

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA

(TRANSVAALSE PROVINSIALE AFDELING)

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SAAKNOMMER: CC 482/85

DELMAS

1986-08-07

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

123

FOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

LUBBE OPNAMES

VOLUME 123

(Bladsye 6 169 - 6 252)

COURT RESUMES ON 7 AUGUST 1986.

JOSEPH BENJAMIN: d.s.s.

FURTHER EXAMINATION BY MR JACOBS: Major when you checked through the video did you find it to reflect a true version of what the, the tape, that it reflects a true version of what transpired on that meeting that you taped? -- Yes.

And afterwards did you check the transcript again with the tape and EXHIBIT V(7) is that a true reflection of what is on the tape? -- It is a true reflection of what is on the tape.

(10)

There is only one point, during a song did you stop the recording at the time when you were recording it? -- Yes I did.

Why did you do it at that stage in the beginning? -- I was waiting for the meeting to start.

And during the meeting? -- No I did not stop it during the meeting except to change the tapes around.

Thank you sir.

CROSS-EXAMINATION BY MR YACOOB: Major His Lordship asked you why the tape that was used was called a four track tape, do (20) you remember that? -- Yes I do remember it.

Are you aware that these tapes are in fact intended for stereo reproduction and that because of that they play two tracks on each side, in other words each of the separate stereo tracks separately? -- That is possible.

And that is the reason why they are referred to as four track cassettes. -- No I do not know if that is the reason but I knew it as four track, I do not know what ...

Do I understand, sorry, do I understand from your absence of knowledge in this regard that your knowledge of technical(30) matters like that of many people in the world is very little,

if/....

if not non-existent? -- yes.

And therefore you have no knowledge at all of how the equipment which you used in fact worked in a technical sense? -- Yes I would say I would not know the technical point of it but if a person showed me how to use it in a sense I would go according to that.

In the same way as I could probably learn how to use a typewriter but I would know nothing more about it, that is the sort of use you are talking about? -- Yes correct.

Right. But despite your absence of technical know- (10)  
ledge I wonder whether you could provide us with more information about your equipment. You said that there was a National Panasonic tape recorder which you used. That is clear enough. And you referred to some Micron equipment, is that right? -- That is correct.

Is Micron the sort of manufacturer's label for this piece of equipment or is it a technical description? -- I do not know. I was just told that it was a Micron set, it is a portable Micron set, that is what I used.

I see. You have never looked at the numbers on it, (20)  
or anything of that sort to be able to give the Court some idea with more precision of the sort of equipment you were using? -- No.

Right.

COURT: The portable Micron set, is that the receiving set? -- That is the receiving set.

That is the microphone, the source used? Or not? -- No, no that is the sender, the microphone set is ...

So the Micron set is the receiving set? -- The receiving set and the source carried the sender. (30)

And the National Panasonic tape recorder that is also the recorder/....

recorder you had? -- I had the recorder to connect onto my receiver.

I see, and the sender, what was that? -- The sender is...

What type of sender did you use? -- I do not know what type it is, it is a gadget that I put onto my source, he carries it on himself.

MR YACOOB: Is it possible that the Micron set is the receiver and the sender together? -- No.

So you are certain that the transmitter or sender is not Micron? -- No I do not know the sender, what sender it is, (10) but, I do not know what they call it. But the Micron receiver is something different from the sender.

I understand that but the fact that you do not know what the sender is called does not exclude the possibility that the sender could also be Micron?

COURT: Does not exclude the possibility?

MR YACOOB: Does not exclude the possibility? -- Yes that is right.

Alright. Now some physical description, this transmitter is possibly something fairly small? -- Yes it is (20) small.

And what does it consist of, does it consist of a number of different parts or is it just one piece of equipment? --. It is just one piece of equipment.

Would you say it is the size of a little portable radio which could be slipped into a pocket, that sort of size?

COURT: Could you give us the dimensions? In centimetres?

-- In centimetres. It has got an aerial from, it is a little battery with an aerial and the mike itself.

MR YACOOB: Is the microphone separate? -- No, no they are (30) all attached.

Can you give us some indication of the size in centimetres please? -- The mike itself is as big as a twenty cent piece.

Yes? -- Or it could be a little smaller.

But it is one ...

COURT: Is the mike attached to a string, to a wire or something? -- Yes.

I see. Where is it carried, in a pocket or somewhere? -- He puts the battery into his pocket.

Inside pocket, yes? -- The mike, we attach the mike (10) underneath his ...

Under the tie? -- Under the tie.

I see.

MR YACOOB: And the size of the battery unit? -- It is as big as a matchbox.

Alright. Now inside your car then you have a receiver and you said that you could hear through your receiver what was going on if you had tuned it properly, is that right? -- Yes that is correct.

Right. Now ... -- The receiver is something like tuning (20) onto a radio, you try to get the right station. But you can only pick up something, if I get it onto the sender.

COURT: You can only pick up something which is in fact picked up by the sender? -- The sender, yes.

You cannot pick up anything else? -- Anything else.

I see.

MR YACOOB: But suppose that there was another sender tuned into the same frequency, I would imagine you could pick that up as well Major, could you not? -- Another sender, similar type of sender?

(30)

Yes. -- Yes possibly pick up.

Now/...

Now I want to get some idea of exactly where you were in relation to the hall. You said that you were parked behind or next to a wall? -- that is correct.

Now this wall how high was it? -- A wall is about six feet high.

And is it a wall different from a wall of the hall building? -- Yes.

COURT: Was this wall a dividing fence? -- It is a dividing fence between the hall and a private property.

MR YACOOB: And how far is the edge of the hall nearest (10) you from this wall next to which you were parked? -- The wall that I was parked next to is about, was, is about, I am talking in terms of feet and inches, it is about five feet away.

COURT: The wall was five feet from the wall of the hall? -- That is right.

MR YACOOB: Alright. So there were in fact two walls at about five feet separating you from the hall itself, from inside the hall? -- Not two walls, well I said it is the wall of the building and the wall that I was standing next to, parked (20) next to.

I would imagine therefore that your ability to hear what was going on inside the hall would have been very restricted? -- No. The entrance to the hall was more or less facing my wall that I was parked next to.

I see. Alright. Would you say that it was possible for you to hear very clearly what was going on inside the hall? -- Not word for word. I could identify the speakers, I could pick up a few words.

Now would you say that this meeting to which you went (30) was well advertised? -- Yes it was well advertised by pamphlets.

Would/....

Would it have been advertised in the newspapers as well or do you not know? -- No I do not know.

You do not know. And people who, sorry. When you got to the hall you say you saw lots of people but you singled out in identifying people certain speakers and certain people who were ex Robben Island prisoners as you call them. Now why was that, why did you single out those people as people you recognised? -- Well those were the important people that I had seen. I was surprised to see the Robben Island prisoners, particularly Kisten Doorsame, Kisten Moonsamy who said that, (10) when I spoke to him when he came out of Robben Island he says "No more politics for me" and I was suprised to see him there.

I see, and the other persons from Robben Island, why did you particularly remember him? -- They were more or less made heroes at the meeting. Paul David introduced them to the crowd and said these are the people that came out from Robben Island and he identified each and every one of them.

I see. Alright. Now you switched the tape recorder on at the stage, at around 14h00 you said in your evidence-in-(20) chief? -- No. I said at 13h30.

At 13h30? -- Yes.

And there was singing going on but the meeting had not yet started? -- No had not started. I expected the meeting to start at 13h30, it was advertised for 13h30.

And when it did not start after some while you say you switched the tape recorder off? -- Yes I did.

How long after 13h30 would you say you did that? -- No I do not remember how long, it was after a few songs. I said oh well these people are still carrying on, when are they (30) going to start the meeting. I switched it off and I checked

and/....

and I see the people are still coming in and I said oh well it may start any moment so let me switch it on again.

Alright. But you put it off you say after a few songs had gone by? Is that right? -- I cannot specifically say after a few songs, it may be during the singing of that song or another song.

I see. You could have put it off after the singing of the first song as far as you are concerned? -- No I do not think it was after the first song, it was much later than that. (10)

Much later than that. -- Yes.

And you put it off because you thought there was no chance of the meeting starting soon, is that right? -- I put it off to check what is going on, why are they still carrying on, why is the meeting not started. I looked outside, I looked over the wall and I saw the people are still coming in, I said oh well they might just start any moment let me put it on again.

I do not understand how putting it off will enable you to check, as you put it, why the meeting had not started? How putting the tape recorder off helped you to check why the (20) meeting had not started. -- Well there is a whole lot of things that I just did.

But you agree that putting the tape recorder off would not help you to check this more accurately or anything of that sort? -- I suppose I put the tape recorder off just to look across the wall to see what is going on.

Did you get out the car to look across the wall? -- Yes I was sitting on the driver's seat, I stood up and I looked across over the wall.

And did you get back immediately and put the tape (30) recorder on again? -- Yes.

You/...



You did not spend long looking over the wall? -- I do not think I did that.

So the position is that you put the tape recorder off, got off your motor vehicle, looked over the wall, came back into the vehicle and put the tape recorder on again? Is that the position Major? -- Yes, but I do not know how long it took.

No but your recollection is clear is it not that you did not spend any time at the wall? -- No I do not think I could have spent hours, it could have been a few minutes.

It could have been a few minutes? -- Yes. (10)

Alright. And at what stage did you come in then, did you come into the car again at the stage when you thought the meeting was going to start or what? -- Well I thought the meeting was going to start and I switched it on again.

Now did you think that the meeting was going to start while you were at the wall and is that the reason why you came back into the car? -- No. I got into my car and I switched it on and I said well I suppose they are going to start any moment now.

But you had no reason for thinking that or did you? (20)

-- No reason whatsoever.

Alright. Now at the end of the meeting you said that some cord got pulled out, is that right? -- I pulled the cord from the Micron receiver off the tape recorder.

Is that while you were in the process of packing away the tape recorder? -- Packing away the set, yes.

Now is not the first thing one does in those circumstances to put the tape recorder off? -- Not necessarily.

Have you recorded meetings on many occasions before? --

Yes. I have. (30)

And you have no normal order in which you do things at the/...

the end of the meeting, like putting the tape recorder off first and so on? -- No not a specific order.

Sometimes you would leave the tape recorder on, pull off the connections and put off the tape recorder later, is that right? -- Yes.

And is that what you did in this case? -- Yes.

How long after you pulled the cord off did you put the tape recorder off? -- Oh a matter of seconds I should say.

I want to suggest to you that that is a very illogical order in which to do things Major? -- I suppose that is how(10) you take it. I did it another way.

I see. Do you regard that as a perfectly logical way? -- No, no.

No. Alright. Now while the meeting was going on were you particularly concentrating on what was being said? -- Yes I had to submit a telex the next day and I was listening in.

But you knew that you could always listen to it again before you submitted a report, as you in fact did? -- I believe in double checking.

I see. -- I want to make a thorough job of it. (20)

Right. Did you make notes while you listened? -- No I did not.

Alright. Now what was the name of your source, or the person that you sent into the hall? -- No I am not prepared...

MR JACOBS: Ek maak beswaar dat daar getuienis openbaar word, dit is vertroulike getuienis wat nie aan die publiek geopenbaar kan word nie. Dit gaan hier oor 'n beriggewer en dit kan nie geopenbaar word nie.

COURT: Are you persisting in the question?

MR YACOOB: No My Lord, I do not take it any further. (30)

Alright. At what time did the meeting finish? -- Sixteen, round/...

round about sixteen something. After four, sixteen, I would not know the exact time. It is a, it could be after four.

Some time between four o'clock and five o'clock? -- Yes.

Right, and as I understand your evidence on the next day you played the tapes back again in order to make sure, or in order to compile your report? -- For head office, yes. For my telex.

Right. Now you say that you have recorded at many meetings before, is that right? -- Yes I have.

Were you told at all that once you have recorded on a (10) tape you ought to ensure that you take steps to prevent the erasure of what has been recorded? -- There is no instructions.

There is no instructions. -- I must make sure that it does not happen.

Are you aware of any method by which you can make sure that does not happen? -- There is no particular method. You just see that you transcribed or listened to the tape.

Will you please look at EXHIBIT 7(1). Have you got EXHIBIT 7(1) with you? -- Yes.

Now I would like you to look behind EXHIBIT 7(1) please, (20) that is not the side ...

COURT: Open the box and look at the cassette itself.

MR YACOOB: Open the box and look at the cassette, sorry.

I would like you to look behind the cassette, that is on the side opposite to that into which the head of the tape recorder would fit.

COURT: Yes will you hand me the box, I will give you a hand. Yes? Now what part of the cassette does he have to look at?

MR YACOOB: I would like you to look at the spot behind the cassette, that is on the side opposite to that which is the (30) side into which the head of the tape recorder would fit.

COURT: /....

COURT : That is where the tape is not?

MR YACOOB : That is correct. Will you please look at the opposite side to the side at which you are looking. If the witness can be helped by somebody to look at the correct side.

ASSESSOR(MR KRUGEL) : At the back side of the cassette casing. The thin side.

COURT : Yes, the thin side of the casing. Are you looking at that? -- That is correct.

Are you looking at that? -- Yes.

Do you see two holes there? -- Yes. (10)

MR YACOOB : Do you know what those holes are about? -- No.

You have no idea at all? -- No.

And you do not know how those holes got there? -- No idea.

Thank you. You can stop looking at the cassette now. This ringing of the telephone which appears on the cassette, you say that happened while you had the cassette in your possession? -- That is correct.

And you said it was at your office?-- Yes.

Did it happen while you were transcribing the cassette or while you were listening to it for the purpose of drawing up(20) your report? -- While I was listening to it for the purpose of drawing up my telex.

And the tape recorder which you used was identical to the tape recorder which you saw yesterday? -- Yes.

Will you please look at that tape recorder again, because I just want some facts on record in relation to it.

COURT : Will you just read into the record what type of machine are you looking at at the moment? -- National Panasonic.

MR YACOOB : You will notice that all the buttons on it are the same size except for the recording button which is considera-(30) bly smaller than the rest of them. Is that correct? -- That

.../ is

is correct.

Would you say that the recording button is about half the width of the other buttons? Of each of the other buttons? -- No, it is much smaller than that.

Smaller than half? -- Yes.

This button is situated immediately to the left of the play back button. Is that correct? -- Correct.

And immediately to the left of the recording button is the button which you use to stop the machine. Is that correct? -- That is correct. (10)

I want to suggest to you that because of the size of that button it could be very difficult for you to depress it accidentally. What would you say about that? -- No, I do not think so. A human error can happen any how.

I want to come back to the cassette tape again and the holes that you saw there. I want to put it to you that in a brand new cassette those holes are not there. They are actually blocked and that these blockages are usually removed after recording to prevent the tape from being recorded again. -- I do not know about that. (20)

I want you to accept that as correct. -- No, I would not accept that as correct.

You would not accept that as correct? -- No, I do not know about that.

Because my difficulty is that if you did not remove those blockages, then who did. Any comment? -- No, no comment. I would not know.

This telephone which rang at your office, is it connected to a switch board? -- Yes.

Did you get a call through the switch board on that occasion? -- Yes. (30)

Before I ask you that question. Is it possible on that telephone for you to get a telephone call other than through switch board or from somebody internally trying to contact you? -- My switch board I could receive calls internally and externally.

COURT : Did you have a direct line? --- Yes.

Or did you have to go through the switch board? -- Calls can come through the switch board.

You can do both? -- Yes.

So, they could ring you directly or it could come (10) through the switch board? -- That is right.

MR YACOOB : On the same telephone? -- On the same telephone, yes.

Can you recall whether this was an outside call or not? -- It was an outside call.

What sort of telephone do you have at your office? From my own knowledge of telephones you get these little cricket telephones and you get some of these larger ones which were the older ones? What sort of phone do you have? -- I do not know much about telephones. It is the old type of telephone. (20)

It is not possible for you to describe it in any detail? -- No.

I put it to you that you do not need a technician to describe your own telephone to you? -- No, the type of telephone I would not know.

COURT : Is it black? --- Yes.

Has it been in use for many years? -- Yes.

Then it is not one of the new types, Mr Yacob. It is not a cricket.

MR YACOOB : When it rings, does it sound like a bell? -- (30) It will all depend what type of bell.

Any sort. It does not matter. -- I had to know what type of bell? A church bell? It is just an ordinary ring.

When this telephone rang and you pressed the button accidentally, can you recall whether you stopped the machine before of after you picked up the telephone? -- I think I picked the receiver up and stopped the machine. I found I had my finger on the tape as I picked the receiver up, after it rang.

COURT : What are you saying? Are you saying you picked up the receiver and you put your finger down on the wrong button? -- No, when it rang, I wanted to stop it and I had my finger (10) on the wrong button, the tape button. As I picked the receiver up, I found that I had my finger on the wrong button. It is a matter of about one and a half, two seconds.

MR YACOOB : I just want to understand what do you mean by "as I picked the receiver up." Is it as you picked the receiver up that you realised that you had pressed the wrong button down? -- Yes.

Would it be therefore correct to say that you stopped the machine after you picked the receiver up? -- As I picked the receiver up, I pressed the button. (20)

When you pressed the wrong button, were you at that stage in the process of picking up the receiver or not? -- No. When the telephone rang I immediately stopped the machine and picked up the receiver, but I pressed the wrong button and as I picked up the receiver I pressed the stop button.

So, you pressed the wrong button before you picked up the receiver and you pressed the stop button as you picked up the receiver? -- Yes.

Can you remember, was it before or after you picked it up? -- It was after I picked up the receiver. (30)

There you are quite sure that if one listens to the

recording, one would hear you picking up the receiver. That would have been recorded? -- Not necessarily. It all depends on how one picks the receiver up. One can pick up the receiver quietly or one could pick up the receiver making a slight sound.

I would imagine that when you picked up the receiver, you slightly aggitated because you just pressed the wrong button. -- After I picked the receiver up, yes. Not aggitated. I was a fool, I made a mistake.

At the beginning of your answer to that question you said "After I picked the receiver up." Would you tell the Court(10) preciesly what you meant by that? -- After I picked the receiver up, I found that I had my thumb on the tape button. So, I quickly pressed the stop button.

So, it was only after you picked up the receiver that you realised that your finger was on the wrong button and not as you picked it up or before you picked it up as you said before? Is that right? --- I said as I picked the receiver up, not before.

I am very sorry, but when I asked you to explain what you meant by saying "after I picked the receiver up, yes", your answer (20) to that question was that after you picked up the receiver, you realised that your finger was on the wrong button. Did you not say that? -- I said as I picked the receiver up, I found that my finger was on the tape button and immediately I pressed the other button. It was a matter of seconds.

Let me repeat an earlier question. Your answer to an earlier question and at the beginning of that answer you said "After I picked the receiver up, yes." What did you mean by that? -- I meant, after picked the receiver up, I pressed(30) the stop button. I removed my finger from the tape button and immediately pressed the stop button.



The record will speak for itself. You say you were not aggitated at all by this mistake that you had made? -- No, it is not a mistake to be aggitated about. I felt sorry that I did that, because if I try to transcribe it I would not get all the words.

Did you ever go to the office of Colonel Jansen in connection with this tape? -- Yes.

When was that? -- In last week.

What was the purpose of your visit to him? -- To check through my tapes for consultation. (10)

What did you do then? -- I went through the tape.

In the presence of the colonel? -- No, he was not there.

So, you went to his office and you listened to the tape. Is that right? -- Yes.

And left? -- Yes.

You saw nobody, you spoke to nobody in connection with the tape? -- No, I did speak to the colonel.

So, the colonel was there? -- Yes, at a later stage.

So, when you first got there, the colonel had not arrived? -- No, he was not in his office. (20)

Did you go there on your own initiative or were you asked to go there by somebody? -- I was asked to go there.

And when you got there and before the colonel came, did you know why you were there? -- Yes. I did not at that stage why I was there, but when I got there, I was told that the colonel wants to see me.

And did you get into the office of the colonel before he arrived? -- Yes.

And did you listen to the tape before he arrived? -- No.

I thought you gave us the impression that you did that. (30)  
So, you say you waited for the colonel in his office? -- I

... / listened

listened to the tape. There were two occasions. The first occasion I went there I listened to the tape, the colonel was not there and the second occasion when I got there, the colonel was there.

Precisely when was the first occasion? -- A month ago.

At a particular time on a particular day. Is that right?

-- Yes.

And you went there to find that the colonel was not there.

-- That was the second time.

Oh, was the colonel there the first time? -- No, the (10) colonel was there the first time, not the second time.

We are talking about the first time. Is it correct that you went on the first occasion on a particular time on a particular pre-arranged day?-- Yes.

You went there to find that the colonel was not there? -- Yes.

Why did you then went into the office of the colonel if the colonel was not there? -- On the first occasion I did not go into the colonel's office.

Did you simply find that the colonel was not there. did (20) you went in for a while and leave or what? -- The first occasion when I was there I spoke to another gentleman that was there. The colonel was not there. On the second occasion when I got there, the colonel was there.

Let us confine ourselves to the first occasion at this stage. When you got there on the first occasion the colonel was not there. You spoke to some other gentleman. What is his name? -- It was a lieutenant.

Did you speak to him and leave? -- I spoke to him and I listened to my tape. (30)

Did you say that you wanted to listen to the tape? -- Yes.

... /And

And did you then leave? -- Yes.

So, on the second occasion the colonel was there was he?

-- The colonel was there, yes.

What happened on this occasion? What did the colonel want you for? -- He wanted to clarify a few points about the tapes.

Can you tell us precisely what did he want to clarify?

-- He asked me did I listen to the tape. Are you quite satisfied. He asked me if I checked the transcript with the tape, I said yes and I left. (10)

So, that conversation could not have lasted more than two minutes? -- Five minutes I should say.

But you are sure no more was discussed than the account that you have given to the Court now? -- Yes, there were other matters discussed as well. When did you put the tape on, when did you put it off.

What else as far as you can remember? -- Can you remember why you stopped.

Yes? -- I gave him my answers.

So, the first time you began thinking about why there was (20) telephone ring on the tape, would have been when you saw the colonel. Is that right or not? -- No, the first time I know about the telephone ringing was when I was transcribing the tape and I explained that to the colonel what happened.

What other stops did the colonel ask you about? -- Why did I stop. I told him I stopped because they were carrying on singing.

What else did the colonel ask you about? -- That is all.

Did the colonel not ask you about certain voices at the end of the tape, Sergeant Pillay's voice for example? -- (30)  
No, not at that stage.

When did the colonel ask you about that? -- He asked me that on Tuesday.

So, you saw the colonel twice? -- Thrice. The third time at court.

So, you went four trips to the colonel's office, you did not see him ... -- Two trips.

Two trips? -- Yes.

You saw him there on one occasion. Is that right? -- Yes.

You say you saw the colonel twice or thrice? -- Thrice.

How many times at his office? -- Once at his office. (10)

How many times at court? -- Once. I saw him yesterday. I did not speak to him.

While you are thinking about that question, I just want to clarify that. I am not interested in the occasions where you may have seen the colonel at court somewhere. That is not important. I am only interested in the occasions when you spoke to him in connection with the tape in this case? -- Twice.

Once at his office and once at court? -- Yes.

When was it at court? -- On Tuesday this week.

So, on the first occasion the colonel did not raise the (20) question of the voices at the end of the tape. Is that right? -- No, he did not.

He raised it only on the second occasion? -- Yes.

What other matters did the colonel raise with you on the second occasion? -- Nothing else.

I want to get back to that meeting. You did not know, could not know visually exactly what was going on inside the hall. Is that right? -- No, I would not know what was going on, but I could hear what was said.

I understand that. You said that you knew Mr Paul (30) David well enough to identify him by his voice? -- Correct.

Have you had any experience where sometimes you know somebody well, but when you listen to his voice or her voice over a piece of equipment, a telephone or the radio or a tape recorder, you would find it difficult to identify the voice, because sometimes these pieces of equipment have the effect of being able to change the voice to some extent. Have you had that experience? -- Yes. If I do not know the man too well, but Paul David I know him very well. If I had to listen to Mr Jack Jacobs's voice, I would know him very well. I would not make a mistake. (10)

But have you never had the experience even where you know a person's voice very well, equipment plays such tricks that you could possibly make a mistake. It happened to me on a number of occasions. -- No, it has not happened to me.

And therefore it is outside your experience, is it? It never happened to you and therefore you do not know whether it can happen. Is that right? -- Yes.

And you of course have had no training in voice identification? -- No, no training whatsoever.

You had no training in distinguishing between a voice (20) heard in normal natural circumstances and voices heard through equipment, transmitted over wires and so on? You had no training and have no knowledge of that? -- No, no training and no knowledge.

And you of course has no knowledge of the fact that equipment can change the voice? -- I do not know about that. If the recording is very poor, indistinct, you can make a mistake. But if the recording is clear, there is no chance of making a mistake. Paul David has been the chairman and speaker for many many meetings. I had personal discussions with him. (30) I know him well. I know his voice well.

You were listening to these voices on the basis that there is no difference between voices you hear through pieces of equipment and voices which you hear normally and naturally. Is that correct? -- Yes, I have no knowledge about that. It is possible. I have no knowledge.

If you have no knowledge then it must be possible that you were mistaken about the voices that you heard particularly since you did not see them speaking? -- The speakers at this particular meeting?

Yes. -- Paul David was the chairman. I heard his voice (10) on the tape and outside and I double checked with my men that were keeping observation ... (Mr Yacoob intervenes)

What your men told you is unfortunately not admissible. Please do not tell us about that. --- I double checked and I am satisfied that it was Paul David. It is part of my duty to double check. I am satisfied.

The fact that you double checked means that you must have had some doubt? ---No, not for the sake of doubt. To make sure because I have experience that in a court they ask a lot of funny questions and I wanted to make sure. (20)

To make sure only if you are not sure. Is that not so? -- No, not necessarily.

I want to suggest to you that you were actually not sure? -- No, I am positively sure.

And what about the voice of M.J. Naidoo? -- I know M.J. Naidoo personally. I had tea with him, discussions with him on many many occasions. I know his voice very well

And people's voices, according to your evidence-in-chief that you did not know, what about those? You cannot say that they spoke at the meeting. Is that right? -- Well, they (30) were introduced by the chairman as so and so and I double

... / checked

checked and confirmed it.

Apart from your double checking and the introduction you cannot say whether the person spoke or not. Is that right? --Whether that particular person was speaking? No, I cannot. Besides the introduction and the double checking I cannot say.

You said that you thought that Mr Paul David was the treasurer of the Natal region of the UDF. I put it to you that that is not so. You could not dispute that, could you? -- No, I could not dispute that. I said I think, but I could be mistaken. (10)

About Mr Archie Gumede you said he was involved with the Lamontville people as you put it? -- The Lamontville JRAC. The organisation is JRAC, Joint Rent Action Committee, which is affiliated to the United Democratic Front.

But the Joint Rent Action Committee is not limited to Lamontville, is it? Do you know what the Joint Rent Action Committee is? -- From what I know from the files that I go through, I do not deal in Black politics, I only deal with Indians and Coloureds, but from the reports that I go through in the office people from Lamontville are involved in the (20) Joint Rent Action Committee and Archie Gumede ... (Mr Yacoob intervenes)

There is only one difficulty about that and that is that Mr Gumede comes from Claremont actually. Can you dispute that? -- I did not say he is from Lamontville. It could be Claremont, yes.

And he would be involved with work with the Claremont people? -- Mr Gumede is involved with many other organisations in the other areas. (30)

With no particular relevance, as you put it, the Lamontville ... / people

people? -- Not particular relevance, but I have seen him with the Lamontville people and being the president or the vice-president of the Natal region of the UDF, he is with all people, Lamontville, Chesterville ... (Mr Yacoob intervenes)

There is nothing particularly significant about seeing him with the Lamontville people? -- No, not particularly with the Lamontville people, but JRAC, I came to understand the JRAC people are most people from Lamontville.

JRAC, I put it to you is a sort of federation of rent action committees in areas and in African areas in the (10) greater Durban areas including Lamontville, Umlazi, Kwa Mashu and all these places? -- I must thank Mr Yacoob for that information. I will make sure that I make of that.

In any case, this information is very clear from the newspapers, but to get back to the meeting again, you said that you listened carefully and you compiled a report. Does that mean that you even today have a very clear idea of what each of these people said? -- Yes, more or less. My telex was to give head office an idea of what this meeting is all about and what was the essence of the meeting and I said in my report (20) they are more of an ANC motivated meeting, more to do with the ANC, people were shouting "Viva ANC, Viva Thambo, Viva Mandela" It was a pushing for the ANC matter and furthering the UDF, with an attack on the State, the policies. I clearly remember M.J. Naidoo's speech where he talked about the 1960 affair and he talked about the ANC which was well and alive and he talked about the freedom charter and he talked about the 1960's where people were frustrated and they then tried to have a campaign rocking the boat. Rocking the boat means rocking the country by sabotage. Then I remember Paul David when he introduced (30) these Robben Island people to the crowd. I remember the joke

... / that



that Paul David said. He said he was in a group of youths and somebody said "If Botha asked you to fight on the border, what would you say?" Most of the people said "No, I would not fight on the border. One bright spark got up and said "I would ask Mr Botha which side of the border." There are quite a few things that I remember.

You listened to this tape on a number of occasions, have you not?-- A number of occasions, yes. A few occasions, not a number of occasions.

Firstly, on your version at the stage before you com- (10)  
piled the report. Is that right? -- I listened to it and I compiled my report.

You listened to it again at the stage when you transcribed it? -- That is correct.

That would have been some time in 1984. Is that right?  
-- Yes.

Then for two years you had nothing to do with this tape. Is that correct?-- No, a year later roundabout March 1985 I had to check with the copy, the master copy of the tape with the transcription, the typed version of the transcription. (20)

That was a year later and at a stage when you would not have had much of a recollection of what actually happened at the meeting? Is that right? -- Not much certainly. I would recall certain parts of the meeting for years to come.

But it is very difficult now for you to say what you remember after the 1985 listening of the tape and what you remember of the information you in fact accumulated from listening to the tape before that. Is that right? -- I do not understand that question.

Today you remember certain things about the meeting. (30)  
Is that right? -- Yes, I will still remember it for years.

It is impossible for you today to say clearly what you remember from the meeting itself, what you remember from your 1985 listening to the tape and what you remember from the 1986 listening of the tape. It is impossible to differentiate between those forces of memory, is that not right? -- Yes, that is correct, not all, not everything word for word. Certain important portions that stick into your mind will stay forever. I asked M.J. Naidoo when I met him, I said "That rocking of the boat, are you people still going to rock the boat?" and things like that. That will stay with me forever, for years (10) to come.

The rocking of the boat you say you remember from the meeting itself? -- Yes, from what he said at the meeting.

But I mean, you could well have remembered it because you heard it on the tape, could you not? -- Yes, I remember it from hearing it from the tape.

In 1985 you said you listened to the tape again? -- That is right.

That was in March? -- Yes.

And in 1986 you listened to it once more? -- Yes. (20)

And again you cannot say what you specifically remember as a result of listening to the tape in 1986. Is that right? -- Can you repeat that question again, please?

You cannot say in definite terms what you remember as a result of having listened to the tape in 1986? -- Well, these portions that I have mentioned, I remember it well.

Is it correct that this meeting was called by the Krisch Rabital Memorial Committee, a committee which had been established in Merebank? -- Initially the family, it is a tradition, an Indian tradition that when a person dies, they have a (30) memorial service, but an organisation known as the Krisch Rabital

Memorial Committee consisting of a few people ... (Mr Yacoob intervenes)

That is right, but it was the Krisch Rabital Memorial Committee?

COURT : A committee consisting of two people? -- A few people from that area organised this with the family.

MR YACOOB : Then you said in your evidence-in-chief that Krisch Rabital was a person who had been killed as a result of an ANC attack - I am sorry ... (Court intervenes)

COURT : Before we get to that. Is it an Indian custom to (10) have one memorial service or to have a memorial service every year in the future? -- It depends on the people. They have it once a year or some people just have it once after a year.

MR YACOOB : You said in your evidence-in-chief Krisch Rabital was a person who had been killed as a result of a defence force raid on an ANC base. Is that right? -- Yes.

Is it correct to say that at the time of the raid and some time afterwards there were numerous articles in newspapers who disputed that the attacks were on an ANC base or whether the SADF attacks or sort of putting out the possibility (20) that the attacks were those of civilian targets of houses where refugees lived? -- No, from my knowledge, it was a SADF attack on an ANC base.

You were not there, so you do not know exactly out of your own knowledge? -- No, I would not know. From the reports that I read.

Have you ever read reports which doubted that these were attacks on ANC bases and which put out the possibility that these were attacks on civilian targets and that refugees had in fact been killed? -- That was what certain newspapers (30) described.

Certain newspapers said that while ... -- Certain newspapers with certain in inverted commas.

COURT : Why do you say that in inverted commas? -- There are newspapers that do exaggerate certain news. That is my personal knowledge.

MR YACOOB : Be that as it may, there were these newspapers and as a result of which there were a number of people who felt that this was so as well, a number of people in the community who felt that refugees had been killed as a result of this attack. Is that right? -- These people go by what is in (10) the newspapers. They do not know the real truth.

Whatever that might be, but is the position of your own knowledge that you do not know yourself whether Mr Rabital, apart from reports which you may have received, we do not want you to talk about that, but out of your own knowledge you do not know whether Mr Rabital was simply a refugee or somebody in a best when he was killed? -- No, that I would not know.

Just one final point, if you were where you say you were, is it correct that everyone coming to the meeting would have known that you were there? -- No, not everyone. (20)

Would you say most of the people? -- The private people, private residents around there saw me. My source, I picked him up and I dropped him near the hall and I picked him up again, he saw me and my colleagues that were around, but not the important people, the people that are involved in attending these meetings. They did not see me. The private people were very scared that day, because of the Blacks coming into the area, very, very scared. One Indian came up to me and said "What are these Kaffirs doing in our area?" and got me very cross.

That is not part of the answer to my question any way. (30)

RE-EXAMINATION BY MR JACOBS : No questions.

NO FURTHER QUESTIONS.

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MNR. JACOBS : U Edele, ek gaan na die volgende bewysstuk toe, BEWYSSTUK V(12) en dan BEWYSSTUK 12. Die eerste getuie is Hendrik Johannes Nieuwoudt.

HENDRIK JOHANNES NIEUWOUDT, v.o.e.

ONDERVRAGING DEUR MNR. JACOBS : U is 'n adjutant-offisier in die Suid-Afrikaanse Polisie gestasioneer te Kimberley waar u verbonde is aan die Veiligheidspolisie? -- Dit is korrek.

Op 30 Junie 1984 het u opdrag ontvang en het u gegaan (10) na Vryburg toe? -- Dit is korrek.

Op die betrokke dag, daar het u vir sersant of adjutant Kock van die Vryburg tak van die veiligheidspolisie ontmoet? -- Dit is korrek.

Op dieselfde dag het u gegaan na die Huhudi Swartwoongebied en daar na die gemeenskapsaal toe? -- Dit is korrek.

Wat het u daar in die saal gaan doen? -- Daar in die saal het ek 'n mikrofoon geplaas.

Wat se soort mikrofoon? -- Dit was 'n mikrofoon wat ek verbind het met 'n ontvangstoestel. (20)

Hoeveel mikrofone het u in die saal opgestel? -- Net die een.

Hoe het u hom opgestel? Kon dit 'n opname doen van buite die saal gebeur? -- Nee.

Of net in die saal? -- Hy was net vir die saal self.

Die mikrofoon, het u hom verbind met 'n bandopnamemasjien? -- Dit is korrek.

Het u hom verbind aan die masjien? Waar was die masjien? -- Die masjien was op 'n spesifieke punt weg van die saal.

Buitekant die saal? -- Buitekant die saal. (30)

En wie het die masjien geoperateer daar? -- Adjudant Kock het dit gedoen.

Nadat u dit verbind het met die masjien - wat se masjien was dit? -- The masjien was n bandopnamemasjien.

HOF : Wat se soort? -- As ek dit reg het, was n Sanyo.

MNR. JACOBS : Het u hom getoets daar of hy opvang in die saal? -- Dit is korrek.

HOF : Het hy gewerk? -- Hy het gewerk.

MNR. JACOBS : En die opnamemikrofoon in die saal self, was hy of kon hy deurlopend al die tyd aaneen opneem? -- Hy kon(10) deurlopend opneem.

KRUISONDERVRAGING DEUR MNR. BIZOS : Wat het u met die band gedoen toe die vergadering klaar was? -- Nee, ek was nie by die vergadering nie.

Nee, ek weet dat u nie by die vergadering was nie, maar was u nie teenwoordig toe die vergadering plaasgevind het nie? -- Nee.

Nie in die omgewing nie? -- Nee.

Op 1 Junie was u nie eers in die omgewing nie? -- Nee,

Was enige bandopname aan u oorhandig na 1 Junie? --- Nee, (20) nie ten opsigte van daardie vergadering nie.

Waar was die mikrofoon opgestel? -- Hy was binne-in die saal opgestel.

Hoe ver van die verhoog af?-- Hy was min of meer in die middel van die saal gewees.

In die middel van die saal? -- Ja.

Dra u enige kennis van hoe die apparaat wat op 1 Junie gebruik was werk? Dra u enige tegniese kennis? -- Ek dra kennis van die werking van die apparaat.

Wat se kennis dra u?-- Ten opsigte van die konnektasie (30) van die mikrofoon aan die ontvangapparaat.

Was u net gewys hoe dit werk? -- Dit is reg.

Maar u self het geen tegniese opleiding gehad nie? -- Nee.

Wat is die naam van die masjien weer? -- Dit is 'n Sanyo.

As ek reg onthou is dit 'n Sanyo. Die bandopnemer self.

Hoe het u vasgestel dat dit wel werk? -- Deur hom aan te skakel en te hoor.

Dit is op die 30ste? -- Op die 30ste.

HOF : Het u in die saal gaan praat en kyk of dit opgeneem word? -- Nee, as jy hom aanskakel, deur jou oorfone, kan jy hoor of hy aan is en of hy nie aan is nie. Of hy deurkom (10) en of hy nie deurkom nie.

MNR. BIZOS : Toe die vergadering begin, moes iemand dit aanskakel? -- Dit is korrek.

Het u enige reëlings getref met enige persoon om dit mikrofoon op 'n spesifieke tydperk aan te sit? -- Nee, dit was adjudant Kock. Ek het vir hom gewys hoe werk die ding en daarna het hy dit self hanteer.

HERONDERVRAGING DEUR MNR. JACOBS : Ek kan miskien net een ding duidelik kry. Nadat u op die 30ste die mikrofoon ingestel het en gekoppel het of geneem het na die plek waar die bandopname-(20) masjien was, moet hy weer binne-in die saal aangeskakel word of as hy daarna by die masjien aangeskakel word, werk hy dan? -- Jy skakel net die masjien aan en dan werk die hele "set-up" weer.

U hoef nie weer terug te gaan in die saal in om die mikrofoon aan te skakel nie? -- Nee.

GEEN VERDERE VRAE.

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MNR. JACOBS : Jacobus Marthinus Kock.

JACOBUS MARTHINUS KOCK, v.o.e.

MNR. JACOBS : U Edele, ek moes gesê het dat hierdie getuie (30)

... / is

is 'n getuie wat voorheen getuig het oor hierdie aspek.

ONDERVRAGING DEUR MNR. JACOBS : U is 'n adjutant-offisier in die Suid-Afrikaanse Polisie gestasioneer te Vryburg en daar aan die veiligheispolisie verbonde? -- -- Dit is korrek.

Was u teenwoordig op 30 Junie 1984 toe die vorige getuie mnr. Nieuwoudt die mikrofoon geïnstalleer het binne-in die saal daarso by Huhudi Gemeenskapsaal? -- Ek is bewus daarvan

HOF : Wel, die vraag is of u teenwoordig was? -- Ja, ek was in wese teenwoordig.

MNR. JACOBS : En dit was alles in voorbereiding vir 'n ver-(10)gadering wat die volgende dag daar sou plaasgevind het. Is dit reg? -- Dit is korrek.

En die mikrofoon daarvanaf sou dan verbind word met 'n bandopnamemasjien wat buitekant die saal deur u beman sou word?-- Dit is korrek.

Die vergadering wat daar gehou sou word, is dit geadverteer in daardie gebied? -- Dit was geadverteer.

Kan u vir ons meer besonderhede gee van hoe hy geadverteer is en wat se vergadering dit was? -- Dit was deur plakkate geadverteer 'n Huhudi Youth Organisation vergadering. Dit (20) was op 'n hele paar plekke aangebring gewees.

En hoe laat sou die vergadering plaasvind en op watter datum? -- Dit was geadverteer vir 1 Julie 1984 en dit sou om 14h00 plaasgevind het.

Op 1 Julie 1984 het u u plek gaan inneem om die opname te maak van die vergadering? -- Dit is korrek.

Waar het u posisie ingeneem? -- Dit is in 'n nabygeleë gebou wat na aan die saal geleë is.

Hoe ver van die saal af ongeveer? -- Dit was ongeveer so 50 meter.

Hoe lank voor die tyd het u daar stelling ingeneem? --



Ons was ongeveer n uur voor die tyd daar gewees.

Het die vergadering toe in aanvang geneem daar? Het die mense opgedaag? -- Dit is korrek.

Die saal ingegaan? -- Dit is korrek.

Het u enige persone sien aankom wat u geken het? -- Daar was n hele aantal persone daar gewees wat met voertuie ook gearriveer het daar, bekendes sowel as onbekendes. Daar was persone wat nie aan my bekend was nie.

Weet u wie is die persoon wat die voorsitter op die vergadering was?-- Ek is nie seker nie. (10)

Op n stadium het u toe begin om die vergadering op te neem? -- Dit is korrek.

Hoe het u te werk gegaan? -- Ek het maar net n gewone bandopnamemasjien gekonnekteer en die ontvangsknoppie gedruk om die opname te begin.

U het die bandopname begin en die opname gedoen. Kon u dieselfde tyd ook hoor wat daar in die saal aangaan? -- Nie duidelik nie, maar ek kon hoor as hulle sing. Dit kon n mens hoor.

Het u oorfone gehad wat u miskien aangesit het om te hoor wat daar gesê word? -- Dit is korrek. (20)

Dan kon u hoor terwyl die opname gedoen word wat daar ook in die saal aangaan? -- Ja, maar soos ek gesê het basies net wat hulle gesing het en so aan. Ek kon nie stemme herken of iets nie.

Nee, ek praat nou nie van die herken van stemme nie, maar terwyl hulle praat, kon u dit hoor oor u oorfone? -- Dit is korrek.

Die dele wat u nou geluister het met die oorfone, wat se taal was hoofsaaklik op hierdie vergadering gebruik? -- Dit (30)

... / was

was hoofsaaklik Swarttaal gewees.

Toe u nou begin opneem het, het u aan die begin van die opname die aan knop gedruk om te "record", soos hulle sê? -- Ja, dit is korrek.

Het u reg deur opgeneem tot aan die einde van kant 1 van jou band? -- Dit is korrek.

Vandat jy hom aangeskakel het tot aan die einde van kant 1 het jy nooit jou masjien aan- en afgeskakel? -- Nee, op geen stadium nie.

Toe jy gekom het aan die einde van kant 1 van die (10) opname, wat het u toe gedoen? -- Ek het net die ontvangstoestel afgeskakel, die band vinnig omgedraai en hom onmiddellik weer aangeskakel.

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Was hy dan op kant 2 van dieselfde band? -- Dit is korrek.

En tot aan die einde van die band van kant 2 het u opgeneem? -- Dit is korrek.

Het u op enige stadium terwyl kant 2 opgeneem word die opnamemasjien aan- of afgeskakel? -- Op geen stadium nie.

Toe u aan die einde gekom het van kant 2 van band 1, wat het u toe gedoen? -- Toe het ek die masjien afgeskakel en (20) 'n nuwe band ingeplaas en hom onmiddellik weer begin opvang.

Ons noem dit band 2, toe u nou band 2 insit, het u hom opgeneem tot wat daar gebeur het aan die einde? -- Dit is korrek.

HOF : Op die een kant? -- Net op die een kant en daarna het ek hom gestop en weer die ander kant opgeneem.

MNR. JACOBS : Toe u nou band 2 kant 1 opgeneem het, vandat u begin het tot aan die einde van hom, het u ooit die band-masjien gestop? -- Nee, op geen stadium nie.

Toe u aan die einde daarvan gekom het, het u dit weer (30) afgesit soos in die vorige gevalle, die band omgedraai en toe

... / weer

weer begin opneem op kant 2 van band 2? -- Dit is korrek.

Het u dit toe ook reg deur geneem tot aan die einde van die vergadering? -- Dit is korrek.

En wat op hierdie band 2 kant 2 is? -- Dit is korrek.

Het u op enige stadium hierdie band aan- en afgeskakel?  
-- Nee, op geen stadium nie.

Nadat u klaar was met die opname en die vergadering, wat het u toe gedoen? -- Ek het die bande aan sersant Masaile oorhandig.

Waar? Daar by die opnameplek of waar? -- Ja. (10)

Voordat u die bande uitgehaal het, het u enige merke aan hulle geplaas? -- Nadat ek die eerste band klaar opgeneem het, het ek op hom geskryf HUYO en die datum.

En die tweede een? -- Dieselfde en die datum.

U Edele, ek het hkovert hier met Huhudi Youth Organisation en die datum wat daarop staan 1984-07-01 "Inhoud twee kassetbande." Dit is geseël met 'n amptelike seël 1385. Binne-in is daar twee kassethouers nadat ek die seël gebreek het. Albei die houers is dieselfde tipe dit is Agfa Farro Color. Op die eerste een wat ek oopmaak is daar 'n 1 geskryf op die band self. (2) Daar is 'n etiket waarop geskryf is. Daar staan HUYO en dan 84-07-01. Dan op die anderkant, dit is met blou ink geskryf en dan op die agterkant van hom is daar in die hoek 'n 2 aangebring in blou ink met 'n strepie onder en op hom self is daar dan ook in swart pen geskryf T 470/4/1. Dan die tweede een daar staan dan ook so 'n etiket wat 'n wit strepie op is. Dit is in blou ink geskryf 3 HUYO en dan 84-07-01. Dan op die ander kant is daar 'n 4 en weer in blou ink en dan toe in swart pen is daar die volgende nommer geskryf T 470/4/2. Ek wil hê u moet kyk na hierdie twee bande. Herken u daardie twee (30) kassetbande? ---Ja, dit is dié wat ek die opname van gemaak

... / het

het op die eerste een.

HOF : Dit sal ingaan as BEWYSSTUKKE 12(1) EN 12(2). 12(1) sal wees die een waarop geskryf is T 470/4/1 en 12(2) sal wees die een waarop geskryf is T 470/4/2.

MNR. JACOBS : Die skrif wat daarop voorkom in die blou ink, is dit jou handskrif daardie? Identifiseer jy dit? -- Ja, dit is my handskrif.

Die bande daarso is dit die bande wat u toe later oorhandig het aan sersant Masaile? -- Dit is korrek.

Hoekom het u dit aan hom oorhandig? -- Ek het dit aan (10) hom oorhandig om h transkripsie te maak van wat gesê is op die bande.

Was hy teenwoordig toe hierdie opname gemaak was? -- Hy was teenwoordig.

U sê u het dit sommer daar waar dit klaar opgeneem was aan hom oorhandig en gesê hy moet h transkripsie maak? -- Dit is korrek, ja.

Is hy saam met u daarvanaf terug na die kantoor toe? -- Dit is korrek.

Die apparaat wat u gebruik het na die vergadering, het (20) u dit verwyder? -- Dit is korrek.

En die mikrofoon ook? -- Nee.

Het u die mikrofoon gelos? -- Die mikrofoon het gebly.

Toe die transkripsie gemaak was, waar was dit gedoen? -- Dit was in ons kantore gedoen.

Het u enige toesig gehou oor die maak van die transkripsies? -- Ja.

In hoe h mate het u toesig gehou? -- Sersant Masaile het in h aparte kantoor gesit, wat ek van tyd tot tyd besoek het en in die middag het ek die bande van hom ontvang en dit (30) in die kluis toegesluit. Die volgende dag het ek dit weer

... / aan

aan hom uitgehandig om met die transkripsie voort te gaan.

Is dit tot aan die einde gedoen? -- Tot aan die einde.

Nadat die transkripsie nou voltooi was, wat het u toe met die bande gedoen? -- Nadat die transkripsie voltooi was, het ek die bande geplaas in 'n koevert en verseël met amptelike seël 1148 en dit in my brandkluis bewaar.

Op enige stadium terwyl die transkripsie gedoen is, het u deur die transkripsie geluister daar en geweet die meeste was Bantoetaal gewees? -- By tye het ek geluister, maar ek kon basies nie verstaan nie. (10)

Kan u sê dit is 'n ware opname van die of 'n ware weergawe van die vergadering wat u opgeneem het daar op die opname? -- Ja, ek kan.

HOF : Het u op enige wyse met die bande gepeuter of daaraan verander? --- Op geen stadium nie.

Of iets toegevoeg of weggelaat? -- Nee, glad nie.

Kon enigiemand anders dit gedoen het? -- Nee.

MNR. JACOBS : Wat het u met die verseëlde koevert en die bande later gedoen? -- Ek het dit later versend aan kaptein De Beer in Durban. (20)

Op watter datum was dit? -- Ek is nie 100% seker nie, maar ek dink dit was in September gewees.

1984?-- Ja.

Per vliegtuig? -- Per vliegtuig.

KRUISONDERVRAGING DEUR MNR. BIZOS : Mnr. Kock, as u gevra was of u die vergadering bygewoon het of nie, sal u sekerlik antwoord dat u nie die vergadering bygewoon het nie? -- Dit is korrek.

Was daar iemand anders behalwe u en die sersant Masaile teenwoordig by die apparaat wat die bandopname besig was (30) om te maak? Was dit net die twee van julle? -- Nee, daar was

... / ander

ander persone ook teenwoordig.

Wie was daar nog? -- Ander lede van die Mag was daar.

Wie het met die oorfone geluister? U of die sersant of die ander lede van die Mag? -- Sersant Masaile het die meeste geluister.

Maar partykeer het uself ook geluister? -- Dit is korrek.

Is dit moontlik met die apparaat wat u daar gehad het vir meer as een persoon om terselfdertyd te luister of nie? -- Nee, dit is net die persoon wat die oorfone aan het wat kan luister.

Maar in elk geval, u het ook 'n ander moeilikheid gehad(10) omdat party van die sprekers in 'n vreemde taal gepraat het? -- Dit is korrek.

So, u kan nie sê dat die bandopname 'n korrekte weergawe van die gebeurtenis by die vergadering was of nie? -- Hy kon niks anders opvang as wat daar by die vergadering gebeur het nie.

Nee, maar uself, behalwe dat u daar teenwoordig was toe die apparaat gewerk het, kan die saak geen verder neem nie. U kan net sê "Ek was daar en die apparaat het klaarblyklik gewerk? -- Dit is korrek. (20)

Die gaatjies wat op die voorkant van die band is, het u met daardie deel van die band iets gedoen?

HOF : Nee, dit is nie aan die agterkant nie, dit is aan die voorkant.

MNR. BIZOS : Aan die agterkant, ja.

HOF : Watter band toon u nou aan die getuie?

MNR. BIZOS : 12(2). Het u ooit iets daarmee gedoen? -- Nee, nooit op geen stadium nie.

Dieselfde geld vir 12(1)? -- Dit is korrek.

En as daar iets vandaan verwyder is, weet u nie wie (30) dit gedoen het en wanneer nie? -- Nee, ek sal nie weet nie.

HERONDERVRAGING DEUR MNR. JACOBS : Geen vrae.

GEEN VERDERE VRAE.

- - - - -

HOF VERDAAG.

HOF HERVAT.

MNR. JACOBS : U Edele, die volgende getuie is William Pascales Masaile.

WILLIAM PASCALES MASAILE, v.o.e. (Deur tolk)

ONDERVRAGING DEUR MNR. JACOBS : Jy is 'n sersant in die Suid-Afrikaanse Polisie gestasioneer te Vryburg waar jy verbonde is aan die veiligheidspolisie? -- Dit is korrek.

Op 1 Julie 1984 was jy teenwoordig saam met die vorige(10) getuie, adjudant-offisier Kock toe hy 'n tegniese opname gemaak het van die Huhudi Youth Organisation se vergadering in die gemeenskapsaal te Huhudi Swartwoongebied Vryburg? -- Ja, dit is so.

Terwyl die opname gemaak word deur adjudant-offisier Kock is daar oorfone aan hierdie apparaat gekoppel waaroor jy kan luister wat opgeneem word en wat in die saal gebeur? -- Ja, dit is so.

Het jy enige pligte verrig daarso terwyl die opname gemaak is? -- Ja, ek het geluister. (20)

Met die oorfone? --- Ja, dit is so.

Die vergadering, in watter taal was hy hoofsaaklik gehou? -- Sotho.

Was daar ook ander taal gebruik? -- Ja, dit is so.

Watter taal? -- Engels.

Was die toesprake in Engels gewees of wat het gebeur? -- 'n Toespraak in Engels. Daar was toe 'n persoon gewees wat opgetree het as 'n tolk van Engels na Sotho.

HOF : Kan ons dit duidelikheid kry. Was daar sekere toesprake wat alleen in Sotho was? -- Ja. (30)

Dit is nie getolk nie? -- Nee.

Maar die toesprake wat in Engels was is almal getolk na Sotho? -- Ja.

MNR. JACOBS : Het adjudant Kock ook van tyd tot tyd op die oorfone geluister? --- Ja, dit is so.

Nadat die opnames gemaak was, was die kassette aan jou oorhandig? -- Ja.

Vir watter doel? -- Die doel waarvoor dit aan my gegee was, was dat ek dit moes gaan vertaal.

Transkribeer en vertaal? -- Ja. (10)

HOF : Bedoel u nou u moes dit gaan oortik? -- Ja.

Of moes u ook die Sotho vertaal in Afrikaans? -- Ja, ek het dit oorgesit na Afrikaans.

MNR. JACOBS : Waar het jy die transkribering en die vertaling gedoen? Waar het jy gewerk? -- In h kantoor wat ek alleen was.

Het jy gewerk onder toesig daar van enigiemand? -- Ja, die vorige Staatsgetuie het toesig gehou oor my.

As jy bedags nou klaar is, sover as wat jy gekom het aan die einde van die dag, wat het daarvan geword? -- Ek het dit oorhandig aan die vorige Staatsgetuie. (20)

HOF : Die bande? -- Ja.

MNR. JACOBS : Om wat te doen? -- Vir veiliging besorging dat niemand dit moet bekom nie.

Wanneer het jy dit dan weer gekry? -- Die volgende dag.

Jy het die transkribering gedoen toe en daarna het jy finaal die transkribering en die vertaling oorhandig aan adjudant-offisier Kock asook die bande? -- Ja, dit is so.

Die bande wat jy gebruik het, is dit hulle daar voor die Hof, BEWYSSTUKKE 12(1) EN (2)? -- Ja, dit is die bande.

Herken jy enige persoon se handskrif daar op? -- Ja, (30) adjudant Kock se handskrif verskyn op dit.



Was dit aangebring daar in jou teenwoordigheid daar waar julle die opnames gedoen het? -- Ja, dit is so.

Jy het vir ons vertel jy het op die oorfone geluister, lateraan het jy die bande getranskribeer. Kan jy vir ons sê, die bande, BEWYSSTUKKE 12(1) EN (2), bevat dit 'n getroue weergawe van wat op daardie vergadering gebeur het soos jy geluister het? -- Ja, presies.

En BEWYSSTUK V(12), die transkripsie hierso, het jy geleentheid gehad om daarna te kyk en te sê is dit 'n getroue weergawe en die vertaling wat u gemaak het van dit wat op (10) daardie vergadering gebeur het? -- Ja, dit is so.

HOF : Ek sien bo-aan is dit gedruk dat dit in Tswana geskied het die verrigtinge. Was dit in Tswana of in Noord-Sotho? -- Suid-Sotho was die taal wat gebruik was.

MNR. JACOBS : Terwyl jy die bande in jou besit gehad het, met jou werk wat jy gedoen het, het jy op enige manier of wyse gepeuter met die band se inhoud of daaraan doodgemaak of iets van die aard? -- Nee.

Het jy hulle ongeskonde net soos wat jy hulle ontvang het finaal aan adjutant Kock oorhandig? -- Ja, dit is so. (20)

En BEWYSSTUK V(12) bied dit 'n getroue weergawe van wat op die bande voorkom? -- Ja, dit is so.

KRUISONDERVRAGING DEUR MNR. BIZOS : My Lord, may I at the outset indicate to Your Lordship that this transcript is the one that has considerable difficulties for us. It may be necessary for us to have discussions in due course with the State. I would ask Your Lordship and the learned assessors if you are looking at it, to look at it with caution and not with any air of finality in relation to the transcription in to any other problems. We hope that we will get some (30) agreement, if it is held admissible, some agreement to it.

... / What

What is the standard of your education? -- St. 8.

Have you had any training at all in either the transcription of tapes or in translation? -- No, I did not get any training on that. I was doing these things before. In fact I was not even aware that this was going to be brought before a court.

I want to put to you some of the difficulties that there are in your transcription so that you can deal with them. I want to put to you that what you wrote down in a vernacular language is neither Tswana nor Northern Sotho nor Southern (10) Sotho, the way you wrote it down? -- That is not so.

In what language do you say and in what spelling do you say did you transcribe the vernacular language that you heard on the tape? -- Southern Sotho.

Did some of the people not speak Tswana? -- The only person who spoke Tswana is the interpreter who was interpreting from an English speech into Tswana.

No one else? -- The only person who spoke Tswana there was the interpreter who was interpreting the speech delivered by someone in English and there was a second person of (20) course whom I thought was a chairman of was chairing that meeting who also spoke Tswana but that Tswana in itself was wanting.

What is your home language? -- Southern Sotho.

And is that the language that you used mainly for the purposes of being educated up to St. 8? -- No, I was doing Tswana.

So, your home language is Southern Sotho, but you were educated in Tswana? -- That is so.

You say that you found the person who was presiding at the meeting's Tswana wanting? -- That is so. (30)

What? In vocabulary, in pronunciation, in sentence

... / construction

construction or in all three? -- I would say his use of the language orally was poor.

COURT : His pronunciation? -- That is right.

MR BIZOS : But his vocabulary was alright? -- Yes.

And his ability to express his thoughts in Tswana was also alright?-- No, it was not alright.

He was unable to express himself properly in Tswana in your opinion? -- That is so.

Could you give us some idea as to how long it took you to transcribe what was on these tapes? -- Two weeks. (10)

Working more or less full days? -- There were times when I spent about two hours extra.

Two weeks with some overtime would be correct to put it? -- That is so.

Was it because you were having difficulty with the language that it took you two weeks with some overtime or because the recordings were not very clear or a combination of both those facts? -- There were portions of the tapes which were not clear enough for one to hear what the speaker was saying and I was therefore struggling to hear exactly what the speaker said. (20) In a way it was inaudible. Then again one would find that the Tswana spoken by the speaker was not correct or proper Tswana and therefore one had to correct that in order to understand what the speaker is conveying.

Tell me this, your knowledge of Tswana is bookish? Out of books, so to speak? -- No, I know my Tswana from the books and spoken language.

COURT : Is it spoken in Vryburg? -- Yes, in Vryburg.

MR BIZOS : And I am informed that Tswana is rich in dialects? That there are people from different districts that just (30) speak slightly different? -- That is quite true. In fact for ... / instance

instance Tswana spoken in Kuruman differs from the Tswana spoken in Vryburg. In fact that Tswana is called Khatla.

Is it correct that people in different age groups tend to speak a slightly different Tswana from others? -- A grown up person in Vryburg will speak the Tswana spoken by his or her child.

Do the schools not try and standardise it? -- That I would not know, because for instance I would not know what Tswana or what kind of Tswana is taught at a school in Kuruman.

Where were you at school? -- Kimberley. (10)

For how long have you been in the security police? -- Seven years.

Have you attended many meetings? -- I have never been in meetings.

Have you ever before this event - had you ever transcribed any tapes before? -- That is so.

How many before that? -- If my memory serves me well, it can be four or five.

And not for the purposes of being presented to the court, just for your own security police purposes? -- That is so. (20)

So, you were not really concerned in being absolutely accurate about it? -- This I did with great concern, because there were people who were not from Vryburg involved in the whole thing.

So, you give special attention to strangers? -- That is not correct. The way you put it as strangers, that was not the reason. What I am saying is, I paid more attention on this because there were outsiders involved in it. For instance people from bigger places like Johannesburg.

That is what I mean by strangers? -- Well, that is alright. (30)

The interpreter who was interpreting at this meeting,

... / did

did you find him wanting or did you find him well equipped for the task that he had undertaken? -- The interpreter who was interpreting there was interpreting good Tswana.

When these tapes were in your possession during this week or during these two weeks when you were transcribing them, were you doing it alone or did you ask your friends to come and help you with the more difficult and more inaudible passages? -- No, that is not so. Not at all.

You did it completely alone?-- That is so.

And these tapes, were they in your office for a period (10) of two weeks including the overtime period? -- As I have already said each time when I was going off duty, I was handing them over to Warrant Officer Kock.

Even the overtime period? -- Well, he was supposed to wait for me.

He waited for you every time? -- Yes, while I am busy with these things, he would wait.

Why could you not just put them in your drawer overnight? Why make the man wait if he was not making any contribution? -- It is because of the importance attached to these tapes (20) that they were not supposed to be handled by any other person.

I thought that you told us in the beginning that you did not even think that these things would be used by the court?

COURT : He spoke about his transcription, not about the tapes.

MR BIZOS : Have you got an office to yourself? -- Yes.

You do not share an office? -- No,

Is there only one desk in your office? -- There is a second desk which is a spare one. In case I have someone to question, that I let that person use that desk.

And if you had to go and attend some little duty for (30) instance whilst you were busy transcribing, what would you do

... / with

with the tapes? -- Well, you cannot talk like that, because I did not have any other work to do during the period when I was doing the tapes. Therefore there was no reason for me to go out.

You were never called by a senior officer whilst you were struggling to make a sentence out there? On no single occasion did a senior officer come and say "Sergeant, do this or that for me"? -- The only person who came in there was Mr Kock.

You were never asked by any officer to go outside your office to perform any little task of whatever nature for a (10) period of two weeks? -- No.

And I suppose you will so far as to tell His Lordship that you never left these tapes on your desk unaccompanied by you or Mr Kock on any occasion?-- That is so.

Did you take them with you when you went to have tea possibly? Or to attend to some other personal matter? Did you take them with you? -- It was an agreement between me and Mr Kock, that whenever I leave, he must remain in there.

Oh, I see. In order to guard these important tapes? -- Yes, the transcriptions. (20)

The transcriptions and the tapes and even when you went to the toilet, you could not do it without calling Mr Kock to come and keep guard over your transcriptions and tapes? -- That is so.

As far as this meeting is concerned, is this the only meeting at which you assisted to - in the recording process or were there others? -- There are others before this.

When was the other that you can remember? -- I cannot remember when it was.

The month or the year? -- It was during the year 1983. (30)

What month in 1983? --- I cannot remember what month it was.

Any other meeting that you can remember? -- After this one in question now, yes. The IYY rally.

When was that? -- I cannot exactly remember when it was, whether it was 1985 or 1986. If my memory serves me well it was 1985.

Did you transcribe the meeting in 1983? -- Yes, I did, though not in full like this one.

When did you transcribe any other tape prior to July 1984 other than the 1983 meeting? When did you describe any others? -- I did one in 1983. There could have been two in the year(10) 1983 and then this one was in 1984.

I would like you to please have a look at these two tapes, EXHIBITS 12(1) AND (2). Will you please have a look on the thin side, not where the tape is, but the back. You will see two little holes there. Did you interfere with anything in those holes at any stage? -- No.

You did not take anything out of it? -- No.

Do you know whether they were in that condition when you got them from Mr Kock or whether anyone else removed anything from those holes? -- I did not see anybody taking anything (20) out of these holes.

You cannot say whether they were in that condition when you received them or not? -- No, I cannot.

You told us that you had no assistance whatsoever in transcribing these tapes. -- Yes, that is so.

But tell me, this transcript that you have prepared is interspersed with names and comments as to who said what, who interrupted who? Where did you get that from? -- What happened is, the speaker would finish with the address to the audience and then the chairman would introduce the next speaker as (30) to who was going to take the floor. That is all I know.

... / your

Your knowledge is limited to that?

COURT : Did you then use that name by which that speaker was introduced and put that name in your transcript? --- Yes.

MR BIZOS : And if there were interruptions, where did you get the name of the interrupter?

COURT : Could you give the witness an example, please? Now we are talking in the air.

MR BIZOS : My Lord, I did see in one instance where - I will find it if Your Lordship wants it - the speaker started a particular song. That is what I had in mind. I will put the(10) question in this way. How did you know who started the song?

MNR. JACOBS : U Edele, ek sal vra dat mnr. Bizos vir ons gee waar dit gesê word.

COURT : Yes, Mr Bizos, I asked you to be more particular. Let us get that first.

MR BIZOS : I will try and find it. If Your Lordship has a look at the note on the opposite side of page 53.

COURT : Yes, but it would seem that this was possibly not transcribed by this witness. Why is it inserted?

MR BIZOS : I do not know. (20)

MNR. JACOBS : As n mens kyk na hierdie sin, voor is daar n dokument, dit was gegee aan n amptelike tolk om die goed weer te gaan "check" en te kyk of daar enige weglatings is of verbeterings aangebring kan word en foute wat gemaak kan word. Die amptelike tolk Abe Mahlangu sê dan hier waar hy foute gekry het. Hy gee daar n sertifikaat van foute wat hy gekry het en dan verwys hy spesifiek na bladsy 53 as een van dié waar foute is.

MR BIZOS : You yourself had no other than was on the tape any personal knowledge or indication as to who was speaking when(30) and who was saying what? -- Not at all.



The tremendous care that you exercised with this particular tape over two weeks together with Mr Kock, did you exercise the same care for every tape that was in your possession in relation to other meetings? -- That is so. We take particular care about this.

You did not give it special treatment? -- No.

HERONDERVRAGING DEUR MNR. JACOBS : Geen vrae.

GEEN VERDERE VRAE.

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MNR. JACOBS : Die volgende stuk is BEWYSSTUK V(14). Daarmee sal saamgaan dan BEWYSSTUK 14. Die eerste getuie is Roy Baker.  
(10)

ROY BAKER, d.s.s.

EXAMINATION BY MR JACOBS : You are a member of the South African Police and a member of the security branch? -- That is correct.

And where are you stationed? -- John Vorster Square, Johannesburg.

What is your rank? -- Warrant Officer.

On 17 July 1984 did you assist in putting apparatus for the tape recording of a meeting?-- That is correct.

Where? -- At the Selbourne Hall in Johannesburg.

When was the meeting to be held? -- The meeting was to(20)  
be held on the 18th.

In the same hall? --- In the same hall.

Was it advertised beforehand that a meeting was going to take place in that hall? -- I do not know.

What did you do in putting up the apparatus? -- I laid a cable, this was a two pair cable.

What do you mean by a two pair cable? --- It had two pairs of wire inside a cable.

COURT : So, it had four wires? -- Four wires. That was laid inside the hall. Onto the one pair of cables I connected (30)

a microphone and onto the other pair of cables also a microphone. This cable was then led from the hall to a listening post outside the hall.

MR JACOBS : So, you installed two microphones in that hall?

-- That is correct

And how do they work? -- Do they work separately or do they at the same time record? --- The microphones are separate but from the listening post either one can be switched in.

COURT : What is the purpose of the two microphones? -- One is more a standby in case one gives problems. (10)

So, were they situated near each other? -- Near each other.

MR JACOBS : Were they so situated that they could only take up what happened in the hall? -- It can only record anything that was said or any noise in the hall, unless the noise was very loud from outside the hall, it could also pick up that.

And these two microphones, must they be switched on by themselves, the microphones themselves or is it one as soon as you have installed them, then you can listen outside all the time? -- No, I would switch it on from the listening post. It could only be activated from the listening post. (20)

COURT : So, they are sensitive throughout where they are, except that they are switched on and off at the listening post? -- That is correct.

MR JACOBS : What kind of microphones do you use? -- They are a miniature microphone.

And where were your listening post situated? -- A short distance away from the hall.

COURT : How far away? -- I would estimate 20 metres.

MR JACOBS : Was the listening post inside or outside the building? -- It was inside the building. (30)

Inside the same building that the hall is in? -- That is

... / correct

correct.

What kind of recording machine did you use? -- The recording machine Uher reel-to-reel recorder.

After you installed the microphone and connected it to the Uher, did you test them? -- I did test on them.

Did it work? -- It worked and I was satisfied with it.

On the next day did you also go to the listening post before the meeting started?-- On the 18th I went back to the hall.

COURT : 18 July? -- 18 July 1984 and I connected up the (10) microphone to the Uher recorder, and started recording when the meeting started.

MR JACOBS : Who did the recording? -- I started the recording but Captain Sons was in charge of the recording.

When you started it, what was the reception like? Did you have any troubles? -- I had a few connection problems at the beginning of the meeting, but after about a minute or so it was corrected and the meeting came through.

How did you do it to correct it? -- It could have been a loose connection. I was changing wires and so on to get the (20) meeting through to the listening post.

Did you switch it on and off to get ... -- Yes, I switched it on and off and changed various wires into different equipment.

Did you change wires? --- I changed wires, yes.

Which wires did you change? -- I would bring in another microphone to see whether that one was working better than the first one.

And when it started recording, what did you do then? -- Then I was satisfied with it. I would have volted the volume, because we all had a pa system, public address system, so, if (30) they were using that, it would come through rather loud and

... / I

I would turn down the volume on the recorder. Different speakers spoke louder than the others and I would alter the volume.

Did you remain there till the end or what? -- No, periodically I visited the listening post.

Just to check if everything was alright? -- That is correct.

COURT : So, you did not man the listeningpost? -- I did not man the recorder.

You were merely the technical man? --- That is correct.

CROSS-EXAMINATION BY MR BIZOS : It would appear from your evidence Mr Baker that you have some expert knowledge of these(10) machines in these matters? -- I have attended certain courses in the equipment that we use.

And would it require someone of your expert knowledge in order to operate this equipment properly?-- Are you talking about the recorder?

Yes. -- No, the recorder does not need specialised knowledge.

Yes, but in order to get a faithful recording you would have to exercise the care that you yourself appeared to have exercised in relation to this? -- No, once the recorder - shall (20)  
I say the volume is set, you just push the buttons and it records.

Was there any particular reason as to why you, as the technical man, as His Lordship put it, were called to assist with this? -- The technical person is usually there to do the installation and make sure that everything is working. Once it is working, then he leaves.

So, it does require a person with some technical expertise such as yourself to set up the equipment? -- To set up the equipment. (30)

Did you have anything to do with these tapes after they

made? -- Not at all.

These reel-to-reel tapes, is there any safeguard on them in order to avoid re-recording by accident or by design? -- No, there is no way.

Are they different to the cassettes where such a mechanism does exist? -- Mechanism will affect both the reel tape or shall I say any tape, be it a cassette or reel-to-reel.

COURT : What counsel means is normally on a cassette there are two small holes at the back of it where one can do something to them in order to prevent tampering with the tape? -- That(10) is correct. I know about that, but on the reel-to-reel there is not any such precaution.

MR BIZOS : But this is - on the cassettes this is a mechanism which creates that sort of certainty? --- Yes.

RE -EXAMINATION BY MR JACOBS : No questions.

NO FURTHER QUESTIONS.

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SETH FANIE SONS, v.o.e.

ONDERVRAGING DEUR MNR. JACOBS : U is h kaptein in die Suid-Afrikaanse Polisie gestasioneer te Veiligheidspolisie John Vorster Plein, Johannesburg?-- Dit is korrek. (20)

Waar u verbonde is aan die Veiligheidspolisie ? -- Dit is korrek.

Op 18 Julie 1984 moes u diens doen om h opname te maak van die gebeure op h vergadering van die Transvaal Indian Congress?-- Dit is korrek.

Waar was die vergadering? -- Die vergadering was gehou in die Selbourne-saal Johannesburg.

Was daar vir jou apparaat beskikbaar gestel geïnstalleer deur die vorige getuie? -- Dit is so.

Jy was daar in beheer van die opname en die opname (30)

... / beman

beman? -- Dit is so.

Watter soort masjien het jy gebruik? -- Ek het gebruik gemaak van 'n Uher.

Hy werk met rolle. Is dit reg? -- Ja.

Op hierdie vergadering nadat dit aangeskakel was deur die tegniese man, was die opname, toe dit begin opneem, geneem tot aan die einde van die eerste rol? -- Nee, net effens voor jy by die einde van die rol kom.

Effens voor die einde? -- Dit is so.

En dan, wat gebeur dan? -- Ek het toe die tolle verander(10) en 'n ander tol opgesit.

HOF : Waarom het u nie tot heeltemal by die einde gegaan nie? -- Dr. Jasat het daar genoem dat die volgende spreker ene mnr. Terror Lekota sou wees.

MNR. JACOBS : En as jy hom tot die einde vat, dan sou dit 'n breuk moes beteken in die middel of aan 'n deel van die toespraak? -- Dit is so.

Het jy toe die eerste tol afgehaal en verwissel met 'n tweede en? -- Dit is so.

Die tweede tol ingesit en toe weer van die begin tot die(20) einde geneem? -- Dit is so.

Hierdie rolle, ek is nou nie heeltemal seker van hulle nie. Neem hy net aan een kant of twee kante? -- Jy kan hom aan albei kante gebruik.

HOF : Het u hom aan albei kante gebruik? Het u hom omgedraai of het u 'n ander tol opgesit? -- Ek het dit net aan een kant gebruik.

MNR. JACOBS : Nadat jy opgeneem het wat daar gebeur het, wat het jy gedoen omtrent hierdie tolle? Het jy hulle gemerk, in houers geplaas? -- Ja, ek het die tolle gemerk. (30)

Hoe het jy hulle gemerk? -- Op die tol is daar 'n stuk

"masking tape." Op die "masking tape" het ek geskryf TIC.

Terwyl die opname gedoen word het jy geluister na wat in die saal gesê word? Het jy enige mikrofone, oorfone, kan jy direk luister wat daar gesê word? Hoe werk die masjien? -- Jy kon direk hoor deur die klank van die Uher, die luidspreker van die Uher.

HOF : Is dit so dat die apparaat wat opneem het self ook 'n luidsprekertjie waardeur jy kan hoor wat opgeneem word? -- Dit is so.

Jy hoef nie aparte oorfone op te sit nie? -- Dit is so. (10)

MNR. JACOBS : Oor hierdie mikrofoon, soos jy geluister het, het jy enigiets gehoor van klankverswakkings of klankverdwynings tydens die gesprekvoering of kon jy niks agterkom nie? -- Daar is op sekere rukke wat die klank 'n bietjie weggeraak het.

Kon jy enige van die sprekers wat daar op die vergadering voorgestel was en gepraat het identifiseer? Ken jy enige van hulle? -- Ja, ek ken dr. Jasat se stem.

Wat het hy gedoen op die vergadering? -- Hy het as voorsitter opgetree. (20)

Het jy sy stem dadelik herken? Altyd herken maklik? -- Dit is so.

Ene Cassim Saloojee? Ken u hom? -- Ja.

Kan u onthou of hy 'n spreker daar was? -- Hy was een van die sprekers.

Ken u sy stem? -- Dit is so.

Het jy sy stem herken terwyl hy daar gepraat het? -- Dit is korrek.

Mev. Esajee? -- Nee, ek het nie haar stem herken nie.

K391 Dan ene David Webster? -- Dit was die eerste geleentheid wat ek sy stem gehoor het. (30)

U het hom nie voorheen geken nie? -- Nee.

David Montsitsi? -- Dit was die eerste geleentheid wat ek sy stem gehoor het.

Het hy 'n toespraak daar gelewer? -- Ja, hy het 'n toespraak daar gelewer.

Fatima Meer? -- Ja, ek het haar stem herken.

Het sy 'n toespraak gelewer? -- Dit is so.

Dan is daar ene Andrew Mogatsi, alias Jingles. Ken u hom? -- Nee, ek ken hom nie.

Het hy opgetree daar? -- Hy het 'n gedig voorgedra. (10)

Ken jy dr. RAM Saloojee? -- Ek ken hom, maar ek sal nie sy stem kan herken nie.

Het hy daar 'n toespraak gelewer? -- Dit is so.

Roy Padayachee? -- Nee, dit was die eerste geleentheid wat ek sy stem gehoor het.

Toe hy 'n toespraak daar gelewer? -- Ja.

Terror Lekota? -- Ja.

Ken u sy stem? -- Ja.

Het hy daar 'n toespraak gelewer? -- Dit is korrek.

Popo Molefe? -- Ja. (20)

Het hy 'n toespraak daar gelewer en u het sy stem ook geïdentifiseer? -- Dit is korrek.

Ene mnr. M.J. Patel? -- Ek ken hom persoonlik, maar dit was die eerste maal wat ek sy stem gehoor het.

Het hy 'n toespraak gelewer? -- Dit is so.

U het twee, om dit so te noem, tolle geneem van hierdie of in hierdie hele opname van jou, nê? -- Ek het twee tolle geneem aan die een kant alleenlik. Opname was gemaak aan die een kant van die tol alleenlik.

Maar dit is twee tolle net wat jy gebruik het? -- Dit (30) is korrek.



Ek het h amptelike koevert waarop geskryf staan "TIC op 1984-07-18 te Selbournesaal, Johannesburg. Inhoud twee rolle 5" band." Dit is verseël met amptelike seël 1385. Ek maak dit oop. Binne-in is twee kartondose, plat kartondose waarop altwee op die buitekant presies dieselfde geskryf is. Dit is net Olympic low noise ultra dynamic range professional studio quality recording tape. Hier is nie ander merke op aangebring nie. Op die eerste een wat sal wees BEWYSSTUK 14(1) staan daarso "TIC 1." So dit staan in rooi ink "copy tape" en dan aan die ander kant van een van die speke van (10) hierdie "tape" is daar ook h plakkertjie aangebring met die nommer T410/1. Die tweede een staan daar oph wit etiket op een van die bene van die speek van die rol "TIC 2". Op h ander een van die bene is daar h etiket met T410/2. Kan u na die tolle kyk en vir die Hof sê is dit die tolle wat u geneem het? Is dit die oorspronklike tolle van die vergadering? -- Dit is so.

Daar staan op die eerste een wat ek gelees het "copy tape". Weet u iets daarvan af? -- Ek het hierdie band met hierdie "masking tape" daar op netso gekry . (20)

Is daar enigiets in jou skrif wat jy aangebring het daar op? -- Ja, onderkant die "copy tape" wat in rooi geskryf is, het ek "TIC 1" geskryf

En die ander een, die tweede een, die tweede "tape", is dit gemerk in jou handskrif? -- Dit is so.

Met wat? -- "TIC 2".

Nadat die vergadering klaar was, wat het u met daardie twee tolle gemaak? BEWYSSTUKKE 14(1) EN (2)? -- Ek het hierdie twee tolle in h amptelike koevert geplaas.

Daar op die toneel? -- Dit is daar waar ek die opname (30) gemaak het. Op hierdie amptelike koevert het ek geskryf

... / "Transvaal

"Transvaal Indian Congress vergadering" en die datum daar op. Ek het hierdie koevert na die verrigtinge van die vergadering na die kantoor geneem, waar ek dit in my staalkabinet gaan toesluit. Ek het toe ook die deur van my kantoor daarna gesluit.

En toe, wat het daarna daarvan geword? -- Die volgende dag het ek vir sersant Plessis uitgeroep na my kantoor toe. Ek het hom toe die tolle gegee en vir hom gevra om dit te transkribeer.

HOF : In die koevert?-- Dit is korrek. Sersant Plessis het in my kantoor in my teenwoordigheid die transkripsie (10) gemaak. Aan die einde van die dag se verrigtinge nadat hy dit getranskribeer het, het sersant Plessis dit toe weer teruggehandig aan my, waarop ek dit weer eens toegesluit het in die staalkabinet waarna ek dan daarna as ek my kantoor verlaat het, my kantoor gesluit het. Hierdie prosedure het ons gevolg totdat die transkripsie afgehandel was. Dit het ongeveer plus-minus nmaand geneem om die transkripsie te maak.

MNR. JACOBS : As daar nou gedurende die dag ander dinge opduik dat iets anders gedoen moet word, wat het van die bande geword? -- Dan gee sersant Plessis die bande aan my terug. (20) Ek neem dan onmiddellik die bande en sluit dit in die staalkas toe.

Net dat ek dit goed verstaan. Terwyl hierdie transkripsie aan die gang was, was jy altyd teenwoordig gewees; as daar n tyd sou kom dat jy of mnr. Plessis moes uitgaan, dan het jy hulle toegesluit in die staalkas? -- Dit is so.

Vir watter rede daar n onderbreking kom, is dit toegesluit? -- Ek verstaan nie die vraag nie.

Ek sê vir watter rede daar n onderbreking kom vir enige rede ook al, sê nou maar een wil na die toilet toe gaan, (30) dan is die bande eers toegesluit tot daardie persoon terug is

en dan gaan dit aan? -- Nee. Gestel byvoorbeeld hy gaan na die toilet toe, dan sal die bande daar op die tafel bly in my teenwoordigheid.

En as u uitgaan uit die kantoor uit? -- Dan sluit ek my deur agter my.

Dan bly hy alleen agter? -- Dan is hy in die kantoor.

So, hy kon aangegaan het dan wanneer jy weg gewees het? Hy kon aangaan met die transkripsie as u moes uitgaan na n ander plek? -- Dit is so.

Terwyl hierdie transkripsie gedoen is waar u teenvoor- (10) dig was, kan u net vir die Hof sê, het jy groot gedeeltes van hierdie vergadering gehoor deurdad hulle teruggespeel word vir die transkripsie? -- Ja.

Het u op enige stadium die hele band self deurgespeel om te luister daarna voor daar begin is met die transkripsie? -- Ja. Nadat die transkripsie klaar gemaak was, het ek toe die geskrewe gedeelte vergelyk met die klankopname en ek het toe verbeterings aangebring waar dit nodig was.

Met ander woorde jy het dan die hele vergadering se opname deurgespeel? -- Dit is so. (20)

Was jy tevrede dat daardie opname soos u dit daar op die twee rolle gehad het n getroue weergawe was van wat op die vergadering gebeur het? -- Ja, behalwe vir die liedjies. Dit het ons nie getranskribeer nie.

Maar op daardie stadium dan terwyl u dit deur speel het u die liedjies gehoor en kon jy sê is dit n getroue weergawe van die gebeure op die vergadering wat op die "tape" staan? -- Dit is so.

En daardie "tape" is die twee wat nou voor die Hof is BEWYSSTUKKE B(14)(i) EN (ii)? -- Dit is so. Ek wil net graag(30) hier byvoeg, dat tussen tol nr. 1 en tol nr. 2 het ons n

gedeelte van dr. Jasat se toespraak daar verloor.

Is dit die tyd wat jy geneem het om die band af te sit en om te draai? -- Dit is nie om om te draai nie. Dit is om h ander tol aan te sit.

So, dit is h natuurlike onderbreking. Terwyl hierdie goed in jou besit gewees het, hierdie bande, is daar ooit deur jou of iemand anders gepeuter met hulle of uitgevee of iets gedoen aan daardie bande? -- Onderwyl die tolle in my besit was, het niemand daarmee gepeuter nie.

Het jy self niks daarop uitgevee of iets gedoen nie? (10)  
-- Nee, ek het nie.

Toe die opname gemaak was, was sersant Plessis ook teenwoordig gewees? -- Dit is korrek.

Hoeveel was julle daar teenwoordig by die punt waar die opname gemaak was? -- Dit was A/O Baker, sersant Plessis en ekself.

Het Baker die hele tyd daar gebly of is hy na hruk weg nadat hy gekyk het of alles reg gaan? -- Nee, hy het nie daar die heelyd gebly nie.

Maar u en sersant Plessis het daar gebly? -- Dit is kor-(20)  
rek.

KRUISONDERVRAGING DEUR MNR. BIZOS : Kaptein, waarom was dit nodig dat u u kollega in die kantoor moet toesluit as u buite die kantoor gegaan het? -- Daar is gewoonlik by ons kantoor die in en uitbeweeg van die kantoor wat h mens steur waar jy werk. Daarom het ek die kantoor liewer gesluit.

Maar is dit nodig om die sersant in die kantoor toe te sluit? -- Ek het dit nodig geag.

Waarom? -- Vir die blote feit dat ek nie wou gehad het dat enigeen hom moet steur nie. (30)

Wel, het u hom nie vertrou dat hy met sy werk sal aangaan

... / nie

nie? -- Nee, sersant Plessis is n getroue dienaar.

U het hom vertrou dat as iemand daar gekom het en hom wou steur, hy sou gesê het "Ekskuus tog, ek is besig"? -- Ek het dit goed gevind om die deur agter my te sluit, want ek weet hoe die bedrywig raak daar by ons kantoor van tyd tot tyd.

Het mnr. Plessis geen beswaar gehad om in die kantoor toegesluit te word nie? -- Nee hy kan nie beswaar hê nie.

ASSESSOR (MNR. JOUBERT) : Het u die kantoor van binne gesluit terwyl u self besig was binne-in die kantoor? -- Nee,

Was daar nie onderbrekeings nie? -- Daar was, maar (10)  
in daardie gevalle het ek self opgestaan en na die deur beweeg en buite met die persoon gepraat, wie ook al daar gekom het.

MNR. BIZOS : U sien, ek wil dit aan u stel dat u getuienis so onwaarskynlik is dat ek dit aan u moet stel dat dit gesê is vir een of ander rede maar dit kon nie gebeur het nie, dat die persoon binne-in die kantoor toegesluit is deur sy offisier? -- In hierdie geval het dit wel gebeur.

Hoeveel keer het u hom binne-in die kantoor toegesluit? -- Dit was min male.

Hoeveel maal? -- Ek kan nie presies sê nie. (20)

Is dit die enigste geleentheid waarop u n kollega toegesluit het, toe mnr. Plessis besig was met die transkripsie? Was dit die enigste geleentheid? -- Ja, dit is korrek.

Die enigste geleentheid? -- Dit is korrek.

Het dit nooit voorheen of daarna gebeur nie? -- Ja, dit het al voorheen ook gebeur.

By watter geleentheid het dit gebeur? -- Waar ons ook besig was met transkripsies.

Sersant Plessis vind transkripsiewerk seer sekerlik oninteressante werk as hy toegesluit moet word binne-in die (30) kantoor? -- Dit is nie die mees aangenaamste werk nie.

U het gesê dat u ken vir mnr.M.G. Patel persoonlik? -- Ja.

Dit is dieselfde persoon wat deur sy vriende as "M.G." bekend is? -- Dit is so.

Vir hoe lank ken u hom persoonlik? -- Ek het hom op een geleentheid ontmoet.

Voor die vergadering? -- Nee, dit is na die vergadering.

En toe u hom ontmoet het, vir hoe lank was u in sy geselskap? -- Ek dink die beste part van omtrent twintig minute.

U het met hom vir twintig minute gepraat? -- Nee. Hy (10) het net by gestaan terwyl ons besig was met ander take.

En het hy met u gepraat? -- Nie met my persoonlik nie.

Maar het hy in u teenwoordigheid gepraat? -- Ja.

En seer sekerlik 'n aantal dinge in u teenwoordigheid gesê? -- Kan u dit net herhaal?

Hy het seer sekerlik oor allerhande dinge gepraat in u teenwoordigheid gedurende daardie twintig minute? -- Nee, dit is nie so nie.

Wat het hy gesê? -- Ons het 'n deursoeking gedoen en mnr. Patel wou toe daar tussenin tree deur met die persoon van die (20) huis te gesels. Ons het hom toe gevra om ons te verskoon en in die ander vertrek te sit.

Het hy as 'n senior prokureur in Johannesburg beswaar gemaak? -- Nee.

Het hy enige vrae aan u gestel? -- Nee.

Wat het hy gesê? -- Hy het niks gesê nie.

HOF : Waar gaan die kruisondervraging na toe?

MR BIZOS : On the question of voice ... (Court intervenes)

COURT : He did not identify the voice of Mr M.G. Patel.

MR BIZOS : I know, but that is really the whole point. (30)

COURT : He said he has not met him before, he met him afterward

MR BIZOS : That is one of the ... I am not unmindful of that, but despite that, I am testing the witness's ability to identify voices.

COURT : But he did not say he identified a voice.

MR BIZOS : But the question is, if he cannot identify the one, how can he identify the other?

COURT : Well, he has not tried to identify it in court.

MR BIZOS : Could I round it off.

COURT : Yes.

MNR. BIZOS : Hoewel u gesê het dat u vir mnr. Patel per- (10) soonlik ken en u sekerlik sy stem gehoor het by die ondersoek wat u ingestel het na die vergadering, is u in staat om die stem van mnr. M.G. Patel te vergelyk met die stem wat op die tol voorkom en sê dat dit dieselfde stem is? -- Ek kan dit nie met alle sekerheid sê nie.

Het u ooit persoon met dr. Jasat gepraat? -- Dit is so.

Voor hierdie vergadering? -- Ja.

Waar? --- Op ons kantoor.

Wanneer? -- Ek kan nie onthou nie. Dit was voor daardie tyd. (20)

En vir hoe lank het u met hom gepraat by u kantoor? -- Hy was besig met een van my mannekrag daarso. Hy was ondervra deur een van die manne daar en ek was teenwoordig vir omtrent plus-minus vyftien, twintig minute.

Het u ooit self vir dr. Jasat ondervra?-- Ek kan onthou dat ek met dr. Jasat daar gepraat het. Ek het hom byvoorbeeld gegroet daarso.

Behalwe dat u hom gegroet het, het u hom ooit ondervra? -- Nee.

Het u ooit mnr. Saloojee voor hierdie vergadering (30) ontmoet? -- Ja.

Waar? -- Op kantoor.

Wanneer? -- Dit was voor die vergadering. Ek kan nie presies onthou hoe lank voor dit nie.

Hoe lank voor? -- Nee, ek kan nie h kans waag nie.

Kan u onthou op watter geleentheid u vir dr. Saloojee ontmoet het? -- Hy was ook ondervra daar.

Mnr.Saloojee, ek is jammer.

Deur u? -- Nee, deur een van my mannekragte.

U self het hom nooit ondervra nie? -- Nee.

Prof. Fatima Meer? Het u ooit voor die vergadering. (10)  
vir haar ontmoet? -- Dit is so.

Waar? -- Dit was in Johannesburg.

U het haar ontmoet? -- Ja.

Waar? -- In Johannesburg.

Waar in Johannesburg? -- Sy moes geneem word na h oogkundige Sy en mev. Mandela moes geneem word na h oogkundige en ek het hierdie takie behartig.

Wanneer was dit? -- Dit was voor die vergadering.

Hoe lank voor die vergadering? -- Ek kan nie sê presies hoe lank voor die vergadering nie. (20)

Was dit h jaar of jare voor dit? -- Ek wil nie h kans waag nie.

Was sy en mev. Mandela in hegtenis of op vrye voet? -- Hulle was in aanhouding.

Waar was u gestasioneer gedurende 1976 tot 1977? -- Ek was op veiligheidstak.

In Johannesburg? -- Dit is korrek.

John Vorster Plein? -- Dit is korrek.

Was dit gedurende daardie tydperk dat u die twee dames ontmoet het? -- Nee, ek glo nie dit was in daardie tydperk (30) nie. Ek weet nie watter datum dit was nie. Ek wil nie h kans

... / waag



waag nie.

U sien, ek wil u vra of u enige kennis dra dat mev. Mandela en prof. Fatima Meer na 1977 ooit aangehou was of nie? -- Nee, ek sal dit nie kan beantwoord nie. Ek glo nie.

U glo nie? -- Alhoewel ek kan sê dat mev. Mandela moontlik aangehou kon gewees het. Ek kan nie sê nie.

Is dit moontlik dat die laaste keer wat u prof. Meer gesien het gedurende die noodtoestand was wat in 1977 afgekondig was, 1976 en 1977? -- Nee, ek wil nie datums waag nie.

As u dit so was, sal u saamstem dit sou baie eienaardig(10) gewees het om h dame se stem na agt of nege jaar -- sewe of agt jaar na die gebeurtenis te onthou? -- Sy het een van daardie stemme wat uitstaan.

Sal u saamstem dat u geleentheid om met prof. Meer te praat gedurende 1976 of 1977, wanneer dit ook al was, h kort geleentheid was om met haar te praat? -- Ek sal sê alles inklusief was dit omtrent h halfuur.

U het haar net vervoer vanaf die polisiestasie na die oogkundige? -- Ek wil net hier noem dat gedurende daardie tydperk wat ons haar vervoer het, het daar h gesprek ontstaan(20) waar mev. Mandela ons byvoorbeeld gevra het wanneer - die gesprek het eintlik so gegaan wanneer gaan ons byvoorbeeld bedank, so iets van die aard.

Ja, dit is wat mev. Mandela gesê het. -- En toe het mev. Fatima Meer tussenin getree en die hele ding het toe in h grap ontaard.

Het u vir mnr. André Mogotsi voorheen geken? Alias Jingles? -- Negatief, ek ken die man nie.

HOF : Sal u hom ooit vergeet nadat u dit gehoor het? -- Nee, ek sal nie.

(30)

MNR. BIZOS : Maar in elk geval u het hom vir die heel eerste ... / keer

keer gehoor op hierdie band wat voor die Hof is? -- Ja, dit is so en hy het 'n geweldige indruk op my gemaak.

HOF : Het u hom gehoor die eerste keer op die band of die eerste keer op die vergadering? -- Op die band. Terwyl die opname gemaak was, het ek sy stem vir die eerste keer gehoor.

MNR. BIZOS : Wat u hoor met die meganisme is wat opgeneem is? -- Dit is 'n direkte opname.

HOF : Kan ek net dit vra. As u byvoorbeeld die band af het, gaan die klank aan van die vergadering of stop dit ook? -- As 'n persoon - jy kan al die knoppies af druk byvoorbeeld (10) maar die geluid sal nog steeds deurkom. Die klank kom nog steeds deur.

So, terwyl u besig is om die spoel om te ruil, gaan die klank voort? -- Dit is korrek.

So, u luister na die hele vergadering, al word die hele vergadering nie noodwendig opgeneem nie? Alles wat op die vergadering gebeur kom by u uit, of die spoel draai of nie? -- Dit is korrek.

MNR. BIZOS : Is daar ooit met mnr. Popo Molefe of mnr. Terror Lekota persoonlik gepraat voor daardie vergadering? -- Nega-(20) tief.

U het hulle nooit voorheen gehoor nie? Nie voor daardie vergadering nie? -- Ja.

Wanneer? -- Ek is nie bereid om dit te antwoord nie.

U is nie bereid om dit te antwoord nie? -- Dit is korrek.

Persoonlik, ons praat nie van enige geheime apparaat nie, maar persoonlik by enige vergadering waar u teenwoordig was, het u ooit mnr. Molefe en mnr. Lekota gehoor? -- Ek was nooit toegelaat by enige vergadering nie.

Is die antwoord nee? U het nie of mnr. Lekota of mnr. (30) Molefe by enige vergadering gehoor praat nie voor hierdie

... / vergadering

vergadering? -- Nee, nie persoonlik nie.

Stem u saam dat die stem van h persoon op h sekere manier verander as dit deur h radiosender of enige ander tegniese manier oorgedra is? -- Ek sal dit nie betwis nie.

My Lord, I would like to have a look at these exhibits. I have not had an opportunity of looking at them.

GETUIE STAAN AF.

HOF VERDAAG.

HOF HERVAT.

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SETH JAPIE SONS, nog onder eed

KRUISONDERVRAGING DEUR MNR. BIZOS (vervolg) : Kaptein, (10)  
sal u asseblief na BEWYSSTUK 14(1) kyk. Daar is h inskrywing in rooi geskryf. Wie se handskrif is dit? -- Ek weet nie.

Dit lees "copy tape"? -- Dit is korrek.

Wanneer het u vir die eerste keer daardie inskrywing daar op gesien? -- Die aand van die vergadering.

Sê u dat dit daar was voor u dit gebruik het? -- Dit is korrek.

Was dit nie h nuwe tol nie? -- Nee.

Wanneer het u die tol gekry? -- Ek het die tol dieselfde dag gekry. (20)

Hoe laat dieselfde dag? -- Dit kan miskien wees na ete.

Het u iets met die tol gedoen? -- Ek verstaan nie die vraag nie.

Het u enigiets met die tol gedoen voor u dit gebruik het?

HOF : Hoe bedoel u gedoen? In sy sak gesit?

MNR. BIZOS : Het u enigiets met die tol gedoen? Dit nagegaan of iets? -- Ek het die tol eers oopgemaak toe ek dit gebruik het.

U het nie vasgestel of dit skoon is en of daar nie enigiets op die tol was toe u dit gebruik het nie? -- Nee, ek (30)  
het aangeneem dat dit h skoon tol is.

Beteken die Engelse woord "copy" enigiets vir u in daardie opsig? -- Nee, ek weet nie waarvoor dit daar aangebring is nie.

Was dit die eerste keer wat u die tol gesien het met daardie woorde daar op? -- Dit is korrek.

HERONDERVRAGING DEUR MNR. JACOBS : Geen vrae.

ASSESSOR (MNR. KRÜGEL) : Die Uher apparaat wat u gebruik het om die opname mee te maak, is daar enige sigbare aanduidings op die apparaat self dat die opname gemaak word terwyl die tol besig is om op te neem? -- Meen u nou miskien dat daar 'n rooi liggie aankom of iets van die aard? (10)

Iets van die aard, ja? -- Nee.

Hoe weet u dat die tol opneem? Of dat die masjien opneem? -- U sal eerste 100% kan vasstel of u 'n opname gemaak het nadat jy dit teruggespeel het.

Wanneer het u dit vir die eerste maal teruggespeel? -- Sersant Plessis het dit die Maandag begin speel. Nee, nie die Maandag nie, dit is die dag na dit, die Donderdag.

GEEN VERDERE VRAE.

- - - - -

MNR. JACOBS : Die volgende een sal wees die een wat gemerk is BEWYSSTUK V(24). Ek moet net hier 'n korreksie aanheg, (20) ek het nagegaan weer op die nommers of hulle reg is, toe sien ek die 30 wat ek gesê het die bewysstuk sal wees, is daar intussen 'n ander ding 30 gegee. Hierdie sal dan 31 wees. Die eerste getuie wat ek roep is adjudant-offisier - ek het ongelukkig net sy voorletters - M.B. Dewar.

... / MICHAEL

MICHAEL BRIAN DEWAR: d.s.s.

EXAMINATION BY MR JACOBS: Mr Dewar what is your rank? -- I am a warrant officer.

And you are attached to the security branch, C.R. Swart, Durban? -- That is correct.

On Friday 22 July 1983 you supplied Warrant Officer Beneke with certain equipment? -- That is correct.

What did you supply him with? -- I supplied him with a tape recorder and the necessary cassettes that he required for a meeting to be taken on Sunday the 24th. (10)

What kind of tape recorder did you supply him with? -- It was a National Panasonic.

And then what did you do then? -- During the evening of the 23rd/24th I installed a microphone in the hall at St. Anthony's Church.

Where is that? -- It is in Centenary Road in Durban.

Is that where the meeting was to be held? -- That was where a memorial meeting was to be held on Sunday the 24th.

Do you know which memorial ...

COURT: Just a moment, is it St Michael's Church? -- St. Anthony's. (20)

St.? -- St. Anthony's.

MR JACOBS: Can you remember which memorial service it was? -- It was the Luthuli memorial.

Did you install a microphone? -- That is correct, I did.

Where did you install it? -- Sorry?

Where did you install it? -- It was installed inside the hall near the stage.

Did you install only one microphone? -- It was only the one microphone that was installed. (30)

Yes and then what kind of microphone? -- It was a mini-microphone/....

microphone that was used.

Is that attached to a wire or not? -- It is connected to a cable, that is correct.

And then where did you lead it to? -- It was taken to the premises next door. To the church hall.

In the same building? -- Not in the same building, the premises next door to it.

Next door. And where you situated the microphone what will it take up? -- Where the microphone was situated it could only record whatever took place within that hall. (10)

Did you test it afterwards, after you installed the microphone, and see if it was working? -- I tested after I had done the installation and again on the Sunday the 24th prior to the meeting, I tested the equipment again and it was all working.

So on the 24th of July you also went there with ... -- On the 24th I went with Warrant Officer Beneke to the premises where we had the cable installed, connected the recorder to the equipment and tested it and I was satisfied that everything was working.

When was that, what time? -- That was Sunday at approximately 13h30. (20)

Was it long before the meeting started or not? -- I tested the equipment and left shortly afterwards. I did not stay for the duration of the meeting.

Yes, you left it with? -- I left the equipment with Warrant Officer Beneke after showing him how to operate the recorder.

CROSS-EXAMINATION BY MR BIZOS: Mr Dewar are you an expert on the equipment used in order to ... -- No sir I am not an expert, no. (30)

And do you know anything about the mechanism that actually does/....

does the recording? Over and above a layman's knowledge of the equipment? -- I have a basic idea of the functions of the tape recorder yes.

If you at the receiving end of this mechanism must you wear earphones in order to hear whether the sound is coming through or is there some other mechanism that enables you to hear? -- On this particular piece of equipment that we use you have to use a headphone, that is correct.

And is that any different to the micron equipment that we have heard about? -- Totally different to that equipment. (10)

The micron equipment, can you hear what is going on whilst you are taping without earphones? -- Not without an earphone, no.

And although you say you are not an expert were you better equipped to do this than Mr Beneke? -- That is correct.

And you had nothing further to do either with the recording process or with the tape that eventually might have come into being? -- No I had nothing further to do with it other than the installation.

Thank you My Lord, we have no further questions. (20)

RE-EXAMINATION BY MR JACOBS: No questions.

ASSESSOR (MR KRÜGEL): Can you hear what is being recorded if there is a built in speaker in the recording apparatus? -- Not through the recorder's speaker, no. You can through the headphones on this particular tape recorder.

On the one that you used? -- On the National Panasonic, yes, once you are recording you have to have a headphone plugged in to be able to hear.

You were also asked about the Microns. -- Yes.

Do you know whether that has a speaker? -- The Micron (30) does not have a speaker, it has to have headphones to be used,

to/.....

to be able to monitor what is being recorded.

And ... -- If you take it directly off the set, depending on the equipment you use again. There are recording machines that will, that can, that are normally used, or can also be used I should say, with the Micron set which would work off its own speaker and not necessarily have to have a headphone.

And if you can hear what is going on without the tape recorder earphones, if you can hear naturally what is going on next door? -- Sorry I do not quite understand?

If you can hear what is going on next door while you (10) are recording, if you are not that far away so that you can hear naturally, then you would also know what is being recorded? -- That is correct. In this particular instance we were approximately 30 meters away from the hall.

So you could not hear? -- We could hear when they were singing, with and without the headphones on.

So you could hear part of what was going on in the hall without the earphones? -- That is correct, we could.

Thank you.

COURT: You say you are not an expert. Do you have some (20) experience of the workings of tape recorders and recording machines? -- I have an NTC III in radio theory and electronics. I have six years experience as a two-way radio technician and I have been doing electronics for the last four years approximately. I have also done a basic FM, an advanced FM radio course as well as a basic and advanced electronics course.

Any questions Mr Bizos?

MR BIZOS: Yes, one or two My Lord. Mr Dewar judging from the qualifications that you have given us you are probably (30) the apparatus man in Durban so to speak, of the security police?/....



police? -- I would not put it that way, no. I am a technician yes.

You are a technician? -- That is correct.

Do you know of any other technician that is employed by the security police in Durban? -- No there is no other technician employed in Durban.

And was there any other technician employed during 1983/1984? -- No there was not.

And is it part of your duty to maintain these apparatus for the security police in Durban? -- That is correct. (10)

And you are the person who is in overall charge of them? -- Of the technical equipment, that is correct.

And during 1983/1984 was there any machine on which you could listen at the receiving end without earphones on? -- That is correct, we still have that machine in use today.

Only with earphones? -- Only with earphones, and without. We have both.

You have both. What is the machine called, the one that you do not have to have to have earphones? -- It is called a Uher Monitor 4000. (20)

Uher Monitor 4000. And that really uses tapes and not cassettes? -- That uses reels, that is correct.

There was no machine recording of tapes on which you could heard without earphones in stock in Durban at that time that you knew? Cassette tapes, sorry perhaps I am confusing you. You knew of no machine in Durban which could record on cassettes without your requiring earphones in order to listen at the receiver? -- There no, no there was no machine that I know of at that stage.

Thank you. (30)

COURT: Further examination?

MR JACOBS:/.....

MR JACOBS: If the Court will bear with me for a minute.

Dankie Edele, ek het nie vrae nie.

COURT: Do you know Major Benjamin? -- I do.

Did you supply him with a machine to use at St. Michael's Church Hall on 5 February 1984? -- Yes I did.

What type of machine did you give him, can you remember? If you are not sure tell me you are not sure? -- The actual recorder that he used on that one I am not sure but I know that the sender used was a Phillips equipment that we used to have. It is no longer in used. (10)

The recorder, can that still be in use? -- I am not sure, I am not sure what recorder was used on that one.

Is it possible that he had a recorder which at the same time had a loudspeaker which gave him the effect of what was going on? -- That is possible.

MR BIZOS: My Lord may I just ask one question?

COURT: Yes.

MR BIZOS: But that would have had to be a reel-to-reel recorder? -- To the best of my knowledge yes it would have.

Thank you. (20)

NO FURTHER QUESTIONS. WITNESS EXCUSED.

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MNR. JACOBS : Die volgende getuie is adjudant-offisier Beneke.

JAN DIEDERICK BENENE, v.o.e.

ONDERVRAGING DEUR MNR. JACOBS : U is hnspeurder adjudant-offisier in die Suid-Afrikaanse Polisie gestasioneer te Durban waar u verbondeis aan die Veiligheidspolisie? -- Dit is korrek.

Op Sondag, 24 Junie 1983 het u h tegniese bandopname geneem van h vergadering wat gehou was daar in die St. Athony's Kerk Durban? -- Dit is korrek. (30)

Van watter vergadering was dit? -- Luthuli Memorial Service.

Was die vergadering vooraf geadverteer gewees? -- Sover ek kan onthou, ja.

Die vorige getuie 9het hy vir u die mikrofoon geïnstalleer binne-in die saal en apparate opgesit? -- Dit is korrek.

Hoe laat het die vergadering begin? -- Omtrent so 14h00.

Het u toe 'n tegniese - die masjien beman om 'n tegniese opname van die gebeure in die saal te maak? -- Dit is korrek.

Hoe laat het die vergadering toe werklik begin? -- Dit (10) was beplan gewees vir so 14h00, maar dit het nog 'n tydjie geneem voordat die sprekers aan die woord gekom het.

Het u die masjien aangeskakel daar om die opname te maak? -- Dit was tydens die sang.

Ja, ek meen, op watter stadium het u dit aangeskakel? -- Toe ek gehoor het dat die mense begin sing het, het ek die bandopname aangeskakel.

Het u dit aangehou of het u dit onder die sang weer afgeskakel? -- Ek het nie geweet nie lank die sang sou wees nie. Ek was toe onseker en het hom toe afgeskakel, maar ek het (20) dit toe heroorweeg en toe weer onmiddellik aangeskakel,

Hoekom wou u hom afskakel terwyl die sang aan die gang was? ---Op daardie stadium het ek gedink dat ek van die band sou spaar.

U sê u het dit toe heroorweeg en hom weer aangeskakel? -- Dit is korrek.

Wat se tipe band het u gebruik daar? -- Dit was 'n klein kasset.

En nadat u hom aangeskakel het die tweede keer, het jy hom op die eerste band toe reg deur laat loop tot aan die (30) einde van die band? -- Dit is korrek.

En daarna wat het u gedoen toe u die einde van die band nader? -- Hy het vanself gestop. Ek het hom uitgehaal en ek het hom omgedraai en weer laat speel.

Toe het u op dieselfde band op die tweede kant die opname begin maak? -- Dit is korrek.

Het u hom reg deur geneem weer tot aan die einde van die band? -- Ja.

En toe? -- Aan die einde van daardie band het ek toe nog 'n kasset uitgeneem en ek het hom weer ingesit en hom weer laat speel. (10)

Toe het u kasset nr. 2 gebruik? -- Kasset nr. 2.

Net van die begin af, het u dit weer aangeskakel en opgeneem en tot waar het u geneem? -- Ek het hom geneem tot volgens my waarneming tot ek gedink het die vergadering is nou verby.

So, als en als het u, sal ek sê, die eerste band albei kante en die tweede band net een kant geneem? -- Dit is korrek.

Het u die bande daar gebruik wat u gemerk het? -- Ja, ek het op die bande self geskryf.

In u eie handskrif? -- In my eie handskrif. (20)

Wat het u op die bande geskryf? -- Ek het die spesifieke vergadering se naam geskryf en die datum.

Die koevert wat hier is is Luthuli Memorial 1983-07-24 Inhoud twee kassetbande. Dit is ook verseël met polisie seël 1385 en ek maak dan die seël oop en die koevert. In die koevert is daar twee kassette sonder dat hulle in houers is. Hier bo -op staan dit is 'n Agfa Ferro Color band 90+6. Op die etiket staan geskryf "Tape number 1 side 2". Ek het die verkeerde een. Ek sal eers die ander een neem. "Tape 1 side 1 St. Anthony's Church held: 83-7-24: 14h00." Aan (30) die ander kant van dieselfde band staan "Tape 1 side 2" en

... / daar

daar is ook in skrif aangebring T267/3/ die skrif is n bietjie onduidelik hier. Dit kan n 8 wees 81. Die tweede is, lees ek blykbaar die voorkant "Tape 2 1983-07-24 : 14h00 St. Anthony's Church hall Durban" en dan "side 1." Op beide van hulle lyk my hier op die kante, ek kan dit nie baie mooi uitmaak nie is hier n handtekening lyk dit vir my. Miskien kan die getuie dit identifiseer. Ek kan nie uitmaak wat daar staan nie.

HOF : Is daar nie n nommer op die tweede band nie?

MNR. JACOBS : Laat ek net na die tweede band kyk. Op hierdie (10) voorkant waar ek gekyk het is daar niks nie. Op die agterkant is daar T267/3 en dit wat ek gesê het is miskien n 8 is n B2. Daardie ander een kan n B2 wees.

HOF : Watter nommer moet hierdie band kry?

MNR. JACOBS : 31.

HOF : 31(i) is dan T267/3/B1 en 31(ii) is dan T267/3/B2.

-- Dit is my handskrif hierdie.

MNR. JACOBS : U identifiseer die twee bande as wat u gebruik het daar om die vergadering op te neem en is dit u handskrif wat daarop voorkom? -- Dit is my handskrif. Ek het (20) geteken hierso.

Is dit u handtekening wat op altwee voorkom. Wat staan daar? -- J.D. Beneke DWO, wat staan vir Detective Warrant Officer.

So, altwee het u handtekening op? -- Dit is korrek.

So, dit is die oorspronklike bande wat gebruik was om daardie vergadering op te neem met u handtekening op? -- Dit is korrek.

Terwyl u die opnames gemaak het, het u geluister na die vergadering wat aan die gang is? -- Ek het oorfone gehad (30) waarmee ek geluister het.

... / Het

Het u reg deur geluister? -- Partykeer het ek dit sagter gestel en dit afgehaal en dan soos byvoorbeeld die sang wat van die saal af gekom het, is dieselfde sang wat ek op die oorfone gehoor het.

As die sang aan die gang was het u dit afgehaal? -- Ja.

Dan kon u nog die singery hoor? -- Ek kon dieselfde sang hoor.

En as die sang dan eindig het u dit weer opgesit, die oorfone? -- Dit is korrek.

Ken u enige van die mense wat daar opgetree het as (10) sprekers?-- Nee. Ekskuus, ek het 'n fout begaan. Ek ken vir Reverend Nkundu.

Was hy 'n spreker daar en het u sy stem herken? -- Ek het sy stem herken en hy was 'n spreker daar.

Nadat die opname gemaak was en die vergadering klaar was, wat het toe gebeur? -- Ek het die bande daar na my kantoor toe geneem en ek het dit weggesluit in 'n staalkas. Net ek het die sleutels en die kantoor het ek ook gesluit en ek het ook net die sleutels daarvan.

En toe? -- Die Maandag het ek begin om daarna te luister (20) om te sien hoe het die klank uitgekom. Ek het 'n gewone bandopnamemasjien gebruik.

As u nou sê 'n gewone bandopnamemasjien, wat se soort praat u van? -- As ek reg kan onthou was dit 'n National Panasonic.

Hierdie is ook nou 'n National. Dieselfde tipe? -- Dieselfde tipe.

Dit is die een wat ons ook voorheen gebruik het vir die demonstrasie, die National Panasonic bandopnamemasjien.

HOF : Die klein modelletjie.

MNR. JACOBS : Die klein modelletjie.

(30)

HOF : Kleiner as 'n baksteen.

MNR. JACOBS : Wat gebeur toe?

HOF : Is daardie masjien van u beskikbaar?

MNR. JACOBS : Ek sal net moet seker maak. Dit is een wat gebruik word deur die polisie.

HOF : Dit is nie nodig dat u hom inhandig nie. Indien daar 'n debat is later oor die knoppies wat gedruk is, moet u hom asseblief vorentoe beskikbaar hê.

MNR. JACOBS : U sê Maandag het u deur die band gespeel op so 'n masjien soortgelyk aan die een wat hier voor die hof as demonstrasie is en wat het toe gebeur? -- Ek het op 'n soort-(10) gelyke masjien gespeel en ek het toe geskryf, ek het 'n voorlopige verlag geskryf en soos ek hom gespeel het, het ek hom gespeel en gestop en gespeel en gestop en geskryf. Dan het ek so aangegaan.

Op 'n stadium het daar iemand ingekom by u? -- Van tyd tot tyd het daar mense in die kantoor gekom, dan het ek gestop en na die persoon geluister en dan het ek weer aangegaan.

Wat het toe gebeur? -- Op 'n stadium het 'n persoon daar in die kantoor gekom en ek het hom gestop en na die persoon geluister en toe het ek hom weer gespeel en per ongeluk het (20) ek die "record" en die speel toe saam gedruk, maar ek het onmiddellik my fout toe besef en ek het hom weer gestop.

Toe u die "record" en die speel saam gedruk het, het hy toe weer begin opneem en uitvee wat daar op was? -- Ja, ek aanvaar hy het my stem opgeneem.

U sê byna onmiddellik het u dit agtergekom? -- Onmiddellik het ek my fout besef en dit dadelik gestop.

Toe u die transkripsie gemaak het daarna, het u hierdie fout ingeskryf? -- Ek het dit bygevoeg. Ek het dit ingeskryf.

Ek wil hier verwys na bladsy 48 van V(24), die 10de (30) reëltjie van bo af. Na "audience" is daar "investigating

... / officer's

officer's voice broke through." Kyk net daarna. Is dit op daardie stadium wat u hierdie fout gemaak het? -- Ja.

HOF : Wat beteken dit dat daar nou staan "investigating officer's voice broke through"? -- Op daardie stadium het ek die fout gemaak om die "record" en die speel knoppie saam te druk. Ek het onmiddellik my fout besef en toe stop ek hom. Dit is hoe my stem daar op gekom het. Daardie klein stukkie het ek toe ingeskryf.

Wat is daar op die band nou? Is dit 'n kragwoord of iets?  
-- Nee. (10)

Wat is dan die "investigating officer's voice"? -- "This is tape 2 and it is very clear."

O, die "This is tape 2" is wat u gesê het? -- Ja, dit is wat ek gesê het. "Tape 2" en "It is very clear."

MNR. JACOBS : Kan u dan net vir ons aandui hoe dat u die fout gemaak het? -- Dit is die oranje een en die swarte. Dit is maklik om hulle saam af te druk en dan dieselfde een vir speel ook. Per abuis het ek hulle saam afgedruk en toe het ek hom onmiddellik gestop, in stead net die speelknoppie alleen.

As u luister na daardie ding, dan druk u net daardie een (20) waar die rooi nie in is nie? -- Die swarte is net vir die speel om na die kasset self te luister, maar ek het ongelukkig toe beide ingedruk en toe het ek hom onmiddellik gestop.

Nadat u deur hierdie opname gegaan het en getranskribeer het soos u gesê het, was u tevrede is dit 'n getroue weergawe op hierdie bande van wat in daardie vergadering gebeur het?  
-- Dit is korrek.

En die transkripsie daar, het u ook geleentheid gehad om dit agterna deur te gaan? Kan u ook sê is dit ook 'n getroue weergawe van die bande? -- Ek het weer daarna geluister (30) en dit is 'n getroue weergawe.



Wat het jy met die bande gemaak nadat jy klaar was met hulle? -- Op daardie stadium was dit nog luitenant Z. de Beer, ek het dit verseël en ek het dit toe aan hom oorhandig.

In hkovert geplaas en geseël. Met wat se seël? --  
Polisieseël amptelike seël nr. 266.

Behalwe vir die ongeluk wat u gehad het wat u vir die Hof verduidelik het, is daar enigsins deur u of iemand anders terwyl die bande in u besit was gepeuter met hulle of daarop doodgemaak of enigiets van die aard, uitgegee? -- Nie sover ek kan onthou is daar nie gepeuter aan die bande nie. (10)

HOF : Hoe bedoel u sover u kan onthou? Is dit moontlik dat u met hulle gepeuter het? -- Nee.

MNR. JACOBS : So, het u met hulle gepeuter of nie met hulle gepeuter nie? -- Nee, ek het nie gepeuter met die bande nie.

Het u enigiets doodgemaak op die bande behalwe vir die ongeluk waarvan u gepraat het? -- Nee.

HOF : Of bygevoeg nie? -- Ek het niks bygevoeg nie.

KRUISONDERVRAGING DEUR MNR. BIZOS : Mnr. Beneke, ek wil net goed verstaan wat u hier sê op bladsy 48 gebeur het. U sê dat iemand het by u kantoor ingekom? -- Dit is korrek. (20)

En wat het u gedoen toe hy by u kantoor ingekom het?  
-- Ekskuus?

Wat was u besig om te doen toe hy by u kantoor ingekom het? -- Ek het na die kasset geluister. Ek was om te skryf en toe hy inkom toe stop ek hom onmiddellik om na die persoon te luister en toe hy weer uitgaan het ek aangegaan en toe per abuis het ek die "record" en die "play" saam gedruk en ek het my fout agtergekom en hom onmiddellik gestop.

Wie was die persoon wat ingekom het? -- Dit was n lid van die Mag. Ek kan nie sy van onthou nie. (30)

Waarom het u die woorde "This is tape 2, it is very

... / clear

clear" gebesig? -- Sover ek kan onthou van tyd tot tyd het daar mense in die kantoor ingekom en al verduideliking wat ek daar kan gee is dat hulle het miskien vir my gevra hoe het die band uitgekom en dit is wat ek toe gesê het "This is tape 2" en ek het hom toe onmiddellik gestop.

Wanneer was u vir die heel eerste keer bewus van die byvoeging? -- Dit was onmiddellik gewees. Ek het onmiddellik beseef dat ek 'n fout gemaak het. 'n Mens kan altyd voel wanneer jy die "play" en die "record" saam indruk. Jy kan onmiddellik agterkom jy het 'n fout gemaak. (10)

Vir hoe lank ken u eerwaarde Nkundu? -- Ek ken hom omtrent so drie of vier jaar.

Tot nou toe? -- Ja.

Hoe lank het u hom in 1983 geken? -- Ek het hom voor dit gesien. Hy was al daar by ons. Ons het sekere ondersoek gedoen waar ons met hom te doen gehad het.

Nie ons nie, u self, wat het u met hom te doen gehad in 1983? -- Daar was verskillende stadiums wat ek na sy kantoor of sy huis gegaan het waar ek hom persoonlik sekere vrae gevra het of inligting wat ek wou gehad het. (20)

Wanneer voor 24 Julie 1983 het u hom gesien vir die laaste keer? -- Dit was daardie selfde jaar, maar ek kan nie 'n datum onthou nie.

Of dit 'n maand of 'n paar maande was? -- Ek kan nie onthou nie.

Hoeveel het u hom gesien voor 24 Julie? -- Ek het hom so drie of vier keer gesien.

Het u met hom gepraat? -- Ek het self met hom gepraat.

In u hoedanigheid as 'n ondervraer of 'n ondersoekbeampte? -- Op daardie stadium inligting wat ek wou geweet het of (30) iets wat ek wou opklaar.

Wat was die naam van die apparaat wat u gebruik het? --  
Dit is 'n kassetbandopnemer National Panasonic. Dit is soortgelyk as hierdie een.

En die ander dele van die apparaat, wat was dit? --  
Adjutant-offisier Dewar het my 'n soortgelyke bandopnemer gegee en vir my gewys hoe hy werk, maar ek is nie bewus van ander apparate nie.

Het u oorfone opgehad? -- Ek het oorfone gebruik.

Om te luister wat deurkom? -- Dit is korrek.

U het gesê dat dit onnodig was om deur die oorfone te (10)  
luister terwyl die mense daar besig was om te sing. -- Ja, partykeer het ek na die sang geluister, maar in die meeste gevalle het ek dit maar afgehaal.

Is dit omdat u nie belang gestel het in die singery nie of omdat ... -- Die sang was hoofsaaklik - dit was in Zoeloe en dit was hard. Al het ek die kopstuk afgehaal of die oorfone afgehaal, het ek nog duidelik waargeneem dit is presies dieselfde sang.

Kon u sonder om die oorfone te gebruik die stemme van die sprekers hoor of nie? -- Dit was 'n bietjie onduidelik. (20)  
Ek kon dit slegs op die oorfone en die apparaat wat ek self gebruik het hoor.

So, buitendien opname wat daar gemaak is, het u self geen persoonlike kennis van wat binne-in die saal gesê is of gebeur het nie? -- Nee.

Wie het die transkripsie gemaak? -- Ek het dit self gemaak.

Sal u sê dat dit heeltemal duidelik is? -- Dit is duidelik.  
In sommige gevalle was dit miskien onverstaanbaar waar ek nie sekere woorde mooi kon gehoor het nie.

En die woorde is uitgelaat in die transkripsie? -- (30)  
Dit is korrek.

Het iemand saam met u die transkripsie nagegaan? -- Ek het persoonlik die Engelse gedeeltes gedoen en die Zoeloe gedeeltes was deur sersant Mafa gedoen en dit was in my teenwoordigheid.

Was hy ook in die omgewing van die saal of nie? -- Nee.

En vir hoe lank was u en die sersant besig om die transkripsie te probeer regkry? -- Ons het dit gedoen van daardie Maandag af net na die Sondag waarop dit plaasgevind het tot ek die verslag aan luitenant Z. de Beer gegee het saam met die kasset. (10)

Wanneer was dit? -- Dit was omtrent 5 Augustus van dieselfde jaar.

5 Augustus? -- As ek reg kan onthou.

So twee weke daarna? -- Ja.

Seer sekerlik was u nie altyd teenwoordig toe die sersant besig was om die Zoeloe deel daarvan te probeer uitmaak nie? -- Nee, as dit die geval was, het ek die kassette geneem en gesê ek gaan miskien uit en so. Dan het ek dit in my staalkabinet toegesluit, die kantoor se deur het ek toegesluit en dan moes hy wag totdat ek inkom weer. (20)

Waarom sou u so iets gedoen het? Het die sersant nie u vertrou gehad nie? -- Ek was verantwoordelik vir die kassette en ek wou nie hê dat daar iets met die kassette moes gebeur het nie. Dit was my verantwoordelikheid.

Wel, wat is u antwoord? Het u hom nie vertrou nie? -- Nee, dit is nie die geval nie.

En as u vir enige rede buite die kantoor wou gegaan het, het u die kassette van hom af weggeneem? -- Dit is korrek.

Selfs as u toilet toe wou gaan? -- Dieselfde, ja.

Of tee wou gaan drink het? -- Dit is korrek. (30)

Was daar gedurende Julie 1984 enige aanduiding dat die

... / kassette

kassette in 'n hofsaak gebruik sou word? -- Nee, nie op daardie stadium nie.

1983, jammer. Het u altyd met die transkripsie van kassette op dieselfde manier opgetree, dat die kassette van die sersant af weggeneem is as u uit die kantoor gaan? -- Dit was die eerste geleentheid wat hy my daar bygestaan het.

HERONDERVRAGING DEUR MNR. JACOBS : Geen vrae.

HOF : Ek wil net op rekord stel dat die masjien is 'n masjien waarop van links na regs onder staan wat die knoppies aanbetref "Stop Eject" en dan 'n knoppie "Record Play" en dan 'n knoppie (10) "review" en dan 'n knoppie "Q". Die "record play" is 'n saamgestelde knoppie. As daarop gedruk word kan òf deur die een deel daarvan te druk daar net gespeel word of dit kan as geheel gedruk word en dan word daar opgeneem deur die kasset. Die opnamegedeelte bestaan uit 'n klein oranje vierkantige knoppie wat ingeset is in die groot knop wat "record play" uitmaak. Wanneer daar opgeneem word by wyse van die druk van die "record knoppie" is daar 'n rooi liggie wat aan die linkerkant van die apparaat aangaan.

MR JACOBS : I ask for leave to look at the two cassettes. )20)  
There is something that I omitted.

COURT : Do you want to look at them now before the witness leaves the witness box?

MR BIZOS : Yes, so that we can excuse him if need be.

HER-KRUISONDERVRAGING DEUR MNR. BIZOS : Het u enigiets gedoen met die vier gaatjies wat aan die agterkant van die kassette is op enige stadium? -- Nee.

En as daar iets daarvan verwyder is, het u dit nie gedoen nie? -- Ek het dit nie gedoen nie.

U weet nie wie dit gedoen het nie? -- Nee, ek weet (30)  
nie.

... / Weet

Weet u wat die rede is vir daardie gaatjies? -- Nee,  
ek weet nie.

U dra geen kennis nie? -- Ek dra geen kennis nie.

GEEN VERDERE VRAE.

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HOF VERDAAG TOT 8 AUGUSTUS 1986.

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