

IN THE SUPREME COURT OF SOUTH AFRICA  
TRANSVAAL PROVINCIAL DIVISION

In the matter of:-

THE STATE

v.

FREDERICK JOHN HARRIS

- RECORD OF PROCEEDINGS -

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CROSS-EXAMINATION BY MR. MOODIE:

Now, Doctor, the first question that I put to the accused in cross-examination was whether he told you what he had told the Court. Do you remember that?

--- Yes.

And he answered that fairly satisfactorily in a positive way? --- Yes.

Now when you first consulted him, you knew he had been detained for some time under Section 17 - that is the 90-day clause? --- Yes, my Lord, /10

And you approached him very carefully? --- Yes, my Lord.

With the thought that he may have been affected thereby? --- I did bear in mind that this could have had some effect on him.

Did you find that it had such an effect? --- The effect, I found, had been minimal to this extent, that the separation from his wife had given substance to an hallucination of her being present in a hypnogogic state, but apart from that I did not find any symptoms /20 which I would relate to the tension under the conditions mentioned.

Would the same apply insofar as his mother was concerned? --- His hallucinations of his mother?

Yes. --- These manifestations had preceded his detention, so that I do not consider that the factor of detention had influenced this phenomenon.

That would apply to his wife as well? --- The question of his wife - the content of the hallucination I consider was related to their enforced separation. /30

I see. Now having consulted him for a matter

of 16 hours, and seen the family, what was your conclusion? --- The conclusions I have already described to the Court, would you like me to...?

No, no. Those are the conclusions you have described to the Court today? --- Yesterday and today.

And having heard in his evidence and examination -in-chief, those were still your conclusions? --- Yes, my Lord.

And having heard him under cross-examination and examination by the Court, is that still your conclusion? --- Yes, my Lord. /10

You say you tested him with a view to seeing whether he was telling you the truth? --- From my whole psychiatric examination and observation, I came to that conclusion, and it included a test.

You of course may be wrong? --- May be wrong in what regard?

In your estimation that he was telling you the truth. --- I have given reasons why I consider that I am not wrong, but within the limits of the fallibility of a psychiatrist of my experience of 29 years, within that limit, there is a possibility. /20

There may have been half-truths in what he told you? --- I did not gain that impression.

But you agree that a half-truth is a blacker lie than an outright untruth, isn't it? --- I do agree, but I did not come to that conclusion about the accused.

In your assessment of his statement to you, you didn't have the advantage of knowing what evidence had already been given against him? --- No, I hadn't the evidence, except that given to me, outlined to me /30

BY Mr. Soggot.

But you see, your conclusions were always the same after you had interviewed him for 16 hours, after you had heard him in examination-in-chief, and after you had heard him in cross-examination, you didn't know what evidence was against him, so that you could make a comparison to see whether he was telling the truth or not. --- I had had the outline given me by Mr. Soggot, and I have heard much of the evidence during these three days, so that I consider that I did have the background /10 of the evidence.

Now where his evidence conflicted with that that you heard through cross-examination - where there was a conflict, would you make any statement as to whether you considered he was lying or not? --- Could you give me an instance as to the..?

It was put to him that he was seen at the station in a brown suit, and he denies that, --- So your question is that there is a witness to the effect that he was in a brown suit and that he denies it, and..? /20

Now would you be able to assess what his evidence was like in that regard? --- The impression I formed is that he is consistent in his views, but should evidence of a conclusive nature be led that he was not at certain places, it would raise the question as to whether the time distortion in his - the symptom of this condition could have led to faulty judgment on his part.

Correspondingly, you could show that he is lying? --- Were the evidence conclusive, yes.

If certain facts are accepted by this Court, /30 and if the accused's evidence is rejected as being false,

then of course, the whole basis of your opinion falls away? --- No, inasmuch as in this state of ecstasy, the distortion of his mental faculties may have led to false conclusions on his part.

But if it is found that he was not in a state of ecstasy, what is your answer then? --- If he were found not to..?

If he were found not to have been in a state of ecstasy, then what is your opinion? --- In relation to what? /10

His mental condition at the time he was supposed to have committed the offence.

BY THE COURT TO PROF. HURST: Perhaps I can assist. I think what counsel is putting to you is, his evidence is that he sat next to this suitcase for a few minutes, and experienced this ecstasy. There is other evidence that he placed the suitcase there, he talked to the lady that was sitting near the suitcase, he then went and stood some distance away from the suitcase, constantly looking at his watch as if he were keeping an eye on the suitcase, and a few minutes before it was due to explode, he left, and that he didn't sit next to it at all. Suppose the Court found those facts were true? It is an entirely different version to his own. --- This, my Lord, would not, in my opinion, discount the contention that he was in a state of manic-ecstasy, because there are phenomena such as time distortions, inasmuch as he might kaleidoscope an impression of having sat on, say, a bench before, with his present condition, and there are periods of clouding of consciousness. So that this could well /20 /30 account for his - the situation that you describe to me,

and not invalidate the contention regarding manic-ecstasy.

CROSS-EXAMINATION BY MR. MOODIE: (Contd.) If the whole of his evidence is rejected by this Court - and you will remember he said he told you what he had told this Court - if the whole of that evidence is rejected as false, can you support your opinion? --- Could you give me an indication? The whole of his evidence, but..?

The whole of his evidence that you heard.

BY THE COURT: Well, that can't happen, Mr. Moodie. You can't reject all his evidence, because a great deal of his evidence... /10

CROSS-EXAMINATION BY MR. MOODIE: (Contd.) Right. So we'll say the whole of his evidence from Brixton Tower until he came to the Greek café: if that were rejected, what would your conclusion be? --- It would still be compatible, my Lord, with his distorted perception and awareness, as is characteristic of manic-ecstasy.

In other words, when he told you, or the Court, that he last set the timer of that bomb at the Hertzog Tower, and that he came to the station - and you know his movements from then, that he went to the parking meter and then to the Jeppe post office and back to Damelin College, and then to the Greek café: if all that is rejected as false, what is your opinion? --- It would still be my opinion that this is compatible with manic-ecstasy because of the distorted awareness that can occur in this state, and because one has had the psychiatric evidence that indicates the manic ecstasy. /20

Now what evidence have you got? --- Of the state of manic-ecstasy? /30

Yes. --- The central evidence is the description

of the experience which he described, at the station. Shall I run through that again, or merely indicate that it was the evidence in which he had this transcendent experience of merging with the Universe, of exaltation, and this mystical sense that runs through the descriptions that I have already given.

Now if that is false, then what basis have you got for your opinion? --- I might mention that I do not consider it false from my experience as a psychiatrist, but if it were false, we would then have the remaining /10 components of the experience: the feeling of exhilaration and impression of the unusual beauty of Johannesburg station that occurred at an earlier stage; we would have the consistent amnesic gaps that he stresses, and the periods of vague recollection that were not rotated at the station.

And similarly, if those were false, there would be no basis for your opinion? --- Again - of course, this is based on my opinion as a psychiatrist of many years, that they are not false, but if this were false, the /20 remaining psychiatric features that would have to be considered would be the evidence that we have of the mildly elated states before the story of the depressive episodes and suicidal thoughts, and the evidences of the paranoid trend, this paranoid trend which I have itemized in the various symptoms.

Now if you have only had the elated states and the suicidal attempts, would you still be of the same opinion? --- Only have the elated states, excluding the one at the station, and excluding the - are we /30 excluding some of the elated states? Because the one



on the station is after an elated state - excluding the elated state at the station, and the period of the rest of this episode, between Brixton cemetery and the.. what was your question? If..?

If you exclude that, what have you got left? An elated state, exclusive of Brixton to the café, and suicidal attempts. Would you still be of the same opinion? --- We would then have the elated states early in July; we would have the persistent and progressive paranoid trend, so that I would still feel that there were /10 substantial psychiatric features.

Upon which to base the opinion which you have given this Court? That in fact, at the time he committed the act, he did not know it was wrong in law? --- That is based on the period...

No, no. If that is the sum total of your opinion, would that be your opinion still? --- Were we to exclude these things?

Yes, if we were to exclude them. If that is based on other ecstatic states and suicidal attempts. --- /20 The other ecstatic states, not occurring at that particular time, would not be relevant. The paranoid state would have bearing on his judgment as regards the whole episode, but the central important condition on which I am basing the absence of knowing what he was doing was unlawful, and the irresistible impulse, is the state that I believed existed between the time he was at the Brixton cemetery to the time he returned to the Greek shop.

Now if you had simply the ecstatic state and /30 the suicide attempts, would that still be your opinion?

Belt 61 --- Excluding the one at the..?

Yes.--- If we had just the ecstatic states and the..?

Suicidal attempts.

ASSESSOR HART: Mr. Moodie, were they attempts, or were they merely thoughts?

MR. MOODIE: Thoughts of suicide, sorry.

CROSS-EXAMINATION BY MR. MOODIE: (Contd.) Prof. Hurst:

If we had merely those - and I contend we hadn't merely those - but if we merely had those, the question of /10  
the more general effect on his judgment would be something short of the second item of McNaughton Rules, and the irresistible impulse would then exist, were these removed.

Can we still get a reply to that? If you had the other ecstatic states and thoughts of suicide, would your opinion still be the same? --- Do you mean if we only had the ecstatic states and the thoughts of suicide, and excluding the state I postulated that time? My /20  
opinion would merely be that we would have to consider the effects on his judgment at that time, short of the criminal irresponsibility.

Just short of criminal irresponsibility? ---  
Yes.

Now I think you have described him as having a cyclothymic personality.? --- Yes.

Does this occur in a non-psychotic person?  
--- Yes, this is the general personality type, from which a proportion go further and develop a psychotic trait. /30

And I think you have described him as emotionally

immature? --- I don't think I have used that term,

Would you use it? --- No, I don't think I would use that term. I would feel that we are dealing with something more specific than emotional and mental states and immaturity.

He appears to have been dependent on his mother a great deal? --- Yes, he had a strong attachment to his mother.

He seems always to have expressed his encouragement or approval from her? --- Yes.

/10

Now would you describe him as emotionally labile? --- Yes, he is emotionally labile.

BY THE COURT TO THE WITNESS: What does that mean? --- That would mean that his emotions move rapidly between elation and depression, my Lord.

ASSESSOR HART TO THE WITNESS: Does that occur in a large number of people, Professor? --- Yes, a large number of people have lability, short of what we are postulating in this case.

CROSS-EXAMINATION BY MR. MOODIE: (Contd.) And would you describe his as abnormal? --- His emotional lability, yes, my Lord.

/20

Although I think it is accepted that all people have moods and swings of moods? --- Yes, but in his case I feel that he has evidence of them to a pathological degree.

Would all persons who have this cyclothymic personality - would they become manic-depressives? --- No, my Lord.

BY THE COURT TO THE WITNESS: Is the cyclothymic personality merely the foundation for an eventual manic-

/30

depressive psychosis? --- Yes, my Lord.

But which may never happen? --- Yes.

CROSS-EXAMINATION BY MR. MOODIE: (Contd.) Now was this the first attack that he had had? --- No, it is not the first attack, no.

Do you know that from what he told you? --- From my careful analysis of his description of his states, and also from the other supporting evidence, from other people.

And it has never before manifested itself in /10 the manner in which it did in this case? --- No, it hadn't.

And this state - does it clear up abruptly, or not? --- The manic-ecstasy can start and clear up abruptly.

Now can you tell us what you mean by abruptly? --- It could clear up in a matter of minutes. Not always so. In some cases it clears up gradually over a period of some days, as the case that I have cited. I have given you a case of six days, and in other cases they can cease abruptly. I am referring to the manic-ecstasy.

"States of mania seem not to remit suddenly, /20 and such a patient who has been arrested following a homicidal attack would show many of the symptoms of his illness until treatment had been instituted." That would be Whitlock on Criminal Responsibility and Mental Illness. --- Yes. I have dealt with this more specific form of manic-ecstasy and shown cases where it has cleared up rapidly - the actual state of ecstasy, so I should consider it a variable factor.

Would you say the clearing-up rapidly would be a very rare condition? --- In manic-ecstasy, compara- /30 tively common. It would be a comparatively rare mode

of termination in the full range of manic conditions.

What does that mean? Does it mean that it would clear up rapidly, or not? --- There are two considerations. We have considered the manic phase in general, of which manic-ecstasy is a specific form. In general in manic phases the clearing-up is gradual over a period of a few days. In manic-ecstasy the clearing-up can be rapid, within a period of minutes, or it can be more gradual. From my own impression and from my reading, about 50% of the slow clearing-up, 50% the more rapid clearing-up. /10

And in this case? --- In this case the ecstasy state, to my mind, cleared up rapidly. From the time that he was returning home and that vague recollection in the Greek shop, that is the last indication of ecstasy. But the persistence of the milder manic symptoms weren't ecstasy, according to the account of his behaviour on arriving home. He is said to have been cheerful, quite active, his judgment was still out of contact with reality, but when he heard what had happened at the station, he was still so under the domination of his plan that he had conceived that he states that he could only half accept that this had happened. The theme was so dominating his mind that he couldn't believe that something else had happened. So that there was still evidence of being out of contact with reality, and of disturbed judgment then. But at that stage I would consider that the state of manic ecstasy had departed and he was in a relatively mild stage of the manic episode. /20 /30

Did his father tell you that he was quite calm

and collected at home? --- His father mentioned that he saw nothing wrong with him, on very superficial inspection. But this is my impression, that the layman does not recognise the milder degrees of mania as anything abnormal, because this merely appears as cheerfulness, being very active, and even had he still been in the state of manic-ecstasy, there is a calmness at certain stages which could deceive the layman.

But you have to base your opinion on what laymen tell you? --- Could you explain that to me? /10

Well, I take it his father is a layman? ---Yes.

And he simply told you facts? --- Yes.

And you interpret those facts as if the layman would be able to see nothing? --- It is my experience that in mild manic states and in cases of ecstasy the layman might, in certain cases, not be able to see anything amiss.

But on the other hand what the father saw might have been correct? --- It is to my mind not correct, in view of the more exact evidence we have, that from the point of view of expert analysis, it shows his judgment was sort of involved so that he would be out of contact with reality. /20

That is ex post facto reasoning, isn't it? --- Well, it is a psychiatric opinion, based upon the analysis of the experience.

And you assessed Mrs. Harris's reactions in the same manner? --- No, in the case of Mrs. Harris, I interviewed her twice, and I also heard her in court. One pays very great attention to the factual evidence of the layman, but one does feel that there are certain things /30

that could be omitted by the layman, who is not looking for things, and that the interpretation may be wrong, but the actual evidence of the layman - the factual evidence, is of great importance to form one's opinion.

You will remember that Mrs. Harris was apparently in some emotional state, so she said, that evening when her husband returned? --- Yes, she was.

And she also told us that her memory of that evening wasn't so good? --- Yes.

That's the normal reaction of a person in an emotional state, not so? --- This, I think, needs a little bit more detailed definition, that I think an emotional state might make one not be able to repeat certain events because of pre-occupation with certain themes; that they might not be able to give an account of something because of being absorbed in certain themes. If we are talking of Mrs. Harris's state, rather than a primary amnesia, implying that her mind was diseased. So it could have been pre-occupation in her state. If you are wishing an assessment, it might have been that she was dwelling on her worries, and that she was just not noticing things. However, I haven't examined Mrs. Harris from her own psychiatric point of view and I would be loath to express an opinion.

Now this state, you have described it to the Court as starting at about the Hertzog Tower and ending when he found himself in the Greek café? --- The acute state of manic ecstasy. I have formed the impression that a milder state was present before and after, but the state of manic ecstasy, the most exact bounds I can give is as stated.

Will you tell the Court why you fix on the Brixton Tower as the one boundary? --- Inasmuch as he gives this description of indistinct memory: his difficulty in deciding whether it was at the meter at the station or at this place where he wound this apparatus, so that I feel that this would indicate the first of these more severe features, and the episode in the Greek café, in which he could only remember the one thing - this conversation with the owner, would be the last definitely observed or reported severe abnormal feature. /10  
It may well have extended a little beyond that, but I think these are the two definite abnormalities of the grosser type upon which we base an opinion.

Would you say that it began much before the Brixton Tower? --- I cannot say that, I can only say it was in existence then.

But your inference is that it began then? --- Yes, or shortly before.

Now did he give you any time that he was at Brixton Tower? --- No. /20

Did you ask him? --- I presume so, but I haven't recorded my questions.

Did he give you a time when he was at the café? --- No, he gave me the time when he was at Damelin, but not at the café.

Did you ask him? --- No, I don't think I asked him specifically for times.

So you don't know how long this episode lasted? --- I do know the probable bounds. We know the time at the station and we know the time at Damelin. There is /30 evidence as to when he got home, therefore we could infer



WITHIN BOUNDS WHAT TYPE OF PERIOD.

Say an hour? 3.55 about at the Brixton Tower. Damelin College about 4.45. The café? Well, make it longer. Make it an hour and a half? --- Yes, I think that would cover it.

Had he ever in his history had an attack of this duration? Of this nature and duration? --- None that he can attest. Their time estimates, by the very nature of manic ecstasy while they are in this state, is poor, according to the evidence in this regard, so that /10 although he describes previous periods as shorter, the estimates of time during his previous episodes can't be relied on in view of this nature, so he may well have had it, but we can't say.

BY THE COURT TO THE WITNESS: What were these previous episodes? --- He described episodes in which, for instance, when he was going up to school, he would have this feeling of the perfection of nature, or when he was teaching at school, having a peculiarly close contact with the minds of his pupils and a feeling of great bliss. Or while /20 driving the motor-car, being struck by the perfection - the perfection theme that we've found in the reference - the perfection of the mechanism in the motor-car; being struck by <sup>the notion of</sup> the perfection of the driving, and feeling his merging into the motor-car and the rest of the Universe. Or during detention, feeling this perfection of the world. He mentions an episode connected with opening a tap and the feeling which persisted into the subsequent meal time.

CROSS-EXAMINATION BY MR. MOODIE: (Contd.) Now would /30 those all be described as ecstasy? --- These would all be

described as ecstasy, yes.

assessor HART TO THE WITNESS: You mean when he was going to school, feeling that nature was perfect, it was a lovely morning and that sort of thing? --- No, the detailed description shows something much more transcendent. There was a feeling of cosmic consciousness, a feeling of merging into nature, which is part of the experience. This was not nearly as intense as the experience as we've been devoting most of our time to.

When did that happen? --- If I may refresh my /10 memory from my notes? It was on his way to school, on the way up to the station in the morning. This would have referred to the school before his present one, his previous school.

And this feeling of being in close contact with his pupils, you say that that is also indicative of this ecstasy? --- The way he describes it, it wasn't just an ordinary happy encounter with his pupils. There was a feeling of unusually direct contact with their minds, associated with this feeling of merging with the cosmos. /20 So there was this transcendence feeling, and the feeling of contact with their minds. It wasn't, in my assessment, just the ordinary type of experience of happiness if one has done a job well.

CROSS-EXAMINATION BY MR. MOODIE: (Contd.) Is this unusual, in anybody? --- Yes. In the degree described here and in the form described here.

Now, in this episode from the Damelin to the café, did he describe any symptoms to you other than ecstasy? --- From Damelin to the..? /30

From Brixton Tower to the Greek café. --- Oh,

the whole period. The symptoms that would be discussed are the gaps of amnesia and these symptoms that we have already enumerated, falling under manic-ecstasy.

Manic-ecstasy and amnesia? --- Yes.

He didn't describe to you that he was irritable at all? --- No, not irritable.

Or that he was in a disturbed frame of mind? --- This would need definition. Disturbed in what sense? In the sense that he was worried?

Yes, that he was worried. --- No. No, the reverse. He was... /10

In an ecstatic state? --- In an ecstatic state.

And how would you describe his seeing the parking meters? --- As he emerged from the station? Yes, he mentions that he saw the car. He saw the meters as in a certain film, and that the car had been displaced by several places. This would, to my mind, suggest a perpetual distortion and a distortion of judgment which would be compatible with the condition.

Now he said to you that he sat on the bench for a couple of minutes? --- Yes, on the one occasion he estimated it at a couple of minutes. /20

And that would be no indication of any restlessness? --- No, it would suggest rather the calm that is a cardinal feature and commonly present in the manic-ecstasy.

And he also described how he telephoned, and he remembered the telephone numbers. In fact, he had written them down, and he remembered the conversations? --- Yes.

That was quite clear in his mind? --- Yes. /30

And it was quite clear in his mind what

happened at the Damelin College? --- Yes.

He told you that? --- Yes.

Did he tell you what he was wearing? --- Yes, he did give an account of the changing of his clothes from the one to the other.

Now where was that? --- In his room at the college.

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What did he change from? --- I'll have to consult my notes for that, if you'll excuse me. He said he changed his clothes from a green sports coat and flannels /10 to a brown suit. He had put the brown suit in a bag on a previous afternoon.

Did you ask him why he had changed? --- No. I didn't want to put leading questions, I wanted to form a factual psychiatric opinion.

I don't know whether that would be a leading question. --- I was just wanting to form an objective psychiatric impression.

We know that he went to fetch papers at Damelin, and he went into a sort of common-room there, he said, to /20 see people? --- Yes.

And then he went to see Mr. Rosen and he left? --- Yes.

And that all, you know about? --- Yes.

And then he says he was in the Greek café? --- Yes. He mentioned, of course, putting tickeys in the meter for Mr. Rosen and buying some fruit.

Yes, all that is clear in his mind. Now, you also discussed with him what he had done that morning? --- Yes.

/30

Did you go back in his history a few weeks to

what he had done and what his movements were? --- Yes, one went into that too.

And he was clear as to what he had been doing?

--- Yes.

Say from early July? --- Yes.

He had no other amnesia lapses? --- No.

Did you gather from what he told you that he had made up his mind, what he was going to do, at least a few days before the 24th July? --- Yes, from the time of the interview on the 8th he was formulating his plans. For /10 at least a few days he had decided what he was going to do.

And you have heard that apparently he had serious and rational discussions with some other persons? --- Yes, he had discussions. To what extent, by agreeing to the word 'rational' I would like to not exclude the possibility that his own paranoid thinking was entering into his state of mind at the time. But they were connected and logical.

His thinking wouldn't have been such that a layman would have noticed something wrong? --- I would have to go on the evidence, if there is any evidence that /20 the layman did not think there was...

Well, Mr. Lloyd says that they had perfectly sensible and... --- Well, if we can accept Mr. Lloyd's evidence, then that would be so, yes.

It wouldn't be evidence of suffering from some paranoidal defect? --- This would probably not have been apparent to the layman, but it doesn't exclude it.

You gained the impression that nothing was going to change his plans? --- Yes, I gained the impression that he had a determination about it. /30

Nothing was going to deviate him from his plans?

Belt 63

--- No,

And so also the psychotic episode? --- Are you referring now to the major episode from Brixton Tower back to the...

Well, I called it that, perhaps it's not a good word. --- Yes, if that is the episode to which you are referring, that it didn't interfere with the execution of his plans? No, it didn't interfere with the execution of his plans.

You gained the impresssion that he had made up /10 his mind and nothing was going to interfere with that plan? --- Yes, in terms of his paranoid unshakability.

Now in an emotional state, as the accused apparently was, is that so - from the Brixton Tower to the Greek café? --- Yes, in a very specific type of emotional state, not just the ordinary one. Yes?

He apparently then was absorbed in what he was doing? --- Yes.

Is it surprising to find then that he had amnesia lapses? --- No, this is characteristic of manic- /20 ecstasy.

That, you would expect? --- It is commonly found. It is consistent with manic-ecstasy.

Can you point in his evidence to any outstanding feature that he might have forgotten? You see, he had to drive from the Brixton Tower to the station. Well, nothing outstanding probably would happen there. He would go from the parking-meter and place the suitcase down. Correct? --- Yes.

Nothing outstanding would happen there that /30 would necessarily affect his mind? --- I don't quite

follow?

That he would necessarily notice, unless there was an accident on the way, or something like that? --- Whether this state of manic-ecstasy had interfered with his getting to the station?

Yes. --- No, there was nothing.

Did you ask him specifically whether he could remember anything more than going from the meter to the shelter at Platforms 5 and 6? --- Yes.

What was his reply? --- The last thing he could /10 remember was the sense of the unusual beauty of the Johannesburg station building.

Did you ask him if he recalled anything from leaving the shelter, 5 and 6, to go back to his car? --- Yes.

And he could recall nothing except just the parking meters? --- The parking meters.

And likewise between his motor-car and the Jeppe Street post office? --- Until he drew in and saw the Portuguese number plate. /20

And so also when he walked to Damelin College? --- Yes. Until he saw the caretaker.

Now did he mention to you about a letter he had in his pocket? Or a note? --- The note with the telephone..?

No, another note. --- No, he didn't mention another note to me.

Did you hear in evidence that he had a note in his pocket which he placed on top of the suitcase? --- Yes.

Was that the first time you had heard of it? /30  
--- Yes.

So he must have forgotten that? Of having the note and placing it on the suitcase? --- If I could just make quite sure on that point, from the notes... No, I have no record or recollection of his having mentioned this at the interviews.

Did he tell you, as he told the Court, that he couldn't remember whether or not he had been in Pretoria on the 23rd? --- No, but I don't think we dealt specifically with that, no.

I see. But you did deal with the question of /10 whether he had these amnesia patches, shall we call them? --- Yes.

But he didn't mention that he may have been in Pretoria on the 23rd? --- No.

Now did he mention that he may have been in Johannesburg on the morning of the 24th? --- Yes, this was implied in his having gone on this trip with his wife at which she bought flowers, yes, he did mention that.

You heard his evidence here that he couldn't recall whether or not he had been there? --- I can't /20 remember the evidence on that point. Could you indicate to me?

You see, it arose this way: there was evidence that he had left a suitcase at the station on the 23rd and then fetched it on the 24th. That suitcase was produced, and he said he didn't recall anything about it. He was then, in cross-examination, pressed a little bit, whether that was a suitcase he had documents in, that he was going to consult Lloyd on. Do you remember? And he said yes, 'I think I have come to Johannesburg.' And he /30 also said, 'I lied to the police about it.' Do you



remember that? --- Yes.

Would that show that he had amnesia as regards to the morning of the 24th as well? --- Not necessarily, if he felt that he had reason for concealing it.

Did you ask him about this? --- No, I merely asked him what he had done and he mentioned that he had gone with his wife to town, and didn't mention anything more of that morning. So this is the substance of his reply to me.

Now we know that he slept in mid-afternoon, /10 and then he came to Johannesburg? --- Early afternoon, yes. Before setting out.

And he came home in the evening, and he did some telephoning, and then he went to sleep? --- Yes.

That apparently shows no form of restlessness, does it? --- People in an excited manic state do sleep after intense activity. It doesn't exclude the fact of a manic state. Manic people do sleep, and may get fatigued at times, but the question of tranquillity rather than restlessness seems to be part of the ecstasy state. /20

And the sleeping early afternoon? --- Yes, this is compatible with the manic state we have mentioned.

And it is also compatible with the complete absence of restlessness? --- Compatible with both, yes.

With both. And in fact the accused told us that during that month in fact he had been sleeping quite well. --- Yes.

And that's also compatible with absence of restlessness? --- Compatible with it, but it can be compatible with restlessness as well. /30

Do you know how he normally drives his motor-

car? --- From his description and that of his wife, he is normally a careful driver, but that during this period of July his wife reports that he had been driving what she considered recklessly, and there is the story of the scraping of the car.

Yes. He appears, from the frequent references to motor-cars, to be very taken up with this motor-car of his, doesn't he? --- Not particularly. I think it came out that his interest was of a very special type during this manic-ecstasy phase, of this fusion with the car, /10 but I only discovered a normal interest with his motor-car.

Did the accused say to you that he was not entirely happy at home? --- No, he didn't say that. He mentioned that there had been these outbursts of temper of his against his wife, but that in fact he was happy at home.

Have you a note to that effect? --- I have recorded that under 'Compatibility with his wife: Good.' I don't think it is necessary to deal with that personal life that had been happy. I've recorded it here. /20

Is there anything to indicate there that things were not all they seemed to be? --- No.

Perfectly truthful in that regard? --- Could you perhaps explain..?

That he was completely happy at home. --- Yes, there is nothing to indicate that he was not completely happy at home. I don't know whether there is anything more specific you want to deal with?

Can you recall any other examination in that regard? --- No, there is nothing beyond this. /30

Now insofar as the suicidal thoughts were

described to you, do they often occur in adolescence?

--- Sometimes, not often. I think they do occur.

They sometimes occur. It's not unusual? ---  
Yes. But it is the degree to which they are indulged in  
and dominate the mind that I think is important in this  
case.

I mean, they arise when a child feels he is a  
failure at school. Might arise? --- They can occur, yes.

And when a child wants to escape a situation  
that seems to him unbearable? --- Yes, it can happen. /10

And consequently, some of these thoughts or  
attempts are really merely staged? --- No, to my mind,  
the degree to which they occupy his thoughts, and the  
vividness with which they entered into his awareness was  
important. For instance in the case of the windmill, he  
would go to the windmill with the thought of jumping off,  
and on occasion climb the windmill. In the question of  
going to the station, he would go up earlier and contem-  
plate the possibility. Not even withdraw when the trains  
were passing, but not summoning up the resolve to do it, /20  
and then December, 1963, he did think out the plan of  
running his car into a garage of theirs, also off bridges,  
but was deterred by the thought that should this not be  
successful, there would be these unpleasant consequences.  
And then there is this sort of vivid picturing of an  
apparatus for doing it. So I should say that these  
thoughts genuinely occupy his mind to a much greater  
extent than is common.

And if a person did entertain these thoughts,  
you would expect them to be vivid? --- Not necessarily /30  
so. Not as vivid and complicated as these were, and with

as much detailed working out as to the method.

You mentioned the hereditary factor in your evidence, doctor, and you described the study into the genetics of it. Those figures that you gave are, of course, very elastic? --- No.

I have a book that was given to me, here, by Meyer-Gross, "Clinical Psychiatry" page 198. It was given to me by one of the doctors:-

"Thomassen's findings in an Icelandic population led him to doubt the existence of important hereditary factors. All other workers agree on this significance. Hall and Entwright found an incidence of 9.5% manic-depressives amongst children of manic-depressives; 9.1% among their sibs and 2.3% among their nephews and nieces; Slater found 10.2% manic-depressives among the parents of manic-depressives, and 12.8% among their children. Higher proportions are reached by different methods of computation." /10

Would that be accurate? --- Yes. /20

Now Samuel Henry Tranes, the book called "Mental Depressions and their Treatment" page 59:-

"Identical twins have the same genetic hereditary and a disease process which results primarily from an inherited defect which would be manifest in both twins. His conclusions for the frequency of manic-depressive psychosis are: 16.7% for half-siblings; 23% for Visigothic co-twins."

And then there is some other reference to co-twins. ---

What is the other reference to co-twins? /30

The other reference, 95.7% --- 95% for mono-

Visigothic co-twins.

But this of course is dealing apparently with very close.. --- Yes, this is the best study. Karlman...

There is a reference on the previous page for some figures as well. These are variable, not so? --- In terms of the status of the study. But the work of Karlman is so immeasurably superior to anything else that has been attempted before, in the extensiveness of the statistical handling, that the variations are accounted for in this way. /10

I see. Now you referred, then, to what you described as hallucinations. The accused referred to them as 'telepathic experiences,' I think? --- Yes.

And he apparently firmly believes in that? --- Yes, he believes that they are telepathic phenomena, but there is an inconsistency here, that he has taken the view that his mother is not the sort of person who is likely to have anything to do with this type of thing, so that there is an illogicality here, that if she is not transmitting these thoughts, he is not explaining the origin. But he does interpret in terms of telepathy, which is quite a common mechanism postulated by psychotic patients. /20

Well, by non-psychotic too? --- Well, I think that the question of when they are hallucinations, unless they are of a very special type, the person is likely to be psychotic.

Now if a person believes and practises what we call telepathy, does that mean necessarily that he is a psychotic? --- No, my Lord. /30

In fact, another word for it is extra-sensory

perception? --- Yes, but as Ryan's book on extra-sensory perception - I conceive that there is a scientific investigation of these para-normal phenomena, but nevertheless, psychotics use this as an explanatory consequence.

ASSESSOR MR. HART TO THE WITNESS: Is telepathy recognised, Professor? --- Yes, I personally believe that works such as that of Ryan of Duke University and that of Sole of London University as well as some work that has been done at Rhodes here, would suggest that there are controlled tests showing that telepathy does occur under certain /10 conditions.

And do many normal people believe in it, as something real and genuine? --- I think many scientifically oriented people study this phenomenon, yes, scientifically, and accept its genuineness.

CROSS-EXAMINATION BY MR. MOODIE: (Contd.) Do you exclude the fact that the accused accepted these as genuine experiences of his? --- Yes, I went into this very carefully, and was impressed by the fact that the way these developed, that they were first impressions on the mind, /20 and then later appeared in vivid perceptual form. He saw and heard the person, and this development is characteristic of an early psychotic development on the side of this paranoid trend that I am stressing. So that although the content is still benign, I am of the opinion that this indicates that we are dealing with a progressive development of the paranoid component in the psychiatric disturbance.

-: COURT ADJOURNS :-

CROSS-EXAMINATION BY MR. MOODIE: (Contd.) You have /30 mentioned the Cattell Test. What does it test? --- What

does it test? It tests certain characteristics of personality underlying the development of anxiety. It tests the degree of development of the integrated self-sentiment, lack of ego strength, pro-tension or paranoid insecurity and guilt proneness, and urgie tension, which is dealing with the instinctual sources of anxiety. The guilt-proneness factor is the one, if high, which differentiates the anxiety present as belonging to the depressed type of reaction as opposed to an anxiety state.

In relation to this case, is it a test of /10  
whether he had a guilty mind or not? --- Not particularly. These are characteristics of all persons, and measures these features which are present in all persons, but in high degree, has pathological significance.

Now I take it today, or during this trial, he doesn't fall to be certified under the Mental Disorders Act? --- No, my Lord.

He was fit to plead? --- Yes, my Lord.

Follows the proceedings? --- Yes, my Lord.

And you maintain that at the time he committed /20  
the act, "he was mentally disordered or defective, so as not to be responsible, according to law, for the act or Omission charged."? --- Yes, my Lord.

"That he did the acts, or, made the omission charged, and that he was mentally disordered or defective, in terms of law."? --- Yes, my Lord.

I was reading from Section 29 of the Act. Now I think my learned friend made that clear when he said, "It will be submitted that at the time when the crimes are alleged to have been committed by the accused, /30  
he was suffering from a disease of the mind which

"rendered it impossible for him to know the nature and quality of his acts, and that they were wrong, by reason of this mental disease." You've heard that? --- I would stress the latter, that he did not know they were wrong. And also that he was under an irresistible impulse.

Well, we'll come to that. I think that what I have read is taken largely from what Gardiner & Lansdowne says: "A person is not punishable for conduct which in the ordinary circumstances would have been criminal if at the time, through disease of the mind or mental defect, he was prevented from knowing the nature and quality of the conduct, or that it was wrong." That, I think, is what he said, from the passage I read? --- Yes, and of that, I stress the latter... /10

One moment. Then yesterday, you did say that, 'And then the question of irresistible impulse, to my mind, is answered positively' - pause. --- Yes.

Now, when you used 'irresistible impulse' there, was that an irresistible impulse in the ordinary lay term that we use? --- No, in the legal sense. /20

You see, the legal sense is described by a Judge of Appeal, in this passage: "On the contrary, he told them that the appellant's state of mind was a fact, and if they were judged as a fact, he could reject his criticisms and arrive at a decision independently. Irresistible impulse (he was dealing with the law here) is a self-explanatory term which every layman can grasp." And that means, I take it, to a layman it is an impulse that you can't resist? --- Yes, my Lord.

Now, where was the impulse in this case? --- In this case, in my opinion, he was in a state of manic- /30



ecstasy, his mind filled with this intention of a grandiose nature, of Messianic nature, that this bomb explosion would bring in a new order. And he was so absorbed in this grandiose delusion and so driven by the forces underlying the manic aspect of the - that underlies the manic condition, that he was incapable of resisting it.

What was the ultimate impulse? --- The ultimate impulse was the delusional idea of bringing in this new order, and the manic state that manifests on the emotional level by a state of exaltation, and at the volitional /10 level by the carrying out of the grandiose delusion.

How long did this impulse last? --- The irresistible impulse lasted to...

The impulse. --- The impulse lasted, in my mind, from the time that, driven by the manic-ecstasy about the time of leaving the Brixton Tower, until the time of the planting of the bomb.

Now all that time he was under an impulse? --- Yes.

And that might have been anything from 4.05 /20 to 4.20, perhaps? --- Yes.

All that time he was under an impulse? --- Yes.

And you say that was completely irresistible? --- Yes, my Lord.

Does that convey the ordinary idea of an impulse? --- Yes, to my mind it does. It culminates in the final act of planting the bomb, but in view of the fact that it is known that this impulse is the result of mental disease, this concept, I think, is compatible with what would be ordinarily understood. /30

This is no case where there is a build-up of

tension, and culminating in a final episode that made the impulse irresistible? --- No, the irresistible nature came from the delusion and the drive-on activity from the manic state.

Because you see, that is what the second portion of the paragraph is. I read you the first, and then there is: "Or (b) He was the subject of an irresistible impulse which prevented him from controlling such conduct. Every person is presumed to be sane, and to be able to control his actions." Now you will agree /10 with what I have read there, corresponds to what you are saying now in regard to irresistible impulse? --- Yes.

Did you tell my learned friend that? About irresistible impulse? --- What did I tell him?

That your opinion was that there was an irresistible impulse which prevented him from controlling his conduct. --- Yes, my Lord, I told him that.

You agree that it is not mentioned in his statement? --- I thought he did mention it. I know we discussed it. /20

You did discuss it? --- Yes.

Now if he had made up his mind to place the bomb in the station, and he had so told people, and immediately before he had arrived at Brixton he was arrested with the bomb, would he have been responsible for his conduct? --- As far as I can judge.

Why is that? --- Because I have no direct evidence, before that time, that his mind was disturbed to a degree that it would, in my opinion, render him irresponsible. /30

Now perhaps these examples are fanciful or too

hypothetical, but if the accused was in that state of mind now, could he be tried?

BY THE COURT: Which? Before or after Brixton?

MR. MOODIE: Between Brixton and the café.

CROSS-EXAMINATION BY MR. MOODIE: (Contd.) PROF. HURST:  
No, he could not be tried.

He could not be tried? --- No.

And he could not plead? --- No, he could not.

This, as far as you can judge, has never happened before, in his history? --- No, my Lord. /10

If he were tomorrow to start lapsing into that condition, could the trial go on? --- No, my Lord.

In other words, if he formed the intention to commit a crime now, and he was in that state, and he in fact did it, you couldn't try him? --- If he were in this state today?

Yes. --- No, you couldn't try him.

For example, if he were to walk up to this box, from there to here and, having planned it, throw a glass at someone as an assault, he wouldn't be responsible for his actions? --- Not if he had reverted to the state we are considering. /20

:- NO FURTHER QUESTIONS :-

BERT ALFRED HURST, s.u.o.

RE-EXAMINATION BY MR. PHILIPS: Professor, you told my learned friend that prior to some, at all events, of the consultations that you held with the accused, you had been given some outline of the evidence that had been given against the accused, up to that stage. --- Yes, my Lord, by Mr. Soggot. /30

And you mentioned my learned junior Mr. Soggot?

--- And Miss Hayman, yes.

Are you able to recall whether reference to the evidence already given was made to you by anybody else, besides my learned junior? --- Miss Hayman, who was present at the time. But I can't recollect any other references. I did make notes at the time, of Mr. Soggot's outlining to me the case, yes.

At all events, you were given an outline of the evidence that had been given? --- Yes, my Lord.

Now my learned friend put to you the two text-books, which I have not seen, and there were some percentages referred to there in regard to the inherited quality, apparently, of manic-depressive psychosis? --- Yes, my Lord. /10

Would you like to have those books now, so that you could just tell us precisely what they do say? --- Yes, to comment on those figures.

One of them was Meyer-Gross, "Clinical Psychiatry" and the other one was Samuel Cranes' "Mental Depression." The reference that my learned friend gave you in Cranes' book was page 59. --- The Meyer-Gross text-book is of more serious calibre in this regard, that one of the co-authors is Slater, who is a leading authority. I think the essential point here is, inasmuch as I have been associated on four occasions with this research work at the New York State Psychiatric Institute and for six months last year, that I know the special quality of the research work of Dr. Kallmann, which is much more extensive than the others, and it mentions that, in this text of Meyer-Gross, higher proportions are reached by different methods of computation. The /20 /30

point is that with Dr. Kallmann's work, a more adequate statistical technique was evolved, which dealt with expectancy figures that enabled comparable studies to be made of different populations, by studying the period of incidence of a particular disease, and allowing for people who had reached the period before, within or after this. And Kallmann/<sup>found</sup>that with one-egg twins there was a 96% concordance for this condition. I know from his latest work that the figure that I gave you of a 50% transmission of the gene and a 40% manifestation in expectancy is the latest figure with one parent involved. /10 Without breaking confidences to the nature of the other relative, I can't develop the full argument in the court, because it would automatically lead to the disclosure of this feature. But it is such as to increase the chance that in this particular case, there would be a 60% chance of developing the condition. And the discrepancies reported here are due to the fact that these earlier studies didn't have these expectancy figures. The techniques were inferior. The extent of the study was not/20 nearly as good as that of Kallmann, and we could take this latest and extensive study of Kallmann as being later and more reliable.

-: NO FURTHER QUESTIONS :-

ASSESSOR MR. HART TO THE WITNESS: Professor Hurst, you just told Mr. Moodie that if the accused had been arrested just prior to his arrival at the Brixton Tower, you would not have been able to give evidence that there was anything wrong with him. Mentally, from a legal point of view? --- Not to the extent of excluding responsi- /30 bility. I would have thought that his judgment would

have been severely impaired, but not...

Not to the extent of lessening his responsibility? --- Yes.

Your evidence, I think, before us, depends then on the acceptance of what the accused told you as to his experiences on the station? --- And my assessment of them as a psychiatrist, or from experience or from analysing them.

The acceptance of that, is it fundamental to your opinion? --- Fundamental to my opinion as to the complete lack of criminal responsibility. On the other issues of impaired judgment, this is not fundamental, because I feel that existed at other times, the impaired judgment and the paranoid trend. /10

Now you also gave certain illustrations of what you described as previous attacks, namely, when he was walking to the station, and this feeling of intense satisfaction or ecstasy in relation to his contact with his pupils, and the instances when he was driving in his motor-car. Now how many examples of that did he give you? /20 --- The actual examples with content were limited to going to the station...

When did that happen, do you know? --- This was during his time at his previous school, which I could perhaps check from my records of where he was previously employed.. To the best of my recollection from the notes, this must have been between April 1962 and September, 1963.

You don't know the precise date? --- No.

And then the example with the pupils? Do you know when that occurred? --- The pupils, he described /30

this as regards the Randfontein school in 1961.

No date was given? --- No, only in 1961.

Was he referring to just one instance on each occasion? --- One instance on each occasion. That's the other specific one, and the other one was in December 1963, when he had this thought of merging with the Volkswagon.

The motor-car. So then these three examples...  
--- These were the examples, but in addition to itemizing these, he intimated that these were examples of /10  
occurrences that had been occurring quite frequently. For instance, in jail he had experienced - if I may check my notes how often he had these surges in jail.. No, I can't find my reference now, but he said quite a few times, to the best of my recollection, in jail. And he gave the one instance there of while he was in the exercising yard.

Now Professor, apart from what the accused told you, did you have any other evidence of any abnormal conduct on his part? --- The evidence given by his wife. /20  
Her description of his over-activity during July. His period of intense activity, his recklessness with the car, his extravagance, would suggest abnormality of the milder type, which we would call hypo-manic.

The father? You said you also discussed it with his father. Did his father have any instances of abnormality? --- No, his father didn't. His father, however, admitted that the association was just intermittent, so that he might well not have observed him at such a time. The father struck me as a rather /30  
phlegmatic extrovert type of man, who was more interested

in things than in psychological reactions of people. I didn't think he would be a particularly good observer. I don't think he was a good observer of psychological things, and he didn't see him very often. But he did not notice anything particular.

Were you given any history of any abnormality, for example, during his adolescence or his school-days, or his University days? --- We've had the story of the poliomyelitis in 1956, followed by this emotional upset, but this was the only very marked abnormality. /10  
The other history would refer to temperamental factors that might fit in quite well with his sort of paranoid rigidity.

BY THE COURT TO THE WITNESS: I just want to ask you about three of these evidences that you say are the paranoid trend. The first is suspiciousness in his working situation. When he said that at Randfontein he was happy, and he left Randfontein to go to the Indian school because it was near the University, where he wanted to study. He left the Indian school because /20  
there was a retrenchment, and then he went to Hyde Park, and he left that because they went to England where he was to study further. And he didn't get on well with the principal of the one school, who was a disciplinarian. All right. Is that not what happens to all of us? ---  
In his history that he gave to myself and my colleagues at the interviews, he did mention unhappiness in this regard with fellow-workers at the Indian school. An Indian teacher, I think Mr. Ibrahim, and a White teacher, Mr. Prinsloo, with whom he... /30

Yes, but people on a staff don't always get on



well together. --- I agree, my Lord, that these things taken alone would not be significant, but taken in conjunction with the more marked things like the ideas of reference and the subsequent grandiose trend...

Yes. But take the ideas of reference. Haven't you had the feeling in church that the preacher is preaching about you alone? --- I think in not such a definite way as in this case. I think it was from written sermons of the Rev. Webb that the accused thought he was being "got at," so I think it was something more specific than that. /10

Yes. And in regard to the grandiose fantasies and delusions: there was a picture in "The Star" showing Mr. Wilson at the age of 10, standing in front of 10 Downing Street, saying, 'I'm coming here.' When do you know whether it's ambition or a delusion? --- I think the criteria there, my Lord, would be the extent to which one dwells on these types of thing. The evidence is that he spent quite a long time, not only in detention - before that, in reveries about being Minister of Education, Minister of External Affairs, Prime Minister, and when we subsequently find that at the time of the development of this plan, that he viewed himself as a protagonist of a "new era," thinking he could dictate to the Prime Minister; his judgment so impaired that he would think that the Prime Minister could possibly take notice of an ultimatum of this type. Even prescribing to the Prime Minister what type of action he should take - calling a national convention. The two figures on the stage, Dr. Verwoerd and himself. /30  
And that after the bomb episode, that this would bring

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in a new era, I feel that this development is of the type that we find in genuine paranoid personalities. It is the development of these ideas, in connection with the more flagrant development later on that is significant.

-: oOo :-

MR. PHILIPS: My Lord, I had one other witness who was going to give purely formal evidence of the fact that in the Sunday newspapers, both English and Afrikaans, that were published on the 26th July, 1964, that is, two days after explosion of the bomb, photographs of the accused appeared. My learned friend informs me that he admits that that is the case, and with that admission, my Lord, I consequently close my case.

/10

MR. MOODIE: That is correct, my Lord, I admit that.

-: oOo :-

CONTINUED AT PAGE 630.

ADOLF JOHANNES VAN WYK, (b.v.)

VERHOOR DEUR MNR. MOODIE: Is u 'n mediese superintendent te Weskoppies? --- Ja, Edelagbare.

Wat is daardie plek? --- Dit is 'n plek vir geestesversteurde mense.

En wat is u kwalifikasies? --- Ek is ook die Adjunk Kommissaris van Geestes-gesondheid vir die Republiek van Suid Afrika.

En mediese kwalifikasies? --- MB, C.Bh, T.B.M.

En is u ook geregistreerde psigiater? --- Ja, /10 Edelagbare.

Hoe lank ondervinding het u, dokter? --- Ek was tien jaar in algemene praktyk wat ek in the platteland gepraktiseer het, en ek het nou 15 jaar psigiatrisese ondervinding.

Vyftien jaar? --- Ja.

Nou u het die onderhoude bygewoon wat Dr. Hurst gevoer het met die beskuldigde? --- Ja, Edelagbare.

U was al die tyd teenwoordig gewees? --- Ja, Edelagbare. /20

Saam met u kollega, Dr. van Niekerk? --- Ja, Edelagbare.

U het nie deelgeneem in die ondersoek? --- Nee, Edelagbare.

U was bloot net teenwoordig. En u het ook sy getuienis gehoor in die hof? --- Ja, Edelagbare.

Ook Dr. Hurst se getuienis? --- Ja, Edelagbare.

Kan u die hof sê wat is u gevolgtrekkings? --- Dat hy nie sertifiseerbaar is onder die wet op geestesverbreking nie. /30.

En verder, dokter? --- Na ek na hom geluister

het, het ek tot die konklusie gekom dat hy emosioneel 'n onvolwasse persoonlikheid is in die opsig dat hy afhanklik is van sy moeder, altyd wag vir ondersteuning ter goed keuring en aanvaarding van sy moeder. Voor hy enige ding doen wil hy altyd sy moeder se goedkeuring hê. En as hy van sy moeder praat of enige ding waar sy moeder betrokke is het hy heeltemal emosioneel geraak en begin huil. Hy het in die opsig emosionele labieliteit getoon in die opsig dat hy maklik gerespondeer het op omgewings stimulasie. Waar dit 'n ding is wat hom geamuseer het /10 kon hy maklik daarvoor lag, hy het altyd op omgewings stimulasie gereageer. Sy emosionele labiliteit het nooit gekom uit die bloute nie, daar was altyd 'n omgewings stimulasie daarvoor, as hy gehuil het dan was dit omdat iets hom gepla het in sy omgewing en omdat hy daarvoor gevoel het, en dan as hy gepraat het oor iets wat amuserend was het hy gelag en was hy emosioneel heeltemal van pas vir daardie omgewings stimulasie wat daar gekom het.

Ek praat oor die tydperk wat ek 'n onderhoud /20 met hom gehad het en wat ek hom hier gesien het. Dit is nie soos die siklotemiese persoonlikheid wat die emosie wissel sonder 'n prikkeling van die omgewing, wat dit uit die bloute uit van die persoon self kom nie.

In die onderhoude wat ek na geluister het, het ek gevoel dat hy die hele tyd 'n sekere doel gehad het. Hy het aan 'n sekere organisasie behoort, en die organisasie het 'n besliste doel in die Republiek van Suid Afrika gehad, en dit was om 'n verandering in die regering van die land te bring, en dit was om dit te /30 doen deur sabotasie. Omdat hulle gevoel het dat hulle

dit nie op 'n ander manier kan doen nie. En hy was heeltemal bewus van die doelstellinge van die organisasie wat hy aan behoort het, en toe die twee persone by hom gekom het en vir hom gesê het dat die organisasie nou in die stormwaters beland het en dat daar groot moeilikheid is, dat hulle moet nou iets desperaat doen, en dit word aan hom oorgelaat om dit te doen, en hy het daardeur baie gevlei gevoel. Hy het gevoel dat hy nou in 'n posisie gestel is waar hy iets groots kan doen, iets wat vir homself baie kan beteken, en hy het daarvoor opgewonde gevoel, en was geneig gewees om gespanne te wees daarvoor en opgewonde te voel, wat vir my tot 'n groot mate verklaar sy toestand in daardie maand, tot 'n mate rusteloosheid, 'n mate van opgewondenheid omdat hy besig was met iets belangrik in sy oog, iets wat vir hom persoonlik en vir die organisasie wat hy aan behoort van uiterste belang sal wees. /10

Hy het met verskeie mense wat hy kon vertrou daarvoor gepraat, hy het goeie oordeel bewys daarin dat hy dit nie bespreek het met iemand wat hy nie ten volle kon vertrou nie. Die mense wat hy dit mee gaan bespreek het was mense wat hy kon op staat maak en wat hy kon geweet het wat hom nie sou in die steek laat nie. Sy oordeel was in daardie opsig vir my baie goed. Hy was gevlei gewees deur die attensie wat hy gekry het van Mevr. Swersky, wat hy beskou het as iemand van hoog intelligente geaardheid, iemand wat hy geadmireer het, en ek dink hy het gevlei gevoel dat die persoon dink dat Harris - waar hy voorheen deur die organisasie tot 'n mate geïgnoreer was en uitgelaat is, nou in so 'n belangrike posisie gestel is. /30

Hy het met Lloyd verskeie onderhoude gehad en is nie soos die maniese geval of die hipomaniese geval waar nie maklik van opinie verander word nie. As jy hom tee gaan, 'n hipomaniese geval raak hy irriteerend en kwaad daaroor, want hy dink hy is reg. Hy was vatbaar vir die oortuiging van Lloyd. Hy het 'n sekere plan gehad, hy het 'n sekere plan uitgewerk gehad en nadat hy dit met Lloyd bespreek het was hy bereid om sy plan te verander, en was hy heeltemal bewus daarvan dat hy hierdie plan nie sou werk nie en nie sou reg wees nie. /10

DEUR DIE HOF: Jy sê hy het 'n redelike argument met Lloyd gevoer en was vatbaar vir oortuiging? --- Was vatbaar vir oortuiging, toe the nutteloosheid van sy optrede aan hom uitgewys het, kon hy sy opinie verander. Dit is nie psigoties nie, hy kon sy opinie daar verander, hy het besef dat dit nie sal werk nie. Hulle het hulle gevegsgrond daar uitgewerk en besluit op 'n aksie, om tot aksie oor te gaan, en hulle het op sekere dinge besluit, en die beplanning was nie sommer oppervlakkig, sommer impulsief of so nie. Die plekke is baie deeglik voor die tyd gaan /20 inspekteer en baie deeglik op ingegaan wat om te doen.

DR. VAN WYK Toe hy by Anne Swersky kom en aan hom 'n meer dramatiese en 'n meer effektiewe metode om die regering te skok - hulle wou die regering skok, hulle wou hom skok, hulle wou die regering en die publiek skok, hulle wou hulle skok. Hulle wou hulle baie beslis wakker skud. En toe dit gestel word dat dit in Israel baie effektief was, hierdie metode om 'n bom iewers neer te sit en dan die polisie te lui, het hy besef dat dit 'n baie effektiewe plan was. En hy het op daardie plan besluit. Om dit /30. te plant waar die publiek dit sou sien.

Soos hy gesê het: "He wanted a bang and he wanted a flash." En hy het dae geneem aan die beplanning van die uitvoer, hy het dae geneem, hy het dit beplan vir dae. Hy het gesorg dat hy sy spore toemaak na die tyd. Hy het baie seker gemaak in sy vermoë of hy nie moontlik sou uitgevind word nie.

Hy het op 'n plan van aksie besluit, en die plan van aksie het hy doelbewus uitgevoer. Hy het van die plan van aksie wat hy op besluit het, het hy nie afgedwaal nie, hy het weggegaan en hy het gesê sy destinasie was /10 die stasie. Hy het nie na 'n ander plek toe gegaan nie, sy plan was gewees om die bom in die stasie gebou te sit. Hy het nie afgegaan daarvan nie, hy het nie eers voorheen besluit gehad, 'ek gaan dit in die baggasie afdeling plant nie', en toe het hy nou besluit 'ek gaan dit in die stasie plant nie. Hy het dit al 'n paar dae voorheen besluit gehad, en hy het daarop gegaan en presies gehou.

Toe hy daar gesit het, het hy na die tyd gegaan en ook nie afgegaan van die vooropgestelde plan nie, hy het die nommers neergeskryf, hy het besluit gehad om die /20 polisie te bel, hy het besluit gehad om die Rand Daily Mail te lui, hy het besluit gehad om die Transvaler te lui. Hy het nie daarvan afgewyk nie, hy het presies gedoen wat hy 'n paar dae voor die tyd besluit gehad het om te doen het hy hierdie tydperk presies uitgevoer soos hy dit wou uitvoer. En hy het dit alles so uitgevoer dat niemandvan die omstanders wat hom gesien het enige suspisie gehad het.

Hy het daarvandaan gegaan en presies gaan doen wat hy wou gaan doen het om die eksamen vraestelle by /30 Damelin College te kry, hy het presies gedoen daar wat hy

wou doen. Toe die hysbak nie daar was toe hy instap nie, was hy angstig gewees, ek neemaan om by sy kantoor bo te kom, om die verdere plan uit te voer, en daarom het hy van plan daar verander en die trappe opgegaan omdat hy haastig was om bo te kom - my kontensie hier - om sy klere te verander omdat hy bang was daardie klere sal herken word. Toe die hyser daar kom op die tweede vloer het hy nie aangehou met die trappe gaan nie, hy het die ding gedoen wat enige normale mens sou doen, om dan die hyser te vat, het hy daarmee aangegaan. Hy het alles /10 gedoen wat jy verwag van enige redelike mens wat hy sou doen.

Hy het daar gekom, hy het sy klere verander, hy het gegaan hy het gaan praat met die verskillende mense, hy het met hulle almal redelike normale gesprekke uitgevoer. Ek het dit nie gehoor nie, maar ek dink Mnr. Moodie het dit hier as getuienis genoem, dat die dame wat hom daar gesien het, het gesê hy het bleek en bekommerd gelyk. 'n Mens sou verwag dat hy sou wees nadat hy daardie daad gepleeg het. /20.

Hy het gewag totdat die bom afgegaan het op die stasie, hy het gewag tot na die tyd voordat hy teruggegaan het huis-toe, en hy het presies gegaan na sy huis toe, en hy het die aand lekker aan die slaap geraak.

Hy het die toestand beskrywe vir ons van die toestand van ekstase. Hy het gesê toe hy by die stasie afgeklim het, het ek gekyk en dit was vir my 'n mooi stasie.

Edelagbare, as ek afklim by die stasie is dit vir my ook 'n mooi stasie gewoonlik, dit was nie vir my /30 ekstase nie. Hy het daardie gevoel van ekstase - hy het



gesê dit was vir twee minute - vir twee minute, en dis vir my die gevoel wat kan opkom by iemand wat iets groots gedoen het. Soos mens baie maal kry dat persone wat in godsdiens en die mistieke dinge beleef kry ook sulke kort periodes - ons moet hierdie ding verstaan, dit is nie 'n ekstasiese episode wat vir 'n uur of vir twee uur of vir dae wat die gewoonlik - in die maniese episode is hierdie 'n erger graad van elisie, dit is die erger graad van opgeruimd voel, en dit het 'n impak op daardie man, en na die tyd voel hy gewoonlik uitgeput en hy raak aan /10 die slaap, en hy het na die tyd gaan pragtig sy handeling uitvoer.

Dit was 'n baie kort periode van daardie opwindende gevoel wat hy gevoel het en wat hy kan voel dat hy in so 'n toestand was.

Wat sy amnesie betref, sy gedeeltes wat hy nie kan onthou nie, is vir my meer verklaarbaar. 'n Man wat iets te doene het wat hy oor angstig is - en jy gaan nie oplet - as hulle vir my moet vra 'n week na die tyd hoe ek Johannesburg toe gery het en wat ek presies gedoen het, /20 Edelagbare, kan ek dit nie doen nie, kan ek dit nie doen nie. En dit is vir my dat hy die belangrike episodes in daardie dinge - en dit is lank na die tyd wat hy gevra is daarvoor, dit is nie dieselfde dag nie, dit is lank na die tyd, met die gevolg die dinge het uitgestaan, wat belangrik was vir hom, wat daar was, en die ander, dit is wat ek normaal weg sal verwag wat enige normale persoon sal vergeet om nie presies te kan onthou wat alles gebeur het nie. Dit pas vir my meer daarin.

DEUR DIE HOF: U meen omdat hy in 'n spanning verkeer het /30 en dan onthou hy net die belangrikste goed? --- Net die

belangrike goed waarop hy - hy is so ingestel sy hele gedagte op hierdie daad wat hy gaan pleeg, Edelagbare, met die gevolg dat hy nie sal baie maklik die fyn besonderhede sal onthou van hoe ek die pad gery het en al daardie dinge nie.

Belt 66.

DR. VAN WYK: Ons weet dat dit gebeur baie maal.

ASSESSOR MNR. HART: Geld dit ook vir die rit van die stasie tot by die poskantoor? --- Dit geld vir daardie rit ook.

DR. VAN WYK: Wat die paranoïede ideës betref, wil ek dit /10 as baie normaal uitspreek. Vir my is 'n gedagte paranoïed wanneer die man oortuig is daartoe en tot handeling oorgaan, en waar dit later sy hele lewe beïnvloed en sy handeling beïnvloed.

Hy was 'n vet seuntjie op skool, hy was deur almal gespot, hy was gespot oor sy vetheid, kinders fantaseer baie, ek kan nou aan 'n hele paar kindertjies dink wat vir jou roep en sê "oom kom help my, ek moet nou die skape hier gaan uitkeer, keer oom hier, hier deur hierdie hek" en hy fantaseer. Baie van die kinders /20 praat van 'n maatjie wat hulle in die tuin het, dan kom hulle in die huis in en hulle noem kos uit, en hulle vat daardie kos vir die ou maatjie wat hulle het. Dit is 'n algemene ding van 'n kind om te fantaseer en te identifiseer, en dit is vir my gladnie snaaks dat die persoon wat self 'n vet persoontjie was op skool en deur almal gespot is daarvoor hom sou identifiseer met iemand in 'n boek wat ook as 'n vettie beskryf is.

En wat sy paranoïede idees betref op die skole is dit heeltemal normaal dat hy gevoel het dat die /30 prinsipaal wat op Hyde Park was, wat 'n militaris was,

wat gestaan het op dissipline en wat dit gevoel het, en hy het gevoel dat die prinsipaal - hy het net nie van die reguit persoonlikheid van die man gehou nie, en hy was daar ongelukkig en hy het toe gevoel die man gee vir hom die swaar klasse, maar hy het nooit tot aksie oorgegaan nie, dit het nooit sy lewe beïnvloed nie, hy het nie die man gaan aanval nie, hy het nie met die man gaan praat nie, hy het nie daarvoor die skool verlaat nie. Dit het nooit gelei tot aksie, dit het nooit 'n invloed op sy lewe gehad nie, en dit is nie vir my 'n baie belangrike /10 ding nie, en ek dink dit is 'n ding wat redelik algemeen voorkom hierdie paranofiede idees onder mense, dat hulle partykeer voel iemand hou nie van jou nie, iemand diskrimineer van jou, maar wanneer dit abnormaal kom is wanneer daar in werklikheid geen rede daarvoor is nie. Kyk, hierdie man het hom die swak klasse gegee, die moeilike klasse gegee, hy het tot 'n rede gevoel dat die man haal miskien op my uit, maar hy het nooit sy lewe beïnvloed dat hy na die prinsipaal gegaan het en gesê het 'jy is teen my, ek gaan weg van die skool af', en /20 gaan daarby weg nie.

Die gevoel met sekere mense - hy was 'n baie aktiewe politikus, wat baie aktief in die politiek gestaan het, en dit sal ter verstane wees dat hy sal verskil van party mense en sal voel dat om daardie rede party mense teen hom voel.

En ongelukkig moet ek dit hier noem. Wat die ding betref wat daardie artikel van Eerwd. Webb - hy was daardie tyd besig met dinge wat moeilikheid omgekrap het, hy het besig gewees en die land baie moeilikheid veroor- /30 saak met S.A.N.R.O.C. en as jy iets lees wat hulle daar het

sal jy daar voel, 'maar die man praat net van my.' Soos Edelagbare gesê het, mens het al baie maal gevoel, 'maar hierdie ding het betrekking op my', omdat daar tot 'n mate - 'n ding wat min of meer daarmee besig was, maar altyd tot 'n mate weet hy dat dit maar net is wat hy daar dink.

Wat daardie artikel betref waar hy gedink het hy is nie so 'n goeie man nie was daar ook tot 'n mate rede daarvoor, en ek wil daar sê, as Professor Hurst nie dit gesê het, sy huwelikslewe was die laaste ruk nie /10 gelukkig nie, en ek dink dit is reg vir ons om dit aan die hof te sê. Sy huwelikslewe was nie gelukkig nie, daar was probleme en daar was moeilikhede in sy huwelikslewe. Daarom het hy gevoel - en sy vrou het met hom oor daardie probleme gepraat, en daarom het hy gevoel dat hy nie 100% sukses as 'n man was nie.

Wat sy selfmoord neigings betref as kind wil ek net vir u lees wat Kanner Child Psychiatry sê. Professor Hurst het gesê dat sy selfmoord gedagtes meer intensief was as in die boek. Hierdie boek se selfmoord gedagtes /20 was so intensief dat hulle oorgegaan het tot selfmoord pogings en selfs sukses gehad het van selfmoordpogings. Ek dink dit is baie meer intensief as wat sy selfmoord gedagtes was.

DEUR DIE HOF: Is hy 'n psigiater? --- Hy is 'n psigiater. Canner Child Psychiatrist.

DR. VAN WYK: En dat die ideologie van hierdie - dit is nie net selfmoord gedagtes nie, dit is selfmoord pogings, is hierdie ding: "Children wish to escape a situation which seems unbearable to them." En hy het in die situasie/30 in die skole gekom waar hy gespot was, hy het nie aan sport

deelgeneem nie, hy was uitgestoot. Hy het verander van die een skool na die ander skool toe waar hulle al klaarbendes gevorm gehad het. Hy het nie aan enige van daardie bendes behoort nie, hy het heeltemal uitgestote gevoel.

Toe hy in die hoër skool kom het hy baie gevoel die prefekts en die mense is teen hom. Hy het baie ongelukkig daar in die skool gevoel en dis hoekom hy die selfmoord gedagtes gehad het, en al manier waar hy kon presteer het was om goed akademies te presteer. Hy kon nie op sport en daardie dinge presteer nie, maar akademies kon hy goed presteer, en daarom was hy so bang vir 'n mislukking op akademiese gebied, dat hy nie eerste in die klas sou wees nie, u het gehoor hy het dit hier in sy getuienis gesê. Dit het hom baie gehinder, en dit het hom daardie ongelukkige gedagtes gegee, en dit het by hom hierdie selfmoord gedagtes gebring. In hierdie boek dat hulle selfs nie net oorgaan tot gedagtes nie, maar dat hulle oorgaan tot selfmoord pogings.

Ek het al in my praktyk 'n hele paar kinders behandel wat selfmoord pogings gepleeg het net omdat daar probleme op skool was en moeilikheid op skool was. Mens moet psigose in daardie tydperk ook konsidereer, dit kan ook 'n rede wees vir daardie gedagtes, maar vir my is dit meer moontlik dat dit die ander kan wees.

MNR. MOODIE: Dokter, die volgende was 'telepathy', kan jy daar ons inlig?

DR. VAN WYK: Ja, ek dink Professor Hurst het daar gesê doe 'telepathy' kan aanvaar word dat baie mense daaraan glo, en hy het beslis geweet dit is net 'telepathy', hy het geweet sy ma is nie werklik daar

nie, sy ma praat nie werklik met hom nie, dit is maar net in sy gedagtes.

DEUR DIE HOF: Nou, maar wat van die beeld?

DR. VAN WYK: Ja, hy het gesê sy ma is nie werklik daar nie, dit is maar net in sy gedagtes wat hy haar daar sien.

VERHOOR DEUR MNR. MOODIE (VERVOLG) Gebeur dit in 'n normale mens? --- Ja. Die groot ding is dat hy het heeltemal insig gehad dat dit nie werklik was nie. Hy het heeltemal insig.

Dan het die beskuldigde ook gepraat van wat hy /10 genoem het 'day-dreams.' --- Ja, die waan denkbeelde. Edelagbare, enige man wat op 'n politieke loopbaan ingaan het hoë ideale. Enige beroep wat jy ingaan het jy ideale om die hoogste sport van daardie beroep te bereik. As Jy dit nie het nie, dan dink ek het jy gebrek aan dryfkrag in jou.

DR. VAN WYK (VERVOLG) U het nou Mnr. Wilson genoem, ek wil, u Edele, die President van Suid Afrika en die Republiek noem. Hy het eendag in 'n toespraak gesê dat hy opskool al die ideaal gestel gehad het om Minister van /20 Justisie van die Unie van Suid Afrika te word. En hy het dit baie gestel, en vir die kinders op skool daardie dag aangemoedig en gesê, 'mense, julle moet julle ideale hoog stel', en hy het dit altyd besef en hy het dit baie pertinent gesê. Dit is dagdrome. Hy het die dag-dromerye daarvan besef, hy het besef 'ek dagdroom.' Hy het gesê hy het dit grootliks in die tronk gedoen om die tyd om te kry.

Nou, enige mens wat verveeld is dag-droom. Hoe meer verveeld jy is, hoe meer dag-droom jy. En hy het op- /30 gesluit gesit in die tronk en dit was 'n manier van hom.

Hy het byvoorbeeld gesê een van sy dag-drome was om te dink hy is in bevel van die fabriek van Volkswagen. Dis vir my 'n baie normale reaksie van 'n man wat sy geestes-toestand wil reghou wanneer jy in opsluiting is. Is dit baie goed daardie ding om jou gedagtes besig te hou om nie verveeld te raak nie. Dit het vir my 'n baie normale reaksie in hom gewys om vir homself aan die gang te hou. Dit was 'n baie normale aanpassings tegniek. Baie normale aanpassings tegniek om die tyd om te kry.

En dan wat hulle genoem het van Dr. Verwoerd. /10  
 Hy het dit baie, baie duidelik gestel, dat hy besef dat hy nie die gelyke is van Dr. Verwoerd nie. Hy het gesê: "We stand on two sides of the fence, and Dr. Verwoerd is in the position to change things, I'm not in the position to change things." Hy sê: "That's why I'm writing to him, he is an intelligent man, and I may change his opinion." Hy het gesê: "We stand on two sides of the fence. He is apartheid, I'm anti apartheid. I can't change the position, Dr. Verwoerd can change the position." En hy het gesê hy is nie gelykstaande aan Dr. Verwoerd /20 nie. Hy het dit baie pertinent daar uitgedruk en besef dat hy nie op die gelyke vlak is nie. En op daardie oomblik was hy gestel as 'n leier van die organisasie wat aan hy behoort, hy was 'n leier in die organisasie en Dr. Verwoerd was 'n leier van die ander organisasie. En hy het hom gesien in daardie lig dat hulle teenoor mekaar gestaan het, maar hy het besef hy het nie die mag wat Dr. Verwoerd het nie.

\* HOF VERDAAG \*

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BY HERVATting VAN HOF:

ADOLF JOHANNES VAN WYK, (n.o.e.) U Edele, kan ek net kwoteer in verband met wat ek gesê het van sy oor aktiwiteit in die tydperk wat hy in daardie maand was. Net kwoteer uit Dr. H.C. Rümke, Psigiatrie Deel II De Psychosen. Op bladsy 282. 'MANISCHE TOESTANDEN BINNEN DE NORMALITEIT.'

"Niet zelden vind men by 'normalen', de erfelak niet met manische-depressieve psychose in verbinding staan, toestanden de door de omstanders 'manische' worden genoem 'wat is hy of sy weer manische', word dan gezegd. Over deze toestanden is weinig bekend. Naar myn ervaring kan het gaan om gegrepenheid door een doel, om een creatieve door voeldheid." /10

Wanneer jy toegespits is om iets belangriks te doen of iets te doene, kan jy in daardie toestand raak dat jy oor aktief en tot 'n mate so is.

DEUR DIE HOF: Dat jy toegespits is? --- Ja, toegespits om iets groots te doen.

VERHOOR DEUR MNR. MOODIE (VERVOLG) Nou, dokter, ons het getuienis gehoor oor sy hoofpyne. Kan u iets daaromtrent sê? --- U Edele, die hoofpyne kan natuurlik 'n simptoom wees dat die man lig depressief is, en eintlik dan net kla oor hoofpyne, maar nie oor sy depressiewe toestand kla nie, en wat ons baie kan noem eintlik spanning hoofpyne, dat hy werklik in spanning was. /20

En dan is daar getuienis, dokter, dat op die 24ste in die voormiddag of een of twee uur in die namiddag hy gaan slaap het, en daarna toe hy teruggekeer het die aand het hy gaan slaap. Nou, kan u iets daaromtrent sê? --- Mens sal verwag dat as iemand in 'n maniese fase is dat sy slaap sal versteurd wees. Alhoewel hulle kan slaap, maar mens verwag eintlik dat hulle slaap sal /30



versteurd wees, en vernaamlik as die maniese persoon nog toegespits is, sal jy verwag dat hy versteurd en rusteloos sal wees.

Nou u het gehoor van die getuienis wat Professor Hurst gegee het oor daardie tydperk - die tyd wat hy Brixton Toring tot hy weer by 'n kafee gekom het. Wat is u opinie oor daardie getuienis? --- U Edele, 'n maniese ekstatiëse toestand kan ek net vind - dan moet ek gaan op wat Mnr. Harris vir ons beskryf het, soos hy gesê het 'n paar minute "a few minutes only when I sat on the bench" /10  
By Brixton het hy nie baie gelukkig of verskriklik in ekstase gevoel nie. Toe hy die mense opgelui het was hy nie in ekstase nie. Dis al wat hy in werklikheid as ekstase beskryf het. En hy het net gesê hy voel gelukkig, hy voel tevrede, maar nie ekstase nie.

Nou, wat is u mening omtrent sy geestestoestand gedurende daardie tydperk? --- Dat hy besef het wat hy doen, omdat hy na die tyd sekere instansies opgelui het om hulle te waarsku, toe het hy geweet toe hy daar by die poskantoor was, het hy geweet van die daad wat hy gepleeg /20  
het, want hy het die mense opgelui en gesê van die daad. En hy het gegaan na Damelin toe en sy klere verander, hy het sy spore probeer toemaak

Nou, Professor Hurst sê dat gedurende Julie maand, vroeg blykbaar in Julie het hy in 'n sekere toestand verkeer totdat hy by die toring van Brixton gekom het, die daad dan gepleeg het en weer huis-toe gekom het. Wat is u mening oor daardie...--- Dat hy heeltemal kon onderskei het tussen reg en verkeerd en dat hy tot besluite kon oorgaan. /30

Is u definitief van mening dat hy toe daardie

daad gepleeg is hy nie geestelik gekrenk was nie? --- Ek kan hom nie as geestes gebrek of geestes versteur verklaar op daardie oomblik volgens sy handelswyse en daad. As ek die hele trend in aanmerking neem, hoedat hy doelbewus op 'n doel afgegaan het, die doel gepleeg het wat hy lank voor die tyd al op besluit het. Daardie rukkie wat hy daardie twee minute in daardie ekstase was het nie 'n verandering, in my opinie - sover ek kan sien, in sy hele plan teweeggebring wat hy al 'n paar dae gelede met Mevr. Swersky besluit het en verander het. Dit het geen /10 invloed gehad op sy planne nie, dit het dit nie so gemaak dat hy makliker kon ontdek word of so iets nie, hy het presies nog gegaan soos hy besluit het om te doen voor die tyd.

Dan is daar getuienis van 'n onweerstaanbare impuls? --- Ja, vir my is 'n onweerstaanbare impuls 'n psigotiese toestand, die een wat deur Davidson gebruik word "Forensic Psychiatry" deur Davidson op bladsy 12, waar hy sê: "There are three kinds irresistible impulse pleas, corresponding to three sets of psychiatric /20 syndromes, and representing three degrees of uridicle (?) generosity. The narrowest concept is the irresistible impulse sometimes generated within insane persons, and that is sudden, explosive reaction powdered by some urge within the person." Dit moet 'n skielike plotselinge impuls wat opkom, wat hier dadelik by die persoon opkom, wat hy nie kan weerstaan nie. Maar as hy vir hom oor dae beplan dan is dit vir my nie soos wat ons in psigotiese toestand 'the irresistible impulse' gaan hê nie, as hy 'n daad pleeg onder 'n paranoïede waandenking dan is /30 dit heeltemal iets anders. Wat 'n mens eintlik by 'n

'irresistible impulse' bedoel, is hierdie impuls wat opkom en wat hy nie kan weerstaan nie.

Stem u dan nie saam nie, dat hy, volgens professor Hurst onder daardie onweerstaanbare impuls was nie? Al daardie tyd, vanaf die Brixton toring tot by die kafee? --- Vir my het hy daardie ding al lank voor die tyd besluit gehad. Hy het al lank voor hy by die Brixton toring was het hy al besluit om die ding te doen. Hy het dan by sy huis weggegaan met die doel om daardie daad te pleeg. Dan moes dit al 'irresistible' gewees het by sy huis. /10

DEUR DIE HOF: Met ander woorde us stem nie saam nie? --- Ek stem nie saam nie, u Edele.

MNR. MOODIE: GEEN VERDERE VRAE.

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MR. PHILIPS: Requests that cross-examination should stand over until the next morning, which request is granted by the Court.

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GERT VAN NIEKERK, (b.v.) /20

VERHOOR DEUR MNR. MOODIE: U is 'n mediese dokter. Waar dokter? --- Ek is die Assistent Mediese Superintendent van Weskoppies Hospitaal, Edelagbare.

Watter grade het u, dokter? --- My akademiese kwalifikasies, Edelagbare, is MB, C.Hb. F.F. in Psigatrie. Hierdie is 'n hoër kwalifikasie van die Suid Afrikaanse Kollege van Interniste Chirurge en Psigoloë. Ek is nie 'n geregistreerde spesialis en psigiater nie.

U het die onderhoud bygewoon saam met Dr. van Wyk en Professor Hurst op vier dae soos genoem deur die laaste getuie? --- Dit is korrek, Edelagbare. /30

(NB. WITNESS HAS SPEECH IMPEDIMENT AND I CANNOT VOUCH FOR THE ACCURACY OF HIS DEGREES OR THE COLLEGE NAMED IN HIS EVIDENCE)

U het nie eintlik deelgeneem aan die ondersoek nie. Dr. Hurst het dit gedoen? --- Ek het nie daaraan aktief deelgeneem nie, net aanwesig gewees.

Ook geluister na die getuienis wat gegee is deur die beskuldigde in hierdie saak? --- Ja, Edelagbare.

En die ander mediese getuienis? --- Ja, Edelagbare.

Nou wat is u mening, dokter? --- Edelagbare, my opinie is dat hy was nie geestelik versteurd nie. Hy was nie geestelik versteurd in gevolge die bepalinge van die wet op Geestesgebreke. Gedurende die onderhoude wat Professor Hurst met hom in die gevangenis gehad het nie, en ook nie gedurende die verhoor in die hof wat ek bygewoon het nie. Ek is ook nie van opinie dat hy geestelikversteurd was in die periode voor en gedurende en direk na 24 Julie 1964 nie. Ek wil net kwalifiseer, Edelagbare, hierdie opinie, laasgenoemde opinie oor sy geestestoestand voor ook na 24 Julie, die grond ek natuurlik alleen op die informasie wat ons gekry het gedurende die onderhoude en wat ek hier in die hof aan- gehoor het in Harris se getuienis en ander getuies.

Stem u saam of stem u nie saam met Dr. van Wyk oor wat hy gesê het dat hy nie geestelik gekrenk of gebrekkig was toe hy die misdaad gepleeg het? --- Ek is nie van opinie dat hy geestelik gekrenk of gebrekkig gewees het ten tye van die pleging van die misdaad nie, Edelagbare.

Stem u ook saam met Dr. van Wyk se mening oor onweerstandbare impuls? --- Ek stem saam, Edelagbare. Dit is nie 'n skielike onweerstandbare drang wat daar op die moment plaasgevind het nie. Dit is lank vooraf gebeplan.

Dit word gebaseer op wat u gehoor het in die getuienis van sy handeling in hierdie maand en op en na die 24ste? Is dit reg? --- Dis korrek, Edelagbare.

MNR. MOODIE: GEEN VERDERE VRAE.

\* HOF VERDAAG \*

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ON RESUMING ON THE 23rd OCTOBER 1964.

MR. PHILIPS INFORMS THE COURT THAT HE IS UNABLE TO CROSS-EXAMINE IN AFRIKAANS. WITNESS HAS NO OBJECTION TO QUESTIONS BEING PUT IN ENGLISH. PERMISSION GRANTED.

ADOLF JOHANNES VAN WYK, nog onder eed:

CROSS-EXAMINATION BY MR. PHILIPS:

Dr. van Wyk will you please tell us what is your full picture of the accused's mental condition at the time that we are investigating, that is early in July and on the 24th July?---Is dit die hele tyd van die 24ste, of net tot die oggend, of na die daad gepleeg is? 10

Well I would like you to divide it up, and to tell us if you like in the first place what is your picture of the accused's mental condition at the time when the bomb was placed on the Johannesburg railway station?---Dat hy nie geestesversteurd was nie.

Well what do you say was his condition?---Dat hy sy normale persoonlikheid gehad het.

And what do you say is his normal personality?---Emosioneel onvolwasse en emosioneel labiel. 20

En is it your contention then that he is not a manic depressive?-- He is beslis nie n manies depressiewe psigose soos hy op die oomblik is nie; hy mog die konstitusionele moontlikhede hê, maar dit is nog gladnie te sê dat hy manies depressiwe psigose is nie.

I accept that he is certainly not, according to Prof. Hurst too, in a state of manic depressive psychosis at present. What I am asking you is, are you stating your opinion that on the 24th July, at the time when the bomb was placed on the station, he was not in a state of <sup>manic</sup> depressive psychosis? --Nee Edelagbare. Hy was nie in n stadium van manies de-

pressiewe psigose nie.

Do you accept that while on the Johannesburg Station, if not for a longer period, he experienced what has been described as an ecstasy?---Ek diagnoseer nie n siekte net op een simptoom nie. Ek diagnoseer n siekte op meer as een simptoom, en ek neem al die dinge in aanmerking en ek beskou daardie gevoel was van n baie kort duur. Enige simptoom moet jy vat op sy duur, op sy intensiteit en sy aanpasbaarheid by die stimuli wat op die oomblik gegee is.

10

I don't think you have quite answered my question Dr. van Wyk?--You asked me whether I thought...

You may speak Afrikaans by all means. No my question to you was whether you accept that while on the Johannesburg station the accused experienced what has been called an ecstasy, in the technical sense?---Ja, vir n baie kort periode - soos hy die eerste slag gesê het, vir n paar sekondes, en toe by later geleenthede het hy gesê n minuut of so, en dit was n baie, baie kort gevoel van dit wat hy gekry het.

20

So that you accept that he had during this short period that you speak of, some sort of a transcendent experience?---Hy het gehad wat ons noem n gevoel van ekstase.

Yes, but is that right - it is something transcending ordinary experience?---Ek verstaan nie die woord transcending, wat u bedoel met die woord transcending ordinary experience nie. Dit is nie iets wat elke dag met elke een gebeur nie, maar ons alger kry met tye gevoelens van ekstase.

Well he said, for example, that he had the feeling that he was merging physically with the universe.

30

--Ja dit gebeur met mense wat nie manies depressief is nie. Op daardie simptome alleen kan ek nie manies depressief diagnoseer nie. Ek sal net graag wil kwoteer, dan kan ons die punt opklaar. Dr. Anderson, "Ecstatic states: in the classical form outlined above it is usually manic depressive illness but is not confined to this." So I can't diagnose manic depressive illness on one ecstatic episode, if it is not confined to this. It is not typical, if you get an ecstatic episode that it is a manic depressive psychosis.

Dr. van Wyk, you don't need to run ahead of me. 10 We will come to these various factors in due course. I am merely dealing with them one by one. I am asking you whether you accept that at that stage the accused did in fact experience the feeling of being merged with the universe? Dit is wat hy aan my gesê het; ek moet dit aanvaar, dit is wat hy gesê het; as ek dit aanvaar dan hetsy dit vir daardie baie kort tydjie gehad.

He also spoke of having the feeling of being able to see all round him, in 360 degrees?---Hy het net die gevoel gehad, hy weet wat om hom aangaan. 20

But he said he could see, as though he could see all round him - do you agree with that?---Hy het die gevoel gehad. Hy het gesê "Ek het die gevoel dat ek kan om my sien" - hy het nie gesê "Ek kan om my sien nie" - ek het die gevoel ek kan om my sien.

Yes, he felt as though,---Dit is baie belangrik. Hy het die gevoel gehad.

He had the feeling of being able to see all round him, and while in the witness box he said it was a feeling only of being able to see not/all round him but above him and 30 below him and to the sides as well. Is that right?---Ja.



And you accept that? You accept that he had such a feeling?---Laat hy dit gesê het dat hy het so n gevoel gehad.

And is this part of the evidence upon which you founded your opinions?---Ja.

Yes. Now is that..perhaps you could tell us what is all the evidence upon which you founded your opinion that he was not psychotic on the 24th July?--Sy handelswyse was sulks dat ek nie anderste kan as om te oordeel dat die man doelbewus opgetree het, met n plan wat al lankal by 10 hom ontstaan het, n plan wat al lankal besig was om ryp te word, en wat hy al lankal besluit het om en of ander tyd uit te voer. En daardie plan, wat lank voor die tyd ontstaan het, wat nie net alleen by hom ontstaan het nie, maar wat met ander mense bespreek is, en baie goed beplan was, uitgevoer het. Dit het daardie plan, soos hy dit voorheen besluit het, het dit geen in die minste van afgewyk nie. Hy het presies gedoen wat hy besluit gehad het om te doen voor die tyd. Hy het by sy huis weggegaan om stasie toe te gaan om die bom by die stasie neer te sit. Hy 20 het presies dit gedoen. Hy het besluit om die koerante op te lui na die tyd. Hy het gesorg dat hy daardie nommers van die koerante het. Hy het gesorg dat hy die tidies het. Sy handelswyse by die poskantoor was so normaal. Hy het eerste die belangrike persone gelui, dit is die polisie. Toe het hy besluit om die Rand Daily Mail te lui, en toe die Rand Daily Mail beset is het hy n baie logiese en n normale ding gedoen, en nie gestaan en wag tot die Rand Daily Mail onbeset raak nie, maar hy het toe eers die Transvaler gelui, en toe weer teruggegaan en toe weer die 30

Rand Daily Mail gelui. De sy tiekies opraak het hy nie verward geraak nie, hy het mooi uitgegaan en gaan tiekies kry, en hy het geweet waar om die tiekies te kry by die nie-blanke daartuite. Hy het afgeloop Damelin toe. Hy het presies gedoen wat hy voorheen besluit het om te doen by Damelin. Hy het dit presies gedoen. Met ander woorde, hy het gehandel soos wat hy lank voor die tydbesluit het om te handel.

You have now told us again, as you did yesterday this story of what the accused accounted of his actions.-- 10  
Ja.

Now is that the evidence upon which you base your finding that on the Johannesburg Railway Station the accused was not in a psychotic condition of manic depressive ecstasy?--Dit is waarop ek my opinie gebasseer het.

Do I understand your thesis to be that if a man in is/a state of manic depressive ecstasy it is impossible for him to carry out logically the things that he has planned to do?--Vir my, as he in n maniese ekstasie is, dan, is dit nog n geval van graad. Dan moet ek nog besluit volgens 20 hoe hy opgetree het, of hy besef het wat hy doen, en of hy opgetree het soos n mens wat weet wat hy doen, en of hy patologies is. Dit is n val van graad.

Yes, but I would like an answer to my question. ---Ek het u gesê ~~at~~ ek het my gedagtes opgemaak op die duur van die ekstasie, op die intensiteit van die ekstasie, en die gebrek of nie van stimuli wat die ekstasie kon veroorsaak het.

But would you answer my question please? The question was: do you say that if a man has suffered from a 30 manic depressive ecstasy he is incapable of carrying out

logically steps that he has planned to do?---In the manic ecstasy?

During the period of the manic ecstasy. Do you say that he is incapable of carrying them out?---Things he has planned before?

Yes, things he has planned before.---Hy kan dinge uittree maar dan het dit klaar geen invloed gehad - dit hang af van die graad van die ekstasie. As hy in n erge graad van manic ecstasy is lê hy in n stupor, lê hy dat hy gladnie kan beweeg nie, en dit is weer van n graad. Ek sal 10 sê in die ligte graad van maniese ekstasie, as hy manies depressief was - laat ons nou kom -jy vat net die een simptoom van ekstasie. Manies depressief is nie net een simptoom nie, hy het drie simptome - rusteloosheid, vlug van gedagte en elisie of euforie waarvan ekstasie n groot graad is. Nou kan ek nie maniese ekstasie diagnoseer net op n kort minuut lange aanval van wat die man in ekstasie is dan moet ek nou gaan sê die man is n manies depressiewe psigose wat n ekstatiese ondervinding gehad het vir daardie minuut wat hy in was.

20

I would like to come back to what I was asking you, doctor. What I asked you was whether in your opinion a man is or is not capable of carrying out things that he has planned if he is in a state of manic depressive ecstasy? In a state of manic ecstasy?---Dan sal hy dit op so n manier uitvoer..hy sal dit kan uitvoer, maar dit sal op so n manier wees waar hy dit nie sal pragtig mooi presies uitvoer soos hy dit wil uitvoer nie.

I put it to you that he would be perfectly capable of carrying out what he had planned to do, and that 30 he would also be perfectly capable thereafter of remembering

the experience that he had while he was in the manic ecstasy.

---Dit is een van die kentekens van manies depressiewe psigose dat hulle nie beneweling van die bewussyn het nie, en dat hulle baie goed kan onthou wat hulle gedoen het.

You agree with that?---Ja. Dit is n simptoem, dit is n kenmerk van manies depressiewe psigose.

I would like to read you a passage which I think was read by Prof. Hurst in the course of his evidence. It is from an article by E.W. Anderson Entitled "A Clinical Study of States of Ecstasy Occurring in Affective Disorders." 10 That is what we are talking about, isn't it?---Ja Edele.

And this is in the "Journal of Neurology and Psychiatry," Vol. 1938/1939, at p. 80 and at the foot of p. 80 the author refers to another author called Boehmke (?). Do you know the name of Boehmke?---Ja.

Is he a famous psychiatrist?---Yes.

He says "Boehmke 1929, speaking of ecstasy says that the narrowing of consciousness which one attains in hypnosis shows analogies to ecstasy, that is to the behaviour of those who are completely preoccupied with one idea of 20 strong emotional turn and who proceed to put this idea into effect without any scruple, forgetting dangers, moral considerations and the effects of their actions, but omitting nothing which could further the execution of their purpose." ---Edele, ek stem heeltemal saam as die man in daardie toestand was, dan sal hy so optree. Dan sal hy soos n psigotiese man optree, heeltemal reg.

Well just let us take it stage by stage, doctor. That means that a man who puts an idea into effect without scruple, who forgets the dangers, who forgets moral considera- 30 tions and the effect of his actions, and omits noting that

could further the execution of his purpose, may very well be in a state of manic ecstasy. Is that right?--Ja Edelagbare, hy kan, mits die man in n stadium van maniese ekstase is.

Therefore the fact that this particular man, not only forgot dangers and scruples and the effect of his actions, but also omitted nothing which could further the execution of his purpose, does not mean that he may not have been in a state of manic' ecstasy, is that right?---Ek verskil met u daar, in dié opsig dat die man se maniese 10 ekstasie, in my opnie..die ekstase, ek sê nie dit is n maniese ekstase nie, laat ons dit mooi verstaan, die ekstase wat hy in was was vir n minuut of twee.

Well now, are we now down to the criterion that whether it is a manic ecstasy or not depends upon its duration?---Baie beslis hang dit baie af, enige simptome, teneergedruktheid, enige simptome, hang af van die durasie, die intensiteit en sy gebrek aan stimuli wat dit kon veroorsaak het. En hierdie ekstase wat hierdie man gehad het was vir n minuut, vir n baie kort duur. 20

Do you say that a manic ecstasy cannot last for so short a period as a minute?--Dan moet daar ander simptome van manies depressiewe psigose wees. Ek wil dit weer baie sterk beklemtoon, ek is nie bereid om n diagnose van manies depressiewe psigose te maak op n enkele simptome van n minuut of n sekond nie.

I am not asking you to make a diagnosis on that. --Maar dit is wat u probeer, en met eerbied aan u Edele, dit is wat mnr. Philips probeer om my hierop te druk. Ek het dit vir hom baie pertinent gestel dat die man..lat ons 30 daarop argumenteer, dat die man het n ekstase gehad van n

baie kort duur van n minuut. Nou hou mnr. Philips hierop met dinge wat vir my te wil vertel van n lang ekstase. Laat ons praat..ons het geen ander gegewens nie. Mnr. Harris het vir my en vir alger gesê dit is n paar sekonde gewees, en daarna het hy gesê dit was vir n minuut of twee, en ons moet aanvaar dat dit kannie langer gewees het nie,want die tydperk wat hy daarin was stel ons dit vir minute, dat hy nou n gebrek gehad het, dat hy nie die tyd kon goed oordeel self nie, maar alles wys daarop dat dit vir n baie kort duur, hierdie ekstatiiese gevoel was. 10

No, but we are getting confused, doctor. You started off by telling me that you did not believe this to be a manic ecstasy because the man carried out logically everything that he had planned to do.--I think we understood each other wrong.

BY THE COURT:

No I think you are at cross purposes. He says that in the two minutes that he was in ecstasy, he may have been in a manic ecstasy, but all the other deeds were when he was not in a state of ecstasy, from his own mouth, that 20 it lasted only for two minutes.

GEUIE: Baie dankie Edele. Dit is wat ek graag aan mnr. Philips wil duidelik maak, dat in my gedagtes was dit net daardie kort rukkie. Die ander tyd het ons geen getuienis dat die man in n ekstase was nie. Toe hy by Brixton was was hy nie in ekstase nie. Toe hy afgeklim het was hy nie in ekstase nie, hy was..ons het die getuienis van ander mense dat hy by Damelin nie in ekstase was nie.

CROSS-EXAMINATION BY MR. PHILIPS (CONTINUED):

Well doctor, perhaps I misunderstood you, but I 30 understood you to say that this was what conditioned you to

believe that it was not a manic ecstasy. However, does it now mean that you are suggesting that the ecstasy lasted only a very short period, and that these other actions thereafter, of going to the Post Office, telephoning and going to Damelin College, and so on, that those are already outside the period of ecstasy?---Ek het net die getuie van mnr. Harris, en mnr. Harris beskryf die ekstase net vir daardie klein tydperk.

Yes but when you say that you have his evidence you are talking about his evidence of this..I have got to use the word, this transcendant experience that he had while on the station. That is what you are speaking of?---  
Ja.

Yes. I put it to you, doctor, that it is psychiatrically correct that in a state of ecstasy, of manic ecstasy, you don't only have this very high elation you also have a clouding of consciousness?---Ja Edelagbare, maar hy het nie beneweling van bewussyn gehad nie.

Well, you agree with the proposition I put to you?--I agree with your proposition. 20

Now you say he did not have any clouding of consciousness?--Nee u Edele.

Well now I put it to you that the period that Prof. Hurst spoke of, namely from the time when he was at Brixton on his way into the station, until his first clear recollection on his way home, being in a cafe and hearing a proprietor speaking Afrikaans to a customer, that during that period he testified to various periods of amnesia, did he not?--Ja Edelagbare.

And I put it to you that if those periods of amnesia in fact occurred, that they are evidence of a clouding of the man's consciousness during that period.---Dit is net die teenoorgestelde, u Edede. As die man beneweling van bewussyn gehad het, sou hy nie so op en af gaan; dit is meer n toksiese tipe van beneweling van bewussyn, wat party dinge n bietjie meer duidelik kan wees as ander. Maar so duidelik, party plekke is duidelik, hy kan presies in die fynste besonderhede vertel wat daar gebeur het, en dit is net die dinge wat sy aandag op gespits was, en wat belangrik was. Die amnesic patches wat hy gehad het is vir my, as n mens ry, en jy ken n pad na n poskantoor toe, jy neem nie baie notisie van hoe jy ry nie. Dit is amper n outomatiese aksie. Dit is vir my redelik dat hy dit kon vergeet het. Maar die dinge wat hy gedoen het, het hy presies in die fynste besonderhede - n man kannie beneweling van bewussyn hê as hy in Damelin College kan onthou die lift het afgekom, hy het opgeloo - hy kan in besonderheid vertel. Ek verskil daar pertinent by dat die nie beneweling van bewussyn is nie. 20

Let me come back to what I was asking you doctor. You will persist in going ahead of me. What I put to you was that if there was this amnesia, then it constitutes or could constitute evidence of clouding of consciousness? ---Nee. Ek wil dit weer aan mnr. Philips stel, in beneweling van bewussyn, in akuut maniese psigose, verwag jy beneweling van n bewussyn wat meer eweredig is, en meer oor die hele tydperk gaan, en jy verwag nie as daar beneweling van bewussyn is dat daar tydperke gaan wees wat die geheue so uitstaande is soos hierdie man s'n was vir sekere dinge nie. 30



Is it not possible to have such a thing as the clouding of consciousness for a period of time involving amnesia with what are called islands of recollection?---  
 Dit is wat u nou genoem het hier, is eilande, maar dit pas vir my baie pragtig in by n man wat gespanne was, n baie belangrike ding gedoen het, en sekere dinge sy aandag meer aan gegee het as aan dié, en as n pasiënt, u Edele, beneweling van bewussyn het en n maniese psigose, is n man baie psigoties, en hy sal so psigoties wees dat n omstaander dit kan sien. Dit is baie beslis, want beneweling 10  
 van bewussyn is in die akute, erge grade van manies depressiewe psigose - dan sou enige omstaander dit kon gemerk het, en dan sou sy handelswyse beslis ongekoördineerd gewees het en nie so gekoördineerd en presies of die punt ingestel is as die man dit gehad het nie.

You are suggesting that if a man is in a state of manic elation which has become an ecstasy, which is I take it the supreme degree of manic elation, is it?--Yes.

You are suggesting that in those circumstances, his conduct must be such that any bystander would note it? 20  
 ---U Edele laat ek mnr. Philips sê wat ek gesê het. Ek het gesê in die ligtere grade van manies depressiewe psigose is die tipiese kenmerk van manies depressiewe psigose is dat daar geen beneweling van bewussyn is nie, dat die pasiënt kan goed onthou. In die akute erge græ van manies depressiewe psigose kan jy beneweling van bewussyn kry, en kan jy geheueverlies kry, maar dan sal sy ander simptome ooglopend wees.

Well then you agree with what I put to you a moment ago, you say that if there was in fact clouding of 30

consciousness his condition would have been so extreme that bystanders must have noticed it?--Ja, en dansal hy..sy handelinge nie baie geörienteerd gewees het nie. Hy sou maklik vlug van gedagte gewees het, hy sou maklik afgetrek gewees het, ander dinge sou sy gedagtes afgetrek het. Hy sou nie so doelbewus kon opgetree het. Laat ek in Engels sê 'He is distractable, he shows flight of ideas.'

I put it to you that in fact, in the textbooks and in the recorded cases, of manic ecstasy, one of the characteristics that is described is that people are calm, 10 and that bystanders in fact would not know that there was anything wrong with them. Is that correct?---...Ja.

In this particular case, your argument has been..I just want to cite you one example, in this same article that I referred to earlier by Anderson, in this case it is on page 87 at the foot of the page, and this was the case of a woman whose...--U Edele, voordat mnr. Philips aangaan, ek wil net sê dat daardie pasiënt was so siek gewees dat sy in n sielsieke hospitaal was - so om- 20 staanders kon baie duidelik gesien het dat sy geestessiek was.

Just wait until I have read the passage, doctor, before you anticipate me. It is stated here that she said that she wandered or rather floated in flowered meadows and gardens. The thought now and then was 'This must be where the idea of the Elysian fields originated.' All the sensations of a perfect summer's day were present, the hum of the bees and the clear brilliance of the atmosphere. The flowers were many and perfect, almost artificial in their perfection and the fruit also. The colours were violent, 30

almost crude, and it was almost as if everything had had a coat of varnish. I was quite alone in these wanderings, and there was never an impression of anyone else being present. Time passed quickly, and I was unconscious of its passage. Periodically, say at mealtimes, I looked out of the window to assure myself that the trees were leafless, and metaphorically pinched myself to see if I were awake. This condition lasted for six days, diminishing towards the end." You don't dispute any of that, of course? This is a statement by a scientific investigator. And then the 10 investigator goes on to say: "During this experience she was outwardly calm and unperturbed."---Outwardly calm - but what was her..did she lie in bed, or did she do anything?

At the time when she was enjoying this experience?

---Ja.

Apparently not doctor. I don't know.--They don't describe it?

No.--I beg there to differ. She may be outwardly calm, but what was her actions. She may have been in the stupor conditions that you get - I can describe to you 20 that they lie in bed and just do nothing. So I would like to know more information about other things - they only describe this one symptom there, and I would like to know was she lying in bed at that time, was she completely unproductive? Because you are now arguing at a point where a man is 100% productive, and doing 100% nice things, but could she have been productive? I would like more information, because I don't think she could have been productive.

Well I will come back to that, if I can provide you with the additional information you are asking for. 30

Telt 68

But I am putting it to you in this particular instance you have said, more than once I think, that the reason why you discount this amnesia over four periods between about 5 to 4 and half past five on the afternoon of the 24th July is because the things that were remembered were all significant things is that right, and the things that were forgotten were insignificant things, that a man would forget?  
--Ja.

Is that right?---Dinge wat hy meer sy aandag op toegespits het, wat belangrik was om te doen, ja dit is reg. 10

But those were the things, the significant things you say were remembered, and the insignificant things were forgotten, as one would expect them to be?--Min of meer, ek sal nie sê alles nie, maar min of meer.

How do you account for the fact that he remembers for example that he put the key into his motorcar when he came back to his motorcar after he had been in the station?  
---Ek het mos gesê min of meer - dit is een van die dinge wat hy onthou. Hy moes toe ry, hy het na sy motorcar gekom en dit het hy onthou. 20

I don't think you qualified it before by saying min of meer, but now you say min of meer - so that is an example of something completely insignificant, isn't it?  
---Ja, ek sal nie sê dit is so vreeslik onbelangrik, maar ek sou verwag..in enige so n toestand, Edele, laat ons weer daarop kom, in enige soort toestand sal die man sekere dinge onthou, en hy sal geneig wees om meer die dinge te onthou wat belangrik is. Jy kannie 100% veralgemeen nie. Hy gaan party dinge onthou wat nie so belangrik is nie, maar oor die algemeen sal hy meer die dinge onthou wat belangrik is. 30

How do you account for the fact that he remembers

very clearly going to the row of parking meters in the railway parking area, and suddenly feeling that his car was in the wrong place?---Dit is ook wat kan met enigiemand kan gebeur - dit het al met my gebeur en met vele mense, ~~dit~~ jy, na jy uit was en jy gedink het jy het jou kar daar geparkeer, dan vind jy uit jy het hom op n ander plek - dit het gisteroggend met my gebeur, ek het dit nog aan dr. van Niekerk genoem, toe ons hier parkeer het ek gedink ons moet oploop. Ek ken Pretoria / goed. Dit is n normale, dit kan met enig..

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I was going to say, doctor, you need not worry, I am not suggesting that that is a psychotic symptom. What I am suggesting is that it is a completely insignificant circumstance, isn't it?--U Edele, ek het nou net dit gesê dat dit is nie 100% dat hy nie onbelangrike dinge gaan onthou. Hy kan onbelangrike dinge onthou, maar die neiging sal wees om die meer belangrike dinge te onthou, en om die minder belangrike dinge te vergeet. Hy sal onbelangrike dinge ook onthou.

Well you agree with me.---Ja.

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..that that is a completely insignificant circumstance?--Ja hy kan dit onthou.

And he always testified, at interviews and in Court, to having a clear recollection of that - is that right?---Yes.

Now what about the fact that he gives a clear description of an Austin A.40 motorcar with a Portuguese numberplate leaving a parking area in front of the post office when he arrived there? Is that also an insignificant occurrence?---Ek..vir my..u Edele, ek het dit tog toegegee aan mnr. 30

Philips dat die neiging sal wees om belangrike dinge te onthou, en die neiging, maar hy kan minder belangrike dinge ook onthou. Ek het dit toegegee Edele.

I wish you would just reply to my questions- we will get on more quickly.---Dan moet ons twee argumenteer of ek dink dit is belangrik of nie belangrik nie. In my gedagte dink ek dit is redelik belangrik om n parkeerplek te kry, hy het n parkeerplek gesoek, hy het die kar gesien wat daar uitgetrek het, hy het dit onthou.

So you say that it is reasonably important.--Ja. 10  
 ..that the motorcar that pulled out was an Austin A.40 and that it had a Portuguese numberplate?---  
 Wat ek gesê het, dit is vir my net n geval van opinie.

Why is it of any importance that he should remember that he walked up the stairs for the first flight at Damelin College? ---Ag u Edele, ek wil nie nou regtig, op hierdie argument ingaan nie. Ek het toegegee aan mnr. Philips dat die man sal sekere dinge onthou, as jy in spanning is onthou jy nie presies alger nie. Enige mens, dit is n normale ding dat enige man, as jy ra n tyd ge- 20  
 vra word van hoe jy van een plek tot n ander plek gekom het, sal jy nie presies alles kan onthou wat daar gebeur het nie. Dit is nie vir my n simptoem van psigose nie. Ek het my punte daar gestel, en ek gee dit toe. Dit is vir my net dat dit is normaal - ek stem saam dit is normaal, en ek beweer dit is normaal dat hy sulke dinge kan doen.

But my point, doctor, is that I have given you the examples of four instances now in which he has recalled things which I suggest to you are all very insignificant.  
 --Ek sal daar met u verskil van die oploop na die poskantoor 30  
 is nie so onbelangrik nie. Dit was een van die belangrike

gedeeltes van sy plan om uit te voer, om die telefoon te gaan - hy het hom nou daarop begin toespits, dit was belangrik. Hy het begin dink "Kyk dit is belangrik dat ek by daardie telefoon kom, dit is belangrik dat ek daardie telefoon-oproep deursit" nou sal hy dadelik toespits op wat gebeur. In my oog het hy daardie oomblik begin attensie gee om wat om hom aangaan, want nou kom hy by 'n belangrike item in sy hele handelwyse. Ek beskou dit nie so vreeslik onbelangrik nie, dat hy sy gedagtes toespits daarop.

10

Nobody disputes that his going to the post office and making the telephone calls is an integral part of his case. I am talking about this completely insignificant circumstance that a particular make of car with a particular numberplate pulled out of the parking area as he approached it.--Dit bewys vir my, u Edele, verskoon dat ek bietjie afwyk van die punt af, dat hy glad g'n in die minste beneweling van bewussyn gehad het. Dit is net so 'n argument teen die ander ding as vir dit. Dit is baie beslis vreeslik teen 'n beneweling van bewussyn, daer die, dat 'n man so in fyn besonderheid kan onthou wat gebeur het. Dit is vir my meer 'n emosionele man wat in emosionele spanning was wat sekere dinge baie meer onthou, maar dit is beslis teen beneweling van bewussyn.

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Have you any authority for that statement, doctor?  
---Watter?

Have you any authority, any specialised work on psychiatry?--Dit is bekend dat as jy beneweling van bewussyn het is jou geheue nie goed nie.

No I am asking you whether you have any authority for this far-reaching proposition that you have just made,

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that because the man happened to remember an insignificant occurrence, therefore there is no clouding of consciousness. ---Die een belangrike simptome van clouding of consciousness, en ek kan outoriteite by die honderde bring, is dat die man se attensie, hy kannie dinge inneem nie. As n man beneweling van bewussyn het, hoe kan jy onthou? Dit is een van die tipiese kenmerke van beneweling van bewussyn, is dat daar geheueverlies is. As jy dit wegvat dan sal ek graag wil weet wat is beneweling van bewussyn?

10

It is correct, is it not, Dr. van Wyk, that this clouding of consciousness that we are discussing, fluctuates during the state of manic ecstasy? Is that right?--Dit sal n minder belangrike. dit kan fluktueer maar om dit in fyn besonderhede te onthou, een dingetjie hier en een dingetjie daar in fyn besonderhede is nie die kenmerkende ding van hierdie nie, dit is meer n eweredige beneweling van bewussyn.

You do agree that it fluctuates?--Ja, maar dan sal dit fluktueer binne perke - dit sal fluktueer, maar binne perke.

20

And you agree that therefore a man will remember somethings and forget other things?--Ja, maar wat ek gesê het wat daarteen is, ek sal nie verwag dat hy party dinge in so besondere fyn besonderhede sal onthou nie.

You do agree that if some of the things remembered are insignificant, as well as other things which are significant, that that is against the hypothesis that it is just a question of remembering what he happens to have his attention on?--Nee. Ek het dit vir u baie duidelik gestel, 30



mnr. Philips dat n man kan..die neiging sal wees om die belangrikes te onthou, maar hy kan ook onbelangrikes onthou.

When you formed your opinion here, which is obviously a very important opinion for the accused, I take it that you took into account and carefully considered all the available evidence. Is that right?--Ja u Edele.

Do you agree Dr. van Wyk that manic depression is hereditary and familial?--Ja u Edele.

You don't contest the evidence of Dr. Jeppe and Dr. Geerling?--Nee Edele. 10

With the result that in the accused's family we have evidence that his mother, his mother's sister both suffered from states of endogenous depression, is that correct ---Ja u Edele.

And that another close relative also suffered from an identical condition?--Ja u Edele.

Now do you concede to me Dr. van Wyk that Prof. Hurst is recognised as an international authority on psychiatric genetics?--Ja u Edele.

And on psychiatry generally?--Ja. 20

You know that he has over 50 publications to his credit?--Ja u Edele.

And that he has represented South Africa at international congresses?--Ja u Edele.

On a number of occasions?--Ja Edele.

Now Prof. Hurst told his lordship and the assessors that in a case such as this, where there are established cases of manic depressive psychosis, or depressive psychosis, which I take it is simply the one portion of a manic depressive psychosis, is it?--Ja u Edele. 30

That where there are such psychoses in the case

of the mother, and the mother's sister and one other close relative, that the percentage of chance of it being transmitted to a child like the accused is 60%. Do you accept that?--Ek gaan nie op daardie punte argumenteer nie. Daar is verskil van opinie. Laat ons dit toegee.

Well now why did you completely ignore this?--- Ek het dit gladnie geïgnoreer nie - nie in die minste nie.

You made no reference to it yesterday?--Hoe meen u?

In your evidence - you made no reference to it at all.---Maar hoekom moes ek..? Hoekom moet ek dit in my getuienis gee? Hoekom moet ek?

BY THE COURT:

Well I don't know Mr. Philips - he was not asked about it, and he was conscious of it.

GETUIE: Kan ek net kwoteer weer uit Clinical Psychiatry Mayer, Gross, Elliot, Flater and Martin ?. Hy sê bl. 207: "Those psychologically, constitutionally and from the hereditary point of view the types of affective constitution are closely related to the psychosis. It does not follow that such constitutionally disposed persons inevitably become psychotic." Al het hy die vrug..u Edele, hy is nou nie so nie, maar ek kannie sê of hy, die kans dat hy miskien as hy 40 of 50 of 60 jaar, soos sy ma is of sy oom dit gekry het, . kan hy dit kry. Hy kan die siekte van manies depressiewe paigosa nog ontwikkel. Die kans is hoog dat hy dit kan ontwikkel, maar die argument is: het hy dit op die oomblik? Hy kan dit later ontwikkel. Hy is..die konstitusie is daar dat hy dit kan ontwikkel. Ek kannie sê nie - ek moet aanvaar as Prof. Hurst sê hy het n 60% kans om dit te ontwikkel. Ek stem toe, maar ek is net geïnteresseerd

of hy dit op die oomblik het.

DEUR ASSESSOR VAN DEN BERGH:

Met ander woorde hy mag dit nooit ontwikkel?---  
Hy mag dit nooit ontwikkel, en volgens Prof. Hurst het hy  
6 uit 10 kans, maar hy mog een van die 4 uit 10 wees wat  
dit nie ontwikkel nie.

CROSS-EXAMINATION BY MR. PHILIPS (CONTINUED):

In deciding whether he did at the particular  
time that we are concerned with, suffer a manic depressive  
psychosis or not, it is obviously a factor to be taken into  
account?---Ja.

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One has got to appreciate that this is a man who  
has a far greater chance of having suffered manic depressive  
psychosis than someone who had not that family history -  
that is correct is it not?---Dit is, ja.

Now do you accept the validity of the Katell  
test?---Nee Edele, dit is nie n toets wat algemeen deur  
ons gebruik word nie. Dit is n hulpmiddel, en dit is nie  
n toets wat ons heeltemal aangaan nie, en waar n man in n  
angstoestand klaar is, waar hy deur sekere toestande van  
aanklag van sabotasie, en so, sal dit beslis sy dink affek- 20  
teer, maar dit is nie die antwoord om enige diagnose te  
maak nie, en dit word eintlik nie deur..

I don't think anyone suggests that this alone  
is the answer. I am merely talking about the various fac-  
tors that come into consideration in arriving at a diagnosis,  
and I would like to know from you: do you or do you not  
accept the validity of the Katell test?---Ek gebruik hom nie.

Do you accept that it is valid?---Dit hang af in  
hoe n mate is die toets, soek ek sê ek ken nie die toets nie 30  
in hoe n mate is die toets, bestaan daar criteria om vas te

stel dat die vraelys toets oor angs, die persoon wat die toets aflê hom nie anders voordoen as wat hy b.v. wil hom voordoen nie, is die toets gestandaardiseerd teenoor Suid-Afrikaanse toestande aan Suid-Afrikaners? Soos ek sê ek ken die Katell toets nie, ek gebruik hom nie, maar dit is die besware wat ek daarteen het - is dit gestandaardiseerd vir Suid-Afrikaanse toestande en is daar n kriteria waar jy kan bepaal van daardie dinge?

Well it is quite clear that Prof. Hurst uses it. Is that right?---Ja.

10

Were you present when he gave this test to the accused?--Ja.

Did he perform it efficiently and competently? ---Ek kannie n opinie uitspreek nie, Edele. Ek gebruik nie die toets nie. Gewoonlik laat ons die toetse deur die kliniese sielkundiges doen, en ek kannie n opinie uitspreek of Prof. Hurst die toets goed gedoen het nie, ek het nie die kennis daarvan nie.

Except that it is done, when it is done, as a test for testing the degree of anxiety of the subject?-- Ja. En soos ek gesê het, hy was in omstandighede waar daar baie angs aan verbonde is.

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And also whether he is abnormal, and it indicates paranoic tests, is that right?--U Edele, ek is nie bereid om enige opinie oor die Katell toets uit te spreek nie - ek het dit nog nooit aanvaar as n toets om vir my n diagnose te laat maak in n geval nie, en daarom is ek nie bereid om enige opinie oor die Katell toets uit te sprêek nie. Ek beskou myself nie bevregd om oor die Katell toets te praat nie.

Did you tell my learned friend that you have some doubts about the validity of this test?--Ons het vir

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mr. Moodie gesê dat of die toets gestandaardiseerd is aan Suid-Afrikaanse toestande, dit is die eerste wat ons wil weet, is hy gestandaardiseerd aan Suid-Afrikaanse toestande, is daar daardie kriteria - dit is my besware.

Did you point out that you have some qualms about this test?--Dit is my probleme wat ek het in verband daarmee.

But did you point that out?---Ja.

Can you tell me why Prof. Hurst was not given the opportunity, in cross-examination, to answer these qualms of yours? Can you tell me why Prof. Hurst was not asked to answer the question about.. 10

MR. MOODIE: I don't think the witness can answer that question. Perhaps I would be able to - but I am not in the box!

CROSS-EXAMINATION BY MR. PHILIPS (CONTINUED):

Well doctor, when you saw Prof. Hurst applying this test to the accused, did you express to him that you have qualms about its validity in South Africa?--U Edele ek was daar gewees as iemand om net by te sit met die dinge, en Prof. Hurst kon gedoen het wat hy wil, en dit is nie vir my om vir prof. Hurst te gaan sê wat hy moet doen, en wat hy nie moet doen nie. 20

Well doctor van Wyk, can I put it this way: you know Prof. Hurst very well indeed. You are associated as colleagues, are you not?--Ja.

Prof. Hurst, when you were present at the interviews with the accused, indicated that he would like to discuss with you and Dr. van Niekerk his findings, as colleagues? Is that right?--Prof. Hurst het gesê hy wil n konferensie 30

hou. Maar hy het dit nooit gedoen nie. En ons het n paar punte gediskussee, en ek het met Prof. Hurst verskil. Ons het die dag nog oor hierdie ekstatiese ding wat opgekrom het hetons vir Prof. Hurst gesê dat dit kan in neurotiese mense ook gebeur, en Prof. Hurst het dit toegegee.

On this question of.--So Prof. Hurst was heeltemal bewus daarvan dat ons nie met hom saamgestem het nie.

Did you ever indicate to Prof. Hurst that you thought it was a waste of time doing the Katell test?--- Dit is nie vir my om Prof. Hurst te leer hoe om sy ondersoek te doen nie. 10

I appreciate that, and I am not suggesting that you would have done anything that would have savoured of impertinence, but did you ever indicate to him, until this moment that I put the question to you that you had any qualms about this test?--U Edele, as iemand n geval ondersoek kan hy al die ondersoeke doen wat moontlik is, en dit is nie vir my nodig om dit vir hom te sê nie. Ek het dit nie gesê nie omdat ek dit nie beskou het as my plig, die opdrag wat die Staat aan my gegee het, om te doen nie, om vir die psigiater wat die man ondersoek het, te verhoed om sekere toetse te doen, omdat ek nie van die toets hou nie, moet ek vir die psigiater van die verdediging gaan sê "Jy moet nie daardie toets doen nie". Ek het nie gevoel dat dit die opdrag van die Hof aan my was nie.

Did I understand you to say just now that you indicated to Prof. Hurst at these interviews at which you were present that you disagreed with him on fundamental matters?---Op die ekstatiese baie beslis, ja. 30

You indicated that to him?--Ons het dit daar diskusseer en dr. van Niekerk en ek het nog altwee daardie

dag gepraat dat dit moontlik kan gebeur in n..

Did you tell that to my learned friend too, that you had disagreed with Prof. Hurst?--Wel ons is nog..ek dink mnr. Moodie was van die begin af bewus daarvan ~~dat~~ ons n ander opinie oor die hele toedrag van sake het.

Because I appreciate my learned friend's statement that you cannot say why he was not asked, but I want to put it to you that there, too, Prof. Hurst was not asked whether that was, so, whether there was a difference of opinion expressed by the psychiatrists on these occasions, 10 and he was given no opportunity to deal with this.

Now Dr. van Wyk, the accused, in giving his evidence, and also his wife, when she gave evidence, gave to the Court a picture of long periods of depression which were suffered by the accused from time to time. Did you hear that?--Ja Edele.

If my recollection is correct they were not cross-examined on this, that these long periods of depression had in fact taken place. Now Prof. Hurst accepts this, and he draws conclusions from this, and if my recollection ~~is~~ again is correct of the evidence, he was not cross-examined on the conclusions that he drew from this basic evidence given by the accused and his wife. Do you accept that there were such periods of depression suffered by the accused?---Ja. En ek aanvaar dit dat elke man sulke periodes van depressie kry. Weer kwoteer uit Mental Depressions and Their <sup>T</sup>reatment by Crane - hy begin so: "All persons are subject to mood swings their normality being measured by the intensity, duration and appropriateness of their response to stimuli"

Are you talking now of mood swings that are inde-

pendent of external factors?--Ek het u gelees hulle intensiteit, duration and daardie, whether you consider them as pathological or not.

Yes but that is independent of external factors?

---Ja. En of hulle reageer op omgewings stimuli.

In other words what are called endogenous depressions?--Yes.

That originate from within the person themselves?

--Ja.

Now the evidence that was given was of severe 10 periods of depression, for long periods. Now would that be an indication leading towards a diagnosis of manic depression?

--Omdat hy tye van depressie gehad het?

Yes severe..---Nee dit sal nie vir my..soos ek gesê het, dit kan normale gedagteswing wees, of hy kan 'n siklotimiese persoonlikheid wees, en hulle hoef nie manies depressiewe psigose te ontwikkel nie.

Do you accept that the accused is a Psychothymic (?) personality?--Ek is nie seker of hy dit is nie.

Well..---Dit is 'n moontlikheid dat hy is. Ek 20 moet dit in aanmerking neem dat hy moontlik 'n siklotimiese persoonlikheid het - dit is normaal, nê, dit is mense wat dit het - dat hy hierdie dinge kan kry sonder buite stimuli - maar vir my pas die ander diagnose meer in, van emosioneel onvolwasse en emosioneel labiel, dat hy maklik op en af swaai. Hy is hopeloos afhanklik van sy ma, hy sê dit self, dat dit sy vrou in die begin gehinder het, en dit is omrede van sy emosionele onvolwassenheid.

The fact that the accused was making use of a 30 drug called ritulin since 1960, is that an indication that



he was seeking to relieve depressions?---Nee, Edele. Baie mense maak van ritulin gebruik as hulle wil werk, as hulle nie wil slaap nie, en so aan.

What sort of a drug is ritulin?---Ritulin is n drug, dit is in n groep wat n "mood-lifter" is, en wat jou wakker hou - baie mense neem dit. Ek het nou net, ek sal nie die persoon se naam noem nie, hom gewaarsku daarteen. Hy het dit gebruik om wakker te bly om dinge te doen. Die meeste mense gebruik ritulin vir hierdie normale mood swings en dinge, en omdat hulle meer wil werk. Baie 10 studente gebruik dit as hulle wil wakker bly - dit word baie deur studente gebruik.

Is it an anti-depressant?---Dit is n anti-depressant, eintlik so dat hy jou wakker hou - dit gee jou meer energie.

En being an anti-depressant it is consistent with it being taken by a man to relieve severe bouts of depression?---Harris het gesê dat hy dit gebruik het toe hy moes baie eksamen papiere gemerk het. Dit is die eerste maal wat hy dit gebruik het. Iemand het hom gesê om ri- 20 tulen te gebruik toe hy besig was om vraestelle te merk, en hy moes baie vraestelle merk, en dit gebeur baie dat mense dit doen.

Well that is how he started using it?---Ja.

And his evidence is that thereafter, and his wife's, that thereafter he used it regularly because of the severe periods of depression from which he suffered.--- Ja, en dan kan ek u vertel dat hy het dit gebruik, b.v. toe hy in Rome was, met SANROC. Ek glo nie die man was toe in n depressiewe fase toe hy vir SANROC oorgegaan het. 30

Hy het dit in Rome gebruik omdat hy daardie onderhoude gehad het. Vir my het Mnr. Harris die ritulen meer gebruik wanneer hy wou beter werk lewer en beter wou wakker bly.

How do you know that he was not in a depressed state of mind in Rome?---Omdat hy dit gesê het.

That he was not in a depressed state of mind in Rome?---Nee hy het gesê hy was nie.

Hy was nie?--Nee.

Have you got the note of it?---Ek het nie hier nie. Hy het gesê hy het dit in Rome gebruik omdat hy gevoel 10 het hy moet werk daar.

But you have not a note of that?--Nee, ek het nie die note hier nie.

It is a pity. I don't want to create conflicts of fact between the experts, but you have done so already, and I must tell you that Prof. Hurst has no recollection of the accused having said that at all. I am talking about.. you say he said this at an interview?---Mnr. Harris het gesê dat hy ritulen gaan koop het in Rome, hy het ritulen gaan koop in Rome. 20

You say he said it at one of the interviews?--- Ja..nee, hy het gaan hoofpyn pillekoop en toe het hy ritulen pille gekry. Hy het hoofpyn pille gaan koop en toe het hulle vir hom ritulen pille gegee, en hy het ritulen pille gedrink in Rome. Hy het Ritulen pille in Rome gekoop. Hy het nog gesê die blikkie wat hy dit in gekry het het hy nog beduie wat hy gekry het, endat hy dit in Rome gekoop het, maar ek is nie daarop baie duidelik nie. Dit is ietsie wat ek op my geheue het, ek wil nie die Hof mislei nie, ek wil liewers laat ons daardie deeltjie van die getuie verwyder - 30 dit is nie baie duidelik in my gedagte nie.

All I was asking you, Dr. van Wyk - you may be right or wrong about the Rome episode - all I was asking you was, if a man says he has been taking titulen for a period of four years because of the depressions from which he suffered, then is it consistent with his having suffered from depressions?--- Dat hy met tye aan depressiewe fases gelei het. Maar nie patalogies nie. Dit sê nognie dat die patalogies is nie. Dit kan normale "mood swings" wees.

Dr. van Wyk, in connection with the opinions 10  
 which you have formed, I must tell you, incidently, as I pointed out to you earlier, Prof. Hurst was never given an opportunity of dealing with your suggestion that you indicated disagreement to him on the subject of the ecstasy. Belt 69 But Prof. Hurst has told me that you and Dr. van Niekerk did not indicate any disagreement to him, except with relation to the fantasies of which he spoke; the fantasies of which Prof. Hurst gave evidence that the accused related, viz. that he thought that he would one day be Minister of Education, or Foreign Minister, or Prime 20  
 Minister, and that you and Dr. van Niekerk disagreed with him about the significance of those fantasies.--Laat ek dit baie pertinent aan u stel, u Edele. Ek het Prof. Hurst baie duidelik gesê dat ek aan hom dink as emosioneel onvolwasse en labiel, het ek baie duidelik gesê, en dr. van Niekerk en ek het baie duidelik n diskussie gehad toe Dr. Hurst kom met ekstasie, Anderson, Boehmke Rumke - toe het ons nog daar gepraat dat ekstasie dan ook kan gebeur in neuroties e toestande, en Prof. Hurst het nog gesê "Yes in a dissociated state. " Dit was nog Prof. Hurst se 30

woorde. Baie duidelik kan ek dit onthou, baie beslis. Ek twyfel nie daaraan, u Edele.

Well I have told you that Prof. Hurst has no recollection of that.---Ek het n baie duidelike herinnering..

However, he has had no opportunity of dealing with it. Now you did not ask any questions at these interviews?---Nee Edele.

Nor did Dr. van Niekerk?---Nee.

And you did not seek any opportunity to have interviews with the accused yourself?--Nee. 10

In order to test your theories, or your opinions? ---Nee.

Don't you think it would have been preferable if you did?--Nee Edele.

Don't you think it is unfair to a person in the position of the accused to form a decided view in regard to his condition without seeking to investigate and test the very things that you are saying about him?---Dit was ; n baie volledige ondersoek deur Prof . Hurst, en Prof. Hurst het al die dinge uitgebring wat nodig was om uit te bring, 20 en ek het die getuienis in die Hof bygewoon, en Harris was onder n lang kruisverhoor hier, en dit het baie deeglik uitgekom wat ek wou geweet het.

You see, Dr. van Wyk, you said to us yesterday that in your opinion the accused is not an endogenous depressant, if I am using the <sup>right</sup> word, but you said the mood swings, which he obviously does exhibit from time to time, in your opinion, were induced by external causes, is that right?---Dat hy reageer, ek het dit baie duidelik gestel u Edele, hier in die getuiebank. Ek het gesê toe hy hier in 30 die getuiebank gesit het het hy emosionele labiliteit getoon.

wat gevarieer het op die opgewingstimuli. As hy van sy ma gepraat het het hy gehuil - dit het ek baie duidelik gestel, as mnr. Philips wil teruggaan sal hy merk, dat ek dit baie duidelik gestel het...

It may very well be, Dr. van Wyk - you spoke so fast that it was impossible for me to keep a full note of your evidence. It may very well be that you put it exactly like that. All I am saying to you is that we are not so much interested in his conduct in the witness box, except insofar as it may indicate how he behaved on other occasions. 10  
 ---Hy het b.v. met die onderhoud in die tronk dit ook gesê "The depression is worst in the afternoon, can be geared up by food and books."

Yes but of course it is true, isn't it, Dr. van Wyk, that in die condition of endogenous depression you also can have...---ja

..effects caused by external factors?---Ja. En sy mood het baie gevarieer wat toestande ook betref. Dit was baie...

I would like you to be clear as to what I am 20 putting to you, that if a man is a psychothymic (?) personality, that is he has these extreme swings from elation to depression, that in the course of one of those phases there may be a minor variation caused by an external factor?--Ja, dit varieer baie maal. Ek wil op die punt toegee aan mnr. Philips dat ons kan aanvaar dat hy n moontlik siklotemiese persoonlikheid is - een van daardie twee kan hy wees, maar dit het nooit tot patalogiese graad gegaan nie. Ek sal dit aanu toegee mnr. Philips.

But now in regard to whether in the past his 30 attacks of depression and his phases of elation were or were

not caused by external factors - you formed a view about that. You formed a view that in the past it has always been the result of external factors, is that correct?---Nee ek het dit nie gesê nie. Ek het gesê ek gee dit toe vir u dat dit kan sikloemies wees.. Ek gee dit toe.

Right then I don't need to battle on that ground. You said yesterday too, you made a statement to the effect that when the accused was going up to Damelin College, he went up the stairs, and caught the lift on the first floor, because you said he was frightened?---Nee,.. 10

No, no, it may be a wrong note that has been taken, I am not sure,---Ek het dit nooit gesê nie.

BY THE COURT: No he said he did the logical thing, because the lift was not working and he was in a hurry to get upstairs, and so, not to wait for the lift, he took the stairs.

MR. PHILIPS: As your lordship pleases. I got this from somebody's note, and it may well be an incorrect note.

KRUISVERHOOR (VERVOLG):

Did you say, as I say, subject to the correctness 20 of the note, did you say that he wanted to get up because of his fear, in order to change his clothes?---Ek het gesê ja hy was angstig gewees om bo te kom, om weg te kom, en daarom het hy nie hierdie tyd, wat hy gewoonlik altyd vir die lift wag, het hy nou begin oploop, want hy was angstig gewees, nie 'afraid' as such, maar hy was angstig gewees om so gou as moontlik bo in sy kantoor te kom.

Now where did you get that from Dr. van Wyk?--- Ek het dit nou mear net..afleidings wat ek gemaak het.

It is purely an inference on your part?---Yes, dit 30 is net 'n afleiding wat ek gemaak het.

Why didn't you ask the accused, when you were having interviews with him?--Ek het sy..daardie opsig het ek gestel hoe hy presies geloop het, hoe hy presies die dinge gedoen het, en wat hy daar gedoen het. Ek weet wat het hy gesê. Hy het gesê hy het dit gestel dat hy het die dag sommer opgeloop, hy wou nie wag vir die lift nie, en hy het opgeloop.

Yes, but he did not say that it was because he was anxious or frightened?--Nee, dit is n afleiding wat ek gemaak het. Ek het dit ook nooit gestel in my getuie dat 10 die beskuldigde dit gesê het nie. Ek het dit as n afleiding gemaak.

I suggest that when opinions are being based on an important matter like this, that inferences should not be included unless they have actually been checked as facts. You speak, and you have spoken again now of alleged emotional immaturity, in the case of the accused. Is that right?--- Ja Edele, emosioneel onvolwasse.

Did you do any sort of investigation, outside of attending the interviews that Prof Hurst arranged?--Ja dis 20 al wat ek gedoen het, en ek maak dit op die afanklikheid van sy moeder, en daardie dinge.

You relied entirely upon the fact that he said that he is dependant upon his mother and has a close attachment to her, and on the answers that Prof. Hurst got to his questions?--Ja Edele.

And you made no further enquiry at all?---Nee.

Now Prof. Hurst stated as a fact that at the interviews that he held at which you were present, and also while the accused was giving evidence in Court, his moods 30

fluctuated psychically for considerable periods at a time. Do you agree with that?--Sy gedagtes..sy moods het gefluktueer, ja.

For considerable periods at a time?--Considerable periods at a time?

At a time, yes? That he might be in a state of some sort of elation..---Nee Edele, hy het nie so nie - hy het die eerste dag b.v.toe ons die onderhoud gehad het, die Saterdag was hy in n depressiewe toestand in die eerste onderhoud, en soos die onderhoud aangegaan het het hy geleidelik beter geword, wat vir my n normale reaksie was op die omgewings stimuli waar hy n onderhoud het, en waar hy gepraat het met ons, het hy geleidelik beter geword, en sy toestand was baie beter later in die middag.

That may be on that particular occasion, but I am putting to you a conclusion drawn from the four interviews, and also from the lengthy period of time that the accused was in the witness box.--Elke slag het hy gevarieer wanneer hy van sy ouers, van sy vrou of van die gepraat het.

But Prof. Hurst gave a specific example to his lordship. He said for example on Monday morning, when the accused was first in the box, the Monday morning he was in an elated state, apparently. He appeared to address my learned friend informally, and so on. There was various indications that he was in an elated state. And then after lunch Prof. Hurst noted to his lordship there was a period at least a half hour in which he appeared to be very depressed, and in which he was not, as Prof. Hurst put it, I think, he was not productive, he was not speaking his thoughts - did you note that?--Ek het opgelet dat die slae 30 wanneer hy vrae moet beantwoord is hy altyd pertinent en tot



die punt, en wanneer moeilike vrae kom het hy partymaal emosioneel geraak - dit is die indruk wat ek gekry het. n Objektiewe indruk wat ek van die man gekry het. Twee mense kan na dieselfde ding kyk, en n mens kan verskil van opinie, en ek wil nie daarop getuig nie. My indruk was dat hy baie gevarieer het, sy emosies, op die prikkelings, hoe die kruisverhoor vir hom goed of sleg geloop het en hy het baie beslis baie emosioneel geraak as hy van sy vrou of van sy ouers of van die gepraat het, wat baie pertinent tot die punt was. Ek gaan nie daaroor b aklei nie. 10

It so happens Dr. van Wyk that I am talking about a period when he was not under cross-examination - he was giving evidence -in -chief on Monday.--En dit was na die middag, wanneer enige mens moeër voel, en minder produktief is.

I see. So you now say that it was on the grounds.. --- Ek het nie daardie opgelet nie, dit was nie vir my opmerklik nie.

I want to point out to you again - I can't blame you for it, that Prof. Hurst was never challenged on this 20 in cross-examination...

AT THIS STAGE THE COURT ADJOURNS  
FOR THE TEA INTERVAL.

ON RESUMING AT 11,30 a.m.

WITNESS DR. VAN WYK still under oath:

CROSS-EXAMINATION BY MR. PHILIPS (CONTINUED):

Dr. van Wyk, Prof. Hurst has told me that in the interviews in prison the accused consistently said that he felt elated in prison. Do you recall that?---Dat hy gedurig deur elated gevoel het?

Yes consistently said that he felt elated in prison.---Ek kan dit nie..ek het gedog hy het gesê hy het die eerste rukkie en na n klein rukkie het hy teneergedruk gevoel. Ek het n idee dat hy gesê het dat hy daarna en hy het gesê dat hy periodes het van teneergedruktheid. Ek het nou net vir u uitgelees wat hy gesê as die kos in die aand kom..ek het u nou net n gedeeltetjie uitgelees.

Perhaps I can just...---waar hy gesê het waar hy teneergedruk is en as hulle die middag kospareels en die dinge bring, het hy beter gevoel.

10

But for the most part is it correct that he said that he was consistently elated?---Nee, hy het gesê hy was partymaal teneergedruk en so - dit was nie my indruk dat hy gesê het dat hy aanhoudend..

Prof. Hurst corrects me and says it was not invariably so, but for the most part it was. That was his statement.--Ek het die idee gekry dat hy het..sy dinge het gevarieer en dat hy werklik baie bekommerd was.

Do you remember his saying at this..these interviews in gaol, that he wished his relatives could know that he was generally happy in gaol?--Hy wou graag gehad het dat sy familie moet nie bekommerd wees oor hom nie, en hy wou graag gehad het dat hulle moet, met daardie oomblikke wat hy opgeruimd gevoel het, en lekker gevoel het, hy wou gehad het hulle moet dit kry, dat hulle moet voel dat hulle hoef nie bekommerd te wees nie.

20

Yes but I put it to you that he said at these interviews that he said that he wished that his relatives could know that he was generally happy in gaol.--Dit was nie die indruk wat ek gekry het nie, dat hy gesê het die oomblikke

wat hy gelukkig is, het hy dit gekry.

Well that is what Prof. Hurst says he said. And then here in the witnessbox the accused showed a habit of going off at a tangent when he was being asked about something - you noticed that?---Ja Edele.

Did he do the same? at interviews as well?---Nie altyd nie. Hy het gepraat, hy het nie so heeltemal afgegaan, en nie antwoorde geantwoord wat ons hom gevra het nie. Hy het by die punt gebly en hy was op die punt af. 10

Now this habit of his of going off at a tangent and talking about other things that were not being asked of him, I put it to you that that is an embryonic form of what you call a flight of ideas that you get in a full-blown manic attack?---Nee wat hy hier gewys het nie, nee dit was nie n vlug van gedagtes wat hy hier gewys het nie.

No, no,..---Hy was hier meer, wat ek sal dit noem die simptome as circumstantial. Dit is my opinie..

Dr. van Wyk please don't let us get a t cross purposes.---Yes but I don't agree with you that it was flight of ideas. Or the early stages of flight of ideas. 20 I suggest it was circumstantiality.

I suggest to you that in a full-blown manic attack you do get what is called a flight of ideas?---Flight of ideas yes.

And you did get here the phenomenon of the accused speaking at length and at a tangent to what he was being asked about.---Yes but that was not flight of ideas. He kept to the topic. Hy het by die punt gebly, en dit is meer omslagtig was hy. Hy het nie van een onderwerp na die ander een gegaan nie.

I put it to you that in fact he didnot keep to the topic, that frequently he went off..he went off at a tangent, as I say.---Ek het die indruk gekry dat hy omslagtig was, en min of meer by die punt gebly het.

And I put it to you that that is the embryonic form of the flight of ideas, and that you can't say that this was due to any external factors in the evidence that he was giving in Court.--Ek stem nie met u saam dat dit n vlug van gedagtes was nie.

I suggest to you that it was not due, this 10  
phenomenon that I have drawn attention to, and which I have already put to you is an embryonic flight of ideas, but I am suggesting to you now that it is not due to any external factors.---Maar vlug van gedagte het nooit te doen met buite faktore of so nie. As daar n vlug van gedagte is het dit niks te doen met buite faktoree nie

I suggest to you that whether it does, or does not relate to external factors, it does not suggest emotional instability - does it?--Nee.

Now you appreciate, of course, and everybody in 20  
this Court appreciates, that the matters being discussed are of the gravest moment for the accused?---Ja Edele.

And the external stimulus, therefore, you would expect, would keep him sober, anxious, and depressed, if anything. Is that right?--Ja Edele,

Whereas in fact he alternated, in the witness box, between elation and depression. --- U Edele, ons alger veg teen teneergedruktheid. Dit is n onaangename emosionele ondervinding en ons alger veg daarteen. As jy so in n moei-

heid is soos die persoon neem jy ontvlugting tot fantasie. En jy kan vir jou partymaal, dan verbeel, soos hy gesë het hy het dit gedoen in die tronk, dink hy is op vakansie, hy is lekker by die see, en hy is al daardie dinge, en dan kan hy hierdie toestand van elisie kry.

Yes but I am not talking about what happened in gaol, Dr. van Wyk, I am talking about the accused's moods, as he exhibited them in the witness box and which his lordship and the assessors saw. And I suggest to you that they alternated for substantial periods between elation and depression.---Ja u Edele.. 10

Is that correct?--..hy kon hier op en af gegaan het. Hy kan, deur die omstandighede wat varieer, soos die saak ook gaan. Maar ek dink, om tyd te spaar, Edele, ek het aan mr. Philips toegegee dat n siklotemiese faktor daar kan teenwoordig wees, maar dat die man emosioneel ook baie labiel is, dat hy baie reageer op omstandigheds, op omgewingsdinge, en ek gee toe, hierdie faktor het ek moes toegegee van siklotimia.

Prof. Hurst says that the accused's associations 20 are more superficial than logical, do you agree?--Ek stem nie saam nie.

And Prof. Hurst says that that is more campabile with a psychlothymic state than with a theory of emotional instability.---U Edele ek het moes toegegee van die siklotimiese, en n emosioneel onvolwasse mens kan ook al daardie dinge bewys.

Do you disagree that his associations are more superficial than logical?---In baie opsigte is hulle baie logies. 30

Of course, I am only talking about when he is in

the manic state.--0 ja, enige iemand in die maniese fase is dan..dan toon hy een van die simptome van die maniese fase, wat ek gesê het, is vlug van gedagte, rusteloosheid, en dan is die persoon se handeling ook nie gekoördineerd nie. Hy is maklik afgetrek, hy kannie so presies op n plan van aksie hou nie. Ek stem heeltemal saam.

One other example, Dr. van Wyk, the accused and his wife both depose that when the accused was in depressive phases, he used to become angry with his wife without adequate cause. You have heard that evidence, you 10 have heard them both say so. And I put it to you that the association of anger with the depressive phase is more consistent again with a psychothymic state than with emotional instability.--Dit kan in enige depressiewe toestand gebeur.

But you agree that it is more.--Nee, nee, dit kan in enige depressiewe toestand gebeur. Dit is nie n verskilpunt, dit word nie algemeen aanvaar as n verskilpunt in die depressiewe toestand. Baie outoriteite verskil nog of jy moet n absolute verskil maak tussen die 20 verskillende depressies, of hulle nie maar dieselfde ding is nie.

Prof. Hurst has told me, and I put it to you, that the fact that this eviddnce has been given, the association of this anger of the accused with the depressive phase, is more consistent with a psychothymic state than with the emotional instability that you speak of.--Jy kry dit in enige depressiewe toestand, en enige man wat emosioneel onvolwasse is is ook kortgebonde. Jy kry dit orals. Dit sluit nie uit, as die man kortgebonde is, sluit dit nietit 30 uit nie. En ek het al klaar toegegee, mnr. Philips, laat ek

dan nou heeltemal toegee dat dit n moontlikheid van siklo-  
timiese persoonlikheid is - ek het dit al toegegee.

There is one point that you made yesterday in  
relation to this quiz, this marital quiz that the accused  
spoke of that appeared in a magazine called 'Personality'  
and in which he said that he himself was being hit at as  
the second worst class of husband shown there. Do you  
remember that?--Ja.

Now you sought to give some explanation of that.  
I want to put it to you that the actual point of what he 10  
said was that when he read it, he came to the conclusion  
that this was something that had been written by a former  
schoolfriend of his and that it had been written specifi-  
cally about him - not merely that it applied to him, but  
that it had been written specifically about him. Do you  
remember that evidence?--Hy het gesê hy het so gevoel,  
hy het vir ons gesê hy het gevoel dat die persoon het hom  
in gedagte gehad toe hy die tweede swakste persoonlikheid  
gehad het.

Well I put it to you that that is not a normal 20  
reaction - that is not the reaction of a normal man.---  
n Paranoïde reaksie? Ek verskil mnr. Philips. Ons alger  
het daardie reaksies, ons alger het dit. "The paranoic  
reaction" again "Clinical Psychiatry" some paranoic reactions  
are almost universal, for example the idea on entering a  
crowded restaurant that all eyes are directed towards one.  
The idea when a roomful of friends stop talking at one's  
entry that they have been talking about oneself. Such ideas  
are evanescent but the main thing is this, they carry no  
conviction and do not lead to action, and that it becomes 30  
habitual and gains influence on the life and behaviour of

the individual." This man had two ideas in his life, 27 years, it did not become habitual, it did not lead to action those ideas..

I am sorry but Dr. van Wyk we don't talk about the same thing. I did not talk about a man going into a restaurant, or a man going into a room with friends who stop talking.---Maar enige...

I talked about a man who has given evidence here that he read an article in a magazine in general terms, and came to the conclusion, which he has told the Court, 10 he believed that this had been written specifically about him, to do him harm. ---And I expand on it. "Their nature and conduct are easily explained by the situation in which they are experienced and a knowledge of the state of the mind of the subject. It may be that he is wearing a new suit, or he may be feeling secretly guilty because of some real offence, or he may simply be a shy and reticent recluse" that is why he felt guilty about something.

Well we are still not talking about the same thing.---I am talking about.. 20

I am putting it to you that if a man reads in an ordinary magazine a quiz directed to all the members of the public, in which categories of husbands are listed, and people are asked to fill in blocks which will in the end enable them to tell themselves what category they fall into, and if he comes to the conclusion that this was aimed directly at him, that that is not a normal reaction. ---It did not carry conviction. He het gevoel..hy het gesê baie pertinent dat daar n moontlikheid is dat die man kon dit van hom geskryf het. Hy het homself gesien, onthou, 30



Mr. Philips, the basis of a paranoid idea is projection. Jy projekteer jou eie gevoel op ander mense. Hy in homself het daardie oomblik nie 'n sukses gevoel as man nie, omdat hy rede gehad het om dit nie te voel nie, en hy het dit geprojekteer, toe hy daardie artikel lees, het hy sy eie gevoel in daardie artikel geprojekteer, omdat hy tot 'n mate skuldig gevoel het, en hy het gevoel dat iemand van sy skuldgevoele weet, en daardie man kon dit geskryf het. En vir my is dit is dit 'n isoleerde - hy het twee van die dinge gehad, dit is nie 'habitual' nie - dan noem ons dit 10 'patalogies'. Ek kan dit nie patalogies noem nie.

But whether it is habitual or not, Dr. van Wyk, I am only putting to you that that particular reaction in that particular case is an abnormal one, is that right?--- Dit gebeur in baie mense, dit is 'n reaksie wat normaal, en jy besluit net ..kyk hierdie meganisme van 'n paranoic reaction is gebaseer, soos ek nou gesê het, op projection. Dit doen ons alger, elkeen het dit. Dit is 'n normale reaksie. Die abnormaliteit/daarvan word geoordeel: is it 20 <sup>die patalogie</sup> habitual..

That, dr. van Wyk, is when you are trying to sum up the whole thing, and to make a diagnosis as a result of a number of individual events or occurrences. I am only putting to you one particular occurrence, and I put it to you again, and I suggest to you that your answer is wrong - that it is not a normal reaction in a case like that for a man to say "This is aimed at me". And if a man said to you that an article in a magazine like that is aimed at me, you would say to him "Don't be silly".---It did not carry conviction. Hy het gesê hy het die gevoel gekry dat dit moontlik is, maar 30 hy het altyd agter in sy gedagtes die twyfel gehad.

Belt 70

I think Dr. van Wyk that you are wrong. I don't think he said he had the feeling that it was possible. --Hy het dit vir ons gesê..

He said that he believed that this had been aimed at him.---Dat dit moontlik was dat dit op hom mik.

Not moontlik, no, not possible. He said that he believed it had in fact been written about him.---Ek dink nie dat dit patologies is. Soos ek sê, daar is redes daarvoor, hy het die skuldgevoel gehad dat hy nie 'n goeie man is nie, en ek kannie daar verder op toegee nie dat dit 'n reaksie is wat ons gebruik in ons aanpassingstegnieke, dat ons alger daarvan gebruik maak; en die patologiese toestand wat daarin verkeer, as ons gedurig in al ons handeling gedurig van daardie meganisme gebruik maak, en dit gaan oor tot aksie, dat ons daardie mense gaan aanval, of dat ons daarop reageer, dan beskou ons dit as patologies. Maar as 'n man dit in 'n magazine lees, en hy het nie aan die magazine geskryf om uit te vind wie daardie artikel geskryf het nie, hy het nie gegaan en 'n Hofsaak gemaak nie, hy het nie al daardie dinge gedoen nie, dit is nie, in my oogpunt, patologies nie. 10 20

Admittedly he did not take the action that you suggest, but he did have conviction about it. The evidence, as my learned junior recorded it, is that he was able to recognise that the second last category had been written with me in mind. That is what he said. Not that there was a possibility of it.--Hy het die gevoel gekry, hy het altyd gesê hy het die gevoel gekry dat dit betrekking het op hom. But it did not lead to action. It was not habitual. It did not influence his behaviour. 30

I put it to you that Prof. Hurst holds that it is abnormal, and that that is the correct inference to draw.---Daar is ek, u Edele, met respek, kan ek daar verskil.

And I put it to you that that was the whole trend in the accused's life, that things of this kind did happen to him from time to time?--Nee u Edele. Kan ons teruggaan op alles wat in die getuie genoem is, al die paranoïdiese idees wat hy gehad het. By Hyde Park skool is die eerste een. Hy het dit gehad, soos ek gister gesê het, van die kind wat n karakter beskryf het - wat n kind baie meer 10  
fantaseer - ons identifiseer, dit is ook n gewone aanpassingstegniek, identifikasie - jy identifiseer jou met iemand. In die bioskoop, as jy n boek lees, is ons alger geneig om ons te identifiseer met die held in die boek, dan geniet jy die boek en jy identifiseer jou - dit is n normale aanpassingstegniek, en ek het verwag dat hy op daardie ouderdom hom sal identifiseer met n kind wat min of meer soos hy was, wat min of meer die 'fatty' op skool was of so - dit is nie vir my abnormaal nie. Op skool het hy daardie een geleentheid gehad. Toe het hy gekom, 20  
en die volgende een was daar by Hyde Park skool waar hy gevoel het die prinsipaal is n rigiede persoonlikheid, wat n militaris was, wat hom gedruk het, en hy sê hy het werklik van die swak klasse gekry. Hy het gevoel die prinsipaal hou nie van hom nie - hy het miskien nie van die prinsipaal gehou nie, en hy het dit toe geprojekteer. Hy het dit gevoel daar, en hy het toe gegaan en hy het nie die skool verlaat -dit is weer n normale reaksie..

I don't think we need to go through all the examples. You gave evidence about that yesterday, Dr. van 30

Wyk and I will refer to such as I want to put to you. I want to pass on to what..I think you said yesterday that in your view the accused's judgment was not disturbed in the earlier part of July.--Ja Edele.

Did you say that?---Ja.

Now you heard the evidence that he said that he believed that if he exploded the bomb that he had in mind at the station, this would change the whole of the history of South Africa - do you remember that? Do you remember him saying that?--Hy het gesê dat hy daarmee wou gehad het, dit moet n verandering.. 10

No not "wat hy wou gehad het"---Ja, dit is..

He said that he believed that if he exploded the bombas he intended to do, the effect would be that the whole of the history of South Africa, and possibly elsewhere would be changed. Do you remember that?

Do you remember that?--Ja Edele.

I put it to you that that that is clearly of the nature of a delusion, that no normal man could believe that if he exploded a bomb in a place like that, whether he did damage or not, that that would change the history of South Africa.--Hy het vir ons daar gesê dat hy gemeen het dat hy wou 'impact' maak. Hy het dit nooit gesê nie, hy het dit hier in die Hof gesê, en of dit sy opinie nog is, maar vir ons het hy gesê by die onderhoude dat hy wou laat die mense sien, en hy het dit baie duidelik uitgedruk wat hy wou gehad het. Hy het gesê hy wou gehad het dat dit moet n bang wees, dit moet n flash wees, mense moet dit sien, mense moet dit voel want hy het gevoel dat as jy kragpale en dinge buite om opblaas, die mense voel dit as jy kragpale en dinge buite om opblaas, die mense voel dit 20  
nie, dit het nie betrekking op die mense nie. Hulle kan dit 30

nie..dit kan hulle nie verander nie. Wanneer jy die mense pertinent self aanraak sal hulle gaan en hulle sal op die Regering druk uitoefen, en jy sal kry dat die mense dan begin verander. Dit is nie vir my n waan denkbeeld nie, dit is vir my n baie pertinente goeie redenasie.

I am going back to what he said in the witness box, and that was that he said his belief was that if he exploded the bomb, the history of South Africa would be changed.---Ja, hy het gesê dat...

Well, what do you say to that?---Ek sê nie dit 10  
is n waandenkbeeld nie. Ek wil u sê waarop sy redenasie gebaseer is. hy het gesê hy het baie geskiedenis boeke gelees, en hy sê dat baie dade, n enkele daad, kan geskiedenis verander. Hy het voorbeelde genoem in die geskiedenis waar dit gebeur het. Hy het genoem van n slagveld van Napoleon, waar Napoleon moet die dag in n oorlog ingegaan het, en Napoleon het besluit hy gaan nie die volgende dag veg nie. En sy generaals en die hele klomp was verskriklik teen hom, en verskriklik..hulle het gedink hy doen n belaglike ding, en later het dit uitgedraai dat dit 20  
n wonderlike goeie ding was. Daarom het hy gevoel dat n mens moet nou iets drasties doen, iets dramaties. Dit is die redenasie van n desperate persoon gewees. Die organisasie wat hy aan behoort het is besig om in duie te val. Hy wou laat die Eerste Minister, die Regering, moet voel "Kyk hierso hierdie organisasie is nog nie dood nie. Ek wil die Regering laat baie duidelik voel dit gaan nog aan" Daarom het hulle besluit op meer as een, en hy het dit besluit om die Regering..hy het gesê hy en Lloyd het gepraat dat hulle moet die ding aan die gang hou, die Regering moet 30  
nie die idee kry dat die organisasie is dood nie.

Dr. van Wyk, it really is not necessary to go over the whole thing, each time you answer a question. I was merely putting to you..

BY THE COURT: Well he is suffering from the same defect as your witness has.--As your lordship pleases.

CROSS-EXAMINATION BY MR. PHILIPS (CONTINUED):

I want to put it to you, dr. van Wyk, that a statement by a man, if he were perfectly..as far as anybody knew, if he were sane, a statement by a man that he was going to put a bomb in the station, and that bomb would explode and that by doing so he was going to change the history of South Africa, people would say to him "You are mad". "What are you talking about?" Isn't that correct? Isn't that the sort of normal reaction that one would get to an idea of that kind? ---U Edele, dan moet ek die hele organisasie vat., dat die hele organisasie aan waandenkbearde gely het, want die hele organisasie het gedink dat hulle moet sabotasie, dit die Regering kan laat val en die opinie kan laat verander. 10

Let me come to..---Mense het idees, en jy dink 20 jy kan sukses kry met so n ding - dit is n redenasie wat varieer binne normale perke. Ek gaan nie n man sertifiseer as gek omdat hy een besluit, wat in my oë n belaglike besluit is, geneem het nie. Ek weet nie wat sy idees verder was nie, die opvolging van ander ontploffings en dinge nie.

I am not talking about other explosions, I am not talking about a general plan, I am talking about a statement that if he exploded this particular bomb, the history of South Africa would be changed completely. This would 30 be a crucial, a pivotal event.---Ek stem nie met hom saam

dat dit kon verander het nie..

No!---Maar ek kan heeltemal logies sien dat die man kon gedink het hy kan dit verander, want sy argumente was goed gewees. Kyk..

No what I am putting to you is..---Ekskuus tog as ek miskien weer afgaan, maar ek kannie antwoord..ek moet vir hom sê dat wat hy aan ons gesê het is dat hy wou gehad het die mens..kyk, sy redenasie in verband met die ding was vir my baie logies en verstaanbaar, dat hy wou ; impak maak. Hy wou iets kry wat die mense laat voel hulle moet seerkry. Dit moet nie losstaan nie, dit moet nie subjektief wees, dit moet objektief wees, dit moet seermaak en slaan.

Now in conjunction with that, a document has been handed in which the accused said that he typed out as a draft of an open letter to the Prime Minister and that was sometime before the 14th July. Now I think one could correctly describe that letter as an ultimatum. Do you agree?---Ja.

Yes. And it was an ultimatum that was going to come from the accused on behalf of the organisation known as the African Resistance Movement. Is that right?--Right.

And it was going to go to the Prime Minister, and it was going to go to the newspapers and to the news agencies - that is what he had in mind. Is that right?---Ja Edele.

And it was a demand upon the Prime Minister by this man representing the A.R.M. that he must free all political prisoners, and that he must also call a National Convention. You remember that?---Ja u Edele.

And it went on to say that if he did this he would show himself to be a great statesman, and so on.

And then it said that if he did not do this, by a date that was to be fixed, and if he did not acknowledge on the South African Broadcasting Network that he was going to do it, then threats were made as to what was going to be done. Do you remember that?---I..

Pardon?---Ja, hy..

Yes.--well now, we know very well that at the time when this draft was written there were, as far as the accused was aware, two members of the A.R.M. still at liberty in South Africa, that was himself and Lloyd - as 10 far as he was aware, they were the only ones left at liberty in South Africa. You know that? You have heard that evidence?--Ja u Edele, hy het in sy sel..

I beg your pardon?---In sy sel..

In his cell - yes but he did not know of the existence of any other people?--They did know about the existence of the other cells.

He knew that there had been cells.--He knew he was aware of those in his cell.

No, no I know. --But not in the other cells. 20

Dr. van Wyk, please ! He knew there had been cells.--Yes.

He knew there had been a lot of arrests, both in Johannesburg and in Cape Town and in other towns, is that so----Yes.

He did not know of the existence of any other members of this organisation who were still at liberty in South Africa?--In his cell, because he could not know about the other, because they did not know about each other. As far as he was concerned, they were the only members in their 30 cells.



But what is your difficulty in answering my question, that as far as he knew, he and Lloyd were the only people left at liberty,---In his cell.

As far as he knew at all.---My lord, dit is tog duidelik dat hulle nie geweet het van die ander lede nie van die ander selle nie.

And a large number of people had been detained. In different towns in the country.--U Edele, wil mnr. Philips nou die stelling maak dat Harris presies weet wie alger aan die A.R.M. behoort het? 10

Dr. van Wyk, if you would only wait, I will tell you what proposition I am going to put. What he knew was that there had been arrests in different parts of the country. Is that right?--Ja u Edele.

And that he had been told by Lewin and Much when they came to see him on the 8th July that it was up to him now, that the others were either going to be arrested or going to leave the country. Is that right?--Correct.

Now in those circumstances he composed this ultimatum to the Prime Minister, demanding the freeing 20 of the political prisoners, and the calling of a National Convention, and saying, if you don't do that, then we will take steps. Now I put it to you, Dr. van Wyk, that that is not the act of a normal, balanced man.---Kan ek net vir u lees mnr. Philips wat hy gesê het? He is not sure that it could influence Dr. Verwoerd. When I wrote this letter (that is what he told us) it seemed to me that if I sent the letter to him, and also to the newspapers it would have more strength. I suggested that we have a national convention. I felt my pointing out things to him may be effective. Dr. 30

Verwoerd had the power to change the whole situation. And toe hy dit later met mnr. Lloyd bespreek het, en vir hom sekere tekortkominge uitgewys het, het hy dit dadelik gelos. Met ander woorde, sy oordeel was heeltemal goed daar.

All that happened in regard to the subsequent discussions with Mr. Lloyd, according to the accused, was that Lloyd said to him "This will be ineffective, the organisation is broken, the Prime Minister knows that it is broken, it will be ineffective, what is the use of writing it" Is that right?--Ja u Edele. 10

And it was never in fact written? Is that right?---Dit was nie gestuur nie -dit was geskryf.

It was drafted. It was never sent as a letter.. ---Nee Edele.

..either to the Prime Minister or to newspapers. ---Nee Edele.

But I put it to you, Dr. van Wyk, in all fairness, that for any man in that situation, who at that stage, apart from Lloyd, was the only man as far as he knew left at liberty, to imagine that a letter coming from 20 an illegal organisation, because that is how it would come to the Prime Minister, it would come in the name of an illegal organisation, which, as far as the Prime Minister knew, had been completely smashed - that it could not possibly have any effect on anybody. And that no sane man could have imagined that it could have any effect on anybody - what do you say to that, Mr. van Wyk?--Toe dit aan hom uitgewys is, het hy dit aanvaar, en dit gelos. Hy het soos n normale mens gehandel wat nie..

He did draft it, didn't he, Dr. van Wyk?--Hy het, 30 maar toe het hy nie al die punte gekonsidereer nie. Soos ek

weer die stelling wil maak, Harris was bewus van sy sel, wat oor is, en toe Lloyd wat seker meer, ek weet nie, wat hom miskien meer informasie kon gee, wat vir hom toe duidelik gemaak het dat die hele organisasie is in die land gebreek, die Eerste Minister het die informasie van die Polisie, dit gaan nutteloos wees..

But Dr. van Wyk, you don't need to guess.---Ja maar laat ek..

Mr. Lloyd has given evidence.--Hy het vir my.. laat ek dit net aan u stel, u Edele, laat ons dit nou 10 klaar kry. Ek dink hy het heeltemal soos n normale mens gehandel.

I put to you the drafting of the letter - let us leave out the question, for the moment, what happened when he discussed it with Lloyd, but I put it to you that the drafting of the letter, and the conception behind it, is that of a silly, foolish - I would say, a lunatic ideal

BY THE COURT (to Mr. Philips)

Well we have had this question several times 20 now.--As your lordship pleases. I don't think that Dr. van Wyk has specifically answered it - I am talking about the drafting of it.

SETUIE: Ek het spesifiek gesê, geantwoord, dat hy gesê het sy doel was, hy was nie seker nie, hy het nog altyd gesê hy is nie seker of die ding gaan sukses hê nie. Dit is nie n waan uitkyk - hy het daardie oordeel gehad dat dit nie seker is nie.

CROSS-EXAMINATION BY MR. PHILIPS (CONTINUED):

Well let us concede that he was not certain, 30 but the very idea that he might be able to achieve this by

writing a letter in this form from this sort of organisation I put to you is an insane delusion.---Ek stem nie met u saam nie. Dit is nie..hy het n sekere doel gehad, en hy wou seker..en hulle het toe begin dreig deur blanke mense wat gaan seergemaak word, deur die sabotasie - dit was hulle doel van die begin af om daardie ding te doen, en dit/vir <sup>was</sup> my heeltemal...

Dr. van Wyk.---U Edele, ek sal nie toegee op daardie punt nie. Ek wil dit net sê, ek voel baie sterk oor die punt.

10

I want to put one additional point to you - whether you concede it or not, I am suggesting to you that you ought to concede it if you were being fair. I want to put one further point to you, that the letter suggests that not only will the Prime Minister give in to this request, this petition, or whatever it is, and the threats that accompany it, but he will actually announce his capitulation over the radio. Is that the idea of a normal man?--Baie mense se oordeel is verkeerd, hulle doen be-laglike dinge in besigheidstransaksies en baie transaksies, 20 maar ek gaan hulle nog nie mal verklaar nie.

Do you..?---Dit was vir my baie die aksie van n desperate man wat n desperate ding wou doen. Hy het desperaat gevoel, die hele organisasie val in duie, en hy moes iets desperaats doen.

BY THE COURT:

Of course, Mr. Philips, it depends upon whether the threat would have been carried out.---The threat, as your lordship will see, was conditional upon the failure to capitulate as requested.

30

Yes and if there is no capitulation, and deliberately

a bomb is exploded, and white people are killed, and the press have circulated this letter beforehand, may it not have a tremendous effect on public opinion? Is it so insane?---With respect my lord, I submit it is. However, I am not going to argue it with your lordship now.

CROSS-EXAMINATION BY MR. PHILIPS (CONTINUED):

Now you said yesterday, and you said again just now that in regard to this conversation with Lloyd, the accused was reasonable and flexible, because you say he gave in on the question of the letter?---Ja, hy kon, as 17 daar sekere..

But you did not hear the evidence of Lloyd did you? Were you in Court?---Ek het nie die getuie van Lloyd gehoor nie, ek het maar die getuie gehoor van Harris self. Harris het gesê nadat hy dit met Lloyd bespreek het, en Lloyd vir hom hierdie punte uitgewys het..

Yes, I am not talking about the letter now, but you did not hear the evidence given by Lloyd Himself?--No.

Do you know that Lloyd said that he tried to dissuade the accused from going on with his plan of putting 20 a bomb on the station. Do you know that?---Ja.

And do you know that he said that the accused was completely inflexible on this point? --Ek kannie, ek weet nie..ek moet dit aanvaar. Ek aanvaar dit.

Yes well now I put it to you that that is contrary to your argument that he was a reasonable person who was easily persuaded?---Hy het aan die ander kant vir Ann Swersky gehad wat hom anders gebeeïnvloed het, en ek dink hy het n hoër opinie van Skwersky gehad as van Lloyd.

Why do you say that?---Omdat hy dit baie per- 30 tinent hier in die getuiebank gesê het dat hy dink Ann Swersky

is n "highly intelligent person" en hy het dit vir onself gesê, toe Ann Swersky hom opgelui het om daar tee te kom drink, 'he felt flattered that she was interested in him' en hy het baie meer gevlei gevoel deur Ann Swersky, en hy was daar deur Ann Swersky beïnvloed. He was not again inflexible, Ann Swersky influenced him to change his plan.

I think you are misrepresenting his evidence in the sense that he said specifically that she did not give him any advice at all. She merely told him of something that had been done elsewhere, and how effective it had been, and all that.

Yes well that influenced his own mind.--Ja.

But she did not persuade him.--Ja maar hy het deur daardie kontak met Ann Swersky het hy gevoel dit is die regte ding.

Well I don't know where you get all this about his being..having a higher opinion of Ann Swersky than he had of Lloyd.---He has got a very high opinion of Ann Swersky.

That is apparently correct - but how do you know he has not got an equally high opinion of Lloyd?---  
Edele, ek sal dit toegee, maar hy het n baie hōe opinie van Ann Swersky. 20

Yes but you said a moment ago, categorically, that he had a higher opinion of her than he had of Lloyd. There is no basis for that, Dr. van Wyk?--Hy het nooit met so n emosie gepraat oor Lloyd as wat hy oor Ann Swersky gepraat het.

That is perfectly true, but he said that Lloyd was a good friend of his, and a close friend of his, over a long period.---Hy het baie emosioneel geraak as hy oor 30

Ann Swersky gepraat het, en hy het gesê hoe..hy het n paar maal gesê hoe n hoë idee en opinie hy van haar het. En dit is die indruk wat ek gekry het, dat hy baie meer emosioneel raak, en baie meer van Ann Swersky ..

I think Dr. van Wyk, would you not concede that that must have a lot to do with the fact that Lloyd, who was his friend, has now given evidence against him, and that as between the two of them, he speaks highly of Ann Swersky, and not in the same terms of Lloyd?--Maar die ding bly dat sy planne was nie heeltemal onbuigbaar nie. 10 Dit kon verander geword het, en of hy op daardie punt nie met Lloyd gesien het presies dieselfde nie, bewys nie heeltemal onbuigbaarheid nie, want hy het sy plan op ander opsigte gewysig.

Well what he did was, he added to his plan additional factors that he thought would improve it?--Ja. Hy was uitgewees om iets dramaties te doen.

Yes. My suggestion to you is that your statement that he was a flexible person who was easy to persuade is in fact not so.- I never said he was easy to persuade. 20 I said 'hy was nie onbuigbaar nie' 'Hy konverander' ek het nie gesê hy is maklik to persuade, maar hy konverander word, hy was buigbaar.

That you said in reference to the letter?--Ja, en ook in verband met die bom, waar hy sy plan verander het na hy met Ann Swersky gepraat het, en daar sekere dinge, het hy ook sy plan verander.

Yesbut that is not a question of flexibility, is it Dr. van Wyk? That is purely a question of adding what he thought was an improvement to the plan?---Ek sal dit 30 noem tot n mate suggestible, ja, wat ook maar n flexibility..

But Lloyd was completely unable to talk him out of it. So how can you say that he was not inflexible? ---Ek kannie met u saamstem nie, mnr. Philips. Hy het sy dinge verander, so hy moes buigbaar gewees het. Hy het dit bewys.

Well I must pass on now to a subject that we talked about before, but there is something that I should have put to you. Dr. Hurst has told me that in the case of a manic ecstasy, you have occasions of heightened perception, I think that is the word. Heightened perception or aware- 10  
ness, is that correct? Is that a phenomenon that you do encounter?---In enige maniese geval het jy dit.

Yes. And I put it to you, as you have already conceded.--U Edele, ek wil dit nou net stel: mens kan dit nie albei kante hê nie - jy kannie 'clouding of consciousness' hê en heightened perception nie. Dit is twee dinge wat teenoor mekaar staan. Mnr. Philips as u my nou sê wat was die persoon in die ekstasie - was dit beneweling van die bewussyn, of was dit verhoogde persepsie?

Well I suggest to you, Dr. van Wyk, that you 20  
can have it both ways, in this sense, that if there is a manic ecstasy you can have a clouding of consciousness as a result of amnesia from time to time, and that, fluctuating, as you can see, at an earlier stage, and that in the period in which the recollection is not clouded, you can have a heightened awareness of detail. Is that right?---Ja, mnr. Philips, laat ons nou net op neerkom, ons verskil baie hier op die ekstase, die ekstatische gevoel. Ek beweer al informasie wat ons kon kry van ekstatiese gevoel was die minuut of twee op die stasie, nêrens anders nie. 30

I know, but I have put to you, and I have already



argued with you on the question of the longer period of the clouding of consciousness.---Edele, jy gaan nie n situasie kry van die een uiterste tot die ander uiterste nie, dit is tog heeltemal logies te verstaan dat jy gaan nie n situasie kry tot die uiterste aan die een kant, en tot die ander uiterste. Jy gaan periodes kry wat hy bietjie meer duideliker is of minder duidelik is, maar jy gaan hom nie kry dat hy so n fluktuasie gaan wys in n geval van n half-uur van n uiterste benewling van die bewussyn, wat hy niks kan onthou nie, tot n uiterste persepsie waar hy alles kan onthou nie. 10 Dit is baie onwaarskynlik, Edele.

As far as this whole question of amnesia is concerned, do you accept the criteria of other psychiatrists, that the genuineness of an amnesia is measured by psychiatrists in relation to the consistency of the patient in regard to the time of onset and the time of termination?---U Edele, ek dink die argument was nog nooit hier of ons die amnesia aanvaar nie. Die argument is hier dat ek sê dat dit n normale amnesie is wat jy gekry by n gespanne persoonlikheid wat op 20 daardie dinge ingestel is. So ons gaan nie argumenteer of daar amnesië was, mnr. Philips. Ek het lankal toegegee dat die amnesië daar is.

Thankyou. And do you agree that the accused's account of the onset and termination of the amnesic period was at all stages consistent? --Nee u Edele, hy het b.v... o jy meen van die ecstatic feeling? Ek wou net gesê het dat hy vir ons gesê het dat hy geen ander amnesic patches het nie, en hy het die 23ste in die Hof en die getuie het hier uitgekome dat hy nie gewaet het dat hy weer n amnesic patch gehad het die 23ste toe hymoontlik in Pretoria kon gewees het. 30

Nee ek praat nie daarvan nie.---Ek wil sê, en dan

het hy gesê dat hy gladnie kan iets onthou...

I am talking about the amnesic patches during the period that Prof. Hurst said he thought was the duration of the manic ecstasy - that would be from the time when he was at Brixton until he was at the Cafe on his way home.---

Vir ons het hy gesê dat hy die amnesia het vir daardie briefie op die suitcase, hy kan niks onthou van daardie briefie op die suitcase nie. Hier in die Hof het hy gesê hy het hom in sy sak gehad, hy het hom die vorige dag uit-  
 7-1t 71 geskryf en op die tas gesit. 10

Have you got a note of that? of that piece of evidence that he gave you at the interview?---Nee..dit..ons..

About the note that he put on the suitcase?---  
 Hy het dit beslis gesê dat hy nie weet hoe die nota op die suitcase gekom het nie.

Prof. Hurst tells me that his recollection is that at interviews he did not bring in the subject of the note at all.--Hy het dit baie beslis, dr. van Niekerk het dit af-  
 geskryf, en ek kan dit onthou. Ek het dit nie hier afge-  
 skryf nie, maar Dr. van Niekerk.. 20

Has Dr. van Niekerk got a note of it?---Yes.

Insofar as the other periods of amnesia are concerned, in regard to the actual trip to the station from the parking area to the bench, from the bench to the parking area, from the parking area to the Post Office and from the Post Office to Damelin, those periods he spoke of at all times?--U Edele, ek het dit nog nooit geargumenteer nie.

I am not suggesting that you did. I am just getting it on record that at all times he was consistent about those, is that right?--Ja Edele. 30

And that that is a question that a psychiatrist always enquires into. Now I also want to put to you that the transcendent experience itself, the one to which you say the whole ecstasy must be limited, namely that period on the station of which he spoke, I want to put it to you that that, on the descriptions that were given, surely something much more than an ordinary normal feeling of elation?---Ek stem nie saam nie, uEdele. Hy het n daad gepleeg wat vir hom baie belangrik was, hy het oorgegaan tot die daad, hy het n belangrike ding gedoen, hy het daar 10 rondgekyk, niemand, sover as hy kon sien, niemand het hom gesien nie, en dit het by hom n gevoel van spanning, kyk dit het n tensie opgewerk. Nou het hy die daad gepleeg, die tensie het afgewerk en hy het gelukkig gevoel en bly gevoel.

Now you talked about the period of time and you limited it to the 2 minutes or so that he said he was sitting on the bench?--Ja.

And I think you said at one stage earlier this morning that there can very well be a disorientation as to 20 time when people are in this ecstatic state?--Ja Edele.

That is right. So that their actual estimation of time may be out.

Now he described that he felt completely detached from his surroundings, you remember that?--Ja Edele.

Is that one of the characteristics of a manic ecstasy?--Ja Edele.

And then.--En dit kan ook, ek wil dit net stel dit kan n karaktrektrek van n normale gespanne persoon ook wees, dat hy los voel van iets, of so. 30

Can you really feel completely detached from your

surroundings?---Ja kan voel so, wanneer jy in n gespanne toestand is, of moeg is, of so, kan jy..jy kry dit, dit is wat mens kan noem..jy kan dit voel in ander toestande ook.

I suggest to you, Dr. van Wyk, that that is exaggerating the possibility of what you can feel in a normal state of tension or tiredness.---Dat jy net los voel van jou omgewing?

Completely detached, as though it has nothing to do with you at all?---Ja toe hy daar op die stasie..op die uiterste graad, maar jy kan n ligter graad daarvan kry. 10 Dit is die uiterste graad.

Yes but he said he felt completely detached from his environment.--Ja.

Well that would be an indication of a manic ecstasy, wouldn't it?--Dit is nie van n manic ecstasy nie, dit kan..

Of an ecstasy?---Of an ecstasy.

And then in cases that Prof. Hurst referred to in the course of his evidence, cases that are mentioned by Anderson in the Journal, from two of which I have already read to you this morning, there are such phrases which occur 20 as "merging into the universe".---Ja ons sal nie op daardie punt argumenteer nie. Ek dink ons aanvaar dit is n ekstasiese gevoel. Jy voel dat jy een is met die wêreld, ek aanvaar dit, wat hy beskryf het.

And an intense consciousness of power?--Dat daardie alles is..

And the great beauty of things?--Ja.

All these are characteristic of such states of ecstasy. And these are all described by the accused at one time or another in relation to his reaction while he was 30 sitting at the station?--Ja net toe hy op die stasie gesit

het op die bank.

You recall that in one of the cases to which Prof. Hurst referred, reported in the Journal, that the ecstasy lasted for as long as 6 days?--Ja Edele.

I think that was the one that I read to you in which it was said that the patient was meanwhile outwardly calm and unperturbed?--Ja.

And there is another case listed amongst the same four in which the ecstasy lasted as little as half an hour?--Ja.

10

Also one of those cases reported. And you agree, I think you have already agreed with me that the patient retains a vivid recollection of the experience? ---Ja Edele.

So there is nothing inconsistent there. --Ja.

Now you heard the accused say, too, that while he was sitting on the bench he knew that his mother approved of the action that he had taken. Did you hear him say that? ---Ja and he elaborated on it.

BY THE COURT:

Well didn't he say would approve, he knew she would approve?---He knew she would approve. 20

MR. PHILIPS: I think with respect, my lord, he said he knew, he had a knowledge that she did in fact approve?

WITNESS: Because she always said that when you think a thing is right, then you must do it, and he thought what he was doing was right, that is why his mother would approve. Hy het dit baie pertinent, by meer as een geleentheid, by ons onderhoude het hy dit by meer as een geleentheid genoem, en Prof. Hurst het hom baie duidelik daarop uitgevra. Hy het gesê hy het die gevoel gekry, omdat sy ma altyd aan hom gesê 30

het as jy dink n ding is reg, dan moet jy dit doen. En Prof. Hurst het aan hom gevra "Would your mother approve of this" of this action, toe sê hy nee, my ma sal nie van die daad nie, maar sy sal dit goedkeur dat ek dit doen, omdat sy altyd gesê het as jy dink n ding is reg moet jy dit doen.

CROSS-EXAMINATION BY M.R. PHILIPS (CONTINUED):

This is the record that Prof. Hurst made of part of the interview on the 16th October, at which you were present. He records the accused as having said this: " I remember being seated on a bench opposite the waiting place 10 for the railway buses. The bench was empty at first, but later I was aware of a young man next to yeme on my left, although I was not aware of his coming there. I was aware of all around me. I was part of the world. The world and I are one, you could say, even with the thing." that is the bomb which is on the ground on the right. At an earlier stage of this interview he describes the opening phase of this experience on the bench as follows: "I felt very holidayish, carefree, like being at the coast on holiday. I felt on top of everyint" he smiles and states "It is quite nice 20 thinking of it. I don't mind telling you this, I knew I was doing the right thing, it was terrifically important. I knew my mother knew that I was doing the right thing" At this stage he becomes tearful. So that is how he put it to you in the interview, that he felt that he knew that his mother knew that he was doing the right thing.--And he elaborated on it, because hy gesê het sy ma het altyd vir hom gesê as jy dink n ding is reg, dan moet jy dit doen, daarom het hy geweet, he knew his mother knew that it was the right thing. En daarom het hy daaroor ook bly gevoel, want hy het geweet hy doen die regte ding.

And he conveyed to you that he believed that his mother was in mental contact with him, there while he sat on the station?--Nee hy het nie die..

He may not have said that, but isn't that what he conveyed?--Nee, dat hy, in sy gedagtes geræneer het dat sy ma sal die daad goedkeur, omdat sy altyd vir hom gesê het as jy dink n ding is reg, dan moet jy dit doen. Nie dat sy moet vir hom besluit, of iemand anders moet vir hom besluit nie, hy moet self besluit. As hy besluit het dit is reg, dan moet hy dit doen. 10

Well I put it to you that the very fact that a man could say that at a time like that, he had a clear feeling that his mother knew what he was doing, and knew that what he was doing was right, is not the reaction of a normal sane man.---Die reaksie van n emosionele, onvolwasse, afhanklike persoon aan sy ma, wat altyd die goedkeuring van sy ma soek.

I put it to you that it goes further than that, and it indicates an unbalanced man, who could imagine that his mother could ever say that a deed of that kind was right 20 and proper?---Hy het gevoel - ek stel dit dat hy altyd die goedkeuring van sy ma vir enige belangrike ding gesoek het.

Well now I must pass on to another topic, Dr. van Wyk. You talked about suicidal thoughts in childhood, and you indicated to his lordship that these things do occur. What I want to put to you is a simple thing - it is not an average reaction, is it? Amongst children?--No.

It is an unusual reaction, abnormal reaction, is that right?---Suicidal thoughts are quite frequent amongst children. A lot of children dink aan suicide when..as hulle

omgewing nie goed is nie, wanneer dit teen hulle gaan, dan dink hulle daaraan.

Have you any statistics to show this? Have you any authoritative statement to show that this is so, that it is frequent amongst children, or are you merely hazarding a guess at this?--Ek het al dikwels gelees dat dit gebeur in kinders waar daardie moeilikhede in hulle gaan..

I don't for a moment dispute that it does happen with children, but I am disputing your statement that it happens quite frequently with children.---Dit is nie n baie 10 skaars ding in kinders nie.

Would you say that a very small proportion of children entertain such thoughts?--Ek het nou nie die getal nie, maar met my onderhoude met kinders en met persone kry n mens dat kinders een of ander tyd daardie gedagtes het. Dit is suicidal ideas, hulle het dit. Ek kannie statistieke gee nie, maar as ek n onderhoud met n pasiënt of met iemand het kry jy dit redelik baie dat hulle sê in hulle kinderdae het hulle op een of ander tydperk, soos hierdie man, nie baie dikwels nie, dit is redelik geïsoleerde - hy gee een 20 voorbeeld van n windpomp en dan wanneerhy hier in die skool is dat hy net gedink het om hom voor die trein te gooi. Hy het maar net gedink om hom voor die trein te gooi, hy het net daaraan gedink - dit was nie verskriklik sterk nie.

He says he went up to the station with the intention of throwing himself in front of a train, more than once, but never actually managed to summon up the courage to do so.--Dit was op n geleentheid toe hy ongelukkig was in die skool.

DEUR ASSESSOR HART: Het u eie ondervinding gehad van daardie



gevalle?---Ja, in kinders, dat wanneer hulle moeilikhede kry in die skool en so aan, het jy gekry nie net idees aan selfmoord nie, maar selfs pogings tot selfmoord, dat hulle selfs pogings aanwend. As hulleongelukkig voel op skool wanneer hulle verstote voel en nie aanvaar is in die skool nie.

CROSS-EXAMINATION BY MR. PHILIPS (CONTINUED):

I put it to you that it is a rare occurrence, and that it is an abnormal reaction of a child, is that correct?--My lord, can I just read this out again here: "One usually thinks of childhood as a period in which there is a 10 positive will to live and to enjoy life, and eagerness to get the most out of existence and to venture with bold unconcern into the unknown future. inferiority is nourished by the continuous supply of novelty

There is always something to look forward to, above all the great mystery promised of becoming a grownup. Even the unhappy child commonly dreams of the day when he will be adult and independent. He may react to environmental difficulties but it is against the nature to think seriously of self-destruction." I agree, it is against the nature, but you do get it. "It is true ...(continues quoting)..than that of running away from home than that of anyone's life." (Quotes from Child Psychiatry. So you get that, the child thinks about it, day-dreaming, of . . . nourishing these thoughts, not attempts. I think if he goes over to an attempt of suicide, dan gaan hy ver maar jy kry dit onder kinders. Jy kry dit onder kinders, maar hierdie gedagte aan selfmoord, dat ek sal dood wees, dat

ek sal weg wees, dat ek nie daar sal wees nie, you do get.

I am not talking merely of a daydream of a child that he is dead and that his parents miss him. I am talking about cases such as has been given in evidence here where the accused says that he had decided to commit suicide. He did not carry it out, he did not attempt it, but he said he had decided to do it. Now I put it to you that that is a much stronger thing.---Hy het net die gedagte gehad, dit was in sy gedagtes gewees, soos ek gesê het, en dit het meer met sy omgewing te doen gehad, waar hy ongelukkig was. Hy 10 was ongelukkig in sy omgewing, en hy hetdaaraan gedink.

And the examples that you spoke of, that you yourself have encountered amongst children, am I right in saying that the children with whom you have contact are abnormal children, who have been brought to you for treatment? --Dit is n adolosente stadium wann~~er~~ hulle daardie interpersoonlike verhouding het. Dit is nie n psigotiese toestand is nie, dit is omgewingstoestande.

But am I right in saying that, that when you talked about your experience of children having such thoughts 20 of suicide, that relates to abnormal children who have been brought to you, because they are abnormal?--Wat bedoel u? Wat ek bedoel, hulle het moeilikheid met hulle aanpassing.

Well are you suggesting that some may be psychotic but some may be neurotic?---You do get suicide in psychotic children, you can get it - but you kan dit kry in neurotiese kind~~as~~ ook. Kinders wat net moeilikheid het, dit is meer miskien die ouers wat die kind nie reg hanteer nie, of sy skoolmaats - dit is n omgewingsfaktor wat die kind druk, dan 30 behandel jy die omgewingsfaktor, as die ouers miskien die kind

te kwaai druk kan jy hulle raad gee dat hulle nie die kind so kwaai moet druk nie, en die skool - jy moet die omgewingsfaktore regmaak. Dit is omgewingsfaktore wat baie maal kinders tot daardie gedagtes dryf. Mnr. Philips, eksuus tog, Edele, wat ek net hier wil bring is dat dit baie maal omstandighede is wat die kind in leef, wat hom daardie gedagtes gee, omdat dit vir hom te moeilik word, en dit is vir hom n ontvlugting daarvan.

Did you endeavour to ascertain whether the accused's thoughts of suicide, such as he told you about, 10 at interviews, and which he gave in evidence here, were in fact associated with external factors?---Hy het dit baie duidelik gesê dat hy ongelukkig was op skool, hulle het hom gespot as "fatty" hy het gesê op een plek was hy heeltemal uitgestoot uit die bendes, die bendes was klaar gevorm, en al daardie. Hy was baie ongelukkig op die hoërskool.

Did he connect these episodes with the thoughts of suicide?---Hy het gesê hy was ongelukkig en daarom was hy teneergedruk.

Did he say that, in regard to the ..---Hy het 20 dit nie spesifiek gesê nie.

No of course not. That is an inference that you are drawing. Now there was another factor of which you made light, Dr. van Wyk, and that was this talk of telepathy. Now although telepathy may be accepted by some scientific psychical research workers, and although a person may realise that the person who is invoked in his vision is not really there, I put it to you that that does not mean that this is not a mechanism that is often used by psychotic persons. Is that right?---Hallusinasie? 30

Yes, the psychotic patient will often tell the

psychiatrist that by telepathy he has received messages, or seen images of people and so on, is that right?---Ja.

It is a mechanism they make use of. And in this particular case Prof. Hurst says that the first intimation that you got ..or rather what you were told at the interviews was that at the outset there had been impressions of the mind only, and that these had developed to visual and auditory hallucinations eventually? Is that correct? That the accused told of a development?--Ja Edele, hy het gesê...ja.

LO

It started with mental impressions and it had developed to the stage of visual and auditory hallucinations? Right?--Ja Edele.

Now the accused also said that these visions that he saw improved with practice? Is that right?--Ja.

Now I put it to you that that strongly indicates that in spite of his partial insight into them, in the sense that he knew that his mother was not there, although he was seeing her, that that strongly indicates that it is part of a developing psychotic progress?--Watter soort progress? 20 Ek wil weer sê mens vat nie n geïsoleerde simptome en bou n psigose daarop nie. Nou moet u sê watter psigose diagnoseer u nou.

I imagine Dr. van Wyk you would be more competent to say that than I can.--I can't on that alone. As ek..daarop alleen kan ek nie n psigose diagnoseer nie.

No, all I am saying to you is that if a man says to you that over a period of time visions that I see have grown stronger and clearer, with practice that you say to yourself: this is not normal. This is part of a developing 30 psychotic condition. Is that correct?--- Hy het nog altyd

insig, by my is die ding, hy het insig, hy het geweet dat sy ma is nie werklik daar nie, dit is n geval van telepathy wat hy sy ma daar kan sien, omdat hy so afhanklik van haar is emosioneel so onvolwasse is, is hy geneig om meer van die tegniek gebruik te maak.

But Dr. van Wyk he said.---Ek kannie n psigotiese toestand daarop diagnoseer nie.

..he has often said that he knew perfectly well that his mother would have no sympathy with such an idea as telepathy, and that in fact he knew that she was not trans- 10  
mitting to him, as it were. Is that correct?--Ja.

BY THE COURT (to Mr. Philips)

Well, must there be a transmitter?--I should have thought so, my lord.

If a mother's thoughts dwell on a child that she is fond of why shouldn't she transmit thoughts?--I should have thought, my lord, and that is my instruction from Prof. Hurst, that the theory of this thing is that you have someone who is trying to send you a message, and someone who is try-  
ing to receive it. 20

CROSS-EXAMINATION BY MR. PHILIPS C(TD):

What I am putting to you, Dr. van Wyk, is that he did make it clear that his mother would not have any sympathy with this whole idea of telepathy?---n Sterk emosionele gevoel teenoor sy ma, met enigeen wat jy mee sterk emosionele gevoel het. In daardie opsig..

You are going off at a tangent again Dr. van Wyk. I am merely asking you is it correct that the accused did say that his mother would not have anything to do with this notion of telepathy?--Sy ma nie daaraan glo nie Edele. 30

Have you made any sort of a study of this so-called

science of telepathy?--Neeek het nie n spesiale studie daarvan gemaak nie.

I see. But do you agree with me that it apparently requires the occasion of someone consciously trying to convey a message to somebody else telepathically?--Altyd wanneer jy sterk aan n persoon dink dan kan jy ook daardie gevoel kry.

Is that your experience?--Dit is nie my ondervinding nie, maar dit isook wat kan gebeur.

But how can you say that it can happen if it is not your experience? Where do you get it from? Is this scientifically established?--If you think strongly of somebody.. 10

But Dr. van Wyk, you are a scientist, and you are giving evidence here as a scientist. Now what is scientific evidence in what you have just said?--About what?

You said if I think strongly about somebody that I am fond of then that person will get a feeling about it. What is the scientific evidence of that?---I said that there is emotional empathy.

But what does that mean?--But that is what they say. I said the impression I had about telepathy is that when you think strongly about..you asked me, I thought that telepathy is when you think, there is a strong emotional tie between two persons, and you think strongly about that person, that feeling is conveyed. That is what I said. I said that is what I thought is meant thereby, there is the strong.. 20

So you were not giving me your version of it? --nee, nee, ek het net gesê dit is wat..

Well it sounded very much as though you were Dr. van Wyk.---Dit is nie wat ek bedoel het nie. 30

Well now I put it to you that where a man actually

sees visions of his mother, and that these visions have become stronger and stronger as time has passed, he sees her and he hears her. He knows consciously that she is not there, but he sees those visions. He knows that his mother is not transmitting anything to him and is not trying to project an image to him, or convey words to him - I put it to you that that is an abnormal reaction, and would strike any psychiatrist as such.---Wat kan gebeur ook in histeria, jy kry ook laat mense in histeriese toestande, neurotiese toestande, ook kan stemme hoor en hoor hulle naam word geroep. 10

Well do you suggest that he was in an hysterical condition.--Nee, ek noem net daardie ander ding.

Well why do you mention it, if you are not suggesting that that was the cause of it in this case?--It can be that he is a neurotic type. You can get it in a neurotic type, and that may have been just a neurotic effect.

Is that your diagnosis of him? Do you diagnose him as a neurotic?--He is emotionally immature.

Does that mean he is a neurotic?--That means that that is the basis of neurosis. 20

Do you say that he suffers from hysteria?--I don't say he suffers from hysteria. I say that you can get that feeling, the main thing is that he has insight into..

You can get what feeling?--Insight.

What was that feeling that you said you can get? --Of voices talking to you, that your voice is being called out, but the main thing is that you have insight that it is not based, that you realise that it is just a voice.

You say you can get that feeling of voices 30 talking to you. Do ordinary normal people get that?--No, no

it is in people that are neurotic.

Only people who are neurotic?--Hysterical people.

Only people that are hysterical? Psychotic people?--You get it very often in psychotic people.

Very often, of course. And when you know that a man is hearing voices that are telling him to do things, or that are comforting him, and saying good things to him, it may be completely benign at this stage - when you know that he is hearing voices and seeing visions, regularly, over a period of time, and that they are improving in their strength and their clarity, I put it to you that as a psychiatrist you say to yourself: the state of this man's mind is deteriorating. He is progressing towards psychosis. Is that right?--If he has got no insight into their occurrence. 10

The extent of the insight of this man is that he heard the voices and he saw the visions, but he knew consciously that his mother was not in fact present with him and was not in fact talking to him. That is the extent of his insight, isn't it?---Ja.

And he knew perfectly well, too, that his mother would not take part in telepathic experiments with him - is that right?---Ja. 20

I put it to you that in those circumstances you would say to yourself: here is a man whose mind is disturbed, is that right, in some form or another? His mind is disturbed?---Dat die man enige moeiliheid het, ja.

His mind is disturbed?--Dat daar n...

Well, can you answer the question?--Ja dat hy..

His mind is disturbed he is hysterical or neurotic?--Ja, dit is reg. 30

He might be psychotic, or he may be on the way



towards psychosis. Is that right?---Ja.

Now there is one thing that you said yesterday that I must just take up with you - you said that..that is if I noted your evidence correctly, I am subject to correction here. I got you as saying that if Harris had been, that is the accused, had been psychotic at the time when he had his discussion with Lloyd on the 14th July, then when Lloyd opposed him, he would not have remained calm and reasoned it out with him, he would have become irritable. Is that correct? Did you say that?--Ja as hy in n manic phase was. Hulle 10 hou nie daarvan om teë gegaan te word in hulle planne nie.

Well now I just want to put it to you that Prof. Hurst never advanced the opinion that at that stage the accused was psychotic on the 14th July. What he said was that in his opinion the accused was at that stage hypo-manic. Now that of course is a very different thing, isn't it?--- Ja Hy was nie psigoties nie, hy was net n bietjie elated, net bo die lyn.

And then Prof. Hurst tells me that in a condition of hypomania a patient is by no means necessarily 20 irritable if he is opposed or crossed?--Ja. Dan is hy nog nie patalogies nie.

72 Now I put it to you that if a person were ultimately to manifest a gross paranoidal condition, that a psychiatrist will look carefully into his history in order to find out if he was always having difficulty with colleagues and regarding them as hostile without reason. Is that right? ---Ja.

And it may become, to any psychiatrist, an important guide to his ultimate condition?---Ja. 30

Now at this stage Prof. Hurst's opinion is, insofar as the paranoia is concerned, that in his opinion the accused is not a paranoic proper, but that he suffers only from a paranoic trend. Would you be prepared to agree with that?--Dit is n normaal..wat enige mens..

A paranoid trend.---Ja dat hy n paranoid trend het, wat normaal is, wat nie patalogies is nie.

Yes, but that he may be on the way towards a paranoia.--Ek kannie sê op sy weg nie, maar hy toon die neigings om te projekteer.

MR. PHILIPS: No further questions.

CONTINUED ON PAGE 726 WITH  
THE RE-EXAMINATION OF THIS  
WITNESS.

Belt 72

HER-VERHOOR DEUR MNR. MOODIE: Dokter, ek lees deel van die hoforder wat gemaak is, dan kan jy vir die hof sê of jy gedink het jy moet deelneem in die ondersoek of nie. "That such examination take place within any jail that the first respondent may direct, and upon such conditions with the safe custody of the applicant. the first respondent may with discretion decide that such examination take place in the presence of any one or more medical practitioners as the Attorney-General may decide." Het jy daarvan afgelei dat jy moet deelneem in die ondersoek? /10  
 --- Nee, u Edele, ek het dit so interpreteer dat ek nie moet deelneem in die ondersoek nie, maar net moet teenwoordig wees.

Is enige skriftelike verklaring van u gekry deur die polisie? --- Nee, u Edele.

MNR. MCODIE: GEEN VERDERE VRAE.

ASSESSOR MNR. VAN DER BERGH: Dokter, daar is net een vraag wat ek wil graag duidelikheid op kry. Hierdie geheueverlies, daar is blykbaar twee vorms. Die een is wat die gewone normale mens aan kan ly en die ander een waar die /20 man se brein siek is? --- Ja, Edelagbare.

U het beskrywe daardie gaan vanaf die stasie na die kafee toe, sekere dinge het uitgestaan. Die het u gesien as net gewoonweg 'n normale mens het dit net vergeet? --- Ja, u Edele.

Maar nie as 'n siek mens nie? --- Nee, u Edele. Ek het dit gesien as normaal, enige een wat in spanning is en nie onthou nie.

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- HOF VERDAAG -  
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/30.