

SAAKNOMMER: CC 482/S5

DELMAS

1986-08-29

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRÜGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

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HOF HERVAT OP 29 AUGUSTUS 1986.

MR YACOOB : My Lord, accused no. 20, Terror Lekota is now with us. As far as Mr More, accused no. 4 is concerned, his stomach problems got worse and he is apparently in bed at Modderbee still and will be unable to be here.

LEENDERT PIETER CHRISTIAAN JANSEN, v.o.e.

CROSS-EXAMINATION BY MR YACOOB (continued) : Colonel, will you look at EXHIBIT ABD(7)1 so that I can put an alternative interpretation of that photograph to you. -- Ek sal net graag op hierdie stadium iets wil sê. Daar is ooreengekom(10) dat die vrae in Engels aan my gevra word en dat ek in Afrikaans antwoord. Ek het al twee dae met daardie situasie te kampe en ek wil net graag hier in die hof my bekommernis uitspreek daaroor. Ek vind taamlike probleme daarmee. Wanneer 'n vraag gevra word, moet ek eers luister na die hele vraag in Engels, dan moet ek dit vir myself vertaal in Afrikaans en dan moet ek die antwoord daarop uitwerk. Ek sou graag 'n versoek wil rig op hierdie stadium dat die vrae in Afrikaans gestel word, as dit moontlik is.

HOF : Wel, ek het tot die prosedure toegestem, dr. Jansen, (20) bloot omdat u uself bereid verklaar het om dit so te doen. Dit is nie my praktyk om dit so te doen nie. Die deurmekaar vraery en taalprobleem. Dus, as u nie bereid is om daarmee voort te gaan nie, dan sal mnr. Yacoob sy vrae in Afrikaans moet stel. Alternatiewelik moet hy maar van 'n tolk gebruik maak. -- Ek sal dit so verkies.

MR YACOOB : Perhaps it would be better if I use an interpreter.

HOF : Ons het 'n tolk, mnr. Yacoob. Gaan voort.

MR YACOOB : Colonel, I would like you please to have a (30)

... / look

look at ABD(7)1 so that I can put a further interpretation of that photograph to you. -- Ek het die foto voor my.

I would also like to provide you with a ruler so that we could whether we could agree on certain measurements. Do you accept that the line running from left to right which is the line indicating time is 9,5 cm long? -- Ek sien geen lyn op die foto wat 9,5cm lank is nie.

I talk about the length of the photograph from left to right. What would you say is the length of that? -- Ja, die lengte van die foto is naastenby 9,5cm. Dit is kor- (10) rek.

And do you accept that that 9,5cm in fact represents one second? -- Ja, dit is naastenby een sekonde.

We say that the pulse - do you see the pulse there - which occurs 2,5cm from the left of the photograph? -- Ja, ek sien daardie puls.

We say that that is a pulse which probably indicates the recommencement of the recording and we say probably, because we are not too sure, because we do not accept that every commencement of the recording is indicated by (20) a pulse and it is the tapering off of sound which you see after that pulse, the tapering off of sound which the sound which we got you to listen to and which we called the depression of sound yesterday? You will note that thereafter is a measure of silence. That is the silence which we drew your attention to yesterday. As far as the two pulses are concerned which after the silence and before the beginning of the speech, we say again that we are not too sure what caused it. It is possible that after the recording button had been pressed, there could have been and this is mere (30) speculation/...

speculation a radio microphone interruption and that it is this radio microphone interruption which could possibly be represented by these pulses? But the position is that there are so many variables and so little is known about these pulses that it is impossible to ascribe too much importance to them or to explain precisely what they say? Particularly because in this case there are relatively small pulses? --

Die eerste aspek sover dit die grootte van die pulse aangaan, dit was die laaste deel van die vraag gewees. Die grootte van die pulse is nie bepalend nie, met ander woorde ek (10) het al verskeie gevalle teëgekome waar bandmasjiene pulse veroorsaak van daardie grootte en hier word verwys na die tweede stel pulse, die pulse wat in die stiller deel voorkom. Dit is pulse wat op 'n afstand van 8cm vanaf die linkerkant van die foto voorkom. Hierdie pulse het 'n eienskap dat hulle veel sterker is na die een kant toe, in hierdie geval die bo kant as na die ander kant toe en dit is die soort van situasie wat 'n mens tipies kry by die afskakel en/of aanskakel pulse van 'n bandmasjien. 'n Radiomikrofoonsteuringspuls veroorsaak normaalweg ongeveer ewe groot uitwykings (20) na albei kante van die gemiddelde. Dus ek sou 'n lae graad van waarskynlikheid toeken daaraan dat daardie twee pulse afkomstig is vanaf 'n radiomikrofoonsteuring. Dit is verder ook so dat pulse wat deur 'n radiomikrosisteem veroorsaak word is beperk in bandwydte, wat beteken dat die pulse effens stadiger gebeur as pulse wat deur die bandmasjiene se meganisme veroorsaak word. Dit veroorsaak dat sulke pulse 'n dikker lyn trek op die foto. Hierdie spesifieke pulse het al twee dun lyne op die foto wat aandui dat hulle teen 'n hoë spoed plaasgevind het, wat nog 'n rede is waarom die waarskynlikheid (30)

dat/...

dat die radiomikrofoonsteurings is baie laag is. Ek gee toe dat op hierdie foto kan 'n mens nie die presiese spoed van die pulse bepaal nie en daar moet dus nog 'n geringe waarskynlikheid - nee, daar moet dus nog 'n moontlikheid bly bestaan dat om daardie rede alleen dit dalk wel radiosteurings kan wees. Die vorige rede van die uitwyking slegs na een kant is egter 'n sterker oorweging, wat aandui dat dit waarskynlik nie 'n radiomikrofoonsteuring is nie. 'n Verdere aspek wat genoem was, was oor die eerste stel pulse op die posisie van ongeveer $2\frac{1}{2}$ cm vanaf die linkerkant. Die eerste van die twee (10) pulse is die sterkste en sy uitwyking is ewe ver na bo en onder of ongeveer ewe ver na bo en onder. Verdermeer op daardie punt is die normale klanksein omtrent ewe sterk aan weerskante van die pulse. Op grond daarvan sou dit vir my meer aanvaarbaar wees om te oorweeg dat die eerste stel pulse radiomikrofoonsteurings is as die tweede. Daar is egter ander pulse wat nie in die vraag genoem was nie, maar wat ek graag in my antwoord wil bespreek en dit is pulse wat heel aan die linkerkant van die foto voorkom, die eerste by ongeveer 3mm en die tweede by ongeveer 14mm of 1,4cm. Daardie (20) twee pulse dui besonder sterk op pulse wat deur die elektromagnetiese werking van die bandopnemer veroorsaak is en daardie pulse sou ek interpreteer as 'n afskakelsituasie uit die opneemodes, maar aangesien ek nie die spesifieke bandmasjien beskikbaar gehad het vir toetse nie, kan ek dit slegs stel as 'n hoë waarskynlikheid. Die interpretasie van gebeure soos deur die verdediging weergegee is dus nie vir my aanvaarbaar nie.

Using your ruler, can you tell us exactly where according to your analysis the recording machine was put on, how far (30) from/...

from the left-hand side was this recording? -- Ek sou geneig wees, dit is my verklaring, dat die aanskakelpunt in werklikheid plaasvind by die puls wat voorkom op die punt 14mm vanaf die linkerkant.

There may be some misunderstanding. You say the machine was put on at 1,4cm. I thought that a little earlier you said that that was the pulse which indicated the machine having been put off? -- Ja, dit is korrek. Ek het dit so gesê. Ek het my daar nie baie goed uitgedruk nie. Die eerste van die twee pulse wat ek genoem het op ongeveer (10) 4mm vanaf die linkerkant is die een wat ek sou beskou as die afskakelpunt uit die opneemodes uit.

HOF : Die 4mm is dieselfde as die 3mm wat ons vantevore gehad het? -- Ja, hy strek vanaf omtrent 2 tot omtrent 5. So, dit is dan dieselfde.

MR YACOOB : What is the distance according to your measurement between the pulse which you described ... (Court intervenes)

COURT : Is that the 3mm one? Or the 14mm one?

MR YACOOB : The 14mm one and the first of the two pulses (20) which you described later on in the photograph. I think you said it was at about 8cm from the left of the photograph. I am referring to the first of the two pulses. -- Om verwarring te voorkom, dink ek ons moet hou òf by millimeters òf by sentimeters, want ek sien hier gaan probleme kom.

HOF : Is your question what is the distance between the² pulse at 14mm and the set of two pulses at 80mm?

MR YACOOB : And the first of the set of two pulses, yes. Which he described as 80mm earlier.

COURT : From the left?

(30)

MR YACOOB/...

MR YACOOB : That is right. -- Was die vraag 18mm?

HOF : 80, want dit was 8cm van links waar die twee was. Die tweede stel pulse was 8cm van links af. -- Daar is niks op daardie punt nie. As ek gesê het 8 het ek h fout gemaak.

By 8cm is daar niks. -- Dit moet 6 wees en ek dink op die liniaal lyk die 6 en die 8 h bietjie na mekaar.

Laat ons nou net duidelikheid kry. Wat u gesê het is die tweede stel pulse is 8cm vanaf links, dit is veel sterker bo as onder, dit is die soort situasie wat jy tipies kry by die aan en afskakel van h bandmasjien. Is dit nou daardie(10) een wat ons van praat? -- Dit is korrek. Dit is h fout. Ek het die liniaal verkeerd afgelees. Dit is nie 8cm nie, dit was 6cm, 60mm.

MR YACOOB : Would you agree with our measurement that that pulse actually occurred at 63mm from the left and not 60 or do you have problems with that? -- Daar is twee pulse. Die eerste een is h bietjie voor 60, by ongeveer 59 en die tweede een is by ongeveer 62. Dit hang af hoe h mens jou liniaal plaas. h Mens kan dalk 63 meet vir die tweede van daardie dubbel pulse. (20)

HOF : Nou wil ek net duidelikheid hê. Is albei daardie pulse aanduidend van die aan en af skakel van h bandmasjien of is die eerste of die tweede van daardie pulse aanduidend daarvan? -- Albei van daardie pulse saam vorm h groep tipies vanwat h mens kry met bandmasjiene. Dit is baie algemeen by bandmasjiene om so h dubbel stel pulse te kry, soos wat hier is, wat aan die een kant heelwat groter is as aan die ander kant.

Is dit nou die aan en af skakel of die aan skakel of die af skakel? -- By baie bandmasjiene kry h mens so h (30) stel/...

stel pulse by aanskakeling en ook n soortgelyke stel by afskakeling. So, dit alleen kan nie aandui of dit n aan- of afskakeling is nie. Kan ek net nog iets noem voordat u na die foto kyk. Daardie stel pulse wat in die omgewing van 60mm vanaf die linkerkant sit is ook op n afstand van ongeveer 46 na 47mm vanaf die puls wat ek beskryf het as wat ek beskou as die aanskakelpunt en ek sal u graag die belangrikheid daarvan verduidelik. In n bandmasjien ... (Hof kom tussenbei)

Laat ons net voor u die verduideliking gee net kyk (10) waaroor dit gaan, want ons raak verlore nou. As u sê daar is 6 na 47mm tussen die twee pulse, praat u dan van die puls op 60mm van links en die puls op 14mm van links? -- Dit is korrek.

Nou kan u voortgaan, asseblief. -- Die belangrikheid van daardie waarneming lê daarin dat met n bandopnemer met; n aparte wiskop, is die wiskop en die opneemkop ongeveer 0,5 sekonde uitmekaar gereken in terme van die spoed waarteen die band by die koppe verbybeweeg. Nou het ek al dikwels by bandmasjiene gevind dat wanneer die opneemknoppe gedruk (20) word, daar is altyd twee wat saam gedruk moet word vir daardie doel, dan ontstaan daar omtrent gelyktydig n puls by die opneemkop en n puls gelyktydig daarmee by die wiskop. Dit is net as gevolg van die aanvanklike druk van die knoppie. Elkeen van daardie knoppe kan n enkele of n dubbele puls op die band plaas. n Mens kry dus dikwels die geval en ek vermoed dit is wat in hierdie geval gebeur het, dat die stel pulse wat op die punt ongeveer 60mm van links af te sien is, pulse is wat veroorsaak kon gewees het deur n bandmasjien met n aparte wiskop. (30)

MR YACOOB/...

MR YACOOB : I just want to take up your last - the last part of your answer first. This pattern of pulses being placed on a tape by both the recording head and the erasure head, does it always occur? -- Kan ek eers net iets sê wat ek miskien moet byvoeg by my vorige antwoord, naamlik die verband tussen die 46mm en n half sekonde. Op hierdie foto sal 46 millisekondes baie naby ooreenstem met n half sekonde.

HOF : Dit is 46mm? -- 46mm. In antwoord op hierdie vraag, my ondervinding was dat sommige bandmasjiene die eienskap het wat ek so pas beskryf het en dat sulke bandmasjiene (10) by herhaling elke keer sulke pulspatrone sal veroorsaak, maar nie alle bandmasjiene veroorsaak sulke dubbele stelle pulse nie en daarom is dit nie altyd teenwoordig nie.

MR YACOOB : Is it certain tape recorders or certain types of tape recorders that cause this double pulse? -- Ja, dit sal saamhang met die tipe bandopnemer.

What type of tape recorder in your experience causes these pulses and what type not? -- Ek kan nie daardie vraag antwoord nie, want ek weet nie vir seker nie. Ek weet net ek het dit al agtergekom. Gun my net n oomblik tyd om te (20) kyk na die ABD(3). Dit is nie vir my duidelik hieruit nie. Hier is aanduidings op foto's 5 en 6 dat die Philips D6620 bandmasjien wel stelle pulse veroorsaak wat ongeveer n half sekond uit mekaar uit is, maar sonder verdere ondersoek kan ek nie sê dat dit definitief opulse is as gevolg van daardie oorsaak nie. Ek kan miskien op hierdie punt iets byvoeg. Eerstens n regstelling omtrent iets wat ek gister gesê het en dit hou verband met n vraag omtrent wat se bandmasjien net n enkele kop het en nie n apart wiskop nie. Ek het gesê ek dink dit is n Sanyo, maar ek het gisteraand (30)

nagegaan/...

nagegaan, dit is 'n National Panasonic model RQ4135. Ek het gisteraand weer sekere toetse gedoen met daardie spesifieke bandmasjien en gevind dat die pulspatrone wat deur daardie bandmasjien veroorsaak word, definitief nie ooreenstem met dié op ABD(7)1 nie.

When you get a finding that a certain tape recorder causes certain pulses and other tape recorders, other makes of tape recorders cause other kinds of pulses, from the sort of answers you give, I take it that you keep no automatic record of it so that you can refer back and work (10) things out? -- By tye in sommige gevalle maak ek notas daarvan, maar dit is korrek dat ek nie van elke waarneming wat ek maak altyd notas maak nie en die rede daarvoor is hoofsaaklik omdat ek gedurig gedruk is vir tyd en om 'n waarneming noukeurig te notuleer, is dit nodig om heeltemal 'n reeks van toetse te maak, 'n reeks eksperimente uit te voer om seker te maak dat wat ek neerskryf is wel korrek en daar is nie altyd in my werkery tyd daarvoor nie.

So, it is just an impression which you have that some types of tape recorders give rise to these sorts of pulses (20) and others do not? -- Dit is meer as net 'n indruk. Dit is 'n waarneming wat ek gemaak het by geleentheid, maar ek kan nie meer presies onthou wat presies die omstandighede was nie.

When did you first realise that these pulse, bearing in mind the distance they were apart, indicate that a two head tape recorder was used for this purpose? -- Die waarneming dat daardie pulse die spesifieke afstand uitmekaar is, het ek vandag in die hof gemaak.

HOF : Dit is nou die waarneming ten aansien van hierdie (30) betrokke/...

betrokke foto toe u dit nou gemeet het? -- Dit is korrek.

Ek dink die vraag was meer in die algemeen gestel.

Herhaal die vraag?

MNR. YACOOB : Ek dink die getuie het die vraag korrek verstaan. Dit was die vraag, wanneer het hy besef ten aansien van hierdie foto en hierdie probleem dat wanneer hierdie opname gemaak is, daar 'n twee kop bandopnemer gebruik is.

MNR. JACOBS : Ek dink dit is nie heeltemal reg nie. As ek die getuie se getuienis verstaan het, het hy net gesê dit is vir hom 'n waarskynlikheid. Hy het nie gesê daar is een (10) gebruik nie. Ek dink ons moet 'n bietjie meer sekuur wees met die stellings wat mnr. Yacoob agterna maak sommer hierso van dinge wat die getuie sou gesê het. Hy het gepraat van dit is vir hom 'n waarskynlikheid dat wat hierdie twee pulse aandui.

MR YACOOB : I will clear that up. Do these pulses indicate to you clearly, particularly the distances between the two pulses, that a two head tape recorder would have been used in making this recording? -- Nee, 'n mens kan nie sê dit maak dit vir my duidelik nie. Ek sal dit so stel dat dit (20) is vir my 'n aanduiding dat dit is wat miskien gebeur het. Dit tesame met die toetse wat ek gisteraand gedoen het op die een kop bandmasjien wat definitief nie sulke pulse maak nie. Dit beteken dat daardie spesifieke tipe bandmasjien die RQ4135 kan uitgeskakel word en aangesien ek nie dink dat die polisie oor 'n groot verskeidenheid tipes bandopnemers sal beskik wat met een kop uitvee nie, het dit vir my gelyk dat die waarskynlikheid dat 'n twee kop masjien gebruik was, tog betreklik groot is.

As I understand it, the interpretation of the pulses (30)
represent/...

represent simply one small indication. Is that right? --
Ek sal nie sê 'n klein vertolking nie. Dit verteenwoordig
inligting wat gebruik kan word om 'n vertolking te maak, maar
in afwesigheid van die spesifieke bandmasjien wat gebruik
was om die opname te maak, is die interpretasie van die pulse
onderhewig aan ek sal sê bespiegeling.

Our evidence is going to be that it is dangerous and
sometimes unfair to rely too much on pulses. Do you agree
with that? -- Daar is sekere afleidings wat gemaak kan
word waarby ek saamstem dat indien 'n mens nie die presiese(10)
omstandighede kan naspoor nie, dit wil sê indien 'n mens nie
die presiese bandmasjien of minstens dieselfde tipe band-
masjien beskikbaar het nie, dat sekere soort afleidings
onderhewig kan wees aan foute. Daar is egter wel sekere
ander afleidings wat by geleentheid gemaak kan word sonder
foute.

I would understand that bearing in mind that your time
is limited, that you would not have made a record of a descrip-
tion, a careful description of the different kind of pulses
which are given off by different kinds of machines in (20)
different circumstances? -- Dit is korrek. Ek kan net 'n
voorbeeld noem dat ek gevind het dat dieselfde bandmasjien
se pulse verskillend kan vertoon op grond van veranderings
in die sterkte van die klank wat van die mikrofoon af kom.
Dit is byvoorbeeld 'n aspek wat, om dit deeglik te notuleer
'n langdradige ondersoek sou verg.

I would imagine that the variations and the different
kinds of pulses in different circumstances would be just
about endless? -- Nee, 'n mens kan dit nie so ver voer nie.

How would you put it? -- Daar is verskeie pulse wat (30)
kan/...

kan voorkom wat heeltemal onafhanklik sal wees van faktore soos die sterkte van die klanksein. Dit is gewoonlik by enige af en aan skakeling net die heel eerste puls, soms die heel laaste puls in 'n reekss wat beïnvloed word deur die sterkte van die klank, maar daar is ander pulse tussenin wat glad nie afhanklik is daarvan nie en wat grootliks dieselfde sal bly van geval tot geval. Verdermeer is dit so dat by party bandmasjiene is die vorm van die puls ook nie afhanklik van ander faktore, soos die sterkte van die sein nie. Ek kan miskien net op hierdie stadium terugverwys (10) na sekere foto's uit die ABD(3) reeks wat gister bespreek is, naamlik ABD(3) se foto's 17 en 18. Daardie foto's was van die laaste deel van 'n stukkie opname bo-oor 'n vorige. Die eerste deel van 'n stukkie opname bo-oor 'n vorige opname is nie weergegee in die foto's nie en die rede daarvoor was dat met hierdie betrokke bandmasjien in ieder geval die pulspatrone geen standaard patroon vorm nie. In daardie geval kan 'n mens die pulse slegs gebruik om aan te dui dat daar wel iets plaasgevind het op daardie punt, maar addisionele inligting is dan nodig om te bepaal presies wat (20) dit is wat daar gebeur het. So is dit dat al kan pulse varieer, kan hulle in samevoeging met ander inligting tog wel gebruik word om 'n korrekte afleiding te maak.

I am more concerned with the extent of the variations. I want to tell you that different types of tapecreorders is one of the variables, to say that different tape recorders even of the same type, would be variables in this regard because the condition of the various working parts of the tape recorder in particular, the extent of the wear of the head, the rate at which the bias is built up by a (30) particular/...

particular machine, depending on its condition and depending also on slightly different manufacture batches as well? Noises made by the machine itself, these noises would vary from machine to machine, not only from one type of machine to another, but also from a tape recorder of the same type to another, again depending on their condition, because we have the different kinds of things that cause pulses. You have radio microphone interferences, and you would have presumably different radio microphone systems again differing, either because of a variation in the condition(10) or because they come out of different manufacturing batches. Or because perhaps some connection was made somewhat differently at one time than another? Of course the kind of noise would cause the - would be the cause of the radio microphone interruption in the first place. I just mention some of them, but I think one can go and on, but the difficulty is that all these variables can be combined in many different ways and there may be certain constances and certain non-constances well in the different combinations. I would suggest to you that if there was no time to make (20) a note of all the factors and to carefully describe pulses it is impossible to remember what gives rise to which pulse in what combination of circumstances. -- Dit is sekerlik waar dat daar baie veranderlikes is wat 'n rol kan speel op die vorm van die pulse en dit is byvoorbeeld die rede waarom ek in die ABD(3) reeks elke keer drie foto's gewys van dieselfde gebeurtenis en in elkeen van daardie gevalle is daar klein verskille tussen die twee foto's, maar 'n mens leer gou om die effekte wat dieselfde bly te skei van dié wat verander en in baie gevalle is slegs die posisie(30) waar/...

waar 'n puls voorkom van groot belang. Ander kere is die rigting waarin die puls begin, is dit na bo of is dit na onder, van groot belang. Daardie soort van effekte bly dieselfde vir dieselfde bandopnemer en selfs vir dieselfde soort bandopnemer. So, al is daar baie effekte wat veranderinge kan veroorsaak, is daar nogtans heeltemal genoeg effekte wat konstant bly en wat wel gebruik kan word om betroubare afleidings te maak.

Have you conducted tests which show that certain effects are not variable between different tape recorders (10) in other words that they are the same in tape recorders of the same type? -- Ja, ek het sulke toetse gedoen.

Do you have any record of them? -- Ek het by tye foto's geneem, maar ek het geen rekord daarvan beskikbaar hier nie.

How many tape recorders did you use in this exercise and what the make of them was? -- Die bandmasjiene wat ek daar gebruik het, was mikrokassetbandmasjiene en dit was was Olympus bandmasjiene, maar ek kan nie onthou wat die nommers was van dié wat dieselfde tipe was nie. Ek het ook 'n klomp toetse gedoen met verskillende tipes bandmasjiene. (20)

Hoeveel Olympus tape recorders did you use? -- Ek dink ek het altesaam vier of vyf gehad.

Were they all new? -- Nee, daar was van hulle wat nuut was, maar hulle was nie almal nuut nit.

Do you know whether they perhaps came from the same manufacturers' batch? -- Dit weet ek glad nie.

Do you know whether there were in fact circumstances - whether or not the conditions in the tape recorders varied? Did you subject the heads and so on to any very close analysis? Did you measure the rate that the bias level built up in (30) each/...

each case? -- Ek neem aan dit is met spesifieke verwysing na die pulse, pulspatrone wat waargeneem word?

The question is not about the pulses. The question is about the preparations you made and what information you had to justify the correctness? -- Dat wat korrek is?

I will just repeat the question. The question is, did you check carefully the condition of the heads of each of the machines that you used to conduct this test with the micro cassette? -- Ja, ek het die funksionele werking van die bandmasjiene getoets. (10)

In other words, you put a tape in it and made sure that it was recording? -- Dit is korrek. Ek het metings gedoen van ruisvlakke met skoon band, met band wat reeds een keer opgeneem is. Ek het metings gedoen van die sein tot ruis-verhouding van die opnames en ook metings van die frekwensie weergawes van die bandmasjiene.

Of course, you cannot remember what sort of variations there were in all these figures? -- Nee, maar ek weet dat vir ooreenstemmende bandmasjiene, dieselfde tipe, was die verskille binne my meetfoute. (20)

So, in other words, the machines you tested for similar characteristics in terms of pulses, had more or less the same features in terms of your other tests which you conducted when you compared the machines in the first place? -- Dit is korrek, ja.

Then I am not surprised, because if all the machines that you used on testing indicated that there was nothing wrong with any of them, that the condition of the machine overall was more or less the same and your test in that regard was very, very careful, then I am not surprised (30)

that/...

that the pulses would have been similar. The difficulty is that you probably had five machines, some new, some not, that they were in more or less the same condition, that is is very dangerous to come to a sort of conclusion to which you have come.

COURT : Are you saying that this witness says he has come to his conclusion only on this particular test? I did not understand his evidence to be that? This witness is called as an expert. He has got many, many years experience. You ask him whether he has done a particular test. He gives (10) you particulars of that test. Now you attack him and say his whole evidence is based or his whole knowledge is based on that test. While we are on this point, where are we leading? Are you either attacking the expertise of this witness or are you attacking his statement that one can deduce certain conclusions from certain pulses on the oscilloscope? Or are you attacking none of these?

MR YACOOB : I am attacking possibly a combination of both, but more ... (Court intervenes)

COURT : Well, I want to know whether you attack it with (20) real ammunition in the sense that your expert says this man is not an expert or your expert says that one cannot draw any conclusions from what one sees on the oscilloscope?

MR YACOOB : My expert says that it is very difficult to draw any conclusion from these pulses and obviously in testing that, in testing how he comes to the position that we can, one cannot avoid in a sense looking at the methods which were used and so on.

COURT : Does your expert say that when the machine is switched on or a machine is switched off you can discern (30) that/...

that there is a different pulse on the oscilloscope?

MR YACOOB : My expert says that there are sometimes differences, sometimes there are not any differences and that are actually - as the cross-examination will show - instances where there are no differences.

COURT : Does your expert say that in some instances where you switch it on or switch it off that there is no sign at all of this operation on the oscilloscope?

MR YACOOB : No, in certain machines there can sometimes be no sign. So, it is very variable. That is what my expert (10) actually says that you cannot generalise these things. My expert says that in certain machines there will be pulses. In other machines there will not be pulses at all, but when you start describing and try and attribute some kind of pulse to a certain kind of activity in a particular situation, then my expert has great difficulty on the basis that there are far too many variables. What this witness is saying is that he conducted tests which indicate that there are certain non-variables as I understand him.

COURT : What he is saying is that inter alia on the basis (20) of tests which he did conduct, he has come to the conclusion that a certain pattern is discernable when a certain thing is done. Go ahead with the cross-examination.

MR YACOOB : In order to determine certain things, certain kinds of pulses such as you indicated, the position of the pulse, is the same for the same type of machine. In order to determine that, did you conduct many other tests? -- Die toetse wat ek uitgevoer het, bestaan uit 'n hele verskeidenheid van toetse. Dit sluit in afskakeling uit die opneem toestand op skoon band, dit sluit opneem - aanskakel na die opneem (30) toestand/...

toestand op skoon band, dit sluit in afskakeling uit die opneem toestand op band wat reeds n vorige opname op het. Dit sluit in aanskakeling na die opneem toestand op n plek waar daar reeds n vorige opname op die band is. Dit sluit ook die werking van die "pause"kontroles in en in sommige gevalle ook die effekte van batterykontakonderbrekings, terwyl die bandopnemer besig is om op te neem.

Were these - are you talking about different tests which you conducted or do you still refer to the tests which you conducted using the micro cassette machine? -- (10)
Nee, ek praat van n groot verskeidenheid van toetse wat op verskillende tye gedoen is.

Let us move away from this particular part of the tape recording. It has to be rewound to another section and before it is done and before I move away from this area, I just wonder whether there are any other questions that are around so that we do not have to rewind it again to listen to it.

When you used the Akai(?) to make EXHIBIT 32 as I understood your evidence yesterday, you used on the Akai the (20) pause button or the stop/start mechanism from time to time. Is that correct? -- Dit is nie die Akai nie, dit is die YWA WX 220- Ja, dit is korrek. Ek het soms die "pause" en soms die "stop and start" meganismes gebruik. Ek kan net byvoeg dat ek ook n paar keer, ek kan nie onthou hoeveel keer nie, gevind het dat ek n fout gemaak het en dan teruggegaan het en n stukkie oor opgeneem het. So, dit is nog n veranderlike wat daar bykom.

We have been through that on the oscilloscope yesterday. and there is only one single pulse from the beginning to (30)
end/...

end, except of course those which are there for the Court to hear and of which you have obviously taken photographs? Aside of those pulses, there is only one single pulse and that pulse I can tell you occurs after photograph 5 is dealt with after the slate or announcement in respect of photograph 6 and immediately before the sound example of which photo number 6 is a part begins? -- Ek het gepoog om in die maak van daardie opname, 'n opname te maak wat vry van ander soort van steurings sal wees, ander pulse behalwe dié wat ek graag aan die Hof wil voorspeel en ek is bly om te hoor dat ek (10) volgens die verdediging so goed daarin geslaag het.

How did you achieve the results as the use of the stop/start mode again and again or the use of the pause mode while you were making your recording gave rise to no pulse? -- Die bandmasjien wat ek gebruik het om hierdie opnames te maak is 'n kassetbandmasjien, maar dit val heeltemal in 'n ander kategorie. Prysge wys is dit ten minste 'n faktor tien so duur as die gewone kassetbandmasjiene wat gebruik word deur die polisie. Dit is in werklikheid meer van 'n semi-professionele masjien en 'n mens verwag van sulke (20) toerusting dat daar moeite gedoen sal wees om die pulse te verminder. Ek het nog nie ossilloskoopanalises gemaak van opnames wat op die YWA gedoen is nie, maar ek sou sonder om te meet al verwag dat die YWA baie minder pulse op 'n band sal plaas as die goedkoper masjiene.

I am interested in what you did to reduce the pulses? -- Miskien het ek die verkeerde woorde gebruik in my antwoord. Om die pulse laag te hou het ek van 'n goeie bandmasjien gebruik gemaak.

But the way in which you operated the tape recorder (30)

as/...

as I understand you, had nothing to do with it? -- Nee.

And you would say that on the assumption that there are no pulses at all except one that this is a sort of machine which in most instances causes no pulse? -- Ek kan nie positief antwoord daarop sonder dat ek die masjien se werking op die ossilloskoop geanaliseer het nie, maar soos ek gesê het, ek verwag sonder meer dat daardie masjien baie min pulse sal veroorsaak.

And an interesting thing is, that even this expensive machine is variable because it gave rise to one pulse on (10) one occasion. In other words it created a pulse on one occasion and created no pulse on another. It is not a question of the same type of machine. It is the same machine which you used at about the same time in the same condition.

K427 You said you did nothing special. It seems that the machine itself gave rise to a pulse on one occasion and none on the others. -- Ek dink nie ek kan daardie vraag deeglik antwoord sonder om te luister na daardie stukkie nie. Waarom ek dit sê is omdat ek vermoed dat die puls waarvan gepraat word 'n ander oorsaak het as die bandmasjien byvoorbeeld dat (20) ek iets opgeneem het en dat ek na die tyd teruggekom het van 'n sekere punt af en weer begin het met 'n opname, maar dat daar 'n kort stukkie van wat voorheen opgeneem was agtergebly het wat kan klink na 'n puls. So, sonder om daardie deel te beluister, dit is die minste en verder dit deeglik te analiseer, kan 'n mens nie sê dit is 'n puls wat van die bandmasjien af gemaak was nie. As die soort van variëteit of die soort van veranderlikheid wat 'n mens kry in bandmasjiene is definitief nie sodanig dat daar in meeste gevalle glad niks hoorbaar is en in een geval skielik iets duidelik (30) hoorbaar/...

hoorbaar nie.

As far as EXHIBIT 32 is concerned and the making of it, why did you choose the particular cassette recorder that you did choose, that is the Philips D6620 for photographs 5 to 8 and the Sanyo M1150 for EXHIBITS 9 to 12? -- Ek wou graag so na as moontlik dieselfde soort bandmasjiene kry as wat gebruik is in die maak van die opnames vir hierdie spesifieke saak. Al wat ek op die ou end reggekry het, is om tipes bandmasjiene te kry wat deesdae uitgereik word, maar ek kon nie op daardie stadium van die bandmasjiene (10) kry wat algemeen reeds in gebruik is nie, maar dit was die oorweging dat dit dieselfde soort bandmasjiene of so na as moontlik dieselfde soort bandmasjiene sou wees.

Do you mean that you simply chose battery operated tape recorders? What are the other characteristics apart from that, if there are of the machines you chose? -- Die prosedure was dat ek die tegniese afdeling gekontak het en vir hulle gevra het het julle enige bandmasjiene beskikbaar van die soort wat julle uitleen aan die mense wat opnames in die veld moet maak byvoorbeeld met behulp van radiomikrofoon- (20) sisteme en dit was al wat hulle vir my beskikbaar kon stel.

You said earlier in your evidence that you did not give the Court photographs of the beginning of a recording over a pre-existing recording? Because the patterns vary considerably? -- In die geval van die Uher bandmasjien waarop hierdie toets gemaak is, het die patrone verskil. Dit is korrek.

And would you therefore say that, do you conclude from that that the pattern will differ for all tape recorders? -- Nee, ek het sekere toetse al gedoen wat aandui dat (30)

vir/...

vir sekere bandopnemers daar baie kenmerkende pulspatrone te voorskyn kom in so 'n geval.

Did you test the Philips and - the Philips D6620 and the Sanyo M1150? -- Nee, ek het hulle nie getoets vir daardie doel nie.

So, the pulse patterns for those could be the same or they could vary? -- Ja, ek weet nie wat dit is nie.

Do you exclude the possibility that they would be machines where the pulse pattern at the end of a recording over a pre-existing recording could also vary? Nee, geen-(10) sins. Met verskeie toetse wat ek al by tye gedoen het, is dit vir my duidelik dat daar definitiewe aanduidings is om die waarheid te sê daar is - die aanduidings is in baie gevalle wat ek van weet so positief dat ek kan sê dat daardie stuk opname bo-oor 'n vorige opname is met 'n spesifieke tipe bandmasjien gedoen. Om meer spesifiek te wees, 'n mens kan byvoorbeeld 'n geval kry van 'n opname bo-oor 'n vorige opname en dan vasstel dat altwee die opnames, die oorspronklike en die opname bo-oor die vorige opname met dié selfde bandmasjien gedoen is of ten minste met dieselfde tipe band- (20) masjien.

GETUIE STAAN AF.

HOF VERDAAG.

HOF HERVAT.

LEENDERT PIETER CHRISTIAAN JANSEN, nog onder eed

CROSS-EXAMINATION BY MR YACOOB (continued) : We are now going to play to you the part at the end of EXHIBIT 6 with a little bit of the speech of the last speaker and the applause there after as well right up to the point at which - a little while agter the point at which the sound dies down. On the 7700 it will be counter number 555. (30)

This/...

This is tape 1 side 2 and on the 7110 counter number 468. Page 27 of the transcript, V(6). (Bandopname word gespeel) We have gone a little back now. It is 550 we are starting at on the machine 7700 and that will be counter number 464 on the 7110. (Bandopname word gespeel) We stopped at counter number 589 on the 7700 and counter number 496 on the 7110. The difficulty is that a stereo signal, that is a signal from, if one separates the channels, then only one signal at a time, the signal from one channel at a time can be fed into the amplifier that we have here and(10) therefore through the speakers that we have here. We can place it on record that we have now listened to the left hand channel. What we would like to do before we carry on is that we should go back to where we started from and play to Your Lordship the right hand side. We are now back at 550 on the 7700 and 464 on the 7110. (Bandopname word gespeel) This time it has been stopped at 594 on the 7700 and 501 on the other one. Colonel, you heard the tape being played back through the left hand channel first and through the right hand channel afterwards. -- Dit is korrek, ja.(20)

And do you accept that at this stage, the comment that can be made is that there is no sound at all on the left hand channel after the laugh that one hears. -- Dit is korrek, ja.

You have heard of course the right hand channel which indicates that a voice is heard speaking and there are of course certain other peculiarities like clicks and so on. There is also a variation in the sound level at one point. These are the things which I would like you to note in respect of the second channel, that is the one on the (30) right/...

right hand side. Did you hear the variation in the sound level here? -- Ja, ek het dit gehoor.

What we will do is play it again, having heard the two channels separately so that you can hear both channels together and unfortunately you can only do that through your headphones and I would like you to concentrate and may be you should make a note of these things, but for the moment - you accept of course that in the clapping there are a number of interruptions which we say are drop-outs? We would like you to concentrate particularly on this (10) stereo recording after the last drop-out and see whether you agree that a background sound suddenly changes and that an RF(?) type hiss is heard. This lasts for about 2,15 seconds and the applause in fact dies down under the hiss and you will find a little later that the hiss suddenly stops, a new wave form signal is introduced, then there is a sudden change to a noisy wave form. After that there is a sudden change back to a quiet wave form and then of course there is the change to a new wave form where the voice "wha" breaks through. I think we will (20) make you listen up to that stage and see whether you in fact agree with those observations and we will start again towards the end of the speech. It is counter number 554 on the 7700 and 468 on the 7110. (Bandopname word gespeel) Would you like to listen to it again. We have stopped at 581 on the 7700. -- U vra of ek weer daarna wil kyk of luister of albei?

Would you want to do both? -- Ek sal graag weer daarna wil luister en dit op die ossilloskoop weer bekyk.

GETUIE STAAN AF.

(30)

HOF VERDAAG.

HOF / ...

HOF HERVAT.

LEENDERT PIETER CHRISTIAAN JANSEN, nog onder eed

MNR. JACOBS : U Edele, net voor mnr. Yacoob begin, wil ek net vra dat die verdediging op rekord sit, dit is nie op die lang lesing soos hier gegee is van 554 af wat begin is nie. Blykbaar is daar n ander deel wat dr. Jansen na geluister het. Dit mag lateraan miskien belangrik word, want daar is baie data gegee van toe mnr. Yacob hier so geskryf het. Soos wat ek daar by gestaan het en geluister het begin dit eintlik by die klappery. Ek wil net vra (10) dat die verdediging die werklike lesings vir u sal gee op hierdie stadium oor hierdie kruisondervraging wat dan nou gaan begin.

ASSESSOR (MNR. KRÜGEL) : Verwys die advokaat nou na die feit dat by die eerste luister, die eerste keer wat ons nou geluister het na band 6 kant 2, die linkerkant se luister het begin by 550 en dit het geduur tot 589. Nee, die regterkant se kanaal het begin by 550 en dit het geduur tot 594. Is dit waarna u verwys?

MNR. JACOBS : Wat ek bedoel is, die stukkie wat oor en oor (20) gespeel is het begin na 554 wat vir die Hof hier aangegee is voordat die verdaging was waar dit sou begin, waar sekere dinge sou gebeur het wat mnr. Yacoob uitgespel het, sekere insidente op n aaneenlopende basis tot op die end. As dit dan net op hierdie stadium behoorlik op rekord geplaas sal word na watter deel hy geluister het en wat die lesings is. Die stukkie waar ek by gestaan en geluister het, begin met die klappery en dan die stem "Boesak, Boesak." Net daardie deel het deurgekom.

COURT : Yes, Mr Yacoob, what was your counter reading? (30)

MR YACOOB/...

MR YACOOB : We have not checked that and we gave the reading at that stage only because we wanted to give some context. We will get to the exact point.

COURT : Well, in any event, we just record that the whole portion from 550 was not played back to the witness, but only the last bit of that portion.

MR YACOOB : That is right. Also the witness was not limited in what he wanted to hear. It is so that he was right in choosing the last part. We played it a bit earlier because we wanted to put the context in. (10)

CROSS-EXAMINATION BY MR YACOOB (continued) : Colonel, have you listened to this part carefully? -- Ja, ek het daarna geluister, sorgvuldig.

Were you also looking at the oscilloscope while you listened? -- Ja, dit is korrek.

And at the stage when you did so, you had a note from me which you took down at an earlier stage at the cross-examination? -- Dit is korrek.

Did you hear the hiss which was introduced after the last drop-out under which the applause in fact died down (20) and which lasted for 2,15 seconds? -- Ja, ek het 'n suis-geluid gehoor wat ek toeskrywe aan afkomstig van die radio-ontvangssisteem en dit sou dus in ooreenstemming wees daarmee om dit 'n "RF hiss" te noem. Ek het daardie "hiss" gehoor op die plek soos aangedui.

Did you notice it only now or were you aware of this hiss all the time despite the fact that it was not mentioned in your report? -- O, ek was die hele tyd bewus daarvan.

And you say you ascribe it to the radio microphone system? -- Dit is korrek, ja. (30)

Does/...

Does this sort of hiss occur often? -- Dit gebeur dikwels met radiomikrofoonopnames, ja.

Do you know whether it occurs on this tape at all on other points? -- Ja, as ek reg onthou gebeur dit wel op ander punte in 'n mindere of meerdere mate. Ek kan egter nie nou presies onthou waar sulke voorbeelde is nie.

And is the hiss generally introduced for short periods or what? -- Dit kan op 'n verskeidenheid maniere voorkom. Ek het dié situasie alreeds in my hoofgetuienis beskrywe. Dit is naamlik so dat as die radiosein swak word maar net (10) nog nie swak genoeg dat die sogenaamde "squelch" van die ontvangsstel die klank heeltemal afskakel nie, dan gebeur dit gewoonlik dat daar diverse radiosteuringe deurkom wat beskryf kan word as 'n suisgeluid. So, dit dui aan dat die sein swak is, maar net nie heeltemal so swak dat dit verdwynings van klank veroorsaak nie. Hierdie situasie is iets wat kan kom en gaan. Daar kan tye kom wat dit vir kort rukkies teenwoordig is en tye wanneer dit vir langer stukke teenwoordig is. Dit is gewoonlik so dat sulke dele nie opvallend hoorbaar is terwyl daar ander harder klank (20) is nie. So, dat byvoorbeeld gedurende die applous sou dit miskien ook teenwoordig kon gewees het, maar sou dit nie opvallend wees nie.

Did you notice thereafter that there were changes in wave form, first noisy, back to quiet and suddenly a change again? -- Ja, daar is veranderinge en dit hang saam met iets anders wat ek graag duidelikheid oor wil kry, naamlik oor die terme wat u gebruik as "drop-outs". Ek sal graag van die verdediging wil weet of hulle die terme "drop-outs" gebruik in terme van die verduideliking en verklaring (30)

soos/..

soos wat ek daaraan gegee het en of hulle dit in hierdie sin gebruik slegs om aan te dui dat daar 'n verdwyning is van die klank.

We say that they are not tape drop-outs, that is the sort which are given rise to where the tape fails to make proper contact with the head, but we say that these are signal drop-outs? -- Ja, dit is soos ek gedink het dit sal wees. Ek wil dan net die verdediging versoek om liewers die terminologie aan te pas by wat reeds genoem is en dit liewers verdwynings van klank te noem. Miskien in Engels (10) "disappearances" of sound, want die term "drop-out" kan verwarrend wees.

What do these sudden changes in form indicate, these changes in wave form which you say you have noticed? -- Die veranderings in golfvorm en by die vraag, die manier waarop die vraag gevra word verandering in golfvorm, daar neem ek aan dat daar word verwys na die manier waarop die golf op die ossilloskoop vertoon, hoe daardie golfvorm verander?

That is right. -- Ja, enige verandering van klank (20) hoegenaamd sal 'n verandering in golfvorm veroorsaak en op die plek soos aangedui deur die verdediging het ek 'n kleinverdwyning van klank waargeneem. Met ander woorde, die suis-geluid eindig met 'n kort verdwyning van klank, dit wil sê die radiomikrofoonsisteem, die sein het net swak genoeg geword dat hy op daardie punt afgeskakel het en dit veroorsaak definitief verandering in golfvorm op die ossilloskoop. Dit duur egter net 'n kort tydjie, dan kom die sein weer terug en dan is daar dus weer 'n verandering van golfvorm op die ossilloskoop en dit word beskryf in die vraag, as ek (30)

reg/...

reg is, as 'n raserige golfvorm. Ek dink dit was "noisy wave form". Dit is korrek, die golfvorm wat dan terugkom is weer, het meer geraas op aangesien dit nou meer 'n normale klank is met agtergrondgeraas wat in dié geval maar net geraas is. So, dit is heeltemal korrek. Daar is net nie by my duidelikheid presies hoeveel keer dit gebeur nie. Skynbaar het die verdediging aangedui dat dit twee keer gebeur op daardie punt. Ek het nie daaroor duidelikheid nie. Ek is seker van dat dit een keer na een toestand toe gaan en terugkom na 'n ander toestand toe. Met ander woorde, daar is twee (10) keer wanneer daar 'n verandering plaasvind. Ek kan nie seker wees dat ek meer as dit raakgesien het nie en dit is korrek, daardie situasie duur dan voort tot by die stem wat deurkom met soos gesê is die klank "wha", iets van die aard.

Are these mere possible explanations or are you reasonably certain that this is the cause of these changes?
-- Ek is redelik oortuig dat dit die verduidelikings is vir wat daar gebeur.

After that, the voice is introduced. Is that right?
-- Dit is korrek, ja. (20)

What we hear is a person saying and you have heard that part, you need not listen to it again, "wha, sorry", the word "hurt" or "heard", thereafter another click, then there is laughing and thereafter there would actually be a very soft noise if you are listening to it on a mono tape recorder. Do you agree with that? -- Dit is korrek. Dit stem ooreen met my beskrywings in ABD(6)6 op bladsy 21.

Do you think it is the same voice which says "wha" which again says "sorry" or cannot you be sure about that or what is the position? -- Soos ek so pas geluister het (30)

klink/...

klink dit vir my na dieselfde stem wat dit sê.

And the word "heard" or "hurt"? -- Dit klink vir my ook asof dit dieselfde stem is.

Is it possible to say whether the laugh is that of a male or a female after that? -- Ek is nie heeltemal seker nie, maar ek sou sê dit klink meer na dié van 'n manspersoon.

Suppose that somebody was sitting immediately next to the person who had the microphone of the radio microphone system and this person spoke, suppose that this person said something to the carrier of the microphone system and if (10) all systems were working in the same way as they were working before the clapping, would you expect that this sound and words that were said would in fact be picked up by the radio microphone? -- Ja, dit is heeltemal in lyn met wat 'n mens sou verwag.

In fact you would expect what is being said to sound clearer to some extent be clearer, it was nearer to the microphone and therefore the person nearby right nextdoor ought not to have had to speak too loudly for the radio microphone to have picked it up? -- Dit is korrek. Hy (20) het waarskynlik nie baie hard gepraat nie.

And if the tape recorder was recording - on the assumption again that this radio microphone system was connected to a tape recorder and the tape recorder was recording properly, would you have expected the sound of the voice of the person nextdoor to the carrier of the microphone in the hall ought to have been recorded? -- Ek dink nie die vraag was of dit duidelik was nie, maar of dit hoorbaar was.

Just that the sound picked up by the radio microphone would that have gone through into the radio receiver, (30)

from/...

from there into the tape recorder and if the tape recorder was in the record position in the normal situation, you would have expected that sound to have been recorded? -- Ja, ek sou verwag dat dit op die bandmasjien opgeneem sou word.

Is it possible to work out whether the voice of the person saying "sorry" and the person who laughs is one and the same person or not? -- Nee, dit is baie moeilik om dit vas te stel.

I take it you cannot tell whether the laugh is the same (10) voice or a different voice? -- Dit is korrek, ja.

If you listen to the tape more carefully again, do you think you would be able to determine - before I ask that question, I believe that your expertise lies in voice identification in particular? -- Ja, dit is korrek.

And if you listened to the tape and analysed the two voices and the laugh more carefully, would it be possible for you to say with any certainty whether it is the same voice or not? -- Nee, ek is oortuig dat in hierdie omstandighede daar geen manier is waarop ek sal kan vasstel of die (20) lag en daardie stem aan dieselfde persoon behoort nie. Die belangrike rede is die swak omstandighede, redelike swak opname en heelwat agtergrondklanke wat daar by is.

We had the feeling that there may be, we are not sure about this, that there may be a difference in background noise if one compares the background noise that one gets at the stage when the speaker is speaking with the background noise at the stage where the words "wha, sorry, hurt" etc. occur. What would you say to that? -- Ek sou sê 'n mens moet hier heeltemal versigtig wees om afleidings te maak (30) aangesien/...

aangesien die agtergrondgeraas wat op die bandmasjien opgeneem is grotendeels bepaal word deur die radiomikrofoonsisteen en nie deur wat in die saal aangegaan het nie, maar op dele soos waar daar applous is, is die saal se geraas natuurlik sterk genoeg om die dominerende faktor te wees. So, veranderings in agtergrondgeraas kan te weeg gebring word in die feit dat daar in die saal self meer geraas ontstaan of dat daar veranderings in die radiomikrofoonsisteen is byvoorbeeld insoverre of dit die suisgeluid veroorsaak wat vantevore beskryf is of nie. Meer as dit sou ek baie huiwerig(10) wees om opinies oor te waag.

There are two questions. The one is whether there is a change in background sound and the other question is what causes the change. Just listen to the question again. If one compares the portion before the applause, the background sounds there, the acoustics and so on with the background sounds, noises acoustics at the time fo the word "sorry" etc. firstly and without going into why there would be a change in background noise, do you detect a change in the first place or not? -- Ja, ek hoor veranderings. Die (20) tweede deel van die vraag waaraan skryf ek dit toe, op daardie gedeelte, in die omgewing van daardie gedeelte is daar heelwat beweging in die saal. n Mens kan hoor dat die mense begin geluide maak in die saal. Miskien praat hulle onderlangs of wat ook al. Dit is nou aan die einde van die applous en nadat hulle "Boesak, Boesak" geskreeu het. So, daar is uit die saal uit self baie meer aktiwiteit en ek kan tekens van die aktiwiteit waarneem. As dit dan die agtergrondgeraas is waarna die verdediging verwys, dan stem ek saam dit is anders as wat dit voor die tyd of tydens (30) die/...

die praterij is, want tydens die praterij is die gehoor baie stiller en is daardie aspek van agtergrondgeraas baie laag.

At the stage immediately before the "sorry" portion is introduced, is it your impression that the general noise, the clapping and other noise consequent upon the speech which was made is going down or is your opinion that the noise or the sound was in the process of rising? -- Die geraas, die geluide as gevolg van hande klap en skreeuery, die skreeuery van die naam "Boesak", is besig om sagter te (10) word. Oor die ander klank kan ek nie iets sê nie, want daar is nie 'n lank genoeg stuk waarna ek kan luister om 'n oordeel te gee daaroor nie. Ek sou verwag dat dit sou begin harder word, maar ek kan dit nie as sulks hoor nie.

Is not one of the difficulties with this sort of thing that the more you hear it, the more information you will pick up and as you hear it again and again somehow your impression of it changes? -- Ja, dit kan soms gebeur.

And I would suggest that it happens quite often. What would you say to that? -- Solank as wat 'n mens die (20) relatiewe begrippe verstaan. Dit gebeur dikwels, maar dit gebeur miskien in minder as 10% van die gevalle. Dit is moeilik om persentasies daaraan toe te ken. So, dit kom voor, maar dit is nie 'n ding wat - dit is meer die uitsondering as die reël. Wat natuurlik wel gebeur is dat hoe meer dikwels 'n mens na 'n sekere stukkie luister, hoe meer van die aparte klankewat daar is 'n mens kan beskryf.

And the fact that you can describe that more, means - does it not mean that you in fact internalised more of them, you actually become conscious of more of them? -- (30)

Nee/..

Nee, dit is meer in die lyn soos ek dit sou sien as 'n mens 'n gedig aanleer. Jy hoor die hele gedig, jy verstaan alles, jy het alles ingeneem, maar as jy gevra word om dit weer te gee, kan jy nie die hele gedig weergee nie, maar as jy dit oor en oor herhaal, dan is daar meer dele daarvan wat 'n mens kan weergee. Dit is meer in daardie lig wat ek dit sien.

I think that a poem is a very good example, because if it is a well written and good poem, you can read the same sometimes fourteen lines again and again and get more(10) and more out of it in terms of its meaning, in terms of its tone, in terms of its feeling and that is actually a never ending process especially if the poem is good? -- Ja, daar is seker iets daarvan daarin.

And you get commentators on poetry, literature generally ... (Court intervenes)

COURT : Mr Yacoob, let us stick to the tapes, please.

MR YACOOB : I just want to suggest that the same situation applies in respect of these tape recordings where as you listen to them, you become conscious of it more and more(20) and your interpretation of it can change from time to time and that different people could quite easily have legitimate different and quite often opposing interpretations? -- Goed, sal ek my stelling net 'n bietjie anders weergee. Ek het gesê ek stem saam dat 'n mens meer en meer daarvan kan weergee en in daardie opsig stem ek saam daarmee. Dat dit noodwendig beteken dat 'n mens jou opinie verander, stem ek nie mee saam nie. As ek ook sê dat 'n mens meer en meer weergee, dan kan dit ook insluit dat 'n mens meer daarvan meer korrek kan weergee. Dat in 'n mens se eerste weergawe 'n mens (30)

'n beskrywing/...

h beskrywing sal gee wat jy later op uitbrei en dit kan ook soms gebeur dat jy dan h verandering daaraan sal maak, maar meeste vn die tyd sal dit net h uitbreiding wees.

And if the person is making the recording having the radio microphone with him and says that he turned to his left after Boesak had finished speaking, because the lady to his left spoke to him, what would you say about that in terms of what you hear on the recording? -- Dit maak vir my sin in die opsig dat h mens kan duidelik hoor dat iemand praat naby die mikrofoon, byvoorbeeld daardie "sorry" (10) en daardie "heard" wat h mens daar kan uitmaak en h mens hoor dat iemand lag redelik naby die mikrofoon. So, daardie dinge maak vir my sin.

So, how would you explain the fact that the voice of the lady who is alleged to have spoken to him, what she said has not been recorded? -- O, dit kan ek nie verklaar nie. As h mens nie weet wanneer sy gepraat het of hoe hard sy gepraat het nie, dan kon dit verdwyn het in die handklappery of ander geluide. Ek kan nie daarvoor h opinie gee nie.

Is there a way of selective amplification in terms (20) of which you could work out whether under then hand clapping somewhere there is the sound of a lady's voice or is there not? -- Wel, wat ek waargeneem het is dat ek hoor stemme van mense op verskeie plekke gedurende hierdie applous en hande klappery en skreeuery van Boesak. So, dit is moontlik dat een of meer van daardie stemme kon behoort het aan die persoon wat langs die opnemer of die persoon wat die mikrofoon gedra het, gesit het.

But if the lady had said something to him during the applause, would you not expect that she would have said it (30) loudly/...

loudly enough bearing in mind that there was the applause for the listener to have heard what was being said? -- Wel, hierdie bring h mens na h aspek van h mens hoop altyd iemand wat met jou praat sal hard genoeg praat dat jy dit kan verstaan, maar in die praktyk gebeur dit nie altyd nie. So, h mens kan nie sê jy verwag dit nie. Jy kan sê jy hoop hy praat hard genoeg.

But would it be expressing your position correctly to say that in the circumstances which I have described to you, you find the absence of the lady's voice on the (10) tape in hearable form no difficulty at all. Is that the correct impression of your opinion? -- Ek probeer nie om die omstandighede te verklaar nie en ek het al geleer dat as h mens nie presies kan uitmaak wat gesê is nie, byvoorbeeld hierdie dele wat h mens kan hoor, die "sorry" en die "heard", daar kan h mens nie presies uitmaak wat gesê is nie. Dit alleen dui daarop dat h mens nie presies weet wat die omstandighede is nie en in sulke gevalle vind ek dat daar is geen nuttige, dit is nie h nuttige oefening om te probeer vasstel wat werklik gebeur het nie, want daar is so baie(20) maniere waarop h mens verkeerd kan wees.

I am sorry, the question was in the circumstances which I have explained to you, do you find the absence of a hearable voice of a lady on the tape at that point in time no difficulty at all? -- Eerstens is daar nie vasgestel dat daar nie h damesstem is nie. Dit klink asof die dinge wat gesê is en die lag daarna dié van h mansstem is. h Mens weet nie hoe het die dame wat langsaan gesit het se stem geklink nie. So, h mens kan nie sê dat daar is vasgestel dat daar nie h damesstem hoorbaar is op hierdie band nie. So, ek kan(30) nie/...

nie eers 'n antwoord gee daarop, op die vraag soos gevra is nie want ek kan nie saamstem met die veronderstellings wat in die vraag vervat is nie.

On the assumption that you are right when you suggest that the voice of the person who said the only understandable word in that recording, that is "sorry, wha, sorry" and the word "heard" or "hurt", is a man, then given the circumstances of a lady having spoken, can I repeat my question, do you find the absence of the voice of a lady on the tape at that point a hearable voice of a lady at that point (10) on the tape saying something, with no difficulty at all? Is that the position? -- Dit is korrek, ja.

If you listen - before that. Your conclusion in relation to why the sound suddenly went away, was that there were probably some difficulties with the radio microphone system. Is that right? -- Dit is nou as ek dit reg verstaan die deel hier na die laggeluid waar die opname swak word waarna nou verwys word? Is dit korrek?

Yes. -- Ja, my beskrywing in my hoofgetuienis was dat skynbaar het daar tegniese probleme ontstaan op hierdie (20) punt. Een van die oorwegings was dat dit moontlik kon verband hou met die radiomikrofoonsisteam. By nabetragtenis is ek geneig om te sê nee, ek dink nie dit is dit nie. Dit is waarskynlik iets anders en die rede daarvoor is dat dieselfde soort van radiosteurings, suigeluid en verdwynings van klank wat gedurende die opname voorkom en duidelik hoorbaar is, is nie in hierdie gedeelte hoorbaar nie, wat sou aandui dat die probleem ontstaan het na die radio-ontvanger.

When did you change your opinion about this? -- Die (30)

afgeloop/...

afgelope paar dae, gedurende die afgelope paar dae het ek weer goed nagedink oor die saak. Ek dink dit is nadat dit hier in die hof genoem is.

Can you specify please - when did you begin to doubt the correctness of your original opinion? -- Op grond van die stelling wat aan my gestel is dat die kanale, die linker- en regterkanale wanneer daar geluister word met stereo oorfone nie dieselfde is nie.

Had you changed your opinion - did you change your opinion after you listened to this part again on Wednesday evening as a result of your having been asked to do so specifically in court that afternoon? -- Ja, dit is reg.

Did you change your opinion on Wednesday evening? -- Ja, ek het reeds so geantwoord.

My difficulty with that is that when I asked you whether as a result of having listened to the tape on Wednesday and I actually asked you this yesterday morning, whether you had changed your opinion, you said yesterday morning that you had not. Ek dink die vraag was anders gestel gewees. Ek dink die antwoord op die manier waarop die daar gevra(20) was, was geregverdig. Hierdie is nou heeltemal 'n ander beskouing van die saak. So, ek dink nie dat ek noodwendig op verskillende maniere oantwoord nie.

The record will speak for itself on that one. So, you now say that it is a result of a problem which occurred after the radio receiver, the radio microphone receiver on the assumption that the radio microphone receiver was in a motor-car and the microphone was in the hall at that time, in the hall somewhere, would you accept that the problems which took place would have been problems in (30)

the/...

the motor-car? -- Dit is korrek.

And that no bumping of one person against another inside the hall could have rendered the radio microphone inactive at that time. That was not the problem? -- Die - daar kan dalk twee effekte wees, want daar is die sterk klikgeluid wat begin na hierdie ander probleem van dat die klank sag word en dat dit verskillend word op die twee kanale en die klikgeluid is miskien anders verklaarbaar as die res van die effekte. So, daar kon moontlik 'n kombinasie van gebeurtenisse gewees het. (10)

How would you describe what do you think this sound means? How would you interpret it, this "klikgeluid" that you talk of? -- Wel, die klikgeluid klink vir my asof daar een of ander elektroniese steuring was eerder as 'n akoestiese klikgeluid.

And I would imagine that when you went back to listen to this section carefully as you were asked to do, you paid very much attention to this sound. Is that right? -- Dit is korrek, ja.

And the second time round at least it is very clear (20) that you heard this sound through stereo headphones? -- Ja, dit is korrek.

Would it make any difference to your explanation about this sound whether you heard this sound through the left hand channel, through the right hand channel or through both channels? -- Ja, dit is 'n bydraende faktor, die feit dat dit verskillende gehoor word op die verskillende ore.

An important factor? -- Wel, sekerlik 'n faktor wat oorweging nodig het.

Did you notice whether this sound was the left hand (30) channel/...

channel, the right hand channel or both? -- Die klikgeluid?

Yes. -- Die klikgeluid is op albei kanale.

May be you will have to listen to it again, you could do it if you wanted to during the weekend or something, but our own position is that that burst of sound, we are talking about the same burst of sound, is restricted to the right channel. The first burst of sound, we call it a burst of sound, you call it a "klikgeluid" - we think that there is actually a sound which bursts through there for a split second and went out again and we think that it (10) is actually limited to the right channel? -- Sonder korrekte toerusting sou ek die verdediging se deskundige kon verskoon dat hy daardie opinie kan vorm. Met die regte toerusting soos wat ek gebruik het om die twee kanale apart te bekyk was dit duidelik dat die een kanaal baie sterker was, ongeveer 'n faktor twee of drie sterker was as die ander kanaal, maar albei kanale bevat wel die klikgeluid waarvan hier gepraat is. Verdermeer wys die ossilloskoopanalise van daardie deel duidelike tekens van elektroniese aktiwiteit by daardie puls. (20)

My Lord, I want to place on record that we would like Your Lordship in particular to - in our view it is particularly important for Your Lordship to listen to that sound which we are talking about now through a set of stereo headphones.

COURT : When do you suggest that this be done?

MR YACOOB : Perhaps it would be a good idea if I carried on with this cross-examination and put a few more things to this witness about the rest of this tape. Finish with what I have to put to him. I have no doubt that - he (30)

may/...

may or may not want to investigate the whole thing further so that we do not get any further delays and then we will ensure that Your Lordship listens to it after that.

COURT : I would suggest that you put what you have to put. I intend adjourning a bit earlier today at approximately 12h45.

MR YACOOB : Is the right channel in respect of the sound louder than the left? -- Dit weet ek nie. Ek kan nie onthou watter een sterker was nie.

Was that because you thought that did not matter and(10) that you did not take particular note? -- Ja, die kables wat ek gebruik het, was nie gemerk links en regs nie. Ek moes maar net eenvoudig een van die twee kables gebruik en ek het nie op daardie stadium moeite gedoen om seker te maak watter een is watter een nie.

Were both sides hearable without extra amplification, in other words with an ordinary tape recorder or what? -- Ek kan nie onthou of ek die wins opgedraai het of nie.

And you say that the sound on the one side is three times as loud as the sound on the other? -- Ek het maar net(20) 'n rowwe aanduiding gegee. Ek is nie seker presies seker nie, maar dit is iets van daardie aard.

Then there is another phenomenon which we also call a burst of sound which occurs immediately after the words "Then gentlemen". It can be softly heard. Immediately you can hear something on the one channel. You hear the words "Then gentlemen" and then there is another burst of sound. You might call it a burst of sound or you might call it a "klikgeluid". Do you remember hearing that? -- Die "then gentlemen", waar kom dit voor? (30)

It/...

It comes on the channel that you can hear, actually the first two words I think that you can hear, immediately you can hear words after the laugh, a couple of seconds after the laugh may be. I cannot be more precise than that but that would help you find it. -- O, dit is in 'n deel wat nie op die transkripsie voorkom nie? Dit is in die gedeelte wat reeds sag is? -

That is right. It is a part which I asked you to listen to again very carefully? -- Nee, ek kan nie sê dat ek daarna opgelet het nie, dat ek dit op daardie manier (10) raakgesien het nie.

If you want to, you could listen to the tape again over the weekend, but we say that there is the burst of sound, I would like not to describe it to you, first, because I would like to see what you make of it before I describe it to you or unless you decide not to listen to it, then I will describe it to you. -- Daar was twee gewees wat u genoem het. Die een is net na die "then gentlemen" en die een net voor dit.

That is right. You said that the one before it is (20) one which we say without amplification can be heard only in the right channel? I am not giving you any more detail in the sound in the other channel at this stage. One more thing, you heard you said the change in noise level while the tape was being played in which the person speaking becomes softer. There is a noise level change there. Did you hear that? I pointed it out to you earlier and you said you had heard that the level at that stage had become softer? -- Ek is nie seker dat ons van die regte ding praat nie. Ek onthou dat op 'n stadium het ek gesê dat die (30) klank/...

klank verander in sterkte.

Let me put our contentions to you very quickly. The one is that if you listen from that point very carefully until the end of the tape ... -- From which point is that?

From the point at which the sound can be heard only on one channel. If you listen very carefully, what you will find is that at some point even on one channel, there is a pulse and the speaker becomes softer, a little later and because the thing stretches for three or four minutes only altogether, I would not give you precisely where it is, (10) a little later there is another point where there is a pulse again, the person becomes louder again and just to finalise this, I do not want an answer now, it is for an answer on Monday morning and just to enable you to decide whether you should listen to the tape or not, we are of the view that that end part of the tape properly analysed, particularly the factors that I have drawn to your attention, is, not can be, is, at least a clear example of a double erasure after the fact. In other words, after the recording was made.

GETUIE STAAN AF.

HOF VERDAAG TOT 1 SEPTEMBER 1986.

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