

Pages 1301 - 1403 - 1428.

VOLUME XIV.

S. Store 326:323.2 (68232) Com

COMMISSION OF ENQUIRY TO ENQUIRE INTO THE EVENTS
IN THE DISTRICTS OF VEREENIGING (NAMELY SHARPE-
VILLE LOCATION AND EVATON) AND VANDERBIJLPARK,
TRANSVAAL PROVINCE, on 21st MARCH, 1960.

THURSDAY, 5th MAY, 1960 - at
9.45 a.m.

APPEARANCES: AS BEFORE.

CONTENTS

A.T. SPENGLER:

Cross-examination Pages 1301 - 1314
By the Chairman " 1314 - 1317

G.D. PIENAAR:

Examination-in-Chief " 1317 - 1342
Cross-examination " 1342 - 1393)
1403 - 1428)
Argument " 1393 - 1399
Ruling " 1399 - 1403

EXHIBITS

BUCKET WITH STICKS, STONES, HATCHETS etc. Exh. 3.
PHOTOGRAPH OF MOTOR CAR ALLEGED TO BELONG
TO COL. PIENAAR " "L".
PHOTOGRAPH OF MOTOR CAR AT GATEWAY TO
SHARPEVILLE POLICE STATION " "R".

COMMISSION OF ENQUIRY TO ENQUIRE INTO THE EVENTS
IN THE DISTRICTS OF VEREENIGING (NAMELY SHARPE-
VILLE LOCATION AND EVATON) AND VANDERBIJLPARK,
TRANSVAAL PROVINCE, on 21st MARCH, 1960.

THURSDAY, 5th MAY, 1960 - at
9.45 a.m.

REPRESENTATION: AS BEFORE.

ABRAHAM THEODORE SPENGLER, still under oath:

CROSS-EXAMINATION BY MR. COLMAN CONTINUED:

Colonel, I just want to get some more information from you about the shooting. It started when you were in a half sitting position? --- Dit is reg.

And you were really struggling to your feet?
--- Dit is reg.

Now, am I right in saying that it started with a single shot? --- Een of twee skote het geklap, en toe daarna weer.

Now, can you help me; from which direction did the original one or two shots come? --- Dit het vir my gegaan of dit na die regterkant is.

Far away, on the right of the line? --- Nee, ek kan nie sê ver nie. Die skote was duidelik gewees.

Well, they would have been clear, even if it was right from the end of the line? --- Ja.

But it was somewhere towards the North end of the line; would that be correct? --- Dit is reg, ja.

Somehow near that street which runs along

--- the ---

the North side of the Police Station? ---Ja; dit was in daardie rigting gewees. Hoe naby aan die straat, kan ek nie sê nie.

I thought there was a street there; I am not quite sure - is it just open veld, along the North fence? --- Ek dink dit is 'n oop stuk grond daarlangs.

At any rate, from the direction of the North fence, but you are not able to say how close. Is that right? ---Ja.

In the neighbourhood where Col. Pienaar was standing? --- Ek weet nie waar kol. Pienaar op daardie oomblik was nie.

Did you not notice when the shooting was over, where he was? --- Ja. Na die skietery oor was, het ek deur die Polisielinie gegaan en kol. Pienaar ontrent so twee-drie treë regs van die hek gekry.

Was he behind the line of Police? ---Ja.

Which was a single line, at that stage? --- Ja.

A long way behind them, or a couple of paces behind them? --- Ontrent twee-drie treë.

And to the right of the fence? --- Dit is reg. Of the gate? ---Ja.

How far to the right of the gate? --- Dit is moeilik om te sê. Hy het so regs, skuins agter my gestaan, waar ek voor by die hek gestaan het.

Not far away from the ...? ---Nee; hy was by die manne gewees.

Was he standing there, or was he then walking --- towards ---

towards the fence? --- Toe ek hom kry, het hy gestaan. Toe ek by hom kom, toe sê hy ons moet die ambulansse so gou moontlik op die toneel kry.

Was there any other conversation between you and him at that stage? ---Nee.

And am I right in thinking that these other Police officers were also somewhere to the right of the gate, or coming from a position to the right of the gate? --- Ek kan nie onthou waar hulle op daardie stadium gewees het nie.

Did you see any officers at the gate at that stage?--- Ek kan my nie voorstaan dat ek iemand op daardie oomblik gesien het nie.

You have no picture in your mind at all? --- Nee.

Coming back to the shooting, you heard these one or two shots, couple of shots from somewhere to your right, and there was then a pause? ---Ja. Daar was een of twee skote, en toe het 'n sarsie afgegaan.

How long was the pause? --- Dit het baie vinnig gegaan. Dit is moeilik om'n tyd uit te spreek.

There was a distinct pause? --- Ek kan nie sê nie; daar was eers twee skote, en toe 'n sarsie. Dit was amper of dit aanenlopend gewees het.

When you talk about a volley, you mean the noise of shooting over a period; you don't just mean the firing of one shot simultaneously from many rifles? ---Ja, dit is; dit was een, soos ons dit uitdruk, "sarsie" gewees. Dit was 'n aanhoudende geskiet.

Continuous shooting? ---Ja.

Is it perhaps the case - I think there will

be some evidence to that effect - that after this continuous shooting had gone on for some seconds, there was again a noticeable pause and then it started again? --- Ek kan nie so sê nie. Dit was vir my - twee skote, toe 'n sarsie, en toe weer 'n paar enkel-skote gewees.

It was not heavy shooting and then a pause and then more heavy shooting? --- Nee; dit was vir my asof dit heeltemal aaneenlopend was, en toe die paar enkel-skote.

It tailed off rapidly; can we put it that way? --- Dit is reg.

Do I understand that you attempted to stop the shooting as soon as you were able to do so? --- Dit is reg, ja.

Would that mean as soon as you could get to your feet? --- Ek het op gekom op my voete, eers na die skare gekyk; toe was dit of daar 'n warboel is. Die voorstes wou agtertoe en die agterstes was of hulle wou stilstaan, of hulle wou vorentoe kom; en toe was dit asof die geleedere breek en hulle begin weghardloop. Toe het ek omgedraai en geskree "Stop!" en die geweers probeer in die lug op druk.

You got to your feet, of course, as soon as you could? --- Dit het moeilik gegaan. My voete was half teen die hek vas gewees. Maar ek het probeer so gou moontlik op my voete kom.

And what did you do to stop the shooting? --- Ek het geskree, "Stop vuur!" en die man wat agter my was se geweer in die lug op gedruk.

Now, in which direction was he shooting? --- Hy het in my opinie reguit geskiet.

A sten gunner? ---Ja.

DIE VOORSITTER: Dit wil sê, reg na wes? ---
Reg na wes, ja.

CROSS-EXAMINATION CONTINUED: Right past you?
---Ja.

And did you do that knocking up of this gun at the same as you shouted "Stop shooting"? --- Ek het eers geskree "Stop vuur!" maar ek twyfel of iemand dit kon gehoor het, want die gekletter van die vuurwapens was hard gewees. Toe het ek die geweer in die lug op gedruk.

You talk about the one thing and then the other; but I suppose the interval between your shout and your knocking up the gun was a fraction of a second? --- Dit is reg.

And as soon as you did that, did the shooting stop, or did it go on for some while after that? --- Dit het geleidelik afgeneem.

How long - I know it is difficult, but give me your estimate; from the time when you knocked the sten gun upwards, for how many seconds after that would you say shooting continued? --- Seker vir drie tot vyf sekondes.

Not longer than that? --- Ek glo nie. Dit is moelikh.

I know it is difficult, but is that your impression? --- Ek reken dit was tussen drie tot vyf sekondes gewees.

That is the main volley of shooting, or is it everything, including the ragged ...? --- Dit was alles afgehandel, toe.

Now, apart from the fact that you told them

to stop shooting, did you hear others doing the same?

--- Ek het 'n fluitjie gehoor blaas, ja.

From which direction? --- Dit was van agter
gewees.

Directly behind you? --- Ek kan nie sê nie.
Ek het net die geskriel van die fluitjie gehoor.

But did I not understand you in your evidence-
in-chief to say that in addition to that, you heard
voices ...? --- Ja, maar ek is nog besig om te sê. Ek
het die fluitjie eers gehoor, toe hoor ek ...

Let's take it slowly. The first thing you
heard, was the whistle? --- Dit is reg.

Was that as soon as the shooting started, or
after it had been going on for some period? --- Dit was
seker vir 'n paar sekondes al aan die gang gewees.

About how many seconds would you say the
shooting had been going on before the whistle blew? ---
Dit was ontrent so'n vyf sekondes; 'n bietjie meer,
 miskien.

Did the whistle blow before you got to your
feet, or afterwards? --- Net toe ek ontrent regop kom,
het die fluitjie geblaas.

And then, you did not see who blew the whistle?
--- Nee; ek weet nie wie dit geblaas het nie.

After you heard the whistle, what else did you
hear? --- Ek het iemand gehoor agter my skree, "Stop!"

Which way were you facing. Were you still
facing the crowd? --- Ek het nog Wes gekyk.

So somebody behind you shouted "Stop!"? --- Ja;
"Stop vuur!"

In Afrikaans: --- In Afrikaans.

You can't identify the voice? ---Nee.

About how long was that after you heard the whistle? --- Dit was baie kort daarna gewees.

Did the men appear to hear that?--- Ek het dit gehoor, maar ek kan nie sê of die ander dit gehoor het nie.

But the shooting did not stop? ---Nee; dit het nie onmiddellik daarna gestop nie.

Did you hear any other orders to stop shooting? ---Nee.

To take it in sequence: The first thing was the whistle? --- Dit is reg.

Then there was this voice from behind you? --- Ja.

And then your order? --- Dit is reg.

And then the knocking up of the sten gun by you? ---Ja.

And then, as you described, some time after that the shooting came to an end? --- Dit is reg.

Now, I want to pass on to something else. You spoke of a stone which grazed your ear? ---Ja.

Was that when you were in the act of getting up? ---Ja.

Can I take it that that was the only stone which came near you? ---My persoonlik; maar daar het nog klippe oor my geval.

Over your head? ---Ja.

Did you notice it going over your head? --- Ek het dit duidelik gesien, ja.

During the stoning, were you looking directly

in front of you? --- Ek het voor my gekyk, ja.

Straight in front of you; and the stones which you saw came from that direction? --- Dit het van die Westekant gekom.

But from straight in front of you? --- Van regs, en van links - ek sou sê van links en van regs.

All converging on you, as it were? --- Ja, ek sal nie sê dit was almal op my gemik nie, maar dit was op die Polisie gemik - by en om my.

DIE VOORSITTER: Kon u hoegenaamd sien of daar laer af, dit wil sê na die Suidekant, enige klippe gegooi is? --- Ek kon nie sien nie.

CROSS-EXAMINATION CONTINUED: So you are aware of stones landing around or near you or passing over your head, and past you? --- Dit is reg.

Did it strike you that the stones might have been aimed at you? --- Nee, dit het die indruk geskep, die klippe was gemik na die Polisie.

It could have been aimed at you, too? --- Dit is vanselfsprekend. Ek was ook daar gewees.

You had been a very prominent figure the few seconds before, hadn't you? --- Ek was daar doenig gewees, ja.

You were the only person who was active right in the front, facing the crowd? --- Dit is reg, ja.

And they might have been under the impression, the crowd or some of them, that you were effecting an arrest or about to effect an arrest? --- Ek weet nie wat hulle kon gedink het nie. Ek het net die Bantoesman gepraat by die hek. Wat hulle gedink het, is vir my vreemd.

I think you will agree, now, you had done things that day which could have looked to the crowd like an arrest? Although you say it was not an arrest? ---Ja; dit is so.

But you insist you did not arrest anybody that day? --- Ek het nie.

And you did not attempt to arrest anybody that day? --- Al wat die indruk gegee het dat ek iemand probeer in hegtenis neem het, is die Bantoe wat wou losruk.

But you did not try to arrest anyone? ---Nee.

And you did not intend to arrest anyone? ---Nee.

At no stage that day did you intend to arrest anybody? ---Nee; dit is reg.

You see, I must come back to the Prime Minister's statement; as I made clear yesterday, obviously he was acting on information which someone gave him? ---Ja.

Very likely, Col. Els? ---Brigadier Els.

And the Prime Minister was given to understand that you had been trying to arrest someone very shortly before the shooting. Did that not come from you? --- Dit het definitief nie van my gekom nie.

When you made your report to Brig. Els, of course, the events were fresher in your memory than they are now? ---Ja.

Is it possible that you could have used the word "arrest" in any context in your report to Brig. Els? --- As ek dit gedoen het, sou ek dit gesê het. Ek het nie gesê dat ek iemand arresteer het, of gepoog het om te arresteer nie.

Or intended to arrest? ---Nee.

Or thought of arresting? ---Nee; ek het dit nie gedink nie.

So it is impossible that you could have used the word "arrest" in your report to Brig. Els? ---Ja. Dit is onmoontlik, want ek het dit nie gedoen nie.

I am now talking about whether you could have used the word. You could not have used the word? ---Nee.

You could never have used the word "arrest" to anybody in connection with what you were doing at or near the gate that day? ---Heeltemal reg.

There is no doubt about that? ---Nee.

Would it surprise you to hear that you used the word "arrest" here in this Courtroom yesterday afternoon in that connection? --- Ek het hier herhaalde kere gesê - u het die woord "arrest" gebruik; ek gebruik dit nie.

You never used it. You see, I have, here, a note, where you were saying that you did not want to go through the gate into the crowd? ---Ja.

And what you said you did not want to do, was described in these words: "arresteer hom tussen die skare". Did you use that phrase? --- Dit het voortgespruit uit 'n vraag wat Sy Edele die Regter gevra het.

Now, just one minute, Colonel. Did you use that phrase - never mind where it arose from? --- Ek kan my nie herinner dat ek dit gebruik het nie. Dit mag moontlik wees.

So it was possible for you to have used the word "arrest" in connection with what you were doing or might have been doing or could have done at the gate? --- Ek het nie die woord "arrest" die dag gebruik nie, want ek

het niemand arresteer nie.

But you used it yesterday afternoon? --- Dit was heeltemal in 'n ander sin van die woord gebruik, gister.

Right. You wanted to explain how that arose.

DIE VOORSITTER: Watter soort woord sou u gebruik het om aan Brig. Els te beskryf wat u gedoen het of wou gedoen het met die persone by die hek? --- Ek het aan brig. Els verduidelik wat ek gedoen het, en gesê dat die aanval geloods is kort nadat ek 'n Naturel wat by die hek was, wou inbring, na die kantoor-toe.

Het brig. Els dit miskien interpreteer, dat wat u bedoel het met "inbring", dat jy hom wou arresteer? --- Heeltemal moontlik, want hy was nie ter plaatse toe die voorval gebeur het nie.

Kan jy vandag presies onthou watter woorde jy gebruik het - of jy "inbring" gebruik het, of "aankeer" gebruik het? --- Ek dink ek het die woord "inbring" gebruik,

CROSS-EXAMINATION CONTINUED: Brig. Els was not there when you were bringing in the previous Bantu? --- Hy was nie daar gewees nie.

He arrived shortly after the shooting?---Ja; hy het kort daarna arriveer.

And I take it you described to him your actions with those people, too - Tsolo and More? --- Dit is reg, ja.

And did you use the word "inbring" there, too? --- Dit is reg.

And it is possible that other people had described to him how you carried that out? --- Dit mag wees.

Now, the man in the red shirt - you did not

touch him? --- Ek het hom nie aangerak nie.

You merely spoke to him over the fence or over the gate? --- Dit is reg.

You cannot help me or his Lordship by indicating, today, who he was? --- Ek het geen idee wie hy was nie.

You made enquiries about him? --- Ek kan nie sê ek het navraag gedoen, wie hy is nie.

And you never got near enough to him to touch him, I understand? --- Nee; ek kon aan hom raak as ek wou. Hy was aan die ander kant van die hek, en ek was aan die duskant gewes.

Did you stretch an arm towards him? --- Nee, ek het nie.

And you certainly did not have any struggle or fight or tussle with him? --- Nee; nie met hom nie.

With whom did you struggle or tussle or fight? --- Met die derde een wat ons ingebring het.

Mlawini
Lanien? --- Ja.

He was the only one? --- Dit is reg.

You did not strike anybody? --- Nee. Ek verafsku geweld.

I am glad to hear that, Colonel. Was there any other Bantu in a red garment that you had anything to do with that day? --- Nee. Dit is die een by die hek wat rooi aangehad het, wat opmerklik was. Die ander mag miskien 'n rooierige hemp of iets aangehad het. Ek kan nie dit beaan of betwis nie.

You can think of no other person who caught your eye, wearing a red garment? --- Dit is reg.

I'll tell you why I am pressing you on this,

--- Colonel ---

Colonel. I think it is my duty to inform you of this, so that you can comment on it. I cannot be positive at this stage, but it seems at least possible that there will be more than one person who will speak of an event between you and somebody with a red garment on, near the gate, that day; and it may well be - I don't want to put it too high, because we have not completed our investigations on this - but it looks as if there may well be evidence that you hit this person a few times?
--- Ek ontken dit beslis; en ek maak beswaar teen die stelling.

Well, I had to put it to you, Colonel? ---
Ek maak sterk beswaar daarteen. Ek verag geweld.

If anything of that sort is said, it will be false? ---Dit is onwaar.

Any suggestion that you knocked this man's hat off, will be false?

DIE VOORSITTER: Die persoon wat u gesien het, wat u na verwys het, het hy 'n hoed op gehad? ---Nee; hy het nie 'n hoed op gehad nie.

Die persoon met die rooi hemp? ---Nee; hy het nie 'n hoed op gehad nie.

CROSS-EXAMINATION CONTINUED: Did you knock anybody's hat off that day? --- Soos ek gesê het, ek het my hand vir niemand gelig daardie dag nie.

Not purposely or accidentally?--- Absoluut nie.

And I may just tell you further what may be said - I don't say it will be - that after fighting with this person, knocking his hat off, you handed him over to somebody else and that he was taken towards the Police Station building. That, of course, you deny? --- Soos ek

--- gesê ---

gesê het, alreeds, in my getuienis, het Dhlamini probeer losruk. Ek het hom net vasgevat en tot by die Polisie geneem. Ons was omtrent tussen die Polisie gewees, die tyd. Ek het hom net vasgevat en sers. Muller het agter my gestaan, en ek het hom gelas om die persoon na agter te neem.

That's Dhlamini? --- Dit is reg.

He was not wearing any read shirt or red garment?

---Nee. Sover ek onthou, het hy 'n wit aandhemp aan gehad met 'n swart onderbaadjie.

Was anybody taken by you or sent by you, back into the Police Station buildings, apart from the people you told his Lordship about? ---Niemand nie.

Was anybody taken from the crowd, detained for some hours that day and released in the late afternoon or during the evening? --- Ek kan dit nie sê nie. Ek kan navrae doen en dit kan gestaaf word, wel of nie.

But nobody you took or caused to be taken, was detained for a few hours and then released? ---Ja; ek het van kapt. Willers verstaan dat Dhlamini lateraan losgelaat was.

NO FURTHER QUESTIONS.

MR. PLEWMAN: NO CROSS-EXAMINATION.

MNR. CLAASSEN: GEEN HEWVERHOOR NIE.

DEUR DIE VOORSITTER: Kolonel, ek wou net van u verneem het, inligting in verband met wanneer u kennis gekry het dat hierdie optogte sou plaasvind? --- Spenndersersant Wessels het my gebel. Ek dink dit was Saterdagdag...

Nee, nee; nie hierdie bepaalde optog nie. Dat daar optogte van hierdie aard sou wees in die toekoms, op 'n bepaalde datum of 'n onbepaalde datum. Ek weet nie

wat die inligting was nie? --- Dit is seker al 'n paar maande gelede, twee maande gelede.

Dit wil sê twee maande voor die 21e Maart? --- Voor die insident, ja; het ons inligting gekry dat die F.A.C. beoog om te demonstreer teen die dra van bewysboeke en vir hoër lone.

Die inligting wat u toe gehad het, het dit daarop gedui dat hierdie optogte beperk sou wees tot bepaalde plekke, of dat dit op 'n landswye basis sou plaasvind? --- Die inligting was dat dit Uniaal sou wees.

Op daardie tydstip, was daar enige aanduiding gewees wanneer dit sou plaasvind? --- Nee. Volgens inligting, sou hulle 'n dag bepaal.

Wat u afdeling betref, wanneer het u vir die eerste maal inligting gekry wat vasgestel het dat hierdie optogte op 'n bepaalde dag sou plaasvind? --- Ek vermoed dit is die dag dat die pamflet "Calling the Nation" - ek dink die pamflet het op die 18e of 19e Maart in my besit gekom.

Sover u weet, het u afdeling enige kennis voor daardie datum gehad van wanneer hierdie optogte sou plaasvind? --- Nee. Dit was streng geheim gehou.

Sover u kennis aangaan, weet u of enige ander afdeling van die Polisie enige inligting gehad het oor wanneer hierdie optogte sou plaasvind? --- Ek glo nie.

Is dit meer besonderlik u afdeling se werk gewees om op daardie saak in te gaan? --- Dit is reg.

Op die 18e of 19e, toe u hierdie pamflet gekry het, of inligting gekry het wat vasgestel het dat optogte op die 21e sou plaasvind, was daar toe enige inligting beskikbaar, of die optogte uniaal sou wees, soos u dit beskrywe, of beperk sou wees tot bepaalde gebiede alleens?

--- Ek het vermoed dat dit sou Uniaal wees en nie beperk tot gebiede nie.

Het ander woorde, wat ek van u wil weet, was daar enige inligting tot die beskikking van die Polisie, sover u weet, wat daarop gedui het dat op die bepaalde dag, die 21e Maart, sou daar moontlik 'n optog te Sharpeville Polisieostasie kon wees van die aard wat inderdaad plaasgevind het? ---Nee.

Is daar enige ander inligting gewees, wat gedui het op enige ander bepaalde plek? ---Nee. Ek het geen inligting gekry dat dit op spesifieke plekke sou wees nie. Ons het verwag dit sou Uniaal wees en dat die grootste in Johannesburg self sou plaasvind.

Dit is wat u verwag het? ---Ja.

Nou wil ek oek graag van u verneem het - dit is bloot 'n kwessie van praktyk: Hoe skakel u met die univorm-afdeling wat betref die hantering van groot skares - waar die byeenkoms in verband staan met een of ander Politieke strewe? --- Sodra ek sulke inligting bekom, dra ek dit oor aan die Adjunk-Kommissaris van Johannesburg, kol. Lemmer. Hy skakel dan met sy onderskeie distrikskonnandante en hulle offisiere, aan wie die nodige instruksies opgedra word.

Is dit iets wat binne die bestek van u afdeling se pligte val om by voorbeeld die nodige voorsorgmaatreëls te tref om te sien dat daar by voorbeeld genoeg Polisie op 'n bepaalde plek aanwesig is? ---Nee; gladnie. Dit val uitsluitlik onder die bevel van die Adjunk-Kommissaris.

Het van die ander senior-offisiere wat by Sharpeville aanwesig was, - het enige van hulle, sover u weet, gesien wat u daar gedoen het in verband met die

A. T. SPENGLER
Deur die Voorsitter.
G. D. PIENAAR
Hoofgetuigis.

persone wat na binne gebring is? ---Ja; ek vermoed kol. Prinsloo het gesien wat gebeur het.

En weet u of kol. Pienaar gesien het wat plaasgevind het kort voordat daar geskiet is? ---Ja; ek verstaan hy het gesien wat plaasgevind het.

Het u daardie aangeleentheid met hom bespreek voordat u met brig. Els gepraat het? ---Nee. Brigadier Els - na die skietery verby was, was dit - het kol. Pienaar alles in sy vermoë gedoen om die gewondes en die lyke van die toneel te verwyder. Ek het eerste met brig. Els gepraat.

U sou vermoedelik nie van u eie kennis weet of kol. Pienaar later enige verslag aan brig. Els gemaak het nie? --- O, hy sou sekerlik dit gedoen het.

Uit u eie kennis weet u nie? ---Nee.

GIDEON DANIEL PIENAAR, beëdig, verklaar:

VERHOOR DEUR MNE. CLAASSEN: You are a Lieutenant Colonel in the South African Police stationed at the Divisional Headquarters, Johannesburg? --- Yes.

At about 10 o'clock on the morning of the 21st March this year, were you instructed by the Deputy Commissioner, Johannesburg, to proceed to the scene of the disturbances at Vanderbijlpark, Vereeniging? --- That is correct.

And were you to take charge of the operations there? --- That is correct.

Now, before that hour when you were instructed to proceed to Vereeniging and Vanderbijlpark, did you have any information about what the position was here, at

Vereeniging and at Vanderbijlpark? ---Yes.

Who did you receive it from? ---I was 'phoned at about 4 a.m. that morning by Capt. Cawood and told that he had been having some skirmishes with the Natives in Sharpeville - this was since 11.30 that evening - but that the matter was in hand, at that moment. I told him to 'phone me immediately there were any further developments or if the matter was getting out of hand, but I did not get any further information.

Did he 'phone you at your house? ---Yes.

At what time did you go to your office that day? --- At 7 a.m.

From the time that he made a report to you, did you hear nothing further about what was happening here until you received instructions? ---I then had a message again. I 'phoned up again when I got to the office at 7 a.m.

Who did you 'phone then? --- Then it was Maj. van Zyl.

Where did you 'phone him to? --- At his office.

That was at 7 o'clock? ---Yes; in the morning.

THE CHAIRMAN: Where would his office be? --- In Vereeniging.

EXAMINATION CONTINUED: He is the ...? ---I am not certain whether he 'phoned me, or whether I 'phoned him.

He is the District Commandant of Vereeniging? ---Yes.

And you contacted him, or he contacted you? --- Yes.

You say that happened at 7 o'clock? ---Yes.

What report did he make to you? --- He made a very much similar report to me, that they had been having trouble, skirmishes with Natives in Sharpeville, and I then asked him whether reinforcements were necessary and he thought that we might as well send reinforcements.

And were steps taken to send reinforcements?
--- I gave instructions straightaway, first of all, to Orlando and Moroka - I think ; I instructed them to send reinforcements immediately. I believe Booysens, too.

In other words, you 'phoned three different stations - police stations? ---Yes.

To send reinforcements over to Sharpeville?
---Yes; Sharpeville and Vanderbijlpark.

Up to that time, had you received no further reports from Vanderbijlpark? ---Not that I can remember.

When you made those arrangements, you had not received instructions yet to come over yourself? ---No. Shortly after 7 o'clock Col. Lemmer arrived and I made a report to him about the position.

You also had no further reports from Sharpeville up to the time that you left? ---No. Then whatever reports were made, were made direct to Col. Lemmer.

When Col. Lemmer instructed you to proceed to Vereeniging - rather to Sharpeville - did he convey to you further information that he had received in the meantime? --- Not anything special. I know that in the meantime he and I, myself, had given instructions for the saracens to be manned; and soon after I made a report to him, he gave instructions to several stations

to send reinforcements.

Did you remain in constant contact with him from 7 o'clock, the time that you arrived there, until you left? --- From the time I arrived?

Well, from the time you arrived at the office, until 10 o'clock, when you left? --- Yes.

I take it your offices are close to each other? --- Yes.

And you consequently discussed the position? --- Yes.

And do you know what really happened to make him decide to send you over, personally? --- He must have felt that the position was becoming dangerous.

Do you think that would be from further reports that he had received? --- Yes.

Did you receive any telephonic requests for reinforcements? Apart from the reports that were made, did you receive specific requests for reinforcements to be sent? --- I think at 7 o'clock when I arrived at the office, Maj. van Zyl thought it was necessary to send reinforcements.

This happened on the 21st. Now, before that date, were you aware of the fact that propaganda was being made for a protest against passes, on the 21st? --- Yes.

Where did you receive that information from? --- That information was received by way of reports from the Security Branch, who had overheard this at the meetings; from reports in the papers, daily papers; from pamphlets that were distributed - common knowledge.

What was the position; did you expect this protest to be spread only over a confined area, or

over the whole Union? --- It was expected that it could break out at any place in the whole of the Union.

When you say at any place, did you expect that it would break out only at one place? --- No; at all Police Stations.

Did you have any reason to believe that the protest would be more extensive in one place than another? --- Personally, I expected it to break out in its worse form in the South-Western area of Johannesburg.

By the way, does Vereeniging - do Vereeniging and Vanderbijlpark also fall under your Police area? --- Witwatersrand Divisional Command.

Did you have any reason to believe that it would be worse here at Vereeniging and Vanderbijlpark than it would be in any other place? ---No.

THE CHAIRMAN: When did you first get information which dealt with the exact date on which these protest meetings would be held? --- It was days, I should say; weeks beforehand it appeared in the public Press; pamphlets were distributed.

Would you be able to get that date for me with greater accuracy? ---I am afraid not. I don't know when the pamphlets started; but as I say, it appeared in the public Press.

In other words, is that merely a question of looking up the daily newspapers for a few days before the 21st? --- That could be done.

EXAMINATION CONTINUED: What steps did you take to cope with the position in your area? --- We gave instructions that the streets had to be patrolled from the early hours of the morning, to afford protection to those who wanted to go to work. I am speaking, now,

of the whole of the position.

Would that be the streets of the locations?

---Yes; the places where they work and alight from transport, and the streets of the locations.

From
Did you have any idea/what hour that would have been done? --- It varied in the different localities. From 3 a.m., I should say. It was for the different District Commandants to decide. They knew what time their locations were ...

I see; that was left to every station? ---
Yes.

To decide for themselves? --- The instructions were that they had to commence patrolling at the usual hour, when the Natives are boarding the transport.

Was it considered necessary to send reinforcements to the different locations from other centres? --- Not beforehand. Every station had its own hands full.

Then, you proceeded, first, to Vanderbijlpark, I understand? ---Yes.

What was the first indication that you had that there were disturbances, then? You were now on your way to Vanderbijlpark? --- Yes.

What was the first indication that you had that there were some disturbances? ---I arrived just outside Vanderbijlpark about 10.45. The first thing I came across was a traffic officer diverting traffic from the main road on a road towards Iscor Works. This man had a rifle slung across his shoulder and he told me that he was diverting traffic because the

---Natives ---

Natives were stoning the cars on the road from which he diverted me, opposite the Bophelong Location.

I took the road as directed, and all along the route towards the Police Station I saw small groups of Europeans, white men ...

Civilians? --- Groups of white civilians.
All of them were armed with rifles, shot guns or both.

Did you stop to speak to any of them? ---
I could not then. I did not do it then. Later I did.
I was anxious to get to the Police Station.

How far would that have been from the Police Station that you met the first group of Europeans? ---
I would say about three miles.

And how close to the Police Station did you meet the last few? --- The last group was right at the Police Station. When I approached the Police Station, about 300 yards away from the Police Station I saw signs of recent disturbances, boots, shoes and clothes, and a bicycle or two were lying strewn all along the streets and along the pavements, right up to the Police Station.

Did you see no signs some distance from the Police Station already? --- Some 300 yards before I reached the Police Station. When I reached the Police Station, I found a large number of civilians in front of it, standing around the Police Station, all of them armed. I found Capt. Cawood in charge at the Police Station.

What would be the number of civilians that you think you met, all the different groups taken together; just as an estimate? ---Yes; it must be

--- just ---

just an estimate. I would say about 100, yes.

Armed civilians? --- Quite.

And how many of them were at the Police Station? --- About twenty to thirty.

Now, then you met Capt. Cawood at the Police Station at Vanderbijlpark? --- I did.

This was the first time that you spoke to him after the report that he had made to you earlier that morning? --- Yes.

That night? --- Yes.

What was the report that he made to you this time? --- He then told me that since about 11.20 the previous night he had been engaged in skirmishes with groups of Natives in Sharpeville; groups that were from 50 to 500 strong. He had found that they had broken - he received complaints, and he saw it himself, that they had broken/^{open} doors and had forced the men out of their houses on a threat of assault and on occasion actual assault, to join their group; and that on several occasions he had occasion to baton charge, but they had on one or other occasion fired on the Police; that they had stoned the Police vehicles, and that all telephone wires in the location had been cut, including the Police Station. In the telephone booths the receivers had been torn away; and that he was later relieved in the morning by Maj. van Zyl. He then went to Vanderbijlpark, where at about 8 o'clock that morning a crowd of Natives from Bophelong - there are two locations, one Bophelong and one Boi Phatong; this was Bophelong. From Bophelong about 2,500 strong had gathered at the Police Station and that they had

--- become ---

become threatening, there, and that he had to disperse them, and he only had - he did not have a very large force, then, but he ^{had} managed to get them on the run and they had to chase them right out of the - this is the European quarters, now, of Vanderbijlpark; that they had been stoned on occasions and the crowd had rushed off again; they had chased them right out to Bophelong location. At the location, they had stopped a delivery van or a truck and stripped it of its contents; and at that spot there was a determined attack of stones again on the Police and that one Native had been shot.

Anything more? --- That is as far as I can remember, what he told me.

And did you then proceed to Sharpeville? You did not visit any of the locations? --- I then went into the Bophelong location. We did not go in. Everything seemed quiet there, and I asked him to take me to the other one - I call it Tsirela; it is Boi Phatong.

I understand these two names that you have mentioned, Tsirela and Boi Phatong - that is really the same location? --- That is the same location. Boi Phatong and Tsirela is the same.

And that is where you went? --- That's where I went. There we found large groups of Natives standing about, talking excitedly; and on the square of this location there was a large meeting in progress. Somebody was addressing them. We circled round them and then we left again. Then I came ...

Did you see where they were moving to; what their intentions were? --- No. I could not ascertain what their intention was. Capt. Cawood had also told me that there had been a crowd of about 12,000 from

this location, after that 2,500 from Bophelong, and that he had managed to persuade them to move off without any trouble.

So that was over, too? ---Yes.

The two groups from the two different locations of Vanderbijlpark had then already been to the Police Station? ---Yes.

And they had been dispersed and - or went on their own? ---Yes.

Did you consider that there was any further danger there? ---No.

Did you then proceed to Sharpeville? ---Yes; just after 12 I took Luit. Claassen and a contingent of about 25 men.

Where did you meet them? --- At Vanderbijlpark Police Station.

They were there? ---Yes; those were these reinforcements that had arrived there.

So you arrived at the gates of Sharpeville with how many men? --- With that contingent of 25 men.

Of 25 Europeans? --- They were - there were about four Natives.

About how many vehicles? ---I am not sure, now, but I think it was one truck.

And you were ...? --- And my car.

You had a driver, I take it? ---Yes.

And who did you meet there at the Administrative offices? ---I met Maj. van Eyl and Luit. Col. Holmes.

And you wanted to get to Sharpeville Police Station? ---Yes.

Did you receive a report from Maj. van Zyl? ---

Yes. I spoke to Maj. van Zyl. He told me that the position was ugly at Sharpeville. That he had that morning made an attempt to disperse the mob with a baton charge and the use of gas, and that shots had been fired on the Police but that the attempts to disperse them had been futile.

You say he felt that the position was ugly? ---

Yes; he told me so, at that time.

Did you gather from him that he was up early that night and that he was dealing with the position that night in the location? ---Yes.

And did he have any suggestions to make as to how the position should be dealt with? ---Yes. Well, He told me that he was waiting there for Brig. Els, who was expected to arrive, and that he had to escort him into the location with a saracen. I asked him who was in charge at Sharpeville and he told me Capt. Theron. So I decided that I should go there myself and he advised me to take a saracen to escort me.

Why? --- Because he thought it was dangerous to get into the Police Station without the escort of a saracen.

And did he have a saracen ready for you? ---

Yes.

Was that the saracen waiting for Brig. Els?

--- Yes.

Did you then proceed to the Police Station under the escort of this saracen? ---Yes; I was then escorted to the Police station.....

Now just before you go further. Did you -

the picture that you had in mind, now, of the situation that you had to deal with when you got to the Police Station - can you tell us shortly what that was? --- I don't quite follow you.

You have now been given certain reports? ---Yes.

You must have got certain impressions about what was lying ahead, what you had to deal with? ---Yes.

Can you just tell us how you felt about it, at that stage, before you reached the Police Station? ---Yes. I was then convinced that the Police at Sharpeville were in danger.

THE CHAIRMAN: I think it would be of more assistance if you could tell me what the information was that you had as you set off to go to Sharpeville Police Station itself? --- That was the information, that things were looking ugly there and that the station was surrounded by about 20,000 Natives.

That was the size estimated - the size of the crowd? ---Yes.

Was anything else reported to you about the mood or the behaviour of the crowd; the number of the Police at the Police Station? ---Yes. That is, as I said; Maj. van Zyl told me that he had been trying to disperse them in the morning and that they were very aggressive, and that anything could be expected from the crowd.

EXAMINATION CONTINUED: Did you know how many men were at Sharpeville before you arrived there? ---I was told that there were about 100 men all told, Native and Europeans.

- - - And - -

And did you know about the weapons which they had? --- That there were some saracens at the station.

Had you any information as to whether the crowd of Bantoes were - had any weapons? ---Yes; I was told that they were flinging sticks in the air.

And I think you have already told us that you heard from Capt. Cawood and Maj. van Zyl that shots had been fired in the location? ---Yes.

Will you tell us what happened on your journey from the gate to the Police Station? --- As I turned off the main road on the road to the station, I saw this large crowd there. I estimated it to be between 20,000 and 25,000. From a point of about 300 yards from the station, they were massed together. The first thing I saw was, in the middle of the road, a small car, which had been battered and was being pulled about. I could not see then, properly, what was happening; it was surrounded by a dense crowd. I could not properly see what was happening but I concluded that the occupants were being assaulted or probably killed. I instructed the driver to circumvent that portion of the mob on the pavement, and we drove along amongst this mob. On the way, I could see them prancing around, giving the "Afrika!" sign, and kerries were swung in the air.

Many kerries, or just a few? --- Quite a number - not all of them. When I reached the point opposite the gate, there were about three, I should say, they were about three deep before I could get through to the gate. At that point, they would not let me through; they would not give way. They started to strike my car with sticks. I gave the driver

driver the order to speed the car through the remaining mob; he did so, and they were flung aside and we managed to get inside.

Did any of them land under the? --- No.

And you say they were thrashed aside? --- They were thrashed aside, yes.

And who opened the gate for you? --- I do not know whether the gate was opened by anybody or whether ...

Were you now ahead of the saracen? --- No, the saracen went off.

The saracen did not go into the Police yard? --- No.

So your car and another vehicle, a troup carrier or something like that - the two vehicles went into the Police yard? --- Yes.

Were you ahead of the of the other people? --- Yes.

Then, what happened when you got inside; what steps did you take then? --- When I landed inside that yard that morning, from all I had seen and been told, and what I had personally experienced, I was satisfied that that mob was ready for anything. The mob was in a frenzied state and I feared an attack on the Police at any moment.

At what time did you arrive there? --- It was shortly after 1 o'clock - I would say about five past.

Yes, carry on? --- I have had 36 years of service, and I have been - I have dealt with many mobs, and I know what the psychology of a mob is; they have no conscience, are capable of any rash act; and when

I landed in the yard, there, my first concern was to muster the Police and to form them up in readiness for any possible attack that might come. As I say, I found Capt. Theron there and I spoke to him. There was not much time for deliberating. He told me that the position was very ugly, that the Natives had once or twice come across the fence and he agreed that immediate steps had to be taken. I then ordered that the men had to be formed up facing the fence, facing the crowd. While I was busy forming up the men - it took some time to get them in line and separated; I did not want them too close together, - a few stones fell amongst the Police.

Just before you go on: You lined them up on which side of the Police Station? ---Inside.

On which side - South, East, North or West? ---On the Western side.

On the Western side only? ---On the Western side only.

Why was that? ---Because it was all the men that I could get there. That was also the side where the greatest threat was coming from.

And was there a large number of Bantus on the other sides as well, or was it mainly? --- They were crushing up against the fence on the South and the North, but mostly on the Western side.

But you thought the greatest danger was coming from the Western side? ---Yes.

And that was why you lined them up ...? ---Yes.

On the Police grounds? ---Yes.

---How ---

How far from the fence? --- There was - one of my concerns was that the men were so close; one of our dangers was that our men were so close to the mob. I know I had occasion to move them later, to get them as close to the saracens as possible. Then only they were about seven to eight paces away from the mob.

Can you tell us exactly what order did you give to get them lined up? --- "Tree aan!"

What does that actually convey to a Policeman? --- That means that they have to fall into line.

Is that in one line? --- It depends on whether you are on parade ground, or what circumstances you are under. There it was intended that they should form in a line.

You arrived there at five past one. At what time would you say you gave this order? --- I should say it was between a quarter past and twenty past.

That would have given you about ten minutes to a quarter-of-an-hour inside, on the Police grounds, before you gave that order; is that correct? --- Yes.

And during that time you had a discussion with Capt. Theron about the? --- Yes.

And you then gave the order? --- Yes.

Did you give any additional orders? --- Yes. As I say, at a certain stage stones began falling amongst the Police - isolated stones were falling amongst the Police. I saw Col. Spengler at the gate with Sergt. Muller. They had hold of a Native, there, and both of them were flung back into the yard and some of the Natives were going after them, but they

retreated. At that stage, I expected an immediate attack and I gave the order to load with five rounds. I knew that the men would already have loaded, but I gave this order in the hope that it would have a sobering effect on the crowd and to indicate to the men that if it should come to that, the initial firing should be limited to five rounds.

You had some sten guns amongst ...? --- There were some sten guns.

That would apply to sten guns as well? --- That could not apply to stens, but you could give them an indication.

An order to load five rounds - would that mean that they still had to wait for the order to fire, or was that ...? --- Oh, decidedly. Decidedly! I warned that there must be no shooting except on an order.

You say you did give them that warning as well? --- Yes.

When did you give them that warning; when you ordered them to line up or when you ordered them to load five rounds? --- No; immediately after the order to load five rounds.

There had not to be any shooting? --- Except on an order.

Where in relation to the line as it was formed, were you standing? --- I was standing close to the gate, on the righthand side of the gate.

In front of the line, or behind it? --- No,

---just---

Just

So you would have been to the North of the gate? --- To the North of the gate.

Would you have been in front of the line, or behind the line? ---No; ^{the} at/time I gave the order, I was in front of the line, naturally.

And were there other officers with you at that point? ---Yes; I noticed Capt. Theron there, and Luit. Hurter ...

I mean, now, close to you? --- Capt. Theron was close to me.

How close would he have been? --- He was practically next to me all the time, sometimes a few paces away.

I am not quite sure, Colonel, whether you told us how far North of the gate you were at that time? --- Eight to ten paces.

Any other officers in your close proximity? --- You mean, of the contingent that I brought there?

No; any of the other officers? --- There were some others, but I just can't remember who.

Also in front of the line, or some at the back? ---Yes; they were about the place - I could not say where. There was an officer on the saracens.

I am asking you all these details; it is not that I expect you to remember everything, but as far as you can remember, tell me. Capt. Brummer - where was he at that stage? ---I remember him on top of this saracen; he was probably standing in the firing portion.

--- Did ---

Did you see him when you arrived there? ---

Yes.

Did you speak to him? ---No; he was on top of a saracen - I did not speak to him; not as far as I can remember.

Would you have wanted to speak to him? ---No; there was no time to be lost. The men had to be formed up to face what was coming.

He, I understand, was in charge of the saracens? ---Yes.

All the saracens? --- Well, generally - I take it he was in charge of all the saracens.

Did you notice where these saracens were set up? ---Yes. They were in that same confined space, in the yard.

Yes, but where precisely in that space? --- They were practically covering the distance between the West fence and the - the North and the South fence.

Yes, but would they have been more to the North, or to the South; or were some in the North and some in the South? ---No; that I could not tell you.

You did not take particular notice of that? --- No.

The saracen, we have been told, is a very, very dangerous weapon? --- Quite.

The machine gun on it. And did you - you say you knew that Capt. Brunner was in charge of them? ---Yes.

And did you have in mind that your order to load might be taken as an order for the men on the saracens as well, or not? ---No. I expected them to be in readiness

But would they have known that your order did not affect them? ---I addressed those who were lined up only.

Supposing the saracens also had to be used, would they have had to wait for a special, a separate order from you? ---No. They could have acted entirely on their own. The circumstances justified that.

Does that mean that as far as the saracens are concerned, you left that entirely to the discretion of Capt. Brummer? --- Yes. And that is the reason why I tried to get the line of men as far away from the crowd and as close to the saracens as possible.

Tell me how that comes about. Is it practice or a standing instruction that they had to act on their own - the man in charge of saracens? ---Yes; it is. That is so. But that does not preclude me from giving an order.

You can give orders?---Yes; definitely.

But were you confident that they would not shoot until you gave an order, or until ...? ---Until the Captain gave an order.

Then I think you were telling us that stones came over. At what time did the stones come over the fence? Or was that happening all the time? --- Between quarter past one and twenty past one.

Did you see stones coming over the fence, from the crowd? ---Yes.

Could you tell us, at that time what was Col. Spengler doing? --- These things happened practically the same time. Stones came over the fence, and Col. Spengler was busy at the gate with a Native there; whether he was

arresting him or what he was doing, I could not say; but I saw him and Sergt. Muller thrown back from the crowd. Some of them appeared to be holding onto this man that they had, but they managed to get away and into the yard with him. Then it was that I gave the order to load.

And just tell us something more about what happened at the gate. How did this incident at the gate come to an end? --- At that moment, when he had the first skirmish with that Native at the gate, they appeared to come after him to get hold of this person that he had, but they failed. Then some time after that - in the meantime the crowd was leaning forward over that fence, and in places it was practically pushed over 45°. Then three things happened there practically simultaneously. I saw Col. Spengler again at the gate and I suddenly saw him stagger backwards, and the crowd bursting in through the gate. Two shots were fired from the mob, and a strong shower of stones fell amongst the Police. Almost at once, after that, two shots were heard on the left flank, from the Police, and then the whole line started shooting.

When you talk about the left flank, that would be on the Southern side - the Southern end of the line? --- The South-Western flank. Then the whole line started firing.

Where were you at that time? --- I was still at that point.

In front of the line? --- No; I was amongst the men, probably in the line.

And you say you had not given an order to fire?

--- No; I did not.

What did you do, then? --- At that stage, I was prepared to give an order to fire on the gate, where they had burst through.

Why at the gate? ---Because there, to my mind, was the immediate danger; and they were bursting through the gate.

Did you think that the danger that there was, was coming from the gate only? ---No. I was satisfied that an attack was actually made on the Police.

You say you were under the impression that an attack was actually made at that stage? ---Yes. As far as general orders to fire were concerned, I would probably have waited a few moments longer to see whether a sustained attack would be made.

You thought the attack was definitely at the gate? ---Yes.

Then, when the firing started, what did you do? --- When the firing started, at that time they were densely massed up against the fence, on all sides, so far as I could see. Some of them flung round immediately. Others bore forward for a few seconds longer and then the whole lot scattered in all directions.

But what I really want to know: What steps did you take, yourself? --- Then, when I saw that they were now in full retreat, I and Capt. Theron and some of the other officers jumped amongst the men and shouted "Stop!" I waved my hands; an order could not be heard, then.

Am I understanding you correctly that after the firing started, you first watched the reaction of the crowd? ---Yes.

Before you asked the men to stop? ---I did, yes. Some of them swung round almost at once; others still bore forward for a few seconds. Then the whole mass ran off.

What did you do to stop the firing? ---I jumped in front of the men at some danger to myself of being hit. I waved my hands and shouted "Stop!" as loud as I could.

Did the firing stop immediately? --- Well, not/ immediately but probably a second or two afterwards.

And were you the only one to shout "Stop!"? ---No. Captain Theron, who was in my immediate vicinity, did the same.

And did you hear a whistle? ---Well, just before the seconds, I should say, before the firing was finished completely, I heard a whistle.

Where did that come from? ---I am under the impression that it came from Capt. Brunner, on a saracen. It came from a saracen; I could not be sure, but it came from the saracens.

The machine guns on the saracens were never put into operation at all? ---No. I must say that the fire could not have lasted longer than ten seconds; ten seconds is a relatively long time. If it had lasted longer, there must have been very many more casualties. Every second would have (inaudible).

- ADJOURNED: 11.15 a.m. -

- RESUMED: 11.30 a.m. -

GIDEON DANIEL PIENNAAR, still under oath:

EXAMINATION BY MR. CLAASSEN CONTINUED:

Colonel, I think your last reply was that you

estimated the time of the shooting to have been ten seconds?

--- At what stage?

The duration of the shooting? --- Oh, ten seconds. I am positive that it could not have lasted longer.

Do you think that the shooting continued after the danger that you saw had been? ---I calculate that after the first five or six seconds, according to my judgment, the necessity for firing had stopped, and that is when we jumped in and gave the order to stop.

Do you mean by that that the shooting continued after you thought that the necessity was no longer there? --- Once fire has started, you cannot stop it with press button precision. Men are only human; they are liable to get excited; they must form their own judgment. Some may have been late in forming a judgment. It is possible that about three seconds elapsed before - according to my judgment - the necessity for fire had ceased.

Then, after the firing had ceased, what orders did you give, what steps did you take? --- I immediately gave orders that the wounded had to be attended to, the ambulance had to be called and a search had to be made for weapons and brought in.

What weapons are you referring to, now? --- Weapons lying about, amongst the wounded.

Stones and that sort of thing? ---Yes.

Weapons coming from the crowd? ---Yes. And I think I gave Capt. Theron specific orders to make a count of the injured Policemen.

And did he report to you? --- I saw one Policeman

myself with a cut across his cheek. He made a report to me later and I think he mentioned eight or ten Policemen who were injured.

Did he require medical attention? --- The man with the cut across his cheek?

Yes? --- Well, he was not bleeding so badly that he required immediate attention, according to my mind.

And did you see the stones and sticks that had been collected? ---Yes; it was collected in my presence there. A 4-gallon or 5-gallon full of stones was collected, and a number of sticks, hammer, hatchets, choppers, sharp-pointed pieces of iron.

I wonder whether you would leave the Witness box and have a look at the number of sticks lying here (Witness examines weapons)? --- Yes; these are the weapons that were collected.

Can you identify the sticks and other weapons before the Court here as those which were collected on that day? ---Yes.

(Sticks, stones, Hatchets, Hammer, handed in, Exh. 3).

THE CHAIRMAN: Would that represent the total number of weapons or implements which were collected? ---I am under the impression that there were more - particularly that hammer-axe. There were two long 12" knives at least. One may be an exhibit in another case. That belonged to a Native who was participat me, feigning death. He was unscratched and he had a long
--- knife ---

knife, about that broad - 12" long.

An 1½" broad? --- Yes. It was a home-made weapon.

EXAMINATION CONTINUED: Do you know where the other one was obtained from? --- That was found in the street; that is what I was told.

So those two knives are not here? ---No.

They are not amongst this lot.

How soon after the shooting stopped did the ambulances arrive? --- Ten to fifteen minutes.

Would you say that everything was done for the injured that could have been done? --- Everything that was possible, was done.

Do you have any knowledge of the nature of the ammunition that these men were furnished with? --- Yes; they were given .303's and sten guns.

Ordinary ammunition? ---Perfectly ordinary ammunition.

Used by the Police? --- As issued by our quartermaster.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. COLMAN: Colonel, at the time of the shooting you were in command? --- I was.

You were in command of all the forces at and around the Police Station? --- Nominally, yes.

They were all subject to your orders? --- I was in command of that force that I found on the Western side of the Police Station.

---You ---

You were in command of every Policeman who was within the Police Station fence, weren't you? ---Yes.

THE CHAIRMAN: Put it this way: They were all subject to your command? ---Yes; I was nominally in command of the whole station but I was in immediate command of those on the Western side.

CROSS-EXAMINATION CONTINUED: Now, I want you to listen very carefully to the question I am going to put to you. Think about your answer before you give it, if you like. I think your answer may assist the Court: If, knowing what you now know, you had to live again through the 21st March of this year, would you act differently? ---I could not possibly act any differently to what the situation demanded that day. If the situation arose again, how could I act any differently?

THE CHAIRMAN: I think Mr. Colman was inviting you to, as it were, be wise after the event; in other words, with the knowledge which you have now, thinking back on the matter? ---I don't see how I could have acted differently. If the question were put to me whether I would not have done this or that, that is the answer.

Are you referring, now, only to those few minutes immediately prior to the shooting or are you referring to the witness' conduct from the time that he first became aware of the fact that there were disturbances in his area?

MR. COLMAN: I would like the answer, Mr. Chairman, to cover the whole day.

--- I'll ---

CROSS-EXAMINATION CONTINUED: I'll put my question a little more clearly. Take your time and think about it. The whole day - you have explained to his Lordship how you were under a strain; worried, harried and tired. I now want you to think back in the light of the whole picture as you have it, and tell his Lordship whether, if you had that day to live through again, there was anything different you would have done or anything more you would have done; do you follow me? --- I follow, but I cannot see; what I did was forced on me. I don't see how I could have acted differently.

You have thought, I suppose, a great deal about the events of that day? ---Yes.

It was a dreadful position to find yourself in, was it not? ---Yes; it was.

You have searched your conscience, you have thought about it, and you can think of nothing that you would have wished to do otherwise? --- Except to absent myself. That is about the only thing that I really do wish, that I was not there.

But, of course, you had to do your duty? --- Yes.

But you are not conscious of having made any mistake at all that day? ---No. I do not see what else I could have done. I had a particular duty to perform there. It would have been a treasonable act on my part if I had failed to take every possible step for the protection of those men and their station.

Yes; we are all agreed upon that, I should imagine. You had to do everything. All I am asking you is whether now, after calm reflection, you haven't

thought of any mistake you made or any error of judgment or anything you could have done? ---No; I cannot think of anything that I should not have done.

Anything that you should have done and did not do, or anything that you did and should not have done; you left nothing undone that you should have done; is that right? --- Quite right.

And you did nothing which you regret that you have done? ---No.

Do I take it, then, Colonel, that in your view the killing of 67 people and the wounding of a large number of others was absolutely unavoidable? --- We were, as it were, with our backs against the wall. We were surrounded by an excited ^{frenzied} and threatening mob of 20,000 Natives who attacked us with firearms and stones, and I don't see what the result otherwise could have been.

Then your answer to my question is "Yes"; there was no way of avoiding these killings and these wounding? ---No.

I have been asking you, so far, about your own conscience. Have you thought of any mistake that anybody else made, any error of judgment on the part of anybody else? --- The only error of judgment that I can say is that some men erred in their judgment when it was time, the psychological moment when it was time to open fire - some of them.

That is the only mistake or error or omission on the part of any person? --- Yes.

You cannot think that any officer left anything undone that he should have done? ---No; I cannot.

You have thought about this? ---I have.

And no officer did anything that he should not have done? ---I can't think of anything.

I am not asking you about a breach of discipline. I am asking you about a mistake - perhaps a genuine error of judgment. Nothing of that sort? ---No.

THE CHAIRMAN: Mr. Colman, are you confining yourself to the matters observed by the witness at the time, or are you making it wider, so as to include anything which may have come to his knowledge after that date?

MR. COLMAN: I think I had better make myself clear on that, Sir; I am indebted to you.

CROSS-EXAMINATION CONTINUED: Does your answer relate to everything that you observed? Does your answer cover everything that you observed? ---Yes.

Now, how would you answer the question if I take it on the wider basis his Lordship has suggested, taking into account everything you have heard, now; everything you know about the events of that day? Can you see no unwisdom on the part of any officer? --- No. Not that I can think of.

That was the best, indeed the only way of dealing with the situation? --- Well, to my mind it was the only way.

In particular, Col. Spengler - have you no feeling that perhaps he should have acted differently from the way he did? ---No; I don't think so.

I will have occasion later, in the course of your evidence, to make a few suggestions to you about

--- things ---

things that might have been done differently. I would first ask you something about your own experience. You have told us, I think, how long you have been in the Police Force - 36 years; is that the period of your Police service? --- That is so.

All in South Africa? --- In South Africa.

You were never outside South Africa for training? ---No.

Nor were you outside South Africa with the military ...? --- During the war I was chief of Gen. Smuts' guard as far as Cairo.

But you never actually saw active service as a soldier? --- No.

You went through the ordinary Police training of the South African Police? ---I did.

Is there any training relating to the handling of crowds? --- Not specifically, except from experience.

The handling of crowds is particularly a problem in this country? ---It has become, now.

It has been for a long time. It seems to become more acute as the years go on, doesn't it? --- Yes.

You yourself, I think, claim to have had a lot of experience with crowds? --- Well, with docile crowds and violent crowds. I don't claim to have had a lot of experience, but I have had some experience.

I don't know what words you used but I gather from your evidence-in-chief that you claim to be a man who knows crowds? ---No, I don't claim that.

But you say you have had experience with docile

and with hostile crowds? --- Yes.

And I suppose with crowds with moods all the way in between, from docile to hostile? ---Yes.

Just give me something about that experience; where have you had experience, first with docile crowds? --- Oh, many, many years ago, with European crowds and that, with the visits of the Prince of Wales and other dignatories. Recently, in Sophiatown, with Native women. These were crowds that could be handled by other means.

You have been concerned in controlling crowds in respect of large cities which have been visited by members of the Royal Family and that kind of thing? --- Yes.

And of course, even such docile crowds require a bit of handling? --- They require very tactful handling.

And is there a technique for dealing with crowds of that sort? --- Docile crowds?

Yes? ---Oh, yes.

What are the particular techniques which you use with such docile crowds? --- You might - you must be firm with them; you might crack a joke with them occasionally. You must not show any weakness towards them. When you ask them to do anything, you must see that they do it.

Now, crowds which are not so docile; what experience have you had with such crowds? --- I have been - during the riots in 1957

You will just have to tell his Lordship about that, will you? --- These were just tribal

clashes between the Zulus and the Basuto's.

THE CHAIRMAN: What part of South Africa - here in your division? ---Yes; Dube.

CROSS-EXAMINATION CONTINUED: Now, there were a large number of Africans involved in those riots, not so? --- Correct.

And many, of them, I think were armed with the sort of weapons that have been produced here in this Court? ---Yes.

I do not know whether you made it clear to his Lordship; Dube is a Native township within the Johannesburg area? ---Yes.

And were you in charge of the Police who had to quell those riots? ---Yes; there was myself in one section and there was Capt. Wilman in another section.

How did you do it? --- There the position was entirely different, where we were some distance from them. I had to deal with an armed impi, there, of 1,000 or more, and - this was a Sunday afternoon; they were out in the open. We were 200 yards away from them. I had time, there, to speak to them. I sent word that they should send out a delegation. I spoke to them. They told me that they had no quarrel with the Police; that all they wanted from us was to allow them to attack the Basuto. I told them that I gave them the ultimatum that if they did not disperse within five minutes - I showed them that I had the forces lined up there; they were already lined up - that they were an armed force and if they did not disperse within five minutes, I would attack. They thought better of it. They were near their hostel.

--- Shortly ---

Shortly after that, they started marching to the hostel.

You said this to their leader, or did you address the impi? --- Their leaders - a deputation; there were five of them.

There were 1,000 Natives in the hostel? --- Yes; in different sections.

But this statement to their leader averted a lot of bloodshed? ---Yes.

Now, tell me, on what other occasions have you had to deal with aggressive crowds or excited crowds? --- In Sophiatown, on occasions - not such large crowds.

Crowds of a few thousand? ---No, less. Anything up to 800 or 1,000.

What are they - merely excited crowds, or murderous crowds? ---No, merely excited crowds and they were amenable to talks.

Did you deal with these crowds in much the same way as you dealt with the Dube crowd? --- Yes; there I had time to warn them and advise them what would happen.

Again it was a threat that if they did not disperse within the time mentioned by you, then the Police would use force? --- That is correct.

And that worked? ---Yes.

Is that a standard instruction as to how the Police should deal with addressing crowds? --- There are no standard instructions, as far as I know, in dealing with crowds. It varies so considerably - no two occasions are alike at all.

Yes, I can well understand that, Colonel.

But are there no instructions about how to deal with crowds? ---No specific instructions. Only instructions as to when you should use your firearms.

So must I take it, then, that in the South African Police neither the rank and file nor the officers receive any training in methods of dealing with crowds ^{or} dispersing? ---No specific training.

They just pick up whatever they can, depending on what experience happens to come their way; is that a fair way of putting it? --- I don't follow that question - they pick up anything they can. I don't follow that.

A man in the Police Force, you tell me, is never instructed or trained in methods of dispersing a crowd, dealing with crowds - a man, or an officer? That is what I understood you to say. Did I understand you correctly? --- Yes; no specific training.

So that when there is a crowd and a force of Police comes to deal with it, it is just a matter of luck what experience the officers and men in that force happened to have had with crowds; each man will have his own ideas, gathered from his own experience. Is that right? --- Each man will act according to what he is faced with; according to the circumstances.

Now, the South African Police rank and file are armed as infantry in the Army are armed, aren't they? ---Yes.

Service rifles and sten guns, in addition to the heavier weapons which the rank and file ...? --- The only heavier weapon is the saracen.

Is that the only one you have? ---Yes.

Would you say that these armed Police are trained as infantrymen in the Army are trained, or don't you know? --- They do get their drill, their rifle exercises, instruction in the mechanism of rifles and the use of the rifle.

And the sten gun? --- And the sten gun.

That is on how to use these weapons. Do they get instructions which will make them responsible in the handling of those weapons? Are they trained in forbearance, care in the use of the weapons? --- They are generally trained in forbearance, because they have to exercise that from day to day.

Their officers are trained in how to handle armed men? To control armed men? ---Yes.

Is there careful training of every officer to ensure that he will be able to control armed men under his command at any time? ---Yes.

You have been through that training? ---Yes.

Is there training in such matters as how much firing there should be in a given situation? --- No; there is no such training.

That is left to the discretion of the individual policeman when he is faced with the particular occasion? Is that it? --- The officer, or the individual. A man can be faced with a situation at any time.

Are these officers, of the men, the rank, trained in carrying out combined, controlled and disciplined firing? --- They are trained, not

--- together ---

together but individually.

Are they not got together in groups under an officer or a non-commissioned officer, given practice in holding their fire until there is the right word of command? ---Yes; they are instructed in the recruit stages.

And are they trained in ceasing to fire immediately upon the command to cease fire? ---Yes.

Are officers and non-commissioned officers trained as to the manner of giving orders to fire? ---Yes.

Giving orders to cease fire?---Yes.

Is there training of the non-commissioned officers and men designed to ensure that in a tense situation there will be no firing before the right moment arrives? --- Yes. There is such training.

And you have gone through it. You have been through that training? --- Yes.

In the course of that training, is any stress laid on ensuring that the individual rifleman will not at any stage act on his own discretion when there are people there who can command him? ---No; I cannot say that. When orders are no longer possible, they must act on their own.

But when orders are possible, are they trained to wait for orders and to obey orders? ---Yes.

You see, earlier in your evidence this morning you said something about the individual Policemen having used their discretions differently. You said some exercised their discretion to stop sooner than others. Do you remember talking about that? ---Yes.

been no Police enquiry involving the men who actually fired? ---No; normally there is an enquiry whenever a firearm is used.

But there has been no such enquiry? --- No. We are relying on the Commission.

Now, we know there are officers, non-commissioned officers and other ranks in the Police Force. What is the normal organisation? How many men would be under a captain? What are the duties of the Police? ---The Force is not normally a military unit. It is a civil, administrative ...

is
Yes, but/is not a quasi-military organisation? When men are armed, they must be under some sort of higher control? ---Yes; but there is nothing laid down that they should be under such and such an officer or other control. When you detail men for a certain duty, you place them under - the constables are placed, from six to eight, under an N.C.O. That is when there is time for organisation. As an officer, he is allotted so many men - 25 to 30 men.

How many officers were under your command within the Police Station gates on this occasion? --- I cannot be sure of that. I reckon there were about four or five.

THE CHAIRMAN: Are you including the Special Branch men, too? --- No. I am not including them.

CROSS-EXAMINATION CONTINUED: How many non-commissioned officers? --- That I could not say.

Of course, you had a very mixed force, did you not? They were not men known to you? ---No; that is so. They were from different parts.

Were they, by the way, mostly youngsters, or were they seasoned men? ---No, I could not answer that.

You have no impression on that, Colonel? ---No. I think there were quite a number of senior men and there were quite a number of young fellows.

These few men you have spoken to who have fired and who have said that they thought there was an order to fire, were they seasoned men, or were they a young group of Policemen? --- No, that I can't remember either.

Don't you remember? --- No. It was shortly after the firing.

Have you no impression about that? ---No.

I suppose that in the Police Force, as in so many other cases, the older and more seasoned men are more responsible, and the young ones are inclined to be excited and irresponsible? ---Yes.

Has the Police Force in recent years had a larger proportion of young and incompletely trained men than in previous years? ---Yes. I will say young men, but I won't say incompletely trained men.

They are all completely trained, aren't they, before they ...? --- Yes; they go for training for six months in the Police College.

But, of course, training is no substitute for experience? ---No.

Are you agreeing with that? ---Yes.

Now, when the Police see or have a report on the existence of a large gathering of Natives which is not there for any normal purpose, it is desirable to

disperse that gathering, is it not? --- Within your legal bounds. It depends on where, when and how, whether - mostly gatherings today in public places must have a permit or some permission or some authorisation.

Certainly a gathering which is connected with the activities of the Pan-Africanist Congress, a large gathering of Natives of that sort, should be dispersed, if possible? --- Again it depends. They are often given permission to hold meetings in the township.

A gathering without such permission should be dispersed, should it not, if possible? ---It depends on their behaviour and where they are. I cannot conceive, for instance, of a crowd in the open veld, doing nothing wrong at all - under what Law you could disperse them.

I am not asking you, just for the moment, about Law. I am asking you about what is desirable in the interests of public order and safety? --- We have to act according to Law.

I know you have to act according to law. A large gathering outside a Police station - a large, noisy gathering outside a Police Station - should be dispersed, if possible? ---Yes; that is so. It is a place where there should not be gatherings, or the station surrounded.

And on a day like the 21st March, when there had been these warnings and intimations that you have told his Lordship about - if on a day like that, at any Police Station within your area of jurisdiction,

--- you ---

you were to learn that a crowd was gathering, you would have considered it desirable to disperse that crowd, if possible? --- Yes.

And if such a crowd is growing, the sooner it is dispersed the better, isn't that so? --- Yes.

Even if it is not growing, the sooner it is dispersed the better? ---Yes; it still depends on what they are doing.

Well, there they are; they have come - it is the 21st March; these public announcements have been made, they are gathered outside the Police Station and they are noisy. The sooner they are dispersed, the better? ---Yes; if they are not alone noisy, but showing inclinations to do damage or injure people.

Even if they are not showing inclinations to do damage, the wisest thing is to disperse them as soon as possible, if you can, by reasonable means? ---Yes; by reasonable means, yes.

I don't mean shooting them down. Do you agree with something that Col. Spengler indicated here yesterday, and that is that a crowd can change its mood? Even a crowd which is not showing inclinations to do harm can easily be excited or provoked? --- That is a mob; that is typical of a mob. It can get out of hand at any moment.

So it is wise not to allow such crowds to collect if you can prevent it? ---Yes, if you can prevent it.

And if it has collected, it is wise to disperse them as soon as you can by reasonable means?

--- Yes.

It is certainly unwise, if it is a noisy or excitable crowd, to let it grow any longer than is necessary? --- Yes.

To allow it to remain there any longer than can be avoided? ---Yes.

And most unwise to do anything which might provoke the crowd into hostility or dangerous action?

--- Yes.

Unless, of course, someone has the idea that it would be a good thing to let the crowd grow and then provoke them and then shoot a number of them in order to teach them a lesson? --- No; I don't understand that question very well, Sir.

It is a purely hypothetical question. Did you hear what I said, or do you want me to repeat it? --- I don't understand that very clearly, Sir.

I will put it this way: I am not charging you with anything. It is purely a question. Was there in your mind any idea of letting this crowd be provoked so that you could shoot them and teach them a lesson? --- Certainly not!

Have you heard such a suggestion from anybody? --- I heard a fantastic suggestion, that these Natives were called together that day; in the face of all this common knowledge why they went there, I heard this suggestion that they were called there by white Policemen to assemble because they would be addressed by some big person from Pretoria - which is fantastic.

Nothing of that sort happened at all? ---Never!

--- And ---

And you say by white Policemen; but I take it, not even by black Policemen? --- Not even - how could it be done? We know why they were there. How can you say, now, that they were called there.

Don't say what I am saying! I am not saying that this happened, Colonel. Please understand me. ^{If} I am asking you a question. / I think I am entitled to, accuse you of something, I will accuse you. I haven't accused you. You know why they were there? ---Yes.

Why? --- They were there ostensibly to gather in their thousands and to surrender themselves for arrest, which they knew very well the Police Station could not cope with; but in reality they were there in their thousands to create incidents and tensions which are likely to lead to violence and bloodshed.

Was that your view? --- That is my view.

And was that your view about what was going to happen on the 21st March? --- I expected something like that to happen somewhere.

But this idea of provoking a crowd as an excuse for shooting had no place in your ...? --- Certainly not.

Did it have a place, as far as you know, in the thoughts of any member of the Police Force? --- At ...

At Sharpeville, or anywhere else? --- Again, I don't quite follow that question.

As far as you know, was that the attitude of any Policemen? --- Of all Policemen, yes.

You mean they all had the same attitude as you? ---No; I must speak - if I am not entitled to

--- answer ---

answer for them, then I cannot. But to my knowledge,
there can never be anything like that, that we would
deliberately collect a crowd and provoke them and
shoot them. I don't think anybody could possibly
believe that.

You don't think any Policeman was guilty of
that? ---No. The reverse would be the case. If
we could possibly have avoided it, we would have done
everything in our power.

To avoid hurting them? ---Yes; to avoid
clashes.

Now, will you agree with this? A Police
officer who is in command and who is faced with the
problem of dispersing a crowd which ought to be
dispersed, has a difficult problem on his hands? ---
Yes; certainly.

Especially with a crowd of Bantu? ---Yes.

And in order to do what is best in the
circumstances, he should have the fullest possible
information that he can get about the situation? ---
Yes.

If he has recently arrived, it is desirable
that he should have the fullest information of what
has happened before he came, shouldn't he? --- Yes;
providing that time allows.

I am talking about what is desirable? ---Yes.

It is most desirable? ---Yes.

He should know as much as possible about the
behaviour of the crowd up to the time of his arrival?
--- Yes.

And he should know - it is very important to know - he should know who the leaders of the crowd are, if possible? --- That would probably take some time, to find that out.

I am not asking how long it will take. Do you agree with me, that he should know who the crowd's leaders are, if possible? ---Yes.

That is a vital piece of information? ---
No, I won't say that he should necessarily know who the leaders are.

Don't you think that it is most important for him to know that, if he can possibly find out? ---Yes.

Because through the leaders, in one way or another, you might be able to get the crowd to disperse without anyone being hurt? ---Yes.

And that, after all, is the problem foremost in your mind, which you are facing? ---Yes.

If there is anyone present who can give information on these matters, the officer-in-charge should consult with him? ---Yes.

If there is anyone present who might be able to influence the crowd, the officer-in-charge should make the fullest use of such person? ---Yes.

Whether he be a white man, or a black man? ---
Yes.

If it will, or may avoid injury to property or persons, he should even negotiate with or make use of the leaders of the crowd? ---Yes.

Whoever they are - shouldn't he? ---Yes.

Even if they are wicked people? ---Yes.

And perhaps the most important responsibility in a situation like that of the officer-in-charge is to ensure that nothing is done which might provoke the crowd to act? ---Yes.

Now, as far as the use of arms is concerned, you have told me that there is training in the use of arms? ---Yes.

And that every single policeman has this training? --- Yes.

You have been through it yourself? ---Yes.

Perhaps you have trained others? ---No; I have never been an instructor.

Is it impressed on every member of the Police Force that there is to be no use of firearms except as a very last resort? ---Yes.

They all understand it, you think? ---I think they should.

Would I be correct if I put it this way - or do you think I am over-stating it - that firing should be resorted to only if every other means has failed?
--- Yes; I agree with you.

THE CHAIRMAN: Does that mean that in every situation you must first try every other means before you shoot, even if you think it is not going to be successful? ---Yes; providing the time permits of it; and it is always done - where there is time to do that, to search for other means of dispersing a crowd, it is certainly done.

The question I ask - if it is clear that a baton charge won't be effective, you first undertake

a baton charge before shooting, or do you pass that one by and go on to the next one? --- It again depends on the mob you have to deal with. If you are of judgment that they are well armed and that, I would say I would not attempt a baton charge, but probably a bayonet charge.

CROSS-EXAMINATION CONTINUED: Let me put it to you this way - perhaps this will meet his Lordship's question: If there is any possible measure which might help to avoid firing, then that should be tried before firearms are used? ---Yes.

I am not suggesting that you should try something which is obviously quite futile and useless; but if there is any reasonable chance that other means will be effective, there should be no firing? ---Yes.

Would a Policeman ever be justified in using his firearm because he has been insulted? ---No.

Or because of mere, verbal threats? --- No.

Fear? ---No.

Is that a thing of which you are conscious in the Police Force? --- A verbal threat, I must say, unless it is accompanied by the show of a firearm or something, that can be carried into immediate execution.

Unless there is a danger that the threat will be carried out - shall I put it that way? ---Yes.

Because it has happened, in recent times, that the Africans take the opportunity of jeering at the Police and insulting them? ---Yes.

What measures are taken to ensure that an excitable Policeman will restrain himself when that

happens? ---It is constantly hammered into them at lectures and on parade, that they must endure a certain amount of abuse.

What do you mean by "a certain amount of abuse"? --- Well, for instance, if you are sworn at in public you are entitled to arrest him. That is your remedy.

But not to shoot him? ---No.

And a jeering mob, an insulting mob - is that a mob which should be fired on? ---No.

Now, I take it these events at Sharpeville were not very long after the unfortunate Cato Manor affair? --- Not very long.

There was much talk in the Police Force about Cato Manor? --- Yes.

I suppose every Policeman was upset at what had happened there? ---Yes.

And there was a certain desire for revenge among the rank and file of the Police Force? ---No, I can't say that there was a desire for revenge.

It would be only human? ---It would be human, yes; I cannot say that. I have never heard anybody say it or show any signs of it.

Were any special measures taken to remind the men of Cato Manor, of the great necessity for safety? ---No.

When it looks as if shooting may become necessary, and it looks to the Commanding Officer as if that is now a real possibility, then he has a very great responsibility, hasn't he? ---Yes. He has.

He must in the first place be firm in his own resolution that shooting will not take place unless it becomes absolutely necessary? ---Yes.

That it will not take place one moment before it is clear that it is necessary? ---Yes.

And as to the extent of the shooting, he has to take a careful decision on that? --- Right.

If he sees that shooting is going to be necessary, he must make his plans to ensure that the very minimum shooting will take place, which is required to achieve the object? ---Yes.

One of his difficulties, if he is in a tense situation, is to ensure that he does not lose control of his men? ---Yes.

Now, what are the ways in a tense situation, when it looks as if firing may become necessary, of ensuring that he retains control over his men? --- That will also vary with different circumstances. It depends on the tenseness of the moment. The only thing is to see that they are not standing about in groups and that, to have them properly lined up.

The first thing is to deploy them properly? ---Yes.

And if it is necessary to deploy them in a long line, then it is vital to ensure that the whole of that line is under control? --- Yes.

How do you do that? --- By seeing that there are officers with them.

What do you mean by that? How do you ensure --- that ---

that in relation to a long line of armed men who may be called upon to fire, the whole line is under control?

--- Well, if you have time for that organisation, you would have the men placed under their N.C.O.'s and you would have a certain number of N.C.O.'s and men under the control of an officer.

That is a very important thing to do, if it is at all possible? ---Yes; if it is at all possible.

If you have a very long line of men it is extremely difficult to ensure that every one of those men will hear an order coming from a single individual?

---Yes; that is so.

So that is what should be done, if possible. Now, in a tense situation, should not every man be warned to be careful not to fire until he receives an order? ---Yes.

You would not rely, there, on their general instructions and training? --- No.

You would see that every man is reminded, "No firing until you receive an order"? ---Yes.

That is a vital precaution; agreed? ---Yes.

Now, what arrangements should be made to ensure, if there is firing, that it will stop when the command to stop is received? --- The only arrangement that could be made is as circumstances permit the Commanding Officer to give the order to cease fire.

Colonel, surely, you can give me a little more detail on that? ---I don't see how I can.

For example ...

THE CHAIRMAN: Well, you must assume, now,

--- that ---

that you have a line of about seventy people standing there, and you have to place yourself somewhere along the line? ---Yes.

And you are aware of the fact that it is your responsibility, primarily, to make a decision as to when firing has to stop; and of course, it is of vital importance that that decision should be communicated to the people who are firing? ---Yes.

CROSS-EXAMINATION CONTINUED: Do you agree with what his Lordship has just put to you? ---Yes; I agree.

Well, then, how would you ensure that every man in the line will receive and understand the order to stop fire when it comes? ---I don't know; unless you have special means of communication.

Come, come, Colonel! This is not a new problem to you. You are an experienced Policeman. This is a problem which is fundamental to the use of arms; it arises in every situation where a considerable number of armed men may, or will fire. Surely this is studied in the Police Force? --- Well, it can only be done by word of mouth.

Is there no other way? ---Not that I know of.

Have you ever heard of any other way? ---No.

So that if the particular situation is such that the men are deployed in a manner where they may not hear the word "Stop!" there is no way to stop them firing. Is that what you are telling us? --- Possibly - just by word of mouth.

Do you understand what you are saying, now? ---

Yes. I don't know what .l...

If there is firing, it is going to be noisy, isn't it? ---Yes.

With the noise of firing, even the men who are very close might have some difficulty in hearing a verbal command to stop firing? --- That is true.

And men who are some distance away, will have very little chance of hearing? --- That is true.

And men at the far end of a long line will have no chance at all of hearing; is that correct? --- That is true.

And you tell his Lordship that there is no technique known to you whereby once you start such firing, you can stop it? --- All that I knew, is by word of mouth.

THE CHAIRMAN: By "by word of mouth", do you mean only the spoken word, or do you mean any signal that could be given by a whistle, for instance? Or isn't a whistle effective? ---It could be done by a whistle; but it is doubtful whether a whistle would carry further than word of mouth.

Is there any understanding or instruction drill which would require other officers who are at the scene, for instance, to watch you, as the officer in command, so as to be able to relay an order which they see you giving to men who might not be able to hear it? --- No. The army training is that it should be passed down the line. It does not, of course, apply in a case like this.

CROSS-EXAMINATION CONTINUED: By the time the word of mouth is passed down a line like this, all the ammunition would have been used up, wouldn't it?

--- Yes.

All right, Colonel, if that is all you can tell us, let's pass on to something else. Would you agree that if it looks as though firing might become necessary, the duty of the Commanding Officer is to arrange for firing by the minimum number of men which will be adequate to deal with the situation? ---Yes; if there were time to make those arrangements.

He should never order all his men to fire?

--- No.

The proper technique is to? ---I don't say never. There may be occasions when a general order should be given, depending on the number of men under your command.

THE CHAIRMAN: Yes; I am thinking of a case where you have five men under your command and you have 800 men facing you, and you want to deal with that? --- Yes.

I think you must reflect more carefully on the questions before you answer, Colonel.

CROSS-EXAMINATION CONTINUED: Yes, take your time, Colonel.

THE CHAIRMAN: There is no need to be in a hurry. It is very important in many respects? --- Dankie, Edelagbare.

CROSS-EXAMINATION CONTINUED: In most situations only a small section of the men you would detail to fire?

---Yes.

And in ^{no} situations, ^{should} more men be detailed to fire than seems sufficient? do you agree with me? ---

I can't say that. They should all be detailed but they should not all be given an order to fire.

They should perhaps all be ready to fire, but care should be taken to see that only the necessary number actually fires? ---Yes.

Now, you can only achieve that if you divide your men into sections so that there will be one or more sections that will be ordered to fire while the others wait to see what happens? ---Yes.

And the order to fire should be an order to fire a specified number of rounds? --- Yes; it still depends on the circumstances. It can very well be just an order to fire.

When would you order a special/^{specified} number of rounds, to/^{be} fired? --- On occasions when there is - when no attack has been launched, yet, or where you can see that a certain number would be sufficient.

You have to use your judgment? ---Yes.

Is it the Commanding Officer's responsibility to decide how many men are to shoot? ---Yes.

How many rounds they are to shoot on the initial order? ---Yes.

Which weapons are to be used - if you have rifles and sten guns? ---Yes.

You must decide whether both should be used; do you agree? ---Yes.

And in fact there are regulations in these standing orders which require the minimum amount of firing? ---Yes; quite so.

Now, is it then a proper technique to fire

indiscriminately into a crowd? ---I don't follow that.

If you are facing an excited crowd, is it proper or wise to fire indiscriminately into the crowd? --- If an attack is launched on you, then you will fire in the direction from where it comes.

Let me first ask you this: Supposing you have a crowd which consists partly of hostile people and partly of peaceful people; that complicates the problem, doesn't it? ---Yes; very much so. I can't imagine a crowd where half is hostile and the other is not.

Can't you? --- No. When I see signs of hostility, ^{- or} I can't say that this section is not hostile and that section is hostile.

Do you mean to say that you have never in your experience come across a crowd where the hostile people were mixed with people who were not hostile? --- They may be mixed momentarily, but they soon divide. They are distinguishable.

What do you mean? --- You can see from the conduct where hostility lies, and where it does not.

Do you mean just at a glance? ---No; I would not say at a glance. From observation.

Can you suggest - when I come to ask you about the Sharpeville crowd, are you going to suggest that every member of that crowd was a hostile person who was about to attack? --- As far as I was concerned, I could not discriminate.

Do you really think that every member ...? --- No, I don't think that everyone there was hostile.

---I could ---

I could not have known that. The general demeanour showed that everyone was hostile.

Come, come, Colonel! You didn't see everyone, did you? ---No.

You only had a general impression? ---Yes.

Do you believe, now, that everyone was hostile? ---No. I don't believe that.

In fact, you have good reason to know the contrary? --- I don't know; I can't say that.

You say you just don't know whether everyone was hostile? --- No.

^{it}
If/is possible that in a crowd there are hostile and docile people? ---Yes.

That complicates your problem? ---Yes; it does.

But whether it is that kind of crowd or not, it is always wiser, most humane and most effective, to avoid general shooting at the crowd and concentrate with well-directed shots at the leaders or main aggressors? Do you agree with that? --- I still can't agree with that. It still depends on what you are faced with.

In general, that is a sound principle in dealing with a crowd? ---Yes; in general.

In general, even if it was an attacking crowd, the wisest thing, the most humane thing and the most effective thing would be to use a few well-directed shots at the leader or main aggressors. Do you agree? --- Yes; if you have the time for all these things, it is a very good thing to try.

--- Does ---

Does that take more time than just firing indiscriminately at the crowd? --- I take it you are now talking from the Commanding Officer's point of view, not the individual?

Yes; from the Commanding Officer's point of view? --- Yes, it does certainly. You have to get the men to concentrate their attention on a certain point. But if there is a general attack launched on you, there is certainly no time left for that.

If perhaps just the main aggressors are singled out and shot at? --- It can happen that in a certain crowd the main aggressor will show himself.

If he does, and if you shot him and him alone to see if that would solve your problem? --- Yes.

- ADJOURNED: 12.45 p.m. -

- RESUMED: 2.15 p.m. -

GIDEON DANIEL PIENNAAR, still under oath:

CROSS-EXAMINATION BY MR. COLMAN CONTINUED:

Colonel, I just want to discuss with you one or two other matters dealing with the crowd, measures which are preferable to killing them. You can use a fire hose on a crowd, can't you? --- Yes. That could be done; it might be effective.

It is a very effective way, sometimes, of stemming an onrush of people? --- Yes.

Have you used that yourself? --- Once I made preparations for it, but it was never necessary.

Another thing which should be tried in preference to shooting, if it is practicable, is the use of tear gas? --- Yes; that could also be used.

Have you ever used it? --- Yes, I have done so.

With effect? --- Once - yes.

Were there fire hoses at the Sharpeville Police Station? ---No, I could not say; I don't know.

You did not enquire? --- Was there tear gas at the Sharpeville Police Station? --- That I could not say either.

You did not enquire? ---No.

Can you tell me in which direction the wind was blowing while you were there? --- No; I could not tell you in which direction the wind was blowing.

You did not test? --- No.

Another very useful thing sometimes is to fire a warning shot? ---No; I cannot say that that is useful.

Never? --- Again it depends on the circumstances. There may be occasions where it could be effective.

When do you think a shot would be useful, and when not? --- That is also difficult, now; I would have to theorise.

Please theorise? ---If you are faced with a small mob and you have no reason to believe that they are armed and you have reason to believe that firing a shot over their heads would have any effect on them, then it may be useful to employ it.

It is worth trying, is it not? --- Not in all the cases.

Why? ---No; it may have the reverse effect.

--- There ---

There are occasions when any sign of weakness on the part of the lawful Authorities only invites them to further violence.

And you think the firing of a warning shot is a sign of weakness? ---Maybe.

Why? ---Because it would have no effect on them. They would think that is all you can do to them.

Supposing they saw that you had enormous fire power at your command; supposing that was quite obvious to the mob and you fired a single, warning shot over their heads, would that be a sign of weakness? Or would it be a clear indication to them that you were going to use your fire power if necessary? --- I cannot guarantee that it would be an indication to them that we would use our fire power if necessary.

You can't guarantee it? ---No, I can't guarantee that.

You can't guarantee that it would not be, would you? ---No - similarly.

It might be the very thing to frighten them and get them moving on? ---No; I am sure that they would not move off for that.

Why are you so sure? --- Now I must refer to the occasion at Sharpsville. There I am satisfied that firing one shot over their heads would only have invited them to ... to do worse things.

Why are you so sure of that? ---Because of the demeanour of this mob.

The demeanour, you say, was hostile and angry? --- I can tell you this: What struck me

about this mob, is when I had the Police lined up, they chose that moment to start throwing stones at us. They must have accepted that as a challenge. So I can't see that firing a shot over their heads would have had any good effect.

THE CHAIRMAN: Would some of the crowd have been able to see the operation of loading firearms? --- They went through the actions of loading and all those at the front must have seen it; and ^{if} they could not accept that as a grim warning, then I don't think that firing a shot over their heads would have had any sobering effect.

CROSS-EXAMINATION CONTINUED: There was nothing to lose by trying, was there? --- Maybe that to lose, that you would encourage them further.

Do you mean that the firing of a warning shot would have encouraged them? --- The fact that I had the men lined up, encouraged them.

Did that encourage them? --- Yes; it did encourage them.

Do you mean that these people were suicidal; they saw that they were going to be shot at ...? --- It was a mob. A mob, Sir, has no conscience; it has no sense of danger.

So you did consider the firing of a warning shot? --- No; I did not consider that at all.

You did not consider it and decide that it was ...? --- No.

It never entered your head? --- It may have entered my head, but I disposed of it at once.

--- What ---

What could you have lost if you had tried it -
once you had come to the conclusion that firing was
necessary; you did reach that conclusion at one stage,
did you? ---Oh, I was afraid that it would be necessary
any moment.

At some stage you became convinced that it would
be necessary? --- Yes.

At that stage, what had you to lose by firing
off one shot? --- One of the effects it may have had was
to spark the men off.

Spark your men off? ---Yes.

You were conscious of the danger that your men
were not under proper control? ---Oh, no; I can't say
that.

Was there no way in which you could say to your
men "Hold your fire; I am going to fire a warning shot"?
---Oh, yes. That ...

Then it would not have sparked your men off?
Would it? ---No; it would not have.

Well, then, we will have to abandon that
explanation. Tell me why, when you were convinced that
firing was going to be necessary, it was not worth trying
a warning shot? ---I thought that it would be quite
unnecessary and that it would only have a bad effect
on them. It would only invite them - it would be showing
a sign of weakness.

Colonel, if they were going to attack the
Police in any case, there was nothing to lose by trying
a warning shot, was there? --- Yes, I will admit that it
could have been fired; but I say if I had done that,
I feel it would have been a sign of weakness and it would

have had no effect on them.

That's your opinion? ---Yes.

THE CHAIRMAN: What is it that you think made them turn back. Was it the sound of the fire, or was it the fact that they saw people falling - after the shots were fired; after the first few shots were fired, people turned back and tried to get out of the way. What do you think, what caused that? ---It was the firing that stopped them.

Yes, I know; but was it the sound of the firing, or the result of the firing? Or both? ---
Oh, it must have been both.

CROSS-EXAMINATION CONTINUED: If you had fired a warning shot and that had caused the crowd to disperse, it would have been a wonderful thing, would it not? --- This I can tell you, that it would not have dispersed for that.

You know that, as a matter of certainty? --- I know that. It may have had some calming effect, but it would certainly not have dispersed them.

How can you be so certain? --- That I am quite positive about.

Now, just tell me how you come to be so certain? You see, I am not certain and perhaps his Lordship is not certain, and if you are certain you must help us by telling us why you are certain? --- Because of the general demeanour of that crowd and the state of frenzy that they were in. It may have had some effect on them, but this I am positive about, that it would not have dispersed them; a single shot or two would not have dispersed them.

They might have ...? --- They won't have just turned around and gone off.

It might have quietened them down? ---Yes, it might have; but it might have had the reverse effect.

It might have caused some of them to leave? --- It might, but I doubt it.

What about the law-abiding ones who were there, the ones who were not looking for trouble. Would it not at any rate have been a warning to them to get out of the way as things were beginning to look dangerous? --- The warning to lead had no effect.

But they did not all see that? --- But those in front saw it.

Don't you think that a warning shot, even if it did not drive away the angriest ones, might have had a good effect in that the quiet, peaceful ones would have gone? ---It might; I could not say - I doubt it.

It might have. If there was any possibility of that, it is a great pity it was not done? ---I doubt whether it would have had any effect on any of them.

You doubt it; but if there is any possibility that that might have happened, it is a great pity it was not done, isn't that so? --- I am sure if that would have settled all my difficulties, I would certainly have done it.

And even if there was a slight possibility that it might have helped, wholly or partly, it is a great pity it was not done, isn't it? ---Yes.

Now, another thing; that is worth trying before you start shooting people is to call upon them to disperse?

--- To call upon them?

Yes; isn't that so? --- Do you mean, to call upon the mob?

Yes.

THE CHAIRMAN: Well, in the way that you referred to the other incident, where you gave them five minutes at Dube township. You said to them, "If you don't disperse within five minutes, then force will be applied?" --- The circumstances did not allow of that on this occasion.

GROSS-EXAMINATION CONTINUED: What circumstances didn't allow of it? --- They were shouting and waving and jumping about in a frenzy. No voice of mine would have reached them; it ...

Wasn't it worth trying? --- It might have been. I am afraid it would not have had any effect.

You are inclined to think it would have had no effect? --- No.

You can't be certain? --- No, they would not have dispersed.

You can't be certain, Colonel; can I put it as low as that? --- No; I can't.

THE CHAIRMAN: At that time, that is when you were at the Sharpeville Police Station, did you know or did you not know that somebody had made attempts earlier to address them through the means of a portable loudspeaker? --- No; all that I knew is what Maj. van Zyl reported to me when I entered the Sharpeville location, that he had had trouble previously, that morning, and he had tried to disperse them with batons

and tear gas, and I took it, then, that the necessary was done, that they were first warned.

It was worth trying, wasn't it, Colonel, rather than kill so many people? --- I would not say that would have prevented the firing.

No; I am not asking you to say that it would have prevented the firing; but if it might have prevented the firing, it was worth trying, was it not? --- Yes.

But it was not tried by you? ---No.
Because I simply felt that shouting on my part would not be heard by them or taken any notice of.

If you had stood up, shall we say, on a saracen? --- There was no time to do that.

No time -otherwise you would have done it? ---
Oh, there were a lot of things, Sir. First of all, I had to bring these men into position and keep the crowd at bay.

I am not asking you ...? --- Then it was my intention to go into all these things, to search for lesser means, or other means of dispersing because I was satisfied that this mob had to be dispersed. But I was never given the opportunity of going into these things.

Through lack of time? ---Yes.

What other things did you have in mind to do if you had the time, apart from the ones I have mentioned to you? ---Oh, the first thing I would have done as soon as I had the opportunity, as soon as the crowd had calmed down sufficiently, so that I could leave the men there, I would have made the necessary enquiries; I would have searched for a loudspeaker; I would have searched for bombs and I would have mustered my men, seen how many

I had there, what could be attempted; and one thing was certain, that I could never have attempted a baton charge. The least that would have had to be done, was a bayonet charge.

Did you have that in mind? --- Yes, definitely I had it in mind.

What else did you have in mind as a possible measure? --- That was all; the use of gas, a baton attack or a bayonet attack.

Those three things you had in mind? ---Yes.

And attempting to address them, you say? --- Oh, definitely, yes. That follows naturally.

Anything else? --- Before I attempted a charge and circumstances allowed me to do it, I would have done the usual thing; I would have got on top of the saracen where I had a high position, and I would have addressed the crowd.

Did you have anything else in mind that you thought you could usefully try? ---No; I can't think of that, now.

Did you have in mind a possible parley with their leaders? ---No; I can't think of that now. No. I would have addressed them there, and their leaders at the same time.

You would not have dealt directly with their leaders? ---No.

Why not? --- From past experience, it is generally in most cases useless.

From your past experience, in most cases it is useless? ---Yes.

How many times have you tried it? ---I have tried it in front of the Magistrate's Court; I have tried it in Sephatown. The only time it was successful was at Dube, when they sent out the delegation.

THE CHAIRMAN: Mr. Colman, so that there won't be any misunderstanding at any later stage, this line of cross-examination and the matters that you have postulated - does that accept and take into account, in fact, the evidence given by the Witness that there was what appeared to him to be a rush through the open gate?

MR. COLMAN: At the moment, Sir, I haven't come to that rush. I hope to come to that. I am at the moment asking him what things he would have done if he had had the time.

THE CHAIRMAN: Yes, I just want that to be clear, otherwise we will get into argument at a later stage whether the Witness did have this in mind. If you will just distinguish - I don't like to intervene.

MR. COLMAN: I appreciate that, Sir.

CROSS-EXAMINATION CONTINUED: Colonel, I am asking you now about things which you would have done if you had had the time? ---Yes.

And you say you would not have parleyed with their leaders?---No; I would not have.

It was worth trying, was it not? ---Yes; it could have been done.

Why wouldn't you have done it? --- Because I felt that they were there for a certain purpose and it would not have ^{had} much

There was no harm in trying it, though? ---

No, there would be no harm in trying it.

Was there some policy which prevented you from negotiating with their leaders? --- No; no policy.

It is not that you would not lower yourself to negotiate with them? --- No; certainly not. On other occasions I just thought it better to do that.

But because you thought it probably would not work here, you would not even try it; is that what you are telling me? --- Because it probably would not work?

Yes? --- That is so.

That you would not even try it? --- Correct.

I suggest to you that even if there were one chance in a hundred that that would prevent bloodshed, it was worth trying it? --- Certainly.

And you did want to prevent blood-shed, didn't you? --- Yes.

At all costs? --- Yes; at all costs.

What about finding someone who might have influence with them, to address them; did you consider that? --- As I say, there was no time for me, no opportunity for doing any of these things that I wanted to do.

You would have done it if you had time? --- Yes. I may have done so.

Now, as the senior officer at the place - oh, just one other thing I wanted to ask you. Do you think that you have learnt any useful lessons from the events in Sharpeville? --- Well, we may get better equipment.

What is the matter with your equipment? ---
Less drastic equipment; better gas.

Better gas?---Yes; the gas that we have, now,
is of very little use.

Why? --- It is not strong enough. In the open
air it is of little use.

Is that why you didn't use it? ---No; that's
not why I didn't use it.

So the lesson you've learnt is that you must
get stronger gas? ---Yes. That is something that
could be improved.

Anything else? --- No; I can't think of
anything else.

You don't think it would be desirable that
the Police should be trained in methods of dealing with
crowds? --- What would be desirable, but how far it
could be carried out, I don't know, is to have a riot
squad. Then you will have men who are trained in
that particular line.

Not a riot squad, Colonel. Many units of
the Police are trained in dealing with crowds? ---Yes;
at each centre.

That you can see clearly, is necessary, don't
you? ---Yes.

It should have been done long ago, shouldn't
it? ---It could have been done before. The question
was, it had been discussed before.

When? --- Some year or two ago.

It was discussed, and why wasn't it done? ---
Lack of manpower.

It is very important, isn't it? --- Yes.

And if it had been done, it might have helped a lot at Sharpeville, don't you think so? --- It might have helped a lot if they had been here and not engaged elsewhere in the Division; or if there had been one available, here, yes.

If there had been a trained riot squad available at Sharpeville, it might have saved these lives? ---Yes.

Now, how would the trained riot squad have done that, do you think? --- Well, they would probably have been better equipped.

Do you mean with stronger gas? --- Stronger gas.

Anything else? --- Efficient loudspeakers.

Were there no efficient loudspeakers? --- I don't know whether there was one. What we have, does not carry very far. Also, we are now looking for stronger loudspeakers.

What else do you think a trained riot squad might have done to prevent bloodshed? --- That is really difficult to say.

THE CHAIRMAN: In that connection, you must not confine your attention to the last twenty minutes in Sharpeville. I take it, Mr. Colman, you ...

CROSS-EXAMINATION CONTINUED: At any stage during the day, Colonel? --- At any stage during that day?

Yes? --- Yes, as I say, the riot squad would have dealt with them when they were in smaller formations by gas, and baton charges and that sort of thing.

Or even if there had been, not a special riot squad but ordinary Police who had made a determined baton charge at an earlier stage, that might have helped? --- I was informed that there had been baton charges but it had no effect.

Where? --- At Sharpeville.

At the Police Station? --- Yes.

Who told you about that? --- Maj. van Zyl.

Did he describe to you why that had had no effect, what had happened? --- He did not tell me exactly. He said he just could not get them - they would go away for a moment and they were back the next.

At the Sharpeville Police Station? --- Yes.

How many baton charges did he say he made? --- No, I could not say whether he made more than one, or one only.

When had he made it? --- During the morning. He did not tell me what time.

You didn't enquire? --- No.

He did not tell you anything more? --- No; he just said during the morning.

Did he give you any other information about what he had tried to do during the morning? --- He told me that he had tried gas on them, too, and the gas was useless. It blew up towards the Police.

Was this at the Police Station? --- Yes.

You say he said he had tried gas at the Police Station and it had blown up towards the Police? --- Yes.

Were the Police incapacitated by it? ---

Not that I noticed, no.

Did he tell you so? --- As I say, these gas bombs of ours are not much use.

Did he tell you so, that it had incapacitated the Police? --- He just told me that it blew back towards the Police and that the Police suffered.

Did you make a report on the events at Sharpeville after the shooting was over? ---Yes.

How many reports? --- I made one to Brig. Els, a verbal report.

When? --- That was - it is difficult to say. I think he arrived there probably half-an-hour, an hour after the shooting.

And you immediately made a verbal report to him? ---Yes.

Did you give him a full report, a full account of everything that you had done and seen, and knew? --- Not a full report; a report. I gave him a full account of what had happened at the shooting.

Not before the shooting? ---No.

Not what led up to it? ---No.

What had happened at the shooting - "We shot and we killed so many people"; is that all you told him? --- I described it to him as I have done before the Commission.

You told him what you told his Lordship here today? ---Yes.

Now, what other reports did you make? --- Then I made a statement, in the form of a report.

To whom? --- That I handed in here, at the district headquarters, here.

When? --- That was two days afterwards.

Have you a copy of that? --- Yes; I have a copy.

Is it here? --- Well, it is in my car.

Would you be good enough to let me have it, please? --- Very well.

THE CHAIRMAN: For what purpose was that statement made? Was it a statement made or was it a report made in the course of your official duties?

Mr. Colman, I merely raise it because ordinarily witnesses who go into the witness box are fully advised of their position in relation to documents.

MR. COLMAN: I think, Sir, it might be of assistance to you; that is the only reason why I call for production of it. I think it might be, Sir, a document of some value, if you can see it and if I can see it and consider it, and perhaps frame questions on it. But beyond that, I am not going to use it.

THE CHAIRMAN: At any rate, I think you can continue with your cross-examination and then this matter can be dealt with at a later stage. If necessary, the witness can be recalled.

CROSS-EXAMINATION CONTINUED: I would like, if there is no valid objection to that, of course, to have that document before I complete my examination of this witness. In particular, I would like to have it overnight because it will want studying, in order that I can see whether I can use it to assist you in any way.

THE CHAIRMAN: Mr. Classen, as far as you know, would there be any objection to that?

MR. CLAASSEN: Mr. Chairman, the position is this: I don't know whether the witness made this statement in pursuance of investigations of a particular case, then, and I certainly object to it being produced.

THE CHAIRMAN: Mr. Colman, I think I will adjourn for a short moment to enable that matter to be gone into. Possibly it is merely a question of agreement, and if there is not agreement, then I will have to make a decision on it.

MR. COLMAN: Very well, Sir. You will appreciate my position. I don't know what is in it, but I think we want all the information we can get and this may be a way of getting something.

- ADJOURNED: 2.45 p.m. -

- RESUMED: 3.5 p.m. -

MR. COLMAN: My Lord, I had a discussion with my learned friend. We have not been able to reach any agreement about this matter but I would like, with your permission, just to put one or two more questions to the witness about the document and then address you on the matter.

THE CHAIRMAN: I may have to inform you of some things before you address me, because you were not here at the start of the enquiry, and you may not have that information, so to assist you in any argument you want to address to me, I may have to put certain things to you.

In any case, if you will first ask the questions which you regard are necessary, Mr. Colman.

MR. COLMAN: Thank you, your Lordship.

GIDEON DANIEL PIENNAAR, still under oath

CROSS-EXAMINATION BY MR. COLMAN CONTINUED:

Colonel Pienaar, the documents we were talking about just before his Lordship adjourned, is a statement you made a couple of days after the 21st? ---Yes.

Is that the only written report you have made about the events of the 21st at Sharpeville? --- That is so.

In a situation of that kind, it is normal and natural for the officer in charge to make a report to his superiors for Police purposes? ---Yes.

Can I take it, then, that this was the purpose of the document? ---Yes. A copy of this, I believe, was sent by the District Commandant here to my headquarters.

But I understood from something you told me outside that it was not the only purpose for which the document was prepared. Was it nothing more than a normal report from a Police officer who was in command at the time of the shooting, to his superiors - was it that, and nothing more? --- That was a statement that I handed to Capt. v.d. Bergh for the purposes of his investigations.

Investigation of what? ---Of a public violence case.

Well, then, it was a document with a dual purpose? ---Yes.

It was a statement in respect of a contemplated prosecution for public violence? ---Yes.

And it was also being used as your official report to your superior? --- Yes.

And it was used for both purposes? ---I believe so, yes.

It did not remain solely in the hands of the prosecuting officer, but a copy went to your superiors for Police docket? ---Yes.

I understand further, Colonel, that as far as you personally are concerned, you don't know whether I have seen the document or not. Is that so? ---Yes.

Now, if there had been no intended prosecution, then the report would have gone directly from you to your superiors? ---Yes.

Just because it was convenient, instead of writing out two reports, to send a copy of the same document to your superiors, it was done in that way? ---Yes.

Now, the situation is this: My learned friend feels that I should not have sight of this document, and Mr. v.d. Bergh supports him in this. As far as I have been able to gather, Sir, their objections are not based on any specific fear that any adverse consequences might flow from my receiving these documents; they cannot point to any particular prejudice they fear might happen to the State or any individual. It is just that my learned friend takes his stand upon the situation which prevails in respect of the statements given to the Police in relation ^{to} the prosecution. As you know, Sir, it has been held that such a statement normally enjoys the same sort of prejudice as a document in Counsel's brief.

Here, however, I think the position is rather different, not merely because of the importance of this enquiry; not merely because neither my learned friend nor Mr. v.d. Bergh is able to point to any specific evil which will or might flow from what I am asking for; but for another more substantial reason, which is both technically correct, I think, and of material importance, and that is

that any privilege attached to this document has already been lost in that that document was not, as is the case with an ordinary statement, handed to the Police in confidence and kept by the Police privately. This document has been used - when I say "the Police", there I mean the prosecution. This document has been used for a dual purpose. A copy has gone as a routine Police report to Col. Pienaar's superiors. I want that. I don't want the Police statement for the purposes of the prosecution. I want the routine Police report which he made. It happens, in this case, to be the same document, but that is fortuitous and a document^{created} and used for that purpose, is not covered by prejudice. That is the first point.

Secondly, I understand that you, Sir, already have a^{copy of the} document, and so has my learned friend. That means two things: It means, of course, that if my learned friend has seen any blatant contradiction between the evidence by the Police and the document, then he would already have known about it and considered it his duty to clear it up; no doubt he would have carried that out. But it is not merely to look for that sort of thing in this document. I ought to see how this man presented his case, and the impression in his mind; his choice of dates, and his choice of incidents may put me on a line of something which I can develop to assist this enquiry. You, Sir, having it before you, will no doubt be studying it in any case, so you will have, largely, the benefit of it. If I in my humble way can contribute anything further, then I am offering to do so. I am asking you for permission to do so. If you think that I cannot extract anything from this document which

might be of assistance, that is good enough; but as you know, Sir, sometimes a document handed to Counsel and considered, discussed and then used by a Witness in a Witness box, can be of value. The technical situation of privilege, I say, has gone, because the document has gone to the Police as a routine report; my learned friend has it, and he is not the prosecuting officer in the public violence case and because you have it, Sir. So there is no technical privilege in regard to this document. And with great respect of my learned friend in his anxiety, I have difficulty in seeing what anybody has to lose by allowing me to see this document.

MR. CLAASSEN: May it please your Lordship. My contention in this case is that the same principle applies here as in a Court of Law. The Appellate Division has held that a statement made by a Witness forms part of ^{the} Police file and it is an official document.

My learned friend seems to base his case on privilege and the fact that disclosure has already been made. On that, I submit that he is no more entitled to the report that the Witness would have made to his superior officer; it is also a Police document and he is not entitled to that, either.

The Appellate Division has held, my Lord, that a Police statement taken from a Witness need not be handed to Counsel for the Defence, and that it becomes the duty of the prosecutor, should there be a conflict between the evidence given by him in the Witness box and the statement made, it becomes the duty of the prosecutor to disclose that; and I have always considered myself, since I have to accept this duty, that that is also a

duty cast upon me in this case, and if there were any conflict between the statement made by the Witness to the Police and his evidence given here, I certainly would not disclose it.

But your Lordship has got that statement, and your Lordship would have considered it necessary to draw the attention of the Witness to a conflict between his statements; and the phrase used by the Appellate Division was, my Lord, that Counsel is not entitled to go out on a fishing expedition and for that purpose to see a statement; and from what my learned friend has said, it is quite clear that he is on a fishing expedition. He used the words, that the statement might put him on a line, I think, of further examination. He does not know, he does not suspect that there is anything contrary in the statement to what the Witness has said, and I want to give him the assurance that there is not. So what is his object of wanting the statement, My Lord.

There is the further danger: I felt, My Lord, that I may meet my learned friend on this occasion, but I was afraid tomorrow he will be away and there may be other Counsel that may want to follow his example and the precedent will then ^{have} been created which, My Lord, you will have some difficulty in dealing with later on. And as a matter of fact, one of the Counsel representing some interested parties here, has said that if this is done he would want to avail himself of the same privilege.

It is for those reasons, My Lord, that I do object to the statement being handed in.

I am also reminded, My Lord, of the fact that

right at the commencement of this enquiry I think your Lordship ruled that statements made and memoranda handed in will be privileged; and I do not think, I do not see why this should not also fall under that category.

THE CHAIRMAN: I took it Mr. Colman was not requesting disclosure of the document which was handed to me in a form of the memorandum of the witness' evidence, but for the report which was submitted to his superior officer; by a coincidence, they are the same, of course.

MR. CLAASSEN: My Lord, as I stated before, I cannot see that my learned friend has got any right to see such a document; because it is a Police document. By what right can he in this enquiry claim to see official reports made by a Police officer to his senior?

MR. COLMAN: If I may say so, with respect, there is a certain measure of confusion in my learned friend's mind.

The Appellate Division has held that statements made to the Police for purposes of a prosecution form part of the Prosecutor's brief, as it were, and is in that sense covered by a privilege analogous to the privilege that Counsel for an ordinary litigant - that attaches to documents and instructions in the brief of Counsel to an ordinary litigant. There is no principle at all of which I am aware which says that a Police document in general is subject to some privilege. There is no privilege of which I am aware which attaches to the report of a Police Officer to his superior - not in a statement in connection with the prosecution but a report of this kind - if there

had not been the coincidence that Col. Pienaar was able to kill two birds with one stone, if there had been no pending prosecution for public violence and he had merely sent a document to his superior; I am not aware, Sir, of any privilege which would protect that document, and that, with submission, is the complete answer to my learned friend's contention. It is also a complete answer to his fear that the same thing may happen to every statement that has been made in this case.

The other statements were not of a dual nature.

Let me test it this way, Sir: If necessary - suppose we were to subpoena the Commissioner of Police and ask him to produce the report received from Col. Pienaar in this matter; he could not claim privilege for that. He could not say "It so happens that the identical document is being used by a Prosecutor for a prosecution, therefore my document is privileged"; and it is that document that I am asking for.

Would it be a good ground to say that it is contrary to public interests to disclose the contents of the report? That, of course, would have to be a point taken, I take it, by the head of the Department.

MR. COLMAN: I take it it would have to be on affidavit from the relevant Minister, Sir. I think that is how that type of privilege can be claimed - if the Minister makes an affidavit that ...

THE CHAIRMAN: No, I merely asked that because you said that in no circumstances would a report of that nature be subject to any privilege.

MR. COLMAN: What I am saying is that there is

no privilege which covers a report of that nature. If there is the necessary affidavit from the Minister claiming anything, ^{any piece of information,} document or otherwise is such that it is against the public interest to disclose it, then that shuts the mouths of all the Courts and all Counsel; that is true. But that, of course, has not arisen here and I doubt whether it could arise.

May I say, Sir, I am not imputing to Maj. Pienaar that he has given evidence here in conflict with the statement. I have no instructions to that effect and I would not be entitled to make such an accusation. I want it clear, I haven't made it. I have indicated to your Lordship what I think I might be able to do with this document. I have said that I am on a fishing expedition - I am, Sir. I am fishing for ways and means of assisting you to a just conclusion, here. The purposes of my appearance here are perfectly simple and I hope they are not being misunderstood. I am here, in the first place, Sir, in the hope that I can assist you to prepare a report which will have some influence in preventing a recurrence of the dreadful happenings at Sharpeville; and secondly, I am hoping to obtain material which can be used in order that the widows of two men who were killed may obtain a redress. These are my simple aims, here; I think they coincide largely, indeed entirely with your Lordship's aims and my only hope in relation to this document is that I might - I can't promise that I will - I might be able to help you.

THE CHAIRMAN: Mr. Colman, may I just put this to you. At the start I indicated that memoranda submitted to me would, particularly in the circumstances in which this Commission is sitting, be treated as

confidential documents by me for the purpose of determining whether evidence referred to in the memoranda is evidence which is relevant to my terms of reference, and that I would use it only for that purpose and for one further purpose namely to control, where the witness is giving evidence, in a manner that in a Court of Law the judicial officer would use, for instance, a report of a preparatory examination, and I have been doing so throughout.

It is correct that I have been given as memoranda statements from not only Police officers but of laymen as well, and in so far as those statements are concerned, I gave this ruling at the start of the Commission and I naturally - even though I possibly retain the right in particular circumstances of balking that ruling, I feel, as at present advised, that I must consider myself bound by that lest I create an impression in the minds of others that they had in their memoranda at the risk of my changing my decision at a later stage. That would, of course, not be wise.

So that is in so far as the memoranda are concerned which are submitted to me for the purpose that I have already referred to. There is the other question, namely the question of other documents which have been referred to by this witness in his evidence, namely a written report which he has made to his superiors for presumably official purposes. In this case, they coincide, so far as I know, on the witness' evidence.

Now, I have gone through, as I have done in every other case, these statements so as to control the witness' evidence, and as occasion has demanded in the past, where there has been a divergence which I thought

required explanation, or where there has been an omission which I thought should be rectified, then I have asked questions in the light of the information contained in the Memorandum.

Now, any difficulty about this request that you made to me, in so far as any privilege might be claimed - for the moment, I can't see it; I have been through this document carefully. In so far as the contents are concerned, I can't for the moment see that it could in any way be said that a disclosure of the contents in the report would in any event be against public interest, if only for this reason that its full contents have already been disclosed in evidence.

MR. COLMAN: Well, that tells me what I wanted to know.

THE CHAIRMAN: And in so far as there are still matters in the report, I have already marked them down to be enquired into, and I will do so. I don't want to rule at this stage that you are not entitled to see the document, but I only feel that technically I would be acting correctly if there were an opportunity for the person who is really entitled to make a decision as to whether the document is one which is entitled to privilege on the grounds that it is a public document or whether it contains information which should not be disclosed in the public interest, ^{to} have indicated that decision. I can only state, I have read the document and I can't see that there is anything.

For your assistance, I know that Counsel often see things which Judicial Officers don't see,

but at the moment I see nothing to follow up except, if I should ask questions, it might suggest to you further questions or another avenue of enquiry. If in the end you feel that you must insist - for the purposes that you have stated - that the document should be disclosed, then I will see that proper enquiry is made and if the point is not taken that it is against the public interest, then I, speaking for myself, can't see any reason on that ground why it should not be made public.

In the meantime, from your point of view, you must accept that I am controlling the position and naturally imbued with the same spirit as you are.

MR. COLMAN: Yes. May I say at once that I very much appreciate the importance of the assurance you gave at the outset of these proceedings, that people could confidently send their memoranda to be held in confidence. I would not like to ask you to disturb that in any way or to destroy the confidence in your intention to keep these things confidential, because I think that has a much broader aspect. I would not like anybody to be discouraged from coming here in the fear that what he says might not be confidential.

I would say, however, that that is a promise made to the individual Witness and once the Witness waives his right to rely upon your assurance of secrecy, I think that would fall away; but leaving that one side for a moment, if you would just give me one second, I would like to confer with my Attorney ...

THE CHAINMAN: Perhaps I have not made myself clear. This Witness has compiled a written record and he has handed it, now, to a superior officer; strictly speaking, I take it it is now within the possession of

--- that ---

that superior officer and somebody in the hierarchy must obviously make a decision as to whether that can be published. I don't know whether an ordinary Police officer, even of the rank of this Witness, is entitled to decide on his own that "This document, I say, can be published; that may not be published". I am not certain that it would be correct.

MR. COLMAN: I am much impressed, Sir, by your assurance that you have studied this document and compared it with the evidence; that everything there has been said and that such points as seem to require comment, will be followed up. Nevertheless, there is sometimes a relevance in what is not touched on in a document, and there is always a possibility - I say this in all humility, Sir - that I might see something which has not struck you. If it is possible to get that document, if you think it proper to let us have it after the necessary enquiry is made, I would like to have it. If that is not possible, well, then I will leave it.

THE CHAIRMAN: In any case, as I have said, I think that matter can be taken up and if necessary I shall then order its production. As I have already indicated, if anything arises out of it which requires further examination, then naturally I will afford you an opportunity.

MR. COLMAN: Well, my application then stands, Sir.

GIDEON DANIEL PIENNAAR, still under oath:
CROSS-EXAMINATION BY MR. COLMAN CONTINUED:

Col. Pienaar, one of the things I was hoping to learn through you is details of precisely how many men fired and who those men were. Has that information not been compiled? ---I don't know. I have no knowledge whether it has been compiled or not.

So you can't give me that information? ---

No.

Who would be able to give it to me? ---

Probably the investigating officer.

Well, now, I will have to take you through the events of that period, when you were at Sharpeville, but before we come to that, just let me ask you this general question? ---Yes?

Your approach was that you would not shoot unless it was necessary to shoot? --- Right.

If it was in your judgment necessary to shoot, you would do so? --- Yes.

You would cause the men to shoot? ---Yes.

And you would cause them to shoot as soon as you saw that it was necessary and inevitable? --- I would, yes.

You did not, in fact, order them to shoot?
--- No; I did not.

So that, whatever might have happened a little later, up to the moment of the shooting you had not decided that the time had come to shoot? --- I had decided, then, that it was time to order a burst on the gate where there were persons.

Oh, you had decided? ---Yes.

I must have misunderstood you. I thought you expressed the opinion that it would probably

have been necessary to shoot soon afterwards; is that not correct? --- At that stage, I was prepared to give the order to fire on the gate.

Why had you not given the order? --- That is before I could do so.

You mean just a split second before? ---Yes.

So if the men had not shot then, they would have had an order within half a second to shoot; is that right? --- Probably so, yes - but just on those in front of the gate.

Are you quite clear on that. You had finally made up your mind to give the order, and they just anticipated it by a fraction of a second; is that correct? --- Only at the gate, yes - to fire on the gate.

Now, just tell me what had you made up your mind to do: To give what order, and to whom? --- I had not made up my mind to give any order. I can only say that things had reached a stage where I would have given the order to fire a burst on the gate, where they were breaking through the gate.

You had not made up your mind to give the order? ---No.

You were still considering whether it was necessary? ---Yes.

And you would not finally have made up your mind until you had seen, further, how the crowd was behaving? ---Possibly.

Well, certainly; there was nothing else you were waiting for, was there? That was all you were waiting for? ---Yes.

You were watching the crowd carefully? ---Yes.

Conscious that it might become necessary to give an order to fire? ---Yes.

But you had not yet decided to give that order? --- No, I can't go beyond saying that things happened so fast, that at that stage I considered it necessary to fire a burst on the gate.

You say at that stage you did consider it necessary to fire? --- When it happened, yes.

Well, then why didn't you order a burst on the gate? --- Well, they preceded me.

Is it not possible that if they had not anticipated an order, you might have found yourself able to delay your order for some time? --- That is difficult to answer; I don't know. It depends on the momentary - on the happenings from moment to moment.

In other words, no-one could say with certainty whether you would have given an order to shoot within the next few seconds, or not? ---Not in those circumstances.

No-one can say; is that correct? ---Yes.

The crowd had crossed the threshold - or some members of the crowd - of the gate before, and then gone back of their own accord? --- Yes, just for a few feet and then they immediately retreated.

That might have happened again, might it not? --- No; this time it was a more concerted ...

It might have happened again, might it not? --- I don't follow, there, what might have happened.

It could have happened; I am not asking you whether you think ...? --- ^{what} could have happened.

---And ---

And if it had happened you certainly ...? ---
But I still don't ^{know} what you mean, what could have happened.

Some members of the crowd had crossed the threshold of the gate? ---Yes.

For a little distance, and gone back? ---Yes.

Then, at the moment when you say you were considering an order to fire, what was happening; they were crossing the threshold of the gate again? ---Yes; they were right inside the yard.

How far inside? ---I can't say; the last that I saw they must have been about two yards inside.

Now, if they had come in a yard or two and gone back, once before, they might have done it again; it was a possibility? --- There was a possibility, and there was a possibility that they might not.

Quite so; and if they had gone back, then you would not have shot at them, would you? ---No; I would not have - unless they used firearms on the other side.

Unless something else had made it necessary for you to shoot? ---Yes.

So that really this shooting was premature? --- No. I can't say that, Sir.

Well, why ...? ---I can't say that the shooting was premature.

On your own evidence, Colonel, it was premature; you had not yet made up your mind whether to give the order or not. You thought you probably would, but you were still waiting to see how the crowd behaved, and the crowd might have gone back and if they had gone

--- back ---

back there would almost certainly have been no shooting at that stage? --- There may not have been, and there may have.

There may, or may not have; that is what I mean by premature? ---Yes.

What order were you going to give, and to whom?
--- The order to fire, now?

Yes. You were considering an order to fire - very seriously considering an order to fire? ---Yes; assuming that it might become necessary.

And what were you proposing to do? --- To give the order to fire, by word of mouth, and a wave of the hands.

What words? --- Just one word; "Fire!"

Just "Fire!"? ---Yes.

And a wave of the hand? ---Yes.

What sort of a wave of the hand? --- Like this (demonstrates) and I would have said fire - just ...

That is a sideways, and forward sweep of the whole arm? ---Yes; the sign of attack.

You were just going to shout "Fire!" and wave like that; you were then standing in front of your men? --- I was probably between them, or slightly to the front of them.

In between them? -- Yes; they were about an arm's length apart.

What do you mean by an arm's length apart; do you mean the two arms of a man? ---No; one arm.

That means about a yard apart? ---Yes; that's right.

--- How ---

How many of them? --- I consider there were about fifty - between fifty and sixty.

And that is the order you had it in mind to give? ---Yes.

And that is all? --- That is all.

Surely, Colonel, that would have been a very unwise order to give? That is not an order to shoot only at the gate? ---Oh, no; that would have been a general order. To shoot at the gate, would have been quite a different order.

I thought you told his Lordship that your intention - or you thought it might become necessary to shoot at the gate? ---No; I was referring, all the time, to a general order to fire.

Did you not say this afternoon that you considered that it might become necessary to order shooting at the gate? ---Yes; then I would have jumped towards the man at the gate and ordered them to shoot.

You see, you have told me two things, now, Colonel? ---Yes; but I was basing my statement all the time on a general order to fire.

You intended to give a general order to fire? --- No; I did not intend to.

Well, I understood you to say there was something you were on the point of doing. Am I right, or wrong? --- We are going over the same ground again. I was prepared to give an order to fire on the gate.

Not a general order? ---No.

As far as you know, you would not have given a general order to fire? ---No; I would not have.

Not unless things developed within the next moment or two, that it would become necessary.

But on what you were aware of and on what you foresaw, that was not your intention? --- Not at the moment when the firing started.

Then what did you contemplate at the moment when the firing started? What order were you - on your evidence, at that stage, you had it in mind that you might almost immediately have to give an order? --- Yes.

What order? --- If I had thought it necessary to give an order, I would have jumped towards the men at the gate and ordered them to fire.

THE CHAIRMAN: I don't think that is the question. What order were you considering at that time? ---But I have said that repeatedly.

Yes, well, you have been asked again.

CROSS-EXAMINATION CONTINUED: What order were you going to give, at that moment - considering it was something you might have to do within the next few seconds? --- The order would be for the men at the gate to fire.

And how were you going to give that order?--- I would have jumped towards the men at the gate and indicated to several of them to fire.

You would have jumped towards them? ---Yes.

From where? --- From the position where I was.

But weren't you with those men? Weren't you almost opposite the gate? ---No. I was about four or

--- five ---

five paces away from the gate.

So you would have jumped five paces - in what direction? --- In the direction of the gate.

And how many men would you have spoken to? --- About five or six.

How could you have done it? Just try and give his Lordship a picture of what you would have done because I don't quite understand what you have in mind. What would you have said - you would have gone to "a man"? --- I would have jumped to the side of the gate and shown the first five men to fire.

How would you have shown the first five men to fire? --- I would simply have pointed at them, and said "Fire!"

What would you have said to the first man; would you have tapped the man on the shoulder? --- No; certainly not. No, there was no time for that.

Where would you have stood - facing the men, or what? --- Beside them, facing them.

You would have stood with your back to the gate? --- No; not with my back to the gate. I would have stood at the side of the gate.

Between the men and the gate? --- Yes.

That was among the rushing-in Natives? --- Yes.

And then, you would be standing there, facing a line of men. Now, how would you have selected, indicated which men were to fire? --- That would have depended on whether there was time for that. I can't see that there would have been any

--- time ---

time for that.

In fact, you had no arrangement that day whereby you could order a small group of men to fire? ---No; I had no arrangement. There was not any time to make those arrangements.

If you had had time, you would certainly have ... ? --- I certainly would have.

So, because of the lack of time, there was really no way in which you could ensure a burst of firing by a small group directed at the gate? ---No; I could not guarantee that.

Not only could you not guarantee it, you could not even begin to achieve it? --- No.

So what you must have been considering during the critical few seconds, was a general order to fire? ---Yes; that/it may become necessary.

You realized, of course, that a general order to fire would probably kill many innocent people? --- Yes. I realized that.

But that you considered unavoidable? ---Yes; that is why I did not give the order, then.

Did you know anything about Sharpsville before - I mean about the type of people at Sharpsville, before you went there that day? ---I don't follow that question.

Had you any information, before you went to Sharpsville on that day, about the inhabitants generally; what type of people they were? ---No.

THE CHAIRMAN: Did you believe it to be a notorious trouble spot, or did you know from your

information that generally things were quiet there? ---
I did not know it as a trouble spot.

CROSS-EXAMINATION CONTINUED: Had you heard
that most of the people there were decent, law-abiding,
peaceful citizens? --- No; I had not heard that.

Would it surprise you to hear that? --- Those
who ...

Most of the inhabitants of Sharpeville? ---
That most of the inhabitants of Sharpeville are respec-
table?

Respectable, quiet, law-abiding citizens? ---
Yes. I don't dispute that.

Is that what you would expect in any Native
area? ---Yes; in most of the Native areas, they are
to a greater or lesser extent.

Mixed, usually, with a small minority of what
you might call trouble makers? --- Sometimes small,
sometimes larger.

You did not know whether it was small or large
at Sharpeville? ---No.

But your duty, of course, was to protect the
peaceful ones from the unlawful ones? ---Yes. So far
as it was in my power to do so.

You must have been conscious that a large
section of that crowd consisted of peaceful, law-abiding
citizens? --- I could not accept that; not from their
behaviour, demeanour.

Are you suggesting to his Lordship today that
they were all trouble makers, all people who were
bloodthirsty? ---No.

Willing to attack? --- Not all of them.

Not even the majority? --- Yes, I should say the majority.

How big was the crowd? --- Between 20,000 and 25,000.

Is that based on what you saw? --- On what I saw, yes.

Do you know what the population of Sharpeville is? --- I have heard there are 36,000.

Men, women and children? --- Yes.

That would mean something between 8,000 and 9,000 grown men? --- Yes; but I have very good reason to believe that there was a large number there, not from Sharpeville.

Oh, have you? Because all the other evidence is to the contrary. Why have you good reason to believe that? --- There is this reason to believe that the majority of that crowd that I saw in Boi Phalong had moved across in the meantime.

What reason did you have to believe that? --- That is just simply my idea.

Have you any evidence at all ...? --- The fact that I heard that this crowd had grown so rapidly in the last hour or two.

Any other evidence to support that view? ---

No.

Now, supposing I tell you that there is evidence that no people other than the Sharpeville residents in any substantial numbers at all could have been there? --- Then I can't answer you.

--- Y? ---

--- D? ---

If that is the case, do you still say that there were 20,000 to 25,000 there? --- Yes; I still maintain that.

And do you still maintain that most of them were bloodthirsty aggressors? --- Those that I had before me at the Police Station, behaved like aggressors.

But forget your limited observation. You had very limited opportunities for observation. Forget that, and use your logic. Out of a population of 16,000 people - men, women and children - in a law-abiding community, a predominantly law-abiding community - you cannot get a mob of 20,000 murderers can you? --- No; but once they get out of hand, get into a mob - the Native mentality does not allow of them to gather for peaceful demonstration. That is how I feel about it. For them to gather, means violence.

Do you mean to tell me that Africans are incapable of gathering for peaceful purposes? --- That has been my experience.

Have you never seen, or heard of a gathering of Africans for peaceful purposes? --- There have been.

Of course there have been. Why do you say they are incapable of gathering for peaceful purposes? --- Because of their mentality.

that is so different from ours
What is their mentality/that makes it incapable for them to gather for peaceful purposes? --- They are looking for violence. They are not ...

Is every black man, woman and child in South Africa looking for violence? Did you say that every black man, woman and child in South Africa is looking for violence? --- No.

Do you say that the majority of them are looking for violence? --- No.

Do you agree with the view that has so often been expressed in official quarters that the great majority of the Africans in this country are peaceful people and that a handful of agitators are? --- No. I agree with that.

Then why do you say they are incapable of gathering for peaceful purposes? --- Because that has been my experience in the urban areas, where the agitators stir them up, to immeasurable ...

Has it been your experience in the urban areas that they are incapable of gathering for peaceful purposes; you have never seen ...

THE CHAIRMAN: Irrespective of whether there are agitators present or not? --- Ah, yes; when there are agitators present.

But if there are no agitators? --- I do not include, here, your Lordship, sports gatherings or that sort of thing. I mean protest gatherings.

CROSS-EXAMINATION CONTINUED: Have there not been many protest gatherings, even with agitators present, which have gone on with the utmost peacefulness? --- I can't think of it.

Do you remember the bus boycott in Johannesburg which went on for weeks and weeks? --- Yes. I don't know that there were large gatherings, then.

I saw them; didn't you see them? --- No, I haven't dealt with it.

Did you see the 20,000 women gathered at the Union Buildings in 1956? --- I did not see that.

I heard of it.

It was perfectly peaceful? --- Yes; that was one of the few occasions, and there were women only.

There were women here, too? --- They had a number of women amongst them.

Did you carefully study this crowd while you were inside the fence before the shooting, to try and satisfy yourself about its demeanour? --- I did.

Constantly - did you watch them carefully? --- Yes.

Throughout? --- Yes.

It was the most important thing you had to watch, was it not? --- Yes.

How would you describe the crowd - the ones you could see; you could only see the ones in the front row, couldn't you? --- Yes.

A tiny section of the crowd? --- Yes. Some behind them, too.

And you could see a few behind them. You could only see a small fraction of the crowd? --- Yes.

At no stage did you see more than a small fraction of the crowd? --- No.

Those you saw, were the ones nearest the fence? --- Yes.

Were they all angry, threatening, aggressive people? --- To me they all seemed to be. ^{Saw} You sticks here and there, a stick being waved at the back.

Oh, here and there? --- There was shouting, screaming, giving the "Afrikai" sign, pushing the fence forward.

I am not so much concerned with a stick here and there. I am asking you whether all those within your vision were a noisy, hostile, dangerous crowd? ---I considered them to be so.

All of them? --- Yes.

All the time? ---Yes.

From the moment you got there, until the shooting? ---Yes.

Not just in one part of the fence or another part of the fence; everywhere? --- As far as I could see.

Those round the gate - were they better, or worse than the others? --- No; they were no better.

Any worse? --- Well, I could not say that they were any worse.

It seems strange to me, it seems unlikely, in the light of the evidence we have had about the Sharpeville people, what sort of people they are, and how they got there - how some of them got there - you have heard that some of them had been intimidated into going there? ---Yes.

Do you believe that? ---I do.

Well, if/^{so, do}you think that those who had been bullied and forced to go there were also murderers? --- I do not know to what extent they were incited.

You think they also might have become murderous by then? --- They might; might not.

But all the faces and bodies you saw were of a murderous type? ---No. Not all of them.

How many? --- I cannot possibly say that all

of them were murderous. The majority of them seemed to be bent on trouble.

As far as you could see, all of them - that is what you told me. Do you want to change your mind? --- No; I don't know that I actually said that, because I cannot possibly say all of them.

THE CHAIRMAN: Did you look at individual faces and say "I see there is a friendly one" and "There is an unfriendly one" and "There is a most unfriendly one"? "There is somebody with doubtful appearance"? --- That may be possible.

No, I want to know what you did; is that how you looked at the crowd? --- I cannot point out and say that one was peaceful and the other one just the reverse.

CROSS-EXAMINATION CONTINUED: You were very close to them, weren't you? --- Eight paces from them.

Less than eight paces? --- Probably less, at times.

When you first got your men into line, how far were they from the fence? --- They were probably about five paces away.

And you were in front of them at times? --- Yes. Then I got them backed up against the saracens.

How far back did you get them? --- About seven or eight paces from the fence - the furthest I could get them.

But you were sometimes less than five paces from the fence? --- Yes.

And you could get a pretty good impression, without counting heads; what percentage of them would

you say was hostile and murderous, violent? ---No;
it is impossible to say what percentage.

Ten per cent.? --- No; certainly more than
10%.

More than 20%? ---Yes; more than 20%.

More than 40%? --- Oh, yes; more than 40%.

More than 50%? --- More than 50%.

More than 60%? --- More - I cannot say.

You can't say, now, any more closely than
that? ---No.

I have just been shown a note of what you
told me earlier and it confirms what I thought you
said. You said all those on the fence were hostile
and dangerous - noisy, hostile and dangerous all the
time. Now, that is what you said? ---Yes.

Do you want to correct that, or not? ---
That was generally speaking.

Well, when you said "all those", did you not
mean all those? --- Not when you come to tin tacks;
I must admit that there must have been a certain
percentage that was not hostile.

But you think it was a small percentage? ---
Yes.

A very small percentage? --- I could not say
what percentage.

You can't put it more accurately than "a small
percentage"? ---I can't put it more accurately.

As you drove up through the crowd to enter
the gate, you had an opportunity of observing the other
members of the crowd that you could not see once you

were in? ---Yes.

Were they any different? ---No; they were all the same. They were waving sticks in the air, shouting, jumping.

So nothing changed about that crowd from the time you drove in until the shooting? ---No. If anything, they became more emboldened.

Are you able to say with certainty that they did, or was it more or less? ---No; something that struck me forcibly was that when I had the men lined up, they started throwing stones at them - not many, but quite a few stones.

That was the only change? ---Yes./

I don't want to trap you; that and the crossing of the threshold at the gate were the only changes in the demeanour or behaviour of the crowd from the time you came until the shooting? --- From the time I came in until when?

Until the shooting? ---No; no, no.

Tell me what changes were there? ---No. Just before the shooting, this incident happened at the gate with Col. Spengler, where I saw him staggering back; two shots were fired from the crowd, and a heavy rain of stones followed.

All right; I have given you the stone throwing and I have given you the crossing of the threshold at the gate. You now remind me that you spoke of two shots

--- fired ---

fired from the crowd? ---Yes.

I want to ask you about those shots presently. What I was trying to get from you, really, was something about the demeanour of the crowd. Did it not improve at any stage? ---No. I was hoping for it to improve.

No calming down while you were there? ---No.

Not when they saw you getting out of your car, saw a senior officer? ---No.

Not when they saw the men being deployed? ---
No.

Not when you drove in? --- Not when I drove in?

When you drove up in your car; these people can see from your uniform that you are an important man. That did not calm them down? ---No, I don't know whether they considered me an important man or not.

One can see from your uniform - it is an impressive uniform; you look an important man. That did not calm them down? ---No.

In fact, nothing had happened while you were there to calm them down for one minute? ---No.

And you got no impression of peaceful bystanders,^s patient, waiting crowd, waiting for something to happen?
--- I got no such impression.

You got no impression of the sort of crowd which gathers round, watching to see what is happening, interested, curious? --- No. That is not the impression that I got.

Tell me, Colonel, when one goes to storm a Police Station protected by armed men and saracens, do you think one takes an open umbrella with one? --- Not

necessarily.

What do you mean, not necessarily; it would be most unusual. Does one take one's young children along when one is going to attack a heavily armed Police Station?
--- No.

Does one take one's bicycle along? --- No.
I should say not.

Didn't you see children, open umbrellas, bicycles among the crowd? ---No; actually I did not see any children.

You saw no children? ---No.

Did you see any open umbrellas? ---No; I can't recollect that I saw any.

Did you see any bicycles? ---No; I did not see any bicycles either.

If you had seen things like that, you might have had a different impression of the temper of the crowd? --- That is not the case; it is what I saw, what the crowd appeared to be like.

The sort of picture I am painting in words is different, then, from the picture which you saw. I am talking to you about people with bicycles, people with umbrellas, young children, people standing around, looking interested. That is the picture I am suggesting to you? --- I did not see that. I would not dispute that there were such things.

But not within your ...? ---No.

I am handing in a photograph - would you look at the photograph I am going to show you, Colonel. That is a picture of your car arriving at the Police

Station, Colonel, that day?

THE CHAIRMAN: Can you identify it as your car? ---I can't identify the gate.

CROSS-EXAMINATION CONTINUED: Do you recognise the car, first of all? ---I don't recognise the car. This car is a similar make.

Does it look like the car you ...? --- The gate is right at the corner - oh, now I can see; this is probably my car that came in here.

This is your car coming in through the gate that we have been talking about so frequently this morning? ---I cannot be certain on that point. I am not certain that it is my car..., unless I see people inside.

THE CHAIRMAN: To put it differently, if evidence were led that this was a photograph of your car as you entered, will you, as far as you know, dispute it? ---I can't dispute it, but I can't admit it. I can't be sure that it is my car.

CROSS-EXAMINATION CONTINUED: Well, is there anything which makes you doubt that it is your car? --- No.

Yours was the last car to come in before the shooting, was it not? ---Yes; as far as I know.

Well, then the evidence will be that this is your car; you can't dispute it? --- I cannot be certain at all that this is my car.

Is there anything in particular which makes you doubt it; is there anything on this picture at all which makes you doubt that that was taken at the arrival of your car? ---Yes; the only thing is that I cannot be sure that this is my car. I cannot

recognise anything.

I understand that. I do not want you to swear to anything you are not certain about. But is there anything in this picture which makes you think it is not your car? --- No. But there is also nothing here which makes me certain that it is my car.

Do you know the number of the car you were in that day? ---I am not sure of the number. I know it was a double number.

What do you mean by "a double number"? --- Six numerals - with a hyphen.

Is that all you can tell me about the car? --- Yes; I am not sure about the number. I cannot recollect the number.

Can you tell me the make of the car? --- It was a Chevrolet.

Is this a Chevrolet on the picture (Exh. "L")? ---I can't be sure about that. I am not an expert on cars. A Chevrolet and a Ford look very much the same to me.

Let me just ask you to assume that this is a picture of the arrival of your car? ---Yes.

You have made it quite clear that you can't swear to it. Look at the picture, at the people on the picture? ---Yes.

Is that the atmosphere in which your car arrived? ---Yes; that may be.

Is this the murderous crowd you were talking about? ---Yes.

And is that more or less how they were

throughout? --- That is just - if this is my car, it was just before I got to the gate, here, that they had been striking the car with sticks.

No; I am not asking you about that. I am asking you to look at the picture and tell me whether that is how it looked; was that the appearance of the crowd you were talking about? ---Yes.

Do you see the relaxed attitude of the Policemen standing about? ---I cannot say that they are relaxed.

They don't seem ^{to} be worrying about the murder ...?
--- No.

(Photograph of motor car allegedly belonging to Col. Pienaar, Exh. "L").

I show you another one, Colonel (Exh. "M"). That picture was taken immediately after the previous picture. Are you still not too sure that it was your car, or do you find it easier, here, to confirm that? ---I still can't see anything to identify the car.

Does it look like your car? ---Yes; it does look like it. But I can't be certain of this one either.

And do the people on this photograph look like the angry, murderous crowd that was against the fence when you arrived, and all the time you were there? ---
That is it.

Do you notice the umbrellas which you failed to notice before, Colonel? There are quite a number ...? ---
Yes, I see the umbrellas; there are three, here.

Yes, at least three. Do you see that one of the Policemen is smiling? --- No, I don't see any Policeman smiling.

Do you see that the gate is open and no-one is attempting to rush in? --- If this is my car, then it had just pushed them aside.

At any rate, they seem to have taken it quite well, don't they? ---I am not at all sure that this is my car.

Have you reason to think that it is not? ---Yes.

If I am wrong, please correct me? ---I see the first letter of the number is a "2", and I am almost certain that the first number on my car is "1" - "175" or ...

Did you come in your personal car that day? --- Yes. The one that I use.

Then you are like me; you can't remember the number of your car? ---No; but if I recollect correctly, it starts with "175". Here, definitely, the first figure is a "2".

Yes; it looks like a "2" to me. So that you now believe that this is not your car? ---I do.

But if it is not your car, at any rate, the crowd is the same as the crowd when you arrived there? --- Oh, I cannot say that this is the same.

No, you can't say it is the same but you have already said that that is how they looked? That is the same type of crowd and the same type of demeanour. You have already said that. Do you want to change your mind about that? If you change your mind about that, please say so. I want to know? --- I cannot say - if this is not my car, I cannot say that that is what they looked like when I came there.

Well, you have a recollection of what they

looked like? ---Yes.

You said two minutes ago that that was what they looked like? ---I know that my car was struck from all sides, and I had to push them aside when I got to the gate.

Yes, we know all about that, Colonel, but ...?
--- And here it is plain that this car has almost stopped; it is at a standstill, and I am jolly sure that I got much further into the yard before I came to a standstill.

You told his Lordship not more than three minutes ago, when I invited you to look at the crowd on this photograph, that that is how the crowd looked when you arrived, and I asked you whether these were the hostile, murderous people and you said yes. Was that a truthful answer, or was it not?, --- It was an answer to the best of my ability.

So that was your honest opinion of the looks of the crowd when you arrived.

(Photograph of motor car in gateway at Sharpeville Police Station, Exh. "H").

- ADJOURNED: 4.15 p.m. -
to 6th May, 1960 - at
9.45 a.m.