

IN THE SUPREME COURT OF SOUTH AFRICA
(CAPE OF GOOD HOPE PROVINCIAL DIVISION)

Cape Town, 20th October, 1966.

THE STATE versus DEMITRIO TSAFENDAS.

BEYERS, J.P. : The Court is clear in its mind as to what its order should be in this case, and under the circumstances I can see no justification for prolonging the proceedings. If I had taken time to consider this judgment it would probably have gained something in elegance of language,
10) but in substance the case is clear, and I think it is incumbent upon me to give judgment now, which I propose doing.

The case before the Court is one in which a man called Demitrio Tsafendas is charged with the crime of murder. He stands arraigned before this Court upon an indictment which charges that upon the 6th September, 1966, and at Cape Town, in the district of The Cape, he did wrongfully, unlawfully and maliciously kill and murder Dr. The Honourable Hendrik Frensch Verwoerd, Prime Minister of the Republic of South Africa.

20) This Court is no less conscious of the momentous background to this case than is anyone less in this country. Once, however, a case is brought in a court of law these considerations of the immensity of the crime and the effects it has upon the people of this country really disappear. Once, as I have said, a case of this nature comes into a court of law, the law takes command, and considerations other than legal ones are not and should not be allowed to come into the picture at all. The elements of the crime of murder and the legal processes employed in trying such
30) a crime remain the same and in no wise differ whether the

victim of the alleged crime is the Prime Minister of the country or the lowest of the low. Murder is murder, and its elements remain unchanged. To allow anything else to cloud this approach would be to supplant law and order by anarchy and chaos. It would mean that one dethrones responsibility and replaces it with primitive emotion. That I do not understand to be my function and that is something to which, happily, I do not believe that this country would wish me to lend myself.

- 10) Because of the deep issues underlying this case, which, as I have already said, are for the purposes of the law really irrelevant but which obviously obtrude themselves and cannot be ignored, I in approaching this case thought fit to appoint senior counsel, with junior counsel to assist him, with attorneys to assist him, to represent the accused. This is a civilized, and, if I may proudly say, a highly civilized country, and when a man is charged on a capital charge this country sees to it that, at the expense of the State, he is represented. Having regard to the emotional stresses that underly this particular case, I thought fit
- 20) to see that in this case he be represented as well as I was able to provide for. My first duty, I think, is to express to senior and junior counsel and their attorneys the deep appreciation of this Court for the work they have done. To them it has meant - and I think it should be understood - that without any meaningful remuneration they took upon themselves the unenviable and unpopular task of defending this man. Not for a moment did they demur to make the sacrifice of time, and the considerable financial sacrifice
- 30) that goes with it. I think I need say no more than that by their conduct they have graced the profession to which they belong and that they have acted in accordance with the

highest traditions of the legal profession of this country.

I - and again because of the nature of this case - introduced what is probably, as far as I know, an innovation in this country, in that I appointed as one of my assessors, to assist me, a psychiatrist. I do not know if that has been done before. It was certainly of great assistance to the Court, and I wish to express my gratitude to Dr. Henning and my gratitude to my other assessor, Mr. Baker. I can now go on with the case.

- 10) Before the Court is an enquiry. It is a different kind of procedure from the ordinary. It is a procedure in which, as I see it, there is neither plaintiff nor defendant, there is neither prosecutor nor defending counsel. It is an enquiry which if necessary has to be conducted mero motu by the Court itself. It is an enquiry which rests upon the simple civilized human principle that a court of law does not try a madman. That is the simple proposition which underlies the enquiry upon which I am presently embarked. I shall refer in a moment to the 1916 Act, the Mental Disorders Act. But, of course, the enquiry upon which I am embarked, does not flow from the Mental Disorders Act. The principle is centuries old, that madmen are not tried, and the enquiry at the moment is: is the man before me a man who can be tried by a court of law? Irrespective entirely of what his mental condition was, what animus he was capable of at the time when he committed the crime. One can have cases in which a person could be wholly sane and commits a crime, but after the commission of the crime - let me assume for a moment that after the commission of a crime
- 20) a man has a serious motor accident, and if, because of that motor accident, he sustains brain damage which means that his mind becomes disordered, then that man cannot be tried
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in a court of law, whether he was completely sane at the time he committed the crime or was not sane at the time he committed the crime. As I understand the law, the crime with which this man is charged is also entirely irrelevant. The enquiry, while definitely it would have been loaded less with emotional stresses, would have been exactly the same if it was a person tried for any other crime, if it was a person tried for theft, or for a parking offence. It is a preliminary enquiry which precedes all further proceedings in a court of law, and that is: is the person before the court a man sane enough to be tried by a court of law? That is how I understand it. And that is why I have said that at the moment there is before me no prosecutor and no defending counsel, but merely persons who are trying to help the Court to arrive at a conclusion on this enquiry.

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The enquiry has been codified for this country. As I have stated, it is ancient law, but it has been codified in Section 28 of the Mental Disorders Act of 1916. I referred to that section, but I will refer only to the portions of that section which are relevant to the present enquiry. The relevant portions of this section read as follows:

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"If, on the arraignment of any person charged with a criminal offence, it appears to the judge presiding at the trial that such person is mentally disordered, the question of such a person's mental condition shall be enquired into by such Court."

Then sub-section 2 proceeds:

"If such Court finds, after hearing evidence, which shall include medical evidence, that such person is mentally disordered, the presiding judge shall record that finding and issue an order committing

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such person to a gaol pending the signification of the Governor-General's decision". (This has subsequently been amended to read: "the decision of the State-President".)

It will be seen from the wording of this section that the Court has no discretion in these matters, that it is to embark upon this enquiry, and that it is forced to come to a conclusion.

10) I also am of the opinion that in law this enquiry rests upon no onus on either side, because the section goes on to say that if the Court is in any doubt - it does not say that the doubt will be to the benefit of the accused or it will be against the accused - the Court must resolve those doubts by committing the person to a proper institution for proper investigation, and when that is over the Court has just got to answer the question one way or another.

20) In this case I don't believe any good purpose will be served by the further remittal to an institution of any kind, and the Court is by law, of which it is but a servant, conjoined to give a finding.

30) The enquiry presently before this Court is exactly the same as the enquiry which came before the Court in the Transvaal, presided over by my very distinguished learned brother Rumpff, J.P., as he then was, in the case of Rex vs. Pratt, (1960(4) S.A.L.R., 743). There the exact same enquiry had to be conducted upon a man who had shot this same victim - fortunately for us, fortunately for this country, unsuccessfully, and we had the benefit of the leadership of the late Prime Minister for what might prove to be vital years thereafter. In this case - I am referring to the bottom of page 746 - the learned Judge says:

"It is clear that whatever anomalies may flow from from the law as it stands the legislature has decided that epilepsy in certain circumstances is a disease of the mind and that if an epileptic is a danger to himself or others or is incapable of managing himself or his affairs, he should not be tried. He must be regarded as mentally disordered or defective in terms of the Act. It is not for me to disagree with the legislature. That being the case, it is necessary to consider whether on the evidence the accused is an epileptic and a danger to himself or others."

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His Lordship then, having considered all the evidence, comes to the conclusion that the accused in that case, Pratt, was an epileptic, and he gave the order which Section 28 conjoins.

I am embarking upon exactly the same enquiry, with this exception only: that the man presently before me, presently arraigned before me, is said to be a schizophrenic and not an epileptic. That is the only difference.

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It is not disputed by anyone that schizophrenia is a mental disorder, that it is a mental disorder such as envisaged in the Mental Disorders Act, and that, if of a sufficient degree to make the person suffering from that disorder a danger to himself or to others, or to make it impossible for him to properly look after himself or his affairs, then he is a mentally disordered person in terms of the Act.

As I have stressed, the enquiry is not into what was Tsafendas' mental state on the 6th September, 1966, but what it is today. Today we know that he is certainly a danger to other people, and probably also to himself. The only enquiry before the Court therefore is - and it is the only enquiry

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that is left - is the Court satisfied that he is a schizophrenic.

In the course of this case reference was made to this man's prior history. Really the events therein referred to are not evidence in this Court. Application was made by Mr. Cooper for evidence to be taken overseas so that these matters covered in his history could in fact and indeed become evidence in a court of law, and had the evidence not been as clear as it is I would have had to deal with that
10) application.

I want to make very brief reference to that history. Everybody seems to have accepted it, and although I think the truth of every statement need not be in it, I think one cannot approach this case without realising that this man has a long history of mental disorder. I merely touch on one or two of the experiences which are recorded here.

It is now 1966. As early as 1935 there is on record that this man was already preoccupied with this extraordinary, bizarre tapeworm delusion of his. That is thirty years ago.
20) He has been in mental hospitals. I find here, glancing through it, that in 1943 he was detained in the Psychopathic Hospital of Boston. He was then transferred to the Metropolitan State Hospital. In 1944 I find him in the United States General Army Hospital in England. Again in 1944 I find he is diagnosed as suffering from psychosis and he is detained in the Roper Hospital. There is then a special board of enquiry instituted in the Roper Hospital, and as a result of that enquiry this man is declared, in 1944, as insane. In the same year he tries to get back into the United States and
30) he is detained in the medical hospital - the other side of it. In 1946 he is detained in the Boston Psychopathic. That year again he is certified insane in the Grafton State Hospital in

the United States. In that same year, in 1946, after a United States Department of Justice hearing at North Grafton State Hospital, the man before me is diagnosed as a schizophrenic, hebephrenic type, with deterioration and prognosis poor. He eventually, in 1949, gets to Portugal. There he is detained in a state hospital. He is given shock treatment. He then gets to Germany in 1954, and there he is detained in the Ochenzoll Hospital and is again given shock treatment. He gets back to London and there he is at St. Pancras Hospital, 10) London, definitely once more, in 1959, diagnosed as paranoid schizophrenic. He is then detained in the Whitecross Hospital in the Isle of Wight with a diagnosis of delusional psychosis. That is the history of this individual before he comes here.

In 1963, to our extreme misfortune, this man returns to South Africa. He is in and out of jobs, leading an unsatisfactory life. I will only refer to one other very important matter: in June, 1966, he comes before the District Surgeon of Cape Town, Dr. Kossew, applying for a disability pension. District surgeons are busy people, as was stated in evidence. 20) They are not psychiatric experts, and have never pretended to be, and I don't suppose that district surgeons are chosen for the ease with which they give away State pensions. Although the District Surgeon saw this man only for a short time, only as one of many that passed through his hands, it is to his great credit that in the short time he had at his disposal he could see through this man and diagnosed him as schizophrenic. Perhaps I should also mention, briefly, that the ordinary people, the ordinary everyday people with whom he came into contact did not take long before they could see that this man 30) was mentally affected. One of the strongest pieces of evidence in this case is that of Mr. Smorenberg, a down-to-earth foreman. I shall not forget that when he was asked:

"What did you think of this man?", his answer was: "I don't like to call any man mad, but he is definitely barmy." It was obvious to Daniels and his wife. Daniels said that this man is mad. It was obvious to O'Ryan and his wife. It was obvious to Mr. Johnston that this was a queer, strange man.

Of course thoughts must arise, have arisen and must continue to arise, as how it could have been possible that a man like this, a man with this history, a man so obviously
 10) deranged, could find his way into an assembly where the leaders of our people are busy in Parliament. Those are questions that do not concern this Court. We have no concern with it, but it is almost unavoidable that the question arises in one's mind.

I have had before me a number of eminent psychiatrists. May I be allowed, in parenthesis, to say that I have been informed that each of the medical men in this case has given his services, to assist this Court, free, they have given their time free, and I can only say that it once again shows
 20) that this country, and its people, is something of which one can be proud. I am grateful to you gentlemen, I am grateful for the sacrifice. I am not surprised: I expected no less. The Court thanks you.

Now before me came a whole host, if I may call it that, of psychiatrists. The first one was Dr. Cooper. A court of law does not lightly sit back and allow a man who has committed a grievous crime to get away on a plea or an enquiry of this nature. Dr. Cooper led the van, and at that stage it was obvious that this Court was prepared to resist, as
 30) far as it could, that this man was not responsible for his actions, and, if Dr. Cooper got it, that is what the first

tank over must expect. It became clear, however, as psychiatrist followed psychiatrist, that there can be no doubt whatever in this case that the man before me is a schizophrenic; that he is a lunatic - in more direct terms - or, as Roman Law would have had it, that I had before me a furiosus. A furiosus is something which I cannot try. I can as little try a man who has not got at least the makings of a rational mind as I could try a dog or an inert implement.

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A man who is mentally disordered can perform no legal act. He couldn't possibly plead. Pleading in a Court of law is an act in law which has results. The acts of a mentally disordered person have no consequences in law. I have before me, on the evidence, clearly a man with a diseased mind, a mind subject to delusion, a mind which is so trammelled, if not guided, by irrational forces, that obviously I cannot even begin to find whether he is guilty or not guilty of a crime at law. The process cannot even start, you cannot get to the provisions of the Criminal Law. You cannot get to Section 164, or any other provision of the Criminal Law until you have decided that the man presently before you has a sufficiently rational mind that he is capable of being tried. So that I don't believe it is necessary for me to go into any other of the provisions of the Criminal Law. I am satisfied, and indeed, I could not other than be satisfied, on the pre-history of this man, on the evidence of the psychiatrists, one after the other (I don't think that any purpose will be served in mentioning them by name) who have agreed that here we have, not a criminal, but a sick person; mentally sick, mentally disturbed, mentally irresponsible.

In this enquiry on which I was embarked it was the duty of the State, no less than of the Defence, to assist the Court, and I am grateful also for the evidence of Mr. Erasmus and the evidence of Professor van Wyk. They have made my task an easy one because, appearing at the behest of the State, they have also said that the man before me is certifiable and that he should be sent to an institution. So that really, I have no option in the matter. There is really nothing for me more left to decide, and I and my two learned assessors find ourselves in the position where we cannot otherwise than, in terms of Section 28 (to which I

have already made reference) say that the person presently before us is found by us to be mentally disordered.

That is really the end of it all, but I think it would not be amiss if I said a few words more about this whole matter, and for reasons of my own I choose to say them in Afrikaans.

Die aansoek wat voor my was is nou besleg en die Bevel van die Hof sal gemaak moet word ooreenkomstig daarmee. Daarmee is die saak van die Staat teen Demitrio Tsafendas vir die huidige altans - en in alle waarskynlikheid vir alle tye - afgeloop. Soos ek van tevore gesê het is dit, wat hierdie Hof betref, 'n moordsaak en daarmee klaar. Moordsake het ons heeldag en dit is, wat die regsaspekte/^{van die saak}betref, net nóg 'n moordsaak. En omdat dit 'n moordsaak is, en 'n saak in 'n Hooggeregshof is, sou hierdie Hof sy plig nie nakom nie, en hy sou die vertrouwe wat hy weet in hom gestel word nie waardig wees nie as hy anders sou handel as volgens die bepalinge van die reg wat hierdie Hof, net soos enige ander burger van hierdie staat, verplig is om te gehoorsaam.

Trouens, indien hierdie Hof anders sou handel dan volgens die strenge bepalinge van die reg, sou hy, na my oordeel, die naam van Hooggeregshof nie waardig wees nie. Sou hy strydig met die vermaninge en die bepalinge van die reg, 'n persoon verhoor en tot die dood veroordeel, dan sou hierdie Hof skuldig wees aan die misdaad van moord. Dit is wat hierdie Hof sou doen wanneer hy afwyk van die reg en iemand tot die dood sou veroordeel.

Ons en ons voorsate in hierdie land is ordeliewende en wetsgehoorsame mense. Ons is 'n ordeliewende volk. Ek verstaan ten volle dat daar in die mense van hierdie land diepe gevoelens oor hierdie saak is. Ek verstaan ten volle dat mense sê: "Waarom? Kan dit waar wees dat 'n niksbeduidende

skepsel soos daardie kon gedoen het wat hy wel gedoen het?" Ek weet dat die eerste reaksie van elke gemeenskap deur die saak, is 'n gevoel van wraak, van vergelding. Ek deel daardie gevoel saam met die res van hierdie land.

Dit is ook erken, en dit is 'n mening wat ek sterk toegedaan is, dat een element van die regspraak in 'n strafsak is om georganiseerde uiting te gee aan die gevoel van vergelding en wraak van die gemeenskap, en ek weet dat as die reg dit nie doen nie dan is die gemeenskap geneig om mettertyd dit self te doen. Ek is ten volle bewus daarvan dat wanneer 'n volk vertrou het dat sy vergeldingsproses op georganiseerde wyse sal plaasvind, dan kry jy nie geweld nie, en dit is een van die redes waarom ons in hierdie land van ons nog nooit 'n voorbeeld van "lynch law" gehad het nie. Ek is ten volle bewus van al hierdie strominge, maar 'n mens moet selfs dié dinge probeer 'n bietjie dieper verstaan. Deur met sy lewe te vergoed vir wat hy gedoen het, kon daardie mens vir ons niks doen nie. As hy nou tereggestel sou word het of ~~nie~~ dit sou aan ons verlies geen verskil maak nie. Maar ^{wel} wat 'n geweldige verskil sou maak, is, indien hy deur sy handelwyse dit kon regkry om 'n Hooggeregshof te kry om die wet van hierdie land te verontagsaam, dan sou hy inderdaad aan ons voortbestaan as 'n nasie 'n groter skade berokken as wat hy reeds tot nou toe reggekry het. Dan sou hy, deur sy nuttelose lewe op te offer, die fundamente van ons volksinstellinge skud, en dan sou ons aan hierdie skepsel 'n belangrikheid gee wat hom nie toekom nie. Hy sou ons, as ons so 'n ding sou gedoog, 'n baie, baie groter skade aandoen as wat hy reeds in geslaag het.

Om die waarheid te sê, mense kom en gaan, maar as hierdie volk, hierdie nasie, sy vertrou moes verloor in sy regsinstellinge en in sy regsbank, dan sou 'n mens inderdaad

n vernedering hê en n skande wat onherstelbaar as n klad sou rus op hierdie land.

Een van my assessore het die opmerking gemaak dat n groot Volksman soos die oorledene in hierdie klagstaat genoem, as hy die posisie verstaan het, sonder enige twyfel dit ook nie anders sou wou gehad het nie. Daaroor het ek geen twyfel hoegenaamd nie. Ons moet voortgaan in die diepe besef dat deur aan dié man n verdediging te gun, dat deur aan hom die beste regs- en mediese hulp te verleen, deur die bevel wat ek verplig is om te maak, bly die eer en die aansien en die goeie naam van ons land, heel te reg, onbevlek en bly die fundamente waarop ons n geordende gemeenskap bou, ongeskud en onbenadeel.

Ek meen ook dat na oordenke - ofskoon ek kan verstaan dat dit onmiddellik n sekere mate van ontevredenheid en n sekere mate van geskoktheid by sekere mense mag laat ontstaan - ek is seker dat na oordenke sal daar by alle regs-gesinde mense in die land die besef kom dat dit nie anders kon nie, dat dit nie menslik is nie, dat dit nie Christelik is nie, om sielsiektes te veroordeel; dat die man wat daar sit n siek persoon is, diep siek in sy gees; dat wanneer die reg sê hy is nie verantwoordelik vir sy handeling nie, dan is dit nie alleen regtens waar nie maar dit is ook menslik waar. Jy kan geen voortgehoue wraaksgevoel hê ten opsigte van n siek mens nie, en op die getuienis wat voor hierdie Hof is, kan ek nie anders as tot die gevolgtrekking kom dat die beskuldigde diep en geweldig verstoord, en diep en geweldig siek is, en dat sy handelwyse nie spruit uit n rasionale geestestoestand nie, en dit is die eerste vereiste voordat enige persoon gestraf kan word, of hom skuldig kan maak aan enige misdaad.

Dit is gevolglik my plig om te beveel dat die persoon, Demitrio Tsafendas, hiervandaan geneem word na n tronk en dat hy daar aangehou word, hangende die beskikking van die Staatspresident van hierdie land.

HAROLD COOPER, (sworn states):

EXAMINED BY MR. COOPER:

1. Doctor, what is your profession? -- I am a specialist psychiatrist.
2. Where do you practise? -- At Medical Centre, Cape Town.
3. Would you tell His Lordship what your qualifications are? -- I graduated as a doctor in 1944. I obtained my D.P.M., that is to say, a Diploma in Psychological Medicine, in 1950. I obtained an M.D. by producing a thesis in psychiatry in 1953.
4. What is an M.D.? -- Doctor of Medicine.
5. Now, as a psychiatrist, where have you worked? -- I have held full-time appointment for 3½ years at Tara Hospital, Johannesburg. Tara Hospital is a psychiatric hospital. I held a full-time appointment at Weskoppies Hospital, mental hospital in Pretoria, for six months. I have held full-time appointment at Valkenberg Hospital, a mental hospital in Cape Town, for 18 months, and since 1954 I have acted as part-time consultant psychiatrist at Groote Schuur Hospital.
6. You are presently in private practice; for how many years have you been in private practice? -- Since 1954 continuously.
7. Would you just in general terms indicate to the Court what type of practice you've had? -- I have a practice that keeps me fully occupied purely dealing with psychiatry daily and during the course of my work I cover a large variety of mental disturbances.
8. In your practice, have you had to diagnose and treat schizophrenics? -- Yes.
9. Who requested you to interview the accused in this case? -- The attorney for the defence, Mr. David Bloomberg.
10. And how many interviews, to date, have you had with

the accused? -- I have had four interviews.

1. The first interview that you had, when was that? -- On the 1st October, 1966.
2. In whose presence did you interview the accused? -- In the presence of Mr. Bloomberg.
3. Any other person present? -- No.
4. The second interview? -- On the 4th October, 1966.
5. In the presence of anybody? -- This interview was held jointly with my colleagues Dr. MacGregor and Dr. Zabow.
6. And the third interview? -- Was similarly held jointly on the 11th October, 1966, with Dr. MacGregor and Dr. Zabow.
7. The fourth interview? -- The fourth interview was on the 14th October, 1966; this interview was individual, without the assistance of my colleagues.
8. When you were introduced to the accused at your first interview, was he told what your profession was? How did you introduce yourself? -- He was told I was a doctor.
9. These interviews, could you tell His Lordship how long did they usually last? -- They varied, but the average length of each interview was an hour and a half.
10. What was the purpose of examining the accused? -- My purpose was to assess this man's mental condition.
11. How did you find the accused when you spoke to him? -- At all times I found him soft-spoken, polite, co-operative and apparently fully prepared to co-operate with all questions that were put to him.
12. As regards intelligence, what is your comment? -- Concerning his intelligence, at an early stage I decided that this man was of normal intelligence, even quite high intelligence and throughout the interviews nothing arose to make me alter that opinion.
13. What language did you speak to him? -- I spoke to him in English.

1. What is his fluency in English? -- His fluency in English is perfectly adequate, and I was careful in this matter, and decided in my mind that he was perfectly able to do himself justice in replying to questions in English.

2. What kind of vocabulary has he? -- Very adequate.

3. What was the first thing that struck you when you saw this man, the accused? -- The first thing that struck me was an abnormality in this man's emotional attitude to his situation and surroundings. I was struck by him reacting rather incongruously. I felt that here was a man who had been charged in a very, very serious matter and he displayed a singular lack of anxiety. He showed no sign of agitation, stress or tension. He was not restless. On each occasion when one came to interview him one never found him pacing up and down; one found him usually sleeping or at least dozing. When one discussed this whole matter with him he did not show any appropriate emotional reaction that one would expect.

4. BY THE COURT: Have you had experience of murderers before? -- Yes.

5. I have never found them climbing walls yet. I have defended quite a lot of them in my life. --- In the instances where I have gone to various gaols to see murderers, I have found them anxious, I have found them frequently complaining of insomnia, frequently asking and pleading for sleeping tablets. They have been agitated. They have constantly intercepted with questions as to their predicament and as to their fate. These features were, I thought, significantly absent in this man.

6. MR. COOPER (Cont.): I want to put this to you: is the accused concerned about his fate? -- No. Not as far as I was able to establish.

7. Have you probed that matter with him? -- Yes.

8. This lack of, I think, or inappropriate emotional response to his present predicament, why is that important? Or

is it important, first of all? -- I felt it was important, firstly, on the basis that I considered this to be abnormal and different from what one had been accustomed to seeing in such cases, different from what one would expect in such a case; and, furthermore, important in that precisely this type of emotional reaction is frequently seen and completely consistent with a diagnosis of schizophrenia.

1. Is the accused always in deadly earnest with a dead-pan face, or how does he behave, how does he react from time to time? -- I would describe him, for the most part, as being emotionally flat, except that, again rather incongruously, he would at times smile, at times chuckle at inappropriate moments in the interview, and also one might mention a feature, namely, that he quite frequently tends to grimace rather grossly and extensively during interviews.

2. Has that any significance? -- This type of grimacing, one cannot go so far certainly as to say that it is diagnostic of schizophrenia but it does frequently occur in people suffering from schizophrenia.

3. BY THE COURT: I know the English word "grimace", but I don't quite know what happened in this case. Did he pull a face, or what did he do? -- Yes.

4. Did he laugh, or were you funny, or what happened? -- I have mentioned his chuckling, but as far as his grimacing is concerned, he tends to contort his face in quite an extreme fashion. He will pause; you will ask him a question, and instead of responding to it he will screw up his eyes and contort his mouth and create quite a bizarre facial expression.

5. MR. COOPER (Cont.): As regards his emotional response, what relevance has that in diagnosing schizophrenia? -- Simply that this emotional response is commonly seen in schizophrenia and is completely consistent with the diagnosis of schizophrenia.

1. What does the present emotional state indicate? -- It indicates to me an indifference to his whole situation.
2. And in relation to reality? -- In relation to reality I found him decidedly disturbed in that, although it was clear to me, because he said so, he knew what he had done, he knew that he was going to be tried, but he was unable to understand the magnitude of the situation. He was unable to fully grasp the serious consequences of the situation. This became apparent, apart from his general attitude and his mode of discussion, in certain remarks which he made, remarks that I am completely satisfied he made in all sincerity, such remarks as, at one stage, he paused for a moment and he said: "I do not think that I will be able to live in Cape Town after this because of the public opinion, you know". At another stage, when we were discussing various jobs that he had held, he said that if he was ever offered a job in the House of Assembly again he does not think that he would be able to face up to that job again. These remarks perhaps are small remarks, but to me they had deep significance and confirmed my impression of this man being out of touch with reality, unable to grasp the real nature of the situation in which he now finds himself.
3. What other findings did you make? -- The next sign or indication of mental abnormality that I detected during my first interview, and at all subsequent interviews, concerned his thinking processes. I have already stated that he ^{is} an intelligent man. He is able to make certain quite intelligent statements. He is able to provide one with certain facts in quite an intelligent manner. But if one allows him to give free flow to his thoughts and feelings, one finds that one would be discussing a certain point or matter with him and he will start perhaps vaguely answering your questions and then gradually ramble along in a completely disjointed manner. He will lose the

/trend

trend of his thinking. As a listener one finds oneself losing the trend of what he is trying to tell you, and you end up not quite knowing at all what he is trying to put across to you.

1. BY THE COURT: I have that difficulty with counsel quite often. --- I think this patient is even worse than counsel.

2. Quite often they start rambling, and we don't know where we are when they have finished - we seem to be a long way from where we started. --- With respect, I must stress that when one is dealing with mental disorder one is so often dealing with questions of degree, and the degree to which this man rambles, the degree to which his thinking becomes disconnected, and often completely irrelevant, is I feel significant of mental illness, and it is again a fact that this very type of thought-disorder is a feature of this mental illness known as schizophrenia.

3. MR. COOPER (Contd.): How has it been described, what you have been telling us, his manner of speaking? -- If I could just read a very few lines from an accepted leading standard textbook called Clinical Psychiatry by Mayer Gross, Slater & Roth. In talking about the disturbance of thinking in schizophrenia, they say: "When we refer to schizophrenic thought-disorder we mean an abnormality of the thought process and not any abnormality of the ideas which it may express. In early cases it often appears as a woolly vagueness or as an inconsequential following of side issues which lead away from the main topic of conversation." And this, which is regarded as an important feature of schizophrenia, I found to be manifest in this particular man.

4. When is it particularly manifest? -- It is particularly manifest when he has been talking for some time. If one asks him a direct question which just requires a simple fact in answer, it doesn't become so apparent. But if one asks him to explain his feelings about situations, explain his views, anything more abstract and elaborate, then as he goes along he becomes more and more disconnected and eventually unin-

telligible and irrelevant.

1. BY THE COURT: If you were to ask that of 99.9% of the people who appear as criminals in this court you would get exactly the same answer. When you ask them facts you are lucky if they can say yes or no. You say when you start discussing their emotions and abstract things they become wandering. That I wouldn't even attempt with 99% of the people who appear before me in criminal courts. I wouldn't even attempt to discuss any abstraction with them? -- My Lord, I must stress, and there will be evidence to support what my clinical impression was: this man is an intelligent individual. In fact, I think I am prepared to go so far as to say he is above average in intelligence. And taking into account his intelligence I find that his inability to express himself in a coherent fashion is in fact significant.

2. MR. COOPER (Contd.): Could you give us an example? -- It was very difficult to take down long examples, but there were a couple of more extreme examples of where his thinking became so disordered that it became apparent almost immediately on putting the question to him. At one stage I was asking him what he felt about his present position in relation to the trial. He said: "We are getting to a stage where it concerns the whole universe. The matter is going far beyond. Even the independence of countries, it probably even goes beyond that. We have got to a culminating point. That is all I can say." On another occasion - one of the features of this man's life is that he has wandered around through many, many countries. I am unable to establish how many, but as far as I can gather at least 30 - and I asked him why he has been wandering around all over the world. He said: "I was thinking I must make ends meet by eating different types of food." Now a reply such as this, coming from an intelligent man who

I was satisfied was paying attention to my questions and trying to co-operate, I found very highly significant and indicative of pathological thought disorder.

1. BY THE COURT: I want some clarity on this. You ask the man why does he go all over the world to many countries, and basically he has told you because he wants to eat the food of many peoples. Well, if you had asked me that question I would have given you exactly the same answers. It is one of the reasons why I travel all over the world. What is wrong in what he had told you there, that you can deduce that he is mad?

2. MR. COOPER (Cont.): Doctor, just repeat the answer for the Court?

3. BY THE COURT: Apart from trimmings, isn't that what he told you: I go all over the world because I like to eat different foods? -- With respect, my Lord, that is not what he told me. If I can repeat the answer he gave me: "I was thinking I must make ends meet by eating different types of food."

4. MR. COOPER (Contd.): Does one usually make ends meet by eating different types of food? -- I don't know.

5. BY THE COURT: He is not an Englishman born. The language isn't his own, so he uses the words "make ends meet".

6. MR. COOPER (Contd.): Let us get that clear. How well can this man express himself in English? -- Extremely well. This man is intelligent and has no difficulty with the English language.

7. BY THE COURT: So is your difficulty with the example you have given me that he used the phrase "to make ends meet"? -- My difficulty with the answer he gave me is that it is an incoherent answer. It does not make sense. It certainly doesn't make sense to me.

1. Because he used the words "to make ends meet". Otherwise it is quite sensible, isn't it? -- Because the sentence as a whole does not make sense. Because I cannot understand what he means when he says: "I make ends meet by eating different types of food.
2. MR. COOPER (Contd.): The examples here, are they just isolated examples you have given us now? -- Yes.
3. Is there any other feature that emerged from your examination of the accused? -- Yes. This feature that I am coming to is perhaps the most striking feature, or let us call it dramatic feature, of his mental state. This man tells a story that in 1935 or 1936 - I am not quite clear whether it was 1935 or 1936 - he became afflicted with a tapeworm.. He describes how initially he tried to rid himself of the tapeworm, how he went to a chemist to get medicines, how he consulted a doctor. He describes, rather luridly, how he sat over a pail of water and how part of the tapeworm emerged but snapped in his hand and part of the tapeworm remained inside him. And he then goes on to explain that he had in fact consulted many doctors about this tapeworm; he has in fact been to hospitals which specialise in tropical medicine and this type of disorder; he has had X-rays; he has had numerous investigations; he has been told that he no longer has a tapeworm inside of him, but he is convinced, he has a fixed belief, that he has a tapeworm inside of him, in spite of all these negative medical investigations.
4. How does he believe it affects his life? -- There are many aspects to this tapeworm, and it is important, and I ask the Court to bear with me if I can explain what this man says about his tapeworm. First of all, his description of the tapeworm I feel is significant. I in my mind believe, although I cannot prove it, that in 1935 or 1936 he probably

did in fact have a tapeworm. But his description of the tapeworm that he now believes he has and the qualities that he attributes to it are highly significant. Firstly, he describes this tapeworm as being, sometimes he says $1\frac{1}{2}$ ins. in breadth, sometimes he says 2 ins. in breadth. He describes it as having serrated edges like a serrated saw. This is a tapeworm much larger than life. It is a grossly exaggerated description of a tapeworm. He insists that he has the tapeworm in spite of all medical evidence against the fact that he has it. He says that he can feel the tapeworm crawling around in him and that if he passes delicious foods the tapeworms smells the foods and he can feel the tapeworm wriggling up towards his neck. I must explain to the Court that an individual suffering from a tapeworm cannot feel the tapeworm wriggling around him in that manner. Then he attributes a great deal to this tapeworm. He says repeatedly

1. What does he call it? -- He has referred to this tapeworm at different interviews variously as a devil, as a dragon, as a snake. Demon was another one. He feels that this tapeworm has changed his entire life. He believes that it is in fact because of the tapeworm that he has done many things. He believes that the tapeworm influences his thoughts. He insists that on many occasions he has said things which he would not otherwise have said if it had not been for the tapeworm. He insists that the tapeworm influences his behaviour. He said at one stage: "If I did not have the tapeworm I would not have killed Dr. Verwoerd, I would not have wandered round the world, I would not have become involved in a fight with Nicholas Vogos and I would not have been taken in by certain thoughts." He elaborates further on this tapeworm, particularly during my last interview with him, where he says this time that he is not absolutely con-

vinced that it is a tapeworm, it may be some form of human snake, but whatever this demon, this devil, is inside of him. He believes that it may be possible that there may be an element of witchcraft in this whole affair. He explains that as a child - at that time he was living in the Transvaal - his stepmother indoctrinated him against the natives, and he believes that it is possible that the natives have in fact something to do with this tapeworm. Now, apart from what he says about the tapeworm, when one interviews this man one can find oneself talking about almost anything, from employment, travels, friends, the murder, the trial - virtually anything^{you}/like - and it does not take very long before you are back to the tapeworm. He incorporates the tapeworm in all his thoughts, and it is as if this tapeworm is to a very large extent governing this man's thoughts, governing his feelings, governing his reaction to his environment, governing his behaviour.

1. His wandering around the world, to what does he attribute that? -- His wandering around the world he attributes to his tapeworm. He is vague about it, he can't elaborate on it, but he insists that it is because of the tapeworm.
2. His inability to hold down a job for any length of time, to what does he attribute that? -- That is attributed to the tapeworm.
3. This belief in the existence of a tapeworm in him, which can be medically proved not to be there, what is that? -- I believe that this is a delusion.

(Continued on page 17)

1. What is a delusion? -- A delusion is, firstly, a symptom of major mental illness. It is a false belief, and it is a false belief which is inconsistent with the intelligence of the individual you are dealing with. It is a false belief that cannot be removed by logical argument.
2. I will come just now to the significance of a delusion, but what are the delusions or system of delusion that has been built by the accused on this delusion that he has a tapeworm? -- This man has built around his tapeworm inside of him a delusion system whereby he believes emphatically that this worm is instrumental in controlling his thoughts, in controlling his actions, in ruining his life, and even in killing Dr. Verwoerd.
3. What does he say in this regard, to the killing of Dr. Verwoerd? -- His remarks in this regard were this: I asked him on more than one interview, the question I chose to put to him was: If you had been cured of your tapeworm would you still have killed Dr. Verwoerd?
4. BY THE COURT: I have some difficulty, Mr. Cooper. This evidence has now been brought as to things the accused said which convicts him of murder. I haven't had a plea yet. This witness talks gaily about the accused making confessions about killing Dr. Verwoerd. I don't know. That is what he is charged with. You are leading the evidence.
5. BY MR. COOPER: My Lord, the accused has at no time denied the killing.
6. BY THE COURT: That is what I wanted to make certain of, because it is most dangerous evidence that this witness has given. I presume that no such issue arises.
7. BY MR. COOPER: That he killed Dr. Verwoerd is not in issue.
8. BY THE COURT: Officially I don't know that.
9. BY MR. COOPER: That issue will only arise after he is called upon to plead.

1. BY THE COURT: But then all this becomes evidence.
2. BY MR. COOPER: It may well become evidence.
3. BY THE COURT: All these statements made to this witness become evidence.
4. BY MR. COOPER: That may well be, my Lord, but we will deal with that situation when it arises.
5. MR. COOPER (Contd.): Will you just continue, doctor, about the questions you put to the accused? -- I asked the accused the question: If you had been cured of your tapeworm, would you still have killed Dr. Verwoerd? His reply, his repeated reply was emphatically "No, I would not have killed Dr. Verwoerd." I on more than one occasion asked the accused to explain to me why he killed Dr. Verwoerd, and at this point, relevant to the topic we are now dealing with, I would just like to say that he was extremely vague in his attempts to explain why he killed Dr. Verwoerd. He told me that he had a great deal of difficulty in understanding and explaining why he did, but one thing was quite definite, he said, the tapeworm was right in the middle of it. I am quoting his words. I asked him whether the tapeworm actually told him to kill Dr. Verwoerd. He said: "No, that is not so." The reason why I asked him this question, quite incidentally, was from the point of deciding whether this man was simulating or not. I virtually invited him to simulate mental disorder, and he did not take up the bait.
6. What is the significance, psychiatrically speaking, of a delusion? -- The presence of a delusion in any individual is extremely significant, and, myself, I can do no better than explain this by quoting from Textbook of Psychiatry by Henderson & Gillespie, who are well-known writers in psychiatry. They say: "Delusion is not an isolated disorder. It is merely the superficial indication of a deep-seated

and widespread disorder. As a small island is but the summit of an immense mountain rising from the floor of the sea, so a delusion is merely the component part of a mental disease, extending, it may be, to the very foundations of the mind." And the really relevant phrase is "so a delusion is merely the component part of a mental disease, extending, it may be, to the very foundations of the mind." (Page 103, 1962 edition.)

1. Did you consider - I am sure you did - the possibility that the accused invented this story of the tapeworm? -- Most definitely I did.

2. What did you do to test whether or not he had not invented this tapeworm story? -- Well, this matter tied up with one's general approach in trying to establish whether this man was inventing or simulating as a whole. I was most careful to try and assess whether his story was consistent, whether there were not perhaps any irregularities, any things that didn't fit in with the picture as a whole. I felt very strongly that here was a man who, after all, knew a fair amount about mental disorder, because he had told me that he had been in several mental hospitals. Patients in mental hospitals inevitably know, particularly the more intelligent ones, that hearing voices is a common symptom in mental disorder and a common symptom of schizophrenia, so I felt, if ever a man was going to simulate, here was his easy, ready opportunity. If this man had told me that he heard voices, and in fact, if he had told me that the tapeworm spoke to him and told him what to do and what not to do, this would have been difficult, let us say, to disprove; this would have been consistent with schizophrenia. I hammered on this particular angle, and at no time did this patient suggest that he heard voices and at no time did he suggest that the tapeworm spoke to him or actually

told him what to do.

1. What are the examples that you found in accused persons who are simulating, who are malingering? -- Simulating in cases of serious crime, of course, is quite common, and, I might say, usually readily detected, especially if one spends approximately six hours with the individual, as I did. It is extremely difficult to imitate mental disorder and particularly to imitate the group of symptoms, the picture as a whole, in schizophrenia. Patients often try to simulate mental disorder by telling you that they hear voices, they see visions, they can't remember, they are just confused, they say they are just unable to tell you anything. This patient did none of these things.

2. You said he gave you a history of hospitalisation. Could you tell us if he told you where he had been? -- Yes. He told me that he had been in several mental hospitals. I have listed them, the ones he told me about. The first three are in the United States of America: The Boston Psychopathic, the next one is called Sheep's Head Bay Hospital, the next one is

3. BY THE COURT: How does this become relevant evidence in a court of law, Mr. Cooper? And evidence of what?

4. BY MR. COOPER: As what the accused told the doctor. I am not putting it forward that it proves the truth of it.

5. BY THE COURT: I think this is ^{the} time when I should ask you what you are putting it forward for.

6. BY MR. COOPER: As his narration of his past history.

7. BY THE COURT: On the same basis as his tapeworm?

8. BY MR. COOPER: Yes, on the same basis. It may be false.

9. BY THE COURT: Only he hasn't got tapeworms now, he has mental institutions. I don't know what value it has in a court of law.

10. BY MR. COOPER: Your Lordship will see that this in fact

will link up with a subsequent application which will be made, in fact to substantiate it.

1. BY THE COURT: That doesn't make it evidence, that it is going to link up with something later on.

2. BY MR. COOPER: I am not proving it as the truth of it, at the moment. I am proving that this is a man's story. A doctor asks a person

3. BY THE COURT: If you don't put it up as the truth, I would like you to tell me why you are putting it up and for what purpose, what evidential value it has when I come to give judgment in this case.

4. BY MR. COOPER: It is relevant when a person is examined by the doctor, and he is asked "Have you been to another doctor before?", and he says "No". This man is asked "Have you been to doctors before, have you been to institutions before?", and he says "Yes". If it is shown that that is untrue, obviously it could strike vitally at the whole story he tells.

5. BY THE COURT: (after further discussion): Carry on, but I am not taking this as truth at all of anything. This is just something he told the doctor.

6. BY THE WITNESS: My Lord, with respect, I would like to point out that whenever one examines a patient's mental condition and tries to assess a patient's mental condition, an individual's mental condition, part of the examination consists fundamentally in eliciting a history of that individual from him, from the individual.

7. MR. COOPER (Contd.): Could you give us the names of the other hospitals? -- The first one was Boston Psychopathic, the next two were Sheep's Head Bay Hospital, and Grafton State Hospital, these three being in the United States of America. Then he told me about St. Pancras Hospital in England, a hospital in the Isle of Wight, the name

of which he couldn't recall, a hospital with an unpronounced-
German
able/name in Hamburg, Germany, a hospital in Lisbon and a
hospital in Beira.

1. Did he indicate whether he was an ordinary patient or what kind of patient he was at these hospitals? -- He was not clear in this. It was not possible for me to elicit clearly what he thought, because of his tendency to incorporate his tapeworm into his thinking. For the most part he implied that it was because of the tapeworm that he was in hospital and explained that in at least some of these hospitals the tapeworm issue specifically was investigated, but at times he added that his nerves were bad, and at one stage he said something about having lost his memory.

COURT ADJOURNS FOR 15 MINUTES.

COURT RESUMES AT 11.30 A.M.

DR. COOPER (Contd., still under oath):

1. MR. COOPER (Contd.): You told the Court that the accused told you that he feels the worm moving around and crawling inside him and coming up towards his throat? -- Yes.
2. Postulate that he has no tapeworm in him? -- Yes.
3. What is your comment thereon, his statement? -- That particular symptom would constitute not strictly speaking only a delusion but in this sense an hallucination. An hallucination is a perception through one of the senses of something that does not exist. An auditory hallucination would mean that you hear something where there is nothing to hear. A visual hallucination would mean that you see something that is not there. And if you feel certain things without there being an object to cause that sensation, this would be classed as a tactile hallucination. That is to say he is feeling something without there being something in existence to make him feel.
4. What is your comment on his statement that the worm reacts when it smells food? -- This I would class more as a delusion. He believes - this is a combination of delusion and hallucination, because he believes - that is to say he is deluded to the extent of believing that the tapeworm reacts to food and other things in the environment, and he is hallucinated in the sense that he actually feels the tapeworm react.
5. Would the accused feel a tapeworm if he had one? -- No.
6. Does he blame Dr. Verwoerd, the late Dr. Verwoerd, for the existence of this tapeworm? -- No. He did not blame Dr. Verwoerd for the existence of it directly, but he implies that if it had not been for the tapeworm he would not have killed Dr. Verwoerd, so presumably he interrelates Dr. Verwoerd and the tapeworm in some way.

1. Whilst speaking to the accused, how was his flow of speech? -- This was variable; but there were many instances where he would start a sentence or start explaining something and then, inexplicably, break off. There would be a long pause and then he would either pick up more or less from where he left off or he would go off at a complete tangent. And this I felt was a demonstration of what we call thought blocking. It means exactly what it says - a blocking of thought processes, which again sometimes featured in schizophrenia.

2. Did you find any features of paranoia present? -- Once one talks in terms of paranoia, or paranoid, one is simply talking about delusional content, the expression of false beliefs. I have already tried to explain that in my opinion his whole concept revolving around the tapeworm and its qualities constitutes a delusion, a paranoid feature in his mental condition. There were other rather vague elements of paranoid thinking in the sense that he described how on one occasion, in Lisbon, he was being treated in a mental hospital, he felt, for no good reason, and he felt that they were using on him an antiquated type of machine for the administration of shock treatment, and he strongly suspected that they were trying to kill him. This would constitute a paranoid feature.

3. Is there any other instance of a paranoid feature? -- Nothing very convincing. Throughout the course of these interviews there were occasions where one felt that he had vaguely persecutory ideas which would be of a paranoid type. But, apart from the tapeworm, and also the delusion concerning the possible element of witchcraft in connection with this tapeworm, this was also paranoid. There were no other convincing paranoid features.

4. In his youth - was there any incident in his youth

which he adverted to? -- There was an incident in his youth which was so difficult for me to assess^{as}/to its truthfulness, its reality or its delusional character, that I have not mentioned it. He did mention that his stepmother, I think it was, induced a relative to commit sodomy on him when he was a small youngster, and he felt that perhaps this was designed to destroy his masculinity, and he also felt it had something to do with the question of making him unfit for any inheritance. If this be true, of course, it is delusional, but one wondered a little at least whether some relative hadn't in fact committed sodomy here. But the deduction that he drew from this incident would point to him being paranoid and deluded.

1. At this stage apparently you are of the opinion that the accused is a schizophrenic? -- Yes.
2. Which class do you put him in? If you don't want to put him in a class, don't put him in a class? -- There are various classes of schizophrenia, but quite frequently these classes are not well defined in any particular case. I would like simply to say that this man is suffering from schizophrenia and that in his case there are paranoid features.
3. Schizophrenia, is it correct, is a psychosis? -- Yes.
4. What is a psychosis? -- A psychosis one can say just simply is a major form of mental disturbance distinguishing it essentially from a neurosis which is a minor form of mental disturbance.
5. This opinion which you formed, did you test it in the light of his past history, his pattern of life? -- I am sorry, I didn't quite get the beginning of the question.
6. When assessing him, in coming to this conclusion, did you take into account the accused's pattern of life over the years? -- I made a diagnosis of schizophrenia on the

basis of my interviews with him, but, in order to try and add either supportive or negative evidence towards this diagnosis, I felt it essential to elicit a history from him and try and decide whether the history I obtained from him was consistent with my impression of him suffering from schizophrenia.

1. In broad outline, what did you ascertain from him? -- In broad outline, I found that this man has, first of all, quite an extraordinary history, a most unusual history, a grossly unstable history.

2. What are the unusual features? -- There, briefly, because I am dubious as to how much this concerns the Court, he never knew his mother but has been told that his mother was a Non-European, his father came from Crete, the accused, at the age of one, was sent away from his father to Egypt to the care of a granny, stayed there until he was six, then rejoined his father who had remarried. There was a poor relationship between the accused and his stepmother.

3. BY THE COURT: Is all this what you got from the accused? -- From the accused.

4. So you are now telling me what he told you? -- That is correct. And as a result of this disturbed relationship between the accused and his stepmother he says he was sent to a school in the Transvaal, in Middelburg, Transvaal, where he remained until about the age of twelve, and then he returned to Lourenco Marques. I would like to pause there and say that I am mentioning this aspect of his background in that, if it be proved, if it be true, it would lead one to believe that a man with such a background would be rather more prone to develop mental illness later in life than would the individual with a normal family background. Then comes a story of aimless ramblings, wanderings, around the world, from one country to another, with an apparent inability to

find any sort of niche for himself; an inability to adjust himself to any one fixed abode. The number of countries that he has been to is obscure, but he listed at least 25. Then one tried to go into the question of employment.

1. What relevance has that got? The world is full of globe-trotters, tramps, bums, whatever you wish to call them. They are not schizophrenics because they walk the world? -- I would say that on its own it would not be significant, but one has got to take the pattern as a whole in this case. But I think 25 countries is perhaps a little more than the usual globe-trotting.

2. I don't know what you base that on. A man with itchy feet, I don't know whether he doesn't do more than 25 countries. I don't know whether you and I know much about that, but I don't know on what you base that, that that is more than the ordinary globe-trotter tramps? -- Rightly, or wrongly, I felt that it was significant in that it fitted into the pattern as a whole - that it could not be taken as highly significant on its own.

3. MR. COOPER (Contd.): His employment that he had? -- His employment was again of the same ilk in the sense that it appears from his story that he was never able to hold down a job for more than a couple of months at a time. And I was particularly interested in his employment recently in Cape Town, because there one could at least have some grasp of what he was talking about. And the fact that here was an intelligent man first of all taking up menial, simple, forms of employment was to me significant. And furthermore the fact that, having taken up these menial, simple, jobs, that he was unable to hold down these jobs was also important and indicative of something being wrong.

4. BY THE COURT: Did he say he left the jobs, or was he sacked? -- He was occasionally sacked. He was usually sacked,

I think, but occasionally left of his own accord.

1. MR. COOPER (Contd.): Did he say why he left them of his own accord? What was his explanation? -- The explanation again usually revolves around the tapeworm, that because of the tapeworm he could not hold down the job, and this made him move on.
2. In what way did he say the tapeworm affected his health? -- He said the tapeworm had destroyed his entire personality, both mentally and physically; that it made him weak, feeble and infirm.
3. Is he fond of the word "infirm"? -- Yes.
4. If it is shown that between August 1965 and the 6th of September of this year the accused had five jobs in which he never stayed longer than two months in any one of those jobs, what do you feel about this? -- This would be consistent with his mental condition as I saw it, in that I would not be able to, I would not expect this man to be able to hold down sustained employment even of a relatively simple type.
5. BY THE COURT: May I put the opposite to you - the other side? Again it is not unusual - we in these courts know it is not unusual - for people not to hold jobs. It is not unusual for them never to do a stroke of work? -- I went into this carefully
6. That is so, isn't it? -- That is so.
7. You have come across people who won't work and who don't hold jobs, haven't you? -- Yes, but, when I do, I try and establish the reason therefor, the reason why they don't hold these jobs.
8. You don't believe that they just want to work, and are lazy? -- I am sure that there are those people, but this man did not fall into that category. He was continually seeking employment; he was continually getting

employment, but, having sought it, and got it, he was unable to hold it; he was unable to function on a reasonable level. If his story is correct, there is nothing to suggest, from what he told me, that he is a won't-work.

1. MR. COOPER (Contd.): Give us certain of the typical schizophrenic behaviour that you get in a schizophrenic? -- In this type of mental illness the individual tends to be rather isolated from his surroundings in the sense that he tends to not make any close friends, not maintain any close friendships - he does not really concern himself terribly with any intimate relationship and is in fact quite unable to form and maintain any intimate relationships. He tends to be rather untidy, neglectful of his appearance; he tends to have difficulties in concentrating and applying himself consistently; he tends in fact to be a daydreamer, pre-occupied with his own inner thoughts which are not in fact directly related to the environment around him; and he quite often tends to lead an aimless, almost vagrant, useless sort of life, with very little go, very little ambition, very little achievement, very little worthwhile.
2. Physically, how would you describe the accused? -- I would describe him as a wellbuilt man who does not appear to be appear to be suffering from any physical infirmity.
3. You already told us that you consider him above average intelligence? -- Yes.
4. Have you be shown a copy of a report from the University College, St. Pancras Hospital, London? -- Yes.
5. I don't want you to tell the Court what is in that report, but would you describe whether that report relates to the accused's state of mind, mental health? -- It does relate to his state of mind, and in fact describes the state of mind.
6. BY THE COURT: Counsel told you not to tell me, and now

you are starting to tell me. -- I am sorry, my lord.

1. MR. COOPER (Contd.): Are the contents of that report relevant to the present enquiry? -- I believe so, yes.

2. How important are they to the present enquiry? -- Very important.

3. How important will it be for the Court to hear the evidence of the medical practitioners who in fact interviewed the accused and who ^{drew} up these reports?

4. BY THE COURT: When was that?

5. BY MR. COOPER: 1959.

6. BY THE WITNESS: That would depend on the Court's attitude towards this matter. If the Court would require evidence in addition to what evidence has been presented now, to satisfy or to elaborate on the evidence, then it would be very important.

7. BY THE COURT: It would be somebody else's opinion on the clinical examination which he held? -- More than that. It would be somebody else's opinion and the fact that, if this other opinion was to the effect that this man was suffering from schizophrenia at that time, it would be very relevant to whether he is suffering from schizophrenia or not.

8. That I follow. I will put it to you again: it will merely be some other person's opinion - I don't know if it was a psychiatrist or what it was - on certain observations made by that person as to what his opinion is? -- That is correct. Except - I would like to elaborate on that and explain that when a patient is admitted to a mental hospital, eventually a report may emerge which will almost always be signed by the superintendent, but very often it is in fact the opinion of the group of psychiatrists who have dealt with this particular individual. So it is the opinion of perhaps several people.

1. I do not know if it may not happen overseas as well, but it certainly has happened in this country that the superintendent of the institution signs the report and then, when I have asked him, he tells me that he had nothing to do with the investigation at all. So that the fact that somebody has signed the record might be that that person had nothing to do with the investigation. Is that not possible? -- Depending on how it is worded. It is possible that he is reporting on the findings at that time. I am unable to say whether the individual who wrote this report actually was involved in the examination or not.

2. He might use a whole team of investigators? -- Yes.

3. Some of whom might be dead, and some of whom might be alive? -- Correct.

4. MR. COOPER (Contd.): Assume the investigators are alive and are able and willing, in London, to give evidence that this man was a paranoic, they diagnosed him to be a paranoic, schizophrenic, that he did attribute everything to the tapeworm - assume that - how relevant, and how important would that be? -- It would be important, very important, from many points of view. It would tend to certainly confirm one's present clinical impressions of the man, and I feel strongly it would obliterate finally and conclusively any question of simulation in this case, malingering.

5. You have also seen a report from the White Croft Hospital, Newport, Isle of Wight? -- Yes, I have.

6. What is your observation on that report? -- The general observation is that again there is reference, extensive reference, to the tapeworm, and again there is a diagnosis of psychotic illness. I don't know whether I am permitted to read a line or not

7. Don't read. There is reference, you say, to tapeworm, reference to a psychotic illness? -- Yes. And there is

reference to the fact that he has not recovered, on discharge.

1. Again, how important would it be if we are able to find the doctor who did examine the accused, who did make this diagnosis, and I am led to believe that he is available? How important is that, to have that evidence before this Court? -- It is important. And I must point out that in this report the person who has signed the report said "I found this" and "I found that", so presumably he is reporting on his own findings.

2. In regard to the White Croft Hospital there are in fact two doctors, not so, who have signed reports - it is actually a composite report? -- I have not got the report here.

3. We will deal with it at a later stage. Furthermore, you have seen a report from a German hospital near Hamburg? -- Yes.

4. Is that correct? -- Yes.

5. Does that contain a diagnosis of the accused's mental condition in 1955? -- Yes. That also refers to him as suffering from a psychotic illness.

6. Again there is reference to the tapeworm, and that the patient attributed everything to the tapeworm? -- Yes.

7. How important is that in your opinion? -- That is very important.

8. Again, if we are able to get the evidence of the practitioner or practitioners who diagnosed the accused's condition at the time, would that be material evidence? -- Yes, it would.

9. And further, you have seen the American report as well, haven't you? -- Yes.

10. What do they show? -- There is a report from America in 1946 describing or, let us say, making a diagnosis of

schizophrenia.

1. Again, would it be relevant and material to this enquiry, if possible, to obtain the evidence and have it before the Court? -- Yes, it would.

2. I want you to give us your final assessment? -- My final assessment of this man's mental condition is that he is suffering from a mental illness known as schizophrenia; that I feel I have good reason to believe that he has been suffering from this mental illness for probably at least twenty years, and that this mental illness is of such a degree as to make him certifiably mentally disordered in terms of the Mental Disorders Act.

3. BY THE COURT: Under what class of the definitions would you put him - of the definitions purely as they may be in the Act? -- Under the class of mental disorder.

4. Class 1, is it? -- That is correct.

5. A person suffering from mental disorder, that is to say a person who owing to some form of mental disorder is incapable of managing himself or his affairs? -- That is correct.

6. That is the one you put him under? -- That is correct.

7. MR. COOPER (Contd.): I want to refer you to Section 2 of the Mental Disorders Act which precedes the classification of the mental disorders. You have told us that the accused has a mental disorder? -- Yes.

8. Is he capable of managing himself? -- No.

9. Why? Because of the mental disorder? -- Why? Because I believe that he is quite incapable of fending for himself. He is incapable of holding down employment. He is dependent all the time on others for help and assistance.

10. Therefore you say he is incapable of managing his own affairs? -- And he is incapable of managing his own affairs.

11. To what extent is he a danger to himself or others? --

He has certainly proved himself to be a danger to others. And in schizophrenia the thought processes are so confused and unpredictable that one might say he may well become a danger to himself.

1. If there is evidence that in 1955 the accused attempted to commit suicide? -- This would not surprise me.

2. What do you consider his prognosis to be in this case? -- Extremely poor.

3. Why do you say that? -- I say that first of all by virtue of his mental condition as I see it now, in that in my opinion the mental picture now is indicative of a chronic long-standing type of schizophrenia which tends not to respond favourably to treatment.

4. Can you add anything to support you or would you like to refer to anything in support of your opinion? -- Yes. The question of the duration of the illness in schizophrenia is important when one considers the eventual outlook. Referring again to Mayer-Gross, Slater and Roth, Clinical Psychiatry, in discussing the course and prognosis of schizophrenia, they say "The prospects of a lasting spontaneous remission are greatest during the first two years of illness. After five years of continuous illness they become negligible". I believe that this man has been suffering from schizophrenia for far longer than five years, and therefore, on this basis alone, I believe that his outlook is now extremely unfavourable.

5. Can the accused understand these proceedings? -- This depends a great deal on the definition of "understand". I am of the opinion that the accused is not able to understand the exact nature of the evidence which will be led here, that he is not able to grasp

6. BY THE COURT: Are you talking about this technical, psychological evidence? -- Any evidence that involves

anything the least bit complex.

1. If there were evidence that he picked up a knife and stabbed a man, that some witness saw him, would he know what that witness is talking about? -- Yes.

2. It is not unusual that people don't understand the type of evidence that you have^{been}/giving. We are trained to try and do so.

3. MR. COOPER (Contd.): As regards the proceedings in general, what is his understanding and appreciation of them? -- I have spent considerable time with this man trying to elicit from him whether he has any views regarding his defence, whether he had any idea of what sort of approach his defending counsel would be adopting in this case, whether he had any personal views on how he would try to defend himself, whether he really understood the implications of this whole matter, and I came to the conclusion that he had no notion of these things - that he had no understanding of these things at all.

4. BY THE COURT: Of which things? I have no understanding of "these things". Which things? That he was being tried here for the crime of murder? -- He knows that he is being tried for the crime of murder.

5. Does he know that for murder you can swing? -- Yes.

6. Well, what else does he want to understand?

7. MR. COOPER (Contd.): Is it as primitively simple as all that? -- No, it is not.

8. Is he able to make a proper defence? -- Most definitely not.

9. Is he able to instruct me properly in this matter? -- I don't think he is able to instruct you at all, usefully.

10. BY THE COURT: I am sorry, but again I must ask you what on earth this means. You don't think he can instruct counsel. What does that mean? Counsel does not seem to

be doing so badly up to the moment. He got his instructions from somewhere. What do you mean by that answer?

1. BY MR. COOPER: I had a very capable instructing attorney, my lord.

2. BY THE COURT: Thank you. You must have a very capable client too. What on earth do you mean by giving me an answer that he is not capable of instructing counsel in his defence? -- I mean specifically that I asked him questions to try and establish whether he was able, whether he had any ideas on this matter of his defence, whether he had any idea of what he should say to his attorney

3. What is he going to say? His defence is either "I didn't do it" or "I did do it, but I am insane". Surely he knows both those? -- I found myself comparing this case with other murder cases, other murderers who I have examined, and they have always shown (a) a lot of interest and anxiety concerning their defence, and they have always tendered to offer explanations, excuses, reasons and - whether they be worthwhile or not - ideas they had concerning why they may not be guilty. This man had nothing of this type to offer at all.

4. If he were as sane as tomorrow all day, what do you suggest he might have been able to offer as an excuse to get himself out of this trouble, other than his mental state? If he were the cleverest accused ever, and the evidence is - which I presume it is going to be - that he stabbed the Prime Minister in the Houses of Parliament within sight of all the people there, what do you suggest the cleverest accused in the world could have thought up by way of defence, other than what he has? -- I think that a man who has been in mental hospitals several times would have inevitably thought up or talked in terms of some sort of defence related to his mental condition. That he either

couldn't remember what he was doing

1. This one did, didn't he? He offered the defence of a tapeworm. It may be true. I don't know. He has gone as far as he can? -- He does not present the tapeworm as a defence.
2. MR. COOPER (Contd.): What did he think you were examining him for, for what purpose were you examining him? -- After having examined him for several hours, and, after I knew that fellow psychiatrists had also examined him for several hours, during the course of a joint interview with him I noticed him, just in passing, saying "I must thank you very much for all the assistance you are giving me". He rambled on a little bit, and then I took this up and I said to him "In what way do you think we are trying to assist you? In what way are we assisting you?" and he said "Well, the tapeworm is giving me a lot of pain, and you are listening to my difficulties about the tapeworm". And it was clear to me at that time that this man had not grasped the purpose of our examination.
3. Finally, what is your opinion, what is your firm opinion in this matter? -- My firm opinion is that he is mentally disordered in terms of the Mental Disorders Act.
4. Do you think this is a borderline case of schizophrenia? -- As in many cases of schizophrenia, some of the symptoms he displays perhaps are relatively subtle symptoms which have to be drawn out, symptoms of which one has to have some sort of knowledge before their importance - before one becomes aware of their importance. I don't consider this a borderline case. I consider him to be definitely mentally disordered in terms of the Mental Disorders Act.
5. Would it be easy for a layman to discover that this man is a schizophrenic? -- I think it would quite possibly

not be easy for a layman to find that - well, certainly not to find that he is a schizophrenic, and certainly not easy to possibly realise the magnitude of the disturbance of his mind. Not easy to realise that he is suffering from a serious form of mental disorder.

1. Why is that so? -- I would say that this is common in mental illness, but particularly common in schizophrenia. And on several occasions I have had experience of intelligent individuals - I hope I am able to say this without hesitation - many of them have been of the legal profession, who have gone to visit patients, certified patients, at Valkenburg Hospital, and they come back from the Hospital and they say "I don't think he is so bad. I don't see where he is mentally disordered". Unless one is able to explain the mental disorder it has been difficult for these people to appreciate the fact that the individual is mentally disordered. And the other thing about schizophrenia that I would like to stress, seeing I have been asked this question, is that although the abnormality, the mental abnormalities, may appear to be relatively - I say may appear to be - of relatively minor degree, we know that these relatively, seemingly relatively minor symptoms cause profound disturbances in the behaviour in schizophrenics, and this is what in fact I believe has happened in this particular case.

(Continued on next page)

1. CROSS-EXAMINED BY MR. VAN DEN BERG: In deciding whether the tapeworm story is a delusion or not, did you take into account the cultural background of the accused?
-- Yes, I did.
2. What is his cultural background? -- When one is describing cultural background one is describing a large number of environmental factors. One has to take into account perhaps most particularly his intelligence, which is high, and then one has to take into account the environment which he has been faced with over the years. This man is in a peculiar sense a well-travelled individual. He knows the ways of the world, and although at one stage of his life he was living in Middelburg in the Transvaal where he may, I suppose, have been mixing with fairly poorly educated Africans, perhaps, may have heard Africans talk in terms of witchcraft, I see nothing in this man's background to suggest that it is his background that makes him think in terms of tapeworm.
3. But isn't it a fact that natives in this country often tell doctors these things because they believe they have been bewitched? -- That is correct.
4. And isn't it a fact that the accused is of mixed descent? -- The accused is of mixed descent, but he has lived the life of a European. He has lived primarily, the bulk of his life, essentially among European population.
5. But hasn't he often associated with natives? -- I understand, or I believe, that in his early life as a child in Middelburg he probably associated with natives. Recently in Cape Town he has in fact associated with coloureds as well. But I cannot conceive of this man as being a primitive individual influenced by primitive beliefs.
6. So wouldn't you agree that this could be superstition?
-- Not in his case, no.
7. Do you know that the accused told Dr. van Wyk that he

could not sleep? -- I did not know that.

1. That he was very worried about this charge against him?
-- He did not tell me he was very worried.

2. BY THE COURT: I thought you told me - I want clarity -
that the accused at one stage did describe this ^{wormy} condition of
his to witchcraft? -- Yes, he did.

3. Now I understand you to say that you are satisfied from
his background that that can't be so, and I thought he told
you so himself? -- I don't think this is related to his
background. He is relating this tapeworm in this instance
to something that happened in his early life.

4. When his mother put him against the blacks, and the
blacks in revenge, by witchcraft, put a tapeworm in him? --
Yes.

5. Isn't that what I understood you to say? Is that
right? -- Yes, that is right.

6. Well then, isn't that what counsel is asking you,
whether there isn't a possibility that this whole tapeworm
story is based upon that witchcraft superstition which he,
as a small boy, picked up? I thought that was what counsel
is asking you?-- I think not. The witchcraft aspect of this
tapeworm has been a tremendously secondary thing that he
threw in when we particularly or continually worried him
as to where he thought this tapeworm had come from.

7. Why would he throw it in, secondary or primary, if he
didn't believe in it? -- He said it was a possibility. He
didn't believe it strongly. He said - I think I did say
this - that he thought it might possibly be related to this
witchcraft element.

8. BY ASSESSOR (Mr. Baker): In other words, he did show
some belief in witchcraft? -- He did show some belief in
witchcraft, but in answering Mr. van den Berg's question
I was trying to answer in relation to his cultural back-

ground, and I feel that culturally his overall cultural development is advanced. He may have this isolated delusion concerning the witchcraft, but his cultural development is advanced, it is not that of a primitive individual.

1. MR. VAN DEN BERG (Contd.): You said this tapeworm delusion was constant - is that so? -- I don't know if I put it in those words.
2. BY THE COURT: Well, the words you did put it in, it didn't matter what you talked about, before you knew where you were you were back at the tapeworm? -- That is so.
3. I don't know whether you would describe that as constant, but that is the way you did tell me it was? -- The talk and the discussion from him about his tapeworm certainly was very prominent at each and every interview.
4. Isn't that what you told me: no matter what you talked about - you talked about various things; I think you mentioned various things - no matter what you talked about, you finished with the tapeworm? -- Yes, my Lord, I am not suggesting
5. So that it is constantly there, no matter what you talked about? -- Constant would mean that he talked about tapeworm and nothing else. I am not suggesting that. He did talk of other things. But I am saying that the tapeworm played a prominent part in his overall conversation.
6. Do I remember correctly that whatever you talked about you finished on the tapeworm? -- Frequently that was so.
7. MR. VAN DEN BERG (Contd.): If there is evidence that the accused gave other reasons for killing the deceased as well as for his travels, do you still say that this delusion is constant? -- Yes, but I have not said that the accused gives the tapeworm as an excuse for killing Dr. Verwoerd. All I have said is that the accused has said that the tapeworm was in the middle of it, whatever that may

mean. But that is what he said.

1. Was that the reason or was that not the reason for killing the Prime Minister? -- I believe that the reason for killing the Prime Minister can only be explained on the basis of a very complex, confused, deluded mind; that one cannot say there was any one element and blame that one element for his killing of Dr. Verwoerd. I believe it was a complex, confused, muddled issue, of which the tapeworm played a part, and which other things also played a part.

2. Could he plan if he was confused? -- He could plan in a simple way, yes.

3. You say in ...? -- A simple way.

4. Didn't the accused say that he believed that the doctors had never given the tapeworm sufficient attention?

-- Yes.

5. Did he tell you that once he considered shooting the medical doctors because they were not giving this tapeworm sufficient attention? -- He didn't tell me that in so many words, but he told me that he didn't think much of the medical profession in relation to their knowledge of how to handle a tapeworm.

6. If this is the evidence, why wouldn't he have shot the doctors, why would he shoot the Prime Minister? -- If the Court wishes me to expound on why I think this man killed Dr. Verwoerd, I am afraid it is the only way in which I can answer this question. This is very complicated ground that we are on now, and it is impossible for me just to answer in a simple way, but perhaps just as a preliminary answer I believe that this man has feelings that throughout his life he has been frustrated, that he has been up against it. I believe that he feels that society as a whole is against him. And I believe that he, in his peculiar assessment, assessed Dr. Verwoerd as the head of society. I think

he identified Dr. Verwoerd as the leader. I think he was fed up with society as a whole, and the obvious man to attack was the man that he considered to be the leader of the society in which he was.

1. BY THE COURT: I don't quite follow. You told me you think the real reason is that this man found all society was against him? -- Yes.
2. This was the leader of society, and he kills him. Aren't you now describing to me a paranoic par excellence? Isn't this a paranoic that you are describing to me, a man who believes the hand of all society is against him at all times. You told me this man only showed very slight paranoic tendencies. I am a layman, I am not an expert. I don't know where I am.? -- I don't regard this as being particularly paranoic, in that I don't think - he doesn't feel that people have been persecuting him or trying to poison him or any of these things that paranoics sometimes do believe. But he believes that his whole life has been hopeless, that he is helpless, that he just can't make any headway, and he is only being paranoic in the sense of being unable to understand that this failure is the product of his own sick mind, and he is rather blaming society for this hopeless and helpless situation he finds himself in.
3. MR. VAN DEN BERG (Contd.): Then he should have had a grudge against the doctors? -- Which doctors?
4. The doctors who couldn't kill the tapeworm? -- Yes, he certainly has a grudge against these doctors, which he expressed.
5. Why didn't he kill a doctor, why did he kill the Prime Minister? -- It is very hard. If one could creep into this man's mind one would be able to understand. But I think the Prime Minister was a much bigger and greater authority figure in this man's mind than a doctor.

1. Do you agree that the accused was able to plan? -- The accused is an intelligent man and he is able to use that intelligence to do certain practical things. Certain things that just demand an application to small practical issues, he is able to plan in that sense.

2. Does he give a good account of his actions? -- A fairly good account, yes.

3. A fairly good account, not a good account? -- Which actions are you referring to?

4. What he did, what he explained to you, what he did? -- Yes, he gives a good account of what he did. He finds it a little difficult to describe in any detail the last few seconds associated with this deed, but on the whole he gives a good account of what he did.

5. If I put it to you that he performed his work in the House of Assembly normally and efficiently, would you agree with that? -- I would like to know details of that. I would say that a highly intelligent man performing as a messenger in court may well be able to perform fairly reasonably, but I would suspect in this man that he didn't in fact perform all that reasonably. I would be surprised, in fact, that he performed altogether satisfactorily.

6. But he was a messenger in the Press Gallery, and if he didn't perform his duties efficiently wouldn't he have been dismissed? -- I understand that he was only there for a short time.

7. He was there from the 1st August to the 6th September? -- Yes. I must draw a conclusion from this that he wasn't completely and obviously hopeless and inefficient in his duties.

8. But if there is evidence that he performed his duties normally and efficiently, you won't deny that? -- If the evidence is such, I must accept it.

1. Did you find any apparent memory defect in the accused?
-- Negligible memory defect.
2. He remembered his whole history very well? -- Yes, he found a little difficulty. Sometimes it was a little difficult from what he said to establish exactly how long he had stayed in one place and whether he had gone from A to B or A to C, but on the whole I would say that his memory was satisfactory.
3. Do you agree that he was not disorientated as to time and place? -- I agree.
4. Does this not spell normality? -- No.
5. Why not? -- Because in schizophrenia the intellectual functions, functions involving memory and as a consequence orientation, are not particularly disturbed. In fact they are often not disturbed at all.
6. When you first met the accused, did he ask you who you were? -- If my memory serves me aright, Mr. David Bloomberg introduced me as Dr. Cooper.
7. And did the accused ask you who you were? -- No, he just accepted; as he accepted everything else, he just accepted that I was who he had been told.
8. When the psychologist who will be called by the State, Mr. Erasmus, interviewed the accused he asked Mr. Erasmus who he was? -- Yes.
9. Is there any significance in that? -- Well, he may well have asked me who I was, but he was introduced to me before perhaps he had a chance of asking me. I don't think there is any significance in the fact that he asked who Mr. Erasmus was.
10. Did you ever get the impression that the accused was concerned about his rights? -- His rights?
11. Yes? -- He showed a certain amount of concern, but I would say minimal concern and a degree of concern that I

thought was completely inappropriate and unusual in circumstances of this sort.

1. I am informed that on the 6th October, 1966, when the accused appeared before the Chief Magistrate for remand to this Court, he told the Chief Magistrate that he did not understand the meaning of the word "summary", a summary trial. He did not understand the word "summary". Why do you think he asked this question? -- Because he wanted to know what the term "summary trial" meant.

2. Don't you think that he was interested in the legal significance of the word? -- I can't answer this question. I think he just was curious to know what "summary trial" meant. I am not in a position to say why he wanted to know.

3. Doesn't this show that the accused understood the rest of the proceedings before the Magistrate? -- I don't know what proceedings they were on that day. I think I am correct in saying the proceedings were extremely limited, and limited proceedings I believe this man would be able to follow.

4. What do you mean by limited proceedings? -- This man's difficulty in thinking logically and assessing things and forming reasonable judgments and coming to reasonable conclusions becomes increasingly difficult as the complexity of what he is presented with increased, particularly in respect of time. If one talks to him over quarter of an hour, the first quarter of an hour if one asks him simple questions he gets along quite all right, but as the time goes on his thoughts drift more and more and he tends more and more to lose contact with what is going on around him.

5. BY THE COURT: That you don't find unusual, do you? The ordinary member of the public is very much like that unless he has been trained to long periods of mental con-

centration? -- Yes.

1. There is nothing unusual about that, is there? -- This is again a matter of degree.

2. I have had jurymen who tell me they can't take more than about a quarter of an hour of it? -- Yes, I agree. This is a matter of degree again.

3. How do you find anything unusual in that? -- Yes, I did. It is a matter of degree, and I felt this individual's tendency to become lost was greater, far greater, significantly greater, than in the average individual.

4. MR. VAN DEN BERG (Contd.): Do you agree that schizophrenia is a group illness? -- Yes. Schizophrenia is a wide term which is used to describe a group of mental disturbances, or, let us put it this way, that the symptoms which may be associated with a diagnosis of schizophrenia vary quite considerably.

5. Is it difficult to diagnose? -- I like to feel that after my experience I am reasonably able to diagnose schizophrenia, but for the layman it may be extremely difficult to diagnose.

6. Isn't it accepted by psychiatrists that some of the cases of schizophrenia recover? -- That is correct.

7. Some recover but retain certain schizophrenic traits? -- Yes.

8. Some are periodic? -- Correct.

9. While others suffer complete disintegration of the personality and become permanently demented? -- That is correct.

10. If there is evidence that the accused killed the deceased for political motives, would this factor strongly suggest that he is responsible for his actions? -- No.

11. You say "No"? -- That is what I said.

12. Why not? -- Because I believe that there was at least

- that there certainly was at least an element of political resentment in this man's mind. This man's background was such that he did in fact talk in terms of being opposed to certain aspects of Dr. Verwoerd's policy. He admitted that quite openly. It was clear to me that he had no liking for Dr. Verwoerd, and I asked him - I told him in fact that it seemed to me that this was a straightforward affair, that he didn't like Dr. Verwoerd and therefore he killed Dr. Verwoerd. He pointed out to me that there are many people that he hasn't liked in this world, that there are many people that have made him fed up, that he has been resentful towards, and he said that his not liking Dr. Verwoerd, that his dislike of Dr. Verwoerd was not such that he would therefore kill Dr. Verwoerd, and that he in fact couldn't understand really why exactly he killed Dr. Verwoerd.

1. So this really had nothing to do with the tapeworm?
--It did have something to do with the tapeworm, because the tapeworm has, in his mind, been instrumental in placing himself in a society and having been placed in that situation in society he is resentful of Dr. Verwoerd as an authority figure, and resentful in a personal sort of confused way to his policies.

2. BY THE COURT: Could you remember at what stage he tried to convince you with this very rational, logical argument that "I didn't kill the man because I don't like him; there are many people in this world I don't like, and I don't go out to kill them."? I could not have imagined anything more rational and logical than that. When was this that he said all this? -- It was when I discovered that he was quite willing and open in his admission that he did not like Dr. Verwoerd. I then attacked him verbally, and I said "Look, this whole thing, I don't know what we are

arguing about here. The whole thing is quite clear. It seems that you killed Dr. Verwoerd because you didn't like him", and it was only when I put this statement to him that he came forth with this idea, or this explanation if one likes to call it that.

1. Complete logic: I dislike lots of people, I haven't killed a lot of people, and I have killed this one. Therefore it is not because I disliked this one that I killed him. The logic is impeccable. --- He said that he felt that the reasons underlying his killing of Verwoerd were far too complex. He couldn't explain to me why. And then he started talking about frustration, frustration, and the tapeworm, and not holding jobs, and having nowhere to live, and the whole thing became jumbled in his mind.

2. Then surely at some stage you then say, if I can visualise ^{it,} "Yes, that is all very well. I know you have had a disturbed, difficult sort of life, but what has that got to do with Dr. Verwoerd?" -- Oh, I did. I asked him.

3. And what answer did you get? -- I asked him whether he blamed Dr. Verwoerd for everything. No, he didn't care to go so far as to say that he blamed Dr. Verwoerd for everything.

4. How far did he go? -- There was a big pause, there was a big "er" and a hesitation, as there is in so many of the questions one put to him, but he said no, he cannot blame Dr. Verwoerd directly for what happened to him.

5. How far did you probe this? You are a trained psychiatrist? -- I probed it very far.

6. And did you get anything at all beyond that he didn't kill him because he disliked him? Did you get any idea as to why he did kill him? -- I spent a great deal of time on this question of "Why did you kill Dr. Verwoerd?". In fact I tried to give him the impression that in fact I was getting

fed up. I said to him - this I said to him at my last interview again - I said "Look, I am going to ask you a simple question: why did you kill Verwoerd?, and I want a simple answer." He said "I don't know. I can't explain. It is complex. Frustrations, you know", and we got no answer to this question. I asked him this question many times. I probed as forcefully as I could, and I could not get him to tell me why he killed Dr. Verwoerd, and, with respect, I came to the conclusion that he doesn't really exactly know why he killed Dr. Verwoerd.

1. I hesitate to ask this, because I am very much aware of my being a layman, but if he killed him under a delusion wouldn't he immediately be able to tell you why he killed him? -- I don't believe it was simply a delusion.

2. You are not answering the question. I put it hypothetically. If he killed him as a result of the machinations of a delusion and he was a deluded individual, wouldn't he immediately be able to tell you what his delusion was and why he killed him? -- My answer is yes, provided that the reason for him killing the man was purely and simply in response to the delusion. Then I would say yes, he would.

3. I am thinking of a case which we lawyers know of: a man who was deluded into thinking that a child in a hut was a tokoloshe. He killed the child because he believed it was a tokoloshe. The Court believed him. But he didn't say "I don't know why I killed the child." He said "I killed it because it was a tokoloshe". --- That is what one would expect.

4. Exactly. My question is not quite so stupid. If this is a deluded individual you would have expected a definite answer? -- If his crime was directly related purely and simply to his delusion, I would have said I expect a direct answer. But I do not believe this was in fact purely

and simply related to the delusion of the tapeworm.

1. That is the only delusion he had, isn't it, that you discovered? You didn't discover any other delusion? -- No, but I

2. Except vague ones that "society isn't very nice to me"? -- No, but I found other aspects of his mental disorder which in my opinion are equally important to simply his being deluded.

3. I must put it again. The fact that he could not give you a definite answer when you pressed him as to why he had killed Dr. Verwoerd shows that he did not kill him as a result of any definite delusion. Am I wrong in that? -- That is correct. He did not kill Dr. Verwoerd because he believed he had a tapeworm.

4. That is not the question I asked you. My question had no tapeworm in it? -- This is obviously an important question and I have got to get in my mind clearly what we are talking about.

5. The question I put to you is that if it is true that he could not tell you why he killed Dr. Verwoerd, can I from that deduce that the killing was not because of a delusion? Because I thought we had walked the road that if he had killed the man because he was deluded he would have said so? -- That is correct.

6. Am I right or am I wrong? -- You are right, provided I am prepared to qualify it and say that he did not kill Dr. Verwoerd purely because of a delusion.

7. That doesn't satisfy me. Did he kill him as a result of a delusion at all? Did delusion play any role in the killing, and if so, which delusion? -- I believe delusion did play a role in the killing.

8. The delusion being what? -- The delusion being a very complex, involved system of thought revolving around his tapeworm.

AT 2.15 P.M. THE COURT RESUMES.HAROLD COOPER: (Still on oath):CROSS-EXAMINED BY MR. VAN DEN BERGH: (Cont.):

1. If there is evidence that the accused intended escaping, would this indicate that he was responsible for his acts? -- No.
2. Why not? -- Because the mere fact that a man intends to escape doesn't mean that the thought underlying what he is doing are rational thoughts.
3. Did the accused tell you how many languages he can speak? -- He told me that he spoke several languages.
4. How many? -- I am afraid I have not noted the exact number down.
5. Why didn't you ask him? -- Because I didn't think it was particularly important to note precisely, exactly, how many languages he spoke.
6. But why did you make comprehensive notes? -- I did make very comprehensive notes.
7. But why didn't you make notes about this? -- Because, I repeat, I did not think that the number of languages he spoke was of any significance in my psychiatric assessment of him.
8. Isn't it a sign of intelligence if you can speak many languages? -- Yes.
9. Now, why didn't you go into this aspect? -- Because it was perfectly clear to me that he was intelligent, without going into that aspect.
10. Did the accused tell you where he had been employed? -- Yes.
11. Did you make any notes of that? -- Yes.
12. Where was he employed? -- He told me he had been employed by the Marine Corporation; he told me he had been employed in the Power Station; he told me he had been employed with the Tramways; he told me he had been employed - the most recent

employment, of course, was in the House of Assembly, in Parliament.

1. Did the accused supply you with names and addresses of the places where he had lived? -- He didn't supply me with a list of names. There were a few names and addresses that did come up in my examination of him.

2. But didn't you ask him where he had lived? -- No, I did not.

3. Why not? -- Because I was not carrying out a legal investigation, I was carrying out a psychiatric investigation.

4. Did the accused give you a detailed account of how he planned and killed the deceased? -- He gave me a reasonably detailed account of the events leading up to his committing the crime.

5. What exactly did he tell you? -- He told me of how he had bought two knives and how, on the day

6. Before you go any further, did he say when he bought these two knives? -- Yes. I think I am correct in saying that he bought the knives on the morning of the crime.

7. BY THE COURT: Did he tell you when he first conceived the intention to commit this crime? -- He was extremely vague about when he first conceived the plan. It appeared, as far as I could gather from him, that he conceived it some time after he got the position as messenger of Parliament.

8. You cannot be more specific than that, can you? -- I can't because.....

9. Was it weeks before he did it that he conceived the intention of committing this crime? -- I gathered from him it was at least several days.

10. MR. VAN DEN BERGH: (Cont.): From what he told you, when did he say he wanted to kill the Prime Minister? -- When?

When did he want to kill the Prime Minister? -- I can't

answer that. I just got from him that he had vaguely in his mind planned to kill him, and then, on that particular day he decided that this was now going to be the time he was going to do it.

1. Didn't he tell you that he wanted to kill the Prime Minister on the 3rd September? -- No.

2. Did he tell you that he originally wanted to shoot the Prime Minister? -- Yes, he told me that he had originally tried to buy a revolver and that he had bought some sort of gas pistol but that did not function properly.

3. Did he tell you that he arranged to buy a Baretta pistol? -- I don't recall the name Baretta, no.

4. Didn't he say that he had arranged to buy a Baretta pistol from a seaman on the tanker "Elenic"?-- He did give me a vague, garbled account of his thoughts and the happenings on that vessel. He did talk vaguely in terms of references made on that boat to all-feeling concerning the political policies of Dr. Verwoerd, and he did tell me of thoughts crossing his mind concerning the killing of Dr. Verwoerd.

5. Didn't the accused say that he waited for his salary at the end of August, 1966, before buying the pistol? -- No. He didn't tell me that.

6. Didn't he tell you that he intended escaping on the tanker 'Elenic' after shooting the Prime Minister? -- Yes, he did tell me, again in vague terms, of how he contemplated escaping on this ship. This was when he was thinking in terms of the shooting, not when he was apparently thinking in terms of the stabbing. He was very adamant that he had no plan of escape although thought of escape after committing this act.

7. Did he say that the "Elenic" left Cape Town on the 3rd September, 1966, for Venice, Italy? -- No, I did not get that information from him.

1. Did he tell you that he was cheated by the seamen and that he was shown a gas pistol instead of a Baretta pistol? -- He did tell me that he bought a pistol that turned out to be one that wouldn't function properly.
2. Did he tell you that he returned to the tanker on Saturday, the 3rd September, 1966, to try and discuss the matter with the seaman who sold him the pistol? -- No.
3. Did he give you any reason why he did not apply for a revolver licence? -- No.
4. Did he tell you that he had obtained American dollars at the bank in order to purchase the pistol? -- Yes, I do recall him saying something about American dollars.
5. Did the accused say that he changed his plans after he had purchased the gas pistol, which was not suited to his purpose? -- No, he didn't really talk to me in terms of plans; when he discussed the eventual stabbing with me he didn't really know why he did what he did.
6. Didn't the accused tell you that he.....
7. BY THE COURT: I am sorry, I do not understand that. I have asked you that before, and I don't understand it now. You did tell me that in his telling you about killing the Prime Minister there was a political motive as well as other things probably. Didn't you tell me that he did not like his politics? -- He told me that he didn't like his politics.
8. And wasn't that associated with his killing? -- It was associated with it but only indirectly.
9. Then I cannot understand your giving an answer and saying he didn't give you any reason for doing so. I cannot understand that answer. -- I say that because I repeatedly asked him to try and explain to me why he killed Dr. Verwoerd, and at no time was he able to offer me any explanation. When I am talking about these political issues, these are things I

elicited from him quite apart from this question of: "Why did you kill Dr. Verwoerd?" He did not tell me about his political feelings directly in relation to my question of: "Why did you kill Dr. Verwoerd?" When I asked him that question, at no time was I able to elicit any coherent account of why he thought he did it. He said, in fact, that he doesn't know why he did it. He can hardly believe that he did do it. He knows he did it but he doesn't know why and.....

1. Again I am having difficulty with this, as you have just told me that at least - according to what he told you - for days, if not longer - at least for a matter of days he was considering and contemplating and premeditating this killing. -- That is correct.

2. I think you told me that he went and bought the knives on that morning? -- That was what he told me.

3. Then I don't follow why he told you that he does not know why he killed him, because he must have been thinking about it for days. -- I know, but this is the point, he premeditated it apparently from what he said, and he did it. But when one asks him why he did it, he cannot gather a coherent system of ideas in his mind to explain why he did it. He thought of doing it apparently, he planned to do it, he did it. But why he did it, what was in his mind concerning the doing of it, this he was unable to tell me despite repeated interrogations.

4. He told you a lot of things, casual things that had to do with this. -- Yes.

If what was in his mind was a complex, he told you several things about that complex, didn't he? -- Yes.

5. There was the political motivation; is there anything else that made up this complex of his intention to kill? -- Yes. Well, again this was, if you like to call it, a political thing again, but in my mind it was an irrational political

thing. I recall that the question of Dr. Verwoerd's meeting with Jonathan, he says, came into it. Now, when one asks him exactly in what way it came into it, how it came into it, what this meeting had to do with his killing Dr. Verwoerd, one is again confronted with a very vague account, but one gathers that his idea concerning that meeting was that he felt that Dr. Verwoerd was not truly representative of the White population in this country, and he felt that Chief Jonathan was not truly representative of the non-European population in this country, and in some rather muddled perplexed way that seems to upset the accused and in his words, he says, that might have had something to do with it. But one cannot from that deduce that the accused killed Dr. Verwoerd because of that meeting. But his thoughts revolving around this meeting further muddled his mind, further confused his feelings and ideas about the political situation, and apparently contributed in some way to the mass of irrational thinking that collected in his mind and eventually burst forth in this aggressive act.

1. He has given you various political considerations which played some rôle? -- Yes.
2. Did he give you any other considerations that played a rôle, other than this political side? -- Yes.
3. What were the others? -- The other consideration was his own personal feelings - what has happened to him personally. He talked in terms of: "Frustration, frustration, for years frustration, Doctor. You don't understand what it has meant to me this terrible frustration." Then one would say to him: "What frustration"? And he would say: "Well, for years I have just been wandering about. I have never been able to do anything." And then you'd say to him: "What has this got to do with killing Dr. Verwoerd?" "Well, you don't understand, it

is frustration and tension building up." Now, this sort of discussion took place with this man time and again, and one gathers that in amongst his motivations a prominent part was played by his own inner feelings of frustration, tension, despair, quite unrelated really to Dr. Verwoerd or anything outside of his own mind at all. This I feel was an extremely important aspect and part of his so-called motivations. But it is difficult for me to talk in terms of his motivations because I believe his motivations were concerned with a mass of irrational thoughts and it is hard for me to give you a rational description, an explanation of a man's irrational thinking.

1. MR. VAN DEN BERGH: (Cont.): Did the accused say that he decided to kill the deceased by stabbing him after he had failed to obtain a suitable pistol? -- I am afraid -- perhaps I was neglectful -- I didn't ask him that question, but I did gather and assume that having bought the knives it was his intention, it was obvious to me, that this is what he intended to do.
2. Did the accused tell you that on the morning of the 6th September, 1966, he changed his uniform of Parliament and put on a suit to go down town? -- Yes.
3. Did he say that he left Parliament and went to buy two daggers at different shops at about 9 a.m. that morning? -- He either said that or something very approximating. I don't remember the exact details but he did, in effect, say that.
4. Did he describe how he returned to Parliament and hid the daggers in his locker? -- I don't think I got from him how he returned but I do recall he said to me that he hid the daggers in his locker.
5. Did the accused say that he continued serving tea and performing his normal duties until about 2.00 p.m. that day? -- I don't recall the serving of the tea but I do recall him saying that he continued to perform his normal duties.

1. Did he say until when? -- I am afraid I can only say until shortly before he eventually walked into Parliament to do what he did.
2. Did the accused describe how he went to fetch the daggers and how he concealed them on his person? -- He just told me that he went to fetch them and he concealed them on his person, I think in his pocket or.....
3. I will put this to you: Didn't he tell you that he concealed one dagger in a sheath on a belt around his waist, under his jacket? -- He told me that he had the dagger in a sheath under his jacket.
4. And didn't he tell you that he concealed the other dagger under his underpants? -- No.
5. Tied to a cord? -- No, he didn't tell me that.
6. Did the accused tell you that he wanted to stab the Prime Minister in the Assembly Hall? -- No, he never spoke in terms of wanting to stab the Prime Minister. He told me that he just didn't know what he wanted or why he did it.
7. BY THE COURT: Why he did it is something different from he wanted to. Surely to goodness when he told you he went down town to buy a dagger he told you what the purpose was of buying the dagger, and that was to stab the Prime Minister? -- Yes, that is correct.
8. MR. VAN DEN BERGH: (Cont.): So then I presume he also did not tell you that the dagger stuck in the sheath, and because it stuck in the sheath he couldn't stab the Prime Minister in the Hall and, therefore, he followed him into the chamber? -- I gathered from him that it was his intention to stab the Prime Minister as he walked past him, I think, and then he found he couldn't mobilise his dagger, so eventually he waited until he sat down and then he stabbed him.
9. Yes, that is what I was putting to you, doctor. In

other words, he wanted to stab him in the lobby, not so? -- Yes, well, I am not sure exactly where he wanted to stab him but I do know he wanted to stab him as he walked past him.

1. Did the accused describe to you how he stabbed the deceased in his seat in the chamber? -- This description I couldn't elicit from him. He said that he stabbed him several times; that he is unable to recall how many times and he had difficulty in recalling the actual stabbing. He knows that he stabbed him, but he, to me, expressed the idea that he had difficulty in describing exactly how many times he stabbed him and in what directions he stabbed him, although he remembers and concedes that he did stab him, in effect, over his heart.

2. Did the accused tell you why he concealed the second dagger under his underpants? -- No.

3. Did you ask him anything about it? -- He didn't tell me that he concealed the dagger under pants - the second dagger. I had no need to ask him that question. He never told me he had a second dagger.

4. Did you know anything about a second dagger? -- Yes, I did know he had.....

5. Who told you about it? -- I think I read of the second dagger in a police report which was made available to me.

6. And did you ask the accused about the second dagger? -- I asked him - or rather, he told me that he had two daggers, but I neglected to ask him exactly - I knew he had the second dagger on his person - but I didn't know exactly where the second dagger was. I knew he had the second dagger on his person but I didn't go into the question of exactly where on his person he had the second dagger.

7. Why didn't you ask him about the second dagger? -- Because I was trying to assess this man's mental condition

and I knew he had a second dagger but I didn't see the relevance, concerning his mental state, exactly on what part of his person he was carrying this dagger.

1. Wasn't this very important, to assess his mental condition? -- I didn't think so.

2. What about the way in which this second dagger was concealed? -- Well, I knew the man wasn't walking into the House of Assembly carrying his two daggers.....

3. BY THE COURT: Counsel is trying to put to you: Here he is fitting bit by bit a picture of a rational, premeditated deed; the man has armed himself with two daggers in case the first one failed; Counsel is suggesting, didn't you think that is relevant to an enquiry into his mental condition? It was no impulsive action, it is all calculated, premeditated, carefully thought out? -- Yes.

4. I think that is what the question is about. -- Yes. No, for my questioning of him, I accepted that this was a premeditated act, that he had bought the daggers to kill Dr. Verwoerd; that he walked into the House of Assembly and he carried out his plan.

5. Counsel is going further than that; he is showing you that he calculated all the eventualities and prepared for them, even to the extent of having a second dagger in case he should be disarmed from the first; that is I think the tenor of the question. -- I am very sorry now that I didn't ask him why he had the second dagger because I don't quite understand why he did have the second dagger. It seems to me, in fact, quite a peculiar way.....

6. In case he gets disarmed of the first one, he would have the second one. I should imagine that is obvious. Once a man is going to be disarmed of a dagger he is not going to be left to use another dagger if he has a dagger on him. I

am afraid I neglected to go into the question of the second dagger, but I have at no time, I don't think, tried to conceal the fact that the accused told me that he planned and committed the act.

1. Planned it carefully and well? -- Not well.

2. Oh yes, extremely well from his point of view? -- From his point of view?

3. Yes, in achieving what he was trying to achieve. -- I am afraid I looked at it a little differently, in that I felt that a man who planned something like this, with absolutely no remote chance of escape; I didn't think that much of a plan. I didn't think that was a very good plan, but in that regard in which I questioned the accused, he said he doesn't know what was the matter with him but his mind was blank concerning his escape. He just never gave it a thought, and, rightly or wrongly, I believe that to be true.

4. MR. BAKER: You mean he never planned an escape? -- He not only never planned an escape, he says he gave no thought to escape. The question of escape, in fact, did not enter his mind, and from what he did and the way he did it does seem to support that. It seems to me that anybody who had given it any thought should have realised that there was no possible hope of escape.

5. BY THE COURT: But a lot of rational people have done things with no hop of excape. Every Kamakazi pilot who went down on an American warship had no hope of escape, and he wasn't a madman. -- Yes. This is related to a fanatical patriotic drive that some of these people had during the war. But I don't believe that this is applicable in this case at all.

6. MR. VAN DEN BERGH: (Cont.): How can you say that the accused could only plan in a limited way? -- By that I mean

that for an intelligent man to be able to buy a couple of knives and wait his chance and walk in a straight line across a room and push knives into somebody, does not require any elaborate thinking at all.

1. Did you take any interest in the details of his plan? -- Only in the sense that I established that he deliberately bought the knives, had a purpose for doing so and that he carried out this plan in the way that has been described.

2. Do you know that on the night of the day that Dr. Verwoerd was killed, the accused only gave political reasons for the killing of Dr. Verwoerd to Dr. Sakinofsky? -- I think he gave predominantly political - he spoke about things political in attempting to explain what happened.

3. Do you have Dr. Sakinofsky's report there? -- Yes, I've got Dr. Sakinofsky's report and if I can read just one paragraph that my eye happened to light on to explain why I have difficulty with this political angle. Dr. Sakinofsky reports: "He said that Dr. Verwoerd had been against the ideal of a Cape to Cairo union which he (the patient) identified with the Commonwealth". I don't know what that means and I.....

4. BY THE COURT: I do.-- If one wishes one can place some interpretations into it.

5. I certainly can. -- But if that was produced in an English examination it would be sent back as not a completely rational, coherent sentence. This is an intelligent man writing this, and he speaks all the time of these vague concepts.

6. MR. VAN DEN BERGH: (Cont.): If I may interrupt, doctor, I don't think you read the whole paragraph. According to this report, it is reported as follows: "He said that Dr. Verwoerd had been against the ideal of a Cape to Cairo union which he (the patient) identified with the Commonwealth. He

claimed that his mother, from whom he had been separated, was called Von Willem, and that she was a member of an overseas Royal family, and this idea he apparently connected with his concern for the Commonwealth. He stated that he had brooded over the weekend....."

1. BY THE COURT: Why does that come before me, Mr. Van den Bergh? If that witness is being called then he can say that that is what he had been told. Now you are putting it to somebody else. For what purpose? It does not go in via this witness, I can tell you that.

2. MR. VAN DEN BERGH: That is so M'Lord, but the witness is only quoting a portion.....

3. BY THE COURT: You asked him to quote. I don't know what relevance this has.

4. MR. VAN DEN BERGH: I will leave it at that.

5. BY THE COURT: At most you can call the man to whom the accused said this and he can make it evidence, but this witness cannot make it evidence.

6. MR. VAN DEN BERGH: (Cont.): Did the accused perhaps say to you that he didn't know why he killed the deceased? -- He did definitely say he didn't know why he killed the deceased.

7. Did he tell you that he may have killed the deceased because he blamed the deceased for all his troubles -- the accused's troubles? -- No, he did not word it in that way.

8. Didn't the accused tell you that he believed, as he called it, in evolution? -- Evolution? Yes, he did talk in terms of evolution.

9. And didn't he explain that by this he meant that members of all the races in South Africa should be free to intermarry to that a new race could develop? -- Well, he gave me an exposition on evolution and its relation to the.....

10. Please reply to my question? -- But he didn't tell me

that in any rational way. He tried to tie up evolution with this question but it didn't really make sense.

1. BY THE COURT: Again I find difficulty why things do not make sense to you. It makes sense to me. He says that the people of this country mixed by evolution will become Homo Africanus which will be the sort of people that can live in this country. I have no difficulty in understanding it. -- It depends how the answers that the accused gave, how he puts them and how he phrases them.

2. I hear it for the first time and I can understand it; you say you can't understand it. Does it make sense what I have just put to you? -- That is what the man is trying to say, possibly.

3. MR. COOPER: I don't want to interrupt my learned friend's cross-examination but, in fact, he is obviously reading from a document; it doesn't follow that that was the language which the accused used to the doctor. And so I think the Court may be misled by that. The way of taking a document and reading it.

4. BY THE COURT: But it is quite obvious to me what he means. But it may be that the words he used to the doctor were different, but I must agree with you.

5. MR. BAKER: He was rather labouring to find language to express himself? -- No, I am adamant that he had no difficulty whatever with language and vocabulary. It is purely a matter of the structure of his thought processes.

6. BY THE COURT: This is the second one you have difficulty with. The other one "Cape to Cairo", "within the Commonwealth", "union of African States". I cannot understand your inability to understand. I don't know why you cannot understand it. It is quite simple to me. -- For the same reason that I cannot understand this thing that was read out about Von Willem and

the Royal family.

1. BY THE COURT: That I know nothing about. We can have it if you want to.
2. MR. VAN DEN BERGH: (Cont.): I am not reading from a document, for the information of my learned friend.
3. BY THE COURT: You asked him if "This is what the accused said to you?"
4. MR. VAN DEN BERGH: (Cont.): Yes. Did the accused explain that members of all races in South Africa should be free to intermarry so that a new race could develop? -- He put forward that view as well at another time putting forward a view that he felt unsympathetic towards the Coloureds and Natives.
5. And didn't he tell you that he was against the Immorality Act? -- Yes.
6. Didn't he say that he thought that Dr. Verwoerd was standing in the way of this evolution? -- I don't recall him saying that in so many words but I accept that he implied something of that sort.
7. Did the accused tell you that he may have killed the Prime Minister because he blamed him for his own troubles - the accused's own troubles? -- No.
8. He never said that? -- No. I put that specifically to him and he said he could not go so far as to say that.
9. Do you think that the accused is emotionally immature? -- I don't think the term is applicable. I think the accused is emotionally sick. I think he has a diseased mind, far beyond the realms of emotional immaturity.
10. Did the accused say to you that he was sorry that he killed the Prime Minister? -- Yes.
11. Did you know that since the arrest of the accused he has asked about his church friends and his relations? -- I know that he has been told about his church friends. I am not in a

position to say whether he has asked about them. I don't know.

1. Did the accused say that he must have been abnormal when he killed the deceased, because no normal person would have killed the deceased? -- He didn't describe it as being abnormal. He told me he thought that there must have been something wrong with him when he killed the deceased.

2. Yes, but please answer my question: Did the accused say that he must have been abnormal when he killed the deceased because no normal person would have done it? Yes or no? -- No.

3. Did the accused tell you that history will judge whether he was right in killing the deceased? -- Words to that effect. It is very difficult for me to remember his exact words.

Whether he said he was abnormal when he killed the deceased or whether he said that he was out of his mind, I cannot recall the exact words, but I do recall him saying something to the effect that history will prove whether he is right or wrong.

4. Did you conduct an examination to establish whether the accused in fact has a tape-worm? -- No.

5. Why not? -- For two reasons - three reasons. First of all, because the symptoms which he attributed to tape-worm were just not consistent with his having a tape-worm, so that if he in fact has a tape-worm it would not alter the position particularly. Secondly, I agreed with the defence attorney when it was suggested that a physician, better qualified than I am on tape-worms, should examine him for that purpose, and it was left to the physician. And thirdly, I could not see that any physical examination I could do could elicit any valuable information at all - any relevant information.

6. Do you feel that the accused is vague? -- He becomes vague in his thinking at times.

7. Do you consider that he is 'blocked', in other words,

that he does not answer questions readily? -- He answers questions fairly readily but there are times when halfway through a sentence he will become 'blocked' and intermittently he does become 'blocked'. He answers questions quite readily in the sense that I found him perfectly cooperative in his efforts to answer questions.

1. Which questions did he fail to answer to your satisfaction?

-- One can only generalise here. Questions which involved any lengthy description of feelings or reasons or theories or things on the more abstract level as compared to factual things. He was able to answer quite readily and well when one just asked him cold facts; which hospitals he was at, which countries he lived in, and so on. But when one asked him to expound to any extent on his ideas of life, his way of life, his view of things, these things, on these occasions his answers became unsatisfactory.

2. Isn't it so that the accused is not to the point? -- Yes. He rambles off the point.

3. Are many people like this? -- This is a matter of degree. I thought he showed this feature to a degree beyond the realms of normality.

4. Doesn't the history of the accused show that he was already wandering before he was ever admitted to any institution? -- This I will have to work out. He was admitted to an institution for the first time, I think, in 1943. I think that is correct. He was born in 1918, so this was when he was

5. If I may interrupt, doctor. Surely he told you his history? Wasn't it clear to you that he had been wandering all around the world before he was ever admitted to an institution? -- No, one can't say this because the bulk of the period before he was admitted to an institution consisted of his childhood, and subsequently of his schoolyears when he

was not wandering around the world. It was only when he grew older that this story of wandering around the world arose.

1. But he had been wandering around the world for a long time, not so? -- I think I am correct in saying that not.....

2. What did he tell you? -- The information I have is not prior to that first mental hospital; that first admission to an institution.

3. And did he also tell you that he travelled as a missionary for his church? -- Yes.

4. When? -- I am afraid I do not recall. It was a long time back.

5. But why didn't you take down those particulars? -- Because for my psychiatric examination, whether he did missionary work in 1954 or 1948 is of little relevance.

6. Do you consider that he has a poor employment record? -- Yes.

7. As has already been mentioned by His Lordship, the Judge President, wasn't this caused by pure laziness? -- I believe not because I believe that this type of employment record is completely consistent with a man suffering from chronic schizophrenia and I believe that he is suffering from chronic schizophrenia and, therefore, I relate his employment record to this mental illness.

8. BY THE COURT: Have you heard of, what we in law call, petitio principii? Isn't that rather assuming what you are setting out to prove? -- I can't really say.....

9. You say you are convinced that he is a schizophrenic and therefore you expect him to have this sort of roving, aimless life, and therefore he is a schizophrenic? -- Perhaps my thinking was, I find him to be suffering from symptoms of schizophrenia, I take his history and I expect it to be one, an employment record which will be consistent with what one

expects in schizophrenia, and that is as far as I can go. And I find a history which is, in fact, consistent with schizophrenia, but I cannot.....

1. But you don't base your finding on that history at all, because you have already arrived? -- It just adds a little confirmation, a little supporting evidence. I certainly could not make the diagnosis of schizophrenia purely on that employment record.

2. If you had a man that you found was a schizophrenic - at least you thought he was - you go and find out who he is; you find he is a capitalist, he's got a match factory or something like that, would you then discard your diagnosis? -- If he was - yes.

3. He is a successful business man? -- Oh yes, I would say there was something wrong with me because a schizophrenic

4. Can't be a successful business man? -- No.

5. So what you are telling me in this case, when you looked at what he was, you didn't have to go back on your steps and say: I have gone wrong somewhere? -- That is correct. I could not find anything in his history to make me query my original assessment.

6. MR. VAN DEN BERGH: (Cont.): If there is evidence that the accused was working well at the time of the offence, in other words, from the 1st August until the 6th September, 1966, what would you say about that? -- I would be surprised but I qualify this by saying I would like to know exactly how it had been assessed that he had been working well and what exactly had he been doing to justify this deduction.

7. Yes, but as I put it to you, if there is evidence to that effect, what would you say to that? -- If there is convincing evidence to the effect that (a) he had been working well, and (b) that the nature of his work at least involved some degree

of rational thinking, then I would be very surprised.

1. If the accused refused to accept authority, could that also be a reason why he never stayed in a job for too long? -- It may be. It may be a factor in why he did not stay in jobs. But then one would like to know why he refused to accept authority.

2. And if he wanted to get rich quickly with the minimum of work, could that also be a reason? -- This would make me think in terms of schizophrenia in the sense that - depending on exactly what he said. I don't know what you referred to there, what type of thing, but it sounds to me like a man who is being extremely unrealistic and being unrealistic divorced from reality; divorced from true and reasonable possibilities is a feature of schizophrenics and it is not uncommon for schizophrenics to say he would like to start a business and make one million rand in the coming year.

3. BY THE COURT: Isn't that more the G.P.I. you are now talking about? -- The G.P.I. would also be this, but schizophrenics as well.

4. They do it as well.

5. MR. VAN DEN BERGH (Contd.): Do you agree with what is said on page 247 of Mayer-Gross, Slater & Roth - Clinical Psychiatry on the question of emotional lumping. "The loss of capacity for experiencing certain emotions may be an early symptom and in some cases for a long time the only sign of the disease. The flattening of emotional reaction progresses from the more refined and tender feelings and sympathy and regard for family and friends, primitive emotions of fear, rage and eroticism. The latter often persist when differentiative responses have long been blunted." Do you agree with that? -- Yes.

NO FURTHER QUESTIONS BY MR. VAN DEN BERGH.

1. BY THE COURT: You said at one stage you were not conducting a legal enquiry but a psychiatric investigation. Unfortunately my position is just the opposite. It is about the legal enquiry I would like to ask you. Did the accused, when you talked to him, realise and know that he had killed a human being? -- Yes.
2. In law, it has been put, did he realise the nature and quality of the act he had committed there on the floor of the House of Assembly? -- I have to answer 'no' to that.
3. You answered 'yes' the first time, 'no' the second time. I do not understand that. -- The two questions weren't the same.
4. In my thought the one followed from the first one, but 'nature and quality' you have heard of before? -- Today? I have, certainly.
5. You couldn't have been in consultation with lawyers without ~~having heard of it~~. You say he knew he had killed a human being on the floor of the House of Parliament? -- Yes.
6. So the nature of the act was murder. Let us not say 'murder', let us say 'killing'. He knew he had killed? -- Yes.
7. What is this he didn't know then? Is it the quality that worries you? -- It is the quality that worries me, and it is the thoughts associated with his knowing. He told me that he knew that he killed Dr. Verwoerd. It was clear that he knew that he was going to be charged in this Court.
8. All I want to know is: Did he know that he had committed a crime? -- If I just may be permitted to explain this. And in the next breath almost, he says to me that he thinks that after this little matter - as he calls it - that after this little matter he doesn't really think that he will be able to live in Cape Town 'because of public opinion, you know'. Now, once he says that, it is indicative, that and many other

things, of the fact that this man, although he knows that he has murdered Dr. Verwoerd, I say he doesn't grasp the magnitude of it, he doesn't grasp the significance of it, he doesn't grasp the real implications.

1. I didn't ask you anything about the implications. I asked you whether he knew he had killed a man? -- Well, I think what I am trying to describe was the quality. I am worried about the quality. I don't really....

2. Did he know that he had taken a dagger and thrust it through the heart and lungs of a human being? -- Yes.

3. That will do for the purposes of my question. He said he was sorry about that, so from that can I assume that he knew that was a wrong thing to do? -- I don't really think that a man whose thought processes are as disturbed as his is able to evaluate adequately right from wrong.

4. Did he think he had done wrong? Never mind whether he did so rightly or wrongly? -- I....

5. Did you gather from him that he thought he had done wrong? I want to know what you think? -- I think he thinks that he did wrong, but he doesn't realise the magnitude of the wrongness.

6. He doesn't understand how wrong it is, but he knew it was wrong, that is why he was sorry? -- Correct.

7. Would you say that he killed the deceased in this case -- before you answer I want you to have regard to the fact that you told me that he thought about it for days, he tried a pistol, then he bought two daggers, then he tried in the lobby and when that did not succeed he went into the House -- would you say that the killing of the deceased by the accused in this case was an irresistible impulse? -- No, it was the product of a diseased mind, which I think is a little different.

8. Did you gather from him that he took the job as a messenger in Parliament for the purpose, or with a view to

using that position to make it easier to kill the Prime Minister? -- He denied that emphatically.

1. He denied that emphatically? -- Yes.

2. So you mean that he was emphatic that his idea of killing the Prime Minister arose in his mind only after he had taken the job? -- He spoke in terms of vaguely associating his mind with thoughts of killing Dr. Verwoerd at odd times long before, for instance, when he was in England. He heard people talking and he thought vaguely, he says, about the killing of Dr. Verwoerd. But he is quite adamant that when he took this post it was not in any way related to his wanting to plan to kill Dr. Verwoerd.

3. So in England already - which I presume now puts us not days but possibly years before the event, does it? -- Yes.

4. He was already - his mind was on this assassination of the Prime Minister? -- Except that it was on the assassination of a lot of people. He says he thought vaguely in terms of killing a lot of people. It was not an isolated thing.

5. That may be. It is a fair correction you make to what you have said. But let me get back again: You said years ago, when he was still in England, he admitted to you that he had formed an idea (you said a vague one) of wanting to kill the Prime Minister of South Africa? -- Yes.

6. He then comes to this country and he takes a position in the House of Assembly? -- Yes.

7. On the floor of the House, which is only by virtue of that position, he kills the Prime Minister? -- Yes.

8. He doesn't, you say, relate all this lot together, but I must, -- Yes.

9. You say he never did it? -- No, he said that at the time of taking this post at the Assembly it was not with the intention of killing Dr. Verwoerd. That this final plan to

kill Dr. Verwoerd came up in his mind after he took this position.

1. RE-EXAMINED BY MR. COOPER: What are the accused's feelings about the death of the Prime Minister? -- I find the question difficult to answer because this man's feelings show a characteristic emotional blunting, which was referred to from the text book a short while ago. He doesn't seem to show any depth of feeling one way or another about Dr. Verwoerd, himself or, in fact, anybody else. He is emotionally flat concerning this matter.

2. Is he proud of the fact? -- No.

3. Is he happy that he has killed the Prime Minister? -- No.

4. Did he indicate to you that he has achieved something of which he should be proud? -- No. He doesn't seem to, in his mind, now at this stage be able to put together in his mind really why he did it at all, what purpose he was going to achieve.

5. BY THE COURT: I can't take this answer in the light of history going to prove whether he was right or wrong. He becomes an historical figure; he has told you that and you told me what he told you. If history is going to prove him right or wrong, he must have a feeling of pride or achievement about this thing? -- I don't know what he means. It is a funny sort of answer to give, that history is going to prove whether he is right or wrong. Those are his only views. He hasn't got any views, in fact, on whether he is right or wrong, or what this was all about. He just says he must wait for history to prove that. He has got no feelings or real thoughts about the matter at all.

6. MR. COOPER: (Cont.): Does he feel better in the sense that this has relieved the tension and pressure which you adverted to? -- He doesn't say as much. Clinically one feels

that there is a possibility that there has been a release of a great deal of inner aggressive feeling which may result in his feeling better. This is what happens, in fact, in some of these cases of schizophrenia. They commit a violent act and thereby there is a release of tension and they do feel better; feel less frustrated, less distressed.

1. Let us assume for a moment that the accused does know the difference between right and wrong. Is that inconsistent with your finding that he is mentally disordered? -- No.

2. BY THE COURT: No, of course not. Psychiatrically, not legally. He might be.

3. MR. COOPER: In terms of Section 2, the MacNachten Rules do not apply.

4. (Cont.): Is the fact that he is able to plan in a simple way the killing of the Prime Minister inconsistent with his being a chronic schizophrenic? -- It is not inconsistent and I would like to point out that this happens in mental hospitals, in patients who are grossly insane, will one day try and plan to go to the kitchen, to find a knife, come back to the ward and stab a patient who, for some reason or other, they've got it in for. And I am drawing this analogy because I think it is really analogous and these people, I think, know that they've killed somebody, they know that murder is wrong, and they are, in fact, if it is possible to be, far more psychotic and far more grossly mentally disordered than I am ever suggesting this man to be.

5. Do insane persons who are inmates of institutes plan escapes? -- Quite frequently.

6. Are those plans frequently ingenious ones? -- Yes. And their plans are not infrequently successful.

7. Do you consider it rational, indeed, for the accused to walk into the crowded House of Assembly at quarter past two

in the afternoon and in the face of Members of Parliament all around there, to stab to death the Prime Minister? Do you consider it a rational deed? -- I see this as an irrational act.

1. BY THE COURT: Is murder ever rational?

2. MR. COOPER: Frequently very rational.

3. (Cont.): Did he, as was put to you, calculate all the eventualities? -- He neither calculated the eventualities and in my opinion didn't even give the eventualities a thought.

4. You have said that your approach was that of a psychiatrist in the investigation that you made. The popular layman's idea of an insane person, does that necessarily coincide with the psychiatrist's diagnosis of insanity? -- It very often does not coincide, and that is why so frequently laymen, professional non-medical people, see people in mental hospitals, certified patients, and cannot, at least with considerable assistance from a psychiatrist, understand why these people are being detained in mental hospitals.

5. In the case of general practitioners, are they always able to diagnose schizophrenia when they get a patient coming in, complaining about stomach troubles, then about headaches, then about various ailments and complaints? -- Very frequently one has seen patients who are referred by general practitioners who do not recognise schizophrenic illnesses in these people.

6. What is the very popular idea of insanity? -- Somebody tearing the place apart, shouting, screaming and fighting, which constitutes about, to put it generously, one per cent. of mental disorder.

7. The accused in this case, would you call him a colourful person? -- I don't know what you mean by colourful.

8. Psychiatrically, is he florid? -- No, he is not florid

in the sense that he does not display obvious bizarre symptoms. Most of his symptoms are of a fairly subtle order. Subtle but nevertheless significant and important.

1. Is he like the popular idea of a lunatic? -- No.
2. There is the bizarre aspect of the tape-worm. Does that necessarily manifest itself in his dealings with people from day to day? -- Not necessarily, no. I would say that he is quite likely to refer to his tape-worm in his everyday life but not every time he is confronted by anybody, not constantly in conversation.
3. Does a delusion affect a part of the mind or the whole of the mind? -- Once an individual is deluded it means that he is suffering from a profound mental disturbance. One cannot assess a delusion as an isolated thing. Once a person is deluded then one is justified in assuming that he is a very mentally disturbed person.
4. Is there such a thing as partial insanity, psychiatrically speaking? -- There are cases of - like most things there are degrees of insanity. Some people are mildly mentally disordered; some people are grossly mentally disordered.
5. In other words, could a person talk perfectly sane, say about the rugby match that he has viewed and yet be insane? -- Yes.
6. This belief in the existence of the tape-worm, in your opinion, is it due to superstition? -- No.
7. What is it due to? -- I believe it is due to a delusion, that is to say, a pathological thought process associated with mental disorder.
8. To what extent can delusions be contaminated with cultural belief? -- They can be contaminated by cultural belief. Once an individual is deluded he may, quite often, add detail and elaboration to his delusions from cultural

influences.

1. Does the accused believe that this tape-worm can be exorcised? -- No, he believes that the only possible way of his salvation lies in some form of surgery.
2. Would that be the belief of a person who is superstitious? -- No.
3. What sort of surgery? Has he described it? -- Various thoughts, but he says that he has read that in South America they have some special method now, I think he said some special machine that he has read about, and he thinks perhaps these people may be able to help him.
4. Has, he in fact, at any time intimated that he knows of any other cure for his malady? -- Not that I recall.
5. MR. BAKER: You said a little while ago in your opinion the accused has never given the eventualities of this crime a thought. I think you said that as a fact he never got as far as thinking about it. Did you perhaps ask him whether he had thought about escape? -- Oh yes. I asked him in some detail as to whether he thought about the escape; whether he thought he had a chance of escape; what sort of plans of escape he visualised, and he was persistent - apologetically I may say - he quite apologetically said: "I am sorry, my mind is blank about that. My mind was blank about that. I just never gave the question of escape any thought at all. I just didn't think one way or the other about escaping." Following on this I said to him: "Then does this mean that you decided to sacrifice yourself," because I assume that if a man decides that he is not worried about escape, this means that he is going to sacrifice himself. He was adamant. He said: "No, there was no question of sacrifice." He says his mind was blank. He didn't think one way or the other.

THE WITNESS STANDS DOWN.

THE COURT ADJOURNS UNTIL 10 A.M. ON THE 18th OCTOBER, 1966.

ON THE 18th OCTOBER, 1966, THE COURT RESUMES. APPEARANCES AS BEFORE.

MR. COOPER REQUESTS PERMISSION FOR THE PREVIOUS WITNESS, DR. COOPER, TO BE EXCUSED.

BY THE COURT: Subject to recall. I may need him back.

HENDRIK MULLER: (Sworn, states):

EXAMINED BY MR. COOPER:

1. Dr. Muller, what is your profession? -- I am a physician specialist, practising in Cape Town.

2. Could you just shortly tell the Court what your qualifications are? -- (The Court intervenes).

BY THE COURT: They are very high; I have been through the doctor's hands.

3. MR. COOPER: (Cont.): Do you think the Judge's compliment adequately describes your qualifications? -- I do.

4. Anyway, just shortly your qualifications? -- I qualified at Oxford University as Bachelor of Medicine in 1937. In 1940, as Member of the Royal College of Physicians in London.

5. For how many years have you been in private practice? -- Since 1947, that is 19 years.

6. You were requested by Mr. Bloomberg, the attorney in this matter, to examine the accused, were you not? -- Yes.

7. When did you examine the accused? -- On the 12th October.

8. Where did you examine him? -- At Caledon Square.

9. What did you ask the accused? -- I asked him if he suffered from any physical illness. I explained to him that it was my purpose to examine him physically.

10. What was his reply? -- He said that his only trouble was this worm.

11. What did he tell you about the worm? -- He first became

conscious of the worm in 1936. He stated that for some two to three months he had been feeling irritable and unwell and during this period he had noticed that he was passing segments of worm by rectum; segments which passed spontaneously and would fall into his trousers, and he described them as being like macaroni, which nevertheless moves spontaneously, and this led him to believe that he had a worm. This had happened while he was in Lourenço Marques, and he went to a chemist there who told him how to treat this condition.

1. From his description did you form the impression that, in fact, in 1936 he did have a worm which passed? -- Yes, I was fully convinced about that, especially when he described the result of taking this treatment.

2. Shortly, what was the result? -- He passed a long length of the worm, but he felt that he had not passed the whole worm, that part of it still remained in his rectum. It broke off when he pulled on it.

3. What is his present complaint about? -- He says that the worm has changed his whole character and his whole physique, whereas before he was thin and wiry, he has now become fat and flabby. It has made him irritable, changed his nature; that he can no longer be friendly with people, he was bad-tempered. It has made him eat excessively and made him put on weight to a great extent. He states he can feel the worm moving about inside him, causing severe pain at times, and generally making him feel thoroughly miserable and unwell.

4. How does he describe the worm? What does he call it? -- He referred to it on two or three occasions as an objectionable thing inside him, and as a worm, but he didn't use any other terms.

5. Have you tried to ascertain from him whether he has

passed any segments since taking medicine in 1936? -- Yes, I asked him that on two occasions, whether he had again passed any segments of the worm or whether he had passed a long length of the worm, and he was quite sure that he had never again passed a segment or a length of the worm.

1. Did you ascertain from him whether he had had any treatment for this worm since 1936? -- Yes, he stated he had had many treatments, some of them very severe. In fact, one of the treatments, he says, almost killed him but in spite of this he never again passed any part of the worm. And no treatment at any time made him feel better.

2. Does he presently believe that he still has the tape-worm? -- He appears to be quite convinced about that.

3. What impression did you form as to the voracity; does he genuinely believe in the existence of this worm? -- Yes, I believe that is so. I think he really does feel that he still harbours this worm and that it still is affecting him.

4. Your examination was directed to - obviously after this worm story - find out whether he still had a worm? -- Well, I didn't do anything more extensive. I examined him clinically, palpated his abdomen, examined the heart, lungs and nervous system generally. I did not have stool examinations or other examinations to demonstrate whether the worm is still present.

5. What is your opinion? -- I am quite convinced he does not have a worm.

6. If evidence is led that in May, 1959, the accused received treatment at the University College Hospital, that is, St. Pancras Hospital, to ascertain whether or not there was a worm and that no tape-worm was produced, how important would that evidence be to you as a physician? -- Well, it would confirm my feeling that he just does not have a worm. It is a very reputable hospital and I am sure that they must have done

the job properly.

1. If they came to the conclusion that there was no worm in 1959, you would not quarrel with that? -- No.
2. What is the overall physical condition of the accused? -- Physically he is fat and rather unfit but there is no organic disease demonstrable. He is as healthy as most people of his age are.
3. How fluent was he in English? -- He spoke excellent English.
4. You had no difficulty in communicating with him? -- No.
5. Did he have difficulty in expressing himself? -- None at all.
6. If one does have a tape-worm, do you feel it moving around inside you? -- No.
7. Does it, in fact, crawl up and come to your throat in search of food? -- No. The head of the worm is lodged firmly in the lining membranes of the small intestine. It is firmly attached there and it does not move from that situation.
8. What is your comment on the accused's statement that the worm smells food?-- No, this cannot be.
9. How was the accused during your examination? Was he in a state of anxiety? --It was difficult to say. He appeared vague in his manner and almost, one could say, detached. It is difficult to describe exactly how he was.
10. You know that he is charged with murdering Dr. Verwoerd? -- Yes.
11. And you spoke to the accused with that knowledge? -- Yes.
12. How did he behave in relation to this..... (The Court intervenes).
13. BY THE COURT: The doctor is a physician, he is not a psychiatrist and you are now leading him into other paths. If you are going to make a psychiatrist out of him I want

some more qualifications.

1. BY MR. COOPER: (Cont.): I just want to ask the doctor this, what impression did the accused make upon him? -- He appeared an ordinary enough man, certainly not exceptional, not ill, not particularly disturbed, you know; ^{particularly} not anxious or upset; intelligent and able to understand what was said to him.
2. I just want to ask you finally: With his health and his intelligence should he be able to hold down a job? -- Yes. Yes, I would think he could very easily.
3. I am talking about his physical health? -- Yes.
4. CROSS-EXAMINED BY MR. BRUNETTE: In your experience, I suppose you have often come across tape-worms, not so? -- Yes.
5. Could you give the Court any indication as to what percentage of the population suffers from tape-worm? -- No, I am afraid I cannot.
6. But is it a fairly common thing? -- Yes.
7. Dr. Cooper has described this tape-worm as a "tactile hallucination" that he feels.... (The Court intervenes).
8. BY THE COURT: He hasn't described the tape-worm as a tactile hallucination. He has described that man's sensitivity to a supposed tape-worm as a tactile.....
9. MR. BRUNETTE: If your Lordship would allow me, I just want to put the facts to this witness.
10. BY THE COURT: Put them correctly and then I will allow you.
11. MR. BRUNETTE: (Cont.): Doctor, he has described that the accused feels the tape-worm crawl up his throat at times when he is eating, and he feels a sensation there which he describes as a "tactile hallucination". Now, could that also be an illusion, a wrong interpretation of a physical sensation? -- I find it difficult to answer that. I don't

really understand just what you mean.

1. BY THE COURT: Can I help there? I think Counsel is trying to say he might feel something in his throat, caused by some other condition, which he wrongly thinks is a tape-worm crawling up his throat. Is that easier? -- Yes, I think one must accept that that is so. I am quite sure it cannot be the worm. As I say, the worm is firmly fixed in the bowel and doesn't move from there.
2. MR. BRUNETTE: (Cont.): But it could be some physical sensation which he is interpreting wrongly? -- Yes.
3. Did you get the impression that the accused was dissatisfied with the medical attention which he had received with regard to the tape-worm? -- Well, dissatisfied in the sense that no cure had been produced of this condition. He was still convinced he had the worm in spite of all the treatment that had been given him. Therefore, he was dissatisfied that the treatment had been inadequate; it had not rid him of this worm.
4. RE-EXAMINED BY MR. COOPER: Doctor, did you in your clinical examination find anything to account for his alleged feeling of movement and the worm creeping up - the creeping sensation in his throat? -- No.

Witness excused.

RALPH KOSSEW: (Sworn, states):

5. EXAMINED BY MR. COOPER: Doctor, what is your profession?
-- I am a medical practitioner.
6. For how many years have you been a medical practitioner?
-- Twenty-five.
7. What is your present occupation? -- I am a District Surgeon, Cape Town.

1. For how many years have you been a District Surgeon of Cape Town? -- Six.
2. You have been subpoenaed by the Defence, not so? -- Yes.
3. The accused, have you seen him before? -- Yes.
4. Did you see him during June, 1965? -- Yes.
5. On what date? -- On the 17th of June.
6. Where did you see him? -- At our offices - the District Surgeon's offices.
7. Was it 1965 or 1966? -- 1966.
8. Why did the accused come to you? -- He was referred to us by the Department of Social Welfare for a disability grant.
9. And tell me, doctor, did you examine him then? -- Yes.
10. Did you fill in a form as a result of your examination and the opinion that you formed? -- Yes.
11. Have you a carbon copy of that form before you? -- Yes.
12. I have typed copies for the benefit of the Court, M-Lord. This will be R.S.C.'A'. Would you read out this document? ... The name was given as Dimitrio Tsafendas, born on the 14th January, 1918. He was not at work at this time I examined him, and he had last worked in March, 1966, and was a handyman at that time at the Engineering Works, Marine Diamond Corporation.
13. What was the applicant's complaint? -- Well, I had ...
14. Read out what you have written down? -- I found that he was vague and did not give a coherent account of himself, and that he was hypochondriacal. I have a note here that he ... about nothing else but his complaints and has ideas of a persecutory nature. He says that in his boarding-house they deliberately give certain food to people to cause their deaths. And he says that 20 people had died in a year that way. His memory was defective, I noted.
15. Was this what you put in under the heading "Applicant's

complaints - (history, symptoms and previous treatment)"? --
Yes.

1. In your general examination, what did you find his general physical and nutritional state to be? -- I found nil abnormal in all his systems.

2. BY THE COURT: In "General physical and nutritional state" you've got "Good". -- Yes. His respiratory system was normal. His cardiovascular system was normal. His blood-pressure was $\frac{150}{100}$. His genito-urinary system was normal, and so was his alimentary and other abdominal systems. His musculo-skeletal system was normal, as was his central nervous system.

3. MR. COOPER: (Cont.): And his mental condition? -- I put down "Schizophrenic."

4. His hearing, how did you find that? -- His hearing was good; his eyesight was good, and there were no other complaints.

5. What did you put down for a prognosis for "Schizophrenic"? -- I put down "Prognosis - Poor."

6. What did you say was his degree of disablement? -- I put the degree of disablement as compared with a normal individual as: "Severe".

7. So where you have whether the disablement is slight, moderate or severe, you put it in a high class? -- Yes.

8. His present incapacity, do you find it to be temporary or permanent? -- Permanent.

9. Did you consider that medical treatment would improve or cure his schizophrenia? -- I put: "No."

10. What labour did you find him suitable for? -- I suggested that he would be a suitable candidate for subsidised labour.

11. As regards the open market, what was your opinion? -- I said he is not suitable for the open market.

1. As regards sheltered employment? -- I put: "No."
2. CROSS-EXAMINED BY MR. VAN DEN BERGH: Were you busy on that particular day in June, 1966? -- Yes, we are normally very busy in the mornings.
3. Were you very busy? -- I can't remember if I was very busy. I suppose an average morning's work.
4. Please speak a bit louder? -- I should imagine it was a normal morning's work.
5. And normally you are very busy, not so? -- In the mornings, yes.
6. How long were you with the accused? -- Between a quarter of an hour to 20 minutes.
7. Weren't you only busy with him for 10 minutes? -- Well, I can't say exactly how long I was busy with him but I.....
8. You may have been busy with him for only 10 minutes? -- He presented himself without any form of certificate or reference from anybody. He just came in as a person, I had to start from scratch, so that would have taken me a little bit longer.
9. Have you any qualifications in psychiatry? -- No.
10. BY THE COURT: The doctor has not pretended to have, has he? He said he was a District Surgeon in Cape Town, not a psychiatrist.
11. MR. VAN DEN BERGH: (Cont.): Do you agree that there is a difference between ideas of a persecutory nature and of a persecutory delusion? -- Well, I don't think I can - my psychiatric knowledge is not so detailed that I can make these intricate definitions or distinctions.
12. BY THE COURT: No, of course not. I don't expect you to.
13. MR. VAN DEN BERGH: (Cont.): Do you agree that many people are pre-occupied with their health? -- Yes.
14. Don't many people exaggerate the poor quality of

boarding-house food? -- Yes.

1. Wasn't the accused fabricating? -- Well, I had no idea of verifying his statements, and no means of verifying his statements I'd say.

2. What test did you apply to find that the accused was vague? -- Well, not actually any tests, but I got the impression that he was not able to remember things clearly and he was sort of uncertain. My questions actually were mostly concerned with his physical condition and the type of work he had previously done in order to assess his degree of disability.

3. Normal people also often forget these things? -- Yes.

4. What test did you apply to find that the accused's memory was defective? -- Well, the defective memory I got as a general picture; I remember questioning him about the type of work he did and the nature of his complaints. Well, he was very uncertain as to some details of his complaints and his previous working habits, and that induced me to put down that his memory may be defective.

5. What test did you apply to find that he was vague? -- A similar thing applies to the fact that he was vague. I got the impression that he didn't remember things very clearly and he was often very uncertain.

6. Isn't this also a normal phenomenon? -- It could be, yes.

7. You didn't consider it necessary to have the accused sent for treatment or observation? -- No.

8. Why didn't you certify the accused when you saw him in June, 1966? -- Well, in my opinion he wasn't certifiable. To me he appeared to be a person who could take care of himself. He didn't look as if he needed care and attention, and I did not get the impression that he was dangerous to himself or to others.

9. He did not complain to you that he was not capable of

doing his work at the Marine Diamond Corporation? -- No.

1. Did he ever mention to you that he was suffering from a tape-worm in June, 1966? -- He didn't mention it in June, 1966, but I did see him subsequently when he made some mention of it.

2. When did you see him subsequently? -- I saw him about -- I can't remember the exact date - it was about two weeks ago when I was asked by Major Rossouw to come and see him, as he was complaining of some ailment.

3. BY THE COURT: This is rather interesting because you did fill in "Alimentary and other abdominal systems: nothing abnormal detected". Now, I suppose a tape-worm would fall under that heading, wouldn't it? -- Yes.

4. It would certainly be intestinal, so you must have enquired, made some enquiry into his intestinal condition? -- I did.

5. And he didn't tell you anything about this? -- He never mentioned a tape-worm.

6. He told you about the tape-worm only after the alleged murder? -- Yes.

7. MR. VAN DEN BERGH: (Cont.): You saw the accused on 2.00 p.m. on the 6th September, 1966? -- Yes.

8. You then also examined him? -- Yes.

9. Did he then mention anything about this so-called tape-worm? -- That examination was at the request of the police, to ascertain his injuries that he sustained, and I was asked to fill in form C.88 which - I don't know the exact wording - for examination of a person who alleges he has been assaulted.

10. Is this the form that you filled in? (R.S.C.'s). -- Yes, this is the form.

11. What exactly did you find on that occasion? -- Must I read this form?

12. No. You can refresh your memory from it. -- Must I read

this form in its entirety?

1. BY THE COURT: Counsel is leading you; I don't know what he wants.
2. MR. VAN DEN BERGH: (Cont.): You examined him at 2.50 that afternoon? ... I will read it. "On this 6th day of September, 1966....."
3. I don't think it is necessary to read all that out. -- That is what I was trying to ascertain. I examined Dimitrio Tsafendas.....
4. But on that occasion you found that he was not confused? -- No, he was not confused.
5. And that was only 35 minutes after the murder had been committed? -- Yes.
6. Then he was not confused? -- He was not confused. I did add in my remarks that he answers questions guardedly but does not appear to be confused.
7. You have already said that he never mentioned a tape-worm to you on that occasion? -- No.
8. RE-EXAMINED BY MR. COOPER: When you examined the accused at 2.50 on the 6th September, 1966, was he anxious? -- No, he didn't appear anxious.
9. How did he appear? -- Well, he was quiet. He may have been a little bit nervous but not in any marked degree.
10. Generally he was calm? -- He was calm.

Witness excused.

PETER HENRY DANIELS (affirmed) states:

1. EXAMINED BY MR. COOPER: What is your occupation? --
I am a foreman in the despatch department of D. & O Fry
Starck & Co. Ltd.
2. Where do you live? -- I live at No. 1 Sans Souci Street,
Bellville South.
3. Who lives with you? -- My wife and three children,
and, in the detached apartment, my dad, my mother, two
brothers and three sisters.
4. Have you a sister? -- I have a sister who is in the
ministry.
5. What is the ministry? -- She is preaching the Gospel
as a true disciple of Jesus Christ, as he laid it down when
he walked the earth himself.
6. And is that the religious group to which you belong?
-- That is what I belong to.
7. And the accused? -- He did belong to it also.
8. BY THE COURT: What are they - Jehovah's Witnesses?
-- There is no name. (Laughter in Court.)
9. MR. COOPER (Contd.): Mr. Daniels, don't worry about
the laughter. I know that you take your religious beliefs
seriously? -- We do.
10. And I respect it. When did you see Tsafendas for the
first time? -- On the 28th August, 1965, Tsafendas knocked
at my mother's door, and in her kitchen the first time I
saw Tsafendas.
11. Did you know he was coming? -- I did not know that he
was coming.
12. But did you know about him? -- I had never heard of
him before.
13. How did he come to your place? -- He had a correspond-
ence with my sister, Ellen, who is at present in this great
ministry.

1. How was Tsafendas dressed when you saw him for the first time? -- He impressed me as a man shabbily dressed, poorly dressed.
2. Describe his clothing? -- I can remember fully the day he arrived he had on a brown suit, a black jersey with a hole right in front, a big brown hat. He was shabbily dressed.
3. What impression did it make upon you, his appearance? -- He impressed me as a poor man.
4. Did the accused, Tsafendas, then live at 1, Sans Souci Street? -- From the day that he arrived he stayed until the 16th October, 1965.
5. In which part of the house did he live? -- He stayed in the front room in my mother's house.
6. Did you charge him any lodging? -- We never charged him any lodging until the day that he went to work. From then on my dad spoke to him, but before that he never paid a penny.
7. Did you have much to do with him? Did you see him often? -- All his free time he spent in my house. Most of his free time, shall I say.
8. Tell us what his habits were. Was he a clean man, a neatly dressed man? -- Well, during the weeks he impressed me as a shabby man. He never impressed me as careful about his way of dress. He never impressed me as a man who was careful about himself.
9. Can you remember any incidents, any things that happened, in which he featured? -- Are you talking about his strange habits now?
10. Yes? -- I can remember Tsafendas, seeing him sitting at my dad's table, coming from work one day, with a hat on. He still had his overcoat on. He was reading his paper at

the table with his hat on. And I can remember me taking him to my mother-in-law in Woodstock, and in this particular instance, as we walked down the passage I myself took off my hat, hanged it on the hanger, but he (Tsafendas) walked straight down the passage into my mother-in-law's kitchen. He never took his hat off. Then we came back into the lounge and sat down in conversation, and he was now telling about his travels all over the world, and he never took his hat off yet. Then, as the conversation went on, tea was served, and at this time I thought that Tsafendas would now take his hat off, but as tea was served he (Tsafendas) rather adjusted himself much better in his seat, pulling the collar of his coat up, and pulling his hat further down on to his head, which gave me a very poor impression of the man. Shall I say that to my mind I now thought this man was mentally affected.

1. Do you normally, with your friends, etc., behave normally and take your hat off when you are inside? -- We respect our friends with great diligence, and as a body of Christians we respect each other very highly.

2. Your house, is it a clean house? -- Our house is perfectly clean, as a house should be.

3. And you are proud of your house. Any other strange incidents that you recall? -- There are many instances that we can recall of Tsafendas. There is an instance now where one hot day he tried to cool the fowls off, which proves to me that he was also mentally deranged.

4. How did he try to cool the fowls off? -- He got hold of the hosepipe and tried to cool the fowls down, because he thought that they were hot too. (Laughter in Court.)

5. BY THE COURT: One does it with fowls when it gets hot. I keep fowls. When it gets very hot you may have to do it. They die if you don't, sometimes.

1. MR. COOPER (Contd.): Any other strange incidents? -- There are instances when in our meetings, as we worship in our homes, he was one of the members in the gathering, and we as a rule each give our testimony as Christians, discussing the word of God, and he (Tsafendas) after he had said something would put his bible and hymn book down and be unconcerned about his surroundings, which impressed me too that this man is a strange man.

2. Can you tell us anything about his eating habits? -- Yes. There is a very incident that will go down with me in all my life. This was the day of the morning when Tsafendas left us. It was round about 7 o'clock the morning when this knock came at our door. My wife and myself got up. As a matter of fact, she got up before me. And here was Tsafendas with a parcel under his arm, a parcel of meat, eggs and some other victuals, and blood dripping down his coat. He was unconcerned about that. The next thing he was looking for a stove and a pan. The wife handed it over to him, showed him the stove, gave him the pan. He started, without washing this meat that he had - just gave it a shake, and into the pan it went. And before it was ever done Tsafendas got a plate from the wife and settled down to this big meal. We surmised it was approximately two to three pounds of T-bone steak. On this particular morning I can well remember

3. Was it just meat, or what else did he have? -- There were meat and eggs and tomatoes and onions. It was all in one dish. And then Tsafendas settled down to this great plate of meat, and I was sitting next to the table, looking at the man, and as he digged into it I could hear him chewing away.

4. BY THE COURT: What did you expect him to do except chew at his T-bone steak? Did you expect him to swallow it

whole? -- The way he settled down to it - he settled down to it like a dog.

1. He really enjoyed this T-bone steak? -- He really and thoroughly settled down to this meat. (Laughter.)

2. MR. COOPER (Contd.): You say he settled down to it like a dog? -- Really and truly getting his teeth into it.

3. Had you seen a human being behave like this before? -- Not in all my life.

4. How did he eat it - with a knife and fork? -- He first started off with knife and fork, and ere he was finished he digged it in, two hands and all. And he was dirty as far as here (indicates down outer edges of the mouth), and then he told me personally - my wife was present - "Pete", he told me, "I am making a pig of myself", and I told him I could see it.

5. What did he say, why was he eating this? -- He said he had to feed the worms.

6. How many could have fed off this food that he consumed in this way? -- Easy two people.

7. On any other occasion did he bring food? -- There was an occasion in my dad's house. I saw the half a sheep that Tsafendas brought in there, and I believe th4 family said that on this day also blood was dripping from the meat on to his clothes, which he was unconcerned about. There was another occasion when he came with approximately half a cheese and a full liver polony. And all these things were queer to the family, because we are not accustomed to things like that.

8. Did he ever discuss his state of health with you? Did he have any complaints? -- He complained of severe headaches, for which the wife gave him often tablets to relieve himself.

9. BY THE COURT: Do you eat your meat well cooked? -- We eat our meat well cooked.

1. MR. COOPER (Contd.): In conversation would Tsafendas stick to the point? -- No. He would often wander from what he would say and he would oftentimes have ended up with, before he would finish a verse, "You know, Pete", or "You know". He used to get a blank spot in his mind. That was very often.
2. Did he read his bible often? -- He read his bible regularly, very often.
3. Did he discuss the bible with you? -- Only in our meetings, but we used to talk more of his travels all over the world.
4. How did his discussion of the bible at these meetings strike you? -- There was nothing that I can really remember of what Tsafendas said, because the things that he tried to explain was not definite.
5. How was his flow of speech? -- He used to speak in a manner - he would speak a few words, then break off, and then continue with some other subject rather than the one he was talking about at the first.
6. Do you know if he was interested in any woman while he was staying with you? -- Yes. Not with us, but we learned afterwards that he was.
7. Did he discuss his matrimonial problems with you? -- Not with me.
8. He is not married, is he? -- He is not married.
9. Was he a violent person in any way? -- Tsafendas appeared to me as a harmless, hopeless kind of a man.
10. For how long was he unemployed? -- Approximately three weeks he was unemployed. Three to four weeks really, when he stayed with my dad in his section.
11. And then he was employed where? -- Then he went to work in the power station, Cape Town power station.

1. Why did he leave you? -- The reason for leaving us was, he said it is far more convenient for him to stay in the City than to stay in Bellville, which would make travelling easier.
2. Mr. Daniels, you are a non-white man? -- I am a non-white man.
3. How did you view the accused's race? Was he a white or a coloured? -- I took him as a white man, because him being foreign and having a foreign name; I took him as a white man.
4. Whose company did he prefer, coloured or white, while he was staying with you? -- He preferred to be amongst the coloured community.
5. Was there any discussion about the identification card? -- Yes. He said he would like to be among the coloured community, make himself a coloured man, so that he can easily be accepted, because he said he was really never accepted among the white folk, and for that reason he make application to be made a European, but that was refused him, and afterwards he told
6. BY THE COURT: You mean to be declared a non-European? -- A non-European.
7. To be declared a coloured man? -- He preferred to be a non-European. But that was refused, because it was told him that there are more privileges on the other side.
8. MR. COOPER (Contd.): Did he tell you what kind of card he was given? -- He always talked to us of having a blank card.
9. What did he mean by a blank card? -- That could be -- to me it seemed it could be either the other side or the other side.
10. Either white? -- Either white, or it can be non-white.
11. He was unemployed. Did he ever discuss with you starting any businesses or anything like that? -- Yes. He

discussed with me of putting up such a tremendous business where all could have - in other words, what can I term this - do-it-yourself workshop, where people can come to him and they can either fix their cars or make their furniture or do anything, and make it your own shop. He had that in mind. And the next thing he would tell us he is going away. That to me was very strange, that a man talking about settling down in a place and the very next moment talk about going away. That also proves to me that this man was not altogether.

1. What is then your overall impression that you have of Tsafendas? -- Well, my own words at one time were "This man is mad".

2. BY THE COURT: I am interested. When did you have occasion to say this, and why? -- Because this man, the accused, would talk about doing a business, doing something, and never really getting to the actual thing. He would even start making a thing. I can remember at one instance he was very zealous in doing something for us - he even had the thing - and he just left it and never touched it again.

3. When you used the words to yourself - did you say it to somebody or did you say it to yourself? -- I said that to my brothers.

4. "This man is mad"? -- Yes.

5. I am very interested. The reactions of the ordinary man may be very helpful. Did you mean mad in the sense of queer, off his rocker, or did you mean something else? -- I meant that he was half off his rocker. He wasn't altogether there, because a man in his full and true senses would never discuss nor would he have done the things which the accused has done.

6. MR. COOPER (Contd.): When you read in the newspaper

that the Prime Minister had been stabbed in the House of Parliament by Demitrio Tsafendas, what did you think, what was your reaction? -- I was utterly shocked beyond measure, and I could never think that a man, the accused, would ever have done a deed like that. It could never dawn on me that the man that I personally knew and being in the circle in which he mixed would ever do the deed that he has done, because our doctrine is peace, loyalty and humility and subjection to all the laws.

1. And was he a believer in that doctrine? -- He claimed that he was a believer. On those grounds we accepted Tsafendas on the first day he arrived.

2. CROSS-EXAMINED BY MR. VAN DEN BERG: The accused came from Durban, not so? -- The accused told me he came from Durban by way of hitchhiking and by train from Port Elizabeth.

3. Did he come alone? -- He came all alone.

4. I believe he had four suitcases with him? -- Not four.

5. How many? -- I can remember him having one or two suitcases. He had with him a bundle of dirty washing and he had a bundle of tools with him. His welding kit he had with him.

6. Did you ever see him use the tools? -- I never saw him use the tools.

7. Just give us the date again when he arrived at your home? -- He arrived approximately Saturday midday, the 28th of August, 1965.

8. It was not the 10th of July? -- It was not on the 10th of July.

9. The 28th August? -- The 28th August, 1965.

10. And he lived in your house until the 16th of October? -- October.

11. And did I understand correctly that he never paid for board and lodging? -- Not while he was not working. But when

he started to work my dad spoke to him, and then he contributed something towards the house, towards the family.

1. Were you satisfied with his contribution? -- My dad was.
2. For how long was he out of employment?
3. BY THE COURT: Three weeks, the witness said.
4. MR. VAN DEN BERG (Contd.): Did he receive letters while he lived with you? -- Yes. He received letters from - I think from Greece. This man John Micheletos, whom he knew so well, and from other correspondents which I don't know.
5. What was his address in Greece, do you know? Was it Athens? -- I would not know what his address was.
6. BY THE COURT: Whose address?
7. BY MR. VAN DEN BERG: John Micheletos' address.
8. MR. VAN DEN BERG (Contd.): You don't know whether he lived in Athens? -- That I can't say, whether he was in Athens.
9. Did the accused also write letters? -- He used to write letters himself.
10. RE-EXAMINED BY MR. COOPER: I want you to make one thing clear to the Court. Your religious group, do you believe in putting up members who come to visit a town? -- We fully believe if a brother is a brother, irrespective of his race, we fully accept him as a brother, because we believe that was from the beginning in the Lord Jesus.
11. Your religious group, is it confined to the Cape? -- The Cape and all over the world.
12. What do you call it? -- We call ourselves the Followers of Jesus Christ.
13. And do you correspond regularly with each other? -- We do correspond with our friends as best as we could.
14. Is that just in this country or all over? -- All over. I have now an uncle in the island of Seychelles, way down in the Indian Ocean, and I correspond with him too, because he is in the ministry there.

ON RESUMPTION:

MERLE DANIELS (affirmed) states:

1. EXAMINED BY MR. COOPER: Where do you live? -- I reside at No. 1, Sans Souci Street, Bellville South.
2. You are a housewife, are you? -- Yes, I am.
3. Who are you married to? -- I am married to Peter Henry Daniels.
4. He is the previous witness? -- That is right.
5. Have you a family? -- Yes, I have three children.
6. How old are they? -- I have a daughter of five and a son of four and one of two years old.
7. What are your religious beliefs? -- We belong to the same faith my husband has told you about.
8. Just shortly describe your church, or is it not a church? -- Well, it is not a church. We do not belong to any church. We are just called the Followers of Christ.
9. For how long have you been a Follower of Christ? -- Since about 1957.
10. The man before Court here, Demitrio Tsafendas, when did you see him for the first time? -- The first time I saw him was on the 28th August.
11. Of which year? -- 1965.
12. Where did you see him? -- I saw him in my mother-in-law's home.
13. And did he thereafter stay at No. 1 Sans Souci Street? -- Yes. He remained at No. 1 Sans Souci Street until the 16th of October.
14. Did you see much of him, did you talk often to him? -- Well, in his free time he used to come in there, you know, and speak to us a little, about his travels.
15. Was he also a member of your religious persuasion? -- Yes, well, we accepted him as a brother of our faith, that is how

we took him in.

1. Did you expect him to pay for his lodgings when he arrived at your home? -- When he first came there he wasn't working, so my father-in-law did not expect anything from him until he started to work.

2. When he arrived there, what impression did he make on you? -- Well, he seemed to be a strange person. I mean, he was shabbily dressed, and to me he seemed strange the first day I saw him.

3. His shabby dress, did that ^{you think} make/him strange? Anything else? -- No, well, just because of the way he was dressed and he started speaking to us of the different preachers he had met all over the world from the same faith.

4. Were there any strange incidents that you can remember in connection with the accused? -- Yes. I can very well remember one afternoon. This particular day he had gone out to look for work, and this particular afternoon when he came home - it was about mid-afternoon - and I asked him to come over and have a cup of tea with us, because my mother and aunt had visited me that day, and I asked him to come and have tea with us this day. He said that he would, he was first going to take his coat off as it was a hot day and he had his big overcoat with him. And he went next-door, but before he left I asked him to tell us a little about his travels and where he has been all over the world, and he said that he would come and tell my mom and aunt a little about it. He went next-door and he came back and he brought his bible along with him, which seemed such a strange thing, because I had asked him to speak about his travels. I spoke to him at the table and I said: "Well, Demitrio, tell us a little about your travels", and he looked at me but he was unconcerned about the question I had asked him, and he was

reading about the experiences of Paul and relating it, telling me a bit about the life of Paul. He said that his own life, when he examined himself, he felt that he came so far short when he thought of the life of Paul. And after that he just left. He asked us to excuse him and he went home, still with his bible under his arm.

1. On this occasion, after he started talking about Paul, did you try to bring him back to talking about his travels? -- Yes. I said to him: "Well, Demitrio, tell us a bit about your travels. That is the purpose that I asked you", and he wasn't concerned about the question that I had asked him. He was just reading his bible and speaking about the travels of Paul.

2. Can you think of any other incidents? -- Well, there was a time in my mother-in-law's home that he would lie on the bed with his boots on, on her clean quilt, and he would not think of removing them before he would go and lie down.

3. I don't want to go into the other incidents that the Court knows of, but what is your overall impression of this man, Demitrio Tsafendas? -- Well, I often said, we even said amongst ourselves, surely Demitrio is not all there; by the things that he did and the strange way that he acted sometimes we felt that he wasn't all there.

4. CROSS-EXAMINED BY MR. BRUNETTE: : Was he a bit eccentric? -- Could you explain that word to me?

5. Well, I mean he did strange things here and there, but it wasn't anything in particular.

6. BY THE COURT: It was something particular. He spoke about St. Paul when he should have been speaking about himself, and he lay with dirty boots on the clean coverlet. That is what I have got at the moment - particulars.

7. MR. BRUNETTE (Contd.): When you asked him to come and tell about his travels, could he perhaps have misunder-

stood you? -- No, I don't think he could, because I spoke to him quite a few times. I said to him "Demitrio, tell us about your travels" and he looked at me and said "Yes, Merle", but he wasn't concerned about the question of us asking him.

1. Did he perhaps read to you about the travels of Paul?
-- That is right. He sat at table with his Bible and just pushed the cake plate aside and he started telling us about the travels of Paul.

2. Did he pay to stay with you, or what was the arrangement? -- He did not stay with me.

3. With your father? Do you know? -- Well, after the first few weeks he did not work and my father did not expect him to pay anything, but when he started work my father-in-law spoke to him and asked him if he would contribute something towards the family, towards the home.

4. Was he willing to do that? -- Yes, he was.

5. Do you know whether he paid after that? Did he pay for any boarding or lodging after that? -- While he stayed in my father-in-law's house?

6. Yes? -- Yes, well, he did. After my father-in-law spoke to him he did pay, because then he worked.

7. Are you perhaps worried that a member of your Church is in trouble? -- Well, when we heard about it we were shocked. We were upset about it, and in a way felt sorry that he could have done such a thing.

8. Is it worrying you? -- It has to a certain extent. I mean, we accepted him as a brother of the Faith and it is not of us people to do any violence of that sort.

9. Did you ever have anything to do with his washing? -- Well, the first day he came there he asked me to wash shirts for him for the meeting of the Sunday, and I said I would, but then he came with a big bundle of washing, dirty

washing, which I did do for him the first day. But after that he stayed with my mother-in-law, so she did the rest of his washing. But the first day I did his washing.

1. So as far as you know he generally had his clothes washed, and he wore clean clothes? -- Yes, well, my mother-in-law kept him clean. I mean, she did his washing and ironing for him.

2. Would you like to protect the name of your Church in this matter? -- Yes, well, I would.

3. RE-EXAMINED BY MR. COOPER: No further questions.

(At this stage both Mr. and Mrs. Daniels
are excused.)

PATRICK HENRY O'RYAN: (Witness affirms):

1. EXAMINED BY MR. COOPER: Where do you live? -- I live at 9 Westminster Road, Lansdowne.
2. Are you married? -- I am married.
3. Have you a family? -- I have a family.
4. How big is your family? -- We are nine.
5. How big is your house? -- We have three bedrooms, a lounge, kitchen, bathroom, outroom, and a garage.
6. What is your profession, your occupation? -- We are called civil servants.
7. What do you do? -- I teach.
8. What subjects do you teach? -- English and Art.
9. And where do you teach? -- Bishop Lavis High School.
10. For how many years have you been a teacher? -- Thirty years.
11. Just shortly, what are your religious beliefs? -- I believe in practising the doctrine of Jesus.
12. Do you belong to any movement, if I may call it that? -- The faith to which Jesus belonged, and the doctrine that He preached.
13. Is Mr. Daniels a member of that faith? -- Yes, Mr. Daniels is a member of the faith.
14. And is your wife a member of that faith? -- She is a member of the faith.
15. This faith, is it confined to the Cape, or South Africa, or is it world-wide? -- It is world-wide.
16. Do many people belong to it? -- We have never taken a census, but there are many people who belong to it.
17. Do you write to various parts of the world to members of the faith? -- I write to quite a few parts of the world. I just received a letter last week from Liberia, from the eldest servant who was here, who landed here in 1905 from Ireland.

1. Any other countries to which you write? -- I write to Iceland, and Morocco.
2. I think that is enough for the time being. Would it be correct to call this movement a Christian Church, or would it not? -- It can be called a Christian Church.
3. Let us, for the sake of convenience, call it a Christian Church. When did you meet Demitrio Tsafendas for the first time? -- The actual acquaintance that I made first was while in prayer at a conference. I heard
4. Where was this conference? -- This conference was held out at Durbanville.
5. What month, and in which year? -- It was towards the end of November 1965.
6. What was this conference, this congress of? Which people? -- It was an assembly, a conference of delegates, Christian delegates I may call it.
7. Were you present at that assembly? -- I was present.
8. And the accused, was he there? -- The accused was there.
9. Tell us - you say the first time that you saw him ...? -- When I heard the accused praying, or rather repeating the Paternoster, I opened my eyes and looked to see who it was, because never had anything like that happened that an individual parroted a prayer.
10. BY THE COURT: That he did what? -- He said the Our Father.
11. In what language? -- In English. None of us ever makes repetitions in praying.
12. MR. COOPER (Contd.): How do you deliver your prayer at your assemblies, and how do the other delegates? -- Every member of this faith prays in spirit and in truth from the heart.
13. BY THE COURT: A silent prayer? -- Audibly.
14. BY MR. BAKER: You don't repeat a wellknown prayer, is

that what you mean? -- No prayer - we repeat no prayer.

1. BY THE COURT: I am not following. The unusual feature of this man, which made you open your eyes and look who this was, was that he was saying a wellknown ritual Pater-noster, and that was not according to your? -- Not according to the teachings of Jesus.

2. BY MR. BAKER: In other words you pray spontaneously?-- That is right.

3. You make up your prayer as you pray? -- It flows spontaneously.

4. MR. COOPER (Contd.): Did he also speak at this assembly? -- Normally there is an opportunity of open testimony, in which he participated.

5. Does everybody have an opportunity at this assembly? -- Everyone has an opportunity to give a testimony.

6. At the assembly. What do the members usually talk about, or give testimony about? -- We usually give testimony of our experiences on Christian lines and the work of God in our own personal lives.

7. When you heard the accused speak, what/^{did}he speak about? -- When the accused spoke he cited a passage of scripture, and thereafter, normally, one refers, or tries to interpret this passage of scripture. In his case, however, he continued, shall I say, at a tangent, or he spoke of his travels, which were not relevant to the chapter at all.

8. Did this strike you as being odd, strange conduct? -- It struck me that the individual concerned, the accused, was not, in my opinion, born of the spirit of God.

9. BY THE COURT: Did you sense something false in it, do you mean? -- Whosoever is born of the spirit of God can discern spiritually, and the context

10. It didn't ring true? -- Not at all.

11. MR. COOPER (Contd.): When he had finished this talking,

did you know what he was trying to tell you? -- He got nowhere. Just a string of incoherent or disjointed sentences mostly.

1. How did the other delegates to the assembly react to his speech? -- Quite a few with whom I discussed it felt the way I did, that his, could I say, discourse lacked in spiritual content.

2. At that time did you speak to the accused at that assembly? -- I did speak to the accused.

3. Was he employed then? Did he have a job? -- He was unemployed at that time.

4. Where was he living? -- He was on the verge of terminating his residence at a particular place in the Gardens.

5. And did he ask you whether he could come and stay with you? -- I had been approached by a member of the faith with the object of arranging accommodation for the accused.

6. And did you then make arrangements and give the accused accommodation? -- I told him to call at my place, which he did the day after conference.

7. When did he arrive at your home? -- That was at the beginning of - I am not very sure of my dates - at the beginning of December. Immediately after the conference.

8. Of which year? -- 1965.

9. For how long did he stay with you? -- He stayed with me for about close to five months.

10. Did he try to find any employment while he was staying with you? -- Regularly. He wrote a number of applications. He went for interviews. And on one occasion he managed to land a job at the City Tramways, which lasted only a few days. He was issued with a uniform however. Thereafter he was unemployed again, and thence he was engaged at the Diamond Marine Corporation, I think, South-West Africa.

11. While he was with you, was he a lazy man? -- While he was with me, very often he would remain in bed, and would

apparently do so for the day. But with us, we believe that every individual should have solid and permanent work. Then I would speak to him and tell him it is very unsavoury for a healthy man like him to remain in bed. Then he complained of this, of a worm that he mentioned of enormous proportions. In this case he mentioned that six foot of the worm had once come down, and the head remained behind, and the width was two inches wide. And more than one evening, after a late evening, he would ask my wife for a hunk of bread, he said, just to feed the worm, or demon, or the snake, which he most frequently termed it.

1. Then there were other occasions when I had to speak to him, but not necessarily about his being inactive or lazy.

2. In what way further did he say that this worm affected his life? -- He told me about this worm, and that it sapped him or that it robbed him of his energy with the result that he could not hold a job very long. He also mentioned among other things that this worm affected him in many ways, so much so that his finances were always very low, since I had told him he could stay free of charge, and at that time, then he need not pay me.

3. Did he ever go and try to get treatment for this worm? Medical attention? -- He went to the local hospital, I think Groote Schuur. Some of our friends saw him there. He went for treatment down at the Foreshore. And my wife also gave him a sort of treatment. She was very sympathetic in his case, whereas I told him the worm only existed in his mind, and then he was very disappointed and he told me I was like the doctors who wouldn't believe him.

4. Did he say what this worm did, how this worm behaved inside him? -- Well, at night he said this worm used to crawl about in him when it was hungry, and irritate him and so on.

5. What did you think about this worm? -- Well, I candidly

told him, as I do in many cases, that he should try to get his mind above matter, and that the worm was a figment of his imagination, purely.

1. How did he react to that, when you told him? -- He was most disappointed, and told me that I was just like the medical men whom he had seen, or medical opinion that he had got, who disbelieved him, and that my wife was much more sympathetically inclined towards him.

2. So he used to pour out his troubles about the worm to your wife then, is that correct? -- That is right.

3. How was he spoken? How would you describe him? How did he speak? -- He was very well spoken, soft spoken, and his disposition was very meek. He was a very kindly man. In my experience of him he had a good heart.

4. How did he behave towards your children? -- He was very attached to the children, and very often my wife used to say "This man has never had the opportunity to know a little about home life. This most probably is the first home where he is at home". And we tried to make him at home as much as we could.

5. Did he discuss with you and tell you any of his background, of his home life as a child? -- Most of that he told my wife. He did not speak sentimentally to me at all, much.

6. Did he read his Bible often? -- He read his Bible regularly.

7. Did he attend meetings of the movement? -- He most frequently accompanied me, because he and I attended the same Sunday morning meetings.

8. How many meetings do you have, does your movement have every week? -- We have meetings regularly every Sunday morning where we break bread, Sunday evenings and Wednesday evenings.

9. At these meetings, how did he fit in? -- Into the form

of the meetings he fitted perfectly, but, when it comes to the substance of the meetings, he again, as I would put it, lacked spiritual depth. He was always superficial in his little discourses.

1. Is that what you mean by spiritual depth, that he was superficial in his discourse? -- That is right, yes.
2. Did he appear to understand the Bible, from what you could see? -- He seemed to have not the slightest notion of what he usually cited in scripture, or passages that he tried to interpret.
3. In conversation, how would he answer a question, a simple question? -- He was always very hesitant before he replied, and, after he had started, then he would hesitate again, and very often when he continued there was no logical sequence again.
4. How was his concentration? -- He had a very poor power of concentration, which I would say was manifested by the way in which he spoke. One could gather that.
5. BY THE COURT: Would I summarise what you have just said if I say that his conversation was disjointed? Would that be a way of saying it? -- That is it, it was disjointed.
6. Can I put it down like that? -- That is right.
7. That his conversation was disjointed and didn't seem to flow one from another? -- Yes.
8. MR. COOPER (Contd.): In these conversations did you ever canvass political topics? -- No.
9. You are a Coloured man? -- I am Coloured.
10. Is the accused a Coloured man, or a white man? What did you consider him to be, when he lived with you? -- A Coloured man.
11. In your Church, has your Church white members as well as Coloured members? -- There are white members; there are Coloured members.

1. You may not like the word, but do the Coloured members and the white members worship together, or do you worship separately? -- (Pause) At certain gatherings, like when we have a convention, a conference, we all meet together but in the weekly meetings we meet in our homes and the whites meet in their homes.

2. Is it correct then that during the whole period of five months that he stayed with you he did not discuss politics with you? -- He might have discussed politics in the way that I, or rather say any Coloured man, would discuss. We may discuss say - I have no specific case, but I would not deny that he might have discussed general politics with me.

3. But any topic that he may have discussed made no impression on you? -- Never. Mostly the Bible - scripture.

4. Was the accused married? -- No, as far as we knew, he was unmarried.

5. Do you know whether he took out any women while he was staying with you? -- No, but he was interested in some of our friends.

6. Did he manage to strike up some association, friendship with a woman while he lived with you? -- He was unfortunate.

7. Did he tell you about his wanderings, his travellings all over the world? -- Ad nausuum.

8. Did he tell you whether he had been subjected to any treatment in any part of the world? -- He told me that in some Portuguese territory - it might have been Portugal, it might have been somewhere down Lourenco Marques way - this brain-washing that I read about in the paper. But before it appeared in the paper he told me all about it. He described it to me.

9. What had they done to him? What did they do to him? -- He mentioned that they slapped him on the temples of the head, regularly, until he fell down, and then they would pour

water on him and so on, and on one occasion he mentioned that they carried away a corpse, someone to whom this third degree had been applied. He mentioned that to me.

1. Could you form a close attachment, friendship with this man, Demitric Tsafendas? -- I took a deep liking to the man.
2. Did you form an attachment? Did you discuss your personal problems with him? -- As a rule we don't discuss much of our personal problems.
3. Tell us, what was the overall impression that Demitric Tsafendas made upon you? -- I formed a conclusion that he was not in truth one of our faith.
4. I understand that, in truth. What did you think about his mental state? -- I never actually doubted his mental state, since to me he had a mind that the majority of people have.
5. The fact that he believed in the tapeworm, what impression did that make upon you? -- That, however, made me feel that he believed in the tapeworm very strongly.
6. Did he ever discuss any of his experiences where he was employed, particularly when he was employed with the Marine Diamond Corporation? -- One evening, when he came back from the Marine Diamonds - they normally come back after a few weeks, two or three weeks, they come back - and prior to his leaving he was a little agitated, or shall I say emotional, and he and I were alone in the diningroom, and he told me "Look, I have to go back there tomorrow, and the individual under whom I work and who is supposed to show me around, is very unco-operative". And he mentioned also that he had nearly lost his life in nearly falling overboard. Then he told me "Come, let us pray together". Then he went on his knees, just in the diningroom, and I also went on my knees. He prayed, and after he had prayed he was very emotional and

burst out into tears. That was very strange to me. I didn't expect it of him.

1. Was he a strange man? -- No, it had never occurred to me.

2. CROSS-EXAMINED BY MR. VAN DER BERG: Did the accused show any feelings for your children? -- He was very fond of them.

3. And you took a deep liking to the accused? -- I had confidence in him and used to like him.

4. Do you think that he felt the same about you? -- Yes. Only that I didn't sympathise with him about the worm.

5. What made you conclude that he was not one of your faith? -- Among other things, number one he mentioned to me that a friend of ours in Greece had baptised him by means of a triple immersion; in the name of the Father he was immersed; in the name of the Son he said he was immersed; and in the name of the Holy Spirit he was immersed. That was most unusual to me, and unscriptural. To us a baptism is symbolic of a burial, a natural burial. And when a man is buried naturally he is just buried once and not exhumed again and so on. Then, secondly, he was surprised when I told him about Jesus having existed before the earth

6. I don't think we need go into that any further. Didn't you gain the impression that the accused was sponging on you? -- Quite a few friends of mine told me that, but I believe in hospitality so I overlooked it.

7. When did the accused tell you about this so-called worm? -- When I told him to get out of bed and not to be too inactive, and not to surrender to a thought like that. But to him it was real.

8. Can you remember the date? -- It would have been very shortly after - I would say it was in December.

9. December? -- 1965 already.

1. On how many occasions did the accused tell you about this so-called worm? -- Very very frequently.
2. Very very frequently? -- It became common in the home, so much so that the remedy they used for him, well, there was quite a quantity of it in the home already.
3. You made a statement to the Police on the 17th September 1966, is that correct? -- Most probably. Yes, the date must be.
4. You can have a look at the statement? -- I did make a statement. Correct.
5. Why didn't you mention anything about this worm to the Police in your statement? -- The Police mentioned, number one, that that was not necessary, I must just leave it.
6. So you say that you mentioned this worm to the Police? -- Yes. Not necessary, they mentioned. And I also made a statement about this treatment, and the Police said it is common in the papers.^{7.} This gentleman here, Mr. Troost, (pointed out) took the statement, not so? -- That is right.
8. So you tell me that you told Mr. Troost about this worm? -- Yes, I said he mentioned the worm.
9. And Mr. Troost said it was not necessary to make any mention of it? -- No, he just brushed it away.
10. What exactly did you say to Mr. Troost? -- I just said he mentioned the worm and also the third degree.
11. Just give us your exact words that you used to Mr. Troost? -- Mr. Troost spoke to me in the form of questions, which I answered, but in between I mentioned these two things that I noted were not noted.
12. You told Mr. Troost that this man has on many occasions mentioned to you ... ?-No, no, I did not say on many occasions.
13. What exactly did you say to Mr. Troost? -- I said he mentioned a worm, and the brainwashing.
14. What did Mr. Troost say to that? -- Well, in writing -

he just continued to write and

1. So in spite of the fact that you mentioned something about the worm, he did not take that down in writing? -- No.

2. BY THE COURT: Am I going to be allowed to see that statement?

3. BY MR. VAN DER BERG: Certainly my lord.

4. BY MR. COOPER: With respect, I don't think your lordship can read it. It must be put to this witness first of all, and say that he made this statement and he admits the contents.

5. BY THE COURT: I thought that he had admitted.

6. BY MR. COOPER: He admits that he has made a statement, but he has not identified this statement yet.

7. BY THE COURT: It is not all that important. (Statement not read by the Court).

8. MR. VAN DER BERG (Contd.): Did you say in this statement -- I quote what is written down in this statement: "Hy (that is the accused) het vir omtrent drie maande by my ingewoon waarvan hy twee weke by Poggenpoel tuis was maar weer na my teruggekom het"? -- Ja.

9. "Hy het koerante gelees en dit was duidelik dat hy gekant is teen staatsbeleid van beide Suid-Afrika en Portugal". Did you say that? -- Ja.

10. "Hy het die indruk geskep dat hy goedgesind is teenoor die Kleurlinge en dat hy herhaaldelik aansoek gedoen het om as Kleurling geklassifiseer te word". Het u dit gesê? -- Ja.

11. "Hy het gesê hy het 'n blanko persoonskaart, met ander woorde geen ras is daarop aangeteken nie"? -- Dit is reg.

12. "Hy het die apartheidsbeleid as onregverdig bestempel"? -- Ja.

13. "Sy redenasies was nie baie intelligent nie"? -- Korrek. /

14. Is dit reg? -- Dit is reg, ja.

15. "Ek het hom nie aangemoedig nie want ons propageer die

Dyrelse idee van onderdanigheid teenoor 'n regering". Is dit reg? -- Ja.

1. Ek sal nie veel/wees nie, edelagbaar langer.
2. DEUR DIE HOF: U verveel my gladnie. Ek stel nogal belang.
3. MNR. VAN DER BERG (Verv.): "Sy geestelike opvatting het verward voorgekom, maar hy was nie geestelik of verstandelik versteur nie". Dit het u gesê? -- Ja.
4. "Inteendeel, hoewel ek hom nie as besonder intelligent beskou het nie, was hy welsprekend en het oor 'n goeie woorde-skat beskik"? -- Dit is reg.
5. Het u so gesê? -- Ja, ek het so gesê.
6. "Ek het nooit die indruk gekry dat by sy verstand iets haper nie"? -- Dit is reg, ja.
7. Het u so gesê? -- Ja.
8. Waarom het u dan niks van die wurm in daardie verkla-ring gesê nie? -- Dit was so alledaags, heelmoontlik, dat ek dit nie wou beklemtoon het nie. Ek het maar net so terloops gesê.
9. U sê u het dit vir mnr. Troosê gesê? -- Terloops, ja.
10. U het vir hom gesê van die wurm? -- Ja.
11. RE-EXAMINED BY MR. COOPER: No further questions.

MRS. O'RYAN (affirmed):

12. EXAMINED BY MR. COOPER: Where do you live? -- No. 9, Westminster Road, Lansdowne.
13. To whom are you married? -- Patrick O'Ryan.
14. The previous witness. Are you a housewife? -- I am a housewife, yes.
15. Have you any children? -- Yes.
16. How many children have you? -- I would have had eleven.

I lost the one twin. I have ten. Seven boys and three girls.

1. Will you talk towards his lordship so that he can hear. He is interested in what you have to tell the Court. Are you also a member of the Christian Church? -- I am.

2. For how many years have you been one? -- About 28 years.

3. Do you know the accused? -- I know Demitrio.

4. Where did you meet him for the first time? -- At our convention in Durbanville.

5. How did he behave on that occasion? -- Well, quite normal.

6. Did you hear him speak? -- Yes.

7. Did he preach? -- Well, not actually preach. We just each give our testimony.

8. How did he give his testimony? -- Well, he started off with the way he got away from Cape Town half a century ago, or a quarter century he mentioned, and then how he got on to the boat, peeling potatoes. Then he spoke a little of his travels, and then he cited a verse in the Bible, but I could not sort of get a grasp of what he was trying to explain at the time.

9. BY MR. BAKER: You mean the verse had no relation to what he was talking about? -- No.

10. MR. COOPER (Contd.): But after this convention he came to live at your house, did he? -- Yes.

11. Did he ever discuss any of his complaints with you? -- Well, he spoke to me about his stomach, and he explained to me that it was because of a tapeworm which was an inch and a half wide, and he told me that a while back, when he was a little boy, about six feet of it came down. The doctor gave him something and six feet of it came down. He was sitting on a bucket. And then he fainted on the bucket, and his mother removed it and she destroyed it, and since

then nothing has ever come down.

1. Did he speak often about this worm? -- Quite often he spoke to me.
2. What did he call this worm? -- He called it a snake, or a demon.
3. Did he tell you whether it moved, or what it did inside him? -- He told me that this snake, or this worm, sort of comes up at night and then it sort of hunts for food. He put it down that way, that it ^{seemed that it} hunts for food late at night while he was asleep; it sort of woke him up; and this thing was hunting for food.
4. Did he ever ask for food for this worm? -- Yes, he asked me quite a few times if he could just have a piece of bread to feed the worm.
5. Did he take medicine for this worm? -- He took medicine. He once went to the Groote Schuur Hospital, and then he went again to the Foreshore to the Medical Centre there and they gave him a bottle of white stuff, I think it was some sort of a lime mixture.
6. Was he very energetic? -- No.
7. What did he do? -- Well, he told me that in spite of his big body he always felt tired, and he reckoned that it was the worm, because of the worm sort of devouring the food that his body should have.
8. BY THE COURT: A most wonderful worm. You don't have to work, and you eat at night in order to feed him. One of the best pets I have heard of. Anyway, he can't work because of the worm, but the worm has got to be fed.
9. MR. COOPER (Contd.): For how long did he stay at your house? -- Between five and four months. It couldn't be longer than that.
10. While he stayed with you, did he live with any of your friends? -- Yes.

1. Who did he go to live with? -- Mr. Poggenpoel.
 2. Where do they stay? -- In Walnut Road, I think.
 3. Is it also in Lansdowne? -- Also in Lansdoene, yes.
 4. And for how long did he stay with them? -- Only about three weeks.
 5. And where did he go after he left there? -- He came back to us.
 6. When he left Lansdowne, where did he go to? -- Observatory.
 7. CROSS-EXAMINED BY MR. VAN DER BERG: No questions.
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OWEN JOHN SMORENBERG, sworn states:

8. EXAMINED BY MR. COOPER: What is your occupation? -- I am employed as maintenance foreman at the Cape Town City Council Power Station.
9. And for how long have you been working there? -- Eight years.
10. Do you know the accused? -- Yes I know him.
11. When did you meet him for the first time? -- He came to work for us as a fitter on the 13th September, 1965.
12. But how long did he stay with you? -- Approximately six weeks.
13. During this period did you work with him? -- Yes, I did work with him.
14. What kind of work did he have to do? -- Mainly rough engineering. Fitting.
15. Did you have to check his work? -- Yes, every day.
16. The work that he had to do, was it difficult work? Was it involved work? -- Not really. I would say it is the easiest type of fitting that there is.

1. BY THE COURT: Was he taken on as a fitter or as a labourer? -- As a fitter.
2. Did he claim to be a fitter? -- He claims to be a fitter, yes.
3. Did he have papers? -- That I couldn't say. I never employed him.
4. MR. COOPER (Contd.): What was the type of work that he was doing? Rough engineering work? -- Rough engineering fitting.
5. What was your first impression about Tsafendas? -- The first impression was that he was a friendly type of man.
6. Did he talk freely with you? -- Fairly freely.
7. Had he travelled extensively? -- He claimed to have travelled extensively, yes.
8. Did he form any close friendship with any person on the job? -- Not really. Perhaps myself, and maybe one other fellow. We were about the friendliest with him.
9. Was that a close friendship? -- Not really.
10. Did he claim that he could speak more than one language? -- He did claim so, and I actually heard him speak in more than one language.
11. How did he like Coloured people? -- The impression I got is that he didn't like them.
12. Why did you get that impression? Was there an incident that you can relate? -- Yes. There are one or two incidents. The first time, they normally have a labourer working with them, and on this particular occasion the labourer had come to complain that he did not wish to work with the fitter any longer. I asked why, so he said that when he offered him a little bit of advice the fitter had turned round and told him that he is the boss on the job and he is not taking any advice or any backchat whatsoever from any Coloured.

1. Any other incident that you can recall? -- Yes, the second time that I formed an opinion that he didn't like them was the statement he had made to me while we were working down at the Docks.

2. What was the occasion? What were you working on? -- We have down at the Docks a cooling water intake for the Power station. We have gone down there to do some overhaul work, and we were about 40 feet down in the ground.

3. What is it like down there? -- It is quite a big tunnel. It reminds one of, shall we say, a 15th century castle, the torture chambers or the dungeons. It is dripping with water, and quite dirty and dark. It is generally an eerie place. We had gone down there to do some work, and while we were working I said to him jokingly that this is a good place for Mr. Vorster to keep his political prisoners, to which he replied, and I was quite shocked at the time - I suppose I generally didn't expect any political conversation from him - he replied "Yes, they should put them all down here; in fact they should put all the Coloureds here, open the doors and drown the lot".

4. In what tone of voice did he make this remark? -- Well, it wasn't sort of overbearing; it was just as a sort of general discussion.

5. Did he make any comment on Mr. Vorster? -- Yes. He said he thought that Mr. Vorster was the right type of man for the Minister of Justice's job. And he went on to say that he thought the Prime Minister was a clever man and he held the right position. In other words, he was the right man for the job as well.

6. And who was the Prime Minister then? -- Dr. Verwoerd.

7. What impression did you get, was he a supporter of the Government or an opponent or a critic of the Government? -- Well, I got the impression that he was a supporter.

1. Was there any other incident which stands out in your mind as being odd? -- From what point of view?
2. Just odd incidents. Things that you thought were strange conduct on the part of Tsafendas? -- Regarding his conduct?
3. Yes? -- Yes, there were one or two strange things about him. On one particular occasion he was required to change a fairly large pipe. These pipes are held together by 8 bolts. Normally speaking these bolts rust up. There is a lot of seawater there. When a set of bolts comes out we quite often replace them with new ones. On this occasion he had come to me with the bolts in his hand, and they were fairly badly rusted, and he asked me what he should do with them, to which I replied "Make out an order and get a new set from the stores". He went away, made the order out, drew the bolts, and about half a hour later I went on the job to check and I found the old bolts lying, I should say the new bolts lying to one side and he has replaced the old bolts. Well, I thought it was a bit strange to ask for new bolts and then put the old ones back.
4. Time sheets - can you recall an incident in relation to time sheets which you considered to be strange? -- Yes. Normally time sheets for the fitters in the section are made out on Monday morning, and that covers the work for the previous week. Any overtime that has been done is also entered on these time sheets. Except in the case where there is a public holiday which falls during the week, as was the case in October. The 10th of October was Kruger Day, which fell on a Sunday. Monday was automatically taken as a holiday, so therefore we were required to make these time sheets out earlier in the week. It was done on a Thursday. It makes it a bit difficult, because you are then entering up time which they have not yet worked, such as the Thursday and

Friday. I had made out the time sheets for the week and sent them on. On the Friday we had a fairly urgent job to do, and the fitters were required to work throughout their lunch hour, and they would therefore be paid overtime for this. I then went out and explained to them that the time sheets had already been sent in, and I could only enter the overtime up on the following week. Everybody seemed to be quite happy about it. There was a number of Coloureds on the job, as well as other fitters. When the next Thursday came and they went to get their pay he had come back and complained bitterly that he had been underpaid for half an hour.

1. Why did you think it was strange? -- Well, I then went ahead and explained to him again. I said "I told you last week that you would have to wait an extra week before you get this money. But he could not quite grasp it. Eventually I had to take out a piece of chalk and a wooden board and sort of draw a long line and divide it up into seven days and explain from one week to the next week. The Coloureds understood quite easily the first time, but he had great difficulty in understanding why he had to wait an extra week for his money.

2. When you say "The Coloureds" are they labourers? -- They are the labourers, yes.

3. Did he talk about various subjects? -- Well, he quite often started to talk about his travels, but in a sense it was garbled. He would start off on something and then he would sort of go off at a tangent, and you could never get to the basic point that he was trying to get to. Invariably I used to just sort of lose patience and not even worry to listen.

4. Did you believe that he was shooting a line? -- Yes, very much so.

5. You didn't believe his story? -- Not particularly. One or two of them may have been true. He said he had been an

engineer at sea, which could quite possibly have happened, but, on the standard of his work, I doubt it very much.

1. What was the standard of his work? -- It was very poor.

2. BY THE COURT: Was he a qualified fitter? Could you see when he was doing a job? Did he do a job like a fitter, that requires knowledge and dexterity? When he was on the job, did he look like a fitter on the job, or what? -- No, he looked more like a labourer, to be quite honest.

3. MR. COOPER (Contd.): How would you describe these stories that he told you? -- Which stories? The travels?

4. Yes? -- They seemed a bit farfetched. He mentioned that he had been in Canada, and that he had been to sea as an engineer. I can't remember them all. In fact, as I said earlier, I had given up hope afterwards of even bothering trying to remember.

5. What was his favourite saying? -- Well, he gave me the impression that he thought he had done very well for himself in the world. And on a number of occasions he said "I don't think I have done too badly for a poor Portuguese boy born in Lourenco Marques."

6. Is he married? -- He told me that he was not.

7. Why did Tsafendas leave his employment at the Power Station? -- Well, we had given him notice; we had asked him -- at least we told him that he was no longer required, we were going to fire him.

8. How did he react? -- I wouldn't actually say violently, but tendencies towards that. He was very upset about it.

9. What did he say? -- He said he had worked all over the world, and then, when he came to a stupid place like the Cape Town City Council, they thought he wasn't good enough.

(Laughter).

10. Do you think they were justified in terminating his employment? -- Definitely.

1. Could he hold the job down? -- No, he could not.
2. Was it a difficult job? The work that you gave him, was it really difficult? -- No. Quite often, if we have a breakdown and we have to get it going again, due to the fact that you must keep a constant power supply, quite often these labourers will go ahead and change a pipe for us. There may be a fitter around, but he will be on the second job. A labourer can manage quite easily.
3. And did the labourer in fact perform this type of work better than the accused did? -- Yes, but that could possibly be because they had had more experience.
4. What did you think of his mental state? -- Well, I wouldn't say he is mad, but he seems a little bit barmy.
5. Did he fit in? -- No. He was not the type to fit in with the boys. He always seemed to be excluded from everything. If you say him you would see him sitting by himself. Although he did on a number of occasions try to strike up conversation with people.
6. But the other people didn't fancy him? -- Didn't take to him, no.
7. CROSS-EXAMINED BY MR. VAN DER BERG: What was the salary of the accused? -- Approximately £85 a month.
8. £85 a month? -- Yes.
9. Didn't he always complain that he was not adequately compensated for his work? -- Yes, quite often.
10. So he didn't regard £85 a month as sufficient? -- No.
11. Don't you think that when the accused spoke about Dr. Verwoerd and Mr. Vorster he wanted to impress you? -- It could well have been, but I think, under the circumstances, he was not in any fit condition to impress anybody. He was quite frightened down at the bottom. It is not too pleasant an experience down there. I think at the earliest moment he just wanted to get out. I doubt very much whether he was in

the mood for impressing anybody.

1. You say the accused told you that he was married? --

No, he said he was not married.

2. Was his intelligence normal? -- Yes, I would say he had normal intelligence. Perhaps a little bit higher than normal.

3. RE-EXAMINED BY MR. COOPER: No further questions.

(COURT ADJOURNS UNTIL 2.15 P.M. TODAY)

COURT RESUMES AT 2.15 P.M.

ISAAC SAKINOFSKY: (Sworn, states):

EXAMINED BY MR. COOPER:

1. What is your profession, doctor? -- I am a psychiatrist.
2. When did you qualify as a doctor? -- I qualified as a doctor in 1955.
3. And when you qualified in 1955 what department did you enter at Groote Schuur Hospital? -- Initially I did my internship and at the beginning of 1957 I entered the Department of Neurology and Psychiatry at Groote Schuur Hospital.
4. And when you entered the Department of Psychiatry and Neurology at Groote Schuur Hospital at the beginning of 1957 what post did you occupy? -- I initially occupied a post of Registrar and then Senior Registrar.
5. Did you do any further post-graduate work? -- Yes. I took my Doctorate in Medicine in psychiatry in June, 1961, based on some post-graduate research that I had done.
6. So you now have an M.D.? -- Yes
7. At the beginning of 1962 where did you go to? -- I went to London.
8. What to do? -- I went for the purpose of post-graduate study.
9. To which hospital or hospitals did you go? -- I was immediately appointed at the Maudsley Hospital, which is the teaching hospital of the Post-graduate Institute of Psychiatry of the University of London, as a Registrar.
10. Did you serve on a professional unit as Registrar? -- I served on the Professorial Unit as a Registrar and later I was promoted to the Senior Registrar to a Professorial Unit.
11. How does the Maudsley rank as a teaching hospital in psychiatry? -- I think that in the United Kingdom and in this country it is regarded as of ultimate rank, and many of our

persons go across there to further their post-graduate education.

1. Did you take any other degrees or diplomas? -- Yes, I took the Academic Post-graduate Diploma in Psychological Medicine of the University of London in 1964.
2. In July, 1965, where did you go? What appointment did you take up? -- I accepted a post of Consultant Psychiatrist to Groote Schuur Hospital full-time, and also Senior Lecturer to the Department of Psychiatry at the University of Cape Town, and returned to South Africa.
3. At the present moment what is your position in the Department of Neurology and Psychiatry at Groote Schuur Hospital? -- In the Department of Psychiatry, in the absence of my chief overseas, I am the acting head.
4. And since when have you been the acting head? -- For three months.
5. Have you also written papers or made any contributions to literature? -- Yes, I have written a couple of papers and in addition I am the author of two chapters on Emergency Psychiatry in a book called Emergencies, published by Staples, London, in 1962.
6. Having disposed of the preliminaries, what happened at 7 p.m. on the 6th September, 1966? -- Well, at 7 p.m. on September, 6th, I was examining the accused, Demetrios Tsafendas.
7. Where? -- In the Casualty Department, Groote Schuur Hospital.
8. At whose request? -- I was called by the Casualty Officer and by members of the Security Police.
9. What was the nature of your examination? -- Psychiatric.
10. How long did this examination last? -- I estimate, without having timed it exactly, about an hour and a half.

1. And did you make certain findings? -- Yes, I did.
2. Did you reduce your findings to writing and set it out in a report? -- Indeed, I did.
3. Which is dated, do you know? -- September, the 7th.
4. When did you draw up that report? -- The report was partly drawn up the same night and completed the next morning.
5. To whom did you submit that report once you had drawn it up? -- Well, I expected that the report would be submitted to the Security Police for the use of the State and the report lay with the Medical Superintendent for some time.
6. And was subsequently forwarded to the Attorney-General?
-- Yes.
7. I just want to skip ahead; were you informed by the Attorney-General that you were not required to testify for the State, but were to be called by the Defence? -- Yes. I made contact with the Attorney-General some weeks afterwards because I wondered what was happening and was told that I had been allocated to the Defence - my evidence was being allocated to the Defence.
8. Have you your report dated the 7th September, 1966, before you? -- I have.
9. Will you read it out to the Court? (Copy handed to the bench). -- (Witness reads report). "On September 6th, 1966, at 7 p.m. I was called to Groote Schuur Hospital Casualty Department where I examined the mental state of a man who identified himself to me as Demetrios Tsafendas, and gave his age as 48 years. The patient's demeanour was moderately excited (but not elated or exalted); he was tense, breathing rapidly at times, and he seemed perplexed. On two occasions he burst into weeping for a few seconds, but was not otherwise manifestly depressed. His speech seemed unguarded; was under some pressure. He answered most questions

readily. There was no formal syntactical schizophrenic thought
..... (The Court intervenes).

1. BY THE COURT: Do you mind if I interrupt where I don't understand? "His speech was unguarded; was under some pressure." I am not sure I've got the purport of that. -- Pressure alludes to the piece of behaviour which we refer to as "excitement" and which I think has some difference from the lay use of the word "excitement", and one of the ways that one assesses.... (The Court intervenes).

2. "His speech was unguarded", what does that mean? He was not careful of what he was saying? -- Yes. One makes the assessment clinically of whether a patient is holding back, and my assessment was that he was not holding back at that time.

3. He was speaking openly? -- He was speaking openly.

4. Now "He was under some pressure". -- Yes. This refers to the rate of speech. The rate of speech was rapid and profuse, and is a symptom of excitement. (Witness continues to read report). "..... disorder but I formed the conclusion that his reason was impaired, in that there was a manifest....."(The Court intervenes).

5. You are going too fast for me. "There was no formal syntactical schizophrenic thought disorder...." -- Yes.

6. What does that mean? -- Syntactical refers to the grammar with which the patient speaks. The psychiatrist analyses the patients utterance in terms of the form (the grammar that is) and the contents, what he says in his speech. And when one uses the term "syntactical schizophrenic thought disorder" this is a cardinal feature of schizophrenia. But its absence at a particular time does not necessarily mean that the patient is not schizophrenic.

7. So from the point of view of syntax his expressions were

in order? -- Yes, the grammar of it was fine.

1. You mean the verb didn't go where the noun should be or? -- Yes, there are certain aspects of syntax which a psychiatrist concentrates upon. One of these is the phenomenon of thought blocking, which is an unexpected gap in the train of the patient's speech. Another is referred to as asyndesis which is a disjunction of a phrase with another phrase - two phrases being connected which are not logical. Another is the interpenetration of thoughts and ideas into a train of thought. And there are others where we talk of derailment.

2. In other words, syntactically speaking, your observation there was negative? -- Yes.

3. It does not negative schizophrenia? -- No.

4. But it did not support it at that stage? -- Quite.
(Witness continues reading report). "... but I formed the conclusion that his reason was impaired in that there was a manifest defect of logical processes with repeated non sequiturs. He was frankly deluded in that he said that the Portuguese Government had kept him in a prison for 14 years (between 1949 and 1963) for being a conscientious objector and that they had tried to kill him for this by the application of alternating currents to his head. He gave as one of the reasons for his assassination of the Prime Minister that the latter was in league with the Portuguese Government. He voiced several other delusional ideas, viz., that the Prime Minister had been a foreigner (and he, Tsafendas, a South African);"

5. Why do you call that delusional? That was true, wasn't it? -- In the first place Tsafendas himself, I believe, is not a South African, and in the second place, the Prime Minister certainly by adoption a South African. (Witness continues reading report). "... that the Prime Minister had

been against the English way of life (with which he, Tsafendas, identified himself on account of 'having had an English mother'). He said that Dr. Verwoerd had been against the ideal of a 'Cape to Cairo' union which he, the patient, identified with 'the Commonwealth'. He claimed that his mother, from whom he had been separated, was called Von Willem and that she was a member of an overseas Royal Family....." and I wondered at the time whether this had to do with the existence of Queen Wilhelmina and an allusion to the Prime Minister's Dutch descent. (Witness continues reading report). "... and this idea he apparently connected with his concern for the 'Commonwealth'. He stated that he had brooded over the weekend about the meeting between the Prime Minister and Chief Leabua Jonathan, which meant to him a further blow to the 'Commonwealth', and this had determined his actions subsequently. He appears to have misinterpreted this meeting as being related to the immorality legislation, in that he claims to have applied for a double identity card, so that he could try and find a wife among either the White or non-White group: he stated that he had been rejected by women of both race groups and therefore was not able to get married. Tsafendas spoke also of attacks of surges of 'anguish and pain' .. (I am quoting him) ... 'anguish and pain' throughout his body and limbs associated with 'pressure headaches' (and I noted from his hospital records that he had attended the out-patient clinic for headaches - not the psychiatric clinic - during June, 1966). He claimed also to see 'hairy springs and coils' in front of his eyes which he attributed to blood pressure, but I did not think that this betokened hallucinosis. He denied passivity feelings at that time but said that his thoughts raced most of the time."

1. Now you've got me again. What is that "passivity

feelings"? -- A passivity feeling is another very important cardinal feature of schizophrenia whereby an influence on the patient is interpreted, by the patient, as being due to an external agency. For instance, if a patient believes that his body had been changed by hypnosis or by computers, or something like that, or by an enemy, this would be passivity.

1. Passivity, does that mean that he maintains that it is not his fault because his body has been taken over by some other agent or something....? -- At this time I did not question him.

2. Yes, but is that what it means? -- Yes.

3. That he is just the tool of some other outside force or influence? -- If he said he was the tool of an outside.....

4. Is that what 'passivity feelings' mean? -- Yes, that one's will is taken over, one's thoughts are tampered with, one's body functions are interfered with by an external agency. (Witness continues reading report.) "He was fully orientated for time and person. His concentration was moderately impaired; his general knowledge reasonable (considering that he claimed only to have passed Standard V), and he denied epileptic seizures. The patient claims to have had several 'nervous breakdowns'. He says that he was detained in a New York immigration transit centre in 1942 and given tablets. Subsequently he spent about 18 months in the Grafton State Hospital, New York, where he had electro-convulsive therapy and he was subsequently deported to Greece. He had a further period of hospitalisation for 'nervous breakdown' in 1963 at, what he told me was, the Ochosen Krankenhaus outside Hamburg." May I say that it subsequently appears that his dates had been confused. (Witness continues reading report.) "Comment: I formed the conclusion that the patient is not of sound mind, that his thought processes are

grossly impaired and deluded, and that he is not therefore in a position to evaluate correctly the consequences of his deed. I consider that it is probable that his mental state is the result of damage caused by previous attacks of a mental disease called Schizophrenia. In my opinion further important information on the state of his mind should be obtained by the following:

(1) He should be detained in a closed mental hospital ward for a period of observation. I would like myself to assess his mental state over a period of time and at successive interviews.

(2) He should have the following special investigations: An Electro-encephalogram, a blood and Cerebro-spinal fluid Wasserman reaction reaction because occasionally an organic disease of the brain can mimic the clinical picture of schizophrenia) and he should have psychological tests."

1. What is the Wasserman for? To see if it is syphilitic in origin? -- Yes. Cerebral syphilis.

2. To see if it is G.B.I. really? -- Yes. (Witness continues reading report):

"(3) Medical reports should be obtained via the Portuguese government; Grafton State Hospital, New York, and the Krankenhaus outside Hamburg"

and I said it was possible that the names of these places had been garbled by the patient.

3. MR. COOPER: (cont): And you hand in that report as EXHIBIT 'C'.

4. BY THE COURT: Just before Mr. Cooper asks you further - and thanks for helping me through this; how did it come about that he told you all this that is written down here, about Chief Jonathan, the Prime Minister, Von Willem, and all that?

Did you put him of a couch and make him talk, or what happened?
-- He was on a couch; I didn't put him on a couch; he'd been on a couch because he had had a wound stitched on his nose, so I left him on the couch and just chatted to him as a psychiatrist does; leading him along certain lines and trying to probe other channels.

1. Were you two alone? -- No, there was one other person present. He was my Junior Registrar.

2. And you just got him to ramble on and talk to see what came out? -- If I may quote from some notes I made at the time. I said to him: "Is it true that you killed the Prime Minister"? That is how I started, and he nodded. He agreed that he did assassinate the Prime Minister but he said: "I don't remember what happened after that." I asked him whether he had taken the job as a messenger in order to assassinate the Prime Minister. He denied this. He denied that he sought the job as a messenger with the intention of killing the Prime Minister. He claimed that he had no idea that he would be allowed access to the Prime Minister at any time, and he was rather taken by surprise that he was. I said: "What made you do a thing like that?" He said: "I didn't agree with the policy. I am in favour of the Commonwealth. My mother is a relative to Royalty overseas" and he went on rambling in this way about his mother's name being Von Willem, that she died in 1927.....

3. That is how all this came out? -- Yes, in that sort of way.

4. MR. COOPER: (Cont.): You followed, therefore, a recognised procedure? -- Yes, this is, I think, quite recognised as a means of eliciting information.

5. And did you follow various lines of questioning? -- Yes. This is what is called an 'unstructured' interview, in that

one didn't have a sort of questionnaire and then address it to the patient. I let him ramble in order to promote him talking about things that I might not ask him about. But in doing so I tried to cover what we regard as the mental state, in other words, his general appearance and behaviour, his thought processes, existence of misperceptions, misinterpretations, his cognitive functions, and so on.

1. At that stage you had no information of his background, apart from what he told you? -- Apart from what he told me and from what I heard over the radio, that he had assassinated the Prime Minister.

2. You did not know that three months previously Dr. Kossew had diagnosed him as a schizophrenic? -- I had no idea.

3. You did not know that in America he had been diagnosed as a hebephrenic type schizophrenic? -- No idea at all.

4. Nor did you know of the fact that he had been to the Isle of Wight? -- No, he didn't tell me that.

5. Nor did you know that he had been to London Hospital? -- No.

6. A mental hospital, and that he had there also been classified or diagnosed as a paranoid schizophrenic? -- I had no knowledge of that.

(Continued on page 140)

1. You obviously must have realised that this was a very important diagnosis that you had to make? -- Indeed.
2. Were you cautious? Did you give it a great deal of thought? Were you cautious in your approach? -- Yes, indeed. I was very much aware of the importance of this case.
3. You appear by nature to be a cautious person, if I may say so? -- That is for others to judge.
4. Did you thereafter request to see the accused again? -- I did.
5. You requested the defence, did you not? -- I initially contacted the prosecutor and then the defence.
6. BY THE COURT: I think you initially contacted me, didn't you? -- Yes, I did.
7. And I referred you to the Attorney-General? -- Yes.
8. MR. COOPER (Contd.): This case is obviously a matter of importance? -- Yes. It is more than of importance to - I think there are several aspects of importance in this case. I think as a case in forensic psychiatry it is of the utmost importance, but I don't think that this could have concerned me.
9. Did you in fact write overseas for a report, to the German hospital? -- I did. I wrote to all the hospitals that the patient had mentioned.
10. BY THE COURT: Perhaps we had better get this on record. in case more might be read into that remark than is necessary. Doctor, when you contacted me you asked me - I am putting it; you can say whether it is right or not - whether it isn't possible that we could do what is done in America and that you be called by the judge rather than by one of the two parties? -- That is quite true, but I don't think that I emphasised that I personally alone. My feeling, if I may say so in this place, is that in a matter of criminal trial the forensic psychiatrists should be called by the

Court - forensic psychiatrists.

1. That is what you said to me. All I want is that it is clear that we discussed no aspect of this, and I didn't know what this record was going to have? --/you told me you didn't want to know. (By Mr. Cooper: I accept that without qualification)
2. BY THE COURT: I told the witness that in this country judges don't call witnesses, unless they have to at the end of a case.
3. BY THE WITNESS: May I say that the existence of an assessor who is a psychiatrist helps about my objection to the structure of criminal trials.
4. MR. COOPER (Contd.): Did you see the accused subsequent to the 6th September, 1966? -- I saw him exactly a month after the first time, on the 6th October.
5. Where? -- In the E.E.G. department at Groote Schuur Hospital.
6. What is the E.E.G. department? -- It is the electro-encephalography laboratory.
7. Was an E.E.G. taken in this case? -- An E.E.G. had just been taken.
8. Do you know the result of that E.E.G.? -- Yes.
9. What is the result? -- It was normal.
10. What does that indicate in itself? -- It indicates in itself, as far as the diagnosis of schizophrenia is concerned, nothing.
11. BY THE COURT: It would have been different if you were dealing with an epileptic? -- Yes, indeed.
12. Then you would have found a disrhythmia^(?) or something, which might have been indicative? -- Quite so.
13. But on schizophrenia you don't expect to find any disrhythmia or any other thing wrong with the encephalograph? -- No.
14. Is that right? --Quite right.

1. MR. COOPER (Contd.): On the 6th October, then, did you have an interview with the accused? -- I did.
2. Of what duration? -- About an hour and a half to two hours, I should estimate.
3. Would you tell the Court the findings that you made at this interview? -- Yes. My findings confirmed my initial impression. The content of the interview was somewhat different, in that he then for the first time spoke to me about this tapeworm that I have heard discussed in this Court, which I regard as a hypochondriacal delusion, a delusion referring to bodily functions. He spoke more about the episode in Portugal when he claimed to have been ill-treated in a paranoid way, and the content of what he had to say was that the Portuguese doctors and nurses, the nuns in the hospital that he was in in Lisbon, were trying to ruin him by giving him shocks on the head. I asked him what the reason was for this. He said he didn't know the reason, but they had asked him if he was a Roman Catholic and he said he wasn't, and the hospital was run by nuns, so he assumed it was because he was a Protestant that they were trying to ruin him. He then went on to reveal to me ideas of passivity, by saying - I said: "Are you going so far as to say that they tried to ruin you because you weren't a Roman Catholic?" He said: "Maybe they were trying to change me." I said: "Change you? How could they change you?". He said "Do something to my brain." I don't want to go into too much detail, but the mechanism which they were using he said was a transformed radio, and then he revealed what I regard as another symptom of schizophrenia, delusional perception, which means that an innocent visual image, something which one may see, like this microphone, takes on a sinister meaning to a patient. He said he had

passed an old radio on one of the tables and immediately he knew that this was the instrument that was being used to act on his brain. He called it a "graphanola". I said: "What is a graphanola? Is that a word?" He said: "It is a radio." I said: "Is it a Portuguese word?" He said: "Portuguese, yes." I have looked up this word in seven Portuguese-English dictionaries, and it doesn't exist. I can only conclude that this is what we in psychiatry call a neologism.

1. What is a neologism? -- It is a word which is manufactured by a patient with one of the major mental disorders, chiefly schizophrenia.
2. BY THE COURT: Is it one of the symptoms of schizophrenic people that they manufacture words? -- Yes.
3. Is that what you are telling us? -- Some schizophrenics manufacture words. This was the only neologism I elicited.
4. The graphanola? -- Graphanola.
5. Did you look up a Greek dictionary? -- No, I didn't.
6. It starts with a Greek word? -- It may exist in Greek.
7. And he also speaks Greek, I believe? -- Yes, he speaks a number of languages. I didn't look up the Arabic one either.
8. MR. COOPER (Contd.): Did he claim that this word was a Greek word? -- No, he claimed it was a Portuguese word.
9. What else did you find? -- He said that this graphanola had been used in previous murders which had been hushed up in Lisbon. One of them was the case of a son of a banker. I couldn't really follow him in his reasoning. He didn't seem to have much to go on to establish this, and I took this as part of his delusional system.
10. What else did you find? -- Ideas of reference, which I can quote. This is a symptom of schizophrenia too. He

said that once when he was sitting in a café where coloured people used to gather, from the Colonies, "they mentioned at one of the tables I was sitting at what was taking place", namely, that he was having shock treatment and that his brain was being washed. This is an idea of reference. He also showed the symptom of depersonalisation, which means a feeling of change in the body, which is so bizarre that it is regarded as psychotic. I asked him: "Do you feel any strange sensation in your body, apart from this tapeworm?", and he said: "No. I don't feel myself at all sometimes. I don't feel my body. I don't feel myself." I said: "Tell me about that. That is important." He said: "I don't feel myself. I am walking, I just don't feel myself. There are times when I more or less feel my body, but there are periods when I don't feel myself. I feel I am walking lightly. I feel as if I am floating in thin air." I think these were the chief features of that particular interview. He said that he had been turned into a hermaphrodite, which I think is significant - just paging through this.

1. After the second interview, what was your opinion? To what extent were you now going to review your earlier opinion? -- At that point I felt I could confirm the diagnosis, broadly speaking, of schizophrenia, but I thought one could go further and try and reconcile some of the diagnostic difficulties, by using a particular sub-category of schizophrenia, which is called paraphrenia and which accounts for the relative preservation of this man's personality. The fact that he was able to amble around the world for 30-odd years without spending more than short periods, that he appears to have spent, in mental hospitals. It also accounts for the preservation of his emotions. He was not quite as

flat and cold as I expected him to be. And the diagnosis of paraphrenia, hypochondriacal paraphrenia, seemed to me to fit this. There is a textbook - may I refer to it at this stage - called Schizophrenia, by Professor Fish from Liverpool, wherein he quotes the paraphrenias as classified by Professor Leonhard of Frankfurt, and he says: "Hypochondriacal Paraphrenia: The bodily hallucinations are usually referred to internal organs and are usually described so grotesquely that it is impossible for a normal person to empathise with the patient." Further on, he says: "Affectivity (that is, emotion) is fairly well preserved. These patients have thought-disorder which Leonhard calls 'unconcentrated thinking'. They tend to wander from the point, talk about subjects loosely related to the task in hand, and are inclined to verbal derailments." And I thought that, while there may still be diagnostic difficulties about the exact sub-class, he fitted into the broad category of paraphrenia very nicely.

1. Are there any further comments that you have to make on your second interview, otherwise I think we can now go to your third interview? -- No. I did consider, by the way, in both the first and second interviews, whether he was simulating mental illness, and my conclusion was that he wasn't, because there were obvious schizophrenic symptoms which he did not have when I led him up to them, and he seemed to be at pains to tell me exactly how he was feeling, rather than to fit in with the pattern that I wanted to fit him into.

2. He is very pre-occupied with his health, is he? He is very pre-occupied with his state of health? -- He is indeed.

3. He loves to talk about it? -- Yes. In the second and

third interviews he talked about this tapeworm.

1. Now we come to the third interview, again at your request - is that correct? -- Yes.

2. You saw the accused where? -- I saw him at Caledon Square on the 14th of October.

3. For how long did you see him? -- For about an hour.

4. Would you give the Court your findings and your comments? -- Yes. My findings were - I wanted to lead him on to the tapeworm at the beginning, because I wanted to find out more about what this meant to him, and we started talking about the tapeworm, and then he spontaneously said to me: "It may even be a serpent", and went on to describe in a delusional way how this tapeworm was a viper, a demon, a dragon, I thought in a way which wasn't at all solicited. He indicated exactly what this meant to him when he said as follows: "There is a lot in the scriptures about tapeworms. I got to the point in my church not to take bread and wine, when everybody else in the morning used to take it, the communion - you know what you call it, communion?" I said: "Yes." He said: "I said to myself, well, if I have a devil how can I be a partaker? So I left off when I came to my senses. This hasn't been long, this has been a year or two that I have stopped taking wine and bread. I thought, well, if I am taking it I am trying to make a demon within me holy, or something."

To me this was a grotesque description which fitted in with this being a delusion, not simply an idea.

5. What is its significance? -- The significance of delusion?

6. Yes? -- Well, I think the significance of this means that this man has schizophrenia, and if it can be shown that he has had this delusion over 20, 30 years, then I would say he has chronic delusional insanity - that kind of schizophrenia.

I also found identification with the tapeworm. He alludes

very much to the scriptures in this interview. He quoted a passage. I asked him if he was possessed by the tapeworm. He said: "Yes, I am possessed by a tapeworm put there by African enemies, African witchcraft." I said: "Is it as if you were a kind of robot that they can send round the world to do what they want to, because you have got a tapeworm inside you that makes you do things?", and he gave me an answer which I think was again showing that he wasn't simulating. He said: "I don't know what the effects are of that thing, but it seems to have ended up as if this had been the effect." He quoted a passage from the bible - I can't lay my hands right on it - about "Lord, I am a worm, I am a worm", that somebody says somewhere in the bible. He drew an analogy between the Old Testament story of Moses and the serpent swallowing other serpents, but when I said did he see Dr. Verwoerd as a kind of Pharaoh and himself as a kind of Moses, he denied that. This was the content of that interview, more or less confirming the findings of the first two interviews.

1. Did he say whether this tapeworm sleeps, what its habits were? -- Yes. We went into some detail. He said that when he fed this tapeworm, it was like a boa constrictor which coiled itself round his gut, and when he fed it then the boa constrictor left him and left his emotions free. He said that it purred like a cat. In other words, he gave this concept life in a bizarre, grotesque, schizophrenic way. He gave it an animistic life, like someone possessed.
2. Was there any other finding that you made? -- Well, he had more ideas of reference.
3. What is an idea of reference? -- Idea of reference is usually found - it is found more often in schizophrenia than it is in another major mental disorder, an affective psycho-

sis, a depressive psychosis, and it concerns the belief that other people, who may not know you from a bar of soap, are talking about you. Like when he said that in the café the coloured people were talking about the fact that he had got shock treatment. In this case he spoke about the bible as having some personal reference to him. He said: "These passages have personally a deep meaning. A lot of these phrases have a meaning for me. They mean something which doesn't mean probably anything, which other people just call a lot of rubbish. They can't see it, they can't realise it." I said: "And it has meaning for you but not for other people?", and he said: "Yes, it has meaning for me but not for other people. Something that other people wouldn't understand." I asked him what kind of meaning did it have for him, "Does it mean that you have to do certain things as a result of it?" He said: "It means that it enlightens me. It puts me in the same situation." And then he er-ed. I said: "At the time that you killed Dr. Verwoerd, had you been guided by the bible?", and he denied this, but he said it was as if he had been hypnotised by the tapeworm, because he couldn't remember what had happened. And he went on to say in a way which aroused considerable emotion: "I fell on him, people tell me, and it is probably true, but I don't remember a thing about stabbing him. I could have stabbed him a thousand times without knowing it." I said: "How? Because you were under hypnotism?" "I don't know what it was. You are a doctor, I am asking you. I was stabbing him, and I have never stabbed people before. I never handled a knife before. I was not myself. I was just stabbing him, and if the people hadn't lifted me off I would have been stabbing a corpse."

1. Did you put the question to him: did the tapeworm have

anything to do with the act of killing Dr. Verwoerd? --
Yes, I did, several times. He never said to me that the tapeworm, as one perhaps might have expected, that the tapeworm had told him to kill Dr. Verwoerd, but he said that the tapeworm, being a demon inside him, had taken him over, and he remembered another case, when he had blurted out in Lisbon that he was a Protestant, he felt here again the tapeworm was responsible. But the main way in which he attempted to explain how the tapeworm had caused him to assassinate the late Prime Minister was that the tapeworm created a state of mind in him, when he was not himself. It had influenced his life so that he had become interested in a queer sect, wandered about trying to find a means of coping with this tapeworm, and had he not had the tapeworm he would not have been in this particular state of mind, of weakness.

1. Did he say that the tapeworm had corrupted him? --

He did say that, yes.

2. Did he say that it had influenced him? -- Yes, in the way I have described.

(Continued on next page)

1. BY THE COURT: I don't want to interrupt, but don't you think the doctor's views are quite clear enough by now? I am not stopping you; please go on. It is very clear to me what this doctor's opinion is.
2. MR. COOPER: (Cont.): -- I formed the impression that he -- for instance, in this passage, if I may quote: I asked him if the tape-worm was the most important influence in his life. He said: "It has caused me to see how other people live. If I didn't have a tape-worm I'd probably be living only for myself. I would not know what the rest of the world was like, what other people thought, their difficulties. I would have taken life, I would have taken life ah..... I would have only seen things ah... well, I would have taken life for granted. I would have just gone through life enjoying myself, taking life" And then he went on to explain how he struggled against this tape-worm within him, 'had turned him into a kind of twisted saint.' That is how he saw himself.
3. MR. BAKER: Was all this taken down on tape? -- This interview and the second interview were on a tape recorder.
4. What you are reading out to us now is actually what he said in his own words? -- Yes, when I quote, this is verbatim.
5. MR. COOPER: (Cont.): Did he speak with the same flow and fluency that you speak? How was the flow? -- No, in the second and third interviews the initial pressure and excitement which had been present in the first interview were absent. Here there were lots of gaps in his train of thoughts and one might have formed a conclusion that this was thought blocking. This was an impedece of his thinking due to this disease process.
6. You say thought blocking. Is there a difference between thought blocking and thought disorder? -- Thought blocking is

a variety of thought disorder.

1. Did you find any other varieties of thought disorder? -- Yes. As I explained just now there are several. The chief criteria I personally applied are: thought blocking, the interpenetration of thoughts which are not connected with the material that the patient is talking about; and asyndesis, which is a disjunction of utterances which have no meaning with each other, no consecutive meaning.

2. Your Lordship has suggested that it is pretty clear what this witness is saying.....

3. BY THE COURT: It is pretty clear to me.

4. MR. COOPER: The issue of course is whether that view is acceptable to the Court. If that view is accepted by the Court, then I have no further questions.

5. BY THE COURT: The point is whether asking further questions is going to make it more acceptable to the Court than it is now. But I am certainly not telling you that it is accepted by the Court.

6. MR. COOPER: I think I will proceed to put further questions.

7. (Cont.): I will put certain general questions to you. Is it legitimate, say for instance, when you view your first report to take single sentences out and say, well, they appear in order, they make sense in themselves, or must you read the whole of what he says and then draw the inference? -- I would certainly say the latter, as a psychiatrist. This is absolute sine qua non. One cannot make a diagnosis on an isolated piece of behaviour. One has to take all behaviour and, in fact, backwards in time, into account. I can quote my old teacher, Prof. Sir Aubrey Lewis on this in Price's Textbook of Medicine, 9th Edition, page 1664. He says: "More important than any single feature is the impression of the case as a whole (talking about schizophrenia). The development away from normal in-

terest and response to the real world and the establishment instead of autistic self-satisfaction, so that the patient's personality is twisted awry as it were, and withdrawn from easy contact."

1. What does autistic self-satisfaction mean? -- Autistic means something which nobody can share with a patient. This is part of his inner life.

2. Is that important in a schizophrenic? -- Yes. For instance, I would say that his delusion about this tape-worm is autistic. I cannot share it with him.

3. While I am talking about the first report, what is talked about and the way he talked about the "Cape to Cairo" and the "Commonwealth", was this intelligible to you at the time? -- It was not intelligible to me. I could not see any connection between these slogans, almost. It seemed to me that what he was doing is that he was taking the news of the day and because of his diseased mental processes he was just throwing them out in a disconnected way. That is how it seemed to me. I couldn't understand it.

4. Is the past medical history of this man relevant to you, important to you? -- Yes, it is because one of the criteria for making a diagnosis of schizophrenia is prognosis. In other words, the state of the patient - mental state - in the course of time. And in fact, if one had an almost continuous history of 30 years of this kind of delusional insanity then I would think that is absolutely pathognomonic of schizophrenia. No other condition that I know of can last

.....

5. And what would his prognosis be? -- Hopeless for recovery.

6. So if evidence is obtained that he was diagnosed at St. Pancras Hospital on the 26th May, 1959, as being a paranoid schizophrenic? -- I had not seen that report but if

this were so, I would take this as being consistent with the diagnosis I have made.

1. And if the authorities there, the doctors who interviewed him, say that he there too talked about the tape-worm which he called a 'dragon'? -- Well, this would again be absolutely consistent with the diagnosis. I would think that this would mean that he could never have dreamt this up on the spur of the moment as a defence.

2. We had the evidence this morning of a lady called Mrs. O'Ryan who says that the accused talked to her, some months before the assassination of Dr. Verwoerd, about this tape-worm. Would you comment on that evidence which is now before the Court? -- Well, the only comment I would make is that this makes it all the more likely that there was this delusion, was held continuously in time. It was not something which left him.

3. If evidence were led, and the Court were to accept the opinion of a person called Dr. Brown, Medical Superintendent of the Hospital on the Isle of Wight - the White Cross Hospital - "that although his conduct in hospital was quiet and amenable, I did note on my report to the authorities that he was suffering from a delusional psychosis which could affect his conduct very considerably." What would the importance of that be? -- Well, again I haven't seen this report. If this is so then I have no doubt that this is consistent with the diagnosis of chronic schizophrenia - a variety of chronic schizophrenia.

4. Would it be consistent with a diseased, insane man who assassinated the Prime Minister? -- Yes. Yes, because every psychiatrist knows that chronic schizophrenia of the paranoid kind into which this man fits, while apparently amenable and

moving about society could be subject to sudden eruption.

1. And in that state of eruption would he act in this way, kill somebody? -- Under the influence of his diseased brain, he could, yes.

2. If you had evidence - that goes back a little further - that is, evidence from the German Hospital near Hamburg to whom you wrote, and you have seen that report....? -- Yes.

3. Ochsenzoll? -- Yes.

4. Again if that evidence is placed before the Court - and let us assume for a moment it is before the Court - what would it establish in your opinion? -- It establishes that at the time he was in the Ochsenzoll he was suffering from a major mental disorder, due to this tape-worm, his belief about the tape-worm.

5. Is mention also made in that report of his preoccupation with this tape-worm? -- Yes. He had just been investigated in the Tropical Hospital in Hamburg for a tape-worm and the doctors there had told him he had no tape-worm. He refused to believe this, became wretched and took an overdose of sleeping pills - he took 20 sleeping pills in an attempt at suicide. He was admitted to the Ochsenzoll Hospital. They found the presence of hypochondriacal delusion and they gave him a variety of treatments, insulin, opium therapy and finally electric convulsive therapy - shock treatment.

6. If you are told that prior to 1955, and in America (the year 1946, round there) he was certified insane and suffering from hebephrenic schizophrenia, what is your comment about that? The relevance and importance of that evidence? -- Well, my first comment would be that I would not be at all surprised about it being schizophrenia. I would be a little surprised at the diagnosis of hebephrenia, because this betoken a much worse prognosis as far as deterioration, and

the man we have in the dock here shows. The patients are characteristically reduced to silly, gibbering idiots.

1. BY THE COURT: Like a child or something? The word, doesn't it mean 'behaving like a child'? -- Yes. Like a child or like a woman. I am not quite sure.

2. MR. COOPER: (Cont.): Doctor, sitting as an assessor in this case, would you consider it important to have all this medical history of the past placed before you? -- Yes, if I were in that position I certainly would think it was relevant.

3. Let us come now to your final assessment of this man before the Court. Your opinion is that he is suffering from? -- I regard him as suffering from schizophrenia, the particular sub-category in my opinion being paraphrenia.

4. Is schizophrenia, this mental disease that he has, a psychosis? -- It is a major psychosis.

5. Is he mentally disordered in terms of the Act?-- Yes.

6. Would you certify him? -- Yes.

7. Should he go to an asylum? -- He should, at the State President's pleasure, if I may say so.

8. Have you any reservations.....? -- I have no reservations at all.

9. CROSS-EXAMINED BY MR. VAN DEN BERGH: Did you consider your finding on the 6th September, 1966, at 7 p.m. as conclusive? -- Did I consider it conclusive?

10. Yes? -- Up to that point it was conclusive. I was able to make a diagnosis.

11. And did you think that further tests and observations were necessary? -- Yes. Sometimes one is misled by the clinical picture and it is only reasonable to do certain tests to find out whether other conditions are not mimicking this picture.

12. Is it true that when you examined the accused on the 6th

September, 1966, that he answered all questions readily? -- Yes, he answered them unguardedly.

1. And you did not find any blocking? -- Any blocking? No, not at that time.

2. He was not vague? -- Well, he was vague, certainly, because I could not follow the processes of his reasoning. When he talked about his Royal kinship with somebody called Von Willem and he talked about his quasi political ideas, I could not follow him there at all. When he talked about the meeting between Chief Jonathan and Dr. Verwoerd, it having something to do with the Immorality Act, I couldn't follow him there.

3. You found no syntactical schizophrenia? -- I found no syntactical formal schizophrenic thought disorder at that time, which meant that his grammar was reasonable, taking into account the fact that he was in an excited state.

4. Do you agree that you also found the accused to be fully orientated as to time and person? -- Yes, I did.

5. BY THE COURT: all that you are putting to him now he has already said. It is on record. It is from his report.

6. MR. VAN DER BERGH: (Cont.): How did you come to the conclusion at 7 p.m. that the accused was not in a position to evaluate correctly the consequences of the crime? -- I did not come to that conclusion at 7 p.m. I came to that conclusion when I weighed up all that evidence the next morning, when I had thought about it and slept on it, and put it all together. I came to that conclusion, in fact, at the end of that interview when I came out and I said to a member of the Security Police - the Major who was there - I said that this chap ought to go into Valkenburg for observation and he said - well, that is not relevant. Or if you like, he said: "I feel sorry for the poor bugger".

7. But did you know, when you examined the accused at 7 p.m.

on the 6th September, that he had been concussed in Parliament?

-- Well, I could see that he had been restrained, yes.

Concussed, well, I could not see.....

1. MR. COOPER: I must object. There is no evidence that the man was concussed in Parliament.

2. BY THE COURT: It might still come.

3. MR. COOPER: Very well, but then put it but.....

4. BY THE COURT: Why?

5. MR. COOPER: Dr. Kossev was the one who examined him and he did not find him to be concussed. -- Concussion to me means....

6. BY THE COURT: What is wrong with putting the question. The State hasn't led evidence yet?

7. MR. COOPER: Does the State now contend that he was concussed in Parliament and will lead evidence to substantiate that?

8. BY THE COURT: From that question and the way it is put I could normally deduce that the advocate putting it has got evidence that he was concussed.

9. MR. COOPER: From a medical man?

10. BY THE COURT: I don't care from whom he's got it. He might have it from Tsafendas. He is entitled at this stage to cross-examine on that basis. The question is perfectly in order.

11. BY THE WITNESS: If I may answer that question then from the Attorney-General. I did not conclude it on medical grounds because the man was not confused; he was not disorientated in time and place. Had he been concussed, had he been a man who was unconscious for a time, I would have expected this. And if I found that he was disorientated in time and place then I would have thought that there was concussion present which was influencing my clinical picture at the time.

1. MR. VAN DEN BERGH: (Cont.): Did you know that the accused's nose had been broken? -- Well, I saw stitches. I didn't go into exactly what anatomical feature had been broken.
2. Did you know whether the accused had had any injections before you saw him? -- I assumed that he would have had an anti-tetanus injection and possibly an antibiotic, but he had not had a sedative and he did not in any way have his consciousness clouded or impaired by concussion when I saw him, and the way I establish this is by orientation in time and place.
3. Could an injection for pain have impaired his reasoning? -- No, I don't think so. Not without sedating him to the point where he was drowsy. He was anything but drowsy.
4. Couldn't the accused have been suffering from delayed shock? -- No.
5. When you examined him? -- I don't think that he was suffering from delayed shock in any way that would impair the mental state that I found at that time.
6. Did you consider it at the time? -- Yes. He was not pale. His pulse was good; I felt it several times actually.
7. Do you agree that millions of people think that Dr. Verwoerd and the Portuguese Government were in league together? -- I think millions of people know that there is a friendly relationship between our two countries, but I would not say that they were in league in the sense that Mr. Tsafendas saw them to be in league. In other words, that the Portuguese Government was influencing the internal affairs of South Africa, the Immorality Act, etc.
8. How can you say that this is a delusion? -- How can I say that that is a delusion?
9. Yes? -- Because taking the whole of his quasi political ideas, in their context, I would think that these are false beliefs which cannot be held by a majority of our society, by

anybody other than someone who is mentally deranged. Taking into account the context, not taking things out of context.

1. Is it true that the subject of the meeting between Dr. Verwoerd and Chief Jonathan was a matter of general political speculation? -- Yes, I think that is certainly so.

2. Did he know what they were meeting about? -- Did who know? Did I know?

3. No, the accused? -- I don't think he did. Not from what he told me. He told me they were meeting to consider the Immorality Act.

(Continued on page 160)

1. Did you regard the accused's explanation of the cause of his headaches as ridiculous? -- His explanation that they were due to pressure?
2. Yes. Did you regard it as ridiculous? -- No, I didn't regard that in itself as being particularly ridiculous. Lots of lay people talk about their headaches being due to pressure.
3. The accused never mentioned to you that it was a tapeworm that was responsible for his illness, did he? -- When? At the first interview?
4. On the first occasion? -- On the first interview we didn't get round to the tapeworm, no.
5. Would you have expected him to have mentioned it on this first occasion? -- I don't think so, because there were so many recent events. After all, he had just assassinated the Prime Minister, and one was talking about that and what led him to do that, and his mind, I think, was filled with the quasi-political delusions which he held at that time, in this state of excitement - excitement in the pathological sense.
6. If the tapeworm was the reason why he assassinated the Prime Minister, wouldn't you have expected him to have mentioned it on this very first occasion? -- I think in retrospect, had I specifically asked him, he would have gone into great detail about the tapeworm, but I didn't ask him.
7. Would you have expected him to have mentioned it himself? -- No.
8. Why not? -- Because a lot depended on how the conversation was led, and I was interested in the political side, to find out whether he had a political motive, whether this man was a criminal or an insane person.
9. Did you ask him why he assassinated the Prime Minister?

-- Yes, I did.

1. And what did he say? -- He said because the Prime Minister was against (witness refers to his notes) the Commonwealth, against the English way of life, because he was a foreigner, because he was in league with the Portuguese Government, because he was against the ideal of a Cape-to-Cairo union, and, somehow, also because he had a mother who was of the royal family, of royal birth. Somehow this was also intruded as a reason for his killing the Prime Minister, and I couldn't see the relevance of that.

2. So do you agree that the accused only gave political reasons for killing the Prime Minister? -- He gave political reasons at that time. And also, I don't know whether you would include this being a member of an overseas royal family as being a reason - if that is political, then he included that also. And also if you include the delusion of his being subjected to torture, mental torture, in a Lisbon hospital for 14 years, if that is regarded as political, then he gave that as a reason too.

3. Do you agree that schizophrenia of hebephrenic type is one of the diseases which leads to rapid disintegration? -- Which is that - hebephrenia?

4. Yes? -- Yes, it is said to lead to rapid deterioration of personality, and, if you recall, just now I said how surprised I was that they had made that diagnosis. But not all that surprised, because we know that originally these categories which Kraepelin and others put forward for schizophrenia merge with one another in the course of a man's life. A man can start off as a paranoid schizophrenia and end up as a hebephrenic schizophrenia - that kind of thing. Or he may start off as a catatonic ^{schizophrenia} and end up as a hebephrenic schizophrenia.

1. If the accused had been suffering from schizophrenia for 20 years, wouldn't you have expected him to have been permanently detained in a mental hospital by now? -- Well, that was one of the reasons why I make the diagnosis of paraphrenia, in fact, and I would not necessarily have expected him to have been detained in a mental hospital. There are plenty of authorities I can't lay my finger on now which point out that a man can amble around the world for 20 or 30 years and spend a short space of time, every couple of years, in a mental hospital, and yet have this chronic incapacitating mental disease, schizophrenia, and yet be liable to erupt, as this man unexpectedly did.

2. He could be a periodic type, not so? -- This is one kind of schizophrenia which many people don't believe in.

3. BY THE COURT: What is that? -- I think the Attorney-General is suggesting a variety of schizophrenia which

4. With lucida intervalla and then a bit of schizophrenia and then a lucidum intervallum again? -- Yes.

5. You say not many people believe in that? -- I think many people would prefer to call those a variety of atypic or affective psychosis, but for someone, as one understands this man, to have been for 30 years possessed with this idea that he has got a giant tapeworm inside him, chronic delusional insanity, I would have thought this was entirely out of keeping with that kind of diagnosis.

6. With this sort of come-and-go business? -- Yes. With relatively completely lucid intervals in between. I would think that in between, if one probes, one would find disease.

7. BY ASSESSOR (Mr. Baker): Do you base that only on the tapeworm delusion? -- Yes, I regard that as a very important delusion, hypochondriacal delusion, particularly if it is established that it has been in existence throughout this

man's mental hospital life.

1. Assuming that it has, that alone, you feel, would destroy the idea that it was a periodic form? --Yes. Because I would have thought that somebody who has an episodic illness would bring out fresh delusions, not the same continuous delusion.

2. BY THE COURT: Even at times when he is in the valleys, when it is not active, the sick, delusional material is still lying at the bottom of the valley, because when he gets up to the rise in the graph again the same thing comes out again - that is what you are trying to say? -- Yes.

3. If it was periodic, it would be a tapeworm now, and in a few months' time it would be a lion? -- Yes, quite.

4. And then again? -- A tiger.

5. Or a tiger. That is what you are trying to say? -- Yes. With complete normality in between.

6. MR. VAN DEN BERG (Contd.): If there is evidence that the accused was diagnosed as a schizophrenic years ago, and there is evidence that over the last few years he has travelled widely and that he could take care of himself, isn't that strongly suggestive of recovery? -- Of recovery?

7. Yes? -- Not in itself, no.

8. Why not? -- It is the level of life at which this man maintains himself that would have to be taken into account. If he was living as a bum, moving around the world as a locksmith here, as a woodcutter in Sweden and Canada, as a stevedore in another country - a man of his intelligence - I would have thought this is consistent with many schizophrenics that one comes across, and who spend a great deal of their time in mental hospitals too.

9. Would you have expected the accused to have mentioned to you on the 6th September that he killed the Prime Minister because of this tapeworm? -- Not necessarily. He might

not have thought I would believe it at that stage.

1. Dr. Kossew found that the accused was not confused at 2.50 p.m. What would you say about that? -- Not confused?

2. Not confused at 2.50 p.m. on 6th September? -- Sorry - what relation has this to the assassination? When was the assassination supposed to have been done?

3. The 6th of September? -- At what time?

4. Between 2.14 and 2.15? -- So just after the assassination he wasn't confused?

5. Yes. Twenty-five minutes after the assassination Dr. Kossew found that he was not confused. --- I would infer from that that he could not be suffering from concussion at that time.

6. But how do you relate it to your finding that his reasoning was not impaired? -- I think here we are in semantic jungles. The term "confused" to the lay person means somebody who is muddled. But to a doctor it means someone whose consciousness is clouded, who is disorientated in time and place or person and whose attention wanders due to a clouding of consciousness of organic kind. I assume that Dr. Kossew used the medical usage of the word confused.

7. BY MR. COOPER: No re-examination.

(Witness excused.)

GILIAN CLAIRE LIEBERMAN, sworn states:-

1. EXAMINED BY MR. COOPER: Miss Liebermann, what is your occupation? -- I am Personnel Secretary.
2. Which Company? -- The Marine Diamond Corporation.
3. Have you seen the accused before? -- Yes, I have.
4. Where did you see him? -- I saw him approximately the first time in February, 1966.
5. And was he employed then? -- He was/a pump operator on a diamond barge.
employed as
5. Owned by your Company? -- Yes.
6. During which period was he employed as a pump operator? -- From the 3rd of February, 1966, and he resigned of his own accord on the 7th of April, 1966.
7. What did he earn per month during this period? -- He earned R180 nett.
8. During the period of/^{his}employment with The Marine Diamond Corporation did you talk to him at any stage? -- Yes, I did.
9. What was the nature of your conversation? -- I spoke to him on a number of occasions. The first time he came to me, he came to my office, he had a query, and he wished to go and see a doctor.
10. For what reason? -- He complained that he had something wrong with his ears and nose, with his head, and I referred him to our Company doctor.
11. Did he on the occasions that you spoke to him, did he have any grievance, any complaints? -- Yes, he did have a number of complaints.
12. Will you tell us some of them? -- He complained about the conditions of employment on our diamond barges. He complained about the type of person we employed on our diamond barge.
13. What was his complaint about then? -- Well, I am not

quite sure. He complained about the type of person. I never quite understood what he referred to when he meant "type of person", he did not have a tolerance towards the type of superintendent we employed, his superiors; he did not seem to like our superiors.

1. And as regards ^{to} white people what was his attitude? -- He was rather intolerant towards them. When I refer to white people, the type of white people we employed, that was his intolerance, not to white people as a whole.

2. How was he dressed? -- Rather sloppily dressed.

3. What was the impression you formed of him, overall? -- My overall impression was that he was rather untidy, sloppy. He seemed rather odd to me.

4. CROSS-EXAMINED BY MR. VAN DEN BERG: Wasn't he a very dissatisfied person? -- Yes, he seemed rather a dissatisfied person.

5. Did you tell him that you could not arrange separate facilities for them? -- Yes, I did.

6. And what was his reaction to that? -- He accepted that.

7. Why did he resign? Who advised him to resign? Did you advise him? -- I did advise him, he had a number of complaints and his general dissatisfaction of the Company. I suggested that the best thing would be for him to resign and he agreed with me.

8. Did the accused speak to you about the political situation in South Africa? -- He wished to know my political affiliation and I told him that in my position as personnel secretary I was not in a position to discuss them.

9. Did you find the accused to be intelligent? -- Well, I did not find him over-intelligent or under-intelligent. He was of normal intelligence to me. I mean I did not see him

that long to be able to assess his intelligence as such.

1. For how long were you associated with him? -- He was employed with us, as I said, for roughly two months, and I met him on a number of occasions, probably ~~these~~ interview I had with him lasted from anything from ten minutes to half-an-hour.

2. Didn't you say this to the Police: "I found him intelligent, someone apparently able to reason in conversation, but a strange type of person, a unique character? -- Yes, I did.

3. And is that still your opinion? -- Yes, that is my opinion?

4. BY MR. COOPER: No re-examination.

COURT ADJOURNS UNTIL 10 a.m. ON 19/10/66.

ON 24 APRIL NOVEMBER 1966, THE COURT RESUMES. APPEARANCES
AS BEFORE.

WITNESS: ADRIENNE VAN ZYL: (Sworn, please):

EXAMINED BY MR. COOPER:

1. What is your profession? -- I am a clinical psychologist.
2. Where do you practise? -- In Grand Parade Centre, Castle Street, Cape Town.
3. What degrees do you hold? -- B.A. and a Master's Degree in Psychology.
4. When did you obtain your Master's Degree in Psychology? -- In 1959.
5. At which university? -- At the University of Pretoria.
6. After you obtained your Master's Degree in 1959, where did you work? -- I worked at the Tara Neuro-psychiatric Hospital in Johannesburg as an instructor in clinical psychology.
7. For how long were you employed there? -- For 18 months.
8. Are you registered with the South African Medical and Dental Council as a psychologist? -- Yes, I am.
9. Apart from Tara, have you worked in any other institutions as a psychologist? -- I worked at the Conventia Reformatory as a psychologist.
10. For how long? -- For plus-minus 9 months.
11. Have you been on the staff of Groote Schuur Hospital as a psychologist? -- Yes, I have been on the staff of Groote Schuur Hospital as a psychologist.
12. For how long? -- Two years in full-time employment and for the last three years in part-time capacity.
13. Since when have you been in private practice? -- For approximately 3 years.
14. In this case you were asked by Mr. David Bloomberg, the accused's attorney, to examine him? -- That is correct.

1. Did you do so? -- Yes, I did do so.
2. On what day did you examine the accused? -- I examined the accused on the 13th October, 1966.
3. For how many hours? -- For 3½ hours.
4. Was it one stretch or did you have a break? -- There was a break in between.
5. So the first session of the interview lasted how long? -- For two hours.
6. And the second for 1½ hour? -- That is correct.
7. Have you drawn up a report? -- I have done so.
8. Of your tests and your findings and the conclusion you have come to? -- Yes.
9. Have you that report before you? -- I have.
10. And there are photostatic copies available which you can hand in to the Court for the Court's convenience. This document which you will read out, adhere to and hand in will be R.S.C.'D'. Would you start at the first paragraph? -- I interviewed and tested Mr. Demitrio Tsafendas on the 13th October, 1966, for two hours in the morning and 1½ hours in the afternoon. (Witness reads R.S.C.'D'). "The following psychological tests were used: 1. The new South African standardization of the Wechsler Bellevue Adult Intelligence Test. 2. The Thematic Apperception Personality Test. 3. The Rorschach Personality Test."
11. Before we go any further, would you explain to his Lordship and the gentlemen assessors with him what is the New South African standardization of the Wechsler Bellevue Adult Intelligence Test? -- It is an intelligence test consisting of ten sub-tests, and testing different aspects of intelligence. It is generally used for White South Africans and can test in the range from an I.Q. of 20 - which would be an idiot - to an I.Q. of plus-minus 190 - which is out and out a genius.

1. You say the average White adult? -- That is correct.
2. Would the standard test by this test be higher than for, say, an average Coloured adult? -- If you are going to test a Coloured adult on this test, it is very likely that he will score lower than a White man.
3. Why? -- Because it is standardized for White people and there are separate tests for Coloureds.
4. Would you deal with the sub-test - the sub-sections of the test. There were ten in number? -- That is correct.
5. Just give us the ten? -- The sub-tests were: Information; Comprehension; Arithmetic; Digit Span; Similarities; Picture Completion; Object Assembly; Block design; Digit symbol substitution; and Picture arrangement.
6. May I just pause for a moment. How did the accused react to these tests? -- He was very co-operative and calm and at ease in the testing situation.
7. Was he interested in what you were asking him, or did he appear to be interested in what you were asking him? -- He did not particularly appear to be interested but he responded quite well.
8. First of all, as to the Information sub-section, what was his score? -- 11.5.
9. What is the significance of that? -- The average score is 10, and he scored 11.5.
10. Was it a wide range of information that you tested him on? -- Yes.
11. Comprehension, what was his score? -- 14.5.
12. What is the significance of that? -- Again the average is 10, which means that it is a very high score.
13. Arithmetic, what was the result of that? -- Nine.
14. What is your comment there? -- That it is somewhat below average.

1. MR. BAKER: Is the average ten throughout? -- Throughout.
2. MR. COOPER: (Cont.): Digit Span? -- 12.5.
3. Would you explain to the Court what is meant by Digit Span? -- You give the subject some digits to repeat. The easier ones he would have to repeat two or three digits immediately after you had said it, and then more difficult, it goes up to nine digits.
4. So again, what is your comment on the figure 12.5? -- It is again better than average and good.
5. Similarities, the result was? -- 8.5.
6. BY THE COURT: Mr. Cooper, I again don't wish to cut you short, but there does not appear to be any attack upon the fact that this man is of high intelligence. So couldn't we go through this, perhaps, a little less in detail?
7. MR. COOPER: Certainly, M'Lord.
8. BY THE COURT: I did not understand there to be any question of his having more than an adequate I.Q.
9. MR. COOPER: There is just one aspect, that this test also ties up with his present mental
10. BY THE COURT: I don't want to put you off.
11. BY MR. COOPER: That is why I think it is necessary to have a scatter of it. The important feature is schizophrenia; and to have a scatter of it.
12. (Cont.): Just go on now. What did you find in Similarities? -- 8.5.
13. Picture Completion? -- 13.
14. Object Assembly? -- 10.5.
15. Block design? -- 10.
16. Digit Symbol substitution? -- 8.5.
17. Picture arrangement? -- 15.5.
18. Would you then go on from that point to read your report further? -- (Witness continues reading R.S.C.'D'). "His full

I.Q. tests at 113.5. His verbal I.Q. tests at 125.00."

1. Did you test him for his standard of English? -- As part of the verbal I.Q. test?

2. Yes? -- I did.

3. What was your finding? -- That it was very good.

4. Compared to, say, Matric. or Standard VIII or university; could you give us some idea? -- I'd say Matric. level.

5. Would you proceed then with your report? -- (Witness continues reading R.S.C.'D'). "The latter is a separate test of the Wechsler Bellevue Test and is commonly used to give a rough indication of the individual's intelligence. The discrepancy between the full scale I.Q. and the verbal I.Q. is therefore not important. As can be noted from the above sub-sections, there is a marked scatter in scores which can not only be contributed to higher aptitude on these sub-sections. As a matter of fact, his verbal I.Q. as compared to his non-verbal I.Q. is 111 against 114, which is not a significant difference. These are the only two broad categories of aptitudes in this test. The scatter is therefore of great significance. This very wide scatter is indicative of gross personality disturbance and some kind of interference of the smooth functioning of the intellect of the individual. His particular pattern of scatter is not 100% typical of any particular type of psychological illness. It is known that an atypical pattern does not necessarily exclude any diagnosis."

6. In administering the test, what did you find; what impression did you form? -- (Witness reads R.S.C.'D'). "I very strongly got the impression that this man has great difficulty in abstract thinking and in expressing himself. The latter I did not think was due to language difficulty because of his high verbal intelligence. My impression was that his original I.Q. was \pm 125 but that this had deteriorated

because of some interfering illness. I gathered from Mr. Tsafendas that this test was also done by the Clinical Psychologist representing the State but I do not think that the learning which took place by repeating the test can invalidate or change the basic pattern significantly."

1. Now you came to the Thematic Apperception Test? -- Yes.

2. Would you shortly explain to the Court what the Thematic Apperception Test is, or as you call it, the T.A.T.? -- It is a test consisting of a series of 20 pictures in which you ask the patient to tell you a story about each one. It represents everyday life, human situations. You ask him what is happening in the test, how he feels, what thoughts are concerned and the possible outcome of the story. And then you analyse that according to a specific training or pattern.

3. From this test, what became clear? -- (Witness reads R.S.C.'D'). "From this test it is clear to me that the usual type of psychodynamic pattern which is present in neurotic individuals is absent in Mr. Tsafendas' record. According to the test, it is evident that there is virtually nothing in the way of meaningful interpersonal contact....."

4. BY THE COURT: "Meaningful interpersonal contact". Could you tell me what that is? -- The ability to relate warmly // with feeling towards a fellow humanbeing.

5. MR. COOPER: (Cont.): Give us an example? -- For example, let's assume you tell somebody that your mother has just died, and he says to you: "So, she has just died" - there is no warmth in the reply.

6. BY THE COURT: A lack of human reaction? -- Lack.

7. MR. COOPER: (Cont.): What else did he show? -- (Witness continues reading from R.S.C.'D'). "Also he shows a marked flatness and absence of feeling except for a strong statement about depression which could not be followed through at the

emotional level. He also found it very difficult to project himself and identify with the test stimuli which is indicative of his being a withdrawn and isolated individual. All his test responses were dull and without drive to complete or follow them through. This is indicative of a lack of volition and an element of depression. His whole approach to the test was vague and unsure and he found it very difficult to think constructively and in accordance with his measured I.Q. about the test stimuli. It was quite an effort for me to get him to complete his responses according to my instructions. Without fail, I had to ask him about emotions concerned. On this inquiry, he never gave me a satisfactory answer."

1. In view of his difficulty to make reasonable and meaningful contact, what diagnosis did you make? -- That I would say is a schizophrenic symptom, but of course, the diagnosis does not rest only on this one symptom.

2. Would you give us your conclusion then at the top of page 4? -- (Witness reads R.S.C.'D'). "In view of this individual's difficulty to make reasonable and meaningful contact with the outside world and his disorder of intelligence, emotions and volition, I am making the diagnosis of schizophrenia on this test."

3. Then you did the Rorschach Personality Test? -- Yes.

4. The Court knows, but I think for the record would you just shortly explain to the Court what the Rorschach Personality Test is?

4. BY THE COURT: This part of the Court does not know.

5. BY THE WITNESS: It is a series of ten standardized ink blots which is shown the patient.

6. BY THE COURT: Modern paintings? -- Almost; which you show the patient and then he responds to it. You know, when

you ask him what it looks like or what it reminds him of, or what it could possibly represent.

1. MR. COOPER: (Cont.): On the Rorschach Test, Tsafendas showed? -- On the Rorschach Test Mr. Tsafendas showed some typical signs of schizophrenia. They were the following: Arbitrary variation in form accuracy with decrease in F + %".

2. What is F + %? -- It is an inability to see something on the ink blot which could be equated reasonably accurately with something commonly known to all of us.

3. BY THE COURT: You mean if most of us sitting here saw this ink blot we'd see some resemblance to some ordinary object which we know, and he failed to do so? -- Yes.

4. MR. COOPER: (Cont.) Proceed further? -- (Witness reads R.S.C.'D'). "W responses of poor quality."

5. What are W responses? -- That is if the patient only sees the whole of the ink blot and not part of the ink blot, but the response that he gives is of poor quality again in resembling something reasonably well-known.

6. What is the next observation? -- (Witness reads R.S.C.'D'). "Bizarre and unusual detail."

7. What do you mean by "Bizarre and unusual detail"? -- May I give you an example?

8. Certainly, give the Court an example? -- One of the ink blots that I showed him, he said: "I see a leg, but there has been a considerable amount of atrophy. It may be a rat's leg or a rabbit's leg, but I am not quite sure what species it belongs to, but there has been a considerable amount of atrophy", so really, a jumbled lot of nonsense.

9. The next observation? -- (Witness reads R.S.C.'D').

"I C virtually absent." Which means that he cannot give form to colour, and in psychodynamic terms it means he is not able to control his feelings adequately.

1. As regards "Colour naming"? -- Colour naming is of the same order as F C. It is related to that. For instance, you show him a red ink blot, and then he'd say this is just red. Whereas usually a person says: "It is a red butterfly or a red dragon" or whatever the case may be.
2. "Blocking"? -- Blocking is the inability.....
3. What did you find? -- That he did not answer to one of the cards. He could find nothing in it.
4. So that is described as "blocking"? -- That is blocking, yes.
5. What else did you find? -- "Original responses of poor form level." For example, he said that he saw the face of a man in a position that I have never come across before on the ink blot. It was part of the small detail of the blot and he showed me eyes where I couldn't possibly see eyes, and a nose and a mouth which were just not there.
6. Now we come to "Undifferentiated shading". -- Yes.
7. You found that? -- Yes, I found that.
8. What do you mean by "Undifferentiated shading"? -- That is if the patient sees shading in a very vague and non-specific way.
9. What did you find further? -- "Queer specifications (which is considered to be extremely important in the diagnosis of schizophrenia)."
10. What do you mean by "Queer specifications"? -- For example, the patients would say that: "I see a peculiar shape which may be a bat, which may be a bird, but of course I cannot say which species of bird or which species of bat" and then deriding his own responses as he goes along, saying that it is a very poor performance.
11. You say he derides his own response? -- Yes.
12. What else did you find? -- Then "Description", which is

when the patient describes the ink blot in terms of its outline only, not saying that it is an island, or something like that, but "Here the line goes up, and there it goes down, and it goes in a circle", so describing the outline of the ink blot without giving its real meaning.

1. What else did you find? -- Then "Perseveration", which is that he carried on in his mind with the same thought or the same response all the time on one ink blot, and he also carries it over to the second one, perhaps.

2. You have given us these various findings. Would you continue with your report now? -- (Witness reads R.S.C.'D'). "This in itself is probably meaningless to even a Psychiatrist but the interpretation of all this means very poor human contact, lack of self control, emotional flatness, disturbance of intellect, and a general disintegration of the ego. From this I feel that the diagnosis of schizophrenia can safely be made."

3. What were your observations? -- (Witness reads R.S.C.'D'). "In talking to Mr. Tsafendas, I got the impression that he was vague in thinking and difficult to communicate with at a personal level. I felt that he was in a world of his own. In his talk he was circumstantial and often went off the point. His thoughts were constantly blocking and he was very poor in abstract thinking such as when asking him to explain the meaning of the idiom - 'A stitch in time saves nine'. (He said, by the way, that it is a labour-saving device.) His emotions were flat and sometimes incongruous. He also grimaced and made rocking (stereotyped) movements with his head and had great difficulty in expressing himself. On both occasions when I visited him, he was lying on his bed presumably asleep or just doing nothing and was slow in his movements."

4. BY THE COURT: Explain to me the use of the word "stereo-

typed" there, with the rocking movements. What does it mean? Was it a movement like any other movement or was it stereotyped to a certain condition? It can mean two things there. Do you mean every movement was like every other one? -- Yes.

1. MR. COOPER: (Cont): Now, your comment on the interview? -- (Witness reads R.S.C.'D'). "My function and my reason for seeing Mr. Tsafendas was mainly to test him and not so much to interview him. I did, however, ask him about the tapeworm which he had told Dr. Cooper about. I communicated with Dr. Cooper very briefly with the consent of Mr. D. Bloomberg. Mr. Tsafendas jumped at the opportunity to tell me about this and came back to this topic every now and then throughout both interviews. He told me that he began suffering from this during 1936 and since then his whole existence had centred round the tapeworm. He has constantly got to eat to keep the tapeworm happy, otherwise it pricks him on certain nerve centres in his stomach or makes a noise which he can feel inside himself. The result of all this is that he had become withdrawn and lived only to eat and to sleep. Apparently he had X-rays taken and consulted many people about his tapeworm. He had taken an interest in this to the extent that he knows about a machine which the Japanese invented to show up foreign bodies in the abdomen, stating that there is such a machine at the Queen Mother Maternity Hospital in Glasgow. According to him, the Americans have a similar invention. He also stated that the doctors only sent him to psychiatrists about this and that they had then given him shock treatment and not investigated his tapeworm condition any further. It appears as if this has been a long-standing delusion. He told me that he thought the tapeworm had a lot to do with his alleged attack on the late Dr. Verwoerd. This apparently has brought him into conflict

with other people before. He was, however, very vague about it and could not explain the direct relationship in any other way than saying that it makes him impulsive. He also appeared to have no strong feelings about being in gaol or about his alleged attack on the late Dr. Verwoerd."

1. Now the discussion? -- (Witness reads R.S.C.'D'). "From the above tests, observations and interview, it is quite clear to me that this man is suffering from schizophrenia. His schizophrenia to me is not as absolutely florid as one sometimes sees it in Mental Hospitals, but taken into account, his high intelligence, this is not very surprising because often a schizophrenic can contain his illness to a certain extent by virtue of his intelligence, and they achieve much less than can be expected of them by virtue of their intellect. This, I think, is the case with Mr. Tsafendas."

2. This is a final question. When I led you at the beginning of your evidence you told us about the work you had done, etc. Are you a consultant at Valkenberg Hospital? -- Yes, I get called there by the authorities to see patients occasionally.

3. CROSS-EXAMINED BY MR. BRUNETTE: I would like to just clarify a few points on your findings. -- Yes.

4. With regard to the Wechsler Bellevue Test, I note that the highest score that you noted was the one for "Picture Arrangement". -- Yes.

5. That is a test into his social insight, is that so? -- I feel it can be viewed as that. I have not come across it in the literature, that it is definitely termed to be social insight, certainly not in the new standardization of the Wechsler Bellevue Test.

6. Isn't that score of 15.5 for "Picture Arrangement" inconsistent with a person who has been a schizophrenic for

about 20 years, or a long period? -- No.

1. Why do you say so? -- It is not only social insight that counts. It is also intelligence that counts, and I do not think that that particular sub-section of the test really tests social insight.

2. But is it consistent or inconsistent with schizophrenia of long-standing? -- I'd say that it is somewhat inconsistent.

3. To what extent do you say it is inconsistent? -- That it is surprising to find this.

4. BY THE COURT: Does it mean that by this time you would have expected that activity to deteriorate further than it has? -- Yes.

5. Is that the correct way of putting it? -- Yes.

6. MR. BRUNETTE: (Cont.): Does that also fit in with your finding that he was not a florid schizophrenic? -- May I explain what I mean by the word florid?

7. Yes? -- The type of schizophrenic that you find in the mental hospital, listening to voices and seeing things and being completely withdrawn and isolated and completely incapable of caring for himself, even to a small extent.

8. He was not that type? -- No.

9. He was a type that was capable of looking after himself to a certain extent? -- To a certain extent, yes. That is correct.

10. I see also that his arithmetic score was not very high. Would you say he was capable of looking after his money and running a banking account? -- Yes, I would say so.

11. On the Rorschach Test you said that you found blocking of his thought processes in that he did not react to one card. -- That is correct.

12. Why do you say that that was blocking? -- This is commonly accepted in the literature on the Rorschach technique that this is blocking.

1. Could it also be caused by anxiety? -- It could be but I didn't think Mr. Tsafendas was anxious at all.

2. You said that a repetition of these tests would not make any difference, but surely, by repeating them he must learn to perform and to react to the test? -- I didn't say on the Wechsler Bellevue that it made no difference. I said that it would make no difference to the particular pattern, and if he had learned to perform he would only have done better on the tests instead of giving an even poorer performance.

3. Did you make any allowance for the fact that he may have learned some of these tests before? -- No, I did not.

NO FURTHER QUESTIONS BY MR. BRUNETTE.

4. DEUR DIE HOF: Dr. van Zyl, u sê u werk ook by Valkenberg?
-- Ja.

5. Ek neem aan u weet iets van die bepalinge van die 1916 Wet, die Wet op Geestesgebreke? -- Ongelukkig nie veel nie. Ek sal my posisie verduidelik. As 'n kliniese sielkundige word 'n mens nie toegelaat deur die wet om 'n pasiënt te sertifiseer nie.

6. Ek volg. Ek wou u gevra het, schizophrenia is beslis seker 'n geestesgebrek in terme van die Wet? -- Ja.

7. As u nou na u dié man ondersoek het soos u gedoen het - en ek verwag 'n verantwoordelike antwoord - sou u hom gesertifiseer het as dit u funksie was? Is hy so dat hy behoort gesertifiseer te word onder die Wet? -- As ek net die toetse gedoen het en niks geweet het van sy vorige optrede van impulsiwiteit en so aan nie, dan sou ek hom nie gesertifiseer het nie. Hy lyk so 'n skadelose persoon.

8. As u net die kliniese toetse gehad het? -- Ja, dan sou ek dit nie gedoen het nie.

9. Op die oomblik, as ek nou die verantwoordelikheid van myself op u sou oorplaas, sou u hom sertifiseer? -- Ja.

1. Wat het dan nou gebeur tussen die toetse en dat u nou op die oomblik tevrede is dat u hom sou sertifiseer? -- Ek het te hore gekom van die geskiedenis van impulsiewe optrede en gedrag.
2. Kan ek u antwoord so neem dat u toetse, gelees teen die agtergrond van die geskiedenis wat u gehoor het, dit sou u oorweeg om so'n man te sertifiseer? -- Ja, beslis.
3. Sluit die geskiedenis wat u nou na verwys ook die moord op die Eerste Minister in? -- Nee.
4. Sy agtergrond sonder daardie sou hom, volgens u mening, sertifiseerbaar maak? -- Ja.

GEEN VRAE DEUR MNR. COOPER EN MNR. BRUNETTE.

Getuie verskoon.

(Vervolg op bladsy 183).....

JAMES JOHNSTON (affirmed), states:

1. EXAMINED BY MR. COOPER: What is your occupation? --
I am a minister of the Christian Church and have been in this ministry for almost 39 years. The first time I met Mr. Tsafendas was shortly after his arrival here at the Cape.
2. When was that? -- It was in September, I would think.
3. Of which year? -- Of last year. (Witness says he is a little hard of hearing.)
4. How did you come to meet Mr. Tsafendas? -- I went along to see him at his home, where he was staying at Mr. Daniels' place.
5. Why were you called to see him? -- I went to see him because I heard that he had been staying there and that he was a Greek or a Portuguese, and I went to see him chiefly in connection with his racial status.
6. Why did you go to see him in connection with his racial status? -- I wanted to find out whether he was a white man or a coloured man.
7. You were interested because he was a member of your persuasion? -- Yes.
8. Did you discuss this racial position with him? Did you discuss his racial status with him? -- I did, yes. I asked him whether he was a European or whether he was a coloured man. The reason why I asked him that was because I was concerned about him being a foreigner, and if he was a coloured man it was quite right for him to stay in a coloured home as well as going to services in a coloured home. But if he was a European or a white man, I would ask him to go along to services that were held in a white home.
9. Did you tell him that it was contrary to law for a coloured man to mix in white circles, and conversely for a white man to mix in coloured circles? -- Yes.

1. That was your view? -- Yes.
2. How did he react when you had this little conversation with him? -- I must say that I found him rather strange or odd. He told me that he would like to classify himself as a coloured man, but he gave no reason for it. And then he began to talk about his travels. He began to talk about his travels and the countries that he visited. And that just gave me the impression of being a strange man.
3. Did he continue to attend meetings held by coloured members of your persuasion, or did he attend meetings of the white members of your persuasion? -- Excuse me, I couldn't just catch that.
4. BY THE COURT: Did he continue with the white people or did he continue with the coloured people? -- He continued with the coloured people until I had further discussions with him in February of this year. Then he came along to see me at the place where I was staying, at Mr. Slater's home in Plumstead. Then he told me that he had obtained employment at the Marine Diamond Corporation. And then the discussion came up again about whether he is a white man or a coloured man, and he produced a small bit of typewritten paper with his name and number and a "W", which showed me that he was a white man. I then asked him if he would go along to services that were held in a white home, and he said he would.
5. MR. COOPER (Contd.): And he did? -- He did, yes.
6. What kind of impression did Tsafendas make upon you? -- Well, the discussions that I had with him was chiefly from a business point of view, because he wanted to find out different things. But the impression that I got of him was that he was an odd man, a strange man, because any discussion that we entered into he could never follow it fully.

1. What did you think about his mental state? -- His mental state - he didn't give me the impression that he was - he was a bit strange, and I would say just a little mentally unbalanced.
2. Do you remember that during the time that you knew him he received treatment for his nose? -- He told me that after he had left the Marine Diamond Corporation. He came to see me on another occasion, and he told me that he was then receiving treatment for his nose and that he was staying at a convalescent home, either in Mowbray or Observatory. And then he told me that he'd be staying there for some time. I asked him whether he was going to stay there. He said he was going to make his home there, and that struck me as being odd or strange, and I didn't pursue that any further.
3. You have told us that he told you he was working for Marine Diamonds? -- Yes.
4. Before he left for South West Africa, did he speak to you about it, did he ask you for names of persons? -- He did. He told me that he was working for some weeks at a stretch and then he was off at weeks at a stretch also, and in the weeks that he was off he would like to visit our friends in South West Africa. But, while I had the addresses of them, I was not too keen to give it to him at all.
5. Why didn't you want to give him the names? -- I didn't want to give him the names because he was a strange man and he was making himself more of a nuisance among the friends that he was with down here.
6. Was he a violent man, to your knowledge? -- I never saw him violent in any way.
7. How would you describe him? -- He was always mild when he spoke to me, and whenever I advised him in any matter he took it very meekly.

1. CROSS-EXAMINED BY MR. VAN DEN BERG: You made a statement to the police, not so? -- I did, yes.
2. Did you say this to the police: "The Sunday night before the assassination of Dr. Verwoerd I saw Tsafendas at a service in Mr. Hall's home in Pinelands, but he did not discuss anything or take part in the service that night. He appeared to be perfectly normal."?-- That is correct.
3. You said that? -- That is correct.
4. Then you added to this: "I must say I did not speak to him apart from saying good-night." Did you say this: "I did think Tsafendas to be slightly unbalanced and that he seemed to have a mysterious background, but otherwise he appeared to be all right."? -- I did say that, yes.
5. BY MR. COOPER: No re-examination.

(Witness excused)

GIDEON JACOBUS CLOETE, beëdig, verklaar:

6. DEUR MNR. COOPER: Wat is u werk? -- Ek is 'n klerk in die Departement van Arbeid in die algemene navraagkantoor.
7. Waar? -- In die Departement van Arbeid.
8. In Kaapstad of Pretoria, of waar? -- Kaapstad.
9. Hoelank werk jy al daar? -- Sedert 3 September 1957.
10. Wat is eintlik u werk? -- Die algemene navraag werk in die kantoor.
11. Is dit mense wat kom navrae doen? -- Kom navrae doen in verband met sake wat betref die arbeid.
12. En mense wat werk soek? -- Werk soek, en enige informasie wat hulle wil hê, nodig het, kom hulle by my navraag doen.
13. Die man wat in die Hof is vandag, Demitrio Tsafendas, het u hom ooit vantevore gesien? -- Ja.

1. Waar? -- Die eerste keer wat ek met hom kennis gemaak het en ontmoet het, was op 26 April van dié jaar.
2. Waar was dit gewees? -- In my kantoor in die Departement van Arbeid, Kaapstad.
3. Wat het hy daar kom soek? -- Destyds was hy af siek gewees, en hy het kom aansoek doen om siektetoelae.
4. Het julle hom toe n siektetoelae toegeken? -- Ja. Ek het persoonlik die aansoekvorm vir hom self voltooi.
5. En het hy n siektetoelae gekry? -- Hy het gekry.
6. Hoeveel het hy gekry? -- Die bedrag kan ek nie vir u sê nie.
7. Maar by benadering? -- Ek kan u definitief nie sê wat die bedrag is nie.
8. Afgesien van dié geleentheid, het u hom op enige ander geleentheid gesien? -- Ja.
9. DEUR DIE HOF: Is dit nou n Regeringstoelaag? -- Ja. Hy het n operasie aan sy neus gehad, volgens die mediese sertifikaat wat deur die geneesheer voltooi is.
10. MNR. COOPER (verv.): Afgesien van die geleentheid toe hy aansoek gedoen het vir n toelae, het u hom weer gesien? -- Ek het hom toe weer gesien gedurende Julie van dié jaar. Ook in die kantoor.
11. Wat het hy daar by u kantoor kom soek? -- Hy het by my gekom met drie uitknipsels uit n Engelse koerant, en dit was wat werkgewers geplaas het in verband met betrekkings wat vakant is. En die rede waarom hy na my gekom het, was dat ek hom moes help, hy wil my telefoon gebruik. Ek het toe aan hom verduidelik dat ek hom nie kan toelaat om die telefoon self te gebruik nie, persoonlik nie, maar ek sal hom help, dan sal ek maar self die firmas skakel en uitvind of daardie betrekkings nog vakant is.
12. Het u dit toe gedoen? -- Ek het dit geneem. Hy het my

die advertensies oorhandig, en ek het die firmas geskakel. Die eerste twee - Saar was natuurlik nie name in die koerant van twee van hulle nie, dit is slegs die telefoonnommer wat hulle verstrek het. Ek het die firmas toe geskakel, en die dames wat die telefoon toe beantwoord het, het vir my gesê dat die betrekkinge was reeds gevul. Die derde ene het ek toe geskakel, en die firma het my deurgeskakel na die werksvoorman, want dit was 'n ingenieursfirma in Kaapland. Die betrekking daar vakant was in verband met swaerwerk. Ek het persoonlik met die voorman gepraat.

1. DEUR DIE HOF: Mnr. Cooper, is dit alles nodig?
2. DEUR MNR. COOPER: Nee, edelagbare.
3. MNR. COOPER (verv.): Het hy toe gegaan na die werknemer toe? -- Ek sal net voltooi.
4. MNR. DIE HOF: Ek weet jy wil graag voltooi, maar ek het baie om te voltooi, en ek stel geen belang in wat jy op die oomblik besig is om te voltooi nie. Sal u asseblief relevante goed voltooi, en voltooi die res by die kantoor.
5. MNR. COOPER (verv.): Het hy toe gegaan na die plek toe? -- Ek het hom toe gesê die voorman het vir my gesê ek moet vir hom af hy moet
6. DEUR DIE HOF: Het hy gegaan na die plek toe? -- Dit weet ek nie.
7. MNR. COOPER (verv.): Het hy toe weer teruggekom? -- Hy het nie weer na my toe teruggekom nie. Sedertdien het ek hom nooit weer gesien nie.
8. Die indruk wat u gekry het, was dit dat hy ernstig was? Was hy angstig om werk te kry? -- Hy het my toe gekom as 'n persoon wat graag wou werk. Om daardie rede het hy na my toe gekom vir hulp.
9. KRUISVOOR DEUR MNR. VAN DER BURG: Het die beskuldigde goed saangewerk, netjies aangetreke? -- Netjies gekleed, en 'n goede voorkoms gehad.
10. Het u enige tekens van abnormaliteit by hom gesien? -- In wilkeur oke. Hy het my doodweg normaal voorgekom.

TOE VERDAG VIR 15 MINUTE.

COURT RESUMES AT 11.15 A.M.

GERALD EDWARD SHAW: (Sworn, states):

EXAMINED BY MR. COOPER:

1. What is your profession? -- I am a journalist.
2. And during the present Parliamentary session where were you engaged? -- In the Press Gallery.
3. The Press Gallery of? -- Of the House of Assembly.
4. Did you spend a great deal of time there during the present session? -- Yes, I did.
5. Shortly what is your function in being there? -- I am a political correspondent of the Cape Times.
6. During this session did you come to know the accused? -- Yes, I did. That is so.
7. How did you come to know him? -- He was employed as a messenger; he was serving tea and coffee and things like that in the Press Gallery.
8. How efficient did you find him? -- He was not an efficient messenger.
9. How did you regard him? -- Well, he mixed things up. He mixed orders up, and I thought he must be a bit mentally retarded.
10. Can you give us an example? -- Yes. On one occasion, the morning of the assassination of the Prime Minister, he brought me some tea when I ordered it and I paid him, and he re-appeared about 10 minutes later with a whole handful of notes, change. But I had already been given change by him when he brought the tea. So I drew this fact to his attention and he left. He seemed somewhat confused.
11. Any other experiences before the day? -- Well, yes. On that same occasion I reminded him that he hadn't collected money from me for a hamburger and coffee I'd ordered on the previous Friday. On that Friday I ordered this hamburger and

coffee and it did not come. And I went back and listened to a debate and when I came back it still wasn't there. I happened to glance into the office of a colleague next-door to my office, and I saw standing on the table a hamburger and coffee, which was cold. So I assumed he had delivered it to the wrong office.

1. Did he know whose office he had to deliver it to? -- Yes. The order was placed in my office. We press a bell and the chap comes to the office and you place the order.

2. How were his manners? How did he behave? -- I found him off-hand. He didn't have the usual demeanour of a messenger, he didn't seem to be terribly obliging. He used to walk into the office without knocking and things like that.

3. Was he capable of holding down this job of a messenger, in your opinion? -- Well, I wouldn't have employed him as a messenger; certainly not.

4. If he had been employed by a commercial concern, would he have lasted? -- I think if they had been very tolerant employers he might have.

5. CROSS-EXAMINATION BY MR. VAN DEN BERGH: Did you lodge any complaints against the accused? -- About his efficiency as a messenger?

6. Yes? -- I did not.

7. Why not? -- Well, I suppose I am fairly tolerant about this sort of thing.

8. How many reporters were there? -- In the Press Gallery? Off-hand I suppose there must be about twenty.

9. And the accused was the only messenger there? -- No, he was not. There were other messengers.

10. How many were there? -- Three in all.

11. Was the accused very busy? -- I suppose fairly busy, yes.

12. I suppose fairly busy? -- Yes.

1. Wasn't he fairly busy? -- Well, in the Press Gallery I would be rather more pre-occupied with my own job, I suppose. But he was fairly busy.
2. He was very busy? -- Yes.
3. Was he friendly? -- I did not find him friendly.
4. Did you ever see where the accused stood when the bell was rung? -- Once I noticed him standing at the door of the Press Gallery upstairs. At the time the bell was ringing.
5. Is it a fact that from there he could have seen where the late Prime Minister sat? -- Yes, I think he probably could.
6. Was he supposed to have been there? -- Well, I don't know really.
7. I suppose I had better ask that question of some other witness.
8. The psychologist says that the accused can work with money and that he can also run a banking account. How do you explain the episode that you told the Court about? -- I don't think I could explain it. He wasn't efficient in working with money in his dealings with me.
9. Isn't it perhaps because the accused was very anxious on that occasion? -- Yes, that may be so. It depends. There were other occasions.
10. What time was this? -- This particular incident with the cheque?
11. Yes? -- It could have been between 10 and 11 a.m.
12. What change did you have to get? -- I can't be completely sure about this.
13. Yes, I appreciate that.

END OF EXAMINATION BY MR. COOPER.

BERNHAIM: (Sworn, states):

EXAMINED BY MR. COOPER:

1. You are a handwriting expert, are you? -- Yes, I am.
2. Have you been shown a sample of the accused's handwriting?
-- Yes.
3. And have you been shown this document (R.S.C. 134)? -- Yes,
I have seen the document.
4. To whose handwriting is it? -- The handwriting of the
accused.
5. BY THE COURT: What document is that, Mr. Cooper?
6. MR. COOPER: A letter which the accused wrote...
7. BY THE COURT: I haven't seen it yet.
8. MR. COOPER: Your Lordship will see it now. It is a
letter written by the accused to the Prime Minister of England
in 1959.
9. BY THE COURT: The only purpose of this witness is to
identify the handwriting?
10. MR. COOPER: Yes. I therefore don't think it is necessary
to read through it.
11. CROSS EXAMINED BY MR. VAN DEN BERGH: Reserved

ABRAHAM AUBREY ZABOW, sworn, states:

1. EXAMINED BY MR. COOPER: What is your profession? -- I am a psychiatrist.
2. Where do you practise? -- I practise in Medical Centre, Cape Town.
3. In which year did you qualify? -- I qualified as a doctor in December, 1949.
4. With the usual M.B., Ch.B? -- M.B., Ch.B., at the University of Cape Town.
5. Did you then practise as a general practitioner? -- Yes. After completing my internship year I practised as a general practitioner for 11 years.
6. And then what did you decide to do? -- Then, because of my interest in psychiatry from my student days, I left general practice and I took a full-time post at Valkenberg Mental Hospital as a clinical assistant for a year, from 1962 to 1963, and then a further year as a registrar in the department of psychiatry at Groote Schuur Hospital. During this time I took certain examinations, the Diploma in Psychological Medicine at the University of Cape Town, and the Fellowship of the Faculty of Psychiatrists of the College of Physicians and Surgeons of South Africa, and I eventually registered as a specialist psychiatrist.
7. Since when have you been practising as a specialist psychiatrist? -- For various administrative reasons I went on to the staff of Groote Schuur Hospital as a consultant in June, 1964, but I did not register with the Medical Council until about November of December of that year. Then, in January, 1965, I started in private practice and remained a part-time consultant in psychiatry at Groote Schuur Hospital and also took on the post of part-time consultant in psychiatry to the Somerset Hospital.

1. In the course of your practice have you come across schizophrenics? -- Yes, in the course of my practice I have seen many schizophrenic patients.
2. Have you certified any of them? -- I have certified them and I have been on the receiving end, in the mental hospital, where I have treated many of them who have been referred there.
3. Apart from your training, from your experience do you feel competent to express the opinions which you are about to do to this Court? -- Yes, I do.
4. You have interviewed the accused at the request of Mr. David Bloomberg, the attorney for the defence? -- Yes, I was asked by Mr. David Bloomberg to see the accused, and I saw him on three separate occasions. The first time was on 30th September, when I saw him on my own, except that Mr. Bloomberg was there. There were no other psychiatrists present.
5. Did you do that deliberately? -- Yes. I wanted to be able to see this man on my own and form an independent clinical opinion of him.
6. After you had had that interview did you, again independently of other medical witnesses, communicate your opinion to the defence? -- Yes. I formed an opinion at the first interview and communicated that verbally to Mr. Bloomberg at the time, and then in writing as well, and I have had no reason to change my opinion since then.
7. The subsequent interviews were on which days? -- They were on the 4th October and the 11th October, and at these interviews Drs. MacGregor and Cooper were also present.
8. How long did the first interview last? -- Each of the interviews lasted approximately an hour and a half. I didn't time them exactly. All in all I was with the accused for at least four and a half hours.
9. At this stage, on the basis of these interviews alone,

what opinion did you form? -- On the basis of these interviews alone, I formed the opinion that the accused was suffering from schizophrenia. At my first interview I was satisfied that he was psychotic and schizophrenic, but I was not yet able to be sure into which category of schizophrenia he fell. Subsequent interviews have enabled me to form the opinion that although he is not a textbook case of any particular variety he falls mainly into the category of a paranoid schizophrenic.

1. Your first interview with the accused, how did it go? Will you tell us, so that the Court can for itself see how a psychiatrist sets about his job of determining the mental state of the patient? -- May I stress to the Court, with respect, that in interviewing a patient for psychiatric examination one tries to be as systematic and review certain systems in the same way as a physician undertakes a medical and physical examination. One does not just look at the man, listen to him talk, and then form a sort of general opinion. In the same way as a physician would look at the general condition of the patient and then examine his various systems - the respiratory system, the cardio-vascular system, and so on - the psychiatrist tries to examine the various systems which make up the behavioural pattern and the overall mental picture of the person whom he is seeing. So that the first impression, naturally, is the first sight of the patient.

2. BY THE COURT: You mean he has got a sort of set procedure like Dr. Muller has when he looks me over? -- Yes, that is what I mean.

3. How is my pulse, and does my liver hurt? -- Yes.

4. And you do the same thing with the mind? -- That is right.

5. Then I know what you are talking about. --- My first impression was of a man who - remember that I knew that he

had been alleged to have assassinated the Prime Minister, and I was expecting certain things, and what I was struck by was the incongruity of my first meeting with him. Mr. Bloomberg introduced us to each other. He was not very tidy, he hadn't shaved - one could say that this was because of the circumstances that he was in. But then I asked him: "How are you?". I can look up my exact words, but I asked him "How are you?", and I have in the course of my experience seen other people who had been held for murder, and conducted psychiatric examinations on them, and this was quite an unexpected reply. I said: "Tell me, how are you feeling?". He said: "I always feel tired and exhausted. I just feel as usual, tired and exhausted, and my appetite is always good and my bowel movement is regular." Now he had been introduced to me as a psychiatrist, and one would have expected him to take the issue, well, this is the man who is supposed to be coming to help him, and yet this was the pattern of incongruity, and many times in that interview and subsequent interviews there was equal incongruity.

1. MR. COOPER (Contd.): What were your major findings? We have had Dr. Cooper give evidence at great length, and we have had lots of other evidence given here. What were your major findings? -- My major findings were that this man suffered from a clearly recognised and recognisable mental illness known as schizophrenia. Now in schizophrenia there are certain clearly defined disorders of mentation, of thought processes, of emotional life, of contact with reality and of perception, which one can look for in the course of one's systematic examination, and I found many of them there, and particularly I found many important ones, so important that certain authors, particularly Kurt Schneider, would say that even the presence of one of them is sufficient, in the absence

of organic disease of the brain, to diagnose schizophrenia. For instance, I found thought-disorder. This thought-disorder consisted of an inability to pursue the point of a question and answer sequence. Several times, in the course of my first interview and in the course of other interviews as well, he could not - he appeared not to be able to deal with what was being asked, and we arrived, not merely at the point in a roundabout way - some people are circumstantial - but in his case we just never got there at all. Sometimes he went off at a complete tangent; sometimes he just petered out; and on one occasion I remember specifically asking him "Now what did I ask you?", and he looked a bit dazed, perplexed, and was not really able to say. If the Court wishes it, I could quote this passage. It runs into about three or four pages of typed foolscap, and I think it took a good few minutes for the accused to ramble through it.

1. Well, unless the Court wants the exact passage, give the Court the substance of the passage? -- This was in the course of our third interview. Drs. MacGregor, Cooper and myself were present, and Drs. Cooper and MacGregor had been asking the accused questions, and then I went on and asked him: "You don't know what this is about? The sequence of events is, of course, that you planned to assassinate Dr. Verwoerd and that you did murder him. What we are trying to understand is just how that came about."

2. BY THE COURT: That is what you said? -- Yes, that is what I said to him. He said to me: "Yes. I er.... (I am going to try and put in the pauses, my Lord, with the hesitations, because I feel this is important to understand how he spoke to us).

3. BY ASSESSOR (Mr. Baker): Is this a transcript of a recording? -- This is a transcript of a recording. I also have my own written verbatim notes which are fairly sub-

stantially the same, but my handwriting in taking it down was not so good. "Yes. I don't know how that came about exactly but I can tell you how I got quite a few people have asked me questions of how I got to Cape Town and I gave them er... quite a few versions of how I got to Cape Town but er... my mind.... my memory went bad a bit as to how I came to Cape Town and one of the influencing factors was that made me come to Cape Town as I was working there as a casual interpreter, was the fact that I received a letter through someone in my Church, through a person in my Church, through one of the people, a pastor in my church, and this pastor was in Cape Town. He is known as Willy Clarke. And I received the letter while I was in Cape Town or he received it, I mean, through somebody. It was not posted to him. It was brought to him by someone personally from Cape Town. It was brought. It had no stamp on it. It was I think that I can remember. It was brought and handed to him and he called me over to his house and I went to get the letter. And the letter had been opened. It had been tampered with. And he gave me the letter. Oh, there's a mistake there. Excuse me, I'm sorry. The pastor's name was Willy Clarke. He did not call me to his ^{house} to give me the letter. I had never been to his house and I went one day to visit him and when I got there he gave me this letter. He said he had received it from somebody that came from Cape Town. The envelope was opened and (long pause) I took the letter and we spoke for a few minutes and then I left. Later on, as I was going down the road, I passed through the race course" (this was in Durban, my Lord) "and there must have been the ... what you call it? the July handicap. I had never been to horse racing in all my life because we don't go to racing but I ... as I was passing by ... I like animals ... so I

stopped and I went to look at the horses running round the course and they were getting near the bend".....

1. BY THE COURT: I wish that was all I did. (Laughter.)
2. BY THE WITNESS: "And two jockeys I remember fell off and when I saw that accident"
3. MR. COOPER (Contd.): Just rep at that to his Lordship. He may not have been able to hear it.
4. BY THE COURT: Two jockeys fell off? -- "Two jockeys I remember fell off".
5. What year was that? -- It must have been 1965, I presume. "I saw that accident and the animals went right round the racecourse and I had a look at them - so it must have been the July must have been in the month of July that I received the letter. I then ... I left and I went home and I must have read the letter later on. Must have read the letter later on. The letter stated, this girl stated, her name was Helen Daniels, that she had heard about me when she was on holiday in Brakpan in the ? Home. There were some Christians living in the Transvaal on the Rand." My Lord, it goes on. If I could just point out
6. Does he ever get back to what you asked? -- No. In fact, this goes on now to something about an identity card, then working for Marine Diamond, and then I said to him
7. Before you interfere again, before you interpose a question again, does he ever get back to it? -- No, never at all.
8. Does he ever get back to killing the Prime Minister and why?-- No, not at all.
9. He has now rambled through the Durban July and I don't know what all, but does he ever get back to the Prime Minister? -- I will just make quite sure. I will read the last few words: "They did not care very much about papers out on

the barges isolated." (This was because he had no identity card. You will remember, he had given that in and had a receipt instead.) "They took on anybody, outlaws, criminals. With a receipt like that I was considered before this happened I was considered (pause) something like that. So they did not mind. They did not mind (pause) accepting me out there and they accepted me. They..." - and then I interrupted him. I said: "May I ask you something else, Mr. T afendas. What were you trying to tell me now?" Then he said "Er" and there was a long, long pause. And then he said "Concerning what?" Then I asked him, "You know, we asked you about the Prime Minister." He said: "I was trying to tell you how I got to Cape Town. What made me ... er ... what was the influencing factor that made me come to Cape Town. Then after that I lost ... after I got here ... after what happened after I got here about getting married ... I had lost the intention that made me come to Cape Town."

(Because originally he was trying to say he had come to Cape Town to meet this Helen Daniels.) "I kept on wandering around. You know, I got this job" - and once again we still cannot get back to the point. If I could put this into technical terms, this is a variety of schizophrenic thought disorder in which the patient is unable to follow the main trend of thought, and various side issues obtrude themselves on to his thinking, and he is not able logically to discriminate between the primary object of his discourse and the secondary intruding factors. I could go on to the other aspects now.

1. MR. COOPER (Contd.): Just a little comment. The fact that he tells you about the pastor as Willy Clarke, and then he comes back and he has forgotten about it again and he talks about Willy Clarke, what is that indicative of? -- I am not altogether sure of the point.

1. BY THE COURT: It is indicative of thought disorder?
-- Of thought disorder, yes.
2. Which is the first symptom you look for? -- Yes.
3. MR. COOPER (Contd.): Would you proceed? -- The other symptoms which I looked for were evidence of delusional thinking, and associated with this evidence of feelings of passivity or feelings of influence from an agency. Here is a play on words, because in Schneider's writing he talks about influence from an external agency, and one could argue that the tapeworm is internal, but I think we could agree that in fact it is an external agent which has an animus of its own.
4. BY THE COURT: It is obviously external to the motivation of the man himself? -- Yes.
5. Other than the man himself would be external means?
-- Yes. Other than the man himself. So that here is another primary symptom of schizophrenia, one which Schneider would say, in the absence, once again, of organic brain disease, would make the condition of schizophrenia the diagnosis. It is not a question now of deciding what other conditions could do this. Once one has excluded organic brain disease - and he has had an E.E.G., he has had a Wasserman done and he has had a full neurological examination by a physician - then we are left with schizophrenia. I don't want to labour the point, because you have heard this so often, but I just want to stress that these were the things that I looked for and found. So that I now had thought-disorder, delusions, feelings of influence. One of the other important features of schizophrenia, although not diagnostic, is the presence of hallucinations in a setting of clear consciousness. There are many conditions in which there are hallucinations when the patient's level

of consciousness is lowered, but once again there are very few conditions, in the absence of organic brain disease, in which there can be hallucinations, other than schizophrenia, in a setting of clear consciousness. The typical hallucination which one would expect a schizophrenic to complain of is an auditory one, and at no time has the accused complained to me of that. But there are other hallucinations, and in his case there has been the disordered perception of some activity going on inside him. To me he has described it as a feeling, at various times, of pain or discomfort, or, in more clear terms, as the tapeworm unwinding when it smells food and then coming up to smell the food, and then after it has fed the tapeworm settles down again. The tapeworm rests, and then Tsafendas may rest as well. Now, it is not very important whether one were to call this a visceral hallucination or a tactile hallucination, or even, for that matter, an illusion. In other words, there may be some - now and then everybody has experienced the sensation of peristalsis, of a wind travelling in the abdomen, or a hunger-pain, or something, but these are normal physiological sensations, and when a man describes it in the terms in which Tsafendas has described it, then it becomes either a hallucination, or perhaps one could call it an illusion, but I would prefer perhaps even to call it a delusional percept: he is perceiving something in terms of his delusional system. The other, I think, important aspect of his disorder which I found was his autism, that is his lack of contact with reality. The accused basically, although he does understand words when one speaks to him and, as has been shown repeatedly in this Court, he is an intelligent person, his grasp of reality is such that he is not basically in the same world as we are. His world is a world dominated by an agency which

at times causes him discomfort, at times causes him to behave in embarrassing ways, and he has described to me how at times the tapeworm has caused him to utter embarrassing statements. It is a world in which his sensitivity and perception of other people is altered. He has described to me how he is more sensitive to the feelings of other people and understands how they feel. When he says that, he says it in a - not in the sense that one may talk of empathy, but rather that he has an altered perception. But more prominent than this was the fact that when at one stage we tried - or rather, I asked him in one interview - I don't remember exactly how it led up to it, but I can give you the - it was towards the end of our last interview with him. It seemed that he wasn't altogether really with us as to why we were there. Now we were three psychiatrists. He had already seen each of us individually, and then he had seen myself and my two colleagues on two previous occasions together. Then he was seeing us again for the third time together, and from the way he spoke it seemed that he wasn't altogether aware of why we were there or what was going on. And if I, with your permission, my Lord, could tell you what this sequence was (witness refers to page 11 of the transcript of the recording he made): I asked him: "You said a while ago, I gathered, that you appreciate the fact that we are assisting you. In what way do you feel that we are assisting you?"

1. MR. COOPER (Contd.): Is that the question you put to him? - Yes. "Well, I gathered the fact that you were, I mean, giving me this attention, I mean, that's what I mean, concerning this matter." "Which matter?" "I beg your pardon?" "Which matter in particular?" "Well, ... concerning this matter about the tapeworm ... about ... and all this ... er. "We have had a few talks with you to-

gether, what do you feel has been the object of our talks? What do you feel we are trying to do?" "I ... er ... I don't know what exactly. But I feel I feel the pain and I want to convince you people to get me the tapeworm out. That's what worried me. Even if it meant a surgical operation or something in the bowels. I'd be willing to undergo a surgical operation and the bowels to be opened in two or three places ... large and small intestines ... but these can be sewed up again and that would prove whether I ... that will be definite proof that I had a tapeworm, furthermore (pause) trying to find something to see what is there because the X-ray department are obsolete as far as tapeworms and other things are concerned", and then he went on to describe this machine which I think is similar to what Dr. van Zyl described in his evidence this morning. Then I asked him: "What is Mr. Bloomberg's function in this whole situation?" (He was with us at the time.) "I don't know ... what ... er ... whether Mr. Bloomberg is an assistant attorney but ... er ... and he has (pause, and then he started to laugh) I am very indebted to him for what he has been trying to do for me I don't exactly know what ... er ... I want to thank him for especially getting those ... er ... documents from overseas and other things". And then he was asked - I say "he was asked", because I am not sure if it was I or one of my colleagues who asked him: "Where do we fit in with Mr. Bloomberg?" "Er" "Or do we fit in with him at all?" "Well, I think Mr. Bloomberg has been nominated by the ... by the Court and so has Mr. Cooper and another man, Mr. Burger. But I ..." "But where do we come in?" (that is, us doctors) "Well, I think you are private physicians. I don't think you are Government physicians. I think you are private physicians." "For what reason do you think we are here?" "Well, I ... er ...

to assist me I think." "In what way?" "Well, to find out what has been the cause of what ... how this matter took place or something, I really don't know ... I ... I really don't know why you people ... I know you are investigating ... er ... I don't know whether it's just research work or whether it's just ... er ... I ... that I can't say ... I ... (then a very long pause)" "What sort of doctors do you think we are? You said physicians, what sort of a doctor?" "I know you are a psychiatrist" - he addressed that specifically to me - "I know you are a psychiatrist. And ... er ... I think Dr. MacGregor is ... I think you said you were a medical practitioner and er ... Dr. Cooper, I thought you were a lawyer. I ... well I just thought so because of your questions ..." "Why should you feel that Dr. Cooper is a lawyer asking these questions?" I said: "Yes, but we all, you included, address him as 'Doctor'" Then there was a very long pause: "Well, I call lawyers also doctors. I also call lawyers of advocates lawyers." "Isn't one of your lawyer's names actually Cooper?", I asked him. "Well, er ... yes." Then I said: "Is he Mr. Cooper of Advocate Cooper?" "No, he is Advocate Cooper. He's er ... he was er ... something to do with". Then I put in "Dr. Cooper?", and then there was a long pause. And then he was asked: "What I am trying to find out is, is there anything because they have the same name that made you feel that Dr. Cooper is a lawyer." This was not merely punning, my Lord; this is a recognised variety of schizophrenic thought-disorder as well - I will come back to the autism, but may I just add this - in that schizophrenics often relate similarities to the predicate of a sentence instead of to the subject. For instance, they may say that a table and a dog are the same because they both

have legs. Their logical classification breaks down, and they do not think logically, as ordinary people do. I am not labouring the point, because this only happened once in all the times that I saw him, but it may have been significant here, because both the advocate and one of the psychiatrist's names were Cooper, that he seemed to be confused as to the function of the psychiatrist, Dr. Cooper. To come back to the autism which this had to do with: Here is a man who is on trial for murder, a man who has been seen by his defence attorneys, his advocates, by several doctors. We all asked him how he came to murder the late Prime Minister, what he felt about it. We have all taken pains to, I think, exclude malingering or simulation. And yet, after three joint interviews and several individual interviews, we arrive at the fact that we are interested doctors who are interested in helping him about his tapeworm and are listening to him talk about his tapeworm. He didn't seem able to connect our presence there with our functions at all.

1. BY THE COURT: You say you have dealt with other people under similar circumstances, people referred to you, who are up for trial for murder? -- Yes.
2. Do you feel that even the intellectually much more ordinary man we usually get on murder would by that time have known exactly what you were there for? -- In my experience, which includes both at Valkenberg and in private practice, I have at no time, in any racial group, or even having to use an interpreter, had any difficulty in directly engaging the accused in discussion about the crime, the circumstances of the crime, and I have never found any one of these people to be unaware of what my function was. In fact, if anything at all, they were only too pleased

that I was there and could try and put something across to them.

1. MR. COOPER (Contd.): Was Tsafendas grateful? Did he express his gratitude for the attention that you and the other two doctors had given him? -- Yes. This was another aspect of it. He expressed his gratitude to the three of us for taking so much notice of his tapeworm, because, as has been said in Court before, no-one really paid attention to him. He complained about it, he was sent off to psychiatrists, they gave him shock treatment. No-one had ever patiently sat and listened to his tale of woe about the tapeworm, which, I must add, I haven't burdened you with the details of everything he said about it, but he gave me chapter and verse about visiting the chemist in Lourenco Marques and sitting on a pail of water. It was all there, as it has come up repeatedly.
2. What did he call it, the tapeworm? -- At various times he called it - in my presence, apart from what has been said in other people's presence - a tapeworm, a demon and a devil. In fact, I asked him whether by demon he actually meant anything supernatural, and he explained to me that what he meant was that as in the Middle Ages, when someone was possessed by something which influenced his life, so he felt himself to be possessed by this demon.
3. Did you consider whether this was merely hypochondriacal, this talk about the demon and about the tapeworm? -- I considered it, but not for very long, because it was so patently not a neurotic hypochondriasis. It was a delusion of much greater proportion. It was part of a psychotic illness, and it just did not have the characteristics of what we normally understand by hypochondriasis.
4. What is the significance of a delusion? -- The signi-

ficance of a delusion is that it is a symptom. It is not an illness in itself. It is a symptom of a disordered state of mind, a breakdown in functionings of the mind, which in all of us correlates our input of information, our memory, our processes of logical thinking; co-ordinate this with our emotional life. When a man has a delusion of this nature, when he experiences feelings of passivity to do with this delusion, one cannot say that he is functioning in the ordinary way. He is not able to use logical thought processes, because his whole associational processes in his mind have broken down. I think this is particularly important, that the delusion is a symptom of mental illness. It is not in itself a disease. It is a symptom of a severe mental illness. If I may draw once again a physical analogy, it may help. One can be breathless for a number of reasons. One can be breathless because of unaccustomed exertion, or one can be breathless because of severe heart disease. Breathlessness in itself is a symptom. The severe heart disease is a serious condition. A delusion of this variety - chronic, over 20 years - sorry: the delusion itself I know of for not 20 years. I am sorry. Mental disorder for 20 years. I think the delusion was first mentioned about 1959, that I can remember for the moment, but that is already six years. Feelings of passivity. These are more than just isolated things. This is a general mental disease, in which all the functions of the mind become affected, so that one cannot expect a man with this sort of illness to exercise judgment, to be able to weigh up issues, to attach the correct amount of importance to particular things which are happening to him and around him.

1. If the evidence is that he had this delusion in 1955, then it is a long-standing delusion? -- Yes. It is a long-

standing delusion. It is in many ways just more evidence of what I have just said.

1. In relation to the charge against the accused, what rôle did this delusion play? -- From my interviews I tried to ascertain just how the delusion fitted in to the murder. It was extremely difficult to get a clear-cut account, in the sense that I don't think that there is a clear-cut account; I don't think that this man is able for himself to know what precisely happened. One went so far as to say: "Look, did the tapeworm tell you to commit the crime?". He says no. And he says that if he was not infested with a tapeworm he would not have committed the crime. Then, in another sequence, he talked about the tapeworm being right in the middle of it.

2. BY THE COURT: That is a phrase Dr. Cooper used, I remember? -- Yes, this was at a joint interview. "Right in the middle of it." So that rather than say that the delusion caused the crime, the way that I understand schizophrenia I would say that the delusion is part of the mental illness. The crime is a result, in my opinion, of the mental illness. Rather than to say that the delusion caused the crime.

3. I follow. You could get delusions which are far more closely associated with murder than this delusion? -- Yes, in the classical paranoid

4. It could be linked to the object that you are killing? -- Yes.

5. You didn't get this sort of direct, that the late Prime Minister and this animal or creature he describes were at one stage delusionally the same? -- No. In fact, we actually put it the other way and asked him if he felt that the late Prime Minister was responsible for his infestation.

6. But you could get a delusion which is strong enough to

- that a man is killing another human being and thinks it is a dog? -- Yes. Even there, there is usually other evidence of mental disorder, but certainly the paranoid delusion may appear to be more directly related to the crime than in this instance.

1. I follow you entirely.

2. MR. COOPER (Contd.): Does he feel that it would have been wrong for anybody else, for instance, to have killed the Prime Minister, or would it have been right for somebody else to have killed the Prime Minister? -- Yes. In my first interview, bearing in mind the purpose of the interview, I asked him questions which might apply to McNachten rules, and I asked him whether he knew that killing another person was wrong, and he qualified it and said yes, in peace time it is wrong. Then I said "Then wasn't it wrong of you to kill the late Prime Minister?", and then he said: "No, for me it wasn't wrong. For anyone else it would have been wrong. For me it wasn't wrong." I must put this in its context. This was all part of the conversation, trying to sort out whether there was a political motive, whether this man was able to form - whether he was in fact psychotic - and it was in the process of asking him these questions. This transcript came out very badly, and I am going to refer to my own written notes.

3. BY THE COURT: You are looking for something to show why it would have been wrong for somebody else to do it but not him? -- Yes. I just want to put that in the actual context. (Witness looks at his notes.)

4. MR. COOPER (Contd.): We might come back to it at a later stage.

5. BY THE COURT: It is rather an important one, Mr. Cooper. You don't remember his answers? -- I am just trying to put it in the context. As I said, he said "For me it wasn't

wrong", but I just want to put it into the context.

"It was the natural outcome of all these things put together", his tapeworm, his mental illnesses in the hospital where one of the nurses had told him that he had schizophrenia. We had been talking about his previous psychiatric history. "It was the natural outcome of all these things put together. This was not something that was done in a day. It took many years for all the build-up to get to the stage where I got to murder Dr. Verwoerd. It was not wrong in my eyes, what I was doing. When I did it I wasn't one of the public. I was my individual self." And then he went still, paused, and then I asked him: "Now, do you know that you can hang for murdering someone?", and he said: "I can't pronounce myself on how I feel" - but, my Lord, not as clearly as I have said it to you. This was a series of "ers" and disjointed thoughts, but one had the feeling all the time that he could not give - and repeatedly one tried at subsequent interviews and during that interview to get him to give a clear account of what happened, why it happened and how it happened, and at no time could he follow this logical pattern. It always tied up with not being well, being physically ill, mentally ill, the influence of the tapeworm, always tired, not being able to work, and so on. This was the context of the interview.

1. MR. COOPER (Contd.): Are there any other factors which you feel - before we come to your ^{final} assessment - are important and which weighed with you - that is, just from your interviews with the accused? -- From my interviews?

2. From the interviews, yes. --- I think I have covered behaviour, thought disorder, delusions, feelings of passivity, autism. His own account of his life and his own account of his psychiatric and medical history obviously helped me

to come to an assessment. Here was a man who told me how he had been in various hospitals in various parts of the world. He described having had shock treatment. He described having escaped from, I think, at least one hospital. He described having been told at one stage that he had schizophrenia. And, once again to draw an analogy between physical and psychiatric medicine, one is most concerned with the history of the patient and his illness in order to assess the degree of illness and the prognosis of the illness.

1. One factor which you can help the Court on is the accused's emotional level? — The accused's emotional level I found to be rather blunt at most points. He displayed very little — in fact, I must say to me he displayed no anxiety when I spoke to him. He did not seem overly concerned with his predicament, but only with himself and his difficult sensations and his discomfort, but not with his situation.

2. BY THE COURT: Mr. Cooper, I have had quite a lot of this now, and I will take some more if you wish to feed it to me. I am interested in the work that has been done, but don't you think that you are overburdening the Court with details?

3. BY MR. COOPER: My Lord, my difficulty is

4. BY THE COURT: I know your difficulty, and you must appreciate mine and I cannot at this stage tell you what you are doing so. I just want you to consider whether you aren't perhaps giving us a bit of indigestion.

5. BY MR. COOPER: My difficulty is that it has not been put crisply to any of my experts what the State says.

6. BY THE COURT: I agree with you. I have been looking for that myself. I agree with you. It hasn't been put.

7. BY MR. COOPER: Therefore I can't take anything for

granted.

1. BY THE COURT: No, of course not. I can't tell you to take anything for granted, but I want you to be intelligent too.

2. BY MR. COOPER: They say a nod is as good as a wink.

3. BY THE COURT: I want a conclusion to this, and I think the details we have had quite long.

4. BY MR. COOPER: May I just put the position? -- I will try to curtail my examination now, but naturally, should something arise in the State's

5. BY THE COURT: If you ask me to call Dr. Zabow back, I undertake to say "Yes".

(Continued on page 214)

1. Just shortly, did you find thought blocking? -- Yes, there were times when I found thought blocking, when he would, in fact, be talking about one thing, there would be a pause and he could not continue talking about it at all. I actually asked him at the first interview whether he had any of the other disturbances of thought in the past. I asked him had he ever felt himself flooded with thoughts, or his thoughts suddenly cutting out, and he told me that at times this had happened. Once again, an important aspect of schizophrenic thought disorder.

2. MR. ELLIOTT: As a result of these investigations you carried out, are you quite satisfied that the accused is a schizophrenic? -- I am absolutely satisfied that the accused is a schizophrenic.

3. The degree? Would you say he was a certifiable schizophrenic? -- Yes, I would. Would you like me to say why?

4. Yes, I would? -- First of all, I diagnosed.....

5. I will put my question differently. Are you satisfied, as a result of your investigations, that he is mentally disordered for the purposes of Section 2 of the Mental Disorders Act? -- Yes. I am satisfied that he suffers from a mental disorder, that he is unable to care for himself, that he needs control and treatment. That he is a danger to himself, I am not sure of, but to others. But I would put him mentally disordered in terms of the Act, that he falls into the first sub-group of mental disorder.

6. MR. SCOPER: (Cont.): And where should he be kept? -- He should be kept in a suitable institution where he could be adequately controlled and even at this late stage of his illness I feel that he should get treatment for whatever worth that may be.

7. What is the prognosis? -- Unfortunately for recovery the

prognosis is poor. For a reasonable degree of control under supervision, there may be, but for recovery after a 20 year history of schizophrenia, I would be most surprised - having taken into account his mental state as I have seen it and having heard facts presented in this Court - to hear that he would ever recover completely. I would always regard him as being a chronic psychotic, a chronic schizophrenic.

1. BY THE COURT: You use the word 'chronic' - it has been used several times. What exactly does chronic mean in that context? -- In that context I only mean a schizophrenic who has had the illness for a long time and that the illness has been present during the time that he has had it. There has been no total remission.

2. There must be many people walking around who have in some degree certain elements of schizophrenic conditions - I am not sure we haven't all got bits and pieces of it - but there must be lots of people that have them? -- Yes, not all schizophrenics are in mental hospitals, if that is what you mean.

3. Yes. Would you suggest that all schizophrenics should be in mental hospitals? -- No, I would not suggest that all schizophrenics should be in mental hospitals.

4. This becomes a matter of degree? -- Yes.

5. In this man's case is the degree such that you think he should be? -- Yes, I think - and I would like to stress this - that presuming he presented at an out-patients' or clinic which I were doing, and he had not been accused of murder (because I don't want the Court to feel that I am basing this on the murder) I would take the history with the mental examination - I don't say that I would straightaway certify him and put him into a mental hospital, but I would certainly institute treatment. I would want to know his social back-

ground, I would want to know whether he is able to live adequately on his own, earn a living and hold down a job adequately; in other words, whether he can look after himself, or not. I might, if I felt it indicated, ask a social worker or the Community Nurse to call at the places where he lived and find out what sort of person he is, how he relates to the people around him. This is where I would, if possible - and I don't guarantee that I would be right - try and assess whether he is, in fact, a danger to himself or to the community. Then, eventually, I would have to come to a decision after a period of investigation and possibly out-patients' treatment, as to whether to hospitalize him, or not. So that it would be an overall investigation. On the evidence presented to this Court - and I sat in the Court since the proceedings started - I think that I have found out very much what the social worker and the Community Nurse would have found out, and that was that he can't hold down a job, that he is a drifter and that he certainly needs, at least, treatment and possibly control.

1. MR. BAKER: The evidence led from Mr. Daniels and his wife and the witnesses that followed, the people with whom he lived, rather confirms your diagnosis? -- Yes. I was particularly struck by the description of this meat; the way he walked in with this parcel of meat, with the blood dripping down him, and was only pre-occupied in feeding the worm. Everything else went by the board. Now, one may say that a navy-type, a labourer, an uncouth person might behave in such a way. But then we must take the overall picture into account; remember, this is a man of intelligence; this is not an unintelligent, feeble-minded person; so that it would add weight to the fact that he is not able to live, what we would call I suppose, a normal sort of life.

2. BY THE COURT: I think we are approaching this wrongly.

In answering the question whether you would certify him, I was concerned with this man's mental condition today. I am not concerned with his mental condition at the time when he committed the murder. I am concerned with his mental condition today. So in telling me whether today this man is a person who falls within the definition of the Mental Disorders Act, you must not disregard the murder, you must take it into account. The murder is probably one of the most important factors that you should take into account in expressing an opinion? -- With respect, I misunderstood the emphasis of your question. Certainly, up till the last time that I interviewed the accused - that was on the 14th of the month - I felt him at that time to be mentally disordered in terms of the Mental Disorders Act, and certifiable.

1. I am sorry, I used the word 'murder'. It is the killing. -- To be precise, on the 11th October, when I last examined this man psychiatrically I regarded him as being mentally disordered in terms of the Mental Disorders Act, and I would have no hesitation in signing a Mental S.2 to support that opinion.

2. You'd sign it today? -- Up to yesterday. In terms of the Act I must have examined him within seven days.

3. If I asked you yesterday or the day before? -- Yes, I would.....

4. You would have no hesitation.....? -- In completing a Mental S.2 as a specialist psychiatrist.

5. MR. COOPER: (Cont.): You have seen this letter, Exhibit 'E'? -- Yes.

6. I don't want to deal with it at all but what is your comment on that letter? -- My comment on this letter is that it shows schizophrenic thought disorder and is the sort of letter which could well be used in a text book of psychiatry to illustrate schizophrenic thinking.

THE COURT RESUMES AT 2.15 P.M.

DR. A.A. ZABOW: (Still on oath):

1. CROSS-EXAMINED BY MR. VAN DEN BERGH: Do you agree that the finer feelings in regard to family and friends are the first to be affected in a schizophrenic? -- I would agree that they may be one of the earlier signs, but if you are asking me to say that it is a sine qua non then I can't say that.
2. Doesn't such a person lose sympathy and regard for their people? -- It depends on the phase and the activity of his illness, it depends what sort of contact you are referring to. I am not altogether sure that I understand. If you could explain to me, with respect, what particular relationship you wish me to deal with.
3. He enquired about his friends while he was in gaol. Has that got any significance? -- Well, we have heard in Court from people who knew him that he had friendships with them; the Daniels' the O'Ryans. The Daniels' commented - I think it was the Daniels' or the O'Ryans - one of the families commented on his fondness of the children. I have taken that into account in coming to my formulation.
4. Do you think that there is emotional blunting? -- I have observed some emotional blunting, but I would like to stress that emotional blunting is not the symptom of schizophrenia, it is rather a disorder of emotion which may at times be blunted, at times incongruous, and at times there may be rages or depression, very often in keeping with the inner phantasy life, the autistic life of the patient, and not necessarily with outer reality.
5. In what sub-class of schizophrenia do you put the accused? -- In this morning's evidence I mentioned I felt he fell most closely into the paranoid group, but that he was not a typical paranoid schizophrenic.

1. BY THE COURT: The sub-classes are very fluid, aren't they?
-- That is the point I wish to make.

2. They are not species of the same genus. They are emanations and they inter-twine and they show signs of one and signs of another. Isn't that so? -- Yes, that is so.

3. That is how I understand the subject. I don't know much about it. -- That is correct. One doesn't always get a text-book picture of a particular type.

4. MR. VAN DEN BERGH: (Cont.): Do you agree that one gets periodic schizophrenics? -- Yes, there is a condition described, more correctly than periodic schizophrenia, as periodic catotonia, which is a specific variety of schizophrenia described by a Scandinavian psychiatrist Jessing, which he has attempted to relate to the activity of the thyroid gland. It is not the sort of illness that this man presents with, which has to do with catotonic disorder, which is more particularly a motor manifestation of schizophrenia, either acute excitement or catotonic stupor. I would not class the accused in that group at all and I may add that, although Jessing has described this group and it is mentioned in most text books it is not necessarily accepted by all authorities.

5. Do you get remissions in regard to this condition? --
Which condition? Remission in regard to which condition?

6. In regard to the condition you have just described? --
Periodic catotonia?

7. Yes? -- I believe that the text books describe remissions.
I have not personally seen this.

8. BY THE COURT: What on earth is remission? Is that a time when you do not show the thing? -- Well, that would be either a time -- it depends there on the definition of the remission. It may either mean, in some people's view, that the disease was no longer present, or perhaps in other

people's view, that the disease is no longer manifested.

1. MR. VAN DEN BERGH: (Cont.): To what extent do you think the accused could plan, if there is a serious thought disorder? -- Once again I must stress and think of the intelligence itself of the patient, I must stress that although he has once been diagnosed as hebephrenia, we must now accept that it was not a pure hebephrenia anyway, and that there is a certain amount of ego function intact. It is not uncommon for paranoid schizophrenics to be able to plan very ably, but in keeping with their autistic view of the world. Let us say, as they see the world they plan, and the plan itself may be a reasonably complex one, although I am not sure that buying two knives in the morning and stabbing someone the same day is necessarily a complex plan. One could even credit a paranoid with planning something more complex. So that I don't see any contradiction between what has been described to the Court in this man's actions and his mental condition.
2. Did the accused give you a detailed account of how he planned to kill the deceased? -- I attempted to get an account from him on several occasions. At times he described to me, as has been described to the Court, how he stabbed the and how, had he not been held back, he would have continued to stab the deceased. At other times he got so far off the point, as I outlined in my this morning's evidence, that it was impossible to get a coherent account of what had led up to the killing.
3. Did the accused tell you that he first decided to kill the Prime Minister early in August, 1966? -- I hesitate. I am not sure that he told me directly, or if I heard it in evidence in Court, but I am aware of it. He did tell me about a gas pistol. I think this was the occasion when he had considered it.

1. Before we get to that, did he tell you that he originally planned to shoot the deceased? -- Yes, that is why I say the gas pistol came in.

2. And did he say that he arranged to buy a Baretta pistol from a seaman on the tanker 'Eleni'? -- Once again I must say I am not sure if the accused told me this, or if I heard it in evidence, but I am aware of this having been before the Court. I heard it in the Court here.

3. Did he tell you that he waited for his salary at the end of August, 1966, before buying the pistol? -- He didn't tell me that, no.

4. And did he also tell you that he intended escaping on the ship 'Eleni' after shooting the deceased? -- When I questioned the accused about escape it was mainly in relation to the escape at the time of the alleged offence, and at that time it seemed to me that I could not - in fact, not seem to me, it was so - that I could not get a clear answer from him. He said that he was not aware of the situation and had not a plan to escape. At a subsequent interview I tried to ascertain whether there was any question of him trying to make a sacrifice of himself, and once again there was no logical answer; it got tied up with the tape worm and his whole mental condition.

5. Did he tell you how he came into possession of this gas pistol? -- I say once again I do not recall asking him specifically. My emphasis, in interviewing him, was on assessing the mental state, the motivation and rather the circumstances of the actual event than the plan which came to no good. I didn't enquire into all that detail.

6. Did he say that he changed his plans after he had purchased the pistol which was not suited to his purpose? -- The same answer applies. I don't know that I can say.

1. Did the accused tell you that he decided to kill the Prime Minister by stabbing him? -- Well, I am not sure that he used the words 'by stabbing him' but he certainly did tell it to me because he told me about buying the knives, so that I was aware of it.
2. Did the accused also tell you that on the morning of the 6th September, 1966, he changed his uniform in Parliament and put on a suit to go down town? -- Yes.
3. Did he say that he left Parliament and went to buy two daggers at different shops round about 9.00 a.m.? -- Yes, I have an idea that I may even have the name of the one shop in my notes. It was a gun shop, or something, I think he said. But in any case, I was aware of that too.
4. Did he tell you that he stabbed the Prime Minister in a minute or two when his body-guard was going around to the public gallery? -- No, he did not tell me that. As he described that to me, he told me that he was in a sort of a, almost dazed condition; that he came to when he found the people were restraining him, and he said to me that had they not restrained him he would have continued stabbing the deceased repeatedly. At that time he also (for the record) displayed a certain amount of incongruity in telling me this, when he could not understand why he was restrained so violently, nor could he understand the reaction of the people around him, and the injuries that he received. He didn't seem to be able to appreciate, you know, he would be restrained.
5. Did the accused tell you that he hid the daggers in his locker?
6. BY THE COURT: What is the relevance of all that? The only relevance I can see. Is it possible for a person suffering from schizophrenia to plan, and to plan quite elaborately, to do something? -- The answer to that question is 'Yes'.

It is possible.

1. All this goes to show that he planned it.

2. MR. VAN DEN BERGH: (Cont.): You say that he could plan, he could plan carefully, even if he was in that condition? -- Yes, he could plan. I have said that I feel he could even have planned more complexly than has been described to us, and I would still say that this is in keeping with his schizophrenic illness.

3. BY THE COURT: Of course, assuming he is a chronic schizophrenic, then his planning would also be related to the normal and shadow world in which he lives, rather than to the world of reality? I am putting a plain question, I am not being clever. -- No, I think one must divide it into the mechanics of the planning and the motivation of the planning. The mechanics obviously - the fact that a knife will kill a human being - he has accepted that part of the real world. But the overall motivation, the whole situation in his mind which led to this plan and to the carrying out of this act, was planned in terms of his autistic life, rather than in terms of reality of the world in which he lives.

4. MR. VAN DEN BERGH: (Cont.): Does the accused give a good account of his actions? -- If counsel would tell me what he means by a "good account"?

5. BY THE COURT: The attorney has told us at length about the garbled, nonsensical, stupid, disjointed account which the accused did give him when he asked him the question. He has read out at length the account he gave him when he asked him: "Did you kill the Prime Minister, and why?" He read pages of the account.

6. MR. VAN DEN BERGH: (Cont.): Would you have expected that the accused could have performed his job in Parliament efficiently? -- That would depend on the nature of the work

the accused was expected to perform.

1. He was a messenger? -- A messenger could have unskilled or skilled duties. It would still depend on the nature of the actual work, not the designation of the post.

NO FURTHER QUESTIONS BY MR. VAN DEN BERGH.

NO RE-EXAMINATION BY MR. COOPER.

JAMES McWILLIAM MacGREGOR, sworn states:

1. EXAMINED BY MR. COOPER: What is your profession? -- I am a specialist psychiatrist and neurologist practising in Cape Town.
2. For how many years have you been practising? -- Since 1937. Perhaps, to save the Court's time, I know what I am going to be asked, can I go quickly through my career, such as it is: I qualified in Edinburgh in 1937. I worked in a general hospital, and then in a mental hospital. I took my Diploma of Psychological Medicine in London in 1938. I then went to Oxford. In 1939 I joined the army. In 1940 I was made an acting specialist psychiatrist and neurologist in the British Army. Two years later I was made a full psychiatrist and neurologist in the British Army. I worked in a head injury unit throughout the war. In 1945 I was made consultant neurologist and psychiatrist to the South East England in the British Army. In 1949 I left the grim fogs of London and came to South Africa. I am sorry. I missed out a bit: In 1947 I took my membership of the Royal College of Physicians of Edinburgh. In 1949 I took my membership of the Royal College of Physicians of London. In 1949, that same year, I came to South Africa. Since then I had been a specialist neurologist and psychiatrist on the register of the South African Medical Association. I have been working at the Groote Schuur Hospital, and in private practice and for the last three years I have been head of the Neurology Department at Groote Schuur Hospital and a lecturer at the University of Cape Town in neurology.
3. Is Demitrio Tsafendas the first schizophrenic you have ever seen? -- No.
4. During your practice have you seen and examined and treated many? -- Unfortunately, yes.
5. You were asked by Mr. Bloomberg, attorney for the

defence in this case, to examine the accused who is now before Court? -- I was.

1. With a view to determining his mental state? -- Yes.

2. Shortly, how many examinations did you make? -- I had three examinations. On the 29th of September this year, and on the 4th and 11th of October of this year. All in Caledon Square. Each one lasting approximately an hour and a half or so.

3. Your first interview was conducted in the presence of Mr. Bloomberg? -- It was.

4. There were no other medical practitioners present? -- No.

5. It was your purpose to establish independently of the opinions of other medical practitioners what you felt the accused's mental condition was? -- It was.

6. Correct? -- Yes.

7. Were you, on the basis of that interview alone, able to form a firm opinion as to the accused's mental state - present mental state? -- I was. I formed a firm opinion, and I put it in writing, and I gave it to Mr. David Bloomberg, saying that I considered this man was suffering from schizophrenia of the paranoid type, and that he was probably certifiable. I was not absolutely certain ^{about} / this, and I wanted to have other interviews in order to be quite certain about that.

8. Tell the Court, shortly, and just give the salient features of your first interview? -- I thought I had to - time was a little bit precious; I had to take shortcuts. I accepted what was given to me about this man's life history, various dates and to which countries he had been. I told him that I was a psychiatrist and I wished to see what his mental state was. I then divided my psychiatric interview up in the usual way. I asked him questions about his childhood; asked him questions about his adult life, his interests,

his views on life, his aims, his religion, his political views, and then, finally, coming down to the murder, the motives for the murder and his feelings about the murder.

1. Approaching the matter and analysing the position - you have analysed it. Will you deal with those heads? First of all his thinking or disturbance of thinking? -- He showed considerable disturbance of thinking. His thinking was woolly and disjointed. He gave birth to delusions concerning a tapeworm. I can go into more detail about this, but the Court has had a great deal about this, but I await your instructions, my lord, as to whether I should enlarge on this. But it was very much the same matter about the tapeworm which he has told other psychiatrists, and which has been related here.

2. Did you have to prompt him on it? -- No, I knew nothing about this tapeworm before I saw him. And within, I should think three minutes of asking him about his childhood this story of the tapeworm started to come out.

3. BY THE COURT: Was this a new one to you? Have you ever heard this one before? -- I have never heard this one before.

4. A man being almost under the machinations and control of a tapeworm? -- No. At first I didn't even know whether it was relevant.

5. Have you ever seen it anywhere? -- I have known schizophrenics who believed that they had spirits and demons within them, yes, but not a tapeworm.

6. That is a completely new one? -- Yes.

7. MR. COOPER (Contd.): In your initial interview did you try and lead him away from the tapeworm? Did you get him to talk about something else? -- Well, at first I tried to lead him away from it, but then I wasn't aware that it was of much importance. But it didn't take very long to

realise that this was the central theme of his thought. Very early on he told me that this tapeworm had changed his whole life. Again at first I approached it as a purely medical matter, and asked him what tests had been done, what sort of tapeworm it was, and how he thought it was there, and we got the same kind of replies that had been given to other people, that this was a special tapeworm. He called it in that particular interview a demon, a snake and a devil. He described it in grossly exaggerated terms as a very large tapeworm, probably 20 or 30 feet long, probably related to an East African species. Such was the command of his language that he used the term "serrated", "with serrated edges".

1. Where did he feel that he could obtain treatment for this bizarre tapeworm? -- He told me at that interview that he thought the only place where he could be treated satisfactorily was in South America.
2. Has he since expressed any other opinion as to how he could be treated for the tapeworm? -- Yes. He thought that he might go to Glasgow and be treated with this machine which was described earlier on this morning. But he still thinks perhaps in South America he would get the best treatment.
3. Did he also consider whether he may not go to a surgeon to have it cut out? -- Yes. He has told me that it is incurable, except by surgery, and that this machine that he mentioned was probably only a diagnostic method of discovering the whereabouts of this worm.
4. Again, this is repetition, but it is important; this is a serious enquiry, it is a serious charge. What is the importance of this delusion, if I may call it that? -- It seems to me that it has disorganised his whole personality, his whole relationship with the real world.
5. What has it done to his personality? -- I don't know what the delusion has done to it, because this is, I think,

part of a schizophrenic process. But it has altered his actions in certain ways in that he is forever thinking of food for this tapeworm, and forever being careful, he told me this, not to pass too close to shops with delicacies in the windows in case the tapeworm smelt this and would crawl up underneath his chest and start causing him pain. He further me that the pains caused by this tapeworm are so terrible that, if it had not been for his religion, he would be dead.

1. Have you put to him what he would like, what one wish he had in life? -- At the end of that first interview I put it to him that if he were to be granted one single wish in life what would it be, and I expected him to say that he would like to be out of the Police cells, a free man, but to my surprise he said he wanted to get rid of the tapeworm. I then thought I would give him an alternative, and I said slowly and carefully to him that if he had an alternative between two wishes, either to get rid of the tapeworm or to avoid this terrible tragedy, to avoid all the fuss and horribleness of being a prisoner awaiting trial, with his life in danger, and avoid the murder, avoid all the consequences of the murder, if he had a choice between that and getting rid of the tapeworm, which would he choose, and, without any hesitation, he said there would be no point in being free unless he got rid of the tapeworm.

2. How did you find his emotional balance? -- I thought his emotional balance was extremely poor. He showed great forcidity of emotion. I put to him that he was accused of murdering a man - not only that he was a politician, but that he was a man who was a father and a husband - and what did he think of this, and he said yes he had thought about it. And this was the one time when he used a word which he mispronounced he said it has caused me "nysery", and I believe

he meant "misery". And I said "Tell me further, what do you think about this? What do you think about the Prime Minister's wife?". And he said "Yes, I thought about her". Then there was a long pause. I asked him again what has he thought about her, and he said "I would not like to meet her face to face". I said "Have you thought anything else about her?" and he said "Yes, I wouldn't like to live in Cape Town". I said why would he not like to live in Cape Town, "I am asking you what have you thought about the consequences of this murder?", and he said yes, he would not like to live in Cape Town because he didn't think he could face up to people, and he would prefer to go to South America and to start cultivating the ground there, he would like to be in the jungle. And then there was a whole ramble about having a pool, he would like there to be fish in the pool, and he could work there, and work hard.

1. In this context you remember that a Mr. Snorenberg said that Tsafendas worked under him at the Power station. You heard Mr. Snorenberg say that? -- I did.

2. Mr. Snorenberg said they were one day below the surface, 40 feet down I think, or something like that, in an eerie chamber which he likened unto a dungeon, and then this little conversation took place. Tsafendas suggested there that it would be a good thing if all the Coloured people were brought into the chamber, the chamber closed, and a door opened and the seawater then drown them. That remark. On the other hand we have it that Tsafendas was very fond of the O'Ryans and the Daniels, and that from time to time he thought about becoming a member of the Coloured community. What is your comment on this? -- I think this shows an ambivalence, a variation, a plus and minus sign so to speak about his attitude towards the Coloured. And this kind of ambivalence is very typical of the attitudes of schizophrenics.

They are inconsistent in their attitudes and outlooks.

1. You have it there that on that occasion he thought Dr. Verwoerd was a good man - I think he put it that he was the right man? -- I heard the witness say that, yes.

2. Now you have it subsequently that he goes and stabs Dr. Verwoerd, the person whom he two months previously called the right man. What is your comment on that? -- I think that probably is an example of this very kind of ambivalence again, when ^{the} schizophrenic swings from one extreme to the other.

3. Similarly you have here the incident when at seven o'clock in the morning, at the Daniels', he knocks them up, he has a bag of meat which could feed about two people, tomatoes and eggs etc., and he wants a pan and he wants a little stove to make a meal, but he eats this meal in a gargantuan way, if I can say it.

4. BY THE COURT: Don't look like that about a rare done T-bone steak, Mr. Cooper. You are pulling a face about something which I wouldn't mind having tonight.

5. MR. COOPER (Contd.): He eats it with the blood, and then he says he is feeding the worm. What is your comment on that? -- Well, I think this illustrates how this delusion about the worm disorganised his life and his realistic approach to life.

6. Did you find any disturbance of volition? -- Yes. I think this great stubborn persistence, after years of investigations, in the belief that he still had the tapeworm - no one could shake him about this - this is a very good example of this stubbornness, the negativistic attitude of the schizophrenic. His whole drifting life in which, as far as I can make out, he never achieved anything worthwhile, any concrete act, concrete position that is worthwhile - he never seemed to achieve any friendship of lasting depth,

and he had no particular desires to achieve anything. He had no aim in life except to get rid of this tapeworm. This too is typical of the lack of volition, the lack of pattern, the lack of drive of the schizophrenic.

1. Is this borne out by the history that we have of him in Cape Town between the 28th of August and the time of his arrest? Going from one job to another, being unemployed, and visiting hospitals? -- That is consistent with his state, but I would not have diagnosed schizophrenia just on that alone. It is perfectly consistent with a schizophrenic state.

2. We also had the evidence of the psychologist, Mr. van Zyl, this morning. What is the significance of his findings and his observations? -- I believe this finding of scatter, as it is called, is very significant and indicates strongly, tends to indicate a schizophreniform process. And furthermore his inability to deal adequately with abstract situations. He finds it easier to deal with concrete situations. It is quite typical of a schizophrenic.

3. So you find that important evidence? -- Yes, I do. Confirmatory but not diagnostic.

4. BY THE COURT: More or less a cross check? -- Yes. I don't think anyone would diagnose schizophrenia on that alone.

5. Isn't the work of the clinical psychologist helpful in trying to remove the possibility of all this being simulated? -- Yes, I think so. Very much so. And, taking that point, all of us of course wondered whether this man might be simulating, and I went there prepared to deal with a man that might be simulating, because I knew very little about him, except what I had read in the papers. But you know, when one put things to him which, if he was simulating, he could have clutched at, he didn't take them. When one asked whether he heard voices, which is a common thing for mad

people to hear, he denied this. But I am not sure whether he doesn't actually hear some kind of voice. But we know schizophrenic people often deny that they have hallucinations. When I asked him whether he had any sense of unreality, no. Was he influenced by people? Did he feel himself under pressures from outside agencies of any kind? No. All these questions were not put at once. One had to slip them in unobtrusively. When I asked whether he thought he was mentally unbalanced he denied this firmly - not in any way. If one said to him "Why have you been in so many mental hospitals?", then we got all kinds of reasons, including the reason that at least on one occasion he was put into a mental hospital in Lisbon because the doctors were so poorly paid that the only way they could supplement their earnings was to take patients from the tropical hospital, where he was being investigated for a tapeworm, keep their clothes and belongings, and put them in a mental hospital. This he told me was wellknown, and it was told to him by the cook, nurses and by many people outside. When I said this was a ridiculous statement because, if it was true, it would become public, he said no, the corruption was so great that no one could ever make this public.

1. MR. COOPER (Contd.): His face - what were his facial mannerisms? -- Most of the time throughout these interviews he looked in a bland, rather disinterested, way. From time to time he would make a grimace, which I think Dr. Cooper referred to, which is half a smile, half a snarl. He pulled down the corners of his mouth and showed his teeth. This seemed to be irrelevant to the subject that was under discussion at the time. From time to time he rocked backwards and forwards, and, particularly at the last interview, he seemed to scratch himself continuously. When I asked whether there was any reason for this he paid no attention and just went on scratching.

1. Of what significance is this? -- I think these are mannerisms such as are common in schizophrenic patients. I saw no other reason. Stereotyped repetition of these movements, which were not very noticeable; particularly the rocking wasn't particularly noticeable, but, particularly at the last interview, it went on the whole time.

2. An E.E.G. was taken? -- Yes. That was perfectly normal. That was done in my department at Groote Schuur.

BY THE COURT:

3. / What is that? -- An electro encephalogram. That was perfectly normal.

4. MR. COOPER (Contd.): Is that finding inconsistent with your diagnosis of the accused's condition? -- It is perfectly consistent with schizophrenic process. It is not likely to be -- one is not likely to have a normal E.E.G. In fact I think it is practically impossible to have a normal E.E.G. in a mental picture due to some years of organic process in the brain. In other words if this picture was due to brain damage back in 1959 we would have an abnormal E.E.G.

5. BY THE COURT: Or if it was due to epilepsy? -- Or if it was due to epilepsy.

6. You would see it there? -- We would almost certainly see it. I specifically got the technician to get him to over-breathe, flash lights at him which are ways of simulating the abnormal waves, and bringing them out if epilepsy is present.

7. If I understand anything of what I have heard, and understand anything about the subject of schizophrenia, you would find nothing? -- That is the usual finding, yes, in my experience. There are other people who say that they are rather abnormal waves, but this depends on the degree of dementia. If the schizophrenic patient is very demented, then you may get abnormal, rather irregular waves - not epileptiform waves. But when the personality, when the

intellect is not too far deteriorated, the picture is nearly always a normal one, unless there is some other factor present.

1. Isn't the disrhythmia of the waves caused by the electric impulse passing through the tissues? Mustn't you by that time have a physiological change taking place? -- There must be a physiological change, yes. And this is one of the arguments which many psychiatrists put forward to the fact that they believe that schizophrenia is primarily

2. It may have an organic background? -- Yes.

3. MR. COOPER (Contd.): Did you find thought blocking? -- Yes. In my first interview, not very much thought blocking. He paused. I was not very happy about putting this down as thought blocking. But in the second, and particularly in the third interview, he showed very marked thought blocking. On one occasion there was absolute silence for a timed period of just on two minutes. There were very many occasions when he stopped speaking for ten seconds, and would then go off at a complete tangent.

4. In short then, what is the accused's present mental state? -- I believe that he is suffering from schizophrenia. I think/^{I would put}it into the paranoid type. Dr. Sakinofsky put it in the paraphrenic type. I would not quarrel with this. A paraphrenic type is a subdivision of the paranoid type. I don't think one needs to be too exact as to which category one puts it in. That he is suffering from schizophrenia I have absolutely no doubt at all. That he is certifiable within the meaning of the Act I have also no doubt at all.

5. Is it a long standing disease? -- I believe in his case it has gone on from at least 1946 or 1947, yes.

6. What is the prognosis? -- I agree with the others in thinking the prognosis is hopeless. But it would be worthwhile giving him treatment, but I would not give it with any sanguinity. .

1. Where should this Court, in your opinion, send the accused? -- My opinion isn't worth very much, but, if I were asked, I would say he must be sent somewhere where he can be very closely watched and guarded, because he told us that on at least two occasions he has escaped from mental hospitals, once in Germany and once in Lisbon.

2. Should he be sent to an asylum? -- I don't think any ordinary asylum would hold this man for any length of time.

3. Finally, do you see any purpose whatsoever in having any further medical examination of this man? -- Not unless the Court were to ask me - I myself would not see any further purpose at all.

4. Just finally, you have seen the information from overseas concerning this man's past medical history and mental history? -- Yes.

5. What is your comment on that? How important is that information? -- If that information is correct, I think it is absolutely consistent and confirmatory of the fact that this man has had chronic paranoid schizophrenia for many years.

6. CROSS-EXAMINED BY MR. BRUNETTE: Can you perhaps remember when it was that you saw the accused for the first time? -- Yes, on the 29th September. At about 6.30.

7. You say he was not certifiable on that day? -- I say I wasn't very happy about considering him certifiable.

8. BY THE COURT: The doctor never said anything of the kind. He said on the strength of the first interview he had with him he would have been doubtful whether he would at that stage certify him, which is quite different from your telling him that he says that at that stage he was not certifiable.

9. MR. BRUNETTE (Contd.): You would not have been prepared to certify him on that day? -- If I had been pressed to certify him on that day I would have asked for a longer interview.

But I had about an hour and a half with him, and I knew there was no need to certify him on that day, and I knew I was going to have further opportunity of seeing him, so I thought to myself that I would just bide my time, but I did say in my report that I thought that he was probably certifiable.

1. You also mentioned that schizophrenics do move from one extreme to the other. So do you concede that you get remissionary periods? -- No, that is not what I meant, moving from one extreme - one extreme of emotional attitude - one extreme of an attitude towards a person, a negative attitude, perhaps disliking them, distrusting them, to a more positive attitude of liking them and trusting them. This has nothing to do with remissions. It is all part of the schizophrenic process.

2. Do you concede that there are periodic types? -- I concede that there are periodic types, but I would also agree with the last witness that - in my opinion these are virtually always the catatonic type. And I don't believe this patient is a catatonic type of schizophrenic. He had no evidence of catatonia when we saw him.

3. Did you get any information in probing the history of the accused that he had simulated suicide before? -- No, I knew nothing about any simulation of suicide.

4. BY THE COURT: Simulated suicide - what on earth does that mean? He pretended to commit suicide?

5. BY MR. BRUNETTE: He pretended. Feigned suicide.

6. BY THE COURT: What does that mean, that he committed suicide but was not successful?

7. BY MR. BRUNETTE: Unsuccessful, yes.

8. BY THE COURT: Simulated suicide would mean that he pretended to commit suicide but didn't try it.

9. BY MR. BRUNETTE: Perhaps I can put it in a better way: Simulated abnormality? -- I know nothing, in ^{any of} the reports that

say that he simulated abnormality.

1. BY MR. COOPER: The only matter that remains at present is the subject that I raised at the commencement when I outlined my case, if I might call it that, and that is the taking of evidence on commission. I have prepared an application which I now want to formally place before your Lordships.

2. BY THE COURT: This is not the stage to do it, nor will I deprive you of the right to do it. Should it, after evidence is led by the State, be necessary, I will allow you to make the application, and I will consider it on its merits. But obviously in granting or not granting leave to take evidence overseas, the first consideration is whether the evidence can assist the Court. If it is not necessary it obviously cannot assist the Court. I think you should wait, but I will allow you to make the application again, if necessary.

3. BY MR. COOPER: Subject to that, I have no further evidence to lead.

4. DEUR MEER, VAN DEN BERG: My geleerde vriend het vir my gesê dat hy ten minste nog tot nêremiddag besig sal wees, en ek het gevolglik geen getuies nie. Ek sal bly wees as ek my 'n verdaging tot nêreoggend kan gee want ek is verras deur hierdie spoedige sluiting van die saak vir die Verdaging.

(HOF VERDAAG TOT 10 VM. NêREOGGEND)

OP DIE 20ste OKTOBER, 1966, HERVAT DIE HOF. VERSKYNINGS SOOS
VOORHEEN.

AT THE COURT'S REQUEST MR. COOPER UNDERTAKES TO SUPPLY THE
COURT WITH A CHRONOLOGICAL LIST OF THE ACCUSED'S MENTAL HISTORY
OVERSEAS.

D I E S T A A T R O E P:

JACOBUS ANDREAS JOHANNES ERASMUS: (Verklaar onder eed):

ONDERVRAGING DEUR MNR. BRUNETTE:

1. Wat is u kwalifikasies? -- M.A. in Sielkunde.
2. Waar het u gekwalifiseer? -- Universiteit van Pretoria.
3. Watter soort werk doen u die afgelope paar jaar? -- Ek werk by Weskoppies Hospitaal.
4. Wat is die aard van u werk? -- Kliniese sielkundige werk, hoofsaaklik observasie van persone.
5. Op die 28ste en 29ste September 1966 het u onderhoude met die beskuldigde gehad? -- Ja.
6. En het u sekere toetse uitgevoer? -- Ja.
7. Kan u net vir die Hof verduidelik wat was die aard van daardie toetse gewees? -- Die toetse wat ek gedoen het was die Wechsler-Bellevue Intelligensietoets, die Wechsler Geheueskaal, die M.M.P.I., die Rorschach en die T.A.T. toets.
8. Is hierdie toetse dieselfde toetse as wat Dr. Van Zyl alreeds aan die Hof beskryf het? -- Ja, dit is dieselfde toetse behalwe twee wat ek addisioneel ook gedoen het.
9. Kan u net vir die Hof sê wat was u bevindings gewees as gevolg van die toetse wat u uitgevoer het? -- Eerstens het ek die Wechsler-Bellevue.....
10. DEUR DIE HOF: Ek het ongelukkig die grootste moeilikheid om die getuie hier te hoor.
11. MNR. BRUNETTE: (Verv.): Kan u net asseblief 'n bietjie harder praat, en kyk op na sy Edele. -- Ek het eerstens die

Wechsler-Bellevue Intelligensietoets gedoen. My bevindings by hierdie toets. (Getuie lees dokument). "Sy intellektuele bekwaamheid klassifiseer binne die boonste perke vandie gemiddelde indeling met 'n I.K. van 109. Hy beskik egter oor n heelwat hoër potensiële intellektuele vermoë maar die volle benutting daarvan word aan bande gelê deur stremmende faktore soos blyk uit die spreidingspatroon van die subtoetse by die Wechsler-Bellevue-toets en die groot verskil tussen die Verbale I.K. van 117 en die Praktiese I.K. van 100." (Hierdie verskil is.....)

1. DEUR DIE HOF: Het u 'n afskrif van hierdie verslag wat die getuie blykbaar lees?
2. MNR. BRUNETTE: Ongelukkig het ek nie 'n afskrif nie.
3. DEUR DIE GETUIE: (Lees dokument): "Om vas te stel wat sulke faktore mag wees is dit nodig om aandag aan die verskillende subtoetse te gee. Hier vertoon die konsentrasievermoë sowel as die visueel-motoriese koördinasie veral 'n verlaging. Die verlaagde konsentrasie en aandag kan toegeskryf word aan die feit dat die proefpersoon dit moeilik vind om sy gedagtes by een onderwerp te bepaal vanweë 'n spannings-toestand, angs, terneergedruktheid of aftakeling. Dit kan ook verklaar waarom hy vrae wat aan hom gestel word dikwels self herhaal voordat hy dit beantwoord en geneig is om onslagtig te wees. Hy sal dit dus moeilik vind om sy gedagtes by een onderwerp te bepaal vanweë ander moontlike probleme. Dit sou ook as die onvermoë van die akute psigotiese pasiënt beskou kan word t.o.v. konsentrasievermoë. 'n Vroeëre psigotiese episode kan ook tot aftakeling en gevolglik swak konsentrasievermoë lei. Hoewel dit nie hier ge-elimineer kan word nie blyk dit onwaarskynlik te wees in die lig van die goeie prestasie by sommige van die ander sub-toetse en die afwesigheid van 'n spreiding binne die sub-toetse. Die

verlaagde visueel-motoriese koördinasie is te wyte aan 'n algemene traagheid by die proefpersoon om motoriese take uit te voer. Hy kon nie die praktiese take binne die gegewe tydperk uitvoer elke keer nie. Hierdie verskynsel word ook dikwels aangetref by pasiënte in 'n angs-toestand of by depressie of by aftakeling. Daar is 'n formule vir aftakeling wat toegepas word by hierdie toets en die aftakelingsindeks wat hier verkry is, is 21%. Vir sy ouderdom verwag 'n mens in elk geval 11%, wat dan daarvoor gekorrigeer moet word en dan kry 'n mens 'n aftakeling van 10% wat intellektuele vermoë aanbetref, wat hom op die grens plaas - dat 'n mens dan nie heeltemal seker is of daar aftakeling is of nie. Was dit hoër as 10% kon 'n mens dit met sekerheid aanneem. Hoewel daar dus moontlike aanduidings van aftakeling gevind is, blyk dit nie verseker te wees nie en kan grotendeels verklaar word op grond van die ouderdom van die proefpersoon of die aanwesigheid van psigiese spanning." Dan het ek ook die Wechsler-geheuetoets gedoen. Hierop presteer hy met 'n M.Q. van 106 vlak, as 'n mens M.Q. van 100 as 'n gemiddelde sou neem, wat hom bokant die gemiddelde.....

1. MNR. BRUNETTE: (Verv.): Kan u net die Wechsler-toets verduidelik; wat is die doel daarvan? -- Van die Wechsler geheuetoets?
2. Ja? -- Dit is om die geheue van die persoon te meet. Die M.Q. kom in ander woorde ooreen met die I.K. maar dit is net 'n geheue-kosiënt, om vas te stel of daar enige defek is ten opsigte van die geheue. Wat hierdie toets aanbetref meet hy dus heelwat goed en kan 'n mens nie enige defekte vind ten opsigte van die geheue nie. Dan het ek ook die Rorschach gedoen. (Getuie lees verder). "By die afname van die Rorschach is geen bizarre response distorsies of perseverasie of ander sterk neigings tot disintegrasie gevind

nie. Die response van redelik toepasbaar op die prikkels maar 'n minimale hoeveelheid van response is verkry wat dui op 'n blokkasie of 'n onvermoë om vryelik te reageer. Die response was ook stereotiep van aard. Volgens hierdie toets is die ego-ontwikkeling swak met 'n onvoldoende beheer oor 'n neiging om impulsief op te tree."

1. Kan u net verduidelik wat u bedoel met "ego-ontwikkeling"? -- Dit is die vermoë van die pasiënt om by realiteit aan te pas en om rasioneel te dink en so op te tree.

2. DEUR DIE KOP: Ek stel meer belang in die volgende sin. Wat het u daar gesê? "Sy ego is swak ontwikkel en dan het daar iets daarop gevolg. -- "Met 'n onvoldoende beheer oor 'n neiging om impulsief op te tree. Die proefpersoon kan dus ook nie volwasse doelstellings nastreef nie en maak baie gebruik van fantasie. Hy vertoon sterk neigings tot onttrekking van sy omgewing. As gevolg hiervan evalueer hy sy buitewêreld hoofsaaklik in terme van sy eie behoeftes en staan nie objektief daarteenoor nie. Dit hang verder saam met 'n groot onbevredigde behoefte aan aanvaarding. Volgens die Rorschach-toets blyk die persoonlikheidsontwikkeling dus op 'n infantiele vlak te wees met 'n neiging tot verenging, 'n stereotiepe algemene instelling en 'n gebrek aan lewensdeelname; onttrekking in die algemeen. Vanweë die klein hoeveelheid response wat op hierdie toets verkry is as gevolg van die blokkasie wat daar by die proefpersoon bestaan het is dit egter moeilik om 'n baie geldige ontleding op hierdie toets te maak." Daar is tien kaarte en ek dink hy het net 7 of 8 response gegee. (Getuie lees verder.) "Bogenoemde stellings, wat by die Rorschach gebind is word ook gestaaf by die T.A.S.-toets. By hierdie toets was die response logies van aard met goeie insig in die motivering van die figure. Die verband tussen die self en die buitewêreld word wel ingesien en daar is nie

distorsies by hierdie toets gevind nie. Hoewel die proefpersoon sterk betrokke is by sy buitewêreld blyk hy besig te wees om dit in sy eie droom- en fantasiewêreld te verwerk sonder om op 'n realistiese wyse daarby betrokke te wees. Hy stel homself geweldige hoë ideale ten doel maar neem geen daadwerklike stappe om dit te bereik nie en hy glo in sy fantasie-wêreld^{en} dat sy hoë ideale op 'n bonatuurlike of 'n magiese wyse sal verwesenlik."

1. DEUR DIE HOF: Is dit nie feitlik 'n teksboek-definisie van 'n skisofreen wat u daar gee nie? -- Dit pas daarby in.

2. Uit die bietjie wat ek van die onderwerp weet skyn dit 'n skisofreen te definieer. -- Dit pas in. Die sterk fantasielewe waarin hy opgeneem word, onvermoë om by realiteit aan te pas, en so meer. (Getuie lees verder): "Interpersoonlike verhoudings by die T.A.T.-toets word erken en ingesien terwyl interaksie plaasvind. Daar bestaan egter 'n depressiewe ondertoon terwyl die interaksie nie totaal bevredigend vir die proefpersoon voorkom nie." Dan het ek ook die M.M.P.I.-toets gedoen.

3. Wat is daardie toets? -- Dit is die Minnesota Multifacie Personality Inventory. Dit is 'n persoonliksheids-questionnaire waarop daar verskillende items voorkom, onder ander, hipokondria, psigopatie, paranoia, skisofrenie. Vrae word aan die persoon gestel en hy word gegradeer op elkeen van hierdie skale. Hierdie toets het ook, wat hulle noem, 'n ongeldigheidskaal. As 'n proefpersoon vrae nie konstant beantwoord nie dan word hierdie toets as ongeldig bevind en kan 'n mens nie sy resultate gebruik nie. Ongelukkig was dit hier die geval maar ek sal net lees wat ek daarvoor geskryf het. (Getuie lees verder): "Ook die M.M.P.I.-toets is op die proefpersoon gedoen maar vanweë 'n onverskillige of on-

konstante beantwoording van vrae kan die toets nie as geldig beskou word nie. Maar skale wat hier hoog was, was dus die ongeldigheidskaal, die skale vir skisofrenie, depressie, hipokondria en psigopatie. Ten opsigte van paranoia en maniese tendense is lae tellings verkry." Maar ek wil net herhaal, die toetstelling kan nie aanvaar word omdat hy nie konstant beantwoord het nie.

1. Wat is nou u gevolgtrekking van al u toetse wat u gedoen het? -- Wat hierdie toetse allenig aanbetref is hier duidelike tekens van skisofrenie hier en daar te vind in die vorm van die blokkasie wat voorgekom het, die swak konsentrasievermoë, wat mens ook dikwels by hulle kry, en die sterk fantasielewe. Daar is ook, wat die toetse alleen betref, tekens wat nie heeltemal daarby inpas nie; sekere van die subtoetse by die Wechsler-Bellevue. Veral die subtoetse prentangskikking en so meer, waar hy goed gevaar het, en ook sy begrip en so meer wat redelik goed is. Maar dan by die skisofreen verwag mens dat sy intellektuele vermoë nie veel aangetas sal word nie, dat sy intelligensie nog steeds op 'n hoë vlak sal bly. Maar ek dink 'n mens moet dit ook inpas by die geskiedenis van die beskuldigde, en in daardie geval sal 'n mens moet aanvaar dat daar wel skisofrenie teenwoordig is.

2. KRUIS-ONDERVRAGING DEUR MNR. COOPER: U betwis nie die opinies dus wat dr. Zabow, dr. Cooper en dr. Sakinofsky uitgespreek het, onder andere, dat dié man voor die Hof 'n skisofrenie is nie? -- Nee, ek betwis dit nie.

3. Dat hy ongeneesbaar is nie? -- Nee.

4. Dat hy na 'n gestig behoort gestuur te word? -- In die lig van die geskiedenis.....

5. In die lig van al die getuienis wat nou voor hierdie Hof gelê is? -- Ja, dan betwis ek dit nie.

6. Die Hof kan dus net tot een gevolgtrekking kom. Is dit

nie so nie? -- Ja.

1. Dat hy geestelik versteurd is. Korrek? -- Ja.

2. Dat hy gesertifiseer behoort te word. Korrek? -- (Geen antwoord.)

3. U het nou net so gesê: Ja. Korrek? -- Is dit nodig dat ek 'n opinie oor die.....

4. Ja, dit is baie nodig. Ek wil hê daar moet algehele gemene saak wees tussen ons. -- Ja.

GEEN VERDERE VRAE DEUR MNR. COOPER.

GEEN HERVERHOOR.

ADOLF JOHANNES VAN WYK, beëdig, verklaar:

1. DEUR MNR. VAN DEN BERG: Wat is u kwalifikasies? --
M.B., Ch.B., D.P.M.
2. Wat is u ondervinding? -- Ek het in 1938 gekwalifiseer, M.B., Ch.B., en toe was ek in algemene praktyk tot 1949, toe ek in psigiatrie begin werk het, en ek het toe 'n diploma verkry en is toe op die register as 'n spesialis-psigiater geplaas, en van daardie tydperk af is ek nog onafgebroke in die veld van geestesversteuring, psigiatrie.
3. Het u al in verskeie sake in howe getuienis afgelê? -- Ek het in verskeie sake in die howe getuienis afgelê, en ek doen ook baie observasie gevalle vir die Staat en is ook konsulterende psigiater by die tronk en moet ook party-maal verslag gee op doodveroordeeldes vir die Staatspresident-in-rade.
4. Waar gee u lesings? -- Ek is Professor in Psigiatrie in die Universiteit van Pretoria, hoof van die Departement van Psigiatrie, Senior Psigiater van die Algemene Hospitaal, en ook Adjunk-kommissaris van Geestesgesondheid van die Republiek van Suid-Afrika.
5. Het u die beskuldigde onder observasie gehad? -- Ja, ek het die beskuldigde op vyf geleenthede gesien: op 23 September, op 24 September, op 4 Oktober, op 13 Oktober en op 14 Oktober.
6. U was in die Hof die hele tyd wat die psigiaters vir die verdediging getuienis afgelê het, nie waar nie? -- Ja, ek was die hele tyd teenwoordig, en ek het ook sekere verslae van sy siektes in die buiteland verkry, wat ook tot my beskikking was, wat ek gestudeer het. Die laaste een het ek Saterdag 15 Oktober van die Ochenzoll hospitaal in Hamburg tot my beskikking gehad.
7. Ek sal bly wees as u sy Edelagbare en die geleerde

assessore u konklusies sal gee? -- As n mens n geval onder observasie neem, vernaamlik as daar n geregtelike saak in die hande is, is die eerste ding wat n mens aan dink aan simulasie. Dit moet n mens beslis uitskei, en dan, al vind jy n geestesversteuring, is die tweede plek wat jy moet bepaal - al is daar n geestesversteuring, impliseer dit nie vir my onverantwoordelikheid nie - het hy so n mate van geestesversteuring dat hy onverantwoordelik is vir die daad wat gepleeg is. En dit was die twee dinge wat in my gedagte was die hele tyd wat ek dié man onder observasie gehad het. Onder die eerste twee observasies, van die 23ste en die 24ste, was ek n bietjie onseker, omdat die man baie ontwykend was en n mens nie eintlik by hom kon kom nie, in hoe n mate dit nou simulasie was of nie, en ek het daardie tyd gevoel dat ek hom op daardie tydstip beslis nie sou kon sertifiseer nie, met die informasie en met die onderhoude wat ek tot daardie tydstip met hom gehad het. Ek sou graag meer van sy agtergrond wou geweet het; ek sou graag meer wou geweet het, is daar enige motivering vir die ding, kan hy dit gee. Alhoewel hy ontwykend was wat dit betref, kan dit ook n skisofreniese simptoem wees. Hulle sê baie maal: "I don't know. It may be." Dit is n gedagteversteuring. Omdat hulle dit nie mooi in hulle gedagte kan uitdruk nie, antwoord hulle vir jou dat dit lyk of dit ontwykend is. In hoe n mate het hy probeer ontwyk om vir my die werklike rede te gee? En ek sou graag meer wou geweet het van die agtergrond. Op die 4de Oktober het ek n simptoem gekry wat baie beslis spontaan by die beskuldigde uitgekom het, wat vir my baie beslis laat besluit het dat die man n skisofrenie is, en dit is n versteuring van die self, of n passiwiteit-verskynsel, in dié opsig dat die persoon invloede buite homself blameer vir sy gedagtes, vir sy emosies en vir sy handeling.

1. DEUR DIE HOF: Dit noem u impassiwiteit? -- Passiwiteit-verskynsel.
2. Passiwiteit-verskynsel? -- Ja, of 'n versteuring van sy self.
3. Hy beskou homself as 'n soort van 'n stuk gereedskap? -- Ja, as 'n robot wat deur iemand anders - ek kan 'n mooi voorbeeld noem. Ek het bv. 'n nie-Blanke meidjie gehad wat blikke vuur omgeskop het en baklei het en toe sê sy nee, dit is nie sy nie, dit is haar oorlede broer wat dit gedoen het. Met ander woorde, sy was heeltemal passief gewees en sy is deur 'n invloed van buite oorgeneem. En dié ding het gekom wat my laat besluit het dat dit nie simulاسie was nie. Dit het uitgekóm na ek - Mr. Bloomberg was by die onderhoud gewees, en ek het hom omtrent die lintwurm gevra en ek het beslis leidende vrae aan dié man gestel, en hy het kans gehad, as hy my wou bedrieg, om uit te kom. En op die end het ek hom 'n vraag gevra en vir hom gesê: Kan jy my vertel hoekom jy so rondgereis het in die wêreld? En hy het so'n rukkie gesit en dink, toe sê hy vir my: "You know, doctor, in the beginning I thought I did it myself. It was voluntary, it was by myself, but you know now I realise that it was the tape-worm that made me travel over the whole world." Toe het ek die ding daardie middag weer gaan opvolg, sonder mnr. Bloomberg - dit was miskien onwettig maar ek het bekommerd gevoel. Ek het weer die middag van 3 tot 4 'n onderhoud met hom gehad, en ek het toe meer op die ding ingegaan en hom meer kans gegee om te praat, en daardie middag het hy vir my gesê: 'Dokter ek sê partymaal dinge (dit het spontaan gekom) ek sê partymaal dinge aan persone en hulle vererg hulle vir my, en dit is nie ek wat dit sê nie; dit is die lintwurm wat my maak dit sê, daardie dinge.' Dit is 'n baie beslisde kardinale simptome van skisofrenie. Maar tot daardie tydperk het ek nog nie

gevoel in hoe 'n mate was die graad van die skisofrenie, tot hoe 'n mate was dit dat dit hom sertifiseerbaar gemaak het, ja of nee. En is die lintwurm net 'n sekondêre waan-denkebeeldige interpretasie van die passiwiteit-verskynsel. Kyk, 'n persoon kan 'n passiwiteit-verskynsel hê, dan begin hy hierdie passiwiteit-verskynsel verklaar en hy kan dit probeer verklaar deur te sê hy is gehipnotiseer, 'ander invloede werk op my in'. Is dit nou passiwiteit waar hierdie lintwurmverskynsel is? Is dit nou net 'n waan-denkebeeldige interpretasie van 'n passiwiteit-verskynsel? Maar nadat 'n mens later op 'n latere tydperk en na die geskiedenis wat 'n mens gekry het hier in die Hof, moes ek tot die konklusie kom dat dit nie is - dat dit eintlik 'n primêre waan-denkebeeld is, dié lintwurm, en dat dit nie net 'n waandenkebeeldige interpretasie was van sy passiwiteit-verskynsels nie.

1. Ek dink ek volg u. -- En met dit in ag geneem, het die gedagteversteuring wat in die begin vir my omslagtig was, het later met meer onderhoude - en ons weet dat gedagte-versteuring in skisofrenie is partymaal moeilik om te kry. As jy alleen 'n onderhoud hou met 'n pasiënt, kan jy geen gedagteversteuring kry nie. Wanneer hy op sy gemak is en lekker voel, hoef hy nie vir jou 'n gedagteversteuring te wys nie. Maar as jy hom kry waar hy voor 'n gehoor moet praat of waar daar 'n sekere mate van emosie is, kom die gedagteversteuring-verskynsel uit. Baie maal tipies uit en baie mooi uit. En met die eerste onderhoude het hy vir my net 'n omslagtigheid gewys en hierdie ding dat hy nie ontwykend was wat dit betref nie - en ek kon dit nou nie plaas nie - dit is nou net 'n gedagteversteuring of is dit nou net ontwyking? Maar met my onderhoude op die 13de en die 14de - en ek sou hom graag weer op die 15de wou gesien het maar dit was nie vir my moontlik nie (die verdediging het hom self nodig gehad en en kon hom nie sien nie)- het dit vir my duidelik geword dat daar is beslis 'n mate van

gedagteversteuring in hom teenwoordig. En met al die gegewens wat tot my beskikking is kan ek nie anders, afgesien van die moord wat gepleeg is, as konsulterende psigiater, as dié persoon met al die gegewens by my gekom het, sou ek hom moes sertifiseer. Ek kon nie anders nie onder die Wet op Geestesgebreke van 1916.

1. U sê afgesien van die moord, maar die moord self vul een van die vereistes, naamlik, dat hy 'n gevaar is vir ander? -- Ja.

2. Dus op die oomblik, as u vandag daardie probleem gestel moes word en ek vandag hierdie man na u sou stuur en sê: "Moet hy gesertifiseer word, of nie?" sou daar vandag by u enige twyfel wees? -- Nee, daar sal geen twyfel wees nie. Hy kan 'n misdaad pleeg maar dit hoef nie 'n uitvloeisel van sy geestesiekte te wees nie, en ek het gevoel - na alles wat 'n mens gehoor het - dat, hy het vir my gesê by: "There was a pressure building up" en hy het gevoel dit is van die lintwurm, en hy het gesê: "It had to break out some way", en dan raak hy weer 'n bietjie ontwykend omtrent die ding, en dit het die hele tyd opgebou hierdie geestesiekte van hom, en hy het gesê hy het nooit geweet dat dit op so'n manier sou uitbreek nie, en hy het tot 'n mate sterk die dokters blameer. Op een tydstip by my het hy gesê hy het die dokters gaan raadpleeg en hulle het hom nooit in 'n hospitaal gesit nie, of in 'n inrigting geplaas nie. Hy sê as hulle dit gedoen het sou dit nooit gebeur het nie

3. CROSS-EXAMINED BY MR. COOPER: Do you agree, on the fourth day of this enquiry, with the opinion that Dr. Cooper so stoutly defended on the first day of this enquiry? -- Dat die man sertifiseerbaar is onder die Wet op Geestesgebreke?

4. Ja, dat hy 'n skisofrenie is? -- Ja, dit is nie vandag wat ek tot dié besluit gekom het nie. Ek het al voorheen.

1. En u stem dus ook saam met dr. Zabow, dr. McGregor en dr. Sakinofsky.....?

2. DEUR DIE HOF: Het die getuie nie reeds alles gesê wat u wil hê nie. Kan u moontlik iets meer wil hê?

GEEN VERDERE VRAE DEUR MNR. COOPER.

GEEN HERVERHOOR.

3. DEUR DIE HOF: Dit strek u tot eer dat u u tyd geneem het. Dit is nie dinge waaroor 'n mens gou en somer dadelik beslissie. Dit is verantwoordelike dinge, en dit strek u tot eer dat u nie tot 'n skielike gevolgtrekking gekom het nie, maar dat u u tyd geneem het en mettertyd tot 'n gevolgtrekking gekom het. Ek waardeer dit.

S A A K V I R D I E S T A A T .

4. MNR. VAN DEN BERGH: Aansoek is gedoen namens die verdediging dat die Hof ingevolge die bepalinge van Artikel 28(2) van Wet 38 van 1916 moet bevind dat die beskuldigde geestelik gekrenk is en dat bygevolg die Hof moet gelas dat hy, hangende die beskikking van die Staatspresident, in 'n inrigting aangehou word. Die Hof het die getuienis in dié verband aangehoor, die Hof het gelet op die oorweldigende aard van die deskundige getuienis. Selfs die getuienis aangevoer namens die Staat dui omonwonde daarop dat die geestestoestand van die beskuldigde sodanig is dat hy binne die bestek van Artikel 28 van die Wet val. Dit is vir die Hof om, in die lig van al hierdie getuienis, sodanige bevinding te doen sodanige bevel uit te reik as wat dit meen die getuienis regverdig. Maar ek wil graag 'n submitisie aan u doen: Indien die Hof so'n beslissing maak ingevolge Artikel 28(2), dan vra ek dat u gelas dat die beskuldigde nie in 'n inrigting aangehou word nie maar dat hy in

'n gevangenis aangehou word.

1. DEUR DIE HOF: U hoef my nie daaroor toe te spreek nie. Klaarblyklik moet dit 'n gevangenis wees.

2. Ek vermoed, en ek sien in die saak van Pratt is die gevangenis genoem. Sou ek moet sê dat hy op Caledonplein aangehou word tot tyd en wyl die Staatspresident sy behae anders uitgespreek het, of wat wil u hê?

3. MNR. VAN DEN BERGH: Ek dink nie dit is nodig nie.

4. DEUR DIE HOF: Die Afrikaanse teks is nog Nederlands; ek vind die Engelse makliker: "A gaol or institution". Nou is ek nie seker of dit vir die Hof is om die eerste "gaol" te bepaal nie. Daarna natuurlik bepaal die Staatspresident dit, wat van die man word en waar hy gaan.

5. MNR. VAN DEN BERGH: Onder Artikel 30 het die Minister sekere magte.

6. DEUR DIE HOF: Ek dink dit sal voldoende wees as ek sê "'n tronk".

7. MNR. VAN DEN BERGH: Dit is my submissie.

DIE HOF VERDAAG TOT 10.45 VM.
