

B.271 statements, Mr. Vermeulen ? -- U Edele ek het nie 'n paar geneem nie, as dit .. ek kan seker wees dis die enigste een, ek het nie baie verklarings geneem nie.

Well how did it come about, do you know how it came about that you took a statement or no more than one statement if you would have it that way - first of all do you know whether you took more than one statement or not ? -- Dis die enigste een wat ek geneem het.

Are you sure of that ? -- Wel ek het nie baie verklarings geneem nie, dis die enigste ... 10

DEUR DIE HOF: Antwoord net die vraag, is dit die enigste verklaring, ja of nee, of weet u nie ? -- Wel ek weet nie, Edelaagbare.

MR. CHASKALSON: You don't know, but you say you didn't take many statements? -- Ek het nie baie geneem nie, u Edele.

Now how did it come about that you didn't take many statements? -- Wel die meeste van die tyd het ek maar die beskuldigdes opgepas.

Is that the reason? -- Ja.

Did they have to be guarded day ... were you with 20 them every day ? -- Ja, as hulle daar gewees het by die kant dan het ek hulle opgepas.

Were they brought up to the office every day ? -- Ja, ek het hulle gaan haal self of ek was saam om hulle te gaan haal.

Did they come up every day ? -- Ek sal nie sê elke dag nie.

You see Mr. Trijtsmann says that the reason why he didn't take statements was because it was very complicated, that is not your reason is it ? -- Nee, my instruksies was 30 om hulle op te pas, ek het nie ...

B.272

But when you got instructions to take statements you were quite capable of doing it? -- Wel ek sal nie so sê nie maar ek het nie, hulle het nie vir my elke dag gesê om verklarings te neem nie.

But when you did take a statement did you have any difficulties taking the statement? -- Nee, ek het net geneem wat hy aan my vertel het.

It is not difficult is it? -- Dit is nie.

Quite an easy thing to do? -- Ek sal nie sê dit is maklik nie maar ek het geskryf wat hy aan my vertel het. 10

GEEN VERDERE VRAE DEUR MNR. CHASKALSON.

DEUR MNR. KROG: Geen vrae nie.

REUBEN JOHANNES ELS v.o.e.

VERHOOR DEUR MNR. KROG:

Mnr. Els, is jy 'n lid van die Suid-Afrikaanse Polisie?
-- Dit is korrek.

Wat is jou rang? -- Speurder Konstabel.

En aan watter afdeling is jy verbonde? -- Speurdiens
te Newlands. 20

Het jy gehelp met die ondersoek van hierdie saak? --
Ek het.

Van wanneer af? -- Dit is van November laaste jaar
tot ongeveer omtrent 'n maand gelede.

Nee, nee, maar kyk hierdie saak het maar eers in April
begin? -- Ja, ek was by die Sabotasie-afdeling verbonde.

O, jy was vroeër aan die Sabotasie-afdeling verbonde?
-- Dit is reg.

En in April hierdie jaar, op die 9de April, die aand
wat daar 'n paar mense gevang was, het jy toe begin? -- 30
Ek het, u Edele.

B.273

En gedurende die loop van hierdie saak was daar, verstaan ek, omtrent 37 persone gearresteer? -- Dit is korrek.

Het jy verklarings van sekere van daardie persone geneem? -- Ek het van die persone geneem, Edelagbare.

En het jy van enige van die beskuldigdes voor die Hof geneem? -- Ek het van beskuldigde 4 'n verklaring geneem.

Is dit nou die derde ene daar van links af - of kan jy nie ..? -- Derde ene, Victor.

Janee, hy is Nr. 4 maar dit is nou die derde ene wat daar sit? -- Dit is korrek.

10

Jy het 'n verklaring van hom geneem. Nou het jy te enige tyd iets met enige van die ander beskuldigdes te doen gehad? -- Nee.

GEEN VERDERE VRAE DEUR MNR. KROG.

MR. CHASKALSON: Mr. Els, I'm going to put my questions to you in English, will you please continue to speak Afrikaans, will you understand my questions? -- Ek hoop so, Edelagbare.

Now if you have any difficulty please let us know and we'll arrange for an interpreter, and if you don't understand a question please say so. ...

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DEUR DIE HOF: U verstaan nê, as u enige moeilikheid het met enige vrae, enigiets nie reg begryp nie, sê so? -- Ek sal, Edele.

MR. CHASKALSON: Mr. Els, you came to Marshall Square on the night of the 9th? -- Dit is korrek..

Do you remember what time you arrived there? -- Dit was in die omgewing van .. tussen 11 en half-twaalf.

Had the arrested persons already been brought to Marshall Square? -- Dit is korrek, Edele.

Was Lt. van Wyk there or had he not yet arrived? -- Hy was teenwoordig gewees, u Edele.

30

B.274

So you came after Lt. van Wyk? -- Dit is korrek.

Now while you were at Marshall Square, did you get any instructions in regard to any of the arrested persons? -- Ek het, Edele.

What was your instruction? -- Ek moes van die nagwag, die getuie, M.E. Stores 'n verklaring neem wat ek wel gedoen het.

Anybody else? -- Nee, u Edele.

Did you question any of the arrested persons that night? -- Nee, u Edele.

I understand that at a certain stage it was 10 decided to go to New Canada Station? -- Dit is korrek.

Were you among the group who went to New Canada station? -- Ek was gewees.

Now did any of the arrested persons come with? -- Daar was van die gearresteerde persone saam.

Do you remember who came with or don't you remember? -- As ek kan onthou beskuldigde 1 ...

Do you remember accused No. 1? -- Ek dink Nr. 2 was ook daar gewees.

But where do you remember No. 1 - that is Napoleon? 20 -- Ek ken hom maar net, Edelagbare.

Did you know him by the name Napoleon? -- Napoleon ja.

But he was arrested that night at New Canada station?

-- ...

Did you not know that? -- Dit mag miskien wees dat hy daar gearresteer is, Edelagbare, maar ek is nie seker waar dat hy gearresteer is nie.

But at any rate, you remember Napoleon as being among the early group - the early group of prisoners - I believe the first night there were 4 arrested and in the early hours of 30 the morning of the 10th another 14 were arrested? -- Dis korrek.

B.275

Do you remember that Napoleon was amongst that group of 18 persons? -- Dit is korrek.

Now I understand that statements were first taken on the 13th of April? -- Ja, verklarings was later geneem, u Edele.

And that during the period the 10th to the 13th of April the arrested persons were questioned? -- Dit is korrek.

Did you participate in the questioning? -- Ek het deelgeneem, Edelagbare, maar wie ek ondervra het weet ek nie.

But you did participate in the questioning? -- Dit is korrek.

You don't remember whom you questioned? -- Nee, Edelagbare.]

Would you have questioned accused No. 4? -- Ek het hom later ...

Could you have questioned him during that period from the 10th to the 13th? -- Nee, Edelagbare.

Could you have questioned accused No. 3 during that period? -- Ek kan nie onthou nie, Edelagbare.

Accused No. 2? -- Ek kan nie onthou nie. 20

Accused No. 1? -- Ek kan nie onthou of ek hom ondervra het nie.

Accused No. 5? -- Ek kan nie onthou nie, Edelagbare.

How is it that you remember you didn't question accused No. 4? -- Daar was 'n hele klomp gewees, u Edele, en ek weet nie wie ...

But how is it that you don't know whether you questioned accused No. 4, isn't it possible that you could have questioned accused No. 4 during that period? -- Ek kon, Edele, maar ek 30

Why did you say that you didn't? -- Ek sê ek is nie

B.276 seker of ek hom ondervra het nie, Edele.

Well it wasn't your answer, you know, your answer was 'nt I am not sure, you said I didn't ? --- Ek het gesê ek is nie seker nie, Edele.

Was that your answer ? -- Dis reg.

Alright. So it is possible then that you could have questioned anyone of the arrested persons during the period 10th to the 13th ? -- Dit is heeltemal korrek.]

Because you see when you gave your evidence in chief you said that you took a statement from accused No. 4 but 10 you had nothing to do with the others ? -- Op die stadium wat ek 'n verklaring van beskuldigde 4 geneem het, het ek niks te doen gehad met die ander nie.

But you just agreed that you could have questioned anyone of the other accused during the period the 10th to the 13th ? -- Dit is heeltemal korrek, u Edele.

Then you may have had something to do with the others ? -- Ek bedoel op die stadium wat ek van beskuldigde 4 'n verklaring geneem het, het ek niks te doen gehad met die ander nie. 20

You mean when you were taking accused No. 4's statement that you were having nothing to do with the others at that time ? -- Dit is heeltemal korrek.

How could you ever have anything to do with the others when you are taking accused No. 4's statement? -- Dit is wat ek bedoel, Edele.

No, but how could you - I mean how could the question ever have related to that - my learned friend, Mr. Krog, when he asked you whether you had any dealings with the other accused, you said no - do you remember that? -- Dis korrek, 30 u Edele.

B.277

Was that a correct answer ? -- Dit is korrek, u Edele.

But you just said that you may have questioned anyone of the others during the period the 10th to the 13th? -- Ek kon, u Edele, ek ... (onhoorbaar, mnr. Chaskalson en getuie praat gelyk).

.... (inaudible) ? -- Ek is nie seker wie ek ondervra het nie.

But then you might have had something to do with the others - isn't that so ? -- Ek kon, Edele.

Yes, then your answer that you didn't have anything 10 to do with the others is wrong ? -- Ja, u Edele.

Right. Why did you say you didn't have anything to do with the others? -- Ek het bedoel toe ek verklaring van beskuldigde 4 geneem het, het ek niks te doen gehad met die ander nie.

I just cannot understand that explanation, Mr. Els, is it at all possible that while you are taking a statement from accused No. 4 that you could have had something to do with the others? -- Ek kon, u Edele (?).

Because the question wasn't put to you in that way, 20 the question wasn't put to you by Mr. Krog: While you were taking a statement from accused No. 4 was anybody else present or were there others there, was it ? -- Daar was niemand teenwoordig toe ek 'n verklaring van beskuldigde 4 geneem het nie.

But when Mr. Krog asked you whether you had anything to do with the others, he didn't say: While you were taking a statement from accused No. 4, did you have anything to do with the others - that is so, isn't it ? -- Ek het bedoel dit is die vraag

Did you understand that that was what the 30 question meant ? -- Ek het bedoel dit is die vraag gewees.

B.278

And that is why you gave the answer which you did?

-- Dit is.

Are you being serious, Mr. Els - are you being serious when you give that as your explanation? -- Dit is korrek, Edelagbare.

Because I shall have to argue to His Lordship that that is quite a ridiculous explanation and that it shows that you are an unreliable witness - is there any other explanation you can give? -- Dit is al wat ek kan sê.

Right. Now Mr. van der Berg has given evidence in 10 this case, he was also connected with the investigation? -- Dis korrek.

And Mr. Weyers he was connected with the investigations? -- Dit is korrek.

Now I understand from Mr. van der Berg's evidence, that during the period the 10th to the 13th people were questioned in his office, I think your office was mentioned and Mr. Weyer's office? -- Dit is ...

Do you know .. where were these questionings undertaken - whereabouts - were there any other places than 20 these three offices? -- Daar was ander kantore ook gewees, u Edele, dit is nie net die drie kantore waar van die beskuldigdes ondervra was nie.

Now who gave you the instructions to question? -- Lt. van Wyk, u Edele.

Did it come direct from Lt. van Wyk - did the instructions to question the accused persons come direct from Lt. van Wyk? -- Dit is korrek, u Edele.

Do you remember when Lt. van Wyk gave instructions? 30
-- Dit was gedurende die 10de tot die 13de (Mr. Chaskalson interrupts witness - inaudible).

B.279

But did he give instructions every morning or did he just give a general instruction on the 10th ? -- Dit was net 'n algemene instruksie gewees.

On the 10th ? -- Ek kan nie onthou of dit op die 10de was nie, Edelaagbare.

But it was round about then anyway. Mr. van der Berg says that part of the instruction was that you should try and find out who the leaders were? -- Dit is heeltemal ...

Is that correct. And I also understand that the purpose of the questioning was to find out which of the 10 accused would implicate the other accused - is that correct? -- Dit korrek, Edele.

And you were also trying to establish from the persons whom you were questioning who were at which of the .. who were at the first meeting, who were at the second meeting and who were in town ? -- Dis heeltemal ..

That's during the period the 10th to the 13th? -- Dis heeltemal korrek, u Edele. }

Now Mr. van der Berg says that he was present when Mr. Weyers questioned some of the people but that he didn't 20 play any part when Mr. Weyers was questioning - he was just there but didn't ask questions himself - that was what he said at first when he gave evidence - were you ever present when Mr. Weyers questioned people ? -- Nee, Edele.

Are you sure of that ? -- Ek is heeltemal seker.

Were you ever present when Mr. van der Berg questioned anybody ? -- Nee, u Edele.

Were you ever present when any of the accused were questioned ? -- Ek was nie teenwoordig terwyl enige van die ander persone van die beskuldigdes ondervra het nie. 30

So the only thing that you can talk about is the

B.280 questioning which you undertook yourself ? --- Dit is korrek.

Now how did you decide which person to question ? ---

Van die persone was na die kantoor gebring en dan het ek bv. iemand geneem en ondervra.

You would just call him out and question him ? -- Dis korrek, u Edele.

You weren't told by Mr. Weyers or Lt. van Wyk to question a particular person ? -- Nee, Edele.

You would just call out anybody who happened to be there ? -- Dit is korrek, Edele. 10

And then when you were finished questioning did you take him back to the room and pull out somebody else ? -- Dit is korrek, Edele.

I believe that Mr. van der Berg and Mr. Weyers, as I understand their evidence, says they were working almost night and day ? -- Dis heeltemal korrek.

Were you working night and day ? -- Ek het saam met hulle gewerk, u Edele, dieselfde ...

But were you also .. were you one of the people who were working night and day - it was an urgent investigation 20 wasn't it ? -- Dit is korrek, u Edele.

And you were trying to get information as quickly as possible ? -- Heeltemal korrek.

That is why you worked night and day. Did you question people at night - you yourself ? -- Ek kan nie onthou of ek in die nag persone ondervra het nie.

Is it possible that you did ? --- Dit mag miskien wees,

It could be .. ? -- Een of so.)

Now I also understand from Mr. Weyers that there were meetings between the detectives en gaged in the investigation to discuss the progress of the case - in other words, Mr. Weyers

B.281 would say that there was a discussion dealing with what information had been obtained during the course of a particular day - were you present at any of these discussions? -- Nee, u Edele.

But you did speak to the other detectives who were involved in the case - you were working as a team weren't you, Mr. Els? -- Dit is korrek, u Edele, maar ek het nie met hulle gepraat oor die saak nie.

Did you not speak to them at all about the case? -- Nee, u Edele. 10

But that is very strange, do you mean to say you were just undertaking your own questioning, and you would not have a word with any of the other detectives involved in the case? -- Dis heeltemal korrek, ek het nie met hulle gepraat oor die saak nie.

You didn't? -- As daar instruksies kom dan doen ek dit net.

Yes, I know, but didn't you want to report the results of your questioning? -- Nee.

What about Lt. van Wyk, did you speak to Lt. vanWyk 20 regularly? -- Nee, u Edele.

You didn't report to Lt. van Wyk? -- Nee, Edele.

Nothing, you mean you questioned a person and you didn't go back to Lt. van Wyk and report to him what the results of your questioning was? -- Nee, u Edele, indien hy 'n verklaring gemaak het, die persoon wie ek ondervra het, dan het ek hom geneem en vir die Lt. van Wyk oorhandig of aan iemand anderste.

That I can understand, but we are dealing with the period the 10th to the 13th - while you were questioning 30 people but statements hadn't yet been taken - remember? -- Dis

B.282 reg, Edele.

And you told us the purpose of the questioning was to try and find out who the leaders were and what people were implicated and who were at what meeting - correct? -- Dis korrek.

Now during that period, didn't you report to anybody the results of your questioning? -- Nee, u Edele.]

You kept it all to yourself? -- Soos ek u alreeds gesê het indien hy 'n verklaring wou gemaak het, het ek onmiddellik 'n verklaring van hom geneem en dit dan oorhandig 10 aan die offisier.

I know, but you didn't start taking statements until the 13th - that is the evidence so far? -- Dit is korrek.

Did you yourself take a statement before the 13th? -- Ek kan nie onthou of ek 'n verklaring voor die 14de geneem het nie.

You don't remember. Well, according to our records of statements, nothing was taken before the 13th - I don't know whether statements were taken which we haven't .. which haven't been supplied to us before the 13th, but do you 20 agree that there were a few days while you were questioning and before statements started to be taken? -- Dis reg, Edele.

Yes. Now during those days while you were questioning people, didn't you report to somebody the results of your questioning? -- Nee, u Edele.

Well why were you so mean about the information which you had gathered, why did you keep it to yourself? -- Omdat daar nie iets van belang blykbaar aan my gesê was nie, daarom het ek dit nie ...

Do you mean to say that all your questioning during 30 the period produced no results? -- Dis reg, u Edele.

B.283

Did nobody implicate themselves to you during that period ? -- Nee.

Are you sure ? -- Ek is seker daarvan, u Edele.

Are you quite certain - so you didn't get co-operation from any of the arrested persons? -- Nee, u Edele.

You were unlucky - do you know whether the other persons got co-operation ? -- Ek weet nie, u Edele.

But didn't someone tell you, didn't you know that certain of the arrested persons were co-operating with the Police ? -- Ek weet nie of daar van hulle ...

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You didn't know? -- Nee.

Nobody told you? -- Niemand het my gesê nie.

Did you go out with any people to point out persons at night? -- Ek het saamgegaan, u Edele.

Were those people whom you had questioned - were they people whom you had questioned? -- Nee, u Edele.

You never went out with any of the people you questioned, only with other people ? -- Ek het nooit saam met die gegaan wat ek ...

20

I beg your pardon? -- Ek het nie saam met die gegaan wat ek ondervra het nie, u Edele.

You mean you had questioned somebody and he wouldn't say anything but then you just used to go along with the other people ? -- Dis reg, u Edele.

Everybody else was getting results but not you? -- Blykbaar .. ek weet nie.

Is that the position, Mr. Els ? -- Ek weet nie of daar 'results' gewees het nie.

Well, I will put it to you this way, Mr. Els, people were being taken out to point out others, is that correct? -- Dit is korrek, u Edele.

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B.284

Presumably they were implicating other people, that is correct isn't it - is that so ? -- Dit is so.]

Right. Now you went along when they pointed out other people ? -- Ek het saamgegaan, u Edele.

But there were people who had been questioned by other Policemen and not by you ? -- Dit is heeltemal korrek.

So that other Policemen were getting favourable information but you weren't ? -- Dis reg, Edele.

Is that so ? -- Dis reg.

You see you are the only person so far who didn't 10 get any favourable information during the period the 10th to the 13th - everybody else apparently got co-operation from the accused during that period? -- Ek weet nie of daar ander is wat nie waardevolle informasie gekry het nie, Edele, daar was heelwat ..

(HOF VERDAAG TOT 8/8/63)

HOF HERVAT - 8/8/1963:

REUBEN JOHANNES ELS n.o.e.

KRUISVERHOOR DEUR MNR. CHASKALSON (Verv.)

Mr. Els, yesterday you told us that people were 20 taken out - some of the arrested people were taken out for the purpose of pointing out others? -- Dit is korrek, Edele.

I understand that was during the period the 10th to the 13th ? -- Korrek, u Edele.

Now you went with them I also .. if I remember you evidence correctly ? -- Dit is korek.

How did it come about, Mr. Els, how did it come about that you went with - can you explain to us what happened ? -- Dit was maar blykbaar gewone roetine werk en ons het maar saam gegaan, u Edele. 30

Well, do you remember how often you went out ? -- Ek

Belt 37
8/8/63

B.285 kan nie onthou nie, u Edele.

Did you go out alone or did you go out with other officers ? -- Ek het saam met andere gegaan, u Edele.

Did you know where you were going to when you went out? -- Nie as ons uitgaan nie, u Edele, daar het van die beskuldiges het verskeie plekke getoon en dan het ons daarheen gegaan.

But did you know the purpose for which you were going out ? -- Ek het geweet, u Edele.

Did you know what the arrested persons were going to do ? -- Hulle sou plekke uitwys aan ons van ander lede - 10 persone wat saam met hulle gewees het.

Now how did you know that they were going to do that ? -- Ek het maar so verneem, u Edele.

But from whom ? From the arrested persons or from the other officers .. other Police ? -- Ek het van die ander persone wat saam met ons gegaan het ..

Not from the arrested persons themselves ? -- Nee, u Edele.

Now did you keep a note of the people whom you were questioning during the period the 10th to the 13th? -- Nee, 20 u Edele.

And you never told anybody whom you questioned ? -- Nee, Edele.

You never told anybody the results of your questioning? -- Nee, u Edele.

Well how was that going to assist the investigations, Mr. Els ? -- Ek sou sê indien enige van die persone wie ek ondervra het iets van waardevolle informasie verstrekket, sou ek daarvan 'n nota gemaak het en dan sou ek die offisier in bevel daarvan verwittig het.

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Yes, but wasn't it just as important to tell - to report

B.286 that the people whom you had questioned couldn't supply information? -- Dit was nie van belang gewees nie.

But nobody would know what you were doing, Mr. Els ? --
Dit is korrek, u Edele.

That is correct isn't it ? -- Dit is korrek.

You just carried on independently all by yourself without getting any information of value and without reporting to anybody ? -- Dit is korrek.

But then the persons whom you questioned could quite easily be questioned again the next day by somebody else? -- 10
Dit kon gewees het, u Edele.

And you could be questioning people who had been questioned by other persons ? -- Dit is heeltemal korrek.

It seems such an extraordinary procedure to me, Mr. Els, surely you must have at least make some report to somebody about what you were doing during this period? -- Ek het nie, u Edele.

DEUR DIE HOF: Was daar 'n opdrag gewees i.v.m. hierdie bedrywigheid wat u daardie tyd gedoen het, u mag dit al gesê het, ek vra maar in daardie geval om my geheue te verfris. 20
udit wel gesê het dan herhaal dit, so nie kan u dit nou vir my sê, hierdie bedrywigheid van u, ondervraging van die verskillende mense, is dit volgens opdrag of nie? -- Dit was volgens opdrag van die offisier in bevel.

MR. CHASKALSON: But who was the officer who gave the instruction ? -- Lt. van Wyk.

He told you to question just anybody ? -- Dit is korrek, Edelagbare.

And didn't he ask you to report back ? -- Nee, u Edele.

And there was no system organised at all, Mr. Els, 30
for this questioning, just any Policeman could go to any person

B. 287 and question anybody he liked ? -- Dit is heeltemal korrek.

Now at a certain stage you started taking statements after the 13th ? -- Dit is korrek.

Did you take many statements ? -- Ek kan nie onthou hoeveel ek geneem het nie, Edelagbare, dit was nie baie gewees nie.

What procedure did you adopt when you took statements? -- Ek het die beskuldigde gewaarsku volgens Regtersreëls, die klagte teen hom verduidelik en dan hom gevra of hy bereid is om 'n verklaring te maak, indien hy wel wou het ek 'n verklaring van hom geneem. 10

Now how did you record the statement - what did you used to do when you recorded the statement - did you write it down, did you type it, what did you do ? -- Van die beskuldigdes het ek dit neergeskrywe en dit was later oorgetik, ek kan onthou beskuldigde Victor het ek dit nie neergeskryf nie maar Lt. Swanepoel - ek het hom ondervra en Lt. Swanepoel het dit afgetik terwyl ek hom ondervra het.

So when you took accused No. 4's statement, Lt. Swanepoel was typing it out while you were questioning ? -- Dit is heeltemal korrek. 20

But did this happen with anybody else ? -- Ons was alleen gewees, ek, Lt. Swanepoel en beskuldigde.

Yes, but the other statements which you took, was somebody else typing while you were taking the statement? -- Lt. Swanepoel het getik.

No, but that was with accused No. 4 ? -- Dit is korrek.

I want to know whether that was .. you took statements from persons other than accused No. 4? -- Dit is korrek, u Edele. 30

Now when you took those statements, what happened, did

B.288 the same sort of thing happen ? -- Nee, u Edele, ek het, as ek mooi kan onthou het ek van die ander beskuldigdes die verklaring geneem en dit was later oorgetik.

Later typed, did you not type it yourself ? -- Nee.

Now you say you explained the charges to accused No.4 when you took the statement ? -- Dis korrek, u Edele.

How did you explain the charge ? -- Ek het hom verwittig dat daar 'n klagte van moontlike sabotasie teen hom ingebring sal word.

Did you explain what the charge was? -- Dit is korrek. 10

What did you tell him? -- Ek het gesê dat daar 'n klagte van sabotasie teen hom is.

Did you explain to him what the allegation of sabotage was ? -- Ek het, Edele.

Well what explanation did you give ? -- Dat hy moontlik deelgeneem het aan .. saam met ander persone, om plekke af te brand, mense dood te maak, blankes dood te maak.

Did you refer to the meetings ? -- Ek het Edele.

The meetings on the two nights ? -- Op twee verskillende nagte. 20

And did you tell him whether it was alleged .. that he was at the meetings or not ? -- Ek het nie vir hom gesê dat dit beweer word dat hy by die ...

Well then how did the explanation in regard to the meetings come in - if you referred to the meetings, in what context did you refer to the meetings? -- Ek het hom gesê dat daar op twee geleenthede was daar vergaderings gehou en dat hy moontlik daarby kon gewees het.

And what else - did you refer to the speeches which had been made at the meetings ? -- Ek kan nie onthou nie, Edelaagbare. 30

B.289

Well could you then have told .. is it possible that you could have referred to the type(?) of speeches which were made at those meetings? -- Dit kon gewees het, E_dele.

So you could really have told him the substance of the charge referring to what speeches were made, what meetings were held and what was done afterwards? -- Dit kon gewees het, u Edele.

Why was Lt. Swanepoel present when you took the statement? -- Hy het in die kantoor gesit, u Edele, hy het net 'n verklaring getik, klaar getik van 'n ander mede-beskuldigde 10 en toe het ek met beskuldigde 4 daar aangekom en hy het besluit om somar dieselfde tyd die verklaring te tik terwyl ek beskuldigde ondervra.

But you told us yesterday that it was your practice always to see arrested persons alone? -- Nie met beskuldigde 4 nie.

Well why did you depart from that practice with accused No. 4? -- Dit was maar net per toeval gewees dat ek met beskuldigde 4 in die kantoor gekom het waar Lt.Swanepoel gesit het.

20

Well then couldn't it have happened with other people, Mr. Els, that by chance somebody else was present when you were questioning other people? -- Nie met die ander nie, u Edele.

I beg your pardon? -- Nie met die ander beskuldigdes van wie ek verklarings geneem het nie.

But how is it that you remember that? -- Van beskuldigde 4?

Well how is it that you remember that there was nobody else when you were questioning the other accused? -- 30 Omrede ek van die ander beskuldigdes die verklarings wat ek

B.290 geneem het na ander persone geneem het om dit vir my te tik.

[Yes, that I can understand, but what about when you were questioning them during the period the 10th to the 13th, couldn't somebody else have been present then? -- Nee, u Edele.

Well how is it that you remember that ? -- Ek kan dit net onthou, u Edele.)

Now were you ever present at the cells when arrested persons were pointing out other persons ? -- Ek was op een stadium teenwoordig. 10

Do you remember who it was who was doing the pointing out when you were present? -- Ek kan onthou Victor .. Lucas was by gewees, u Edele, ek weet nie die ander nie.

That was just the one occasion when you were there? -- Dit is net die een geval.

Who else was there besides you ? -- Lt. van Wyk was teenwoordig.

And who else ? -- Ek dink, ek is nie seker nie, mnr. Weyers.

Yes, anybody else ? -- Ek kan nie van ander onthou 20 nie, u Edele.

This isn't the masked parade that we have heard about is it ? -- Dit was waar hulle papiere ...

Oh, is that the occasion? -- Ja.

Is that the only occasion that you were present ? -- Dit is die enigste ..

Because I understand that the arrested persons were after that masked parade asked to point out people in the cells ? -- Ek was nie teenwoordig nie.

You weren't present. You see accused No. 1 has 30 given evidence that you were present when he was questioned

B.291 after his arrest? -- Nee, Edelagbare.

You deny it ? -- Ek was nie teenwoordig gewees toe hy ondervra was nie.

Do you know a room in Marshall Square with shelves and blankets - a room in Marshall Square with shelves and blankets? -- Nee, Edele.

You don't know of that room ? -- Ek weet nie waar dit is nie.

How long have you been at Marshall Square ? -- ...

Or close to Marshall Square ? -- 'n Kwessie van omtrent 'n maand, u Edele. 10

Only a month. Now during the course of this investigation of this offence, were you not regularly at Marshall Square ? -- Ek was een of twee keer in die 'cells' gewees, u Edele.

And is that the only occasion you've been to Marshall Square ? -- In die klagtekantoor was ek 'n paar keer gewees maar ...

And apart from that ? -- Dis omtrent al.

You've never been stationed at Marshall Square? -- 20
Nee, Edele.

But you say now you've been at Marshall Square for the last month? -- Ek was ongeveer 'n maand naby Marshall Square.

What were you doing there ? -- ...

DEUR DIE HOF: Naby Marshall Square? -- Ja, ons het 'n kantoor gehad baie na aan ...

MR. CHASKALSON: Oh, I see, you weren't actually at Marshall Square itself? -- Nee, Edele.

Because accused No. 1 has said that he was taken to that room for questioning ? -- Ek weet nie, u Edele. 30

He says a blanket was tied round his head there? -- Ek

B.292 weet nie, u Edele.

He says that you were one of the people there - that there were 4 people there ? -- Ek was nie teenwoordig gewees nie, Edele.

Mr. Weyers, yourself, Mr. Trijtsmann and van der Berg?
-- Ek was nie teenwoordig toe hy ondervra was nie, Edele.

Were you ever present with Mr. van der Berg when he was investigating .. engaged in investigations on occasions?

-- Ek was nie teenwoordig as hy ondervra nie, Edele.

Were you present with van der Berg on other occasions? 10

-- Nee, Edele.

Were you ever ^{present} with Weyers when he investigated the case? -- Nee, Edele.

When he questioned people ? -- Ek was nie teenwoordig nie.

When he went to have people pointed out ? -- Nee.

Were you ever present with Trijtsmann ? -- Nee, Edele.

When he did anything - when he was with prisoners or when he went with prisoners to have other people pointed out?

-- Bedoel u nou wanneer ons na die lokasies gegaan het om 20
prisoniere uit te wys?

At Marshall Square itself I'm talking of ? -- Nee, Edele.

Now how did it come about that you took No. 4's statement ? -- Ek het maar na hom gegaan, u Edele, en vir hom gevra of hy bereid is om 'n verklaring te maak.

Who told you to go to him, did you get any instructions to go to him or did you just decide of your own accord to go to him ? -- Niemand het my instruksies gegee om na beskuldigde 4 te gaan nie, ek het dit myself gedoen, 30

You just went to him yourself? -- Dis reg.

B.293

But when would you - did you ever at any stage get instructions to start taking statements? -- Daar was instruksies gegee na die 13de deur Lt. van Wyk indien persone wil verklarings maak moet ons dit by hulle neem.

I see, so did anybody other than Lt. van Wyk give you any instructions ? -- Nee, Edele.

Was it just a general instruction from Lt. van Wyk to take statements? -- Om verklarings te neem.

And did you discuss this instruction with the other members of the squad ? -- Nee, Edele. 10

There were other people taking statements, at the time.? -- Daar was ander persone gewees.

Weyers, van der Berg and several others? -- Dis korrek.

Now did you tell them whose statement you were taking? -- Nee, ek het hulle nie gesê nie, Edele.

So Mr. Weyers wouldn't know from whom you had taken statements? -- Hy sou nie geweet het nie.

Nobody would know other than Lt. van Wyk from whom you had taken a statement? -- Dis korrek.

Now who arranged for the arrested persons to be brought up for the taking of statements? -- Ek kan nie onthou nie, u Edele. 20

Well what would have happened .. did you go down to the cells to get someone to take a statement ? -- Die persone was na die kantore gebring - ek kan nie onthou op wie se instruksies nie, en daar ...

So you would have just gone down to the group in the waiting room, in the room at the offices, and taken one person from there and start to take a statement? -- Dis korrek.

Now do you remember what day you took a statement from No. 4 ? -- Ek kan nie onthou nie. 30

B.294

Do you remember at what time you took a statement from No. 4 ? -- Ek kan nie onthou nie, u Edele.

Do you remember what you were doing before you took a statement from No. 4? -- Nee, ek kan nie onthou wat ek gedoen het voor dit nie .

You don't know whether his is the first statement you had taken that day or not ? -- Ek dink hy was die enigste verklaring wat ek daardie dag geneem het, u Edele.

And do you know what you had been doing earlier that day ? -- Ek kan nie onthou nie, u Edele. 10

In whose office did you take the statement ? -- Ek het van beskuldigde 4 'n verklaring geneem in die selle by Marshall Plein.

At the cells at Marshall Square ? -- By die selle.

So it is not correct then to say that they were brought up to the offices, you must have gone down to the cells ? -- Met beskuldigde 4 was ek in die selle gewees op daardie stadium toe ek van hom 'n verklaring geneem het.

Whereabouts in the cells ? -- Dit is in die kantoor-tjie waar die selbewaarder is, u Edele. 20

Now why did you go down to the cells to see accused No. 4 ? -- Op daardie dag was ons almal in die selle gewees.

Who is all of you ? -- Dit was Lt. van Wyk, Lt. Swanepoel, myself, mnr. Weyers ...

Who else - van der Berg? -- Ek dink van der Berg was daar gewees, ek is nie seker van die ander nie, Edele.

Trijtsmann? -- Ek kan nie onthou of Trijtsmann daar was nie.

Alright, but you were all down at the cells on the 13th, is that correct? -- Ek weet nie watter dag dit was nie, of dit op die 13de was nie. 30

B.295

Well when you started taking the statements? -- Ek kan nie sê of dit op die 13de is wat ek die verklaring van die beskuldigde geneem het nie.

Apparently it was the 13th that you took the statement ? -- Dan is dit reg, Edele.

That was the first day that instructions had gone out to take statements, is that correct? -- Dit is seker blykbaar reg.

And so on that day the prisoners weren't brought up to the offices but you went down to the cells ? -- Dit is heeltemal reg. 10

Everybody was down at the cells you say? -- Almal was by die selle gewees.

How was it that you saw the other officers at the cells ? -- Ek kan maar net onthou dat ek hulle daar gesien het, u Edele.

Do you remember seeing them? -- Ja.

But how many offices were there at the cells where you could take statements? -- Daar was 'n hele klomp gewees, u Edele. 20

But where, where were they? -- Hulle was almal onder in die selle gewees.

All in the cells - I understood that there were only 2 offices down in the cells, are there more than 2 offices where you can take statements? -- Ek weet nie waar die ander geneem het nie, Edele, ek onthou net die kantoor waar ek die verklaring in geneem het, daar mag miskien nog meer kantore wees.

I beg your pardon? -- Daar mag miskien nog meer kantore wees as net die een. 30

Well which office were you in - the .. ? -- Die sel-

B.296 bewaarder se kantoor.

Was that the office in which Lt. Swanepoel had taken a statement as well? -- Hy het 'n verklaring net voor my daar geneem, u Edele.

Were you there when he took a statement? -- Ek was nie teenwoordig nie.

Well where were you when he was taking a statement? -- Ek was in die cells gewees, ek weet nie waar ...

What were you doing in the cells? -- Ek weet nie wat ek gedoen het toe nie. 10

Well what could you have been doing at the cells? -- Ek mag miskien net daar rondgestaan het, Edele.

Why would you just have stood round in the cells? --

....

DEUR DIE HOF: Wat bedoel u by selle, as u praat van selle, watter selle? -- Dit is die onder gedeelte waar die kantoor is van die selbewaarder, dan is daar 'n groot opening, ek was maar daar rond gewees, u Edele.

Wat is die groot opening wat u nou van praat? -- Daar word vingerafdrukke geneem, daar is 'n groot tafel, vinger- 20 afdrukke word daar geneem. As ek kan onthou aan die een kant is daar 'n geboutjie waar die vuurwapens in gehou word.

MR. CHASKALSON: But what would you have been doing there, Mr. Els, you don't just stand around doing nothing do you? -- Ek het baie rondgestaan en niks gedoen nie, Edele.

Did you stand around a lot doing that? -- Baie van ons het daar rondgestaan en niks gedoen nie.

But why - wasn't there work to do? -- Daar was gewees maar ...

Well then why did you stand around doing nothing if 30 there was work to do? -- Ons het maar net rondgestaan, daar is

B.297 nie 'n verduideliking daaromtrent nie.

But we've been told that this was an urgent investigation? -- Dit was gewees, Edele.

It was important to get information and statements as soon as possible ? -- Dit was.

Well then why stand around - why did a lot of you just stand around in the cells doing nothing ? -- Ek het nie gesê almal nie, ek sê ek het daar rondgestaan.

I thought you said a lot of you stood around? -- Nee ..
ek het daar rondgestaan. (Purul Conkdedchon)

Were you the only person standing around doing nothing ? -- Daar mag miskien nog een of twee van die ander gewees het.

Just now you said many of us were standing around in the cells doing nothing - is that wrong? -- Ek bedoel daar mag miskien nog van die ander rondgestaan het, u Edele, ek het myself ...

You didn't say there might have been, you put it as a fact that many of us were standing around doing nothing? -- Ek bedoel daar kan nog van die ander rondgestaan het, u Edele.

So you expressed yourself badly when you said many 20 of us - you didn't mean that, you meant many of us might have been ? -- Dit is reg, u Edele.]

Well, please tell me what .. why just stand around in the cells, did you like it in the cells ? -- Dit mag miskien vir 'n 10 of 15 minute gewees het dat ons daar rondgestaan het voor ek beskuldigde 4 se verklaring geneem het, u Edele.

DEUR DIE HOF: Mnr. Els, u moet in gedagte hou dat die Advokaat en die Hof weet nie van die manier waarop dinge gebeur het nie en u moet probeer om die prosedure en die manier waarop dinge gebeur so goed as moontlik te verduidelik met 30 enige inligting wat u het, inagnemende dat die Hof niks weet

B.298 van wat gewoonlik gebeur daar nie.

MR. CHASKALSON: Well who told you to go down to the cells that day ? -- Ek dink dit was op instruksies van Lt. van Wyk.

Now who gave you those instructions - do you remember how it came about that the instructions reached you - is a notice put on the board or does Lt. van Wyk send for you and are you then told to do something? -- Ek kan net onthou dat ons almal na die selle gegaan het, ek dink dit was op instruksies van Lt. van Wyk.

Alright, now did you go down in a group ? -- Ons 10
het in 'n groep gegaan.

Lt. van Wyk was with you ? -- Hy was ook met ons
gewees.

And then you arrive as a group at the cells ? -- Dis
korrek.

And then they said you must start taking statements?
-- Nie dadelik gesê ons moet verklarings neem nie, u Edele.

Yes but when you went down as a group to the cells,
did you know that you were going to take statements - or were
you only told at the cells that you were going to take 20
statements ? -- By die selle was on gesê om verklarings te
neem van beskuldigdes wie verklarings wil gee.

Did you have paper and pencils with you when you went
down ? -- Ons het gehad.

[So you must have known before you went down that you
were going to take statements - is that correct? -- Dit is
korrek, u Edele.

Alright, now let's work out who was in the group,
Lt. Swanepoel, was he one of the group ? -- Hy was een gewees.

Mr. Weyers was one of the group? -- Hy was een. 30

Lt. van Wyk was one of the group ? -- Hy was een gewees.

B.299

You were one of the group? -- Korrek.

And I think you said that you are not sure about van der Berg and Trijtsmann? -- Ek was nie seker van hulle nie.

Now you arrived at the cells in a group, were you told who you must take a statement from or was it left for you to decide? -- Dit was aan onself gelaat om verklarings van die persone te neem.

Now did the other people who were down there take away people to question? -- Daar was persone weggeneem, ek weet nie waarheen nie. 10

You didn't take away any person at first, you just stood around? -- Dis korrek ja.

Why? -- Ek het maar net daar rondgestaan, u Edele.

But you had been told to go down there and to take statements, you had your pencil and your paper and you were ready to take statements, why didn't you take out one of the persons who were there and take a statement? -- Soos ek alreeds gesê het, ek het maar net daar rondgestaan, u Edele, en later het ek toe 'n verklaring geneem van beskuldigde 4.

But you must try and help me, Mr. Els, I can't 20 understand, you've been given an instruction to take a statement, it is an urgent investigation, you had your paper and pencil, you are down at the cells, there are lots of people there from whom statements must be taken and you stand around and do nothing? --

DEUR DIE HOF: Mnr. Els, u kan nou dink aan die soort van ding wat onder daardie omstandighede verdragings kan ver-- oorsaak as daar soiets is en noem dit dan want op die oomblik is daar nog geen aanduiding van u kant hoekom daar moontlik 'n tyd is wat u net rondstaan nie. As u kan onthou dan sê 30 u dit, as u nie kan onthou nie dan sê u dit, as u kan sê dit

B.300 is moontlik dit of dat wat kan gebeur dan sê u dit want dit is net om 'n verduideliking te kry van wat moontlik onder daardie omstandighede mag gebeur het ? -- U Edele ek het maar net daar rondgestaan, ek kan nie onthou wat ek gedoen het nie, ek het later besluit om van beskuldigde 4 'n verklaring te neem en toe ek met hom klaar het toe het ek ook nie weer mense ondervra nie.

Toe u met hom klaar is wat toe? -- Het ek nie weer mense ondervra of verklarings geneem verder nie.

MR. CHASKALSON: So just after a while you decided to take 10 a statement and you picked out accused No. 4 ? -- Dit is korrek.

Nobody told you to choose him ? -- Niemand het my gesê nie.

Did you know anything about accused No. 4 before you started taking a statement ? -- Nee, Edele.

Did you know where he had been arrested ? -- Ek weet nie waar hy gearresteer is nie.

Did you know when he had been arrested ? -- Ek het nie geweet nie, u Edele. 20

You didn't. Did you know what the allegations were against him ? -- Ek het geweet, u Edele.

But did you know .. how did you know the allegations against him ? -- Op daardie stadium het ek maar net geweet dat almal die beskuldigdes sal moontlik aangekla word vir sabotasie en dit is ...

Oh, at that stage you knew that all the arrested persons were going to be .. were possibly going to be charged with sabotage ? -- Dit is korrek.

Arising out of the same transaction? -- Korrek. 30

Right. Who told you that ? -- Dit was aan my gesê .. ek

B.301 het net geweet, u Edele.

But who told you ? -- Ek weet nie wie aan my gesê het nie.

Well who could have told you ? -- Dit mag miskien gewees het van Lt. van Wyk.

[Now how did you know about the allegations about the meetings and about the .. what is supposed to have been done? -- Ek het verneem van die vergaderings die aand toe 4 van die beskuldigdes gearresteer was - daarna het ek van die vergaderings gehoor, u Edele. 10

But how did you know about it, who told you about it ? -- Dit was maar net 'n algemene gesprek gewees, u Edele.

But from whom ? -- Van die mede-Polisie, u Edele.

Well then you must have talked with the other Policemen about the investigations? -- Ek het nie met hulle gepraat nie maar ek het verneem dat daar vergaderings gewees het, u Edele.

But how could you have learnt about the meetings if you didn't speak to them about it ? -- Wel gewoonlik is daar 'n klomp wat gesels oor die ding en dan staan jy maar net daar en jy hoor maar daarvan, u Edele. 20

Is that how you .. ? -- Ek het daarvan gehoor .. verneem.

You just stood next to a group of persons who were talking and you heard what they discussed? -- Dit is korrek.

You didn't talk yourself? -- Ek het nie gepraat nie.

And you didn't ask any questions ? -- Ek het nie vrae gevra nie.

How did you know that the meetings were on the 8th and the 9th ? -- Ek het maar gehoor dat hulle daarvan gesels, u Edele. 30

They mentioned the dates when they were talking ? -- Ek

B.302 dink daar was datums genoem, u Edele, die aand met die arrestasie en 'n vorige aand.

How did you know what speeches had been made? -- Ek weet nie of daar .. wat se ..

No, but you told us that you knew basically what the speakers had said at the meeting? -- Ek weet nie wat die persone gesê het op die vergaderings nie.

You didn't know what the people had said at the meetings? -- Ek het nie gehoor nie, Edele.

Didn't you, but I understood your evidence to be that you had mentioned to the accused generally what had been said at the meetings? -- Ek het agterna vir hom gesê, Edele, maar ek het nie gehoor wat daar gesê was deur die ...

But I understood before you questioned accused No. 4 that you mentioned to him what had been said at the meetings generally? -- Dit het ek aan hom gesê, u Edele, ek het dit later verneem u Edele.

From whom? -- Ek dink dit was van Lt. van Wyk.

From Lt. van Wyk? -- Dis korrek.

So you did speak to Lt. van Wyk about the ..? -- Hy het maar net vir ons gesê.

He gave you the instructions. So you had no specific information on accused No. 4 at all when you questioned him? -- Behalwe dat hy aangekla sou word .. moontlik aangekla sou word ...

You knew the general allegation - is that correct? -- Dis al.

You hadn't seen the general file which was being kept with reference to the various arrested persons? -- Watter 'file'

I understood from Mr. Weyers that a file was opened for each of the arrested persons setting out what information

B.303 there was against each person ? -- Ek het dit nie gesien nie, Edele.

You see, Mr. Els, the accused No. 1 says that you were present when he was being questioned on these occasions, you weren't just standing around doing nothing but that you were actually participating - you were there ? -- Ek was nie teenwoordig toe hy ondervra was nie, u Edele.

And when a statement was taken from him ? -- Ek was toe ook nie teenwoordig nie.

And he says that you assaulted him ? -- Ek het hom 10 nie aangerand nie.

Of course assault is a bad thing isn't it ? -- Dit is heeltemal korrek, u Edele.

You would never assault a prisoner ? -- Ek sal hom nie aanrand nie, u Edele.

And if you did assault a prisoner you would get into trouble ? -- Heeltemal korrek.

And if you assaulted a prisoner and then afterwards said I made a mistake, I assaulted a prisoner, you would still get into trouble wouldn't you ? -- Heeltemal korrek. 20

It is a bad thing for a Policeman to admit to it that he assaulted a prisoner ? -- Ek sal hom nie aanrand nie, Edele.

NO FURTHER QUESTIONS BY MR. CHASKALSON.

NO RE-EXAMINATION.

CASPER ADRIAAN LABUSCHAGNE v.o.e.

VERHOOR DEUR MNR. KROG:

Mnr. Labuschagne, is jy 'n Adjudant Offisier in die Suid-Afrikaanse Polisie ? -- Dit is reg.

En is jy gestasioneer te Marshall Plein? -- Dit is so. 30

En is jy ook die Stasiebevelvoerder by Marshall Plein?

B.304 -- Dit is so, Edele.

En as Stasiebevelvoerder, mnr. Labuschagne, is jy in bevel van al die Polisie aangeleenthede daar by Marshall Plein? -- Te Marshall Plein, Edele.

En prisoniers wat in die selle in Marshall Plein aangehou word, val hulle ook onder jou toesig? -- Dit is so.

En het jy sekere pligte in verband met sodanige persone wat daar aangehou is? -- Ek het, ek besoek hulle elke dag gereeld.

Wat is die doel van die besoeke, mnr. Labuschagne? --¹⁰ Hoogedele, om te sien of daar van hulle enige klagtes het, of van hulle siek is en dies meer, enigiets wat hulle aan my wil sê.

En kan jy onthou, mnr. Labuschagne, dat daar op die aand van die 9de April was daar in die eerste instansie 'n paar mense gevang en later is daar baie meer gevang en op die ou ent het jy 'n hele klomp persone gehad wat daar in Marshall Plein aangehou was i.v.m. sekere aktiwiteite in die stad op die aand van die 9de? -- Dit is so.

En het jy daardie persone besoek? -- Ek het hulle 20 gereeld besoek elke dag behalwe Sondag, party Sondag ook maar ek kan nie sê watter Sondag nie.

En het jy vir hulle gevra of hulle klagtes het, mnr. Labuschagne? -- Elke dag gereeld, Edele.

Nou mnr. Labuschagne, het enige van daardie persone by jou klagtes gemaak dat hulle aangerand was deur lede van die Polisiemag wat iets te doen gehad het met die ondersoek van die saak? -- Hoogedele, nooit het enige een van hulle enige klagte in verband met 'n aanranding aan my gemaak nie. Ek het hulle ook persoonlik gesien en nooit het ek enige 30 merke van aanranding aan enige van hulle gesien nie. As ek dit

B.305 gesien het sou ek hulle gevra het hoe dit daar gekom het.

Nou mnr. Labuschagne, jy sê jy het nie merke aan hulle gesien nie, het jy hulle doelbewus ondersoek om te kyk of hulle letsels het of is dit maar net as jy so met hulle praat? -- Janee ek het hulle nou nie ondersoek nie, Edele, as hy voor my staan dan praat ek met hom, dan vra ek hom of hy enige klagtes het, enige klagtes, en ek sien hom, ek meen ek het nou nie sy klere uitgetrek of hom onder 'n vergrootglas sal ek sê gesit om te kyk of hy letsels het nie!

En in die navraag wat jy gedoen het oor klagtes, 10 was dit individueel of het jy somar die klomp wat voor jou was gesamentlik toegesprek? -- Ja, gesamentlik, Edele, ek het nooit elke keer een vir een gevra nie, ek gaan in, as daar 3 of 4 of 10 is dan vra ek hulle almal: Het julle enige klagtes en dan sien ek hulle voor my.

Dankie!

CROSS-EXAMINED BY MR. JOFFE:

Mr. Labuschagne, can I put my questions to you in English ... (question inaudible) ? -- Ek dink ek sal dit verstaan. 20

DEUR DIE HOF: As jy enige moeilikheid het dan moet jy sê ? -- Ja, ek dink ek sal dit verstaan.

MR. JOFFE: Mr. Labuschagne, the cell where the accused were kept, is it a big cell ? -- Ja, dis 'n groot sel, die grootste te Marshall Plein.

The biggest at Marshall Square? -- Ja, hoogedele.

And were just the 37 accused kept there - just the .. ? -- Ja, geen ander was by hulle gewees nie ja. Geen ander by hulle nie, net hulle.

Now I understand there is some sort of an office 30 where the man in charge of the cells .. (inaudible - Mr. Joffe not speaking into microphone) ? -- Ja, dit is so, hoogedele.

B.306

.... (question inaudible) ? -- Ja, net een kantoor waar die selbewaarder sit - die selbewaarder se kantoor, hoogedele.

There is a big cell and there is an office? -- Dit is so.

Are the two .. (inaudible) ? -- Nee, nee, gladnie naby mekaar nie, die groot sel is op die tweede verdieping en die kantoor is op grondverdieping.

I see. are there any other offices there .. (inaudible) ? -- Ja, die selbewaarderes het ook 'n kantoor op die grond-¹⁰vloer.

Two offices .. (inaudible) ? -- Ja, hoogedele.

Is there a typewriter in the office ? -- Nie in een van die kantore nie, hoogedele.

Did you say 'nee' ? -- Nee - 'no'.

DEUR DIE HOF: Hoe nou - nee .. ? -- Nee, daar is nie 'n tikmasjien in enige van daardie kantore nie, hoogedele.

MR. JOFFE: Now you say the accused .. none of them had any complaints .. ? -- Nooit, nie een keer nie.

Did they complain (completely inaudible) ? -- ²⁰
Nee, hulle het versoek vir melk, beter kos, besoekers, klere en so aan maar ek het dit nie beskou as klagtes nie.

Now the accused were not allowed to see their families? -- Nee, Edele.

Why was this? -- Dit was op my besluit gewees, voor ek nog die Veiligheid in die verband gesien het, dit was my opinie dat die aard van die saak dit nie sou toelaat dat hulle enige familie of enige ander persoon spreek nie, behalwe met permissie van die Veiligheid.

It was your decision ? -- My decision, yes. ³⁰

No one told you that ? -- Hoogedele, ek het miskien

B.307 die saak... dit is nou lank terug ek kan nie meer mooi onthou nie, maar ek het miskien die saak met die Veiligheid daarna bespreek maar op die eerste dag toe hulle daar gekom het, het ek bevele gegee in die klagtekantoor en ook aan die selbewaarder dat geen persoon, nie een persoon, hulle sal sien nie, en as daar vir hulle 'n regsverteenwoordiger kom dan sal ek die man eerste sien.

I see. Now why did you make this decision? -- Hoogedele, ek het gesê die aard van die saak het my daardie besluit laat neem. 10

What was the 'aard van die saak'? -- Brandstigting,

..

Brandstigting? -- Ja.

And do you often make such a decision? -- Ja, Edele.

Do you know what the law is on this point - do you know what the law is in regard to access? -- Hoogedele, wat my betref het ek nog nie die Wet gesien wat my instruksies gee dat sy familieleden en vriende hom as verhoorafwagende in my selle moet besoek nie. 20

You mean you are a Lt. in charge of the main cell in the Police Force at Marshall Square ..? -- Dit is so ..

And you don't know the law? -- Ja, soos ek sê, ek het nog nie daardie Wet gesien nie, hoogedele.

You've never seen it. Well if I tell you it was against the law, what would you say? -- Dan sou ek graag daardie Wet wou sien, hoogedele, want dit raak my werk.

I find it difficult to understand why you took it upon yourself in this case .. why you considered it such a dangerous case? -- Ek het, hoogedele, ek het. 30

But why, I mean every person presumably, every prisoner

B.308 is dangerous, anyone accused of a crime is dangerous? --

Hoogedele, daar is stappe van misdaad, ek meen een man het miskien in die straat gespoeg en die ander man het 'n moord gepleeg, daar is 'n verskil.

But because people are dangerous you deny them access to their family and to visitors - why? -- Hoogedele nee, nee, nie in elke geval nie, ek sien die Speurder in bevel van die saak en vra hom is daar enige beswaar dat sy familie hom moet sien, en so aan, en as hy sê daar is nie dan laat ek so 'n persoon sien. 10

I see, so in this case you did that, you spoke to the detective in charge of the investigations? -- Hoogedele, soos ek vantevore gesê het, ek het met die Veiligheid baie gepraat oor die saak, ek het baie instruksies gekry i.v.m. die persone, maar die besluit voordat ek nog die Veiligheid gesien het in die saak was myne, en die instruksies was myne dat geen persoon hulle sou sien nie en as daar vir hulle 'n regsverteenvoerder kom wat ek weet die Wet hom toelaat dan sou ek, wou ek daardie regsverteenvoerder sien voordat hy enige van hulle sien.

No, I follow all that, you told us that before, 20 Mr. Labuschagne, but what I want to know is this: Why were these people denied access to their friends, were you frightened they were going to assault their friends or what? -- Nee, hoogedele, hulle kon informasie .. die saak was nog nie heeltemal afgehandel nie, hulle kon informasie aan vriende uitstuur, hulle kon informasie ontvang van vriende, en opdragte gee aan vriende wat om buite te gaan doen ens.

This could apply to any prisoner couldn't it? -- Ja, natuurlik.

So you wanted to keep these people away from everyone 30 isn't it - is dit die ..? -- Alleenlik die aard van die saak

B.309 herhaal ek, Edelagbare, het my daardie besluit laat neem.

But I'm still not sure why in a case of this nature it is necessary for people to be kept away from their families and friends? --

MR. KROG: My Lord, I don't want to interfere with the cross-examination of my learned friend, but Your Lordship is here enquiring into an allegation of assault, does the fact that this witness makes a decision, be it right, be it wrong, to prohibit people from seeing friends, does that effect the position in any way at all? My submission is that it has 10 absolutely no bearing on the present enquiry.

BY THE COURT: Well, I would not like to say that it could have no possible weight so what that weight is I would not like to say either at the moment, but I must say I would also ask defence Counsel as far as possible to consider for themselves whether they really advance their case to any conceivable extent by pursuing the point too far, however, at the moment I am not prepared to stop Mr. Joffe from proceeding.

MR. JOFFE: Now Mr. Labuschagne, you said you made this decision by yourself to deny these people access to their 20 friends and relatives and you think perhaps you might have discussed this with the Security Officers, that is so? -- Dit is so, hoogedele.

But you are not at all sure about that? -- Hoogedele, my besluit en my instruksies aan die selbewaarder en aanklagte-kantoor personeel was geneem en ek het daardie instruksies uitgereik voordat ek die Veiligheid in die saak gesien het.

Yes, I know that, but you remember discussing it with the Security, the detectives investigating the case? -- Hoogedele, ek kan dit nie nou onthou nie, ek het baie met hulle 30 gediskuseer in hierdie saak.

B.310

So you just don't remember that, do you, is that correct - you don't remember whether you were given .. whether you discussed it with the detectives investigating the case ? --

DEUR DIE HOF: Verstaan u die vraag, kan u onthou ..? -- Ja, ek wil nou net dink voordat ek die vraag antwoord, hoogedele. Ja, hoogedele, ek sal sê ek het dit met hulle diskuseer.

MR. JOFFE: Why did it take so long for you to answer this question? -- Hoogedele dit is 'n lang tyd gelede gebeur en ek moet mooi dink wat ek sê. 10

It was just the other day that you gave evidence in this matter and you were asked this identical question? -- Ja, ek het, hoogedele.

I see, so you now say you did discuss it with them? -- Ja ek is seker daarvan ek het.

And did they give you any instructions in regard to it ? -- Hoogedele, ek dink nou ek het met Lt. van Wyk die saak bespreek en ek het vir hom gesê: kyk dit was my instruksies, dra dit u goedkeuring weg, en hy was heeltemal met my eens.

So he agreed, but primarily it was your decision ? 20 -- Ja, hoogedele, dit was.

Now you remember you made an affidavit in this case .. no not in this case but in regard to alleged assaults on one of the persons arrested with the accused? -- Ek het 'n beëdigde verklaring gemaak ja, hoogedele.

And do you remember what you said in this affidavit about this particular point ? -- Hoogedele, as ek dit nou kan sien, soos ek sê dit is 'n lang tyd gelede.

Do you remember seeing it a couple of days ago when you were cross-examined? -- Hoogedele, ek het net my handtekening³⁰ onder aan daardie dokument uitgeken as myne, ek het nie die

B.311 dokument gelees nie.

It wasn't read out to you during cross-examination? --
Nee, nee, dit was nie aan my uitgelees nie.

(Verklaring aan getuie getoon) -- Dit is my verklaring
hierdie ja, hoogedele.

That is the affidavit made by you ? -- Dit is so,
hoogeddele.

Is there anything in that affidavit which says that
you took the decision ? -- Nee, daar is niks om dit te sê nie,
intendeel ek het gesê op instruksies van die ondersoek- 10
beampte was nie een van hulle toegelaat om besoekers te ontvang
of te spreek nie.

Yes and that is not your evidence today is it ? -- Nee,
dit is nie maar ek staan by die verklaring wat ek vandag gedoen
het, ek het voordat ek hulle nog gesien het eers self daardie
instruksies gegee en lateraan het ek die saak met hulle bespreek
en dit was ...

That affidavit was taken a lot more recently than ..
when was it dated ? -- Hoogeddele die datum is hier onder uit-
geslaan, ek kan nie mooi sien nie, ek dink dit is .. dit lyk 20
soos 15/3 of 15/5/63.

Dit is 15/5 .. 15th of May - so at that time it would
have been fresh in your mind what had actually happened? --
Hoogedele, toe ek hierdie verklaring gemaak het, toe het ek nie
aan die punt in besonder so fyn gedink nie.

Weren't you asked about that point at that stage,
you weren't asked whether .. ? -- Nee, ek was nie, Edelaagbare,
hulle het my net gevra: Sit 'n beëdigde verklaring in van wat
daar aangegaan het, en ek het die verklaring gedoen.

So why is it there, why did you deal with it at all 30
if it wasn't put to you - why did you deal with the point about

B.312 the denial of access to friends if you weren't asked about it?

-- Hoogedele, ek het die verklaring gemaak sonder dat enigeen by my gestaan het en vir my vrae gevra het of vir my gesê het wat om te skryf.

Well why did you put it in, why did you deal with it at all? -- Omdat dit in my gedagte opgekom het, hoogedele.

It wasn't put to you .. how did you come to make that affidavit ? -- Hoogedele, daar was 'n kwessie van borg gewees ek meen dat hulle gevra het vir borg en om die borg teë te staan was ek gevra vir 'n beëdigde verklaring, en dit is 10 die verklaring wat ek gemaak het.

It was in connection with a bail application yes, and certain allegations were made about the way the prisoners, the applicant was being detained ? -- Dit is so, hoogedele.

And one of the allegations made was that he was being denied access to his family ? -- Ja, dit kon wees, ons het mnr. Masters gespreek oor die ...

Yes, so you knew from Mr. Masters that this allegation was made - so you were asked about it weren't you ? -- Ek was gevra ek moes 'n verklaring insit van alles, hoogedele, van 20 die kos, die behandeling daar, besoekers, alles wat hulle oor gekla het en watter versoeke hulle tot my gerig het.

So you were asked then to deal with the question of why the accused was denied access to visitors - that is correct isn't it ? -- Nee, nie waarom nie, Edelaagbare, ek was net gevra om te sê of hulle besoekers ontvang het.

And you gave a reason for that didn't you ? -- Nee, ek het geen rede hier gegee sover as wat ek kan sien nie, hoogedele, ek het netgesê op instruksies van die ondersoekbeampies was geen van hulle toegelaat om besoekers te ontvang of te 30 spreek nie.

B.313

Yes, and now you say you really made that decision by yourself? -- Ek het ook, Edele.

And it wasn't .. it was just approved in passing by Lt. van Wyk - jy sê jy het met hom gepraat en hy het dit goedgekeur of so ? -- Ja, ja, net so, hoogedele.

Yes, so this statement is completely wrong ? -- Nee, ek sou nog nie sê dat hierdie verklaring verkeerd is nie, hoogedele, dit is nou net dat hierdie punt op fyner ingegaan word nou, hoogedele, dit is al.

Yes, but .. ? -- Ek sal nie sê my vorige verklaring 10 is verkeerd nie en ek sal ook nie sê wat ek nou sê is verkeerd nie.

You gave evidence in this Court a few days ago ? -- Ek het ja, hoogedele.

Yes, just a few days ago, and you were cross-examined on this point weren't you? -- Ja, ek dink so ja, hoogedele.

Yes, you were ? -- Ja.

And you were asked .. and you never remembered then that it was Mr. van Wyk who confirmed who gave you this instruction? -- Die heel eerste ondersoekbeampte wat ek in die geval 20 gesien het was Lt. van Wyk gewees, hoogedele, en hy het met my bespreek waar hulle moet gehou word, hoe hulle moet gehou word, alles omtrent hulle was bespreek.

Mr. van Wyk told you everything about them - how they must be kept and this point came up in passing ? -- Ja, hoogedele dit kan wees, soos ek sê dis 'n lang tyd, ek kan nou nie mooi ons gesprek meer onthou nie maar Lt. van Wyk was by my in die selle gewees, ons het hulle gaan sien, en ons het gepraat.

Was it Mr. van Wyk who you discussed this with? -- 30 Hoogedele, wat ek nou gaan sê wil ek nie op sweer nie, ek dink

B.314 dit is Lt. van Wyk, maar daar was baie ondersoekbeamptes in die saakgewees, hulle het almal my gesien, daar was 'n hele warboel die dag gewees by Marshall Plein, hoogedele.

Yes, but you said .. you would discuss it with the man in charge wouldn't you - if it is a Lieutenant in charge you would discuss it with the Lieutenant ? -- Ja, ek meen so ja, hoogedele.

So you are pretty certain it was Mr. van Wyk ? -- Soos ek gesê het ek wil dit nie sweer nie, ek meen dit was Lt. van Wyk maar ek wil nie sweer nie. 10

Who did you discuss the accommodation of the prisoners with ? -- Hoogedele, ek sê weer, ek meen dit is Lt. van Wyk.

Anybody else ? -- ...

Could it have been anyone else ? -- Hoogedele, ek glo nie ek het Lt. van Wyk alleen gesien nie, toe Lt. van Wyk daar gekom het meen ek dat daar mnr. Weyers by hom gewees het en 'n Konst. Trijtsmann ..

Yes ? -- En .. wat is daardie man se naam .. ondersersant Ferreira meen ek, die eerste 4 wat gelyk .. hulle was direk bemoeid gewees met die arrestasie, ek dink hulle 4 het 20 my in die selle gekry toe hulle die gevangenis kom sien het en daar was alles bespreek in die selbewaarder se kantoor meen ek.

I see, those four .. ? -- Hoogedele, ek wil weer sê daar was 'n warboel gewees die dag, en ek wil nie sweer dat dit so is nie.

(HOF VERDAAG)

HOF HERVAT:

CASPER ADRIAAN LABUSCHAGNE n.o.e.

KRUISVERHOOR DEUR MNR. JOFFE (verv.)

30

Now this affidavit, you've read this affidavit haven't

B.315 you, Mr. Labuschagne? -- Ja, ek het, hoogedele, ek het.

And it says among other things that the prisoners were brought to Marshall Square - that the group were brought to Marshall Square at the beginning of April, about the 10th, and they left on the 7th of May - sorry, perhaps I put that question badly: That affidavit only relates to one prisoner doesn't it? -- Ja, hierdie verklaring van my behandel net een gevangene, hoogedele.

Yes, and that particular prisoner was one of the group within the accused were kept? -- Dit is so. 10

And the whole group was taken away from Marshall Square on the 7th of May or was it the 5th of May? -- Tot 7/5 ja, hoogedele.

The 7th of May. Now that affidavit there is that a true copy of an affidavit that you made? -- Dit is so hoogedele.

And you confirm the contents of that affidavit? -- Ja, hoogedele.

(Affidavit handed in - marked EXHIBIR R).

Now Mr. Labuschagne, you've said that you used to go to the accused every day except Sundays and you used to ask them for complaints .. whether they had any complaints? -- Dit is so ja. 20

And you've also given evidence that you saw no signs of any injuries? -- Ja, dit is so.

Did you look for signs of injuries? -- Hoogedele, soos wat ek gesê het, ek het hulle nie noukeurig ondersoek nie, as hy vir my gesê het ek het beserings opgedoen of ek was geslaan, dan sou ek hom noukeurig ondersoek het, maar ek het hom net voor my gesien en geen merke in sy gesig gesien nie.

But could you just explain the procedure, 37 prisoners were in a cell together, you come down, do they parade for you 30

B.316 or .. ? -- Yes, I count them, I have them standing in a row so that I can count them, I pass along the row and see each and every one of them.

You count the prisoners ? -- Yes.

What is the lighting like in these cells ? -- Dit is goed, hoogedele, goed.

But it is not daylight is it ? -- Hoogedele, ek sou sê die lig in die selle is beter as wat die lig nou hier in die gebou is.

I see....

10

DEUR DIE HOF: Elektriese lig? -- Elektriese lig, hoogedele.

NO FURTHER QUESTIONS BY MR. JOFFE.

NO RE-EXAMINATION.

MR. KROG: My Lord that is the evidence in rebuttal of this particular confession by No. 1.

MR. KROG ADDRESSES COURT. (not recorded).

(COURT ADJOURNS)

COURT RESUMES 2 p.m.

BY THE COURT:

For reasons I intend furnishing at a later stage as 20 far as need be, I admit the confession of No. 1.

MR. JOFFE CALLS ACCUSED NO. 4 RE CONFESSION MADE BY HIM.

VICTOR MKABINDE s.s.

EXAMINED BY MR. JOFFE:

Victor, you are accused No. 4 in this matter? -- I am, my Lord.

And you were arrested on the evening of the 9th of 30 April? -- Correct.

B.317

[On the 16th of April you made a statement to the Magistrate? -- Yes, my Lord.

Did you volunteer to make a statement to the Magistrate ? -- No, my Lord.

Did you want to make a statement to the Magistrate? -- No, my Lord.

How is it that you were brought before the Magistrate? -- I was fetched from the cell by the Police and taken to the Magistrate to make a statement. Firstly I was taken from the cells into van Wyk's office, I was told that I was going to a big gentleman and I would appear in front of this big gentleman. Then van der Berg was called and I was handed over to van der Berg to take me to the Magistrate. 10

I see and was there any reason why you decided to give this statement to the Magistrate ? -- The Police instructed me to tell the Magistrate what I have told him.

Why is it that you listened to the Police ? -- Well I was at their mercy, my Lord.]

How do you mean you were at their mercy, did anything happen to you ? -- Why I say I was at their mercy is they .. I was in custody, I was arrested and kept at Marshall Square, they used to come and see and speak to us and the man who fetched me from the cell was van der Berg who took me to van W yk's office. 20

Yes, you said you were at their mercy, did anything happen to you while you were with the Police ? -- Yes, I was being beaten.

Who beat you and what did they do to you ? -- Many Policemen assaulted me by beating me, it was van der Berg, Weyers, Els - there were many, my Lord. There was another man who gave evidence here during this trial I've forgotten his 30

B.318 name.

You're unsure of the ... (inaudible) ? -- That is correct, I am, I am not too clear on all their names.

And the name of the one was it Trijtsmann? -- Yes, my Lord, he was one.

You've only learnt the names since you've been in Court, is that correct? -- That is correct, that is the first time I heard about these names after I came to Court.

I see, now what did they do to you ? -- When I was arrested, I was arrested by Police of the Flying Squad. 10

Yes .. no just tell me .. you've mentioned certain Policemen now, let's start say with van der Berg, .. when were you first beaten? -- It was on the night of my arrest, the 9th.

I see, and who was there? -- Van der Berg had taken me into an office and he was questioning me and he assaulted me.

How did he assault you ? -- He started off by hitting me with his clenched fist in the fact and down the body. (Witness indicates front portion of his body). Then I was handcuffed, my hands were handcuffed behind my back. I was 20 handcuffed onto one of these central heating - or something similar to the central heating system in the office. I was handcuffed to that. He again started questioning me, I again told him I knew nothing about it and he'd hit me. He started off by hitting me with his clenched fist and thereafter kicked me.

I see yes. Now you said that he assaulted you, apart from that day did he assault you on other occasions ? -- Yes, he did. I have forgotten what day that was. Van der Berg again fetched me from the cells upstairs. I was taken 30 downstairs into an office, that is the office in which they

B.319 used to question us, I was questioned in that office. There again I was beaten, he struck me with his fists and also slapped me with his open hand.

That was van der Berg? -- Yes, my Lord.

Was anybody else there when he did that ? -- On the night of my arrest there were three of them together, I am not too clear about the one, the one was Van Wyk the other one van der Berg. I am sorry, Van Wyk was the fourth man, fourth Policemen who came along, I was with the three when van Wyk came and joined the other three, then they were four 10 Police and myself.

I see and do you know the names of the other ..? -- No, I don't know their names.

Have they given evidence in this case? -- My Lord, there were so many Policemen that I'm not too certain, but I cannot remember.

Alright, now you say that Mr. Weyers also assaulted you ? -- He did,

When was that .. ? -- That was the night of my arrest, he took me to a lavatory, and there he assaulted me. I was 20 not taken by Weyers to the lavatory, I came out with van der Berg and 2 other Policemen, they took me to the lavatory.

Yes? -- When we got to the lavatory Weyers was in the lavatory with other Policemen and Elliot.

Yes and what happened ? -- First before we went to the lavatory we were still in van der Berg's office when van der Berg made me undress. I had to strip besides taking off my trousers, that I didn't do, and he told me that he was looking for a Poqo mark on me.

Yes we're not interested in that, what we want is the facts which led to your giving a statement, and I'm now dealing

B.320 with the assaults. Now you say that Mr. Weyers assaulted you?
-- Yes, he did.

What did he do to you ? -- Whilst I was in the lavatory Michael and Ellington was brought in and Weyers said to me: do you know these people. I said no, I don't know any of them. He struck me with his open plus with his clenched fist and told me that I was lying, I knew these people. That was the last he had assaulted me.

I see .. ? -- On that day.

Now Mr. Trijtsmann, you say he assaulted you too? -- 10
Yes, he assaulted me in the office into which we were taken when questioned.

I see .. ? -- I have forgotten the day, I cannot say which day it was.

Now I want you just to be sure in your own mind who Mr. Trijtsmann was, he was the big man who gave evidence with the red tie .. ? -- That's him.

Yes, not to day, yesterday? -- He was in the box yesterday, not today.

Now what did he do to you ? -- He asked me questions²⁰ and the other Policemen had asked me questions.

Was anyody present when you were being questioned ?
-- There were always 2 or 3 Policemen in that office whenever I went in there.

I see yes .. ? -- And they would put questions to me individually.

I see, what did Mr. Trijtsmann do to you ? -- Trijtsmann then said that I was stubborn, I would not speak, he slapped me with his open hand and also struck me with his clenched fist.

Yes. Now Mr. Els, he was the Policemen who gave 30
evidence this morning, do you remember him? -- That's him.

B.321

First was Mr. Swanepoel, and do you remember .. you said that he also assaulted you ? -- Yes, he did.

Under what circumstances ? -- I was making a statement to Swanepoel. There was Els, another man and Swanepoel. Swanepoel was questioning me and whenever I told him that I could not answer the question, that I didn't know, Els would hit me and he said to me that Solomon had told them everything.

Solomon? -- Samson, Samson.

Oh Samson, I see. Now you say then ...

BY THE COURT: Who said so to you 10

MR. JOFFE: Swanepoel said so, my Lord.

BY THE COURT: Swanepoel said so ? -- It was not Swanepoel ...

MR. JOFFE: Sorry, my Lord, I misunderstood ..

WITNESS: It was Els who said so whilst I was being questioned by Swanepoel, my Lord.

BY THE COURT: Els said: We've been told all by Samson? -- By Samson, and that I knew all about it, and he would hit me.

MR. JOFFE: Is that correct then, Victor, that Mr. Els said so, or did Mr. Swanepoel say so ? -- Well Swanepoel also said to me that Samson had told them everything and / ^{they} knew all 20 about it.

Oh, I see, which Samson was this ? -- That was Samson Radebe.

Oh I see yes. Now when you say .. you made the statement because you were at the mercy of the Police, you were referring to these assaults ? -- Yes, my Lord.

Now were any offers or threats made to you by the Police? -- Swanepoel said to me that if I would not make a statement to the Magistrate, if I wouldn't make a statement to him he would go out and arrest my family and bring them all 30 in and keep them at Marshall Square.

B.322

I see. Now you say van der Berg took you down to the Magistrate's Court? -- Yes.

Belt 41

Did he say anything to you ? -- He told me that I had to go and repeat the statement which was at Marshall Square.

BY THE COURT: Did he take you down to the Magistrate's Court?

-- Yes, my Lord.

MR. JOFFE: I see yes. Now you were then taken to the Magistrate ? -- Yes.

Were any promises made to you ? -- No, no promises.

Now Mr. van der Berg took you down to the Magistrate ¹⁰ at the Magistrate's Court, is that correct ? -- That is correct.

And what did he do with you ? -- He told me that I had to repeat my statement which was at Marshall Square.

Yes ? -- And he also said to me that if I had not repeated that statement I knew myself what would happen to me when I returned back to Marshall Square.

I see yes. Then you were taken to the Magistrate and you went into his office ? -- Yes.

When you were with the Magistrate, where was Mr. van ²⁰ der Berg ? -- There were 2 of them outside the door of the office of the Magistrate.

I see yes

BY THE COURT: The question was: Where was Mr. van der Berg, is that now a reply to that ? -- Yes, that is a reply to that, my Lord.

Well where was Mr. van der Berg? -- I left them at the door, my Lord.

Only one of them ? -- It was van der Berg and another. ³⁰

MR. JOFFE: Who was the other ? -- I am not sure but I think it was Els. }

B.323

Now you then made a statement to the Magistrate? --

Yes.

Now after you made this statement, what happened to you ? -- I was taken back to Marshall Square but we went to the offices opposite Marshall Square.

Yes ? -- And I think there we went to Van Wyk's office.

Yes ? -- I wasn't kept there very long, I was removed and taken to Marshall Square.

Yes, I see - right. And what happened to the statement ? -- I don't know whether the other man who went with van der Berg when I was taken to the Magistrate's Court whether he had the statement - van der Berg took me along. This other Policeman who was with us, as I came out van der Berg handcuffed me and the other man walked into the Magistrate's office.

I see, alright now you were then kept at Marshall Square until the 7th of May ? -- Correct, my Lord.

Now at Marshall Square, were you allowed access to visitors ? -- No.

Were you allowed to have exercise ? -- No, there was no exercise.

And what food did you used to have ? -- Dry porridge three times a day, my Lord.

Yes and did . . no. no further questions.

NO FURTHER QUESTIONS BY MR. JOFFE.

CROSS-EXAMINED BY MR. KROG:

What do you mean by dry porridge three times a day ?
-- Just ordinary dry porridge, nothing added to it.

You mean this mealmeal pap made fairly stiff ? --
The only thing added was salt to that mealmeal pap.

Is that what you refer to as porridge - stiff

B.324 mealiemeal pap ? -- Yes, it is a hard mealiemeal pap.

And did you object to eating mealiemeal pap three times a day ? -- No, I never do at home, and when I do have mealiemeal porridge at home, I don't have it only with a bit of salt in it.

Did you object to eating the mealiemeal pap in the cells ? -- No, but we did complain about that porridge we used to get.

What did you expect to get in the cells ? Fillet or something ? -- Well I thought that by getting this dry 10 porridge that they'd add beans, put the beans on top of the porridge.

Did the fact that you only got pap three times a day have any effect on you in regard to the making of the statement ? -- No, no that had no effect whatsoever.

Did the fact that you didn't see any visitors have any effect on you in regard to the making of the statement ? -- No, the Police took me there.

Did the fact that you didn't have any exercise in the cells have any effect on you in regard to the making of the 20 statement ? -- This question is difficult to answer, how could exercise effect you to go and make a statement.

Well then it is certainly not difficult to answer and the answer is no, very simple ? -- ...

Is that right, that didn't have any effect on you either? -- That is so, my Lord.

Now what actually did have any influence on you in making a statement to the Magistrate ? -- The Police took me and told me that I had to go and make a statement.

Are you now referring to the statement made to the 30 Magistrate ? -- Both the statements I made, I was fetched by

B.325 the Police from the top floor cell.

Alright, let us deal with them separately now, you first of all ...

BY THE COURT: I'm sorry, what is the last bit of the reply ?
-- I was fetched from the top floor cell, my Lord.

MR. KROG: Victor, don't give us all the unnecessary details where you were fetched from, we are not interested in that. Let us deal with the two statements separately and we start off with the one made to the Police - what made you make the statement to the Police? -- The Police fetched me and told 10 me that I had to make a statement, that was all.

Was it merely because the Police told you that you had to make a statement that you made one ? -- My Lord, to me it happened like this: A list was given to a Policeman who would come into the cell and take all those out who were required. We were taken to the Police office, that office we were taken in one by one, when I entered that office they told me that I had to come and make a statement.

And did you make a statement ? -- I then said: What statement, and they told me what form of statement they 20 want. They were questioning me and I was answering them.

Yes ? -- And if I would say to a question: I don't know, then one of the Police - there were always three in the office, the first man who assaulted me ...

We will deal with the assaults later on, just give us the broad details, you were asked certain questions and then? -- If I said in answer to a question that I did not know I would be assaulted.

Yes and if you said you did know ? -- The one was typing and the Police would speak amongst themselves. 30

Alright, we have it then whenever you said you didn't

B.326 know you were assaulted but when you gave an answer somebody took it down ? -- Yes, that is if I had answered a question in a way which they didn't want me to answer....

Yes? -- I would also be assaulted.

Was that the only thing which happened to you, if you gave an answer which they didn't like .. ? -- Yes, my Lord.

Did anything else happen, not necessarily to you, when you gave an answer which they didn't like ? -- They also told me if I would not make a statement to the Police that my parents would be arrested and they would be kept in custody, 10

No, no, no, make no mistake, I'm not dealing with the preliminaries at the moment, I'm dealing with the actual taking down of the statement ? -- But this was at the time of making the statement ..

Alright, then we'll start from the beginning again, you were asked to make a statement and you said no, I know nothing ? -- Correct.

The next step was that you were threatened that unless you make a statement your relatives will be locked up ? -- Correct. 20

Alright, any further steps ? -- No.

Was that all that was told to you at the time before you started making a statement ? -- This was done .. these threats were made during the time I was making my statement to them.

Victor, I will try again, when I asked you about what happened when you made the statement you started giving me preliminaries, now that I'm on the preliminaries you are giving me what happened during the statement? --

(Mr. Chaskalson objects. Discussion).

30

Victor, from the time of your arrest you were assaulted

B.327 on a few occasions and questioned ? -- That is correct.

Now we come to the final day when you actually made a statement to the Police? -- Yes, my Lord.

And you signed that statement ? -- I signed my name.

Yes and I have the date here as the 13th of April, is that correct ? -- That is quite correct.

Now I'm referring to that statement on the 13th of April, what happened when the Policeman started taking your statement that day ? -- Swanepoel was the person who typed out that statement, he was sitting in the office when I entered. 10 Swanepoel started off by putting questions to me. I answered him. Then during the statement he would put .. during the time he took the statement, he would put questions to me which I could not answer and I told him that I cannot answer you that. I don't know.

Yes ? -- Then behind me was standing one of the Police and he would hit me and tell me you are lying.

Now who is that man? --(The witness indicates) Els was on my left, there was another Policeman behind me and Swanepoel was in front of me, and the first one to hit me 20 was the one behind me.

Alright, you don't know who that is ? -- No, I don't know.

Now in what manner did he hit you ? -- He struck me with his flat hand across the ear.

Alright and when he struck you, did that make you change your mind by giving an answer ? -- Then Els would also hit me and I would agree with their suggestion.

Oh did they .. ? -- Because I was being beaten from all sides.

Did they then make some suggestion as to what you should

B.328 say ? -- They told me it happened like this and I had to agree with that.

Did you in fact agree ? -- Under the beating that I had received I had to agree.

And do you know whether .. what you agreed to now as suggested by the Police was written down in that statement ? -- No, I don't know.

You don't know ? -- But the man was writing there whilst I was talking.

Do you today know whether any of those suggestions 10 were embodied in that statement ? -- Well my Lord if that statement could be read over to me I would tell the .. I would be able to tell the Court what statement I made and what was added by the Police.

Now was that statement never read over to you ? -- It was read back to me after it was typed.

Was it ever given to you to study ? -- Yes, it was given to me to read over, there was the day I went to the Magistrate, it was also given to me on that day to read over. 20

Was it given to you on two separate occasions to read over? -- If I'm not mistaken I would say that it was handed to me on three or four occasions.

On three or four occasions - separate days ? -- I remember the statement was made on a Saturday and on those days after I had made the statement the statement was handed to me on one day .. twice on one day.

Right, made on the Saturday and handed to you twice on one day, can you remember which day that was ? -- No, my Lord, I don't remember what day that was, and then it was handed to me again on the day I went to the Magistrate. 30

(Question inaudible) ? -- My Lord, really I was like in

B.329 a boiling pot, I didn't even know what day it was(?)..

Forget about the date, you went to make the statement to the Police on a Saturday ? -- That is if I'm not mistaken.

When did you go to the Magistrate ? -- Within a week I think, if I'm not wrong.

Alright think, what day ? -- My Lord, this is such a long time ago that it is impossible for a person to remember.

But why can you remember these assaults so very well? -- I was so badly assaulted by the Police that I became ill.

What was the nature of the illness ? -- The first 10 thing I couldn't eat the food from Marshall Square, I had to eat food that was brought to me from my home.

Yes ? -- Which was a soft .. something soft to eat, soft porridge. I was kicked (witness indicates over the ribs on the sides) that caused me great discomfort and pain. I asked the Police that a doctor should attend to me, the doctor was never called. Those were things which was done to me.

Were you in great pain .. ? -- I cannot remember ~~everything~~ in detail any more.

Were you in great pain as result of these assaults? --²⁰ Very great pain, I could not even sleep at night.

Did the assaults affect your process of thinking too .. ? -- Yes, that is quite so.

Why, couldn't you think clearly ? -- How could a person think clearly if you are suffering such great pain.

Victor, don't tally one question with another question, you just tell me whether you could think clearly, yes or no ? -- I could think clearly like any humanbeing but not everything.

Oh, only .. ? -- I could not memorise everything.

Oh, was it a selective process - those things that you want to remember those things you could ? -- It was not.³⁰

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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