

IN THE SUPREME COURT OF SOUTH AFRICA
TRANSVAAL PROVINCIAL DIVISION

In the matter of:-

THE STATE

v.

FREDERICK JOHN HARRIS

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IN THE SUPREME COURT OF SOUTH AFRICA.

(TRANSVAAL PROVINCIAL DIVISION).

RUDOLF WERNER REIN, Attorney-General for the Province of the Transvaal, who prosecutes for and on behalf of The State, presents and gives the Court to be informed that:-

FREDERICK JOHN HARRIS

hereinafter called the accused, is guilty of the offences of:

1. MURDER,
2. SABOTAGE in contravention of section 21(1) of Act 76 of 1962 - (two counts).

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COUNT 1: MURDER.

In that, upon or about the 24th day of July, 1964 and at the Johannesburg Railway Station, Johannesburg, the said accused did wrongfully and unlawfully and maliciously assault ETHEL GWENLLIAN RHYS a white woman there being, and did then and there and thereby inflict on her certain mortal wounds, burns and injuries of which said mortal wounds, burns and injuries she, the said ETHEL GWENLLIAN RHYS died at Johannesburg on the 19th day of August, 1964.

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And thus the said accused did wrongfully, unlawfully and maliciously kill and murder the said ETHEL GWENLLIAN RHYS.

COUNT 2: SABOTAGE in contravention of section 21(1) of Act 76 of 1962.

In that on or about the 24th day of July, 1964

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and at the Johannesburg Railway Station, Johannesburg, the accused wrongfully and unlawfully did the wrongful and wilful acts of

(a) placing explosive and/or incendiary materials in the Johannesburg Railway Station, Johannesburg;

and/or

(b) causing an explosion and fire in the aforesaid station

and

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thereby the accused did wrongfully and unlawfully

(a) endanger the safety of the public,

and

(b) damage, destroy or render unserviceable portions of the Johannesburg Station buildings, the property of the State.

COUNT 3: SABOTAGE in contravention of section 21(1) of Act 76 of 1962.

In that during or about the period 11th July, 1964 to 25th July, 1964 and at or near Johannesburg the accused did wrongfully and unlawfully and in contravention of section 6(1) of Act 26 of 1956 possess in or on any premises authorized explosives, to wit:-

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82 one inch by eight inch ammon dynamite cartridges,

10 electric delay action detonators.

16 electric detonators.

10 lengths of capped fuse.

10 fuse igniters.

10 lengths of cordtex.

30

and

(iii)

INDICTMENT

3 electric starters for igniter cords.

Wherefor, upon due proof and conviction thereof the said Attorney-General prays the judgment of the Court according to law.

Signed: R.W. REIN,
ATTORNEY-GENERAL,
(TRANSVAAL PROVINCE.)

I, RUDOLF WERNER REIN, Attorney-General of
the Province of Transvaal, in terms of section
152 bis of Act 56 of 1955 hereby direct that

FREDERICK JOHN HARRIS

who is accused of having committed the offence
of MURDER shall be tried summarily in a superior
court without a preparatory examination having
been instituted against him.

Given under my hand at PRETORIA on this
the 14th day of SEPTEMBER, 1964.

Signed: R.W. REIN,
ATTORNEY-GENERAL.

(v)

DIRECTIONS RE
SUMMARY TRIAL

I, RUDOLF WERNER REIN, Attorney-General of the Province of the Transvaal hereby, in terms of sub-section (3) of section 21 of Act 76 of 1962, authorise that -

FREDERICK JOHN HARRIS

shall be tried for the offence of

SABOTAGE (two counts).

Further in terms of paragraph (d) of sub-section (4) of section 21 of Act 76 of 1962, I hereby direct that the said

FREDERICK JOHN HARRIS

shall be tried summarily without a preparatory examination having been instituted against him.

Signed: R.W. REIN,
ATTORNEY-GENERAL.

Given under my hand at PRETORIA this 14th day of
SEPTEMBER, 1964.

IN THE SUPREME COURT OF SOUTH AFRICA.
(TRANSVAAL PROVINCIAL DIVISION).

Pretoria: 14th September, 1964.

BEFORE:

The Honourable Mr. Justice CLAASSEN, and
Assessors: Messrs. van den Berg and Hart, S.C.

In the matter of:

THE STATE versus FREDERICK JOHN HARRIS.

Charge: 1. MURDER.
2. SABOTAGE (Two counts).

Plea: NOT GUILTY - all counts.

APPEARANCES:

For the State: Mr. MOODIE, S.C. and with him
Mr. REES.

For the Defence: Mr. PHILLIPS, S.C. and with him
Mr. SOGGOT.

ON 14th SEPTEMBER, 1964 APPEARED Mr. SCHUTZ.

ON 14th SEPTEMBER, 1964 AT 10 a.m.

MR. MOODIE addresses the Court and asks for a postponement until the 21st of September, 1964.

MR. SCHUTZ replies, asking for a postponement of six weeks in order that a psychiatrist may examine the accused and to enable Counsel to receive instructions.

MR. MOODIE opposes both applications on the grounds that they are not necessary.

BY THE COURT: The accused in this matter will in due course be charged with the crime of murder, a second charge of

sabotage and a third charge to the same effect. On behalf of the State it is asked that this case now be postponed for a week, and that motion is opposed on behalf of the Defence. The trial will be a summary one and it is my experience with regard to these summary trials that very frequently, from time to time, postponements have to be granted in order to meet certain evidence presented on behalf of the State.

I have been asked to grant a postponement for six weeks on behalf of the Defence and also a further request made with regard to the examination of the accused. This Court is not now trying this case, nor will it be trying this case - I understand it will be coming up before another judge. My only function this morning is to postpone the case. I will accede to the request of the State, and the case will be postponed until the 21st of this month. If there are any further applications to be made at any future stage, those applications can be directed to the Court then hearing the matter.

This case is now postponed and set down for the 21st of September, 1964.

AT THIS STAGE THE COURT ADJOURNS.

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ON RESUMING AT 10 a.m. ON THE 21st SEPTEMBER, 1964.

BEFORE:

The Honourable Mr. Justice LUDORF
and Assessors.

APPEARANCES:

As set out on Page (1) of Proceedings.

CHARGE is put to the accused.

MR. PHILLIPS: My lord, before the accused is called upon to plead I am obliged to make an application to your lordship requesting an adjournment of this case for one week, 10 and with your lordship's permission I should like to state the reasons for which this application is made.

I may say that I have in my possession, and I have already furnished my learned friend with a copy of an affidavit made by the attorney for the Defence, which sets out steps that she took, and endeavoured to take in the early part of this last week in order to prepare for this trial, and the difficulties which she met, and with your lordship requires it I can hand that affidavit in, but I can in any event tell your lordship precisely what has 20 happened.

Perhaps I should say, before starting, that I appear for the accused, together with my learned friend Mr. Soggot.

Now, my lord, your lordship will remember that this matter came before his lordship, Mr. Justice Claassen on Monday of last week, and at that stage an application was made by the junior Counsel who was then appearing alone for the accused for a postponement for six weeks on 29

the ground that that was required in order to prepare the Defence. There was also an application at that stage that the accused should be examined by a private psychiatrist; both of those applications were dismissed, and a postponement was granted for one week, until today.

My lord, the sole, and the substantial ground on which this application is now made is that the Defence has found it impossible to be prepared to proceed today. I am well aware that your lordship attaches the highest importance to the maxim that justice must be done, and must also be seen to be done, and it is our submission that justice cannot be done unto the accused in this case unless he is given that additional week in which to consult with his legal representatives, and to enable them to prepare his case, to see witnesses, and to present his case in a manner to which any accused person is entitled. 10

Your lordship, I think, you will agree with me immediately that it is impossible to envisage a more serious case fraught with greater peril for an accused person. There are three charges, one of murder, and two of sabotage. 20 There has been no preparatory examination. This is a summary trial. The accused was charged only on the 11th of September - that is ten days ago. The case was remanded on the 14th - that is last Monday, until today, and the applications to which I have referred were then dismissed.

At the time when the accused was charged, and at the time when the applications were made and were dismissed, on the 14th, the accused had only just been released. That was on the 11th of September, from solitary 30

detention in terms of what is called the 90 Days Law. He had been held under that Law since the 24th of July, that is a period of over six weeks. He was also - whatever mental effect that might have had on him, the solitary confinement and the interrogations that proceed under that Law - recovering at that time from the effect of a broken jaw which he had sustained and which had necessitated a surgical operation and also some disturbance of his balance - the labyrinthine processes of his ear - and also some defect in an eardrum and his sense of balance was affected 10 by that.

Both physically and psychologically at that date, my instructions are, because I was not in the case at that time, that he was hopelessly unfitted to give his legal advisers the assistance that they required. He was seen for the first time on Saturday, the 12th September, by his attorney and by the junior Counsel who was at that stage retained, and brief notes were taken on that day relating in general terms to some salient aspects of this case.

Then, as soon as the postponement of the trial was 20 granted, on Monday of last week, until today, the accused's attorney returned to Johannesburg from Pretoria and started, forthwith, trying to find Counsel to appear for the accused at the trial. Her instructions from the accused and his relatives were to endeavour to find Senior and Junior Counsel, because of the gravity of the case, and he had been advised by my learned friend, the representative of the Attorney General, that this trial is expected to last a fortnight, and it immediately became obvious that it is extremely difficult to find Senior and Junior Counsel at a 30

moment's notice for a trial which is expected to last that length of time, and this was especially so because, as your lordship knows, we are in the midst of the trial term and most Counsel are busily engaged with civil trials for which they have long since been retained, and indeed the only chance, one would say, of obtaining Counsel in such circumstances is if other trials have been settled or postponed, or if they are able to extricate themselves from other commitments from which they can be released.

Now, the strenuous and the frustrating efforts 10 that the accused's attorney made are set out in this affidavit to which I have referred. There is only one reason why I do not hand your lordship this affidavit immediately - because it happens to contain a phrase in regard to an allegation made by the accused to his attorney which my learned friend says, quite rightly, is not common cause and which he would not like to have on record at this stage, so if your lordship will permit me - I have the affidavit signed and I will read, and obviously I will omit the portions to which my learned friend objects?

This affidavit says, my lord, that it was on the 2nd of September, for the 1st time that Miss Hayman, the accused's attorney, communicated with the attorney General and he told her that her client would be charged but would not at that stage give her any details of the charge, and consequently she was unable to make any preparations until she was advised, on the afternoon of the 11th of September, that he was to be charged.

And then the affidavit proceeds, in paragraph (4): "On the morning of Saturday (Counsel continues quoting 30

from affidavit)...he would therefore leave the matter in the hands of the Court".

Now, my lord, as appears from that affidavit I am able to inform your lordship that I accepted this brief at about noon on Thursday, the 17th. At that date my learned junior was ill in bed. He rose from his sickbed that afternoon in order to meet me and discuss with me such material that we then had. It consisted only of the indictment, the notes which had been made at the interview on the 12th of September, and a document which had been handed to the attorney of the accused by the State. 10

Both my learned junior and I, and the accused's attorney, spent that evening of Tuesday the 17th.. I beg your pardon, evening of Thursday the 17th, until a late hour discussing what we knew of the case and doing such preparatory work as was then possibly possible.

At the very first opportunity that we had, which was the next morning, we saw the accused. That was on Friday the 18th, at the Pretoria Gaol, shortly after nine a.m. and our consultation continued from then until 12 noon, when 20 the authorities oblige you to leave, and between twelve and one my learned junior and I, and the attorneys, saw my learned friend, explained the situation to him, advised him that the defence would be obliged to make this application today, and my learned friend made the response to which reference has been made in the affidavit.

Immediately after 2 p.m. we returned to the Pretoria Gaol where, as the accused had been taken to the dentist, we were only able to see him at about 2.45, and we continued then with the consultation from that moment until 30

we were obliged by the authorities to leave at 4 p.m. That evening my learned junior and I again worked on the case until midnight, and on Saturday morning we returned to the gaol at 9 a.m. and were able to consult with the accused from about 9.30 until 12 when we were again obliged to leave. We asked for permission to consult with him on Saturday afternoon and on Sunday in order to do our utmost to be prepared, but we were informed that that was not possible as there is no staff available and consultations cannot be held during the weekend. We worked ourselves, on Saturday night 10 and all day yesterday on the case, and we have seen the accused again, briefly, this morning.

So that, my lord, I am able to give your lordship the assurance, the positive assurance, that we have genuinely done everything that is humanly possible to become as fully prepared as possible in this period of three and a half days that has been available to us, but that we are still woefully unprepared. We have succeeded in covering a considerable deal of the ground, but there are still many substantial aspects of the case that we have not even 20 been able to begin to explore with our client. We need many more hours of consultation with him before we can be sure what his instructions will be, so that we can do our duty to him, and to your lordship.

We do not know who any of the witnesses will be, at this summary trial, nor what documents will be tendered by the State, but we do know that there will inter alia be a substantial body of highly technical evidence - both medical and scientific. We have been furnished, by the State, with a number of very scientific affidavits, tendered 30

as evidence by the State in terms of Section 239 of the Code, and also with a post mortem report. When we have obtained as full instructions from the accused as we can, we will be obliged to see expert advice and assistance, and also to consult with other witnesses, to whom we may be referred by the accused.

Not only will this enable us to do our duty as Counsel for the Defence, but I do submit with respect, my lord, that it will be of great assistance to the Court, since it will enable us, as far as possible, to limit the fields 10 of conflict, and to determine in advance what aspects of the State case can be left unchallenged.

We give the Court the assurance that on the 28th of September we will not ask for any further postponement of the opening of this trial. I cannot - and of course I must say immediately - I cannot give your lordship the assurance that it will not happen during the trial that on a particular witness evidence it may not be necessary to ask for a deferment.

BY THE COURT: It is likely. It is the pattern with these 20 summary trials in the Supreme Court that during the course of the evidence Counsel will ask for a postponement to prepare cross-examination.

MR. PHILLIPS: It may have to happen, in specific cases....

BY THE COURT: To avoid further postponement, what prejudice will you suffer if the State leads its evidence in chief and you reserve cross-examination and thereafter a postponement is granted to enable you both to prepare for cross-examination, and to enable you to prepare your case?

In fact it would be fairer to the accused if that were to 30

happen.

MR. PHILLIPS: Your lordship suggests that cross-examination be deferred, of all witnesses?

BY THE COURT: Of all witnesses. The State leads its evidence in chief, cross-examination will be reserved, and I understand from Mr. Moodie that that ought to take us until Thursday. Then I will grant a postponement which will be reasonable for the preparation of your Defence, and for your cross-examination, and you will be in a much better position to prepare your Defence, under those circumstances. Would 10 you like me to adjourn for you to consider this position? I have discussed this with Mr. Moodie. He has no objection to leading his evidence in chief, and you reserving your cross-examination. I will then grant you a substantial postponement of two weeks, or so, which will give you all the opportunity you need for preparing.

AT THIS STAGE THE COURT ADJOURNS.

ON RESUMING:

MR. PHILLIPS: My lord, your lordship has suggested that the arrangements should be that the State should present its 20 evidence in chief, and that your lordship will then grant us a sufficient adjournment to enable us to make preparation for cross-examination and our own case. With respect, if your lordship will grant an order in those terms....

BY THE COURT: Of course, I cannot bind the State to lead all its evidence, but such evidence as the State wishes to lead in the next day or two - and then you will be in a position to consider the cross-examination. If the State then leads further evidence your right to prepare cross-examination will, of course, be reserved. 30

MR. PHILLIPS: So that we may be faced with the position, my lord, of further adjournments at later stages? I thought your lordship was trying to avoid that?

BY THE COURT: Yes, I am trying to avoid it, but I cannot compel the State to lead all its evidence. But so much of the case, and particularly of the technical evidence which may require a lot of preparation, but it will certainly limit the further postponements.

MR. PHILLIPS: As your lordship pleases. Then I have nothing further to say on my application, my lord. 10

MR. MOODIE: I am indebted to your lordship for the remarks to my learned friend. I wish to point out that amongst the papers that he did get from the Attorney General there is a certificate from the Attorney General directing that this be a summary trial. That, of course, is for the obvious purpose that there should be as little delay as possible. In addition your lordship has correctly pointed out to my learned friend, the State cannot be bound as to the manner in which it presents its case, but the proposal is that a large number of formal and technical witnesses 20 be led, and then, when the contentious witnesses are reached, then your lordship will be asked for a postponement - and quite a reasonable request, by my learned friend, I anticipate - to adjourn perhaps for a day, or half a day to consider the effect of that evidence. But in a summary trial, as your lordship knows, the matters change. If the Defence do not contest a series of witnesses, then that eliminates another series of witnesses, and so the matter goes on. 29

BY THE COURT: Yes. Well, I don't propose to make any order

which would curb your presentation of your case.

CHARGE again put to accused.

THE ACCUSED PLEADS NOT GUILTY TO ALL CHARGES.

MR. MOODIE outlines the case for the State, and calls, as the State's first witness:

JOHANNES HERMANUS BENADE (verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

Mr. Benade, u is aannemende Hoofkonstabel in die Suid-Afrikaanse Spoorweg Polisie?---Dit is reg.

Omtrent 4.27 n.m. op die 24ste Julie het u 'n 10
rapport ontvang?---Dit is reg, Edelagbare.

Waar was u toe?---Ek was toe in die aanklagtekantoor Op Johannesburg stasie.

DEUR DIE HOF: Wat was die presiese tyd?---Ongeveer 4.27 n.m.

VERHOOR DEUR MNR. MOODIE (Vervolg):

Wat het toe gebeur, Mnr. Benade?---Edelagbare, ek het toe na die hoof stasie binneplein gegaan, as gevolg van die rapport wat ek ontvang het.

Ja?---Met aankoms in die hoof binneplein het ek 'n Bantoeman opgemerk wat uit die apteek gekom het, en hy 20
het toe by platforms 3 and 4 se ingang deur beweeg. Ek het toe die Bantoe onder daardie omstandighede dopgehou, aangesien hy onder daardie omstandighede op daardie tyd so tussen die blanke mense deurbeweeg het.

Nadat jy hom dopgehou het, het jy teruggegaan na die stasie toe?---Nadat ek hom dopgehou het het ek voortbeweeg en aan die anderkant van platforms 7 en 8 omgegaan. Ek het toe weer in die teenoorgestelde rigting terugbeweeg, van waar ek gekom het. Dit is nou net aan die anderkant van die platforms. Terwyl ek geloop het het ek my horlosie dop-30

gehou as gevolg van die rapport ontvang, en om ongeveer 4.32 n.m. was ek ongeveer regoor die ingang tot platforms 5 en 6.

Ja?---Tussen die mense wat deur beweeg het na die platforms 5 en 6 het ek 'n dame opgemerk wat gesit het op 'n bankie asook aan die stad se kant het ek 'n tienderjarige persoon ook by die bankie opgemerk. Terwyl ek nog in daardie rigting gekyk het, was daar 'n vreeslike harde slag ge-wees. Ongeveer uit die hoek waar ek die dame opgemerk het het vuur die lig ingeskiet. Dit was natuurlik 'n verskrik- 10 like harde slag ge-wees. As gevolg van die slag is ek ook van my balans geruk, maar ek het onmiddelik besef wat ge-beur het en het opgespring, en toe opgemerk dat die plek waar die ontploffing plaasgevind het was in vlamme gehul. Die hele plek was aan die brand, asook het ek opgemerk dat daar persone is wat aan die brand was - wat ook heeltemal in vlamme gehul was. Ek het die publiek geskree om te help dat die persone en die vlamme geblus word, en ek het pro-beer om die ander mense wat toe saamgedrom het van die toneel van ontploffing weg te hou. Op daardie stadium, 20 tydens die ontploffing, was daar 'n groot toeloop van men-se - persone wat treine gehaal het.. Party het geloop en ander het gehardloop. Nadat ek die bevele gegee het om die mense te help het ek teruggehardloop na die aanklag-tekantoor, en ek het 'n rapport gemaak sodat ambulanse en dokters kon kom en die nodige hulp verleen kon word. Ek het daarna weer teruggekeer na die toneel van ontploffing en ek het opgemerk dat die brandweer afdeling besig was om die vlamme te blus.

MNR. MOODIE: Geen verdere vrae.

DEUR DIE HOF: U sal later moet terugkom vir kruisverhoor, indien nodig. (KRUISVERHOOR VOORBEHOU).

CHRISTIAN HERMANUS KORFF (verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

U is 'n Speurder Sersant in die Suid-Afrikaanse Spoorweg Polisie?---Dit is reg.

Te Johannesburg, en amptelike fotograaf?---Ja.

Op die 24ste Julie van dié jaar, tussen kwart voor vyf en kwart voor agt in die namiddag het jy na die Johannesburg Stasie gegaan?---Ek het. 10

Naby platforms 5 en 6?---Dit is korrek.

Wat het u daar gedoen?---Ek het verskillende fotos geneem, van die toneel.

Dit sal Bewysstuk "B" wees. Bewysstuk "B(1)" is ... kan u dit beskryf asseblief?---Foto nommer (1) is 'n foto geneem van platform 5 en 6 wat dit aandui en ook die beskadigde venster, asook sitplekke in die omgewing van die sitplekke.

Ja?---Foto nommer (2) is geneem waar die ontplof-fing plaasgevind het teen die muur van die skulling 20 en dit wys ook die beskadigde sitplek aan, en die omgewing.

Ja?---Foto nommer (3) is 'n soortgelyke foto, wat aandui hoe hoog die gat in die muur is, van die grond af.

Ja?---Foto nommer (4) is geneem aan die buitekant van die muur waar die trappe afgaan na die peronne.

DEUR DIE HOF: Is dit dieselfde, as op (3)?---(3) is die binnekantste van die foto, en (4) is die buitekant van die muur. Foto nommer (5) is geneem, wat die omgewing en die gebrande sitplekke aandui. Dieselfde met foto nommer 29

(7), Edelagbare.

Wat van foto nommer (6)?---Ekskuus! Foto nommer (6) is die plafon van die skuiling wat die handvatsel van 'n tas aandui wat vassit aan die plafon. Foto nommer (7) is ook 'n foto wat die sitplekke en die omgewing van die skuilte aandui, asook die venster wat gebreek is aan die agterkant van die skuiling. Foto nommer (8) is geneem op die plek waar die ontploffing plaasgevind het, wat die gat aandui, en die sitplekke en die vensters, wat gebreek was. Foto nommer (9) is geneem in die teenoorgestelde kant van die skuilte wat ook die gebreekte vensters en die sitplekke wat gebrand is aandui. Foto nommer (10) is 'n plas bloed in die omgewing van die ontploffing. Foto nommer (11) is verskillende stukke bagasie en eiendom wat in die omgewing opgetel is, en bymekaar gesit is. Dit dui ook aan die omgewing van die ontploffing, met die sitplekke wat gebrand is. Foto nommer (12) is ook 'n plas bloed in die omgewing van die ontploffing. Foto nommer (13) is 'n foto van wyle Mev. Rhys, nadat sy verpleeg was, en net voordat sy vervoer was na die hospitaal.

VERHOOR DEUR MNR. MOODIE (Vervolg):

Nou, op die 20ste Augustus het u die lyk van daardie blanke Mevrou Rhys geïdentifiseer aan die bewaarder van die lykshuis?---Ek het, Edelagbare.

Identifiseer - dit is die persoon wat op die foto (13) voorkom?---Dit is sy.

DEUR DIE HOF: U sal ook moet terugkom vir kruisverhoor, indien die Advokaat van die Verdediging u enige vrae wil stel, op 'n latere stadium. (KRUISVERHOOR VOORBEHOU).

OP DIE STADIUM VERDAAG DIE HOF VIR 15 MINUTE.

BY HERVATting OM 11.30 v.m.

HELJAART PETRUS HOLTZHAUSEN (verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

U is in diens van die Suid-Afrikaanse Spoorweë,
te Johannesburg?---Ja.

In die publisiteitsafdeling daarvan?---Dit is reg.

Op die 6de Augustus is u versoek om sekere fotos
te neem van die binneplein van die stasie?---Dit is reg.

Het u dit toe gedoen?---Ja.

Sal u die fotos identifiseer, en verduidelik aan 10
die Hof?---Dit is nommer (14) - dit is 'n foto van die binne-
plein van die hoofstasie gebou.

Enige ander beskrywings?---Dit is net geneem om
te bewys dat daar nie baie verkeer in die stasiegebou is
die tyd wanneer hy geneem is nie.

DEUR DIE HOF: Wanneer was dit?---Die tye is op die hor-
losie daar - dit lyk omtrent kwart oor drie.

Kwart oor tien?---Ek kan nie mooi sien nie.

Ja?---Nommer (15) is geneem 26 minute voor vyf, en 20
dit wys waar die mense begin indring.

VERHOOR DEUR MNR. MOODIE (Vervolg):

(16)?---(16) is die klein wagkamertjie van plat-
form 5 en 6.

(17)?---(17) is geneem - ek kan nie mooi presies
sê wat die tyd is hier nie, van bo die wagkamer van 7 en 8.

Dit is van noord na suid?---Ja, van noord na suid.

(18)?---(18) is geneem van onder die kafeteria.

Ook van noord na suid?---Ook van noord na suid.

(19)?---(19) is ook van die kafeteria geneem van
noord na suid, onder die kafeteria 30

(20)?---(20) is geneem uit die kafee self, noord na suid.

(21)?---Ook weer van die kafeteria af, noord na suid.

(22)?---Dit is ook 'n foto geneem van die kafeteria af, noord na suid.

(23)?---(23) is van die kajuit 7 en 8 af geneem. Wat bedoel u by "kajuit"?---Wel, die klein wagkamertjie.

Dit is die wagkamertjie naaste aan die wagkamertjie van 5 en 6?---Ja. 10

(24)?---In dieselfde - nommer (24).

Nommer (25)?---Weer van dieselfde posisie af.

(26)? Ook van die.....?---selfde posisie, maar waar die mense weer meer indring tot die...

Dit is (26)?---Ja.

En (27)?---(27) was 'n paar oomblikke later geneem, van dieselfde posisie af.

(28)?---Weer van dieselfde posisie af.

Kan u sê watter tyd dit geneem was - (28)? --- 20
Dit lyk na 26 en 'n half minute voor vyf.

En dan (29)?---Weer van dieselfde plek af, maar 'n paar oomblikke later - 'n minuut en 'n half later.

MNR. MOODIE: Geen verdere vrae.

DEUR DIE HOF: Dankie. U sal moet terugkom vir kruisverhoor, indien die Verdediging u nodig kry.

(KRUISVERHOOR VOORBEHOU).

GERARD DAVID WOOD (duly sworn, states):

EXAMINATION BY MR. MOODIE:

You are the Assistant Manager of the South African Railways, in Johannesburg?---Assistant System Engineer.

System Engineer?---Yes, of the South African Railways, Johannesburg.

On the 24th of July, as a result of a report, you went to the European concourse of the Johannesburg station? ---That is so.

At about what time was that?---About 4.44.

What did you find near the shelter at the 5 and 6 platforms?---I saw that an explosion had taken place, and that damage had been caused to the shelter and to the west wall of the concourse. 10

Can you describe the damage you saw there?---Various window panes, shop fittings and so on, in the west side of the entrance to the platforms had been damaged, and a whole had been blown into the concrete wall between the shelter and the stairs leading down to the platforms. The window at the south end of the shelter had been blown out and the frame had blown away. The seats had been damaged. The ceilings had been damaged. Light fittings were damaged, 20 and in the west wall of the concourse, in the coffee bar, at the entrance to the platforms, two of the doors had been damaged, and one of the window panes above the doors had been damaged, and a large number of panes of glass in the west wall had been damaged.

Any portion of the metal structure damaged, or twisted?---The metal framework on the south end of the seat - that is the opposite end to where the whole in the concrete was - that metal framework had been blown away from the wall, and twisted a bit. 30

Can you advise the Court of your estimate of the material damage?---The damage was worth approximately R2,300.00.

Now, on your instructions certain plans were prepared?---Yes.

Were you present when those details were made?--- I wasn't present when the actual measurements were made.

But it was on your instructions that those plans were prepared?---Yes. They were prepared at my instructions.

MR. MOODIE: No further questions. 10

BY THE COURT: Thankyou! You will have to return for cross-examination in case Counsel for the Defence indicates that he would like to question you.

PIETER EDUARD BOSMAN (verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

U is 'n tekenaar in die Suid-Afrikaanse Spoorweë en Hawe, te Johannesburg?---Korrek.

En op die 14de Augustus van hierdie jaar het u opdrag ontvang van Mnr. Wood?---Ja, dit is korrek.

As gevolg waarvan u sekere planne opgetrek het? 20
---Dit is korrek.

Die eerste plan is van die hoofsaal van die stasie?---Dit is reg.

U het dit Dit sal Bewysstuk "A(1)" wees. Dit wys die plein - die binneplein en die binnesaal - van die blanke deel van die stasie, Johannesburg?---Dit is reg.

En daarom is die skuiling van platforms 5 en 6, en langsaan, aan die noorde kant, die skuiling van 7 en 8?
---Dit is korrek, Edelagbare. 30

Nou, u het 'n plan opgestel Bewysstuk "A(2)"?---
Ek het.

Dit wys in detail die skuiling by platforms 5 en 6?---Dit is korrek.

Is dit die skuiling by 5 en 6?---Dit is die perspektief van 5 en 6.

Op die 15de September het u 'n plan voorberei - dit is dieselfde soos die plan, Bewysstuk "A(1)", behalwe dat daar sekere punte aangewys word?---Dit is korrek.

Dit is by die skuiling van 5 en 6?---Dis reg. 10

(a), (b), (c), (d), (e) en (f)?---Dit is korrek.

Those points, my lord, will be linked up, through witnesses. (Exhibit "A(3)".)

MR. MOODIE: No further questions.

DEUR DIE HOF: Dankie! U sal later moet terugkom indien die Verdediging enige vrae aan u wil stel.

JOHANNES FREDERIK MATTHYS VAN RENSBURG (verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

U is Hoofkonstabel, Suid-Afrikaanse Spoorweg Polisie, Johannesburg?---Dit is reg, Edelagbare. 20

Ongeveer 4.30 n.m. op die 24ste Julie van hierdie jaar het u opdrag gekry?---Ja, Edelagbare.

En waarheen is u toe?---Ek het 'n telefoniese opdrag gekry, Edelagbare...

Ek wil nie weet wat is die inhoud van die opdrag nie. As gevolg van hierdie opdrag, wat het u gedoen?---As gevolg van hierdie opdrag het ek Konstabels wat daar tot my beskikking was uitgestuur na die platforms op Johannesburg stasie, en ook die binneplein van die stasie. 29

En wat het u persoonlik gedoen?---Ek het ook die boodskap gegee aan die klagtekantoor, en net voordat ek die kantoor wou verlaat is ek gesê dat daar 'n dringende oproep vir my was.

Die inhoud van daardie oproep moet nie oorgedra word aan die Hof, asseblief!---As gevolg van daardie oproep het ek myself uitgegaan na die stasie. Net voordat ek die kantoor verlaat het het ek 'n geweldige ontploffing gehoor.

Ja?---Ek is na die rigting waar ek die ontploffing gehoor het. Dit is die blanke gedeelte van Johannesburg 10 stasie, in die binneplein.

Ja?---Ek het daar gekom, en opgemerk dat daar baie rook in die stasie was, en ek het 'n samedromming van persone daar gesien, net aan die westekant van platform 5 en 6, op die binneplein van die stasie. Ek is daarheen en het gevind dat daar groot wanorde daar geheers het. Daar was verskillende persone daar wat beseer was, en die bank wat daar gestaan het in die afskorting was in vlamme, en daar het verskillende kledingstukke en handsakke, en ander artikels daar rondgelei, tussen al die puin wat ek daar op- 20 gemerk het.

Ja?---Daar het ook 'n ou dame daar gelê wat persone besig was om eerste hulp aan haar toe te pas. Verskillende mense in die omgewing was besig om persone wat beseer was te help. Ek het beheer daar oor die toneel geneem, en van die polisie amptenare wat daar teenwoordig was instrueer om die skare wat daar saamgedrom het te beheer.

Wat van die glasstukke, en die puin ensovoorts, wat daar gelê het?---Edelagbare, dit is mettertyd... alles is dieselfde aand nog opgevee, en vergader en in dromme 30

ingeplaas, en dit is in bewaring gehou.

MNR. MOODIE: Geen verdere vrae.

DANIEL LUKAS TERBLANCHE (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

U is in diens van die Suid-Afrikaanse Spoorweë,
Johannesburg?---Ja.

Senior stasie inspekteur daar?---Ja.

En op die oomblik Assistent-Stasiemeester?---Dit
is reg, Edelagbare.

Nou, op die 24ste Julie, van die jaar, om 4.30 n.m. 10
was u aan diens gewees?---Ja.

Nou, daardie tyd van die namiddag word die stasie
baie gebruik?---Baie, ja.

Hoeveel treine verlaat die peronne vanaf daardie
tyd?---Tussen vier en vyf is daar 21 passassierstreine wat
blanke pasassiers in het.

Is dit wat die stasie verlaat?---Wat deurgaan...

Wat deurgaan?---En wat pasassiers vervoer van
Johannesburg, in al die rigtings.

Dit is treine wat blanke pasassiers vervoer?--- 20
Ja, blanke pasassiers.

Nou, in u ondervinding kan u 'n skatting maak van
persone wat daardie treine gebruik?---Tussen 4 en 5 is
daar - dit is 'n skatting - tussen 14 en 15 duisend pasassiers
wat daardie tyd met die trein ry.

Hoelank is u al in Johannesburg?---Bykans drie jaar.

En platforms 5 en 6 - word hulle baie gebruik
ook?---Dit word heelwat gebruik.

En die wagkamertjie daar - word dit ook gebruik? 29

---Dit word ook gebruik, ja.

En die teekamers - alles word gebruik?---Ja, alles word dan gebruik.

In vergelyking met ander dele van die stasie, in die hoofsaal daar - is 5 en 6 min of meer...?---...In die middel - 3 en 4 aan die een kant en 7 en 8 platforms aan die ander kant, so dit is in die middel daar.

MNR. MOODIE: Geen verdere vrae.

WILLEM FRANCOIS JOUBERT (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

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May it please your lordship - the following five witnesses, or so, will be members of the public who were injured or shocked in the concourse.

Mnr. Joubert, op die 24ste Julie, van hierdie jaar, half vyf namiddag, was jy by die Johannesburg stasie gewees?---Ja.

Wat het u daar gemaak?---Ek het van die werk afgekem, op pad om my trein te gaan haal na Germiston, op platform 7.

Is jy verby platforms 5 en 6?---Ja, Edele.

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En die wagkamertjie daarso?---Ja.

Wat het toe gebeur, Mnr. Joubert?---Net toe ek verby platform 5 en 6 loop, toe het ek 'n geweldige ont-ploffing gehoor, en vlamme was om my gewees.

Ja?---Ek het gevoel dat my hande, en my gesig en my kop het gebrand. Daarvandaan is ek geneem na die aanklagkantoor van die Spoorweg Polisie by die stasie, en daarvandaan is ek vervoer na Johannesburg Hospitaal vir behandeling daar.

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Was u opgeneem in die hospitaal?---Nee, ek was nie opgeneem in die hospitaal nie.

Hierdie ontploffing wat daar gebeur het - wat was die aard van die ontploffing gewees? Was dit 'n skok aan u gewees?---Ja, dit was 'n groot skok. Ek was nie bewus gewees wat is gaande nie.

Nou, Mnr. Joubert, u het later aan die spoorweg-polisie punte uitgewys, op die plan, waar u was toe die bom ontplof het?---Ja, dit is korrek.

Dit sal punt (b) wees, Edelagbare. 10

DEUR DIE HOF: Op? Die nommer van die bewysstuk?

MNR. MOODIE: Op Bewysstuk "A(3)". Geen verdere vrae.

GERTRUIDA SUSSANA KOEKEMOER (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

Mevrou Koekemoer, op die 24ste Julie van hierdie jaar was u by die Johannesburg Stasie gewees?---Ja.

Ongeveer watter tyd was dit?---Omtrent half vyf.

In watter rigting het u geloop?---Ons het reg...

Ons het van die bus ingekom en toe reg na die bankies gegaan.

Naby watter platform?---Platforms 5 en 6. 20

En wat het toe gebeur, Mevrou?---Ons het daar gestaan terwyl my man sê hy gaan net gou die kaartjies koop, en toe het ek net een harde slag gehoor.

Praat net 'n bietjie harder asseblief! Ja?
---Toe het ek net vlamme gesien en plat neergeval, en verder kon ek niks onthou nie

Waar het u toe reggekom, Mevrou?---Ekskuus?

Waar het u toe tot u bewussyn gekom? ---Toemy man my daar kom optel het. 29

Is u hospitaal toe?---Ja.

Het u behandeling daar ontvang?---Ja.

Op 'n later stadium het u aan die polisie 'n punt uitgewys op die plan (f), waar u gestaan het? (Plan getoon aan getuie). Dit is die plan van die stasie, daardie? U het in alle geval daardie punte aan die polisie uitgewys? ---Ja. Ja, ek het.

MNR. MOODIE: Geen verdere vrae.

CATHARINA ELIZABETH MARGARIETA LAMPRECHT (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

10

Mejuffrou Lamprecht, op die 24ste Julie om 4.30 n.m. was u in die Johannesburg Stasie gewees?---Ja.

Was u besig om u trein te haal?---Ja, Meneer, ek was op pad huistoe.

Waar was u gewees?---Wel, ek het net so om daardie pilaar gekom, in die helfte van daardie glasafskorting toe die ontploffing...

Waar was dit gewees, in vergelyking met die platforms?---Wel, onderstel nou hierso was die bom en ek het so omgekom, in die helfte.

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Is dit in die saal van die Johannesburg Stasie? ---Ja, net voor jy afgaan om af te gaan by die platforms.

Platforms wat?---5 en 6.

En toe, wat het gebeur?---Iets het vir my gesê ek moet soontoe gaan kyk en toe ek draai toe hoor ek net die slag in my ore. Van die slag toe val ek van my voete af tot daar oorkant by die telefoonhokkie. Toe het ek so gou as moontlik probeer om daar weg te kom.

Het u enige beserings opgedoen?---Ja, my bene het

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gebrand, en ek het 'n sny aan my linkerbeen gehad, waar ek steke voor moes kry.

Behandeling?---Ek was 'n bietjie meer as twee weke in die hospitaal en ek is nou nog onder dokter's behandeling.

Twee weke?---Ja.

Watter beserings het u gehad - aan u bene?---Ja, van die brand.

Was dit in die Algemene Hospitaal waar u behandel was?---Ek was die bietjie meer as twee weke wat ek daar was,10 was ek onder daardie dokters, en nou is ek onder die spoorweë dokters.

U het later punt (c) aan die plan uitgewys as die punt waar u gestaan het? Dit is platforms 5 en 6 daar (Plan aan getuie gewys).---Ja.

En u het die punt daar uitgewys?---Ja.

Dit is dieselfde bewysstuk, Edele, Bewysstuk "A (3)".

MNR. MOODIE: Geen verdere vrae.

19

JEANETTE MATTHEW MARSHALL (duly sworn, states):

EXAMINATION BY MR. MOODIE:

Mrs. Marshall, on the 24th of July, at about 4.30 p.m. you were in the Johannesburg Railway Station, on your way home?---Yes.

Whathappened, about that time?---I was proceeding to platforms 7 and 8, and as I passed platforms 5 and 6 I suddenly saw a red flash, and that was all I saw.

Do you remember anything else, after that?---No, I just remember running away to the left hand side of the 29

station.

Were you taken to hospital?---Yes, I was taken to hospital.

Were you treated there?---Yes, I was.

What injuries did you suffer?---I had burns on my legs and my face, and my hands.

Are you still under treatment?---Yes.

MR. MOODIE: Mrs. Marshall, you later pointed out to the officials a spot, (a), on this plan - where you were when you saw the flash? Is that correct?---That is correct. 10

MR. MOODIE: No further questions.

FREDERICK JOHANNES ROETS (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

Mnr. Roets, op die 24ste Julie, van hierdie jaar, om 4.30 was u in die hoofsaal van die Johannesburg Stasie? Is dit reg?---Ja, ek was.

Was u op pad om u trein te haal?---Ja.

En wat het gebeur, Mnr. Roets?---Ek het daar verby gekom, op pad na die trein toe.

Net 'n bietjie harder, asseblief!---Ek was op pad 20
trein toe en toe kom ek by platform 5 en 6, en toe wag ek vir die trein daar. Ek moes die trein op platform 3 en 4 gehaal het. Terwyl ek daar wag het die bom afgegaan.

Wat het gebeur?---Ek het net die vlamme gesien, en die slag gehoor.

Ja, en toe?---En glasskerwe gesien spat. Toe het hulle my daar weggevat na een koffiekamer toe.

Het jy behandeling ontvang?---Ja.

In die hospitaal?---Ja, Edelagbare.

Was daar ander persone in die hoofsaal van die stasie daardie namiddag?---Ja, Edelaagbare, daar was baie gewees.

Enige spesifieke persoon - het jy so iemand opgelet daar, of persone?---Nee, Edelaagbare.

Op die 12de September, tesame met ander getuies is 'n plek deur jou uitgewys - punt (e) op daardie plan - waar u gestaan het? Is dit dié plek hierso?---Ja, Edelaagbare.

MNR. MOODIE: Geen verdere vrae.

ALFRED EDWARD WILKINSON (Duly sworn, states):

EXAMINATION BY MR. MOODIE:

10

Doctor, you are a medical practitioner in Johannesburg?---Yes, I am a specialist surgeon in Johannesburg.

And you were asked to attend to certain persons in the Johannesburg Hospital on the afternoon of the 24th of July?---Yes, Sir.

Amongst those you attended were patients who have given evidence here; the patients names are Joubert, Lamprecht and Roets?---Lamprecht and Roets.

Not Joubert?---No, Sir.

Will you describe to the Court in regard to those two patients what your findings were?---My lord, as regards Mr. Roets, he was suffering from wounds of the legs, and burns of the right knee and face. Then on the 28th of July a small piece of copper wire was removed from his left hand and this was given to the Railway Police, my lord.

Now, the next patient?---Well, I am sorry, I have not quite finished!

Oh, I am sorry!---On the 30th of July a small metal foreign body resembling a suitcase staple was removed

29

from his left lower leg. Miss Catharina Lamprecht suffered burns of both lower legs, and she was discharged on the 8th of August. Mr. Roets was discharged on the 31st of July.

You also attended the witness who attended... who gave evidence, Mr. Joubert?---Mr. Willem Joubert, my lord, was treated in casualty on the 24th of July for burns of his face and hands, and he was allowed to go home.

There is an exhibit, my lord, rather out of sequence, but I would like to keep the numbers if possible. That is the exhibit you took from the patient?---Yes, that 10 is correct, my lord.

That is the staple - I will number it now, as your lordship pleases, Exhibit "21". Is this another exhibit from Roets as well - also a staple, I think?---Yes, they were removed by members of our staff.

That is Exhibit "22".

BY ASSESSOR - MR. HART: One staple, and one piece of copper wire?

MR. MOODIE: It is with Exhibit "21", the copper wire. It is just above the staple, my lord, sealed. 20

EXAMINATION BY MR. MOODIE (Continued):

Were both these staples removed from Roets?---
Yes, both pieces were removed from Roets, my lord.

MR. MOODIE: No further questions.

ETHEL MARY BURLEIGH (Duly sworn, states):

EXAMINATION BY MR. MOODIE:

Mrs. Burleigh, you come from Westonaria, and on the 24th of July, in the late afternoon, you were at the Johannesburg Station?---That is right, yes. 29

Were you a party of people?---Yes; my mother, and my two daughters.

Your mother is Mrs. Rhys, who is now deceased?--Yes.

And you had to wait for your train which left at about ten to five?---Yes, either ten to, or ten past.

What did you do at the station, Mrs. Burleigh?--- We bought our tickets, and then my mother and Carol went to buy a magazine at the bookstore.

BY ASSESSOR - MR. HART: Carol being one of your daughters?--Yes

EXAMINATION BY MR. MOODIE (Continued): 10

Yes?---While Glynnis and I went ahead.

That is your other daughter?---Yes. To sit on a seat with our cases and luggage.

Yes?---Then, as I approached the entrance where the ..you know.. the seat is, I saw a large suitcase on the left hand side, on the wall, with a note on the top - all I could understand on the note was the number "10", and I said to my daughter...

No, I am afraid what people said to you is not admissible. You saw a note with a "ten" on it?---Yes. 20

You could not read it?---No.

It was not in English?---No. I could just see "10".

You don't understand Afrikaans?---No, I cannot.

Are you a visitor to this country, or an immigrant?---No, I came here in 1950, and we have lived here ever since.

From England?---Yes.

So you don't know, except that you saw a "10", and a report was made to you?---Yes.

Now, what happened then?---Then my mother and 30

Glynnis... as I entered I saw the case, and the note, and then I cannot remember if the man was sitting down and stood up next to the suitcase, or whether he was standing there, but I just saw the side view of him, quickly, and I did not take any notice, not expecting anything, you see.

Yes?---Then Glynnis... no, Carol and my mother came just behind me, you see, and we all sat on the seat together, and I said to my mother "Move along...."

What you discussed, unfortunately, cannot be received in evidence, but as a result of conversations, where 10 did your mother go and sit?---On the seat - we all sat on the seat. And then Mother sat... we all sat on the seat there, and then I got up and I said to Carol...

No, you and your daughter Carol then moved off?--- Afterwards, yes. We all sat there, and then I said: "Move up, because the man is coming back for his suitcase", and I thought he had left a message to his friend saying that he was coming back in ten minutes.

As a result you moved up?---Yes, moved up a little bit, and I said to Carol....

20

What was spoken between you and other persons is unfortunately not evidence!---Oh, alright, then.

Your mother, in fact, did move?---Yes.

Now, in the direction of the suitcase, or away from the suitcase?---No, a little way. The suitcase was here, and she moved up a little way away from it.

Your daughter...?---My daughter Glynnis was sitting next to her..

And what did you and your?---Then I said to Carol "Come round to the shop....."

30

No, what you discussed, unfortunately....?---Oh, I see".

You discussed something with your daughter Carol, and you two left...?---Yes, we left and looked at the shops around the back.

While you were viewing the shops there, what happened? ---We got right around to the other side, and then the blast happened.

Can you describe that blast?---Yes, it was very loud, and first the whole place shook, and it was very loud, and 10 fire seemed to come right to the top of the ceiling, and then I ran back with my daughter Carol.

Yes? And you found that the two of them - your mother and your daughter had been hurt?---(Witness very upset). Yes, that is so.

Were there many people immediately gathered around there?---Yes, after this thing.

And first aid was given?---Yes.

And assistance was called for, and came?---Yes, that is right. 20

Your mother and Glynnis were immediately removed to this hospital in Johannesburg?---Yes, that is right,

Your mother remained in the hospital until the 18/19th of August?---Yes.

And she died in hospital?---Yes.

Is your daughter Glynnis still in hospital?---Yes.

Is she still receiving attention?---Yes.

Your mother - how long had she been in this country? ---She came with me in 1950.

Her age?---Seventy- seven. 30

And for her age - was she a healthy woman?---Very healthy and very young-looking.

And very active still?---Yes, very active.

Now, that is the plan we have had prepared of the station. You will see 5 and 6 there. Do you know more or less where you were when the explosion took place?---I was round where the fountain is. There is a tearoom, you know.. (Witness studies plan).

Approximately where there is a circular structure marked - the stairway, gallery, restaurant - you were there? 10
---Yes.

That is Exhibit "A(2)." Have you got "A(3)" there? The other one. That shows the little sort of waiting room - do you recognise that?---That is right.

And that is where your mother and Glynnis were sitting?---Yes.

Can you point it out so that the Court can see it? Can you point to the spot?---Here. (Witness pointing to spot).

And the suitcase? Where was that?---There.

BY THE COURT: Was it on the ground?---Yes. 10

Next to the wall?---Yes.

EXAMINATION BY MR. MOODIE (Continued):

How was it - was it lying flat down or was it standing, on its base?---Yes, with the handle on top.

Now, this is in this case slightly out of sequence - it is also an exhibit, but I would like to keep the numbers. It is Exhibit "12". Is that recognisable by you?---Yes, it is my mother's case.

As your mother's case?---My mother's case, yes.

And there is a piece of gree material - the 30

material is numbered "4(c)", the material which is... do you recognise that as what?---My mother's coat which she was wearing at the time.

CAROL BURLEIGH (Duly sworn states):

BY THE COURT: How old are you?---Thirteen.

EXAMINATION BY MR. MOODIE (Continued):

Will you stand nearer the microphone please, so that we can hear. Carol, you were with your mother and grandmother and sister in the Johannesburg Station on the 24th of July?

---Yes, I was.

10

You and your mother went to look at certain display windows, is that right?---Yes.

Where did your grandmother and sister sit - where were they?---They were sitting on the seat.

Just turn that way so that the Court can hear?---They were sitting on the seat.

On the seat - is that in the waiting room at platforms 5 and 6?---Yes.

While you were looking at the windows what happened? ---I heard a big explosion go off.

20

Now prior to your hearing the explosion going off, did you go into the little waiting room as well, at 5 and 6?---No.

Did you see anybody there, or anything there?---Yes.

What did you see there?---After the explosion?

No, before?---Nothing.

Nothing at all?---No.

Where were your suitcases?---They were on the floor next to us.

In that little waiting room?---Yes.

30

Those were the suitcases of your little party. Now, where were there any other suitcases there? Except from those that you people brought?---Yes.

Can you describe that?---Yes, it was a very big case.

Anything about its colour, or anything else that attracted your attention?---It had straps on it, and it was brown.

And anything else?---And it had a piece of paper on it.

Just a little bit louder - I don't think we can hear?---It had a piece of paper on it. 10

Can you describe this piece of paper?---It had a .. it was a white ruled piece of paper,

Yes?---And it had written on it, in Afrikaans "Back in 10 minutes".

You know Afrikaans?---Yes.

You don't know how that got there, or who placed it there?---No.

Now, was that.. can you tell us (and just please speak a little bit louder), can you tell us if the writing was in pencil, indelible pencil or anything that struck you about it?---It was written in blue ball point. 20

And the letters - was it easy to read, or was it small? ---It was quite big.

Now, when the explosion occurred here, you and your mother rushed back to this little waitingroom?---Yes.

And were there lots of people there?---Yes.

MR. MOODIE: No further questions.

JOHN LLEWELLYN RHYS (Duly sworn, states):

EXAMINATION BY MR. MOODIE:

The late Mrs. Rhys was your wife?---Yes.

She was admitted to the General Hospital, Johannesburg on the 24th of July, 1964?---Yes.

And you saw her from time to time?---Nearly every day.

And she died in the early hours of the morning of the 19th of August?---Yes.

And on the following day you were asked to identify her body at the mortuary?---Yes.

Was she a lady of 77?---Yes, 77, nearly 78.

And what was her health like?---Excellent. She 10
never had anything wrong at all.

MR. MOODIE: No further questions.

CHRISTIAAN ANDRIES VAN DYK (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

U is ambulans assistent?---Dit is reg.

In diens van die Johannesburg Munisipaliteit?---Dit
is reg, Edelagbare.

Om 4.51 n.m. op die 24ste Julie was u op diens ge-
wees?---Dit is reg, ek was op diens.

En u het 'n oproep gekry?---Ek het 'n rapport ont- 20
vang, Edelagbare.

As gevolg daarvan waarheen is u toe?---Johannes-
burg Spoorweg Stasie toe, na die binneplein.

En wat het daar gebeur?---Met my aankoms daar het
ek na die binneplein gegaan en 'n aantal mense gekry. Daar
was geen heseerdes nie. Ek het my dragbaar geneem en weer
uitgegaan na die ambulans.

Ja?---Toe ek by die ambulans kom het ek drie be-
seerde pasiënte agter in my ambulans gekry.

Kan u onthou wat is die naam van die een ?---Die een beseerde, wat erg beseer was, was Mevrouw Rhys. Sy was ernstig verbrand.

Was daar twee ander persone?---Daar was twee ander pasiënte ook by gewees.

Wie was hulle?---Mevrou Conradie, en 'n onbekende blanke dame.

Ja, en toe?---Die pasiënte was alreeds verbind. Mev. Rhys was op 'n plat dragbaar, agter in my ambulans. Ek het 10 haar uitgehaal en oorgeplaas op my dragbaar, aangesien die dragbaar wat sy op was kon rondskuif agter in die ambulans en sy verder beserings sou opdoen. Nadat ek haar oorgeplaas het het ek haar teruggeplaas in die ambulans, en dadelik vervoer na die Algemene Hospitaal, in Johannesburg.

Waar sy toe opgeneem was?---Dit is reg, Edelagbare.
MNR. MOODIE: Geen verdere vrae.

JESIAH KHOURY (Duly sworn, states):

EXAMINATION BY MR. MOODIE:

You are in the employ of the General Hospital in 20 Johannesburg?---Yes, Sir.

And you were on duty on the afternoon of the 24th of July, this year?---Yes, Sir.

And admitted a number of patients?---Yes, Sir, quite a number.

Including one - Mrs. Rhys?---That is right, Sir.

She was injured?---She was injured, with multiple injuries and burns.

She received treatment there?---Yes, and went to the ward as an emergency.

That is Ward 25?---25, Sir.

MR. MOODIE: No further questions.

JOHANNES FRANCOIS NORTJÉ (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

U is Assistent-Lisensiehoof, Roodepoort Munisipaliteit?---Ja.

In die Lisensie-afdeling?---Ja.

En u het insae tot al die rekords?---Dit is reg.

Van die kantoor daar. Nou, u is gevra, volgens rekords, van die registrasie nommer van 'n nuwe Volkswagen, 10 1964 model.---Dit is reg.

Kan u vir ons inligting kry of gee van die registrasie en die naam?---Ek kan, ja. Die registrasie nommer is T.U. 145-49. Dit is op die 5de van die 12de maand 1963 geregistreer in die naam van Mnr. F.J. Harris, van 6 Von Brandisstraat, Hamberg. Dit is 'n Volkswagen motorkar.

Hamberg is in...?---In Roodepoort self.

En T.U. - distrik Roodepoort?---Ja.

En Registrasie sertifikaatnommer?---6560... nommer 19/6560. 20

Is daar 'n masjiennommer?---Ja. Die 19 is die nommer van die registrasie, en die masjien nommer is 6560.

MNR. MOODIE: Geen verdere vrae.

JOHN ANDREW BLELOCH (Duly sworn, states):

EXAMINATION BY MR. MOODIE:

Are you attached to the Johannesburg General Hospital?---Yes.

And you are a medical practitioner?---That is right. 29

Now, on the 24th of July, in the afternoon, you were on duty at the hospital?---That is correct.

And a number of persons were there admitted, that afternoon?---That is correct.

You saw quite a number?---Quite correct.

Have you got the records, made at the time, or reasonably contemporaneous?---Yes, I have got the records.

What have you got there - one of them gave evidence, I think, a Mrs. Marshall?---Yes, I have the record.

Can you describe her injuries?---She was admitted 10 on the afternoon of the 24th of July, between 5 and 6 o'clock. Her injuries were as follows: She had a diffused burn of the whole of the face.

BY THE COURT: What sort of a burn?---A diffused burn, involving the whole of the face. She had burns involving the back of the left hand, and fingers, and burns involving the back of the right hand and fingers, and she had burns involving her legs, extending from the knee to the upper aspect of the foot, and she was shocked on admission.

EXAMINATION BY MR. MOODIE (Continued): 20

And the other patient - Koekemoer, is that correct? ---Yes.

Will you describe the injuries?---Mrs. Koekemoer was admitted between 5 and 6 o'clock on the afternoon of the 24th of July, with the following injuries. She had a diffused burn of the whole of the face, three quarters of the back of the left hand was burnt and to a similar extent on the back of the right hand. She had burns on the front of both legs extending from the knees, downwards to the ankles. She was shocked, on admission. 30

Now, the records show that you also had a patient, Glynnis Burleigh? She, in fact, is still in hospital?---
Yes, she is not directly under our care...

But she is still in hospital?---Yes.

And she suffered....?---She also was admitted on the same day, roughly at the same time. She had burns affecting the entire face, and head, the whole of her hair, and scalp, had been burnt. All the hair on the scalp had been burnt, threequarters of her back, extending from her neck, down to her waist, had been burnt. She had burns involving both 10
upper limbs, and the whole of both lower limbs. She was also shocked on admission.

Mrs. Rhys? The deceased?---Mrs. Rhys was admitted on the same day, at approximately the same time, between 5. and 6 p.m. on the 24th of July. She had the following injuries? Burns of the eyebrows, forehead and ears; the eardrum on the right was ruptured; she had bruising at the right side of the back of the chest, extending from the shoulder downwards to the lower extent of the chest. There were also irregular puncture wounds in this area. 20

BY THE COURT: What sort of wounds?---Puncture wounds - lacerations. And lacerations, in this area. There was a two inch by three inch burn between the shoulder blades. There was a burn at the back of the right hand, and a burn at the back of the right arm - 12 inches long and varying from one inch to three inches in width. There was a burn at the back of the left hand, and wrist, and a eight inch by four inch burn of the back of the left arm.

Yes?---The right lower limb - three quarters of the circumference of the lower two thirds of the back and outer 30

aspects of the leg were involved in skin fascia and muscle loss.

BY THE COURT: Just explain that, please?---The position?

Well, explain what that means?---The skin, the underlying tissue between the skin and the muscle and portion of the muscle had been lost.

BY ASSESSOR - MR. HART: Do you mean torn out? Blown out, or something?---were not present. Removed by trauma.

BY THE COURT: To what extent was this?---The outer aspect and back of the calf had been completely lost. There was a burn of the whole of the upper aspect of the foot and of 10 the sole of the foot. There was a four inch square burn over the right kneecap and a compound fracture of the right fibula.

EXAMINATION BY MR. MOODIE (Continued):

Fibula - the bone in the leg?---The bone in the leg. The outer bone in the leg. It would be the bone which lay deep to this wound.

Yes?---There is a six inch by three inch wound of the right buttock, extending down the muscle. The left lower limb - one half of the circumference - that is the inner and posterior aspects of the calf, were involved in skin fascia 20 and muscle loss. There was a burn of the remainder of the circumference of the leg. There was a burn of the upper aspect of the left foot, the whole of the upper aspect of the left foot, and the anterior half of the sole of the left foot. The patient was also shocked on admission.

That was the patient who was admitted to Ward 25, not so?---That is correct. Ward 25.

MR. MOODIE: No further questions.

BY THE COURT: How would you describe the injuries of Mrs. Rhys - as very very serious?---I would describe them as 30

very serious, particularly in a person of her age.

And the little girl is no longer under your personal care?---No, she was admitted to our care.

PETER THOMAS COMFORT (Duly sworn, states):

EXAMINATION BY MR. MOODIE:

Are you a medical practitioner at the General Hospital in Johannesburg?---That is correct - I am a Surgical Registrar.

And you were on duty on the 24th of July?---That is correct, my lord. 10

Now, we don't require details of all the persons who were there. You admitted quite a number of persons, did you?---Yes. I dealt with these patients in the Ward, rather than admitted them myself.

What was the general description of their injuries? ---Well, the injuries fell into two classes - firstly burn injuries, and secondly shrapnel type wounds. All the patients that I had to deal with were mostly burns, with the exception of one case, Mr. Turkstra, who was of the shrapnel-injury type, my lord. 20

Would you explain that sort of injury?---Yes, certainly. Mr. Turkstra was aged 51, presented predominantly with the following injuries: they were mostly injuries of the legs and there was a laceration of the left thigh in the upper part, near the groin. There were two further puncture wounds of the left thigh, also a laceration above the left knee. There were also multiple puncture wounds in the right thigh, including abrasions of the legs, below the levels of the knees. There was also a laceration 30

present in the left nostril.

Yes?---Buried deep in all the wounds I have mentioned were particles which fell into two classes - either small metallic fragmens, or pieces of wood.

That roughly describes the shrapnel-type wounds?---
Yes? The other cases - suffered from the burn type of injury, in which predominantly the exposed areas of the bodies were burnt. Presumably exposed for a short time to a high temperature type of flash, and that is mostly of the face, the hands, and in the case of females, below the level of the skirt, and in the case of the young boy that I treated, below the short trousers, and above the level of the stocking.

MR. MOODIE: No further questions.

AT THIS STAGE THE COURT ADJOURNS.

ON RESUMING AT 2. p.m.

THYS CHRISTIAAN CALITZ (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

Luitenant in die Suid-Afrikaanse Spoorweg Polisie?

---Dit is reg, Edelagbare.

Johannesburg. Op die 4de Augustus het u besit geneem van bewysstukke van Dokter Mace-David?---Dis reg.

Is dit die bewysstuk?---Dit is die bewysstuk.

Nommer?---Bewysstuk nommer "25"

Ook op dieselfde datum het u besit geneem van sekere ander bewysstukke?---Van Dokter Katzen.

Bewysstuk?---Bewysstuk "26", Edelagbare.

Op 12 September, van die jaar, was u teenwoordig in die Johannesburg Stasie?---Dit is reg, Edelagbare.

Waar u gevra het dat sekere getuies sekere punte aan 29

u moes uitwys?---Dit is reg, Edelagbare.

Dit is aan die Bewysstuk "A(3)"?---"A(3)", ja.

Daar kom sekere plekke voor, daar. Sal u hulle net beskrywe, asseblief Luitenant?---Punt (a) is die plek wat uitgewys was deur getuie Marshall, waar sy min of meer tydens die botsing... tydens die ontploffing beweeg het.

Dan (b)? --Punt (b) is die punt uitgewys deur getuie Joubert waar hy beweeg het en gestaan het toe die ontploffing plaasgevind het.

Ja, (c)?---Punt (c) is die punt uitgewys deur getuie Lamprecht, een van die beseerdes, waar sy beweeg of gestaan het toe die ontploffing plaasgevind het. 10

Punt (d)?---Dit is die plek waar Mevrou Burleigh gestaan het toe die ontploffing plaasgevind het.

Punt (e)?---Punt (e) is die punt uitgewys deur Mnr. Roets waar hy gestaan het toe die ontploffing plaasgevind het, en punt (f) is die punt uitgewys deur Mevrou Koekemoer.

DEUR DIE HOF: Wat is die twee bewysstukke, "25" en "26"?--- Dit is voorwerpe wat die dokter uit die liggaam van oorlede Mevrou Rhys verwyder het, tydens behandeling. Dit is 20 Bewysstuk "25", en Bewysstuk "26" is voorwerpe wat hy verwyder het van die liggaam van Mnr. Turkstra, 'n ander beseerde.

MNR. MOODIE: Geen verdere vrae.

GYSBERT THEUNIS JOHANNES VERMEULEN (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

U is Kaptein in die Suid-Afrikaanse Spoorweë - in die Spoorweg Polisie?-- -Dit is reg, Edelagbare.

Johannesburg?---Dit is reg, ek is.

Nou, op die 24ste Julie, om.. watter tyd was dit?
---Tussen 4. 25 n.m. en 4. 27 n.m.

Wat het gebeur?---Het die telefoon op my lessenaar gelui, en toe ek die gehoorstuk optel het dit gegaan wanneer iemand 'n oproep van 'n publieke telefoon maak.

Ja?---Die persoon - 'n manspersoon - het met my in Engels gepraat. Hy het nie gesê wie hy is nie, en hy het gesê "This is the African Resistance Movement - can you hear me, can you hear me?" Ek het geantwoord: "Yes, speak up". Die persoon het gesê "There is a bomb somewhere in the main station building, and it will go off at 4.33. Don't touch it". Voordat ek die persoon se naam of besonderhede van hom kon kry het hy afgelui. In die... ek het dadelik die hoof van die Veiligheidsafdeling - ek het die voorval aan hom gerapporteer.

By watter telefoon was u, Kaptein?---Dit was by telefoon 22-2638.

Is dit direk deur na u toe?---Dit is. 22-2638 en dit is direk deur na my.

MNR. MOODIE: Geen verdere vrae.

JAN JACOBUS VAN ROOYEN (Verklaar onder eed):

20

VERHOOR DEUR MNR. MOODIE:

Mnr. van Rooyen u is 'n mede-hoof Redakteur van die Transvaler, in die stad Johannesburg?---Ja.

Op Vrydag, die 24ste Julie van dié jaar was u op kantoor gewees?---Ja.

Ongeveer hoelaat was dit gewees?---Omtrent 4.27 n.m.

En het u 'n oproep gekry?---Ja.

Wat het gebeur?---Ek het die oproep ontvang - die persoon het vir die sekretaresse gesê hy wil nie 'n naam gee 29

nie maar dit is dringend.

Net wat aan u gesê is!---Toe het die stem as volg gesê: (min of meer soos ek dit kan onthou). "Dit is die African Resistance Movement wat praat."

Het hy Engels of Afrikaans gepraat?---Hy het Afrikaans gepraat. "Daar is 'n bom in die hoofsaal van die stasie. As iemand aan hom vat sal hy ook ontplof. Dit sal om 4.33 ontplof. Waarsku die stasie".

Ja?---Dit is die woorde wat ek kan onthou.

Wat het toe gebeur?---Toe het ek die nuusredakteur 10 gevra om 'n verslaggewer en fotograaf af te stuur stasie toe en terselfdertyd het ek 'n redaksielid gevra om die spoorweg te bel en hulle van die oproep te verwittig.

Dit was in Afrikaans?---In Afrikaans.

Was dit iemand wat tuis is met Afrikaans?---Ek sou sê... hy praat baie goed Afrikaans.

Dit was 'n mansstem gewees?---Ja.

MNR. MOODIE: Geen verdere vrae.

HENDRIK CHRISTOFFEL MULLER (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

20

U is 'n Luitenant, Suid-Afrikaanse Polisie?---Ja.
Waar is u gestasioneer?---Roodepoort, Edelaagbare.
Nou, op Vrydag, die 24ste Julie, van hierdie jaar het u 'n sekere opdrag gekry van Kaptein Swanepoel?---Ja.

Hoelaat was dit gewees?---Dit was om en by 10.30 n.m.

As gevolg van hierdie opdrag wat het u gedoen?---
Het ek na Von Brandisstraat nommer 5, Hamberg, distrik Roodepoort gegaan - die woning van Beskuldigde, Edele.

Ja, wat het daar gebeur?---Ek het aan die deur 29

geklop. Die beskuldigde het oopgemaak. Ek het hom in kennis gestel dat ek hom in hegtenis neem, en hy het my vergesel. Ek het hom geneem na die Grays Gebou, in Johannesburg, waar ek hom aan Kaptein Swanepoel oorhandig het.

Die rede vir arrestasie - is dit aan hom gesê?---Ek het hom meegedeel dat ek hom kragtens die bepalings van Artikel 17 van Wet 37 van 1963, of bekend as die 90 Dae Wet, in hegtenis neem, Edelagbare.

MNR. MOODIE: Geen verdere vrae.

BARRY RAYMOND SWERSKY (Duly sworn, states):

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EXAMINATION BY MR. MOODIE:

Mr. Swersky, you live at number 33 Oxford Road, Forreesttown?---Yes.

And you live there with your wife?---Yes.

And it was portion of a house that you occupied?

---Yes.

What portion was that?---We occupied three rooms and a kitchen and a bathroom, of the larger house.

Nou, attached to this house there is a cellar?---

Underneath the house there is a cellar, yes.

20

Where, actually, in relation to this portion of the house did you occupy these rooms?---The cellar is immediately underneath the room which we occupied as a bedroom, and is about the size of the bedroom itself.

It is a big cellar, then?---A fairly large cellar.

And this cellar, do you know if it is kept locked?

---It is.

By what means?---It is kept locked by way of a padlock on the outside.

29

Did you yourself use this cellar much, in your personal...?--Me personally, very rarely. The cellar was used by the occupants of the house, that is to say our landlords, and ourselves, as a storage place where we kept a few suitcases, and a couple of old chairs, and that sort of thing. I personally used it very rarely.

At 8.30 a.m. on the 25th of July, 1964, were you at home?---I was.

And you answered the door, in response to someone being at the door?---I did.

10

What did you find?---There were about four or five gentlemen, in plain clothes. They identified themselves as policemen, and asked if I had the key to the cellar.

Did you fetch that key?---I said I would look for it and I went into the kitchen where the key was usually kept, hanging on a board in the kitchen, and I found the key, and I think I handed it to one of the policemen, and I accompanied them out of the door. You couldn't get to the cellar out through the house itself. You had to go outside. I went outside, and around the house, and in my presence they unlocked the lock, and opened the cellar, and one of them - I think it was Lieutenant Fick(?) went in first, and the others crowding around the outside.

20

Now, in that cellar there were a number of suitcases?---That is correct. On the left hand side was a lot of old furniture and on the right hand side, as you came in, was a pile of suitcases, one on top of the other.

I will ask you to have a look at some of these exhibits. They consist of suitcases. Will you put it up so that the bench can see it?---Yes, certainly.

30

It is called Exhibit "O". Do you know that?---Yes. This suitcase is a suitcase belonging to me, or rather belonging to my wife. She usually uses this suitcase. She used to use this suitcase, when we went away. There is a smaller suitcase inside.

It is marked "O", but its Exhibit number will be Exhibit "16". It was marked at the time it was found with an "O". Our exhibit number will be "16".

Exhibit "17" - that is a brown suitcase,---This suitcase belongs to me. It definitely belongs to me, because 10 that is the only way it opens. It has belonged to me for a long time.

The next suitcase was Exhibit "18", and it was marked "2" at the time,---This suitcase is mine - I bought it just before I got married. I used this suitcase personally.

And the next one?

BY ASSESSOR - MR. HART: How long ago was that?---I got married on the 22nd of December, 1963. The suitcase was bought, I should imagine, during that month. 20

EXAMINATION BY MR. MOODIE (Continued):

Then the one marked number "3" - Exhibit "19",--- This suitcase I don't recognise, and I don't think it is mine.

You mentioned that in one of the suitcases there was another suitcase?---That is correct.

Would you be able to identify that one?---Yes, oh yes. (Smaller suitcase shown to witness .) Inside this suitcase is another one. This is also mine - or rather my wife's again - it was a matching set, and this is my wife's overnight bag. 30

That is Exhibit "16(a)" - it is a matching suitcase belonging to that one (Exhibit "16"). I should have put it in earlier, my lord. Now, in this garage you say suitcases were opened - or certain of them were opened?---In the cellar. What happened was - the police started... this policeman started looking around and I then pointed to the suitcases on the side and said "These are our suitcases", and the suitcases were then opened.

What conversation you had there, as you know, will not be admissible. Anyway they were examined?---They were. 10

Did you have a glimpse of the contents?---I did. Naturally not as thorough a look as the police officials, but did you see anything there?---Yes, certainly I did.

What did you notice?---Incidentally, I think there was another suitcase as well. I think there was another suitcase. I am almost sure.

Well, if that is so, I could always come back to it. What did you see?---Yes, well, the police opened the suitcases and I saw a quantity of brown sticks, about this length, which they said was dynamite... 20

That is also a report that was made to you?---Yes, well, I saw the brown sticks.

And other articles?---I saw this can - plastic can, but it wasn't in the suitcases. This was standing on the other side.

That has got a number, I think. I will put this in properly, through another witness, my lord. It is Exhibit number "2" but it will be put in through the proper person. --- As to the rest of the things I am not sure. I ... as far as I can recall I saw a pair of rubber gloves, 30

and I also saw, possibly two, but definitely one, little booklet, which seemed to have diagrams of electrical circuits on it. I only saw the top page.

Now, that - may I ask you, was the first time you had ever seen any of these articles?---Very definitely.

MR. MOODIE: No further questions.

BY THE COURT: You will have to come back for cross-examination, if the Defence requires you.

JOSEPH HENRY OPENSHAW (Duly sworn, states):

EXAMINATION BY MR. MOODIE:

10

You are employed by the Rand Daily Mail, a newspaper of Johannesburg?---Yes.

And you were in your office on the 24th of July, this year?---Yes.

At what time, about?---Well, it was in the afternoon - about 4.20 or 4.25.

What happened?---I was acting as assistant news editor when a telephone call came through to the desk and a voice gave me a message and said...

Can you repeat the words, if possible?---Yes, the voice said I should listen very carefully. It was very important. That a bomb, timed to go off at - I think it was - 4.33 had been placed in the main concourse at the station, and then the voice repeated the message. 20

Did you get the speaker's name?---I asked. It was a male voice. I asked who it was, but he rang off.

MR. MOODIE: No further questions.

KAREL JOSEPH DIRKER (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

U is Speurder Adjudant Offisier, in diens van die Suid-Afrikaanse Polisie?---Dit is so.

Veiligheidspolisie, The Grays, Johannesburg?---Ja.

Op die 25ste Julie, waarheen is u, Mnr. Dirker?---
Ek het na 'n adres gegaan, nommer 6 Von Brandisstraat, Hamberg, in die distrik van Roodepoort.

Ja?---By my aankoms aldaar het ek twee persone daar gevind, met die naam van Mnr. en Mevrou Harris.

Ja?---Ek het die woning deursoek, en 'n ruk na my 10
aankoms het ook 'n jonger dame daar aangekom wat haar voorgestel het as Mevrou Harris.

Ja?---Ek het sekere dokumente en artikels in beslag geneem, wat ek in die huis gevind het. Ek het ook 'n Volkswagen motorkar deursoek wat in die straat voor die woning gestaan het.

Nou, onder andere wat het u gevind in die huis daar?
---Ek het 'n tikmasjien in beslag geneem. Dit is die tikmasjien nou voor die Hof.

Bewysstuk "14(b)". Ja?---Ook het ek hierdie 20
sleutelhouertjie met vier sleutels in in beslag geneem.
Bewysstuk "13". Ek het 'n twee-stuk bruin pak klere in beslag geneem, gemerk Bewysstuk "14". Ek het 'n bolpunt pen in beslag geneem, gemerk Bewysstuk "14(a)". Ek het 'n notaboekie in beslag geneem, waarin in die boekie die naam John Harris, 6 Von Brandisstraat, Hamberg, Roodepoort, verskyn. Ook was 'n identifikasiekaart in die sakboek, soos dit nou hier in is. Dit is 'n kaart 331557539W, in die naam van F.J. Harris.

DEUR DIE HCF: Dit is die beskuldigde se portret?---Dit is 30

die beskuldigde se portret, ja, Edelagbare.

MNR. MOODIE: Die Bewysstuk nommer sal dan vir daardie bewysstuk wees?---Die notaboek is Bewysstuk "14(c)". Ook het ek 'n dokument in die woning gekry, met handskrif daarop met sekere notas, en dit is gemerk "H(1)".

Is hierdie dokumente dieselfde tyd gevind?---Hierdie dokumente het ek in die Volkswagen motorkar gevind.

Dit is "H(2)", maar dit was op dieselfde tyd en datum gewees. Op die 25ste Augustus, het ek hierdie slot, nou voor die Hof, Gemerk "13(a)", van Luitenant van der Merwe 10 van die Veiligheidspolisie van Johannesburg, ontvang. Ek het een van die sleutels wat ek gevind het - met die deursoeking op 25 Julie - het ek getoets op die slot, en die sleutel sluit die slot oop.

Is dit die sleutels wat "13" gemerk is?---Ja, Edele.

DEUR DIE HOF: Laat ek asseblief die dokumente sien.

MNR. MOODIE: Geen verdere vrae.

WILLEM JOHANNES VAN DER MERWE (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

U is 'n Luitenant, in die Suid-Afrikaanse Polisie. 20
---Korrek Edele.

Johannesburg?---Korrek.

Ongeveer 5.40 n.m. op die 24ste Julie is u saam met Luitenant Victor(?) na die Johannesburg Stasie toe?--- Dit is korrek, Edelagbare.

En wat het daar gebeur, Luitenant?---U Edele, daar was 'n groot aantal mense wat daar saamedrom het, en wat ek daar gesien het was dit by platform 5, en ek het afgelei dat daar 'n ontploffing plaasgevind het. 29

DEUR DIE HOF: Wat was die datum?---Die 24ste Julie, 1964.

VERHOOR DEUR MNR. MOODIE (Vervolg):

Ja?---Ons is van daar af na Jeppe Polisiestatie, eers nadat ons sekere navrae gedoen het, en ons inligting ontvang het, en reëlings getref om die beskuldigde te laat arresteer.

Het u toe vir die ^{beskuldigde}/gesien?---Ek het die beskuldigde toe nie gesien nie.

Wanneer het u hom gesien?---Om 8 v.m. op die 25ste Julie, Edele. 10

Waar was dit?---By "The Grays".

Hy was toe aan_ehou onder Artikel 17?---Ek neem aan dat hy was, ja.

En toe, wat het gebeur?---Ons het 'n onderhoud met die beskuldigde gevoer. Beskuldigde het sekere inligting aan ons verstrek, as gevolg waarvan ons gegaan het na Oxfordweg, Foresttown; Beskuldigde het die huis by nommer 33 Oxfordweg aan ons uitgewys, as gevolg van die inligting wat hy aan ons gegee het het ek 'n kelder aan die noordekant van die huis gevind. 20

Waar was daardie gelder toegesluit gewees?---Die kelder was gesluit, Edele.

Deur 'n hangslot?---Deur middel van 'n hangslot.

Is dit 'n ... is die dié bewysstuk?---Dit is die slot ja, Edelaagbare. (Bewysstuk "13(a)".)

Ja, en toe?---Ek het by die voordeur aangeklop en die sleutel - deel van Bewysstuk "13", van Mnr. Swersky ontvang. Ek het die slot oopgesluit en Luitenant Victor en ekself het die kelder binnegegaan. Ek het die kelder na 'n rukkie weer verlaat en die beskuldigde was intussen 30

saam met Adjudant Offisier Nel in die motorvoertuig gelaai. Ek het teruggegaan, weer met die beskuldigde gesels, en as gevolg van verdere inligting wat hy aan my verstrek het het ons vier tasse in die kelder oopgemaak. Dit is die Bewysstukke"16 tot "19" nou voor die Hof, Edele.

Neem "16" eers.---"16", Edele, "17".

"18"?---Korrek, Edele,

En "19"?---Dit is so, Edele.

Ja, wat het toe gebeur, Luitenant?---Twee van die tasse was oopgemaak - een deur Luitenant Victor, en die ander 10 deur Luitenant van Rensburg. Toe Luitenant Victor die derde tas oopmaak het hy 'n rapport aan my gemaak, en ons het toe besluit om die hulp van 'n inspekteur van plofstowwe in te roep, Edelaagbare.

Het julle toe daar gewag?--Ek het die huis vir 'n rukkie verlaat, teruggery na The Grays. Daarna, toe ek daar kom, het Mnr. Kruywagen net daar gearriveer, en hy het die res van die tasse oopgemaak. 'n Lys van die inhoud van die tasse was opgemaak, met behulp van Majoor Fritz...

En 'n fotograaf was groep?---'n Fotograaf was ge- 20 roep, nadat ons die bewysstukke uit die kelder verwyder het.

Is julle toe terug na die Grays toe, Luitenant? ---Ja, Edele.

Saam met die beskuldigde?---Nee, die beskuldigde het ek teruggeneem na die Grays voordat die fotos geneem was, en voordat ons die lys opgestel het.

Toe jy hom teruggeneem het na die Grays toe, wie was saam met u?---Adjudant Offisier Nel.

By hierdie aangeleentheid, wat het gebeur, Luitenant, toe u hom teruggeneem het saam met Nel?---U Edele, 30

ek mag net aan die Hof verduidelik dat die hysbak by The Grays is gestel dat hy... daar is 7 verdiepings. Die hysbak self gaan tot op die 6de vloer. Indien 'n persoon op die sewende vloer wil wees moet hy stap, die een vloer, se trappe. Mnr. Nel, beskuldigde en ek het gestap - en toe ons op die sewende vloer kom... ons is met die hysbak tot by die sesde vloer, en toe ons by die sewende vloer kom - toe ons die gang instap het die beskuldigde my vorentoe gestamp, omgespring en die trappe afgehardloop. Op die draai van die trap, tussen die 6de en die 7de vloer het ek die beskuldigde ingehaal. 10
Ons was albei op vl spoed, en ons het albei geval op die trap. Die beskuldigde en ekself het albei dadelik weer opgespring. Die beskuldigde het na by geslaan en daar was toe oor en weer houe gewissel tussen myself en die beskuldigde. Die beskuldigde het weer geval. Mnr. Nel en ekself het hom weer vasgegryp, en hom na die kantoor op die 7de vloer geneem.

Het hy vir jou raak geslaan, Luitenant?---Ja.

U het hom ook geslaan?---Ek het.

Was daar sigbare merke op u gewees?---Nee.

En op die beskuldigde?---Ook nie. Nie op daardie... 20
Ek het niks onmiddelik op hom gemerk nie.

U is 'n vrederegter, kragtens die wet, nie waar nie?---Ja, Edele.

Toe u hom uitgeneem het na hierdie plek, 33 Oxfordweg, was hy heeltemal normaal gewees?---Ja, Edele

Hoever is dit min of meer van die polisiestasie - 33 Oxfordweg?---Ongeveer 3 myl. Van The Grays na Oxfordweg, 33.

Het hy die rigting gewys vir jou, of...?---Edele, 30
ek het gery tot in Oxfordweg, en daarvandaan het die be-

skuldigde gesê "Ry hier reguit - draai af"- daar is 'n dwars-
straat langs 33 - hy het vir my gesê ek moet daar in gaan
want dit is in die dwarsstraat.

Dit is nommer 33?---Ja, Edelagbare.

MNR. MOODIE: Geen verdere vrae.

MR. MOODIE: My lord, that is as far as I wish to go today,
without hearing whether cross-examination will take place of
what we consider important witnesses.

BY THE COURT: Are you now asking for an adjournment until
tomorrow:---MR. MOODIE: Yes, I have no more, what I can call 10
formal witnesses - they, according to the plan, were sub-
poenaed for tomorrow.

Then we shall resume tomorrow at 10 o'clock.

MR. PHILLIPS: May I just enquire - does that mean that your
lordship expects me to be able to cross-examine these wit-
nesses tomorrow?

BY THE COURT: Yes, if you can, and, of course, if you
cannot, then...

MR. PHILLIPS: My lord, the opportunities of consultation
with the accused on days when the Court sits appears to be 20
virtually nill, as at present advised. Our only chance of
trying to get opportunities are early in the morning or
late in the afternoon, and those are times which, as at pre-
sent advised, the gaol authorities do not permit. I have
spoken to one of the Senior officers here who has undertaken
to do what he can about that, but those are our difficul-
ties at the present moment.

BY THE COURT: You will be afforded the oppornity.

AT THIS STAGE THE COURT ADJOURNS UNTIL TOMCRRD.

ON RESUMING AT 10 a.m. ON THE 22nd SEPTEMBER, 1964.

APPEARANCES - AS BEFORE.

MR. MOODIE, for the State, CALLS:

MICHAEL KATZEN (Duly sworn, states):

EXAMINATION BY MR. MOODIE:

You are a surgeon, attached to the General Hospital in Johannesburg?---That is correct.

And on the 24th of July, this year, you were on duty there, in the late afternoon?---That is correct.

And a number of persons, who had been injured, were admitted to the hospital, of which you treated a certain Mr. Turkstra?---That is correct. 10

What wounds did he show?---The patient showed several wounds. He had three wounds of his left thigh, the front of the thigh. There was one wound - a lacerated wound, one inch long, about two inches below his left groin. He then had a further wound puncture wound a quarter of an inch in diameter, about the middle of the front of the left thigh, and then he had a further puncture wound, a quarter of an inch in diameter, about two inches above the left knee, and over the left knee itself he had a lacerated wound, about an inch and a half long. He also had a lacerated wound about an inch long at the .. over the front of the right thigh. He had a small lacerated wound of the right nostril. Besides this there were a number of abrasions of both legs, and over his face. In these wounds were protruding some foreign bodies. From the large upper wound of the left thigh was protruding a large, thick piece of wood, and from the wound in the right nostril was protruding a small sliver of wood. 20 30

You removed objects from Mr. Turkstra?---The same evening, an operation was performed on Mr. Turkstra, where his wounds were cleaned, and a number of objects removed.

Those are the objects? They are Exhibit "26", and they were handed to Captain Calitz, of the Railway Police, is that correct?---That is correct.

MR. MOODIE: No further questions.

MR. MOODIE: The following witnesses, my lord - a group of about 6, will be witnesses in the chain of identity of the deceased, and medical history, and finally the post mortem. 10

JEANIE LAETITIA BATTERSON (Duly sworn, states):

EXAMINATION BY MR. MOODIE:

You are a nurse at the General Hospital, Johannesburg?---I am.

You were on duty on the night of the 18th/19th of August of this year?---Yes.

Mrs. Rhys, the deceased in this case, was in the Ward?---That is right.

You must just speak up a little bit, please. The Court would like to hear. She was extremely ill?---Yes, 20 she was very ill.

Now, what time did you see her in the Ward, when she died?---I go on duty at 7.30 and Mrs. Rhys passed away at 2.45 on the morning of the 19th.

On the morning of the 19th?---That is right.

You immediately reported that fact?---Yes, I did, my lord.

MR. MOODIE: No further questions. 28

PIETER JACOBUS PRETORIUS (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

U is in diens van die Algemene Hospitaal, Johannesburg?---Ja, Edele.

En die 18de/19de Augustus, was u op diens gewees daardie aand?---Ja.

In die nag?---Dit is reg.

En u het 'n oproep gekry, en u het die lyk van Mevrouw Rhys ontvang?---Ja.

Nou.. en aan wie het u dit oorhandig?---Ek het dit oorhandig aan die Dodehuis. 10

Die Dodehuis in die Hospitaal?---Ja, in die hospitaal, Edele.

MNR. MOODIE: Geen verdere vrae.

JACOB PIETER WILLEM ENGELBRECHT (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

U is in diens van die Algemene Hospitaal, Johannesburg?---Ja, Edelagbare.

As lykshuisbediende?---Ja.

Op die 19de Augustus het u die lyk van Mevrouw Rhys, die oorledene in hierdie saak, ontvang?---Ja, ek het. 20

Het u die lyk aan iemand oorhandig daar?---Ja, aan Konstabel Delport.

MNR. MOODIE: No further questions.

LIONEL MACE-DAVID (Duly sworn, states):

EXAMINATION BY MR. MOODIE:

Mr. Mace-David, you are a specialist-surgeon?---
That is correct. 28

And you are attached.... well, you are not attached anywhere, you are....?---Second in command at the Johannesburg General Hospital, Ward 24 and 25.

Now, you know Mrs. Rhys, the deceased in this matter, was admitted to the hospital on the 24th of July?--- That is correct.

You attended to her?---That is correct.

Now, can you give us the history of the attention she received, please?---

This is your report that you are referring to, 10
Doctor?---Well, that is the synopsis of the report.

Will you outline to the Court what you found, and what attention she received? And what happened?---Well, the patient was admitted to the Ward on the 24th of the 7th, 1964. The following were a list of her injuries: There was loss of skin, dorsal, the hand, the wrist and the fingers. There was loss of skin of the face. There was destruction of the tissues, of both lower limbs. There were perforating wounds on the whole of the right buttock, extending into the right axilla, and there was.. she had penetrating wounds 20 into the chest wall. There was surgical emphysema in the posterior chest. There were extensive abrasions on her right side, and there was a fracture of her fibula. Associated with that there was a very severe degree of shock, with burns. She was extremely shocked and we introduced our treatment for shock which meant the administration of blood plasma. We put her lower limbs into a plaster of paris cast to prevent her moving. At half past twelve in the morning I was satisfied that her condition had improved sufficiently for me to take her to the 30

theatre. Up to this time, having assessed the condition, I discussed the matter with her relations as regards the treatment which we thought we may have to institute. On removal to the theatre she was photographed and then we proceeded to carry out the treatment for the case. I don't know if you want details of that treatment?

Yes, in broad detail...?---In broad detail it meant removal of all the destroyed tissue of both lower limbs, back of both lower limbs, skin and muscle, right down to bone had to be removed. At one stage we were rather 10 worried about whether we shouldn't carry out an amputation of the one limb, but in view of her age we felt it was far better to try and save that if we could. During the operation she received three pints of blood. On exploring the buttock I found that the wound had penetrated very deeply. I removed the foreign material and excised all the dead tissue from that area. I explored the chest wall, and found that the wounds did not penetrate into the chest cavity, but stopped short at the ribs and the muscles. The superficial bones were cleaned, painted with mercurochrome, 20 and polybactrin spray applied. The wounds of the chest, the buttock and the legs were then covered in tullegras and the patient was encased in thick bandages of gauze and wool. Sir, at 5 o'clock that morning her condition had improved, and we continued giving her blood and plasma and on the morning of the 25th she seemed to be very much better. Then on the 28th I had a consultation with Mr. Walker, our plastic surgeon, as regards further treatment of the patient, and then we decided to inspect the patient in the theatre, under an anesthetic, and re-assess the 30

amount of damage which had occurred. The right hand: there was a total dorsal burn which is mixed, being partial and full thickness. The palm was normal. We dressed that and left it. The left hand: she had lost complete full thickness of the whole of the dorsal, which is the back of the hand, of the skin and the tissue, and two inches of the adjacent tissue of the wrist. On the left arm: she had a full thickness burn in the region of the triceps muscle, which is there (demonstrates), measuring eight inches by four. The right leg: her loss of tissue on the right 10 leg was three quarters of the diameter of the limb, running from the knee right down to the foot. The sole of the foot: there was a full thickness burn of the whole of the sole and the foot - the whole of the back of the foot, and this extended to an area of almost four inches by four. The right knee-cap - she had a full thickness burn, measuring four inches by four. The left leg: she had lost half of her circumferential diameter of skin, muscle and fascia. She had a full thickness burn of the remainder of the leg, the front and slightly to the lateral aspect - to the side - 20 and a full thickness burn of the dorsal of the left foot, and half of the sole. The wound in the thigh - this extended to a depth of almost six inches. It was related to this bone which we call _____ and it went right through the muscle, right to the fat to the muscle. We then decided to attempt to reduce the size of this cavity and closed it partially with catgut. The right arm: the back of the arm - there was a full thickness burn 12 inches long, which varied from one inch to two inches in breadth. From the upper arm... from the upper 30

thid of the arm to an area two inches distal to her elbow. The right side of her chest: there was bruising of her lower costal margin to her shoulder. There were irregular puncture wounds and full thickness burns scattered throughout this area. She had a full thickness burn two inches by three inches between both shoulder blades. The left iliac crest: that is to say the bone that runs across here (demonstrates). She had a fullthickness burn three inches by two inches. The face: the eyebrows were completely destroyed and she had partial thickness burns above both eyebrows. At that stage we had not yet decided whether they were either partial or full thickness burns, because she still had a few blisters around the place. She was then dressed and sent back to the ward. She was maintained by intravenous therapy. Her hemoglobin, that is to say her blood content, was controlled all the time, and blood was administered when it was necessary. On the 31st of the 7th month the patient was doing remarkably well. A great deal of hard work would still be required in this patient, We then put her onto a diet - of course feeding the patient on high protein - in order to help her to heal her burns. On the 2nd of August, 1964, we decided to take the patient to the theatre once more in order to assess her general condition, and to decide whether the time had arrived to begin skin grafting. The same day she complained a great deal about her deafness, which I should have mentioned. She had one of the ear drums destroyed by the blast. We asked the E.N.T. Department to see her and they decided that nothing could be done, until the patient had recovered. On the 4th of the 8th, 1964, we took her back to the

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theatre. We redressed her wounds and we took swabs for culture of possible organisms. As regards the right and left legs, there were certain areas of dead tissue which was still present. These were excised, and we prepared the area for grafting. At that stage she was given two pints of blood. She was sent back to the ward. On the 5th of the 8th, 1964, she was a little bit worrying in that her urinary output had dropped. She became confused and restless, and we transfused her once more with Dextrose water solution. On the 7th she developed a temperature of 101. She had 10 changes in her heart, in that she developed a peculiar type of rhythm which we call a "gallop rhythm", but the electrocardiograph readings showed no changes. We then administered an anesthetic to her on the 7th of the 8th where Mr. Walker - that is the plastic surgeon - assisted by my Registrar, Dr. Bleloch, carried out further inspection of the dressings, which showed that the burnt areas were healing well. There was no evidence of sepsis, although there was some degree of oozing still present. It was then decided, by Mr. Walker, that he would skin graft these areas, and he took moderate 20 skin flaps from the left thigh in two pieces and these were placed onto the lower limbs. That was the area which was very widely exposed, and we hoped to prevent further loss of fluid, by grafting that area. Swabs were taken from all these areas and then the patient was sent back to the Ward, after a further two pints of blood was given to her. A day later she developed chest signs; an X-ray examination of the chest showed that some part of her lung had undergone patchy consolidation. In other words, the possibility of a bronchial pneumonia developing had occurred. 30

However, on antibiotic therapy the patient improved. On the 11th of the 8th, 1964, at half past four in the afternoon we again took her to the theatre to change the dressings, and unfortunately at this stage we found that her wounds had become infected. That afternoon she was transferred to the Septic Ward, namely Ward 20. Three days later, without any anesthetic she was taken to the theatre once more, her dressings were changed and dead tissue and sloughs which were present were removed until healthy tissue was found. The same afternoon we found that her blood proteins had dropped quite remarkably and she was given intravenous therapy of albumin, plasma and and she was continued with forced high protein feeds. However, her urinary output was not satisfactory and we were beginning to be extremely worried about her because she had developed a staphylococcal infection which is a very serious matter. She was then put onto high dosage antibiotics against the organisms and it was decided that on the 17th of August we would then take her to the theatre again in order to try and close these areas. However, on the 15th of the 8th, 1964, she showed the pictures of a depletion syndrome, namely loss of proteins with steady deterioration, in her response to the trauma which she had received. However much we tried to increase her proteins by intravenous therapy or by oral protein feeding we could not bring the serum proteins up. We then decided to sterilize her bowel, which is one of the methods of dealing with these cases, and we put her onto heavy antibiotics local sterilization of the bowel, and hoped that this would decrease the absorption of the toxic products. On the 16th of the 8th at 9.30 a.m. on arriving

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in the ward to inspect the patient's dressing I found her in a critical condition. She had become very blue, she had collapsed and there was great difficulty in breathing. After sitting her up, and trying various methods, we found that this was of no avail. The Medical Registrar was asked to see her and he thought that she had passed into cardiac failure in which the left ventricle was involved. I then requested Professor Elliot, the Head of the Medical Department to see her, who said she was in left ventricular failure. The cause he could not ascertain. He thought it was 10 possibly due to some asthenic change of the heart, although there was no electrocardiograph evidence of this. At eleven o'clock that morning I took the patient to the theatre and under local anesthetic I opened her trachea. I did a tracheotomy and I inserted a tracheotome tube and we put her onto a respirator. This gave her tremendous relief and she improved remarkably well, although we sucked out a tremendous amount of thick yellow-green secretions from her lungs. Our diagnosis at that stage was that she had^a septic broncho-pneumonia. An X-ray of the chest showed the increased area of pneumonic consolidation, especially at the right base. On the 16th of the 8th, at 8 o'clock the patient was very much better until about half past five, when, unfortunately the tracheotome tube came out. This precipitated respiratory distress and she became semi-comatose. However,^{we} replaced the tube, we put her back on a Bird's respirator and the patient appeared to improve although we were unable at this stage to maintain her blood pressure. She was given the various drugs to stimulate her heart to try and improve her respiration. 30

However she slipped into coma and we found great difficulty in restoring her cough reflex.

On the 17th However, she became very much better. She recovered consciousness, she understood commands, although she was still mildly confused. Her urinary output had improved, and we decided not to force fluids by mouth, but to main it through the intravenous routes. However, at four o'clock that afternoon her urinary output had dropped to 60 ccs. and we became very worried, and we asked Doctor Goldberg, who is our kidney specialist to see her, whether we should put her onto the dialyzing machine. She was given a substance called mannitol, with very little response. Only $7\frac{1}{2}$ ccs. of urine was passed. She still passed very little urine during the night. Her blood urea began to rise and reached a height of 220, and then her blood potassium indicated that the termination was coming close by in that this had now risen to a very high figure of 6. At 8 o'clock on the 18th she had a peritoneal tube inserted in the abdomen and we started peritoneal dialysis. We gave her certain drugs which I don't think... unless you want me to mention them? 10 20

No, thankyou!---At 2.40 a.m. in the morning my Registrar was called to her, and the patient at that stage had stopped breathing. We continued with the respirator in the hope that we could overcome this. We carried out massage, but unfortunately the patient died at a quarter to three in the morning, without regaining consciousness.

What was your resumé or conclusions in regard to this patient?---By that you mean the cause of her death?

Yes, in your estimation?---In our estimation the cause of this patient's death was septic bronchial pneumonia brought about by severe burns, blast injury would cause destruction of tissue; she developed a typical depletion syndrome of her proteins with no response to the trauma which she received. This lowered her resistance to infection and she developed a toxic myocarditis, renal failure and bronchopneumonia.

Those are some of the objects you removed from the body of the deceased?---Yes, these were the substances which we removed from the late Mrs. Rhys. 10

That will be Exhibit "25".---Yes.

MR. MOODIE: No further questions.

JACK FRIEDMAN (Duly sworn, states):

EXAMINATION BY MR. MOODIE:

This is your original post mortem?---Yes.

You are the Senior District Surgeon at Johannesburg?---Yes, my lord.

And you performed/examination on the body of a Mrs. Rhys?---Yes. 20

Who was identified to you by...?---A Constable Smit.

Who is attached to the mortuary.---That is correct.

That will be the Exhibit, my lord, for it is the original. Doctor, I have already asked you - you are the Senior District Surgeon at Johannesburg. How long have you been the district surgeon there?---I have been a district surgeon at Johannesburg for twenty six years. I am now a Professor of Forensic Medicine, and the Senior District Surgeon, and my qualifications are Doctor of Medicine, 30

M.D. and the B.Ch. - Bachelor of Surgery - and I also hold a Diploma in Public Health.

Now, Doctor, will you go through your report in detail, for the Court.---Firstly, my lord, I gave the cause of death on the first page, on Form Health (1).

Yes.---I divided it into four portions. One: Extensive septic second degree burns; Two: Extensive liver necrosis and fatty degeneration; Three: Tubular necrosis of the kidneys; Four: Bilateral broncho pneumonia.

BY THE COURT: What is necrosis?---It is a death of the liver cells, my lord. Then, my lord, on the second page of my report you will see an annexure which extends over two and a half pages. Number (1) - this is the External appearance of the body and condition of limbs: there is a 2" long vertically situated incised partly sutured wound with the lower end one inch below the thyroid notch for tracheotomy. That was for the tube that was put into the throat. Then, my lord, number.... I don't think I need go over these in detail, these that I am just about to mention. Number (2): (3) and (4), (5), (6) and (7), (8) - all these were the result of the treatment which she had received. Needle puncture marks, incisions to introduce fluids, bruising which resulted from that, and so on, so I don't know whether your lordship wants me to enumerate them? They are all the result of the medical treatment. Does your lordship wish me to... 10 20

No! No, thank you!---Then number (9): Over the right hip there was an open ulcer, $3\frac{1}{2}$ " vertical and $2\frac{1}{2}$ " transverse measurements. This ulcer was right down to muscle. Passing downwards from the lowest point of the 30

last mentioned wound, or ulcer, rather, there was a three and a half inch long sutured surgical wound. This, I took to be a broken down surgical wound. The upper three and a half inches was an open ulcer and one could see the remainder of it, three and a half inches long, that it had been a surgical wound. On the anterior surface of the left thigh, that is on the front of left thigh, in the middle third, skin over an area $8\frac{1}{2}$ inches square with a centre intact portion, roughly $2\frac{1}{2}$ " wide, and $7\frac{1}{2}$ " long, vertically, had been removed for skin grafting. The skin from the front of the 10 left thigh had been used for a skin graft in the calves of the legs. There was a second degree septic-looking burn, involving almost the entire forehead, and extending downwards onto the right cheek just anterior or just in front of the right ear and also involving the pinna, that is the visible portion, of the right ear. The whole of the right ear, and the right side of the face, and the forehead. There were several small areas of second degree burning over the vertex of the scalp. These had become covered with septic-looking scabs. The left pinna, or the left ear, showed 20 fairly extensive second degree burns. Almost the entire dorsum - at the back of - the left hand, excluding the fingers, showed second degree burning from the region of the knuckles upwards, for a distance of 7" onto the left forearm. So, my lord, it was like this, here (demonstrates). There was an extensive second degree burn, septic-looking, involving the posterior surface of the upper two thirds of the left arm - that is the back of the upper two thirds of the left arm. By "arm" I mean the upper portion, above the elbow. And then extending downwards 30

posteriorly, into the region of the left axilla, and then posteriorly - further posteriorly. The first portion mentioned was $8\frac{3}{4}$ " by $3\frac{1}{4}$ " and the downward and posterior mentioned portion was $4\frac{1}{2}$ " wide and $3\frac{1}{2}$ " vertical, and this area of burning appeared to be septic. So, in other words, my lord, there was a septic burn starting here, going up over the shoulder, behind, into the left armpit, and down the back of the left armpit (demonstrates). On the left side of the back, $1\frac{1}{2}$ " from the midline and $3\frac{1}{2}$ " vertically between the levels of the spines of the 7th to 10th dorsal vertebrae there 10 was a second degree septic burn. It was $3\frac{1}{2}$ " wide. So, over the... more or less the middle of the whole of the back, the middle of the back, rather, there was this septic burn. Extending across the vertebral column, between the spines of the 5th of the.. I beg your pardon, the 5th and the 7th thoracic vertebrae, there was a septic-looking second degree burn, $3\frac{1}{2}$ " and $1\frac{3}{4}$ " vertical - that is across the spine. In the upper medial quadrant of the left buttock there was a denuded area, somewhat irregular in shape, roughly $2\frac{1}{2}$ " by 3". Now, I took that to be a pressure sore, but it might have 20 been the surgical wound that Dr. Mace-David referred to. At the stage I saw it one could not tell the difference. So that might have been the surgical wound there. The dorsal surfaces of almost the entire right hand and fingers showed somewhat septic-looking burns. The back of the right hand, including the fingers. On the lateral surface of the right forearm, commencing about the level of the elbow joint there was a second degree burn 3" by 2", covered by a scabby layer, with some sepsis beneath the scab. That is over here, my lord, where I point (demonstrates). 30

On the posterior surface of the right arm - the back surface of the right arm, above the elbow, my lord - there was an area of septic burning passing posteriorly into the right axilla, and in the posterior axillary region and then downwards. So there was this burn going upwards to the right axilla, and then down the back. It measured $6\frac{1}{2}$ " vertically and $1\frac{1}{2}$ " across until the posterior axillary region was reached, when it became widened to a width of 4" with the downward extension. It gradually increased in width. This wound showed some slight sepsis. On the right side of the chest, behind the posterior axillary line and some 4" below the posterior axillary fold, there was an irregular septic looking burn 3" vertical and about 2" across. So that is over here where I point, my lord (demonstrates). On the postero-lateral aspect of the right thigh, commencing about the level.. that is the back and the outer side of the right thigh... commencing about the level of the fold of the buttock and passing downwards, there was a septic-looking burn two inches by three quarters of an inch and one and a half inches below this last mentioned wound there is another septic... there was another hook-shaped burn, which measured two and three quarter inches vertically and widening in its upward course to one inch. On the anterior aspect of the lower third of the right thigh there is a septic-looking burn, at first $1\frac{1}{2}$ " wide, and then at the level of the middle of the patella $4\frac{1}{2}$ " wide, extending downwards onto the upper third of the right leg, anteriorly to a distance of $4\frac{1}{2}$ " vertical and two and three quarter inches transversely. So the lower third of the right thigh was affected, extending downwards over the kneecap and onto the lower part of the leg, my lord.

The antero-lateral surface of the lower two-thirds of the right leg - the antero-lateral surface, that is the front and side and outside of the lower two thirds of the right leg - that is below the knee - that was completely denuded of skin with exposure of muscle and tendons. This area which was septic in appearance was ten inches in length and about three inches in width. Well, now, I thought at the time it might be a broken down skin graft, but it could quite easily have been a blas injury. The next - a skin graft had been attached to almost the entire posterior surface of the front.. of the right leg from 2" below the knee to the heel. A number of sutures were visible along the margins of this area - that was where the skin graft had been stitched onto the skin, the bare tissues. Almost the entire dorsal surface of the right foot - that is the top of the right foot - and the toes showed second degree septic-looking burns. The lower third of the medial aspect of the left thigh, extending posteriorly, and also anteriorly and downwards over the knee showed second degree burns with signs of healing. Continuing downwards from the last mentioned burn and encircling almost the entire left leg and dorsum of the foot, there was a septic second degree burn, so that her left leg was extensively involved. On the posterior and medial surface of the left leg a skin graft has been placed over an area of $6\frac{1}{2}$ " by $2\frac{1}{2}$ " - that is over the calf - and the skin sutures were still visible. The soles of both feet showed extensive second degree burns. Just below the crest of the ileum, from the region of the posterior left axillary line, forwards and downwards, there was a second degree burn, irregular in shape, $4\frac{1}{2}$ " by

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approximately one inch, which had signs of healing. Those then were the external appearances. My lord, she was five foot five and a half inches in height and 135 lbs. in weight, and appeared to be of average physique and nutrition. The skull was intact, and in the brain there was a large amount of subarachnoid cerebral-spinal fluid. The subarachnoid blood vessels were congested. There were patches of atheroma, that is arterial disease, irregularly distributed in the vessels of the Circle of Willis. Brain substance...

BY ASSESSOR - MR. HART: Would that be due to age?---That 10
would be consistent with her age. The brain substance was moist throughout, otherwise no abnormality was noted in the brain. The trachea shows - that is the windpipe - showed a tracheotomy opening below which was an area of sloughing of the mucous membrane, 1" across and 1 $\frac{1}{4}$ " vertical. Below the cut in the trachea there was an area of inflammation, more than inflammation - there is definite tissue sloughing there. There is marked congestion of the remainder of the trachea and of the bronchial tubes. Both lungs, my lord, showed marked congestion, especially in the bases, and they both 20
showed patchy broncho pneumonia. The heart and pericardium: There is approximately 1 oz. of straw coloured fluid in the pericardial sac. That occurs when there is some cardiac failure. The heart muscle was flabby and pale - probably being a toxic manifestation. The coronary arteries were healthy, showing only a very slight amount of atheroma. The aorta was dilated, approximately four and a half inches in circumference. There was atheromatous disease evidence in the thoracic and abdominal aorta of a moderate degree. That would be the large blood vessel coming 30

from the heart. Very slight thickening of the aortic valves. The remaining valvular structures were healthy, and at the commencement of the thoracic aorta there was a shallow aneurysm with calcified walls and some clot present measuring 1" in diameter. So, generally speaking, her cardio-vascular system was comparatively healthy. The peritoneal cavity contained four ounces of straw-coloured fluid. The stomach contains a small amount of bile-stained fluid. There were occasional haemorrhagic areas in the gastric mucosa, which is a common feature found in these cases, but 10 there were no ulceration seen in the stomach or duodenum.

The liver showed extensive necrosis and marked fatty change, and weighed 44 ounces. The gall bladder was distended with bile. The kidneys: both kidneys showed a marked degree of pallor of the cortex, which was also swollen. There were streaky blood vessels evident throughout the cortex. That is a tubular necrosis of the kidneys - it is a toxic manifestation, the same as the liver condition. There was increase of peri-pelvic fat and a total diminution of kidney substance commensurate with her age. The ureters were 20 normal. There were a number of sub-mucous haemorrhages in the bladder which is what one would expect under these circumstances. She had a kyphosis of the upper thoracic region. That is, she had a kind of a hump of the spine. I gave the case of death as extensive second degree burns, extensive liver necrosis and fatty degeneration, tubular necrosis of the kidneys and a bilateral broncho pneumonia.

EXAMINATION BY MR. MOODIE (Continued):

In your report there, is there indications that 30

certain specimens were sent for histological examination?---

Yes.

Now, I have available here, in affidavit form, which I will hand in in terms of the act - notice having been given - of that report. Have you one of those, Doctor?---

Yes, but not in affidavit form.

Will you be so good as to refer to that, and explain it, and you state/whether it is consistent with what you found or otherwise?---

Yes. The report is from Neville Sydney Fred Proctor. He says: "I am a registered Medical Practitioner and employed as a Pathologist at the South African Institute of Medical Research, Johannesburg. On the 1st of September, 1964, there was received at this Institute by hand of Constable Smit a specimen bottle sealed with the official South African Police seal, 582. This bottle was opened by me and found to contain the following tissues", and then he mentions the tissues my lord. Brain, heart, lung (two pieces), liver, spleen, kidney, suprarenal, trachea and bronchus, and he gives the sizes, which is not of importance. "Blocks were prepared from these tissues, processed, cut and stained and then examined by me microscopically with the following results." My lord, I think all I should do is just to point out the important....

Yes!---There is a lot of technical.....

Yes!---"Section of the trachea showed acute inflammation of the mucosa accompanied by necrosis and separation of the epithelial lining - that is the sloughing that I mentioned. Acute inflammatory reaction with fibrinous exudate was also present over part of the external surface of the trachea. Section of the specimen from the

bronchus showed a similar lesion to that described above - that is acute bronchitis with necrosis and separation of the epithelial lining. Section of the brain showed nothing of importance. Section of the specimen of the liver showed an extensive centrizonal hepatic cell necrosis. That I reported also, my lord. The necrosis of the liver. Many of the remaining liver cells showed distinct and well marked fatty change. There was active regeneration. So there was liver necrosis. Nothing of importance in the spleen. Kidneys showed the presence of scattered hyalinised glomeruli in the cortex - that is just commensurate with her age, and occasional vessels showing arteriosclerotic thickening. Some degenerative changes are present in the cells of the cortical tubules. He has called them degenerative changes - I went a step further and called them necrosis. It is just a step further, according to the macroscopic - the naked eye appearance - the swelling of the cortex I took it to be actual necrosis, but he describes it as degeneration, which is just one step lower. The heart showed two areas of interstitial myocardial fibrosis - that was not possible for me to see, being, apparently, microscopic. 10 20

BY THE COURT: What does that mean?--- A little fibrosis of the heart muscle is also the sort of thing you would get in an elderly person. She was over eighty, I think! Section of one of the specimens of lung tissue submitted showed marked congestion associated with a patchy acute pneumonia. An area of necrosis is also present which is intensely congested, and suggests the appearance of a small infarct. That is a septic infarct that probably came from one of the septic areas. That, I think, was microscopic, 30

because it was not visible by naked eye. Then lower down, sections of the second specimen of lung showed intense congestion, oedema and patchy broncho pneumonia. There was hyperplasia of the cells lining the small bronchus and... There appears to be some metaplasie of the lining of the cells of some alveoli to a bronchiolar type of epithelium - but that is of no importance.

COURT: Can you tell us in lay language how this progressed? After getting over the shock of the blast, or burns, is it so the infection set in in the wounds, and that led to the disturbance of the kidneys and the liver?---That is so, yes. The toxic effects - the poisonous effects from the septic burns affected the liver and the kidney, and caused marked disease in the liver and perhaps not such marked disease in the kidneys, but also disease in the kidneys, and then the final complication which so often occurs in elderly people, or even younger people, who are subjected .. or the subject of sepsis, a condition which keeps them in bed for a long period - she developed finally a broncho-pneumonia.

EXAMINATION BY MR. MOODIE (Continued):

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That has an Exhibit number of "J(5)", my lord.

MR. MOODIE: No further questions.

CORNELIUS FRANCOIS COETZEE (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

U is in diens van die Suid-Afrikaanse Spoorweë en Hawens?---Ja.

As 'n bagasiebewaarder in Johannesburg Stasie?

---Ja. Meneer.

Nou, kan u net kyk na dié Bewysstuk? Wat is daar- 29

die bewysstuk?---24.8289, op die 12de Julie, 1964.

Vir watter doel is daardie uitgereik?---Hy is uitgereik vir 'n pakkie wat ingekom het, Edelagbare.

Was daar iet s om te toon wanneer die pakkie oor-gehandig is, op daardie bewysstuk?---Ja, op die 15de is hy weer uitgehaal. Die 15de Julie, 1964.

DEUR DIE HOF: Wanneer is hy daar neergesit?---Die 12de.

Die 12de Julie, en die 15de teruggeneem?---Die 12de Julie, 1964, en hy is opge-eis die 15de Julie, 1964.

Drie dae daarna?---Vier dae, saam met die dag wat 10
hy ingekom het.

VERHOOR DEUR MNR. MOODIE (Vervolg):

Wat is die prosedure wat gevolg word indien....
Dit sal gemerk word Bewysstuk "K(1)". En daardie reistas
voor u - watter nommer is dié ?---Dieselfde nommer as die
kaartjie, Edelagbare.

Dit is Bewysstuk "19". Sal u net vir die Hof wys
waar is die nommers?---Daardie is dieselfde nommer wat op
die kaartjie is (toon aan Hof).

Nommer?---C.B. 24.S.3.

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MNR. MOODIE: Geen verdere vrae.

GERHARDUS GROBLER (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

" U is in diens van die Suid-Afrikaanse Spoorweë
te Johannesburg?---Ja, ek is.

As bagasie-bewaarder aldaar?---As 'n bagasie-
bewaarder aldaar, ja.

Jou rekords van kaartjies wat uitgereik word, 28
wys dit hierdie kaartjie - dit sal gemerk word Bewysstuk "K(2)".

---Ja, die kaartjie is uitgereik uit my bewaarkamer uit.

Watter datum?--Hierdie is op die 23ste van Julie uitgereik.

Wat is sy nommer?---9838. Ek het 9838 en 9839 uitgereik, Edelagbare. Hierdie een is 9838.

Op daardie Bewysstuk wat genommer is Bewysstuk "18(c)", kom daar 'n nommer voor op hom?---Op "18(c)"?

Ja, kan u net vir die Hof wys?--Ja, laat ek net my bril kry - my oë is baie swak. 9838(e).

Daardie tas was ingehandig op die 23ste Julie, 10
maar dit is weer gehaal deur iemand?---Volgens ons is dit weer die 24ste uitgehaal, Edele.

Dit is ook 'n klein reistas, of reiskoffer?---9839 ja - dit is die volgende nommer - dit is ook uitgereik op die 23ste.

Die Bewysstuknommer sal "17(a)" wees. Die tas. Ook uitgereik op dieselfde dag?---Dieselfde dag.

Die 23ste?---Die 23ste Julie.

Van bewaring - wanneer is dit van bewaring geneem?

---Die 23ste. 20

Dieselfde dag?---Dieselfde dag.

MNR. MOODIE: Geen verdere vrae.

OP DIE STADIUM VERDAAG DIE HOF VIR 15 MINUTE.

BY HERVATTING OM 11.30 v.m.

ADA BOWEN (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

I might explain, my lord, the next series of witnesses deal with identity and movements of the accused on the afternoon, so that there will be a series of witnesses in some form of continuity on that aspect, my lord. 30

Mevrou Bowen, u is 'n opsigter by die Empire State Gebou, Johannesburg?---Ja.

Die Damelin College word daar gehuisves?---Ja.

Ken u die beskuldigde in hierdie saak?---Ja.

Kan u onthou of u hom op die 24ste Julie van die jaar gesien het?---Ja.

Skat ongeveer hoe laat dit was?---Omtrent tussen twintig oor en half.

Half?---Half vyf.

Daardie namiddag?---Ja.

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Waar was u gewees, en onder watter omstandighede? ---Dit was in die ingang, in Damelin College. Hy het by die trappe opgeloopt en ek het by die 'lift' gestaan.

Het u met hom gepraat?---Ja.

Kan u onthou wat gesê is?---Ek het gesê "Goeie-middag Mnr. Harris, ek is bly om jou te sien", en toe sê hy "O, jy sal taamlik baie van my sien volgende week".

Ja? Wat het toe gebeur?---Toe het hy met die trappe opgeloopt en hy het verskriklik bekommerd gelyk, en hy was bleek.

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En toe het jy hom nie weer gesien nie?---Nee, ek het hom nie weer gesien nie. Ek het net na hom gestaan en kyk tot hy om die hoek is, met die trappe.

DEUR ASSESSOR - MNR. HART: In watter straat is hierdie Empire State Gebou?---In Pleinstraat.

DEUR DIE HOF: Hoe ver is dit van die stasie?---Dit is net een blok.

MNR. MOODIE: Geen verdere vrae.

MARINA ISABELLA COMBRINK (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

U is werksaam by die Damelin College, Johannesburg?

---Ja, ek is.

Ken u die beskuldigde in hierdie saak?---Ja.

Waar werk hy?---Hy werk ook by Damelin College as onderwyser.

En Vrydag, 24 Julie van dié jaar, het u hom gesien?

---Ja, Mnr. Harris het by my kantoor ingekom.

Omtrent hoelaat was dit gewees?---Omtrent 25 voor 5.

Wat het gebeur in u kantoor?---Wel, Mnr. Harris 10
het daar ingekom en gesê hy hoor 'n geluid in sy ore, en...

Praat net 'n bietjie harder, asseblief?---Mnr.
Harris het gesê hy hoor 'n geluid in sy ore en net daarna...
wel, ek het niks gehoor nie, en net daarna het ons die klokke
van die brandweerwa gehoor.

Was daar enige ander gesprek tussen julle twee?---

Ja, wel, hy het vir my gesê hy kry baie warm, en ek het ge-
dink dat hy het miskien baie vinnig geloop of vinnig gehard-
loop en toe het ek vir hom gevra en hy het gesê nee, wel,
sy kar was daar naby geparkeer. Hy het net van die par- 20
keer end opgekom na die kantoor. Toe het ons net die
voordele en nadele van sy pak klere bespreek.

Hoe was hy aangetrek?---Hy het 'n donker bruin
Terylene pak klere aangehad.

Is dit soortelyk aan die klere wat u nou sien?

(Bewysstuk "14").---Dit is soortgelyk.

MNR. MOODIE: Geen verdere vrae.

DEUR ASSESSOR - MNR. VAN DEN BERG: Juffrou, ek het nie
mooi verstaan wat u gesê het nie. Toe hy ingekom het by
u kantoor het hy gesê hy kry warm?---Ja. 30

En dit het vir u voorgekom asof hy vinnig geloop of gehardloop het?---Ek het voorgestel dat hy het of vinnig geloop of vinnig gehardloop om so warm te kry.

LEON ROSEN (Duly sworn, states):

EXAMINATION BY MR. MOODIE:

You are employed at Damelin College, Johannesburg?

---I am.

Do you know the accused in this matter?---I do.

In what capacity?---I know him. He was one of the teachers at the college.

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Were you in your office on the 24th of July, of this year?---I was.

Did you see Harris that day?---Yes, I saw him.

Can you tell me the time?---The time was approximately between twenty to and quarter to five.

And can you recall how he was dressed?---No, I don't recall at all how he was dressed.

Did he stay long with you?---Well, he stayed about 15 minutes.

And then he left?---He then left.

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MARTHAJACOMINA MARIA FOGWILL (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

Mevrou, op die 24ste Julie van dié jaar was u by die Johannesburg Stasie gewees?---Ja.

Omtrent hoelaat in die namiddag was dit?---Dit was ongeveer tussen 4.17 en 4.18.

Net 'n bietjie harder, asseblief! Ons vind dit baie moeilik om u te hoor! Selfs ek wat naby is vind dit

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moeilik. Hoe laat was dit, sê u?---Dit was ongeveer tussen 4.17 en 4.18.

Was u daar om 'n trein te haal?---Ja, ek was. Ek het daar gestaan en wag. Ek het vir my broer daar gestaan en wag. (Witness very soft - evidence being repeated by interpreter).

Waar het u gestaan?---Ek het by platforms 7 en 8, langs die weegskaal daar gestaan.

HOF: Is dit by die ingang na die platform?---Ja.

Nie op die platform onder nê ?---Nee. Bo by die 10 ingang, Edelagbare.

Van watter platforms?---Van platforms 7 en 8.

VERHOOR DEUR MNR. MOODIE (Vervolg):

En terwyl u daar gewag het wat het gebeur?---Ek het daar gestaan en ek het net daar in die algemeen gestaan en kyk. Ek het geen persoon spesifiek dopgehou nie.

En toe?---Ek het wyle Mevrouw Rhys daar sien sit met 'n dogtertjie langs haar. Ek het 'n man so terloops daar gesien ingaan.

Waar was dit gewees?---By platform 5 en 6, in die 20 afskorting waar die mense sit.

Dit is by platforms 5 en 6?---Ja.

JA? EN TOE?---Ek het gesien dat hy half in 'n gebukkende posisie staan en toe het ek gesien dat Mev. Rhys opstaan. Opkyk, Mevrouw Rhys het opgekyk.

En toe?---Iemand het verby gekom en my gegroet en toe het ek nie weer in hulle rigting gekyk nie. Toe ek weer kyk het ek hom gesien wegloop?

Ja, en toe?---Dit was ongeveer seker twee minute voor die ontploffing plaasgevind het.

Nou, waar was u toe gewees?—Ek het nog by platforms 7 en 8 gestaan.

U maak melding van 'n persoon wat daar gebukkend gestaan het? Kan u net beskryf wat u daar gesien het?—Hoe meen u?

Was dit 'n mans persoon wat u daar gesien het?—Ja.

En waar was hy eintlik gewees?—Hy was by platforms 5 en 6.

In vergelyking met die afskorting daar waar presies was hy gewees?—Daar is twee banke wat daar staan. Hy lo was by die heel eerste bank, aan die regterkant. Aan die regterhandse kant.

Is dit aan die noordelike of aan die suidelike kant, kan u onthou?—Hy was waar die kaartjies ondersoeker staan, waar jy afgaan na die platform toe.

Het jy 'n geseentheid gehad om na hierdie manspersoon te kyk?—Ja, ek het hom gesien. Waar ek gestaan het, het ek deur 'n glas gekyk.

Hoe ver was u van hom af?—Ek was ongeveer omtrent 10 na 12 treë.

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En hoe was die lig daar - was dit goed gewees? Kon 'n mens sien?—Ja.

Hoe was die persoon aangetrek, kan u vir ons sê?—Hy het 'n donker bruin pak klere aangehad.

Was hy lank gewees, of 'n kort man?—Hy was so middelmatig gebou.

Het u sy gesig goed gesien?—Nee, ek het sy gesig net van die kant gesien.

Enigiets opgemerk omtrent dit, of sy hare, of enige ander kenmerk?—Van die kant af het hy gelyk asof hy

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Het jy enigiets opgemerk omtrent sy gesig? Of sy hare of enige ander kenmerk?---Van die kant af het hy gelyk asof hy 'n snaakse ovaalvormige gesig gehad het.

Nou, Mevrou, op die 1ste September, van hierdie jaar, is u gevra om na die spoorweg polisie toe te gaan?--Ja.

Waar u 'n uitkenningsparade bygewoon het?---Ja.

Was u eers na 'n kamertjie geneem?---Ja.

Was u by uself gewees?---Ek en die kaptein was in een kamer gewees.

Daar was niemand anders by nie?---Nee.

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En u is toe naderhand geneem na 'n ander kamer toe? ---Ja.

En u is toe gevra daar by die uitkenningsparade of u iemand kan uitwys?---Dit is reg.

Het u die parade, voor u na hierdie kamer geroep is, gesien?---Nee.

Glad nie gesien nie?---Nee.

Is u toe gevra om vir iemand uit te wys?---Ja, toe ek in die kamer gekom het het hulle my gevra of ek iemand kan uitwys.

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Was dit die persoon wat jy op die 24ste Julie, te die Johannesburg stasie, gesien het?---Ja.

En wat het u gedoen Mevrou?---Ek het ingekom. Hulle het 'n soort formulier vir my afgelees, en vir my gesê wat presies ek moet doen. Ek het heel onder in die ry begin. Ek het die persone deurgekyk en toe het ek voor die persoon wat ek geherken het, wat ek op die stasie gesien het.. ek het vorentoe geloop en hom met my regterhand aangeraak, op sy linkerskouer.

Enige twyfel gehad met die uitkenning, Mevrou?

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---Nee.

Geen twyfel nie?---Nee.

Ek toon u hierdie foto van die parade wat Bewysstuk "G"(2)" sal wees. Is dit 'n foto van uself toe u die persoon uitgewys het?---Ja.

Wie was daardie persoon?---Harris.

Is dit die beskuldigde daar?---Ja.

MNR. MOODIE: Geen verdere vrae.

FREDERICK ANDRIES JACOBUS JANSEN(Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

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Ja?---Op die middag van die 24ste Julie was ek op die Johannesburg Stasie teenwoordig. Ek het op platform 5 en 6 gewag vir die Spoorwegbus om te vertrek om 25 minute oor vyf. Terwyl ek daar gesit het het die aangeklagte persoon... dit was ongeveer tussen tien en twintig minute oor... het hy 'n tas in die regterkantste hoek kom neerplaas.

Iemand - 'n manspersoon?---'n Manspersoon, ja.

Waar het hy die tas toe neergeplaas?---Aan die regterkantste hoek van die glashokkie.

Die glashokkie by platforms 5 en 6?---Ja.

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DEUR DIE HOF: Watter tyd was dit?---Omtrent.. tussen tien en twintig oor vier.

VERHOOR DEUR MNR. MOODIE (Vervolg):

Ja, wat het toe gebeur?---Met 'n nota op die tas, "Binne tien minute terug". Hy het toe omgedraai en 'n end weggestap en hy het in die hoek gaan staan waar die dameshaarkappers salon is, in die binneplein van die stasie. Dit was vir my baie snaaks gewees dat 'n persoon 'n tas kom neerplaas met 'n nota op en dan weggestap en in die hoek gaan staan. 30

Dit het baie suspisies voorgekom. Ek het die tas dopgehou en ek het die manspersoon dopgehou. Tussen vyf-en-twintig oor en half het ek opgestaan en ek het.. terwyl ek hom toe dopgehou het, het hy herhaalde kere op sy polshorlosie gekyk. Tussen vyfen-twiintig minute oor vier en half het ek opgestaan om die spoorwegbus te gaan haal. Ek was net buitekant die glasdeure toe die geweldige ontploffing afgegaan het, en toe ek omdraai.. toe ek weer die glasdeure oopmaak om weer in die binneplein te verskei en kyk waar daardie persoon gestaan het, toe was hy nie meer daar nie. 10

Nou, het u 'n goeie geleentheid gehad om die persoon te sien?---Meneer ja. Ek het net langs die vuilgoedblik om daardie betrokke bank gesit waar die tas geplaas was, en...

En hoever was u van die persoon af?---Meneer, omtrent vier treë.

En kan u onthou hoe hy aangetrek was?---Ja.

Kan u vir ons dit beskryf?---Meneer, hy het 'n bruinerige pak klere aangehad. Nie heeltemal bruin nie. So.. ek weet nie die kleur nie, maar ek weet dit was 'n bruinerige pak klere gewees, met 'n wit hemp, en 'n das wat amper 20 dieselfde kleur is as die pak klere, en 'n bruinerige paar skoene. Tussen bruin en swart was dit gewees.

Het jy sy gesig gesien?---Ja, Meneer.

Het jy 'n goeie geleentheid gehad om sy gesig gesien te kry?---Nogal.

Op een September van dié jaar in die voormiddag, omtrent tienuur was u gevra om 'n uitkenningsparade by te woon op die Johannesburg Stasie?---Dit is reg.

Was u na 'n kamer toe geneem?---Ja.

Was daar ander persone teenwoordig gewees?---Net 30

met 'n speurder.

Niemand anders was by nie?---Nee, Meneer.

U was dan alleen in die kantoor gewees?---Dit is reg.

En na 'n rukkie was u na 'n ander kamer geneem?--- Dit is reg.

En u is gevra om die uitkennings parade by te woon in daardie kamer?---Dit is reg.

Toe hulle die parade opgestel het het u die geleentheid gehad om die parade te sien?---Ja. 10

Alvoereens jy in die kamer ingeneem is?---Nee.

Jy is toe ingeneem en jy is verso ek om die persoon uit te wys wat u op die 24ste van Julie sou gesien het? ---Ja, Meneer.

As hy daar is op die parade?---Ja, Meneer.

Wat het toe gebeur?---Wel, die persoon wat in beheer gewees het van die uitkenningsparade het toe vir my voorgelees of ek die betrokke persoon onder dieklomp persone wat teenwoordig gewees het by die uitkenningsparade daar teenwoordig is, en as hy dan wel daar teenwoordig is, dan moet ek net my regterhand op sy skouer plaas.

Wat het u toe gedoen? --- Wel, ek het by die boonste persoon begin, en ek het afgebeweeg, stadig, en elkeen reg tot onder uit, en toe ek voor die manspersoon kom het ek hom 'n rukkie aangekyk, en ek het verbygestap, en weer toe teruggekom en toe was ek 'n 100% seker gewees, dat hy dieselfde persoon is wat ek gesien het op die 24ste Julie op die stasie, wat die tas neergeplaas het.

Ek wys u 'n foto van die parade wat gemerk is 29
Bewysstuk "G(3)" - is dit 'n foto van uself?---Dit is reg.

En die persoon wat u uitgewys het?---Ja, Meneer.

Wie is daardie persoon wat u uitgewys het?---Meneer, soos ons nou in die koerante gesien het, sy naam, John Harris.

Sien jy hom vandag hierso?---Ja, Meneer.

Is dit die beskuldigde?---Ja, Meneer.

MNR. MOODIE: Geen verdere vrae.

DEUR DIE HOF: Watter werk doen u?---Ek is 'n stoorman by die A.P.K.

MR. MOODIE: The following witnesses are mostly police officials from the railways, in regard to the movements prior to the 10 parade, and the keeping of the witnesses separate, and their conduct to the room where the parade was held.

JAN ADRIAAN VENTER (Verklaar onder ee.):

VERHOOR DEUR MNR. MOODIE:

U is Speurder Hoof Konstabel in die Suid-Afrikaanse Spoorweg Polisie te Johannesburg?---Dit is so.

Op 1 September het in u... het u opdrag ontvang in verband met die begeleiding van getuies na 'n uitkenningsparade?---Dit is so, U Edele.

Het u enige belang in die ondersoek van hierdie saak?---Ek het geen belang met die ondersoek van hierdie saak nie. 20

Waar het u stelling ingeneem?---Ek het stelling ingeneem by kamer 57, Stasie Gebou, Johannesburg.

En wat was u pligte gewees in verband met die parade?---Ek het opdrag gekry om sekere getuies van verskillende kantore te lei na kamer 57 toe.

Het u die twee getuies wat nou getuienis afgelê het, Mev. Fogwill....---Ek het Mevrouw Fogwill gevind in Kamer 35 by Luitenant Gerber, en haar begelei tot voor die 30

deur van kamer 67.

Aan wie is sy toe oorhandig?---Sy is toe ingelaat in kamer 67.

En toe sy uitgekome het?---Is sy oorhandig aan Speurder Hoof Konstabel van Heerden.

En Mnr. Jansen?---Ek het hom gevind in Kamer 57 by Speurder Konstabel Smit.

En toe?---Ek het hom ook begelei na Kamer 67. By die deur is hy ingelaat, en ek is buitekant gelaat.

En na hy uitgekome het?---Toe is hy oorhandig aan Speurder Hoof Konstabel van Heerden. 10

Nou, hierdie twee kamers, waar Mnr. Jansen en Mev. Fogwill was, hoever is hulle van Kamer 67?---Dit is 'n hele distansie. Ek kan nie presies die distansie sê nie, maar dit is 30 treë, of so.

Was hierdie twee persone alleen in die kamers gewees?---Hulle was alleen gewees, ja.

MNR. MOODIE: Geen verdere vrae.

OCKERT JOHANNES VAN HEERDEN: (Verklaar onder eed):

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VERHOOR DEUR MNR. MOODIE:

Speurder Hoof Konstabel, in die Suid-Afrikaanse Spoorweg Polisie, Johannesburg?---Dit is reg.

Op 1 September van die jaar het u opdragte ontvang in verband met 'n uitkenningsparade?---Dit is reg.

Het u belang in die ondersoek van die saak?---Geen belang in die ondersoek gehad nie.

En wat was u pligte gewees?---Om met die getuies sodra hulle uit die uitkenningsparadekamer kom, afsonderlik na 'n ander vertrek te vergesel.

En wat het u toe gedoen in verband met die twee

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getuies, Mev. Fogwill en Mnr. Jansen?---Ek het hulle vanaf kamer 67 Noord Stasie Gebou na Kamer 3 van dieselfde gebou gelei.

Dit is na die uitkenningsparade?---Dit is na dit.

MNR. MOODIE: Geen verdere vrae.

JOHANNES HENDRIK NEL (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

Speurder Konstabel in die Suid-Afrikaanse Spoorweg Polisie Johannesburg?---Dit is reg.

Op 1 September van hierdie jaar was u aan diens 10
gewees by die stasie in verband met die uitkennings parade?
---Dit is reg.

Wat daar in kamer 67 gehou was?---Dit is reg.

Het u belang in die ondersoek van hierdie saak?---
Nee, Edelagbare.

En wat was u pligte gewees?---Ons het die beskuldigde begelei van kamer 16(b) af om 9.50 v.m. na Kamer 67 vir die uitkenningsparade.

Watter roete is gevolg?---Ons het in die gang afgeloop na kamer 67. 20

Sou die ander getuies wat in die ander kamers was, sou hulle geleentheid gehad het om hierdie persoon te sien?
---Nee, Edelagbare.

Hoekom nie?---Hulle was in aparte kantore gewees.

MNR. MOODIE: Was die deure toe?---Ja, hulle was toe gewees.

MNR. MOODIE : Geen verdere vrae.

DENISE CRONJE (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

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Speurder Konstabel, Suid-Afrikaanse Spoorweg Polisie

Johannesburg?---Korrek.

Het u enige belang in die ondersoek van hierdie saak?---Nee, Agbare.

Wat was u dienste gewees in verband met die uitkenningsparade wat daardie dag gehou is?---Ek het die blanke persoon begelei vanaf kamer 16(b) na kamer 67 waar die uitkenningsparade gehou was, en daar het ek hom bewaak daar terwyl die uitkenningsparade aan die gang was.

Is die beskuldigde die persoon wat u begelei het?
---Dit is die beskuldigde, Edelagbare.

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MNR. MOODIE: Geen verdere vrae.

IGNATIUS PETRUS PRETORIUS (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

Speurder Konstabel in diens van die Suid-Afrikaanse Spoorweg Polisie?---Ditis reg.

En amptelike fotograaf?---Dit is reg.

Op 1 September, het u opdrag gekry om fotos te neem van 'n sekere uitkenningsparade?---Ja, Edelagbare.

Wat het u gedoen?---Ek het die parade soos opgestel op foto nommer (1) gefotografeer.

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Bewysstuk "G(1)", ja.---Al die persone op die foto kom duidelik uit op die foto. Daar was 13 op die parade.

Dan "G(2)" - wat dui dit aan?---"G(2)" dui aan waar 'n dames getuie die beskuldigde uitwys met haar hand op beskuldigde se skouer.

Ja? Dan "G(3)" ?---"G(3)" toon aan waar 'n mansgetuie die beskuldigde uitwys met sy hand op beskuldigde se skouer.

Ja, en dan? Foto nommer (4)?---"G(4)" toon aan waar beskuldigde verwissel het van staanplek. Hier het hy

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I.P. PRETORIUS.

P.J. STOMANN.

J.H.S. SNYMAN.

posisie nommer 13 ingeneem op die parade J.J. SMIT.

Dit toon dan al die persone wat aan die parade was.

---Dit toon aan al die persone wat aan die parade was, ja.

MNR. MOODIE: Geen verdere vrae.

PIETER JACOBUS STOMANN (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

U is 'n Speurder Konstabel in diens van die Suid-Afrikaanse Spoorweg Polisie?---Dit is reg.

Johannesburg?---Dit is reg.

Op 1 September van hierdie jaar het u 'n sekere op- 10
drag gekry, en u het toe vir Mev. Fogwill gaan haal?---Dit
is reg, Edele.

En haar geneem na die stasie toe?---Dit is reg.

En u het haar oorhandig aan wie?---Aan Kaptein
Scheepers, Edele.

Het sy 'n geleentheid gehad om die beskuldigde te
sien, sover u weet?---Nie sover ek weet nie, Edelagbare.

Het u geweet waar die beskuldigde was?---Nee.

MNR. MOODIE: Geen verdere vrae.

JOHANNES HENDRIK STEFANUS SNYMAN (Verklaar onder eed):

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VERHOOR DEUR MNR. MOODIE:

May this witness stand down, my lord. I don't
think it will be necessary to burden the record with a
duplication of evidence?

BY THE COURT: Well, you can consider your position afterwards.

JOHANNES JACOBUS SMIT (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

U is 'n Speurder Konstabel in die Suid-Afrikaanse 28

Spoorweg Polisie, Johannesburg?---Dit is reg.

Op 1 September het u opdrag gekry om die getuie Mnr. Jansen te gaan haal by sy werk?---Dit is reg.

En waar het jy hom toe geneem?---Ek het Mnr. Jansen geneem na Kamer nommer 57, op opdrag van Kaptein Scheepers.

En aan wie het u hom oorhandig?---Ek het hom aan Kaptein Scheepers oorhandig.

MNR. MOODIE: Geen verdere vrae.
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NICOLAAS MARTHINUS FERREIRA GERBER (Verklaar onder eed):

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VERHOOR DEUR MNR. MOODIE:

U is Luitenant, in diens van die Suid-Afrikaanse Spoorweg Polisie, Johannesburg?---Dit is reg.

Het u belang in die ondersoek van hierdie saak?---
Geen belang nie.

Op 1 September, van die jaar, ongeveer 9.20 v.m., het Speurder Konstabel Stomann Mev. Fogwill aan u oorhandig?
---Dit is so, U Agbare.

Waar was dit gewees?---Dit was in die Noord Stasie Gebou, op Johannesburg Stasie, Kamer 35.

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Wat het toegebeur, Luitenant?---Ek was gevra om Mevrouw Fogwill in my kantoor te hou, en toe te sien dat geen persone enige onderhoud met haar voer.

En toe het niemand met haar gepraat of toegang gehad tot haar?---Gedurende die tyd wat sy in my kantoor gewees het het ek geen persoon in die kantoor toegelaat nie, en niemand het met haar gepraat nie, Edelagbare.

Het iemand haar toe kom haal om die parade by te woon?---Dit is reg, Edelagbare.

MNR. MOODIE: Geen verdere vrae.

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FLORIS VAN RENSBURG (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

U is Speurder Konstabel in diens van die Suid-Afrikaanse Spoorweg Polisie, te Johannesburg?---Dit is korrek.

En op 1 September van die jaar was u op diens gewees?---Korrek.

Tussen 10 en 11 v.m.?---Korrek.

Was u in 'n kamer gewees?---Dit is korrek.

In watter kamer was u?---Kamer 3, Noord Stasie Gebou.

Wat het gebeur?---Daar is persone wat 'n uitkennings-10 parade bygewoon het, daarin gebring en onder my toesig geplaas.

Is dit, onder andere Mev. Fogwill en Mnr. Jansen?
---Dit is korrek.

En wie het hulle na u toe gebring?---Speurder Hoof Konstabel van Leerden.

En het die getuies met mekaar gepraat?---Hulle het nie met mekaar gepraat nie.

Is die twee aan u oorhandig na die hou van die parade?---Dit is korrek, Edele.

MNR. MOODIE: Geen verdere vrae.

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ARTHUR ALEXANDER SCHEEPERS (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

U is Kaptein in die Afrikaanse Spoorweg Polisie?
---Dit is reg.

Het u enige belang in die ondersoek van hierdie saak gehad, Kaptein?---Geen belang, behalwe dat ek die uitkenningsparade gehou het.

Nou, sal u beskryf hoe die parade gehou is, asseblief?---Ek het opdrag tee gekry om die uitkenningsparade te hou op 1 September, hierdie jaar. Ek het twee dae bestee

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om getuies te kry wat naastenby ooreenstem met die beskuldigde, nadat ek hom in die gevangenis hier op Pretoria kom sien het. Die beskuldigde het aangekom om 9.05 voormiddag by die nie-blanke stasie Johannesburg, waar ek hom persoonlik gaan ontmoet het, en onder geleide na 'n kantoor geneem het. Op daardie stadium was daar nog net een getuie in die gebou, naamlik Martin Dale(?). Hy was in Kamer 59 onder toesig van Speurder Konstabel Snyman. Na die beskuldigde aangekom het het daar nog ses getuies aangekom wat ek met aankoms elkeen na 'n aparte kantoor geneem het, en hulle onder toesig van 'n polisie beampte geplaas het. Om 9.50 v.m. het ek die parade opgestel bestaande uit 12 persone. Mnr. Marthinus C. Barnard, 31 jaar, dosent, Gloverlaan 207, Lyttleton....

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DEUR DIE HOF: Is dit nodig dat hulle name uitgelees word?

MNR. MOODIE: Ek sal die Kaptein vra om die parade te identifiseer by wyse van die fotos. Dit is nie nodig om al die name uit te lees nie. Ek sal mettertyd die foto aan u wys vir identifikasie.

DIE GETUIE: Goed!! Om 10.05 v.m. het ek die beskuldigde onder begeleiding na die kantoor gebring waar die parade gehou is, en ek het hom gevra of hy tevrede was met die samestelling daarvan, en hy het bevestigend geantwoord. Ek het hom gevra om enige posisie op die parade in te neem. Hy het toe posisie nommer 7 tussen die 12 persone ingeneem. Ek het toe die eerste getuie laat haal, deur Speurder Hoof-Konstabel Venter. Dit was 'n Mej. Bezuidenhout van 6de Laan 142, Roodepoort. Sy was nie in staat om enige persoon op die parade uit te wys nie. Die tweede getuie was Mevrouw Johnson, Tree Tops, Henley-on-Klip, Johannesburg. Sy was ook nie in staat om enige getuie.. om enige persoon uit te wys nie.

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Die derde getuie wat ek laat haal het was Mnr. R.B. Williams, Innesstraat 80, Parkhurst, Johannesburg. Hy was ook nie in staat om enige persoon op die parade uit te wys nie. Die vierde getuie was Mev. M.J.M. Fogwill. Sy het die beskuldigde hier teenwoordig uitgewys. Ek sal later vir die Hof die sin wat ek aan haar uitgelees het, waarom ek haar vra om 'n persoon uit te lees, voorlees... ekskuus, uit te wys, voorlees. Getuie/^{nommer 5}was Mnr. F.A.J. Jansen, Standplaas 1020, Kenneth Gardens, Johannesburg. Hy het ook die beskuldigde uitgewys, terwyl hy nog in posisie nommer 7 was. Na elke 10 getuie het ek hom die geleentheid gebied om te wissel, maar tot op daardie stadium het hy verkies...

DEUR DIE HOF: Wie was die getuie?---Jansen. Na hierdie getuie die beskuldigde uitgewys het, het hy verkies om van posisie te verander, en hy het toe posisie nommer 13, die heel laaste op die parade, ingeneem. Toe was die volgende getuie ene Martin Dale, 'n jong seun van 16 jaar, Roskin Heights, nommer 11, Rolman Straat, Florida(?). Hy het ook die beskuldigde uitgewys. Die 7de en laaste getuie was John Ndlele(?), 'n Bantoeman van 2456 Rockwel Lokasie, en hy was nie in staat om enige persoon op die parade uit te wys nie.

Wat was sy naam?---John N.D.L.E.L.A. Edele.

MNR. MCLODIE: Ja?---Die getuies was die volgende voorgelees - die presiese geskrif wat ek in my hand het. Mev. Fogwill het ek aan haar gestel "Mevrou Fogwill, sal u asseblief langs die ry persone wat hier staan op en neer loop en al die persone aandagtig bekyk, en indien die persoon wat u ongeveer 4.28 n.m. op 24 Julie 1964 by die glasafskorting skuiling by peronne 5 en 6 te Johannesburg Stasie gesien het 30

en wat in 'n gebukkende houding by die bankie gestaan het, en na ongeveer een of een en 'n halwe minuut, weer geloop het, hier teenwoordig is, en u hom herken, sal u hom dan asseblief aanwys deur u hand op sy skouer te plaas." Ek het aan die getuie toe gestel dat sy op en af langs die ry persone moet loop en kyk of sy so 'n persoon herken. Sy het toe die beskuldigde uitgewys deur haar hand op sy skouer te plaas en ten tye waarvan daar 'n foto geneem was van die parade. Aan Mnr. F.A.J. Jansen het ek die volgende gestel: "Mnr. Jansen, sal u asseblief langs diery persone wat hier staan op en neer 10 loop en al die persone aandagtig bekyk en indien die persoon wat u op 24 Julie, 1964, om ongeveer 4.20 n.m. gesien het wat 'n reiskoffer in die regterkantste hoek van die glasafskorting by die ingang na peronne 5 en 6 van die Johannesburgse Spoorweg Stasie neergesit het, hier teenwoordig is, en u hom herken, sal u hom dan asseblief aanwys deur u hand op sy skouer te plaas." Mnr. Jansen het opgestap, langs die ry, en hy het sy hand op beskuldigde se skouer geplaas en hom uitgewys.

VERHOOR DEUR MNR. MOODIE (Vervolg):

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Kaptein, is dit fotos wat geneem is van die parade? "G(1)" tot (4)?---Dit is korrek.

En die persone wat u gemeld het, Mev. Fogwill en Mnr. Jansen, hulle kom voor op daar?---Verskyn op die foto.

En die plan?---Hierdie is 'n plan van die polisie kantore op Johannesburg Stasie waar die parade gehou was.

Dit wys ook die verskillende kantore waar die getuies apart gehou was?---Apart gehou was asook waar die parade gehou was, waar die beskuldigde was, en waarheen die getuies, na die parade, geneem was.

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Dit sal Bewysstuk "A(4)" wees.

MNR. MOODIE: GEEN verdere vrae.

WILLEM HERMANUS BRITS (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

U is Majoor in die Suid-Afrikaanse Spoorweg Polisie te Johannesburg?---Dit is reg.

Sal jy net vir die Hof vertel...?---Edelagbare, op die 24ste Julie, hierdie jaar, as gevolg van 'n rapport wat ek ontvang het, het ek na die Johannesburg se spoorweg stasie gegaan. Daar aangegaan het ek in die hoofportaal 'n same- 10
dromming van persone aangetref. Ek het nader gegaan, ondersoek ingestel, en ek het verskeie persone gesien wat volgens my oordeel ernstig beseer gewees het. Dit het voorgekom asof die persone hoofsaaklik aan brandwonde lei, maar ek het ook bloed gesien. Daar was persone toe alreeds besig om eerste hulp en diesmeer toe te pas. Ek het verder ondersoek ingestel, en ek het gevind dat by die ingang na peronne 5 en 6 was daar 'n glasafskorting - 'n soort van wagkamerskuiling aan die weste kant, en binne in die afskorting het daar 'n, volgens my oordeel, het daar 'n ontploffing plaasgevind. 20
Want die muur aan die noordekant - dit is 'n betonmuur - was daar in 'n gat van omtrent 8 duim in darsnee gewees, die hout banke wat binne in die skuiling gewees het was erg verbrand en stukkend gewees, al die glaspanele was stukkend, die dak van die afskorting was erg verbrand gewees, en die wêreld het bestrooi gelê daarso van stukke reistasse en glas en omtrent enige soort artikel wat 'n mens aan kan dink. Ek het toe onder die puin begin soek, en daar het ek toe op sekere bewysstukke beslag gelê. Ek het 'n staat daarvan voorberei.

Wat is dit?---BEWYSSTUK "D(1)". Hier is afskrifte 30

beskikbaar, vir die Hof. Die bewysstuk nommers is aangebring. Nou, daar was stukke plastiese houers, wat voorgekom het as stukke van 'n plastiese houer. Dié was swart verbrand gewees. Ek kon uitmaak daar was 'n handvatsel. (Getuie identifiseer bewysstukke wat voor die Hof lê). Hier is ^{te} stukke wat voorgekom het 'n oranje kleurige prop(?)/gewees het.

Dit is Bewysstuk "1"?---Ja, dit is Bewysstuk "1".

Dan het ek daar 'n klomp stukke goed opgetel wat vir my voorgekom het oorblyfsels van elektriese batterye te wees. Dit is soos die goed gelyk het. Dit is Bewysstuk "3". DAAR 10 was verder stukke wat voorgekom het stukke van 'n reistas te wees. Dit was stukke fibre van hierdie tipe (wys aan Hof). Dit is Bewysstuk "4(a)".

Ja? (a), (b), (c) en (d)?---Ja, dan was daar die metaal gedeeltes. Hierdie handvatsel op een van die fotos is hy sigbaar. Hy het bo in die dak vasgesit. Ook stukke material - naelfeil, oorbelle, en 'n stuk ritssluiters was ook daar opgetel, en stukke van die pleister is ook opgetel. Ek het ook daar opgetel 'n stuk hout wat voorkom 'n gedeelte van die bank te gewees het. Dan het ek 'n metaal voorwerp 20 wat voorgekom het as by die agterste dop van 'n horlosie ... of hy soiets kon wees. Hierdie gedeelte (wys) het ek opgetel. Dit is bewysstuk "7". Ek het ook die binnewerk van 'n horlosie daar opgetel. Dit is hierdie gedeelte. Dit is bewysstuk "7(a)". Daar was ook hierdie gedeelte, wat gewoonweg in 'n sak horlosie verskyn - om die ketting vas te maak, en ook stukkies metaal van 'n horlosie.. Ek het ook 'n stukkies elektriese draad daar opgetel - Bewysstuk "10". Hierdie gedeelte. Dit is gewone elektriese draad met bruin plastiek. Dan het ek... en 'n verbrande stuk reistas. 30

Hierdie een, Bewysstuk "12".

Na aanleiding van die handvatsel wat u in besit geneem het - kom dit voor op die foto?---Dit is korrek.

Bewysstuk "B(6)".---Edelagbare, op die more van die 25ste Julie, om ongeveer 9;v.m. was ek saam met Luitenant Vander Merwe en Victor en ander lede van die mag na 'n adres, te 43 Oxfordstraat Foresttown. In 'n kelder daar was daar reiskoffers gevind met inhoud. Ek het onderskeidende merke aangebring op die reiskoffers op die toneel aangebring, van die inhoud, en van die items wat daar gevind is, asook 10 'n Staat gemaak van wat die inhoud daarvan is. Die staat is hier beskikbaar - dit is Bewysstuk "D(2(" Ek het afskrifte beskikbaar van wat die inhoud gewees het. Daar was een, soos wat jy inkom by die deur van die kelder by die adres 33 Oxfordstraat, Foresttown, op die regterkant, langs die deur was daar reistasse opmekaar gestapel gewees. Die heel boonste reistas het ek gemerk met die letter "O" . Op daardie stadium, nadat ek hom oopgemaak het... Dit is Bewysstuk "16" - nadat ons hom oopgemaak het was daar volgens my me ning nie iets in van veel belang sover ons aan betref nie, 20 en ek het nie van sy inhoud op daardie stadium 'n lys gemaak nie, maar wel later. Ek kan dit nou voorlees..

DEUR DIE HOF: Is dit van belang in hierdie saak?---Nee, dit is nie, Edelagbare. Onder daardie reistas was daar een groot bruin reistas. Ek het die nommer (1) op hom aangebring. Dit is Bewysstuk "17". In hierdie reistas was daar 'n kleinder blou reistassie gewees waarin 39 stokke dinamiet van 8 duim elk in 'n wit plastiese sak gevind gewees het.

VERHOOR DEUR MNR. NOODIE (Vervolg:) "17(a)"?---Ja, Edele.

Daar was ook een wit plastiese kan met 'n geel prop - omtrent 'n 5 gallon grootte, in die koffer gewees. Bewysstuk "2". Dan was daar twee groen flitsligte, Bewysstuk "17(b)". Dan was daar twee pakkies elk bevattende vier batterye, toegedraai in masking tape, wat bruin elektriese drade lei met twee female elektriese female proppe - Bewysstuk "17(c)". Verder was daar twee elektriese proppe - een "male" en een "female" - Bewysstuk "17(d)". Dan was daar sewe booby trap ignitor switches. Bewysstuk "17(e)". Hierdie tipe. Dan was daar een deurskynende plastiese sak, "17(f)". Onder hierdie reistassie, Edele, was daar 'n vaalgrys reistas waarop ek die nommer "2" aangebring het, Bewysstuk "18". Daar was 'n plastiese sak binne in die reistas gewees waarin 10 stukke cortex gevind gewees het. Dan was daar 'n plastiese sak in...

DEUR DIE HOF: Wat is die cortex?---Hulle is vernietig - dit is 'n springstof. Ek weet nientoe wat is die Afrikaanse benaming daarvoor nie...

DEUR ASSESSOR: MNR. HART: Word dit gebruik om dinamiet te laat ontplof? ---Hy kan moontlik daarvoor ook gebruik word, maar hyself het 'n geweldige plofkrag, Edele. Dan was daar een plastiese sak met boeke en dokumente. Dié plastiese sak met die boeke en dokumente is ongelukkig.. hulle is in besit van Luitenant Victor.

MNR. MOODIE: Hy sal hulle inhandig. Dit word Gemerk "18(b)".---Binne in hierdie reistas was daar een vaal sagbedekte reistas. Bewysstuk "18(c)". In die sagte deksel reistas was daar een handoek, Bewysstuk "18(d)", 11 kerse dinamiet van 8 duim lengte in 'n plastiese sak - die is ook verwyder deur die inspekteur van plofstowwe en hy het dit vernietig. Dan was daar 'n ander plastiese sak met 32 kerse 30

dinamiet in, wat ook verwyder gewees het deur die inspekteur van onploffbare stowwe. Een plastiese sak met tien doppie lonte (?). Die inspekteur van plofbare stowwe het dit ook verwyder, en vernietig, maar die oorblyfsels het hy teruggebring, en dit is Bewysstuk "18(e)". Dan was daar 'n pakkie met tien lont aanstekers - cheesa sticks, gewoonweg genoem. Dit is Bewysstuk "18(f)". Drie elektriese aanstekers vir brand (?) - Bewysstuk "18(g)". Dan was daar tien elektriese vertraging springdoppies(?) en sestien elektriese springdoppies, wat onmiddelik afgaan. Dan nadat dit vernietig was 10 het ons die drade teruggehou, en dit is wat nou hier is. Dan was daar drie Westclock sakhorlosie, Bewysstuk "18(j)". en hulle is nog in die kartonnetjies waarin hulle gekoop word. Dan was daar twee Westclock horlosies wat voorberei is - Bewysstukke 6 en 18(k). Dit is hierdie. Hierdie een is nog heeltemal in orde. Hierdie een se drade is ongelukkig af.

DEUR DIE HOF: Die minuutwyser is verwyder?---Ja. Sommige minuutwysers en sommige se uurwysers, soos ek dit gesien het. Daar was verder een botteltjie bevattende koper boutjies, 20 Bewysstuk 18(m). 'n Botteltjie bevattende koper moertjies, Bewysstuk 18(n). Dan was daar een elektriese soldeerbout, Bewysstuk 8, en een karton bevattende een rol harpuiskernsoldeersel - Bewysstuk 9. Een battery met elektriese draad aan soldeer - '18(p)'. Ongeveer twee jaart elektriese draad. '18(r)'. Onder hierdie reistas was daar 'n verdere bruin reistas . Ek het die merk nommer 3 daarop aangebring. Dit is nou gemerk bewysstuk "19". Dié het bevat twee flitsligte, een grys, en een geel - 19(a) Een wekker met elektriese draad en twee proppe - Bewysstuk 19(b). Een paar groen 30

rubber handskoene, Bewysstuk "19(c)". Een stuk perpex(?), "19(d)". Twee "male" en twee "female" elektriese proppe, "19(e)". In hierdie reistas was daar 'n kelinier blou reistas, Bewysstuk (19(e)).

DEUR DIE HOF: Is dit die een wat by die stasie was?---Nee. Hierdie reistas het bevat een geel, een oranje en een groen flitsligte - Bewysstukke "19(g)(1) en (2)". Twee rolle bruin elektriese draad, 19 (h). Vier paar handskoene, en een los handskoen Bewysstuk 19(j). Twee tuisgemaakte rytuig sleutels. 19(k). Nege "male", en 11 "female" proppe, 10 19(m). Een pakkie bevattende 8 penlight batterye - 19(n). Een botteltjie bevattende 8 houtproppe - 19(p). Een metaal tuisgemaakte sleutel, 19(r). Elf stukkies verwerkte perpex - 19(s). Een botteltjie bevattende "grommits(?)"

DEUR DIE HOF: wat is dit?---Dit is rubber wassertjies wat jy by 'n gaaitjie insit sodat die draad nie beskadig kan word nie. Een battery met twee elektriese drade aan solder - 19(v). 23 stukke perspex van verskillende lengtes. 19(w). Op... as gevolg van inligting wat ek van die beskuldigde ontvang het het hy my verder na 'n plek geneem by 20 Florida meer - dit was op die 31ste van Julie, hierdie jaar. By Florida meer het hy aan my 'n plek uitgewys, en met behulp van paddamane is daar sekere items uit die water uitgehaal. Ek het 'n lys daarvan opgestel vir die gerief van die Hof. Bewysstuk "D(4)". Dit was onder andere een stukke elektriese dubbeldraad. 'n Stukkies wit tou - Bewysstuk nommer 15. Al hierdie items is Bewysstuk "15". Twee Everready battery, twee opgekoppelde batterye met twee lengtes enkel elektriese draad. Vier dubbel groen en geel lengtes elektriese draad. Een stukke deurskynende elektriese draad. 30

I take it that there will be evidence to show the meaning of all this.

MR. MOODIE: THIS WITNESS will be recalled on a number of other aspects later.

AT THIS STAGE THE COURT ADJOURNS FOR LUNCH.

ON RESUMING AT 2. p.m.

WILLEM HENDRIK BRITS (Nog onder eed):

VERHOOR DEUR MNR. MOODIE (Vervolg):

Op die 29ste...?---Ja, op die 29ste van Julie 1964 het ek aan Mnr. C.P.M. Wilcox van die Buro van Standaarde 10 bewysstukke nommers (1), (3), (4)(a)-(d), (5), (7), (D), (6) (8) en (9) oorhandig.

Op watter dag?---Die 29ste. Ek het 'n Staat opgetrek van die bewysstuk - "D(3)". Mnr. Wilcox het sommige van die bewysstukke in my teenwoordigheid oorhandig aan Mnr. de Kock, van Rooyen en Venter, van sy personeel. Op 'n later datum het ek die bewysstukke terug ontvang van mnr. Wilcox, tesame met be-eedigde verklarings van die betrokke persone van sy personeel wat navorsing gedoen het in verband daarmee. Dan op die 8ste Augustus... of of op die 6de 20 Augustus het ek bewysstukke aan Mnr. Hay oorhandig vir ondersoek - Bewysstukke (19(b) (g(2) , 19(p) 18(k), 18(m), 19(s) en 17(d). Ek het die ook op 'n later stadium van hom terug ontvang.

DEUR DIE HOF: Mnr. Hay, wie is hy?---Hy is 'n elektrotegniese ingenieur, Edele.

Is dit die ander persoon?---Ja, dit is hy.

VERHOOR DEUR MNR. MOODIE (Vervolg):

Is 'n fotograaf geroep^s,, Mnr. Brits?---'n Fotograaf is geroep en Speurder Sersant Visagie het fotos geneem 30

van die bewysstukke wat ons by Oxfordstraat 33 beslag op gelê het. Op die 10de September het ek 'n sketsplan opgetrek wat die verhouding wys tussen Johannesburg stasie - die punt waar die ontploffing plaasgevind het, en Damelin College. Die afstande wat ek hier aangee is wat ek afgetree het. Dit is Bewysstuk "A(5)".

MNR. MOODIE: Geen verdere vae.

GERHARDUS JACOBUS VISAGIE (Verklaar onder eed):

VERHOOR DEUR MNR. MOODIE:

Jy is 'n Speurder Sersant?---Dit is reg. 10

Suid-Afrikaanse Spoorweë...?---Nee, Suid-Afrikaanse
Polisie.

Johannesburg?---Dit is reg.

En u is aaptelike fotograaf?---Dit is reg.

Op watter dag is jy versoek om..., ?---Die 25ste
Julie van hierdie jaar, Edelagbare,

Ja?---Ek was ontbied na 33 Oxfordweg, Foresttown.

Ja, wat is daar gedoen?---Daar het ek Majoor Brits,
Luitenant van der Merwe, en Luitenant Victor gekry, asook
'n inspekteur van plofstowwe, en ek was gelas om fotos te 20
neem.

Wat u toe gedoen het?---Ja, dit is reg, Edele.

Hier is 'n reeks fotos gemerk (E) (1) tot (14) -
sal u hulle net beskryf aan die Hof?---Dit is reg. Foto
(1) is 'n foto van tas in die kelder. Foto (2) - foto van
'n plastiese sak gemerk nommer (1) bevattende lont. (3) -
foto van plastiese sak bevattende lont - (4) plastiese sak
gemerk (2) bevattende lont en slagdoppies. Foto (5) - 'n
foto van oop deur van kelder. Foto (6) - foto van twee 29

plastiese sakke gemerk nommer (2), waarvan die inhoud uitgepak is. Foto (7) - foto van tas gemerk (3) wat aantoon wekker met elektriese draad verbind. Foto (8) - foto van karton bevattende dinamietkerse. Foto (... Ek sien ek het hier per ongeluk (9) uitgelaat. Dit moet (9) wees. Foto van tas met klein tas binne in. Nommer (10) - foto van tas met elektriese draad en flitslig daar binne. Foto nommer (11) is 'n foto van plastiese bottel gemerk nommer 1. Foto nommer (12) is 'n foto van 'n tas bevattende 'n kleiner tas, en elektriese aparatuur. Foto nommer (13) is 'n foto van 'n tas bevattende 'n plastiese sak met dokumente. Foto nommer (14) is 'n foto van twee tasse met die volgende nommers daarop. 8289, en 9838. 10

MNR. MOODIE: Geen verdere vrae.

MNR. REES: Kragtens Artikel 239 van die Strafproseswet lees ek sekere nou verklarings uit, en ek handig hulle in as Bewysstukke "J".(1). Dit is 'n beëdigde verklaring van Karel Theodorus Muller Wilcox. (Mnr. Rees lees uit).
"Ek die ondergetekende... (lees)....."

BY THE COURT: Is it necessary to read this into the record?
I have got a copy...

MR. PHILLIPS has no objection to affidavits being read into the record, but will dispense with the reading thereof.

MR. REES: In that case I hand in Exhibit "J(1)" - that is the affidavit by K.T. M. Wilcox, and I make available for the learned assessors two copies. Secondly "J(2)", the statement by Daniel Stephanus de Kock - the original and two copies. "J(3)" - 'n verklaring van Martin Jacobus Venter, die oorspronklike sowel as twee afskrifte. "J(4)" - van G. van Rooyen - die oorspronklike en twee afskrifte. Ek handig 30

al hierdie dokumente formeel in.

WILLIAM HAY (Duly sworn, states):

EXAMINATION BY MR. REES:

Mr. Hay, would you kindly speak up so that everybody in the Court can hear you. Are you a... what are your qualifications?---I am Electrical Engineer on the communications side of the railways.

And what are your qualifications?---B.Sc. at the Associated Cape Town University and a Member of the Institute of Electrical Engineers. 10

On or after the 6th of August, 1964, did you receive from Major Brits certain exhibits?---I did.

And did you receive amongst others a Jock clock(?) Exhibit "19(d)"?---Yes.

And just detail the various items you received, and then we will deal with them.---Well,...

Put them in front of the Court please. 19(b), 19(g)(2).---Yes.

Just describe 19(g)(2)?---That is a modified torch.

Yes?---In addition there were three bottles of components. 20

The bottles being?---The first one is 19(t), then 18(n) and 18(m).

Anymore?

BY ASSESSOR - MR. HART: I am sorry to interrupt, but when you said a modified torch, I did not quite follow what you meant?

BY THE COURT: Will you be coming back today?

MR. REES: Yes. With respect, I am handing in all the exhibits, and then I will ask him....

MR. HART: Oh, I see, I beg your pardon.

WITNESS: And in addition this envelope...

EXAMINATION BY MR. REES (Continued):

Exhibit number? ---It is not shown on this, but it had this same lettering on it before - 8067/64. It is 19(s), apparently.

And Exhibit 17(d)? Would you deal firstly with the clocks - Exhibit 19(b).---This clock, I recognise it particularly because it is marked here too, before, and I know it was two minutes fast, when I tried it out, It has 10 been modified in a similar manner to other clocks I have seen. I am not associated with this...

Did you made a sketch.. I beg your pardon, did you make a sketch?-o-I made a sketch of the standard modification which I found on this clock. It consisted...

I hand in copies of these sketches. Exhibits may be marked "L(1)" and "L(2)".---I think there are three sketches.

The first one, that is sketch number one, will be Exhibit (L(1))", and the second one, sketch number 2 will be "L(2)", and the third one "L(3)". I hand these in to the 20 Court. Now would you deal with the With reference to the sketch, and in as simple language as you possibly can, explain to the Court what modifications were done, and what what was the purpose of the modifications?---In respect of sketch number 1 a standard pattern alarm clock, was fitted with a contact which would enable the alarm to make an electrical circuit. This contact was mounted in the clock by means of a very specially shaped piece of perspex - filed out of three eights perspex - there are quite a number here -...

You are taking that from exhibits...?---In the en- 30

velope, marked 19(s). That piece of perspex was shaped to fit into the back of the face of the clock and hold a little screw in position to which one of the wires of the electrical circuit could be connected. On the top left hand corner of sketch number 1 there is a little detail of how the screw was mounted in this perspex, and in the centre of the diagram I have attempted to show how the perspex was slipped into the plate, and the plate put back onto the front of the clock. On the clock mechanism, towards the middle of the top, is the alarm trigger on which they filed the surface clean and as 10 the alarm went off this trigger moved towards the face of the clock, and struck up against the screw with the wire attached to it. The circuit was completed by means of another wire soldered to the body of the clock. This is a simple electrical timed contact, and could be set as accurately as the alarm clock could be set - that is within roughly a minute or two. Another modification of the clock was in bringing the wire out at the top of the clock - you see this particular one has not got it, unless it has fallen off - but the clock had a small rubber grommit fitted in to prevent 20 chafing of the wire so that a false electrical contact could not be made if your rough handled it. This wire was normally connected in a simple series circuit, interrupted by two plugs, the one which went to the battery, and the other one was connected - it is not shown on the sketches, because this sketch was drawn before this particular clock came into my hands, and the wires had been cut off the top point - the second plug lead to the detonator or fuse. The importance of these exhibits is with the components used for manufacturing or making that particular type of alarm clock 30

are here in bulk- the perspex piece...

Just a moment please. When you say here in bulk, refer to the exhibit number please.---Exhibit 19(s) consists of perspex pieces used for or cut for this particular purpose. May I open these?

You are now referring to?---19, ... no, 18(m). They are screws...

Just show them to the Court, and don't go so fast. A.P.A. screws - and that is a standard screw size. They are the same size as the screw contact used in the perspex piece 10 in the clock. Exhibit 18(n) are the nuts which fit those screws, and one which is used to lock the screws in position with the perspex fitting. Exhibit 19(t) are the grommits used for taking the wire through the top of the clock.

You were also handed a plastic torch, exhibit 19(r)(2). ~~Your lordship,~~ the plastic torch, which I call a modified torch - first of all, this torch could be used to determine whether the contact circuit of the clock was complete. It was modified to take one of these plugs at the back. There were also amongst the components - exhibit 17(d)(2)", addi- 20 tional loose plugs. The modification to this torch consisted of wiring the...

Just pause a moment. You have screwed off the back of...?---The back of 19(g)(2).

Just describe that back - show it and describe, so that we can get it on record, please.---Well..

How does it differ from a normal back?---The back of the torch has been drilled and two sockets have been inserted in the plastic. These sockets will fit a standard plug, which was used on the clock, Exhibit 19(d). In- 30

side the back of the torch are two wires. Normally in a standard torch those two wires are connected together, and the one makes contact with the back of the battery, and the other end of the wire makes contact with the metal sleeve inside the torch, leading up to the switch of the globe. In this particular case removing that wire, the wire had been cut. One half of the wire had been connected to the one socket, and the other half of the wire had been connected through a small piece of insulating wire to a 37 resistance, apparently for limiting the current, of which more later, your lordship. 10

The only other difference in this torch is that the globe is not the standard globe. The normal $2\frac{1}{2}$ volt globe has been removed and a 6 volt globe has been put in, which with normal torch batteries would give a very dim glow, particularly with a 37 resistance - it just gives a dim glow. It would not give a very bright light. If an alarm clock with two leads coming out into a plug were plugged into the back of this torch, and the torch switched on, the alarm could be set accurately, and the moment it made contact the torch would blow, so that you could ascertain exactly at what time the 20 alarm was set.

On the 18th September did you inspect the remains of a watch marked "Johannesburg R.C.I.26/7/64 - that is Exhibit 7(a)?---I did.

Is that before you now? Could the witness also be handed exhibit 7. Now, firstly would you describe exhibit 7 and 7(a)?---Exhibit 7 I have no comment on. It is the working part of a watch, apparently severely damaged. I inspected it, and found no marks I could recognise on it. Exhibit 7(a) is the back of a watch also very badly damaged. 30

On this... on inspection with a magnifying glass I found file marks, and traces of what appeared to be solder. I did not test them myself, but they bear a very strong resemblance in position and method of filing to three other Zobo watches which I have seen.

Would you have a look at Exhibit 6. Is that one of the watches that had been shown to you by Major Brits?--- That was one of the watches shown to me.

Just tell the Court exactly what you mean by... how it has been modified, firstly, and then compare it with what 10 Exhibit 7 and 7(a) are?---Exhibit 6 - this Zobo watch, had two holes drilled in the face. Into one of the holes was fitted an A.P.A. screw, with a nut on the inside, and a small piece of wire had been soldered on there, and apparently cut way. The glass is plastic/^{non-}conductant glass, my lord.

Just hand it up to the Court, and then you can go on.---"hen soldering with a normal solder on nicolplated watches of this type, it is necessary to file away some of the surface, to get the solder to stick properly. Apparently this particular one had quite a lot of difficulty had been 20 had to get the solder to stick. On the face of this watch it was drilled for the hour hand to make contact with the screw, and apparently in this particular one - it is different from others that I have seen, they drilled twice, apparently to find the best position, and in doing so they seem to have broken the hour handle inside the face of the watch - the minute hand. The minute hand is missing. The purpose of this, judging from the wire soldered on is again simply to make an electrical contact between the hour hand and the insulated screw in the face of the watch. That again would com- 30

plete an electrical circuit.

Could that also be used as a timing device to set something off electrically?---This piece is a timing device, probably with an accuracy of about one or two minutes. Item number 7 which was the back of a watch...

BY THE COURT: That could also be tested with the torch?---

I only have this without the plug. It could be tested with the torch, but there is no plug on this particular torch. It could be tested with the torch. Item number 7 shows a very similar position to the soldering - rather neater work, 10 perhaps, than item 6. I did inspect another watch of the same type that same day, which shows a greater similarity to item number 7 than that.

EXAMINATION BY MR. REES (Continued):

The other watch that you are referring to, is that the one before you now?---Item 18(k). That is the watch that was submitted to me for tests. I did not take this watch apart. Contact... the contact made by the watch between the hour hand and the screw. In the same packet as this watch were the hour hand. I don't know if anybody else 20 did any work on this, but I was unable to take the watch apart because I noticed it had a fingerprint on the back, and apparently somebody was taking details. But the construction is virtually the same as item number 6 and the soldering or filing or soldering is very similar to item number 6, and item number 7.

Would that also be used for the same timing purposes?---This could be used for the same timing purposes, yes, my lord.

MR. REES: No further questions.

AUBREY ABRAHAM MOSS (Duly sworn, states):

EXAMINATION BY MR. MOODIE:

You are director of a firm - what is the name?---
Picot and Moss, (Pty) Ltd.

President Street, Johannesburg?---Yes.

You are the sole South African agent for Westclock
Canada Limited?---Yes.

They manufacture the Westclock Zobo watch?---Yes.

On the 29th of July, 1964, you were shown an exhibit
by the police, that consisted of the movement in the bow of 10
a pocket watch.---Correct.

Will you look at those exhibits?---Yes, those are
the exhibits. 7(a).

Can you comment on that for us?---Well, the plate
is definitely manufactured by Westclock's company of Canada.
The watch is a Zobo - it is 99.99% a Zobo, and I would say it
is a 100% because the bow, being a round bow, definitely
identifies it as such.

What do you describe as the bow?---The bow is the
appendage which generally hangs on a chain. 20

That has already been handed in as an exhibit, my
lord,

BY THE COURT: So is it your opinion that these damaged
portions of the watch were Zobo?---Yes.

MR. MOODIE: No further questions.

MR. MOODIE: It appears to us that three sketches were handed
to your lordship, but only one was dealt with. May Mr. Hays
come back so that he can describe the sketches to your lordship?
May he come back at a later stage? Thank you. 30

PIETER IGNATIUS VAN STADEN: (Verklaar onder eed):

VERHOOR DEURMNR. MOODIE:

Mr. van Staden, u is Adjudant Offisier in die Suid-Afrikaanse Weermag?---Dit is reg.

Op die 25ste Julie van die jaar, op versoek van die polisie, het u sewe "pull switches" ondersoek - is dit die bewysstuk daar?---Pull release switches is die regte naam.

Bewysstuk17(e). Kan u daardie beskryf, asseblief? (Oorhandig aan Hof). They may still be dangerous. Nou, kan u hulle beskryf, en waarvoor hulle gebruik word?---Mag 10 ek oorgaan Engels toe om die getuienis te gee?

Ja, as dit vir u meer gerieflik is!---This is a component part, called a pull release switch, and it is used in the initiation of explosives - like setting a booby trap, or something like that.

BY THE COURT: Would you explain how it works?---This at the back - string or wire could be fixed to that, and the front portion, that is the snout, the explosives could be fitted in there, like gunpowder, safety fuse, or cortex, as presently, and when this is released, it goes forward, and it hits 20 the cap - and you can see in the snout - it is similar to a .32 revolver cap, without the bullet. The resulting flash of that would set off your safety fuse, or detonator etc.

EXAMINATION BY MR. MOODIE (Continued):

Is this some form of standard equipment? ---It is standard equipment used, but not similar to this. The one used in the Service - they have got a ball release pin, when you actually pull it back it releases it, but this one not - the safety pin. The minute this is pulled out then the stiker moves on. 30

BY THE COURT: If I wanted to buy one of those, where could I get it?---You cannot buy it.

Where would it come from? Where do you think it comes from?---It is part of an explosive - an army explosive.

But where are the persons to obtained these things, who were in possession of them?---It is difficult to say.

You say the South African Defence Force doesn't use this?---They use this.

But not the same ones?---No, not exactly the same. The one we use in the army is slightly different to this one, 10 although the principle is exactly the same.

and you don't know where they come from?---No, I don't. I checked on the maker - it is purely just a maker, for his monogram stands on it. There is a mark 56 which I won't be able to identify.

Would a thing like that be imported?---Yes, it would. I don't think they are made in this country.

You don't know in what country they are made?---No, I cannot say definitely.

MR. MOODIE: No further questions.

20

(Mr. Hay to be recalled at a later stage.

MR. MOODIE: This witness was in the witness box at the time of the adjournment yesterday afternoon, my lord.

I don't propose asking any further questions of this witness (Lieutenant van der Merwe), and I trust your lordship will hear me now as to the manner in which the case should proceed. He is available for cross-examination....

MR. MOODIE: Continues with this address to the Court, and

MR. PHILLIPS Addresses the Court re a postponement.

BY THE COURT:

It appears to me that the Defence is entitled to a postponement, and to avoid further postponements as far as possible I propose to give the Defence a sufficient opportunity of preparing.

The matter will be remanded to the 12th of October. Monday, the 12th October.

MATTER REMANDED UNTIL MONDAY 12/10/1964.

AT THIS STAGE THE COURT ADJOURNS.

IN THE SUPREME COURT OF SOUTH AFRICA.

(TRANSVAAL PROVINCIAL DIVISION)

BEFORE: The Honourable Mr. Justice LUDORF and Assessors.

In the matter of,

THE STATE vs. FREDERICK JOHN HARRIS.

APPEARANCES AS BEFORE:

12th OCTOBER 1964.

ON RESUMING AT 10.00 a.m.

BY THE COURT: (to Mr. Philips)

Mr. Philips, are you in a position to cross-examine?
---My lord, I am in a position to cross-examine those of the witnesses who gave evidence on the last occasion of whom I have advised my learned friend, and if your lordship desires that that be the procedure we now follow, I can carry on.

Do you agree with that Mr. Moodie?--MR. MOODIE.
Yes my lord. There are one or two small witnesses, for instance, Mr. Hay, must be recalled to explain exhibits 10 L.2 and 3 to your lordship. There is a question that was put to one of the witnesses by either your lordship or one of the assessors in regard to the "springdoppies" - I will put a witness in to that effect, and an identifying witness. I think that rounds the matter off very conveniently for cross-examination purposes. I call Mr. Hay.

WILLIAM HAY, still under oath (recalled)

EXAMINATION BY MR. MOODIE: (cotd)

Mr. Hay you have already given evidence?--I have.
Just to correct the record, will you just tell the 20

Court what is Exhibit 7 and what is 7(a)?---My lord, Exhibit 7(a) as marked here, I may have made a mistake in identifying the numbering, Exhibit 7 was the back of the watch, Exhibit 7(a) was the works or body of the watch.

Now would you explain the sketches that you put in, exhibits L2 and L3. Start with L2.---Sketch L.2 is a schematic diagram illustrating the position in the normal circuit apparently used in which the contact, electrical contact in the watch or clock was placed. In other words, the circuit shows the flow of current to the detonator - 10 in some cases apparently a broken torch globe was used to ignite the detonator. From the torch globe the current is shown passing first of all from the battery through the torch globe, through the contact of the watch back to the battery to complete the electrical circuit. That was the purpose of that sketch to indicate - also there are two points marked 'connection' just indicated on the diagram by two small dots, and the purpose of that was to show where, at what point, this torch could be connected to ..you could 20 disconnect the electrical contact in the watch or clock, and by plugging it out, plug it into this torch to check the setting of the clock or watch.

Just pause a moment - the torch which you are referring to, just mention its exhibit number?---The torch to which I am referring, the one that I examined, 19(g)(2). That is all on that sketch. On sketch L.3 a rough sketch of watch - there are actually two watches shown there. The one I am referring to is the lower one which was reasonably complete and ready for use as a contactor. The one at the top was merely indicated as one that I inspected, but it was 30 one that had apparently been only partially modified or had

been experimented on and the clear sketch is the lower one.
The point of this is that..

What exhibit are you referring to now?---This watch at the bottom is identical in modification to Exhibit 18(k) the one which I had said had shown signs of a fingerprint on it and I had not been able to open the watch at the time of my inspection. The modification is exactly as shown, the hour hand bent up, the minute hand missing, the screw contact in the plastic face of the watch and the other end of the wire soldered to the back cover of the watch by filing the 10 nickel plating off carefully the wire soldered on to the bare brass or copper below. The connection between this and the exhibit 7, which is the back of the watch is that the method of filing and soldering appears very, very similar to that on exhibit 18(k) although as a result apparently of damage to the watch subsequently the wires are no longer still attached. There are still traces of solder and signs of the filing, where the one wire was attached to the back case.

MR. MOODIE: No further questions.

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NO CROSS-EXAMINATION BY MR. PHILIPS.

TREPTOUW JOHAN KAREL FREDERICH PELSER, b.v.

VERHOOR DEUR MNR. MOODIE:

Mnr. Pelser, u is adjudant-offisier in die Suid-Afrikaanse weermag?--Heeltemal korrek.

In die Ammunisie -depot, Pretoria. Nou daardie bewysstuk nr. 17(e) - kan u dit beskryf? ---Hierdie bewysstuk is n toestel wat gebruik word deur die Britse Weermag om vernielingsladings af te sit. Die volle benaming kan ek

vir u in Engels gee. It is known as a ignitors percussion safety fuse Mark 3. Dit is die Engelse benaming.

Is dit n deel van die Suid-Afrikaanse weermag uitrusting?--Die Suid-Afrikaanse Weermag het wel van hulle.

MNR. MOODIE: Geen verdere vrae.

KRUISVERHOOR DEUR MNR. PHILIPS:

Geen vrae.

MR. MOODIE (to the Court)

I understand my learned friend is prepared to admit that constable Smit received the body of the deceased from 10 Mr. Delpont, and identified the body to Professor Friedman, who gave evidence of the post-mortem examination, which is Exhibit "C", not yet been numbered.

MR. PHILIPS: That is so my lord.

MR. MOODIE:

My learned friend has given me a list of the witnesses he wishes back.

I understand the first witness he wishes back is Lieutenant Vermeulen.

CONTINUED ON PAGE 125.

GYSBERT THEUNIS JOHANNES VERMEULEN, nog onder eed:

KRUISVERHOOR DEUR MNR. PHILIPS:

Kaptein, die agtermiddag van die 24ste Julie van hierdie jaar, het u alreeds vir sy Edele vertel dat u n telefoon oproep ontvang het?---Dis reg, Edelagbare.

Nou is u in staat om te sê presies hoelaat dit was toe u daardie oproep ontvang het?---Ek kannie presies sê hoelaat dit was nie.

Ek wil dit net aan u stel, kaptein, dat seker nadat die ontploffing plaasgevind het, toe het u probeer terugwerk 10 om uit te reken, min of meer, wanneer daardie oproep deurgekom het, nie waar nie?---Nee Edelagbare.

Hoe stel u vas dat dit in die nabyheid van half-vyf was?---Nee, ek het nie gesê dit is in die nabyheid van half-vyf nie, ek het gesê dit is ongeveer 4.25, 4.27. Tussen daardie periode.

Nou hoe stel u dit vas, kaptein?---Net voordat die oproep gekom het, het die Adjunk-kommissaris vir my die tyd kom vra, en ek het op die amptelike horlosie wat in die Kommissaris se kantoor is, het ek gesien dit is 4.23, en 20 kort daarna het die oproep gekom, so ek weet die oproep het gekom na 4.23.

Nou die getuienis vir die verdediging sal wees dat daar so n oproep was, en dat dit omtrent tussen 4.20 en 4.22 plaasgevind het. Is u in staat om dit te ontken?---Die oproep het beslis gekom na 4.23.

Wel kan u seker wees dat die horlosie waarop u gekyk het, korrek was?---Hy het die poskantoor se tyd, daardie horlosie Edelagbare.

Het die oproep direk na u deurgekom?---Na die telefoon 30 op my tafel, ja.

Watter amp beklee u daar?---Ek is die Staf-offisier van die Kommissaris.

En u het n nommer vir sy Edele gegee wat u telefoonnommer is?---Ja.

En is daardie nommer in die telefoongids? onder u naam?---Ja, hy is onder die naam van die staf-offisier.

Is dit dan moontlik dat u die oproep ontvang het onmiddellik na 4.23?---Dit is na 4.23 ja.

Nou die man wat gepraat het, het Engels gepraat, nie waar nie?---Dit is reg Edelagbare. 10

En het hy die woorde gebruik "This is the African Resistance Movement"?---Dis reg, Edelagbare, hy het.

En het hy toe gesê hierdie woorde, of woorde wat min of meer dieselfde is: "There is a bomb near the centre of the main concourse in the station?" ---Nee, voordat hy dit gesê het het hy tweekeer herhaal " Can you hear me? Can you hear me?"

And then..en toe het hy gesê "There is a bomb near the centre of the main concourse in the station?"---Ja, 'somewhere in the main station building.' 20

Did he say..het hy gesê "in the concourse"?---Nee, hy het nie die woord "concourse" gebruik nie.

Is u seker daarvan?---Ja.

Die getuienis vir die verdediging sal wees dat die woorde "main concourse" is gebruik, en dat die boodskap was "There is a bomb near the centre of the main concourse in the station."---Nee, die woord "main concourse" was nie gebruik nie.

Het u die woorde neergeskrywe kaptein?---Nee, ek het nie, maar ek onthou dit. 30

Het u n nota daarvan gemaak?---Nee, ek het nie n nota

gemaak nie.

Het hy ook gesê "It will explode if anyone touches it?"---It will explode at 4.33 and don't touch it" -dit is die woorde wat gebruik is.

En het hy ook gesê "Please clear the concourse?"---Nee, daar is nie sulke woomb gebruik nie.

Die getuienis vir die verdediging sal wees dat daar die woorde gebruik is, "please clear the concourse".---Hy het dit nie teenoor my gebruik nie.

Nou het u hierdie oproep dadelik gerapporteer?--- 10
Dadelik, ja.

Aan wie?---Aan die offisier in bevel van die veiligheid, Edelagbare.

En wie is die Offisier in Bevel van die Veiligheid?
---Luit.-kol. Smit.

En hoe het u dit gerapporteer? per telefoon, of persoonlik?---Persoonlik.

En wat het u hom vertel?---Ek het hom vertel van die oproep wat ek gekry het, Edelagbare.

Waar is sy kantoor met betrekking tot u kantoor?--- 20
So n paar..omtrent 20 - 30 tree van my kantoor af.

En is u onmiddellik na sy kantoor toe?---Onmiddellik, toe ek die gehoorbuis neergesit het.

En kan u ons vertel watter woorde u gebruik het toe u hom van die oproep vertel het?---Ek kannie die presiese woorde meer sê nie.

Het u hom vertel waar die man gesê het die bom is geleë?---Ek het hom die woorde herhaal wat die persoon oor die foon gebruik het.

Dieselfde woorde wat u alreeds vir ons vertel het? 30
---Ja, dieselfde woorde.

En was u teenwoordig toe luitenant-kolonel Smit enigiets daaromtrent gedoen het?---Nee, nadat ek die berig ~~aan-ha~~ aan hom oorgedra het, het ek sy kantoor verlaat. Ek weet nie wat hy daaromtrent gedoen het nie.

Hoelaat sou dit gewees het toe u aan hom die boodskap gegee het?---Omtrent 4.27.

En het u enige ander beamppte of offisier van hierdie oproep destyds vertel?---Nee.

Was dit toe vir luitenant-kolonel Smit om die nodige stappe te neem?---Ek veronderstel so. 10

MNR. PHILIPS: Geen verdere vrae.

DEUR ASSESSOR HART: Kaptein Vermeulen, u het gesê dat die adjunk-kommissaris het jou die tyd kom vra, ongeveer 4.23? ---Dis korrek.

Was hy nog in jou kantoor toe die telefoongesprek plaasgevind het?---Nee, hy is uit gewees, uit my kantoor uit.

Kan u min of meer sê hoelank hy uit u kantoor gewees het toe die oproep deurkom?---Ek het net, die twee..die adjunk-kommissaris, my kantoor is tussen die kommissaris en die adjunk-kommissaris se kantoor, en daar is deure van die 20 adjunk-kommissaris se kantoor na my kantoor, en ook van die kommissaris se kantoor na my kantoor toe. Hy het net by sy deur uitgekom en vir my gevra "Wat is die tyd?" en ek het opgestaan en by die kommissaris se kantoor ingekyk waar die horlosie is wat die poskantoor tyd het, en ek het hom gesê "Kolonel, dit is 4.23 presies" en hy het die deur toegemaak en weer in sy kantoor ingegaan.

HOF: En jy het toe?---Ek het by my lessenaar gaan sit.

En het die telefoon toe gelui?---Net daarna het die telefoon gebel. 30

JOHANNES HERMANUS BENADE, nog onder eed: (herroep vir kruis-
verhoor)

KRUISVERHOOR DEUR MNR. PHILIPS:

Hoofkonstabel Benade?---Dis reg.

U het alreeds getuienis afgelê, en u het vir sy Edele vertel dat in die agtermiddag van die 24ste Julie van hierdie jaar het u n rapport ontvang?---Is reg, Edelagbare.

Kan u ons vertel, asseblief, van wie u daardie rapport ontvang het?---Van hoofkonstabel van Rensburg.

En waar was u toe u die rapport ontvang het?---Ek het net die kantoor ingekom. 10

In watter kantoor?---Die Aanklagtekantoor op Johannesburg Stasie.

Waar is die Aanklagtekantoor?---Edelagbare, dit is geleë in die Suid Stasie gebou.

Die ou stasie?---Die ou stasie.

En hoever is dit van die binneplein?---Edelagbare, ek sou sê dit is ongeveer 30 tree.

En kan u ons vertel wat hierdie rapport was wat u ontvang het?---Hy het net aan my gesê daar sal n bom ontplof en ek moet ondersoek gaan instel. 20

Het hy gesê waar die bom gaan ontplof?---Hy het gesê op die stasie. Edelagbare, die nuwe stasie, die nuwe gedeelte.

Hy het gesê in die nuwe gedeelte?---Dis reg.

Beteken dit die binneplein?---Ek het dit so aanvaar dat dit die binneplein is, Edelagbare.

Hy het gesê 'in die nuwe stasie'?---Dis reg.

Is dit die woorde wat hy gebruik het?--Ja Edelagbare.

En het hy gesê wanneer die bom gaan ontplof?--Nee.

Het hy gesê waarvandaan hy hierdie inligting ontvang 30 het?---Nee Edelagbare, ek het niks met hom..net toe hy gesê

het 'daar gaan n bom ontplof' het ek onmiddellik die kantoor verlaat.

Hoe het u daardie rapport ontvang, per telefoon?---
Nee, persoonlik, hy het persoonlik met my gepraat.

Waarvandaan het hoofkonstabel van Rensburg gekom, weet u?---Hy het die klagtekantoor binnegekem dieselfde tyd wat ek daar arriveer het, uit sy kantoor uit.

Waar is sy kantoor?---Dit is ongeveer 7 tree vanaf die klagtekantoor.

En het hy miskien vir u vertel wie hom vertel het van die..?---Nee, Edelagbare. 10

Nou hoelaat was dit toe hy binne in die klagtekantoor ingekom het?---Edelagbare, op my tyd was dit 4.27, op my horlosie.

Is dit u polshorlosie?---My polshorlosie.

En is u in staat om te sê of hy heeltemal akkuraat is?---Ja, Edelagbare, daardie dag was sy tyd reg.

Hoe weet u?---Volgens die tydsein op die radio.

En wanneer het u op u polshorlosie gekyk?--Hoe meen u nou? 20

Wel in verband met die gesprek wat u met hoofkonstabel van Rensburg gehad het?--Toe ek die rapport ontvang het.

Nadat hy met u gepraat het?---Ja.

Het u toe op u horlosie gekyk?---Ja Edelagbare.

En wat het u gemaak?---Ek het onmiddellik na die Hoof binneplein gegaan.

Wel nou ek stel dit vir u in die eerste instansie hoofkonstabel Benade dat dit miskien n minuut of twee vroeër as 4.27 kon gewees het?---Edelagbare, my tyd was 4.27 gewees.

Is dit moontlik dat dit miskien 4.25 was?---Nee. 30

U sê dat dit is wat u op die horlosie gesien het?

---Op my horlosie ja.

Nou as u horlosie miskien n bietjie voor was, dan kan dit natuurlik n bietjie vroeër gewees het?---Edelagbare, my horlosie verloor nie tyd nie. Hy is reg.

Wanneer het u dit met die tydsein op die radio getoets?---Sewe-uur die oggend.

Sewe-uur die oggend?--Ja.

En daarna wanneer?---Ek het toe nie weer daarna gekyk nie, ek het hom nie weer getoets nie. 10

Wel na hierdie voorval, na u hierdie boodskap ontvang het, in die agtermiddag van die 24ste, wanneer het u daarna u horlosie weer getoets?---Elkere oggend sewe-uur toets ek hom, Edelagbare.

DEUR DIE HOF:

En is hy altyd reg?---Hy is altyd reg.

KRUISVERHOOR DEUR MNR. PHILIPS (VERVOLG):

Nou wat het u persoonlik gemaak toe u hierdie rapport ontvang het?---Edelagbare, op myself het ek geglo dat daar nie soiets sal plaasvind nie, maar ek het die binneplein ingegaan met die bedoeling om te kyk of iemand nie onder verdagte omstandighede n tas of n kartondoos of iets sou neersit nie, en padgee nie. Dit is al waarop ek gekonsentreer het. 20

Was daar enige ander polisieledede teenwoordig?---Nee Edelagbare, dit was net myself.

Niemand anders in die klagtekantoor nie?---In die klagtekantoor was, maar in die binneplein was dit net myself.

Ja maar wat van die ander polisieledede wat in die klagtekantoor was?---Ek weet nie of hulle miskien agterna gekom het nie, maar ek was alleen in die binneplein gewees. 30

Het hulle hierdie rapport ook gehoor?---Die sal ek nie weet nie Edelagbare.

Het u enige instruksies of bevele aan hul gegee?---Geensins Edele.

Was daar enige ander lede van die Spoorwegpolisiemag wat in die binneplein ingegaan het?---Dit is moontlik, Edelagbare, ek kannie onthou nie. Na die ontploffing was daar heelwat gewees.

Het u hul nie gesien nie voor die ontploffing plaasgevind het?---Ek het niemand opgemerk nie. 10

Nou toe is u op die toneel, en u het vir ons vertel dat u in die binneplein was toe die ontploffing plaasgevind het?---Dis reg.

En daarna het u vir sy Edele vertel dat u is weer terug na die Aanklagkantoor?---Dis reg.

Hoelank het u daar gebly voor u weer terug is na die Aanklagkantoor?---Edelagbare, ek verstaan nou nie mooi nie?

Vandat die ontploffing gebeur het, totdat u weer terug is na die aanklagkantoor, hoelank was u daar in die binneplein?---Dit is nou vandag die ontploffing plaasgevind het? 20

Ja.---Edelagbare, ek kannie verklaar hoelank ek daar was nie.

Kan u sê min of meer?---Ongeveer ek sal maar sê twee na drie minute.

Nie langer as dit nie?---Nee, ek glo nie dit kan langer wees nie.

Is u in staat om te sê presies hoelaat die ontploffing plaasgevind het?---Edelagbare, op my horlosie was dit 4.32. 30

En op die groot horlosie wat in die binneplein is?

---Ek het nie op die groot horlosie in die binneplein gekyk nie, Edelagbare.

4.32 sê u. Nou toe, soos u alreeds vir sy Edele vertel het, is u terug na die aanklagkantoor. Hoelank het u daar gebly?---Edelagbare, ek het net na die klagtekantoor gehardloop en gesê daar het 'n bom ontplof, hulle moet dokters en ambulanse ontbied, en onmiddellik weer teruggegaan na die toneel.

En hoelaat was dit toe u teruggekom het na die toneel?

---Ek het nie daarna op tyd gekyk nie, Edelagbare. 10

U het ons vertel dat daar 'n brandweer afdeling was wat besig was om die vlamme uit te blus?---Ek het hulle daar opgemerk het.

Toe u teruggekom het?---Dis reg.

Van die klagtekantoor?---Dis reg Edelagbare, ek het hulle daar opgemerk.

Ek wil net weet, watter brandweerafdeling is dit? Is dit 'n spoorwegafdeling?---Nee, dit was munisipaliteit.

Munisipale brandweer?--Volgens die voorletters.

Hulle was alreeds daar en hulle was alreeds besig? 20

---Toe ek teruggekom het, Edelagbare.

Weet u wie hulle ontbied het?--Nee, Edele, die weet ek nie.

MNR. PHILIPS: Geen verdere vrae.

GEEN HERVERHOOR.

DANIEL LUKAS TERBLANCHE, nog onder eed: (herroep vir kruisverhoor)

KRUISVERHOOR DEUR MNR. PHILIPS:

Mnr. Terblanche, net 'n paar vrae: ek wou u net vra, daar is natuurlik luidsprekers in die spoorwegstasie te

Johannesburg?---Ja.

En daar is sulke luidsprekers nie alleen op die platforms maar ook in die binneplein?---Ja.

En hierdie luidsprekers word gebruik in dieselfde manier as die in die platforms, vir die doeleinde om skare mense onmiddellik te verwittig van enigiets wat hulle behoort te doen of nie te doen nie, nie waar nie?---Ja.

Weet u of die agtermiddag van die 24ste Julie enigiemand gebruik gemaak het van die luidsprekers om mense te waarsku?---Nie sover as ek weet nie.

10

MNR. PHILIPS: Geen verdere vrae.

GEEN HERVERHOOR.

ETHEL MARY BURLEIGH, still under oath (recalled for ~~cross-~~examination)

CROSS-EXAMINATION BY MR. PHILIPS:

Mrs. Burleigh, there are just a few questions I want to ask you in connection with the evidence that you gave on the last occasion. You told us how you arrived at the station in the main concourse of the station. You came there with your late mother and your daughters for the purpose of catching a train, did you?--Yes that is right.

20

Could you tell us what time that train was due to leave?---I think 10 to 5, or 10 past, I am not certain.

Where was it going to?---Westonaria. I think it was going to Bank.

Would you speak towards his lordship please. Ten to ^{not} or ten past?---I am/sure whether it went at 10 to or 10 past.

Where had you and the other members of your family come from when you came to the station?---Johannesburg. We had been staying there a few days.

Oh I see. And where did you..well, what was the

30

actual house or place that you came from when you came to the station?--- A flat in Hillbrow.

I see. And by what means did you come from this flat in Hillbrow to the Station? Did you come by tram or by bus? or by motorcar, or by taxi?---I think the bus.

You came by bus?--I think so.

You say the flat was in Hillbrow?---Yes.

Can you remember what time you caught a bus in Hillbrow to come to the station?---I can't. I know we left quite early, but I can't remember the exact time. 10

Can you remember what time you arrived at the station itself?---I don't know but we had half an hour, my mother said we had half an hour to wait for the train. I don't know if it went at 10 to or 10 past. I think 10 to.

You know that there is a big clock in the concourse, in the main concourse of the station, at the southern end. ---I did not look at that, but I looked at the other one on the top of platform six, I think it is, and I think it was about 20 or half past, 20 past, something like that, 25 past about. 20

You say there is a clock on the top of platform 6? ---Yes, it was the entrance where we were supposed to go down.

Is this above the shelter?---It was where we were sitting, yes.

I see, and did you look at a clock there?---Yes I looked at it.

And you say your recollection is that that was either 4.20..---Yes, about there.

..or 4.25?---Yes. 30

Now you say your mother said too that you had a half

an hour?---Yes she said 'We have got to wait for half-an-hour.'

Before you were due to go?--Yes.

Now I understood you to say that you and your daughter Carol I think it was were walking ahead.---Glynis.

Oh you and your daughter Glynis were walking ahead.--
Yes.

And your mother and your daughter Carol followed.---
Yes.

They went to buy.---Books, yes.

..a book at the bookstall.---Yes. 10

Do you know where that bookstall is in relation to this shelter at platforms 5 and 6?---From where we sat it was towards the left.

Towards the left?---Yes, more opposite, towards the left. As you come in the entrance, where the ticket office is, just on the left there.

I see.---I am not very familiar with the station.

I think we can try and put it this way: that the shelter that you went into faces towards the west, does it?

---Yes I think so. 20

It faces towards where the parking area is?---Yes, that is right.

That is on the west side.---Yes.

And you say that this bookstall that your mother went to was towards your left, and nearer to town?---Yes that is correct.

So that it would be towards the South-western corner of the concourse, is that correct?---Yes.

And when your mother and your daughter followed you to this shelter, had you already been seated there?---No, we 30 sat in another place first to find my ticket. I went into

another shelter first to see if I had my return ticket.

Then I came on to this one.

Do I understand then that this must have been in the shelter above platforms 3 and 4?---Yes the one below.

That would be the first one you come to?---The first one yes.

You sat there?---Well I just opened my case there and looked in my bag for my ticket.

Yes?---Then we moved straight down into the next one as it was empty. 10

I see. Now did this that you are now telling me about, did this happen after you had already noticed the time on the clock that you spoke of?---No, I had not seen the time yet.

Was it after your mother had told you that there was approximately half an hour until the train was due?---She told us when we were buying the ticket. You see, she had to buy her ticket.

Yes I see. That was then before you entered the concourse that she told you that.---No..yes. 20

Then you say having sat down in the shelter at platforms 3 and 4 and checked that you had your ticket...---I did not sit. I just put my case on the seat, took out my ticket and went straight to the other one.

Oh I beg your pardon, I misunderstood you. Then having done that, you went on to the shelter over platforms 5 and 6?---Yes.

Was your train due to leave from that platform?---I think so yes, I am not certain.

And as you approached this shelter, was the suitcase 30 that you saw already standing there?---Yes.

And as you approached the suitcase, where was it standing?---Against the wall.

Yes, against which wall?---The left-hand side wall.

And is that the left-hand side as you were looking at it?---Yes.

So you were at that stage facing the shelter, facing the west side of the shelter.---Yes.

..and it was on your left, so that it was against the northern wall of the shelter is that right?---Yes.

And it had a note on it at that time, in Afrikaans? 10
---Yes.

And as you approached the shelter, and saw the suitcase standing there, was the shelter empty?---I don't know, I think there were some people on the left. I am not sure who else, but there was a man standing next to the case. The case was there and I saw this man standing this way, looking this way (indicates).

I am sorry, you will have to describe it.---This was the case, and (witness turns away from microphone).

Mrs. Butleigh, would you please speak into the 20
microphone. Let us try and get it straight. You say the suitcase was standing next to the northern wall of the shelter.

And you say there was a man standing next to the suitcase?---Yes.

Did he have his back to you?---No. Sideview.

You saw the side of him?---Yes.

Did you see the right-hand side of him?---No, the left hand side of him.

You saw the left-hand side?---Yes.

30

So he was facing out into the concourse?---Yes, he was looking towards..the opposite way to the bookshelf, to the bookshop.

He was looking therefore to the North-west?--Yes, that is right.

But he had his back to the shelter itself?---Yes, sort of half.

BY THE COURT:

How far away was he from this case?---He was as near as that. Here was the case and he was as near as that. 10

CROSS-EXAMINATION BY MR. PHILIPS (CONTINUED):

So you say that he was within inches of the case, is that right?--Inches.

And you saw him clearly?---Yes, I just looked at him, and then he went past me.

I see. Was he standing up straight at that time?---Yes.

And was he wearing a coat?---A dark coat.

A dark coat?---I thought he was, an overcoat.

Overcoat?--Yes. 20

He was wearing a dark overcoat, and was he wearing a hat?---No hat.

Was he wearing glasses?---No glasses.

And you don't know, of course, whether he had anything to do with this case or not?---No I don't know..

All you know is that he was standing there as you approached, and he walked away?---Yes that is right.

And in what direction did he walk?---He seemed to go out the front entrance of the station, but I did not look which way, but that was the direction he walked. 30

When you say the front entrance you mean the entrance

from which you had come?--Yes that is right.

That is the South side of the concourse?---He went towards that way.

I see. Now are you able to say whether he was a tall man or a short man?---He is average height I think. He was not tall, just average.

Can you say whether he was a fat or a thin man?--- .
Medium.

And all you can really remember, you say, is medium build, average height I think you said, and wearing a dark overcoat?---Yes. And blonde hair. He had blonde hair. 10

Oh I see, he had fair hair?---Yes.

And nothing else identifiable in the way of a beard or a moustache or anything of that kind?---He had rather a reddish complexion.

Reddish complexion and fair hair?---Yes.

And the first time you saw him, how far away were you from him and from the shelter?---About as near as you and I.

Would you call that about 6 yards, would that be right, about that?--Yes, what I can remember. 20

And at that moment, when you saw him first, at that distance of about six yards, was he already standing, or was he in the process of getting up?---I can't remember if he was sitting or standing, I can just remember that moment seeing him.

And before you got to the shelter did he walk away from it?---Just as I got there, then he walked away.

And you told us the direction in which he went, towards the South end of the station.---Yes. 30

Now you have no clear recollection of any other people

in the shelter at all at that time?--No, there were some people on the right of me, but I did not look at those. I was just looking to where we were going to sit.

And when you say to the right of you, you are again referring to when you were facing the shelter, they were to your right?--Yes.

So they were towards the southern end of the shelter?--Yes.

Did they go away as well?--I don't know. I did not see what they did.

10

Now do you..are you able to give us any idea, if you can, of how many there were? Or is this just a vague impression?--I don't know. I can't remember really.

And do you know whether they were men or women? --- I think there was a lady sitting there but I can't remember anything else about her.

Then did you and your daughter Glynis sit down on the bench?--Yes that is correct.

And then meanwhile..or how long thereafter did your mother and Carol arrive?---They came straight away, as soon as we arrived there, they were right behind us.

20

And then you all sat down on the bench?--Yes.

And for how long were you seated there before you and Carol got up?--I can't remember, about a minute or two, I think. Just a minute perhaps.

And then you and Carol went to look at the shops--- We looked quite a while at the shops round the back.

I see, were you looking at the shops that were in this particular shelter building?--Yes.

Or at the shops along the side of the concourse as well?---At the back and all round the sides of the tearoom.

30

Have you any idea how long you were engaged in doing that before the explosion took place?--It must have been about ten minutes or so.

I see. Thankyou.

NO RE-EXAMINATION BY MR. MOODIE.

BY ASSESSOR HART:

Mrs. Burleigh, I want to ask you - did anything in particular draw your attention to this man that you saw there?---No, except that he was fair, very fair..

Why did you notice him at all? Did anything happen that caused you to look at him?---No, except that I saw him leave the case, you know, go away from the case. 10

Did you see him touch the case?---No I did not see him touch it or do anything, I just saw him walk away, and seeing the notice on the case, I imagined that he had left it for a friend.

Can you tell me this, did you notice what his condition was? Was he calm or agitated?---No, just ordinary. I did not really look at him a lot.

CAROL BURLEIGH, still under oath (recalled for cross-examination)

CROSS-EXAMINATION BY MR. PHILIPS:

21

Carol you remember when you gave evidence here a couple of weeks ago you explained to his lordship how you arrived at the station with your mother and grandmother and your sister. I would just like you to cast your mind back to that please and tell me, if you can, what time it was when you got to the station? ---It was round about 4 o'clock.

About four o'clock----Yes.

Your mother has told us already that you caught a bus is that right, from Hillbrow?--Yes. 30

Have you any recollection of what time it was you caught the bus?---No.

I see. And when you say it was about four o'clock, did you have a watch, or did you look at a clock?---No.

Now you walked into the station, and some tickets had to be bought, is that correct?---Yes.

Before you got into the main concourse. And when you got into the concourse did you see a clock?---No.

Or did you notice the time at all?---No.

You did not at any stage?---Not that I can remember. 10

I am sorry, would you please speak up a little towards his lordship?---Not that I can remember.

Now did you go with your grandmother to the book-stall?---Yes.

And we have been told where that bookstall was, in the corner of the concourse?--Yes.

The corner nearest to where you came in?--Yes.

That is right - and meanwhile your mother and your sister walked on?--Yes.

And they went to the shelter above platforms 5 and 6?---Yes. 20

And that is where you went to as well?---Yes.

Now when you got to this shelter, were they already there, your mother and your sister?--Yes.

Were they already sitting down?---No.

Did you arrive there soon after they did?---Yes.

And then did you all sit down together?---Yes.

Now as you came towards this shelter, were there any people inside it?---No.

No people at all?---No. 30

You have told us about a suitcase that was there?---

Yes.

On which there was a note, in Afrikaans, which you translated for your mother, I think.---Yes.

Was that suitcase there as you approached the shelter?---Yes.

And your mother has told us that as you came near to this shelter, there was a man standing very close to that suitcase, is that correct?---I did not notice anyone.

You did not notice him at all?---We came after my 10
mother.

I see, because you came after your mother?---Yes.

So it may be that he was there as your mother approached and that by the time you got there he had already walked away?---Yes.

Did you see a man walking away, perhaps, with a dark overcoat?---No.

Or a man with very fair hair and a ruddy complexion? You did not see one at all? But there was nobody else in the shelter?---No. 20

And then you all sat down on the bench?---Yes.

And then you and your mother got up and went to look at the shops?---Yes.

And you looked at the shops around the other side of the shelter, is that right?--Yes.

And also at the shops that are along the side of the concourse?---Yes.

And have you any idea of how long you spent looking at these shops?---About ten minutes.

You think about ten minutes, before the explosion took 30

place?---Yes.

MR. PHILIPS: No further questions.

NO RE-EXAMINATION.

JAN JACOBUS VAN ROOYEN, nog onder eed (herroep vir kruisverhoor)

KRUISVERHOOR DEUR MNR. PHILIPS:

Mnr. van Rooyen, die vorige keer het u alreeds getuienis afgelê, en u het sy edele vertel van 'n telefoonoproep wat u ontvang het die agtermiddag van die 24ste Julie. En u het ook vir ons vertel wat die inhoud daarvan was. Nou in verband met die tyd toe u hierdie oproep ontvang het, 10
hoe het u daardie tyd vasgestel, mnr. van Rooyen?---Toe ek die telefoon neersit het ek op my horlosie gekyk, en toe gesien dit is omtrent vyf minute voor 4.33. Daarom het ek toe maar daarby afgelei dat dit omtrent 'n minuut in beslag geneem het deur die ontvang van die oproep en die aanhoor van die boodskap.

Ek is jammer maar ek glo nie ek het u gehoor nie, u sê u het op u horlosie gekyk en gesien, wat?---Dit is omtrent vyf minute wat die persoon genoem het, 4.33.

O ek sien. 4.33. En dit was op u polshorlosie? 20
---Ja.

En is u heeltemal tevrede dat u polshorlosie akkuraat is?---Ja.

Kon dit 'n minuut of twee voor gewees het?---Ek dink nie dit kan 'n minuut of twee verskil.

U sien, mnr. van Rooyen, die verdediging sal natuurlik erken dat daar so 'n boodskap aan u gerig is, dat daar so 'n telefoonoproep was, die enigste ding is, die getuienis sal wees dat dit omtrent 4.23 of miskien 4.24 plaasgevind het. Is dit moontlik?---Nie na my mening. 30

Is u seker dat u onmiddellik na die oproep op u horlosie gekyk het?---Ja.

U het geen nota daarvan gemaak natuurlik?--Nie van die tyd nie.

U het van die boodskap?---Ja.

Wie het u gevra - u het alreeds vir sy Edele gesê op die vorige geleentheid dat u iemand gevra het om die stasie polisie op te bel - dit is so?--Ja.

Wie het u gevra?---Mnr. Hefer, n senior redaksielid.

Was hy in u kantoor?---Nie in my kantoor nie, ek 10
het na sy kantoor gegaan.

En hoever is sy kantoor van u af?---Wel dit is moeilik om te sê, dit is omtrent n half-minuut..

Wel min of meer mnr. van Rooyen?---Bedoel u in terme van treë?

Ja, hoelank sal dit u neem?--Omtrent so n halfminuut of so.

En u is na sy kantoor toe, en u het hom toe gevra om die stasie polisie op te bel?---Ja.

En was u teenwoordig toe hy dit gedoen het?--Nee. 20

U is toe weer uit?--Ek is daaruit.

En u neem aan dat hy..---Hy het my agterna verseker dat hy dit gedoen het.

..dit gedoen het. En het u enige ander stappe gedoen? ---Ek het net die nuusredakteur gevra om n fotograaf en n verslaggewer ook af te stuur - verder het ek geen stappe gedoen.

MNR. PHILIPS: Geen verdere vrae.

HERVERHOOR DEUR MNR. MOODIE:

Geen vrae.

JOSEPH HENRY OPENSHAW, still under oath, (recalled for cross-examination)

CROSS-EXAMINATION BY MR. PHILIPS:

Mr. Openshaw on the last occasion you told his lordship of the telephone call that you received on the afternoon of the 24th July?---Yes.

And you gave his lordship the contents of the conversation that the caller had with you?---Yes.

I just want to put to you one or two additional words which I suggest to you were in fact used. In the first instance did the caller, at some stage in the conversation say to you that it was the A.R.M. that was speaking? ---No.

Are you quite certain of that?---Quite certain of that.

Because the evidence for the defence will be that in fact it was mentioned to you that it was the A.R.M.---No there was no mention of the A.R.M.

Did you make any note of the content of the conversation you had at the time?---Immediately afterwards, no not at the time, not while I was speaking.

You say you made it afterwards?---Yes.

And have you refreshed your memory from those notes? ---No.

In giving evidence?--No I have not.

Well did the caller say to you that the bomb that had been placed would go off if touched?---No it did not say anything about that at all. He said it was a time-bomb, set to go off at a certain time.

Did he say to you "Let the station know?"--No he did not.

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And did he say to you "We don't want anyone to get hurt?"---No, I don't remember him saying that.

Is it possible that it was said?--I don't think so. I can't recollect him saying anything more than that the bomb had been placed there and that it was going to go off.

Well, you see, the evidence for the defence will be that he said to you, in addition to the things that you have already told his lordship, "Let the station know" and that he quite definitely added "We don't want anyone to get hurt."---Well he may have said that, I can't say that he did not say that. I of course at the time was more interested in the time and the place, than I was in anything else that was said.

No I fully understand that, and you presumably took steps about it. Did you send somebody down to the station? ---Yes, there was a photographer and a reporter at the desk and I sent them down.

Did you in fact phone up the station or the police?

--No I phoned the police.

You phoned the police?--Yes, at The Grays, and told them about this.

MR. PHILIPS: No further questions.

NO-RE-EXAMINATION BY MR. MOODIE.

ADA BOWEN, nog onder eed: (herroep vir kruisverhoor)

KRUISVERHOOR DEUR MNR. PHILIPS:

Mevrou Bowen, u het al tevore getuienis voor sy Edela afgelê, en gesê dat die agtermiddag van die 24ste Julie het u vir die beskuldigde, Harris, by die Empire State gebou gesien, en met hom gepraat?---Ja.

Nou is dit reg, mevrou, dat hy met u Engels gepraat het?---Hy het met my Engels gepraat. Ek het Afrikaans gepraat.

En u het vir hom gesê dat u was verbaas om hom daar te sien daardie agtermiddag?---Ja.

En dit was natuurlik omrede dat dit skoolvakansie was, nie waar nie?---Ja.

En hy het toe geantwoord, iets van hierdie aard: "You will be seeing a lot of us next week."---Ja.

En dit was natuurlik omrede dat die volgende week die skool weer heropen?---Ja. 10

Nou die tyd toe u die beskuldigde daar ontmoet het, was dit omtrent half-vyf?---Dit was vyf-en-twintig oor vier, tussen vyf-en-twintig oor vier, en half-vyf.

Hoe kan u so presies wees?---Ek was presies, want ek moes vir my liftman gaan tee gee, en ek moes voor half-vyf moes ek in my woonstel gewees het.

Is dit moontlik dat dit net 7 minuit of so voor half-vyf was?---Wel dit was so..dit was tussen vyf-en-twintig oor vier en half-vyf want ek het op die horlosie gekyk toe ek met my liftman gepraat het. 20

Op u polshorlosie?---Ja.

Waar was u destyds?---Ek het met my liftman gestaan en praat onder in die gebou, in Empire State Building.

Is dit op die grondverdieping?---Ja.

Nou die beskuldigde sal sê dat hy u in die lift ontmoet het, by die eerste verdieping?---Nee. Nee, hy het nie.

En hysal sê dat hy die lift ..vir die lift by die grondverdieping gewag het, en dit het nie gekom nie, en toe het hy opgestap tot die eerste verdieping toe?---Nee.

En toe, sal hy sê, het die lift daar gekom. U was 30 alreeds binne, en toe het julle al twee saam in die lift opgery

tot by die vierde verdieping.---Nee. Gladnie. Hy het die trappies opgeloop, en ek het vir hom gestaan en kyk.

Van die grondverdieping?---Ja.

En u was nie saam met hom in die hysbak self nie?---Nee een vorige keer, n paar dae voor dit, was ek wel met hom in die lift gewees, maar nie daardie dag nie.

Nou is dit reg, mevrou Bowen, dat toe u hom gesien het, het hy sy baadjie oor sy arm gedra?---Ek het nie na sy klere gekyk nie, ek het net na sy gesig gekyk en met hom gepraat. 10

Wel het u gladnie na sy klere gekyk nie?---Nee. Ek het net na sy gesig gekyk, want sy gesig was bleek, en hy het verskrik gelyk.

En is u nie in n posisie om te antwoord as ek vra of hy sy baadjie oor sy arm gedra het?---Nee.

En weet u watter kleur baadjie dit was?---Nee.

En die kleur van sy broek?---Ook nie.

Het hy n das gedra?---Ek het net na sy gesig gekyk, ek weet niks verder nie.

Hoelank na hierdie agtermiddag het u n verklaring in verband daarmee gemaak, mevrou?---Ek dink dit was die Maandag. 20

Die volgende Maandag?---Ja, dit was Maandag.

Wel die 24ste was n Vrydag.---Ja.

En u reken u het die verklaring aan die polisie gemaak die volgende Maandag?---Ja.

Dit is drie dae daarna?---Ja.

En was u destyds nie in n posisie om te onthou watter klere hy gedra het?---Nee.

U sien, ek wil dit aan u stel, mevrou, dat hy n 30

baadjie, n groen baadjie, oor sy arm gedra het toe hy met u gepraat het, is dit reg of verkeerd?---Ek het nie gesien hoe hy aangetrek was nie. Ek het net na sy gesig gekyk.

Het hy n hoed gedra?---Nee.

Het hy brille gedra?---Dit kan ek jou ook nie sê nie, ek het net gekyk hoe bleek hy gelyk het.

Het hy n handsak gedra?---Dit kan ek jou ook nie sê nie.

Nou volgens u getuienis dan, mevrou, is dit heeltemal moontlik dat hy n groen baadjie oor sy arm gedra het, 10
nie waar nie - dit is alles heeltemal moontlik, want u weet nie?---Dit is moontlik, maar ek het dit nie raakgesien nie. Ek het net na sy gesig gekyk.

Dit is ook moontlik dat hy n handsak gedra het, as hy so sê. Dit sal sy getuienis wees, dat hy n baadjie oor sy arm gedra het, n groen baadjie, dat hy n handsak in sy hand gedra het, dat hy sy das afgeneem het. ---Ek weet nie. Ek het net na sy gesig gekyk.

Dan het ek geen verdere vrae ~~te~~le.

GEEN HERVERHOOR DEUR MNR. MOODIE NIE.

20

op DIE STADIUM VERDAAG DIE
HOF VIR 15 MINUTE.

BY HERVATTING:

(Witnesses previously cross-examined, excused from Court).

MARTHA JACOMINA MARIA FOGWILL, nog onder eed (herroep vir kruisverhoor)

KRUISVERHOOR DEUR MNR. PHILIPS:

Mevrou Fogwill, die laaste keer het u vir sy Edele vertel hoe op die agtermiddag van die 24ste Julie u in die stasie binneplein was, te Johannesburg.---Ja.

Vir watter doel het u daar gekom? ---Ek het daar ge- 30

staan en wag vir my broer.

DEUR DIE HOF: Ek kan u nie hoor nie mevrou.

MNR. PHILIPS: Praat bietjie harder asseblief.---Ek het daar gestaan en wag vir my broer.

Was u nie self van plan om n trein te haal nie?---

Ek was.

Waarnatoe?--Na Brakpan.

Hoelaat sou daardie trein vertrek?---4.42.

En van watter platform?---Platform 7 en 8.

En waarvandaan het u daarna gekom mevrou?---Ek het 10 van die Volks Korrespondensie Kollege af gekom.

Waar is dit geleë?---Op die hoek van Pritchard en Simmons.

Het u van daar af na die stasie toe geloop?---Ja.

En hoelaat is u van hierdie Volks Korrespondensie Kollege af weg?---Ongeveer omtrent 4.15.

Omtrent?---4.15.

4.15 - weg van die Volks korrespondensie kollege? Hoe skat u daardie tyd, mevrou?

U sê dit is geleë in n gebou op die hoek van Prit- 20 chard en..?---Simmonds.

En Simmondsstraat - en u het vandaar af na die stasie toe gestap - is dit reg?---Ja.

**
Belt 20

Is dit reg, is dit die korrekte antwoord?---Ek het van die Kollege af geloop, maar daardie Vrydagmiddag het ons vroeg afgekom.

Daardie Vrydag agtermiddag?---Ja.

Het julle vroeg afgekom. Hoelaat kom julle gewoonlik af.---4.15.

En dit wil sê dat daardie agtermiddag was dit vroeër 30 as 4.15? Ja, wel, wees asseblief n bietjie versigtig! Ek

het u gevra hoelaat u van die korrespondensiekollege af weg was - hoelaat sou dit gewees het? Voor vieruur? Vieruur?---Dit was net na vier gewees.

Net na vier.---Ek kannie die regte tyd sê nie.

Net na vier. En u het toe gestap - hoelank neem dit van die hoek van Pritchard en Simmondsstraat na die stasie toe? Dit is omtrent 6 blokke, sal dit reg wees? Hoelank het dit u geneem om te stap, vyf minute?---Ons loop gewoonlik so sewe minute.

Sou dit dan korrek wees dat u by die stasie aangekom het miskien sewe minute oor vier? Sou dit reg wees?--- Ek sal eerder sê dit was omtrent 12 minute oor gewees. 10

Wel, raai u sommer? Het u op n horlosie gekyk?---Dit is my eie skatting.

Maar u het gladnie op n horlosie gekyk nie? ---

En het u onmiddellik na hierdie skooling oor die platforms 7 en 8 gaan staan?--Ja.

Onmiddellik daartoe gestap. En u het naby aan n weegskaal daar gestaan? Ek dink daardie weegskaal/gesien word op die fotos wat geneem is. Sal u asseblief kyk na Bewys- 20 stuk B.18 . Is dit die weegskaal wat u daar kan sien? op daardie foto?---Ja.

En waar het u gestaan, langs daardie weegskaal?--Ja waar die weegskaal se voet is, daar het ek gestaan.

Waar sy voetsuk is - hoever daarvandaan het u gestaan?--Ek het teenaan gestaan.

Teenaanhom gestaan. Nou en u het daar gekom omtrent 12 minute oor 4, dit is jou skatting. En daar het u vir u broer gewag? Hoelaat het hy gesê hy sal aankom?---Hy het nie n tyd gesê nie. 30

U moes sommer daar wag totdat hy kom?---Ja.

En u het gestaan en gewag. En u het niemand in besonder doggehou nie?---Nee.

(TRANSCRIBER'S NOTE: Witness speaks so softly that the official interpreter sometimes repeats answers as she gives them, for the benefit of the Court. Others are completely inaudible, and the transcriber has no way of knowing if she did not, in fact, answer, or if she merely nodded or shook her head.) 10

Nou u het vir sy Edele vertel dat u het wyle mevrou Rhys gesien binne in die skuiling voor platforms 5 en 6?---

U het haar gesien tesame met n dogtertjie?---Ja.

Het u haar gesien onmiddellik na u daar gekom het?

---Toe ek daar gaan staan het by die weegskaal het ek in daardie rigting gekyk, en toe het ek gesien..

DEUR DIE HOF: Ek is jammer, ek kan gladnie hoor nie!
(Tolk herhaal laaste sin).

KRUISVERHOOR DEUR MNR. PHILIPS (VERVOLG):

In die rigting van die skuiling oor platforms 5 en 6? 20

---Ja.

En toe u gekyk het, het u onmiddellik vir mevrou Rhys gesien?--Ja.

En vir die dogtertjie?--Ja.

Alleen vir die twee van hulle?---Ek het net vir die 2 van hulle daar gesien.

U het nie vir mevrou Rhys se dogter mevrou Burleigh gesien? wat hier n getuie was?---Nee.

En u het nie vir n ander dogtertjie ook gesien nie?

---Nee.

30

Maar die twee van hulle het alreeds daar gesit, op die bank---Ja.

Om hulle te sien binne-in daardie skuiling oor plat-

forms 5 en 6 moes u natuurlik deur n vertoonkas kyk?---Ja.

Dit is die vertoonkas wat op hierdie selfde foto gesien kan word. U moes deur die vertoonkas kyk en deur tenminste 2 or 3 diktes van glas?--Ja.

En daar was natuurlik dine binne-in die vertoonkas?
---Dis reg.

Maar u het daarnietsenstaande duidelik gesien?---Ja.

Haar en die dogtertjie ook?---Ja.

En u het gesien waar hulle op die bank gesit het, binne-in die skuiling?---Ja. 10

U het vir sy Edele laaste keer gesê waar die man gestaanhet wat u gesien het. Nou ek wil net vra hoelank nadat u daar gaan staan het langsaan daardie weegskaal het die man daar gekom?---Wel ek sal omtrent sê dit was tussen 17 en 18 minute oor 4 gewees.

Hoe skat u dit?---Ek het n taamlieke rukkie daar gestaan al.

Het u op n horlosie gekyk?--Nee.

Is dit alleen n skatting?---Ja.

En waarvandaan het hierdie man gekom, het u gesien? 20
--Nee.

Van watter rigting af hy gekom het?--Nee.

Waar was hy toe u hom vir die eerste keer gesien het?---Ek het hom net gesien, ek het..ek weet nie wat het my gemaak om weer daarnatoe te kyk nie, ek het net gesien dat hy loop in.

Hy loop in?--Ja, waar wyle mevrou Rhys gesit het.

Hy loop in van dieselfde kant van die binneplein waar u gestaan het, dit is die regterkant daarvan?--Nee, ek weet nie van watter kant het hy die stasie ingekom nie. Ek het 30

hom net gesien toe hy in die afskorting ingaan.

En toe het hy iets gedra?---Ek het nie so opgelet nie.

Het u toe net die linkerkant van die man gesien?---

Ja.

En het hy ook gaan sit?---Nee.

En u het vir sy Edele vertel dat hy was by daardie einde van hierdie afskorting waar die inspekteure staan?---

Hy was in mevrou Rhys het teen die venster gesit, en dan die dogtertjie, en hy was net langsaan hulle gewees.

Ja, maar was dit daardie einde van hierdie afskorting 10
waar die inspekteur staan?---Ja.

Jy weet waar hulle staan, waar die trappe afgaan?--

Ja.

En daar is net die een deel van die afskorting waar die inspekteur staan, is dit reg - en dit isop die suidekant van elkeen van hierdie afskortings - is dit reg?---Ja.

Die suide-kant is die kant van Johannesburg se stad, waar jy inkom - jy weet?---Ja.

En die trappe in elkeen van hierdie afskortings is op daardie kant van die afskorting self, is dit reg?---Ja. 20

En dit was die kant waar hulle gesit het? Is dit reg? Die kant naaste aan waar die inspekteur staan?--Ja.

So het u vir sy Edele vertel. Daar het hulle gesit, en dit is waar die man ook gegaan het, sê u?---Ja.

En u het nie gesien dat hy enigiets dra nie?---Nee.

En toe, u het hom net die laaste oomblik gesien, voor hy ingegaan het, is dit reg?---Ja.

En toe is hy binnekant?---Ja.

En toe om hom te sien moes u weer deur die vertoonkas en hierdie diktes glas kyk?---Ja. 30

En het u aangehou om daarnatoe te kyk?---Nee.

U het nie, u het weggekyk?---Ja.

Was dit destyds dat iemand verbygegaan het?---Ja, n persoon wat saam met my broer gewerk het het verbygekom, en hy het my gegroet, en hy het met my gepraat en toe het hy af met die trappe gegaan.

Hy het af met die trappe gegaan?---Ja by platforms 7 en 8.

En het julle eers n gesprek gehad voor hy af is?---Nee, hy het my net gegroet en gevra hoekom staan ek daar.

O ek sien, en toe is hy weg?---Ja.

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En terwyl u met hom gepraat het het u natuurlik nie gekyk nie?---Nee.

En in elk geval u het nie weer gekyk nie tot n oomblik waan u alreeds vir sy Edele vertel het, wat u gesien het dat die man wegloop?--Ja.

Is dit so? En toe u dan weer kyk na daardie rigting toe, hoever was die man toe van die afskorting af?---Nee, ek kannie sê nie.

Wel min of meer, mevrou? n Paar tree of n paar wet of n hele distansie? ---Ek sal sê toe hy weggeloop het was 20 hy omtrent 10 tree.

Toe u eers vir hom weer kyk?--Ja.

Omtrent 10 tree weg van die afskorting af. En u was natuurlik nog op dieselfde plek?---Ja.

Langs die weegskaal by 7 en 8.---Ja.

In watter rigting het hy toe geloop mevrou?---Wel hy het geloop na die kant waar jy die stasie uitgaan na die stad toe.

In n suidelike rigting?---Ja.

Na die uitgang toe. Dit wil sê, sy rug was na u toe? 30

---Ja.

En dit is al wat u toe gesien het, sy rug?---Ja.

En het u hom dopgehou?---Nee.

Het u hom net so vir n oomblik gesien?---Ja.

Toe is hy omtrent 10 tree weg, besig om te loop na die suidelike kant toe van die uitgang van die stasie?--Ja.

En u het alleen sy rug gesien. Het hy n hoed gedra? ---Nee.

Hoe het hy geloop, soos n gewone persoon?---Ja.

Gladnie mank nie?---Ek het nie so opgelet nie.

Is dit moontlik dat hy mank geloop het?---Ek kannie 10 sê nie.

Het hy n jas gedra?---Nee.

Het hy enigiets in sy hande gedra?---Nee toe ek hom gesien het het hy niks gehad nie. Ek het ook nie so goed.. ek het hom nie so dopgehou om te sien of hy iets in sy hande het nie.

En vanwaar u gestaan het tot hierdie suidelike einde van die afskorting oor platforms 5 en 6, stel ek aan u is omtrent 18 of 19 tree. Is dit reg, sal u sê? Ek het dit op die plan gemeet, en volgens my afmeting is dit omtrent 20 18 of 19 tree, sal dit reg wees?---Ek sal nie kan sê nie.

DEUR DIE HOF:

Van waar tot waar?---MNR. PHILIPS: Vanwaar die getuie gestaan het, Edele, dit is langs die weegskaal, tot die suidelike einde van die afskorting oor platforms 5 en 6. Dit is 18 of 19 tree.

(aan die getuie) U kannie sê nie?---Nee.

U het n sketting gegee die laaste keer toe u getuie-nis afgelê het van omtrent 10 of 12 tree, ek dink?---Ja.

Maar ek stel dit aan u dat dit meer is, 18 of 19 tree.

En nou, dis al wat u van hierdie man gesien het. U het hom gesien net voor hy in die afskorting ingegaan het, net vir 'n oomblik?---Ja ek het hom gesien toe hy ingaan.

Ja, net vir 'n oomblik?---Ja.

Die linkerkant van die man?--Ja.

Van daardie distansie af, 18 tot 19 tree. Toe was hy binnekant in die afskorting?---Ja.

Toe kon u hom alleen deur die vertoonkas sien?--Ja.

Toe het u hom nie weer gesien nie totdat hy besig was om weg te loop met sy rug teenoor u? Is dit reg?--Ek 10
het hom gesien toe hy half in 'n gebukkende posisie ook gestaan het, langs..

Ekskuus, half in 'n gebukkende posisie opgestaan het, sê u?---Nee, hy het in 'n halwe gebukkende posisie gestaan, en ek het gesien dat mevrou Rhys het so half opgekyk.

Na hom toe?---Ja.

En was sy baie naby aan hom?--Ja, daar was omtrent so 'n tree tussen hulle gewees.

En het dit gelyk asof hulle 'n gesprek gehad het?--Ja.

Dit het. En u het hom gesien in hierdie half ge- 20
bukkende posisie, en daarna het u hom nie weer gesien nie, of nie opgelet nie, totdat hy weggeloop en u het alleen sy rug gesien?---Ja.

Nou toe hy weggeloo het, het dit vir u gelyk asof hy haastig loop, of gewoonweg loop?---Ek kannie onthou nie.

Daar was niks wat u agterdochtig gemaak het?---Nee.

Nou toe sien u vir hom, hy loop nou weg. Hoelank daarna het die ontploffing plaasgevind?--Wel ek sou omtrent gesê het twee minute.

Omtrent 2 minute daarna. U het nog in dieselfde plek 30
bly staan?--Ja.

Omtrent 2 minute daarna het die ontploffing plaasgevind. Nou is u seker mevrou dat u in staat is om vir Sy Edele te sê hoe hierdie man aangetrek was?---Ja.

U het hom net daardie 3 keer gesien, toe hy binne in die afskorting loop, toe hy gestaan het in 'n half-gebukkende posisie en toe hy wegloop met sy rug teenoor u. En u sê u kan vir ons vertel hoe hy aangetrek was.--Ek kan net sê die kleur van sy pak klere wat hy aangehad het.

En die kleur was?---Bruin.

Ligte bruin of donkerbruin?---Dit is so..dit is 10 hierdie nuwe soort, dit is 'n donkerbruin suit wat so 'n halwe blink kleur in het.

U het hom nooit vantevore gesien nie?---Nee.

Net die tweekeer van die kant af, en eenkeer sy rug.

En hoe is hy gebou?---Hy is nie baie lank nie, breë skouers.

Sal jy hom beskrywe as 'n kort man?---Ja.

'n Kort man met breë skouers. En ek weet nie of ek alreeds vir u gedra het, het hy 'n hoed gedra?---Nee.

Brille?---Nee. 20

En die kleur van sy hare, het u opgelet?---Dit was lig, 'n baie ligte bruin.

Nou u het gesê aan sy Edelaagbare dat van die kant af het u opgelet dat hy 'n snaakse ovaalvormige gesig gehad het - dit is wat u gesê het.---Ja.

Ek stel dit aan u mevrou dat dit vir u van die kant af onmoontlik was om soiets op te let, onmoontlik. Van voor af, ja, miskien, maar nie van die kant af nie. Is dit nie miskien iets wat u later aan gedink het? Wanneer het u 'n verklaring in hierdie saak gegee mevrou?---Ek kannie sê 30 nie, ek het nie die datum nie.

Wel, u was teenwoordig toe die ontploffing plaasgevind het?---Ja.

Ek onthou nie of u beseer is of nie?---Nee.

Wel, was u nog daar toe die polisie op die toneel gekom het?--Ja, ek het daar gestaan nog.

Nog daar gestaan, en daar het natuurlik n groot skare mense daar gekom?--Ja.

En het u onmiddellik vir die polisie vertel dat u man gesien het wat binne in daardie afskorting was?---Nee.

Waarom nie?---Wel die skok van die ontploffing was 10
so groot gewees, ek kon op daardie oomblik kon ek nie gedink het nie. En ek was nog tussen die mense gewees toe het my broer my daar gekry en toe het hulle my daar weggevat. Toe het ek huis toe gegaan.

Het u nie gereken dat miskien is die getuienis belangrik, as u n man daar gesien het, op dieselfde plek waar die ontploffing plaasgevind het - het u vir geeneen van die polisielede daar gesê nie?---Ek het nie op die stasie nie, maar ek het die Maandag of die Dinsdag, ek kannie onthou nie, het ek na die spoorwegpolisie toe gegaan, Johannesburg stasie, en ek het daar met n konstabel van Zyl gaan praat, en ek het hom vertel wat ek gesien het. Ek het vir hom gesê ek weet nie of ek moet..wat ek moet doen nie. Maar die Saterdagoggend by die werk het ek vertel wat ek gesien het, want ek was die enigste een daar wat op die stasie was. 20

Lees u die koerante mevrou?--Dit is baie weinig min wat ek n koerant koop.

Luister u aan die draadloos?---Nee.

Gladnie?--Nee, ons luister feitlik gladnie, nooit, 30
na die Afrikaans of Engels nie.

En lees u gladnie die Sondagnuusblaai nie?--- Dit is baie min wat ons n koerant koop.

Wel, lees u die Sunday Times?---Nee.

Sunday Express?---Nee.

Die Sondagnuus?---So nou en dan.

Het u die Sondagnuus gelees op die 26ste van Julie?
---Ek kannie onthou nie.

Wel mevrou, u was teenwoordig op die stasie toe hierdie geweldige ontploffing plaasgevind het, nie waar nie?---Ek was.

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U het seker meer belangstelling daarin as die meeste mense wat daarvan gehoor het of gelees het. Nie waar nie? Ek stel dit aan u u het seker al die koerante gekoop en gelees, en gesien wat sê hulle in verband met hierdie skokkende ding wat aan jou gebeur het - nie waar nie?--- Ek weet ons het n koerant gekoop, maar ek weet nie watter dag nie, want ek weet die naweek was ons nie by die huis gewees nie.

Wel kan u vir ons vertel ja of nee of u die Sondagnuus van Sondag 26ste Julie gelees het?---Ek kannie onthou nie.

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Ek wil dit aan u stel mevrou dat lank voor dielste September, dit is die datum van die parade wat u bygewoon het, lank voor daardie datum het u in die koerante tenminste eenkeer n foto van die beskuldigde gesien?---Ek weet ek het een Sondagoggend, maar ek kannie die datum onthou, nie, het ons daar buite gesit, en toe was daar n foto van hom in die koerant.

U het natuurlik gehoor of gelees dat n man met die naam van John Harris aangehou is dieselfde aand as wat die

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ontploffing gebeur het,--Ja.

U het dit gelees. En u het n foto van hom in n
Sondagnuusblad gesien,---Ja.

En dit is natuurlik lank voor hierdie identifikasie
parade?---Ek dink dit was die Sondag net voor die parade,
want daar was n man by ons gewees/ wat uit Zoeloeland gekom
het, en ek het nog vir hom gesê ek moet die 1ste September
gaan vir n uitkenningsparade.

Nou voor u hierdie parade bygewoon het, het enige
persoon vir u vertel dat die man wat die tas daar laat staan 10
het by die afskorting n bruin pak klere gedra het?---Nee.

Het u dit nooit gehoor nie?---Nee.

Nooit gelees nie?--Nee, ek kan..nee.

En by die parade op die 1ste September het die
beskuldigde n bruin pak klere gedra, nie waar nie?---Ja.

En hy was die enigste persoon op daardie parade wat
n bruinpak klere gedra het, nie waar nie?---Ek kannie ont-
hou nie.

Kan u dit ontken mevrou?---Wel, ek weet hy het n
bruin pak aangehad, maar ek het nie na die ander mans 20
gekyk wat daar was, watter klere hulle aangehad het.

Hy sal sê dat hy was die enigste persoon op daardie
parade wat bruin klere gedra het - die anders het ðf blou
ðf grys pakke klere gedra. En ek stel dit aan u ook, mevrou,
dat hy die enigste persoon op daardie parade was met die
soort gesig wat u beskrywe het as n ovaal-vormige gesig.
Was hy?---Ek kannie meer al die mans gesigte gehou wat ek
daar op die parade gesien het nie. Ek sal nie kan sê nie.

Op daardie parade op die 1ste September het u..het 30
hy nr. 7 gestaan, soos ek verstaan, toe u ingekom het. Sou
dit reg wees?---Ek weet..ek het...

Wel hy was in die middel, in elk geval?--Ja.

En u het nooit kans gehad om hom van die kant af te sien, in dieselfde manier wat u dieman op die stasie gesien het, is dit reg?--Ja.

U het hom ook nie van agteraf gesien u toe u op die parade was?--Nee.

Alleen van voor af gesien?---Hy het met 'n ruk, toe ek half verby hom was, toe ons met die parade begin het, en almal deurgekyk het, het hy sy gesig skuins gedraai, en daar het ek hom toe geherken. 10

Toe het u sy gesig van die kant af gesien. Nou is dit korrek, mevrou, dat by die parade het u eers geaarsel? ---Nee, ek het nie geaarsel nie.

Is dit korrek dat u wou vir kaptein Scheepers 'n vraag vra, en hy het geweier - is dit reg?---Dit is nie dat ek hom 'n vraag wou vra nie, ek was baie senuweeagtig gewees, want ek ly aan my senuwees, en ek het nie eintlik geweet wat ek moet doen nie.

U wou hom iets vra?--Ja, ek was bang gewees om hom uit te wys. 20

LT 21.

U het nou 'n oomblik terug gesê u het nie geweet wat u moet doen nie - is dit reg? Is dit wat u gesê het?--Ja.

Maar het diekaptein nie vir u gesê nie, instruksies gegee toe u eers ingekom het?---Hy het, ja.

Hoekom was dit dan nodig om hom weer te vra voor u hom uitgewys het?---Dit is nie dat ek hom wou iets vra nie, ek was net baie senuweeagtig en ek was bang gewees.

U wou hom iets vra, dit is reg, nie waar nie, want die beskuldigde sal so sê.---Ja?

U wou vir die kaptein iets vra, en toe wou diekap- 30 tein u nie toelaat nie om met hom op daardie stadium te

praat nie, is dit reg?--Ja.

En alleen daarna het u die beskuldigde uitgewys. Nou beskuldigde sal sê dat hy nooit op die stasie was die tyd wat u van praat, d.w.s. tussen 4.17 of 4.17 daaromtrent, en 4.30. Weet u hoelaat die bom ontplof het?---Ek het maar net gehoor dat dit 4.33 was.

Wel volgens wat u vir ons nou vertel het dan sou die man wat u gesien het daar gewees het tussen 4.17 en 4.31. Sou dit reg wees? Tot 2 minute voor die ontploffing, is dit reg?---Ja. 10

Die beskuldigde sal ontken dat hy op die stasie was gedurende daardie tydperk. Ek sê nie, mevrou, dat u nie n man gesien het nie, maar ek stel dit aan u dat dit nie die beskuldigde was nie, en dat u fouteer as u sê dat dit die beskuldigde is.

DEUR DIE HOF:

Wat sê u, mevrou? Is u seker, of onseker?---Nee, nou weet ek nie - kyk, my tyd kan miskien verkeerd wees, maar ek het definitief iemand daar gesien ingaan.

Maar is u seker dat dit die beskuldigde is?---Wel, 20 ek het hom op die uitkenningsparade geherken, so dit moet hy wees.

En voel jy nou seker in jou gemoed dat dit is hy?---Ja.

KRUISVERHOOR DEUR MNR. PHILIPS (VERVOLG):

Mevrou, ek behoort u te vra - u het gesê dat binne in die afskorting kon u sien dat mevrou Rhys daar gesit het, en ook die dogtertjie. Was daar enige ander persone wat daar gesit het?---Ek kannie onthou nie. Ek het net vir hulle gesien.

Wel u het alreeds vir ons vertel dat die eerste 30 keer wat u die man gesien het, toe hy in die afskorting in-

gaan was omtrent 4.17 - is dit reg? Was dit toe u hom gesien het, of is dit toe u mevrou Rhys gesien het?

DEUR DIE HOF: (aan mnr. Philips)

Sy het gesê dit is toe sy op die stasie gekom het. ---Wel Edele, ek het verstaan dat die getuie gesê het dat sy by die stasie omtrent 4.12 gekom het.

O ja.

KRUISVERHOOR DEUR MNR. PHILIPS (VERVOLG):

Hoelaat was dit toe u die man die eerste keer gesien het? Hoelank na u daar gekom het? Is dit vir u onmoontlik 10 om te sê? --Ja.

Kon dit binne n paar minute gewees het vandat u daar gekom het? ---Nee ek kan regtig nie sê nie, die tyd maak my deurmekaar, ek kannie sê hoelank presies ek daar gestaan het nie.

Kan u vir ons sê hoelank min of meer was die man binne in die afskorting, d.w.s. van die tyd wat u hom gesien het ingaan, tot hy weer uitgegaan het?---Dit kan ongeveer ook 2 minute wees. Hy was nie baie lank daarin nie.

Nie baie lank nie?--Nee.

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Kon dit vyf minute gewees het?---Wat hy daar binne was?

Ja.---Nee dit was nie solank nie.

Nie solank as vyf minute. U reken miskien 2 minute?

--Ja.

Miskien n bietjie langer?---Nee, ek sal nie kan sê nie, ek dink eerder dit sal so twee minute wees.

En vandat u hom gesien het dat hy na die uitgang toe geloop het, in n Suidelike rigting, u het hom nie weer gesien nie, dopgehou nie?---Nee

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En dit sê u was omtrent 2 minute voor die bom ont-

plof het?---Ja.

MNR. PHILIPS: Geen verdere vrae.

DEUR ASSESSOR VAN DEN BERG:

Mevrou daar is net een punt wat ek nou nie seker van is nie. U het vir die Hof gesê dat u het by hom verbygestap op die parade.---Ja.

En net daarna het hy dwarsgedraai, en toe het u sy gesig van die dwarste gesien, ---Ja.

En toe het u hom geëien.---Ja.

DEUR ASSESSOR HART:

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Nou mevrou hoeveel keer het u hierdie man op die stasie gesien? Ek dink die geleerde advokaat het aan u gestel dit was driekeer gewees.---Ja.

Nou die eerste keer vir hoelank het u hom gesien? ---Omtrent so..

Het u hom dopgehou, of net opgelet?--Nee, ek het net opgelet dat hy daar ingegaan het, want ek het in daardie rigting gestaan en kyk.

En vir hoelank het hy daar ingegaan en vir hoelank het hy daar gebly?---Nee, ek kannie n tyd sê hoelank hy daar was nie. 20

Was dit toe dat jy hom in die afbukkende posisie gesien het?---Ja, ek het hom daar gesien ingaan, en toe het ek gesien dat hy in n halwe gebukkende posisie staan, en ek het gesien dat oorlede mevrou Rhys het opgekyk na hom toe, na sy gesig toe.

Toe hy ingegaan het, het hy iets in sy hande gehad, of nie?---Nee, ek het dit nie gesien nie.

Nou die tweede keer, waar het u hom die tweede keer gesien?---Ek het hom die eerste keer net gesien dat hy in- 30 gaan. Toe het ek n persoon gegroet. Toe ek weer so terloops

in daardie rigting gekyk het, het ek gesien dat hy in 'n gebukkende posisie staan, en wyle mevrou Rhys, ek het haar toe gesien opkyk. En ek het toe weer weggekyk, en toe ek weer in die rigting van die stasie afkyk, toe sien ek net dat hy in die suidekant van die stasie afloop.

En toe, het hy daar gestaan?---Nee, ek het nie so opgelet nie. Ek het maar net gesien dat hy loop, en ek het nie weer in daardie rigting afgekyk nie. Toe het ek na my regterkant toe gekyk om te sien of my broer nog nie aankom nie. 10

Het u enige belang in die man gehad destyds of nie?

---Nee.

GEEN VERHERVOOR DEUR MNR. MOODIE NIE.

FREDERICK ANDRIES JACOBUS JANSEN, nog onder eed (herroep vir kruisverhoor).

KRUISERHOOR DEUR MNR. PHILIPS:

Mnr. Jansen u het die vorige keer vir sy Edelagbare vertel dat u op die agtermiddag van die 24ste Julie by die Johannesburgse stasie was?---Dis reg.

Hoe was u daardie agtermiddag aangetrek mnr. Jansen?

---Ek het 'n groenerige broek aangehad en 'n bruin baadjie met groen stippeltjies. En 'n rooi das en 'n blou hemp en bruin skoene. 20

Hierdie baadjie, u sê dit was 'n bruinerige baadjie?

---Ja.

Donkerbruin?---Ja, amper donkerbruin met groen stippeltjies aan.

En waar werk u mnr. Jansen?---Ek is werksaam by die H.P.K.

En waar is dit geleë?---In Braamfontein.

Ver van die stasie af?---Ongeveer ek sal sê 2 myl. 30

Het u daardie agtermiddag van die werk afgekom?---

Ja meneer.

Om n trein te haal..om n bus te haal, was dit, n spoorwegbus?--Ja ek het saam met n vriend van my het ek kar gery tot naby die stasie.

Hoelaat het u werk verlaat?---Vyf minute voor vier.

En onmiddellik in die kar ingekom?---Dis reg.

waar het die vriend u afgelaai?---Aan die voorkant van die stasie daar by die museum, by die Harrison brug.

Is dit op die westekant van die stasie?--Ja, die westekant ja. 10

En waar wou u hierdie bus vang?---Dit is die spoorwegbus wat reg voor die stasie vertrek, u Edele.

Is dit ook op die westekant waar dit vertrek? Waar die parkeerterrein is?---Dis reg meneer.

En hoelaat moet u hierdie bus haal? ---Hy vertrek van Johannesburgstasie af 25 minute voor 5.

Waarnatoe?--Na Vereeniging toe.

Is dit waar u woon?---Nee meneer, ek woon in Kibler Park.

Was u van plan om Vereeniging toe te gaan?---Nee meneer. Ek was van plan om huis-toe te gaan. 20

Is dit op pad?--Ja meneer, hy gaan daar verby.

U sê dit was omtrent 25 voor 5?---25 voor 5 dan vertrek hy van die Johannesburg stasie, ja.

Nou was daar enige spesiale rede waarom u by die afskorting voor die platforms 5 en 6..---Meneer, elke Vrydagmiddag wag ek vir my vrou op daardie perron om ook van die werk af te kom.

En het u daardie agtermiddag vir u vrou gewag?--Meneer nee, daardie week was sy op verlof gewees, maar omdat

dit n gewoonte is het ek maar net daar gaan plaasraem.

Hoelaat was dit toe u by die stasie aangekom het?

---Ek het by die stasie aangekom omtrent 10 minute oor 4.

En het u onmiddellik na hierdie afskorting oor platforms 5 en 6 gestap?---Meneer, ek het net my droogskoonmakers gaan haal, wat op die stasie geleë is, in die binneplein.

En het u van die droogskoonmakers af onmiddellik na die afskorting toe gegaan?---Reguit na platform 5 en 6 gegaan.

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En daar gaan sit?--Ja meneer.

Daar is twee banke daar?--Dit is reg.

Op watter een het u gesit?---Aan die linkerkantse een.

Wel dit is die linkerkant as u in watter rigting kyk?---As ek in hierdie rigting kyk wat ek nou staan.

Wel dit help ons gladnie.

DEUR DIE HOF: Hy kyk wes, op die oomblik.

MNR. PHILIPS: O - is dit wat u bedoel?---Dis reg.

As u in die afskorting sit, op die bank, dan het u op die linkerkant se bank gesit?---Dis reg.

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D.w.s. dit is die suidelike bank?---Dis reg.

Langsaan die muur?---Nee, die teenoorgestelde..daar is twee bankies in daardie glas afskorting.

Ja?---Tussen die twee bankies is n vuilisblik, en ek het net n paar tree van die vuilisblik af gesit.

Die suidelike van die twee banke?--Dis reg.

En toe u daar gekom het, dit is dan seker n paar minute oor 10 oor 4 --dis reg.

Sê miskien 12 oor ---Ja min of meer.

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Was daar enige ander persoon binne in daardie af-

skorting?--Wel daar het n jong seuntjie in die hoek gesit op dieselfde bank waar ek gesit het, en dan het daar n ou dame daar gesit, en dan was daar ook n dogtertjie wat rondgespeel het daarso. Dis al persone.

Was hierdie dame alreeds daar toe u daar gekom het? Die ou dame?---Sy was alreeds daar.

En die dogtertjie?---Sy het rondgespeel voor daardie glas afskorting.

Hierdie dame, is dit miskien n dame wat in die ont-ploffing beseer is?---Dis reg. 10

Sy was alreeds daar toe u daar aangekom het?---Dis reg meneer.

Nou terwyl u daar gesit het, van omtrent 12 oor 4, hoeveel mense het daarnatoe gekom?--Hoeveel mense het waar gekom?

Na die afskorting gekom?--Nee dit kan ek jou ongelukkig nie sê nie, want daardie tydstop is die stasie baie besig.

Het daar meer as een persoon gekom?---Ja dit moet meer as een persoon wees.

En het daar ook mense weggegaan?---Ja. 20

Het daardie mense wat daar gewees het toe u daar gekom het, weggegaan?--Ja daar was mense wat kom sit het, en dan weer geloop het.

Hoelaat was dit toe u daar opgestaan het?---Ek het opgestaan om die bus te gaan haal, so/25 oor 4 en half-vyf.

Kan u dit miskien n bietjie meer presies gee? Is dit nader aan 25 oor of nader aan half-vyf?---Sê omtrent 26 minute oor.

Dit is toe u opgestaan het?---Ja meneer.

Hoe skat u dit? Hoe weet u dat dit 26 oor was?--Meneer 30 het nou vir my gevra ek moet skat naaste aan 25 oor of naaste

aan half.

Nee, ek vra alleen hoe weet u? Het u op n horlosie gekyk?---Ja, ek is geneig om altyd op my polshorlosie te kyk.

En het u toe gekyk?---Ek het gekyk.

En u sê dit was 26 oor?--En die groot een op die stasie in die binneplein was dieselfde gewees.

Nou voor u opgestaan het..wel toe u daar in die eerste instansie daar gekom het na daardie afskorting toe, het daar n tas daar gestaan?---Meneer, daardie tas is daar geplaas omtrent 15 minute oor. 10

Toe u alreeds daar gesit het?---Dis reg meneer.

En toe die ou dame wat u van gepraat het, alreeds daar gesit het?--Sy het daar gesit.

En toe het daardie man gekom, en die tas daar gesit? ---Dis reg.

En u sê dit was n man wat dit daar geplaas het?--- Dis reg.

En volgens wat mevrou Fogwill vir sy Edele vertel het het sy gesien dat n man daar gekom het, wat sy beskrywe het, en sy het gesê dat hy het na die suidelike einde van daardie afskorting oorgegaan. Is dit reg?---Suidelike..? 20

Die suidelike een is die een naaste aan die stad.-- Dis reg. Hy het van die binneplein se ingang af het hy aangestap gekom.

Maar in watter deel van die afskorting het hy ingegaan, by watter einde die suidelike of die noordelike? Sy het gesê die suidelike, die een naaste aan waar die inspekteur staan.---Dis reg, dis reg.

Die inspekteur staan bo op die trappe.---Dis reg.

Waar mense die treine gaan haal.---Dis reg meneer. 30

En sy het gesê dat dit is waar die man ingegaan het.

Dis waar sy hom gesien het in n half-gebukkende posisie. Is dit reg?---Wel ek weet nie wat mevrou Fogwill gesien het nie, maar wat ek gesien het, hy het van die suidelike rigting af beweeg na die glashokkie toe.

Sy het gesê dat mevrou Rhys en n dogtertjie het op die bank gesit naaste aan die suidelike einde van daardie afskorting?---Dit is net op die bankie aan die anderkant, ja.

En sy het gesê hierdie man het binne n tree gaan staan van waar mevrou Rhys gesit het, is dit reg?---Dis reg. 10

En sy het ook gesê dat dit gelyk het asof die man en mevrou Rhys n gesprek gehad het. Het u dit gesien?---Wel hulle het gepraat, maar ek kon nie gehoor het wat was die gesprek tussen die twee gewees nie.

Maar u het gesien dat hulle n gesprek het?---Dis reg.

Het u die tas duidelik gesien?---Ja meneer.

Toe hy dit neergeplaas het?---Ja.

Watter kleur was dit?---n Bruin tassie.

Hoe groot?---Ongeveer $2\frac{1}{2}$ voet in lengte en omtrant $1\frac{1}{2}$ hoog. 20

En hoe het dit gestaan toe hy dit neergeplaas het? ---Hy het hom regop geplaas.

Waar? U sê daar was n stukkie papier daarop?---Dis reg.

Het u dit gesien?---Ja.

Het u gelees wat...kon u vanwaar u gesit het dit sien?---Toe ek opgestaan het om my bus te gaan haal het ek gekyk wat staan op die nota.

En wat was daar opgeskrywe?---"Ek is binne 10 minute terug."

En dit het hy neergeplaas?---Bo op die tas. 30

Die tas het hy neergeplaas met die nota op?---Dis reg.

Dit was alreeds daarop toe hy dit neergeplaas het?
--Nee meneer, hy het eers die tas neergeplaas, en toe die nota bo-op hom neergesit, by die handvat.

DEUR ASSESSOR HART:

Die woorde op die nota, was dit in Engels of Afrikaans?--Dit was in Afrikaans gewees.

KRUISVERHOOR DEUR MNR. PHILIPS (VERVOLG):

Was die woorde vasgemaak aan die tas?--Nee, hy het net bo-op gelê.

En was dit langs aan die bank, tussen die bank en die 10 muur?--Nee daar is nie 'n spasie tussen die muur en die bank waar hy die tas geplaas het nie.

Was dit voor die bank dan?--Ekskuus?

Het dit voor die bank gestaan? --Dis reg.

Maar teen die muur?--Teen die muur ja.

Maak u enige verskil tussen 'n tas en 'n reiskoffer, of is dit dieselfde ding?--Dit was definitief 'n tas gewees.

Sou u dit as 'n reiskoffer beskrywe?--Hy kan vir daardie doeleindes gebruik word.

Het u ooit daardie beskrywing gebesig?--Van? 20

Van daardie tas wat die man daar neergeplaas het?

Het u dit ooit beskrywe as 'n reiskoffer?--Reiskoffer, nee. Ek het dit beskryf dat dit 'n tas is, 'n groot tas.

Later op die 1ste September toe u 'n erkenningparade bygewoon het het kaptein Scheepers vir u gevra om 'n man uit te wys wat u sê 'n reiskoffer daar neergeplaas het - is dit reg?--Ja meneer.

Was dit die woorde wat u gebruik het toe u 'n verklaring aan die polisie gegee het?--'n Tas.

U het tas gesê?--Ja, groot tas. 30

En nou u sê die man het die tas neergeplaas, en hy

het n gesprek gehad, of dit het vir u gelyk of hy n gesprek gehad het met mevrou Rhys.--Dis reg.

En wat het hy toe gemaak?---Hy het omgedraai en weer in die rigting gestap as wat hy die stasie binnegkom het.

Onmiddellik?---Ja.

Onmiddellik omgedraai en weggestap.---Dis reg.

Hy het nie eers gesit nie?---Nee meneer.

Is u seker daarvan?---Ja, hy het nie gesit nie.

Dit wil sê dat hy binne die afskorting vir n baie kort tydjie was?---Dis reg. Ja dit was n baie kort tydjie 10
wat hy in die afskorting..

Hy het nie meer gedoen nie as om die tas op die grond te sit.---Dis reg.

n Paar woorde met mevrou Rhys te wissel, en toe om- draai en weggestap. ---Dis reg.

En toe hy weggestap het, het hy op n gewone manier gestap?---Wel hy konnie eintlik baie vinnig beweeg het want daar was baie mense op die tydstop op die stasie gewees.

Hoelank wasdit voor u opgestaan het?--Ekskuus?

Hoelank was dit na hy weggestap het voor u opgestaan 20
het?---Omtrent 12 minute daarna.

Twaalf minute daarna sê u?--Ja van kwart oor af tot omtrent net na 25 oor.

D.w.s. u skat dat hy weggestap het omtrent 25 oor 4?
---Vanwaar het?

Dat hy weggestap het van die afskorting af.--Nee meneer
Wel verduidelik vir my asseblief.---Hy het soos ek
alreeds gesê het, hy het die tas neergeplaas.

Ja?--Die nota op die handvatsel van die tas neergesit.
Met mevrou Rhys n paar woorde gewissel, omgedraai, en wegge- 30
stap, so dit moet wees, seker maar n paar sekondes gewees het

na kwart oor.

Dis dan 10 minute tenminste voor u self opgestaan
het?--Dis reg.

u het nog n tien minute daar gesit?---Dis reg.

En gesien wat hy gemaak het?--Dis reg.

En u het vir sy Edele die laaste keer gesê dat hy
van daar af weggestap het tot by diehoek..--Dis reg.

..dis die suid-westelike hoek van die binneplein?

---Dis reg.

Voor die dames haarkappersalon.---Dis reg.

10

Dit is in die Suid-westelikehoek, is dit reg?--Dis
reg.

En daar het hy bly staan?---Ja.

Met sy rug teen die muur?--Nee hy het met sy sy teen
die muur gestaan.

En in watter rigting gekyk?--In die rigting gekyk
van platform 5 en 6.

Waar jy was?--Ja dis reg.

Kon u hom sien vanwaar jy gesit het?--Redelik ja,
want die mense het natuurlik oor en weer beweeg.

20

Was daar niks tussen julle, nie n muur of n glasmuur
of n vertoonkas of enigiets?---Nee. Net die glas was tussen
ons gewees.

En niks het jou verhinder om hom te sien?--Nee wel
soos ek gesê het die mense het baie heen en weer beweeg daar.
en ek het omtrent 4 maal na hom gekyk, dan kyk ek vir die
tas en dan kyk ek vir hom.

U het hom dopgehou?---Ja.

En u is seker dat hy daar gestaan het van omtrent n
bietetjie oor kwart oor vier totdat u daarvanaf weg was?--- 30

Dis reg.

DEUR DIE HOF:

Hoe dikwels het hy op sy horlosie gekyk?---Op twee-
keer, Edelagbare.

KRUISVERHOOR DEUR MNR. PHILIPS (VERVOLG):

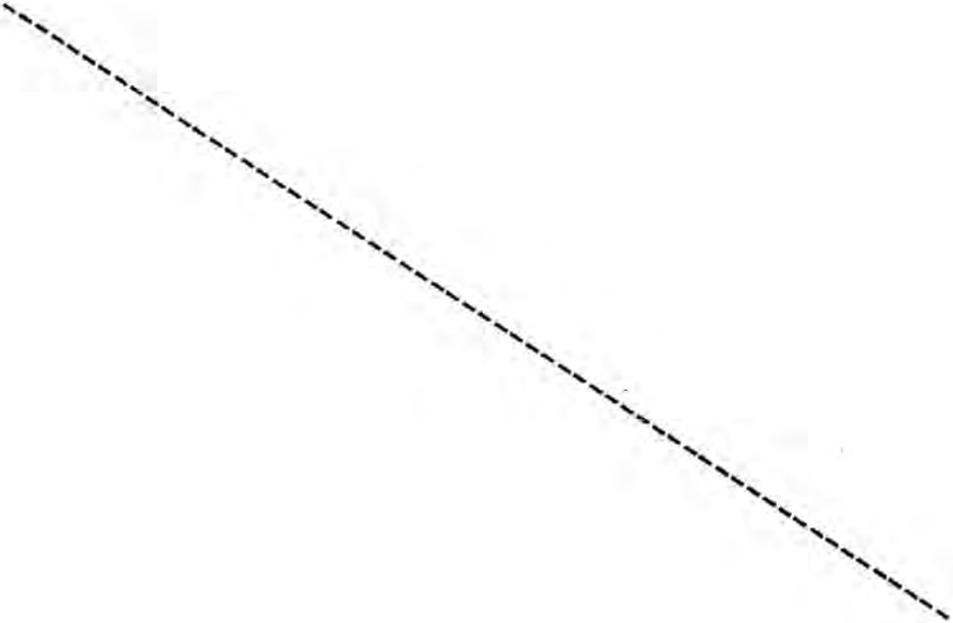
Tweekeer?--Ja.

En toe u opgestaan het, u het vir ons vertel dat u
opgestaan het omtrent 26 minute oor 4?--Dis reg.

En toe u opgestaan het het hy nog daar gestaan in die
hoek?---Ek het toe nie weer in sy rigting gekyk, meneer
ek het toe gestap om by daardie glasdeure uit te kom waar 10
ons die bus voor die stasie haal.

Voor u opgestaan het het hy nog daar in die hoek
gestaan?---Toe het hy nog daar gestaan.

- CONTINUED ON PAGE 178 -



Net kort voor jy opgestaan het, het hy nog daar gestaan in die hoek?---Net toe ek opstaan om te loop toe het ek weer gekyk en toe het hy nog daar gestaan, en toe het ek weggeloop.

In watter rigting het u gestap?---Ek het gestap .. ek het na die regterkant beweeg, natuurlik na die...

Na die uitgang deure of na die deel waar die spoorweg...?---...buste staan. Dit is reg, ja.

Is dit waar u gestap het?---Dit is reg, ja.

Dit word op die plan gewys. En u het daarnatoe 10 gestap - onmiddelik?---Ja, Meneer.

Dit is nie baie ver nie?---Nee, dit is nie baie ver nie.

En u het onmiddelik deur die glasdeure geloop? ---Ja, ek het deur die glasdeure geloop en was net min of meer by die ander glasdeure waar jy uitgaan buitekant toe.

O, jy was tussen die twee glasdeure?---Ja. Ek was binne in die wagkamer gewees.

Ja, en toe het die ontploffing plaasgevind?--- Toe het die ontploffing plaasgevind. 20

Voor jy buitekant gekom het?---Ek het net die glasdeur oopgemaak om na buite te beweeg toe het ek dit gehoor.

Dit kon u nie ses minute geneem het, of sewe minute geneem het van daardie bank af tot daardie wagkamer - om soontoe te stap nie, kon dit?---Nee, dit kon nie sewe minute gewees het nie.

Ek wil dit aan jou stel dat dit nie meer as 'n minuut of twee kon wees?---Twee minute, ja. Omtrent twee minute. 30

Op die meeste?---Ja.

Dit is omtrent min of meer 50 treë, van waar jy gesit het tot daardie wagkamer? Sou dit reg wees?---Dit kan min of meer 50 treë wees.

Nou, u sal toegee dat dit nie meer as omtrent twee minute kon neem, op die meeste, is dit reg?---Ja.

Die ontploffing het gebeur om 4.32 of 4.33, ons kan nie seker wees nie?---4.33.

4.33?---Ja.

Het u dit op die horlosie gesien?---Nee, dit was in die koerante gewees. Ek het ongelukkig nie op my horlosie gekyk nie. 10

Nou, as dit 4.33 was, dan beteken dit dat u opgestaan het omtrent 4.31, nie waar nie?---(Geen antwoord).

Meneer Jansen, dit kan nie anders wees nie! U het ons alreeds vertel dit is omtrent 50 treë van waar u gesit tot waar u was toe die ontploffing plaasgevind het. Jy het toegegee dat dit nie meer as twee minute sou neem om daartoe te stap, en die ontploffing was om 4.33 - dit wil sê u moes opgestaan het om 4.31, nie waar nie? Is dit reg?--- (Baie huiwerig). Ek kan nie sê dat dit na half was wat ek opgestaan het nie. Ek weet dit was tussen vyf-en-twintig 20 oor en half wat ek daar opgestaan het.

Maar wat is u antwoord - dit kan nie anders wees nie, Mnr. Jansen! Dit kon u nie meer as twee minute geneem het om daardie distansie te stap! Dit kon nie. Dit erken jy mos?---Ja, ek erken dat dit sou omtrent twee minute se stap wees....

Wel, as die ontploffing om 4.33 plaasgevind het, dat het u ongetwyfeld opgestaan omtrent 31 minute oor vier?

En toe u opgestaan het, toe u besig was om op te staan het hierdie man nog in die hoek gestaan en na hier- 30

die afskorting gekyk?---Dit is reg, Meneer.

En onmiddelik na die ontploffing het u weer teruggegaan na die binneplein?---Dit is reg.

En toe het u vir hom gekyk?---Ja, toe was hy nie meer daar nie.

Maar dit wil sê dat tot omtrent een-en-dertig minute oor vier was daardie man nog binne in die binneplein in die suid-westelike hoek daarvan? En hy het in daardie hoek gestaan, volgens wat u vir ons vertel het, van 'n paar sekondes na vyftien oor vier, is dit reg?---Van daar af, ja. 10

Nou, wat sê u van sy klere, Mnr. Jansen? Watter klere het hy gedra?---Hy het 'n donkerige bruinerige pak klere aangehad, Meneer.

Die laaste keer het u vir sy Edele gesê dit was 'n bruinerige pak klere?---Bruinerige kleur, ja, en donker. Mens kan amper sê donkerbruin - amper 'n maroen - maar wat ek kon gesien het was bruin.

Sê u maroen?---Nee, dit is amper daardie kleur, maar dit was bruin gewees. 'n Donkerige bruin.

U het ook vir sy Edele gesê die vorige keer dat dit nie heeltemal bruin was nie. Wat het u daarby bedoel? Dit is die woorde wat u gebruik het. U het gesê bruinerig, nie heeltemal bruin nie. Ek stel dit aan u dat u daarby bedoel het dat dit 'n ligte kleur was?---Nee, dit was nie lig gewees nie. 20

Wathet u bedoel by die woorde "nie heeltemal bruin nie"?---(Geen antwoord).

Wel, as u dit nie kan antwoord nie, Mnr. Jansen, wat van sy skoene? Watter kleur was sy skoene?---Bruin skoene, Meneer. 30

Bruin skoene?---Ja, Meneer.

Gewone bruin leer?---Hulle het 'n effense knoppetjie gehad - amper soos 'n varkleer.

Maar gewone bruin - die kleur? Ligte bruin?---
Nee, ek sal sê donkerige bruin.

Jy sê hy het alleen 'n baadjie en 'n broek gedra - nie 'n jas nie?---Ekskuus?

Hy het nie 'n jas gedra nie?---Nee, hy het nie 'n jas gedra nie.

En het hy 'n das gedra?---'n Das, ja. 10

Watter kleur?---Ook bruinerig, Meneer.

Het hy brille gedra?---Nee.

'n Hoed?---Nee.

Het hy ligte bruin hare gehad?---Nie baie ligte bruin hare nie.

Watter kleur sou u sê? Mevrouw Fogwill het gesê ligte bruin hare - stem u nie saam nie?---Ligte bruin hare kan 'n mens dit noem.

DEUR DIE HOF: Wat sê jy - kan 'n mens dit noem?---Ja. Dit is sulke bruinerige hare - ligte bruin hare. 20

KRUIS-VERHOOR DEUR MNR. PHILLIPS (Vervolg):

En lees u die koerante, Mnr. Jansen?---Nogal dikwels, ja.

Watter koerante lees u?---Die Vaderland en die Transvaler.

En lees u ook 'n Sondagnuusblad?---Sondagnuusblad - ja, ons koop hom ook, Meneer.

Watter een?---Partykeer koop ek die stem, en partykeer koop ek...

Die Sondagnuus?---Nee, of partykeer koop ek die 30

Engelse koerant.

Die "Sunday Times"?---Dit is reg.

En die "Sunday Express"?---"Sunday Express".

"Sunday Express"?---Ja.

Kan u onthou of u die "Sunday Express" die Sondag, die 26ste Julie gekoop het?---Meneer, nee, ek glo nie. Ek glo nie ons het hom gekoop nie.

Voor u die uitkenningsparade bygewoon het het u ooit in enige koerant 'n foto van die beskuldigde gesien?--- Nee.

10

Daar het 'n groot foto van hom in die "Sunday Express" voorgekom? Het u dit gesien?---Soos ek alreeds gesê het, Meneer, ek kan nie onthou of ek daardie dag die "Sunday Express" gekoop het nie.

Daar was ook 'n foto van hom in die "Sunday Times". Daar was ook 'n foto in die Sondagnuus. Wil u vir die Hof vertel dat u geeneen van daardie gesien het?---Ek het nie spesifiek so opgelet nie, Meneer.

Luister u gedurig na die radio?---Ja, Meneer.

Het u gehoor wat sê hulle in verband met die ontploffing van die bom by die stasie?---Ons het daardie ... of wel, ek weet nie of dit die oggend van die 25ste was nie, of die aand van die 24ste, wat die nuus gekom het dat hulle vermoed, of hulle sê dat die bom was in daardie bruin tas gewees, Meneer.

20

Wanneer het u 'n verklaring aan die polisie gegee?---Dit was die Saterdag, dink ek, Meneer. Die ontploffing het die Vrydag plaasgevind, en die Saterdagoggend het ek. Ek wou die Vrydagaand gegaan het, maar my vrou wou nie dat ek daarheen moes gaan nie.

30

Ek dog jou vrou was op verlof?---Sy was by die huis gewees, Meneer. Sy was nie weg gewees nie.

U was natuurlik baie geïnteresseerd in hierdie ontploffing, want u was teenwoordig?---Ja, ek het nogal... ek was redelik geïnteresseerd gewees.

Het u nie al die nuusblaaie gekoop en ge lees?--- Daarna: ja, het ek wel.

En daardie aand, die Vrydagaand?---Die Vrydagaand, nee, Meneer.

Die Saterdag?---Ek was te onsteld gewees, en die 10 Saterdag ook nie.

Die Sondag?---Ek het na my skoonouers toe gegaan op Maraisburg.

Die Sondag? Het u ook nie nuusblaaie gekoop nie? ---Die Sondag ook nie. Ek kan nie onthou nie. Soos ek sê ek weet nie of ek daardie dag nuusblaaie gekoop het nie, want ons is weer twaalfuur daardie middag na my skoonouers toe.

Het u nie gehoor op die radio dat hulle gesê het dat 'n man met die naam van John Harris aangehou is, in verband met die ontploffing van die bom?---Daarvan het ek wel 20 gehoor, ja.

Dit was uitgesaai binne 24 uur na die ontploffing, nie waar nie?---Meneer, ek het dit eers daardie aand gehoor, of was dit die volgende oggend? Ek is nie seker nie.

Wel, u het seker gereken dat u die man gesien het wat die bom daar neergeplaas het?---Toe hulle oor die radio sê dat hulle vermoed, of hulle het gesê dit is die bom wat in die tas was, het ek geweet dit was in daardie tas gewees wat daar gestaan het.

Het u nie gaan kyk of gaan uitvind of die foto 30

wat verskyn het, dieselfde is as die man wat u gesien het? Was u nie nuuskierig, ten minste, om te sien, of die fotos dieselfde man wys?

DEUR DIE HOF: Volg hy die vraag? Hoe moet hy weet dat daar 'n foto in die koerant was? As hy nie die koerante gehad het nie.

KRUIS-VERHOOR DEUR MNR. PHILLIPS (Vervolg):

Nou, kan u ons verseker, Mnr. Jansen, dat u nie 'n foto van die beskuldigde...?---Ek het hom nie voorheen gesien in enige koerant nie, Meneer. 10

Weet u dat dit dikwels verskyn het?---Ekskuus?

Weet u dat sy foto dikwels verskyn het?---Nadat ek hier gewees het het ek dit wel dikwels...

Ek praat nie van die laaste paar weke nie?---Verder het ek hom nie gesien nie, Meneer.

Het enige persoon vir u gesê dat die man wat die bom in die stasie geplaas het 'n bruin of bruinerige pak klere gedra het?---Nee, Meneer.

Jy het dit nie gehoor of gelees nie?---Nee, Meneer.

Nou, is dit korrek, Mnr. Jansen, dat by die uitkenningsparade die beskuldigde die enigste persoon was wat 'n bruin pak klere gedra het?---Meneer daar was ander gewees wat ook bruin klere aangehad het. 20

Hoeveel ander?---Ek kan nou nie 'n honderd persent korrek wees nie, maar ek sal skat omtrent vier.

Beskuldigde sal sê dat hy die enigste persoon op die parade was wat 'n bruin pak klere gedra het - ontken u dit?---(Geen antwoord).

Meneer Jansen, wat is u antwoord?---Nee, Meneer, ek dink daar was ander wat ook..... 30

3.

U sê nou u "dink" so. 'n Paar minute gelede het u gesê....?---Ja, daar was ander gewees. Dit was nie net hy wat bruin klere aangehad het nie.

U ontken dat hy... u ontken dan wat ek aan u gestel het? U sê daar was ander wat bruin pakke klere gedra het?---Ja.

Hoeveel, sê u?---Omtrent vier persone.

Alles tesame?---Ja.

* Is dit ook korrek, Mnr. Jansen, dat by die parade het u eers die beskuldigde verby gestap?---Nee, ek was in 10
hoegenaamd nie in raking met hom gewees nie.

Ek praat nou van die parade op die 1ste September? By die parade....?---Ja?

Het u hom eers verby gestap, en toe teruggekom en hom uitgewys?---Dit is reg, Meneer.

Is dit omrede dat u eers 'n bietjie getwyfeld het dat dit die regte persoon is?---Meneer, ja, want daar was drie persone wat min of meer by gebou gewees het, die haarstyl was dieselfde gewees, en ek was nie 'n honderd persent seker gewees nie. Toe het ek eers afgegaan tot op die 20
laaste persoon en het eers goed gedink voordat ek gedoen het wat ek gedoen het.

Was u ooit voor die uitkenningsparade deur enige persoon gevra om 'n foto van die teenwoordige beskuldigde te identifiseer?---Nee, Meneer.

Nooit nie?---Nee.

Wel, ek stel dit aan u, Mnr. Jansen, dat die rede waarom u hom uitgewys het op die 1ste September was dat hy die enigste was wat 'n bruin pak klere gedra het en ook dat u sy foto miskien meer as een keer tevore in die 30

koerante gesien het? Wat sê u daarop?---Meneer, soos ek alreeds vir u gesê het, ek het nie sy foto in die koerant gesien nie, Meneer.

En ek wil dit aan u stel dat die beskuldigde sal sê dat gedurende die tydperk wat u van gepraat het, dit wil sê tussen omtrent 4.15 en 4.30 hy nie op die stasie was nie? ---Dit sal ek nie kan sê nie, want soos ek gesê het, dit is die persoon wat ek gesien het.

Weet u enigiets af van 'n man wat in daardie afskorting was wat 'n donker kleur jas gedra het?---Nee, Meneer. 10

Het jy nie so 'n man gesien nie?---Nee, ek het nie so opgelet nie, Meneer.

Het u 'n man met 'n blou-grys jas daar gesien? ---Ook nie, Meneer.

En wanneer, sê u, het u 'n verklaring gegee?--- Daardie Saterdag, Meneer. Dit sal die 25ste gewees het.

MNR. PHILLIPS: Ek het geen verdere vrae.

MNR. MOODIE: Geen herverhoor.

OP DIE STADIUM VERDAAG DIE HOF TOT OM TWEE-UUR.

BY HERVATTING OM 2.0 NAMIDDAG:

20

ARTHUR ALEXANDER SCHEEPERS (Nog onder eed):

KRUIS-VERHOOR DEUR MNR. PHILLIPS:

Kaptein, net 'n paar vrae in verband met die uitkenningsparade van die eerste September van hierdie jaar. Ek het dit aan die vorige getuie gestel en ek stel dit ook aan u dat volgens wat die beskuldigde my vertel het was hy die enigste persoon op daardie parade wat 'n bruin pak klere gedra het, is dit reg?---Daar was twee met ligte bruin pakke klere, Edelagbare.

En was hy die enigste een met 'n donker bruin 30

pak klere?---Dit is reg, Edelagbare.

Nou, die beskuldigde het my ook vertel, Kaptein, dat in die geval van Mevrouw Fogwill, voor sy die beskuldigde uitgewys het, het sy eers geaarsel, en sy wou u iets vra, maar u het geweier om haar toe te laat?---Edelagbare, sy het afgestap teen die ry persone en op die end teruggekom en voor die beskuldigde gaan staan vir 'n paar oomblikke, en toe het sy omgedraai en wou vir my iets sê maar ek het haar dadelik stilgemaak, en vir haar gesê sy mag nie praat nie.

Is dit ook korrek, Kaptein dat Mnr. Jansen eers 10
verby die beskuldigde gestap het en toe omgedraai het en teruggekom het? En toe eers het hy die beskuldigde uitgewys? ---Dit is korrek, ja.

Soos u vir sy Edele die vorige keer vertel het, in u getuienis, het u vir Mevrouw Fogwill uitgelees - dit verskyn in u getuienis op bladsy 99 en bladsy 100.?---Dit is reg, Edelagbare.

Ek wil dit net vir u lees; U het gesê dat u dit vir haar gestel het: "Mevrou Fogwill, sal u asseblief langs die ry persone wat hier staan op en neer loop en al 20
die persone aandagtig bekyk, en indien die persoon wat u ongeveer 4.28 n.m. op 24 Julie 1964 by die glasafskorting-skuiling by peronne 5 en 6 te Johannesburg Stasie gesien het!"---Dit is reg, Edelagbare.

Dit was natuurlik as gevolg van inligting wat aan u verstrek was?---Dit is korrek, Edele.

Dat sy 'n sekere verklaring gegee het dat sy iemand daar om 4.28 gesien het?---Dit is korrek.

En u het ook aan haar gestel dat die persoon wat sy gesien het na ongeveer een of een en 'n halwe minuut 30

weer geloop het?---Dit is korrek.

En dit was ook as gevolg van die inligting wat aan u gegee is?---Dit is korrek, Edelagbare.

MNR. PHILLIPS: Ek het geen verdere vrae.

MNR. MOODIE: Daar is geen herverhoor.

JOHANNES FREDERICK MATTHYS VAN RENSBURG (Nog onder eed):

KRUIS-VERHOOR DEUR MNR. PHILLIPS:

Hoofkonstabel, u het die vorige keer, toe u by die Hof getuienis afgelê in verband met 'n telefoniese opdrag wat u gekry het op die 24ste Julie van hierdie jaar - 10
onthou u dit?---Reg, Edelagbare.

Nou, dit was in die agtermiddag van die 24ste Julie?---Ja, Edelagbare.

Waar was u toe u daardie telefoniese opdrag ontvang het?---Ek was in die posbevelvoerder se kantoor, op die Johannesburg Stasie, Edelagbare.

Van wie het u daardie opdrag gekry?---Van Majoor Opperman, Edelagbare.

Wat was die inhoud van die opdrag wat hy aan u gegee het?---Hy het aan my gesê dat hy het inligting ontvang dat daar 'n bom op Johannesburg Stasie om 4.30 namiddag sou ontplof. 20

4.30?---Ja, Edelagbare.

Is u seker van daardie tyd?---Ek is seker hy het so gesê.

Wat is Majoor Opperman se amp?---Hy is werksaam in die bevelvoerende offisier se kantoor, Noord Stasie Gebou, Johannesburg, in die personeel afdeling.

Het hy enigiets te doen met die hoof van die Veiligheidsafdeling?---Sover my kennis strek, glo ek nie. 30

Hoe laat was dit toe u hierdie boodskap ontvang het?—Edelagbare, dit was net voor 4.30 n.m. Ek weet nie presies - ek kan nie presies sê hoe laat dit was nie.

Kon dit miskien vyf-en-twintig oor vier gewees het?—Nee, ek twyfel of dit daardie tyd kon gewees het. Dit was in elk geval voor 4.30.

Het u enige metode waardeur u dit kan vasstel? Wat die tyd was?—Edelagbare, die personeel in die kantoor waar ek werk gaan om 4.30 n.m. van diens. Ons was op die punt om van diens te gaan toe ek die oproep ontvang het. 10

Is dit die enigste manier waarop u die tyd probeer vasstel?—Ek is nie baie seker nie, Edelagbare, of ek op my horlosie gekyk het daardie tyd nie. Ek weet dat my horlosie was nie baie betroubaar nie. As ek reg onthou het my horlosie 'n bietjie tyd gewen, maar die personeel was reeds....Die Majoor het aan my gevra of ek genoeg mense om uit te stuur na die stasie, en ek het hom gesê dat die personeel nog nie van diens is nie - die kantoor personeel nog nie van diens is nie - en toe ek die boodskap aan hulle oorgedra het was hulle ook toe net op die punt om van diens te gaan, Edelagbare. 20

Was daar konstabels daar tot u beskikking?—Ja.

Hoeveel was daar?—Daar was ongeveer tien, dertien, daar rond.

Het u hulle almal dadelik uitgestuur?—Ek het hulle bymekaar geroep eers, en toe aan hulle die boodskap oorgedra, Edelagbare, en toe uitgestuur.

Wat was die boodskap wat u aan hulle oorgedra het? —Ek het aan hulle gesê dat daar... ek 'n oproep ontvang het dat daar 'n bom op Johannesburg Stasie om 4.30 n.m. sal 30

ontploff, en dat hulle moet dadelik uitgaan na die stasie en kyk vir enige verdagte persoon of verdagte voorwerp.

Het die majoor enige spesifieke deel van die stasie genoem?---Nee, Edelagbare. Ek het gesê hulle moet deur die hele stasie gaan. Selfs nog agterna gegaan en vir twee gesê hulle moet aan die voorkant van die stasie gaan kyk. Dit het my bygeval dat ek hulle nie gesê het om soontoe te gaan nie.

U het vir ons vertel dat net voor u self uit die kantoor uitgegaan het, het u weer 'n dringende boodskap ontvang?---Dit is reg, Edelagbare.

Waarvandaan het dit gekom?---'n Klagtekantoor konstabel, Konstabel Jennings, het my gesê dat Majoor Brits met my baie dringend oor die telefoon wil praat.

Het u met hom gepraat?---Ek het gegaan na die klagtekantoor toe.

Ja?---Hy het aan my gevra of ek 'n boodskap ontvang het dat daar 'n bom op die stasie sou ontplof. Ek het toe vir hom gesê ek het die boodskap ontvang, en net toe ek dit sê toe het die bom ontplof, Edelagbare. 20

Is dit al wat Majoor Brits vir u gesê het?--- Dit is al.

Geen besonderhede nie?---Nee, Edelagbare.

MNR. PHILLIPS: Ek het geen verdere vrae.

mNR. MOODIE: Ek het geen herverhoor.

MR. MASTERS: May the witnesses who have now been cross-examined be excused?

BY THE COURT: Yes. Are there no further witnesses to be Cross-examined?

MR. PHILIPS: My lord, there was one other witness in regard to whom I mentioned the name to my learned friend. But it will be unnecessary for this witness to return to the witnessbox for the reason I am about to state to your lordship. The only part of this witness' evidence that is challenged by the defence, I am speaking now about Liatenant van der Merwe, is the evidence that he gave in relation to an alleged attempt to escape and an alleged fight that he says took place then between himself and the accused, on the seventh floor of the Grays Building, on the Saturday morning. Now this is challenged by the defence. The accused did sustain injuries, but he says he did not sustain them in that way. He says he was assaulted. But that is not an issue in the case before your lordship. I have consequently taken it upon myself to advise the accused that time would unnecessarily be taken up in hearing evidence and obtaining a decision on something which is not part of the case before your lordship. I am merely making this statement in order that it should not be assumed that that evidence is accepted. 10 20

BY THE COURT (to Mr. Philips)

Then you do not wish to cross-examine this witness?

---No my lord.

THE STATE CALLS:

JOHANNES JACOBUS FICKTER, b.v.

Ek is n luitenant in die Suid-Afrikaanse Polisie,

gestasioneer te Afdelingshoofkwartier, Johannesburg.

VERHOOR DEUR MNR. MOODIE:

Op die 24ste Julie, hoelaat was dit geweest?--Net na half-ses in die namiddag, u Edele.

Het u n rapport ontvang, en waarheen is u toe?---Na.. met luit. van der Merwe na die Johannesburgse Spoorwegstasie.

Wat het u daar gesien?---Ek het daar n samedromming van mense opgemerk, u Edele, en ook polisiebeampies. Van wat ek daar gesien het, u Edele, was dit vir my duidelik dat daar n ontploffing plaasgevind het. Ek en luit. van 10 der Merwe is daar weg, en nadat ons sekere navrae gedoen het, het ons reëlings getref vir die arrestasie van die beskuldigde.

Die is gedoen?--Dit is gedoen, u Edele.

En wanneer het u vir die beskuldigde gesprek?---Op die oggend van die 25ste, om ongeveer 8 v.m.

Ja?---Het ek en luit. van der Merwe en adjudant-offisier Erasmus die beskuldigde gesprek. As gevolg van inligting wat die beskuldigde verstrek het, het ons na Oxfordweg, Forest Town gegaan. In Oxfordweg het die be- 20 skuldigde ons beduie hoe om te ry, en n huis aan ons uitgewys, die huis 33 Oxfordweg, Forest Town.

Ja?---Aan die Noordekant van die huis het ons n kelder gevind, as gevolg van inligting wat die beskuldigde verstrek het. Die kelder is deur luit. van der Merwe oopgesluit met n sleutel wat hy in my teenwoordigheid van mnr. Swersky ontvang het, n persoon wat ons in die huis gekry het. Ons het die kelder deursoek. Niks gevind nie, en luit. van der Merwe het toe weggestap in die rigting van waar die voertuig gestaan het waar die beskuldigde in was. Hy het na 30 n rukkie teruggekom, n rapport gemaak, waarop ons toe vier

tasse wat net by die ingang van die kelder gestaan het, ons aandag op toegespits het. Die eerste tas was deur luit. van Rensburg oopgemaak, die tweede tas deur myself. Die eerste tas deur my, die tweede tas deur luit. van der Merwe...luit. van Rensburg, en die derde tas het ek oopgemaak en binnekant n klein tassie gevind. Ek het die een knip van die tassie oopgemaak, toe ek die ander knippe oopmaak, u Edele, het ek n ligte skok in my hand gevoel, en toe besluit dat ek n inspekteur van ploffbare stowwe sou kry. Mnr. Cruywagen is verbied, hy is inspekteur " 10 van ontplofbare stowwe. Hy het gekom en die ander tasse oopgemaak, met behulp van majoor Britz van die S.A. Spoorwêre en Hawens polisie is n lys opgestel van die inhoud van die verskillende tasse. Speur-adjudant-offisier van Rensburg van die plaaslike vingerafdruk kantoor, Johannesburg, was ock teenwoordig, en het artikels ondersoek vir vingerafdrukke. Ek het aan hom oorhandig een Zobo sakhorlosie, Bew. 13(k) asook n tas met n plastiese sak daarin bevattende boeke en dokumente. Dié het adjudant-offisier van Rensburg met hom geneem vir verdere ondersoek. Op die 20 29ste Julie het ek en Luit. van der Merwe na die vingerafdruk kantoor gegaan, waar ons die tas met die plastiese sak en dokumente gehaal het, en adj.-offisier van Rensburg het aan my n rapport gemaak ten opsigte van die horlosie, en n koevert en n papier wat hy agterweë gehou het. Bymy kantoor het ek n lys opgestel van die inhoud van hierdie plastiese sak, u Edele, Bewysstuk D.2(a). Die plastiese sak het die volgende bevat, u Edele: 9 fotos van elektriese kragpale en torings (bew. H.8). Twee stroke foto negatiewe, Bewysstuk H.9; 30

DEUR DIE HOF:

Wat is op die negatiewe?---Dit is ook kragtorings.
Een boek "Statistics of Education, 1962 Part 1" en binne in
die boek, u Edele, die boek is uitgesny in die binneste, en
binne-in is n boekie "Field Engineering and Mine Warfare",
Bew. H.10. Nog n boek "Statistics of Education"...

Waar word die boek uitgegee?--Ek weet nie, u Edele.
Onder aan die tweede een van dieselfde een staan "Her Majes-
ty's Stationery Office." Volgens die binne blad, is dit
die "Ministry of Education, London, Her Majesty's Stationery
Office, 1963." Dit is die eerste een, hierdie "Statistics 10
of Education."

Ja maar die boek oor die bomme die is nie ?---Nee.
Die tweede boek, u Edele, "Statistics of Education 1962 Part
II" en binne in die boek, op dieselfde manier as die eerste
een ingesit n boekie "Layout of Field engineering and Mine
warfare pamphlets" Bew. H.11. Twee fotostatiese afdrucke
van Brook en Westwater of the 19th May 1955, Bew. H 12 en H.
13. Een boek "Monthly Digest of Statistics No. 217" en
binne in die boek, dieselfde as in die eerste twee gevalle
n boekie ingesit "Field Engineering and Mine Warfare" die- 20
selfde boek.

Is dit dieselfde ingesit?---Dieselfde ingesit, H.14.
Een boek "Technical Manual" en 37 fotos en fotostatiese af-
drucke daarin, Bew. H.15. Een notaboek met syfers en ander
geskrifte in, Bew. H.16. Een "Handboek of Blasting Explo-
sives" Bew. H. 17. Een getikte vel papier, wat soos volg
lees "We know that our requests are reasonable and moderate.
..(continues quoting)...The decision is now yours." Bewysstuk
H.4. Nog n getikte geskrif, u Edele, Bo aan "Our Reference"
Hierdie sal wees Bewysstuk "H.3." "Dr. Verwoerd..(Continues

quoting Exh. H.3 out to the Court."...solitary confinement."

Dan is daar n plek wat doodgetrek is. "Every day a thousand South Africans....(continues quoting)...You have the power to do these things." Dan is daar een vel papier met rooi daarop geskryf. Boaan die datum 24-7-1964: dan in die vorm van Opskrifte bo-aan: "Place" dan die tweede een "D.E.T." dit mag n afkorting wees. Dan derdens "Plant" en die vierde een "By". Die eerste lyn is blykbaar n afkorting, "Gar". Onder "D.E.T." is "4.30 p.m." Onder "Plant" "Plus minus 4 p.m." onder "BY" "D". Dan, blykbaar n 10 afkortint "Sta." (getuie Lees res van Bew. H.7 uit aan die Hof). Bew. H.6 is n stuk papier met rooi daarop geskryf: Bo-aan die datum, "24-7-1964" (kwoteer H.6 en lees dit uit aan die Hof)..cord." Een stuk skoon papier met niks daarop nie, Bew. H.18. Een stuk papier met die woord "Keys" daarop en n klomp adresse H.19. Een stuk papier met "Names of Shops" Bew. H.20. Vier stukkies notapapier met geskrif daarop, Bew. H.21. Een kaartjie van Map Centre met geskrif daarop, Bew. H.22. Nog n kaartjie met geskrif agterop, Bew. H.23. Een plastiese houer met 20 koerant uitknipsels, Edele, Bew. H.24. Nog n plastiese houer met koerant uitknipsels, Bew. H.25. Een stuk papier met rooi geskrif daarop, Bew. H.5. (Lees uit aan Hof). Twee skryfblok velle papier met geskrif daarop, Bew. H.26. Twee stukke blou papier met tekeninge daarop, Bew. H.27. Een paar Handskoene wat vuil is, Bew. 18 B1. Een klein papiersak met 35 boude en 74 moere, een boud los, Bew. 18(b)2. Een boek "Digest of Statistics" met n boekie binnekant "Royal Engineer's supplementary Pocketbook, Demolitions, 1946". En een boek "Proceedings of the Institution of Civil Engineers" Bew. H.29. Die lys wat ek gemaak het is Bew. D. 2(a). 31

Op die 30ste van Julie, u Edele, het ek die twee getikte geskifte en die drie velle papier met die rooi daarop geskryf oorhandig aan speurder sersant du Preez, ondersoeker van betwiste dokumente van die Kriminele Buro, Pretoria, en op die 19de Augustus het ek die boeke oorhandig aan mnr. Cruywagen, Inspekteur van ontplofbare stowwe vir ondersoek en n verslag.

MNR. MOODIE: Geen verdere vrae.

KRUISVERHOOR DEUR MNR. PHILIPS:

Geen vrae.

10

CLARENCE JOHN VAN GENT, b.v.

VERHOOR DEUR MNR. MOODIE:

U is n speurdersersant in die Suid-Afrikaanse Spoorwegpolisie, Johannesburg?--Ek is.

Was dit die 7de Augustus gewees?--Op die 7de Augustus hierdie jaar het ek die vingerafdrukke van beskuldigde geneem en dit op dieselfde datum aan speurder adjudant offisier van Rensburg van die plaaslike vingerafdruk kantoor Johannesburg, oorhandig. Dit is geneem op vorm S.A.P.

76 gemerk M.1.

20

MNR. MOODIE: Geen verdere vrae.

KRUISVERHOOR DEUR MNR. PHILIPS:

Geen vrae.

JAN ABRAHAM LOUBSCHER VAN RENSBURG, b.v.

Ek is speurder-adjudant-offisier en vingerafdrukdeskundige gestasioneer te die plaaslike vingerafdruk kantoor, Johannesburg. Op die 25ste van die sewende maand hierdie jaar het ek na n perseel by nr. 33 Oxfordweg, Forest Town gegaan om ondersoek in te stel na vingerafdrukke.

VERHOOR DEUR MNR. MOODIE:

En wie het u daar aangetref?---Ek het o.a. luit. Fikter en majoor Britz daar aangetref.

Gaan aan?---Ek het verskeie artikels vir vingerafdrukke ondersoek, o.a. Zobo sakhorlosie .

Is dit die horlosie nou voor die Hof?---Dit is die horlosie voor die Hof.

Wat is die bewysstuk nommer?---Bew. 18(k).

Gaan aan.---Ek het op die Bewysstuk identifiseerbaar vingerafdrukke gekry wat gefotografeer was, en op die 11de van die 9de maand hierdie jaar het ek die horlosie aan luit. Fikter weer oorhandig. 10

Gaan aan.--Op die 7de van die 8ste maand hierdie jaar het ek n stel vingerafdrukke ontvang van speurder sersant van Gent.

Is dit die Bewysstuk nou voor die Hof M.1?---Dit is Reg. Ek handig ook nou n Hofkaart in, Bew. M.2. No. 1 op Bew. M.2 is n fotografiese vergroting van die afdruk wat verskyn wat verskyn op die horlosie Bew. 18(k). No.2 op Bew. M.2 is n fotografiese vergroting van die linker middel vinger soos verskyn op Bew. M.1. Ek het Nr. 1 en 2 vergelyk, en identies gevind. Ek het 12 punte van identiteit uitgemerk, en 7 is genoegsaam om identiteit bo enige twyfel te bewys. 20

Wat is die gevolgtrekking, dat die vingerafdruk wat gevind is op die horlosie Bew. 18(k) is wat?--Is identies met die vingerafdruk wat verskyn op Bew. M.1.

Wil dit sê dat dit deur dieselfde persoon gemaak is? ---Dit is reg.

Hoelank ondervinding het u as vingerafdruk deskundige? ---Ongeveer 10 jaar. 30

En is die proses wat u gebruik het om uit te vind,

is dit n proses wat vaardigheid in vingerafdrukke vereis?

---Dis reg.

MNR. MOODIE: Geen verdere vrae.

KRUISVERHOOR DEUR MNR. PHILIPS:

Geen vrae.

PETRUS JOHANNES DU PREEZ, b.v.

VERHOOR DEUR MNR. REES:

U is n speurdersersant in die Suid-Afrikaanse
Polisie?---Dis reg, Edele.

Aan welke afdeling is u verbonde?---Gestasioneer by 10
die Suid-Afrikaanse Kriminele Buro, Pretoria, waar ek werk-
saam is as n ondersoeker van betwiste dokumente en hand-
skrif, waaronder ook ingesluit is die ondersoek en identi-
fisering van tikmasjiene. Ek gee getuënis in die hoër en
laer howe van die Republiek Suid-Afrika, Suid-Wes Afrika en
aangrensende gebiede vir die afgelope 10 jaar. Gedurende
daardie tydperk het ek ook noukeurige studie en navorsing
gedoen op die gebied van betwiste dokumente. Op die 30ste
Julie 1964 het ek sekere dokumente ontvang van luit.
Fickter. Ek het ontvang Bew. H. 3 en H.4, twee getikte 20
dokumente...

DEUR DIE HOF: Is dit die beroep op Dr. Verwoerd?---Dit is
daardie beroep, Edele. Ek het ook ontvang Bew. H.5, H.6
en H.7 en dan het ek H. 1 en H2 op dieselfde datum ontvang
van Majoor Botha van die Spoorwegpolisie, majoor Britz, verskoon.

Is dit die dokumente wat in die beskuldigde se kar gevind
is?---MNR. REES: Ja Edele, die eerste twee is dié waarvan
mnr. Dircker reeds getuig het.

GETUIE: En n sakboek, gemerk Bew. 14c het ek ook van majoor

Britz van die Spoorweg Polisie ontvang, met die naam van ene John Harris en adres voor in die sakboekie aangeteken.

Is daar nog in die boekie nog steeds die persoonskaart?--En die persoonskaart van die beskuldigde. Ek het al hierdie dokumente baie noukeurig ondersoek, en vergelykings getref, en ek het vasgestel dat die skrywer van die sakboekie verantwoordelik is vir al die skrif op Bew. H.1, H2, H5, 6 en 7 en ook veranderings wat aangebring was op ..by die dikskrif op Bew. H.3.

Bedoel u die veranderings in handskrif?--In skrif. 10

Sal u begin met die eerste dokument wat u daar het, noem die Bewysstuk nommer en dan sê u vir die Hof waarom u sê dat dit deur dieselfde persoon geskryf is as die persoon wat in die sakboek geskryf het.---Net voor dit sal ek fotografiese afdrucke inhandig vir die Hof om aan te toon die punte van ooreenstemming. Ek sal net in kort beskryf - op die eerste bladsy die boonste gedeelte is n afskrif van Bew. H.7, die tweede gedeelte by die naam..by die datum 24-7-64 is n afskrif van Bew. H.6 en die onderste gedeelte (a) and (b) duplicators is n afskrif van Bew. H.5. Op die 20 tweede bladsy kom voor n afskrif van Bew. H.3 soos dit op beide kante voorkom, die derde bladsy is n afskrif van Bew. H. 1 skrif, die onderste gedeelte, die tik skrif en die dik? skrif daarop van Bew. H.3. Die volgende 2 bladsye is afskrifte geneem uit verskillende bladsye van Bew. 14(c) die sakboekie. Ten tye van my ondersoek het ek aantekeninge gemaak, waarna ek sal verwys deur die loop van my getuienis. Ek beskryf punt no. 1, dit is die hoofletter ...

Voordat u daar aangaan, Edelaagbaer mag die bewysstukke net nommers gegee word. Dit sal wees N.1. Gaan maar aan. 30

--Punt Nr. 1 wat ek beskryf word die hoofletter G nie in lopende skrif uitgevoer nie, maar wel in drukskrif.

Waar is dit?---Op bl. 1 sal u vind die woord, afkorting van 'Garage.' "Gar." Op verskillende plekke. Op bl. 3 is die woord "Gloves" en dan op die monster skrif die tweede bl. heel onder links "S.A. Games." Daar is geen aanvangstreep by die hoofletter "G" teenwoordig nie. Die skrywer begin aan die bokant, regs, en beweegs dan links om om net bo die basiese lyn te eindig met die eerste gedeelte slegs in die vorm van 'n hoofletter G. Daarna word 'n kort horisontale streep net bo die finale gedeelte van die C gedeelte aangelas. Dit voltooi dan die hoofletter G. Punt nr. 2: die kleinletter "r" word baie klein gevorm, en begin sonder enige aanvangstreep... 10

Sal u net aandui waar hy te vinde is?---Op bl. 1, ook in die woord "garage". Op die tweede bladsy half in die middel staan die bedrag van R40 en net onder dit lyk na die woord Dar en heel onder links D (other). En dan op die monsterskrif links onder "Greathead" daar is die kleinletter "r". Daar is die kleinletter "r" - dit is sommige van die, 20 daar is natuurlik verskeies op dieselfde bladsy.

Gaan aan.--Die kleinletter "r" word dan baie klein gevorm, sonder enige aanvangstreep, met die eerste gedeelte van die afwaartse beweging wat baie kort is, daarna beweeg die skrywer skuins na regs om dan met 'n effens horisontale beweging na regs te eindig. Punt nr. 3 op die eerste bladsy staan die afkorting "D.e.t." Wat ek beskrywe daar is die kombinasie "et". Op bl. 2 is die woord "setting". Op die monsterskrif die eerste bladsy die woord "Beattie" die at verbinding daar. In die kombinasie van die letters "et" 30 is daar 'n boogvormige verbinding na die letter "t" aan die

bokant, waar die verbindingsstreep en die afwaartse streep van die "t" mekaar ontmoet is ongeveer die middelpunt, en dit is ook die gedeelte waar die kruising van die "t" gevorm word. Punt nr. 4 is die Hoofletter "P" op bl. 1 in die woord "Plant". En in die monster skrif op die tweede bladsy in die naam reg bo Paton. Verder af Peter en so meer. Die Hoofletter "P" word ook in 'n drukletter tipe gevorm, en word in twee bewegings uitgevoer. In die laaste beweging van die sirkel gedeelte beweeg die skrywer skuins na links onder. Punt nr. 5 is die kleinletter "l" bl. 1 in die woord "plant" 10 en in die monsterskrif daar is heelwat van hulle, die woord "Byleveldt" regs bo en so meer. In die woord "plant in die betwiste dokument" en die woord "Byleveldt" in die Belt 25. monsterskrif word die kleinletter "l" in slegs 'n afwaartse beweging gevorm, en staan sodoende geheel en al los van enige van die ander letters met die spasiëring ongeveer dieselfde. Punt nr. 6 is die hoofletter "B". Op bl. 1 in die woord "by" - daar is ook verskeie van hulle, op bl. 3 die woord "bands" amper heel onder en dan ook in die monsterskrif weer verskeie. Die hoofletter "B" word ook in 20 2 bewegings uitgevoer met eers die afstreep wat gevorm word en daarna word die sirkel gedeelte gevorm met 'n klein hakkie aan die begin punt net sodra die skryfinstrument in aanraking kom met die papier. Punt Nr. 7 is die kleinletter "y" ook in die woord "by" op die eerste bladsy. Daar is ook verskeie op daardie selfde bladsy, en in die monsterskrif die eerste bl. Dr. Solly ek dink - die woord..die "Y" daar is ook baie duidelik soos in die betwiste gedeelte. Die eerste gedeelte van die kleinletter "y" word feitlik slegs 'n reguit lyn voorgestel of is effens boogvormig en 30

nie behoorlik voltooi nie. En dan ook op dieselfde bladsy die tweede gedeelte wat n redelike boog vorm en groter in verhouding staan met die ander letters. Punt nr. 9 is die hoofletter "S" - op die eerste bladsy "Station" die afkorting daar, die "S". Daar is ook verskeie op dieselfde bladsy. Bl. 2 ongeveer in die middel is daar aan die regterkant vier, vyf ondermekaar, ook op bl. 3 en dan in die monsterskrif op die 2de bladsy ook n paar.

Om dan tyd te bespaar sal u net verwys na die eerste bladsy en die Hof sê of al die punte van vergelyking 10 met gelykwaardige nommers deurgaans aangedui is?---Ja.

DEUR DIE HOF:

En ~~is~~ het u, tot 24?---Tot 28 Edele. Die ander vier punte is op die derde bladsy waar die tikskrif voorkom wat n afskrif is van Bew. H.3, die woord "the" by "they are". Verder af op twee plekke kom voor "they are", daardie skrif. Dit is dan die hele woord wat daar beskryf word. Dit kom voor in die monsterskrif soveel as in die betwiste gedeeltes.

VERHOOR DEUR MNR. REES (VERVOLG):

20

Sal u dan net voortaan na die eerste bladsy verwys, die Hof kan sien - dui net aan wat die punte van vergelyking is.--Punt nr. 9 is die Hoofletter S wat beskryf is. Punt 10 is die kleinletter "s" en daar is twee tipes kleinletter "s" wat gebruik word. Punt 10 is een van die waar dit net soos die Hoofletter "D" gevorm word aan die einde van n woord, en waar die vorm en konstruksie dieselfde is as die Hoofletter S. Punt 11 is die kleinletter "a" dit kom op bl. 1 voor sowel as in die monsterskrif, en hier is ook die vorm en konstruksie dieselfde. Dit word baie klein gevorm in verhouding met die 30 ander letters, en nadat die sirkel gedeelte voltooi is beweeg

die skrywer na regs om sodoende die verbindingstreep met die volgende letter te voltooi.

Voor u aangaan na die volgende punt, hoeveel punte van ooreenstemming is vir u nodig om u te oortuig dat die geskrif deur dieselfde persoon geskryf is?---Edelagbare, elke saak op handskrif word op eie meriete behandel. Dit hang af van omstandighede, en in hierdie geval het ek 28 punte as meer as voldoende gevind om die skrywer se identiteit te bewys. Ek sal nie sê dat daar n hoeveelheid nodig is nie, maar in hierdie besondere skrif van hierdie skrywer 10 wat baie kenmerkend is, n kenmerkende tipe skrif, sal ek die helfte toegee om te sê dat dit sou al die skrywer se identiteit kon bewys.

Sal u dan nog net twee doen, dan volstaan ons by 14.--Ek sal punt nr. 12 beskryf, die kleinletter "d" wat gevorm word sonder enige aanvangstreep. Die skrywer begin aan die bokant en beweeg dan links om vir die sirkelgedeelte. Met die afwaartse beweging swaai die skrywer na regs net voor die aanvang van die sirkel en eindig skuins na onder. Punt nr. 13 is die kleinletter "k" in die woord "clock" 20 op die eerste bladsy, vierde reël van onder af, regs, vyfde reël altans. Die vorm en konstruksie van die kleinletter "k" met n redelike lang afwaartse beweging, vanaf die voet van die afstreep is die beweging direk na regs met n hoek van ongeveer 30 grade, waarna die instrument opgetel word voordat die finale kort strepie bygevoeg word. M.a.w. ook in twee bewegings wat die kleinletter "k" uitgevoer word. Punt nr. 14 is die kleinletter "p" "separate" in die reël voor "clock", daar kom die letter "p" voor in die middel van n woord. In die meeste galle word die kleinletter "p" 30 voorafgegaan deur n verbindingstreep tot aan die bokant.

Daarna word die afwaartse lyn gevorm met n lis aan die onderste gedeelte wanneer die skrywer opwaarts beweeg om die sirkel-gedeelte te voltooi.

Sal u dan die tikskrif wat u vergelyk het verduidelik? U het n hofkaart vir die hof berei- die Hofkaart sal wees Bew. N.2. ---Bew.N. 2, aan die linkerkant kom voor monster-tikskrif wat deur my persoonlik geneem is op Olivetti tikmasjien 089153, Bew. Nr. 14(b) wat oorhandig was aan my op die 30ste Julie 1964/speurder adjutant offisier Dircker.

DEUR DIE HOF: Is dit wat by die beskuldigde se huis gevind is?--Ja Edelagbare. In hierdie geval, Edelagbare, het ek 13 punte van ooreenstemming wat ek kortliks sal beskryf gevind. In die eerste gedeelte waar die kleinletter "w" op die monsterskrif sowel as op die betwiste tikskrif bo die basiese lyn slaan. 10

VERHOOR DEUR MNR. REES (VERVOLG):

Voordat u verder gaan, hoeveel punte van ooreenstemming vind u dit nodig om te vind voordat u oortuig sal wees? --Edelagbare, n tikmasjien is ook na die meriete van die saak. Hierdie 13 punte wat ek hier aantoon is kenmerken- 20 de tik eienskappe wat na my mening meer as voldoende is om die identiteit van die tikskrif vas te stel. Punt nr. 2 slaan die kleinletter "A" bo die basiese lyn. Punt nr. 3 die kleinletter "v" slaan bo die basiese lyn. Punt 4 die kleinletter "e" slaan bo die basiese lyn. By punt nr. 5 is die kleinletter "s" wat toemaak aan die bokant. Wat daar bedoel word is vuiligheid wat nog in die tikmasjien voorkom. By punt nr. 6 slaan die kleinletter "w" lig aan die linkerkant.

Kleinletter "w" of hoofletter "W"?--Ekskuus, die Hoofletter "W" slaan lig aan die linkerkant. Punt nr. 6..7, is 30

die helling van die kleinletter "r" wat na regs slaan.

Punt nr. 8 slaan die kleinletter "u" na links.

DEUR DIE HOF: En hy raak aan die "r" ---En hy raak ook aan die "r" in beide gevalle Edele. Punt nr. 9 is die hoofletter "G" wat lig slaan aan die onderkant links onder. Punt nr. 10 is die spasiëring tussen die kleinletters "e" en "r". Punt nr. 11 by "white" daar raak die Hoofletter "W" en die bokant van die klein letter "h" mekaar, die bopunt. Punt nr. 12 net onder is die spasiëring tussen die kleinletters "u" en "t". Punt nr. 13 is die onderste sirkelvormige gedeelte van die kleinletter "a" wat toe is, dieselfde, die vuiligheid in die letter "a" - die letters op die tikmasjien was deur my persoonlik ondersoek, en die vuiligheid is nog te bespeur in daardie gedeeltes. Die bewiste tikskrif is geneem van Bew. H.3. en Bewysstuk "H.4."

MNR. REES: Geen verdere vrae.

MR. PHILIPS REQUESTS THAT THE CROSS-EXAMINATION STAND OVER UNTIL THE FOLLOWING DAY.

MR. REES HAS NO OBJECTION.

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IN THE SUPREME COURT OF SOUTH AFRICA
TRANSVAAL PROVINCIAL DIVISION

In the matter of:-

THE STATE

v.

FREDERICK JOHN HARRIS

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JOHN NESBIT LLOYD (Duly sworn, states):

EXAMINATION BY MR. MOODIE:

Mr. Lloyd, your age?---Twenty three years old.

Were you born in this country?---I was born in Neck, Basutoland.

And you were educated in this country?---Yes.

Including a University education?---Yes.

Do you know the accused in this case?---Yes.

When did you first meet him?---I first met him in July, 1963. 10

Can you recall under what circumstances?---I was working on a part-time basis at Post newspapers, in Johannesburg, and he came into the office in order to give a statement on the Olympic Games in his capacity/^{as chairman}of the South African Non-Racial Olympic Committee.

Now, at that stage your acquaintance did not go any further?---No.

When did you meet him again?---I met him again in December of that year.

1963?---1963. 20

Where, and under what circumstances?---I met him on various occasions. I cannot recall them exactly, but I met him at my flat and I met him at Post newspapers, where I was then employed on a full-time basis, and I met him at various Liberal Party Functions.

Did you get to know him quite well?---I got to know him fairly well on a basis of shared political interests.

That was in December, 1963?---Yes.

Now, did you continue to meet him in the ensuing months, or did the acquaintance lapse again?---No, I 30

continued to meet him during January and February, fairly regularly.

On the same terms as before?---Yes, much the same terms as before.

And did you have any discussions together? You two?---Yes.

Of what nature?---Mostly political discussions.

Now, how did these political discussions come about then?---We were both, as I said, members of the Liberal Party. 10

Yes?---He was the Chairman of SANROC, and at that stage was interesting me in the work of SANROC, and that was the general tenor of our conversations.

Now, what happened in regard to SANROC, Mr. Lloyd? ---Later, in February, Mr. Harris was banned, and after a short while I took over as acting-Chairman of SANROC.

So you got to know him quite well?---Yes, I did.

Were you firm friends?---Yes.

During that year you were on holiday, were you not?---This is in 1964? 20

I am sorry - this year?---Yes, I went on holiday this year.

Can you tell us when that was?---That was about the second week in January....No, excuse me, July.

You were away in Natal?---I was away in Natal.

And when you returned, can you remember the date? ---I returned on Monday, July the 13th.

That was a public holiday?---That was a public holiday, yes.

When did you next see the accused?---I then saw 30 him the next day - Tuesday, July the 14th.

Under what circumstances?---He phoned me at my place of employment and asked me to meet him. He picked me up in a Volkswagen Kombi, which he was driving, at about 12 o'clock on that day, and we went together to a drive-in eating place, at the end of Eloff Street Extension.

Yes?---He told me then that the... that almost all the members of the African Resistance Movement had either been detained or had fled the country and that before Hilary and Ronald Mutch and Rosemary Wentzel had fled, the previous week, they had left in his possession explosives equipment. 10 He indicated that he and I were the only two members of the African Resistance Movement still at large inside the country.

Yes?---He suggested then that it would be a wise, practical move to ^{per-}form an act of sabotage in order to emphasize that the African Resistance Movement had in fact not been crippled. He suggested then that a likely target was one, a post office.

Yes?---He then made appointments with me to have dinner with he and his wife on that next Friday - July the 17th. I went to dinner with the accused and his wife, on 20 that evening, and he then told me that he had decided against the post office as a probable target and had decided instead that a railway station, or an underground parking garage would be a more suitable target. I had strong objections to these two, as targets, because of the possible loss of life involved, and we had some considerable argument on this point. His contention was that any possible risk of life involved in striking at such targets would be justified as a long term political move. He foresaw it as being a strategic move which would foreshorten any political struggle of violence in this country, and in that way save

many lives. He also said that every precaution under the circumstances would be taken to safeguard lives, and he... he said that there would in no way be a direct attack on anybody, or on anybody's lives.

Yes?---I still had objections to this plan. He told me that... as to the plan of a railway station - striking at a railway station and during this time, although it was not specifically mentioned, we did speak about "the" railway station. It wasn't specifically mentioned as the Johannesburg Railway Station, although to my mind it was the 10 Johannesburg Railway Station. He said that he had a plan to ring up the Railway Police some time before the bomb placed on the station was about to explode and that in this way the people would be cleared out of the way. We did not come to any conclusion that evening and we left... I left after eleven, some time.

Yes?---He told me that he had in his possession explosives which had been handed to him, as I have described earlier, and some of these were being kept in a railway waiting station in a suitcase, for which he had a ticket 20 which was placed inside the washing machine in his kitchen. I think that was the limit of our conversation.

Did you leave him that evening, then?---Yes.

Did you see him again?---I saw him next on Tuesday, July the 21st, when he came to my flat to see me. I had been searched and questioned... not searched, questioned by the Security Police that afternoon and I had then said to him that I thought it would be wise if we were extremely cautious and dropped any plans, or any moves that we might have had, since it was quite likely that they 30

were keeping some watch on me, and our conversation at that stage was interrupted, and we left, later.

Did you see him again, after that?---I next saw him on July the 24th at the Security Branch headquarters.

You, in fact, had been detained on Thursday, the 23rd of July?---I was detained just after 2 o'clock on Thursday, July the 23rd.

The initials A.R.M. - what does that stand for? Is that the African Resistance Movement?---Yes.

You told the Court that you and he were active 10 members thereof, is that correct?---Yes.

Now, at your conversation where you discussed postoffices, and railway stations, was it a matter of a casual discussion, or was it a serious and long discussion? ---It was a serious discussion. Not very long, in the first instance.

And on the second occasion?---Yes, we had a long discussion there, centring mainly, as I say, on the problem of whether to undertake a sabotage job in which lives were involved, since it had always been a scrupulous policy of the 20 A.R.M. and before it the National Committee of Liberation to avoid any possible loss of life.

What was your attitude?---My attitude was that no loss of life was justified. The means just were not justified.

If that was so, what was the accused's attitude if the conversation took such a long time?---The accused's attitude was that the possible risk, which he emphasized as a slight risk, was justified.

On what basis?---As I explained earlier, on the 30

basis of loss of lives - of saving lives in the long run.

Now, when you speak of saving lives in the long run, did you infer from that that lives would be lost in the short run?---Yes.

. What gave you that impression?---From the nature of the proposed jobs.

The proposed job in the station, can you recall that in more detail?---We never discussed any details as to how it should be done. We had in fact got tied down in the question of risk, as a principle. 10

You refused to have anything to do involving risk or recklessness?---Yes.

And did the accused try to persuade you otherwise? ---Yes.

Can you recall in more specific detail the arguments contra to your views?---At the previous sabotage undertaken by die African Resistance Movement, and that had been at targets such as pylons and railway signal cables, and had been, as far as influence on the public was concerned, remote, that the undertaking of sabotage attempts at public places was designed to make a bigger impact on people who would not otherwise be disturbed by a pylon coming down in some remote country area. In this way he foresaw that people would demand that some full and proper investigation be made into the situation in the country - the citizens in this country; foreign investors would likewise put pressure on the Government for a change of policy and he foresaw that in this way 20

the "apartheid" policies of this Government would be brought to a swift end.

How would an explosion in a place, like, say 30

a station, achieve that?---In that it was a place that people, ordinary people, went every day of their lives - that were familiar with the station, and that this explosion would happen on a station, and that it would have a far greater impact ...

At 1 a.m. in the morning, or in the morning, 11 a.m. or any time of the day - was that ever discussed?---No. I don't remember that there was any specific mention of time but I seem to think that we both assumed that it would have been done, for most effect, at a busy time. I don't remember specific mention of it.

MR. MOODIE: No further questions.

MR. PHILLIPS: Would your lordship allow the cross-examination to stand down?

BY THE COURT: Yes, certainly.

MR. MOODIE: I had rather anticipated cross-examination to follow, and now I have nothing to carry on with.

DISCUSSION ensues between Court and Counsel as to the duration of the trial.

- AT THIS STAGE THE COURT ADJOURNS -

-----oOo-----

ON RESUMING AT 10 a.m. ON TUESDAY, 13th OCTOBER, 1964.

MR. PHILLIPS addresses the Court and says that he has no questions to put to Sergeant du Preez, and asks that cross-examination of the witness Lloyd be deferred, until such time as the Defence have the report of Professor Hurst - the psychiatrist examining the accused.

MR. MOODIE addresses the Court, stating that the witness Lloyd only gave evidence on facts, and because of this he finds it difficult not to oppose the application for the witness Lloyd's cross-examination to be deferred. 10

BY THE COURT: What do you say about that? Could you not start the cross-examination and later have the witness recalled?

MR. PHILLIPS: My lord, that is a possibility, if your lordship regards that as desirable.

BY THE COURT: It would assist everybody if you were to cross-examine him on the merits, and reserve your rights to cross-examine him further, if you feel so advised.

-----oOo-----

JOHN NESBIT LLOYD (Still under oath):

CROSS-EXAMINATION BY MR. PHILLIPS: 20

Mr. Lloyd, you are a member of the African Resistance Movement?---Yes.

From about February of this year?---From about December of last year, when it was still the National Committee of Liberation.

And it became the African Resistance Movement in May of this year, did it?---Yes.

And you participated in the activities of that organisation?---Yes.

And then, on the 23rd of July you were detained? 30

---Yes.

Yes. As, what is called, a 90 Day detainee, is that so?---

And you have been in detention ever since?---Yes.

And still are?---Yes.

Now, you met the accused, as you have told his lordship, originally when you were working part-time on the Post publications?---Yes.

And then you developed an interest in his activities for this body known as SANROC?---Yes.

And indeed, when he became banned, you took over 10 as the acting chairman of that body?---After a short interval in which Leon Adams was acting Chairman.

But you became the acting chairman of it?---Yes.

And you had other legitimate political interests together with the accused, but in addition to that you were associated with him in the African Resistance Movement, is that right?---Yes.

And you and he got onto quite close terms? You became quite friendly?---Yes.

And as you have told his lordship it was a funda- 20 mental principle of this organisation, to which you and the accused belonged, that the violence which they engaged in was to be against objects only? Not persons?---That is correct, yes.

All of you were agreed on that?---Yes.

And then, during the early months - I wonder if you can tell me if this is correct - that between about February and July of this year the accused apparently had... wasn't called upon by this organisation to participate in any of its activities?---Yes, after the accused was banned, 30 about in the middle of February, it was decided that he should

be left out of activities so that... well, that was a security measure prompted by the belief that a banned person was obviously a man likely to be watched, or some check kept on him.

Well, whatever the reason was, that was the fact of it - he was in fact left out?---Yes.

When you came back from Natal on the 13th of July, the accused contacted you with the object, apparently, of putting you in the picture of what had been happening? Is that right?---He contacted me on the 14th of July,

Yes, I know - the day after you got back?---Yes. 10

But apparently the object was to put you in the picture?---That is correct.

And he told you about the fact that the Mutch's had left?---Hm.

And that a man called Lewin had been arrested?---Hm.

And so on. Now, you say he also told you that a store of explosives had been left in his car? Is that correct?---That is correct.

And this - on the 14th of July he told you that these explosives were temporarily in a left luggage room 20 at the railway station?---That is correct.

But of course there was no intention of leaving them there permanently?---No.

And the question was to discuss, and to decide where these explosives should finally be put?---Yes.

Now, Mr. Lloyd, I understand that you offered to put them in your locker at the Pretoria Golf Club, is that correct?---At Zwartkop Country Club.

But that offer the accused rejected?---Yes.

And they were in fact, as we now know, taken to 30

33 Oxford Road, where they were kept in a cellar?---Yes.

You know that?---He told me.. he told me before he took them there that he intended to take them there.

So you were aware of the fact that these explosives were going to 33 Oxford Road?---I did not know the address. I knew the woman who... who....

You knew the wife of the man who has given evidence here, who lives at 33 Oxford Road?---Ann Swersky.

Yes! So at any rate, you knew, as he did, that there were these explosives and various other objects in 10 addition to explosives, like detonators, manuals and so on that were being kept at this residence?---Yes.

Were you told that it was to be put in the cellar? ---No, I did not know that.

Now, at that particular stage, the accused pointed out to you that you and he were practically the only two left at liberty, of the people who had been active in this organisation, is that right?---Yes.

And he also pointed out to you that the police had apparently captured a substantial store of explosives 20 at the Cape?---Yes.

And he said that the police may very well assume that they have got all the explosives, and that they have got all the people who matter, is that right?---I don't remember him saying that.

But did he not follow that up by saying that in these circumstances, at this stage, it is probably advisable to lie low, and not stir up a hornets nest?---No.

Well, the accused will say that, in fact, that was the attitude that he conveyed to you at that time. I am 30

speaking now of the 14th of July! You say that you have no recollection of his saying that to you?---No. On the contrary, as I said yesterday in evidence, the accused thought it would be a good idea to make a sabotage attack, as soon as possible.

Did you agree to that?---I agreed with his theory.

Well, I don't know if it is very significant, one way or the other, but the accused will say that his attitude was that this was a time to lie low, and that it was your view that some more spectacular demonstration should take place at that, and at any event, you reached agreement about that. On that final point you do agree with me?---Yes. 10

That you did reach agreement that there were to be acts of sabotage?---Yes.

And you discussed, on that occasion, and again on the 17th of July - that was a - I forget what night that was of the week....?---It was a Friday night.

A Friday night, the 17th, and then on a subsequent occasion as well, you discussed what projects you were to take part in?---Yes. 20

Before I go on to that, is it correct that during the period between February and July of 1964, there had apparently been suggestions that post boxes should be attacked, in various places?---Yes, that is correct.

And the method of operation in the cases of the post boxes, was to have been that something inflammable, like petrol, was to be put inside the post box, and something to ignite the petrol, is that right?---Yes.

So that the contents of the post boxes would be burnt?---Yes. 30

Various attempts and efforts had been made to reconnoitre suitable post boxes?---Yes.

In all of this, of course, you participated?---I did not do the reconnoitring, but I participated in the job, as such.

Now, then, when it came to the 14th of July and the subsequent discussions, is it correct, Mr. Lloyd, that there were three projects that actually enjoyed your attention? The one was something to ^{be} done at the Pretoria Post Office. One to be done at a parked car in a parking garage, and one 10 to be done at the Railway Station?---That was on the 17th July.

Not on the 14th at all?---No.

You didn't discuss it on the 14th at all?---No.

Well, again it doesn't really matter whether it was on the one date or the other, but there were these three projects?---Yes.

And the idea was that you and he as the two remaining members of the organisation, were going to carry out these three projects?---There in fact had been no decision. I had put up the idea of the post office as an alternative 20 to the two projects - the station and the underground parking garage, both of which I objected to.

Let us just examine that a little more. While you were in Natal did you do a survey of the Pietermaritzburg Post Office?---No.

Did you tell the accused, at the conversation that you had with him, that you suggested the Pietermaritzburg Post Office?---No, I suggested that it was a likely target.

And it was your suggestion too, that the Pretoria 30

Post Office should be a target?---Yes, it was.

And there too it was in connection with the posting boxes, was it, in the Pretoria Post Office, that you concentrated on?---Yes, the parcel posting box.

You actually came over to Pretoria on some occasion, and on your return... discussions you had with the accused after your return from Pretoria, you indicated to him by your two clenched fists what the size of the aperture of the posting box was, is that correct?---Yes, that is so.

So that it would... to indicate how large the objects could be that you could put in?---Yes. 10

And then the idea of the parking garage was that a bomb of some kind was to be placed in a car in a parking garage, is that right?---I don't remember the details of that.

Well, it was something of that kind. If the accused says that that was the idea - it was a car that was actually to be attacked in a parking garage - would that be correct?---Quite likely.

There was no intention to injure anybody, was there?---No. 20

And then, as far as the station is concerned, the original proposal in regard to the station was that a bomb should be left at the station at about 11.30 at night, is that right?---No, I didn't hear... I don't know anything about that.

Is it possible that you have forgotten about it? ---We did not make any specific discussion about time.

No, you may not have gone into precise details, but I put it to you that there was a suggestion that this should be done late at night. In fact, I want to put it to 30

you that these three projects that I have mentioned to you, Pretoria Post Office, the parked car in the parking garage, and the station were discussed simultaneously?—They were all discussed on the one evening.

Yes, they were all discussed at the same time?

—Yes.

And the tenor of the discussion was that the station job was to be done by the accused, and the other two jobs were to be done by you?—No, there at that time had been no such arrangement at all. 10

No, there may not have been a finally concluded arrangement, Mr. Lloyd, but was that not what was in contemplation?—No.

Was it not in contemplation that all these three would be done on the 24th of July?—No.

Well, the accused will say that in fact it was. It was on the 24th of July that these were to be done. That he was to be responsible for the station, you for the parked car which was to be done in the afternoon, and the Pretoria Post Office that night. Is that correct, Mr. Lloyd?—No. 20

Who do you suggest was supposed to do the Pretoria job, if not you?—In fact no decision had been made as to what job to do.

No, I know! No final decision was made - I agree with you. The discussion was not concluded. It was intended to be resumed at a later stage, is that right?—That is quite right.

But in your discussions, what you projected was that the accused would be responsible for the station and that you would be responsible for the other two?—If we had 30

decided on any one job, which we had not, I would have done the Pretoria Post Office, but it would have been to the exclusion of the other two.

Well, the accused will say that the course of the discussion was that you contemplated three attacks on that one day - he to do the one at the station - you to do the one in the afternoon at the parking garage - and late at night the Pretoria Post Office, the same night. That was what you were discussing, although you reached no decision 9 about it?---No, I don't think we ever discussed the possibility of doing three jobs at the same time.

Now, you say that you had dinner with him on the 17th?---That is correct.

The night of the 17th, and there was a discussion? ---Yes.

Have you not forgotten an additional occasion on which you met the accused before you were detained? Mr. Lloyd, didn't you have lunch with him on the 18th, the Saturday, at Turner's Hotel?---Yes, that is quite correct.

Yes, that is right! At Turner's Hotel, on the 20 Saturday, you had lunch with him, and you continued your discussion?---As far as I remember... I must remember this is the first time I recall this Saturday meeting. As far as I can remember the purpose and the intention of that Saturday meeting was to discuss the Olympics question, which was due, and that was the reason we met at Turner's. I don't remember any discussion regarding this sabotage attempt.

The accused will say, again it doesn't matter very much whether the discussion was only on the 17th, but the accused will say that in fact the discussion continued 30

on the 18th, when you had lunch together. And then, as you have told his lordship, there was an arrangement that the two of you should meet on the 21st.---On the 21st?

Yes. That was the day on which, in the result the accused came to your flat.---I don't think there was an arrangement. The accused did come to my flat.

The accused will say, and I ask you to accept this, that there was an arrangement that you were to have met, I think, at a coffee bar. That you **were** to have met, I think it was at a coffee bar, at some refreshment place, and that 10 you didn't turn up, and so he came to your flat. Again it isn't very important, but do you recollect that?---I don't recollect the appointment.

But he did come to your flat?---That's correct.

And it is correct that you had been visited that afternoon by the Security Branch?---I hadn't been visited. I had been to the Security Branch headquarters, and I had been questioned there.

And you pointed out that you were there under surveillance, and that it would be advisable if these pro- 20 jects were, for the time being, not taken any further?---That is correct.

But there was no final abandonment?---No.

There was still the intention of taking...having discussions again at a later date ?---Yes.

Had you not in fact agreed to meet the accused on the 23rd?---Yes I had.

Then you were detained on the 23rd, so that discussion never took place?---That is correct.

Now, you see, in regard to these three projects that I have been discussion with you, a document has been 30

put in to his lordship, yesterday. It constitutes Exhibit "H(7)". If you would just look at that document. Exhibit "H(7)". It lists garage, station, post office and has various times, apparently of detonation planting and under the heading of "Buy", it says "B" or "A". Do you see?--Yes.

Now I am not suggesting that you drew up this document, or that you participated in drawing it up. I want to make that clear. It was drawn up by the accused. That has been proved. Now, I am putting it to you that this document was drawn up by the accused, as he will say, as a 10 record of the discussions - more than one discussion & that he had had with you, and at a time when it was still contemplated that these three different projects would take place on the same day.---This may have been the accused's idea, but it was not mine.

Mr. Lloyd, you see, what I am suggesting to you is that there are two persons, apparently referred to there, by the letters "B" and "A", as the person by whom this is to be done. The accused will say that "B" was yourself and "A" was himself. Do you see that?---Yes.

Now, you said to me "the accused may have had 20 that idea, but it wasn't mine", is that right?---Yes,

Did you get the impression that he thought that something of this kind was probable at least, if it had not been firmly arranged?---No.

Did he give you the impression that he was going to carry on with a project?---No, I told him to hold things off. I didn't want to have the station or the underground parking garages done.

Now, there was also another document handed in, yesterday, and that is Exhibit "H(4)" - this is a draft 30

a typed draft, of an open letter, to the Prime Minister, which contains some threats. Did you see this draft?---No.

Are you sure, Mr. Lloyd?---I am quite sure.

The accused will say that he showed you this draft?---That is not true .

He won't say that you expressly approved of it, but he will say that you did not disapprove of it?---No, I have never seen this before.

And he will also say that the threats that are contained in it were intended to be no more than threats. That there was no intention, at any time, of carrying out the threats that are therein contained. Would you have been aware of that?---That might be so, but he never discussed this with me.

Yes, he may not have discussed this with you, Mr. Lloyd, but he says that he showed you this? He showed you this draft of the actual typed document, not so?---No, he did not.

From what you knew of the history of this organisation to which you both belonged, would you have regarded it as an empty threat, if threats of that kind were made? ---I haven't read the document. 20

The threats are to life?---Threats to life?

Threats to life?---I would say it wouldn't have been carried out, in view of the history of the A.R.M.

Not only the history of the organisation, Mr. Lloyd, but also the personalities of the people, with whom you were associated in this organisation?---Yes.

Is it not correct to say that they were, insofar as you knew them, all people who would never have de- 30

liberately taken a life, in pursuance of their object?---Yes, I would have said that they would have been the last people to do that.

Now, then, in regard to this question of the station. You have told us that you attempted to dissuade the accused from putting a bomb in the station at all?---Yes.

There was no discussion between you as to where this bomb would be placed?---No.

Could you recall that there was ever a mention of the left luggage office? ---I think earlier. I don't remember it in that conversation, but I think earlier it had been suggested as a possibility, but I am not sure when. I think that might even have been in May or June. 10

Well, I just want to put it to you that there was, at one of your discussions, a suggestion by the accused that possibly a bomb might be left in the left luggage office, to go off at 11.30 at night, because the left luggage room closed at 10. 55 p.m.?---Yes, there had been some discussion.

There had been some discussion on those lines? ---Yes. 20

And the idea would be that it would go off at a time when there would not be anyone around at all? ---Yes.

So that there could not be any danger to anybody?---That is right.

And that was the sort of tenor of your conversations, and that was the directions in which these things were aimed?---No. On this evening I think we both assumed that if there was going to be a bomb put on the station it would be a possible risk to life.

We will come to that just now! I am just talking 30

about generally, when acts of sabotage were contemplated by the two of you, and members of your organisation, with whom you discussed it, it was always with a view to creating a spectacular demonstration of some kind, is that right?---
That is correct.

The more spectacular the demonstration could be, you felt, the more valuable it would be to your cause?---
That is quite right.

Because the more people knew about it, the more they might become worried about the situation in the country? 10
---That is quite right.

And the more they might become disposed to try and exert some influence on the powers that be in order to bring about a change?---Quite right.

Was that the whole tenor of the thing?---That was the whole tenor of our conversations, yes.

On the particular evening that you are speaking of, you say that the accused put the point of view that... to blow up a pylon somewhere in a remote area didn't seem to have much affect on people's opinions?---That is correct. 20

Because members of the public themselves were not frequently in those places, and they regarded this as something remote from themselves?---That is quite correct.

They didn't appear to have any sort of impact on their own lives?---Hm.

And would not dispose them, in all probability to try to do anything about the grievances that you were trying to agitate them about?---Yes.

Is that right?---That is right.

So that his version was that what was required 30

was something more spectacular?---Yes.

That is to say, it should be in a place where the public find themselves frequently, from time to time, is that right?---That is right.

And that this would bring home to them what was in fact happening in this country? These acts of protest by people like yourselves, is that right?---That is right.

And that is why he thought of the station?---Yes.

And that is why you thought of the Pretoria Post Office?---Yes. 10

Because these are prominent places?---Yes.

Prominent in people's minds?---Yes.

And also, if it happened in a place like the post office or at the station there would probably be people who would actually see it happening, is that right?---This was the idea on the station. The idea I had for the post office was that it would explode late at night.

Yes, but if it were at the station it would be a spectacular sort of demonstration - one would expect a flare, and a noise, and people would see it, for themselves? 20
---That is correct.

Apart from only reading about it in the newspapers, or hearing about it on the radio?---Yes.

And that was what the accused had in mind, wasn't it?---That is right, yes.

And I put it to you, Mr. Lloyd, that that was all that he had in mind - a spectacular demonstration in a place which would bring something home to the members of the public and which might very well be seen by many members of the public themselves, is that right?---Yes.

And then, in regard to the question of possible 30

danger, he said to you, did he not, and in fact he assured you that he had planned to issue warnings in advance of this bomb being exploded, is that right?---Yes.

He said that he had considered the question of placing the bomb there, and he had worked out that he would telephone the station police, in advance of the explosion of the bomb, and give sufficient time to enable them to clear the affected area of the station?---That is quite correct.

That is what he said?---Yes.

And I put it to you, Mr. Lloyd, that you had no 10 doubt that he himself believed that?---Yes, I think he did.

He fully believed that what he would do would have the effect of avoiding injury or death to people, is that right?---Yes.

So much so that really this issue, insofar as he was concerned, appeared to be a closed one - that didn't really require any further discussion. He was satisfied in his own mind - rationally or irrationally- he was satisfied that he could take, and would take steps, that would avoid injury to people?---I think that he conceded to my argument 20 that whatever steps were taken, there was still a possible risk of life.

Well, both of you talked about the fact that it is impossible to have explosions anywhere without some possible risk to somebody, is that right? Even if you blow up a pylon in a country area, is that right?---No, I don't think that we discussed that.

But there must also always, when you are handling explosives, there must always be some risk to somebody, not so?---I suppose so.

And I think you put it yesterday, if I got your words correctly, you said his attitude was that what risk there might be - the risk that might possible be - was a slight one?---Yes.

And I put it to you that in fact, as you indicated to me just now, he made the impression upon you that he was convinced in his own mind that there would in fact be no harm done to people, is that right?---That is difficult to answer because I don't think that he ever quite eliminated the risk. As you pointed out, any explosion carries a risk, 10 but I think he did think that no one would be hurt.

That is all I am asking you to say. That so far as you were in a position to judge; you knew him well, you had associated with him in one way or another for a considerable period of time - is that right?---That is quite right.

And you were discussing these matters as friends, and as colleagues, in this organisation, is that right?---That is right.

And so far as you were able to judge, from this conversation that you had with him, here was a man who genuinely believed that what he was going to do would in fact no hurt 20 people, right?---No, I think he always believed that there was a risk.

There was a risk, but he believed that he had taken all necessary steps to eliminate the risk, did he not?---This was the basis of our argument the Friday evening.

You may not have agreed with him - I am not discussing for a moment your attitude at the time. I am just asking you to tell us what your appreciation was of his attitude of mind? And I am putting to you that his attitude 30

of mind was that when you handle explosives in a public place, you must always... there will always be some slight possibility of risk, at least, and that he believed and tried to persuade you that he had done everything necessary to eliminate the possibility that people would be injured, is that right?---He believed that he had done everything under the circumstances to eliminate the possibility, but he recognised that the circumstances of exploding a bomb in a public place were not conducive to avoiding risk to life.

But he told you that what he proposed to do was 10
to make telephone calls to the railway police?---That is right.

And to tell them that there was a bomb?---Yes.

And to tell them where the bomb was?---Yes.

And to warn them that the bomb would go off at
a time which he would tell them.---Yes.

And to ask them to ensure that that area where
the bomb was placed should be cleared?---That is right.

That is what he had in mind?---That is right.

And he believed that that would have the effect
of clearing the area where the bomb exploded?---Yes. 20

Did he mention to you, by any chance, that he
expected use to be made of the loudspeaker system? On the
railway station?---No.

He didn't mention that to you?---No.

You know of course that there is such a system?
---No.

Have you never been to the Johannesburg Railway
Station?---Yes.

Don't you know that the loudspeakers make all
sorts of announcements to members of the public?---Yes ... 40

BY THE COURT: Which are always inaudible!

CROSS-EXAMINATION BY MR. PHILLIPS (Continued):

At any rate, you have no recollection of his actually specifically mentioning that to you?---No.

But you have told us what he said he intended to do and what his conviction was as a result of that?--Yes.

And I think at the risk of going over something that I have already put to you, I just want to get you to agree with me that his object in this was to create a spectacular demonstration?---That is right. 10

In the hope that it would impress people, is that right?---Yes.

In the hope that it would impress persons both here and elsewhere - that is to say both in this country and elsewhere, and that it might have... in the hope that it might have some effect on the powers that be to influence them to change policies of which he and you both disapproved? ---That is correct.

Mr. Lloyd, what you have told me from these answers, agrees very largely with what the accused will say 20 took place. I must put to you one thing with which the accused disagrees, and that is that you say that he expressed an attitude that a possible risk - slight though it would be - was strategically justified because it would have the effect of saving more lives in the long run!---No, I remember that very clearly.

Do you say that he actually said that?---He actually said that.

Well, the accused will deny that he in fact said that. The accused will say that the attitude of the two of 30

you was that you both appreciated that in handling explosives there must always be some risk and that in this particular instance he himself was convinced that what he proposed to do about it would avoid that risk, and he tried to persuade you of that as well, did he?---Yes, he did try to persuade me.

So far as you personally are concerned, no charges have been brought against you, have they?---No.

And this charge is brought against your former co-member of the African Resistance Movement, the accused, and other charges are being brought against other persons who were members at the same time as you were, of the African Resistance Movement?---I believe so. 10

Well, you know that they are due to be tried on the.. I think.. the 9th of next month?---Yes.

So far as you are aware no charges are to be brought against you?---I have been told nothing about that.

Have you been promised any inducement if you give your evidence satisfactorily?---No.

Have you been told that when you have been here and given your evidence in this case, and possibly in other cases you will be allowed to leave the country?---No. 20

Is it not correct, Mr. Lloyd, that employment has been obtained for you outside the country?---I don't know whether it has been obtained.

But it is being sought?---My mother is, yes.

In the belief that you will be available to take it up?---Yes, I think so.

I put it to you, Mr. Lloyd, that although many of the things that you have said to me, which I have indicated to you, are in agreement with what the accused will say, 30

that you have here and there, and particularly on that last point that I mentioned to you, you have tried to play down your own part in this matter and perhaps to blacken a little the part played by the accused, because you believe that it will be in your own interest to do so?—That is not true.

That is what the accused will say when he gives evidence! My lord, subject to any additional questions which I may ask your lordship's leave to ask at a later stage, that will conclude my cross-examination.

BY THE COURT : Yes, well, you may reserve that right. 10

RE-EXAMINATION BY MR. MOODIE:

When it was suggested to you that the accused believed that he had done all to eliminate risks, was that your inference you made from what he told you?—No, I didn't believe that all risk then had been eliminated.

It was suggested to you that the accused believed that he had done all to eliminate risk - was that in fact your inference from what he told you, that you drew?—No, he didn't believe that all risk had been removed.

MR. MOODIE: No further questions. 20

BY ASSESSOR - MR. VAN DEN BERGH:

Mr. Lloyd, as I understand your evidence, while you were discussing this station project, you personally were against this, because you expected lives would be lost, is that so?—Yes, I was against it, because I expected lives would be endangered. I did not know or expect that they would be lost.

And that you tried to impress upon the accused?
—That is right.

And he didn't agree with what you said?—No, 30

he believed...

You could not persuade him to leave this alone?

---No:

MR. VAN DEN BERGH: No further questions.

BY ASSESSOR - MR. HART:

Mr. Lloyd, I just want to ask you one or two questions arising out of these discussions you had, that you have spoken about. You told the Court that there were three projects that you had in mind - one being the station. Now, was it to be the Johannesburg Station, or any other particular station?---As I said yesterday in evidence, I cannot remember any specific mention of the Johannesburg Station. I can not remember an instance where the accused said the Johannesburg Station, but it might have been so, because I remember we spoke of the station, and to my mind that was the Johannesburg Station.

You were talking in Johannesburg?---We were in Johannesburg, in Roodepoort, and in Johannesburg.

And as you answered learned Counsel, I think, here, there was specific mention made of the Pretoria Post Office?---Yes. 20

Had you committed yourself in any way to being a party to sabotage at the Pretoria Post Office?---Yes, yes.

There was also talk of an underground parking garage?---Yes.

Had you decided on any particular garage?---No.

Was it to be one of the underground parking garages in Johannesburg?---Yes, I think... yes, it would be one of them in Johannesburg.

And was the idea of the discussion to the effect 30

that you were to participate in taking whatever steps had to be done?---Well, it would have depended upon what decision we finally came to.

Had you not any discussion as to the precise methods that were going to be adopted?---We never got passed the.... we didn't get down to precise methods. We were discussing mainly the principles of whether it was justified and in terms of political expediency, what sort of...

In relation to the discussion about the station, do I understand you correctly then that it had not been 10 determined whether a bomb was to be exploded in this suitcase, or whether a bomb was to be in some other container? ---No, it had not been decided.

Had any precise locality been discussed?---No.

MR. HART: No further questions.

PAUL HOUGAARDT CRUYWAGEN, b.v.

VERHOOR DEUR MNR. MOODIE:

U is senior inspekteur van ontplofbare stowwe, Johannesburg?---Dit is reg.

En wat is u kwalifikasies?---B.Sc in toegepaste industriële skeikunde, Universiteit van Kaapstad.

Hoelank diëns het u in die Departement?---Agt jaar en 10 maande as inspekteur van springstowwe.

Op 24 Julie van die jaar op versoek van die Spoorweg Polisie is u na die Johannesburg Stasie?---Dit is reg. 10

In die hoof portaal daar van die stasie?--- die hoofsaal van die stasie, ja.

En u het inspeksie daar gedoen?---Dit is reg.

Dit is naby platforms 5 en 6?---Dit is reg.

Wat was die uitslag van u inspeksie, mnr. Cruywagen? ---Ek het gevind dat daar 'n ontploffing plaesgevind het.

Daar was baie skade. Ek het die toneel ondersoek, en gevind dat daar 'n gat in die omtrent 4 duim dik betonmuur geruk was wat tussen die wagkamerdeel en die trappe wat afgaan na die platform toe. Die gat was kleiner aan die wagkamer se kant maar groter aan die trappe se kant, wat daarop dui dat 'n hoë ontplofbare stof baie naby aan daardie muur moes ontplof het - dit word aangedui deurdat die gat kleiner is aan die wagkamer se kant as aan die ander kant. 'n Hoë ontplofbare stof, b.v. iets soos ammondiniet. 20

Is dit 'n hoë ontplofbare stof?---Dit is 'n hoë ontplofbare stof.

Kan u dit beskryf aan die Haf?---'n Hoë ontplofbare stof is 'n ontplofbare stof wat met 'n hoë spoed ontplof teenoor iets wat met 'n lae spoed ontplof soos b.v. buskruit. Dit is waar die verskil kom, jy kry daardie effek wat hy hom 30

feitlik n hou slaan, en die konkreet daar wegslaan, uit die muur uit.

Is jy in staat om te sê of daar baie of min ontplofbare stof gebruik was?)---Dit is nie moontlik om te sê -presies hoeveel nie, maar ek sou sê so om en by 10 springpatrone van een duim by 8 duim sou omtrent daardie skade gedoen het wat daar was, aan die muur.

Nou u het ook n geleentheid gehad om die beëdigde verklarings te lees van mnr. Wilcox, van Rooyen, Venter en de Kock van die Suid-Afrikaanse Buro van Standaarde?--- 10
Dit is reg, Edelagbare.

Dit is Bew. J.1, 2, 3 en 4. Die het u al geles en bestudeer mnr. Cruywagen?---Dit is reg.

Nou kortliks soos u daar sal opmerk in dele wat daar by die toneel gevind is is spore van nitrate en nitrite, ammonium soute en so aan gevind?---Dit is reg.

Watter afleiding word daarvan gemaak?---Daar is ammonium soute in ammondinamiet en na so n springstof ontplof het sal n mens dikwels ammonium soute, nitrate en nitrite aan voorwerpe kry wat in die onmiddellike omgewing 20 van die ontploffing gewees het.

Dan in verband met die bewysstukke 4, (a)(b)(c) en (d) dit is dele wat by die toneel gevind is. Die feit tekens van dat/nitrate en nitrite en soute daar gevind is, strook dit met u ondervinding, mnr. Cruywagen?---Ja. Die stukke van die tas moes natuurlik baie naby die ontploffing gewees het om daardie tekens daaraan te toon.

En ook Bew. 5 - wat is dit?---Dit is n stuk van die bank, Edelagbare, wat afgebreek was baie naby aan die plek waar die ontploffing plaasgevind het. 30

Daar is ook tekens van hierdie stowwe daar?---Ja

dit sal daar aangedui word.

Nou soos opgemerk in die beëdigde verklaring van mnr. Venter is daar lood tekens gevind. Nou kan u dit verklaer, asseblief?---Ja, soos mnr. Venter ook in sy verklaring noem baie van die petrol in het loodverbindings in om dit meer plofvry te maak, en die lood kan heelwaarskynlik afkomstig wees van petrol af wat ook aan hierdie voorwerpe sal sit. Die loodverbindings bly agter en dan kry mens lood ook op die voorwerpe.

Nou kan u n mening uitspreek van u waarnemings daar 10 hoe die ontploffing plaasgevind het? Op watter wyse was dit gedoen? ---Die ontploffing, daar is aan my getoon dat hulle daar gekry het n sakhorlosie, daar is dele van n battery gevind en stukkies draad wat by my die vermoede laat ontstaan het, en ek is amper seker dit is wat gebeur het, dat die batterye was in series geskakel met elektriese doppies en deur die horlosie. Die horlosie werk daar soos n skakelaar, sodra hy omloop tot op n sekere tyd maak hy elektriese kontak soos wanneer n mens n lig sou aanskakel en laat dan die stroom deurvloei. Die stroom wat deur die 20 elektriese doppie vloei veroorsaak dat die elektriese doppie ontplof. Die elektriese doppie is natuurlik in een van die springpatrone aangebring. Mens maak n gaatjie in een van die springpatrone sodat die doppie maklik en vrylik daar kan inpas, draai hom daarna vas sodat hy nie weer kan uittrek nie. En die ontploffing van die springdoppie dié veroorsaak dan natuurlik jou dinamiet-lading ontploffing.

DEUR DIE HOF: En die petrol?---Ek dink daar was ook getuie dat daar n stuk handvatstel daar gesien is, wat soortgelyk is aan n handvatstel van n kan wat ons later by Oxford- 30 straat gekry het, en ek dink daar was so n kan ook in

hierdie tas gewees.

Bewysstuk 2 nê?--Ja dit is hierdie handvatsel wat daar gesien is. Hierdie handvatsel lyk vir my baie dieselfde as die handvatsel aan n kan wat ons gekry het by Oxfordstraat.

DEUR DIE HOF: U meen die kan was vol petrol?--Ja, hy was of vol petrol, of daar was n goeie hoeveelheid petrol in. Dit is moeilik om te sê presies hoeveel, want die ontploffing van die dinamiet sal natuurlik die kan breek, en die petrol versprei, wat natuurlik geweldige brandwonde sal veroorsaak, 10 baie meer as wat die dinamiet alleen sou veroorsaak. Die dinamietontploffing sal mense net in die onmiddellike omgewing beseer, en mense bietjie verder weg miskien doofheid veroorsaak maar die petrol gee natuurlik n baie groter effek en kan brandwonde veroorsaak oor n baie groter afstand.

VERHOOR DEUR MNR. MOODIE (VERVOLG):

En wat sal die gevolg wees as daar metaal stukke in die tas was, ander metaal stukke, met hierdie ontploffing, wat sou die gevolge daarvan wees? ---Die metaal stukke sal natuurlik deur die ontploffing teen n geweldige spoed weg- 20 geslinger word, en kan enigiets van 400 na 500 miskien tot 1000 jaart trek, die hang af van die grootte van die stuk metaal, en as iemand natuurlik in die pad van so n stuk metaal kom dan hang dit af waar die skerf hom tref of dit dodelik sal wees of hom net verwond.

Op die 24ste Julie die jaar, op versoek van mnr. Britz is u na Oxfordweg 33, Johannesburg?---Dit was die 25ste.

En daar is u versoek om n hoeveelheid tasse te besigtig?---Dit was tasse soortgelyk aan hierdie tasse wat 30 voor die Hof is, Edelaagbare.

Kyk na die Bewysstuk E, dit is fotos wat geneem is.

---Wil u hê dat ek een vir een..?

Nee, u kan dit deurblaai, en bevestig dat dit wel van die tasse wat daar gekry is, en die inhoud daarvan is?--- Dit is van die tasse wat daar gekry is, en die inhoud daarvan wat in hierdie bewysstuk is, Edelagbare.

Het u n lys van die gemagtigde ontploffingstowwe wat daar gevind is?---Ja, ek het n notatjie gemaak daarvan. Ek het daar gekry 82 een duim by 8 duim ammondinamiet werkings verdragings springpatrone, 10 elektries/ springdoppies, die tipe wat deur Rolfes gemaak word - 16 gewone elektriese springdoppies, 10 doppie lonte, omtrent 6 voet lank, n pakkie met 10 lont aanstekers, 3 elektriese ontstekers vir brandknal lont of tou en 10 lengtes/cortex - dit is die totale inhoud van springstowwe wat in die tasse was. 10

Nou daar word beskryf in die klagstaat, klagte nr. 2 die volgende artikels, ek ek sal hulle voorlees, en u kan vir die Hof sê of dit gemagtigde ontplofbare stowwe is wat u daar gekry het?---Die ontplofbare stowwe wat ek nou genoem het, Edelagbare, is almal gemagtigde ontplofbare stowwe soos afgekondig by Goewermentskennisgewing Nr. R. 2132 van 28 Desember 1962. 20

Dit is 82 -1x8 ammondinamiet springpatrone vervaardig deur Modderfontein wat in drie afsonderlike pakkies opgemaak was in plastiek, is dit korrek?---Dit is reg.

Tien elektriese werkings-verdragings van die tipe wat deur Rolfes Ltd. gemaak word?---Dit is reg.

Sestien elektriese springdoppies?--Dis reg.

Tien doppielonte?--Dit is reg.

Party geel gemerk, almal omtrent 6½ veiligheidslont. 30

---Reg.

Tien lontaanstekers, n pakkie met kodemerk 1039.

---Dis reg.

Drie elektriese ontstekers vir brandtou?---Dis reg.

En tien lengtes cordex.---Dis reg.

Wat is cordex?--Cordex is knal lont Edelagbare.

Dit is dieselfde ding. Dit is n koord wat oomblik ontplof as mens een punt van hom deur n doppie laat ontplof, dan trek daardie ontploffingsgolf teen 20,000 voet per sekonde.

Nou u is ook gevra om sekere boeke na te gaan, mnr. Cruywagen. Hulle is gemerk met Bewysstuk nommers. Kan 10 u net die nommer noem, en kortliks die boek aan sy Edelagbare beskryf, dit sal voldoende wees.---Bewysstuk H.15 is n boek wat gemerk is "Technical Manual" - dit bevat besonderhede oor die gebruik van springstowwe - hulle beskryf die tipe springstof wat mens kan kry, die voorsorgmaatreëls wat mens moet neem met die gebruik daarvan, hoe om eenvoudige ladings te maak, hoe om jou ladings op te konnekteer, elektriese konneksies, en dan tipes ladings in die algemeen wat mens kan gebruik, en dan gaan hulle aan van Hoofstuk 7 tot 13 oor hoe springstowwe gebruik word vir spesifieke 20 aftakelingswerke. Daardie werke van die aftakelingsdeel dié is geneem uit Bewysstuk H14 waarin daar n boekie voorkom van die Britse Militêre dink ek, en groot dele daarvan is woordeliks hieruit geneem, en daar is ook fotostatiese afdrucke in hierdie Manual wat uit hierdie boekie uitgeneem word.

Die volgende een?---Die volgende een H.28 is soortgelyk aan H.14 behalwe dat dit vir my lyk dit is n ouer uitgawe van dieselfde boekie wat in H.14 ingesit is. H.10 is ook n boekie ingesit wat ook handel oor die gebruik van spring- 30

stowwe, aftakelingswerk oor myne en meer oor militêre tipes springstowwe en goed wat gebruik word vir oorlogsdoeleindes en skade aan te doen. H.11 is n soortgelyke boekie waarin daar ook oor fopmeganismes en landmyne en sulke soort van goed behandel word. H.29 is n boek van The Institution of Civil Engineers. Hier is daar van belang bladsye 862 tot 899 - dit handel oor The Use of Explosives for Demolitions en hierin behandel hulle hoe n siviele ingenieur springstowwe gebruik om sekere strukture af te breek - hier is b.v. prentjies in hoe hulle n brug hierso heeltemal aftakel met die gebruik van springstowwe. Bew. H.13 en H.12 is fotostatiese afdrucke van hierdie besondere hoofstuk uit hierdie boek van The Institute of Civil Engineers. En Bew H.17 is n gewone handboekie wat in die land uitgegee word deur mnre. African Explosives and Chemical Industries oor die gebruik van springstowwe. 10

OP DIE STADIUM VERDAAG DIE HOF VIR
DIE TEEPOUSE.

BY HERVATTING OM 11.30 v.m.

Mnr. Moodie; Geen verdere vrae.

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MNR. PHILIPS; Geen vrae.

DEUR ASSESSOR VAN DEN BERG :

Mnr. Cruywagen u het aan die Hof gesê wat u meen wat die lading was wat gebruik was.---Ja.

Nou volgens u mening mnr. Cruywagen, is ek reg as ek daarvan aflei dat n persoon wat naby daardie houer was se lewe was beslis in gevaar?---Dit is reg Edelagbare.

JANET MARGARET HELMSTEAD, s.s.

EXAMINATION BY MR. MOODIE:

Mrs. Helmstead, you reside in Johannesburg?---Yes.

And at Parkhurst. Where are you employed?---At the University of the Witwatersrand.

In what capacity?---Lecturer in Mathematics.

And you were detained under what is known as Section 17?---Yes.

And still are so detained?---Yes.

Now do you know the accused in this matter, Harris? 10
---Yes.

Now when did you first meet him? --- It was about
.between the 6th and the 9th July .

Of this year?--This year, yes.

Where did you meet him?---I met him at His Majesty's Theatre in the foyer, at the show Ninotchka.

That was on the 9th July 1964?--I am not sure whether it was the 9th. It was the week during which the 9th was.

In that week. Now what happened on that evening? 20
----Mr. Harris met me in the foyer of His Majesty's, and asked me if I would meet him there again at interval. This was before the film began. But I did not meet him there at the interval, because he came to speak to me in my seat either before the film began, or at the interval, and asked me if I would come and speak to him and his wife who were sitting a few rows behind.

Yes?---And I went and spoke to him there. I left my husband who was sitting with me, and he said that he wanted to ^{remove} / the contents of my cupboard at the University 30 of the Witwatersrand in my office. He said that I could

examine his credentials in any way I chose, and he asked for my telephone number in order to contact me. He said he would come and visit me at my house.

BY THE COURT:

He wanted to remove the contents of..?---My cupboard.

What for?--He did not explain.

Had you known him before?--I had seen him before, but I think that was the very first time I had spoken to him. I can't remember anything else in the conversation except that he said that he had been trying to contact me 10 that day, but he did not know how to. He only knew that I was a lecturer at the University, but he did not know my address. So I gave him my telephone number, and I went back and sat next to my husband.

EXAMINATION BY MR. MOODIE (CONTINUED):

When next did you contact him, or he contact you?
---His wife phoned me the following Saturday, about 12 o'clock, and said that she and her husband would come and visit me at my house at about 2 o'clock that afternoon.

And what happened then?--At about 2 O'clock that 20 afternoon Mr. Harris walked up to the gate - he had parked his car a little way down the road, and his wife was sitting in the car - and he spoke to me and my husband for some time. About 15 minutes, I think it was. Then my husband left to play tennis..I am sorry, it was just before my husband left to play tennis. He said he wanted to get something from me. I don't think my husband heard him say that, and I gave him the key to my office at the university, and to the cupboard in my office at the University. Then my husband left to play tennis, and I suggested that Mrs. Harris come 30 and wait inside the house while Mr. Harris went to fetch the

things from the cupboard at the university.

BY THE COURT:

What things?---Well there were three or four small suitcases in my office, cupboard.

Were they empty?---No. I don't know what they contained, but Mr. Higgs, who was also in the Mathematics Department at the University had asked me if he could hide dynamite in my cupboard.

EXAMINATION BY MR. MOODIE (CONTINUED):

Did he go off with your keys?---Yes he went off with the keys, and he was away about an hour, I think . That is an estimate. 10

Yes? When he returned?--When he returned I said to him something like "Was it alright"? and he answered in the affirmative. Then he stayed for tea for about 15 minutes, I think, and then he left.

Did you see him again?---No.

Alright. Now I want to take you back to your cupboard. You saw him at the show, and he said he wanted to remove the contents of your cupboard. At that time what was in your cupboard?---There were three or four small suitcases. 20

Did you open them at all?---No.

Did you test them to see if there was anything in them?---I half lifted one of the suitcases, and it felt heavy.

Can you describe some of the suitcases, or all of them?---They were brown - I don't know whether they were all brown, but some of them were brown. And they were about.. one of them was about 2 feet by 18 inches by 6 inches I think and another was smaller, it was about 18 inches, I think, by 30

15 by 6 - but those are estimates. And the other suitcase or suitcases, I don't know what size. I can't remember the different sizes.

Now you said that the accused said to you you can examine my credentials. What did he mean by that?---Well I took it that he meant that..I don't know..Mr. Higgs had **not** told me that he would send Mr. Harris to remove these things from my cupboard, and I did not expect Mr. Harris to come and remove them, so I took it that he wanted me to test him in some way, but I did not.

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Had you ever seen the accused before that day?--- Yes I remember seeing him at Film Society meetings a long time ago, and also I think I might have seen him at Liberal Party meetings, and I had read about him in the newspaper.

So you did not worry about credentials, you simply accepted that he was Harris, and that he wanted to remove the contents of your cupboard?--Yes, I thought since he knew about it he must know Mr. Higgs.

Now in fact, after the last time you saw Harris, did you go back to your cupboard?---After the last time? 20

Yes,---Yes, about in the following week, I don't remember what day, I returned to the University, and I looked inside the cupboard, and the suitcases had been removed.

MR. MOODIE: No further questions.

CROSS-EXAMINATION BY MR. PHILIPS:

No questions.

MR. MOODIE INFORMS THE COURT THAT THE FOLLOWING WITNESSES ARE IN CONNECTION WITH A STATEMENT MADE BY THE ACCUSED BEFORE A MAGISTRATE. MR. PHILIPS IS NOT OBJECTING TO THE ADMISSIBILITY OF THE STATEMENT, WHICH AMOUNTS TO A CONFESSION.

JACOBUS RUDOLPH BODENSTEIN, b.v.

Adjutant-offisier, Suid-Afrikaanse Polisie, Pretoria, verbonde aan die Veiligheidsafdeling, Afdeling Noord-Transvaal. Op die 11de September om 2.55 n.m. het ek die beskuldigde in die Pretoria tronk, in die aanwesigheid van Majoor Britz verwittig dat hy nou onthef word van die bepalinge van artikel 17 wet 37 van 1963.

VERHOOR DEUR MNR. MOODIE:

Ja?---Dit is dat hy nou nie meer ingevolge die bepalinge van die 90 dae klousule aangehou word nie, waarop 10 hy my gesê het dat hy goed verstaan wat die posisie is.

Ja?---Majoor Britz het hom daarna meegedeel dat hy hom arresteer op 'n klagte van Moord, en op twee klagtes van sabotasie.

Ja?--Hierna het Majoor Britz en ander lede van die Suid-Afrikaanse Polisie en Spoorweg Polisie hom geneem na Pretoria Wes Polisiestasie, waar hy amptelik aangekla is.

Ja?---Later in die Stasiebevelvoerder se kantoor, in die aanwesigheid van die beskuldigde het Majoor Britz my meegedeel dat die beskuldigde hom gevra het om 'n landdros 20 te spreek, en my gevra om die beskuldigde na die landdros te neem.

Ja?--Ek het die beskuldigde na landdros Barnard geneem om 3.55 n.m.

Ja?--Ek het hom aan die landdros oorhandig., in sy kantoor. Die landdros en die beskuldigde was alleen in die kantoor, en het die deur van binnekant toegesluit.

Waar was u gewees?--- Ek het buitekant gewag.

En was die beskuldigde heeltemal normaal gewees daardie dag?---Hy was normaal gewees. 30

Geen invloed is op hom uitgeoefen nie?---Nie deur my

nie, en nie in my aanwesigheid nie.

Hy het vrywillig saam met u gegaan na die landdros toe?---Ja.

MNR. MOODIE: Geen verdere vrae.

KRUISVERHOOR DEUR MNR. PHILIPS:

Geen vrae.

JACOBUS LODEWIKUS BARNARD, b.v.

VERHOOR DEUR MNR. MOODIE:

Mnr. Barnard, u is addisionele landdros te Pretoria?

---Ek is u Edele.

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En op die 11de September van die jaar was u op kantoor gewees?--- Ek was.

En die laaste getuie het beskuldigde na u toe gebring op kantoor?---Dis reg.

En sal u vir sy Edelagbare sê presies wat gebeur het daar?---Ek het beskuldigde in my kantoor geneem. Die deur was gesluit, en die venster was toe - net beskuldigde en ek was aanwesig in die kantoor. Ek het hom gevra wat hy daar wil kom maak, en hy het gesê hy wil aan my n verklaring maak. Daarna het ek alles genotuleer wat tussen my en 20 beskuldigde plaasgevind het. Hy het verkies om Engels te praat. Ek het sekere vrae aan hom gestel en sy antwoorde genotuleer, en die sal ek nou uitlees. "Do you understand the warning just given to you?" dit is n waarskuwing wat ek hom gegee het, dat hy nie verplig is om n verklaring aan my te maak nie, maar indien hy een sal maak sal dit neergeskryf word, en mag dit as getuienis teen hom gebruik word. Sy antwoord was "Yes." (Getuie lees die verklaring uit aan die Hof).

Dit sal ingehandig word as Bewysstuk "F". Geen ver-

dere vrae.

KRUISVERHOOR DEUR MNR. PHILIPS:

Geen vrae.

WILLEM HERMANUS BRITZ, nog onder eed, (herroep)

U Edele, op die 29ste Julie het ek bewysstukke H1 en H2 plus die sakboek van die beskuldigde, Bewysstuk 14C het ek ontvang van speurder-adjutant offisier Dircker, en op die 30ste Julie het ek dit oorhandig aan speurder ser-sant du Preez, die handskrif deskundige. Op die 18de September het ek ook oorhandig aan mnr. Hay Bewysstuk 6, 7, 1C 7(a) en 18K.

DEUR DIE HOF:

Wat is?---Bewysstuk 6 is n horlosie, 7 en 7(a) is die gedeeltes van die horlosie wat op die Johannesburg stasie opgetel is, en 18K is die horlosie waarop die vingerafdruk gekry is.

VERHOOR DEUR MNR. MOODIE:

Het u dit terug ontvang van mnr. Hay?---Ek het dit terug ontvang van mnr. Hay; hy het dit in my teenwoordigheid ondersoek, en ek het dit onmiddellik weer teruggekry. 20

Nou op die 11de September is die beskuldigde arresteer op hierdie klagtes?---Dit is korrek. Hy is in my teenwoordigheid deur adjutant offisier Bodenstein in kennis gestel dat hy onthef is van die bepalinge van artikel 17 van die Regswysigingswetsontwerp, dit is die 90 dae aanhoudings klousule, en daarop het ek hom gearresteer en in kennis gestel dat ek hom op n aanklag van moord en twee aanklagte van sabotasie arresteer, en ek het die gewone waarskuwing aan hom uitgereik. Ek het hom afgeneem na Pretoria Wes Polisiestasie, waar hy formeel aangekla gewees het. 30

Nadat hy aangekla is het hy my versoek om n landdros te spreek, en ek het mnr. Bodenstein gevra om die nodige reël-ings te tref om hom na n landdros te neem.

Is hy op enige manier beïnvloed om enige verklaring te maak?---Nee Edelagbare.

Is dit heeltemal vrywillig gedoen?--- Dit is heeltemal vrywillig gedoen.

En was hy in n normale toestand gewees? Sober?--- Hy was normaal gewees.

En u was saam met hom na die klagtekantoor toe waar 10 hy aangekla is---Ja Edele.

U is n Vrederegter, en hierdie plekke wat hy uitgewys het aan u is dit heeltemal vrywillig gedoen?---Ja.

Hy was nie beïnvloed op enige wyse nie?--Geensins.

En die laaste bewysstuk, Bew. 5, die is ook by die Stasie gekry?--Die het ek ook by die Johannesburgse stasie gekry.

Ek het dit vergeet om n nommer te gee, dit is die stuk plank.

MNR. MOODIE: Geen verdere vrae.

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KRUISVERHOOR DEUR MNR. PHILIPS:

Geen vrae.

DISCUSSION BETWEEN THE COURT AND MR. MOODIE RE. THE CLOSING OF THE STATE CASE. MR. MOODIE INFORMS THE COURT THAT HE CANNOT CLOSE THE STATE CASE UNTIL HE LEARNS THE NATURE OF THE CROSS-EXAMINATION OF WITNESS LLOYD, AND ALSO WILL ASK LEAVE TO LEAD REBUTTING EVIDENCE SHOULD A PSYCHIATRIST BE CALLED BY THE DEFENCE. MR. PHILIPS REQUESTS A POSTPONEMENT UNTIL THE 19th OCTOBER 1964. MR. MOODIE REPLIES. MR. PHILIPS SUBMITS THAT

FROM MONDAY THE PSYCHIATRIST WILL BE ABLE TO ATTEND COURT AND LISTEN TO THE ACCUSED'S EVIDENCE AND BE AVAILABLE TO GIVE EVIDENCE HIMSELF, IF CALLED UPON SO TO DO.

LUDORF, J:

If it should be necessary, I repeat the order that I made last Thursday in regard to the consultations with the accused by a psychiatrist, on the same conditions as I imposed in that order, and the matter is remanded to the 19th October 1964.

THE COURT ADJURNS.

ON RESUMING AT 10 a.m. on the 19th OCTOBER 1964.

MR. MOODIE TO THE COURT:

That will be the case for the State.

S T A T E C A S E.

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MR. PHILIPS: I call as my first witness the accused.

FREDERICK JOHN HARRIS, s.s.

EXAMINATION BY MR. PHILIPS:

Mr. Harris, you are the accused in this case?--Yes.

Would you tell the Court your age?--I am 27.

And what was your profession?--I am a school teacher. 10

Are you married?---Yes.

Have you any children?---Yes, one child.

How old is that child?---About four and a half months.

Where were you educated, Mr. Harris?---First I went to Rosebank Convent.

Is that a Catholic School,---Yes.

Are you a Catholic by religion?---No.

And where did you go from the Rosebank Convent school?---I went to the Danie Theron School. 20

Is that an Afrikaans school?---Yes.

An Afrikaans Primary School?---Yes.

Were you at that stage Afrikaans-speaking?---No. It was during the war, and we were living out there, and transport was difficult and my parents thought it was a good idea anyway, so I went to that school for 3 years.

Did it cause you any language difficulty?---Well, at first I did not speak any Afrikaans, but eventually at one stage my Afrikaans was better than my English. 30

And did you go to another school after that?---Ja. My parents thought that I would have trouble going to an English-medium high school, and they wanted me to do that, so they switched me to Rosebank Primary.

That is an English-medium school?---Yes.

And from there did you go to an English-medium high school?---Yes, I went to Parktown, Parktown Boys.

And did you matriculate at Parktown Boys High School? ---Yes.

What class pass did you obtain?--I got a first. 10

Did you get any distinctions?---English and Maths.

And when you matriculated, what did you do?---Well I wanted to go to University, but I did not really know what I wanted to do. Also, my parents could not afford to send me so a friend of my fathers's said that if I did engineering (he was an engineer, this friend of my fathers') if I did engineering then he would pay for me to go to university, and then I would, after I had qualified, I would join his firm.

And did you therefore go to university?---It was 20 in 1954..yes, I matriculated in 1953, it was in '54, and I went to university to do mechanical engineering.

And how long did you continue with that course?--- Well I thought I could do it, I mean, I thought I could handle the course, but I did not like..

For how long did you continue?---I did not like it, so I dropped it after the first quarter, after half a term.

And what did you do for the remainder of that year? ---I got a job at Anglo-American.

And then at the end of that year did you return to 30 University?--Yes, you see my mother is a teacher, and she

thought it would be a good idea if I did it and you must also go to university.

So did you go back to university?---Yes.

And did you embark on an Arts course?---Yes.

With the intention of doing teaching thereafter?

---Yes. It was a sort of combined course. It was a B.A. and I also went to a sort of part-time classes at the college.

College of Education?---Yes.

What were your major subjects in the Arts degree? 17

---English and French.

And did you obtain the Bachelor of Arts degree?---

I did a full major in English and a sub-major in French, and I got my degree.

In 1957, is that correct?---Yes.

And once you had obtained the bachelor's degree, did you then attend the College of Education?--Yes, then I went and got my diploma.

Did you spend a year obtaining a high school teacher's diploma?---Yes. 20

And having done that did you teach at any schools?

---Yes, I..

Just tell us the names of the schools you taught at---I taught at Hyde Park for 18 months, one and a half years.

Yes, and then?---And then I wanted to go overseas to study further, and I had been accepted at Oxford and my wife and I thought that we could do it, and I went overseas in the middle of the year - that was the middle of the second year I was teaching. I taught for 18 months and then went 30 overseas, and I went to Oxford for a term. It was supposed

to be for a full course but it did not work out. We had financial difficulties. We had relied on my wife to earn the money..

Is your wife a teacher?--Yeah.

And was the intention that she would teach while you were studying at Oxford?---She got a job at Abingdon, it is about 12 miles away..

Was that the intention, that she would teach while you were studying?---Yes.

And provide the means for you to live on?---Ja. 10

Did she become pregnant?---Ja.

And was it not possible for her to continue to teach? ---Well she was pregnant in about say August or September, and she taught until about Christmas and we came back to South Africa in about..in January.

And when you came back to South Africa did you resume teaching?--Yes I taught at Randfontein.

And then?---Well I taught at Randfontein for that year and then, you see, I was hoping to go back to Oxford and they said that if I did an Honours degree here then 20 I could go back there, perhaps and do a Masters here and then go back to Oxford. So I had to go back to Wits to do my Honours, so I went back part..full-time at first. That was the year after I taught at Randfontein. I went back and I taught there..I studied there, fulltime, for about a couple of months, and then it was not working out financially and then I had to get a job again, because it was not working out. We did not earn enough.

Yes, so where did you teach then?--Well I had a bit of trouble at first, because it is difficult to get a 30 teaching job in the middle of the term. I was lucky, because

I found an Indian school, a private Indian school, that was short of teachers.

You taught there for some time?---Yes, I taught there for more than a year.

And then after that, during 1964 up until July where were you teaching?---And then I taught at the Indian school..

I am just trying to keep it a little shorter, if I can. Where did you teach during 1964 up until July?---I taught at Damelin College.

And meanwhile, were you studying part-time?--Yes. 10

For what degree?---Honours in Politics.

Were you a member of a political party?---Yes, I was a member of the Liberal Party.

When did you join that party?--- I think it was early 1960, yes it was the year we went overseas.

And were you active in that Party?---Well not at first, but when we came back.

Now reference has been made here by witnesses to an organisation known as SANROC.---Yes.

South African Non-Racial Olympic Committee I think 20
it is - is that right? Were you interested in that organisation?---It was called..the name was changed actually because the International Olympic Committee asked us not to use the word 'Olympic' because we were not recognised, so we actually called it the South African Non-Racial Open Committee for Olympic Sports, but we still called it SANROC.

And were you interested in the body?---Yes I was very involved - interested and involved in it.

Who first interested you in it?---Well when I was at the Indian school a couple of the people there were interested 30
and they asked me around to meet the President. I met him...

Who was the President?---Dennis Brutus.

And did you then take any office in that organisation?

---Well I went along to a couple of committee meetings, and then the Vice-Chairman died. They had two vice-chairmen, one of them died, and they made me vice-chairman.

And thereafter did you take any other office?---

Well then later the Chairman went away..went overseas, and they made me Chairman.

Now when did you become Chairman of SANROC?---I

would say about..at the time that Ragnasamy (?) went over- 10 seas, about mid-'63.

And did you perform any missions on behalf of this body overseas?---Yes. The I.O.C. the Inter-national Olympic Committee was having a meeting in Lausanne in Switzerland, and it seemed from the agenda that there was a possibility that the whole South African question would come up.

When was this?---That was in June 1963.

And did you go overseas to attend that meeting?

---Yes.

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And did you perform any other services on behalf of SANROC while you were overseas?---Yes, we had had a letter from the Italian I.O.C. member saying that he supported us, and I saw him and spoke to some newspaper men there. He called them in. And then in England..we have got some people there who sort of correspond with us and help us, and they organised that I spoke to some newspaper people again.

Then you returned to South Africa?---Yes.

And what happened to Dennis Brutus?---Well he was

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banned, and then he had to leave SANROC because in terms

of his ban he could not belong to it, or have anything to do with it. He was the President.

Yes?---And then he came to a meeting and, it is quite a long story, but eventually he was found guilty of defying his ban in coming to the meeting, and he left the country and then he came back, he was brought back to the country, and eventually he was sentenced to 18 months in gaol.

Did this in any way affect you?---Yes, I felt it was pretty unfair. 10

Did you take on any other office as a result of this?---Well I was the Chairman already.

And were you to attend any other overseas meeting on behalf of SANROC?---Well the sort of main meeting was supposed to be at Nairobi originally, and then it was going to be in Germany at Baden-Baden. And they suggested that I should go to this meeting to put the point of view of SANROC and I was supposed to go. I went to see somebody in Durban first, and then ..on the way to this meeting, and then I was at Durban Airport, and I was stopped from 20 going, and my passport was withdrawn.

So you were unable to attend this meeting?--I did not go.

And what happened to your job at the Indian school? ---Oh because of all this I lost my job there.

Now can you tell us when this was?---It was September 1963.

So you were prevented from attending this meeting overseas, and you also lost your job, you say, at the Indian school?---Yes. 30

Now between that date, September 1963, and the be-

ginning of 1964 did you have any job?---Well I tried to get a part-time job with a dairy but it did not work out, so I did not have a job.

Then when did you join..did you ever join an organisation called the African Resistance Movement?---Well it was not originally called that. It was called the National Committee of Liberation. When I joined it it was called that.

And when did you join it?---About September, thereabouts, 1963.

10

What were your feelings about politics in South Africa? Did you feel strongly or otherwise about it?--- Very strongly. It is funny, I did not feel strongly about South African politics, really, until I went overseas, and then I sort of..particularly at Oxford, you know, people used to say "Where are you from?" and they asked me questions about South Africa, and I found I did not know. I mean, they asked me factual questions, and I just found I was very ignorant, and then I started reading about it, and I felt much more South African then than I had before. 20

Did you become very interested in politics, then, as a result of this?--Yes, very much so, actually up to that time I was going to major in philosophy, I thought philosophy was my field, and the degree I was going to do at Oxford was going to be basically philosophy and economics and just a little bit of politics, but then I changed my mind. And I sort of swithed from philosophy to politics.

Now when you joined this organisation called the National Committee of Liberation, what were its objects, as you understood them?---Well, to do sabotage in such a way 30 that it would put pressure on the Government to reconsider

the situation. And..yes.

Well, what was the object of putting pressure on the Government? What were you trying to persuade or induce the Government to do?---To make concessions, not to have such a rigid policy. I mean..

BY THE COURT:

What sort of concessions? --- to make some sort of movement towards allowing everybody a say eventually in the running of the country.

You mean the universal franchise.--It should move in that direction definitely - yes definitely.

BY ASSESSOR HART: Towards one man one vote?---Yes definitely.

EXAMINATION BY MR. PHILIPS (CONTINUED):

And you say the methods that this organisation proposed to use were?---Well I then gathered that it had already been in existence and active, and it had demolished pylons, electricity pylons and railway signal cables.

BY THE COURT:

Is this the same organisation that formed the basis of the trial before my brother, the Judge-President?---I don't know. 20

Known as "The Rivonia Trial" ?---No. No, no, no, no.

EXAMINATION BY MR. PHILIPS (CONTINUED):

Well I think..may I try and clear that up a little bit my lord? It was alleged in the Rivonia case that the accused I think were Communists, or Communist-inspired. This organisation that you joined, what do you say in relation to its affinity with Communism?---Well it varies from individual to individual, but I suppose it varied between being non-Communist and anti-Communist, depending on who you spoke to. 30

And you say its methods were directed against pylons and that sort of thing?---Yes.

This sabotage, was it intended to be against people as well as property, or against property only? ---No it was just against things.

And what was it intended to show to the country at large, or to the world at large, insofar as its members activities were concerned?--It was supposed to show that there was discontent. There were people who were very opposed to the decisions of the Government.

10

Was there any intention with regard to affecting people's views, or affecting the life of the country at large?---Yes, we all hoped that..that you would not have such an inflexible situation. I mean, it is like the difference between the French and the British, the French Revolution, they would not make concessions and it all blew up, and the British made concessions and never had a revolution.

Was that what you had in mind in joining this organisation?---Yes.

20

Now when did it change its mind?---About the time of the Rivonia trial, just after Easter, April, May.

Of this year?---Yes.

It changed its name then to the African Resistance Movement, is that right?---Yeah.

Now did you have contact with members of this organisation at large, or was your contact a restricted one? ---I had contact most of the time with two or three people.

Well, to be specific, did you meet the witness Lloyd in this organisation?---Yes.

30

When did you first meet Lloyd, apart from this organisation?---I think he came up to Johannesburg, on holiday - I think he was still at University, it was the mid-year holiday in 1963.

And then did you meet him in connection with any of your other activities?---Well you see he was working part-time at Post newspaper, which has mostly got a non-white readership, and SANROC used to try to get statements into POST as often as possible, and he was working there, and I went along to see him there. I also knew him through the Liberal Party. 10

I see. So it was through SANROC and his position as a journalist, and through your common interest in the Liberal Party?--Yes.

Now when did you meet him in connection with the African Resistance Movement?--I knew him a bit more early in 1964, I mean, I got to know him fairly well then. I met him a few times. And that was February, or thereabouts - February March that I found out that he was in it.

Did this organisation have any sort of formal existence - did it call meetings, and that type of thing? 20
---I think it was an organisation, I mean..it was organised in that you knew whether you were in or not, but I did not meet more than a couple of people.

The point is, was it the sort of organisation which had large meetings, or was it organised on a cell system?-- Yes it was organised..I gathered that it was organised with lots of groups, and you belonged to one little group.

And did you know, as you have said, only the people in your own cell?---Yes. 30

Now can you tell us, round about May of this year

were there any projects which this organisation had for sabotage in or around Johannesburg?---Yes. There was a plan to blow up some pylons.

Yes well I am not really concerned with the outside ones, I am speaking specifically of ones that you had something to do with, and where you did some reconnoitring.

---Yes, in about May this year there was a plan to set fire to posting boxes.

Post-boxes?--Yeah. Not the boxes you get your letters from, the boxes that you put them in. 10

Is that the ones you get your letters from?---No, not the ones you get your letters from.

Oh the ones you put your letters into?--Yes.

I see.

BY THE COURT: Were those postboxes at the post offices?--- The ones that you put your letters into, at post offices, or you know, at the side of the road.

EXAMINATION BY MR. PHILIPS (CONTINUED):

Including pillar boxes then?---Yes.

And what service did you render in that regard?--- 20 Well I was asked to go out and scout for them.

Scout for them in what sense?---Look around and see where there were posting boxes, and see whether they were the right sort of posting boxes, whether the openings were big enough, and things like that, whether they were appropriate.

Yes, but apart from their being appropriate, and the openings being big enough, were there questions of whether the post boxes were in suitable positions?---Yes.

Were you asked to report on these matters?---Yes. 30

And what was the intention in regard to these pillar

boxes or post boxes? What was going to be done?--The idea was that the letters would be set fire to.

And what materials were going to be used for that purpose, do you know?--I think they were going to use some sort of little plastic containers, plastic envelopes, or something, with petrol inside.

Was the intention to create an explosion, or to create a conflagration?--To create a fire, to burn the letters.

Now apart from that that you were doing, you told us, the scouting for these boxes, did you have any other activities for this organisation between about February of this year, and July of this year?--Including February? 10

Yes, during that period, roughly - did you have any other activity?--Yes I went out on one sabotage trip.

Now when was that?--It was the end of February, beginning of March.

And that was a damp squib, it did not come off?-- It did not explode.

Now from then onwards until the month of July, did you have..were you approached by the members of this organisation to take part in any other activity?--No, they left me out. 20

And what was your feeling about that?--Well, I had a feeling that they were, I suppose, looking down on me a bit. It did not make sense to me in one way, because there they were, I knew that they were doing something, things, or planning things, and they did not tell me what it was in detail at all, and they did not bring me in on it.

Did anything else happen to you in connection with your organisational life early in 1964? Did the Government 30

take any steps against you?--Yes on February 12th I was banned.

Did that have any effect in regard to your activities in the Liberal Party or in SANRODC?--Yes, I was very active in both, and then it all stopped, it had to stop, because I could not be active in anything, any organisation.

I see. Were you obliged to cease your activities in all these bodies that you had had anything to do with? ---Yes. I mean, they were not specified, but the sections of the ban worked out that way. 10

Were you prohibited from attending gatherings?--Yes.

Did it affect your ability to go away on holidays?--Yes, well not just holidays, it restricted me to the magisterial district, not municipality, the magisterial district of Johannesburg and Roodepoort. I lived in Roodepoort.

Now then Mr. Harris, what happened early in July of this year?--Well it was..I can remember, it was the 8th Belt 32. July, and a certain person came to my house, certain two people, certain persons came to my house, and told me that there had been a lot of arrests, and a lot of these people, 20 I don't think all of them, but a lot of these people were involved, or had been members of the A.R.M. and that the whole situation seemed fluid and that they had to, these two people, were re-assessing their situation. So they said to me that they might have to leave the country.

Were they members of the A.R.M. too, these people who came to see you?---Yes.

BY THE COURT: Who were they?---Your lordship, I don't think it is fair for me to say who they were. I mean...

You are in so much trouble that you should not protect 3 others at this stage. If that is what you prefer you may.---

Thankyou.

EXAMINATION BY MR. PHILIPS (CONTINUED):

You say they were members of the A.R.M. Mr. Harris?

---Yes.

And they were talking about people who had been arrested?--Yes that is right.

And were the people who had been arrested also members of A.R.M.)---Yes.

And what did these two people say to you that they themselves were likely to do, or likely to have to do?--- 10

Well I gathered that either or both of them might have to leave South Africa, and that this could happen at any time and then they asked me to go out, and they said they wanted to talk about me, so I went out, And then about 10, 15 or 20 minutes later I came back, and they said that..one of them I had not met before and one I had met before. And they said to me that I should know more than I had known, because if they were to leave there was hardly anybody left and it was very important that the organisation had to carry on. 20

So did they impose any additional duties or responsibilities on you?--Yes.

What were they?--Well they told me where everything was kept, the dynamite and the detonators, and things, and they explained a bit to me.

Explained a bit to you about what?--About how to use them.

How to use them for what purpose?--For making explosions.

Yes?--They told me how to connect things up. And 30

...

Had you had any previous instruction in this art of making explosives?---The previous time I went I was..

No, must answer my questions - had you ever had any previous instruction in the making of explosives?--No.

Had you any scientific training?---No.

Now that was on the 8th July that these people came to you, is that right?---Yes.

And they told you where you could find the materials and they gave you some instructions. Now what happened the following day?---Then the following day one was arrested, 10 and one left the country. I heard he left the country.

Now what was your feeling in that regard in regard to this responsibility that they had now placed upon you? ---Well I felt very strongly about it. I felt that the whole situation was a very..very critical, extreme one, and that it was my responsibility. They had chosen me out, and made me responsible, so I had to do something. I mean, I had to carry out the responsibility properly, and...

Did you accept the responsibility that they placed on you?---I did not argue about it at all. I felt that it 20 was necessary that the whole thing had to go on, and they made me responsible, and I was going to make it go on.

Well now, what did you do as a result of this? You told us one man was arrested on the 9th July, and the other man left the country on the same date, apparently.--Yes.

Now what did you do as a result of that? We have had the evidence of Janet Helmstead here.--Yes.

Well will you tell us what you did in that regard? --She is quite right. Well she had the safekeeping of the dynamite and quite a lot of stuff, so I went to her. Do you 30 want me to go over it?

Well no, is it correct? She has given the evidence, and it has not been challenged.---No she is quite right.

That you approached her at a cinema.--Yes that is quite right.

And you told her that you were going to come and fetch the contents of the cupboard in her room at the university, is that right?--Yes.

And then did you on the ..and did you then go to her house on Saturday the 11th July---Yes.

And did she give you the keys of her room at the university?--Yes. 10

And did you go to the university?---Yes.

And in the cupboard in her room what did you find? --There were three suitcases, three or maybe four, three I think, brown suitcases.

Yes - did you take those suitcases away with you? ---Yes.

And return the keys to her, is that right?---Yes.

Now what did you do with those suitcases, and with their contents?--Well they were locked, so I had to cut them open. I used my penknife and I cut them open. I cut around the locks and forced them open, and then chucked the suitcases away, and I removed..transferred what was in the suitcases to some other suitcases I had. 20

BY ASSESSOR HART:

What did they contain?---Well one contained I think only dynamite, and one contained books and papers in a big heavy plastic bag, and there was some wire, and some torches and some watches, and a clock, and..

MR. PHILIPS: Well perhaps we can shorten this, Mr. Harris. 30 ..---Oh things like that.

You heard the evidence of the police who said what they found in the suitcases at 33 Oxford Road.---Yes.

Now are those the contents of which you are now speaking?---Yes.

And you say that you transferred those contents into suitcases of yours?---Yes.

And what did you do with those suitcases once you had now transferred the contents?---Well for a couple of days I put them at the left luggage at the station, the Johannesburg station.

Yes evidence has been given about the fact that there were left luggage labels on them. Is that correct? They were kept in that cloakroom?--Just for about 3 days. 10

Yes? Would it be from the 12th July to the 15th, or thereabouts?--Yes about then.

And there was one set of articles in these suitcases, brass articles that were shown to the Court, described as some sort of pull release mechanism. Have you any idea what those are, or were?--There were a lot of little things, like detonators - I suppose they were those. I remember one of the people told me that the detonators were little aluminium tubes, like miniature cigarettes. 20

These articles are of a brassy colour, evidence was given here, I think they are called pull release switches. ---I remember seeing them. They looked like little bullets.

Now have you any idea what those were?---No I did not know,,did not have any idea, except what the detonators were - they had been described to me.

Now then you have told us that these suitcases into which you had put these contents were now kept in the left luggage room at the station?---Yes. 30

In the meantime Mr. Lloyd, State witness, has told us that he was away on holiday until the 13th July. Is that right?--He was away for about a week, I think. Or less even.

And he told us that you and he met on the 14th of July, is that correct,---Yes.

Where did you meet?---We met outside POST, his offices, and then it was lunchtime, and we went..I drove him down to that drive-in Cafe outside the Ice Rink.

Is that at the Southern end of Eloff Street?---Yes.

And can you tell the Court what the discussion was 10 that took place there? Between you and him?---Well, I put him in the picture, you can say, I told him what had happened while he had been away, that took some time, and then I told him that I had fetched the things, and we discussed what was going to happen. He had just come back from Natal.

And what was the content of that discussion?--- Well when I got these things, the dynamite and so on, I felt that it gave me, having these things, well even before I got the things, when I knew where the things were, you can say when I had access to them, from then on, from 20 when these two blokes came to the house, I felt in a very powerful position. It gave me a sense that I could do things, I was powerful. That I could, and of course I knew that I should, do something. And then the first thing I thought was "What must I do?" Well it seemed to me, look, Dr. Verwoerd is a very intelligent man. He is very educated, he has got several degrees. Well I know myself, you look at the situation, and for a while you think about it a certain way. And then something happens and you look at it differently, you realise that you had misunderstood it, 30

say, up to that point. And I felt that he was like that. I mean, he got a scholarship for Oxford when he was very young. He did not go, I think he turned it down and went to Germany, but he got a scholarship for Oxford when he was at school in Rhodesia, and I thought : here is this man, he is very intelligent, he must understand. He must have read a lot of history, he must understand that the situation is crazy. I mean, this is the classic way to create a disastrous situation, what he is doing, and I felt I must do something about it. So I drafted a letter, and 10 drafted another letter..

Yes, let me interrupt you - a document has been handed in as part of the State case which appears to be a typed draft of an open letter to Dr. Verwoerd? ---Yes.

Is that the document you are now speaking of?--- Yes it is one, I did too, that is the one.

And what did you have in mind when you drafted that document?---It seemed to me..I heard Prof. Lemay once say he came back to South Africa in 1961, he had been overseas, he came back and he said he thought the ice was beginning 20 to crack , the situation was becoming more fluid, and I thought a little thing, or a big thing..any key thing, would cause the ice to crack, and it had to happen. I thought if I send this letter to Dr. Verwoerd, and I send copies to the newspapers and the news agencies, then it will jolt him. It will make an impact on him, and then his thinking will start again in different channels, and once he is thinking again about the situation, reassesses the situation, put it that way - once he reassesses the situation, then it is pretty straightforward. I mean, any reassessment of 30 the situation, he must think along the lines of some sort of

progressive (with a small 'p') progressive change.

The document that has been handed in is purely a draft. --I don't understand.

The document that has been handed in, of which you have seen a photostat I think?--Yes.

Is that purely a draft?

BY ASSESSOR HART: (to Mr. Philips)

Mr. Phillips, excuse me, there are two.---I think with respect, sir, that you will find that the one is probably a continuation of the other. It looks like that to me. Originally I thought they were two documents, too.

They are exhibits marked H3 and H4.--They do look to me as though the one continues from the other. The shorter one appears to me to be a continuation of the longer one.

BY THE COURT: Yes it may well be, Mr. Philips.--That is how it appeared to me my lord.

EXAMINATION BY MR. PHILIPS (CONTINUED):

Mr. Harris what I was asking you was: was this, the document or documents that have been handed in, is that purely a draft, typed by yourself, of a letter that was proposed to be sent? Is that right?--Yes that is right.

And was the proposal to send it to the Prime Minister himself, and also as you said, to newspapers and news agencies? Is that right?--Yes, I remember, it started off "Dear Dr. Verwoerd".

Yes, we have seen the draft of the letter. But was that the intention, that it was to be distributed in that way?--Yes.

And was it in fact ever sent?--No. You see, I will

tell you what happened. I drafted it sometime after John.. during his absence, John Lloyd's absence, and I thought about it, and it seemed to me to be the answer, that it would just strike home. And I felt that there are key times when a certain little move, or a certain move, can shift things, and this could be it. I showed it to John when he came back, and I was very keen on it, and John and I sat there. First of all I told him about what had happened, and then I showed him this thing, and he read through it, and then he said..well he said 'It won't work' and he 10 pointed out to me that Dr. Verwoerd would know, through the police, that the organisation was smashed up, and he would just chuck it away.

You heard Mr. Lloyd's evidence to the effect that he denied that he was ever shown this draft at all. Is that evidence true?---No. I showed it to him then.

And you say that he suggested to you that this thing would be quite ineffective?--Yes, well he showed me..you know, he made this point about Dr. Verwoerd not being affected. I thought he would be, and he said he would not be, 20 because of his knowledge. And he said 'No, there is no point in just sending letters. You must do something.'

Now Mr. Harris, the letter contains a threat to the lives of white persons.---Yes.

Is that correct?---Yes.

Was that a serious threat?--No, not at all. It was part of the force of the letter, you could say, the strength of the letter.

Was there any intention of carrying out that threat?
---Not at all. I mean, that^{was}/the whole point. The whole 30 organisation was like that. It was an organisation designed

to demonstrate.

BY THE COURT:

What is the point of saying it if you don't mean it?
---Well you see, I don't know if you have ever seen those
little drawings that looks like the underside of a stair-
case, and you look at it for a while, and then somebody
makes one of the lines in it darker - I remember somebody
doing this with me - and then suddenly you realise you are
not looking at the underside of the staircase, you are look-
ing down on a staircase, but they have not changed the draw- 10
ing. Well the idea was that this letter would, it would
hit Dr. Verwoerd sort of mentally in such a way that he would
see things quite differently - you see what I mean?

EXAMINATION BY MR. PHILIPS (CONTINUED):

Now having made this draft, and having shown it to
Mr. Lloyd with the reaction which you say you got, did you
in fact ever send it off?---No. I mean, he sort of, he
said it would not work.

So you never sent it off?---No.

And what did you do with this draft that you had 20
typed?--I well it turned up here. I mean, I put it away.

And was it found then with the explosives and other
articles that was found at 33 Oxford Road?--Yes it was
produced here with them.

Was it contained in one of those suitcases? ---They
were all in suitcases yes.

Now who put it into that suitcase?--I put everything
in the suitcases.

Who took the police to 33 Oxford Road to find these
suitcases and their contents?--I took them there. 30

Now in your discussion with Mr. Lloyd on the 14th

of July, the one that you told us was taking place in a Kombi at the southern end of Eloff Street - what was your attitude in the circumstances then prevailing of the African Resistance Movement? --- I suppose you could say it changed a bit. Firstly I thought there is no need or point to do anything in the way of actually doing something, I mean, actually having sabotage at this stage, at that stage. That was when I explained things to John, and I showed him this letter. And then he showed me that I was wrong, and then I accepted - he said there was no point in just making 10 threats, sending letters, nothing is going to happen. It is much better to do something, so I accepted that.

You heard his evidence in which he said that he was in favour of lying low, and that you were the one who insisted that action was necessary on that occasion.--He has got it wrong. It was...at first I was in favour of doing nothing, and then by the end of the hour or so we talked then I had accepted that it was right.

BY ASSESSOR HART:

Did he persuade you then Mr. Harris?---Well he 20 showed me that I was wrong about not doing ..about you know, not going ahead.

Well persuade you that the time was now right to do something active?--I don't want to say that he persuaded me, but he showed me that it was right.

EXAMINATION BY MR. PHILIPS (CONTINUED):

Is the position that your mind was receptive to the suggestion, and he was making the suggestion?--Yes I suppose so.

And you accepted what he said?---Yes.

30

And did you finally end that particular conversation

in agreement with one another?--Yes. I..when it ended ..well he suggested, when he said it was a good idea to do something, he suggested that he thought the Pretoria Post Office was a good idea.

Are we now talking still of the conversation on the 14th?---Yes.

Or are you including other conversations that you had with him---No you just asked me about the 14th.

Yes?---Then he suggested that..for example, the Pretoria Post Office. And I said O.K. fine. And by the 10 end of that conversation it was agreed between us that he would do the Pretoria Post Office, and I would do something, but we had not got round to discussing what I would do.

Now did the fact that you had possession of the dynamite at this stage, did that in any way affect your attitude?--Well I felt..it..quite frankly, I don't know why they chose me, I mean, rather than John Lloyd, but I suspect that he was away, so they did not have any option. But I felt, still I felt..I felt very..well I felt very honoured you might say to have been chosen by them and then when I 20 had the dynamite, or when I ...yes, when I had the dynamite, I felt that this gave me..it gave me a feeling of being a very powerful person. A person..an individual, who by chance, just by fluke, it had so happened, things had worked out, and I was in..I was in an important, very important, very powerful position.

BY ASSESSOR HART:

When these two men who gave you these instructions on the 8th July, did they tell you what you had to do?---I would not say.. no, I would not say instructions. They did 30 not say 'you must go out and do this' but they said it is up

to you to be the sort of continuer of activities.

Did they make any suggestions to you as to what should be done with the dynamite?--Do you mean specific suggestions?

Yes.--No.

It was left entirely to you?---Yes.

Entirely to your discretion?---Yes.

EXAMINATION BY MR. PHILIPS(CONTINUED):

Did you discuss with Lloyd the possession of the dynamite?--Yes. I mean, I told him what I had got, and 10 where I had got it, as far as I knew what I had got.

Did you tell him where it was at that time?---Yes.

Where did you tell him it was?--It was at the station waitingroom, left luggage room.

Did he make any suggestion as to where it should be kept?---Yes, he said that it would be a good idea if he had it, and kept it at his golf locker at the Zwartkops Country Club.

Did you accept that suggestion?---Well I said 'Let us think about it' because I did not want him to have the 20 stuff. I said "Let's think about it' and then when I saw him again, the whole position changed, it was not necessary.

Did Lloyd say anything about places in Natal? Was there any reference to places there in Natal?---Yeah - he had just come back from Natal, and he said that he had looked at the 'Maritzburg Post Office. That is when he was talking about Pretoria Post Office, he said he had looked at the 'Maritzburg Post Office and that was something possible. And he also said, as he was getting out of the car, back at POST I remember that very clearly, he said that he knew a farmer 30

somewhere in Northern Natal, and that if we wanted to keep anything, we could keep it there. He had not discussed anything with the farmer, but he said he thought the farmer would be prepared ..would be sympathetic.

Was there any reason why you would not let Lloyd have the dynamite?--Well, I thought I would rather have the dynamite.

Well can you explain to the Court how you yourself were feeling, how your thoughts and your feelings were developing at that particular time?--You mean just on the 10 14th?

No, I am speaking about that period, round about the one that we have been taking about, from early in July say the 8th , or earlier, and throughout that period that we are now busy with.---Well you see, I felt that the situation was a pretty terrible one, pretty critical period in it, and it so happened that I must do something, I must act. And then first there was the letter idea, and then that fell away and then there was the idea of some sort of action, and from when he said to me, when John pointed out 20 to me the futility of sending the letter, then I knew that it was up to me to act, to do something. I mean, I don't want to...I want to make it quite clear..he said he did not push me, I felt, I must act, I must do something, it is absolutely up to me. And then, and then, when I had the dynamite, I think I said, it gave me a feeling of power and.. and I felt 'This is the only thing' from about..from about that time you can say, I felt that something must be done. I did not put to him about doing the station then, because it did not come up in that conversation. 30

But trying to get a picture of your mental attitude

at the time, what I want to know is, were you thinking about this now casually, ---No, no.

Or was it occupying a good deal of your thought? ---I was glad, it was a holiday month, and I finished my exam marking by the 28th when they finished, well they were writing exams to about the 3rd, and I was free. I mean, I had some plans, but they were flexible plans, you can put it that way. And..this was, this was of terrific importance and I was lucky that I had the time to think about it.

Well were you spending a little of your time, 10 or a great deal of your time thinking about this?--No, ..

BY THE COURT:

Had it become an obsession? That is what your counsel wants to know?--I would not put it as strongly as that. I mean, it was the most important thing to me. It was a thing which I knew was..of..overriding importance to me. Ja..that month I was supposed to be doing some notes for the college, and also my dissertation for my Honours degree, and I got some books out. But it just did not seem to me that those mattered. Well they did matter, but they 20 did not matter at all in comparison. So it was..I just knew this I had to do.

EXAMINATION BY MR. PHILIPS (CONTINUED):

Were you able to continue with your work on your dissertation? during this period?---I did not do any work that month. I should have, because it was supposed to be in the middle of September, and..there was no other holiday before then. I had the books, I had some books at home, I had got them out earlier, about 6 weeks earlier, and I had not got round..I never got round to doing anything. 30

Now you told his lordship just now that you, what

was in your mind at this stage then was the idea of doing something spectacular, what you called a pivotal act. Now did you think, or what did you think, the sort of effect might be that such an act might have?---I suppose I shifted my thinking a little bit in that initially I had been thinking it was something that could go straight from me to Dr. Verwoerd, and it will hit him, and he is a key man, and it will be a very direct approach, process, and this approach will be a very direct process, and he will act on it. But then I was thinking differently, and I thought..I 10 thought that a spectacular sort of showing of the continued existence of sabotage organisation will put pressure on him via the intermediate stage of people, of the public. And I thought of the station idea on the basis of its going to be the waitingroom of the station, I thought there would be an explosion there...

The waiting room you say?--I mean the Left Luggage room. Ja, there will be an explosion at the Left Luggage room, at about an hour, half an hour, after it closed. Then that would be something which..you know, a lot of 20 people go through the station, and they would leave their things at the Left Luggage and they collect their things - it will be something which would have much more..incomparably more in fact..absolutely incomparably more impact on them and the population will realise, and then of course, Dr. Verwoerd, the Prime Minister of the Country, he is sensitive to what the population realises, and in that way he will act. I will tell you what I had in mind, he will call a convention. A national convention, like the ones we had before Union, in 1910. I had been reading a book by Thompson, L.M. 30 Thompson, and in that book it describes how you had the whole

convention, and it seemed to me..I was very impressed by it. It seemed to me that this is a very good..a terrifically sensible way to make decisions about a country.

BY THE COURT:

Who would be at this convention?---Well I did not sort of go into great detail, but there would be representatives..this is how it was in Thompson, there would be representatives of all groups; there would be representatives, basically you might say on a political level, but sort of representative say of..any significant group, any significant group, irrespective of colour, irrespective of..say it could be religion. Say a certain church decided that they wanted to be represented as a church there to protect, say the Orthodox Jews want to be represented there, well then there would be some sort of basis that they would have a representative, and then they could argue their own case, for anything which affected their interests. You see the idea, as I got it from Thompson, and lots of other reading, was that by doing this, the phrase came up, that you can rule by coercion or consent, and that this would be a way of ruling by consent. You can either coerce people, or you can rule with their consent, and that this would be a terrifically good way of ensuring that you rule with consent. *20

EXAMINATION BY MR. PHILIPS (CONTINUED):

Now Mr. Harris, when you speak about this pivotal act that you were beginning to contemplate, you indicated to his lordship that the intention was that this would affect public opinion?--Yes, yes, of course.

Did you think that it would have a considerable effect or a slight effect?--No I thought, at this period, at that period in South Africa, I felt..it is just ready for some- 30

thing to..the sort of turning point, crossroads..just ready for something to happen.

BY ASSESSOR MR. HART:

Was it your idea, Mr.Harris, that the destruction of private property would make a greater impact than the destruction of Government property? such as pylons and the like?--That was..that was not..I..that was not the main idea.The main idea was that it would be something which.. you know previously the sabotage had been pylons and cables, to hang and gone out in the veld.. 10

To put it in a very simple way, did you feel that it would be more effective to hit the pockets of the people?---I did not think so very much about that, I thought more about people will realise - you know, their suitcases, their suitcases will be damaged in the waitingroom, the left luggage room, and it is a place that an ordinary man knows about, goes to, passes past, where the..you know, there is a pylon right out, miles from anywhere, the ordinary person never sees it, whereas this would be something which would have direct pressure on public opinion. 20

AT THIS STAGE THE COURT ADJOURNS.

ON RESUMING:

FREDERICK JOHN HARRIS, still under oath:

EXAMINATION BY MR. PHILIPS (CONTINUED):

Mr. Harris I think you told the Court, before the adjournment, that you considered the pivotal act you had in mind would have some profound effect on public opinion, is that it?---Yes.

Did you feel that you were entirely a voluntary agent in this matter, or otherwise?---Well nobody forced me. 30

It was my idea, and it was my decision. Nobody pushed me, nobody forced me. I made up my mind that I was going to act, I mean, I felt I had to act, in terms of how I felt.

What was the intention and your contemplation at that time in regard to danger to persons?---Well this..you are asking me now about..?

At this time when you were conceiving this idea of a spectacular act?---No the idea was it would be in the Left Luggage, it would be at night, there would be nobody around, there would be no damage, no danger. 10

What was your attitude at that time in regard to individuals? Did you intend it, or contemplate it?--No, not at all. It just did not come into my mind, because it was not relevant. You know, I mean, there was no intention other than directing an act towards these things.

What is your attitude in fact to violence to human beings, Mr. Harris?---I am completely against it, Mr. Philips. I mean, that is one reason why I belong to the Liberal Party, it is a non-violent organisation.

And what has been your history in this regard, 20 in regard..

BY THE COURT: What do you mean, a non-violent organisation? --Well if you have a look at its Party handbook..

Do you regard the African Resistance Movement as a non-violent movement?--I meant in terms of..towards persons. (to Mr. Philips) I am sorry, you asked me something?

EXAMINATION BY MR. PHILIPS (CONTINUED):

What has been your attitude in regard to violence to people throughout your life?---I have been very against it. I mean, we used to have inter-House boxing at school. 30 There were five houses, and you got a point for every entrant

and then I think two points for every match that was won. So of course, there was a lot of pressure on everybody to box in each..from each House, because if you could just flood the entries, even if you did not win any, you still got a point that way. I used to fight against it, I would not box. And I played cricket, and tennis, and I swam, but I did not play rugby, because I saw some of my friends got badly bashed at rugby, and it nauseated me.

Now what did you think would be the effect of violence to people in political demonstrations of the kind 10 that you had in mind? ---That would be quite..entirely ill-chosen, you might say, because it would add a..it would have the reverse..yes, that is right, that is a good way of putting it, it would have the reverse of the effect that I was after. I was trying to create a sort of fluidity in the situation you can say, and anything like that is not going to make people, I mean both public opinion and Dr. Verwoerd, is not going to make either of those more flexible. It is going to make them less flexible, more resistant towards change. 20

In this particular period that we are speaking of, that is in the early part, up to the middle of July, were you able to concentrate on your work at all?---Well, I knew that time was passing, and I had to get this dissertation out of the way, so a couple of times I went into the room, the room I use as a study and sat down there. But I just did not get down to it, I mean, I did not get down to.. I had quite a lot of facts that I had got earlier in the year, but I could not get them into a sequence. I had difficulty in concentrating on it. 30

And what was your predominant feeling during this period?

And were you happy or unhappy?---Oh I was happy. It was a holiday month, and I had a holiday feeling, you could say./ Did you in earlier periods suffer at all from headaches? -- Yes I had a lot of headaches.

Now during this particular period in July, were you suffering from headaches at all?---I was lucky, you know, ^{the children} they/looked after themselves, I did not have any in July, or not much.

And what did you generally feel about life at that time we are talking about?--I felt it was going well. 10 I felt that I was happy.

Now when you finished your conversation with Lloyd in the Kombi on the 14th of July, had you reached any conclusions or agreements, you and he?---Well, we had agreed to do something. We had agreed that he would do the Pretoria Post Office, and I would do something, but at that stage, at that meeting, the idea of the station had not come up.

When was he to do the Pretoria Post Office?--- Well ultimately it was to be done on the 24th. 20

At that date had no date been fixed?--I don't think it was finalised then.

When was it to be done, by day or by night?--- Oh, the Pretoria Post Office was to be done by night, yes.

And what sort of form was it to take, do you know? ---Well he said he knew the Pretoria Post Office, and that is why he thought of it, I suppose, and he spoke of some sort of bomb in the posting box, and he said that he was going over to Pretoria quite soon, and that he would go and look. 30

Now on that same day that you had this conversation with Lloyd, did you meet anybody else with whom you discussed things that became relevant?---Yes, I met Ann Kerson (?).

What is her present name?---Swersky. I knew her most of the time as Kerson, but then she got married.

This is the woman who lived at 33 Oxford Road, is it?---Yes.

Yes? And did you visit her?--Yes I did.

And did you have a good opinion of her intelligence?---Oh gee..I knew her pretty well..I had known her for about 2 years, and I had had a lot to do with her because we were doing the same courses and during these courses we discussed essays, and she lent me books and notes and I knew,..I knew very well that she was a very, very intelligent, very superior girl. 10

When you went to see her on the 14th July, did you have any intention of divulging to her what was going on? ---No, not at all.

What happened in fact?---Well she phoned me up and said 'How do you like..' 20

Yes, but when you got there, when you arrived at her house, without the intention, and ..before you went, of confiding in her, what in fact happened? Did you confide in her?---Yes I did. I just felt 'Here is Anne Swerksy, she is very intelligent, she is a very nice girl. I have a high opinion of her. I thought she had a high opinion of me, in fact I was pretty sure she has got a high opinion of me, and I felt like talking, and I did talk to her. 30

What did you tell her?--- I told her pretty well

everything, as far as I can remember.

Yes but..relevant to what we are talking about at the moment?--I told her that I..that I had been put in charge..I told her that I was involved in sabotage, and that I had been put in charge of it, and I explained to her that it was up to me to do something, and by then I think..yes, by then or the next day I had had the idea..I saw her a couple of times, I had had the idea of the station, and I explained to her about that.

Did you tell her about the discussion with Lloyd? 10
Or did you tell her about the things that Lloyd and you had talked about?--Oh yes, yes. I told her..

You say you had also had the idea of the station?
---Yes.

Did you mention that to her?---Yes.

Was there any other object that was mentioned?
---Yes.

Lloyd admitted that there was a discussion about an underground garage.---Yes.

Did you discuss that with her as well?--Yes I 20
discussed that with her, I can remember that very distinctly. I discussed with her the Pretoria Post Office idea which had come up first, and the Station, the waiting room, the Left Luggage Room at the station, and finally the idea of the car. And I felt very..I was glad that I had the chance to talk to her, because I could explain to her how I was the..I was the bloke who had to do these things, I was the key bloke.

Did she make any suggestion to you in regard to any of these projects that you had in mind?--Well she did 30
not really suggest, but just in chatting about them, she

mentioned that in Israel, I think it must have been just after the War, when the British occupied Israel, Palestine as it was, in Israel, there had been something similar, and she mentioned that on one occasion, or various occasions, there had been, the Israeli underground had put through phone calls to warn the British about the planting of bombs. I would not say she really suggested that.

Did this give you any idea?--It did not at the time, but a little bit later I suddenly realised that this was a natural from the point of view of niche-ing in with 10 the idea of some sort of demonstration at the station. It just clicked into place, and immediately I realised that ..well you see, even then I was completely in favour of doing the station, but when this idea fell into place, this added to it, added an element to it, then I..I..completely accepted it straight away, and then I felt it has got to be this way, because Fate has given me another bit of the jigsaw, if you like.

Why did you consider the Station a good idea, even before you had this notion from Mrs. Swerksy?--Well 20 I travelled through the station, and I suppose it was in my mind, and essentially because there were a lot of people in the station, a lot of people who go through in the morning and the afternoon, and it is near their lives, so it is not...it is close enough to have effect on them.

And when this idea was suggested to you of a warning preparatory to placing the bomb at the station, what did you then begin to think about, in relation to the station?-- Well then I thought: this is the way in which you can have your demonstration, but you can make it even more successful 30.

You can have a demonstration with people within sight and sound of it. And that is why I just jumped to the idea straight away. It seemed to fit in perfectly with my thinking but to take it a stage further, to make everything better.

Did you find at that stage that your mind was in a state of doubt, or did you have any certainty about the notions that you were entertaining?--No I did not have any doubt. I mean, I was absolutely positive about it. I knew what I was doing, and I knew what I was planning, and it made complete sense. I was not at all doubtful. 10

And what is your feeling when one gets a certainty of that kind about something that has got to be done?---Well I don't know, I will have to give you a bit of background. I don't know. I have read a bit of Hindu philosophy, and I don't remember reading it but I suppose I must have, some Jung, because I believe it is also in Jung, I thought it was Hindu. There is an idea of a sort of collective unconscious, it is a foreign idea to Christians really, because Christianity as a philosophy, not as a religion but as a philosophy lays so much stress on the 20 individuality of the individual, each individual being entirely independent of every other individual, and no links between them. But quite a lot of thinkers think that, like an iceberg with a point above the sea and most of it below, there is a sort of linking between the non-conscious, subconscious part of us, human beings. I know the best way I have ever heard it explained is with other animals. I know a perfect example is with spiders. You know they have had experiments, they can take a spider, hatch it in captivity, completely away from any other spiders, so there 30

is no question of anything being learnt from other spiders, and that spider can still spin webs perfectly. And one of the theories to explain this is that it is sort of getting knowledge through the collective wisdom of all the spiders, and I believe that this is also a phenomenon which applies to human beings. Not as consistently as with perhaps spiders, perhaps because they are so primitive...organisms, but with human beings you get..I mean, most of us have them at times, or a lot of us have at times, a feeling of absolute knowledge. You are faced with a choice - should you go to town, or should you stay at home and garden. That is a small example, and then you just know - you have just got a feeling of knowledge, that this is what you must do. And my experience has also always been that this is absolutely right, you must do it. And I felt it was of that order. It was a very wise decision, a very wise piece of knowledge that I had.

Now did you meet Lloyd again after the 14th of July? ---Yes I met him during that week.

He told us that he came to dinner at your house on the night of the 17th July is that correct?

---CONTINUED ON PAGE 291---

Belt 34

EXAMINATION BY MR. PHILIPS (CONTINUED):

You told us that he came to dinner at your house on the night of the 17th of July, is that correct? ---That is true, but I met him before that too. I met him some time before that, during that week. After the 14th and some time before that.

He also acceded to a suggestion that he had lunch with you at Toner's Hotel on the Saturday, the 18th of July - is that right?---He did not have lunch with me, I had lunch with him actually.

10

Now, at these meetings that you had on the evening of the 17th and lunch on the 18th, what was the discussion between you?---Well, there was another meeting between the 14th and the end of the week, and at that meeting, there was...I put to him the idea of the station. He had not had that idea before, and he agreed it made sense.

What idea was it that you put to him about the station?---The left luggage idea, because I had....

That a bomb was to be placed in the left luggage room?---Yes.

20

At what time of day?---At night, after it was closed.

And what was his reaction to that?---He accepted that.

Yes, did you tell him who was to carry that out?---Yes, that he would do the Pretoria Thing.

Yes?---That I would do the left luggage.

Yes?---And I also put to him the idea of a car in a parking garage, and he to do it, and the...

30

Was that accepted or not?---Yes, because he

said that he would scout for it, he would look around.

And when was that to be done? By day or by night?---That was to be done in the afternoon.

Was any date fixed for these various acts?---
Yes, they were to be done on the 24th.

Was that mentioned to Lloyd?---Yes.

And was he in agreement with that?---Yes.

Were they all to be done on the same day?---
Yes.

Now, a document has been handed in to his 10
lordship, in which there are cryptic letters and figures
which appear to indicate times of placing and detonation,
and also indications of who was to do each specific act.
Was that drawn by you?---Yes.

Drawn up on your own?---Yes.

Was it as the result of the discussions that
you had had?---Yes, I discussed these three things with
Lloyd, and then I went away, and noted them down.

BY THE COURT TO WITNESS: Why was it necessary to note
them up?---I do not know. Just to....I think better on 20
paper, you might say.

EXAMINATION BY MR. PHILIPS (CONTINUED):

And was this document retained by you?---Yes.

Do you know where it was left?---No, I cannot
remember where it was left.

BY ASSESSOR MR. HART TO WITNESS: You have two letters
A & B - to whom do they refer?---A was me and B was Lloyd.

EXAMINATION BY MR. PHILIPS (CONTINUED):

And then you and Lloyd had lunch together on
the Saturday?---Yes. 30

And at the lunch on the Saturday, what was

the discussion between you?—Well you see, by then I had had this idea, and I had grafted it onto the original idea of the left luggage explosion, and I put it to Lloyd at that discussion, sort of on a changed basis. On the basis of doing it in the afternoon with the warnings.

Yes, did you explain to him what you intended to do?—Yes, I explained to him.

Now, what exactly did you intend to do?—I explained to him that this was obviously a far superior idea, from the point of view of impact, and the question 10 of danger came up, and I explained to him that there would not be any danger, because there would be these warning telephone calls, and consequently the station will be cleared, and danger was not relevant.

BY ASSESSOR MR. HART TO WITNESS: Who brought up the question of danger Mr. Harris?—Well, I did not bring it up I do not think, because I mean, it did not occur to me.

Did Lloyd bring it up?—He must have brought it up. 20

EXAMINATION BY MR. PHILIPS (CONTINUED):

And did you speak to him about the warnings that you would give?—Yes, I told him that.

What was your view about these warnings? Did you believe that they would be efficacious, or not?— I had seen the concourse...the flow of traffic of traffic on the concourse, completely switched by an announcement on the public address system. They have got special loudspeakers in the concourse, and it has got...they carry.. I do not know how many they have got. You can hear them 30 everywhere, and I had seen this happen, and my reasoning

was that I and the police...that the police would use the loudspeakers, and the concourse will be cleared.

But what was your view about the efficiency of the..the effectiveness of your warnings? Did you believe that they would be effective or not?---No, I had no doubt that they would be completely effective.

And what was your impression about Lloyd by the time you had finished discussing this with him? Did you think you had succeeded in persuading him that it would be effective, or not?---I do not even think it was a matter of persuading. I explained to him how I felt, and that settled the matter. 10

Well, what was your impression of his view by the time you had finished discussing it?---He had accepted my view.

Now, at your lunch at the Turner's Hotel, were you talking about the same things, or Mr. Lloyd said that you were talking about SANROC and other matters?---No, he is confused there. We might have mentioned SANROC but most of the lunch at Turner's Hotel was talking about this. 20

Now, at this stage, on the 17th and the 18th of July, was there a final concluded arrangement between you, or were there still discussions to take place?---No, it was not finalised, it was tentative still. We arranged that we were to meet again at the Zanzibar Coffee Bar opposite the Reps, on the Tuesday.

That would be the 21st of July?---Yes.

Well, did you go to that Coffee Bar on the 21st?---Ja, I went there, 30

And did Lloyd come?---I sat there for just

about half an hour, and I met some friends actually, and told them that I was waiting for somebody who had not turned up and chatted to them for about close on half an hour, and they were going to the play at 8. That is how I know it was close on half an hour, and that was about five to eight they left, and I left shortly after.

So Lloyd never came?---No.

What did you do?---I went up to his flat, which is quite near.

Yes, and you saw him there?---Ja. 10

And what did he tell you?---Well, he said that that same day he had been questioned by the police, and therefore, he did not think we should have any discussion then, and then somebody else came in casually, and as he and I were walking out, we arranged to meet again.

So, nothing further was discussed that day? ---No, there was very little discussion that day.

Where were you going to meet again?---On the Thursday at the

Thursday was the 23rd?---Yes. 20

You were to meet again?---Yes.

And what happened on the 23rd?---Well, I went to the place where we were supposed to meet. He never turned up, and then I heard he had been arrested. I heard later that night.

He was arrested on that day?---Ja.

In the course of the discussions that you had with him, was there any reference to the ingredients that would be used in this bomb?---Oh yes.

And what, when I say this bomb, I should 30
have said, the bombs for the various projects that you

had in mind, what was to be used at the Pretoria Post Office for instance?---The Pretoria Post Office was to be some sort of dynamite and a small quantity of petrol. It had to be small because it could not go through a sack.

What was the purpose of the petrol?---To make a flare, because it was supposed to be at night.

And what was to be used in the underground parking garage?---The same.

And at the station?---No, wait a bit - yes, that is right, at the station the same. 10

And what was the purpose of the use of petrol at the station?---Well, originally it was to...what was the purpose of the petrol at the station? That was to make a flare, the same as Pretoria. You see, I will tell you what I had in mind here, I had heard previously of the...I had thought previously of the posting boxes with the flares there, the petrol.

Now what, Mr. Harris, was your notion of what would happen if you had an explosion of dynamite only, without petrol?---Well, I had been told that dynamite had a demolishing effect if you placed it in a crack or in a hole, so that it was completely sealed off, and I had the impression that if it were not in that way, it would simply go off with a loud bang. I remember somebody said that the sabotage of the pylons obviously showed a certain amount of knowledge, because if you simply put dynamite next to a pylon and set it off, you just get a bang. 20

And what did you think would happen if a bomb were placed in a very large wall like the main station concourse, and it contained both dynamite and 30

petrol?---Well, from the dynamite you would get a bang, and the idea of the petrol was that you would get a flare so that the people standing around could visualise it quite clearly, you have the people standing all round, and that you would have your bang and a big flare, and you would have made your impact.

Now, on the ... you learnt on the 23rd of July that Lloyd had been detained?---Yes.

Can you recall what you did on the morning of the 24th?---You mean in that connection? 10

No, I want to know what you did on the morning of the 24th?---Well, I remember visiting my mother, and I think I finalised the bomb, or I had done that the previous day, I am not sure.

Did you spend any time with your wife that morning, on the 24th?---She was at home. I must have.

And now, coming to the afternoon, what time did you leave home, do you know?---About threeish.

Had you been to town during the morning at all, the morning of the 24th?---I do not think so. 20

BY ASSESSOR MR. HART TO WITNESS: Was that from Florida, is it, your home?---Yes, near Florida. Between Florida and Roodepoort.

EXAMINATION BY MR. PHILIPS (CONTINUED):

That is where you were living?---Yes.

Between Florida and Roodepoort. Now, you say you left your home in the afternoon, at about what time?---Threeish.

Have you any recollection of the journey into town?---Well, you see, I have got a Volkswagen which 30 has got chromium strips on the side, and sticking out very

round hubcaps, and over the week or two previously, I had carelessly bashed the side twice, and so I was very careful driving out. I did not want to do it again. It is just stupid, you just damage a car and it is pointless. So I drove out carefully. I can remember driving out from the house carefully.

Yes, can you remember anything else about your journey into town?---I cannot remember anything about the journey into town.

Where did you go to?---I went to the station. 10

Can you remember driving to the station?---

Well, I cannot strictly speaking, remember arriving at the station, but I can remember what you might say, I can remember having arrived as you might say, because I can remember standing next to the car and looking over. The car was parked, and looking over to the station building, and I can remember putting in a couple of tickeys in the meter, and I can remember it did not function, and you see, the meters they have at the station are a different kind from the ones they have at the Municipality. 20
The Municipal ones are German and the station ones are English. I do not think the station ones take a tickey, they just take five cent pieces. I put in two tickeys, and I can remember looking over and seeing the station in the background. So, I was at the station.

Yes, now did you have with you a suitcase?---
I brought that with me, yes.

What colour suitcase was it?---A brown one,
Was it a large or a small one?---Quite a
large one. 30

And did this contain a bomb?---Yes.

Who made the bomb?---I made the bomb.

Did it contain a timing device?---Yes.

What was the timing device?---It was a modified watch that you....

Of the kind that has been handed in as an exhibit in this case?---Ja.

Did you at any stage, before you reached the station, check the accuracy of that watch?---Ja, I checked the accuracy of it two or three days previously.

Yes, I am not talking about two or three days previously, I am talking about that afternoon - did you check the accuracy of the watch at all?---You mean that it was keeping good time?

Did you check the accuracy of it?---I am sorry, I am trying to work out - do you mean by checking the accuracy, do you mean keeping good time, because I did not check that that afternoon. I set it that afternoon.

Where did you set it?---Well, I must have set it near the Brixton Cemetery. I tell you why I say that - because I can remember winding it. I have got a sort of fair remembrance of winding at the Brixton Cemetery, near the Brixton Cemetery, and then again at Johannesburg Station, but obviously they conflict, so doing it at the station is less likely, so you can obviously... you can work it out that it was at Brixton Cemetery. 20

Do you remember that, or are you reconstructing that - do you know?---Oh, I have got a remembrance of doing it at the Brixton Cemetery, and another memory of doing it at the Johannesburg Station, but I do not see that they can both be right. 30

Now, you told us that you have got a recollectio

of being at the parking meter at the railway station?---Ja.

Have you any other recollection of the trip in from your house to the station?---I cannot remember it.

And what is the next thing you remember?---I can remember very clearly being seated on the bench at the station. When I say very clearly, sometimes I have a feeling that I have got a particularly clear view of the world, and it was like that. I was sitting there, somebody asked me about it the other day, and I put it this way - this conveys it pretty well. I was sitting there, and it was like two cinorama screens. One in front of me and one behind me, and people were around me, and I was pretty clear...they were very clear there. I felt as though I was sitting in a ball you would say, in a glass ball and they were sitting around the glass ball. That is a good way of putting it. That conveys it. The suitcase was there in front of me on the right, and....

Well, just let us get this - you say you were sitting on a bench?---Yes.

Whereabout was this bench in the station?---It was opposite the railway bus section.

Well, was it in a shelter?---Yes.

In which shelter?---It was the five and six shelter.

The shelter above platforms five and six?---Yes.

And you were sitting on this bench. Now, there are two benches in this shelter, with a rubbish container between them. On which were you sitting - on the right- or left hand one?---As I faced forward, I was sitting at the extreme right-hand side of the two

benches. So the entry benches were on my left.

Was there anybody else sitting in that shelter at all?---Well, initially...I have got two impressions sort of following each other. The first one, there was not anybody then, and then there was a man there, but I do not remember his coming.

Well, do I understand you to say that your first recollection in that regard is that it was empty? ---Yes.

Besides yourself?---Yes.

10

And then was it thereafter, there was a man there?---Yes.

But you have no recollection of his coming? ---No, he was there. I was just suddenly aware that he was there.

You were sitting on the bench, and you were facing towards the west?---Yes.

Towards the parking area?---Mm.

And you say there was a suitcase?---Yes.

And where was the suitcase?---On the right on the ground slightly in front of me.

20

Was that the suitcase that you had brought? ---Yes.

Now, have you any recollection of getting from the parking meter where you left your car, to the bench where you were sitting?---I do not recollect that. I recollect being at the meter, and then I can clearly remember being on the bench. I do not remember.

And whilst sitting on the bench, you remember these reactions that you have spoken of.

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BY ASSESSOR MR. HART TO WITNESSES: What time was it Mr.

Harris?---I remember it was...when I was at the car near the meters, my watch was then between four and five-past.

EXAMINATION BY MR. PHILIPS (CONTINUED):

Do you remember what this man looked like, whom you found seated next to you?---I was aware that there was man there, but I...it just did not seem important to look or anything. I did not look.

How long were you seated on the bench?---I would say a couple of minutes.

And what do you recall then?---Then I remember parallel with the Rissik Street Bridge, there is this row of meters, and I recall being standing next to a meter, about three-quarters of the way along, and being a bit surprised, because I thought that that was where the car was, and wondering where it was, and then looking along the row of meters, I was standing in line with the row of meters, looking along the row of meters, and seeing the car parked over to the right, and then I went over to the car. 10

Now, you say that that is the first thing you recall after the recollection of being seated on the bench - is that right?---Yes. 20

I just want to come back to your sitting on the bench again? You have told us about the feeling of being in a sort of a glass ball, is that right?---Yes.

And you told us about the feeling of being able to see all around you?---Yes.

Did it give you any other sort of feeling, any other sort of reaction?---Well, I felt terrifically happy, ecstatically happy you can say. I felt happy, well, you asked me before, I have been feeling happy that 30

month. I felt pretty happy that month, and I remember... when I looked across at the station, I remember looking across at a building and seeing the building there, and feeling happy. It just seemed right the building standing there, and then I felt more so...I felt more strongly so, very strongly so, when I was sitting on the bench. I felt, you know, I felt...I felt an awareness of being part of the world, in a physical sense, and it was a lovely feeling, a very nice feeling.

Was there any reference in your thoughts to anyone close to you? Anyone related to you?---Well, I quite often think of my mother when I am...at odd times, and I can remember very clearly, that I was thinking of her. 10

In what way?---Well, I felt that I was doing something...it is very important to me, that my mother must approve of me, and she does, I know...I felt, I felt very...I felt very glad that she approved of me. I knew that she approved of me, and it was a very violent feeling, to be approved of by your mother, is a very fine feeling! (Witness very emotional and upset). You see, my mother has always said to me (witness seems to be crying), you must guide yourself by what you know to be right...that everybody has got his own ideas, but you must guide yourself by what you know is right. 20
Okay, so I knew I was doing right, and I knew that my mother knew I was doing right, so of course, I felt very happy!

BY ASSESSOR MR. HART TO WITNESS: Did you know what you were doing Mr. Harris?---I knew I was sitting there, and I knew it was right. (Witness very, very upset). 30

WITNESS: And of course, if you get this feeling, then you know that it is great. It is a very good thing to feel that.

EXAMINATION BY MR. PHILIPS (CONTINUED):

Now, then you told us that the next thing you recall is being in the parking area again, and being surprised to discover that the car was not where you thought it was - is that right?---Ja.

Now, what do you recall after that Mr. Harris?
---Well, I can remember unlocking the car, because I can remember pushing the key in, and then I can remember waiting at the Jeppe Street Post Office while a car pulled out for me to park. 10

The Jeppe Street Post Office?---Ja.

Is that the next scene that you recall?---Yes.

Are you able to tell us how you got from the parking area next to the station, to the Jeppe Street Post Office?---I drove there.

Yes, but do you remember driving there?---I do not remember it. I remember getting at Jeppe Street Post Office. There was a bloke.... 20

Yes, are you able to tell his lordship what route you followed to the Jeppe Street Post Office?---Well, I suppose it was Wanderers Street, it is the most direct.

Yes, but do you know?---No.

Or are you guessing?---I am working it out.

Well now, did you stop at the Jeppe Street Post Office?---Yes, I can remember I was sitting in the car, stopped on the left-hand side of the road.

Did you park the car?---Yes. 30

Whereabouts did you park the car?---In Jeppe

Street, about three parking places east of the first meter, in front of the Jeppe Street Post Office.

Well, let us just simplify that - immediately in front of the main entrance to the Jeppe Street Post Office, there are no parking meters?---Ja.

Is that right?---That is right.

Then are there parking meters both to the east and to the west of that no parking area?---Yes.

Now, was this parking meter that you are speaking of, to the east or to the west of that area?--- 10
To the east.

And you say it was about the..?---About the third one from the end.

Was it in order, or out of order, that meter? ---No, it was not working, it was faulty.

Have you any recollection of a scene relating to your parking there?---Yes.

What?---There was a grey A40 pulling out, with a national plate on the back, you know, like we have ZA, with a Portugal plate on the back, a P plate on the 20
back.

A P, indicating Portugal, this car pulled out, and did you take its place?---Yes.

What car were you driving?---My Volkswagen.

What did you do then? Can you remember what you did?---Ja.

What did you do?---I went to the telephone booths in the corner of the building.

Where are these telephone booths? Which corner of the building?---The West corner of the building. 30

Is that the North-West corner of the Jeppe

Street Post Office?---Ja.

Is there an entrance there?---Yes.

And how many telephone booths are there?---

There are two there.

And had you seen these telephone booths before?---Yes, you see, I had gone along a couple of days previously. I had made up my mind in advance to telephone from these booths. So I had gone along a couple of days previously and I had seen that you go in there, and then to the left there are steps up, and that goes to the private boxes, and these two booths are built in on the right, and I had noticed that they were doing something to the lift. They were doing...not just a small thing, they were putting in a new lift or something, and there were some big girders and springs across there, and more...largely obstructing the way to the telephones. 10

Now, what made you choose these particular telephone booths?---Well, I knew they would not be in use by the public, because of all the stuff lying around - metal and rods and things lying around - pretty well blocked the way, but they were not officially out of use, so you could go through, and I had gone through a couple of days before and had a look, and seen also that they had the new tickey boxes there, and I checked and the telephones were in order, and these tickey boxes are much better than the old ones - they stay in order. 20

Well, did the fact that they were a new type, have any importance to you?---Ja, I knew that the new ones were more efficient - they worked. Whereas the old ones sometimes do not work. 30

Had you provided yourself with the means of

using a public telephone?---Ja, a couple of days before I had made a note and had collected some tickeys.

Now....

BY THE COURT TO WITNESS: A note of what?---That I had to collect some tickeys.

EXAMINATION BY MR. PHILIPS (CONTINUED):

Had you made a note of any telephone numbers?

---Yes, I jotted down the telephone numbers in fact, of all the railway police, and of the Daily Mail, there were two telephone numbers there, and of the...I can actually 10 remember those telephone numbers, and of the 22-4141 and 22-1711, and of the Transvaler number. It was not a centre of town number.

You say you had jotted these numbers down?

---Ja.

Now, what did you do? Did you go into the telephone box?---Yes.

And whom did you telephone?---I telephoned the last number on the railway list.

Did you get through?---Yes. 20

Did you speak to anybody?---Ja.

A man or a woman?---A man answered the telephone.

Yes, and what language did you speak?---I spoke English.

And what did you say to him?---I said this is the African Resistance Movement. There is a bomb in the centre of the concourse, it will go off at 4.33. Please clear the concourse. Do not touch it, or it will go off. 30

At what time did you make that telephone call?

—Well, my watch was between 4.20 and 4.25.

And did you say anything else to this man, apart from what you had told us?—Just let me go over this - I said this is the African Resistance Movement. There is a bomb in the centre of the concourse. Please clear the concourse. It will go off at 4.33. It will go off if it is touched.

Yes, were you asked any questions?—No.

Were you asked any questions by the man?—No.

And what did you do then, having given this message?—I rang off. 10

And what did you do next?—Then I telephoned the Mail and got through, but the switchboard said, sorry the lines are engaged, or they are all busy, or something. So I rang off, and I rang the Transvaler and I said to the girl I want to speak to somebody that is important, and she said what is the name, so I said it does not matter, it is about something urgent.

What language were you speaking to the Transvaler?—Afrikaans. 20

Do you speak Afrikaans well or badly?—My Afrikaans is pretty good. I have got on my college diploma, you know at the end of your course you get a symbol A and a symbol E to indicate how good you are in English and Afrikaans, and there are three possibilities in each case - you can have nothing or a small A, or a capital A or nothing, or a small E or a capital E, and most people get - say they are English speaking, they get a capital E and a small A, and at the Afrikaans colleges, most of the people they get the opposite. They get a capital A and a small E. If you are pretty bilingual, .30

you get a capital of each letter. I got a capital of each letter. I mean this is because I went to the Afrikaans school.

So you were speaking in Afrikaans. Now, will you tell us in Afrikaans what you said?---Ek het gesê min of meer die volgende - Dit is die African Resistance Movement. Daar is n bom in die hoofsaal - no, ja wag n bietjie. Daar is n bom by die stasie. That is what I said. Dit sal om 4.33 ontplof, of as enigeen daaraan raak, as iemand daaraan raak. I cannot remember the exact 10 words. Stel die stasie in kennis, of verwittig asseblief die stasie.

And anything else?---I do not think so.

BY ASSESSOR MR. HART: Mr. Harris, did you say to any of these people where the bomb was?---I said on the very first call I made, the police call, I said in die senter van die Hoofsaal, or...in English I was speaking then. In the centre of the concourse, or in the middel of the concourse.

Yes, did you tell where it was when you tele- 20 phoned? Did you remember where it was?---I said that, I must have remembered where it was.

Did you not mention that it was near platforms 5 and 6?---No, I had this impression, I had visualised what would happen, and I had this impression of it being the middle, so that there would be people around. You see, all along I had this image in my mind of there will be people all round, and it will be in the middle, and that is why I said it is in the middle, because it... it was from what I visualised.

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EXAMINATION BY MR. PHILIPS (CONTINUED):

In respect of this man that you spoke to at the Transvaler, Harris, the evidence was given by Mr. van Rooyen, who is chief editor of the Transvaler, and he said that the man who spoke to him said "Daar is 'n bom in die Hoofsaal van die stasie, as iemand aan hom vat sal hy ook ontplof. Dit sal om 4.33 ontplof - waarsku die stasie"?"—
Ja.

Is that a correct reflection of what you said?—It is as close as I can remember.

Well now, what time was it that you made that 10 call to the Transvaler?—That was just after the first call - 4.25/4.26 that call was. Say 4...ja, 4.25.

And then what did you do after having spoken to the representative of the Transvaler?—I telephoned the Mail again. I got through, and I put in my tickeys, but there was something wrong with the box or with my tickeys, because they went right through. You know, there is a little opening at the bottom, and it can reject the money, and it rejected my tickeys. So I went outside and there was an African selling papers there, and 20 I got some tickeys from him. I went back and telephoned again, and got through to the bloke on the Mail.

And what did you say to him?—I said this is the African Resistance Movement, there is a bomb at the station which will explode at 4.33. It will explode if anybody touches it. Please warn the station, and then I said to him at the end, we do not want anybody to get hurt. I can remember that very clearly.

And then, having concluded that message, what did you do?—Well, the next place I went to was 30 Damelin College, but I cannot recollect going there.

Are you able to tell the Court, how you got

from these telephone booths at the Jeppe Street Post Office to the Damelin College?—Well, I left my car there and walked.

Yes, but do you remember it?—No, I cannot remember walking, I can remember being there.

Yes, now Damelin College is in a building called...?—Empire State Building.

Empire State Building in Plein Street?—Yes.

Is it on the corner of Hoek Street, I think it is called, is it not?—It is the one next to the Metro. 10

Yes, it is the one that runs next to the Metro Cinema?—Mm.

Now, the entrance is in Plein Street is it?

—Yes.

Now, can you remember being in that entrance?

—Yes.

Now, what happened there? Did you take a lift up, or did you walk up?—I can remember walking into the foyer on the ground floor. It sort of tapers a bit narrower, and seeing Mrs. Bowden the caretaker standing there, and I said something to her, I chatted to her for a bit, and there was no lift. It had not arrived, the lifts were cursed in that building, but my office was on the fourth floor. I wanted to go to my office, and two of the floors are double floors more or less, or one is a double floor, and one is almost a double, so you are almost six floors up, so I did not want to walk, but I did walk. I walked up to the first floor, and then as I got there, on the first floor, a lift...there are three lifts, one of the lifts stopped on the first floor, the doors whizzed open, and I hopped in. As I got

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there I heard the clunk and the doors opened, and I just went straight over to it, and then I went up to the fourth floor.

Where was your office?---On the fourth floor.

Now, I have omitted some steps - I am afraid I have just got to back briefly. What clothes were you wearing when you left home to go to the station that afternoon?---I was wearing my green sports coat, and these trousers.

Which trousers?---These ones I have got on 10
now. I sometimes wear them separately.

Will you just show them to the Court please?
---These suit trousers, they are grey terylene.

They are grey terylene?---Ja.

And were you wearing anything else? Were you wearing a hat or...?---I am sorry, I am not sure about the trousers. I might have been wearing perhaps, some new trousers. I had some brand new trousers. Brand new, out of the box, and I might have been wearing them. They were greenish trousers. 20

And what shoes were you wearing?---That is easy, because my left leg is shorter than my right leg. I had polio, and I have only got one pair that is built up. So I was wearing them, the ones that I have got on now - Velskoens.

Were you wearing a hat?---I intended to take a hat with me, and I am ... what time are you asking me about now, when you say?

I am talking about when you left home to go to the station?---Well, I had intended to take a hat 30
with me in the car. I am pretty sure I did.

And do you ever wear glasses?---Yes.

For what purpose?---Reading glasses.

Were you wearing glasses when you were at the station?---I had intended to, but I cannot be positive whether I was wearing them then...there and then or not.

Now, did you have any other clothes with you, besides the green sports jacket that you were wearing and these trousers, either grey or green?---Ja, I had with me a bag, a canvas and leather bag, and I had taken it with me, because I was going to collect some exam papers 10 from the college. They asked me to come in, so I went to the college, and in this bag, I put I think the previous day, I had put my brown suit.

And where was that bag when you were in the station?---In my car.

And what did you do with that bag when you left your car at the Jeppe Street Post Office?---I left it in the car.

What did you do when you got to Damelin, to go to your office?---I had it with me, because I can re- 20 member swinging it, so I must have gone back to the car. I went up to the office on the fourth floor....

Well now, do you recall going back to the car? After the telephone messages that you gave?---No.

Now, do you recall whether you had this bag with you when you were at Damelin?---Yes, definitely.

Now, what did you do when you got to your office on the fourth floor?---Well, I went in, I had been feeling pretty happy up to that point, and then just for half a minute or a minute, I felt a bit less 30 happy, and then I remember it was just about that time,

them, and I went into the general office; and I felt chatty, I felt like talking to people, and there was a chap there that I was quite friendly with, an Indian chap called Jumal, Joe. I know his name is not really Joe, but they always call him Joe. Actually his picture was in the paper, he writes a lot of letters in the paper. His picture was in the paper, about less than a week ago. He writes about religious subjects, and he knows a lot about various religions, and I am interested, not that I belong to any of them, but I am interested, and also, particularly, he is a nice chap, friendly chap. So I went to where his office is, you have to go into a little office inside the main office, a little office inside a little office inside the main office. He was not there. I think I asked the girl on the switchboard where he was. She said she did not know. I still felt like chatting and then I saw Mrs. Combrink. She was over on the right, I do not normally talk to her really, because she is on the financial side, she is not on the ordinary college side, so I do not have anything to talk to her about. She is collecting the fees and things, but I made a point of going into her office, chatted to her for a while. I think what she said here is pretty well right.

You heard the fire brigade she said, while you were talking to her, she heard the clanging of the fire brigade?---Or sirens, I think it was. I am not sure.

Yes?---And then I asked her where the exam papers would be, I knew she would not have them. I asked her where they would be and she said Mr. Rosin, so I went to him. His office...he has got an office of his.. well, he shares an office, not an office of his own, on

and I went into my office, unlocked and went into my office, and then there were books lying around on my desk, and this reminded me that there was something I wanted to look up and somebody lent me a little brochure, and I looked for this to look up, I thought the answers to what I wanted to know might be in this, but I do not recollect finding it and I do not know the answer.

What else did you do in your office?---And then I recollect that I had my clothes with me and I changed from the green sports coat and the sports trousers into the brown suit. 10

And having changed what did you do?---I planned it that way. I had had this in mind some days before, from some days before.

BY ASSESSOR MR. HART TO WITNESS: Was that in case anybody had seen you at the station?---Well, when I originally planned, I was going to...when I originally planned it, I intended that I would change, from the point of view of changing my appearance, yes.

To create a sort of an alibi in your mind, is that the idea?---To make me look different. I think alibi means elsewhere. 20

Yes, yes, I think so. That is why I said a sort of an alibi. You wanted to change your appearance? ---Ja.

In case anybody had seen you at the station? ---Yes, I planned that several days before.

EXAMINATION BY MR. PHILIPS (CONTINUED):

Now having changed Mr. Harris, what did you do?---Well, then I recollected that I had to get these exam papers. So I went downstairs with my bag to get 30

the same floor, the third floor, and I went along to this third floor office, and I got the exam papers from Mr. Rosin, and I talked to him for a while.

Yes well, he said that you talked to him for some 15 or 20 minutes - would that be correct?---Yes, he is a friendly chap and I just.....

Do you remember talking to him?---Oh yes.

Now, what do you remember after that?---Oh yes, that is right. He asked me, I knew it was connected with him. He asked me if I would put some tickeys in the meter for him. His car was parked downstairs, and his meter was nearly expired. So he explained to me where it was, he told me the number of the car, and I put some tickeys in the meter for him. I remember I had the bag with me then, because I walked up to my car, and on the way I went past a fruit shop and I saw some fruit there that looked rather nice, and I bought some fruit. I popped the fruit in the bag, and then I went to my car, in Jeppe Street. I just left it there all the time.

Yes, now what do you remember after that?

---I cannot remember after...I cannot remember after that. I can remember on the journey home, on the trip home in Newlands, that is just other side, the place I am thinking of, just other side the Municipal boundary, between Johannesburg and Roodepoort, about quarter of a mile after that, there are two Caltex garages, and I got off and got petrol there, facing each other, and just after that there is a little café on the corner, and I can remember being in this café and the café proprietor was talking Afrikaans, a little Greek shop, ordinary Greek

Shop, was talking Afrikaans in a friendly way to a customer, and I remember it struck me as odd, because sometimes you hear the proprietor of a Greek shop using a few words of Afrikaans, but it was a complete conversation, and it sounded fluent and I was quite struck by this, surprised:

Do you remember anything else about your travelling home from town to your house?—No, but that was the way I went through Newlands, the North way.

Now, do you remember arriving home?—I cannot positively remember arriving home. I can remember being 10 at home. I can remember having supper, but I cannot remember actually arriving home.

Can you remember hearing views of what had happened at the station?—Yes, I heard the news of what had happened at the station.

And what effect did this make on you?—Well, you know, I had a feeling of detachment, of...firstly, I felt this. The first thing I heard was, I think it said people had been injured at the station. Well, I knew obviously it was referring to this. To the station 20 incident, but it did not make sense, because I had known that people were not going to be hurt at the station, so it did not make sense to me that people had been hurt at the station, because although I thought, something... there has been an explosion at the station. That must be the explosion that I know about. Nevertheless, because I had known the nature of this explosion in advance, the fact that people had been hurt at the station, did not seem to make sense. It seemed very, very, dis- 30 tant and remote. That is when I heard the news.

And then what did you do the rest of the

evening or what you can remember of it?—I had supper. I think we had steak, I am not sure. I am not sure of that, and I bathed, and then went to bed quite early.

Did you go to sleep, Mr. Harris?—Yes.

And then we have been told that the police arrived at your house later that evening, is that correct?

—Yes, they got there about 11, and I was fast asleep, because they had to bang like anything to wake me up.

And then you were detained?—Yes.

Now, you remained in detention from the evening of the 24th of July until the 11th of September, is that correct?—I am not...yes, it was the 24th of July. I cannot...I mean I do not know about the exactness of the date. It was about then, it was the first week in September. 10

Now, having done what you have told his lordship you had done?—Ja.

Taking the suitcase with the bomb to the station, and having heard what the consequences were of the explosion of that bomb at the station, can you tell us, did you do anything about these various pieces of paper and notes and records that you had made relating to your plans? Did you make any attempt to destroy them or throw them away or anything like that?—No, I did not. 20

Were any of these papers - you have heard the evidence that papers were found in your car?—Ja.

Apart from your house?—Ja.

Were you aware of the fact that there were these apparently incriminating documents in your car and in your house?—Yes. 30

Did you do anything to try and make away with

them?—No, I knew they were in my car, because I wrote it on the back of a list I had made of things that had to be done when the car went in for servicing, and I always kept that piece of paper in the car. So I knew it was in the car.

Did you consider whether there was any danger to yourself?—No.

Had you, prior to this occasion of the 24th, ever believed that there was a possibility that you might be detained because of your connection with the African Resistance Movement?—Yes, it seemed to me reasonable that firstly some people had been arrested, whom I did not know had been African Resistance members, but who turned out to be, and then there was another set of arrests, and obviously this was from the first, and then there was a third set of arrests, and that brought the arrests, each time closer to me, and I knew during that month, I spoke to my wife and my mother about it, that it was quite a fair possibility...probability of detention. I even... 10

May I put it to you this way Mr. Harris, when 20 you spoke to Mr. Lloyd on the 14th of July, on what basis did you talk to him as members of the A.R.M.? Did you think that there were other members still at liberty, or not?—No, I knew....

You thought that he and you were the only two left?—Yes.

Now, did you know that Lloyd had been detained on the 23rd of July?—Yes.

Did you then think that you were now the last remaining member of the A.R.M. at liberty?—It did not occur to me really. 30

Well, did you do anything to try and ensure your own safety from arrest, or safety from responsibility for what had taken place at the station?—No, I just.... no, I did not.

Did it occur to you that you might flee, try and cross the border into some adjoining country?—No, it never occurred to me.

Did it ever occur to you that there was a possibility that the people who had been members of the A.R.M. who were already in custody, might under interrogation, refer to you, put the police on to you?—Well, 10 earlier in the month, I thought that was possible, but not at this time. It just did not occur to me.

In connection with your work for S.A.N.R.O.C. do you know whether publicity had been given to you, your name in connection with that work?—Yes, several times there had been articles...news articles with photographs in the paper, and things like that.

Were there references to you by name?—Oh yes, with my photograph. 20

And were the photographs identified with your name?—Oh yes.

Now, on this evening of the 24th of July, in these circumstances, you have told us you had dinner and a bath and you went to bed, and you were asleep when the police came?—Yes.

These documents that has been established by evidence here, were typed on typewriters in your possession?—Yes.

Were you aware of the fact that those type- 30 writers were in your house?—Yes, it was a little Olivetti

that I kept in the study. I always kept it there, a grey one.

The explosives, you have told his lordship, had been deposited in a cellar at 33 Oxford Road?—Ja.

And was this cellar locked?—It had a padlock on it, a Master padlock.

Did you have a key to that padlock?—I had a duplicate, ja.

And did you keep that key on your normal key ring?—Well, on my ordinary key ring, I just kept personal things, but there was another key ring that I kept my cellar padlock and the garage padlock. I put it on that. 10

Well now, while you were...when your detention was still in progress, that is on the 1st of September, 1964, we know that there was an identification parade?—Ja.

At which you were pointed out by two people who have given evidence here - Mrs. Fogwill and Jansen. Now, can you tell us what clothes were you wearing at that identification parade?—The police gave me my brown suit. 20

Is that the one that has been handed in as an exhibit in this case?—Ja.

Was there anybody else on the parade wearing a brown suit of that sort of colour?—Not that...no, nothing like that. There were a couple of light coloured suits, sort of neutralish light colours, and there were greys and blues, but there was no brown like that.

And when this lady, Mrs. Fogwill, was in the process of identifying you, can you tell us whether she did so immediately, or whether she first appeared to hesitate at all?—She walked past, she walked along the 30

line, and she walked past...no, she walked along the line, and I think she walked a little past me, a few yards, then she moved back, and she turned to, I think Captain somebody or other, who was organising the parade...

Yes, Captain Diederichs, and?---And she started asking him something, and she said a word or two, or was about to say a word or two, and he said "No, you cannot ask me anything", and then she turned again, and then she came over to me. 10

And the other man who identified you, Mr. Jansen?---He walked along the row, he walked right past to the end or near the end, I was in the middle, and then he came back.

And then touched you?---Ja.

AT THIS STAGE THE COURT ADJOURNS UNTIL 2 P.M.

ON RESUMING:

FREDERICK JOHN HARRIS, still under oath

EXAMINATION BY MR. PHILIPS (CONTINUED):

Mr. Harris, are you feeling very tired?---I 20
am feeling fairly tired, yes.

(Court gives permission for accused to be seated). Take your time Mr. Harris, just listen to the questions. I wanted you to explain something that you said shortly before lunch, when you said that your idea was an explosion in the main concourse of the station, and people standing around looking at it. I want you to explain to his lordship, what you mean by people standing around?---Well, you see, I assumed that the police acting on the warnings, would clear the concourse, 30
and that obviously, you have got people inside a hall

and you clear them, you clear them to the perimeter of the hall, and I had a vision of just this happening. People being cleared away from within the hall, the concourse building to the perimeter, in the sense, that they were an audience.

BY THE COURT TO WITNESS: What do you mean by the perimeter, inside or outside?—No, I had visualised that they would be cleared right out, but there would be openings through the walls you know, the exits and in and out going places, and of course, a lot of it is, you know, there would 10
be enough of this sort of thing for them to see. First of all, enough for them to see, and in any case, they would have been present as it were, when it happened.

EXAMINATION BY MR. PHILIPS (CONTINUED):

Is there glass in the Western wall to that concourse?—Yes.

Now, one other thing I would like you to clear up Mr. Harris, and that is when you got back home, the evening of the 24th of July, what sort of a mood you were in, and what you did as the result of the mood 20
that you were in?—Well, I felt rather less elated than I had earlier in the afternoon, but still very full of myself you might say, and I do not quite follow what you say what did I do?

Did you do anything as the result of the mood that you were in? Did you speak to anybody?—
Oh yes, I remember - I wanted to go out that evening, I wanted to visit some people, all go to a film, and I do not think my wife was very keen on the idea. I did not press it particularly, and then I telephoned 30
people. I telephoned one or two friends and chatted to

them, and made an arrangement actually to go and visit some friends in a couple of days after that.

Now, I want to now start on the subject of your own personal history Mr. Harris, if you would cast your mind back - what sort of a child were you, according to what you can tell us? Did you have many friends, did you get on well with people at school?---Well you see, it was difficult in this way - at the convent, I went there because my mother was teaching and my father was a traveller, he used to be away a lot, and I went to the convent. I was only four when I went to the convent, because there was no other way of looking after me, and of course, it was a Catholic school and I was not a catholic, so I suppose I did not fit in as I might have fitted for that reason, and then when we went to Eikenhoff, that is about 12 miles out of Johannesburg South, near the Lido Hotel, when we went to Eikenhoff, I was the Engelsmantjie. I was the only English speaking child there, and then later one or two came, but I was at first the Engelsmantjie. I did not like that, and then when I went to Rosebank, after Danie Theron, then I was as much Afrikaans as English, and I was only there for a year and a bit, a year and a half. It was just chance I suppose, that I was not a member of the major group you can say. So I suppose this led to my being learning to lead a solitary life.

BY ASSESSOR MR. HART TO WITNESS: Have you got any brothers or sisters?---I have got one sister, she is about $3\frac{1}{2}$ /4 years younger than I.

EXAMINATION BY MR. PHILIPS (CONTINUED):

As a child, were you a happy, or an unhappy child, cheerful or a depressed person?---Well, it is you

know, difficult to remember everything. I would not say that I was a...well, I can remember being unhappy, on various occasions. I do not suppose I was as happy as I could have been, let us say that.

Did you ever become subject to fits of depression? ---Well, I suppose a lot of people are like that. I sometimes feel, for a day or a few days, or sometimes even more, I just sort of feel that things are black you know, pessimistic. I feel pessimistic. I look on the wrong side, as you can say, but it always passes. 10

As this ever attained any great precautions in your case?---Well, I explained this to Doctor Hurst. There are two things really - sometimes for a few days, a week maybe even a bit longer, I feel pretty down, but sometimes I feel worse than that, short periods, shorter than the first period, when I feel worse, when I feel a lot worse. I feel very ... I do not feel there is much point in things. I feel lousy, very bad.

Have you ever contemplated doing anything to yourself as a result of this?---I suppose it is something 20 that a lot of people have felt. When I feel very bad, I sometimes thought of doing away with myself, committing suicide, different ways.

Well, has that happened seldom or often?--- A few times. You know, when you feel very down, very down, then you do not feel there is any point in carrying on, and you sort of feel why carry on.

Well now, you said it happened a few times, that you have felt that way?---Ja.

And you have said in different ways. What 30 sort of ways?---Ag, I can remember quite recently, it must

be, well, sometime in the past nine months or so, I can remember feeling that...I read about an American who had driven over a edge of a bridge, and I thought that just by driving a car into...off the edge of a bridge or into a wall or something, a parked lorry or something, especially a light car like a Volkswagen - I have got a Volkswagen. That if you drove a Volkswagen into something heavy, something very solid, or off the edge of a bridge, that that would be a way of committing suicide, but it struck me as being a very sort of messy and nasty way, and you might just torture yourself, not kill yourself. 10

BY ASSESSOR MR. HART TO WITNESS: Have you ever tried to commit suicide Mr. Harris?---I have never tried to commit suicide, I have...once...a few times at Maraisburg, I went up to the station early and I stood there, and there was a special train, I looked it up. Maraisburg is a station near Florida, we were staying there at the time, I was about Std. 8, 7-8. You know I used to catch a certain train, so I looked up a fast train before that train, and went up and I stood very near. When it came through I felt 20 sort of bad, sort of on edge.

EXAMINATION BY MR. PHILIPS (CONTINUED):

So, what do you mean when you say you felt bad Mr. Harris, did you associate anything with this train, or any idea...?---Yes, the idea was that I would jump in front of that train.

Well then, why do you not say so?---I am sorry, I thought I said so.

You see, the Court wants to know what you really felt?---Yes, No, I am sorry.

You must not ask them to draw inferences. Now 30 you have told us now about your idea of a Volkswagen, and

you have told us about the train. Is there any other, instances that you can recall that you can tell his lordship about that occurred to you as possibilities?---A couple of times when I was in detention, and once just a little before that, I remember thinking. I could not get to sleep once on one of these occasions, and I remember thinking...I remember imagining a little...you know on desks you sometimes see a little square or rectangle with a button in it, and I remember wishing and imagining that if I had a button like that...I can remember visualising 10 it very, very clearly, I visualised that it was a sort of dark, a sort of marroon/brown, well dark brown you can say, dark brown with a little button in it, a little yellow plastic button in it, and I remember thinking that if you had a button like that...I mean this is not real, it is just what I thought, and if you could press it and just be gone. I felt sometimes I wished I had a button like that. I remember I told, this is Dr. McMillan, I told Dr. McMillan about that.

Was there ever an occasion, when you were at 20 Eikenhoff, the farm - will you tell his lordship what occurred on such an occasion?---We had...my aunt had a little farm, a small holding, a few acres, and we used to go out there quite often, and we lived out there at one stage, and we visited there quite often, and I remember thinking of a way to kill myself...thinking that a good way to kill myself would be to jump off the windmill. You know, the ordinary windmill with the metal frame and a ladder going up, and I climbed up a little bit, and quite a few times, it had a little swimming 30 bath thing at the foot, it was a little irrigation dam

really, but we used to swim in it sometimes. I used to go over there and swim and then go over there as though I was going to swim and then just hang around there, and I felt...you know, you feel that you had been pushed out of the world, that you know, you can divide the world into people who are for you and against you, and sometimes you feel that they were against you. It was just that feeling.

BY ASSESSOR MR. VAN DER MERWE TO WITNESS: Were people, in fact, against you?---People had been against me, yes.

EXAMINATION BY MR. PHILIPS (CONTINUED):

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Mr. Harris, did you ever read a series of books for boys called the William Books?---Ja, yes I read practically all the William books.

Now, did anything in those books ever suggest anything to you?---They were quite important to me, the William Books. I used to imagine I was William, and that was quite fun doing that, and there was something...I mean, I know now that the William Books were written in about ... in the twenties or thirties, but you know how it is when you are small and you are reading a book, you just sort of...it has not got any time, it is where you are and when you are, and I got the impression that, there was a character in one of the William Books, he was fat and I was fat, and everybody poked fun at him. I thought that this was me, you know. It is Richmar Crompton. It is the writer, it is a woman - Richmar Crompton, had somehow modelled this character, I forget his name, had modelled this character on me, because it all seemed so, it seemed to fit, except that he was rich and we were not rich, but apart from that, it seemed to fit perfectly, absolutely perfectly.

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Were you a fat boy?---Ja.

And what was your attitude to forms of physical violence?---I got a bit bullied and I hated it, and they had...at Rosebank they had a whole lot of trees on one side of the playground. They had been chopped down now, they had put tennis courts, and they had...most of the boys in the upper classes, Standard 5 and 4...when I went there I was in Standard 4, most of the boys in 4 and 5, they formed gangs. You know how it is, you have the blues and the reds or the ... whatever it is, and I was not in any of these gangs, because I did not know them very well, and sometimes they used to rush round and grab somebody and hold him against a tree, and then pull his hair out or something. That happened to me sometimes. I hated it. On High School too, I hated it.

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Did you take these things calmly? Questions of violence to others, did you take them calmly or emotionally?---I do not think...I am not a very...I do not take things very calmly I am afraid, I tend to get annoyed or whatever it is. I did not take these things very calmly.

BY ASSESSOR MR. HART TO WITNESS: Did you fight back?---

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Sometimes, but you know, there would be a few of them, and they would get hold of you and do something to you.

EXAMINATION BY MR. PHILIPS (CONTINUED):

Did you indulge in physical violence yourself at all?---It made me...I hated it. I knew my mother did not like it at all. I...once or twice, when we were living at Rosebank, I cannot remember this clearly - there was a bloke on the other side of the road. There was like two streets forming a vee, and he lived on the island, and we lived in Baker Street, it was over the road, and this bloke and I had...we were small, about 5

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or 6, we ... once or twice we had fights, and I know my mother would not let me see him again. It was horrible and it was brutal and barbaric.

What was your reaction to the ill-treatment of animals?---It used to make me sick. I once tried to stop some cats that were fighting - I have still got the scars. You know, even when they were fighting, or ...I hated people who hit animals. I used to sometimes find natives who would get hold of an animal, and just for fun they...I once saw a dog with something tied on its tail. It was lousy. 10

You referred to your mother Mr. Harris?---Ja.

What was your relationship with your mother?
---Very good, very close.

Did you pay much regard to her opinions and views?---Ja.

Did she pay much regard to your opinions?---
I think so, I mean, you see my father was a commercial traveller, he used to travel for Joe (?) (Witness upset, cannot hear last part of name), and he went away mainly, 20
for long trips to the Western Transvaal and Bechuana-land and quite far away, and I was with my mother all the time, and I think we feel alike and we are the same sort of person. I have always felt that, and I sort of felt that there is a particular closeness between her and me. You might say my sister is like that with my father, but I felt that very much with my mother. (Witness is extremely upset).

Now, Mr. Harris you mentioned too in your evidence this morning, that you had a polio attack at one time?---Ja. 30

When was that?---I was second year university in 1956.

What effect did this attack have on you, at the time - physical effects?---I was paralysed. I do not know for how long, for a few days, a couple of weeks, I was almost entirely para...my lower part was para...almost entirely paralysed, not my feet, I could always move my toes, but my legs were, and then after that I had a lot of physiotherapy, and my left leg got better. It is still not 100%, it is about 70% or 80%. It is shorter, and this big muscle at the back, they call it the , is shrunken.

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Now, did this have any effect on you mentally?---Well, you see this was right at the beginning of the University term of 1956, the University year, and afterwards I found that when I went...when I tried to go back to University, after a month or so, it did not work, because any little fright or difficulty would make me feel very upset, and then I would feel...I would start crying, and I would feel I had to get outside, because I hated having a roof over me, any roof over me, and my jaw would sort of go open, and I could not control it, my jaw going open, and obviously I could not go to lectures or . I remember once , I was on a with her, and it just happened. You know... you...I could not really do anything about it, so the doctor said I should go away.

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You are telling us that what used to happen was that you would start weeping?---Yes.

And that you would get some sort of a clostrophobic feeling - is that it?---Yes, particularly

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with something over me. I did not want anything over me.

Yes, and you say that there was some peculiar motion of your jaw, that it opened?—Yes, it sort of went open.

Were you unable to close it?—Yes, I used to have to fight to close it.

And did this happen seldom or frequently, after you had the polio?—Oh, it happened a ha...three times a day. A lot, it gradually declined you know. The spaces between, but it happened a heck of a lot. That 10 is why I could not...I mean, if it only happened occasionally, it would not have been so bad, but I remember it happened in the train quite a lot. Then...then Dr. Jacobson said that I had to go away, so I went away for about 6 weeks I think, to the coast.

And after your return, did you go back to University?—I went back after the half-year, about August when it started again.

Yes, was there any improvement?—It got better, it did not happen so often. 20

Has it happened since then?—Ja, it has happened a few times, but much further apart you know - 6 months, three months apart.

Does it still happen?—Yes, yes.

When was the last time that this happened to you?—On Tuesday, they took me outside, and I had some cold water. If I wash my face, it always helps.

They took you outside from this Court?—Ja.

Was that after the Court had adjourned?—No, it was just before, when...no, there was a pause, 30 there was a sort of a pause. Mr. van Rensburg knows.

Well now, you have said Mr. Harris, that you always had the feeling that there were people who were against you?.....

BY ASSESSOR MR. HART TO WITNESS: May I just ask -- what happened to your examinations in 1956 Mr. Harris? Did you fail or did you pass?---I managed to get through. I had help from the lecturers, they were very decent, and notes from the other students.

What year was that? Your second year B.A.?

—Yes.

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And you passed?---And I had easy subjects luckily, and I was very lucky, because I spotted Sosiology? I left out half the years work, and I was very lucky, because I spotted Sosiology, I left out half the years work, and it worked fine.

EXAMINATION BY MR. PHILIPS (CONTINUED):

Now, on the subject that you have mentioned of people being against you, would you give his lordship examples of people whom you have believed to be against you, whether they were or not?---Well, on various...when 20 teaching you know (long pause) I can think of a few people who have been against me.

Well, can you mention some?---Well, when I taught at that Indian school, there was an Indian bloke, Ebrahim his name was, and there was a white chap Prinsloo. You must understand, it is not that I felt anything nasty against them, they were just - well Prinsloo was a crazy sort of bloke anyway. He did not worry me very much. Ebfahim was just a bit of a snake. I was quite friendly with him at one stage, and then I took 30 him to a meeting one, twice. He and I once organised a meeting together, and then I once took him to a meeting,

out at a hall in Coronationville, and then he was...and then I could feel that he was nasty.

Were there any other people at any of the other schools that you taught at, who you believed to be against you and hostile to you?—Well, at Randfontein everybody was very nice. I liked it at Randfontein.

Any of your principals that you regarded as being hostile to you?—My first school I taught. The very first school I taught at was Hyde Park near Rosebank, and the headmaster there was a chap...a bloke I think called Crossley. At first I liked him and he liked me, I am sure. I had a few discussions. He was a very, what you might say, rigid bloke. He had been in the air force, he had been a colonel...a commandant in the force air, and he got to dislike me, I do not know why. 10

Was that what you believed?—Ja, I mean... I mean he gave me some lousy classes, bad classes. You know when you have got....I was teaching English and French, mainly English, about 50-50 English and French, and he gave me some of the worst English classes, the worst English classes. He gave me 7E and it was a terrible class, and I knew that he was getting his own back. 20

Mr. Harris, have you ever felt that a prominent clergyman in Johannesburg, was referring to you in a hostile way?—Yes.

Who?—Not actually talking about me, but you know, I am not a religious person, just out of interest I always read his column in the Mail, Rev. Webb, J.B. Webb, and I have only seen him once. He taught at school when I was there once, to do a lecture when I was a pupil at Parktown, but Webb was...he writes this 30

article, and he always writes quite interestingly in the Mail. Last Saturday I remember it was about why is there suffering in the world. I read it pretty regularly, and I remember once he had an article on people who sort of upset things. I suppose this would be, I do not know, about the end of last year, roughly, I am not sure, and he said some people go round causing upsets, stirring up trouble, and that was about the time of the SANROC business, and I think he was thinking of me. You know, it was so appropriate, I knew some people had said that what I had done in SANROC had stirred up trouble, and just one, two, three, in sequence he wrote his article.....

BY THE COURT TO MR. PHILIPS: Are you not going rather far afield Mr. Philips?---My lord, I am eliciting some evidence in the hope that your lordship, will at a later stage, have expert evidence who will endeavour to interpret this to your lordship. I shall try to keep it within bounds if I can.

EXAMINATION BY MR. PHILIPS (CONTINUED):

Mr. Harris, did you ever read any articles in magazines, which you believed were directed at you?--- Well, not really in articles. You know this Magazine Personality, it used to be called the Outspan. I do not read it regularly, but I pick up a copy sometimes. I picked up one, it was in the dentist's waitingroom, I think, or in a shop, and I just paged through it. There was an article on, you know, questions on rating yourself, or how do you rate your husband - something like that. How do you rate yourself as a husband, or how... yes, like that, and I did not work through it, I did not work it out, I did not go through it to fill in the blanks,

but I read what the solution is, and I looked at the different categories, and you know there was no name to this thing. I could recognise from terms of phrase and so on, that the second last category, not the very worst, but the second last category, had obviously been written with me in mind, and I knew there had been a couple of blokes at University with me, and ...who had become journalists, and I presumed that one of them had written this, because I had not liked them particularly. No, one was at school with me, one was at University with me. 10

Now Mr. Harris, did you ever have any large scale ambitions, did you ever imagine yourself in lofty positions?---Well, I think everybody has times when he sort of pretends and thinks about possibilities of being very important, rising to very important positions.

Well, what sort of ideas did you have, the positions you might rise to?---Well, you never know. I mean I was teaching and sometimes I would see something that was wrong in teaching, in the organisation of the school or something like that, and I used to think that I wished I were in a position to do something about it, and I thought well, who knows, one day I might be the Minister of Education and if I were Minister of Education, then I thought exactly what I would do. 20

Did you ever have ambitions or notions that you might become any other kind of Cabinet Minister?--- Well, it struck me that the ^{foreign} policy of South Africa was very important, and that if one...that this is something I might sort of head for, as it were, because I spoke French, and I thought I was intelligent, and in 30

this way I thought that a position in the foreign ministry could sort of in some circumstances, sort of take me to the top, and I once met the under minister, and talked to him...from another country, and talked to him for a short while and I thought, here is this bloke he is quite nice, but I mean I am sure I could do his job as well as he could.

Well, did you ever have any greater ambition, even that being foreign minister?---Well you know, this is just day-dreaming. 10

Yes?---I mean I have had day-dreams about... well, sometimes my thoughts would say you cannot do this. I had day-dreams of being prime minister, you know, you never know, it works out. Look at Mr. Wilson, when he was small, I read it in the paper just the other day, when he was small they photographed him outside No. 10, Downing Street, and now he is Prime Minister. You never know.

Did you day-dream much?---Ja, you know at odd times, to pass the time, waiting for a bus or a train, or 20

Well, would you say that you did it seldom or often, or average?---No, quite a lot, quite a lot.

Now, I think you have already told his lordship, generally speaking, do you remain of the same consistent mood, or do you have swings up and down?---No, I go up and down. I mean most of the time, I would say probably...I do not know, I am either up or I am down. I mean, I know whether I am up or whether I am down usually.

And how long do these periods last at the one end or the other of the scale?---Well, down periods I 30

can feel depressed for anything up to a week or two, sort of generally feeling depressed. I can feel very depressed for much shorter periods, mostly half an hour or an hour or a little bit more even, shorter than the long downs.

Do you take anything when you are in a mood of depression?---Well, I know what you are thinking of, in ...when I was marking some exams once, somebody suggested that things called Rittelin(?) were very good, to sort of keep you cheerful, and this was, I can remember 10 exactly when it was, it was the end of 1960, and since then I have ... I mean there is no point in being depressed if you can stop it, and sometimes I took these things.

BY ASSESSOR MR. HART TO WITNESS: Do they help you?---Yes, they do not last very long. They usually last about a couple of hours, 2, 3, 4 hours. Also sometimes when I feel very depressed, I make some very strong coffee and go outside, and going outside helps...usually helps.

EXAMINATION BY MR. PHILIPS (CONTINUED):

Now, at the other end of this swing mood that 20 you speak of?---Ja.

What do you experience?---Oh, I feel very happy. Quite often I feel happy for a few days or for a couple of weeks, and then sometimes I have a terrific surge...I have a terrific surge in the ... well, I feel very, very, happy. It might last 30 seconds, half a minute, or a bit longer, but then I feel very, very happy. I wish I had more of these...these just catch you up and you feel very happy. You feel very....

How often does that happen to you?---Quite 20 often. It might average once every few days, once every

week. Ja, it sort of comes...there will be a time when I
am feeling cheerful, I feel cheerful for a couple of weeks,
and in that period I might feel very cheerful for ⁴times
or 6 times.

And are you able to give us any examples of
that? Of it having happened to you at all recently?---
Feeling very happy?

Yes, this exceptional degree of happiness
that you speak of?---I felt happy quite a few times in
detention - not at the beginning, not for the first week 10
or week and a half, but then I had this broken jaw, and
that made me feel...that was painful and unpleasant,
after that I felt reasonably happy and quite a few times,
I felt very happy. I mean,.....

Is this related in any way to the experience
you have described to his lordship, that you underwent
while you were at the station?---I do not know quite what
you mean by related - it is the same sort of thing.

Is it the same sort of thing?---But that was
exceptionally strong. You might say that was sort of, 20
that was in proportion to the ordinary happiness. The way
the ordinary happiness is, to feeling fairly happy.

Do you ever find that you get very angry?---
I do not like doing it, but it happens.

Yes, but I want you to tell us when it
happens, how often it happens, and on what sort of occa-
sions as it happened?---It happens quite a lot with my
wife. I just feel that I am going to be pretty nasty.
It is a horrible feeling because, I mean it hurts her a
lot, it makes her cry, and it is lousy, and it is not 30
fair, because I pick things. You know, sitting in the

car, quite often, she does not drive, and she is sitting next to me, and I am trying to look to see if there is any traffic coming from that side, and she seems to be... and then I say to her sort of "Why are you on the side like that", or "Why are you rocking to and fro to get in my way, why do you not sit on the side, over to the side", and then I say really nasty things to her, make her cry, and then say "Why do you not stop crying". It is not nice.

Well, are these rages that you described in connection with your wife, are they based upon substantial grounds, or are they not?—No, they...they...you see, I remember one thing - quite often, I...she cooks very well, she is a very good cook. She is a very good cook, and she cooks things just the way I like them, and then sometimes I just get the hell in and then I just look for something to criticise and then criticise, and then ...I usually do not shout at her, I just say nasty things to her, and then quietly, and it is worse that way, because it hurts her a lot you know, and she ... and then she cries, and then...and then...it is lousy.

BY ASSESSOR MR. HART TO WITNESS: Did you ever strike her Mr. Harris?—I would not hit my wife - no.

EXAMINATION BY MR. PHILIPS (CONTINUED):

Are these instances that you have been giving us of these rages with your wife, are they during periods of depression or elation?—It is when I am down, and I am feeling depressed. You know, I just sort of...It will not go away, perhaps I would take a Rittelen or take a couple of Rittelin, and then have some coffee, and it does not go away, and then the next day it is still there again.

When you are in one of these moods of depression, what sort of things do you think about? What sort of things concern you?---Ag, I just think of the things that can go wrong. I mean, my mother was very sick this year, and that is something that I worry about, when I am depressed, and I thought I might lose my job at Damelin, and you see, my wife could not work because she was pregnant this year, and round-about just before Easter, just before the Easter holidays, they had those exams and so on, and they said that they had a big staff turnover, and that I might have to leave. Many people.... several people would probably leave, and I might have to leave. Afterwards they said I was alright, at the time. You know, I mean, I just sort of look on the... you might say the negative side. 10

On these occasions, do you regard yourself as a successful or an unsuccessful person, a success or a failure?---Ag, I think of everything that has gone wrong. I did not finish that Engineering course, and I did not get a first, even though I very much wanted one in philosophy, and I did not finish that...oh, a lot of things that I can think of. A lot of, sort of unsuccessful things, and I....it is...there is no point in thinking about them, regret does not get you anywhere, thinking about the past does not get you anywhere, but that is all I think about. 20

Now, you mentioned that your mother was not well this year?---Ja.

What was the nature of her illness?---I do not know sort of medically, but I can tell you what I saw. She taught last year, and then the end of the year 30

that job ended, and then the beginning of this year there was a period of a few weeks that she could not get a job. She got a job, and then she went to this private school. She found she had to give it up, because she was getting terribly depressed, bursting into tears in the classroom and feeling terrible.

BY THE COURT TO WITNESS: How old is she now?—She is about 60, and then she had to leave that job. It was a pity because it was a nice headmaster, and then she left that job and then she went to...she got another job at the end of the first term. Right at the end of the first term, Maritz Brothers at Observatory, I remember, and something happened. She said she would just get it under control, and she would feel better by herself. She would not go to a doctor, and then eventually she went and the doctor said he would give her things - vitamin injections, and she said she was feeling better, but she did not look so hot to me, and then she got the second job, and during the second job, the same thing happened. Just as bad as before, worse. They were living in a flat then. I would go up to the flat, and she would be sitting there...just sitting there crying for no reason, and the doctor...I felt pretty annoyed, because the doctor was...I thought he was messing around. I mean if he hears about this, I do not mean anything personal because he is every nice bloke, but I thought that he was not looking after her properly. So she... eventually my father and my sister went to see the doctor, and they said how worried they were too, because I had been nagging away at him, and I went to see the doctor and he said my mother must have more

treatment, and she went to see a psychiatrist in Rosebank.

Do you know the name of psychiatrist?---No, I do not know his name, but I can tell you which firm it is with, because I once taught the daughter of one of his partners. He is a partner of Dr. Veldman. I once taught Dr. Veldman's daughter.

Yes, very well...It is, in fact, Dr. Jeffrey. Dr. Jeffrey will be called as a witness. So, she was taken to Dr. Jeffrey as a patient?---Yes.

And he treated her?---Yes.

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Then, apart from your mother and this illness that you have spoken of, you have another close relation, and I want you please not to say what relationship this person bears to you. I would just like you to tell his lordship if you know anything about that person's illnesses, afflictions?---Well, when that person was, this I do not remember, this I have been told, when that person was young, that person had to leave his job, because he went through a period of great depression, and a while after this that person, I do not remember that, this was told me, and then quite recently, two years ago I suppose, 18 months ago, this person also had a period of very great depression which is quite unlike this person, because this person is usually very in control of things, very on top of the world, bossy almost, and this person went overseas and came back, and the whole time the whole trip, this person was very sad, very depressed, saw doctors overseas and then eventually this person...we went to visit this person at a place in Johannesburg called "Rusoord" where this person was being treated.

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Now, was this person also in the hands of a psychiatrist?---I think it was Jeppe actually, I re-

member the name.

Yes, Dr. Jeppe who will give evidence in regard to that as well.

Has your mother got a sister?---Ja, she had about ten.

I am speaking of a sister called Faith?---Yes. Now, can you tell us anything about...is she still alive?---No, she died about five years ago.

I think it is a little longer, but at all events, what do you know about her before she died?---Well, I think she used to feel that everybody was against her. She felt that natives, Africans, were against her. She was house-keeper at a place called Keller Court, and I used to visit her there after school sometimes, because my school was quite near her. I liked her, and she hired a detective to follow her around to hear about these natives. She said...she came from Natal, and they were a lot there, and she said that the ones from Natal had a grudge against her, and therefore, they were going to do something to her here. 25

Do you know whether this was a casual feeling that she had, or did she hold this belief...?---I think she believed it. I think she went as far as hiring a detective, which was very dramatic to me. That was the first time I had ever heard of a person that I knew hiring a detective. I can remember it very clearly.

So far as you are aware, did she ever recover from this condition before she died?---No, she still believed it when she died, I think.

Do you know whether she had any psychiatric treatment before she died?---I do not know. 26

Evidence will be led about that case as well my lord.

Now Mr. Harris, in connection with your mother and this close relationship that you have spoken of?—Ja.

Have you ever heard any voices, seen any visions?—Well, you know, this is a controversial subject, but it is scientifically proven that...you know, telepathy, Dr. Rhein and North-Western University I think it was, some University in America started it...started doing it scientifically, and there has been a lot since. 7

A lot of doing what?—Testing telepathy. Carrying out scientific tests for telepathy, and it has pretty well proved telepathy and precognition - are pretty well proved. Knowing something before it is going to happen, and one of the things says is that he said and that other people have said, is that when ...you have got a much better chance of keeping contact, making contact with somebody if, in the first place, there is a close relationship between you, and do you remember there were some people out here, some Australians..... 20

Well Mr. Harris, what experiences have you had in that regard?—Well, I have had...with my mother I have had this sort of experience. It is quite a common thing, I mean with quite a few people, that I have seen her...well, at first it just used to be, before it got a bit better, it used to be just a feeling that she was near me, and then sometimes...I found that it was a feeling, and then I felt she was there, and I knew she was ... she was contacting me. Quite a lot at home, I used to see her around, and she used to be saying nice things. 30

So, did you actually see something that you took to be your mother?—Well, you see, it sort of a projection of her you could say.

Yes, and did you hear her voice?—Yes, she said nice things.

Has this happened to you often?—Ja.

Does it still happen to you?—Yes.

Has it happened in regard to any other people? —Very little. It happened once or twice with my father, and just once with my wife. 10

When did these experiences first start - are you able to tell us that?—Well, they sort of got more definite, but you might say...I do not know some years, a couple of years, I do not know, but they have got clearer lately, with practice.

BY ASSESSOR MR. HART TO WITNESS: What do you mean when you say with practice?—Well, you see it is like this - if two people who have established a sort of rapor like that, then the more it functions, the better it functions. How can I put it to you?— 20

Is your mother co-operating in these experiences?—No, I did not talk to her about it. She...she is against things like this.

Did you tell her about this?—I said things that I thought she would understand, and then I thought she did understand. Do you know what I mean - I mean I would say it was nice last night, and she would say yes, and I would know that she knew that I knew. Do you see what I mean.

Was she having similar experiences to the ones you were having?—No, it was you see...because, you 30

see, you know...it is because she...I thought, because... it is a maternal thing. Your mother wants to look after you and so she says nice things to you, and sometimes he is thinking the nice things, and she does not sort of... she is not trying to contact you, she is not trying to contact you, it is just that she is thinking about you, and she says something nice, and she thinks something nice and it comes through to you. You see.

EXAMINATION BY MR. PHILIPS (CONTINUED):

Now Mr. Harris, have you ever found your- 10
self having a perspective of the world which appears to be different from that of other people?--I think this is...a lot of photographers...I have done a lot of photography, I can put it that way....

Well, what do you mean by that?--It is like, I can put it in a nutshell, it is like looking through a long focal length lense, relatively the distances between objects which are proportionately shrunk. I mean, say there is the edge here of the desk, and there is that glass there, and then there is a water bottle 20
the other side - when this happens, if you look at it, they all seem nearer each other. A very good example which occurred to me. If you go to biscope and you see a cricket match being projected, screened, and you look down the length of the pitch, over the bowler's shoulder say, through the camera, and you see the batsman running for 22 yards, then you can see him taking separate steps, and that seems much shorter like that, but if you squeeze your eyes...I find that if I squeeze my eyes together, close them for a little bit a few seconds, it goes away. 30

Do you ever have any unusual experiences when

lying down?---Well, I think this might be connected with my sense of balance. I get the impression that the room is on its side. You know, I mean, yes, that the furniture is on a wall, that you are lying on a wall, like being on a bunk against a wall, and that the actual wall is the floor, but again, it goes away very easily, if you go up the blankets for a few seconds, and....

In the month of July Mr. Harris, are you able to tell us whether, in your normal activities, whether there was anything particular, remarkable about the sort 10 of things that you did, that you found you had done, I am talking now about the early part of July?---It was a holiday month, July, so in that way it was an unusual month.

Was there anything you did? You have told us that on two occasions you had scraped your chromium on your Volkswagen motorcar?---Yes.

Against what had you scraped it?---Oh, that was the side of the road, the kerb.

And how did that come about?---I was driving, 20 I misjudged distances in driving. You see, I came home at night from town a couple of times. Once I can show you the spot in Discovery, I can remember that, I was driving along, and I hit the stormwater drain. I lost the hubcap and scraped the chromium, and then I bought another chromium from C.J. Motors, and put it on. It costs just over R3, and then a few days later I went and did almost exactly the same thing somewhere else, I do not remember where though. This chromium strip along the side of the side. 30

BY ASSESSOR MR. HART TO WITNESSES: Do you take a drink at all Mr. Harris?---Very little. I like light wine, this

Lieberstein and things like that, and Port.

Had either of these occasions happened after you had been out to dinner and had a drink or anything like that?---No, I remember ... I remember on the occasion of the stormwater drain, I remember thinking it was just... just how pointless it was that it happened. It just damaged the car. I think I got a second-hand hubcap and bought the strip along the side, but it just cost me about R5 or R6 for absolutely nothing.

EXAMINATION BY MR. PHILIPS (CONTINUED):

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In that month of July, what was the financial position of your household - were you well off or otherwise?---We were not well off. When we were both working it was quite good, but when I was...just I was working, my wife was pregnant again, it was pretty close. Actually we worked out that the salary I had at one stage, it was not...it was just enough to meet every basic expense, with nothing over for buying clothes or anything, and then I got a rise, and then it was a bit better, but it was not...it was very sticky. We were trying not to spend.

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And when things were as close as this, as you say they were, were you yourself looking after the pennies, were you behaving economically?---Well, that was something..that was a bit of friction between myself and my wife. I would say that maybe I am not so wonderful at budgeting and so on, but she thinks that she is more...I think she is better at it than I am.

Yes well, that is not what I asked you. I just want to know whether, during this month of July, you personally, were behaving economically? Do you know? 30
Are you able to say?---I do not recollect...we had a couple

of squabbles. I bought a big Rayback torch, I remember. It was a very nice one that I had wanted to have, and I bought new shock absorbers for the car. Not that it really needed...it was a new car, but these were better shock absorbers than the manufacturer fitted, and I thought it was very reasonable, but she was not quite so happy.

Were you able to afford to buy the books which you needed for your studies?---I had trouble buying them. I did not buy the books, because I could not afford them. 10

Did you buy any other books?---There was a second-hand bookshop and I bought things there sometimes, light books.

Just this Mr. Harris, you have told us about the period of very intense elation which you experienced while sitting on the bench at the station. Did you have any such periods of intense elation before that date?--- I often felt pretty elated, but never as elated as that. I think I said that that is the sort of more extreme, sort of like more extreme version of the very happy periods 20 that I felt.

Yes, apart from experiences as intense as the one that you experienced on the station?---Yes.

Did you have other experiences of a high degree of elation?---Yes.

And I am speaking now of course, before the period of the station, and of your detention?---Yes. Oh yes, yes, I see what you mean - yes.

Is the answer yes?---Yes.

You did have such experiences?---Driving.... 30

Are you able to give us any instances of that?

---I mean, driving for example. I think it happened more than once. I can remember one particular occasion when I went whizzing round a corner, in the foot of Hurst Hill it was, and from there for a few miles, I just felt a part of the car, it went so beautifully. It just ran so perfectly, smoothly and it was very good. I can....

Can you recall any other instances, that you are able to tell the Court about?---Ja. Sometimes in the mornings, walking up to the station, I walked up by myself to the station, I thought...I had had periods like 10 this, just walking along the road...I mean, you know you feel very... you feel elated, it is a very fine morning and for half a minute or a minute you walk past a house, two houses and you feel very good. Sometimes the people, say in teaching, sometimes it is pretty boring, but I have had a quarter of a period, when you know that you are making contact. You are trying to get a certain point across, trying to explain what happened or whatever it is, and it really works beautifully. It just goes across, and you feel you and the pupils had joined - it is beautiful. 20

MR. PHILIPS: No further questions.

CROSS-EXAMINATION BY MR. MOODIE:

All that you have told the Court today, did you tell that to the Psychiatrist who examined you?---I do not know that I told him everything.

What have you omitted?---Do you mean what did I say today that I did not tell him before? I cannot remember exact examples. He saw me three times, and he has asked me most of this.

Questions were asked, and you gave the answers?---Yes, he questioned me. 30

And were you told the significance of the questions, of the examination in general?---Oh, he asked a million questions.

Were you told the significance of the examination?---No.

Do you know today what the significance what of the examination was?---Well, the lawyer said to me that it was necessary for me to have an examination like this, to check whether I was completely balanced.

I will probably return to that later. Now, 10
....?---It was in the papers too.

You joined the organisation M.C.L. in September, 1963?---Yes.

At whose persuasion?---The Judge said I did not have to answer names.

That was in reference to another question which may come up again later. That was in reference to two men that came to see you on the 8th. Now do you not want to answer this question either?---I do not want to say things that will get other people into trouble, worsen 20
other people's troubles.

Could that be because the organisation was, insofar as you were concerned, directed at persuading the Government to change its policy?---I do not see the reasoning, yes.

Is that correct?---By sabotage.

By sabotage?---Yes.

You now are not willing to say at whose persuasion you joined that movement?---I do not want to say.

Were you told the objects of that organisation?---Yes. 30

Can you detail them?---To put...to commit acts of sabotage, to put pressure on the Government to make some changes.

Is that all?---Well, I can expand on that.

Yes, do please?---I mean to ... the acts of sabotage that had been done up till then, were blowing up pylons and signal cables and the sort of pressure that was to be put on the Government, was to the end that the Government would not keep such a rigid policy, but would make some sort of concessions.

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Now, it was put to you in examination that there was doubt whether it was anti or pro-communistic, do you recall that?---Yes, I remember that.

Now, your answer to that was, it depended upon whom you spoke to?---Yes.

Did you then find a number of people who were communistic in the organisation?---No.

MR. PHILLIPS explains that the witness said that there were some members who were non-communist and some who were anti-communist.

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CROSS-EXAMINATION BY MR. MOODIE (CONTINUED):

Is that correct?---Ja.

BY THE COURT TO WITNESS: Were there no Communists in the movement?---No, no, oh no.

CROSS-EXAMINATION BY MR. MOODIE (CONTINUED):

Was it ever discussed?---No, but you know you know people's points of view.

Now?---I mean one knows the points of view of people. I mean, you can say to me A, B, C, and D, are they Communists, and I would say no, and besides, or I would say yes or no, depending on what I knew. You

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see, when this thing came up in this question of is it Communist or non-Communist, it was put to me by somebody who was non-Communist, and I knew the other one or two people that I got to know were non-Communist, and I had made a point of saying...of sort of pushing this a little bit further, and confirming, checking, and it was definitely not.

So, the question actually was raised, whether it was pro or anti-Communist at one time?---I wanted to know. I wanted to know.

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Are you prepared to tell us who you consulted in the matter?---I will tell you....

No, no, are you prepared to tell the Court whom you consulted in the matter?---The person who approached me.

Now, you do not want to disclose the name? ---I do not want to.

On the ground that you think it will be unfair?---It might harm this person.

Is that person still in the country?---Yes. There was also an article in the Observer at this time, on exactly this question, and it said that the M.C.L. this fitted in perfectly and confirmed my knowledge. Now it was non-Communist.

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Insofar as the discussion went at that stage, there was some reference in your evidence to a distinction between the British approach and the French Revolution?---Yes.

Now how would that come about?---It seems to me these are classic examples. That the French had a situation with injustice and pressure building up, and the 30

British had a situation of injustice and pressure building up, and the French just hung on to the bitter end, and there was a catastrophic revolution. The British made concessions, and they never had an explosive revolution. They had progressive change.

Am I to infer from that, that you thought there was oppression and injustice and the situation was building up in this country?—Yes.

It was your clear view?—Yes.

And you had to do something about that?—I 10 felt three possibilities open to me.

But you had to do something about it?—Well, that was the conclusion I came to..

And that is after you joined this organisation?—No, I have been feeling unhappy about the situation for several years.

And this then was an attractive means of showing your attitude, by joining the M.C.L., because you had this feeling before you joined? The organisation was there, and you decided to join it?—Yes. 20

Now, that became in April or May, an organisation known as the A.R.M.?—Yes.

Do you know anything about the change of identity in the organisation?—No, this was the time when I was not involved in its activities.

When did you hear about the change?— About the end of May, beginning of June or later June. Late in June I think.

Who told you?—A person who had contacted me originally. 30

The objects remained the same?—Yes.

Sabotage against pylons, railways and other

objects?---Yes.

Now, you then met Lloyd?---No, I had met Lloyd long before that. You are talking about June now?

Yes?---No, I met him in June...July, 1963.

And you contacted him again - when was that?

---Well, I had one or two contacts with him, in the middle of that year, 1963, and then I got to know him, when he came to Johannesburg he was from Pietermaritzburg, he came to Johannesburg at the end of the year, beginning of 1964, end of 1963 beginning of 1964, and I got to know 10 him better then. Quite a lot.

And that was through the association with SANROC?---Mainly that, it was common interests generally - Liberal Party.

And did Lloyd know that you were a member of A.R.M.?---At what time?

At that time in ... early in 1964?---Well, in February, 1964, we simultaneously got to know that we were members of this organisation.

How did that come about?---The two of us 20 went out...met on the going out on a sabotage job.

Would I be correct in saying that you were in his cell?---I do not...he was not the boss in the cell, I was not the boss in the cell - we were in the same cell.

Yes, and you knew about the existence of cells?---Well, I had been told that the thing was organised in cells, and that this was one.

Do you know if those cells had contact with each other?---I had been told that they had contact through one member, or as few members as possible in each cell, 30

Do you know those members, or that member to

whom the contact was made?---Well, I gathered really that it was done sometimes through one, sometimes through another.

Do you know the names?---I do know the names.

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Likewise, you are not prepared to disclose them?---Well, actually there is no point in my not disclosing it for myself, but I do not want to harm anybody.

You are the person who is facing the charges in the indictment, it cannot do you any harm can it?---No, but....

You see, we do not know whether these people 10 exists, or whether you are telling us the truth or not? ---They...I am sure you know that they exist.

We leave it at that then. In an organisation that commits sabotage, you undoubtedly knew what is known as the sabotage act?---Yes.

That was an act passed about two years prior to this - it was passed in 1962. You knew about it?---Yes.

And you knew it was directed at the very activities which you people were accomplishing?---Yes.

You have no doubt had many discussions about 20 this act?---Not really. I mean with whom are you thinking?

With your co-members?---No.

Despite the fact that you were facing a risk, you were discovered?---Yes.

Now, you no doubt also know of the penalties that were provided?---Yes.

In fact, the penalties were so drastic that they are the penalties for treason, or failing that, a minimum punishment of five years. You knew that?---Not as precisely as that, but pretty close to that. 30

Now, you were prepared nevertheless, to go

on with the sabotage?---Ja.

Despite that law which is on the statute book, and there are undoubted intention to enforce it?---Ja.

You people were prepared to risk that?---Yes.

For the object which you claim to be to relieve the injustice and oppression?---Yes.

And you and Lloyd nevertheless, discussed plans for sabotage, in a new direction?---Yes.

Post boxes, a car in an underground garage, or a station?---Yes.

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Well knowing that that was so clearly sabotage, that you must run that risk inevitably, if you were detected?---Yes.

Now, in your plans to do this, did you scout the territory such as the post boxes or the post offices or the underground garages?---The post boxes, I went and looked at post boxes.

Yes?---What was the second one?

Underground garages?---Lloyd was supposed to do that. I never found out whether he did.

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Stations, Mr. Harris?---Then the station I did. Then there was another one.

I think that was all. In any event some of the post boxes, you had to see whether the openings were big enough?---Ja; not big enough. I had to see how big they were, and then that was the point behind it.

You were to put something - petrol in a plastic bag to cause a fire?---I think a plastic envelope.

What would cause the petrol to ignite?---

There was some chemical ingredient, that when it had electric current sent to it, would get very hot, and would cause 30

it to ignite.

Who told you that?---Mutch.

And did you receive instruction in regard to this type of inflammable material?---On the last night when they were at the house, when he was at the house, that was the only night when he was at the house, he spoke about it.

And that was to set fire to the letters in pillar boxes?---Yes, posting boxes.

And if necessary, also in a post office?---Yes. 10

Regardless of what damage was done?---Yes.

Did you contemplate that that might even set the post office on fire?---I do not remember. The whole thing never got very advanced in its planning.

At what stage did it stop then?---Well, I was asked in May I think, April or May, thereabouts, I was asked to check up on these things. So I started checking up on these things, and then I was never asked again for the results of my checking up. It was...I know what happened, the other members of the organisation, sort of 20
went off at a tangent about blowing up pylons at that stage.

I think that is your evidence to his lordship - the other members went off at a tangent in regard to sabotage of pylons?---Yes, I mean they went...they started thinking that way, of that, rather than of the posting boxes.

But sabotage up till then had already been directed at those things - pylons?---Yes.

Now, what is the significance of going off the post boxes or post offices? Would they not...were they 30
not agreeable to accept your suggestions?---They were not

my suggestions. I had been asked by them to do this. I think it required a lot of preparation, these posting boxes and it was still at the early stage, and whereas with the pylons, they knew how to do it.

Now in February or March, you actually, according to your evidence, went out on a sabotage attempt?
---Yes.

It failed?---Yes.

Do you know what happened?---It did not go off.

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Now, do you know why?---I was told that it was probably the timer.

BY ASSESSOR MR. HART TO WITNESS: Where was this attempt Mr. Harris?---Near the railway line, south-east of Alberton.

Was it a pylon?---No, it was a signal cable.

Was it a railway signal cable?---Ja.

CROSS-EXAMINATION BY MR. MOODIE (CONTINUED):

What was the object of that?---I was told that if you did this, if you severed a railway signal cable, then all the signals that passed through that cable, they all went red.

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I see. Were you actually there when the sabotage was done?--- Yes.

On the cable?---Ja.

Next to the railway line?---Yes.

Do you know what strength of bomb was used, or explosive?---No, it was a little plastic bag, about so big.

Containing dynamite?---It was about ...I suppose quite long.

Who prepared that bomb, shall we call it?--- It was brought along already prepared.

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And did you see this bomb?---I caught a glimpse of it when it was being wound on.

Wound onto the cable?---Ja.

Now, after that aborted attempt, you were not asked to do anything more for a while, is that correct?---Ja.

Do you know why?---I did not know why, and I... and Mr. Lloyd said that it was because I was banned.

You did not feel that they were not trusting you perhaps?---No.

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You did not feel that they were looking down on you perhaps?---Well, I did not know. It was difficult. I was very active at the time, and I mean in my own mind, and it might well have been that they were looking down on me.

Did you feel that way?---Not very strongly.

I think you told us in your examination in chief "I felt that they were looking down on me"?---Not very strongly, you know, because....

Did you feel that?---Well, it was mixed up with feelings of friendship.

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Perhaps you can explain that?---Ja, I mean with a friend you feel he is your friend, and he does not...he is on your side, so you do not feel any bad things about him.

How did you feel about it?---Well, in a way I felt a bit frustrated, because I knew that things were going on. They were doing things, but in a way it rather suited me, because I was very busy.

Did you have meetings with S.R.M. during that period?---Well, it is difficult to say, because I met some

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of the people concerned, in an ordinary casual way, and there might a few minutes about this, if you can count that as an A.R.M. meeting, then yes, but they were not meetings called specifically for that purpose - wait, there was....I think there was one meeting, when there was a discussion of the post boxes.

When was that?---Yes, that...I cannot tell you whether that was before or after May. I remember it was in my car outside. It was a Saturday night, it was in my car, and it was outside the Sunday Times Office. 10

In Roodepoort?---No, in Johannesburg.

At that time you were banned?---Ja.

You met in town in your car members of the A.R.M.?---Two of them, two friends of mine - they happened to be members of the A.R.M.

Lloyd and...?---Somebody else, the other chap.

That name also you do not wish to disclose?

---The same person.

What did you discuss that day?---That night we discussed the posting boxes, because I remember.... 20

There were three of you then - yourself, Lloyd and this other person?---Ja.

You discussed that night, the posting boxes? What conclusion did you arrive at?---I think it was decided that it was a project that was to be continued with, but that it would take a period to prepare everything and so on.

What had to be prepared?---Well, I did not know at that stage, anything about who was preparing the things...the items, the devices, and I was told that 30 it would take quite a long time, and the person concerned

was busy, and it was envisaged to do about one dozen or 15.

Posting boxes?---Ja.

Or post offices?---There had not been a decision at that stage.

They were going to be done simultaneously?---
Yes, well one night.

All in one night?---Yes.

Who was going to do them?---There would be about four pairs of people, would go out. 10

Four pairs of people would go out and do them?
---Yes.

Is that all that was discussed that night?---
Well, there was discussion also about this stuff, that goes very hot when you put a current through it.

That would be the substance that was going to ignite the petrol?---Mm.

That also you discussed that evening in your car?---Yes.

Was that all the discussion that took place? 20
---That was the central subject of discussion.

Anything else?---Not that I can recollect.

Did you then go back home?---I cannot be sure.
I presume so.

What happened to Lloyd?---When?

When you left - you and Lloidy and another person were discussing in your car...?---I probably took him back to his flat. I am not sure.

You do not recall?---No.

When did you next see Lloyd?---I cannot re- 30
member when that was, whether it was before or after May.

So after when did I next see Llody.

Can you fix the time or roughly the date when you met in your car?---No, I am sorry I cannot.

You cannot?---No.

Was it before or after the 8th of July?---No, it was before that.

How long before?---Anything from two weeks to two months. I do not know, and it might...yes.

The 8th of July, two people came to your house, and you were told that there had been many arrests? 10
---Ja.

In Cape Town?---Yes.

In Johannesburg?---I do not know whether there had been in Johannesburg by that time. I do not think so. I am not sure.

Any other parts of the country?---Cape Town is the one I remember very clearly. There might have been others. I do not know.

There might have been others?---Mm - definitely Cape Town. 20

The whole situation now insofar as A.R.M. was concerned, was fluid?---Yes.

Now, you were asked who those two persons were, by his lordship, and you said I do not think it is fair for me to say?---I said one of them was Mutch.

And the other?---I might as well say it, the other one was Hugh Lewin.

You knew them?---I did not know Mutch. I never had any knowledge, contact with him before.

Lewin, you knew?---Ja. 30

They were re-assessing the whole position?
---It was not really a careful rational re-assessing; they

just felt that things were changing fast.

You knew they were A.R.M.?---Yes.

And you gathered they might have to leave the country at any time?---I gathered that Mutch might have to leave immediately and that Lewin might have to leave some time.

It was implicit in your discussions there, that they were trying to re-assess the whole position, and not see the break-up of the organisation?---No, they were seeing that the organisation was breaking up. 10

No, they were trying to see that it was not broken up?---I see what you mean, yes - no, they hoped there would be a continuation of the organisation.

So, you were asked to go out for about 15 or 20 minutes?---Yes.

While they had a discussion?---Ja.

And in fact, when you returned, it was intimated to you it was very important that the organisation should go forward?---Yes.

5 And you were to be made the man in charge? 20
---Yes, I gathered that is what they had been talking about.

Did they say so to you?---Yes, definitely, that is...they had been discussing me.

Now, in order to do that, you were told of the explosives?---Ja.

And the necessary material to go along with it?---Well, I was told where the things were, at two places.

You were told of dynamite?---Yes. 30

Of detonators?---Yes.

Anything else?---I was told there was dynamite and detonators and timers.

By timers you mean one of those watches?---
Yes, watches and clocks.

Watches and clocks?---And they told me there was Cordex.

Now, up to that stage, had you already seen one of these timers, Mr. Harris?---On that thing...on that bomb which had been placed on the signal cable, near Alberton, it was near Natalspruit location. 10

Yes?---On that there had been a clock.

A clock that had been modified to set off the explosion?---Ja.

You understood that?---Yes.

You were told about it?---I was, yes.

And you actually saw it?---Yes.

Now, having been told about the explosives, what instruction did they give you?---At that stage, actually, they did not think that things were likely to happen so quickly, immediately, and then very early the next morning, Lewin visited my house, and a chap had come up from Cape Town and had said that things were happening even faster than they thought. 20

Yes?---And then obviously, they were happening faster.

He woke you up?---Ja.

And he told you things were happening fast?

---Mm.

Did he tell you that he was getting out of the country?---No. 30

Was he alone?---Yes.

Now, on the previous day or evening, did they give you any instruction as to how to use explosives?— Well, they sort of ran over the basic steps.

Would you tell his lordship what they told you?—Well, they said that you must put a detonator, or detonators in dynamite, and you must pass a current through that, and the current will cause the detonator to go off, and the detonator will cause the dynamite to go off. That was the main thing.

Now, about the minor details - how was the current to pass through into the detonators?—Oh, you must use some sort of timing device, and that was explained to me - the watch. 10

The timing device was explained to you?— The watch.

How was it explained?—It was just told me and little sketches were made.

Little sketches were made - were you shown one of these timing devices?—No.

You were given a sketch?—I was shown, it was explained to me by sketches. 20

And you...?—It was very simple.

You were able to follow it quite easily? The mechanism was easy and the system was easy?—Yes.

You had to set the watch at a particular time?—Yes.

And you had to connect it up to a battery? —Ja.

And then at the required time, when the hands made contact, there would be an explosion?—Yes, there should be an explosion. 30

BY ASSESSOR MR. HART TO WITNESS: How many times was this explained to you Mr. Harris?---On that occasion.

On the one occasion only?---Yes.

Were you given any literature to study?---I was told that there was some literature. That it was with some of the stuff that was stored.

Did you yourself make the bomb that exploded on the station?---Yes.

Without assistance?---Yes, I used...the police told me that I had used too many detonators, and too many batteries, because I did not know how many detonators and how many batteries. I used the wrong kind of batteries and too many, and too many detonators. You see, they explained the basic principle which is very straight forward, and then explained exactly how the watch was made. There was not any explanation about the clock.

And were you told that you could also use petrol in conjunction with the dynamite?---No, they did not talk about that.

We will come to that later. Did either of these men have any hold over you?---What sort of hold? 20

Mutch and Lewin did they have any hold over you?---Did they blackmail me?

Yes, did you fear that they might talk about you as being a member of the organisation?---I did not fear them. I did not know Mutch at all, I liked Hugh.

You had implicit trust in them?---Well, in Mutch it did not come up, but I would have said that I trusted Hugh. Mutch was a ...I tell you I was quite im... 30
He had a very strong personality, I felt quite glad that

the discussion with Hugh...that when he had his discussion with Hugh, I felt quite glad that he seemed to think that I was alright.

Being members of the same organisation, you trusted them?---Yes.

And you felt they were trusting you with a responsible job?---Yes, yes, yes.

In other words, you had to carry on with sabotage?---Yes.

In any form that you thought fit?---I was just..10
No, it was not...it was not, that they sort of said, there you are Harris, do whatever you like with this. The idea was that I had to do...I had to carry on...carry on the activities of the organisation.

You did not argue with them or question the advisability of that at all?---No.

You had simply to step in in the position which they had dictated?---Well, at that, when they spoke to me, it was still a possibility, it was not decided at all.

20

You foresaw the possibility that they would step out of the organisation of necessity?---Yes, oh yes.

And then you would have to step in?---Yes.

And you had the explosives?---Ja.

And there was no one who could control so-called policy?---No, there was no one.

There was no one left?---Yes.

There was as far as you were concerned, just yourself and Lloyd?---Ja.

And you had the explosives?---Yes.

30

You were older than Lloyd?---Ja.

Lloyd is not a character that will dominate you, for instance?---Well, he was vice-president of NUSAS.

What has that got reference to your position in ARM? Did he, in fact, dominate you?---He did not push me.

Did he dominate you?---I would not say we dominated each other. We were friends. He did not push me.

I see.

BY ASSESSOR MR. HART TO WITNESS: Was there to be a leader between the two of you?---Well, it was not as formal as that. You know, it was just a matter of we discussed things, the two of us together. 10

GROSS-EXAMINATION BY MR. MOODIE (CONTINUED):

And who was to have the ultimate decision in any...?---Well, I felt....

Project that you discussed?---I felt the more powerful person, I felt the more important person, I felt perhaps it was just chance that they happened to come to me, because John was not there at the time when they wanted to talk to somebody, and make arrangements for the future, that it was just chance, but I felt...but I felt that I had been picked out, that I was...I felt happy about it that they made me the leader. 20

You felt in a very powerful position?---Ja. Yes, you know, it made me feel very on top of things.

You could do in fact, with the dynamite what you wished?---Yes, it was just in my hands, and its use was up to me.

Now, that was on the 9th that you last saw Llewyn, is it?---I have seen him once or twice.....

When he knocked you up early in the morning? 30
---Yes.

And your next step was to fetch the explosives?

---Yes.

And in order to do that, you contacted Mrs. Helmstead?---Ja.

At the theatre?---Well, I ran into her by chance.

At the theatre?---The cinema.

That was on the 9th of July?---Ja.

The very same day that you last Llewynn at your window?---Yes, a fantastic coincidence. 10

That is a coincidence?---Ja, you can ask her she will tell you.

Now, did you know Mrs. Helmstead well? ---I would not say I knew her well. I had seen her around several times at University, and Liberal Party meetings. I think my wife and she were both Catholics. I do not know...my wife was no longer a Catholic, I do not know whether she was. Yes, she was on my wife's telephoning list, I remember. I did not know her well.

Anyway, you spoke to her either at advertise- 20 ment time or during some interval?---At advertisement time.

Yes, and she says she was somewhat surprised that when you mentioned you can see my credentials, she had no hesitation in discussing matters with you - is that correct?---Ja.

What did you mean by credentials?---I mean.. I did not say you can see my credentials, I said you can check my credentials, and I meant you can question me, because I could tell her anything about it. I tell you what happened....

I think you had better?---I am sorry, I will

30

tell you what happened - she got a letter from Higgs saying that he had left his stuff and would put somebody of the University staff onto her. I never saw her letter, but I saw her statement later, and in this letter, it said a member of the University staff. I think Higgs meant to send Mutch to her, and then of course, things changed more rapidly, than Higgs had expected. So I said you can check my credentials, I meant you can ask me about how I know about this. I would have told her about Higgs. Yes, I did tell her about Higgs. I mentioned Higgs to her. 10

Now, in what connection did you mention Higgs to her?—That I had heard that he was in Northern Rhodesia.

Yes, but that has got nothing to do with this surely?—No, I mean...sorry, I am sorry, I do not get it.

Well, the fact that a man by the name of Higgs is in Northern Rhodesia, does not convey very much? —No, no, that was extra. Now, I meant that Higgs had asked me to pick these things.

That is the suitcases?—No, not that Higgs had. I had been asked to pick up the suitcases which Higgs 20 had left with her. That is what I mean.

Who asked you?—Mutch and Lewin.

And you told her?—....

Or did she not worry about checking your credentials?—Well, I...I had been told that she did not know what was in these suitcases, and I did not want to say anything to her, to be sort of upsetting for her.

Why did you contact Mrs. Helmstead, whether it was a coincidence or not? Why did you contact her?— Because I was going to collect the dynamite. 30

How did you know? How did you know that she

had it?—Well, they told me that night - Mutch and Lewin.

They told you it was dynamite?—Yes.

And they told you where it was?—Ja.

In the locker in the University?—No, just an ordinary cupboard.

In a cupboard in the University.

AT THIS STAGE THE COURT ADJOURNS UNTIL 10 A.M.

ON 20TH OCTOBER, 1964.

IN THE SUPREME COURT OF SOUTH AFRICA
TRANSVAAL PROVINCIAL DIVISION

In the matter of:-

THE STATE

v.

FREDERICK JOHN HARRIS

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ON RESUMING ON THE 20TH OCTOBER, 1964:

FREDERICK JOHN HARRIS, still under oath

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CROSS-EXAMINATION BY MR. MOODIE (CONTINUED):

You fetched the suitcases from the University on the 11th of July?---Yes.

Now, you came back to Mr. Helmsstead's place was it?---After I had fetched the suitcases, yes.

You came back to her place. Now did you tell your wife you had fetched suitcases?---No, I did not tell my wife I had fetched the suitcases. She stayed there with Mrs. Helmsstead. 10

You were there for about an hour?---From ..maybe even a bit more.

And you drove off home?---Yes.

With the suitcases in your car?---Yes.

Now, when did you look at those suitcases? ---I looked at them in Mrs. Helmsstead's office.

Having cut open the suitcases?---Yes.

You carried them to the car in that condition? ---Yes, I cut them open and then carried them to the car, after I cut them open. 20

You saw that there was dynamite?---Yes.

Fuses?---Yes.

Cordex?---Well, I was not sure what all the stuff was. I know now.

Yes, but you had been told on the 8th of July, or 9th of July...the 8th of July, you had been told?---Yes.

You were told how to manufacture explosive bombs?---Yes.

So you knew what was in the suitcase?---Yes. 30

You recognised this?---No, I looked through

that first manual, and saw what Comex was.

Oh, so you did study the manual?---I looked through that home-made manual.

Whatever manual, you did look through it?---
Yes, oh yes.

And you identified what was in the suitcases?
---No, hang on, I think you have got it wrong. I did not look through the manual then, do you follow? I am sorry...

Did you see that there were manuals in the suitcases?---Oh, there were a lot of books in the suitcases. 1

Well, let us do it this way - you left in your car to fetch the suitcases at the University?---Yes, oh yes.

How long were you away?---I suppose half an hour or three-quarters of an hour.

And during that time you merely cut open the suitcases and saw what was inside them?---Ja.

You say at that stage you did not study the manual?---No.

But you saw that there was dynamite in the suitcases?---Yes. 20

And other articles?---Yes.

Watches?---Yes.

Batter ies?---Yes.

Electric wire?---Yes.

And other articles?---Yes.

Now, you took those and you took them home?---Ja.

Where did you leave them that night?---I put them in the garage.

What happened to the suitcases?---I took the 30 things out of the suitcases in which they had been, and I

put them in some suitcases I had, and then I chucked away the original suitcases.

Where?—Next to the Main Reef Road.

Next to the Main Reef Road - how far from your house?—On the way to town, about half-way, a little more than half-way.

Does this convey anything - a few miles from your house?—About...I would say about 6 miles.

So,...?—On the way to town.

So, the contents of the original suitcases were in your garage that night?—Ja.

Did you tell your wife about the contents?

—No.

The next day, what did you do with those suitcases?—I took them to Johannesburg to the left luggage.

Three suitcases?—Yes.

In which you had packed the articles which you had found in the cupboards at the University?—I think one of the suitcases, I little suitcase I put inside a big suitcase, so anybody observing, it would have been two suitcases, but there were three suitcases.

You left them there on the 12th?—The day after, yes.

Now, the 13th was a public holiday?—Ja.

You saw Lloyd on the 14th?—Yes.

Where was that?—At ... near that open air café, drive-in café near the Ice Rink.

What time of the day was it?—In the middle of the day.

Now, did he contact you, or did you contact him?—No, I contacted him.

You knew he would be there?---Ja.

For what purpose did you contact him?---I contacted him to tell him what had happened.

What did you tell him had happened?---Well, everything as far as I remember, that he had been...that while he had been away Hugh Lewin and Mutch had been to my house. Actually, you know, it...I...it occurs to me that he had known...he knew some of this, because he had seen Hugh that morning, the morning before he went away, I told him about that, seeing the Mutches and Hugh 10 and then I told him about...well, everything they told me. Everything that I could remember that they told me.

You say Lloyd knew Lewin?---They shared a flat.

And he had seen him the day he went away?---Yes.

Well, what day was that?---I can work it out. It must have been, it must have been the 9th. The day after...yes, the 9th.

So Lloyd saw Lewin on the 9th?---Ja.

Are you sure of that?---Well, that is what he 20 told me.

So Lloyd knew then from Lewin all about the arrests?---I do not...I do not remember how much Lloyd knew. I think he said he had just seen Hugh. I do not remember how much he knew.

You see, Mr. Lloyd says he was away in Natal on holiday, and only came back on the 13th?---Ja, he hitchhiked down to Pietermaritzburg for the week-end.

He said he had been away for a week or two weeks in Natal?---No, it was not as long as that. 30

So he is wrong there?---I am sure it was not

as long as that.

Very well. Is your recollection perhaps faulty?—No, because I am...I am quite sure he said that he had seen Hugh and Hugh had told him something. Something of what had happened, but there was some point about not being much time. Hugh had just dropped in at the flat or at the office, and they had had some contact.

Now, what actual discussions did you have with Lloyd that day?—Well, we were in my father's kombi, I borrowed it because my car was being serviced, I think, 10 and I said to him, look, these blokes have gone, one's gone and one's arrested, and I have been thinking about it, and it is very obvious that the situation is a tight one, tense one.

Yes?—And there must be some sort of further move in the situation. I said what I think is that it is a situation which is so delicately poised, that by giving a push in the right way, the right push at the right place, you will get a...a re-distribution of forces.

What actual conclusion did you two arrive at 20 that day, Mr. Harris?—Do you mean after we had discussed everything?

Yes?—Well, I said to him that he was right, and that some sort of action was necessary, and it seemed to me that seeing that he had volunteered to do something about the Pretoria Office, to go and have a look at it and so on, he was from Pretoria I think, that it was a pretty good idea, so the conclusion was that I would do something, and he would do the Pretoria Post Office.

What was that something you were going to 30 do?—Well, at that stage, nothing specific had been

mentioned for me to do. That is the 14th, that is the first time we met.

Did your conversation end on that note?---Yes.

That is all that happened?---You mean, we got to details, that as far as we went.

That is as far as your conclusions went?---Ja.

And did he take a leading part in this conversation?---Well, as I recollect it, I did most of the talking.

You were in the dominant position?---Ja, I mean, I was the one who was providing information. 10

Did you tell him that day that you had the explosives?---Yes.

Did you tell him what the nature of the explosives was?---Yes, oh yes.

Did you tell him where the explosives were?---Yes.

Did you tell him what you intended doing with those explosives?---Do you mean keeping them, where keeping them?

Keeping them?---Well, at that stage, there was not any decision as to where to put the explosives. 20

Not on that day?---No, no, no.

Did you tell him then what you intended doing with the explosives in the more active sense?---No, at that stage, the only discussion about doing things, was that he would do something and I would do something, that was the conclusion of our discussion.

With those explosives?---Yes, with those explosives.

What was he going to use?---He was going to use...for the Pretoria Post Office, he was going to use a 30

certain amount of dynamite, I do not know if we discussed it that day, but definitely eventually we discussed it.

No, I am asking you about this day?—Well, I will tell you what the answer is, that I cannot tell you exactly which day.

What was he going to use?—He was going to use some dynamite and some sort of petrol.

But you cannot recall whether this was decided on the 14th or not?—Let me think - No, I really cannot be sure about that. 10

Why not Mr. Harris?—I just cannot. I mean, you cannot remember everything.

I see. Did you arrange to meet again that week?—Ja, we met two or three times that week.

By arrangement?—Yes.

When was the next meeting?—Some time during the middle of the week I think...some time during the course of the week.

Yes, when was that? Can you help us there? —Well, we met on the 14th. I am sure of that, that was 20 the Tuesday, and we met at the end of the week, and we met inbetween, but I cannot... at the end of the week, it was a Friday night and the Saturday for lunch at the Hotel, and some time inbetween. I forget which day.

Now, there were only two days inbetween, because you met on the 17th and again on the 18th?—The Friday and the Saturday.

The 15th or the 16th, one of those days you must have met?—Between the 14th and 17th.

You saw him on the 14th?—Yes. 30

You had dinner again on the 17th, and you met

on the 18th?—Yes, that is right, quite right.

On the 15th or 16th you met?—Ja.

What happened at that meeting, on either the 15th or 16th?—Well, at that meeting I had had the idea of going ahead...well, I had had the idea earlier, on the 14th of doing something. So, on the ... and I was quite set that it was necessary to act, so over the next day or so I thought about it, and then I thought of doing something... of doing this thing at the station, in the left luggage. So, when I met John again some time in the middle of the 10 week, the discussion went on and it was about the...it was on the basis of his still doing the Pretoria Thing. He had not been across to Pretoria by then, plus my doing the station, plus thirdly, his doing a car.

This is what you had been thinking about between the meetings?—Yes.

BY ASSESSOR MR. HART TO WITNESS: Was this before or after you had seen Mrs. Swersky?—No, I had seen her in the meantime. I had seen her.

Can you remember when you saw her?—I saw her 20 on the 14th, on the 14th, and I think the 15th or 16th - the 15th I think. Definitely I saw her on the 14th, and then a short while after that.

CROSS-EXAMINATION BY MR. MOODIE (CONTINUED):

What had you discussed at this meeting with Lloyd?—By then I had had the idea that...this is the second meeting?

Yes?—I had the idea that I would go ahead and doing something, this left luggage idea, and he would do the Pretoria thing, and he would do a car.

30

Yes?—Yes, that is right.

What conclusions did you arrive at at this second meeting?—Well, about that?

What was your definite decision on that day? —That he still had to check up on Pretoria. He was going to come across to Pretoria one day or one night, and have a look at Pretoria, at the Post Office, and that I would do the station — that was decided, and that he would look around at a parking garage.

And on that note, that meeting ended?—Mm.

And you saw him then again on the 17th?—Yes. 1^

At dinner?—Yes, he came out.

And did you discuss these sabotage attempts further that evening?—Not very much. It was more or less a social evening, and most of the discussion...he was a bit mixed up I think, and most of the discussion that he remembers as being on that night, was on the following day, the Saturday, at the lunch.

So, you did not really discuss sabotage attempts on the 17th at all?—I ... my recollection is that we discussed on a small scale. Just, you know, some limited discussions.

Was it a continuation of the previous meeting? —Yes.

Alright, you met him on the 18th then?—Yes, that is at the hotel.

And you had a serious discussion then?—Yes.

And what conclusions did you arrive at on that day?—Well, that was quite a big discussion.

Yes?—You see, he works on a Sunday paper, and so he worked all day Saturday, preparing the paper. That 30 was his lunch hour, and he took more than an hour, and then

he came up and we met at the hotel, and he by that time, had been to Pretoria, I remember there, it was at the hotel, I can remember he was sitting there, and he did this, or this with his fist, to show the size of the opening. I can remember it was definitely at the hotel, and that was the Pretoria idea. And by this time, by this time, I had seen Mrs. Swersky a couple of times, and she had...yes, that is right, and she had mentioned this Israeli idea, of the warning telephone calls, and I had realised that that idea would tie in absolutely perfectly with the other 10 idea, with the original idea of doing...of having the bomb in the waitingroom, the left luggage at the station.

BY THE COURT TO WITNESS: That is what I would like to know - why did you change your mind?---It just fitted perfectly.

Why did you change your mind and not blow the bomb in the left luggage with the warning? Why did you change your mind and decide to explode in the concourse? ---Immediately I had this idea...well, immediately this idea sort of joined together with the original idea, it 20 seemed to me to form a perfect unity. Just immediately had a sort of...it had a sort of magnificence about it, that the original idea did not have. You see, the original idea had its point - it was quite a good idea, it had its point. It would have had impact on public opinion, but the minute you added to that, this idea which enabled it to be a more public affair, the minute that happened, gee, immediately it became a much better business. A much more significant business.

CROSS-EXAMINATION BY MR. MOODIE (CONTINUED): 30

Well, when did this idea first strike you then?

—The idea of the station at all?

No, the station...the alterations, from the baggage room to a public demonstration?—Let us see - I suppose about the Thursday.

That would be the 16th?—No - which week? It was either the end of that week, or early the next week.

It is quite easy, you saw Lloyd...?—Yes, about there.

Monday was a public holiday?—Ja. 10

And you saw Lloyd on the 14th?—Ja.

The 15th, 16th you are not certain when you saw Lloyd, the 17th you met him at dinner?—Ja.

On the 18th you saw him again?—Yes.

On the 16th...?—I had had the idea, yes. It was my idea.

It was your idea?—It was my idea, putting the elements together.

Did you tell Lloyd about this on the 17th? —The 17th or 18th, whenever we had the full discussion..20 a fuller discussion.

Can we exclude the 17th?—As for being when I told him about it?

Yes?—No, I cannot be more sure than that. I am sorry, it was the one or the other or both, that we discussed it.

You then told him that a spectacular demonstration in the station itself, was far better than in the baggage office?—Much better.

You told him that?—Yes. 30

And you told him you had thought about this

during the week?—Yes.

What was his reaction?—Well, he said that he could see there was some point in it, that there was a... it was a more grand idea, and then he said he wanted me to explain it a bit. So I explained everything to him, and then that was that, but then we had the three ideas more or less, in principle, organised.

That is the explosion in the station itself?

—Ja.

The parking garage and the Pretoria Post Office - all on the same day?—Yes. 10

BY ASSESSOR MR. HART TO WITNESS: Was there then any talk about danger to life?—Well, it came up vaguely. I can remember vaguely, and I explained to him how I caught trains a lot, every day twice in and out, and I had seen people being switched around like sheep when there was an instruction on the loudspeaker. If they cancel a train and they say you go to platforms 7 and 8, rather than platform 3 - it is like termites just wheeling across. So I explained to him, look, there will be these warning tele- 20 phone calls, consequently the railway police will act on these warning telephone calls, consequently, this is all perfectly logical - consequently people will be diverted away, and there is not any danger.

BY THE COURT TO WITNESS:

Suppose the police thought it was a hoax?

—Sorry, this is how the gentleman asked me how I felt at the time.

Yes, but did you think of the possibility, that the police might think it is a hoax, and not clear the public?—No, I did not think of that. It just seemed 30 to me, to make hundred percent sense. I mean that is why I made the telephone calls.

CROSS-EXAMINATION BY MR. MOODIE (CONTINUED):

You saw Man Swersky on the 14th?—Ja.

What time?—Some time in the afternoon.

Why did you contact her?—She contacted me actually. She...you see, ...I thought, no - she and I had been at University together, doing a common course for about two years practically, maybe even more. We had just been parallel in the same group for most of the time, and we had often been seeing each other.

And you told her that you had become involved in sabotage?—Ja, I did not really. I did not plan to, but it just came out, because she was a very nice girl. 10

You wanted someone to talk to?—Ja.

You also told her, you had in a sense been put in charge?—Yes, oh yes. I mean I felt...

You wanted someone to know about this?—Yes, and how!

And on the 14th, did you tell her that you had explosives?—Man, I am not sure - it was the 14th or the 15th. 20

Now, would it not have been logical if you had told her the details that you were in charge, to have told her you had explosives?—No, what I am thinking it, it was on the 15th ...it would have been logical, but I do not recollect exactly that.

You do not recollect that?—I remember feeling, very happy to be able to talk to her. She is a very nice girl.

When you talked to her, you already had the idea of a bomb at the station?—Yes. 30

That would be in the baggage room?—Not ori-

ginally...yes, when I talked to her, it was originally. I can recollect this very clearly, originally when I talked to her, I laid great stress on the need to do something. To act on some basis, but I think it was only that night or the next day, that I remember that I thought of the station. It was my idea, the station.

Well, that would be the 15th?---Ja.

That would be the 15th?---Yes.

You saw her again on the 15th?---Yes.

And you discussed sabotage again?---Ja, that 10 was when I asked her if I could keep the stuff there.

And she said, yes, and you went and fetched the parcels?---No, I had them in my car. I just had a feeling that I can rely on Ann Swersky, she is...she will go along with me.

So, you fetched the suitcases from the station and went to her place?---Mm.

And you knew that she would co-operate and allow you to store it there?---Well, I mean, you cannot say knew in a certainty sense. If she had not, I would 20 have taken it to somewhere else, but I had...I mean she is such a worthwhile person, that I was pretty sure she would not oppose.

So, you then stored the articles in her storeroom?---In her underground cellar, or underhouse cellar.

And on that day, did she give you the key?
---She gave me the key on one day. It must have been that day, because I took it away and had a duplicate cut and came back and put the duplicate in her bathroom or kitchen window. 30

That was on the 15th?---I did not bring it back

on the same day.

On the 16th?---I do not recollect which day I brought it back. She was not at home the day I brought it back.

BY ASSESSOR MR. HART TO WITNESS: Mr. Harris did she encourage you in this plan?---Did she encourage me? She did not.

Or did she try and dissuade you in any way? ---No, I felt she went along with me, that is why I liked talking to her, because she did not...because she went along with me, and I think I told you, she is very intelligent I always thought.

10

EXAMINATION BY MR. MOODIE (CONTINUED):

Now, on what day was it that she mentioned that in Israel they had something similar?---I think it was the Thursday.

CONTINUED ON PAGE 388.....

That would be the 16th?---Yes.

And by something similar you meant the Underground had placed bombs and then issued telephone warnings?---Yes.

Now, obviously, if you at that stage were planning and explosion late at night, the question of a warning would not come up, would it?---No, it didn't come up at all.

Because it would not be necessary?---Ja.

So that it was at that stage then that the idea was planted in your mind of having a spectacular demonstration in the station with the necessary warnings?---You must get 10 it clear - it was my idea. I mean, she just happened to mention this, and I was the one who put the two ideas together.

You accepted it?---Well, she didn't intend it to be fitted together...

You don't know that, but in any case you were in a receptive state of mind?---Oh, yes.

You have told us that already?---To the idea?

Yes?---It didn't sink home immediately. It was afterwards, when I had gone away, suddenly it clicked.

You have no doubt heard of explosions in Algiers 20 and in France and Israel, by that time? Reading newspapers?---I have heard of explosions, of course.

And this idea of a public demonstration appealed to you?--- Of course it appealed to me.

And it immediately struck you that the baggage room was no good - it was the concourse that was best -or somewhere in the station?---I would not say the baggage room was no good. I would say that this was much better.

But then you had to have a system of warning?---Ja.

Because of the danger?---Of course.

30

You know, of course, from your own knowledge, that the Johannesburg Station is a huge place?---Yes.

It covers several acres, I should imagine?---Ja.

Did you decide, then, in your mind, where you were going to put this bomb?---Yes, somewhere in the centre of the actual concourse.

Did you tell Mrs. Swersky this?---I don't know whether I saw her again after that. Yes, I did. I saw her the next week.

On the 16th this idea appealed to you and you had 10 made up your mind?---Ja.

That is after you saw Mrs. Swersky?---Yes.

Is that correct?---Yes.

So that when you saw Lloyd on the 17th or 18th, your mind was made up?---Oh, yes.

Did you try to dissuade you from this?---It was a new idea to him.

No, did he try and dissuade you?---Oh, no. He was... he just sat and listened, and then I explained everything to him, and asked him questions and he asked 20 some questions, and that was that. It was decided.

Did he raise the question with you as to the possible danger of injury?---I don't remember whether he raised it, or whether it came up in the conversation. I don't know how it originated, put it that way, but once it had come up it was disposed of, by the warning idea.

And you disposed of that?---Ja.

He suggests, of course, that the risk of danger was never entirely excluded?---It was disposed of... it was put away.... 30

No, I am just saying what he says!---Well, I

don't want to argue with John, but I don't remember that at all.

Is it possible that he did say so?---That he said so?

Yes!---I don't remember it at all. That the risk was never entirely precluded?

Yes!---No, he accepted what I said.

He accepted that there was no risk?---Yes.

You accepted that there was no risk?---Of course. That is why I was able to convince him. 10

When did you first think of the idea of petrol? ---That was out of the original idea of the waiting room. The left luggage room.

When did you first think of the idea of petrol? ---Well, I suppose it had been in my mind from the posting boxes idea.

If your explosion was in the baggage office, late at night, then of course the necessity for petrol for a spectacular demonstration was quite unnecessary?---Yes.

Is that so?---Sorry... if the explosion... say 20 it again?

As originally contemplated, in the baggage room late at night, then as a spectacular demonstration, the petrol was unnecessary?---Yes, you would not see it flash.

So, now, when did you first think of petrol being added to this bomb as a form of spectacular demonstration?---It was in my mind all along - from the posting box idea, I can remember.

Is it not so that it was in your mind the moment you decided that the explosion was going to be in the 30

concourse?---It was in my mind then, yes.

Wasn't that the first time that it came into your mind?---No, because... I will tell you how I know, because when I jotted down the plan, right from the beginning when I jotted down the plan, it was on that basis, that there would be petrol with the dynamite in every case.

In every case?---Ja.

BY ASSESSOR - VAN DEN BERGH: Even if it was to be in the luggage room?---Yes.

So you did intend to use petrol there as well? 10

---Yes, oh yes. Mr. Moodie asked me that.

CROSS-EXAMINATION BY MR. MOODIE (Continued):

Why I asked you that was because I seemed to recollect that when you were given information and instruction on the 8th of July by Mutch and Lewin, there was no mention of petrol.---No, they had mentioned the petrol on the previous occasion. At least Lewin had mentioned the petrol on a previous occasion when they were talking about the postal boxes.

And when was that?---It had come up a couple of 20 times. There was one major discussion about it, I would say, it was sometime between the 20th of June or a month or 6 weeks before that.

Was it the organisation that discussed this?--- Well, I don't know if everyone in the organisation discussed it.

Who was there?---Myself, Lewin and Lloyd.

BY THE COURT: When was that? About?---Not later than about the 20th or 25th of June. It was before that. It was a Saturday night. It was about what could have been a 30

month or six weeks before that.

When you discussed it?---Yes.

BY ASSESSOR - VAN DEN BERGH: That means sometime during May?

---May/June - yes, that is correct, May/June.

CROSS-EXAMINATION BY MR. MOODIE: (Continued):

So you knew that if you used the concourse you would have a bomb containing the explosives?---Yes.

And a quantity of petrol?---Yes.

That was absolutely clear to you?---Yes.

You knew that that was absolutely essential for your purposes?---Yes. 20

Now, you didn't see Lloyd again, after the 18th? ---Of June?

No, the 18th of July!---No, I didn't see him after the 9th of July.

Lloyd!---Oh, I am sorry - I thought you said Lewin! Yes, I saw him again. I saw John Lloyd again.

When was that?---I saw him on the 21st - that is the Tuesday.

Yes?---And that is all. 20

You last saw him on Tuesday, the 21st?---That is the 21st, ja.

When did you last see Mrs. Swersky?---Sometime during that week, I saw her.

Can you recall when that was?---No, I am sorry. About during the course of that week.

Did you reaffirm to both that your intention was firm to explode a bomb in the concourse of the station?--- Did I reaffirm? Do you mean did I tell them again?

Yes?---Well, I hadn't changed my mind at all. 30

You had not changed?---No. No.

These are the only two people who knew about this plan of yours?---Specifically.

Well, in any other way?---Do you mean details about it?

Yes? That you were going to explode a bomb in the station - these were the only two people who knew that? ---That I was going to explode a bomb in the station?

Yes?---Yes.

You told no one else?---No. I will tell you - 10
it might have... I might have slipped some details, but not ... well, when I say details I mean reference to the fact that I was going to do something, to my wife, but I did not tell her anything in detail, because right from the beginning she said she did not want to have any knowledge of anything like that that I was doing, and I tried very hard not to tell her anything.

Did you tell her something about it?---Well, I tried jolly hard not to, and I hope I didn't.

Can we help your memory? Did you or did you not 20
say anything about your proposal?---Well, I tried pretty hard not to, and I think I succeeded.

So you didn't tell her anything?---Ja.

So Swersky and Lloyd were the only two that knew?---(No answer).

When did you type this note - the one that has been handed in as Exhibits "3" and "4"?

BY THE COURT: Is that the Doctor Verwoerd one?

MR. MOODIE: Yes, it is.

THE WITNESS: I typed that sometime just before the middle 30

of the month - the middle of July.

Can you be more specific?---Well, you could say..
let me put it this way, in the second quarter of the month,
there you are.

Would that be after you had seen Lewin and Mutch?
---Ja.

Did they plant the idea in your mind?---No.
This was your own...these were your own thoughts?
---Yes.

You typed this letter on your type writer in the 10
second quarter of the month?---Yes. I had two type writers,
and I did it on the home type writer.

When did you show that letter to Lloyd?---When I
first saw him, on the 14th.

And you brought it with you in order to show him?
---Ja.

Why?---Well, I thought it was a very good idea,
and I wanted to share it with him. That was the idea.

Did he approve of the idea?---He didn't, you know.
He said... he said... he was rather negative. He threw 20
damp water on the idea. He said this is not going to have
any effect. He said something like "I don't know why you
think it is going to have such potency. It is not going
to have any effect because it is not going to be accepted
by Dr. Verwoerd, because he knows perfectly well - he has
got lots of information - and he knows perfectly well that
it cannot be carried out - the Organisation is smashed".

So what did you do with this letter?---I scrapped
the idea. He was right.

What did you do with the letter?---I took it home 30

with me, I think. Put it in the car, or my pocket, and took it home.

Is that all you can recollect about this letter?
---Well, obviously I put it at some stage, at the Swersky's, because it was found at the Swersky's.

But you did not know how it had got there?---Yes, now I recollect perfectly clearly... wait a minute! I took that - that note - and I shoved it into the side pocket of the car. The plastic leatherette pocket of the car, and it stayed there for a couple of days, and then, when I was at the Swersky's, two days later I don't know - probably something like that - at 33 Oxford Road - when I took the stuff out I thought to myself "Well, I have got this note here as well - shove everything together", and I put it in one of the plastic bags. I think there was only one big plastic bag. I put it in one of the suitcases, and I put all the suitcases I had with me in her suitcases - or their suitcases. 10

Why did you keep the letter?---I am a hoarder. I just keep things. 20

I see. Did you show it to Mrs. Swersky?---No, no, I didn't. There was no point in showing it to anybody that I sort of wanted to discuss it with, because it did not exist any more.

I have asked, and I will ask again, two features of this letter. "We have plans for such killing and with great reluctance we will put these plans into operation if you reject or ignore our initiative". I don't think I am taking that out of context, because you know the rest of the letter quite well.---Ja. 30

What did you mean by "We have plans for such killing"?---Well, obviously, if you are going to make a threat that is going to have some sort of sharp impact, you must energise it.

Yes?---Yes. You must... if I just write a letter to you and say "Do this", and it is something which you do not want to do, you will just chuck it away, but if I write a letter to you and I say "Do this, or else...", and then I say something dramatic, then it makes contact, straight away.

10

You say that this was not seriously meant?---No, it wasn't.

It was not?---No. That is why we dropped it.

The other passage is this: "We remember Sharpeville, when your police massacred 69 of us. We also remember the lies you have told about Sharpeville, how you suppressed the truth"---Yes.

Now, what did you mean to convey "when your police massacred 69 of us"?---Sixty nine South Africans.

You didn't perhaps wish to give the impression that a Bantu was the originator was the author of this letter?---No, why should it be?

20

Not at all?---No, why should I? As far as I am concerned there are 17 million South Africans. That means if you are Jewish, or not Jewish - you are as much a South African as I am.

So that was then "when your police massacred 69 South Africans"?---Yes, black and white.

Now, that letter went into the plastic bag which was found at the Swersky's place?---Yes, that is so.

30

(May I sit down, please? BY THE COURT: Yes!).

There were other papers in your motor car as well?

---Yes, I think they were in the cubbyhole - that is where I kept the...

And you didn't remove those from your car?---No.

It didn't strike you to do so at the time?---I just... which were they? I just neglected the possibility.

Now, that property remained with the Swerky's until what day?---Until the police got there, Until the 25th.

10

Did you remove anything from that cellar prior to the 24th?---Yes, I went back to the cellar and I fetched a couple of detonators and 8 sticks of dynamite.

When was that?---That was pretty early... about Monday the 20th.

Was that for the purpose of making the station bomb?---Ja.

Was Mrs. Swersky there when you removed this stuff? That was the Monday?---I think so, yes.

Did you tell her that you were removing some dynamite?---Yes.

You told her?---Ja.

And the batteries and watches and the fuses?--- Well, I didn't take the batteries. I will tell you why - they looked so small to me, and I thought these batteries could not possibly be effective - they cannot do it - they must be for something else, so I went and bought two big batteries.

I see.---Super Number 3, they were called.

You also bought the batteries that day?---I am not 30

sure, It was early that week.

You were there on the 20th, you removed the dynamite and other articles, and you saw her again on the 21st? ---No, I cannot remember exactly which day. I saw her several times. I saw her,...

You told us a few minutes ago that you last saw her on the 21st? The Tuesday.

MR. PHILLIPS: No, that is not correct, my lord. All he said was that he saw her in that week.

CROSS-EXAMINATION BY MR. MOODIE (Continued):

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Didn't you say that you saw her on the Tuesday?--- I am not sure which days I saw her that week. I saw her in the early part of that week.

Didn't you see her on the Tuesday?---I might well have, really. Quite easily.

You probably did?---I don't know.

You went back, and you told her that you had removed these articles to make a bomb?---Yes, I went back and told her that I had removed...

Yes?---She was there when I took them, I am pretty sure.

20

And that is the last time that you saw her?---I saw her quite a few times. I cannot say which is the last time I saw her.

The 20th is fixed in your mind. Did you see her after that?---I saw her later than the 20th, yes.

The 21st?---I don't know.

You don't know, alright!---Definitely I saw her on the 21st,

You took these articles back home, then?---Yes.

30

To your garage?---Ja. You see, it isn't used for the car. It is used for storing things.

You bought - I think you described them as being Number 3 batteries?---Super Number 3 they were called.

Fairly large?---About that high, by that and that (demonstrates).

And how many...?---Two.

And how many of these manufactured watches did you take with you?---I think I took the lot. No! I think there were about five or six, and I took about four. 10

When did you prepare the bomb?---Tuesday or Wednesday... Tuesday Wednesday, Thursday.

You took some time about it?---Well, I did one little bit, and then left it alone, and then another little bit.

Did you cope with the manufacture of the bomb quite easily?---I wasn't sure about two or three things. I wasn't sure whether the batteries were powerful enough - that was why I got the big batteries - and I wasn't sure about the detonators, how many you needed, so I used two detonators. 20

Yes?---Sergeant van der Merwe told me that I need only to use one detonator, but I used two detonators. And I wasn't sure about the ignition of the petrol, so I took some cortex - that is that yellow cord stuff - wound it round into a sort of loop about that long (indicates), it was before I wound it around, into a sort of loop and I put it with insulation tape onto the side of the plastic jellicoe. Sort of between - so that there was the dynamite and then this stuff, and that, so that I presumed that the 30

dynamite would ignite the cortex which would burn away into the petrol can.

The can was the container in which you were going to put the petrol?---Yes.

Did you consult the manual at this stage?---Well, I looked through the manual. I flipped through all the manuals. Most of them were terribly technical. I flipped through the manuals, and it didn't answer the questions I had. How many batteries, how many detonators - it was too advanced. We went to a lot of trouble. 10

The manuals contain not only information, but a lot of illustrations about the destructive power of dynamite and the demolishing effect, not so?---Oh, hundreds of pictures, yes. All sorts of pictures.

You fully realised that you were handling dangerous material?---Well, you see, in several places I saw this - in several places it said "tamping" - that is the word! Tamping! It said that you must always bore a hole - there was a special word for that - you must always bore a hole and you must tamp it. You must tamp the dynamite, because 20 if you don't its explosive power won't work. It will go off and release pressure... cause pressure.

That you would have realised without even reading the manual, not so?---As I thought all along.

That dynamite is an extremely dangerous substance?---Sorry, when you said that I realised - I thought you were talking about the tamping!

Yes - of the danger of using dynamite!---Well, it didn't you know... I had no idea of the quantity you use, and I thought that if you don't use a large quantity, you 30

must always ... by that I mean to say about 40 or 50 sticks...
you must always tamp it.

What in your mind would have been the effect of
one stick of dynamite?---Exploded in open air?

Yes?---Practically nothing.

And eight?--- A loud bang.

And contained in a suitcase?---No difference.

Placed near a wall?---Still no difference.

And near glass?---Well, I don't know. I had not
thought of this before - I suppose it would have cracked 10
some of the glass.

And inevitably cause the glass to fly in all
directions?---It just seemed to me that you would have a
loud bang.

You didn't think of these matters?---No - I am
sorry - I am not a technical expert.

BY ASSESSOR - MR. HART: Did you seek any advice from
anybody?---On the Thursday night - that is the 23rd - I was
going to ask John about the number of detonators, and the
number of batteries. John Lloyd. I thought he would have 20
known, because he had prepared something before, he once
told me.

But he was not available?---No.

Did you try to get advice from anybody else?

---No.

CROSS-EXAMINATION BY MR. MOODIE (Continued):

Did it occur to you that pieces of the battery
or of the watch or of the suitcase could fly in all di-
rections?---No, I visualised - I had a very clear picture
in my mind of a loud bang, and a flare about that wide, 30

about 18 inches wide, and standing all around - say this room is the concourse, bigger than this - standing all round there would be people. Mostly very struck by the explosion and this flare.

In your mind, how far away from the explosion were these people?---Around the perimeter, of the hall.

How far away from your bomb?---Well, it would vary from what part of the room they were in, but it would be say from that wall to that wall, or a bit beyond it (indicating).

10

Thirty yards away?---I don't know. It is more than thirty yards, isn't it? Say this distance ...

BY THE COURT: What is the length of this Court?

MR. MOODIE: From where you are to that room.

THE WITNESS: Say the length of the room.

CROSS-EXAMINATION BY MR. MOODIE (Continued):

We can always find that out! Well, that was your idea - as you saw it in your mind?---Yes.

BY ASSESSOR - MR. HART: How much petrol were you going to use?---Well, I had a five gallon can - just like that one there - and I went to a garage in Braamfontein, Dawsons(?) Garage, and said to the bloke "Start filling it", and then I stopped him when it had four gallons in it - because I wanted a round number, I don't know why, and although it was supposed to take five gallons, I didn't think it would take five gallons - it was sort of coming out at the top, so I put in full four gallons.

20

Is that what you used?---No, I bought four gallons, and then carried it away, and it seemed jolly heavy, so I poured about half of it into my car. I used

30

about half of four gallons - about two gallons. That was on the 22nd - I remember that very clearly.

That was when you bought the petrol?---Ja, it was on the 22nd.

Had Mrs. Swersky the day before not bought the two cans? One of which was found in the....?---Yard the day...

She bought them?---Yes.

The day before?---Or a day before that, yes.

That would be either the 20th or the 21st?--- 10
Yes, or even...

You bought the petrol on the 22nd?---Yes, or even.... or even the end of the previous week. I think more likely the beginning of that week.

More likely the beginning of that week - the 20th or the 21st?---Ja.

She had bought them - one of them which was found there and is exhibited, and the other was demolished at the station?---Yes. I... I... you see, the idea of buying two was the other one, this one, was to be used for John when 20 he was going to do the car.... That is right!

That was the purpose of buying two?---Yes.

And in your one you placed two gallons of petrol?
---No, I put in four gallons of petrol....

No, eventually?---Ja. I didn't put in two. I put in four, and then poured out about half.

Did you buy the suitcase for this purpose?---Yes, I bought the suitcase at the O.K. Bazaars, Eloff Street.

When?---It would have been the end of... I don't know. Anything from say about the ... say 16th to the 30

22nd.

Between the 16th and the 22nd?---Ja.

That you bought the suitcase?---Yes, or it could have been a little bit later - it could have been the 23rd - I am not sure.

When was your bomb completed?---The Thursday.

That bomb was made in the suitcase, hm?---Yes.

And placed in there, you say, on the Thursday?

That would be the 23rd?---Yes. It wasn't really.... as I finished a bit I put it in.

10

When did you finally put the petrol in the case?

---I think when I went home on the 22nd I shoved the things straight into the suitcase.

So that you had your bomb and your container with the petrol? In the suitcase?---Well, what do you mean exactly by "bomb"?

Well, the whole... your explosive portion and this petrol which was going to cause the flame?---Yes.

That was all ready...?---Yes, inside the suitcase.

On the 22nd?---Wednesday/Thursday.

20

Wednesday?---Thursday, I think.

And you left the suitcase in your garage?---Yes.

And you next handled it on the 23rd?---After what?

No, I say, after you had left your suitcase with the material in it, in the garage, you left it there until you handled it again on the 23rd?---(No answer).

Your suitcase?---I am sorry - it doesn't make sense to me. On the 22nd or 23rd - it was at that time in the garage all the time. Yes, it was.

30

Now, you finally took it out of your garage on the 23rd?---No, the 24th.

The 24th?---Yes. That is what didn't make sense.

I am sorry! Were you in Pretoria on the 23rd?---
I don't think so.

Are you sure?---I wasn't in Pretoria on the 23rd. I was banned. I didn't go to Pretoria.

What did you do on the 23rd?---Stayed around at home. I was in town, I think.

You were in town?---I went into town practically 10 every day. I was at the College on the 23rd, I remember that, yes.

Now, that suitcase you took in to Johannesburg on the 24th?---Yes, that is right, quite right.

What suitcase did you have stored at the station? ---When was that?

It was deposited on the 23rd, and uplifted on the 24th?---Yes, I know - the police told me about that. That was a little grey one, I think... that one over there. It is the one under the blue one. I just cannot remember about 20 that one. I think it was this one. The police showed it to me and said that they had worked out, from the tag on it, that it had been stored at the Johannesburg station at the end of that week.

On the 23rd?---Ja.

And it was uplifted on the 24th?---Yes, they worked it out from that number.

Is that your suitcase?---Yes.

What was it doing there?---I... honestly, this means nothing to me. I cannot remember that. I am afraid 30

I fibbed to the police, and I told them... it seemed so silly when the Major asked me, that I couldn't remember this one. First Mr. van der Merwe, then Lieutenant Van der Merwe, and then Major Brits - I told them some story. I made up a lie about it. I told them a lie about it, but I just... I am damned if I know.

What was in that suitcase?---Some of the stuff, I don't remember which.

Some of what stuff?---All the stuff that is lying around here. 10

Some of the explosive material?---It could be - I don't know.

It could be?---No, I don't know.

You don't know?---No, I am sorry.

You have no recollection at all what was in that suitcase?---I don't remember anything about that little one, I am afraid.

Clothing?---What about that?

Was there perhaps clothing in there?---We did keep clothing in it.

Was there clothing in that suitcase?---At one stage I think my blazer was in there. My University blazer.

When you put it in the station - the baggage room?---I just don't remember, honestly.

In fact, there could have been anything in it? ---Anything, absolutely anything. I just don't remember.

You don't remember?---No.

Why did you go and uplift it on the 24th, then? ---Man, I don't know anything about it.

But you can recall that, I take it?---No, I am 30

blowed! I don't remember anything about that little grey suitcase. I mean I know... hang on! I know that I used that suitcase at one stage, for keeping things at the Swersky's. I know that - that is for sure.

I cannot hear you?---I kept things at the Swersky's in that little suitcase, at one stage. I know that for sure. That is definite.

AT THIS STAGE THE COURT ADJOURNS FOR 15 MINUTES.

ON RESUMING AT 11.30 a.m.

FREDEFICK JOHN HARRIS (Still under oath):

CROSS-EXAMINATION BY MR. MOODIE)Continued(:

In that suitcase that you cannot clearly recall, were there not manuals that you were taking in to Johannesburg to consult Lloyd about?---You know, that rings a bell. That story that I told the police...

Was it the truth?---I just cannot say. They came to me and said "Here is the suitcase", they showed me that slip on it, and they showed me the railway documents, and they said "Here you are, this was handed in on the Thursday and taken out on the Friday - what did you do with it?", and I couldn't say anything to them. I am sorry... Like.. I mean, now I can, because, I mean, I was asked this business you asked about the Thursday afternoon, do I remember whether I was in Pretoria on Monday.. no, on Sunday. Major Brits asked me this, and well, I could be frank with him, because I was on a different footing. He said.... he told me a whole thing about Thursday, in Pretoria, and he said that somebody.. two people had seen me at the Wacht-huis - that is the headquarters of the police - on Thursday, and he didn't know whether this was true or not, and where

had I been on Thursday afternoon - this was on Sunday - and I said to him "Well, quite frankly, I don't know", because I could be frank with him.

So you don't know whether you were in Pretoria or not?---I just cannot say whether I was or was not in Pretoria on Thursday afternoon.

Did anybody suggest to you that there were manuals in that suitcase?---You have just suggested...

No, no, no, before you spoke to the police, and while you were talking to the police?---I think the manuals 10 were kept in the suitcase most of the time - in that suitcase - the little grey one.

You told the police that there were manuals in there and you wanted to consult Lloyd about them?---Yes, that is the story which I told the police.

Isn't it possible that it is the truth?---I don't know - it is possible.

Do you remember fetching the suitcase?---No, I can't ... I can't... I tried to work out, when they asked me... obviously it is much easier if you can remember 20 a thing and you can just tell it and that is that. I tried to work out when I had fetched it and I am blowed if I can.

I see.---It must have been the 24th - it must have been.

Well, we have evidence on record that it was the 24th!---That is what I mean. It was the 24th.

Now, we know that the length of the Court room is 22 paces - do you agree with that - is that more or less correct?---I don't know - have you paced it?

I didn't, but someone else did!---I cannot... 30

That is the distance, in any event, that you envisaged the people would be standing round - from there to the back wall?---Yes, it would be the size - when I looked in my mind that would be the size, and it would be much longer, of course - along the sides - across like that. They would turn this way - like that, and then like that (indicating).

People would be standing round, equi-distant from the point where the bomb was?---They would be standing around the outside of the wall of the hall. The wall of the hall. 10

If your dynamite was going to make a bang and the petrol a big flame...?---Ja?

Was it necessary for them to stand well back?---I am not with you! Was it necessary for them to....?

For the people to stand well back?---No, they could not be standing next to the thing.

Why not?---If they were standing next to the thing they somebody might get hurt. That is why they had to be cleared, obviously.

In your mind, what would be the maximum distance 20 of safety? Or the minimum distance of safety?---I thought if you were standing away from the thing, then that was that.

Can you be a little more specific, please!---I thought that anybody within this sort of distance (you to me) from the thing...

Was in danger?---Was in danger, ja.

And when would you be out of danger?---I didn't calculate it like that. I just assumed that once you were away from the thing you were away - finished. 30

By away - what do you mean?---Well, not right next to it.

I must ask you where did you think, in your mind, a person would be safe?---Anybody who wasn't right next to it.

What do you mean by "not right next to it"?---
Well, I said, you to me.

BY ASSESSOR - MR. VAN DEN BERGH: Two paces?---Ja.

CROSS-EXAMINATION BY MR. MOODIE (Continued):

There they would be in danger?---Yes. 10

I would be
And if I was three paces away/out of danger?---

You are asking me what I am thinking now - or what I was thinking then?

I am asking you what you were thinking then?---
I didn't calculate it on a basis of to the nearest milli-
meter, or anything.

Well, to the nearest yard, then?---The nearest
yard - it didn't strike me. You see I didn't ask myself...

This distance would be extreme danger - where I
am standing?---Hang on! That is right, go on! 20

Anything further, and I would be out of danger?
---Well, I am now going back into... as far as I can.. into
my thinking then, and my thinking then was simply that ..
I did sort of itemize it. a) - There won't be anybody
near this thing. b) - There won't be any danger. Finished!

Now, you envisaged people standing, you have
told us, roughly 22 paces away?---Ja.

And in your mind at that time, that would have
been safe?---Of course.

Now, how close would they have to come before 30

they reached the dangerous area?---Well, I will put it this way - people next to the thing would have been in danger.

I cannot get you any nearer! What about the dock?---I... there wouldn't have been anybody...

Now, if they were there?---I...

If they were as close as the dock - say eight paces away - would they have been in danger?---I can't tell you now - but I did not think it then.

You didn't think it then?---No, I did not think that then. I thought in terms of this distance. 10

Did you have a sense of worry or anxiety about the fact that you had eight sticks of dynamite which you were going to explode in the concourse?---No, I didn't really. I felt.. I felt pretty happy, frank ly.

What did you feel about the people who might be there?---Well, I knew that there would be people there, in the concourse. I mean, there are always people in the concourse.

What did you feel about the people who might be near the suitcase, when it exploded?---I didn't feel about 20 them, because there wouldn't be any there.

BY ASSESSOR - MR. HART:

Did you think of the possibility that there might be a foreigner, for example, who would not understand the broadcast, being near the suitcase?---No, I did not think of that. No.

BY THE COURT: Or someone who entered the concourse after the warning had been given?---No, it did not occur to me. I just thought... I thought of it.. like in geometry. You have got a point, and a circle around it, you know, where you put your protractor's sharp point in. It would be like 30

that, and it would just be empty space around the point.

CROSS-EXAMINATION BY MR. MOODIE (Continued):

On the afternoon of the 24th you came to Johannesburg?---Yes.

You had the suitcase with the bomb in it in your car?---Ja.

You visited your mother, that day?---Yes.

That afternoon?---I don't recollect whether it was the morning or the afternoon. I think it was around the middle of the day. 10

The middle of the day?---Yes.

Did you have lunch with her?---That is also possible. Sorry - were you asking or telling me?

No, I am asking you!---I don't know.

You don't know?---Ja.

Was your wife at home when you left?---Yes, she didn't go out that day. She must have been.

You said that you drove carefully?---Yes, as I drove out I remember going very carefully, I can remember that very clearly. 20

And the necessity for driving carefully was because you had a bomb in your car?---I didn't say I drove carefully all the way. I drove carefully - as I drove out, because I had previously bashed the side of the car against the pavement, and I didn't want to bash it again.

And you also thought you had to do it carefully, because you had a bomb in the car?---No, it would not explode because of not driving carefully.

You had no feeling of danger or apprehension?
---No, this is funny! Major Brits told me that the dynamite 30

was 18 months, or two years, I think he said, out of date. And he said to me "Man, you were driving around with so much dynamite in your car", when I fetched it, "wasn't it very dangerous?" It didn't occur to me that way. Because...
...ja!.

Now, you must have come to Johannesburg on the 24th earlier that day, if you uplifted that suitcase?---
Or afterwards - it is also possible.

You say you might have uplifted it afterwards?---
Looking at the possibilities, yes. I am not sure.

BY THE COURT: Do you mean after the explosion?

CROSS-EXAMINATION BY MR. MOODIE (Continued):

Yes?-I mean, put it this way - I fetched that thing on the 24th, right? Well, I fetched that on the 24th - it must have been before or after.

Or after?---Yes.

BY THE COURT: Did you go back to the scene after the explosion, Mr. Harris?---No.

CROSS-EXAMINATION BY MR. MOODIE (Continued):

So then you must have...?---Not as far as I know. 20

Then you must have uplifted that suitcase in the morning?---I didn't go back.. I don't think I went back. I don't think I went back.

Alright - when you left home what were you wearing?---I was wearing my green sports coat - a sort of tweedish sports coat, and.. I am not sure about trousers. I was either wearing a pair of greenish trousers, or I was wearing these very trousers I am wearing now. They are grey terrylene trousers. The same as the suit - they are part of the suit.

Did you take your brown suit with you?---It was...
I am quite sure that I did, because I had that with me at
the College.

I am just asking you - did you take your brown
suit with you or not?---Of course, I had it at the College.

When you left home?---I should say, yes, obviously.

What is the answer?---Obviously.

BY THE COURT: And the purpose of taking it was to effect
a disguise?---The change?

Yes?---Hm, yes. 1.

CROSS-EXAMINATION BY MR. MOODIE (Continued):

Did you not change?---I had planned that
days before.

Did you not change your clothing at your mother's
house?---No, I changed my clothes at the office.

BY ASSESSOR - MR. HART: I didn't catch your last answer,
Mr. Harris - you say you planned....?---I had planned it,
I can remember, for several days. I had the idea of
changing the clothes.

You had planned it before hand?---Several days 20
before, yes. Mr. Moodie asked me if I didn't change at
my mother's. I don't know whether you heard that. I did
not change at my mother's.

CROSS-EXAMINATION BY MR. MOODIE (Continued):

You left your mothers house at what time?---I
just... I remember being there, but I cannot remember
what time I left.

You can't remember?---I cannot remember what
time I left. I can't even say whether I went directly to
my mother's, and then to town, or whether I went to my mother's
quite early, which I did quite often when I went shopping. 31

and then went home. It was, I suppose, one or the other, but I cannot remember. I can remember seeing her that day.

You may well have gone back home?---Home - oh, yes, that is quite possible.

And might you have well gone back home to pick up your brown suit?---It is quite possible. It is quite possible. I don't think so, but it is possible, sure!

Then you came into Johannesburg?---Ja.

Where did you go to?---To the station.

From home you went to the station?---Yes, because 10 that was my destination.

I just want to be clear in my mind - you drove from home to the Johannesburg Station - as your destination? ---I can remember leaving home, and I can remember being at the station - that is obvious.

Now, that is.. you remember leaving home, and you remember being at the station?---Ja.

And what time were you at the station?---Well, I glanced at my watch, and the hand was between the four o'clock and the five past four. 20

And where were you then?---I was then at the parking meters.

At the parking meters?---Ja.

And you opened your car and took out the suitcase?---Well, I can remember standing next to the car, but, again, I must have done that - taken the suitcase out - because in the car....

I see! You remember looking at your watch and it was between the four and the five past four?---Ja.

What do you next recollect?---I was on the bench. 30

43.
44.

I was on this bench in the concourse, above platforms 5 and 6.

That is the very next thing you remember?---Yes.

And you were sitting down?---On the bench, yes.

BY THE COURT: Where had you written this note? That you put on the suitcase?---That I had written a couple of days previously, at home.

And what was its purpose?---Originally the idea was that if I put that note on the suitcase, it would stay there and anybody would come along and would see the note, and would leave it alone. 10

Or possibly steal it!---Possibly ... not, I was thinking...

Surely, if you do put a suitcase down on the station with a note on it "Back in 10 minutes", that is an invitation to a thief to steal the suitcase?---I saw it exactly the other way. That it was an indication that the suitcase wasn't on offer to be stolen.

CROSS-EXAMINATION BY MR. MOODIE (Continued):

Now, it is clear that you can remember being seated on the bench?---Yes. 20

Where was the suitcase?---It was ⁱⁿ front of me, on the right - on my right, as I faced forward.

Would that be on the town side, or on the...?
---No, that would be to the North of me.

And you were facing?---West.

You were facing west, seated on a bench, and the suitcase was on your...?---My right. That would be to the north of me.

Standing next to the wall?---Standing next to the wall, ja. 30

Can you remember putting the note on the suitcase?

---I can't remember putting it on the suitcase.

You have told his lordship that you remember writing it a couple of days before?---Ja. It was on note-paper - one of those spirex note things - with a red line down the middle. I remember that.

Written in ball point?---Yes, blue ball point.

What did that note actually say?---It said "Terug binne 10 minute", or "Terug in 10 minute". I remember that very clearly. 10

And you took that note with you when you left home?---Yes, I must have.

Did you or did you not?---Yes.

You did?---Yes, obviously I must have.

Do you remember taking it?---I don't remember positively taking it, but I know I took it.

Where were you carrying it?---In one of my pockets.

And when you got out of your car, you took the suitcase and the note?---Well, it was in one of my pockets, and I then took it. 20

And when you got to the bench, did you take the note out of your pocket?---Well, obviously I must have, I mean, I know I must have.

Now, how long did you sit on the bench?---I would say a couple of minutes.

Did you look at your watch, or not?---No.

Did you see other people there?---Well, I knew that there were people there. In front of me there were some people walking around, and on my side, at one stage, there was a bloke sitting, a man sitting. 30

BY THE COURT: I cannot hear!---On my side at one stage there was a man sitting, on the bench, sitting quite near me - this sort of distance away, or a bit further (indicating). There were people there, yes.

CROSS-EXAMINATION BY MR. MOODIE (Continued):

There were people there?---Yes.

Did you talk to anybody?---No.

Did you see an elderly lady sitting over there? Or a child, or children?---No.

You just got the impression that there were people? 10
---There were people walking around - I can remember that - the way they interrupted the light coming through the west glass wall. I can remember the sort of flickering as they walked past, and I can remember definitely - I am quite sure - there was at one stage a man sitting on my left.

You were there, you say, a couple of minutes and then what is the next thing you remember?---I can remember then standing near - right next to - or between two parking meters- in line with them exactly. You know what it reminded me of - that film "Nothing but the Best" at one 20
stage they walked down a row of parking meters. It was just like that. You see the parking meters in line - in line ahead - and I was standing in line with the parking meters there. I could take you, almost exactly, to the spot.

And then you saw your car?---Yes.

And then do you remember riding off in your car?
---I can remember going over. I can remember very clearly sliding in the key. I can remember that very clearly, because there is a little latchet that covers the opening for snow climates(?) and I remember pushing that aside as the 30

key went in,

So then you drove off?---Yes, obviously.

Did you drive off?---Yes, of course! How else could I have...

Do you remember driving off? ---I can't remember the driving part.

So you remember opening the car and you don't remember driving off?---Yes.

What next do you remember?---Well, you know how Jeppe Street is a one-way. I was on the left side of Jeppe Street, opposite, on the right hand side on the corner, there used to be a C.N.A. and it is now a Building Society, and I was pretty well opposite that shop - that is on the right and I was on the left hand side of the road - and there was a Portuguese registered grey A. 40 pulling out... You know, when I say Portuguese it may have been Mozambique - there was a P. on it - because they also carry a P. It pulled out and I parked there. 10

That is the very next thing which you remember?

---After? 20

After leaving the place where your car was parked?

After getting into your car?---Ja.

That is the very next thing you remember?---Yes.

And the next thing?---Well, then, I got out of the car....

This you can all remember now?---Yes. I can get out... I got out of my car, and I walked over to the far front corner of the Jeppe Street Post Office.

To the telephone booths?---There are two inside the building. 30

You went to a telephone booth?---To it, yes.

You went to one of them?—Yes, there were two, and I went to one of them.

What time was it when you parked your car?—-I didn't notice then. I noticed when I was just going to make the first call, I noticed that my watch was showing between twenty and twenty five past.

That was to the Railway Police?—-Yes.

You can remember the conversations you had with that man?—-Hm.

And you recollect phoning the Daily Mail - and 10 that was engaged?—-Well, I got through to the exchange, and then the girl said that the internal lines were engaged.

You can remember that?—-Ja.

Then you phoned the Transvaler?—-Hm.

What time was that?—-Well, I didn't look at my watch, but I did this all in quick sequence. I mean in straight sequence, you know, so that going from the 4.20 to 4. 23 of the first call - the second call was immediately thereafter - I suppose about 4.25 - and then there was this 4. 26 - and then there was this blank when I went out to 20 get some tickeys, and the last call was about 4.27. About that.

The last call at 4. 27?—-Yes.

And you remember what you said to the various gentlemen who answered the phone?—-The three chaps - I remember pretty clearly.

BY THE COURT: Why didn't you phone from the station?—- I had been to the Jeppe Street Post Office, a couple of days previously, because I wanted a reliable phone.

Yes, but why did you not - do you suggest that 30

the phones at the station are not reliable?---Well, I thought that phone might be blocked, you know - occupied - in use - somebody using it...

It is a question of walking around and having a look, instead of taking your car and going to Jeppe Street. ---It seemed logical to me, because I knew that the phones there were reliable phones and not in use.

You are sure you didn't phone from the station? ---No, I am sure I phoned from Jeppe Street. I can remember the details of it, and afterwards I went to my car, outside the Jeppe Street Post Office 10

CROSS-EXAMINATION BY MR. MOODIE (Continued):

That was at 4. 28 about?---Afterwards.

BY ASSESSOR - MR. HART: Have you a very clear recollection of making those calls?---I can remember it pretty clearly, yes. Oh, yes. When I said afterwards it would be much more than 4.28. That would be nearly half past five - quarter past five.

CROSS-EXAMINATION BY MR. MOODIE (Continued):

You left your motor car there and walked to Damelin College, then?---Obviously, yes... 20

No, no, no. I am asking what is your recollection?---I can remember making the phone calls at Jeppe Street Post Office, and then my car was still there at this parking meter, and then after that ... I was walking there and there was Mrs. Bowen, Bowden, whatever her name is.

The next thing you recollect is walking in...? ---At Damelin.

At Damelin?---Yes, Empire State Building, 30

How far would it be from where your car was parked to Damelin?---My car was in front of the Jeppe Street Post Office. Not far at all - a couple of blocks.

What time did you arrive at Damelin College?---About half past.

Are you sure of the time?---About half past. Well, when I got up to the fourth floor I remember the clock on the fourth floor was showing between the 4.30 and the 4.35. So you can work that.. say.. ja, about half past.

About half past four. You spoke to Mrs. Bowen?--- 10 Yes, that was on the ground floor.

What was the next thing you can recall?---I walked up.... well, I hung on for a moment or two for a lift, and it didn't turn up, and then I just felt like walking, so I walked. Only once when I walked up from the bottom I had an argument with the boy about how long it took. He was late. So I walked from the bottom to the top floor, to time it, and I think it was only the second time in my life I used the stairs up from the ground floor, because it was quite a long way... 20

You recollect this, and then where did you go to? ---I walked up to the first floor and then as I got there one of the lifts on the left arrived on that floor - someone must have pushed the button - and the door clanged open and I walked over to it and took it.

You went up to which floor?---^{to} the fourth.
^{to} my office.

What did you do on the fourth floor?---I got out of the lift and turned right, turned right again and went down to the end of the corridor - that is where my office is. 30

I unlocked the door and went into my office, and then I saw some.. I saw the books lying on my desk - various books and notes and odds and ends and I remembered that I wanted to look up something about South West Africa - I was preparing some notes about South West Africa, and a boy called Kleinschmidt had lent me a little booklet on South West. I thought, "Bingo, the facts will be in this".

Alright?---So I rooted around on the desk, but ...
I don't think I found it.

So how long did you delay in your office?---Oh, 10
not long.

Not long, what does that mean?---I suppose I was there about altogether two or three minutes.

And did you change in your office?---Ja. I then opened my bag and in the bag I had the brown terylene suit. I had this bag and the terylene suit in the bag, and I was feeling a bit.. you might say, a bit sort of flat. I would not actually say depressed but I was feeling less elated, and then I cheered up a bit and then I changed... Whilst I was feeling flat I remember feeling flat, and changing my 20
clothes, and then I started to feel up again, and I quickly felt up again, and I was fine, and then I walked downstairs to the third floor. I quite often walked down one, and I walked down to the third floor and walked into the general office and in that office there are about five people altogether - up to five people, depending. There is this office, and then an inner office, and there is a chap in there called Joe. Joe Dumas(?).

What time was this?---About 4. 35 or 4.36 it must have been, because... I didn't notice specially. 30

Did you go in there for any purpose?---Well, I had to pick up the exam. papers. That was in my mind, and .. but I really went in to chat to people.

Was Joe there?---Joe wasn't there.

At what time did you see Mr. Rosen?---Well, I would say about.. I saw Leon Rosen at about quarter to five, ten to five. Yes, about that.

Did he ask to see you?---On that occasion, no.

You just went into his office?---Yes, it is on the same floor. 10

And then you left?---Yes.

You went back to your car?o---Well, he asked me first...

Never mind, did you go back to your car?---Ja.

After you had seen Mr. Rosen?---Yes.

Can you recollect that?---I can recollect the first part of the going very clearly, and I can recollect putting in tickeys in the meter for his car, and buying some fruit in a shop near the Metro.

And you went to your car?---Ja. 20

And you drove off?---I cannot recollect the driving off part.

What do you next recollect?---I can remember, on the way home being in a cafe - a Greek shop - in Newlands, Delarey.. I don't remember which.

And after that, is your recollection clear as to what happened?---I just had a sort of happy feeling about driving home - sort of joyful.

Where did you go to - did you go home?---Oh, yes, I was at home by around six. 30

Six o'clock?---Hm.

And...?---It was just about getting dark, I think.

Your memory is clear as to what happened after six?---I can remember some things. If you ask me I will tell you.

Well, do you remember staying at home?---Oh, yes:

Do you remember having a meal at home?---I remember we had supper, yes.

Listening to the radio?---I can remember some music on the radio.

10

Hearing the news?---Ja.

Of this explosion?---Ja.

And going to bed and going to sleep?---Yes.

Did you have any difficulty in going to sleep?---No. Actually the reverse, I slept very easily. Sometimes ... let me get it straight - usually I sleep pretty easily. Sometimes, just occasionally, I sleep like a log. I slept like a log.

I see. Now, I want to take you back to when you arrived at the parking meter, and you said that you had left home with the bomb in your car, and you recollect next between four and five past being at the meter?---Yes.

Did you not say that you had examined the bomb at the Brixton Cemetery?---You asked me if I was sure. I cannot be sure on this thing. Obviously I definitely must have examined it somewhere between home and town.

Now, do you recollect examining that bomb? ---I recollect examining the bomb twice. I have two recollections of examining the bomb.

Let us come to the first one. When was that?---

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Ja. That was in the main road, quite near the Hertzog Tower, the F.M. Tower - quite near that tower - on the South side of the Brixton Cemetery. There is a park on the other side there, and a sports field.

There you examined the bomb?---(Witness nods his head). That is one recollection.

Was everything in order?---As far as I can remember, I remember winding the watch, next to the Brixton Cemetery. I did not have any...

BY THE COURT: How much/^{time}did you give yourself?---I set it 10
to go off - I decided.. I don't know why this particular time was in my mind, but 4.33... I remember that that was the time I decided on, all along.

But when you wound the watch, what time...?---
It was appropriate for 4. 33.

Yes, but where was the minute hand when you wound the watch?---I see what you mean. I set it... I can't remember...

You set it on your own watch?---You mean from
looking at my watch? 20

Yes?---Ja.

And at what time was that that you set the watch?---What was the time? It was a little bit before four. I don't know - about quarter to four, or four o'clock, or so - I don't know exactly.

BY ASSESSOR - MR. HART: Where actually did you set the bomb?---I...

The watch?---In the bomb.

Where did you put it in motion, or in operation, for it to explode at 4.33? Was it at Brixton?---Yes. 30

Either there... you see, I am being.... Mr. Moodie is... I am trying to be as dead accurate as possible. Mr. Moodie said to me what do you remember, and I can remember.. I know one of them is wrong, must be wrong, but I can remember doing that, and I can remember winding it again at the station. Now, obviously, one of those is silly...

BY THE COURT: Why? Why must that be so? Why could you not wind it twice?---It was silly - not logical. I mean, once you have wound a watch, you have wound a watch.

CROSS-EXAMINATION BY MR. MOODIE (Continued):

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But the two recollections are clear?---No, that is why... when you said what recollections are absolutely clear I did not mention that - let me put it this way... Yes! Yes, this will work nicely. There are four recollections. There is leaving home - that is quite clear. The leaving home is quite clear - I can remember driving out, and then there is standing at the station - that is quite clear. I can remember standing there quite clearly. Between those two recollections there are other two recollections, but they aren't as clear as the first one and the last one.

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Now, you can recollect, you have told his lordship, that you set that bomb by your watch and it was about five to four?---It was sometime a bit before four.

So there is nothing really vague about that recollection? One cannot expect one to be accurate to the minute. There is nothing vague about that, is there?---Ja, that is one of the two vague recollections.

Is that all that is vague about that incident?
---No, no, no. You have got it wrong. No, no! That whole

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incident is not as clear in my mind, let us put it that way, not as clear in my mind as leaving home was.

What is vague about it then?---Well it is... I mean, if you ask me when I left home - I can remember exactly how I felt as I drove over the hump out of the driveway...
BY ASSESSOR - MR. VAN DEN BERGH: What time did you leave home?---Oh, I don't know.

Is that also vague?---I didn't look at my watch. It is perfectly clear - I can remember it very clearly, and I can remember that very clearly. I can remember absolutely 10 clearly driving out over the hump - I can remember going over the hump, and I can remember thinking I must be careful not to damage the car again.

CROSS-EXAMINATION BY MR. MOODIE (Continued):

Did you go over that hump every time you took the car from the garage?---No, every time you go out of the grounds.

Out of the grounds?---It is not kept in the garage. The garage is off centre and it is used as a store room.

You have driven over that hump many a time?--- 20
 Oh, hundreds of times.

Something makes it clear in your mind on this day? ---I can just remember driving out... I will tell you what it was like - you know what a centaur is? Half man half horse. I felt like that with the car. Quite often with a Volkswagen - it steers lightly and so on - more than once (I won't say quite often), more than once...:

BY THE COURT: You didn't feel the bump because you were afraid because you had dynamite in your Court?---No, I felt lovely. I glided up, and over it. The car has got 30

independent suspension, and it floats up very nicely up and down.

CROSS-EXAMINATION BY MR. MOODIE (Continued):

Your recollection of what happened at the Brixton Tower is reasonably clear? You have given us some details, and you have given his lordship some times?---It is not so clearly in my mind, you know. It is funny, but it is not so clear.

What about your recollection at the station?---
I can recollect being at the station, and - this is sort of 10
half recollect, or semi-recollect - and this is a recollection of winding the watch. The watch was there, at the bottom of the suitcase, and I was winding it again, but if you produced a witness who could say... and you said to me: "Here is Mr. Smith. He somehow knows that you did not stop at the Brixton Cemetery", I could not argue with you. Or if you said "Here is Mr. Smith; he does you did not wind your watch at the station"... I could not argue with you.

Correspondingly if I produce two witnesses who saw you in a brown suit at the station at 4.15, could you 20
argue with them?---Well, I can tell you where I was at what time...

No, no, no!---Let me work it out...

By means of your recollection...?---I can't argue with 4.15.

You can't argue?---No.

So you might well have been at the station at 4.15?---It is not clear to me where I was at 4.15. I mean, I didn't look at the time, at 4.15.

Let me put it further then - 4.17? You might have 30

been there?---Let me work it out...

No, no! You might have been there?---No, working out by the time I was at the other place - the Jeppe Street Post Office - I doubt that.

That is simply because your memory is completely faulty in regard to that.---In regard to the Jeppe Street Post Office?

No, to when you left the parking meter to go to Jeppe Street Post Office - you don't know how long it took you?---No, that is true. That is quite true. 10

You cannot argue with me if I suggest that you were there at 4.17?---All I can say is that... hang on! Let us work it out! I don't know. I really don't know. I was there at four... between four and four five, I am sure of that. 4.05. And I was at the Jeppe Street Post Office between twenty and twenty five past. Between those two - who knows?

Well, the witnesses appear to know!---I just.. I am sorry - I don't. Personally I cannot tell you...

So you can't really deny that you were at the station at 4.17?---Well, it seems to me now pretty obvious that at 4.17 I was somewhere between the station and Jeppe Street. 20

Then the witnesses - at least one of them - Mrs. Fogwill must be mistaken?---About what?

About the time she saw you there?---When did she see me there?

At 4.17!---Well, obviously if I was between the station...

No, at the station. She said she saw you there...?30

---I understand.

... at 4.17?---No, I understand what you said; If she saw me at the station - if she says she saw me at the station at 4.16... 4.17, I mean, then it doesn't fit in with my being at the post office at 4.22, 4.23.

It would fit in if you happened to phone from the station, though!---I didn't phone from the station. I phoned from the Jeppe Street Post Office.

Now, she also says you were wearing a brown suit!

---Ja?

10

That also cannot be correct, can it?---No, I wasn't wearing a brown suit then. I was wearing a brown suit from about just after half past four, it would have been.

Mr. Jansen also says he saw you at the station in a brown suit! He must have been mistaken?---Obviously!

And of course it would be correct if, indeed, you were in a brown suit and you changed into the other clothes at Damelin?---I am sorry - say that again.

It would be correct if you were in the brown suit and changed into your other clothes at Damelin?---You are 20 hypothesizing? Obviously if I had been wearing the brown suit at the station I changed into the green sports coat at Damelin - then obviously I was wearing the brown suit at the station.

Can you suggest how either of them, or both, could have known that you possessed a brown suit?---I don't know.

You don't know! Are you suggesting that at the parade they were coached to point out a man in a brown suit?

---They were coached to point out a man in a brown suit?

Yes?---No, I don't think they were coached to point 30

out a man in a brown suit?---

Because you were...?---I was wearing a brown suit at the parade.

You suggested, and it was put in cross-examination, that you would say that there was only one person on the parade in a brown suit?---That is true. That is quite true.

Captain Scheepers then apparently is wrong. He says there were two others with lightish brown suits?---Oh, well, I mean a brown suit of that sort. Hang on! This came up yesterday. I will tell you - there were one or 10 two light coloured suits. Like... I can't see anybody. Miss Hayman's sort of colour. I am talking about.. you know something almost as dark as Sergeant van Gent - his colour. Sergeant van Gent.

Well, that is very dark.....

(Continued on page 433)

Belt 45

Well, that's very dark. --- Not as dark as that. More like the gentleman sitting next to Miss Hayman. Say between that and Sergeant van Gent.

Now it was put to Mrs. Hogwell that you would say that you were never on the station between 4.17 and 4.30. --- Yes, I know I wasn't. Obviously. I was 'phoning at that time, you see.

Now that inference you drew in your own mind from your recollection of the times? --- Well, look...

About 4.05 you were at the station? --- Yes. /10

You sat a few minutes in the glass shelter; you say that you went to the parking-meter in Jeppe street and you 'phoned about - what time? --- I was there between 4.20 and 4.25.

And you are drawing your own inferences that you couldn't have been at the station at 4.17? --- Well, I know I wasn't there between 4.22 - 23 and 4.30 and obviously you can't fly from the station to Jeppe Street, so obviously I was away from the station at least a few minutes before 4.22. /20

Now you came in to the Damelin College swinging a bag? --- Yes.

Now can you recollect anything else of significance? --- I can remember my tie was off.

Yes? Anything else? --- How do you mean, anything else?

Anything of significance? --- What sort of thing? I am not with you, I am sorry.

You see, it was put to her that you were swinging a bag and had a greenish jacket over your shoulder, and your tie was loose. --- Yes. /30

Can you remember now that you had your jacket over your shoulder? --- It wasn't on. I was carrying it.

That, you recollect? --- I can't remember which hand it was in.

It doesn't matter which hand it was in. Were you in fact carrying your jacket over your shoulder? --- I've got a very strong feeling, but I'm not absolutely certain.

You are not sure? --- I can remember that my collar was open. /10

She says in addition that you were "bleek en bekommerd." Do you remember her saying that? --- Yes, she said that.

Is that correct? --- I felt pretty happy. I didn't feel "bekommerd." I felt the opposite of "bekommerd." But I mean, you know, this is a subjective thing. I don't want to argue with her. I don't want to argue with Mrs. Bowden. I mean, she interpreted what she saw. /20

In fact it was put to her what clothing you had on, I think, and she said she didn't pay much attention to it. She said, "Ek weet nie." Do you remember that? --- Mrs. Bowden? She said she didn't remember what I was wearing. Definitely.

But she paid particular attention to your condition and she described it as "bleek en bekommerd." Do you remember that? --- She said that, yes. I remember her saying that. Definitely.

Do you remember speaking to Mrs. Combrinck? /30
--- Yes.

Where was that? --- In the office, in the main office, the one that Mr. Wood sometimes uses.

What did you go to see her about? --- I didn't really go to see her. Miss Benade wasn't in the office. I just wanted to chat to Miss Benade, I think. She wasn't there. I don't remember her being there. I chatted to Mrs. Combrinck.

By then, you say, you had changed into a dark brown suit? --- Yes.

Now I am suggesting to you that you may be mistaken there, about the time you saw Mrs. Combrinck? --- I saw her about 4.35, 4.40. /10

And you say it was after you changed? --- Oh yes.

You cannot deny that you were seen at the station by Mrs. Hogwell and Mr. Jansen? --- They couldn't have seen me at the station, because the things they said, I didn't do. I mean I know I didn't because of the time. I worked it out.

You don't know what you did on the station because your recollection is blank from about 4.05 until you were on the seat, and you were next at your motor car at the parking meter? --- Yes. /20

Now you don't know what you did? --- I know that I was at the parking meter, and then I was at the car, and then I - I was at the parking meter with the car, then I was at the bench, and then after that I was near the car again.

And you remember sitting on the bench quite calmly? --- Yes, I remember that. Very clearly. /30

That's the bench in 5 and 6? --- It's the

entrance down to 5 and 6.

I think there are two benches there, separated by a rubbish bin? --- They are not joined. You are right.

You were on the town side? --- I was on the right-hand side, facing forward. If that's one bench and that's the other bench, and that's west, I was on the right-hand side.

With the glass all around you? --- Oh, yes.

Now in fact there was glass all around you, /10 except for the front? --- Yes. There was a wall behind me, blue mosaic.

And there were glass sides and back? --- Yes.

And you said in evidence-in-chief you felt as though you were sitting in a glass ball? --- I felt as though I was sitting - I didn't mean it literally, I mean if anybody said to me 'are you in a glass ball now?' I mean obviously I wasn't in a glass ball. I felt I was - I'll put it this way: Do you know when you look under a microscope and you see an amoeba, a /20 little organism, splitting in two? And it gets oval, and then it gets thin in the middle, and then it is two. And each one has got a little film around it. Yes, that's it! I felt like that. I felt I had this film around me.

BY THE COURT TO THE ACCUSED: During the course of your education, did you have occasion to study psychology? --- No.

Have you ever read on the subject at all? --- I've read one or two books on it, yes. /30

On psychology? --- Yes.

Have you read about people who have a complaint, and they feel they're sitting in a glass ball? --- No. I'll tell you what books I've read; I've read two books by Isink. H.J. Isink. Dr. Prof. Isink.

On? What were their titles? Introductions to Psychology or something like that? --- No, one is called "Sense and Nonsense in Psychology." There is a lot about I.Q. tests in it. You see, I was interested in that. /10

I.Q. tests? --- Yes, I've read quite a lot about I.Q. tests.

CROSS-EXAMINATION BY MR. MOODIE: (Contd.) Do you recollect being able to see all around you? --- Well, you can't really see all around you, I mean I don't really know what's behind me at this moment, but I had this feeling of being aware of the nature of the world around me, that's about what it is.

In fact, if you had looked, you could have seen all around you? --- Well, I mean all around me. Under me... /20

In fact, you could have seen all around you if you had wanted to? --- Yes. What I mean is, when I say 'all around me,' what I mean is all six sides of me. Top, bottom, left, right, front, back.

But in fact, on the station there, you could see all around you if you had wanted to? You had glass on three sides of you and nothing in front? --- I could see horizontally all around me, yes. But it was a better feeling than that, because it was a feeling of 'upness' and 'downness.' Follow? /30

ASSESSOR HART: Did you ever have that feeling before?

--- I've never had that exact feeling before. That was well put - I've never had that exact feeling before. I've had a feeling of being a part of the world before, but not of such knowledge of the world, such understanding of the world. All six sides. You know, that sounds like a box, but it wasn't a box - it was round.

CROSS-EXAMINATION BY MR. MOODIE: (Contd.) When did

you first mention this experience to anybody? --- I think when I was being questioned. I don't remember whether it was Dr. Hurst who asked me how I felt then, or whether it was one of the lawyers. You see, this

is what happened: Mr. Soggut was asking me some questions, I remember. He and Miss Hayman usually asked me questions, and Mr. Philips - the three. And Mr. Soggut asked me various things, and he got a bit annoyed because I couldn't remember some of the things.

He said, 'But man, you must remember this'. So I said, 'I'm sorry, I don't remember it.' Well, a bit of a squabble, and then he said 'Well, hang on.' and a bit

later he said to me, 'Do you mind if I ask you some personal questions?' Well, I didn't want to be asked.

You know, I didn't feel very happy about it. I said,

'It depends on what you ask.' So he asked some very personal questions, and I like him, so I didn't mind talking to him. He asked me some questions, a lot

of questions about - personal questions. And then a couple of days later, a few days later, he said he thought it would be a good idea if I saw somebody,

just to check that I was all right.

BY THE COURT TO THE ACCUSED: Why don't you come to

the point? Mr. Moodie asked you when you first told anybody about the glass ball feeling. --- Yes?

Well when did you do so? --- Well, it was either to Mr. Soggot then, or to Prof. Dr. Hurst a little bit later. One or the other.

CROSS-EXAMINATION BY MR. MOODIE: (Contd.) The first interview or second interview? --- With Mr. Soggot?

No, with Dr. Hurst. --- Oh, I don't know.

You don't know? --- I had four interviews with him.

/10

You can't recollect? --- Four. Definitely four.

You can't recollect when you told him this? --- About feeling the glass ball effect? No. He went over the same ground. He asked the same questions. Not always, but quite a lot.

Now your recollection of the 'phone messages that you gave. Are they clear still? --- Pretty good.

Now Capt. Vermeulen says he received a message, and he says the words 'main concourse' were not used. --- I might have said 'chief concourse.'

/20

Did you mention the word 'concourse.'? --- Yes.

Is your recollection clear of that? --- Well, I've gone over it in my mind so many times before.

Is your recollection clear in saying that? --- I said to him that there was a bomb in the centre of the main concourse. Or near the centre of the main concourse. In or near, I am not sure.

/30

Now to the "Daily Mail" did you say 'we

don't want anybody to get hurt.'? --- Yes, that was the very last thing I said.

You can recollect that clearly? --- That, I remember clearly.

Because Mr. Openshaw can't remember that, --- Oh, I can remember that clearly. That I am quite sure of. That was the last thing I said.

Now to any of these people did you say where it was, the bomb? Beyond, as you say, the main concourse. --- I said 'the centre of the main concourse' to the first bloke. /10

The centre of the main concourse? --- In or near.

Would that convey to the person receiving the message where the bomb was? --- I thought it would. It seemed to me that that would do the necessary.

I see. And you didn't trouble to tell the persons you 'phoned that it was at platforms Nos. 5 and 6? --- No. I just assumed that they would know.

That they would know that it was at 5 and 6? --- That they would know where it was. I mean, it was so clear in my mind, it just seemed to me that it would be clear in their minds. /20

Why was that? --- I don't know. I mean it was clear in my mind. It was so very clear in my mind that it seemed very clear in their minds.

Now you were asked why you put the note on top of the case, and you said just to convey that you would be back in ten minutes. That's what the note said, not so? --- That's what the note said, yes. /30

What was your intention? --- That it would

protect the suitcase.

Were you quite satisfied about that? ---
That it would protect the suitcase?

Were you quite satisfied in your mind that
that would protect the suitcase? --- Yes.

You don't agree with the suggestion put to
you by his Lordship that that would be an invitation
for a thief to come and steal the suitcase? --- Well,
I can see that there is certainly logic in what he
says.

There is also a certain amount of logic in /10
what Mrs. Burleigh said. She said the note meant that
it was just a message to a friend, that whoever left
the note there, that he would back in ten minutes. Do
you remember Mrs. Burleigh saying that? --- I'm sure
she said that. I'm sure you can interpret it in any
way.

And you can interpret that note in a number
of ways? --- Yes.

Including an interpretation that whoever put /20
the note there didn't want the suitcase disturbed?
--- Yes.

Because that would have been disastrous to
your plans, wouldn't it? --- Yes.

And someone would have taken the suitcase
and the bomb would have been transported somewhere
else? --- Yes. You mean if someone had have taken the
suitcase the bomb would have been transported some-
where else?

Yes. --- Yes, of course. /30

Yes, it might have gone off quite ineffective.

--- Quite right. If it had been transported, it would have been elsewhere.

Did you in fact convey the message that it would explode if it was touched? --- Yes, it struck me that this would be an extra bit to frighten people away. That this would add to the repulsion.

So that you took an extra precaution then, when you conveyed the message, that that bomb should not be moved, it must go off? Is that correct? --- I didn't want the bomb to be moved, I wanted the bomb to go off. That's quite right. Yes, of course. /10

And you wanted the people to be standing around where they could see it? --- Yes.

Now it was put to you earlier, did you consider that some foreigner might not understand the message, and go to the bomb. Did you consider that? --- No, I didn't think of that.

Did you consider perhaps that some Bantu who might not understand one of the languages might go to that bomb? --- I didn't think of that, but you don't have any Bantu in the concourse. /20

Well, in fact, we've had evidence that there was a Bantu in the concourse. --- I didn't think of it. It's a funny thing that,

Or a child that perhaps pays no attention might go there? --- It just didn't cross my mind.

ASSESSOR HART: A deaf person?

CROSS-EXAMINATION BY MR. MOODIE: (Contd.) The learned assessor asked you about a deaf person. Did you consider the position of a deaf person? --- No. /30

You considered nothing but that your bomb

should be there and that it must go off? --- I had what you could call an overall picture of just exactly what would happen, and it seemed to me so perfect. Everything fitted in so perfectly.

And had you ever effectively tried, by observation, the public-address system at the station?

--- Have I ever tried out the public-address system?

No. By observation. Follow what I mean?

--- You mean had I ever seen it working?

Yes, --- Of course.

/10

And had the demand ever come to clear the station or the concourse? --- Not while I've been there.

In fact the directions have been usually to passengers to go from one platform to another? --- Yes, you see, they usually come in from the south side, the town side, and I've seen once all the West Rand passengers directed to the East Rand - what is usually the East Rand - or another platform, one of the more 'up' platforms, and it was fun to watch.

/20

Because there are thousands of passengers there at this time of the afternoon? --- Yes.

At Johannesburg station. There are many there? --- Yes, there are lots.

And it is fun to see them rushing around? --- Well, it was fun to see them on that occasion, switch direction.

Now if this public-address system for any reason was ineffective, your plan would have resulted in disaster, not so? --- Yes, it just seemed so cut and dried. So organised. Such a beautiful plan. So

/30

beautiful.

Now, if it wasn't working, disaster would happen? --- If the plan didn't work?

No, if the address system wasn't working, then there would be disaster? --- I can see that now.

If they thought this was just another scare, and not put over the message, there would also be disaster? --- I can see that now too.

Or if people misinterpreted the directions and there was panic, there would be disaster? --- You /10 mean if people didn't listen to the directions?

Yes, or if they did listen and they panicked and ran in all sorts of directions like sheep. --- Then there would have been..?

Disaster as well. --- Yes, I can see that.

So your whole plan depended upon the effectiveness of the warning? --- Yes.

And that was the key to your whole plan? ---It didn't seem especially important as that, it seemed equally important. /20

But it was the most important feature of your whole plan. --- Yes, looked at from one way. It just seemed an element in the plan.

A vital element. --- Well, I can see now how obviously it was the vital element.

But if you contemplated the use of the public-address system, then you must have seen it was the key point of the plan? --- Well, the whole plan was hung together, fitted together, and if you took away anything then it wouldn't work. /30

BY THE COURT TO THE ACCUSED: You say you never

considered all this, but wasn't it Lloyd's argument, and he persisted in it to the end, that you can't do this thing without a remaining risk of injury? That's what he told us that is what he told you. Do you deny that? --- He might think he said that, but I said to him this warning will work out in a completely consequential and satisfactory way.

ASSESSOR VAN DER BERG: In other words, your whole scheme was based on this one fact only, that this public address will work. Otherwise, as you have replied to Mr. Moodie, disaster will follow? --- Well, that's what he asked me, yes.

/10

That's what it comes down to? --- That this was something that had to happen, I mean, this had to work.

That's what you tried to convey to Lloyd, to persuade him to accede to your plan going through? That's how I understand your evidence. --- No. Mr. Moodie put the same point. I still haven't got it across. It was like a sequence, a chain, and every bit in it was equally important. Follow?

/20

May I put it over to you again, Mr. Harris. According to your evidence Lloyd made mention of the fact that something might happen and some people might be injured. You assured him that this would not happen, on account of this loud-speaker? --- Yes.

In other words, Mr. Harris, if anything went wrong with the loud-speakers, if the message wasn't broadcast, then automatically it would follow that with this explosion, somebody would be injured or killed? --- Oh, I can see the logic of it now, yes.

/30

You never considered that? --- No. It made perfect sense to me.

CROSS-EXAMINATION BY MR. MOODIE: (Contd.) Having 'phoned the station police, you were sure that the public-address system, to your own satisfaction, would be used? --- Yes.

And they, being the police and on the spot, would put it into operation? You were satisfied about that in your mind? --- Yes.

What was the object in 'phoning the newspapers? --- I wanted to 'phone the newspapers. It just seemed to me there would be more publicity, and I also mentioned to them sort of details about it. /10

In fact, did you mention details to them about it? --- Sure. I said to them who it was, and where it was, and it would go off.

Now that was not in order to assist the station being cleared, but to claim credit for this explosion for your organisation, the A.R.M.? --- I just planned to 'phone them all along. I read the "Daily Mail" and the "Transvaaler" regularly, and it just seemed to me that these were logical newspapers to 'phone. /20

Why was it necessary to 'phone them? --- Oh, it wasn't strictly necessary to 'phone them.

Well, what was your purpose in doing so then? --- I wanted to let them know that it was going to happen.

Why? --- Well, if the newspapers know, then there is more publicity. /30

You wanted them to know that in fact it was

the A.R.M. which was doing it? --- Yes, partly that and partly that it was happening.

ASSESSOR HART TO THE ACCUSED: Was the sole object then in 'phoning the newspapers to create publicity? --- That was the basic idea. I remember also thinking - this is funny - the police will get cracking, and then they'll get a second call and a third call, and this will sort of act as challenge to them, you might say. They'll be in action, and then suddenly they'll hear again and again and again. It amused me to think of the police hopping around. /10

Instead of doing their best to clear the concourse? --- No, I mean getting cracking doing this quickly. When I said 'hopping' I mean not in the literal sense, I mean doing things fast.

CROSS-EXAMINATION BY MR. MOODIE: (Contd.) It never occurred to you, like it occurred to one of the police, that they wouldn't believe this story that you said over the telephone, that there was a bomb? --- No, you see, I thought about that, and it seemed to me, when I thought about it, this idea is in South Africa and South Africa is a place where there has been sabotage in the past - there'll be a snap reaction. /20

You see, one of the railway policemen, who is a man of some years says that "Ek het self nie geglo nie." Now would that be an abnormal reaction, do you think? That was the witness Benade. --- Well, you know, afterwards, when I was giving a statement to Lieutenant Fourie, somebody said to me - I think Mr. Brooderyk - said to me, 'What was your feeling about this?' You know, about the belief. I explained to /30

MR. PHILLIPS:

My lord, before your lordship resumes the cross-examination of the witness presently in the box I ask your Lordship's leave to interpose a short witness who is a specialist psychiatrist simply on the question of one of the relatives to whom reference has been made. The evidence will be therefore of a factual nature. It is not opinion evidence.

MR. MOODIE: My lord, it is difficult for me to say, because up to now I have no indication of what the nature of the defence is and it may be unfair to us. Your Lordship will recall there was no opening address. When the Defence was asked to - as they have the right to - it is not compulsory, but I don't know - we are perhaps still searching for that.

MR. PHILLIPS: If I had realised that my learned friend would have liked me to make an opening address I would have done so with pleasure, my Lord. But it is not habitual, as far as I am aware and I did not do it, but the defence case, as your lordship knows, on this aspect of the case, is that it will be submitted to the Court that at the times when the crimes alleged were committed the accused was not in a state of mind which rendered him responsible for the actions that he committed and it is in that connection that certain of the evidence that the accused gave yesterday is relevant and he made reference in the course of his evidence to the fact that there were members of his family who had had...

THE COURT: Yes, but is Mr. Moodie's difficulty not that you have not disclosed to the State what was the cause of this state of affairs? What mental illness is it alleged that...?

MR. PHILLIPS: Well my lord, I can tell your lordship

immediately. It will be submitted to your lordship that the mental disease from which the accused suffered and suffers is manic depression with a paranoid complex and the evidence that will be put before the Court in respect of the affliction that has struck members of his family it will be seen, relates to similar mental diseases and this is the first of them that I ask your lordship leave to lead now.

BY THE COURT Well will you be able to cross-examine knowing that, Mr. Moodie?---MR. MOODIE: I am still not clear. Does it mean that as the accused stands here to-day he is suffering from a mental disorder which prevents him from knowing the nature of these proceedings? Was he in that state when he was required to plead whereas the contrary statement was made when he was required to plead and was he in this condition at all times before and after this explosion? If that is the case of course then it is placed before your lordship in a different enquiry altogether. Section 182 of the Code makes that clear.

MR. PHILLIPS : My lord, it has never been suggested that the accused is not fit to plead and it has never been suggested that he is not fit to stand his trial. The submission is what I've told your lordship, that it will be submitted to the Court when the evidence is concluded that at the time when the crimes which are alleged to have been committed by the accused were committed, 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 of manic depression and the added complexes that are part of it.

CERTIFIED a true transcript of the record of the
proceedings which preceded the calling of the witness
Rudolph Geerling on page 448 of the record in the case of
STATE vs. F.J. HARRIS.


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REGISTRAR.

him, and Lieutenant Fourie said that he thought exactly the same as me. That he, Lieutenant Fourie, thought that they should have acted. It made sense to him. It made sense to me.

-: COURT ADJOURNS :-

MR. PHILLIPS: Requests permission to interpose specialist witness.

MR. MOODIE: Opposes.

BY THE COURT: I'll allow the evidence to be given now, but if Mr. Moodie finds that he would like time to /10 prepare cross-examination I'll have to extend it. You may call the witness and we will debate what happens after his evidence.

RUDOLPH GEERLING, (s.s.)

EXAMINATION BY MR. PHILLIPS: Dr. Geerling are you a specialist psychiatrist neurologist, practicing as such in Johannesburg? --- Yes, sir.

Could you tell the court what your qualifications are, please? --- Arts Holland M.D. Amsterdam.

You also have degrees of the University of /20 the Witwatersrand, I think? --- Yes.

A B.A. and a L.L.B.? --- Yes.

And are you also the professor of neurology in the University of South Africa? --- Yes, in the Department of Psychology.

Now, Professor Geerling, in July, 1950, were you in charge of the case of a lady by the name of Miss. Faith Simpkins? --- Yes.

Have you with you the file that was compiled and kept in relation to her case at that time? --- I /30. have.

Would you please just refer to it? Now, is that correct, was she admitted on the 6th July, 1950?

--- Yes.

BY THE COURT: Admitted where?

WITNESS: Tara Hospital, my Lord.

EXAMINATION BY MR. PHILLIPS (CONTD.) Is that the hospital which is the section of the General Hospital in Johannesburg for nervous diseases? --- No, it is a hospital in its own right, a Provincial hospital, not a Government hospital.

/10.

I see, but does it deal only with...--- It deals with psychiatric conditions and a section for neurology.

And until what date was she an inmate of that institution? --- 27th November, 1950.

Now, what was the diagnosis of her complaint? --- The final diagnosis was that she had been suffering from a depression with a paranoid complex trend, and hallucinosis.

On reference to the file to refresh your memory, Dr. Geerling, could you tell us whether this was the first attack of this kind that this patient had had? --- No, this was the second attack.

/20

How long previously had she had an attack of this kind? --- 1946. Four years earlier.

And do you recall what sort of symptoms were present in her case? --- After refreshing my mind, she was suffering from a depression and then the paranoid complex consists in the fact that she had the idea, the delusion that the natives were after her and in her words 'would get her.' And going around in the

/30.

community if natives were seen, she thought that she heard them say, 'we will get you.'

Was her condition a psychotic or a neurotic one? --- It was a psychiatric condition. In other words, she was still fit to be in the community, she was not dangerous or anything of that kind, but she was not truly psychotic so that she could be certified.

Now is this condition from which you found that she was suffering, a depression with a paranoid complex, leave out the paranoid complex for the moment, this condition of depression, is that related to the condition known as maniac depression? --- We thought it was endogenous depression which is a part of the manic depression psychosis. /10

Now, would you explain to his Lordship and the assessors what is meant by endogenous depression? --- There is a group of people who suffer from manic depressive psychosis, this is either a depression or a mania, and it comes in cycles, and the depression is one for which there is no reason, in fact it comes from within, and that is the endogenous depression. /20

Is this condition in your experience and according to your knowledge, Dr. Geerling, a hereditary one? --- It is hereditary and familial.

I think I forgot to ask you what the age was of this lady, Miss. Faith Simpkins, at the time she was admitted? --- During the period of submission she was 51 years old.

ASSESSOR MR. HART: That was in 1950? --- In 1950 she was 51. /30

MR. PHILIPS: NO FURTHER QUESTIONS.

MR. MOODIE: I would like to reserve cross-examination.

FREDERICK JOHN HARRIS, (s.u.o.)

CROSS-EXAMINATION BY MR. MOODIE (CONTD.) Now your time table called for your arrival at the station at about 5 past four and the explosion at 4.33? --- How do you mean my time table, Mr. Moodie?

You told us that you had planned this some time ahead? --- Yes.

And it was put to the witnesses in cross-examination that you would say you were at the station at five past four? --- Yes. /10

Between four and five past? --- Yes.

That was according to as it had been planned? --- Pretty well.

And it was put to the witnesses you weren't there between 4.15 and 4.30? --- No, I wasn't seen.

I'm just saying what was put to the witnesses. So your plan called for your presence at the station around about five minutes past four and the bomb was to explode at 4.33? --- Well, the bomb was definitely to explode at 4.33, but I had intended to be there a little bit earlier. /20

Now when had you intended to phone the police? --- Between the one and the other.

Now, when had you intended to phone the police? --- I've answered that.

Had you a time in mind? --- I was planning to get to the station, to put the thing down, to go and phone the police.

And as it happened the outside limit for the whole operation from arriving at the station until the bomb in fact exploded was half an hour? --- Yes, /30

about that.

Now did you make in your plans any arrangement for any possible hitches in that plan? --- No, I didn't.

So if anything went wrong there was going to be a disaster? --- Yes.

Now, reference in one of the EXHIBITS H7, to 4 p.m. and 4.32 p.m. --- Yes.

Now, that is the second item on that, and that is clearly in reference to the station? --- Yes. /10

So when this was written, the outside limit of your plan was 32 minutes? --- Yes. I don't know why I made it 4.33 later.

Bearing in mind that you had to get up to the Jeppe Street Post Office and telephone, which must have taken you five or six minutes, if not more? --- I don't know.

In the normal course of events would that be it? --- I really don't know, I'm sorry.

Friday afternoon traffic? --- You are asking me how long did it take me to get to the Jeppe Street Post Office? /20

How long do you think it normally would take you on a Friday afternoon? --- I don't know. Ten minutes. Let me think about the distance. I suppose about ten minutes, even a bit longer. Ten minutes I'd say.

And that would cut the time down desperately short, wouldn't it? --- Yes, it would get me there with about 15 minutes in hand. /30

Now was it your intention to have as short

a time as possible between the placing of the bomb and the explosion? --- I intended to have about a half an hour between putting the bomb down and the explosion. Does that answer you?

That was your intention? --- Yes.

You got there at five past four about, you placed the bomb, you sat for two minutes, and you had about ten minutes or so, at a rough estimate, to get to the post office to phone? --- Yes.

That already would make it very nearly twenty /10 past four? --- Yes.

That left at the utmost 13 minutes between the warning and the clearing of the whole of the station? --- Yes.

Is that correct? --- Ja.

Now, was it your intention to have as little period and as little time as possible given the authorities in which to clear the station? --- No, I just worked out a time that I presumed would be adequate to do it in. /20

All worked out beforehand? --- I worked this out - I don't know - when would it be, about three or two days before, something like that.

Now, I put it to you, that if you had given a warning of a full 30 minutes or an hour, your plan would have failed? --- I don't get it.

Well, if an hours warning had been given then the likelihood is that someone could find that bomb and place it somewhere else? --- Yes.

Or they could get hold of someone who could /30 render the bomb innocuous? --- Yes.

Did you have that in mind? --- That someone would get hold of the bomb and render it innocuous?

If you gave an hour's warning? --- You are quite right, if there had been an hour then somebody might have got hold of the bomb and rendered it innocuous.

And your plan would have failed? --- Yes, sure.

You cut it down at the utmost limit to 32 minutes? --- It just seemed an appropriate, correct length of time. /10

And you worked that all out? --- Worked what all out?

That that was the appropriate length of time to be given? --- I didn't calculate it how you have just calculated it, you know, bit by bit.

Why not? --- It just seemed - it didn't seem necessary, it just seemed that I knew.

Because your bomb had to go off, it was essential for your plan that your bomb goes off in the station? --- That was the whole point. /20

And nothing must interfere with that? --- The bomb had to go off, of course it had to go off. Of course, that was the whole point.

Now, this exhibit I show you H1, there is a number of notes on it. --- This was in my car.

That was found in your car? --- Yes.

END OF BELT 46.

Belt 47.

It looks like three receipts? --- Ja, I don't know why it's three strokes.

Would that mean perhaps receipts for the baggage room? --- This is quite an old thing - I mean, this was written quite early in that week. This was written about - ja, this was written on a piece of paper in my car, this was in my car, about the 21st.

Written about the 21st? --- What day was the 21st?

It was a Monday? --- Was the 21st a Monday.

Tuesday. 20th was a Monday, that's right. /10

--- Yes, about the Tuesday.

Then there is gloves, and the next word?--- Syphon, hats, tickies, telephone numbers, clothes.

And what's that? --- Bands.

BY THE COURT: What would this mean? --- I was supposed to write some notes for Damelin College, on the Republic's neighbours, South West, Portuguese East Africa and Southern Rhodesia, and I had come across a thing in reading about South West about the Germans in about 1905 it was - 1908 - that said bands of Germans had gone out, and had hunted Hereroes and I wanted to check about that. It's a mixture of different things. I don't know why they are mixed in, but I jotted them down, these different things together. /20

CROSS-EXAMINATION BY MR. MOODIE (CONTD.) And it looks like 'dabs', what does that mean? --- That is a slang expression meaning fingerprints.

Was this something in connection with your plans? --- Most of them, yes.

In fact your plans to bomb Johannesburg station? /30 --- Most of it, yes.

And the gloves were to prevent fingerprints?

---- That was in making the bomb.

Syphon? --- No, that was something else. I wanted to keep a syphon in the car because I read a motoring magazine about it. I've still got it at home.

And hat? --- That was when I thought I should wear a hat.

When you went to the station? --- Yes.

Do you usually wear a hat? --- No, not often. I've got one, I wear it if it is hot, not always, sometimes.

/10

Tickies. Tickies was for the purpose of putting through your phone calls? --- Yes.

Telephone number. Numbers you wish to telephone? --- Ja.

Clothes. The clothes you were going to change so that you could disguise yourself? --- Actually no, I bought some new clothes from Markham's, they were having a sale, and they hadn't delivered them and I wanted to chase them, and they did deliver them eventually.

/20

Your plan in any event had matured in your mind on the 21st? --- I had these ideas for it.

Your plan had matured, you were starting to make your arrangements? --- I was starting to make arrangements.

You had the telephone numbers and you had to get tickies and you had to get a hat for the purpose of disguising yourself. Is that correct? --- I had to get the tickies, yes, and I had to get the telephone numbers - and what else, you said something else?

/30

Your hat, tickies and the telephone numbers,

that was all portion of your plan? --- Yes.

It had matured in your mind on the 21st?

--- I was certainly thinking along those lines.

And you had already taken active steps in this regard, because you started making the bomb on that day. Now, once that plan had matured in your mind, were you determined to see that it went through?

--- Well, it seemed - it was very important to me that this demonstration occurred. Very important to me. I mean really it was terrifically important, I mean when you feel very strongly about something you - well, it's up to you to do it. /10

Now, you had been placed in a position of authority when Lewin and Much left? --- I'd say I had been placed in a position of power - not authority.

It seemed that the organisation was broken up? --- Yes.

You had possession of explosives? --- Yes.

You more or less had a free hand what to do with it? --- Yes. /20

Up to then you had been rather ignored? --- Because I had been involved in one active project, and I was being involved in a second. There was a period when I wasn't involved.

And you were unhappy about that? --- I wasn't happy about that. I felt mixed feelings about that, I felt - I felt glad in a way because it didn't suit me to do anything then, and I was feeling a bit depressed in that period. I felt depressed in May, and it sort of tied in with the depression. /30

BY THE COURT: Did you feel that you were to blame,

because the first project had misfired, Mr. Harris?--
 - I felt very - you know, I looked in the papers afterwards and nothing had happened, and I thought, now can I be to blame, and I thought, I can't be to blame, because I just tagged along. I didn't do anything, and then I asked Gee(?) afterwards, I didn't want to say to him, was it me, and I said to him what was it, and they said it was the timing device that hand't worked, and I was quite happy after that. It wasn't me at all, it was the timing device.

/10.

ASSESSOR MR. HART: And then you decided it was essential that this project be successful? --- Well, there was a time lag, you know. I mean they weren't so close to each other in time. When the timing device didn't work was end of February, beginning of March, and this was July.

CROSS-EXAMINATION BY MR. MOODIE (CONTD.) And did you feel frustrated that the organisation was broken up? --- Could you explain what you mean by frustrated.

Well, you had been a member of an organisation whose aims and objects were to perform sabotage to bring home to the authorities and the Government that there was oppression and injustice? --- Yes.

/20

And that organisation was broken up? --- Yes.

As far as you were concerned two of the leaders, one had fled and the other was under arrest? --- Yes.

As far as you were concerned the organisation, from what you had heard of the arrest in Cape Town, had broken up? --- Yes.

/30

Was it not your intention then as an act of defiance to show that it had not broken up? --- Well, you couldn't really show that it hadn't broken up. All you could do was - I mean in this sense - as John pointed out to me, the Government knew it had effectively been broken up. All you could do was to think what was best to do, and I felt this is something that will be in the tradition, it will carry it on. Does that make it clear?

No, it doesn't. --- I felt this act - I felt /10 things had reached a stage in South Africa when they are just ready for the push, and then they will be changed. And I felt this is the push. If you push this way you've got a pretty near certainty of moving a centre of gravity.

It is also equally consistent with showing in a most effective manner that the organisation in fact was still very much alive? --- I didn't think of it as the organisation is still very much alive, I mean that was in a sense true, but that wasn't so /20. much what I thought of.

Why announce to the newspapers and the police that it was the N.C.O. or the A.R.M.? --- Well, I felt it was.

Exactly. Of course it was the A.R.M. that was doing this explosion. --- Logically, I don't know. In one sense it was the A.R.M., in the other sense it was me.

In what sense was it you? --- Well, it was my idea, it was my planning. I had done it. I did it. /30

In what sense was it the A.R.M. plan? --- I

had been an A.R.M. or N.C.O. member for - since September, nine months.

You being the person in effective authority were really acting through the A.R.M. and you so announced it? --- That's a good way of putting it.

Well, is it the correct way of putting it? I'm not concerned whether it is good or not? --- Well, it gave the impression that there was still a big organisation.

That was your object? --- And yet that was impossible. It sounded good though, it sounded important. /10

Tell me, what were you planning to do with the explosives that remained after you had done this explosion? --- That didn't occur to me.

Had you intended to keep them for future demonstrations? --- I should think so.

Did you think so? --- I wasn't concerned with a long term .. (coughing) .. future.

But you had control of these explosives? -- - Ja. /20

And what were you going to do with them? -- Well, I had these explosives, I put them away, I knew where they were. I didn't think about the future really, but quite logically, obviously after this the next step would have been, should have been logically to think about what to do with them.

Did you in fact think of that? --- No, it didn't seem to me as though the future after the 24th July mattered. /30

Why not? --- Well, I thought after the 24th

July we would be living in a different situation in South Africa.

ASSESSOR MR. VAN DER BERGH:

You mean the position would change over night?

--- I thought this. I thought that everybody in South Africa might not have been aware on the 25th July that the position had changed, but our country - everybody would have taken a healthy turning towards a completely different future.

What you are saying is that it would change the outlook of this country, is that what you expected? /10

--- Yes, I don't think it now, but it made very good sense.

CROSS-EXAMINATION BY MR. MOODIE (CONTD.) One explosion in which there would be no material or personal damage? --- You see, it would have been - for the first time really have put pressure directly on public opinion, and the Government must be sensitive to public opinion, that is one of their jobs. And the Government through the intermediate stage of public opinion, the Government would experience this pressure, it would /20 spread - it would snowball - it would cause a deviation, it would put us on a different road.

And when you heard the result of your explosion that night, did you realise that the very opposite had happened or would happen? --- Well, that night I felt - that night I felt - I couldn't accept what had happened. I mean, to me - I knew in effect what had happened.

BY THE COURT: You knew something had gone wrong with your plan? --- Sorry, I'm not getting it across. I /30 mean I had worked it all out that a certain thing was

going to happen, and when I heard on the radio that this other thing had happened it didn't sink in - I mean, I felt as though it hadn't happened, as though what had happened had been what was supposed to happen. I mean, I intended it to happen. I intended (a) to happen and then (z) happened, but when I heard that (z) had happened, I more than half felt that (a) had happened.

CROSS-EXAMINATION BY MR. MOODIE (CONTD.) You received a good formal education? --- Ja. /10.

Matriculation and university training. And I suppose in the ordinary matric sense you studied physical science and chemistry? --- No, I didn't.

And apart from your formal education you have read widely? --- All sorts of books. Things that interest me.

And you read literature - some of the literature that was before court? --- You mean...

The hand book. --- I've looked through practically every one. /20

This one is H15, it's a sort of... --- Yes, I looked at that one.

This is one that has been before the court, it is H15, and it has got a great deal of instruction in it. I take it you were referring to this, because of the type of explosion you were going to use.

Explosives you were going to use, dynamite? --- I was referring to that?

In order to make sure that your bomb exploded and that you had the necessary instruction and that your bomb didn't fail? --- Actually I looked at that /30

thing - it was funny I just didn't feel like reading those, I looked at them, I flipped through everyone, every single one, and bits I read carefully.

Would you have been interested in the, for instance...--- Hang on. Yes, I read that one.

You read this one. Yes, I thought so, it's a very simple manual. I want to refer to a passage, safety precautions, which is at page 4 of H15, under the heading 'Storage and Handling.' "In general explosives should be handled with great care.

/10

Familiarity as ever tends to breed contempt, and this must be prevented at all costs. In particular detonators are liable to explode if handled carelessly. They should be held as a cigarette, with the open end between the fingers. On occasions the heat from a person's hand has been sufficient to detonate the Tetral. It should also be noted that the charge can throw large lumps of masonry over 400 yards, and small splinters of metal up to 1000 yards. Remember also that in a confined space the fumes from an explosion are lethal." Did you read that? --- I can't recollect reading that. If I had read it, I would have been much more careful at home.

/20

Yes. But you told us that you read the thing? --- I flipped through it, definitely.

It is inevitable that a person who is not an expert with explosives will probably turn to the handling thereof. That is one of the first precautions, not so? --- I was very careless with it, I know. Mr. van der Merwe, I think it was, several times when I told him how I had handled the things and Major Brits

/30

said it was very foolish. Major Brits, I remember, he thought I was acting very dangerously.

Yes, we are dealing with what happened before you set the bomb off. --- Yes.

You read this book? --- I definitely had a look at the lot, every one.

You had a look at the lot and you read this one? --- I remember that one definitely, definitely.

Do you remember the passage I read? --- I don't especially remember it. /10

Do you deny that you read it? --- No, I wouldn't. I'm certainly not denying that I read it.

Now, apart from that, it would be crediting you with an incredible degree of ignorance, if you were to say you didn't know what the effect of 8 sticks of dynamite explosion would be. Is that right? --- All I can say is that I didn't know that eight sticks of dynamite would do more than make a heck of a bang, in an open space.

ASSESSOR MR. VAN DER BERGH: By a bang you mean like a big cracker? --- Like that. Terrific bang. A very loud bang. /20

ASSESSOR MR. HART:

Like a thunder crack? --- Like a very loud thunder crack. You see, it had been stressed to me previously, that if you - it had been stressed to me previously that dynamite's damaging force works when it is in a - under compression you might say - in a hole in the ground or something like that. And I remember there was mention of the fact that on one occasion of the pylons they had to dig right down to the foundations to tamp it in. That was told to me once. /30

CROSS-EXAMINATION BY MR. MOOBIE (CONTD.) While on that subject of explosions, the time you decided on, I think, was the time there would be a great number of people in the station? --- Yes, I wanted as big an audience as possible.

And that would be a Friday afternoon at about 4.30? --- Well, the afternoon of the week does not mean anything.

Are you a regular user of the station? --- Yes, in and out every day. /10.

In and out every day. And you know that at that time of the day there is a great number of people? --- Yes.

In fact the evidence is that between four and five between 14,000 and 15,000 people must pass through there? --- I never counted them.

No, you can't deny that, that many thousands pass through within that hour? --- Yes. I don't know how many, but a lot of people.

Now/^{as} you didn't convey clearly to whom you spoke to on the telephone that the bomb was in the concourse, could that have included any other place, such as the platforms? --- Say it again? Sorry. If I didn't convey. /20

If you didn't convey to the persons you telephoned that the bomb was in the concourse, your bomb could have been anywhere, on the platforms, in public rooms, shelters, anywhere. --- Yes.

And you maintain that you said it was in the concourse to the railway police? --- To the first - yes /30
How long are you going to be, Mr. Moodie, I am very tired.

49. ON RESUMPTION OF COURT:

FREDERICK JOHN HARRIS, (s.u.o.)

CROSS-EXAMINATION BY MR. MOODIE (CONTD.) You made a confession to the magistrate? --- Yes.

And wanted to disclose all the important features of this happening? --- Yes, I wanted to tell the magistrate about it.

You also made a number of statements to the police officers, not so? --- I made a lot of statements to the police.

They were quite freely made? --- No. /10.

Did you wish to assist them? --- I felt I had to, I was pretty scared.

In fact you wished to assist them because you didn't want a repetition of this happening? --- No, that was suggested to me as quite a good idea, and it seemed to me that it made good sense to say that.

Because you repeated it to the magistrate in the following way: "By telling the police where dynamite and equipment was stored, I hoped to prevent any future occurrence like this. At all times I tried to co-operate with the police." Now that was made to the magistrate, is that correct? --- Yes, I said that to the magistrate, yes sure. /20

And is this correct what you said to the magistrate? --- I said at all times I tried to co-operate with the police?

I'll read the passage to you again. --- Yes, I did try to co-operate with the police, definitely.

"I hoped to prevent future occurrences like this and at all times I tried to co-operate with the police." --- When I said that to the magistrate I knew /30

and I certainly didn't want future happenings like this to happen - to follow.

"And at all times I tried to co-operate with the police." --- Oh, I co-operated with the police a lot.

Before you were formally charged with these offences, you were seen by doctors in jail? Before you were charged? --- No, I don't think so. I saw Col. Aucamp. Is he a doctor? Because he came and felt my jaw. Is he a doctor? I thought he was a doctor. And he saw me when I came into jail, and he saw me once or twice more, and Mr. Olivier saw me. /10

District Surgeon see you? --- They saw me several times, but I don't remember exactly. The magistrate came around.

Yes. You were visited by the magistrate? --- Yes. Now, about the District Surgeon - he saw me at least once, I can remember. He was English speaking I think.

To any of these persons did you mention about this ball of glass? --- Oh, they didn't talk to me - I mean they didn't talk to me properly, they just looked at me and said, 'any complaints', the magistrate said, of 'enige klagtes' and I said 'Nee' or 'no.' /20

And did you mention this ball of glass to any police? --- No, I didn't. When I said to the police I couldn't remember things they got very angry. Even little things like, well, they'd used my brother-in-law's typewriter - they gave me a list of typewriters that they had found.

The fact is that you didn't mention to them the glass ball? --- No, no. /30

You were asked by his Lordship whether you had perhaps read it in some book or other? --- About my being in a glass ball?

No, about somebody being in a glass ball? --- Yes, he asked me yesterday.

Can you recall whether you have ever read that somewhere? --- In real life - in a book? I mean have I ever in real life read it in a book. I read a Science fiction once, it was a ..(?) .. science fiction.

Did it have something like that in? --- I'll /10 tell you all about it. These people went to Mars and they put God in a glass ball, or they thought it was God. On Mars there were blue spheres.

Did this make an impression upon you? --- It just struck me, because it was familiar.

When did you first mention to anybody this feeling on the station that you were in a glass ball? --- I think, first when I was questioned by Dr. Hurst.

And how did that come about? --- He just asked questions, lots of questions. /20

What was the pertinent question in this regard? --- How did I feel when I was on the station, I think.

And then it occurred to you? --- The first time I saw him - I mean nothing personal - I didn't - nothing personal to Dr. Hurst, but I didn't like him so much, I won't say why. After that I felt he was more friendly.

Did you know why you were being examined? --- Mr. Soggot said that they were just making sure that I was balanced. So I felt he was more friendly after /30 wards. The first time I didn't feel so happy. I

won't say why.

You had never mentioned this to anybody else?

--- I had or have?

You had never up till then mentioned this to anybody else? --- No, nobody has asked me. I know when I have mentioned things like this to people before - or anything like this, if you talk about even telepathy it puts people off. They say it is unscientific, but it is not, it is perfectly scientific.

Did your parents know about your sabotage activities? --- No, I kept everything from them. /10

And your wife? --- I tried with my wife. I really didn't want her to know, because I didn't want her to know anything about it. I really tried, but she is not a fool and she might have some times - from things I let slip - she might some times have added things together.

Would your parents have approved? --- I can remember clearly....

It is a very simple question. Would they have disapproved? --- I was going to tell you. /20

Would your father have disapproved? --- My father, I know, was against anything. He is just absolutely standard United Party supporter.

And your mother would she have disapproved? --- Well, her ordinary political views are not the same as mine, and in that sense she wouldn't have thought like me.

She would have disapproved? --- I should think - you know, I sometimes had feelings that she knew and didn't disapprove, but I didn't want to talk /30 to her, because if you put something into words then

it's stuck, it has happened, and you can hurt things - you can hurt relations between you and people if you talk about things, but if you just feel with them it is much better, much better with mummy.

At school did you take part in school theatricals at all? --- No,

You took part, I think, in some radio competition? --- You mean the Quiz Kids.

Quiz Kids. That of necessity... --- I was a Quiz Kid.

That of necessity requires good knowledge and /10 good memory? --- It's a - you just have to fluke at the words, I used to fluke at it, it works beautifully, it works beautifully sometimes.

But obviously it must require sound general knowledge, not so? --- When I was on the Quiz Kids they used to give us specialise. There was a bloke called Peter Louis who specialised in music, Antonette Edwards, she specialised in art, I specialised very largely in English literature.

Of necessity you need a sound knowledge? --- /20 Of what you were doing, you mean. Of course you had to know what you were doing.

And you had to have a good memory? --- They put questions to you and you had to be able to answer them.

You have to have a good memory? --- Of course you had to remember exactly as much as you could of what you were doing..

Now, did that give you a sense of being in the limelight? --- Well, I used to feel - they used to /30 have us sitting there on the table, as big as this one...

Will you be able to just cut this short, and say, did it give you a feeling of being in the limelight? --- Oh we were, they used to have a light shining on us....

In the limelight in the public eye? --- I was going to say literally we were in light and I enjoyed that.

Can you answer. Did you feel that you were in the public eye? --- Of course. Public ear is better.

So also when you were a member of Sanroc you were in the public eye? --- Ja. /10

And as a member of the A.R.M.? --- Ja.

Also in the sort of limited limelight of your organisation? --- Well, people in the organisation new about it, but people outside didn't.

You were doing something active? --- In sabotage.

Yes. --- Sabotage, sure, sure.

Now, we have heard a great deal of evidence of your history, I won't attempt to cover a great deal of it, but you said in your childhood you were happy and unhappy? --- Yes. /20

That is nothing unusual, is it? --- No. No. Everybody is happy and unhappy.

And you spoke about thoughts of suicide? --- Yes.

Did you think about it seriously? --- Yes, I often felt that - I was frightened by the thought of doing it, the physical side of killing myself, and I had often sort of feel recoil at that. The idea of just getting away from people who were against you, that was a very good idea. /30

I take it from that, that you have never attempted suicide? --- I didn't ever try to kill myself.

Did you tell anybody about these thoughts? --
- No, I felt that is half the point, just one day I won't be there, and they won't know about it.

Did you tell anybody about these thoughts? --
- But you asked me that.

Yes, but you haven't replied? --- I said no. I said no, I thought I won't tell anybody, I'll be gone, I won't be there. /10

Now, in the lower school you were somewhat teased by being the fat boy? --- I was fat until about Standard 8.

In high school? --- Yes.

You were teased about it? --- Ja.

And you associated yourself with the William Books? --- Yes.

Because there is a fat boy there? --- Not in all the books.

Was there anything unusual about that in your mind, the association? --- I felt - when I was in primary school at Rosebank I felt that Richmal Compton was digging at me, this fat chap was me. /20

Did you do anything about it? --- I had to try to get thin some times, but it didn't work.

Did you adjust yourself despite this teasing about being fat? --- It always worried me. In fact even now I am fat again, in jail. It is not there fault, I eat their food and food gets sent in. Mr. Aucamp said to me that I was getting fat. /30.

Did it effect your work at school at all? ---

Well, I did my work - they used to tease me about - they used to tease me about not getting top marks in some subjects sometimes.

But you were nevertheless very successful at school? --- I got good marks at school.

Were you really much over weight at school?
--- Yes, my mother sent for a course once. She took a picture of me on the side of the swimming bath at Walkerville, she sent this picture to a doctor.

BY THE COURT: It would be much better for your case if you answered the questions. It is a very simple question: Were you very much over weight at school? /10

MR. HARRIS: I'm trying to explain.

BY THE COURT TO ACCUSED: Is the answer yes or no? --- Yes, until about Standard 8 or 9.

CROSS-EXAMINATION BY MR. MOODIE (CONTD.) At high school you were bullied a bit? --- Yes.

You didn't like the prefects? --- No, I didn't like the prefects, except Jones.

Did you do anything active about it? --- What can you do about it? /20

Did you fight back perhaps? --- No.

Did you adjust yourself to the discipline? --- I think you just had to do it or else they pushed you around.

Did you adjust yourself to the discipline? --- I just did what they told me to do.

And in fact despite that you did well at school, up to high school? --- I did well at school.

Your work didn't suffer? --- I tried to do my best at school. /30

Your work didn't suffer? --- Well, I used to

work as hard as I could and get the best marks that I could always.

BY ASSESSOR MR. HART TO ACCUSED: Where did you come in class when you were at school? --- I used to come in the first three or five, I dropped off a bit near matric.

Did you write the junior certificate examination? --- No. I did not have a J.C. at school.

CROSS-EXAMINATION BY MR. MOODIE (CONTD.)

Now, I think it was at Hyde Park where the principal was a disciplinarian, was he? --- Mr. Crossby.

Did you like him? --- At first I liked him a lot, but I didn't like him after that. /10

Did you adjust yourself to the discipline of the headmaster? --- You asked a question like that previously. Put it another way, I don't understand it, how I adjusted to the discipline.

Well, did you meet his requirements as regard discipline in the school? --- You had to or else....

Did you? --- Yes, of course.

Did you complain to him at all? --- I went into his office lots of times, and he is very rigid man you can't talk to him. /20

Did you complain to him? --- No, I was going to get out of his school.

Did you get out of his school? --- Ja. I left his school early. I had a permanent post there and I left it.

You went then to an Indian school, was it? --- No, I went to the Indian school later.

And at this Indian school were you happy there? --- It was very free and easy, I liked it. /30.

And you left that school to go where? --- Well,

I left that school - they asked me to leave in about September, and then the next post I went to was Damelin.

And Damelin you fitted in well? --- I certainly hope so.

No complaints there? --- I don't like mentioning names.

Did you have any complaints? --- I liked Mr. Kriel and Mr. Witt, I didn't like one or two of the staff members.

Was the discipline strict at this school? ---
For the teachers? /10

Yes. --- I'd say that there were some things that you had to do, and if you did those things then they left you alone.

Now, were there ever any complaints about the quality of your teaching? --- The first term the exam results were poor.

Where was this? --- Damelin.

No, I'm talking about your teaching career?
--- Well, that's what I'm saying....

That was the only place where there were any
complaints about the quality of your teaching? --- No,
we had an inspection at Hyde Park and Mr. Griffiths
criticised me. He was the inspector. /20

So now that would be one complaint and the other one was at Damelin, because your results in the first term were poor. Were those the only two? ---
That I can think of.

Now, you were married. Did that give you a feeling of responsibility? --- I didn't feel it positively. I mean, my wife was the same age as I was and she is
qualified and able. /30

When your family arrived, the child, did that give you a feeling of added responsibility? --- I did not think of that.

Despite the risks you were taking in sabotage attempts? --- It's funny, I didn't think of it.

You never thought of it. Did you think of the personal risks you were running? --- When I was depressed sometimes, I would think that one of the things that can always go wrong - I used to run through them - one of the things that can go wrong is something can go wrong with this and I would be in a lot of /10 trouble, but when I felt up I didn't think about it.

You spoke in evidence about reading an article by a clergyman? --- Rev. Webb.

Yes. In the tenor of that article, as I recall your evidence-in-chief, was that people who stirred up trouble were disapproved of. --- Yes. It was a phrase or a sentence or something.

You saw this while you were here in jail? ---- No.

Before? --- Some time before. /20

It made you secretly feel guilty? --- No, not guilty. I didn't feel that I was doing something wrong.

Because at that time actually you were busy with sabotage, not so? --- Oh no, he was talking about Sanroc.

He was talking about Sanroc? --- Yes.

At that time were you busy with sabotage when you read this article? --- No, I had been pulled in, but I hadn't done anything.

You also mentioned a magazine article you read, /30 was that also before you were arrested? --- That was a

long time ago.

Did you think that article referred to you? --- It wasn't an article, it was a sort of test yourself thing, and there was a bit in it which was modelled on me.

With reasons? --- Well, it seemed to me that if you looked on the worst things that I did, the worst aspect of my personality, I should say, and you wanted to be nasty you could pull these things out.

And what did you consider the worst aspects of your personality then? --- That I was lazy, and /10 that I was selfish, and that I was not considered of people some times, but I thought I wasn't getting ahead.

You weren't getting ahead. Did that worry you? --- The whole article was nasty.

No, the fact that you weren't getting ahead? --- Ja, I mean it didn't worry me all the time, but sometimes it worried me.

Because that was in fact the case. --- That I wasn't getting ahead? No, I had done quite well when I was studying. /20

By your own history of your progress you weren't getting ahead. Even you had had several teaching posts, and you tried to get a position in a diary. You had been to England where your wife had worked. Is that correct? --- The diary was...

Is that correct? In fact you weren't getting ahead and this worried you? --- I was catching up. Professor LeMay thought that I was doing very well.

Were you satisfied that you had a weak personality? --- I was taking an American course on how to be /30 more positive. They send you a book every month for

65c. I thought they were right that you must try to sell your own personality.

Now, you felt that you were making something of a success in Sanroc, not so? --- Yes.

In fact you went overseas? --- Yes, that was a very nice trip.

And did you feel your mission overseas was a success? --- No, it wasn't, because the main thing was I was supposed to talk to the I.O.C. the International Olympic Committee's executive, and I didn't get a chance to, they wouldn't listen to me and it didn't work. I was hoping to persuade them that they should do certain things, and they wouldn't listen to me. /10

Belt 50.

And when you were banned, did you feel that an injustice had been done to you? --- I thought it was jolly unfair.

Entirely unexpected though?--- I didn't expect this to happen at that time because of sport. It struck me that it was hitting below the belt. But it wasn't unexpected, because there had been that business with the passport. /20

Now, you have spoken about ambitions. I take it you will agree with me that all or most young men have got these ambitions? --- Everybody has ambitions?

Yes, young men, they see themselves eventually as someone great. --- I'm sure everybody sees themselves as getting on in life and getting better. Getting more important.

And most of this that you spoke about is really day dreaming, not so? --- Yes, I just imagine things.

There is nothing wrong with day-dreaming, did you day-dream? --- Yes, sure. There is nothing wrong /30

with day-dreaming, I mean it is very common to day-dream, when you've got nothing else to do and you want to pass the time.

And you recognised these as day dreams? --- Well, I knew that these were not impossibilities.

But you recognised them as day-dreams? You knew you were day-dreaming? --- Well, I knew that these things could happen. I mean, put it this way....

I want you to just answer. You knew you were day dreaming? --- I knew these were day-dreams, which I hoped would go ahead. /10

Yes, you were day-dreaming? --- I mean I was awake.

Now, your domestic relations were they particularly happy? --- I had a happy relationship with my wife.

Perfectly happy? --- Yes.

She was happy with you? --- I hope so.

And as usual in any married couple I suppose, you had your arguments and quarrels? --- We didn't quarrel much. /20

Financially your household was never really in a strong position, was it? --- We were never rich, no.

You rarely had enough? --- We really had enough?

Rarely. --- We had enough to scrape by, but we didn't have a lot. There were times when it was difficult, there were times when we didn't have enough money, but we seemed to have things. We had a car.

Yes, you had a car and a house and a small family. Now while you were detained you spoke of an experience with telepathy? --- Not while I was detained. /30

I thought you mentioned that while you were in custody...--- Oh no, I misunderstood, sorry. I thought you said I spoke of an experience whilst I was detained.

Here in court you spoke...--- Oh, of course, yes, I had experiences. I didn't talk about them while I was detained because I was on my own.

And you said that with practise these experiences became clearer? --- Oh they were quite clear by then, they were perfectly clear, because I'd had the practise....

You realised that this was telepathy, and in fact you realised that your mother was not there? --- She couldn't have been there. /10

You realised that? --- That my mother wasn't there. Physically with me? No, she wasn't with me.

You realised that? --- Yes. Oh yes.

You could see that this was now something to do with telepathy? --- She was in contact with me, but she wasn't with me physically. Once with my father.

No, I didn't ask any further questions. I don't know if the court or learned assessors wish to. /20.

Have you ever consulted a psychiatrist before this? --- No. What for?

Have you ever consulted any other person, other than a medical man, about your personality? --- There is nothing wrong with my personality. There is no point for me if I see anybody.

Now, in July - that was the month of the holidays - July of this year, you were working on your dissertation. was it? --- Oh desultory.

You were working on it? --- Yes. /30

You were able to work on it? --- I got books

out I didn't work on it really. I should have.

BY THE COURT: It might have had something to do with your laziness? --- Quite possibly. About Easter - in the Easter holidays I had seen Professor LeMay and I asked him for help and so on, and I'd seen him a couple of times after that. In one of these American books they gave a very good idea, that if you set a specific time in advance and then work at that time then it will work. They said that you make the decision, then the carrying out of the decision is separate from making the decision, it's better. So /10
I a couple of times in July decided that certain time is going to my study and my work, and I went into the study....

BY ASSESSOR MR. HART: Did you have to force yourself to get down to work? --- Usually I enjoyed it. Usually I like studying. It worked perfectly. I went into the study at whatever time I decided. Perfect.

CROSS-EXAMINATION BY MR. MOODIE (CONTD.) Now, you had time to think and ponder during this month? --- It seemed a very busy month, I don't remember thinking. /20
I must certainly - I wasn't doing any work, I must have had plenty of spare hours.

As a matter of fact I think you used the word that during that time you shifted your thinking. You used the phrase 'I shifted my thinking a bit', do you remember that? --- When I was talking about?

The month of July. --- Oh that doesn't take much time to shift your thinking, that you can do in five seconds. I mean, you have a certain idea and you realise it's wrong, and you reject it, or else you have /30
a new idea and you accept it, and each time it just

happens.

And during that month you were doing a lot of thinking in relation to sabotage? --- I wasn't doing much thinking. I'm sorry, I don't want to argue with you, but some months I feel intellectual and then I read and I can think, and around Easter I felt like that, but July wasn't an intellectual month.

In any event you met and talked with Lloyd on sabotage? --- Ja.

And you talked with him seriously and rationally? --- I hope so. /10.

Did you in fact talk seriously and rationally with him? --- Yes, definitely.

You made up your mind now to sabotage? --- I certainly made up my mind several times.

In other words, you were not inconsistent in your thinking, there had to be sabotage? --- Oh no, I didn't change my mind about it.

Nothing was going to change you? --- Nobody tried.

Except Lloyd? --- Possibly /20

On the one project. --- Lloyd didn't try to stop sabotage.

Except on the one project, so he says. --- Yes.

But you didn't change? --- No, definitely not.

Your plans must go through? --- Ja.

And these discussion you had with him and with Mrs. Swersky, I take it, they were on a rational basis, you didn't get heated or irritable? --- No, with Ann I was particularly happy, I didn't get irritable with her at all. /30

And with Lloyd? --- He was my friend.

You didn't get irritable at all? --- I don't remember getting irritable with him, No.

In fact you were not to be distracted from your purpose? --- You mean I was determined not to give way? Nobody tried to make me give way, so there was never any clash, I knew what I wanted to do, and I was going to do it.

Actually your ideas were quite clear in your mind? --- Yes.

And during this period - call it the holiday period up to the 14th, I think. --- No.

/10

Was it longer? --- Yes, the holiday was up to about the 28th.

Did you live a normal life at home? --- I think so.

Did you sleep well? --- Oh, I didn't have any trouble sleeping.

And it was during this period that you made your plans for the station bombing? --- Yes, during July.

You had your time table and you had worked it all out what you were going to do, and finally it was decided that the explosion was going to be in the concourse. All that had been worked out? --- That was in July, yes.

/20

And also how you were going to get the bomb to the station, and how you were going to prevent detection? --- That was worked out, you can say, the week before.

That was all worked out? --- Over the three - five days before.

/30.

Now, as I understand your evidence, the last

acts - shall we call it a preparation - before you went to the station was near the Brixton tower, when you adjusted the bomb? --- It was there or at the station.

Do you say you didn't do it at Brixton? --- No, I can't say it. I think it is more likely that I did it at Brixton.

But that was the last act of the preparation as far as we know? --- Yes.

BY ASSESSOR: That's where you set the bomb in motion? --- Yes. /10

CROSS-EXAMINATION BY MR. MOODIE (CONTD.) Did you have any feeling of anxiety or concern? --- No.

None at all? --- Do you mean for myself or for other?

For yourself, for others or anybody? --- No.

Was there anything that you felt compelled you to go and place this bomb? --- I was going to place the bomb there...

Was there anything that you felt compelled you to place the bomb there? --- Well, it was a decision /20 I had taken that I was going to carry out.

Now when you were at Brixton and had wound up the watch, this was the last act? --- Yes.

Was there anything that you felt compelled you to go and put the bomb there? --- Well, I had to go ahead. It was the right thing.

Did you have any feeling of apprehension about it? --- No.

None at all? --- No.

You made no effort to resist this? --- I felt /30 good - I didn't feel it was a bad thing, I felt good to

do it, that it was good to do it.

Now you were then concentrating on extremely dangerous acts? --- I can see - yes.

But were you or were you not concentrating on extremely dangerous acts? --- It didn't seem dangerous.

All right whether you considered it dangerous or not, but you were concentrating on this act? --- It was a dangerous act, I can see now.

No, no. Were you concentrating on this act? --- Yes.

Your whole attention was directed thereon? --- /10
That was the main thing in my life.

And you had to see that the bomb properly made was placed where you wanted it to be placed? --- It had to be placed properly, yes.

Now you've told us that you knew of the Sabotage Act? --- Yes.

Now, insofar as your bomb is concerned, it being explosive and petrol, you knew that it would cause damage, not to leave persons out of it for the moment, you knew it would cause damage? --- I didn't /20
think of it as causing damage. I thought of it as causing a show.

Now, you saw shelter where you placed the bomb? --- When.

Where you placed the bomb? --- No, but when?

When you placed it? --- Oh, obviously, yes.

Did you see it? --- I was aware. Completely aware of where I was.

Now, that had glass around it and it had a roof and wooden benches. Is that correct? --- Yes. /30

Now, you must have known that the petrol

would burn something? --- I'm afraid it sounds crazy, that is why when the police asked me I didn't say these things. Even Mr. Phillips, I didn't....

BY THE COURT: Will you answer the question.

ACCUSED: Yes.

BY THE COURT TO THE ACCUSED: Did you know that there would probably be damage caused to the benches and the cubicle you were sitting in? --- No, your Worship, I've explained to Mr. Moodie that it seems crazy, but that's the way it was.

CROSS-EXAMINATION BY MR. MOODIE (CONTD.) Now, apart /10
from the Sabotage Act, you knew that the possession of explosives was prevented by law? --- Yes.

I mean in an ordered society that must be so, no unauthorised person should possess explosives? --- Yes.

BY THE COURT TO ACCUSED: Now, tell me this, the previous bomb that you placed next to the cable, what sort of a cable was it? --- I was told it was a signal cable.

Yes, but a thick cable or a thin cable? --- /20
About as thick as my thumb I suppose.

Was it an electric cable? --- Yes.

And how was the dynamite attached to the cable? --- Well, it was at night so I can't tell you exactly, but I can tell you reasonably well. There was a concrete post there and it was going to be tacked between the concrete post and this cable.

How many sticks of dynamite? --- It was a long passage. If this was the concrete post - the cable was supported from the concrete post, it was /30
going to be tacked in like this - if this is the explosive

charge, it was going to be tacked in like this. With the concrete post and this thing tacked in and the cable.

And the blast would break the cable? --- Yes.

Destroy it? --- It would snap it. Tap it, was the word they used.

Yes. Now, your dynamite was inside the suitcase and it was between the jerry can and the side of the suitcase? --- If the suitcase was standing in front of me like this, there was the dynamite and there was the jerry can. /10

And you didn't expect that explosion to do any harm to the woodwork? --- No.

And do you expect me to believe it? --- Your Lordship I put....

CROSS-EXAMINATION BY MR. MOODIE (CONTD.) You told us that the possession of explosives apart from sabotage you knew was an offence? --- Yes.

And you also knew that to cause an explosion, whether it does damage or not, would be an offence? --- Yes. /20

You always realised that? --- Well, I can't tell you exactly at which moment in my life I realised that, so I can't say always.

Now, at the time...--- Hang on. Sorry. I said I always realised that. I knew perfectly well that it was illegal to have dynamite and to cause an explosion. It didn't seem so then. That's at the end of July.

What did it seem in regard to the possession of explosives? --- Oh, you had to keep them safely.

Now, what was your feeling about it, your possessing them illegally? --- I had to keep them safely, /30

I mean I had to preserve the dynamite....

No, you possessing them illegally? --- Yes, of course.

You had control of them? --- Yes,

You moved them around? --- Yes.

You had a key made in order to control them? --- Ja, to get at them, yes.

Now, you knew that was illegal? --- Of course.

You also knew it was illegal to make an explosion with dynamite? --- Please, when are you talking about. /10

It doesn't matter where. --- When are you talking about. Time?

During July? --- Oh, early in July I knew these things, I knew them perfectly clearly, and I knew them I suppose - I don't know if you'd asked me every day at 10 o'clock - I suppose I would have known every day at 10 o'clock, but it didn't seem very important.

You also knew it was an offence to cause an explosion which might damage property or persons? --- Just the same as the previous things. /20

Now, those were the charges that were put to you. You admit complete control of the explosives, not so? --- Yes.

That you possessed them? --- Yes, I possessed them.

You admit the act of causing the explosion in the station? --- Yes definitely.

You knew it was wrong? --- Yes. I knew.....

You admit causing the act... --- You ask a question and you don't let me answer it. /30

You better answer it. --- You let me start off

saying something and you don't let me finish it.

All right, now let's go back to...--- It's not fair.

You admit you knew it was an offence to cause an explosion in the station? --- That was simple. I mean I put it to you this way a moment ago, and I put it just the same way, I think it is clear to me, if you had asked me, Mr. Moodie, if you had asked me every day at 10 o'clock, is it illegal to cause an explosion in the station - well, I suppose I would have said, yes it is. But if you had asked me, how do you /10 feel about this illegality, is it illegal, how do you feel about it - well around the Thursday....

BY THE COURT TO ACCUSED: Perhaps I can assist you. There are persons that have committed treasons that have become national heroes. Is that how you felt? --- I didn't feel that I was going to become a national hero.

No, but I mean you knew that a person committing treason knows what he is doing is forbidden by the law, that he does it because of a belief, and he doesn't /20 care whether he is breaking a law or not. Is that what you are trying to...--- Your Lordship, in a way I would like to say that, but that isn't it. If I said that then I can feel that I was doing the right thing and blow the law. But I didn't feel that. I felt there is room in me for certain thoughts, and that is one of the thoughts that there was room in me for. You see.

Yes.

BY ASSESSOR MR. HART: Was it no concern of yours that this was against the law? --- Yes, it didn't seem that /30. it had anything to do with what was going on.

But did you know that it was against the law?

--- Yes, it didn't seem that it had anything to do with what was going on.

But did you know that it was against the law?

--- Well, I just didn't think about it at all, so I don't know what I thought about it, because I didn't think about it.

ASSESSOR: Why did you go and remove the dynamite to the station and not keep it at your house? If you are innocent? --- No, I'm talking about the time - you are talking about the 11th 12th. I'm talking about - I think that gentleman is talking about the time of taking /10 the bomb in.

Bobb-51.

Are you referring to the 24th, the afternoon' only? --- No, I'm talking about the last two or three days.

That is the impression you gave me, that prior to that you never considered it in the light of being illegal or not. But now when I questioned you, you came back with the 24th July, the afternoon? --- I thought you were talking about those few days. I thought that gentleman was talking about.... /20

I'm sure Mr. Moodie was not referring to the afternoon of the 24th July? --- I don't know.

BY THE COURT TO ACCUSED: During July did you know that it was illegal to possess dynamite? --- He said that, yes.

Now, do you agree with that? --- Oh, in the early part of July I definitely had knowledge that it was illegal to possess dynamite. I can remember feeling that quite clearly.

CROSS-EXAMINATION BY MR. MOODIE (CONTD.) And also /30 that it was illegal to cause an explosion therewith?

--- Yes.

And also to cause an explosion whereby property and persons might be damaged and hurt? --- Yes.

Can you tell us when you lost this feeling that it was wrong? --- It just faded.

ASSESSOR MR. HART: Did you ever lose it? --- When Mr. Moodie said lost I thought he meant like that, you know. I felt this isn't something to consider.

Did you feel that you knew it was wrong, but you didn't care that it was wrong? --- No. I didn't think about its wrongness, but I can't say exactly when /10 it just seemed that way that I didn't - that the wrongness or non wrongness didn't have anything to do with me. I know that was a feeling which I didn't have at the beginning, which I did have at the end. I don't even know exactly when it came.

BY THE COURT: But when Much and Lewin handed over their leadership to you, they taught you how to make the bomb? --- They told me various things about it, yes.

And you accepted the position with the object of going and causing explosions? --- Yes. /20

And at that time you knew that it was against the law? --- Yes.

And you intended doing it, whether it was against the law or not? --- Yes. Yes, that's very clear.

CROSS-EXAMINATION BY MR. MOODIE (CONTD.) Now, was this your state of mind when you spoke to Lloyd and Swersky? --- Was which my state of mind?

That you were losing your sense of feeling that it was wrong and against the law? --- I can't recollect really. I can't recollect. It didn't come up in either /30 case and I just don't remember.

Now, do you still have that feeling that it wasn't wrong to explode the bomb in the station? --- I can see that it was wrong.

Do you still have that feeling, that you described to his Lordship, that it wasn't wrong to explode the bomb in the station? --- What I intended - I'm sorry, I can't say yes or no, because I don't know what exactly you mean.

You described to us that you had to do this, because you felt it must be done and that it wasn't wrong? --- Yes. /10

Do you still have that feeling today? --- In my mind there are two things. There is what I intended to do and there is what happened. What I intended to do I just don't feel bad about. What happened, I do.
BY THE COURT: Yes, but you intended to make a demonstration? --- Yes.

But as you say it misfired? --- Yes.

Now, your demonstration was so planned that it wouldn't harm any human? --- Yes.

And that's why you thought it wasn't wrong? --- Yes. /a

And your attitude about the Sabotage Act is that the Act is wrong, is that right? --- It's not wrong to have laws against sabotage.

But your view and political state is such that you would break that law, because of your political views? --- Yes.

And that was your attitude when you placed the bomb in the station? --- I wasn't thinking about sabotage or anything then. /30

You made up your mind before then that you didn't

care whether you broke the sabotage Act or not, in fact you had... --- Long previously I had decided that the Sabotage Act I was prepared to break.

CROSS-EXAMINATION BY MR. MOODIE (CONTD.) Let's put it this way. If today you knew you could explode a bomb with petrol in it in the station, without doing material damage to property or persons, would you still do it? --- I don't know. I feel yes and no.

Well, what does that mean? --- It means that I don't know, it means that I feel pulled towards it, and I feel very tired of everything. /10

What pulls you towards it? --- It seems still to be a good idea.

Why? --- I don't know - it just feels - I don't know, I don't feel that I would do it now.

All right. You don't feel that you would do it now? --- But it is so complicated. I mean I just want to get away from it.

Do you want a rest now? --- No, I'm fine, I'm fine.

Now, you know that in these proceedings you /20 were asked to plead to a charge? --- Yes.

You understood those charges? --- Yes.

In fact it was announced from the Bar that you were fit to plead? --- Ja.

Do you know these proceedings, do you understand what is going on? --- Yes.

Perfect? --- Yes.

You are being tried on the indictment alleging three counts? --- Ja.

Do you follow these proceedings? --- Yes. /30

The first charge is murder, and that involves

an intent to kill the lady, Mrs. Rhys? --- Yes.

The second one is the sabotage explosion of the bomb in the station? --- Ja.

And the third one is the possession of the explosives? Do you understand the proceeding perfectly? --- I think so.

You think so? --- You might find that there is a defect in my understanding, but I believe I understand it perfectly.

A defect in your understanding? --- No, I'm just saying that you might, but I believe I understand /10 perfectly.

Do you in fact understand perfectly? --- Well, as far as I know. You can prove me wrong perhaps.

Do you in fact understand the proceedings that have been going on here after you pleaded to them? --- I believe so.

No. Do you or do you not? --- Yes, to the best of my knowledge.

Is that the best you can say? --- What can anybody say? I believe so. /20

Now, yesterday it was stated from the Bar that the time the crimes were committed you suffered from a disease of the mind which rendered it impossible for you to know the nature and quality of your acts. Do you remember that statement? --- Mr. Phillips said that.

When did you first know that that was your defence in this case? --- When Mr. Phillips said that.

I see. Up till then you have no knowledge of it? --- Up to then Mr. Joffe said to me - he had seen me - I had spoken right early on to Major Brits, he will /30 remember, and I said to him, what are the charges going

to be - this was about two or three weeks after I was first arrested - and he told me. Do you want me to go on?

Yes do. --- And he said to me what the charges were going to be against me or what they might be against me. Quite as early as that. And I said, but that is impossible, I didn't intend to murder anybody, it was a mistake, I said, what do you mean, so he told me what a charge of murder is, and I could see straight away where the mistake was. And ever since then they told me that if I told the truth, all I were to worry about /10 was the fact that I didn't commit murder, because I didn't intend to kill anybody. Illegal with intent to kill.

That is the sum total of what was told you?
--- They said that if I stuck to the truth that would come through.

You couldn't be convicted of murder, because you didn't have the intent to kill? --- That is true.

That is the sum total of the advice given you?
--- Ja. /20

Are you sure? --- Of course.

Now, this is the first time you know that in reference to all charges that is your defence? --- Of course.

What about the second charge? --- Having explosives?

Causing the explosion which caused damage to property....--- I know....

MR. PHILLIPS: My Lord, perhaps I should make it clear, it is my own fault, and cut my learned friend's /30 question short on this, that when I said that yesterday

I wasn't referring to the third charge. I was referring to the charges only of what took place on the 24th July.

* COURT ADJOURNS *

FREDERICK JOHN HARRIS, s.u.o.

CROSS-EXAMINATION BY MR. MOODIE: (Contd.) I want to ask you about Lloyd at the moment. Do you recall him saying in evidence, "We both realised that there would be risk of life when we discussed the bomb in the station."? --- Yes, I remember he said that.

Is that correct? --- It is not correct at all.

And he repeated it later: "He.." that is you, "..conceded that there was still a risk of life." /10
Do you remember him saying that? --- I remember his saying that, yes.

Is that true or untrue? --- Mr. Moodie, it's like asking me if I still kick my sister. I can't say yes or no. Can I explain it?

The question is that you heard him say what I have just read to you: "He.." that is you, "..conceded that there was still risk of life," Was that true or untrue? What he said. --- No, not true. I didn't concede that. /20

Now would you know of any reason why he should, in this regard, tell untruths? --- Well, he is trying to whiten himself, and a good way to do so is to blacken somebody else. I mean, you know, they are going to let him go after this case. That's pretty well decided. I was told this, and I can tell you who told me.

Yes, but the motive for that statement is that after this case he will be released. --- No, I don't want to harm John, I'm just saying that this is /30
his thinking.

BY THE COURT TO THE ACCUSED: Did you discuss with him the question of risk to life? --- I explained to him that there wasn't any.

But you talked about it? --- The subject came up, yes.

MR. HART TO THE ACCUSED: Mr. Harris, I've got a note here, that this is what Mr. Lloyd said in evidence in answer to your learned counsel: "I remember very clearly he said that a loss of life would be strategically justified in saving lives in the long run." Now is that true or untrue? --- That is completely untrue. /10

-: NO FURTHER QUESTIONS :-

MR. PHILIPS: My Lord, before I ask one or two questions in re-examination, the accused did yesterday refer to a close relative and I explained to your Lordship that the reason why that anonymous description is being used is because the individual in question has agreed that a psychiatrist can give evidence regarding the condition of that person, only on that condition. /20
I would like the accused merely to look at this and to tell me whether this is the correct name, and the relationship of that person to himself, and whereafter the accused could hand that to your Lordship. I have given my learned friend a copy of that.

BY THE COURT: This ought to go on to the record.

MR. PHILIPS: My Lord, the difficulty is that if it goes on to the record, it may get publicity. That happened at an earlier stage in this case in regard to a medical report, which was supposed to be entirely confidential, but which went on the record and which /30

has received wide publicity in the newspaper.

BY THE COURT: Well, is it an exhibit?

MR. PHILIPS: My Lord no, with respect, it is not an exhibit. It's for your Lordship's information in order to tie up with the evidence that will be given by a psychiatrist in regard to this individual.

BY THE COURT: Yes, but I can receive it as an exhibit and order that the public shall not have access to that exhibit.

MR. PHILIPS: Well, my Lord, if the newspapers are /10
bound by such an order and if they will obey it, then I will be complying with the conditions that the individual in question has laid down. But my attorney has specifically given an undertaking that this will be completely anonymous, in order merely to protect the individual in question.

BY THE COURT: I don't know. You tell us, but how do we tell the Appeal Court?

MR. PHILIPS: My Lord, I am content, if your Lordship /20
pleases, that it should remain on the record as a close relative of the accused, and that the evidence be given in that context. My Lord, then just to clear up one other matter in a similar context, I asked you in the course of examination-in-chief (To the accused:) of a maternal aunt - your mother's sister. Would you just tell us what her full names were, because I don't think you gave us those in examination-in-chief?

THE ACCUSED: So far as I know, Faith Simpkins.

RE-EXAMINATION BY MR. PHILIPS: Now Mr. Harris, one /30
or two questions. At the outset of your cross-

examination you were reluctant to reveal the name of the person who approached you to join the African Resistance Movement. At a later stage in the course of your evidence, you mentioned certain names. I think you should tell his Lordship now who it was that approached you to join the organisation. --- It was Hugh. Hugh Lewin.

Then my learned friend Mr. Moodie put it to you that on the 24th July you went to visit your mother, in the course of the day. Is that correct? /10
--- I believe so.

Have you a recollection of it? --- Yes, I visited her.

Well now, are you able to tell his Lordship whether that was before you set out for the station, or whether it was at a later stage than that? --- It was before I set out for the station, I believe.

My learned friend Mr. Moodie suggested to you, I think, if I got it correctly, that you may /20 have gone there on your way to the station, wearing your green jacket and trousers, and that there you may have changed into your brown suit. What do you say to that? --- Oh no, I didn't change into my brown suit at my mother's. You see, put it this way, I visited my mother a lot of times, practically every other day, and that's why I couldn't recollect very clearly whether I had been to see her that particular day.

Well, I think the only point of the question /30 that my learned friend was putting to you was in

relation to your changing from the one set of clothes into the other. --- Mr. Ludorf said something about it. I heard him say something about it a minute ago.

You must refer to 'His Lordship.' --- His Lordship said something about it a minute ago, and I was trying to clear it up for him.

BY THE COURT: I said it to my assessor.

RE-EXAMINATION BY MR. PHILIPS: (Contd.) Now the only point that I picked up in this regard, Mr. Harris, that I am putting to you, is that my learned friend /10 suggested to you that you went to your mother's house after you left your own house on the afternoon of the 24th, and that there you changed into your brown suit. Now what do you say to that? --- No.

Then this morning you told my learned friend about your relationship with Mr. Crossley, the headmaster of one of the schools at which you taught, and you said that you left his school, where you had had a permanent job, and then you taught at the private Indian school, which you liked? --- That was a bit /20 later, yes.

Now at the Indian school were there any persons who you felt were against you? --- Yes.

Well, now, who were they? --- There was a chap called Ibrahim and a chap called Prinsloo.

Now another thing that my learned friend asked you about this morning was an article to which you had made reference in your examination-in-chief by the Reverend Webb. --- Yes.

Now you told my learned friend that in that /30 article the Reverend Webb was talking about SANROC,

the organisation for which you had done a great deal of work? --- Yes.

Now all I want to know from you is, did it refer expressly to SANROC, or was that your interpretation of it? --- No, he didn't say SANROC. I knew he meant me in SANROC.

That was your interpretation of it? --- Yes.

You say you knew that? --- Yes.

Yes, but did anybody tell you that, or is that the way you yourself read it? --- No, I understood it myself. /10

Then you told my learned friend that - something of your experiences of what you called telepathy. Now I would like you just to tell his Lordship these experiences. Did they happen suddenly or had they developed over a period of time? --- No, I've had them for years, since roughly when we came back from England.

And have they increased or decreased in intensity as time has gone on? --- No, they've improved. I've had more of them, and better ones. /20

And who features in these visions that you get? --- Usually my mother.

Anybody else? --- Once or twice my father and once my wife.

And would you perhaps explain to his Lordship just a little more clearly, precisely what is involved in these experiences? Is there any question of touch, or sound, or is it purely a vision? --- I see my mother there, she is thinking of me, so I see her there, and she says something to me. She says /30

something friendly, or reassuring, or praising. She is standing there or sitting there.

Yes, so you see and you hear. Is there any question of touch or feel at all? --- No.

Now in regard to your reaction or your realisation of the appearances to you, what is your own reaction when they take place? Are you aware at the time that is merely a vision of someone who isn't there, or does it create in you an illusion of reality?

Belt 52

--- I know that if you felt what was happening - it's not like a mirage, if you took photographs of what was happening, you wouldn't see my mother. I mean, telepathy doesn't work like that. She is in my mind, and that's how it works, that's its principle. /10

When it happens, are you in any doubt as to the authenticity of the vision or the message that you are getting? --- No, no, no. I always know it's my mother and I know what she said. At first I used to see her and not hear her so clearly, but now I am hearing her much better. /20

So far as you are aware, Mr. Harris, does your mother have any belief in telepathy or practise it? --- I don't know.

Well, so far as you are aware? --- I don't know.

BY ASSESSOR: Mr. Harris, from what I have gathered, you are a man fluent in English, and you have at your disposal these pamphlets dealing with explosions. You had them in your possession for a number of days. I take it, Mr. Harris, that you were fully aware of the effects of such explosions? --- You mean that I /30

had read the pamphlets?

Yes, and you had seen, you say, about 100 photographs. --- I don't remember saying that I had seen 100 photographs, I am sorry.

Approximately, as far as I can remember. In the pamphlets. --- Oh, there are lots of drawings and photographs. Yes, I flipped through practically everything that was there.

I mean that's where you gained your knowledge, apart from what you were told? --- Yes, well, /10 they had told me enough.

The next thing, Mr. Harris, up until the afternoon that you left your house at Florida - I take it up until that time you were still in your sound and sober senses. You knew what you were doing, what you were going to do? --- I've had some memory lapses, but I am in my sound and sober senses.

Up to that stage - I mean as far as I understood your evidence - this break only appeared from the time you left, more or less, the Hertzog /20 Tower, until the time you reached the Johannesburg station. But prior to that, there was nothing the matter with you? --- I am sure there was nothing the matter with me.

Yes. Then the next thing is this, Mr. Harris, that I don't understand, is you then described to the Court that you went to this cubicle at No. 5 and 6 platform, where you left the suitcase. There you saw yourself in this glass ball. --- I didn't see myself. I was aware of myself. /30

In a glass ball? --- No, not in actually a

glass ball. I mean I wasn't in a glass ball, I just had this feeling.

In any case, it amounts to this, that you did not in fact know what was going on? --- Oh, I knew there were people there and so on.

Oh, you did? --- I mean I could see the people in front of me, moving around.

And you were fully aware that this suitcase containing the bomb, of which the mechanism was set in motion, was standing in front of you? You were fully aware of that? --- I can't recall, I can't put myself back.. I was certainly aware that it was there. I remember seeing it there. Your question was, I was fully aware it was standing there, containing the mechanism? Oh, I knew there was a suitcase standing there. I was fully aware of that. /10

And the next thing, Mr. Harris, you told the Court that you found yourself in this row of meters. You are at present in a position to take the Court to show the court where you stood? --- Yes, I think so. /20

In other words, Mr. Harris, if I follow your evidence correctly, at that stage you were then in control of all your faculties? --- Oh, I can remember very clearly where I was standing.

Yes. And you then remembered that in this cubicle there was this bomb waiting to be exploded? --- I don't remember thinking about it.

Otherwise you thought about everything else? I'll tell you why. Because you say from there you then went to the post office. You contacted the /30

police, you contacted the Daily Mail and the Transvaaler. --- Yes.

And from there you went back to your college? --- Yes.

Did you do that in a dream? --- I can remember doing most of that.

ASSESSOR HART: Mr. Harris, I want to ask you a few questions. Your evidence in regard to telepathy, when did you first become interested in telepathy? --- Oh, years and years ago. /10

And since then has your interest grown? --- I suppose I've thought about it more, yes.

I think you did mention in the course of your evidence that with practice it improved? --- Yes, that is common. The more it happens, it gets better.

And you genuinely believed in the existence of such a thing known as telepathy? --- Well, that's a scientifically proven thing.

It is a scientific fact, to the best of your belief? --- Yes. /20

BY THE COURT TO THE ACCUSED: Have you read on the subject? --- I read a book by Ryan.

ASSESSOR HART TO THE ACCUSED: And I take it you have taken such opportunities as you had, to study the subject? --- I haven't really studied it. I've thought about it and talked about it.

Now you've told us about these experiences you've had in which your mother, I think, figures? --- Yes.

Have you discussed it with your mother? --- She's impossible to talk to on that subject. Anything /30

like that.

Have you ever tried to talk to her about it?

--- I've talked to her once or twice, and she sheers away. She doesn't like talking about it.

Have you ever attempted to check with your mother whether she has experienced similar experiences to yours? --- No, it's one-way.

When was the last time you had such an experience, can you remember? --- Yes, about Tuesday afternoon. /10

Was that in Court? --- No, I was in my cell.

Oh, after the Court adjourned on Tuesday?

--- Yes.

And prior to that, have you had many such experiences? --- Oh, I suppose about a week and a half before that. You know, I can show you evidence for this. I mean, I wrote it in a letter to her, and she said that she knows that I am feeling this.

Yes. Now I want to just ask you one or two questions about your experiences - this feeling of being in a glass ball. This was the only time you have ever experienced that feeling, if I understand you correctly? --- Yes. I felt a certain aloofness, you could say. But I've never felt it as strongly as that. /20

That was on Johannesburg station, just after you had placed the suitcase next to the wall?

--- Yes.

Now you remember putting the suitcase down?

--- No. /30

Now how many times have you seen Professor

Hurst? Since he was brought in to advise in this case? --- He has spoken to me four times.

When did you tell him about this glass ball experience? On what occasion? The first time or the second time or the third or the fourth time? --- It wasn't the first time because I was a bit cool feeling then. It was one of the others.

Did you tell him on the second occasion? --- It was one of the others, the second or the third or the fourth. /10

And prior to that you hadn't mentioned this to a soul? --- No.

Now I just want to ask you one or two questions about the events of the 24th July. You told the Court that you made this bomb on the preceding three days, I think? --- Yes.

Now do I understand you correctly, you made it at Florida? --- At Hamburg, yes, at Home.

And you made it in the suitcase? --- Yes.

Was the suitcase kept in this garage? --- /20
Most of the time, yes. All of the time, as far as I know.

Now when did you put the suitcase with the completed bomb into the car? --- On the Friday.

Was it just before you left home? --- I can't recollect. I remember putting it in the car. It was on the back seat. I remember seeing it there.

And you then set off with the intention of coming into Johannesburg? --- Yes.

Did you then intend to put in the station? /30
Had you made up your mind to do so? --- Yes. Oh, yes.

Now one thing that puzzles me a bit. I'm not altogether clear from your evidence. When did you set the mechanism of this bomb in motion? --- I'm not clear myself. Either at the Brixton cemetery or at the Jo'burg station.

Now were you excited at the time? --- I remember feeling happy, I don't know about excited.

Did you regard this as something important that you were about to do? --- Oh, yes.

Now you've also been asked certain questions /10 about your evidence in regard to the dynamite. You are quite a well-read man, I think you told Mr. Moodie in cross-examination? --- Yes, I have read quite a lot of things.

Have you always been aware of the destructive effects of dynamite? --- I didn't know that they still used it for explosives. I thought they used T.N.T. Like in the "Wages of Fear."

Did you not think they used it in mines or for blasting purposes? Did you not know that? --- /20 I was told that early in '64.

When these men came to see you, I think it was the 9th July, and told you were the dynamite was, did you know for what purpose it was to be used? --- Oh, yes.

For what purpose? --- For sabotage.

Did you know that it was to cause destruction? --- To knock down pylons or else cables, signal cables.

And did you know that it was a dangerous substance, a dangerous explosive? --- Well, if /30 properly used, yes.

Just one last point, Mr. Harris. I think you also told Mr. Moodie that until you saw Professor Hurst you had never had any occasion to consult a psychiatrist? --- No, I once went to see my family doctor, and discussed things with him.

Now when was that? --- In June.

In June of what year? --- This year.

What was troubling you then? --- Well, I was having headaches and I wasn't feeling so wonderful generally. /10

Had you ever, during your childhood or young manhood - say at University or school, had you ever had occasion to go to anybody for mental treatment of any sort? --- Never any need for me.

Have you ever suffered from blackouts or anything of that description? Hallucinations? That you are aware of? --- No. No, not at all.

BY THE COURT TO THE ACCUSED: Do you say the statements you made to the police were not freely made? --- No. /20

None of them? --- Well, I was under pressure. I mean, I made about four statements, I suppose five statements, and all the time they had me and I was pretty scared.

You mean the pressure of being detained? --- And I was afraid I would be beaten again.

You were beaten? --- Yes.

Now then, Mr. Moodie asked you this, but I would like to clear it up. If you had not been beaten, would you not have made the statement? --- I've never /30 thought of that. I don't know, I might well have made the statement if I had been given a chance to. At one

the statement if I had been given a chance to. At one stage I felt I wanted to.. right at the beginning I felt I was prepared to talk to them and then they started beating me and I felt.. after that I just felt I had to do what they wanted. They said they would arrest my wife.

Well then, this is what you told the magistrate: "I was arrested late that same night and knowing by then that people had been seriously injured, I was in a state of confusion. Early the next morning, Saturday, I was questioned by the police. I told them that I had placed the bomb, and at the same time told them where all the sabotage materials were stored, as I did not want anything like this to occur again. By telling the police where dynamite and equipment was stored, I hoped to prevent any further occurrence like this. At all times I tried to co-operate with the police, I told them where I had obtained components which had to be bought." Now is that true? --- No, your Lordship. /10 /20

It isn't true? --- I did those things, yes, I did tell them where I bought components.

Yes, but is it true that you told the police 'in the hope to prevent a further occurrence like this.'? --- Your Lordship, I told them because I was pretty scared.

Yes, you told them because you were under pressure, and not because you wanted to co-operate with the police. --- Well, they pointed out to me I had to co-operate with them. /30

Yes. And they compelled you to talk? ---

Yes.

So this isn't true, that you told them in the hope of preventing a future occurrence? --- They went over that with me and they said that was the best thing I could say.

What was it that you didn't like about Mr. Crossley? --- He didn't like me. He once gave me some bad classes, poor classes. He just didn't like me. I could feel that very strongly, and if somebody doesn't like you, you don't feel very happy with them. /10

Did he persecute you, or did he just pay no attention to you? --- No, he made me do things like the library. I was fairly keen on it, but he made me do things his way, and I could feel all the time he was pushing me.

Was he a very strict man? --- Quite a strict man, yes. Definitely a strict man.

And very rigid? --- Oh, he was a rigid man.

And he wanted people to do things his way? /20
 --- Well, he used to hold staff meetings - I'll say this in his favour, he used to hold staff meetings and he used to discuss most things. He tried to be reasonable.

And did he treat all members of the staff in the same way? --- No, he had favourites.

What was it that Ibrahim and Prinsloo had against you at the Indian school? --- I don't know what they had against me, but Prinsloo was always making cracks about my teaching. /30

Yes, and I assume you and Prinsloo didn't

see eye to eye politically? --- He wasn't at all political. No, that never came up. The fact that he was teaching at the school, it was a school with a mixed staff, and that was a sort of indication that ordinary political views didn't matter to him. No, we had no trouble on those grounds. Funny, that, but we didn't have any trouble.

He thought you weren't a good teacher? ---

Yes.

What about Ibrahim? What was the trouble /10
with Ibrahim? --- I think he was just a bad egg.

Oh. You mean you didn't like him? --- Well, no. I am explaining why there was something wrong with him.

-; NO FURTHER QUESTIONS :-

CATHERINE ANNE HARRIS, s.s.

EXAMINATION BY MR. PHILIPS: Mrs. Harris, are you the wife of the accused? --- Yes.

Are you 26 years of age, Mrs. Harris? ---

Yes. /20

And have you a baby, of which the accused is the father, some 4½ months old? --- 4½ months, yes.

And are you yourself a teacher? --- Yes.

And do you possess the degree of Bachelor of Arts, having majored in English and Latin? --- Yes.

And did you graduate in 1957? --- Yes.

Now when did you first meet your husband, the accused? --- I met him when I was in Matric. It was in 1954.

And where was he working at that time? --- /30

He was working at Anglo-American.

And did you and he become friendly then?

--- Yes.

And were you students together in the same year? --- Yes.

Did he appear to you to have done as well at University as he ought to have been doing? --- Well, I think he could have done better.

And so far as his moods were concerned, was he a person who was always happy, an extrovert? --- Well, sometimes very happy, sometimes depressed. /10

What sort of a person is his father? --- He is very cheerful.

And is your husband like that, or not? --- No.

Now what were interspersed with periods of cheerfulness? --- He'd have times when he was very depressed.

Can you recall, during any of his fits of depression, anything that he may have said that was particularly striking in that regard? --- When he was depressed he used to get very angry with me sometimes. He used to pick me out for very small things and speak very unkindly to me. /20

And how did those incidents continue? How did you react? --- Well, I used to cry, usually.

And when you cried, what was his reaction? --- Well, then he would get crosser still, and he would say that I was crying on purpose to make him cross.

Were these incidents caused by legitimate or justifiable causes? --- You mean that he'd get /30

angry with me?

Yes, --- No, just often very small things.

Now did he ever, in any of these moods of depression, ever talk of doing away with himself, or anything of that kind? --- Well, when he was no longer feeling cross, he'd be very sorry and he would apologise to me and say that he hadn't meant it at all, and he would say what a dreadful person he was and that he felt like jumping over a cliff.

Can you recall an incident of June of this year, relating to a dog? --- Yes, we had a dog, and it was lost. /10

Yes, and what happened? --- Well, my husband cried when it was lost.

Well now, you say that when the dog got lost, he cried. Is that the only time he has ever cried? --- When he was depressed, he sometimes used to cry.

Now these moods of depression, or periods of depression, did they last a long or a short time? --- Sometimes a short time, sometimes quite a long time. /20

What would the longest period that such a mood lasted? --- Usually I think a few days or so, but I think I remember once being a longer period of depression, when he was depressed for more than a week.

And in regard to these occasions that you've already told his Lordship about, when he would get very cross with you, as you have stated it, did he himself ever say anything about them, after they had /30

taken place? --- Sometimes he would say that he didn't mean what he had been saying. It was if he could watch himself saying the things, but he couldn't do anything about it.

Now what was his attitude in regard to people in general, in regard to how people in general felt towards himself? --- He felt that some people were for him and some people were against him.

Well, could you just tell us a little more about that? Did he feel strongly...

/10

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Well, could you just tell us a little more about that? Did he feel strongly about this or was it just an ordinary sort of reaction? --- He used to talk quite often about people being against him or having their knife in for him or picking on him or something.

Do you remember what sort of people particularly he referred to on these occasions? --- Well, I don't really remember. People at school, for instance, other teachers on the staff, the schools which he was at.

Can you remember any particular individual? --- /10
One headmaster at one of the schools he was at, I remember

Who is that? --- Mr. Crossly.

Can you remember what he said about Mr. Crossly?
--- He said that he was against him, that he had his knife in for him. He gave him extra work to do and unpleasant classes to teach, and that sort of thing.

Now during this year, the middle of this year, did he suffer from any sort of medical complaint? ---
He had headaches.

Were they severe or slight? --- They were very /20
severe headaches, because I told him that he had to go and see the doctor, so he did see the doctor about it.

And do you know whether anything was prescribed for these headaches? --- I know the doctor gave him some pills.

Of what nature were these pills? --- Tranquilisers.

ASSESSOR MR. HART: Did they cure his headaches? --- I think they used to help, but I don't think they cured it. I'm not so sure about that. /30

EXAMINATION BY MR. PHILIPS (CONTD.)

Mrs. Harris, you

told us about the incident with Mr. Crossly, who was the headmaster at one of the schools at which your husband taught. Are you able to tell us of instances of any other schools at which he taught where he had complaints? --- I knew he used to talk about people on the staff, but I don't remember the names of people.

Can you remember at which schools? --- All the schools really.

Do you know which schools he did teach at? --- At Randfontein High School and the Indian High School and /10
Damelin College.

And you say that at all the schools there were similar complaints? --- Yes.

And what were the nature of the complaints of these other schools? --- That people were against him, and they didn't like him.

Now, you've also told us that his moods - sometimes cheerful sometimes depressed. Were the changes from one mood to the other gradual or rapid? --- Rapidly.

And in recent months, up to July of this year /20 did that tendency increase or decrease? --- I don't remember any change really. Just the same.

Your husband has told his Lordship that he contracted polio. Did you know him at that time? --- Yes.

What, so far as you can recall, were the after effects of that polio? --- Well, he had a shrivelled muscle in his leg and it made one leg slightly shorter than the other, and then he had trouble with his jaw, and I only noticed this when he came back to university, when he was in a crowd with a lot of people around his /30
jaw used to shake. I'm not quite sure if it shook or

just dropped, and he used to try to push it back again, but he used to hold his hand over the bottom part of his face, and his face would shake.

Can you recall whether he was able to - did this happen often or seldom at that stage? --- Well, he only came back to university for a little while, and it happened a number of times. I think he was only there for a week or so, I'm not sure, it happened a number of times, and then he went to the doctor and the doctor said he should go away for a holiday, so he did. /10

And at the time that he was having this trouble with the jaw, shortly after the recovery from the polio, was there any other effect that you noticed? --- I don't remember anything else.

I'm not speaking now of his leg. I'm speaking of any emotional reaction at all that you noticed in him? --- I didn't really see such a lot of him then, because first of all he was in hospital and then he only came back to university for a little while and then he went on holiday, and then it was the university holidays. I think I only saw him again some time later. /20

At the time that he had this phenomenon with his jaw that you speak of, when it either dropped or shook, was there anything else that happened to him that you saw? --- Well, there would be tears in his eyes. I don't know if he was crying or what it was, but it looked like that.

And was there any psychological manifestation that you know of? Was there any sort of feeling that he spoke of in connection with this? --- Not to me, no. /30

I'm not sure that you understand me. If he

was inside a building, Mrs. Harris, when these things happened to him, did he show any reaction? --- No, it was when he was in crowds and a lot of people around him that he used to get them.

And if he was inside in a room or a house or a building of any kind, did he have any reaction that you noticed? --- I don't remember.

Have you ever seen this phenomenon in him since? Of the jaw accompanied by these tears in his eyes that you speak of? --- Yes. The first time that I saw him after he had been released from 90 days, when I went to see him in jail. /10

And in between have you ever seen it? Either here in South Africa or when you were in England? --- It happened once when we were living in Oxford. I think it was only very slight and I can't remember it very well.

Now, after he had recovered from the polio, did he return to university? --- Yes.

And passed his second year and thereafter his third year, and then did the two of you go to the College of Education in 1958? --- Yes. /20

And at the end of 1958 did you both get the Transvaal Teachers Higher diploma? --- Yes.

Was it your husband's intention to remain permanently in teaching? --- No, I don't know.

Did he never explain to you what his ambitions were? --- He planned to teach for a while and then to study some more at university.

You were married, I think, in April, 1959? --- That's right. /30.

And then you went to Oxford the end of 1959,

is that right? --- No...

Oh, I'm sorry, in July, 1960. And then he was unable to continue at Oxford because you were unable to continue with your teaching? --- Yes.

You then came back to South Africa? --- Yes.

What was your husband's reaction to having to leave Oxford and having to come back to South Africa? --- Well, it was a great blow to him. It was very important to him when he was accepted in the college at Oxford. and it was a very sad thing that he couldn't go on. /10.

Did you have the baby that caused you to come back? --- No.

You lost that baby? --- I lost the baby.

And you started teaching again? --- Yes.

Apart from these tranquillisers that you told us about that the doctor prescribed for your husband in June of this year, did your husband ever take any other drugs that you know of? --- Well, he used to take some pills called Rittelín.

Rittelín. Do you know what they are? --- Well, /20 they pep you up, they make you feel cheerful.

And do you remember when he started taking those? --- Yes, one year we both marked matric English literature and we had to stay awake late at night in order to get through with all the markings, a lot of work to do, and so we went and asked the chemist for something which could help us.

When did you say that was? --- I'm not sure of the date, I think it must have been at the end of 1959. It was Christmas time. Yes, it was 1959. /30.

And has he taken them since? --- Yes.

Now, your husband has told his Lordship about a belief that he has in telepathy. Do you know anything about his association with that subject? --- I know he is interested in it. He talked about it and sometimes told me about it. He told me once that there was a teacher at school who was very interested in it and did experiments, and - well, he has talked about it and he said that sometimes he knows what I'm feeling or what his mother is feeling or thinking.

Has he ever at any stage indicated to you an unusual sort of attitude to the world? Used any phrase that you can recall? --- He once told me that he had the sort of feeling - he said, if I could imagine how an angel sitting on a cloud would feel looking down on the world, he said he had that sort of feeling. /10

Now, when you returned from England, that was at the end of 1960, was it? Early in 1961? --- Yes, early in 1961.

And did your husband then start taking an interest in the Liberal Party? --- Yes. /20

When did he join S.A.N.R.O.C., do you remember? --- It must have been the end of 1961. I'm not sure of that.

Well, was it a couple of years ago? --- Yes.

Now, did you know Dennis Brutus? --- Yes.

What was the relationship between your husband and Dennis Brutus? --- Well, they were very friendly indeed, and my husband was very fond of Dennis.

And in this organisation, S.A.N.R.O.C, what positions did they respectively occupy? --- Well, Dennis Brutus was the President first, and my husband /30.

was first of all the vice chairman and then afterwards the chairman.

Now, what happened to Brutus? --- Well, he left the country.

Was he first banned? --- First banned.

And then? --- He left the country and went to Swaziland.

And then? --- Well, I don't remember all the details. He was brought back. Somehow he tried to leave Swaziland and he was brought back by the police, and I think he was escaping from Marshall Square and he was shot. /10

And then, was he thereafter tried? --- Yes.

And convicted? --- Yes.

And do you know whether these facts of what had happened to Brutus had any effect on your husband? --
- He was very upset.

Now, did your husband ever go overseas in connection with the work of S.A.N.R.O.C? --- Yes, he went to the meeting of the International Olympic Committee at Geneva. That was then around about May last year. /20

May of last year or of the previous year? ---
No, it must have been last year. Last year, yes.

And then on his return from that trip, was he to have gone on any further trips on behalf of S.A.N.R.O.C? --- Yes, he was going to another meeting of the International Olympic Committee at Innsbruck.

And what happened then? --- Well, then he was just about to get on the plane at the airport, and Special Branch men came and took his passport away. /30.

Then what happened to the job that he at that stage had at the Indian school? --- Well, he lost that

job.

And for the remainder of 1963, did he have any job? --- No.

What did he do with himself for the rest of the year? --- Well, he was studying and he was trying to get another job for the following year. He was studying.

And when did he start work again? --- He started teaching the beginning of this year again.

At Damelin College? --- Damelin College.

Now, what happened to him in February of this year? --- He was banned. /10

And what result did that have on his various activities? --- Well, he couldn't have anything to do with S.A.N.R.O.C. or with the Liberal Party.

And what effect did that have on him? --- Well, I think it was very difficult for him, because S.A.N.R.O.C. HAD BEEN VERY IMPORTANT TO HIM. He had really put in a lot of work, and it meant a lot to him.

Did the banning have any effect on his ability to move about the country? --- Yes, he had to stay in the magisterial district of Roodepoort and Johannesburg. And I know that that also was very upsetting to him, because we often used to go on holiday. Well, every school holiday we used to ^{go} camping and we couldn't get out any more. /20

Now, at the time that this happened, what was your own physical condition? --- Well, I was expecting a baby at the time.

And when did you have that baby? --- In June.

In June of this year? --- Yes. /30

Did you continue to work for a while? ---

Yes, I worked until April.

Now, can you remember in the month of July what sort of mood your husband was in? --- Very excited and on top of the world and very cheerful.

And do you remember, apart from being very cheerful, you say, was he actively engaged in doing things or not? --- Oh yes, he was very busy all the time. Rushing around here and back. He was not at home - hardly - always rushing off.

Was it holiday time? --- Yes. /10

And did he appear to be spending his holiday at home or not? --- No. Well, he was sometimes at home marking papers, but he always seemed to be rushing around. That was the general impression I got.

And was there anything noticeable particularly about his desire for recreation? Was there anything that he specially wanted to do? --- He kept on wanting to go and see films. And it was very awkward at that time really, because baby was only a few weeks old and it was the time when the weather was very cold in Johannesburg, and I used to have to leave the baby with my husband's mother, and it was very inconvenient. But he had to go and see the films, so we did go. /20

Now, did you know of any cause for any such elation and activity that you have spoken of? --- No.

Did you know whether anything had happened to various friends of your husband's? --- Yes, some of his friends had been arrested.

Did you know that? --- Yes.

Was he engaged on a study for an Honours degree? --- Yes. /30

And in connection with that was he obliged to do a thesis? --- Yes, he had to.

Did he do any work on that thesis during the July holidays? --- No. Actually I was very worried about it that he didn't. He didn't seem to do anything at all, because it had to be done by September, and he just didn't seem to do anything about it. I kept asking him and he was going to start work and he said he would, but he didn't do anything.

Did you know a friend of your husband's called Hugh Lewin? --- Yes. /10

Do you remember seeing him in July? --- Yes.

Will you tell us what the occasion was, please? --- He came to our house one evening.

With whom? --- With a man I didn't know.

And were you present when they had a conversation with your husband? --- No. They came just after supper and I made them something to eat, then I went to bed.

Were you told afterwards by your husband what had happened? --- Yes. /20

What did he tell you? --- He told me that most of the members of the organisation that he belonged to had either been arrested or were going to leave the country, and that he had been told that he must carry on, and they told him where he could get the equipment that he needed.

How did he behave after these people left that night? Anything noticeable about it? --- He kept walking up and down and talking, and he had a habit of when he was concentrating of throwing up a ball and /30

playing with the ball, and he walked up and down and he wouldn't come to bed. He seemed very excited and cheerful - I mean very excited.

Exhilarated? --- Yes.

Now, this mood that you have spoken to us about of excitement, did that disappear during July or did it continue until the time of his arrest? --- No, it went on all the time.

Did he ever say anything to you about his feelings resulting from what Lewin and the other man had said to him and entrusted to him? --- Yes, I can't remember exactly what he said, but on two or three occasions he said something to the effect of what an amazing position of power it had put him in, and that it was an extraordinary thing that he was in this powerful position. /10

And what was your reaction, Mrs. Harris? --- Well, whenever he started to talk about it I told him not to, I said that I didn't want to know.

Did you ever ask him to exercise care? --- Yes.

And what was his reaction? --- Well, he used to say, 'I'm intelligent and I know what I'm doing, you must not worry.' /20

At this particular period, how was he behaving in relation to money matters? --- He was very extravagant, not in anything big, but we were very hard up at the time so he hadn't really been able to finish paying the doctor's bills, and he kept buying lot of unnecessary things. Just small things, but you know I was being very careful at the time with housekeeping money and that sort of thing, and I got really very worried about it and I tried to suggest that perhaps during August /30

that I should look after the money.

And how was he behaving in regard to driving his motorcar? --- Well, he was driving very recklessly and I was worried about that as well.

Yes, will you please tell us? --- On two or three occasions he came home late at night, and he told me - well he used to say 'trying out the car', and that he had been racing. He used to say to me, "you know I managed to go around such and such a corner at such and such a speed." And how good the car was and he had been /10
trying it out and racing the car.

ASSESSOR MR. HART: How long had you had that car, Mrs. Harris? --- Well, since the end of last year. About December last year we got it.

EXAMINATION BY MR. PHILIPS (CONTD.) Had anything happened to the car? ---He got some new shock absorbers.

Had the car suffered any damage at all at any time? --- Yes, twice during the month when he was going around corners very fast he scraped the side of the car.

Now, you told us about this conduct of his /20
relating to money and driving the car, was this characteristic of his behaviour or was it unusual? --- He wasn't extravagant and he was careful usually with money. And he normally drives fast, but not recklessly - well, I thought he was driving recklessly in July, even when I was in the car. But I was more worried really by what he told me when he came home about these races that he had been having.

Bit 54 ASSESSOR MR. HART: Did this all take place since the visit of the two men? --- Well, it was all in July. /30

EXAMINATION BY MR. PHILIPS (CONTD.) Now, I wonder if

you can just try and think, Mrs. Harris, take your time and think about it, and tell his Lordship anything that he said, any sort of phrase that he used in regard to what he had in mind or proposed to do after the visit of these two men? --- Well, he talked to me a number of occasions about that he was going to do something terrific. He used the word pivotal, he said that it was going to make its mark on South African history or it would change South African history, I'm not quite sure exactly what he said, but something like that. /10

Any reference to any member of the Government, that you can recall? --- He said he was going to write a letter to Dr. Verwoerd, and I think he said, try and make him see reason.

And these statements that you have now spoken about, about changing history and about writing a letter to Dr. Verwoerd, were these only in the month of July or were they shortly before the station incident? --- That was towards the end of July, about the last week or so. /20.

Did you ever see any letter that he drafted to Dr. Verwoerd? --- No, I don't remember seeing one.

But you recall his telling you that he was going to write to him? --- Yes, I remember him saying that he was going to do it.

Were you yourself concerned with the baby at the time? --- Well yes. I was very worried about the baby.

What was the weather like? --- That was the time when we had very severe weather, and it is my first baby, and I didn't know whether I was wrapping it up too /30

warmly or letting it freeze and I was very worried about it.

Now, can you tell us, so far as you can recall, Mrs. Harris, what happened on the morning of the 24th July? --- Well, we went to town and I had to buy some flowers, so my husband took me to town.

BY THE COURT: By town you mean? --- Johannesburg.

MRS. HARRIS: And we drove around until I found exactly the flowers I wanted.

EXAMINATION BY MR. PHILIPS (CONTD.) How did he behave? -- /10
 -- I remember that he sang all the way, and I found it rather irritating, I don't know what it was, but he only knew the first half of the song or the first few phrases and he kept singing the same thing over and over again, and I asked him to try and sing something else, because it got on my nerves a bit.

And how did he drive? --- He drove very fast.

Anything else that you can recall that happened that morning? --- After we had got the flowers he went and stopped at the Johannesburg station, and he said he /20
 had to pick something up, from the luggage room. So he went and got something and he came back to the car. I sat in the car while he was away. And it was a small suitcase. I'm not sure if it was one suitcase or two suitcases, I don't really remember, that he put in the boot of the car, and then we went home, I remember being very agitated about the time, because I had to get home to feed the baby.

Did you see your husband's mother at all that day? --- Well, I had left the baby with my husband's /30
 mother while I went to town, so after we had been in town

we went back to her flat so that I could feed the baby there.

And then from there? --- Well, after that we went home, and we had lunch and then my husband had a sleep.

And then? --- Well, then 3 o'clock or half past three, I'm not sure what the time was, he went to town again.

What clothes was he wearing that day? Do you remember? --- Yes, he had on greenish colour trousers and a tweedy coat, it was a greeny brown colour. /10

And what sort of shoes? --- Veldskoens. He always wore veldskoens.

Were those the clothes he was wearing in the morning? --- Yes.

And what clothes was he wearing when he left in the afternoon? --- The same.

Now, this singing of his that irritated you, and his fast driving and so on that day, had you at any stage had any fears that he might get into trouble at all as a result of his political activities? --- Well yes. /20
You know when quite a lot of people who knew him seemed to be arrested I had been afraid, and I suggested to him that we should leave South Africa, but he laughed.

Did he ever appear to show any apprehension about the possibility of being detained or arrested? --- No.

Now, you say that he left in the afternoon, now when he left wearing these clothes that you have described, do you know whether he took anything with him? /30
Did you see? --- I went with him to the car. He had a

brown suitcase with him.

And when did he come home? --- Well, I'm not sure of the exact time, but it was just before supper, because I was in the kitchen getting supper at the time.

Was it before dinner? --- Yes.

Apart from this brown suitcase, can you recall whether he took anything else with him? --- I have an idea that he took a canvas bag, but I'm not certain about that.

And when he came back that evening before dinner, how was he dressed? --- Well, then he was wearing a brown suit. /10

And what shoes, do you remember? --- He only had veldskoens.

Now, what was his mood when he came home? --- He was very cheerful and talkative, and his father came to our house just after my husband arrived, and my husband was chatting and talking to us both, well, very elated and exhilarated

Do you remember his doing anything as a result of his elation and chattiness? --- Well, I remember that he phoned somebody. One or two people may be he phoned, I don't know/^{who}it was that he phoned, I remember he had been on the phone talking to somebody. And I remember I think that I came in to lay the table, the telephone is in the diningroom and I remember him talking - hearing him talk on the telephone about a new aeroplane that had come to Johannesburg just then. /20

Did anyone in your house that evening listen to the radio? --- Yes. /30.

Did you hear the news of the explosion at the

station? --- Yes. I don't remember if I actually heard it on the news or my father-in-law came and told me, but I knew about it.

And what did your husband do with himself that evening? --- I don't remember.

What was your own reaction to the news? --- A feeling of horror and in a great terror. And I remember my husband phoning somebody and then I remember that he went to bed early, but I don't remember anything else.

And after he had gone to bed did he fall asleep? --- I think so, yes. /10

And then the police came at about 11 o'clock that night? --- Yes.

When they came was your husband asleep? --- Yes

* COURT ADJOURNS *

ON RESUMPTION OF COURT: 2 p.m.

CATHERINE ANNE HARRIS, (s.u.o.)

EXAMINATION BY MR. PHILIPS (CONTD.) Mrs. Harris, there are just one or two points that I have omitted to ask you about, and they are therefore a little bit out of their sequence. I wonder if you can tell his Lordship at all the sort of things that your husband was talking about on the morning of the 24th when he went into town with you? --- I have a vague remembrance that he was talking about people and people in Johannesburg, and he is feeling sorry for them and the sort of lives they led. I have a sort of vague remembrance of that. /20

Sorry for them and the lives they led, did he say why, what was wrong with the lives they led? --- I don't really remember. I remember him talking about it, but I wasn't listening very carefully. /30

ASSESSOR MR. HART: Was this confined to people in general

or just people of Johannesburg, Mrs. Harris? --- I'm not really sure, I think in general, I'm not sure.

EXAMINATION BY MR. PHILIPS (CONTD.) Now, one other thing, Mrs. Harris. We have been told that early in 1964 your husband's mother was treated by a psychiatrist. You are aware of that fact? --- Yes.

We will be calling evidence shortly of what she suffered from and what the treatment was. Can you tell us what your husband's reaction was to that? --- He was terribly upset by it and especially by the fact that she wouldn't go and see a doctor. /10

Did she become acquainted with what in fact was wrong with her? --- Did she become acquainted?

Yes. --- No, she didn't ever tell us exactly what was the matter with her.

Do you know by whom she was treated? --- Yes, I remember it was Dr. Jeppe that she went to.

MR. PHILIPS: NO FURTHER QUESTIONS.

MR. PHILIPS: Asks permission to interpose Dr. Jeppe before cross-examination of Mrs. Harris. /20

BY THE COURT: Permission granted.

CARL LOUIS PICKARD JEPPE, (s.s.)

EXAMINATION BY MR. PHILIPS: Dr. Jeppe, are you a specialist psychiatrist, practicing as such in Johannesburg? --- I am.

Would you tell his Lordship what your qualifications are, please? --- Bachelor of Medicine, my Lord, Bachelor of surgery and Diploma in psychological Medicine, Specialist psychiatrist.

And how long have you been in practice? --- /30
I have been doing psychiatry for about 20 years. In

specialist practice in Johannesburg about 14 years.

Now, I want you please to tell his Lordship and the assessors about two patients whom you treated. The one was Mrs. Harris, I think her full names are Thelma Leslie Harris, and the other one is a person whose name I don't want you to mention, please. The court is already aware of that person's name. Would you deal with Mrs. Thelma Leslie Harris first, please? --- My Lord, I saw this patient in April of this year at the request of her home doctor, and perhaps it might simplify the matter if I could read my letter to him, my Lord? /10

Yes. --- This is written on the 27th April, the day after I saw her:

"Dear Dr. Jacobson,

Many thanks for asking me to see Mrs. T.L. Harris.

I entirely agree with you that the picture is strongly suggestive of melancholia. The early morning waking despair and the uncontrolled weeping are typical. There have undoubtedly been various factors which triggered the condition, but it is fundamentally endogenous and should respond well to treatment.

She is averse to electro-shock which is the treatment of choice, so I have prescribed Parstelin Librium Drinamyl. This should help, but if the improvement is not maintained I think she should accept the more energetic treatment." /20

That was my letter, my Lord, after I saw her. I saw her a few days later and a little later still, and her response to the tablets was excellent and in point of fact she recovered from her endogenous depression.

BY THE COURT: How old was she? --- 62, My Lord.

ASSESSOR MR. HART: Did she make a complete recovery, as far as you know? ---- Yes, I have not seen her for some months, but from the point of view of the endogenous depression, she has made a complete recovery. /30

What does that mean? --- My Lord, this is a constitutional condition not reactive, if I may put it that way. To explain it, there are two kinds of depression, my Lord, one / ^{reactive} to circumstances, one exogenous and endogenous arising from within. I think this is a more biochemical thing, not particularly related to circumstances.

EXAMINATION BY MR. PHILIPS (CONTD.) Does this kind of complaint recur in patients? --- It does, not invariably, it does certainly some times recur. /10

Now, would you tell us about the other patient please, without mentioning his name? --- This patient I reported on in September, 1962, my Lord, having seen him a day or two previously. I said:

"Many thanks for referring him. He is undoubtedly suffering from a relapse of the endogenous depression he experienced 30 years ago. A rigidly uncomfortable condition, but the prognosis is excellent, particularly in a man of his calibre. I thought under the circumstances that it would be best for him to be treated in a nursing home. Electro-shock therapy is the treatment of choice if medication fails, and he has agreed to go in on Friday." /20

And his response to treatment was excellent, my Lord. He went into the nursing home, had a course of shock treatment and recovered.

ASSESSOR MR. HART: How long did the treatment last? --- About two to three weeks.

EXAMINATION BY MR. PHILIPS (CONTD.) What was his age, Dr. Jeppe? --- 61.

And this disease which you refer to here, is that the same as the one which you referred to in the case of Mrs. Harris? --- Yes, they were both suffering /30 from the same constitutional conditions and endogenous

depression.

And is this a case of what you said just now illustrates the possibility of a recurrence of attacks of this kind? --- Yes, this particular patient had had a previous attack some 30 years prior to the time I saw him.

MR. PHILIPS: NO FURTHER QUESTIONS.

MR. MOODIE: NO CROSS-EXAMINATION.

CATHERINE ANNE HARRIS, (s.u.o.)

CROSS-EXAMINATION BY MR. MOODIE: Now, has your marriage /10
been a happy one? --- Yes.

Nothing more unusual than the usual domestic quarrels perhaps? --- Well, except when my husband became angry with me which weren't really quarrels.

You merely felt it was unreasonable? --- Yes, he would...

Now all the years that you knew him at school and at university up to July of this year, did you notice anything abnormal about him? --- No. I mean he is /20
different from me, but everybody is different, and I didn't think...

Each have their own idiosyncrasies, not so? Would that be right? --- Yes.

Would you describe him, in all the years you have known him as an immature person? --- I wouldn't know how to tell an immature person.

Well, is he childish in some regards? --- I don't know. I think I have just taken him for granted, that's the way he is. I have known him for a long time, and I haven't analysed him or anything like that. /30.

Did he strike you as being emotionally unstable?

--- He didn't strike me as unstable, but as I say, some times he would be very depressed and some times very cheerful, and I don't know if that's unstable.

Did that make a very great impact upon you? --- Well, I took it for granted that that was the way he was.

That was his nature? --- Yes.

Even at school and later at university and during your marriage? --- I didn't know him at school.

I thought you... --- I was still at school when I met him, but I didn't know him at school. /10

Now, having known him before and after marriage, would you be able to describe his personality? --- No.

Did he push himself forward at all? --- I don't think so.

Does he allow it - if I may use a phrase - to be pushed around? --- No.

Has he told you about his troubles at school? The various schools he was at? --- Yes.

And he didn't like the principal? --- Yes. /20

Did he tell you that he had taken exception to the principal's behaviour? --- Well, he felt that the principal was being unfair to him.

Did he tell you that he had taken it up with the principal? --- I don't remember him saying anything about that.

Did you advise him to, if he felt he was being unnecessarily harshly treated? --- No, I don't remember advising him to do that.

He had a number of posts, not so? --- Yes. /30

I think the Hyde Park School, the Indian school

--- Yes. Damelin College.

Any others? --- Randfontein High School.

And up to Damelin College date he left all those appointments? --- Well, Hyde Park he left because he went overseas, and he left Randfontein High School because he wanted to go on studying part time at university, and at the Indian school there wasn't any extra-mural duty, and it was very close to the university so it gave him an opportunity to study.

And you don't think he left because he couldn't get on well with the people or the principal there? Or may that partly have been the reason? --- I don't know.

Didn't he tell you? --- No.

Was he a very sensitive person? --- Well, I think so.

Now, he discussed with you that he had left the Randfontein school and the Indian school? --- Yes.

And now you say the reason for leaving the Randfontein was that he wanted to go where? --- To the Indian school. It was near university and there wasn't a lot of extra-mural work. /20

Is that the reason why he left? --- Well, that is what I understood.

Did he discuss these matters with you before they happened? --- I don't remember.

Now, you told us today principally about his behaviour in July, 1964? --- Yes.

Had you noticed any of these symptoms before? --- Which symptoms do you mean.

About you mentioning that he was up and then down /30 and he was restless? --- Yes, he had certainly been restless

and excited and that sort of thing before. He definitely had been like that, but in July it was much more noticeable.

And did these symptoms worry you? --- Some of them did. Like the extravagance worried me, certainly, and the way he was driving the car so recklessly.

I'm referring to the symptoms he showed before July, did they worry you at all? --- No.

They made no impact upon you? --- Well, I mean, I knew he was like that. /10

That was his normal manner? --- Yes.

You never thought of asking him to see a psychiatrist? --- I didn't think that there was anything abnormal in him being like that. I know I'm not like that.

It seemed normal, because he had always been? --- Well, yes I think I had known him being like that.

Now in July, I think it was July 8th, two men came to see him? --- Yes.

And thereafter he appeared to be elated, I think/20 is the word you used? --- Well, excited.

This was holiday time, and did this excitement worry you at all? --- I'm afraid that at the time I was concentrating rather a lot on the baby and not worrying about my husband.

You were not worrying about it? --- No.

And it was significant enough for you to remember today that he appeared excited and restless? --- Yes.

But not enough to cause you to think he should /30 see a psychiatrist? --- I didn't know that one should go

and see a psychiatrist if one was like that.

And then you say he had headaches? --- Yes.

For which you advised him he should see a doctor for? --- Yes.

And you say definitely he did see a doctor? --- He did see a doctor, yes.

Did he tell you that he was going to see a doctor? --- I was there and I went with him.

You went with him? --- Yes.

Did you tell the doctor about...--- No, I didn't /10 go in with him to see the doctor.

Did you tell your husband to tell the doctor about the state he was in? --- No. I didn't tell him to tell the doctor anything, I just said that he should go and see the doctor about the headaches.

Did the accused tell you about a matter, the material that had been left in his hands?--- No, he told me that he had some equipment, but he didn't tell me anything about it.

Did you ask him what sort of equipment? --- No, /20 I didn't want to know about it.

Did you infer what it was? --- Well, I guessed it was something to do with sabotage, but I didn't know anything about it.

Yes, it was something to do with sabotage, but you didn't want to know more about it? --- No.

Did you fear that your husband was going to use this material? --- Well, he told me that he was.

Did you try and dissuade him? --- Well, I told him that he must be very careful, because... /30

And when was this? --- I think lots of times.

After the 8th? --- Yes, during July. I suppose it must have been after the 8th.

Was it perhaps before the 8th, you told him to be careful? --- No, I think it was towards the end of July really.

Prior to the 8th July, do you know whether he went out and remained out late at night? --- I don't remember his doing so. But I couldn't be sure.

You can't be sure. Now, when you told him to be careful, what did you have in mind? --- That he didn't /10 hurt himself.

By reason of the fact that he was using explosives? --- Yes.

And did you have knowledge of what sort of objects would be aimed at? --- No.

Did you tell him to be careful that he was not caught or arrested? --- I don't remember specifically saying that.

That would be even more disasterous from your point of view, would it not? --- Yes. /20

If your husband was arrested? --- I don't quite know what you mean.

Did you have in mind that he had to take care that he was not caught or arrested? --- Yes.

And you told him to be careful in that regard? --- Yes.

When he left on the 24th in the motorcar, not the morning in the afternoon, you say you saw a brown suitcase? --- Yes.

Where did you see that? --- As far as I /30 remember he took it out of the garage, and he carried it

along the garden path and then he put it in the car.

Did you speak to him about it? --- No.

Did you know what was in the suitcase? --- No.

Did you suspect what was in there? --- Well, I guessed it must be something to do with this organisation but I didn't ask him about it.

You assumed it must have been explosives? --- Well, I don't know what sort of things they had. I don't know about that at all.

Did you ask him why he was going to Johannesburg? --- Yes, he was going to Johannesburg to get some exam papers from Damelin College. /10

That is what he told you? --- Yes.

And you assumed, I take it, that that is why he took the canvas bag with him? --- I don't remember thinking about the canvas bag at all. He used the canvas bag quite often actually for papers. It just didn't strike me at all.

But the big suitcase worried you? --- No, it didn't worry me specifically. /20

And he returned that evening about six? --- I couldn't be sure of the time.

In the evening? --- Yes.

And did you have supper together? --- I don't remember.

Why not? --- I don't know.

Are you clear whether or not you listened to the radio? --- No.

Who gave you the news of the explosion? --- I don't know, I might have heard it on the news, and perhaps my husband's father told me. I really don't /30

remember, I just remember knowing what had happened.

Mrs. Harris, is there anything that might have disturbed your memory or your recollection of that afternoon and evening? --- I don't know what you mean.

Well, you can't recall certain things. Is there anything that distracted you that afternoon or evening so that you can't remember clearly what happened? --- Well, I think the news over the radio.

I see. That upset you a great deal? --- Yes.

And on hearing that did you infer that your husband has been a party to this explosion? --- Well, I'm not sure if he actually told me or if I just, as you say, inferred, but somehow I just knew. /10

Somehow or other you knew? --- Yes.

Can you exclude the possibility that he did tell you? --- No. He might well have told me.

Now, if he had told you that would have been an outstanding feature of that evening, and you must have remembered it? --- Well, he did tell me earlier in the evening, he said - he had been talking a lot about this terrific thing that he was going to do. When he came home he said to me that he had done it, but he wasn't sure if it would work. /20

And did you ask him what he had done? --- No.

You mean to tell the court that the conversation ended on that note? --- Yes, I didn't want to know.

He just said he had done it, and he didn't know if it would work? --- Yes.

Now, was that before or after the radio news time? --- That was before. It was very soon after he came home. /30

Was there anybody else present? --- Not present when he told me.

There was no one else present? --- No. His father was there, but not when he told me.

Pardon? --- His father was in the house, but not when my husband told me.

Then you had your fears confirmed when the news came over? --- Yes.

Were you with the accused after that? --- Well, yes. /10

Did you speak to him about your fears that had been confirmed? --- I don't remember doing so.

You don't remember? In the normal course of events would you have done so? --- Well, it is difficult to say, because I tried always not to ask him about anything to do with this organisation, I didn't ask him, and he didn't tell me.

Then the accused's father remained with you that evening? --- No, he stayed a little while.

Did he go before supper? --- Yes, I think so, yes, he must have. /20

And I take it you and the accused had supper together then? --- Yes.

Did he appear normal to you then? --- I can't remember.

And you say he used the phone after supper? --- Yes, I remember that he used the phone.

And then he went to sleep? --- Yes.

He normally sleeps well? --- Yes.

He does? --- Yes. /30

I think you said the midday before he left on

the 24th he had a sleep? --- Yes.

So that day of the 24th he appeared calm? ---
No.

He simply laid down and went to sleep, didn't he? --- Yes. Well, I didn't see him go to sleep. He told me he was going to have a sleep.

And he went to the room? --- Yes.

And what time was that? --- I don't know. It was after lunch.

Did you ask him when you saw him again whether he had slept? --- I don't remember asking him. /10

Now, did you ask the accused what he was going to write to Dr. Verwoerd? --- I don't remember discussing it with him.

You never saw this letter? --- No.

He never told you what he had written? --- No.

Can you recall when the discussion about this letter took place? --- No. I know it was quite recently, but I should think July, because I think it was after the baby was born. Yes, it was after the baby was born. /20

Now, that night you were obviously very disturbed in your own mind? --- Yes.

That is the night of the 24th? --- Yes.

Now, I take it, you didn't sleep much? --- No.

You realised then that something very serious had happened, that he had probably or undoubtedly been a party to the explosion at the station? --- Yes.

Now, he had been excited? --- When?

On that day and when he came back? --- Yes.

He had apparently been excited that day, so you say, and when he came back, would you say he was /30.

restless? --- Yes.

Until he went to sleep. So much so that you were worried? --- Well, I don't remember the later hours of the evening, but I remember that he was very restless when he first came home.

Were these symptoms that he was showing such that they gave you cause for worry? --- Well, he had been like that, as I say, for quite a while.

And did you think then that he was mentally disturbed? --- I don't know how you tell when a person is mentally disturbed. /10

Mentally abnormal? --- I don't know.

When the police came, did you tell them that you felt he was ill? --- No.

You weren't worried about his condition at all? --- I don't remember.

Now, you know that an application was made a little while ago for the accused to be examined by a psychiatrist? --- Yes.

You were told that by your lawyers? --- Yes. /20

And you saw Dr. Hurst on the 12th? --- I don't remember the date.

When there was a public holiday, do you remember, on a Saturday? --- Yes.

With the rest of the family? --- Yes.

And were you asked to recall any strange episodes in your husband's life? --- Yes.

No matter how trivial? --- Well, Professor Hurst asked me questions.

And that is about whether he was restless? --- /30
Well, he asked me how he would behave and that sort of

thing.

And all these things came back to you then? ---

Yes.

Prior to that they had made no great impact on you? --- I mean I knew that he was like that...

They really hadn't been significant, had they?
--- They had been significant. I mean it made a great deal of difference to our lives when my husband was depressed or when he was cheerful. But I took it for granted that that is the way he was. /10

You yourself must at times be depressed or elated? --- Yes.

No great significance in that? --- No.

And you were asked about his conveying his thoughts to you, like the angel on the cloud looking down on the world? You were asked to recall that? --- No, I wasn't asked, I just remembered that.

And were you told that the accused had done these acts, possibly the only defence would be that he was mentally unstable at the time? --- I don't think so. /20

You don't think so? --- Miss. Hayman told me that she was going to try and get a psychiatrist for my husband, and then I know that an order was made by the court - something to do with it, and then on Monday she told me that she had been an appointment for me to see Professor Hurst.

When Miss. Hayman told you that, did it strike you, what on earth is this for? --- I knew it was something to do with the Defence, because I mean Miss. Hayman is looking after my husband's defence. /30

And did that strike you as strange? --- What?

That an appointment should be made to see a psychiatrist? --- I took it for granted that Miss. Hayman must have some reason for doing so, and I left everything to her.

Were you asked to recollect any peculiarities in his behaviour during your married life? --- I can't remember the professor asking me that question.

But you were asked a lot of questions? --- Yes.

They were direct questions? --- Yes. I'm not quite sure what you mean by direct questions. /10

Were they questions that suggested the answer?

--- No.

Such that he was a restless man? --- No.

And did he sleep well? --- No.

Did he have flights of fancy? --- No.

Was he irritable? --- Yes, I think professor Hurst asked me whether he was a very even tempered person or not, and then I told him that my husband about nothing could get angry with me.

Yes. And did they ask you about his teaching life? --- Professor Hurst asked me to start about myself and when we got married and that sort of thing. /20

And were you asked about his behaviour during July? --- I don't remember the professor specifically said during July. I don't remember how he put it.

Perhaps a few weeks prior? --- I think he asked me how he behaved. He asked me about how he normally behaved and if I noticed any change this year. I'm not sure.

And you immediately thought of the behaviour during July? --- Yes. /30

And you described it fully? --- Well, I told him what I told everybody in court.

MR. MOODIE: NO FURTHER QUESTIONS.

MR. PHILIPS: NO RE-EXAMINATION.

ASSESSOR MR. HART: Mrs. Harris, I would like you to take your mind back to that afternoon, Friday 24th July. --- Yes.

Remember you told us that your husband went and had a sleep after lunch. --- Yes.

Do I understand that you went out with him to the car when he was leaving for Johannesburg in the afternoon? --- Yes. /10

What was his behaviour when he left the house? --- The same really. He was cheerful and elated.

Was there anything about his behaviour that worried you? --- No.

Did he kiss you goodbye? --- Yes. As far as I remember. I mean I don't remember noticing anything.

That's what I really want to know. Did you notice nothing abnormal about him when he left? --- No. /20

He was just leaving in a normal way? --- Yes.

Now, he returned, you told us, just before supper that evening? --- Yes.

And then he told you - I think I noted it down here - that he had done this terrific thing that he had been talking about. Did he tell you what it was? --- No.

Did you not ask him? --- No.

When did you realise what the terrific thing was? --- It must have been when I heard the news.

Did you then ask him about it? --- I don't remember asking him about it. I think, I'm sure I didn't. /30

Now, Mr. Moodie was asking you questions about what you were asked by Professor Hurst inter alia. I would like to know, can you remember now any peculiarity of your husband during your five years and 2 months of married life? --- I'm not sure what peculiarities are. He behaved differently from other people, but ...

Did he ever behave in such a way to cause you alarm or worry? --- No, not that I can specifically think of now.

The only time, that I understand, that you wanted him to see a doctor is when he had headaches? --- We had other times when I wanted him to see a doctor, but it was normal. /10

Thank you.

BERT ALFRED HURST, (s.s.)

EXAMINATION BY MR. PHILIPS: Professor Hurst, are you the professor of psychological medicines and head of the Department of Psychiatry and Mental Hygiene at the University of the Witwatersrand? --- Yes, my Lord. /20.

Do you hold the degrees of B.A., B.S.C., M.B. Ch. B and P.H.D. of the University of Cape Town, and M.D. of the University of Pretoria? --- Yes, my Lord.

Are you also the chief psychiatrist of the Johannesburg Hospital and the associated teaching hospitals? --- Yes, my Lord.

And are you the head of the Department of Neurology and Psychiatry of Tara Hospital? --- Yes, my Lord.

And the Consultant Psychiatrist at Sterkfontein Hospital? --- Yes, my Lord. /30.

Were you formally the Physician Superintendent of the Sterkfontein Hospital? Between the years 1952 and 1958? --- Yes, my Lord.

And were you the court psychiatrist in Johannesburg between those same years, 1952 and 1958? --- Yes, my Lord.

I underst and, professor Hurst, you are also or were also the Assistant Physician Superintendent of the Weskoppies Hospital between 1948 and 1957? --- Yes, my Lord.

/10

Now, Professor Hurst, at the request of the accused's attorney in this case did you interview the accused, Frederick John Harris, on a number of occasions and also his wife and other members of his family? --- Yes, my Lord.

Would you tell his Lordship when you held these interviews? --- I interviewed the accused on Saturday the 10th October, 1964, from 10 a.m. to 1 p.m. and 1.45 p.m. and 5.15 p.m. On Sunday the 11th October from 9 a.m. to 1 p.m. On Friday the 16th October from 9.15 a.m. to 12 noon. On Sunday 18th October, from 10.15 a.m. to 1 p.m. On all occasions in the presence of Dr. A.J. van Wyk and Dr. van Niekerk, the Government psychiatrists.

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And then you also interviewed Mrs. Harris, who has just given evidence, is that correct? --- Yes, on the 12th and 17th October, I had contacted Dr. van Wyk to give him the option of being present, and he was unable to be, but was happy to receive my report of my findings when we met subsequently.

And did you also interview the father and mother /30 of the accused? --- Yes, my Lord.

And the sister and brother-in-law? --- Yes, my Lord.

And did you convey to Dr. van Wyk the information obtained by you at these interviews? --- Yes, my Lord.

I should have mentioned too that before you saw Mrs. Harris, the wife, for the first time did you have consultation with Dr. McMillan Specialist Physician in Pretoria? --- Yes, I saw him on Saturday the 10th October from 8 a.m. to 9.30 a.m. /10

Is Dr. McMillan a physician? --- Yes, my Lord.

And Professor Hurst, have you been present in court from the commencement of the hearing On Monday of this week when the accused went into the witness box? --- Yes, my Lord.

And have you heard all the evidence given by the accused in-chief and in cross-examination and the evidence given by his wife in-chief and in cross-examination, and also the evidence of Dr. Geerling and Dr. Jeppe? --- Yes, my Lord. /20

Would you tell his Lordship and the assessors what your findings were, please? --- My salient findings and conclusions are as follows, my Lord: Physical findings on the examination of the 11th October, 1964, I examined the accused in the presence of Dr. van Wyk and Dr. van Niekerk. His blood pressure was 138 over 85. He gave a history of headaches which had been severe intermittently since October, 1963. He said they commenced on the left side of the root of the nose, moving up to the mid frontal region and radiating posteriorly. /30 They became severe in May, was told by an optician he

consulted that it was not due to his eyes, and he was treated subsequently by his own doctor on the basis of these being tension headaches. Still under the physical examination and history he mentioned the following ⁱⁿ illness diagnosed as poliomyelitis in 1956. He had some shortening of the left lower extremity, necessitating a built up shoe and he has also had wasting of the quadriceps and hamstring-muscles on the side as disclosed by examination. The attacks reported as dating from his poliomyelitis episode are characterised by weeping, fear /10 of having a roof over him and the difficulty of controlling movements of the lower jaw. These are in my opinion in the nature of hypo ventilation attacks secondary to anxiety, from the example witnessed by myself and my colleagues Dr. van Wyk and van Niekerk at the first interview. Proceeding with the physical examination, there is still some mild anaesthesia or lack of feeling in the vicinity of the left angle of the mouth in relation to the well now healed fracture of the left jaw that was present. The left lower molar tooth had been removed as /20 part of the operative procedure for treating the jaw. There was no history of epilepsy. This is a matter I went into very carefully, and one had also obtained with the concurrence of the Government psychiatrist who also received a copy of the report an E.E.G. EXAMINATION By Mr. G.K. Nelson of the National Institute for Personnel Research dated 9th October, 1964. I have the original report here, and I could comment on what I think the essential factors are. Mr. Nelson reports that the E.E.G was within normal limits. Occasional medium low voltage of /30 siftral and fronto-temporal, four to six cycle per second

waves were seen, of doubtful significance. These findings, my Lord, I think are so minimal that one can't put any pathological interpretation upon them. They might indicate some mild defect in caudal maturation, but in general very little significance can be put upon the E.E.G. Mr. Nelson reports that no satisfactory sleep record was obtained, but in view of the absence of any clinical evidence of epilepsy I did not consider a repetition indicated in the present context. Still on the physical examination he had formally described to Dr. /10 Mc Millan vertigo or dizziness, and some disturbance of balance, but these were no longer in evidence on the occasion of my examination. Turning to the psychiatric findings, during my interview and at the trial he showed objective evidence of fluctuations in moods, in as much as he was elated at times to the extent of chuckling /20 reminiscently at times, weeping at others, while at other times he looked despondent and dejected. My main findings can be grouped under two headings. The first heading would be evidence of a cyclothymic personality, a personality with fluctuating moods that fluctuate between elation and depression and of manic depressive psychosis. In this connection I would adduce the following salient findings and conclusions. He gives a history of mood swings between phases of depression and phases of elation lasting for a period of a few days to a few weeks. These fluctuating moods indicate that he has the type of temperament technically known as cyclothymic. The history further demonstrates that at times these moods become exaggerated to a pathological degree, and in these moods /30 he may in my opinion be diagnosed as suffering from a

mental disorder or disease known as manic depressive psychosis. The suicidal ideas that he has described both to me and the court are an indication of deviations of the more severe type in a depressive direction. The following are the suicidal thoughts he has described as having occurred at different stages of his life.

Firstly during the latter stage of his primary schooling while residing at Eikenhof he harboured the idea of committing suicide by jumping from a windmill, which he visited on several occasions and even climbed with this in mind. Secondly in Std. 8 he went to the Maraisburg station earlier than necessary with the view to throwing himself under the express train passing through the station, he would go up earlier than the train he required, and wait for the express and he would not draw back. But he didn't summon up the resolve to actually do anything of this kind. /10

Thirdly, during December, 1963, he contemplated running his Volkswagen into larger vehicles or off bridges with suicidal intent, but decided against it on the grounds that should he fail to kill himself he might maim himself in a way which would entail great suffering. Fourthly /Early during his detention and last Wednesday the thought was vividly with him to the extent of picturing the apparatus, the button that he would press, that if suicide could be achieved as easily as by pressing a button he would have no hesitation in doing it.

A feature of his depressive moods, according to the history, is being bad tempered and verbally unkind to his wife. /30

A test done in the presence of my colleagues

on the 18th October, 1964, designed by Professor R.B. Kattel of the Institute for Personality and Ability Testing of the University of Illinois entitled the IPAT test, these are the initials of the institution, IPAT anxiety scale, in addition to establishing a high degree of anxiety in this subject, shows that the anxiety is part of a psychotic depressive reaction. In other words, of the depressed form of manic depressive psychosis. I also have the record here of the schedule which was scrutinised by my colleague at the time. /10

The feature upon which I'm specially commenting is a factor that they defined in this test, which I name "O", is all guilt proneness would indicate that the high general anxiety he shows is a part of a psychotic depressive reaction. So that this was a test done to provide some objective and quantitative confirmation of the clinical impression.

BY THE COURT: Is that an anxiety state which is always present or present at the time of the experiment? --- My Lord, I would not necessarily assume it is an anxiety state, state as anxiety could be, part both of a manic depressive depressed fact or an anxiety state, but I take it my Lord's question is whether under the conditions of the examination - at the time of the examination - this might well heighten the amount of his anxiety, but it would not alter the qualitative feature of the test indicating that the anxiety belongs to the depressed type of reaction rather than the primary anxiety state type of reactions. /20

PROFESSOR HURST: Exaggerated forms of the elated phase /30.
show the following features in him. Periods lasting two

or three weeks in which he is over active, very cheerful and confident and extravagant, such an episode having been described as having occurred in July, preceding the bomb planting episode in Johannesburg station.

Secondly, periods lasting for about 30 seconds on the average which he described as terrific surges in which he is very, very happy and in which everything seems perfect. Instances of this type of episode before his detention have occurred during his teaching at school in which he felt he made unusual contact with the minds of his pupils and this gave him this ecstatic feeling, On the way up to the station in the morning in which communion with nature has had this auro of being perfect, and in the act of driving in which the perfection of the idea underlying the construction of a motorcar, with which he at that time seems to have merged or become one, and the process of driving it strikes him with peculiar force and joy. /10

During his present detention such experiences of everything being perfect has struck him quite a few times, to use his phrase, he gives one example of such a state commencing during exercise time and extending to the subsequent meal, this was during his detention. /20

Now, the third example of the exaggerated form of this cyclothymic temperament in the elated direction is a state of manic ecstasy relating to the planting of the bomb on Johannesburg station on July 24th. He described this experience at interviews on the 11th, 16th and 18th October, as well as what we have heard in court. The following are the components of the experience: Firstly a feeling of exhilaration and an /30

impression of the unusual beauty of Johannesburg station as he stood at the parking meter preparatory to entering the station. This he described at the interview with me and my colleagues on the 18th October, and he has mentioned it in court.

So this was the one part what I would consider the manic ecstasy.

Secondly his experience whilst seated on a bench on Johannesburg station. The following are the features highlighted in his descriptions of the experience on the four occasions alluded to. The interview on the 11th October, he stated that he felt like an insect, a fly that could see all around it. To quote: "I could see all around me like cinerama. I knew what was all around me, as if there were two cineramas front and back. I had such a strong feeling." To continue quoting him. /10

Belt 57.

It seems funny he smirks and sniggers as he has been observed to do in court. "It would be useful if you could see all around you." On this occasion he estimated the duration of the experience as a few seconds.

At the interview on the 16th October, to quote him "I remember being seated on a bench opposite the waiting place on the railway station, the waiting place for the railway busses. The bench was empty at first, but later I was aware of a young man next to me 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, the bomb which was on the ground on the right." This, I take to be, the feeling of merging - this experience of merging with the cosmos which occurs in manic ecstasy. /20 /30

At an earlier stage of this interview I am

referring to, he describes the opening phase of the experience on the bench as follows - because on that occasion he described it at different parts of the interview.

"I felt very holidayish, carefree, like being at the coast on a holiday. I felt on top of everything." At this stage he smiles and states: "It is quite nice thinking of it." He goes on to say: "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 /10 doing the right thing." At this stage he becomes cheerful. He goes on to explain by referring to the nursery rhyme in which the horse's shoe fell off for want of a nail, Napoleon's decision not to fight a certain battle, and the role of a piece of metal in deflecting water in an irrigation furrow, just how vital and important the part he had to play that day was.

Then the next interview on the 18th October. On this occasion he stressed his ability to see all around him, that he felt physically part of the world, /20 that he felt very powerful, that he was doing something very important and very right, and that his mother was in contact with him and approved. To quote: "When you have a feeling that you must do something, it is very important that you must do it."

Then in court on the 19th October, he said that he remembers very clearly being seated on a bench, opposite the railway bus section of the station, and he identifies which of the two benches it was. He stated that he had a clear view of the world, "it was like two /30 cinerama screens, one behind and one in front, it was

like being in a glass ball with people around it. This was the first mention he has made of the glass ball. But in my opinion in these feelings of transcendence during manic ecstasy it is difficult to put into words this feeling of transcendence and merging with the rest of the universe, and I'd be inclined to interpret this new formulation as not in conflict with the feeling of what he told before, but rather a new formulation of it.

He states that he has two impressions. First that there was nobody on the bench besides him, and then /10 that there was a man there. He estimates the duration of the experience as a couple of minutes.

Then a third part of what I consider this manic ecstasy experience at the station, his expression of the displacement of his car from its previous position, on leaving the station. At all the interviews mentioned and at court on the 19th, he is consistent in describing an impression of his car as having been moved by several parking spaces from the place at which he had left it.

And the fourth component which I deal with, /20 present in this manic ecstasy, relates to the claimed episodes of vague recollection and amnesic periods between leaving and returning home on the 24th July.

First of all the vague recollection. The first of these concerns the place of the winding of the timing mechanism of the bomb. He has the impression that he wound it at Brixton cemetery on the way from Hamburg to Johannesburg, but after having done it on arrival at the parking area at Johannesburg station. He feels, however, that it is not logically possible that he wound /30 it twice. He considers it unlikely on general logical

grounds that he could have done it at Johannesburg station parking area, and presumes therefore he must have done it at Brixton cemetery.

The second vague recollection is of having been in a cafe in the vicinity of Newlands on the way home. For what purpose he does not know, and the only recollection being very impressed by the proprietor, who was a Greek speaking fluent Afrikaans to another man. This struck him as rather unusual. That is the vague recollection.

/10.

Then the amnesic period. At all interviews and in court on the 19th and I think subsequently, he consistently claimed the following amnesic gaps. From leaving the parking meter outside the station to being seated on the station bench. Second 17 from leaving the station bench until the time of parking outside Jeppe Street Post Office to make telephone calls, and thirdly from leaving the post office to speaking to the caretaker at the lift at Damelin College. This last phase of what I call the ecstasy period, one would therefore call a patchy amnesia, that there are gaps of amnesia, and one must be very careful in dealing with a patchy amnesia before coming to the conclusion that this is a genuine thing and not a feigned thing, and I gave very careful consideration to it. Norwood East and his classic forensic psychiatry mentions how careful one should be before accepting a patchy amnesia of this kind mixed up with recollections, one should be careful before accepting this as genuine. Having said that, however, it is pointed out by Norwood East, however, that certain conditions including the manic state may have this consequence

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and that a second point in favour of the genuineness of the amnesia, is the consistent defining of the boundaries of the gaps at successive interviews, and I feel that he has done this consistently at the interviews that I had with Drs. van Wyk and van Niekerk with him, and in court. And so in view of it being compatible with the manic state and eminently compatible with the state of manic ecstasy, that there could be amnesic gaps. On weighing up the matter, I believe it to be genuine.

The next thing in my mind, my Lord, was the /10
relevance of this state of manic ecstasy, which I believe to have existed, in relation to the question of criminal responsibility. As I weighed the matter up, and thinking of it in terms of our criminal law, I came to the conclusion that owing to the disease of mind that was present - this manic ecstasy, at the time defined by the total experience extending from the vague recollection of the Brixton cemetery to the Greek shop, during this time, that he would not realise that his actions were unlawful, and furthermore that the question of irresistible impulse, /20
to my mind, is answered positively inasmuch as this state was such - this state of diseased mind was such that he couldn't have acted otherwise, whatever restraint had been placed upon him. So this is the one big phase of the evidence. The second big phase is...

EXAMINATION BY MR. PHILIPS: (Contd.) May I interrupt you? Before you pass on to the second theme, could I ask you to explain to his Lordship and the Assessors what, in your opinion, is the significance of the evidence given by Dr. Geerling and Dr. Jeppe? --- Yes, I would be /30
prepared to do that, now that, now that we have the

evidence - I wasn't aware that we would be getting anything more. I think it is of great importance in this case, in view of the fact that manic-depressive psychosis is known to be an hereditary disease, that the genetic findings show that it is transmitted as a Mendelian dominant, that the family history is a very important part of the findings.

Could I ask you, Professor Hurst, have you made any special study of this particular branch of psychiatry?

--- Yes, my Lord, psychiatric genetics have been one of my major research interests. I have spent four separate periods since 1938 at the New York State Psychiatric Institute, working under Professor Franz Karlman, who is the leading world authority on psychiatric genetics, researching and conducting researches in this field. So that it has been a very important part of my activities. /10

The evidence from a study such as that of Professor Karlman of New York, Dr Elliot Slater of London, indicates that in the case of the manic-depressive psychosis, we are dealing with a disease which is transmitted as a Mendelian dominant. This means that one specific gene, or hereditary factor from one side of the family only, is necessary to transmit the condition. /20

The chances of any particular off-spring of such a parent getting the hereditary factor is 50%, but in view of the fact that the penetrance of the gene - that means the frequency with which it manifests - can be influenced by other genes or hereditary factor, the penetrance being 80%, one would only get the manifestation of the manic-depressive psychosis in 40% of the off-spring of one manic-depressive parent. /30

Now we have the evidence from Dr. Jeppe, who treated Mr. Harris's mother, that her depression was of the endogenous or constitutional type, which means that it is of the genetic or hereditary type. Dr. Jeppe explained that the essential feature here was the constitutional one, and not the external circumstances.

We also have evidence - and my scientific deduction is a little bit inhibited here by the fact that we have to remain anonymous. May I state whether the other case referred to is on the maternal or paternal side without a breach of confidence?

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MR. PHILIPS: I think you need not refer to it, Professor Hurst, because the Court is aware who the individual is. I think if you merely stated a conclusion.

PROFESSOR HURST: Yes. The evidence about the other case strengthens the probability of manifestation of the condition considerably from the 40% that would be the figure had we only cited this one case, to probably, in view of the computation I have made relating to this, to about 60%.

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This chance figure is a probability figure, my Lord, but in a small group there may be deflections from the figure. In a small family group there might be considerable deflection in one direction or the other, from this general expectation of 60%. This would be true of big sort of studies done by Karlman and Slater, in which pooling a number from which you could get a good probability figure, from such studies, one would expect 60%.

However, I feel the force of this is that we do have a very strong soil from which this condition

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could develop; that the fact that we are dealing with an hereditary condition and that we do have this genetic background here, is a strong confirmatory factor of these other findings. So these factors do apply specifically to the manic-depressive psychosis.

MR. PHILIPS: Professor Hurst, you have not made any express mention of the aunt in regard to whom Dr. Geerling gave evidence.

PROFESSOR HURST: The evidence then that Dr. Geerling gives further strengthens the matter. This was the sister /10 of the mother. The maternal aunt. And here again we have depression of the constitutional or hereditary type, the manic-depressive psychosis of the depressed type, with a paranoid trend, and this becomes interesting /with the ^{in connection} second theme that I would like to have handled. But Dr. Geerling's evidence further strengthens the family background.

The second finding to which I would like to allude, my Lord, is the following: The evidence of the existence of a paranoid trend. Under the concept of the /20 paranoid trend we include symptoms falling under the general heading of persecutory ideas, but also grandiose ideas.

The following features, in my opinion, point to the existence of a paranoid trend in the case of the accused: First of all, his suspiciousness in the working situation. At Hyde Park School, the Indian school and Damelin College he has been suspicious of the attitude of superiors and colleagues to himself.

Secondly, the ideas of reference. By ideas /30 of reference, my Lord, one means a symptom in the category

of persecutory ideas, but with this particular emphasis, that the subject or patient believes that innocuous, neutral events in the environment have some special, usually sinister, significance as regards himself.

Now the ideas of reference in the case of the accused, on sifting what we have heard and at the interviews with my colleagues: As a boy he felt the authoress of the "William" series of books had modelled one of her less likable characters on himself. During the recent years he has felt that the Reverend Webb has been criticising him by implication, in his sermons. And that a boy with whom he did not get on at school, who had subsequently become a journalist, modelled his second worst category of husbands, that appeared in a questionnaire in the magazine "Personality", on him. So these could be examples of ideas of reference. /10

The next feature to which I would like to point, my Lord, are these grandiose fantasies: He admits to spending much time, both before his detention and during his detention, on fantasies as to what he would do if he were a Minister of Education, Minister for External Affairs and even Prime Minister. He sees nothing incongruous in the belief that with his ability and high intelligence, given the right opportunities, of achieving these positions. /20

Moreover, in discussing his ultimatum, or letter, to Dr. Verwoerd, he sees himself as the protagonist of an opposed view, and tends to put himself in the light of having a comparable status to the Prime Minister - that they are the two big opposing forces. Furthermore, his naïve view that his ultimatum would be likely to influence the Prime Minister shows so severe a defective judgment, as to suggest that the grandiose fantasies /30

have crossed the borderline into the realm of frank grandiose delusions.

This links up too with his feeling of great power in connection with the having been put in this position of trust in his organisation, having been given the necessary explosives, and also his belief that after the 24th - almost a Messianic belief - that a new order would exist as a result of his action, had it worked out as he had anticipated.

The next item to which I would like to point, my Lord, are the visual and auditory hallucinations. Since returning from Oxford, and more particularly in the past year, during the waking state, he has been seeing visions of his mother and hearing her speaking consoling messages to him. He states the more he practises the telepathy, which he believes to underlie, then the more vivid they become. He admits, however, that his mother is in his opinion not interested in this sort of sphere - but I got the impression she wouldn't want to tamper with telepathy - and therefore it would seem to be that he hasn't explained the transmitting side of this telepathy, and this makes one feel that there is an element of illogicality in the matter. /10 /20

Moreover, the way that this has developed, according to his description, that whereas he now sees his mother and hears her voice, originally this took the form of impressions on the mind. And although the content of the voices are benign, consoling messages from his mother rather than threatening persecutors, I have known cases developing in this way, that the benign hallucinations later become more malignant, and in /30

psychiatry, one has to think not of a single symptom, but the development of a constellation of symptoms.

With the long-standing ideas of reference, these grandiose fantasies which in the later instances of the sort of Messianic role have become a delusion, coupled with the increasing vividness of these hallucinatory experiences, the combination of these features are in my mind significant in pointing to a paranoid trend that may be regarded also as a pathological entity.

I have not completely finished the description, /10 my Lord, of these hallucinations. Before his detention he also had rarer experiences of this type, of his father. And during detention, he had had a less clear hallucinatory experience in the hypnogogic state, between sleeping and waking, during his period of detention.

At this stage I would like to refer back, my Lord, to the Catell's test, which also has a factor that measures this paranoid component, and we do find that he shows a high level of insecurity, with a paranoid factor on this particular test, which adds objective confirm- /20 ation to the clinical impressions.

As regards my opinion, my Lord, of this paranoid component in relation to his behaviour, I think it does help us from the point of view of understanding of the development of his extreme political views and actions, that we have found this paranoid cast of mind: the fact that he had in fantasy thought such a lot about an elevated role; the fact that he envisaged his action in terms of his political philosophy would bring in a new order. /30

So that I do think that although I do not

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consider the paranoid trend in itself would render him free from criminal responsibility in this regard, I do think that the paranoid trend, which has been developing slowly over the years, has impaired his judgment in a way that I think is likely to have contributed to this strange episode of which we have heard.

So these, my Lord, are my main conclusions, that we are here dealing with a case of manic-depressive psychosis, and that the feature of manic-ecstasy was the relevant one in relation to the station episode. /10

I have, in case the Court were interested, collected some of the definitions from standard textbooks, of this manic-ecstasy state, in case the Court would feel that it would be in line.

BY THE COURT: Yes. I see you have been reading from a report. Have you got a copy available for the Court?

MR. PHILIPS: My Lord, unfortunately the only copy I have is one I got from Professor Hurst.

BY THE COURT: Well, perhaps you can hand it in afterwards. /20

PROFESSOR HURST: This report, I must explain, my Lord, as I have been spending so long with the accused and his relatives, was a report that was more for guidance, and isn't in the finished literary form in which I would like it for presentation to your Lordship. And I might say that it doesn't include the latest Court proceedings, especially the factor of this sort of Messianic role of liberating the country to this order which he thought better. So that if I could hand in my copy with these reservations in your Lordship's mind? /30

MR. MOODIE: My Lord, in fact, if your Lordship would be

disposed to adjourn at this stage, it might give Prof. Hurst an opportunity to complete his report on these factors that he hasn't dealt with hitherto, and he might be in a position to hand it in tomorrow morning.

BY THE COURT: Yes. I presume you prefer to cross-examine tomorrow morning, Mr. Moodie.

MR. PHILIPS: Would your Lordship prefer Professor Hurst, since he has them here, to give the Court the definitions that he has? They are not included in the report as it exists at present.

/10

PROFESSOR HURST: In a standard text-book of psychiatry, my Lord, by Noyes & Kolb, professor of psychiatry at Columbia University, New York, he gives, I think, a rather good comprehensive definition of ecstasy as occurring in the manic state, on page 80 of his text-book, which I have available should it be necessary. They state:-

"A less frequent affective disorder - and by affective disorder we mean the group of manic-depressive psychosis and involuntional melancholia - is ecstasy. In this, the mood is one of peculiar, entrancing, peaceful rapture, and a tranquil sense of power. A religious feeling is an essential part of the state. The patient identifies himself with an immense cosmic power. He feels detached from outside things, and on a new plane of existence, accompanied often by a feeling of having been re-born. That is attained, beyond which there is nothing better.

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"After having emerged from the experience, the patient retains a vivid recollection of it." I have omitted two sentences of psycho-dynamic interpretation.

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"It has been observed in associative, epileptic, schizophrenic and affective reactions."

Then Bumke in translation, Bumke in his standard text-book of German psychiatry, in 1929, "Hehrbuch der Geisteskrankheiten", 3rd edition, Munich. On page 35, speaking of ecstasy, he says:-

"The narrowing of consciousness, which one obtains in hypnosis, shows analogies to ecstasy, that is, to the behaviour of those who are completely pre-occupied with one idea of strong emotional tone, and who proceed to put this idea into effect without any scruple, forgetting dangers, moral considerations and the effect of their actions, but omitting nothing which could further the execution of their purpose," /10

And Dr. R.M. Bucke, Medical Superintendent of the Asylum for the Insane, London, Canada:-

"The prime characteristic of cosmic consciousness is a consciousness of the cosmos, that is, of the life and order of the Universe. Along with the consciousness of the cosmos, there occurs an intellectual enlightenment, which alone would place the individual in a new plane of existence." /20

Would make him almost a member of a new species. The cosmic consciousness is one of the dimensions of this experience. There is an interesting study of this ecstasy in manic state by Prof. E.W. Anderson, which appears in the "Journal of Neurology and Psychiatry" 1938 - 1939, pages 80 to 99, in which the features in definitely manic cases with ecstasy, the signs are "Joy with calmness, an altered experience of the ego, a feeling of merging with the cosmos or with God, and a time disorder," and he /30

describes four cases in detail, and I have the article with me, in which very specifically in four case-histories of manic, this ecstasy is carefully described. So I think these could be some of the references one would have in mind.

I should say, however, that this phenomenon, as occurring in psychotic states, has been described by a great number of classical psychiatrists. The famous E. Bleuler in his text-book of psychiatry takes this point of view. Kleist, in 1928, deals with this phenomenon. /10 Gruhle, in 1922 in "Handbuch der Vergleichende Psychologie" describes this condition in psychotic states as well. So these are the main features of the literature which I think, my Lord, leaves no doubt that this state is a standardly recognised psychiatric condition, and it has been described in detail as occurring...

BY THE COURT TO PROFESSOR HURST:

What do you say his condition is now? --- At present, my Lord, I should say that he is merely showing a cyclothymic mood state, that he would not be mentally /20 disordered. As we have seen him in court, I think we have seen him, in the earlier part of the day especially, in an over-confident mood in which he gesticulates, in which he is rather over-familiar, I thought, with Mr. Moodie for instance, and which would represent an elated mood, but not to a pathological degree. And then one has seen, especially when there is a reference to his mother, that he would have a momentary sad episode. At the opening, I think, of the first day in the afternoon, he seemed depressed for about half-an-hour. He seemed a bit /30 under-productive, having difficulty in answering Mr.

Philips and rather playing-down. I would say he had emotional instability, but still falling within the limits of the normal.

That is his present condition? --- Yes, my Lord.

Would you describe it as pathological? --- No, my Lord, I think it has been within normal limits as we have seen in this court.

Now do you know this book "Sense and Nonsense in Psychology"? --- Yes, my Lord.

Would you make it available to the Court? --- /10
I had a copy. It appears in a Penguin or Pelican. I have lent it out and it has not been returned, but I will do my very best to obtain it.

Yes, I would be grateful if you could produce it in evidence. Would there be a reference to the manic-depressive condition in that book? --- Not to my recollection, my Lord. It is a very general book of Professor Eysenck, who is a Professor of Psychology at the Maudsley Hospital. It is a little critical of the psycho-analytical approach, and deals with certain of the /20 more standard basic psychology. I don't think it deals with any psycho-pathology, but I am open to correction on that point.

But even an ordinary course of psychology includes a study of the manic-depressive? --- Yes. I do not think the accused took psychology as a subject, but in most courses there is a reference to abnormal psychology. I don't think it is in Eysenck, but I will try and get it to your Lordship so we could check up on that point. /30

BY THE COURT TO MR. PHILIPS: That concludes his

evidence-in-chief?

MR. PHILIPS: My Lord, subject to the additional points that Professor Hurst may care to include, arising out of the evidence that has been given since Monday.

-: COURT ADJOURNS :-

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-: COURT RESUMES : 22ND OCTOBER, 1964 :-

B.A. HURST, s.u.o.

EXAMINATION BY MR. PHILIPS: (Contd.)

Professor Hurst, have you now a report which you are in a position to hand to his Lordship? --- Yes, /10
my Lord, and also I have this book by Eysenck, "Sense and Nonsense in Psychology" which his Lordship asked for.

Now in regard to the report, Professor Hurst, is there something which indicates that a correction is necessary to one statement that you made yesterday? --- Yes, my Lord. In the rather hurried putting-together of the first draft, I incorrectly counted up the number of periods of amnesia as three, whereas in fact there are four, and they are embodied in the new report. This was not a mistake of the accused, but a mistake I made /20
in my compilation of the first provisional report, so that has now been adjusted.

MR. PHILIPS TO THE COURT: The amnesic periods, my Lord, are shown on page 5 of the report at the top, under the heading (b).

BY THE COURT: Are there any copies available, Mr. Philips?

MR. PHILIPS: I have a copy to give to my learned friend, sir, but I don't know if we have any more than that. Professor Hurst, would you refer his Lordship now to the authorities to whom you made brief reference yesterday? /30
Whom you want to cite?

PROFESSOR HURST: Yes, I should like to do so, and I would value the opportunity after that of somewhat elaborating my report, which is rather summary form.

In particular, my Lord, I wish to refer to an article that appears in the "Journal of Neurology and Psychiatry" by Anderson, 1938 - 1939, entitled "A Clinical study of States of Ecstasy Occurring in Affective Disorders.." affective disorders being manic-depressive psychosis - ".. and Involutional Psychosis." This is a factual study of four cases of manic ecstasy, and the point in it strikes me as of special relevance to this case. So that if I may quote extracts from the reports on these actual cases, I think it would illustrate certain of the points. As regards the first case, the extract:- /10

"her moods described by her showed a definite alternation between depression and elation. Soon after admission, she became more calm, during which phase she had the experience described below.

"She said that she had had a kind of religious conversion. One day, when working in the garden she suddenly felt very uplifted - an ecstasy. She felt the world increased in beauty. Everything was more real: the beauty of reality. 'There wasn't any fantasy about it, (these are her words) the realisation of all those things being more beautiful than I could conceive my self.' /20

"She felt her ability for the tasks in hand was of the nature of an inspiration. At this time she saw two trees growing together, and this taught her a lesson, that one need be neither a martyr nor /30

"an aggressor. Since the ecstatic experience, she had felt calmer.

"She spoke with God the whole time - not an actual voice, but a knowledge of just exactly what to do. The ecstasy described lasted about six weeks, with fluctuating intensity."

I would draw attention, my Lord, here, to the feeling of being uplifted and the beauty of things, and that in this case it lasted six weeks. Quoting further from the same case:-

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"An alteration of time perception was present. 'I just lived in the present, without worrying about the past or the future. You absolutely have to be living in the present to get that feeling. I didn't care how long I was kept waiting for anything. I gave up thinking in time at all. I didn't watch the clock anymore - it gave me more a sense of 'being' than of 'doing.'" The feeling of being merged in the cosmos appeared in experiences like these. 'You have just the feeling you are part of the earth, not a person on your own - sort of melt into it. It's a kind of sympathy and fellow-feeling for all the things, trees and birds and everything, and a feeling of harmony - just part of it; there's nothing you could want more than that, certainly not at any time.'"

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So this feeling of "merging" and oneness with the cosmos, one would stress there. From the second case, a little extract:-

"She felt as if she had been born anew, and saw only good in others. Everything had increased beauty

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"and everything seemed to speak of God. The presence was real."

And in the third case she described the experience as follows:-

"I seemed to merge into everything. There was an intense consciousness of power, and absolute ecstasy. I am awake all night if I happen to have it. Sometimes it wakes me up. It comes in a sort of flood, over the body. A terrific consciousness of power in surges, like the sea coming against you."/10

So here we have the experience of "merging" and also this feeling of power. In the same case there is another passage that strikes me as relevant:-

"On the 4th July, 1937, she had another ecstasy which she describes as follows: 'A stillness gradually came over my whole being, and a sense of expectancy impossible to put into words. There seemed a trembling vibration over my consciousness, a veil between me and what I should know, as if I were hovering beyond a great mystery. Then a /20 dawning of a sense of exquisite harmony, without being lifted into the first state of ecstasy. Thought, fate and time dropped away.' This experience occurred at 11.30 p.m.; came suddenly, like its predecessors, and lasted for about half-an-hour."

So in this case we have a shorter experience of half-an-hour and a feeling of harmony with the Universe around. Another little extract:

"The recent occurrence of an ecstasy seemed /30 to have enabled her to analyse her experience better.

"The difference in the merging in the ecstasy is that in this state, it seemed as though everything were coming into her, associated with a feeling of forward motion: 'Something calming, and then a sense of everything moving in me.'"

And in the last, or fourth, case, there is a paragraph that strikes me as helpful:-

"After four months in hospital, during which her condition slowly improved, she passed abruptly into a state which she described as follows: 'The first and most persistent impression was one of great tranquility and freedom from anxiety, and an underlying conviction that this condition was unassailable. I was very remote from my natural surroundings, and the entrance of people was a nuisance, as I had to pull myself away from the realms of bliss and make some effort to cope with facts which seemed unreal. People did not disturb this state except insofar as it meant coming out of it temporarily. They seemed vaguely unreal, and it was I who was real. An international event of some importance, which occurred while I was in that state, floated into my mind now and then in such a way as to make me think I had dreamed it. Gradually there crept into the sensation of tranquillity a vivid impression of sunshine, and summer at its best. I wandered, or rather, floated, in flowered meadows and gardens. The thought now and then was, this must be where the idea of the Elysium 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. As I disliked really hot weather, it was evidently early summer, as the feeling was of perfection. The flowers were many and perfect, almost artificial in their perfection, and the fruit also. The colours were violent, 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./10 Periodically, say at meal times, 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 toward the end. During this experience she was outwardly calm and unperturbed. A few weeks later she was discharged improved."

So here again we have the feeling of perfection, a state that lasted six days, and during this experience she was, to the external observer, calm and unperturbed. /20

So this was the one reference. I have referred to the other references already, but I don't think I need elaborate any, except perhaps that of E. Bleuler in his text-book of psychiatry, in 1924, includes in his concept of ecstasy, as being present, in some cases, a state of clouding of consciousness, in which perceptions are not clearly recorded by the person concerned. This was all that I wished to do, my Lord, by way of elaboration of the literature.

MR. PHILIPS: Arising out of what you read to his Lordship a few moments ago, Professor Hurst, I wonder if /30

you would tell his Lordship what your view is on the likelihood or unlikelihood of ordinary laymen being able to discern a state of mania in a person like the accused?

PROFESSOR HURST: In the first place, my Lord, in the milder stages of mania, such as hypo-mania, the sort of condition that I would postulate as being present for the first part of July until the occurrence, in which the person is over-active - as in this particular case, reckless, talkative and extravagant, these features do not strike the layman as indicative of mental disorder. The /10 average layman, I think, in seeing a person in this sort of state, would be inclined to consider the person to be normal.

In the state of manic-ecstasy in which tranquillity, and for periods cessation of activity is the rule, as the quotations have shown, the layman might well not recognise that abnormality was present.

MR. PHILIPS: Now also, in your report, Professor, on page 5, where you deal at the foot of that page with the subject of grandiose fantasies and delusions, and you /20 refer to certain of the incidents deposed to in the evidence, could you tell his Lordship a little more about your view as to the evidence relating to the accused's mood from about the 8th July onwards?

PROFESSOR HURST: The impression, my Lord, that I have gained of his state of mind, especially his mood at this time, was that he was cheerful, over-active, reckless in driving, inclined to be talkative, and during this time there is evidence of riding about with explosives, and the questioning would suggest that he /30 didn't have the normal judgment about the risk of such

things exploding.

So that I would consider that during this period his condition could be described as hypo-manic, a milder type of condition, in which his judgment would nevertheless have been affected.

MR. PHILIPS: Can I summarise it so that I understand it, that at that stage, you say, there wouldn't be an ecstasy - there wouldn't be the psychotic condition of the ecstasy, but there would be a condition arising from his mental disease, which would affect his judgment? /10

PROFESSOR HURST: Yes. I would like to particularise the feeling of power that he describes when he received the news that he was in charge of operations, and that he had access to explosives. This feeling of power fits in with the Messianic-like type of grandiose delusion, culminating in his plan, and his belief that after the explosion there would be a new order in South Africa which would be, in his mind, a better order in terms of his political beliefs.

MR. PHILLIPS: Did you, in the course of this last answer - I'm afraid I wasn't listening to everything - refer to the letter that he drafted, to the Prime Minister? /20

PROFESSOR HURST: I have mentioned this in my report, that his letter - almost an ultimatum - to the Prime Minister indicated a sort of attitude as if they were protagonists on two sides, of comparable status. This has been borne out by certain of his conversation, and I would link up this feeling of power that he had as being in the same category psychologically.

MR. PHILIPS: Now, Professor, in the course of question- ing the accused and his wife, my learned friend suggested /30

that some of the matters described, some of the symptoms described, might have been the result of leading questions put by yourself or by someone else at the interviews that you held with these persons. Would you tell his Lordship what the position was, in relation to that?

PROFESSOR HURST: No, my Lord, there were no leading questions. As a psychiatrist, my colleagues and I, we are trained and, I hope, skilled, in being able to put questions in a neutral way - it's part of our training, and in fact I did not put any leading questions in these /10 interviews.

MR. PHILIPS: Then, Professor, would you tell his Lordship how this information relating to the ecstatic state that the accused says he experienced on the railway station, came to your knowledge. Was it at the first interview, or was it at a subsequent interview?

PROFESSOR HURST: No, it was at the second interview on the 11th October, my Lord.

MR. PHILIPS: What was it that he described to you at the first interview? /20

PROFESSOR HURST: If I may refer to my notes to refresh my memory? Yes, at the interview on the 11th October, my Lord, he stated that he felt like an insect, a fly, that could see all around it. To quote him: "I could see all around me, like cinerama. I knew what was all around me as if there were two cineramas, front and back. I had such a strong feeling. It seems funny.." - at this stage he smirks and sniggers - "... it would be useful if you could see all around you." On this occasion he estimates the duration of the experience as /30 a few seconds.

MR. PHILIPS: Now Professor, an allied question that has been raised, of course, by my learned friend, is the possibility that these symptoms described to you by the accused might have been concocted by him. Now I would just like you to explain to his Lordship your view in regard to the two themes that you have told us that you have found here, and whether they are related to one another; whether they interact upon one another, and whether what is described to you is a simple or a complex situation. /10

PROF. HURST: My Lord, the analysis and putting together the case makes me arrive at the diagnosis of the manic-depressive psychosis as the one component, but also we have another component, which I have called the paranoid theme with the ideas of reference, the suspiciousness, the grandiose fantasies and the grandiose delusions.

These two themes, from the hereditary point of view, probably originate separately, and with the development of his case with the increase of the paranoid component and hallucinations it is probable that one might more definitely label the paranoid condition as paranoid schizophrenia, in which case the total condition would be called by some authorities as schizo-affective reaction, whereas other people, like Mygroth, Slater and Ross, prefer to keep these themes separate. /20

However, in answering the question as to complexity, this does make a very complex picture of symptoms. Does the question ask me to relate this to any matter of simulation?

MR. PHILIPS: Well, what do you think of the possibilities of simulating a complex condition of this kind? /30

PROF. HURST: As I have intimated yesterday, my Lord, I had considered very carefully this question of simulation, and I first reviewed this in connection with the periods of claimed amnesia. Norwood East in his classic text does mention the account of a clear-cut amnesia, not expanding or contracting from day to day, and supported by the known facts of the case, is some indication that the accused is speaking the truth. This is on page 355, and higher up he mentions a series of conditions which may be accepted as associated with a degree of amnesia, /10 and he includes melancholia and mania, which would be the two phases of manic-depressive psychosis.

I thought very carefully from the point of view of the consistency of the bounds of these claimed amnesia gaps, and on all occasions he has been consistent as to the onset and as to the termination of these gaps. This impressed me as making for genuineness. Added to this we have the question of the complexity of the picture which has just been reviewed. It is a highly complex picture. This state of manic-ecstasy is a rather /20 specialized one within the realm of manic-depressive psychosis. If you add the paranoid theme, it would be impossible, to my mind, and even a person trained in psychiatry, to sustain these symptoms in a way that is inter-connected and logical.

So that this complexity militates against the possibility of even a highly-trained psychiatrist sustaining this picture. For instance, consistency is shown in such matters of a consistent manifestation of thought content and mood. That is, he describes some /30 experience of a very happy nature. He reacts with

appropriate indications of emotional happiness.

A further feature that strengthens the case against simulation is the Cattell's Test that I mentioned, that showed that one of the components on the test was appropriate to the melancholic or depressive form of anxiety, and also showing the paranoid component also at a high level. So this is some test confirmation.

So, taking into consideration all these features, my Lord, I am convinced that he is not simulating.

MR. PHILIPS: I might just say for the guidance of his Lordship that the test to which the Professor referred, the Cattell Test, is at the foot of page 2 and the top of page 3 of the report, my Lord. Called the IPAT Anxiety Scale. /10

BY THE COURT: How is that test executed?

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PROF. HURST: It is in the form of a questionnaire, my Lord, and it consists of an answer to 20 questions on the right and 20 questions on the left, one showing the overt and the other the covert reaction, which are a check on each other, and it has been devised on the basis of showing /20 of certain personality traits which in exaggerated form are pathological. It deals with the degree of development of the integrated self-sentiment, the lack of ego strength, patho-protentional paranoid insecurity and a guilt proneness and urgic tension - the extent to which people are driven by their instinctual urges. He scored high levels on all these points at the pathological level.

The test has been very carefully constructed. Professor Raymond Cattell is the leading authority in the sphere of fact analysis. He presided at the section /30

of tests at the American Psychological Association meeting in 1939, where I heard him. So it's a test that has been worked out very carefully on the quantitative fact analysis statistical basis. The result of the test is available.

MR. PHILIPS: Professor, what do you say in relation to the accused's demeanour in the witness box while he was giving evidence? Is that consistent or inconsistent with the diagnosis that you have arrived at?

PROF. HURST: It is completely consistent with it, my Lord. As I remarked yesterday, I considered he showed the cyclothymic swings which we have discussed. At times he was confident, over-familiar, verbose and prolix, and this prolixity of his talk if somewhat more exaggerated, would become the flight of ideas which occurs in the pathological form of the manic reaction. /10

Instead of answering a question correctly, he went into a number of side channels which would make me consider this the embryonic stage of flight of ideas, which is a feature of the manic phase. And at other times he became depressed. There was a period of one afternoon in which he was under-productive in his thinking - he looked depressed. There was a depression of mood and slowing and unproductiveness of thought that fits in with the depressed phase. /20

He also weeps on occasion, especially when the matter of his mother is brought up, that would fit in with the depressive picture. However, as I stressed yesterday afternoon, my Lord, although he showed this emotional instability and these cyclothymic moods, they were not of a degree that I would have considered /30

pathological.

MR. PHILIPS: Professor, it was suggested also, in the course of the accused's evidence, that he might in the course of his studies or in his reading have come across information that would have enabled him to produce these symptoms, simulating them for you and for the other psychiatrists. I would like you to tell his Lordship your opinion as to the ability of an ordinary layman to acquire that sort of knowledge, sufficient to enable him to do that. /10

PROF. HURST: This, my Lord, relates to my previous reply that I consider that even a trained psychiatrist could not consistently simulate and sustain the picture of these symptoms. A fortiori, even the educated layman could not do so. The only sort of inter-relationship that I could see - that our normal mental content, our interests - can become the content of delusions or other mental symptoms like hallucinations when we are disturbed.

But the sort of delusions one has depends on the sort of background one has. For instance, a person /20 in England some years ago who thought for instance that he was - or we could take any of the Prime Ministers, say Chamberlain at that time, that could be considered as delusion of grandeur, whereas in Russia at this time it might be a delusion of unworthiness. The mental content - what is in one's environment can become incorporated in a situation.

For instance, a person who reads science-fiction and whose mind has these concepts and ideas appropriate to it, one could well find in such a person /30 in his delusions or hallucinations, ideas that had been

found in his reading. It is not that this reading causes it, but this being part of his mental content, when he becomes disordered, the mind works on material that is ready and available there.

MR. PHILIPS: Can I just elaborate that in this way, Professor: the accused said in evidence that he did not do psychology as a subject at University, I think. The sort of books normally available to undergraduate students at a University on psychology, would they contain information of the kind that you have furnished to the Court, /10 from standard psychiatric works? I mean from works of the kind that you have cited.

PROF. HURST: The specialized type of works that I have quoted from would not be available to the undergraduate student; and a person who wasn't doing psychiatry as a subject would not in the ordinary way make a thorough study even of the standard works.

MR. PHILIPS: Finally, the book that you have obtained for his Lordship, "Sense and Nonsense in Psychology" which the accused said he had read, by Prof. Eysenck, does /20 that contain information about manic-ecstasy, such as you have described in his case?

PROF. HURST: No. No, my Lord, it's a very general text-book. It does contain sections on telepathy from a scientific point of view. It does contain a section on hypnosis, but in general it deals with dream interpretation, intelligence testing and the like, but nothing of the content of the state that I have been describing to the Court, and that the Court has seen in action before it. /30

-: NO FURTHER QUESTIONS :-

IN THE SUPREME COURT OF SOUTH AFRICA
TRANSVAAL PROVINCIAL DIVISION

In the matter of:-

THE STATE

v.

FREDERICK JOHN HARRIS

- RECORD OF PROCEEDINGS -

VOLUME IV
Pages 590 - 726.

- EVIDENCE -

- I N D E X -

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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 ^{the notion of} 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.

Belt 62

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 paranoid 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 contemplate 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 example 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 /10
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.

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 /20
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 /30
are reached by different methods of computation. The

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/^{found}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

Belt 65

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

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 niemand van 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.

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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 *

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, Psigiatiere 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 handelwyse en dae. 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 toestande, 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.

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

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 *

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 depressiewe 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/manic 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 20 toe te gaan om die bom by die stasie neer te sit. Hy 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 30 Transvaler gelui, en toe weer teruggegaan en toe weer die

Rand Daily Mail gelui. Toe 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 Edele. 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 grade 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..

10

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.

20

..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 re '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.

20

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,

30

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 ipinion 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. 10

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.

20

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

30

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 10
qualms of yours? Can you tell me why Prof. Hurst was not asked to answer the question about..

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 20
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.

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 ekstatiëse ding wat opgekóm het hetons vir Prof. Hurst gesê dat dit kan in neurotiëse 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 ekstasië 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 ^Treatment 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 ^{right} 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 ^{die patalogie} 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 nie, dit het nie betrekking op die mense nie. Hulle kan dit 20 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 waandenkbelde 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 w~~at~~ 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 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.. 10

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 ^{was} 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 kon verander' ek het nie gesê hy is maklik to persuade, maar hy kon verander 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, nérens 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 afgeskryf, en ek kan dit onthou. Ek het dit nie hier afgeskryf 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 wanneer hy 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 psychological 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- 20 ing to receive it.

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.

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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.

- HOF VERDAAG -

/30.

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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GERT VAN NIEKERK, (n.o.e.)

CROSS-EXAMINATION BY MR. SOGGOT: Dr. van Niekerk, do you agree with Dr. van Wyk's diagnosis of the accused or description of the accused as a person who is emotionally immature? --- Ek wil net sê, Edelagbare, om 'n evaluasie van 'n persoon se persoonlikheid te maak is moeilik onder die omstandighede wat ons hom gesien het. Hy was onder geweldige spanning, en om 'n evaluasie van 'n persoonlikheid te maak is dit nodig om die persoon se basiese persoonlikheid eienskappe te kry. Ons het hom alleen die /10 relatief korte periode gesien, en ons het verder die geskiedenis van hom gekry. Nou, ek wil net sê die persoon se persoonlikheids eienskappe val vir my binne die grense van normaal. Ons het die geskiedenis - Professor Hurst het dit aan ons oorgedra wat Mnr. Harris se ma vir Professor Hurst gesê het, dat hy geneig is om sedert sy kinderjare is hy geneig om op 'n emosionele manier te reageer, en om 'n senuweeagtige persoonlikheid te wees.

Well, I understand your finding that he is normal but do you say that he is emotionally unstable? --- Ek /20 wil nie graag hom in 'n spesifieke kompartement gaan druk nie, Edelagbare, maar die bietjie geskiedenis wat ons het die kan inpas by hierdie opinie van emosioneel 'n onvolwasse persoonlikheid.

Just to get clarity, have you any disagreement, whatsoever, on the formulation given to his Lordship by Dr. van Wyk as to the accused's immaturity emotionally speaking? --- Ek verstaan nie in watter aspek eintlike - hoe het die definisie gegaan nie?

DEUR DIE HOF: Dr. van Wyk het gesê dat dit sy opinie is /30 dat die persoon emosioneel onvolwasse is, en dat dit

onstaan uit sy emosionele verhouding teenoor sy moeder, en hy toon dit deur hy huil as hy praat van haar en so aan. Stem u saam of is u nie bereid om so 'n beslissing te neem nie? --- Die gedrag wat ek waargeneem het, die kan inpas by die beskrywing van emosioneel onvolwasse persoonlikheid, Edelagbare.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Well, have you anything to add to Dr. van Wyk's characterisation as emotionally unstable? --- Nee, Edelagbare.

Are you satisfied with that description? --- Ek /10
is tevrede, Edelagbare.

When I first asked you that, I¹ may be wrong, but I thought there was perhaps some reluctance on your part to express it in those terms. Are you quite happy about those terms? --- Omdat hierdie vir my nie eintlik 'n spesifieke diagnose van 'n spesifieke persoonlikheid is nie, maar dit is meer 'n beskrywing van 'n soort persoonlikheid met groot grense, Edelagbare, daaroor is ek huiwerig om te sê, hierdie persoonlikheid is nou spesifiek onvolwasse, want ons weet tog dat onder /20
sommige omstandighede hierdie begrip is nie absoluut nie, dis relatief. Onder sommige omstandighede mag 'n mens wat almal as emosioneel volwasse aanvaar soms op 'n emosioneel onvolwasse manier optree. Hierdie beskou ek net as 'n beskrywing van die persoonlikheid eienskappe.

Do you feel that because you had so little access to the accused that you cannot express a very firm opinion on his psychological state? --- Is dit nou van sy persoonlikheids eienskappe, Edelagbare, of van sy geestestoestand nou op die huidige tyd? /30

Well, I'm referring to both. His present

personality from a psychological point of view, and also his state of mind at the time of the incident? --- Ek meen dat ek genoeg van hom gesien het, Edelagbare, om 'n opinie uit te spreek oor sy geestestoestand.

At the moment? --- Op die huidige oomblik, Edelagbare.

And are you satisfied - or if I may put it this way. When you talk of an emotional immaturity, do you agree with Dr. van Wyk that this is a species of neurotic disorder? --- Ek wil hier sê ek sal nie sê in 100% van gevalle nie, Edelagbare, ek verwys weer na wat ek vantevore gesê het, hierdie is 'n beskrywing van 'n persoon wat nog altyd binne die grense van normaal is. /10

If I may return to that in a moment. As far as his condition is concerned at the time of the incident, do you feel that you can express an opinion as to his psychiatric state of mind? --- Die informasie wat Professor Hurst van Mnr. Harris gekry het wat ek voel redelik volledig is, Edelagbare, ek wil net hier sê ek kan nie 'n meer volledige ondersoek op 'n pasiënt doen as wat op hom gedoen is nie. En ^{van} die geskiedenis wat ons hier in die hof aangehoor het is ek tevrede om 'n opinie op daardie informasie uit te spreek. /20

Now, doctor, when you referred to - I think the words used were that the accused is neurotic in some way or other, would you please explain a little more precisely what is meant by... --- Ek glo nie ek het die woord gebruik nie, Edelagbare ge-goneuroties of neuroties nie.

No, I don't think you used it, but Dr. van Wyk mentioned that his immaturity was of a nature of neurotic /30

disorder? --- Daar is nie spesifiek afgebakende toestande nie, Edelagbare, maar gewoonlik waar daar sogenaamde psigoneurotiese siekte toestande - waar daar simptome is wat in verskillende kategorieë kan geplaas word, soos angstevoelens, histeriese reaksies ens., wat gewoonlik die gevolg is van die persoon se manier van hantering van sy lewens probleme of in die verskillende situasies van die lewe, of soos ons daarvan sal sê wat gewoonlik as gevolg van sielkundige oorsake, sogenaamde psigogene oorsake is. /10

Well, doctor, may I put this question this way, how does an emotionally unstable person differ in his reactions from a normal person? --- Hy verskil alleen in graad, Edelagbare.

And in what way would he differ? Could you give instances, for example? --- In 'n gewone situasie as 'n mens onderhewig is aan angst en spanning, enige een van ons die kom in sulke situasies onder sulke omstandighede, Edelagbare, maar in die geval van 'n persoon wat aan 'n psigoneurose spesifiek angst neurose ly /20 die mag die simptome van angst wys, waar daar nie 'n opvallende rede in die omgewing of in die omstandighede van die pasiënt is nie.

Now, do you find that in the accused? --- Die gespannenheid en die angst wat ek opgemerk het, Edelagbare, in Mnr. Harris die is heeltemal verklaarbaar, reken ek, met sy huidige situasie en omstandighede met die ondersoek.

Are you saying that you would find that in a normal person under these conditions? --- Kan heeltemal /30 normaal wees, Edelagbare.

Well, in what way do you find that Mr. Harris is emotionally unstable? --- Sy emosies het skielik gewissel, Edelagbare, dit het nie vreeslik lank geduur nie. As hy gehuil het, het hy miskien vir 'n half minuut of vir 'n minuut gehuil en 'n half minuut daarna het hy geglimlag. So hierdie skerpe verandering, wisselings wat op effens onstabiliteit wys, maar weereens ek beskou onder sekere omstandighede mag dit binne die perke van normaal wees.

I think that what Dr. van Wyk said was that the /10 emotional reactions here are reactive, it is reaction to the environment. Do you agree with that? --- Dis korrek, Edelagbare.

And are you saying that when Harris laughs or cries, for example, that is part of his reaction to a given environment or environmental stimulus? --- Heelwaarskynlik, Edelagbare, dit is wat ek opgemerk het, wat ek waargeneem het.

Now, are you in effect saying that in his emotional reaction to a situation he is the same as every- /20 one else, but perhaps the reaction is a bit exaggerated, over accentuated? Is that what you are saying? --- Dis korrek, Edelagbare. Sy reaksies is vir my binne die grense van normales.

And do you say that he over reacts to a situation or under reacts, if you understand my question? --- Hy reageer miskien bietjie meer as die verwagte, maar weereens, Edelagbare, binne die grense van normaal vir my.

Now, you have stressed 'normaal', you have repeated that word several times, are you saying that /30 in any given situation you would anticipate that Harris'

reaction would be 'normaal', would be ordinary? --- Dit hang natuurlik van die omstandigheid af, Edelagbare.

If they are extraordinary, you would say that he would simply over react, that's how it would differ from the reaction of an ordinary person? --- Dit sal ek verwag in 'n mate, ja, Edelagbare, maar ek kannie die graad van in hoe 'n mate hy hiperreaksie gaan toon nie, meer gaan reageer as die gewone kan ek gladnie 'n opinie uitspreek nie.

Doctor, does it amount to saying that from observation of Harris and from your knowledge of his history, his reactions at all material times are not abnormal ones? --- Ek kan net sê dat volgens my opinie dat sy gedrag die kan gewoonlik verklaar word deur die omstandigheid en omgewings faktore wat inwerk op sy spesifieke besondere persoonlikheid. /10

Now, doctor, if I understand you correctly, a person who over reacts or who reacts in the way of the accused would if, for example, something is said which makes him angry, would you say he would over act by way of an emotion of anger? --- Dit is moontlik, Edelagbare, maar in sy geskiedenis het ek nie hierdie spesifieke soort van reaksie - sou ek sê is effens vreemd aan hom om skielik as gevolg van 'n situasie in skielike woede te reageer nie. /20

Well, you may not have seen this specific situation, but I'm trying to understand or ask questions as to exactly what is involved by the suggestion that he is emotionally unstable. With an emotionally unstable person, let us say in the abstract, would you expect him given a situation which would tend to make the normal man /30

angry, would you expect him to over react by way of anger?

--- Hy mag moontlik in so 'n geval mag hy reageer met barsting, Edelagbare, maar hy mag ook op 'n ander emosionele manier, behalwe woede, mag hy reageer, hy mag byvoorbeeld miskien huil. Maar die emosionele reaksie, van watter aard ookal, verwag ek gaan bietjie meer as die verwagte, die gemiddelde wees.

Well, if an abnormal person, for example, were to be addressed with tender or kind words, would you in the case of an emotionally unstable person, expect him to react with hatred or violence? --- Nee, gewoonlik nie, Edelagbare, ek verwag dat sy reaksie redelik van pas gaan wees in daardie spesifieke omstandigheid. /10

That is what I wanted to get. You would expect from such a person that his reaction would pass, that it would be in accordance with the given situation? --- Ek sal verwag dat sy reaksies redelik van pas sal wees, soos ek in die begin gesê het, binne die grense van normaal nog altyd.

Yes. Now, you've heard mention in this court that the accused was seen by a certain State witness as he went up the stairs at Damelin College, and I think the phrase was that he looked 'bleek' and he looked 'baie bekommerd of verskrik', now does that, in view of the facts which you have available, make sense? Does that sound probable to you? Bearing in mind that he has come from the station where he has planted a bomb? --- As dit waargeneem is, Edelagbare, dan kan ek niks sê. Dit moes waarskynlik waar gewees het. /20

Well, you know that he left the bomb at the station, not so? --- Ja, Edelagbare, hy het so gesê. /30

And you know, I take it you accept that he went to Damelin College in order to change his clothes?

--- Dis wat hy gesê het, Edelagbare.

Well, you don't dispute that? Do you accept that? --- Ek aanvaar dit, Edelagbare.

Now, doctor, in that situation would you say that his reaction, or his appearance of being 'bleek en bekommerd', is probable, do you think that is a probable reaction in the situation? --- Ek sou sê, ja, Edelagbare, ek sou sê dis 'n reaksie wat heeltemal vanpas is in daardie omstandighede. /10

Why would you say it would fit in that situation? --- As 'n mens gehandel het soos hy gehandel het, Edelagbare, en hy is nog - en hy het waarskynlik die vrees vir arrestasie ook gehad, dan is dit vir my heeltemal binne die grense van normaal om te verwag dat so 'n persoon moontlik bleek en bekommerd mag voorkom.

Well, from all the facts that you have in your possession, do you think in fact that Harris was 'bekommerd', was anxious after the incident, after he left the station? --- Ek kannie eintlik sê nie, Edelagbare, maar ek weet hy was bekommerd dat hy moontlik gearresteer mag word, daaroor het hy sy ander klere gaan aantrek. So, ek sou sê dit is heeltemal moontlik dat hy dalk bekommerd kon gewees het. /20

Well, what I'm asking you, in terms of your knowledge of his personality and history, would you say that that was probable that he would be 'bekommerd' at that stage? --- Ek sou sê ja, Edelagbare.

Because of his fear of arrest, you say? --- Ek sou sê ja, Edelagbare, as gevolg daarvan. /30

Now, we know, doctor, that at the time Harris came to the station he had a bomb with him, and his Lordship has also been informed, and you know that prior to that situation Harris had been a member of an organisation whose members had been rounded up by the police? --- Ja, Edelagbare.

And you know that Lloyd, a person who associated very closely with Harris in the organisation, and who knew of his plans to plant a bomb at the station, was in the hands of the police at that stage? --- Ja, Edelagbare /10

And it's also known that Harris as a personality was a man who had his picture in the papers frequently before that date? --- Ja, Edelagbare.

Now, if Harris were a normal person, how would he feel when he came into that concourse with that bomb he had? --- Ek sou sê hy sou minstens gespanne gewees het, Edelagbare.

Well, is that all you can suggest, doctor? --- Ek sal nie die graad van spanning kan vasstel nie, maar ek sou sê dat hy nogal heelwat gespanne moes gewees het, spanning van 'n taamlike graad moes ondervind het, Edelagbare. /20

Apart from tension, would you suggest that an ordinary man would have any particular emotion at that stage? --- Ek verstaan nie mooi nie. Ek het gesê, Edelagbare, dat ek reken hy sou die emosie van spanning gehad het, hy sou angstig gevoel het onder daardie omstandighede.

He would be tense and he would be frightened, not so? --- Ek sou dit verwag, Edelagbare /30

And that is what you would have expected from

Harris, not so? --- Ek sou dit verwag, Edelagbare.

And his purpose, we know, was to plant the bomb and then to get away, isn't that right? But we also heard that he sat down for a few minutes. --- So het hy gesê.

That's what he said, yes. Now, during that period when he sat down for a few minutes, would there be anything in the total situation which would change his reaction? --- Ek glo nie, Edelagbare, ek reken hy sou nog gespanne gevoel het, hy sou nog angstig gewees het. /10

Except the bomb had to go off quite soon - on anybody's version, the State version or his version. --- Dis korrek, Edelagbare.

And it is clear that his emotions then must Belt 73 have been tense and frightened? --- Dit is korrek, Edelagbare.

And would you say that this would continue until he got to college? --- Ek weet nie of ek hierop kan antwoord nie, Edelagbare, hy kon nog steeds gespanne gewees het, maar miskien vir 'n kort moment kon hy verligting van spanning gevoel het, want nou het hy die daad gepleeg wat al weke vooruit beplan is, hier het hy die ding neergesit en hy is nie gearresteer solank hy die tas met die bom in sy besit gehad het nie. Ek sou verwag hy sou nog gespanne gewees het, maar daar mag moontlik die gevoel van verligting van spanning gewees het. /20

Yes, but what ^{one} would expect in a person who is normal, is a continuing sense of fear, not so, even when he got to the college? --- In 'n mate het hierdie omstandighede nou verander, Edelagbare, soos ek /30

sê, dit is nou heeltemal moontlik vir my dat hy 'n gevoel van verligting van ontspanning gekry het.

DEUR DIE HOF: Hy is ontslae van die ding? --- Dis korrek, Edelagbare.

As iemand daar kom dan kan hy hom disassosieer van die ding? --- Dis korrek, Edelagbare.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) So are you suggesting then that at the stage he got to the college he probably was no longer frightened? --- Ek kan nie sê dat enige spesifieke emosie vir enige lang periode moet voortduur nie, Edelagbare. Dit hang af van omstandighede en van sy gedagtegang. Moontlik het hy toe hy poskantoor toe gery het of na die kollege toe gery het weer begin bekommered raak, ek weet nie, maar dit is heeltemal moontlik. Daardie een spesifieke emosie hoef nie gedurig standhoudend voort te geduur het nie. /10

But in a normal person would that fear ever disappear? --- Ek glo nie dit moet heeltemal verdwyn nie, Edelagbare, maar daar kan onder sekere omstandighede - verwag ek dat hierdie vrees meer sal wees, hoewel die angs an die spanning onder ander omstandighede moontlik minder sal wees. /20

Just to get back to the college. Can you suggest any probability as to whether he was feeling anxiety when he got to the college or not? --- Ek glo nie ek kan 'n opinie uitspreek nie, Edelagbare, ek kan gladnie 'n opinie uitspreek oor die waarskynlikheid hoe 'n normale mens behoort te gevoel het in daardie omstandighede nie.

I asked you that same question just now in a different context, when I was cross-examining you on the /30

views of a certain State witness who said he was 'bleek en bekommerd', and unless - I'm subject to correction - but I understood your answer to be that he probably was frightened at the time? --- Ek het gesê hy mag moontlik bekommerd gewees het.

Well, doctor, after the college he eventually landed up at home, not so, you know that? --- Dis korrek, Edelagbare.

And he has given evidence which is not contradicted, that he heard news that it had gone off? --- Dis /10 korrek, Edelagbare.

Now, how would you have expected him to react in that situation.

BY THE COURT: Well, he knew when he heard the fire engines, didn't he?

MR. SOGGOT: It might have been his inference yes.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) We know, doctor, that either at the stage when he was at Damelin College or when he got home and heard the news, he heard that the bomb had gone off and that a catastrophe had taken place. /20 What would you say his reaction would probably have been? --- Weereens glo ek nie ek kan die waarskynlikheid noem nie, Edelagbare, maar ek kan 'n paar moontlikhede noem. Moontlikheid is, hy het die koffer iets na vier het hy die koffer van ontslae geraak, soos hy gesê het, en nou is dit al 'n uur en 'n half of twee uur het al verloop, hy mag moontlik nog meer verlig gevoel het. As hy dit nie gebeplan het om die mense te beseer nie dan miskien sou hy bekommerd gewees het, of as hy so iets gebeplan het, moontlik het alles verloop volgens plan en hy het /30 nog meer rede gehad om tevrede met homself te voel. Ek

noem dit net as moontlikhede, Edelagbare, ek kan my nie uitspreek oor die waarskynlikheid nie.

But, doctor, a normal person on hearing that many people had been seriously injured, and knowing that the explosion had been committed in the name of the organisation which was known to the police, don't you think that he would be terrified? As to his own personal situation. --- Ek sou dit verwag het, Edelagbare, maar ek sou ook verwag dat so 'n persoon al vantevore daaraan moes gedink het, en die moontlikheid moes voor- /10 sien het, en miskien op hierdie manier moontlik al daardie moontlikheid aanvaar het. Ek weet nie.

But from the normal person you would expect there to be a sense of terror, not so? --- Ek sou dit verwag, Edelagbare.

ASSESSOR MNR. VAN DER BERGH: Mits hy dit nie beplan het nie? --- Ja, Edelagbare, solank hy dit nie beplan nie, want as hy dit vooraf hom ten doel gestel het om spesifiek hierdie gevolg te...

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) But how does /20 the 'beplanning' effect his personal position? Whether he planned it or not, he would still sense his personal danger, that wouldn't be effected? --- Ek sou verwag hy sou nog altyd in 'n mate, die graad waarvan ek nie kan bepaal nie, bekommerd wees oordadig dat hy moontlik miskien gearresteer kon word, maar nou het alreeds 'n paar uur verloop, hy is nog nie gearresteer nie, moontlik miskien het hy verligting van selfs daardie spanning

Doctor, do you not say now that the normal person would have felt terror in that situation? --- Ek /30 sou dit persoonlik gevoel het, ja, Edelagbare.

As far as you are concerned from your diagnosis of Harris, you would have expected it from him? ---

Behalwe wanneer hy die gevolg geplan het, Edelagbare, dan sou ek eindelik verwag het hy moes bekommerd gevoel het, sleg gevoel het oor hierdie onnodige gebeurtenis wat gebeur het.

ASSESSOR MNR. VAN DER BERGH: Met ander woorde, dokter, as ek u reg verstaan, as hy nie bedoel het om mense seer te maak nie, dan sou jy verwag het dat hy sleg sou gevoel het? --- Ek sou sê as hy nie die moontlikheid dat mense mag seerkry goed oorweeg het en die moontlikheid aanvaar het nie, Edelagbare, dan sou ek verwag hy moes sleg voel daarna. Die verwagte reaksie is dat hy sal sleg voel.

/10

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Doctor, I'm not talking for a moment about questions of remorse, or feeling bad, I'm talking now about one specific emotion and that is terror, fear for his own personal position. Do you agree that whether he planned it or not, he should have felt it? --- Hy behoort nog - ek het al gesê, Edelagbare - in 'n mate, die graad waarvan ek nie kan bepaal nie, moes hy nog altyd 'n mate van bekommernis oor die gevolge vir sy persoon van hierdie daad gehad het.

/20

Doctor, isn't that rather understating it? I'm talking now about the expectation from an ordinary man, what your expectations would be as to his feelings, You say in a degree he would be worried.

BY THE COURT: He said "I'm not prepared to say to what extent."

DR. VAN NIEKERK: Kan ek dit so uitdruk, Edelagbare, dat as ek persoonlik wat nog nooit vantevore enige sabotasie daad gepleeg het of ondervinding daaraan gehad het nie,

/30

as ek so iets doen dan verwag ek, ek gaan vreeslik en uiters bekommerd wees, maar waar ek miskien al langer ondervinding in sabotasie gehad het, dat ek al hierdie ondervinding vantevore gehad het, mag ek bietjie minder bekommernis hê as wat ek andersins sou gehad het.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) But, doctor, you are forgetting the specific circumstances, and that is, that his colleagues or co-conspirators were in jail, and that one by one members of his cell had been taken by the Special Branch, and that the explosion had been done in the name of the organisation. This isn't an ordinary sabotage case. Wouldn't you in those circumstances have expected him to take precautions, to flee, to hide himself, to get out of the country? --- Ek sou dit eintlik verwag het, Edelagbare. /10

You would have expected it on your assessment of Harris as a normal person, that he would have done that? --- Ek sou dit onder normale omstandighede verwag het, Edelagbare, maar mens trööë nie altyd onder alle omstandighede op soos verwag nie, dis al wat ek kan sê, dis al wat ek kan antwoord op daardie vraag. /20

But you cannot suggest any reason to his Lordship why Harris did not take these precautions? --- Ek is nie bereid nie.

You have no psychological insight which can explain that? --- Ek kan gladnie sê nie, Edelagbare.

It does suggest to you the possibility that his judgment was seriously impaired. For some reason or other? --- Ja, Edelagbare, hierdie is een van die moontlikhede. /30

But you can't suggest what that is? --- Ek is

nie bereid nie, Edelagbare, ek glo nie ek kwalifiseer daarvoor nie.

Now, to just come back a little bit. On the State version Harris went into that concourse without any disguise, placed the bomb with a note on it, saying, 'back in ten minutes', and on the State version he aroused - people did look at him, he aroused some very definite attention and some very definite suspicion. Now, does this suggest to you a lack of judgment or not? --- Ek is bevrees ek het nie getuie aangehoor, Edelagbare, hoe die /10 man se gedrag op die stasie gewees het soos waargeneem deur ander mense nie. Ek het alleen wat hy vir Professor Hurst vertel het en hier in die hof.

DEUR DIE HOF: Die getuienis is dat hy die tas neergesit het en dat hy met die oorledene oor die saak gepraat het, en toe oorkant die tas, daar by die buitekantse muur van die binnesaal gaan staan het en telkens na sy horlosie gekyk het en toe omtrent half vier verdwyn het.

DR. VAN NIEKERK: Ek sou graag wil weet, Edelagbare, hoe hy hom gedra het voordat ek kan sê of dit normaal of /20 abnormaal is. Of hy gewoonweg gesels het en of hy op enige abnormale manier gesels het.

DEUR DIE HOF: Wel, hy het gesels met die oorledene. Ons weet nie wat gesê was nie. Daar was net gesien dat hy weggestap het van die tas en oorkant gestaan het, waarskynlik waar hy die tas nog kon sien en sy horlosie dop gehou het. Nou ja, dit is nie noodwendig dat hy gedurig daar gestaan het nie. Die observasie was nie deurlopend nie, en dat hy so omtrent half daar weg is.

DR. VAN NIEKERK: Kan ek dan die vraag net weer kry, /30 asseblief.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Doctor, my question is, in that situation which his Lordship has described to you, and bearing in mind the fact that Harris is a man who has had his photograph in the paper before, and I may add he frequently used the railways, don't you think that the failure to disguise himself suggested a gross error of judgment? --- Eerstens wil ek net sê hierdie gedrag wat Edelagbare vir my beskryf het is nie in enige opsig abnormaal eintlik nie.

Well, the behaviour is not abnormal. I don't /10 think you appreciate my question. I'm talking about it in terms of the danger of his being arrested, of his being identified, be tracked down and arrested. A normal man, I would suggest to you, would take some sort of precautions. He will effect some sort of disguise. --- Ek sou dit moontlik verwag, Edelagbare, maar die ander oorweging is ook daar. In 'n groot groep mense waar niemand jou ken is dit moontlik ook nie nodig nie. Ek weet nie.

ASSESSOR VAN DER BERG: Jy kan nie van ondervinding praat nie? --- Ek sou nie kan sê nie, Edelagbare. /20

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Well, one doesn't really know what people would do, any individual person, but an ordinary reasonable man one would expect would behave differently, not so? --- Ek weet nie, Edelagbare. Die feit vir my dat hy nie 'n vermomming gebruik het nie het nie veel waarde vir my nie, of dit abnormaal of normaal gewees het nie, ek kan nie alleen daarop besluit nie, Edelagbare, ek is jammer.

But, doctor, we also have the evidence of the police that certain notes, of a gravely incriminating /30 nature, were found in his car. I may very briefly tell

you - in his car or in his house. One indicated the combination of petrol and dynamite to be used. Another indicated such items as the hat which he had to take or intended to take, things connected with his sabotage purpose, and a document which indicated details of the proposed station explosion. Now, would you - before answering that question - would you agree that Mr. Harris is an intelligent person? --- Ek stem saam, Edelagbare, hy is 'n intelligente man.

And would you agree that in the normal course of events an intelligent person would take steps to cover his traces, and destroy such notes, which in any event will no longer serve him any purpose? --- Ek sou so ver wag, Edelagbare, maar ek weet ook van heelwat mense wat vandag in die gevangenis sit, wat ook intelligente mense is, wat nie sulke voorbereidsels getref het nie. /10

But what we have at the moment are three acts in which judgment was lacking seriously, isn't that right? One, his failure to run away after the event, the other his failure to effect any disguise, and the third one I'm suggesting to you now, his failure to dispose of extremely incriminating notes? --- Ek stem saam, Edelagbare, dit is nie goeie oordeel nie, maar goeie oordeel die is nie gelyk aan en sinoniem met geestesversteurnis nie. /20

Yes, but again for all three of those things you can't suggest why his judgment should have been impaired or defective? --- Ek weet nie, Edelagbare, ek kan dit nie verklaar nie.

There is evidence - well I think is is common- cause that during the month of July the other members of /30

his - one other member of his cell had been arrested, and that there was fear that he himself would be arrested in terms of the law relating to 90 Days Detention. There is evidence that his wife suggested to him that they should leave the country and he laughed in her face, and it is common-cause that he did not leave the country. Now, do you think that that is normal? --- Dit is moontlik dat in hierdie geval dit abnormaal mag wees, Edelagbare, maar vir my is dit ook moontlik dat dit heeltemal normaal sou gewees het as die man so motivering, die doel wat hy gestel het sterk genoeg gewees het om daardie vrees te oorwin. /10

But, doctor, he is an emotionally unstable person, wouldn't you have found fear as his predominate emotion. He might have stayed, that I conceive, but wouldn't he have been frightened? --- 'n Emosionele onvolwasse persoonlikheid, as ons dit aanneem as die beskrywing van sy persoonlikheid, hy is nie dag na dag, uur na uur in 'n toestand van angs nie, Edelagbare.

But his wife says that during this period, and he says so, he was in a state of elation. Isn't that inconsistent with the situation which would in anybody else, any normal person provoke a sense of terror, or certainly very extreme fear? --- Weereens hang dit van die graad van sy opgewektheid af, Edelagbare. Ek herinner my dat sy eggenote ook gesê het dat hy nie so abnormaal opgewek gewees het, dat hulle gemeen het dis nodig om 'n psigiater te raadpleeg nie of 'n geneesheer. /20

Doctor, at the moment I'm not talking about his normality or the psychiatry of that. I'm suggesting to you that this is a reaction which is not probable in /30

terms of what you postulate, namely, an emotionally unstable person. I'm saying a person of such a situation will be frightened, he wouldn't be elated, he wouldn't laugh. --- Ek wil graag ook net onder u aandag bring dat ons nie almal - elkeen van ons van oomblik tot oomblik nie dieselfde manier reageer op angste en spanninge nie. Mens mag soms 'n abnormale opgewektheid ook - ek sê moontlik, Edelagbare.

But, doctor, to be simple, to be elementary about it, a normal person would be frightened. This /10 reaction of elation is something which you can't explain? --- Dis korrek, Edelagbare, behalwe, weereens, waar so 'n motivering oorheersend is.

He might have the motivation, but should still have had the fear. Not so? --- Dis korrek, Edelagbare. Ek sou 'n mate van bekommerdheid tog verwag het.

And, doctor, for all these things that I've dealt with until now. The three acts in which there was a defect of judgment, and this period when the reaction of elation doesn't really square with the analysis of - /20 is incompatible with the idea that he is emotionally unstable. Professor Hurst has an explanation for all these phenomena, hasn't he? In regard to the lack of judgment, for example, the defect of judgment. Professor Hurst's theory does explain those things? --- Dis korrek, Edelagbare.

And Professor Hurst's theory also explains the inconsistent emotion, the fact that he felt elation, when in a normal man you would expect a sense of fear? -- - Ja, Edelagbare. /30

DEUR DIE HOF: Is dit botsend? Vrees en gelukkig voel?

Kan hy nie gelukkig voel omdat hy dit gedoen het, en ook tersame met dit bang wees dat hy gevang sal word? --- Ek sou sê, ja, Edelagbare, en die vertoon van die emosie wat ons vertoon is nie altyd die heersende emosie wat ons het in ons nie.

Buitekant kan jy 'n glimlag hê, binnekant is jy bekommerd? --- Dis korrek, Edelagbare.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) But he might have been 'bekommerd' 'buitekant', but he didn't do anything about it. He didn't leave the country, nor did he destroy his notes. That you can't explain? --- Nee, ek kan nie. /10

Now, doctor, referring to Friday the 24th.....

* COURT ADJOURNS *

ON RESUMPTION OF COURT:

GERT VAN NIEKERK, (n.o.e.)

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Doctor, to refer, for a moment, to an emotionally unstable person. In a given situation, do you find that he may have emotions which are unpredictable, which are - one might say capricious? --- Ek sou sê die emosionele onvolwasse persoonlikheid die sal geneig wees om emosioneel onvoorspelbaar op te tree. /20

But must the emotions that he experiences always have some relationship with the stimulus? --- Ek reken so, Edelagbare.

There will be a call to relationship which any psychiatrist or psychologist could understand, not so? -- - As hy al the informasie tot sy beskikking het van die omstandighede waarin daardie persoon op daardie moment verkeer, Edelagbare. /30

But if we talk about a normal person, for a moment, if he has an experience of terror or fear, which lasts over a certain time period, would you expect all sorts of other emotions, perhaps contradictory emotions to obtrude during that period? Without any change in the external environment? --- Weereens hang dit van omstandighede af, Edelagbare, waar hy geen planne vir die toekoms het nie, sou ek sê moethy bekommerd en beangs wees, maar as hy miskien hierdie spesifieke omstandigheid voorsien het en daarvoor geplan het dan mag dit moontlik wees dat hy nie sal bekommerd voel nie. /10

But in a normal person - and to be specific - now he experiences fear and shall we say strong fear, it is not likely that he is at the same time going to experience joy? I'm not talking about Harris on the station now, I'm just talking about the ordinary normal person. --- Ek sou dit nie verwag nie, Edelagbare.

U sou dit nie verwag nie? --- Maar weereens wil ek net onder u aandag bring die werklike emosie en die vertoon van emosie loop nie altyd saam nie, dit mag verskillend wees, wat ander mense opmerk. /20

At the moment I'm talking about the subjective world, and that is given a normal person who is experiencing fear, you will not expect him in the normal course, and without a change in external environment, to have a feeling of joy? --- Ek sal dit nie verwag nie, Edelagbare.

Now, Harris has described to you and the other psychiatrist and Professor Hurst the experience which he - the emotion which he experienced in the station concourse, not so? --- Dis wat hy beskryf het vir ons, Edelagbare /30

How would you in psychiatric terms characterise

or describe that experience? --- Ek sou sê - ek weet nie of ek hoof in psigiatriese terme te beskryf nie, Edelagbare, gewone taal dink ek sal voldoende wees. Hy het gesê dat hy het opgewek gevoel, nou vir die paar minute wat hy op die bank gesit het, het hy opgewek gevoel.

Well, then to discard psychiatric terms. What sort of emotion would you describe this as? --- Ek sou sê dis 'n aangename emosie.

An emotion of pleasure, a pleasant emotion, is that what you say? --- Dis korrek, Edelagbare, die emosie /10 wat hy beskryf het wat hy gehad het was 'n aangename emosie.

Is that all you say about it, you don't think it should be otherwise described in regard to its degree, for example? --- Hy het ook gesê dat hy het nog nie werklik so opgeruimd gevoel vantevore in sy lewe as daardie moment nie. Weereens die informasie verkry van Mnr. Harris.

Doctor, you undoubtedly have a great experience with people. How would you describe that emotion? Merely to say that he had a pleasant emotion is to /20 describe something very pedestrian, something very commonplace. Now it appears from what Harris says this was more than that.

DEUR DIE HOF: Stem jy saam dat dit 'n ekstase was? --- Dis 'n gevoel van ekstase, die emosie van ekstase wat hy beskryf het, Edelagbare.

En kan u aan die hand doen wat die bron van hierdie emosies gewees het? --- Mens kan 'n hele paar moontlikhede noem, reken ek, Edelagbare. Mens kry 'n gevoel van ekstase in die kondisies wat Professor Hurst /30 beskryf het, manies depressiewe psigose. Ek het al

heelwat pasiënte gekry wat beskryf het die gevoel van ekstase gedurende epilepsie, net na epileptiese aanvalle opgewek van epileptiese aanvalle. En mens kan dit in die normale mense onder spesifieke omstandighede, glo ek kan dit ook voorkom, 'n gevoel van ekstase, van geweldige opgeruimdheid onder sekere omstandighede.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Well, when you use the phrase 'geweldige opgeruimdheid', are you talking a bout the same sort of feeling which you are talking about when you use the word 'ekstase'? Do you draw any /10
distinction? --- 'n Gevoel van ekstase is vir my net 'n geweldige aangename emosie, Edelagbare, dit is nie 'n spesifieke siekte toestand of 'n sindroom 'n spesifiek siekte entiteit wat hier beskrywe word nie.

So that when you use the word ecstasy you are using it in a lay sense, not so? --- Ja, Edelagbare.

That is, something which is similar to the feeling of extreme elation or extreme joy? --- Ja, Edelagbare.

You are not using it in the psychiatric sense /20 are you? That is an ecstasy associated with a manic depressive condition? --- Ek het gesê die gevoel van ekstase die kom in daardie toestand voor, daardie is een van die moontlikhede.

Well, doctor, I'll come back to that in a moment. How ever you describe it, do you accept that Harris had some sensation of ecstasy in the station, in the concourse? --- Nee, Edelagbare, ek aanvaar net dat Mnr. Harris vir Professor Hurst gesê het en vir die hof gesê het hy het die emosie gehad. Ek het geen /30
manier om vas te stel of hy wel daardie emosie ondervind

het of nie, ek kan gladnie besluit nie.

Well, if we accept for the moment that Harris had the feeling of ecstasy in the lay sense, can you suggest to his Lordship any reason in that given situation which gave him that feeling? --- Daar is seker 'n hele verskeidenheid, Edelagbare, maar in hierdie geval 'n moontlikheid wat ek aan dink is dat hierdie man het hierdie optrede beplan. Die belangrikste optrede van sy lewe tot sover. Hy het die moontlikheid in ag geneem dat hy moontlik die geskiedenis van die land op hierdie /10 manier kan beïnvloed. En nou het hy dit gedaan, hy is amper klaar daarmee, moontlik mag hy opgewek gevoel het om daardie rede, moontlik as gevolg van die verligting van die erge spanning waarin hy verkeer het kon ook daartoe bygedra het.

Why should there have been a relief from the severe anxiety at that stage? He was still in the situation, he had not got away yet? --- Maar hy het nou die daad gedoen waarvoor hy beplan het, en hy het die bom nou neergesit. /20

But his personal danger was greater than it had ever been, because there and then he could be caught? --- Ja, Edelagbare, hy kon.

And from a normal person, as you have already told his Lordship, one would expect a sense of fear, a strong sense of fear? --- Maar ek sou sê dat sy vrees groter sou gewees het solank hy met die koffer in sy hand gestaan het voordat hy hom daar neergesit het en geloop het miskien.

But the sensation which he describes is a /30 sensation felt before he had gone away, before he had

made his escape? --- Dis wat hy sê, Edelagbare, ja.

Well, for the moment we are only talking about the phenomena on the basis of what he says. In terms of what he says the sense of ecstasy, the experience of ecstasy is not explained, as far as you are concerned, or is it? --- Ek verwys u net na my antwoord op die vorige vraag. As ons aanneem hy het sekere karakter eienskappe van 'n emosionele onvolwasse persoon, dat so 'n persoon se emosionele reaksies soms onstabiel, soms beittjie onvoorspelbaar mag wees, Edelagbare. Meer kan ek /10 nie sê nie, Edelagbare.

But, you have already told his Lordship that the reactions of an emotionally immature person are none the less causally explicable, isn't that right? --- Ek het gesê dat ek verwag dit nog binne die grense van normaal sou wees, Edelagbare.

Well, I'm not talking about normality at the moment, I'm referring to your evidence where you said that the emotions of such a person are in any given situation causally related. Now, the question I'm /20 putting to you is, what, as far as you know, on the basis of what Harris has told you and told his Lordship and the gentlemen assossors, what is there which causally precipitated this emotion of ecstasy? --- Volgens die informasie, volgens die geskiedenis wat Mnr. Harris gegee het, Edelagbare, het ek geen verklaring van hierdie gevoel van opgewektheid nie. Op die basis van wat hy gegee het kan ek dit nie verklaar nie.

Yes, except along the lines of Professor Hurst's interpretation? --- Ja, Edelagbare, as 'n mens /30 aanneem dat hierdie beskrywing van sy emosie wat van hom

alleen kom, as 'n mens dit kan aanvaar en onthou dat hierdie net 'n beskrywing van hom alleen is, 'n subjektiewe beskrywing.

Once you have that then Professor Hurst's explanation is the explanation, not so? Once you accept Harris' version? --- Ja, Edelagbare, ek kan aan geen ander verklaring dink as dit aanvaar word.

Now, doctor, to come back to the question of ecstasy then in a psychiatric sense, it's distinguished from the other moods by the various text isn't it? /10
There are clear differences between elation, euphoria, exaltation and ecstasy. In psychiatric terms these things are clearly differentiated? --- Vir my is hulle meer net 'n beskrywing van die emosie, Edelagbare.

Are you suggesting different pitches of emotion? Different levels or intensities of emotion? --
- Verskillende grade, maar ek glo nie daar is neergelê, daar mag handboeke wees wat dit miskine neerlê, maar in algemene gebruik is ons geneig om dit redelik vry te gebruik, Edelagbare. /20

Doctor, can I put one or two parts, passages from Modern Clinical Psychiatry, the 6th edition by Noyes & Kolb, you are aware of this text, and I take it that it is a well-known authoritative text in psychiatric literature? --- Dis bekend, ja.

Now, they talk, for example, on page 80 - this is in the chapter which deals with Disturbances of Affect.

"A multiteity pleasurable effect is known as euphoria. The euphoric patient is of an optimistic mental set, is imbued with the subjectively pleasant /30 feeling of well-being, and is confident and assured

"in attitude. Euphoria is most frequently noted in hypomanic states and in certain organic disorders, such as general paresis, multiple sclerosis and some cases of frontal lower tumor." Now do you agree with that? --- Ja.

Now with elation: "In elation an air of enjoyment and self-confidence radiates from the patient, and his motor activity and drive are exaggerated. His circumstances may be such that unhappiness should be produced, yet everything that would normally produce that feeling is lightly brushed aside. It imparts a false sense of reality. Elation is often labile, and readily shifts to irritability." Now that, you also agree with?--- Ja. /10

"Now, in exaltation, there is an intense elation accompanied by an attitude of grandeur; a less frequent disorder is ecstasy." Now the definition is as follows: "In this, the mood is one of peculiar, entrancing, peaceful rapture, and tranquil sense of power. A religious feeling is an essential part of the state. The patient identifies himself with an immense cosmic power. He feels detached from outside things, and on a new plane of existence, accompanied often by a feeling of having been re-born." /20

Now there is more to it, but if I may pause there. Is it not clear that the state of ecstasy which is described here - the sense of transcendence, the merging into the Universe, the sense of power and religious tranquillity: aren't these things, aren't these factors or entities which make of ecstasy in psychiatric jargon, a totally different thing from the emotion which the layman talks /30

about when he uses the word ecstasy? --- Ek sou sê, ja, Edelagbare. As 'n mens ekstase gebruik in hierdie sin dan is dit iets anderste, hierdie beskryf dan 'n gevorderde graad van daardie emosies sou ek sê.

But what ever it is, if this is experienced by manic depressive, it is an experience which is completely different from what the normal person experiences when he has some or other form of ecstasy? --- Dis korrek, Edelagbare. Maar, dit is dan 'n manies depressiewe persoon, wat aan 'n manies depressiew siekte ly, en ek /10 sou nie verwag dat daar net hierdie kondisie van ekstase, ek sou van die ander simptome ook wou gehad het, soos byvoorbeeld, rusteloosheid van die maniese pasiënt, en miskien spraaksaamheid.

DEUR DIE HOF: Vind u nie daardie simptome teenwoordig by die beskuldigde nie? --- Ek het nie uit die geskiedenis gekry dat gedurende hierdie periode hy ook rusteloos was en so nie. Hy gee die geskiedenis, hy het gesit op die bank.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Doctor, if I /20 may approach it this way. When we talk of ecstasy in the lay sense, we really just mean a very intense feeling, but when you as a psychiatrist talk of this ecstasy of a manic depressive, then you think of the total picture, containing one or more of these components, not so? Now, doctor, what you said to his Lordship and the gentlemen assessors just now, was that there is no basis whether Harris had this ecstasy or not, because it only comes from him, not so? ---Ja.

Now, I just want to refer you to the various /30 passages or to some of the passages which were elicited

by Professor Hurst in examination in conjunction with you. I refer to page 3 of the report, his experience whilst seated on the bench of Johannesburg station. " He stated that he felt like an insect, a fly that could see all around it, and he said it was like cinerama." Now, that for one thing was a statement which he made at the second consultation with him, on the second day of consultation. --- Ek is van opinie dat hierdie kwessie van cinerama het hy op die heel eerste onderhoud al genoem, Edelagbare.

/10

You heard Professor Hurst's evidence which was to the effect that he mentioned this feeling on the 11th for the first time. Do you disagree with that? --- Is dit van die cinerama, Edelagbare?

I don't think that the Professor was confining himself to any particular metaphor used by the accused. I think he was talking about this description, what ever form it took, of an ecstatic state or an elated state. Do you agree that that description first came out on the second day of consultation? ---- Ja, Edelagbare, maar ek herinner my dat hy iets van die cinerama gesê het die heel eerste dag, maar hy het nie uitgebrei daarop nie, hy het nie iets gesê van die glas bal, hy het alleen die cinerama het hy die eerste dag genoem, en daarvandaan af/aangegaan.

/20

Well, doctor, will you check your notes, please, on that point. With his Lordship's permission? --- Ekskuus, Edelagbare, dit is op die 11de, die tweede dag.

Now, what he said there was first of all the idea that he could see all around him. Now, on the next interview, on the 16th, he said, amongst other things,

/30

I'm extropolating (?) "I was aware of all around me, I was part of the world." Now, there we have in layman's language the merging, isn't that right? Not so? --- Dis korrek, Edelagbare.

"The world and I are one, you could say, even with the thing, the bomb which was on the ground, on the right." At an earlier stage of this interview he describes the opening phase of his experience on the bench as follows: "I felt very holidayish, carefree. Like being at the coast on holiday, I felt on top of everything." /10'
Now, again we have here the fact that we have a layman trying to describe something subjective, not so, doctor? --- Yes.

And I think that you will concede that for anybody, perhaps even a poet, it is difficult to express in words one's subjective feelings precisely? --- Ja.

He says, 'I felt carefree on top of the world, I knew I was doing the right thing, it was terrifically important.' Now, here we have the sense of tranquillity or pleasure, which is another component of the estatic /20
state of the manic depressive, not so? --- Dit sal daarby kan inpas, Edelagbare, ja.

He says, on paragraph C, at the interview on the 18th, on this occasion he stressed his ability to see all around him, that he felt physically part of the world, that he felt very powerful. Now, that also is a characteristic of the manic depressive state? --- Korrek, Edelagbare, maar dis miskien ook gewoon as 'n mens geweldig kragtig voel. As 'n mens met 'n klomp ontplofstowwe langs jou sit en jy gaan Johannesburg se stasie /30
opblaas dan is dit ook moontlik - dis miskien ook moontlik

om hierdie gevoel van krag te hê. Ek noem dit net as 'n ander moontlikheid, Edelagbare..

That may be an explanation, but you agree that it is again another one of the components, which are described by Noyes & Kolb? --- Ja, Edelagbare.

The one ..(coughing) .. that is entrancing, another feature is that it is tranquil, another that there is a sense /of power and that there is an identification with the cosmic order? --- Ja, Edelagbare.

What Harris gave you and Professor Hurst /10 during the interviews is in fact a picture, a very vivid picture, not so, of his experience? --- Dis wat hy gegee het, Edelagbare. Die informasie wat hy gegee het.

And this vivid remembrance or recollection, that in fact you concede is one of the characteristics of the remembrance of the exalted state by a manic depressive? --- Dis korrek, Edelagbare, maar ek meen hierdie geweldige emosie kan mens ook van ander oorsake hê, soos ek vroeër gesê het.

Doctor, I'll come to that. Do you agree that /20 whatever the explanation is, Harris has - if you take Professor Hurst's record of the extracts of the interview, and you take Noyes & Kolb, you as a psychiatrist would say that this is a classic case, apparently, of the manic depressive ecstasy? --- Ja, Edelagbare, hy voldoen aan daardie vereiste.

Now, doctor, are you suggesting to his Lordship that in the normal course of events and without the manic depressive tendency, the accused could have felt this experience in these terms? --- Ek reken dat dit wel /30 moontlik is. Soos ek gesê het, Edelagbare, dit is iets

wat gebeplan is hy het 'n geweldige rede daarvoor gehad, motivering, en soos ek weer sê, hierdie kon hy moontlik gevoel het - dit is die groot ding in my lewe, die ding waarvoor ek werklik op aarde is, en gekoppel aan die gevoel van spanning voel ek - ek mag natuurlik verkeerd wees - dat dit moontlik is dat hy ook in hierdie toestand as gevolg van omstandigheds faktore kon gewees het.

Belt 75.

Doctor, I say this subject to correction, but I understood you to say just now, that if Harris had this it was only explicable in terms of Dr. Hurst's theory - /10
Professor Hurst's theory? --- Ek onthou dat ek gesê het dat hierdie kan inpas by hierdie beskrywing van die ekstatiëse toestand, en ek het gesê hierdie eksplanasie van Professor Hurst is 'n moontlik een, maar ek stel ook die ander moontlikheid, Edelagbare.

Well, doctor, the note which I have here indicates that from the information and the history in your possession, if Harris had this, the only explanation - 'I have no explanation of the ecstasy except Professor Hurst's.' Do you remember saying that? --- As dit van /20
hierdie graad is wat Mnr. Harris gesê het, het ek so bedoel, Edelagbare.

But, doctor, I was talking very specifically then, very specifically, of the ecstasy in its psychoatric concept. Is there an answer, doctor? --- Kan u net die vraag herhaal, asseblief, Edelagbare.

Well, earlier on I asked you the same question, and I said on the assumption that Harris in fact experienced this, have you any explanation other than Professor Hurst's for this experience, and your answer was that you didn't. /30
"From information and history I have no explanation of

the ecstasy except Professor Hurst's," --- As dit van hierdie graad van ekstase is, is dit die enigste - dis 'n waarskynlike eksplanasie, Edelagbare.

DEUR DIE HOF: U meen die graad wat Harris beskryf het? --- Die graad wat hy beskryf het, Edelagbare.

En as dit so is, is hy dan daardie oomblik nie verantwoordelik vir sy daade nie? --- As dit so is sal hy aan die ekstatiëse toestand van die maniese depressiewe ly. En ek glo nie hy sal verantwoordelik wees vir sy daade op daardie moment nie, Edelagbare, ingeval dit /10 werklik so is soos hy dit beskryf het.

Hoelank sal sy onverantwoordelikheid duur? --- Ek sou sê vir die lengte van daardie periode van ekstase. Vir so lank hy op die bank gesit het. Daardie paar minute wat hy op die bank gesit het.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Doctor, Professor Hurst's explanation, again on the assumption that this is true, is the most probable one, isn't that so? --- Vir watter periode?

For the period that this specific ecstasy endured /20 as described by the accused? --- As dit in werklikheid aanwesig was.

Doctor, on the assumption that this was felt, that Harris in fact experienced this, do you agree that Professor Hurst's explanation is the most probable? --- Vir die duur van daardie episode, as dit aanvaar word, Edelagbare.

Now, I think that logically takes us to the question as to how long this state in fact endured, but perhaps before I come to that, doctor, do you agree that /30 even for a very well trained psychiatrist it would be

impossible to simulate and to concoct this condition? You heard Professor Hurst's version and views on the possibilities of simulation and concoction, do you agree with him? Again accepting that these phenomena exist?

--- Ja, Edelagbare, maar aan die anderkant herinner dit my dat Professor Hurst gesê het dat selfs 'n goed opgeleide psigiater soms moeilikheid sal hê om so 'n toestand in 'n persoon te erken. Is dit nie korrek nie?

I think he says that it will be difficult for a well trained psychiatrist to simulate this condition, not to identify it. Well, I'm referring to the part where the Professor said that this condition is of so complex a nature that even a well trained psychiatrist would be unable to simulate this condition. --- Ek stem saam, Edelagbare, behalwe as 'n mens nou kennis vooraf daarvan geneem het, as 'n mens miskien dit gelees het, want eintlik is dit die beskrywing van die gevoel, nie waar nie. /10

Well, are you suggesting, doctor, that this might have come from Harris' reading? --- Ek wil dit nie voorstel nie, Edelagbare, maar ek noem dit as 'n moontlikheid. As 'n mens so iets gelees het dan kan 'n mens dit miskien onthou. /20

You have Professor Hurst's evidence that this condition of ecstasy is a rare condition, not so? Do you agree with that? --- Dis korrek, Edelagbare.

And it is the sort of thing that the ordinary - which the layman, and perhaps even the psychologist would not have an intimate knowledge of, do you agree with that? --- Dis korrek, Edelagbare. /30

So that in the ordinary course of events it is

unlikely that an accused person, who is not a psychiatrist, would be able to concoct this version? --- In die gewone omstandighede sal dit onwaarskynlik wees. Maar dit was moontlik darem dat hy moontlik kennis daarvan dra.

Now, in this case we haven't only got a condition of ecstasy described, but a whole complex of symptoms and features. One has the ecstasy, but associated with that one has the history, again leave aside for a moment whether it was actually felt or not, but you will agree that the anterior history of mood swings is highly consistent with the description of the experience of an estatic state? --- Korrek, Edelagbare. /10

They go together, not so? --- Dis korrek, as 'n mens nie aanvaar dat hierdie gemoedstemming /as gevolg van ander faktore, omstandigheid of omgewings faktore is nie. Dit is natuurlik die ander moontlike verklaring van die gemoedstemming wisseling.

Wel, doctor, at the moment I am only interested in one point and that is the possibility that this could have been simulated. The question is whether there is a consistency in the picture given by the accused. At the moment I'm not asking you whether they in fact go together or not. You agree that the description of ecstasy together with the description of a history of mood cycles is highly consistent? --- Dis korrek. /20

Do you also agree that the working out of the paranoid trend, the interaction of the confluence of the paranoid trend and the manic depressive trend shows a consistent picture? Do you understand my question? --- /30
BY THE COURT: You mean in the abstract?

MR. SOGGOT: No, my Lord, here.

DR. VAN NIEKERK: Ek het nog nie genoem die paranoïede moontlikhede nie. Ek het dit nog nie genoem nie, Edelagbare.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Doctor, that is perfectly so. What I'm saying, you don't interpret these facts as a paranoid trend? --- Nee, Edelagbare.

But the facts which the accused told you, and if one assumes for a moment that they are indicative of a paranoid trend, those facts fit in with the rest of his description of his state? --- As 'n mens aanvaar dat hierdie wel waandenkbeelde is, wat ek nie meen nie, Edelagbare, sal dit liewers inpas in 'n skisofreniese siekte toestand soos Professor Hurst ook genoem het gister. Skisofreniese paranoïede toestand. /10

Well, making the assumptions, again, doctor you don't have to make concessions on this point, making the assumptions that there was a paranoid trend, and a history of mood swings, one sees a consistent working together of them in the story relating, for example, to the letter to the Prime Minister, or in this person's belief that he could change history over night with one bomb. My question is, the confluence of these things, the way they are put together in the accused's version does not suggest to you that they are not authentic, as a narration of his history? --- Ek weet nie of ek daardie vraag kan antwoord nie. Die waarskynlikheid of dit waar kan wees en of dit gesimuleer kan wees nie. Ek verstaan nie juis nie. /20

If I may put it more simply, doctor... /30

BY THE COURT: You must either put it in the abstract or

ask the witness whether he agrees with the paranoid trends. He says that although hallucinations - to him they are not hallucinations.

MR. SOGGOT: I am dealing only with the abstract at the moment, my Lord. The question I'm posing to him is in the abstract at the moment, and that is, given that these things happened, the total picture that it creates is an integrated picture.

DR. VAN NIEKER: Dis korrek, Edelagbare.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) And there is /10
nothing in the picture which suggests something inconsistent or concocted? --- Ek sal nie sê dis onmoontlik nie, maar dis onwaarskynlik.

ASSESSOR MRN. VAN DER BERGH: Ek neem aan dan moet dit die hele storie wees? --- Dis korrek, Edelagbare.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Doctor, do you agree with Professor Hurst's evidence to the effect that the manic depressive state of ecstasy is also - also has as one of the associated features a state of amnesia in part? --- Ek sal saamstem, Edelagbare, dat in so ver /20
as hierdie ekstatiëse toestand is vir my 'n gevorderde graad van maniese toestand, en mens kry soms geheueverlies in die meer erg gevorderde grade van maniese toestande, alhoewel in die meer ligterer grade geheueverlies nie die gewone is nie, maar in die erger grade kan daar wel geheueverlies voorkom.

Well, doctor, if we can only talk of ecstasy for the moment. Do you agree that with the experience of ecstasy is associated....

BY THE COURT: Well, he has agreed with you. He has /30
agreed with you, but he says only in the most advanced

cases.

MR. SOGGOT: That I wasn't clear about, my Lord.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Are you saying, doctor, that only in the advanced cases of manic depression? --- Dis korrek, Edelagbare, want vir my is hierdie ekstatiëse toestand - dis vir my verteenwoordigend van 'n erger graad van maniese toestand.

Does it amount to saying that a person can have the sense of ecstasy - that you wouldn't expect the sense of ecstasy to be associated with some amnesia in an ordinary case where the manic depressive - the state has not advanced too far? --- Ek sou sê in die gewone gevoel van ekstase, Edelagbare, sal ek nie verwag dat daar geheueverlies is nie, en ek sal dit ook nie in die ligter grade van maniese depressiewe psigose verwag nie. /10

When you talk about 'gewone ekstase' you are still talking about the psychiatric - the state as it is conceived by psychiatrists? --- Nee, ek het van die gevoel van 'n ekstase gepraat.

Doctor, my question relates to ecstasy as defined by Noyes & Kolb which I read out to you? --- Ek sou sê dat geheueverlies wel in die psigiatriese toestand soos beskryf wel moontlik kan wees, dat daar amnesie is. /20

* HOF VERDAAG *

BY HERVATTING VAN HOF: 26 Oktober 1964.

MR. PHILLIPS: Makes an application for leave to recall Professor Hurst at the conclusion of Dr. van Niekerk's evidence, merely for the purpose of obtaining his comments on the matterst that were mentioned by the two psychiatrists called by the State and which were never put to Professor Hurst when he was in the box. Mr. Phillips also asks /30

leave to hand in three cuttings from three Sunday newspapers of the 26th July, which are published photographs of the accused. They are: 'Dagbreek', 'Sunday Express' and 'Sunday Times'.

MR. MOODIE: Mr. Moodie submits that it is not necessary to hand them in, the fact that there had been photographs in those papers is admitted., and Defence case is closed.

MR. PHILLIPS: My Lord, it might be an advantage to your Lordship from that point of view, and specifically that one of these newspapers not only publishes the photograph, but makes it very clear that the photograph is connected with the fact that the bomb had exploded on the Friday afternoon in the station. /10

BY THE COURT: Well, if Mr. Moodie objects. That's correct your case is closed, but that admission is on record.

MR. PHILLIPS: I ask leave only to hand them in for that purpose, because they do make it quite clear in the one case that there is a connection, indicated by the newspaper, between the photograph and the station explosion. There is no such specific connection indicated in the others. /20
I ask my learned friend not to press the objection.

MR. MOODIE: I have no power. Your Lordship has the power. The case is closed, your Lordship knows that I have no power to consent or otherwise.

BY THE COURT: Well, you can hand them in and I'll read them and consider it.

GERT VAN NIEKERK, (n.o.e.)

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Doctor, on Friday, I think, we got to the stage where I was about to question /30
you on the amnesia or so called amnesia suffered by the

accused around about the time that the planting of the bomb took place. Now, do you agree with Dr. van Wyk's views on this amnesia? Do you also think that this is not an amnesia which is characteristic of the manic depressive ecstasy? --- Ek meen dat dit meer waarskynlik as gevolg van een van die ander redes is, Edelagbare.

DEUR DIE HOF: Meer spanning? --- Soos byvoorbeeld spanning. Angstig en gespanne gewees het. Die ander moontlikheid wat ek moet noem is opsetlike amnesie, Edelagbare, dat dit net gesê word.

/10.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Do you - to deal with Dr. van Wyk's reasoning - do you think that this amnesia if indeed genuine or the gaps in memory if indeed genuine are explicable in terms of Dr. van Wyk's reasoning, namely, that a long time has elapsed and the important things will tend to stand out, and the unimportant, trivial, will be forgotten? --- Ek stem saam, Edelagbare, as 'n mens amnesie as gevolg van spanning het dan sal hierdie die patroon, die neiging meer wees om die meer belangrike dinge te onthou en onbelangrike dinge sal ~~nie~~ geneig wees om te vergeet. Ek sal nie ^{sê} 'n mens sal alle onbelangrike dinge vergeet nie, maar hierdie sal die patroon wees, wat ek sou verwag.

/20

And you would expect this pattern or this tendency to be more marked the longer the time has elapsed from the time that the incident took place? --- Ek weet nie, Edelagbare, as dit 'n belangrike gebeure is dan gaan dit nie saakmaak hoe 'n lang periode het verstrek, hy sal dit onthou.

The important things would stand out, but the trivial things would with the passage of time, surely,

/30

be forgotten? --- Dis moontlik, Edelagbare.

Well, that is the probability, isn't it, with all of us? --- Dit is waarskynlik dan, Edelagbare, in enige van ons.

Would your observations be altered if you are dealing with the case of a person whose attention is directed the same day and on subsequent days to his activities and what he did? In other words, a person being directed to the history which took place on a particular day, and refreshing his memory and revivifying /10 the images of the day. Do you think that that would effect the nature of the recollection of both important and trivial details? --- Dit is moontlik, Edelagbare, maar dit is nie noodwendig nie, want terwyl dit gebeur het en hy gespanne gewees het hy miskien nie sy aandag bepaal by daardie gebeure, hy het miskien nie raakgesien nie, daarom al word hy hoeveel keer daarna weer teruggebring en gevra onthou jy dit nou, dan sal hy dit nie kan onthou nie, want hy het nie aandag gegee aan daardie gebeure nie. /20.

But that reasoning would not apply in respect of those things where clearly he must have given very careful attention, not so? --- Ek sê weer dat ek sou verwag dat die meer belangrike goed hy beter sal onthou, Edelagbare.

Well, you know what Harris' plan was that day? His plan was to explode a bomb, and he has told his Lordship and he has also told the psychiatrists that he set the watch, he wound the watch, which would eventually determine - set off the timing mechanism. /30 Now, in that regard he is confused, on his evidence he

doesn't know whether it took place at Brixton or at the station. Now, do you first of all, conceive that that was, as far as one knows, an important part of his plan that day, something which will have taken his attention? --- Ek sou sê dat dit moontlik 'n belangrike gebeurtenis was, maar hy kon oorskadu raak deur ander gebeure, Edelagbare. En ek wil herinner net aan die ander moontlikheid van opsetlike amnesie.

We'll come back to that later. At the moment I'm just talking about what would normally happen with a /10 person, if you take an important event like that, namely, the setting of the watch, and if you assume that on the same day, or on days shortly following the event he was interrogated about his movements and what he did, you would expect him to have a fairly clear recollection of where he set the timing mechanism? --- Ek sou dit verwag het, Edelagbare, maar ek sê weer, miskien kon daar ander gebeure gewees het wat dit kon oorskadu het, wat meer emosionele waarde gehad het.

I just want to put it to you that there is /20 evidence that Mrs. Bowen, one of the witnesses from Damelin College, made a statement to the police on Monday, and that the accused on Monday or Tuesday pointed out certain things to the police. Now, assuming that there was an interrogation by the police as to his movements and what he did, you would - had he not been in an ecstatic state of a manic depressive, you would have expected in the normal course that he would have remembered that important detail? ---- Ek sou dit verwag, Edelagbare, maar weer met die voorbehoud dat hy nie gepreokkupeer gewees het /30 met die gebeure wat voorlê nie.

Now, doctor, it is clear that after a passage of five or six weeks, small details in a normal person would tend to disappear, but what we have from Harris here is a description of some things which are intensely highlighted and detailed. We have the description, for example, of the P on the Portuguese number plate, do you remember that? Do you remember, I think it was in consultation, that he actually drew it for Professor Hurst? --- Dis korrek, Edelagbare.

And he claimed to have a very vivid recollection /10 of where it was pattered, the stem of the P, or its exact shape, not so? --- Dis korrek, Edelagbare.

Now, in the normal course of events, you don't think, you don't remember things like that which had happened a month or two back.

BY THE COURT: Didn't the witness say yesterday or on Friday that it was very important for him to find a parking space.

MR. SOGGOT: My Lord, that is what Dr. van Wyk said.

DR. VAN NIEKERK: Dit sal afhang van hoe belangrik daardie /20 insident of gebeure is, Edelagbare. Hy was miskien haastig gewees, hy moet nou by die foon kom om te bel, en hy moet 'n parkeer plek kry, dan kry hy dit, so daardie kon heelwaarskynlik 'n belangrike gebeurtenis vir Mnr. Harris gewees het op daardie moment.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) It might have been a 'belangrike gebeurtenis', his whole series of actions from the time he left home until the time he went to Damelin College were 'belangrik', but can you suggest any reason to his Lordship why the registration /30 plate of any vehicle should attract his attention? ---

Ek het alreeds gesê, Edelagbare, hierdie insident was van belang. Hy het gesoek vir 'n parkeerplek, en hy het nou hierdie voertuig sien uittrek voor him, en hy het sy nommerplaat opgemerk.

Doctor, this particular thing he remembered, he doesn't remember every other detail.

BY THE COURT: But don't you think the witness has answered the question twice, now why should he answer it three times.

MR. SOGGOT: As the court please.

/10

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Doctor, the voice in the Greek shop, for example, the Afrikaans voice, the Greek who spoke a good Afrikaans. Can you suggest to his Lordship any particular reason why that should have been remembered? ---Ek het geen verklaring hoekom hierdie nou spesifiek moet onthou word nie, Edelagbare.

The thing is that in normal life such trivial things like this don't stand out and are not retained for a number of months, isn't that right? --- Ek kannie heeltemal saamstem nie, Edelagbare, soms onthou ons onbelangrike gebeurtenisse ook.

/20

But that is not characteristic of our memory? --- Dis it nie karakteristiek nie, maar dit gebeur tog soms, Edelagbare.

Don't you think that the explanation for this uncharacteristic memory, and it's not just one item that one talks about, but one knows that there are several, the key in the car, the remembrance that the car seemed to have moved its position, the Portuguese P and the voice in the Greek shop, don't you think that the heightening of confidence which takes place in an ecstatic

/30

mood is the real explanation for the very vivid recollection of these items and the retention of their memory? --
 - Dis moontlik, Edelagbare, dat 'n mens amnesie as gevolg van 'n soortgelyke siekte toestand manies depressiewe psigose kry, maar ek sou nie verwag dat dit langs mekaar moet voorkom, en onthou hy skielik vreeslik helder, dan die volgende moment is daar 'n beneweling van die bewus-syn dan is die geheue weer swakker as gevolg van die manies depressiewe siekte toestand.

Doctor, I will come to that shortly, I just /10
 want to refer you to a text in Anderson which has already been referred to in front of his Lordship, where he says this on page 92: "The change in the external world was a noticeable feature in all four subjects. The first three patients observed that everything seemed more beautiful as well as more real and more intense. That details were perceived, which had not been noticed before." This certainly is an explanation for Harris' recollection?
BY THE COURT: He answered the question. He said it could be the explanation, but then he shouldn't expect /20
 clouded memory next to clear memory.

MR. SOGGOT: My Lord, I do propose to deal with that in sequence.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Do you agree, if I may refer you to Meyer-Gross on Clinical Psychiatry, the 1954 edition, if I may quote from page 203: "The attention of the manic patient is intense, but fleeting." Do you agree? --- Ja, Edelagbare.

That is also a significant passage in the light of what we are dealing with now, don't you think? In /30
 the sense of trying to explain intense, but disconnected

recollections of Harris? --- Soos ek alreeds gesê het, Edelaagbare, dat dit wel moontlik is, dit kan in 'n maniese depressiewe toestand voorkom.

Now, also your argument that the important things would be remembered. Don't you think in terms of Harris' story that the approach to the bench, and the leaving it were very important stages in his movements? Especially, bearing in mind, that when he left the bench, leaving the suitcase behind, somebody could have come after him and said, 'excuse me, sir, you've left a suitcase there', and started the whole trouble which would have led to his identification and his arrest? --- Agterna is dit belangrik, Edelaagbare, maar ek weet nie of Mnr. Harris op daardie moment hierdie as belangrik beskou het nie, of dit vir hom emosioneel van belang op daardie moment was nie. /10

For the normal person that would have been very important, not so? --- Edelaagbare, die normale gedrag verskil soveel dat ek sou dit miskien verwag, maar dit kan net so maklik anderste wees. /20

Well, another incident, for a man in Harris' position, he is sitting on the bench, and the next moment he notices that there is a man sitting next to him, he didn't see the man arrive, he has no recollection of what the man did before sitting down, in the normal course of events in that situation a normal person would be very aware of those persons who are in his immediate proximity, and who will approach him? --- Ek sou so verwag, as 'n mens se aandag nie op 'n ander plek besig is, byvoorbeeld, op sy koffer langs hom, Edelaagbare. /30

Well, there was nothing in that situation then

for the 'koffer' to attract his attention? --- Ek sal nie 'n opinie kan uitspreek nie, Edelagbare, of daar toe iets van belang was nie.

And putting the note on the suitcase, that was a critical step in terms of his plan, wasn't it? --- Ek sou so verwag, Edelagbare.

Of that also he has no memory.

BY THE COURT: Did he say that he put it on the suitcase?

MR. SOGGOT: My Lord, I think he said he must have.

Harris put it in his pocket, but he has no recollection /10
of putting it on the suitcase.

DR. VAN NIEKERK: In die hof het hy gesê dat hy vooraf die notatjie reggemaak het om op die tas te sit. As ek my reg herinner, gedurende ons onderhoud met Professor Hurst, het Professor Hurst hom gevra na die nota, en hy het gesê, 'ek onthou nie van die nota, ek onthou niks van die nota nie.'

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Whatever it is, he does say that he cannot remember putting the note on the suitcase, but for a normal person you would expect a /20
recollection of that important thing? --- Ek sou so verwag, Edelagbare, as hy nie opsetlik amnesie simuleer nie. Weer as hy miskien sy aandag elders op iets van groter belang gehad het.

Well, there is no evidence, doctor, that he at that stage concentrated his attention on anything else. That is if you exclude the ecstasy? --- Maar ek moet daardie moontlikhede noem, Edelagbare, wat ek genoem het, dat hy moontlik sy aandag op 'n ander plek gewees het of nie opsetlik aandag gegee het nie. /30

Those are possibilities, but the thing is you

have here three items which I mentioned to you, which were important or would have been important to a normal person, but which are forgotten, not so? --- Volgens Mnr. Harris, ja.

As far as the clouding of consciousness is concerned, I think you would agree, that where you have a manic depressive ecstasy clouding of consciousness is a characteristic feature? --- Ek sal nie sê dit is karakteristiek nie, maar dit kan voorkom in erge grade van manie kan dit voorkom, Edelagbare. /10

Would you say it is characteristic of a higher degree of mania.

BY THE COURT: He said it can happen.

DR. VAN NIEKERK: Ek sal nie sê dit is karakteristiek nie

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) I want to put to you a passage from Henderson & Gillespie, the 9th edition at page 213, where they say: "There is no sharp distinguishing between hypomania and mania. The one grades into the other. There are cases in which a state of acute excitement develops at once without any previous /20 hypomanic stage. Acute excitement may be preceded by a short period of sleeplessness and irritability. In this stage the elation, flight of ideas and over activity are all the more intense, and in addition there may be a certain clouding of consciousness with disorientation and great impulsiveness." Do you agree with that text? --- Ek stem heeltemaal saam, want dis wat ek gesê het, Edelagbare, daar mag beneweling voorkom.

And then, if then you are satisfied that Harris did have amnesic periods or has amnesic patches relating /30 to that afternoon, that would be corroboration that he

in fact had a state of manic depressive ecstasy? --- Ek het die ander moontlikhede ookal genoem, Edelagbare, ek weet nie of the aanvaarding van die amnesie eintlik vir my gaan die bewys wees nie, want die ander moontlikhede is nog daar en is nog nie uitgesluit vir my nie.

There are other possibilities. There are always other possibilities, but I'm suggesting it would corroborate the diagnosis of manic depressive ecstasy. --
- Ek sou sê dit hoef nie noodwendig nie, Edelagbare.

I'm sorry, doctor, I didn't catch that? --- Dit /10 kan, maar nie noodwendig nie. Dis moontlik maar nie noodwendig nie.

Is there anything to suggest to you that the amnesic patches claimed here are not consistent with the manic depressive ecstasy? --- Soos ek alreeds gesê het hierdie kan inpas by die amnesie van 'n manies depressiewe psigose, behalwe dat ek net nie hierdie geweldige skommelings, hierdie oomblik vreeslik heldere geheue en dan direk daarna weer die benewelde geheue, maar ek sou sê verder kan dit inpas, maar dit kan ook /30 inpas by die ander moontlikhede wat ek genoem het.

Doctor, may I put it to you this way, that where you have a manic state, there is, so to speak, a trinity of components: the person has emotions, the person thinks, and the person moves. Those three things, not so? --- Ja, Edelagbare.

Now do you agree that in any state or any grade or degree of this manic state, one or other of those components may vary. You might, for example, have a 3 plus increase in movements, but no increase /30 in thinking. In other words, I am saying that there is

not invariably a consistent degree of the increase or decrease in the activity of those three components? --- Ek stem saam, Edelagbare, maar ek is nie bereid om 'n diagnose van 'n maniese toestand te maak waar net een van daardie komponente aanwesig is nie, en veral waar die aanwesigheid of afwesigheid van daardie komponent alleen afhang van die geskiedenis wat die pasiënt gee.

I want to refer you - do you agree with Dr. van Wyk's version, and that is, that the fluctuations, if they existed, would be within limits, and you have already stated that you don't expect to find amnesia at one stage and then such sharp vivid images of the next. That is your argument, not so? --- Ek sou dit nie verwag nie, Edelagbare. Hierdie geweldige verskille van uiterstes. /10

I'm quoting from Meyer-Gross again, page 201. "An important and significant symptom of endogenous depression, but also of mania is the daily fluctuations of mood and of the total state." Do you agree with that? /20 --- Dis korrek, Edelagbare, maar nie van sekond tot sekond nie.

Well, that doesn't refer to the question of consciousness. I want to refer you to page 203: "Manic excitement in its most severe form leads to confusion in which the typical symptoms of mania are observed. Consciousness which is clear in the less severe stage become clouded. illusions and hallucinations may be observed, and the condition may resemble a delirium." Do you agree with that? --- Ek stem saam, Edelagbare, maar dan sal ek nie 'n heldere bewussyn die /30

volgende sekond verwag nie, hierdie is meer 'n geleide-
like oorgang van die beneweling van die bewussyn, dan
word dit geleidelik helder. In elk geval in my onder-
vinding het ek dit so gevind.

Belt 77.

Why do you say that, doctor, have you got any
text which suggests that that is the typical nature of
the fluctuation? --- Ek het nog nie anders gelees in die
handboeke ook nie, Edelagbare, en ek baseer dit eintlik
op my waarnemings wat ek gemaak het van pasiënte.

But have you ever specifically investigated? /10
--- Nee, Edelagbare, ek het nie 'n spesiale studie
daarvan gemaak nie.

Well, in any particular case, have you in-
vestigated this specific point, and that is the nature
of the fluctuations and their relations with amnesia.

BY THE COURT: It is his experience with his patients.

MR. SOGGOT: Well, my Lord, I'm questioning him on
that, whether on this specific point he has investigated
it.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) You have /20
experienced fluctuations, I accept that, but in relation
to amnesia? --- Dis korrek, Edelagbare, maar ek het nog
nie in my ondervinding, met 'n hele klompie pasiënte
darein, het ek nog nie hierdie skielike skerp fluktuasies
teegekom nie. Ek mag natuurlik verkeerd wees, maar in
my ondervinding. Dis my ondervinding wat die grense
stel van wat ek hier sê.

Doctor, I think it is clear that this sort of
manic depressive ecstasy is a very rare condition, not
so? --- Dit is skaars - nou hierdie spesifieke toestand, /30
maar ek het al heelwat van die gevorderdes, dis nogal

redelik algemeen in die hospitale, Edelagbare.

But when you talk of your experience, are you talking about patients who had a high degree of mania, or are you talking of the ecstatic state in psychiatric terms? --- Ek praat van gevorderde maniese toestande, want hierdie toestand van manies depressiewe ekstase kan ek nie sien kan voorkom waar daar geen van die ander simptome van manies depressiewe psigose nie ook in die agtergrond voor die gebeure of na die gebeure kom nie, Edelagbare.

/10

Doctor, I will deal with that later, but at the moment I'm asking you if you have had specific experience of amnesic states in relation to persons who have had this sort of ecstasy, manic depressive ecstasy? --- Ek het nog nie, Edelagbare, met hierdie spesifieke manies depressiewe stase, soos hier beskryf.

Well, then there is nothing in your experience which suggests to you that the fluctuations might not be much more acute in such a condition, as opposed to the ordinary manic condition in higher degrees? --- Dis verwante toestande, Edelagbare, dit is eintlik dieselfde toestand met verskillende grade.

/20

DEUR DIE HCF: Kom die ekstase net voor in gevorderde gevalle, wat alreeds in die hospitale is? --- Ek sou dit verwag, Edelagbare, dat hierdie ekstatische toestand van die manies depressiewe psigose alleen in die agtergrond van 'n gevorderde of ten minste 'n gevestigde maniese toestand voorkom.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) In fact, doctor, the ecstasy is the acute manic state par excellence? --- Edelagbare, ja, maar daar is daar nog die ander komponente

/30

van handeling en van gedagte ook.

Well, just to get this quite clear. I'm not sure whether this is quite clear. You don't have this experience except in states of acute manic depression?

--- Korrek, Edelagbare.

Now, doctor, I understand when you say that they are related, that is the ordinary manic form to the extreme manic form, but your statement is that you have no experience that fluctuations are so sharp. Might not the increased manic state bring in its trail a much sharper fluctuation? --- Ek het dit nog nie opgemerk in die ergste grade van maniese toestande nie, Edelagbare. /10

Now, doctor, just one point I want to deal with briefly, and that is the time when this ecstatic state took place. Do you - I want to refer you to Anderson again, page 87. Is it correct that when this experience is felt the patient has no sense of time or a distorted sense of time? --- Ek sal nie kan sê of dit so beskryf is nie, Edelagbare.

I'm referring to page 85 of Anderson, where he says this: "She had no sense of time 'everything is absolutely new, every minute is as if everything has just started.' Do you accept that that is a characteristic of the ecstatic state? --- Professor Anderson sê so in my boek, Edelagbare, hy is seker 'n autoriteit, hy het die vier gevalle beskryf. Ek kan nie sê of dit karakteristiek is of nie. /20

You don't dispute what he says there? --- Nee, maar ek kan dit ook nie bevestig nie.

And I want to refer you, on this point, also to Ballak, Manic Depressive Psychosis. This is a 1952 /30

edition at page 116, where he says: "These authors find that 25% of manic depressive patients followed up presented confusional episodes, consisting of a loss of time and place, loss of full consciousness, disorientation and so on." --- Ek praat nie van die graad van die maniese toestande daar nie, Edelagbare.

Yes, that may be, but do you accept that as happening? --- Ek het alreeds gesê dat in die maniese depressiewe psigose en veral, volgens my ondervinding, in die gevorderde fases, mag daar amnesie voorkom, Edel- /10 agbare.

I'm talking about time distortions and loss of a time sense. Do you accept that that happens in the advanced forms of...

BY THE COURT: He has just said that.

MR. SOGGOT: My Lord, I'm sorry, I didn't catch that.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Doctor, given that this may happen, doctor, may it not be that the description of the time period during which Harris felt this experience may very well be distorted? He said at /20 one stage it was a few seconds, at another stage it was a few minutes. The ecstatic state in fact might have been felt over a much longer period? --- Ek sou sê dis moontlik, Edelagbare, solank dit in grense bly...

May I put it this way, you can't take Harris too strictly at his word when he says it was only a few seconds or a few minutes? In other words, his characterisation of the time period must be viewed with a great deal of care? --- Dis korrek, Edelagbare.

And to make a true assessment you would have /30 to look for other symptoms of the ecstatic state? ---

Ja, Edelagbare.

And do you agree that the state of ecstasy can last for as little as half an hour? --- Ek sou sê dat dit moontlik vir 'n half uur kan duur, Edelagbare, maar na die afloop van die ekstatische toestand of direk net voor, dan sou ek verwag om minstens aanduidende simptome of ander simptome van maniese fase ook op te merk.

Well, if, for example, he were restless and cheerful afterwards, would that be an indication of a manic state? --- Afhangende van die graad, ja, Edelagbare. /10

Well, that is the evidence that is before his Lordship. That after his return, Harris got cheerful, he made a number of telephone calls, and afterwards he went soundly to sleep. --- In die geskiedenis wat Professor Hurst van sy vader gekry het, het hy die aand om ses uur 'calm and collective' het hy voorgekom, Edelagbare.

He appeared that, yes, but we do know that in a state of ecstasy people can appear very calm. I thought /20 that was clear already? --- Ja, Edelagbare, hulle kan.

Now, doctor, on Friday I asked you a number of questions relating to Harris' failure or lack of judgment on a number of points. Do you know of any other things which he did or said which indicates a lack of judgment, in this particular history?

BY THE COURT: Do you mean previously?

MR. SOGGOT: My Lord, to be more specific, in the month of July.

DR. VAN NIEKERK: Ek sou werklik nie kon sê nie. Daar /30 was die gesuike van Mnr. Harris se vrou dat hy onver-

skillig bestuur het, Edelagbare. Die mag aanduiding wees, maar daar mag ander verklarings ook wees.

CROSS-EXAMINATION BY MR. SOGGOT (COND) I'm thinking now of the plan which has been outlined before his Lordship, the whole plan about the station bombing, the plan to put the bomb and the plan to give a warning. Now, you remember the evidence that Harris was completely convinced that this warning would be acted on and would work, not so?

BY THE COURT: That's what he says.

/10

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) That is the evidence, not so? --- Dis wat Mnr. Harris gesê het.

And you also remember the evidence of Lloyd and also of Harris, namely, that it wasn't his deliberate intention to take life? --- Ek het net Mnr. Harris se getuie aangehoor, nie Mnr. Lloyd se getuie nie, Edelagbare.

Well, doctor, this belief, this very, very confident belief which he had that the police would act on his warning, use the loudspeakers, clear the station, /20 get people outside of the concourse, standing around where they could see this explosion, this big bang, do you think that that was a normal calculation of a normal man? --- Ek het alreeds voorheen gesê, Edelagbare, as 'n mens miskien swak oordeel openbaar is dit nie sinoniem of gelyk aan of die bewys van geestesstoornis nie.

ASSESSOR MNR. VAN DER BERGH: Of dit mag miskien inpas by wat Mev. Swersky vir hom aan die hand gegee het wat gedoen word in Israel? --- Dis ook moontlik, Edelagbare /30.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Whether it

happened in Israel or not, he expected the police to believe it. Do you accept that that was a grave error of judgment? --- Ek is in die posisie om agterna die gebeure so te sê dat dit swak oordeel was, maar ek weet nie wat sou ek voor die gebeure kon gesê het nie, Edelagbare.

Doctor, I'm talking about a normal man. A normal man you would expect, would not come to such a grotesque conclusion, with such confidence? --- Ek weet nie, Edelagbare, of 'n mens dit kan verwag of nie verwag nie. Die sogenaamde normale mense die handel soms maar snaaks en vreemd, en ek kannie 'n opinie uitspreek. Die voorspelbaarheid van normale mense - van die gemiddelde menslike gedrag, ek is nie bereid om te voorspel nie. /10

Well, people do make mistakes sometimes, that may be, but are you - do you concede that this confident calculation made by Harris that the police would act, was a bizarre one, a very definite failure of judgment? --- Ek sou nie sê dat dit moes vreeslik snaaks gewees het dat dit bizarre gewees het nie, Edelagbare, ek sou sê nou agterna kan mens sê dat dit swak oordeel was. Dis al wat ek bereid is om te sê daaroor. /20

Doctor, it goes further than that. He thought, on his version, that there was no danger. Now, any reasonable man... --- Dis natuurlik wat hy sê, Edelagbare, wat hy vir ons gesê/dat hy nie gevaar verwag nie. ^{het}

Well, I'm asking you to accept that, otherwise there is no point in my questioning you. He thought that there was no danger, now bearing in mind all the possibilities - I don't know whether you have heard all of /30

them which have been raised in this court, the possibility that the loudspeaker system might not work, that the police might not react, that there would be foreigners, natives, children who wouldn't understand, doesn't this confidence on his part strike you as a clear failure of judgment? --- Ek sou sê ja, Edelagbare, as ek dit net altyd die sentrale gedagte hierdie is wat Mnr. Harris sê.

And you have got no explanation as to why that failure of judgment would have come about? --- Nee Edelagbare.

/10

But Professor Hurst's theory that he suffered from hypermania in this period, would explain it, not so? --- Ek persoonlik kan dit nie verklaar nie, Edelagbare.

But do you agree with the proposition I'm putting to you? --- Ek moet aanvaar altyd die aanvaarding dat hierdie die stelling van Mnr. Harris is, en ek dink die hele konsep die berus daarop vir my. Ek weet nie of ek die vraag verkeerd verstaan het nie.

And the letter which he wanted to write to Dr. Verwoerd, do you think that that shows any failure of judgment? Unreality in his thinking? --- Ek glo nie Edelagbare, ek glo nie dat hy werklik onrealisties gewees het nie, altans nie volgens wat hy vir ons gesê het nie.

/20

Doctor, I just want you to accept for a moment Harris' version, and that is that he thought that this letter - to use a lay phrase - would do the trick, that this letter would so effect Dr. Verwoerd that a national convention would be called. I want you to accept his version when he says that he intended this to be done

/30

instead of sabotage? --- As ek my reg herinner, Edelagbare, het hy nie alleen direk aan Dr. Verwoerd - daarop sy saak baseer nie, maar hy het gesê vir Professor Hurst dat hy ook kopieë aan die koerante gaan stuur van hierdie brief. So hy het nie, soos ek dit sien, sy hoop alleen gevestig op die persoonlike private brief aan Dr. Verwoerd nie, maar hy sou ook kopieë aan die koerante gestuur het om die publiek^{te} betrek.

Doctor, one can accept that. What I'm saying to you is that there we have a man who thought that this /10 piece of paper alone, in lieu of sabotage and coupled with the threat it contained would effect Dr. Verwoerd? --- Hy het vir Professor Hurst gesê, Edelagbare, dat hy probeer Dr. Verwoerd op hierdie manier beïnvloed. Hy het ook gesê hy het nie seker gewees of hy dit kan doen nie, daarom sou hy ook die kopieë aan die koerante gestuur het.

What is clear from his evidence is that he expected that it would have an effect. Isn't that right? --- Hy sou die kopieë ook na die koerante gestuur het.

Whether he sent it to the papers or not, whatever it is, sending this to Dr. Verwoerd would have an effect, he believed that on his evidence? --- So gemeen, Edelagbare, maar waarskynlik nie vreeslik sterk nie, want agterna het hy hierdie plan verander onder die invloed van bespreking met iemand anderste, so hierdie geloof kon nie vreeslik sterk gewees het as dit so maklik verander is dan nie.

What is clear, doctor, he believed sufficiently in this idea of his to write the letter. He went as /30 far as composing it, not so? --- Hy het hom geskryf,

maar hy het hom nie gestuur nie.

What I'm asking you is, this idea on the part of any person, that the Government, once they get a threatening letter is going to respond to the ultimatum on the S.A.B.C. news, don't you think that this is another demonstration of a failure of judgment? ---

BY THE COURT: The witness doesn't agree with you, Mr. Soggot. So it is no good repeating the question, he will keep on disagreeing with you.

DR. VAN NIEKERK: Dis korrek, Edelagbare.

/10.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Are you saying, doctor, that this is the sort of thing you would expect from a normal man? --- Ek wil net sê, Edelagbare, dit is nie vir my die bewys van 'n geestes stoornis nie.

But that is not my question. My question is whether this discloses the judgment of a normal man? --- Normale mense se gedrag is so onvoorspelbaar dat ek wil my nie daarin begeef deur te sê ek sou dit verwag of nie verwag van 'n normale mens nie.

Doctor, that I can also understand, and that is that people are unpredictable, but this letter shows a judgment which is wrong. Whatever your explanation is, whether it is predictable or not, here is a failure of judgment? --- Ek kan net sê dat Mnr. Harris homself het ook later waarskynlik gemeen, 'ek het swak geoordeel toe ek die brief geskryf het; en daarom na bespreking het hy dit toe nie gestuur nie, dis my verklaring daarvoor. /20

That is so, doctor, but do you agree then that it was weak judgment? --- Dit was dan swak oordeel Ek sou nie so geoordeel het nie, dit kan ek sê. /30

And for that 'swak oordeel', have you got any explanation? --- Ek het nie 'n verklaring daarvoor nie, Edelagbare, ek sê hy het dit toe nooit uitgevoer nie, want hy het ook gemeen dat hy het swak geoordeel.

Doctor, just something I'd like to ask you about, do you think that a normal man would consider that eight sticks of dynamite would ignite a can of petrol which is right next to it? --- Ek sou dit verwag, Edelagbare.

What do you think of a man's judgment when /10
he says to himself, I'm not sure of that, I'm going to put cortex next to the petrol can in order to make quite sure that it becomes ignited? --- Ek sou sê dat dit bietjie ver gesog is, Edelagbare. Ek sou eerstens vra is daar nie 'n ander rede hoekom hy so sê daarvan nie.

Doctor, you told his Lordship and the gentlemen assessors on Friday that in your considered opinion the accused was an immature personality, not so? --- Ek het gesê dat sy gedrag in sommige gevalle die was nie - die het gedui op 'n emosionele onvolwasseheid, Edelag- /20
bare.

Well, to put it simply, if you are prepared to characterise him at all in psychiatric terms, you would say that he is emotionally immature and emotionally labial? --- Ek kan net weer sê, Edelagbare, die persoonlikheids evaluasies wat ek moet doen, die hang af van 'n periode waarin hierdie persoon geweldig gespanne gewees het. So ek wil nie sê hy is definitief 'n emosionele onvolwasse persoonlikheid nie, maar gedrag wat ek waargeneem het en gedrag wat uit die geskiedenis /30
uitgekóm het die dui daarop dat hy in sommige gevalle

emosioneel onvolwasse optreë.

Well, then does it amount to this, that if he is not that, then he is simply normal? --- Ek het gesê, hoe ek hom ookal beskryf, dit is binne die grense van normaal. Ek het herhaalde kere gesê, Edelagbare.

I just want to put a passage or two to you from Noyes & Kolb, Modern Clinical Psychiatry, at page 64, just to have this on record: 'Emotionally unstable Personalities.' "Individuals of this type of personality are characterised by the explosive intensity of their emotions in reaction to relatively slight external stimuli." Do you agree with that? --- Ja. /10

And then another passage: "Their emotional tension is usually at a rather high pitch and may suddenly and unexpectedly burst out in uncontrolled anger or other disproportionate emotional display." Do you agree with that? --- Ja, Edelagbare.

Doctor, does it amount to saying that when one talks of an emotionally immature person or emotionally immature characteristics, one is really thinking of somebody who in a different way can be described as a spoilt child, not so? Behaving like a spoilt child? --- Ja, in sommige gevalle kan dit so wees. /20

Well, wouldn't you agree that that is a broad characterisation of such a personality? --- Dis korrek, Edelagbare, maar ek kan ook sê dat 'n bederfde kind op enige manier kan reageer, hy hoef nie net op 'n emosionele onvolwasse manier te reageer nie.

Now, doctor, an inappropriate reaction to an environment by such a person, is not a characteristic of such a person's behaviour? --- Kan die vraag herhaal /30

word?

The inappropriate reaction to an environment by such a person is not characteristic of such a person's behaviour. In other words, when he is cross, he will cry or he'll get very angry or he might withdraw, as the spoilt child might, but an inappropriate reaction that is not characteristic of this person's behaviour? ---
Gewoonlik nie, Edelagbare, gewoonlik reageer hy van pas binne die grense van normaal.

Now, we have it that Harris - this is accepted /10 by Dr. van Wyk. We have it that Harris did have mood swinging, changes of moods, do you accept that? --- Dis wat hy aan ons vertel het, ja, Edelagbare.

Now, is this your suggestion - your explanation for these mood swings that he is merely reacting to environmental stimulus? --- Dis korrek, Edelagbare.

Belt 78.

Is that the only explanation that you have to suggest to his Lordship? --- Edelagbare, gemoeds wisselinge kan voorkom in byvoorbeeld die sikloïde(?) persoonlikheid, maar ek praat van hierdie spesifieke geval, /20
reken ek dat dit gewoonlik as gevolg van omgewings en omstandigheds faktore is.

Do you exclude the possibility that the accused is a cyclothymic personality? --- Ek kan dit gladnie heeltemal uitskakel nie, Edelagbare.

And do you think that any of his moods are explicable, rather in terms of a cyclothymic personality, rather than his reaction to environmental stimulus? ---
Ek voel dat 'n mens dit kan verklaar op sy reaksies op omgewing en omstandigheds faktore, Edelagbare. /30

Doctor, you have seen the accused a great

deal and you have heard his evidence, do you consider that any of his reactions are inappropriate to the environment, or have been inappropriate to the environment? --- Is dit nou die eksterne omgewing of inwendige omgewing, inwendige omgewing soos gedagtegang, is daar ook waarop mense emosioneel kan reageer wat dan nie opvallend vir die omgewing is nie, Edelagbare.

A stimulus which comes from the environment or perhaps which comes from a train of thought inside him. What I'm asking you is, do you consider that in any part of his history he has shown inappropriate emotional reactions to his environment? --- Nie wat ek my kan herinner nie, Edelagbare, miskien hier in die getuiebank het hy soms miskien 'n bietjie lighartig geword, maar weereens ek weet nie wat was in sy gedagte, wat die motivering daarvoor gewees het nie. Ek kan dit nie verklaar nie. Ek kan my nie nou herinner van ander nie. /10

You can't remember inappropriate reactions. You remember that on his evidence he came back from Damelin College and he came home and then he heard about the news as to what happened at the station, and the emotion he describes was an emotion of detachment? --- Ja. /20

Do you think that is inappropriate or not? -- - Ek persoonlik sou nie so gevoel het nie, Edelagbare, maar ek weet nie, soos ek voorheen gesê het miskien het hy die ding beplan en nou het hy sy doel bereik, en hy voel kalm en bedaard. Ek weet nie.

Doctor, do you remember his evidence when he told his Lordship that the news of the station event /30

made no sense to him, and he believed that what he planned had taken place rather than the reverse?---- Ja, Edelagbare.

Is that the reaction of a normal person? --- Ek sou dit nie abnormaal noem nie, Edelagbare, dit kan nog normaal wees, volgens my opinie.

You do know that the accused, after he was arrested, was detained in custody in terms of the 90 Day Law, not so? --- Ja, Edelagbare.

And you do know that his detention involved /10
solitary confinement? --- Ek weet nie presies nie, Edelagbare, Professor Hurst het vir hom gevra of dit hom gebeeïnvloed het die aanhouding, en hy het gesê, nee hy het heelwat met die polisie gepraat, hy het gesê hy het gelees ook, en as hy bietjie vervelig was het hy gefantaseer.

That may be, but his detention generally was in isolation, not so? --- Ek sou so reken, Edelagbare. Maar ek ken nie die omstandighede van 90 Dae aanhouding geensins nie. Ek het nie kennis daarvan nie. /20

You also know that during detention he suffered from a fractured jaw? --- Korrek, Edelagbare.

And you also know that during this period he was isolated from his wife, his parents, his child? --- Dis korrek, Edelagbare, hy was in die gevangenis, in die tronk gewees.

And you can accept that he was aware that this charge was facing him. --- Ek weet nie wanneer die klagte aan hom gestel is, wanneer hy daarvan bewus gewees het nie, Edelagbare, want hy het vir ons gesê toe hy /30
gearresteer is, het hy vir ons gesê onder die 90 Dae aan-

houding, en dis eers later wat die klag aan hom gestel is. Ek weet nie wanneer dit gestel is nie.

Well, doctor, to cut through it. The point is, he had done the deed, he had shown the police a whole number of things and he was being detained in custody. The point that I want to make is that all these circumstances will tend to make a person very, very depressed? --- Angstig ook. Dit mag 'n mens bedruk maak, maar angstig ook maak, gespanne maak, Edelagbare.

I'm sorry, I didn't catch you. Do you agree /10 that it would make him depressed? --- Ek dit dat dit hom wel bedruk kon gemaak het, maar ook angstig.

Do you remember his telling you and Professor Hurst that when he was in jail for the most time his mood was up - to use his phrase? --- Ek herinner my dat hy gesê het gedurende 'n spesifieke episode het hy opgeruimd gevoel, maar ek kan my nie herinner dat hy gesê het voortdurende opgewektheid nie, Edelagbare. Hy het vir my gesê dat hy wel bedruk voel, en hierdie bedruktheid is soms verlig in die agtermiddae en hy het as /20 rede gegee dan het hy gewoonlik die kos van die huis af gekry.

Doctor, may I perhaps try and refresh your memory, that he told you that he was depressed in the first few days, but for the most part - not all the time - please don't misunderstand me, for most of the time his mood was up, and that he wanted his people to know that. Would you perhaps want to consult your notes on this point?

* COURT ADJOURNS *

/30

BY HERVATting VAN HOF:

DR. GERT VAN NIEKERK, (n.o.e.)

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Doctor, did you find the passage that I raised? --- Ek het afgeskryf, Edelagbare, waar Mnr. Harris gesê het hy was vir 'n paar dae opgewek gewees. En gedurende hierdie paar dae van opgewektheid het hy 'n spesifieke episode gehad wat hy van vertel het, waar hy meer opgewek nog gewees het, nadat hy sy gesig onder die kraan gewas het en daarna gaan eet het. /10

Do you dispute that Harris in fact told you people that most of the time his feeling was up in jail? --- Dis nie die indruk wat ek gekry het nie. Ek mag verkeerd wees, Edelagbare, maar dit was nie my indruk gewees nie dat hy gedurende die grootste deel meer opgewek gewees het, bokant die lyn liewers as op die lyn. Dis nie my indruk gewees nie, Edelagbare.

Doctor, that is what he said. Accepting that it is correct, does this strike you as normal, bearing in mind his whole condition? --- Ek persoonlik sou nie /20 opgewek gewees het nie, Edelagbare.

No normal person would in the ordinary course be elated in those conditions? --- Afhangende van sy gedagtegang, want hy het vir ons gesê dat hy gefantaseer het, byvoorbeeld gefantaseer hoe lekker sou dit wees om vir 'n vakansie Wiltuin toe te gaan.

I'm not speaking about specific moments, I'm talking about the duration of days, whole periods when his mood is up. That is not normal? --- Ek sou dit nie verwag nie, Edelagbare, maar ek kan nie sê dat dit /30 abnormaal is om so te wees nie. Moontlik kan dit nog

binne die grense van normaal wees.

Have you any explanation to suggest why he should have felt this elation for the most time? ---
 Geen rede, behalwe dit miskien vir hom 'n geestes verdediging is.

Are you suggesting that people can make themselves feel elated? ---Hulle kan onbewustelik hulle geestes proses - hulle kan tot 'n mate dit beïnvloed, Edelagbare, ek sê nie jy kan sê, ek gaan my nou opgewek maak nie, ek sê dit nie, maar 'n mens se gedagtegang /10
 het tog 'n invloed op 'n mens se emosies.

Professor Hurst's explanation for this elation is probable, do you agree? --- Ek weet nie wat is die verklaring, Edelagbare?

That this elation was a result of his cyclothymic personality, that it was from his mental depressive condition? --- Dit kan inpas in 'n sikloïede geaardheid, Edelagbare.

If you take that, for example, together with the genetic background, doesn't that give you a probable /20 picture of a manic depressive mood swing? --- Edelagbare vir my stel dit die moontlikheid, maar nog nie die waarskynlikheid nie. Die moontlikheid van 'n maniese depressiewe..

Well, may I put it to you this way, can you express any better explanation to the court for this elation, than that of Professor Hurst? --- Nou as ek aanvaar dat hierdie gevoel wat Mnr. Harris beskryf het dat dit werklik aanwesig was, Edelagbare, as ek dit aanvaar is die enigste ander moontlike verklaring, /30
 soos ek gesê het, hierdie mag miskien verdedigings

meganisme wees, hy kon gedink het miskien gaan die dinge nog reg loop. Ek weet nie. Ek het eintlik nie 'n verklaring dan daarvoor nie.

Doctor, to take this in conjunction with the other features, the fact that he says that he had no sense of fear on the station, the fact that when he drove his motorcar he felt like a centaur, the fact that when he went to the station in the mornings he had the sense of a perfect communion with nature, are these the sort of things which you normally find?--- Hierdie /10
goed stel vir my die moontlikheid van 'n maniese depressiewepsigose, die moontlikheid moet oorweeg word, maar in die geheel prent, Edelagbare, nie net hierdie spesifieke gevoelens nie, maar in die geheel prent, die gevoelens wat hy gehad het en hoe hy opgetreë het ook. Die geheel beeld moet in aanmerking geneem word.

DEUR DIE HOF: Sou jy aan sy gedrag - gestel dit is soos Professor Hurst gesê het dat daar manies depressiewe psigose was - sou jy verwag dat jy iets in sy gedrag sou kon bespeur, afgesien van wat hy sê? --- Ek sou, Edelag- /20
bare, ek sou die ander komponent van rusteloosheid sou ek verwag het.

Die rusteloosheid voor en na...--- Ek sou dit verwag, Edelagbare.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) If there was evidence of restlessness before, would you consider that an important indication that he was hypomanic? ---
Afhangende van die graad van rusteloosheid, ja, Edelag-
bare, want daar is ander redes vir rusteloosheid natuur-
lik ook. /30

I just want to on this point, put one passage

to you from Arieti, the American Handbook of Psychiatry, this is a well known, an authoritative book on psychiatry, not so? --- Ja, Edelagbare.

I'm referring to the 1949 edition at page ..

DEUR DIE HOF: En as die psigose nou so gevorder is dat jy die ekstase het, sou jy verwag het dat sy rusteloosheid intens of nie intens is nie? --- Ek sou verwag het dat dit van gevorderde graad is. Soos ek vroeër gesê het, hierdie komponente loop nie presies ewewydig nie, Edelagbare, maar darem tussen die grense, en ek /10 sou verwag het as dit so 'n gevorderde maniese toestand is om 'n redelike gevorderde graad van rusteloosheid en van spraaksaamheid te kry.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Doctor, referring to Henderson & Gillespie, page 209, they say here: "Perhaps the most striking symptom of all is extreme restlessness." Do you agree with that? --- Dis een van die belangrikste komponente, ja.

BY THE COURT: The word used is 'extreme restlessness'.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Now, there has /20 been evidence placed before his Lordship that the accused couldn't sit still, that he wanted to go to cinema's, that he kept on wanting to do things, he was very talkative and excited in the period preceding the station bomb incident. Isn't this a striking example of this very important symptom? --- As 'n mens gewoonlik so 'n gevorderde rusteloosheid kry, Edelagbare, is dit gewoonlik opvallend vir omstanders, hier is iets verkeerd, en ek herinner my Mevr. Harris het gesê dat hy nie - die rusteloosheid het nie abnormaal vir haar voorgekom nie, /30 Nie so abnormaal dat 'n geneesheer of 'n psigiater of

enige ander instansie inverband met hierdie rusteloosheid en spraaksaamheid van hom genader is nie.

Are you suggesting doctor, that the hypomanic state is one which usually gives rise to the feeling with observers that the man should go to a psychiatrist?

--- Ek het eintlik geantwoord op die paragraaf wat geless is van 'extreme restlessness', Edelagbare.

But, doctor, the thing is that the hypomanic state might vary between all sorts of degrees? --- Dis korrek, Edelagbare

/10

And restlessness might vary in degree? --- Dis korrek, Edelagbare.

And when his wife says that it wasn't an abnormal restlessness, she is clearly talking in terms of his general personality? --- Ek vermoed so, Edelagbare.

Well, the fact that you have evidence that here is a man who was more restless, more active, when his wife wanted to attend to the baby he dragged her away to cinemas, don't you feel that that is in fact very significant, the total picture? --- Ek het in die geheel, Edelagbare, is daar nie genoeg bewyse vir my dat hierdie man werklik rusteloos was nie.

/20

Don't you think that the evidence that his wife gives of his restlessness is a sufficient indication of restlessness? What more would you want? --- Mevr. Harris het ook gesê dat dit nie van so 'n graad is nie, Edelagbare.

DEUR DIE HOF: En as daar spanning is? Hy is nou besig om 'n bom te maak, hy beplan dit, sou dit stem tot kalnte of rusteloosheid? --- 'n Rede vir rusteloosheid

/30

sou ek sê, Edelagbare.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Do you think

the tension would drive him to want to go to cinemas, for example? --- Moontlik, Edelagbare, om miskien 'n bietjie weg te kom as 'n mens gespanne is.

'Weg te kom' from what, doctor? From a tense situation? --- Van die spanningvolle situasie.

But the evidence is that he was elated on the whole during that period?--- Die rusteloosheid was onder bespreking nou, Edelagbare. /10

I'm suggesting to you, with his whole condition of cheerfulness, he wouldn't want to get away from the anxiety of things as the normal man would want to do? --- Ek glo nie, Edelagbare, want ons het die geskiedenis dat hy nog redelik normaal opgetreë het, hy het nog sy normale lewe geleë, en ek voel om na 'n film vertoning te gaan is nie abnormaal nie.

But hypomanics do lead ordinary existence, doctor? --- Ja, Edelagbare. Hulle gaan na films toe ook.

Well, why then the fact that he led an ordinary/20 existence, why does that suggest to you that he might not have been a hypomaniac? --- Ek het gesê dat ek het nie genoeg bewyse vir 'n hypomaniese toestand nie, Edelagbare.

I just want to refer you on that point to Arieti, page 428, where they say this, referring to hypermania: "Some of his patients increased their activities to such an exaggerated degree as to show very poor judgment." Do you agree with that? --- Ja.

And his little collisions with the Volkswagen /30 and his reckless driving might in fact - would fit in

with that, not so? --- Ek sou sê ja, Edelagbare, maar daar kan ander redes ook vir hierdie gedrag wees, nie net hypomanies.

And his driving over a bump without any regard to his safety and with dynamite in the car, could also fit in with this condition? --- Maar weer eens, Edelagbare, daar kan ander redes wees.

BY THE COURT: The evidence is that he drove very carefully over it? --- So hy het goeie oordeel daar gewys, want hy het ontplofstowwe in die kar. /10

ASSESSOR MNR. VAN DER BERGH: In so 'n toestand, is 'n mens se oordeel swak? --- Ek sou dit verwag, Edelagbare.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) But not in their ordinary day activities, doctor. He won't show poor judgment in his every day activities? A hypomanic appears to live and react like everybody else? --
- Ek sou nie kan sê waar hy sal swak oordeel wys nie, Edelagbare. Hy kan dit op enige lewensgebied wys. Of dit nou die gewone, die alledaagse of die ongewone is, hy mag moontlik - dis nie te sê dat hy dit altyd gaan doen nie, maar hy mag moontlik swak oordeel in 'n verskeidenheid van situasies. /20

Doctor, referring to page 40 here: "They often go on spending sprees with disastrous economic consequences." There is another passage: "They may send out hundreds of unnecessary letters or greeting cards and make a large number of telephone calls." We have in fact here got evidence that he was rather extravagant in that period.

BY THE COURT: He bought a pair of shock absorbers. /30

MR. SOGGOT: My Lord, there is evidence that he bought

more.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) Whatever it is, he bought things that they couldn't afford? --- Weereens gaan dit ahang van die graad waarin hy opgetreë het, Edelagbare, of dit normaal verklaarbaar is en of dit kan inpas by hypomanies.

But all these things do fit into the hypomanic picture? Restlessness, the spending, the lack of judgment, the sudden feelings of elation. As a totality, don't they clearly make a manic depressive picture? --- Soos ek gesê het hierdie goed kan alles inpas by die moontlikheid van 'n hipomaniese toestand, maar dit is nie noodwendig dat dit wel 'n hipomaniese toestand moes gewees het nie, Edelagbare, want hier is ander dingetjies wat ook nie inpas nie, soos byvoorbeeld, 'n hipomaniese persoon die is gewoonlik - hy is heeltemal vol van homself, selfvertroue, hy kan nie maklik deur ander beïnvloed word nie. Mnr. Harris is gebeïnvloed om sy plan van Dr. Verwoerd se brief te laat vaar. Hy is ook in 'n mate beïnvloed om sy plan van die stasie te verander. Hierdie wil nie vir my inpas by die gewone hipomaniese wat gewoonlik rigid is, wat nie maklik deur ander beïnvloed word nie. /10

Doctor, doesn't it always again depend on the degree of mania? When he had the argument with Lloyd it was on the 14th. --- Ja, Edelagbare.

But when Lloyd later on tried to dissuade him from the station project, on Lloyd's version, he was completely inflexible. That is a very significant sign, not so? --- Ek weet nie wat Mnr. Lloyd in getuie- nis gesê het nie, Edelagbare. /30

That was the evidence. His Lordship wouldn't let me put other evidence to you. That is what Lloyd said that he tried to dissuade Harris, but Harris was inflexible. --- Dit sou dan kan inpas miskien by hipomanie, Edelagbare, maar moontlik kan daar ander redes ook vir hierdie rigiditeit wees.

Doctor, doesn't it amount to this, and that is, that on a whole lot of points, you say, this could be consistent with a hypomanic condition, but there may be other reasons. What I'm asking you is, have you got any reason which fits or explains this whole syndrome as a whole? --- Edelagbare, die naaste wat ek aan kan kom van die geskiedenis wat Mnr. Harris gegee het, hy het gebeplan gedurende 'n lang periode, hy het 'n belangrike ding gebeplan, hy het 'n gevaarlike ding gebeplan. Hy het dit om 'n spesifieke rede beplan, hy het dit uitgevoer, en ek sou sê dat die omstandighede ook moontlik sy gedrag kon verklaar het. /10

Belt 77.

Doctor, what I'm putting to you, I'm not only talking about his plan now, I'm talking about every one of his poor judgments. All these strange and inexplicable reactions. I'm suggesting to you that Professor Hurst explained everything with his thesis, and I'm suggesting that although you might say that on each point there may be an explanation, you are unable to explain the total picture. --- Kan dit nie net 'n abnormale toestand .. is dit enmoontlik vir my om dit te verklaar, Edelagbare, maar soos ek sê, hierdie hele gedrag van hom kan eintlik binne normale perke geval het vir my. /20

Doctor, I want to deal briefly with Harris'

depressions. You say that his depressions were normal depressions? --- Vir my is dit verklaarbaar as 'n reaksie van omstandighede of omgewings faktore, Edelagbare.

I'm referring to Arieti, page 425, "Suicidal ideas occur in about 75% of patients, and actual suicide attempts are made by at least 10 to 15%." That is the one thing I want to put to you, the other is: "Ideas of guilt, sin and self condonation are very pronounced." Now do you agree with those two things as being /10 characteristics of the manic depressive depression? --- Ek sal nie sê karakteristiek nie, Edelagbare, want mens kry/^{dit}selfs in normale toestande ook. Ek kan nie sê dat selfmoord karakteristiek is in maniese depressiewe depressie nie.

Do you think that these two things differentiate, manic depressive depression from ordinary depression? Normal depression? --- As 'n mens 100 van elk vat, Edelagbare, dan verwag ek van die manies depressiewe depressie gaan daar moontlik meer selfmoord voorkom /20 as in geval van die ander honderd mense, maar ek sê weer selfmoord as sulks is nie karakteristiek van manies depressiewe depressie nie. Hy kan in 'n hele groot verskeidenheid van ander toestande, en ons moet aanneem ook in normale mense ook voorkom.

Doctor, /^{I'll} come back to that, just one more quotation: "There is no great variety in the patient's thought, it is almost as if the patient purposely selects the thought which has an unpleasant content." Do you agree with that? --- Dis net die skuld gevoel. /30

That is so? --- Weereens, Edelagbare, skuld-

gevoelens die kom in manies depressiewe depressies voor, maar hy is nie karakteristiek nie. 'n Normale mens kan skuldgevoelens as gevolg van handeling wat hulle gedoen het of gelaat het, kan hulle ook skuldgevoelens hê. Skuldgevoelens is nie karakteristiek van maniese depressiewe depressie nie.

Doctor, do you remember Harris telling you that when he is depressed he broods a great deal, and normal worries are very exaggerated, and he feels that there is no point in life? --- Dis gewoonlik so, Edelagbare, as 'n mens teneergedruk voel is dit eintlik die normale gevoel. /10

Do you remember Harris telling you that that is how he feels when he is depressed? --- Hy het so gesê, Edelagbare, dat hy soms teneergedruk voel.

What I want to ask, doctor, is this, and that is, given the combination of suicidal tendencies or ideas together with the brooding, together with the ideas of guilt, don't these rather suggest a manic depressive psychosis? Or rather manic depressive depression, rather than an ordinary normal depression? --- Hier van belang is die graad van die skuldgevoelens en van die selfmoord ideës, hoe sterk is hierdie. /20

But given their presence they are significant as being - as pointing to manic depression? --- Afhangende van die graad, Edelagbare, want hulle kan ook in die normale voorkom, afhangende van die graad.

Well, don't you consider that Harris' ideas of suicide preoccupied him to a large extent? --- Nee, Edelagbare. /30

BY THE COURT: You mean the two examples in his childhood

preoccupied him?

MR. SOGGOT: My Lord, those were only given as examples.

DR. VAN NIEKERK: Hy het eenkeer genoem, Edelagbare, hy het verlede jaar gery met die motor, en hy het gevoel om die motor in iets vas te ry, niks verder nie. Ek kannie - kan hierdie nie sien as 'n ernstige selfmoord gedagte nie.

CROSS-EXAMINATION BY MR. SOGGOT (CONTD.) But do the ideas have to be 'ernstig', aren't the ideas themselves significant? His wife, for example, told his Lordship /10 that he wanted to jump off a cliff, he used to speak of that. Don't these things, running right back from his childhood indicate a very definite trend? --- Ek het ook nie gedink dat die selfmoord gedagtes in die kinderjare van so vreeslik belang is nie, Edelagbare. Hierdie kan nog vir my in die normaal voorkom, al hierdie selfmoord idees, en hierdie skuldgevoelens. Ek sê nie hulle mag nie op 'n moontlike maniese depressiewe toestand aanduidend wees daarvan nie, maar vir my is die waarskynlike verklaring dit is normaal. /20

Doctor, if you take those things which I have mentioned with the sharpening images which he has, and which he calls telepathy, doesn't this also add up a totality which is very significant? --- Ek glo nie dat hierdie ondervindings enige waarde in hierdie spesifieke argument het nie, Edelagbare.

Are you satisfied that he has had genuine extra sense re-perceptions? --- Nee, Edelagbare, dit is wat hy vir Professor Hurst gesê het.

If, in the normal course of events a person /30 were to come to you, and say that he has images and that

these images have been becoming clearer and clearer and are accompanied by sound and words, wouldn't that be a very strong indication to you that the person was unwell or becoming unwell? --- Ek sou die moontlikheid dat dit 'n simptoom van 'n geestesstoornis is sal ek wel in aanmerking neem, Edelagbare, maar ek sal ook in aanmerking neem dat mense wat nie geestelik verstoort is nie onder sekere omstandighede ook sulke waarnemings gehoor en gesigs waarnemings ondervind het. Mense wat nie versteurd is nie.

/10.

MR. SOGGOT: NO FURTHER QUESTIONS.

HER-VERHOOR DEUR MNR. MOODIE: Dokter, 'n sekere passasie was uitgelees uit Noyes & Kolb, bladsy 80:

"In exaltations there is an intense elation accompanied by an attitude of grandeur, and less frequent effect of disorder is ecstasy. In this/^{the}mood is one of a peculiar entrancing peaceful rapture and tranquil sense of power. A religious feeling is an essential part of this state." Stem jy daarmee saam? --- Dis korrek, Edelagbare.

Het die beskuldigde enige tekens van daardie /20 gevoel gehad? --- Nie sover ek weet nie, nie wat ek gesien het nie, Edelagbare.

BY THE COURT: Is that an essential part of the ecstasy in manic depressive psychosis?

MR. MOODIE: In the exaltation.

HER-VERHOOR DEUR MNR. MOODIE (VERVOLG) Ook is 'n stuk uit hierdie boek aan u voorgelees op bladsy 64, dis 'n hoofstuk wat lees: "Emotionally Unstable Personality." "Their relationship to other persons, however, is constantly subject to fluctuating emotional attitude, /30 because of strong and poorly controlled hostility and

guilt and anxiety. Their emotional tension is usually at a rather high pitch and may suddenly and unexpectedly burst out in uncontrolled anger or other disproportionate emotional display. At these times such persons may shout, bluster, threaten or even become destructive or assaultive."

Het jy van beskuldigde se geskiedenis daarvan afgelei dat hy so gehandel het? --- Nie wat ek my kan herinner nie

DEUR DIE HOF: Gedurende al die onderhoude was daar enige verwyse na godsdiens? --- Hy het vir Professor Hurst gesê dat hy nie aan godsdiens behoort nie, hy glo nie aan God nie. Hy het gesê hy was vroeër - hy het vroeër aan die Katolieke geloof behoort, Edelagbare, maar op die oomblik geen. /10

MNR. MOODIE: GEEN VERDERE VRAE.

ASSESSOR MNR. VAN DER BERG: Dokter net soos in die geval van bestuur onder die invloed van drank, die feit dat 'n mens se asem na drank ruik is nog geen bewys dat hy wel onder die invloed van drank is nie. Is dit so? --- Ja, Edelagbare. /20

Soos ek die getuienis verstaan het van beide Professor Hurst, Dr. van Wyk en van u self, dat daar is s ekere bestandele wat aanwesig moet wees voor jy die kaartjie aan die man kan hang 'manies depressief.'? --- Ja, dis reg.

Volgens die getuienis, dokter, is so 'n persoon se aandag maklik afleibaar? --- Gewoonlik, Edelagbare.

Sy oordeel is swak? --- Ek sou ook sê gewoonlik, Edelagbare. /30

Nou, as dit die geval is - die hof het te

doen met twee periodes - die een is vanaf Brixton begraafplaas tot by die Griekse kafee, met hierdie tussen periode by die stasie, nou wil ek hom behandel in twee fases, die stasie episode wil ek heeltemal uitlos. Nou, dokter, as hy in daardie toestand was toe hy daar by Brixton begraafplaas was, indien hy manies depressief was, sou hy nie net so wel by homself besluit het, 'kyk ek gaan die bom nou by die stadsaal sit, dit sal net so goed wees as die stasie', sou dit vir u snaaks gewees het? --- Soos u gesê het, Edelagbare, in daardie /10 toestand is 'n mens afleibaar en 'n mens kan van plan verander. Dit sou nie snaaks wees in 'n maniese pasiënt nie. Ek sê nie ek verwag dit nie, Edelagbare, maar dit sal nie snaaks wees nie.

En 'n ander eienskap, dokter, is so 'n persoon is baie praterig? --- Hy is gewoonlik spraaksaam.

Met ander woorde, hy praat los en vas? Of nie noodwendig nie? --- Ek sou sê dit kan voorkom, ja, Edelagbare.

Wat vir my net nie duidelik is nie, dokter, /20 indien die hof aanvaar dat hy wel in daardie toestand was, sal dit logies wees dat so 'n mens nou die polisie bel, die 'Daily Mail' bel, die 'Transvaler' bel, en hom elke slag net beperk by daardie paar waarskuwende woorde? Of sou hy meer uitgewie het? --- Ek glo nie, Edelagbare, ek glo nie hy sou hom daar spesifiek bepaal het nie, maar weer afhange van die graad. Maar, vir my nog meer belangrik is, hy het gehandel volgens die vooraf beplande, in elke besonderheid het hy gehandel, en ek verwag nie so 'n handeling en die uitvoering van elke /30 klein besonderheid nie, verwag ek nie van die maniese

pasiënt nie.

Dan is daar 'n eienskap van rusteloosheid, hy is besig altyd om iets te doen. So 'n persoon sal jy verwag dat hy metodies te werk gaan, of sal hy hier 'n ding doen en daar 'n ding doen, en so aangaan? U sien wat ek in die oog het, dokter is dit, kyk, nou was hy by die stasie, as hy nou 'n rustelose persoon was, sou hy so metodies te werk gegaan het, nou na die poskantoor toe gegaan het, hierdie spesifieke oproepe deurgesit het, nou na die college toe gegaan het, daar /10 hom gaan verkleed het, so metodies, verwag jy dit van so 'n persoon? --- Weer afhange van die graad, Edelagbare, maar van 'n maniese pasiënt verwag ek nie so 'n mooi geroetineerde metodiese optrede, en veral weer soos ek nou, nou gesê het, veral as dit vooraf beplan is, hy het volgens die plan ook nog so gehandel. Ek verwag dit nie van die maniese pasiënt nie.

Dokter, en dan is daar die ander eienskap, die waandenkbare, die grootheidswaan en die vervolgingswaan. In sy beskrywing, dokter, as kind op skool, die /20 'fatty', later toe hy onderwyser was, is daar enige iets daar dokter in die beskuldigde se beskrywing van wat plaasgevind het wat u kan vaspen, hy het beslis gely aan 'n vervolgingswaan? --- Dis my persoonlike opinie natuurlik net, Edelagbare, maar ek meen nie dat enige van daardie kan werklike abnormale, patologiese waan idees wees nie, daardie kan gegrond wees in die werklikheid. Dis my opinie, Edelagbare.

Dan, dokter, hier by die stasie, soos ek die getuigenis gevolg het. Die man was gemoeid om 'n geweldige, /30 gevraagde projek uit te voer, en toe hy die tas neergesit

het, toe het hy hierdie opdrag, hierdie doel uitgevoer, sou dit nie genoegsaam rede gewees het vir hom, dokter, om in die wolke te wees nie? --- Ek persoonlik neem aan, ja, Edelagbare. Hierdie is 'n moontlike verklaring daarvoor.

Dokter, nou wil ek terugkom na die stasie episode, maar nou wil ek eers aan u net kortliks uitwys, die beskuldigde, volgens die getuienis hier in die hof, volgens die getuienis van Professor Hurst, is geweldig geheg aan sy moeder. Sy moeder volgens die mediese getuienis was een van hierdie tipe persoon, sy tante ook so, die beskuldigde in hierdie geval is 'n ontwikkelde en belese man. Nou, dokter, as jy in jou huiskring vat, hier waar pa en suster en broer bymekaar is, is dit nie net natuurlik dat hulle hierdie toestand van hulle ma sou bespreek het nie, of van hulle tante sou bespreek het nie? --- Ek sou sê, ja, dit sou logies wees, Edelagbare. Ek sê nie waarskynlik nie, maar dit kan maklik gebeur. /10

Ek praat nou van hoe ek die saak sien, dokter. /20 Ek het gelukkig nie so 'n toestand in my huiskring nie. Maar die indruk wat ek kry, dokter, is dat so 'n persoon wie se moeder sodanig siek was sal meer van so 'n toestand af weet as 'n persoon wie geen soiets in sy familie het nie? --- Ek stem saam, Edelagbare.

Dokter, u het aan Advokaat Soggot 'n antwoord gegee wat twee ledig was. Die eerste was toe hy aan u gestel het hierdie beskrywing wat die beskuldigde ervaar het, kan dit wees omdat hy dit werklik deurleef het, of hoe, toe was u antwoord, ja, u het twee antwoorde gegee, /30 hy kon dit deurgemaak het en daarom kon hy dit beskryf

het of hy kon daarvan gelees het. --- Miskien by iemand gehoor het, ek weet nie.

Nou, toe later, dokter, Vrydagmiddag toe was die vraag weer deur Advokaat Soggot aan u gestel, toe het u gesê hierdie beskrywing is die van 'n persoon wat so 'n ervaring deurgemaak het. Volg u, dokter? --- Ja.

Wat is nou eintlik u antwoord op so 'n vraag? --- Ek het gesê dat die beskrywing wat aan my uitgelees is - ek moet net sê die beskrywing is nie volledig uit- /10 gelees nie, daardie van 'n godsdienstige gevoel kan ek my nie herinner dat dit aan my uitgelees is nie, en ek het geantwoord, die beskrywing wat gegee is die kan inpas by die beskrywing wat aan my uitgelees is. Dit kan daarby inpas.

Dokter, en dan ek kom op die end. Hier was van godsdiens gepraat. U weet volgens die boek Openbaringe het Paulus sekere gesigte gesien, en elke gesig is haarfyn neergeskryf wat hy gesien het. Nou in hierdie geval, dokter, het ons die geval van Professor Hurst /20 in u en Dr. van Wyk se teenwoordigheid het die beskuldigde gesien op die 10de Oktober, oor 'n lang tydperk, 'n tydperk van ure, nou is van hierdie gesig, hierdie ekstase waarin hy verkeer het nie 'n woord gerep nie. Reg, dokter, dis die eerste dag se ondersoek? --- Ja, Edelaarbare.

Nou, dokter, die tweede dag...

DEUR DIE HOF: As hy dit ervaar het, sou u verwag het dat dit die eerste dag sou genoem het? --- Ek wil asseblief net kyk hoever het Professor Hurst met sy onder- /30 soe: die eerste dag gekom of hy hom al gevra het van

sulke ervarings, Edelagbare. Ek sou sê, ja, Edelagbare, hy behoort die eerste dag al, want hy het vir ons gesê dat hy op die stasie gewees het.

ASSESSOR MNR. VAN DER BERG: Nou, dokter, op die tweede dag, die 11de Oktober, volgens Professor Hurst se rapport het hy dit gesê, ek het dit hier neergeskryf:

"I felt like an insect, a fly that could see all around it, I could see all around me, like cinerama. I knew what was all around me as if there were two cineramas. I had such a strong feeling."

Dokter, is ek geregtig om te aanvaar dat dit is wat Harris gesien het toe hy in hierdie eksultasie gekom het, en dit is hoe hy dit aan Professor Hurst beskrywe het? --- So het hy gesê wat hy gesien het. /10

Nou, dokter, vyf dae later, op die 16de Oktober, nou kom hy, nou beskrywe hy daardie selfde gebeurtenis, maar nou sê hy so, dokter: "The bench was empty at first, but later I was aware of a young man next to me on my left. Although I was not aware of his coming there. I was aware all around me. I was part of the world. The world and I are one, you could say, even with the thing"- toe verwys hy na die bom - Nou, dokter, rym daardie twee beskrywings van sy ervaring?-- Die moontlikheid is, Edelagbare, dat hy dit miskien wel kon ervaar het en dit nie genoem het die eerste keer nie, ek weet nie. Of die ander, dat hy dit nie ervaar het nie en dit nie genoem het die eerste keer nie en lateraan daarvoor gedink het en dit toe genoem het, ek is.... /20

Jy sien, hy het vyf dae gehad om die saak te bepeins, dokter? --- Ek noem hierdie twee as moontlik- /30

hede, Edelagbare, maar ek glo nie kwalifiseer om enige opinie uit te spreek.

Dokter, nou gaan ek dan weer 'n paar dae later, dit is nou in die hof. Nou kom hy hier in die hof, dokter, en hy sê - dit is wat Professor Hurst in sy rapport aangestip het - 'he stated that he had a clear view of the world. It was like two cinerama. screens, one behind and one in front. It was like being in a glass ball with people around it." Hier in die hof, dokter, het die eerste maal hierdie voorwerp, die glas bal, tot voorskyn gekom. Nou het u die vlieg, die samesluiting met die kosmos, weer dae later die glas bal. As 'n man wat opgelei is in daardie lyn, dokter, hierdie onderhoude volgens die getuie wat gegee is het ure geduur? --- Ja, Edelagbare. /10

Is dit nie natuurlik dat hy die eerste dag of die tweede dag hierdie beskrywings sou gevind het van die beskuldigde nie? Hoekom moes hy dae vat en altyd verbeter? Is dit natuurlik? --- Ek sou sê, ek sou saamstem dat hierdie miskien/wat mens sou verwag, Edelagbare. Meer kan ek nie sê nie. /20

DEUR DIE HOF: Ek dink wat die geleerde landdros bedoel is dat jy kry die verskillende beskrywings. As hy in werklikheid so 'n ervaring gehad het, sou jy verwag dat die beskrywings sou verskil? --- Eintlik nie, Edelagbare, want in die beskrywing in the boek Noyes & Kolb sê hulle ook dat daardie ondervinding maak altyd 'n geweldige indruk op die persoon wat dit beleef. So ek sou dit eintlik verwag die eerste keer, maar ek weet nie, Edelagbare, ek kan net sê, ek sou dit eintlik verwag het /30

MR. PHILIPS asks leave to recall Professor Hurst;
States that the evidence of the two psychiatrists
called by the State controverts that of Prof. Hurst
and that citations etc. quoted from authorities were
not put to Prof. Hurst.

Dr. van Wyk's evidence re Cattell's Test is negative.

MR. MOODIE objects and states that Defence has closed
its case; Quotes Section 210;

Onus is on Defence to satisfy Court on preponderance
of probability;

If Defence case is re-opened, they may wish to consult
further doctors;

Recall only if essential for just decision of the case,
but nothing suggests that;

Gardiner & Lansdowne p. 406.

MR. PHILIPS will not call other witnesses;

Reads out 11 points of controversy not previously put
to Prof. Hurst.

MR. MOODIE points out that it may be necessary to
recall State psychiatrists.

BY THE COURT: Mr. Moodie, Mr. Philips, on behalf of the
accused, has applied for the recall of Professor Hurst,
on the ground that certain statements made by the State
psychiatrists were not put to him. This type of
procedure does result in protracting the case, because
it may lead to application for a recall of the State
witnesses, and one does not know when that will stop.
But, because of the serious consequences that may result
on the decision in this case, I feel that in fairness to
the accused, that opportunity should be afforded him.

-: oOo :-

PROFESSOR HURST, s.u.o. (Recalled)

FURTHER EXAMINATION BY MR. PHILIPS:

Professor Hurst, you have heard, I have outlined to his Lordship the points upon which I would like you to give the Court the benefit of your comments. These were matters that were not put to you when you gave evidence earlier. Would you first, please, comment on the suggestion that has been made by the State psychiatrists that the accused's mood swings are attributable only to emotional immaturity and emotional lability? --- My Lord, in my opinion, the points against such an interpretation and in favour of a cyclothymic temperament which at times becomes exaggerated to the degree of manic-depressive psychosis are as follows. First of all the genetic background that we have already reviewed; then his history that the duration of episodes of elation and depression can be as long as a week, two weeks or three weeks, with certain evidence of the observation of people such as his wife. This long type of mood swing is not the type of condition you get in emotional instability, where there is an immediate reaction on a psychological provocation. Moreover, there is the, in the case of the lability due to immaturity, the congruence of the mood induced with the precipitating psychological factor, and I am impressed by his statements to us that while in jail, after the first few days, he was predominantly up, and that he wished his people would know about that. And also the picture that I consider compatible with and indeed indicative of hypo-mania, in the early part of July. On these grounds, my Lord, I contend that we are dealing

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with a cyclothymic personality, which becomes exaggerated at times to the stage of manic-depressive psychosis, as opposed to emotional lability in the immature type of personality.

MR. PHILIPS: The next statement that I would like you to comment on, Professor Hurst, is Dr. van Wyk's views and also Dr. van Niekerk that you don't get rapid fluctuations between heightened awareness and clouding of consciousness postulated as underlying amnesic periods.

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PROF. HURST: My Lord, in this connection, I would like to comment that it is well-known that in any form or phase of manic-depressive psychosis fluctuations within the day, that can be quite rapid, can occur. In the state of ecstasy that I have stated existed, in my opinion, which is the highest form of mania, it is specifically known that clouding of consciousness can occur, and indeed, does occur, and that this intrusion of the clouding of consciousness can be for variable durations, and quite frequently within the course of the day.

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In my experience, one does get quite rapid fluctuations between a normal level of consciousness, heightened consciousness and clouding of consciousness, in this state, my Lord.

MR. PHILIPS: Professor Hurst, if this were a condition caused by emotional immaturity or emotional lability - the term used, what sort of reaction does the psychiatrist expect on any particular stimulus?

PROF. HURST: That it is congruous with the stimulus, that the type of stimulus would elicit an appropriate

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emotional response, even if it is exaggerated. It wouldn't differ in degree. A stimulus that would be calculated to be depressing wouldn't elicit elation, my Lord.

MR. PHILIPS: Now the next topic, Professor Hurst, the State psychiatrist suggested that the ecstasy which the accused experienced on the station was not a manic ecstasy, but merely one of heightened joy or exhilaration. Would you comment on that, please?

PROF. HURST: Yes, my Lord. The features that characterise the manic-ecstasy as opposed to a normal ecstasy include such features as the feeling of transcendence, and merging with the cosmos and the Universe such as he has described, and these features are not characteristic of normal ecstasies, my Lord. /10

MR. PHILIPS: Then the suggestion was made by Drs. van Wyk and van Niekerk that the accused's mood swings both in this Court and in the consultations that you held with him, were not cyclothymic, but were in fact reactive to external stimuli. Would you comment on that, please? /20

PROF. HURST: My Lord, observing him in court, where the situation was constant, one noted fluctuations in the first day in the morning, in which he was expansive and cheerful, expect...

BY THE COURT: Well, this has all been covered, Mr. Philips?

MR. PHILIPS: Well, Professor Hurst, I don't want you to go over what you have already said, but do you or do you not agree with the views expressed by the two doctors that his mood swings, both here in court and /30

in consultation, were reactive to external stimuli.

PROF. HURST: I do not agree, my Lord.

MR. PHILIPS: Then you heard Dr. van Wyk's answers when I questioned him on the Cattell IPAT test. Now would you tell his Lordship what you know about that test, its validity, and the extent to which you believe it to be...

MR. MOODIE: I think he covered this in his evidence as well.

MR. PHILIPS: With respect, my Lord, he did not. It was never at any stage suggested that this was not a test which was valid and applicable. /10

BY THE COURT: Well, the standardisation was.

MR. PHILIPS: Well, Dr. van Wyk's evidence in this regard, my Lord, was that he doesn't use it, that he doesn't know anything about it, that he doesn't know that it has been standardised for use in this country, and that consequently he completely discounted the fact that Professor Hurst had applied this test. Now that is what I would like Professor Hurst to comment on. /20

PROF. HURST: My Lord, Professor Cattell, who is very skilled in the construction and standardisation of tests, considers this test so to have been standardised as to be applicable in other settings, and it has been used in Australia and India, and he has commended it for use in South Africa. Unlike intelligence tests, it is not measuring abilities that are important as regards the question of vocational or educational adjustment, and having regard to this fact, he, who is a leading authority in this /30

field, considers it applicable, and it is in fact being used in the countries I have mentioned.

ASSESSOR MR. HART TO PROF. HURST: Professor Hurst, this emanates from the United States of America, doesn't it? --- Yes. Professor Cattell was English-trained, and...

Yes. I don't want its history. It comes from the United States. You have just told us it is used in Australia and India. Is it used in Canada?

--- I am only quoting evidence where I know it has been used. It may well have been used in...

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Well, do you know that it is used in Canada? Adjoining the United States, as you know. --- I am not aware of studies in that regard.

Is it used in the British Isles - England, Ireland and Scotland? --- I am not aware of that, one way or the other.

Apart from Australia, is it used in any other area that may be or may have been part of the British Commonwealth? --- India.

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Is it used on the Continent? --- No, it is an English version. There is only an English version.

FURTHER EXAMINATION BY MR. PHILIPS: (Contd.)

MR. PHILIPS: Dr. van Wyk suggested that if the accused had been in an advanced state of manic-ecstasy, he would probably have been in a stupor. What do you say to that?

PROF. HURST: I do not agree, my Lord. It is a characteristic, at least of part of this condition, that there is a condition of tranquillity, as we saw in the definition from Noyes & Kolb. Outwardly

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therefore it doesn't show the restlessness that is characteristic of other forms of mania, but in a few of the cases mentioned by Anderson, people in this ecstasy, so far from being stupid, go about their everyday work.

MR. PHILIPS: Then Dr. van Wyk told the Court that during the course of the consultations that you held with the accused and which he attended, that he clearly - and I think he indicated that Dr. van Niekerk as well - clearly indicated their disagreement with you as to your belief that the accused had experienced a manic-ecstasy. Is that correct? /10

PROF. HURST: At the interviews in jail, Dr. van Wyk indicated that he didn't agree with my interpretation about the phenomena that I regarded as grandiose delusions, but I have no recollection of his disagreeing on the point of manic-ecstasy or any other point. There simply was no comment, which I interpreted as being his interpretation of his duties in this context, that he wasn't called upon to discuss the case. /20

MR. PHILIPS: Then Dr. van Wyk said that in the course of these interviews, you suggested that a conference would be held with the other two psychiatrists, and that then no such conference was held. Is that correct.?

PROF. HURST: I expressed the view, my Lord, that it would be pleasant if colleagues, who hold each other in high regard, could confer at a medical level in these cases, and on two or three occasions I expressed my conclusions as to the likely themes that were in my /30

mind: the cyclothymic and manic-depressive and the paranoid themes. But in view of the fact that neither he nor Dr. van Niekerk contributed anything, I respected the feeling that they felt it wasn't their brief, as it were, to comment. But I do feel that it is not correct that I wilfully didn't call a conference as I promised. I merely felt that in view of the situation, that nothing further happened after my comment, that there was nothing further.

MR. PHILIPS: Then, Professor Hurst, Dr. van Wyk said that his view was that the accused couldn't have appeared calm and undisturbed to observers, if he experienced what he says he did. What do you say to that? /10

PROF. HURST: I disagree, my Lord. It is characteristic of this condition or part of it that there is this tranquillity, so that during this tranquil phase the person may well - and often does, not attract the attention of the external observer.

MR. PHILIPS: Then, Professor Hurst, one of the examples quoted by you of the accused's abnormal reaction, upon which I think you based your theme of the paranoid trend, was the accused's statement to yourself and to the Court, of his reaction to a marital questionnaire, I think it was, that appeared in a magazine known as "Personality", and Dr. van Wyk said in regard to that that this was his reaction, that the accused's reaction was rationally explicable on the basis that the accused regarded himself as a bad husband. What do you say to that? /20 /30

PROF. HURST: I do not agree with this, my Lord.

The fact that he may have regarded himself as a bad husband doesn't explain the extraordinary belief that some previous school friend of his, or school associate, could have constructed a category within a schedule on which you rate yourself as a marital partner, by visualizing an old colleague. These things would be constructed on certain abstract points. So that I do feel that this was an abnormal reaction, and an idea of reference on the part of Harris.

/10

MR. PHILIPS: Then Dr. van Wyk said that the accused's abnormal reactions, to which you referred, did not provide evidence of a paranoid trend, because the accused did not act upon the various stimuli to which he reacted.

PROF. HURST: It is my contention, my Lord, that in the letter to Dr. Verwoerd, that one has called the "ultimatum," and in the planting of the bomb, that he did in fact act on what I interpret to have been his grandiose reactions, which are part of the paranoid trend. And that in a history of this kind - earlier difficulties, getting on with previous associates, such as he had described to me, at the Hyde Park school, the Indian school and latterly at Damelin, and on one of which he cited as a partial reason for going to England, although not conclusive in themselves, psychiatrically do form part of a recognised picture. Earlier suspiciousness working up to these frank delusions later on.

/20

MR. PHILIPS: Finally, Professor Hurst, you heard Dr. van Niekerk agree with my learned friend, who read him

/30

a passage from a text-book, to the effect that religious feeling is essential to manic-depressive exaltation. What do you say to that?

PROF. HURST: I am quite certain, my Lord, that 'religious' here is not to be interpreted in the sense of a sectarian religion, but a mystical experience. This fusing with the cosmos, this feeling of transcendence. Both from my own experience and the case of Anderson, it is this sense of religious rather than a specific denominational religion that is referred to. /10

-: NO FURTHER QUESTIONS :_

FURTHER CROSS-EXAMINATION BY MR. MOODIE: They were present at all the 16-hours of examination, doctor? The other two doctors? --- Yes, my Lord.

Did you tell them the history of the family? --- I invited them to the interview. Dr. van Wyk said he couldn't come when they were able to come, and he would be happy to hear from me about them, and I did that. /20

You reported to them on the history of the family? --- Yes, my Lord.

You also reported to them on what Mrs. Harris told you? --- Yes, my Lord.

And you also told them the significance of the Cattell Test? --- Yes, I showed them. Yes, my Lord.

Now is there any explanation for the difference of opinion between you and the other two doctors, except that doctors disagree? --- On the Cattell Test?

On the whole lot. On the sum total of your opinion. --- I can only consider that my own opinion /30

is based on my long experience of 29 years in psychiatry, and that doctors do disagree.

-: NO FURTHER QUESTIONS :-

ASSESSOR MR. HART TO PROF. HURST: Professor, one matter I am not at all clear upon. Do I understand correctly now - you examined the accused, I think, for the first time on the 10th October, this month?--- Yes.

For a period, as I have noted it, of approximately a little over 6 hours? --- 16 hours. Oh, on the first day? On the first day it was 3 + 3½ with a break for luncheon. /10

6½ hours? --- Yes.

And is it correct that during that period, at no time did he tell you of this mystic experience that he says he experienced on the station? --- Yes, my Lord, but may I explain the special reason?

No, but he didn't tell you? Was it mentioned at all? --- I didn't deal with that area. It is customary in psychiatric examinations, in cases of investigation of crime, to deal with more general aspects of the psychiatric situation, and for this reason, one had abstained from dealing with that period at all until the second day. /20

Did you not ask him at all about what happened on the station? --- No, my Lord.

BY THE COURT TO PROF. HURST: I don't know whether you have replied to this already, but I just want it on record: For your opinion to survive, if I might use the expression, it is necessary that the Court should find the accused truthful in respect of all his alleged symptoms? --- Situations do exist, my Lord, where an /30

untruthful man who becomes a psychotic, remains untruthful in certain particulars as well, so one has known untruthful people who persisted in an untruthful way, apart from their psychotic...

But I mean, we must believe these symptoms?

--- Believe in the symptoms which I have claimed as symptoms?

In the truth of them. --- Yes, my Lord.

Your opinion is dependent - you believe in them? --- Yes, my Lord.

/10

And your opinion is dependent upon such beliefs? --- Yes. my Lord.

-: oOo :-

MAJOOR BRITZ. (n.o.e.) Herroep.

DEUR DIE HOF: Majoor, het u die afstand afgetreë van Jeppestraat poskantoor tot by Damelin? --- Ek het, Edelagbare.

Hoever is dit? --- Dit is 280 treë.

En het u die tyd geneem? --- Dit het my 3 minute geneem.

Het u vinnig gestap? --- Ek het redelik vinnig gestap.

En het u die afstand afgestap van die saal tot by die stasie tot by die kollege? --- Ek het, Edelagbare, dit is 408 treë. /10

Is dit waar die ontploffing wel...--- Dit is vanwaar die ontploffing wel plaasgevind het tot regvoor die ingang van Damelin College.

408 Treë? --- 408 treë.

En hoe lank het dit geneem? --- $4\frac{1}{2}$ minute.

MNR. MOODIE: GEEN VRAE.

MNR. PHILLIPS: GEEN VRAE.

/20.

JAMES WARD. (s.s.)

BY THE COURT: What is your occupation? --- Senior Fire Officer at Johannesburg Fire Station.

You know about this explosion on Johannesburg railway station on the 24th July? --- Yes.

Which fire station received the call? --- Central Fire station.

And where is that? --- Central Fire Station situated in Kruis Street, Johannesburg. Corner of Frederick. /30

Kruis and Frederick Streets? --- Yes.

Do you know how far from the station this is? --- Mile and half. I give a guess.

And is there a record of when the call was received? --- Yes, sir.

What time was that? --- At 4.38 in the afternoon.

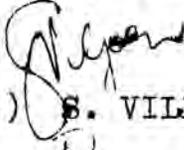
And what time, would you estimate, what time did the fire engines arrive at the station? --- We left at 4.39, and we arrived outside the station at 4.42.

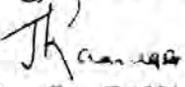
MR. MOODIE: NO QUESTIONS.

MR. PHILLIPS: NO QUESTIONS.

- CERTIFICATE -

We, the undersigned, certify the foregoing to be a true and correct transcript, to the best of our ability, of the evidence and proceedings, mechanically recorded, in the case of The State v. F.J. Harris.


(Sgd.) S. VILJOEN.


(Sgd.) J. RAMAGE.

TRANSCRIBERS

IN THE SUPREME COURT OF SOUTH AFRICA
(TRANSVAAL PROVINCIAL DIVISION)

In the matter of:-

THE STATE

vs.

FREDERICK JOHN HARRIS

Applicant

NOTICE OF APPLICATION FOR LEAVE TO APPEAL

BE PLEASED TO TAKE NOTICE that application will be made on 19th November 1964 to the above Honourable Court for leave to appeal to the Appellate Division of the Supreme Court of South Africa against the conviction and sentence passed upon the Applicant aforementioned by His Lordship Mr. Justice LUDORF sitting with Assessors in the above Honourable Court on the 6th November 1964, on the grounds that:-

- (a) The conviction on the charge of murder is against the evidence or the weight of evidence, more particularly in that:-
- (i) The Court erred in rejecting the evidence of the Applicant.
 - (ii) The Court erred in finding that the State had proved beyond a reasonable doubt that the Applicant had the intention to murder.

- (iii) The Court erred in finding that the Applicant had not discharged the onus of proving on a balance of probabilities that the Applicant, by reason of some disease of the mind, was not responsible for his actions at the time of the commission of the alleged offence.
- (iv) The Court erred in rejecting the evidence of Professor Hurst and in accepting the evidence of the Psychiatrists for the State in regard to the mental condition of the Applicant at the time of the alleged commission of the offence.
- (v) The Court erred in finding that there were no extenuating circumstances.
- (vi) The sentence was, in all the circumstances, excessive. Supplementary grounds of appeal will be filed before the hearing of the application aforementioned.

DATED at JOHANNESBURG this 17th day of NOVEMBER 1964.

HAYMAN & ARONSCHN,
Attorneys for Applicant,
JOHANNEBURG.

IN THE SUPREME COURT OF SOUTH AFRICA
(TRANSVAAL PROVINCIAL DIVISION)

In the matter between :

FREDERICK JOHN HARRIS Applicant

and

THE STATE RespondentNOTICE OF AMENDMENT

BE PLEASED TO TAKE NOTICE that Application will be made to the above Honourable Court at 10 a.m. on MONDAY the 7th DECEMBER, 1964, for an amendment to Applicant's Grounds of Appeal by the substitution of the Grounds appearing in the Notice of Application for Leave to Appeal dated the 17th NOVEMBER, 1964, by the following :

1. The conviction on the charge of murder is against the evidence or weight of evidence in that :

(a) The Court erred in rejecting the evidence of the Applicant, more particularly in that the Court erred in finding :

- (i) That the Applicant could have been prompted in his evidence by other prisoners or by visitors or other persons.
- (ii) That the Applicant lied or contradicted himself in respect of his reaction to the news of the explosion at the station and in respect of the voluntariness of the confession to the Magistrate.

- (iii) That the purchase of new shock absorbers was not an extravagance, but that they were bought as a precaution related to the carriage of explosives.
 - (iv) That the Applicant was worried by the danger involved in his activities and the danger of detection.
 - (v) That the Applicant at the time of the depositing of the bomb enjoyed a relief from tension because he was dissociated from the bomb.
 - (vi) That the letter to the Prime Minister was intended to publicise a contemplated demonstration.
- (b) The Court erred in accepting the evidence of the Psychiatrists for The State more particularly in that :
- (i) The said witnesses were contradictory, self-contradictory and vague.
 - (ii) They failed to adequately explain all the features constituting the Applicant's psychiatric state, in particular the state of ecstasy in the psychiatric sense experienced by the Applicant as also the fluctuations of mood which lasted several days or weeks at a time.
 - (iii) The said witnesses had no scientific basis for the suggestion that the Applicant in fact had telepathic experiences, nor were they qualified to make such pronouncements.

- (iv) On his own admissions Dr. van Wyk was not competent to give evidence as to the reliability or otherwise of the CATTELL TEST.
- (c) The Court erred in rejecting the evidence of Professor Hurst more particularly in that :
 - (i) (a) The Court referred to and/or relied upon passages in an article by one Anderson in the Journal of Neurology and Psychiatry 1938 - 1939 which had not been referred to by any witness and which were accordingly not in evidence before the said Court.
 - (b) The Court on the basis of the passages aforementioned drew inferences against Professor Hurst although the said witness had not been cross-examined or been given an opportunity to state his expert opinion in relation to the said passages.
- (ii) The Court erred in finding that Ann Harris would probably have noticed some derangement on the part of the Applicant had his psychiatric state been such as has been described by Professor Hurst.
- (iii) The Court failed to accord any or sufficient weight to the admissions of the Psychiatrists for The State.
- (iv) The Court should have accepted the results of the CATTELL TEST as providing objective scientific information relating to the Applicant's psychiatric condition.

2. The Court erred in finding that the Applicant had not discharged the onus of proving on a balance of probabilities that the Applicant, by reason of some disease of the mind, was not responsible for his actions at the time of the commission of the alleged offence.

3. The Court erred in finding that The State had proved beyond a reasonable doubt that the Applicant had the intention to murder.

4. The Court erred in finding that there were not extenuating circumstances.

DATED at JOHANNESBURG this 4th day of DECEMBER, 1964.

HAYMAN & ARONSOHN,
Attorneys for Applicant,
JOHANNESBURG.

IN THE SUPREME COURT OF SOUTH AFRICA
(TRANSVAAL PROVINCIAL DIVISION)

In the matter between :

FREDERICK JOHN HARRIS Applicant

and

THE STATE Respondent⁺

TO THE JUDGE PRESIDENT AND OTHER HONOURABLE JUDGES
OF THE ABOVE HONOURABLE COURT.

P E T I T I O N

THE PETITION OF FREDERICK JOHN HARRIS HUMBLY
SHEWETH THAT :

1. Your Petitioner is FREDERICK JOHN HARRIS an Adult Male, presently in custody in the Central Gaol, Pretoria.
2. The Respondent is THE ATTORNEY GENERAL OF THE TRANSVAAL in his capacity as such.
3. On the 6th day of NOVEMBER, 1964, your Petitioner was found guilty by the above Honourable Court of the crimes of Murder and of Sabotage and was sentenced to death. Your Petitioner has been in custody since then.
4. Immediately after the said verdict your Petitioner instructed his Attorney, MISS RUTH HAYMAN, to make Application for Leave to Appeal and to take such

918. APPLICATION FOR
CONDONATION

other action as she and Counsel deemed necessary in the interests of your Petitioner.

5. Your Petitioner verily believes that his Attorney instructed Counsel to make the said Application and that such Application was enrolled timeously.
6. Your Petitioner now understands that Counsel has advised that an Application for a Special Entry should be made in terms of sub-section 1 of Section 364 of Act 56 of 1955. Your Petitioner as a layman was unaware of such a procedure and left the whole question of further action entirely in the hands of his Legal Advisers.
7. Your Petitioner understands that the Application for a Special Entry is out of time, but your Petitioner respectfully submits that the delay in making this Application is through no fault or omission on his part.
8. Your Petitioner submits that there is a reasonable prospect of success in respect of the Application for a Special Entry for the reasons set out in the Notice of Application thereof which your Petitioner prays should be read as if incorporated herein.

W H E R E F O R E your Petitioner prays that it may please the above Honourable Court to grant an Order -

- (a) condoning the delay in making the said Application for a Special Entry;
- (b) alternative relief.

AND YOUR PETITIONER AS IN DUTY BOUND WILL EVER PRAY.

DATED at PRETORIA this 4th day of DECEMBER, 1964.

(Sgd.) J. Harris.

APPLICANT.

IN THE SUPREME COURT OF SOUTH AFRICA
(TRANSVAAL PROVINCIAL DIVISION)

In the matter between :

FREDERICK JOHN HARRIS

Applicant

and

THE STATE

Respondent

NOTICE OF APPLICATION FOR A SPECIAL ENTRY IN
TERMS OF SECTION 364(1) OF ACT 56 OF 1955.

BE PLEASED TO TAKE NOTICE that Application will be made to the above Honourable Court at 10 a.m. on MONDAY, the 7th DECEMBER, 1964, in terms of the Section aforementioned for an Order that a Special Entry be made upon the Record of the proceedings in the matter aforementioned on the grounds that it is alleged by the Applicant that the proceedings in connection or during the Trial in the matter aforementioned were irregular in that :

- (a) The Court referred to and/or relied upon passages in an article by one Anderson in the Journal of Neurology and Psychiatry 1938 - 1939 which had not been referred to by any witness and which were accordingly not in evidence before the said Court.
- (b) The Court on the basis of the passages aforementioned drew inferences against Professor Hurst although the said witnesses had not been

IN THE SUPREME COURT OF SOUTH AFRICA
(WITWATERSRAND LOCAL DIVISION)

Johannesburg: 7th December, 1964.

BEFORE: The Hon. Mr. Justice LUDORF.

In the matter of:

THE STATE versus FREDERICK JOHN HARRIS

- JUDGMENT ON APPLICATION FOR LEAVE TO APPEAL -

LUDORF, J.: The applicant was convicted by me, sitting with assessors, of murder and sentenced to death.

I now have before me an application for a special entry and an application for condonation of the lateness of that application as well as an application for leave to appeal against the conviction and sentence. 10

The special entry sought is based upon my reference in the judgment to certain portions of an article referred to by Prof. Hurst in evidence, and portions of which were quoted by him. I regarded other portions of the article, which he did not quote, as being in conflict with the opinion that he expressed. It has been argued that that evidence was not before me. On the other hand 20 it has been argued that the evidence was clearly before me. Be that as it may I regard the point as an arguable one and being a special entry I do not regard it as frivolous which is the only ground upon which I can refuse a special entry, and for that reason I grant the application for condonation and the application for a special entry.

The rest of the grounds of appeal are slender, but

as the Appellate Division would have to consider the whole record to decide if there was an irregularity, and if there was any prejudice, for practical purposes the whole matter will be before the Appeal Court, and I therefore grant the application for leave to appeal.

IN THE SUPREME COURT OF SOUTH AFRICA
(TRANSVAAL PROVINCIAL DIVISION.)

At JOHANNESBURG, Monday the 7th of December, 1964:

Before the Hon. Mr. Justice LUDORF.

In the matter of

FREDERICK JOHN HARRIS

Applicant

and

THE STATE

Respondent

Upon the motion of Mr. A.J. Soggot, counsel for the Applicant, and having heard Mr. K.D.M. Moodie, counsel for the Respondent, and having read the petition and other documents filed,

IT IS ORDERED :

1. That the Applicant be and is hereby granted leave to appeal against the convictions and sentence passed upon him at Pretoria on the 6th of November, 1964; and
2. That in terms of Section 364(1) of Act 56 of 1955 the following special entry be and is hereby made on the record of proceedings against the Applicant:-

"It is alleged by the Applicant that the proceedings in connection with or during the trial of the Applicant were irregular in that (a) the Court referred to and/or relied upon passages in an article by one Anderson in the Journal of Neurology and Psychiatry 1938 -1939, which had not been referred to by any witness and which were accordingly not in the evidence

cross-examined or been given an opportunity
to state his expert opinion in relation to
the said passages.

DATED at JOHANNESBURG this 4th day of DECEMBER, 1964.

HAYMAN & ARONSOHN,
Attorneys for Applicant,
JOHANNESBURG.

before the court; and (b) the Court on the basis of the passages aforementioned drew inferences against Professor Hurst, although the said witness had not been cross-examined or been given an opportunity to state his expert opinion in relation to the said passages."

BY ORDER OF THE COURT.

(Sgd.) F.J. Visser.

ASST. REGISTRAR.

- CERTIFICATE -

I, the undersigned, certify the foregoing,
being Volumes I to VI of the record of proceedings in
the matter of The State v. Frederick John Harris, to be
a true copy of the record filed in this Office.

(Sgd.) J.J. MYBURGH.

REGISTRAR OF THE SUPREME COURT
TRANSVAAL PROVINCIAL DIVISION.