

Pages 874 - 1000.

VOLUME X.

S. Store 326; 323.2 (68232) Com

COMMISSION OF ENQUIRY TO ENQUIRE INTO THE EVENTS
IN THE DISTRICTS OF VERREVENIGING (namely THE
SHARPEVILLE LOCATION AND EVATON) and VANDERBIJL-
PARK, TRANSVAAL PROVINCE, on 21st MARCH, 1960.

THURSDAY 28th APRIL, 1960 - at 10:00 a.m.
9.42 a.m.

APPEARANCES: AS BEFORE.

CONTENTS

J.J. CLAASSEN:

Examination-in-Chief	Pages	874 - 886
Cross-examination	"	887 - 932
By the Chairman	"	932 - 934
Mr. Kentridge - through the Chairman	"	934 - 935
Mr. Claassen - through the Chairman	"	935

FRANCIS MOTSHOAHOLE:

Examination-in-Chief	"	935 - 939
Cross-examination	"	940 - 942
Re-examination	"	943

F.P.J. COETZER: ✓

Examination-in-Chief	"	943 - 960
Cross-examination	"	960 - 981
Re-examination	"	981 - 982

J.S. JOUBERT:

Evidence-in-Chief	"	982 - 985
Cross-examination	"	986 - 1000

943
4
6
7
8
9
51
4
5
6
7
8
9
100
1
2
4
6
7
71
3x
7

COMMISSION OF ENQUIRY TO ENQUIRE INTO THE EVENTS
IN THE DISTRICTS OF VERBENIGING (namely THE
SHARPEVILLE LOCATION AND EVATON) and VANDERBIJL-
PARK, TRANSVAAL PROVINCE, on 21st MARCH, 1960.

THURSDAY, 28th APRIL, 1960 at
9.45 a.m.

APPEARANCES:

AS BEFORE.

JAKOBUS JOHANNES CLAASSEN, beëdig, verklaar:

VERHOOR DEUR MNR. CLAASSEN: U is 'n luitenant in die Suid-Afrikaanse Polisie gestasioneer te Hospitaal Heuwel? ---Ja.

Op die 21e Maart van hierdie jaar ontrent 10.15 v.m. het u opdrag ontvang om na ...? --- Na Vanderbijlpark te gaan.

Het u toe daarheen gegaan met 'n sekere aantal manne? ---Ja.

Hoeveel manne het u by u gehad? --- Ek het daarheen gegaan met 'n eenheid Polisiemanne bestaande uit een hoofkonstabel, vyf sersante, 23 blanke konstabels, een Bantoe-sersant en dertien Bantoe-konstabels - altesaam 43 manne.

Watter voertuie het julle gehad? --- Ons het in drie opruktrokke gery.

Waarmee was die manne bewapen? --- Die blankes was gewapen met .303 gewere en .38 rewolwers, en die Bantoe lede was bewapen met assegais en knuppels.

Was daar geen stengewere onder die manne nie? --- Geen stengewere nie.

Hoe laat het u toe by Vanderbijlpark aangeken?

--- Ek ---

--- Ek het ontrent twintig oor elf dieselfde oggend daar aangekom.

Dit is nou by die Polisiestasie by Vanderbijlpark? --- By die Polisiestasie by Vanderbijlpark.

Wat was die toestand daar? --- Die toestand daar was toe stil en rustig.

Het u toe verneem dat die skare wat daar vergader het, reeds weg was? --- Ja.

Is u toe daarna na Sharpeville-lokasie? --- Ja. Ek het daar aan kol. Pienaar rapporteer op Vanderbijlpark, en myself en my eenheid manskappe onder sy bevel geplaas.

Het u met kol. Pienaar saangery? --- Vandaar het ek saam met kol. Pienaar in symptelike kar gery na Sharpeville, gevolg deur die eenheid manskappe wat ek saangebring het, en die drie opruktrokke.

Toe julle by die lokasie gekom het, het julle eers by die ingang vertoef, by die Administrateursgeboue? --- Ja.

En vandaar is u toe na die Polisiestasie? --- Dit is so.

Wat was die toestand in die straat, in die strate van die lokasie voordat u by die Polisiestasie gekom het? --- Etlike honderde treë voordat ons by die Polisiestasie aangekom het, het ons 'n digte skare Bantoes, manne, vrouens en kinders, teëgekom, wat op die straat was.

Was dit in die hoofstraat? --- In die hoofstraat.

Soes u ingaan by die lokasie? --- Op pad na die stasie-toe, ja.

Was julle begelei deur 'n saracen, of was dit nog net die voertuie waarmee u gekom het? --- 'n Saracen

het ons gevolg.

Het julle reguit gery na die Polisie-stasie-toe en by die hek ingegaan? --- Ons kon nie die pad volg nie. Daar was te veel mense op die straat. 'n Entjie van die Polisie-stasie het ons links afgedraai van die pad af, en oor 'n oop stuk grond gery. Nader by die Polisie-stasie het ons weer op straat gegaan. Ons het stadig deur die digte skare beweeg, en tot by die hek gevorder. By die hek het ons moeilikheid gehad om verder te gaan. Die skare het probeer om ons voertuig vas te hou en tot stilstand te dwing. Kol. Pienaar het opdrag gegee aan die bestuurder om deur te druk. Die skare het met stokke en ander voorwerpe teen die kar geslaan, maar ons het darem daarin geslaag om deur te kom. Die voertuig het die betogers wat voor die kar was, uit die pad gedruk en ons was in staat om die Polisiegronde binne te ry. Ons drie voertuie, die opruktrekke, het ook daarin geslaag om die gronde binne te kom.

Hoe het die houding van die skare vir jou voorgeken? --- Die skare was baie oproerig. Sover as wat ons gegaan het, het hulle ons uitgejou en uitgetart. Hulle het hulle duine na ons gesigte uitgesteek in die voertuig, en "Afrika!" geskree en ander beledigings vir ons toegeslinger.

Kan jy onthou wat die beledigings was? --- Ja; hulle het die woorde gebruik, "Julle Polisiehonde" en "Afrika!" geskree in ons gesigte.

Het jy enige wapens opgemerk? --- Ek het gemerk dat baie van die Bantoes in besit was van stokke en kleries, en so aan.

Wat het hulle daarmee gemaak? --- Hulle het dit in die lug geswaai, hulle vuiste in die lug geswaai,

geswaai, die stokke ook in die lug geswaai en ons gedurig toegesnou, uitgejou, geskree "Afrika!" "Afrika!"

Wat was die grootte van die skare met u aankoms, daar? ---Na my mening was daar omtrent 20,000 van die betogers daar teenwoordig op straat, voor die Polisiestasie, en min of meer regom die Polisiestasie.

Waar was die skare die digste? --- Die skare was die digste saamgepak voor die Polisiestasie, dit wil sê aan die Westekant van die Polisiestasie.

Aan die Westekant, aan die voorkant van die straat, is daar 'n gebou, ek meen dit is die kliniek. Het u opgelet? ---Ja. Ek meen daar is twee geboue. Die een het vir my voorgekom as 'n kliniek.

Daardie deel van die straat, hoe dig het die mense daar gestaan. Daar is ook 'n omheining om daardie gebou, om die kliniek, en daar is een, natuurlik, om die Polisiestasie. Kan u vir ons nou verduidelik hoe dig het die mense daar gestaan? --- Hulle was dig op die aypadje voor die Polisiestasie saamgepak en ook op straat. Die hele teerstraat was bedek met betogers. Ek kan nie sê of hulle tot teenaan die draadheining aan die voorkant vas gestaan het nie, maar hulle was dig saamgepak op straat, op die aypadje tot teenaan die draadheining.

Maar sal u vir ons vertel wat gebeur het na u aankoms daar totdat die skietery begin het? ---Na ons aankoms daar het al my manskappe uit die voertuie geklim, en ek het hulle voor die Polisiestasie bynaar gehou. Omtreks 1.25 n.m. het ek gesien dat kol. Spengler 'n Bantoeaan arresteer tussen die skare, by die hek.

--- Die ---

Die skare by die hek het toe na my mening meer opgewonde geraak, en die bedreiging het groter geword vir die Polisiestasie en die Polisie daar. Kol. Pienaar het toe opdrag gegee dat die blanke Polisie teenwoordig in gelid opvoer met gesig na die skare aan die Westekant van die Polisiestasie. Terselfdertyd het hy ook die opdrag gegee dat hulle vyf rondes moes laai. Ek het na die regterflank van die linie beweeg, en die manskappe daar in enkel-gelid gerangekik.

DIE VOORSITTER: U praat van die regterflank; is dit soos die mense aangetree het en na die Weste gekyk het?— Ja; as hulle na die Weste gekyk het, dan het ek na hulle regterflank beweeg. Die regterflank was aan die Noordekant, die linkerflank Suid. Terwyl ek daar doenig was, het ek gesien dat klippe vanuit die skare deur die lug na die Polisie gegee word. Onmiddellik daarna het die Polisie begin vuur op die skare.

VERHOOR HERVAT:

/Laat ons net 'n bietjie stilstaan, daar.

Ek verstaan van jou dat die arrestasie wat kol. Spangler gemaak het, was gemaak voordat die manne in gelid opgestel was? — Ek meen die manne was nog besig om in gelid opgestel te word.

En u sê die Bantoes by die hek het toe meer opgewonde geraak? — Meer opgewonde geraak.

Ek het van jou verstaan dat jy meen dit 'n groter dreigement vir die Polisie was? — Dit is so.

Waarom het die dreigement sintlik gelyk behalwe, nou, die groter opgewondenheid? — Daar was duisend Naturelle, Bantoes, om die Polisiestasie. Hulle het ons gedurig uitgejou en ek kon sien aan hulle dat hulle houding dreigend is. Die hele houding was dreigend.

— Hulle —

Hulle het gedurig hulle stekke in die lug geswaai en
vuiste vir ons gewys, en ek het gemeen dit is 'n bedreiging.
Ons veiligheid word daardeur bedreig, deur hulle houding.

Kan jy sê wat die klipgeciery veroorsaak het? ---
Nee, dit het gevolg onmiddellik na die arrestasie by die
hek.

Hoeveel arrestasies is gemaak? --- Ek het net die
een arrestasie gesien, maar ek verstaan daar was meer as
een gemaak. Ek weet nie of dit die eerste arrestasie is
wat ek gesien het nie, of die laaste arrestasie nie.

As jy 'n arrestasie gesien het - jy was op die
toneel al die tyd, nê? --- Ek was op die toneel al die
tyd.

As dit dan die eerste een gewees het, sou jy die
ander gesien het? --- Ek was nie in 'n posisie om te sien
wat by die hek aangaan nie. Ek het toedig gehou oor die
manskappe, en soms was daar baie mense voor my. Ek kon
nie alles sien wat by die hek aangaan nie.

Jy het nie jou aandag toegespits op wat geskied
het daar by die hek nie? --- Die besondere arrestasie
wat ek gesien het, het ek my aandag op toegespits.

En toe sê jy kon die klipgeciery? ---Ja.

Wanneer het die skietery toe begin? --- Die
skietery het feitlik onmiddellik gevolg, toe die klip-
geciery begin het.

Hoe het jy die skote gehoor? Een sarsie, wat
eenskaps begin, of het jy eers enkele skote gehoor? ---
Nee, die sarsie het eenskaps begin, 'n volle sarsie.

Kon jy sien wie almal skiet? ---Nee; ek kon nie
juis sien wie almal skiet nie. Party mense het nie geskiet
nie; party van die Polisionanne het nie geskiet nie.

En onmiddellik voor die skietery begin het, hoe ver was die skare gewees van die draadheining af, wat die Polisiecamp omhein? --- Dit het teenaan die draadheining vasgedruk.

Wat was die houding van die Bantoes teenaan die draad, aan die buitekant? ---Hulle was baie oproerig. Hulle houding was drolgend, hulle het voortdurend op ons geskree, en hulle stokke geswaai, arms in die lug geswaai, en "Afrika!" geskree - duims in die lug gesteek.

Wat was jou indruk van die skietery; was dit nodig, of was dit nie nodig nie? --- Die skare het begin klippe na ons gooi en hulle houding was driegend. Hulle het die draadheining reeds oer gedruk na binnekant-toe. Daar was die gevaar, dat die draad enige oomblik kon platval, en dan sou hulle soos 'n vloedgolf oer die Polisiegronde gekom het en ons oerrompel het. Ek meen die skietery was nodig.

Daar was nou 'n groot aantal Bantoes en volgens jou mening kon hulle jou oerrompel; maar wat van die vuurwapens wat daar voor hulle gestaan het? Tot hoe 'n mate, dink jy, sou dit 'n afskrikmiddel gewees het vir hulle? --- As hulle die draadheining platgedruk het en die Polisiegronde binnegestorm het, dan sou hulle met die Polisie gemeng het en dan sou dit baie gevaarlik gewees het om ons wapens te gebruik. Vir onself sou dit gevaarlik gewees het.

Toe die manne in gelid opgestel was, en hulle het 'n bevel gekry om vyf rondes te laai, het jy enige reaksie gesien van die kant van die skare wat kon dui op vrees? ---Ja. Ek het nie 'n reaksie op hulle gesien wat op vrees gedui het nie. Hulle het ons eerder met groter gesdrif uitgejou en bespot. Dit was hulle

reaksie toe hulle sien dat ons laai. Toe het hulle met groter gesedrif op ons geskree, ons uitgejou.

Het jy enige bevel gehoor? --- Ek het geen bevel gehoor om te vuur nie.

Hoe ver het jy van kol. Pienaar af gestaan? --- Ek mag ontrent 20 na 25 treë van hom af gestaan het.

Sou jy kon hoor? --- Ek sou dit nie onder daardie geweldige lawaai kon gehoor het nie.

Jou manskappe wat jy saangebring het, was hulle een deel van die linie, of was hulle gemeng met al die ander manne? --- Na my skatting was daar ontrent 70 man wat in gelid opgevoem was, en die manskappe wat ek saangebring het, was met hulle gemeng. Hulle het deurmekaar gestaan, nie eenkant op hulle eie nie.

Ken jy al daardie manne wat met jou saangekom het? --- Ja; ek ken hulle almal.

Hulle kom van verskillende ...? --- Verskillende stasies in die Polisie-distrik waarin ek gestasioneer is.

Ek verstaan dat onder die groep wat onder jou bevel was, daar 'n aantal manne is wat sal sê dat hulle 'n bevel gehoor het? --- Ja; ek weet dat daar manne is wat dit sal sê.

Is jy oortuig dat 'n bevel nie gegee is nie? --- Nee, ek is nie oortuig dat 'n bevel nie gegee is nie. Dit mag gegee gewees het dat ek dit nie gehoor het nie.

Veronderstel dat 'n bevel nie gegee is nie; is jy in die vermoë om te verduidelik waarom hulle dit sou sê? --- Nee; dit is moontlik dat hulle so 'n bevel gehoor het, as hulle so sê.

Van die kolonel? --- Van die kolonel.

Bestaan daar 'n moontlikheid dat hulle 'n bevel gehoor het wat nie noodwendig van die kolonel afkomstig was nie? --- Ek glo nie. Die kolonel was in bevel en die order om te vuur sou van hom gekom het.

Miskien ...

DIE VOORSITTER: Sou u in enige omstandighede 'n bevel gegee het om te vuur? --- Waar manskappe onder bevel van 'n offisier staan, moet hulle wag totdat daar 'n bevel kom om te vuur. As ek geseen het dat omstandighede so gevaarlik geword het en ek nie 'n bevel van een of ander offisier gehoor het om te vuur nie, sou ek waarskynlik die bevel gegee het om te vuur.

Onafgesien die feit of daar nog 'n senior offisier aanwesig is? --- Ja; ek sou miskien na hom gegaan het, as daar tyd was, en die gevaar van die situasie met hom bespreek het, of die moontlik^{-heid} om 'n bevel te gee om te vuur - die noodsaaklikheid om so 'n bevel te gee.

VERHOOR HERVAT: U sê as daar tyd was? --- As daar tyd was.

As daar nie tyd was nie? --- As daar nie tyd was nie, sou een of ander offisier moes besluit het wat om te doen.

Jy afgesien wat die bevelvoerende offisier daarvan dink? --- Afgesien wat die bevelvoerende offisier daarvan dink. Elke man is geregtig om sy lewe te verdedig, homself te verdedig. Gewoonlik wag ons op 'n bevel van die bevelvoerende offisier om te vuur, maar elke man het nog sy eie lewe in sy hande.

Hoe lank, volgens jou mening, het die skietery aangehou? --- Ek het geseen, ten tye van die skietery,

--- dat ---

dat dit nie langer as tien sekondes geduur het nie.

En hoe het dit werklik tot einde geloop? ---
Toe ek sien dat die skare begin omswaai en op die vlug slaan, het ek onmiddellik geskree, "Staan vuur!" "Stop!"
Toe het die skietery opgehou. Party van die skare het dadelik, onmiddellik toe die skietery begin het, omswaai en weggehardloop. Ander van agter het nog na vore gebeur. Maar hulle het ook op die vlug geslaan toe hulle sien dat hulle medemense begin val langs hulle.

Toe jy geskree het "Stop vuur!", het jy dit gedoen omdat jy so'n bevel van die kolonel gehoor het, of het jy dit op jou eie gedoen? --- Ek het dit op my eie gedoen. Ek het gemeen dat die gevaar tydelik afgeweer is en dat die noodsaaklikheid om verder te vuur, nie meer bestaan nie.

DIE VOORSITTER:

Maar het jy hulle aangese om te staan vandat u daarvan bewus was dat daar nie 'n bevel was om te vuur nie, of omdat u gemeen het die vuur was geregverdig maar dit moet nou stop gesit word want dit sal nie verder geregverdig wees nie? ---Ja; ek het gemeen dat dit nie verder geregverdig is, toe ek sien die skare begin vlug nie.

Toe die vuur begin het, was u natuurlik daarvan bewus dat daar nie 'n bevel gegee is nie? --- Ek het nie 'n bevel gehoor nie, maar ek het gemeen dat daar moontlik so'n bevel kon gewees het.

VERHOOR HERVAT: Wat was die reaksie van die

skietery op die skare soos wat jy dit gesien het? ---
Die skare het dadelik omswaai en begin vlug, maar sommige het nog gearsel en nog na vore gekom; veral van agter het ek gesien dat daar nog was wat na vore gedruk

--- het ---

het. Maar hulle het ook, toe hulle sien dat daar mense begin val, omgeswaai en weggehardloop. Die skare was taamlik dig. Hulle het mekaar onderstebo gehardloop. Die wat omgeswaai het, en die wat van agter na vore gebeur het, het gebots met mekaar, en baie van hulle het mekaar onderstebo gehardloop.

Toe die laaste skote geval het, was daar nog van die Bantoes teen die draad, of was hulle weg van die draad af? ---Nee; hulle was nie meer teen die draad, sover ek weet nie.

Toe die laaste skote geval het, hoe ver, sou u sê, was hulle van die draad af? --- Ek sou sê hulle was dwarsoor die straat. Sommige was nog in die middel van die straat toe die laaste skote geval het, en sommige het in die aangrensende veld gehardloop.

DIE VOORSITTER; Hierdie mense in die straat, aan die Westekant van die Polisie-stasie, watter kant-toe het hulle gewyk? ---Hulle het na alle kante-toe gewyk. Baie het na die Suidekant gewyk, en na die Noordekant. Daar is 'n oop veld aan die Noord-Westelike kant van die stasie. Baie het oor daardie oop veld gehardloop.

Ek weet nie of u noukeurig dopgehou het nie, en of u werklik 'n gawe het om dinge kan beskryf nie. Baie mense het 'n gawe om dinge behoorlik te kan beskryf. Die toneel daar voor in die straat, nadat die gevuur begin het, - wat ek graag van u wil kry, 'n indruk: Het die hele skare wat nader aan die Suidekant was, na die Suidekant gedraai en die hele skare wat nader aan die Noordekant was, Noord gedraai, of was hulle deurnekaar? --- Ek het opgemerk dat daar onder die skare was wat meer aan die Noordekant van die stasie was, wat tog na die Suidelike kant gevlug het.

VERHOOR HERVAT: En ...? — En andersom. Party wat aan die Suidekant was, het weer Noord gevlug. Hulle het sonar deurmekaar gehardloop.

Hoe gou na die eerste skote geval het, was dit vir jou duidelik dat die gevaar nou afgeweer was? — 'n Paar sekondes, miskien; onmiddellik toe hulle begin vlug, het ek geneem dat die grootste gevaar afgeweer is.

Volgens jou mening, was daar langer geskiet as wat nodig was? — Nee.

Toe die mense weggevlug het, het jy natuurlik gesien dooies en gewondes wat daar rondlê? — Ja.

Het hulle aandag geniet? — Hulle het onmiddellike aandag geniet. Ek was ook daar behulpsaam om toe te sien dat hulle aandag kry.

Weet jy dat daar enigiets meer vir hulle gedoen kon gewees het as wat julle gedoen het? — Nee. Ons het die gewondes aandag gegee en die wat in ongemaklike posisies gelê het, het ons reggelê en hulle bedek met komberse en so aan wat mense daar gebring het.

Was daar enige onnodige vertraging gewees? — Nee. Die ambulansse was onmiddellik geroep en dit was nie lank nie toe het hulle op die toneel opgedaag, en eers die verwondes weggeneem, en toe die dooies.

Wat sou u sê van 'n bewering dat die dooies eerste aandag gekry het, eerste verwyder was? — Nee, dit het nie gebeur nie. Die dooies wat daar weggeneem is, was miskien gelyktydig weggeneem met verwondes, maar dit was nie in ambulansse geneem nie.

Waarheen is hulle geneem? — Hulle is in Polisie-voertuie, trekke geneem.

— Die —

Die wat daar verkrygbaar was, of moes julle dit
laat kom? --- Nee, dit was daar op die toneel.

Die ambulansse moes kom? --- Ambulansse moes kom.

Verstaan ek dat julle geen verwondes in Polisie-
wagens gelaai het nie? --- Nie wat ek van weet nie. Ek
het nie gesien dat ons verwondes laai nie.

Het julle hulle alleenlik in ambulansse gelaai?
---In ambulansse, ja.

GEEN VERDERE VRAE NIE.

---CROSS-EXAMINED ---

CROSS-EXAMINED BY MR. PARKINGTON: I would like to ask you a series of questions, to begin with, Luit. Claassen, which do not relate to what happened that day at Sharpeville, but which relate, generally, to the use of firearms by the Police, and I would like you to tell me your attitude, based on standing orders or experience in the Police Force, and the general outlook of an officer of your rank in regard to the use of firearms. Perhaps it would be convenient, first of all, to ask you what your experience is in the Police Force. Could you outline it? --- I have had thirty years' service in the Police Force.

Have you ever used a firearm in that period?

--- Never.

Have you ever had to make a decision as to whether you ought to use a firearm, or not; in cases of emergency, did that position arise, ever, before?

--- Yes, I think so, on one occasion.

And so emergencies have arisen. You have had to make that decision, and you have decided not to use it, I take it, because you were observing the utmost forbearance that humanity, combined with prudence, could dictate. That was your attitude, was it not? --- That is so.

And that attitude would be in accordance with standing orders? --- Yes.

And do you believe that that is something which has to be strongly impressed upon every member of the Force? --- Yes.

And that is part of the training of every member of the Force? --- That is part of the training.

--- And ---

And the reason for that is that the moral and legal responsibility of firing upon people necessitates that open^{-ing}/fire is a measure which should never be resorted to until every other means shall have failed to ensure the preservation of peace and good order. That is correct? --- That is correct.

And with regard to the question of self-defence, which is also relevant in this context, the use of firearms is only considered when it is necessary to defend oneself, a member of the Service from death or serious injury. That is correct? ---Yes; or your station, your barracks, or your prisoners.

Or your station or your barracks. But at the moment I am talking about the element of personal self-defence? ---Yes.

That would be from death, or from serious injury? --- Yes.

Coming onto the question of barracks; they are to be defended by the use of firearms, if they are attacked? --- Yes.

But only if they are attacked? --- If they are attacked.

And so, in the kind of situation that can occur, there is the element of the preservation of peace and order; there is the element of self-defence, and there is an element of defending the Police Station against attack? --- Yes; there was an attack threatening.

At the moment, Lait. Claassen, we are not talking about Sharpeville. We are clarifying the

--- general ---

general position. Now, I want you to tell me what ^{would be} the attitude/ of an officer commanding the men, in what I will conveniently call a situation of emergency - by "emergency" I mean preservation of peace and order, self-defence, attack of barracks; I am just going to call that, shortly, an emergency. Now, you've got this kind of emergency involving one or more of these elements, and I would like you to tell me what the duty would be of an officer who has armed Police under his control; the principles which he ought to apply and how he ought to exercise his discretion in those circumstances.

Now, let's deal with the points that arise one by one: I take it that he, too, has to guard against the slightest misuse of their arms? --- Yes; the officer would have to watch that.

He would have to guard against the slightest misuse of their arms - I am quoting from standing orders; do you agree? ---Yes.

I take it that from the point of view of an officer, the only possible way of doing that is to ensure that he deploys his men so that his command can be communicated to them in all the circumstances of the emergency? ---Yes.

I take it he has to acquaint himself with the facts of the emergency, because it is only on those facts that a discretion can be exercised. He must know all the facts relating to the emergency? --- Yes.

And it is really only on those facts that any discretion can be exercised? ---Yes.

--- And ---

And in addition, if - here I want to interpolate the word-"unfortunately" the necessity for firing arises, he must instruct his men as to how it must be exercised?

--- Yes.

In particular, it ought to be at the leaders of any riot, or any dangerous people in the emergency we are talking about, and it ought to be against the actual assailants, if it is a question of self-defence, or the defense of barracks, is it not? ---Yes.

And in particular, not only must he rely on the knowledge of his men that they will not open except on regular word of command, but he must ensure that they do not, if, of course, there is an opportunity to so ensure? --- Yes; the officer will give the command to fire.

Yes; but it is up to the officer to ensure that it is a regular word of command, that it is a word of command that, when given, will be understood by the men under his command and that they will know what that word means? ---Yes.

I mention that particularly because I think you will agree that in an emergency no greater number of men are to be detailed to fire than is considered absolutely necessary? --- Yes.

That is in standing orders? --- That is in standing orders.

And so our officer, who in our hypothetical case is exercising his discretion, must deploy his men in such a way that the command can be given and can be understood and that that command will be understood to be directed to the people to whom it is directed, that is a no greater

--- number ---

number than is considered absolutely necessary? ---Yes.

In other words, the officer in command in these circumstances, has to make a decision in terms of standing orders as to what weight of fire is necessary, and those are the men who are to be detailed to fire; is that correct, lieutenant? ---Yes.

And you see, it goes further than that. The reason why an officer must be in communication with his men, is that no shot must be fired after the necessity to fire ceases to exist. Is that correct? ---Yes.

That, of course, an instruction in the standing orders, would be meaningless if the men were not so deployed that orders could be communicated? ---Yes; depending upon the circumstances.

Now we are dealing merely with the general duties of an officer commanding men? --- Yes.

And now there are two other minor points I want to discuss in general. It is absolutely necessary that all members of the Force must familiarise themselves with the handling of their arms so that they have a perfect control over them in action. Is that correct? --- Yes.

And I take it that it is the duty of an officer commanding men to ascertain whether in fact they do have such a proper control? --- Yes. Usually they are all trained men.

Well, we will talk about that later, lieutenant. Now, there is the general point that the use of firearms is an exercise of force? ---Yes.

That exercise of force must be used with the

--- utmost ---

utmost forbearance that humanity combined with prudence can dictate? ---Yes.

Now, what it really means, isn't it, is that you must not fire unless it is absolutely necessary, and if you do, the extent of your firing must be accurately determined by the elements we have referred to? --- Yes.

Now, I have just read to you the standing orders and I would like you to comment on them. Do they correspond with your experience? Are they widely taught, are they widely disseminated, are they widely understood in the Force; not only by you, an officer of many years' experience, but by ordinary constables who handle lethal weapons? ---Yes.

And so it would surprise you very much indeed if any constable was not aware of these rather trite principles I have canvassed with you? ---Yes; they are all in possession of standing orders and they are expected to study them.

That is not quite what I asked you, lieutenant. From your experience, you would expect them to be acquainted with these principles? ---Yes.

And if in fact they are handling lethal weapons, it would be horrifying if they weren't? ---It would be.

It is inconceivable, of course, that any officer could not be aware of these standing orders? ---Yes; that is impossible.

And so, with regard to a constable who has a lethal weapon in his hands, it would be horrifying; but with regard to an officer, it just wouldn't happen? --- No.

--- Now ---

Now, I want to talk to you for a little while about these elements that we have discussed in general; first of all, the element of the preservation of peace and good order; secondly, the element of self-defence, and thirdly the element of attack on barracks. I would like you to deal with them one by one. With regard to the preservation of peace and order, what that really amounts to, I take it, is that if a crowd comes together, if it becomes noisy, if it becomes violent, it must be dispersed. That is really all it means? --- Yes.

And I take it that it must be dispersed because there is a duty to disperse it? --- Yes.

As you in the Police are the guardians of peace and order? ---Yes.

And if a crowd accumulates which threatens peace and order, you are under a duty to disperse it? --- Yes.

Immediately that situation arises? ---Yes.

And you are under a duty to disperse it by the exercise of minimum force? ---Yes.

Coming back to "humanity combined with prudence"? --- Yes.

It will obviously be prudent, and it would certainly be humane to disperse such a crowd as soon as peace and order were threatened? ---Yes.

Because it is perfectly clear that crowds grow; if you get a growing crowd, you can reasonably foresee that it will grow further?---Yes.

And a small crowd can be dispersed, generally speaking, by the use of less force than a big crowd? ---

--- That ---

That is so.

And so, in these circumstances, it is the clear duty, in terms of the principles which we have been talking of, for such a crowd to be dispersed as soon as peace and good order is affected? --- Yes.

And it must be an exercise of the discretion of the officer in command as to when peace and good order is affected? ---Yes.

In order to exercise that discretion, he has to have, of course, a full knowledge of the prevailing circumstances? ---Yes.

And it is his duty to acquaint himself with those prevailing circumstances? --- That is so.

Having acquainted himself with those prevailing circumstances, if he considers that peace and order is in fact affected, it is his duty to disperse that crowd with the minimum use of force? --- Yes.

I want to leave that situation for a moment and I want to pass on to self-defence. You remember, I told you I would deal with peace and order first of all, then I would deal with self-defence, then I would deal with attack on barracks. Now I would like to have the benefit of your experience, Unit. Claassen, of self-defence. During the thirty years you have been in the service, there must have been times when you were worried about your personal safety? ---Yes.

I think that is an experience common to all members of the Police Force, and most members of the Armed Services. There are times when this is experienced. I would like you to tell me of the

circumstances, from the point of view of the self-defence of yourself, of your own person, the circumstances when you would use a firearm, bearing in mind the provisions of standing orders and your experience in the Service, and particularly the fact that during the thirty years you have been in the service there has been no necessity, in your view, for you to use a firearm; and when will you feel yourself justified in doing so?

MNR. CLAASSEN: Edelaagbare, dit skyn vir my hier is so'n hipotetiese vraag dat dit onmoontlik sou wees vir die luitenant om al die omstandighede waarin hy hom in sulke gevaar sou beskou dat hy 'n wapen sou gebruik - dit lei na niks; dit rank die ondersoek in werklikheid nie. Ek reken hy sal hier kan staan vir 'n ...

THE CHAIRMAN: Reverting to the line of cross-examination, it is rather a difficult question to ask, that; unless you want the witness to state the law.

MR. PARKINGTON: I might try to save time. I will be more explicit. It may take a little longer, Sir, but I will do it more meticulously and avoid the difficulty which my learned friend appears to find.

CROSS-EXAMINATION CONTINUED: Now, would you use a firearm if one person made a loud noise at you?
--- No.

Would you use a firearm if someone, coupled with a loud noise, put ^{up} their hand or their finger and made cries of "Afrika!"? --- No.

If the cries were "Gato Maneri!" you wouldn't shoot them? --- No.

I take it that if someone put up his hand and said "Gato Maneri!" to you, you would not shoot him? --- No.

--- If ---

If they spat at you? --- No, I would not shoot at that time.

If a number of people did any, one or all of those things, would you shoot them? ---No.

If a very large number of people did any one or all of those things, would you consider yourself entitled to shoot them? --- No; I would not shoot unless they resorted to violence.

Unless they resort to violence against you? --- Yes.

Now, the kind of violence against you: If a stone were thrown at you, would you shoot? ---Yes, depending upon the ...

If one person threw a stone at you, you would shoot him? ---No; I don't think I would, if one did it.

Would you tell me - I must ask you a general question because it would be idiotic my going 1, 2, 3, 4, 5; how many people would have to throw how many stones at you in what kind of circumstances

THE CHAIRMAN: Mr. Parkington, may I just put this to the Witness; I don't want to stop you, obviously, but I am not sure that this is profitable. You say that if one person threw a stone at you, you would not shoot him? --- Right.

Now, if you were held in a corner and there were a man twenty yards away from you with a pile of stones in front of him and he was continually throwing stones at you, and could cause you serious harm, would you shoot him then? --- Yes; that would make a difference. I would use my firearm.

---Mr. Parkington ---

Mr. Parkington, I merely asked that question to show that merely putting a question like that, "If a man throws a stone at you, would you shoot him?" ...

MR. PARKINGTON: I am grateful to you, Sir, but I did make it clear to the witness that I was dealing with general principles in this part of the cross-examination. If, of course, the questions are not subject to answer, they will have to be left. But I did want to canvass the general principles, because it strikes me, Sir, they are valuable, and perhaps I can do it another way, which will be unexceptionable.

CROSS-EXAMINATION CONTINUED: What do you understand by "serious injury"; "only to defend themselves from death or serious injury"; that members of the Police could use their firearms? ---No, I would not say only in those circumstances.

From the point of view of self-defence; from the point of view of the topic we are now canvassing, leaving aside attack on barracks, leaving aside the preservation of peace and order and leaving aside the other things in standing orders like shooting violent animals, which we are probably not concerned with this morning. It is only from death or serious injury? ---Yes, normally, but there may be other circumstances in which the Police might have to use their firearms.

I am only talking about the simple use of firearms to protect yourself, the simple use of firearms in self-defence; I am suggesting to you that in those circumstances they could only be used to defend oneself from death or serious injury. Do you accept that? ---Yes.

And so there's got to be a clear apprehension of "serious injury". I take it the apprehension must be clear, because ^{we} do you know that when in doubt you do not fire; and so there's got to be a clear apprehension of "serious injury". Would you agree to that?

--- Yes.

And, of course, if the injury is apprehended, to a body of men, it is the officer in command of that body of men who must exercise his discretion on the facts before him in order to ascertain whether in fact there is a clear apprehension of a serious injury? --- Yes; normally the officer would decide.

Of course normally the officer would decide. But the officer has a duty to decide after he has exercised his duty to ascertain the relevant facts? --- Yes.

Now, the third element which we were discussing, which is attack on barracks, need not detain us for long because the word is "attack" and the word "attack" is not a difficult word to interpret. I take it that it means someone doing something, a danger to the barracks, from which you can infer (1) that he intends to invade them; (2) that he's got a reasonable expectation of doing so; because you would never open the fire, I take it, in the circumstances if actual, physical force were not exercised against the barracks; but you would never open the fire merely because you thought he might? --- No; there must be a serious threat.

But there must be actual, physical force? --- Actual, physical force.

--- THE CHAIRMAN ---

THE CHAIRMAN: What is meant by "actual physical force"?

MR. PARKINGTON: I will be coming onto that, Sir. I just wanted to establish a general heading first, Sir.

CROSS-EXAMINATION CONTINUED: In addition, there must be an inferred, or an expressed intention to attack the barracks. Unless, if someone threw a stone in one direction and it happened to go in the direction of the barracks, that, of course would be absurd. You must be able to infer an intention, from what the people were doing, to attack the barracks? ---Yes.

MR. CLAASSEN: Edelagbare, ek wil nie my geleerde vriend in hierdie ondersoek in die rede val nie, maar ek word sat daarvan, en ek dink dat dit alles hipoteties is en tydverkwisting wat my geleerde vriend nou hiermee besig is. Edelagbare, wat is hy besig om te doen: Om aan u deur hierdie getuigenis voor te stel hoe die Wet toegepas moet word, iets wat u in u eie diskresie moet besluit. Selfs indien hy oor al hierdie algemeenhede antwoorde kry wat hem pas, dan was die Wet nou nog nie 'n beval nie; dan moet dit die Kommissie het nog niks verder gevorder nie. Selfs indien die luitenant sou sê dit is sy sienswyse, en dit is sy sienswyse.

DIE VOORSITTEK: Ek weet nie hoeveel van nut uiteindelik mag blyk uit die kruisverhoor nie, maar wat ek snap is dat die vrae betrekking het op hierdie getuie se ondervinding; nie soveel sy kennis van die staande orders nie, maar sy ondervinding van die posisie in die

--- polisie ---

polisiediens in die algemeen, naamlik om 'n insae te kry in hoe daardie staande orders interpreteer word, hoe dit toegepas word en dies meer.

MNR. CLAASSEN: Edelagbare, as die antwoorde wat my geleerde vriend uit die getuie gekry het, aan die begin, getoon het dat hierdie getuie 'n eksport is in noodtoestande, dan sou dit tot 'n mate van nut wees. Maar die antwoord wat hy gekry het was dat in geen enkele omstandigheid het hy homself bevind in so'n toestand nie. Hoe kan hy as 'n eksport op hierdie gebied beskou word? Ek wil aan die hand doen, dit is niks anders van tydverkwisting nie en kan tot geen hulp vir die Kommissaris strek nie.

MR. PARKINGTON: May it please your Lordship. It is possible to argue that standing orders should have been before your Lordship from the inception of this commission. We have been daily waiting for them to be placed before your Lordship. It is perhaps unnecessary to canvass the ^{various} possibilities why in fact they were not placed before your Lordship.

I don't know whether the Officer Commanding at the end will be called. Various Officers Commanding have been called. It is my submission, Sir, that these questions are very relevant to ascertaining what various people on the day in question should have done at various times; that they are proper and that - may I add in mitigation, Sir - they will probably only go on for another quarter of an hour.

THE CHAIRMAN: Well, if you give me that undertaking, Mr. Parkington, then I

MR. PARKINGTON: I feel that a closely reasoned argument against it would take more time than the questions

themselves.

THE CHAIRMAN: Well, on that concession, Mr. Parkington, I think you may continue.

CROSS-EXAMINATION CONTINUED: And the last of these three points on attacking barracks, it is clear there must be a real apprehension of the attack being successful; if the danger is an imaginary one or not a real one, of course, it would not be justified to open fire? --- Not necessarily; ^{not} only if the attack is likely to be successful.

Or if there is a real danger that the attack may be to some extent successful, either with regard to loss of life or the barracks? ---Yes; if the attack is serious or not serious, I must defend my barracks.

To defend the barracks, is that it must be a real attack in the ordinary use of the word "attack"? ---Yes; it must be a real attack, or there must be a serious threat of an attack.

Now I just want to deal with some minor matters. When one wishes to fire at a crowd, one is an officer and it is necessary to do so, one has to take a decision in terms of standing orders as to how many men shall be detailed to fire, and in addition, I take it, one has to make the decision as to what weapons shall be used? ---Yes.

It is the duty of the Officer Commanding to make various decisions on the facts, which it is his duty to assemble? ---Yes.

For instance, if there is a Browning gun on a sarsen and it is at a point at which firearms must

be used, the decision may well be made that the Browning should not be used, that the Browning would be an unnecessary use of force? ---Yes.

And that, of course, would apply equally to all automatic weapons? ---Yes.

And in particular to sten guns? ---Yes.

Just as a decision has to be made as to whether fire should be opened or not and who it should be opened by, and it should be made on all relevant facts, so a decision has got to be made on when fire should be ceased? ---Yes.

And that decision equally is an exercise of discretion? ---Yes.

And that discretion is equally exercised on the simple principle which we have referred to, of the utmost forbearance that humanity combined with prudence can dictate? ---Yes.

And, of course, there are correlaries to this: That the officer commanding is under a duty to be in a position where he can ascertain these facts. He is under a duty to ascertain them and thereafter immediately give the regular word of command to cease fire? ---Yes.

And that entails, also, his being under a duty, for his word of command to ^{be} effective? In another way - that involves also, just as he must put himself in a position where his order to open fire would be obeyed, so he must be in a position for his order to cease fire to be obeyed? ---Yes.

NO FURTHER QUESTIONS.

CROSS-EXAMINATION BY MR. KENTRIDGE: Mr. Claassen, I would now like you to cast your mind back again to the events of Sharpeville on the 21st March. You came through the crowd in Col. Pienaar's motor car? ---Yes.

What sort of car was it? ---If I remember correctly, it was a 1958 Chevrolet Sedan.

An ordinary Sedan car? --- An ordinary Sedan car.

And were you sitting at the back with Col. Pienaar?--- Col. Pienaar was sitting in front, next to the driver, and I was sitting at the back.

Did Col. Pienaar discuss the situation with you when you were in the motor car? --- No, but he did, at Vanderbijlpark.

Did he discuss the Sharpeville situation with you in Vanderbijlpark? - Did he tell you what was happening at Sharpeville? ---Yes; he told me that the demonstrators were congregating around the Police Station at Sharpeville.

Is that all he told you? ---Yes; and he had had messages, too, that the situation was not good at all.

At that time, or when you drove there, did he take you into his confidence with regard to his plans for dealing with the situation? Did he indicate that he had any plans? ---No; he did not indicate. I suppose he was waiting to get to Sharpeville first.

In order to ascertain what the situation was? --- Yes.

--- And ---

And to find out the facts there? ---Yes.

You drove in at the gate on the West side. Do you know who opened the gate? ---No; I could not see who opened the gate. There was such a thick crowd in front of the car, I could not see the gate.

And how did that crowd get out of the way so that you could get to the gate? --- They were pushed to the side.

By whom? ---By the car. The car pushed them out of the way; they jumped out of the way.

Do you mean they were knocked down by the car? ---No; not as far as I know.

Do you mean the crowd slowly - the car slowly went forward and as the car came very close to them, they got out of the way? --- The car pushed them out of the way.

Do you mean the car actually, physically pushed them aside? ---Yes.

Then why did it not push them down in front of it? --- The car was going very slowly, and they had time to get out of the way.

So they were not being run over? ---No.

But the car was steadily going forward and they had to get out of the way to avoid being run over? --- Yes. The car was almost forced to a standstill.

THE CHAIRMAN: Those people you were going through them, were they standing with their backs to the motor car? --- They turned round and faced the car.

CROSS-EXAMINATION CONTINUED: When the car came, they turned round? ---Yes; they turned round.

Do you think the crowd surrounded the car completely at times? --- They surrounded our car completely.

And you had a saracen behind you somewhere, did you not? ---Behind me, yes.

But do you mean that they cut you off from the saracen? --- Yes; we were cut off.

They were between you and the saracen? --- Between us and the saracen.

How many people were there in the car? --- Col. Pienaar, myself, the driver and the constable who showed us the way.

You have explained that they banged on the car with sticks? --- Yes.

Or with their hands? --- With sticks, with their hands, and I saw one hitting the car with a shoe.

But they did not attack you? --- Yes; they held onto the car. They wanted to force it to a standstill, and ...

You don't follow me. You have explained how they treated the car. You say the car had to go very, very slowly? ---Yes.

It had to crawl along? ---It crawled along.

But I mean, they did not try to pull you out of the motor car? ---No. One struck at me in the back of the car, with a stick.

Was the window turned up, or down? ---My window was down.

And were you hit? ---No.

You mean he waved a stick at you? ---No; he

--- actually ---

actually struck the car.

But no attempt was made to pull the four of you out of the car? ---No.

Or throw stones into the car? ---No stones were thrown into the car.

And you got through safely? --- Yes, we got inside the Police station grounds safely.

And eventually you got to the gate; the crowd parted and there was the gate, and the gate was opened; is that right? --- Yes; as far as I could see - the gate may have been opened. I don't know. I could not see who opened it.

You mean it may have been opened before you arrived? ---Yes; the crowd was in the gateway.

When your car went through the open gate, did the crowd follow your car in? --- No; they did not follow the car in.

They did not invade the Police Station through the gate?---No; they were inside. They had already burst in, but they did not go ...

Why do you say "burst in"? --- Some were actually through the gates, in the grounds.

But why do you say "burst in"? --- Well, it appeared to be like that; when the car came in it appeared that they had already got in.

But when you say "burst in", you don't mean that they had to force their way in? ---No.

What happened to those people, the members of the crowd which you say had already got in, whether "burst in" or not? --- They were held back at the gate.

By? ---By Police. The Police were there.

Were they pushed out, do you know? ---No; they were not pushed out, not quite onto the pavement. But our trucks with the men followed almost at our heels, and they also came in.

Were members of the crowd still at the gate, still inside the gateway, still inside the Police grounds? --- No; I could not say.

So you don't know what happened to them? --- I don't know.

But at any rate, there was quite a long period when the gate was open, when your car and the troop carrying vehicles came through? ---Yes; quite a few minutes.

The crowd did not rush through the gate? --- No, they did not rush in.

When you got out of the motor car, did you remain with Col. Piensaar? ---Not all the time.

Did you spend some time going about among your men? ---Yes; I was mostly with the men. I kept supervision over them.

Where did you place them, when they got out of the troop carriers? --- They remained outside the Police Station. I kept them together in a group.

Were they in a clump? ---Yes.

Had they loaded their arms, do you know, by that time? ---Not as far as I know.

They did not load before Col. Piensaar gave the order? --- No; not as far as I know.

You had given no prior order? --- When I left

at station at Johannesburg, they all had their ammunition in their bandoliers.

And you gave no order to load? ---Never at any time.

Did you have an opportunity to observe the crowd alongside the fence on the west side? ---Yes.

According to the information we have, your party, that is with Col. Pienaar, arrived at about 1 o'clock? ---Yes.

And the shooting commenced, apparently, between 1.25 and 1.30? --- Yes.

So, during that 25 minutes, did you have an opportunity to watch the crowd? ---Yes.

I wonder whether you could cast your mind back to that part of the crowd which was standing close up against the wire. I take it once you arrived, one of the first things you were interested in was to look at the crowd? ---Yes.

I just want to ask you. We may come later to what happened, if anything, after the arrests by Col. Mangler; but think back, now, to the time when you first arrived. Think of the crowd standing alongside the fence. What was their attitude - these are the people who are close to you, the line standing alongside the fence. What was their attitude? Were they threatening? ---Yes. I would say their attitude was threatening.

Were they waving their sticks? ---Yes.

Shouting? --- Shouting. Calling us dogs.

Were they men only, or was it a mixed crowd? ---

--- A mixed ---

my station at Johannesburg, they all had their ammunition in their bandoliers.

And you gave no order to load? ---Never at any time.

Did you have an opportunity to observe the crowd alongside the fence on the west side? ---Yes.

According to the information we have, your party, that is with Col. Pienaar, arrived at about 1 o'clock? --- Yes.

And the shooting commenced, apparently, between 1.25 and 1.30? --- Yes.

So, during that 25 minutes, did you have an opportunity to watch the crowd? ---Yes.

I wonder whether you could cast your mind back to that part of the crowd which was standing close up against the wire. I take it once you arrived, one of the first things you were interested in was to look at the crowd? ---Yes.

I just want to ask you. We may come later to what happened, if anything, after the arrests by Col. Spengler; but think back, now, to the time when you first arrived. Think of the crowd standing alongside the fence. What was their attitude - these are the people who are close to you, the line standing alongside the fence. What was their attitude? Were they threatening? ---Yes. I would say their attitude was threatening.

Were they waving their sticks? ---Yes.

Shouting? --- Shouting. Calling us dogs.

Were they men only, or was it a mixed crowd? ---

--- A mixed ---

A mixed crowd.

There were women? --- There were women, but mostly men.

Children? --- Not many children.

Did you notice in that crowd, there, a number of women carrying umbrellas? ---Yes.

Their umbrellas up, as sun-shades? --- Some had their umbrellas up, some had them folded.

It was not raining? ---No; it was not raining at the time.

It rained later? ---It rained after the shooting.

These people on the fence were packed fairly close against it, were they? ---Yes; right up against the fence.

You did not see anyone climbing over the fence? ---No; I did not see anyone climbing over the fence, but I saw some trying to climb over the fence. They climbed on the fence, and then they fell back again.

They were climbing up, perhaps, to get a better view? ---Maybe.

You don't suggest that they were attempting to get over the fence in order to attack you at that stage? ---No. That I don't - I did not have that impression.

You at no stage saw a concerted effort to get over the fence? ---No.

You at no stage saw any concerted effort to get through the gates? --- They were trying to push in at the gate all the time, and the Police had to stand there to keep them back, to hold them back.

And how did they manage to do that? ---By pushing

forward slowly.

At the gate? ---Yes.

You mean this was after the gate had been opened, in order ...? --- To allow us in, yes.

But as I understand you, there were a number of people standing in the gateway. They did not go any further in. You did not see any of these people who were in the gateway trying to get at the barracks? --- Perhaps they were a yard or two inside the gate.

And you did not see them trying to get in any further? ---No; they were held back, there.

Do you suggest that they were trying to get past the Police, and enter the Police Station? Or was it just the crowd behind that was pushing them forward? ---I do not think they were pushed from the back. I think the crowd in front - they kept on moving slowly forward.

How many of these people were inside the gateway when your vehicles came through, that had to be pushed back? --- They were very closely packed, at the gate. There might have been about forty or fifty.

And they were pushed back by the closing of the gates; is that right? ---Yes. I ...

I suppose it was something like this: The gates were open and the Police would push the gates closed and the crowd had to step back. Was that how it worked? --- I cannot say whether the gates were closed after we had entered. I do not know.

Well, how were these people, forty or fifty, who were inside the gateway, a yard or two inside, pushed out? Or how were they prevented from remaining inside? ---

---I do ---

I do not think they were pushed out at any time. They remained more or less where they were. The Police kept them there.

Do you not know whether the gate was open or closed? ---I could not see, from where I was sitting in the back of the car. The crowd was too thick.

After you got out of the car, all your vehicles were inside; was the gate closed again? ---I do not know.

You do not know whether the gate was closed, or open? --- As far as I know, it was not closed.

So during the 25 minutes between your arrival and the shooting, you are not even certain whether the gate was closed? --- As far as I know, it was not closed.

And in spite of that, the crowd did not come through the gate? ---Yes; they came in, but they were held, more or less, just inside the gate.

In spite of that, they did not come right into the Police Station itself? ---No.

They did not come amongst the men? --- No, they did not mix with the men.

What held them back? --- The Police held them back.

How? ---By facing them and standing in front of them.

By standing their ground? --- Standing their ground, yes.

How many? --- There were quite a number of men, Bantu constables were there.

They were not pointing their guns at the crowd? ---No.

They were just standing there? --- Just standing there.

And they were not attacked? --- They were not attacked.

Although the crowd was close up? --- Yes; the crowd was close up to them.

- ADJOURNED: 11.15 a.m. -

- RESUMED: 11.35 a.m. -

JAKOBUS JOHANNES CLAASSEN, still under oath:

CROSS-EXAMINATION BY MR. KENTRIDGE CONTINUED:

Mr. Claassen, did you notice how many arrests Col. Spengler made? ---I saw him making one arrest.

Did he have to use force in order to make that arrest? ---Yes. There was a bit of a struggle at the gate, where he made the arrest.

Did he have to subdue the man he was arresting? --- Det. Sergt. Muller came to his assistance.

He had to come to his assistance. Was Det. Sergt. Muller perhaps wearing a white handkerchief on his head; do you remember? ---I did not see a white handkerchief on his head.

Did you notice a man near the gate, one of the Police in civilian clothes, wearing a white shirt, no jacket and a white handkerchief on his head? ---No.

Did you notice Col. Prinsloo there that day? ---No; I did not see him there.

Do you know whether the arrest made by Col. Spengler was on the orders of Col. Pienaar, or do

--- you ---

you not know? ---No; as far as I know, it was not under the orders of Col. Piensar.

There seems to be some doubt in your evidence about the order to line up, when it was given, when the men lined up. I first understood you to say that after Col. Spengler made the arrest, some stones were thrown and it was then that Col. Piensar ordered the men to line up. I think you then corrected yourself. What is the position, as you remember it? --- When Col. Spengler made the arrest, the crowd at the gate seemed to become more excited, and there appeared to be a bigger threat to the station and to the Police. Col. Piensar then ordered the European Police present to form up in line.

And they then did form up in line? ---Yes.

They came from out of the inner yard of the Police Station, and out of the Police Station, and joined the men who were already outside? --- Yes; most of them were already outside.

Do you know how many of this line had sten guns? --- No. I do not know.

When the firing commenced, were you on the right? --- Yes; I was on the right flank. I was ^{that side} on/of the line, as they faced the crowd.

And were you in front of the line of Policemen, or behind them; that is to say, between the Police and the fence or between the Police and the buildings? --- I was between the Policemen and the buildings. Sometimes I was in the line with them.

You said you don't think anyone other than Col.

---Piensar ---

Pienaar could have given an order to fire. Is there any possibility that Col. Spengler gave the order to fire? --- Possibly. I did not hear it.

Do you know - you have said something about the arrest by Col. Spengler, that made the crowd more excited and the men were ordered to line up. What did Col. Spengler do after arresting this man. Did you have a chance to see? --- I did not see him after he made the arrest.

You did not see where he was during the shooting? --- No.

You explained that although it was for the senior officer to give the order to fire, ^{say if he} you felt the situation was dangerous, there were certain circumstances in which you might have felt called upon to give the order yourself - either do that, or approach Col. Spengler to suggest it to him. Do you recall saying that? ---Yes; I would have discussed it with him.

In other words, as you put it, if you thought things were very dangerous and you heard no order to fire, what you would do if you had time was to go to the senior officer and say "What about giving an order?" or if there was no time, you might have given the order yourself? ---Yes.

But in this particular case, you did neither. You did not suggest, approach Col. Pienaar to suggest an order to fire, nor did you give an order yourself? ---No.

As soon as the firing started, you have

--- indicated ---

indicated, the people in front turned but you think there were people at the back who did not turn immediately? ---Yes. I saw some of them still pushing forward.

But when they realized what was happening, apparently, they turned? ---Yes. They turned and fled.

You did not intend to suggest that notwithstanding the firing on the people at the front, the people at the back looked as though they were determined to attack you in the face of the fire? ---Yes; it appeared to me that they were determined to come forward, in spite of the firing.

But when they realized what was happening, that people were falling, they turned and ran? ---Yes.

That is what I am saying; you don't suggest that the people behind were intending to push through to the front to get through those who had already turned, and to get over the fence and attack the line of policemen? -- I do not know what their intentions were.

But you don't claim that that was their intention? ---I cannot say.

That is what I mean. You don't positively assert that? ---No.

You have indicated, I think, that there was really only one volley; is that right? ---Yes.

But you don't suggest that no-one fired his gun more than once? Are you suggesting that each man fired only one shot? ---No.

The men went on firing a number of shots? --- A number of shots.

Do you think that they waited to see what the
--- effect ---

effect of the first shot was, or did they simply wait for the order to stop? --- I think they waited for the order to stop.

From what you have said, the impression given in your description, after the people in the front, that is to say after the section of the crowd nearest the wire had turned to run, firing continued? --- Yes. While they were still coming forward, the firing continued.

That is the people at the back. What I am saying, is this: After that section of the crowd which was nearest to the wire had turned and run, the firing continued? --- The order was given, then, for firing to stop.

You see, you have said those people, that section which was nearest the wire - and I suppose first realised what was happening - that section turned and ran as soon as the firing started; but that people behind did not immediately turn and run. Correct? ---Yes.

And consequently, as appears from your evidence, the firing continued after the people in front had turned and it went on until those at the back had also turned? Is that right? ---No; I would not say that. I cannot say - I will not say that the firing continued because the crowd at the back was still pushing forward. There was just a short burst of fire, and as soon as I saw those in front turn back and flee, I gave the order to stop firing.

But some of the people went on firing after your order to stop? --- The firing stopped almost immediately; when the command was given to stop fire, it ended almost abruptly.

I would like you to say something more about the crowd, though. Here was this crowd, this shouting crowd. The firing started; did the crowd scream at the firing? ---Yes; they screamed as they fled.

This section at the back, did that section continue to shout, were they noisy until they turned around? --- They just fled; they just turned round and fled.

Did the rifles, revolvers and machine guns make a loud noise? ---Yes.

How do you suggest that the people on the left of the line heard the order to stop? --- There were four officers, as far as I know, all along the line, and they went up and down the line and shouted to the men to stop firing.

As I understand you, on the first shot the people near the wire turned round and fled. Now, can you explain what necessity there was for any man to fire more than one shot? I am not asking about the first shot. You have given your views about opening fire. Can you tell me what necessity there was for any of those seventy men in the line to fire more than one shot? Or would you rather not venture ...? --- With automatic weapons it is difficult to fire only one shot.

That is a good point you have made; let's confine ourselves to people who had rifles or revolvers. I understand - it was explained to us that was an automatic weapon unless you have it on single shots. If you just touch the trigger, you fire off a burst, three or four. Let's consider the people who were

--- using ---

using .303 rifles and revolvers - and there were a great many of them? --- There were some of them who fired only one shot.

I am not pressing you on that at the moment. You have given your view - can you suggest what necessity there was for any man in that line with a .303 rifle or a revolver, to fire more than one shot? --- When the crowd started fleeing, there was no necessity to keep on firing. That is why the order was given to stop firing.

Quite. Take the case of a man with a .303 rifle. Let's assume he fired one shot, and perhaps he was very quick and fired a second shot. I won't question that for the moment. You have given your views on the necessity for shooting. If there had been a man, say next to you, in front of you, with a .303 rifle, would you have allowed him to fire, say, ten shots into the crowd? ---No; once the danger ceased to exist, I would not have allowed him to continue firing.

- certainly you
Not only would you not have allowed anyone to fire ten shots ...? --- No. If I thought there was no necessity, I would not have.

But I am talking of this day. You were behind the line of men. Were there Policemen in front of you, armed with rifles? --- Yes.

Did they use them? --- They used them.

And you have explained how almost immediately you started to shout "Stop!"? --- Correct.

How many shots did these Policemen who were in front of you, fire? Do you think they fired more than one? ---Yes. With the great noise made by the

--- firing ---

firing, I suppose there would be some of them who did not at once hear the command to stop, and they might have fired one or two shots, perhaps, after the command was given.

When you shouted stop, about how many shots do you think the men in front of you had fired by then? Do you think they would have had time to fire more than one, or two? ---Oh, yes. When I shouted to the men to stop firing, they had had enough time to have fired more than one shot.

About how many, do you think, the men in front of you fired? ---I cannot say.

A man with a .303 has quite a decided action when he fires. He has to draw back the bolt, put it forward each time, hasn't he? ---Yes.

And I suppose he might even drop the butt when he does that, and then put it up again to fire the next shot? ---Yes; some men do not drop the butt altogether. They keep it at the shoulder. Some do drop it.

Well, now, remembering the people who were in front of you, let's get that clear. Can you suggest that there was any necessity for any of those seventy men in the line to fire more than one round? --- Well, I think there was a necessity to fire more than one round.

But what was the necessity; what was the effect of the first round? --- The effect of the first round was that the people at the fence, nearest to the fence turned round and they started to run, but some were still coming forward.

Those were those at the back? ---Yes; they were still coming forward.

Those are the ones who ran themselves, when they realised what was happening? ---Yes; those at the fence.

Now, surely, Mr. Claassen, if you had been in command - let us assume that you had the rifle in your own hands, and you were in command of other men, I take it you would have fired the first shot, the first volley, and you would have waited to see what the effect was before letting go with a second volley. Surely that follows from what you have told my learned friend about standing orders? ---Yes; the men were not told how many rounds to fire. There was no command, that I could hear, to fire.

But if you had been there with a rifle, I take it if you had fired the first shot, you would have waited to see whether a second one was necessary before firing? --- Yes, depending upon the circumstances.

And if it was necessary, you would have fired a second shot? ---I would have fired more shots.

If it was not necessary, you would not have fired a second shot? ---I would not have fired.

I take it when the men, the section of the crowd nearest the fence, turned and ran, the immediate danger was over? ---I cannot say that. As I said, some were still coming forward.

But those who were coming forward, were not near the fence? --- No; they were pushing up from the rear.

THE CHAIRMAN: How far were they from the fence? --- Sir, the line of men firing were about six to eight paces away from the fence.

--- You ---

You have stated in evidence when firing started - I don't know whether it was immediately after the first shot, but shortly after the first shot, at any rate, people standing up against the fence turned and tried to get away? ---Yes.

Then you referred to the people behind, who were still pushing forward? ---Yes.

Which section of the crowd are you referring to? Were they standing on the opposite side of the street, were they in the middle of the street or were they immediately behind the people who were up against the wire? ---Just immediately behind them, and some were hesitating. They stood looking before they turned.

CROSS-EXAMINATION CONTINUED: Of course, when you say that the people in the front turned back on the first shot, you don't perhaps mean those people right at the fence. You mean those immediately behind them, also; not merely the first row, perhaps the second row, also? ---Yes.

And the third row? --- As far as I could see, those people in front and perhaps those immediately behind them, perhaps the second - some of them turned; some of them stood still, looking at the Police.

Perhaps they were astonished? ---Possibly.

Once those people nearest the fence had so to speak broken and were trying to get away, the immediate threat to the Police and the Police Station must have gone? There was time to see what those further back would do? ---Yes; when they started fleeing, the immediate danger was not so serious.

Quite. Now, Mr. Claassen, on your observation, do you think that the Police shot at people who were running away? ---I do not think so.

THE CHAIRMAN: Does that question imply that they only perhaps aimed at people running away, or that they hit people who were running away?

CROSS-EXAMINATION CONTINUED: Do you think they aimed at people who were running away? ---No; I do not think so.

Do you think they took aim at all? --- Some men may have taken aim at particular persons; some may not have taken aim. They may have fired into the crowd.

Do you think - you see, this is a question of how long the firing lasted after people started running away. Do you think that in fact, whether it was deliberate or not, the shooting was directed towards people who were running away? In other words, did the shooting continue towards a section of the crowd which was running away? ---No; I do not think so. It is possible that some were hit from the back as they ran, but I do not think ...

But you concede that it is possible that some people were hit from behind as they ran? ---Yes. But I cannot say that they were aimed at.

Is it your impression that many people were hit from the back? ---I saw some with wounds in the back.

Would you expect many people to have been wounded from the front, by this firing? ---Yes. When the firing started, they were all facing the Police, and I suppose a number of them must have been wounded

from the front.

On your impression of what the crowd did when the shooting started and how long the shooting went on, would you expect that many of the people who were killed or wounded would have been shot from behind? ---I cannot say. I suppose a fair number would have been wounded from the front, and a fair number from the back.

I take it this would accord with your observation, with your commonsense: If the shooting was mostly directed at the people when they were still facing the Police Station, you would expect more wounds from the front; but if, on the other hand, the crowd had fled immediately and the shooting had continued while they were running away, then you would expect more wounds in the back? ---Yes; if the shooting continued for a long time.

On the evidence that you have given, one would not expect to find that the majority of people were shot in the back? Is that right? ---Yes; I said it is possible that a fair number would perhaps have had wounds in the back, and perhaps an equal number in the front.

You see, one would expect, that if you are right in saying that the shooting did not go on any longer than was necessary, you would not have the majority of people shot in the back. Is that not logical to you? ---Yes; if it continued longer than was absolutely necessary, then I suppose more would have had wounds in the back.

Because obviously it is not necessary to shoot at people who are running away in order to defend your

lives or your station, is there? --- No; once they start running away, the danger more or less ceases to exist.

And consequently, if it were to be found that the majority of the people were shot in the back, then it would imply that the shooting went on longer than was necessary? ---I will not say that. With automatic weapons it is quite possible that a number may have had wounds in the back, although they fled.

Why, with automatic weapons? --- Because of the rate at which they shoot.

How long does an automatic weapon shoot? How long does it take to fire off with a sten gun? Is it tremendously fast? ---It is tremendously fast.

I think we had the figures from Mr. Freemantle. He says it can fire thirty rounds in 3.2 seconds; and in fact, of course, we have been told that usually only 25 rounds are loaded. So a man could fire off the whole magazine in about three seconds? ---Yes.

Of course, you have to allow for the fact that there should be - they should be fired in short bursts, not completely continuous. Is that not so? ---Yes. A short burst - three seconds may be a short burst.

So if a man fired in bursts with a sten gun at that crowd, would you expect people to be wounded in the front, or the back? After all, after the first three or four seconds, would the people have been running away already? ---Yes; many would be wounded in front, and many in the back, within a couple of seconds.

--- Then ---

Then I come to my point. If the shooting did not go on longer than necessary, then one would expect that not many people would be shot in the back, because one would expect the shooting to have stopped as soon as the people turned; is that right? --- Yes.

Now, I tested your evidence, Mr. Claassen. You said the shooting went on no longer than was necessary. Now, if you are right, one would not expect the majority of people to have been shot in the back. One would have expected some, perhaps, to have been shot in the back, but the majority would have been shot from the front? --- I do not know how many were shot in the back. I do not know whether the majority was shot in the back.

What would you expect if the shooting continued no longer than was necessary? --- Perhaps an equal number would have been shot in the back, an equal number in the front.

Why would an equal number have been shot in the back? --- Well, that is my impression. That is what I think.

How could that happen, if the shooting stopped as soon as the danger was over? --- The shooting, I think, was necessary and I do not think it continued longer than was absolutely necessary.

THE CHAIRMAN: I am not sure whether this is not rather a matter for argument, but since you have asked this Witness his opinion - if after the first round everybody in the front row only turned around in an attempt to get away and you fire a second round, what is going to happen? --- In that case, most of them would have been wounded in the front, and if we fired a

and
second round, some were still coming forward - more
would have been wounded in the front.

MR. KENTRIDGE: I think it is perhaps a matter
for argument when we get the medical evidence.

THE CHAIRMAN: I was just wondering how far -
one might have ten Witnesses and ten opinions, and I do
not know whether it then becomes a test of credibility
or proper qualifications.

MR. KENTRIDGE: I think, Sir, Counsel have
all, perhaps, asked too much opinion evidence from the
Witnesses. I will leave it at that.

CROSS-EXAMINATION CONTINUED: If I may get
back to facts, Mr. Claassen - do you remember the
direction in which the Police shot? Was it only due West,
or was it also to the North and South? ---Mainly West,
and - North-West, South-West.

You know there were three saracens on the right
of the line? --- Yes, there were saracens.

Did you notice any men standing on top of them?
--- When the firing started, I saw one man standing on a
Saracen.

Was he firing?---No; he was not firing.

What weapon did he have? ---He had no weapon on
him.

Did you see anyone standing on top of a saracen,
firing? ---No.

Or handling weapons? ---No.

Did you not notice any shooting due North? ---
No; there was no shooting due North.

Was there any threat on the North side? Was
there any danger from the North side? --- Not as great

as from the Western side.

Were any of your men lined up facing due North?

--- No.

So presumably there was no real threat from the North? ---No; there was no real threat from the North.

And you did not see any shooting to the North, or even to the North-East - that would be round the corner of the Police Station? ---No.

There was no danger there? ---No danger there.

Would you have noticed if people were standing on the saracens, firing? ---I think I would have noticed.

And you would even have noticed it if people were standing up there, with weapons in their hands? --- I would have.

We are talking, now, about the time of the shooting and, I take it, immediately before - from the time the line was formed. When you formed the line, that is a few minutes before the shooting, then, too, you saw no-one with weapons on the saracens ---No.

And after the shooting? --- I did not see anyone with weapons on the saracens.

Did you fake the returns of the ammunition fired by the men you had brought to Sharpeville? ---Yes.

Do you have those returns available? --- I remember them.

We may, through the Commissioner, have to ask for a document to be sent; but in the meantime, would you give us your recollection? --- I have made a statement in which I said that 123 rounds of

ammunition were fired by the men I brought to Sharpeville.

How many of them fired? --- Twentytwo.

An average of six rounds each. You say you made a statement? ---Yes.

Did you make that statement from notes you had taken at the time that the men made the returns to you? --- Two days after the shooting I checked up. I call all the men together and I checked up on how many rounds they had fired.

Is that the note that you made available in Court? ---No.

Did you incorporate that in your statement? --- In my statement.

When you put it in your statement, did you do it from your original notes? Did you have your notes in front of you? ---Yes.

Does that note have the names of your men? --- The names of my men, yes.

And other details? ---Yes.

Is that in your statement? ---Not the names of the men.

What details are in your statement? ---Only the total amount of ammunition we used, and the number of men that fired, and the weapons they used.

I have no objection to this Witness refreshing his memory from his statement on this topic, Sir. It will save the trouble also, possibly of having the Witness come with the other report. I will get these figures, Sir, if he can refresh his memory; and then, perhaps, Sir, he could just send the report along and my learned

--- friend ---

friend can show it to us, to satisfy ourselves; because I believe this Witness is from Johannesburg, and we don't want him to come back just to bring his report.

THE CHAIRMAN: Yes. Do you also remember what type of weapons your people used? --- They had only .303 rifles and .38 revolvers - the men that I brought to Sharpeville.

CROSS-EXAMINATION CONTINUED: But these 22 who fired, did they all fire the .303? ---Not all; some used only their revolvers.

Do you remember how many used only their revolvers? ---No.

Would that be in your statement? ---No.

THE CHAIRMAN: Well, I think, Mr. Claassen, at some time or another you must make available that information? ---I will.

CROSS-EXAMINATION CONTINUED: At any rate, Mr. Claassen, at the moment - are there any other figures in your statement about the types of weapons or the rounds, to refresh your memory? --- 77 rounds of .303 ammunition were fired.

By how many men? ---I cannot say.

Is it not in your statement? ---No; it is not in my statement. That is only the total number of rounds.

Well, what I am trying to say is, will it help you at all to have a look at your statement? ---No; I do not think so.

Well, then, Sir, could I suggest that we leave it at that and that the Witness be requested to send this report to my learned friend, Mr. Claassen, and probably

we will be satisfied just to hand it in without recalling the witness at all?

THE CHAIRMAN: I think there will be no difficulty about that.

MR. KENTRIDGE: Sir, subject to anything which might arise out of this report, I don't propose to pursue it further at this stage.

CROSS-EXAMINATION CONTINUED: There is just one other question: Do you think anyone was shot while actually lying on the ground? Did you notice? ---No.

You mean you did not notice? ---I did not see anyone being shot while he was on the ground.

Do you think it could have happened? ---It is possible.

After the shooting, did you speak to Col. Pienaar? ---No.

Did you not get any further instruction from him? ---No; I spoke to Col. Holmes, afterwards. He gave me instructions as regards my further duties that day.

But you got no further order at the Police Station from Col. Pienaar? ---No.

You were not ordered to do anything in particular with regard to finding out who had shot or how many rounds had been shot? ---No.

And you were not ordered to identify any of the wounded or dead, or anything like that? ---No.

Did you see Col. Spengler again, after the shooting? ---Yes; I think I saw him after the shooting.

Where? ---In one of the offices.

Inside? ---Yes.

J.J. CLAASSEN
Cross-examination
Door die Voorsitter.

Did he have a prisoner with him? ---I did not see.

And Col. Prinsloo - was he there? ---He might have been there. I do not know Col. Prinsloo.

And at what time did you leave the Sharpeville Police Station? --- 5 o'clock that day.

And apart from the statement - I take it, it is a statement to the C.I.D.? ---Yes.

Did you make any official report? ---No. I claimed only the ammunition expended by my men.

But did you not have to make a report to your own District Commandant or your own, immediate superior officer of where you had been or what you had done on that day? ---No. My superior officer knew where I had been.

He did not require any details? ---No.

DIK VOORSITTER: Mr. Claassen, toe daar begin is om te vuur, het u toe u saterdag geskenk aan die kwessie dat te gelensertyd moet die vuur weer gestaak word? ---Ja.

Het u die posisie hoegenaam dopgehou, of het u al u saterdag gegee aan die manne voor u, wat gevuur het? --- Ek het die posisie dopgehou, sowel as supervisie uitgeoefen oor die manskappe wat gevuur het.

Ek is nie seker of ek die vraag alreeds aan u gevra het nie, maar ingeval ek dit nie gevra het nie, wil ek dit nou net vra: Die bevel wat u gegee het dat daar gestaak moet word met die afvuur van wapens, het dit uitsluitlik in verband gestaan met die posisie dat dit nie meer nodig was om te skiet nie, of het dit hoegenaam in verband gestaan met die feit dat daar,

sover u geweet het, nie 'n bevel gegee is nie? ---
Ek het gesien die mense slaan op die vlug, en onmid-
dellik toe dit vir my duidelik was dat die gevaar
afgeweer is, het ek die bevel gegee dat die manne
moet ophou vuur. Ek het ook daardie bevel uit ander
oorde gehoor.

Voor u u bevel gegee het, of na u u bevel
gegee het? ---Moontlik gelyktydig.

In u geval - u het nie bloot iemand anders
se bevel herhaal nie? ---Nee.

U het 'n bevel gegee na aanleiding van wat
u self gesien het? --- Ek het op my eie inisiatief
gehandel.

U kan my miskien sê, in u ondervinding, in
watter omstandighede word die Polisie gevra om in 'n
linie aan te tree? Met watter doel word die Polisie
opdrag gegee om in so'n linie aan te tree? --- Waar
dit nodig is om as 'n eenheid en met krag op te tree.
Dit is ook veiliger as hulle in 'n linie optree, vir
die manne self.

Waarom sou dit so wees; kan u net verduide-
lik? --- Om seker te maak dat die vuur in een rigting
gaan, en dat daar nie lede is wat van agter skiet nie,
en moontlik lede voor hulle raakskiet nie.

Ek wil net weet u eie opinie; u weet
wanneer opdrag gegee is dat die lede in 'n linie moes
aantree, en soos u die posisie toe ingesien het, was
dit toe nodig gewees om die Polisie so te laat aantree,
of het u gemeen dit was nog te vroeg gedoen? --- Ek
neem dit was nodig om hulle te laat aantree.

Hoekom? --- Die posisie was dreigend; die

die mense het baie opgewonde geraak, en hulle het gepeeg om die draadheining voor die Polisieostasie plat te druk en hulle kon enige oomblik oor die draad strom, en dit was raadsaam dat ons in gereedheid gebring word, om op te tree.

MR. KENTRIDGE (THROUGH THE CHAIRMAN): When you say the crowd were trying to push down the fence, does it mean that there was great pressure on the fence? — Yes; by those in front, standing at the fence.

Do you mean that they were deliberately with their hands trying to uproot it, or push it down? — They had their hands on the fence, and I saw them pushing at one of the poles; they tried to push the pole right down.

Do you think the people were trying to push the pole out of the ground? — Just to push it over.

How? How were they pushing it? — Pressing against it.

How many people had hold of this pole? — One, I saw.

THE CHAIRMAN: Is there any distinction between the people in front of their own desire applying force to the fence, irrespective of what was happening behind, and the case where the people in front had really no say in it; they were being squashed against the fence by pressure from behind — and merely by the weight of the human bodies the fence was being pushed forward. Is that distinction present in your mind? — Yes; to some extent there may have been pressure from the back, but I saw people trying to break down the fence, to force it down — those in front.

J.J. CLAASSEN
DEUR DIE VOORSITTER.
FRANCIS NOTSHOANOLE
HOOGSCHULIE.

So it would be a combination, then, of the two circumstances? ---Yes, Sir; possibly.

Some in the front line were trying to push the fence over, and in other cases they were merely being pushed from behind? ---Yes.

MNR. CLAASSEN (DEUR DIE VOORSITTER): Die ysterpaal wat daar in die draad is - is u bekend met daardie tipe van paal? ---Ja.

Is dit moeilik om dit om te buig - ek praat nie daarvan as dit uit die grond is nie; maar as dit in die grond vasstaan, en jy druk dit met jou hand, so, is dit baie moeilik om dit gebuig te kry? ---Ja; jy sal taamlik hard moet druk teen hom.

Maar kan een man hom buig? --- Een man kan hom buig, ja.

FRANCIS NOTSHOANOLE. beëdig, verklaar: (deur tolk)

VERHOOR DEUR MNR. CLAASSEN: Francis, waar woon jy? ---In Sharpeville lokasie.

And where are you employed? ---In Vanderbijlpark.

On the night of the 20th March this year, - you will remember, the night before the incidents at Sharpeville Police Station, were you at home? ---Yes; I was asleep, at home.

Tell us what happened on that night? ---It was about a quarter to twelve that night. Natives then came along, broke my window panes, and the door was also struck, I think with golf clubs. I then went outside

--- and ---

and I found two Natives outside, only. There were many in the yard, but at the door there were only two. This crowd in the yard then went out of my yard and they also took me out of the yard, into the street. There were then about 400 people and they knocked at the door of a doctor's house.

You say when you opened the door, there were only two men at the door? --- There were only two at the door, and they then told me they did not do any damage to the house.

These two men, were they armed? --- Unarmed.

You said they - there were a number in the yard? --- In the yard - many in the yard, and also outside the yard.

How many were in the yard? --- About fifteen in the yard, but there were about 250 altogether.

Were the others outside in the street? --- Yes. They were going to different houses.

Is your house fenced in? --- Yes.

And how far is the street from your front door? --- Just outside the gate, as far as the window, more or less (eight to nine paces).

These people inside the yard, were they armed? --- I only saw one with a stick. The others were unarmed.

And the people in the street? --- Some of them outside in the street had sticks; I can't say how many.

Were there men and women? --- Only men.

About what age? --- It was a mixed crowd - old and young together.

--- What ---

What were they mostly; young, or old? ---
Mostly young men.

Did you know any of those men? ---I knew some
of them.

I want to put a question to you; you need not
answer it if you don't like to answer it. Do you belong
to any of the political associations in Sharpeville? ---
No. I know nothing about politics.

Do you know some of the members of the P.A.C.?
--- No.

You said that they took you along with them? ---
Yes. They drove me along.

They drove you along? --- They came to the back
of me and they told me to go on.

THE CHAIRMAN: Did you know where you were going;
did you know what they were going to do? --- They said they
were taking me to the main road.

EXAMINATION CONTINUED: Did you ask them what
was going on? ---I did.

What did they say? --- They said to me that only
men would go to the road in connection with passes.

Did you gather from what they said what they
were going to do about the passes? ---I did not gather
anything, but I was told not to take my pass along to work.

You say they went, also, to other houses? ---
Yes; they went along the street, to different houses.

Doing what? --- They went into the houses and
brought the men out of these houses.

Did they do that at every house? --- All the
houses along the street.

--- AND ---

And what was the impression that you got from the residents of those houses; were they willing to go along? --- I cannot say, exactly, but they were brought out and I then saw them go amongst the crowd. I cannot say whether they were going willingly, or not.

Did you refuse to go along? ---I actually refused to go, and I wanted to know why they had damaged my house. I was then told the tsotsis had damaged my house, and they would fix up my house the next day.

Did you see any tsotsis? ---I saw some tsotsis there; there were quite a number of young Natives about.

Do you mean amongst the crowd that you have described? --- Amongst the crowd.

So where did they take you? --- We went to the main road. Some of them then knocked on the door of the doctor's house and I then saw four Police vehicles in the street. The vehicles came towards the crowd. I think there were then about 400 people. I then heard some of the men say, "Don't go away; there are the Police. You can tell the Police about the matter." At that moment, I felt a blow against my head and I fell to the ground. I do not know what struck me, whether it was a stone or a piece of iron; I don't know.

But who did the blow come from - from the members of the crowd, or from the Police? ---I cannot say where this object came from. I was among the crowd at the time I was struck. Whether it came from the Police or from the crowd, I don't know.

Did the blow come from the Police? ---It could have come from the Police. I was close to the Police at the time - about eight or nine yards (indicated) away from the Police.

If it came from the Police - do you think it might have been a stone? ---I show the Court a mark; I think it was a stone or a piece of iron that struck me.

I just want to get this clear. If you received that blow from the Police, they must have thrown a stone, then? ---Yes.

They could not have struck you with a baton? ---
No.

Did you lose consciousness? ---Yes.

Before you lost consciousness, was there any fight between the Bantus on the one side and the Police on the other side, that you saw? ---No; there was no fight between them.

So, as far as you know, you were the first one to receive a blow? --- As far as I know, I was the only one who was injured at that stage.

What happened to you afterwards? --- When I got up, there were no longer people about, at that spot. I then tried to run. My head was covered with blood. A Native constable then came to me from the van, and he struck me with a stick across my shoulder.

A Native constable from a van? ---Yes; there was a van parked in the street, and he came from that van. This was after I had got up from the ground, and when I was bleeding from my head; this Policeman came along and hit me with a stick.

Why should he have done that? --- I was trying - I got up and I tried to run away, and when I was trying to run away, I was hit.

I think he mistake you for a tsotsi? ---I don't know.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. KENTRIDGE: Is there any reason why you should be mistaken for a tsotsi? ---No.

Are you a respectable man? --- Yes.

Were you behaving like a tsotsi? ---No.

I did not get your name correctly; what is your surname? --- Francis Motshoahole.

Did you go to work that day? ---It was Sunday night.

I mean the next morning? --- No; I went to hospital and twelve stitches were put into the wound.

Did you have to stay in hospital? ---I was not detained. I was merely stitched, and left.

When did you get back to Sharpeville? --- I got back at 3 a.m., from hospital.

The next day, were you at the Police Station when the shooting took place? ---No. I had been injured, and I was not there.

Have you got children? ---Yes.

Were any of them at the Police Station with the shooting? ---No.

Was any other member of your family there? --- Yes. A cousin of mine was there.

A grown-up man?---Yes.

Does he live in Sharpeville? ---Yes.

Is he a respectable man? ---Yes.

Do you know why he went to the Police Station? ---I believe he was told by somebody to come along to the Police Station to find out what was happening.

I suppose you know quite a lot of people in Sharpeville? ---Yes; I know a lot of people.

I mean, you know a lot of the African population? ---Yes.

THE CHAIRMAN: How long have you been living in Sharpeville? --- Since 1945.

CROSS-EXAMINATION CONTINUED: And have you met a lot of Africans who went to the Police Station at Sharpeville and were there at the time of the shooting -- since the shooting on the 21st March, have you met Africans who were present at the Police Station during the shooting? ---Yes.

Are they respectable people? --- They are.

Are they the sort of people who would fight the Police? --- No.

Do you know why they went there? --- They went there because others told them to come to the Police Station as well to find out about Pass Laws; that is the only reason why they went there.

Do you know what they thought they would find out about Pass Laws? ---No.

THE CHAIRMAN: These people that you refer to, were they employed? --- They are.

Did you see them on that day, on Monday, the 21st? --- I saw some of them; they came to see me after I had received this injury to my head.

CROSS-EXAMINATION CONTINUED: Was that before the shooting, or afterwards? ---Before.

THE CHAIRMAN: Were they not at work, that day? --- They did not go to work because they were prohibited

--- from ---

from going to work.

Who prohibited them? --- These people who were against the Pass Laws.

CROSS-EXAMINATION CONTINUED:
/In Sharpeville - now, you know the African people there - do you think many of them are interested in politics? --- I cannot say whether they are or not.

You don't take part in it? --- I don't.

Do you know anyone who was shot at the Police Station at Sharpeville on the 21st March? --- Yes. There were some killed who I knew.

Were they respectable people? --- They were.

Were they the sort of people who would fight the Police? --- No.

THE CHAIRMAN: Were they your type of person? People that you associate with? --- Yes.

CROSS-EXAMINATION CONTINUED: They weren't tsotsis? --- No.

Did they look like tsotsis? --- No.

I ask that question because - in case my learned friend asks whether perhaps they were shot because the Police thought they were tsotsis. Could the Police have thought they were tsotsis?

THE CHAIRMAN: I think that has been pursued far enough, now.

MR. KENTRIDGE: Yes; perhaps it should never have been started, my Lord.

CROSS-EXAMINATION CONTINUED: Are you a member of the Advisory Board? --- No.

NO FURTHER QUESTIONS.

FRANCIS MOTSHOAHOLE
Re-examination
F.P.J. CORTZEE
Hooftgetuenis

RE-EXAMINED BY MR. CLAASSEN: Just in case my learned friend brought you under the impression that I considered you a tsotsi - there is nothing further from it. These people you have referred to as respectable people, that were killed, do you know whether they went to Sharpeville Police Station on their own accord or did they go there under the same circumstances as you went? --- They were compelled to go to the Police Station.

NO FURTHER QUESTIONS:

- ADJOURNED: 12.55 p.m. -

- RESUMED: 2.15 p.m. -

FREDERICK PIETER JAKOBUS CORTZEE, beëdig,
verklaar:

VERHOOR DEUR MNR. CLAASSEN: U is 'n kaptein in die Suid-Afrikaanse Polisie, gestasioneer te Jeppe?
--- Ja.

Het jy op die 21e Maart van hierdie jaar met sekere manskappe gekom na Sharpeville lokasie? ---Ja.

In opdrag van wie het jy gekom? --- Ek het in opdrag van my Distrikskommandant gekom.

Wie is hy? --- Kol. Haasebroek - maj. van Zyl het waargeneem as Distrikskommandant, en maj. Louw het my opdrag gegee om te kom.

Hoeveel man het jy by jou gehad? --- Ek het 'n hoofkonstabel, twee sersant, tien blanke konstabels en ses Bantoe-konstabels by my gehad.

Wat was die voertuie wat julle gehad het? --- Ek het 'n opraktrok gehad.

---Hoe ---

Hoe laat het jy by die lokasie aangekom? ---
Ongeveer 10.20 v.m.

Het jy iemand by die hek ontmoet? ---By die hek
het ek Municipale Polisie gesien, maar verderaan het ek
Polisievoertuie opgemerk.

In die Hoofstraat? ---In die hoofstraat wat in
die lokasie ingaan.

Soes jy inry? ---Ja.

En het jy toe deurgegaan tot by hulle? ---Nee.
Ek het opgemerk daar was 'n groot skare van tussen
8,000 en 10,000; sover as wat ek kon sien die straat
op, het hulle bankvas gestaan. Hulle het instrumente
in hulle hande rondgeswaai wat vir my gelyk het na kleries.

Het jy dit van die hek af kon sien? --- Net nadat
ek deur die hek is. Toe het ek my bestuurder opdrag
gegee om stil te hou. Ek het toe agter in die opruktrok
by my manskappe ingeklim, hulle beveel om te laai, en ek
het vir hulle gesê hulle moet gereed wees om aangeval
te word, want die skare wat daar gestaan het, het vir my
 baie veglustig voorgekom.

Wat bedoel jy eintlik by 'n opruktrok? --- Dit
is 'n Chevrolet trok wat aan die kant draad om het, en
'n metaal bak en dak, ook.

Aan die kante het hy metaal? --- Aan die kante
het hy glas en draad.

Glas? --- Glas; die glas kan wegskuif en daar
is draad met skietgate deur, as jy 'n geweer daardeur wil
steek; dan is daar gate waar die geweer deurgesteek kan

--- word ---

word.

En hoeveel manskappe vat so'n opruktrok? ---
Wel, daar kan twintig tot 25 man daarin gaan.

Kan hulle almal skiet daardeur? --- Nee,
hulle sal nie almal kan skiet nie, want die ruite keer
- tensy hulle die ruite uitslaan en deur die ogies van
die draad skiet, kan hulle nie skiet nie. Daar is maar
vier skietgate aan elke kant, en voor aan die opruktrok
is een.

Is die draad en alles bedoel vir beskerming
vir die manne binne? --- Ja. Dit is bedoel om, as daar
klipgooiery is, die klippe te keer en ook dat die ruite
nie stukkend gegooi moet word nie. Dit is 'n 3-ton trek.

Bit klink'n bietjie vreemd, die glas, daar? ---
Daar is glas; dit is, ek sou sê, 2½ vt. wyd en dan kan
die glas skuif, bymekaar verby. So, as jy in kouse weer
of reën ry, kan jy die glas toeskuif vir beskerming vir
die manne binnekant.

Die glas is nie bedoel as beskerming teen 'n
aanval nie; net teen kouse? --- Nee; net teen kouse.

Hou, goed. Jy het toe daar eers stilgehou
en toe het jy agter ingeklim en jou manskappe gesê om
te laai? --- Toe het ons verder gery. Toe het ek maj.
van Zyl gekry ongeveer op die sewende dwarsstraat in
die lokasie. Hy het sy manne oor die straat gehad,
net sy voertuie agter hom.

En waar was die skare? --- Die skare was ongeveer
100 treë van maj. van Zyl af, maar daar was van die
tsotsis wat nader gekom het. Daar was 'n klompie van
hulle taanlik na-aan die Polisie gewees.

Die skare is nou aan die Suidekant van hom, in

--- die ---

die hoofstraat? --- Dit is weg van die ingang af; ongelukkig, in daardie lokasie verloor ek my rigting.

Hou, vertel ons wat daar gebeur het? --- Ek het stilgehou, daar. Ek het verwag daar kon 'n aanval geloods gewees het op ons voordat ons by die ander manskappe kon aansluit. Ek het alleen uitgeklim en aan maj. van Zyl gaan rapporteer. Hy het my toe opdrag gegee om my manskappe saam met sy manskappe aante tree. Ek het my manskappe toe aangetree saam met sy manskappe, dwarsoor die hoofstraat.

Verstaan ek dat jy 'n moontlike aanval op jou manne verwag het, voordat jy by hom kom? --- Ek het verwag die oomblik dat ek daar sou aankom, terwyl ons ongeorganiseerd was - het ek 'n aanval verwag. Dit is waarom ek my manskappe laat laai het en gereed laat staan. Ek het twee stengewere voor, deur die opruktrok laat steek, ingeval ons aangeval word, dat ons onself kon verdedig.

Jou manne het toe by hom aangesluit en hy het toe bevel oorgeneem van ...? --- Van al die manskappe.

Vertel ons wat toe gebeur het? --- Ons het daar bly staan vir 'n lang tyd. Die Bantoes het daar rondgestaan en ek het toe opgemerk party van hulle het stukke ysters in hulle hande gehad, ander het kieries gehad. Ek het selfs een teetsel daar opgemerk met 'n dik stuk hoepel in sy hand. Die groot klomp wat bestaan het - dit het vir my voorgekom daar was 'n heilige stryery tussen hulle.

Tussen die Bantoes? --- Tussen die Bantoes. Party van hulle het gewys na ons-toe, en andere het
--- hulle ---

hulle hande opgesteek, en daar was 'n groot stryery; so het dit vir my voorgekom.

Dit is nou op 'n afstand van omtrent 100 treë?
---Omtrent 100 treë; 80 na 100 treë.

Dat jy hierdie ...? --- Waar die groot liggaam van hulle gestaan het. Ons het daar vir 'n ruk gestaan, toe het maj. van Zyl aan my oorhandig en hy het gesê hy moet gaan verslag doen. Hy het toe vertrek. Daar het van die Bantoes weer nader gekom, al nader aan ons, hulle het ons daar uitgetart in Bantoestale wat ek nie verstaan het nie, vinger gewys, vuus gewys, en naderhand het hulle stadig terug beweeg boontoe, op die bult. Toe het ek later gesien hulle word minder, daar. Ek het toe gedink hulle gaan nou huis-toe. Toe kry ek 'n boodskap van die aanklagtekantoor dat daar ongeveer 6,000 om die aanklagtekantoor is, en dat hulle baie opstandig en veglustig is. Met voer dit het 'n opruk-trek van Sentraal aangekom met hoofkonstabel Malan in bevel, en twaalf manskappe. / Met luit. Visser van die Speurdiens op Vereeniging opdrag gegee om die manskappe van Sentraal te neem en te gaan kyk wat die toestand is by die Polisie-stasie. Ek het hom gesê om sy diskresie daar te gebruik. Ek het op daardie plek bly staan om 'n verdere optog op Vereeniging te smit indien die Bantoes sou besluit en weer op Vereeniging te marsjeer.

Waar het jy die idee vandaan gekry dat dit die plan was? ---Maj. van Zyl het my gesê hy het alreeds daardie oggend 'n knuppelstormloop uitgevoer op hulle, omdat hulle op Vereeniging wou marsjeer en hy het my gesê ek moet dit ten alle koste voorkom. Ek het toe nog daar gestaan en wag, en na 'n ruk het luit. Visser vir

my 'n nota gestuur en gesê dat daar nou tussen 8,000 en 10,000 en die Polisie-stasie is, en dat omstandighede daar nie goed lyk nie. Ek het toe opgemerk dat die saracens aangekom het. Hulle het net onderkant die Municipale kantore aan die linkerkant van die pad geparkeer. Ek het 'n nota gestuur aan die offisier in bevel van die pantserwaens dat ek van posisie gaan verander na die aanklagkantoor; daar is 'n groot skare daar, wat die Polisie-stasie omsingel het. Ek het gevra vir begeleiding, ook.

Wie was in bevel van die pantserwaens? --- Ek het hulle eers later gesien - kapt. Brunner was op die pantserwaens. Ons het toe voortgery met dwarsstrate, en ons het toe in die teerstraat wat voor die Polisie-stasie verbyloop, op gekom, tot by die Suid-Oostelike hoek van die Polisie-stasie. Daar het ek stilgehou. Ek het my manskappe beveel om uit te klim en daar is stelling ingeneem oor die straat. Daar was toe 'n groot skare gewees. Daar was minstens, wat ek kon sien, tot waar die hoek van die Polisie-stasie dit gekeer het, 10,000 of 12,000 wat daar bymekaar was.

Verstaan ek dat jy die Westelike kant nie heeltemal vandaar kon sien nie? --- Ek kon nie. Veral daar waar die groot hek is, kon ek nie sien, van my posisie waar ek gewees het nie.

En die getal wat jy nou gee, is wat jy kon sien aan die Oostekant? --- Wat ek kon sien aan my kant, daar - die hele straat, bankvas op gestaan, sover om die draai as wat ek kon sien.

Ja, gaan aan? --- Hulle het swaar teen die draad geleun, en ek was bevrees dat daardie hoekpaal sou omgeslaan het, of die draad sou breek. As dit

--- gebeur ---

gebeur het - hulle was nog net so veglustig as wat ek hulle gesien het daar in die hoofstraat; as dit gebeur het, dan kon dit vertolk word as 'n aanval op die Polisiestasie en ek wou in 'n posisie gewees het, daar, om die manskappe wat by die Polisiestasie was te help van daardie posisie, en ook, indien nodig, as daar weer 'n lot van die skare wegbreek om op Vereeniging te marsjeer, om dié te stuit. Dit is waarom ek daar stelling ingeneem het.

Het jy daar gebly tot na die skietery? --- Tot nadat alles oor was, het ek daar gebly. Na die skietery het die Bantoe links van my bymekaar gekom, en hulle het almal in een rigting gekyk. Dit het gelyk asof iemand hulle daar toegesprek het, en dit is waarom ek my manskappe op daardie posisie gehou het, ingeval hulle miskien 'n sterloop op die Polisiestasie weer gemaak het.

Was mnr. Labuschagne by jou? ---Ja; maar hy is kort nadat ons daar stelling ingeneem het, oor die draad na die Polisiestasie.

Waar het hy by jou aangesluit? --- Ek het hom gekry by maj. van Zyl, onder in die hoofstraat. Ek is nie heeltemal seker daarvan nie. Daar was mense in privaat klere, maar ek dink ek het hom daar gekry saam met maj. van Zyl.

Het jy hom geken, voor die tyd? ---Nooit vantevore nog gesien nie.

Het jy kol. Prinsloo gesien arriveer, daar? --- Ja. kol. Prinsloo het daar na my gekom en hy het vir my gevra of ek reken dit sou veilig wees om deur die skare

te gaan. Toe het ek by hom aanbeveel dat hy 'n pantser-
wa moet kry om hom deur te vat, want ek wou nie graag
van my manskappe daar wegvat om hom te begelei in die
Polisiestatie in nie.

Jy het nie pantsers by jou gehad nie? --- Die
pantsers het agter my kom stilhou, maar toe kol.
Prinsloo in die Polisiestatie ingery het, het die pantsers
vir hom gevolg.

Het kol. Prinsloo daar by jou om gekom? ---
Ja; hy het by my verby gekom. Toe is hy om; om
die Polisiestatie se hoek het hy toe verdwyn.

Het die saracens as begeleiding? --- Ja.

So, jy was gladnie by die skietery nie? ---
Nee.

Jy het dit darem seker gehoor? --- Ek het
dit gehoor, ja. Dit was 'n vreeslike lawaai.

Die direkte aanleiding tot die skietery kan
jy dan seker nie van praat nie? --- Ek het geen idee
daarvan nie.

Van waar jy gestaan het, wat was die stemming
van die skare gewees, net voor die skietery? --- Hulle
was uiters veglustig. Hulle het ons uitgetart; hulle
het op ons gevloek. Hulle het gesê, "Skiet ons".
Hulle het vir ons gesê - dit is lelike woorde, Edelagbare;
ek sal dit moet herhaal. Hulle het gesê, "Jou fokken
hond; jou fokken boer; jou fokken meer". Daar was
een tsotse wat daar gestaan het, na al hierdie uittarting;
toe swaai hy 'n klerie so (dui aan) en hy sê, "Ag, fok
julle; julle is bang. Julle wil nie baklei nie" en
hy draai daar om en hy is tussen die ander Bantoes in,
daar.

Het jy gesien hoedat mnr. Labuschagne deur die skare gekom het en op die Polisieterrein te lande gekom het? ---Nee. Ek het net 'n man gesien oor die draad klim, daar by die hoek. Ek weet nie of dit mnr. Labuschagne was nie. Hy het sy rug na my gehad. Die man het weggestap van ons af, en hy het daar oor die draad geklim. Ek het aangeneem dat dit mnr. Labuschagne was.

Ons het van hom verneem dat die mense, minstens in sy onmiddellik omgewing, nie veel vyandiggesind was nie, en dat hulle padgegee het en redelik vriendelik gewees het? --- Dit hang af wanneer hy my daar verlaat het. Daar was tye gewees dat hulle so'n bietjie gekalmner het, maar dan kom die agitators weer tussen hulle rond en dan raak hulle - by tye was hulle histories gewees. Hulle het selfs op fietse geklim en probeer om ons manne wat in 'n lyn gestaan het, onderstebo te ry. Daar was een teotsi wat aangedans gekom het met 'n stuk yster in sy hand, tot by een van die Vereeniging Polisie-manne en die Polisieman het die stuk yster gegryp en uit sy hand uitgeruk en hy het neergeslaan; en toe het die skare vorentoe beweeg en ek het die teotsi gees om huis toe te gaan.

En het hy toe gegaan? ---Hy is tussen die skare in. Ek weet nie wat van hom geword het nie.

Ek neem aan die manne onder jou bevel was almal in univorn? --- Almal; behalwe, daar was 'n paar Municipale Polisie, maar hulle was ook in hulle univorn.

So jy sal ons nie kan sê of die houding teenoor 'n persoon in privaattrag verskillend was van die teenoor die Polisie nie? --- Dit is moontlik, want daar het 'n persoon daar deurgegaan. Hulle het hom vreeslik toegejuig.

Maar natuurlik, hy het sy kamera op sy bors gehad en hulle het almal gesien hy is 'n persman, en hulle het hom toegejuig. Maar op ons het hulle net gevloek en geskel.

Weet jy wie die persman was? --- Dit was die verslaggewer van die Rand Daily Mail hier in Vereeniging, 'n mnr. Day, dink ek; want ek wou hom daar arresteer omdat hy in die lokasie gekom het sonder 'n permit, maar toe het ek my weer bedink en ek het hom laat gaan.

Hoekom het jy jou bedink? --- Ek het te veel moeilikheid gehad, daar; ek kon nie nog ^{gemoed} gesit het met 'n ou sakkie van 'n man wat die lokasie ingekom het sonder 'n permit nie.

Het jy enige ander persmense daar gesien? --- Daar was 'n ander kar ook daar deur maar ek weet nie of dit van die Veiligheidstak was, of van die Pers nie. Daar was 'n ander motor, ook, met burgerlikes, daar verby. Hulle het om die Polisiestasie gekom en by ons verbygery. Maar ek weet nie wie daardie mense was nie.

Wanneer jy nou sê hulle het om die Polisie-stasie gery, van watter kant het hulle gekom? --- Hulle het van die groot hek se kant af gekom, af, na my posisie-toe.

Kyk, ek dink jy het in Zwane-straat gestaan? --- Ek het in Zwane-straat gestaan.

En die skare was nou ...? --- Van my af op, en om die Polisiestasie.

En die groot hek, die dubbelhek, wys na die Westekant-toe? --- Ja.

Het hulle daar om gekom met die kar? --- Hulle het daar om gekom en by ons verby.

Deur die skare? --- Deur die skare.

En hoe was hulle beweging - maklik gewees, of nie? --- Nee; hulle het baie stadig deur die skare gegaan.

En toe by julle verby gekom? --- By ons verby gekom en toe verder aan, af in die straat. Ek weet nie waar hulle toe heen is nie.

Maar was jy toe onder die indruk dat ...? --- Ek het gedink dit was persnans.

Jy het hulle nie gevra om te stop, om uit te vind wat ..? --- Nee; op daardie tydstip was ek te besig gewees met hierdie klomp tsotsis wat soos 'n klomp bye om my gewees het.

DIE VOORSITTER: As u die woord "tsotsis" gebruik, gebruik jy dit om bloot te dui op mense van 'n sekere onderdom of dui dit op 'n spesifieke tipe? --- Dit is hierdie jong, onverskillige Bantoes, tussen 16 en 24 jaar oud. 'n Mens kan somar sien, meeste van hulle is ook werkloos. 'n Mens kan somar sien - en ons refereer na hulle as die tsotsis.

VERHOOR HERVAT: Hy het geen ander kenteken of drag, soos by voorbeeld jy onder die blankes, die "duck tails", kry nie - waardeur jy hom kan uitken? --- Nee. Meeste van hulle het lang bandjies gedra, met hierdie noupp-broeke, van hierdie tsotsis.

Wat werklik die houding was van die mense aan die ander kant, aan die Westekant, sal jy seker nie kennis van dra nie? --- Nee. Ek het daar handgebare - sover die hoek my toegelaat het; hulle het almal daar na die groot hek se kant-toe gekyk. Ek het gesien hulle het hulle hande geswaai en hulle het gemaal, en gemaal. Ek weet nie wat hulle idee was nie. Maar

ek het daarvan afgelei, hulle was net so vyandig, of miskien nog vyandiger as die wat daar by my gestaan het.

En toe het jy die skietery gehoor? ---Ja.

Hoe was die skietery? --- Net voor die skietery plaasgevind het, het ek 'n harde geskree daar gehoor, en die massa het om beweeg, om die hoek, uit my gesig uit, daar, min of meer na die groot hek se kant-toe. Ek het later eers uitgevind dat daar 'n groot hek was. Toe die geskree opgaan, het ek 'n dowwe slag gehoor. Dit het vir my geguan na 'n klein kaliber rewolwer wat afgegaan het. Daarna het ek 'n harder slag gehoor, wat vir my geklink het na óf 'n Polisie-rewolwer of 'n stengeweer wat op enkelvuur is, en daarna het daar skote 'n sarsie/longebars.

Nadat jy nou hierdie paar enkel, harde skote gehoor het, wat jy gemeen het is afkomstig van 'n rewolwer of 'n .303, hoe lank daarna het die sarsie begin? --- Dit was 'n gedeelte van 'n sekond. Dit was sonar net-so gewees.

Hoe lank het die sarsie omtrent aangehou, na jou mening? --- In spanning gaan tyd baie stadig verby, maar ek reken dit kon nie langer as op die uiterste tien sekondes geduur het nie.

Toe was daar geen skote nie? --- Toe was daar geen skietery meer nie. Toe was die hele massa in volle vlug. Hier van my kant af het hulle weggehardloop, en hulle het gebreek. Ek het gesien hulle het hier anderkant die Polisieostasie om gehardloop, regs van my af, en links van my, in die lokasie.

Het jy toe jou oog gehou daar op die hoek, dit is nou die Suid-Westelike hoek; dit ken jy sien? --- Ja.

Ek praat nou van die Suid-Westelike hoek, dat jy daar 'n gedeelte van die mense kon sien wat aan die Westekant was? ---Ja.

Kon jy sien hoe hulle reageer aan die Westekant - daardie wat jy kon sien? --- Hulle het gemaal; die gemaal het aangegaan, maar die skietery - toe die agterhoede van die voortvluggende massa by die hoek verbykom, toe stop die gewesvuur.

By watter hoek het hulle verby gekom? --- By daardie Suid-Westelike hoek.

Van die Westekant af? --- Van die groot hek se kant af, in die lokasie in. Toe die agterhoede daar uitkom, toe stop die skietery.

En die klomp aan jou kant, aan die Suidekant? --- Hulle het links in die lokasie weggehardloop, en regs, hier by my verby. Aan my regterkant is daar 'n oop stuk grond, onderkant die Polisiestasie. Daar het 'n klomp van hulle ook af gehardloop.

Het jy toe later ook gegaan na die Polisiestasie-toe? ---Ja.

Hoe het jy die toestand daar gevind? --- Ek het direk in gegaan en gaan rapporteer aan brig. du Ploey. Ek het nie gaan kyk daar waar ...

Brig. du Ploey? ---Brig. du Ploey van die Speurdiens was ook daarbinne gewees.

Waar?---Binne-in die Polisiestasie - toe ek daar was, was hy daar gewees. Brig. Els was ook daar gewees. Toe het ek aan hulle rapporteer.

Hoe lank was dit na die skietery? --- Dit was

--- minstens ---

minstens 20/25 minute daarna, want ek het daardie skare
nog dopgehou wat links van my daar hynnekaar gestaan het.

Wat is jou jare van ondervinding in die Polisie-
diens? --- Ek het 24 jaar diens.

En het jy enige vorige ervaring van hierdie
soort van moeilikheid? ---Ja, tot my spyt. Ek het
meeste van asiens in, of op die grense van, Bantoe-
areas deurgebring - lokasies. Ek was in bevel van
Duncan Village -lokasie op Oos London; as hoofkonstabel
was ek daar stasiebevelvoerder in 1952, toe die onluste
daar plaasgevind het, toe dr. Quinlan daar vermoor is,
en Venter. Vandaar het ek daarna weer in Port
Elizabeth - in Korsten was ek gestasioneer. Dit was
een van die grootste "slums" in Suid-Afrika gewees,
daardie dae. Daar was 'n groot plakkerdorp gewees.
Alle vergaderings was verbied in New Brighton, die
hoof-lokasie; maar in Korsten kon vergaderings nog
gehou word. Gevolglik het hulle hul vergaderings in
Korsten gehou. Daar moes ek omtrent Sondag vir
Sondag uitgaan om dekking te gee aan die Veiligheids-
tak se manne, om daar by te staan solank die vergadering
aan die gang is, om te hoor. Daarvandaan is ek na
King Williamstown-toe. Dit is in 'n Bantoegebied.
Daar het ek ook met hierdie soort van moeilikheid te
kampte gehad, Peddie-distrik. Die hoofman wat daar
deur die Staat aangestel was, het hulle doodgeskiet,
kerke afgebrand, skole afgebrand; hulle het van die
Bantoes wat nie saam met hulle wou gaan nie, se huise
afgebrand. Vandaar het ek ...

Waar is dit nou weer? --- Dit is in Peddie-
distrik. Dit is in King Williamstown Polisie-distrik.

Wanneer was dit? --- Dit was in 1956/57.

Daarvandaan is ek na Jeppe-toe verplaas, en in Johannesburg is daar maar altyd opsteotjies. Dan is dit bewysboeke, dan is dit 'n aartappel-boycott, en dan is dit dat. Ek was nog altyd met hierdie soort van ding geneoid gewees.

Waar optogte plaasvind en massas bymekaar kom? — En massas bymekaar kom.

Was u gestasioneer te New Brighton toe die onluste daar plaasgevind het? — Nee. Toe was ek gestasioneer op Duncan Village.

Hoe ver is dit? — Dit is op Oos-Londen, waar die onluste in 1952 plaasgevind het.

Kan u ons sê, oor die laaste vyftien jaar, het daar enige verandering ingetree van die wyse waarop die optogte of saakomste uitgevoer is? — Dit het altyd gevaarliker geword. So het die ding begin. By die begin was die Bantoes nie so opstandig as wat hulle doesdae is nie. Sharpeville was die opstandigste byeenkoms wat ek nog gesien het vandat ek in die Polisie is.

Waar is dit? — Hier op Sharpeville; dit was die opstandigste byeenkoms wat ek nog gesien het.

Was dit maar altyd so gewees, dat daar 'n mengelmors van mans, vrouens en kinders gewees het by die optogte? — Altyd; waarom hulle vrouens en kinders saamneem na hierdie goed-toe, weet ek nie. Altyd is daar vrouens en kinders opgemeng met die mans, en so het ek dit nog orals gevind.

In u ervaring, is daar 'n besondere rol wat die vrou speel inso'n optog? — Ek het al die vrouens gesien optree as aanhitters. Hulle sing sekere liedjies, en dit maak die mans ontrent rasend.

Ken jy van die woorde daarvan, of ...? ---Nee.
Dit is 'n sekere soort liedjie wat hulle sing, en dan
word die mans ontrent rasend.

Jy kan ons geen aanduiding gee van wat die
liedjie is nie? ---Nee.

Hoe dit gaan nie? --- Ek het geen idee nie.

Wat is jou ondervinding; wanneer die mans
en vrouens daar so gemeng skree, "Afrika!" "Afrika!"
en die aanhegselfie wat nog daarby is, wat meen
"Ons land!" of iets van die aard, en die duine in die
lug steek; is dit so onskuldig? --- Nee. Dit is
hulle slagspreuk- soos wat hulle dit noem, om hulle
vryheid te kryen Afrika te kry. Dit is hulle slag-
spreuk.

Het die skare soos hulle vir jou daar voor-
gekom het, vir jou voorgekom as 'n klomp mense wat
hulle kom oergee vir arrestasie? ---Nee. Hulle het
nie so voorgekom nie. Hulle was veglustig. Hulle
was amper histories, partykeer, en partykeer was daar
van hulle histories. Hulle het net gewag vir 'n
voerval wat die vonk kon gewees het om die ontvlambare
gevoel wat daar tussen hulle geheer het, aan die brand
te steek.

Toe jy by voorbeeld die stuk yster uit die
hand ruk van die tetsel wat u gesê het, wat was die
reaksie by die skare? ---Hulle het dadelik vorentoe
gekom en ek is cortuig dat as ons hom gevat het, sou
hy homself hewig teÿgesit het, en dan sou die skare ons
aangeval het. Dit sou dan die vonk gewees het wat
hierdie ontplofbare toestand laat ontplof het.

Sou jy dit raadsaam geag het, daar waar jy was,
om daar, met die klompie man waarmee jy daar was, 'n

arrestasie uit te voer? —Nee. Ek ken nie op daardie stadium vir hulle die rede gegee het om tot geweld oor te gaan nie. Ek het gesien hulle soek net vir 'n voorval om tot geweld oor te gaan.

Hoveel man het jy daar by jou gehad? — Ek het dertig blankes en 25 Bantoes saamgeneem.

Jy praat van 'n "voorval". Was jy onder die indruk hulle kan aanval sonder 'n voorval? —Ja; as hulle -'n mens kan tot op 'n sekere stadium gaan, dan breek jou selfbeheer, en ek het verwag dat hulle selfbeheer sou breek. Dit was 'n bloedige warm dag, en hulle was in 'n hysteriese toestand gewees, en hulle was lank op hulle voete. Ek het verwag dat hulle selfbeheer kon oreek.

DIE VOORSITTER: Vanwaar u en u manne gestaan het - was die skare se aandag op u gerig, of was hulle aandag gerig op die Polisiestasie? —'n Groot deel se aandag was op ons gerig. Die ander se aandag was op die Polisiestasie gerig; die wat teen die draad gestaan het, min of meer, van die klein hekkie af; hulle was almal min of meer - hulle aandag was op die Polisiestasie maar daar was baie wie se aandag net op ons gewees het.

VERHOOR HERVAT: Sou jy jouself en jou manne kon verdedig het teen 'n aanval van die skare?— As hulle almal skielik gestorm het, het ons geen hoop gehad nie.

Wat van die Polisiestasie? — As hulle die Polisiestasie as een massa gestorm het, het daardie manne geen hoop gehad nie. As daardie heekpaal geval het en

— die —

die Bantoes het daar gestom, het daardie manne in daardie Polisie-stasie - hulle sou corrompel gewees het, en hulle sou verbrysel gewees het.

GEEN VERDERE VRAE NIE.

CROSS-EXAMINED BY MR. KENTRIDGE: Captain, can you tell us which corner post you were talking about? —If I had a plan here - I am sorry; in that location I spent twelve nights, and every morning the sun came up in the wrong place, for me. It is this corner over here (indicates on plan); that corner post there. I was over here, and that is where the big - it is this corner post I am referring to.

You mean a post on the South side, just opposite the South-West corner of the building? — That's right.

It is not actually a corner post? —It is a corner post; the fence makes a corner, there. Not there where your finger is - inside. This is where the fence comes up. This is the corner post, here. The pressure on that post was terrific.

You are pointing to the South-West corner post.

THE CHAIRMAN: If you look at Exh. "B", could you tell us whereabouts you and your men were? — To the right of that photograph - if the photograph was centred a little bit farther, about half-an-inch; that is where I was.

CROSS-EXAMINATION CONTINUED: You had thirty white constables and 25 non-whites? —Yes; they were not all constables. I had a head constable and two sergeants, and one sergeant from Vereeniging was also

— with —

with me.

Did the white policemen have rifles? ---I had three sten guns amongst my men, and the others all had rifles. The men from Jeppe also had their revolvers, as well as their .303 rifles.

And the non-whites? ---My men were armed with knob-kerries and assegai's; and the Vereeniging men, I noticed a few of them had bayonettes.

Were you standing on the side-walk? --- No; I was across the street.

Right across the street? --- Right across the street.

Your men were standing across the street? --- Yes; they were standing.

In groups? ---No; in a straight line - one the next to the other.

How many lines? ---Only one line. I could only form one line with the men I had.

Facing which way? --- Facing the crowd; facing the Police Station.

And I take it that your men were not pointing their rifles at the crowd? --- A few times, when the crowd came closer to me, I warned them, when they were about ten yards away from me, to stop there. Then I told my men to be ready and they pointed their guns towards them.

And the crowd stopped? ---They stopped, yes.

There was nothing between you and the Natives? --- No; there was nothing between us.

No wire fence to keep them back? --- No.

But the one thing that is clear is that there

was no concerted attack upon your men? ---No; there was no concerted attack.

Although there was no wire fence to keep them back? ---Yes.

The people might have got round your line from the back? --- They did; a few of them got round, but then I closed the whole street off and then they went in the side street and they formed up behind my men. There were a few hundred there. Then I had to post a few men behind my transport.

There were a few hundred behind you? ---Yes.

And you posted a few men behind? ---Yes.

How many? --- Five constables.

So really, you were virtually surrounded yourself? ---Yes; I was.

And you had no fence on any side? ---No.

And you were surrounded by a big crowd? --- Well, the crowd behind me was not very big; there were a few hundred. But the crowd in front of me was the crowd I watched, because from them I expected the trouble.

However, no trouble came to you? --- Thank God it didn't!

What time was it, so far as you can recall, that you took up your position on that corner? --- I sent the note at 11.15. It must have been about 11.30 or 11.35 when I took up my position.

Did any of your men fire?---No.

Are you sure of that? ---I am sure. I should have seen it. I was three paces behind my line of men

who had firearms. But the moment the first shot, when that revolver or sten gun shot went off, I screamed to my men, because there was a terrific noise, to stand fast; "Don't shoot. We don't know what happened there", and my men stood fast.

And they did not shoot? ---No.

Why did you scream, "Stand fast! Don't shoot!"? --- Those men were under terrific tension the whole day, and the shooting on the other side could have caused one of them to crack.

I follow that. In other words, the position was such that one shot fired by one man could have sent off the whole line? --- Could possibly have done it.

That was what you were guarding against? --- Yes.

That was the danger? ---Yes.

I take it it was an obvious thing, that any officer would guard against it? ---Yes.

I take it even before that you had been impressing it on your men that they must not fire without an order from you? ---Yes. I moved up and down my line of men and as soon as I saw that tension was building up in a man, I spoke to him. I even touched him on the shoulder and I said to him, "Calm down".

But apart from that, you made it quite clear that if an order to shoot were given, it would come from you? ---Oh, yes, I did.

I take that is what one would expect any superior officer to do? ---Unless they are attacked and their lives are in danger and they have to defend themselves.

What I mean is, if these tsotsis, as you call them, had attacked, then you might have had to shoot them? ---Yes.

But as far as your line was concerned, you had them under control? --- Yes.

But was the position such, do you think, that if one man had shot others might have followed suit? --- It is possible.

But you were guarding against that? ---Yes.

And did you arrive there about the same time as Capt. Theron? ---I never saw Capt. Theron. I did not see any reinforcements arrive at the Police Station.

Do you know how many Policemen there were at the Police Station when you arrived? --- No; I have no idea.

Was there any sort of liaison between you and the officer commanding in the Police grounds? --- None whatsoever; I was very worried about that.

Was it not possible to establish a line of communication? ---I would have had to send men through the crowd, and that could have caused trouble; and I did not want to fight^{with} these people, unless they fight with us.

When Mr. Labuschagne went, did he not take over a message from you? ---No; he did not even tell me he was going.

He just left of his own accord, yes. Because - it does appear, then, that there was no concerted action between you and the men in the Police Station? --- No. I did not even know about the reinforcements that arrived.

You said that you had taken up that position because of the possibility of an attack on the Police Station. You wanted to be in a position to help them?
--- Yes.

But may I ask, why you took up your position there, if you feared an attack on the Police Station?
---I would have had to push the crowd back, to take up a position nearer; and then also, if I took up a position nearer to that corner, my men would have been under fire from the other side - if they had to fire; on that corner post - I expected that corner post to go.

My question really goes further than that. Why did you not go into the Police Station? ---No. I felt that I could do more outside, because I did not want to be hemmed in, in case of a further march on Vereeniging and in my position, where I was there, judging by the width of the Police grounds, I had about two-thirds of the Bantu under my view.

Do you mean if they had attacked the Police Station you could have shot them from the back? ---I would have been obliged to attack them in the flank, with everything I had, because those men inside would not have stood a chance.

But you did not think that you ought to go into the Police Station? --- No. I did not want to go in.

How many men were there in the Police Station, do you think? --- As far as I knew, there were only twelve men with Luit. Visser. I never saw any reinforcements arriving.

You did not know about Capt. Theron? ---No. I did not.

--- And ---

And a force of twelve men would not have stood a chance? --- They would not have stood a chance; I am sure 200 men would not have stood a chance, if there was a concerted rush; if that fence collapsed.

And if the people on the fence had wanted to attack the Police? --- In my opinion, they would have stormed the Police Station if that fence collapsed.

Do you feel that their intention was to storm the Police Station? --- It is hard to establish what the intentions of a person can be; it is impossible for me. But I expected that when that fence went, they would have attacked the Police Station.

Before you arrived, any way, Luit. Visser was at the Police Station? ---Yes.

You have spoken about the crowd which you said was extremely aggressive, and you used the word "opstandig". Was it like that when you first arrived, or did it only get like that afterwards? --- The moment I arrived, I noticed that - at the Police Station.

You describe it as aggressive? ---Most aggressive.

Was it the sort of crowd that would have attacked the Police Station? ---Oh, yes; definitely.

And did you get the impression that that was what they wanted to do? ---Yes.

Can you explain why this crowd, which when you arrived was 10,000 to 12,000 people, in that case did not attack the Police Station when there were only twelve men in the Police Station? ---It is impossible to establish what people think and how they react; but these people were looking for a spark to set off this whole thing.

But you don't tell me - would you just tell me

what that means, looking for a spark? I am afraid I don't understand? --- The position was most explosive.

And who was looking for the spark? --- The Bantu.

But what spark did they need? --- If only a Policeman would have rough-handled one of those Bantu there; like for instance that tsotsi, when he was arrested - if he resisted and he had to be taken by force, we would have been overrun.

That is what I am trying to understand. You say here was a crowd which you felt wanted to attack the Police Station. Why did they need a spark? --- It is not human nature just to do a thing like that. You've got to have some ...

In other words, your feeling was, although they were an aggressive crowd, if they were not provoked they would not attack of their own accord? --- If their self-control did not snap; because they were hysterical, at times. Their self-control could have snapped, and then there would have been trouble, too.

What do you mean, their self-control could have snapped? --- Well, every human being has his self-control. If you get angry, you can control yourself to a certain stage and after that many people can't control themselves.

And you think they were trying to control themselves? --- Well, at times, yes.

Well, I think it is obvious from the facts - we know that if this crowd of 10,000 to 12,000 had wanted to attack the Police Station when there were only twelve men in it, nothing could have stopped them? --- Well, nothing would have stopped them, even if there were 200 men.

--- Quite ---

Quite. You don't think that 150 men would have stopped them? --- No; they had no chance whatsoever. Those people would have overrun them.

How were they stopped? --- I don't know.

They were apparently stopped by the killing of 67 and the wounding of 180, we are told by about seventy men? --- That is possible.

Of course, it could be done, but it might be a massacre (?) ? --- Yes. That is why I, at the stages when it was plain to me that they wanted to attack us, when I told them to stop, I could have ordered them then, under the Riotous Assemblies Act, to disperse and then disperse them. But I could not disperse them with those men, without firing, and to use firearms in that crowd, would have been horrible!

Why would it have been horrible? --- Because from where I stood, they stood like fish in a tin, right up for about 75/80 yards. I don't know how far a bullet would travel before it stops.

So you did not shoot? --- I did not. I waited for them to attack me.

They did not attack you? --- Thank God they didn't!

You were somewhat on the outside of the Police Station in the position of a fairly detached onlooker; so perhaps you can help us here. One thing that we can be clear about, although there may be a difference of opinion about the mood of the crowd, is that this crowd did not attack the Police Station before you arrived?

---No.

They did not attack you? ---No.

After you arrived, let's take it up to the time of the shooting, they did not attack the Police Station either? --- No.

Then, just before the shooting, you saw this milling around? --- Yes.

But you were watching the South-West corner? ---Yes.

You did not see people there trying to get over the fence? --- Not at that corner. If they had tried to get over there, then I would have had to attack.

Yes; quite so. If there had been a concerted rush from that corner, you would have had to attack? --- Yes. I would have.

And you did not attack? ---I did not attack.

So there was no concerted rush? --- No.

And that was the corner from which, in your opinion, the greatest danger came? --- Not the greatest danger. There was a terrific pull on that post, and the moment that collapsed the iron standards would have collapsed as well, and then there would have been a concerted rush on the Police Station and it would have been fatal for the men inside.

THE CHAIRMAN: Whatever the people right in front might have felt about it, they would have been pushed from the back? --- They would have been overrun themselves, because they were standing a hundred deep.

CROSS-EXAMINATION CONTINUED: In fact, what might have happened if that post had collapsed, if that the people in front would have fallen flat, other have ...? --- They would have run over them.

They might have run over them; on the other hand, people might have tried to push back. There would have been tremendous chaos? — There would have been chaos.

And what would have happened, no-one can say? —Yes.

THE CHAIRMAN: You have given evidence about occasions when the crowd in Zwane Street advanced on your line - advanced towards it? —Yes.

Was it a case that the people were being pushed from behind, or that the front people themselves were advancing? — They were advancing on us. The agitators were amongst them. What they said to those people, I don't know. I have known the Bantu for many years. They could just inflame them. When they calm down a little bit, they move around them and they get inflamed, and they advanced towards us.

What did you gather; what did they have in mind when approaching your line? — I thought they wanted to attack me.

And when did they stop? — Well, that stopped just before the shooting. It happened several times, that I had to warn my men to be on the alert, and that I had to warn them not to come any nearer; because if they had come nearer, I would have had to give the order to fire.

CROSS-EXAMINATION CONTINUED: When you told your men to be on the alert, do you mean you told them to get their guns ready? —Yes; they all had their guns pointing at the crowd.

And that stopped the crowd? —Yes.

— They —

They did not (inaudible)? --- No, they did not. I expected them to, but it did not happen.

And of course, an officer of your experience and control, would never have shot simply because you expected the men to attack; you would have waited for them to attack you? --- If they had advanced below the ten yards, I would have given the order to fire, never mind what happened to me afterwards.

Well, if they came nearer than ten yards, it would really have looked like an attack? ---Yes.

I can quite understand that.

THE CHAIRMAN: What was the closest that they got to your line? --- That was ten yards. That was the closest they got. If they had moved beyond that, I would have had to give the order to fire, otherwise my men would have been trampled to pieces.

CROSS-EXAMINATION (CONTINUED): But at ten yards, you felt you could control the situation, and you did? --- Well, I had no alternative. There was not much more room and I did not want to push those people back and inflame them further.

I rather gathered from you that to have arrested any of those persons would have been inflammatory? --- I would not have arrested anybody.

In fact, it could have been quite irresponsible, really? --- Well, I could not say. That tsetsi should have been arrested, but I told him to go home, because they would have rescued him if we had arrested him.

And he did go home? --- He disappeared into the crowd. I hope he went home.

--- Were ---

Were there women and children amongst the section of the crowd near you? ---Yes; there were many. I saw some of these tsotsis drive the women out of the location, drive them in amongst the crowd. There was one woman, there, who had a baby of about four years on her hand; and that woman was most unhappy, and this tsotsi was walking behind her, driving her into the crowd.

We have had some evidence, in fact, that some members of the crowd at least were there because they were intimidated? --- Well, I gathered that, because I saw these tsotsis drive these women in amongst the crowd.

Do you then say that because of your observations? ---Yes.

That some of the people were unwilling to be there? ---Yes.

And would have been only too pleased to get away? ---Yes.

And would certainly not have resisted the Police? --- Yes.

Certainly would not have wanted to attack the Police? --- Well, if an attack was made, you could never say what would happen; but there were definitely people there who did not want to be there. That one woman was most unhappy with her child.

Did you hear shouts of "Afrikai"? ---Oh, the whole day.

Did you tell my learned friend you did not think that was innocent crime? ---No; that is their - ek west nie wat 'n "slagsprek" - it is not a motto; it is not a war cry. It is a cry that ...

A slogan? — A slogan, yes.

And what is wrong with the slogan? —Nothing; I shouted back at them "Afrika!", there, where we were travelling through the location to get to the Police Station.

Why? — Because this is my country, too.

I mean, it is not a very terrible thing to cry, is it? —It depends how much you have had that shouted at you. I have had it shouted at me for ten years.

But I mean if people want to shout "Afrika!" and say it is their country, I suppose they are entitled to it? —Yes; this is a free country.

You would not have arrested a man for shouting "Afrika!"? — I would never have any power to arrest him for that.

To that extent, it is permissive? —Yes, well, it inflames the other people. It sort of, I should say, brings up a sort of a loyalty amongst them, a sort of a rally. It is used as a rally, to rally the people.

You said that you have had experience of rioting? —Yes.

You have had experience of — when you say in East London you had experience, do you mean that you were a member of a party of Police actually attacked by rioters? — I was station commander in charge of Duncan Village, where the Police were attacked with stones.

Was that when you were there at the meeting? —It was a so-called prayer meeting.

You gave evidence on this in another Court, did you not? —No. I was never called to give evidence.

There seem to be various views on that meeting; the views of some of the people who were there were that they were holding a meeting, a prayer meeting, which the Police thought was an illegal meeting? ---I know about that. The Court held that it was justifiable homicide, and that ...

Which Court held that? ---It was the Inquest Court; that it was justifiable homicide, and they accepted the Police evidence that it was a political meeting and not a prayer meeting.

Did you give evidence before the Inquest Court? ---I did not.

You see, other people have said that what happened there was that the Police ordered a dispersal of the meeting and opened fire before the time limit was up? ---It is my experience that the Police are always wrong.

Yes; no, I understand that? --- We are never right.

There is no need to be sarcastic about it? --- Well, I am not sarcastic.

I am just putting it to you that there are two versions as to what happened? --- There are two versions to every story.

What happened there in East London is that you were busy dispersing a meeting. It was not this sort of affair, where people had surrounded the Police Station? ---No.

Have you ever been in that sort of ...? --- No; but political meetings were banned, there, and then this meeting was held. They said it was a prayer meeting.

--- and ---

and then it was a political meeting.

Were you in command? ---No; I was not in command.

Who was in command? --- Maj. Pohl; he was a Captain then.

That's right; he is the one who gave evidence? ---Yes.

Yes, that is correct; he gave evidence about that. Of course, there were differences of opinion. There were people who said it was a prayer meeting? --- Yes; I am quite aware of it.

But as you have indicated, usually, on these occasions, when the Police have to use force to disperse crowds, there are usually two versions? ---Yes; and the Police are always wrong.

What do you mean by "always wrong"? ---In the eyes of a certain section of the public, where all these things happen, the Police have always done the wrong thing.

You don't agree with that view? ---Of course I don't.

You think the Police have always acted correctly? ---I would not say always, but the cases I know of - they acted absolutely correctly and they stood more than they should have stood.

In other words, so far as you are concerned, the Police are always right? --- No, no. A Policeman can make a mistake. We are all human. But I should say as far as a section of public opinion goes, the Police are always wrong.

--- Because ---

Because so far, here, we have had a number of Police officers and Policemen who have given evidence, whose attitude seems to be that you can't criticise the Police handling of the Sharpeville situation? —It is a democratic country; they are entitled to be criticised. That is why this Commission is here, to enquire and see whether we did not abuse ...

THE CHAIRMAN: I think you and Mr. Kentridge are entering on a discussion which is not really of any assistance to me.

CROSS-EXAMINATION: But I rather get the impression from you that the Police tend to resent public criticism? — No; we don't — as long as it's constructive. But if it is not constructive, I resent it.

Well, now, here you are a Police officer of 24 years' experience; you were at Sharpeville and you were so to speak detached. Have you any constructive criticism to offer yourself of the Police handling of the situation? —No; I did not see what took place there, so I can't express any opinion whatsoever.

Of the general situation, as it was from the time you came into the location? — The general situation — I would like to criticise the Bantu for the way ...

I am asking you, have you any constructive criticism of the Police handling of the situation? —No.

You have also mentioned you have had experience with potato boycotts? —Yes; we had to patrol the streets in Jeppe, there, and they were selling sweet potatoes instead of potatoes.

Was there a riot? —No.

Was there a demonstration? — No.

So what is the point in mentioning that? ---
Because that is part and parcel of the campaign.

What campaign? --- The campaign of the African
National Congress, that was later taken over by the
P.A.C.'s.

Is that how you view the situation? ---Yes.

Do you think it was serious? ---I thought it
was serious, yes, because there was an attempt to
undermine the economy of the country.

But this whole campaign of these Congresses,
did you think it was serious? ---Of course it was serious.

Do you think it should be put down very firmly?
---It depends what you call "put down firmly". But it
is serious.

Should you think it should be stopped? ---Yes;

Firmly? --- Well, if you can't stop a thing
otherwise, then you've got to be firm.

And do you regard what happened at Sharpeville
as an example of firm Police action to stop the Congress
campaign? --- No.

In that case, the potato boycott is really not
relevant at all? ---No; it is part and parcel of their
politics.

Whose politics? --- The Bantu.

And part of your duty, you think, is to stop
these politics? ---No; it is only to see that people
don't get out of hand.

See that the Bantu don't get out of hand? ---
Yes; where they are gathered together, they may get out
of hand.

--- But ---

But it is your duty also, as you have told us, to see that the Police don't get out of hand if they are under your command? ---Yes.

After this event at Sharpeville, when you went to the Police Station, you saw Brig. du Plooy and Brig. Els? ---Yes.

Was Col. Pienaar still there? ---I saw Col. Pienaar there, yes.

Did you talk to him? ---No.

Did you talk to Brig. Els? --- I just saluted him, and he was then called to another office and I did not speak to him at all.

Did you ask anyone what had happened? ---No. Later that night, I established what had taken place, there.

Do you mean you asked some of your colleagues what had happened? --- The other men who were there at the time, because the whole matter was handed over to me after the shooting, and I had to arrange for the different duties there, and further protection and so on. Then I only enquired what actually did happen.

And when you got there 20 or 25 minutes after the shooting, were there still dead bodies? ---No; they had been removed.

And wounded? ---I did not see any wounded either, because the Police were seen on the scene there; the Bantu and white constables carried the wounded into the Police station, round the corner, there, and I saw a troop carrier there, where they put some in.

You did not, then, know how many had been killed and wounded? ---No.

You found out afterwards? ---Yes.

Were you rather shocked when you found out? ---
I was surprised, that in that dense crowd there were not
more killed. I was surprised.

Because it was clear that even one volley could
do tremendous damage in a crowd like that? --- The crowd
was very thick.

I mean, take your men - you had thirty white
men; if each one of those had fired only one shot, it
could have done tremendous damage?---Yes; it could.

Something that you had in your mind? ---Yes.

Something that any responsible officer ought
to have had in his mind? ---Yes; he should.

I want to ask you about the time when the
second motor car drove by and you did not know whether
they were C.I.B. men or press men. What time was that;
do you remember? ---I did not look at my watch, but it
was just before the aeroplanes came over.

And did you see a small aeroplane flying above?
--- Yes, I did see it.

Do you know when that was? ---I have no idea.

THE CHAIRMAN: Was it before, or after the
Military aircraft came over? ---Before the Military
aircraft came over.

CROSS-EXAMINATION CONTINUED: I just want to
refer back to one statement you made, and which I think
you ought to have an opportunity to clarify. You said
that you were told to prevent the march on Vereeniging
at all costs? ---Yes.

--- Was ---

Was that by Maj. van Zyl? ---Yes.

How did you understand that order? You had to keep the people in the location? ---Yes; I had to block it at any expense.

If necessary, by firing? --- If necessary, by dispersing the crowd; because if I stopped them and they did not want to stop, then it would have been necessary to fire at them.

Did you have the right to keep them in the location? --- They had no right to have a procession. Maj. van Zyl told me they had no permission to form a procession into town.

So it was a question of dispersing a procession? ---Yes.

And you had to do that at all costs?---Yes; I could not allow that crowd to come into Vereeniging.

Why not? --- Well, they could have smashed more than half the town up if they got out of hand.

If they got out of hand? ---Yes.

You had three sten guns with you? --- Yes.

Did you give the sten gunners any particular instructions, other than what you gave your men generally? ---No. I just told them to be ready.

They were in the front row? ---Yes.

You gave no special instructions to your sten gunners? ---No. If it would have been necessary to fire, I would have ordered my sten gunners to fire first, if we were attacked in a rush.

But, of course, if on the other hand, for some reason or other you had to shoot but you were not being

rushed at the time, perhaps you would have told your men without automatic weapons to fire first, and held your automatic weapons in reserve? ---Yes.

That would have been a humane thing to do? ---
Yes.

That, I take it, you would have done if you could have? ---Yes. At all costs.

NO FURTHER QUESTIONS.

HERVERHOOR DEUR MNR. CLAASSEN: Kaptein, indien hier 'n aanval sou gewees het by Sharpeville daardie dag, of op die Polisiestasie of op jou, sou daar enige kwessie gewees het dat u opdrag sou gegee het vir eers 'n paar manne om enkelvaar te skiet? --- Dit hang af net hoe vinnig die stormloop was. Die enigste stormloop wat ek daar verwag het, was 'n vinnige stormloop, en dan sou ek net die opdrag gegee het, "Vuur!" en dan sou almal gevuur het.

Bedoel u 'n opdrag, as daar 'n aanval deur die skare was? ---Ja.

Ek verstaan van jou jy het die skare op 'n afstand van ontrent tien jaarte gehou? ---Ja.

Jy wou hulle nie nader laat kom nie? ---Nee.

Ek verstaan van jou as hulle sou nader kom, sou jy dit noodsaaklik gegag het om te skiet? ---Ja.

As hulle op daardie afstand gebly het en die skare het begin klippe gooi op julle, wat sou jy sê sou jou beskouing dan van die toestand gewees het? --- Dit hang af hoeveel klippe daar gegooi gewees het. As daar 'n paar klippe gegooi gewees het, sou ek dit ignoreer het. As daar meer gegooi gewees het, sou ek individuele manne aangesit het om te probeer om die klipgoeiers te

P.P.J. COETZEE
Herverhoor.
J.S. JOUBERT
Hoofgetuigis.

skiet. Maar klipgooi is aansteeklik. As een begin klippe gooi, gooi die hele lot klippe. Dit was my ondervinding vantevore gewees.

Terwyl jy daar gestaan het, het jy net 'n geruste hart daar gestaan, net jou manne? —Nee; ek was in spanning al die tyd gewees.

Die spanning waarvan jy praat wat opgebou het onder hierdie manne, waaraan het jy dit toe geskrywe? — Die dreigemente wat die Bantu teenoor hulle geopper het, en die opstandigheid, en dat hulle nader kom.

Was dit 'n spanning van ongeduld, of spanning van vrees? — Ek dink dit was 'n spanning van vrees.

GEEN VERDERE VRAE NIE.

JOHANNES STEPHANUS JOUBERT, beëdig, verklaar:

VERHOOR DEUR MNR. GLAASSEN: Jy is 'n konstabel in die Suid-Afrikaanse Polisie, gestasioneer te Springs? — Reg.

Op die 21e Maart van hierdie jaar het jy eers gekom onder bevel van kapt. Theron, na Sharpeville-lokasje? — Dit is reg.

U was saam met hom al die tyd? — Ja.

Saam met hom deur 'n skare gegaan? — Ja.

En saam met hom na die Polisieterrein gegaan?

— Ja.

Waarmee was jy gewapen? — Met 'n stengeweer.

Is jy opgelei om met 'n stengeweer te skiet?

— Ja.

— Behalwe —

Behalwe in oefeninge, het jy al voorheen die geleentheid gehad om daarmee te skiet? —Nee; dit was die eerste geleentheid gewees.

Ek verstaan dit kan op snelvuur skiet, en ook op ...? —Op enkelvuur.

Waarop het jy joune gehad? —Op enkelvuur.

Hoeveel skote het jy geskiet? — Ek het tien skote geskiet.

Hoe lank het dit jou gevat om die tien skote af te skiet? — Plus/minus tussen ses of sewe sekondes het dit geneem.

Het jy saam met die algemene skietery begin skiet? —Ja.

Nie voor, of na die tyd nie? —Nee.

Het jy voor of na die ander opgehou? — Ek sou sê ek het gelyktydig opgehou. Daar mag miskien nog 'n paar skote na my gewees het.

Waarom het jy geskiet? — Ek was aan die Westekant van die Polisiestasie, waar ek stelling ingeneem het. Die skare het op daardie oomblik 'n dreigende houding ingeneem. Hulle het ons gegee met klippe. Ek myself was raakgegee met 'n klip op my linkerbors. Die skare wou by die hek inkom. Daar was lede van die Mag wat die skare teruggedruk het en die hek toegemaak het. Toe hulle gee met die klippe, het daar van die skare op ons afgestorm, deur die hek. Op daardie oomblik het ek begin vuur.

Het jy 'n bevel gehoor? — Ek het geen bevel gehoor nie, en al sou daar 'n bevel gewees het, sou dit baie moeilik gewees het om die bevel te gehoor het.

Wanneer jy nou sê dat jy op 'n gegewe oomblik

begin skiet het, neen jy daardeur dat jy die eerste man waswat geskiet het? —Nee; ek was nie die eerste man wat geskiet het nie. Daar was skote gevuur voordat ek geskiet het.

Het jy geskiet omdat jy die skote gehoor het, of vir 'n ander rede? — Ek het vir 'n ander rede geskiet.

Watter rede? — Ek het geskiet omdat my lewe, sowel as die ander lede wat by my was, se lewens in gevaar was.

Toe jy die ander skote gehoor het, was jy onder die indruk dat 'n bevel gegee was? — Ek was onder daardie indruk.

'nBevel wat jy nie kon hoor nie? — 'nBevel wat ek nie kon hoor nie.

Waarín het hierdie groot gevaar bestaan, dat jy gereken het dat julle lewens in gevaar is? — Die skare was vreeslik opgesweep gewees. Hulle het 'n vreeslike dreigende houding ingeneem. Met ons aankoms daar was ons begroet gewees met vuil taal, hulle het kieres in die lug gewaai en daar was van hulle wat nog ander voorwerpe ook by hulle gehad het. Op daardie stadium, toe ons gevuur het, het hulle ons gegooi met klippe, kieres en ander voorwerpe.

DIE VOORSITTER: Ek is nie heeltemal seker nie. Waar het jy gestaan ten opsigte van die dubbele hek aan die Westekant van die Polisiestasie? — Ek het ongeveer in die middel van die hek gestaan.

Regeer die ingang? — Regeer die ingang, by die hek aan die Westekant.

Jy het gepraat van Bantoes wat iewers ingestom het? — By die hek. Hulle wou by die hek inkom, toe is

hulle teruggedruk. Daar was 'n arrestasie gedoen op daardie oomblik, toe wou die Bantoes by die hek inkom, vermoedelik om hom te bevry, of so-fets. Toe is die Bantoes teruggedruk en die hek is toegemaak. Op daardie oomblik het hulle met die klippe begin gooi, en die persone wat dit toegemaak het, het geritireer. Hulle het weer die hek oopgedruk en aangekom. Op daardie oomblik het ek begin vuur.

Op wie het jy gevuur? ---Nie op 'n spesifieke persoon nie. Ek het baie laag gevuur.

Meen u dat u na sy onderlyf gevuur het, of in die grond gevuur het, of waar? --- Ek sal u sê, die eerste twee skote was definitief in die grond, en vandaar sal ek nie kan sê waar my skote geval het nie; maar dit was nie hoog gewees nie - tenminste halflyf, onder-toe.

Het jy dit gerig op enige groep? ---Nie op 'n spesifieke groep nie.

Wat van die mense wat u daar deur die hek gesien inkom het? --- Toe hulle op die ander punte gevuur het - hulle het op die ander punte eerste begin vuur - het die Bantoes so gemaak. Party het omgedraai en weggehardloop, en die agterstes het van die ^{Bantoes} nog na die hek se kant-toe gedruk. Ek sou sê die wat agter was, wou vorentoe kom en die wat voor was, wou agtertoe gaan.

VERHOOR HERVAT: Toe jy geskiet het, was daar mense wat met hulle rus na jou gedraai was? --- Ek het nie so opgelet nie. Op daardie stadium het ek nie gekyk of die persone met hulle rus na my is, of met die voorkante nie. Soms ek sê, daar was van hulle wat noulik met die rus na my kant-toe was, want hulle het gemaak. Hulle wou padge.

GEEN VERDERE VRAE NIE.

DIE VOORSITTER: Hoekom het jy opgehou met vuur? — Toe ek sien dat die ergste gevaar verby is, het ek dadelik vuur gestaak - onmiddellik. Toe ek sien hulle ritireer, het ek onmiddellik vuur gestaak.

Was dit na aanleiding van enige bevel dat jy vuur moes staak, of het jy self besluit om te staak? — Daar was 'n bevel gewees om te staak; maar ek myself het onmiddellik gestaak toe die gevaar verby was.

Voor die bevel gegoe is? — Ek sou sê omtrent gelyktydig, want daar was fluitjies geblaas en daar was geskree gewees om te stop, en toe het ek gestop.

CROSS-EXAMINED BY MR. KENTRIDGE: Const. Joubert, when did you load your sten gun? — Ek het dit gelaai nadat kol. Piensaar beveel het ons moet aantree, en om te laai.

How many did he tell you to load? — Vyf rondes.

And how many did you load? — Ek het 'n sten-nagasin gelaai.

With how many in it? — 25 patrone in die sten-nagasin.

Why did you have yours on single shot? — Dit is maklik om dit oor te sit van enkelvuur na dubbelvuur. Ek het dit op enkelvuur gehad, daardie oomblik.

Is that the way you usually have it? — Ja.

Why? Is it safer? — Ek reken dit is baie
— veiliger —

veiliger, vir die doodeenvoudige rede, as daar miskien 'n ongeluk is, dat die vuurwapen afgaan, kan hy net een skoot skiet. Maar waar hy op dubbelvuur is, kan hy natuurlik baie persone verongeluk.

You were standing opposite the gate? —Ja.

Did you see the arrest at the gate? —Ja.

Did you see who made the arrest? — Ek is nie seker van die persoon nie; ek ken nie die persoon wie die arrestasie gedoen het nie, maar dit was 'n lid van die Mag.

DIE VOORSITTER: In univorm, of privaatkler? —Privaat - burgerlike kleredrag.

CROSS-EXAMINATION CONTINUED: And when he made that arrest, a number of people came through the gate? — Reg.

And then they were pushed out? — Reg.

Who pushed them out?— Lede van die Mag, in univorm.

You? —Nie ek myself nie.

And at that time, were you standing in line already? — Dit is reg.

So did men go forward from the line? —Ja.

And how did they push them out? — Hulle het hulle net teruggedruk, by die hek uit, en die hek weer toegemaak.

So that there was not very much resistance? — Daar was, definitief.

But I mean, they got them out just by pushing the gate closed? —Hulle het fors gebruik om hulle uit te kry.

Yes, but they just pushed; they did not use the guns? --- Nee.

Or the butts? ---Nee.

Or batons? ---Nee.

And they did not hit anybody? ---Nee.

They just pushed the gates very hard? --- Dit is reg.

How many of them? --- Dit is moeilik om te sê, want ...

DIE VOORSITTER: By benadering; twee, of drie, of twintig? --- Nee; ek sou sê daar was omtrent 'n stuk of ag man gewees.

CROSS-EXAMINATION CONTINUED: About eight? --- Ja.

And about how many were there of the Non-Europeans, who pushed forward? ---Hulle was eek ongeveer, sê tussen ag en vyftien wat probeer deurdruk het.

And then, what happened, after the gate was closed? --- Nadat die hek toe was, was daar klippe gegooi.

Were they thrown at the men at the gate? --- Ek sou nie sê spesifiek op hulle nie; maar ek het in die lyn gestaan, en ek was raak gegooi.

What happened to the detective who had made the arrest. Did he take the man inside? --- Ja.

Was the man he arrested someone from outside the gate? ---Hy was binne-in die gronde die tyd toe hy gearresteer is.

--- And ---

And did you see this detective take the man inside? ---Hy is daar weg. Of hy binnekant-toe is, weet ek nie. Ek het na die skare gekyk.

So you say that after the gates were closed, some stones were thrown? --- Dit is reg, ja.

And what happened at the gate? --- Die hek het oopgegaan daardie oomblik, weer. Toe die klippe kom, het hulle weer die hek oopgemaak, en ingestorm.

How many came in? --- Daar was baie gewees. Ek sal nie kan sê hoeveel nie. Die hele skare het nadergekom.

Would it have been ten or fifteen? ---Nee; die hele skare het nadergekom.

Would it have been as many as forty or fifty? ---Ja.

Or even more? --- Meer, sou ek sê.

How far in did they run? --- Hulle het toe net in die hek ingekom. Op daardie oomblik het hulle begin vuur.

And did they come in? ---Ja.

They actually came into the Police grounds? ---Ja.

DIE VOORSITTER: Die hekke is dubbel draad-hekke? ---Ja.

Dit swaai oop na binne? --- Dit is reg.

Dit was blykbaar net daardie hek ...? --- Dit het 'n hek wat so inhak, ja.

Presies wat het net daardie hek gebeur? --- Hulle het die hek oopgemaak, die klap afgehaal, die hek oopgestoot en ingestorm.

Oopgestoot in die sin dat ^{dit} net effens oopgemaak was, of wat? Was dit heeltemal oopgegooi? — Dit was net sy hele breedte oop gewees.

Met ander woorde, albei die hake was heeltemal oop? — Heeltemal oop.

CROSS-EXAMINATION CONTINUED: There were Policemen with guns standing right opposite the gate? — Ek sou sê ongeveer drie/vier treë van die hek het hulle stelling ingeneem.

Do you suggest that those people who opened the gate were coming to attack the Police? — Ek sou so sê, ja, want op daardie oomblik het hulle met klippe gegooi en, soos ek sal sê, bo-menslike krete geuit. Hulle sou definitief aangeval het.

And they only had to go three or four paces to reach the Police? — Ja.

Can you say what happened to those people who came rushing in? — Daar is op hulle gevuur; soos ek gesê het, daar is op hulle gevuur, en hulle het pad-gegee. Hulle het gemaak en party van hulle wou terugkom, en die ander het natuurlik vorentoe gedruk - die wat aan die agterkant was.

Do you know Luit. Claassen? — Nee. Ek het hom gesien, maar ek ken hom nie.

He is under the impression that the gate had been open long before that; that it was not really even closed? — Nee, die hek was definitief toe. Ek is seker daarvan.

There are other people who said yes, people did come through after the arrest, but then they went out again and the gate was closed? — Nee, hulle het dit

weer oopgemaak na die arrestasie. Hulle het ingekom, uitgegaan en hulle het dit weer oopgemaak, die tweede keer toe hulle ingekom het.

Did you see any of those people shot? —Nie 'n spesifieke persoon nie. Daar was van hulle geskiet.

DIE VOORSITTER: Was daar enige mense in die onmiddellike omgewing van daardie dubbele hek gevind, na die skietery, wat daar gelê het? —Buitekant die hek, op die sypaadjie, ja; aan die buitekant van die hek. Nie in die Polisiegronde nie. Aan die buitekant van die hek.

CROSS-EXAMINATION CONTINUED: You see, we have had evidence that there was no body nearer than three or four yards from the gate? — Dit was op die sypaadjie. Hoe ver dit van die draad af sou wees, sou ek nie kan sê nie.

Not on the sidewalk at all; actually in the roadway? —Nee. Op die sypaadjie het lyke gelê.

Which one? — Dit was 'n Bantoesvrou gewees.

Well, according to the evidence we have heard, this Bantu woman was three or four yards outside? — Dit was nie in die straat nie. Dit was op die sypaadjie. Dit was definitief nie in die straat nie.

DIE VOORSITTER: As u praat van die sypaadjie? — Dit is van die draad na die straat - daardie deel.

Ja, maar was sy nou reg voor die hek? Met ander woorde, as jy deur die hek sou ry met 'n voertuig, sou jy oer die lyk gery het? —Nee.

Was sy links, of regs van die hek? — Sy het aan die linkerkant van die hek gelê.

Soes jy gekyk het na die hek, het sy aan die ...?

— Sy het aan die linkerkant van die hek gelê.

CROSS-EXAMINATION CONTINUED: Apart from these people at the gate, there was no-one trying to get over the fence? — Die draad was gedruk gewees, maar ek het nie 'n persoon gesien oor die draad klim nie.

So, if I understand you, you thought the danger came from the gate? You thought if there were any immediate danger, it came from the gate? — Nie noodwendig nie. Ek het gevoel as daardie draad enigszins verder sou meegee het, sou dit die aansprong gewees het tot geweld, van die skare.

And did you think it was necessary to shoot, to drive the people back from the wire? — Definitief.

Is that why you shot? — Nee; ek het geskiet omdat my lewe in gevaar was, sowel as die van ander lede van die Mag.

What put your life in danger; the people coming through the gate, or the people at the fence? — Oor die algemeen - nie net sekere persone wat by die hek sou ingekom het, of by die draad nie. Op daardie stadium was op ons gegooi met klippe, en met ander voorwerpe ook. Ek het net gevoel, as hulle enigszins nader sou gekom het, sou dit hopeloos gewees het.

Did you shoot at the gate? — Ja.

Only at the people in the gate? — Nee.

You would not have shot at anyone along the fence? — Nee.

Because obviously, as long as the fence was up, there was no immediate danger. The danger would come when the fence fell? — Ek sal dit nie sê nie, want die gevaar het ook gekom met die klippe gooiery.

van die skare af, en as daardie draad heeltemal neegegee het, was dit - sou ek sê, sou dit noodlottig gewees het.

would not have
You/fired simply at the people at the fence,
to fend them away from the fence? ---Nee.

You only fired at the people who came in at the gate? ---Omdat hulle by die hek ingekom het; ek het gereken hulle het ingekom met 'n doel.

Were the first shots fired at the people at the gate? Did you see where they took effect? ---Nee. Die eerste skote was definitief nie by die hek gevuur nie.

What happened when the shots were fired at the people at the gate? --- Hulle het onmiddellik omgedraai en padgegee, die wat voor was.

In other words, they did not want to resist the shooting? ---Nie die voorste persone nie, maar wel die persone wat agter hulle was.

They perhaps did not understand what had happened, yet? --- Moontlik.

You have described the situation to us, how those behind wanted to come forward. Do you mean they were pressing forward? ---Ja. Hulle was maar seker vorentoe gedruk gewees. Of hulle vanself gekom het en of hulle geforseer was, sal ek nie kan sê nie. Alhoewel, soos ek sê, hulle het bankvas gestaan. So ek vermoed hulle was gedruk.

But you did not have the impression that those behind were trying actually to come forward in the face of your fire, although they knew you were firing at them? --- Ek sou nie sê hulle wou na die voorkant gekom het nie. My mening was, hulle wou tussen ons ingekom het

- hulle wou tussen die manskappe ingekom het.

I am talking about the case where the shots were fired, and the people in front tried to get back; but those behind still seemed to be pressing forward? —

Ja. Dit het gehyk asof hulle vorentoe drak.

But that was perhaps before they realised what had happened to those in front of them? — Heel moontlik; maar hulle het wel die skote gehoor.

It might have just been pressure from behind; people behind pushing? — Ja; ek sou sê hulle was gedruk gewees, geforseer, vorentoe.

Perhaps they were even being pushed because the people behind wanted to get away as quickly as they could? — Ek sou sê die persone wat voor was, het eerder padgees as die persone wat aan die agterkant was, want hulle het definitief nog aangekom.

But you are not saying that those people who were behind when the shooting started, were trying to attack you? — Dit is moeilik om te sê.

But you don't say that they were trying to attack you?

DIE VOORSITTER: Wat het jy toe gedink? — Ek het gedink hulle kom in.

CROSS-EXAMINATION CONTINUED: The position is, after you had fired your first shot - in fact, when the first shots were fired, the people right in the front tried to get back? — Hulle het onmiddellik pad gegee. |

So you fired a second shot? — Ja; my skote was kort naekaar gewees. Soms ek gesê, het, plus/minus ses sekondes.

Yes? — So dit het vinnig gegaan.

What was the position after you had fired your second shot? What was the crowd doing - still milling about? —Hulle het nog daar rondgedwaal.

DIE VOORSITTER: Hoeveel skote het jy geskiet; het jy tien geskiet, in vyf sekondes? —Ongeveer in vyf/see sekondes.

How long after your first shot did you observe or hear any reaction whatsoever? — Soos ek sê, my tweede skoot was onmiddellik na my eerste skoot, en so die res. Soos ek sê, ek het net probeer om die persone weg te kry van ons af, om nie in te kom nie.

CROSS-EXAMINATION CONTINUED: Did you feel, even when they were still no longer coming in, it was still your duty to disperse them? — Soos ek sê, toe ek gewaar dat daar nie meer gevaar is nie, het ek onmiddellik gestaak om te vuur. Toe hulle gedraai het, dat hulle padgees het, het ek onmiddellik gestaak om te vuur.

Can you tell us why it was necessary for you to fire more than one or two shots? —Ja. Om een of twee skote daar te gevuur het, sou geen uitwerking op die skare gehad het nie.

How do you know that? —Omdat hulle nog gemaal het. Soos ek gesê het, hulle het nog aangekom, nadat die eerste spul skote gevuur is.

But you have admitted, they probably did not know what was happening? —Ja; ek weet nie. Soos ek sê, hulle het nog nader gekom. Die voorste persone het padgees. Die agterste persone het nader gekom.

There were seventy men in your line? —Omtrent.

Can you see why it was necessary for any of them to have fired more than one shot? What would have happened if you had fired seventy shots at that crowd? — Ek weet nie wat sou gebeur het nie.

You did not know, and in fact, you did not wait to find out? —Nee.

Nor did anyone else? — Ek weet nie.

How far away were you from Col. Pienaar? —
Op watter stadium?

When the shooting started; when you shot? —
Ek was ongeveer vyftien treë van kol. Pienaar af.

Did you hear him shout "Stop!"? —Nee, ek sal nie sê ek het hom gehoor nie. Ek het ander persone gehoor wat gesê het "Stop!" Ek kan nie sê ek het vir kol. Pienaar spesifiek gehoor nie.

When you were drawn up in line, it was how long before the shooting; two or three minutes? —
Ek sou sê ongeveer tussen vyf na tien minute.

Did you have your gun ready when you were drawn up? — Ja; maar ek het nog nie gelaai nie. Ek het maar eers gelaai toe ek die bevel gekry het om te laai.

And when the order to load was given and you were standing there with your gun, what did you think was going to happen? Did you think you might get an order to fire? —Nee.

Why not? —Heel moontlik het hulle nikkien — sou die bevel anders gewees het, om die skare op 'n ander manier te probeer uitmekaar uit maak.

And perhaps just scared the crowd off? —

—Moontlik —

Moontlik, ja.

To make quite sure that they did not attack you? — Wel, dit kan ook die geval wees.

As far as the opening of the gate is concerned, you don't know what the pressure was on the gate, from the people behind? — Nee; ek sal nie kan sê nie. Ek was nie daar nie. Ek het nie gehelp terugdruk nie.

DIE VOORSITTER: Is dit miskien moontlik dat deur drukking in die middel van die dubbelhek, dit kon oopgegaan het sonder dat iemand werklik die hek afhaal het? — Dit mag moontlik wees, ja. Ek het nie gesien dat 'n spesifieke persoon die hek afhaal en die hek oopmaak nie.

Jy het net gesien die hek gaan oop? — Ek het net gesien die hek gaan oop, ja.

En mense kom in? — Mense kom in.

CROSS-EXAMINATION CONTINUED: You see, there seems to be some evidence that earlier in the morning, at various times, the gate had been opened, people had come half in and then it was closed again. Did you notice that at all? — Vroeër in die oggend.

The gate was opened by people outside? — Ja.

And then they closed it again themselves? — Ja; dit was ongeveer, sou ek sê, tussen 12 en 1 gewees.

And sometimes the Police told them to get out? — Ja.

So it was not a new thing for the gate to be opened? — Op daardie oomblik, na die arrestasie, was dit defenitief — dit was nie algemeen nie; want die persone wat vroeër ingekom het, was moontlik een of twee; maar op daardie oomblik het die skare ingekom.

These Policemen who had closed the gate, about eight of them, where were they? When the crowd opened the gate again, were they in the line? — Ek sou nie sê hulle was in die lyn nie. Hulle was daar gewees. Ek sal nie sê dat hulle ook aangetree het nie.

Nothing happened to them? — Daar was na hulle gegooi, maar seker nie raakgegooi nie. Dit was die slag toe hulle gooi, dat daardie manne padgegee het.

Did you have any other sten gunner in your party? — Nee.

Were you the only sten gunner from Springs? — Ek was die enigste een van Springs.

And did you make a report to Capt. Theron afterwards of the number of rounds you had fired? — Ek het, ja.

DIE VOORSITTER: En is dit die hoeveelheid wat jy toe aangegee het, wat jy in jou getuienis hier ook gemeld het? — Nee. Ek - nadat ons gevuur het, het ek gereken ek het omtrent 'n magasyn leeg geskiet, maar toe ek my patrone getel het, het ek vyftien nog in die magasyn gehad en die magasyn was net 25 gelaai gewees. Toe het ek seker gemaak en uitgevind dat daar net tien patrone geskiet is.

CROSS-EXAMINATION CONTINUED: You felt that you had shot off, possibly, a whole magazine? — Nee.

I mean before you counted them? — As ek dit nie op enkelvuur gehad het nie, sou ek daardie hele magasyn in daardie tyd leeg geskiet het.

DIE VOORSITTER: Die vraag is, na die skietery klaar is, voordat jy jou patrone getel het, het jy toe gedink of gewest jy het tien afgevuur, of het jy gedink

jy het meer afgevuur? — Ek het gedink ek het meer afgevuur. Ek het gereken ek het meer afgevuur.

CROSS-EXAMINATION CONTINUED: Was Capt. Theron near you? — Ja; hy was naby my gewees.

You did not get any orders from him? — Nee. Ek het geen bevel van hom gehoor nie.

The shooting started on your right? — Aan my regterkant, ja.

How many shots were fired before you started? — Toe die volle sarsie gevuur het, op daardie stadium het ek ook gevuur. Ek sou nie sê daar was een of twee skote voor my gevuur nie.

But you first heard the shots on your right, and then you decided to fire? — Ja; toe het ons almal gevuur. Ek het nie spesifiek na daardie skote alleen gevuur nie.

Did you have your finger on the trigger? — Ja.

You were standing with your finger on the trigger? — Dit is reg.

And it was not in the safety position? — Nee. Dit was nie.

All you had to do when you heard the other shots, was to start shooting? — Dit is reg.

Were there other men in your party who had .303 rifles? — Ja.

Do you know how many shots they fired? — Ek weet nie. Ek het ook nie gevra hoeveel skote hulle gevuur het nie.

And when you had stopped firing, who asked you for the number of rounds you had fired? — Ek dink dit

was kapt. Theron wat gevra het.

Did anyone come to you and ask you why you had shot without an order? ---Nee.

You were never asked to explain that? ---Nee.

NO FURTHER QUESTIONS.

DIE VOORSITTER: Na die skietery, het jy enige duidelike beeld vandag van waar die meerderheid van beseerdes en dooies gelê het? --- Ek sou sê, soos ek by die hek gestaan het aan die Westekant, op my linkerkant.

Was die mense nog aan die Westekant van die Polisiestasie, of half verby? --- Ek het nie 'n goeie uitsig gehad nie.

(Staande Orders ingehandig deur mr. Claassen; staande orders wat betrekking het op die gebruik van vuurwapens).

- VERDAAG: 4.00 n.m. tot -
MAANDAG, 2 Mei 1960 - om
9.45 v.m.

MICROFILE JOHANNESBURG.

END

MICROFILE JOHANNESBURG.

END