

other people in the vicinity. They were the only two.

What made you throw this object back again and not for instance look at it? -- Well, that I cannot tell. I just did it and I am not in a position to explain why I did it.

Did you try and throw the object at the or in the direction from which it came, or did you just try and get rid of it? -- I was throwing it in the direction from where it came.

Why did you do this? Can you give any reason? -- (10 I really do not know. I just did it.

HOF AAN MNR. JANSEN : Gaan daar getuienis wees oor die dorpie Soekmekaar later? As daar nie is nie, wil ek hierdie getuie vrae vra. Uit die aard van die saak wil ek hom nie vrae vra nie, as daar getuies gaan wees om vir my op te helder hoe dit daar lyk, wie daar bly ensovoorts.

MNR. JANSEN : Ek gaan die stasiebevelvoerder roep.

DEUR DIE HOF : Is daar 'n beter persoon aan wie ek daardie vrae later kan stel as dit nie opgehelder word nie?

MNR. JANSEN : Dit gaan opgehelder word. (20

DEUR DIE HOF : Goed, dan hoef ek nie vir hierdie getuie daaroor te vra nie.

GEEN VERDERE VRAE.

HOF VERDAAG VIR TEE. HOF HERVAT.

THARI MILFORD MOTHIBE, v.o.e. (Deur tolk) NR. 79

(KLAER OP KLAGTE 24)

ONDERVRAGING DEUR MNR. JANSEN : Is u 'n konstabel in die Suid-Afrikaanse Polisie vandag nog gestasioneer te Soekmekaar? -- Dit is korrek.

En u was ook daar gestasioneer op 4 Januarie 1980? (30 -- Ek was nog daar gestasioneer.

Onthou u die aand van 4 Januarie 1980? -- Ek onthou.

Het u gedurende die aand daar op die stoepie, op die trappies by die aanklagkantoor gesit en koeldrank drink saam met die vorige getuie, konstabel Mashapa? -- Dit is heeltemal reg.

Hoe laat was dit ongeveer? -- Dit was omstreeks twintig minute oor agt.

Konstabel Mashapa het die Hof vertel dat u uitgerus was met 'n R1-geweer. Is dit korrek? -- Dit is so. (10

Waar het u die geweer op die betrokke stadium gehad? Het u dit by u gehad en indien nie, waar was dit? -- Op daardie oomblik was die vuurwapen binne-in die aanklagkantoor gewees, want as ons gaan sit en eet, dan los ek die vuurwapen in die aanklagkantoor.

Ek wil hê u moet kyk na foto nr. 62 van BEWYSSTUK K. Is dit die foto van die aanklagkantoor? -- Dit is die foto van die aanklagkantoor.

Kan u aan die Hof aandui waar het u gesit en waar konstabel Mashapa? -- Ek het aan die deur se kant gesit, (20 die pilaar aan die kant van die deur op die foto, dit wil sê op die linkerkant soos 'n persoon daarna kyk, terwyl Mashapa by die anderkantste pilaar gesit het op die regterkant. Ek het omtrent op die derde trappie van die stoep gesit van onder af.

Terwyl u daar sit, wat het u waargeneem? -- Ek sien toe 'n voertuig wat vanuit die rigting van Bandolierskop in die rigting van Tzaneen beweeg het.

Het die voertuig u genader of van u weggery? -- Daar is 'n brug in die pad. Net na die voertuig die brug verby-(30 gery het, het die voertuig tot stilstand gekom.

... / Maar

Maar het die voertuig in u rigting beweeg of het hy weg van u af beweeg? -- Soos ons gesit het, het die voertuig in ons rigting gery.

Die voertuig het by die brug stilgehou. Ja? -- Die voertuig het daar vir 'n rukkie gestaan. Die ligte van die voertuig is toe afgeskakel. Die voertuig ry toe vinnig van daar af verby die polisiestasie.

Kon u sien watter tipe voertuig dit was? -- Behalwe dat dit 'n ligte-afleweringswa was met 'n wit toebakkie agter, kon ek nie sien watter maak voertuig dit is nie. (10

Die getuie het die woord "canopy" gebruik. Is dit die "canopy" wat wit gewees het? -- Die toebakkie, ja.

So, die kappie agter op die bakkie, was dit wit? -- Dit is wat ek bedoel.

Toe die bakkie toe daar verby is, wat is die volgende wat u sien? -- Na die bakkie verbygery het, het ek twee persone gesien van die hoek kom. Die hoek van die straat wat by die polisiestasie verbygaan.

Blaai na foto nr. 37. Is dit 'n foto van die straat wat voor die polisiestasie verbyloop? -- Op foto nr. 37 (20 verskyn die straat wat by die polisiestasie verbygaan.

Het die persone in hierdie straat geloop? -- Toe ek die twee mense sien, het hulle in die straat geloop van die rigting van die teerpad en in die rigting van die polisiestasie. Hulle hetggelooptot by die motorhek.

DEUR DIE HOF : Ek wil net duidelikheid hê. Die teerpad wat u na verwys, is dit die teerpad wat aangedui word SW? -- Dit is die pad waarna ek verwys.

MNR. JANSEN : Die persone stap toe tot by die motorhek?

-- Hulle het gestap tot by die motorhek.

(30

Is dit die motorhek wat aangedui word as D op die

... / foto

foto? -- Dit is so.

Ja en toe? -- Hulle wou daardie hek oopmaak om daar in te gaan, maar gevind dat dit gesluit is. Nadat hulle gesien het dat die motorhek gesluit is, het hulle toe langs die draad geloop in die rigting van die kleiner hek voor die polisiestasie. By die klein hek kon die twee wat saam langs mekaar geloop het, nie terselfdertyd ingaan nie. Een het toe omtrent een trap voor die ander ingeloop en die ander een kom toe agter hom aan. Hulle kom toe tot omtrent by die vlagpaal wat op die foto ver-(10 skyn. Van daar af het hulle baie vinnig opgetree. Ek het gesien dit was asof hulle goedere vanuit hulle klere uittrek. Terselfdertyd het hulle toe op ons begin skiet. Ek het toe opgespring. Ek het ook gesien dat Mashapa opspring en ek hardloop toe om die polisiestasie in 'n oostelike rigting weg.

Blaai weer na foto nr. 62. Daar staan 'n voertuig net langs die polisiestasie. -- Dit is korrek.

Is dit daar om wat u gehardloop het? -- Dit is korrek. Ek het vanwaar ek gesit het, om die pilaar, tussen die (20 wit pilaar en die paal aan die linkerkant, dit is die radiopaal, tussen die muur en die paal gehardloop.

Tot waar het u gehardloop? -- Ek het gehardloop van die punt waar ek gesit het tot by die anderkantste hoek van die aanklagkantoor waar ek toe geval het en toe het ek net so omgerol en vorentoe beweeg. Ek hardloop toe tot by die hoek van die polisieselle en die polisiebarakke. By die barakke het ek weer geval. Waar ek toe geval het, het ek omgedraai. Op hierdie stadium kon ek op die agterkant van die polisiestasie kyk en toe het ek nog (30 een persoon daar gesien. Ek hardloop toe opwaarts langs

... / die

die draad, die draadheining tussen die poskantoor en die polisiestasie. Ek hardloop toe langs daardie draad tot by die boom, die boom wat aan die agterkant van die polisiestasie is soos op foto nr. 62. Hierdie boom is naby die draad. Toe ek by hierdie boom kom, het ek opgespring en aan die takke van die boom vasgeklou. In die beweging het ek aan die poskantoor se kant van die draadheining geval.

Oorgespring oor die draad? -- Dit is korrek.

Om 'n lang storie kort te maak. Het u daar probeer (10 hulp soek en na 'n ruk weer teruggekeer na die polisiestasie? -- Die doel was om hulp te gaan vra by die huise daar in die nabyheid. Ek het na 'n huis daar in die omgewing gegaan, gehardloop. Dit is die huis van mnr. Wolricht. Ek het aan die deur geklop en gesê die polisiestasie word aangeval.

In elk geval na 'n tydsvloerloop het u weer teruggekeer na die polisiestasie? -- Ek en die Meneer het saam teruggegaan na die polisiestasie toe.

Ek wil hê u moet blaai na foto nr. 36 toe. Punt C (20 wat daarop aangedui word, is dit die barrakke en die polisieselle? -- Die gebou wat as C aangedui word, is die polisieselle en die barrakke.

Het u enigiets gesien wat na u of konstabel Mashapa gegooi word terwyl u daar op die stoep gesit het of nie?

MR. BROWDE : I would just like to indicate my protest to that question. I think it is an extremely leading question of a very vital fact.

HOF AAN MNR. JANSEN : Probeer dit op 'n ander wyse stel. U weet wat u wil hê. Daar is nou 'n beswaar. U kan dit (30 op 'n ander basis stel.

... / MNR. JANSEN

MNR. JANSEN : Wat was die eerste beweging wat jy gesien het van een van die twee persone? -- Wat ek gesien het, is, hulle het terselfdertyd iets van onder hulle klere met hulle hande uitgetrek en toe het hulle vir ons begin skiet.

Het u enige beweging aan die kant van konstabel Mashapa gesien toe hy opgespring het of voor hy opgespring het? -- Ek het niks gesien nie. Die posisie is dat altwee van ons het sy heel beste probeer om veilig weg te kom van daardie punt af. (10

Is u bewus van enige ander wyse waarop 'n aanval op u geloods is anders as die skiet van 'n vuurwapen of skote op u? -- Ja, daar is nog. Nadat ek aan die boom vasgeklou en aan die poskantoor se kant oor die draad geval het, het ek toe 'n ontploffing gehoor. Dit het gelyk soos 'n ontploffing van 'n handgranaat.

Het jy net een sodanige ontploffing gehoor of meer as een? -- Ek het net die een sodanige geluid gehoor, want ek het toe weggehardloop daarna om hulp te gaan vra.

Kon jy agterkom van watter rigting die ontploffing(20 gekom het? -- Ek sal sê dit was aan die polisiestasie se kant vanwaar ek was, want ek was alreeds aan die ander kant van die draad.

As jy sê aan die polisiestasie se kant, was dit voor of agter die aanklagkantoor? As jy nie kan sê nie, sê so. Ek wil nie hê jy moet spekulêr nie. -- Dit is soos ek gesê het dat dit aan die polisiestasie se kant was. Voor of agter kan ek nie sê nie.

Ek wil hê jy moet blaai na foto nr. 39. Sien u 'n merk daar op die grasperk wat aangedui is as I? -- Ek (30 sien die merk I op die foto.

Weet u hoe die merk daar gekom het? -- Toe ek terugkom, na ek weggehardloop het, het ek toe hierdie punt I gesien. Dit was naby die vlagpaal gewees en die grond was opgegrawe daar by die gras.

Wat het dit veroorsaak? -- Dit het gelyk asof dit deur 'n handgranaat veroorsaak is.

Toe u nou daar opgevlieg het en weggehardloop het, het u nog verdere skote gehoor of was dit die einde gewees van skote wat u gehoor het, behalwe nou die ontploffing van die handgranaat? Ek praat nou net van geweeskote? (10 -- Die vuurwapens het gestaak net toe ek op die perseel van die persoon waar ek hulp gaan vra het, gekom het, want toe ons uitgaan om terug te kom na die polisiestatie toe, was daar nie meer 'n skietery gewees nie.

Toe u die - daar by die boom gekom het en oor die heining gesprong het, was daar toe nog geskiet? -- Ja, nog baie.

Kan u sê in watter rigting geskiet is? -- Toe ek nog gehardloop het van die aanklagkantoor na die barrakke toe, het ek 'n paar skote gehoor wat verby my in die (20 rigting waarin ek gehardloop het, geskiet was. Toe ek by die barrakke kom en geval het en omgekyk het, het die persoon wat ek agter die polisiestatie gesien het, ook in my rigting geskiet.

Kyk na foto nr. 38, asseblief. Is dit 'n foto van die aanklagkantoor aan die linkerkant en die barrakke en die selle aan die regterkant? -- Dit is korrek. Op foto nr. 38 verskyn die polisiestatie en die selle wat op die foto verskyn. Aan die anderkant van die selle is die barrakke. (30

Het die persoon na wie u verwys wat agter die

... / polisiestatie

polisiestasie gestaan het, het hy tussen die twee geboue gestaan? -- Nee, nie tussen die twee geboue soos op die foto verskyn nie. Eintlik meer na punt R aan die agterkant van die selle.

So, is agter die sel verby geskiet na jou? -- Dit is so.

So, dit is geskiet in die rigting - nie na die straat toe nie, weg van die straat af? -- Dit is eintlik weg van die straat af wat hy geskiet het.

Is u ooit getref? -- Nee, ek is nie getref nie. (10

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Kan u vir die Hof sê wat was die beligting die betrokke aand? -- Daar was geen maanskyn gewees nie. Die maan het nie geskyn nie, maar dit was nie so donker gewees dat 'n persoon nie heeltemal kon sien nie. 'n Persoon kon nog sien.

Was daar enige lig in die aanklagkantoor? -- Ja, daar was 'n Coleman-paraffienlamp, van die soort wat 'n persoon so pomp.

Ek het u spesifiek gevra om te gaan en weer in die aand die liggie aan te steek en mense te laat sit op die(20 stoep. Ek het die versoek aan u gerig gedurende 'n konsultasie wat ek met u gehad het gedurende Aprilmaand? -- Ja, ek onthou dit.

Het u dit toe gedoen? -- Ek het dit gedoen.

Kan u vir die Hof sê presies hoe het u die toneel daar opgestel toe u nou gegaan het om aan my versoek te voldoen? Watter tyd was dit ensovoorts? -- Dit was omstreeks kwart-oor-agt in die aand. Ek het na die punt van die straat geloop waar ek die persone vir die eerste keer sien beweeg het sodat die mense by die polisiestasie (30 kon sien of ek van daardie punt sigbaar is.

Het u die Coleman-lampie aangesteek soos wat hy die betrokke aand aangesteek was? -- Ek het.

U moet nou nie vir die Hof vertel wat ander mense vir u gesê het wat hulle gesien het nie. Ons wil net weet wat u self gesien het. -- Heeltemal reg.

Het u ook twee persone laat sit waar u en konstabel Mashapa die aand gesit het? -- Ja, dit was konstabel Machero en konstabel Rabaloyi wat ek daar laat sit het.

Hoe was hulle gekleed die aand? -- Hulle was in polisie-uniform gekleed, die vorige uniform, die kakie- (10) kleurige uniform en nie die nuutste een nie.

Was dit soos u en konstabel Mashapa ook die aand van 4 Januarie 1980 aangetrek was? -- Ons was so aangetrek gewees.

En het u daarna gaan stelling inneem op die plek waar u die persone die eerste keer opgemerk het? -- Dit is reg so.

Kan u net vir die Hof sê die betrokke aand wat u na verwys wat u self die toneel opgestel het, was dit ook 'n donker aand of was daar maanlig gewees? -- Daar was geen (20) maanskyn gewees nie. Net soos op die dag van die voorval.

Vertel vir die Hof wat u toe gesien het en wat u toe gedoen het? -- Wat ek opgemerk het, was dat toe ek in die straat was, kon ek die twee konstabels wat ek laat sit het daar op die stoep sien, alhoewel ek nie van daardie punt af kon sien hoe hulle aangetrek was nie, wat die kleur van hulle klerasie is nie.

Ja? -- Dit is al.

Het u nader beweeg na die hekkie toe? -- Van daardie punt af het ek beweeg na die motorhek toe en van die (30) motorhek af terug langs die draadheining tot by die klein

... / hek

hek.

Toe u by die klein hek was, wat het u toe opgemerk?
-- Toe ek by die kleiner hek was, kon ek vir die twee
wat daar gesit het duidelik sien, want die deur van die
aanklagkantoor is in lyn met die klein hekkie.

Was dit soos die deur gewees het die aand met die
voorval ook of was die deur in 'n ander posisie die aand
met die voorval? -- Dit was presies soos die nag van die
voorval gewees. Ek het die deur laat oopmaak, sodat ek
kan sien as die deur oop is, of een van die konstabels (10
wat ek daar laat sit het, sigbaar is. Dit is die een
wat gesit het waar konstabel Mashapa gesit het.

En die ander een? -- Die een wat gesit het waar ek
was, was ook sigbaar.

Waar was u gewees toe u hulle die eerste keer kon
opgemerk het, waar in die straat?

DEUR DIE HOF : Dit help nie dat jy daar wys nie. Kyk
na foto nr. 37. -- Ek kon hulle sien toe ek omtrent by -
ek het in die straat beweeg omtrent in lyn met die boom
wat by die aanklagkantoor staan. Dit is effens aan die (20
anderkant van die lyn wat punt I aandui.

Miskien kan hy 'n klein X daar maak met 'n sirkel, dan
is dit daar gemaak dat die advokate vir die verdediging
dit ook sien, asseblief. -- Toe ek nog aangekom het aan
die regterkant van punt X soos ek aangedui het, kon ek
nie die mense sien nie, as gevolg van die boom wat my
uitsig na die twee belemmer het.

MNR. JANSEN : Nog net een aspek. Toe u nou daar langs
die polisiestasie, die aanklagkantoor, weghardloop die
betrokke aand van 4 Januarie, sê u is daar skote by u (30
verbygeskiet? -- Dit is korrek.

... / Kan

Kan u sê hoeveel skote? -- Ek is nie in staat om dit te tel nie, want dit was 'n outomatiese wapen wat gebruik was.

Waarop grond u u afleiding as u sê dat die koeëls hier by u verbygeskiet is? -- Ek het gehoor dat hulle by my verbygegaan het.

CROSS-EXAMINATION BY MR. BROWDE : Constable Mothibe, I would just like to check on this experiment that took place in April. Were you told the object of your experiment? Were you told that you were going to be put in (10 a position to see whether you could see people sitting on the step? -- This was explained to me.

You were told that two people were going to sit on the step and that you must go in die street to see when you can first see them, when they become first visible to you? -- No, it was not said to me that two people would be put there. I was told to put two people there, go to the street and see if I can see these people.

Oh, I see. You were actually told to place the people on the steps? -- That is correct. (20

So, when you went into the street, you knew there were two people sitting on the steps? -- Yes, I did.

So, when you came to the gate, you also knew there were two people on the steps all the time? -- Yes.

Tell me, on the night of the incident, when the shooting took place, was it a cloudy night? Do you know? -- No, it was a clear sky.

Are you sure of that? -- I am sure of it.

What makes you sure of that? -- Why I remember so well, is because it did not rain thereafter and Soekme- (30
kaar is a kind of place where once there are clouds in

... / the

the sky, then it must rain.

Is that the reason why you say it was not cloudy?

-- I am unfortunately not able to answer the question.

The truth is, of course, you do not know whether it was a cloudy night or not? -- No, the truth is, it was not cloudy.

When did it rain ⁱⁿ Soekmekaar after the night in question? -- I do not know when it rained after this incident. This is because after this incident for some time I could not think very properly. (10)

Can you think properly now? -- After some time I started thinking normally again, but it just did not occur to me that I should think back as to whether it had rained or not.

When did it occur to you to think back as to whether it was cloudy or not? -- The reason why I say it was not cloudy, is because on this day we decided to go and sit outside to have our meals, but usually we have our meals inside the charge-office.

Why would you not have it if there were clouds in (20 the sky? Why would you not have it on the stoep. If it started raining, nothing would stop you from going inside? -- Should I reply to that question?

Yes, please? -- If it is cloudy, before it rains, usually there is some wind and we would not have gone to sit outside, because the wind would then put some dust into our food.

I just want to put it to you that I am going to suggest to His Lordship that you do not know whether it was cloudy or not on the night of the incident? -- More (30 than what I have already told this Court, I cannot put

... / any

any further light on it.

Very well. On the night of the experiment, was it cloudy or clear? Do you know that? -- It was clear.

How do you know that? Also because you were eating outside or another reason? -- This is because the Prosecutor gave me - it was not done on the day he came there - time to experiment. The State counsel came there, we experimented and after he had gone, he again told me to experiment to see whether I could see these people from these different points. (10

Are you suggesting that My Learned Friend, Mr. Jansen, is that who you are talking about, this gentleman who asked you the questions? -- Yes, I am referring to the State counsel.

After the experiment, he went away and told you to experiment on your own? -- No, what I mean is, on the day that he was there, we did not experiment. It was after his departure from Soekmekaar that the experiment was done.

So, was My Learned Friend not there then when the (20 experiment took place? -- That is correct. He was not present.

So, you just did the experiment on your own? -- That is correct, but he had told me before he left how to do this experiment, and I did it accordingly.

And who asked you the questions afterwards? As to when you could first see people and so on? -- There were no questions asked at the time of the experiment. The position is, the Prosecutor said to me that I must put two people on the stoep of the police station where (30 Mashapa and myself were seated, proceed to a point where

I saw these two for the first time to see if from that point I could see the two seated on the police station's stoep.

Is that what he told you to do? -- Yes and it is from that point that I saw these people for the first time, I was to proceed to the motorgate and from there along the fence to the gate in front.

And he just went away and left you to do it yourself? -- That is so.

And then? When did he see you again? -- It was not until yesterday that I saw him.

So, from April when the Prosecutor told you to carry out this experiment, you have never seen him until yesterday? -- That is correct, from the day he told me to do this experiment until yesterday, I did not see him.

And consequently until yesterday My Learned Friend did not know the result of the experiment? -- That is so, yes, but he knew yesterday.

I want to suggest to you that that is very surprising.

MR. BROWDE TO COURT : I am criticising the witness, not My Learned Friend. (20

MR. BROWDE : I want to put it to you that My Learned Friend must have known of the results of this experiment long before yesterday?

MR. JANSEN : My Learned must lay a basis for his suggestion.

MR. BROWDE : I will tell Your Lordship the basis.

BY THE COURT : I do not want to hear the basis. I will leave it to the defence counsel and the State counsel.

Just this, Mr. Browde, if it were so, then the object of your questions fall away. (30

MR. BROWDE : As Your Lordship pleases.

BY THE COURT : I think you and the Prosecutor might come together at some stage or other, you will probably get an adjournment before you finish the cross-examination or even now, because, as I have said, your whole line of questioning falls away if it happens to be true. Do you follow?

MR. BROWDE : Yes. Well, not entirely, because the actual question I asked of this witness which led to this whole thing, was whether it was cloudy or not. (10

BY THE COURT : I do not want you to explain your - because of this explain another line of your cross-examination. That is not the reason.

MR. BROWDE : I understand that.

BY THE COURT : Would it be advisable to take the adjournment now and start again at 2?

MR. BROWDE : As Your Lordship pleases.

BY THE COURT : And then you could clear up this?

MR. BROWDE : I am happy to do it.

WITNESS STANDS DOWN.

(20

COURT ADJOURNS UNTIL 2 P.M.

K42

COURT RESUMES AT 2 O'CLOCK.

THARI MILFORD MOTHIBI, d.s.s. (Through interpreter)
CROSS-EXAMINATION BY MR. BROWDE (continued) : Constable
Mothibi, before the luncheon adjournment I had put to
you that it was very surprising that you had said that
you had not spoken to My Learned Friend since the
experiment. Do you remember that? -- Yes, I said so.

I want to tell you, that came about as a result of
my being under a misapprehension that was shared by My
Learned Friend that you had said that he was present (10
at the experiment? -- No, I did not say that.

You did not intend to say that? -- That the Prosecutor
was present with the experiment?

Yes? -- No.

That is fair enough, because I am told that he was
not present and I accept that. What I want to put to
you, is this. What I asked you originally what led to
this whole question was, how do you remember that it was
not cloudy on the night of the experiment? -- I wonder
if it is permissible that I answer this question though (20
not directly? In the form of an explanation?

BY THE COURT : Well, do so. -- Despite the fact that I
was asked by the State counsel to experiment, which I
did, I always travel along that way, coming from home
towards the police station and I can always at this
point see whether there are people sitting or standing
outside the police station or not.

MR. BROWDE : What has that got to do with whether it
was cloudy on the night of the experiment? -- My reply
to that is that it was clear. There were no clouds. (30

I do not want to waste any more time on that. I just

... / want

want to put one thing to you. First of all, tell us of the date of the experiment? Do you know that? -- I have forgotten the date of the experiment.

Do I understand the experiment to have been that you put the people on the steps and then you went away and looked to see if you could see those people sitting on the steps? -- That was the experiment I have explained. Another thing, as I have said, is that I always travel along that way from home and I can always see people at the steps. (10)

All right, I accept that. Now I want to ask you something else. You said that after this event, you stopped thinking clearly for a time? -- Yes, I would say as for that night. I would say on the night of the incident and for a few hours, I cannot say how many hours it was that I could not think properly.

But thereafter, after a few hours, did you recover and then you could think properly about it? -- Yes, I could think as usual.

And now, are you thinking as usual at the moment? (20)
-- Yes.

Do I understand then that the first thing that happened, the first attack, took place by the firing from automatic weapons at you and Mr. Mashapa sitting on the steps? -- Yes, it was immediately that they came to the flag-pole. Without asking questions, they opened fire.

They opened fire from fire-arms? -- Yes, these were automatic fire-arms. I cannot say what kind of guns or fire-arms.

At that point, you and Mr. Mashapa were sitting on (30) the steps? -- We were sitting there, thinking that these

... / were

were just members of the public who had come for one of other assistance at the police station.

Is that what Mr. Mashapa thought as well? -- He did not stand up when these people came along. I think he must have been thinking the same, though I cannot say what was going on in his mind.

But until the shooting began, the two of you were sitting on the steps?-- Yes, up to that stage we were seated.

Then the moment the shooting began, did you get up (10 to run away? -- Yes. Me and Constable Mashapa jumped up at nearly the same time. It was immediately that I heard the fire from an automatic fire-arm.

That you jumped up and you and Mashapa jumped up at the same time? -- What I cannot say is whether he jumped up and ran away like I did or whether he looked for some time at these people.

Where did these shots go to, these first shots that were fired? -- I am unable to answer that, except that after the whole incident, I found that the whole place (20 where we were seated, has got bullet holes in the walls.

Yes, but the first shots that were fired, you do not know whether they went into where you were seated or whether they went into the air or where they went? -- What made me to decide to run away, what convinced me that these were real bullets, was next to where I was seated, is a metal pipe, one of these gutter pipes where the water flows in, which was hit and I saw some fire sparks. I then decided to run away.

Would you just look at 64, or 62 if you like. It (30 does not matter. Look at 64. Which gutter are you referring

... / to

to? Is that the pipe running down the side of the pillar on the left hand side? -- That is the gutter you are indicating.

And you say you saw sparks flying from that? -- I saw the sparks and heard something, some sound when this gutter was hit. I then ran away.

But where were you facing? That is when the firing took place? -- I was seated on the stoep. (He indicates on the photo the point of the stoep facing in an easterly direction) (10)

Is that facing towards the gate? -- Not facing the gate directly. Slightly towards the right of the gate as I was seated.

Well, just let us clear something up. Were you sitting approximately where the bottom of the line from the letter H is on 64, but one step higher? -- That is correct.

The gate would be at the end of the path that leads to-- that we can see on 64 - the steps? -- That is correct.

And the people, were they on that path? Look back (20 at 62 now. -- That is correct. They came along this path from the gate to the stoep of the police station.

And you were looking at them? -- That is correct.

And they opened fire? -- Yes.

I do not understand how you could see a spark on the pipe which is round the corner really? Perhaps you can explain that? -- This is because we both jumped up immediately they started opening fire. Though I was there for a few seconds up to the time I saw this spark, I then immediately turned and ran away. (30)

What I said was, those shots - you say one caused a
... / spark

spark in that drain pipe? -- That is correct.

But the rest of the shots, those shots, the first shots, before you ran away, you do not know where they went to? Is that correct? -- I would not be able to say whether the first bullets hit the wall or where. I cannot say.

Do you agree incidentally with what Mr. or Constable Mashapa said that had they wanted to shoot you from the distance they were, it would have been a very simple thing for them to do? -- I cannot deny that. I do not know (10 what happened? Whether these people intended killing us or what the position was.

But you do not deny you were sitting ducks? -- I am unable to explain how it came about that we were not shot.

Do you know what a second is, one second? On a watch? -- No, I do not know, unless this is explained to me.

No, I am not going to try to do that. I just want to ask you something. You got up to run away and on 62 do I understand you to say you ran around where the car (20 is, in that part of the - you ran away from the camera where the car is?

COURT TO MR. BROWDE : The evidence was, you see that pole there? That has apparently something to do with the wireless. He ran between that pole and the house.

MR. BROWDE : Yes, that is where the car is.

BY THE COURT : Yes.

MR. BROWDE : Is that what you say?

BY THE COURT : That is what I understood him to say? -- That was my evidence. (30

MR. BROWDE : You ran down there and there is a building

... / at

at the back there which we can see between the charge-office and the building with the tank on the roof? -- The water-tank on photo 62 is not on top of any building. It is right behind the police barracks, not on any building. It is on some iron.

Can you see the building I mean? The building which appears to run from the side of the charge-office to where the water-tank is, under the tree? -- Yes, I see that building.

Is that where you ran to? -- Between that building (10 which appears on photo 62 and the barracks, there is an open space, there is an opening, a passage.

Look at 64, I think that is the best picture of all. Is that where you ran, past the pole towards the trees in the back of 64, along the side of the building?

MR. BROWDE TO COURT : May I make a suggestion? This may be of some importance. I wonder if I could ask the witness instead of doing 64, the question I asked, look at 37 and in that one he could actually draw in his line of flight, so to speak. He could actually put it in in (20 ink?

BY THE COURT : Yes. It is funny now that the pole is now much further away from the house than it appears on the other one?

MR. BROWDE : It is, and of course, it shows clearly that the witness is right about the tank not being on any roof.

BY THE COURT : Tell the witness to try and trace with the pencil the route he followed from point H, I think that is where H starts? (30

MR. BROWDE : Yes.

BY THE COURT : Do you see where H is? -- Yes.

Tell him to trace the route he followed. He must draw a line. -- (Witness indicates on photograph)

This will be Y with a circle on photo 37, being the route this witness followed after the first shots were fired or shortly thereafter.

MR. BROWDE : Now we know that you ran alongside the building and then turned behind the other building. What is that? Is that the barracks? -- That building is presently used as an inquiry office. It was in the past the (10 police barracks.

That used to be the police barracks. Where was it when you heard the explosion? Where were you when you heard the explosion as of a hand-grenade? -- After jumping the fence, that is the fence between the police station and the post office, I fell on the other side. There are some vines. Because the yard of the post office is lit, I had to crawl in the shadows. It was at that stage that I was crawling in the shadows, that I heard the explosion.

And that is the only explosion you heard? -- That (20 was the only one I heard.

Was it a loud explosion? -- Yes.

If there had been other explosions like that, would you have heard them? -- I do not think so, because at that time the first explosion had affected my ears.

So, you would not have heard any explosions after that? After the first one? -- That is so.

You mean, it was so loud that it actually made you go slightly deaf? -- That is so.

Of course, if there had been loud explosions before (30 that one, you would have heard it? -- I would have, yes.

... / But

But there was no such other explosion before that? -- I do not know what happened thereafter, because when I heard this explosion, the explosion I have just referred to, was when I was running towards that house at the back to go and ask for assistance.

I am talking about before that. If there had been an explosion before that, you say you would have heard it? -- Yes, I would have heard that explosion, because at that time my ears would not have been affected.

That is right, but you did not hear one? -- Except (10
ting the one that I heard, I did not hear any other explosions.

When you were running down on the route which you have now shown, the route Y on 37, do I understand your evidence to be that there were shots fired in your direction? -- I would not say that the bullets were directed at me, but I was in a state of shock and I heard the shooting of automatic weapons and some empty cartridges were later found.

You do not know where they were fired to? The (20
cartridges were found there? -- In the direction, the route Y as indicated here, between the police barracks and the police cells is some cement block on which the vehicles are being repaired. The following day, the day after this incident, some damage caused by bullets was detected on this cement block.

Yes, but you do not know when that damage was caused? Whether it was while you were running there or whether it was when you were in the tree or whether you were in the post office? -- I am unable to say when that was (30
caused. I would say I was in a state of shock.

I just want to clear up something else. I think that you were looking at 38 and I think you said that firing took place from the point R. Am I right? -- Behind those cells that are here on this photo no. 38 near point R I saw another person after I had fallen also shooting.

Just a moment. Which are the cells? Is that M? -- The building M, yes.

Where were you when you saw the man at R? -- I was at the back of building M having run through a passage (10 which is between building M and another building which is on the other side of the police barracks.

Can you see the point R from behind the building M? Is it possible to see it? It does not look like it from the photograph. You may be able to explain that. -- Yes. In fact the back of the building M is lit slightly by a light that is in the post office.

Where is the post office on 38? -- The post office appears on photo no. 37 and not on no. 38.

Which is the post office? (20

BY THE COURT : I think you would do better if you were to look at 36.

MR. BROWDE : Yes, look at photo 36. Which is the post office on 36? -- The post office is the building behind point F.

But between the building M and the post office is another building, is there not?

MR. JANSEN : My Lord, just for the record sake. You see on photograph 36, the cells are referred to, it is on the plan, page 4, as building C. M actually is a foot- (30 print. So, if My Learned Friend would refer to ... (Court

... / intervenes

intervenes)

BY THE COURT : Is M on 38 also a footprint?

MR. JANSEN : It is everywhere a footprint.

MR. BROWDE : I understand what My Learned Friend is saying, My Lord.

Look at building C on 36. Let us look at 36 now. Forget about the others. Building C is the cells and barracks? -- Point C on photo no. 36 is the police cells, not the barracks. They are different buildings.

BY THE COURT : What building is this? -- Building C on (10 photo no. 36 is the police cells.

Police cells? I could not hear you.

MR. BROWDE : Do you see F? That is a building containing the telephone exchange? -- That is correct.

That is between C and the post office, which is behind the telephone exchange? -- When one is at building C, one sees the building F slightly on the left and not in line with the post office.

Look at 37. Is the building F not obviously between the post office and the building C? (20

BY THE COURT : Mr. Browde, while he is looking at this photo, is there any certainty which is the post office? We are talking about it but it is not marked. I take it it is this building with the pitched roof?

MR. BROWDE : Yes.

BY THE COURT : Well, we better mark it on photo 36.

MR. BROWDE : It is rather typical of the country post offices.

BY THE COURT : Looking at 36, is that the building with the pitched roof? (30

MR. JANSEN : Yes.

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