

Was dit van die 19de Augustus af wat u daarmee begin het ?-- Dit was verlede Maandag; ek kannie nou onthou wat die dag se datum was nie.

Dit was die 19de August, 1957 ?-- Ja, dit is reg.

Die Saterdagandaarna waarna u verwys het, is eintlik die 17de ?-- Ja, ek is jammer.

Op Bewys. G.1003, kom die woorde 'Cheesa Cheesa' voor ?-- Dis reg ja.

En op die ander dokumente wat aan u oorhandig was, b.v. Bewys. G.1041 ?-- Dis reg.

Op die meeste van hulle kom die woorde 'Cheesa Cheesa Army' voor ?-- Dis reg, ja.

Het u in verband met daardie woorde ook ondersoekwerk gedoen ?-- Ek meen ek het genoem ek het hulle destyds in Pretoria ondersoek, en ek het hierdie dokumente ook weer hanteer verlede Maandag.

Vertel net die Hof wat u gedoen het ?-- Ek het hulle afgeneem, ek het fotografiese afskrifte gemaak van die 'Cheesa Cheesa'. Ek het negatiewe gemaak daarvan.

Van die woorde wat waar verskyn het ?-- Van die 'Cheesa Cheesa' onderaan Bewys. G.1041, en G.1003. Ek het negatiewe daarvan gemaak. Van die negatiewe af

Is die bewysstukke beskikbaar ?-- Ja, verskoon my.

Hulle is in -- watter bewysstukke is dit ?-- Dit is G.1050 en G.1048; van hulle het ek weer deurskynende afdrukke gemaak.

Die het u ook alreeds ingehandig ?-- Ja. Dis G.1051 en G.1049.

En wat is u bevinding; wat het u gedoen, het u seker vergelykings gemaak ?-- Ja. Daar is sekere kenmerke

Watter dokumente het u vergelyk ?-- 'Cheesa Cheesa' verskyn onderaan G.1041; dit verskyn ook onderaan G.1003. Ek het die twee Cheesa's respektiewelik, Bewys. G.1041 en

G.1003 met mekaar vergelyk. Daar is eienaardighede wat in hierdie twee woorde 'Cheesa Cheesa' voorkom. Dit is afgedrukke gemaak deur n -- soos dit my vorkom -- rubberstempel. Die rubberstempel bestaan uit lettertjies 'C-h-e-e-s-a' en weer 'C-h-e-e-s-a'. Dit is my mening, die afleiding wat ek maak, dat die lettertjies agtermekaar ingespan is om die woorde 'Cheesa Cheesa' te spel.

DEUR DIE HOF: Ek weet nie of dit duidelik is wat u daarmee bedoel nie ?-- Of kan ek sê, dis groepeer.

Ja, dit is duidelik, dit is vanselfsprekend ?-- Nou wil ek net die eienaardighede in daardie groepering aantoon.

VERHOOR DEUR P.A. (VERV.)

Gaan maar aan ?-- Die 'C' in die eerste 'Cheesa' is omtrent, sou ek sê 1/32ste van n duim laer as die ander letters in daardie woord. Die twee 'ee's' in die eerste 'Cheesa', ek skat nou maar net, is omtrent 1/60ste van n duim, laer as die 'h'. Die 's' is weer n bietjie hoer in posisie, en die 'a' dan weer n bietjie laer. Dan is daar n spasiering en volg die volgende woord, ook 'Cheesa Cheesa'. Die hoofletter 'C', n klein 'h', die bene is afgebreek; n onduidelike klein 'æ', dan volg die 's', en tussen hierdie letters is min of meer n eweredige spasiering. Dan volg die klein 'a'. Hy is n bietjie verder van die ander letters af, en ook n bietjie laer as die ander klein lettertjies. Dit is dieselfde as 'Cheesa Cheesa' op die brief, G.1003. Ek is van mening dat die 'Cheesa Cheesa' op Bewys. G.1003, en die 'Cheesa Cheesa' op Bewys.G.1041 deur dieselfde stempel gemaak is. Dis nou nie juis deskundige getuienis nie. Dit is baie duidelik sigbaar vir n mens met normale oë, en my gevolgtrekking maak ek op hierdie eienaardige samestelling van die lettertjies.

U het net verwys na Bewys. G.1041 ?-- Ja.

In verband met die woorde 'Cheesa Cheesa'. Op die dokumente wat op Maandag, 19de August, 1957, aan u oorhandig

is, is daar ook dokumente waarop die woorde 'Cheesa Cheesa Army' voorgekom het?-- Ja.

En is u gevolgtrekking dieselfde in verband met daardie woorde 'Cheesa Cheesa' wat in daardie dokumente voorgekom het?-- Ja.

U bedoel dat daardie woorde ook deur dieselfde stempel gemaak is?-- Dis reg, ja. Net om vir die Hof te vergemaklik om die ooreenkoms op die hele klomp dokumente te kan sien ek het die deurskynende negatiewes gemaak. Die een is van die een 'Cheesa Cheesa' on G.1041, en die ander op die brief, Bewys. G.1003. Nou, wanneer hierdie twee deurskynende negatiewes waarop die 'Cheesa Cheesa' voorkom, bo op die 'Cheesa Cheesa' geplaas word van al die ander dokumente, dan kom dit presies ooreen. As gevolg hiervan, kan ek tot geen ander logiese gevolgtrekking kom nie, as dat een stampie gebruik was om al hierdie 'Cheesa Cheesa' merke onderaan die briewe te bring.

BY THE P.P.: May the witness now place the exhibits on the table, Your Worship?

BY THE COURT: Yes.

BY MR. BERRANGE: It is my intention, Sir, the Court has probably already apprehended that I would not be cross-examining this witness today and I would ask for leave to cross-examine on Monday, and I don't know whether anything would be gained from it.

BY THE COURT: He can make his demonstrations then, if necessary.

BY MR. BERRANGE: If he wants to on Monday, if anything arises from my cross-examination on Monday, perhaps it would be convenient then.

BY THE P.P.: I don't know whether Monday is a suitable date.

BY MR. BERRANGE: Sir, what is happening here -- I am not blaming the Crown for it at all -- but it is an unhappy situation

arising. We are tackling different facets of this case in different periods of time. Now, Your Worship is aware of the fact for instance, the Defiance Campaign and the riots arising therefrom, I had to ask leave for my cross-examination of Captain Joubert to stand down. I was ready to cross-examine Captain Joubert when it became necessary from the Crown's point of view to introduce this evidence. So Captain Joubert is still standing down. He has got to be linked up now, and one has got to cast one's mind back to the evidence that was given days ago in regard to another facet of this case altogether. Now it seems to me the same sort of thing is going to happen here. We are dealing with these letters, we are dealing with this aspect of the case, and if this witness is not going to be cross-examined on Monday so that the Crown can introduce another facet of this case, then, Sir, it becomes terribly unwieldy, and also it becomes very difficult for one to pick up the threads in this way.

BY THE COURT: I think it is highly desirable that the cross-examination should continue, not only from the Defence point of view, but the Court is better able to follow and appreciate the evidence, but if it is not impossible, then the witness should be made available on Monday.

BY THE P.P.: The witness was only brought for a week. I haven't discussed it with him. I agree with that suggestion entirely, but I would just like to find out from the witness what his attitude is. Although I am not suggesting that the witness should not carry out the instructions of the Court....

BY MR. BERRANGE: I want to take the matter further, if I may, Sir, that not only should this witness have his examination completed, but the whole aspect, this particular aspect of the case, should be completed with a certain degree of continuity. Because I think my learned friend has other witnesses dealing with this aspect of the case. I think they should all follow

one after the other.

BY THE COURT: Yes, if the witness can indicate..... ?-- Ek sal by die Hof se wense bystaan sover dit in my vermoë is; ek sal niks struikelblokke in die weg lê nie. Ek is maar kort in diens van die nuwe maatskappy waar ek werk, en die onderbreking daar het gekom op 'n tydstip toe hul my ook baie nodig gehad het. Dit beïnvloed my posisie definitief, en ek het gemeen volgens inligting wat ek gehad het dat ek vroeg hierdie week, op die laaste Woensdag moontlik sou klaar wees, en ek het gehoop dat ons miskien hierdie saak kan oplos vandag. Ek het hul belowe dat ek gister sou terug wees, maar omstandighede het dit nie toegelaat nie. Ek het hulle meegedeel dat die moontlikheid baie sterk is dat ek vandag getuienis sal aflê en dat my saak afgehandel sou kan word. Hulle het toe die take wat aan my opgedra was uitgestel tot vandag. Dit is vanuit hulle oogpunt beskou as dringend. Dit tel nie baie as die Hof-toestande nie, maar soos ek sê, dit beïnvloed my persoonlike posisie by die maatskappy, en ek voel dat dit my sal benadeel.

DEUR DIE HOF: Ja, ons volg dit, maar u kan verstaan die belange van die Hof se saak, en u sal met u werkgewer in verbinding tree as ons besluit om dit tot Maandag oor te hou. I think you appreciate what the witness says, Mr. Berrange, but if you are not in a position to proceed today then we will have to continue on Monday.

BY MR. BERRANGE: Yes, I understand the Court is adjourning in any event in 20 minutes time.

BY THE COURT: I don't know; there was an arrangement for me to have a consultation with the Chief Magistrate, but he hasn't in fact said whether he is available this morning. We can perhaps adjourn now and I can ascertain what the position is. Unless it suits both the Crown and the Defence to have an adjournment.

BY MR. BERRANGE: I was given to understand yesterday that this

adjournment was definite, and I have made arrangements.

BY THE COURT: If that is the case, then we had better take the adjournment.

BY THE P.P.: I have another witness I want to lead now.

BY MR. BERRANGE: Could I be allowed to put one or two questions to this witness before I reserve my cross-examination?

BY THE COURT: Yes.

CROSS-EXAMINED BY MR. BERRANGE:

These irregularities which one finds in typescript are due, I understand, to wear and tear and damage which is occasioned to the keys of the machine ?-- Quite right.

And the older the machine gets the more characteristic these peculiarities become ?-- Hoe meer dit gebruik was?

Yes, the more it has been used ?-- Ja, hoe meer dit gebruik is.

And the peculiarities which are apparent, shall we say, today would not necessarily present on the machine which has been in constant use, say, three years ago ?-- Ja, nie noodwendig presies so nie, miskien aksensieer as gevolg van verdere gebruik as dit baie gebruik is, of daar kan intussen ook reparasies plaasgevind het.

DEUR DIE HOF: U meen noodwendig sal die onreelmatighede nie dieselfde wees vandag as twee jaar verlede ?-- Nee, nie noodwendig nie.

BY MR. BERRANGE: Yes, that is my question. In other words, you could have a machine today which exhibits certain abnormalities or peculiarities which were not present in that machine say two or three years ago ?-- Heeltemal reg. Dit eintlik is die metode waarop datums vasgestel word waarop sekere briewe getik word.

So you would expect if you were given two documents allegedly typed by the same machine, you would expect to have

peculiarities, some peculiarities, in the one document, which are not present in a document which is typed three years ago
?-- Die antwoord op hierdie vraag hang heeltemal af van omstandighede.

Such as ?-- Op een masjien kon miskien baie gebruik ge-wees het, maar dit was gebruik deur n persoon wat opleiding ge-had het om n tikmasjien te werk, en so n tikmasjien sou ek oor n periode minder afwykings verwag as wat ek sou verwag om te kry by n tikmasjien wat gebruik is deur n persoon wat as n leek beskryf kan word. Een hanteer die masjien grasieus, en die ander een slaan die ding partykeer asof hy tamboer speel,
BY THE COURT: It amounts to this, that the variations would be greater when an untrained persons uses it.

BY MR. BERRANGE: Yes, obviously. It is the same thing with a piano. One piano will exhibit defects before another piano will, dependent upon the person who is using it. But the point I am making is this: The defects that you do find, or the characteristics which you find in a machine, on which an expert bases his evidence, are characteristics which have come into being as a result of wear ?-- That is right.

And the more the machine is used, the greater that wear will be and the more those characteristics will become apparent ?-- Dis reg.

And the only other thing, the witness has referred to Osborne's book. I wonder if he would be so good as to produce it, make it available to the Defence. Have you got it ?-- Ongelukkig het ek dit nie persoonlik meer nie. Dit is verbonde aan die S.A.K.B., Pretoria.

BY THE COURT: Perhaps the Crown could make it available?

BY MR. BERRANGE: Yes, perhaps I could have it tomorrow.

BY THE P.P.: Well, tomorrow

BY MR. BERRANGE: I need the book for purposes of cross-examination. The witness has referred to it.

BY THE P.P.: There is nobody coming from Pretoria.

BY MR. BERRANGE: The simplest thing would be for somebody to put it on a bus and I will pick it up.

BY THE COURT: Perhaps you can make an arrangement about that.

CROSS-EXAMINED BY MR. COAKER:

There are a number of books by Osborne. Which of Osborne's books have you made use of?-- Ek dink die behandeling van hierdie aspek kom voor in 'Questioned Documents.'

Is that the book on which you base your theoretical knowledge of this subject?-- Dis reg, ja.

COURT ADJOURNS:

COURT RESUMES 26/8/57:

MR. COAKER ADDRESSES COURT:

Accused Absent --

No. 19, No. 55, 98, 105, 145, 56, 129, 149.

Accused returned to Court --

Nos. 31, 35, 50, 82, 131, 146.

Accused No. 138, now in Court -- train late.

Accused No. 47, in default.

Medical certificates handed in: Accused Nos. 56, 82,
129.

LEAVE GRANTED FOR PROCEEDINGS TO CONTINUE:

BY THE P.P.: (MR. VAN DER WALT) I would like to point out, Your Worship, that the witness Lubbe is available for cross-examination at the moment, but my learned friend Mr. Berrange has requested that Det. Sgt. Von Papendorp should be recalled at this stage for further cross-examination. I may indicate that we have been in touch -- or trying to get in touch with Det. Sgt. Von Papendorp. He is not at his office at the moment and in the meantime they will try and get him to come to this Court. In the meantime I intend leading Captain Buys, a new witness.

CHRISTOFFEL ANDRIES BUYS. beëdig verklaar, (Tolk: Mollentzie)

VERHOOR DEUR P.A.:

U is n kaptein, S.A.Polisie, gestasioneer te Pretoria Hoofkantoor ?-- Ja.

Het u Bewysstukke G.1002 en 1003 ontvang ?-- Ja.

Van wie ?-- Vanaf Kaapstad, per pos.

Van watter kantoor het u dit ontvang ?-- Kaapstadse kantoor van die Kommissaris van Polisie.

Wanneer het u dit ontvang, kan u onthou ?-- Op 18/2/54.

En na hierdie twee bewysstukke ontvang is, wat het u daarmee gemaak ?-- Dit is in ons kantoor gehou.

Waar ?-- In die leer omslag.

Was dit toegesluit ?-- Ja.

Gedurende hierdie jaar, het u daardie twee bewysstukke

aan iemand oorhandig ?-- Ja.

Aan wie ?-- Speurder Hoofkonstabel Van Heerden van Johannesburg.

Was hy alleen ?-- Nee, hy was vergesel deur n ander lid van die Mag, ook van Johannesburg.

Kan u onthou wie ?-- Nee.

Wanneer was dit, kan u sê watter datum ?-- Dit was gedurende April hierdie jaar.

Was dit die eerste keer tussen die periode van ontvangs en daardie datum wat daardie briewe uit u kantoor gegaan het ?-- Ja.

Het u die bewysstukke weer teruggekry nadat u dit aan Hoofkonstabel Van Heerden oorhandig het ?-- Ja.

En wat het u toe daarmee gemaak ?-- Ek het dr. Gerdener bespreek en n verklaring van hom geneem.

En het u dit weer aan iemand anders oorhandig daarna ?-- Aan spr. sers. Von Papendorp.

Wanneer was dit ?-- 15 August 1957.

Toe u die Bewys. G.1002 ontvang het, het u enigiets daarop geplaas ?-- Nee.

Die datumstempel daar ?-- Dit word deur die kantoor gedoen.

Is dit u kantoor datumstempel ?-- Ja.

(Geen verdere vrae nie.)

CROSS-EXAMINED BY MR. BERRANGE:

No stamp was put by you or by any member of your office on Exh. 1003 ?-- Nee.

The date stamp is on G.1002 ?-- Dit is reg.

Now, you say you received these exhibits by post from Cape Town ?-- Dit is reg.

Did a covering letter accompany these exhibits ?-- Nee.

Did you open the letter in which these exhibits came, or was it done by one of your clerks ?-- Hoofkonstabel Willemse

open die pos.

He opens the post, usually ?-- Yes.

You of course didn't see him open this letter ?-- Nee.

All you can say is that you found this letter on your desk with the date stamp on it ?-- Ja, die pos word ingebring deur Willemse, na my.

And this was in the post, opened ?-- Dit is reg.

And then you filed this letter ?-- Dit het ook al klaar op lêer na my toe gekom.

What else was in this file ?-- Nog in die lêer was van hierdie 'Cheesa Cheesa' briewe.

So there were other Cheesa Cheesa letters in this file ?-- Ja.

And you say that this file was then kept by you until April of this year, kept in your office ?-- Die lêer is nog steeds in die kantoor.

With the Cheesa Cheesa letters ?-- Die briewe is daarna Johannesburg-toe.

Yes, they were sent to the Special Branch ?-- Yes.

We have it clear then, that all the letters that were in this file, with the exception of 1002 and 1003, were sent from your office to the Special Branch in Johannesburg ?-- Nee, daar is blykbaar 'n misverstand.

That is what I am trying to clear up ?-- Tot ongeveer die 2de April 1954, het al die briewe na ons kantoor toe gekom, hoofkantoor.

And thereafter ?-- Op die 2de April 1954 het ons 'n omsendbrief uitgestuur dat die briewe in die toekoms direk na Johannesburg gestuur moet word.

What happened to the letters that were in your file on 2nd April, 1954 ?-- Hulle het op die lêer gebly.

What for ?-- Die doel waarom die ander briewe na Johannesburg toe afgestuur moes word is om onnodige hantering

uit te skakel.

That I can readily understand. But you now had a central depot to which the letters were going, that was the Special Branch in Johannesburg, as from 2nd April, 1954 ?-- Dit is van die 2de April af, dis reg.

Now, as at 2nd April you had a number of 'Cheesa Cheesa' letters in your file in Pretoria ?-- Dis reg.

Were they not sent to Johannesburg to the central depot ?-- Nee.

Why not ?-- Hulle was alreeds soveel hanteer gewees.

That you thought they would fall to pieces ?-- Nee.

What were they being kept for ?-- Die wat van die 2de April aangestuur was, was met die doel dat briewe so min moontlik hanteer kon word om vingerafdrukke te behou.

Maybe that is so ?-- Die wat alreeds in ons kantoor gewees het, ons het gevoel dat daar kon geen vingerafdrukke op hulle gekry word wat van waarde kan wees.

But where are the examinations made for finger impressions, in Johannesburg or Pretoria ?-- Deur vingerafdruk deskundige in Johannesburg.

And is there one in Pretoria ?-- Ja.

But no steps were taken to have finger impressions lifted from these letters that were in your file up to 2nd April, 1954 ?-- Nie die wat in Pretoria was nie.

Because you felt they had been handled too much ?-- Ja.

But it wouldn't have done any harm, of course, to test whether your feelings, your sensory appreciation, or your feelings were correct, would it ?-- Dit sou seker nie gewees het nie.

Approximately how many letters did you have in your file in Pretoria, Cheesa Cheesa letters ?-- Dit is moeilik om te sê. Ek kan maar skat.

That is what I asked you ?-- Sowat 30 or 40.

And do you mean to tell us that you haven't got a record of these letters ?-- Hulle is almal op rekord in die kantoor.

Will your records show what letters you had in your file, the dates of posting and the dates of receipt, and the places from which they were posted; will your records show that ?-- Ja.

That is the date of posting, the date of receipt, ?-- Ja.

And the place from which they emanated ?-- Ja, dit is die plek waar hulle gepos is.

And you haven't got those records with you ?-- Nee.

Where are those records ?-- Ek het die rekords nie met my nie.

Where are those records ?-- Op lêer by die kantoor.

Now, when were these 30 or 40 letters that were in the file sent to Johannesburg ?-- Dit was oorhandig aan speurder hoofkonstabel Van Heerden in April 1957.

Together with this letter, 1002 and 1003 ?-- Dit is reg.

For what purpose ?-- Spr. hoofkonstabel Van Heerden het n sekere rapport aan my gemaak.

And that is why you handed them over ?-- Dit is reg.

And until that time they had been kept in your file ?-- Dit is reg.

And nobody had access to them ?-- Nee.

They couldn't have been removed from your file ?-- Nee.

And was it in Pretoria that you handed this letter over to him, or these letters ?-- Dit is reg.

And it is quite clear then from your evidence that none of these letters could have been examined by anybody outside your office, your own office before the 2nd April ?-- Dit is reg.

And it is quite clear therefore that Exhibit 1003 could not have been examined for the purpose of identifying the type of any machine before you handed this letter over to Det. Hd. Constable Van Heerden, on 2nd April, 1957 ?-- Dit is reg.

When you gave your evidence, you said that during this year you handed these exhibits to Det. Hd. Constable Van Heerden ?-- Dis reg.

And you said that you did this during April ?-- Dit is reg.

Did you get a receipt from him ?-- Nee.

Any form of acknowledgment ?-- Nee.

Are you certain it was on the 2nd April ?-- Dit was gedurende April.

BY THE P.P.: I don't think he has ever mentioned that he handed them over on the 2nd April. On the 2nd April instructions were issued, in 1954.

CROSS-EXAMINATION BY MR. BERRANGE COMID.:

I will try and clear it up. When you handed this letter 1003 to Mr. Van Heerden was that the only letter you handed to him, or did you hand him more ?-- Daar was andere ook, maar hierdie brief het ek geneem uit die lêer, ek het my lêer oopgemaak by daardie datum in April, 1954, min of meer -- waar die April 1954 korrespondensie was.

That's very interesting, but the only thing I am trying to find out is this. In April when you handed 1003 over to Mr. Van Heerden, was this the only letter that you handed over to him, or did you hand him over other letters ?-- Ek het dit saam met ander briewe oorhandig.

And as you have already told us, you got no receipt from him, or acknowledgment from him ?-- Dit is reg.

And are you able to give us the exact date upon which you handed this bunch of letters to Mr. Van Heerden ?-- Nee.

Could it have been the middle, the beginning or the end of April ?-- Dit was meer die begin.

Then you received exhibit 1003 and 1002 back again, did you ?-- Dit is reg.

When was that ?-- 23 Junie 1957.

Have you got any receipt for that -- did you give any receipt for that ?-- Nee.

Any note made of that ?-- Nee.

Are you relying entirely on your memory ?-- Ja.

Your memory which tells you today it was on the 23rd June that you received this letter back from Mr. Van Heerden ?-- Nee, van Spr. sersant Von Papendorp.

What day of the week was it, can you remember ?-- Dit was n Sondag.

Where ?-- By my woning te Pretoria.

Then what did you do with it ?-- Ek het dit in my tas gesit.

Yes ?-- Maandag môre vroeg is ek weg Kaapstad-toe.

The following Monday ?-- The 24th.

What did you do with the letter ?-- Saam met my geneem.

What did you do with it down in Cape Town ?-- Dit was in my besit gewees.

Where did you keep it ?-- In my tas.

What did you do with it thereafter ?-- Ek het van Professor dr. Gerdener n verklaring geneem.

Maybe you did, but I want to know what you did with the letter ?-- Dit het in my besit gebly.

Where ?-- In my tas.

What happened to it thereafter ?-- Ek het dit aan Spr. Sers. Von Papendorp teruggegee op die 15de Augustus.

Where had it been until the 15th August ?-- In my besit.

Where ?-- Ek het n staalkabinet in my kantoor, en dit was daar toegesluit.

So the position then was this: No covering letter ever accompanied this letter when you received it ?-- Dit is reg.

When you handed it to Mr. Van Heerden during April, he gave you no receipt for it ?-- Dit is reg.

When he handed the letter back to you again, no receipt was given for it ?-- Ek het dit nie van hom ontvang nie.

I beg your pardon, from Mr. Von Papendorp ?-- Dit is reg.

No receipt was given ?-- Nee.

Thereafter it remained in your personal possession whilst you were in Cape Town ?-- Dit is reg.

And on your return it was put into your filing cabinet ?-- Dit is reg.

So throughout the whole of the police records, and throughout all the voyages which this letter took from hand to hand, from the time that it left Cape Town and was sent to you there is nothing on any of the police files to indicate or substantiate the way in which this letter travelled around ?-- Dit is korrek, geen kwitansies is gegee nie.

Now, the file in which this and the other 30 or 40 letters which you kept -- what sort of a file was it, the ordinary police docket ?-- Nie n kriminele dosseer nie.

Was it a hardboard cover ?-- Soos die wat die Aanklaer voor hom het, daardie tipe.

Stiff brown paper cover ?-- Dit is reg.

Where are your files kept ?-- In n kamer, n versterkte kamer.

At Pretoria ?-- Ja.

Together with hundreds of other files ?-- Dit is reg.

Relating to all forms and manners of investigation ?-- Dit is reg.

And if anybody wants to get.... if any investigating officer wants to get out a file for the purpose of his in-

vestigation, how does he go about it ?-- Enige beampte sal dit nie kry nie.

If he wanted to get any file out in regard to any investigation, how would he go about it ?-- Hy moet by my kom aansoek doen daarvoor.

And what happens then ?-- Ek kry die lêer.

Personally, or do you send your clerk ?-- Baie keer gaan ek agter toe en ek haal dit self.

And many times you send somebody else ?-- Nee, ek stuur nie iemand anders nie, ek kan deurskakel daarso.

Phone who ?-- My hoofkonstabel.

And tell him to fetch the relevant file ?-- Ja, hy is in dieselfde kantoor.

Same office as what ?-- As die lêers.

Does he stay inside the strongroom ?-- Hy is in die versterkte kamer.

Does he work inside the strongroom ?-- Ja.

And that strongroom is open then during working hours ?-- Dit is reg.

On this occasion, perhaps you are able to remember when you wanted to hand this file over to Det. Hd. Constable van Heerden, did you phone through to your head constable and ask him to bring you the file, or did you go and get it yourself, or can't you remember ?-- Dis baie maklik om te onthou. Dis baie maklik om te onthou. Ek het met Spr. Hoofkonstabel Van Heerden daarheen gestap.

And found the strongroom open of course ?-- Ja, hy is oop.

I notice that on this letter in pencil, are written the following initials and numbers, S.7/357. Do you know what they are ?-- Dit is die betrokke lêer nommer.

Was that written by you ?-- Nee.

Do you know by whom it was written ?-- Dit moes een van

die klerke gewees het.

How many clerks are there who could have written this ?-- Vyf of ses.

That would have been written there after you had handed the letter for filing purposes -- no, it must have been ?-- Ja, beslis.

(No further questions)

MR. COAKER: NO QUESTIONS:

MR. SLOVO: NO QUESTIONS:

NO RE-EXAMINATION:

HENRY ABRAHAM LUBBE, duly sworn. (Tolk: Mollentzie)

CROSS-EXAMINED BY MR. BERRANGE:

Mr. Lubbe, who is Det. Hd. Constable Van Heerden ?--
Hy is Spr. Hoofkonstabel Van Heerden.

It seems to occasion some hilarity. Possibly my question is somewhat apt to make one smile. What I really mean is, who is he, where is he, what does he do ?-- Hy is n lid van die polisie in Johannesburg.

What branch of the Police ?-- Speurdiens.

Yes, Special Branch ?-- I think so.

That is what I want to know. Now, you told us that when you received a number of documents, they were accompanied by a number of cards, with specimen typing on them ?-- Dit is reg.

I understand Mr. Von Papendorp has just arrived. I am wondering, if it would not inconvenience the Court

BY THE COURT: If it would save time, then I think it might be desirable. I wouldn't object to the witness standing down.

(Witness stands down.)

GERHARDUS PAULUS VON PAPENDORP, duly sworn.

CROSS-EXAMINED BY MR. BERRANGE:

Now, just to get it on the record, last week you gave evidence, first of all on the Thursday, and then the following Friday you came and gave a little more evidence ?-- Yes.

And when you returned on the following day, that was the Friday, you volunteered there was something more that you wished to add to the evidence you had given the previous day ?-- Correct.

On the previous day,

BY THE P.P.: I think it was on the Thursday.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Both the witness and I are mistaken -- Wednesday and Thursday. ?-- That is correct.

Now, on the Wednesday when you gave evidence, you gave your evidence in chief, and you were cross-examined on that same Wednesday both by Mr. Coaker and by Mr. Slovo ?-- Yes.

And when you returned on the following day and volunteered that which you wanted to add to your previous day's evidence, you then for the first time stated the following things: I made a list of them. You for the first time stated on the Thursday, that was the second day that you had seen Exhibits 1003 and 1002 before the 15th August, 1957, and that you had actually seen it in May of 1957 ?-- That is correct.

You stated that for the first time on the Thursday ?-- Yes, quite right.

And you stated also for the first time on the Thursday that Mr. Van Heerden had made a report to you in May regarding these exhibits ?-- Yes.

And you also for the first time stated on the Thursday that Mr. Lubbe had examined G.1003 and had expressed an opinion that it had been typed on Dr. Letele's machine ?-- Yes.

And you stated for the first time that in May you had reported to Mr. Van Niekerk and that he had then told you to prepare evidence on this letter for this preparatory examination?-- Yes.

And you stated for the first time on the Thursday, that on Captain Buys instructions, you had taken the letter to Captain Buys in Pretoria, after you had got it from Mr. Van Heerden?-- That is correct.

And I think that you will concede, Mr. Von Papendorp, that when your evidence had been concluded on the Wednesday afternoon, i.e. your evidence in chief and cross-examination put to you by my learned friends Mr. Coaker and Mr. Slovo, you had left the Defence with the impression that the first time that you had started to prepare evidence on the Cheesa Cheesa letters was about more or less six weeks ago; that was the impression you had left?-- Yes, that is what I realised.

Yes, that is why you came to correct your initial evidence later on?-- Yes.

And you had left the Defence with the impression owing to your not having mentioned Van Heerden's report which you later on said he had made during May, about the expert's findings, you left the Defence with the impression that the first time the letters, including Exh. 1003 had been examined by the experts, was on 19th August, 1957?-- Yes.

And you had also left the Defence -- I am not saying you did it deliberately, it is just to get it clear?-- Yes, I appreciate that.

You left the Defence with the impression that only 20 out of all the letters had been examined by the experts, and that coincidentally this Exhibit 1003 was amongst them?-- Yes.

And you also had left the Defence under the impression that the first time that Mr. Lubbe had examined the typewriter was on 19th August, 1957; that is before you corrected that on

the following Thursday ? -- Yes, I think so.

I will give you your evidence if you like, if you are not sure about it. You see, you had said nothing by that stage, at the conclusion of the evidence on Wednesday evening, about there having been any examination prior to the Monday ?-- No, I didn't mention that.

And on page 8 of your evidence -- I have got the record of your evidence here -- this is what you said in answer to Mr. Coaker 'With regard to Exh. G.1001.... i.e. the typewriter did I understand you to say that you handed this typewriter to a Mr. Lubbe sometime in August ?-- Correct.' 'When was that ?-- On the 9th August.' 'That is in fact two days ago ?-- Yes, last Monday.' 'You got it back from him when ?-- Yesterday, on the 20th.' And then when you were cross-examined by Mr. Slovo, the question was put to you in the following way 'You told Mr. Coaker and you also said in chief that this typewriter was handed to this expert on the 19th August, 1957 ?-- Yes.' 'You said nothing about the typewriter having been handed to Mr. Lubbe some months before that ?-- No.' ?-- No.

That is why I say that on the Wednesday evening you had left the Defence with the impression that the first time Mr. Lubbe examined this typewriter was on the 19th August, 1957 ?-- Yes.

And you therefore obviously as a result of that left the Defence with the impression that the first time that Mr. Lubbe had made a report on these letters, and particularly on Exhibit 1003 was on the 20th August, 1957 ?-- Yes.

And it is clear therefore that on the Wednesday evening you had left the Defence with the impression that the examination took place on the 18th-19th August, for the first time -- that is what you have already conceded ?-- Yes, I said so.

And that at the time that you were instructed to compile evidence on the Cheesa Cheesa letters, approximately 6

weeks before that, you had no evidence whatsoever linking any of the letters with any of the Accused ?-- No. I was then asked for Mr. Lubbe's opinion.

We know that. I am not querying that at all. I am trying to ask you to put yourself in the position of defending counsel, as the matter appeared to them on Wednesday evening. You had said nothing about earlier examinations, you had said nothing about any report having been received, the whole of your evidence indicated that the impression with which the Defence was left, as you have already conceded a few moments ago, that the impression with which the Defence was left, on Wednesday evening, was that the first examination took place on the 19th August, and that was when the report by Mr. Lubbe was compiled; that was the impression we received, rightly or wrongly ?-- That is correct.

And that is the impression that we received from your evidence, your cross-examination. ?-- Yes.

But you had at the same time also said that some six weeks before that you had been instructed to compile evidence relating to the Cheesa Cheesa letters ?-- Yes.

Therefore the impression with which you must have left the Defence was that you had been instructed to compile evidence relating to the Cheesa Cheesa letters, before you in fact had any evidence linking any of the letters with any of the Accused; that follows, doesn't it ?-- That follows.

And that coincidentally, you had, having selected 20 letters at random, one of them was 1003 which was traceable to Mr. Letele's typewriter ?-- Yes.

And it was for that reason, I take it, having thought about the matter overnight, and you having realised that you had unfortunately left the Defence with a wrong impression, that's why you took steps the following morning, as soon as

possible, after you thought the matter over ?-- Yes. I explained to the Court why this was done, as the information, to a certain extent, was hearsay, I did not mention these facts, because I knew Mr. Lubbe had to come and give evidence himself.

At the present moment I am not criticising you. What I might do later on is another matter. But so far as this is concerned I am not criticising you. I am only asking you, as I once more point out to you, try and place yourself in the position of the Defence. This is an impression which you obviously realised that you had left with the Defence, and that is why you came the next morning to correct it, at the earliest opportunity ?-- Correct.

And you will realise, of course, that not only did you leave the Defence with a wrong impression, but it was an impression which could bear a very, very sinister interpretation -- you realise that too ?-- Yes, I realised that there must have been some misunderstanding.

It wasn't a misunderstanding; after all, we can only go on the evidence that is presented, isn't that so ?-- Yes.

And then in giving your evidence on the following Thursday, you were asked why it was that you did not give the evidence on the Wednesday, which you had now come and volunteered on the Thursday, and you were asked that question by the Court. I will read you out what you said: His Worship said the following: 'I would like to know, can you explain Sergeant, why you didn't mention this aspect yesterday ?-- Yes, I'll explain that. As the letters my intention in giving evidence yesterday was to produce to the Court a complete chain of evidence, as these letters went all the way, and as that letter was never in my custody, although I had seen it, I didn't refer to it as having been in my custody.' Remember, you said that ?-- Yes.

Am I correct in understanding from your evidence, I don't want to have to quote it unless it is really necessary, that

you were somewhat surprised, or you were endeavouring to express your surprise, when you gave evidence on the Thursday, that this letter, 1003, had never been received by you in the same manner in which all the other letters had?-- Yes, I

It is something which has rather puzzled you, isn't it?-- Yes, it has puzzled me.

And that is of course, one of the reasons why you volunteered, without even being asked the question, the following words: 'I should like to give the Court my assurance that I have nothing to hide, that whatever person is responsible for this. If I could get the evidence I can assure the Court that a prosecution will be instituted'?-- Yes.

That is the reason why you made that statement?-- Yes.

And there were a number of other surprising features about this particular letter, were there not -- can you think of any others?-- Yes, it is a different type of paper.

Different type of paper from all the other letters. And as you have already told us, although all the other letters were on a type of paper from which it has never been known to be possible for fingerprints to be lifted?-- Correct.

This particular letter 1003 was on a typed paper from which it might have been able -- I put it no higher than that -- from which it might have been able to get fingerprints?-- That is difficult for me to answer.

Well, that is what you said, you know?-- It might have been possible, with the present methods used.

But although all the other letters, or a great many of the other letters -- I don't know whether all -- a great many of the other letters, which were written on paper of a quality, of a type, from which it has never been known that fingerprints could be successfully lifted, were in fact tested for fingerprints?-- Yes, that is correct.

But this one particular letter wasn't -- that is also one of the things that puzzled you, wasn't it?-- Yes. If I would have received it with the other letters, it would also have been examined.

For fingerprints?-- Yes.

And you would have done that on the off-chance, irrespective of how many people had handled it?-- Yes.

You would still have taken the chance. You might have thought to yourself, 'Well, lots of people have handled this exhibit, but there is just a chance that there might be a traceable fingerprint of some suspect or another,' and you would have taken the chance, and tried it?-- Yes.

As you did with the other letters?-- Yes.

And then there is something further about this letter I think which put it outside the ordinary, and which I think must have made you have some doubts about it, is the fact that this is the one letter which comes out with a very strong attack upon Communism. I will read it to you: Every location that becomes valuable, the Africans must get out and they go to the veld, always, but that is true Communism. We are not Communists. It is the Afrikaner who imitates Russia. If a depression comes we will smile but the working class Dutchmen will not smile. They will scream 'rich farmers,' 'capitalists' and all the rubbish from Russia which the African laughs at.' And then on the second page, speaking about the low-down South African police. It says: 'They assault You should take this letter to the low-down South African Police. They have a hundred already, and that is why they are worried. They assault all men who are arrested, women also. No country except Russia has such a criminal police force as South Africa.' So you can see that this letter has a very very strong anti-Communist flavour?-- Yes, the contents of this letter were different to that of the others.

I am coming to the other contents in a moment. But the

letter is, so far as the question of Communism is concerned, this letter is unique ?-- I remember having seen that when I read through the letter.

You noticed it at the time ?-- Yes.

And you thought it somewhat strange, that there should be this anti-Communist expression which is not to be found in any of the other letters, Cheesa Cheesa letters ?-- Yes, there is one very near to that; some of the other letters, where he said 'We are not Communists' and 'Mau Mau.' In another Cheesa Cheesa Army letter, one of those handed in, he said 'We are not Communists and Mau Mau. You Dutch are the Mau Mau and Communists.'

Anyway this occurred to you as being somewhat strange, did it not, the paper ?-- Yes.

The lay-out ?-- Yes, it appeared strange.

And also the contents, the general contents, as you said a moment ago ?-- Yes.

Were quite different from the other letters ?-- Correct.

It was a unique letter ?-- Yes.

And a letter which, having fallen into anybody's hands, would merit immediately, because of its uniqueness, would merit particular and special attention ?-- Yes.

And if it had come into your hands in the way in which all the other letters came into your hands, you would have given it special attention ?-- I would have.

Instead of leaving it lying in a file for a couple of years -- not so ?-- Yes.

And then there is another thing. You remember Mr. Slovo was cross-examining you about the other letters, and pointing out to you that in the other letters words like 'co-op' and 'communist' and the abbreviation for Orange Free State, and the word 'kaffir' were all spelt or abbreviated in the manner in which an Afrikaans speaking person would write ?-- I remember that.

Here again we find that the word 'kaffir' is spelt 'k-a-f-i-r-s' not 'k-a-f-f-e-r-s' -- you noticed that, didn't you; it is in the penultimate paragraph on page 3 (handed to witness) ?-- It is spelt 'k-a-f-i-r-s'.

That is right. And whilst you have got that letter there, look at the first page, and you will see Communist is spelt with a 'c' and not with a 'k' -- I think it is at the bottom of the page ?-- Communism is spelt with a 'c'.

On two occasions ?-- Yes.

The second time Communism is abbreviated, and it is spelt with a 'c' ?-- Yes.

Now, in studying this letter, you must have asked yourself what sort of a person is it who has written this letter, what his standard of education is, not so ?-- Yes, I have been thinking about that.

Now, I would like to read to you a speech which was made by Dr. Letele, according to evidence put in by the Crown. I am not going to read the whole speech, but I am going to read portions of the speech, just to see what the sort of grammar and style and standard of education is like, of the person who wrote this letter. I put this in when I was cross-examining Mr. Bowen, or I read it out to Mr. Bowen, I didn't put it in. It was a speech made by Dr. Letele at a meeting of the African National Congress on the 13th June, 1952, in the Bantu Hall, No. 2 Location, Kimberley, which figured as Exh. B.3, in the criminal proceedings that were referred to when I was cross-examining that witness, and I read the speech out to Mr. Bowen. I am not sure of the name of the witness to whom I read it out. I will correct it in due course if I am wrong. Anyway, this is the speech, according to the Crown, which was made by Dr. Letele "The position is particularly dark where it affects Africans.

All non-Europeans are suffering, but I think the Africans are suffering the worst. For instance, an African man who works in a garage or any other industry, no matter what his standard of education or efficiency is in that trade, will never be recognised as a European worker. He will receive less and occupy an inferior position till he dies. We want an opportunity to improve our standard of living, economically, politically, and socially. Whatever profession you occupy, you must be recognised by the Government in the same way as Europeans. Failure to recognise this, ^{our rulers are} forcing a policy of segregation, It means that such a policy is dished out with fear, fear that their present white supremacy will disappear. Ladies and Gentlemen, this is a great factor in the present administration of this country. If our rulers are dishing out an honest policy there will be no need for fear. Are we then not justified in defying administration in which is fear. Are we afraid to go to gaol because we are not prepared to uphold our constitution? No, we are not. There are certain times when it is an honour to be in gaol for your convictions. Many many great men have been locked up because of their views. Pandit Nehru is one, and even our Lord, Jesus Christ, was locked up because of his views." Now, I have read these three paragraphs to you, to get from you the admission -- I think it is very apparent -- that the person who made that speech is a person very well versed in the English language, not so? -- Yes.

You will agree with me that his grammar and his style are I should say impeccable, not so; you would agree, wouldn't you? -- Yes.

The way in which he sets out that which he has to say, is set out in logical, grammatical and in very good style, not so? -- Correct.

And you will agree that if you compare that style, that grammar with what the writer of letter 1003 has to say, that

the writer of 1003 is apparently and obviously a person who hasn't anything like that degree of good style and good grammar which is to be found in Dr. Letele's speech, isn't that so -- would you like me to give you some examples?-- That is not for me to answer. I don't know if I have to express an opinion now.

Well, merely the same opinion, like anybody else; I am only putting a very simple proposition to you. I have given you a sample of the way in which Dr. Letele speaks when he is addressing a meeting, and a person usually can write very much better than he can speak, isn't that so. His writing is usually very much better in style and contents, where he has got time to think what he is writing, than when he is delivering a speech; you will agree with that too, won't you?-- Yes.

So I am only putting a very simple proposition to you, that the style, the grammar, the contents, of the person, Dr. Letele, who made this speech, is very very much superior to the style and the grammar and contents of the person, whoever it was, that wrote Exh.1003, that is all I am putting to you?-- The one is a verbal statement, a speech. It is difficult to say, pronouncing the word 'communist' for instance, if he has written that with a 'k' or a 'c'.

No, no, I'm finished with the question of spelling. I am finished with that altogether. I am just talking about the style, the grammatical use of language. You have already agreed with me, that it is easier to write with good grammar and with good style than it is to speak, because you have got time when you sit down to write?-- From my knowledge, speeches are usually prepared beforehand.

All right, let's assume they are; we won't make the point. Speeches are prepared beforehand. Let us assume that both these things are written; let's take it on your basis.

Would you agree that that which I have read out to you, which you have already said is written in good style, good grammar, the contents of it is, as I say, impeccable, would you agree that that is far superior than what is to be found in letter 1003; in other words, the one man is a far more literate and far more educated man, that is what I am trying to put up?-- I cannot answer that.

Well, let me give you an example. I am reading now from this letter. "Every location that becomes valuable, the Africans ~~must~~ get out and they go to the veld always." Now, that is not very good grammar, is it?-- No, it is not good grammar.

"They will scream rich farmers, capitalists and all the rubbish from Russia which the African laughs at." That is not the sort of way in which Dr. Letele expresses himself in his speech, is it -- or don't you agree?-- Unless he is a very clever person.

You suggest that it might be a clever person who is deliberately making style and grammar inferior to what it ordinarily would be, is that what you suggest?-- I cannot make any suggestions.

Well, what did you mean by saying 'unless it is a very clever person' -- I am sorry, I interrupted you without letting you finish your sentence?-- The person in my mind who wrote that letter, is a person in the first place who is well-informed of conditions in South Africa, and secondly who has a wide knowledge of Communism.....

Really, when he says excuse me one moment a wide knowledge of Communism, when he compares the criminal police force in South Africa with that of Russia?--

BY THE COURT: I am wondering, Mr. Berrange, whether a matter like this could not be left for argument. The Court would naturally^{have} to make up its mind on the point you are now raising, but I don't know whether the Court can attach so much weight

to the witness' opinion.

BY MR. BERRANGE: Yes, maybe, it is a matter for argument. I thought we might get the opinion of the witness. There is just one sentence that I would like to draw the Court's attention to, in the letter. It is not even a completed sentence: "Afrikaners who hate us, who say so in the streets, at the petrol pumps, in the town council, in parliaments, everywhere..... and everyone knows about C.C. Only you don't who are an expert." Do you think that is good style, or don't you want to express an opinion?-- It is very difficult for me.

It is written to Dr. Gerdener -- 'You don't who is an expert' -- it says 'you don't who are an expert' ; that is ungrammatical, isn't it?-- Correct.

May I indicate to the Court that this portion of the speech which I read out was a speech was read out by me when I was cross-examing Det. Sgt. Serfontein. That was in regard to the Kimberley Riots. There is something else, Mr. Von Papendorp. Did you ever have a look at these exhibits 1002 and 1003?-- I did have a look at them.

And did you examine the type on the envelope with the type in the letter?-- Yes, I had a good look at it.

Did you see that apparently the type on the letter is different from the type on the envelope?-- I did notice that,

Look at the first three sentences of 1003 and look at the first word of the first three sentences. What is the first word of the first sentence?-- 'There'

And the first word of the second sentence?-- 'These.'

And the first word of the third sentence?-- 'The.'

And you notice that in each case, the 'T' and the 'h' are not on the same base line. The one is very very observantly higher than the other. (Indicates to witness) And there is another word in the first sentence 'These', you have just drawn my attention to?-- Yes.

Now, you notice these four words, in each one of these four words, it is very distinctly noticeable that the 't' is considerably lower than the 'h' ?-- That is correct.

Whereas if you look at the 'Th' the first letters of the words 'Theological College, Stellenbosch' on the envelope 1002, you notice that the 'Th' are exactly in line with one another ?-- That is correct.

And you say that you did observe at the time when you examined these two documents, that they did not appear to have been written by the same typewriter ?-- Yes.

And that was a conclusion that you arrived at before today, of course; that was apparent to you at the time that you examined these ?-- Yes.

Of course, if in fact Dr. Gerdener, did receive a letter written -- on the assumption that Dr. Gerdener did receive a letter, written in exactly the same terms as those as are contained in G.1003, it would of course be possible for some ill-intended person to have re-written that letter in exactly the same terms on Dr. Letele's typewriter -- you don't deny that, do you. You can't say ?-- No, I cannot say.

I am only putting to you, it would have been possible. I put it no higher than that.

BY THE COURT: I don't know whether the witness has all the facts about this letter.

BY MR. BERRANGE: No, I am going to put it to the witness on the basis that both the letter and the typewriter were available at the same time.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

It would have been possible to have re-written Dr. Gerdener's letter, on Dr. Letele's typewriter. The one thing that couldn't have been done, of course, would have been to re-write the envelope, because the envelope has a Bloemfontein Post Office

stamp on it, dated 31/1/54. Now, did that occur to you as being one of the rather peculiar things about this letter, that the type was different between the letter and the envelope ?-- No at the time when I saw it the first time, when I noticed that

The type was different ?-- I noticed the type difference, but I am also of the same opinion with the others, the other Cheesa Cheesa Army letters. The document itself, was done by a particular typewriter, and the envelope was a different one.

Yes, but you see, Mr. Von Papendorp, in regard to the other Cheesa Cheesa letters, those were in the form of circulars, weren't they ?-- Correct.

The majority of them were carbon copies ?-- Correct.

This is not a carbon copy, 1003, this is an original ?-- Yes, it appears to be an original.

That is right. So carbon copies could well be made on one typewriter, hundreds of carbon copies could well be made on one typewriter ?-- Yes.

And then the carbon copies put into envelopes that had been typed at different centres, because those letters did emanate from different centres in the Union ?-- Correct.

But so far as this letter is concerned, this is an original, it is not a carbon copy, is it ?-- No, it is an original.

That is why I am asking you, this is again something which takes this letter out of the same category as the other letters, does it not ?-- That is correct.

Do you know anything about an instruction that was given round about April 1954, that all letters, all Cheesa Cheesa letters, should be sent direct to the Special Branch of Johannesburg ?-- I have never seen that instruction, but I am aware of that fact.

You were the officer who was in charge of the investigation of the whole of the Cheesa Cheesa letters ?-- Correct.

Since when ?-- Since the beginning of 1954, from about March 1954.

If such an instruction was given in April, 1954, and regard being had to the fact that you were the investigating officer for the Cheesa Cheesa letters, would you not have expected all Cheesa Cheesa letters, even those received before April 54 to have been sent to you ?-- Yes.

Instead of lying around in a file for another two or three years -- you would expect that, wouldn't you ?-- I expected them to be sent to Johannesburg.

Now, on the 2nd April you took possession of this typewriter, G.1001 ?-- I received it from Kimberley, from the police at Kimberley.

Well, your evidence is this: Since the 2nd April ?-- Yes, 'Do you know that as a fact ?-- Yes. I got it from Det. Constable Benade from Kimberly.' 'On 2nd April, 1957 ?-- Yes.' 'Did Constable Benade bring it to you ?-- ' ?-- No, Benade didn't bring it himself. It was brought here by Det. Const. Markram and I think he was accompanied by Det. Hd. Const. Scholtz. Anyway, you got it on the 2nd April, according to your evidence ?-- Yes, it was the end of March, beginning of April. I am sure it was in that period.

Not later than the 2nd April ?-- No, not later. It could not have been later than the 2nd April.

What happened to it then ?-- As soon as I received it, I handed this typewriter to Det. Sgt. Kroukamp, at The Grays. He is a fingerprint expert, and he was doing certain preliminary investigations in connection with these Cheesa Cheesa Army letters.

I just want to read you your evidence, Mr. Von Papendorp, page 10. The question was: "Where was this typewriter ?-- This typewriter was locked up at the S.A.Criminal Bureau in Pretoria. "And you got it on the 19th of this month ?-- " Well, you see

how the Defence was labouring under a misapprehension, owing to your evidence ?-- That is correct.

"No, I got it on the 2nd April." "Of this year ?-- Yes."

And it was then locked up in the S.A.Criminal Bureau in Pretoria." "Did you see to it that it was locked up ?-- Yes, I had seen it being locked up. It was in the custody of Major Kroukamp the officer in charge of the S.A.Criminal Bureau."

"Was it there ever since ?-- Yes." "Since the 2nd April ?-- Yes." "Do you know that as a fact ?-- Yes, I got it from Det. Constable Benade from Kimberley." "On 2nd April, 1957 ?-- Yes."

"And you then say it was locked up at the whatever Bureau it is called in Pretoria ?-- S.A. Criminal Bureau." And you say it has been there ever since until you fetched it again on the 19th ?-- Yes, on the 19th of this month, when it was handed over to Mr. Lubbe." Is that a correct transcript of your evidence ?-- That is a correct transcript, except for the officer in charge of the S.A.C.B. It is Major Cromhout, not Kroukamp.

Did I say Kroukamp ?-- Yes.

I thought I said Major Cromhout, sorry ?-- Cromhout is correct.

But you say quite clearly that after you received it on the 2nd it was then locked up at the S.A.Criminal Bureau in Pretoria ?-- Yes, I did say that.

Was that correct ?-- Yes. It was.....

And you say it has been there ever since ?-- Yes, that is correct.

Now then, tell me, when was it put into the S.A.Criminal Bureau in Pretoria ?-- When it arrived from Kimberley, it was handed to Det. Sgt. Croucamp, he himself took this typewriter, and I think it was the following morning, the following day -- it was not taken the same day to the S.A.C.B., it was received from Kimberley.

So where was the typewriter between the time it arrived

from Kimberley and the time that it was taken to Pretoria.
?-- As far as I know, it was placed in a strongroom in the local fingerprint office.

Anyway, it wasn't in your custody ?-- No, it didn't remain in my custody.

Who did you hand it to ?-- Sgt. Kroukamp.

Do you know what he did with it, or don't you know ?-- I told him it must be kept in safe custody.

That is what you have been told ?-- That is what I requested him, to keep it in safe custody.

What you requested him to do ?-- Yes.

Whether he did it or not you don't know ?-- No.

Did you take it over to Pretoria to the S.A.Criminal Bureau ?-- Yes.

How many days after you received it from Kimberley ?-- I think it was the following day, or it could have been the second day after that.

One or two days later ?-- Yes.

You have got no record of this ?-- No, I haven't.

Did you get any receipt for this typewriter when it was taken to Pretoria and handed over to the S.A.C.B. ?-- No.

You didn't. You see, there is another aspect that I would like to deal with, and that is this: What function has Det. Sgt. Kruger had during the course of this preparatory examination; what has been his function in Court ?-- Sergeant Kruger?

Yes ?-- Sergeant Kruger was posted on duty at Court here to see to the exhibits, assist the Prosecutor.

Keep notes ?-- Yes, he was to see that everything goes smoothly here.

He was the officer in charge, in Court, instructing the Crown ?-- No, I can't say that.

Well, who was ?--

BY MR. COAKER: I am sorry to say, Your Worship, that I noticed that as that answer was given, that the witness looked to my learned friend, and that my learned friend was shaking his head, and I think I heard my learned friend say 'No' in answer to the question put by Mr. Berrange. I do hope that this was an involuntary motion on his part and not any attempt to assist the witness.

BY THE P.P.: I did do that, but not with that intention.

BY MR. BERRANGE: Everybody, Sir, at some stage or another is guilty of that type of thing, without there being any intent on the part either of counsel for the Defence or counsel for the Crown.....

BY THE COURT: Yes, of course, there should be no signs made at all.

BY MR. BERRANGE: This sort of thing is very often quite involuntary.

BY THE COURT: I don't know at what stage it was done, whether it was intended to convey a denial to the witness. Perhaps the witness was merely guessing at the position.

BY MR. BERRANGE: I am obviously not doing my task efficiently if I am not holding the witness' attention sufficiently.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Mr. Von Papendorp, one of the duties that Mr. Kruger had was to see to it that witnesses are here, to plan and plot in advance, what evidence is to be given for various days as the preparatory examination proceeds, and generally to be acquainted with the conduct of this case, not so?-- Yes, except for the giving of evidence, what evidence was to be produced on certain days, that was decided by the prosecutors.

Yes, and Mr. Kruger would be told of it, obviously, he would have to be?-- I don't think so.

Well, how would you subpoena them, who would subpoena them; it is not you?-- Well, I did some. I warned some for

Court.

But that was basically Mr. Kruger's duty, wasn't it, to see to it that the witnesses were here?-- No. His main duty was, as far as I can see, to convey instructions from the prosecutor to our section; that witnesses had to be brought to Court, and so on.

So it would be his function to know what was going on?-- Yes, he was supposed to know what was going on at Court.

You see, because in fact, Mr. Kruger was approached by Dr. Letele, and asked to have this typewriter returned to him. Evidence to that effect will if necessary be given. And Mr. Kruger then told Dr. Letele that the machine had been lost, and Mr. Kruger then had a search made for this machine at Kimberley, Pretoria, and Johannesburg, and Mr. Kruger then went back to Dr. Letele and told him that the machine couldn't be found and wanted to obtain certain information from Dr. Letele so as to enable a claim for this machine to be put in.

BY THE COURT: Can you indicate when this took place, Mr. Berrange?

BY MR. BERRANGE: Well, Mr. Kruger discussed it with me, so I should imagine about three weeks ago. For the information of the Court may I say that when Dr. Letele came and reported to me that Mr. Kruger was making enquiries to get particulars for this machine, in order to enable a claim to be put in because it was lost, I then went and approached Mr. Kruger about it, and Mr. Kruger confirmed to me that this machine couldn't be found, that he had made a search for it at various centres, and in fact he went on to say that on the following day a man was going down to Kimberley and he was going to ask this man to make another search for this machine at Kimberley. And I want to say, Sir, that I am satisfied that there was no sinister motive on the part of Mr. Kruger in this respect. I think I referred to that when I mentioned it on the last occasion. Mr.

Kruger came to me genuinely and honestly, was looking for this machine and couldn't find the machine.

CROSS-EXAMINATION BY MR. BERRANGE CONTD.:

Now, if those are the facts, Mr. Von Papendorp, that Mr. Kruger thought this machine was lost, Mr. Kruger had had searches made for this machine, at Kimberley, Pretoria and Johannesburg, it must indicate one thing, must it not, that he had no knowledge, he had no knowledge of the fact that any evidence was to be led about the Cheesa Cheesa letters, nor could he have had any knowledge of the fact that a report had been furnished by an expert regarding Exh. 1003, unless of course, he was deceiving us, which I am not accepting?-- Yes, that is quite possible, that he had no knowledge of it. Sgt. Kruger never spoke to me about the machine.

And of course nobody ever spoke to Sgt. Kruger about it; that is the point I am making. And in fact I want to tell you that the first time that Sgt. Kruger knew of this aspect of the investigations, was last Thursday?-- Perhaps he only knew it for the first time that it was going to be led in evidence here.

Yes, last Thursday, after the evidence had in fact been led. He was away on the Wednesday and Thursday?-- I didn't discuss it with Sgt. Kruger; it is possible.

He was away on Wednesday, at any rate, not on Thursday. So the position then is that Mr. Kruger who has been in Court almost daily throughout the whole of this weary months that these proceedings have been dragging themselves out, who has had an intimate part, or played a part in the presentation of the evidence, by assisting the prosecutor, by seeing to it that witnesses are called, Mr. Kruger had no knowledge of the fact that over two months ago, it had been decided to investigate and use the Cheesa Cheesa letters. That follows from those facts, does it not?-- Yes, it is possible.

Well, I am saying ... it is not possible, it is a fact that he had no knowledge of these facts, nor did he even have any knowledge that a report by Mr. Lubbe had been furnished in regard to this machine and exhibit 1003; that is so, is it not?-- I cannot account for what Sgt. Kruger knows and what he does not know.

You mean, the right hand of the Crown doesn't know what the left hand is doing?-- Well, I can't say that. The Prosecutors, they decide on the evidence they want to lead, and Sgt. Kruger is merely doing duty in Court here, as far as I know.

But Mr. Von Papendorp, when was it first decided to use the Cheesa Cheesa letters in this preparatory examination?-- It was during May.

During May?-- Yes.

So June, July and a part of August, two and a half months, and Sgt. Kruger has been in Court daily, and he has no knowledge of this matter. That is why I say, the right hand of the Crown doesn't know what the left is doing. Or do you dispute that; do you suggest that he must have had that knowledge?-- I cannot agree with the fact that Sgt. Kruger is the right hand of the Crown.

Well, say the left hand?-- Sgt. Kruger is assisting the Prosecutor in Court....

And keeping the dockets, and in charge of the dockets; he brings them to Court, not so?-- Dockets are handed....the Prosecutor decides, there are three Prosecutors, certain matter is handed to Mr. Van Der Walt, or Mr. Van Niekerk or to Mr. Liebenberg, and all the evidence connected with that subject is handed to the Prosecutor.

By whom?-- I did.

By you?-- Yes.

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