

Date: 15/5/64.

Before: Mr. O.G. Gush.

The State vs. Jairus Ntseane.

J U D G M E N T:

BY THE COURT: The Accused appeared before me during July and August, 1963, on two charges under the Suppression of Communism Act No.44/50.

The first was that during the period, the 8th of April, 1960, to the 23rd of March, 1963, he unlawfully became or continued to be an office bearer, an officer or a member of an unlawful organization, to wit, The Pan Africanist Congress, which hereinafter, for the sake of brevity, is referred to merely as the P.A.C.

The second charge is that during this same period, the accused unlawfully took part in the activities of the P.A.C., which is an unlawful organization and did carry on in the interests of the P.A.C. any activities in which it was engaged during that period.

At the request of the Defence, the State gave further particulars in which the activities are set out. These particulars naturally form part of the charge.

The accused, who is legally represented, has pleaded not guilty to both these charges.

The accused was duly found guilty on both these charges and was on the 28th of August, 1963, sentenced to three years imprisonment on each of these two charges.

The accused appealed against the convictions and the sentences and on the 18th of February, 1964, the learned Judge of Appeal made the following order:-

"The conclusion therefore will be that this case is remitted back to the magistrate so that, the evidence of Detective Sergeant Posthumus, on behalf of the State, be led to investigate whether on the

two dates, the 22nd and 23rd of March, any persons other than those mentioned by Posthumus in his evidence in this case, had been arrested in connection with political activities or whether these were the only two people. It should also be investigated whether Posthumus was the person in charge of such arrests and whether, if other arrests had been made on those two days, such arrests would have come to his knowledge.

The conviction and sentence in this matter are set aside; the matter is referred back to the magistrate to hear the evidence of Sergeant Posthumus on the point at issue. He could then be cross-examined and the Defence may lead such further evidence on the point at issue if so advised.

The magistrate has to give judgment afresh."

This further evidence was heard by me on the 3rd of April, 1964, and the 24th of April, 1964. Therefore, the Prosecutor and Counsel for the Accused again addressed Court and judgment was reserved until today.

I may at this stage say that the judgment which is about to be delivered by me will, except where I deal with the fresh evidence, be substantially the same as my previous judgment.

In order to succeed in these charges, the State has, in my opinion, proved the following facts:-

- (1) That an organization called the P.A.C., exist;
- (2) that the P.A.C. was declared an unlawful organization;
- (3) that after this declaration, the P.A.C. continued to exist and carry on its activities;
- (4) that the Accused became or continued to be an office bearer etc., of the P.A.C. and
- (5) that the Accused took part in the activities etc., of the P.A.C.

The Prosecutor handed in several documents and photostatic copies of documents, as exhibits, -

- In terms of Section 12(4) (c) of Act 44/50. These documents are all attached to the record.

On the face of these documents they were compiled,

/kept...

kept, maintained, used, issued or published by or on behalf of the P.A.C. And consequently they are admissible against the accused as prima facie proof of the contents thereof.

In order to dispose of the first point mentioned above, I have only to refer to the following five of these documents:

- Exhibit "A" : The Constitution of the P.A.C.;
- Exhibit "B" : The Disciplinary Code of the P.A.C.;
- Exhibit "C" &
"D" : The two editions of 'The Africanist';
- Exhibit "F" : The P.A.C. Oath of Allegiance,

to be satisfied that this organization, the P.A.C., did in fact exist. I may here mention that the prima facie proof of the contents of these documents has not been rebutted.

In dealing with the requirement No.2, the Prosecutor referred the Court to various proclamations in various Government Gazettes. From these it is obvious that by Proclamation 119 of the 8th of April, 1960, which is in Government Gazette No. 6414 of 1960, as extended by Section 22 of Act 93/63, the P.A.C. was declared an unlawful organization indefinitely as from the 8th of April, 1960.

It may be pointed out at this stage that this date, the 8th of April, 1960, is the commencing date of the period alleged in the two charges.

Requirement No.3, by referring to the following documents it becomes quite obvious that the P.A.C. did not cease its existence or operations as from the 8th of April, 1960. But it went underground and continued all its activities. (See Press Release, Exhibit "C", The P.A.C. Reply to Snyman, Verstar Report, Exhibit "R", Call to P.A.C. leaders, Exhibit "E".)

Furthermore, because of the arrests of members of the P.A.C., the people that - the head of the P.A.C. decided to camouflage its activities by using secret codes. Two witnesses who had been recruited as members of the P.A.C. gave evidence under indemnity for the prosecution. Their..

Their names, for security reasons, had not been divulged and they are therefore referred to as 'Witness "A" and "B" respectively.

According to their evidence some of the various codes used were: "Dance Association"; "S.A.A. Football League"; "The Football League" and "The Football Club". These various bodies were merely synonymous for the P.A.C. and by means of various terms of expressions messages were conveyed in code to the branches of the P.A.C.

By Government Proclamation Nos. 92 of 1963; 183/63; 184/63 and 185 of 1963, the Government declared these bodies to be the P.A.C. And consequently, any document compiled, kept, maintained, used, issued or published by any of these bodies, are deemed to have been compiled etc., by the P.A.C., and they are therefore, admissible as evidence in terms of Section 12(4)(c), aforesaid.

For example, of such documents containing messages and instructions in code, I refer to Exhibits "G", "H", "J", "K", "L" and "P". The code words to be used are set out in Exhibits "M" and "N".

The final two requirements will be dealt with together.

The question to be answered is, has the State succeeded in proving or establishing that the accused, during the period mentioned, became or continued to be an office bearer, officer or member of the P.A.C. and whether he took part in the activities of the P.A.C.

The evidence on which the State relies to prove these requirements is three letters, Exhibit "W", "X" and "AA", which are addressed to Titwin Melere or Titwin M-life at No. 363 Tlaai, P.O. Maseru. And also letter Exhibit "Y", which were written by one Wits Football Club Manager to Mr. Louis B. Miller of P.O. Box 356, Maseru. This letter has been referred to in this case as the 'Mdeni letter'.

The origin of these letters as exhibits is as follows:-
Exhibit "W" was found by the police, opened, in a

322

jacket of the accused on the 23rd of March, 1963, at the time of his arrest. Exhibit "X" was seized by the police at the post office, Johannesburg, on the 18th of May, 1963; Exhibit "AA", was found with sixty-nine other letters in possession of one Cynthia Letjaba, who was an employee of the P.A.C. in Maseru as she was proceeding by bus from Maseru to Ladybrand in order to post these seventy letters in the Republic on the 29th of March, 1963. And the Mdeni letter, Exhibit "Y", was seized by the police at the post office, Johannesburg on the 18th of May, 1963.

Letter, Exhibit "W", is written in 'The Dance Association' code and in it, all branches are exhorted to forward monies collected from members and to ensure that all instructions are being carried out. It is signed by one Sam Petersen who, according to the evidence of Cynthia and Witness "A", is one of the pseudonyms used by P.K. Leballe who was the general secretary and the acting president of the P.A.C. and who was in charge of the P.A.C. Headquarters at Maseru. This is clear from Exhibit "R". This letter is addressed to Titwin Melife at 363, Tladi and was posted in Maseru on the 21st of January, 1963. 363 Tladi, is the address of the Accused and no other Bantu male adult resides there. This letter was found opened in a pocket of his jacket when the police raided his house and arrested him at 5 a.m., on the 23rd of March, 1963.

The Accused in his evidence allege that on a certain day, about the middle of February, 1963, when he came from work, he found this letter lying on the floor of his house. He stated that when letters arrived by post and the postman found no one at home, he pushed the letters underneath the door.

Accused said further, that he did not know the addressee and the following week-end he went to No. 366 and 633 Tladi and there made enquiries about Melife, without success. He then opened the letter to find out the writer's

/address...

address so as to enable him to return the letter to the sender but he found no address on the letter. He intended taking this letter to the post office and handing it back, but he had forgotten all about it. He did not wear that jacket again until the 22nd of March, 1963. That evening he came across the letter in his pocket and he decided to take it to the post office the next day but unfortunately the police arrived that very night and arrested him.

He denied ever having been a member etc., of the P.A.C. or of taking part in any of its activities.

He stated that he did not understand the contents of this letter.

Letter, Exhibit "X", Cynthia recognised the writing on this envelope as that of Mphaka, also an employee of the P.A.C. in Maseru. This letter is written in a Bantu language, the translation thereof is as follows:

"Write ^{new} names as well as new addresses, the others are old. The river is full, don't come over this way, you will hear from us."

The meaning of this message is apparently that 'the boundary is dangerous because of police guards, so don't try to cross it at present, new names and new addresses are to be used for purposes of safety.'

Now, Exhibit "AA", Cynthia informed the Court that she and Mphaka addressed the seventy letters which were found on her from a list which was given to her by Leballe for that purpose.

There were three columns on this list, the first contained the correct names; the second the addresses and the third fictitious names used by these people.

Witness "B" who visited the P.A.C. headquarters in Maseru, stated that proper names and the code names were recorded there and that they were asked to furnish or to use false addresses.

The Defence has argued that there is a reasonable possibility that the explanation given by the accused in

*applied
abundant
of code
if C as a separate
would say so*

No to lead.

*But see her
evidence.*

respect of the letter, Exhibit "J", can be true and that the Court should accept it.

It is quite obvious that the name on the envelope is not that of the accused.

From the evidence of Cynthia and Witness "B" it is also equally obvious that the name is not the proper name of the person for whom the letter was intended but is a fictitious name.

It is further argued by the Defence that not only is the name fictitious but the address is false too.

When it is borne in mind however, that the P.A.C. had gone underground and that the office bearers and leaders had been warned to maintain the utmost secrecy, which is borne out by Exhibits "E" and "F", I find it most difficult to accept or to believe that any such office bearer or leader would be so foolish as to use another person's address as an accommodation address without having first made suitable arrangements with the person at that address to hold and keep any mail so addressed until called for, because otherwise, important messages, instructions or documents would most likely fall either into unauthorised hands or into the hands of the police via the postal authorities. The whole idea of secrecy would thereby be defeated.

In addition to this, long after the despatch of this letter, office bearers etc., were being exhorted to submit false addresses (see Exhibit "X").

Furthermore, in Exhibit "Y", which Counsel for the accused conceded emanated from an official of the P.A.C. and was therefore admissible as evidence under Section 12(4)(c) aforesaid, the writer complained bitterly of the gross negligence of most 'players' - (meaning members) - in not supplying headquarters with false addresses instead of their proper addresses. It would appear that the furnishing

Deal with the situation

1955 - case
Reference to this body of the committee
Complaints
ability which
might be
desired but
it may have
have been
action
R.R. #3

the accused
then admitted to
membership
- End
this shows
supposedly
you

as do code
letters which
on the
then later they

with you at
write
NOT NEW

of false names was the general rule but the furnishing of false addresses was the exception rather than the rule.

There is also the fact that the accused, instead of merely endorsing on the letter "unknown this address" and returning it to the post office, not only opened it but he had it in his possession for more than a month. Then, to crown it all, he is very unlucky or unfortunate that the police raided his house early in the morning of the very day on which he had decided to take this letter to the post office.

This, according to the accused, is merely an unlucky co-incidence.

These are all obvious improbabilities in the explanation given by the accused.

I come now to examine in detail the contents of Exhibit "Y" namely, the Mdeni letter.

This letter must be considered together with the evidence given by Warrant Officer Posthumus both at the original hearing and when he was recalled when the case was re-opened.

His evidence is shortly as follows:

From the beginning of 1963 he was in charge of all arrests for P.A.C. activities in the Johannesburg district.

The actual instructions were received from Major Van Niekerk in Pretoria but these instructions were issued only on advice given or recommendations made by Warrant Officer Posthumus. He either effected all these arrests personally or they were done by members of his staff. But in any event, he had knowledge of all these arrests which were so effected.

He stated, that on the 6th of March, 1963, he arrested three alleged members of the P.A.C. namely, Cyprian Sedondoshe, Joseph Mchane and Nathaniul Ciliwe in Maeni Bantu Township. Sedondoshe and Ciliwe were detained in

Marshall Square and Mchane was detained in Auckland Park.

He also stated in his original evidence that he had personally arrested the present accused on the 23rd of March, 1963, at 5 a.m., at 363 Tladi Location and had also arrested Fakasi Mdikane on the same day at approximately 4 a.m., at 1935 B. Zelo Location.

When he was first recalled he stated that as far as he was aware, these were the only two persons arrested for P.A.C. activities on the 22 and 23rd of March, 1963.

Then, under cross-examination, he said that he thought that Stephen Kwapeng had also been arrested during that period, the 22nd to the 24th of March, 1963.

The case was allowed to stand down for him to verify this fact and later he was recalled and he stated that he had made the necessary investigations and Stephen Kwapeng had been arrested on the 28th of March, 1963.

The case was then remanded to the 24th of April, 1964, at the request of the defence.

On that day, the Prosecutor made the following admission, and said that the Prosecution admitted that Shadrack Mchale, Phillemon Mchale and Jacob Mpiani had also been arrested on the 23rd of March, 1963, between 3 and 4 a.m. at No. 1057 Mefelo .

Warrant Officer Posthumus was then recalled and he said that members of his staff had gone to this address, that night, in order to arrest one Samuel Goeliman. Goeliman was not found there but these other three persons were arrested because of certain documents which had been found at that address.

He also stated that Mefelo was a township which was four to five miles from the Tladi Township.

Now, I must say that evidence of this type is unsatisfactory. Warrant Officer Posthumus was informed of the reason for the re-opening of this case and the least he could have done was to have checked up on all the

the arrests which had been effected for P.A.C. activities, by his - him and his staff, during the period the 22nd to the 23rd of March, 1963.

I can appreciate that because many arrests were made for P.A.C. activities and these were made approximately twelve months prior to his testifying, he could not be expected to remember the names of all the people who had been arrested or the dates on which they had been so arrested. But as I have stated previously, this information could surely have been obtained from the records of his department.

I am, however, satisfied that Warrant Officer Posthumus is an honest witness and that he did not try to mislead the Court deliberately.

Warrant Officer Posthumus also stated in his evidence that certain P.A.C. documents and a letter from Tanganyika were found in the possession of John Mdikane when he was arrested on the 23rd of March.

I may also say at this stage that Detective Constable Nienaber who was with Warrant Officer Posthumus, when the accused was arrested, found letter Exhibit "W", in the pocket of a jacket of the accused which was hanging on a chair in his bedroom.

The final summing up of all this evidence then is that the following arrests were made, either by Warrant Officer Posthumus or by members of his staff, in respect of P.A.C. activities on the 22nd and the 23rd of March, 1963, in the Native townships, Johannesburg:

On the 22nd of March, 1963, there were no arrests; on the 23rd of March, 1963, at 4 a.m., Fakazi Mdikane was arrested at 1935 Zelo Location; at 5 a.m., the accused was arrested at 363 Tladi Location; between 3 and 4 a.m., Mphale? Shadrack Mkgale, Phillimon Mkgale, Jacob Epiani were arrested at No. 1057 Mafale. And these are the only arrests which were made on the 22nd and 23rd of March, in respect of P.A.C. political activities.

even if not
deliberately
credibility
reliability

p24

12, 27, 1963
at p. 207
00 arrests by
20/30 police
Moketane's
arrest (p. 297)

Paul Motta
Tolulalats
reference 295
may be page
referred to
"EXY"

The question then arises how these and other arrests fit in with the contents of the Ndani letter?

The reference in paragraph 1 to the three persons who had been arrested and were still in custody, obviously refers to the three persons arrested by Warrant Officer Posthumus on the 6th of March, 1963. One of them is actually mentioned by name, 'Mame'. And there is the additional connecting fact that he was detained at Auckland Park separately from the other two who were arrested on the same day.

The Zola team manager mentioned in paragraph 2, appears to refer only to Fakazi Mankane because he was arrested at 1935 Zola and in his possession were found certain P.A.C. documents and also a letter from Tanganyika. No such letter is mentioned in connection with any of the other arrested persons. There is of course, a discrepancy in the date. In the letter, the date of arrest is given as the 22nd of March, whereas in fact the arrest took place in the early hours on the morning of the 23rd of March.

In my opinion, the writer in quoting the 22nd of March as the date of arrest, has erroneously done so because the arrest took place during the night of the 22nd/23rd of March.

The final question is, who was meant by the writer when he referred to 'The Tladi Assistant Team Manager'?

From the evidence it is clear that headquarters, Maseru, did not correspond with the ordinary rank and file of any branch of the P.A.C. but only with the chairman, the assistant chairmen and the secretaries of the various branches.

According to the code used an 'assistant team manager' means 'the assistant chairman' of a branch.

In the case of the accused, letter Exhibit "W" is identified by witnesses Cynthia and "A", as emanating from the P.A.C. headquarters at Maseru.

but p. 2 says letter... found the... from Tanganyika

There is a... date before 2/13

but Frank... also... with Labour...

PSS - Labarre - only Sec. got... Ditsi - ATM - is chairman... Sec. Tladi...

Disco - 13 67

The same mistake is made in regard to the date of the arrest as was made in the case of Fakazi Mdikane but the same explanation is applicable.

Of the five people arrested for P.A.C. activities on the 23rd of March, Fakazi Mdikane is eliminated because he has been identified by me as the Zila Assistant Team Manager.

What then is the position of the three persons arrested that morning in Mofele? Can it possibly be that one of these was the Tladi Assistant team manager?

It is quite clear from the sentiments expressed in the paragraph marked '1', on pages 4 and 5 of Exhibit "Y", that it is the policy of the P.A.C., that persons residing in a certain township should join the properly constituted branch of the P.A.C. in that township and that they should not be allowed to join branches in other neighbouring townships. This is the policy apparently set out by the writer of this letter. And this statement of policy has not been rebutted by any other evidence.

We find then that the two Mkgales were arrested in a house in Mofele which is four to five miles from Tladi and that Jacob Spiani was from Evaten at the time of his arrest.

It would therefore appear to be most improbable from a P.A.C. policy point of view, that any one of these could be the Tladi assistant team manager. With this process of elimination we are then left only the accused.

The indication that it was the accused is further strengthened by the fact that two other letters, marked "X" and "AA" were addressed to Ditwin Molero at 363, Tladi.

In paragraph 4 of Exhibit "Y", the writer complains bitterly of the gross negligence of most of the players in that they provided headquarters, Naseru, with false names, but they retained their correct addresses instead of furnishing accommodation addresses. The writer also complains that 'our chaps are not revolutionary and that documents are...

No! the only
if the author
- but the
says also
may lived

why? I know
found that
Tladi is the
may have
been arrested
at Evaten
system also
which may
have occurred
date, July 1961
24 - 1961

are left lying around in their homes and in their pockets,' I repeat, in their pockets, because it has particular application to the case of the accused.

For all these reasons, it appears to me to be irresistible to infer that the Tladi assistant team manager referred to in Exhibit "Y", is the accused.

When one therefore considers the improbabilities in the explanation given by the accused, in regard to the letter Exhibit "W" found in his possession, and the reference to him in the letter, Exhibit "Y", I am satisfied that the Accused's evidence is totally false and untrue and there is no possibility at all that it may possibly be true and that the letter, "W" was addressed to him under a false name but to his correct address, that accounts for his having opened the letter and having kept it in his pocket for so long a time.

This then also means that the accused is an office bearer of the P.A.C. namely, the Assistant Chairman of the Tladi branch. In that capacity, his duties were inter alia to recruit members, collect subscriptions, transmit money to P.A.C. headquarters, Maseru and to assist in organizing his branch so as to be ready for the attack upon the White population of the Republic, upon Government buildings and other installations on the day to be fixed by the leaders of the P.A.C.

The fact that he had a pseudonym registered at headquarters, Maseru, further, to my mind, indicates that he was on the active list of the P.A.C. and that he was busy then, with others in carrying out these duties in the Tladi Township.

Now, Counsel for the Accused has also contended that there has been an unlawful splitting of charges in this case.

From the legal aspect it is quite clear from the judgment in the case of Joseph Seremane and eight others v.

The State, given in the Transvaal Provincial Division on the 13th of March, 1964, that it is competent for the State to prefer charges of contravening Section 3 (1)(a)(1) and 3(1)(a)(4) against one accused.

From the factual point of view I must point out that I have come to the conclusion for the reasons set out above that the Accused was an office bearer or officer of the P.A.C. during the period mentioned in the charge and that judging by the instructions sent to him by the P.A.C. headquarters, Maseru, in the letter Exhibit "W", he had to send to P.A.C. headquarters, Maseru, lists of members of the P.A.C.. The code words used was 'digits' and 'monies' and 'subscriptions' etc.

It was also pointed out to him that the organization, that is, "The nightclub" could not continue to function without members and money.

It is quite clear, therefore, that the accused was not only an office bearer, in which capacity he could have been dormant or non-active, of this prohibited organization, the P.A.C. but he was in fact actively engaged in carrying out the activities of this organization namely, the recruiting of members, the collecting of monies in subscriptions, sending these monies to the P.A.C. headquarters, Maseru.

I therefore find the ACCUSED GUILTY OF BOTH THESE CHARGES.

 Accused has no previous convictions; Form S.A.P. 69 handed in.
DEFENCE IN MITIGATION:

Your Worship, when your Worship last found the Accused guilty, on the 26th of August, last year, I addressed the Court in mitigation.

Your Worship, I do not at this stage intend to repeat the address which I made, your Worship has got it in writing with a typed copy of the record. The only additional fact

which I ask your Worship to take into account at this stage in passing sentence is that whatever sentence your Worship imposes on the accused, should run from the 26th of August, 1963, the date on which the accused was originally sentenced.

COURT: Is that legally competent? I think the Act lays down that any sentence passed by me shall run from the date of imposition.

DEFENCE: Well, your Worship, the position that was created in this matter is a highly technical one in that the conviction and the sentence were set aside for - not totally, but for the purpose of hearing this evidence. If that is not legally competent, then in view of the fact that the accused has been serving a sentence on Robben Island from the 26th of August, I ask your Worship that in imposing a sentence on him today, your Worship suspend nine months of that sentence so that substantial justice will be done.

COURT: I don't think that the same effect - it would be best if I were to reduce the sentence say, by six months on each count? That would bring accused to approximately the same position as he would have been if there had not been this delay? ---As your Worship pleases.

Do you agree that that would possibly be the most equitable way of equalising the sentences? --- That is so, your Worship.

PROSECUTOR HAS NOTHING TO SAY.

S E N T E N C E !

BY THE COURT: When I last sentenced the accused on the 26th of August, last year, I expressed my feelings in regard to the aims and the objects of this P.A.C. organization which the accused was attempting to further by becoming an office bearer and taking an active part in the P.A.C. activities. I then referred to it as being, in my opinion, a diabolical plan in which it was the intention of the P.A.C. to wipe out the whole of the European population of the

16.

Sentence.

of the republic in addition to destroying and damaging also Government buildings and installations.

I am still of the same opinion in regard to these P.A.C. activities and for these reasons my view in regard to an appropriate sentence is still exactly the same.

There is, however, this consideration which I am prepared to grant to the accused and that is, that if there had not been this hold-up and referring the matter back to me for further evidence, the accused would have by now have completed possibly nine months of his sentence.

In the circumstances I am going to reduce my sentence on each of these counts so as to compensate for that period which the accused had already spent in custody.

In these circumstances, the accused is sentenced on each of these two counts to two and a half years imprisonment. (2½ years imprisonment.)

These papers will now be sent back to the Supreme Court in accordance with the directions of the Judge.

.....
C.G. GUSH: MAGISTRATE:
REGIONAL MAGISTRATE:

I, the undersigned, hereby certify that the foregoing is a true and correct transcript of the original evidence recorded by mechanical means in the case of:

The State vs; JAYRUS NISCANE:

Judgment and Sentence only: Transcriber: *J. P. [Signature]*

CASE NO.: C.295/63.

DATE: 3.4.64.

IN THE MAGISTRATE'S COURT FOR THE REGIONAL DIVISION OF
SOUTH TRANSVAAL, HELD AT
JOHANNESBURG.

BEFORE:

MR. C. GUSH.

THE STATE VS.:

J. NTSOANE.

CHARGE:

1. C/S 11(c) r/w 3(1)(a)(i) Act 44/50.
2. C/S 11(c) r/w 3(1)(a) (IV) Act
44/50.

PLEA:

-

FOR THE STATE:

MR. A.O.S. MAREZ.

FOR THE DEFENCE:

ADV. J. SCHWARTZMAN, inst. by R. Hagg
and Aronshn. (835-1493).

OPERATOR:

MRS. H.V.D. MERSE.

INTERPRETERS:

MESSES. C.J.D. DAVIDSON & P.J. FOURIE.

TRANSCRIBER:

MRS. M.C. HUST. (Pages 1-28)

X - 17
W - 17
DA - 34 - 28
34 - 28

RECORD OF EVIDENCE.

BY THE STATE PROSECUTOR: Your Worship heard this case, and on the 18th of February, 1964, the Supreme Court made the following order, Sir:-

"That the conviction and sentence imposed by the Magistrate on the 26th of August, 1963, be, and are hereby set aside, and the matter remitted to the Magistrate, so that the evidence of Det.-Sgt. Posthumus can be led."

BY THE DEFENCE: Your Worship, my name is Miss Hayman - R. I appear for the accused in this matter, Your Worship, my firm having taken the place of James Kantor & Partners, who were the original....

BY THE COURT: What is the firm's name?

BY THE DEFENCE: Hayman & Aronsohn, Sir.

BY THE COURT: Yes?

BY THE DEFENCE: We have taken the place of James Kantor & Partners, Sir, who were the original attorneys of record.

BY THE COURT: What is happening, Mr. Prosecutor?

BY THE STATE PROSECUTOR: Your Worship, we have agreed upon a date, Sir, the 9th of April, 1964, 'D' Court.

(DISCUSSION BETWEEN COURT AND PROSECUTOR RE POSTPONEMENT DATE).

BY THE COURT: Tell the accused that the Judge has ordered me to take further evidence in this matter, and the case is set down for the 3rd of April, 1964, in 'D' Court.

BY THE DEFENCE: Your Worship, I understand that my learned friend, the Prosecutor, will not oppose an application for bail at this stage.

BY THE COURT: Yes, Mr. Prosecutor?

BY THE STATE PROSECUTOR: Your Worship, I mentioned an amount of R300 this morning to my learned friend, Sir. Your Worship will notice that the original amount fixed by the Court was R400, but then after the conviction, it was fixed in the amount of R6,000.

/..BY THE COURT:

-2-

BY THE COURT: Mr. Prosecutor, I am afraid that I have heard so much about these people escaping that if I fix bail in one of these political cases, I fix a high bail. I make no bones about it.

BY THE STATE PROSECUTOR: No, Your Worship, what I wanted to mention to the Court, since I discussed this with Miss Hayman, I also phoned the police, and they were not impressed with the amount that I suggested, Sir. I am entirely in the hands of the Court then, Sir.

BY THE COURT: What do you suggest, Miss Hayman?

BY THE DEFENCE: Your Worship, I understand that the accused has been in custody for quite a long time - first at Leeukop and then at Robben Island - and the chances are that.....

BY THE COURT: You know I sentenced him to 6 years, Miss Hayman.

BY THE DEFENCE: As Your Worship pleases. In the meantime, this man has been in custody, has been serving his sentence. He is required rather urgently for consultations. His wife hasn't seen him for many months, and I would ask the Court to take that into consideration.

BY THE COURT: Well, my sentence is confirmed. She won't see him for many years - not only months. You know, I don't know, I don't want to express an opinion at this stage, because I've got to hear further evidence. But I have had several of these cases, and I have read the literature which is sent out by these people, and what their aims and objects are.

BY THE DEFENCE: Your Worship, it is still an open question as to whether this man is one of the persons....

BY THE COURT: Yes, that is so, but on the charge before me, he is reputed to be one.

BY THE DEFENCE: As Your Worship pleases.

BY THE COURT: And I tell you, their aims and objects shocked me. I mean, I say it quite openly. You can read it in my judgment. And I don't deal with the matter lightly.

I'll reduce bail, seeing that the conviction has been

set aside, to R1,000.

BY THE DEFENCE: As Your Worship pleases.

Your worship, may the wife of the accused have permission to see him in the cells?

BY THE COURT: Miss Hayman, I have got no say over the cells. You must contact the officer in charge of the cells please.

BY THE STATE PROSECUTOR: I'll make the necessary arrangements.

BY THE COURT: You'll make the necessary arrangements. But I don't give instructions to the cell people.

(CASE REMANDED TO 3/4/64 - 'D'COURT.)

(COURT RESUMES ON 3/4/64 - ADV. I. SCHWARTZMAN, INSTRUCTED BY R. HAYMAN & ARONSOHN IS NOW APPEARING FOR THE ACCUSED. ALSO AN ADDITIONAL INTERPRETER, NAMELY MR. P.J. POURIE. OTHER APPEARANCES AS BEFORE).

BY THE STATE PROSECUTOR: Your Worship, in this connection, I read a Court Order, made on the 18th of February, 1964:

"The Court orders that the conviction and sentence imposed by the Magistrate on the 26th of August, 1963, be, and are hereby, set aside, and the matter remitted to the Magistrate, so that the evidence of Det.-Sgt. Posthumus can be led".

BY THE COURT: Yes, I have read the judgment, thank you, Mr. Prosecutor.

BY ADV. SCHWARTZMAN: May it please Your Worship, I appear for the accused in this matter. I've read the Court Order, but my recollection of the Court Order was that it included the right of the Defence, if necessary, to call such evidence as it wished in rebuttal to any evidence that might.....

BY THE COURT: I'll place the directions of the Judge on record.

"The conclusion therefore will be that the case be remitted back to the Magistrate, so that the evidence of Det.-Sgt. Posthumus, on behalf of the

State, be led to investigate whether on the 2 dates, the 22nd and the 23rd of March, any persons, other than those mentioned by Posthumus in his evidence in this case, had been arrested in connection with political activities, or whether these were the only 2 people. It should also be investigated whether Posthumus was the person in charge of such arrests, and whether, if any other arrests had been made on those 2 days, such arrests would have come to his knowledge. The conviction and sentence in this matter are set aside, and that is referred back to the Magistrate to hear the evidence of Sgt. Posthumus on the point at issue. He could then be cross-examined, and the Defence may lead such further evidence on the point at issue, if so advised. The Magistrate has to give judgment afresh".

BY ADV. SCHWARTZMAN: As Your Worship pleases.

THE STATE CALLS:

KAREL GIDEON HENDRIK POSTHUMUS: Beëdigd, verklaar:

BY ADV. SCHWARTZMAN: Your Worship, before the witness gives evidence, may the accused be seated during the hearing? He has been in hospital up until today.

BY THE COURT: Yes certainly, he may sit down.

(COURT ADJOURNS IN ORDER TO OBTAIN THE SERVICES OF ANOTHER INTERPRETER).

(COURT RESUMES).

(WITNESS IS BEING RE-SWORN).

ONDERVEAGING DEUR DIE STAATSAANKLAER: Mnr. Posthumus, u is bewus daarvan dat u alreeds in hierdie saak getuienie afgelê het?

Ek is, Edelagbare.

Sê vir my net terloops, het u nie intussen bevordering gekry nie? Is u nog sersant? --Ek is adjudant-offisier, Edelagbare.

U is nou adjudant-offisier. Mnr. Posthumus, by die vorige geleentheid het u ons vertel dat u vir Cyprian Sotondoshe Joseph Moane, en Nathaniël Cilliwe, op die 6de Maart 1963, ongeveer 9.15 nm. gearresteer het? --Dit is korrek, Edelagbare.

Te 1338B, Emdeni-dorpsgebied, Johannesburg? --Dit is reg, Edelagbare.

Emdeni word gespél E-m-d-e-n-i? --Korrek, Edelagbare.

U het ook vertel dat u vir John/Mdikane - Fakazi F-a-k-a-z-i, Mdikane M-d-i-k-a-n-e - gearresteer het, op die 23ste Maart 1963, ongeveer 3.30 tot 4 vm.? --Korrek, Edelagbare.

Te 1935B, Zola-dorpsgebied, Johannesburg? --Korrek, Edelagbare.

Dan het u verder gesê dat u die beskuldigde -dit is Jairus Ntsoane - gearresteer het op die 23ste Maart 1963, ongeveer 5 vm., te 363, Tladi-dorpsgebied, Johannesburg? --Korrek, Edelagbare.

Nou mnr. Posthumus, wie was destyds - d.w.s. hier in die begin van 1963 tot die einde van sê Maart '63 - in bevel van die arrestasies? --Ek was in bevel, Edelagbare.

Watter arrestasies? --Alle arrestasies in verband met F.A.C. bedrywighede.

In hoe 'n mate was u in bevel gewees? --Wel Edelagbare alle persone wat gearresteer moes word, dié het ek gesê watter persone gearresteer moet word.

DEUR DIE HOP: U het die nodige instruksies gegee wie gearresteer moet word? --Korrek, Edelagbare.

DIE STAATSAANKLAGE HERVAT ONDERVRAGING: En het u alleen die arrestasies gedoen, of nie? --Ek het sommige alleen gearresteer, Edelagbare, maar sommige is deur my makkers gearresteer.

Nou, as daar ander mense deur u makkers sou gearres-

teer sou gewees het, sou u daarvan bewus geword het? --Ek sou vooraf daarvan geweet het, Edelagbare.

En daarna? --Daarna sou ek ook daarvan bewus gewees het.

En was u inderdaad bewus van alle P.A.C. of politieke arrestasies wat daar destyds gedoen was? --Ek was, Edelagbare, hier in Johannesburg.

In Johannesburg. Die hele Johannesburg-distrik? --Korrek, Edelagbare.

En hierdie 3 dorpsgebiede wat ek nou vir u gemeld het, dit is Emdeni, Zola en Fladi, in watter distrik is hulle? --Johannesburg-distrik, Edelagbare.

U het gesê dat alle arrestasies wat destyds gedoen was, tot u aandag gekom het? --Korrek, Edelagbare.

U het ook by 'n vorige geleentheid - ek wil dit net weer duidelik stel asseblief - getuienis gegee dat u in 'n vorige saak getuig het dat die persoon, John Fakazi Mdikane, te 1935B, Naledi-dorpsgebied gearresteer was? --Nee, dit moes Zola gewees het, Edelagbare.

Maar u het by 'n vorige saak gesê Naledi, en u het toe in hierdie saak, waarin u nou getuienis gee, dit reggestel deur te sê dat u 'n fout gemaak het met die naam van die dorpsgebied; dat dit nie Naledi is nie, maar wel Zola? --Korrek, ek het so gesê, Edelagbare.

See p. 24-7

En u het ook gesê dat die 2 dorpsgebiede grens aanmekaar, en hulle word slegs geskei deur 'n straat? --Korrek, Edelagbare.

Nou mnr. Posthumus, het u op die nag van die 22ste en die 23ste Maart 1963 enige ander persone, behalwe John Fakazi Mdikane en die beskuldigde gearresteer? --Nee, Edelagbare.

D.w.s. in hierdie dorpsgebiede waarvan ek nou melding gemaak het? --*In daardie dorpsgebiede is daar niemand anders vir politieke bedrywighede gearresteer, behalwe die persone genoem nie, Edelagbare.*

Nou, was hierdie dus die enigste persone wat u hierdie nag gearresteer het? --Dit was die enigste persone, Edelagbare.

DEUR DIE HOF: Dit is die beskuldigde en Fakazi - John Fakazi Mdikane?

DEUR DIE STAATSAANKLAER: John Fakazi Mdikane en die beskuldigde.

DIE STAATSAANKLAER HERVAT ONDERVRAAGING: Wil u dus nou te kenne gee, enr. Posthumus, dat daar geen ander persone vir politieke bedrywighede daardie nag in die hele Johannesburg gearresteer was nie? --Nee, Edelagbare.

Dat daar geen ander persone vir politieke bedrywighede gedurende hierdie nag - d.w.s. die nag van die 22ste/23ste Maart '63 - in Johannesburg gearresteer was nie? --Nie wat ek kan onthou nie, Edelagbare.

Maar u sê u is oortuig daarvan - u het die getuienis reeds gegee dat hierdie die enigste 2 mense is wat in Zola en in Tladi hierdie nag gearresteer was? --Dit is die enigste persone, Edelagbare.

Dit is al, dankie, Edelagbare.

DEUR DIE STAATSAANKLAER : GEEN VERDERE VRAE NIE.

KRUISVRAE DEUR MNR. SCHWARTZMAN: Mnr. Posthumus, ken jy vir Majoor van Niekerk van Pretoria? --Ek ken hom, ja, Edelagbare.

Is dit reg dat hy in bevel is van alle politieke arrestasies in die Transvaal? --Dit is so, Edelagbare.

En jy kry jou orders van hom af? --Dit is so, Edelagbare. Van hoofkantoor af, nie van hom af nie.

En dit is hy wie in die laete instansie sê wie moet gearresteer word, en wie moet nie gearresteer word? --Dit word eers vir my gevra, Edelagbare.

DEUR DIE HOF: Dit word eers? --My opinie word gevra.

Deur hoofkantoor? --Deur my hoofde hier, Edelagbare. Hulle word blykbaar deur hoofkantoor gevra.

MNR. SCHWARTZMAN HERVAT KRUISVRAE: En dan is dit Majoor van

Niekerk wie sê of 'n mens moet gearresteer word, of nie? -- Gewoonlik, Edelagbare, die persone wat ek se name noem wat gearresteer moet word, dié word gearresteer.

Ja, maar hy moet ja sê voordat die arrestasie...? -- Ons moet eers magtiging kry, Edelagbare.

Nou, gedurende die maand van Maart 1963, hoeveel mense het jy gearresteer in verband met P.A.S.-sake? -- Dit is die 3 in Emdeni, Edelagbare, die 1 in Zola, die beskuldigde, en nog ene in Moletzane. Daar is nog, Edelagbare, maar ek kan nie presies die getal onthou nie.

En waar het - hoeveel anders is daar waarvan jy nie kan onthou nie? -- Edelagbare, daar is 'n hele klomp in hegetenia geneem - Maart/April.

Ja, omtrent hoeveel? Sal dit reg wees om te sê dat dit is in die omgewing van 'n 100 mense of so? -- Bedoel u net Maartmaand?

Ja? -- Ek sal nie sê dit is 'n 100 nie, Edelagbare. Dit mag miskien daarlangs wees. Ek kan nie onthou, Edelagbare. Daar is mense na hierdie late lot in hegetenia geneem. Dit mag in Maart wees, en dit mag in April wees. Ek kan nie presies onthou nie.

En hoeveel ander mense in die Mag het mense gearresteer in die Soweto-gebied gedurende Maart van verlede jaar? -- Bale, Edelagbare.

Omtrent hoeveel? -- Ek sal moet raai, Edelagbare, as ek sê hoeveel dit moet wees.

Ja, maar kan jy raai? -- Ek sal sê 20-30, Edelagbare. Miskien meer, miskien minder.

Nou, kan jy 'n man, Paul Mashaba? -- Ek ken hom, Edelagbare.

weet jy waar hy gewoon het? -- Edelagbare, hy het ook daar in Zola, Naledi, daardie gedeeltes gewoon. Ek kan nie presies onthou nie.

En is Zola en Naledi langs Tladi? -- In die omgewing

/..daar

daar was hy gearresteer.

En was hy gearresteer in verband met P.A.G.-sake?

Korrek, Edelagbare.

Het jy hom persoonlik gearresteer? --Ne, Edelagbare.

weet jy wanneer hy gearresteer is? --Hy is in Maart/ April gearresteer, Edelagbare.

En weet jy in watter dorpsgebied hy gearresteer is? --Edelagbare, ek praat onder korreksie, dit mag Diepkloof wees.

En ken jy John Molatsi? --Ek ken hom, Edelagbare.

En het hy ook in Tladi gewoon? --Hy het ook in daardie gedeeltes gewoon.

En het jy hom gearresteer? --Ek het hom nie persoonlik gearresteer nie, Edelagbare.

En weet jy waar hy gearresteer is? --Edelagbare, ek kan nie onthou die presiese plek waar hy gearresteer is nie.

Of wie hom gearresteer het? --Hy is basies nie deur my gearresteer nie.

Wie het die bevel gegee dat hy moet gearresteer word, weet u daarvan? --Edelagbare, soos ek sê, ek het die name verstrek van die persone wat gearresteer moes word.

En was hierdie een van die name? --Dit was een van die name.

Nou, van die hele aantal mense wie gearresteer is, in verband met P.A.G.-sake, jy weet nie in elke saak waar hulle gearresteer is nie? --Ek weet nie. Edelagbare, soos ek sê, dit is al 'n tyd gelede, en ek het toe geweet, Edelagbare, maar my geheue laat my in die steek.

DEUR DIE HOP: Jy het toe geweet waar? --Ek het toe geweet, Edelagbare.

Waar hulle gearresteer is? --Aar hulle gearresteer is, ja.

WV. SOKWANTENAN HERVAT ARDISYNIAS: Nou, Moses Dhlamini, ken jy hom? --Baie goed, Edelagbare.

Waar het hy gewoon? --In Jabulani, Edelagbare, of

Zola.

Maar op hierdie stadium is jy nie seker nie? --Nee, ek is nie seker van die adres nie.

En weet jy wanneer hy eers gearresteer is? --Ja, hy is - op een stadium is hy by sy huis gearresteer, toe het hy ontsnap, Edelagbare, en op 'n latere stadium is hy weer in hegtenis geneem. Ongeveer 'n maand of 3 weke daarna, is hy eers weer gearresteer.

Maar jy weet nie die datum wanneer hy eers gearresteer is nie? --Ek het geweet, Edelagbare.

Maar op hierdie stadium, jy weet nie? --Ek weet nie, Edelagbare.

En jy weet ook nie die dag waarop hy gearresteer is? --(Voor antwoord). Vir die late keer? --Nee, Edelagbare, ek weet nie.

En behalwe hierdie gebiede vanwaar u melding gemaak het - Bundeni, Zola en Moletzane, ook Iladi, ekskuus - was ander mense in die ander gebiede van Soweto ook gearresteer gedurende Maartmaand? --Ek het so geneem, Edelagbare.

Was dit oor die hele gebied dat mense gearresteer is? --Johannesburg-gebied, ja.

Ja, maar ek praat nou van Soweto; was dit oor die hele Soweto? --Korrek, Edelagbare.

Weet jy van mense, mnr. Posthumus, wie gearresteer is op andere klagtes, of op gewone klagtes, en hulle is daarna aangekla met P.A.C.-oortredings? --Nee, ek weet nie van hulle nie, Edelagbare.

Geen verdere vrae, Edelagbare.

DEUR MNR. SCHWARTZMAN : GEEN VERDERE VRAE NIE.

HERONDERVRAGING DEUR DIE STAATSAANKLAER: Mnr. Posthumus, my geleerde vriend noem 'n getal van ongeveer 100 mense wat hy aan jou gesiel het gearresteer sou gewees het ongeveer Maart/ April - ek vergeet nou die spesifieke datum. Ek wil 'nwoord

is die persone alleen in hegtenis geneem vir P.A.C. bedrywighede. Daarna is daar weer persone in hegtenis geneem, maar hierdie persone was persone wat ongeveer dieselfde tydperk gearresteer was vir P.A.C. bedrywighede.

Nou wie is hulle? --Cyprian Setondoshe, Moane.

Moane? --Ja, Edelagbare..

Wat is sy voornaam? --Joseph, Edelagbare.

Joseph? --Nathaniël Ciliwe.

Nathaniël? --Beskuldigde.

Beskuldigde? --John Mdikane.

Mdikane? --En ene Stephen Kwapeng, Edelagbare.

Ja? --Hulle is persone, Edelagbare, wat ongeveer in dieselfde tydperk gearresteer is - in Maartmaand. Daarna is daar weer in hegtenis geneem, maar sedert daardie tydperk, Edelagbare, is daar nie ander persone in hegtenis geneem vir P.A.C. bedrywighede nie.

U sê na hulle gearresteer is, is andere...? --Is ander gearresteer, Edelagbare. Hulle was van die eerstes wat gearresteer is vir P.A.C. bedrywighede.

Jy sien, mnr. Posthumus, my opdrag van die Hoërhof is dat ek moet getuienis hoor t.o.v. 2 dae in Maart, n.l. die 22ste en die 23ste Maart? --Ja.

En vir daardie rede stel ek nou belang net in daardie 2 dae, en ek wil van u weet of enige ander persone op die 22ste of op die 23ste Maart gearresteer is vir P.A.C. bedrywighede? --Daar was nie, Edelagbare.

Is dit nou net die beskuldigde en Pakazi? --John Mdikane, Ja, Edelagbare.

Hier is melding gemaak van ander name hierse deur die Verdediging. Sover ek aan my notas uitmaak is 3 name aan jou genoem; dit is Paul Masha, John Molata en Moses Dhlamini, jy is gevra oor hulle arrestasie? --Ja.

Nou, was enige een van hierdie 3 op hierdie 2 datums - die 22ste of 23ste Maart - gearresteer? --Nee, Edelagbare, nie

een van hulle nie.

HER-KROISVRAE DEUR MNR. SCHWARTZMAN: Mnr. Posthumus, u het gepraat van 'n man, Nathaniël, wie ook gearresteer is.....

DEUR DIE HOF: Op die 6de Maart.

MNR. SCHWARTZMAN HERVAT: Op die 6de Maart, is dit wat u aan Edelaagbare gesê het? --

DEUR DIE HOF: Ja, dit is sy getuigenis 2 keer; die 1ste keer, en nou weer, dat Nathaniël gearresteer is op die 6de Maart.

MNR. SCHWARTZMAN HERVAT: En Stephen Kwapeng? --Hy is op 'n later stadium.

Kan u onthou wanneer Stephen Kwapeng gearresteer is? --Edelaagbare, hy is ook gedurende daardie tydperk wat die beskuldigde en die ander in hegenis geneem is.

So, dan is dit Cyprian - die 3 mense van Emdeni, John Mdikane, die beskuldigde, Stephen Kwapeng en nog enige andere - ek dink jy het gesê sy naam is Nathaniël? --Dit is op die 6de Maart.

Is u seker? --Ja, Edelaagbare.

Maar Stephen Kwapeng is gearresteer omtrent dieselfde tyd as die beskuldigde? --? Korrek, Edelaagbare.

DEUR DIE HOF: Nou wat beteken meer of min dieselfde tyd? --Edelaagbare, 22/23/24 Maart, in daardie omgewing, Edelaagbare.

Nou verstaan ek jou nie reg nie. Met ander woorde, ek verstaan jou nou om te sê dat daar wel ander persone is wat gearresteer is op die 22ste of die 23ste Maart, wat jy nie van melding gemaak het nie? --Edelaagbare, ek is nie presies seker van die datum nie; dit mag na daardie tydperk wees, Edelaagbare.

Maar mnr. Posthumus, u het geweet waarvoor u vandag kom getuig? Jy het geweet wat die Hofbevel is van die Hoërhof? Dit is: ek moet my tevrede stel wie is gearresteer op die 22ste en die 23ste Maart. Jy sê vir my daar is 2 persone gearresteer, dit is die beskuldigde en Mdikane. Nou sê jy vir my Stephen Kwapeng is ook op daardie datum gearresteer? --Nee, Edelaagbare, ek is nie seker van die datum wat hy gearresteer

703

is nie, maar op daardie betrokke datum wat John Mdikane en die beskuldigde in hegtenis geneem is, is daar niemand anders in hegtenis geneem nie.

Maar jy sê dan nou vir my Stephen Kwapeng kan op die 22ste of die 23ste of die 24ste gearresteer gewees het? -- Edelagbare, dit is nie my mening daar gewees nie. Ek het bedoel in daardie omgewing, maar nie op die datum.....

Maar dit is jou getuienis? --Ja, maar dan het ek(?) verkeerd verstaan, Edelagbare.

Wie het verkeerd verstaan? Ek? Ons kan dit oorspeel? --Nee, ek verstaan, Edelagbare, maar ek bedoel dit is na daardie tydperk moes gewees het.

Ja, dankie.

Het jy ander getuienis, mnr. die....

DEUR DIE STAATSAANKLAER: Nee, dit is die enigste getuienis.

DEUR DIE HOF: Wat van hierdie Stephen Kwapeng dan? Die posisie moet opgelos word, volgens die Hoërhof se bevel.

DEUR DIE STAATSAANKLAER: Edelagbare, ek dink, as die saak dan afstaan, kan ons dit moontlik regstel. As die saak net vir 'n oomblik afstaan kan ons dit regstel.

DEUR DIE HOF: Hoe? Ek is gelas om uit te vind wie is gearresteer op die 22ste en die 23ste Maart, en ek stel dit aan die getuie dié 2 alleen. Daarna stel die advokaat aan die getuie, hy sê Stephen Kwapeng is ook - of die 22ste of die 23ste of die 24ste Maart gearresteer?

DEUR DIE STAATSAANKLAER: Kan die saak vir 'n oomblik afstaan, Edelagbare - vir 'n paar minute - dan sal ons dit probeer regstel?

(SAAK STAAN AF).

(HOF HERVAT).

DEUR DIE HOF: Ja, mnr. die aanklaer, wat is die posisie nou?

DEUR DIE STAATSAANKLAER: Edelagbare, die Hof het, toe ons verdaag het, aangedui dat die saak sal moet reggestel word in verband

304

met die arrestasie van ene Stephen Kwapeng.

Nou, ek het nou die stukke wat betrekking het op Stephen Kwapeng bekom. Ek het 'n hele dossier hier voor my, soek die verklaring wat Sersant - soos wat hy destyds was - Posthumus gemaak het in verband met die arrestasie van Stephen Kwapeng. Ek wil dit net duidelik stel, Edelagbare, ek weet nie of dit al op rekord is nie, maar dat mnr. Posthumus inderdaad ook vir hierdie Stephen Kwapeng gearresteer het.

DEUR DIE HOF: In daardie verklaring - het hy na daardie verklaring verwys om sy geheue te verfris?

DEUR DIE STAATSAANKLAER: Mnr. Posthumus het na hierdie verwys om sy geheue te verfris, Edelagbare. Die verklaring is beskikbaar.

(GETUIE POSTHUMUS WORD WEER INGESWEEER VIR VERDERE GETUIENIS).

DEUR DIE HOF: Jy het nou verwys na 'n verklaring wat jy gemaak het in die saak teen Stephen Kwapeng? --Korrek.

Wanneer het jy die verklaring gemaak?-- Onmiddellik na die persoon se arrestasie, Edelagbare.

DEUR DIE STAATSAANKLAER: Die verklaring is nou in besit van die getuie, Edelagbare.

DEUR DIE HOF: Wanneer is hy gearresteer? --Op die 28ste Maart.

Deur wie? --Deur myself, Edelagbare.

Wat is die datum van die verklaring? --Die 28ste, Edelagbare.

Wil jy dit sien, mnr.

DEUR MNR. SCHWARTZMAN: Asseblief, Edelagbare.

DEUR DIE STAATSAANKLAER: Edelagbare, dit spyt my, ek wil nie - maar daar is sekere notas op daardie verklaring aangebring wat deur my kollega, mnr. Theron - in my kollega, mnr. Theron, se handskrif is, maar dit is sommer hier-en-daar 'n woord aan die kantlyn, wat natuurlik nie betrekking het op die verklaring nie. Ek het dit net so gebring soos wat dit destyds in die dossier geplaas was.

KRUISVRAE DEUR MNR. SCHWARTZMAN: Kan u onthou watter uur u Stephen Kwapeng gearresteer het? --Dit was 12.30, het ek in die verklaring dit gelees, Edelagbare.

12.30 in die voormiddag? --In die voormiddag, Edelagbare.

So, dit was die nag van die 27ste/28ste Maart? --Korrek, Edelagbare.

Nou, mnr. Posthumus, jy het ook melding gemaak van 'n man wie se naam - eerste naam Nathaniël is. Ek kan nie sy tweede naam sê nie? --Giliwe?

Ja. Kan jy onthou op watter datum jy hom gearresteer het? --Die 6de Maart, Edelagbare.

Nou, mnr. Posthumus, ken jy 'n man, John Mpinyane? --Nee, Edelagbare.

En ken jy 'n man, Joseph Mpinyane? --Nee, Edelagbare.

Wie het mense gearresteer in Mofolo op hierdie betrokke tyd? --Van my makkers, Edelagbare.

In Mofolo? --In Mofolo-lokasie, ja, Edelagbare. Dit was ongeveer in Aprilmaand, Edelagbare.

Ja, maar in Maartmaand, weet jy van enige mense in die Mag wie mense gearresteer het in Mofolo? --Ek kan nie onthou nie, Edelagbare.

Geen verdere vrae, Edelagbare.

DEUR MNR. SCHWARTZMAN : GEEN VERDERE VRAE NIE.

DEUR DIE STAATSAANKLAER : GEEN HERVERHOOR NIE.

DEUR DIE HOF: Is een of ander van hierdie twee, Joseph Mpinyane of John Mpinyane gearresteer vir politieke bedrywighede? --Ek ken hulle glad nie, Edelagbare.

En as hulle gearresteer was, sou jy hulle geken het? --Ek sou bewus gewees het daarvan, Edelagbare.

Dankie, mnr. Posthumus.

DEUR DIE HCF: Is dit die getuienis dan?

DEUR DIE STAATSAANKLAER: Dit is die getuienis, Edelagbare.

BY THE COURT: Yes, Mr. Schwartzman?

BY MR. SCHWARTZMAN: Your worship, I have just received information about 2 other persons, and it will be necessary for the Defence to make enquiries, and try and find these 2 persons to come and give evidence as to the date and time of their arrest.

BY THE COURT: Is it this John and Joseph?

BY MR. SCHWARTZMAN: This is this John and Joseph, Your worship. In the circumstances, Your worship, I am forced to ask the Court for a remand of this case, to enable the Defence to try and ascertain the whereabouts of these 2 persons, or lead other evidence in relation.....

BY THE COURT: You know, Mr. Schwartzman, there seems to be no end to it. This judgment was given on the 18th of February, 1964 - that's 6 weeks ago - and surely, by this time, the Defence should have made the necessary enquiries to find out what witnesses they intended calling in this case? It is 6 weeks ago that this judgment was given, and the Defence has had the opportunity of preparing....

BY MR. SCHWARTZMAN: Your worship, the Defence has not got at its beg and call all the facilities of the State for obtaining and getting hold of witnesses. In many of these cases, Sir, persons were arrested; they subsequently were not charged. Those who were charged and convicted, Sir, are now detained on Robben Island, which makes communication with them most difficult, and so I submit that in the time that has elapsed, the Defence has gone to considerable trouble to try and locate various people, and it is only today that these further 2 names have been brought to my attention.

BY THE COURT: Any objection, Mr. Prosecutor?

BY THE STATE PROSECUTOR: No objection, Sir.

(CASE REMANDED TO 24.4.64 - 'L' COURT).

(COURT RESUMES ON 24.4.64).

DEUR DIE STAATSAANKLAER: Edelagbare, die Hof sal terugroep

dat by die laaste verhoor het die Verdediging gevra vir uitstel met die oog daarop om moontlike verdere getuienis te lei.

Nou, ek het met my geleerde vriend gepraat vannôre, Edelaagbare. Daar het sekere verdere verwickelinge in hierdie saak plaasgevind, en ek wil in hierdie stadium die volgende erkenning maak, as dit moontlik sou wees:

DEUR DIE HOF: Wat is die erkenning?

DEUR DIE STAATSAANKLAER: Dat op die nag van die 22ste/23ste Maart 1963, inderdaad tussen die ure 3 en 4 vm. is die volgende persone gearresteer vir P.A.C. bedrywighede te Nr. 1057, Mofolo-dorpsgebied, Johannesburg:

DEUR DIE HOF: Die persone, is hulle almal op daardie adres gearresteer?

DEUR DIE STAATSAANKLAER: Korrek.

DEUR DIE HOF: Ja, 1045....

DEUR DIE STAATSAANKLAER: 1057, Mofolo-dorpsgebied, distrik Johannesburg. Hierdie 3 persone het op die 25ste Maart 1963 in die plaaslike Landdroshof verskyn, Edelaagbare, en die 3 persone se name is natuurlik, Shadrack Makhale, Philemon Makhale en Jacob Mpiane, en die persoon, Jacob Mpiane, was afkomstig van die Ewaton-dorpsgebied. Ek wil net graag verder meld, Edelaagbare, dat mnr. Posthumus het aan my natuurlik sekere verduidelikings gegee waar die foute en dinge sou ingesluit het. Ek weet nie of die Hof geneë voel om mnr. Posthumus te roep, en dan van hom te verneem waar die moontlike fout kan ingekom het. Hy is natuurlik vandag in die Hof beskikbaar.

DEUR DIE HOF: Mnr. die aanklaer, is daar getuienis op rekord - ek het nie nagegaan nie - is daar getuienis op rekord van die verskillende Santodorpsgebiede, Mofolo en Naledi en Emdeni, en die afbakening daarvan, of nie?

DEUR DIE STAATSAANKLAER: Edelaagbare, van sommige. Van sommige, maar nie van die hele dorpsgebied nie. Ek mag ook net sê, Edelaagbare, dat ek het weer die getuienis nagegaan, en die dorpsgebied, Soweto, was genoem gewees, en ek het agterna uit-

gevind na hierdie voorval, dat Soweto bestaan 'n mag der menigte dorpsgebiede. Ek was persoonlik nie bewus daarvan nie. Ek weet nie of dit miskien kan verwarring veroorsaak het by die Hof nie - tensy die Hof natuurlik weet van die bestaan van die woord, Soweto.

DEUR DIE HOF: Ek hoor dit maar hier in die getuienis.

DEUR DIE STAATSAANKLAER: Ek het gedink Soweto is een spesifieke dorpsgebied, ek het nie geweet dit is 'n groep dorpsgebiede nie.

DEUR DIE HOF: M.a.w., dit is dan 'n sekere area wat 'n aantal dorpsgebiede insluit?

DEUR DIE STAATSAANKLAER: Insluit, ja. Nie dat ek die getuienis gee nie, Edelagbare, dit het net tot my kennis gekom. Dit het byv. die dag toe my geleerde vriend kruisverhoor gedoen het, my verwar. Ek was nie bewus daarvan nie.

BY THE COURT: Yes, Mr. Schwartzman, any comment?

BY MR. SCHWARTZMAN: Your Worship, these admissions were made after consultation with my learned friend, and they obviate the necessity of calling any of the witnesses, which it was the Defence's intention to call.

BY THE COURT: Is it then no longer your intention to call any evidence?

BY MR. SCHWARTZMAN: That is correct, Sir.

BY THE COURT: One other point, the Prosecutor has stated that Warrant Officer Posthumus is available for cross-examination. Do you wish to cross-examine him in regard to reasons for these....

BY MR. SCHWARTZMAN: No, Your Worship.

BY THE COURT: So, then I take it, this concludes the fresh evidence which was to be laid before me?

BY MR. SCHWARTZMAN: That is so, Your Worship.

DEUR DIE HOF: Ja mnr. die aanklaer, ek sal jou hoor.

DEUR DIE STAATSAANKLAER: Edelagbare, is die posisie dus dat die Hof nie vir mnr. Posthumus gaan roep om te verduidelik

nie?

DEUR DIE HOF: Nee. As jy wil aansoek doen vir sy herroeping, kan jy dit doen, maar ek voel nie dat dit nodig is vir die Hof om hom terug te roep nie.

DEUR DIE STAATSAANKLAER: Edelagbare, ek dink tog, met die oog op wat alreeds gebeur het, dink ek wil ek graag aansoek doen dat mnr. Posthumus net kortliks geroep word oor wat nou gebeur het.

BY THE COURT TO DEFENCE: Have you any objection?

BY MR. SCHWARTZMAN: Yes, Your Worship. Your Worship, Warrant Officer Posthumus gave his evidence at the last hearing. His evidence was clear on what he said had happened - that no other persons had been arrested, apart from those he enumerated. The question on which this case was remitted, as far as the State was concerned, was for Warrant Officer Posthumus to give such evidence. He has given his evidence, and the Defence had the right in terms of the Court Order to lead such evidence as it wished in rebuttal. The evidence which the Defence wished to lead, Your Worship, has been admitted by the State, and I submit, Sir, that in terms of the Court Order, the State hasn't now got the right to call, or ask the Court to call, Warrant Officer Posthumus to give further evidence on the evidence which has now been placed before Your Worship, by way of admissions. And I submit, Sir, that in these circumstances, the case is at an end, because.....

BY THE COURT: Surely, the case has been remitted to me to hear evidence by Warrant Officer Posthumus. Why should I restrict it now to the evidence he gave last time, if the Prosecutor is of opinion that he can give further evidence, which will be of value to the Court? **The Prosecutor knows what it is, not me.** It seems so petty to have a case remitted for his evidence, and then to cut short his evidence, if he has anything further/say.

BY MR. SCHWARTZMAN: Your Worship, his evidence wasn't out

short. Warrant Officer Posthumus was given the full opportunity at the last hearing of giving all his evidence. He gave all his evidence, and he stated in his evidence that the persons that he enumerated then and there were the only persons who had, in fact, been arrested.

The Defence, Sir, then makes enquiries in relation to 3 people, and the State at that stage, is prepared to admit that these 3 people were also arrested on the same days.

Now Sir, the Defence hasn't gone further than that. If Warrant Officer Posthumus.....

BY THE COURT: Now wait a minute, wait a minute, did you put the names of these 3 people to Posthumus?

BY MR. SCHWARTZMAN: I put the names of people to Posthumus....

BY THE COURT: Oh no, I know the names you put, I made a note of them. I say, did you put the names of these 3 people to Posthumus - that is my question to you, Mr. Schwartzman?

BY MR. SCHWARTZMAN: Your Worship, I haven't got the note of the names as put. If Your Worship would read them out to me, I can answer yes or no.

BY THE COURT: The Defence mentioned Paul Masha, John Molatsi, Mosee Dhlamini and then under further cross-examination, which was granted after re-examination by the Prosecutor, the names of John Mpinyane and Joseph Mpinyane were mentioned.

BY THE STATE PROSECUTOR: And Stephen Kwapeng was mentioned.

BY THE COURT: And Stephen Kwapeng. Well, he came in originally. Oh yes, and Stephen Kwapeng was the man that all the trouble was about. That he was alleged....

BY MR. SCHWARTZMAN: Mpinyane's name, Your Worship, was put to the witness. Mpinyane's name was according to Your Worship's note...

BY THE COURT: Joseph Mpinyane and John Mpinyane, but not Jacob Mpinyane.

BY MR. SCHWARTZMAN: And Your Worship, if one reads Warrant Officer Posthumus's evidence further, Warrant Officer Posthumus

stated quite categorically in his evidence that apart from the persons that he mentioned - I think it was Stephen Kwapeng, the accused, John Mdikane, Cyrpian Motondoshe and one or two others - no other - whom he named - no other persons were arrested.

BY THE COURT: Yes, but he also went further, and he said that there were no other arrests in Zola and Tladi Locations.

BY MR. SCHWARTZMAN: Yes, and he also said that no other persons were arrested.

BY THE COURT: Yes.

BY MR. SCHWARTZMAN: Sir, if Warrant Officer Posthumus now gives some evidence in relation to these 3 particular persons, Sir, - the Defence enquiries didn't go further than these 3 people - I, Sir, might well be obliged to ask the Court to give me a further postponement....

BY THE COURT: Yes, that is automatic, Mr. Schwartzman.

BY THE DEFENCE, MR. SCHWARTZMAN: Well Sir, in the very nature of Court proceedings, these proceedings should - there should be some finality. And the Defence sets up 3 witnesses, then the State has got the opportunity to knock those 3 down, then the Defence must go and look for some more...

BY THE COURT: But you haven't set up any witnesses at all. I mean, you mentioned names, they're not being brought to Court.

BY MR. SCHWARTZMAN: Because the State is prepared to admit that these people were arrested on this - the days that are material.

BY THE COURT: But Mr. Schwartzman, my argument, my contention to you is that the names of these people were never mentioned in this case before. That the Defence had not mentioned, that the State had not mentioned - I hear them today for the first time. How can you say you put up 3 names, and then the State are allowed to knock them down? You have never mentioned these names?

BY MR. SCHWARTZMAN: There is an overriding statement, Your Worship, by the witness that no other arrests were made. If any other arrests were made, Your Worship, it is senseless to put to a witness names of persons, and I submit, Sir, that in these circumstances, there is no reason at all....

BY THE COURT: Mr. Schwartzman, you know that that is cross-examination just as well as I do, and you mustn't tell me it is purposeless to put the names of witnesses to a witness when you are cross-examining him. It is expected of you.

BY MR. SCHWARTZMAN: Your Worship, if the witness says that nobody else was there at all, then I....

BY THE COURT: Well, why did you mention any names at all then? You defeat your own argument. You've mentioned names, now you say it is purposeless to mention names. You can't have it both ways.

BY MR. SCHWARTZMAN: Although there is no need to put names, names were put, Sir.

BY THE COURT: But then I ask, why were these names not put if the Defence knew these names? Then the matter could have been cleared up at the time.

BY MR. SCHWARTZMAN: The name was put as Johannes Mpiyane and it turns out to be Jacob Mpiyane.

BY THE COURT: Well, I can't help it if the Defence makes a mistake in the name.

BY MR. SCHWARTZMAN: But if the witness, Your Worship, has stated as he consistently stated that no other persons were arrested, one could give him a 100 names, and one would get the same answer.

BY THE COURT: No, but those are factors which I must bear in mind in considering the credibility of his evidence - the amount of credence that I must attach to his evidence. Surely, that is the only thing that flows from all this. If he contradicts himself, it must affect his credibility.

BY MR. SCHWARTZMAN: Sir, the contradiction is apparar from

the fact that he stated that no others were arrested, and here 3 more were arrested, and I submit, Sir, that this is not a proper case where the witness should be allowed to be recalled to give further evidence on this matter.

BY THE COURT: The objection is overruled on this proviso that the Defence will be given every opportunity to call any other evidence.....

Proceed, Mr. Prosecutor.

DIE STAAT HEBHOEF:

KAREL GIDEON HENDRIK POSTHUMUS: Beëdigd, verklaar:

ONDERVREGING DEUR STAATSAANKLAER: Mnr. Posthumus, by die laast verhoor het u by verskeie geleenthede gesê dat sekere mense die enigste was wat gearresteer was gedurende die nag van die 22ste en die 23ste Maart 1963. U het by geleenthede gesê dit is die enigste mense wat in Fladi en in Zola gearresteer was, en dan het u ook gesê dat hulle was die enigste mense wat in Johannesburg-distrik kon gearresteer gewees het. D.w.s. vir P.A.C. bedrywighede? --(Geen antwoord).

DEUR DIE HOF: Is dit so? --Dit is so, Edelagbare.

DIE STAATSAANKLAER HERVAT ONDERVREGING: Nou, vanmôre het ek erken dat daar op die 22ste en die 23ste Maart nog 3 verdere persone in Mofolo gearresteer is vir P.A.C. bedrywighede. Kan u verduidelik hoe daardie fout gekom het? --Ek kan, Edelagbare.

Gaan voort? --Edelagbare, ten eerste wil ek graag die Hof vergunning vra om my 'n kans te gee om net te verduidelik hoe hierdie foute ingesluit het?

DEUR DIE HOF: Ja, praat? --Die begin van Maart het Adv. Oosthuizen van die Appélhof my ontbied.

Watter Maart? --In 1964, Edelagbare.

Maart hierdie jaar? --Ja, Edelagbare.

Ja? -- Daar het hy my uitgewys dat die getuënis met betrekking tot Fladi en Zola en Emeni, en die feit dat ek in bevel was van die arrestasies, en dat ek bewus sou gewees

het indien ander arrestasies gedoen is daardie nag. Dat hy my uitgewys het, Edelagbare, slegs wat betrekking het op Tladi en Zola.

DEUR DIE HOF: Het hy jou die saak gewys, of is dit nou iets wat hy aan jou gesê het? --Nee, dit is wat hy my gesê het, Edelagbare. Hy het gesê dit is die getuienis wat verlang word, maar dat.....

Dit is nie toelaatbaar wat Oosthuizen aan die getuie gesê het nie.

DIE STAATSAANKLAER HERVAT ONDERVRAGING: Het u ooit die rekord gesien van die saak, mnr. Posthumus? --Ek het, Edelagbare.

Wat het die rekord vir u gedui?--Daar het dit gedui, Edelagbare, dat ek daardie getuienis/^{nie}in my getuienis gegee het nie, maar dat dit wel in die betoog van die Aanklaer aan die Hof was, Edelagbare.

Wie was die Aanklaer? --Mnr. Marse, Edelagbare.

M.a.w.,^{u sê}/die getuienis was nie gegee nie, maar die Aanklaer, mnr. Marse, het in die betoog aan die Hof so 'n stelling gemaak? Is dit wat u sê? --Dit is so, Edelagbare.

DEUR DIE HOF: Nou, dié kom uit die Regter se uitspraak? -- Ja.

DIE STAATSAANKLAER HERVAT ONDERVRAGING: En wat het u toe gedoen daarna? --Edelagbare, daarna het ek teruggekeer hierheen, en mnr. Marse het my ontbied.

En daar het sekere onderhandelinge tussen die 2 here plaasgevind? --Dit is korrek, Edelagbare. En ek het my voorberei, Edelagbare, op die getuienis slegs wat betrekking het op Tladi en Zola, en dat daar niemand anders in daardie lokasie gearresteer was nie, en daarom het ek my ook nie op hoogte gebring wat betref die arrestasies van die ander beskuldiges nie Edelagbare.

Ja? --Die nag van die 23ste, Edelagbare....

Die 23ste van? --Die 23ste van Maart 1963.

As u nou sê daardie nag, watter nag bedoel u nou,

nr. Posthumus, dat ons nie.....? --D, e nag 22ste/23ste, Edelagbare.

22/23? --Korrek, Edelagbare.

Ja? --Het ek een van my makkers opdrag gegee om huis nommer 1057, Mofolo, te visenteer, aangesien daar inligting - geheime inligting toe ter hand was.

Daar was geheime inligting beskikbaar? --Korrek, Edelagbare.

Ja? --Hy het die huis toe gevisenteer.....

BY MR. SCHWARTZMAN: Inadmissible, Your Worship, unless the witness was there.

BY THE COURT: No, he wasn't present. Ja, wat het gebeur? -- En belangrike P.A.C.-dokumente in die huis gevind, Edelagbare.

Hoe weet jy, was jy by? --Edelagbare, nadat hy die 3 persone gearresteer het, en die dokumente gevind het, het hy hulle na Morokka-polisiestasie gebring....

Maar u was nie by toe hy hulle gebring het nie? --

Nee.

DIE STAATSAANKLAER HERVAT ONDERVREGING: Wat sê u van Morokka-polisiestasie? --Hy het die 3 beskuldiges met die dokumente na Morokka-polisiestasie gebring, Edelagbare.

U weet nie waar hy hulle gekry het, en waar hy die dokumente gekry het nie, nê? --(Voor antwoord). Behalwe op inligting? --Ja, Edelagbare.

Nou, wie was die 3 persone? --Die 3 persone was Shadrack Makhale, Philemon Makhale en Jacob Mpiane.

Nou, hoe het dit gekom, nr. Posthumus, dat u by die vorige verhoor van hierdie mense vergeet het? Of wat het gebeur? Ek weet nie, wat het gebeur dat u by die vorige verhoor ander getuienis gegee het?--Edelagbare, die rede daarvoor is dat die eintlike persoon wat ons se arrestasie verlang het,

was Samuel Goeleman, Edelagbare.

Samuel Goeleman? --Korrek, Edelagbare.

En waar het hy gably? --Die inligting het daarop

gedui dat hy by 1057 woonagtig is, Edelagbare.

Ja? --En daarom het ek vergeet van hierdie 3, Edelagbare.

Was Samuel Goeleman toe gearresteer? --Hy is tot op datum nog nie gearresteer nie, Edelagbare.

DEUR HOF: Met ander woorde, jy het net vergeet van hierdie 2? --Ek het, Edelagbare.

DIE STAATSAANKLAER HERVAT ONDERVRAGING: Net dit, hierdie is 1057, Mofolo. Hoe ver is Mofolo-dorpsgebied vanaf Fladi-dorpsgebied? --Edelagbare, ek sou sê 4 myl na 5 myl. En is daar ander dorpsgebiede tussen-in? Tussen hierdie 2? --Daar is, Edelagbare.

Dit is al, dankie, Edelagbare.

DEUR DIE STAATSAANKLAER : GEEN VERDERE VRAE NIE.

KRUISVRAE DEUR MNR. SCHWARTZMAN: Vir hoe lank ken jy Samuel Goeleman? --Edelagbare, sedert 1960.

En vanaf 1960, waar het hy gebly? --Hy was in Vereeniging woonagtig gewees, Edelagbare.

DEUR DIE HOF: Hy was waar? --Erens in Vereeniging, Edelagbare.

MNR. SCHWARTZMAN HERVAT KRUISVRAE: By hoeveel adresse in Johannesburg of Soweto het jy 'geken' dat hy - waar hy gebly het? --Edelagbare, ja, hier was 'n adres waar hy dikwels besoek afgelê het.

Waar was die adres? --In Dube, Edelagbare.

En enige ander plekke wat jy van gewest het? --Ek weet nie van ander plekke nie.

Geen verdere vrae nie, Edelagbare.

DEUR MNR. SCHWARTZMAN : GEEN VERDERE VRAE NIE.

GEEN HERONDERVRAGING DEUR STAATSAANKLAER N E.

DEUR DIE HOF: Nou, is Fladi en Zola aangrensend? --Hulle is naby aan mekaar, Edelagbare, maar ek sal nie kan sê of hulle aan mekaar grens nie.

Hoe ver van mekaar af? --Edelagbare, ek sal sê op die

317
218

uiterste 'n half myl, of 'n kwart myl.

En wat is Emdeni? --Emdeni is ook 'n lokasie wat naby daardie lokasie geleë is, Edelagbare.

Naby Tladi en Zola? --Korrek, Edelagbare.

En wat is Soweto? - Soweto is die hele suidwestelike Bantoegebiede, Edelagbare.

Is dit nou 'n algemene naam vir daardie hele area? -- Edelagbare, die Bantoes noem dit - die suidwestelike lokasies op daardie naam.

Sluit dit nou alles in? Orlando en Meadowlands en Diepkloof en Mofolo, al daardie? --Ja, Edelagbare, al die lokasies.

Dankie.

BY THE COURT: Yes, Mr. Schwartzman, what do you wish to do?

BY MR. SCHWARTZMAN: I'll proceed at this stage; I am not calling any further witnesses.

DEUR DIE HOF: Ja mnr. die aanklaer, ek sal jou hoor.

(DIE STAATSAANKLAER SPREEK HOF TOE).

(MR. SCHWARTZMAN ADDRESSES COURT).

(CASE REMANDED TO 15.5.64 - 'L' Court).

TRANSCRIBER'S CERTIFICATE.

I, the undersigned, hereby certify that the foregoing is a true and correct transcript of the evidence, mechanically recorded in the case of:

THE STATE VERSUS: J. NTSOANE.

M. RUST.
TRANSCRIBER.

Collection Number: AD1901

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

PUBLISHER:

Publisher: - Historical Papers, University of the Witwatersrand

Location: - Johannesburg

©2012

LEGAL NOTICES:

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

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

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

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