "this is the man", (20) the particular photograph, the photograph of the man whom I conveyed, the man with the briefcase whom you had picked up who had glasses, did you at that stage realise that it was the same man that you had been handcuffed to, I don't know the same day or the day or so before the incident? Or was it the other way round? I don't know, you must tell me? --- I had seen this person once and I saw him for the second time when we were both handcuffed.

Yes, but that still does not answer my question. I want (30) to know when you looked at that photograph and you said this is the/...

is the man on the photograph, when you did that, did you realise that that is the same person with whom you had been previously - when you were handcuffed together? --- Yes, I did.

Well now, Counsel is now asking you if you now knew when you looked at the photograph that this is the man with whom I had been handcuffed that day or the previous day, why didn't you say to the police "but you needn't look for this man, he is the man I came with this morning or yesterday, I was handcuffed to him? Counsel is asking you why didn't you say (10 that to the police? --- I told them.

MR. KUNY: You told them that he was the man you had been handcuffed to? --- I told them that the person appearing on the photo is the person with whom I was handcuffed.

Are you sure that you told them that? --- Yes.

I put it to you that you are making that up? --- I told the police that the person appearing on the photo was the person with whom I was handcuffed.

Well, I am looking for the passage in the previous record, but I put it to you that you said you didn't tell that to the (20 police? --- I told the police when looking at the photograph that this is the man I conveyed to Nelspruit, and this is the man with whom I was handcuffed.

My Lord, perhaps I will come back to that when I have ... (Court intervenes).

BY THE COURT: Yes, perhaps you can look it up if you want to ask on that during the tea adjournment.

MR. KUNY: Yes, perhaps it would be better. Does Your Lordship want to adjourn at this stage?

BY THE COURT: No, we will carry on until a quarter-past and (30 then during the tea adjournment you can look it up if you so wish.

MR. KUNY:/...

MR. KUNY: I just want to go back, Mr. Ramokgadi, to the question of this incident where you saw no.6 counting money. You say that you knocked at the door which was closed and no.6 opened the door? --- Yes.

And it was only after you entered the room that you then saw the money on the table? --- Yes.

Of course if they had wanted to hide that money from you they would have been able to do that before opening the door to let you in? --- Yes, if they wanted to hide it.

But they did not attempt to hide any money from you? --- (10)
Accused no.6 saw me because he peeped through the window.

How do you know that? --- I could also see him from outside.

The point is that there was no attempt made to put the money away before you came into the room? --- (Court intervenes).

BY THE COURT: Is my memory correct, the door was not locked?

MR. KUNY: The door was closed but not locked. --- No attempts were made to hide the money.

And you were in that room for a very brief period? --- I wasn't long in that room. (20)

And you then left because you saw they were busy? --- Yes.

Now you pointed out a bundle of notes I think about five inches high? --- Yes.

Are you serious about that? --- Yes.

Or are you just making a very rough guess? --- No.

I want to tell you that accused no.6 has no recollection of any such incident having occurred? --- He knows.

He certainly cannot recall an incident when he was together with Norman and Mancini counting money and you came into the room? --- He knows. (30)

And in fact the only time he can recall that there was a counting /...

next
6

counting of money was at some stage after his wife's funeral when there was quite a large amount of cash which was being counted in that house? — That I did not see.

Well, perhaps what you are referring to is that particular counting? — No.

This did happen round about - on your evidence - round about the end of July or the beginning of August? — In August, yes.

At which stage I have already put to you Norman wasn't even on the scene? — He was. (10)

And also I must put it to you that the incident where accused no.6 is supposed to have referred to no.2 accused as "one of our soldiers" never in fact occurred? — How did I know about that?

Well, why should accused no.6 talk to you in that fashion? Tell you something like that? — That is what he said when I saw accused no.2 coming in.

What were his words? — Accused no.6 was speaking to accused no.2. I did not take so much notice of what they were(20) saying.

BY THE COURT: But was that in the presence of accused no.2? — I say accused no.2... (intervention).

That is all I want to know, was it in the presence of accused no.2 that it was said?

MR. KUNY: He wasn't talking to you, accused no.6? — Accused no.2 found me together with accused no.6.

Yes, and the words that accused no.6 used were what? — "This one is one of our soldiers". (30)

And to whom was he talking when he said that? — He was talking to me.

Why would he tell you something like that? — He was informing /...

informing me that I should know that no.2 is one of the soldiers.

BY THE COURT: And what was no.2's reaction when that was said?

— He did not say anything.

MR. KUNY: Did you ask no.6 to explain what he meant? — He was merely telling me that accused no.2 is one of his soldiers.

Yes, and I am asking you whether you asked him what he meant by this statement? — I did not ask him. He was telling me that I should know about it.

But it is a strange statement to make and I would have (10) thought that you would ask him what he meant by it? — He was merely telling me that "this is one of my soldiers."

And you don't know whether he said this seriously or jokingly, or in what manner he said it? — Can you tell me things wherein he is joking?

I put it to you he may have been? — No, not jokes of that nature.

You see, I put it to you that in fact accused no.6 never said that? — How would I know that no.2 is a soldier? (20)

Well, you must have been questioned by the police about no.2? — That is what he said to me, that has nothing to do with the police.

But I put it to you that the police put it to you that they know no.2 is one of the soldiers? — Where were the police when he so said to me?

BY THE COURT: Just answer the question? — I am asked one thing over and over again, My Lord.

Yes, there is a saying about patience is a virtue. Mr. (30) Kuny, shall we adjourn for tea? Then you can look up that point you want to ask him about.

COURT ADJOURNS.

COURT /...

COURT RESUMES AFTER TEA BREAK.

ALPHEUS RAMOKGADI (Still under oath)

BY THE COURT: Did you have enough time to look up the passage you wanted?

CROSS-EXAMINATION BY MR. KUNY (Continued): Yes, My Lord.

Mr. Ramokgadi, as I understand your evidence now you say that you did tell the police that the person whom you conveyed to Nalspruit was the person to whom you were handcuffed on your way to Compol? --- Yes.

And that this was at the time that you pointed out the (10) photograph, and you said "this is the man in the photograph, and it is the man that I was handcuffed to when we were brought here"? --- I don't know whether I said it exactly at the time when I was pointing out on the photograph.

Well, when would you have said it? --- It was for three days long that the police were writing down everything that I was saying to them. I can't say exactly when.

But you remember clearly that you told them? --- Yes.

During one of those three days? --- Yes.

You can't remember on which day it was that you saw the (20) photograph? --- When my statement was being taken I saw it.

Yes well, it was on one of those three days but you don't know on which day? --- I can't remember during which day.

And you can't remember on which day you told them that it was the man to whom you were handcuffed? --- Yes.

On which day was it that you were handcuffed to accused no.17? --- I think it was the second day.

You think it was the second day? There were three days, the first, second and third, and you think it was the second? --- Yes, My Lord. (30)

So you had ample opportunity to tell the police this, either on the/...

on the second or the third day? --- Yes.

Was it when you were handcuffed to him, did you go by car or by van to the Compol? --- By van.

Did you ever travel in the same car with him to Compol? --- No.

You say it was only in the van and you were handcuffed on that one day? --- Yes.

Well now, I want to put it to you Mr. Ramokgadi, that at no time during your previous evidence did you ever tell the court that you had told the police that this was the man to whom you had been handcuffed? --- I was never asked. (10)

Well, I put it to you that you were asked, you were given that opportunity to tell the court and you didn't do so? --- I was never asked.

Well, let me read to you from the record, page 1326: Line 18: "Why didn't you say to the police the man who came here today who was handcuffed to me, that was the man", and your answer to that was : "Oh well, you see, I was tied on this man on the last day". --- It is still the same because it was the day when the statement was taken. (20)

No, but you didn't say to the court then it was the last day and I told them on that day? --- I did.

The answer you gave was an attempt to explain why you hadn't told them? --- I can't answer what I have not been asked.

Why can't you answer? You say that you did tell them on the last day? --- Should I tell the court what I have not been asked?

I put it to you that on the previous occasion you gave evidence you did not tell the court that you had told them this? --- Because I wasn't asked. (30)

And I put the question to you where you were specifically asked /...

asked and you tried to get away from it by saying that it happened on the last day? — I can't remember.

In your previous evidence you agreed that you went with the accused no.7 to Compol once in the car and once in the van? It was put to you that you went once in the car and once in the van? — I don't remember that it was put to me that we came by car.

Well, you - it was put to you at page 1297 by my learned friend, Mr. Chaskalson; "And this person, was he in the same car with you", and your answer was : "Yes, in the same car"? — In the van, not the car. (10)

Well, I am reading your answer to you, you said in the same car? You draw a very clear distinction in your mind between a car and a van? — I came by van, not by car.

And the next question was : "In fact you were handcuffed together, weren't you", and you said "Yes". — Yes, in the van.

And then it was put to you : "You see, that is what I want to put to you, that you were taken, that accused no.7 was handcuffed to you, and that you were put into a car together and taken to the police at Compol together"? — Not by car, by van. (20)

Well, your answer to that question on the previous occasion was: "That is so"? — By van, not by car.

And I am putting it to you in fact that you went twice, once in the van and once in the car? — I don't remember coming by car, but my van.

Now I want you to just look at the accused. Have a look at the row of accused. Only two of the accused wear spectacles? — Yes, My Lord.

Accused no.7 and accused no.8? — No.7 I know, not no.8. (30)
No.8 is an elderly man, grey-haired and clearly can't be
confused/...

confused with accused no.7? --- Yes.

And when you looked at the photographs you saw a man with spectacles and you pointed him out as accused no.7? --- It was no.7.

I am putting it to you, Mr. Ramokgadi, that you were making a mistake? --- I did not make a mistake.

And you have already made one mistake in identifying a photograph? Exhibit F? --- In connection with whom?

Well, in this court, you mistook the person on Exhibit F for accused no.4 when it is in fact not accused no.4? --- I (10) told the court that my eyesight is not so good.

Well, and your eyesight may not have been so good at the time you looked at this photograph of the person you say is accused no.7? --- I saw him, accused no.7.

Your eyesight at that stage wasn't so good either? --- A person when you see him, it is not like when you see him in a photo.

So you could be making a mistake when you look at the photograph, isn't that so? --- It is not a mistake. It is a photograph. I told the court that my eyes are not too good. (20)

What do you mean by the statement a person when you see him is not like on the photo? --- A photo is different from a person himself.

And that would account for the possibility of making a mistake when you look at a photograph in order to identify someone? --- They don't look alike, I see the person. If it is him it is him.

What do you mean they don't look alike? --- A photograph and a person himself, that is why, are not alike.

So as I understand your answers, and I don't want to test (30) this point any further, I just want to put it to you as I understand your/...

stand your answers you are agreeing with me that one can make a mistake in identifying someone from a photograph? --- Yes, a person can make a mistake.

And I put it to you that in regard to this particular photograph you are making a mistake? --- A mistake about who?

About the person being accused no.7? --- No, I can't make a mistake about the photo of no.7.

Because accused no.7 denies that he accompanied you on that journey to Nelspruit, and that he was the person that you have referred to? --- He can say it but he knows very well that he did. (10)

There are just some other things that I must put to you, Mr. Ramokgadi. Accused no.6 says that he didn't arrange the second trip to Nelspruit, he was only instrumental in arranging the first trip, but not the second? --- He knows he is the person, and he is the man that gave me the money for that trip.

He gave you the money for the first trip? --- For petrol?

But he says he didn't give you the money for the second trip? --- Pardon, My Lord? (20)

He gave you the money for the first trip but not for the second trip? --- For the first trip he gave me on my return, and on the second trip he gave me money for petrol.

It is correct, is it not, that on your return after the first trip, that you decided of your own accord to drop no.4 accused at the house of accused no.6? --- Yes.

You weren't requested to do that by anyone, you decided to do that? --- He said I must drop him there.

You mean no.4 said so? --- No.4, yes.

Alright, and also, I must put it to you, that the Combi that you met on the way was not the Combi that had been - the new /... (30)

put 7

put 6

put general

new Combi, but was the old Combi of Joseph Tseto? — It was the first Combi which I travelled with to Nelspruit.

It could have been the one that belonged to Joseph Tseto, that you had seen at Joseph Tseto's house? — They were all being parked there.

Alright, and also I put it to you that the driver of that Combi was not Norman, but a person by the name of Raul? — During the first trip when we were still going there Norman was not the driver. Norman was with me. And Manca and the four boys were with me. (10

And on the second trip Manci, that is the person you pronounce Manca, I put it to you, he was the person who arranged the second trip? — No.

And I just want to return to one point with you, Mr. Ramokgadi, in regard to the person whom you say is accused no.7. Before you saw the photographs in the photograph album, did the police ask you to describe him? — They asked me will I be able to identify the person from the photo whom I had conveyed.

They didn't ask you to describe any specific features of (20 the person? — No, they didn't.

And had you been asked to do so, would you have mentioned apart from his spectacles any specific aspect about him? — Yes, I would.

Like what? — I would say that he is the person that I conveyed to Nelspruit.

No, but how would - what specific features about him apart from his spectacles would you have described? — (Court intervenes).

BY THE COURT: You must just answer that. Don't look at accused (30 no.7. Look at me while you give the answer? — I would tell them /...

them that he is a person who has spectacles, and the manner in which he was dressed, I saw that.

MR. KUNY:

Is that all, is that all that comes to your mind? --- Yes.

No other distinguishing feature about his appearance? ---

No.

What about his skin? --- I didn't see it, he was dressed.

BY THE COURT: No, but listen to the question. Mr. Interpreter, you are getting a bit agitated in your interpretation, listen calmly. Counsel asked you was there anything particular about his skin? (10

MR. KUNY: His skin colour? --- I saw his face.

Well, how would you describe his skin colour? How would you have described it? --- He is not white in colour, he is black.

Black, that is all that you would have noticed? --- Yes.

You wouldn't describe him as a light-skinned or a dark-skinned man or average colour? --- If he is black then he is black, not light, or black.

Wouldn't you have described him then as a light-skinned man? --- He isn't pitch black. (20

Does that mean you wouldn't have or you would have described him as a light-skinned man? --- Yes, I would describe him as a light-skinned man.

Did you ever say that to the police? --- I told them that he has got spectacles on.

Did you ever tell the police at any time after your arrest that the man was a light-skinned man? --- (Court intervenes).

BY THE COURT: I think he said that he gave no further description, he said that.

MR. KUNY: My Lord, may I just finally establish ...? (30

BY THE COURT: Well, I have noted it here that he said that he gave/...

he gave them no other description, save and except about the spectacles.

MR. KUNY: Well, I am asking him at any time after that? --- I was never asked, I never.

Well, I put it to you that at some stage after your arrest you told the police that you had taken a light-skinned man to Nelspruit? --- I told them that it was a man with spectacles on, My Lord.

Alright, well may I just put this to you Mr. Ramokgadi, at page 1298 of the record, My Lord: The question is put at (10 line 25 I think it is : "Did you ever in accused no.6's presence tell the police that you had taken a light-skinned man to Nelspruit and you did not know his name" ... (Court intervenes).

BY THE COURT: Was that in evidence-in-chief or in ..?

MR. KUNY: No, in cross-examination, My Lord. And your answer was : "Yes, when we gave our statements". --- No, I was never asked.

Do you deny that you ever said that? --- I deny it.

That you ever said it to the police? --- I was never in (20 the time I was with the police with no.6 as well. I was never.

I have no further questions, My Lord.

RE-EXAMINATION BY MR. VAN PITTIUS: Now do you remember during cross-examination at a certain stage you dealt with the time when you made arrangements with accused no.6 to borrow the red car from him after normal working hours? --- Yes.

Now who decided that you should get the red car after normal working hours? --- Accused no.6.

Did he say why you could only get it after normal working (30 hours? --- I was still at work and I did not know that they were still using it.

Yes, but/...

Yes, but the question is not quite that. You said accused no.6 said that you could get it after normal working hours. Did he give any reason or was there no reason? — He knows very well that I use this car after working hours.

Now were you in actual fact ever assaulted the night at Norwood police station? — No.

And when you were kept at Compol, or when you were taken to Compol Building at Pretoria? — No, I was never assaulted.

Now when your statement was taken, did you write out your statement continuously for the two and a half days, or did you take breaks, or what was the position? — They were having breaks, not continually. (10)

How long did this trip to Nelspruit with accused no.7 more or less take? — Eight hours.

And did you drive through continuously or did you stop on the way, what is the position? — We never stopped on the road.

Now when you identified accused no.7's photograph in the photo album, was his photograph the only one that you were asked to identify, or were there any others that you had to identify in the photo album? — There were others. (20)

Now before you identified accused no.7's photograph in the album, what happened, how did you identify it? What was the procedure adopted? — They asked me first "can you identify the man whom you conveyed to Nelspruit". It is then that I pointed him out.

Now what I want to try and find out, did they show you the photograph and say to you "is this the man", or what happened? — No, they were turning the pages one by one of the album. (30)

Were there photographs on the pages that they turned? —

Yes, My Lord/...

-- Yes, My Lord.

BY THE COURT: He demonstrates with his hands how the pages were turned over.

MR. VAN PITTIUS: Did they page the album through, or did you page it through yourself? -- They were turning the pages.

Now do you also remember giving evidence of the time when you saw accused no.6, Norman and Mancini counting money?

-- Yes, My Lord.

Now can you tell the court how many doors did this room where you saw them have? -- Two doors. One leads to the kitchen and the other one leads outside. (10)

Now through which one did you come into the room? -- The one from outside, leading to outside.

Now when you had to get to that door, were there any windows that you had to pass first? -- Yes.

How many and where were these windows in relation to the door? -- Two windows in front. They are in front.

And where were these windows in relation to this room, were they of that room or of another room, or what? -- Yes, they are windows of the same room in which they were. (20)

Now when you passed those windows did you look inside, or not? -- When one passes towards the door, they can see him, he is seen by people inside through the window.

But did you look inside? -- They are visible from outside.

Did you see whether there were any curtains before the windows? -- There were curtains but they were wide open.

Do you know whether accused no.6 ever wears spectacles, or not? -- Yes, he does wear spectacles.

Do you know when, at what times more or less? When he reads or when he walks around? Or what? -- He uses them all along, when he walks as well. (30)

Now you/...

Now you said in cross-examination that you knew about the - I think it was the second Combi, the newer Combi, before it had been purchased because accused no.6 told you about it?

--- Yes, My Lord.

What did he tell you about it? --- We will be able to have another Combi and we won't worry you any longer about transport.

Now I just want to read a portion to you recorded at the last hearing, page 1336, My Lord. Can you just listen to it and tell the court whether you remember such questions being put to you and whether you remember your answers : (10

The question was - this was now concerning the handcuffing of yourself and accused no.7 ... (Court intervenes).

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

MR. VAN PITTIUS: My Lord, I think that was the question ... (pages through record).

BY THE COURT: Because if it is evidence that he gave in chief I don't know whether you can read it to him from ..?

MR. VAN PITTIUS: No, My Lord, it is from cross-examination by my learned friend, Mr. Chaskalson.

BY THE COURT: Because I don't think it will be permissible (20 to read from what he had said in the evidence-in-chief?

MR. VAN PITTIUS: No, I agree with that. I will read further. Will Your Lordship just bear with me one minute? My Lord, I think I will rather leave that question. I have no further questions, thank you.

BY THE COURT: Tell me, are you certain that the man who in fact went to this place where you made the statement and was handcuffed to you, be it now in the car or the van, that that was in fact the man who had travelled with you to Nelspruit, as the man with the attaché case and the glasses, are you sure (30 it is the same man? --- Yes.

NO FURTHER QUESTIONS.

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