

EVIDENCE given in P. E.  
re State vs Nombomvu & others  
re: Admissibility of Confessions

53.

Exh. 11.

Was that prior to your making the statement? --- The same day they pulled my tooth they made me make a statement.

NO FURTHER QUESTIONS BY MR. SELIGSON.

BY HIS LORDSHIP:

Tell the witness here in Court he has made the statement that he was compelled to make a statement, by the police; Warrant officer Du Preez will be called as a witness in that regard by the Attorney-General. He will probably be charged with perjury and then at that trial he will be able to raise the question as to whether he was forced to make a statement or not.

HANS JURIE POTGIETER: VERLAAR OUDER EEN:

HOOFVERHOOR:

(OBJECTION BY THE DEFENCE FOR RECORD PURPOSES: Re statement).

DEUR MNR. VAN NIEKERK:

Is u 'n addisionele landdros te Port Elizabeth? --- Ja.

En op 13-12-1962 het daar voor u verskyn ene Peter Nombomvu? --- Ja.

Beskuldigde No.1 in die sakk? --- Ja.

En het hy vir u geblyk asof hy by sy volle, gesonde verstand is? --- Ja.

Het u hom behoorlik gewaarsku dat hy nie verplig was om enige verklaring te sakk nie en dat indien hy 'n verklaring sou sakk dit oorgeskryf sou word en dit later teen hom as getuie gebruik kan word? --- Ja.

Mnr. Potgieter, watter taal het u met hom gepraat?

--- In Afrikaans.

Is hy Afrikaans magtig? --- Ja Edelagbare.

U het nie 'n tolk gebruik nie? --- Nee, ek het nie 'n tolk gebruik nie.

Was u alleen in die kantoor? --- Ek was alleen in die kantoor.

Het u hom gevra of hy die waarskuwing begryp wat u hom gegee het? --- Ja edelagbare.

Wat/....

Wat was sy antwoord daarop? --- Sy antwoord daarop was ja. Ek het hom gevra of hy desondanks nog verlang om 'n verklaring te maak en sy antwoord was ja.

En het u hom daarop weer gevra of hy deur enige persoon aangemoedig is om 'n verklaring te maak of daar enige beloftes deur enige persoon aan hom gemaak is om die verklaring af te lê?

--- Ja, en sy antwoord daarop was nee, geen.

Het u hom gevra of hy enige voordele verwag as hy 'n verklaring sou maak? --- Ja.

En wat was sy antwoord? --- Hy het gesê: 'nee, ek wil net die waarheid praat. Ek wil net die waarheid soos ek dit weet praat.'

Het u hom gevra of hy besef dat hy in die teenwoordigheid van 'n landdros is? --- Ja Edelagbare.

Het u hom gevra of hy wantevors 'n verklaring van dieselfde aard gemaak het? En indien wel wanneer en aan wie?

--- Ja, en die antwoord was nee.

Het u hom gevra wanneer hy in hegtenis geneem is?

--- Ja, sy antwoord was op 10 Oktober 1962 (?) maar hy is nou op borg.

Dit was sy antwoord gevees? --- Dit was sy antwoord.

En het u daarop sy verklaring neergeskryf? --- Daarop het ek sy verklaring neergeskryf.

Mr. Potgieter die papier voor u is dit 'n afskrif?

--- Dit is die oorspronklike.

Oorspronklike bekentenis? --- Ja. (Bewysstuk C).

GEEN VERDERE VRAE DEUR MEV. VAN NIEKERK.

KRUISVERHOOR DEUR MEV. SELIGSON:

Hou, het u 'n voorgeskrywe vorm gebruik van hierdie kantoor?

DEUR RECHTER MUNNIK: 'n Afgerolde vorm.

DEUR MEV. SELIGSON:

Ja, 'n afgerolde, voorgeskrywe vorm wat deur die Departement gebruik word? --- Ja.

(Ingehandig as bewysstuk C.)

Hou/.....

Hou, kan u vir ons sê Mr. Potgieter, wie het vir die beskuldigde en u kantoer gebring? --- By het alleen en my kantoer gekom.

Het hy alleen gekom? --- Ja.

DEUR RECHTER MULLIK:

Was u vooraf gesê om hom te verhoor? --- Ja.

..... hoofkonstabel Du Preez.

En hy het vir u gevra of u beskikbaar is? Vir die dealindes? --- Ja.

MRS. SELIGSON GAAN VOORT:

Hou, die beskuldigde is 'n Bantoesan, nie waar nie?

--- Ja.

Het u dit nie nodig gesê om versigtigheidshalwe 'n tolk te verkry nie Mr. Potgieter? --- As ek reg onthou Edelhagbare dan het die beskuldigde vir my gesê dat hy Afrikaans magtig is.

U het dit nie genoteer nie? --- Nee, ek het nie.

Het u aan hom die vroeë gestel soos hulle op die vroeë voorkom?

DEUR RECHTER MULLIK:

Het ander woorde, het u dieselfde woorde gebruik?

--- Nee, ek het nie presies dieselfde woorde gebruik nie.

Byvoorbeeld het u vir hom gesê: 'Verlang u om 'n verklaring te maak?' --- Ek het nie vir hom die presiese woorde afgelees wat hierop verskyn nie.

Het u dit plat gestel? --- Ek het dit plat gestel.

DEUR MRS. SELIGSON:

U het probeer om dit te vereenvoudig? --- Ja.

Maar andersins is bewyslik G 'n volle rekord van die gesprek wat plaasgevind het tussen u en beskuldigde No.1, behalwe dat u sê u meen dat hy gesê het dat dit nie nodig is vir u om 'n tolk te kry nie maar dat hy tevrede is om Afrikaans te praat? --- Ja.

Maar dit verskyn nie daarop nie. --- Dit verskyn nie daarop nie.

Maar andersins is dit 'n volle rekord van wat plaasgevind

het behalwe dat u miskien die woorde 'n bietjie vir hom verduidelik het? --- Ja.

Nou, ek merk op dat daar geen vraag op die vorm verskyn of enige dreigement of aanranding deur enige persoon teen die beskuldigde gebruik is nie? --- Ja, dit is so.

Dus is daardie vraag nooit gestel nie?

DEUR HERRN MUMIK:

Is daardie vraag 'n vraag wat gewoonweg op daardie afgerolde vorm voorkom? --- Nee Edelhagere.

DEUR ME. SELIGSON:

Is u bewus van die beslissing in die Hooggeregshof in die afgelope tyd waar gesê word dat so 'n vraag gevra moet word? U was seker nie bewus daarvan nie? --- Nee, ek was nie daarvan bewus nie.

Byvoorbeeld daar is hieroo in die rekord van wat die beskuldigde sou gesê het, is daar woorde soos 'ontploffing', nou is dit 'n woord wat die beskuldigde sou gebesig het?

--- Edelhagere hierdie het gebeur op die 13de Desember. Ek wil nie voorgee dat die woorde wat hierop neergeskryf is woordeliks, woord vir woord gebruik was nie. Dit kan wees dat ek hier en daar 'n woord neergeskryf het wat daar ingepas het maar die posisie is ek het Afrikaans met die beskuldigde gepraat en hy kan Afrikaans praat maar ek glo nie hy kan so 'n goeie Afrikaans praat soos wat hier staan nie.

So die posisie is dat u wel woorde gebruik het wat hy nie gebruik het nie? --- Ja.

Nou, 'n mens kan sannaem dat die enigste vras wat u aan hom gestel het bowendien die vras wat hieroo verskyn, is ter verduideliking van sy storie - byvoorbeeld 'n vraag soos: 'Wat het toe gebeur?' --- Wel dit sal feitlik al wees ..... (Res van sin onduidelik.)

Mr. Potgister is dit nie die gewone procedure om die presiese selfde woorde wat die beskuldigde gebruik naar te skryf nie? Is dit nie 'n veiliger procedure nie? Aa/.....

As om die sinsvoud te probeer verbeter. Is dit nie beter om die presiese woorde neer te skryf nie? --- Dit is vir die Hof om te besluit daardie - dit hang natuurlik alles van die omstandighede af?

U het geen verdere ondersoek ingestel hoekom die beskuldigde nou 'n verklaring wou maak nadat hy op 10 Oktober in hegtenis geneem is en toe op borg uit is? --- (Antwoord onhoorbaar.)

So u het nie verder gegaan as die borg .. --- Geen verdere rede.

DEUR REGTER MUNDLIK:

Was hy enigszins senuweagtig? --- Edelagbare, wat geblyk het, nie.

.....

Het u enige twyfel dat die beskuldigde u verstaan het, of dat u hom verstaan het? --- Edelagbare ek het geen twyfel.

GEEN VERDERE VRAE DEUR MEE. SELIGSON.

MEE. SELIGSON SPREEK DIE HOF TOE:

AANDACHTIG: Dat die beskuldigde gedreig is dat as hy nie die verklaring gaan maak nie dan sal sy borg van hom weg-geneem word en dan sal hy weer opgesluit word. En ook dat in die tyd, die vorige tyd toe hy opgesluit was was hy aangerand. In die omstandighede was die verklaring nie 'n vrywillige verklaring nie.

VERDERE BEWEEKING VOLG:

MEE. VAN NIEKERK ANTWOORD:

DIE STAAT ROEP GETUIGENIS IN HOOGSTAANDE VERBAND.

JACOBUS VREY: VERKLAAR ONDER EED:

HOGVERHOOR:

Mr. Vrey, is u 'n konstabel in die Suid-Afrikaanse Polisie gestasioneer te Port Elizabeth? --- Dit is reg.

Ken u vir beskuldigde No.1? --- Ek ken hom.

Daar word beweer dat hy op 13-12-1962 'n verklaring voor addisionale Landdros Potgieter afgelê het. Weet u iets daarvan af? --- Ek het daarvan gehoor.

Onthou/.....

NB

Onthou u dat net voor daardie geleentheid - onthou u of u die beskuldigde gesien het op een of ander stadium?

--- Ek het hom gesien Edelagbare.

DEUR RECHTER MEHLIK:

Het jy hom gesien na hy uitgelaat is op borg of voor hy uitgelaat is op borg? --- Na hy uitgelaat is op borg Edelagbare.

DEUR MEJ. VAN NIEKERK:

Wat het gebeur by die geleentheid? --- Die beskuldigde het die middag daar aangekom. Beskuldigde het by die polisie-stasie op Korsten aangekom.

DEUR RECHTER MEHLIK:

Watter datum, kan u sê? --- Dit kon op die 12de ge-wees het edelagbare.

DEUR MEJ. VAN NIEKERK:

Ja, hy kom toe by Korsten polisiekantoor aan? --- Hy vra toe om vir Mr. Du Preez te sien Edelagbare.

Was u aan diens gewees? --- Ek was aan diens gewees.

Was Du Preez daar gewees? --- Hy was nie daar gewees nie.

U weet natuurlik dat die beskuldigde uit was op borg en daagliks moes rapporteer? --- Reg Edelagbare.

DEUR RECHTER MEHLIK:

Het hy daardie dag ... waar moes hy rapporteer?

--- Kaasakale-polisiestasie Edelagbare.

DEUR MEJ. VAN NIEKERK:

Het hy enigiets te doen gehad by Korsten-polisiestasie so ver u weet? --- Niks so ver as wat ek weet nie Edelagbare.

Was daar toe een of ander gesprek? Het u vir hom gevra waarom hy met adjutant-offisier Du Preez wou - hom wou spreek? --- Ek het hom nie gevra nie.

Wat het u hom toe gesê? --- Ek het hom net gesê dat Adjutant-offisier Du Preez môre daar sou wees en hy moes môre kom.

GEEN VERDERE VRAE MEJ. VAN NIEKERK.

FRUISTERHOOF DEUR MRS. SELIGSON:

Hou Mr. Vrey, het u enigiets te doen gehad met die ondersoek van hierdie saak? — Edelagbare, ek was al die tyd by gewes.

Het jy kennis gedra van die verwickelings? — Ja.

Van al die verklarings en die .. was jy op hoogte van sake? — Ek was op hoogte van sake.

Het jy gewoet dat beskuldigde No. 1 uit was op borg?

— Ek het gewoet.

Hou, hy het geen besigheid gehad by die polisiekantoor nie? — Hy het geen besigheid daar gehad nie.

Hy was uit op borg en ek dink dit was 'n voorwaarde van die borg dat hy hou by die New Brighton-polisiestasie sou aanmeld? — Kwazakale-polisiestasie.

Hou, toe hy daar kom was dit 'n buitengewone ding, né?

— Dit was buitengewoon.

Het jy hom toe gevra wat hy wou hê? — Ek het hom nie gevra nie Edelagbare, hy het net gevra om Mr. Du Preez te sien toe sê ek vir hom hy hou hom die volgende middag sien.

Kyk, hy wou vir Mr. Du Preez sien, dit is duidelik dat dit in verband was met die saak, nie waar nie? — Dit was.

Ja. En dit was duidelik noes jy erken het dat dit iets met die saak te doen gehad het? — Reg.

En hy was 'n beskuldigde in hierdie saak - hoekom het jy nie verneem wat hy wou hê nie, jy was nos op hoogte van sake? — Edelagbare, Adjudant-offisier Du Preez was 'n senior lid gewees, ek het dit nie my plig geag om die man te ondervra wat hy wil hê nie.

DEUR REGTER MUNDIK:

Was hy die ondersoekbeampte? — Adjudant-offisier Du Preez was die ondersoekbeampte Edelagbare.

DEUR MRS. SELIGSON:

Maar jy kon gevra het in watter verband is dit, wat wil hy hê? — Ek het hom nie gevra nie. Mr. Du Preez/.....

Mr. Du Preez is 'n senior lid, soos ek gesê het.

Ja maar jy het mos gesê jy was by, jy het bygestaan, jy was by net al die ander verwikkelinge in die saak? Dit is eienaardig dat jy nie muskierig genoeg was om uit te vind wat hy wou hê nie, is dit nie? --- Nee, ek was nie muskierig gewees nie. Mr. Du Preez is 'n senior lid, ek was nie daarvoor verantwoordelik nie.

Maar dit sou hom miskien gehelp het? Sê nou waar die man het nou vir jou gesê dat hy 'n konfessie wou maak, sou jy nie dadelik vir Du Preez gebel het nie en gesê het die man wil 'n konfessie maak nie? --- Nee .....

Nou jy sien, jy is nie korrek as jy sê dat Du Preez in bevel van die saak was nie - was dit nie luitenant Smit wat in bevel van die saak was nie? --- Luitenant Smit was nie in bevel van die saak nie, Adjudant-offisier Du Preez doen al die ondersoek in verband met die saak.

Wat het luitenant Smit met die saak te doen gehad?

--- Luitenant Smit was in bevel van ons afdeling Edelagbare.

Hoekom het jy nie die beskuldigde as luitenant Smit toe gebring nie? --- Hy het gevra vir Mr. Du Preez.

En jy het nie uitgevind wat hy wou hê nie? --- Nee.

Nou kyk, ken jy vir 'n sekere Harrington George? Is hy 'n Bantoe-speurder of polisieaan te Korsten? --- Hy was.

Op daardie stadium was hy? --- Hy was op daardie stadium.

En hy was ook in die saak betrokke? --- Hy was.

Nou, dra u enige kennis dat Harrington George gestuur was met 'n boodskap na die beskuldigde? Weet u daarvan?

--- Nee.

Mr. Vrey, ek verstaan nie jou getuïenis mooi nie. Jy het nou net gesê dat luitenant Smit was die hoof persoon daar en jy was nie eintlik in bevel van hierdie spesifieke saak nie, maar hy het in die Magistraatshof getuig by 'n aansoek wat

gemaak/.....



gemaak is vir borg, hy het onder eed gesê dat hy in bevel van die ondersoek van die saak was. --- Ek weet nie daarvan nie Edelaagbare - hy het supervisie gehou oor ons almal daarso.

Sê jy nog dit is Du Pross wat in bevel van die saak was? --- Dit was.

En wat van ..

REKTOER MURNIK EN MEE. SELIGSON BESPREEK:

MEE. SELIGSON GAAN VOERT:

Die beskuldigde en ene William Frans was by die polisie-selle te Korsten aangehou gedurende die tyd toe hulle onder arrestasie was, is dit reg? --- Dit is reg.

Hou, beskuldigde No.1 .. van die 10de Oktober totdat hy op borg uitgelaat is op 4de Desember was hy by die polisie-selle te Korsten aangehou, is dit korrek? --- Korrek.

Watter dag van die week was dit toe die beskuldigde na jou toe gekom het? --- Edelaagbare, ek dink dit was 'n Dinsdagaand.

Watter dag van die week was dit toe die beskuldigde na jou gekom het? --- Ek weet nie watter dag dit was nie, ek dink dit was op 'n Dinsdagaand gewees.

En hoelaat was dit? --- Dit was tussen sewe en half agt gewees.

Wat het jy gedoen nadat hy daar gekom het? --- Hy het huistoe gegaan na ek met hom gepraat het.

En wat het jy gedoen om sy boodskap oor te dra aan du Preez? --- Ek het die boodskap aan mr. du Preez die aand oorgedra toe hy later die aand aan diens gekom het.

Hoelaat was dit? --- Ek weet nie hoelaat dit was nie, dit was ongeveer 10.30 of in daardie omgewing.

Wat het jy vir hom gesê? --- Ek het vir hom gesê dat beskuldigde no. 1 was daar gewees en hy wou hom sien, en ek het beskuldigde no. 1 gesê mr. du Preez sal more vroeg daar wees of more middag indien hy hom wil sien.

En het die beskuldigde die volgende dag gekom? --- Ek het hom daar gesien.

Vanneer? --- Gedurende die middag.

Hoelaat was dit die middag? --- So halfdrie, drieuur se kant. Dit was in die namiddag gewees.

En wat het toe van hom geword? --- Ek weet nie, mr. du Preez was met hom in die kantoor gewees, maar wat daar gebeur het, weet ek nie.

Was u by toe beskuldigde no. 1 aan die begin van sy arrestasie ondersoek was deur die polisie? --- Ek was by gewees met ondervragings, dit was nie net een beskuldigde nie, daar was baie gewees wat ondervra was.

DEUR REGTER MUNNIK :

Was jy by gewees toe du Preez hom ondervra het? --- Ek kan nie onthou nie.

DEUR MR. SELIGSON :

Jy sal seker ontdek dat die beskuldigde aangerand

was? --- Hy was nie in my teenwoordigheid aangerand nie.

Hy was nooit aangerand nie? --- Nie in my teenwoordigheid nie.

Geensen was aangerand in jou teenwoordigheid nie?  
--- Nee.

Ook nie William Frans nie? --- Nee.

Ek verstaan dat daar net drie persone aangehou was by die Korsten polisie-stasie, dit was Frans en beskuldigde no. 1 en James Kati? --- Dit moeg so gewees het, ek kan nie onthou nie.

Is jy absoluut seker dat die beskuldigde na jou gekom het soos jy gesê het? Want die beskuldigde ontken dat hy op so 'n wyse na die polisie gekom het? Hy sê dat hy 'n boodskap gekry het om mnr. du Preez te kom sien? --- Ek het die aand daar gekom en toe sit beskuldigde en sy vrou alreeds daarse.

DEUR REGTER MUNNIK :

Kan jy sy vrou? --- Ja.

DEUR MNR. SELIGSON :

En ....? --- Die tweede dag het hy en sy vrou weer daar opgedaag, saam.

Is jy seker dat jy het op daardie geleentheid die beskuldigde se vrou daar gesien? --- Reg.

Volgens die beskuldigde was sy vrou nie by toe hy na die Korsten Polisie-stasie gegaan het? Jy sien, ek stel dit aan jou dat die beskuldigde nooit die 11e of die 12e by die Korsten Polisie-stasie was nie, dat hy eers die 13e, die dag van die konfessie daar opgedaag het as gevolg van instruksies wat hy gekry het van Barrington George? --- Dit is nie reg nie.

Was jy daar toe oggend toe die beskuldigde geens in na die magistraat? --- Ek was daar.

Wie het hys geens? --- Ek en mnr. du Preez het hys gevat.

Jy en mnr. du Preez? --- Dit is reg.

Hoekom het jy saamgegaan? --- Ek het die kar bestuur.

Ja, maar Hoekos kon die Preek hom nie alleen vat nie? --- Ek weet nie.

Het jy hom gehelp met die ondersoek van die saak? --- Hy het net vir my gesê kon, ons moet ry, en toe ek sien toe sit die Bantoe in die kar.

Het hy in die kar gesit? --- Ja.

Het jy hom by die kantoor gesien? --- By die kantoor het hy die more aangestap gekom.

So hy was die oggend van die 13e daar by die polisiekantoor? --- Hy was.

Hoelaat het hy daar opgedaag?

DEUR REGTER KURRIK :

Het daar dan 'n dag verloop tussen die aand wat hy daar was en die dag wat julle hom na die magistratuur geneem het? --- Dit is reg, ek dink dit is die derde dag wat hy na die magistratuur is.

Die 11e was die eerste dag, die 12e was die tweede dag en die 13e die derde dag? --- Ja.

DEUR MNR. SELIGSON :

So hy het drie agtereenvolgende dae by die polisie-kantore gekom? --- Ja.

Die 13e, was hy saam met sy vrou? --- Nee, hy was alleen.

En waar het hy gegaan toe hy daar opgedaag het, toe jy hom gesien het? --- Ek was besig gewees, ek het die Bantoe alleenlik net daar gesien, hy het daar voor die kantore rondgestaan.

En toe naderhand is hy geneem na die Nuwe Geregs-houe? --- Hy was nie gebring tot by die Nuwe Geregs-houe nie.

Waar was hy gebring? --- Ons het hom afgelaai daar in Prince Alfredweg (?), en hy het op sy eie hiernstoe gestap.

Hoekom is hy daar afgelaai? Hoekom het julle hom nie direk hier voor afgelaai nie? --- Hy het gevra om daar af

te klim.

Maar julle was mos op pad om hom seentoe te bring, nie waar nie?

BY MR. JUSTICE MUNNIE :

Isn't the answer very obvious why he wanted to be dropped far from the Court, not to be seen in the company of two policemen?

BY MR. SELIGSON :

With respect, My Lord, not necessarily. There is the other possibility .....

BY MR. JUSTICE MUNNIE :

But you sound so surprised that he should have made such a request?

BY MR. SELIGSON :

Yes, I am surprised.

MR. JUSTICE MUNNIE :

It seems as though there is a perfectly logical reason for it.

DEUR MEE. SELIGSON :

Ek stel dit aan jou dat julle hom daar afgelaai het want julle wou nie hê dat julle gesken moet word nie? --- Hoe, hy het gevra dat ons hom moet aflaaie daar onder, en daarvandaan het hy geleop, en wat toe van hom geword het, weet ek nie.

Weet jy hoe gereel is vir die konfessie? --- Ek weet nie.

Het een ding, is daar enige iets aan die beskuldigde gesê toe hy afgeklim het? --- Hoe, nie wat ek van weet nie.

Niks. In die kar het jy niks aan hom gesê nie? --- Ek het nie met hom gepraat nie.

Het du Preez nie met hom gepraat nie? --- Hulle het gepraat.

Jy sien, want volgens die beskuldigde het du Preez in die kar met hom gepraat, en sekere dinge genoem in verband

met die saak, wat gesê moet word aan die magistraat? --- Nee.

Wat het hy dan gesê? --- Hulle het gesit en praat...

Waaroor? --- Beskuldigde het gesê ons moet hom nie vat tot by die polisie-stasie nie, en ons het toe gery en op die hoek van Prince Alfredweg het ons stilgehou, en daar het beskuldigde afgeklim.

Wat het du Prins vir hom gesê? Jy sê hulle het gesels? --- Dit is wat hulle gesels het.

Is dit al wat hulle gesels het? --- Dit is al wat hulle gesels het.

Hou hoe sou die beskuldigde weet waar om te gaan om hierdie konfessie te maak, watter procedure om te volg hier by die hof? --- Ek weet nie of mar. du Prins 'n reëling getref het daarvoor of wat nie.

As hy reëlings getref het, dan moet hy dit getref het voordat julle gery het van die polisie-stasie? --- Reg.

GEEN VERDERE VRAE DEUR MEER. SELIGSON NIE.

HERVERHOOR DEUR DIE AANKLAER :

Het die beskuldigde ooit die naam van luitenant Smith aan jou genoem? --- Nee.

GEEN VERDERE VRAE DEUR DIE AANKLAER NIE.

ANDRIES SAMUEL DU PRINS, verklaar onder eed:

VERHOOR DEUR DIE AANKLAER :

U is 'n Adjudant Offisier in die Suid-Afrikaanse Polisie, gestasioneer te Fort Elizabeth? --- Dit is reg.

En in hierdie saak van Mowobu en andere, u is die ondersoekende beampte? --- Ek is.

DEUR REGTER MUNNIX :

Wat was jou posisie met betrekking tot luitenant Smith? --- Ek was onmiddellik aan hom verantwoordelik vir die ondersoek.

As hy nou in die magistrats-hof gesê het hy is in bevel van die ondersoek, sou dit ook korrek wees? --- Onder sy leiding, ja.

Met ander woorde jy doen die veldwerk? --- En hy doen die toesig.

DEUR DIE AANKLAGER :

Nou die beskuldigde - dit word beweer dat die beskuldigde op die 13e Desember 'n verklaring in die landdroskantoor aan die landdros gedoen het? --- Dit is so.

Nou voor die 13e, het u enige berig van konstabel Fray ontvang? --- Ek het, op die aand van die 11e Desember 1962.

En Fray is 'n konstabel? --- Hy is.

Was hy ook behulpsaam in die ondersoek van hierdie saak? --- Hy was, ja.

As gevolg van die boodskap wat jy gekry het van Fray, het jy die beskuldigde ooit een of ander tyd gesien daarna? --- Ek het die beskuldigde gesien die oggend van die 12e.

Omtrent hoelaat? --- Dit was gedurende die voormiddag.

Wat het toe gebeur tussen jy en die beskuldigde? --- Die beskuldigde en sy vrou, wie ook toe aan my bekend was, het my op kantoor besoek. Die beskuldigde het gesê, bass, ek wil hê jy moet my help. Ek het toe aan die beskuldigde gesê dat jy is aangekla en jy is uit op borg. Jy moet jou prokureur gaan sien, ek kan jou gladnie help nie. Beskuldigde het toe gesê bass, ek het gekom om my hart skoon te maak, ek wil nie my prokureur gaan sien nie, jy is die enigste een wat my kan help. Ek het toe aan die beskuldigde verduidelik dat indien hy nie sy prokureur wil gaan sien nie, hy 'n landdros kan sien, en indien hy so verlang ek vir hom die nodige reëlings sal tref om 'n bestelling te maak om 'n landdros te sien. Hy het my toe gevra om dit vir hom te doen. Ek het hom toe meegedeel dat ek dit sal doen en hom versoek om my die volgende oggend weer te kom sien.

Sy vrou was by? --- Sy vrou was by.

Is hulle toe weg? --- Hy is toe weg.

Het hy toe die volgende dag gekom? --- Hy het.

Hoelaat? --- Dit was omtrent halfnege die oggend, tussen halfnege en nege-uur die oggend van die 13e, dit was vroeg die oggend.

Het u toe die reelings getref met die landdros? --- Ek het daardie dag van die 12e nie, maar toe die beskuldigde die oggend van die 13e kom, toe het ek besef dat hy ernstig is, en ek het toe die reelings getref.

Het jy gebel? --- Nee, ek het nie gebel nie. Ek het die landdros hier in die gang gekry - ek het afgekam na die hof toe.

Saam met die beskuldigde? --- Die beskuldigde het saam gekom. Voor ek by die Nuwe Gereghowe gekom het, het die beskuldigde vir my gevra, baaa, laai my hier af, ek wil nie dat die ander mense my sien nie, hier is baie mense by die hof, en hulle sal my aanrand as hulle my sien saam met jou, en ek het hom toe afgelaai.

Waar het jy hom afgelaai? --- Met die tweede blok hiervandaan af. Hy het die plek gewys waar hy wil afklim.

Wie was saam met jou in die kar gewees? --- Konstabel Pray was saam met my.

Het jy hom toe afgelaai en het hy toe self gekom... --- Hier na die Nuwe Gereghowe waar ek die landdros aangetref het, tussen die A-hof en die B-hof in die gang.

Landdros Potgieter? --- Ja, ek kon hom as die kontrolelanddros, en ek het gekom om hom te kon sien.

Hoe het die beskuldigde geweset waar hy moet heengaan hier by die hof? --- Ek het vir die beskuldigde gesê om om die hof te stap na die voorraat toe, en ek sal hom dan sê wanneer hy die landdros moet kon sien.

Het jy hom dit gesê voorwat jy hom afgelaai het? ---



Voor ek hom afgelaai het - of in die kar, ek dink dit was in die kar gewees.

DEUR RECHTER MUNNIX :

Is jy seker daarvan of nie? --- Ek is nou nie seker op watter stadium nie, maar ek het dit aan hom gesê.

DEUR DIE AANKLAER :

En het jy hom hier voor die deur gekry? --- Ek het.

En het jy hom toe gesê na watter kamer hy moet gaan? --- Ek het hom die kamer nog gaan wys ook, kamer no. 2. En ek het hom die tyd gegee, die landdroes het gesê hy sal beskikbaar wees om elfuur.

Het u op enige stadium 'n boodskap aan beskuldigde gestuur dat hy u moet kom sien? --- Ek het nooit te enige tyd nie.

Kan jy vir Barrington George? --- Hy is 'n lid van die speurdiens, en hy was ook behulpsaam met die ondersoek.

Ek praat nou van die tyd toe hy op berg was, van die 4e tot die 13e? --- Nee, ek het nie.

Het jy op enige stadium vir Barrington George gestuur om hom te laat roep? --- Nee wat ek ....

Is ek reg as ek sê die beskuldigde was gearresteer gewees en hy is losgelaat? --- Ja, hy was losgelaat, hy is weer gearresteer en toe lateraan uit op berg.

Het jy op enige stadium 'n boodskap aan hom gestuur? --- Nee wat ek kan onthou nie.

Was daar enige nood....? --- Daar was geen noodsaaklikheid nie, want ek het gewaag die man is uit op berg en hy is uit my hande uit, ek kon niks verder met hom doen nie.

DEUR RECHTER MUNNIX :

Dit word gesê - ek verstaan dit is deur jou, ek mag verkeerd wees - dat daar beloftes, of dat daar 'n dreigement gerig was aan die beskuldigde, dat as hy nie 'n verklaring doen nie, *sal harg teruggetrek word en hy sal weer opgekluis word?*

--- Neeit nie, ek sal nie so iets doen nie en ek het dit ook nie gadoen nie, en ek het hom ook geen beloftes gemaak nie.

GEEN VERDERE VRAE DEUR DIE AANKLAGER NIE.

SAAK WORD UITGESTEL TOT 30 JANUARIE 1963.

HOF VERDAG.

HOF HERVAT OP 30 JANUARIE 1963.

ANDRIES SAMUEL DU PREEZ, verklaar onder eed:

KRUISVERHOOR DEUR ME. SELIGSON :

Jy het vir ons vertel dat jy in bevel van die saak was onder die toesig van luitenant Smith? --- Dit is reg.

Hou die beskuldigde in hierdie saak is gearresteer op die 10e Oktober 1962, is dit reg? --- Hy was vir die tweede keer gearresteer.

Ek dink hy was op die 5e aangehou, en hy is toe losgelaat? --- Ja, hy is op die 7e losgelaat.

En daarna op die 10e is hy gearresteer? --- Dit is reg.

En teen die einde van Oktober is hy toe deur 'n prokureur, mr. Jankelovits verteenwoordig? --- Ek weet hy was verteenwoordig, maar ek weet nie van watter datum af nie.

U onthou dat hy verskyn het in die hof, en dat mr. Jankelovits hom verteenwoordig het? --- Ja, dit kan ek onthou.

Terwyl hy nog in hegtenis was? --- Dit is so.

En mr. Jankelovits het hom ook kom spreek in die selle te Kersten? --- Ja, ek het hom daar gesien.

Hou, hoelank is die beskuldigde aangehou by die selle? --- Al die tyd wat hy in hegtenis was - ek praat onder korreksie - al die tyd wat hy in hegtenis was.

Soos ek verstaan het is dit in werklikheid van die 10e Oktober tot die 12e November wat hy in die selle was, en daarna is hy tronk toe? --- Dit kan so wees.

How lank is hy so lank by die selle aangehou? Ek, hy was vir ongeveer 'n maand by die selle aangehou. Wat is die rede daarvoor? --- Hy is nie die enigste een nie, daar was heelwat aangehou by verskillende polisie-stasies, in die polisie-selle in Port Elizabeth.

Ek vra nie of daar ander was nie, maar wat is die rede daarvoor? Jy kan verstaan dat 'n persoon alhoewel vir 'n week in die selle aangehou word, maar lank vir 'n maand? --- Ons het hom maar net daar aangehou, ek het hom net laat aanhou by die polisie-selle.

Maar sê jy aan net sy dat dit buitengewoon is om 'n verkeerswagende prisoner te laat in die selle aan te hou? Dit is nie die gewone procedure nie? --- Ek sal nie sê dit is buitengewoon nie ...

Dit gebeur, maar dit is nie die gewone procedure nie? --- Nee, dit is nie.

DEUR ANTON KUBNIK :

As jou ondersoek afgehandel was, sou jy hom nog by die selle aangehou het? --- Nee, dan sal ek hom laat tronk toe gaan het.

Was jou ondersoek nog aan die gang? --- Die ondersoek was nog al die tyd aan die gang.

DEUR MRS. SELLINGER :

Wen gedurende die tydperk toe die beskuldigde in hegtenis by die selle was het die polisie 'n verklaring van hom gekry, is dit reg? Hy het 'n verklaring aan die polisie gemaak? --- Ek dra kennis van 'n verklaring, ja.

Wen die beskuldigde is toe op die 4e Desember 1962 op berg uitgelant, is dit korrek? --- Ja, hy was.

En op daardie stadium het u gewettig dat hy verteenwoordig was deur 'n prokureur? --- Ja.

En so teen die middel van Desember is dit besluit om die beskuldigde voor die Hooggeregshof te bring - in die

middel van Desember, is dit reg? — Ja.

Jy het nog daartoe kennis gehad? — Ja, ek het.

Went ek sien die klagstaaf die 1ste geteken is, en a mens kennis gepra het voor dit van die besluit en hoe voor die Hooggerogehof te laat verskyn? — Ja.

DEUR ME. SMIT:

Was dit nou jou besluit of die besluit van die Advokaat of die Prokureur-Generaal? — Dit besluit van die Prokureur-Generaal.

DEUR ME. SMIT:

Hou toe die beskuldigde vir 'n week want het dat hy 'n verklaring wil maak in die middel van Desember - toe jy hom gesien het en toe jy vir hom gesê het hy kan die landdroes gaan sien, wat jaar 'n week langwyls moet die beskuldigde? — Daar was, ja.

Hy sou nettertyd voor die Hooggerogehof verskyn? — Dit is so.

DEUR ME. SMIT:

Laat ek dit net so wêl, die 1ste of die advokaat is die dag waarop die klagstaaf geteken is. Hou het u voor die 1ste kennis gepra van die feit dat hy in die Hooggerogehof gaan aangekla word? — Ek het kennis gehad dat hy aangekla gaan word voor die Hooggerogehof.

Voor hy jou nog kom wê het hy was 'n verklaring maak? — Ek was nie in besit van enige dokumente nie ....

Ja, maar het jy kennis gehad? — Ek het kennis gehad dat hy aangekla sou word voor die Hooggerogehof, maar wanneer het ek nie gewet nie.

Maar jy het dit gewet toe hy jou kom sien het? — Ek het dit gewet.

DEUR ME. SMIT:

Mar, de Proeg; - ek het melding gemaak van die klagstaaf, dit is eintlik 'n kennisgeving wat uitgeleë is kragtens die subotansient. Mar, de Proeg, het u dit a gesê

gees en die beskuldigde se prokureur te laat weet toe die beskuldigde na jou gekom het op die 12de --- See, ek het nie.

Beskou jy dit nie as verkeerd om 'n onderhoud te hê met 'n beskuldigde waar hy alreeds verteenwoordig is en waar die vervolging hangende is teen hom nie? --- See, ek beskou dit nie as verkeerd nie, in hierdie opsig dat ek die beskuldigde gees het ek kan hom nie help nie, ek kan vir hom niks doen nie, hy moet sy prokureur gaan sien, en ek het hom 'n goude geleentheid gegee om dit te oorweeg, want ek het die 12e nie eers reëlings getref met 'n leë adres nie, en hy het weer teruggekom op die 13e.

Wen hoekom het jy nie sy prokureur gebel en gesê kyk hier .....

DEUR DIE AANKLAGER :

Ek maak beswaar, Edelaagbare, dit is nie die man se plig om as 'n persoon hom kom sien om na 'n prokureur te hardloop en te sê jou Klifant wil my kom sien.

DEUR HWR. SELIGSON :

Dit is vir die hof om te besluit ....

DEUR BROUWER MUMMIEK :

Hwr. Seligson, ek sou verbaas wees as dit die plig van 'n ondersoekbeampte was om 'n beskuldigde na hom toe kom en sê, ek wil my hart oopmaak, ek wil 'n konfessie maak, om die prokureur te bel en te sê jou Klifant is nou hier en hy wil 'n konfessie maak. Dit sou vir my 'n verbasende toestand van sake wees.

DEUR HWR. SELIGSON :

Dit is neergelê as die plig van 'n advokaat, in 'n saak, as hy 'n onderhoud wil voer met die opposisie se getuie....

DEUR BROUWER MUMMIEK :

Dit is heeltemal 'n ander ding.

DEUR HWR. SELIGSON :

Ek voel, met respek, Edelaagbare, die beginsel is

dieselfde.

DEUR REGTER MUNNIK :

Met ewe groot respek, mnr. Seligson, kan ek geen vergelyking sien tussen die twee nie.

DEUR MNR. SELIGSON :

Mag ek die vraag stel, en dan kan die hof besluit...

DEUR REGTER MUNNIK :

Ja, jy kan hom vra.

DEUR MNR. SELIGSON :

Ek wil jou vra, hoekom het jy nie die prokureur laat weet nie, jy werk met 'n nie-Blanke wat nie op hoogte is met sy regte nie, wat nie kennis dra van die wet nie? --- Ek het dit met nie gedoen nie, ek sou dit nie doen onder geen omstandighede nie.

Was dit nie in daardie omstandighede - sou jy nie onregverdig voordeel getrek het uit die situasie nie?

DEUR DIE AANKLAER :

Edeelagbare, ek maak beswaar teen die vraag .....

DEUR REGTER MUNNIK :

Mnr. Seligson, ek stel dit aan u dat die vraag is heeltemaal nie ter sake meer nie. Dit is myns insiens geen onregverdig voordeel nie. As 'n man 'n prokureur het, en hy verkies om by sy prokureur verby te gaan, en hy wil direk na die polisie toe gaan en hy wil 'n konfessie maak of hy wil 'n verklaaring doen, kan ek nie sien dat - dit is nog vir my nog die praktyk nog vereis enige regverdigheids- of billikheidsin dit dat die polisie hom dan moet sê gaan skakel eers jou prokureur of die prokureur moet skakel en sê, jou klišut is hier hy wil 'n konfessie maak, voor ek met hom praat moet jy nou eers self met hom kom praat. Die rede vir die ander reël, dat daar nie onderhoude geweer mag word deur die advokate met die Staatsgetuies, is eenvoudig om enige swem van suspisie dat daar met hulle gepeuter word te voorkom, en dat daar nie

naderhand die insinuasie gemaak kan word dat die verdediging gepeuter het met die getules nie. Maar waar 'n getule - die saak is nog nie eers voor die hof nie, en die getule kom en hy sê ek wil 'n konfessie maak, of die beskuldigde kom en sê hy wil 'n konfessie maak, sou ek verbaas wees om te hoor dat - van enige regsbeginself wat die polisiebeampte verplig om dan eers na sy prokureur te verwys. Veronderstel die man het nie 'n prokureur gehad nie, sou jy verwag het dat die polisiebeampte vir hom sê nou kyk, jy is 'n baie Naturel - veronderstel hy was - ek moet jou nou eers verwys na 'n prokureur, jy kan pro deo verdediging kry of jy kan deur die Regshulpbare kan jy hulp verleen word, voor jy nou verder met my praat, moet jy nou eers iemand gaan raadpleeg.

DEUR MHR. SELIGSON :

Met respek, Edelagbare, dit is heeltemaal 'n ander saak. In daardie geval is daar miskien 'n verskil waar daar nie 'n prokureur is nie, maar waar daar 'n prokureur is en daar 'n vervolging hangende is, is dit my submissie dat dit onregverdig is om in hierdie omstandighede.....

DEUR REGTER MUNKIK :

Die vraag is nie ter sake nie, want ek beskou dit nie ter sake nie - ek beskou dit nie as onregverdig nie.

DEUR MHR. SELIGSON :

Het jy op enige stadium na die konfessie vir die prokureur laat weet? --- Ek het hom nooit laat weet nie.

Mar. du Freez, wanneer het jy die boodskap ontvang dat die beskuldigde jou wil sien? --- Dit was die laat aand van die 11e.

Hoe laat die aand? --- Ontrent agt-uur.

DEUR REGTER MUNKIK :

Van konstabel Fray? --- Ja.

DEUR MHR. SELIGSON :

En wanneer het jy toe vir die beskuldigde gesien? --- Gedurende die voormiddag van die 12e.

Dit was nie in die middag nie? --- Gewis het ek

hom in die namiddag gesien.

Dieselfde dag? --- Nee, 'n paar dae daarna.

DEUR REJISER KENNIS :

Op die 12e het jy hom nie in die namiddag gesien nie? --- Ek het hom in die oggend gesien.

DEUR MRS. SELIGSON :

Hou, die besoek van die beskuldigde sou dit in die voorvalleboek aangeteken wees? --- Nee.

So daar is geen skriftelike bewys dat die beskuldigde daardie dae die polisiekantore besoek het nie? --- Nee.

Hekom is dit? --- As ons in die voorvalleboek 'n inskrywing moet maak van elke een wat die polisie kom sien, het jy boeke en boeke nodig per dag.

Jy sien, volgens Fray se getuienis het die beskuldigde op die 12e ongeveer drie-uur namiddag daar opgedaag? --- Dit is nie so nie, ek het hom in die voormiddag gesien.

Jy sien, die beskuldigde ontken dat jy die 12e daar opgedaag het. Volgens sy getuienis wat hy eal aflower het hy vir die eerste keer nadat hy op berg uitgelaat is, die 13e na die polisiekantore gegaan? --- Dan vertel sy 'n leuen.

Maar jy is reg en Fray is verkeerd as jy sê jy het hom op die 12e in die oggend gesien? --- Ek sê dit was in die oggend.

Wanneer het die beskuldigde 'n vrou hom vergees? Kyk, hy was tweemaal daar, voordat hy die konfessie gemaak het? --- Soos ek reeds gesê het, die oggend van die 12e.

Het sy vrou hom vergees? --- Wat ek haar gesien het.

Ek sê sy vrou getuienis gee dat sy hom nooit vergees het na die polisieostasie op daardie dag nie? --- Dan praat sy onwaar.

Toe die beskuldigde die volgende oggend teruggekem het, watter woordewisseling was daar tussen julle? Wat het jy aan hom gesê? --- Ek het aan hom gesê hy moet kom en dan gaan sê



ons die laaddras.

In dit die 1907 --- Dit is die 1908. Dan sal ek vir hom die reëlings tref, ek het nie die reëlings getref die vorige dag nie.

Hoekom het jy nie die vorige dag die reëlings getref nie? Dit is belangrik, die man kom daar en hy wil graag 'n konfessie maak, hy wil by sy prokureur verbygaan, hoekom het jy nie dadelik reëlings getref nie? --- Soos ek reeds gesê het, ek het hom 'n geleentheid gegee - ek het hom gesê kom die volgende dag, en as hy nie gekom het nie, dan het hy nie gekom nie. Maar hy het nog 'n geleentheid by my gekry om die volgende dag weer te kom.

Maar wil jy sê dat jy oergetuie geleentheid weggegooi het? --- Ek het nie belanggestel in wat hy vir die laaddras wil vertel nie. Ek het dit nie nodig geag nie, ek het nie uitgesien na 'n erkenning van hom nie.

Hou kyk, op daardie stadiums, die enigste getuie wat jy teen die beskuldigde gehad het, was die van twee medeplichtiges, is dit reg? --- Miskien wat u van bewys is, ek weet van meer getuie.

Hooveel getuie het jy teen hom gehad? --- Ek is nie bereid om my getuie in die hof te ....

DEUR MEESTER MURKIN :

Ek glo nie die getuie kan gevra word om verder te antwoord behalwe die antwoord wat hy alreeds gegee het nie, dat hulle het ander getuies gehad, behalwe die twee wat u genoem het.

DEUR MNR. SELISSON :

Soos dit u belang. Edelaagbare. Nou, ek kan nog nie verstaan hoekom jy hom laat loop het nadat hy vir jou gesê het hy 'n bekentenis wou maak nie? --- Ek het my verduideliking gegee, dat ek hom gesê het om my die volgende oggend te kom sien, en ek het hom nog 'n geleentheid gegee om te oorvoeg,

indien hy my nie wil sien nie, vir die landdroos nie wil sien nie, hoef hy hom nie te sien nie.

Jou getuigenis is dat jy was gewasins gretig om 'n bekentenis van hom te kry nie? --- Daar die dag was ek gladnie.

Jy was gladnie angstig daarontrent nie? --- Nee, ek was gladnie.

Ek sou gedink het dat dit jou baie sou gehelp het met die ondersoek van die saak, as die beskuldigde homself vrywilliglik aanbied om so 'n konfessie te maak, sou dit nie? --- Soos ek reeds gesê het, nee, ek het nie dit nodig gegag nie.

Die volgende oggend, terwyl julle gery het van die polisie-stasie te Korsten na die Hooggeregshof - na die Nuwe Gereghoof, watter reëlings het jy in die kar met die beskuldigde gemaak omtrent die gee van die verklaring? --- Ek het geen reëlings met die beskuldigde gemaak nie. Die eerste wat die beskuldigde my gevra het was toe ons hier op die hoek gekom het twee blokke hiervandaan, het hy my gevra, baas, laat my hier af, hier is baie mense by die hof, ek wil nie dat hulle my sien nie, ek is bang vir hulle, ek sal baas weer uitsteek. Toe sê ek vir hom goed, ek laat jou hier af, ek sal jou voor die Nuwe Gereghoof kry wanneer ek klaar die reëlings getref het met die landdroos vir jou.

Wie was saam met julle in die kar? --- Ek en konstabel Pray.

Hou sover ek kan onthou, is dit nie wat Pray vir ons gesê het nie. Pray het gesê - hy het niks gesê van 'n bestelling met hom voor die Gereghoof nie? --- Ek gee nie om wat Pray gesê het en wat hy nie gesê het nie, ek was die man wat met die beskuldigde onderhandel het, ek het met hom gepraat.

Waar het jy gesit in die kar? --- Voor in die kar.

En die beskuldigde? --- Agter in die kar.

Stem jy saam met my dat Pray sou gesê het wat

Jy aan die beskuldigde gesê het, want jy sou nie gefluister het nie? Hy kon gehoor het? Hy kon gewoonweg gehoor het? --- Ja, hy kon gehoor het.

Sou het jy nie voordat julle van Korsten gery het nie vir die landdros gebel om te reël nie? --- Ek het nie.

Die eerste rellings wat jy getref het was toe jy self hier gekom het en vir die landdros gesien het? --- Ek het hom toevallig raakgeleef in die gang, op pad na sy kantoor.

Die landdros vertel ons heeltemal 'n ander storie. Hy sê dat hy 'n oproep ontvang het van Korsten, ek dink dit was van u, ek is nie seker nie, maar dit was definitief 'n telefoonoproep wat hy ontvang het om te vra of hy beskikbaar is? Hy is verkeerd daar? --- Die landdros is verkeerd.

Volgens die landdros het die beskuldigde, sonder enige ander kontak met lode van die polisie, die beskuldigde alleen in sy kantoor ingestap? --- Ek weet nie hoe hy ingestap het nie, maar volgens my wete sou hy alleen gegaan het.

Maar die landdros het niks gesê van 'n ontmoeting met u in die gang nie? --- Die landdros is verkeerd in hierdie opsig. Ek het al dikwels dieselfde landdros geskik vir bestellings wat ek met hom gemaak het. Ek weet nie of hy dit opneem met 'n dag toe ek hom gebel het nie, ek bel hom dikwels, dit gebeur baie dat ek hom bel, maar daardie besondere dag het ek hom hier in die gang gekry.

DEUR REGTER MUMLIK :

Maar was die beskuldigde toe jy die landdros raakgeleef het? --- Hy was in die straat.

Jy het gesê jy sal hom later voor kry? --- Ek het gesê ek sal die rellings gaan tref en hom hier voor kry en sê wanneer hy die landdros kan sien.

Het jy by die sydeur ingekom? --- Ja.

DEUR MR. JELLISSON :

En het jy vir die beskuldigde gesê waarheen hy moet

gaan? --- Ek het hom gekry buitekant, ek het hom ingeneem en hom gesê hierdie kantoor is die landdros se kantoor, hy sal hier wees, die bestelling is vir elfuur.

Volgens die beskuldigde het hy die aand voordat hy die konfessie gemaak het, 'n boodskap ontvang van 'n sekere Barrington George. Dra u enige kennis van 'n boodskap wat gestuur was aan die beskuldigde deur die polisie deur Barrington George? --- Nee.

Barrington George was 'n lid van die speurdiensstaff? --- Ja, hy is nou nog.

En hy het gehelp met die ondersoek van die saak? --- Hy het.

As daar getuie is dat die vorige aand het Barrington George by die beskuldigde se huis opgedaag het en vir hom 'n boodskap gegee het dat u hom die volgende oggend sou sien, watsel u se dearentrent?--- As hy daar was - ek kan dit nie betwis nie, ek weet nie of hy daar was nie - as hy daarheen gegaan het, het hy nie op my instruksies gegaan nie, want ek dra geen kennis van iets van die aard nie.

Volgens die beskuldigde het hy die oggend van die 13e vir die eerste keer na die Korsten Polisie-stasie gekom, want hy het voor dit geen rede gehad om daar te kom nie?--- Ek se hy was daar die 12e, wat ek hom gesien het.

En jy se dit is die tweede keer wat jy hom gesien het, die 13e? --- Die tweede keer.

Het sy vrou saam met hom gekom? --- Die 12e het ek reeds gesê was sy saam met hom daar, en die 13e nie.

En volgens die beskuldigde het jy vir hom vertel dat die verklaring wat hy vantevore gemaak het waggerraak het? --- Ek het nie.

En volgens die beskuldigde het jy vir hom gesê dat jy verlang dat hy na die magistrat moet gaan en dieselfde verklaring maak? --- Nee, ek het nie.

En volgens die beskuldigde, toe hy nie ingestaan het nie, het jy hom gedreig dat as hy dit nie doen nie, sal sy borg van hom weggenom word, en dan sal hy weer opgesluit word? --- Nee, dit is onwaar.

En, volgens die beskuldigde, het jy hom hieroo by die kant van die hof afgelaai, aan die kant van die hofgebou? --- Dit is nie so nie.

DEUR RECHTER MUMBLE :

In die straat wat aan die kant van die hofgebou verbyloop? --- Dit is nie so nie.

DEUR MRS. SELIGSON :

Dink jy dit was twee strake op? --- Dit is in die straat wat voor die Nuwe Gereghouse opgaan, in dieselfde straat, maar twee blokke op.

Hy sê dit was nie twee blokke verder op nie, dit was ....? --- Ek sê dit was twee blokke verder op.

En volgens die beskuldigde het jy vir hom gesê dat hy vir die magistrat moet sê dat hy daar gekom het om die waarheid te praat? --- Hy het na my toe gekom en gesê hy wil sy hart skoonmaak, hoe kan ek vir hom ....

Jy ontken dit? --- Hy ontken dit.

En jy het hom min of meer vertel die feite wat hy moet noem. Jy ontken dit? --- Ek ontken dit.

En jy het ook vir hom gesê dat hy moet nie kak praat nie? --- Ek ontken dit.

DEUR RECHTER MUMBLE :

Is nou die bewering is dat adjoint-offisier de Preez het vir hom besonderhede gesê wat hy in sy verklaring moet sê, aan die magistrat?

DEUR MRS. SELIGSON :

Ja, beklagbare.

DEUR RECHTER MUMBLE :

Is u nou seker daarvan, Mrs. Seligson?

MNR. SELIGSON :

Ja, Edelaagbare, dit is die bewering dat die getuie die besonderhede genoem het wat die beskuldigde in sy verklaring moet gee.

NESTER MUNNIX :

Sal u dit net aan mnr. du Preez stel waar dit sou gebeur het?

MNR. SELIGSON :

Volgens die beskuldigde, toe julle op pad was na die Hooggeregshof het jy feite genoem, dat hy moet sê dat hy en Frans saam met die ander was, en dat hulle na die huis gegaan het, en dat hy en Frans as wagte gestaan het, en besonderhede moet gee hoe die dinge gedeën is? --- Ek ontken dit.

Hou toe die beskuldigde op die 10e gearresteer is, 'n paar dae daarna het hy die verklaring gemaak wat ons van gepraat het aan die polisie? --- Ja, ek weet nie hoelank daarna nie, maar etlike dae daarna.

Hou volgens die beskuldigde is hy aangerand voordat hy daardie verklaring gemaak het, was hy geforseer om daardie verklaring te maak? --- Ek dra geen kennis van enige aanranding nê.

Volgens die beskuldigde het u hom aangerand? --- Ek het nie.

En hier is gister hier in die hof 'n ander aantyging deur 'n getuie gemaak dat u hom aangerand het deur sy tand uit te trek (?). --- Sedert 1960 is ek belas met die ondersoek van sake van hierdie aard, en elke en ieder een van hulle was die aantyging teen my gemaak dat ek hulle aangerand het.

Hulle maak altyd die aantyging? --- Ja.

En dit is altyd vals? --- Ja, ek verwagdit al elke keer as ek in die hof kom.

Hou aangesien jy daardie antwoord gegee het, was daar ooit sake wat uitgespruit het uit hierdie aantygings teen jou, die bewerings van aanranding teen jou? --- Hofsaak?

Ja? Het jy nooit voor die hof verskyn op 'n aantyging van aanranding nie? --- Benkeer, ja.

Benkeer? Is dit nie meer as eenkeer nie? --- Het eenkeer.

DEUR DIE AANKLAER :

En die uitslag van die saak, Edelagbare, onskuldig en ontlaan.

RECHTER MUNNIK :

U kan dit in herverhoor vra, maar, die aanklaer.

DEUR DIE AANKLAER :

Ja, maar u sien, die posisie is dit, dit word in die lug gelaat. Hier is 'n man teen wie hierdie aanlygings gemaak is, en daar word dit in die lug gelaat.

DEUR MNR. SELIGSON :

In elk geval, Edelagbare, ek het dit nie gesê nie, die getuie het dit self gesê.

DEUR RECHTER MUNNIK :

Ja, maar u het hom gevra na die saak. As u geweet het dat hy ontlaan is, behoort u dit te noem.

DEUR MNR. SELIGSON :

Ek dra geen kennis van die - ek dra baie min kennis van wat gebeur het. Die getuie .....

DEUR RECHTER MUNNIK :

Hoekom het u dan op so 'n manier gevra, so 'n twyfelagtige manier gevra of dit net eenkeer was, asof u kennis dra van ander kere? U het my definitief die indruk geger dat u inligting het dat hy ander....

DEUR MNR. SELIGSON :

Dit is bloot hoorend, dit is hoekom ek die getuie so antwoord aanvuar het, ek dra nie persoonlik kennis daarvan nie, dit is hoorend getuie wat ek gehad het, en ek aanvuar die getuie so antwoord. Ek neem dit nie verder nie.

Nou, ek stel dit aan jou dat jy die onskuldige

gedreig het, dat jy invloed op hom uitgeoefen het.....

DEUR HEBSTER MUNKIE :

Op die manier waarop die beskuldigde beweert?

DEUR MNR. SELIGSON :

Dat jy hom gedreig het deur hom te sê dat sy borg van hom weggeneem sou word, en dat hy opgesluit sou word? --- Ek ontken dit.

En dat jy hom in die verlede aangerand het? --- Ek ontken dit.

En dat hy bang was vir - om opgesluit te word? --- Ek weet nie of hy bang was nie.

GEEN VERDERE VRAE DEUR MNR. SELIGSON NIE.

DEUR DIE AANKLAER :

Belagbare, ons kom terug op die ou kwessie. Ek weet nie of ek verkeerd gehoor het nie, maar hier is nou 'n algemene aantyging van aanranding, daar is geen besonderhede verstrekkend van hoedanig hy nou veronderstel was om iemand aan te rand nie, dit word in die lug gelaat.

DEUR MNR. SELIGSON :

Ek is jammert, dit was nie eintlik die spesifieke oorsaak van die konfessie nie, maar dit is die agtergrond van die ding. Die getuie sal dit ontken in elk geval, maar ek sal dit aan hom stel, die besonderhede van die beweerde aanranding mnr. du Proes, is dat / die beskuldigde se kop teen die muur gestamp het ten tye van sy arrestasie in Oktober, dat hy hom met jou knie op sy bene geskop het, tussen sy bene geskop het, en dat jy hom hê a en weer geruk het en geklap het? --- Ek ontken dit.

Dit was ongeveer ten tye van die maak van die vorige verklaring, as gevolg waarvan hy die verklaring gemaak het.

DEUR HEBSTER MUNKIE :

Aan wie, mnr. Seligson?



MNR. SELIGSON :

Ek dink dit was aan sersant Karelaan (?) ? --- Ja, ek weet hy het 'n verklaring gemaak aan iemand, ek weet nie aan wie nie.

GEEN VERDERE VRAE DEUR MNR. SELIGSON NIE.HERVERHOOR DEUR DIE AANKLAGER :

In verband met Barrington George - jy het eers gepraat iets van dat jy die beskuldigde weer gesien het na die 13e? --- Ja, ek het hom weer gesien, na die 13e Desember, na hy die konfessie gemaak het - dit is twee of drie dae daarna, - nadat hy die verklaring aan die landdros gemaak het, dit was drie dae daarna, het die beskuldigde een middag by my op kantoor alleen saagekom. Hy het toe vir my gesê, baas, ek is nou 'n bietjie in die moeilikheid, die dag toe ek by die landdros uit sy kantoor uitgestap het, het my prokureur my gesien, en hy het aan my gevra, wat maak jy hier? Ek het gesê ek het hom niks vertel nie. Hy het een of ander leuen aan hom vertel en nou is hy geroep, ontbied deur my prokureur om 'n verklaring te maak in verband met hierdie saangeleentheid, hierdie saak. Hy wou toe by my weet of hy aan sy prokureur moes sê dat hy 'n verklaring voor die landdros gemaak het, waarop ek toe aan die beskuldigde weer gesê het dat ek niks met hom en sy prokureur te doen het nie, as hy sy prokureur niks wil vertel dat hy die landdros gesien het nie, is dit sy besigheid, dit is nie my besigheid nie, hy moet sy prokureur gaan vertel wat hy gedoen het. Toe het hy vir my gesê, baas, as ek dit doen, die ander manne gaan dit hoor en dan is my lewe definitief in gevaar in die lokasie. Ek het vir hom gesê ek kan vir hom niks anders doen nie, hy moet sy prokureur gaan vertel wat hy gemaak het.

Is jy bewus - weet jy of Barrington George op een of ander stadium vir hom gesien het? Weet u dit van persoonlike kennis of van hoersê? --- Van hoersê.

U is bewus daarvan dat op een of ander stadium  
Barrington George wel ....? — Van homself, dit is al.

GENE VERDERE VRAE DEUR DIE AANKLAGER NIE.

VERDER KRUISVERHOOR DEUR MNR. SELIGSON :

Hou mnr. de Preen, die beskuldigde ontken besluit  
dat hy so 'n gesprek met jou gevoer het? — Hy het so gesê.

En sover ek kan verstaan het hy nooit sy prokureur  
gesê van 'n - hy het nooit sy prokureur ontmoet die dag wat hy  
son gesê het nie! — Dis het hy sy 'n leuen vertel.

En hoekom nadat hy die bekennende gesê het  
het u met hom gepraat? — Soos ek gesê het, twee of drie dae  
daarna.

Drie dae daarna - watter dag van die week was dit?  
— Ek kan nie die datum othou nie.

Drie dae daarna was die 16e, vakansie? Waar het  
hy jou gesprok? — Wettlik in die deur van kaptein Fourie, by  
sy kantoor, kaptein Fourie was in sy kantoor. Hy het hom gesien.

Woe laat was dit? — Om en by twee-uur.

Het kaptein Fourie gehoor wat hy van jou gesê het?  
— Hy het aan sy gevra wat hy wil wê.

DEUR KRUISVERHOOR :

Nadat hy weg is? — Hy het nog daar gestaan.

Het u hom gesê? — Ek het hom gesê.

DEUR MNR. SELIGSON :

Was dit 'n Saterdag? — Nee, dit was 'n weekdag.

DEUR KRUISVERHOOR :

Wie vir sy, het kaptein Fourie enigele met die  
ondersoek te doen gehad in die zin dat hy van die beskuldigde  
so bestaan sou bewus wees? Hou hy hom kan as hy hom weer sien?  
Het hy tot so 'n mate die beskuldigde...? — Edelaagbare, ek  
twyfel - ja, hy sal hom kan, ek sal u so verhoor ook, 'n paar keer  
- ek het gehoor dat die beskuldigde 'n paar keer by die kantoor

was. Verksie van die lede van die speurdienst op Korsten is bewys van die feit dat die beskuldigde gesoek het na my op kantoor. Ek het hom natuurlik nooit gesien nie, maar hy het verksie ware daar gekom tot by my gekry het.

Is dit nou na die konfessie, na die verklaring?

--- Voor en na die verklaring.

DEUR MRS. SELIGSON :

Kaptain Fourie was met 'n hele paar dae in die hof geweest --- Ek sal nou by behoort kom te sien.

Maar hy was in die hof geweest? --- Ja.

Vir die eerste paar dae van hierdie saak? --- Ja.

Hou maar. In Pretoria, jy sal jy het vir die beskuldigde gesê dat dit het niks met jou te doen nie en hy het toe geloop?

--- Presies, ja.

Was daar enige iemand by hom die dag? --- Hy was weer alleen gewes.

Jy weet nie hoekom hy so gereeld na jou gekom het nie? Het jy 'n goeie verhouding met hom opgebou gedurende die ondersoek van die saak of wat? --- Ek het geen verhouding met hom opgebou nie, maar ek kan dink aan 'n rede waarom die beskuldigde so gretig was om my te sien.

Waarom was hy so gretig? --- Op 10 Desember was ek in 'n soortgelyke saak waar 'n polisionen se huis afgebrand was, 'n baie swaar vorme was regtig aan twee bontoes. Die 12e het hy my kom sien. Dit is my idee waarom hy my kom sien het.

Nou het 'n vraag, wanneer het Kaptain Fourie sy diens by Korsten begin? --- Hy is al die speurder-offisier - hy is al lankal reeds op Korsten. Hy was tydelik - hy was verplasse na die Kwa-Saragshoeu en hy is weer gedurende Desember terug verplasse na Korsten.

Ek het verstaan dat hy alhier in Desember by die Kwa-Saragshoeu was en eers die 1e Januarie terug verplasse is? --- Ja.

DEUR VANDERKAMP NAAR DEUR MRS. SELIGSON NIE.

THE STATE CALLS:BARRINGTON GEORGE d.s.s.EXAMINATION-IN-CHIEF:

Are you a constable in the South-African Police stationed at Korsten? -- I am.

Detective constable or -? -- Detective constable.

How many years service have you got? -- 12 years.

12 years? -- 12 years.

Do you know accused No. 1 in this case? -- Yes.

It is alleged that on the 13th of December that he made a statement to the Magistrate. Had you round about the 13th December seen him at any stage at his house? --

HIS LORDSHIP: Or the 12th.

MR VAN BIEKERK: The night of the 12th of December. It is alleged by the Defence that on the night of the 12th December you went and you saw him at his house? -- No.

Did you at any stage visit his house? -- I did.

Before we get to that, did Sergeant - Head Constable, Warrant Officer du Preez at any stage send you with a message to accused No. 1? -- No.

Now you say that you did go to his house on a certain occasion? -- I did.

When was that? -- It was sometime in December, after I saw him on a certain day at the police station at Korsten.

You say that you saw him at the police station at Korsten -- Yes.

Can you recollect more or less when you saw him at the police station at Korsten? -- It was in the middle of December.

In the middle of December. -- Yes.

HIS LORDSHIP: For what purpose did you go to his house? -- On a certain day I was on duty at Korsten at night and somebody came to me with a number written on a paper and

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said that there was a certain woman at the police station who wishes to see Warrant Officer du Preez. I then took this number and tried to contact Warrant Officer du Preez, but I couldn't get him. I then decided to go and check up who this person was.

What number, was it the number of a hut or house or telephone or what? -- No, no, that was not a telephone, the number was a house number.

Where? -- In Kwarakela. I then went to this house in order to find out - only then to find out that it was the house of accused No. 1.

Were you aware of the fact that accused No. 1 had been staying at that house before you left - before you went there? When you saw the number did you know that it was accused No. 1's house? -- No I didn't know that that was the house of No. 1.

Until you got there? -- Till I got there.

Then you recognised it? -- I recognised the house.

Did you go in? -- I went into the house.

Yes, and what happened? -- I found accused No. 1 present.

Was he alone? -- He was with his wife and a certain old woman. And there was another man inside the house.

Did you ask him what he wanted at the police station? -- I then asked from the wife - I had just started to ask from the wife, the accused interfered and said, "No" he wanted to see me outside. We then went outside. Outside the house the accused told me that he wishes to see Warrant Officer du Preez. He, 1, had sent his wife to go and see if she cannot find Warrant Officer du Preez.

What did you say then? -- I then said he can come the

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next day because Warrant Officer du Preez was off that night.  
Off duty? -- Off duty at the time.

Did he, do you know whether he came to see Warrant  
Officer du Preez the next morning? -- Then the next morning  
I saw him.

So he was there. Can you recollect more or less when  
this was when you saw him, the date when this happened?  
-- It was surely after the 13th and 14th.

Now were you aware of the fact that the accused had  
made a statement to the Magistrate? -- No.

Anyway the fact is that he said that he wanted to see  
Warrant Officer du Preez and you saw him there the next  
morning at the police station? -- Yes I saw him.

Were you ever sent by Warrant Officer du Preez to  
fetch him? -- No.

Or to tell him to come to the police station? -- No.

Now prior to this occasion when you got this note, did  
you ever see the accused or the accused and his wife at the  
police station? -- Yes, I saw them.

Now in relation to the date on which you received  
this little note could you say how long prior to that --?

-- It could have been three or four days.

Three or four days before? -- Before.

Was the accused alone or was he accompanied by somebody  
else? -- He was accompanied by his wife.

At the police station? -- At the police station.

Did you speak to him? -- I spoke to him. He asked  
where Warrant Officer du Preez was. I directed him to the  
office.

NO FURTHER QUESTIONS.

CROSS-EXAMINATION BY MR. SELLISON.

Now you obviously have - must have made an entry in your book, as required by regulation, of your visit to the house -- On the time of my visit to the house of accused on the particular day I went there I was off duty so it was not necessary for me to make an entry in my book.

But when you go in connection with a case isn't it your duty to make an entry? -- When in connection with a case you do make an entry.

And when once it turned out to be in connection with a case when you got there, didn't you make an entry on your return? --

HIS LORDSHIP: Before you answer that question, did he tell you what he wanted to see Warrant Officer du Preez about? -- He did not. He did not tell me why he wanted to see Warrant Officer du Preez.

MR SELIGSON: Did he make an entry or did he not? -- I did not.

Have you got your book for that period, for the three days prior to the 13th December? -- I haven't -

Can you get it? -- Yes.

I would like, My Lord, before I proceed with cross-examination, I would like to see the witness's book for those three days.

HIS LORDSHIP: Well the books are usually handed in when they are full. Is this book full? -- ....

MR SELIGSON: Where is the book, your pocket book? You carry a pocket book? -- Yes.

A police pocket book? -- Yes.

Have you got one on you now? -- No.

Why don't you carry it with you? -- It is not common (that I should carry it in my pocket, but I have one.

I would like the witness to fetch his book. I ask that

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he be given the opportunity to do so.

MRS. VAN NIEKERK: Ek sal beswaar maak teen die inhandiging. Dit het niks (met hierdie saak toe doen nie??). As die Advokaat vir die Verdediging op 'n jagtog wil uitgaan dan kan hy sorg dat hy sy gewere by hom het.

MR. SELIGSON: I think that I have got my guns with me. I am entitled for the purpose of testing the witness's credibility, in view of the accused's story that the visit took place the night before, to ask him to produce his book.

HIS LORDSHIP: And if he says that there is no entry in the pocket book how does that help you.

MR. SELIGSON: I would like to see that there is no entry, in order to test it. I am entitled to - it is a common thing in these cases when you are testing the -

HIS LORDSHIP: I am fully aware of that Mr Seligson, I have been in the Courts for a long time.

MR. SELIGSON: My Lord, I am saying this with reference to my learned friends objections.

HIS LORDSHIP: Where is your book? -- It might be at the police station.

CASE STANDS DOWN TO ENABLE WITNESS TO EXAMINE POCKET BOOK.

HIS LORDSHIP: Have you made a search for your book? -- Yes.

Did you find it? -- No.

Now where - is the book already full? Did you hand it in or is it one that he should be using at the moment? -- No.

Is it full? -- Yes.

Now what happens to the books that are full? -- Some have been filed and some, during the time I have been working



under this ... I have been moving to other stations. I cannot say where exactly I left the book.

MR. VAN NIEKERK: Ek wil net sê dat die Verdediging verkeerd was toe hy sê dat die persone moet inskrywings ... Dit is net uniform - so ver ek weet is dit net uniform -

HIS LORDSHIP: That is as far as I know, only uniformed branch have to account for their movements from hour to hour ...

DISCUSSION

MR. SELIGSON CONTINUES CROSS-EXAMINATION.

Now Barrington, can you tell His Lordship, it is your custom nevertheless, to carry such a book. It is your practice to have a book in which you write down any events which occur during the course of investigations? -- I do carry my book.....

In other words it is your practice, but you are not able to produce the book relating to that period? You had a book but you are not able to produce it, that is the position. -- Yes.

In fact you - I understand that you were able to trace your books up to about October. They found your books which had been filed up to October? -- I cannot guarantee.

But there are books filed, but not relating to this period. Now you can't explain why this book cannot be found together with the other books? -- It might have been lost.

It might have been lost. Now tell me who was the woman who came to the police station and handed you a number? -- It was not a woman who came to give me the number. The number I got from ... and said that there was a woman at the police station who looked for Warrant Officer -

You didn't see that woman? -- I didn't see the woman at the time. I only got the number.

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Did you realize that it had something to do with this case? -- There was nothing mentioned about that, about the case at the time.

So you didn't know that it had anything to do with this case? -- No.

Now why did you want to contact Mr Du Preez? In other words if you had found Mr du Preez would you have given him the paper? -- I would.

And because you couldn't find him you went and checked up yourself? -- I decided to go myself.

You say that you had no idea that it had anything to do with this case? -- None whatsoever.

Now then you say that you got there and you were told that the accused wanted to see du Preez? Is that the position? -- The accused told us.

Now can you tell us when this was? Can you say what day of the week it was? On Monday or Tuesday or Wednesday? -- I cannot remember. I cannot remember the exact date but it was during the week.

And after that did you see the accused at the police station? -- After that?

After you saw him at his house that evening? -- Yes I saw him.

When did you see him, what time of the day? -- It was during the day.

Morning or afternoon? -- About 12(?) or so.

And was he accompanied by anyone? -- By his wife.

And after that day did you see him there again? -- After that day?

Yes? -- No.

You didn't see him there again? -- No.

Were you aware that he was taken by Warrant Officer

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du Preez for the purpose of making a statement to the Magistrate? -- No.

Did you see him the day he was there, when he was taken away by Mr du Preez? -- No I cannot remember.

You don't remember seeing that. I want to put it to you that in actual fact you went to this house a Wednesday night in December, on the 12th December and you arrived at the house of the accused of your own accord and found his wife there. The accused himself was not there? -- The only time I went to the accused's house, it was the time I was given the note and the time he was there.

Which you have told us. -- Yes.

Now you say that the accused was there when you got there? -- He was there.

Now <sup>if</sup> there was evidence that on the occasion you came there the accused was not there, you deny it? -- I deny it.

Now I put it to you that you waited there and then the accused subsequently arrived. -- No.

And that you went outside with the accused. Now you do admit that on the occasion you went, you went outside with the accused? -- Yes, I went outside with the accused. I had gone inside the house.

Yes, but you say that when you did go there you went outside with the accused. Now I put it to you that you then told the accused that Warrant Officer du Preez wanted to see him on the following morning at the Kersten police station. -- No.

You deny that? -- Yes.

He asked you why, but you didn't tell him, you told him that he had to see du Preez. -- No.

You deny that. Now you knew the accused's house number?

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-- No.

For your - from the earlier investigations when he was arrested? -- No, not the number.

Didn't you know where he stayed? -- I know but not the number.

if  
Now/his wife gives evidence to the effect that you came there asking for him. That you came to the house on the occasion that you did come, and asked for him -

HIS LORDSHIP: By name?

MR. SELIGSON: Yes, you asked for the accused, asked for her husband. I don't know whether it was by name, but you asked for the accused. -- Which day?

That very night? -- No.

HIS LORDSHIP: Had you been to that house before, in the course of the investigations? -- I was in that house during the time that the accused was detained the first time. The first time, that was long before -

DEF: How did you know what house to go to? -- At the time I was ... (with?) Detective Hergesat ... and the accused had sent us a message to his wife -

In order to get there, did he give you the number?

How did you get there without the number? -- ( The first time I was at accused's house it was the night that he was arrested so since then I started to know where was his house.

Are there numbers outside the doors of these places? -- Some of them are outside and some of them there are no numbers at all.

Has this house got a number outside? -- I do not recollect whether the house of the accused had a number on the door or on the lavatory, outside the lavatory.

Now on the night that you went there, how did you find it/....

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it if it didn't have a number? -- I found the number, it might have been from the next door house, I saw the number then ... excuse me, please put the question again.

How did you trace the number -

HIS LORDSHIP: What I want to know is this. You had a number on a piece of paper? -- Correct.

133 or something? -- That is correct.

Now if the house had no number, how did you know that this was the house of which you had the number? -- Some of the numbers - some have got the numbers on the door or on the wall of the lavatory outside. So since they have got this 113, you know that the next one is 112. That is how it is.

You may have deduced it from the next door house or you may have seen the number, you are not sure? -- That is what it is, that is correct, I am not sure.

MR SELIGSON: Now I want to put it to you that in actual fact you were sent to the house by Warrant Officer du Preez? -- Warrant Officer du Preez, I never saw him that day.

What did you tell the accused when you saw him that night? -- When I arrived at his house the accused was sitting with his wife. The accused then started asking to go outside with him. We then went outside and<sup>I</sup> asked from him who wanted to see Warrant Officer du Preez. He said that he wanted to see Warrant Officer du Preez.

What else did he say? -- I never questioned him further. I said that he can come in the next day to see him at the office because that night he was not on duty.

Now on the following day, when he arrived did he see Warrant Officer du Preez? -- He arrived the following day.

And he then saw Warrant Officer du Preez? -- I

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directed him to the office of Warrant Officer du Preez.

He then saw du Preez. You don't know what transpired between but he went to see him? -- He went -

You were not present? -- I was not present.

HIS LORDSHIP: You say three or four days before this you had seen the accused at the police station with his wife?  
-- Yes.

That is when he asked you where du Preez was? -- Yes.

Where Warrant Officer du Preez was? -- Yes.

You told him which office was his? -- Yes.

CASE FOR THE STATE.

DEFENCE CALLS ACCUSED.

PETER NOBOMVU d.s.s.

DEFENCE: Now were you released on bail on the 4th December last year? -- Yes.

Prior to that had you been in custody first at the Korsten Police cell and then at the gaol? -- Yes.

Now on the 10th October 1962 to the 12th November were you detained in the police cells? -- I was arrested on the 10th and on the 12th I went to the gaol.

12th of what? -- I don't know whether it was October.

Were you arrested on the 10th of the month? -- Yes.

And was it two days later that you went to the gaol or was it a month and two days later? -- No I stayed a long time at Berry's Corner, that is the Korsten Police Station.

Now soon after your arrest, did you make a statement to the police? -- Yes.

How did you come to make that statement? -- When I was arrested on the 10th I was arrested by du Preez and Card. They took me up to the Secondary School at Kwazakela. Along

the road they asked me where Man... 's house was. That place where they make Kaffir beer.

Now just tell us, don't give us all the introductions, just tell us how you came to make a statement. What caused you to make that statement? -- When I came to New Brighton Police station they brought two photos to me. Those two photos were in one frame. They were .....and.....

Then? -- They asked me whether I knew those photos and I said yes, I know them. I asked them where I know them from. I said that I saw them in Siphos house.

Yes? -- Then they said that Siphos said that he got those photos from me ..... from the papers which they read, which I read out to Siphos. So I said that there is no such thing. Well they say Siphos can't read and they witnessed the fact ..... he found them, ..... from me.

Alright, then they interrogated you? -- Yes.

And what happened? -- While they were interrogating me du Preez came to me and handed me a paper that size.

Yes? -- He said that he heard all about me and about our meetings(?).

Yes? -- And the ... when we had decided to burn the house of the policeman.

Yes? -- He said that he had heard Tokwe had given us instructions to go and burn the house.

Yes? -- I said that I did know nothing about that. Then he said, "you lie, you will know."

Yes? -- He then went out and went into another office. Then he came back holding up - rolling up the sleeves of his shirt. He said, "Now today you will speak the truth" That we are the ones who burnt that house. I said I don't know that. Then he hit me with his fists and slapped me with his flat hand and held me by my head and hit my head up

against the wall behind me and he hit me that I fell there. I said to him not to hit me, I was not well and that I was under the doctor.

Yes? -- Then he said that I must admit that it was we who had burnt the policeman's house. I said that I won't admit that. Then he left me.

Yes? -- Then the sun set at about 7 o'clock and he came to me with another non-European policeman and he took me to another room and he asked me what so I say.

HIS LORDSHIP: Who came to you? -- Du Preez and a non-European. I don't know his name.

DEFENCE: Yes? -- They asked me what I say now. I said that I know nothing. So he said, "Kaffir you will know." Then on saying that they hit me and kicked me and hit my head against the cement. They hit me till I fell down and trampled my back. I said then that I would admit everything that they wanted me to admit but I can't keep on like this because I am not well. I am troubled by health ..... and I had been working and I had left off working because the doctor .... They took me then to another room. He then told me what I must say. He said that if I said what he said then he would get me out of the case. Then he said that I must say that on the 2nd October, I, Tokwe and Ndevu, and ... and Frans and Siphon Mange, where we had met a house -

And <sup>did</sup> ~~then~~ you then make a statement. Did you make a statement as a result of what had happened? -- Yes I agreed to make a statement.

Now subsequent to that -

HIS LORDSHIP: Did you make that statement in front of a Magistrate or in front of a policeman? - I made that statement to Detective Card, not in front of a Magistrate.



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Nobody asked you to make the same statement to a Magistrate at that stage? -- When I came out of bail -

No at that stage? -- No.

DEFENCE: Was there any talk of your giving evidence for the State? -- Yes after I had made that statement.

Now before you went out on bail you were already represented by an attorney? Is that correct? -- Yes.

Now after you went out on bail can you explain to us, tell us what happened, did you at any time go to the Korsten police station of your own accord? -- I never went of my own accord.

Was there any reason for you to go there? -- There was no reason for me to go.

Now will you explain what happened, the circumstances in which you eventually went there? -- If I am not mistaken, between the 11th and the 12th George came to me.

Barrington George? -- Yes. That day I was not there. I had gone to my brothers to borrow money.

Yes? -- When I arrived he was in the house.

Who else was in the house? -- My wife and the old lady who stays with us.

What is your wife's name? -- Gracia.

Now what happened then? -- When I arrived at home George was there. I went in. He then said to me that he wanted to see me outside. I then went out with him. When I went out with him my wife followed us out. My wife wanted to see if I am going to be arrested, to see my arrest.

HIS LORDSHIP: How do you know that? -- My wife has said so. She said that she wanted to follow me.

Did she say that to Barrington George as well? -- Yes, he asked her, "where are you going."

When you spoke to Barrington George outside was your wife present? -- Yes he said to her to stand on the side.

Did you tell your counsel that? -- I am telling him now.

Why didn't you tell him when you had a consultation with him about the matter? Because this was never put to Barrington George? --

What is the answer? Why didn't you tell this to your attorney or your counsel when you told them the details of Barrington George's visit? -- I did tell the advocate that Barrington George did arrive at my place.

Yes, but you apparently didn't tell him that your wife followed you outside and stood there because she wanted to see if you were arrested? -- I didn't tell him that my wife followed me outside. She .....

And she overheard the conversation that you and Barrington George had? -- No she was a distance away from us.

DEFENCE: Now your wife was a little distance away and what did George then say to you? -- He said to me that du Preez wanted to see me at Berry's Corner tomorrow.

Yes? -- Then I asked him what for and he said that I would hear there.

Did he then leave? -- Then he went.

Can you remember what day of the week this was? -- If I am not mistaken it was a Wednesday.

And did you go the following morning to the police station? -- Yes, I went to hear what it was.

Did you go on your own or with your wife? -- I went alone.

Did your wife ever accompany you to the police station? -- No my wife never went with me.

How many times did you go to the Korsten police station after you were released on bail? -- Once only, on that

occasion.

On that Thursday morning? -- Only that occasion when I was called.

Did you see Warrant Officer du Preez at the police station the next morning? -- I saw him.

And what conversation took place? -- When he saw me he told me to wait a little bit, he is still busy.

Yes? Tell us what eventually du Preez said to you? -- At 9 o'clock he called me into another office. Then he said that he wanted me to go and make the statement to the Magistrate at the Court.

Yes? -- So I said, "Why?" He said that the statement which I made to him they can't find. Then I said that that is not my concern. He said that if I don't go and make the statement he would withdraw bail and lock me up in gaol. Then he asked me, "Do you want to go?" And I said that I would go.

Were you willing to go? -- No it was fear that made me go.

Why did you agree to go eventually? -- Because he said that he would lock me up and withdraw my bail.

Who took you to the .... (magistrate?)? -- Du Preez and Vrey.

Took you to the Law Courts by car? -- Yes.

Where did they drop you? -- They put me off here just beyond this corner.

What do you mean, what is just beyond? -- Otherside this Court on the open piece of ground.

The open piece of ground behind the ... here? -- Otherside the ...

Is that in the same block as the Court or a block away?

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-- As the road comes here on that side.

Where they put you off was it in the street that runs next to the Court, in the same block as the Court building or was it more than one block away from the Court? -- The Court building is on one block.

Yes? -- The open piece of ground ..... the furtherest -  
Away? -- Away, the further.... away, a corner ways..

So you had to walk the length of that block before you got to the block in which the court was? -- The length of that open field before you reach the Court.

On what side of the building was that? -- On the west side.

Now what happened? How did you know where to - oh - sorry - while you were on the way from the police station did du Preez say anything to you? -- Yes he told me what I must say at the Magistrate.

HIS LORDSHIP: What did he say? -- He said that I must say to the Magistrate here that I have come here of my own accord and that I want to speak the truth.

DEFENCE: What else did he say? -- I said, "What must I say." He said that I must say that on the 2nd October I and Ndevu and Tokwe and Saai, William Frans and Sipho Mange, that we had been to a meeting at Ndevu's and it was there at Tokwe had issued instructions that we should burn the house of a policeman. I must say that Frans and I were the watchmen and that when the sound of the breaking of windows was heard Frans and I ran home. I then told that to the Magistrate.

How did you know where to go? To make the statement? -- I did not go where I must go to make the statement. He then told me when I got off that I was to go to the front of the building and that he would meet me there, the front

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door facing the main street.

Did you ask him to put you off at the back of the building? -- He said that he would put me down there so that I would not be seen by people.

He told you to meet him here in front? -- Yes.

And then? -- He then took me to the room and told me it was the room of Mr. Potgieter. I don't know the actual name. He said Potgieter to me.

He told you to meet him in front and you met him in front? -- Yes.

And then he took you to the room of Mr. Potgieter? -- Yes, and then he turned back.

Did you go in on your own? -- Yes, I was told to go inside the room.

Did you then make a statement? -- Yes.

Now why didn't you tell the Magistrate that - what had - how you had come to make the statement? -- Du Preez told me not to, as he put it, "Moenie kak praat nie". And that I must say that I had come of my own accord and that I had come to speak the truth.

Were you afraid of du Preez? -- Yes.

Why? - I feared him because of the way he had assaulted me and threatened to lock me up in gaol.

NO FURTHER QUESTIONS.

KRUISONDERVRAGING DEUR STAAT

Jy ken Afrikaans? Jy praat Afrikaans? -- Ek ken ~~dit~~ dit maar ek ken dit nie goed nie.

Maar jy het met die Landdros, mnr. Potgieter, het jy Afrikaans gepraat? -- Ja, ek ken dit maar ek ken dit nie goed nie.

Toe jy nou met die Landdros gepraat het het jy verstaan wat die Landdros gesê het? -- Ja, ek het hom verstaan.

Jy het alles verstaan wat hy gesê het? -- Ja.

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Nou jy is gearresteer die 5de Oktober? -- Ja.

En toe is jy dieselfde dag of die dag daarna losgelaat?

-- Dieselfde dag.

En toe is jy die 10de Oktober weer gearresteer? --

Ja.

Waar is jy gearresteer? --x Die eerste of tweede keer.

Die 10de Oktober? -- In my huis waar ek die heining om my huis reggemaak het.

Omtrent hoe laat was dit? Oggend, die middag, aand?

-- Dit was omstreeks 12 uur.

Toe is jy afgeneem na Korsten Polisiestasie? --

Na New Brighton toe.

Hoe lank is jy op New Brighton gehou? -- Op die 10de was ek daardie selfde nag 12 uur na Berry's Corner te gevat, Korsten toe.

Wat het met jou ~~KXX~~ gebeur op New Brighton. Het iets daar met jou gebeur? -- Dit was daar waar ek geslaan gewees het.

Op New Brighton? -- Ja.

Was dit al plek waar jy geslaan was? -- Ja, dit is al plek waar hulle my geslaan het.

Net die een aand? -- Ja.

Die een dag? -- Ja.

Daarna was jy nie meer geslaan nie? Nie meer aangerand nie? -- ... (Nee?)

Nou wie het jou aangerand die dag vaandie 10de? -

SY EDELE: Wanneer het jy die verklaring gemaak aan Card?

-- Daardie week.

Nie dieselfde dag nie? -- Ek het daardie verklaring op New Brighton gemaak en ek het 'n ander verklaring gemaak by Berry's Corner.

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Ook aan Card, altwee verklarings? -- Ja.

MNR VAN NIEKERK: Jy sêjy is aangerand op New Brighton?

Wie het jou aangerand? -- Baas du Preez.

Het hy alleen vir jou aangerand? -- Hy <sup>(is nie al een??</sup>  
<sub>(is al een??</sub>

wat my geslaan het .....

Deur wie? -- 'n Nie-Blanke speurder.

Wie? -- Die een wie se naam ek nie ken nie.

Nou beskrywe hoedanig mnr. du Preez nou vir jou aangerand het? Wat het hy met jou gemaak? -- ~~HE~~ Hy het my met die plat hande geslaan en met sy vuus my in die maag geslaan.

Ja? -- En hy het my kop vasgehou, (dui aan deur sy hande op sy voorkop ...) enhy het my so gestamp, heen en weer geruk en gesê, "Praat Kaffir, praat die waarheid." En dan slaan hy my met die plat hande toe/tot(?) ek op die grond val en met sy geskoende voet het hy my getrap in die rug. Toe het ek hom gesê ek is nog onder die dokter. My gesondheid is, is sleg ek is nie 'n gesonde persoon nie.

SY EDELE: Wat het jou makeer? -- Die rug die pla my nou ook.

Maar het jou rug jou voor die tyd gepla? -- Ja.

MNR VAN NIEKERK: Het jy enige beserings opgedoen as gevolg van die aanranding? -- Geen wonde maar my kop agter was knoppe gewees.

Die volgende dag of daardie selfde aand - hoe laat het hulle jou aangerand? -- Na 12 uur toe ek daar op New Brighton gekom het het hulle begin met my. Ek wou nie instem met daardie wat hulle wou hê ek moet instem nie.

Nou maar wag so 'n bietjie. Jy sê hulle het jou aangerand daar? Hoe laat het hulle begin met die aanranding? ~~tee~~ mnr du Preez jou aangerand het? -- Na middag ete en ~~naar~~ weer die aand.

Na middag ete? -- Ja.

Wat het hy aan jou gedoen na middag ete? -- Hy het my met die plathand geslaan en my geskop.

Waar het hy jou met die plathand geslaan? -- Die kante van my gesig met die plathand.

Op die wange? -- Ja.

WAarom? -- En met sy vuus het hy my in die maag geslaan.

Wat nog? -- So 'n gomlastiek, 'n "josepipe", 'n tuinslang Edelagbare, so 'n stukkie.

Waar? -- Op die kop.

Hoekom het jy nie vantevore hiervan gepraat nie? Toe die Magistrat jou ~~gax~~ gevra het nie? --

'n Nuwe dingetjie wat jy? --

MR. SELIGSON: Excuse me interrupting my learned friend, in fairness to the accused he did tell me about a rubber truncheon and I omitted to .....

MNR VAN NIEKERK: Dis 'n nuwe dingetjie daardie wat nou uitgekom het? -- Ek het my prokureur daarvan vertel.

Ja jy het hom vertel maar toe jy gevra is toe vertel jy dit nie in die getuiebank nie. Ja hy het mos gevra waarmee jy aangerand is, hy kan mos nie vir jou vra "het hulle jou aangrand met 'n stuk rubber of 'n knuppel" nie. Hoekom het jy nie gesê nie? -- Dit het my ontgaan.

Maar dit is mos 'n ernstige aanranding gewees? -- Ek het gemeen dit is maar klein. Dit is nie so noodsaaklik die wyse waarop hy my geslaan het nie.

Hoe lank het die aanranding op jou geduur? Die eerste aanranding? -- Ongeveer 'n half uur.

Hoeveel houe het hy jou geklap? -- Ek het nie getel nie Edelagbare. Dan slaan hy my, dan hou hy op en dan sê hy vir my wat sê jy nou.

En dan? Wat sê jy? -- Toe sê ek "Baas ek ken daar-

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die ding nie".

Ja en dan? -- Toe slaan hy my. Hy slaan my op daardie wyse Edelagbare, dan laat staan hy my, en toe maak hy my toe in 'n ander kamer.

Dit was nou hierse in die middag? -- Daardie middag ja.

En toe hoe lank het jy in die kamertjie gebly? -- Tot sononder.

Hoe laat is jy die tweede maal aangerand? -- Ek kan nie sêpresies watter tyd dit was nie, maar dit was skemer geweest.

Op dieselfde dag? -- Ja dieselfde aand.

Wie het jou geslaan toe, deur wie is jy toe aangerand? -- du Preez.

Wat het hy gemaak? -- Hy het my geslaan en my geskop.

Hoe het hy jou geslaan en waar? -- Met die plathand en met sy vuus, en my kop vas te hou en dit teen die muur te stamp.

Is hy die enigste een wat jou toe aangerand het? -- Ja.

En in die middag ook? -- Ja Edelagbare.

Wanneer het die naturelle speurder jou aangerand? -- Die speurder wat die portrette daar ..... het ek het nie gesêdat hy my aangerand het nie, ek het gesêhy het die fotos daar gebring en hy was daar teenwoordig.

Jy het gesê hy het jou geskop. -- Nee dan het u my verkeerd gehoor.

Hoe kan ek jou verkeerd gehoor het? "Du Preez het my aangerand, du Preez het my geslaan maar die Bantoespeurder het my geskop." Dis wat jy gesêhet. Wat sêjy nou?

-- Dit was diébaas wat my daardie dag geslaan het.

Wie het jou geskop? -- Ek weet nie wat is daardie speurder se naam nie.

Maar het hy jou geskop? Het 'n Bantoespeurder jou geskop? -- Ja Edelagbare, hy het my geskop.

Ja maa jy sêdan nou - wat is dan nou die waarheid. Het die Bantoespeurder jou geskop of het hy jou nie geskop nie? -- Hy het my op my boude geskop.

By welke geleentheid? -- Dit was die tyd toe hy so 'n stukkie papertjie in sy hand gehad het, toe maak hy 'n beweging met sy hand, hy het gesê "praat, praat nou".

Wie is dit, du Preez of die Bantoe? -- Die naturellespeurder.

Het hy gesê "praat, praat"? -- Ja, en dié baas slaan vir my met die vuus en dan sêhy "kaffer praat".

Maar wanneer het die Bantoe toe vir jou geskop? -- Die slag toe my verstand so deurmekaar was terwyl ek geslaan was deur die Blanke.

Is dit die aand. Die eerste aanranding of die tweede? -- Die aand.

Hoekom het hulle opgehou om vir jou te slaan? -- Edelagbare dis toe ek inwillig, toe sêek wat hulle wil hê ek moet sê.

Dit was die aand gewees toe jy ingewillig het? -- Ja.

Maar hulle het toe nie dadelik 'n verklaring by jou geneem nie? Daarendan toe jy sê "nee, ek sal nou praat"? -- Nee hulle het nie toe ek ingewillig het die verklaring geneem nie. Hulle het dit die aand geneem voordat hulle vir my na Berry's Corner toe geneem het. Hoe lank na hulle opgehou het om jou aan te rand? --

Dis 'n lang tyd Edelagbare, want hulle het my in 'n ander ka-  
maner gehad waar 'n ander man ook ingekom het.

'n Ander beskuldigde? -- Ander persone wat gevang  
word.

Maar wanneer het jy toe jou verklaring gemaak? --  
My verklaring het ek gemaak daardie aand, voordat hulle vir  
my by Berry's Corner gaan opsluit het.

Nou toe hulle nou ophou met slaan, hoe het jou nou geweet  
wat moet jy in die verklaring sê?-- Diébaas het gesêhy  
sal vir my sêwat is die posisie.

Wanneer het hy so gesê. Terwyl hy jou aangerand het  
of nadat jy gesêhet jy sal praat? -- Hy het my dit toe  
gesêtoe ek daar uit die kamertjie ingesit <sup>in?</sup> gewees het.

Na die aanranding? -- Na hy my geslaan het.

Jy het alreeds gesêjy sal sênet wat hy wil hêjy moet  
sê? -- Ja.

Het hy jou in die kamertjie gesêhy sal vir jou sêwat  
jy moet sê? -- Ja, en dan sal hy vir my uit die saak uit-  
haal.

En vandat hy jou in die kamertjie daar gesit het, tot  
laat jy die verklaring gemaak het, het jy hom weer gesien?  
-- Hy het my gedurig gesien.

By die kamertjie? -- Ja Edelagbare, hy was in die  
kamertjie.

Laat ons mekaar weer mooi verstaan. Jy sêjy het in-  
gewillig om 'n verklaring te maak? -- Ja.

En is jy toe dadelik gevat na..... toe om 'n ver-  
klaring te maak, of is jy eers na die kamertjie? -- Ek  
was nie toe geneem gewees nie. Hulle het my gevat toe en in  
die kamertjie gaan opsluit.

Nadat jy ingewillig het om 'n verklaring te maak het  
hulle jou gaan opsluit in 'n kamertjie? -- Ja.

Was jy toegesluit ~~gewees~~? -- Dit was nie in 'n sel  
gewees nie, dit was in ~~xxx~~ een van daardie kantore daar.

Saam met die ander? -- Nee ek was allenig gewees.

Allenig? -- Hulle was aan die ander kant.

Toe wat gebeur daarna? -- Toe sêdié baas ek moet  
sê dat ons na 'n vergadering toe ~~gngngng~~ gegaan het.

- Beginne nou van voor af. Die verklaring wat jy gemaak  
het, in daardie verklaring het jy gesê laat du Preez vir  
jou gesê het wat jy moet sê? -- Ja, wat hy vir my gesê  
het, het ek gesê in die verklaring, want hy het gesê-

Hy het eers vir jou gesê in die kamertjie wat hy wil hê  
jy moet in daardie verklaring van jou sê? -- Ja.

Toe vat hy jou na Card toe? -- Ja. In 'n ander  
kamer.

In 'n ander kamer ook by New Brighton? - Ja in die  
kantore daar.

Toe vertel jy die storie vir Card en toe skryf hy dit  
neer? -- Ja.

Wat jy vir Card vertel het is wat jy gesê is om te sê  
deur du Preez? -- Ja.

Alles wat jy vir Card gesê het het du Preez vir jou ge-  
sê? -- Ja.

Het jy op daardie stadium vir beskuldigdes 2 of 3 ge-  
ken? -- Ek het hulle geken.

Hoe lank? -- Ek het hulle 'n lang tyd geken, kan nie  
se^ hoe lank nie.

Het jy ooit vir hulle gaan kuier? -- Ek was al 'n  
paar keer by Ndevu.

Het jy vir Tokwe daar gesien? -- Hy bly langes aan  
Ndevu.

Die vraag is of jy Tokwe gesien het by Ndevu? -- Ek

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gaan na Ndevu toe, maar met kere sien ek hom nie.

By kere sien jy wie nie? -- Tokwe.

Maar ander kere sien jy hom by Ndevu? -- Ja.

By die huis van Ndevu? -- Ja, wanneer hy ook daar kom. Hulle is langes mekaar.

Ja. Dis nou alles voor die 10de Oktober? -- Ja.

Ek wil nou graag hê jy moet vir die Hof vertel alles wat jy vir mnr. Card vertel het. --

MR. MELUNSKY: With respect, I feel that this line of enquiry should not be pursued by my learned friend - (Discussion follows. Audible in snatches) - I think it is rather unfair. The witness hasn't got the statement in front of him, and he is being asked to remember exactly what was said to him. I think it might be fairer if ..... were put to him.

MR. VAN NIEKERK: ..... ask him what he told Card..... testing his memory.....

MR. MELUNSKY: I wonder whether Your Lordship shouldn't exercise an inherent ~~discretion~~ discretion not to admit this statement which was made to the police, because although obviously Your Lordship, you will cut it out of your mind should the trial proceed, should the confession be admitted, I think this may be a case where the actual contents of the statement should not be disclosed even during the trial.

MR. VAN NIEKERK: Milord I must test this witness' credibility, I must go into the statement that he made ....

HIS LORDSHIP: I assume..... I assume that the point that you wish to make is that you want to put to him ..... obviously relevant. The whole thing is tied up..... credibility, and part of his defence.....his fear of going back to gaol..... previous assaults. I of course will take no notice of the contents other than for purpose of testing his credibility.

MR. MELUNSKY: Milord I concede immediately that it is relevant along the lines indicated by Your Lordship, to the question of credibility, but in view of the fact that the Statement to the police is itself in the nature of a confession, it occurred to me that this might be one of the cases, - Your Lordship will be aware of the decisions which say that even where something is admissible because it is relevant the question arises whether the judge should not consider the exclusion of that statement because it is in general prejudicial to the accused, and I would suggest that this may be -

HIS LORDSHIP: I know those cases ..... but in this case..... I obviously am only allowing it for the purpose of his arguing along the lines I have .....(Inaudible.)

MR. MELUNSKY: I am not really a party to this trial within a trial Milord, but it occurs to me that in view of the previous questions put by the Attorney-General that there might be certain prejudicial statements here relating to the other two accused.

HIS LORDSHIP: Although of course.....

MR. MELUNSKY: No Milord, except Milord that the statement in a witness box by a witness where he makes admissions relating to the other accused is admissible, not the contents of a confession.

HIS LORDSHIP: The evidence given in a trial within a trial is not really evidence.....

MR. MELUNSKY: Yes that is so.

HIS LORDSHIP: .... for example, as far as I know. .... examine.....the accused.....evidence.....on the merits of the case or on the truth of the confession.

(Discussion - inaudible).

MR. VAN NIEKERK CONTINUES CROSS-EXAMINATION.

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You told the Court that whatever you told Sergeant Card was told you by Mr. du Preez? -- Yes.

And you didn't say anything else but what Sergeant du Preez told you to say? -- Yes.

Did Sergeant du Preez tell you to say that you, Peter Nobomvu had joined the African National Congress in 1954? -- He asked me whether I had joined the Congress.

HIS LORDSHIP: When, who asked you? -- du Preez.

MR. VAN NIEKERK: And then what did you tell him? -- Yes, I said that I was a member.

Since 1954? -- Yes.

And you say, "I was known as a volunteer". -- He had asked me what I was at that time.

And you said that you were a volunteer? -- I said that I was a volunteer.

Now the fact that you had joined the African National Congress and the fact that you had known - that you were known as a volunteer were facts that he didn't know? Until you told him? -- He had asked me.

And when you made the statement to Mr. Card you incorporated it in the statement? -- Those were his questions which I answered.

MR. SELIGSON: I am sorry to interrupt. We have in our possession two different statements. I was wondering which one.....

MR. VAN NIEKERK: The first one dated the 11th. The 11th October. }

So he didn't tell you to say this to Mr. Card? -- No he didn't say that.

You go on to say, "the aim of the A.N.C. was to gain equal rights" -- Yes, he asked me, he asked me why I had joined. What was its work.

And then you told him that the aim was to gain equal rights? -- Yes.

And you say - did he tell you that they decided on a campaign of protesting against colour bar and pass laws? Did he tell you that? -- No that was his question which he asked me. He asked me what the aim of the congress was.

And you told him? -- Then I told him.

Didn't - he didn't tell you? -- No.

HIS LORDSHIP: And did he tell you that you must tell Card that? When you made the statement? -- No he didn't say anything about Congress, he spoke about the burning.

All that he told you to tell Card was about the burning? -- The burning, yes. The Congress part of it was asked me by that boss.

Card? ~~3~~ -- Yes.

MR. VAN NIEKERK: So the part outside the burning in this statement was not told you by du Preez? --

HIS LORDSHIP: ..... The part, other than the burning, that you mentioned in your statement, you say are not things which du Preez told you to tell Card, but they are things which Card asked you about and that is why you told him? -- What du Preez told me was only about the ~~gm~~ burning the other ~~questions~~ was to questions by Card.

MR. VAN NIEKERK: Now we come to the next paragraph. Did you say to Card "I do not remember the date but I do know that the A.N.C. was banned?" -- Yes I told Card that. (Inaudible discussion follows).

Did you tell Card that Tokwe was your chief steward? -- Yes.

Did you tell Card that Tokwe called you together? Told you must come together and form groups of not more than 10 at a time? -- At the time when the A.N.C. was banned, not yet been banned -



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Yes, but after it had been banned? --- .....

HIS LORDSHIP: No, no, the question is only whether you told Card that. -- I said that I did not know when it was banned. I knew it was banned but I did not know what year.

MR. VAN NIEKERK : Did you tell Card that after the A.N.C. was banned, Tokwe told you that you must get together in groups of not more than 10 persons at a time? --- Yes I told Card that.

And did you also tell Card that at that time, that the A.N.C. was divided into zones, that you were in the same zone as Tokwe and Ndevu? -- Yes.

And that the chief steward was Tokwe? ----- Yes.

Now that is not what du Preez told you to tell Card? ----- No card asked those questions.

HIS LORDSHIP: What sort of questions did Card Ask? --- He asked me why I had joined the A.N.C.

Yes, that you've told me already --- And all these actions(?) at the time.

Did Card make any threats against you? -----

When this statement was made? --- No.

Now what I can't understand is this - the police had, all du Preez wanted from you was the things that du Preez said. You must tell a story about the burning. You must give the details of the burning which he gave to you, and according to what you told me earlier du Preez said you must say you had a meeting there, that you ----- and that you went and you burnt the house. That's right isn't it? --- Yes, that's right.

Now if you had simply given that information to Card, that would have met with du Preez's requirements. Whether it is true or false doesn't matter but that would have satisfied du Preez. *That's all he wanted from you, to make*

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a statement in those terms. -- Yes. The reason why I told those things was he had asked me about them.

Who? --- Card.

Yes but you could just have said to him "I don't know anything about that. All I want to tell you about is the burning? -- I was a member Sir. I didn't hide that I was a member.

So what you are saying in effect is this, that Card uttered no threats to you at all. He set some questions to you which were designed to ellicit information about your membership of the A.N.C.? -- Yes. He asked me about that.

And the functioning of the A.N.C.? -- Yes.

Now when you told him all that you just then added on what du Preez told you to give about the burning, the false (forced?) statement? -- Yes, the ..... (False?) One.

Did you tell Card that you had been assaulted?-- No I didn't.

Why not? --- I did not know that it was necessary to say that to him.

You had an attorney in this case, you still have an attorney? -- Yes.

When du Preez sent for you and said to you that he wanted you to make a statement to the Magistrate of every<sup>th</sup>ing that you had said to Card otherwise he would withdraw your bail, why did you not say to him, " Let me think about it" and then get in touch with your attorney and tell him what du Preez had said? --- I did not think of saying that.

You didn't think of saying that? --- I did not think of it.

You didn't think of getting in touch with your attorney when du Preez made this threat to you of withdrawing your

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bail? -- My mind said to me that I would go to him after I had come from the Magistrate.

But now you tell me you did think of it? That is what you are saying? --- Yes and when I came away from the Magistrate I would go to my attorney.

When did you form that conclusion? --- some days after.

So days after seeing the Magistrate? --- Yes.

And how many days after you say the Magistrate did you go and tell your attorney? --- I don't remember how many days or the date.

9 How did you think that du Preez was going to withdraw your bail? --- Being a Government man, I don't know how he would have done it.

Did you realise that he would have to bring you to Court? To get the Magistrate to cancel your bail? -

Or the Supreme Court? ---- I didn't know where he would take me.

But you say that it never entered your mind when he made this proposition, or this threat to you to get in touch with your attorney who was representing you? --- I did not think that.

And even after you had made this statement, several days elapsed before you thought of going to your attorney to tell him how you had been compelled to make a statement? --- Yes I told him what had happened.

Yes, several days after you had made the statement. --- Yes, it was some days after.

What were the conditions of your bail? Cash amount? --- Cash bail, yes.

And reporting daily? --- Yes.

Where? --- At the police.

Where? ---- At Kwazakele.

MR. VAN NIEKERK: You appeared in the Magistrate's Court together with the others on the, I think it's the 29th. of October? 1962? --- I can't say.

You remember an occasion where various persons gave evidence applying for bail? --- Yes.

And various people gave evidence stating that they had been assaulted? --- Yes.

You also gave evidence? In applying for bail. --- I didn't make a statement.

HIS LORDSHIP: No, no, whether you gave evidence in Court when you applied for bail. --- I never made any statement.

MR. VAN NIEKERK: Did you not go into the box and swear that you would speak the truth? --

"I am accused No. 26 in this case I live and work at Port Elizabeth. If released on bail I will stand trial and will not interfere with State witnesses "

HIS LORDSHIP: Do you remember giving evidence? --- Yes.

MR. VAN NIEKERK: You never complained to the Magistrate that you'd been assaulted -- I didn't have any wounds to show the Magistrate.

HIS LORDSHIP: Did any of the others who applied for bail in your presence tell the Magistrate that they had been assaulted? -- Yes there are who made that statement.

Did they have wounds? --- I did not see any wounds, they did not show me, they showed the Magistrate.

Did they show the Magistrate wounds? -- How they were beaten on their bodies.

All of them? --- No all of them didn't complain.

All of those who made complaints didn't have wounds to show, is that your evidence? -- I cannot say whether they

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did not have any wounds on them.

If you had been assaulted why did you not take this opportunity in open Court of drawing the attention of the Magistrate to the fact that you had also been assaulted, and that is one of the reasons why you wanted bail that you should not continue to be assaulted? -- The reason why I say I did not say anything about <sup>it</sup> is because I had no wounds to show.

Well then why did you not tell the Magistrate that you had been assaulted? -- I say that why I did not tell him, I did not have any wounds.

COURT ADJOURNS

COURT RESUMES - WITNESS STILL UNDER OATH

MR. VAN NIEKERK: Now when the, when W/O du Preez, you left W/A du Preez at the car, you know, at the corner away from the building, why didn't you go and contact your attorney? -- I did not think of that Sir.

You didn't think of it? Did you think that this was not the concern of your attorney? --- I did not think of that at all on that day.

Now tell me, you've heard Washington George, Barrington George and Mr. Vrey. You heard that they said that you were at the police station, Barrington George, on two or three occasions. - I heard him when he said it.

Why should he say that? --- I went there only on one occasion.

And then you went alone? --- I was alone.

Does Barrington George know your wife? --- I don't know.

And he says also that you were there subsequent to this

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occasion. At least you were there on two occasions, that he say you about four days, interval of about four days in between. -- No I remember only that one day.

You say that you were never at the police station?

--- I had gone on that day when I went to the Magistrate.

That was the only day that you went? ---- Only that one day.

Tell me why did you consent to go to the Magistrate?

-- The fear that my bail would be withdrawn and that I would be locked up.

Why didn't you tell the Magistrate? --- That European who took me there told me only to speak my truth.

To the Magistrate. Told you -

HIS LORDSHIP : Only to speak the truth? --- My truth

What is your truth? --- He said that I was to say I had come to tell my truth.

Who said that? --- The detective who took me there.

Du Preez? ---- Du Preez yes.

He said you must go and tell your truth? - He said that I must say I had come there of my own accord and that I must say I had come there to speak my truth.

MR. VAN NIEKERK: Now did the Magistrate ask you whether you had in any way been induced to make the statement? Or whether any promise had been made to you? --- Yes, he did ask me that.

Yet you said no. --- Yes I said so.

Why didn't you tell the Magistrate..... ? --

I was afraid that du Preez would see that I had not spoken what he had told me to say.

And then? --- That is why I said to the Magistrate that

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I was promised nothing.

Tell me, do you know whether the other accused had also been sent for and threatened with the withdrawal of the bail if they didn't go to the Magistrate? -- I never heard them say anything about it.

Can you suggest why you should be singled out? --- I never spoke amongst them. I never spoke to them and told them that I was going to the Magistrate.

Were you scared? --- No there was nothing that I feared.

HIS LORDSHIP:

When would you have had an opportunity of telling them that you were going to the Magistrate? According to your version? Because you told me that that morning when you arrived at du Preez office he said to you, "Look you must go and make a statement". Then he took you to the Magistrate. So you would have had no opportunity to communicate with them? You said "I didn't tell them that I was going to make a statement." -- I don't go about either. When I came out of gaol I stayed at home.

You said that you did not tell them that you were going to make a statement. You couldn't have. I don't understand your answer, the context, because on your version you were not allowed to move. Du Preez got hold of you, he had you in his office, he put you in a car and he brought you down here and he took you to the Magistrate. So the question of your communicating with the other two accused didn't arise? -- Because I never met them.

MR. VAN NIEKERK: You have been in Court on various occasions prior to seeing the Magistrate? Prior to seeing the Magistrate to whom you made the statement? --- Before yes, I have been in Court before going to the Magistrate.

In connection with this case? --- Yes.

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You had been tou Court on several occasions and your attorney was present all the time? --- Yes. Yes when I was arrested I was brought to Court.

And you were in Court on various occasions? ---

HIS LORDSHIP You were remanded?

MR. VAN NIEKERK: You were remanded from time to time?

--- Yes.

And when you applied for bail?- Yes.

Did you not appreciate that this is a --- where you come before a Magistrate, you come before an officer where you could lodge your complaints if you have any, like the others have done? -- No, that was because I did not know. I did not understand.

But you saw them, you saw them standing here. You saw people going into the box and giving evidence to say that they want bail, they had been assaulted -

HIS LORDSHIP: Well he has given an answer -----

really answers your point. He said that he was afraid of telling the Magistrate anything because he was afraid that du Preez would find out he hadn't made the statement that du Preez wanted.



RE-EXAMINATION BY MR. SELIGSON: What was your occupation?

--- The tea-boy and office boy.

COURT: Where? --- African Bitumen.

What standard did you pass at school?--- 5.

Now, was the 29th. of October, 1962, the day that you appeared in Court when application was made for bail, when you gave evidence: was that the first time you were represented by an Attorney? --- Yes.

COURT: You know, of course, who your Attorney was? -- Yes, I knew him that day.

Yes, I mean, from that day onwards you knew who your Attorney was? ---- Yes.

You knew what his name was? --- I just heard that we had an Attorney. I knew it, yes, Sir.

And you knew who your Attorney was, You knew it was who? ---- Janckelowitz.

Yes, that's what I am asking you. Can you read and write? --- Yes, I can write.

Do you know to use a telephone? --- Yes.

Do you know how to look up a number in the telephone book? -- Yes, I can see the number in the telephone book.

If you want to 'phone up a man whose name you know and you don't know his number, you can look it up in the telephone book. You know how to find it..... If I know where he stays.

Well, if he stays in Port Elizabeth? --- Yes.

Did you ever have a card given to you by your Attorney? With his name and address and telephone number on? Or a letter-head?--- When I came out of gaol he gave me one.

He did? On the 4th. of December? After the 4th. of December? --- After I came out of bail.

So that you can know where to get in touch with him? ---- Yes.

COURT: You made a second statement after the one which was put to you by the Attorney-General, according to the evidence I've heard. After that long statement, portion of which was read to you by the Attorney-General which you made on the 11th. of October. You made a second statement before you made one to the Magistrate. Who took that statement from you? --- Card, that is the European who speaks Xhosa.

Detective Sergeant Card. Now, did anybody force you to make that statement? --- Card told me that I was to make the second statement exactly the same and not to make a different statement.

You mean to make a second statement exactly the same as you made to him the first time? --- Yes, that is what he said to me.

Did he give you any reason why he wanted another statement from you in the same terms as the first statement? .... No, he didn't tell me.

Did you make it? --- Yes, he came to Court on that day.

What day? The day of the bail application? --- No, before that.

Why did you make it? --- It was fear that made me do all those things.

Fear of whom? --- That I would be beaten.

COURT: By? -- That detective who arrested me.

Which one? du Preez? --- Du Preez, yes, he is the one that arrested me.

But he wasn't the one who asked you to make a statement: Card was asking you? --- Yes, but I thought that he would tell him.

Weren't you afraid to come and challenge the admissibility of your confession here because you thought du Preez might persuade me to withdraw your bail? You no longer fear du Preez? --- I'm still afraid of him.

In spite of that, you said all sorts of things against him? --- Well, the case is on. The case is being tried now.

The case has been on the go since the 10th of October when they arrested you ---- I understand that all that time it had been on the go.

Were you informed by your legal representatives that du Preez had no right to take your bail away whilst preparing for this trial? --- I was told that after I had told him about the statement.

COURT: When was that? -- It was now, there. I do not remember the date.

Well, I mean, was it within the last few weeks? ---- Still during last year.

MR. SELIGSON CALLS GARCIA NOBOMVU: D.S.S.

Are you the wife of Accused No. 1? --- Yes, No. 1 is Peter Nobomvu.

Are you his wife? --- Yes.

Are you married in Church? --- Yes.

While your husband was being kept in the Police Cells at Korsten, did you ever visit him there? --- Yes, I did visit him there to take food to him.

Do you remember when he was released on bail? --- Yes.

Can you remember the date? ---- No, I do not remember the date.

Now, after he was released on bail, did you ever go to the Korsten Police Station? No, I never went.

If it was said that you accompanied your husband on two occasions to the Korsten Police Station, what would you say to that? -- No, he was outside then now; who would I have gone to then?

No, I just said you accompanied him, to the Police Station. -- I did go there to take food to him, but once he was outside I never went there again.

Now, do you know a Bantu Detective by the name of Barrington George? --- I do.

Now, after your husband was released on bail, did Barrington George ever come to your house? --- Yes.

Can you remember the date that he came there? --- I dont remember the date, but he was there at the house.

What time of the day did he come there? --- Half-past-eight about.

Was your husband there when he arrived? --- No.

Did he wait there or did he go? --- He waited.

And then, when your husband arrived, what happened --- When my husband had arrived, George said to my husband he wants to seem him outside.

Yes? --- I followed them.

Yes? --- Then he said I must turn back.

COURT: Who's he? ---- George.

Why did you follow? --- I followed him because I said the day when he was arrested, then he was arrested outside. I wanted to see whether it would be repeated.

The day he was arrested, he was arrested outside when he was working on the fence, wasn't he? On the fence. He wasn't taken out of the house and arrested outside. --- He was working outside the day they took him.

He wasn't taken out of the house and arrested outside? --- He was working outside and they took him inside the yard.

Yes? --- I was at work that day.

So you didn't see any of that? --- No.

You just heard about it? --- Yes, but I did go to Brighton.

Now, on this occasion you say that you followed but George told you to turn back. Now, did you go back inside the house, or what did you do? --- No.

Where id you stand? --- George was standing with my husband and they were not far from the house. I can hear what Goerge said to my husband.

Could you hear, or couldn't you? --- I did hear.

You heard what he said? --- Yes.

Did you stand on one side, but you were able to hear what was said? ---- George and my husband were standing together.....

And you were on one side, but near enough to hear? ---- Yes.

Now, what did George say to your husband? --- George said: Mr. du Preez said he must be at at eight o'clock.

Eight o'clock when? --- Eight o'clock in the morning.

The next morning? --- Yes.

And what did your husband say to that? -- My husband said: "What do you want me for? "

Yes?--- George said: "I don't know"

And then did George leave? ---- Pardon.

Did George leave then? --- Yes.

Then the next morning did your husband leave before 8 o'clock.---- He left past 8 o'clock to go to Mr. du Preez.

CROSS-EXAMINATION BY STATE: Do you know Barrington George? ----Yes.

And Barrington George know you? ---- I don't know, but I know him.

Well if you know him, he must know you? -- He knows me, because the day he takes my husband, he was there too.

He is not making a mistake when he says that you were seen at the Police Station with your husband? -- He was mistaken.

But if he knows you, how can he be mistaken? ---- He knows me this way: the day he take my husband at home, he was there, George was there; he out to know me.

Is Goerge making a mistake then, when he says that he saw her at the Charge Office with her husband after his release on bail? --- He never saw me.

But if he says he saw you, is he telling a deliberate lie, because he knows you? --- He never saw me.

Mr. du Preez knows you? ---- He knows me.

If he says that you were there with your husband on one occasion, what would you say to that? --- I never went there; what would I go there for?

Well, then, he is deliberately telling a lie? --- There's no truth in that.

You cannot remember when Barrington George went to your house? --- I don't remember.

But it is correct that Barrington George and your husband went out of the house? ---

Now, isn't it the truth that they went out of the house at the request of your husband? --- No, never.

Was there somebody else in the room at that time? -- Yes.

And how far were you away from Barrington George and your husband when they spoke--- (indicates distance).

If I remember correctly, your husband said you were a distance away; you could not hear what they were saying? --- I did not stand far away, and they did not speak so softly.

If they wanted to go and speak outside, they don't want to speak to you in the house; do you mean to tell me they will speak loudly outside? ---- They did not speak like people who speak when they are fighting. They spoke just as I am speaking now.

They were not speaking like people who were speaking in confidence, is that what you mean. They were not whispering? --- They did not whisper; they spoke like I am speaking now.

COURT: You know your husband went to the Magistrate and made a statement? --- When was that?

I didn't ask you when. I said do you know that your husband went to the Magistrate and made a statement? --- I don't know.

Don't you even know today? --- The only thing I know is that Barrington George came there to my husband to call my husband that du Preez wanted my husband. That's all that I know.

Just answer my question. Do you know that you husband went to the Police and made a statement? ----

Which the Attorney-General says amounts to a confession, which the Counsel says amounts to a confession that he took part in the burning of house? ---- To the Police?

No to the Magistrate - a statement to the Magistrate? --- I do not know.

COURT: To this day don't you know? --- I've only heard it now, since the commencement of this case.

But I asked you that. I said: "Do you know that?" I didn't ask you if you went with him, I asked you are you aware of the fact, have you heard so? --- I don't know it.

Hasn't your husband told you about the fact that he has made a confession to the Magistrate, confessing it was the situation and crime with which he was charged?--- What I have come to state here is that he was called by du Preez.

Either you don't understand or you won't understand my question. Has your husband mentioned to you the fact... Let me put it more simply. You and your husband have been living together ever since he's been out on bail? --- We stay together.

Do you live in one house: do you live in one room?

.... Yes, one house, with mother.

Has your husband at any time ever told you: "I have told the Magistrate, who has taken it down in writing, that I took part in this crime with which I am charged? --- When he came back from du Preez, I asked him what du Preez wanted and then he explained what du Preeez had wanted.

What did he say? --- Du Preez had said to him: "Piet, I can't find your statement that you made the first time." Piet then said to him: "If you can't find it, its no concern of mine."

And, what else did he tell you? --- Then he said that du Preez said that if you say it is no concern of yours, then your £50 will be taken away from you.

Yes? --- Piet Nobomvu then said: "I won't know this statement, but because you people beat me.

Yes?---- What du Preez wanted was for Piet to sign.

Sign what? --- That he had knowledge of this thing.

Is this now all that you husband told you? ---

Yes.

What else did he tell you when he came back from the Police? -- He had said that du Preez had ~~to~~ let him get on a car and he took him then to Potgieter.

Is that what he told you when he came back? --- Yes.

What else did he say? What did he do with Potgieter? Did he have a chat with him? --- He was told to go and make this statement which du Preez had told him to make.

To Potgieter? --- To Potgieter.

What did your husband have to tell him? --- I asked him then whether he went to this Potgieter.

What did he say? --- He said he went because he was afraid of du Preez taking away his bail.



And what else did he say? --- Du Preez then said he must say it was the three of them, those three there, the three accused.

Yes? --- He agreed then because he says he did not know what he had said in that first statement, because they had beaten them and tramped on his back

COURT: Is this the first time you'd heard that he had been beaten and tramped on his back? --- I heard that he was beaten.

Where? --- The first time, on the 10th, at New Brighton.

STATE: Did you see him being beaten? --- I saw him.

Were you present when he was being beaten? --- Yes I had taken stuff there.

Did they allow you to watch him? ---- I stood there at the window and I saw inside.

COURT: And did you tell your husband that you had seen all? --- Du Preez did not want to see him.

No, since this case; have you told your husband that you actually saw him being beaten? --- I did not tell him. They took him on the 10th and I was working.

You and your husband have discussed the fact that he is appearing <sup>in</sup> the Supreme Court on trial, evidently. Correct? --- Yes, that is so.

You knew that one of his allegations is that he was forced to make a statement he made originally, because he was beaten by du Preez? --- I knew that.

Did you attend consultations with his Attorney, and Counsel? --- Yes, I did go and plead there. At Berry's corner they repeated the assault and I went and told the Attorney.

Yes. You told him you had seen it? ---- Yes.

You see, I don't understand. It has never been suggested before you gave evidence and before I asked this question from you, that you had been an eye-witness to the assault? ---- I saw it.

COURT: Who assaulted him? --- Du Preez; Nyambane.

Is that a Bantu --- Yes. He is a Detective. I don't know what his surname is. Nyambane is his surname.

STATE: On two occasions? --- Yes.

Both at New Brighton ---- Yes.

Both in the same room? --- Yes, in one room.

And you stood and watched it through the window? --- I saw it.

Were there others with you when you watched him? --- Yes.

Who were with you? --- ? Myself and my sister; we had taken stuff there.

Did you go and report it to somebody inside? They didn't want me to go into any of these rooms of the Detectives.

There's a Charge Office at New Brighton? --- I never thought of that.

When your husband told you he had made a statement to Potgieter, the Magistrate, what did you say to him? --- (Interpreter: The answer has slipped out of my mind, I can't recall it).

She's just told you? Tell me in English.

WITNESS: What did you say?

STATE When your husband told you that he had made a statement of the Magistrate, Mr. Potgieter, what did you say to him? --- I didn't say nothing.

What is the reply you gave to the Interpreter a few minutes ago? --- I didn't say nothing to him because I was waiting for the reply of Mr. du Preez as he said, when

he gets Pieter's statement, he will cancel off that one, that statement by Pieter to Mr. Potgieter.

(COURT ADJOURNS)

(NEW INTERPRETER: MR. VAN SCHALKWYK)

(COURT RESUMES)

STATE: I'll put the questions to you again. When your husband told you that he had made a statement to the Magistrate, Potgieter, in the circumstances in which you say he told you: what was your reaction? What did you say to him? --- A week after that I went to the Interpreter or the Attorney.

And? --- The I told the story of Mr. du Preez.

You told him this story which your husband had told you? --- Yes.

Did you not remonstrate with your husband? Did you not scold him for having made a statement involving himself in this crime? --- After my husband told me that he made the statement, I told him I'm going to the Interpreter or the Attorney.

Did you tell him the circumstances? Did you tell him all about it? --- I just went and I told the Interpreter what Mr. du Preez told my husband.

And that your husband had made a statement? To the Magistrate. --- Yes, I went and told the Interpreter or the Attorney.

STATE ADDRESSES MR. SELIGSON:

Mr. Seligson, for the record, I am sure that this is the answer which she gave originally, when the other Interpreter said he couldn't remember what she said. It was the import of which I gather from my scant knowledge of Xosa that she did make a reference in those terms, when I asked her what happened and that is more or less the answer which she gave previously. It is not

contradictory to what she said before. You'll appreciate now why I have asked for another Interpreter.

Did your husband himself not go and report this to his Attorney? ----

No, no, you told, I know, but did your husband himself not go to the Interpreter of the Attorney? --- My husband went the next day, but the Attorney was not in that day. //

How do you know your husband went? Did he tell you so? --- He told me. //

How do you know your husband went the next day? ---- He told me.

But you found it necessary to go a week later? --- Yes.

Had your husband not succeeded in seeing his Attorneys during that interval? ---- I don't know. //

Are you educated --- I'm educated; I passed Std.6 I did not pass, I was in Std.6

Are you married by Christian Rites or by ----- legally married to the Accused No. 1? --- I was married in Church.

Church. How long have you been married to him? ---- We were married in 1954.

DEFENCE: No questions.

MNR. VAN NIEKERK SPREEK HOF TOE

MR. SELIGSON ADDRESSES COURT

STAAT ROEP BERTRAM McLEOD: V.O.E.

Beskuldigde Nr. 1 nie teenwoordig nie.

STAAT Vra vir 'n verdaging.

MNR. SELIGSON: (Dra geen kennis van rede vir Beskuldigde Nr. 1 se afwesigheid).

HOF: Borg word ingetrek. 'n Lasbrief sal uitgereik word om hom in hegtenis te neem.

ACCUSED NO.1 IN DEFAULT STATE APPLIES FOR CASE TO BE  
REMANDED.

HOF: Weens die afwesigheid van beskuldigde Nr. 1, wat nie op hierdie stadium opgespoor kan word nie, ten spyte van die uitreiking van 'n lasbrief, word hierdie saak uitgestel tot 5 Februarie, maar waarskynlik sal dit nie daardie dag aangaan as 'n verhoor nie selfs al is Beskuldigde nr. 1 gevind. Daar sal op daardie datum waarskynlik verdere datums gereel word, maar op hierdie stadium blyk dit die 20ste te wees, maar is onderworpe aan bevestiging afhangende van die Hof se posisie. Ek stel dus die saak uit tot die 5de Februarie 1963.

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Collection Number: AD1901

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

**PUBLISHER:**

*Publisher:*- Historical Papers, University of the Witwatersrand

*Location:*- Johannesburg

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