

Reg Alhady 18

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

CASE NO. 18/75/254.

12th SEPTEMBER, 1975.

In the matter of:

THE STATE

versus

S. COOPER AND EIGHT OTHERS.

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VOLUME 18

1379 - 1425

LUBEE RECORDINGS (PRETORIA)

/AHC.

THE COURT RESUMES ON THE 12th SEPTEMBER, 1975.

MR REES: M'Lord, despite the fact that the tapes have been made available to the Defence for quite a couple of days now, they still persist that they want to make further preparations, etc. etc., and I have finally decided to agree to the following: that the State will prepare and make available to the Defence a duplicate of all these nine tapes; that the Defence will undertake to use the tapes for the purpose of this case only and for no other purpose; they undertake not to make any further duplicates thereof (10) ( and to hand the duplicates back to the State as soon as it has served its purpose and in any event not later than the close of the State case; also that the tapes shall at no time go out of the possession of one of the three Counsel and that it will be returned to Counsel for the State; also that the Defence will furnish the State with a written transcript of any additional conversations which they propose to use and with a written transcript of their version of any of the transcribed passages in Exhibit Rally C.6 which they dispute and that they do all this (20) expeditiously. M'Lord, subject to what my Learned Friend has to say on the matter and as this is a delicate matter, I would ask for a Court Order in those terms.

MR ALLAWAY: My Learned Friend has said "despite the fact", I do not think that we need to trouble you with the sort of troubles we have had, but I think my Learned Friend is seeing good reason and sense and we are obliged to him for allowing us to solve the matter in this way without having to present M'Lord with a troublesome argument and making a ruling. The State has had, of course, a considerable (30) amount of time to decide what is on the tapes, my Learned Juniors/...

Juniors have listened to them attentively and that is now a matter of history. I just do not like the reference to "despite the fact", the way he introduces his remarks. I suggested to my Learned Friend that we incorporate in the - not an order, we incorporate an undertaking by us as Counsel to retain the tapes ourselves, one or other of us and to give them back to him.

BY THE COURT: You see, unless there is an order, if it is stolen from your possession then it can be used. But if there is an order then this must happen to it. (10)

MR ALLAWAY: I have no objection, with respect, to an order in all the other terms, save that we give an undertaking that we would hand it back to the State. I do not think Counsel should be ordered to do that. All the other terms of what my Learned Friend set out are in writing and they can be made an order of Court, but we give the Court this undertaking ourselves.

MR REES: I have no objection.

BY THE COURT: Then the undertaking of Counsel is accepted, save and except insofar as the undertaking (20) affects the terms suggested by you, the terms are made an Order of Court. The effect of the order then is that these tapes may not be used for any purpose other than the purposes of this case, they are not going out of your possession and the undertaking is that they be returned.

MR ALLAWAY: Quite clear, M'Lord, that is the only purpose for which we need them.

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MNR. REES: Majoor Strydom, Edele.

SAREL JOHANNES STRYDOM: nog onder eed: (30)

KRUISONDERVRAGING DEUR MNR. ALLAWAY: Ek wil net kortliks  
oor/...



oor die gebeurtenisse op 25 September te Turfloop weer gaan, want daar is alreeds baie getuienis in hierdie verband en ek het alreeds baie geleenthede die Verdediging se houding teenoor die gebeurtenisse aan sulke sekere getuies gestel. Kyk, het u persoonlik die dag in aanraking gekom, die oggend, dit is voor die vergadering begin het, met die rektor? -- Ek het nie persoonlik met die rektor in aanraking gekom nie.

Dra u enige kennis of luitenant Visser in persoonlike aanraking met die rektor die dag gekom het, die (10) oggend? -- Ek dra kennis dat luitenant Viljoen - nie Visser nie, Viljoen - persoonlik in aanraking met die rektor gekom het.

Was hy die luitenant wat saam met u was toe u daar opgedaag het om en by ,145? -- Dit is reg.

En sy naam is Viljoen? -- Dit is reg.

Was u miskien teenwoordig toe rektor Boshoff voor Regter Snyman getuienis gegee het gedurende die ondersoek? -- Ek het 'n gedeelte van sy getuienis gehoor.

Ek wil net weet of luitenant Viljoen, toe hy die (20) verslag aan u gemaak het in verband met sy besprekings met die rektor, of hy as voort aan u vertel het, en ek lees nou uit die rektor se getuienis op bladsy 77, vanaf lyn 19.

"He said that Lieutenant Viljoen had phoned him - I am just introducing it - and he was present when I spoke to Lieutenant Viljoen."

MNR. REES: Op grond waarvan kan my Geleerde Vriend hoorsê getuienis - hy wil nou die hoorsê getuienis van luitenant Viljoen, soos oorgedra deur mnr. Boshoff, aan 'n ander instansie, aan die getuie stel. Hy kan mos aan die (30) getuie stel: is die feite so, ensovoorts, maar hier is dit nou/...

nou 'n soort van 'n derderangse hoorsê getuienis wat hy voor die Hof wil plaas.

MR ALLAWAY: I want to elicit from the witness whether Lieutenant Viljoen told him what Prof. Boshoff's attitude was and it is best expressed by reading to him what Prof. Boshoff says he told Lieutenant Viljoen. That is all.

BY THE COURT: I think Mr Rees's objection is that you are really cluttering up the record by reading all that. Why don't you just put the short facts to him?

MR ALLAWAY: The shortest way of dealing with it is (10) just to read the passage and it is five lines long, that is all. I can deal with it another way, but I believe it is in fact the shortest way.

BY THE COURT: You really want to - what do you want to ask him?

MR ALLAWAY: I want to find out if Lieutenant Viljoen reported to him in these terms after his (Lieutenant Viljoen's) discussion with the rector. May I proceed?

BY THE COURT: Yes.

MR ALLAWAY: Thank you.

( 20)

"Now Lieutenant Viljoen, I think, used the word demonstration planned by SASO for 2 p.m. that afternoon. He asked me whether I knew anything about it so I said to him well, it was the first that I heard of it, such a demonstration being planned."

Nou het luitenant Viljoen vir u gesê dat dit is die eerste wat die rektor gehoor het dat die studente van plan was om 'n demonstrasie te hou? -- Dit is reg.

"Lieutenant Viljoen informed me that as the police believed that this demonstration, meeting/...

(30)

meeting, rally, call it what you want,  
was outside the ambit of the Minister's ban,  
the police would be on the campus that  
afternoon to see the ban would be enforced."

Nou my vraag is, het luitenant Viljoen vir jou vertel dat hy vir die rektor gesê het dat die polisie op die kampus sou wees die namiddag om te sien dat die verbod - die vergadering nie aangaan nie? -- Dit is reg. Die woord "Outside" wat u daar gelees het, is dit korrek?

This is what the record says. The rector said: (10)

"Lieutenant Viljoen informed me that as the police believed that this demonstration, meeting, rally, call it what you want, was outside ..."

and then he said -

"no, within ..."

he corrected himself. Ek dink u het nie dit gehoor nie toe ek dit gelees het nie.

"was outside - no, within the ambit of the Minister's ban on the meetings by SASO, (20)  
BPC, the police would be on the campus that afternoon to see the ban would be enforced."

Nou, was dit die houding van die Veiligheidstak dat die polisie moet daar wees om te sien dat wat verbode was nie aangaan nie? -- Dit is reg.

En het u enige pogings aangewend die oggend om in kontak te kom met die leiers van die Studenteraad? -- Ek het nie.

Toe u daar opgedaag het, het u 'n "video-tape" (30)  
saam met u gehad of nie? -- Nee, ek het nie 'n "video-tape"  
gehad/...



gehad nie, ek het 'n gewone kasset bandopnamemasjientjie by my gehad.

En daar was ook polisie kameramane, fotograawe wat saam was? -- Dit is reg.

Sy naam was sersant, was dit ...? -- Prosezkie.

BY THE COURT: What do you mean by a video-tape?

MR ALLAWAY: M'Lord, a video-tape apparently, is a piece of equipment that is used a lot by rugby clubs and people like that, it films and then one can play it back like a television set, it works like a television set. At (10) the same time it makes a sound recording of what goes on.

DEUR DIE HOF: Was soiets gebruik? -- Dit was 'n gewone kasset bandopname masjientjie wat ek gebruik het.

MNR. ALLAWAY: En het u die bandopname masjien saam met u geneem om 'n band te neem van die gesprekke in die vergadering? -- Die eerste doel van die masjien was gewees om gebeure wat ek waarneem op band te probeer vaslê, soos met die plakkate wat opgeplak is wat ek sien, het ek afgelees op die band.

En ek vra verskoning om die Engelse woord te (20) gebruik, wou u ook 'n soort "running commentary" maak op die bandmasjien? -- Min of meer.

En onder andere wou jy ook, soos ek verstaan, as dit moontlik is, 'n rekord kry met die bandmasjien wat gesê was daar binne die saal. -- Ja, die eerste gedagte wat ek gekry het om 'n opname te maak van wat gesê is, is toe ek daar kom en ek hoor die vroue student praat, toe het ek besluit ek gaan probeer om dit op band vas te lê.

En het jy die masjien aangesit? -- Ek het die masjien aangesit. (30)

Maar ek dink volgens die getuienis voor Regter Snyman daar/...

daar was te veel geraas en die rekord is nie 'n goeie rekord van wat sy wel gesê het nie. -- Baie onduidelik. Sy was in die eerste instansie baie senuweeagtig en sy het baie vinnig gepraat, moeilikheid gehad met uitspreek van woorde.

En onder wie se bevel was die kameraman, die fotograaf? Onder u bevel of majoor Erasmus of altwee van julle? -- Die fotograaf was onder bevel van majoor Erasmus.

Maar as u wel dit nodig gevind het, kon u vir hom gesê het: neem asseblief 'n foto van daardie aspek af. U kon dit wel gedoen het. -- Ek kon dit gedoen het. (10)

Het u dit wel gedoen of nie? -- Nee, behalwe van die plakkate. Ek het hom gevra om soveel as moontlik van die plakkate af te neem.

Ek het kolonel Erasmus gevra in hierdie verband, maar is daar enige foto geneem ten tye dat die klippe gegooi was? Wat u daar gesien het. -- Nie sover ek bewus is van nie.

En volgens u getuienis toe die studente by die sokkerveld gekom het, was u wel op die noord-oostelike kant - suid-oostelike kant. -- Ek was aanvanklik op die oostelike kant. (20)

Oostekant. In die omgewing van die majoor? -- In die omgewing van hom.

Majoor Erasmus. En op die stadium is dit korrek dat al die polisiebeamptes was op daardie gedeelte van die sokkerterrein? -- Dit is reg.

En Bewysstuk Rally B.38 en Rally B.41 toon die situasie op daardie stadium taamlik goed, nie waar nie? -- Dit is reg.

Nou jy het wel gesê dat die studente heen en weer gemarsjeer het. Wat bedoel jy? Dat hulle gemarsjeer het soos soldate of dat hulle net gestap? -- As ek u kan (30) verwys na Bewysstuk Rally B.39 en B.38, hulle was in 'n

blok/...



blok vorm gewees. Hulle het eers na die noordekant van die veld gestap, omgedraai en teruggestap, terwyl hulle sing.

Nou op die stadium toe hierdie twee foto's geneem is, was die vroue studente was hulle by mekaar toe Bewysstuk Rally B.40 geneem was? Of kan u nie sê nie? -- Ek sien daar staan een van die vroue.

Op die regterkant. -- Ja.

En van die plakkate waarvan u melding gemaak het, ek het hierdie twee foto's gisteraand goed gekyk en dit lyk vir my asof die meeste is daar drie plakkate wat (10) sigbaar is in beide bewysstukke. Is dit reg? -- Dit lyk so.

Maar die ding was heeltemal nie - dit was onordelik, volgens die foto's. -- Volgens?

Die foto's het hulle net in 'n onordelike massa daar heen en weer beweeg of beweeg? -- Wel, ek sal sê op party stadiums was dit ordelik, dit is wanneer daar gesing is en wanneer daar die slagspreuke geskree is wat daar 'n bietjie onordelikheid geheers het.

En Bewysstuk Rally B.38 gee dit - is dit 'n goeie prent van hoe die studente daar saam was en hoe hulle (20) uitgesprei was. -- Dit is reg.

Nou u het wel gesê dat daar sekere plakkate daar binnekant die saal was. -- Reg.

Is u heeltemal seker dat die bewysstukke waarvan u melding gemaak het, was waarlik in die saal of kon u miskien 'n fout begaan oor een of twee van hulle? -- Van die wat ek genoem het wat in die saal was, is net Bewysstuk Rally B.28, B.29 en B.30.

Ja. En dit is net 'n klein punt, maar is u heeltemal seker dat hulle wel was binnekant die saal, aldrie van (30) hulle? -- Twee van hulle verskyn op die foto.

Ja/...

Ja, dit is reg, maar die derde een. -- Ja, ek is seker hy was daar.

U is seker. Goed. Nou daardie banier, ek dink die bewysstuk se nommer was Rally B.30? -- 31.

31. Hoe het dit in die hande van die polisie gekom? -- Dit was na die rally aan my oorhandig. Ek weet nie hoe dit in die hande van die polisie gekom het nie, een van die polisiemanne het dit aan my oorhandig.

Weet jy wat sy naam was? -- Ek kan nie meer onthou nie. Daar was heelwat van die plakkate afgehaal en saam (10) met die banier aan my oorhandig.

Het jy gesien dat enige van die polisiebeamptes daardie bewysstuk, Rally B.31, uit iemand se hand uitgegryp het? -- Nee, ek het nie gesien nie.

En ek stel dit nie aan u as 'n vraag nie, ek wil net graag weet, want u het gesê dat u het gesien dat daardie banier op die sokkerterrein was. -- Dit is reg.

Nou, u het gister getuig in verband met wat gebeur het net voor die klip gooiery begin het. Op die oomblik net voor die klip gooiery begin het, was die dames (20) op 'n ander gedeelte van die sokkerveld. -- Hulle was op die noordelike gedeelte van die sokkerveld.

En daar is alreeds getuienis dat majoor Erasmus het niks vir die studente gesê dat die dames moet van die mans studente met mekaar afskei. -- Daar was niks gesê nie.

Maar jy het wel gesien dat hulle van mekaar weggeloop het. -- Dit is reg.

Wat was u besig om te doen terwyl dit gebeur het; het u daarna gekyk of is daar ander dinge wat u aandag moes bevestig? -- Daar was baie dinge wat daar gebeur het, (30) ek het na baie ander dinge ook gekyk, maar ek het gesien dat hulle weg/...

dat hulle weg beweeg van die mans studente af.

Nou, is u heeltemal seker, as u getuig het gister, dat u het die indruk gekry dat die mans studente weg van die veld wou gaan in die rigting van hulle koshuise? -- Ek was onder die indruk dat hulle op pad is na hulle koshuise toe.

En soos u gister getuig het, was hulle alreeds by die teerpad. -- Party was al oor die teerpad.

En hulle het terug .. -- Teruggedraai.

Kyk asseblief na Bewysstuk Rally B.34. U Edele, (10) dit is die verkeerde bewysstuk, ek is jammer, dit is Rally B.54. It is a photograph that was taken subsequently. Nou die teerpad is daar baie sigbaar daar op die suidekant van hierdie foto. -- Dit is korrek.

En u sê dat 'n hele klomp van die mans studente het daar op die - was daar op die gras by die bome net voor die koshuise. -- Nee, nie op daardie stadium nie.

Voordat hulle omgedraai het. -- Kyk, hulle het geloop, sommige van hulle, van die voorstes was al oor die pad gewees en die groot groep op die agterkant het omge- (20) draai en op die wal party gaan sit, die ander het gestaan. Toe het van die wat oor die pad is, omgedraai en ook weer teruggekom.

En hoe lank was hulle daar toe hulle omgedraai het en daar gaan sit of staan op die wal voordat u die bottel gesien het deur die lug kom? -- Dit kan tussen 3 en 5 minute wees.

En tussentyd, wat het hulle gedoen? -- Hulle het gesing.

Enigiets anders? -- Ek het gesien dat hulle die Swartmag teken gee.

Enigiets anders? -- Nie enigiets anders besonders (30) nie.

En/...



En wat het daarna gebeur? Het daar enigiets gebeur voordat die bottel deur die lug gekom het? -- Die enigste van belang wat ek kan onthou is dat majoor Erasmus nog 'n tyd gegee het en gesê het: "You have got 2 minutes left."

Volgens u gedagtes oor hierdie ding was dit baie belangrik dat majoor Erasmus daardie bevel op die oomblik gegee het, want hulle het weer daar - nie vergader nie, maar hulle was daar in 'n klomp. -- Volgens my mening was dit. (10)

Nou ek stel aan u dat u geen melding gemaak het van die feit dat die studente het weer slagspreuke gemaak en weer gesing daar op die wal en dat majoor Erasmus weer vir hulle bevel gegee het, toe u getuienis gegee het voor Regter Snyman.

DEUR DIE HOF: Maar het dieselfde nie ook maar hier gebeur totdat u hom die vraag gevra het nie?

MNR. ALLAWAY: Nee, Edele, hy het dit in sy hoofgetuienis gesê. -- Dit is so dat ek dit nie by die kommissie gesê het nie. (20)

Ek wil net kortliks op rekord kry wat u wel voor die kommissie gesê het in hierdie verband en ek sal so gou as moontlik deurlees asseblief. Dit is op bladsy 57 en jy het as volg getuig vanaf lyn 12:

"Hulle het gestap teen die wal tot in die pad en ek was onder die indruk dat hulle op pad was na hulle koshuise toe. Toe het hulle almal omgedraai, teruggekom, party het op die wal gaan sit en ander het gestaan. Ek was op hierdie stadium op die suid-oostelike hoek van die veld. Die polisiemanne/...

 (30)

polisiermanne was redelik versprei gewees."

Stem u saam dat u wel dit gesê het voor Regter Snyman? --Ja.

En in daardie sin wat ek net gelees het, is geen melding gemaak van die feit dat hulle slagspreuke daar gemaak het en daar weer gesing het. Stem u saam? -- Ek stem saam.

En u gaan aan as volg:

"Die polisie was aan die kant en ook op die veld."

Is dit wel korrek? -- Dit is reg. (10)

"Ek het gesien dat 'n bottel deur die lug trek bo-oor die studente en by die polisie-manne val."

-- Reg.

"Daar het ook enkele klippe deur die lug getrek."

Is dit wel korrek dat u so getuig het en is u getuienis wel korrek? -- Dit is reg.

"Majoor Erasmus het toe die opdrag gegee dat die studente uiteen gedryf moet word. (20)

Daar was enkele traanrookpatrone afgeskiet."

En toe gaan u aan om te beskrywe wat gebeur het daarna. Maar ek wou net jou geleentheid gee om te verduidelik hoekom, toe jy onder die omstandighede getuig het voor Regter Snyman, u het geen melding gemaak van die feit dat voor die klippe gegooi was, eerstens het die studente weer slagspreuke gemaak en gesing. Kan u 'n verduideliking gee asseblief? -- Ek kan nie 'n verduideliking gee nie.

Maar tweedens, maar van meer belang, dat u geen melding gemaak het van die feit dat majoor Erasmus (30) vir hulle gesê het: "you have got a further 2 minutes left."

Want/...

Want daardie bevel van majoor Erasmus was 'n belangrike bevel, nie waar nie? -- Ek kan nie sê dit was belangriker as enige ander bevel wat hy gegee het nie, hy het kort-kort die tyd wat oorgebly het van die 15 minute aan die studente bekend gemaak.

Dit is nie die effek van wat u gister gesê het om die indruk te maak dat die klip gooiery en die bottel het deur die lug gekom omdat die studente net 2 minute meer gegee was om uit mekaar uit te gaan. -- Dit is nie die indruk wat ek wou probeer skep nie. (10)

Want ek stel aan u dat die klip gooiery het wel begin nadat die knuppel storm plaasgevind het. U betwis dit? -- Ek betwis dit.

Kyk asseblief na Rally B.41. Waarvandaan af het die klippe gekom as 'n mens na hierdie bewysstuk kyk? Was dit van die linkerkant, dit is die suidekant van die wal, die middel, of die oostelike kant? Of oor die koppe van die studente wat op die wal was? -- Soos ek gesê het, oor die koppe van die studente wat voor op die wal was.

En van watter rigting, in die omgewing van meer (20) die westelike kant van die wal of die middel van die wal of die oostelike kant? -- Soos ek my voorstaan was die bottel wat gegooi was, was meer na die westekant toe gewees van die wal en ek weet nie presies uit watter rigting die klippe gekom het nie, maar hulle het min of meer in die middelste gedeelte van die wal geval op die terrein, voor die wal.

As u praat van enkele klippe, wat bedoel u? U kan nie presies sê nie hoeveel? -- Vier, vyf.

En onmiddellik daarna, volgens u getuienis gister, was die bevel gegee deur majoor Erasmus om hulle uit mekaar (30) uit te jaag. -- Dit is korrek.

En/...



En volgens u getuienis jy sê 'n mens kan nie wat gebeur het 'n knuppel storm noem nie, want alles was oor en klaar binne 30 sekondes. -- Dit is reg.

En bedoel u dat toe die polisiebeamptes begin om voort te loop, het die studente wel weggehardloop? -- Dit is reg.

Het u wel gesien of enige van die polisiebeamptes in mekaar met die studente in mekaar in ingekom het, tussen mekaar gekom het? -- Daar het van die polisiebeamptes tussen die studente ingekom. (10)

Het dit op die wal gebeur of op die sokkerveld of waar? -- Wel, dit was so regtig 'n deurmekaarspul, ek kan nie sê nie, hulle was oral tussen hulle gewees. Die een spesifieke geval wat ek kan noem is die student wat oor die veld gehardloop het en geval het toe hulle hom gegryp het.

En dit het gebeur op die sokkerveld. -- Ja, hulle het hom gevang op die oostelike wal naby die saal.

'n Mens kan sien op hierdie Bewysstuk Rally B.41 waar is hy gevang of is dit beter om te sien op Rally B.54? -- Ja, dit sal min of meer hierso by die - regoor die saal wees op die oostelike wal. (20)

Of op die wal of op die sokkerveld. -- Ja.

In die omgewing. Was hy deur 'n hond gevang hierdie student? -- Nee, hy was nie deur 'n hond gevang nie.

Het u wel gesien of hy met 'n knuppel deurgeloop het? -- Nee.

U kan nie daarop kommentaar nie? -- Ek kan nie daarop kommentaar lewer nie. Hierdie student was egter na die opruktrok geneem en later losgelaat. Hy het nie 'n probleem gehad nie. (30)

Hy/...

Hy is fris en gesond. -- Ja.

Is u getuienis wat u gegee het voor Regter Snyman, gee dit 'n goeie idee wat wel gebeur het? Ek lees vanaf bladsy 57, vanaf lyn 26. U het gesê:

"Daar was eintlik traanpatrone afgeskiet.

Die studente het onmiddellik uit mekaar

gehardloop en tussen die koshuise in."

Is dit korrek? -- Dit is korrek.

Maar hierdie sin is van meer belang:

"Ek kon nie sien hoeveel van hulle elkeen (10)

'n hou met die knuppel gekry het in die

deurmekaar hardlopery daar nie."

Dit is reg? -- Dit is reg.

En u het aangegaan en gesê die hele ding was binne 30 sekondes alles verby. -- Ja.

Ek weet nie of dit U Edele hier wel help om ander getuienis aan u te stel, maar ek het die getuienis van konstabel Van der Merwe goed gisteraand deurgelees en ek wou net aan u stel dat hy praat van die feit dat die studente op die wal gaan staan en sit het en toe het dié (20) studente begin klippe gooi. Kan jy daarop kommentaar? Die aard van die kwessie - hy praat nie van die studente weggehardloop het en weer teruggekom het nie. Stem u saam met hom? -- My indruk was gewees dat die studente besig was om na hulle koshuise toe te gaan. Dit is eers toe hulle op die wal en in die teerpad kom en hulle weer omdraai dat ek besef het hulle gaan nie na hulle koshuise toe nie.

En op geen stadium toe hulle op die wal was, het jy gesien dat 200 of 300 van hulle klippe daar gooi van die wal af? -- Nie so baie nie. (30)

Maar as dit wel gebeur het, u moes dit gesien het. --

Ek/...

Ek sou dit moes sien.

En ook van die getuienis van konstabel Naude en konstabel Freitag, altwee van hulle praat dat die studente op die wal gesit of staan het en begin klippe gooi van die wal af, nie weggegaan het en teruggekom het.

DEUR DIE HOF: Is u reg daarso? Ek het die indruk gekry van Freitag se getuienis dat hy gesê het dat dit lyk of die studente teruggekom het en daarom het hy met sy hond oor die veld geloop.

MR ALLAWAY: M'Lord, I have got the various passages (10) I have marked them. Anyway, we shall have to deal with this at the end of the case. I just wanted to give the witness an opportunity to deal with it. If I am wrong, then the record will correct me, but I do not believe I am wrong. En daar was 'n mnr. Kloppers en 'n professor Crafford wat ook getuig het voor die kommissie, voor Regter Snyman. -- Dit is reg.

Volgens hulle getuienis het hulle die indruk gekry dat die klip gooiery begin het na die knuppelstorm. U stem nie saam met hulle getuienis nie? -- Nee, ek stem nie saam (20) daarmee nie.

DEUR DIE HOF: Wat het van die vroue studente geword wat noord geloop het? -- Hulle het daar op die noordelike kant van die veld bly staan, daarvandaan af geskree. Ek kon sien dat van hulle wou teruggaan na die mans studente, maar daar was van die mans studente wat hulle probeer verhoed het om terug te gaan na die groep mans studente toe.

Was daar mans onder hulle gewees? -- Daar was een of twee mans studente onder by die vroue gewees, maar daar was nie baie vroue studente bymekaar gewees onder op (30) die veld nie. Ek twyfel of dit meer as 9 of 11 kon gewees het/...



het op daardie stadium.

Wat sou van die ander geword het, of was daar nie so baie vrouens nie? -- Daar was nie baie vrouens gewees nie.

MNR. ALLAWAY: Die aspek van u getuienis in verband met Ledwaba, u het gesê dat u was saam met mnr. Rees, my Geleerde Vriend op 14 Augustus toe mnr. Rees sekere vrae aan hom gevra het in verband met sy getuienis. -- Dit is reg.

Hoe lank was mnr. Rees saam met hom? -- Dit kon gewissel het tussen 30 minute en 'n driekwartier. (10)

En was u die hele tyd teenwoordig? -- Nee.

Kan u sê of, terwyl u teenwoordig was, enige melding gemaak was van die aspek van Ledwaba se getuienis wat het betrekking tot Ruben Hare en wat hy gesê het te Turfloop toe hy onder-president was van SASO? -- Ek kan onthou dat mnr. Rees vir hom gevra het of hy teenwoordig was met die Formation School toe Ruben Hare sy toespraak gelewer het.

Dit is op 14 Augustus? -- Dit is reg.

En wat het hy geantwoord? -- Hy het gesê hy was (20) daar.

En volgens wat u daar wel gehoor het, sou mnr. Rees wel geweet het dat dit is iets waaroor Ledwaba kan getuig? -- Dit sal so wees.

En u het die betrokke verklaring van Ledwaba geneem. -- Dit is reg.

En toe hy (dit is Ruben Hare) so gepraat het, jy het wel geweet hy was die onder-president van SASO? -- Ek was nie daar teenwoordig nie.

Nee, maar toe Ledwaba dit vir jou gesê het. -- Toe (30) ek die verklaring geneem het?

Ja/...

Ja. -- Dit is reg.

En u het wel geweet, ek sou gedink het, dat in die nuwe aanklagte teen die beskuldigdes dit word gesê dat sekere van die beskuldigdes - I will read it to you in English, it is in English -

".. conspired with each other and with others to commit the following acts, namely acts to bring about a revolutionary change of the political, social and economic system of the Republic by a constitutional and/or violent means or by the threat of such means." (10)

-- Korrek.

U dra kennis daarvan. -- Ja.

Hoe lank is u nou in die polisie? -- Omtrent so 24 jaar.

En ek sou gedink het dat jy sou wel geweet het dat wat Ruben Hare wel gesê het by die Formation School is getuienis wat van belang is in verband met hierdie klagte, want hy is die onder-president van SASO op die stadium toe hy gepraat het. Stem u saam? -- Praat u nou van die klagte teen Ruben Hare? (20)

Nee, die klagte teen hierdie ... -- .... beskuldigdes.

Ja, want die onder-president van SASO en hierdie beskuldigdes hier is aangekla as lede van SASO, het 'n verklaring gemaak, hy het 'n uitspraak gegee daar wat geweld bedoel het. -- Dit is reg.

Was u teenwoordig toe Ledwaba getuig het in hierdie hof in sy hoofgetuienis? -- Ek was nie teenwoordig nie.

Ek kan vir u sê dat hy geen melding gemaak het in sy hoofgetuienis van hierdie aspek van die saak, dit is wat Ruben Hare wel gesê het te Hammanskraal en geen vrae was aan/... (30)

aan hom gestel in hierdie verband deur my Geleerde Vriend.  
Weet jy dit of nie? -- Ek weet dit nie.

Ledwaba het getuig, hy het sy hoofgetuienis begin op  
'n Maandag. Onthou jy dit of nie? -- Ek kan nie onthou of  
dit op 'n Maandag was nie.

Die rekord sal vanself praat, dit was waarlik 'n  
Maandag volgens die rekord. U Edele, die rekord is op  
bladsy 189 and the first adjournment was at page 212, it  
looks like the luncheon adjournment and then cross-  
examination began, M'Lord, at page 217. Re- (10)  
examination began on the 19th August, at page 253. Was  
Ledwaba 'n getuie wat onder u beheer was? -- Dit is reg.

En het u wel hom hof toe gebring op die Maandag, die  
18de van Augustusmaand? -- Reg.

Hy het wel begin getuig op 'n Maandag. Onthou u dit?  
-- Ja.

En was u nie binne die hof - ek maak geen melding van  
hierdie punt nie, maar was u nie binne die hof enige tyd  
toe hy getuienis gegee het nie? -- Ek het nie te enige tyd  
wat Ledwaba getuienis gegee het, in die hof ingekom, (20)  
behalwe om 'n dokument miskien te kom haal.

I do not suggest any impropriety at all, I just want  
to get the facts. En die verdaging, die kort verdaging, die  
tee verdaging die oggend, wat het u met Ledwaba gedoen? --  
Ek het met hom in mnr. Rees se kantoor gaan sit.

Mag miskien? -- Ja-nee, ek dink ek het daar gaan sit.

Die hele tydperk met Ledwaba? -- Dit is reg.

En waar was mnr. Rees? Was hy teenwoordig of nie? --  
Mnr. Rees het daar ingekom.

Het jy miskien tee met hom gedrink? -- Nee. (30)

Was daar enige gesprekke daar? -- Nee.

Behalwe/...



Behalwe u, mnr. Rees en mnr. Ledwaba, wie was daar? -- Ek weet nie of dit op dieselfde dag was nie, maar daar was op een dag was die getuie Bawa en kaptein Du Toit ook daar in dieselfde kantoor.

Maar u kan nie sê onder eed of dit dieselfde dag was of nie. -- Ek kan nie sê of dit dieselfde dag was nie.

En middag etenstyd, wat het gebeur met Ledwaba? Dit is Maandag, die 18de. -- Ek het hom na Compol-gebou geneem en vir hom 'n ete gekoop.

En hy het ook getuig, Ledwaba, op die 19de. (10)  
Onthou u dit? Dit is die Dinsdag. -- Ja, hy het die volgende dag ook getuig.

Gedurende die kort verdaging die dag, waar was hy geneem? Dit is die Dinsdag. -- Die Dinsdag, dit sal ook na mnr. Rees se kantoor gewees het.

Wie was teenwoordig? -- Ek was daar gewees.

Wie anders? -- Mnr. Stadler het daar ingekom.

Enige ander Staatsgetuie? -- Soos ek reeds gesê het, ek kan nie onthou watter dag Bawa daar was nie.

Of watter tyd, of dit 'n kort verdaging was of (20)  
'n lang verdaging vir die dag verdaging. -- Ja.

U kan nie sê nie. -- Nee.

En toe die Hof verdaag het die Maandag, wat het gebeur met Ledwaba? -- Ek het hom eers na Compol-gebou geneem, daarna teruggestuur na Erasmia.

Nie na mnr. Rees se kantoor nie? -- Nee.

En hoekom het - hoekom was dit nodig om Ledwaba na mnr. Rees se kantoor te neem gedurende die kort verdaging van die Hof? Ek verstaan dit glad nie.-- Dit is die enigste kantoor wat ons het waar ons kan gaan sit en die getuie (30)  
uit die gedrang uit te hou.

Maar/...

Maar ek het wel gesien - of het jy gesien - ek kan nie getuig nie - het jy wel gesien dat die getuie Harry Singh gedurende die kort verdagings van die hof daar buitekant gesit, net buitekant die deur? Daar was polisiebeamptes wat saam met hom gesit het. -- In die gang, ja, dit is reg.

Maar waarom kon dit nie gedoen word het met Ledwaba en met Bawa? -- Ek weet nie. Ek het vir Ledwaba op geneem na mnr. Rees se kantoor om daar te gaan sit.

En toe Ledwaba onder u beheer was, het dit wel (10) elke dag gebeur dat jy hom na mnr. Rees se kantoor geneem het gedurende die kort verdaging van die Hof. -- Ja, ek het nooit met hom hier in die gang **gesit** nie.

DEUR DIE HOF: Ek weet nie of ek onder die verkeerde indruk is nie, maar my indruk is dat Singh is nie in hegtenis nie, is dit nie? -- Ja, hy is - dit is maar net 'n vergunning wat aan hom gemaak is.

Ja, maar hy is op vrye voet. -- Ja, hy is op vrye voet.

Prakties gesproke, maar die ander manne is .. -- Ja, hy is in hegtenis. (20)

MNR. ALLAWAY: En wat van Bawa? Hy is nie in hegtenis toe hy getuienis gegee het, hy het in Johannesburg gebly, met 'n man Asvat gebly. -- Ek dra geen kennis van Bawa se omstandighede nie.

DIE HOF VERDAAG VIR TEE. DIE HOF HERVAT.

SAREL JOHANNES STRYDOM: nog onder eed:

VERDERE KRUISONDERVRAGING DEUR MNR. ALLAWAY: Was die getuie Singh op enige stadium onder u beheer? Na die hof begin het en terwyl hy sy getuienis gegee het. -- Ek kan onthou dat ek partykeer hier in die gang by hom gesit het (30) terwyl hy gewag het. Ek het - nee, dit is nie met hom wat ek/...

ek die middag terug gestap het nie, dit was met Bawa gewees.

En onder wie se beheer was Bawa? Kaptein Du Toit? --  
Kaptein Du Toit, sover my kennis strek.

Na die hof verdaag het die Maandag, die 18de, dit is die lang verdaging omtrent vieruur, kan u sê wat u wel gedoen het, waarheen u gegaan het voor u Compol toe gegaan het? -- Was dit met die lang verdaging?

Ja, die lang verdaging. -- Ek het na Compol-gebou gegaan.

Het u miskien nie na mnr. Rees se kantoor gegaan (10) voordat jy Compol toe gegaan het? -- Nie wat ek my kan voorstaan nie.

Maar kan u heeltemal seker wees van die feit dat u nie miskien na sy kantoor gegaan het voordat jy Compol toe gegaan het? -- Nee, ek kan nie met sekerheid sê nie.

Want Ledwaba het in sy getuienis gepraat hier (dit is op bladsy 359) van 'n geleentheid toe hy mnr. Rees gesien het en hy het gesê dit was 'n Maandag, terwyl die Hof verdaag het en hy het gesê dat mnr. Rees het hom gevra in verband met Ruben Hare se uitspraak - nie uitspraak (20) nie, met sy toespraak. -- Die enigste geleentheid wat ek van weet waar mnr. Rees met hom gepraat het oor Ruben Hare was by Erasmia Polisiestatie.

Volgens u getuienis - nee, ek trek die vraag terug - kon dit wel gewees het dat mnr. Rees hom gesien het en jy was nie teenwoordig nie, terwyl hy getuienis gegee het? Is dit moontlik? -- Nee.

Want volgens jou getuienis moes Ledwaba hierdie hele storie uit sy duim uit gesuig het dat hy wel mnr. Rees gesien het en dat hy vir hom gesê het wat die probleem (30) is in verband met Ruben Hare? -- Dat hy mnr. Rees gesien het

is/...



is wel so, maar mnr. Rees het nie met hom gesels nie.

Nee, nadat sy getuienis begin het. -- Nadat hy sy getuienis begin het, het mnr. Rees nie met hom gesels nie.

Want ek stel aan u dat Ledwaba is wel korrek. Jy betwis wat ek sê of nie? -- Ek betwis dit.

Weet u hoekom die getuie Bawa daar saam met Kaptein Du Toit was in mnr. Rees se kamers? -- Ek weet nie.

Daar is verskillende tafels daar in die kantoor. -- Ek weet dat hy, voordat hy begin getuienis gee het, het hulle daar met hom gesit en wag. Ek vermoed dit was die (10) enigste rede.

Gister het u vir my hierdie dokument gegee, dit is 'n kwitansie. -- Dit is reg.

En daar is nou rooi merke op die dokument wat nie daar was nie, toe u dit vir my gegee het nie. -- Dit is reg.

Dit is wel 'n ware afskrif van die kwitansie wat u sou vir beskuldigde No. 6 gegee het? -- Dit is 'n ware afskrif van die kwitansie wat ek vir beskuldigde 6 gegee het.

M'Lord, I would like that to be handed in as an exhibit, without interfering with the State's exhibit (20) references. Could my Learned Friend indicate what exhibit number this could be given?

MR REES: Exhibit M.

MR ALLAWAY: Exhibit M.

DEUR DIE HOF: Dit is 'n kwitansie vir dokumente wat u van No. 6 geneem het? -- Dit is reg.

MNR. ALLAWAY: Nou van die dokumente wat jy gevind het is item No. 3, The Nation is Shattered. -- Dit is reg.

En u het melding gemaak in u getuienis nie van elkeen van hierdie 28 dokumente, maar net van 'n paar van (30) hulle. -- Dit is reg.

Waar/...

Waar is die ander dokumente wat u nie ingehandig het nie? -- Dit is nog in my besit.

En hulle is verkrygbaar as dit nodig is? -- Hulle is verkrygbaar as dit nodig is.

Onthou u terwyl beskuldigde No. 6 in hegtenis was, onder Artikel 6 van die Terrorismewet, u het vrae aan hom gestel in verband met hierdie dokument "The Nation is Shattered". -- Dit is reg.

En dit was waarlik in verband met woorde wat No. 3 gebruik het te Turfloop op die dag van Compassion in (10) Augustus 1974. -- Ek sal na die dokument moet verwys. Dit is te lank terug, ek kan nie onthou nie.

Is die dokument onmiddellik verkrygbaar of nie? -- Nie onmiddellik nie.

Na middagete kan u dit kry? -- Na ete.

Ek gaan aan nou in Engels in verband met 'n paar aspekte van u getuienis, want in hierdie omstandighede het u wel met beskuldigdes No. 6 en 7 altyd in Engels gepraat. En as daar enigeen van my vrae wat u nie goed verstaan nie, moet u net sê en dit sal herhaal word in Afrikaans. (20) U het getuienis gegee in verband met die geleentheid toe jy die dokumente van beskuldigde No. 6 gekry het. -- Dit is reg.

Nou volgens my instruksies was hy nie op daardie stadium in hegtenis geneem nie. -- Hy was nie in hegtenis geneem nie.

Hy was - het u hom arresteer saam met luitenant-kolonel Muller? -- Watter beskuldigde verwys u na?

Dit is No. 6. -- No. 6 is nie deur my gearresteer nie, hy is in Durban gearresteer.

Jammer, ek begaan 'n fout - No. 7. Nou net om (30) die posisie te verduidelik. Toe jy by sy kamer ingekom het/...

het met die hulp van 'n skroewedraaier .. -- Ek het my knipmes gebruik.

Onthou jy dat beskuldigde No. 6 wel vir jou gesê het toe jy gevra het om die deur oop te maak, hy gesê het: he could not open it, because the university had not given authority for you to visit him during the night? -- Beskuldigde het nooit met my gepraat nie.

Glad niks nie? -- Nee.

Voordat jy ingekom het? -- Voordat ek ingekom het, het hy nie met my gepraat nie. (10)

Was een van die polisiebeamptes wat saam met u was, of iemand wat saam met u was, het hy 'n geweer gehad, nie 'n pistool nie maar 'n geweer? -- Nee.

Betwis u dit? -- Ek betwis dit.

En as daar getuienis is tot die effek dat jy gevra was in Engels: if you had consulted the warden, Prof. Lukela, who was in charge of the hostel as to whether you could get in, wat sal u sê? -- Daar bestaan nie soiets nie.

En toe jy daar in die kamer ingekom het, het jy nie vir beskuldigde No. 6 gesê: are you going to sue me (20) for having broken into your room now? -- Nee.

My Lord, I do not know to what extent this is really relevant, but I do not want to not put something that may be foreshadowed by evidence and have the accused possibly blame Counsel for not doing something. Jy het 'n lasbrief saam met jou gehad? -- Dit is reg.

En volgens my instruksies het jy dit aan hom getoon. -- Ek het dit aan hom getoon.

And didn't it read JeF Nevolo Vhodwe? -- Nee, sy naam en sy kamer nommer verskyn op die lasbrief. (30)

Is daar nog 'n afskrif van daardie lasbrief beskikbaar?

-- Ja/...



-- Ja.

BY THE COURT: Are you disputing that he .. (intervenens)

MR ALLAWAY: M'Lord, according to my instructions the name that appeared was Jef Nevolo Vhodwe and the accused said to the major, he said: look, you cannot search my room, I am not Jef. Het hy soiets gesê? -- Hy het nie soiets gesê nie.

And didn't you, with the assistance of a screwdriver replace the lock on the door which you had interfered with in order to get into the room? -- Ek het net die (10) skroefies van die buitenste deel wat onder die slot is, afgeskroef met my knipmes. Ek het dit teruggeplaas.

Section 6 of the Terrorism Act I take it you are familiar with that section. -- Ja.

It says, amongst other things, that a person detained under that section may be detained under such conditions as the commissioner or the minister may direct until the commissioner orders his release when satisfied that he has sufficiently replied to all questions at the said interrogation or that no useful purpose will be served (20) by further detention. -- Dit is reg.

Now would I be right in thinking that you did at a later stage question accused No. 6? -- Dit is reg.

And is it fair to say that from your investigations of the case before you questioned him, you had formed certain conclusions in your own mind about the interpretation of certain documents which had come into your possession? You had formed a view about it. -- Ja, ek het 'n opinie gevorm van dokumente wat ek gesien het.

And one of the views, I suggest, which you had (30) formed, was that SASO had infiltrated the SRC at Turfloop and/...

and got it ejected from office and replaced it with SASO men. -- Dit is die indruk wat ek gekry het.

And I take it you were satisfied in your own mind from what you then knew about the situation, that that was the truth. -- Dit is so.

And I would have thought that any person conducting investigations pursuant to Section 6, has got to come to a conclusion in his own mind as to what the truth is. -- Dit is reg.

And would it be fair to say that the commissioner (10) who is authorised to decide when people are to be released, he would have to rely heavily upon, for example, someone like yourself, who would tell him: look, I am satisfied this man is speaking the truth, now he can go. He would have to rely upon that sort of information, wouldn't he? -- Ja, dit is reg, hy sal vir ons moet vra of daar nog enige nodigheid is vir die man se verdere aanhouding.

And you understand by the words "when satisfied that he has satisfactorily replied to all questions at the said interrogation" that that means satisfied means (20) satisfied he is talking the truth, because that is the only way he can give a satisfactory answer, isn't it? -- Dit sal seker so wees.

So the very wording of Section 6, the way you interpret it, is that the man could only qualify for release from interrogation when you are satisfied that he is speaking the truth, for unless he is further detained, he will serve no further purpose. -- Nie noodwendig dat hy die waarheid praat nie.

But how can he be replying satisfactorily if you (30) are of the view that he is telling you things which are false/...

false? -- Wel, hy kan oor dinge gesels wat hy van weet en daar mag dinge wees wat ek van weet wat hy nie van weet nie, dan kan ek nie verwag dat hy daarvan moet praat nie.

I think it follows from what you have told His Lordship that basically you could only in your own mind be satisfied that he is answering questions satisfactorily in replying satisfactorily within the meaning of Section 6, if you are of the view that he is telling the truth substantially. It follows, doesn't it? -- Ja.

And would you, as an investigating officer, I (10) take it you are an investigating officer on the Turfloop matter. -- Ja, ek was gemoeid met die ondersoek van Turfloop.

If you were, for example, not satisfied with accused No. 6 or 7, that they were telling you the truth, but that they were trying to pull the wool over your eyes, in the answers they were giving, I take it that you would not easily form the view that they should be released ... (inaudible - speaks very fast) .. because they had not answered their interrogation in a satisfactory manner, had they? -- Ek kan nie sê hulle het nie op 'n bevredigende (20) wyse geantwoord nie.

You say that they did? -- Ek glo dat wat hulle vir my gesê het, redelik waar is.

Have you ever considered the question then of releasing them? -- Hierdie was 'n gesamentlike ondersoek. Die beslissing kon eers gemaak word na al die verklarings in ag geneem is en voor die Prokureur-generaal gelê is.

Did you at any stage ever apply any pressure and I will go into this in somewhat more detail, to accused No. 6 with regard to his interrogation? Did you at any stage (30) ever apply any pressure of any kind to accused No. 6 with regard/...



regard to his interrogation? -- Nee.

To your knowledge, did any other persons ever do so who were members of the Security Branch? -- Nee.

According to my instructions the first occasion that accused No. 6 would have seen you, after being detained in terms of Section 6 of the Terrorism Act, would have been when he was at the Pretoria Prison on either the 16th or 17th October, 1974. Can you dispute that? -- Nee, ek kan dit nie betwis nie.

And would you agree or disagree with the evidence (10) that he was brought to Compol Building, that is a building where the Security Branch have their offices in Pretoria, isn't it? -- Dit is reg.

He was brought there on one or other of those days and he appeared before you - not appeared, there was present you, a Mr Nel and a Mr Fourie. -- Dit is reg.

Plus two other gentlemen, I am instructed, whom he does not know by name. -- Daar mag van die ander lede daar in die kantoor ingekom het.

And did a Mr Kruger, who is a member of the (20) Security Branch come in at a later stage? -- Luitenant Kruger was op 'n stadium ook in die kantoor.

And someone on this occasion spoke to him in Afrikaans, I suggest, and asked him this: jy is die president van SASO en ons sal sorg dat jy vandag ons alles oor SASO vertel. Miskien het iemand soiets vir hom gesê. -- Nie sover my kennis strek nie.

En hy was gevra om enigiets te sê in verband met sy kennis van SASO. -- Dit is reg, hy was gevra, ek het hom ook gevra. Ek het hom in Engels aangespreek en gesê (30) dat ons alles wil weet wat hy weet omtrent SASO.

And/...

And if there is evidence to the effect that upon being asked to do that, he said that he would like specific questions to be put to him instead of generalities, sort of questions in general, what would you say about that? He said: look, do not ask me things generally, but ask me specific questions. -- Ja.

And I am instructed he was told that what was wanted from him as president of SASO, he was required to help the police in all possible ways by giving them everything he knew about SASO. -- Ja. (10)

That seems to follow from what you said. -- Ja, ons kon nie op daardie stadium bepaal presies wat 'n getuie weet en wat hy nie weet nie. Ons wou graag geweet het wat die getuie self - wat sy kennis omtrent die organisasie is.

I suggest that he then started explaining to you that SASO was a student organisation for Black students in South Africa and it was striving for the liberation of the Blacks from psychological and physical oppression. He told you that. -- Dit is wat beskuldigde aan my gesê het.

And then apparently Mr Kruger interjected and (20) said - asked him what did he mean by psychological and physical oppression. Do you remember that happening? --Nee.

I take it you will not dispute it. It is a sensible question to ask. -- Nee, ek het vir hom so 'n vraag gestel wat hy daarby bedoel.

And I am instructed he replied to that question that the Blacks feel inferior and inept in most of their activities with an inferiority complex. Did he tell you that? -- Korrek.

And that therefore to him this was the manifesta- (30) tion of psychological oppression which has almost been born in/...

in their minds from birth. Did he explain that to you?

-- Ja.

And I suggest in order not to protract this cross-examination any longer than I have to, that he also gave you an explanation of what he meant by physical acts of oppression. Do you agree with that? -- Ja, hy het - toe ek vir hom gevra het in verband met oppression, toe hy sê Blacks are oppressed, toe het ek vir hom gevra by whom are the Blacks oppressed and he said the Blacks are oppressing themselves. (10)

Yes, I suggest in the context that they are not sufficiently instilled with Black consciousness and they are a divided group of people and as he thought they should get together through black consciousness. Isn't that the whole inference of his conversation with you? -- Dit is min of meer die betekenis wat hy daaraan geheg het.

But what is, with respect, of more importance, is that he told you or referred to acts in the daily lives of the Blacks which he regarded as being part of their physical oppression and obstacles to their way of life and (20) there was a retort, he cannot tell me whether you said so or Mr Naude or somebody else, but someone said that is a lie, you are only wasting time by trying to give these explanations. Did anyone say that to him? -- Nee.

Did anybody ask him in your presence to say what the unwritten policy of SASO was with regard to violence? -- Nee.

I suggest that was said on the occasion when he was first questioned at Compol, in your presence. -- Nie in my teenwoordigheid nie.

Did he ever say to you that SASO policy was to (30) be found in its constitution and that is the only policy

he/...



he knew of? -- Dit is korrek.

Did you believe it? -- Ek het dit aanvaar.

Did you ever have any reason not to believe it? On that matter. -- Sover my kennis gestrek het, hy het gesê dit is al wat hy van SASO se beleid weet en daar was geen ander manier wat ek kon vasstel of dit wel die waarheid is en of dit nie die waarheid is nie.

Did you believe it? That is the question. Did you believe him when he said that? -- Ek het nie geglo dat dit heeltemal die waarheid is dat SASO se beleid .... (10)  
(intervenes)

The question is, if you would like, I will repeat it in Afrikaans, but what I am saying is this, did you believe him when he told you that that is what he believed SASO policy to be? Did you believe him? -- Ek het hom geglo.

In your presence, I suggest, he was also asked to give explanations about BPC policy. Do you agree with that? -- Ek het hom gevra wat weet hy van die Black People's Convention.

Do you remember that the BPC constitution was (20) given to him and he was asked to explain why there were similarities between SASO and BPC? With reference to the constitution and policy. -- Dit is reg.

And did he tell you that as far as he was concerned, there were not similarities between the two constitutions? SASO was a student organisation and BPC was concerned with people who were not students. He will give that evidence to His Lordship. Will you agree with me that that was the explanation he gave? -- Dit mag so wees.

Did he tell you he had nothing to do with BPC? (30)  
It - he had ~~one~~ been an ordinary branch member. -- Ja, hy

het/...

het my gesê dat hy 'n gewone lid was van 'n tak.

That was something of the past, he was now SASO.

-- Dit is so.

And I suggest that on this first occasion he was also questioned about the Frelimo Rally at Turfloop. Is that right? -- Dit is reg.

And it was suggested that he was involved in the organisation of the pro-Frelimo Rally at Turfloop. That assertion was made. -- Ek het hom gevra of hy betrokke was by die reëlings. (10)

And I suggest he denied it. -- Hy het dit ontken.

Did you believe him? -- Ek het hom nie geglo nie.

Did you tell him that you did not believe him or did you just leave it at that? -- Ek het gesê ek glo nie dat hy die waarheid praat nie.

And I suggest to you that he explained to you that the SASO Local Committee had stepped out of the position and left everything to the SRC to arrange, because the SRC decided of its own volition to hold the rally. He told you that, didn't he? -- Dit is reg. (20)

I suggest that that explanation was quite unacceptable to you, you made it very clear to him that you did not believe it and you rejected it. Do you agree with me or not? -- Ek het die gedeelte dat hy nie betrokke was by die reëlings vir die rally, verwerp.

And I suggest that it was then said to him, in your presence, that there was only one thing left and that was corporal punishment. -- Nee.

And he was told that that was the only thing that students - said rather contemptuously - understand. (30)

-- No.

I/...

I suggest he was thereafter shaken, he was taken by - gripped and shaken quite violently; not by you, but by someone in your presence. -- Dit is nie korrek nie.

I suggest he was told that he was a traitor to the Venda's. -- Nee.

And that the Venda's were a well-behaved nation. --Nee.

I suggest he was also asked whether he was a Lemba, because if so he could be of help to the government. Did that happen in your presence? -- Nee. Ek het hom wel gevra of hy - van watter groep van die Venda's hy is, of hy (10) 'n Lemba is, want een van die lede op ons tak is 'n Lemba.

Did you find in your - I shall proceed to explain other occasions when you had contact with accused No. 6. Did you find that he was rather a religious - when I say a religious man, he was - he could quote quite well from the Bible, couldn't he? -- Dit is reg.

And he persistently - persistently is probably too strong - but he frequently gave you answers which came from the text of the Old Testament in particular. -- Dit is korrek. (20)

He certainly was knowledgeable, particularly on the Old Testament, wasn't he? -- Ek verstaan nie die woord nie.

Het dit vir jou gelyk asof hy baie kennis gedra het in verband met die Ou Testament? -- Dit is reg.

DEUR DIE HOF: Het u geweet of die tekse reg is wat hy kwoteer? -- Wel, die tekse wat hy geskryf het, was reg aangehaal.

GELAG

MR ALLAWAY: I take it they were not mechanically recorded. You did not record what he said about the texts in (30) the Bible. -- Nee, party van die tekse het hy self neerge-skryf/...



skryf.

He wrote them down. I suggest to you that on Friday, the 18th October, 1974, you again came into contact with accused No. 6, who appeared before you. Can you dispute that evidence? -- Ek kan dit nie ontken nie.

Tell me, in circumstances like this when you are interrogating a detainee, do you keep a diary as to when you see him and when you leave him and that sort of thing? Do you have any sort of record of when you visit him, question him? -- Ek het notas gehou. (10)

And those notes, would they have been put into a diary like a policeman's diary or something more sophisticated like being put into a file? -- Dit sal seker maar in 'n boek vorm wees.

Is that in accordance with any police regulation or is that something which is left to each individual gentleman of the Security Branch? -- Ek kan nie sê daar word in die regulasie voorgeskryf dat dit gedoen moet word nie.

But that is your practice? -- Ja.

DEUR DIE HOF: Word daar nie 'n ondersoek verslag (20) gehou soos in 'n gewone saak wat ondersoek word nie? -- Nee, daar word nie 'n ondersoek dagboek gehou nie.

MR ALLAWAY: So there is nothing for any senior officer to look at and examine as there would be in the case of an ordinary "lêer" and in connection with a criminal case. -- Daar is nie soiets nie.

And was your practice - I use the word "invariably" which means without exception - was your practice invariably - invariably does not mean often but sometimes not, it means every time - to make a note when you saw a particular (30) detainee, where you saw him and what time you saw him? -- Dit

is/...

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is/...



is reg.

Did you also keep a note of what - of the topics that you discussed with him or did you not go into that sort of detail? -- Nee.

So just a note as to when you saw him, where you saw him. Did you record the duration of the amount of time that you were with him? -- Ja.

And just to get finality to this, did you do that with regard to accused No. 6 and 7 during their detention? -- Dit is reg. (10)

And also with regard to accused No. 2 whom I understand you did have contact with at Compol. I will deal with that in more detail later. -- Ek het nie veel kontak met beskuldigde No. 2 gehad nie.

But you did have some contact with him. -- Dit is reg.

Remember he was sleeping under a set of stairs in a room with the map of South Africa on the wall. -- Ek dra nie kennis daarvan nie.

Allright, I will direct you to that later. Dealing with accused No. 6, I suggest that on the 18th October (20) he was again taken to an office where you, Mr Nel and Mr Strydom were present and another gentleman whom he cannot identify. Can you dispute that? -- Nee.

And once again I suggest he was questioned substantially on the same lines he had been questioned the first time, namely about SASO, its policy, BPC, the constitution, all that sort of thing was put to him again. Can you dispute that? -- Dit is reg.

And I hear, accused No. 6 instructed me, this might have been the 19th October; 18th or 18th. -- Dit mag (30) wees, ek kan dit nie betwis nie.

Didn't/...

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Didn't/...

Didn't he say to you: look, you questioned me about that before, you are going it all over it again? In other words, he was a little bit not assertive, he could hardly be assertive, but he was saying to you: look, you have been over this before, I do not want to go over this again. -- Hy het gesê hy het alreeds 'n verklaring gemaak.

But had he made a written statement? -- Hy het nie 'n geskrewe verklaring gemaak nie.

So he took exception, didn't he, to the fact that you were questioning him again about these things. Is (10) that right? -- Ek weet nie of hy eksepsie daarteen geneem het nie.

Wel, van sy houding af. -- Hy het net gesê dat hy het alreeds gesê wat hy weet.

Maar hoe het hy gesê? Ek stel dit aan u dat van sy houding af was dit blykbaar dat hy eksepsie geneem het oor die feit dat hy weer gevra was oor dinge wat hy alreeds gevra was tevore. -- Die indruk wat ek gekry het is dat hy net wou sê dat wat hy gesê het, wat daar gesê was het hy reeds gesê. (20)

I suggest he was then asked to take - did he wear glasses then? -- Ja, hy dra bril.

I suggest he was then told to take off his glasses so that whatever happened to him would not break his glasses. -- Nee.

And he was then requested to stand up shortly before you left the room. -- Geen kennis wat ek daarvan dra nie.

And I suggest you said to him just before you left the room that those there must see to it that he be pressurised to a stage where he would be ready to relate every (30) little detail of what was going to be beneficial. -- Dit is nie/...



nie korrek nie.

I am not suggesting you used the exact words, but I do suggest you used the word "pressurised". -- Ek het nie die woord "pressurised" gebruik nie of woorde tot daardie effek nie.

I suggest you asked the gentlemen whom you left behind, that would have been Mr Nel and Mr Fourie and the other people, to let you know and to call you back when No. 6 was ready to talk. -- Dit is nie so nie.

Well, you would not know - do you remember that (10) you did in fact leave accused No. 6 in the presence of Nel and Fourie? -- Dit is reg.

Can you recall possibly what the time would have been in relation to morning or afternoon? I suggest it was the morning, before lunch. -- Nee, ek sal nie kan sê nie.

You would not know what happened to him after you left the room. He is going to tell His Lordship that he was then assaulted. -- Ek het daarna weer verskeie kere die kantoor besoek.

That is correct. According to my instructions (20) you came in and out to find out whether he was going to talk. -- Nee.

What did you come back for? -- Ons het van verskeie kantore gebruik gemaak en deurentyd die kantore besoek waar die mense besig was met ondervraging.

What were your instructions, if any, to Nel and Fourie when you left? What were they to do? With accused No. 6. -- Hulle moes beskuldigde ondervra en 'n verklaring van hom kry.

But about what? -- Omtrent sy betrokkenheid in (30) die studente politiek, SASO.

Were/...

Were they supposed to get a written statement from him at that stage? Or just to question him verbally, that is mondelings? -- Ek dink op daardie stadium was dit nog net 'n geval van 'n mondelingse ondervraging.

Well, how did you think they were going to get anywhere with this man if his attitude was in your presence: look, you have already asked me about this before and I am not going to repeat what I said before, without pressure? How were they going to get anywhere in those ..(intervenes)

MR REES: M'Lord, so far I have not objected, but (10) there is no confession or anything before the Court here and I submit my Learned Friend should indicate to Your Lordship what the relevance of this cross-examination is as to the guilt or otherwise of the accused.

MR ALLAWAY: M'Lord, I have given very careful consideration to that, in fact I discussed with my Learned Junior whether we ought to embark upon this trail. It is not a pleasant trail to embark upon in any trial, but it is, with respect, in my submission, relevant to the arguments we might have to - we shall have to .. (intervenes) (20)

BY THE COURT: Well, you will have to indicate in what way it is relevant.

MR ALLAWAY: M'Lord, if at the conclusion of the trial Your Lordship has heard evidence from the accused about their treatment while they were detained in terms of Section .. (intervenes)

BY THE COURT: But is it relevant to this trial?

MR ALLAWAY: It is very relevant to this trial. If at the end of their evidence in this trial M'Lord has heard evidence about how they were treated in terms of (30) Section 6, it is perfectly .. (intervenes)

BY/...

BY THE COURT: But we are not investigating that. If they have complaints as far as that is concerned, then they should make their complaints and there will be either another case or a proper investigation.

MR ALLAWAY: We shall be submitting to Your Lordship at the conclusion of this case that evidence elicited in terms of Section 6 of the Terrorism Act is in fact valueless, because firstly, the circumstances of being detained ... (intervenes)

BY THE COURT: Who are you referring to? (10)

MR ALLAWAY: To State witnesses.

BY THE COURT: What State witnesses?

MR ALLAWAY: For example the witness Harry Singh.

BY THE COURT: He told you what happened to him.

MR ALLAWAY: M'Lord, we are going to submit that if there evolves from the evidence of the accused a pattern of questioning - M'Lord will recall the line I took with both Harry Singh and Bawa and I think Ledwaba, that the police had certain views of the matter, the police pressed their views, didn't they press their views on you, the gist (20) of what we shall be submitting at the end of the case is this, is that if you accept the evidence of the accused as to what happened to them in their treatment, it is probable that the other State witnesses were treated in a similar way. In any event .. (intervenes)

BY THE COURT: Despite the fact that they deny it?

MR ALLAWAY: The whole farce, if one can put it this way, of Section 6 of the Terrorism Act is that denials of that sort is valueless as long as the person is under detention. That is part of the argument we are going to put at the (30) end of the case and I am only canvassing this because in my respectful/...



respectful submission it will be relevant to argue and we shall have to address. I do .. (inaudible) .. with any measure of pressure save in the sense of duty.

BY THE COURT: Well, I think it is irrelevant and I think you will have to accept the witness's replies. You are persuaded that it is relevant. You can leave it open and you can bring the authority or further argument to show that it is relevant. If you have any complaint of that nature, you can lodge the complaint and the persons concerned can be prosecuted. (10)

MR ALLAWAY: M'Lord, that is quite clear, they have also go ... (intervenes)

BY THE COURT: And then also, they are visited by a magistrate and if you want to open that type of investigation, it means that you will have to call the magistrate to find out whether they complained. Did they complain to the magistrate in their cells?

MR ALLAWAY: Some of them did.

BY THE COURT: No, do not be so vague. Did your accused ... (intervenes) (20)

MR ALLAWAY: With regard to accused No. 6 I am not going to be vague, I can be specific, with respect. With regard to accused No. 6 he was told - he was threatened that if he did complain to the magistrate, he would get assaulted further. With regard to accused No. 7 .. (intervenes)

BY THE COURT: Yes, well, prima facie that is nonsense because the magistrate goes there and he explains his position. Who is the magistrate? I will summons him and ask him what the position is.

MR ALLAWAY: There are other accused who will be... (30)  
(intervenes)

BY/...

BY THE COURT: No, who is the magistrate to whom he complained?

MR ALLAWAY: Well, he does not know.

BY THE COURT: Doesn't he know who saw him?

MR ALLAWAY: A man just visits there and says he is the magistrate.

BY THE COURT: Can he say when he was interviewed by a magistrate after this treatment?

MR ALLAWAY: He was interviewed by a magistrate from time to time... (intervenes) (10)

BY THE COURT: ... if I have to embark on quite a different line of investigation which has nothing to do with this case, if you pursue that line of cross-examination.

MR ALLAWAY: I can only submit this .. (intervenes)

BY THE COURT: If it is relevant.

MR ALLAWAY: It must, with respect, be relevant to the credibility of the State witnesses who testified. It is also relevant in this sense .. (intervenes)

BY THE COURT: But how can it be relevant? How is it connected? It is unconnected circumstances, even if (20) they were assaulted.

MR ALLAWAY: I can only put it at this level. Say at the end of the evidence for the Defence you are satisfied the accused are speaking the truth about these matters, then it is clear that we can properly argue to Your Lordship that it is likely that there was a system of this sort used. I am not talking about assaults. There will be evidence of assaults if M'Lord allows that evidence to be given. I am talking more with regard to the psychological implications of detention under Section 6 of the Terrorism Act. (30)

You have got a man in the palm of your hand, you have your own/...

own views as to what the truth is, you keep him there for as long as you like, until you are satisfied he is speaking the truth.

BY THE COURT: So really so far it is that the State witnesses were not assaulted and your attack is irrelevant and you will have to accept the witness's replies, unless you can show that there is another feature to the case which makes it relevant.

MR ALLAWAY: When Your Lordship says to me, with respect, the witness's replies, does M'Lord mean the witnesses (10) Bawa and Singh or the witness Major Strydom?

BY THE COURT: The evidence before this Court is that as far as the witnesses who testified, they were not assaulted and if you are trying to show that they are lying because something happened to other people at another occasion, well that cannot be relevant as evidence, unless you can bring me authority that that is so.

MR ALLAWAY: M'Lord, His Lordship the Judge President of Natal had to deal with such a matter, His Lordship Mr Justice Harcourt dealt with such a matter; two trials (20) that I am aware of and evidence of this sort was allowed.

BY THE COURT: On what authority?

MR ALLAWAY: May we take time?

BY THE COURT: Yes, I think you had better, because prima facie I think Marx's case is against you, it is an Appellate Division case. It is similar but unconnected, those facts cannot be relevant unless you have some other reason.

MR ALLAWAY: May I just deal with this aspect of the matter? Both Singh and Bawa said they were not physically assaulted. Ledwaba I think said the same thing, he was never (30) physically assaulted. But each of them - I am sorry, Bawa and/...



and Singh certainly said that a form of pressure was brought to bear on them. Singh said it with - Bawa said it with less emphasis than Ledwaba, but Bawa made it quite clear.

BY THE COURT: I did not follow the evidence that way. He said he found himself in a spot that drew his attention to Section 6. He was in a spot, so what must you do.... (intervenes) ... allows evidence of physical violence into a case.

MR ALLAWAY: Anything that happens to the accused and (10) to the State witnesses whilst detained .. (intervenes)

BY THE COURT: We are just wasting time, Mr Allaway. Bring me your authorities.

MR ALLAWAY: I certainly do not want to waste time this time, I can assure you. What I want to do is to put M'Lord in a proper position to decide the case.

BY THE COURT: Yes. Prima facie I am not allowing cross-examination on the point, you will have to accept the witness's evidence, unless you can show that it is relevant and you are not going to rely on similar but (20) unconnected facts.

MR ALLAWAY: M'Lord, I want to understand Your Lordship's ruling. M'Lord is suggesting that we must not cross-examine for example, Major Strydom .. (intervenes)

BY THE COURT: I say that you must accept his answers and you can only cross-examine him on relevant matters. If you cross-examine him on irrelevant matters, you have to accept the witness's reply.

MR ALLAWAY: M'Lord, in other words, if I put to this witness what accused No. 6 or No. 7 says happened to (30) them .. (intervenes)

BY/...

BY THE COURT: Yes, it is irrelevant as far as Bawa, Singh and Ledwaba are concerned.

MR ALLAWAY: Assuming that to be correct, I would like to give further consideration to that. Assuming that to be correct, does M'Lord wish or rule that we should not cross-examine Major Strydom about his relationship with accused No. 6 and 7 or accused No. 2 with whom he also had a relationship? When I say relationship, I mean dealings with them as the interrogating officer.

BY THE COURT: How far is it relevant? If you can (10) show me it is relevant then I will allow you. If you cannot show me it is relevant then I will not allow it.

MR ALLAWAY: M'Lord, may I put this into a nut-shell? We shall probably be submitting at the end of this case that the Security Branch formed the view - certain views about SASO and BPC as to what their objects were and that because they held those views, rightly or wrongly, they were, in questioning the accused that we represent, they persisted in this sort of assertion ... (intervenes)

BY THE COURT: The State is not relying, as far as I (20) know, at this stage on the versions of the accused. If the State purports to rely on the versions of the accused, well, then you are perfectly entitled to pursue this line of cross-examination.

MR ALLAWAY: No, but if, with respect, I must make my point clear here, if it is correct that people who were interrogating the detainees, including the accused and State witnesses, held views about the ultimate outcome of Black consciousness, namely it would lead to violence, because eventually you cannot talk, you have got to (30) have confrontation, then .. (intervenes)

BY/...



BY THE COURT: That is a matter I will have to decide on the evidence. This witness is not the deciding issue.

MR ALLAWAY: No, M'Lord.

BY THE COURT: Why should it be so relevant what he thought about it?

MR ALLAWAY: To enable Your Lordship to know and decide the case properly, it is relevant to know to what extent, if I can be a little forthright, the views, the Security Branch sought to thrust their own views down the throats of people they detained. (10)

BY THE COURT: Well, we had Singh here and we had Ledwaba here and we had Bawa here. Now, you had every opportunity to ask them these questions.

MR ALLAWAY: I did put this to them.

BY THE COURT: Well, you have got the replies. Why do you want to worry this witness about it?

MR ALLAWAY: Because if the witness - if accused No. 6 goes into the box and says this happened to me and No. 7 says this happened to me and No. 1, 2, 3, 4 to No. 9 says this happened to me. (20)

BY THE COURT: How is it relevant as far as Bawa and Singh are concerned?

MR ALLAWAY: But, M'Lord, we can ask M'Lord to draw inferences that Bawa and Singh are not speaking the truth.

BY THE COURT: Merely because this witness assaulted somebody else?

MR ALLAWAY: Because there might - I am not concerned at the moment directly with assaults, I am more concerned with the psychological pressure... (intervenes)

BY THE COURT: Get authorities on that because I think .. (intervenes) (30)

MR/...



MR ALLAWAY: M'Lord, the rest of my cross-examination is directed to these sort of things with this witness and that includes .. (intervenes)

BY THE COURT: You can ask whatever you like; you will only have to accept his replies. If he says it did not happen, you will have to leave it and go to the next point.

MR ALLAWAY: Then I cannot, with respect, lead evidence about it.

BY THE COURT: No, because it is relevant. I am only concerned with what is relevant to issues which I have (10) to try.

MR ALLAWAY: M'Lord, with respect, then I understand the ruling to be this, that if I see fit to put this kind of question to this witness, I have got to accept his answers, the accused will not be able to give evidence ..(intervenes)

BY THE COURT: Unless you can show me that they are not similar but unconnected facts.

MR ALLAWAY: Then I think it might be proper that we should do this. It is the only part remaining for my cross-examination of this witness. I do not think we could (20) prepare a proper argument on this within the time available in the luncheon adjournment. I understand we are not sitting on Monday. May we address argument on this matter on Tuesday morning after we have prepared properly?

BY THE COURT: We are not sitting on Monday?

MR ALLAWAY: I gather not.

THE WITNESS STANDS DOWN UNTIL TUESDAY.

THE COURT ADJOURNS.

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**State v S Cooper and 8 others.**

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