

came in? -- No.

You were speaking about reconnaissance as a technique of avoiding injury. Explain to His Lordship and the learned assessors what precisely you and the group did in your reconnaissance of that particular area? -- We came to the police station, firstly to investigate the movements of the people employed at this police station. We came to ascertain what time the police station is not busy and also to investigate the movements of people in the vicinity of the police station at the time intended for the attack. (10 We as such had to choose the time when there were no people.

When you say no people, what do you mean by that? -- What I mean is, during certain times of the day, one finds a lot of people walking around in the streets. We had to choose a time when it was quiet.

What other techniques of reconnaissance were used to ensure that people would not be injured in relation to the attack on the police station itself? -- We also had to ascertain where the police, who would be manning (20 the police station, then would be working.

Do you mean in which part of the police station itself? -- That is correct.

You decided eventually and when I say you, I mean the group decided eventually that the attack would occur at night at about 8.15, 8.30. Is that correct? -- That is correct.

Why did you decide that that particular time was suited your purposes? -- We had ascertained that there would only be <sup>two</sup> policemen at that time. (30

How had that been ascertained? -- As a result of the ... / reconnaissance

reconnaissance that we did.

Was reconnaissance only done in the day or what was the position? -- Not only during the day. We did it during the day and night.

And in relation to the night and that particular time, what - describe the police station as you in fact were to find it? -- We found that there were two policemen at the time and only working in the charge-office. We also discovered that the whole police station excepting the charge-office would be in darkness at that time. (10

When was it decided to actually execute your mission? -- This was on the 3rd.

The 3rd of? -- The 3rd of January?

This year? -- The 3rd of January, this year 1980.

Had there been reconnaissance at night up to and including the 3rd of January? -- That is so.

Turning now to the night of the mission itself. It is common cause, I think, that Mr. Montle was dispossessed of his vehicle in the manner in which he said. Is that correct? -- That is so. (20

What was the intention or plan in relation to the taking of his vehicle? Was there anything decided as to what would happen to the vehicle and him? -- Yes, It was discussed and the vehicle was to be returned back to him.

And what about him? -- It was discussed and he was to be tied up, but he was to be tied up in such a manner that no injuries were caused to him, bodily injuries. The idea was for him not to get away.

When you came face to face with Montle, was anything explained to him? -- We did explain something to him. (30

What did you explain? -- We explained to him not to

... / be



be afraid because we were not going to injure him and that his vehicle would not be taken for ever and that it would be brought back to him and that he would be paid for the use thereof.

Eventually you and the others drove towards the Soekmekaar police station? -- That is so.

Eventually you and the others alighted from the vehicle? -- Yes.

Had there been a plan in relation to what positions would be taken up during the execution of your mission (10 at the police station? -- It had been discussed that certain positions had to be taken. Somebody has to stand here and somebody has to be there.

And had this all be pre-arranged? -- This was pre-arranged.

How were the members of this mission to know when they were to commence their particular act? -- First a bullet from a gun had to be fired.

And fired by whom? -- I had to.

How many hand-grenades did you have when you entered (20 that yard? -- I personally had one.

How many hand-grenades did Lungile have? -- Lungile had two.

And you were each possessed of this AK-47 rifle? -- Each one of us had a gun.

The State alleges that a hand-grenade was thrown at Mr. Mashapa. You have heard that and you have heard his evidence in relation to that? -- I heard him say so.

What do you say about this? -- I deny this.

The State alleges that a hand-grenade was thrown at (30 Mr. Mothibi.

My Lord, I refer Your Lordship to the indictment read together with the further particulars and the answers thereto. At page 8 of our request, Ad Count 24, the following crisp question is asked "On what facts does the State rely for the allegation that accused nos. 1, 2 and 3 attempted to kill the said Mothibi?" The answer thereto given by the State is to the following effect "Die Staat beweer dat beskuldigdes 1, 2 en 3 en 'n sekere Lungile die aanklagkantoor van die Suid-Afrikaanse Polisie te Soekmekaar aangeval het en gedurende die aanval 'n hoe- (10 veelheid skote gevuur het met AK-47 submasjiengewere en 'n handgranaat gegooi het na genoemde Mothibi."

Now, what do you say about that? -- No hand-grenade was thrown at Mothibi.

Will you outline to His Lordship and learned assessors what the sequence of events were as far as you were concerned, occurred at the Soekmekaar police station? The evidence is that you and Lungile - that is not the evidence, but that two of you walked into the yard through the small gate. Is that correct?-- That is correct. (20

What then did you do? -- We went in through the gate and realised that these were the two policemen we expected to find in the police station.

Where were they at the time that you saw them? -- They were seated on the stoep outside.

Yes? -- Then I fired a shot. This was aimed to the left ... (Mr. Mailer intervenes)

As you were looking towards them? -- As I was looking and pointed upwards in the air.

At that particular stage, both Mr. Mashapa and Mr. (30 Mothibi stated in their evidence that it would have been

... / possible



possible for you or the person with whom you were to have killed them as they were sitting there on the stoep by shooting them? -- Yes, It is true.

Is that correct? Would you have been able to? -- Yes, if one wanted to kill, it would have been simple for him to do so.

Mr. Mashapa also stated in his evidence that when this object was thrown at him, he threw it back at the people who were still in the vicinity of the plag-pole? -- No, there is no such a thing. Immediately I fired the (10 shot, both of them jumped up. One ran into the police station and one ran past the door of the police station on the other side to the back yard.

The other one, that was Mr. Mothibi who gave evidence? -- That is Mothibi, yes.

COURT : Could he identify Mothibi?

MR. MAILER : I just want to make it clear ... (Court intervenes)

COURT : Well, you are saying that was Mr. Mothibi and he says yes. I just want to know, could he identify him?(20

MR. MAILER : Could you identify Mr. Mothibi when he gave evidence?

COURT : No, no. You are giving the Court an outline of what occurred there that evening.

MR. MAILER : I better say the other man then ran behind. I think that would be better.

COURT : You said "The man who ran to the back is Mothibi", he said "Yes." I want to know whether he identified him there and then or whether he said so as a result of what he heard here? (30

MR. MAILER : Sorry, My Lord. Quite true.

... / Did

Did you identify Mothibi as a result of what you saw that night or as a result of what you heard in Court and the man you saw in Court? -- What I knew is that one of the policemen ran towards the back yard and it was only after he had given evidence here, that I knew what his name was.

Sorry, My Lord. That is my fault.

I want to focus upon what Mr. Mashapa said for one moment again. He said that he threw this object back at presumably the two of you who were still in the (10 vicinity of the flag-pole. On the assumption that that had been a grenade which he threw and on the assumption further that it exploded when it was thrown back at the time that you and Lungile were still in the vicinity of the flag-pole, as you said, having regard to the training you received, what would have happened to you and Lungile? -- It would have torn our legs off. What I mean is, it would have torn us where ever we would have been hit by this grenade.

Did Lungile sustain any injury whatsoever that night?(20 -- No, he did not.

You say the first thing that you did was to shoot towards your left in the air? -- That is correct.

What then did you do after you had shot? -- I started running, running in the direction that was taken by the policeman who was identified as Mothibi. It was whilst I was running that I heard the explosion, the grenade exploding behind me. It was at that stage that I also threw my grenade which was now on the back.

COURT : Over your back as you show it? -- Throwing it (30 in the direction from which I came.

... / Yes



Yes, Mr. Interpreter, you are indicating to the Court someone who has got something in his hand and throwing it over his shoulder. I am putting that on record. Is that what the man says or is he saying something else? Please let me know.

MR. MAILER : It looks like he was saying something else.

COURT : Well, that is exactly it. He is saying one thing and he is pointing to his side and the interpreter is doing something else and I am looking at the interpreter and the witness. That is why I am clearing it up. (10

INTERPRETER : I will explain why I made this ... (Court intervenes)

COURT : No one is to blame. Let him again tell you and then you tell me. -- (He said he threw it at the back. I asked him which back, the back of the police station or his back. He said at the back from where he came from, that is he threw it in the direction from where he had come from.)

But your right hand is the whole time going over your right shoulder...-- (That might have been so. I was (20 not aware of it.)

And in Afrikaans oorgesit "Hy het dit oor sy skouer gegooi." -- (Ek is jammer indien ek verkeerd is)

Ek wil dit van hom duidelik kry, die advokaat wil dit van hom kry en ek wil dit weet. Laat hy nou vir ons verduidelik hoe hy dit gegooi het. Dan sal ek ook sien hoe hy dit gegooi het. -- (As he indicates, he turned to his right hand side and then threw it from where he had come)

MR. MAILER : You indicated that you slightly turned towards the, it would have been the front of the police (30 station and when I say front, I refer to the flag-pole

... / area

area and that you threw it with your right hand towards that area? -- That is correct.

And you are side-ways on, as it were, in relation to the front area? -- That is so.

COURT : As I understand your evidence you were running towards the side of the police station with your back approximately directly pointing to the flag-pole. Is that more or less right? -- More or less, yes.

You then made a half turn to the right. Correct? You looked back, half way back? -- That is correct. (10

Your hand was low down? Your hand was flexed. Rather not flexed, it was at ease near your pocket, near your right hand pocket? Correct? -- That is correct.

And then you threw the hand-grenade? -- Yes.

MR. MAILER : An under hand throw, My Lord?

COURT : Yes, an under hand throw. It is easy to talk about a throw and it means absolutely nothing. It can be an over head throw, it can be over the back, even with a half body turn, but it is as one takes a cricket-ball or a ball and you just throw it away from yourself with (20 an under hand throw.

MR. MAILER : Like a wicket-keeper does to the bowler.

Petrus, you had been with Lungile as you were moving towards the flag-pole as you entered the yard of the police station. Is that correct? -- That is so.

Had he at that stage thrown anything towards either Mr. Mashapa or Mr. Mothibi, would you have seen this? -- I would have seen it.

Incidentally, what was the lighting position of the police station as you entered into that yard, as you saw (30 the police station? -- The only light was inside the

... / charge-office



charge-office.

After you had thrown your grenade, what further happened as far as you are concerned? -- I kept running on until I was at the back of the police station. I then turned right behind the police station and started shooting against the wall.

At the back of the police station? -- That is correct.

Just pause there a moment. What had happened to the grenade which you threw? -- It did not go off. It did not explode. (10

Why do you say that? -- I discovered that only the ring remained in my finger and not the pin. The pin remained in the grenade.

As you were running on the side of the police station and I mean the side along which the witness himself ran, did you do anything with your weapon or not? -- I fired the first shot in the air as I have said. Whilst I was running I put my hand in my pocket to take out the grenade and I was not shooting at that time.

And after you had thrown your grenade? -- I started (20 shooting again on the side.

Did you shoot at that man that was running? -- No, it was not aimed at him.

Where was it aimed at? -- Right up in the sky. I was shooting up in the air.

Would you describe to His Lordship what the side of the charge-office is where you were running and where the witness had been running? There had been evidence about that. Would you inform His Lordship? -- There are windows on the side. There is a window through which one can (30 see the inside of the charge-office from that side.

... / Are

Are these windows which are similar to the windows in the front of the charge-office? -- Yes, some of the windows are similar to those in front.

My Lord, might the witness look at photo no. 64?

COURT : Yes.

MR. MAILER : Do you see yourself there pointing towards the steps? -- Yes, I do.

COURT : Can I just put a question now about the throwing of this hand-grenade at this stage having regard to the fact that he is looking at this picture? (10)

MR. MAILER : Indeed.

COURT : Can you tell me more or less where were you in relation to the position that you were taking up at photo 64 when you got rid of your hand-grenade? Were you a little further in towards the back of the building? -- I was about in line with the pilars, that three pilars in front.

MR. MAILER : I see those windows on the left hand side of the picture as you look at it along the side of the charge-office where you ran? -- Yes. (20)

Did you at all fire through those windows or in that vicinity? -- No, I did not.

How many explosions did you hear occurring that evening? -- I heard two.

After the mission had been executed, you returned together with the others to the vehicle in which accused no. 1 was sitting. Is that correct? -- That is correct.

Thereafter you, according to accused no. 1, attempted to give the vehicle back to Mr. Montle? -- Yes, that is correct. (30)

He was not there, we understand from accused no. 1.

... / Is



Is that correct? -- That is so.

And eventually you parked the car at some considerable distance from where you had left him? -- That is so.

And then the four of you went on foot into the bushes? -- That is correct.

Eventually you were arrested? -- I was eventually arrested.

You have been in custody since then. Is that correct? -- Yes, that is so.

At the time that you were arrested, did you know (10 whether your co-accused, i.e. no. 1 and no. 3 had been arrested or Lungile for that matter? -- I did not know what the position was about my co-accused or Lungile.

Insofar as the murder and attempted murder charges in relation to Silverton are concerned, were you at any stage aware that there was to be an attack on the Silverton bank? -- I did not have any idea that there would be such an attack and I did not know that such an attack could be made because it was contrary to what we were taught.

Finally, could you have fired at the man, who you (20 now know to be Mr. Mothibi, whilst he was running along the side of the station which you have now shown on picture 64? -- He was running in front of me and if I intended killing him, then I could have done so. It was very simple.

And as regards Lungile, would he have been in the position to rake off the two policemen with his gun as they were sitting on the stoep as you first approached the stoep? -- Yes, it is so.

WITNESS STANDS DOWN.

(30

COURT ADJOURNS.

HOF HERVAT.

PETRUS TSEPO MASHIGO, nog onder eed

KRUISONDERVRAGING DEUR MNR. JANSEN : Mnr. Mashigo, ek is net nuuskierig, jou naam is Shoes? -- Nee, my naam is Petrus Mashigo.

Bynaam Shoes? -- Dit is so.

Is dit nou jou "MK name" of is dit sommer 'n gewone bynaam? -- Dit is net my bynaam.

Jy sê die eerste dag van die oproer in Soweto in 1976 was jy by gewees? -- Dit is so. Ek was daar gewees. (10

Het jy saam met die kinders daar na die stadium toe gemarsjeer? -- Dit is so.

K116

Hoekom het julle dit gedoen? -- Dit was na Afrikaans as 'n taal van instruksies - nadat ons Afrikaans geleer het, 'n taal waarin ons by die skole geïnstrukteer sou gewees het.

HOF : 'n Medium van onderrig? -- Dit is so.

MNR. JANSEN : En julle het daarteen beswaar aangeteken? -- Dit is korrek.

Hoekom is die polisie se hulp ingeroep? -- Ek weet (20 nie hoekom was dit nodig gewees nie.

Kyk, daar is baie skole afgebrand gedurende daardie tyd, nie waar nie? -- Nee, nie daardie tyd nie, maar daarna.

Daar is baie busse aan die brand gestee? -- Ek het dit oor die nuus gehoor.

Dranklokale is afgebrand? -- Dit het ek ook gehoor.

En die polisie se hulp is net ingeroep om hierdie klomp kinders wat soos barbare te kere gegaan het te beteuel? -- Ek praat van die 16de. Die 16de het ek niks (30 verkeerd gesien nie. Niks wat die inroep van die polisie

... / kon



kon veroorsaak het nie.

En die polisie sê jy het jou vriend daar voor jou doodgeskiet sonder daar enigiets verkeerd gedoen is? -- Hy het niks verkeerd gedoen nie.

Is daar klippe gegooi daardie dag? -- Nie wat ek gesien het nie, want onmiddellik nadat hy geskiet was, het ek gehelp om hom in 'n Kombi-voertuig te laai en van daar af moes ek na die ouers se huis toe hardloop.

Hoekom? -- Om te gaan rapporteer dat hy geskiet is.

Verstaan ek jou nou heeltemal reg. Sonder dat (10 enigiemand iets gedoen het, het die polisie net daar ingeklim en hulle geskiet? -- Volgens wat ek gesien het, ja. Daar was nog niks gewees nie. Die polisie het eers begin om traangas te skiet.

Hoekom? -- Ons was op 'n skoolperseel gewees en die polisie het daar gekom en gesê ons moet uitmekaar gaan, ons moet loop. Dit is toe ons uitmekaar gegaan het, wat ek gesien het hy word geskiet en hy val.

Ek vra hoekom het die polisie met traangas geskiet in die eerste instansie? -- Ons was daar by die skool (20 gewees wat ek genoem het, die Orlando Wes Hoërskool en die polisie wou gehad het dat ons uitmekaar moes gaan, ons moenie so bymekaar wees nie.

Was die kinders tevrede gewees toe die polisie hulle uitmekaar uit wou jaag? -- Ek weet nie of hulle tevrede was nie, maar wat ek kan sê is dat na die traangas geskiet is, het hulle toe uitmekaar gegaan.

Was jy tevrede gewees om uitmekaar gejaag te word daar? -- Ek hou nie van traangas nie. Dit is baie seer op 'n persoon se neus en sy oë en ek hou nie daarvan (30 nie.

... / Niemand

Niemand hou daarvan nie. -- Miskien is dit so, maar ek weet nie.

En die kinders was baie ontevrede gewees met die polisie wat hulle hier uitmekaar jaag? -- Miskien is dit so. Ek weet nie.

En toe begin hulle klippe te gooi na die polisie? -- Dit het ek nie gesien nie.

Wat het die kinders gedoen? Vreedsaam mooi uitmekaar gegaan? -- Nie met vrede nie. Ons moes weghardloop. Ek het oor die draad gespring, want dit was die eerste (10 keer dat hierdie ding gebruik was op ons.

Ek stel dit aan jou, toe het die kinders begin die polisie aanval, met klippe gegooi? -- Ek dra geen kennis van daardie gebeurtenis nie. Soos ek sê, dit is die polisie wat eerstens met traangas geskiet het, terwyl ons op die skoolperseel was.

Sê jy nou vir die Hof, in jou eie gemoed, is dit normaal vir enigiemand om 'n ander een sommer so dood te skiet? Is dit normale optrede van die polisie dat hulle daardie vriend van jou doodskiet sonder dat hy enigiets (20 gedoen het? -- Nee, dit is iets ongewoon.

Dit het nog nooit tevore gebeur nie? -- Volgens my kennis, ja.

Selfs nou die dag toe Minister Koornhof Soweto besoek het, was daar 'n groot samedromming van mense gewees en geen skietery. Absoluut ... (Mnr. Mailer kom tussenbei)

MR. MAILER : I do not want My Learned Friend to make ex parte statements, My Lord.

COURT : Why not?

MR. MAILER : Because this is a matter for evidence. (30

COURT : You are objecting, I take it?

... / MR. MAILER



MR. MAILER : Yes.

MNR. JANSEN : U Edele, dit is maar net oor die abnormale optrede van die polisie, die onwaarskynlikheid van optrede soos hierdie.

HOF : Dit maak nie eintlik saak nie. Ek stem saam met die verdediging. Wat die polisie moontlik nou doen en wat die mense nou doen, het tog niks te doen met vier jaar gelede nie. Dit is basies die eerste punt.

MNR. JANSEN : Nee, dit is heeltemal reg.

HOF : Nou goed. Wat help dit om nou te kom sê dat daar(10 was geen skietery en daar was geen moeilikheid nie? Dit beteken tog nie dat daar in 1976 die skietery sou gewees het nie. Verstaan u die probleem wat 'n mens het op die feite?

MNR. JANSEN : Nee, ek verstaan, maar ek sal dit laat staan.

HOF : Dit gaan nie vir my help nie. Oor die normaliteit van skiet ensovoorts, soos wat hy dit sê, daaroor kan u natuurlik kruisondervra.

MNR. JANSEN : Die getuie het gesê dit was abnormale (20 optrede gewees.

Jy het ook vir die Hof vertel van 'n voorval in 1975 waar jou vader die nag in julle huis deur die polisie besoek is? -- Ek onthou dat ek so gesê het.

Was dit polisie in uniform gewees? -- Ja, dit was polisie met swart uniforms, algemeen bekend as "Black Jacks". Dit is Munisipale polisiemanne.

So, dit het niks met die Suid-Afrikaanse Polisie te doen nie? -- Ja, dit was mos die "Black Jacks" gewees.

Het die "Black "Jacks" enigiets verkeerd aan jou (30 pa gedoen? -- Ja, volgens my was wat hulle gedoen het

... / verkeerd

verkeerd.

Wat het hulle gedoen? -- Die feit dat hulle aan al die deure geklop het, met flitse by die vensters gelig het en toe die deureoogmaak is, het hulle almal met my pa gelyktydig gepraat en verwag my pa moet al die vrae beantwoord. Daar was twee van hulle gewees wat vrae terselfdertyd gevra het en antwoorde op al die vrae verwag het. My pa het nie geweet wat om te doen nie. Op 'n stadium het ek gesien dat hy begin bewe.

Is dit al wat verkeerd gedoen is? -- Ja. Ek het (10 nie daarvan gehou, hoe hulle met hom gepraat het nie.

Wat het op 5 November 1976 finaal aanleiding gegee toe jy nou besluit het om die land te verlaat. Behalwe nou hierdie gesprek met jou vriende. Watter voorval? Beskryf die voorval 'n bietjie duideliker aan die Hof. -- Dit was die oggend gewees omstreeks sewe-uur. Ek het toe nog geslaap en toe het ek 'n lawaai buitekant gehoor. Ek het toe vasgestel dat dit mense is wat in die straat hardloop. Ek het navraag gedoen en gevra wat nou gebeur. Toe is ek meegedeel dat dit die polisie is. Hulle het (20 van die een kant van die woonbuurt begin deur van die een huis na die ander toe te gaan en dat hulle besig is om in ons rigting van die woonbuurt te beweeg. Daar was ook melding gemaak van skietery.

Wie het geskiet? -- Die polisie. Dit was beweer dat hulle geskiet het en dat die mense weggehardloop het.

Het jy dit gesien? -- Nee, soos ek sê, dit was 'n mededeling aan my gewees. Ek het dit nie gesien nie.

Het jy dit gehoor? Die klank van die vuurwapens?-- Nee, ek het dit nie gehoor nie. (30

Het jy gesien dat 'n kind gearresteer word? -- Ek het

... / verneem



verneem dat 'n sekere seun gearresteer is en daarna het ek hom nie gesien nie.

Was dit verkeerd van die polisie om na 'n plek te gaan en verdagte mense te soek en te arresteer? -- Ek weet nie.

As die polisie 'n berig ontvang van, sê nou maar 'n moordenaar wat in 'n sekere huis is en hulle gaan om die man te arresteer, is daar fout daarmee? -- Nee, maar dit kon nie so gewees het dat die hele lokasie skuldig was aan moord nie. Nie so baie mense was aan moord skuldig nie. (10

Ja, maar daar is een persoon gearresteer, sê jy? -- Die een wat hulle gevang het, was nog nie daarvan bewus dat die polisie daar is nie. Die ander het daarin geslaag om weg te kom.

Wat het die polisie gemaak? Vir wie wou hulle nou arresteer en waarvoor wou hulle die kinders arresteer? -- Op daardie tydstip was die skole gesluit gewees en die polisie het mense gearresteer van ongeveer my ouderdom.

K117

Waarvoor? -- Dit is wat ek nie kan sê nie. Ek het nie geweet wat die rede daarvoor was nie. (20

Wat wou hulle met die mense maak? Wou hulle hulle net arresteer en in die tronk gaan aanhou, die oorvol tronke? -- Miskien, ek weet nie.

Sommer sonder rede, sê jy, gaan die polisie daar en hulle arresteer die mense en hou hulle aan? -- Volgens my kennis, ja.

In jou verklaring wat jy aan die Landdros gemaak het, BEWYSSTUK Y, sê jy "Op hierdie dag, die 5de, het die polisie ook na ons dorp gekom." Dit is die eerste bladsy waar die verklaring begin. (30

HOF : Bladsy 1?

MNR. JANSEN : Dit is reg. "C.W.J." dit is die dorp blykbaar. Ek weet nie waarvōor dit staan nie. -- Dit staan vir Central Western Jababu.

"Hulle het die plek van huis tot huis deurloop en kinders van my ouderdom gearresteer."

MR. MAILER : My Lord, My copy does not have the same wording. There is a word which is missing. My copy which is in typing reads as follows "Hulle het die plek van huis tot deurloop."

COURT : You saw something which I did not see. Mine (10 has not got the "huis" - "huis tot huis".

MR. MAILER : If it is on the original, then obviously I ... (Mr. Jansen intervenes)

MR. JANSEN : No, it is not on the original. It is my mistake. Logies behoort dit te wees "huis tot huis".

MR. MAILER : May be.

HOF : Ek sien hier is ander veranderings en klaarblyklik nie in my skrif aangebring in hierdie bewysstuk nie. Is dit deur u aangebring?

MNR. JANSEN : Deur my geleerde junior. (20

COURT : With your consent?

MR. MAILER : Yes, My Lord.

COURT : And where there are question marks on the second page, Malelane is filled in?

MR. MAILER : Yes, quite acceptable.

MNR. JANSEN : "Hulle het die plek van huis tot deurloop en kinders van my ouderdom gearresteer." -- Ja, dit is so.

"Kinders" van jou ouderdom gearresteer. Hoeveel kinders van jou ouderdom is daar gearresteer? -- Wat ek verduidelik het daar is dat mense van my ouderdom gear- (30 resteer is. Soos ek gesê het, een is gearresteer. Om

... / verder



verder te verduidelik. Daar was mense van my moeder se ouderdom wat daar in die lokasie was en ander ou manne wat die polisie nie gearresteer het nie.

Ja, maar daar was net volgens jou hoorsê een kind gearresteer. -- Ek het so gesê.

Verder die skietery. Jy sê jy het gehoor daar is geskiet? -- Ja.

Jy weet nie na wie geskiet is nie? Jy weet nie of iemand raak-geskiet is nie? Jy weet nie of iemand dood-geskiet is nie. Is dit reg? -- U stelling is korrek, (10 behalwe wat ek alreeds verduidelik het dat die polisie geskiet het na die persone wat weggehardloop het.

Wie het dit vir jou gesê? -- Die mense wat daar verbygehardloop het. Ek het die deur oopgemaak en vir die mense gevra wat gehardloop het.

Toe hardloop jy saam? -- Ek het.

Hoekom? -- Hulle het aan my verduidelik dat die polisie op die een kant van die woonbuurt begin het en dat hulle besig is om in ons rigting te beweeg en toe het ek weggehardloop. (20

Hoekom het jy weggehardloop? -- Want ek is van dieselfde ouderdom.

Nou wat het jy verkeerd gedoen? Hoekom is jy bang vir die polisie? -- Op daardie stadium het alles nie reg gegaan nie en 'n persoon het enigiets verwag.

Wat bedoel jy nou daarby? -- Wat ek bedoel is, die polisie was vol gewees, al die strate en as hulle kinders daar in die straat gesien het, het hulle begin skiet op hulle. Die polisie het met hierdie soort van 'n koeël geskiet. Dit is 'n ronde yster, so 'n kleintjie. (30

Ja, donshael? -- Ja, dit is die heel kleintjies.

... / Ja

Ja, hulle maak nie dood nie. Hulle jaag net die stout kinders uitmekaar uit wat die polisie aanval? Dit brand 'n bietjie. -- Dit is net 'n verduideliking dat alles nie reg was in die lokasie nie. Dit is een van die gebeurtenisse.

Nou wil ek by jou weet, hoekom het jy weggehardloop? Wat het jy verkeerd gedoen? -- Nee, ek het niks verkeerd gedoen nie. Nadat ek gehoor het dat die polisie van die een huis na die ander toe gaan en dat hulle besig is om in ons rigting te beweeg, het ek geweet dat hulle moontlik vir my ook sal arresteer.

Hoekom? Ek kan jou redenasie, jou denke nie verstaan nie? Hoekom sou die polisie vir jou, Shoes Mashigo, wil arresteer het? -- Vir niks nie.

Ek stel dit aan jou jy praat nie die waarheid nie? -- Dit is die waarheid.

Op daardie tydstip het jy nou al geweet van kinders wat die land verlaat, nie waar nie? -- Ja, volgens wat ek uit die koerante gelees het. Dit was in die koerante gewees daardie dae. (20)

Kinders het die land verlaat en hulle is Botswana toe? -- Ja, volgens die koerantberigte.

En volgens die koerantberigte sluit die kinders hulle aan by die ANC of die PAC? -- Nee.

Het dit nie daar gestaan nie? -- Nee, dit was nie in die koerant gewees nie.

Het jy vir jou pa gesê jy gaan loop? -- Nee, ek het hom nie gesê nie.

Hoekom nie? -- Hy sou my nie toegelaat het om weg te gaan nie. (30)

Maar jy vertel vir hom "Pa, jy onthou wat daar in



1975 gebeur het toe die Black Jacks so met jou aangegaan het en jy onthou hoe my maat voor my doodgeskiet is vir geen rede nie en jy sien hoe skiet die polisie hierdie onskuldige kinders wat net weghardloop om arrestasie te verhoed, onwettige arrestasie en dit is nie plek wat veilig is vir 'n mens om te bly nie, jy is nie meer jou lewe veilig in hierdie land van ons nie of jou lewe seker nie, ek wil vlug. Ek wil op 'n plek gaan bly waar dit veilig is." Hoekom vertel jy nie dit vir jou pa nie? -- Soos ek gesê het, my pa sou nie daarvan gehou het dat ek (10 en hy uitmekaar gaan nie. Hy het miskien geglo dat alles nog reg sal kom.

Jy sê jy het die koerante gelees daardie tyd? -- Ja, ek het.

Jy het op daardie stadium seker al geweet van die ANC? -- Ek het nie geweet waarvoor dit staan en wat dit doen en waar dit is nie.

Maar jy het geweet van 'n organisasie met die naam ANC? -- Nee, ek het nie daarvan geweet nie.

Toe kom jy in Botswana aan en jy vind uit van twee (20 organisasies, die PAC en die ANC? -- Dit is so.

Ek neem aan die mense het seker vir jou ook gesê die PAC is morsdood? -- Hulle het nie dit vir my gesê nie.

Het hulle vir jou gesê die ANC is baie sterk en bedrywig en aan die gang? -- Nee, dit het hulle my ook nie gesê nie.

Is jy aangemoedig om by die ANC aan te sluit? -- Ja.

Wie is dit wat jou aangemoedig het om daarby aan te sluit? -- 'n Sekere seun wat vir ons oorspronklik gevra (30 het by watter een van die organisasies gaan ons aansluit.

... / Hy

Hy het toe aan ons verduidelik dat daar twee is, die PAC en die ANC.

So, daardie seun het jou aangemoedig om by die ANC aan te sluit? -- Nee, ons het hom gevra, ons het gevra hoekom is daar twee organisasies en toe het hy die twee organisasies aan ons uiteengesit. Hy het toe verduidelik ANC staan vir dit en PAC staan vir dit.

Nee, maar verstaan ek jou reg, hy het jou aangemoedig, dit is wat jy netnou gesê het, om by die ANC aan te sluit? -- Ja, na hy die verduideliking gegee het, het hy(10 toe by die ANC aangesluit.

Wat het hy vir jou gesê, hoe gaan die ANC sy doelstelling bereik? -- Dit het hy nie verduidelik nie.

Watse organisasie is dit wat 'n sekere doelstelling het sonder dat jy weet hoe hy dit gaan bereik? -- Die enigste wat hy van die ANC verduidelik het, is dat die ANC vir altwee die rassegroepe van Suid-Afrika, die Wit en die Swart.

Ja, maar wat sou die organisasie doen? -- Hy het nie verduidelik nie. (20

So, dit is maar net 'n organisasie in die buiteland wat sê die mense in Suid-Afrika, Wit en Swart, moet saam woon? -- Ja.

Watse doel is daar om by so 'n organisasie aan te sluit? -- Die vraag is of dit daardie man is wat vir my die doelstellings van die organisasie verduidelik het. My antwoord is dat dit nie daardie persoon is nie.

Nou wie het dan vir jou die doelstellings verduidelik? -- Dit is aan my verduidelik in Dar-es-Salaam.

Toe dit aan jou verduidelik is, was jy toe reeds 'n (30 lid van die ANC? -- Ek was al by hulle gewees.

... / Was



Was jy 'n lid gewees? -- Ek weet nie of ek al 'n lid was nie, want dit was nog nie aan my gesê dat ek alreeds 'n lid is nie.

In Dar-es-Salaam is dit aan jou verduidelik dat die doelstellings van die ANC is om die Regering in Suid-Afrika met geweld omver te werp? -- In Dar-es-Salaam is aan my verduidelik dat die ANC 'n organisasie is wat vir die vryheid vir die mense in Suid-Afrika baklei. (Die woord wat hy gebruik het, is die mense wat die "struggle" voortneem) (10)

Hoe baklei? -- Dit is toe aan ons verduidelik dat aangesien die "struggle" in Suid-Afrika 'n politieke een is, moet, indien daar geweld gebruik word, dit teen politieke teikens wees.

Jy sien, jy probeer nou my vraag heeltemal omseil.

MR. MAILER : I do not see the basis for that.

MNR. JANSEN : Wil u beswaar maak?

COURT : What is the matter, Mr. Mailer?

MR. MAILER : I have just said to My Learned Friend I do not see the basis for that. (20)

COURT : Then you must either raise your objection, but I will not allow remarks being passed by counsel, one way or the other. The State did not do so when you cross-examined and you must please also do the same.

MR. MAILER : That is so.

COURT : If you have an objection, you can raise it at any stage and I will hear you and I will give a ruling on it.

MR. MAILER : I do not wish to make an objection. The record will speak for itself. (30)

COURT : How do you mean the record will speak for itself?

... / The

The record is going to speak for itself in any case.

MR. MAILER : Yes, but he was not "omseiling die vraag",  
My Lord. The record will show that he was not.

COURT : But that is not important. You can either raise  
your objection or not?

MR. MAILER : I would not.

MNR. JANSEN : My vraag is, is dit in Dar-es-Salaam vir  
jou vertel dat die ANC met wapengeweld teen die Regering  
van Suid-Afrika wil veg met die doel om dit omver te werp?  
-- Dit is aan my verduidelik. (10

En toe het jy daar besluit jy wil gaan en ook militêre  
opleiding ontvang om die ANC te help in hulle doelstel-  
lings? -- Na ons gevra het wat die einde sal wees, is dit  
aan ons verduidelik dat ons sal moet terugkom Suid-Afrika  
toe om die bedoelings van die Freedom Charter te kom  
bewerkstellig.

Jy weet, dit is weer glad nie 'n antwoord op my vraag  
nie. Ek vra vir jou, daar en dan het jy besluit om aan  
te sluit by die organisasie en militêre opleiding te ont-  
vang met die idee om die organisasie te help in sy stryd (20  
teen die Regering van Suid-Afrika? -- Dit is so.

En toe, as gevolg van jou besluit, is jy Luanda toe  
gestuur? -- Dit is so.

Jy het die besluit heeltemal vrywillig op jou eie  
geneem om militêre opleiding te ontvang? Jy is niks daar  
in gedwing nie? -- Soos ek gesê het, ek het geen keuse  
gehad nie. Dit is aan ons verduidelik dat ons onself  
moet gaan gereed maak om hierdie vrede waarin ons belang-  
stel, self te kry.

Maar dit was jou eie keuse om te gaan. Jy is nie (30  
daar in gedwing nie? -- Dit is so. Ek het self gekies,

... / want



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