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(TRANSVAALSE PROVINSIALE AFDELING)

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DIE STAAT teen: PATRICK MABUYA BALEKA EN 21 ANDER

VOOR: SY EDELE REGTER VAN DIJKHORST EN
ASSESSORE: MNR. W.F. KRUGEL
PROF. W.A. JOUBERT

NAMENS DIE STAAT: ADV. P.B. JACOBS
ADV. P. FICK
ADV. W. HANEKOM

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NAMENS DIE VERDEDIGING: ADV. A. CHASKALSON
ADV. G. BIZOS
ADV. K. TIP
ADV. Z.M. YACOOB
ADV. G.J. MARCUS

TOLK: MNR. B.S.N. SKOSANA

KLAGTE: (SIEN AKTE VAN BESKULDIGING)

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LEENDERT PIETER CHRISTIAAN JANSEN, v.o.e.

CROSS-EXAMINATION BY MR YACOOB (continued) : Colonel, as I understand it, you object to our explanation for the bad recording at the end of EXHIBIT 6 and the real basis for your objection is your conclusion that only 1% of half the width of the total tape would have been recorded on and that is the conclusion to which you come? -- Dit neig in daardie rigting, maar dit is nie wat ek gesê het nie en dit is ook nie my enigste beswaar nie. In ieder geval, dit kom nie neer op 1% van die helfte van die band nie. Dit kom neer op 1% van dit wat - van die wydte wat deur een kop van 'n kwart spoor masjien gebruik sou word, dit wil sê minder as 'n kwart van die wydte van die band.

HOF : En dan verder was die 1% inderdaad een-driehonderdste? -- Dit is in werklikheid een-driehonderdste.

MR YACOOB : And do you come to that conclusion to get that 1% or one- three hundredth by comparing the level of the sound that you did or in any other way? -- Ja, die wydte van band wat gebruik word of die wydte van die opname op die band wat benut word deur die kop, is direk eweredig met die hoeveelheid klank wat uitkom. Met ander woorde, as die volle baan opgeneem is en die volle baan kan benut word, dan sal 100% van die klank uitkom. As slegs 10% daarvan benut kan word, sal slegs 10% van die klank daar uitkom ensovoorts, sodat as slegs 1% van die klank uitkom, dan is daar net een manier waarop daardie situasie kan werk en dit is dat slegs 1% van die baan nog beskikbaar is.

I want to put it to you that that is an oversimplification and that the level of sound is determined by two

things/...

things. First the width of the tape recorder does have something to do with it, but the more important factor is the strength of the magnetic field on that amount of tape that has been recorded on? -- Ja, dit is heeltemal korrek. Dit is om daardie rede dat toe ek gedink het aan ŉ moontlike manier waarop die situasie bereik kon word dat daar nou net so min opname op die band oor is en dit net op een kanaal, dat ek besluit het daar is net een manier en dit is dat daar gelyktydig twee dinge verkeerd moet wees. Dit sou veroorsaak dat daar ŉ residuele lae magnetisme oorbly op die band, maar die verduideliking dat die swak klank te wyte is daaraan dat ŉ groot deel van die oorspronklike opname uitgevee is, dié sou impliseer - nie net impliseer nie, dit - deel daarvan is outomaties, daar was ŉ opname wat so goed was soos die eerste deel van die band en hierdie opname is gedeeltelik uitgevee deur ŉ goedwerkende wiskop wat net op ŉ verkeerde posisie sit en dit sou veroorsaak dat dele van die oorspronklike opname geheel en al uitgewis word terwyl slegs ŉ klein deeltjie oorbly en in hierdie geval beteken dit dan dat die deeltjie wat oorbly moet min genoeg inligting bevat sodat daar slegs een-honderdste van die klank uitkom.

But if the strength of the magnetic field itself is weak, then of course it would cover a wider tape area? -- Dit is korrek, as die opname om mee te begin baie swak gemaak is dan kan dit oor die hele wydte van die betrokke baan geplaas wees en nogtans slegs ŉ baie lae seinvlak vrystel.

But the effect of the erasing head as we learnt earlier was a less sensitive much stronger effect than that of the record head and therefore the randomising effect is not

strictly/...

strictly speaking limited to the area of the tape on which there is actual physical contact with the erase head? -- Dit is heeltemal korrek. Weens die sterk magnetiese veld wat die wiskop veroorsaak, het die wiskop ŉ neiging om band uit te vee ŉ bietjie wyer as die wydte van die wiskop self. Nou moet ŉ mens hierby verstaan dat as ŉ mens praat van die wydte van die wiskop, dan praat ŉ mens nie fisies van die hele wiskop se wydte nie. ŉ Mens praat van dié wydte waarin daar ŉ magneetspleet sit. Dit is ŉ klein hoefyster magneetjie wat ingebou is in die kop en om die agterkant van die hoef-ystertjie is daar draad gedraai wat ŉ wisselende magneetveld in die magneetjie kan veroorsaak en die wydte van die magneet is die eintlike wydte van die deel wat afgevee sal word van die band af met nog sekere sogenaamde randeffekte aan die kant wat veroorsaak dat die werklike gedeelte wat uitgevee word is ŉ bietjie wyer as die werklike wydte van die magneet se pole.

I want to suggest to you that the randomising effect of the erase head to areas immediately adjacent to it contact action is limited so that one does not get complete randomising, but a reduction of the magnetic field - the strength of the magnetic field? -- Ja, daar is ŉ klein gebied aan die rante van die wiskop waar die uitveeproses nie volledig sal wees nie, maar dit is ŉ uiters smal area en presies wat die wydte daarvan sal wees is nie vir my duidelik nie, maar daardie klein area sal weer eens, omdat hy so smal is, onderhewig wees aan die probleme dat die band effense sywaartse bewegings toon in sy vorentoe beweging. Ek sal graag verder verduidelik daaroor. Enige wiskop het vas aan die wiskop plaatjies of pennetjies wat die band se

posisie/...

posisie beheer om te sorg dat die band op die korrekte plek by die wiskop sal verbyloop. Ekskuus, ek het gesê enige wiskop. Dit is beperk tot wiskoppe vir kassetbandopnemers. In die beskouing voor die hof soos in BEWYSSTUK ABD(8)1 word daar veronderstel dat die wiskop op 'n manier veroorsaak dat die band op 'n verkeerde posisie uitgevee word. Dit sou beteken dat daar dinge verkeerd is in die betrokke bandopnemer, òf daardie betrokke bandopnemer se pennetjies het afgebreek òf daar is ander probleme dat die kop heeltemal skeef sit en die band skeef trek, maar hoe dit ook al sy, dit sal duidelik wees dat die situasie wat onder sulke omstandighede geld nie normaal is nie. Hierdie abnormale situasie sou juis bevorderlik wees vir sywaartse beweging van die band, sodat onder hierdie omstandighede meer as die normale hoeveelheid sywaartse beweging verwag kan word.

But we do not know the condition of the machine involved in making the recording or whatever? -- Dit is korrek. Die enigste veronderstelling wat hier van toepassing is, volgens die verdediging se standpunt is dat die masjien wat volgens hierdie beskouing gebruik sou gewees het om deel van die opname uit te vee, dat daar met daardie masjien iets verkeerd was en dit is die kritiese faktor in die situasie.

HOF : Met ander woorde, die verdediging, soos ek dit begryp veronderstel twee slegte masjiene. Die eerste slegte masjien is toe die band opgeneem is, het hy 'n baie swak opname gemaak en die tweede slegte masjien is een sonder pennetjies op die wiskop toe hy uitgevee het of met 'n wiskop wat skeef sit. -- Die tweede deel stem ek mee saam, maar ek het nie verstaan dat hulle noodwendig impliseer dat by die oorspronklike opname proses daar iets verkeerd was nie.

Ek/...

Ek het verstaan dat hulle gesê het dat die sterkte van die sein wat op die band geplaas is oorspronklik nie sterk was nie.

MR YACOOB : No, we did not say that at all. May be I should put it to the witness then.

COURT : Yes, put it correctly then.

MR YACOOB : We say that the head ... (Court intervenes)

COURT : Is that at the recording stage?

MR YACOOB : Yes.

COURT : Because you have two stages. First of all you record and then you wipe out. What is your position at the recording stage?

MR YACOOB : We say it could be either. All we are saying is that in one of the instances the head was out of alignment. What one could have is the head out of alignment at the recording stage.

COURT : Which head? The recording head or the erasure head?

MR YACOOB : Both.

COURT : Both out of alignment.

MR YACOOB : Both could be out of alignment at the recording stage, alternatively both could be out of alignment at the erasure stage, but the problem is that this position, provided it is out of alignment on one of the occasions, one will get this position. It is difficult to say when it would have been right and when it would have been wrong. There is the other possibility that it could have been half wrong in both cases but in opposite directions. If, however, there was the same kind of lack of alignment in both cases, then of course the probability is that the recording would have been wiped out perfectly.

HOF/...

HOF : Dit is nou wat die verdediging aan u stel. Het u iets by te voeg by wat u al vantevore geantwoord het? Want ek wil nie ŉ herhaling hê van die antwoorde wat u alreeds gegee het nie, want dit lyk vir my u antwoorde dek hierdie aspek al. -- Ja, daar is net een ding wat ek hier wou byvoeg, dat my siening van die saak is dat die probleem geheel en al ontstaan het tydens die maak van die oorspronklike opname.

Ja, dit het u al verduidelik met ŉ vuiligheidjie? -- Dit is reg.

Nou wil ek u dit vra. Op die veronderstelling dat die verdediging se weergawe korrek is dat daar ŉ fout is tussen die wiskop en die opneemkop se belyning, of een van die ander foute wat hulle hier genoem het, hoe dikwels kom so iets voor in u bevinding? Hoe dikwels kry ŉ mens dat jy daardie soort van fout kry aan opnamemasjiene? -- Dit het ek nog nooit teëgekom nie. ŉ Probleem wat wel dikwels voorkom is dat die opneemkop effens skeef kan staan en dat die opneemkop self sy opname op ŉ verkeerde posisie plaas op die band, maar ek het nog nooit gevind dat ŉ wiskop veroorsaak dat ŉ deel van ŉ baan wat oorspronklik in die een rigting opgeneem is nie volledig uitgevee word nie. Daar is egter iets wat ek wil byvoeg by my beswaar teen die siening soos deur die verdediging verduidelik en dit het te doene met die residuele sein wat oorbly op die linker kanaal, soos wanneer die band gespeel word oor ŉ stereo-bandspeler. Die linker kanaal het ek reeds gesê bevat ruis wat ten minste net so sterk is as die spraak wat op die regter kanaal oorgebly het. Hierdie ruis is nie vereensel-wigbaar met ŉ deel van die band wat wel korrek uitgevee is nie. Indien die buitenste gedeelte van die band goed

uitgevee/...

uitgevee is, soos voorgestel op ABD(8)1 dan sou daar 'n baie lae ruisvlak gewees het op die linkerkanaal. Op 'n foto soos dié in my ABD(7)5 is daar aan die regterkant, die heel regterkant van die foto 'n deel wat amper 'n gelyke horisontale lyn is met effense rimpels daar op. Indien daardie kanaal werklik uitgewis was deur 'n wiskop wat oor daardie deel goed werk, dan sou die linkerkantste deel van die foto ABD (7)5 net 'n klein bietjie wyer gewees het as die regterkantste feitlik gelyke horisontale deel. Daardie deel sou op die meeste so wyd gewees het soos twee keer so wyd as die strepies wat op die heel regterkant voorkom. Daaruit maak ek die afleiding dat die klank wat nou nog op die linker kanaal opgetel kan word nie die oorblyfsel is van 'n uitvee-proses nie, maar dit strook wel met 'n swak opname situasie soos in my verduideliking van die situasie gegee is. Hierdie aspek is onafhanklik van die oorwegings wat geld ten opsigte van die swak sein wat nog altyd op die regter kanaal teenwoordig is en dit - en hierdie oorweging alleen wys - bewys sonder enige moontlikheid van omverwerping dat die situasie nie dit kon gewees het soos voorgestel deur die verdediging met behulp van ABD(8)1 nie.

MR YACOOB : How often have you come across the situation where dirt is picked up which suddenly cuts out a recording for a significant period and which creates a defective recording for an extended period of two or three minutes? -- Eerstens die aspek van twee of drie minute. In die geval was die tyd nie beperk nie. Dit het aangegaan tot aan die einde van die band. In hierdie geval was dit toevallig net 'n paar minute gewees. Verdermeer het ek nog elke keer gevind dat vuiligheid wat probleem veroorsaak met die

opname/...

opname het nog in al my gevalle wat ek van weet skielik gebeur. ŉ Mens kry tipies op ŉ kop ŉ stadige opbou van vuiligheid op dele wat nie baie belangrik is nie, maar een goeie dag dan breek ŉ stukkie van daardie vuiligheid los op een kant en gaan sit op ŉ verkeerde plek, of ŉ stukkie vuiligheid vanaf ŉ eksterne bron vind sy weg tot teen die kop en het dan ŉ neiging om te bly vasklou aan die ander vuiligheid wat reeds aan die kante van die kop sit.

Here we are not talking about the slow building up of dirt, but a situation where more than half of the record head is suddenly covered with dirt.

COURT : Well, the witness has explained this. The witness says there is a slowly build up of dirt which is not ascertainable in the recording and then suddenly there is a break away of some of that dirt which lands on the wrong spot and then sort of extinguishes the recording.

MR YACOOB : But obviously here we are talking about the situation where this dirt which broke away landed on more than half the record head.

COURT : That may well be, but he has already given you this answer. Do not ask him the same thing again.

MR YACOOB : Are you saying that what could have happened in this case is that some part of the dirt which has already built up ... (Court intervenes)

COURT : Do not ask him to repeat what he has already said. This is the answer he has given. Ask your next question.

MR YACOOB : I want to put it to you that one cannot get the situation where very suddenly a little bit of dirt moves to a position where it covers more than half of the record head? -- Ek wil dit graag verduidelik in terme van die

skets/...

skets op ABD(8)1. Op ABD(8)1 die boonste skets wat staan onder "A. Misalignment" daar word twee koppe van ʼn stereo-sisteem aangedui. Die koppe, dit is duidelik hulle raak nie aan mekaar nie en hulle is ʼn entjie weg van die middel af. HOF : Hoe bedoel u is ʼn entjie weg van die middel af? -- Die binneste kop strek nie tot heeltemal teen die middel van die band nie. Die skets het ʼn klein onakkuraatheid in, daarin dat die boonste kop by kassetbande in werklikheid strek tot op die rand van die band, maar hoe dit ook al sy, dit is korrek dat een kanaal aan die buitekant van die band lê. Dit is ook so dat die kanaal wat aan die buitekant van die band lê die linker kanaal sal wees. Die linker kanaal in hierdie geval is die een wat geen spraak oorgehou het in die laaste deel van die opname nie en in die toetse wat ek gedoen het het ek gevind dat dit is nie nodig om ʼn helfte van dit te bedek met ʼn stukkie vuiligheid nie. Ek het dit probeer en gevind dat ek geen opname kry op die band nie.

As u die helfte bedek van een van die twee of albei die koppe? -- Dit was die helfte van die een kanaal, met ander woorde dit sou neerkom op die helfte van die oorspronklike wye kop wat omtrent die helfte van - wat twee keer so wyd is as hierdie. So, dit sal dan nog wees ʼn kwart van die band wat daardeur geaffekteer word. Ek het gevind dat die stukkie vuiligheid wat ek kunsmatig opgesit het in my toets , slegs omtrent ʼn kwart van die half spoor opneemkop moes bedek ten einde dieselfde effek te veroorsaak van ʼn raserige opname op die een kanaal en baie swak - nee, op die een kanaal slegs geraas, maar op die ander kanaal swak spraak.

As ons nou praat van een-kwart van die halfspoor

opneemkop/...

opneemkop in millimeters of fraksies van millimeters waarvan praat ons? -- Die band self is minder as 4mm wyd. As ek praat van ŉ kwart van die opneemkop praat ek van ŉ kwart van minder as 2mm dan. So, dit sal iets in die orde wees van 0,5mm of selfs kleiner. My hele redenasie hier dui daarop dat slegs ŉ enkele stukkie vuiligheid naby die buitekant van die kop hierdie effek sou kon veroorsaak.

MR YACOOB : We have done some experiments with recordings as well. I would like to show you a Blaupunkt tape recorder which had been used for conducting that experiment. You note there that the record head, part of it is covered by splicing tape which is stuck onto it? -- Ja, ek sien dit-

What percentage of that record head would you say is covered? -- Dit is meer as die helfte van die kop se magneetgleuf gedeelte. Met ander woorde, meer as die helfte van die baan wat opgeneem sal word.

Would you agree that it is three-quarters of the recording head which is covered? -- Ja, ek sou saamstem dat dit ongeveer drie-kwart is.

We have made recording with that with only a quarter of the record head not covered.

COURT : What you are showing now is three-quarters covered?

MR YACOOB : That is right.

COURT : What is the result of that experiment?

MR YACOOB : The result of that experiment was that there was sound on it and we want to play it over now.

COURT : Sound on what channel?

MR YACOOB : We are using another tape now. There are other things on it, but we think that the tape can go in as an exhibit.

COURT/...

COURT : I am not taking any more exhibits unless it is something that is disputed by somebody.

MR YACOOB : There is no counter number for it. The test was done this morning in the tea room.

COURT : Let us just get the basics right. It is on a Blaupunkt tape recorder, three-quarter of the recording head is covered and you made a recording and you say that it still has sound on it?

MR YACOOB : That is so.

COURT : Very well, if you want to prove that to the witness, play it. (Bandopname word gespeel)

MR YACOOB : Did you notice that the S sounds in that recording comes through very clearly? -- Ek sou sê dit is hoorbaar. Ek sou nie dit beskryf as uitermate beter hoorbaar as die ander dele nie.

What do you say about the possibility of this recording being made?

COURT : What is the question actually? Becaue there is a recording. How can he express an opinion on the possibility of the recording? What you want to put to the witness is that now that you have heard the recording, would you reconsider your evidence?

MR YACOOB : As Your Lordship pleases.

COURT : Well, put it in that way.

MR YACOOB : Now that you have heard this recording, would you reconsider your evidence? -- Ek sou graag voordat ek ꞌn antwoord gee die volgende dinge ook wil weet in hierdie geval. Die een is hoe klink die klank op die twee bane soos wanneer dit deur ꞌn stereosisteem gespeel word. Met ander woorde, ek sou graag die twee bane apart wou hoor.

Miskien/...

Miskien eers die een en daarna die ander een. Die ander punt, ek sou graag wil weet hoe klink ŉ stukkie normale opname waar daar nie probleme was nie, dat ŉ mens ŉ idee kan kry van hoeveel sagter die deel waar daar band is, sal wees as wat die normale opname is.

You better listen to the sound through each of the separate channels. We will do the right channel first. (Regter kanaal van opname word gespeel) Now I am giving it to you through the left hand channel. (Linker kanaal van opname word gespeel) Now you want to listen to a part of the tape made on this recorder ... -- Miskien moet ek voordat ek daarheen gaan sê dat ek graag ... (oorskakeling na nuwe kasset - meganiese defek)

die/...

die toestand waar ek vergelyk tussen normale opname in hierdie deel, sou u hoor dat daar eers 'n normale deel gespeel word en dan hierdie deel, maar dat daar in die tussentyd nie aan die volumekontroles verander word nie, maar daar is nog iets wat ek graag sou wou hoor en dit is die deel wat so pas gespeel is, die linker kanaal, weer gespeel word en daarna sonder 'n verandering in die volume kontrole in hierdie geval 'n stukkie skoon band om 'n idee te kry van die verhouding in ruisvlak tussen skoon band en daardie spesifieke deel van die opname. (Bandopname word gespeel)

Now would you like to listen to a part of the tape where the recording has been normally made? -- Ja, asseblief en dan direk daarna weer met dieselfde volume een van die gedeeltes, linker- of die regter kanaal van die deel wat so met die stukkie plakband opgeneem is. (Bandopname word gespeel) Ek dank u vir die demonstrasie wat u toegestaan het hier. Die effekte wat ek waargeneem het in hierdie geval lyk vir my stem in alle opsigte ooreen met dit wat op die einde van die Claremont band voorkom. Dit wil sê <u>BEWYSSTUK 6</u>. Vir eers ten opsigte van normale opname is die deel waar daar wel plakband oor die kop geplaas is ...

(Mnr. Krügel kom tussenbei)

<u>ASSESSOR (MNR. KRÜGEL)</u> : Sê u plakband of klankband? -- Dit is plakband. Dit is die tipe wat gebruik word om magneetband wat gebreek het weer aanmekaar te las. So, dit is band was vasplak aan magneetband.

<u>HOF</u> : 'n Soort sellotape soos ons dit ken. -- Dit is 'n bietjie gespesialiseerd in hierdie geval. Wat ek gebruik het was omtrent dieselfde as sellotape. Hierdie wat hier gebruik was is spesifiek wat gebruik word vir bandmasjiene om

stukkende/...

stukkende band aanmekaar te las. Dit het naastenby dieselfde dikte as die band self. My eerste waarneming was dat die opname is baie sagter as gevolg van die teenwoordigheid van die plakband wat 'n simulasie is van vuiligheid op die kop. Die tweede observasie is dat die linker en die regter kanale albei 'n groot mate van ruis op hulle het wat baie meer is as dié van skoon band en dus ook baie meer sal wees as skoongemaakte band, want die verskil tussen skoon band en goed uitgeveegde band is nie baie groot nie en is sekerlik baie kleiner as die verskil wat hier waargeneem is aan die einde van die gedeelte wat opgeneem is met die plakband. So, dit is in ooreenstemming met my verduideliking dat die hoë geraasvlak op die linker kanaal word outomaties verkry in 'n situasie soos hierdie, maar dit is iets wat nie sal voorkom by 'n band wat korrek uitgevee is op daardie betrokke kanaal nie. 'n Volgende observasie was dat die spraak wat hoorbaar was op die regter kanaal nie duidelik verstaanbaar was nie. Daar kon wel hier en daar woorde uitgemaak word, maar in geheel is dit sag, met 'n aansienlike hoeveelheid ruis daarby en dit is ook nie vervormd nie, dit wil sê daar is nie distorsie op nie en die kwaliteit daarvan is nog altyd - die kwaliteit van die spraak alleen is nog altyd wat beskryf kan word as redelik, wat baie analoog is aan wat aan die einde van die Claremont band voorkom.

MR YACOOB : The question which I asked you was having heard the recording, do you reconsider your opinion that with only a quarter of the recording head uncovered, it is not possible to produce a recording? -- Ek verander nie my opinie nie, maar ek sal wel toegee dat die hoeveelheid wat nodig sal wees, die deel wat bedek moet wees om dieselfde

resultaat/...

resultaat te gee, sal wissel van bandmasjien tot bandmasjien en dit sal onder andere afhang van die wydte van die spleet van die opneemkop. Dit het my opgeval dat hierdie bandmasjien wat hier aan my gedemonstreer is ŉ heelwat wyer gleuf het as dié een waarmee ek my toetse gedoen het.

I am instructed that the major difference created by the width of the gap in the magnetic head is one that where the gap is too wide you will not be able to record high frequency sounds or play it back? -- Ja, dit is korrek. Party bandmasjiene word gemaak met ŉ wyer gleuf en dan word hulle bedoel om gebruik te word vir frekwensies slegs tot ongeveer 5000 Hz. Ander wat ontwerp is om gebruik te kan word by frekwensies tot 20,000 Hz sal ŉ gleufwydte moet hê wat net ŉ kwart is van die vorige wat net tot 5,000 werk.

And I put it to you that just as the condition of the machine can have an effect on this kind of experiment so the condition of the machine would have an effect on the nature of the erasure and what is left behind? -- Dit is duidelik dat die toestand van die masjien ŉ effek sal hê op die maak van ŉ opname en dit is natuurlik ook waar dat in ŉ breë sin gesproke die effek- die toestand van die bandmasjien ŉ effek sal hê op die manier waarop daar uitgewis word.

And I simply want to put it to you that the noise level present on the Claremont tape is perfectly consistent with the wiping off process?--Dit is geheel en al nie waar nie. Ek kan nie eers naastenby daarmee saamstem nie.

And the reason for that is that the tape once erased had to pass by the record head of the same machine and

one does not know what sort of thing could be picked up by the record head after it had been properly erased? -- Ja, as dit die situasie was dan sou 'n mens verwag om dieselfde klank ook op die ander kanaal te gekry het. Ek kan ook net sê dat ten einde hierdie hoë geraasvlak te kon opneem sou daar gebruik gemaak moes gewees het van eksterne geraasbron. Iets wat 'n geraas kon veroorsaak. 'n Bandmasjien wat gebruik word om 'n stukkie opname op 'n band uit te vee, sal noodwendig so gestel wees dat hy geen nuwe opname op die band plaas nie. Dit wil sê die volumekontrole sou toegedraai gewees het of iets anders sou gedoen gewees het om te verseker dat daar geen nuwe opname by kom nie en daar is niks binne-in 'n bandmasjien wat hierdie hoë vlak van geruis sou kon veroorsaak nie. Daarom kan ek nie daardie verduideliking aanvaar nie.

The problem is that we do not know what tape recorder was used in wiping it out. I want to put to you that there are a number of ways in which the sound could be there.

COURT : Well, then you must give the witness the number of ways.

MR YACOOB : I am going to. The first is that the tape recorder might not have had a volume control and what happens when you wipe it out is that the AGC would actually come up in that case and the automatic gain control coming up would easily cause that noise. -- Die situasie soos daar beskryf is een van dié wat ek reeds in oorweging geneem het toe ek so pas my vorige antwoord gegee het en ek weet vir 'n feit dat bandopnemers so ontwerp word dat daardie situasie nie kan ontstaan nie.

The second factor which could cause a noise is the

residual/...

residual noise level in the amplifiers of the machine which obviously differ from machine to machine? -- Ja, dit is korrek. Daar is verskille in die geruisvlak wat van nature op ŉ band geplaas word deur ŉ bandmasjien, maar die geruisvlak waarvan hier gepraat word is iets wat nog heelwat hoër is as wat in enige so ŉ geval sou gebeur, variasies toegelaat.

If it was a tape recorder with a built in microphone, the other way in which it could have been done was to plug in, connect up the receiver of a radio microphone system with nothing received to this tape recorder to cut out the existing microphone and therefore it would pick up therefore the noise given up by the tape recorder as well as the noise contained in the working of the radio receiving machine? -- Ja, dit is in ooreenstemming met wat ek gesê het dat ŉ bandmasjien kan nie self daardie geraas maak nie. Daar sou van ŉ eksterne punt af geraas toegevoeg moes geword het en dit is vir my ŉ bietjie verregaande om te moet aanvaar dat iemand wat spesifiek moeite doen om ŉ deel van ŉ band skoon te maak, nou moeite gaan doen om iets aan te haak wat geraas gaan bysit instede van dit net mooi skoon te maak.

It would be the easiest way of disconnecting a microphone where such a microphone has been built into a tape recorder with no volume control but with an AGC? -- Ek kan nie saamstem dat dit die maklikste manier is nie, maar ek sou my voorstel dat enige persoon wat so iets wil doen, dan sou seker maak dat die instrument waaraan hy die bandmasjien verbind nie klank veroorsaak nie en dit sou hy doen deur daardie instrument af te skakel. So, die situasie is vir my nog altyd vergesog.

I put it to you that if one had switched the radio receiver off in that context you will still get more or less the same sort of noise coming through of the impedance created the connection of the radio receiver which is off and on account further of the AGC in the machine used to do the wiping out going up considerably? -- Dit is nou 'n kwessie van graad wat hier ter sprake is en ek kan nie aanvaar dat daardie situasie sal geld nie want die sogenaamde "impedance" wat hier ter sprake is sal nog altyd laag genoeg wees selfs al is die radio afgeskakel om nie die geruis te veroorsaak nie.

Will you please look at EXHIBIT ABD ... (Court intervenes)

COURT : Before we do that, I think it would be better to put this tape in as an exhibit. I think you are going to refer to it later on. This exhibit will then be 33. The portion played to the witness, is that the last portion on the tape?

MR YACOOB : On side B.

COURT : The last portion on side B of the tape. Ek noem dit die band met die eksperiment van die verdediging na aanleiding van BEWYSSTUK 6.

MR YACOOB : Will you please look at EXHIBIT ABD(7)5 and ABD(7)6. That photograph again is about 9½cm from the left to the right? -- Dit is korrek.

Will you please measure the area where the sound becomes louder and give the Court an indication of how much sound that is in time?

COURT : Mr Yacoob, are you referring to (7)5 or (7)6?

MR YACOOB : (7)5. Die deel wat harder word en voordat

die/...

die band heeltemal ophou stem ooreen met naastenby 0,4 sekondes. Die hele foto dek ongeveer een sekonde en daardie gedeelte is minder as ŉ helfte van die foto.

Is the position the same on EXHIBIT ABD(7)6? -- Ja, dit is ook naastenby dieselfde.

I want to give you EXHIBIT 6 now which is wound to the end or nearly to the end and see whether you can give us a measurement of the thick part of the part, that is at the point where it is spliced? -- Die dikker deel is ongeveer 9mm, ek sou sê tussen 9 en 10mm lank.

And at the normal running speed, how much time would that thicker part of the tape give rise to? -- ŉ Kassetband loop verby die koppe teen ŉ spoed van ongeveer 47mm per sekonde. 9mm sou dan ten opsigte van ŉ sekonde soveel wees soos 9 ÷ 47. Dit wil sê ongeveer 9 x 5 = 45. So, dit sal ongeveer een-vyfde van ŉ sekonde wees, iets in daardie omgewing wat weer ooreen sal stem met ongeveer 0,2 sekondes.

I want to put it you that if your theory is correct that the dirt was dislodged by the thicker part of the tape, that is why the recording appears at the end of the tape then that recording could not be more than 0,2 seconds long, but as you have said yourself it is actually ,4 seconds long. -- Hier is verskeie prosesse hierby betrokke. Die werklike deel wat aansien harder is as die res is maar in die omgewing van ŉ bietjie meer as 0,2 sekondes op die foto's ABD(7)5 en (7)6, maar natuurlik die effek van die dikker band kan natuurlik al - ek kan my voorstel dat dit ŉ tydjie kan begin voordat die band kontak maak met die opneemgedeelte van die kop en die rede daarvoor is dat die band vasgedruk word teen die kop met ŉ stukkie veld wat permanent in die kasset gemonteer

is/...

is en dit is goed denkbaar dat wanneer die dikker gedeelte begin in kontak kom met die viltkussinkie, dat daar dan alreeds onegalighede ontstaan. Die band moes tevore al oor die wiskop beweeg het en die wiskop wat in tyd ongeveer ŉ half sekonde voor die opneemkop sit, sou self ook kon veroorsaak dat daar onegalighede in die loop van die band ontstaan. In geheel gesien het ek dus geen probleme om die situasie te verduidelik soos wat ek dit waargeneem het nie.

I simply put it to you that the circumstances you mention are of such minor significance that they could not account for a situation where the amount of recording is twice what one would expect it to be? -- Ek sien heeltemal geen rede waarom die harder deel van die opname beperk sal wees slegs tot die werklike deel van die band wat dikker is nie, want die dikker deel wat effens ŉ neiging het tot kromming, sal sekerlik ŉ wyer invloed hê as net daardie stukkie deel wat dik is. Ek kan die stelling soos aan my gestel dus nie aanvaar nie.

When you compared ABD(7)5 and (7)6 on the one hand with ABD(7)2 on the other, did you compare in fact the point that these sounds were at a higher level in ABD(7)5 and (7)6 and the normal sound of the recording as it appears in a part of ABD(7)2? -- Soos ek gister gesê het, ek het die linkerkantstegedeeltes van ABD(7)5 en (7)6, dit wil sê die lae sein gedeeltes vergelyk met ooreenstemmende laer sein gedeeltes op ABD(7)2.

And did that comparison reveal a difference in the sound of 300 to one. Am I right? -- Ja, ek het nie aanspraak gemaak op ŉ volle 300 nie. Ek het slegs gesê dit is meer

as/...

as 100 en sekerlik naby aan 300.

So, the recording level or the deficiency of the recorder was such that it was recording only less than 1% of the sound at the time when it was not working? -- Dit is korrek en dit is net nog ŉ voorbeeld en ŉ aanduiding van hoe krities band tot kop kontak is gedurende die opnameproses.

In that context I want to take you back to the sound which we discussed yesterday and unfortunately we do not have an exact counter number for it, but we spent a long time on it yesterday which is as you have said twice as loud, more or less twice as loud in the left channel as it is in the right channel. This is the one which is marked at point 7 of ABD(7)2. Do you agree that that sound, the sound marked point 7 was about twice as loud in the left channel as it was in the right channel? -- Dit is korrek.

Your explanation for that is that the that has been put on there by the erase head and in fact thereafter reduced in the right channel by the operation of the record head which would have been covered with dirt so that it would be louder in the left channel. Is that right?

COURT : Let me just get clarity. Is it put that he said that it was caused by the erasure head initially?

MR YACOOB : Initially, yes and then that the recording head muted that sound?

MR YACOOB : Muted it in the right channel because it was working more effectively in the right-hand channel, but left it intact in the left-hand channel because as I understood it, the recording head was not working at all as far as the left-hand channel was concerned? -- Dit is amper korrek van wat ek gesê het, maar nie heeltemal korrek nie.

Ek/...

Ek het nie gesê dat die linker kanaal heeltemal onveranderd is nie, maar dat die effek op die linker kanaal veel kleiner sou wees as dié op die regter kanaal.

I want to suggest to you that if the recording head, on your hypothesis was working so badly that it was only ensuring that less than 1% of sound which has been recorded, then I find it very strange that it was able to reduce this sound in the right channel to in fact half of what it is in the left channel? -- Wanneer 'n bandmasjien opneem is daar by die opneemkop gelyktydig twee seine teenwoordig. Die een sein is die sogenaamde "bias" of voorspanningsein en die ander is die sein wat graag opgeneem moet word op die band. Die voorspanningsein is baie sterker as die ander sein, die klanksein wat opgeneem moet word. In die geheel veroorsaak dit dat die band baie gevoeliger is ten opsigte van die opneem van die klanksein insoverre dit kopkontak aangaan, as wat dit sal wees vir die voorspanningsein. Daarom beskou ek die situasie soos hier voorgehou as geheel en al normaal en volledig verklaar deur die normale werking van 'n bandopnemer.

Would you say that bias is fifty times stronger than the recording signal in the record head? -- Die voorspanningsein word konstant gehou, terwyl die spraaksein varieer in sterkte en in harde dele sal dit so wees dat die voorspanningsein minder as vyftig keer meer is as die klanksein en op sagter dele kan dit gebeur dat dit meer as dit sal wees.
HOF : Wat is die doel van die voorspanningsein? -- Die doel van die voorspanningsein is om die magneetpartikels los te skud uit hulle posisie waarin hulle nou al lank gelê het en hulle aan die beweeg te sit en dan terwyl hulle in die

trillende/...

trillende situasie is, word die klanksein bygevoeg en daar word gevind dat ŉ mens ongeveer twintig na dertig keer makliker ŉ opname op die band kan kry wanneer daar voorspanning teenwoordig is as wanneer daar nie voorspanning teenwoordig is nie.

MR YACOOB : When a tape recorder is operating at its maximum level, what would you say is the relationship between the bias level and the level of the recording signal? -- By maksimum klank sou ek sê dit kan iewers tussen ŉ faktor twee en ŉ faktor tien wees, afhangend van die situasie en die ontwerp van die bandopnemer.

Would you care to give some kind of opinion about the average relationship - in normally recorded speech of the relationship between the bias level and the level of the recording signal?

COURT : He has already told you that in soft parts it is more than fifty and in hard parts it is less than fifty. So, fifty is an average.

MR YACOOB : Would you regard fifty as the average? -- Nee, ek dink die vraag sou wees ten opsigte van harde spraak. Dit is soos ek dit sou interpreteer en dit is nie vir my moontlik om ŉ skatting te maak van wat die gemiddelde waarde sal wees nie, want daar is geweldig baie faktore wat ŉ invloed uitoefen daarop. Om die waarheid te sê op baie bandmasjiene is daar ŉ knoppie aan die voorkant wat ŉ mens kan stel vir normale band en vir chroomdioksied en in hierdie saak ook vir ysteroksiedbande. Daardie knoppie stel in werklikheid die sterkte van die soorspanning wat gebruik word op die band. Verder sal die frekwensie van die voorspanning ŉ rol speel en die ontwerp van die koppe sal ŉ rol speel. So,

ek/...

ek dink dit is maklik om te praat van so iets soos ŉ gemiddelde waarde nie.

And to return to the point at which we started this morning, do you agree that because one does not know what the field - what the strength of the magnetic field is in the defective sound at the end of EXHIBIT 6 that we are talking about, that because of that it is impossible for us to say that only 1% of the width - that 1% of half of the width of the tape would in fact have been recorded on? -- Ek het nou verlore geraak langs die pad. Dit lyk vir my hier word oor twee verskillende dinge gepraat en dit is nou ŉ ander benadering as wat ons tot dusver gehad het. Ek dink miskien kan ek net vir die verdediging vra om dit ŉ bietjie beter toe te lig.

You said that at the end ... (Court intervenes)

COURT : Let us just hear what you are putting to the witness. Do not take him back on what he said. You are putting to the witness because one does not know what the strength of the magnetic field is, in the defective portion at the end of tape EXHIBIT 6. That is point number 1. What is your conclusion?

MR YACOOB : Because one does not know that, one cannot say also what width of tape has actually been recorded on at that point. -- Ja, dit is korrek dat ŉ mens nie weet presies hoe wyd die deel is waar op daar wel opname voorkom nie, maar ek het toetse gedoen om daardie wydte te probeer bepaal en gevind dat die wydte in ieder geval nie sodanig is dat dit baie krities is wanneer teruggespeel word op ŉ stereobandspeler nie, wat sou aandui dat daar in ieder geval ŉ bruikbare wydte van opname op die band teenwoordig is.

Exactly/...

Exactly what test did you do and exactly what did you find?

HOF : Dit kan u vir ons na die teeverdaging vertel.

GETUIE STAAN AF.

HOF VERDAAG. HOF HERVAT.

K435 LEENDERT PIETER CHRISTIAAN JANSEN, V.o.e.

BESPREKING IN VERBAND MET KASSET 433 WAAROP DIE OPNAME DEFEKTIEF WAS. KOLONEL JANSEN SAL 'N HEROPNAME VAN HIERDIE KASSET GAAN MAAK.

CROSS-EXAMINATION BY MR YACOOB (continued) : Colonel, I asked you about the precise test you had conducted and the precise results obtained. -- Ek het die betrokke band in 'n stereobandspeler geplaas en met stereo-oorfone daarna geluister. Ek het toe 'n klein stukkie koperdraad geneem waarvan ek die punt dwars gebuig het. Terwyl die band speel het ek die stukkie draad ingesteek deur een van die gaatjies in die kassethouer, op so 'n manier dat ek die band se posisie kan skuif terwyl dit oor die terugspeelkop beweeg. Ek kan dit met ander woorde links of regs skuif. Ek het gevind dat as ek die band sodanig skuif dat die opgeneemde deel na die binnekant, dit wil sê die middel beweeg, dan kan ek die band 'n klein entjie beweeg voordat die spraak wat op die regter kanaal teenwoordig is verdwyn. Ek het ook gevind dat as ek die band na die buitekant beweeg, dan kan ek die spraak wat op die regter kanaal vir 'n klein tydjie hoor op die regter kanaal en as ek die band nog verder na buite beweeg dan begin daardie klank ook verskyn in die linker kanaal van die oorfone. My gevolgtrekking was dat die deel wat opgeneem is met die spraak wat nou op die regter kanaal is, redelik smal is, maar dat dit nie uiters krities is nie

ten/...

ten opsigte van klein beweging van die band na enige kant toe. Ek het verder ook opgelet op effekte wat ek sou kon kry indien die opname oorspronklik met ŉ stereobandmasjien gemaak was en gevind dat daar hoegenaamd geen aanduidings was dat enige deel van die opname met ŉ stereobandmasjien gemaak was nie. Indien dele van die opname, en dit sluit ook in moontlike geruis wat daar op die band is, opgeneem was met ŉ stereobandmasjien dan ontstaan daar ŉ situasie waar die terugspeelkop kyk na die gaping tussen opgeneemde bane tesame met ŉ klein bietjie van die een kanaal en ŉ klein bietjie van die ander kanaal. Die gaping is normaalweg kleiner as die wydte van die kop self, en ŉ mens kan dus afnames en toenames in klank verwag, wanneer die band heen en weer beweeg word en indien die opname gemaak was met ŉ stereobandopnemer. Soos ek sê, daarvan het ek geen tekens gevind nie. (Opnamemasjien gee probleme)

GETUIE STAAN AF.

HOF VERDAAG. HOF HERVAT.

LEENDERT PIETER CHRISTIAAN JANSEN, nog onder eed

CROSS-EXAMINATION BY MR YACOOB (continued) : I want to please take you to your photograph ABD(7)7. Do you accept that that photograph shows the recording pulse or the pulses placed on the machine when it was switched on by both the record head? -- Ja.

Do you accept from looking at those pulse that the pulse placed on the record head is stronger and somewhat bigger than the pulse placed on by the erase head? -- Soos dit teruggespeel word op ŉ band is dit duidelik en soos dit op die foto is is dit duidelik dat die eindresultaat in hierdie geval is sodanig dat die opneemkop se puls groter

vertoon/...

vertoon as die uitveekop se puls. Daar moet egter in gedagte gehou word dat die opneemkop ŉ sekere uitwissings-effek het op die puls wat deur die wiskop op die band geplaas is.

And if that pulse was recorded over would you accept that there is a chance that some of the recording pulse, the original recording pulse that you see there placed by the record head would still be left behind and not wipes out?

COURT : Just a moment. What are you sayiong? Are you saying that if you make a proper recording, the pulse originally made by the erasure head is retained or are you saying that the pulse made by the recording head is retained?

MR YACOOB : I am saying that the pulse - there is a greater likelihood that the pulse made by the recording head is retained than the other one. That is if we record over this recording. -- Soos ek nou die vraag verstaan word daar ŉ nuwe opname geheel bo-oor hierdie deel gemaak en in so ŉ geval sal die wiskopmeganisme van die bandmasjien wat gebruik word veroorsaak dat altwee die pulse geheel en al uitgevee sal word en daar sal dus na die tyd niks van enige van die twee te sien wees nie.

We dispute that and say that what is left will undoubtedly be very small what can be detected even after a recording over. -- Ek stem nie daarmee saam nie. My standpunt is dat daar op normale opspoortegnieke niks van die oorspronklike gesien sal wees nie.

Have you done any practical tests on this? -- Ja, ek het al by baie geleenthede opgeneem bo-oor vorige opnames insluitende opname waarop pulse was en gevind dat ek niks

van/...

van die oorspronklike puls terugvind nie.

Do you agree that if you wipe out a tape on which speech has been previously recorded, the speech is not completely taken away by the erasure, but is still very faintly in the background and that this is this which increases the noise level of the tape? -- Ek stem nie daarmee saam nie.

I want to put it to you further that if that speech which has been wiped out, the faint bit which actually remains behind, if that speech is amplified, say 500 times then you would be able to hear the speech which is there and you will know that it had actually been wiped out before. -- Ek het by verskeie geleenthede en met verskeie soorte bandmasjiene al daardie toets gedoen om te kyk of ek enige oorblyfsels kan vind van wat voorheen op die band opgeneem is. Ek het dit nog nie by een enkele een van my toetse gevind dat daar enigiets hoorbaar is van die oorspronklike opname nie. Al wat ek kon hoor wanneer ek die wins baie opdraai met 'n faktor 500 of selfs meer is dat daar slegs ruis op die band oorbly. Dit is wel waar dat daar vroeër jare bandmasjiene was en sekere tipe band was wat die opname nie deeglik kon uitvee nie, maar ek het daardie situasie nog nooit teëgekom met kassetbande nie.

You say that you came across that situation on reel-to-reel machines? -- Ja, en op spesifieke band alleenlik. Vroeër jare was dit tegnies moeilik om die voorspanning wat dieselfde frekwensie het as die uitwisspanning 'n baie hoë frekwensie te maak en daardie feit gekoppel daaraan dat sekere tipes band van vroeër jare 'n weerstand getoon het teen uitvee, kon in sommige omstandighede daardie situasie veroorsaak.

I/...

I want to put it to you that the remaining or what remains of these original pulses, in fact occurs at counter reading 591 on side 2 of EXHIBIT 6 and that is the portion of the tape where you refer to it as a "stampgeluid". We would like to play that to you again and we would like you to concentrate on what happened immediately after the word "before" and when I say immediately, I say a split second of that word. What you will hear, we suggest, is a pulse or click which is both in the left and right-hand channel, a click which can be heard more clearly on the left-hand and half a second later you will then hear a click or 'n "klank" or a sound or a pulse, which is louder in the right-hand channel and which is heard very, very faintly in the left channel and we say that these are residual pulses arising out of a process of re-recording. I would like you please to listen to it. We first start from counter number 590 and you must concentrate on the word "before". The words that we can hear is, "we are now going or drawing to the end of this meeting and before ..." So, if you hear the words "to the end of the meeting" you can watch for the word "before" immediately after that. (Bandopname word gespeel) We have just played the right-hand channel. We will play the left-hand channel, but you will hear no sound. All you will have to watch for is a pulse of some kind. There is no speech. (Linker kanaal van bandopname word gespeel) If you want to listen to both channels together you answer any questions about this, you will have to do that through headphones. Do you want to do that first? -- Ja, asseblief. (Getuie luister met oorfone na bandopname)

Did you hear two distinct pulses as I have described

them/...

them half a second apart more or less? -- Is dit veronderstel om pulse te wees een op die een kanaal en ŉ ander op ŉ ander kanaal?

No. When you heard it through the right channel both could be heard, the one immediately after the word "before" and I said a split second after and the other a half a second after that? -- Ja, ek het twee pulse gehoor ŉ klein tydjie uitmekaar. Ek is nie seker of dit ŉ half sekonde is nie, maar dit is so dat daar twee pulsies of klikgeluide is.

We have timed that and it appears to us that they are about half a second apart? When we played the left-hand channel for you separately, did you hear - how many pulses did you hear at that point? -- Dit het vir my geklink asof ek slegs een gehoor het.

We say that there is a very slight residual second pulse half a second after the audible one. That is on the left channel.-- Met die toerusting hier in die hof sal ek nie uitspraak kan gee daaroor nie.

We say that those are residual pulses over which there has been a further attempt to erase? -- Ja, dit kan ek glad nie aanvaar nie. Dit is vir my duidelik dat die een puls op die regter kanaal wat hoorbaar is baie duidelik ŉ geval is van ŉ stamp teen die mikrofoon en dan sit ŉ mens verder met die effect van kanaalskeiding met ŉ stereobandspeler. ŉ Mens kry naamlik altyd dat wanneer jy terugspeel, een kanaal se klank baie saggies sal deurkom op ŉ ander kanaal. Dit is ŉ effek wat moontlik ŉ rol speel in hierdie geval maar sonder in verdere diepte studie van daardie deel kan ek gaan positiewe antwoord gee nie.

Do I understand you correctly that you have now come

to/...

to the conclusion that a fault in the radio microphone system will have nothing to do with the sort of problem that we encounter at the end of EXHIBIT 6 from after the applause. -- Dit is korrek.

Did you speak to Constable Uren in relation to what had happened in the hall at the end of what was said to be Allan Boesak's speech? -- Ja, ek het met hom gepraat.

Did you first tell him that there was a radio microphone interruption in your view? Sorry, I would like to rephrase that. Did you first tell him that in your opinion the problem was as a result of a fault in the microphone system before you asked him what had happened or did you just ask him what had happened at that stage at the end of the recording? -- Ek het daardie deeltjie aan hom voorgespeel sodat hy kon hoor wat die situasie is waaroor ek met hom wou praat. Daarna het ek hom gevra wat het op daardie tydstip in die saal gebeur. Hy het aan my verduidelik dat hy na die een kant toe gedraai het en met iemand gepraat het wat langs hom was.

And did that information help you to come to the conclusion that this was a radio microphone problem?-- Ja, ek het gedink aan moontlikhede waarom die sein sag sou word en die een moontlikheid wat op daardie stadium ter sprake was was dat daar iets verkeerd gegaan het met die radiosender. As ek reg onthou het iemand in die kantoor op daardie stadium die moontlikheid geopper dat die verbinding tussen die mikrofoon en die radiosender dalk los kon geraak het, maar ek kan nie onthou wie daardie voorstel gemaak het nie.

Wa Was this proposition put up while you were talkingh to Uren in the office? -- Ja.

And/...

And was this the first time that you thought that that might be the problem, after this proposition was put up by someone else? -- Ek het op daardie stadium gedink dat dit ŉ moontlike verklaring kan wees vir wat gebeur het.

Now I come to your conclusions in regard to EXHIBIT 6 and if you look at page 20 of your report - sorry page 20 of ABD(4). You say that you found no indication that this was a copy? -- Dit is korrek.

You say also that you found no indication that the tape had been tampered with? -- Dit is korrek.

Then you come to the conclusion finally that this tape is an original? -- Dit is korrek.

COURT : That the recording is an original.

MR YACOOB : That the recording is an original. Before we go further with this, let me see whether we can agree about the difference an original and a copy for the purposes of this cross-examination. I want to give you both those definitions. As far as a original is concerned, an original amounts to a first generation recording onto magnetic tape of natural sound received by microphone, fed directly into the recording amplifiers and from there via the recording head onto the magnetic tape, with the qualification that natural sound in that definition is sound received other than from another recording device, like a tape recorder, but it could be sound spoken through some other microphone amplified through amplifiers into speakers and picked up from the speakers through your tape recorder. Do you agree with that definition of an original recording? -- Ja, ek stem saam dat dit ŉ breedvoerige omskrywing is van wat ŉ oorspronklike opname behels.

Is/...

Is there anything that you would like to add or subtract from that definition?

COURT : It would appear that it might be simplified.

MR YACOOB : That is so.

COURT : Very well, go ahead. I am not interested in the witness's definition or non-definition. You put your definition to the witness and we go on from there. I have sat in this court for four and a half days listening to cross-examination about one tape. The purpose of the cross-examination as I understand it, is to determine whether what is before court in the form of a recording of the speech of Boesak and Chikane is false or true. I have not heard a word of that yet. Well, go ahead, Mr Yacoob.

MR YACOOB : The purpose of this cross-examination is to determine whether these tapes are original or not.

COURT : The purpose of the cross-examination is to determine whether what is before the court in the way of a transcription is what in fact was said at that meeting and not whether some sound underlying some sound is original or unoriginal. Go ahead, Mr Yacoob. Just do it a bit quicker. I have not got another four and a half days.

MR YACOOB : Would you accept that a copy is a second order or a higher order of generation recording of an earlier first generation recording? -- Ja, dit is korrek.

Did you find on the tapes any positive indication that these tapes were original? -- In meeste gevalle is daar nie so iets soos 'n positiewe aanduiding dat bande oorspronklik is nie. Daar kan wel slegs aanduidings wees dat bande nie oorspronklik is nie. Dit wil sê wel heropnames.

Quite apart from what is the position in most cases,

did/...

did you find any positive indication on EXHIBIT 6 was an original?

MNR. JACOBS : Ek dink 'n mens moet om verwarring te voorkom dat mnr. Yacoob sy vrae baie duideliker moet stel in hierdie verband, want BEWYSSTUK 6 wat oorspronklik is, is seker die band wat gekoop is. Verwys u nou na die band wat gekoop is as die oorspronklike of verwys u na die opname op die band as die oorspronklike?

HOF : En indien wel, watter opname? According to you there is one recording which was wiped out and there is another recording on top of it. I am not interested in the others. I am interested in the speech of Chikane and the speech of Boesak. Are they original or are they not original? This tape may have been used a hundred times before it was taken to this meeting.

MR YACOOB : I am asking whether there is any positive indication that EXHIBIT 6 has on it an original recording.

COURT : An original recording in what part of it? In the middle of it or in the end or in the beginning?

MR YACOOB : In all of it. The tape must be seen as a whole and I would like not to argue the case piecemeal. Clearly Your Lordship's point of departure and mine for purposes of this case is a very different one.

COURT : Yes, I hope mine is correct, because I have to write the judgment. Go ahead.

MR YACOOB : Let me repeat the question. Did you find any positive indication that EXHIBIT 6 is an original recording or contains an original recording? -- Wel, net die feit dat daar wel 'n opname op die band is, is deel van daardie antwoord, want as daar 'n opname op die band is, is daar 'n

goeie/...

goeie waarskynlikheid dat daardie opname 'n oorspronklike opname is. So, die feit dat daar wel 'n opname is, is alreeds iets wat kan aandui - ek sê nie dit dui in alle gevalle dit aan nie, maar kan aandui dat dit 'n oorspronklike opname is. Indien 'n mens te doen sou hê met 'n heropname van 'n oorspronklike, dan weet 'n mens in ieder geval vir seker dat op een of ander stadium was daar wel 'n oorspronklike gemaak.

Is that the only positive indication that this was an original recording as distinct from a copy? -- Ek het reeds verduidelik dat 'n opname bevat nie aanduidings wat vir 'n mens kan sê hierdie opname is sonder enige twyfel 'n oorspronklike nie en daarby moet ek kwalifiseer normaalweg nie. Daar is sekere gevalle waar 'n mens aanduidings kan kry dat 'n opname wel oorspronklik is. In hierdie geval was daar nie sulke aanduidings teenwoordig nie.

So, is it correct then that you rely for your conclusion in relation to EXHIBIT 6 simply on the absence of indications of copying?

COURT : He has already said so. Next question.

MR YACOOB : Is it correct that you cannot in every situation tell whether there are indications of copying or not? -- Die vraag moet eintlik anders geantwoord word. Daar is gevalle waar heropnames gemaak kan word waar daar geen aanduidings sal wees van heropnames nie, maar indien daar wel aanduidings is van heropname, dan kan 'n mens sê dat daar is aanduidings van heropname.

But you will never know whether this is one of those situations where there are such indications?

COURT : The witness has said, when there are indications, I pick them up and then I can say whether there are indications.

MR YACOOB/...

MR YACOOB : I am putting to him that there can be situations where there are no indications and he cannot say whether this is one of the tapes where ... (Court intervenes)

COURT : Well, that is obvious, is it not? If there are no indications, you cannot say whether it is one of those tapes. Next question.

MR YACOOB : So, this may be a tape then which is a copy on which there are no indication that it is a copy? -- Al wat ek daarop kan antwoord is dat ek geen aanduidings kon vind dat dit die situasie is nie.

And is it correct that you cannot really determine by scientific tests whether the signal which was received which caused the recording which we have in EXHIBIT 6 was received by another tape recorder or - was received from another tape recorder or from natural sounds? -- Ja, die situasie is denkbaar dat die opname in 'n geheel gemaak kon gewees het met heeltemal ander toerusting en dat daardie oorspronklike opname in sy geheel oorgedra is op hierdie opname en daarvan vind ek geen tekens van teenwoordigheid of afwesigheid van daardie situasie nie.

ASSESSOR (MNR. KRÜGEL) : Terwyl mnr. Yacoob weer terug is by die kopieerproses, mag ek miskien net 'n vraag stel. Mnr. Yacoob se definisie, as ek hom reg neergeskryf het van "an original" is soos volg. "It is the first generation recording onto magnetic tape of natural sound received through a microphone to a recording amplifier from the recording head onto the magnetic tape and he qualified that by saying that is sound other than from another tape." U het saamgestem dat dit 'n redelike beskrywing is. -- Ja. Daar is dinge wat 'n mens kan byvoeg daar.

Maar/...

Maar ek wil net vir u vra, sou u dan sê dat omdat die definisie so is dat die hofopnamerekord wat nou gemaak word deur die dame hier voor nie ŉ oorspronklike is nie? -- Nee, volgens daardie definisie is dit wel ŉ oorspronklike.

Wat dan van die opname wat gemaak is van die bande wat voorgespeel is in die hof? Daar is tog ŉ opname gemaak van toetsbande wat in die hof voorgespeel is. -- Ja, die geval wat vandag hier voorgespeel is uit BEWYSSTUK 33 is ek geneig om te aanvaar dat dit wel ŉ oorspronklike opname is, terwyl in die geval van BEWYSSTUK 32 wat van my af kom wat van my af kom is dit definitief nie oorspronklik nie. Want ek het reeds verduidelik dat daardie opname gemaak is op ander band en met verskeie masjiene en dat dit daarvandaan af oorgeplaas is na een enkele kassetband. Met ander woorde, in daardie geval is dit ŉ heropname wat in die hof voorgespeel is.

Maar insoverre daardie heropname op die rekord van die saak getik word, is dit tog ŉ oorspronklike opname, nie waar nie?-- Die kwessie van of ŉ opname ŉ heropname is of nie, is in baie gevalle bloot van akademiese belang. ŉ Goeie heropname kan net so ŉ egte opname wees van byvoorbeeld ŉ vergadering as wat die oorspronklike is en u moet my daar verstaan, ŉ heropname kan nog altyd ŉ egte weergawe wees van ŉ vergadering, al is dit nie ŉ oorspronklike nie, want die oorspronklike kon in sy geheel en volledig oorgeneem gewees het op ŉ ander band en dan is dit nog altyd presies die weergawe van wat oorspronklik gebeur het. Dieselfde situasie kry ŉ mens wanneer jy ŉ foto neem waar die beligting in ŉ kamera plaasvind op ŉ negatief, die negatief word gebruik om ŉ positief te maak. Dit waarna ŉ mens op die

end/...

end kyk is nie die oorspronklike nie. Dit is ŉ kopie, maar dit is ŉ korrekte weergawe van wat die oorspronklike raakgesien het. So, hy is in alle opsigte net so eg as wat die negatief is. So, sover dit egtheid aangaan, hoef die feit dat daar moontlik ŉ heropname proses kon gewees het, nie van belang te wees nie.

MR YACOOB : We agree with you that there can certainly be such a thing as a faithful copy. I am going to come whether it is a faithful copy or not at the next stage. At this stage it is quite clear that when EXHIBIT 33 was played onto the court record in terms of the definition which I have put up, then quite clearly, if the recording machine is working properly, the recording made in court here would be an original recording of the proceedings, that is a first generation recording, but it will obviously be a second generation recording in relation to EXHIBIT 33, is a faithful one.

HOF : U hoef nie daardie vraag te beantwoord nie. Next question?

MR YACOOB : Do you agree that it is possible to edit a tape in such a way that after the time it is not possible to determine whether an edit has been made or not? -- Ja, sover moontlikhede aangaan, is dit moontlik.

And would you accept that that is reasonably easily done? -- Nou beweeg ons op die volgende vlak. Daar is sekere omstandighede waar edits maklik gedoen kan word wat nie maklik opgespoor kan word nie, maar wat hoegenaamd geen invloed sal hê op die korrektheid van ŉ oorspronklike opname nie en ek sê dit omdat sodra ŉ mens die terme "edit" gebruik, dan is daar ŉ geweldige groot verskeidenheid van dinge

wat/...

wat daarby ingesluit kan word.

Let us take them one by one. Leaving out of a paragraph of a speech, would you that is one of them? -- Ek verstaan nie die vraag nie. Kan dit miskien net weer of op ŉ ander manier gestel word?

HOF : Die vraag is, is dit maklik om ŉ toespraak wat op band is, wat opgeneem is op band so te redigeer dat jy ŉ paragraaf daarvan uitlaat sonder dat iemand agterkom dat dit gedoen is? -- ŉ Weglating van ŉ deel van ŉ toespraak is die maklikste manier om ŉ toespraak te verander. So, ek sê nie noodwendig dat dit in alle gevalle maklik is nie, maar dit is ŉ moontlikheid en dit kan onder gunstige omstandighede gedoen word sonder dat daar tekens daarvan sal oorbly op die band.

Kan ek net duidelikheid kry. Sonder tekens op die betrokke band waarop jy gewerk het of sonder tekens op die kopie van die band wat jy maak van die oorspronklike band waar jy redigering op gedoen het? -- Ja, dit is sonder tekens daarvan op die band wat op die ou end voorgehou word asof dit die oorspronklike sou gewees het.

MR YACOOB : Switching paragraph of speeches or a speech around, is that possible to do reasonably easily in such a way that it is not detected later? -- Ja, dit is ŉ volgende graad van moeilikheid. Onder sekere omstandighede kan ek aanvaar dat dit gedoen kan word sonder dat dit na die tyd waargeneem sal word.

Leaving out words? -- Weglating van woorde en daarby verstaan ek slegs ŉ aantal woorde, is iets wat al baie moeiliker begin word. ŉ Mens begin dan in die situasie kom waar ŉ mens sal moet begin oorweeg of dit gedoen kan word

deur/...

deur enigiemand, dit wil sê ŉ redelike amateur of ŉ leek op die gebied en met eenvoudige toerusting en of dit slegs suksesvol gedoen kan word deur professionele persone met meer professionele toerusting.

ASSESSOR (MNR. JOUBERT) : Wat is u ervaring in die antwoord wat u gegee het? -- My ervaring is dat ŉ mens gaan dit nie regkry tensy jy ŉ professionele persoon is nie. Die onprofessionele persoon sal merke op die band laat waarvan hy glad nie eers bewus sal wees nie. Dit is slegs ŉ professionele persoon wat sal weet om moeite te doen om te sorg dat daar so min as moontlik merke op die band oorbly.

HOF : Bedoel u met merke, iets wat jy met jou oog kan sien of bedoel u iets wat jy hoor as klank? -- Dit sluit albei in. Of sal ek sê dit kan albei insluit.

MR YACOOB : I want to put it to you that this kind of editing even leaving out a word can be done by a reasonably intelligent person not necessarily professional using equipment not more sophisticated than the AIWA which you used to make EXHIBIT 32. -- Ja, die AIWA wat ek gebruik het, begin al in die professionele klas val en as ŉ intelligente persoon opleiding ontvang in die soort van probleme wat kan voorkom dan met ŉ sekere hoeveelheid oefening kan ek my voorstel dat hy dit sal kan regkry, maar dan beskou ek hom al as ŉ semi-professionele persoon sover dit daardie dinge aangaan.

In fact I want to put it to you that this sort of editing, even leaving out a word, can be done by a reasonably intelligent person in the ordinary stereo tape recorder that one gets in any home which would be even somewhat less sophisticated than the AIWA. -- Ek wil aanvaar dat dit so gedoen kan word, maar ek sal moet volstaan dat so ŉ persoon

sal/...

sal heelwat ondervinding moet hê in die gebied.

I in fact want to suggest to you that the process is not so complicated and can be taught to a reasonably intelligent person in about half an hour? -- Ja, ŉ mens sal hier weer kan kibbel oor ŉ graad, maar ek aanvaar nie dat do ŉ persoon wesenlike veranderings sal kan maak aan ŉ opname nie. Sodanig dat ek dit nie sal - dat ŉ geoefende luisteraar dit nie sal waarneem nie.

And what about words being taken out, a couple of words being taken out of one part of the recording and put into another? -- Met daardie veronderstelling neem die moontlikheidsgraad toe met ŉ groot faktor, maklike orde, dit wil sê maklike faktor tien of iets van die aard.

Would a trained person - would a professional person be able to do that reasonably easy? -- ŉ Opgeleide persoon met die nodige toerusting sal dit kan doen, maar geen persoon hoe opgeleid of hoe goed sy toerusting is, sal ooit eerlik kan sê dat hy dit maklik kan doen nie.

GETUIE STAAN AF.

HOF VERDAAG. HOF HERVAT.

K436 LEENDERT PIETER CHRISTIAAN JANSEN, nog onder eed

CROSS-EXAMINATION BY MR YACOOB (continued) : I would now like to play to you a tape which has been made up by Mr Atkinson which I intended to represent certain kinds of edit which can be taken and which are very difficult, if not impossible to detect, particularly if you do not have the original tape. My Lord, this is an edit of transcript number 31 which is a transcript of V(31) - my note is wrong, it is V(24) and the beginning wil be at page 9, what I will hand to the witness is a transcript of what is actually on the

tape/...

tape, on the edited tape.

COURT : This tape will be EXHIBIT 34.

MR YACOOB : And the transcript of this tape will be numbered ABD(8)2. (Bandopname BEWYSSTUK 34 word gespeel) Colonel, you have listened and as I understand it you have the advantage of having the transcript V(24) as well as the transcript ABD(8)2. Dit is korrek.

You are now in a position where unlike when you examine a tape by itself, you know in fact where the edits have been made? And do you agree that that knowledge itself places you at some advantage? -- Ja.

Would you agree with me that the edits which were there and you have seen them all now are very difficult if not impossible to detect or would be. All you had before you was a tape from the sound on the tape itself? -- Ja, dit is korrek.

And you agree that where proceedings have been recorded which already have imperfection such as clicks and "klanke" and bangs and so on, that these peculiarities give you a greater opportunity to do edits because you can hide your edits under those sound? -- Ja, ek stem saam daar is gevalle waar 'n mens sulke geluide sou kan gebruik om effekte wat deur die redigeringsproses veroorsaak word, te verbloem.

And you agree that where a recording has a lot of clicks, bangs, klanke, with a whole range of different explanations, that it is very difficult when you are listening to a long tape with all these clicks and bangs and interruptions and so on to work out which one represents edit, which one masques existing edits and which one (vraag word nie voltooi nie) -- Ek kan daar nie mee saamstem nie,

want/...

want ŉ geoefende persoon het deur die jare geleer om na ŉ hele verskeidenheid van dinge te luister en gewone klanke sal klanke wees wat in die omgewing ontstaan het van waar die opname gemaak is en dit word opgeneem op band met hulle eggos wat deur die omgewing veroorsaak word. Klikgeluide wat deur ŉ redigeringsproses veroorsaak word, sal nie dieselfde eggo en klankbeeld saam met hulle hê nie. Die beste manier om redigering te doen is om dit sodanig te doen dat daar geen hoorbare klank op die band sal gelaat word nie.

But where there are already lots of sound on a tape I put it to you that that requirement is no longer so essential? -- Ek stem nie daarmee saam nie, omdat, soos ek gesê het, die soort geluide wat deur redigering veroorsaak word verskil van die soort geluide wat normaalweg op ŉ band opgeneem word.

What about distinguishing between clicks, klank, bangs which hide an edit and ones which are just very normally? -- Ek verwag dat ek in meeste gevalle wel sal onderskei tussen daardie twee verskille omdat ŉ geoefende persoon wat spesifiek luister na sulke effekte sal geneig wees om baie maklik sulke effekte te hoor.

Can you say with certainty that there are no such difficulty to detect edits on EXHIBIT 31? -- Ek het geen sulkes waargeneem nie en ek is oortuig dat daar geen sulkes teenwoordig is nie.

I put it to you that there are so many noises on this tape, so many clicks, klanke and bangs, that you cannot be so convinced? Secondly I want to put it to you that as far as EXHIBIT 6 is concerned, there are some indications but we cannot be sure of this, because they are not conclusive

either/...

either way that EXHIBIT 6 might well be a copy and I want to put some of these to you. The first is that the noise le during the various interruptions which you describe as radio microphone interruptions are higher than we think they should be, in fact those noise levels are higher than the noise level contained in the left-hand track at the end of EXHIBIT 6 side 2. We think that that is a possible indication that it is a copy, because it might well be that additional noise was picked up in the copying process during silent periods. There are two indications. Perhaps I should put the other indication as well. The second indication is that in order to get more or less the same degree of amplification on the oscilloscope and with the oscilloscope being connected to the tape recorder in such a way that the volume control was by-passed, we have to amplify , the sound arising from this tape somewhat more than the other tapes to get the same amount of amplification.

COURT : The other tape being?

MR YACOOB : The other tapes now before court.

COURT : That is the test tape,EXHIBIT 34?

MR YACOOB : No, no. We are talking about ... (Court intervenes)

COURT : All the other tapes as were handed in as exhibits by the STate?

MR YACOOB : In respect of the majority of the others, not all. I will just give the details in a moment. Those are the things which make us think that the tape might not be an original. -- Die eerste deel in verband met die geraasvlak gedurende die radiomikrofoononderbreking, ek stem nie saam dat die geraasvlak daar hoër is as wat dit behoort te wees

soos/...

soos ditr gestel is nie, aangesien die bandmasjien nog altyd gekoppel bly aan die radio-ontvanger en die deelŉ waar die "squelch" baan ingeskakel is, nie heel op die einde van die radio-ontvanger is nie, maar aan die begin van die klankversterkergedeelte. Daarom is dit so dat selfs wanneer die "squelch" afgeskakel het, kom daar nog altyd ŉ bietjie ruis deur. Daar is natuurlik nog ŉ effek wat altyd saam speel gedurende sulke radiomikrofoononderbrekings en dit is dat ŉ mens dikwels gedurende ŉ radiomikrofoononderbreking kry dat die klank of klein stukkies van die klank nog steeds deurbreek. So, geraas wat teenwoordig is in hierdie dele is hoegenaamd geen aanduiding daarvan dat dit moontlik ŉ heropnameproses is nie en sover dit die ander deel van die vraag aangaan, ŉ mens kry verskille in opnamevlak by verskillende bandmasjiene en met verskillende tipes band en daarom is betreklike klein verskille in opnamevlak ook geen aanduiding dat daar ŉ heropname proses was nie. Dit kan miskien genoem word dat ŉ verskil van ŉ faktor twee op die ossilloskoop se skerm slegs ŉ geringe verandering in hoorbare luidheid veroorsaak. Dit is dus baie makliker om klein verskille op ossilooskoop raak te sien as wat dit vir die oor opvallend is.

I just want to get some clarity about your answer in connection with the noise level. Are you saying that if the noise level is somewhat low, that this could not be an indication of a copy process or are you saying that it is not an indication? -- Laat ek dit liewers so stel. Die geraas wat in ieder geval gedurende sulke dele op die band geplaas word as gevolg van die klein bietjie ruis wat uit die radio-ontvanger uitkom, is meer as wat addisionele -

as/...

as wat die addisionele ruissyfer op 'n band sou wees as gevolg van 'n heropname proses en daarom kan hierdie ruisvlak waarna verwys word glad nie gebruik word as 'n aanduiding van of daar 'n heropname proses is of nie.

And does that apply even if the noise levels in the radio microphone interruptions are higher than the noise level on the left side at the end of EXHIBIT 6 side 2? -- Indien dit so sou wees dat die geraasvlak gedurende die radiomikrofoononderbrekings hoër is as op die linker kanaal aan die einde van kant 2 van BEWYSSTUK 6 dan sal dit nie 'n geval wees van selfs in daardie geval sou ek dit sê nie. Dit sou 'n geval wees van veral in daardie geval sou ek dit sê. Met ander woorde, hoe hoër die ruisvlak, hoe kleiner of minder waarneembaar sal die effek wees van 'n heropname proses. Dit is miskien van nut om vir die Hof te verduidelik dat 'n heropname proses sal slegs die heel laagste ruisvlak wat ooit op band kan voorkom effens verhoog. Dit sou byvoorbeeld op plekke wees waar daar hoegenaamd geen klank in die bandmasjien ingevoer word nie deurdat die kabel wat sein invoer in die bandmasjien byvoorbeeld 'n kortsluiting ontwikkel. Indien daar enige - indien die agtergrondgeraas afkomstig van enige bron wat die bandopnemer voer ruis op die band plaas wat hoër is as die minimum vlak van die band, dan word daar gou 'n punt bereik waar 'n heropname proses geen invloed op die agtergrondgeraas op die band sal hê nie.

My instructions are that these sounds or these noise levels during the interruptions of the radio microphone are so high that there could be the combination of radio microphone interruption, the noise occasioned by the radio itself plus the effect of the copying process? -- 'n Heropname

proses/...

proses, soos ek reeds gesê het, sal geen bydrae maak tot daardie geraasvlak nie. Natuurlik indien dit korrek gedoen word nie.

So, our position in relation to EXHIBIT 6 then finally is that we are not certain whether there have been edit, secondly, we cannot be sure whether it is an original or a copy, but that there are some indications that it might be a copy? My Lord, I am now going to move on to EXHIBIT 31. I do not know whether Your Lordship would want me to do that straight away.

COURT : Is there anything that you want this witness to listen to before we adjourn or during the adjournment, then you must take that up with him so that we do not take up the Court's time eventually, because I remember when you dealt with 6 that you wanted him over the adjournment to listen to certain parts of that.

MR YACOOB : That is so. All we did was asked him to listen in relation to EXHIBIT 31 to the areas which he had identified as problem areas very carefully, because our interpretation of that is going to be different. He was told that already last week. I must mention to the Court that there is one area which the colonel has not found at all and which I would not like to give him notice of at this stage.

COURT : Yes, that may be, but I am not going to listen through the whole tape while you play it to the colonel to see whether he detects it.

MNR. JACOBS : As ek reg onthou was dit net BEWYSSTUK 6 wat genoem was. Daar is nie aan hom uitgewys watter dele in BEWYSSTUK 31 nie.

COURT : I have also had the impression that we only dealt

with/...

with EXHIBIT 6.

MR YACOOB : What I told him only is that he must listen to each of the problem areas which he himself had identified and our interpretation is going to be different. Unless I give him now a long list of our total interpretation of EXHIBIT 31 and then let him go away and listen to it - because then we will have the problem that one does not know whether he has heard it at the first hearing or the second hearing or now and the important thing is the detail that the witness is able to pick up in a problem area when he listens to it and it is going to be an important part of the submission.

COURT : Just a moment now. How do you think you are going to proceed with this then. Does this mean that I have to sit through EXHIBIT 31?

MR YACOOB : I can think of no other way of doing it.

COURT : The other way of doing it is let the witness listen to those portions. I take it that it is accepted that the witness and the other expert are honest men and that he will tell you if he had not heard it before?

MR YACOOB : Let me find my note of it, so that we can give it to him. One of the difficulties is going to be that - we will give it to him. The counter numbers which I will be using to point out to you the sort of areas that we would like you to investigate again, firstly there is a clear - on tape 1 side 1 ... (Court intervenes)

COURT : EXHIBIT 31(1) side one.

MR YACOOB : Counter number 002. There is a very obvious pause which we say exists there, a pause interruption which you have not drawn attention to at all. Then the second

one/...

one ... (Court intervenes)

COURT : Is it EXHIBIT 31(2) or is it still on the same one?

MR YACOOB : Still on the same one. The second one is concerned with the interruption which you identified at counter reading 024 we are going to put to you, again on tape 1 side 1, that that is not a typical on/off interruption, but that it is in fact more than that particularly when regard is had to the time of that interruption.

COURT : What are you saying it is?

MR YACOOB : We are not sure what it is. It could quite easily be part of some editing process or something of that sort. The difficulty is we do not know. Our evidence in relation to a lot of these things is going to be that you cannot say with certainty exactly what these things are. There are always different interpretations ... (Court intervenes)

COURT : You need not explain that to me. I have gathered that during the last couple of days. Have you got anything else on this tape?

MR YACOOB : Yes, there are other things on this tape. The next one, colonel, is at your counter number 445 tape 1 side 1 where there is a break of 8 seconds, you say that that is a combination of battery and power - of power as well as contact problems, "verbindingsprobleme". We say that that is not so, that if you listen to it carefully, you will find that at the point of the interruption there is - that can actually be broken up into a number of different phases as far as that particular interruption is concerned. We say that as far as this one is concerned there is music to start

with/...

with, which can be heard in the background when this thing begins ... (Court intervenes)

COURT : You say there is music and does that occur during the break of 8 seconds?

MR YACOOB : Yes, at the beginning of it. At the very beginning of that break, we say that there is some music with a pause immediately after that music. Then we say that after that there is a level of background sound. We say that after that there is a hiss. We say that immediately after that, during that interruption, is a background sound which sounds like walking and a little bit later the background sound gets a little different, after which in fact the tape re-starts and an interesting thing about this re-start is that the re-start is without any pulse. We would like you to pay attention to all the re-starts on this tape because some of them are without any pulses. Others with pulses which give us the impression that different tape recorders may have been involved. Then ... (Court intervenes)

COURT : All this now is on tape 1 side 1.

MR YACOOB : Tape 1 side 1. The next long interruption is the one which you described at your counter reading 670 and here there is again, you describe it as a combination of a battery contact problem as well as some kind of contact problem. Here we say that again we do not agree that this one is a pulse followed by a silence, thereafter there is a louder complexed pulse followed by a long silence and this is the one where the speech comes in without any pulse at all, not the last one, I am sorry about that. We think that the speech comes in without any pulse at all. Of

course/...

course our position is that these things are so difficult that there may well be a pulse there, which we have not noticed and if you have pointed it out, you might well find it. We say that because that sound has all those features, it is very difficult to describe it as simply a battery "onderbreking". Our whole contention is that the "battery onderbreking" takes place somewhat differently. Then the other is - then again tape 1 side 1 at 414 .. (Court intervenes)

COURT : Are you going backwards?

MR YACOOB : I gave him the longer and two important ones first. At 414 if you would like at that please and you would find there that there is a silence with a discernable drawn or hiss, followed by a short silence without any kind of discernable hiss or drawn(?) and we think that that too needs to be taken into account in explaining what happened there. We will also be asking you some questions in relation to tape 2 of side 1. That is EXHIBIT 31(2) side 1 at counter number 383. This is the point at which the voice of the investigating officer breaks through. You do not need to listen to that carefully. We will just be putting one proposition to you in relation to that. These are all that we want to point out to you in the future. I did not actually expect to get to this area today and therefore it has not been particularly sistematically worked through.

COURT : What other tape you want the witness to listen to?

MR YACOOB : We want him to listen to Krisch Rabillal. It is EXHIBIT 7(1) and 7(2).

COURT : What does he have to look for there?

MR YACOOB : I will be able to give him all the Krisch

Rabillal matters only tomorrow morning because my notes are in a bit of a mess as far as that is concerned. We have done the tests, but the only problem is that I have not sistematised my notes yet and worked out precisely which ones I am going to take up seriously and precisely which not.

COURT : Well, I would like to impress on you that when a subject has been covered in the past, you can merely make the point again, but not deal with it again in such detail in respect of each and every tape. A difference is a difference. It is no got to belabour the point. Then secondly(1 you would get all your things sorted out on all the tapes tomorrow morning and give them to this witness all at once so that he can during the luncheon adjournment listen to it and when we adjourn again, listen to it, so that we do not have any further hold-ups in this case.

GETUIE STAAN AF.

HOF VERDAAG TOT 3 SEPTEMBER 1986.

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