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SAAKNOMMER: CC 482/85

PRETORIA

1987-11-02

DIE STAAT teen:

PATRICK MABUYA BALEKA EN 21

ANDER

VOOR:

SY EDELE REGTER VAN DIJKHORST EN

ASSESSOR : MNR. W.F. KRUGEL

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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COURT RESUMES ON 2 NOVEMBER 1987.

KEVIN ARTHUR HARRIS, d.s.s.

MNR. JACOBS : U Edele, net voor ek met die getuie begin, beskuldigde nr. 1 is afwesig. Hy is besig om eksamen te skryf volgens u verlof.

CROSS-EXAMINATION BY MR JACOBS : Mr Harris, your evidence is to the effect that you yourself recorded the sound on EXHIBIT 36 during the meeting?

COURT : Do you recall the numbers of the exhibits? -- Could we just go over that briefly? (10)

Yes, I think we should. Just give the witness a resumé of what each exhibit is?

MR JACOBS : EXHIBIT 36 is the original sound-track handed in by you. -- The quarter inch original sound-track. The question is did I record the sound on this?

You recorded all the sound at the meeting? -- I personally did, yes.

And is it correct that EXHIBIT 36 contains all the sound recorded by you during the meeting? -- That is correct.

And is it also correct that you recorded the sound (20) almost continuously? -- As I understand the meaning of that, yes.

And is it also correct that for every speaker you recorded the beginning of his speech? -- That is not necessarily correct that I recorded the beginning of his speech, no.

So, it is not correct that you recorded the beginning of each speaker's - the beginning of his speech? -- No.

And then is it also correct, if you were not interested in the speech or part of the speech of a speaker, then you switched off the sound recording? -- At my discretion, yes.

Did you do that as well with the visual part of the (30) recording/...

recording? -- I would need to elaborate slightly on that.

You recorded the sound almost continuously? -- That is correct.

And you switched it off when you deemed it not necessary to record any longer? -- That is right.

At the time when you recorded the beginning of the speech of a person, at the same time, did you also record the visual part of the meeting? -- As I recall what I said before was that this is what happened, one has to be more frugal with the film stock than with the sound stock, (10) because this is a far more expensive commodity. Hence there is less visual, in other words, I would - I recorded the sound-track as a mere master of the meeting. So, that I had that as a reference point and then anticipating that I felt were to be the main points or the high lights of the meeting, I then instructed the cameraman to roll and to cut.

Did you also in principle then record the beginning of the speech of each speaker - did you record the visual part of that as well? -- Not necessarily the beginning of each speech, no. (20)

Did it sometimes happen that you switched on the film, the recording of the visual part while the sound recording was not switched on? -- No, except that if we were in a situation where the sound was recording. If you recall I was not at the recorder at all instances during the meeting. There was a time when I placed it and I left it in the record mode while the cameraman and I went off to do other shots. If there was nothing of much interest happening on the podium where the main speakers were, I would have then filmed then what we call cut-aways, in other words neutral shots of (30) things/...

things in the church, if there were any banners or anything like that. That is what I would have filmed. If you recall the shot of the cloth behind the main speakers with "Asina mali" on it. That does not require any synchronised context. So, I would have recorded that. I would have recorded people just if they were sitting and listening. So, at that time I would have been recording visual image but not necessarily in the context of synchronism with the sound, but the sound would have been rolling.

Would you record the sound in that time? -- Yes, I did. (10)

Is it then correct, do I understand you correctly, that every time that you recorded visual, the visual part of the meeting, at the same time the sound was also recorded? -- I would not be able to swear that that was one hundred percent. Generally speaking, yes. I mean for example, at the beginning of the tape you would say two banners of St Cyprians. That was filmed without sound. The meeting had not really started then. In that particular instance I can recall. Apart from that I would say yes, when we were filming visual image, the sound recorder was on, yes. (20)

ASSESSOR (MR KRUGEL) : That is during the meeting then? -- During the meeting itself.

MR JACOBS : We are going to EXHIBIT 37. EXHIBIT 37 is the original negative film of what took place during the meeting? -- Yes, correct.

And it was handed in by you as EXHIBIT 37?-- Yes, I think there is a qualification that any pieces of negative that are not in that, are the pieces of negative, they probably have totalled about one and a half minutes, that were used for the film, when we distinguish between the film and (30) actually/...

actually - when I was actually filming the meeting, it was toward - it was for the purpose of an end product, in other words a film that we referred to as "The Struggle from within." Those pieces of negative are cut into the master negative of that final film product. So, everything excepting for those pieces are EXHIBIT 37.

COURT : They were not put back into EXHIBIT 37? -- No, they were not put back into EXHIBIT 37.

MR JACOBS : So, if I understand you then correctly, EXHIBIT 37 is the original negative taken at the meeting and out of (10) that you have taken out certain parts used by you in your other film? -- That is correct, yes.

Is that the film for the South African Council of Churches? -- Yes, with the title "The Struggle from within." That is correct.

Those portions of the original negative, did you not remarry them again afterwards to EXHIBIT 37? -- No, I had them reprinted by the laboratory together with EXHIBIT 37 and put the whole composite together on EXHIBIT 38 as I recall it, which is the positive assembly. (20)

How many pieces did you cut out of EXHIBIT 37 to use in the other film? -- I am not in a position at this stage to tell you. I could show you the film and then you could see it.

Could you tell us more or less? -- I can describe the sequence roughly. There is a shot from behind the podium where Reverend Moselane is speaking, establishing the hall, the church interior. There is then a shot on Father Moselane when he is talking about a court interdict and that pulls back to show a wide shot from the reverse angle, in other(30)

words/...

words from the back of the hall facing Father Moselane. There is then - we see the man handing out a wire-wound pad where he is collecting petitions and then there are a few so-called cut-aways of the audience, people in the hall, in the church interior and then there is the scene of the young man, he was I believe identified as Mr Botha who was suggesting some action that should be taken by the community in rather an emotional tone of voice.

What do you mean by there were certain cut-aways? -- In other words faces of people watching, people in the audience, if I can use that term. (10)

Did you use that in the film for the SACC? -- Yes, I did.

Is it correct then, if I understand you correctly that all the portions cut out of EXHIBIT 37 were used by you in the other film? -- That is correct, yes.

And that EXHIBIT 37 before the Court now is the rest of the original negative after you had taken out certain parts? -- That is correct, yes.

And except for that, all the visual material taken by you at that meeting, is then on EXHIBIT 37? -- That is correct, yes. (20)

You did not splice the parts taken out and used in the other film later on back into this EXHIBIT 37? -- No, I did not.

If I understand your evidence correctly, you told the Court when you gave evidence that the portions removed out of EXHIBIT 37 by you, the negative portions, were still in your possession? -- That is correct, yes.

Where are they now? -- They are in the master negative of the film which I hold. (30)

They/...

They were not handed into Court. Is that correct? --

That is correct.

MR BIZOS : A video of that was, however, handed over to them at the request of the State.

COURT : Yes, but that is not the film. We are talking about the film.

MR BIZOS : Yes, of the film, a video of the film was handed to them.

COURT : Yes, that is an exhibit. The video is an exhibit. The film is not an exhibit. We are now talking about the(10) film, not the video.

MR BIZOS : I do not recall if it was made an exhibit. We did hand it in. We handed it to the State. I do not remember whether the State availed itself of making it an exhibit.

COURT : What is the problem that you have at the moment?

MR BIZOS : The problem that I have is that there may be an implied suggestion to the witness that there is material to which the State has not been made privy.

MR JACOBS : Let us clear it up. You did not hand over the negative to the State or to anybody. Is that correct? --(20) I was not requested to.

It is not a question of requested to do so. -- It was discussed when we were discussing what was available and it was made known that this was available.

COURT : Just to get clarity. The negative which was not handed over to the State is the master negative of the film? -- The film "The Struggle from Within."

Is that what you are referring to? -- That is what I am referring to.

MR JACOBS : And those negative portions of EXHIBIT 37 (30)

that/...

that you have cut out and used in that other film is not before the Court? -- No, the negative is not here.

So, when you told the Court in your evidence-in-chief that all the film material that you shot on that day in the negative is before Court, then that is not altogether correct? -- Did I say all the negative or all the film?

All the film material? -- Well, all the film material is before Court.

You are still saying that? -- It is in EXHIBIT 38.

And you are saying that all the film material is in (10) EXHIBIT 38? -- Yes. All the images that were shot on that day are presented before the Court.

EXHIBIT 38 before the Court is a positive film, you referred to it just now as EXHIBIT 38? -- That is the positive assembly.

Is that the positive assembly? -- I think that is what we call it, yes.

And you prepared that? -- I did, yes.

From what did you prepare it? -- I prepared it from EXHIBIT 37 in other words the negative, that is EXHIBIT 37. (20) I had reprinted at the laboratory plus I had the section of the meeting from the film "The Struggle from Within" reprinted at the laboratory and I then took the whole positive - all the positive material and I put back as a presentation that - all the positive material that were shot on that day.

So, is it then correct that EXHIBIT 37 consists of all the rest of the material after you cut out certain pieces and that EXHIBIT 38 consists of the rest of EXHIBIT 37 plus the cut out portions that you used in the other film and that you remarried then so-called to make EXHIBIT 38? -- (30)

Yes/...



Yes, that is correct.

Is it then correct to say that EXHIBIT 38 is a hundred percent picture of what took place in that hall at the meeting?

COURT : Wait a moment. He did not say that he took a picture of everything that took place in the meeting.

MR JACOBS : No, what he took from EXHIBIT 37, the rest that was kept over, plus the part that you remarried in 38 and that 38 is what you actually - is a true picture of what you actually took at the meeting? -- All the images that I filmed on that day at the meeting are contained in EXHIBIT 38. (10)

And then if I understood you correctly the sound was transferred by you from EXHIBIT 36 onto a 16mm sprocket sound-tape, that is now before the Court as EXHIBIT 39? -- That is correct.

If I understood your evidence correctly your evidence is to the effect that you then used the negative film EXHIBIT 37 plus the parts cut out and remarried and then you synchronised that with the sound on EXHIBIT 39? -- That is correct.

And then you made EXHIBIT 38 from that. -- Could you (20) repeat the question?

The end result of that was a film, EXHIBIT 38? -- No, there was EXHIBIT 38 which was a positive assembly and then with that goes 39 which is the sound-track. From that I made EXHIBIT 40, which was the video tape.

ASSESSOR (MR KRUGEL) : EXHIBIT 39 is the sound-track film? -- It is a 16mm sound-track, but it is only sound and that is a transfer, a direct transfer from the original master sound, which is EXHIBIT 36. So, it is still the master sound-track. Only it is in a form that one can work with (30)

in/...

in terms of 16mm film.

MR JACOBS : From what did you make EXHIBIT 40? -- EXHIBIT 40 is a direct telecine transfer of EXHIBIT 38 which is the picture and 39 which is the sound-track in synchronism.

When you prepared EXHIBIT 38 where did you know to put out the pieces that were cut out by you in? -- Well, on the mater - the main technique used, on the master quarter inch sound-track you will hear myself speaking into the microphone at various occasions. Now, what I am doing is, I am identifying what we are filming. Having then been at the meeting(10) I know what took place, I know the geography of the region we were filming in and I am then able to roughly match up where each consecutive time that we rolled the film camera where that roughly fits in on the master, into the master sound-track. Then using lipsink, in other words lipreading or identifying with something specific predominant that happens within the picture frame, a shout, a bang, or whatever, I can then pull the picture into synchronism with the sound-track and once I have done that, somewhere within a specific period where the camera rolled continuously, that(20) whole portion would be in synchronism until where the camera stops rolling, though I would have to do it for the next section and so on.

Is it correct then, do I understand you correctly, that the true position is that you only cut out the portions used by you out of EXHIBIT 37 and you left the rest of that intact? -- At what stage?

At any stage? Did you remove anything else except the portions kept by you for the other film? -- No.

What do you mean by no? Does it mean, just to (30)  
understand/...

understand it clearly, did you take out any other parts from EXHIBIT 37? -- I do not know how specific you want to be here. Are we talking about EXHIBIT 37 and are we talking about the original what I used when I was assembling the film? The procedure is that when this material is all exposed, it is filmed, it goes to the laboratory, it is processed and it comes back. I then sit down and I synchronise the material which is the procedure which I have just explained. I look over the material and I select from that what I want to use in the film I am going to make. (10)

So, in actual fact, all that was cut out of EXHIBIT 37, the negative film, was the part used by you in the film for the SACC? -- That is correct.

And all the other parts were left intact? -- Intact, yes.

When you were recording on the visual part on that meeting, did you use one big film for the purpose of recording the visual part, one negative or did you prepare cassettes or anything like that? -- You would use a standard roll which is 400 feet, it is a standard 400 foot roll of film which is roughly 10 minutes of film. So, you would use a number (20) of those.

And where did you get that from? -- From the suppliers here in South Africa.

Did you keep them in a certain sequence? -- No.

Did you not keep them in a certain sequence to get their numbers and to splice them together in the correct order afterwards? -- What numbers are you referring to?

On this negative film, there appear a frame number, numbering the frames. I think at every twentieth frame there is a number, a serial number. -- Yes, those are edge numbers/...

numbers. Those numbers are not of concern to us when we are actually making the film, when we are exposing the film. Those numbers are only of use to the people who - I should just explain it. I do not touch the negative. In other words, I cut which is called a cutting copy which is a master from the positive print for my film. That then goes to the laboratory or to what we call a negative matching house. They then look at my positive master, my positive work print as I have cut it and according to the edge numbers that have printed through from that original negative, they are then(10) able to find on the negative the exact frame point at which they should then cut the negative and join it to the next scene of negative to be (mechanical defect) that within the frame. So, the edge numbers are only of relevance to the people at the laboratory or the neg matching facility house.

Who personally cut out the portions from EXHIBIT 37, out of the negative? -- It happened at the laboratory.

And how do they know where to cut in the laboratory? -- It is the procedure I have just explained.

COURT : Because he has a positive from which he has made(20) cuttings and when take the positive cuttings and they look at it and they say well, this is on the negative, so they cut the negative.

MR JACOBS : When did you make a positive from EXHIBIT 37? -- Are you referring to when ... (Mr Jacobs intervenes)

I am referring to what you told the Court now? You said you had a positive of EXHIBIT 37? -- Yes, I made a positive at the end of 1984 when the material was first processed. I then for the purposes of Court submission as I think I said earlier, I had EXHIBIT 37 reprinted, so that I could(30)

be/...

be sure that everything what was left on my positive trims, contained everything. So, I reprinted all the negative that was originally taken to ensure that I would have at my disposal all the positive material. That was done sometime before the submission to the Court.

Who joined up the certain parts used by you on the day of filming the meeting in the negative, EXHIBIT 37? -- They were not joined up when it was processed after my film meeting.

But it must have been set up in a certain sequence (10) to have covered the whole meeting by somebody who was at the meeting or somebody present at the meeting or somebody who knew what was going on? -- I am sorry, I do not see what you are asking?

COURT : I understood the witness to say that he had this negative, that he made a positive of it, that he works on the positive and cuts out the pieces that he wants for his film and that he then hands the lot to the laboratory and they process the thing. What is your question?

MR JACOBS : My question is that on the day of the filming (20) you used certain cassettes or rolls of film one after the other? -- Yes.

How were they matched up and by whom in order to have a positive made out of that negative? The different portions of negative? -- The negative rolls as they are completed are put into light-sealed cans and sealed and that is however many cans go into the laboratory like that. The laboratory then processes that material and of each roll they send you the corresponding roll of positive material.

EXHIBIT 37 - did you receive it back in the sequence (30)

as/...

as it is before the Court? -- Did I receive it back from the laboratory?

From the laboratory? -- The second time, yes. In other words, then those rolls were sent a second time to the laboratory to have everything reprinted so that I would have all the positive material afresh. The laboratory, as I understand it, because I think EXHIBIT 37 is on one roll the laboratory itself would have just joined up those rolls and roll it off as one roll.

And is EXHIBIT 37 now in the sequence as it was taken(10) at the meeting? -- Not necessarily, no.

Why not? -- Because they could have joined roll 1 to roll 4 to roll 3 to roll 2. That is of no concern. They are running off a positive print of all the negative that I have submitted.

But when you synchronised that to prepare EXHIBIT 38, did you put them in the right sequence? -- I did that indeed.

And is it in the same sequence as it is now before the Court? -- On EXHIBIT?

37? -- No, I did not touch the negative. I had nothing(20) to do with it. The laboratory dealt with the negative. I only touched the positive print that came off the negative. That is all I worked with.

COURT : Could I just get clarity now. 37 seems to me to be a composite negative consisting of a number of rolls of negatives. Is that correct? -- That is correct, yes.

37 does not necessarily follow the sequence of the meeting though it may, but that would be merely fortuitous. Is that correct? -- That is correct.

I thought you told me that you used 37 plus the (30)  
pieces/...

pieces cut out to get to 38 I think it was. Is that correct?

-- That is correct.

Would that then mean that 38 is also not necessarily coincidental with the sequence of the meeting? -- No, it is coincidental with the meeting.

This would then mean that 38 does not necessarily - is not necessarily coincidental with 37? -- It is definitely so. It is not coincidental.

It does not? -- It does not. no.

So, if you take 37 and you process it, you will not (10) get 38 or parts of 38 in the same sequence? -- That is correct.

Can you explain why that is if you used EXHIBIT 37 plus the parts ... -- Because your negative film is your master material. So, if negative film gets damaged, then you have lost the material. So, you do not work with the negative. That is why you have a positive print printed off the negative so that you can work with the positive. You can scratch it, you can chew it up, you can do what you like with it, because you can always get another print off the negative. So, the negative, if you expose it on a day, you may shoot three or (20) four rolls of 400 foot original negative. That is put into light sealed cans, it goes to the laboratory, they process that negative and they print off a positive print. They then depending, but normally they then hold the negative because it is something that needs to be looked after and they send you back the positive. So that you have a positive print of all the negative material, of all the material that you shot on that day. You then have your sound master track which is the sound that you recorded on that day and from that sound master track you transfer onto a 16mm sprocketed (30) sound-tape so that you could work with the sound and the  
film/...

film together, because the machine that you use requires that you have the 16mm format. In this particular case and the way that I particularly work on this kind of thing, this sound-track is now your master. It represents everything in sequence what happened on that day or at that event. Then identifying what is normally on roll 1 or roll 2 or roll 3 or roll 4 unless the rolls have been broken while you were filming for some reason. If you change magazines between - when you came to the end of one roll. If you change magazines because you thought you are getting near (20) to the end but when you finished that magazine, you perhaps went on to the back on to the first magazine. It would necessarily be in sequence. whatever is on each specific roll that you have filmed, you get back as a role of positive film. I was at the event. I could identify just very roughly which roll came before which. If you look at the progression of the meeting you can see the definite events or things that were happening are different at the beginning than at the end. You can see where roughly that roll would be. I think there were probably only three (20) or four rolls that we shot on that day. I then start with the first roll and I then sit down and I start to synchronise in sequence according to the voice identification that I have given on the master sound-track which I hear, lipsinking, lipreading, picking up of shouts, that kind of thing and I progressively work through and where there is not picture, in other words we did not film, I put in just black space so that everything remains in synchronism. I work right through all the rolls of film until we have synchronised everything that we shot. From that (30) assembly/...



assembly, which is EXHIBITS 38 and 39, I would then select my material that I wanted to take out of that to put into the film that I am making.

So, did I understand you wrongly when you said in your evidence-in-chief that for your assembly you used EXHIBIT 37 and the cut-away parts that you remarried? -- No, that is absolutely correct. EXHIBIT 37 is the master negative minus anything that was used in the film "The Struggle from Within". I had EXHIBIT 37 reprinted and then I synchronised EXHIBIT 37 to a transfer of the master sound-track, EXHIBIT 36, that(10) master sound-track became EXHIBIT 39. So, 38 and 39 are synchronised assemblies of everything that we saw on that day.

You did not actually handle EXHIBIT 37. You had another film, a positive that you used and not EXHIBIT 37? -- EXHIBIT 37 is no negative. I had printed off EXHIBIT 37, which means in other words whatever is on 37 would be printed.

But I just want to make sure, because your evidence is not so clear on that, because your evidence was that you used EXHIBIT 37. I understood it that you actually used EXHIBIT(20) 37 to assemble in, to put in the parts missing or remarry them as was said in the court. So, you actually did not handle EXHIBIT 37, but you handled another positive made from EXHIBIT 37?-- Made from EXHIBIT 37, that is correct, yes.

How many rolls of film did you use on that particular day? -- As I recall probably three may be four rolls.

Did you start at the meeting from the beginning with a new roll? -- It is difficult for me to say one hundred percent. I would think that we did. We just did one or two establishing shots outside of the township beforehand.(30)

So/...

So, I am not able to say one hundred percent whether that was actually - I would suspect in terms of normal practice that we should have started a new film.

Was that also part of EXHIBIT 40 eventually? --. What was?

Was that also on EXHIBIT 38 and EXHIBIT 40? -- What was also on?

That part that you made the shots outside the township? -- No.

Why not? -- Because on EXHIBITS 36, 37, 38, 39 and 40(10) are what took place inside the hall, the church hall at the meeting. It contains no other material that we shot before the meeting or after the meeting.

And where was the negative developed and processed to get a positive print? -- On which occasion?

EXHIBIT 37? -- It was at Kay's Laboratory in London.

COURT : The first time? -- Yes.

Why did you go overseas for that process? -- There are two laboratories available mainly to South African filmmakers here in South Africa. It is Irene Film Laboratories which (20) is located here and there is Kay Laboratories. There is no real reason - it is just I developed a better working relationship with the agent for Kay's who is located here and that is why - I occasionally use Irene as well. It is to share the load basically.

MR JACOBS : The numbers on the side of the negative film, there are numbers appearing there. We have already referred to it. Is it correct? -- Those are called edge numbers, yes.

And on EXHIBIT 37 the numbers appearing are A621 and then it starts with the series number. It starts at (30)

3812/...

3812 2A and then the number 621 and then the series number 5342. Will you accept that? -- I have no idea.

Have you not seen them? -- No. I may have seen them but - no, I have not looked at them to see what the numbers are.

And then there is another series, another group of numbers on another part of the negative. It starts with F477 and the frame number starts at 3276 and it runs to F477 number 4072. Will you accept that as correct? -- I cannot, I have not seen it, no. I am not disputing it. That (10) is the kind of edge number that is on it.

Will you have a look at ... (Court intervenes)

COURT : Before the witness has to look at everything. What are you leading up to? Why do you not put the statement that you want to get from the witness to the witness squarely and get an answer on it. This is technical matter. We need not beat about the bush.

MR JACOBS : These numbers are important in the next part of the cross-examination. We will have to refer to frame numbers and the numbers on the frame on the negative and (20) they correspond - is it correct, when you print a positive from the negative that the same numbers also appear on the positive? -- That is correct.

And I put it to you that EXHIBIT 37 is beginning at number 3A and I am leaving out the other number, I am just referring to the series number, 3812. That is frame number 3812. Do you accept that? -- I cannot accept - I accept that it is possible, yes.

And that every twentieth frame has got the next number?  
-- Yes, I think that is right. (30)

So/...

So, that - we have completed a schedule of EXHIBIT 37 and a table of the film sequence. That is of EXHIBIT 40 and 38 and 37. I am going to hand it in as exhibit. This will be EXHIBIT CA18. The heading of this document is "Table of film segments on EXHIBITS 37, 38 and 40 as well as the corresponding place in the transcript of the sound EXHIBIT V31. Notes: Every segment described here represent the place where there is a physical splice on EXHIBITS 37 or 38. The numbers with A or F in front of them refer to the numbers originating from the negative film EXHIBIT 37. Next to the frames there(10) are numbers that can be used to identify any particular frame. These numbers appear next to each twentieth frame and then increases by one each time. Thus ten successive numbers would represent ten times twenty and that is two hundred frames. The number is in two parts with the film or batch number first followed by a serial number. The numbers on the side of the negative film, EXHIBIT 37, run from A621 3812 to A621 5342 and then from F477 and 3276 to F477 4072. These numbers also appear on the positive film, EXHIBIT 38. In the A series all the numbers start with A621 and in the(20) F series all the numbers start with F477. For brevity the 621 and the 477 are dropped out from this table and only the A and F are used. For EXHIBIT 38 the numbers are given for the starting and end points of the segment actually present on the film. For EXHIBIT 37 only the missing portions are indicated with the last numbers before and the first number after the missing segment. Abbreviations used: P is page; LFB is lines from bottom; INT is interruption in sound on EXHIBIT 36 with the numbers corresponding to the numbers for interruption in sound as indicated in (30) transcript/...

transcript V31. The first column then is of EXHIBIT 40 number of frames, number of visual only sound. EXHIBIT 40 the second column and EXHIBIT 38 number of frames visual and sound. EXHIBIT 38 number of frames cut out. EXHIBIT 38 start number of film, segment and then also EXHIBIT 38 end number of film segment. Then with regard to EXHIBIT 37 the column number of frames cut out. EXHIBIT 37 last number before segment cut out. EXHIBIT 37 first number after segment cut out. The last column is corresponding place on transcript EXHIBIT V31 according to the sound on EXHIBIT (10) 40 and 36." Then "Remarks." The first part is the beginning of part 1 of EXHIBIT 37 at number A 3812. This part is not on EXHIBIT 38 or 40 end of part 1 and EXHIBIT 37 at number A4183. That is the part that is not - that appears on EXHIBIT 37 but not in EXHIBITS 40 AND 38. Is that correct? -- I would have to have a look and if we could see what it is, I could tell you, yes.

The next point is ... -- Is it perhaps a section of leader? Can you identify it? Can you say what it is visually?

There is a visual part on it, but I do not know. There (20) is a visual part that is not on EXHIBITS 40 AND 38. This was prepared by you, not by me. -- I am asking you, because this was prepared by you. I am asking whether this in fact that you are saying is not there - the only thing I can think of is perhaps if it was a section of leader from the laboratory or some identification symbols or anything like that.

I put it to you it is a visual part on EXHIBIT 37 that is not appearing on EXHIBIT 40 or 38.

COURT : It is clear that the witness is not at this stage (30)

in/...

in a position to answer you.

MR JACOBS : The next part I want to attend to is ... --  
Before we go on, can I just ask you how many frames are we  
talking about?

It starts at 3812 and it then starts again at 4814.

COURT : Where do you get your first number from?

MR JACOBS : Beginning of part 1 the first part there,  
EXHIBIT 37 at number A3812 and then when we start with  
EXHIBIT 38 again we see there the next number where there  
is ... (Court intervenes) (10)

COURT : What you are putting to the witness is if you look  
right in the middle of the exhibit at the top of the columns  
but under the headings, beginning of part 1 of EXHIBIT 37  
and number A3812 it would appear from what is stated here  
that this part is not in EXHIBIT 38 or EXHIBIT 40 as the  
end of part 1 of EXHIBIT 37 is at A4813. So, it appears  
that Mr Jacobs is putting to you that between those two  
numbers that part is missing. -- I see.

Have you any comment? -- I am slightly bewildered. It  
is a little bit difficult to try and correlate figures (20)  
... (Court intervenes)

Mr Jacobs, as far as this exhibit is concerned, it  
cannot be studied by the witness in vacuo. Could you put  
to the witness the different comments and complaints hyou  
have, the categories. Then he can take this exhibit and  
I suggest he goes with your expert to the laboratory to  
have a look at all of this and then he comes back to us and  
tells us whether he agrees or disagrees if it is important  
to you.

MR JACOBS : I will do that. Mr Harris, in regard to (30)

EXHIBIT/...

EXHIBIT 36 we see there that the numbers 4190 to 4215, six frames are missing in EXHIBIT 38 that is at the moment on EXHIBIT 37. Under the remarks column there is a first part there, the first entry there. A part missing on EXHIBIT 38 but is on EXHIBIT 37. -- As I understand it, what you have done is, you have taken - you have accessed that on each roll of film there must be continuous edge numbers from X1 to X at the end. In other words they are continuous. So, possibly what you have done is, you have run through to see where there is a number missing? (10)

It was a comparison between EXHIBITS 37 on the one hand and with EXHIBIT 38 and 40 on the other hand and ... -- Six frames I think as I have explained earlier, twenty-six ... (Court intervenes)

COURT : Six. -- I think I explained earlier in my early evidence that there are occasions when one - there are occasions during the filming where it is necessary to what we call check the gate. In other words, it is necessary to run the camera to give the camera a burst of whatever three or four seconds and then what we normally do I think I said (20) you normally put your hand in front of the camera to indicate that it is non-valid material, you run the camera for a burst of a number of seconds and then stops the camera, then take the magazine off the back and you check the gate to see if there is no built-up of dirt or hairs in the gate. Then you clip the magazine back on and you give it another burst just to roll the film on. The intension of doing that as I have explained is because just prior to that you have images on the film that you obviously wanted to get. So, you do not want to jeopardise or lose those. So, (30)

hence/...

hence you run the film on so that there is no chance of exposing that to daylight when you take the magazine off. It is quite possible that some of these, if not all of them refer to that kind of thing, because I would not have put in to the composite which was to be placed before the Court EXHIBIT 38 which is the visual matching, pieces of non-relevant exposed positive film. So, it is quite possible that that is an explanation for that.

MR JACOBS : So, again on the next entry, you have got 45 frames with the numbers there missing from EXHIBIT 38 (10) but that you can find on EXHIBIT 37. -- What is the time duration of 45 frames? Two seconds, three seconds?

I am just pointing it out to you. Can you comment on that? -- I am just trying to comment. I am trying to see whether that would match up with the kind of thing that I was referring to.

It is almost two seconds. -- That is what I have been referring to.

COURT : Can you clarify for me the previous one. There are six frames cut out according to you but the numbers are (20) from 4190 to 4215. In the next one you are dealing with now there are 45 cut-outs, but now the numbers are from 4218 to 4257. Can six frames be cut out and the numbers be that far apart, 25, 26 apart.

MR JACOBS : It is explained to me that the numbers given here are the beginning and the end numbers for film actually on EXHIBIT 38 and that is between that that it is found that 6 frames were cut out. The numbers are at every twentieth frame. So, six of the twenty between those numbers ... (Court intervenes) (30)

COURT/.....



COURT : Well, here we have 25. 4190 to 4215. It would not be the twentieth frame?

MR JACOBS : Six frames. No, it is not the numbers. It is between that because it will be part of one number, six frames. I understand from Dr Jansen that the cut-out is between 4189 and 4190, six frames were cut out there.

COURT : Well, I am sorry, I do not understand it. At top of the page it says "EXHIBIT 38 start number of film segment and 38 end number of film segment."

ASSESSOR (MR KRUGEL) : Mr Jacobs, perhaps just while you(10) are consulting it. Would you perhaps also try and clear this up. Is the State's suggestion that the missing frames had been cut out in one continuous section of the film. The six frames for instance, are they all consecutive frames? Would they have been consecutive?

MR JACOBS : Yes.

ASSESSOR (MR KRUGEL) : Or will it be one frame here and another there and another there over that whole segment of film that you show in the fourth and fifth columns of your schedule? (20)

MR JACOBS : If I understand it correctly, it is consecutive frames that are missing where they are referred to here.

ASSESSOR (MR KRUGEL) : But then the question is, why do we have such a long segment of film shown in your columns four and five? Why do we not merely have number, for instance number A4190 - because you have got twenty frames there and there are only six missing at that number.

MR JACOBS : I will clear that up with Mr Jansen and then I will come back to the Court on this. Ek kan dit miskien so verduidelik aan die Hof. (30)

COURT/...

COURT : You better explain it in English, because the witness wants to understand what you are saying.

MR JACOBS : In the first column on EXHIBIT 40 number of frames, number of visual, only sound. No visual, only sound. That is where a number is at 1544. That is no visual but only sound. Then you get where there is a dash. There is visual and the next one is for 120 frames and then it is a serie number for the visual. Then there is the next one. There is visual material, and there is a number 511 next to it, but as there were only six frames(10) missing it is also a line that for 511 frames you will get visual material. That is from 4190 to A4215, but between 89 and 419 there were six frames cut out. It will not be one full number. It was explained on top that between from one number to the next on the film itself, you will get twenty frames. So, it is only a part of a frame that is missing there, that six. Not a part of a frame, a part of a series. Only six from twenty is missing there.

ASSESSOR (MR KRUGEL) : Well, we would have had no problem if these consecutive edge numbers were marked instead of (20) 4814 I to XX and then you come to 4815 I to XX. Then you could have specified the actual frames cut out, but the question is now, why do we have in those two columns this lengthy description of a film segment starting at 4190 and ending at 4215 where only six frames are actually missing?

COURT : What you are intending to convey, Mr Jacobs, is this. That is you take A4190 to A4215, it is not only applicable to the six, it is also applicable to the 511 next to it and the 511 is approximately the contents of the frames between 4190 to 4215 and out of that six are missing.(30)

Is/...

Is that correct or do I mislead you?

MR JACOBS : I understand it from the previous line, that is the line ending with 4189 and this one starting at 4190, between that 4189 and 4190 six frames are missing.

COURT : We cannot do that on that basis, because then it means that the A4190 to A4215 does not refer to the 511 and if it does not refer to the 511, then there is no explanation why that gap is there. You see, if we do not understand what you are attempting to convey with this schedule, how can you expect the witness to. (10)

MR JACOBS : Can I have a short adjournment?

WITNESS STANDS DOWN.

COURT ADJOURNS.      COURT RESUMES.

KEVIN ARTHUR HARRIS, still under oath

FURTHER CROSS-EXAMINATION BY MR JACOBS : Mr Harris, can I explain this then. If you take the 120, that means for 120 frames there was visual material on EXHIBIT 40 and on EXHIBIT 38 and that is a segment running from 4184 to 4189. Just after 89 there is a splice in EXHIBIT 38 and then it is joined again and where there are 511 frames running, then (20) between 4189 where the splice is and 4190 there are six frames missing and that segment is running up till 4215. Then you get a splice again. After everyone of the segments there is a splice and then it starts from 4215. The next one is 4218. So, there between 4215 and 4218 you have got 45 frames missing and it is running from 4218 to 4257 where you get a splice again and then four frames also missing. In the first three where frames were missing in EXHIBIT 38, which appears on EXHIBIT 37 why did you stop and splice at these places? -- I think if you would refer to my prior evidence I did say (30) that/...

that when we switch the camera on each time, there is a short runner period which can vary. It is probably as short as a second, may be two seconds. It would appear to me that these are portions of shots or consecutive shots and where the splice was made, it was necessary to make an adjustment in terms of putting in spacing or something to maintain the synchronism and hence at these points I would quite likely have cut out what we call flash frames. Flash frames are the frames that we get just before the camera starts or just before it stops and I would consider that the explanation(10) for these.

Why would you cut out certain portions then just to put in something else to fill it up? -- Because as I have explained one is positioning the material roughly, if I can use that word, initially, finding its position and when one is pulling it in into tight synchronism, so you would be adjusting by a couple of frames there, a couple of frames there. So, it would be necessary to put in spacing to see if it was in synchronism and then perhaps remove from that spacing because you had overcompensated, et cetera. So, it is (20) purely a tolerant factor.

So, must I understand then that you cut it out, 45 frames to put in - just to put in something else to fill up that space? --No, that is not correct. That is not what I am saying. The intension was not to put in anything that should not have been there. My intension was, at the beginning and at the end of each shot, after the camera has stopped and started, there will be waste material, let me call it that. This waste material is of no relevance to the visual. So, I would not feel, it would be of no (30) consequence/...

consequence to me if I had to cut some of those out and that would be an explanation for that.

You will have to synchronise - while this was going on I suppose you were ... (Court intervenes)

COURT : Let me just get clarity. Is it because the camera takes some time to get to its speed that these frames are wasted? -- That is correct.

And when you stop the same, it slows down? -- That is correct.

So, what happens to the frame? Is it just jointed there?(10) Is the picture that jointed? -- It is a clear frame.

It is a clear frame? -- It is a clear frame basically with a slight blur.

So, when the speed goes down, it becomes a clear frame? -- That is correct.

And spacing, if you say you put in spacing, what do you in fact do? Put in something else? -- Yes.

Like a banner ... -- No, nothing with a picture on it.

No pictures? -- I would use old 16mm sound sprocket tape. It is not a picture tape. It is the right dimension(20) that has no image on it whatsoever. That is what I would use as spacing. It contributes nothing to the visual image.

MR JACOBS : Does it mean in this space where you did some spacing, that you put in some old picture or so that there will be a blank space? -- I do not understand the question.

When you show this picture, then afterwards for the spaces where you put in something, there will be I suppose a blank or a black image when you show the picture? -- Where I put spacing, there would be black, yes.

According to this, you have got visual material all (30)

the/...

the time next to the places where you cut out these portions?

-- I do not understand.

There was visual material going on at that stage without any blank spaces or blank spots? -- Visual material where?

On EXHIBIT 40 and on EXHIBIT 38. -- Visual material on 40 and 38, but there was not on 37?

The parts missing on EXHIBIT 38. -- If there were parts missing on 38 and there was no visual image ... (Mr Jacobs intervenes)

You filled it up with old material? -- No, not old (10) material, no. With spacing.

You filled it up? -- I was referring to a specific question.

Between frames 4215 and 4218 would you say that you put in some spacing there and that is why you cut out this part? -- I am saying ... (Court intervenes)

COURT : Just a moment. Let me just get clarity. I understood you to say that between 4215 and 4218 there was splicing.

MR JACOBS : That is correct.

COURT : Not spacing, splicing. What is meant by splicing?(20) -- As I understand it, a splice is a physical cut in that and it is joined. In other words it is a joint.

So, it is a joint? -- it is a joint, yes.

So, inbetween those two there is at present nothing, and it is stated to you that what is left out is 45 frames. At least that is what is put to you. -- Right.

Now where does the spacing come in? -- No, I was just explaining, spacing is something which we - well, spacing is, I was explaining what I would use if I was needing to retard the picture, if I can put it that way, because it was not (30)

synchronised/...

synchronised with sound.

That I understand. Are you and counsel on the same wave length? --. I do not think so.

Mr Jacobs, is it put that where it was spliced it was also spaced?

MR JACOBS : No, I am putting it there is no spacing there. It was only spliced. -- Okay. You are saying that there are six frames missing?

And 45. The actual number the Court referred you is 45 frames missing. -- 45 Frames missing. What I am trying(10) to say is that the reason that they are missing was because they are not relevant. In other words they were flash frames or something of that nature. (Mechanical defect) seconds in fact. 45 frames is roughly - 48 frames would be two seconds.

K998

But I put it to you that it will make a difference in synchronising the voice part of it and the speeches taken at that stage? -- Depending on the nature of the material. If it is synchronised material, yes, it will. If it is not, it will not. (20)

And again at reading number under the heading EXHIBIT 38 start of number of films, is 4393 to 4479. There is a part that is missing on EXHIBIT 37, but is found on EXHIBIT 38. That is from the reading the last number before the segment cut-out is A43300 and number after the segment was cut out where it starts again is 4434. How do you explain that? -- I am not quite with you.

Have you got the number 1733? -- Yes, I have got that.

And then next to it there is a number A4393 running to 4479 where you get splicing again? -- Yes. (30)

I/...

I put it to you then on EXHIBIT 37 that part is missing altogether although it appears on EXHIBIT 38? -- Did you ask me why?

Yes. -- I could confirm it by seeing the material, but I can only think that that could be a portion that has been taken out, because we are talking about EXHIBIT 37 which is the master negative. It could be a portion that was removed and used in the film "The Struggle from Within."

And that is 70 frames? -- It says so here, yes.

COURT : Where do you say the splice was? Was it before (10) 4430 or after 4434?

MR JACOBS : After 4430 and then the next part will start at 44 - 4434 was joined then there.

COURT : So, the splice is in actual fact inbetween the two?

MR JACOBS : Inbetween the two. And also the next one 44 frames missing from EXHIBIT 37 and it is included in EXHIBIT 38. The splicing is between numbers 4479 and 4482.

COURT : Well, it says here it was missing from both EXHIBITS 37 and 38.

MR JACOBS : And this one is missing from both EXHIBITS 37(20) and 38. -- So, where does it exist?

It was cut out ... -- I am asking you where does it exist, what we are talking about? If it does not exist on 37 it does not exist on 38.

Do you agree a part was cut out both in EXHIBITS 37 and 38? -- No, I do not agree. I do not know what you are talking about.

I am putting it you that 44 frames at the reading 4479 and 4482 and these 44 frames are missing both in EXHIBITS 37 and 38? -- Well, that I can understand because EXHIBIT 37(30)

is/...



is the master negative. So, if it is missing from there, and if it is missing from 38 which is the positive assembly, where does it exist?

Can you explain why this was cut out of both? -- Do you understand what I am saying?

No, I am afraid I cannot understand? -- Because I cannot understand what you are saying.

COURT : Well, it seems to me that Mr Harris advances on the basis that it has to be on the one if it is not on the other otherwise how would you know that it is missing, whereas (10) Mr Jacobs advances on the basis that he counts frames and compares with numbers and then says well, if you look at the numbers, there are so many frames missing. Now what do you say about that proposition? He says if you look at the numbers, the edge numbers and you look at the actual exhibits, it appears that there are 44 frames missing. That is the way I see it. Mr Jacobs, is that correct?

MR JACOBS : That is correct.

COURT : Have you any comment, Mr Harris? -- Well, if I was to think of all the possibilities, that could only possibly (20) be a neg break which the laboratories themselves have patched up.

A? -- Negative break which the laboratories themselves would have taken care of.

A negative break would not have occurred while you were taking the picture because then you would have a breakage in your process? -- That is correct.

It could only have occurred while they were processing the negative? -- Yes.

Broke it and then would splice it again? -- That is (30)

correct/...

correct. So, there would never be any positive or negative material of those 44 frames.

MR JACOBS : Would they use 44 frames just to splice it where it was broken and to just join it up again? -- They would do as many frames as are damaged. They are not using frames. They are removing damaged frames and then joining where it is sound again.

That is only what you think? -- I can only think. I mean, that is ... (Mr Jacobs intervenes)

But you yourself, you cut EXHIBIT 38? -- I cut EXHIBIT(10) 38, yes.

At the same place, is it not strange, that you spliced after 4479 and then it starts again at 4482, that you cut out the same number of ... -- It follows, because in fact that is how the original negative is after the laboratory has joined it and any print that comes off that, comes off exactly in the same form. It can come off in no other way.

I am sorry, I cannot understand it. If you receive a negative from the laboratory with a part already cut out and you go and prepare EXHIBIT 38 from that, then it would(20) be out automatically. It would not be necessary to have a cut here. Is it not so? -- Yes.

So, then why was it cut at number 4479 and then spliced again with 4482. -- Are we referring to EXHIBIT 38 or EXHIBIT 37?

Yes? -- Where you are talking about splices, are you talking about splices on 38 or splices on 37?

You explained to the Court that it is possible that the 44 frames at 4479 were cut out by the laboratory and spliced by them? -- Right. (30)

Then/...

Then I asked you EXHIBIT 38, why is it then necessary and then I asked you is it not correct that if you in the negative, if you cut out a portion and you made - afterwards you made a positive film of that negative, this would be out automatically? -- It will be removed yes, that is right.

COURT : Well, to put it more clear. If the negative is damaged when it reaches the laboratory or damaged in the laboratory and is spliced for that purpose, you get a positive after that, your positive would not show any splicing. Therefore you would not have a splicing on 38 but you would(10) have a splicing at 37? -- That is correct.

Now, on that basis, could you give any explanation? -- As to why there was a splice on 38?

Why is there a splice on both, if that is correct, of course. -- I am only summing. If I could see the material then I could check specifically. It is very difficult to answer in the dark.

But is there a possible explanation? -- A possible explanation might be that the neg break occurred on the second transfer and not the first one. (20)

MR JACOBS : I beg your pardon? -- I stated that for the purposes of the court preparation I had all the negative retransferred to positive, reprinted and that that was the, probably the stage at which all those rolls were joined together by the laboratory. It is possible that in that run in making that positive print, that the negative break occurred then and that in fact I had already in my positive assembly, that is the original transfer of that sequence and so I did not need to take what it had been retransferred in the second run. That is the only explanation I can think of. (30)

Did you not cut out the parts in EXHIBIT 38 where we find/...

find the splicing? -- If there is a splice in EXHIBIT 38 then I made that splice. Whether I cut anything out or put anything in, it is impossible for me without seeing the material.

There was a splicing after number - frame number A4479.

ASSESSOR (MR KRUGEL) : Does that refer to EXHIBIT 38 at all?

MR JACOBS : I beg your pardon?

ASSESSOR (MR KRUGEL) : The number 4479, does that refer to EXHIBIT 38 at all, because the top of your column is headed "EXHIBIT 37 last number before segment cut." (10)

MR JACOBS : Yes, but if the Court will look at the heading EXHIBIT 38 End number of film segment. Under that part we have got the number 4479 and then we get 4482 on the next part.

ASSESSOR (MR KRUGEL) : We are back with the 70 frames? We are not with the 44 frames any more?

MR JACOBS : That is 44 frames.

ASSESSOR (MR KRUGEL) : I think that refers to the 70 frames. -- But we are referring to EXHIBIT 37 here. That is the master negative. It does not fall under the same column (20) which says that there are splices in EXHIBIT 38. Do you see what I mean? In the corresponding fourth and fifth column.

MR JACOBS : Then we will go down to the next entry, that is where the 206 is in the second column. -- Could we just clarify the one that we were dealing with?

Yes, if you want to clarify something you can do so. -- No, we had not finished because I just wanted to find out whether there is actually a splice there, because in that column that you used to indicate where the splice is in EXHIBIT 38 there are no figures. (30)

You/...

You will note on top it says every segment and those are segments indicated under EXHIBIT 38 where the numbers run. -- EXHIBIT 37 or 38, not and 38.

It is all in the sense where you refer to 38 you would also find splices there? -- There will not be necessarily splices on 38 where they are on 37.

I put it to you after 4479 there is a splice? -- We are not talking about that.

COURT : Just a moment. Let me get clarity please. Right on top of this document you say "Every segment described(10) here represents a place where there is a physical splice on EXHIBIT 37 or 38. Now you have two columns, two groups of columns. Three groups actually. The first group deals with EXHIBIT 40, the second group deals with EXHIBIT 38 and the third group deals with EXHIBIT 37. We have not dealt with the other remarks or with the transcript V31 yet. I thought that the last five to ten minutes we were busy with the group of columns under EXHIBIT 37 and under that A4479 to A4482 and to the left of that 44. Is that correct?

MR JACOBS : That was under the group of 37 yes. (20)

COURT : Between those two you said there was a splice?

MR JACOBS : There is a splice.

COURT : Between 4479 and 4482?

MR JACOBS : Yes.

COURT : And that on 37. That is a splice and there are missing 44 frames according to you?

MR JACOBS : 44 Frames.

COURT : Now, if you look at 38, that is the group dealt with just to the left of that. Where is that indicated under 38?

MR JACOBS : The serie number is A4393 to 4479. (30)

COURT/...

COURT : No, we started with 4479 and we ended with 4482.

MR JACOBS : I just want to explain. That is the serie. Then you get a splice after 4479 and then it starts again at 4482 and the next serie runs to 4521.

COURT : Where is your 44 shown then? You say there were 44 missing? It should have been in the third column?

MR JACOBS : That is from 79 ... (Court intervenes)

COURT : Where is it shown?

MR JACOBS : The 44 that is in the second column I understand was just placed in the wrong place. It was put in the (10) wrong place. It must be in column 3.

COURT : Where should that 44 which is in the second column be then? Should we delete it from the second column?

MR JACOBS : And place it in the third column.

COURT : Where? Where the dot is or where the dash is? --

MR JACOBS : Where the dash is.

COURT : Why not where the dot is? Why should it not be horisontally on the same line as the 44 under EXHIBIT 37?

MR JACOBS : Because it is indicated every time in the next line after the splice. (20)

COURT : Well, it is not indicated under EXHIBIT 37 in the next line. It is in the same line.

MR JACOBS : the splice is after 4479 and then there is a splice and then it starts again at 4482. That is between that two.

COURT : Where do you want this 44 to be put in? We delete it from the second column under EXHIBIT 40. Is that correct or should it remain there?

MR JACOBS : No, it should be out of the second column.

It was not lost in EXHIBIT 40, the video, because if it was taken out from 37 and taken out from 38, I cannot see (30) how/...

how it got into the video.

MR JACOBS : This part of 44 frames are missing from both EXHIBITS 37 and 38.

COURT : Do you want us to delete it from EXHIBIT 40 from the column under EXHIBIT 40, yes or no?

MR JACOBS : Yes.

COURT : Okay, it is deleted. Where do you want it put in?

MR JACOBS : In the next column next to where it is now where the dash is and where the number A4482 appears.

COURT : But now that 44 which we have just entered, is (10) next to a different remark from the previous 44?

MR JACOBS : It was only put here, I asked my - Dr Jansen. He said it was only put here to explain it. It should have been actually in one line as a whole, but it was placed in in this way and the part missing in EXHIBIT 37 and 38 both are referring to the 44 ... (Court intervenes)

COURT : So, they are not two parts missing of EXHIBIT 37 and 38 as shown here on the two lines, but there is only one part missing in 37 and the same part missing in 38 which is stated twice? (20)

MR JACOBS : That is correct.

COURT : Yes, we will bracket them together.

MR JACOBS : Where the number 206 appears, I put it to you that there is a part of 135 frames missing from EXHIBIT ... (Court intervenes)

COURT : I am sorry. 206 deals with EXHIBIT 40.

MR JACOBS : I just took it to identify it, the next - where the 206 is found, that line.

COURT : Where are you referring us to? What column first?

MR JACOBS : I refer you to column on EXHIBIT 37 ... (Court(30) intervenes/...

intervenes)

COURT : Let us start over again. The first column EXHIBIT 40 number of frames, no visuals, only sound will be one.

That is column one. The next one EXHIBIT 40, EXHIBIT 38 will be column two. The next one EXHIBIT 38 number of frames cut out, will be column three. The next one EXHIBIT 38 start number of film segment will be number four. Then we have EXHIBIT 38 end number of film segment. That will be number five. Then we have EXHIBIT 37 number of frames cut out, that will be six. 37 last number before segment(10) cut out will be seven. 37 first number after segment cut out will be column eight. Corresponding place on transcript will be column nine. Remarks will be column ten. Now, to which column do you refer us?

MR JACOBS : I refer to column six where the next entry is the 135 under that column. This represents 135 frames missing from EXHIBIT 37 that is on EXHIBIT 38 and the splice will be between the numbers 4523 and 4530. I put it to you that on EXHIBIT 38 there appear no numbers at all indicating the numbers of the frames. (20)

COURT : That is what you are putting to the witness. What does it mean "See remark 1?"

MR JACOBS : On the last page on page 3, the one remark that on these parts there are no numbers on the side of the film and there is an optical sound-track. What is an optical sound-track? -- The optical sound-track appearing there - may be I should identify those sections that come from "The Struggle from Within", because when those positive sections are reprinted, they were reprinted with composite negative sound-track that goes with the film. So, hence on the side(30) they/...



they would have printed the actual sound-track. They would not necessarily have the corresponding original negative edge numbers because that negative of the "Struggle from Within" then has what we call a safety negative made of it because it is a completed film production and that would have a different set of edge numbers on it and it is from there that the missing pieces of negative which were originally cut out for that film, that the positive print of that is obtained.

This means that on this portion in EXHIBIT 38 you get (10) sound if you play it on an ordinary projector? -- That is correct.

Where did you get this portion from that was included in EXHIBIT 38 with the optical sound?

COURT : It is part of "The Struggle from Within."

MR JACOBS : Will you then go to column 3. There again where the 51 is in column 3 ... (Court intervenes)

COURT : Mr Jacobs, I have suggested some time ago that you categorise the problems you have with the various exhibits, that you get a sample of each, put it to the witness to get (20) his answers if you want them at this stage and then send the witness and your expert to the laboratory to check on this because you have got no agreement on this so far and you would not get it in this way and we can go through the whole list, but once the experts have gone through the list they can summarise two or three points where or categorise what is wrong and what is not wrong or where the differences are or where have been amendments. You can go through your whole list and by tomorrow we will have forgotten it and we will have to start all over again. Give the witness a (30)

few/...

few examples or samples about what you say the problem is that you have and let them go and have a look at it.

MR JACOBS : I will arrange that. The sound-tape, we are again going over to EXHIBIT 36, is it correct that the tape used by you in recording on EXHIBIT 36 was brandnew tape, virgin tape? -- That is correct.

And when you switched off the machine at the end of the meeting and the end of the recording you had not used up all the tape on that specific tape? -- I think that is correct, yes. (10)

And then it means that there remained a certain portion of virgin unused tape on EXHIBIT 36? -- That would follow, yes.

And this particular tape, that is a double-play Agfa tape on a 190mm reel and it contains about 2,420 feet of tape.

COURT : Is that correct or not? -- I do not know off-hand. It was Agfa, it was a large reel. I do not know exactly how many feet it contains.

Was it 190mm reel or do you not know? -- I do not know. (20)

MR JACOBS : I put it to you that this would give you a total recording time on this reel of about 64 minutes and 44 seconds. Would you accept that? -- I would accept that.

Do you agree that most tape recorders leave characteristic electronic magnetic marks on the tape at places where the recorder switched on and off? Peak sounds? -- Yes.

Will you accept and do you agree that on this recording, EXHIBIT 36 there were audible effects of interruption in the recording as small pulses of a particular kind which (30)

is/...

is visible on a detailed oscilloscope analysis of the tape?

-- I have never done that. I can hear them with the ear.

I would accept possibly what you are saying that it can be empirically determined, yes.

Except for hearing it by the ear, it is possible, therefore, to determine where the recorder was switched off and on again? -- I would think so, yes.

And do you accept that the recording on this particular tape, EXHIBIT 36, stops after 56 minutes with a definite switch off pulse or click? -- A definite switch off? (10)

Yes? -- I could confirm it on hearing it.

And did you switch it off after you finished the recording? -- After we recorded the meeting and then we had an informal interview and then I switched it off, yes.

I put it to you that after the switch off pulse or click, after you completed your recording of the sound, there is not any pulse thereafter to indicate that it was switched on again? -- That is quite possible. I mean that follows, yes.

And that is the factual position also found on examination of this tape. -- Right. (20)

And as an original, recorder was definitely not switched on again after this point. It means that from this point onwards and up to the end of the tape, there should thus be only the virgin new tape? -- That is correct.

Without any noises or any ordinary clicks or anything like that? -- That is correct.

And I put it to you that on this tape, EXHIBIT 36, after the switch off point, onwards, a certain amount of hiss or residual noise can be heard. Do you accept that? -- Are you referring to the actual inherent tape that is (30)

on/...

on the virgin tape itself?

More than that. -- Could you describe it?

That after about 3 minutes and 50 seconds there is suddenly a strong burst of noise followed by a slight drop in the hiss level? -- I am not aware of that.

Do you accept it? -- If I hear it, yes.

This lower level of noise then continues right until the end of the tape. Do you accept this? -- Yes.

COURT : A lower level of noise or a burst of noise?

MR JACOBS : After the burst of noise - after about 3 (10) minutes and 50 seconds there is suddenly a strong burst of noise followed by a slight drop of hiss level. Do you accept it? -- If you say it is like that, yes.

And this lower level of noise, after the burst, then continues right up till the end of the tape. Do you accept this? -- Yes.

And that in this last portion after the strong burst of noise, click sounds can be heard at three places. Do you accept it? -- Yes.

The first click sound is after another 24 seconds and (20) consists of a group of four click sounds and on the second place it is after another minute, 1 minute and 15 seconds and there you find a single click sound. Do you accept it? -- Right.

The right one is after another minute and is a single click sound. The tape ends thereafter after another 2 minutes approximately. Do you accept that? -- yes.

I would like to put it to you that the steady hiss or residual noise was measured and thereafter the last approximately 30 seconds of the tape was bulk erased and the

residual/...

residual noise for this part measured again? -- Are you saying that somebody, whilst it was in your hands bulk erased the tape?

No, not the tape, the last 30 seconds of the tape. -- I see.

And it is then found that the last residual noise was significantly lower than for the part that was not bulk erased. Do you accept that? -- Yes.

And you explain why that is so? -- No.

I put it to you that the noise measurements were as follows. I will give you everyone. The portion after the (10) switch-off point but before the point where the noise burst is. That is equal to 240 to 250 millivolts. After the noise burst it is 170 to 180 millivolts and the bulk erased last 30 seconds, it is 140 to 150 millivolts. I put it to you that the set of pulses, the clicks described in the last part of the tape after the switch off is proof without any doubt that the tape recorder was recording on this part but with no sound coming in? -- I see.

Do you accept it? -- Yes, I would.

That these pulses came from the main power supply at (20) points where lights or other equipment were switched on or off. -- Yes.

This means that beyond any doubt that this part of the tape, EXHIBIT 36 is not virgin and new tape never recorded on. -- I see.

Do you agree with that? Do you accept it? -- I accept it.

I put it to you that the burst of noise and the accompanying drop in sound level must likely come from a volume control being turned on. -- I see.

Do you accept it? -- On your word, yes. (30)

That/...

That there is no other source of sound that would typically create the sound effect? -- It depends on the machine. I do not quite understand - I mean, I have to accept what you say.

I put it to you that the further drop in noise level once again proves without doubt that this part of the tape EXHIBIT 36 had been recorded on and is not virgin new tape? -- Yes.

So, I put it to you that here we have recording after the machine was switched off but without the machine having (10) been switched on again? -- Is that possible?

COURT : Can you record with the machine switched off?

MR JACOBS : The click was found where the machine was switched off on the day of the meeting.

COURT : Yes, but you say after the machine was switched off there was a recording.

MR JACOBS : I will bring it out later on how it is done.

COURT : I do not know what you attempt to bring out. That is the problem. Put to the witness clearly what you say the position was. You say there was recording after the (20) machine was switched off. If the machine is switched off you cannot record.

MR JACOBS : You can record on the tape.

COURT : But then you have got to put it in a different machine and start all over again, provided that the machine, whatever machine there is, is switched on again.

MR JACOBS : The point I am trying to make and what I am putting to Mr Harris is that EXHIBIT 36 in the light of all this that I have put so far and the other stuff is a re-recording. (30)

COURT/...

COURT : Put that to Mr Harris.

MR JACOBS : I put it to you that this EXHIBIT 36 is a re-recording. It is not the original recording? -- That is not true.

I put it to you that all the effects that I have shown to you now, that you find on the tape where there should not have been any such things, is proof of the fact that it is a re-recording? -- I have to say that I am surprised at what you say, but there must be an explanation for it.

I put it to you that EXHIBIT 36 is a re-recording (10) made in such a way so as to disguise the fact that it is a re-recording? -- That is definitely not true.

That the most likely sequence of events as was put to you, is that a re-recording was made from one machine onto a second machine? -- That is not true.

That the second machine in this re-recording was actually the Nagra 4S or FS that was used for making the original recording? -- Well, there was no second recording.

And I put it to you that at the point where the normal sound stops after about 56 minutes, the second recorder is (20) left running in the record mode? -- There was no second recording.

And after almost four minutes the input volume control on the second recorder was turned down and that created the burst of noise and then causing the reduction in noise? -- That is not true.

COURT : What was turned down?

MR JACOBS : The second recorder is turned down. The input volume control on the second recorder was turned down and that created the burst of noise and then causing the reduction (30)

in/...

in noise, background noise. -- Not true.

I put it to you that it is also a well-known fact that the recorded residual noise is the lowest with the input volume control turned right down. -- (Inaudible due to noise)

And after a few seconds some electrical equipment was switched on or off and creating the first series of click sounds that I have referred you to? -- Are you asking me if I did this or whether it is possible?

Can you comment on what I am putting to you that this is how the clicks could have come about? -- How it could(10) have come about? Is that what you are asking?

Yes? -- Yes, it certainly is reasonable.

And also the other clicks after this were also caused by electrical equipment being switched on or off? -- I do not know. If I heard it I could comment.

And I put it to you that only when the tape has run out completely, was when the second tape recorder as switched off? -- I have already denied that there was a second tape recorder.

Can you explain to the Court how on virgin tape use (20) by you, new virgin tape used by you, you can get this in the part that must still be unused virgin tape, that you find the clicks? -- As I have said, I am surprised at what counsel says. So, I can only think about that and think of the possibilities. I can think of two. The first is that the supplier did not give me virgin tape.

I beg your pardon? -- The first is that the supplier did not supply me with virgin tape. The second is that once I have finished recording and I take it off the machine, I send that tape to a sound transfer house which is a separate(30) production/...



production company and it goes into the pipeline, tapes coming from various sources and they transfer this original quarter inch material onto the 16mm sprocket sound that has been identified here that we use for editing. To do that, this original must be placed on a Nagra machine. It is possible that the controller of the machine, once he got to the end of what would be apparent to be the contents of what was being filmed, that he spooled forward, he might have switched on again, he might have - he could have put it into the record mode, it would have been 50 Hertz impulses.(10) There would have been fluorescent lights in the area. That kind of signal could have come of the tape. Those are the possibilities.

Is it not so, then you will get a start record pulse?  
-- If it is switched into the record mode. Yes, it would give that.

And this will be recording. This machine, this tape will be recording. It will not be in the mode of recording itself. It will play what it had recorded already? --No, there is no microphone input. So, what it will do is, it will generate hiss onto the tape according to the level as(20) you have said, in the - it is at the lowest level when the volume control is right down, whereas when the volume control was up, there would be more hiss et cetera.

I put it to you that there was no switch on pulse, that is why it is put to you, that there was only a switch off pulse? -- That would infer that - if that is the only way that the tape can be put into the record position, it would infer more likely the first instance, that the tape was not entirely virgin.

Can you in any other way explain how the burst of sound(30)  
gets/...

gets onto the virgin tape? -- If I could hear a burst of sound, I would be in a position to identify it or to comment on it. I do not know what you mean by a burst of sound.

I put it to you also that on this last portion, the virgin portion of this tape, that those clicks, the set of clicks being found, can only come onto that tape when it was in the record mode and not in the play mode? --I see, yes.

Do you agree? -- What are those clicks? Where do those clicks come from? Is it the machine switching off? (10)  
What are you actually saying those clicks are?

That is what I put to you were some electrical impulses from switching off lights or other electrical equipment and that it can only record when it is in the record mode? -- I am not sure about that. I would think it is possible for it to come on if the tape is passing magnetic head. You also get print through on a tape. The tape has been lying for time on a shelf, on the reel. You will get effects from the areas that are recorded. You will get those as it was seeping into the surrounding tape. That can also be some- (20)  
thing. I do not know what your expert say on that.

Do you mean that the tape ordinarily lying in any place, what would get on it? -- If you have a recorded tape, because it is wound, it is tightly wound, various layers of tape are in contact with one another and you get, I cannot think of the exact term right now, but what we could call a burn through where the magnetic particles - where you got recorded sound would interfere with the layer of tape lying next to it and you can sometimes hear it in the form of an echo or just an undefined disturbance on the tape. (30)

Have/...

Have you ever found that clicks can be transferred to a tape in that way? -- I am not an expert on that. I cannot say whether that - I am just saying that that is a possibility. That this phenomenon does occur.

I put it to you that what you told the Court on this that when a tape is lying around, it could not have happened in this case, because if a click comes onto a tape in this manner, then similar clicks will also be on the next layer lying on top of that layer where the click is? -- You have mentioned that there are a number of clicks, it is not (10) just this one click. There are a number of clicks.

I put it to you it was found that the first - there were four clicks together. -- Yes, right.

And the others were single clicks at other places, as I indicated to you in the tape spaced from each other? -- Yes.

So, how can you explain the four clicks together not being on the rest of the tape? -- Is there such a thing as static interference? I mean, what we are dealing with here is magnetic particles arranged in a certain way on the (20) tape that reproduced on a magnetic head. I mean, a click is a very random kind of thing. I have not heard it. I cannot comment on it. I really cannot.

On these other aspects, on the visual part of your evidence and this exhibit referred to, I am generally putting it to you that all the visual material taken in that hall on 26 August 21984 is not before the Court? -- I must state that everything that I filmed of that meeting, that occurred within that hall on that day has been submitted, it was my intension so submit everything to the Court. So, I (30)

have/...

have compiled to the best of my ability everything that I recorded on that day to present to the Court and I am satisfied having seen what is being presented to the Court, that that was everything that was recorded.

I put it to you that EXHIBIT 36, in EXHIBIT 36 everything is not included in that exhibit - EXHIBIT 38, everything is not included and parts were cut out of that exhibit and is not before the Court? -- I can only reply to that by saying that in many instances you are talking about, a second here, a couple of frames here, et cetera. What I am trying(10) to explain is to how there are pieces of film material that are waste material and it would not go into that. I have not deliberately exercised anything from the presentation to the Court to manipulate that presentation.

I would like to hand in another exhibit. This will be EXHIBIT CA19. I will just read it, the first part of it. It refers to EXHIBIT 37 and segments missing. Segments and number of frames missing from EXHIBIT 37, the number of frames included in EXHIBIT 38. The first column here is EXHIBIT 37 frames missing and they are enumerated. The (20) second column segments missing EXHIBIT 37 last number and the next number. Then the last heading is frames present in EXHIBIT 38.

COURT : Could you explain to me and the witness what is meant by the first portion of this EXHIBIT CA19?

MR JACOBS : The first part, under the heading in the first column frames missing. There are 70 frames missing in EXHIBIT 37 and the numbers are A4430 to A4434 and of that 70 frames are present in EXHIBIT 38.

COURT : If you look at the next one, 44 are missing from (30)

37 and none are present in 38. What does that mean?

MR JACOBS : That is correct.

COURT : Does the whole 38 have no frames in that section?

MR JACOBS : That is so.

COURT : Yes, very well.

MR JACOBS : And the second part of this EXHIBIT 38 segments missing, segments where there is film on EXHIBIT 37 but which is not included in EXHIBIT 38. The first column is the number of frames missing out of EXHIBIT 37 and which you will find, which is not segments of film on EXHIBIT 37(10) which is not included in EXHIBIT 38. That is the number of frames. The section missing EXHIBIT 38 the last number is given and the next number.

COURT : Should the missing be read with the second column or with the third column?

MR JACOBS : It refers to both of them according to Dr Jansen because there is a splice inbetween them, all the numbers here.

COURT : So, right under the word missing, the top part and in the bottom part of this exhibit, between the two columns(20) of numbers, there is a splice. Is that correct?

MR JACOBS : Yes.

COURT : Yes, thank you.

MR JACOBS : I just want to ask you something on this second part. You have told the Court it is only four very short parts, but I see there is a part of 599, 164, there 1500 and again at the bottom there is 508 frames missing. That is not such a small portion. Do you agree? -- That is right.

I would like you, when you check through this, also to have regard to this so that you could come back and ... (30)

Sure/...

-- Sure.

ASSESSOR (MR KRUGEL) : Just roughly, there seems to be round-about 3,700 frames missing from EXHIBIT 37. -- Are we looking at the top one?

Yes. Would you be able to make some significant film contribution with that number of frames into a film like "The Struggle from Within"? -- That is the point, that these are from "The Struggle from Within."

More or less 3,800 missing from EXHIBIT 38. -- Well, I would make a definite comment on the first lot. If it is (10) missing from 37 which is the negative, but it is in 38 which is the positive, then that section of negative would be in the negative of "The Struggle from Within." That fits.

COURT : They cannot be missing from 38 then. -- No, I am dealing with the top one. The top one is number of frames missing from 37 which is the original negative, but that are included in the positive which is 38 and that is the first table. So, that would refer to those segments that are cut out of the original negative for the use in the film "The Struggle from Within." (20)

ASSESSOR (MR KRUGEL) : At what speed is this film run normally? -- 24 frames in a second.

MR JACOBS : There is another exhibit that I want to hand in as EXHIBIT CA20. That is a table. The heading of this exhibit is Table of film parts. You get three columns there. The first is transcription EXHIBIT V31. The next column film positive EXHIBIT 38 and the third column is film negative EXHIBIT 37. Let us take column 3 first. I put it to you that EXHIBIT 37 is put together in the order as is depicted here, part 1 as from the numbers A3812 to A4183. In the (30)

opposite/...

opposite there is nothing on EXHIBIT 38 on this and there is nothing in the transcription of this. -- Right.

And then the second part in EXHIBIT 37 part 2, that runs from 4184 to 41603.

COURT : 4603.

MR JACOBS : 4603. The same applies to EXHIBIT 38 under the column referring to EXHIBIT 38. EXHIBIT 38 part 1 from 4184 to 4603. -- Right.

And on V31 you get that from page 1 to page 11 in the middle. Then the next part in the third column you will (10) get EXHIBIT 37 part 3. That is running from number 4622 to A5342. That is the order that this part is placed and put together in EXHIBIT 37? -- Right.

Then on this part is not appearing in this place in EXHIBIT 38 or in EXHIBIT V31? -- Are you saying it is out of sequence? Is that what you are saying ?

Yes. -- Yes.

COURT : What is put here is not that it is out of sequence. It is put here that it is not on the transcript either. -- It appears later on. (20)

Does it come later on? -- Well, in column 2. It is A4622 what we are talking about.

MR JACOBS : The next part is EXHIBIT 37 part 4, that runs from F, there you get the F numbers 3276 to F4072 and on EXHIBIT 38, that is part 2 of that exhibit, and also running from the same numbers F43276 to F4072 and on EXHIBIT V31 that runs from page 11 two lines from the bottom to page 18 seven lines from the bottom. Then there is nothing in EXHIBIT 37 and you get in EXHIBIT 38 this part running from A4622 to 5313. -- I think it is incorrect to state that there (30) is nothing in EXHIBIT 37. There is nothing in your column, but/...

but there is something in EXHIBIT 38, yes.

And this corresponds with EXHIBIT 37 part 3? -- That is correct, yes.

And on V31 page 19 to page 22 and the end. If this EXHIBIT 37 was compiled in this way in the laboratory and it was put together like that in the laboratory, can you explain how is it then that there is a change in sequence, that it was taken out and then again placed in another place? -- We discussed this earlier that in the laboratory they would take the rolls in any sequence which they saw fit and they(10) would duplicate them.

Did you not give them instructions beforehand which parts were to be taken out of EXHIBIT 38 when they prepare EXHIBIT 38, which they must splice out, cut out? -- No.

Did you give them instructions after they developed EXHIBIT 37 in the laboratory to make a positive of that? -- After they developed it, did I give them instructions to make a positive?

Yes. -- Yes, I did.

And was it only after you received the negative back(20) from them or before you received the negative back? -- No, the negative goes to them originally. They take the negative, they process it and they make a positive print of the negative. I then take the positive print and that is my work print,

COURT : Do they return the negative or do they put it in the safe? -- They hold it in the safe unless you request them to return it.

ASSESSOR (MR KRUGEL) : Was this done through the post to London or did you go there yourself? -- It is done through(30)  
an/...



an agent. Kay's Laboratories have an agent and they have an airfreighting courier system where they ship stuff backwards and forwards to the laboratory.

MR JACOBS : And the positive that they made and sent to you, was it also in this order as EXHIBIT 37 is? -- No, absolutely not. I took the positive and I assembled it in the order that it was dictated by the master sound-track, which means that large sections would have been in sequence, but if they print it roll 4 before roll 1 and roll 4 would be at the front or whatever. You take it and you synchronise it. (10)

ASSESSOR (MR KRUGEL) : Do you then say that they do not only develop the negative for you. They also splice the whole lot together and make one positive? -- No.

Or do they send you the three or four rolls positive print separately? -- They send that separately, yes.

But if you then assembled the positive here and you sent it back to them with instructions of how they should make up the negative, should they not do it right the first time? -- No, because they are not - when the whole film is completed you send them a 60 minute film. In terms of all (20) the negative that they have got to draw from to cut in to make up the corresponding cut negative according to your positive working copy, they have got rolls and rolls of material shot at other meetings, other things that have happened. So, they will just draw - they will take the three or four rolls from this meeting and they will go through it according to my cutting copy and they will then lift out those pieces that I have indicated in my positive copy according to the edge numbers and then they will put the rest back into the cans. That is at the final stage. (30)

At/...

At the initial stage when you send them the material, they will process it and they will then run off positive prints and send you the positive prints of all that material. How we come to have EXHIBIT 37 is that that negative was sent to Irene Laboratory a second time for a reprint. So, they took it all, they assembled it into this and where the negative had originally been cut to remove those pieces of negative that were required for "The Struggle from Within", they made joins, they assembled the whole thing onto one roll and then run a positive print for me the second time.(10) So, it is highly likely - it is not unlikely that the rolls could have been out of order.

MR JACOBS : Well, if the rolls were out of order in the laboratory and they were spliced together like this, would you not expect then that the positive would also be out of order and out of ... -- Yes, when I received the positive, but I then took that positive and I synchronised it to the master sound-track, which means that I had to put into spacing, I had to pull the positive print up a bit, because the camera does not roll continuously as did the sound (20) recording.

Is it correct that at the laboratories they do not physically cut the negative film where they want to cut out some parts. You refer them to certain frame numbers and you tell them that that portion you do not want and then they will exclude it and the original will remain the same, the original negative. With their sophisticated machinery they can do it like this, they can say take up till frame ten , and you want out frames eleven and twelve, and you want to carry on again st frame fourteen, they do all this(30)

with/...

with their sophisticated machinery without physically cutting the negative film? -- That is not true. They physically cut the film, as I have cut the positive when I sent them my positive work print. They then go through the negative until they find the corresponding edge num and they physically cut that negative and they cut that piece out and they assemble it with all the rest of the negative in the same way that I have made up my positive cutting copy.

What do they do with that negative part of the film that they cut physically out of the negative film? -- That(10) is very carefully physically spliced into the whole negative assembly that becomes the master negative of the film that you are making, in accordance with the cut, positive print that I sent them from "The Struggle from Within".

I put it to you that the method used by the laboratories with their machines, the method used is that they do not cut it, because you can always use that afterwards in order to preserve your negative and not to lose it afterwards, that they can make a positive from the negative by the machines without cutting the negative? -- They may be able to do that(20) but I can assure you that it is standard practice here in South Africa, people make their living by it, they are called neg cutters, neg matchers and there are sometimes separate houses affiliated to the laboratory or otherwise they are housed in the laboratory and they physically cut the negative.

BESPREKING TUSSEN MNR. JACOBS EN HOF TEN OPSIGTE VAN DIE STADIUM WAT DIE KRUISONDERVRAGING BEREIK HET, NAAMLIK DAT DIE GETUIE NA DIE LABORATORIUM MOET GAAN OM TE GAAN KYK NA DIE GOED.

(30)

COURT/...

COURT : Do you have the time this afternoon or tomorrow to inspect these portions that you have been referred to on these exhibits physically with the State's expert and come back on Wednesday morning? -- I will make the time, yes.

DISCUSSION BETWEEN COURT AND MR BIZOS AS TO HOW THE WITNESS SHOULD GO ABOUT INSPECTING THE EXHIBITS AND HOW IT SHOULD BE HANDLED.

WITNESS STANDS DOWN.

COURT ADJOURNS UNTIL 4 NOVEMBER 1987.