

T.P.S. ATKINSON

We have no adverse comment on this witness. He was not cross-examined at all. There is no reason to doubt that he has considerable experience in his field. It did seem, however, that he did not have as much experience with oscilloscopes as Dr. Jansen. He does not possess one and his experience on one seems to be limited to use during another case in so far as wave form analysis is concerned.

JANUARIE BADI

An ex-councillor who is an unmitigated liar.

1. His evidence that he was happy to receive ex ABA.1 - which falsely accuses him and calls for a boycott of his taxi business cannot be true. He does not need an excuse for resigning. He had already resigned.
2. The reasons he gives for the school boycott are flimsy - the school fees and dilapidated buildings. The first were payable at the beginning of the year and the second was on a seven year rotation maintenance.
3. He was evasive when questioned by the court whether he thought the school boycott justified.
4. He denies knowledge of the arson of the Administration Board's offices.

5. He denies ex ABA.1 "who send away the people from their houses and zinc houses" refers to people evicted for being in arrear with rent - as was put by defence counsel. He says it refers to children evicted after death of parents - of which there were two cases in his term of office.
6. His evidence is in conflict with what the defence put namely that councillors resigned and were re-appointed to the council and resigned in 1985.
7. He retracted his evidence in chief that Tsobo's house did not burn till August 1985.
8. He was very evasive when the statement he had made to warrant officer McDonald was produced. He admitted he signed it without asking for an explanation and without stating that he did not understand what was being read back to him.
9. In 1986 he was requested to consult with the state with a view to giving evidence, but refused as he would not give evidence. Yet he cannot explain how he comes to give evidence for the defence. - who asked him in 1987. This indicates his bias towards the accused.

10. When cross-examined on the contents of the statement he made to the police (exh CA.34) he was very evasive and contradictory. He even could not remember which child of his brother had brought him the boycott pamphlet, whereas he gave the name the previous day as Tembi Nkosi. It is inconceivable that the policeman invented the contents of the statement. It is impossible to visualise a conversation in Afrikaans between warrant officer McDonald and this witness if his Afrikaans is so appalling as he says. In fact there could not have been a statement at all. We noticed that he seemed quite well aware of the questions put in Afrikaans by state counsel before they were interpreted. We find he is a liar about his lack of knowledge of Afrikaans and that there was no communication gap between himself and the warrant officer. In fact on another occasion he also made a statement in Afrikaans to the police. He never asked for an interpreter.

11. It is highly improbable that he did not hear of the demonstration with the coffin in front of the house of a councillor.

WARRANT OFFICER D.J. BENADE.

A good witness.

DENIS BLOEM

A fanatical activist and unmitigated liar.

1. He states that the hearse on 18 February 1985 did not arrive at the house and did not form part of the cortege and that the coffin on the bakkie was there because of the absence of the hearse and the holding aloft of the coffin was against his wishes and not premeditated. The defence case as put was that the hearse was in the cortege but the coffin was borne aloft on a bakkie as part of a plan of youths to outwit the order of the magistrate.
2. He denies that he saw police during the procession on 18 February but when Lethae's evidence was put to him he admitted seeing police at the police station.
3. He is adamant that no slogans were shouted, that no fists were waved and that no freedom songs other than senzeni na were sung in the cortege. He persists there-

with despite it being obvious that he could not see or hear what was going on elsewhere except in his immediate vicinity. The same applies to the alleged obscene behaviour by women.

4. He does not understand Sotho properly yet he exactly repeated what accused No 20 told the crowd at the grave on 18 February 1985.
5. He is at pains to avoid blaming the scholars for the disturbance on 11 February 1985 - whereas it is their conduct that caused the teachers or principal to summon the police, on his version. On the version of Finta Magcuntsu the scholars were wholly to blame.
6. Having stated in chief that No 20 had said at the grave in February 1985 that the UDF was non-violent he denied in cross-examination that there had been any reference to the UDF by accused No 20.
7. According to him the grave was 300 to 400 metres from the gate of the cemetery. According to Lethae it was 20 metres.
8. He says the last of the mourners were 150 metres outside the gate of the cemetery when the police started shoot-

ing tear-gas at the small group filling the grave. He cannot explain on this version how an old man was hit by a tear-gas canister at the gate (as was his evidence). He attempts to evade the issue by saying he heard it, but it still does not make sense.

9. He states that the banner at the funeral of 18 February 1985 read "We are not fighting, we only come to bury our brother". He persists in this version in the face of the photograph exh AAQ.8. It is significant that he and the other defence witnesses do not want to admit to the use of the word "hero", It cannot be a coincidence.
10. He sat on the mudguard of the hearse on the way to the cemetery on 21 February 1985 because he was tired walking so far. Yet after the interment he walked all the way home and says he was no longer tired. His version is improbable. It is far more probable that he sat on the bonnet of the hearse wearing his UDF T-shirt to advertise the UDF.
11. His denial that the police told the mourners to disperse conflicts with exh AAQ.8 handed in by the defence.
12. He lied about the receipt of UDF News and other material and about his lack of knowledge of Michael



Molotsi and that he asked him to take this material to teachers. When asked about a police visit and statement thereon his memory failed. He denied making a statement about it. When his statement exh CA.25 was put to him he admitted his signature but denied that he had read it and disputed virtually every sentence therein. This was a dismal pack of lies.

13. He denied that accused No 20 had been invited by him to speak at the funeral in order to popularise the UDF. Yet this is the evidence of accused No 20.
14. He denies that he invited Lethae to join the UDF. Lethae says the opposite.
15. His story about a meeting held at his home to form youth organisations, trade unions, sporting organisations etc is vague and inherently improbable. His version that they could not contact the youth is nonsense.
16. He was found guilty of riotous conduct in Kroonstad in 1980.
17. His denials that he knew of a place where T-shirts were printed was proved to be false by his own notes.

18. He has a much closer association with MASO (Maokeng Students' Organisation) than the donation of R15 he gave them. In his possession was found a notebook of Paul Maluka, a member of MASO, which he appropriated as is evidenced by his own notes therein and which he got to obtain telephone numbers from. The list of telephone numbers contains: five prominent lawyers who appear regularly for organisations connected to the UDF, members of the UDF and related bodies, leading figures, the press: Sowetan, City Press and Star.
19. The UDF banner he had made is: "Forward to Peoples Power" but he denies that he believes in people's power.
20. He says that he has never heard of agitation against Black councillors in Maokeng, burning of their shops, damage to their property, attack with stones on the mayor's house, burning of his car and overturning of his combi and burning of four tractors of the community council. This is unacceptable. It happened on 11 February 1985 and this evidence was never disputed.
21. His allegation that the posters that he put up in his café were not put up to be read by the public is utter nonsense in view of the size and number thereof. He is

very vague as to how he acquired some of the placards, for example the UDF one "Forward to people's power". He is also evasive on his knowledge of the contents of for example the SACC poster.

22. He says the periodical of AZASM March 1985 was left in his shop by students whom he hired to look after it. But he cannot give their names.
23. After the banning of COSAS he displayed a UDF tract which he had framed, urging people to inter alia join COSAS.
24. He is a fanatical liberation struggle supporter as is evidenced by the fact that despite his detention he keeps posted up in his café 13 posters/calenders/news-papers with slogans and other material on the liberation struggle.
25. He is a shopkeeper in the Coloured township yet he is involved with three funerals in the Black township - of people who cannot be his customers.
26. Finta Magcuntsu had never seen Bloem whom she knew as Master of Ceremonies at other funerals in the Black township.

MAJOR J.H. BOSCH

A fair, concise, good witness.

SERGEANT M. BOTHA

A good witness.

SERGEANT A. BRANDERS

On demeanour this witness cannot be faulted.

He was very positive in his evidence about alleged events involving accused No 20 on 21 February 1985. His evidence is, however, contradicted not only by accused No 20 but also by the Star newspaper report of 19 February 1985 (exh AAQ8) and the evidence of captain J H Vorster.

This mistake and the fact that he stuck to his guns adamantly casts a shadow over the rest of his evidence.

WARRANT OFFICER A.A. BRUYN

A good witness.

BISHOP MANAS BUTHELEZI

Reluctantly we find that this witness was evasive and unreliable. He has a strong bias towards the liberation struggle and is not impartial in his opinions.

1. His evidence that freedom songs like "the Supreme Court is burning" "the boys hit Sasol" "we will catch the boers and their children" are merely historical records of events and sung for that reason is too simplistic.
2. The evidence that the singing of "Hamba Kahle Umkhonto we Sizwe" at the funeral at Daveyton does not refer to Umkhonto we Sizwe but to the deceased is incorrect when the shouting of the name of Tambo and the nature of the death of the deceased are taken into account. (See video exh 42). In any event it is rather presumptuous to pontificate on a video he has not seen.



3. Though he purported to give expert evidence on what happened at funerals and commemorative services, he was extremely vague when asked which events he referred to or who organised them.
  
4. He was evasive when asked:
  - (a) who organised the public meeting in Soweto where the objectionable freedom songs were sung;
  
  - (b) which night vigils he attended.
  
5. In cross-examination his evidence about dancing in the independent churches was shown to be based on what he had read in exh DA.186. He had no personal knowledge.
  
6. His denial of knowledge that the meeting at which the parents committee was elected was organised by the UDF is strange. Exh J.2.
  
7. The SACC and the witness are involved in the liberation struggle and get funds from abroad for that purpose.

8. The minutes of the meeting in Geneva of the SACC delegation headed by the witness and their WCC sponsors reflect that Frank Chikane reported on financial needs for "apartheid victims and underground congregations". "The SACC functions as a crisis council and operates as an alternative government in an abnormal situation where the government serves only the minority". Exh CA.36. The witness would not confirm or deny their correctness and was extremely evasive when cross-examined thereon. He would not explain the reference to "underground congregations", or the phrase "counter-revolutionary movement", or the statement that the state was at war with trade unions and children, or the statement that the SACC gives "emergency grants to get people out of the country for security reasons".

He offered no explanation and his denial of knowledge in this respect was false.

He cannot shield behind the fact that the minutes have not been confirmed. They had been in his and Chikane's possession for four months and they never questioned their correctness.

The state's contention that "underground congregations" refers to the ANC has not been answered.

This document puts the SACC and the witness as its president four-square in the vanguard of the liberation struggle. It refutes any shred of impartiality on his side which might have been contended for. It renders suspect the whole of his evidence on freedom songs, commemoration services, perceptions in the black community and the like.

MISS. DILSHAD MOMENTI CACHALIA

1. She is adamant that FEDSAW was never formed except as a loose structure. This runs counter to the evidence of accused No 20 and the calendar exh CA.30 and other documents.
2. She has virtually no knowledge of the UDF or FEDTRAW and cannot speak with authority on their aims and objects.
3. She could not explain the FEDTRAW calendar (exh AE.8) or the FEDSAW calendar (exh CA.30) - which preach revolution. Nor could she explain the speech by A Sisulu or Benedict Monama in exh V.11 dealing with revolution.
4. She was evasive when asked about the UDF and FEDTRAW's aim to establish a peoples government based on the Freedom Charter.

WILLEMINA CHABAKU

Not very impressive.

1. She thought the march would go to the offices - but it is unlikely as they are closed on Sundays. She "thought" councillors work there on Sundays.
2. Her evidence was contradictory on whether she had heard of TSO and TCO.
3. She was rather vague about the situation after the order to disperse.

An unreliable witness.

1. She says they went to see the councillors with the march (but it was Sunday).
2. She has not paid rent since May 1984. Her reason: We are waiting for Ganz who was to have addressed us on 24 March 1985 and that she cannot pay! Yet her husband earns R120 per week so this is without foundation.
3. She states that Ganz had to reduce the rent below R26,25 that is the amount prior to the increase.
4. She first stated she had gone to meet Ganz on 24 March 1985. Later after evading questions she stated that she had not been to the offices on 24 March 1985.
5. A version that Ganz did not turn up on 10 September 1984 is in conflict with the defence case as put. The defence case was that on 10 September 1984 after negotiations with Ganz it was announced that the increase would be suspended.

Z.143

WARRANT OFFICER E.R. COETZEE

A good witness.

SERGEANT T.J. COETZER

Satisfactory but not well-informed.



MAJOR J.A.S. CROUS

It is amazing that a pilot of a reconnaissance aircraft who claims to have such good knowledge of the area from the air that he can identify specific buildings, would get totally mixed up between a crèche and the administrative offices at Boipatong and place the beerhall at the western extremity of the township whereas it is on the eastern side.

With one exception the observations of this witness are totally unreliable. He was in the air and at 8h00 the Vaal exploded.

The photographs taken by him exhs AAR.6-8 in an amateurish way are not necessarily representative of the situation in the area on 3 September 1984 and should be disregarded as giving the general picture. Neither can they because of lack of reliable identification be relied upon as giving a picture of a specific area.

We even doubt whether we can rely on his evidence that the photographs were in fact taken on 3 September 1984.

MOHAMED DANGOR

A good witness with strong political beliefs who backed up his evidence with documentary proof and did not stray beyond his field of expertise.

PROFESSOR L.C.G. DOUWS DEKKER

He is an expert on his field and was a good witness.

We do not necessarily go along with his interpretation of certain phrases.

GILBERT DE VOS

He created a favourable impression - calm. There are, however, the following unsatisfactory features:

1. There are differences between his evidence and that of other defence witnesses, which cannot be explained away:
  - (a) he says Dikoko was the chairman;
  - (b) town clerk Ngake was not at the meeting.
2. It is strange that he does not hear the breaking of the glass and the noise when the lights went off. He must have been in the vicinity.
3. He does not know of RMC, Thabong Youth Congress and UDF one million signature campaign. As the latter was very active in Thabong he seems to be rather uninformed.

PAULUS DIALE

A wholly unreliable witness.

1. His version of the hippo shooting tear-gas differs materially from that of Naphtali Maseko.
2. He falsely denies that on 4 October 1984 and before that there were riots in Tsakane.
3. He falsely denies that there were school boycotts in Tsakane in 1984.
4. His version that nobody came on foot to the graveyard conflicts with Maseko's evidence.

5. His version that he does not know why the hippo was firing tear-gas for two to three hours in the township is improbable. He later stated that it was firing at people on their way to the funeral - which is more improbable in view of the time.
  
6. His denial that there were riots on 4 October 1984 is in direct conflict with his affidavit (exh CA.35) wherein he stated his son was killed during riots.

M.J. DIKOLE

An upright, honest witness who testified calmly and fairly.

MRS. AGNES DIPITSO

Her evidence is suspect.

1. She did not leave her yard which is one house off Seiso Street - but she has a view across an open veld to Seiso.
2. Her version is that all was quiet. Nobody shouted. No children were about except a few going to school. A few commuters were waiting at the bus stop and at approximately 8h00 the police arrived in trucks and started shooting tear-gas at innocent people. This is very improbable in the light of the other evidence in this case.
3. Her evidence about the arrival of the police contradicts that of Maria Mbutuma who said they passed to Rooi Stene and returned from there. The colour of the vehicles used also conflicts.



4. Her evidence that very few children were on the streets is highly unlikely - they did not go to school, where were they then?
  
5. Maybe nothing did happen in her neighbourhood - she says nothing was set on fire and nothing damaged there on 3 September 1984.

M.P. DLAMINI

*Sebokeng.*

*pp 18601 - 18668.*

No adverse comment on demeanour. A wholly untrustworthy witness.

1. He states only two persons spoke outside the hall on 3 September 1984 (the defence case is three).
2. He contradicts the accused who say that there was smoke at Motjeane's when the march was at the BP Service Station.
3. He says there was no smoke at Motjeane's when he marched past the intersection and that he did not see smoke of the administrative offices in zone 13 or of Nkhiwane's house in zone 7. This must have been clearly visible as he concedes.
4. He blames councillors for making promises since 1980 - but there was no council system then.

5. His approach to local government is evidenced by his statement that he is prepared to pay for improvements only after they have been installed.
6. He first stated he was owner of premises at Small Farms. Later that he was tenant and only of a room among more than ten tenants on the premises. Whereas he had said his rent increase was R5,80 for service and payable by himself to the Lekoa Town Council direct it later was shown that this was false as he could not be billed directly for services as the lodger permit fee which he said was increased from R20 to R26,80 in fact had been R10 and was not increased at all. Exh AAQ.19. He attempted to mislead the court.
7. He has not paid the lodger permit fee since September 1984 and his version that the offices told him repeatedly it was still being sorted out is in the light of exh AAQ.19 nonsense as there was no increase.
8. He stated only one person spoke inside the hall on 3 September but later said there were one or two others who supported him just saying they agreed. This conflicts with the other evidence.
9. He regards Mandela as his leader.

10. He first stated that outside the hall only one person addressed the crowd. Later he denied that he had said so.
11. He states it was said that should the procession meet the police it would stop and then leaders would be chosen who would speak to the police.
12. His version is that the placard bearers were the leaders of the procession, there was nobody in front.
13. In chief he said two persons spoke outside the hall on 3 September 1984. In cross-examination after the recess it became three.
14. In chief he stated the vanguard of the procession was joined by a group of approximately 100 before it reached Fowlers bus stop. In cross-examination after the recess he stated they met at the intersection. It is a clear attempt to adjust to the defence case. His explanation of a misunderstanding is unacceptable. The questions were very clear.
15. He is prepared to make wild statements as is evidenced by his statement that he would have seen it had there been an attempt to damage the post office. He obviously could

not see what happened on the left in front from where he was.

16. He stated positively in chief what the wording on the placards was and that no violence was advocated. In cross-examination it was evident that he remembered only one, that he had seen the backs only of most and that he could not even remember the language used on the one placard he remembered.

17. In conflict with other witnesses he says that the police did not park their vehicles across the road but drove at the march and shot from the moving vehicles.

MRS. SHEENA DUNCAN

A strong witness who holds very definite political beliefs. A political activist wholly on the side of the UDF and out to defend it.

1. Her attitude is "no issue is not political".
2. She frequently met accused No 19 and No 20 in Khotso House where the Black Sash offices are and also met accused No 21.
3. Her group and the witness too are apologists for the ANC and SWAPO taking up arms (exh DA.139 p.17) and consistently come out in opposition to violent action by the SADF and S.A. government - but there is no evidence of the same firmness towards ANC violence (exhs DA.155 and DA.156).
4. Her definition of "political prisoners" does not cover the case of Nelson Mandela et alii and the calls for his release on that basis are not understood.

5. The Black Sash does not subscribe to the call "charge or release" in respect of arrested persons. They stand for unconditional release. Exh DA.144 pp.13 and 14. There is therefore a total mistrust of the law and legal process.

6. The facts that:

(a) the Black Sash does not go along with the Freedom Charter (exh DA.139 p.6)

(b) she is a total passivist

(c) she is a White lady and her group would be regarded as well-to-do capitalists

(d) she is strongly anti-violence

(e) she was called in ad hoc for advice on her field of expertise

(f) she does not want to believe that the UDF is anything but what she wants it to be

(g) she does not understand the Black languages

(h) she never attended UDF executive meetings

makes it:

- (i) highly unlikely that any Black revolutionary would express his true feelings in her presence; and
- (ii) even if he did she would not understand it. And it is clear no strategy was ever discussed in her presence - so she concedes.

Her evidence on UDF policy of non-violence must be read subject to these limitations.

7. The Black Sash attitude on the death sentence is one-sided. They are against capital punishment as a matter of principle. But they only intervene when ANC murderers are convicted.
8. From the nature of her activities her contact with Blacks is possibly mostly limited to radicals.
9. The Black Sash co-operated as closely as possible with the UDF. She cannot be regarded as an unbiased witness.
10. Her general statement that the governments of the homelands are not representative, she could not substantiate.



11. She denies that the UDF took up issues to mobilise people. Yet this the UDF says in its documents and through accused No 19 is the case. This indicates her lack of knowledge of the UDF and her protective attitude towards it.
  
12. In her 1985 presidential address (exh DA.182) she states that the UDF leaders on trial for treason are personal friends. The Black Sash and the witness protests whole-heartedly against the action taken against UDF leaders.

Z.162

WARRANT OFFICER S.A. DU PISANI

A calm, positive and impressive witness.

WARRANT OFFICER J.C. DU PLOOY

A satisfactory witness.

Z.164

J.D. DU TOIT

Forthright. No adverse comment on his demeanour.

Z.165

WARRANT OFFICER D.J. FOURIE

A satisfactory witness.

HAMILTON GQOBANE

No reliance can be placed on this witness where his evidence conflicts with that of the state witnesses.

1. He stated twice positively the school boycott lasted from August to December 1984. This is borne out by SASPU Nationals exhs W.21 and W.32. He retracted this and said the boycott stopped after the meeting in September 1984, when the court questioned him on his illogical version of the meeting.
2. On his version the speech of Andile Ntsudu at the November 1984 meeting is out of place. A complaint against lack of feed back from councillors and roads and taps at a COSAS meeting on school grievances. The state version of this meeting is more probable namely a joint meeting of COSAS, SERA and SEYCO - there it would not be out of place.

3. His version of Dr Boesak going around the country calling for prayer meetings for all persons in gaol and calling on business men to give better wages and service conditions - at a meeting in the Apostolic church in January/February 1985 - sounds strange and was never put to state witnesses. One wonders if the state witness and this witness are speaking about the same meeting.
4. He organised for and is a member of NEUSA (which with COSAS and AZASO started the Education Charter Campaign). His close association with COSAS is evidenced by the fact as testified to by Mapela, that he is appointed by the scholars to speak on behalf of the parents at the COSAS meeting.
5. His statement that he had no idea who was behind the boycott and who stated the demands to the principal is so improbable that we reject it as false. He states he never even enquired!
6. His statement that he does not know whether the principal permitted the use of the library hall during the boycott by the boycotters is rejected as false.
7. His evidence that he does not know why the students so vehemently rejected the PRC's is improbable - in view of his position in NEUSA.

8. His statement that he never heard of the attacks on the mayor's house, the mayor, councillors and vehicles is false. He must have. He attempts to shield behind his absence from town for a few isolated weeks, but the times do not cover the relevant period adequately and it is in any event inconceivable that he would not have heard of it.
  
9. His evidence that there were no banners at the funeral of Deborah Memese on 16 March 1985 is in conflict with the state's undisputed version.
  
10. The evidence of lieutenant Labuschagne that on the day prior to the funeral he promised that there would be no police action if there was no riotous conduct, stands undisputed. The police did not act before or at the funeral or on the way back - despite freedom songs. It would be improbable that the police then for no reason at all call on them to disperse at the house of the deceased and attack with a sneeze machine. There was no magisterial order. The version that the hippo which brought the warning moved off and was not seen again is improbable.

There are three versions of this incident by three defence witnesses Gqobane, Ngwalangwala and Mapela - all conflicting.



His version of the sneeze machine conflicts with what was put.

11. His statement that he does not know why the Master of Ceremonies and the main speaker at the funeral on 16 March were from Cradock and were members of organisations whereas the deceased's family were not, is hard to believe.

MICHAEL HANNA

His views on what is political language should be regarded in the light of the following:

He is a BA graduate in political science Wits who was exposed to it in class and he is a hardened political journalist who will not easily be shocked.

The fact that he sees nothing wrong in broadcasting an interview in which the prime-minister is called a criminal and the leader of the Labour Party a self-seeking, unprincipled individual whose policy is determined by monetary gain for himself, indicates that with him anything goes.

This disqualifies him from expressing an opinion.

It should be borne in mind that the normal audience of the UDF is neither learned nor sophisticated.

Z.171

He is rather vague with his facts. He places the Transvaal launch of the UDF after the national launch.

KEVIN HARRIS

At stages during cross-examination he was ill at ease. This was to be expected when his evidence in chief was being totally discredited. He was unimpressive as a witness and shown to be unreliable. At the end of his evidence one had the uncomfortable feeling that important sections of the meeting had possibly been excised from the sound recording. This inevitably leads to the question: Why?

1. He stated initially in cross-examination that his sound recording exh 36 was almost continuous. Later he conceded that this was not correct. There were many interruptions in the sound recording - as is evidenced also by exh V.31. In fact the meeting lasted two-and-a-half hours but there is only 48 minutes sound recording.
2. His visual recording is very patchy. Compare exh V.31 where it is indicated against the text by a line.

3. His statement that apart from what he cut from exh 37 (the negative) for the purposes of his film "the struggle from within" the rest of the material is intact, was proved to be incorrect. He had to admit that exh CA.18(a) whereon Dr Jansen indicated the missing frames was materially correct. He then gave the explanation that those missing parts of film must be portions where the camera-man checked his apparatus - a gate check - and which were either over-exposed or black. But he says that he did not touch the negative exh 37 which is the rest of the original.

4. His statement that all material shot was before court in the form of exh 38 was materially incorrect, as he had to admit after the deficiencies were pointed out to him by the state's expert Dr Jansen.

(See also point 11 below).

5. His positive assertion that the tape he used to record the sound had been brand-new was in further cross-examination reduced to an admission that it could have been used tape which he got from the suppliers. In fact he accepted first and later confirmed after inspection in his laboratory that exh 36 evidences:

- the switch off of recording of the meeting

- a hiss at a certain noise level (called a residual noise)
- after three minutes 50 seconds a so-called "burst of noise" called by Harris a "transient swish sound"
- thereafter a drop in the noise level of the hiss
- after 24 seconds a group of four clicks
- after one minute 15 seconds a single click
- after one minute a single click
- after end of meeting there is a noise of a regular repeating rhythm like a rumble.

The witness could not explain this. He accepted that the set of clicks proves that the tape recorder recorded but that no sound was coming in and that it was not virgin tape and that the burst of noise comes from the volume control being tuned down. He denied however, that it was a re-recording but could not explain the effects set out. In re-examination he offered a scenario to explain the condition of the end portion of the tape. (See point 15 below).

6. He retracted his evidence on a stop/start slow-down of the projector.
7. He did not sound record the beginning of the speech of each speaker. He did not understand the language and had no interpreter. The contents of the speeches were immaterial to him as his intended film "the struggle from within" was narrated in English and the sound of the speeches would, when used, only be background.
8. Very many speakers are not visually recorded.
9. In the sound recording there are a large number of interruptions and also the frames are out of sequence. Harris says it was by error placed out of order. [Exh V.31 pp.15 - 17; F.3742 on CA.18(a)].
10. He states that the frames which were over-exposed or black by reason of the gate check of the camera-man he did not include in exh 38 as he did not want to confuse the court. This is an excuse without substance as a court would not be confused so easily.

However, it does open the door to an argument that material portions of film have been excised as the content thereof cannot be checked. In any event there is no explanation for certain cuttings from exh 37, the negative, which the laboratory would not have done without instructions.

11. He started off by saying that what is missing in exh 37 is in the film "the struggle from within" and was put back in exh 38. It later appeared it was only done partially and there is material missing which is not before court. In fact Harris produced in court on 5 November 1987 during cross-examination a reel containing approximately 2000 frames which he had left out of the material placed before court - he says this had been an error. There were 3 missing sections. He only became aware of that when the state's expert Dr Jansen pointed it out to him. This stands in sharp contrast with his evidence in chief and on the first day of cross-examination that exh 38 was complete.

12. In cross-examination eventually he made the statement that at a stage the camera recorded while the sound was switched off. This is directly in conflict with his evidence in chief. Another explanation for this strange situation was advanced by the state namely that the sound recording had been tampered with and that



resulted in the film and sound no longer being in synchronisation which led Harris to mount the film cuts out of sequence to avoid the obvious. Harris' denial stands alone and rests on this serious contradiction in his evidence.

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13. It is significant that at stages of the meeting where one would expect a continuous sound recording as it was lively, there are breaks in the sound recording. This despite the evidence of Harris in chief that he sound recorded virtually the whole meeting and that he wanted to record all changes in tone. See exh V.31 pp.21 and 22 where the interruptions are at vital places of the recording. For example when the question is asked what is to be done should the buses enter the township, the chairman's reaction is not recorded.
14. He contradicted himself on what Botha did after he had spoken. He first said that he sat down. Later he denied that.
15. He suggested that he inadvertently left the machine on in recording mode after the meeting and the interview and plugged out one microphone only and three-and-a-half minutes later turned down the recording level and plugged out the second

Z.178

microphone. Thereafter the machine kept going in record mode to the end of the tape for a further two minutes or more. This version is not convincing coming from a professional man. It was only advanced in re-examination.



DR. K.B. HARTSHORNE

This witness is clearly an expert in his field - overall educational policy and black education.

He has, however, no knowledge of organisations of scholars - their workings, methods and policies.

He interprets terminology through the eyes of the educationist and does not have the over-view the court has thereof - through documentation of a much wider scope.

It seems that Dr. Hartshorne has lately had no contact with the grass-roots of education, what goes on in the class-rooms and on the school grounds, but has concentrated on broad policy matters and statistics. He has seen no documents of COSAS, SOYCO, SEYCO, AZASO or Student Parent Committees. He did not attend any meetings of these bodies.

His information is gained not first-hand but in distilled form, rarefied for academic minds through the publications of the South African Institute of Race Relations.

Z.181

ANNA HLOMOKA

No adverse comments.

Rather ignorant - did not hear of VCA till 1985 or 1986.

WARRANT OFFICER T.J. HOUGH

There is no adverse comment on his demeanour. He only came to Cradock in October 1984 and is therefore vague when asked in cross-examination about names.

There is a discrepancy in his evidence about the date the photos exh AAY.20 were taken.

WARRANT OFFICER S.J. HUGO

A good witness.

## **DELMAS TREASON TRIAL 1985-1989**

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