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COMMISSION OF INQUIRY TO ENQUIRE INTO THE EVENTS IN THE DISTRICTS OF VANDERBIJLPARK (NAMELY THE SHARPEVILLE LOCATION AND EYATON) AND VEREENIGING TRANSVAAL PROVINCE ON THE 21st MARCH, 1960.

BARAGWANATH

ON FRIDAY, 13th MAY, 1960 at 10 a.m.

APPEARANCES:

AS BEFORE

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1875.

COMMISSION OF ENQUIRY TO ENQUIRE INTO THE EVENTS
IN THE DISTRICTS OF VANDERBIJLPARK (NAMELY THE
SHARPEVILLE LOCATION AND EVATON) AND VENEENIGING
TRANSVAAL PROVINCE on the 21st MARCH, 1960.

BABAGWANATH

FRIDAY, 13th MAY, 1960 at
10 a.m.

APPEARANCES: AS BEFORE.

LECHAEL MUSIBI, sworn, states (through
Interpreter).

EXAMINED BY MR. KENTRIDGE: You are the
school teacher in Sharpeville, are you not? --- Yes.

Do you remember the 21st March? ---Yes.

On that day, did the children come to school?
--- (Without interpreter). No; they did not come
to school.

Did you go to the school? ---Yes; I went there.

And what did you do during the morning? ---
During the morning, I went there. There were no
people there. I only saw the Principal later/on come in
and then he also left; and then I also left.

Did you then go home? ---Yes; I went home.

During that morning, did you see people in
the streets in Sharpeville? ---Yes; I saw people in
the streets.

Did you speak to anyone? --- To some I spoke.

Did you hear whether anything was happening
that day? ---Yes; I heard.

What did you hear from the people? ---I heard
that some of the Pan-African members had organised that

L. MUBIBI
Evidence-in-Chief

the people should not go to work.

And what were they to do instead? --- They had to go to the Police Station and expect the big boss who was going to address them at 2 o'clock.

Did you go to the Police Station to take part in this? --- No; I did not go there.

Now, some time after 1 o'clock did you leave your house? ---Yes; I did leave my house when it was 1, or just after 1 o'clock.

How did you go; on foot? ---No. I was cycling.

Where were you cycling to? ---I was cycling to school, to go and fetch my books there.

And were you going to see anyone in particular? --- No. I was not going to see anyone in particular, but when I came to school I remember that the keys were with another boy who is in my class, who stays somewhere on the other side of the location; so I cycled up to him.

And when you cycled there, did you have to pass the Police Station? ---Yes; I was to pass the Police Station. After leaving, I had to cycle between the Police Station and the cafes.

And how did you cycle; did you cycle across the field? ---Yes; there is a footpath on the righthand side of the Police Station, so I followed that footpath. As I saw the people, I think I turned to the tarred road joining Seciso Street.

Is that the tarred road that runs in front of the West side of the Police Station and in front of the

1844.

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L. MUBI
Evidence-in-Chief

shops? --- That's right.

And when you got to that tarred road, were you still on your bicycle? ---Yes; I was still, because there were people in front of me.

And when you got onto that tarred road, what happened? --- Just when I think I reached the intersection of the roads, I think I was just standing and then the shooting started, there. I do not know whether I was shot or the crowd fell on me. I found myself lying flat on my bicycle at that time.

Later on you discovered that you had been shot? ---Yes. I discovered after the ...

In what part of your body were you shot? --- I was shot in the left leg.

THE CHAIRMAN: Below, or above the knee? --- Below the knee. So when I ...

EXAMINATION CONTINUED: You have told us how you fell over? ---Yes.

Did you remain lying down? --- Yes; I remained lying down; I think for a short time or some few seconds the shooting stopped. Then I found that I was lying uncomfortable on the bicycle. I rose. Just when I rose myself, there was another shooting, then I got a better place - I laid myself flat on the ground.

And eventually the shooting stopped completely? ---Yes; it stopped completely. When I woke, I wanted to take my bicycle but I thought if I take my bicycle, they will shoot again. So I just proceeded in the direction of the library which is facing the cafes, and then I went on the other side. On the other side one of the school children or so started screaming, "They

1878.

L. MUSIBI
Evidence-in-Chief
Cross-examination

shot you". So I examined myself only to realise that I was shot in the leg.

At the place where you were shot, did you see any other people falling? ---Yes; there were many who fell.

Did they just fall, or were they perhaps shot? ---I think they were shot, because they just fell. Most men just dropped down.

At this stage when you were shot, was it near the fence of the Police Station? ---I don't think it was near the fence of the Police Station. It might have been - my estimation is poor, because there was a big crowd, there; but I think it was not very, very far from the Police Station. I cannot just make it clearly, whether it was near the Police Station, but I think it was not very far from the Police Station.

Well, can you tell the Commissioner, do you think it was nearer the shops, or nearer the Police Station? ---I think I was nearer to the Police Station.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. CLAASSEN: Did I understand you to say you wanted to open school that day? --- No; I was going to fetch the books.

Were you not going to open school that day? ---No; the principal was to open the school that day.

You are not the principal? --- I am the assistant.

There was no school? --- There was no school.

Do you know why? --- I don't know exactly, but I think some of the parents withheld their children

1879.

5.

L. MUSIE
CROSS-EXAMINATION

with the fear that the Pan-Africanists would attack their children, or so.

Now, who told you about this? --- I heard from the people who were going up Seeiso Street, going towards the Police Station, as I was passing to the school.

Did you know any of them? --- No, I don't know them.

Did you hear from one only, or from more than one? --- Well, they were just talking as they were passing me.

They did not speak to you? --- No.

And what did they say? --- They did not speak to me but I heard as I was passing that this crowd going up was going to hear something from the big boss who was going to address them.

THE CHAIRMAN: Can you perhaps give me an idea; whereabouts did you hear this conversation? --- I heard this conversation before 11 o'clock.

Do you remember, there were aircraft which came over? --- Yes; I remember.

Was it before the aircraft came over, or after the aircraft came over? --- Before the aircraft came over.

Then you heard this talk? --- Yes; I heard this talk.

CROSS- EXAMINATION CONTINUED:

/Did you hear from these people, from where this big boss was supposed to come? --- It seemed as if he was to come from Pretoria, if I am not mistaken.

What kind of a big boss was this supposed to be?
--- He was the Chief Commissioner.

1880.

6.

L. MUSIBI
Cross-examination

And did you intend going to the Police Station to hear him? ---No; I did not intend going there.

Did they say that he was to address the people at the Sharpeville Police Station? --- That's right.

They did not say where - you did not hear from them where they got this information from? ---No; I don't remember.

So, you were on your way past the Police Station on your bicycle? ---Yes.

To some other place? ---Yes.

Where did you want to go to? ---I was going to a boy who keeps my cupboard keys.

And were you still riding on your bicycle when you were shot? --- Yes; I was riding on my bicycle.

Now, I am not quite clear where you were at the time?

THE CHAIRMAN: If you were to be shown a photograph of the Police Station and the shops, do you think you might be able to point out to us where you think you were, approximately? ---Yes; I think I could point out.

Well, look at Exh. "B" and see if you could perhaps point to the place.

CROSS-EXAMINATION CONTINUED: The point where you were when you were shot, you have pointed out on Exh. "B1" as a point North-West of the North-Western corner of the Police Station; and you have pointed to a spot about midway between the corner and the car shown on the photo; perhaps a little bit nearer to the car? ---Yes.

What time did you pass the Police Station? --- I think it was about half past one, or so.

1881.

7.

L. MUSIRI
Cross-examination

You never stopped there? ---I didn't stop exactly. I think I slowed down on my bicycle, that's all.

There was a very large crowd there, wasn't there? ---On my left there was a very big crowd. Then in front of me there were people going to the Police Station.

On what road did you travel before you took this path on the Northern side of the Police Station? ---I was travelling up Habashane Road.

Would that be the road immediately on the Eastern side of the Police Station? ---No; it is a road which starts from down the - coming up, passing the churches there is a Methodist Church just at the back of the Anglican Church, then you pass, then you join the footpath, going towards that.

Where were you going. Were you going to proceed right onto Seeiso Street? ---Yes. I was going to join that road where I was shot - the dirt road, passing the intersection; that was the road which I was going to join.

When you got to Seeiso Street, would you have turned right, or left? ---I would just cross, and then there is a short street on the other side of Seeiso Street and then I would turn to my right. I think the first or the fourth house is where the boy stays.

I take it that from very early that morning you saw the big crowds of people in Sharpeville? ---No; not in the morning. I did not see any big crowds.

You didn't see small groups going to the Police Station? ---I only saw them when I was going.

1882.

8.

L. MUSIBI
Cross-examination

firstly, to school in the morning, before 11.

What time was that? ---I think it was about 11.

You saw some small groups there? ---Yes; some small groups.

Where were they going? --- Some of them were standing. They were not going up - they were standing there.

What time did you get up that morning? --- I got up at, I think it was half past six.

You did not see people moving about in the location more than usual?--- No; I was still at home at that time.

You did not become aware of movement of people more than on other days, up to the time that you wanted to go to the school? --- Before the time of going to school, I was still at home, I only saw some passing but they were not in a big group. At that time I think I was having my breakfast and I was washing, getting ready to go to school.

- up to
After/11 o'clock would you say the movement of people was nothing exceptional? ---In the street where I am staying, there were not many people; but when I got into Seesio Street, I saw the big movement, at that time.

You knew what this was all about? ---Yes.
I heard that there was a strike.

You heard there was going to be a strike, that there was going to be no work and that people are going to collect somewhere?-- Yes.

THE CHAIRMAN: When did you first know this? --- I knew of it, I think, about two days before. I think it was Friday or Saturday; because this happened on Monday.

L. MUSINE
CROSS-EXAMINATION

I think I heard about it on Friday or Saturday. I am not quite sure.

And you heard that all the people had to gather at the Police Station? --- No; not on that day. I only heard that on the morning of the 21st.

CROSS-EXAMINATION CONTINUED: On the morning of the 21st you heard that all the people were to collect at the Police Station? ---Yes.

I take it you expected a very great crowd there at the Police Station - a big crowd? --- Not exactly; when I was passing, I did not expect any big crowd. I mean, as I was from school, I did not think of expecting any crowd there.

And when you took your bicycle to go to this other man, you knew that there would be a very big crowd at the Police Station because the people had to stop work and they had to go to the Police station? --- Not exactly.

Why not? --- Well, I was on my way to going to this place, from the boy.

Was there no other way, no other road that you could take? --- That was the nearest road I could take.

You took a footpath? ---No; I went up the street. From our school - facing a certain street called ..

In any case, it was not a public road, was it - the one leading over the open veld, there? There are a lot of roads criss-crossing each other, there? ---Yes; but you will find the shortest - I mean, you cut it short when you follow the foot-path, and joining that road, which is going to face the dirt road.

You as a teacher, did not want to associate

1884.

10.

Cross-examination

yourself with this protest? ---Yes.

Is that what you say? --- That's right.

And I take it you did not want to be seen at the Police Station? --- Well, I did not think of it.

Did you know that people would be compelled to go to the Police Station? ---No; that I did not know.

You did not hear at all about people being prevented from going to work? --- Well, I only heard that some feared to go to work because of certain threats.

You knew that people were knocked up that night early? --- No; that I don't know.

To join the protest? ---I heard nothing of that.

Did you think this was a legal protest, or did you think it was illegal? ---No; I did not think it was a legal protest.

You did not think it was illegal? --- I think it was illegal.

THE CHAIRMAN: Do you think so now, or did you think about it at all at that time? ---No; at the time I did not worry. I think I once read in the paper that the strikes were illegal.

CROSS-EXAMINATION CONTINUED: In any case, you as a teacher did not want to be connected with this protest at all? ---Yes.

So why should you not have avoided the Police Station as much as you could? Why did you go to the Police Station, past the Police Station, where other people could see you? --- As I said, it was the shortest way to go to that place.

I am suggesting to you that what you are saying

1885.

11.

L. MUSTI
Cross-examination

is not quite true. You did not go past that Police Station to go and see this boy. You went there to be with the crowd when the protest was being made? ---No; that is not true. I went to the boy.

You see, you as a school teacher were not so ignorant about what was going to happen on that day? --- I did not see any ...

It was most important; it was a most extraordinary day in your life as a school teacher, that your school had to be closed when it was not a public holiday, isn't that so? --- I was surprised that the children did not go to school.

You must have been very surprised? ---Yes; and then I ...

None of the authorities as a matter of fact ordered the school to have a holiday on that day? --- Not at all.

And you were virtually compelled by private people in the location to close your school on that day? --- Not I; because I went there.

I am not talking about you personally. I am talking about your school as such. Your school was closed by people in the location who had nothing to do with the Education Department, isn't it? ---Yes.

And the reason for that was because there was a protest and they were going to go to the Police Station; is that correct? ---Yes.

Now you, as a teacher, would have stayed away from that Police Station as far as you could, isn't that so? ---I was not going to the Police Station.

But you passed the Police Station. You knew

1886.

12.

L. MUSIBI
Cross-examination

that you were going to pass the Police Station, where you knew that a crowd was going to be collected? --- Well, I did not think there would be any shooting or any fighting, as I was passing there. I did not think of those things. I did not think of any shooting or any confusion at all.

Of course; nobody thought of shooting at that time. I am talking about this collection of people there, protesting, and you as a school teacher being found amongst them? ---No; I was not amongst them and I did not think they would frighten me, if I am passing on my business. I did not think they would fight me.

THE CHAIRMAN: Is that the route which you normally take when you go to this house? I mean, had you gone to that house before, from your own house? --- Yes. I had gone there before, from school; it is the shortest way. From school you just cycle up and then you join the footpath, and then cross over Secise and then you just reach that place. It is the nearest.

Is that the route which you would normally take if you want to go to this house? ---Yes.

You did not make a sort of a detour? ---No; there was no detour.

To satisfy your curiosity? ---No.

Since the shooting took place, there, have you read the newspapers? ---Yes; I was reading the newspapers.

Did you see in the newspapers that a certain Bishop Reeves is alleged to have said that the people were called to the Police Station because they were asked to come there; did you see that? ---Unfortunately

L. MUSIBI
CROSS-EXAMINATION

I did not see that, because I just get the paper sometimes. Sometimes I don't.

Did you read in the reports that have been published of this enquiry that such evidence has been given? --- Some of the evidence I read.

Did you read about the evidence given by some people, allegations made, that some of the Bantu there, or all of them, had gathered at the Police Station because they were asked by a European Policeman to come there to listen to some big boss who will be talking? --- Yes; I think I came across that.

And isn't that the reason why you are giving this evidence now? ---No. Not at all.

Are you quite sure? ---Yes; I am quite sure. Not at all.

Who was the first person to see you in hospital? About a statement? -- I think it should have been the detectives, because I remember they asked me to give a statement and I told them I am not in a position to give a statement because I was still in pains. Then they came several times.

But before the Police came to you, had you made a statement to somebody else? Did somebody else approach you for a statement? --- Some Europeans came and then we refused because we did not know whether they were detectives or what.

I want you to be careful about this. Before the Police saw you, were you approached in the hospital here by other people for a statement? --- In hospital?

Yes? --- There were several Europeans. I don't remember whether they were detectives or

1888.

14.

L. MUSIBI
Cross-examination

How long after you were admitted to hospital?

---I think we were admitted on the very 21st, but on the second day, when I was still living in big pain, and in the pressure/^{of}bandage, there were Europeans who came there.

Was that the day after the shooting, or ...? ---
The day after the shooting.

And do you know who those people were? ---No; I don't know them.

Did you give them a statement? ---No; I refused. I only gave them my name and address, and where I was shot.

Did they ask you? --- Yes; they asked me where.

Did they ask you whether you had heard that somebody was going to address the people there on that day; you were to collect at the Police Station? --- Yes; they asked but I said I don't know about it.

Now, you say you passed the Police Station there on your bicycle? ---Yes.

Weren't you inquisitive about what was going on there? --- I was not very much inquisitive.

Just a little inquisitive? ---Yes; I just looked and all of a sudden, as I said, the shooting began.

You were a little bit inquisitive. Are you telling the Commissioner that you rode past without getting off your bicycle? ---I slowed down as the people were going towards the Police Station, and then, just when I was about at the intersection, joining the dirt road, then the shooting began. I slowed down as the crowd was passing. Then, just when I was joining the tarred road, shooting began.

15.

1889.

L. MUSIRI
~~CROSS-EXAMINATION~~
~~RE-EXAMINATION~~

Are you quite sure you did not get off your bicycle and get nearer to the corner, there, or ask people what was going on or ...? ---No; not at all. I am quite sure of that. What I am not sure of is when I fell, whether it was a bullet or the crowd that was running away from the Police Station.

When did you expect this address to take place? ---I heard that it was - they were talking about 2 o'clock, I think, or so.

You heard that early in the morning, in Sharpeville? ---Yes; I heard it in Sharpeville.

And when the shooting took place, were there lots of people running away? --- Many of them. In fact, it was just as if they were packed together, as they were running like that.

Falling over each other? --- Some were falling and tripping each other; some were falling. That was when I noticed that they were falling because of bullets.

NO FURTHER QUESTIONS.

RE-EXAMINED BY MR. KENTRIDGE: Now, you were asked whether people came to take statements from you when you were in the hospital ward. I think you were asked whether anyone had mentioned to you the question of whether people were coming to the Police Station expecting an announcement. Did anyone suggest to you that that is what you should say? ---No; not at all.

Did anyone suggest to you that you should say anything? --- No-one.

My learned friend, the other Advocate, suggested to you that what you said about passing the Police Station was not true. Now, before I ask you a question about

1890.

16.

L. MUSIBI
Re-examination
by the Chairman

that, I had better enquire whether that suggestion to you was made on any information or evidence which the other Advocate has. I don't know whether my learned friend put that suggestion to the Witness on information or instructions which he had, that the evidence on this point was not true.

MR. CLAASSEN: I am not (inaudible).

RE-EXAMINATION CONTINUED: In that case, I'll just ask you again: You said that you passed the Police Station on your way to the house. Was that true?
---Yes; it is true.

Well, in that case all I can do is apologise to you for a humiliating and improper question that was put to you.

THE CHAIRMAN: Whereabouts in Sharpeville do you live? --- I live - there is a place called Putso Steam - right down. When you come from the Superintendent's office, past the hostel; then you pass those houses. It is right up there.

Do you live near to Seeiso Street? ---It is not very nearer. Nearer to Putso than Seeiso Street. I cross Seeiso when I go to school.

About how far are you from the entrance to the Location - you know where the Administrative offices are?
---I am not quite sure of my estimation but I think half a mile, about, or more.

What time did you go to school that morning? ---
In the morning I went there as usual, I think about a quarter to eight, I was there.

In order to get to this school from your house,

17.

L. MUSIBI
By the Chairman.

do you have to go along Seeiso Street? --- Yes; I have to join Seeiso, then go up a little, then there is a block of schools, then I turn to my left, then go to my school. Then just before the school there is that Habashane Road.

The school that you are referring to, is not the school abuts on Seeiso Street. If you look at Exh. "C"? --- (Witness indicates).

On Exh. "C" you have indicated the situation of your house (x3). Then you have also indicated the school. It is apparently a building in the shape of an "L"? --- That's right. (x4).

Then, did you also indicate the house to which you were going at the time that you passed the Police Station? --- Yes. (x5).

That morning, as you were going to school, you had to cross- Seeiso Street? --- That's right.

Do you remember, what was the position in Seeiso Street at that time? --- There were people; as I passed, I saw people down towards the Superintendent's office, right down; there was a crowd of people. It seemed as if they were standing right down there.

Extending right down to the Superintendent's office? --- Not too close; just - on this side of the hostel, but in the location - when I was passing. And there were some people going down, at the time when I was first going to school.

At any time that morning, that is after 7, and before 11 o'clock, did you become aware of any unrest in that particular area, in Seeiso Street and in the area immediately surrounding the hostels? --- No; the hostels are too far to be seen by me.

1892.

18.

L. MUSINI
By the Chairman.

You could not see them? ---I could not see them. But on coming back, I think it was between 10.30 or 11, I saw the Police driving the people upwards.

About what time? ---I think it was between 10 and 11; I am not quite sure.

Where was that? --- That was just below my place, in Seelso Street; and then the big crowd was coming up. Then I went home.

I just want you to describe to me. You say the Police chasing the people? --- No; the people were retreating and the Policemen were coming up.

Were they retreating down Seelso Street, that is in the direction of where your school is, or were they going the other way, that is towards where the exit is from ...? ---No; they were retreating up Seelso - not towards the school, but going past - I think they were coming up towards the school, in the direction of the school, but in Seelso Street.

I want to know their direction of movement. Were they moving in the direction of say the Municipal offices, or were they moving away from it? --- They were moving away from it.

That is deeper into Sharpeville? ---Yes; deeper into the location.

Did you hear shots being fired at any time that morning? ---No; not at all.

Could you perhaps just describe to me again - you can look at Exh. "C" - the road along which you cycled as you were going to this house which is marked "X5". You mentioned certain names of streets. I'm afraid I don't know where they are? --- (Witness indicates).

1893.

19.

L. MUSIBI
By the Chairman.

I think you have described that you travelled along one of the streets which lies immediately to the South-East of the school, and parallel to Seeiso Street?

--- That's right.

And you travelled down, in the direction of the Sharpeville Police Station and from there you then wanted to cross over so as to cross Seeiso Street, to go to the house indicated, x5?---Yes. The third or fourth house.

You have told me that you heard before the Monday that there was going to be some demonstration?

---Yes.

- ADJOURNED: 10.45 a.m. -

- RESUMED: 11.15 a.m. -

MNR. CLAASSEN: Meneer die Kommissaris, voor u met die verrigtinge begin, sal u my vergun om iets te sê omtrent sekere gebeure gedurende die teepouse.

Edelagbare, 'n prokureur Parkington maak dit vir my heeltemal onaantlik om met my pligte hier aan te gaan en dit behoortlik uit te voer. Na die verdagting het hy buite rondgeloop en gesê dat hy kliënt 'n lastersaak teen my gaan bring. Ek het hom self gehoor - "a very neat case", he said; anders het na my gekom aan wie hy dit gesê het. Ek het hom toe gevra om asseblief nie buitekant die Hof beskuldigings teen my te maak/in die teenwoordigheid van mr. Plewman en sers. de Wet het hy my 'n "clot" genoem; en hy het dit herhaal. "In my considered view, you are a clot".

Edelagbare, dit is nie die eerste geleentheid wat mr. Parkington my lastig geval het en dit vir my moeilik gemaak het nie.

Edelagbare, sy saak wat hy sê wat hy gaan bring.

1894-

L. MUSIBI
By the Chairman.

is gebaseer op die vrag wat ek aan die getuie gevra het. Ek moet u dus versoek om te besluit of ek enige onbehoorlike vrag gevra het. Dit skyn vir my - u het my gevra om die getuies te kruisvra, om U daardeur behulpzaam te wees, en dit skyn vir my dat as 'n persoon onder kruisverhoor is en hy kan nie gevra word of wat hy sê nie die waarheid is nie, dan is dit vir my moeilik om te verstaan wat kruisverhoor werklik is; want as jy dit nie duidelik tot sy aandag bring dat wat hy sê nie geloofwaardig is nie, dan kan dit wel later gesê word dat wat hy gesê het, nie betwis was nie; en ek sou graag wou weet of ek in my kruisverhoor geregtig is om die vrag te stel aan 'n getuie, of wat hy daar sê die waarheid is. Maar die posisie wat die prokureur hier skep maak dit vir my heeltemal onmoontlik en as dit so aangaan, sal ek verplig wees om die Departement te vra om my te onttrek van hierdie verrigtinge.

MR. PARKINGTON: May I make a personal interpolation, Sir, because it seems as if this is, at the moment, on a rather personal basis.

The Attorney who visited the ward of the Baragwanath Hospital at Bishop Reeves' request, is Mr. John Lang, who is a personal friend and a client of mine. He is an officer of the Honourable Court of the Witwatersrand Local Division. My learned friend, Mr. Kentridge, asked Mr. Claassen if he had any instructions on which he asked questions, a clear implication of which was that Mr. John Lang, when he visited the ward, had committed a criminal offence of subornation and perjury. When my learned friend, Mr. Kentridge, asked Mr. Claassen that question, he

1895.

21.

L. MUSINI
By the Chairman.

said he was not in the witness box and refused to answer it. I would like my learned friend, Mr. Kentridge, to address your Lordship on the question as to whether the question asked was proper, or not; whether in fact they were proper or not, they amounted to a clear imputation of a criminal offence against a client of mine, and in those circumstances I took up the matter with Mr. Claassen rather brusquely and if I hurt his feelings by the brusqueness with which I took them up, I apologise to him; but the content of what I said to him, I felt had to be communicated to him on the basis of the interests of a friend and client of mine.

If this matter has disturbed your Lordship, *Omit*
I would apologise to your Lordship.

THE CHAIRMAN: I can only say that occurrences like these don't make it any easier for me to undertake to complete a task which in the nature of things is difficult.

I have listened to the cross-examination from all the practitioners who have appeared before me up to now; as to the propriety of the questions which have been asked, in the main I have been satisfied that they should be asked, even where they have been couched in an unpleasant form. I don't always necessarily agree with the way in which cross-examination is pursued, but I have not intervened because I don't want to obtrude myself unnecessarily in those circumstances.

What I am concerned with, however, is that an incident like this should have occurred in public. If there are any rights to be pursued, there is a proper way in which professional people pursue those rights, and I don't think that remarks like the kind which were

1896.

22.

L. MUSIBI
By the Chairman.

referred to should be bandied about in public.
I hope they won't occur again.

I think I must also make it clear that so far as I personally am concerned, I don't lightly do it but if I do think it is necessary, then I would myself ask a Witness whether his evidence is in fact true, because I may have to make a finding adverse to him and I normally don't like to make a finding adverse to any person unless he has had an opportunity of dealing with that specific finding; and in so far as the question which was asked by Mr. Claassen is concerned, which conveyed the suggestion that the Witness was not telling the truth, I am not going to deal with it now in the sense whether it is correct or not as at present advised; I haven't listened to any argument and I don't propose listening to argument on that. But as far as I am concerned, I think it was a question which could be put to the Witness. The Witness has answered that in the negative, and I don't propose pursuing that. He has given his answer to that question, and so far as I am concerned, I am not pursuing it.

Can't

I can only say that up to now Counsel, that is Mr. Claassen and the other practitioners who have appeared here assisted me, - and I look to them for their further assistance to maintain the atmosphere which I have been at pains to preserve in this enquiry.

LECHAEL MUSIBI, still under oath:

BY THE CHAIRMAN: At the adjournment, I think I asked you a question as to what you heard that morning?
--- Yes.

1897.

L. MUNIBI
By the Chairman.

I want to see if you can help me a little further. You said that you knew before the 21st that there was going to be a demonstration? --- That's correct.

I am not concerned with whether you were in sympathy with it or what you thought about it; that does not interest me. What I do want to know from you, is this: When you first heard this matter being discussed, was there any reference to a date when it would take place? ---Yes; I heard it was intended for Monday.

I think you said you thought you heard that on the Saturday? --- Friday or Saturday.

Did you hear any discussion in Sharpeville before that Friday or Saturday that at some time in the future there was going to be a demonstration along these lines, organised by the P.A.C.? --- No.

You did not hear it? ---No.

Evidence has been given here of pamphlets which were apparently distributed in the township. Did you yourself receive or see any of those pamphlets at any time? ---No.

Now, the discussion which you said you heard in Seeiso Street and possibly elsewhere, about a person who was coming to address the inhabitants on this question of passes, did you hear it only on one occasion or did it appear to be a general discussion amongst the crowd as they passed you? ---Yes, as they passed me, there were some who said "Where are you going to?" and I told them "I am going to school". So they said "There is going to be an address by the Chief Commissioner at the Police Station". I said "No, I did not hear" and I passed on.

1898.

L. MUSIBI
By the Chairman.

You say you were on your way to school? ---
That's right.

What time was that? --- It was about - between
10.30 and 11 o'clock.

Was that the occasion before the aeroplanes
flew over? --- That's right, yes.

At that time, when you heard this discussion,
was a time specifically mentioned to you? Did you hear
that this person was going to address the people at
2 o'clock? --- They said about 2 o'clock.

And from the discussion which you heard, you
say you understood it was going to be the Chief Bantu
Commissioner? ---Yes.

When you came round that street from the school,
while you were on your way to this house which I marked
"x5", did you get any impression of the size of the
crowd around the Police Station? ---Not exactly; but
I saw on my left, as I was passing, that the crowd was
very big and the others were still going to the Police
Station. The others were moving in front of me.

At that time, as you got within hearing distance,
can you describe to me what the mood of the crowd was as
you saw it? You are a teacher; you would be able to
describe what you saw?--- The mood of the crowd as I saw
them, was very calm. They were just idling - as if
they were anxious to get to the Police Station; that
is the impression I got.

Did you hear any shouting? --- No shouting.

You didn't hear? ---I didn't hear that.

Another thing I wanted to ask you, is this:
Can you give me the time that you either left the school

1899.

L. MURPHY
By the Chairman.

or the time that you went past this Police Station? ---
 I was not very particular about the time, but I think
 it was about half past one, when I left the school.

And did you cycle directly from there up to
 the point where you eventually ^{were} injured? ---Yes.

What happened to you after the shooting had
 stopped? ---I fell down on my bicycle. When I realised,
 I was lying flat on my bicycle. There were some people
 who had fallen on me, and others had fallen at my side.
 After the first shooting, I think there was an interval
 of a few seconds, and then I thought all was over, then
 I woke up. When I woke up, I tried to walk away.
 I was ready to take the bicycle, but shooting started
 again and then I lay down flat. It was a better
 position than lying on the bicycle. I lay flat, there,
 then the shooting went on until it stopped. After it
 stopped, I thought it was over. Then I stood. When
 I wanted to take the bicycle, I thought I would be shot
 so I just proceeded towards the library.

Where is the library? ---Just opposite the cafes.

Is it that big building - that big hall? ---
 (Witness indicates on Exh. "C").

It is the building immediately to the west of
 the ...? ---Of the cafes.

And did you stay there? ---No. At the time
 I did not realise that I was shot but when I got to the
 library I saw some people who were very interested and
 I think one of the school girls or so shouted, "Look!
 He's shot!" Then I started examining myself; when
 I looked, as I saw this child looking down there -
 I looked in front and I was shot in the leg. Then I got
 into the yard just opposite the library and found some

1899.

L. MUNIRY
By the Chairman.

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1900.

L. HUSLBI
By the Chairman

of the people there who were shot, as well as some of the women. The women were screaming there. One was shot in the pelvis. I walked a little and I saw cars passing. I tried to stop them - I think there were three, and then the fourth one, I think, I got into that one. I think just before we reached the Superintendent's office, we then saw traffic cops there. The driver was afraid of them and he stopped and we alighted. Then we walked a little way to the bus stop. We saw a car, there, standing. We learned afterwards that those people were going about, there, so we begged them to take us to the hospital; and then I was taken to the hospital. That is when we left.

You weren't there when the ambulances came?

--- When the ambulances came, I was already in the hospital - when they started leaving. I saw some of the ambulances passing, going to Sharpeville. I was already there.

Which hospital did you go to? --- Vereeniging Hospital.

Do you remember when you got to the Vereeniging Hospital? I suppose you did not look at the time, then?

--- No; I don't know. But I think it was not very long after the shooting.

The shooting, so far as you remember it, did it start with single shots or was there firing from a whole lot of rifles, all at once? --- It seemed to be simultaneous.

You did not hear any single shots?---No.

Then you say there was a break of a few seconds?

--- Yes.

How long do you estimate that first burst of

L. ARREST
By the Chairman.
SAMUEL MAHLASE
Evidence-in-Chief

shooting lasted? --- Well, it should have been about half a minute, the first one.

Is it your impression that it was short, or long? --- My impression is simply this, it was too long.

Yes, I know, too long; but did it take a short time, the first burst, or ...? --- The first burst was longer than the second burst.

And the second burst, how long do you think that took; less than half a minute? --- Yes; less than half a minute.

SAMUEL MAHLASE, sworn, states (through Interpreter):

EXAMINED BY MR. PLENNAN: Samuel, you were at the Sharpeville Police Station on the 21st March, and in fact injured in the shooting? --- Yes; I was there when the shooting took place.

Do you remember the aeroplanes flying low over the township? --- I do remember.

When did you go to the Police Station? --- I went to the Police Station at the time when these flying machines were flying over the Police Station.

What was it that took you to the Police Station? --- I went there to look.

What side of the Police Station did you stand? Did you stand on the side where the large, tarred road is with the island in the middle, or did you stand on the side of the cafes? --- I was in the big road, a little to the side of the small gate.

1902.

S. MALLAS
Evidence-in-Chief

You were on the South side, you say to the side of the small gate; do you mean nearer to the clinic, or the other side? --- I don't know how to explain. I was facing that direction - this is the gate, just a little to this side of the gate (indicates).

THE CHAIRMAN: Were you looking at the gate, at the Police Station? ---Yes.

EXAMINATION CONTINUED: And you were standing to the left of the small gate, looking at the Police Station? ---Yes.

At various times you saw lorries come in with armed Police, and you saw saracens come in? --- I saw these things which are called saracens. I was nearby them.

One of the saracens came and faced towards the crowd, where you were standing? ---Yes. At the time when I got there, this one saracen was looking straight towards me, facing towards me.

There were Policemen inside and they did various things, they walked around and at some stage you saw them, I take it, form a line along the Western fence? --- Yes. I saw them forming a line.

We have had evidence that there were arrests or attempted arrests near the gate in the Western fence? --- That is the big gate, yes.

Were you able to see anything from the arrests that were made there? --- The people were outside the gate. A European dressed in brown came towards where these people were outside the gate, caught hold of them and as indicated ...

Was that a long time before the shooting, or

1903.

EVIDENCE-IN-CHIEF

was that just a short while before the shooting? --- I think this gentleman is one of the big gentlemen of the Police. He had something on his legs which is worn by the traffic cops.

Carry on? --- He had a cane about this length (as indicated - about 2 ft.) with him.

I don't want to interrupt your story, you must tell everything you want to tell me. These arrests and the hitting that you spoke about, was that, do you think, a long time before the shooting actually started, or was it very shortly before the shooting? --- Not long after that, the shooting started.

Can you tell his Lordship how the shooting started, what you saw and what you then did? --- This man dressed in brown was taking hold of the people at the gate and "kapping" them. That is the time this European who had this cane from the Police, got them to form a line. After this gentleman had formed the Police in a line, he stood a little bit back and he was then standing opposite what they used to call a "tank" but they call it a seracen. This European, the way I saw him, was annoyed and I heard him speak, say "Skiet!"

THE CHAIRMAN: Who was that? --- This one with the stick - the gentleman who had the little stick. After this gentleman had said "Skiet!", the firing took place.

EXAMINATION CONTINUED: When the firing took place, what did you do? --- I tried to run away. I glanced back, and I saw that I was alone and there were people down on the ground, at the place where I was. As I crossed the pavement, then I felt also being shot.

1904.

ST. BARTHOLOMEW
EVIDENCE-IN-CHIEF

Which pavement was that; was that the pavement where you were standing, or further away from that point? There are two streets, there. I got into the first street. When I passed the second one, before I got over onto the other side, just where these streets are divided; but at the point where I was, it was one street. Just as I passed there, I was shot.

When you were shot, what happened to you? --- I fell and I lay down next to the pavement.

Was there any more shooting after that? --- I was lying down and I raised my head, and I saw people lying down where I was. They ceased for a while and then they started again, and then I put my head down.

After the second shooting, did there come a time when there were no more shots? --- They fired, and they stopped, they fired again and they stopped. Thereafter, there was no more shooting.

You continued lying where you were for some time after that, and then, did some Policemen come to where you were lying? ---Yes; the Police did come to me.

Now tell me what happened from then on? --- He said, "Ja, jong, where have I shot you?" I said "I have been shot at the back, here, although I do not know which place"; I was shot in the back, here. After I said that, he said "Kee, jong, jy lieg; I don't see any blood at all - niks!" While I was lying down with my head down, it was again said that I was lying and it was also said that I had to stand up before I would be kicked on the head. After that, I got up. I stood on one leg, as I indicate. A Non-European came along. I caught of him round his shoulder and he caught hold of me.

1905.

S. MAHLASE
Evidence-in-Chief

He took me to some building or house which faces the Police Station.

Who were the people who were talking to you; were they Police? ---Yes; European Police, those that were shooting.

Were they in uniform, the people who spoke to you? --- Yes. They were dressed in uniform and they had long firearms.

You were then helped by this person. Did you see anything more of what was happening in front of the Police Station or round the Police Station, after that? ---Yes. That was after I had been taken into this house, and I was sitting down, then, at the time.

What did you see? ---I saw two Basuto Policemen. They had a child about so high (indicates); this child was dead. The one had her by the arms and the other one by the legs. This child had black trousers on and a green jacket.

Was there anything further that you heard at that stage? --- While I was sitting in this house, the owners of this house came along and told me to go outside. Then this man, they call him "Commandeer"; I don't know who he is. He came along. Then he said "Yes, they have fixed you people. I have been telling you for quite some time. They have fixed you by shooting".

The person who said this, was he a civilian or was he a Policeman? ---He is a big man of the Police.

Is that of the South African Police, or the Municipal Police? --- Of the Municipal Police.

Do you know any of his names - either his first name or his second name? --- They call him "Van";

1906.

S. MAHLASE
Evidence-in-Chief
Cross-examination

I don't know "Van" who.

Would you recognise the name if I put it to you, or don't you know it at all? --- Yes; I would be able to, I think.

Would it be "Pitso"? --- Van Pitso, yes; van Pitso.

After all this had happened, were you taken to the hospital, not in an ambulance but in a van by your mother and your brother? --- The owner of the van, my mother and my uncle's brother; they took me in the van.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. CLAASSEN: Samuel, I understood you to speak about a first and a second street which you crossed? ---Yes; but it is a big street which is divided into two.

A double-traffic road? --- If you go in this direction and you take the one side of the street and you come back, you take the other side if you go in the other direction.

I don't understand that at all. Do you know the name of the street? Zwane Street - have you heard the name? --- Zwane Street.

Is that the street you are talking of? ---Yes.

Where do you say you were on this street when you were shot? - - When they were firing, I tried to get away but there were many people and I could not get away.

So where do you think you were on that street when you felt that you were shot? --- I was in the other portion of the street - the big street.

1907.

S. MAHLASE
Cross-examination

Straight across the street? --- There was a pavement between the two streets; the first one, on the first street side and the second one on the second street side. As I was about on the one on the second street side, I then felt I was shot and I fell.

How many arrests did you see being executed?
--- Are you now referring to this gentleman in the suit?

I am speaking of any arrests that you thought you saw? --- Well, the people that were attended to were those that were picked up and taken to the ambulance.

No. I don't think you understand me. At the gate you said there was this person in the dark, brown suit; he went to the gate and arrested a person there and then slapped him left and right. Is that correct? --- At first the people, representatives of the crowd got up right against the fence in order to force the fence over. Those people who did that, came out.

Look, just answer my question. You did say that you saw a person being taken at the gate, and he was slapped; just say yes, or no? --- The people, there were two people and this man that I am referring to went there and caught hold of them and pulled them inside and slapped them.

This man that was slapped, was he taken into the Police offices? --- He was taken into the yard. This is the gate, here. I was standing here.

THE CHAIRMAN: That is about one pace away? --- That is - I am now talking about the gentleman with the brown suit, the European. He caught hold of him like this - they were outside; that's outside - pulled him

1908.

S. MAHLASE
Cross-examination

like this, as indicated, pulled him inside and hit him, as I indicate with my hand. This man - then the Police was formed into a line and after that, I heard the word, "Skiet!"

I don't want to know all about that. Just follow me, now. This question that I am putting to you, you can answer "Yes", or "No". Is that the only man that was taken away from the gate by the Police? --- That is the two I saw being taken away from the gate.

Now, the other one - not the one that you have described already that had been slapped left and right; tell us what happened with him? --- I think I am not understood. The one man was taken by the European with the brown suit - two.

Did he take both of them away, into the Police yard? --- Yes. He was hitting them as he was pulling them into the yard.

And were they both taken from the other side of the gate, from the outside of the gate? --- They were not inside; outside the gate.

Are you sure it is the same man that did that to both the men that you have described? --- That is the one I saw.

And you say this person did not wear a uniform? --- No.

And did others help him, or did he do it all on his own? --- He was alone and while he was doing this, then this word came along, "Skiet!" and then the firing took place.

I suppose most of the time your attention was directed at the gate, because that is where most of the

1909.

S. MAHLASE
CROSS-EXAMINATION

activities took place? ---Yes.

And you could see clearly what was happening to them? --- Yes; I could see what was happening.

From what you saw, is there any possibility that a third man could have been arrested? ---I just saw two.

Were the people shouting a lot? --- Yes; they were shouting, crying and running away.

And this man, could you see clearly this man with the stick, who shouted "Skiet!?" ---Yes; I saw him clearly.

You were standing near the small gate on the Southern side? ---If the gate is like this - at this place where I was standing, there were not many people. Most of the people were on the other side.

Where was this man standing with the stick, who gave the order? --- He was standing behind the line of the Police, as they were lined up. He was standing behind that line.

From where you were standing, was he standing beyond the big gate, or on your side of the big gate? --- There is a corner, here, and I saw the line which was being formed. It was on my left, as I was standing.

I know where you were standing - I know all this; where the big gate was. I want to know where this man with the stick who gave the order to "Skiet!", where he was standing in relation to the big gate?

THE CHAIRMAN: Do you think you would be able to understand a photograph of the Police Station? --- I would be able to.

1910.

S. MAILLASE
Cross-examination

Would you look at Exh. "B1"? --- This is the gate, here.

CROSS-EXAMINATION CONTINUED: There is the big gate where the cars go in? --- Yes.

Now, forget about the other people. I want to know about this man who gave the order to "Skiet!" Was he standing behind the line, opposite the big gate, or was he standing to the left of the line? --- As I am standing here, facing - this is the Police line; there is the gate over there.

To your right? --- That's correct. There was another saracen standing this side, near to the corner. He was behind the line.

Did I understand you to say that where you were lying after you had been shot, some policemen threatened to kick you? --- These two European constables - after they had fired, they came out. Those are the Policemen who told me if I don't get up, they might kick my head.

Did they examine your body before they said that? --- When they came to where I was, they looked at me and looked at me.

Were you bleeding at all? --- I was just bleeding; not much - because I had just been shot.

Could they see the wound? --- It is a small wound. I don't think they saw it. It is not a big wound; it is a small wound.

But did you point with your finger to the place where you felt the blood? --- When they were asking me, I said "In my back, here". I just felt that on the side I was shot, it was heavy; one's leg feels a bit heavy.

1911-

S. MAHLASE
Cross-examination
By the Chairman.

Do you mean by that that you did not know precisely where you had the wound? --- Yes. I did not precisely where the wound was, but I knew it was at the back.

What I wanted to know is, did these two Policemen look to see whether they could find the wound? --- No. They just looked and then they spoke.

What did you say about Ben Pitso. What did he say to you? ---He said to those people that had fallen down on the ground, "They have fixed you; it serves you right; they have shot you".

Are you a member of the P.A.C.? ---No; I am not a member.

A member of the A.N.C.? --- Which is the A.N.C.?

If you don't know it, never mind?---I don't know it.

Were you asked by others to assist in getting the people to the Police Station on that day? ---I went there by myself.

Were you not up that night, the night before? --- No. I was knocked up at my home. I refused to come out of the house.

And when you refused to come out, did they leave you? ---Yes; they passed on.

When did you get up? --- At a quarter past six.

NO FURTHER QUESTIONS.

BY THE CHAIRMAN: Will you look at Exh. "B1". You see the people on the photograph, Zwane Street, and on the West? ---Yes.

1912.

S. FAHLASE
By the Chairman.

When you got there, what was your impression; were there more people, or less people round the Police Station? --- I don't see the tanks here, or saracens.

I don't know whether you understand, or not. When you got there, did the crowd look somewhat like this, or were there more people, or less people? --- There were more than these, here.

I am not quite clear. How far from the fence itself were you standing? --- As far from here to where that gentleman is sitting.

Would that be about seven paces? Six paces. Between you and the wire fence, were there people? --- Not very many. I could see.

Did you have to look through these people in order to see into the Police yard? --- I was looking straight and I could see into the yard.

In between the spot where you were standing and the fence, six paces, were the people closely packed together? --- They were not very thickly packed.

Were there people standing behind you, or were you right at the back? --- There were people behind me.

And you say you were, shortly before the shooting, looking across to what was happening at the gate? That is the big, double gate? --- Yes.

And then, you say after seeing that you also heard somebody say "Skiet!?" --- He said "Skiet!" "Skiet!"

Did you see that person clearly? --- I did not see him clearly, although I could see him; but he was facing in this direction.

So you could see his back view only? --- Yes. He had his back towards me.

1913

S. MAHLASE
By the Court.

You never saw his face so that you will be able, now, to say to me "There is the man whose face I saw that day"? --- This man was in a hurry. I just saw some of his face; not clearly all of his face.

Did you get any idea how far from the fence he was when he said this? That is from the Southern fence, from the Zwane Street fence? If you were standing on the inside, at the fence and you had to walk from there to where this man was standing when he shouted "Skiet!", can you give me some idea how many paces you had to walk? --- Can I show outside?

Yes, if you see anything outside. (Witness indicates distance, which is paced off as 16 paces).

I understand that is merely your estimate of the distance that he was standing away from the fence? ---I am merely estimating.

When you heard this word "Skiet!", was the man still with his back to you or was he facing some other direction? --- He was here where I show with my right hand, and I was here where I show with my left hand. When he said "Skiet!" I turned and ran, to see which way I could run.

At that time, that is just before the shooting, what were the Bantus doing outside; were they singing or shouting or were they quiet? --- Some of them were singing, and others were quiet.

I am not sure whether you have already given a description of the clothing this man wore? ---He had leggings on - the uniform looked like that one worn by the constable, there.

A khaki coloured uniform? ---It looked like that.

1914.

S. MAHLASE
BY THE CHAIRMAN.
J. MOTHU
Evidence-in-Chief.

Did he have a cap on? ---Yes; he had one on.

Like the caps which the Police wear? ---Yes.

A peak cap - is that the correct description of it? ---Yes.

And did you see, did he have any leather straps as part of his uniform? ---I did not think of looking, at that time.

He had leggings on and he had this short stick? ---Yes.

He had on a khaki coloured uniform and he wore a peak cap similar to the one worn by the Constable in Court, here? ---Yes.

Now, I want to ask you this, and I want you to think very carefully. You seemed to be looking from where you were, on the South side, across the line of Police, in the direction of the gate? --- If this is the line of Police, the line of Policemen was a little bit "skains".

You looked across, then, to the gate; you saw this double gate, where the people were arrested? --- Yes.

Immediately before the shooting, did you see any throwing of stones at all? ---I saw no-one throwing stones.

ADJOURNED: 12.45 p.m.
RESUMED: 2.15 p.m.

JOSHUA MOTHU, sworn, states (through Interpreter):

EXAMINED BY MR. KENTRIDGE: Joshua, you are a Sharpeville man, are you? ---I am.

And you are a bus driver? ---Yes; I am.

1915.

J. MOTH
Evidence-in-Chief

Are you one of the drivers who drive the buses between Sharpeville and Vereeniging? ---Yes; I am.

Do you remember the night before the 21st March, that is the night before the shooting; do you remember that night? ---I do.

Did anything happen to you during that night? ---Yes.

What was it? --- Some people came along and woke me during the night.

At your house? --- At my house.

And what did they do? --- They said that we had to go along with them, out of the location.

Did you know those people? ---I only knew some of them by sight; others I did not know.

And did they say why you had to go out of the location? --- They said we were going to go out and fetch some buses. They said that they did not want any transport to be so that the passengers are people to be conveyed.

Were you willing to go with them? ---I did not want to go, but I thought that should I not go along with them, they might injure me, or cause me some injury.

And did you go with them? ---I did.

Where did they take you? --- To some trees, towards the Vanderbijl side.

And how long did they keep you there? --- We sat there and then it became light; until the sun came up.

And then, what happened? --- It was then said that we had to go to the Police Station to report why we did not go to work.

1916.

J. MATHA
EVIDENCE-IN-CHIEF

And did you do that? --- We went there.

And did you report at the Police Station? ---
We did.

Were there other bus drivers with you? ---Yes.

And what happened at the Police Station? Did
you report to somebody? ---Yes; we reported to a Non-
European sergeant who was there.

And did he tell you to do anything? ---No.

Did you then go home? --- From there, I went home.

Did you stay at home for some time? ---I was
about ten minutes at home, and I asked my wife to give me
some food. As she was preparing the food, some other
people came. It appeared to be young people. They
said to me, "Oh, you are at home; don't you know that
all the people are required at the Police Station?"
I said "I have just come from there. I have come to get
something to eat" I also said, "You know that I left
during the night and I slept in the veld. I am hungry."
They said "No, let us go; all the men are required at
the Police Station". They also said that the man who
remains at home and does not go there, might meet with
an accident or something serious.

So did you go to the Police Station? ---I did.

And were there many people at the Police Station
when you got there? --- When I got there, there were many
people.

Have you any idea what time it was? ---I do not
remember clearly as to what the time was.

Was it before the aeroplanes came over, or after?
---Just after we had got to the Police Station, the Aero-
planes came.

1917.

Evidence-in-Chief

And where did you stand at the Police Station?

--- I went and stood on the Western side of the big gate.

Were you near the big gate? --- I was near, but not very near.

Were you near the fence? --- On account of many people that were close to the fence, I could not get there.

Do you know a man called Tsolo? --- Yes.

Did you see him there? --- I did.

Did you hear him speak? --- At the time the aeroplanes were going over the Police Station, backwards and forwards, and I saw him, Tsolo, at that time, speaking to a European at the entrance to the Police Station. From there, he came to us. He then said to us that it had been said that we will get the reply at 2 o'clock. He then returned. When he came back from there, he then said "It is said that we have to go to the football grounds". He came out at the gate, and he said "Follow me; we are going to the football grounds". The people then said "How! But it may be that they want these aeroplanes to collide with us. We are afraid to go to the football grounds". If anything was to be said, we would listen to what was to be said from here, where we stand, where we are.

Did Tsolo say anything about what time something might be said? --- Yes; he said at about 2 o'clock.

Did he just say it himself, or did he indicate that someone had told him that? --- He said it was said.

And did he say who had said it to him? --- No. I only heard him saying "It is being said" but I did not hear who had told him that or said that to him.

Did you wait there all the time, or did you go

1918,

J. MOTHU
Evidence-in-Chief

home? ---I tried to go home. As I was proceeding towards home down Zwane Street, to turn off into the street that leads to my home, a bit lower down in Zwane Street there were some Police. Not far this side of where the Police were, I turned to the right, into some small street which was on my right. I had not gone far when these young men, the tsotsis, came along and said to me, "Where are you going to?" I said "No, I am just looking for a lavatory". They said "Well, there are any amount of lavatories; it does not matter what yard you enter. You people want to run away when you do this". They also said that they did not want to cause any trouble, or make any trouble. They said "But if you people run away and go to your homes, you might be injured". I then came back.

Did you then go near the gate?---I came back and I again went and stood near the gate.

At various times, did you see saracens and other Police cars go into the ground? ---Yes.

Do you remember when the last car went into the Police grounds? ---I don't know, because as the vehicles were entering the Police yard, I went to the cafe. I do not know when the last vehicle went in.

And then did you come back from the cafes? --- I went to the cafes, and I had a cold drink. I came back. I had not gone far from the cafes, I shall say between the cafes and the charge office, when I met a person who I knew by the name of George Mtshale and I stood and spoke to him. As I was standing there, speaking to this man, three small vehicles ^{came} from the Town Hall side. These vehicles also came and entered the Police premises. We heard someone say "Well,

1919.

J. EDITHA
Evidence-in-Chief

here is the big man; here is the big man", and we all thought that was the man. We all drew nearer.

Did you also draw nearer? ---I did.

When you drew nearer, did you see anything after that; did you see anything happen near the gate? ---I did not see with my own eyes what was happening at the gate, but I saw a woman who was limping and she said she - one of the vehicles that had entered had collided with her.

We stood there, thinking that now we will get this one who was going to address us. As I was standing there, I saw the Police armed with fire arms, lining up.

I thought that they were paying respects to this big man who was going to come. There was a European who was not dressed in uniform. He called a young Non-European from outside. He said "Come here, you! Come here, you!" This man tried to find his way through the people in order to go to this man who was calling him. When this man, this young man, got close to the gate, this European opened the gate, caught hold of this young man, jerked him about, pushed him inside. This young man's hat fell off. I saw this young man pointing at his hat, where it had fallen off.

THE CHAIRMAN: What sort of hat was it? --- An ordinary hat. The two of them came back. The European allowed him to pick up this hat.

What do you mean by an "ordinary" hat; the type that you see here? ---Not a cap; a hat - similar to that hat, there.

That is an ordinary, felt hat? --- It was a grey hat. Then he escorted him. When he got into the gate, he was kicked, and pushed inside. A Non-European young

1920.

J. MUTHA
Evidence-in-Chief

man was walking on the inside of the fence. He tried to get the people to stand back, not to lean up against the fence. After they had finished putting that man in, they then said to this man that was trying to get the people to stand back, not to lean against the fence. They said to him, "Go out!" As he was about to get out at the gate, they rushed at him. One of the Policemen had some pips on his shoulder, and a little stick. He came out, pursued this man.

EXAMINATION CONTINUED: Outside the gate? --- Yes. Into the crowd. The crowd opened up. Now they were going towards the gate which leads to the clinic. He left him alone, and he came back. When this European came back, when he was in the centre of the tarmac road, he saw a little stone (indicates).

THE CHAIRMAN: That is slightly larger than a cricket ball, I suppose? --- About the size of a tennis ball; but it was not as round as a tennis ball. He picked it up, he threatened this man, as if to throw, but this young man ran away amongst the people towards the cafes. After this young man had run away towards the cafes, the Europeans inside spoke and said "Loop julle! Loop julle!" "Hamba" - in Zulu. The people then spread - they opened up and they spread. This white man that came outside, just as he got inside the gate, I heard the voice over there saying "Skiet!" Then shots were fired.

EXAMINATION CONTINUED:
/The man who came outside the gate, how was he dressed? --- He had a pair of trousers on which has the same colour as the trousers worn by that constable, there. (Khaki). And he had a cap similar to that worn by a Police (peak cap). He had a shirt on, not a jacket.

1921.

J. MOTH
Evidence-in-Chief

Did he have pips on his shoulders, too? ---
I think there were crowns. They are similar to a crown.
They were nearly similar in colour as the clothing he
had on.

And did this man have a stick? ---Yes; a short
little stick, as indicated.

Was this the same man as you previously
described as having a stick? ---Yes.

Then you heard someone shout "Skiet!" and then,
what happened? --- And you could hear the rifles, the
report.

And what did you do, then, when you heard that?
--- I did not get frightened at all. I thought it was
only blank cartridges that they were firing. At that
time, I was facing towards the gate. When I was about
to go to the cafe, I saw a person; as I turned, I saw
a male, Non-European, lying on the ground, as far as
from here to the desk just behind Mr. Claassen, there.
(Six paces). Just at that time, I felt a bullet
grazing my trousers, like this. It did not go in -
on my right leg. The trousers were torn. Then I got
a fright. I thought to myself "Hah! are they shooting
in fact?" Just as I lifted my left leg to go forward,
I was struck by a bullet here, in the right hip, and
I dropped. Then they fired. Just at that stage,
I heard something sounding like a mouth organ - not
like a whistling sound, but like a mouth organ.
It went "Pie-ie-ie-ie-ie-iaeng". It kept quiet; then
they were shooting at that time; and again, the same
noise, and they kept quiet. When this noise was made
the first time, this "Pie-ie-ie-ie-iaeng", they fired.
Ra-pa-pa! Then the second sound came; then they

1922

J. MOTHU.
Evidence-in-Chief

ceased firing.

Before this firing, did the crowd try to get into the Police Station? ---I did not see the crowd trying to get in at the gate.

Or anywhere else? ---I don't know, towards the back, where the fence is, whether they tried to get in there. Not in front. I did not ^{see them} trying to get in there.

After the shooting started, what did most of the people still do? --- They ran away.

After you were shot, you were lying on the ground?---I fell, and I lay on the ground.

After the shooting, did anyone come to speak to you? --- They did not come near me. Just after they ceased firing, a European came along. He had something round, like this, but longer, and a small one, like this; it had a little rod attached to it, which fits into this big one. The big one he had in his hand. The small one he held in front of his mouth. He spoke through that. All the Policemen were going towards the gate. He spoke again, then they turned back. One of the Police mounted the saracen and sat on top of the saracen.

Was that after the shooting had stopped? ---Yes.

Could you see that from where you were lying? --- Yes; I could. When they ceased firing, a Non-European by the name of Mote came from the cafe's side, from the people who were there at the cafe's side. He had his hand raised like this (indicates). One of the Police, or both, that were sitting on the saracens, said "jy moet 'n wit sakdoek om daardie hand van jou sit; ons skiet jou nou dood, bliksemi" This man did not speak.

1923.

J. MOTHA
Evidence-in-Chief

He just passed this gentleman. When he got to the gate, my face was facing towards the cafe. I tried by turning my head to see where this man was going to. When he got in front of the gate, some of the Europeans asked him, "Waar gaan jy?" He then replied, "Kyk, baas hoe lē die mense dood; wat het hulle gemaak? Nika!" "Loop", as hy, "Hoekom het jy nie eerder met jou eie mense gepraat nie! Loop!" That man then walked past at my feet. He went back to the group of Non-Europeans. A European Policeman who had said he must put a white rag round his hand, or a white handkerchief, pointed at me. He said, "Hierdie hond - ons het hom niks gemaak nie; kyk, hy kou nog".

Where was he standing when he said that? --- He was sitting on the bonnet of one of the saracens. He said to me, "Staan op, jong, loop! Ons het jou niks gemaak nie!" I then pointed to him here, where I was wounded. It was not bleeding at the time, but something was protruding. It looked like fat. He then said, "It is not bleeding from there; if you don't want to get up from here, we will kill you now". I remained silent, and I just looked at him. Another European was behind him and he said "Here! kyk hoe lē hulle dood, kērels!"

After that man said what you have told us, what happened to you? --- This man then instructed the lorries to be brought out and I also heard him saying, "Bel op die ambulans, kērels, dat hulle kom laai!" Then a Non-European Policeman came to me. Some of them caught ^{hold of} me by the lower portion of my body and the others by the arms, to get me out of the way. Then they caught hold of me, on my right leg, and I felt pain. I said "No, leave me alone, here". "(?) come here!"

1924.

J. MOTH
Evidence-in-Chief

They sent her to me and I put my hands round her shoulders as indicated. They took me across the street and put me next to the clinic fence. After they put me down there, there was a lorry that had arrived there. That is one of the Police lorries. They then took the corpses of those who were dead, put them into the lorry, loaded them into the lorry. This man - while they were loading this Non-European man, Moto, - there were many people walking about where these dead people were lying and I saw him also walking about there - Europeans and Police, too. When this Non-European crossed the street onto the Eastern side, another European Policeman said, in Afrikaans "Daardie man is altyd hier tussen die mense; ek dink hy is ook een van die moeilikheids-makers". There was a European, who was dressed in blue, but that was a uniform, and one of these soldiers' helmets or caps - the small one. He said to this Policeman, "Waffer eens". I heard him saying "Daardie een met die blou pak, Kolonel". This one who is called kolonel then said "Roep daardie man! Roep daardie man!" He was then called; he came. As he was coming, it was said "put him inside". This European then caught hold of this young Non-European, who was not dressed in uniform. He said to him, "Do you know me?" "Yes, Sir, I know you very well". He said, "Now, why are you always here?" Moto said "No, but I have just arrived. I am coming from work and I found it to be in a position it is in now. Just as I arrived, you finished firing". He was then locked up.

Were you then taken to hospital? --- After that, an ambulance arrived and I was then removed to hospital.

And you have been in hospital ever since? ---

1925.

J. NATHA
Examination-in-Chief
Cross-examination

Yes.

What happened to your leg? ---I don't know; but when I was told by this European to get up, I tried to and I found that my right leg was just hanging loose.

You are here in Baragwanath hospital with your leg in fractions, and it is torn? --- That is so.

I just want to ask you something again about the crowd before the shooting. What was the mood of this crowd; was it a wild crowd, for instance? ---
The way I saw them, to me they appeared to be pleased. They said, "We have trouble with regard to the passes, and we just want to hear", "To hear what the Europeans have to say about it".

Did it strike you that this crowd was a very angry crowd and wanted to attack the Police? --- They were practically round the Police Station, but where I was, I did not see anything wrong being done, such as to indicate that the people were annoyed, where I was, or that they wanted to fight or anything like that. There was no-one who had a stick. People that had little sticks were using that walking, to assist them when they were walking.

Are you able to tell the Commissioner - I don't know whether you are - did you have the impression that there were other people there, like yourself, because people had ordered them to go there? ---I would say so.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. CLAASSEN: Joshua, did you want to get through to the fence to see what was happening inside? ---Yes; I wanted to.

Were you able to get to the fence? ---I got

1926.

J. MOTHU
Cross-examination

nearer, but I did not get up to the fence.

Was that because the people were too thickly packed there? --- That is so.

How far from the fence did you get? --- About as far from where I am lying here, to this loudspeaker that you are speaking into. (Two paces).

And weren't the crowd doing a lot of shouting, there? --- They were speaking. At the time when the aeroplanes were playing, they said "Heeeee! Aeroplanes!"

Yes, but now apart from the aeroplanes - afterwards; before the shooting? --- No.

Did you hear them shout out "Afrika!"? --- I did.

Holding up their thumbs? ---Yes.

What does that mean? ---I don't know.

Did they hold them up to the Police? --- They just raised their hands with their thumbs up, that's all.

Weren't they making a very big noise? --- At the time when they said "Afrika!" there must have been a noise, yes.

Supposing that what was said to you that you had to gather at the Police Station to hear somebody speak - supposing that was untrue? ---Yes?

Do you think the Police had any reason to fear the crowd of Bantus there? ---I don't think so.

Supposing the Police had never asked the Bantu to gather round the Police Station at all and they found this very large crowd of Bantu there, round the Police station - did they not have reason to fear that the Bantus were there for no good? -- I don't think that there was

1927.

J. MOTHU
Cross-examination

any reason for the Police to fear. I thought the Police were there to see that these people that were gathered there, do not injure one another.

Do you think the Police might have had reason to think that the people gathered round the Police Station might injure one another? ---Yes.

But they had no reason to think that the Bantu would injure them? ---I am only saying as to what I saw. I do not know what was in their minds.

You told us about a young man who had been taken from the crowd on the other side of the gate and taken into the yard of the Police Station? ---Yes.

Was he the only man that you saw being taken in? ---No; he was the second one. The first one was talking inside, trying to get the people away from the fence.

Was he the first one who was taken in? --- That I saw, yes.

Did he go in willingly, or was there a struggle? ---I could not see clearly, but what I saw was that he went along until they got to this big, iron gate; and as he entered, this European who was not dressed in uniform, struck him at the back of his neck with an open hand.

That was the first man, who had been walking up and down? --- That is correct.

The second man, I think you said, was kicked as he was taken in there? --- Quite a little time had elapsed from the first one, until they took the second one in.

But did I understand you correctly, that the second one was kicked; he was not alarmed? --- This

1928.

J. MUTHA
Cross-examination

second man was caught hold of, and his hat fell off. He pointed to his hat, and he was then pushed and then he was allowed to take his hat. After he had taken his hat, he was then kicked; also with the open hand he was struck.

Where? --- He then put him inside this iron gate I have referred to.

Where was he slapped? --- On the side of the face.

How many blows? --- I just saw one.

But where was he when he was slapped; near the big iron gates, or where? --- Yes; that is correct.

Do I understand you to say that he was not slapped at the time that his hat fell off? --- It appeared that this white man was fighting, but he did not hit this Non-European man with his open hand at the time, but he pulled him.

This man whose hat fell off, did I understand you to say that at the time he was called, he was amongst the people on the other side of the gate, but not at the gate? --- That is so.

About how far from the gate was he? --- As far as from here to the chair next to Mr. Kentridge. (Four paces).

And the other people made way for him to go to the gate? --- Yes; they did.

Did you see him doing anything, this man who was called? --- No; I did not see him do anything wrong. I just heard him say, as he was passing through the people, "Ekskuns; ekskuns; ekskuns" in order to get through. I don't know, at first, when they called

1929.

J. MOTH
Cross-examination

him from amongst the people, what happened there.

Before he was called, did you hear him shout or did you hear him address the people, or do anything? ---I say I don't know what he did before he was called. The reason why he was being called, I do not know.

And how long after this happened, did the shooting start? --- Just after this European who was not dressed in uniform had put that man into this iron gate and closed it. It was then said to this man who was walking about inside, "Gaan uit!" As he was about to go out, he was being pushed. That was the time that this European was pursuing him. As this European came back from there, just as he got to the gate, just as he touched this gate to go in, then I heard this voice, "Skiet!" Then the firing took place.

Do you know Tsolo? ---I do.

Was he taken inside? ---Not that I saw;
I don't know.

Do you know Mero? ---I know him.

Was he taken inside? ---I did not see either of them being taken inside.

Was it anyone of these two that you said was told to get outside? --- No.

You are speaking of another man who was walking up and down inside the Police Station grounds? ---Yes.

And you say he was chased outside and he did go out? ---He was told to get out, and he got out.

And you say he was followed out by this

1930.

J. KOTHA
Cross-examination

European? --- By this European who was not dressed in uniform.

No uniform? --- Oh, he had a uniform on.

Is that the one with the blue uniform? --- No.

Then you say this other man who followed this Bantu out, went right onto the tarred road, on the road?

--- Yes; I say so.

And do you say somebody was picking up a stone? --- That white man, yes.

What did he want to do with the stone? --- I saw him aiming, as I am showing, at this Non-European that he was pursuing.

He was still tracing this man? --- No; I say that this European picked up the stone as he came back from having pursued this Non-European.

And at about that time you heard the command, "Skiet!" - when he came back? --- Yes.

Could you see everything that was going on at the gate? --- If you are referring to the time that I was still standing?

Yes; whilst you were standing there, could you see everything that was happening at the gate? --- Yes.

And immediately before the shooting, you were still looking at the gate? --- That is correct.

What you have told us now is all that you saw happening at the gate? --- Yes.

Didn't you see people throwing stones? ---
There was no-one who threw stones on the side where I was.

But at the gate, did you see stones falling?

1931.

J. MATHA
Witness-examination

--- No.

You don't think there were stones thrown at the Police, at the gate? ---No.

You, when you heard the first shot, thought they were firing blanks? --- That is so.

Did you get the impression that there were others who had the same thought as you? ---No. They ran away. I was the one who stood there, who remained there.

But were you the only one still facing the Police? ---Yes; and the reason why I did not run away, I thought they were just firing blanks to frighten the people.

Then, when you saw that other men had fallen about you, then you realised that the Police were shooting at the people? --- All the people had gone onto the other side of the street. Myself and this man that I saw/were the only two on this side that I was on.

Did you only see one man on the ground where you were? ---Yes; I saw one, at that time.

Because there was such a big crowd of people, did they have any difficulty in getting away quickly? ---Oh, very much.

Did you notice other people who had fallen on the ground and thereafter got up again and ran away? --- No. I did not see any people, because at that time there was smoke as a result of the firing - some kind of a smoke.

So much so that you could not see? --- I could not see clearly, then.

1932.

J. MOYNA
CROSS-EXAMINATION

You spoke about a Non-European man who had been about, there, and he had been asked what he was doing there, and so on, but you say ultimately he was also taken in and locked up? ---I say so.

This was now after the shooting, after the people had run away and after the Police had been there, amongst the dead and the injured? ---Yes.

Did you know this man? ---I know him.

What is his name? ---I don't know his name, the name he was baptised with and given, but I know him by the name of Moto.

But when you say he was taken and locked up, did you actually see that, that he was taken into the Police buildings, through the big iron gate? ---I could not see inside. The last I saw of him was when he was taken in at this iron gate, at the Police Station.

He was taken through there? ---I saw him being taken through there, yes.

By a uniformed man? --- I cannot say. At that stage, I was across the street, on the other side. At that stage I was lying down and I only lifted my head a little bit, and that is what I saw; I saw the gate opening, and I saw him going inside. There were Police all over.

I don't know whether I remember correctly what you said, but did you say he was ordered to be taken in by a European in a black uniform? ---No; I said blue.

But not a khaki uniform? ---No.

Not like this gentleman sitting here? ---Not the same as that.

And was there anything to indicate to you that

1933.

J. MONTA
~~Witness Examination~~
By the Chairman.

that he was a senior officer? ---Yes; he was a big officer; that I could see.

NO FURTHER QUESTIONS.

RE-EXAMINATION: NO QUESTIONS.

BY THE CHAIRMAN: When did you first hear that there was going to be a demonstration or a gathering on Monday, the 21st? ---I heard that on Friday.

Did people tell you, or did you get a pamphlet? ---I heard at work.

That morning, that is now before 11 o'clock, that is before the aeroplanes flew over, did you either yourself become aware of the fact that there was unrest in the township, or did you hear from what others were saying that there had been trouble earlier that morning? ---I could see that myself, but I did not know it might be something serious.

Had you heard any shooting? ---No; not at that time.

In your evidence you referred to the fact that some group had accused you of wanting to run away from the meeting when you wanted to go and relieve yourself? ---Yes.

And then I think you told me that they said something to the effect that they did not want to cause trouble, but if you didn't listen you might be injured? ---Yes.

I want to ask you, what did you understand by that? --- Sunday afternoon, while I was busy working with the bus, there were some people standing at the bus stop. They had some little notes - on that little

1934.

J. NOTHA
By the Chairman.

paper there was written "P.A.C."

That is in the buttonhole? --- No; it was pinned, here, to the lapel. They said "We beg you, our people, tomorrow we must be just as one. We are not going to fight with the Europeans. We just want to ask them to alter this pass law because it is hard on us". They also said "Is a person running away from work, if he is going to work?" It was also said that if a person is woken up and he does not want to get up, he will be in trouble "because we will lay our hands on him". Tomorrow we want all the men, including the women, to be at the same place because the women are also carrying passes". What caused me not to be against it but to go along with them, is because it was said "If you run away, you might get hurt".

Injured by whom? --- They only said "We will lay our hands on the one that does not want to".

Are those the people who spoke to you? --- I am talking about the people who were talking at the bus stop. In other words, I think they were organising.

On this Sunday when you heard this at the bus stop, did you then understand where you had to be the next day? --- Not at that time. I then thought to myself that they might go to the big Police Station in town.

Which town would that be? --- Vereeniging.

Why did you think so? --- I just had that thought because that is where the big authorities are.

Do you know whether anybody else also thought that was where you would make your protest? --- No.

These people who spoke to you on the Sunday, did they give you any idea what would happen on Monday? ---

1935.

J. NOKHA
By the Chairman.

They weren't speaking to me. They were speaking in general, to all the people that were there; not to me personally.

No, I know; I understood that. But you were told that you must all be as one? --- I said so.

Did you also understand from what was being said, how you were to act as one or be as one? ---

It was said that they want all the men and women as well not to go to work; they want them all to be present, and certain persons will be elected to speak about the passes.

But did you know on that Sunday, from what was being said there, where you had to collect? --- No; I did not.

Was there no mention in this talk that was going on on the Sunday, that you would meet at the football ground or you would meet at the Police Station or you would meet at the Superintendent's office? --- No. It was said that we would go to the Police Station, but it was not mentioned which Police Station that we were going to go to - at 8 o'clock in the morning; we would go steadily to the Police Station, but it was not mentioned which Police Station we had to go to.

You say the idea was that you had to be at the Police Station at 8 o'clock? --- No. They said that we must walk steadily up to the Police Station at 8 o'clock; not to be at the Police Station at 8.

You had to get together at about that time and then walk steadily to the Police Station? ---Yes.

When did you first find out that the Police Station at which you had to meet, was the Sharpeville Police Station? --- The next morning, when I came to the

1936.

J. NOTHA
By the Chairman.

trees - when I came from the trees.

When was that? ---It was close to 9 o'clock in the morning.

When you came back from the trees at 9 o'clock or thereabouts, did you hear what had been happening earlier that morning in Seeiso Street? ---Yes; I heard that it was said that the Police were assaulting the people where the location starts, where the buildings are erected with these certain kind of bricks, which is called the "mompang" brick.

Did you hear anything more about what had happened there? --- The people who spoke mostly, were women. For instance, one would hear a woman say to another, "Oh, my husband has been assaulted by the Police. I saw another man who had a shop there at the hostel; he had an injury here (indicates). He also said that he had been injured by the Police.

Where was this; did he tell you where he had been injured? --- There, at the shop.

Now, I have had some evidence here - and I have seen it myself - that the fence on the Western side and on the Southern side of the Police Station had been pushed over to some extent? --- I cannot deny that that could have happened because people at the back were anxious to see what was happening in front, and they might have pushed forward.

Did you see any tendency for them to do that, or is that merely an opinion that you express? --- I saw that they were moving forward, trying to see what was happening in front, because on the righthand side of the gate, facing towards the clinic - some time, as we were all standing there, one of the saracens amongst the other

1934.

J. MOHA
By the Chairman.

saracens - this saracen went round collecting cars and lorries, and bringing them to the Police Station. This saracen was ahead of these vehicles as they were proceeding to the Police Station. People were standing there when this vehicle came to the Police Station. They were standing in the street as well. They then blocked up the road. These vehicles had to come to where the gate is, with the saracen. The gate would have been about as far from here to the end of the screen, behind the gentleman with the green jersey on (plus/minus 15 paces). The saracen came along as if it was going towards these people that were standing at the fence. The people who were standing in the road, opened up the road. It came down, out of the road as if it was going onto them. Then they ran towards the other people that were standing there, pressing up against the fence, because they were running away for this saracen, the one that went out of the road, as it was coming forward. I think the saracen did that three times. If it comes there with one of the vehicle, if the vehicle goes into the yard it goes down to where the station - where the location starts; I do not know whether there is an office, or not - to the office; I don't know whether it goes to the office or not. It comes there with vehicles and goes back again, comes back again with vehicles and so on.

I also had evidence that at a very late stage, that is very shortly before the shooting, it appeared as if people at the gate came into the Police yard some short distance? ---I have said, there was a little time that I had gone to the cafe. I don't know whether that happened during my absence to the cafe. But when I returned from the cafe, I did not see such a thing happen.

1938.

J. MATHA
By the Chairman.

Apart from whether anybody wanted to get into the Police grounds, was there any tendency opposite the gate, perhaps, for people from behind to push so hard that the people at the gate could not help themselves, that they were pushed into the Police grounds, where the gate was opened? I don't want your opinion. If you did not see anything like that, you can just tell me? --- As I say, I don't know whether that happened during my absence to the cafe; but when I came back from the cafe, people moved backwards.

Did you sense that there was some annoyance on the part of the people in that part of the crowd because of the way in which the Police were behaving? --- No. I don't know all the people. I know some of them by sight.

No, I mean just the people around you; you could not know all of them? --- I am also referring to those people. If a person speaks, - I heard someone saying to those who were standing there, "Don't be frightened of the Europeans; just be calm. We want to hear. We don't want any noise". I mean, "Don't swear at them".

Did you hear some people swearing? --- No. I cannot say yes, that I did hear one swearing at the Police. This Sautu language, I don't know that very well.

After the shooting had finished, did you see the Police - you said already you saw the Police moving about the crowd. Did you see anybody giving assistance to the people who were lying there, the wounded? --- The crowd as such wanted to run to the assistance of the wounded who were lying there, but they were chased away by the Police. The people that I saw assisting the

1939.

J. MOTH
By the Chairman.

people, also the dead, were Ministers.

Were there no Police assisting any of the injured? — That is the work that was done by the Police, namely assisting.

MNR. LOUW: (DEUR DIE VOORSITTER:) Op 'n vraag wat die agbare Voorsitter gevra het, het jy gesê by die bus stop het jy gehoor hulle praat dat daar nense nees gekies word om te praat? —Nee; dit was nie gesê dat nense sou gekies word nie; dit was gesê dat hulle alreeds gekies was, wat sou praat.

Van die Bantoesense? —Ja.

Het hulle gesê wie hulle is? —Nee.

Het jy later gehoor wie hulle is? —Nee.

Het in Seciso-straat of by die Polisie-stasie, enige Bantoe namens julle gepraat? — Watter dag, bedoel u nou?

Die 21e? — Op die 21e was ek nie naby Seciso-straat nie.

Maar by die Polisie-stasie? —Ja; by die Polisie-stasie het 'n nie-blanke met die skare nie-blankes gepraat.

Het jy toe aangesien dit was die persoon wat gekies was om te praat? —Nee; ek het nie gewet dat hy een van die sprekers sou wees nie; ek het gedink hy is een van die leiers wat gekies was.

Ken jy die man? — Dit is Tsole.

- VERDAAG: 4.00 n.m. -

- HERVAT: 4.20 n.m. -

Omit

1940.

B. GRIFFITHS
Witness-in-Chief

BENEDICT GRIFFITHS, sworn, states (through
Interpreter):

EXAMINED BY MR. FLEMMAN: Benedict, you
live in Sharpeville? ---Yes, I do.

You live with your parents? ---Yes; I do.

What is your father's occupation? --- He is
a member of the S.A. Police.

Do you work yourself? --- The day I got injured,
was the day I had started work.

You got injured at the Police Station at Sharpe-
ville? ---Yes.

Do you remember the aeroplanes flying low over
the Police Station? ---I do.

Were you then at the Police Station? ---I was
there at the time.

Did you go to the Police Station - I know there
was a crowd, there, but did you go by yourself, or did you
go with friends? --- There were many of us that went there.

But to that place, did you go alone? ---Yes;
I was alone.

And what did you go there for? ---Because we
were prevented from going to work. I was going to listen
to what was going to be said at the Police Station.

I want you to try and tell me where you stood
at the Police Station, if you can. Were you standing on
the safe side or were you standing on the side of the big
street, Zwane Street? ---I was standing on the big street
side.

Which street is that; is that the street
between the Police Station and the clinic, or another

1941.

B. GRIFFITHS
EVIDENCE-IN-CHIEF

street? --- The one between the clinic and the Police Station.

And do you know that there is a gate in that fence of the Police Station where the vehicles go through?
---Yes; I do.

How near did you get to that gate? --- I was about as far from it as from here to that lady sitting there (6 to 7 paces).

And how near to the wire itself were you? --- I was just on the side of the fence; I was not leaning up against the fence.

How many people were there between where you were, and the fence? How many people were in front of you? ---Not many; about two.

Did you see many vehicles arrive there? --- Yes, I did.

Some of them were lorries, some of them were saracens, some of them were ordinary cars? ---Yes.

And did you see Policemen getting out of these vehicles? ---Yes.

At a later stage, did you see the Policemen inside the Police fence, standing up and forming a line?
---Yes; inside the Police Station fence.

And they were facing the people standing outside the fence? ---Yes. They were facing the people standing outside the fence.

Did you see them, whether they had weapons? --- Yes; I did.

What did they have - guns? --- They had guns and other weapons that I had seen for the first time; they were sort of like iron weapons.

1942.

B. GRIFFITHS
Evidence-in-Chief

And did you see them loading these guns at any stage? ---Yes; I did.

When they loaded the guns, did you think there was any danger, or did you fear them in any way? --- When I saw them loading the guns, then I started getting frightened.

Did you think they were going to shoot you? --- No; I did not think that they were going to shoot me, but I thought they were just frightening us.

Did you go away from that place, or did you stay there? ---I got a fright when I saw there was a person inside the fence, trying to prevent the people from not standing up against the fence.

Did you see anything happen to that person? --- I saw them putting him into the Police Station.

Was that the only person you saw them taking into the Police Station? ---No; another one was caught hold of afterwards.

The second one, how did they catch hold of him? --- They were jerking him about.

What did the crowd do at that stage? --- When the people saw that this man was being jerked about, they tried to run away, and it could be seen, then, that there was no-one who was going to address the gathering, but they were wanting to fight with the gathering.

Did anything else happen at about that time? ---Yes.

What happened? --- A sergeant who spoke to the Police that were standing in the line, said to them "Skiet!"

When that happened, did the Police then shoot?

---Yes; they did.

1943.

B. GRIFFITHS
Evidence-in-Chief

What did the people round you do? --- We all ran away.

Did you also run? ---Yes; I did.

In which direction did you run? --- I ran in the direction of a place called Zinzele.

Is that towards that big street, with the Island? --- That is correct.

South? ---Yes.

When did you receive your injuries? --- Just as I was across the street, I fell down.

You continued lying there? --- Where I had fallen, I lay.

While you were lying there, do you know if the shooting was still going on? --- They were still firing. The bullets were passing me, missing me where I was lying.

Did they eventually stop shooting altogether? --- Yes; they did.

Then, did you look up and see that there were many people lying in the street? ---Yes.

I want to come back to the time just before the shooting started. Was it your impression, then, that the crowd was trying to attack the Police? --- No.

What was the crowd like immediately before the shooting? Perhaps I will just leave it to you to tell me what you thought the crowd was like? --- They were happy and they were singing.

Did you see anybody near where you were, throwing stones at the Police? ---No. I did not see one.

After the shooting was all over and you were lying there, the Police came out and they started taking the

1944-

B. GRIFFITHS
Evidence-in-Chief
Cross-examination

people nearer to the Police Station than you were, and eventually they also took you away and you were taken to hospital? --- They first took the dead and put them to one side. We were taken by ambulance.

You have been in hospital ever since then? ---

Yes.

Just tell me what your age is? --- Seventeen.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. CLAASSEN: Benedict, as you were facing the Police, on which side of the big gate were you standing? --- On the righthand side of the gate.

And I understand when you had to run away you ran over the street with the island? --- That is correct.

Where you were standing, you were standing quite close to the fence? --- Yes.

Were there lots of people behind you? --- Yes.

People standing thickly packed together? --- Yes.

And I suppose when you had to run away, you had some difficulty? --- That is so.

People could not get away too fast? --- That is so.

Did you see people falling, one over the other? --- As the firing was going on, people would fall over one another. I also fell over some people, collided with some people.

So there was great confusion? --- Yes; because there were many people.

You spoke about two Non-Europeans who had been taken away by the European Police? --- Yes.

Were they both - the men who had been taken away,

1945.

B. GRIFFITHS
Cross-examination

were they on the Police side of the fence? --- They were on the side of the gate where we were standing.

How did the Police get hold of them? --- They were inside the fence, and they were trying to stop the people who were getting up against the fence.

Do we understand each other properly; the two people who were taken away by the Police, were they on your side of the fence, or were they on the Police side of the fence? --- They were inside the fence.

Is that on the Police side? ---Yes.

Both of them? ---Yes.

And you say they were trying to keep the people away from the fence? ---Yes.

Now, when they were taken away by the Police, did they resist? ---No; they did not.

Did they go willingly? ---Yes. One was pulled, taken into the Police station.

And the other? --- Also the other.

Did you see the Police speak to them before they took them away? --- No; I did not see it.

Was there any struggle between them and the Police at all? ---No; I did not see that.

Was there any assault committed on either side - Police, or Non-Europeans? ---I did not see whether they did hit one another. I did not see that.

And were you looking at the gate all the time?

---Yes.

You had the gate in view all the time? --- I was looking in the direction of the gate.

1946.

H. GRIFFITHS
Cross-examination

And you say these are the only two people that you saw, that were taken away by the Police? — These were the only two that I saw.

Was the gate at any time opened by the Police?
— No; I don't know about the opening of the gate.

Was nobody taken from outside the gate after the gate had been opened by the Police? — Not that I saw.

Immediately before the shooting, did you hear louder shouting from the people outside than before?
— They were singing.

They were singing all the time? — Yes.

Shouting "Afrika!" and holding up thumbs? —
Yes.

But in doing so, did they make a greater noise than just immediately before the shooting, or did it go on the same all the time? — Just the singing.

Did you see nothing before the shooting that annoyed the crowd? — No; I did not.

And then you heard an order to fire, is it?
— Yes.

Who gave that order? — It was a European sergeant.

Are you able to distinguish a sergeant from an officer? — No; I cannot.

Why do you say he is a sergeant? — Because he had a sergeant's badge here, on his arm.

When he gave that order, were the men already standing in a line? — Yes; they were already in line, when that was said.

1947.

B. GRIFFITHS
CROSS-examination

And was he standing in this line, or in front of the line or behind the line? --- He was coming from the Police Station.

So how close was he to the line when he gave this order?---He was near them when he said that.

And then they all started shooting? ---Yes.

Can you indicate in this room how far he was away from you when you heard that order? --- As far as you are from me.

No, I don't know whether you understand me. This sergeant who gave the order, how far was he away from you? ---I was on the side, at that time.

Was he far away from you? ---Yes; I was, but not too far. I could hear him when he spoke.

But with all these people singing at the time and all the noise that was going on, how could you hear him? ---Because I was not very far from him. That is why I heard it.

You say you heard no stone-throwing - you saw no stone-throwing immediately before the shooting? --- Not a single one.

You were there; could you clearly see the cars coming in? ---I did.

That is through the gate? ---Yes.

What did the people do who were close to the cars when they came through? ---I was on the side, from the gate. I did not see what they did when the vehicles drove in.

Could you not see? ---I could not see.

NO FURTHER QUESTIONS.

RE-EXAMINATION: NO QUESTIONS

1948

B. GRIFFITHS
By the Chairman

BY THE CHAIRMAN: Did I hear you correctly, namely that you are the son of a Policeman? ---Yes.

Is he a member of the South African Police? ---
Yes.

Where was he stationed at the time? ---In Vereeniging.

He was not stationed at Sharpeville? ---He was not stationed at Sharpeville; he was stationed at Vereeniging.

You are seventeen, but have you been to school? ---I have been to school.

What standard did you pass? --- Four.

And what employment were you going to take up on the Monday? --- I was given a piece of paper as a substitute in case anyone does not come up to work, that I could be taken as a substitute.

Did you know that there was unrest during that night; that groups were going around to some houses, at least, and calling people to come out? ---No.

You weren't disturbed? ---No.

I am not quite certain; when did you go to the Police Station at Sharpeville? --- Somewhere about 1 o'clock.

Where had you been that morning, up to 1 o'clock? ---I was on my way to work that morning, and I was made to turn back.

Where were you made to turn back? ---I had passed the brick and tile works, and I was near the big dam, there.

I am not quite sure where that is, so you will have to help me. Had you already got out of the location? ---Yes.

Where

1949.

B. GIFFITHS
By the Chairman.

Where? --- Lower down there are some new houses that have been erected there. I got as far as that, intending to go to work.

You did not go down Heoise Street? ---No.

Who made you turn back? ---Oh, many people.

What did they say to make you turn back? --- It was said that on that day no-one is going to work, and if we refuse to turn back, not going to work - if we want to go to work, they will burn our passes. Then I turned back.

And then, did you go home? ---Yes; I did.

And then, did you stay at home until you went to the Police Station? ---Yes.

As you were standing in the crowd, there, did you hear anybody give expression to annoyance with the Police? ---No.

Not at all? ---Niko! Niko!

MR. KEMBRIDGE (THROUGH THE CHAIRMAN):

Benedict, did you see your father that morning? ---Yes.

Where? --- At home.

Was he off duty? --- It was just the time that he had to go to work.

And did he go on duty? --- Yes; but he was prevented.

- ADJOURNED 5.00 a.m. to -
Monday, 16th May, 1950
at 9.45 a.m.