

SIS were not satisfied and said "I'll take him along with me and place him under arrest". He was told to empty his pockets which he did. He was then asked if he had anything else on him and he said no. I saw the man searched by S/Sgt Miller.

Defence

I object to any evidence of this search on the grounds that it was illegal.

Witness cross-examined by the Defence on evidence of the search

- Q. How was he placed under arrest?  
A. He was placed under arrest formally by S/Sgt Miller.
- Q. How?  
A. Firstly he said he was going to take him with him and I said he could take him and he said "I place you under arrest."
- Q. How?  
A. By making the statement I place you under arrest.
- Q. He did make that statement?  
A. Yes.
- Q. In your hearing?  
A. Yes.
- Q. This was before any search was made?  
A. Yes sir.
- Q. You made no reference to this arrest taking place in any previous statements? Why not?  
A. Because I didn't place him under arrest.
- Q. But you were there?  
A. Yes sir.
- Q. You spoke about everything else except the arrest?  
A. Yes. I only made a statement of the facts.
- Q. It was a fact that he placed him under arrest, wasn't it?  
A. Yes, but I didn't place him under arrest.
- Q. First S/Sgt Miller said I am taking him along with me?  
A. Yes sir.
- Q. But he did not do so?  
A. Eventually he did, sir.
- Q. Did he then?  
A. No sir.
- Q. What did he do?  
A. He searched the man.
- Q. I want you to get the sequence correct. It's very important. Don't hurry yourself, we've got lots of time. He said I will take this man along with me?  
A. Yes.
- Q. What did he do?  
A. Placed him under arrest. He told him you will come with me.