

IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA *Ass. 2*
(TRANSVAALSE PROVINSIALE AFDELING)

SAAKNOMMER: CC 482/85

DELMAS

1986-08-27 en 28

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSORE: MNR. W.F. KRUGEL

PROF. W.A. JOUBERT

NAMENS DIE STAAT:

ADV. P.B. JACOBS

ADV. P. FICK

ADV. W. HANEKOM

NAMENS DIE VERDEDIGING:

ADV. A. CHASKALSON

ADV. G. BIZOS

ADV. K. TIP

ADV. Z.M. YACOOB

ADV. G.J. MARCUS

TOLK:

MNR. B.S.N. SKOSANA

KLAGTE:

(SIEN AKTE VAN BESKULDIGING)

PLEIT:

AL DIE BESKULDIGDES: ONSKULDIG

KONTRAKTEURS:

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HOF HERVAT OM 14h00 OP 27 AUGUSTUS 1986.

HOF : Mnr. Jacobs, net voor ons begin, ons merk dat daar n hele aantal, tensy ons verkeerd gekyk het, dokumente is wat erken is wat nie in ons besit is nie. Weet u daarvan? Dit is AO, AP, AQ, AR, dit loop deur tot AZ. Dan AAA,AAB ensovoorts.

MNR. JACOBS : Dit mag wees dat dit dokumente is wat in besit van beskuldigdes gevind was. Ek dink mnr. Fick het hulle agter mekaar gesit. Ek sal net reël met hom.

HOF : Dan is daar ook twee of drie bewysstukke wat ook hier(10) gemeld word, wat ons ook nie het nie, 22, 23 en 24. U moet net n bietjie nagaan op u lys van erkennings en kyk watter dokumentasie ons nie het nie, want ons het n hele klomp nie.

LEENDERT PIETER CHRISTIAAN JANSEN, nog onder eed

CROSS-EXAMINATION BY MR YACOOB (continued) : Could you please tell us whether you recall why you called for the actual tape recorders which had been used in making the recording in firstly - in respect firstly of the Claremont tape, being EXHIBIT 6 ? -- Ek verwys hier na BEWYSSTUK ABD(6) op die derde bladsy daarvan gemerk ABD(6).6, Analise(20) bladsy 21 aan die linkerkant so omtrent n derde af in die bladsy is daar n tellerlesing gemerk 647 en daarna staan daar "Sterk klikgeluid op opname en direk hierna word die opname baie sag tot aan die einde" ensovoorts. Dit is - dit was in verband met daardie deel waar ek graag meer duidelikheid wou hê waar ek op een stadium gevoel het dit sou nuttig wees om die oorspronklike bandmasjien in diehande te kry.

You said that you only at one stage felt it was useful. Would that mean that at a later stage you came to the conclusion that it did not matter? -- Nee, ek dink nie u kan daardie afleiding maak nie.

(30)

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Do you still think now that it would have been useful to get it? -- Dit sou miskien nuttig kon gewees het, ja.

Would it be to be able to work out precisely how - whether that could have happened because of some characteristic of the tape recorder. Is that right? -- Ja, as die spesifieke bandmasjien beskikbaar was, dan sou dit net vinniger gewees het om die korrekte verklaring te kry. Ek glo die verklaring wat ek daar neergeskryf het is korrek, maar die beskikbaarheid van die bandmasjien sou net kon gehelp het om moontlikhede wat onder oorweging geneem kon word uit te skakel. (10)

Have you now excluded those possibilities by a longer process? -- Ja, dit is reg.

What possibilities did you exclude - sorry, is it correct that you do not mention the possibilities which you excluded in any of the exhibits in any part of your report? -- Dit is nie my normale gebruik om moontlikhede wat ek verwerk neer te skryf nie. Ek sien geen sin daarin dat daar melding gemaak sal word van dinge wat nie teenwoordig is nie.

Is it possible for you to tell the Court now which possibilities you excluded by this longer process which (20) would have been made shorter if you had the recorder? -- Dit was - die enigste moontlikheid wat ek daar sou kon uitskakel is die moontlikheid dat die bandopnemer self af en weer aan geskakel was.

That was the only possibility you wished to exclude which you have now excluded through a longer process? Is that a correct understanding of your answer? -- Dit is omtrent reg, ja.

Why "omtrent"? -- Ek het nie 'n nota gemaak van al die moontlikhede wat ek oorweeg het nie. Om die waarheid te sê (30) ek het nooit sulke notas neergeskryf nie. Ek het in my

... / hoofgetuienis

hoofgetuienis onder andere verwys na allerhande verskillende goed wat met bande kan verkeerd gaan en by enige plek waar enige verskynsel geanaliseer moet word is dit noodwendig dat die moontlikhede van wat op 'n punt gebeur het, bestaan uit enige van al daardie moontlikhede. Om elke keer wanneer ek iets wil verklaar, 'n verskynsel wil verklaar elke moontlikheid neer te skryf en dan elke moontlikheid weer af te krap van my lysie, lyk vir my heeltemal onnodig en ek is oortuig daarvan dat dit nie as onwetenskaplik beskryf kan word dat 'n mens nie so te werk gaan nie. (10)

I do not want to take up the Court's time now with your having to listen to the tape, but I just want to give you some idea of what we are going to ask you tomorrow in connection with the very portion you have now mentioned. We would like you please to listen to this portion of the tape very carefully through stereo - on a stereo machine through stereo headphones and pay particular attention to the different effect on each of the different channels and each of the sounds that occur very carefully for about ten seconds before the sound becomes soft. The contention is that your (20) conclusion in this regard is totally wrong and I intend to cross-examine you on that tomorrow morning. While we are dealing with EXHIBIT 6 and what you have to do with it, we would like you please to re-examine the beginning of EXHIBIT 6 where you note of course that EXHIBIT 6 begins with some noises in the background, etc. and the meeting starts somewhat later on. I would like you to examine those sounds carefully, the change over from those sounds to the beginning of the meeting and also to pay particular attention to context, sign context in terms of those sounds so that (30) I can cross-examine you on that tomorrow morning as well.

... / Finally

Finally, if Your Lordship will bear with me for a moment ...

-- Mag ek net op dié punt iets sê? Dit gaan probleme skep indien ek nou luister na 'n stukkie en dan môre eers antwoord daarop, want ek gaan tog net môre weer vra dat dit weer gespeel word. So, ek is ... (Hof kom tussenbei)

HOF : U word nou vooraf gewaarsku. As u nie van die geleentheid gebruik wil maak nie, dan staan dit u vry. U kry nou 'n geleentheid om rustig op u tyd daarna te luister en dit is u goeie reg om môre in die getuiebank weer daarna te luister.

-- Ek verstaan. (10)

MR YACOOB : And also while you are dealing with EXHIBIT 6 will you carefully look at where there are silent bits in your "radio onderbrekings" which you have described, because what I am told is that there are noises in those silent parts which ought not to be there if the explanations which you give for them are correct, but I will raise all those with you in detail tomorrow. I just give you an opportunity to look at that. Let us look at Luthuli and that is EXHIBIT 31. As far as EXHIBIT 6 is concerned, you say that there too you found some need to have a look at the actual machine (20) which was used to make the actual recording. Is that right?
-- Dit is korrek.

Why was this? -- Die aspekte wat hier van belang was is dit wat beskryf is in BEWYSSTUK ABD(6).2 op die eerste bladsy by tellerlesing 445 en weer by 670, waar daar verdwynings van klank is in die een geval van ongeveer agt sekondes en in die ander geval van ongeveer 7,2 sekondes. Die vraag op daardie punte was of daar - of die bandmasjien moontlik aan en af geskakel was op daardie tyd.

Could you have done better if you had had the machine (30) or had you in fact done an optimum job but simply taking

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longer as in the previous case? -- Ek sou waarskynlik makliker en vinniger antwoord gekry het as ek die masjien gehad het.

But you are completely satisfied now that you have the correct answers? -- Dit is korrek, ja.

We will look at those again tomorrow more carefully. We are dealing with the sort of information which you need to have in order to make a proper examination. We have dealt with whether you need to have the additional tape recorder or the tape recorder which was actually used. Would you (10) need to know or would it help you to know whether the tapes were, which had been used, new or not new in making the original recording in terms of what the police said? -- In sommige gevalle kan dit nuttig wees. In ander gevalle is dit nie van belang nie.

Did you find it necessary to know this in the present inquiry at all? -- Nee, ek het nie beskou dat dit vir my noodsaaklik is om te weet of dit 'n nuwe band was of nie.

In what sort of circumstances would you say it is necessary for you to know whether the tape was new or not? -- Daar is (20) sekere gevalle waar ondersoeke gedoen word op geruisvlakke op 'n band en in sulke gevalle kan belangrik wees om te weet of dit nuwe band is of nie.

Any other circumstances in which you need to know whether the tape is new or not? -- Dit hang van die omstandighede af. Dit is moeilik om te veralgemeen om te sê in die gevalle moet ek weet en in daardie gevalle hoef ek nie te weet nie.

I suppose the problem is that they occur to you as you listen to the tape basically? -- Dit is korrek, ja.

And my - the expert who we have available tells me (30) that there is no textbook in which all these factors are

... / clearly

clearly and systematically set out. Is that correct? --
Ek weet nie. Ek het nog nie al die teksboeke gelees nie.

Have you come across any such textbooks yourself in which all these factors are systematically set out? -- Ek dink ek het dan nou net gesê dat ek nog nie 'n teksboek gekry het waar alles gegee was nie.

And is the position that you find no problem with the noise level in any of these tapes or the sound level?

COURT : Just a moment. What exactly is meant by that? The noise level or the sound level? (10)

MR YACOOB : The sound level.

COURT : The sound level, not the noise level?

MR YACOOB : Not the noise level. -- Kan u die vraag herhaal? Dit het nie vir my na 'n regte vraag geklink nie.

COURT : Do you mean by that question that there was no problem with the loudness of the sound?

MR YACOOB : I meant noise level.

COURT : The background noise?

MR YACOOB : Yes. I interpreted "ruisvlakke" as sound level. That is the problem. Did you find any problem about the (20) noise level in any of these tapes? -- Watter "noise level" praat u van?

The "ruisvlak", the level which you talk about when you say there were problems with that - if there were problems with that, it will be helpful for you to know whether it was a new tape or a used one? -- Praat u van ruisvlakke van die band self of van ruisvlakke van 'n opname op die band?

Can I ask you the question. When you talked about "ruisvlakke" as being one of the factors which would make you want to know whether the tape was new or not, what (30) sort of noise level were you talking about? -- Ek dink miskien

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is dit voldoende om te sê dat ek nie in die analise van hierdie bande plekke gevind het waar dit vir my nodig was om sulke ruisvlakke te meet nie.

But what sort of noise levels are you talking about? -- Ek praat van 'n ruis wat 'n mens hoor by die uitgang van die bandspeler as 'n mens - as 'n mens 'n band speel, dan kom daar altyd 'n sekere mate van ruis vanaf die band en die presiese sterkte van daardie band se ruis kan byvoorbeeld aandui of dit nuwe band is wat nog nooit 'n opname opgehad het nie of band is wat reeds vantevore gebruik was ensovoorts. (10)

ASSESSOR (MNR. JOUBERT) : Kry 'n mens die ruis op 'n skoon nuwe band ook? -- Ja, vir skoon nuwe band wat nog nooit gebruik is nie, kry 'n mens die laagste ruisvlak. Sodra daar enige opname gemaak word op die band, dan verander die ruisvlak en word dit hoër.

Dit is nou 'n skoongemaakte gebruikte band? -- Selfs 'n skoongemaakte gebruikte band het nog 'n hoër ruisvlak as 'n splinternuwe band, ja.

MR YACOOB : What was the characteristic of this noise level or "ruisvlak" or what would it be before you would want to know whether the tape was new or not? That is what I want to know. -- In die geval was dit nie belangrik om te weet of die bande nuut was of nie en daarom het ek nie ondersoek ingestel daarna of die bande nuut was of nie. Ek dink ons is besig om in 'n verkeerde rigting te gaan hierso. (20)

I understand that. I want to know - I do not want to extend the purpose of the question to you at this stage, but I would like to know please what are the characteristics of the noise level which would make you to know whether the tape used originally was new or not? (30)

COURT : Is that the test? Is the first question not whether

... / it

it is relevant whether a tape is new or second hand used and then you can ask him now what characteristics do you look for, because if it is not relevant, you may pick up the characteristics and do nothing about it.

MR YACOOB : Yes, that is so. The difficulty is ... (Court intervenes?)

COURT : So, what are you after?

MR YACOOB : The difficulty is that I have told the witness in advance at this stage before he tells me what his general approach was ... (Court intervenes) (10)

COURT : Then you will have to put it to him. If you are instructed to ascertain whether a tape is brand new or whether it has been used before, what characteristics do you look for? But in the way you are putting it, it does not make sense.

MR YACOOB : No, I have asked him - perhaps we are at cross purposes, what we started with was is it necessary for him to know when making his analysis of the tapes whether a tape was new or not.

COURT : In this instance it was not. (20)

MR YACOOB : He said that in certain circumstances it would be. It would be necessary for him to know whether the tape used was new or not. Then he says in this instance it was not. What I want to know from him is in what circumstances would he want to know and then we can - I can then put to him whether those circumstances existed with these tapes or not.

HOF : Wanneer word dit vir u belangrik om te weet of n band splinternuut is en of hy al gebruik is? -- Ja, soos ek reeds gesê het, ek het nie in een van hierdie spesifieke bande van hierdie saak gevind dat dit vir my nodig is om uit te vind of die band nuut of nie nuut is nie. Ten spyte daarvan (30)

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kan ek nogtans n antwoord gee omtrent sekere gevalle waar ek graag sal wil weet of n band nuut is of nie.

Ja, op n teoretiese basis? -- Ja. Dit kan byvoorbeeld gebeur dat daar stiltetjies op n band is, ek sal dit noem verdwynings van klank waar die ruisvlak besonder laag is. Dit kan soms belangrik wees om vas te stel of daardie stukkie stiltes - ten minste of daar ooit iets opgeneem was op daardie stukkie stiltes. Met ander woorde, is dit byvoorbeeld plekke waar die band gestop was, die bandopnemer gestop was, die band n klein entjie aangedraai was en later weer aangeskakel(10) was, sodat daar n deel is waar die agtergrondruis so laag is dat dit moontlik heeltemal skoon ongebruikte bande kan wees. Indien n mens weet dat dit skoon band is wat gebruik was, dan is dit die moeite werd om n toets uit te voer om die ruisvlak van daardie stil deeltjie te meet, andersins nie.

MR YACOOB : I want to warn you again that the last factor which you have mentioned in fact exists in counter number 24, that is your counter number 24 in respect of your report of the Luthuli meeting which is in fact EXHIBIT 31. I will raise that again with you tomorrow when you will have an (20) opportunity to listen to it. -- Op watter band van Luthuli en op watter kant is dit?

Band 1 kant 1 - tape 1 side 1 counter number 024 and I think it is the first observation which you make in your report. If you have any difficulties, you can approach us after court and we will tell you exactly which one it is.

COURT : Just a moment. Let me just get clarity. Are you putting it to the witness that it becomes relevant at this point where it is stated that there is an interruption in the tape to know whether the tape was a new one or an old(30) one?

... / MR YACOOB

MR YACOOB : No, I am putting it to him that in terms of what he says are the circumstances in which it would become relevant to know, in terms of those circumstances, the last circumstance that he described in fact exists at that point and that in terms of his own analysis, in terms of his own method, he ought to have said to himself now I need to find out whether this tape is new or not. What he said to us in court here is that in none of the tapes did he find it necessary to make such investigation.

COURT : I understood him to say that for his purposes (10) it is not necessary at all to determine whether the tape is new or not.

MR YACOOB : No, he said that the circumstance in which it would become necessary, as I understood his evidence, and I asked him for the theoretical basis was where there was a pause in the tape and the noise level in that pause was too low over a certain period and I am putting to him that that circumstance in fact existed at that point and if he says that this is the way in which he worked, then in those circumstances he would have wanted to find out. -- Dit is (20) heeltemal 'n miskwotering van wat ek gesê het en ek moet op hierdie punt 'n regstelling maak. Dit is heeltemal onredelik om te sê dat ek dit op daardie manier gestel het. Die vraag was aan my gestel onder watter omstandighede kan ek dit nodig vind en ek het verduidelik dat hierdie is die soort van omstandighede waaronder ek dit miskien kan nodig vind. Die implikasie is geensins dat as ek ooit so iets soos hierdie vind waar dar so 'n stil deeltjie is, dat dit dan vir my belangrik is om te weet of dit nuwe band is of nie. Ek het in hierdie geval geen rede gehad om die ruisvlak in daardie (30) stil deeltjie te meet nie en daarom was dit ook heeltemal

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vir my van geen belang om te weet of dit werklik nuwe band was of nie.

Well, in addition to the existence of the circumstance, what other reasons must there be? -- Ek kan nie daardie vraag in algemene terme antwoord nie, want ... (Court intervenes?)

COURT : Could you put to the witness why he should have done so according to your expert, when it comes necessary to determine whether this is a false recording or whether it has been tampered with or not?

MR YACOOB : My instructions are that this is one of the (10) variables which in general terms must be known - not must but in general circumstances would be very helpful to know in order to make a thorough investigation with regard to whether it is a copy or not. So, in other words, my position is in terms of the expert that I have consulted, it is not only in certain circumstances that you decide whether you need to know it or not. The position is that you need to know it ideally every time you examine a tape, because that is one of the factors then that you take into account as your baseline when you are analysing the tape. (20)

COURT : So, when you are analysing it, the kick off is to determine, according to you, whether it is a copy and that this is one of the things needed to determine whether it is a copy or not. Is that correct,

MR YACOOB : Well, one of the things which could give an indication. The position is, as will appear from the cross-examination, that it is possible, except in certain very limited circumstances to determine conclusively that it is a copy. In most circumstances we are left with a measure of uncertainty about whether it is a copy or an original, (30) that the variable circumstances are so many and whether the

... / tape

tape is new or not, is certainly one of the variable circumstances and as I understand my expert, all the variable circumstances in a sense interact with each other in order to enable one to come to some kind of conclusion.

COURT : As I understood it, one needs this to determine - that is according to your expert - whether it is a copy or not. On that basis, how would the noise level help you to do that?

MR YACOOB : One needs this as one of the factors in order to determine whether the tape was new or not. I just want (10) to give Your Lordship one example.

COURT : Actually you must put it clearly to the witness but in such a way that I also understand it.

MR YACOOB : Alright, I will try. One of the difficulties is that I do not want to disclose fully every line of attack before I set the frame up for it.

COURT : That is so, but if one takes up ones gun, there is always the possibility that somebody sees it.

MR YACOOB : That is so. Is it correct that you did no noise level tests in respect of any of these recordings? (20) -- Nee, dit is nie waar nie.

In respect of which recordings did you do noise level tests? -- Ek dog ek het al getuienis gegee, maar dit lyk vir my dit was nie in die hof aangebied of party mense het dit nie gehoor nie.

HOF : Ek dink nie u moet kommentaar lewer nie. Ek sal die advokaat wel kortvat wanneer dit nodig word. Hy is geregtig om u twee keer dieselfde vraag te vra. -- Seker. In my spesifieke hoofgetuienis oor die UDF Launch and Conference, dit is op ABD(5) bladsy 6 daarvan. Daar is 'n ossilloskoop- (30) foto van ruisvlakke. Hierdie is een van die gedokumenteerde

... / metings

metings wat ek gemaak het wat in hierdie hoofgetuienis van my vervat is.

MR YACOOB : Is that the only one? -- Dit is die enigste een wat ek hier in die hoofgetuienis ingesluit het.

Is that the only one in respect of which you conducted noise level tests? -- Nee, dit is nie die enigste een nie.

Which of the others would you have conducted noise level tests on? -- Ek kan nie spesifiek onthou watter van die ander nie. Ek het op baie plekke ruismetings gedoen maar dit is so baie plekke dat dit is vir my moeilik om (10) enigeen uit te sonder en te sê op hierdie of daardie plekke.

Is it not included in the report, because you found no problem with the noise level after investigation? -- Ek het nie gevind dat 'n beskrywing van ruisvlakke kan enige bydrae maak tot my verslag nie.

Will you please answer my question. Was there no problem which was indicated by your noise level test? -- Nee.

You said in ABD(2) that those portions of the tape which were blank or clean or having matter not connected with the meeting, were not copied. Is that right? That (20) is on the top of page 2 of ABD(2). That was in connection with your having made copies for the police and copies which the detectives received and so on. You said that you did not copy those parts of the tape which had nothing on them and those parts of the tape which had material on it which was not connected with the meeting. -- Volgens my getuienis en volgens hierdie verwysing op bladsy 2 staan daar "Gedurende die tweede keer dat die bande hier was, is weer heropnames gemaakdirek van die oorspronklikes af en hierdie bande word beskikbaar gemaak aan die ondersoekbeampte. Die heropnames(30) is op nuwe kassetbande gemaak en dek al die vergaderings

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volledig. Dele van die oorspronklike bande wat leeg is of dele wat opnames bevat wat geen verband hou met die betrokke vergadering nie, is nie op die heropnames opgeneem nie." Daar word spesifiek verwys na die heropnames wat gemaak is die tweede keer wat die bande by my was en dit is dan ook die heropnames wat in hierdie saak aan die verdediging beskikbaar gestel is.

As far as the noises and the sounds which occur at the beginning of EXHIBIT 6 are concerned, which you commented on in ABD(6)6. If you look at ABD(6)6 the beginning of (10) it I think it is perhaps the first sort of comment you make. There are noises for some part of the tape before the speech of the person who is alleged to be Mr Frank Chikane. Is that not right? -- Dit is korrek, ja.

Am I correct in saying that that was a portion which would have been left out of the copy given to the defence? -- Nee, ek glo nie ek sou dit uitgelaat het nie. As dit uitgelaat is, is dit toevallig. Dit was nie of dit is nie 'n deel wat doeltreffend uitgelaat sou word nie.

That is not a section which you would regard as (20) related to the meeting? -- Dit is miskien so dat daardie klein stukkie nie van toepassing is op die vergadering nie. Afgesien daarvan was dit nie my beleid gewees in die maak van sulke heropnames om indien daar 'n klein stukkie op die een kant van 'n band is wat miskien nie van toepassing is op die vergadering nie, dit apart te probeer uithaal nie. Daarby bedoel ek slegs dele wat nie ingesit is nie, sal wees 'n hele kant van 'n band of dele miskien aan die einde van 'n band waar dit duidelik was dat die opname opgehou het.

Later on in EXHIBIT ABD(2) you talk about "Die hoof- (30) doel van die analise." Are there any other purposes of your
... / analysis

analysis which you perhaps left out implied by the use of the word "hoofdoel"? -- Hierdie is natuurlik die belangrike aspek en dit is sekerlik die hoofaspek, maar dit is natuurlik nie al wat op die bande gedoen is nie en daarby bedoel ek byvoorbeeld 'n deel van die analiseproses kan miskien ook beskryf geword het as die feit dat die identifika-siemerke wat op die bande was neergeskryf is en daardie soort van inligting.

Was it one of your - was it part of your mandate to check whether the transcripts represented more or less (10) correctly what was on the tape? -- Nee. Ek dink miskien moet ek net seker maak by die terme "mandate". Bedoel u daarby dit wat ek versoek was om te doen of ook dit wat ek myself ten doel gestel het?

Just what you were requested to do. I can quite understand if you did more or something like that, but I am talking about what you were requested to do? -- Nee, ek was nie versoek om dit te doen nie.

Your description of the purpose of your analysis as contained in ABD(2) was this purpose given to you as a (20) request or was it a purpose which you sort of worked out yourself? -- Nee, die hoofdoel - die versoek aan my was sekerlik nie uitgeskryf in die woorde soos wat ek dit hier neergeskryf het nie. Die woorde soos dit hier neergeskryf is, is my eie woorde, maar dit is my weergawe van wat ek versoek was om te doen.

I want to take you to page 3 of EXHIBIT ABD(2) and the paragraph which begins with "In baie gevalle is daar heel onskuldige verklarings vir sulke verskynsels, terwyl in ander gevalle dit 'n positiewe aanduiding kan wees van (30) verandering van die oorspronklik opname." There you

... / mentioned

mentioned to possibilities. You are actually dealing there with occurrences on a particular tape which you find which need investigation and clarification. Is that right? -- Ons moet net duidelik maak waarom ons praat hier. Ons praat van in baie gevalle is daar heel onskuldige verklarings vir sulke verskynsels. Praat u van daardie verskynsels?

Ja. -- Die verskynsels wat in die vorige sinne genoem is?

Ja. -- Terwyl in ander gevalle dit 'n positiewe aanduiding kan wees van verandering van die oorspronklike opname. (10)

That is right.-- Maar die vraag verwys nou na die verskynsels.

Yes, I understand that. -- Kan u die vraag dan net weer herhaal.

What I want to ask you about that is this. You refer to two possibilities here, two categories of occurrences, the one category of occurrences and there are other sorts of occurrences that you are talking about earlier on which have an innocent explanation. The other category is a category which indicates positively that it is change of the original recording. Is that right? -- Dit is korrek, ja. (20)

What I want to put to you generally is that there is actually a third possibility. The third possibility is that you cannot tell at the end of the day whether these explanations are a positive indication of a change in the original on one hand or whether they have innocent explanations. In many instances I want to put to you that there is a third possibility which is neither of the two that you have mentioned. -- Ek dink in 'n analise van 'n band kan daar soms twyfel wees omtrent watter een van die twee (30)

... / kategorieë

kategorieë dit kan wees, maar in werklikheid bestaan daar net die twee kategorieë.

I understand that, but you agree, of course, that if you do not, aside of the two categories that you clearly mentioned, in terms of what these "verskynsels" indicate to you. The occurrences on the tape could indicate to you, on the one hand that sometimes there could be a clear indication that there is something wrong, there has been some tampering going on here. AT other times there can be innocent explanations. Yet at other times you cannot tell (10) whether the so-called innocent explanation is the one which applies or not, because there are so many others or you cannot tell whether it is positive or whether it is not? -- Ja, daar is gevalle waar dit moeilik is om te besluit in watter kategorie dit sal val.

I want to put to you a proposition at a slightly higher level which is, there are circumstances in which it is impossible for you to tell in which category it falls. -- Ja, ek kan my voorstel dat daar sulke gevalle kan wees. Ek probeer nou dink aan voorbeelde, maar ek kan nie nou (20) daaraan dink nie.

And I want to tell you that at this stage in relation to whether it is a copy or an original, in most instances, particularly in the present instances where you conducted the tests, except of course for EXHIBIT (1) which I will deal with separately, it is in fact impossible for you to tell. -- Nee, dit kan ek geensins aanvaar nie.

GETUIE STAAN AF.

HOF VERDAAG TOT 28 AUGUSTUS 1986.

... / HOF

HOF HERVAT OP 28 AUGUSTUS 1986.

LEENDERT PIETER CHRISTIAAN JANSEN, V.O.E.

CROSS-EXAMINATION BY MR YACOOB (continued) : Colonel, you have - did you yesterday listen again to EXHIBIT 6 which is the Claremont tape? -- Ek het na 'n deel daarvan geluister.

Did you listen to the end of the tape, that is the portions after Dr Allan Boesak had ceased speaking? -- Ja, ek het na daardie deel geluister.

And did you do that using a stereoplayer and stereo headphones? -- Ja, ek het dit so gedoen. (10)

And did you listen to the beginning of this tape with all kinds of sounds before in fact the speech begins? -- Ja, ek het daarna ook geluister.

And did you again pay special attention to the change over from the speech to - sorry, from the background noise to the speech? -- Ja, ek het dit gedoen.

My Lord, this is dealt with in the ABD series at pages 19 and 20 of ABD(4) and a detailed "analyse" is contained at ABD(6)6. Have you changed your opinion in relation to anything that you said on pages 19 and 20 of EXHIBIT 4 (20) and ABD(6)6 or not? -- Nee, ek verander nie my opinie nie.

Do you find a need to change any of your detailed finding? -- Ek het gevind daar is sekere besonderhede wat beskryf sou kon word, maar my opsomming van die gebeure soos wat ek dit in ABD(6)6 geskryf het, voel ek is 'n kort en akkurate iopsomming van wat daar plaasgevind het.

Are you saying that you noted nothing new or nothing different as a result of your having heard the tapes again yesterday? Those parts of the tapes which you heard yesterday? -- Wel, daar is effekte wat 'n mens kan beskryf, soos (30) ek so pas gesê het en dit hou miskien verband met vrae wat

... / gister

gister aan my gestel is. Ek kan dit so verduidelik dat in die laaste gedeelte wat sag word, dit wil sê soos beskryf vanaf my tellerlesing 647 op bladsy 21 van ABD(6)6. Op daardie plek, die laaste sinnetjie by tellerlesing 647 daar het ek geskryf "Skynbaar het daar tegniese probleme ontstaan op hierdie punt en kon die laaste deeltjie nie goed opgeneem word nie.

But my question is, in listening to the tapes again yesterday, did you notice anything new in relation to the tapes which you had not noticed before and whether from (10) you noticed caused you to change your opinion. That is a very different question. I am asking you whether you yesterday noticed anything new and different? -- Ek is nie seker of dit iets nuut is nie, maar daar is iets wat ek meer spesifiek kan beskryf. Ek kan dit miskien so stel. Dit lê daarin dat in daardie laaste gedeelte wat sag opgeneem is, het ek baie aandag gegee aan die luister met stereosisteem vanaf 'n stereokassetspeler en die klank wat saggies gehoor kan word in daardie gedeelte is baie duidelik hoorbaar slegs op een van die stereokanale. (20)

HOF : Op die ander een is daar niks? -- Op die ander een is daar slegs 'n ruis.

So, is your answer to some extent at least that you did notice, you did pick up something new as a result of listening to the tape again yesterday? -- 'n Mens kan miskien sê nuut want ek het dit nie in soveel besonderhede ondersoek die eerste keer nie. In daardie opsig kan 'n mens dit sê.

You also said that you were not certain whether what you noticed was new or not. I want to put it to you that had you made proper notes of everything you had noticed (30) and kept them and then listened to the recording again

... / yesterday

yesterday in conjunction with your notes, you would have been able to tell whether you noticed something new yesterday or not and you would have been able to give particulars of what was new?-- Ja, dit is waarom ek sê ek is nie duidelik of alles nuut is nie. Daar is definitief sekere dinge wat ek raakgesien het wat nuut is. Dit is natuurlik maklik vir enigiemand om te sê maar die notas was nie volledig nie. Die probleem is dat met 'n ondersoek van hierdie aard is daar so geweldig baie inligting wat 'n mens sou kon neerskryf dat 'n mens iewers 'n streep moet trek en besluit wat word (10) neergeskryf en wat word nie neergeskryf nie.

And of course you would accept that if you were scientific you would have an objective consistent basis on which you make those decisions? -- Dit is ook baie maklik om 'n stelling soos daardie te maak, maar in die praktyk werk dit anders ongelukkig.- Daar kan geen vaste reëls wees omtrent wat 'n mens sal neerskryf nie en daar kan dus geen vaste objektiewe sisteem wees, aangesien daar 'n geweldige verskeidenheid van effekte kan wees wat waargeneem kan word en 'n mens dus geen vaste reël kan stel oor wat 'n mens (20) gaan doen in 'n spesifieke situasie nie.

I would suggest to you that the obvious answer to that is to develop a basis which would then be continuously modified in the light of your future experience? -- Ja, dit is presies wat gedoen is.

And is that objective basis of making such decisions reduced to writing in any way? Are there any forms which you must fill in in relation to every tape? Is there a manual or something which sets out the criteria to be taken into account in this basis? -- Die riglyne wat ek gebruik (30) het ek al by tye neergeskryf, maar omdat dit onmoontlik is

... / om

om elke besonderheid te beskryf, kan h mens sulke riglyne net neerskryf in terme van algemene terme.

This new sound which you found, which you are not sure is new or not which you can hear only on the one side and not on the other when listening through stereo earphones, is the position that you think you noticed it the last time and did not think it was important or is the position that you thought it was important or is the position that you did not hear it at all? What do you think the position is or is impossible for you to say? -- Dit is moontlik dat ek (10) nie daardie verskil waargeneem het toe ek dit geanaliseer het nie.

Can you advance any reason why this was possible? -- Ja. Die rede daarvoor is dat die gedeelte ter sake is baie sag en wanneer h mens dit vergelyk met die vorige gedeelte wat betreklik hard is, dan vind h mens om daardie deel deeglik te beluister met stereo oorfone, addisionele versterkers nodig is ten einde daardie sagte klanke bo die omgewingsruisvlak te versterk. Ek weet vir seker dat ek dit nie destyds gedoen het nie, maar dat ek dit wel gisteraand (20) gedoen het toe ek daarna geluister het en dit is waarskynlik die groot rede waarom ek die verskil nie raak - waarom dit my nie opgeval het nie. Verder wil ek ook noem dat dit in h gedeelte is na die afhandeling van die toespraak van Allan Boesak en daarom was dit vir my voldoende om tot die gevolgtrekking te kom dat daar wel tegniese probleme van een of ander aard was wat veroorsaak het dat daardie deel nie volledig opgeneem is nie.

I want to put it to you firstly in relation to that answer that the defence team, including Mr Atkinson, heard (30) that effect that you are talking about using headphones

... / without

without any additional amplifiers except for the amplifier built into an ordinary tape recorder and this is the Sanyo MF 7700 which is a tape recorder which is in court here and which Mr Atkinson will indicate to you now. -- Ja, ek ontken dit glad nie. Die omstandighede is duidelik verskillend en ook die plek waar ek my werk doen is verskillend aangesien daar gedurig agtergrondgeraas van motorvoertuie ensovoorts is wat sekere probleme vir my skep.

Am I to understand from that that the circumstances in which you work are not suitable for the work that you (10) actually do? -- Ek het dit nie gesê nie. Ek het gesê dat daar is probleme. Verdermeer wil ek by sê dat die toerusting wat ek gebruik is ingerig basies vir die luister van bande by - dit is nou bande wat redelik sterk opgeneem is en dit is nou maar net eenvoudig toevallig so dat met die sisteem wat ek daar gebruik het vir daardie deel van daardie analise dit nie sondermeer vir my maklik was om sagte klanke hard in stereo te beluister nie.

I want to put it to you that if in your work situation you are prevented from listening to sounds properly because (20) of the traffic around, then the circumstances are not suitable for the work? -- Daar is tye wanneer daar baie geraas is en wanneer daar 'n bietjie gewag moet word tot die geraas verby is, andersins is daar geen probleem met die omstandighede nie. Daar is sekerlik aller moontlikheid om die werk geheel voldoende te doen en wanneer daar probleme is verkeersgeraas dan word daar eenvoudig gewag. Die situasie is dat daar 'n klein straatjie is wat net langs die gebou waarin ek werk verby loop en van tyd tot tyd is daar groot vragmotors wat daar verby beweeg en baie geraas maak, en in sulke tye (30) moet die werk gestaak word om te wag tot die geraas verby is.

... / HOF

HOF : Wat is die straatjie se naam? -- Ek probeer dink.
Ek kan nie eers onthou nie. Ons let nooit op nie. Dit is
n klein straatjie wat uitloop uit Jacob Maréstraat.

Watter straat verbindhy met watter straat? -- Hy verbind
Jacob Maré met die een wat bokant verby loop aan die stasie
se kant. Ek kan sy naam ook nie onthou nie. Hy loop regs
langs die gebou waarin ons werk, naamlik die ICS-gebou.

ASSESSOR (MNR. JOUBERT) : Walkerstraat?

HOF : Scheiding? -- Ek dink dit kan dalk Scheidingstraat
wees. (10)

MR YACOOB : But surely, you were not waiting for the sound
to clear at the stage when you did not hear that sound which
we are now talking about, where you advanced as a possible
reason the fact that there was traffic noise? -- Ek sou
gewag het vir enige agtergrondklank om te verdwyn, maar, soos
ek reeds gesê het, dit is duidelik dat ek nie die sagte klank
baie hard opgedraai het in daardie tyd nie.

You would examine anything unusual on a tape with
particular care. Is that your normal approach? -- Dit is
reg, ja. (20)

And sound suddenly becoming soft at the end of a speech
is such an unusual feature. Is that not so? -- Dit is
korrek, ja,

And the most obvious care which one would exercise in
listening to sound which softens up is to use amplifiers.
Is that not so? -- Ek het daardie klank hard genoeg gedraai
om te hoor dat daar - dat die spraak nie verstaanbaar is
nie.

It is not an answer to my question. The question was,
the most obvious care which one would exercise to listen (30)
properly to sound which had softened up, is to use an amplifier.

... / Is

Is that not so? -- Dit is so, ja.

Is it also correct that careful analysis of the tape entails more, much more than just knowing whether the speech is understandable or not understandable at a volume at which you listened to it? -- Dit is korrek, ja.

If that is so, why did you not use amplifiers to carefully examine this soft sound in the first place? -- Die hele bespreking hier gaan daar om waarom ek nie die verskil kon hoor tussen die twee kanale nie. Die rede daarvoor lê nie om hierdie hele bespreking wat nou gegee is oor die - of (10) ek "amplifiers" gebruik het en dié soort van ding nie. Dit lê daar om dat met die oorspronklike analise in daardie geval het ek nie in stereo geluister na daardie band nie. Die twee kanale vanaf die NAD 6140 bandopnemer was aanmekaar verbind om een klankbaan te maak daarvan en daardie een klankbaan laat my dus nie toe om in stereo te luister daarna nie.

HOF : Met ander woorde, u sê al sou u 'n versterker gebruik het, u die verskil nie sou opgetel het nie, want u het nie in stereo geluister nie? -- Dit is korrek. (20)

MR YACOOB : We will move a lot faster if you would listen to the questions properly and answer them. That is not an answer to my question.

MNR. JACOBS : Met respek is dit 'n antwoord op daardie vraag en dat hy gesê het hoekom hy nie daardie klankversterker gebruik het nie.

COURT : Mr Yacoob, we were going quite fast I thought. I did not think at this stage at least there was any reason to comment in the way you commented. Please put your next question. (30)

MR YACOOB : Is Your Lordship's ruling that that was an
... / answer

answer to the question?

COURT : I am not ruling on anything. Put your question if you have a question.

MR YACOOB : Why did you not use amplifiers in the first place? -- Ek het "amplifiers" gebruik in die eerste plek.

I thought your evidence earlier was to the effect that you did not hear the sound because one of the reasons you gave was that you did not use amplifiers? -- Ja, die verskil is dat ek dié keer n stereo, addisionele stereo versterkers gebruik het wat ek vantevore nie gebruik het nie. Vante- (10)
vore het ek net mono versterkers gebruik.

Do you concede now that there is considerable advantage in examining peculiarities on a tape, unusual features, to listening to them in stereo, because you would pick up things would you would not otherwise pick up? -- Ja, dit kan wees.

Is there anything else new which you heard on the tape yesterday? Apart from the one feature which you have mentioned? -- Nee.

You heard nothing new about the beginning of the (20)
tape - nothing new at the beginning of the tape either? --
Nee.

My Lord, I want to now play EXHIBIT 6. There are a couple of difficulties. Firstly, Your Lordship and anyone else would not be able to see the oscilloscope screen together. That is a fairly interesting logistical problem. The second one is that I would imagine that we only have one set of stereo headphones. What is likely to arise is a difference of opinion in relation to what is heard and I just need some direction as to how Your Lordship intends (30)
to deal with that problem.

... / COURT

COURT : Well, I think that initially I suggest that you and the witness while cross-examining listen to the stereo and see whether you can get some sort of an agreement as to what you hear. If you do not, we will listen to it.

MR YACOOB : Also, we may have to adopt a somewhat unusual procedure because some of the sounds are less than half a second long and there has to be quite some interesting and quick rewinding of the tape etc.

Colonel, I want to start by listening to the beginning of this EXHIBIT 6 Claremont tape until the point immediately after the switch over from the background noises to the speech. I just want to have a quick general listen so that everybody hears it. Would you like to do that through headphones or would you rather listen to it like everybody else? -- Ek weet nie. Ek weet nie wat die effekte is wat u graag wil hê ek moet hoor of ek dit direk sal kan hoor nie. Ek is 'n bietjie in die duister daaromtrent. (10)

(Bandopname word gespeel) Would you agree that at that point what we get in the background noises are movement of traffic, some people talking in the background in an area which appears to be a large room? Will you also agree that what you hear in the background is some movement of people, some banging around or movement of furniture. Up to that point? (20)

COURT : Just before we get an answer. That point is what?

MR YACOOB : The tape recorder presently being used has been stopped at counter number 7 ... (Court intervenes)

COURT : We have this difficulty that these numbers would not coincide with those on EXHIBIT ABD(6)6.

MR YACOOB : And the problem is that we do not have that we do not have that particular tape recorder available either. (30)

... / So

So, unless we have that tape recorder available, we are going to have that problem of the absence of coincidence. There is a very complexed method of look up tables which I personally have very little confidence in, but they work on the basis that you log each transcript on a particular tape recorder every 30 seconds, writing down the counter number ... (Court intervenes)

COURT : You will want this Court to play back and listen to these tapes I take it over and over and over again if there is going to be a dispute. It has to be settled that(10) we all have the same tape recorder.

MR YACOOB : The trouble is that there is a National Panasonic which the State has available and we spent at least two days trying to buy that, exactly the same thing to avoid that problem. The difficulty was that we could not get that model, because it has been out of production for five years and therefore nobody had it. So, it may well be an idea to assure that all of us have the same tape recorder. Also we need not delay, because what I did in fact, if we can make some arrangement in terms of this tape recorder I (20) will change my approach to the cross-examination to follow what I thought was a more appropriate approach and that was to mingle serie with practice in the sense that each arises out of the other in any case. So, I could in fact go on with the theoretical cross-examination, but it may be a bit difficult because one cannot illustrate it at the same time.

COURT : Let us just get clarity. Doktor, is dit moontlik om n bandopname te kry waar n mens dan dieselfde tellernommer kry as wat u in u verslae het? Soos ons dit nou gaan hê praat ons van tellernommer 7 en dan klop dit hoege-(30) naamd nie met enige telling wat u op u verslae het nie. --

... / Die

Die bandopnemer is beskikbaar in Pretoria. Ek sal kan reël dat dit hier kom, maar dit is nou nie vir vandag nie. Of dan nou nie vir nou binnekort nie. Dit kan miskien 'n paar uur neem om dit hier te kry, 'n uur of iets van die aard.

Wel, ek dink ons moet maar voorlopig voortgaan met hierdie bandopname en dan kyk of dit gereël kan word om daardie bandopname te laat kom.

MR YACOOB : What we could do to try and help out in the process at this stage, is to give Your Lordship - I am advised that the method is fairly correct - every time (10) we stop on this tape recorder as a counter reading, to give Your Lordship Colonel Jansen's counter readings as well.

COURT : If you could do that, that can be checked later on, that would be in order. In the meantime we take steps to get another machine. Go ahead. We have not had the beginning of this tape which is side 1 of EXHIBIT 6 and it is up to counter number 7. On what type of machine?
-- Mag ek net miskien hier sê. Miskien is dit voldoende om op hierdie stadium te sê dat dit is in die gedeelte voor die punt wat in my ABD(6)6 aangedui is as tellerlesing 017.(20)
So, dit is die gedeelte tussen 002 en 017.

Nee, ek weet, maar ek voorsien dat ons ook nog oor ander dele van die band gaan praat. -- Dit is sekerlik waar.

MNR. JACOBS : Ek wil nie graag inmeng nie, maar as ek reg verstaan het is die masjien wat die lesings hier van is 'n mono masjien. Gaan dit nie probleme bring nie?

MR YACOOB : Yes.

HOF : Wat sê u daarvan? -- Die spesifieke analise is gedoen op 'n stereo - dit is 'n masjien wat stereo beskikbaarheid het.

Dus die masjien sal ons probleem oplos? -- Hy kan in(30) stereo speel, ja.

/ MR YACOOB

MR YACOOB : It would not do. It is not going to work.

May we have a short adjournment to sort this thing out?

COURT : Very well, sort this thing out.

GETUIE STAAN AF.

HOF VERDAAG.

HOF HERVAT.

LEENDERT PIETER CHRISTIAAN JANSEN, nog onder eed

MR YACOOB : My Lord, we have tried to resolve this difficulty. May I quickly explain that there are three problems all of which I ought to have anticipated. The first one is, everything that needs to be done cannot be done on a (10) single machine. We need the facility to slow down the tape which can be done on a memoscriber. We need the facility to play on stereo on one occasion which needs to be done on another machine and all those things cannot actually be combined properly. Also there is the variables that we do not know what record the Court is going to use. What we propose is the following situation to sort out the problem in the interim. That is that we will use a particular tape recorder and we will give Your Lordship every time we stop for the record a counter number in respect of that (20) particular tape recorder. In respect of the majority of the places at which we stop, we will be able to give to Your Lordship at the same time a counter number in respect of another stereo machine, a second one, which the defence is quite happy to become the court machine which Your Lordship can use. In a minority of the cases we will be able to give Your Lordship immediately, that is within about 30 seconds or so, a reference to a counter reading on a second machine which is 30 seconds out only at the most, but which can, if we are given 24 hours be converted to a proper counter (30) reading which will be exact. I suggest that as the process

... / and

and I think it will work well on the basis that Your Lordship will then use the machine in respect of which we give to Your Lordship the alternate count number. The reason why we cannot use that machine to play in court is that that machine does not have what is called a line out facility. What that means is that we then cannot hear with comfort each of our different speakers.

COURT : Could we just make a note which machine we are playing on now and which one is going to be provided to the Court. (10)

MR YACOOB : The machine that is playing now is a Sanyo 7700. The one that will be given to the Court is a Sanyo 7100 and we will give Your Lordship readings for 7700 and thereafter 7100 respectively. Where we need to slow down the recording, what we would do is, we would stop at a particular point, record the counter numbers, make a careful note of the sound at which we stopped, move the tape to a slow down machine, do whatever we want to in terms of slowing down, move it back to where we stopped and transfer it to another tape recorder. Because the first lot of sound (20) has up to now been played on not the machine, not the 7700, unfortunately, the procedure will have to be started again. For the record side 1 of tape 1 of EXHIBIT 6, there is only one tape, will now be played again from the beginning from counter reading 000 on the Sanyo 7700. (Bandopname word gespeel)

Counter reading on the 7700 is 007. It corresponds to 006 on the 7100. I want to ask you some questions about the background. Do you agree that we played the tape now up to the point where speech breaks through. -- Dit is (30) korrek, ja.

... / Before

Before the speech breaks through do you agree that there are the following sounds. Towards the end and virtually immediately before the speech breaks through you hear traffic noises very clearly and with some sort of muffled speech in the background and it seems clear from the background that the tape recorder is in a reasonably large room at that time? -- Ek hoor wel die geluide wat klink soos voertuie se geraas. Ek hoor agtergrondspraak en sover dit die grootte van die vertrek waarin die opname gemaak is aangaan, daaroor kan ek nie veel sê nie. Dit klink vir (10) vir my asof daar wel 'n mate van eggo by is. So, dit kan dalk wel 'n groot vertrek wees, maar hoe groot is nie duidelik nie.

Do you accept also that somewhat before the traffic noise there is a sound, it sounds in fact like a door closing? -- Ek kan nie seker wees daarvan nie. Miskien kan 'n mens weer luister daarna. As dit belangrik is. Daar is verskeie stampgeluide wat ek hoor. Ek is nie seker dat ek sal kan vasstel dat dit definitief 'n deur is nie. Ek kan sê daar is wel stampgeluide. (20)

And will you say that in the course of - I will withdraw that. AT the stage immediately before the voice is introduced do you agree that there is a certain depression of the existing sound on the tape? -- Bedoel u daarmee dat die klank sagter word?

Yes, but that is not a complete description. Beyond it becoming softer, it is the process of becoming softer combined with a small degree of distortion as if that sound, the existing sound has been sort of cut out? -- Wat bedoel u met "cut out"? Ek is nie seker wat u daarmee bedoel (30) nie.

... / You

You can leave that out for a moment. Do you agree that the sound, firstly you get it softer and there is a measure of distortion in the way in which the sound gets softer? -- Om daardie vraag deeglik te kan antwoord, sal ek graag weer na daardie gedeeltetjie luister.

We are starting to play it back again now at 005 on the 7700 which would also be 005 on the 7100 but what we will be doing now is, remaining until one mentions this further, examining the sound and remaining within this region between 005 and 007 for a while. It will be actually unnecessary (10) and perhaps undesirable to give counter numbers each time we stop and start.

MNR. JACOBS : Kan ek net miskien hier vra. As dit vergelyk word of die klank sagter word, kan h mens dan net, as die klank hier sagter word, kan h mens h vergelyking tref as h mens nie die klank oor die hele tydperk wat nou gespeel is luister nie. Ek weet nie of dit so is nie, maar ek dink net uit billikheid kan h mens dit so stel dat h mens wel h vergelyking kan maak of daar h sagter word aan die klank is.

MR YACOOB : We are giving some time. If that time is not (20) enough, obvioulsy the witness can ask for more and we can do that again. (Bandopname word weer eens gespeel) Did you hear that? -- Ek het daarna geluister. Ek kan nie saamstem met die deel dat die klank sag word nie. Ek stem wel saam dat daar h oorgang is van die een klanktipe na die nuwe tipe, naamlik diespraak en dat gedurende die oorgang daar wel sekere geluide by kom op die band wat miskien ook as distorsie of vervorming beskryf kan word.

The next thing we would like you to do is to listen to that sound again and look at the patterns on the oscillo- (30) scope at the same time. (Bandopname word weer eens gespeel)

... / Have

Have you seen that on the oscilloscope? -- Die ossilloskoop wat hier opgestel is, wys op die oomblik geen aanduiding van die klank wat gespeel word nie en daarom kon ek geen vergelyking tref nie.

(Bandopname word verder gespeel) Have you been able to look at it now? -- Ekskuus, ek het nie nou aandag daaraan gegee nie.

HOF : Ek dink u moet die proses herhaal met u oorfoon kyk.

(Bandopname word weer eens gespeel)

MR YACOOB : You have now listened to it without headphones(10) then you have looked at the patterns on the oscilloscope and thereafter you have listened to it by the use of headphones. Is that right? --

HOF : Dit is nie heeltemal korrek nie. Daar is nou geluister met 'n kopstuk aan terwyl daar gekyk is na die ossilloskoop. Voorheen was daar gekyk met 'n kopstuk, maar die ossilloskoop was nie in werking nie.

MR YACOOB : Now, would you say that one of the things that happened virtually immediately before the speech starts, is that there is a depression of sound, the sound becomes softer(20) and somewhat distorted and I agree with you as if the sound was recorded there and that the recording has been placed on top of it. Is that correct? I suggest to you that is what it sounds like. -- Ek probeer nou net myself oriënteer. Hier is nou meer as een vraag gelyktydig.

HOF : Die vraag wat vir my van belang is nou, toon die ossilloskoop dat onmiddellik voordat die toespraak begin die klank sagter word? -- Ja, daar is 'n deeltjie voordat die spraak begin waar die klank sagter word.

MR YACOOB : And is the position that you were not able (30) yourself to hear that sound softening up? Or becoming softer.

... / Nee

-- Nee, wat ek daar waarneem is dat klank sagter word omdat daar 'n afwesigheid is van klank. Met ander woorde, die rede waarom die ossilloskoopvertoning laer vertoon op daardie is omdat daar op 'n sekere plek geen klank is nie en dit is iewers tussen waar die oorgang van die ou klank begin en die nuwe klank aan die gang kom. 'n Spreker wat praat net nadat die klank begin, praat soos normaal, met pouses in sy spraak en dit stil gedeeltetjie interpreteer ek as 'n deel van daardie persoon se spraak wat opgeneem word, maar dit is 'n stildeel-tjie met ander woorde, dit is een van die pouses in sy spraak. (10) Ek wil dit net by noem op hierdie stadium dat dit baie moeilik is met 'n ossilloskoop wat 'n kontinue vertoning gee soos hierdie deur luistering daarna met oorfone om 'n akkurate beskrywing te gee van wat presies op 'n sekere stadium gebeur. Die tegniek wat ek normaalweg volg is om 'n stukkie van die spraak te isoleer met behulp van toerusting wat ek reeds voorheen beskryf het waar ek twee en 'n half sekondes van die spraak in 'n digitale geheue inlees... (Mnr. Yacoob kom tussenbei)

I take it from that that in the course of the examination of the change over last night you did not isolate the area (20) feeded into the digital endless loop and analyse it thereafter?

-- Kan dié vraag net 'n oomblik oorstaan. Ek was nog besig om my vorige antwoord uiteen te sit.

HOF : Antwoord net eers die vorige vraag. - Met die tolk tussenin moet daar noodwendig pouses wees. Dan kan daar verwarring ontstaan of 'n mens klaar is. Met die sisteem van my het ek gesê kan ek twee en 'n half sekondes stoor en enige deel daarvan kan dan bekyk word op die ossilloskoop en beluister word op so 'n manier dat daardie deeltjie wat bekyk en beluister word voortdurend herhaal. Dit kom dus neer daarop dat 'n (30) mens 'n stilstaande prentjie kan kry en vorentoe en agtertoe

... / kan

kan beweeg oor die gedeelte wat van belang is. Op dié wyse kan h mens veranderings in die ossilloskooppatroon baie duidelik waarneem en dit presies korreleer met klank wat waargeneem word.

MR YACOOB : Do I understand from this that in your more careful examination of that change over last night, you did not use the digital endless loop? -- Dit is korrek. Ek het dit nie gisteraand gebruik nie, maar ek het dit wel by vorige geleenthede gebruik.

But you cannot remember exactly what your oscilloscope (10) showed you because you look at so many oscilloscope findings? -- Ek kan onthou. Om die waarheid te sê ek het voor my h foto wat ek destyds geneem het van daardie spesifieke stukkie op die ossilloskoop.

And it is a photo which is not part of the report. Is that correct? -- Dit is korrek. Ek het baie meer foto's geneem as wat ek ingesluit het in my hoofgetuienis.

HOF : Wat vertoon die foto? -- Die foto vertoon dat daar h stil deeltjie is net voordat die spraak begin. Ek moet eintlik nie sê h stil deeltjie nie. h Stillere deel. h Deel waar die (20) klank sagter word.

MR YACOOB : Do you remember - can you identify by listening to the sound - I withdraw that, what time segment does that photograph cover? -- Die foto wat ek hier voor my het bevat die een sekonde - dit is h een sekonde tyd segment in die omgewing waar die verandering plaasvind. Dit begin net voordat enige verandering plaasvind en dit hou aan tot na die verandering reeds plaasgevind het.

Is it immediately before the alteration of sound or had the sound already altered in terms of what I call becoming (30) softer and becoming somewhat depressed? -- Nee, dit begin

... / onmiddellik

onmiddellik voor enige waarneembare verandering aan die klank wat in die eerste deel gehoor

My Lord, I in the circumstances cannot cross-examine any further before that photograph has been examined by the expert. Firstly to work out whether it is what it purports to be and to interpret what it shows.

COURT : Well, ask the witness for the photograph and go on with a different subject in the meantime.

MR YACOOB : Is it possible - do you have any objection in handing in that photograph as an exhibit? -- Nee, ek het (10) geen beswaar daarteen nie. Ek het nou net nie afdrukke voorberei daarvan nie.

Are you prepared to let us have it during the tea adjournment to look at before we cross-examine you further on it.

HOF : Terwyl dit nou ingaan as 'n bewysstuk, laat ons dit eers 'n bewysstuknommer gee. Ek dink ons kan dit ABD(7) noem. -- Miskien sal dit goed wees om dit ABD(7)1 te noem, want daar kan dalk nog foto's wees wat die verdediging wil hê ek moet inhandig. (20)

MR YACOOB : You indicated to the Court, you showed to the Court in photographs 17 and 18 attached to ABD(3). These are again photographs a still segment round the digital endless loop and what it supposes to indicated is what you will see at the time when an Uher 4000 is switched off at the end of a process of placing a recorder over a pre-existing recording on a tape. Would you agree with that? -- Dit is korrek, ja. Dit is die deel waar daar uitgegaan word uit die maak van die nuwe stukkies opname en weer teruggegaan word in die deel wat oorspronklik op die band was. (30)

That is right. The hall-mark there is that because the
... / tape

tape moves past the cleaning head before it moves past the recording head and because of the distance between the two at the stage when you switch off what one sees is a piece of clean tape which has already been cleaned and not yet recorded on? -- Dit is korrek, ja.

In other words, it has been prepared for recording. Do you agree with that? -- Dit is korrek.

You have given us no photographs of the beginning of the process of re-recording over a pre-existing recording. Is that correct? Do not tell us why. Just confirm whether (10) it is true or not, you have given us no photographs? -- Dit is korrek.

I want to try and establish what the beginning - what the consequences are of this distance between the cleaning head and the recording head at the beginning. Do you agree that if you have a pre-recorded tape in a tape recorder and before you have done any recording on it, the space between the cleaning head and the recording head would not be clean. Do you agree with that? -- Dit is korrek, ja.

Do you agree therefore that what would be happening (20) at the beginning of this process is this. A portion of tape which had not yet been cleaned or prepared for recording would pass in front of the recording head? -- Dit is korrek.

Would you agree that that portion before you do anything to it, that is the portion in front of the recording already and the portion between the cleaning head and the recording head had sound on it? -- n Mens kan vir die doel van die argument aanvaar dat daar op daardie deel klank opgeneem is.

So, what then happened is that you get a piece of tape corresponding to the distance between the recording head (30) and the cleaning head which passes in front of the recording

... / head

head without having passed before the cleaning head. Is that right? -- Dit is korrek, ja.

And although these distances differ and so on, would you agree with the fact that give or take .1 of a second either way and given the normal speed at which cassette players work, that distance translated in time terms would amount to approximately ,47 seconds, a little under half a second? -- Ja, dit kan wissel tussen 'n bietjie onder en 'n bietjie meer as 'n half sekonde.

I am quite happy to accept that. At the end of a (10) recording process, the effect is that you have approximately half a second then of clean tape on which there is no recording. That is the end of a recording over a pre-recording. -- Dit is korrek.

At the beginning of this process you have half a second of tape which passes before the recording head before it is cleaned? -- Ja, dit is korrek.

You agree that although this half a second piece of tape has not yet been cleaned - not yet been prepared for recording, the recording head does nevertheless have some (20) effect upon this half a second piece of tape? -- O, ja, dit is seker so. Ekskuus, ek moet eintlik antwoord dit is sekerlik so. Dit is definitief so.

Now we come to the difficult problem of describing that effect. Would I be correct in describing it a depression of the original recording, that is that the original recording before the new recording actually takes over, becomes softer and slightly distorted for approximately half a second before the new recording actually starts? -- Deel van die voorstel is korrek. Deel daarvan is nie korrek nie. (30)

Will you identify them, please? -- Eerstens moet daar

... / net

net duidelikheid oor gekry word dat die bespreking is van toepassing op 'n bandmasjien soos meeste van hulle is waar die wiskop fisies geskei is van die opneemkop. Ek noem dit omdat daar sekere bandmasjiene beskikbaar is waar daardie situasie nie geld nie.

Before you continue, there is no evidence of any such machine being involved insofar as this case is concerned. Do you agree with that? -- Ek kan nie verseker wees daarvan nie.

In relation to all the tapes that you have examined? (10) -- Die aanduidings wat ek het is dat in ten minste die een geval naamlik hierdie spesifieke een waarmee hier gewerk word daar 'n moontlikheid bestaan het dat die masjien wat gebruik was een van die tipe was wat nie 'n aparte wiskop het nie.

Carry on, please. -- Indien daar wel 'n aparte wiskop is, dan kry 'n mens dat die wiskop is die kop wat normaalweg die uitwissing doen van enige vorige opname op die band, maar ek het reeds voorheen verduidelik dat die opneemkop kry self ook 'n sekere hoeveelheid van dieselfde wisselspanning as wat aan die wiskop voorsien word. Dit word genoem voor-(20) spanning of in Engels "bias". Die effek van hierdie voorspanning is om self ook 'n opname wat op die band is gedeeltelik uit te veer en gelyktydig daarmee enige nuwe klank wat na die opneemkop gestuur word op die band op te neem. Daar is dus 'n situasie waar daar in so 'n geval vir 'n kort tydjie naamlik ongeveer 'n half sekonde 'n kombinasie kan wees van vorige opname en nuwe opname. Die ander deel van die oorspronklike vraag, naamlik vervorming op daardie punt dié stem ek nie mee saam nie, want die uitwisproses maak slegs die klank sagter, dit vervorm nie die klank nie. Dit ver-(30) oorsaak dus geen distorsie op die band nie. Wat egter wel

... / baie

baie dikwels gebeur is dat op daardie punt waar die nuwe opname begin die opneemkop sekere sterk pulse op die band plaas wat afkomstig is van die elektroniese werking en hierdie pulse kan dan tesame met die res van die sein gehoor word op daardie punt en dit kan vir die ongeoefende persoon klink na distorsie of vervorming van die klanksein. Wanneer 'n mens, soos ek, al baie ossilloskoopstudies van sulke plekke gemaak het, dan leer 'n mens om met die oor te onderskei wat presies die situasie is, aangesien 'n mens dan op die ossilloskoop op die manier waarop ek dit analiseer baie duidelik (10) die elektroniese pulse kan sien.

GETUIE STAAN AF.

HOF VERDAAG.

HOF HERVAT.

K423

LEENDERT PIETER CHRISTIAAN JANSEN, nog onder eed

MR YACOOB : Your Lordship will notice that accused no. 4 is not in court. The trouble was that he developed bad stomach pains. I have not been able to identify whether it was during the tea adjournment or shortly before. He is going to be taken to the doctor. I took the liberty of advising him that there is no point in coming up and going (20) down again.

COURT : Yes, certainly.

CROSS-EXAMINATION BY MR YACOOB (continued) : Colonel, a number of questions arose out of your last answer. The first one is this. Do you accept that there are internationally accepted design standards in respect of cassette tapes on the one hand and cassette tape recorders on the other? -- Yes, I do accept that.

And do you accept also that the international design standard in respect of cassette tape recorders and I under- (30) stand that Philips had a great deal to do with the determination

... / of

of this design standard, has in it as a feature a separate erasing head and a separate recording head situated at that sort of distance apart that one normally gets in tape recorders? -- Ja, dit is korrek.

And do you accept that cassette tapes themselves, these containers, have to be made to the same standard because they have to have fairly precise sockets as it were into which each of these heads would fit when the tape recorder is put on? -- Ja, dit is korrek.

The kind of tape recorder which you are talking about (10) a cassette tape recorder where, as I understand it, the difference between the erase head and recording head is either defused or non-existent, can you tell us the make of that tape recorder please? -- Ek ken nie die modelnommer nie, maar ek weet Sanyo is die vervaardiger van sulke masjiene. Daar kan moontlik nog ander wees. Ek weet dat in sommige gevalle soos die masjien waarvan ek nou praat, daar in werklikheid geen wiskop bestaan nie. Al wat gebeur is dat die opneemkop gemodifiseer word sodat die voorspanning wat aan die opneemkop voorsien word sommer terselfdertyd ook die band skoon- (20) maak. Die skoonmaakmeganisme of die skoonmaakdoeltreffendheid van sulke bandmasjiene is nooit so goed as dié met 'n aparte wiskop nie.

To put it slightly more precisely then, is it correct that in the general sort of tape recorder that we talk of, in most tape recorders, the erasure head randomises magnetic particles while the recording head in a sense organises them? -- Ja, dit is die eindresultaat van wat gebeur, maar dit is nie die volle storie nie.

And what you are saying is that in certain tape recorders the randomising and organising takes place simultaneously

... / because

because there is only head doing both jobs? -- Dit is korrek, ja. Die verskil is dat die hoeveelheid sogenaamde "randomising" wat by die opneemkop plaasvind is veel minder as wat normaalweg by die wiskop sal plaasvind. My difficulty is that being essential different processes and they cannot happen absolutely simultaneously. -- Ek het nou ongelukkig nie spesifikasies by my van die spesifieke bandmasjiene waarin dit plaasvind nie, maar ek weet dat dit wel so gedoen word. Ek kan miskien ook net noem dat sommige van die mikrokassetbandopnemers wat beskikbaar is op die mark op dieselfde beginsel werk. (10)

My expert tells me that it can happen as well. Did you suspect that this particular tape we are now dealing with, EXHIBIT 6 was made, recorded, using a tape recorder which did not have a separate erase head? -- Ten tye van die maak van my analise het ek dit nie oorweeg nie, nee.

When did you begin to consider it? -- Dit was op 'n latere stadium toe ek 'n bandmasjien wat voorgehou was as heel moontlik die tipe wat gebruik was vir die maak van die opname, toe ek die bandmasjien deeglik bestudeer het. (20)

So, are you saying that this particular machine alleged to have made the recording, was made available to you for study?

MNR. JACOBS : Die getuie het nie so gesê nie. Hy het gesê wat moontlik 'n soortgelyke masjien kan wees.

HOF : Die tipe masjien.

MR YACOOB : Let us just get the time correct. That is my first objective. Was it before or after you compiled the report for court? -- Dit was nadat ek die verslag opgestel het. (30)

Before or after you gave evidence in court? -- Voordat

... / ek

ek getuienis in die hof gegee het.

And was it not present to your mind when you presented the report in court? -- Ja, ek is bewus daarvan, ek was bewus daarvan, maar dit was nie, ek het dit nie nodig gevind om enige spesifieke opmerkings daaromtrent te maak nie.

Did you think that that factor was not material for your analysis? -- Nee. In hierdie geval het ek besluit dat dit nie belangrik is nie.

And do you still now think that it is not an important factor? Or do you think it is important to some extent? (10)
-- Dit kan belangrik wees, afhangend van wat 'n mens - wat se verskynsel 'n mens graag wil verklaar.

I can understand that questions of the view later might make it relevant. At this stage, are you of the view that it is relevant or are you of the view that it is not relevant or are you of the view that you do not know whether it is relevant or not? At this stage, let us leave aside what is going to happen in the future in this cross-examination? --
Op hierdie stadium is my gevoel dat dit waarskynlik nie belangrik is nie. (20)

Is the word "waarskynlik" intended to be a meaningful qualification or is it just a word you put in? -- Dit beteken dat ek volgens my kennis niks teëgekome het in die band en nog niks teëgekome het wat deur die verdediging aan my uitgewys is waarby ek voel dat dit belangrik is nie. Ek het dit genoem omdat in die bespreking, die teoretiese bespreking van sekere verskynsels op bandopnames dit wel 'n oorweging kan wees.

The question about your state of mind. At this stage are you sure that this recording was made with a tape (30)
recorder which has a combined recording and erasure head or

... / is

is the position that you are not sure whether it was made with the one or the other? -- Ek is nie seker nie.

Do you think that the possibilities are even or do they fall significantly either way? -- Ons praat nou spesifiek van BEWYSSTUK 6 die Claremont band?

That is correct. -- Ek sou sê die waarskynlikhede is ewe. Ek het nog niks gevind wat spesifiek vir my kan aandui dat dit die een of die ander sal wees nie.

And from your own knowledge of directives given from head office and the pattern in terms of which purchases (10) of tape recorders are made, do you think that a tape recorder of this kind, with the same erasing record head, would have been used by the police? -- Ek kan dit nie sê nie. Ek kan net sê dat dit is moontlik. Daar is so 'n groot verskeidenheid van bandmasjiene wat gebruik word dat baie van die mense hulle bandmasjiene slegs ken as 'n Sanyo en glad nie 'n modelnommer daarby ken nie. In sulke gevalle sal die persoon wat die opname gemaak het, nie eers na die tyd verseker kan wees presies watter tipe bandmasjien hy gebruik het nie.

And as far as you were aware, police stations ought (20) to have proper stock sheets with or containing a full description including serial numbers of tape recorders and other equipment used and owned by a particular division? -- Ja, dit is wel so. Daar is plekke waar daar 'n sekere hoeveelheid sê byvoorbeeld tien bandmasjiene aangehou word en dan word volledige bandmasjiene daarvan natuurlik genoteer, maar wanneer 'n persoon 'n opname wil maak, dan leen hy 'n masjien en in sulke gevalle word daar nie genoteer presies watter masjien hy geleen het nie.

But of course the policeman could not use a machine (30) which is not in stock? -- Normaalweg sal hy dit nie gebruik

... / nie

nie, maar ek het al baie gevalle gekry waar polisiebeamptes hulle eie privaat bandmasjiene gebruik.

And those private machines could be quite sophisticated. I put it simply as a possibility? -- Ja, enigiets is moontlik.

The symptoms of making a recording over a pre-existing recording as we have described them now, are symptoms which occur only when there are two heads. Is that right? That is the recording head and the erasure head with a distance between them? -- Ja, laat ons net sekerheid kry wat bedoel word. Daarmee word bedoel die effek dat daar 'n deeltjie (10) kan wees waar daar 'n stukkie van die vorige opname saam met 'n nuwe stukkie opname vir 'n tydjie voorkom op die nuwe band. Dit sal slegs in daardie gevalle gebeur. Dit is korrek.

HOF : Kan ek net duidelikheid kry oor daardie halwe sekonde. Die heropname, is dit duidelik of hoor 'n mens nog die eerste opname of is dit 'n verwarrende klank sodat jy niks kan uitmaak wat daar gesê is nie? -- Dit sal geheel en al afhang van die klanke wat teenwoordig was op daardie stadium. Met ander woorde, dit wat op die band was en die nuwe gedeelte wat nou daar op geplaas word. AS albei byvoorbeeld spraak(20) was en dit was omtrent ewe hard, dan sal 'n mens waarskynlik die situasie kry dat jy nou net 'n deurmekaarspul hoor en nie kan uitmaak wat gesê word nie, maar as die een klank byvoorbeeld net fluitgeluid was en die ander is net spraak, dan sal 'n mens die twee apart kan hoor. Die meer normale situasie, soos ek dit teëgekome het, is dat tipies bestaan een van die klanke net uit agtergrondgeluide en die nuwe klank is spraak, sodat 'n mens in daardie gevalle net 'n kombinasie kry van twee tipes klank, naamlik agtergrondgeluide en spraak sodat 'n mens dan wel nog die spraak kan hoor (30) daar en wel nog iets kan hoor van die agtergrondgeluide.

... / This

This bias that you talk of which comes into existence once you start recording, this comes into existence as a result of - not as a result of, but it is a factor which results in the operation of the recording head as I understand it. Is that correct? -- Dit is korrek, ja. Ek kan miskien net nog iets noem wat op hierdie stadium van belang is en wat n rol kan speel en dit het daarmee te doen dat baie vervaardigers hulle bandmasjiene so maak dat die bandmasjien nie kan opneem vir omtrent n half sekonde nadat hy in die opneemtoestand geskakel is nie en dit veroorsaak dat in baie(10) gevalle mens nie die situasie kry van n stukkie opname bo-oor die vorige of gelyktydig nie, want die opneemkop se effek word teruggehou doelbewus vir n tydjie om seker te maak dat wanneer hy begin werk is dit alreeds op skoon band.

That is just another variable with which you have to contend? -- Dit is korrek, ja.

You were talking about this bias. Do you accept that in most tape recorders it takes half a second or may be a little more than that for this bias to build up to sufficiently acceptable standards from the time the machine is put on? (20) -- Dit hang baie nou saam met my - met die verduideliking wat ek so pas gegee het dat daar n tydsvertraging is van ongeveer n half sekonde totdat die opneemkop begin werk. Daarmee stem ek saam. Wat wel nie korrek is nie, is dat dit die "bias" n half sekonde neem om ordentlik aan die gang te kom. Wat gebeur is dat die "bias" sisteem word doelbewus teruggehou vir n tyd lank. Wanneer dit egter operatief gemaak word, dan neem dit net slegs enkele mikrosekondes om volledige operasioneel te raak. Dit sal in ieder geval normaalweg minder as een millisekonde wees. (30)

What about the sort of tape recorder where this is not

... / this

this half a second delay in the operation of the record head?
-- In sulke gevalle sal 'n mens een of ander tydsvertraging ondervind te wyte aan die elektroniese werking binne-in die bandmasjien waartydens die opneemkop hoofsaaklik onaktief is. Dit werk so dat krag stelselmatig toegevoeg word aan verskillende dele van 'n bandmasjien en wanneer die "bias" meganisme krag kry, dan begin dit redelik vinnig werk. Ek het nog nooit 'n situasie ondervind waar daar 'n geleidelike toename is in die sterkte van die "bias" of dat dit 'n volledige operasionele sterkte bereik nie. Wat ek gevind het (10) is dat die "bias" nie bestaan nie en dan skielik binne 'n kort tydjie volle waarde bereik.

Let us get back to the sound that we were listening to before or until you produced the photograph and that is the sound from 005 to 007. In our view the sound that one hears is divisible, that is one second, into a number of segments and if you will please get to microphone, we will ensure that that is played for you a segment at a time. In other words, that interruption can be split up into a number of clear phases and I will now play for you a first phase of (20) that sound and stop it at the end of that first phase so that we can describe it. (Bandopname word gespeel) The counter number is still 007. That is the first phase of that interruption. From the beginning of the interruption until the time I stopped it, it lasts approximately between ,3 and ,4 seconds. That is the phase to which I refer where the sound becomes softer. Would you like to listen to that again, just that phase before you answer the question? -- Goed, ek sal weer daarna luister. (Bandopname word weer eens gespeel)

That is all that we are listening to at the moment.(30)
Did you hear approximately ,3 seconds before I put the sound

... / off

off, that the sound actually went softer, got somewhat distorted and there was a distinct click in that little piece? Die klikgeluid waarna daar verwys is, hoor ek duidelik. Daar is h klikgeluid daar.

The softening of the background noise, did you hear that? -- Dat die agtergrondklanke sagter raak, is glad nie vir my duidelik nie. Dit is natuurlik so dat die bandopnemer in hierdie geval afgeskakel is en as gevolg daarvan het die klank natuurlik verdwyn, maar ek weet uit ondervinding dat h mens vreeslik maklik h verkeerde interpretasie kan gee (10) van sulke klank in die teenwoordigheid van h klikgeluid soos wat hier voorkom en daarom stem ek nie saam, wel, ek hoor dit nie en ek stem nie saam dat die agtergrond spesifiek sagter word op daardie punt nie. Dit moet ook in gedagte gehou word dat daardie agtergrondklanke in ieder geval wissel in sterkte en daarom moet daar gekonsentreer word in so h geval op die wat ek sou noem agterliggende deurlopende agtergrondgeraas en dit is die deel wat ek nie kan saamstem dat dit sagter word nie.

ASSESSOR (MNR. JOUBERT) : U sê die klikgeluid is die af- (20) skakeling van die masjien? Het ek u reg verstaan? -- Dit het ek nie gesê nie. Ek het gesê daar is h klikgeluid, maar in my ondervinding kry h mens dikwels dat h klikgeluid kan op h bandmasjien geplaas word voordat die masjien werklik afgeskakel word. Met ander woorde, dit is iets wat later bykom of bykom ten tye van die maak van die opname. Dit is nie altyd seker presies wat dit is nie, maar in hierdie geval is die klikgeluid nie die finale afskakeling nie. Daardie eerste klikgeluid is h geluid wat geplaas is op die klank waarskynlik as gevolg van die meganisme wat geaktiveer is (30) om die band te laat stop, maar die masjien het nog nie gestop

... / nie

nie.

Sal of kan 'n mens so 'n klikgeluid hoor by die aanskakeling van 'n masjien in die geval van sê 'n heropname? -- In sommige gevalle. In ander gevalle nie. Byvoorbeeld in gevalle waar die masjien aangeskakel word op die "leader" gedeelte van 'n kassetband. Daar sal sulke klikgeluide geplaas word op die deel van die band waar daar niks opgeneem word nie. Gevolglik in sulke gevalle sal 'n mens niks waarneem nie. Indien dit plaasvind op die deel wat welkan opneem, is dit normaal dat sulke geluide wel waargeneem kan word indien die band- (10) opnemer wat gebruik word, wel sulke geluide veroorsaak.

MR YACOOB : To determine the precise cause of that click you will have obviously to have access to the machine used to make the recording? -- Ja, meer as dit. Ook die omstandighede moet bekend wees en daarby dink ek aan die situasie dat dit bekend moet wees of daar 'n eksterne mikrofoon of miskien 'n radiomikrofoon gebruik is of die bandmasjien se eie interne mikrofoon. In hierdie eerste gedeelte van die opname op hierdie band lyk dit vir my moontlik dat die opname gemaak is met die bandmasjien se ingeboude mikrofoon. In so 'n (20) geval wanneer 'n mens die bandmasjien wil afskakel, dan kry 'n mens altyd eerste die klikgeluid as gevolg van die fisiese aanraking van die hand met die knoppie wat gedruk gaan word om die bandmasjien te stop. Dit veroorsaak klink wat deur die mikrofoon opgetel word terwyl die masjien nog nie gestop is nie.

ASSESSOR (MNR. JOUBERT) : Verstaan ek u reg, dit is nie die aanraking van die vinger op die knoppie nie, maar die knoppie self wat klik voordat hy die krag onderbreek? -- Al twee van daardie meganismes kan voorkom. In baie gevalle kan 'n (30) mens dit apart onderskei. Die belangrikste is egter die

... / effek

effek van die druk van die knoppie. Die knoppie word gedruk met 'n klickgeluid. 'n Mens kan dit hoor fisies en die bandmasjien reageer nie onmiddellik nie. Die bandmasjien hou nog vir 'n klein tydjie aan opneem. Daar is sekere vertragingsmeganismes wat veroorsaak dat hy nie dood stop nie, dat hy nog vir 'n klein tydjie sal aan speel. Dit wissel natuurlik van bandmasjien tot bandmasjien.

MR YACOOB : You are perfectly clear then that, as I understand you, that the recording on this tape recorder, on this tape before the speech in fact begins, was made by use of the (10) microphone attached to the tape recorder. -- Ek het gesê ek vermoed dat dit is wat moontlik gebeur het. Ek kan nie vir seker wees dat dit wel so is nie.

HOF : Wat sê u vermoed u het gebeur? -- Ek vermoed dat daardie eerste stukkie opname van agtergrondgeluide gemaak is met die mikrofoon wat aan die bandmasjien self vas is en dat die res van die opname gemaak is met 'n radiomikrofoonsisteem. Dit sou dus beteken dat die twee klankbronne wat op die band is, naamlik in die eerste geval die eerste stukkie wat opgeneem is op 'n heel ander plek geplaas kan wees, naamlik op die (20) plek waar die bandopnemer self gestaan het, maar dat die ander opname van die toesprake gedoen is via die radiomikrofoonsisteem en dat dit dus klanke bevat vanaf die saal waarin die toesprake gehou is.

Kan ek net duidelikheid kry. Wanneer 'n mens die radiomikrofoon inprop skakel dit dan die werking van die eie mikrofoon uit van die bandopnemer? -- Ja.

Jy kan hulle nie albei hê nie? Dit is òf die een òf die ander een? -- Die bandmasjiene word almal so gemaak. Daardie tipes. Hulle is almal standaard soort. Die oomblik(30) as 'n eksterne klankbron ingevoer word, soos 'n radiomikrofoon

... / dan

dan word die interne mikrofoon ontkoppel.

As h mens nou die masjien aan die loop het en hy neem op sy eie mikrofoon op en jy prop dan, terwyl dit begin het die buite mikrofoon in, die radio mikrofoon in, sou dit ook h sekere steuring of klank of klikgeluid veroorsaak, die inpropaksie? -- Dit sal definitief sekere steurings veroorsaak, sekere klikgeluide. Die eerste daarvan is die kontak van die proppe wat ingedruk gaan word met die bandmasjien. Daardie sal h akoestiese klank veroorsaak wat dan deur die mikrofoon opgetel sal word en dan wanneer die mikrofoon verder inge- (10) druk word en die ontkoppeling van die een en die koppeling van die ander mikrofoon plaasvind, sal daar gewoonlik ook h klein klikgeluid wees, maar nie noodwendig nie.

Kan so iets hier opgetel word of nie? Is dit iets wat u kan bemerk hier? -- Nee, die effekte wat ek op hierdie punt waarneem is effekte daarvan dat h bandmasjien gestop is en dat dit weer op h sekere stadium aangeskakel was.

ASSESSOR (MNR. JOUBERT) : Kan u vasstel of die klank voor die spraak begin, deel is van daardie opname of kan dit h oorblyfsel wees van h vorige opname op daardie band? -- Ek is (20) oortuig daarvan dit is h oorblyfsel van h vorige opname, maar nou moet ek kwalifiseer dat ek weet nie hoe lank voor die tyd daardie vorige opname gemaak was nie. Dit kan wees dat iemand net die masjien wou toets vir h paar minute voordat hy oorgeskakel het na die radiomikrofoonsisteem, of dit kan wees dat dit iets is wat h dag of twee vantevore opgeneem was, maar ek is wel oortuig dat daardie opname voor die tyd gemaak is en dat iemand na die tyd geluister het na die band om seker te maak daar is klank op die band, miskien het hy getoets en gesien daar is klank op die band, toe die masjien (30) gestop het en daarna op die regte tyd weer die masjien aan

... / die

die gang gesit het om die nuwe opname op te neem wat hy wil opneem.

MR YACOOB : I want to return to the possibility, let us get some clarity as to the extent of the possibility that this tape recording the first part was made from or by use of a microphone attached to the tape recorder. I want to put three propositions to you.

COURT : Attached not to the tape recorder, being part of the tape recorder.

MR YACOOB : Being part of the tape recorder. Sorry, I (10) want to put two propositions to you. The one is are both possibilities equal, that is the possibility that it was made, the recording was made with the tape recorder microphone and the other possibility is that it as made by a radio microphone, by use of a radio microphone system? Are those two possibilities even or would you say that the weight falls significantly onto either side? -- Op daardie punt moet ek so antwoord, dat dit sekerlik nie die radiomikrofoon kon gewees het wat in daardie geval gebruik was nie. Daar is n moontlikheid dat dit wel n radiomikrofoon was, maar dat (20) die omstandighede dan anders was as dié wat hier gegeld het en ek sal verduidelik waarom ek dit sê. Onmiddellik wanneer die tweede gedeelte van die opname begin wat die toespraak bevat kan daar steurings van die radiomikrofoonsisteen gehoor word. Hierdie steurings is deurgaans in n mindere of n meerdere mate hoorbaar op die bandopname. Sulke steurings is egter geheel afwesig op die eerste stukkie van die opname. waar daar slegs die agtergrondgeluide is. Dus, 0 en nog n verdere opmerking wat ek wou maak is dat die indruk wat ek kry van die klank in die eerste deeltjie met die agtergrond-(30) geluide is dat daar heeltemal geen beweging plaasvind van die

... / mikrofoon

mikrofoon self nie. Wanneer 'n mikrofoon beweeg word, soos byvoorbeeld wanneer die persoon waaraan 'n radiomikrofoon-sendertjie gekoppel is beweeg, dan is daar sekere waarneembare veranderinge in die klankpatroon wat hier afwesig is. So, die waarskynlikheid dat dit 'n vaste mikrofoon is en dan heel waarskynlik die ingeboude mikrofoon van die bandmasjien is vir my baie groter as dat dit 'n radiomikrofoon was.

In terms of the acoustic contents of that sound, all of the sound at the beginning of the tape, until the speech begins, we have already agreed I think in general terms (10) that firstly the sound is an indoor sound. In other words it is some sort of confined space, let us leave any object out for the moment. Do you agree with that? -- Dit hoef nie net binnenshuis te wees nie, maar daar is eggo teenwoordig, so dit is in 'n plek, byvoorbeeld 'n gangetjie tussen geboue sou moontlik dieselfde tipe van effek kon veroorsaak het.

But when you speak in a motor-car for example you get no echos if my experience is correct, in a normal size motor-car, let us say in any motor-car? -- Ja, spraak (20) binne-in die kar sal nie die eggo hê nie, maar spraak wat buite die kar ontstaan en dan aangedra word na die mikrofoon wat binne-in die kar is, sal wel sulke eggo bevat.

But the car would then have to be parked in some sort of enclosed space perhaps with the tape recorder outside the car? -- Ja, met die bandmasjien buite die kar sou 'n mens dit kan kry of met 'n bandmasjien naby aan 'n oop venster sou ook 'n mens dit ook kan kry.

What distance do you envisage by the concept "near", that is near the motor-car window in this context? -- Ek (30) sou sê minder as 'n halwe meter.

... / ASSESSOR

ASSESSOR (MNR. JOUBERT) : Sal h mens die eggo of resonansie kry as die motor in h oop plek staan ver wyder van geboue? -- Die resonansie in die eggos word veroorsaak op die ander klanke wat h hele afstand daarvandaan af plaasvind. So, wanneer die klank naby die motorkar kom, is die klank reeds klank plus eggos en so kan h mens h situasie kry waar klank plus eggos by h kardeur kan inkom. Ek sê nie dit is wat gebruik het nie. Ek sê dit is die soort van situasie wat ook sou kon gegeld het.

MR YACOOB : I would like you to express some opinion on (10) this echo particularly in relation to whether it could have been recorded from inside the motor-car. I would like you to listen to this portion again, specifically looking at two things. One is the nature of the echo in relation to whether it could take place inside the motor-car ... (Court intervenes)

COURT : Just a moment. What you are putting to the witness the witness has said that the echo cannot originate inside a motor-car, originating outside the motor-car but being recorded inside the motor-car. (20)

MR YACOOB : That is correct. That is the one point. The other point I would like you to consider carefully is whether there are actually such changes in the acoustic and the background noise as to create the impression that there are actually two or different or three different environments which are contemplated in that sound? I would like you please to listen to this section again with simply those possibilities in view. -- Daar is eers gesê ek moet kyk en nou moet ek luister. Ek is nou nie seker of ek albei moet doen nie.

I would like you to decide whether you want to listen (30) if you want to look or if you want to listen and look or

... / whatever

whatever?-- Goed, ek sal so maak. Ek sal net luister.

(Bandopname weer eens gespeel)

It stopped again at 007. -- My indruk van die eggos wat daar voorkom is dat die plek waar die eggos veroorsaak het minstens 'n semi-geslote ruimte sal wees, nie 'n oop gedeelte soos byvoorbeeld tussen twee mure van 'n gebou nie.

But with reference to whether that sort of echo could be picked up in a recording made from inside the motor-car? -- Daaroor kan ek my nie anders uitlaat as deur te sê dit is moontlik nie. Die ander aspek wat genoem was, verande-(10) rings in die eggopatroon of akoestiese klank, kan ek nie sê dat ek enigiets daarvan waargeneem het nie. My indruk is dat dit geheel en al dieselfde omgewing is, maar dat daar natuurlik verskeie stampgeluide en klickgeluide en sulke goed is wat daar voorkom in daardie tydperk. Ek het 'n stampgeluid gehoor wat moontlik 'n deur kan wees wat toemaak, maar ek kan nie seker wees dat ek hoor dit as 'n deur wat toemaak nie.

Play it again and stop it immediately after the door closes, where I think the door closes? -- Ek dink miskien sal dit beter wees as u net u hand ophig op daardie stadium(20) en dit 'n bietjie laat verbyspeel. Met ander woorde met die hand aandui waar die plek is wat u na verwys.

I am quite happy with that. I am playing from the beginning of the tape. (Bandopname word weer eens gespeel) It is the second time I lifted up my hand. The counter number is 006. Would you like to hear that sound again before you comment on it? -- Nee, ek het dit gehoor. Ek het ook gesien watter deel u aandui en ek is tevrede dat ek niks kan byvoeg by wat ek voorheen gesê het nie, dat ek hoor 'n stampgeluid, so kan ek dit beskryf, maar daar is geen (30) manier waarop ek kan sê dat ek dit in verband kan bring met 'n

... / deur

deur wat toegemaak word nie. Ek kan net sê dit sou sekerlik nie h motorkardeur wees wat toegemaak word nie.

I agree with you. Again sorry, but every time you talk about possibilities I need to clarify in the same way - you know the sort of clarification I always require about possibilities. Could you clarify it, please? -- Ek is nou seker waarna u verwys nie.

COURT : We do not know what you always require, Mr Yacoob. You have not been here long enough.

MR YACOOB : When you talk about the fact that you hear (10) the sound and that there is a possibility of a door closing, there are two possibilities there, the one is that it is a door closing, the other is that it is some other sound. Again, would you regard both those evenly or would the scale fall on the one side or the other significantly? -- Nee, ek sou sê dit sal oorweldigend hel na h ander klank, anders as h deur wat toegemaak word.

COURT : It is recorded that accused no. 4 has returned.

MR YACOOB : I want to return - before I return to another part of your answer, you make a clear distinction in your (20) analysis between an "aan/af skakeling" on the one hand and the process of placing a recording for a short space of time over a pre-existing recording. I leave out for a short space of time, but you make a clear distinction between "af/aan skakeling" on the one hand and a process of recording sound over pre-existing sound on a tape on the other hand. Am I correct in that? -- Ja, ek maak h verskil tussen daardie twee gevalle en die groot onderskeid daarin is op die manier waarop ek dit aangedui het in my notas soos in ABD(6), die verskillende dele, is om aan te dui dat daar ek sê daar (30) is h opname bo-oor h vorige opname, dan beteken dit dat voor

... /hierdie

hierdie gebeurtenis en na hierdie gebeurtenis, dit dieselfde oorspronklike opname is wat voortgaan. Ek praat van 'n af/aan onderbreking. Dan is daar geen aanduiding van hoeveel tyd verloop het tussen die tyd dat die bandmasjien afgeskakel is vir die eerste opname en wanneer dit weer aangeskakel is vir die volgende deel van die opname nie.

And my definition, as far as you are concerned and if I read your reports properly, an "af/aan skakeling" is in fact the situation where the tape recorder is in the record mode, is put off while in the record mode, in other words, (10) the record mode is disengaged by using the stop button as opposed to the pause button, thereafter using the switches on the recorder afresh after a passage of - an amount of time which is impossible to determine to switch the machine from the stop position back into the recording mode. Is that right? -- Ja, dit is wat normaalweg sal gebeur met 'n uitsondering wat ek onder dieselfde terme sou beskryf vir die doel van hierdie verslag en dit sou 'n situasie wees waar daar 'n eerste opname is wat argumentshalwe vir twee minute lank duur, maar vanaf 'n punt argumentshalwe een minuut vanaf (20) die begin word die bandmasjien geplaas en van daardie punt af aangeskakel om van daardie punt af weer op te neem vir 'n tyd wat dan meer sal wees as die oorspronklike een minuut wat nog oorgebly het van die eerste opname. Die beginsel is dus dat 'n af/aan onderbreking, soos ek dit beskryf het, sou die situasie kan insluit van waar daar voorheen 'n opname gemaak is, daar word na die tyd normaalweg gespeel oor daardie opname tot op 'n sekere punt binne-in daardie opname, op daardie punt word die bandmasjien gestop en van daardie punt af word die bandmasjien dan op 'n onbekende tydstip in die opneem- (30) situasie geplaas.

... / So

So, the essential difference between what I put to you and your answer is that "af/aan skakelings" kan also include the situation where the machine is put off while in a play mode in the middle of a recording? -- Dit is korrek, ja.

Is it correct that you can play a recording a number of times, put it off in the play mode again and again and again at different portions of the tape, because you are listening to it in a stop/start fashion, the sort of thing people do when they are transcribing something? -- Dit is korrek, ja. (10)

Those occurrences - there is a separate occurrence of the machine put off - will never be picked up on any oscilloscope, would never give rise to any extra sound on the tape except perhaps in very exceptional circumstances of which perhaps I would be totally unaware? -- Ek kan nie help om te dink wat sê "Never say never" nie.

Would you understand the proposition? -- Normaalweg.

The reason for that is that normally, almost always shall I say, the re-arrangement or organisation of magnetic particles on a tape, can only take place when the machine (20) is in the record mode but that when you take it off the record mode as well, there is a degree of re-arrangement - the re-arrangement process ceases and therefore taking it off the record mode, can actually also be part of that process until you have it completely off. So, the reason is, that the play facility does not re-arrange magnetic particles while the recording facility does and it is in fact the re-arrangement which gives rise to patterns on the oscilloscope.

COURT : Let us just get clarity there. There are two propositions put there. The first proposition is that during (30) play back the switching on and putting off has no effect on

... / the

the tape?

MR YACOOB : That is right.

COURT : The answer as I understood it, one can never say never. On all probabilities the answer is yes, it would not?

MR YACOOB : Yes.

COURT : Your second proposition is that while recording there is a re-arrangement of the particles on the tape, but if I understood you correctly, also when switching off the recording, there is a re-arrangement? Is that not merely the end of the re-arrangement? (10)

MR YACOOB : That is correct. It is the end of the re-arrangement and the beginning of the re-arrangement and that is why ... (Court intervenes)

COURT : Where is the beginning of the re-arrangement then?

MR YACOOB : I am talking about "af/aan".

COURT : When you switch it off. When you switch it on again, the recording, it re-arranges again?

MR YACOOB : That is right.

HOF : Het u dit so verstaan? -- Ja, ek verstaan dit so. Dit is korrek dat herrangskikking van die magneetpartikels of (20) in kort gesê verandering van die opname of slegs opname op die band geskied slegs wanneer die bandopnemer in die opneem-modes geplaas word of was.

MR YACOOB : And if one looks at photograph ABD(3), photograph number 1, as I understand that photograph, it records quite clearly the effect of the ceasing of the re-arrangement of magnetic particles, that is the stage when the recording mode is switched off, but does not record at all, according to my information, the "aan" process which would be the beginning of the re-arrangement process. I do not want you to tell the (30) Court why it is so, but simply, is that so? -- Ja, hierdie

... / foto's

foto's wys net die afskakel gedeelte.

HOF : Die foto's, u praat nou van meer as een. Ons het op die oomblik gepraat van foto 1. U praat van foto's 1 en 2. -- Ja, foto's 1 en 2 is herhalings van dieselfde gebeurtenis.

MR YACOOB : Photographs 5 and 6 again attached to ABD(3) in fact record both the processes, the off and the on? -- Dit is korrek. Dit is met 'n ander tipe bandopnemer gemaak.

So, there is in fact a different clearly observable so clearly observable that you can separate the two photographs, That is the putting off while on record on the one hand (10) and putting it on to record again on the other hand? Do you agree with that?

COURT : Well, actually it goes from something to nothing in the one instance and in the other instance from nothing to something?

MR YACOOB : That is so, but all I am saying is, that they cannot be confused - they are too generalised to confuse it into a simple process and it is very clear especially when you look at photographs 1 and 2 of ABD(3) the only point I am making is there are two separate discernable processes?(20) -- Dit is korrek.

And in the situation which you have described a little earlier where you put the machine off while in the play mode in the middle of a recording and then put it onto record while the second process is probably observable, the first part is actually not there, because you have not put it off in the record mode and there is no sensation of the arrangement of magnetic particles at that point. That is the first part.

COURT : Just a moment. I do not think you have that right.(30) What you put to the witness is if you put off in the middle

... / of

of the recording and then you put it again on record, that is probably observable? Are you intending to say, if you put it off inb the middle of playing?

MR YACOOB : Yes.

COURT : And then put it on record?

MR YACOOB : That is right.

MR YACOOB : The first part, the putting off is not observable but the switching on is observable. --

MR YACOOB : Yes.

HOF : Het u dit so verstaan? -- Ja, dit is korrek. (10)

MR YACOOB : And therefore, oscilloscope wise there is a very big difference between the two kinds of af/aan. The differende being that in the one case you stop while in the play mode so one of the processes does not take place and in the other you stop while in the record mode and start again in which case the first - process one and process two take place? -- Dit is korrek.

Have you indicate that distinction at all in your report? -- Nee, ek dink nie ek het in hierdie verslag enige melding gemaak van of enige verwysing gemaak na daardie (20) aspek nie.

Would I be correct in saying that and I want you to leave out for a moment the spot presently under consideration on the tape completely, that is the spot where you describe what happened - 'at this point where the speech takes over from where the background sounds were, EXHIBIT 6. Let us leave that instance out completely. -- Ja.

Aside of that instance, am I correct that everywhere in your report, I will put it slightly differently, no where in your report is it even implied that the off/on process(30) as you describe it is the situation where you put it off

... / in

in the play mode and then begin the recording? -- Nee, ek het nie daardie verskille aangedui nie.

Sorry, I am not asking you whether you indicated the difference. I will repeat my question again. Is it correct that nowhere in all your reports except of course for this one little section and we will come back to that, do you even begin to imply that when you refer to "af/aan" you are also referring to the situation where the machine is put off while in the play position and thereafter put into the recording position. That is a suggestion which I am (10) making to you to which I would like you to respond clearly? I could actually ask you this question again after the luncheon adjournment and go on to something else if you would like to study your reports carefully during lunch and return to answering that question. Would you like that? -- Ek dink nie dit is nodig nie. Ek het dit baie duidelik gestel in my geskrifte, byvoorbeeld in ABD(3) waar ek praat van 'n af/aan onderbreking, dat ek sê die bandmasjien is gestop en dan later weer aangeskakel. Dit het ek baie duidelik gestel deur die stopknoppie te druk. Dit is korrek dat ek nie (20) gespesifiseer het dat wat ek op daardie punt bedoel het is dat die masjien was besig om klank op te neem en in daardie situasie van opneemodes is die stopknoppie gedruk nie.

HOF : As ek die kruisondervraging korrek begryp, dan beteken dit dat daar twee moontlikhede is. Die een is dat iemand 'n opname maak, as ons nou met 'n vergadering besig is, 'n opname maak van 'n vergadering, op 'n stadium in die vergadering die opname stop, op 'n ander in die vergadering met die opname voortgaan. Dit is die proses wat ons nog tot dusver bespreek het, lyk dit. -- Ja. (30)

'n Ander moontlikheid is dat iemand by 'n vergadering
... / opdaag

opdaag met 'n bandopnamemasjien waarop daar alreeds iets opgeneem is, dat die band dan nie begin word by sy begin nie, maar dat daar êrens in die middel van die opname 'n heropname gemaak word, met ander woorde, 'n nuwe opname op die bestaande band van die betrokke vergadering. -- Dit is korrek.

Kan u die tweede moontlikheid uitsluit of bly dit 'n moontlikheid in die gevalle waarmee ons te doen het? Ek stel nie baie belang in blote teorie nie. -- In die spesifieke geval van die Claremont band op hierdie plek wat ons na verwys het as BEWYSSTUK 6 op die tellerlesing 017, daar (10) het ek nie volledige duidelikheid omtrent watter een van die twee situasies dit was nie en die rede waarom ek nie duidelikheid het nie, is omdat ek nie duidelikheid het omtrent watter tipe masjien gebruik was nie. Indien dit bekend sou wees dat dit 'n masjien is met 'n aparte wiskop, dan sou dit tweede situasie wees waar die masjien iewers bo-op 'n vorige opname gestaan het en van daardie punt af aangeskakel is om 'n nuwe opname te maak. Indien dit egter bekend sou wees dat dit 'n masjien is wat nie 'n aparte wiskop het nie, soos wat ek vermoed wat in hierdie geval wel die geval was, dan is die (20) getuienis van wat op daardie punt plaasvind baie sterk in die rigting dat die masjien afgeskakel was terwyl in die opneemodes en weer in dieselfde plek aangeskakel is op 'n latere stadium.

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ASSESSOR (MNR. JOUBERT) : Kan dit nie wees dat die masjien aangeskakel was op die "play", speelmodes en dat die opnemer agtergekom het hy is verkeerd en toe oorgeskakel het na die opneemodes nie? -- Dit is slegs by sommige masjiene moontlik. want die meeste van die kassetmasjientjies, soos ook daardie, is dit nie moontlik nie. 'n Mens sal eers weer moet stop (30) en an altwee knoppies saam indruk. As 'n mens reeds die

... / speelknoppie

speelknoppie gedruk het, kan jy nie die opneemknoppie ook nog by druk voordat jy nie eers weer stop gedruk het nie.

Is dit nie wat kon gebeur het nie? Dat hy hom gestop het en toe weer die speelmodes aangeskakel het nie? Daardie klik? -- Maar dit is een van die situasies wat ek verduidelik het dink ek.

MR YACOOB : I thought that you said earlier that for the purpose of analysing this tape, for the purpose of analysis at the stage shortly after the tea adjournment you were of the view that it actually made difference to the analysis (10) what sort of tape recorder was used. Whether it was one with a separate erase head or one with a record/erase head combined. Now I understand you to say that it makes all the difference to accurately determining the precise nature of this little bit of recording we are talking about? -- Dit is 'n wanvoorstelling van wat ek gesê het. Ek hou vol daarby dat ek oortuig is dat op daardie plek wat genoem is die bandmasjien afgeskakel en weer aangeskakel was, dit wil sê daar twee aparte stukke opname voor die tyd of na die tyd - dit is nie vir my kernbelangrik om te weet (20) watter een van die twee maniere presies daar plaasgevind het nie en daarom verwerp ek die voorstel dat ek nou skielik sê dat dit absoluut belangrik is om te weet wat daar gebeur gebeur het nie.

I want to put to you again that in your report, you have not quite answered that, in describing the on/off process, die aan/af skakeling, except for this one little bit, we will come back to it later as I said earlier, in every case, everywhere where you defined it, "die aan/af skakeling" is described as off while in the record mode (30) and then on to the record mode again. It is not even

... / implied

implied that it could be off while in the play mode and on again. -- Nee, ek maak beswaar daarteen. Ek het nêrens in my geskryfte gespesifiseer dat dit of die een of die ander sal wees nie.

All your photographs are of the on/off situation where you are on the record mode and put it back to the record mode again. Both photographs are dealing with that situation or all the photographs are dealing with that situation and that is all six of them. -- Dit is korrek dat in ABD(3) in die voorbeelde wat ek gewys het, daar is dit die situasie wat (10) geld, maar in die analise wat ek gee in ABD(6) het ek geen verwysing gemaak na watter tipe af/aan skakeling ek op 'n sekere punt waargeneem het nie.

I want to put it to you that by definition for you an "af/aan skakeling" has always been one where you put the machine off in the record mode and where you put it on again into the record mode and that your description of this phenomenon as an "af/aan skakeling" your description of - the change over that we are talking about now as an "af/aan skakeling" was wrong, you have changed your position now and the posi-(20) tion now is that it was not an "af/aan skakeling" as presently by you, previously defined by you, therefore you are now trying to widen the definition of "af/aan skakeling" in order to avoid the suggestion that you have changed your position. -- Ek verwerp die voorstel.

And you have agreed that we have no photograph representing the beginning of the process by which a recording is put on to an existing a recording? -- Dit is korrek, ja.

And photograph EXHIBIT ABD(7)1 cannot really be compared with anything unless we have such a photograph to complete(30) the picture. -- Dit is korrek, ja. Ek kan net sê wat ek daarby

... / bedoel

bedoel. Ek bedoel dat daardie foto alleen gee nie 'n aanduiding van watter tipe van af/aan situasie daar gegeld het nie. Dit gee wel sekere inligting omtrent dele waar die sein swak raak en plekke waar daar pulse of klikgeluide verskyn.

And what you are saying now is that in this change over that we are considering now, part of the existing recording has been put onto a pre-existing recording. Is that correct? -- Ek het nie gesê dit is so nie. Ek het gesê dit is een van die moontlikhede.

A possibility that this is an even possibility that (10) this tape contains an example of a pre-existing or an existing recording part of it be on top of an existing recording, a possibility which you did not point out in your report or in your evidence-in-chief. -- Dit is korrek dat die moontlikheid bestaan. Dit is nie korrek dat daar soos daar gestel is dat dit 'n ewe moontlikheid is nie. Ek het reeds gesê 'n rukkie gelede dat ek beskou dit meer waarskynlik dat daar wel uit die opneemodes gestop is en in daardie selfde modes weer verder gegaan is met die opname. Verder is dit korrek dat ek niks daarvan genoem het in my hoofgetuienis nie of in (20) my verslag nie. Dit is heeltemal korrek.

I want to take you up on that proposition. You say it is more probable and more possible that it was in the record mode, stopped in the record mode and then put on in the record mode again. -- Dit is wat ek gesê het, ja.

But that depends, as I understood your earlier evidence, on which tape recorder was used. -- Dit is korrek, ja.

If the tape recorder was - the recording head and erasure head were all in one, you say that this is an off/on situation record off/record on? -- Ek het gesê dat dit is in daardie (30) geval heel waarskynlik. Dit is korrek.

... / And

And if a traditional tape recorder was used, that is one with a separate erasure head and other head, then it is actually play off/record on. -- Dan is die waarskynlikheid groter dat dit daardie situasie is, ja.

And if you do not know which recorder was used, you cannot say which is more probable. -- Ja, ek kan tog n opinie uitspraak. Die manier waarop die pulse voorkom en die groepering en die aantal pulse op die foto ABD(7)1 is sodanig dat ek geneig is om n groter waarskynlikheid toe te ken aan die moontlikheid van afskakel terwyl in die opneem-(10) modes en weer aanskakel na opneemodes toe.

GETUIE STAAN AF.

HOF VERDAAG.

HOF HERVAT.

K425

LEENDERT PIETER CHRISTIAAN JANSEN, v.o.e.

MR YACOOB : My Lord, may I just place on record that we were just informed four minutes ago that accused no. 20 has been taken to a doctor on account of a knee complaint. We did not know about it beforehand at all.

COURT : Well, did he not ask for permission to go the the doctor tomorrow, the 28th? Is it today the 28th? (20)

MR YACOOB : Today is the 28th.

COURT : Then he had permission to go. It is noted that he is gone.

HOF : Dr. Jansen, ken u n bandopnamemasjien met die naam van n Macron? -- Nee, dit naam Macron in daardie verband ken ek glad nie.

Wat ken u wat die naam Macron dra? -- In verband met opnames soortgelyk aan dié ken ek die naam van Micron.

Miskien kan dit n Micron wees. Is daar n Micron bandopnamemasjien? -- Nee, Micron is n tipe radiomikrofoonsis-(30) teem.

... / CROSS-

CROSS-EXAMINATION BY MR YACOOB (continued) : While we are on that, may be we should clear up some difficulties about the Micron system which arose out of some other evidence. Is the Micron system a system which contains or which consists of firstly a microphone with an aerial attached by wire to a battery pack to one part of the component, that is a transmitter and then of course the receiver is a separate part of the component. What in fact happens is that the signal is received by the microphone transmitter, transmitted to the unit receiver which is far away and received by it, is (10) a whole system of the Micron radio microphone system? -- Dit is korrek.

The tape recorder, if you want to record proceedings emanating from that system is then attached to the receiver which operates as a receiver of the signal from the microphone, it sends the signal to the tape recorder, the tape recorder receives the signal and that signal would cause the recording or the organising of other magnetig particles on the tape. Do you agree that that is what happens in general terms? -- Dit is korrek. (20)

I have to ask you a few more questions about this tape recorder which has now become relevant. That is the tape recorder which has the same recording and receiving head - recording and erasing head. Did you check whether or not Cape Town had such a tape recorder in stock? -- Nee.

Did you check what sort of tape recorder - whether the policemen there knew what sort of tape recorder was used? -- ja, ek het navrae gedoen, maar die persoon wat die opname gemaak het, was nie seker van wat se tipe bandopnemer dit was nie. (30)

Did you check whether this person had used his private

... / tape

tape recorder or a tape recorder ex-stock at the police station? -- In hierdie hele saak het al die opneembeamptes gebruik gemaak van amptelike bandopnames. Dit is soos hulle my in kennis gestel het. Nie een van hulle het 'n privaat bandopnemer gebruik nie.

Once this tape recorder was not in stock at the relevant police station and the tape recorder used had been taken out of that stock, it will be very clear that this particular kind of tape recorder was not used there? -- Ek verstaan nie die vraag nie. Kan u dit miskien herhaal en anders formuleer? (10)

When you know that this particular tape recorder we are talking about, shall we refer to it as a single head tape recorder, I find these descriptions difficult, and we will call the other tape recorder, the usual one the double head tape recorder. -- Goed, vir die doel van die argument kan ons dit voorlopig so noem.

If there was no single head tape recorder in stock at the relevant police station and if the policeman concerned had on this occasion used a tape recorder ex-stock, it would (20) necessarily follow that the tape recorder used in making the recording was not a single head recorder. -- Dit is korrek, ja.

Once it is not a single head tape recorder that was used, the probability is that, as I understand your evidence in your opinion, that part of the existing recording of the speech at least is over a pre-existing recording. Is that correct? -- Ek het gesê dit is die waarskynlikheid, ja.

On the assumption that what you have here is part of a recording over a pre-existing recording, I will ask you the following few questions on that assumption. There are (30) the following possibilities, I would suggest practically

... / speaking

speaking. -- Ja, ek aanvaar dit so. Die aanname is dat ons het hier te doen met 'n opname bo-oor 'n stuk vorige opname.

And that that is the reason - that is the correct interpretation of what appears at that point of the tape which we have been analysing this morning. I want you to assume that and I want to investigate the possibility on that assumption. -- Ja, goed.

One of the possibilities is that some noise was there, part of the speech was recorded, then the person recording for some reason or another rewound the tape, got back to (10) the noise and started recording again, leaving out also some of the speech which was recorded. Would you agree with that? -- Ja, teoreties is dit moontlik.

There is the possibility also that the pre-existing recording had been on the tape for some time previously? -- Dit is korrek, ja.

And is it correct that there is no indication from what is left on the tape, from the tape itself that the radio microphone system used in making the recording, and that is the microphone through which one picks up all the speech(20) and so on, was being tested at any time. On the tape itself there is no indication of that. Is that right? -- Ek kan nie vir seker wees daarvan nie.

What are the indications on the tape? -- Ek het reeds gesê dat in die eerste gedeelte hoor ek geen van die radio-steurings wat ek in die tweede gedeelte hoor nie, maar dit kan nogtans moontlik wees dat in die eerste gedeelte wel 'n radiosisteam gebruik is maar dat die ontvanger dan baie nader sou wees aan die uitsender. Ek het gesê reeds dat die omstandighede was sekerlik nie dieselfde nie. So, indien (30) dit 'n radiosisteam was, dan sou die ontvanger heelwat nader

... / aan

aan die sender gewees het. Punt nommer 1.

Can you give us a maximum distance on that please? --
O, nee, ek kan nie 'n maksimum afstand gee nie. Dit is
onmoontlik om met radiosisteme 'n maksimum afstand te gee
aangesien die omgewing 'n geweldige invloed kan speel op radio-
senders. Onder gunstige omstandighede kan 'n mens vier, vyf,
ses kilometer kry met so 'n radiomikrofoonsisteem. Onder
ongunstige omstandighede kan jy nie eers vyftig meter kry
nie.

So, can we define your work "naby" or near with any (10)
more precision? Nearer than what? -- Nader was wat dit vir
die tweede gedeelte van die opname was. Alternatief in 'n
posisie om 'n veel beter ontvangs te kry. Die tweede deel
van wat ek bespreek het, was dat die mikrofoon se posisie
staties was. Nou, sou dit 'n radiomikrofoon wees, dan sou
dit beteken dat die radiomikrofoon uitgehaal was en iewers
neergesit was en dit alleen het al 'n gunstige invloed op
radioseine aangesien die sendlugdraad dan nie teen die liggaam
lê nie, want die menslike liggaam het 'n neiging om die seine
te verswak. (20)

Can we come back to the original question. What is the
indication that this may have been testing? -- Nee, ek kan
nie sê dat daar uit die band spesifiek aanduidings is dat
dit 'n toetssituasie was nie.

Can you say that there are no indications on the tape
that there was a testing? -- Ek kan dit nie uit die band uit
aflei nie, nee.

Did you discuss oddities on the tape, on this occasion
with the person who made the recording? -- Ja, ek het dit
gedoen. (30)

Can you remember the name of this person? -- O. jinne, nee,

... / afhand

afhand kan ek nou nie onthou nie.

Did you make a note of the conversation? -- Ja, ek het notas gemaak.

Do you have these notes available? -- Nie hier by die hof nie, nee. Sekere dele kan ek uit geheue onthou.

You have taken as much of that conversation as necessary into account in coming to the conclusions that you have come? -- Ja.

I want to put it to you that it is our conclusion that that interruption on the tape is in fact the situation (10) where the speech, the beginning of the speech at any rate, as recorded, represents a recording over a pre-existing recording? -- Ja, dit moontlikheid bestaan, soos ek dit reeds genoem het.

I want to put it to you that it is highly probable that that happened not just possible? -- Ek hoor wat u sê, maar ek hou by wat ek reeds vantevore gesê het.

And that the first leg which we used to come to that conclusion is a depression of sound which we say exists in the little portion under half a second which was pointed (20) out to you this morning? -- Ja, ek moet u waarsku dat u baie maklik 'n fout kan maak daarmee. As daardie aspek nie baie deeglik ondersoek is met 'n metode anders as byvoorbeeld met die ossilloskoop wat hier in die hof is nie, dan kan u baie maklik 'n fout maak met so 'n gevolgtrekking gebaseer op daardie waarneming.

As I have said, that is only one leg, only one of the reasons why we come to that conclusion- I will take you through the features of this tape recording again ,2 or ,3 seconds at a time, this little interruption. (30)

COURT : Before we get there, what is your second point? You

... / told

told us that there are two reasons why you said that it is highly probable that this happened, that is a recording over a pre-existing recording? What is the second reason?

MR YACOOB : I am demonstrating the second reason now by analysing the sound. The second reason actually depends on a careful analysis of the clicks and sounds one hears immediately after this?

COURT : So, you say that because of the clicks and sounds?

MR YACOOB : That is right, overall. That is the only reason. A careful study means splitting them up and analysing them. (10) (Bandopname word weer eens gespeel) That is up to the point where we say that the depressed sound actually occurs and we have already been through that. We will just very quickly look at the next phase. (Bandopname word gespeel) Did you notice there after that there was a pulse, a slight depression may be ,2 seconds and then the speech started? -- Ek sal graag daardie stukkie weer wil luister.

My Lord, Mr Atkinson wants me to point out at this stage that the timings are mine and not his. (Bandopname word gespeel) -- Kan u dit weer herhaal, asseblief en n (20) bietjie teruggaan?

(Bandopname word gespeel) Do you agree that after that slight depression which is in dispute, after the click which is admitted of course, after the click there is a pulse, a very short silence and the speech begins? -- Ja, die beskrywing stem omtrent ooreen met dit wat n mens direk kan sien van die foto ABD(7)1.

But as you say the trained ear is very useful in this regard? -- Ja, dit natuurlik nie moontlik vir die - self die ge oefende oor om tye toe te ken aan hoe lank so n (30) stiltetjie is of hoe lank so n puls duur nie. Dit is maar -

... / ek

ek neem aan ter illustrasie om aan te dui dat dit n baie kort tydjie is dat tye genoem word, maar andersins in breë stem ek saam met die beskrywing.

What we say is that that depression in sound firstly is a combination of - it is actually the result of an unprepared piece of tape going past the recording head, then the click and the slight silence is in fact the result of the silence created because the machine being used is building up its bias and getting it ready to go and the speech begins after that silence when in fact the machine is ready to go (10) in the sense of the time taken for all things to be in order including the bias level which we regard as the most important being properly in order? -- Ek kan nie saamstem met daardie verduideliking van waarom dit gebeur nie. Die waarnemings wat ek gemaak het is soos op die ossilloskoopfoto ABD(7)1 strook glad nie met hierdie beskouing nie.

I will simply put it to you that it does.

HOF : Kan u vir ons verduidelik waarom dit nie strook met ABD(7)1 nie? Sal u die foto neem en dit net op rekord plaas? -- n Belangrike rede lê in die gedeelte wat beskryf is deur (20) die verdediging as die "depression of sound". Dit is die gedeelte waar hulle sê dat die agtergrondgeluide sagter raak. Dit is die gedeelte wat in ongeveer die eerste een-kwart van die foto ABD(7)1 gesien kan word vanaf die linkerkant, waar die linkerkant die kant is waar die pyltjie wat met n bou pen bo aan die foto gemerk is sy oorsprong sou hê. Die pyltjie dui aan die rigting vanlinks na regs. In daardie gedeelte is daar n eienaardige tipe van n pulspatroon waarneembaar wat sodanig is dat dit nie net dui op n verswakking van klank as gevolg van n "bias" sisteem wat besig is om (30) te begin werk nie. Dit dui op addisionele elektroniese pulse

... / wat

wat aan h opneemkop gevoer is aangesien die sein tesame met die puls heen en weer beweeg. Die puls en die sein vorm dus deel van mekaar. Verdermeer is daar na hierdie punt in ongeveer tussen - ek kan sê in die middelste gebied van die foto, is daar h deel waar die sein weer sterker word en daarna eers weer swakker. Die eerste deel, naamlik die sogenaamde "depression", as dit te wyte sou wees aan die opneemproses wat op daardie punt begin en wat deel van die oorspronklike sein uitvee en heelwat lateraan, ongeveer drie-kwart in die foto in die omgewing van twee sterk pulse(10) is daar h deel waar die sein baie swak is en dit is kort voordat die spraak begin. As daardie aspekte in ag geneem word, dan is dit nie verklaarbaar waarom daar tussen daardie twee punte sterker sein teenwoordig is nie. Indien die teorie waar sou wees, sou h mens h eweredige afname en toename in die sein verwag en nie op die manier soos dit op hierdie foto verskyn nie. Die volgende aspek wat van belang is hou verband met twee stelle pulse wat op die foto gesien kan word. Ek sal merkies aanbring op die foto aan die onderkant by die twee sodat daar geen onduidelikheid kan wees omtrent waar(20) die pulse is nie. Ek maak aan die onderkant pyltjies wat na bo wys om die posisies aan te dui en ek skryf op die papier waarop die foto nou gemonteer is die nommers 1 en 2 die twee pyltjies. Dié twee stelle pulse strook nie met h enkele aanskakelprosedure nie. By punt nr. 2 is daar duidelik h dubbele pulsstruktuur waarneembaar en dit sou wel strook met h aanskakelprosedure, maar die twee stelle fyn pulse gevolg deur die snaakse puls voorheen beskryf heel aan die linkerkant van die foto, is nie in ooreenstemming met h enkele aanskakel in opneemodes oor h vorige opname nie. (30)

MR YACOOB : This explanation that you gave of the photograph

... / is

is it based on the hypothesis that a one head machine was used or is it based on the hypothesis that a two head machine was used? -- Die verduideliking, soos ek dit hier gegee het, myns insiens sou beter pas daarby dat dit 'n sogenaamde een kop masjien sou wees, maar selfs indien dit 'n twee kop masjien sou wees, dan het ek nog probleme daarmee om die aantal pulse en die afstand wat hulle van mekaar af is te verklaar op grond van die hipotese dat dit 'n opname is bo-oor 'n vorige stuk opname.

Why do you then say in the light of the explanation(10) that you have now given that if the recording had been made on a two head machine, in fact the probabilities are that there are then indications of a recording over a pre-existing recording? -- Miskien kan u die vraag net weer 'n slag herhaal dat ek sekerheid kry dat ek presies weet wat u vra.

Why do you then say that if a two head machine was used to make this recording, the probabilities are that that break is in fact one indicative of a recording over a pre-existing recording?

MNR. JACOBS : Ek weet nie wanneer die getuie dit sou gesê(20) het nie. As dit so, dan is daar die tweede aspek, dan is daardie opinie gebaseer op een feit wat tevore gegee is. Nou is dit op 'n ander feit wat hy ook 'n opinie gee. Hy het nie die twee saam gevat nie en toe gesê dit is sy mening nie. Hy het elkeen afsonderlik gevat.

COURT : Could you just refer us to the evidence, please? Was it before lunch? How long before lunch?

MR YACOOB : The portion that we have found is after lunch. I said is it correct on the assumption that a two head tape recorder was used, the probability is that was a recording(30) over a pre-existing recording. He said "Dit is waarskynlik, ja."

... / COURT

COURT : I have the following note "Ek is oortuig dat die eerste deel is 'n oorblyfsel van die vorige - van 'n vorige opname, maar weet nie hoe lank voor die tyd dit opgeneem is nie. Dit kan wees met die toets van die masjien. Ek dink die masjien is getoets en teruggespeel, toe gestop en gewag om die opname te maak.

MR YACOOB : If the witness wants to deny that he said that ... (Court intervenes)

COURT : Well, the record will speak for itself. What you are putting to him is that he said that on a two head (10) machine - the probability is a recording over a pre-existing recording.

MR YACOOB : That is correct. My Learned Friend's second objection saying that we are talking about the process of that switch over and even in the earlier context I was talking precisely about that.

HOF : Wil u enige kommentaar lewer? -- Dit is natuurlik waar en korrek, laat ons dit so stel, dat ek gestel het daar is die waarskynlikheid dat dit wel so kan wees, soos voorgestel. Dit gaan nou skynbaar om 'n kwessie van aan watter (20) waarskynlikheid het ek op watter stadium die grootste gewig toegeken en ek het so pas redes gegee waarom ek probleme het met die stelling dat dit 'n opname bo-oor 'n vorige opname sal wees indien dit 'n twee kopmasjien is, maar ek hou nog daarby vol dat ek dit nog altyd as 'n moontlikheid beskou, dit wil sê as een van die waarskynlikhede wat ek sou oorweeg in daardie geval.

'n Waarskynlikheid of 'n moontlikheid? As u praat van een van die waarskynlikhede wat ek sou oorweeg het, sê u een van die moontlikhede wat u sou oorweeg het of een van (30) die waarskynlikhede wat u sou oorweeg het? -- Ja, dit is

... / nie

nie vir my baie duidelik dat daar sterk aanduidings is in die geval indien dit 'n twee kop masjien is dat dit die een of die ander situasie is nie. Met elke van die moontlike situasies is daar sekere dinge wat vir my probleme besorg. Ek noem byvoorbeeld net een van die moontlikhede wat nog nie voorheen genoem is nie en dit is dat ons nie te doen het met 'n opname bo-oor 'n vorige opname geheel en al nie, maar net 'n klein deeltjie daarvan en daarby dink ek daaraan dat 'n persoon 'n opname maak het en na die tyd teruggegaan het en die bandmasjien gespeel het oor daardie gedeelte (10) en op 'n sekere stadium die bandmasjien gestop het op 'n punt wat net mooi by die plek was waar die bandmasjien vantevore aangeskakel was. Ek sê by daardie plek maar nie noodwendig presies op die plek soos wat die bandmasjien sou gestaan het indien hy uit die opneemodes op daardie plek gestop is nie. In sekere van die ander bande wat in hierdie saak ter sprake is, was dit vir my duidelik dat 'n persoon 'n stukkie opgeneem het en daarna die bandmasjien verder verby daardie punt laat beweeg het en toe begin het om 'n ander opname te maak sodat ons in daardie geval 'n redelike duidelike gaping kry (20) van ek dink meer as 'n sekonde, as ek reg onthou, omtrent twee sekondes tussen die plek waar die een opname eindig en die volgende een begin. So is dit dat as 'n persoon sou getoets het, 'n opname maak het om te toets, dan sou hy wou terugluister daarna. Dan sou hy daardie opname gespeel het en geluister het daarna en op een of ander stadium dan weer die bandmasjien gestop het en in so 'n geval kan dit wees na die plek waar die vorige opname geëindig het of by daardie plek met natuurlik fraksionele verskilletjies, of voor daardie plek. (30)

MR YACOOB : How do you know that only a small portion, "n
... / klein

klein stukkie" as you put it, of a pre-existing recording has been recorded over from the tape? How do you know? -- Nee, ek het nie gesê ek weet dit nie.

Why do you assume it then? -- Ek het ook nie gesê ek neem dit aan nie.

What was the relevance then of making that the basis of your answer? -- Ek het gesê dit is een van die moontlikhede wat dalk hierso van belang kan wees.

That possibility is based on the assumption that it is just a little piece which is recorded over and really we (10) do not know? -- Ja, daardie moontlikheid is genoem op grond van die meervoude van pulse wat daar op daardie punt bestaan, maar daar is geen verdere positiewe aanduiding dat dit wel so is nie.

I want to distinguish between the possibility you are speaking of and the assumption you make in developing that possibility and then put to you that there is no basis whatsoever on the tape for that assumption, leave alone the possibility now, but for the assumption which is the foundation of that possibility there is no basis whatsoever? (20) -- Ek kan nie daarmee saamstem nie.

What is the basis for the assumption, clear basis for the assumption that only a little bit of the pre-existing recording has been recorded over? -- Ek het nie gesê dit is 'n aanname nie. Ek het dit gestel as een van die moontlikhede vir 'n beweging wat voorheen nie bespreek is nie en wat dalk van belang kan wees in die geval. Dit is sekerlik nie 'n aanname waarop enigiets gebaseer is nie, maar met die baie ondervinding wat ek het van analise van bandopnames en veral met die ossilloskoop met behulp van die tegniek, (30) soos ek beskryf het en waarmee ek foto's kan neem soos wat

... / ek

ek in die hof al ingehandig het, raak h mens bewus van so baie moontlike dinge wat h rol kan speel op h bandopname dat daar gevalle kom waar h mens na h sekere situasie kyk soos hierdie en die opinie vorm dat die hoeveelheid pulse wat daar teenwoordig is h sekere gedragspatroon voorstel, in die een geval of aan die ander hand h sekere gedragspatroon sou weerspreek.

Although this area is not complete, I will need to close it off now temporarily until tomorrow morning, because I need to get certain other information on record, not on (10) record, but to know it to enable certain further preparations. If I may just move in getting that information at this stage?

COURT : Yes, go ahead.

MR YACOOB : Would you please describe the process step by step by which EXHIBIT 32 was produced.

COURT : EXHIBIT 32, that is the example tape?

MR YACOOB : That is correct. -- Ja, die bewysstuk, BEWYSSTUK 32 is h heropname van ander bandopnames waarop die werklike gebeurtenisse soos waarvan die foto's gemaak is, opgeneem is. Met ander woorde BEWYSSTUK 32 is bedoel te wees om (20) voorgespeel te word as h voorbeeld van hoe sekere onderbrekings klink. Die oorspronklike opnames was in die een geval op h rol-tot-rol band gedoen en in h ander geval op kassetband. Dit is dus onprakties om die oorspronklike band hof toe te bring om dit voor te speel en daarom is van die oorspronklike h heropname gemaak met die kommentaar daarby. Indien die demonstrasieband, BEWYSSTUK 32 geanaliseer sou word soortgelyk as die oorspronklike band, sou daar klein verskille bestaan ten opsigte van die foto's soos in BEWYSSTUK ABD(3). (30)

May be I should ask a series of questions to get this out.

... / Before

Before you started this process, you had an original source of sound, some of which you would have recorded onto a Uher and others of which you have recorded onto the particular cassette tapes which you mentioned, tape recorders which you mentioned in respect of photographs. Is that correct?

-- Dit is korrek.

Was the source of that sound a tape recorder or a radio or something else? -- Die klank was afkomstig van 'n radio en dit is opgeneem op 'n groot Rebox bandmasjien. Dit is dan telkens van die Rebox bandmasjien af gebruik vir die (10) maak van die opnames.

So, you transferred all the sound that you thought you needed to use from the radio onto a Rebox machine and you used that as your sort of master. Is that right? -- Dit is korrek, ja.

So, the Rebox was in a sense your first generation recording which we might very purely call the original? -- The Rebox?

The Rebox recording. That will be called the original. Is that right? -- Ja, goed. (20)

You then played - you fed the sound with the Rebox playing and the Uher recording - I do not expect you to remember the correct order, but that is not important, the Uher recording. What you then did was while the sound was going on, you stop/started the Uher by using - by starting to record, stopping to record and starting to record again. Is that right? -- Dit is korrek, ja.

And of course, you operated the pause mode after that in respect of the Uher while the Rebox continued to play? -- Ja, dit is natuurlik nie noodwendig dat die REbox (30) heeltyd besig was om te loop nie. Die Rebox is dikwels

... / afgeskakel

afgeskakel tussen die tye wanneer daar gereed gemaak was om 'n nuwe reeks toetse te doen.

You might have rewound the Rebox as well to get the same sound again and again? -- Ja, ek het 'n paar keer weer na die begin van die betrokke nuusuitsending teruggegaan.

Then of course you repeated, I would imagine, the same process with the other two tape recorders which you have mentioned and that is a Philips and the other one which I cannot remember? -- Dit is korrek, ja.

17 and 18, photographs 17 and 18 would have been (10)
obtained by a much more complexed process I would imagine where you first used the Rebox to record a somewhat longer piece onto the Uher. Is that correct? -- Dit is korrek, ja.

And you wound the other tape recorders back or you rewound the Uher, got yourself to a position where you wanted to interrupt and you put the Rebox on again and inserted another bit over it. Is that right? -- Nie heeltemal nie. Ek het die klankbron verander om 'n ander tipe van klank in te voeg op daardie punt. Ek het vir daardie ingevoegde gedeelte direk van die radio af gewerk, maar (20)
andersins is dit korrek.

Then the next thing you did. As far as photographs 13, 14, 15 and 16 are concerned, these are, I cannot think of a better English word, representations of "onderbrekings". Is that correct? -- Dit is korrek, ja.

As I understand the position, 13 and 14 is of one sort of interruption and 15 and 16 of another sort. Is that right? -- Dit is korrek.

What sort of interruption is 13 and 14 of, photographs 13 and 14 attached to ABD(3) for the record? -- Foto's (30)
13 en 14 soos daar by geskryf staan op daardie bladsy is

... / onderbrekings

ondebrekings as gevolg van 'n los kontak in seindraad.

How did you achieve this result? -- Dit is dieselfde as wat 'n mens kry wanneer die proppie waarmee sein toegevoer word na 'n bandmasjien sou uitkom en dit is wat ek hier gedoen het. Ek het die proppie effens uitbeweeg. In hierdie geval het ek seker gemaak dat ek nie 'n kortsluiting veroorsaak nie, maar dat ek slegs die seinkontak verbreek.

But what you did in fact was, you had the Rebox feeding sound into the Uher, you used the Uher for that purpose and at some point you sort of pulled out the plug which(10) goes into the Uher somewhat and pushed it back in again making sure you did not cause a short, as we call it, but rather a lack of contact? -- Nee, ek het 'n ekstra verbindingskissie gehad tussen die Uher en die Rebox, maar die draad van die Rebox af ingegaan het en daarna op 'n ander draad na die Uher toe. Die rede daarvoor is dat die tipe van prop wat in die Uher ingaan is nie gerieflik om uit te trek vir daardie doel nie.

And you did it twice or possibly more than twice, but photographs 13 and 14 represent photographs of the same(20) thing done once and then again? -- Dit is korrek, ja.

15 and 16, what sort of problems do that suppose to illustrate? -- In daardie geval het ek by die tussenverbindingskissie 'n sisteem aangelê waarby ek 'n kortsluiting kan veroorsaak tussen die twee kontakte.

I do not want to know at this stage how you caused the short, but again the position was that the Uher was feeding material, recording material - sorry, the Rebox was feeding recording material into the Uher and in that process you caused a short circuit a number of times (30) and we see a photograph representation of two of them in

13 and 14? -- Dit is korrek.

15 and 15, I am sorry. Your basis material is now ready. I am interested now in the process by which you put it together. You have things on different reels, on different cassettes and what is involved now is the process of getting it all onto one cassette, which was very useful, but the process which you used - what tape recorder did you use to record - I am sorry, before I ask that question. Do we agree that we are now at the stage where you feed everything into EXHIBIT 32 which we have in court here? (10) Have we reached that stage or have I missed some interim process? -- Ja, die volgende stap sou wees om die foto's te maak vanaf die oorspronklike. Daarna sou die proses kom om vanaf die oorspronklike bandmasjiene na nog 'n bandmasjien te gaan, as ek reg onthou het ek 'n Sony TC 142 bandmasjien gebruik.

And you put EXHIBIT 32 blank inside it? -- Dit is korrek.

You then put it onto the record mode and made an announcement I suppose? -- Verskoon my, ek het so pas (20) gesê ek het die Sony TC 142 gebruik. Dit is nie korrek nie. Ek onthou nou ek het die YWA WX220 gebruik. Daardie spesifieke YWA masjien het fasiliteite om mikrofoonklank by te voeg by ander klank sonder dat daar enige verbindings ingedruk of uitgetrek hoef te word. Dit is slegs 'n vokumekontrolle wat gedraai word.

And then? -- Dan sou ek 'n klein stukkie opneem met die aankondiging. Ek sou die YWA bandmasjien, het ek normaalweg op "pause" gehou. Hy bly in die opneemodes, maar hy word op "pause" gesit. 'n Paar keer het ek 'n fout gemaak, (30) het ek hom gestop, dan moes ek hom weer aansit, maar gewoonlik

... / het

het ek die "pause" modes gebruik, dan na die aankondiging druk ek "pause", daarna kry ek die bandmasjien waarvandaan die klank kom reg en in party gevalle het ek eers die "pause" gelos en dan die ander bandmasjien aangeskakel en in sommige gevalle eers die ander bandmasjien aangeskakel en dan op die regte plek die "pause" gelos. Daar was 'n bietjie van 'n probleem, want dit is nodig om tussen miskien drie of vier voorbeelde van dieselfde ding, die presiese twee uit te soek waarvan die foto's geneem was.

So, inbetween each announcement and what you in fact(10) fed in, you used either the "pause" button or the stop/start facility. Is that right? --Dit is korrek, ja.

Can you say now that you say now whether you used the stop/start more often than the pause facility or not? --
Nee, ek kan dit nie nou onthou nie.

GETUIE STAAN AF.

HOF VERDAAG TOT 28 AUGUSTUS 1986.

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