HARRY PITMAN.

IN THE SUPREME COURT OF SOUTH AFRICA

(TRANSVAAL PROVINCIAL DIVISION)

CASE NO.18/75/254

17th NOVEMBER 1975

In the matter of:

THE STATE

vs

S. COOPER AND EIGHT OTHERS

VOLUME 38

PAGES 2279 - 2316

LUBBE RECORDINGS (PRETORIA)

/VMD.

COURT RESUMES ON 17th NOVEMBER 1975

MR. REES ADDRESSES COURT: M'lord, the witness, Mr. van der Merwe, is here and available, I understand the Defence have an application concerning him.

MR. PITMAN: M'lord, I understand that since we saw Your Lordship in Chambers earlier, the visa has now been issued to the witness we wished to call, and it has been communicated with New York, M'lord, in those circumstances I have discussed the matter with my learned friend, Mr. Rees, and it seems M'lord, that he will probably be here in a day or two, and I understand - that is if my learned friend does not object or is agreeable to the matter of Mr. van der Merwe, the witness, being adjourned until today week, if that suits Your Lordship. May I then ask that the matter be adjourned to that date, after the matters which we wish to deal with today have been dealt with.

COURT: Then Mr. van der Merwe is excused from further attendance until Monday.

MR. ALLAWAY: M'lord, to avoid further adjournments in connection with Mr. van der Merwe, there was the question of a list, M'lord, will recall that when I cross-examined him, the witness said that he had referred to documents other than the ones which he in fact specified in his evidence, and he said he would provide us with a list of any other exhibits or documents to which he had reference apart from those which he dealt with in his evidence. M'lord, we have been in touch with my learned friend for the State, particularly Mr. Attwell, and I know he endeavoured to assist us so that we are armed as it were in advance with such other documents that this expert witness may have drawn his conclusions from, and I wonder, could we clear

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that matter up now, M'lord, we would like to have that list of other documents if it exists, so as to avoid a further request of this nature.

COURT ADDRESSES MR. VAN DER MERWE:

HOF: Mnr. van der Merwe, het u so 'n lys? ---- Edele, ek het nie spesifiek so 'n lys nie, in die sin dat ek het 'n hele stel gebinde volumes van dokumente wat ek verstaan voorheen as bewysstukke in die Hof gedien het tot my beskikking gehad. Ek het al daardie dokumente min of meer deurgegaan, sodat die beste wat ek kan sê is dat ek daardie volume van dokumente deurgegaan het.

MR. ALLAWAY: M'lord, then as I understand it the witness is saying the volumes, which are Volumes 1 to 5, is what he had reference to, and we will be prepared to deal with him on that basis.

COURT: Yes, so you do not want anything else from him?

MR. ALLAWAY: M'lord, not if at present advised - if I could ask the witness this. Mnr. van der Merwe, is daar enige van die dokumente wat bestaan uit hierdie vyf volume wat u kan bekend maak en vir ons sê: dit is 'n dokument wat ek wel in gedagte gehad het toe ek my opinies gevorm het behalwe die dokumente waaroor u getuig het in u getuienis? ---- Edele, nee, daar is nie enige dokument wat ek so spesifiek kan aandui, as dat ek daardie dokument in gedagte gehad het op enige stadium nie. Ek wil miskien net dit sò stel, Edele, dat ek my menings wat ek uitgespreek het, uitgespreek het ten opsigte van die dokumente wat aan my voorgelê is. Met ander woorde ten opsigte van daardie spesifieke dokumente. Die enigste waar die ander dokumente na my oordeel ter sprake kom, is waar dit gestel is dat hierdie dokumente wat aan my voorgelê is in die Hof slegs 'n monster is, met ander woorde

dat / ...

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dat dieselfde tipe verskynsel wat in hierdie dokument aangetref word, word ook in ander dokumente aangetref, en in dié verband verlaat ek my op die ander dokumente in daardie stel dokumente.

HOF: Kan u uit eie kennis sê dat die dokumente verteenwoordigend is, die dokumente wat hier ter sprake is? --- Edele, om te sê dat dit verteenwoordigend is is 'n moeilike saak, want dit is 'n ingewikkelde begrip kan ek maar sê. Wat ek wel kan sê is, ek sal nie sê dat dit miskien noodwendig verteenwoordigend is van alle tipes dokumente wat daar ..(Hof kom tussenbei)

Die mening wat u uitgespreek het, is daar enige iets in die ander dokumente wat dit sou kwalifiseer, die dokumente waarop u insae gehad het? --- Nee, ek glo nie daar is iets wat dit sal kwalifiseer nie - in dié opsig nie.

Does that cover your difficulties?

MR. ALLAWAY: M'lord, I think so, if I could just remind the witness of his evidence, M'lord, and make sure that we are perfectly ad idem - mnr. Van der Merwe op bladsy 2206 van die rekord het u wel geantwoord as volg: "Sommige van die dokumente wat ek wel na gekyk het, het ek later aan die Veiligheidspolisie terug besorg. Wat ek wel bereid is om te doen, Edele, is om sover as wat binne my vermoë is 'n lys te voorsien van al die dokumente wat ek onder oë gehad het". Dit is die lys wat vir ons die probleem gee, sê u wel dat as u 'n lys opgestel het dan sou dit bestaan uit al die dokumente in die vyf volumes? --- Ek wil dit min of meer so stel in dié sin dat die dokumente wat ek tot my beskikking gehad het is na my beste wete almal vervat in daardie vyf volumes. In ander woorde - of hoeveel volumes dan ook - in ander woorde ek is nie bewus daarvan dat daar enige van die

ander / ...

ander dokumente is waarna ek op 'n vorige stadium miskien gekyk het wat nie in daardie volumes vervat is nie. Ek het ook die volumes as sodanige op 'n stadium tot my beskikking gehad, en ek het daardeur gewerk. Sodat aan die een kant glo ek dat al die dokumente wat ek tot my beskikking gehad het wel daarin vervat is, en dat al die dokumente wat daarin vervat is, ek wel op een of ander stadium meer of minder vlugtig na gekyk het.

Well, M'lord, I do not think we can take the matter any further than that, and I do not visualise any problems about adjournments on the basis of being unable to continue with this witness.

HOF: Baie dankie, dan mnr. Van der Merwe, u word verskoon van verdere verteenwoordiging.

MR. ALLAWAY: M'lord, I have indicated to the State that we would like to recall Mr. van Niekerk and Mr. de Wet. My learned friend, Mr. Soggot, is going to deal with Mr. van Niekerk's evidence, it is a short point, M'lord, we found on reading the record that there was one specific part of his evidence which was not challenged and ought to have been challenged, and as far as Mr. de Wet is concerned, M'lord, it does not deal with the actual accuracy of the tape-recordings, but there are certain things I must put to him arising out of information which subsequently has come to hand, and to question him with regard to EXHIBIT C, that is the volume that has gone in on this aspect.

COURT: Yes, is Mr. van Niekerk in Court?

CORNELIS JOHANNES VAN NIEKERK, verklaar onder eed:

KRUISONDERVRAGING DEUR MNR. SOGGOT: Mnr. van Niekerk, u sal onthou dat tydens die verhoor het ek verwys na bladsy 1125 van die notule, en dat u 'n stelling gemaak het dat die polisie

pligte / ...

pligte was ontwrig tydens die 25e September verlede jaar? --- Dit is reg.

U het so getuig? --- Dit is reg.

En bly u nog by daardie stelling? --- Dit is reg.

Nou, mnr. Van Niekerk, laat ek hierdie vraag aan u stel, weet u vandag uit u eie kennis hoeveel polisiebeamptes daar eintlik was tot die beskikking van die Mag op daardie dag in Durban? --- Edele, dit is moeilik om te sê hoeveel presies daar tot beskikking was, maar as ek mag 'n stelling maak sou ek sê plus minus 200 polisiemanne was op bystaan gewees.

Nee, maar ek bedoel al die manne wat beskikbaar was en wat diens gedoen het in die Mag in Durban daardie dag, het u enige idee, hoeveel honderde of duisende daar was? --- Nee, ek kan nie spesifiek sê nie, Edele.

En ek neem aan dieselfde geld vir die polisiemanne wat beskikbaar was of wat diens gedoen het in die buitestede wat naby aan Durban was? --- Ja, van die polisiemanne is ingetrek.

Ja, dit verstaan ek, maar uit u eie weet u nie wat die totale syfer was van die polisie wat eintlik diens gedoen het in Durban en naburige dorpe? --- Nee, ek kan nie spesifiek sê nie, Edele.

Nou, u het alreeds vir die Hof gesê dat u het daar gekom met u manskappe en ek dink u het gesê daar het meer gekom, altesaam, uit u eie kennis, weet u hoeveel polisiemanne daar saamgetrek was by Curries Fountain? --- Ek kan nie 'n spesifieke getal sê nie.

En ek neem aan, ons het alreeds getuienis gehad in hierdie verband, dit is normale polisie prosedure om voorsiening te maak vir die geleentheid waar manne saamgetrek

moet / ...

moet word, by spesiale geleenthede soos byvoorbeeld 'n rugby wedstryd? --- Ja, ons moet voorsorgmaatreëls tref, dit is korrek.

En dit is eintlik 'n deel van die uitvoering van polisie pligte, dit is 'n gedeelte van die hele organisasie van manskappe nie waar nie? --- Ja, dit hang af van omstandighede, ons moet voorsorgmaatreëls tref.

Nou, Meneer, oor die algemeen ek verstaan manne word getrek van verskeie polisiestasie nie waar nie? --- Heeltemal reg, Edele.

En reserwes word ook ingetrek? --- Ons maak gebruik van hulle ja.

En die idee is manne word getrek maar die ander dienste gaan aan soos gewoonlik in die polisiestasies? --- Die idee is ons trek die manne en die reserviste doen die werk van die polisiemanne by byvoorbeeld die Cato kantoor en die polisiestasies en diesmeer.

Uit u eie kennis weet u van enige geleentheid daardie dag waar die nodige dienste nie verskaf was aan die publiek? --- Ek kan nie sê nie, Edele.

Geen verdere vrae nie.

<u>HERONDERVRAGING DEUR MNR. REES</u>: Was hierdie 'n normale aangeleentheid soos my geleerde vriend voorgestel het, hy het dit probeer gelykstel aan 'n rugby wedstryd wat die polisie aldag voor voorsiening moet maak, of was dit 'n buitengewone geleentheid? --- Nee.

Was u die stasiebevelvoerder waar? --- Te Samtsauweg Polisiestasie.

En wat het gebeur met die werk wat u normaalweg sou moes doen, u en u manskappe daardie dag? --- Die reserviste het my dienste verrig.

Hof / ...

HOF: Nou u sê dit was nie normaal nie, nou wat sou die verskil wees in polisie optrede waar u 'n voetbal wedstryd het en waar u so 'n aangeleentheid het? ---- Edele, daar sal van baie minder manne gebruik gemaak gewees het, en ons sou ook gebruik gemaak het van reserviste om die dienste daar te verrig.

Maar hoe affekteer dit nou die polisie werk as sulks? ---- Nie in 'n groot mate nie, ons trek van verskillende - en ons vra vrywilligers om te begin en ons kry mense wat van diens is byvoorbeeld, en hulle doen vrywillig die dienste.

Is dit korrek dan om te sê dat eintlik maak dit nie groot verskil of dit nou 'n baie groot voetbal wedstryd is nie of so 'n saamtrek soos hierdie besondere dag? ---- Dit maak 'n groot verskil, Edele.

Nou wat is die verskil? ---- Met 'n rugby wedstryd om dit so te stel, Edele, is dit is net 'n kwessie dat die manne is daar om die skare te beheer, en in 'n geval soos met die rally was daar heeltemal voorsorgmaatreëls getref want daar was verwag gewees dat daar 'n groot samedromming sal kom en dat daar moontlik dan miskien 'n oproer sou plaasgevind het.

Dit mag wees, maar in beide gevalle is daar onttrekking van polisie van hulle poste. Nou eintlik in welke opsigte bring dit ontwrigting mee wat u van praat? U sien die punt wat mnr. Soggot aan u stel is die ontwrigting is tog daar of dit nou 'n voetbal wedstryd is of so 'n saamtrek? ---- Nee, die ontwrigting met 'n voetbal wedstryd is nie so nie, ons vra vrywilligers, Edele, dit is manne wat van diens is, maar in 'n geval soos met die rally is al wat 'n polisieman was was op bystaan en hulle was ingetrek, en almal was in gereedheid en dit het ontwrigting gebring. Hulle was weggeneem van hulle polisiestasies, soveel as moontlik polisiemanne self

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was weggeneem van die polisiestasies vir hierdie doel en net die nodige gelaat met reserviste en miskien een of twee polisiemanne om die normale pligte te laat voortgaan. Dit is die verskil.

Maar dieselfde ding sal mos gebeur as dit 'n baie groot voetbal wedstryd is? Die enigste verskil is hulle sal miskien nie gewapen wees of soiets nie? --- Edele, al wat ek kan sê is dat die dienste, daar is geen ontwrigting by die polisie werk self as gevolg van byvoorbeeld 'n groot voetbal wedstryd nie, maar dit is dan dat daar is nie mense wat op bystaan is nie, daardie mense is vrywillig gaan soontoe, die dienste gaan voort soos dit moet voortgaan, die polisie is by die klagtekantore vir bywoning van klagtes en diesmeer, en die manne - om hulle daar by die voetbal wedstryd te bring, kan jy sê 80% van daardie mense wat daar doen is mense wat in hulle eie vrye tyd gaan. Dit bring nie 'n ontwrigting mee as gevolg daarvan dat die uitvoer byvoorbeeld van die klagtekantoor diens met klagtes en diesmeer nie.

Maar 'n polisieman is mos 24 uur op diens per dag? --- Ons is, Edele.

Ja, nou wat is die verskil dan nou of dit nou vrywillig is en of hy opgeroep is en of hy verplig is, hy is 24 uur op diens. Nou wat die Verdediging wil weet is wat se ontwrigting was daar in die polisie werk as gevolg van hierdie gebeurtenis? --- Al ontwrigting wat ek aan u kan stel, Edele, is dat al die beskikbare mannekrag was weggeneem gewees van die klagtekantoor en diesmeer, en net die nodige manne was daar gelaat om die nodige dienste by te woon.

Maar dit sal ook gebeur as dit 'n groot voetbal wedstryd is? --- Ek glo nie, hulle sal gebruik maak van soveel manne vir 'n groot voetbal wedstryd in vergelyking met hierdie rally nie.

Al / ...

Al wat u dan sê is 'n mens gebruik net meer mense by so 'n geleentheid as wat jy by 'n voetbal wedstryd gebruik? --- Ja, jy sal baie meer mense gebruik.

Maar wat se ontwrigting bring dit mee, is daar werk wat nie gedoen kan word nie, of is daar wat normalerwys gedoen sal kan word? --- Daar is miskien werk wat baie meer doeltreffend sou gedoen gewees het, sal miskien baie - op 'n latere stadium gedoen gewees het, dan kom daar miskien klagtes en ons het nie die nodige mense om die nodige klagtes aandag te gee as wat die oorspronklike - die manne wat daar sou gewees het kon aandag gegee het nie, as gevolg van die min hoeveelhede polisiemanne wat gelaat is by die klagte-kantoor om daardie besondere dinge aandag te gee, met die onttrekking van die mense om met daardie spesifieke ding by te staan byvoorbeeld. Dit bring 'n ontwrigting mee van die dienste.

Is daar noodsaaklike dienste wat verrig moes gewees het deur die polisie wat nie kon gedoen gewees het as gevolg hiervan nie? --- Ek kan nie eerlik sê of daar iets was nie.

<u>GEEN VERDERE VRAE NIE (GETUIE WORD VERSKOON)</u>

<u>JOHANNES HENDRIK JACOBUS DE WET</u>, verklaar onder eed: (HERROEP)

<u>CROSS-EXAMINATION BY MR. ALLAWAY:</u> Mr. de Wet, you have a copy of EXHIBIT C in front of you, referred to as Volume 6? --- Ek het.

I just want to refresh your memory, you will recall that it emerged from your evidence and that of Major Stadler that three tapes of recordings which you had made, starting on the 23rd September, were in fact put back into use and were not available for transcription? --- Twee bande van die 23e tot die 25e van die SASO bande, en een van BAWU bande op die 25e.

And / ...

And again to refresh your memory the evidence has been that you kept a note - 'n opsomming - of the conversations and then you discussed these with Major Stadler, and you decided, I gather, from reading Major Stadler's evidence, it was decided which tapes ought thereafter to be transcribed? --- Dit is nie heeltemal juis nie, daar was nie een lys gehou nie, elke band soos hy gelees was was afsonderlike notas van gemaak en saamgevat in notas, en die bande was oor die tydperk van die 23e tot die 27e daagliks aan majoor Stadler oorhandig, met daardie besondere geskrewe notas, daar was nie een lang lys gehou van al die gesprekke nie.

Now, was it you who made the notes? --- Ja, Edele.

And before you started to do these recordings, were you aware of the characters, by that I mean the persons whose names were going to crop u and about whom you ought to keep a note? --- No.

Now did you keep a note of every telephone conversation? --- Elke gesprek soos hy op die bande voorgekom het was saamgevat en notas gemaak, ja.

And that note would take the form would it of who the speaker was? --- Ja, Edele.

And who was receiving the call? --- Ja, Edele.

Whose name appeared in the conversation, and from which telephone or I should say at which telephone the call had been made to? --- Nie noodwendig nie, Edele.

Did you, if you could sort of identify the speakers, did you then also make a short note of what they discussed? --- Ja, Edele.

Now when was the decision taken ultimately only to use certain of the tapes and to hand them in as exhibits. When was that decision taken? --- Edele, ek het eers die bande

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by majoor Stadler ontvang in Januariemaand, as ek reg onthou was dit die 25e Januarie gewees.

You see, since you gave your evidence we have been able to get certain information from the post office which was not available when we originally cross-examined you, and in fairness to you I want to deal with this information and ask you some questions about EXHIBIT 10. You have also said in your evidence, I think, that the device which was used for the purpose of recording it was an automatic device, that I think you said switched on or came into action, it was activated by the telephone being answered? Is that so? --- Ek het nie so gesê nie, Edele, ek het gesê die toerusting wat gebruik gewees het werk outomaties.

Well, what is its purpose then if it works automatically, how does it function automatically, would you care to explain that please? --- Ek kan dit nie verduidelik nie, Edele.

What do you believe it does, do you believe it comes on, that is the recording device starts to record once the call is answered? --- Ek vermoed so, Edele.

And if you will kindly look at EXHIBIT C, dealing with the date the 23rd September, dealing with the SASO calls - PAUSE -

COURT: What page is that?

MR. ALLAWAY: M'lord, I think more conveniently if M'lord would kindly look at the index to start with, and then one can move to the actual page, does M'lord have the page?

COURT: Yes, thank you.

MR. ALLAWAY: You see the SASO calls start on the 23rd September and the first tape is a "gesprek No.10 Muntu Myeza en Bokwe Mafuna". --- Korrek.

And that is the only call that has been transcribed for

that / ...

that day, that is the only call that we have got any record of I should say for that day? --- Die volle indeks is op bladsy 17, Edele.

And if you turn to page 17, that gives you a list of all the calls that were on that particular tape? --- Dit is reg, Edele.

Can you tell the Court what time it was that you began to tape calls on the SASO telephone number on the 23rd September? --- Omstreeks 9 voormiddag. Ek het eers opdrag gekry omtrent kwart oor agt die oggend.

Now were any of the tapes that were used for the purpose of taping calls to the SASO office on the 23rd September put back into use? --- Edele, die drie bande wat teruggeplaas is, of liewer die twee SASO bande wat teruggeplaas is, ek kan nie onthou waar pas hulle in nie. Soos ek in my getuienis oorspronklik gesê het, die bande soos ek hulle hier gemerk het en soos hulle agtereenvolgend kom, ek kan nie sê dat die een voor die ander een gekom het nie, daar was nie rekord gehou van elke band, of hy die eerste band van die dag was of die tweede band van die dag was nie. Met die gevolg is die volgorde waarin die bande verskyn moet goedertrou aangeneem word, ek het nie 'n rekord of die een voor die ander gekom het nie.

I see. But do you say this, that where you have produced an actual tape like this physical exhibit that is Band 1 on page 17, that that tape records a chronological series of calls on that tape? --- Ja, Edele, dit is korrek.

You see, according to my instructions, and part of those instructions seems to be confirmed by an account which we have got from the post office, there were three calls made on that day by Accused No.2, from the SASO telephone,

one / ...

one was to a man called Gerald Bokojo in Johannesburg. Now do you have any recollection of that at all? It is not on the index at page 17? --- Edele, dit is moeilik nou om op al hierdie verskillende gesprekke 'n spesifieke gesprek te onthou, maar as ek miskien die kern van die gesprek weet as dit aan my gestel word, kan ek miskien sê of ek die gesprek kan onthou.

Well, I can help you there, you see they were talking, according to my instructions, on the Monday about what arrangements had been made for the rally in Johannesburg. Bokojo was the regional secretary in Johannesburg, and No.2 was speaking to him. Now I can find no note of that call anywhere on EXHIBIT C, do you say that call did not occur, or do you say it might have occurred but it was not recorded, or what is your comment? --- Edele, dit is moontlik dat die gesprek wel plaasgevind het, soos ek sê daar was oorspronklik net saamgevat en notas gemaak. En ek het nie persoonlike notas gehou daarna nie, want ek het nie geweet of die gesprekke gaan ten volle getranskribeer word of dat dit ooit benodig gaan word nie. Dit was 'n voorsorgmaatreël gewees, in die eerste instansie, en gevolglik ek kan nie op my geheue wil staatmaak vir elke gesprek wat plaasgevind het nie.

I can appreciate that. Now you know from EXHIBIT C and the transcriptions you have done, that several calls between Accused No.2 and a man called Matt Sarachi have in fact been recorded and transcribed? --- Ja, Edele, dit is reg.

And according to my instructions, Accused No.2 spoke to Matt Sarachi on that Monday the 23rd September from the SASO telephone. I can find no reference to such a conversation in the index on page 17 can you? --- Daar was verskeie oproepe gewees waar pers-verklarings deur Beskuldigde No.2 gemaak was,

en / ...

en, wel, soos ek dit kan onthou was meeste van die pers-verklarings was dieselfde as dié wat getranskribeer is, dit was almal op dieselfde trant gewees. En ek sou dit bestempel as deels duplikaat gesprekke van gesprekke wat reeds hier voorkom.

COURT: Well at page 35 there is a transcription of a conversation between No.2 and Bokojo.

MR. ALLAWAY: Yes, M'lord, but that is on the next day. You see, I suggest to you that what you are saying about these various press releases, this call did not concern a press release, he was getting a view from Matt Sarachi of the morning papers in Johannesburg and what they had said? You see this he did every day, on the Monday and the Tuesday and the Wednesday? ---- Wel, sekere gedeeltes daarvan word in hierdie volume ook nou aangehaal, waar die koerant verslae aan hom teruggelees word deur Matt Sarchi.

COURT: Yes, I think that is on page 40.

MR. ALLAWAY: You will find that for Tuesday, but you will not find anything for the Monday, the 23rd? ---- Ek kan nie spesifiek onthou of daar so 'n gesprek op die Maandag ook was nie, Edele, maar daar was verskeie gesprekke waar die nuusberigte teruggelees was, en waar nuwe stellings gemaak is deur beskuldigde No.2, en dit was alles min of meer in dieselfde trant as die gesprek op bladsy 40.

Now you see what I suggest to you is this, that the first occasion that Accused No.2 spoke to Matt Sarachi for a review of what was being said in the press was on the Monday morning. Now would you be able to deny his evidence if he gives that evidence, that he had a conversation with Matt Sarachi on the Monday morning, and that does not appear in this SASO tape? ---- Tensy hy voor kwart voor nege se kant

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toe gepraat het met Matt Sarachi.

No, you see according to my evidence it was probably, he cannot remember this with absolute precision, it would probably have been later? ---- Dit staan my nie soiets voor nie.

And according to my instructions there was also a call to King William's Town on the 24th - I am sorry, the 23rd, the Monday, where he spoke to a man called Mohapi, which is not on the index on page 17 for calls for that day? ---- Dit is heeltemal moontlik dat hierdie gesprekke op die een band dan voorkom wat nie by die Hof voorgelê is nie.

Of course that is something which you cannot answer for, that is for Major Stadler to answer?---- Ja, wel soos ek sê op daardie stadium was ek nie so ingestel om alles spesifiek te onthou nie, Edele, ek het nie geweet of die gesprekke ooit ter sprake sal kom nie.

I would like to deal please with the 24th September, which is the Tuesday vis-à-vis the SASO telephone, and you will see that this is the day where apparently, from EXHIBIT C, you had the most number of tapes, please just make sure that what I am saying is correct? ---- Dit is so.

Now, as far as that day is concerned, from the post office telephone account, it appears that on the 24th September a six minute call occurred from the SASO telephone number to Makamulu, now I suggest to you, Mr. de Wet, that call is not in any of the indeces to these tapes? ---- Ek wil net vlugtig kyk asseblief - dit is moeilik om te sê, ek het baie van hierdie gesprekke wat nie ter sprake was nie en wat nie getranskribeer was nie, is daar byvoorbeeld net gesprekke aangehaal soos byvoorbeeld "Lekota praat met Dimba of Cindi praat met Muntu", dit is nie aangedui van waar tot waar die oproepe gemaak is nie, en tensy ek al die bande weer oorluister

sal / ...

sal ek nie kan die vraag antwoord en sê of een van die gesprekke miskien noodwendig dié gesprek was nie.

Now, I can assure you - I would like you to make sure yourself you see - I understand what you are saying that a call between so and so and so and so, but this is a call between Accused No.2 and the Reverend Mayathula, which I would have thought would have been of some interest to you or Major Stadler? --- Ek sien nie dat ek so 'n een onder een van hierdie hoofde aangebring het nie.

No, I cannot find one either. You see that call, according to my instructions, confirms a request to the Reverend Mayathula to come to Durban to talk at the rally, do you remember any conversation at all of that kind, in the notes which you have made? --- Ek weet daar was gesprekke gewees waar hulle - die eerw. Mayathula wel gepraat het met iemand by SASO kantoor, of dit nou met beskuldigde No.2 was of iemand anders sal ek nie kan onthou nie.

COURT: On what date was that conversation?

MR. ALLAWAY: On the 24th, M'lord. --- Op die 24e, Edele.

COURT: I remember evidence to that effect, that they spoke to him and he said he could not come.

MR. ALLAWAY: That was on the 25th, M'lord. M'lord, you will find that that was Accused No.1 speaking to the Reverend Mayathula and that was on the Wednesday. You see that is the only conversation with the Reverend Mayathula in EXHIBIT C, that is the one where Accused No.1 speaks to him on the Wednesday and says: can you come down, it is make or break, and the Reverend Mayathula says: Well I can get there at six, and he says: no, can you come earlier, and he says: I will be there at five. But according to my instructions, and it seems to be borne out by this telephone account, there

was / ...

was a six minute call to Makamulu on the 24th from the SASO office, for which they were charged by the post office R6.36.

MR. REES OBJECTS: M'lord, I want to make an objection here, my learned friend is every time putting according to his instructions and it seems to be borne out by a telephone account, well I submit those phrases are quite unnecessary, they add unnecessarily to the record and also the telephone account, if he wants to prove that he can prove that quite separately, but what his instructions are and whether they are borne out by something, is neither here nor there. It is just a gimmick to try and get inadmissible statements before the Court.

MR. ALLAWAY: M'lord, as I understand it a gimmick is a deceitful device, and I hope my learned friend is not accusing me of that. M'lord, I want to put to this witness the evidence which I am foreshadowing, as far as the telephone account is concerned we will prove it properly, and I want in fairness to the witness, because I must put to him as I understand my duty as much of the defence case as concerns the witness, and I want to give him an opportunity of explaining the matter. So, can you explain, Mr. de Wet, why if we are able to prove that there was a telephone call on the 24th September to Makamulu from SASO office, why that is not on the index? --- Ek dink die verduideliking is baie eenvoudig en baie maklik, die bande loop outomaties, en die toerusting word nie deur die nag beman nie, met die gevolg is van laat middag, sê vir argumentsonthalwe nou van kwart oor vier af tot sê 9 uur die volgende oggend of so, sal die band outomaties loop indien enige oproepe gemaak word, die datum as ek die band afhaal van die masjiene af, sal die datum

wees / ...

wees wat aangegee word op die transkripsies, en dan is dit heeltemal moontlik, dit kan wees dat die 25e se band sal die gesprek verskyn onder - soos ek die hoofde aangegee het - as 25, waar dit miskien die 24e se gesprek was. Dit is die enigste verduideliking wat ek kan aanbied daar. En dan kan dit wees dat die gesprek is wel op die 24e gedoen, dan sal hy verskyn op die 25e.

Was each of the tapes taken off before it actually expired, that is before the actual tape material had run out? ---- Ja.

Because according to my instructions that is so, there is a lot of unused tape? ---- Dit is reg, Edele.

Now, I would like to go on with this question of the 24th, I want to continue with the 24th, if you would please look at page 41 of the tapes, rather of EXHIBIT C, you will find on that page, you can identify it with the previous page page 40, this is a conversation on the 24th September where according to this Matt Sarachi is speaking to Accused No.2? ---- Dit is korrek, Edele.

Now if you look at page 41, No.2 says at the top line O, then the man Matt replied, : "then you see - and he coughs - this morning that I read was from the Mail" - do you see that? ---- Dit is reg.

And I suggest to you that the conversation shows that these two gentlemen had spoken to each other that morning, that the contents of this conversation shows on page 41 that they are referring to an earlier conversation that morning? ---- Nie noodwendig nie, Edele. Hulle verwys na "this morning's that I read", hy kan in die aand sesuur daar gepraat het en dan verwys hy na vanoggend se koerant wat hy - en dan gaan hy aan en hy praat van The Star van Cape Town wat ook nie 'n

tyd / ...

tyd aandui nie, dit hang af wat 'n mens in die gesprek wil inlees, Edele.

If you continue with the conversation, I do not want to take up your time by arguing the content with you, but I do suggest that I am going to be saying to His Lordship that it is clear from the content of this conversation that these two men had spoken to each other in the morning. Now would you please turn to the actual index for that particular day, that is the 24th, do you have it? ---- Bladsy 39?

Do you have any record at all of these two men speaking to each other earlier that day, is there any other telephone conversation for that day? ---- Verwys u nou na bladsy 39?

Yes, that is between Accused No.2 and Matt Sarachi. I suggest there is nothing. ---- Nee, dit lyk nie so nie, Edele.

Would you be able to deny evidence that Accused No.2 did speak to Matt Sarachi twice on the 24th from the SASO telephone, and only one of those conversations appears in EXHIBIT C? ---- Dan indien ek sou sê ja dit is so, dan moet ek sê daar moet noodwendig meer bande wees, en daar was net twee SASO bande wat nie in gebruik was nie, en dit is onmoontlik dat hy op drie, vier verskillende dae gesprekke sou ontbreek wat nou blykbaar aan die hand gedoen word wat wel die geval is. En ek kan nie stem daarmee dat daar wel op daardie dag ander oproepe was nie. Dit is duidelik dat op die 23e daar moontlik oproepe was wat dan nie hier was nie wat dan wel op die ander band - een van die bande kon gewees het. Maar daar kon byvoorbeeld nie drie agtereenvolgende dae gesprekke ontbreek nie, want daar was net twee bande tussenin, wat nie nou voor die Hof is nie.

You see, if you look as well at that index for the day

there / ...

there is no call between Accused No.2 and a man called Mohapi? ---- Is dit die een wat u in die eerste instansie reeds na verwys het?

No, that is the 24th, that was the 23rd you see, what the Accused did he phoned these men each day from the Monday? ---- Hy mag hulle gebel het maar nie noodwendig van hierdie telefoon af nie, Edele.

Well if he gives evidence that he did phone a Mr. Mohapi from the SASO telephone on the 24th September, would you say he cannot possibly be speaking the truth or what? ---- Ek betwyfel dit, Edele. Dit is tot my kennis en ek is bewus daarvan dat die SASO mense dikwels gebruik maak van die BPC telefoon wat net in die aangrensende gebou is. Ek betwis nie dat daar 'n oproep gemaak is na daardie spesifieke persone toe nie, maar ek is bewus daarvan dat in die verlede wel oproepe gemaak is van die BPC kantoor af.

When do you say you started taping the BAWU telephone conversations? ---- Die oggend van die 25e.

Will you please turn to page 55, I think there is something which needs correction, it is clear is it not, Mr. de Wet that the call No.8 was not to Gaberones, that was in fact Sovenya? ---- Ek het dit reggestel in my hoofgetuie, Edele.

Now I want to get onto the events of the 25th, that is concerning the SASO telephone, please turn to page 73, do you have it? ---- Ja.

You will see that tape No.6 starts on the 25th from SASO with a call between Accused No.2 and Thomas Mantata? ---- Korrek.

The index for the SASO calls for that day appears on page 72? ---- Dit is reg, Edele.

And the Exhibit which was handed in was in fact EXHIBIT

22? / ...

22, that was the actual recording? ---- Ek neem so aan.

Now, are you able to say at what time approximately that first call would have been made, in other words at what time does this particular tape start to run? ---- Edele nee, ek sal nie kan sê nie.

You see, these two gentlemen that is No.2 and Mr. Mantata are talking in the conversation about a particular edition of The Star newspaper, you will find that, that concerns a lot of what they discussed? ---- Ek weet in party van die gesprekke word daar verwys na die oggend of die middag, en dan is dit makliker om dit te bepaal.

Well, from enquiries which we have made, this particular edition of The Star which they were discussing could only have come out, at the very earliest, would have been published at 1 p.m. in Randfontein and 1 p.m. in the central city of Johannesburg, the article which they were talking about came out in that edition of The Star, it could not have been earlier than 1 p.m. ---- Ja, maar dit kan dan 'n gesprek in die agtermiddag ook wees, Edele, dit dui nie aan of dit in die oggend of in die middag is nie.

You see, what I am putting to you, Mr. de Wet, is this, from an analysis of this particular index on page 72, from other sources like The Star edition that we have been talking about, we are able to suggest to His Lordship that this particular tape only started to run at the very earliest after 2 o'clock. What do you say about that, and that there are no recordings of the SASO office for the morning? ---- Nee, Edele, al wat dit dan kan wees hierso is dat die vorige gesprekke van die 24e kan wel op die 25e - die datums hier aangegee is die datums waarop die goed van die bande afgehaal is. Daar maar nou tussen sê gesprek - of sê band 5 en band 6,

indien / ...

indien hulle op mekaar volg, kan die een wees van die 24e na die 25e toe, kan daar 'n klein oorvleueling wees met laat gesprekke die aand en die oggend gesprekke, voordat die band verwyder is van die masjien af, en dit is die enigste plek waar daar 'n verwarring kan wees, waar daar miskien nou beweer word dat daar 'n gesprek plaasgevind het op die laat middag van die 24e, dan sal hy outomaties miskien op die 25e s'n verskyn. Maar daar is dele waar ek dink die tye van die oproepe bepaal kan word, bladsy 75, die eerste paragraaf bo, waar daar verwys word na die oggend uitgawe van die Durban koerante, en die "rally banning issue" om dit in die hande te kry en dan te kyk wanneer hulle die koerant gekry het, maar dit gee jou nog nie die spesifieke tyd nie, dit sal jou die dag gee maar nie die tyd nie, wat die gesprek plaasgevind het nie.

HOF: Die punt van mnr. Allaway is dat volgens hom is daar 'n sterk moontlikheid dat hierdie band wat op bladsy 73 begin eintlik eers die middag kon gebeur het? ---- Edele, dit is moeilik om spesifiek nou te sê, daar is geen tye aangedui nie, so dit is moeilik vir my om dit te ontken of te sê dit is nie so nie of dit te erken nie.

MR. ALLAWAY: You see if you listen - and I do not want to put you to any trouble at all - but I just want to refer you to this telephone conversation No.3 on this particular tape, it has not been transcribed, but we have listened to it, and the content of that conversation suggests that there has been an earlier call that day to the same person, and that call does not appear anywhere? ---- Maar is dit nou 'n gissing, Edele, of is dit nou 'n spesifieke ding wat aan my gestel word dat daar wel 'n vroeër oproep na daardie hospitaal toe gemaak is?

What I am suggesting to you is this, that if the speaker

in / ...

in the call is speaking accurately, it follows from the content of that call that an earlier call had been made to the SASO office that day for the same purpose? ---- Dit is net 'n afleiding, Edele, ek kan nie antwoord daarop nie.

COURT: Are you referring to a specific passage?

MR. ALLAWAY: M'lord, there is no passage unfortunately, it is conversation No.3, it has not been transcribed. And you see if you listen to conversation No.10, I am not going to ask you to do that, but if you do listen to it, you will find that this is a call from Lekota to this number Randalls Davis and Wood, and he ask for Hluyi (?) ? ---- Dit is reg.

And that call, from the content of that call must have been after 4 p.m. when that firm closed - the man says he is not in, he knocks off at 4 p.m. and all the indications are, if I take you through other instances here in this tape No.6 all the indications are that this tape deals with the afternoon at SASO office, and there is no evidence of any calls being recorded for the morning? ---- Soos ek sê dit mag wees dat dit in die agtermiddag was, dit kan ook wees dat dit in die voormiddag was, daar is niks om aan te dui dat dit spesifiek oggend oproepe was of middag oproepe nie. Daar word afleidings gemaak, en as ek my afleidings miskien stel dan kan ons dieselfde antwoord kry as mnr. Allaway dat hy maak afleidings dat dit in die middag gewees het. Maar as jy na die ander gesprekke luister dan is daar niks om te sê dat dit nie in die voormiddag kon gebeur het nie.

Mr. de Wet, what I am putting to you is this, that if we produce the edition of The Star that Accused No.2 and Thom Mantata were talking about in the first conversation, it is just impossible for that edition of The Star to have been out and published and ready to have been spoken about at the

earliest / ...

earliest before 1 p.m. ---- Dit is moontlik, Edele, ek betwis dit nie.

And if that is so, then at the very earliest the conversation No.1 on this tape No.6 must start some time after 1 p.m.? ---- Dit is ook moontlik.

And then in the light of your other evidence, if these calls follow chronologically, the other calls come after that time? ---- Wel die gesprekke soos dit op die band voorkom is in kronologiese volgorde. Maar die bande is nie noodwendig in kronologiese volgorde nie.

You see, what is disturbing is this, do you ever recall making a note of or hearing accused No.2 speaking after lunch on the SASO telephone to a press reporter called a Mr. Subrimani of The Daily News, about advice which had been received from Professor van Niekerk, Professor of Law at the Natal University? ---- Soiets staan my nie voor uit die vuis uit nie, Edele.

And if there is evidence that this conversation occurred in the afternoon, and that what Accused No.2 was told was that Professor van Niekerk's view was that if no person from SASO or no person from BPC addressed the meeting this would not be a contravention of the banning order, have you any recollection of that conversation at all? ---- Nee, en dit lyk vir my die rigting van die vraag dui nou daarop, mnr. Allaway het nou geargumenteer op grond daarvan dat hierdie gesprekke het plaasgevind na 1 op die 25e.

HOF: Nee, ek dink die strekking van die kruisondervraging is dit, kyk, u het gesê dat die bande is in die oggend geïnstalleer, en julle het omtrent van 9 uur of net na nege het julle begin afneem of opneem, en dan het u verder gesê dat die datum is nie miskien 'n juiste datum van die besondere

band / ...

band nie, want die datum is alleen wanneer die band eintlik verwyder is. ---- Dit is reg.

Nou sê mnr. Allaway die posisie is skynbaar is daar 'n lang periode gewees ten opsigte waarvan die bande nie enige opnames het nie, daar was ander gesprekke wat blykbaar nie op die bande voorkom nie? ---- Edele, nee, maar ek het die vraag nou so verstaan, mnr. Allaway het eers aangevoer dat die band 6 het beginne op die vroegste 1 namiddag, indien ons nou toegee dat hy 1 namiddag begin het, en hierdie is die agtermiddag gesprekke, dan word die volgende stelling aan my gemaak dat daar 'n verdere gesprek tussen beskuldigde No.2 en ene Subrimani sou plaasgevind het.

Wat in die oggend was ..(getuie kom tussenbei) ---- Nee, ook in die middag, wat nie op hierdie band verskyn nie, dit kan nie wees nie want hierdie is 'n agtereenvolgende opname van daardie gesprekke wat dan wel in die middag sou gewees het. In ander woorde ek beskou dit as 'n insinuasie dan dat daar ander gesprekke tussen hierdie gesprekke plaasgevind het wat dan nie gelys word nie. Dit is hoe ek die vraag verstaan het, ek mag verkeerd verstaan het.

MR. ALLAWAY: There are two points, that is one of the implications, the other implication is that did you ever hear at all any conversation between Accused No.2 and someone else concerning advice given by Professor van Niekerk? ---- Nee, Edele.

COURT: Mr. Allaway, if I understand his evidence correctly the tapes are there, and these are recorded in chronological order from the tape, so if there was such a conversation it should be on the tape, and the tape is there for you to listen to.

MR. ALLAWAY: Yes, M'lord, we have listened to it, and there

is / ...

is no such conversation, and we will be adducing evidence that such a conversation occurred. Will you please look at your index on the first page of EXHIBIT C ..(Court intervenes)

HOF: Kan 'n mens so 'n band afhaal en dan weer aanskakel dat hy dele uitlaat? --- Edele, dit is heeltemal moontlik, hy kan afgehaal word, daar kan dele dan weggelaat word, maar wat is die doel ..(Hof kom tussenbei)

Wie is die persoon wat dit sou doen? --- Ek, Edele,

Het u soiets gedoen? --- Nee, Edele.

MR. ALLAWAY: You see on the first page starting with the 24th with the SASO offices, you have got tape No.2, 3, 4, 5, 6, five stops on the 24th, do you see that? --- Dit is reg.

And tape No.6 starts on the 25th? --- Dit is reg.

Now one would ordinarily expect that tape to begin functioning on the morning of the 25th? --- Wel daar is twee bande, band 6 en band 7 is altwee op die 25e, maar volgens my eie lees van die bande sou ek sê het band 6 band 7 voorafgegaan.

Well I would agree with you, because the conversations on tape 7 are clearly in the very late afternoon. --- Mmmm

But you see, what concerns me is this, can you explain why, if the report from The Star will be self-evident. --- Mmmm

Published on the 25th and comes out at the earliest at 1 p.m., why there is no tape of any conversation involving SASO in the morning? --- Ja, maar daar is in my getuie reeds gemeld daar is twee SASO bande wat nie ingehandig is nie. Wel dit was oorspronklik aangevoer dat daar gesprekke sou plaasgevind het op die 23e, dat daar gesprekke plaasgevind het op die 24e, en nou word dit aangevoer dat daar gesprekke sou plaasgevind het op die 25e, wat dan drie bande sou maak

wat / ...

wat dan vermis is, waar daar weliswaar net twee SASO bande was. Nou ek gee toe dat van hierdie gesprekke wat die Verdediging nou op mik wat beweerdelik sou plaasgevind het, dit kon wees die gesprekke wat na verwys word wat op die twee bande is wat nie beskikbaar is nie, maar nie op al drie dae nie, daar sou nie 'n derde band betrokke gewees het nie, want daar was oorspronklik net twaalf bande gewees. Dit is die nege wat ingehandig is, twee SASO bande en een BAWU band.

HOF: Tensy dit 'n band is wat deurgeloop het van die 24e na die 25e? ---- Dit is moontlik, wat die een die twee dae, die laat middag en die voormiddag gevang het.

Wat die gesprekke op drie dae ..(getuie kom tussenbei) ---- Dit is moontlik, ja.

Insluit. ---- Dit is reg.

MR. ALLAWAY: To help you here, Mr. de Wet, if you look at conversation No.15 on this page 72 of EXHIBIT C, that is a conversation between a Bantu female and the Christian Institute. Now we have listened to that tape, and the person speaking there says: they have all gone home, which suggests that that conversation was fairly late in the afternoon? ---- Ek het reeds so toegegee, Edele, dat hierdie gesprekke moontlik wel dan in die middag plaasgevind het.

And we know from the next conversation, that one No.16, between Accused No.2 and Matt and Jimmy, that they were speaking about events that had occurred at the Turfloop University, and they must have been speaking, from the context of the conversation, after the police left? ---- Ek het die inhoud nie so gekorreleer nie, ek aanvaar dat dit so kan wees.

And then call No.18 is an enquiry for Costa (?), to a

person / ...

person called Lindelwa, do you see that? ---- Dit is reg.

Now, if you look at the BAWU tapes, that appears as conversation No.14 on the second band of the BAWU tapes which you will find on page 14, do you have page 14 of EXHIBIT C? ---- Ek sien dit, Edele.

And that is a call from the man Ahmed Bawa to SASO from BAWU trying to find out where Costa (?) was, that is what it is. ---- Ek kan nie so duidelik onthou nie, Edele, die aantekeninge is op albei indekse aangebring, ek neem aan die twee het verband met mekaar.

Well you can accept my assurance, we have listened to the conversations, and subject to my being incorrect which I believe I am not, that is so. Now, would you look at page 1 again of EXHIBIT C, is it your evidence that band 7 follows on band 6 of the 25th September? ---- Dit is hoe ek dit lees.

Now if you go again to page 14, please, which is the BAWU telephone, conversation No.17 from Lindelwa is with Accused No.2? ---- Dit is reg.

And Accused No.2 is there at the SASO offices, and what he says has not been transcribed, and the effect of what he says is: I have come from the rally. ---- So dit dui aan dit moes in die laat middag gewees het.

Yes, but can you tell His Lordship if page 6 does in fact - rather page 7 does in fact follow on page 6, why that converaation is not on the SASO tape at all? That is a hard question to answer is it not? ---- Dit is nie so moeilik om te antwoord nie, Edele.

Well have a look at page 72, the last call there is No.18, but we know from page 14 that Lindelwa is phoning from the BAWU offices to ask Accused No.2 about Gwensdali (?). Now, why isn't that call on the SASO tape, if these tapes are

chronological /...

chronological and continuous per tape? ---- Edele, al wat ek hier moontlik aan die hand kan doen hierso is dat hierdie oproep was nie deurgebel na die SASO kantore toe nie, tensy dit bewys is dat hierdie oproep wel deur na die SASO kantore toe gebel is.

All right, well we will get the conversation transcribed, which is conversation No.17, and I suggest it to you that - this is the only explanation that you can offer, that it did not go to SASO? ---- Wel, dit is al wat ek kan aflei.

If it did go to SASO? ---- Dan moet hy onder die SASO gesprekke ook wees.

You see because we do know from other evidence precisely what Accused No.2's movements were after he went down Winterton Walk to the Curries Fountain gates, we have got two State witnesses who say what happened to him, he went straight back to the SASO office, and he says in the conversation with Lindelwa: I am from Curries Fountain? ---- Wel soos ek uitgewys het, die BPC kantore is net 'n hanetreetjie weg van - en hy moet by die BPC kantore verbyloop om by SASO kantore te kom ook.

Then would you please look to page 1, that is not the index page, it is the page which is numbered 1, these deal with the BAWU tapes on the 25th September. ---- Dit is reg.

Conversation No.5 is a call from Muntu to Mpuni, do you see that? ---- Dit is reg.

Now Mpuni is the telephone operator at SASO, that appears if one looks at EXHIBIT C that does appear, now can you explain to His Lordship why that call is not to be found on the SASO tapes on page 72? ---- Edele, nee, ek sal nie weet hoekom hy nie daar verskyn nie.

Because that is what has been troubling me during the

adjournment / ...

adjournment, and I would like you to help the Court, according to the system which you say was used, that call ought to be on the SASO tapes? --- Indien hy nie op een van die bande is wat nie beskikbaar is nie.

But we are now dealing with the 25th, were any of the tapes of the 25th put back into use? --- Ek het nie spesifieke datums gemeld nie, Edele, ek het gesê daar was twee SASO bande wat nie ingehandig is nie, en een BAWU band.

According to my learned junior's notes you said today that there were three tapes on the 25th, two of SASO 23rd to 25th and one of BAWU on the 25th? --- Nee, Edele, daar is twee SASO bande van die 23e tot die 25e, oor die tydperk wat die SASO telefoon gemonitor was, en daar is een BAWU band wat slegs op die 25e gemonitor was, dit is drie bande.

Suppose that some sort of note of calls was kept at the SASO offices, and according to my instructions Ahmed Bawa made three calls from that office on the 25th? --- Dit is heeltemal moontlik.

I cannot find any of them ..(witness intervenes) --- U sal oplet dat die BAWU gesprekke op bladsy 1 is onder aanhangsel A sal ek sê. Hierdie gesprekke het in alle waarskynlikheid in die oggend plaasgevind, u sal sien die eerste gesprek op bladsy 2 sê hulle: good morning, give me township mail, so dit is 'n voormiddag gesprek. En indien ons nou aanvaar dat die 25e dan wel van 1 uur af is, dan is die een band van die 25e die oggend is dan nie beskikbaar nie, en dit is die rede ook dan waarom Muntu en Mpuni se gesprek nie hier verskyn in die SASO bande nie.

So it would seem, according to you, that the tape, a whole tape of the morning conversations at SASO has been put back into use? --- Dit wil so voorkom, Edele.

You / ...

You see I suggest to you that on the afternoon of the 25th September, Accused No.2 made several calls to newspapers, notably The Graphic, he spoke to a Mr. Sony as well, and to The Leader. If as you say the SASO tapes are for the afternoon only, can you explain why those calls do not appear in the index on page 72? ---- Ek sal betwis dat daardie gesprekke plaasgevind het, Edele, want dié band, die laaste een, band 7, my eie beskeie mening is dat dit is die laaste band wat opnames op gemaak is, en ek het nie rekord van sulke gesprekke nie.

Would you please turn to a call which involves the man China, it is one that you subsequently transcribed, M'lord, it would be page 16(a) I assume, do you have that transcribed call? ---- Ek het hom, Edele.

And it is apparently a call to the BAWU offices, recorded on the BAWU telephone? ---- Dit is reg, Edele.

He talks about the crowd being 300, about 300? ---- Dit is reg, Edele.

And if you look at the index on page 14, I suggest that that call, from other calls which are referred to before it, must have been made after 5 p.m, because call No.12 from Nkomo, to Joy Hlamini at Lady Dudley suggests that that is after 5 p.m.? ---- Ek het nou nie die transkripsie van hierdie ander gesprek nie, Edele, om my geheue te verfris nie.

I do give you the assurance that the person at Lady Dudley is saying that it is after 5 p.m. Now, do you say that China's call at conversation No.15 is definitely in chronological sequence on that tape? ---- Ja.

Would you have been interested in any calls to Gaberones from BAWU offices or SASO offices? ---- Wel ja, indien die opname gemaak is dan sou ons natuurlik daarin

belangstel / ...

belangstel, Edele, afhangende van wat die aard van die gesprekke was.

Because according to the BAWU telephone account, there was in fact a call to the Gaberones on the 25th September of nine minute duration, that does not appear on EXHIBIT C for the 25th September? ---- Nee, ek sien nie so 'n een aangegee hier nie, Edele.

Can you explain that at all? ---- Is hy nie dalk op die ander band nie? Dit kan op die ander band wees.

And what you are in effect saying is that if it is on the other tape, then obviously Major Stadler or someone decided not to use it? ---- Dit is al logiese verduideliking, Edele.

Could you dispute evidence that on that date a call was put through to the Gaberones, and there was discussion with someone there as to what had happened to the people who had gone off to Lourenco Marques? ---- Ek sal nie 'n geselskap kan betwis op daardie datum nie, maar in die afwesigheid van ander getuienis kan ek nie aanvaar wat die aard van die gesprek was nie. Al wat ek kan sê is dat indien daar 'n gesprek was met Gaberones en dat dit oor die rally gegaan het, dan seer sekerlik sou ek transkripsies van die gesprek ten volle gemaak het, indien dit verband gehad het met die rally. Maar die beslissing was nie myne gewees oor welke gesprekke gebruik gaan word nie.

You said that the recordings that you handed in are original recordings? ---- Dit is juis.

They are not copies of original recordings? ---- Nee, Edele, dit is die oorspronklike opnames.

You see, what I must suggest to you, Mr. de Wet, is this, if our instructions are correct, it would seem that these

are / ...

are not original recordings, they are edited recordings but of the voices of the Accused? ---- Ek ontken die bewering, Edele.

Thank you.

CROSS-EXAMINATION BY MR. SOGGOT: Mr. de Wet, I may have misunderstood your evidence, you referred to I think two SASO tapes which had been put back into circulation? ---- Korrek, Edele.

And that these belonged to the period of 23, 24, 25 September? ---- Dit is reg.

You cannot at this stage identify which one came from which day? ---- Nee, Edele.

Now, I think it was in response to His Lordship's question, you might have suggested it, tell me if I am wrong, you indicated I think that Band No.5 of the 24th September - that it may be that the tape of the afternoon of the 24th might have accommodated the conversations of the morning of the 25th September? ---- Nee, anderster om, die 24e s'n mag wel 'n gedeelte van die laat 24 - oggend 25 op die 25e se bande wees.

That is what I am putting to you. ---- Ja.

In other words, the tape of the 24th had not been removed, it remained on the reel, and when things started again on the morning of the 25th, it carried on and absorbed conversations of the morning of the 25th? ---- Dit is moontlik.

Now, assuming for a moment, I just want you to make the assumption, I do not want you to concede anything, that tape No.6 is shown to have started only after 1 o'clock, assuming that, will your answer then be that tape No.5 must have dealt with the morning conversations, or is there any other explanation? ---- Nee, Edele, band 5 is op die 24e, en die

ander / ...

ander band is op die 25e, indien ons aanvaar dat band 6 van 1 namiddag op die 25e was, dan moet ek aanvaar dat een van die SASO bande wat dan nie ingehandig is nie, is die band tussen laat 24 en voormiddag van die 25e.

Thank you, that is what I wanted to establish. Did you yourself change the tapes? --- Ja, Edele.

Did no-one else change them? --- Ek het alleen met die bande gewerk, Edele.

And you indicated to His Lordship, I think perhaps modestly, that you could not explain how the automatic mechanism functioned? --- Edele, ek kan die tegniese verwerking nie verduidelik nie.

Can you vouch for its infallible functioning, that it will always inevitably pick up a call? --- Wel hy sal alle gesprekke optel tensy daar 'n tegniese fout insluip, wat ek dan natuurlik nie voor verantwoordelik kan wees nie, en ek sal ook nie kan sê het daar 'n fout ingesluip nie. Dit mag wees dat na 'n gesprek - dit is baie moontlik dat in plaas vandat die instrumente afskakel, dat hy sal aanhou loop, maar dan sal jy 'n lang stil tydperk kry op die opgawe - op die opname liewers.

What I do not understand is, is it possible that when a conversation starts up again it is not monitored? --- Baie onwaarskynlik, Edele.

But (a) you were not there and you are not a technical man? --- Wel ek sal die vraag nie met sekerheid kan antwoord nie.

I think just one last question, as far as tape No.11 - conversation No.11 on tape 5 is concerned, that is (g) in Volume 6, you would not dispute that that took place during office hours, that is before 5 o'clock in the afternoon?

Is / ...

---- Is dit nou band No.5?

Band No.5, page 65, conversation No.11? ---- Kan ek net vra of daar enige aanduiding is dat dit wel in kantoorure plaasgevind het, want dit word nie so aangegee in die gesprek nie?

All I want to put is those are our instructions, is there anything that you want to advance to suggest that that may not be true? ---- Wel, hy kon heelwaarskynlik gedurende die dag in kantoorure gemaak gewees het.

No further questions.

MR. PITMAN: No questions.

COURT ADJOURNS

COURT RESUMES AT 2.15 P.M.

MR. ALLAWAY: M'lord, I have indicated to my learned friend Mr. Attwell that there is an aspect of cross-examination I would like to put to this witness, it does not concern EXHIBIT C, M'lord, it is something which has arisen during the postponement, and I wish to cross-examine him.

JOHANNES HENDRIK JACOBUS DE WET, NOG ONDER EED:

VERDERE KRUISONDERVRAGING DEUR MNR. ALLAWAY: Do you remember, Mr. de Wet, in August of 1974, going to the SASO offices looking for Patrick, who is Accused No.3? ---- Ek was 'n paar keer by SASO kantore, Edele.

I understand on this particular occasion you were in the company of Mr. Taylor and Mr. Welman and possibly a Mr. McDurrant looking for someone, you spoke to Accused No.2 and said you were looking for Patrick? ---- Ek staan my soiets voor, Edele.

And during this conversation - this was on a weekday apparently - and during this conversation you were told apparently that Patrick, that is Accused No.3, was not there

and / ...

and the Accused did not know where he was? ---- Wel alle navrae by die kantore is in elk geval elke keer negatief Edele.

And I suggest that did this lead on to discussions, did you say to the Accused that : we already know he is not here, but do you know where he is? ---- Ek mag so gesê het, Edele.

And did Accused No.2 say to you: that means you have been tapping our telephone? ---- My inligting het nie van die telefoondiens afgekom nie.

Well according to my instructions you were quick to say that you did not tap the telephones? ---- Ek weet nie of my ontkenning in so 'n geval enige gewig sal dra nie, Edele, hulle beskuldig ons in elk geval die telefone word ge-tap, so - pouse -

But the point is this that Accused No.2 did suggest to you that the telephone is being tapped and you said not? ---- Ek het heelwaarskynlik, indien hy dit aan my gestel het sou ek dit ontken het, Edele.

Thank you, Mr. de Wet.

HERONDERVRAGING DEUR MNR. REES: Die punt wat my geleerde vriend probeer verwerf het wat hy hier aan jou gestel het is dat op daardie besondere dag, was dit 'n besondere verskynsel dat die man nou vir jou gesê het na aanleiding van wat jy gesê het: O, julle is besig om ons telefone af te luister? ---- Nee, dit is maar 'n gewone prosedure as jy daar kom en jy sou enige inligting kwyt raak wat hulle weet wat jy nie veronderstel is om te weet nie, dan sê hulle: O, julle "tap" die telefoon.

So is dit maar 'n alledaagse verskynsel? ---- Dit is maar 'n alledaagse verskynsel.

Ek wil graag weet tot omtrent hoe laat op die middag

van / ...

van die 25e, dit is die dag van die rally, is die opnames geneem? ---- Dit is tot ongeveer half-sewe, tussen kwart oor ses en half-sewe.

Nou sal u vir die Hof net beskryf wat gebeur, of wat is die proses wat u volg wanneer u of toe u op daardie in daardie tydperk bande verander het, wat doen u? ---- Edele, die bande word op die masjiene geplaas, dit vat ongeveer 'n minuut na 'n minuut en 'n half, wanneer die bande verwyder word word die masjiene eers afgeskakel, die band word in sy geheel teruggespeel, dan word hy verwyder van die masjiene ..(mnr. Rees kom tussenbei)

Teruggespeel of teruggedraai? ---- Teruggedraai liewers, dan word hy afgehaal van die masjien af, ek bring die nodige notas op die band aan, dan word hy met 'n nuwe band vervang. 'n Omvang van plus minus drie - vier minute met die verandering van die band.

Toe u hierdie besondere groep bande afgeneem het, of die gesprekke daarop laat vasstel het, wat was die gebeurtenis wat ter sake was? ---- Die Frelimo Rally, Edele.

U was 'n vraag gestel reg aan die begin wat ek nie mooi kon snap wat ter sake was nie, maar my geleerde vriend het u gevra "whether you knew the characters" of iets tot dien effekte - were you aware of the characters. Nou ek wil graag net sodat daar nie 'n misverstand later kom nie, kyk 'n bietjie na die eerste bladsy van die BEWYSSTUK RALLY C, dit is Volume 6, en sal u dit en ook dan die ander indeks bladsye nagaan, en ek dink om tyd te spaar kan u net vir die Hof aandui watter van daardie persone u nie reeds voorheen geken het of van bewus was nie, vat die dekblad? ---- Muntu Myeza, beskuldigde No.2 was voor dit aan my bekend, asook beskuldigde No.1, Saths Cooper, beskuldigde No.3, Patrick Lekota, - pouse -

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State v S Cooper and 8 others.

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