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Pages 1429 - 1542.

VOLUME XV.

KOMMISSIE VAN ONDERSOEK OM ONDERSOEK IN TE STEL  
NA DIE GEBEURE IN DIE DISTRIKTE VAN VEREENIGING  
(TE WETE DIE SHALPEVILLE LOKASIE EN HVATON) EN  
VANDERBIJLPARK, TRANSVAAL PROVINSIE, op 21 MAART  
1960.

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6 MEI 1960 om 9.45 v.m.

VERTEENWOORDIGING:

SOOS VOORHEEN

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INHOUD:

G.D. PIENAR

Kruisverhoor

Bladsye 1429 - 1537

ARGUMENT:

" 1537 - 1542

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BEWYSSTUKKE

(SIEN BINNE)

BEWYSSTUKKE :

|  |              |
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| <u>LUGFOTO VAN SHARPEVILLE POLISIESTASIE:</u>  | "N".         |
| <u>LUGFOTO VAN DIE WESKANT VAN POLISIESTASIE TE SHARPEVILLE:</u>   | "O".         |
| <u>TONEEL - WESKANT VAN POLISIEGRONDE:</u>   | "P".         |
| <u>GEDEELTE VAN MASSA - SUIDELIKE DRAADHEKING VAN POLISIESTASIE:</u>   | "Q".         |
| <u>GEDEELTE VAN MASSA - NATURELLEKINDERS TREN DRAADHEKING EN NATURELLE KONSTABEL MET RUG NA HEKING OF VOORGROND.</u> | "R".         |
| <u>SKARE IN ZWANE-STRAAT: 1 tot 1.30 n.m.</u>  | "S".         |
| <u>PICTURES TAKEN DURING SHOOTING - NORTH-EAST:</u>  | "T" - "Z".   |
| <u>also</u>  | "AA".        |
| <u>EASTERN END OF POLICE STATION</u>   | "BB".        |
| <u>WEST - CLINIC ON LEFTHAND SIDE:</u>   | "CC".        |
| <u>BANTU - NORTH-WESTERN SIDE OF POLICE STATION</u>  | "DD".        |
| <u>PICTURES TAKEN AFTER SHOOTING</u>   |              |
| <u>BANTU WOMAN - NORTH-WESTERN SIDE OF POLICE STATION</u>  | "EE" - "II". |
| <u>BODIES OF BANTU - SOUTH-WESTERN CORNER OF POLICE STATION</u>  | "JJ".        |

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GIDEON DANIEL PIENNAAR, under former oath:

CROSS-EXAMINATION BY MR. COLMAN CONTINUED:

Col. Pienaar, just before the Commissioner adjourned  
yesterday, I had shown you a few photographs? ---  
Yes.

Of a motor car? ---Yes.

And you were very doubtful whether it was  
your car? ---Yes.

I suggested it might be? --- You were wrong.

You are quite satisfied about that? --- Yes.

Just so that I may be clear about it, what  
makes you so sure about that? --- It is not the number  
of my car. This is, as I now see, what appears to be  
a radio car. There is a radio mast on the car and  
the size of the car does not resemble mine at all.

THE CHAIRMAN: The radio mast - where is  
that; mounted at the back? ---Yes.

CROSS-EXAMINATION CONTINUED: Is that that  
thin line which sticks up on one of the photographs  
and you can see it clearly against the corrugated iron  
roof behind? ---Yes.

--- And ---

And yours is definitely not a radio car? ---  
No.

And this T.J 2 - something that we see, does that not correspond with the number of your car? ---It does not.

Well, then I was mistaken, Colonel. This was some other car which arrived there near the time of your arrival.

THE CHAIRMAN: No other car arrived with you?  
--- No; not to my knowledge.

When you left to go to Sharpeville, from the entrance, you weren't in convey, as it were, with another car? ---No.

Perhaps you had better look at Exh. "L" and I want you to look at the face of a man sitting in the back of the car. It is not very clear, but can you perhaps help me to identify that face? It is rather in shadow, I am afraid? ---No. I am unable to identify him.

Is there anything on the photograph on which you can help me? --- As to who it belongs to?

Yes; who it belongs to, or who was in it?  
--- No; I am afraid I cannot.

Can you see on the extreme right of the photograph, just out off by the edge, Capt. Brummer with his hands up? --- I can only say that it looks like Capt. Brummer.

Right. I can hardly expect you to say more. It is definitely a Police car, is it? ---Yes.

Now, I want to go back to your journey towards the Police Station. You set out for the Police

Station on the basis of information which had been given to you? ---Yes.

And you were going there with the conviction that you were going to face a dangerous crowd? ---Yes.

The number had been given to you? ---Yes.

What figure had been given? ---Ja. Maj. van Zyl reported to me that there was then about 20,000.

What you took to be 20,000 dangerous people who were likely to attack the Police and the Police Station at any moment? ---Yes.

That was your state of mind. And you went, there, also with the conviction in your own mind that when a large mass of Bantu comes together, that means violence? --- That it may mean violence, yes.

Well, I understood you to say that it can't be feasible; it means violence. That is the view you expressed yesterday, and was that the view you held then? --- I expected that there may be violence of some sort.

That there may be, or that there would be? --- I can't say there would be; I say the most I can say is that there may be.

You thought it might be a feasible crowd? --- No; the possibility was that there would be trouble there.

The likelihood, or ...? --- A likelihood, yes.

Now, what route did you take to get to the Police Station? How did you approach the Police Station? You went in through a gate on the West side of the Police Station grounds? ---Yes.

Now, how did you get to that point; did you come from the North, the South, the East? --- From the main road up to the location, and a side road from the North.

So you came down that street on the West from the North? ---Yes.

THE CHAIRMAN: If you could just perhaps look at Exh. "B", Colonel Pienaar (handed to Witness). The top of the photograph is North and the right of the photograph is East; and you will see towards the top of the photograph there is what appears to be a street. Now, it is common cause that that is the main street running through the location from the gate, the main entrance.

CROSS-EXAMINATION CONTINUED: His Lordship has directed your attention to this - that is the main road? --- That is the main road.

You came along there?---Yes.

And then you turned somewhere near the Western edge of the picture, and you came down by the shortest route ...? --- This is where I saw the car being manhandled, and then I went over ...

You say "This is where I saw the car being manhandled"; pointing to a spot about 2" from the left side of the photograph, about opposite the small building with the white roof? ---No; it is opposite the grass patches, here - just there, that I saw the car; because I went over those grass patches to come inside here.

The Witness is now pointing to a spot a little further South, and East, not far from the North-West

corner of the Police Station grounds. Is that accurate? --- That is so.

And then you proceeded to the West, directly, and entered there? ---Yes.

In what way was this car being manhandled? --- There was a dense crowd around this car, and I could not see; I could just see the top of the car. The Natives were shaking the car about, bouncing it.

Did you say "a" Native, or Natives? --- Natives; there was a crowd of Natives. They surrounded the car completely.

What sort of car was it? ---It was a smallish car, a medium-sized car - not a very small car.

Could you see whether there were people in it? ---No; I could not. I could just see the roof.

But you got the impression that the people inside it were being assaulted or killed? ---Yes.

What gave you that impression? --- The way the car was being manhandled.

The mere shaking of the car gave you there that impression; or was there anything else which gave you that impression? ---Yes; and then the crowd around it.

For all you knew, it might have been an empty car? ---Oh, quite; but I don't see what an empty car would have been doing in the middle of the street.

You assumed that there were people in it? --- Yes.

Did you think there were white people, or black people in it? --- White.

And you thought that they were very likely being killed? ---Yes.

What steps did you take to protect them? --- I could not do anything at the moment. All I could do was to try and get to the Police Station.

Did you do anything at any moment about it? ---I did nothing about it. I could not.

Did you not detach any part of your forces at any stage to go and protect those white people who you thought might be murdered? ---No.

Why not? ---Because my intention was to get to the Police Station as soon as possible.

What about the saracen behind you? ---No; that was in front of me. I had already become detached from the saracen myself.

Where was the saracen at that moment? --- I could not say; somewhere ahead of me.

Could you not have sent someone with a message to that saracen? ---No. I could not, stop there. I just had to get to the Police Station.

When you got inside the Police Station, couldn't you send a detachment, either a saracen or some other force, to save these people from being murdered? ---No; I could not.

Why not? --- I had this dense crowd in front of me to deal with.

Did the saracens inside have radio equipment? --- I think they had; but their equipment was not so good, because of the noise. They were complaining about that. I don't know whether their equipment was



in order or not.

Did you make any attempt to get a radio message to the saracen which was outside, asking it to go and protect these people from being murdered? ---  
No.

Why not? --- Because the situation was too tense where I was at the moment.

Do you mean you forgot about it, Colonel, because you had a lot else to worry about? --- It may have escaped my mind. The tension of the moment may have done that.

You must have been shocked at the picture or the idea of these white people being murdered by Natives in that small car? ---I did not quite follow that question.

Were you not shocked when you thought that white people were being murdered there? ---I was. I can't say that I was certain that they were being murdered.

No, but you feared it. You told his Lordship so? ---Yes.

But it slipped your mind? --- I cannot say whether it slipped my mind, or what; but when I got into the station, there, the position was so tense that I could think of nothing else but getting the men formed up.

Did you at any stage, after the shooting, for example, remember about that? ---Yes.

What did you do about it, then? ---I made enquiries from the Press. I expected after the shooting that it could only have been a Press car, and I was

told that one of the Press cars was in that vicinity at that time, and that it had been smashed up.

Whotold you that? ---One of the Pressmen. I cannot remember.

Can you give his Lordship any details about that report to you or what you found in connection with this small car? --- That is all.

You heard from somebody, you don't know who, that a Press car had been smashed up? ---Yes.

At that point that you indicated? ---Near the North-Western corner of the Police Station grounds; I can't be sure about the point, but a car of that description had been smashed up.

At any rate, your apprehensions were unfounded. No whites were assaulted or killed there, were they? --- No.

THE CHAIRMAN: What happened to that car? Did you see it again after the shooting? ---I did not see it again.

CROSS-EXAMINATION CONTINUED:  
/Now, Colonel, you got in through the gate, as you described yesterday? ---Yes.

You don't know who opened the gate for you? --- No; I don't know because the crowd was in front of me and we had to bust through them. I don't know whether the gates were still <sup>spring</sup> open at the same time.

When you say you had to "bust" through them, all you mean, don't you, is that you drove your car slowly but steadily through them so that they had to give way? --- No, not slowly. The car jumped forward.

Did you injure anyone? ---No; not to my

knowledge.

Would you have been willing just to run them down, knock them over? --- No, it was not necessary. As we went forward we threw them aside.

They gave way, didn't they? --- They gave way! They were pushed away!

By the car? ---By the car.

Travelling fast? ---Not travelling fast. The car was almost at a standstill, or was at a standstill; I can't say.

You edged your way through them? ---No.

Well, Colonel, either you hit these people with the car travelling at speed, or you did not. Now, which is it? --- But I say that we hit them, we pushed them aside.

Did you hit them with the car travelling at speed? ---Not at speed; no, the car was almost at a standstill, or was at a standstill and it jumped forward. The speed then must have been ten miles, when it jumped forward.

When it jumped forward, did it hit anybody? ---Yes, it pushed them. The mudguards flung them aside.

Did it hit them; did it touch them? --- It came into contact - hit them.

But none of them fell down? --- No; they were thrown aside. One or two may have fallen over.

Well, did they? ---No, that I cannot say.

You did not see any fall over? ---No.

THE CHAIRMAN: These people, were they with

their faces towards the car, or were they with their backs to the car? --- Some with their backs, and some with their faces.

Was the crowd there very dense? Were they densely packed? --- Yes; they were densely packed.

At this stage, that you ...? ---Yes; up to the point where I had to speed through them, they had made way for me.

Is it the position that because they were so densely packed they could not get out of the way soon enough, or was it that they deliberately attempted to block your passage - as far as you could see? --- Yes; that was a deliberate attempt to prevent me from getting through.

CROSS-EXAMINATION CONTINUED: But you frustrated that attempt by just driving through? --- Yes.

And you achieved that without injuring anybody? --- That's right.

Was anybody hit by the front bumper of the car? --- Yes; some of them were pushed; they had to jump away.

Well, if the front bumper of a car hits anybody, he falls down, does he not? --- Not at that speed.

Ten miles an hour? --- Not if you are ready for it; you can jump out of the way, and get out of the way.

If you are hit by the front bumper of a car travelling at ten miles an hour, do you not get knocked down? ---No; not necessarily.

Explain to me how you avoid that. Just explain to me how the people who were hit by the front bumper of your car, travelling at ten miles an hour, avoided getting knocked over and hurt? --- The car jumped forward. I don't say that we rushed right through, into the yard. The car jumped forward, knocked against them; some of them were thrown aside by the mudguards, and the speed was again reduced to practically nothing and then we got through.

THE CHAIRMAN: Did this happen only once, this manoeuvre that you are referring to? ---Just one.

Only once? ---Once only.

CROSS-EXAMINATION CONTINUED: You still have not explained to me what happened to the people you hit with your front bumper when you were travelling at ten miles an hour. Did you hit such people? ---I hit them, and when I hit them the speed was probably reduced to three miles again.

When you were travelling at ten miles an hour, you hit people with your front bumper? ---No.

Did you hit anyone .i..? ---I have just explained, Sir, that I gave the driver instructions to speed forward with the car, and he did so. The car jumped forward and when it came into contact with the crowd, the car was probably at a standstill again or the speed was again about three miles. It was not such a jump that it was possible to break anybody's legs or - the driver was careful enough for that.

Colonel, you gave us to understand that people were hit by the front bumper of that car when it was travelling at ten miles an hour. Was that wrong?

---I have just tried to explain now what the position was. Here, I cannot say.

Was that wrong? Did you hit people with the front bumper when you were travelling at two miles an hour? --- It might have been anything from three to ten miles.

Did you hit people with the front bumper of the car when you were travelling at any speed? ---Yes. I must have.

Did you see them being hit by the bumper? --- No; the crowd was there and the car struck them like that, and they jumped aside. The speed was not such that they could get heard.

The speed was such that they could jump aside? --- That's right.

And, of course, nobody rushed in while the gate was opened for your car to enter? --- Nobody rushed in?

No? --- After the car?

While the gate was open, there was no rush of Natives into the Police Station grounds? ---When I came in?

Yes? ---No.

And the gate was then closed again, as you got inside, was it? ---Yes.

Did you take any steps to secure that gate, chain it up? --- No. I did not take any steps. There was no chance to attend to those little details.

You had no time to say to anybody, "Wire up that gate" or "Chain up that gate"? ---No.

You thought of it, but you did not have time; is that the position? ---No; I can't say that I thought

of it.

Didn't you think it was dangerous to have an unsecured gate? ---No; there were Native constables at the gate.

They could hold the gate, if necessary? ---

Yes.

Were they armed? ---Not to my knowledge.

With batons or ....? ---I couldn't say.

But you were confident that they could hold the gate, at least, if necessary? ---Oh, yes; in as much as the wire could stand.

What scene did you find as you entered the Police Station grounds? What was going on? --- The men were standing around in small groups, and Capt. Theron was amongst the saracens. I found him, spoke to him about the situation; he told me that ...

Just a minute; don't go too fast. The men were standing around in small groups. Were some of them inside the buildings, or were they all in the yard, on the Western side of the Police Station? --- I could not say whether any were in the building.

You saw Police standing around in small groups? ---Yes.

With their rifles slung? ---Yes.

Some of them smoking, some of them chatting? --- Yes; I don't know whether they were smoking; probably chatting.

Did they look tense? ---Yes.

Did they look frightened? --- Well, I can't say whether they looked frightened or not.

You didn't speak to any of them? ---No.

So you can't tell his Lordship whether they were frightened or angry, or impatient? ---No; I am not certain.

THE CHAIRMAN: Did they look worried, concerned? ---Yes; that I should say.

CROSS-EXAMINATION CONTINUED: Is that what you saw, or is that what you inferred? --- That was the impression that I got, that they were concerned, were worried.

But no one had drawn them up; they were not in any organised formation at all? ---No.

Were you surprised at that? --- Well, I thought that was not the best way to organise.

If the situation was as dangerous as you had been led to believe before you set out for the Police Station, you would have expected to find the men drawn up and under discipline; isn't that so? --- I don't know; I can't say that. I don't know what they had experienced inside, up to that moment.

I am asking you what you would have expected on the information which you had about the scene, that day - about the situation, that day. You would have expected the men to be drawn up and under discipline? ---Yes.

You believed that serious attempts had been made to disperse that crowd with batons and with tear gas? ---I was told so.

The Chairman: The crowd then at the Police Station?



CROSS-EXAMINATION CONTINUED: Well, at the Police Station serious attempts had been made to disperse the crowd with batons and tear gas? ---I was told so.

And that these had for some reason failed? ---  
Yes.

So that you really believed it was a most dangerous situation? --- When I arrived there, I was satisfied that it was a most tense situation.

Now, I want you to tell me, please, slowly, and in detail, and in proper order, exactly what you were doing from the moment you got inside that fence? The first thing you did, please? --- The ...

The first thing was, you got out of your car, I suppose? ---Yes.

By the way, had your car been injured? ---  
There were marks on it, yes - stick marks.

When had those stick marks come there? ---  
When the car was stopped, before I entered the gate.

How many marks were there? --- There were a number; I cannot say - they were cross-cross.

Where; what part of the car? ---On the left front bonnet.

There were a number of stick marks? ---Yes.

Was that the only damage to your car? ---  
I cannot be sure but on the lefthand side there may have been marks, too; light marks. I am not certain about it.

The only ones you are certain of, are the ones you have mentioned? ---Yes.

Did you show those marks to anybody at any

stage that day? ---Yes. I showed it to several officers.

Before, or after the shooting? ---It must have been after the shooting.

Anybody else, who was not an officer? ---  
I may have done so; I cannot say.

You got out of your car, and what was the first thing you did? --- I enquired who was in charge; Capt. Theron came over.

You enquired from whom? --- Capt. Theron.

You say you enquired who was in charge? ---  
Yes; I enquired from Capt. Theron whether he was in charge.

Did he meet you at your car? --- Well, half-way, yes. I went up to him.

You saw him standing there and you said "Who is in charge?" and he said "I"? --- Yes.

Continue with the conversation, please; I want to know everything that was said? --- Well, I am afraid that I cannot remember what all I said.

I will remind you. I will give you Capt. Theron's evidence on what passed between you? ---Yes.

And you tell me whether it is correct or not. This is his evidence before his Lordship. The question was put to him: "Let's get onto your meeting with Col. Pienaar. Col. Pienaar came in and I take it he was in uniform, was he? --- Ja". "You must have at once reported to him? ---Ja; ek het vir hom gaan as ek is hier". Is that correct? --- Yes. He reported that he was in charge of that section".

"And what did he have to say?" - that is asking

Capt. Theron what you had to say - "By het gevra hoe die sake hier lyk, wat dink ek, wat my opinie van die saak is". Did you ask him that? ---Yes.

"What opinion did you give him? --- Ek het vir hom gesê 'Kolonel, jy sien mos self!' " Did he say that to you? --- No, I can't be quite sure about that.

Well, that is what he has sworn to; would you dispute it? ---Yes.

Do you dispute it? ---I don't dispute it. It may be so and it may not be so. I can't be sure.

And he says that is all that passed between you. Is that correct? --- No. He added more than that. He told me that things were looking bad there, that they had been having trouble all morning.

He said "Things are looking bad here; we have been having trouble all morning"? ---Yes.

Did anything else pass between you? --- Not that I can remember.

Please try carefully? As far as you can remember, was that the whole conversation? --- More or less, yes.

What did you do when you had had that conversation? --- Then I told him that we must immediately get the men formed up.

That "we" must immediately get the men formed up? ---Yes. I gave instructions that the men must be formed up immediately.

Well, you would have said to Capt. Theron, "Form the men up immediately"? ---Yes.

And then? Then, did you continue to talk to

Capt. Theron, or was that the end of your conversation with him? --- As far as I can remember, that was the end.

But you definitely gave him that order? ---  
As far as I can remember, yes.

If Capt. Theron says you did not give him that order, will you rely on your recollection? ---  
Then he may have been mistaken.

You can't be mistaken about it? --- I cannot say whether I spoke to him directly or not, but I did call for the men to be formed up.

Now, Colonel, I do want you to remember, please, as best you can. Do you remember ordering Capt. Theron to form up the men, or do you not remember that? --- I don't remember that I ordered him specifically, but I said that the men must be formed up.

That was the first thing you did after the short conversation that you have already told his Lordship about? --- Yes.

To whom would you have given that order, if not to Capt. Theron? --- It was to Capt. Theron and the men in my immediate vicinity. I myself went round and ordered them to form up.

You gave the order, you say, to Capt. Theron and the men in your immediate vicinity? --- Yes.

In what words? --- I just said "Tree men!"  
"Tree men!"

Is that all you said? --- Yes.

In a loud voice? --- In a loud voice, yes.

Attempting to address everybody within earshot?

--- Yes.

That was immediately after your short conversation with Capt. Theron?---Yes.

Then, did they immediately start forming themselves up? ---Yes; there was a bit of a - shall I say, there was some loss of time before everyone understood that they had to form up.

Were these men alert and under good discipline, or were they slack? --- Well, I cannot say whether they were not alert, but as I say, I expected them to have been formed up.

Yes; you said that you expected them to have been formed up. But I am now asking you about the rank and file. Did you form the impression that they were a slack, sloppy lot or that they were an alert, well-disciplined lot? ---No; I did not form the impression that they were a slack, sloppy lot.

Then I take it they responded promptly to your order? ---Yes; they - in a measure.

In a measure? ---Yes; as I say, in the din and that it took everybody some time, to get everybody to understand that they had to form up and where to form up.

Well, you said you ordered them to form up and they started doing so? ---Yes; that is right.

At once? ---Yes.

What did you do next? --- The next is that I saw to it that they were formed up and to get them in correct position, about arm's length apart.

You saw to that yourself? --- Yes.

You didn't order the other officers, or un-  
commissioned officers to dispose the men properly?  
--- The order was given generally. The officers  
present should have understood that.

Did they understand that? ---Yes; they did.  
How did you know where they know where  
you wanted the men lined up? ---Because  
I indicated where I wanted them formed up.

Where did you form them up first? --- I formed  
them up - they formed up facing the Western fence.

About how many paces from the Western fence?  
--- They were formed up about five paces, at first.

Originally? ---Yes.

Is that where you wanted them? ---No; that  
was not where I wanted them. I was afraid...

That was after you had first said "Form up"  
and you had not told them where? ---Our whole difficulty  
was that we were much too close to the mob and for that  
reason I moved them, later, back.

Yes, but we haven't come to that, yet. I am  
trying to get the thing in sequence. I want his Lordship  
to get a clear picture of what happened. You have now  
given the order, "Tree aan!" and they start forming  
themselves within five paces of the Western fence? ---  
Yes.

They did that promptly, you say? ---Yes.

And what did you do next? What did you do  
while they were forming up? --- I was seeing <sup>to it</sup> that they  
were forming up properly and trying to get them an  
arm's length apart.

Why did you have to do that personally? You  
had plenty of officers under you? --- The din was too

great and the time was too short running around looking for officers and giving them ...

You did not have to run around looking for officers. There were officers at your elbow? ---No; I don't say they were at my elbow. They were also busy forming up the men.

What happened to Capt. Theron? did he run away after you had given that order? ---No; he was helping me form up the men.

And Luit. Freeman, where was he? ---He was somewhere on the right flank.

There was nothing to stop you saying to Capt. Theron, "Form them up in a line facing West at arm's length", was there? ---No.

Or to another officer? ---No.

But you did not do that? ---No.

Why? --- It was probably due to the excitement of the moment, the tenseness. My idea was to get ...

It is part of your training, Colonel, that in a tense moment you must make use of the officers and non-commissioned officers under you? ---Yes. So I did.

Then, did you charge the officers under you with the duty of deploying the men? --- When I called for them to fall in, the officers knew that it was meant for them, too, and that they had to assist in forming up the men.

And did they do so? ---Yes.

Promptly and efficiently? ---Yes.

And did the men form up promptly and efficiently? ---No; there was some difficulty in

getting them at arm's length. Some were too close to each other; I had to get them at arm's length, apart, in order to cover the length of the fence.

How did you do that? ---I did it myself, and some other officers assisted in doing it.

Do you mean that you went along the whole length of the line facing the men, placing the men at arm's length? ---No; not myself. The other officers assisted me.

You merely ordered the officers to do it and saw that they did so; is that right? --- Yes. Whenever I saw an officer I said I wanted the men at arm's length, spread out along the fence.

And was that order obeyed promptly and efficiently? ---Yes; it also took some time to get the men ...

And you stood watching this being done, to satisfy yourself that it was done properly? ---Yes; and myself helping to do it.

Helping in what way? --- Getting the men apart; getting them formed up along the whole length of the fence.

Going from man to man in a part of the line and placing them as you wanted them? --- Yes.

Right; after you had done that, what happened next; what did you do next? --- Then I had to get them backed up against the saracens.

Had you changed your mind about the position? --- No. While they were forming up there, I could not watch the exact position. When they were formed up, I saw that



they were too close to the mob and that I had to get them back as far as possible, and so we moved them again, back, up as close as possible to the saracens.

Which put them eight yards from the fence? --- That would be about eight yards, yes.

Now, have you told me everything you had done until that time? --- To the best of my ability.

Every conversation you had had and everything you had done up till that point? ---Yes; that is as far as I can remember.

Now, getting them back a few paces was not a difficult thing, was it? It was simply a matter of issuing an order? ---No; that was not just a matter of issuing an order. There was a din going on there. We had to move up and down and order the men singly to get back again.

And did each man - singly? --- Well, singly, pairs, as far as your voice could reach.

But I take it all the officers and non-commissioned officers ran along the line facing the men in a proper position? --- No; the non-commissioned officers were in the line themselves.

You did not think of calling them out to help in placing the men? ---No; there was no time for such organisation.

The officers ran along the line, placing the men quickly? ---Yes; I don't say that they ran along the line.

Did the officers not treat this as a matter of urgency, as far as you could see? ---Yes; it was a matter of urgency.

4 And they realized it? ---Yes.

And they behaved accordingly? --- Yes.

So it was done promptly? ---Yes.

What did you do next? --- When I had the men finally formed up against the saracens, there was some time that I had to watch the crowd, to watch the men; until these two incidents happened ...

Now, just a minute; don't go too fast, now. When you had the men lined up against the saracens, facing the fence, about eight yards back, were you satisfied with their deployment? ---Yes. That was the only place where I could - if-I was not satisfied and if I could have got them any further back, 100 yards away from the crowd, I would have done so.

You wanted to get them as far from the crowd as possible? ---Yes.

But you could not, you say? ---No; I could not.

Why not? ---Because the space was too confined because of the saracens.

You could have ordered the saracens to be moved, if necessary, couldn't you? --- There was no place to move the saracens either.

Wasn't there? ---No; there was no place.

Why couldn't the saracens have been moved to the corners of the building? --- As far as I can remember, the saracens were placed in a strategic position and that covered practically the whole length of the yard.

The saracens were to the West of the buildings, weren't they? --- They were in that portion.

In the yard, between the West of the buildings and the street and the Western fence? ---Yes.

Did you make any effort to get the saracens moved back? --- They could not move back; there was no space.

Do you mean they were right back up against the buildings? ---Not quite up against the buildings. Very close to the buildings. They were in a strategic position, with - in the charge of a captain and I would not want to start moving them about.

What do you mean by a strategic position? Do you mean to say that they would not have been effective if they had been put in the corners of the building? --- Yes.

Why not? ---Because the saracens were lined up in a sort of an "S".

A saracen placed at one of the corners of the building could have commanded the whole of the Western fence, could it not? --- Well, as I say, they had to be in such a position where they could have had ...

THE CHAIRMAN: Were the saracens placed so as to command only the Western fence?---No. That was to command the whole of the front.

CROSS-EXAMINATION CONTINUED: What do you call "the whole of the front"? --- The West.

THE CHAIRMAN: You see, I understood from some of the other witnesses that the saracens were so placed that they could command other portions as well, apart from the Western side? ---Yes; I cannot say exactly to the last inch where the saracens stood. The one on the Southern side and the one on the North side were probably

in such a position that it could operate on the side of the building.

CROSS-EXAMINATION CONTINUED: Are you sure of that, or are you merely guessing? --- No, I cannot be sure exactly where the saracens were.

Did you take careful note of the position of the saracens? --- Not careful. I just saw that they were in position.

They were in a position which made it awkward for you? --- Well, they could not be in any other position.

Were they, or were they not in a position which made it awkward for you? --- Yes; if it weren't for the saracens, I could have got the men a little further back, another eight paces.

Or more? --- No more; then we are up against the wall.

The further back you could get your men, the better; isn't that so? --- Yes; definitely.

Who was in command of the saracens? --- I believe it was Capt. Brunner.

You are not sure?

THE CHAIRMAN: Well, did you know that day, apart from what you know now - did anybody come and report to you, "I am in charge of the saracens"? --- I think it was Capt. Brunner.

CROSS-EXAMINATION CONTINUED:  
/Do you remember speaking to him? --- I think I did, but I can't remember what was said.

What would you have spoken to him about? ---

If you spoke to him, the obvious thing to say

was, "Can you get your saracens back a bit because I want to deploy my men further away from the fence?"  
---No; I would not have asked him to get the saracens back.

Why not? --- He could not do that.

Why couldn't he do so? --- They were practically up against the wall already.

All four of them? ---Yes.

Are you sure of that? ---Yes; those at the ends may have been just beyond the building.

Well, those at the ends could have been got far enough back for you to get your men as close to the wall as you wanted them? ---No. It is a fairly long vehicle, and they could not have been placed where they wouldn't ...

Just tell us why; I don't understand why. Why couldn't they? ---Because of the wall. They could not get any further back.

Right; I am going to show you, with His Lordship's permission, Exh. "B" again (handed to witness). I am pointing out to you the open space on the West. I am now pointing to the ground at the South-Western corner of the buildings. Why couldn't a saracen be stationed there, where I am indicating? Towards the fence on the Southern side - between the building and the fence on the Southern side. There was nothing to stop a saracen being placed there, was there? ---Yes; I am not sure that the saracen was not here - that is where the pole is almost in the centre of the square.

You think the saracen was ...? --- Was this

side of the pole, on the South side of the pole.

Was there any reason why the saracen could not have been pulled back so that its front was level with the edge of the building on the South-Western corner where I am indicating? --- I am under the impression that the saracen was there where the pole is, and that it commanded a view down here and ...

If it had stood where I am indicating, that is between the building and the fence with its front opposite the Western edge of the building, then it could have commanded South, West and East, couldn't it? ---Yes.

So there was no reason why that saracen should not be there? ---No.

And there was no reason why another saracen could not have been in the corresponding position, at the North-West? --- It probably was there.

So then, that would have got two saracens out of your way, wouldn't it? --- Not quite out of the way. Yes, here it would. I don't know what the width of a strip of ground is on the South; whether that would allow for a saracen.

I am going to show you another photo, now. This is an aerial photograph taken on the same day, of the Police Station buildings. Here is the Western gate? ---Yes.

You see there was ample space on the North-West for a saracen, and at the South-West? ---Yes.

There is place, really, for two saracens at each corner? ---I would not say two.

Possibly two? --- No; I would not even say

"possibly".

Certainly one? ---Yes.

(Aerial photograph of Sharpeville Police Station handed in, marked Exh. "N").

THE CHAIRMAN:

/It is substantially the same as Exh. "K", but not quite. There are some people missing.

CROSS-EXAMINATION CONTINUED: At any rate, Colonel, you made no effort to get any of the saracens moved in order to deploy your men to best advantage? --- No. Now, I must mention this, too, that to have spread the saracens like that, out of the sight of the Commanding Officer, may have interfered with his work.

With your work?--- No; he was in direct command of the saracen.

THE CHAIRMAN: That was Capt. Brummer? ---Yes.

CROSS-EXAMINATION CONTINUED: But he was under your orders, wasn't he?---Yes. But in that situation, if it came to the point, then he would have had to decide whether the saracens should ...

But it was your responsibility, wasn't it? --- No; I could not possibly direct everything.

Did you do nothing, then, to place you in control of the saracens so that you could decide whether to fire or not? ---No; I could not place myself in such control.

Why not; why didn't you? ---Because I could not control everything simultaneously.

So you just left it to Capt. Brummer's discretion, whether he should shoot or not? ---Yes; because I know

that he is a man trained in the use of the saracen.

Did you know Brummer? ---I know him well.

And you were willing to take the chance that he might decide to open fire before you thought it was a suitable moment? ---Yes; I was quite willing to trust to his discretion.

Is there no method whereby the officer in command in such a situation can signal to the man in command of the saracens so that you will all be working as a unified force? ---No. I don't know whether that could be done.

How did Brummer control four saracens? --- Well, by word of command - unless he had efficient radio in them; but as they were lined up there, he could have controlled them by word of command.

Even in a noisy place? ---Yes; if he had a loudspeaker there.

Don't the Police ever use signs when they are in action or about to go into action?

THE CHAIRMAN: Think of the situation where you have fire from seventy rifles and sten guns, possibly fire from one of the Brownings; would Capt. Brummer by word of mouth have been able to carry across any of his commands to any saracen but the one in which he was, or near to which he was? --- It is difficult for me to answer that question.

Do you know at all how he is supposed to convey his commands in those circumstances? ---I know that these saracens have been fitted with radio, now, but I have heard complaints that the radios are very noisy and difficult to understand.



CROSS-EXAMINATION CONTINUED:

/Where was Capt. Brummer; he was in a saracen, wasn't he? --- He was on one of the saracens.

Shouldn't he have been at your elbow, as the Officer Commanding your greatest fireman? --- No; I think the best place for him was on top of the saracen, so that he could keep control over the saracens.

So that he could <sup>not</sup> communicate with you, or you with him? --- No; there was no other choice.

The other choice now was that he should be at your elbow. You should give him your orders and he should somehow transmit them to the men in the saracens; is that right? --- Those orders would already have been transmitted by him; he would already have instructed his men under what circumstances they should operate.

You did not think it desirable that the man in control of your most overwhelming firearm, should be out of touch with you? --- He was not out of touch; he could not have been at my elbow unless he was supposed to have been.

He was out of touch with you, wasn't he? --- No; not completely out of touch.

Did you have a way of conveying your wishes and instantly distinctly/to him? --- Yes; I could have run to him and in a second or two told him what to do.

Your commanding officer was going to run from point to point in order to make your wishes known? --- There was no other way.

What else did you do that day? You have told me what you did. You will remember, we went through the

list. The first thing was your short conversation and the next thing was your order to line up; and the next thing was getting the men at arm's length, and the next thing was placing the line further back. What else did you do? --

Have you given me everything up to that moment, now - everything you did and everything you said? ---  
As far as I can recollect at the moment, yes.

So you have given me all the conversations? ---

Yes.

And all the actions? ---Yes.

What did you do next? --- The next is, that I saw Col. Spengler. Just before - when I started to form the men up (this I recollect now); when I started to form the men up, Col. Spengler came to me and suggested that the leaders and inciters should be brought in; hurriedly I agreed with him - in the hope that that may have some effect on the ...

He suggested that the leaders and inciters should be brought in hurriedly? --- No; this was a hurried conversation ...

THE CHAIRMAN: The Witness says he agreed hurriedly.

CROSS-EXAMINATION CONTINUED: Oh, I see. What did Col. Spengler exactly say to you? --- That I can't remember either, but the gist of it is that he mentioned to me that it - would it not be better to get the inciters and the leaders in.

Did you have a long conversation with him, or was it just ...? --- No; he suggested - he just mentioned that and I agreed that it would perhaps be best.

Did you ask him whether he knew who the leaders were? ---No.

Did he tell you that he had already brought in a couple of the leaders? ---No; I don't know that he had.

Did you hear anything before the shooting that day, about the leaders, what they had done, how they had behaved, who they were? ---No.

So the first thing you heard about leaders and the last thing you heard about leaders before the shooting, was Col. Spengler's suggestion that he should bring them in? ---Yes.

The leaders and the inciters? ---Yes; the leaders and/or inciters. The leaders are, as far as I am concerned - the inciters; they are one and the same thing.

Have you been able to observe who the leaders and inciters were in that crowd? ---No; there were some of them moving and shouting more than others. I had no time to watch out for all those things.

How many leaders and inciters did you think there were in that crowd? ---No; that I could not say.

What was your impression? Did you think one or two, or hundreds or thousands? ---No; I can't answer that. I just cannot say how many leaders.

What did you think Col. Spengler was going to do and how did you think he was going to do it? ---No, that I can't say, how he was going to do it.

Weren't you interested? ---

Didn't you ask him how he was going to do it? ---No; no. Why should I ask him? He would know how to do it.

Now, let me just briefly get the picture as you saw it. There you were; you say it was tense, dangerous; as far as you could see, all the crowd within your sight were bloodthirsty people who might at any time overwhelm the Police and take the Police Station? --- That was a mob, from which you could expect any recklessness. Not only the Police in front, but cars may have been attacked behind them.

It was not in your view - you told us very clearly yesterday afternoon - a peaceful mob with a few inciters there; it was an angry, dangerous mob? --- Yes.

And somewhere among them, there were leaders and inciters? ---Yes.

Now, how did you expect Col. Spengler to bring them in? Did you expect him to do that single-handed? --- I can't say how I expected him to bring them in.

But it was your responsibility; you were agreeing to this. You had a grave responsibility at that moment, didn't you? ---Yes; a very grave one.

You agreed with me yesterday, or you told me yesterday that it was undesirable to do anything which might be regarded as a sign of weakness? ---Yes.

Of course, the loss of a man through sending him into a crowd unprotected, would be a sign of weakness, wouldn't it? --- No; no man was going into that crowd singly.

Would a man go within reach of that crowd, single-handed? ---Yes.

They would not reach out and grab him; there was no danger of that? --- There may have been, yes.

Colonel, you also told me yesterday that it was most unwise in such a situation to do anything which was likely to provoke the crowd? ---Yes.

Did it not strike you that a seizure of the leaders with the crowd in that temper, might provoke them? ---No. I was hoping that if some of them were removed, there might be some return to calmness.

Was there no danger that it might provoke them? --- There may have been; I can't say that. But I was hoping that it would have a calming effect on them.

Did it occur to you that this might provoke the crowd, or did it not enter your head? ---No; it did not occur to me that this might provoke them beyond the state they were already in.

Shouldn't it have occurred to you? --- Ja.

You still think, "Now" - now, this is a calm, peaceful room; you are not frightened, you are not worried. Don't you think in such a situation the removal of the leaders could easily be the very thing that would trigger off trouble? ---No; I can't say that.

What did you expect Col. Spengler to do with the leaders? --- To act according to how he found them. If they were guilty, that he had a case of inciting against them, to lock them up.

And if not? --- To get them away to the back to interview; but the question was to get them away.

How did you expect him to get them, Colonel? ---By taking them.

Personally? ---Yes; with assistance.

Were you going to place part of your force at his disposal? In order that he could ...? ---No; I could not do that. My forces were lined up there and I could not interfere with them at that stage.

You couldn't spare any men? ---No.

Well, how did you expect him, without the assistance of your men, to bring in leaders from that bloodthirsty crowd outside the gate? ---I did not expect him to go into the crowd.

Well, how did you expect him to bring the leaders. You wanted him to bring the leaders in? ---I can't say how I expected him to do it. I expected him to act according to his own judgment.

Now, just a minute, Colonel; you can't get out of it as easily as that, I am afraid. You see, we are now dealing with something which may very well be the immediate cause of the bloodshed, and you have told his Lordship today - although you did not tell him yesterday - that that was on your authority; that you authorized Col. Spengler to go and seize the leaders. Now, if you gave that authority, Colonel, we can reasonably expect you to tell us how you thought Col. Spengler was going to effect it? ---I can't say that I gave him the authority. I agreed with him that it was perhaps the best to do it.

Well, you were the man in command, weren't you? It was - he was subject to your orders, wasn't he? --- Well, he is a C.I.D. man; he is not normally subject to my orders.

Never mind about normally. Was he not subject to your orders that day?

THE CHAIRMAN: Could you have told him, "In these circumstances, I order you not to interfere at all with anybody who might appear to be a leader"? --- I could have done that.

CROSS-EXAMINATION CONTINUED: So you will take full responsibility for what he did, won't you? --- No; I do not take full responsibility for it.

Well, you authorized him to do it, didn't you? ---I agreed with him that it would be the best thing to get hold of some of the leaders.

Because it never entered your head that that might provoke the crowd? ---No; not. It should not have done it. Unless it was somebody barging into the crowd and creating a commotion.

It never entered your head that that might provoke the crowd? --- No; I was hoping that it would have the reverse effect.

And I just want to make sure that I have the correct answer. Do you say it did not enter your head that it might provoke the crowd? --- No; I can't say that - at that moment.

At which moment did it enter your head? --- At no other moment.

You thought it might help? --- Yes.

And you were very interested in this suggestion of Col. Spengler; if you thought it might help, you must have been very interested in this suggestion of Col. Spengler? --- I cannot say I was particularly interested.

Good Heavens, now! You say you were faced with the most dangerous situation. Someone had made

a suggestion which you thought might help, and you can't say you were particularly interested. What on earth do you mean?

THE CHAIRMAN: Well, perhaps it turns on the word "interested", Mr. Colman. I don't know - I myself don't know what precisely you mean when you say "particularly interested".

CROSS-EXAMINATION CONTINUED: Well, Colonel, let me try and put it to you more clearly. You were very anxious of finding some way of avoiding trouble and bloodshed, if it could be done. You say you thought Col. Spengler's suggestion was a good one? --- Yes.

Why, then, did you not concern yourself with the details of how it was going to be carried out to see whether you could help with advice, men, or in any other way? --- This was an officer of equal rank, and I was satisfied that he would not do anything rash.

But he could not have the assistance of any of your men, you say? ---No.

So the inference is that you expected Col. Spengler single-handed to get bloodthirsty leaders out of the crowd behind the fence? ---Not behind the fence, no. He could have got them at the gate, there; that is where the worst lot of them were.

Were they not on the other side of the fence, these bloodthirsty people? ---Yes, they were; but he could have got them at the gate, there.

How? --- By trying to take them by hand.

Were they all at the gate? ---I wouldn't say



they were all at the gate.

Were any of them at the gate? --- Yes, there were some.

Leaders? --- Well, I saw some there, addressing the crowd and shouting at the crowd.

You did see people at the gate who looked to you like leaders? --- Yes.

And did you see those people there all the time until the shooting? --- No, I cannot say that I saw them there all the time.

And did you think it was wise, having regard to the temper of the crowd, that that gate should be opened at that stage? --- Yes; the gate did not help us much because if they had wanted to come they would have pushed the fence down like a cardboard box.

Colonel, do you think that it is better to have your enemy on the other side of the wire fence, or does it make no difference; would you equally have them facing you with no obstacle in between? --- No; I prefer the fence.

Which one would you prefer? --- The fence.

Ah, there is something that we seem to see eye to eye on. Having regard to the temper of the crowd, then, was it not unwise to open the gate and so make a breach in the barrier? --- No; I cannot say. That gate was liable to be opened at any time.

Did you want it open, or did you want it shut? --- People were coming in. I would have preferred to have had the gate shut.

Was there no danger in suggesting to Col. Spengler that this gate should be opened? --- I did not

suggest to Col. Spengler that the gate should be opened.

Well, how did you expect him to get an agitator from the other side of the gate if he was not going to open the gate? --- That I did not think of at the time. I did not know what he was going to do when he spoke to me about it.

You didn't think of that? ---No.

Did you think of the question of whether Col. Spengler, trying to seize an angry, bloodshirsty man crowd at the from the/gate, might not be lynched? --- Might not be what?

Injured; perhaps killed? --- That he, Col. Spengler, might not?

Yes? ---No; I did not expect them at that moment to do that.

Why not? --- The position is that I did not know how Col. Spengler meant to do it, or where, and what he meant to do.

You knew, you have told us, that he meant to go and seize or arrest the leaders and agitators who were on the other side of the fence, or the other side of the gate, and that he was to do it without the assistance of any of your men. Now I am asking you how you expected that to happen with safety to Col. Spengler? ---

THE CHAIRMAN: Mr. Colman, are you asking him, now, in the sense, how did he consider at that time, when the matter was raised, or how he thinks now?

MR. COLMAN: No; how he considered at that time.

THE CHAIRMAN: Did you consider it? That is

the first thing I would like to know, then. Let's get this clear: Colonel Spengler came to you. Is that correct? ---Yes.

He made a suggestion to you about bringing in leaders? ---Yes.

Did he make any suggestion beyond that, or was that the sum total of his suggestion? --- That is all.

You earlier in your evidence said that you "hurriedly agreed"? ---Yes; I agreed.

Now, what happened to him, then; did he go away or did he stand there and did the two of you discuss how you were going to set about it? ---He left me.

When he left you, what did you do? Did you occupy your mind with something else, or did you then think about "Now, how will this man set about it"? --- This happened when I was first busy forming the men up.

While you were busy with it? ---Yes.

When he left, what did you do? ---I carried on forming up the men.

That is what I want to know, otherwise it does not seem to be profitable to go into it: Did you consider in detail at the time how Col. Spengler would set about giving - putting into effect the suggestion? --- I was very busy and occupied with forming the men up. I did not consider it.

CROSS-EXAMINATION CONTINUED: So you did not give any thought to the effect of this course of conduct to which you had given your approval? ---No; I did not give it any thought. As I say, this is an officer of equal rank and I did not expect him to do anything rash.

It did not enter your head that you were sending him out single-handed into what you thought was a blood-thirsty mob? --- No; I never expected that he would go ever go into the mob, or that anybody else would go into the mob.

Well, did you have any expectation as to how he could possibly carry out his proposal without going into the mob? --- No; I did not think of it at the time.

Your mind was perhaps not working very clearly at that time? --- I could not think of everything at the same time.

What you were thinking of was getting your men one yard apart? --- Getting them properly lined up.

And you did not even watch to see how Col. Spengler got on after you had sent him on that mission? --- No.

Did you see him bringing any leader in? --- Yes; as I said, after the men had been formed up I saw Col. Spengler at the gate.

I asked you whether you saw him bring a man in? --- I am coming to that.

You did see him bring a man in? --- Yes. At the same time, the stones began to fall amongst the Police.

Just at the time when you saw him bringing a man in? --- I don't know whether it was just before, or just afterwards.

About the same time? --- Yes; about the same time.

That was the first time stones were thrown? --- Yes.

As far as you were aware - while you were there? --- Yes.

Did that suggest to you that perhaps Col. Spengler's actions had provoked some of the crowd? ---  
No.

Does it suggest itself to you now, seeing that the two events occurred about the same time? ---It may have; but I cannot say so.

THE CHAIRMAN: These stones - this is now the first shower that you are talking about? ---Yes.

Could you assist me by telling me where those stones came from and where they were directed to? As far as you remember, now? --- They came from the crowd, from behind the crowd.

Yes, I know; but, now, where? Close to the gate, or more to the Southern side, or along the ...? --- I should say it was about in the centre of that Western wire.

And was it being aimed at a particular spot, or was it spread over an area? --- A few stones - I saw them falling here and there.

CROSS-EXAMINATION CONTINUED: More or less where were they falling? --- As I say, I was then about opposite the centre of that wire, and these stones were falling to my right, that is to the North.

THE CHAIRMAN: And you were facing West - to the North? ---Yes.

CROSS-EXAMINATION CONTINUED: All the stones to the North? --- Those that I observed, were to the North. Some of them may have fallen on my left, on the West.

THE CHAIRMAN: The gate was then to your North? --- To my South.

CROSS-EXAMINATION CONTINUED: And what did you see Col. Spengler do with the man he was bringing in? --- He and Det. Sergt. Muller had hold of a man, there, and it appeared to me they were being pushed back into the yard, with him, and they left with him.

You saw them pushed back into the yard? ---Yes.

Who pushed them? --- The crowd.

You mean, the crowd streamed through the gate and pushed Col. Spengler and Muller and their prisoner, to the back? --- Yes, I won't say that they streamed through the gate, but they did come a yard into the gate. They appeared to be grabbing at the prisoner.

And went back? ---Yes. The Police forced them back.

They did not push Col. Spengler and his prisoner into the building, did they?---No.

They came about a yard into the gate, tried to arrest this prisoner and then thought better of it and went back? ---Yes; but those Native sentables at the gate pushed them back, and closed the gate again.

With their bare hands? --- No, with the gate.

Didn't you think it might be a good idea to have that leader brought to you to see whether you could use him to get the crowd dispersed? ---No; I could not concern myself with that at the moment.

But the dispersal of the crowd was the very thing that you should have been concerned with? --- My concern was to hold the crowd at bay.

But on two previous occasions you had successfully dispersed a crowd by saying to the leader, "Unless your

people go within five minutes, we will shoot". Now, that had worked on two very important occasions in your life; why did you not try that out? --- Those were different occasions. We were not threatened with immediate attack. We were not then surrounded and hemmed in Police Station/in a confined space.

It is even more important to do it when you are threatened with immediate attack and hemmed in? --- I could not relax for a moment to attend to that sort of thing.

What do you mean, you could not relax for a moment to attend to that sort of thing? All you had to say was, "Bring this man here" and then, when he was at your elbow, say "Tell your people that if they are not gone in five minutes, I'll fire". Couldn't you spare time to do that? --- I might have done that, but I had my attention fully occupied with the men and the crowd.

Now, Colonel, let us agree; you might have done it? ---Yes.

You could have done it? ---Yes.

You had the time to do it? ---Yes.

The man was available - the leader? ---Yes; but I expected Col. Spengler to deal with him.

If you had thought of doing this, you could have done it? ---Yes. I could have done it.

But you did not think of it? --- No.

And having regard to your experience on previous occasions, if you had thought of it and you had done it, that might have averted all this bloodshed?

--- All I can say is that I had no time for anything else but ...

But you have agreed that you had time? ---I was hoping and waiting that there would come a period of calmness, when I could do these things.

Colonel, we are agreed that you had time and opportunity to do it; it did not occur to you - that is what you told his Lordship. You did not think of it? ---No; because I had too much else to think about.

You had to think about the deployment of your men? --- Yes, at that moment I had to think about the deployment of the men. I don't think they had been deployed yet - fully and properly, that the formation had been completed.

But you could have spared two seconds to deal with this, if you had thought of it?---It would have taken more than two seconds.

Oh, you have agreed with me that you had the time but you didn't think of it; have you changed your mind about that? --- I cannot say that I had the time.

Your men were under control? ---Yes.

Your officers were busy deploying them? ---Yes.

You could have taken your attention off that <sup>it to</sup> and left your officers for a few seconds if necessary, couldn't you? --- It depends how one feels. I felt that the moment was tense, and that my presence was required.

The real point is, you didn't think of it, isn't that so? Or do you say that you did think of that plan and rejected it? --- That I cannot answer, whether I thought of it and rejected it.



You see, a few moments ago you agreed with me when I suggested to you that it did not enter your mind. Do you want to change that answer and say that it did enter your mind and you rejected it? --- That I cannot answer, whether I thought of it or rejected it. It is difficult for me to answer that question. I would just say that it did not enter my mind.

And if it had entered your mind, you would probably have done it, because it had worked before?

--- Well, I can't say that either.

You might have done it? --- No; I felt that I had no opportunity of dealing with that phase of the matter.

What do you mean by "no opportunity"; do you mean no time?---No time.

Because you could not take your attention off the deployment of your men, even for a couple of minutes?

--- And the behaviour of the mob.

So, for that reason you would have rejected the possible opportunity of dispersing the mob by a feasible method which had worked before? --- Those circumstances were entirely different.

But you would not have tried it here; if it had occurred to you, you would not have tried it here. Is that your answer? --- Tried what?

Tried the device of telling the leader that unless his people within a certain period, you will shoot. Even if you had thought of it, you would not have done it. Is that what you say? --- At that stage, it could not be done.

If Spengler had suggested it to you, you wouldn't

have done it? --- The mob was too threatening.

If Spengler had suggested it to you, you would have said "No"? --- If he had suggested what?

That you should do that? ---If he had brought the Native that he had there to me, I would have probably found time to speak to him; but there would not have been much time to do it.

If he had brought the Native to you, would you have spoken to him? ---I would probably have done it.

- ADJOURNED: 11.15 a.m. -

- RESUMED: 11.35 a.m. -

GIDEON DANIEL PIENNAAR, still under oath:

CROSS-EXAMINATION BY MR. COLMAN CONTINUED:

Colonel, you have told me your story up to the shower of stones which was about the same time as Col. Spengler was taking one of the leaders in? ---Yes.

Have you now told his Worship, up to that point, everything you did and every conversation you had? --- As far as I recollect, yes.

Now, what happened next; what did you do next? --- Then I was still busy with the men and observing the mob.

In observing the mob, did you find that they were more angry after this arrest by Col. Spengler, or just the same?--- They were just about the same.

The same all the time you were there, really, I gather? ---Yes.

THE CHAIRMAN: When you refer to "arrest", I take it you mean in a non-technical sense? ---

MR. COLMAN: Well, Col. Spengler and I have different views on that matter, but there is no misunderstanding about what event I am referring to, I think.

CROSS-EXAMINATION CONTINUED: What happened next, Colonel? --- The next thing that happened, then, is that I saw Col. Spengler again at the gate. As I have said, three things happened almost simultaneously.

Just pause for a moment, please. You then saw him again at the gate. I take it, that was after a sufficient interval, to allow him to take his first man back to the buildings, and to come back again? --- Yes.

During that interval, you were observing the crowd and seeing your men properly deployed? ---Yes.

And when he came back to the gate, what did you see? --- As I said, three things happened, then, practically simultaneously. I saw Col. Spengler at the gate again, speaking to a Native, there.

Was the gate open, or shut? ---I cannot be sure whether the gate was open, or one wing of it was open, or not.

Is it your impression that half of the gate was open? ---I cannot be sure.

I am asking for your impression, if you have one? Is that your impression, half of the gate, but you are not sure? ---Yes.

Did you see the person he was speaking to? --- Yes. There were a number that were packed up against the gate. I could not say which person he was speaking to.

There was no distinctive person that you could

notice there. Yes? --- And I suddenly saw him stagger backwards.

Did you see what made him stagger backwards?

--- No; the crowd immediately burst through the gate at that time, too - afterwards.

Almost simultaneously? ---Yes.

So it was either the crowd or the gate which had pushed him back? ---Yes; I could not say what pushed him back.

While this was happening, you were just standing and watching? ---No. Then - as I say, I don't know which happened ...

Had you done anything more up to that time? Beyond what you have told his Lordship already, this morning? ---No; I cannot recollect having done anything else.

So we now have the whole picture of everything you did there up to this moment? --- As far as I can recollect, yes.

Right; so here is Col. Spengler staggering backwards, and the mob running in? ---Yes.

Is that the picture you have in your mind? --- Yes. At the same time, two shots were fired from the crowd, and a heavy shower of stones fell amongst the men, where I was standing.

Now, let's take that first. When Col. Spengler staggered back, you say the mob rushed in? --- Yes.

Was that through half the gate, or both sides of the gate, now? ---I should say both sides. My

impression is, it was both sides of the gate. The whole gate was open.

And how many Natives did you see rushing in? --- I couldn't say.

You were about seven or eight paces from them? ---Yes; it might have been more. Say about eight paces.

And how far in did you see them rush? --- Well, I just saw him stagger back and the crowd following him, and then my attention was diverted to the stones falling amongst them.

I see; so you took your eyes off them? ---Yes.

So you only saw them until they got a yard or so over the line of the gate? ---I should say a yard or two.

Now, their manner of entrance; did you observe that? Did you notice how they came in? Or perhaps it is not a very clear question, Colonel. Col. Spengler has told us about that, and he said it was a surge forward, the way a crowd surges forward when the people behind are pushing. Do you agree with him? --- I can't say whether that is so, or not.

Well, he was in a very good position to see, was he not? ---Yes.

MR. CLAASSEN: I am not quite sure that my learned friend is correct, there. I have the impression that Col. Spengler then fell. He conceded that that might be the position, but ...

THE CHAIRMAN: Yes, well, perhaps we can get the exact - that is, I don't know whether he gave that as his impression or whether he gave that as a concession, that it was possible. I have no clear recollection.

MR. COLMAN: My recollection, Sir, is that it was first his description and that I then took it up and clarified it by referring to what happens at football matches. Do you recollect that, Sir?

THE CHAIRMAN: Yes; I recollect that.

MR. COLMAN: These are Col. Spengler's words - this is the first passage as recorded by my learned junior:

"At that moment the mass came forward as it pushed from the rear".

That, of course, is not (?); that is my learned junior's running translation as he went along. At any rate, that accords with my recollection, Sir, and for the purposes of the question I want to put to this witness, my next will suffice, that you can neither confirm nor deny that? ---No.

It could have been the case but you don't want to swear that it was? ---No.

Then, you referred to some shots from the crowd. Was it definitely two shots? --- Two shots that I heard. They were dull shots. I seem to recollect that I heard two. There may have been more.

Was that just at about the same moment? ---Yes.

Dull shots; did they appear to come from a considerable distance? ---No; it was close in the crowd. I judge it must have been from a small caliber revolver.

It sounded like something from a small caliber revolver. From what part of the crowd? ---It was somewhere opposite me, closely opposite me or perhaps diagonally, on the side.

Somewhere near the centre of the fence? ---Yes

Now, were they two in quick succession? ---

Yes.

Could it have been that these were shots which came from far away, somewhere on the outskirts of the crowd, or even further? ---No.

<sup>see</sup>  
You, various people, I understand, have spoken about this and they have had different impressions. Are you certain that it could not have been from the outskirts? ---I am quite certain of that.

You saw no-one in the front, within your range of vision, holding a firearm? ---No.

So presumably this came from someone some distance back from the fence? ---Yes.

Such a person, with a crowd so densely packed, could not have ~~shot~~ directly at the Police, because these other people would have been in the way? --- It depends on how far back he was. If he were two or three ranks away from the wire, he could have fired.

Was there room between the first and second rows of people for a bullet to ...? --- There would have been.

Oh, then I have the picture wrong. I thought it was a densely packed crowd? ---It was.

Well, if it was a densely packed crowd, how would it have got through even two rows of people? --- To my mind it is possible.

How would you have to hold a revolver, if you were standing behind the people who were pressed against the fence, tightly packed, in order to shoot at the police? --- Between the heads of the

That's your guess? ---Yes; I don't say that it came from there.

In fact, you are very vague about where it came from? --- It came from the crowd, and close by.

You can't be sure that it was a revolver? --- No; that I can't be sure of.

All you can really say is that there were two bangs - two dull bangs? ---Yes.

And certainly you were not conscious of any bullet whistling past you? ---No.

No bullet was found in the ground afterwards? --- Not to my knowledge.

And no-one was hurt, and no damage was done? --- Correct.

And that is the only shooting that you became aware of at Sharpeville, apart from the shooting from Police? ---Yes.

You could not say that the crowd opened fire on the Police; that would be a wrong description? --- Quite. That the crowd generally opened fire on the Police - that would be wrong.

Now, was it at the same time that some mere stones came over? ---Yes.

And then, what happened? Oh, can you tell me about these stones? Where did they come from? --- They came from the crowd.

From the people in the front of the crowd? --- I could not say where but - whether it was the front rank or just behind them or further away.

You were watching the front rank, weren't you?



--- Yes; I was watching, but my eyes were on the gate. At the moment the stones started to fall, I looked in that direction.

You did not see anybody in the act of throwing stones? ---No.

Nor had you seen anybody in the front with stones in their hands? ---No.

So that the probability is that these stones again came from somewhere at the rear of the crowd? ---Yes.

And they came over, didn't they, at that sort of angle; as if somebody at the back of the crowd was throwing them over the heads of the people in front of him? ---I cannot say at what angle they came, that they must have come at an angle.

THE CHAIRMAN: Did they come over in a sort of an arch, or was it more a direct - as if one would take a stone .... ? --- My impression is that they came fairly direct. Some came direct and some came with a higher arch.

CROSS-EXAMINATION CONTINUED: If they came direct, they could only have come from people in the front rank; if they came direct and not in an arch, then they would have to come from the people in the front row? --- From somewhere close to the front.

It depends, of course, how tightly this crowd was packed.

THE CHAIRMAN: You see, a stone, of course, would not be fired as a revolver would.

MR. COLMAN: I am thinking here, Sir, of the slip fielding practice of our youth; if you are going

to get it to go directly, then you can't do it when you are at the back of a crowd even in the third row of a crowd.

THE CHAIRMAN: An overhead throw could ...

MR. COLMAN: It would have to be with an arch.

THE CHAIRMAN: Well, not necessarily ...

MR. COLMAN: If it came from behind.

THE CHAIRMAN: If you were to throw it from an overhead position, provided, of course, that you are not slightly built and the others are all taller ...

MR. COLMAN: Yes, I see that, Sir. It is a matter of height and length of reach and I suppose a flick of the wrist could get a fairly direct throw over the heads of others. It is a small point.

CROSS-EXAMINATION CONTINUED: Then, what happened, Colonel? --- The next thing that happened is that two shots went off from the Police on the left flank, that is on the Southern side, and then the whole line burst into fire.

Was there a pause after the first two shots?

--- Practically none.

And then there was ragged firing for a period?

--- Yes.

After the shots which from the sound appeared to you to have been shot from the crowd, was there a period of silence? --- As I recollect, the incidents I have described and the two shots going off, on the left flank, happened in such rapid succession that it was practically one, continuous act.

So you recollect no period of silence, even for a second or ...? ---No.

Not before the Police shooting began, and not during the Police shooting? --- I don't follow that, now.

I am asking you whether you recollect any period of silence, either before the Police shooting began or at any time during the Police shooting. Was there Police shooting and then a pause, and more shooting? --- No.

No such thing? ---No.

You are sure of that? --- No; the Police, once fire started, there was no pause.

It started gradually, did it? ---Yes.

And finished gradually? --- Yes.

And it went on for about how long? --- At the utmost, ten seconds.

Are you quite positive about that, Colonel? --- Yes; I feel quite positive about it.

You have expressed yourself already very firmly that it could not have been more than ten seconds? ---No; it could not have been more.

Are you a good judge of that? --- There must definitely have been more casualties had it been longer than ten seconds.

Are you basing it purely on the number of casualties, not on your recollection? ---On my impression as well.

Are you a good judge of that sort of thing? --- I reckon I am.

Could it have been twenty seconds? ---No; it

could not have been twenty seconds.

Definitely? --- Definitely.

That you can swear to? --- Swear to. Twenty seconds is a long time; a relatively long time.

Could it have been fifteen seconds? --- No. I cannot see how it could have been fifteen seconds.

Could it have been eleven seconds? ---It might have been eleven seconds.

What is the utmost it could have been? --- I would put it at ten.

You are positive it wasn't longer? --- Yes.

THE CHAIRMAN: Could it have been as short as five seconds? --- It might even have been that; but I put it at the utmost at ten seconds.

CROSS-EXAMINATION CONTINUED: Do you think it was probably less? ---It was probably less.

Now, do you know how long it takes to fire ten rounds from a .303? --- I have tried myself, just after this affair, and I have found that I am a fairly rapid - well acquainted with the .303; and I could fire ten shots in ten seconds without <sup>not</sup> /with the utmost speed.

You made the experiment for the purpose of your evidence, here? --- To satisfy myself how long it took to empty a ...

Was that aiming each shot, or just shooting at random? --- Not taking careful aim.

Not shooting as fast as you could? ---Yes.

And you managed to fire ten rounds in ten seconds? ---Yes.

How did you time this? --- With the watch.

You timed it yourself? ---No; there were two men timing.

Who were the two men who assisted you in this experiment? --- It was at Norwood Police Station. I can't remember who it was.

When did you make the experiment? --- It must have been probably two weeks ago.

Did you try it once, or many times? ---I tried it once only.

You fired ten rounds as fast as you could, and it was exactly ten seconds? ---Yes.

And you are a quick firer. But, of course, your men were not supposed to shoot indiscriminately. They were supposed to take careful aim, weren't they? --- With that mob, there, in front of them, there was no chance to take careful aim.

But shouldn't they have taken aim at the people who seemed to be the aggressors? --- They could have done many things; they could have shot at their feet and they could have aimed at certain persons.

Colonel, surely it was the duty of your men and surely they have been trained, in a case like this, to try to aim at people who appear to be the aggressors? --- Yes; if they could see the aggressors.

Well, the obvious thing to do would be to aim at the ones who seem to be ....? ---Yes.

Not to fire rapidly at a crowd which was not doing anything; don't you agree? --- Well, there may be circumstances where that is necessary.

To fire at a crowd which does not seem to be doing anything? ---If you are faced with immediate danger,

there would be no choice.

Now, just one minute, Colonel. Do you say there are circumstances where it is the right thing to fire at those parts of the crowd which don't seem to be doing anything? ---No; I would not say that.

Of course  
Of course you must fire at the people who you think are attacking you? ---Yes.

And with proper aim, even you could not fire ten rounds in ten seconds, could you? ---No.

How long would it take you to fire ten rounds, picking your man and aiming properly? --- That I could not say.

You have no idea? ---No.

Now, do you know Luit. Praemantle? ---Yes.

An able officer? ---Yes; I don't know him so well.

Well, he made an experiment - I understand he is a specialist in small arms; did you know that? --- Not to my knowledge.

He told his Lordship, I understand, that in order to fire ten rounds as quickly as possible with a .303 without aiming, it would take fifteen to sixteen seconds? --- Without aiming?

Yes.

MR. CHASSEN: I think, my Lord, the suggestion that he is an expert at fire-arms, seems to also embrace the suggestion that he was firing the shots and he was not picking at random men to fire.

CROSS-EXAMINATION CONTINUED: So we can take it, then, that he was testing a man who did not have the

particularly rapid firing, like you; just an average rifleman, and he counted fifteen to sixteen seconds. Would that sound about right? --- I couldn't say that.

Well, you tested - he tested it with a stop watch, I am told? --- He did?

Yes; but if you, a particularly rapid firer, take ten seconds, would it surprise you if an average man took fifteen seconds? --- No.

Now, Colonel, do you know that among the men under your command who fired that day, there were some who fired ten rounds? With their .303's? --- I don't know how it could have been possible.

Well, you don't dispute it, do you? Do you dispute it? --- I cannot dispute it.

Surely you made some efforts after the event to check on how much firing there had been? --- No, I could not possibly do that.

You did not do it? --- No.

You received no information of how many men had fired or how many rounds there had been fired? --- No. I gave instructions that that should be done.

And you say it is not possible that any of the men could have fired ten rounds? --- To me it seems hardly possible.

If any of them claimed to have done that, you would be inclined to disbelieve them? --- He must have been a very excellent, rapid firer to have emptied his magazine.

Do you know a man who was there called Meyer?  
--- No; I don't know him.

Do you know a man called Booyesen? --- No.

I will tell you what they have said. Meyer says that he fired ten rounds, and what is more, he says that he did not start shooting at the moment the shooting began; he started a little late, and starting a little late, he says he nevertheless fired ten rounds. If that is true, the shooting lasted longer than ten seconds, didn't it? --- I can only give you my estimation, that it was ten seconds.

Well, if that is true then your estimation is wrong? --- Well, it is my estimation.

But if what I put to you is true, if their evidence is true, then your estimation is wrong? --- Well, Meyer - what he did and what he said, I don't know; but that is my estimation.

Right. Booyesen says that he started shooting after the shooting had begun, by the Police; that he fired ten rounds and the shooting continued after he had fired his ten rounds. Would you agree, if the man said that? --- No; he could very well be mistaken.

Then he must have been mistaken. Now, have you told me everything you did and said up to the time of the shooting? --- As far as I can recollect, I have done my best.

THE CHAIRMAN: When you ask that question, Mr. Colman, do you mean throughout his evidence, or only in cross-examination?

MR. COLMAN: No; since this morning, when I started telling you I was going to ask you everything you did from the moment you got out of your car? --- Yes.

Now, have you covered everything, as far as



you can recollect? ---Yes.

THE CHAIRMAN: I can't recall that you mentioned anything this morning about an order to load.

MR. COLMAN: That was what I was going to put to him, Sir.

CROSS-EXAMINATION CONTINUED: When did you give the order to load? --- That is when - that time when Col. Spengler first took a man from the gate.

Was he about to take a man from the gate, or while he was taking him? --- No; when he was thrust back with the man.

You then gave the order ...? ---No; and then a few stones began to fall amongst the Police.

On the first hail of stones ...? ---Yes.

... you gave the order. What was the order? --- To load with five rounds.

How did you convey that order to all your men who were fixed up? ---By calling out loudly.

Do you think they could all hear? ---I cannot be sure that they all heard. I called it out several times.

Was it repeated by your officers? ---I couldn't say.

Before that, were the men unloaded, as far as you knew? ---No; I expected them to be loaded.

You hadn't done anything to get them loaded? --- Not up till that moment.

Why did you expect them to be loaded? --- Because they must have expected things to happen, too; they should have.

How many rounds did you expect that they already had loaded? --- I expected they had loaded fully.

So that the intention in your order really was to unload some of their arms? --- No.

Let me understand this. You expected them to be loaded fully, but your order was, "Load five rounds"? --- Yes.

What was the idea? --- In the first place, I thought it would have some sobering effect on the mob. In the second place, it was an indication to the men that if it did come to it, it should be limited to about five rounds.

Surely, that is a roundabout way of achieving that object? --- It is a direct - it is a normal order.

When you say "Load five rounds!" that does not mean "Fire five rounds!", does it? --- No, it does not; certainly not.

If you wanted a specific number of rounds fired, what you should have done was to send a message to every man, through your officers, "When the order to fire comes, you are to fire five rounds". That is the right way to do it? --- I couldn't possibly do that; there may not be a necessity for firing five rounds. One round might have been enough.

Well, then, why couldn't you give the order in that sense? --- This order was to indicate that the initial fire should be limited to five rounds, if it came to it.

Why didn't you tell them that specifically: "If you get an order to fire, not more than five rounds"?

---It was not possible for me to tell them specifically.

You could not have sent a message through your officers, to that effect? ---No. I expected most of them to have heard it.

Why pick on five rounds? ---Because it is a normal order. You never give an order to load one round, or two rounds.

Why did you intend them to fire five rounds? ---I never intended them to fire five rounds.

Why did you intend to indicate to them that if they fired, they should fire five rounds? ---It is the normal thing to do, to try and overcome the natural excitement of men, their tendency to fire more than is necessary.

For all you knew, one round might have been enough? ---Yes; certainly.

THE CHAIRMAN: Mr. Colman, you see, the witness says he said five rounds in order to indicate that they would be limited to give rounds; not that they should fire five rounds.

MR. COLMAN: Yes; I appreciate that.

CROSS-EXAMINATION CONTINUED: Did you have any plan whereby you could limit it to less than five rounds when the time came, if necessary? ---No; that is the normal order. It is left to the discretion of the men, whether they should fire one or five rounds.

Is that the normal practice of the South African Police? ---Yes.

Now, tell me, Colonel, from the moment you arrived you felt that the Police and the Police Station were in danger? ---I did.

Based probably, on what you had been told before you came there? --- Yes.

And your concern was to hold the station against a possible or probable attack? ---Yes.

Now, did you go about that in the normal manner employed by the Police when they have to defend a building? ---I don't follow that question.

The defence of a building against attack is not an unfamiliar situation for an army or a Police Force? --- It was the first time that I had been in a situation where the Police Station was surrounded by 30,000 Natives.

Was it the first time you had to defend a building against attack by a mob? ---Yes.

Have you had any training or instruction in proper methods of defending a building against attack by a mob? --- Yes, specific instructions.

Have you - so really, when you got there you hadn't the vaguest idea of the proper way to go about it? --- That was my idea of the proper way to go about it.

Have you thought about it since? ---No; I could not think of any better way.

Well, for one thing, you never even found out how many men you had at your disposal, did you? --- No. I can't be quite sure about that.

You never found out how many sten guns you had at your disposal, did you? --- No; not how many.

You made no arrangements whereby you and Capt. Brummer's saracens could act as a co-ordinated unit, did you? --- Except that it did exist, obviously.

It did exist, but I say you made no arrangements

for co-ordination between yourself and the saracens? ---  
No; it was not necessary. The saracens are under the  
command of a capable officer, and he knows how to proceed

All right; you have answered my question - no  
arrangements for co-ordination. You wanted to have your  
line of men as far away from that fence as possible? ---  
Yes.

But you made no attempt to have any saracens  
moved to precipitate that? ---No; because they were in  
a strategic position.

The further back they were, the better it was  
for everybody, isn't that so?---Yes; but the building  
was still in the way. I could not get rid of the  
saracens.

The further back your men were, the better it  
was; isn't that so? --- That is true.

Because if there was any attack, they would  
have a proper field of fire in front of them, they would  
have the right (?) to shoot a man before he reached  
them? --- No; they would have had more of an opportunity  
of judging whether an attack would be made, or not.

That's right; and more opportunity to shoot  
the leaders, if it was made? --- That's right. Quite.

Standing as your men were, the flanks were  
exposed, weren't they? --- I don't follow quite what you  
mean by that question.

Well, the crowd along the North and South fences  
were partly behind your men, weren't they? ---Yes.

Well, was that an undesirable thing? --- No;  
those on the flanks could easily defend the flanks.

Did they turn during the firing? Was all the

firing directly to the West, or was there firing in other directions? --- As I can remember the bodies, they seemed to be mostly towards the South-Western corner and the North-Western corner.

Forget for the moment about the bodies. As you remember the firing, in which direction was it; were you able to observe? ---No; I could not say in which direction the firing was.

Where should the firing have been concentrated? --- Where had it been concentrated?

Where should it have been - to what point should the firing, if firing was necessary at all, have been directed? --- In the first case, it should have been directed at the gate to stop those bursting through the gate.

The only thing that looked like an attack was at the gate, isn't that so? --- Except, of course, the firing on the Police and the stones.

Except the two bangs which came from you know not where, and the stones? ---Yes.

But the only thing in the nature of an attack which might conceivably have overpowered the Police, or overwhelmed them, was at the gate; isn't that so? --- Yes. But I cannot say to what extent that mob would have gone.

I am not asking you to predict what the mob would have done; but you weren't going to shoot at the mob because of something they might do, were you? Your duty was to shoot them only if they were doing something which required shooting? ---Yes.

And the only apparent attack, if there was an

apparent attack, was at the gate? --- I must again say that the firing that came from the crowd ...

Apart from the stones and the bangs? --- (No reply).

You felt that you had to shoot at anybody who rushed the Police or the Police Station? ---Yes.

And the only thing in the nature of such a rush, was at the gate? --- Where there was the rush, yes.

And if you had given an order, on what you had seen, the order would have been to fire some rounds at the people coming through the gate?--- That is right.

In fact, without an order, the Police fired not only there, but in many other directions? ---Yes.

Did they fire to the North? ---No; I don't know. I cannot say whether they fired directly North.

There was no reason why they should, was there? ---I couldn't say. There was a crowd to the North, too.

You know of no danger or aggression from the North? ---Not more than there was from the whole of the crowd.

You saw nothing coming from the North which looked as if it might have overwhelmed the Police or the Police Station? ---No.

In fact, you saw nothing anywhere except at the gate, which was of that nature? ---I saw the stones falling on top of the ...

Yes, we have heard about the stones; I am talking about a rush which might overwhelm you - only at the gate?---Yes.

As a matter of defending the Police Station -

apparent attack, was at the gate? --- I must again say that the firing that came from the crowd ...

Apart from the stones and the bangs? --- (No reply).

You felt that you had to shoot at anybody who rushed the Police or the Police Station? ---Yes.

And the only thing in the nature of such a rush, was at the gate? --- Where there was the rush, yes.

And if you had given an order, on what you had seen, the order would have been to fire some rounds at the people coming through the gate?--- That is right.

In fact, without an order, the Police fired not only there, but in many other directions? ---Yes.

Did they fire to the North? ---No; I don't know. I cannot say whether they fired directly North.

There was no reason why they should, was there? ---I couldn't say. There was a crowd to the North, too.

You know of no danger or aggression from the North? ---Not more than there was from the whole of the crowd.

You saw nothing coming from the North which looked as if it might have overwhelmed the Police or the Police Station? ---No.

In fact, you saw nothing anywhere except at the gate, which was of that nature? ---I saw the stones falling on top of the ...

Yes, we have heard about the stones; I am talking about a rush which might overwhelm you - only at the gate?---Yes.

As a matter of defending the Police Station -



what did you do about defending its rear? ---I took it that the worst of the mob was in front.

Why? ---Because I could see along the Northern and the Western fences they did not go down very far.

Didn't they? ---No.

The Southern and the Northern sides? ---Yes; that is what I meant.

They did not go down very far; now, how far did they go? As far as the Western edge of the building, or further? ---It is difficult for me to say exactly how far they were.

In fact, you don't know what was at the back of the building, do you? ---No.

And for all you knew, there might be an angry mob at the back of the building, and you made no provision for protecting your rear? ---I could not.

Why not? --- Because I was fully occupied at that time.

Colonel, you know, you don't have to fight a war single-handed. The reason why you have officers is that you can order an officer to take a part of your force and do something with it? --- I did not expect that there was any trouble at the back, because as I approached I saw that this mob was in front of the station. I saw nothing at the back.

So you assumed there was nothing at the back? --- Yes.

And you deployed all your forces in that line facing West? --- All that I found, in front, where I was.

As far as you were concerned, you ordered

everybody to line up? ---Yes.

You kept nobody in reserve? ---No; no reserve.

You posted no men inside the building to hold it in case the mob burst through at any point? ---No.

Colonel, please help me: There are two possibilities. Either you are going to make a demonstration of force, in which case it is quite sufficient to line your men up somewhere where the crowd can see them, and either frighten them or teach them a lesson, or on the other hand you really think that you have got to defend the Police Station against a murderous mob? --- Yes.

If it is the latter, you've got to guard against the murderous mob rushing in any direction and storming the Police Station from any point; isn't that so? --- Yes.

And you made no provision for protecting the Police Station from an attack other than from the front, that is the West? --- Yes; because I knew of no danger threatening from any other side.

But you knew that a mob can do anything, didn't you? ---Yes; <sup>was</sup> the mob/where I was, in front of us.

All? ---I cannot say all, but the density of it.

Couldn't it have rushed down the sides? --- It could have rushed down the sides, yes.

Did you make provision for that possibility? --- No.

You did not divide your men into groups so that you would have small units which could act alone, if that was appropriate, did you? ---I have said before that I had no chance; I was waiting for the

of doing it.

You were waiting for the opportunity of doing it? ---Yes; I had no chance. The situation was too tense to allow me to divide up and ...

Colonel, your men go naturally into groups. They came in different contingents, from different places, each group with its own officer? ---I don't know. They were rushed to the scene. I don't know whether they were in groups or not - collected off the streets and rushed there.

You sent for them - some from Jeppe and some from somewhere else, so you knew. You could easily have said, "Jeppe contingent here with its officer"; "Langlaagte contingent there", or whatever you have; couldn't you? You could have, couldn't you? ---I did not know where they were from.

Well you knew that you had brought a contingent in yourself, and so did Luit. Claassen; you knew there was another group from another place under another officer. You knew these things? ---I knew that they had come from all over, yes.

It did not occur to you to make use of that existing grouping in order to have a controlled force with various sections under separate officers?---No.

If it had occurred to you, would you have done it? --- I would still have had to form them up in one line.

You would still have had to issue a brisk order to their officers to see that they were in groups under separate control? ---I don't quite follow that.

Do you perhaps not see - as I think I see - the

importance in a tense situation like that, of being able to arrange for firing by a small group of men, if that is the desirable thing? ---No; I don't see how I could have arranged that in that short space of time.

Do you agree that that would be desirable? ---  
It would be desirable, yes.

Was it in your mind, Colonel, that if there was firing there should be as little as possible? ---  
Yes.

You can't achieve that if you are going to issue a single order to one group of men which is not split up into groups or units, can you? ---It may have been possible, but it may not have been possible.

Well, you certainly made no provision for giving that sort of order? ---No; there was no time to make that provision.

Why couldn't you have got Luit. Claassen or somebody of that sort and said "Put your men here", so that if necessary you could say, "Luit. Claassen's men, fire!" You could have done that? --- The time did not allow of that.

That would not have taken any time, Colonel. It was a matter of speaking a few words. It was not time. You did not think of it - isn't that so?---  
I did not think of it, because there was no time for it.

It would not have taken you ten seconds to have issued that order, would it? ---It would have taken longer.

To issue an order? --- To get these men out again, out of that rank, disorganise them again.

You could have issued the order originally.

couldn't you? If you had thought of it? ---Yes.

But you didn't think of it? ---(No reply).

Colonel, why did you think you wanted all your men in that line? --- To cover the whole fence.

You know, you had the equivalent there of a company of infantry; didn't you? --- Yes; I would not say all Europeans.

No; the armed riflemen were equivalent to a company of infantry, weren't they? --- A company to my memory is close on a hundred men.

You had close on a hundred men there?---  
I am not sure whether they were all European ...

<sup>just</sup>  
You/don't know what you had, do you? --- Right.

Do you know what size front a company of infantry holds in war-time against a similarly armed enemy? ---No.

Would it surprise you to hear that it is normal for such a company to hold a front of hundreds of yards? ---I don't know at all.

You are not trained at all in that sort of thing? ---Not in warfare; no.

Or in the use of Police in situations like this? No training or instruction of any sort? --- I have said before that we have not had specific training in any sort of thing like this.

And you, of course, were not really facing an armed enemy in the sense in which that term is used in warfare, were you? ---No; but I don't know to what extent they were armed with dangerous weapons.

Well, you have an idea now. Colonel, may

I suggest to you that ten rifles could have held that position? --- It depends on the determination of the attackers. As I have said before ...

THE CHAIRMAN: Ten men, armed with .303's?

MR. COLMAN: Yes.

CROSS-EXAMINATION CONTINUED: Just repeat?  
--- As I have said before, we were very vulnerable, by reason of the fact that we were hemmed in so close to the mob.

But on the other hand, you had enormous fire power at your disposal, hadn't you? --- We had.

If the mob had turned out to be a really crazy, suicidal mob, so that wave after wave would rush on over the bodies of the ones in front, you had the saracens? ---Yes; but if they had broken through, there, the moment that they got amongst the men they would not have been able to use their weapons effectively, because they would have been shooting each other.

That is all the more reason why your men should have been widely dispersed, isn't it? --- They were widely dispersed.

More widely? ---It could not have been more widely dispersed.

They were, you say, at single arm's length from one another? --- Or very little more; they were from the Western to the Northern fence.

Well, you could have had half your men covering that front with larger gaps, and some more in reserve, in case anybody got through? ---Yes, I could have.

But, seriously, now, did you think that this

crowd of Natives was going to attack, and make a sustained attack on the Police Station, against the fire power that they saw there? --- This was a frenzied mob, and I cannot predict to what lengths they would have gone.

You have never seen a crowd of Natives rushing on and on, attacking over the dead bodies of their leaders in front, have you? --- No; I don't say that that would have been the position, too. If they had rushed bodily, the Police would have been overwhelmed in a few minutes.

THE CHAIRMAN: A few minutes? --- If they had rushed bodily, your Lordship; I don't say completely overwhelmed, but the Police would have been in a position where they could not have used their arms effectively; they would have mingled with the mob.

CROSS-EXAMINATION CONTINUED: Because they were too far forward? --- Too far forward?

THE CHAIRMAN: Well, they were too near the fence? --- They were too close to the mob. That was the danger.

CROSS-EXAMINATION CONTINUED: Yes; and you have already given your explanation. Do you know what standing orders lay down with regard to shooting? --- Yes.

You have studied those standing orders? --- Yes. I do study them.

Were you aware of them when you were at Sharpeville that day? --- Yes; I was aware of them.

Did you recollect that standing orders require very strict control? --- Yes.

That they require the minimum of firing, which is essential? ---Yes.

What provision did you make to ensure that there would be the minimum of firing, depending on what event took place? --- The only provision that I could make, was that order that I gave, to load five rounds.

That was the only provision you could make? --- Yes.

If the situation had so developed that in your judgment two well-directed shots would be the correct thing, were you able to achieve that? --- Not in the heat of the moment.

You had to organise for that? ---Yes.

If a single round from thirty or forty men was the appropriate thing, had you any arrangements or organisation which could have achieved that? ---No.

If ten men firing at a specific objective like the gate, was what was required, had you any organisation or arrangement which could have achieved that? ---No; except that I could have directed them personally.

Well, you were not in a position to do so? --- No.

Apart from the fact that your order was to load five rounds, had you any means whatsoever of ensuring that the firing would stop as soon as it was no longer necessary? --- Only by word of mouth - command.

That is not a very good idea in a noisy place, with a line of men strung over a long distance, is it? --- No; it is not.



In fact, it is useless, isn't it, in that situation? --- I would not say it is useless. We stopped the fire very soon.

Some of the men, you had reason to believe, would have had full magazines? ---I had reason to believe that; I can't say that it was so.

You also knew that some of the men had sten guns? ---Yes.

Which, of course, carries on? ---Yes.

Ability to stop the shooting if it began, was vitally necessary in the interests of humanity, was it not? ---Yes.

But you had no effective arrangement whereby you could stop the shooting once it had started? --- Not with press button precision.

Not with any sort of precision? --- Right.

In fact, you told us yesterday you really left it to the discretion of your men to stop when they thought it appropriate? --- Under those circumstances, if a command became impossible, they must use their own discretion.

Do you suggest there is no way of doing this sort of thing? --- There is no way of

Of making arrangements so that you can stop fire when necessary? --- If I had had the time, I could have made different arrangements.

What would you have done? --- Then I would have detailed the men off properly. It would have taken quite some time to do that - I would have detailed them off properly under sections, under officers, numbered their

sections.

But the simplest thing, surely, was to arrange for a sign whereby firing should be stopped? - That is how it is usually done, isn't it? ---Yes; that could be done.

But you did not do it? ---One could have a siren or something like that.

You had a whistle, didn't you? ---No; I did not have a whistle.

Well, there were whistles there, weren't there? --- Somebody sounded a whistle, yes.

You could have arranged for the use of a whistle? ---I don't know that a whistle would carry any much further than a verbal command.

You think you can shout as loudly as a whistle can blast? ---I think so - a Police whistle.

In military operations and I think in Police operations, various devices are used for situations like this; there are very light pistols - have you got any of those? ---Light pistols?

Very light pistols; pistols that fire a flare. Have you got them? ---No; we haven't got them.

You are not trained in the use of those? ---No.

There are signals by the waving of flags, arms, handkerchiefs, which are used in these situations? Were you not trained or instructed that those could be used as cease fire signals? --- No.

Where is the use of whistles; that did not occur to you? ---No. The best way I could do it was by loud commands and showing my hands, to stop them.

Every officer carries a whistle, doesn't he?

---Not normally.

When do they carry whistles? --- When they are on outside duties.

Well, you were on outside duty that day, weren't you? ---Yes.

THE CHAIRMAN: Colonel, I can't recall whether you have given the evidence already, but if not you can perhaps tell me now. You gave a command -- you made a decision that firing had to stop? ---Yes.

You first made a decision and then you gave a command, which was apparently repeated, either because they heard your command or because other people formed their own opinion about the fact that shooting should be stopped. Now, what time lag was there between the giving of your command and the cessation of firing? --- I should put it at three to four seconds.

CROSS-EXAMINATION CONTINUED: You say you knew the standing orders about firing. Did you know that standing orders provided that the best thing to do is to have one or two well-directed shots fired at the leaders or the assailants, in the case of a riot? ---Yes; I knew that. That is intended for where you are some distance from rioters and where your leaders are clearly visible to you, those who are rushing in front and that sort of thing.

Did you have it in mind on this occasion that you would attempt some well-directed shooting at the first people who broke through the gate or fence? --- Yes; that is what I had in mind.

That is what you had in mind, but you made no

specific arrangements for ensuring that, did you?

--- No.

Now, Colonel, once your men were being deployed in the face of the crowd, the crowd could see the men being marshalled; that was the time for a last effort to disperse the crowd? ---I don't quite follow what you mean there.

Well, I have been assuming, Colonel - correct me if I am wrong - that you wanted, if possible, to disperse this mob without bloodshed? --- Correct.

In fact, you did nothing to disperse the mob during the half hour you were there?--- As I have said repeatedly, I never got the chance to do it. If the mob had calmed down sufficiently, then, so that I could divert my attention from them, then I would certainly have searched for means to disperse them.

Did you have it in mind all the time that you must try methods of dispersing the mob without shooting? --- Certainly.

The whole of the half hour you were there?--- Yes.

Well, then I cannot understand why you did nothing about it? ---I have just explained why.

Because you seemed to have spent the first ten minutes or quarter of an hour doing nothing at all except a 10 second conversation with the officer in command, and the next quarter of an hour deploying your men? Why couldn't you find the time to give an order to disperse? --- My attention was with the men and with this mob all the time. I could not apply my mind to

anything else. I was waiting and hoping for a moment of calmness, where I would have been given the opportunity of thinking of these things and mustering them for that purpose.

Colonel, you had experienced officers at your disposal, didn't you? --- Yes.

You could have entrusted a couple of those officers with the task of deploying the men while you directed your attention at avoiding bloodshed, couldn't you? --- Yes; I could have done that but I felt that my presence was personally necessary.

Most of the deployment was done by Luit. Freemantle, in fact? ---No; I can't say that.

Do you dispute it? ---Yes; I dispute it.

Why couldn't you leave these experienced officers to deploy the men and you, in the meantime, make an effort to disperse the mob so that there would be no bloodshed; that was the most important thing of all, wasn't it? --- I felt that my presence was necessary, there.

More important for you to see that each man was exactly at arms length with the next man, than to try and get the mob away without shooting; was that your approach? ---No; not at all.

I put it to you, Colonel, that you could have tried to give them an order to disperse, but you didn't? ---I did not have any time to do that. I would very much have liked to.

You would very much have liked to, but in the whole of that half-hour - and we now know what you did during that half-hour - in the whole of that half-hour

you could not have spared a minute-and-a-half in order to make this humane effort? ---No; I could not.

And you have no explanation for that except the explanation you have already given us? ---It would not have taken minutes to make other arrangements.

I am suggesting, Colonel, that you could have climbed onto a saracen in your striking uniform, held your hand up for silence - and perhaps they would have been silent, and then you could have said, "Now, go home or you are going to be shot". You could have done that, couldn't you? --- The only explanation I can give is that time did not permit that.

You could have done that, couldn't you? --- I could, yes.

And your only excuse is that you were too busy doing the other things that you have told us about? --- Yes.

You could have detailed some other officer to make that effort, couldn't you? ---I could have. I did not think of that.

Is there any reason why you did not? ---I just did not think of it at the moment.

And you did not think of making use of their leaders to try and negotiate; you have told us that already? ---Yes.

And you did not think of asking whether there was anybody present who knew these Natives and might be able to quieten them down; did you? ---I did not expect to find anybody there. Do you think amongst the Police?

You didn't ask whether there was anybody there who knew these Natives and could perhaps disperse them? ---No.

In fact, you did not think of anything except shooting, did you - in all the half-hour you were there? ---No; that is quite wrong.

Well, what other things did you think of? ---I think I have tried to explain what all I thought of.

Yes, you have tried to explain it, Colonel, and it comes to this: That you thought of shooting.

- ADJOURNED: 12.50 p.m. -

- RESUMED: 2.00 p.m. -

GIDON DANIEL PIENAAR, still under oath:

CROSS-EXAMINATION CONTINUED: Colonel, I want to show you a few photographs of the Sharpeville Police Station and area taken between 1 and 1.30 on the 21st March. Do you recognise that scene? ---No; I don't recognise it.

Well, that is a picture of the area to the West of the Police Station buildings taken between 1 and 1.30 - I can't tell you exactly when. Do you see the Ford motor car? ---I see a Ford van.

Ford van, I mean. Now, just look about an inch to the right of that, on the photograph. Do you see Col. Spengler standing there? --- Yes. I cannot be sure that this is Col. Spengler.

It looks like him, doesn't it? --- Yes; but I cannot be sure.