

AD 1981

60.4
VOL 4

2nd Trial

IN THE SUPREME COURT OF SOUTH AFRICA

(TRANSVAAL PROVINCIAL DIVISION)

Ramboogade
H. O. Raunq

CASE NO.: CC.431/77.

PRETORIA,

20th JANUARY, 1978.

THE STATE VERSUS:

MOSIMA GABRIEL SEXWALE AND
ELEVEN OTHERS.

BEFORE:

THE HONOURABLE MR. JUSTICE
SNYMAN

ASSESSORS:

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

ON BEHALF OF THE STATE:

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

ON BEHALF OF THE DEFENCE:

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

INTERPRETERS:

CHARGE:

PARTICIPATING IN TERRORISTIC
ACTIVITIES.
FIVE ALTERNATIVE COUNTS.

PLEA:

ALL ACCUSED: NOT GUILTY.

CONTRACTORS:

LUBBE RECORDINGS (PRETORIA).

COURT RESUMES ON THE 20th JANUARY, 1978.

ALPHEUS RAMOKGADI (Still under oath)

EXAMINATION BY MR. VAN PITTIUS (Continued): Now yesterday before the adjournment you were telling the court how you found accused no.6, Norman, and Mancini, as you said, where they were busy counting money? --- That is correct.

Where was this where you found them counting money? --- In the house.

Whose house? --- Accused no.6's houses.

Now where exactly in the house were they? --- In the dining-⁽¹⁰⁾ room.

Standing or sitting or what? --- They were sitting.

And when you got in, how did you get in? --- I knocked at the door.

Yes, and then? --- The two did not know me, they looked at me.

But did you yourself - was the door closed or open? --- It was closed.

And who opened the door then? --- No.6 opened the door.

And when you got in then did you see the people's atti-⁽²⁰⁾ tudes? --- Yes.

What was their attitudes? --- There were men seated there.

Yes, but what were their attitudes, were they glad to see you or were they ..? --- No, they were not glad because they did not know me.

Now what happened when you got into the room? --- Accused no.6 told them that I am his brother, they need not fear me.

Now do you know why he said that, that they need not fear you? --- Because they were busy counting money.

Now did you see how much money this was, could you see it?⁽³⁰⁾ --- I did not count it but it was in a bundle.

Made up in what form? --- £5.0.0 notes.

Was it a pound note or a ..? --- R10.00.

Now after you got in and accused no.6 said what you said he said, what happened thereafter? --- I realised that they were busy, I then left.

Now can you remember what month this was and what year more or less? --- It was during 1976, I cannot remember what month it was.

Can you remember whether it was in the middle or at the end or at the beginning of the year? --- Round about August, (10 after winter.

Now why did you leave when you left? --- Because I found that they were busy.

Now on a certain day ... (Court intervenes).

BY THE COURT: Can I just - you spoke about a bundle of notes. Can you perhaps indicate to me how big this bundle was, was it a small bundle like this, or was it a big bundle? Just hold your hand again? --- (Witness indicates).

MR. VAN PITTIUS: My Lord, that is I think in the old inches more or less 4 ... (intervention). (20

BY THE COURT: I would say it is about 5 inches.

MR. VAN PITTIUS: Yes. I understand we are supposed to be under the metrical system, My Lord, but I am very bad with metrical measurements.

BY THE COURT: Yes well, at any rate let's keep to the 6 inches then I know, to work around the centimetres I would not know it. About 5 or 6 inches indicated.

MR. VAN PITTIUS: As Your Lordship pleases. Now on a certain day during the ... (intervention).

BY THE COURT: Was there only one bundle? --- There was a big (30 bundle, and from this big bundle they made up three other bundles./...

bundles.

Alright, what you have now indicated I take it is the big bundle? — That is correct.

MR. VAN PITTIUS: Now on a certain day during the middle of August, 1976, when you were at your house, somebody came there, is that right? — Yes.

Who was that? — Accused no.6.

And what happened when he came there? — He told me that there were people in need of transport.

Did he say which people? — He told me that these are the (10 men whom you found in my house.

And did he explain what sort of transport they needed? — He told me that they wanted a car to convey them to Nelspruit.

Did he say why? — He said that I should convey them to Nelspruit.

Did he give you any explanation as to why you should take them to Nelspruit? — He told me that they needed transport, that I should convey them to Nelspruit, and I needn't worry about petrol, and I would get my pay on my return.

Was anything arranged as to any fees that you would be (20 paid by them? — Yes, there was.

What was that? — On my return he gave me £35.

Is that now pounds or rands? — R70.00 My Lord, I mentioned in pounds so that it need not worry the court.

BY THE COURT: Alright, you keep to rands, because if you mention pounds then you will worry the court. So when you came back he gave you R70.00.

MR. VAN PITTIUS: But my actual question was was there a pre-arrangement? — Yes, there was, My Lord.

And did you know what you were going to do at Nelspruit? (30 — No, I had to convey these people as far as Nelspruit and thereafter/...

thereafter return.

Now what vehicle would you use? --- My own vehicle.

Which is a ..? --- Valiant Station Wagon.

Now when he requested you to do this what was your attitude?

--- Well, seeing that he is my brother, accused no.6, I then thought that he was helping me that I should obtain money.

Did you agree or did you not agree to do it? --- I agreed because accused no.6 is my brother.

Now then were there any arrangements made as to when you would get them to transport them? --- Accused no.6 told me (10) that I will get Mancini at 4 o'clock at his house, that is at accused no.6's house.

And what then? --- On a Friday.

Then did you go on that certain day when you had to go there to get these people, on the Friday? --- I did.

BY THE COURT: That is now Mancini and Norman? --- Yes.

Alright, now it is you and Mancini and Norman. Now tell me what happened after that?

MR. VAN PITTIUS: On that Friday you went to accused no.6's place? --- Yes. (20)

What time was it that you went there? --- I arrived there at no.6's house before four, in the afternoon.

And what happened then? --- I found Mancini there, from there I and Mancini we left by this Valiant to the corner of Louis Botha And Corlett Drive.

That is in Johannesburg, is it? --- Yes.

Yes, and what happened then? --- I found Norman standing with four men.

How old were these men, do you know? --- They were still young boys. (30)

Yes, carry on? --- They then got into the Valiant car and we left. /...

we left.

BY THE COURT: So they were altogether now seven people in the car? --- Yes.

MR. VAN PITTIUS: Yes, and then what happened, can you carry on? --- We took the road leading to Modderfontein.

Now did you know any of these four youths that you picked up? --- They were not known to me.

Now on the way did anything happen? --- On our way we found a Combi next to the road.

Yes, do you know whose Combi this was? --- Yes, I knew to (10) whom it belonged.

To whom? --- It belonged to accused no.6.

Now where did you find this Combi more or less? On your way to Nelspruit? --- On the road leading to Witbank from the Jan Smuts Airport road we crossed the railway line leading to Pretoria and then we turned to the right.

Was it before Witbank? --- Before Witbank.

BY THE COURT: He seems to indicate with all his signs that it was not very far from Jan Smuts Airport from what I can gather? --- Not so far. (20)

MR. VAN PITTIUS: When you caught up with this Combi what happened? --- I was informed that I was ... (intervention).

By whom were you informed? --- Norman.

Then I don't want to hear that. Just tell what happened there with this Combi? --- Still the same story, what I was informed by - the information what I was told, that I must follow after the Combi.

BY THE COURT: Alright, then you followed the Combi?

MR. VAN PITTIUS: You just followed? --- Yes.

When you got to this Combi did anything happen? Before you (30) then drove off and followed? --- Norman got off, went to the Combi, /...

Combi, spoke to the driver.

Yes? --- He then came to me and informed me what to do.

Yes, and did you then follow the Combi? --- Yes.

BY THE COURT: Perhaps to understand it, do you know how many people were in the Combi now that you were following? --- There were curtains, I did not count them.

MR. VAN PITTIUS: Now what happened then when you drove off? --- I followed them until Nelspruit. We went to a certain place, namely Malelane. We then crossed at Malelane and went to a village. It was there that they got off. (10

Do you know what happened to them then? --- (Court intervenes).

BY THE COURT: Now I don't know, "they" got off. I don't know who they are. Did everybody get off or just some of them? That is now from the station wagon? --- The passengers in my vehicle went to the Combi vehicle.

MR. VAN PITTIUS: All the passengers or just a few of them? --- All.

BY THE COURT: All your passengers went to the Combi. Yes?

MR. VAN PITTIUS: Is that now the four youths that you were (20 talking about? --- Yes.

And who else? --- The four young boys and the two men.

Who were the two men? --- Manci and Norman.

And you say they all got off and where did they go to? --- They went to this Combi.

Yes, and what happened then? --- They then ..(machine defective).. accompanied them and they later returned. They instructed Bafana (intervention).

What happened? Not what they instructed, just what happened? --- They gave me petrol to return. Bafana arrived. (30 They thereafter came to me so that I should return ... (machine defective)/...

defective)... back to the road.

Now this person Bafana, had you seen him before that day or not? --- That day it was the first time that I saw him.

Did he then get into your car? --- He did.

Did you see where this Bafana was coming from? --- Out of the Combi.

Now can you tell the court whether you see him here in court? --- Accused no.4.

BY THE COURT: Will you just get up, no. 4 please. Is that the man? --- That is the man, My Lord. (10

MR. VAN PITTIUS: Yes, and then what happened after he got into your Combi? --- We both returned to Johannesburg.

Do you know what happened to the four youths after they had got into the Combi, were you ever ...? --- I left them in the Combi.

Now you drove back to Johannesburg you said, is that right? --- Yes, My Lord.

And then what happened? --- I dropped Bafana at accused no.6's house, Avenue 11th ... (intervention). (20

I think if we talk about Bafana, accused no.4.--- I am sorry, accused no.4.

You dropped accused no.4 at accused no.6's house? --- Yes. At 11th Avenue, accused no.6's house.

Do you know whether accused no.6 was present then when you dropped him there? --- No, he was not present. Accused no. 6 was not present.

What time was it more or less when you dropped him? --- It was in the morning roughly after 6.

6 a.m. in other words. Now what did you do then after dropping him there? --- Because I was driving the whole night (30 I went to bed.

You went home? --- I went home.

And what happened after you got home? --- Later on accused no.6 came to me.

The same day? --- The same day.

Yes? --- He wanted to know how we travelled. I answered well, and he wanted to know where accused no.4 is.

Yes? --- I told him that I dropped him at your place.

At his place? --- At accused no.6's place.

What was the accused no.6's reaction to this? --- He thanked me and said "it is good that you travelled well."

Yes, did anything else happen? --- He then gave me my money. (10

Did he then go away? --- He then left, My Lord.

Now the following Monday you received a message, is that right? --- I did.

And as a result of this message what did you do? --- I went there.

Where to? --- To accused no.6.

Now when you got there what happened? --- He told me there is another man whom I should convey in company with accused no.4 and go and convey him where I conveyed the first lot.

Yes? Did anything else happen, did he say anything else, (20 or did you say anything else? --- He told me that he will give me money for petrol before that day.

Did you get to know why you had to convey this person? --- He told me that this man has to attend a meeting.

Were you ever told who this person was? --- No, he didn't tell me the name of that person.

Was the arrangement that you would go, only you and the person, or what was the arrangement? --- The arrangement was this, that I and Bafana should leave from accused no.6's house. (30

Bafana is now accused no.4? --- Accused no.4, I am sorry,

and we/...

and we will meet this man where we picked up those young boys.

Now what day was set and what time? Was it the same as the previous time or what? --- At 4 o'clock on a Friday.

Now what was your attitude towards this? I was happy about it because I knew I would get money.

Now on the Friday what happened? --- I went to accused no.6's houses, 11th Avenue, where I found accused no.4 there. Accused no.4 knew about this person. I and no.4 we then left.

What time was this now more or less? --- It was 4 o'clock in the afternoon, because I arrived there before four. (10

What happened then? --- We then picked up that man there and drove off.

Did you know who this man was going to be and what he was going to look like? --- I was informed that Bafana knows about him. I did not know him.

Now when you got to this place where you had to pick up this man, how did you know this was the man whom you had to pick up? --- Accused no.4 pointed him out and said "here he is."

And where did you in fact pick him up? --- At the same spot (20 where we picked up those four young men.

Is that now Louis Botha Avenue and Corlett Drive again? --- Yes, My Lord.

Then what happened? --- We then drove off.

Now this man when he got into the court, did he have anything with him? --- He had his briefcase with him. And he had a paper with him.

Is that a newspaper, or what? --- A newspaper.

Now do you see this man here in court perhaps? --- Accused no.7. (30

BY THE COURT: No.7, will you kindly just get up? Is that the man?/...

man? --- That is the man.

MR. VAN PITTIUS: Now after he got in what happened? --- We then drove off.

Yes, and then? --- We took the same direction until I arrived at the place where I was supposed to offload him.

How did you know where to offload him? --- I was there previously.

BY THE COURT: Because he said he had to take the person to the same place on the instructions of no.3 to where he had offloaded the previous group, he said so. (10)

MR. VAN PITTIUS: No.6, My Lord.

BY THE COURT: No.6 yes. Sorry, I said no.3. I mean no.6.

MR. VAN PITTIUS: Now was this also beyond Malelane? --- Yes.

And what happened then? --- Accused no.6 had told me that I would find the Combi vehicle waiting there. On our arrival there there was no Combi.

Yes? --- We then stayed there overnight until the following morning, waiting for the Combi, 6 o'clock.

Yes? --- In the morning I then said that I ... (intervention).

You drove off, is that right, eventually? --- I drove off(20) eventually.

And what happened, where did you drive to? --- I drove off to Nelspruit with them.

BY THE COURT: Now who is "them"? --- Accused nos. 4 and 7.

MR. VAN PITTIUS: They were still in the car with you? --- They were still with me in the car.

Where did you go to then? --- When we came to the Nelspruit location, it is then that we saw the Combi.

Where was this Combi then? --- It was in the location, Nelspruit location.

Yes, then what happened? --- I dropped them there and they(30) entered /...

entered into the Combi.

Them being? --- No.4 and 7.

And you, what did you do? --- I went to the Combi driver and asked him why he did not come.

Yes, you had a discussion with him, is that right? --- Yes.

And eventually what happened, what did you do? --- I returned home.

You alone? --- I alone.

Do you know what happened to accused nos. 4 and 7 after they got into this Combi? --- They drove back to Malelane. (10)

Now when you went home what happened? --- I arrived at home.

Yes? --- I went to accused no.6, I couldn't find him. I returned back to my house to go to bed.

Now the next morning after you woke up? --- Accused no.6 then brought my money to me.

Did he come to your house? --- He came to my house.

Yes, what happened? --- (Court intervenes).

BY THE COURT: Did you then again get - what was it - R70? --- Yes, R70.

MR. VAN PITTIUS: Now he then left after he gave you the money? (20)
--- He then left.

Now on the following Tuesday you received another message, is that right? --- I did.

As a result of that message what did you do? --- The message was that they had a new Combi ... (Court intervenes).

BY THE COURT: No, don't tell me the contents of the message.

MR. VAN PITTIUS: I want to know as a result of the message what did you do? --- I went to accused no.6.

Yes, and then? --- Then when I got there I found the new Combi. (30)

BY THE COURT: When you say the new Combi, is that now the Combi/...

Combi which you had seen at Nelspruit and Malelane? --- No.

It was another Combi? --- Another Combi.

MR. VAN PITTIUS: At this stage I want to show you EXHIBIT 64 again, My Lord, photographs nos. 26 and 27. Can you tell the court whether you recognise any of those two Combi's reflected on those photographs? --- I do recognise them.

Which one? --- No.27 is the first one, 26 is the second one.

Is no.26 the one you were talking about as being the newer Combi? --- Yes.

So you saw that newer Combi then? --- Yes. (10)

Now did you have a look at this Combi, did you test it or anything like that? --- I did.

Now I also want to show you Exhibit 64, photograph no. 28. Do you know that vehicle, have you ever seen it before? --- I know it.

Where do you know it from? --- Accused no.6 pointed that to me.

When was that? After you had seen the newer Combi, or before you had seen the newer Combi? --- After I had seen the new Combi. (20)

Can you estimate how long after? If you can't say so? --- He came along with it to my house when he showed it to me, he brought it to my house.

Yes, but I am asking can you remember how long after having seen the new Combi did accused no.6 bring this car to you? --- If I remember well in a week's time.

And when accused no.6 brought it there was there anything said between you? --- Yes, he told me that he had enough cars, he won't worry me any longer with transport.

And when he brought the car there did you see who was driving? The car being the car on Exhibit 64, photograph 28? (30)

--- Solly/...

Solly was the driver.

Is this - I want to show you a photograph, Exhibit C. Do you know that person? --- This is Solly.

Is that Solly? --- Yes.

Now after these two occasions that you told the court when you transported people on the request of accused no. 6, did you ever do transporting work again after that? --- No, I did not.

Now on the last day of 1976, the 31st of December, can you remember what happened that day? --- A certain man, namely (10) One-Night, came to me and made a report to me.

And as a result of this report, what happened? --- I then looked for transport to pass the information which I received to accused no.6.

Now did you obtain any transport? --- I did.

Where did you obtain transport and what transport was it? --- It is the car that I have been shown now in court.

Is that the car that you mentioned on Exhibit 64, photograph 28, is that the car? --- Yes.

Where did you get it? --- I found it at a garage where it (20) was left.

Did you go alone to that garage? --- I went along with One-Night who informed me about this car.

Yes well, there was a - you went with One-Night you said. Now did you eventually then get to this car? --- We did.

And then what happened? --- We asked a man in the garage ... (intervention).

Just tell me, did you eventually get into this car and drive off? --- Yes, we did.

Where to? --- I and One-Night we went to the township where One-Night stays. (30)

BY THE COURT: Where is that? --- Alexander Township.

MR. VAN PITTIUS: Yes? --- 12th Avenue.

Yes? --- I and One-Night left the garage together and went to One-Night's place where he stays. When we arrived there One-Night showed me a plastic paper and told me that ... (intervention).

No, he made a report to you? --- He made a report to me.

Where did he show you this plastic paper, where was it?
--- Outside amongst planks.

When you say outside amongst planks, what do you mean by (10 that? --- Outside the house in the yard amongst planks.

Where were the planks? --- Just outside.

Were they on the ground or were they standing against the wall, or what was it? --- They were packed from the ground up.

I just want to make sure, what was the word? --- Planks.

BY THE COURT: The planks were packed on the ground.

MR. VAN PITTIUS: Now did you see what was this paper exactly, what it was like? --- I beg your pardon?

This paper that he showed you, did you see what it contained, this plastic? --- He did not open it but made a report (20 to me what it contained.

I want to show you Exhibit 36. Do you perhaps recognise that plastic bag? If you can't then say so? --- This is the plastic I am talking of.

BY THE COURT: What is this, Exhibit 56?

MR. VAN PITTIUS: 36, My Lord.

BY THE COURT: Well, I suppose, if it is necessary we will afterwards look at the contents of that. At any rate, so that is Exhibit 36.

MR. VAN PITTIUS: Now after you had this discussion and after (30 this person called One-Night showed you this, what happened?

--- I then /...

--- I then went to Pietersburg by car.

By what car? --- A Ford Fairmont.

BY THE COURT: Is it the red motor car on photograph 28? ---
Yes, My Lord.

MR. VAN PITTIUS: Did you go alone or were you accompanied by
anybody? --- I was alone.

Now where did you go to and what happened? --- I took the
Potgietersrust line to Viyana. I had already known that
accused no.6 had gone there to go and spend his New Year holidays

You went where to? --- I went to Viyana. (10)

And then? --- (Court intervenes).

BY THE COURT: Is that near Potgietersrust or near Pietersburg?
--- (Intervention).

MR. VAN PITTIUS: Still on the way I think, My Lord.

BY THE COURT: Is it near Pietersburg or where did you go? ---
Between Potgietersrust and Pietersburg.

Well, I can't - what is the name of that place you went
to? It sounded to me like you said Vienna? --- It is Viyana is
the name of the place. It is in the Boggom area.

MR. VAN PITTIUS: In any event you got to the place, and what (20)
happened? --- He was not present when I arrived there. I then
left a message.

BY THE COURT: Is that no.6 now? Was no.6 not present? --- Yes.

MR. VAN PITTIUS: And did you eventually find accused no.6 him-
self? --- Yes, I found him the following day.

BY THE COURT: At Viyana?

MR. VAN PITTIUS: Where did you find him? --- At Pietersburg.

Where did you find him at Pietersburg? --- At the village
namely Botlogwa in Pietersburg.

I think it is spelt B-o-t ... (intervention).

BY THE COURT: Well, I've got my own spelling, don't worry. (30)

MR. VAN PITTIUS:/...

MR. VAN PITTIUS: And then what happened when you found him?
--- I then took his Combi vehicle because I was travelling
along with children and then I left the other car in his
possession.

Did you also make a report to him? --- I also made a re-
port to him.

What was his attitude? --- He was shocked.

And did he say whether he was going to stay there at
Pietersburg, or not? --- He told me that we would meet the
following morning in Johannesburg. (10

BY THE COURT: And you said you then came back with the Combi?
--- I came back with the Combi.

Now which one of the two Combi's was it? --- The new one.

MR. VAN PITTIUS: Yes? --- Photograph 26.

And did you then come to Johannesburg? --- Yes.

My Lord, I will just quickly lead him on this, I don't
think my learned friends will have any objection. Did you
eventually come to Alexandra ... (intervention).

BY THE COURT: Be very careful to avoid any ... (pause).

MR. VAN PITTIUS: Then you got to Alexandra and eventually you (20)
were then arrested by the police, is that right? --- (Court
intervenes).

BY THE COURT: I am sorry, repeat the question?

MR. VAN PITTIUS: He got to Alexandra and when he was at
Melbourne Garage he got arrested by the police? --- Yes.

BY THE COURT: Was that on the same day of your arrival? ---
The same day of my arrival.

MR. VAN PITTIUS: Now accused no.2 before the court, will you
just have a look, do you see him? --- I do.

Have you ever seen him before, do you know him? --- Yes, (30)
I have seen him before.

Now can /...

Now can you tell the court on how many occasions and where you saw him before? --- I saw him at the house of accused no.6.

Can you more or less remember when it was? --- During 1976, after July.

Now do you know on how many occasions? --- I saw him at accused no.6's house. I saw him again, at a certain stage he came to my house with accused no.4.

Now let's start with the times you saw him at accused no.6's house. Can you tell the court of those occasions or (10) that occasion? --- Accused no.6 told me that accused no.2 is one of the soldiers.

Was that on the first day when you met him or was it after that? --- That was the first time that I saw him.

Now you said that you saw accused no.2 also when he came with accused no.4 to your house? --- Yes.

Now what happened when they came there? --- They had come to ask me to convey them to Benoni.

Yes, did you say anything? --- I told them that I am very busy, I cannot convey you there. (20)

Now when they came there, did you see by what means they came there? --- By the same car.

BY THE COURT: This car? This red motor car? --- The red one.

MR. VAN PITTIUS: My Lord, I hear he said Fairmont every now and then, I don't think the interpreter mentioned it. --- Ford Fairmont.

I heard the word Fairmont every now and again.

BY THE COURT: It looks like Ford to me, but don't worry, we will talk about the red motor car.

MR. VAN PITTIUS: Photograph 28, Exhibit 64. (30)

BY THE COURT: At any rate, they came there with this photograph no. 28?/...

no.28? --- Yes.

MR. VAN PITTIUS: Did you see who was driving? --- Accused no.2 was driving it.

Now when you said you can't take them what happened? --- I left with them to go and look for a driver at Avenue no.6.

Could you find any driver? --- I could not find any driver.

What happened to accused nos. 2 and 4 then? --- Meanwhile we were still waiting there the Combi then arrived.

When Combi was that? --- The new one.

How did it arrive there? Who drove it? --- It was the (10) first time for me to see the person who was driving it, I don't know who he was.

Now do you know why they could not drive there themselves, accused nos. 2 and 4, to Benoni? --- They have no driver's licences.

How do you know that? --- That is what they told me.

Did they then eventually leave? --- I left with them to Marlborough.

Yes? --- From Marlborough we went to 6th Avenue, Alexandra Township. The Combi arrived there, the new one. (20)

Yes? --- Nos. 2 and 4 then got hold of the driver who had arrived with the Combi there and they took the Fairmont. I took the Combi and went back home with it.

BY THE COURT: They took the Fairmont, yes? --- The red one.

MR. VAN PITTIUS: And you took the Combi? --- I took the Combi.

Now did you sometimes get the Combi, any of the two Combi's, for transporting purposes for yourself? --- My own car was out of order. At times when I desired to go somewhere I would then go to accused no.6 to obtain a vehicle.

Now did you ever or do you know who cleaned any of the (30) vehicles? --- Well, they are cleaned by one who is in possession of the /...

of the vehicle.

Did you ever yourself clean any of the vehicles that you got? --- Yes, I have.

Now do you remember during the end of November, 1976, did you then go to accused no.6's house? --- Yes.

What was the purpose therefor then? --- I had gone for the purpose of asking him to give me a car for transport.

And then what happened? --- He gave it to me.

What did he give you? --- The Fairmont, the red one. And before I left by the red vehicle the new Combi arrived. (10

Yes, did you see it arriving? --- I saw it arriving.

Yes? --- Accused nos. 2 and 4 said "we want to go from here", then they said they want to go to Benoni, and they told me that they had not enough petrol in the Combi.

Yes? --- And there was enough petrol in the red car. They then took the red car, I took the Combi.

Now did you yourself at the end of November when you got the transport - when you went there to get the transport from accused no.6, did you during that period get any Combi to drive? --- No, the Combi's were not available, it was only (20 the red car.

Now can you remember having cleaned the Combi, any of the Combi's? --- Yes, I was cleaning only one, the one that I was using.

Now do you know of any occasion when you cleaned any of these Combi's that you want to tell the court of? --- The day of which I told the court that when we arrived at Avenue No.6, the Combi vehicle arrived there. On that day there were bloodstains in the Combi.

Which Combi was this now? Can you just look at Exhibit (30 64, photographs 26 and 27? --- No.26.

Exhibit 64, photograph no.26. And what happened then?
--- This was given to me, it was at night, I could not see any stains that time, but the following morning when I woke up after opening the Combi I then realised that it had bloodstains.

Yes? --- I then cleaned it, by means of washing it.

And did you then thereafter use it yourself, or what? ---
Yes, I then used it.

Now did you see who arrived with the Combi, who drove the Combi before you took it over? --- It was the person whom I (10
told the court of, that it was the first time I saw him, unknown to me.

Now did you ever discuss this incident with anybody, the fact that you saw this blood in there? --- I informed accused no.6 about it and told him that I found the Combi having bloodstains, but I have already washed it.

And what was his reaction then? --- It did not surprise him. That did not surprise him.

Did he say anything, or not? --- No, he didn't say anything.

Just to get it right, where did you in fact get this (20
Combi, the new one, on that occasion? --- It found us waiting for it at Avenue No.6. At 6th Avenue.

I have no further questions.

BY THE COURT: That is the occasion when you went there with the red car and then they came with - no, that must be another occasion, that he took this Combi over from this unknown person? It is not the occasion that he spoke about when he went with the red car and the Combi didn't have enough petrol, so the two and whatever it was?

MR. VAN PITTIUS: The time when you took this Combi and on (30
the occasion when it didn't have any petrol in and so forth,
at the/...

and the time when you got the Combi when you saw the blood and washed it out, were they different times, or the same occurrence? --- It is the day when accused 2 and 4 came to me and said they wanted to go to Benoni. They were going to Benoni for the purpose of looking for the Combi.

And the day when you saw the blood in the Combi, was it the same day or a different day as the day when you saw no.2 and no.4? --- It is the same day that I saw the Combi blood-stained.

I have no further questions, My Lord.

(10)

COURT ADJOURNS

COURT RESUMES AFTER TEA BREAK.

MR. DONEN: May it please the court, My Lord, as a result of information which I have received, I ask that the present witness stand down for cross-examination. I have discussed the matter with my learned friends, they have no objection to cross-examination being held over. I also ask through the court that the press do not publish the name of the following witness I intend to lead. It is not a request I make based on the law, but a request based on the necessity of proper administration of justice.

(20)

BY THE COURT: Have you any objection against that?

THE DEFENCE HAS NO OBJECTION.

BY THE COURT: This present witness can stand down and we can interpose the evidence of another witness, and I request that the name of this witness by agreement is not to be published. The name of the next witness is not to be published.

THE WITNESS ALPHEUS RAMOKGADI STANDS DOWN.

- - - - -

FREDDIE MOTAUNG d.s.s. (Through interpreter)

EXAMINATION BY MR. DONEN: My Lord, the witness is in my opinion an accomplice/...

an accomplice to some of the allegations in the charge sheet. I ask that the witness be warned as an accomplice in terms of Section 254.

BY THE COURT: Freddie Motaung, you have heard what the Prosecutor said, you may be an accomplice in what is contained in the charge sheet, and that you may be asked to answer questions which may incriminate you. Therefore in terms of Section 254 (2) I warn you that if you give full answers to the satisfaction of this court and all such lawful questions which may be put to you, you shall be discharged from any liability to prosecution for the offence concerned, and that (10) if I am satisfied with your evidence you will be given such discharge in due course. — I understand.

EXAMINATION BY MR. DONEN: Are you known by any other name but Freddie Motaung? — Yes, there is.

By what name? — One-Night.

Do you know any of the accused before the court? — I know Peter Motaung, Currie ... (intervention).

BY THE COURT: Those people must get up as he calls them out. Is that ...?

MR. DONEN: Could you refer to them by their numbers? — (20) I know accused nos. 3, 6 and 11.

Now during the period ... (Court intervenes).

BY THE COURT: Just a minute, will those three accused people, persons, please get up. — 3, 6, and 11.

Are those the three people? — Yes.

MR. DONEN: Now during the period October/November of 1976 do you know where accused no. 11 lived? — Yes, I do.

Where? — At 6th Avenue, Alexandra Township.

Do you know the number by any chance? — If I remember (30) well it is No. 50.

From where /...

From where do you know accused no.3? --- I first saw accused no.3, at 6th Avenue, Alexandra Township, that is where I first saw him.

At what number? --- No.50.

BY THE COURT: That is the house of accused no.11? --- No.11, yes.

MR. DONEN: And when was this that you saw accused no.3 at the house of no.11? --- Approximately November/December.

Of what year? --- 1976.

From where do you know accused no.6? --- At times I used to see him in the street, at other times I saw him at the house of accused no.11. (10)

Now during this period November/December of 1976, do you know where accused no.3 was living? --- I was used to visiting accused no.11 as my friend. I also found him there at times at accused no.11's house.

But do you know where accused no.3 was living? --- At that time I did not know because I had not even known of his name.

Did you ever discover where he lived during that time? --- Thereafter I got to know that he stays in 7th Avenue, Alexandra Township. (20)

Do you know what number in 7th Avenue? --- I think 125 or 124.

In any case do you know who lived - whose house that was, 124 or 125, 7th Avenue? --- I knew.

Whose house was it? --- That is where accused no.11's parents were staying.

Now did his parents live there at the time, accused no.11's parents? --- They passed away.

Now did you know anybody who did stay at this 124 or 125, 7th Avenue, Alexandra? --- It was accused no.11's brother, Sammy. (30)

Now did/...

Now did you ever find out who accused no.6 and no.3 were from accused no.11? In other words did you ever ask no.11 who accused no.3 and no.6 were? --- I sometimes asked accused no.11 who is this man whom I always find here. It is then that I got to know that it is Peter.

BY THE COURT: It is Peter? --- Peter Motaung.

MR. DONEN: I will show you an Exhibit, EXHIBIT 52. Have you ever seen anything similar to that before? --- Yes, I have seen it.

Now when was the first time that you saw ... (Court inter-⁽¹⁰venes).

BY THE COURT: Just let me have a look, I can't see it. It seems to be a rather ferocious looking weapon. Is it a revolver or pistol?

MR. DONEN: There will be evidence led about it later, My Lord.

BY THE COURT: Yes, do you want to have a look at it, Mr. Chaskalson?

MR. CHASKALSON: No, I've seen it.

MR. DONEN: Now when was the first time that you ever saw something similar to that before? --- One day I happened to go to (20) accused no.11's house, as he had asked me to take his car for a test. I then went to him in order to obtain certain parts for the car. I and him we entered into his garage. He opened something, he calls it "sump", it was closed but it was not connected in the car. It is a part of the engine ... (intervention).

BY THE COURT: Well, I take it the oil has run out, I don't know what he means by a sump? --- It is a part of the engine wherein the oil goes in at the bottom.

Yes? --- It was disconnected from the engine. It was (30) amongst other tools there. He then opened it and took out a parcel /...

parcel out of it. This was covered by a newspaper paper. He then opened it. I saw something like this exhibit before court. He then asked me as to whether I ever saw such a thing. I asked him "where does this come from". He did not answer me. He then showed it to me and demonstrated how it worked by picking it up. At a certain stage when he wanted to bring it back into the position in which it was he could not get it back. I also tried to help him to put it to the safe position in which it was. We both failed.

MR. DONEN: Could you briefly describe on that Exhibit 52 (10) what accused no.11 did, and what your problem was? — This part it had gone as far as the end ... (intervention).

You point to the butt where you say this part? — This same part.

BY THE COURT: Well, at any rate it looks to me, being an amateur as far as these things go, as a big sort of revolver or pistol and it has got a thing about 18 inches projecting from the back. — It was in this position, My Lord.

Well, that back flap or butt or whatever it is called has been put over the pistol again. Yes? (20)

MR. DONEN: In other words the butt lay upon the barrel? — Yes, My Lord.

Yes? — He then opened it up. When it was in this erect position it could not go down. It could neither go down nor forward.

You can't fold it up again? — Yes, we then struggled to fold it up again, and we could not manage to.

Can you fold it up now? No, if you push it you will break it. You force it. You don't know how to close it up again? — Even at that time we did not know. (30)

Yes well, there is the police officer there. Can you show me how /...

me how to fold it up. It's just got a little thing at the back which needs depression and then it can fold up. Well, I can't close it either.

MR. DONEN: In any case you were faced with a weapon similar to Exhibit 52 with an extension which you released and which got stuck, and what happened after that? — Yes. Accused no.11 then said that "let's leave this alone otherwise we will kill ourselves".

Yes, what happened next? — He then wrapped it and placed it saying that the owners of this will come and fetch (10) it.

Now did you ask him who the owners were? — I did not because I had realised that his attitude had changed, even his voice had already changed. He looked like one who was already shocked.

Did you ever find out who the owners were? — When we left the garage accused no.11 told me that if I do need such I can also have it.

BY THE COURT: If you also needed a weapon like this? — Yes. I just laughed and we then separated. (20)

MR. DONEN: Now when did you see accused no.11 again? — I saw him during those days. Meanwhile I was busy taking his car for the test. During the New Year's week I think it was on a Monday.

Was that the week before New Year or the week after New Year? — Before.

Yes? — If I remember well it was New Year's week.

Yes, go on? — I went to accused no.11's house. I told him that I wanted to go to the farm. He also answered and said he also wants to go to the farm. He wanted to travel by (30) the same van which I was supposed to take to the camp. I then told/...

told him that it will be best if you then first go to the farm and then thereafter I will go. Before I left him for home he told me that he has certain parcels which he wants me to take with. He then brought them, they were two parcels. I was already in my van at that time. He then placed them on the floorboard of my car. I then asked him "what are these".. He then told me "Don't you worry, these are my chemicals.

BY THE COURT: My chemicals? — Chemicals. Don't you worry, these are my chemicals. When I looked at them I realised (10) that these parcels contained something like powder.

MR. DONEN: Now what exactly did these parcels contain? — These were contained in a plastic cover and inside the plastic cover were these parcels. I did not open them. At a glance I could see that this was powder also contained in the packet. Each plastic cover had contained the other parcel containing the powder.

Now was the powder in the plastic container themselves or was it in anything else? — In the paperbag, there was a paper bag. This bag containing the powder was on top of the (20) paper bag. I did not look to see what it contained, what the paper bag contained at the bottom. I then asked accused no.11 as to whether these are not dangerous. He said no, you can even keep them inside the house. I then took them away with me.

Now I will show you an exhibit, EXHIBIT 33. Have you ever seen anything similar before? — These I saw in court but I heard that they were found in that paper bag.

BY THE COURT: No, but just listen to the question.

MR. DONEN: Have you ever seen anything similar to the contents(30) of Exhibit 33 before? Not the boxes, the contents which is marked/...

marked Exhibit 33? --- This is the plastic bag which I saw, it was right on top.

BY THE COURT: Is this the plastic bag you spoke about, the one that you have now shown to me? --- Yes.

Alright, that is Exhibit 33.

MR. DONEN: Now would you look in that plastic bag, do you recognise the contents of this blue plastic bag? --- Powder.

BY THE COURT: And you say it is something similar to this that you saw in the car? --- Yes.

MR. DONEN: Now the rest of Exhibit 33, do you recognise any (10) of the contents? --- I saw this also, the powder like - there were two paper bags and the rest of these were right at the bottom. I saw them the day when I saw this powder in this plastic.

Are you referring to the rest of Exhibit 33? --- These were right at the bottom and right on top there was this which contained powder, and there were two of them.

Now for the sake of the record the rest of Exhibit 33, besides that blue plastic bag, consists of a number of bottles, like small medicine bottles, and then three small cardboard (20) boxes, and what looks like a plastic toolbox.

BY THE COURT: At any rate, what you saw there was something similar to what is now in front of you? --- Yes.

MR. DONEN: Now what did you do with these two plastic bags and their contents that accused no.11 gave to you? --- (Court intervenes).

BY THE COURT: I take it we can now remove all this. He said it is something similar to this. --- I took them home by car.

MR. DONEN: Yes, and what became of them? --- When I arrived home I left them in the car and the following morning I met (30) accused no.11 and we arranged about going to the farm. I went to ask/...

to ask him if he still intends going to the farm. He told me that he is no longer going along with that car, he will make other means, and asked me that I should take the children along by his car to Soweto. I then took the children to Soweto. On my arrival I made preparations to go to the farm.

And did you go to the farm? — I did.

Did you go alone? — I went along with my son. I then asked accused no.3 to accompany me.

And did he? — Yes, he did.

And did he eventually return from the farm? — We even- (10)
tually returned from the farm.

After you came from the farm did you see accused no.11 again? — (Court intervenes).

BY THE COURT: Just a minute, I still don't know what happened now to what he had in the car? Something similar ... (intervention).

MR. DONEN: My Lord, it is in my humble submission the longest way may be the shortest way eventually. I will come back to that point later. So you returned from the farm and did you see accused no.11 again? — I think I arrived at 10 by (20)
night, it was on a Thursday. After I had just parked my car accused no.11 also arrived by his car. He informed me where he had come from, that he had come from the farm. I said to him "Didn't you go yesterday". He said "I did go and came back". And he made a report to me that there was something wrong at home, his brother is lost, he doesn't know where he is.

Now what sort of vehicle did he arrive at your house at?
— A Ford Fairmont.

Can you remember what colour it was? — Red, and the top (30)
black.

And had/...

And had you ever seen this Ford Fairmont anywhere before?

— Yes, I had seen it before.

Where had you seen it before? — I used to see it in possession of accused no.6, travelling along with it.

Now you say accused no.11 made a report to you that there was trouble at home? — Yes.

Did he say anything else? — He then asked me that he should leave his car at my place saying that he does not regard his place as being safe.

Did he leave his car at your place? — Yes, I then accom-(10)panied him by my van to his home.

Now after you returned from the country did you see accused no.3 again? — During the time when I was still discussing with accused no.11 at my home, because it was already late, in the vicinity of 10 o'clock, accused no.3 came there. He had a blanket with him. He also said that accused no.11's brother is missing. I then asked accused no.3 if he wanted to sleep at my place.

And did he? — Yes, he did.

Did you see accused no.11 again after you took him home that night? — Yes, the following morning he came to me. (20)

Carry on? — When accused no.11 came to my house accused no.3 was already gone. Accused no.11 asked me that I must drive behind him with my van, there is a place where he wants to go and park the Fairmont, that is the red car. We then went to the corner of Louis Botha and Corlett Drive to a garage. That is where we left the red car.

Yes, carry on? — We then returned home.

Now did you ever see accused no.11 again after that? — No, I did not see him again thereafter.

You have been speaking about a brother of accused no.11. (30) What was his name? — Sammy.

Now did you ever go to accused no.11's house again after that? --- The day when we went to the garage it was on a Friday. We went past two police stations where accused no.11 was enquiring about this Sam. From the police stations we then left the car at the garage. I then dropped him at his house. Thereafter I did not see him again.

Now did you ever go to his house again after that? --- Yes, I did.

When? --- It was on a Saturday, very late in the afternoon. I was called by his children telling me that accused (10) no.11 ... (intervention).

They made a report to you? Is that right? --- They made a report to me.

And as a result of the report where did you go? --- I went to accused no.11's house.

Whom did you meet there? --- I met accused no.11's wife.

I show you a photograph, EXHIBIT H. Do you recognise the person on this photograph? --- This is Bushy.

And who is Bushy? --- Accused no.11's wife.

Did she make a report to you? --- Yes, she did. (20)

As a result of this report what did you do? --- I asked her to go and show me what she was telling me of.

And where did you go? --- We went to a certain room in that yard.

The yard of which house? --- Currie's house.

And do you know whose room that was? --- Currie's house.

BY THE COURT: Currie? Who is Currie? --- Accused no.11.

Well, let's keep to the numbers otherwise we will get confused. Alright, now you went to the room at the house of accused no.11. Yes? (30)

MR. DONEN: Do you know who lived in the room at the house of accused/...

accused no.11? Or what the room is used for? — That is accused no.11's spareroom, his belongings are contained in that room. There are two beds in there as well.

Now what happened in that room? — Accused no.11's wife told me that ... (intervention).

She made a report to you, is that right? — Yes.

And now what did you do in that room? I don't want to know what she told you, I want to know what you did? — She showed me something underneath the bed. It was a tin which I pulled out, but I could feel that it had weight. (10)

What sort of tin was it? — A paraffin tin.

What size? — Four gallon.

Yes, now what happened next, what about the tin? — It was closed but I could feel that it had weight. I turned it upside down and I realised that it was half cut at the bottom. I then wanted to see what it contained. I found that there were parcels wrapped in a newspaper. I put my hand inside. I took out the parcel, opened it, I realised that this was a firearm. I put it on the ground. I put my hand again inside the tin, and took out another parcel. I realised that this (20) parcel, the second parcel, is like the first one. I put my hand again in for the third time. I took out a small tin, brown. One would say it looks like a Brasso tin. I put my hand inside again, took out a parcel, opened it. I saw two round articles. When I observed these closely I realised that these were hand grenades. I thereafter took out the rest of the articles without looking at them closely.

Now how many articles did you take out altogether? — I wasn't counting when taking out these articles. I first (30) put my hand inside, opened the parcel, and put in my hand and so on.

Now this /...

Now this firearm, the first object you pulled out, what sort of firearm was it? --- It was just like the one which was exhibited now.

Exhibit 52? --- Yes.

Now what did you do with this collection of articles you pulled out of the tin? --- I then asked her what is now to be done with these. She then said that (intervention).

No, what did you do with these articles? --- (Court intervenes).

BY THE COURT: Mr. Interpreter, I don't want to know what (10) people told this witness, we only want to know what he himself did. Now also he said he was told where certain things had been found, we will disregard that. That is why we said he must just tell us what he himself did. --- Yes, My Lord.

MR. DONEN: Now he had found these objects in the tin, he had taken them out, now - out of the tin, now what did he do with these objects? --- I took them away with me.

Where to? --- I took them to my home.

And what became of these objects? Did they remain at your home? --- I handed them to the police. (20)

Do you know which police? --- They are not in court today.

Now do you know whether any photographs were taken when you handed these objects to the police? --- Yes, photographs were taken.

I will show you a photograph, part of Exhibit 64, photograph no.11. Do you recognise anything on that photograph? --- This is a plastic paper, pointing out at one of the objects here, My Lord.

BY THE COURT: This white spot here. Yes, go on?

MR. DONEN: And what is the significance of that plastic (30) paper? --- This is where these articles were contained, in a plastic/...

plastic container.

BY THE COURT: Is this now the articles we had displayed on the bench here now, or is this something different? --- Yes, these articles are the articles which are displayed in court.

MR. DONEN: Now what became of the articles in the tin, that you took out of the tin? --- I am making a mistake, My Lord. I have made a mistake. These in photo no.11 were contained in the tin.

And what is that place shown on that photograph no.11?
--- This is my garden. (10)

Now where did you put these articles that you found in this tin? --- I had placed them in the garden.

BY THE COURT: When you say placed them in the garden, did you put them under the ground, I don't know, how do you place something in the garden? --- In a hole next to the flowers.

MR. DONEN: Then I will show you photograph no.12. Do you recognise anything on that photograph? --- I do.

What do you recognise? --- These are flowers and in the middle of the photo where flowers are there was a tree which I dug out. When I arrived with these exhibits I then realised(20) that I cannot place them inside my house. I then decided to place them inside that hole.

The interpreter is pointing to the hole, or what might be a hole, shown on photograph 12, part of Exhibit 64? --- Yes.

BY THE COURT: Now I just want to be sure. This you say was - what you had taken out of the tin has got nothing to do with what you had seen in the motor car, is that correct? --- (Intervention).

MR. DONEN: That is correct, My Lord, I shall return to the motor car. (30)

BY THE COURT: Oh, because this witness, he said nothing about
as to /...

as to what happened to what was contained in the motor car, and I don't want to get that confused. Yes?

MR. DONEN: Now look at photograph no.28 of Exhibit 64. --- I am.

Now what do you see there, do you recognise the photograph? --- The car on this no.28 is the car which was at my place. I even recognise the registration number.

Now which car that was at your place, whose car is that? --- I had not known the owner of this car, but I used to see accused no.6 travelling along in this car.

Is that the Fairmont that you referred to earlier in your evidence that accused no.6 ...? --- It is. (10)

I will show you Exhibit 46. Do you recognise anything in that exhibit? --- I do recognise it.

Now from where do you recognise it? --- I can't just recollect whether it was in the tin or it was amongst the bags containing the powder, I can't just recollect.

Now earlier on in your evidence you spoke about two parcels that accused no.11 had given you. Now what did you do with those parcels? --- (Court intervenes).

BY THE COURT: Is that now Exhibit 33? (20)

MR. DONEN: Yes, My Lord. --- On Friday afternoon, it was round about 8 o'clock at night .. (intervention).

Now which Friday is this you are talking about? --- New Year Friday. I went to 19th Avenue, Alexandra Township, to my friend, to go and fetch the generator of the car. These articles were all along in my car which I got from no.11. Meanwhile we were sitting in the house. I could see that there were people outside in my car.

What did you do with the articles, the two parcels? --- I then went outside to go and fetch them from my car. I then took them inside the house. My friend Japie asked me ... (30)

(intervention/...

(intervention).

No, listen, what became of those parcels? What did you do with the parcels? — I left them there that day.

Alright, and your friend's name you say was Japie? — Yes.

BY THE COURT: This is now 11th Avenue? I am sorry, 19th Avenue.

MR. DONEN: Now how long did you have Exhibit 33 in your motor car, the two parcels? — Five days in my car.

And during that time did you tamper with any of the contents of those two parcels, did you remove anything or put (10) anything into the parcels? — No, I did not tamper with them.

Did anybody else tamper with them? — I don't believe.

Now your friend Japie, what was his surname? — Nonjane.

Now I will show you a tin, Exhibit 48. Have you ever seen anything similar before? — (Court intervenes).

BY THE COURT: Let me just hear, you know, we are going quickly and I am trying to put down a few notes. This house in 11th Avenue, do you know whose house that was, where he took these parcels to in 19th Avenue?

MR. DONEN: That was his friend Japie Nonyane's house. (20)

Now do you recognise Exhibit 48, have you ever seen anything similar before? — Yes, I saw it at 6th Avenue. It looks like this one, I am not sure whether this is the one exactly.

Now you referred in your evidence to a tin, is this the tin to which you referred? — Yes.

Now have you any idea what became of the tin in which you found the firearm and certain other articles, from your personal knowledge? — I left it at 6th Avenue.

Now I'll show you Exhibit 36. Have you ever seen anything (30) similar to that? — This is a plastic cover ... (intervention).

Wait a/...

Wait a minute. Exhibit 36, have you ever seen anything similar before? --- I saw it in the tin with the others.

You saw it in the tin with the others? --- It was amongst the other parcels, they were black, but not white.

Is that the tin in which you found the firearm and the hand grenades? --- Yes.

Now I will show you another exhibit, Exhibit 28. Do you recognise any part of this exhibit? --- Yes, it is one of the articles I took out of the tin.

Now which part of this exhibit did you - is like that (10) you took out of the tin? --- This was wrapped in a plastic. I then opened it to see what it was exactly.

And what is it? --- I looked at it and I was surprised, it appeared to me as though it is something like a hand grenade.

Alright, I will show you Exhibit 29, do you recognise any part of this exhibit? --- This is the tin which I found in the big tin which I said looked like the Brasso tin.

BY THE COURT: Like what? --- Like the Brasso.

Oh, it looks like a Brasso tin.

MR. DONEN: I will show you Exhibit 47, have you ever seen (20) something similar before? --- I did not see this inside the tin. Maybe it was contained in a plastic cover, which was amongst the other two parcels.

I will show you Exhibit I, the photograph. Do you recognise this person? --- It is Sam.

Sam who? --- Seathlolo.

You referred in your evidence to Sammy who is the brother of accused no.11? --- Yes.

Is this the same person? --- It is.

I show you again part of Exhibit 47, it looks like Christmas wrapping paper. Have you ever seen anything similar to that before?/... (30)

before? --- I have not seen such, it was not in the tin, it may be in one of the parcels.

I have no more questions.

CROSS-EXAMINATION BY MR. CHASKALSON: Now you have told us about an occasion when you say that accused no.11 gave you some packets containing powder? --- Yes.

And you say that was when you were about to go to the farm? --- Yes, it is the day when I had come to ask him that he must allow me to use the van to go to the farm.

And the day he said he was about to go to the farm as (10) well? --- Yes, it was the day when I had arranged that I would go the following morning to the farm.

And he asked you to keep those two packets for him you say? --- Yes.

Did you ask him why he wanted you to keep them for him? --- No, I didn't ask him why. I merely asked him "aren't these dangerous".

And he said they weren't dangerous? --- He said to me that they are not dangerous, "you can keep them even in your house, the reason why I am removing them away from here is (20) that I wouldn't like that the inspectors if they come to find them here".

He told you he wouldn't like the inspectors to find them in his house? --- Yes.

What inspectors was he talking about? --- Peri-urban inspectors.

Did you ask him why he didn't want the inspectors to find them in his house? --- I thought that he was probably not permitted to have powder in his possession.

But why did you think he would not be permitted to have (30) - well, let's pause for a moment, did you think that you could have/...

have powder in your possession? --- I thought that he had powder in abundance in his possession, maybe that he was not allowed to have powder in abundance.

Did you speak to him about that? --- When he told me that this is not dangerous I did not ask him further.

Did you not ask him why he wanted you to keep it for him? --- No, I did not.

Did you not want to know why you should - it should be alright for you to keep the powder, and not alright for him to keep the powder? --- No, My Lord, I thought that probably (10) he has this powder in abundance and he does not want to have so much powder in his possession.

So you didn't bother to find out whether it was permissible for you to keep them, or not? --- No, I wasn't.

You thought there was nothing wrong with keeping those powders? --- Yes, because he told me that I can place it in the house, it is not dangerous.

BY THE COURT: That does not answer the question. The question is what did you think, were you permitted to keep the powder, were you now going to keep the powder? --- I did not think (20) of refusing to take them along with me.

MR. CHASKALSON: Because you thought it was quite lawful for you to have the powder? --- If these were found in my possession I would have told those people from whom I got them.

You are not answering my question. You thought it was quite lawful for you to have the powder? --- The witness, My Lord, tends to answer the question before I interpret for him. Several times he has told me that he understands English. I didn't think much about law.

You didn't think there was anything wrong for you to keep (30) those powders? --- No, I didn't.

You didn't /...

You didn't think you would be breaking the law by keeping the powders? --- No, I did not think like that.

For how long were you going to keep the powders? --- He didn't tell me for how long I should keep them. He said I must just keep them for him and all the time we were busy conversing about going to the farm.

You didn't think it necessary to - as I understand your evidence you just left those powders lying in your car? --- Yes, they were in the car behind the seat.

You didn't even take them into your own house? --- I was (10) not so much worried about them.

Did you think that that was a correct way to look after someone else's property? --- Nobody can get to my car except myself in the yard.

You mean you thought it was a safe place to leave them, or did you not think about them at all? --- Yes, I thought they were safe because I was all the time at home.

Don't you drive your car around? --- I went to the farm. I did not expect that there would be anybody who would put his hand into my car and take them. I had to travel to the (20) farm and back from the farm.

When you came back from the farm did you still think it was a safe place to leave those powders? --- Yes, they were safe, because I could still see them being there.

You didn't think it necessary to go and hide those powders anywhere? --- No, I did not think to go and hide them.

You never removed them from your car at all? Until you got to Japie Nonyane's house? --- Yes, I didn't.

BY THE COURT: May this be convenient to adjourn, Mr. Chaskalson? (30)

COURT ADJOURNS.

COURT RESUMES/...

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