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

MAANDAG: 16 MEI 1960 en

DINSDAG: 17 MEI 1960.

VERTEENWOORDIGING SOOS VOORHEEN.

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PETER LENYATSO.

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op 21 MAART 1960.**

16 MEI 1960 - om 10.45 v.m.

VERTEENWOORDIGING:

SOOS VOORHEEN

MESHACK MKWANAZI, sworn, states (through Inter-
preter):

(Indemnity explained to Witness).

EXAMINED BY MR. KENTRIDGE: Meshack, you live
in Sharpeville? ---Yes; I do.

And you work in Vereeniging? ---Yes.

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

Did you go to the Police Station? ---Yes.
The Sharpeville Police Station.

Do you remember aeroplanes flying over that
morning? ---Yes, I do.

Did you get there before the aeroplanes came? ---
I got there before the aeroplanes came there.

Where did you stand? ---I stood on the side of
the big gate.

Is that between the Police Station and the clinic?
---Yes.

How close were you to the fence? --- As close as
I am standing to the Witness box.

THE CHAIRMAN: In other words, you were against

the fence? --- As I am standing here, against the fence.

EXAMINATION CONTINUED:

/ Did you wait there until the time of the shooting?

--- I stood there until they started shooting.

Why did you wait there; what were you waiting for? --- I waited there because we were told that we had to wait there until 2 o'clock, and the big boss would come and he would address us.

Who told you that? --- Tsolo told me that - the man who was inside.

THE CHAIRMAN:

/ When did he tell you that? --- During the time that we were waiting there, he is the man who spoke to the Europeans more than once, and after having spoken to the Europeans he would come and convey to us what had been said.

In relation to the aeroplanes which flew over, do you remember, when was it that Tsolo first told you or told the people that they must wait until 2 o'clock because then somebody would come and speak to them? --- That was before the aeroplanes had arrived.

EXAMINATION CONTINUED: Do you remember noticing whether at any time the Police formed up into a line? ---

Yes.

Did you see that happen? --- I did.

Before that happened, did you see anyone being arrested by the Police or taken inside by the Police? ---

Yes.

And after the line was formed, did you see anyone being arrested? --- Yes; the youngster that was assaulted at the gate.

Did you see someone assaulted at the gate? --- Yes.

By whom? ---He was being pulled by a European who had a sports jacket on.

Do you know the name of the man who was being pulled - the youngster, as you call him? ---Yes; I do. Peter.

Peter who? --- Peter Melidibeli or something; I have forgotten his surname.

Was his name Peter? ---Yes.

Did you know him at the time as Peter? ---It was the first time I saw him that day.

So have you heard that his name was Peter? --- I heard that his name was Peter, and I also asked him personally as to what his name was, and that was the name given.

Was that before he was arrested? ---No; that was after he was arrested.

Oh, you have seen him since he was arrested? --- Yes.

When this man was taken in and was assaulted, did you see anything else happen? --- All I saw that was happening there was this European assaulting this man, and there were the Bantu children who wanted to throw stones at these people but they were prevented by the grown-ups, told not to do that.

About how many children did you see? --- Five.

Were they near you? --- A little distance from me.

And did some of them actually throw stones? --- Yes; three.

And could you see where they threw them? --- Yes.

They were throwing these stones at this white man who

was assaulting this Non-European at the time.

After they threw those stones, what did the people around them do? --- Nothing.

Did they not try to get into the Police Station? --- No.

Did they try and get through the gate? --- No.

At the time when these children were throwing the stones, did you hear any Policeman say anything? --- Yes. The European had called the Police to form a line; he is the man who said that they must shoot us.

Did you hear him saying it? --- Yes, I did.

Was he a man in uniform? --- The one that I saw, had a sports jacket on.

Was it the same man who had assaulted Peter, or a different one? --- The same man.

Then, did the Police start to shoot? --- At the gate, there were three shots being fired first; then the whole lot at once.

When the first three shots were fired, what did the crowd do? --- They ran away.

And you? --- I also ran away. I fell. But I remained lying where I had fallen, while they were shooting.

You were not hit by the bullets? --- A woman who was next to me, was struck; not me.

Was she running next to you? --- Yes, she was.

Was she running away when she was struck? --- Yes.

What happened to her? --- She fell down.

Where was this, when she fell? --- The big road that comes past the Police Station on the right.

N. MKWANZI
Witness - Chief
Cross-examination

That is Zwane Street? ---Yes. We were trying to cross the street when she was struck.

I want you to tell me something about the crowd that was there. This crowd that was standing there while you were there, up to the time of the shooting, was the crowd before the shooting very angry with the Police? --- No; they were not annoyed with the Police. They were singing.

Did you hear people shout "Afrika!"? --- As they were singing, they would occasionally use the word "Afrika!"

And did they give the "Thumbs up!" sign? ---Yes; they did.

Did you hear anyone threaten to attack or kill the Police? ---No.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. CLAASSEN: You say that you stood at the side of the big gate? ---Yes.

On which side - as you were facing the Police, on which side of the big gate were you? --- On my left; I was on the right of the gate.

How far from the gate did you stand? --- Between the corner of the fence, and where the gate is.

About midway between these two ...? ---Yes.

This woman that you told us about, was she standing next to you? ---No. She was running away when she was struck, but there were some youngsters standing next to me before the shooting.

Before the shooting, how far was she standing from you? --- I did not see her before that. I just saw when she was struck, when she fell.

Was this a woman that you knew before this day? ---

No. --- That is so.

While you were standing there, was there a big crowd of people behind you? --- There were many people behind me, where I stood.

Were you standing close together? --- No.

Were they pressing you from behind? --- No.

Were you leaning against the fence? --- No; but I had my hands on the fence - not my body. I was not leaning against the fence.

Was your body not against the fence? --- No.

Were people not pressing you from behind? --- No.

Were you standing near one of the iron posts, or not? --- I was.

Opposite the iron post? --- Yes.

Could you see whether the fence between the iron posts was leaning over towards the Police? --- No; I did not see that.

Were other people not leaning against the fence? --- No.

Were they not pushing the fence over with their hands? --- No.

I am not saying that they did so, but might it be that in pushing too much, they were pushing the fence over? --- Well, I did not see it.

You said Teale told you that some big boss was going to speak to the people at 2 o'clock? --- Yes.

And did he tell you that once only, or more than once? --- He said that twice.

And you say every time this was after he had spoken to a European? --- That is so.

And you saw him speaking to a European? --- I did.

Where was this European when Tsolo spoke to him? --- It was not one individual European. There were Europeans that were standing outside the Police Station, on the stoep.

Would that be on the stoep facing the big gate? --- No; the small stoep, facing the gate.

There is a stoep facing the small one? --- That is the stoep I am referring to, the one facing the small gate.

You say he spoke to several Europeans? --- I say that he spoke to the European that was standing there.

Could you describe any of the Europeans that he spoke to? --- I know one of the Europeans, who is a member of the C.I.D.

Do you know his name? --- I know the man by sight, although I do not know his name. But I know him when I see him.

Do you know how he was dressed? --- I do not remember how he was dressed on that day.

He spoke to this member of the C.I.D. Did he also speak to uniformed men? --- This man spoke to the Europeans, and the Europeans that he spoke to, none of them were dressed in uniform. They were dressed in civilian clothes.

When Tsolo spoke to you, did he tell you that he was conveying to you what he had heard from the man? --- Yes; he did.

You say this all happened before the aeroplane

came over? --- Yes.

The first time he spoke to you, where did he walk to from the stoep; which part of the fence did he walk to? --- He walked up and down between the big and the small gates - between those two gates.

On each occasion? --- Yes.

That was very early, was it not? --- Somewhere about 11 o'clock.

Long before the shooting? --- Yes.

You had to wait a long time, there, for this man to speak? --- Yes.

And were you prepared to wait so long? --- Yes. The reason why I was prepared to wait so long was that I wanted to hear what this European had to say.

Did all the other people that heard Tsolo, wait there for this man to speak? --- We were all waiting for this European, yes.

After he had told you this, people did not go away? --- They remained standing outside, singing.

THE CHAIRMAN: But how far do you live from the Police Station? --- I was standing outside the fence.

I say how far do you live from the Police Station? If you walked there, would it take you five minutes, ten minutes, half-an-hour? --- From the Police Station, if I go to my home, it would take me five minutes to walk.

CROSS-EXAMINATION CONTINUED: Would I be right in saying that when Tsolo told you this, you realised that you would have to stand there for about three hours before this man would arrive? --- That is correct.

As far as you personally were concerned, you

could easily have gone home and rested there or done something, and then come back? ---No; we were singing, just, outside where we were.

It appeared to you that all the people there were prepared to wait until this man came along? --- Yes.

These songs that you were singing, did you know them? ---Yes.

Give us some of the wording of these songs? --- They were church hymns which were being sung.

How did they go? --- (Witness sings a tune). "Morona beloka sechaba sahaso"; like that.

What does it mean? --- "The Lord must guide all our people".

Then you shouted "Afrika"? --- Yes. We shouted the word "Afrika!"

What did you mean by shouting "Afrika"? --- Because we were born in Africa, that is why.

Did you just shout "Afrika!" or were there other words with it, when you shouted it? --- Just "Afrika!"

And when you were holding thumbs up, what did you mean by that? --- That is just the sign of "Afrika!", that's all.

You saw the Police forming a line? ---Yes.

And you saw people being arrested? --- Three, yes.

You saw three people being arrested? ---Yes.

Could you clearly see what was going on at the gate? --- Yes.

There was nothing to obscure your view? --- Nothing obscured my view.

Did he go willingly with the detective who
Can you say how many of these three people that
were arrested, were arrested before the line was formed?

--- There were two people arrested before the line was
formed, and this third one, when he was arrested and
being assaulted, the line was already formed.

Do you know the other two people who were arrested?
--- No.

Do you know Tsolo? ---No.

You don't know him at all? ---No.

You have never seen him? --- I do not know the
name, but if I see the person I might say I know him.
But I don't know the name.

Do you know, now, who Tsolo is? ---Yes.

THE CHAIRMAN: Had you ever heard that name
before? --- No.

Is it the first time now, that Mr. Claassen puts
the name to you, that you hear it? ---Yes. The name
Tsolo - it is the first time I hear it.

CROSS-EXAMINATION CONTINUED: Who is the man who
told you to wait for the big boss? --- That is Tsolo, and
not Tsolo.

Are you making this difference between my pronun-
ciation and yours? --- Your pronuniation is not clear.

Was it not clear to you that I was speaking about
the same man as you were speaking about? ---No.

Well, you know now who I mean? ---I do know it now.

Was Tsolo one of the men arrested? ---Yes, he was.

Was he the first to be arrested? ---Yes; he was
the first one to be arrested.

Did he go willingly with the detective who arrested him? ---Yes; he did. The second one was handled roughly.

Well, let us for the moment confine ourselves to Tolo. Was he taken into the Police offices? ---Yes.

There was no resistance and no assault? ---No resistance and no assault.

Could you tell me who was the second man who was arrested? ---I do not know his name.

I am not quite sure, I may be wrong but did you not tell me that you did not know the name of the first person, also, who was arrested? ---No; I know the first one; that was Tolo; but the second one, I said I did not know his name.

But when I asked you whether you knew the first two who were arrested, did you not say you did not know him? ---I was not sure who you were referring to.

Is that why you said you did not know him? ---That is so.

I was clearly speaking about the first two people who were arrested? ---Well, the one is Tolo; the other one I know the name of.

Do you know a man by the name of More? ---No.

What happened to the second arrest? ---He was just roughly handled, pulled about and put into the Police Station. Nothing else happened to him.

No blow was struck? ---No; he was not hit.

No attempt was made to strike him? ---No. He was just being pulled about.

And he was taken into the Police Station? ---Yes; he was.

And he was - both these two men then disappeared from your view after they had been arrested? --- That is correct.

And these two men who were arrested first, were they arrested by the same European? -- I did not see, actually, who the European was that arrested Tulo. The one I am referring to, who had a sports coat on, is the one who arrested the second person, who I don't know the name of.

Let me get this clear. The person who arrested the second Bantu, was he the same who arrested Peter? ---Yes.

The one who arrested Tulo, you don't know? --- No. I don't know the man.

Was he a man in uniform? ---No. He was also dressed in civilian clothes.

You saw all three arrests being made. How is it that you can't tell us whether it was the same man who affected all three arrests? --- The people who Tulo had been speaking to before, they were the people who had arrested him and went inside with him. The second person was arrested by this European that I say was wearing a sports coat.

So is this clear, that Tulo was arrested by a different man? --- That is correct.

Tulo and the other two, were they inside the Police fence? --- Tulo and this second person who I say I don't know the name of, were inside the fence. The third man who was arrested, namely Peter, was outside the fence.

Where was Peter standing when he was arrested? ---He was standing in front of the gate, but outside the

gate.

But would you say against the gate? --- No, just standing as I indicate here, at the gate (About a foot away).

The person who arrested him, did he have to go through the gate? --- This European opened the gate. We did not know where he was going to and as he opened the gate, he then caught hold of Peter and pulled him inside.

Would he just have had to stretch out his arm to take hold of Peter, or did he have to go outside the gate? --- Yes. All you just explain to him the lay of the land.

Was Peter doing anything when he was arrested, or just before? --- Just standing.

Had he been standing there for some time? --- Yes.

Did you hear him saying anything? --- No.

Well, can you be sure that he did not say anything? --- I cannot say that, but I can say while he was standing there, I did not hear him say anything.

Was he standing quietly, not moving about? --- He was standing there, looking at this white man coming towards the gate, wondering as to whether this white man was going to go out or where he was going to.

You did not see him turn his back towards the white man and speak to the people in his immediate surroundings? --- No; I did not.

Do you say he did not do that? --- I did not see him doing it.

THE CHAIRMAN: You say you remember, now, that on that day you saw people standing, as you pointed out - Peter was standing about a foot away from the gate? ---

Yes.

In order to see him, did you not have to press forward to lean over the fence so as to be able to see what was going on? — No.

How often? — I saw him being kicked once, and

Could you perhaps just explain to me again where you were standing along that Western fence. First of all, where you stood, could you see this steep on the South side of the Police Station? — I could see that, yes.

Do you understand photographs? — Yes; I do.

I think it might be easier if you look at Exh. "F".

Mr. Plewman, will you just explain to him the lay of the land? — (Witness points out spot).

It seems to me it is a little nearer to the corner post?

MR. PLEWMAN: I can perhaps point out the spot to you. It is slightly nearer to the corner post than it is to the gate, in that portion of the fence which is straight; it is a cut off ...

THE CHAIRMAN: Yes.

CROSS-EXAMINATION CONTINUED: Did you have to look over the heads of other people to see what was going on, there? — No. They were standing ordinarily, not actually in a line but they were standing along that place, and I could see without having to look over the heads of others.

And you say at that time you did not know Peter? — That is so.

When you say that Peter had been standing there some time before his arrest, do you mean that you saw him? — Yes; I did, although I did not know his name, then.

How was he assaulted? — He was caught hold of here, in front of his clothing. He was pulled forward and

his shirt torn as a result of that. He was hit with the open hand.

Where? --- Here; on the side of the face.

How often? --- I saw him being kicked once, and being struck with the open hand in the face, once.

Where was he kicked; where was he when he was kicked? --- That was at the stage when he was already being pulled into the Police yard.

Do you mean after he had been pulled in? --- Yes.

How could you see what was going on in the Police yard - oh, do you mean inside the fence? --- Yes.

Was that still some distance from the big gate where they ultimately disappeared? --- Do you mean where they put him in?

Yes? --- Yes.

Let me put it to you this way: Was he still close to the fence, inside? --- That is so. He was inside, still close to the fence, when he was kicked.

And you watched him and the man who arrested him until they disappeared through the big gate? --- The last I saw of him was when they entered the Police Station.

He was slapped only once and kicked once and no more, until they disappeared? --- That is all I saw. Thereafter, I did not see what was happening to him.

And Peter had a hat on? --- No; he did not.

Are you quite sure of that? --- At the time when I saw him, he had no hat on. I don't know, the time he was pulled about, whether his hat fell off or was something; I don't know.

But you did see him being arrested on the outside of the gate? ---Yes.

And you saw what was happening up to the time that they disappeared through the big gate?---Yes.

And you saw him without a hat? --- When I saw him, he had no hat.

Has that the last that you saw of Peter? ---I did not see him after that again.

Never since? ---No; some time after that, I did meet him. I saw him.

Where was his shirt torn? ---Here, on the chest. When did you see that? --- He showed me his shirt.

When? --- Last week.

After he had given evidence here? ---Before he came here.

So, then you did discuss the events of that day he with Peter? ---No.

Not at all? ---No.

When he showed you this torn shirt, what was he speaking about? --- I had asked him whether he was the youngster, because I took it to be the man who was arrested at the gate. On that, he said "Yes" and he then showed me his shirt, the way it was torn.

Before you actually met Peter, did anybody tell you who he was? ---No. I personally asked him on this date that he showed me his shirt, as to what his name was.

Where did you meet him? --- He was on his way to Court, here; it was outside, in the street, somewhere

out here, I met him.

Were you also on your way here? ---Yes; I was also coming here.

How long have you been here at Court - how many days? --- I came here at the time when I was called to come here - twice; today is the third occasion.

Have you been sitting in Court on any of these days? ---No.

Did Peter speak to you first, or did you speak to him? ---I spoke to him first.

Why did you speak to him? --- Why I asked him, is because I took him to be another person who was caught hold of at the gate. I then asked and in fact it was the man.

So you were right? --- I was right, yes.

Before you spoke to him, did you know that he was on his way to Court? --- I did not know that this man was coming to Court, but after he had shown me his shirt, he said so.

You say that was on the day you were also coming to Court? ---Yes; I was also coming to Court.

It so happened that the two of you casually met each other? --- Yes.

THE CHAIRMAN: What day was this; can you remember? --- I think a Wednesday.

Last week, or the week before that? ---Last week.

And then, the next time, when did you come here?

---On Thursday.

And then you came here today...? ---I was told to go back to work and I can come back later. Today is the third time.

Was it then on the Wednesday that you saw Peter? ---

Yes.

CROSS-EXAMINATION CONTINUED: Although you then discovered that both of you were on your way to the enquiry to give evidence, you did not discuss the events of the 21st March at all with him? --- That is so.

Or what you were likely to be asked here? --- No.

Did I understand you to say that five Bantu children were about to throw stones? --- I said so. They were then checked by the elder persons not to.

And did you say that three of them did throw stones? --- Yes. I said so.

How many stones were thrown altogether? --- I just saw three stones, because there were three - each one.

And were these stones thrown at the man who was arresting Peter? --- Yes.

All three? --- Yes.

And before the shooting happened, those were the only stones that were thrown? --- That is what I saw.

From the gate downwards towards Zwane Street in the direction that you were standing, were any stones thrown there at all? --- No.

If any stones had been thrown there, would you have seen it? --- Yes. I was in front of these people and if the people further back were throwing stones, I would have seen it.

Were the crowd of people annoyed at the arrest of Peter? --- I don't know. All I know is that we were told not to fight, "Even if you were to be arrested by the Policemen, submit to the arrest".

Yes, that may have been what you had been told; I want to know how you summed up the behaviour of the crowd as such? --- There was nothing wrong. They were all right.

THE CHAIRMAN:
/You heard no annoyance because Peter was being assaulted? ---No.

Didn't you feel annoyed to see that this man, who as far as you could see had done no wrong, was being assaulted by the Police? --- No.

These youths that you have referred to, what ages would they have been? --- They were ...

Were they children of 5 or 6, or youths of 17 or 18? --- I can just say how tall they are; I cannot give an estimate as to their age.

You could not judge at all whether they were about five or six years old, or about fifteen to twenty? ---No.

Well, then perhaps try your way of showing me. Assuming they were standing on the floor in front of you, what would their height be? --- As I indicate with my hand.

To the top of your fingertips?--- Yes. (4'6").

CROSS-EXAMINATION CONTINUED: And when the first two arrests were made, did you see any show of annoyance by the crowd towards the Police? ---None.

During that whole day, did you see nothing which appeared to you to be annoyance on the part of the crowd as far as the Police were concerned? --- They were just singing. I saw no annoyance towards the Police.

They were quite friendly towards the Police? ---Yes; they were.

You saw no attempt on the part of the Police to get the people away? ---No.

Didn't somebody with a loudspeaker tell the people to go away? ---I saw one with a loudspeaker, yes, a European; but he did not speak through it. He just had it.

Were there two men - the one was carrying it and the other one was? ---He had the microphone and he had the speaker, too; but he did not speak.

Did he attempt to speak? ---No. Let's direct back

What was he doing with it? ---I just saw that he had it when he came from the Police Station, and I saw him returning to the Police Station with it again.

Did he walk along the fence, on the inside of the fence? --- No.

And do you say that nobody spoke to the crowd at all, that you know of? --- No.

And when all these Policemen arrived there with all these guns and the saracens, what did you do then?

---I did not think anything at all, because I knew that we were not fighting. We merely went there to listen to what this big European was going to say to us.

But did you not think that the Police might have thought that you would fight? --- No.

This man who gave the order to shoot, what did he speak - English, or Afrikaans? ---He spoke in Afrikaans.

What did he say? ---"Skiet!"

Just the one word, "Skiet!"? ---Yes.

THE CHAIRMAN: This person was one of those who carried out the arrests, if I remember correctly? --- That is correct.

Was this the person who effected the first arrest,

or who effected the last two arrests? --- The last two
arrests.

This man that you have just been talking about,
when you heard him give this command, "Skiet!",
can you give me as accurate a picture as possible as to
where he was at that time? --- I was still standing at
the same place where I was standing before.

In other words, the line of Police was between
where he was when he said this - let's first take
the line of Police, now. Was he near to your end of
the line of Police or was he right at the very top end
or in between? --- He was on my right from where I was
standing when that command was given.

You were facing the Police Station? --- Yes;
I was.

And you say on your right; as you were facing
you had to look to your righthand to see this man who
was giving this command? --- No; I had to look to my
left to see him.

You see, I think if you look at this photograph
again, Exh. "K"; you can rather point out approximately
where you saw this man. It is the same photograph
you looked at earlier. Just point out the main gate
to him (Interpreter explains to Witness). You have
marked the place as I see it, on the Southern edge of
the pathway leading from the gate on the Western side after
to the Police Station. I suppose it would be approxi-
mately six or seven paces from the gate itself - not more.

MR. KENTRIDGE: I don't know. Perhaps one could
say between four and seven feet.

THE CHAIRMAN: That is so. As you saw the line
of Police, did the line extend beyond the point that you
have referred to now? --- Yes; it did.

Yes, across that pathway, further to the Northern

portion of the Police Station? --- I don't follow that.

This man that you have just been talking about, did not stand at the end of the line of Police? --- He was behind the line of Police but closer to the end of the line itself - not actually at the end.

In other words, the line of Police was between him and the fence and the crowd? --- That is correct.

THE CROSS-EXAMINATION CONTINUED: Now, what is the position. Had he already taken Peter inside and returned to this position, or was Peter still with him when he gave this order? --- Just after this man had handed Peter to another European Policeman to take him in - it was then that this command was given.

You say, then you heard three shots being fired, and that was at the gate? --- Yes.

And then you heard many other shots? --- Yes.

Were you still standing there when the other shots were fired? --- No. When the first three shots were fired, the people all ran away and so did I.

And which way did you run? --- I ran in the direction of the big street that passes in front of the Police Station, in a Southernly direction.

Did you have to cross Zwane Street? --- Just after having crossed Zwane Street, I fell and I remained lying there.

Why did you fall? --- This woman that I spoke about, I was running in front and she fell on me from behind and she was the cause of me falling. She fell up against me and got me to fall, too.

Did you see other people falling that way? --- Yes, I saw the people falling, too but that was on

M. KENTRIDGE
Cross-Examination
Re-examination
By the Chairman.

account of being shot.

Q: Did you have difficulty in getting away from the place where you stood on account of the large crowd present there? --- That is so. I found it difficult, but when they were running away, they scattered.

Q: Right at the start I suppose people were running in all directions? --- That is so.

NO FURTHER QUESTIONS

RE-EXAMINED BY MR. KENTRIDGE: Meschak, is it unusual to see people who are arrested by the Police, handled roughly? --- It is not the first time that I saw it.

Q: Is it unusual to see people who are arrested, assaulted by the Police? --- It does happen that when people are arrested, they are assaulted by the Police.

THE CHAIRMAN: How often have you seen that? --- Oh, many times.
Q: In Sharpeville? --- Even here, in the streets, here.

Q: You did not go to work that day? --- I was on leave.
Q: How long before that Monday did you know there was going to be a demonstration on that Monday? --- I did not know until I got the little paper.

Q: Can you remember when you got this paper? --- Saturday.

Q: And did that paper say when this demonstration was going to be? --- Yes; it was said that the people had to be there on Monday.

Q: Where? --- At the Police Station.

Q: Did they tell you which Police Station? --- No.

THE CHAIRMAN: Well, that was his recollection.

Did you know which Police Station was intended?

--- No; I did not know. The only thing is that on Monday I saw the people going to that Police Station and I also went along.

When did you see people, as you put it, going to the Police Station? --- At about 11 o'clock, when I went there, I found that there were people already at this Police Station when I got there.

Did you yourself see anything of what happened in Secise Street earlier that morning? ---No.

Did you hear later that morning what had happened? ---No.

You have never until today heard anything about what happened earlier that morning in the location? --- Till this day I haven't heard.

Before you got this pamphlet on Saturday, the 19th March, had you no intimation at all that there was going to be a demonstration at some time in the future? ---No.

There was no discussion in Sharpeville at all about passes and demonstrations, dissatisfaction with the passes? ---Not that I heard.

This European in private clothes who arrested the persons and also gave the order to shoot, would you be able to identify him? Did you see him well enough to be able to remember his face? --- I don't know whether I will be able to, but should I see this person I think I will be able to.

MR. FLEWMAN: The Witness came here on subpoena, Sir on Wednesday; it was held over until Thursday and I myself released him for today, Sir.

THE CHAIRMAN: Well, that was his recollection.

S. LINDO
~~Witness in Chief~~

STEPHEN LINDO, sworn, states (through Interpreter):

EXAMINED BY MR. FLEWMAN: You live in Sharpsville?

---Yes, I do. were you when you were wounded, when you

On the 21st March, you were, at the time of the shooting, near to the Police Station? ---I was there.

And you were in fact injured? ---Yes.

About what time on that morning did you go to the Police Station? --- I left home at 12.30.

Why did you go to the Police Station? ---I was sent by my mother to go and look for a small child.

Did you see the crowd and go to the Police Station? --- I found the child at the Police Station.

Could you describe where you stood before the shooting with reference to the clinic and the Police Station and the road that runs between them? --- I was standing midway between the Police Station and the clinic.

On the tarred road? ---On the tarred road.

There is a gate in the middle of the fence of the Police Station. About how far from that gate were you? ---I was not very far from the gate, but I cannot estimate as to how far I was.

The crowd that you saw standing there, were they people who were armed with weapons of any description? --- No.

And before the shooting started, did you see any attempt by the people to attack the Police in any way? ---No, I did not.

Did you see any stones thrown from where you were standing, at the Police? ---No.

When the shooting started, what happened to the

crowd? --- The crowd ran away.

What did you yourself do? --- I ran away, too.

Where were you when you were wounded, when you received the bullet wound? --- On the Southern side, after crossing the tarred road.

Is that Zwane Street? --- I don't know the name of the road.

Is that the road with the island in the middle? --- Yes. I crossed that one.

Where were you wounded? --- Just here, on the back.

In the thigh, just below the buttock? --- Left buttock.

NO FURTHER QUESTIONS

CROSS-EXAMINED BY MR. CLAASSEN: Stephen, do you work? --- Yes.

Where do you work? --- Roots Dry Cleaners.

Is that in Vereeniging? --- Yes.

On that day, didn't you go to work? --- No.

Why not? --- We had been told that we were not going to go to work on Monday. I also told them to inform my master that we were prevented from coming to work; he said yes, he had heard so.

You were told that you were not to go to work; by whom were you told that? --- I heard people speaking in the village itself about it.

THE CHAIRMAN: When was this? --- The week before this Monday.

CROSS-EXAMINATION CONTINUED: So the week before you knew that people were not going to go to work? ---

No. I knew that the people were not going to go to work, the week before this week that it took place - not that I knew it for a week before it happened.

But why should you stay away from work because others tell you to stay away? -- If you go to work you are stopped by people in the road, not to go.

You did not make an attempt to go to work? -- I did make an attempt, but I did not succeed.

They stopped you? -- I was stopped.

And you then went back home? -- No. I then went to the bus stop and when I got there, there were no buses. Then, from there I went home.

THE CHAIRMAN: About what time was this? -- Monday morning, about 5-6 o'clock - half-past six in the morning.

CROSS-EXAMINATION CONTINUED: Did you know that the people were taking part in a demonstration against the Pass Laws? -- No.

Did you know the reason for preventing you to go to work on that day? -- I only heard that it was said that we were not going to work on that day; what the reason was, I do not know.

That night before, the Sunday night, didn't they come round to your house, waking you up and telling you to join the crowd? -- Not at my home.

Are you aware of the fact that other people were told to join the demonstration? -- I heard a noise during the night but I did not know what it was about.

So when you left your house to go and look for this child, did you then know that the people were demonstrating? -- I found that there was a large number

of people at the Police Station, but what they were there for, I did not know.

You found them only when you arrived there. You did not expect them there? — That is correct. When I got there, I heard what the reason was that they had gone there. Before that, I did not know.

Who was this child, and how old was it? — It is actually my aunt's child which has been reared by my mother — it is a little daughter, a little girl. Her name is Narea.

How old is she? — About eleven.
Immediately? — There were too many people. I did not find her.

Why did you have to go and look for her; did she disappear from home? — She was playing with some other children, and when we looked for her, she was gone. So we got information from other children that she went up the street with other children but they did not know where they were going to; that's why.

She was going "up" where — what do you mean by "up"? — Up the street.

Yes, but can you tell us which way it is? — Towards the hall.

THE CHAIRMAN: Is your home near to the Police Station? — Not very near; it is a distance away from the Police Station.

So did you keep on looking for her? — Yes, but about 100 or 200 or 300 yards? — All I knew is, from the Police Station I have to cross nine streets before I get into the ...

So it must have taken quite some time to walk there? — It does.

The direction that you were told your cousin had taken, would that be in the general direction of the

Police Station, or away from it? --- Yes, but this road which we were told they went along, is not a tarred road. It is an ordinary road, not tarred.

GROSS-EXAMINATION CONTINUED: Did you go from your home straight to the Police Station to look for her?

--- After having heard from these children the direction she had taken, I went up to the Police Station.

Did they tell you that she had gone to the Police Station? --- No; but I saw people going in that direction.

And when you arrived there, did you find her immediately? --- There were too many people. I did not find her.

Did you not find her at all? --- I don't know whether she is at home now. But that day I looked for her, and never found her.

I have a note that you found the child at the Police Station. What do you say to that? --- I said I did not find her at the Police Station on account of the large number of people; that is what I said.

I don't think you mentioned a large number of people but the record will speak for itself; we will see what you said. You say you never found this child? --- I said I did not find her, yes.

So did you keep on looking for her? --- Yes, but when I saw the large crowd of people standing I was myself surprised so I also stood wondering what was happening and what they were there for.

How long did you stand there? --- Fifteen or thirty minutes.

THE CHAIRMAN: Did you ask anybody? --- No.

remained at home until 12.30 that day? --- I am sure of that.
Did you hear anything? --- Nothing.

Were they not talking about what was going on and what the reason for your being there was that and what was going to happen? --- No. I just saw them raising their arms, but why they were doing it, I did not know.

What was the attitude of the crowd as you saw them towards the Police? --- I cannot say. All I saw was that they were laughing, they were singing, they raised their hands; that's all.

CROSS-EXAMINATION CONTINUED: How is it, when everybody went off to the Police Station that morning, you remained at home? --- I also went there.

Well, now, you did not go there because other people went there? --- I had felt that because other people were going there I must also go; then I was going to go there.

Well, do you say, now, that you intended going there in any case? --- I would have gone there in any case. Did it look to you as if they were standing there to prevent the people from coming in? --- All I know is that the Police were armed and they were standing inside.

Even if you had not been sent to look for the child? --- I would have gone there.

Yes, but people were going to the Police Station early that day and you were still sitting at home at 12.30 when people gathered in the streets and at the Police Station? --- Yes.

Why did you wait so long? --- I wanted to go the time that I felt like going.

But everything might have been over by the time you got there? --- What I lost, I lost; what is past, is past.

Is that your attitude? --- Yes.

Are you quite sure that you remained at home after you turned back from the bus stop; that you

remained at home until 12.30 that day? --- I am sure of that.

And that the reason for your being there was that you went there to look for a child? --- Yes.

What was the attitude of the crowd as you saw them towards the Police? --- I cannot say. All I saw was that they were laughing, they were singing, they raised their hands; that's all.

It did not appear to you that the crowd was angry? --- No; because I saw them laughing and raising their hands.

You did not see any sign of that at all, that they were cross with the Police? --- No.

No stones were thrown that you saw? --- Not one.

Did you see a lot of Policemen inside with their firearms? --- Yes; that I saw.

Did it look to you as if they were standing there to prevent the people from coming in? --- All I know is that the Police were armed and they were standing inside. Whether they were there to stop the people, I did not see them do so, so I cannot say what they were there for.

What did you think they were there for? --- I did not know myself what they were there for.

Were you not inquisitive to find out what all these Policemen are now standing here for? --- I was so surprised that I did not think about it, even.

I take it you know the Sharpeville Police Station? --- I do.

You had never seen such a lot of Policemen at the Sharpeville Police Station, had you? --- That is correct.

You had never seen such a crowd of people round

S. LEHORO
Cross-examination
Re-examination
SIBON MASHONA
Witness-in-Chief

the Sharpeville Police Station? -- That is correct.

You did not make any enquiries as to what this was all about? -- I was surprised, and I did not ask.

Why? -- I saw the crowd of people, I saw many Police armed, and I did not know what it was about.

Now, look, if one is surprised about a thing, then normally you are also inquisitive to know what is happening? -- The people were kicking a row there; I could not ask. They were singing, they were laughing, they were raising their arms so there was no way for me to ask.

Shouting? -- Yes; they were shouting "Afrika! Iswe Lethu!"

What does that mean? -- I don't know. They raised their hands and they shouted "Afrika!" and "Iswe Lethu!" and I do not know what it means.

NO FURTHER QUESTIONS.

RE-EXAMINED BY MR. PLEWMAN: Stephen, if you had thought that the Police would shoot you, would you have stayed at the Police Station? -- I would not have stayed there at all.

ADJOURNED: 12.45 p.m.

RESUMED: 2.15 p.m.

SIBON MASHONA, sworn, states (through Interpreter):

EXAMINED BY MR. PLEWMAN: Simon, you live at Sharpeville? -- Yes; I do.

You were at the Sharpeville Police Station when

the shooting started; you received an injury? ---Yes.

You worked before the 21st for Vaal Dry Cleaning?
--- Yes.

On Monday, the 21st, did you work? ---No.

What time would you have gone to work on Monday
if you had worked on that day? ---I had to start work at
1 o'clock.

Did you try to go to work? ---Yes; but I dis-
covered that there were no buses.

And did you then later go to the Police Station? ---
Yes.

What took you to the Police Station? ---I saw that
at the Police Station it was full of people. I then
went there, too, to see what it was.

What side did you go; can you describe the
position you took up at the Police Station, referring to
the clinic or the big road on the South side of the island,
or the cafe side? ---I was standing on the side towards
the cafes.

How near to the fence were you? ---I was standing
just next to the fence.

And did you see various lots of cars and motor
vehicles arrive at the Police Station? ---Yes, I did.

Do you remember the last vehicle that came in
before the shooting? --- Before that, a lot of private
cars went in, followed by the flying squad.

Did you also see that at some stage a line was
formed of Policemen facing the Western fence? ---Yes.

Would you tell his Lordship what you saw happened?
After that line had been drawn up and up to the shooting?
As far as you could see, were the other people

--- What I saw was that the Police came and they were lined up. They had rifles and they put the butts of these rifles onto the ground. After that, they took them up and loaded them. They were holding the rifles (as indicated) pointing them down.

THE CHAIRMAN: They were not loading them from the shoulder? --- They had some straps over their shoulders.

EXAMINATION CONTINUED: Were they holding the rifles at the waist, or up? --- Here, as indicated, in the hips.

And which way were the rifles pointing? --- They were facing the direction where we were standing.

Carry on and tell his Lordship everything you saw thereafter? --- After that, two Europeans came, one dressed in private and one in uniform. They caught hold of a Non-European outside. This person was taken to the Police Station, this Non-European. When they came from the Police Station towards where the people were standing, they caught hold of another one, pulled him inside, assaulted him. After that, the firing took place.

How did the firing start; did you hear anybody give any sort of an order that it should start? --- I cannot say how it started. I just heard the firing start. I don't know whether a command was given, or not.

Before the firing started, did you see the people throwing any stones at the Police? --- I did not see a single person throwing a stone at the police.

Had you gone to that place to attack the Police, to fight with them? --- No.

As far as you could see, were the other people

who were there trying to fight with, or attack the Police? --- No.

When the shooting started, what did you do? --- I turned and ran.

Did you run towards the shops, or towards the other side? --- I ran to the side of the shops.

Had you run some distance before you were injured? --- Yes.

Were you then taken to hospital, afterwards? --- Yes.

Were you ever told - did you ever hear the Police tell the people, that they must disperse, go away from this place? --- No; I did not hear that.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. CLAASSEN: Simon, you

stood against the fence; was that on the Western side, the side on which the big gate is? --- Yes.

Was the gate on your righthand side, or on your left-hand side? --- On my righthand side.

And how far were you standing from the gate? --- About as far from the end of this Witness box to where I am standing here. (5 ft.)

Do you know Peter Molefi? --- No.

Did you know the man who was arrested there? --- No.

The one who was assaulted? --- No; I don't know the man.

Did you see two men being arrested? --- Yes.

Nothing happened about the first one; there was no assault? --- Nothing happened with the first one.

The second one? --- He was hit.

Where was he taken from? --- At the gate, but just on the outside of the gate.

Was he standing against the gate on the other side?
--- He was standing by the gate, not against the gate but on the outside of the gate.

Was there somebody in between him and the gate? ---
The two Europeans that caught him, yes.

Did those two Europeans go through the gate? ---
They did not go out through the gate, but they got into the gate and when they were about to go out they caught him, and went in back through the gate.

How far was he standing from the gate? --- About this distance from the gate (1 ft.)

Before he was arrested, did you see him standing there for some time? --- No. I just saw this man at the time he was being caught hold of.

What was he doing? --- Just standing there.

Facing the Police? --- Yes.

Not speaking to the people? --- We were all singing and he was also singing.

Did the crowd get annoyed when he was arrested? ---
No; the crowd did not get annoyed.

And did he struggle? --- No; he did not.

How did they assault him? --- They had a short stick which they were hitting him with.

Hitting him
Both/with the stick? --- The one was pulling him along and the other one was hitting him.

Which one was hitting him with the stick? --- The one who had the short stick, was hitting him with the stick.

The one who was dressed in uniform, or the other

one? --- The one who was hitting him with the little the stick, was dressed in uniform.

And the other one, you say, was pulling him? --- Yes.

How did he have hold of him? --- By the arm.

With the one hand? --- No; with two hands.

And is that all that you saw? --- Yes.

They just hit him with the stick? --- Yes.

They did not slap him in the face? --- I did not see him being hit in the face.

Was he unwilling to go? --- No; he was not unwilling to go.

You say that the crowd did not get annoyed; there was no great excitement after that? --- There was no-one who was annoyed; they were all in a happy mood, singing.

Right throughout this arrest they kept on singing and being happy? --- Yes.

And you saw no stonethrowing? --- No; I did not.

About how long after this incident did the shooting take place? --- I had no time, but all I can say is, not long after that the shooting took place.

Were you one of the people who were picked up there and sent to the hospital? --- No. I ran until I got home.

And how far did you run from this place where you had been standing before you received a shot? --- I did not run far from where I was standing until I was wounded.

Had you reached the tarasadam road yet? --- Yes, I had.

S. HARRISON
Cross-examination
By the Chairman.

Where did you receive the bullet wound? --- On the heel, the left heel.

That is from Sharpeville? --- Yes.

Did you turn immediately and run? --- I had already turned and I was running away when I received the shot.

Did you have difficulty in getting away because of the number of people standing there? --- No. The people who were behind me had also turned and they were also running away at the time.

When you turned to run away, was there nobody immediately in front of you? --- Yes; I saw people falling.

But could you run as fast as you wanted to? --- I could.

NO FURTHER QUESTIONS.

MR. PLEWMAN: NO RE-EXAMINATION.

BY THE CHAIRMAN: How old are you? --- I am 22 years.

Did you know of any trouble in Sharpeville before the 21st? --- No.

Were there no discussions about passes or anti-pass demonstrations? --- Not that I heard of.

When did you first hear that there would be a demonstration on the 21st? --- I heard people speaking on Saturday.

On the Monday morning, earlier in the morning, did you notice anything unusual about conditions in Sharpeville? --- No. I saw Monday morning that the people were happy.

Were you in Seciso Street at any time? --- No.

So you did not see anything take place there? --- No. I knew nothing of what happened there.

S. MAKHOBA
BY THE CHAIRMAN.
GEORGE QTWAYA
Evidence-in-Chief

How did you get taken to hospital? --- By taxi.

That is from Sharpeville? --- Yes.

And when you got to the Police Station, did you hear anything else? --- Nothing else.

What time did you get to the Police Station? ---

GEORGE QTWAYA, sworn, states (through Interpreter):
(Indemnity explained to Witness).

EXAMINED BY MR. KENTRIDGE: George, you live in Sharpeville? --- Yes, I do.

You are employed in Vereeniging? --- Yes.

On the 21st March, that is the day of the shooting, did you try to go to work? --- I did.

Were you able to go? --- No; I was not able to go.

Why was that? --- There were a lot of people preventing people at the bus stop not to go to work.

And did you go home? --- I went back home, yes.

Later on, did you go to the Police Station? --- I did.

Had anyone told you what was going to happen at the Police Station? --- No.

Had you received any pamphlets? --- No.

Or a letter? --- No; not at home.

Did you see one anywhere? --- I heard them speaking about it but personally I did not see it.

What were they saying about it? --- It was said that people were not to go to work.

And did you hear anything about passes? --- Nothing.

And when you got to the Police Station? ---

I got to the people that were at the Police Station.

There I heard this matter about the passes.

He heard, shouting "abibai" "abibai"

What did you hear there about the passes? — It was said that the passes were going to be left there.

And when you got to the Police Station, did you hear anything else? — Nothing else.

What time did you get to the Police Station? — About 12.30.

And did you wait there? — I did.

What did you wait for? — We were waiting there to hear what was going to be said about the passes.

Who did you think would say something about it? — I thought that the Police might tell us about it.

While you were waiting there, did you see vehicles arrive? — Yes, I did. — I ran away.

Where were you standing? — Between the fence of the clinic and that of the Police Station, in the street; between these two fences — the one of the clinic and the one of the Police Station.

Did you see whether there were Policemen inside? — Yes, I did.

Did you see whether they had guns? — Yes, they had guns.

Did you see whether they loaded their guns? — Yes, I did.

Did you see the Police arrest anyone? — I saw the Police arresting two people.

And did you see anything done to any of the people by the Police? — The last one who was arrested by the Police, assaulted and pushed into the Police Station.

When this man was assaulted, did the people who were looking on do anything? — To me they appeared to be happy, shouting "Afrika!" "Afrika!"

Were you standing right at the fence? --- I was not right up against the fence.

You fell, then? --- Yes.

Were you in the roadway? --- Yes, I was.

Where did you fall; was it near the cafe, or ...?

Did you see any stones thrown? --- No.

Were you there when the Police started to shoot?

--- I was.

Is that near Seino Street, or far from it?

And did you see any reason why the Police should shoot the people? --- Nika. I did not see the reason

why. And then, when you were lying there, what happened?

--- While I was lying there, I received another shot in

When the shooting started, what did the people do? --- People were running away; some of them were falling down.

It hit the lower instep on the left and came out

And what did you do? --- I ran away.

Which way did you run? --- I ran through between the cafe and the clinic.

DID YOU ACTUALLY TRY TO GO TOWARDS THE LIBRARY? --- Yes; I did.

And were you shot? --- Yes.

Where were you shot? --- The first one struck me behind the right arm. This is where it went in, here where it is open, and it came out here.

THE CHAIRMAN: It entered just below the right shoulder and the exit is at the front, just below the collar bone.

EXAMINATION CONTINUED: Did you go on running? --- I did. This one here did not cause me to fall.

Did you see a lot of people in Seino Street? --- Yes, at the bus stop.

That is the first one in the shoulder? --- Yes. The second one got me here just at the back, the side of the left leg. This caused me to fall - just at the back of the thigh.

Just above the knee? --- Just above the knee. In

S. STATA
Witness-in-Chief
Cross-examination

at the back and out at the front.

You fell, then? ---Yes.

Where did you fall; was it near the cafe, or ...?

--- I would say it was next to the library, at the fence.

The fence of the library? ---Yes.

Is that near Secise Street, or far from it? ---

I am not sure.

And then, when you were lying there, what happened?

--- While I was lying there, I received another shot in the right leg. It went in at the instep of the foot, and out at the other side - out at the top, as indicated by me.

It hit the lower instep on the left and came out on top of the right foot? --- That is so.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. CLAASSEN:

Did you actually try to go to work? ---I did.

And were you stopped by the other people at the bus stop? ---Yes.

When did you get to the bus stop? --- At the time when one goes to work in the morning.

What time was it? --- 7 o'clock.

Was that in Secise Street? ---In the big street.

The big street that leads out of the location? --- Yes, the one leading out of the location, coming to town.

Did you see a lot of people in Secise Street? --- Yes, at the bus stop.

Did you see Police there, too? ---No, there were no Police.

Did you hear that there were Police near the entrance

to the location? --- No.

Did you at that time know why these people had gathered there? --- No; I did not know.

Did you find out from them what they were doing there? --- When I got to where these people were, I then heard it being said that we had not to go to work.

Was that all that you heard? --- Yes.

Didn't you ask them why? --- No. I just came back and I went home.

When you saw a lot of people in Secino Street, did you think it had anything to do with passes? --- I thought of that, yes; that is what I thought, yes.

Were you not certain? --- That is all. I just thought about it. I was not certain.

Why didn't you ask the people there whether this had to do with passes? --- Who did I have to ask? I do not know the people at all. Who did I have to ask?

Do you have to know a person before you ask him a question? --- I had heard people speaking about it in our home, when I was at home.

Before you went to work? --- Yes.

What did they say? --- It was said that there were many people at the bus stop, there was no bus so I thought to myself, "Well, let me go there, too, and see" so I went.

I thought you told us that you heard before you left about the passes? --- I had heard about the passes, yes, before going to the bus stop.

Well, what did they say? --- It was said that they were going to drop the passes at the Police Station.

THE CHAIRMAN: Was that while you were talking

to your parents?—Yes.

Why were you going to do that? — The reason being that if one can obtain employment elsewhere, out of your district, you are not allowed to; you've got to be employed where you live; that is why.

CROSS-EXAMINATION CONTINUED: Am I correct in saying that before you left your home that morning, you knew that people were being stopped from going to work; you knew that people were going to the Police office; and that they were going to leave their passes at the Police office? —No. All I heard before I left home was that there were many people at the bus stop.

Nothing about the passes? —No.

Now, I think you have given us several answers on this point. But tell me, then, is this the position: You went around to see whether—see whether it was true, the report that you had heard about the buses not running and people not being allowed to go to work? — Yes; that is so.

You found a lot of people in Secise Street? —

Yes. It was then that I saw a lot of people there,

and you still did not know why they were there, and what they were going to do? — No. Were there any

more people at the Police Station? — That is so. It was still in the morning.

You still did not know that people were going to go to the Police Station? — No.

Why did you go to the Police Station? — When I heard what I got there, not before I got there. I left Secise Street, I went back home. I sat at home.

At 12.30, when I get to the Police Station, I found a big crowd there.

Why did you go there? --- What made me go there is when I saw a lot of people gathered there. That is why I went there.

How far is your house from the Police Station? --- It is far - you have to come from the other side.

You can't see the Police Station from your house? --- No. You cannot see it.

You were in your house, you did not know about the people at the Police Station. Why did you go to the Police Station? --- At 12.30 I went there, because I saw a lot of people there.

THE CHAIRMAN: Could you see from your house that there were a lot of people? --- One cannot see the Police Station from my house.

How did you get the information that there were lots of people at the Police Station? --- After I had gone back, I thought to myself "Let me go to the bus stop again to see whether there are still so many people" and on doing so, from there the Police Station can be seen. It was then that I saw a lot of people there, and then I went.

CROSS-EXAMINATION CONTINUED: Were there then more people at the Police Station than in Seaiso Street? --- The people at the Police Station were more than the people in Seaiso Street, at the time.

In any case, you did not find out that the gathering at the Police Station was there because of passes until you got there? --- No; that is true. I heard when I got there, not before I got there.

Did you tell us that while you were there at the Police Station, you saw two arrests? --- Yes.

Was the first one assaulted? --- No; he was just pulled about a bit, but not assaulted.

Did you know him? --- No.

And this man who arrested him, how was he dressed? --- I cannot say. I took no notice as to how he was dressed.

Was he in uniform? --- He was dressed in private clothes. The second one had on a black coat, jacket. It may have been a blazer, a black blazer.

And this second man who was arrested, where was he; inside the Police grounds? --- No; he was outside.

Was he standing near the gate? --- Yes.

How far from the gate? --- As far as from where I am standing to this here in front of me (18").

Was he arrested by only one man? --- No; two Europeans - one dressed in uniform and one in civilian clothes.

And was he willing to go with them? --- Yes; but in spite of that he was assaulted.

Had he done nothing? --- Nix.

You could see for some time before the Police arrested him that he was standing there quietly, doing nothing? --- Yes; except that he was shouting "Afrika!", that's all.

And how did they assault him? --- The policeman had something which looked like a sjambok.

Was that the man in uniform? --- That's correct.

What did he do with it? --- The gate was opened

G. OTVAYA
Cross-examination

by this man. He caught hold of him but he did not hit him with the sjambok. He was struck with the fist.

How many blows did he strike with the fist? --- I did not count.

Which part of the body? ---Here, the side of the face, both sides, and the back of the head - and pushed.

You say he was struck with the fist? ---Yes.

Was it with the fist, or the open hand? ---Yes, the fist.

And was it still the men in uniform doing all this? ---Both of them did it.

Did this man have a hat on? --- I took no notice as to whether he had a hat on or not.

And did both these men hold onto him or were they together with him until he disappeared between the big gates at the Police office? ---Yes.

Did each of them have hold of him until they disappeared from your view? --- This man was dressed in uniform, when they got behind the line where the Police were standing and were lined up, he came back and the man in civilian clothes went on with this man that was arrested.

You say that you saw no stone throwing at all? --- No.

And you received three bullet wounds? ---Yes.

I am not sure how far you were away from those Policemen who were firing, when you received that third wound? --- I was lying in the veld not far from the library, at the telegraph pole, on the ground.

NO FURTHER QUESTIONS.

G. QWAYA
By the Chairman.
Witness-in-Chief

MR. KENTRIDGE: NO RE-EXAMINATION.

BY THE CHAIRMAN: How old are you? — 22 years.

I wonder whether you would perhaps look at Exh. "B1".

Do you think you understand photographs? — I will try.

I don't know whether I will.

Look at this photograph. Perhaps you may be able to point out where you ran and where you got your last wound (Exh. "B1" explained to the Witness by the Interpreter). I think the library is on that photograph — what I understood to be the library. Are you now looking at Exh. "C"? — Yes. (Witness indicates).

That would be about to the North-West of the clinic? — Yes.

Which is the library on this photograph — this double-storaged building; now, it is North-West of the clinic and about mid-way between the library and the clinic?

— Yes. Before the shooting, I saw two small children. Whether those And did you remain there after you had received this last wound? — Yes. After I had received the last bullet, I got up. Then they ceased firing and I went home.

GEELBOOI MOFEMBE, sworn, states (through Interpreter): (Indemnity explained to Witness).

EXAMINED BY MR. KENTRIDGE: Geelbooi, you live in Sharpeville? — I do.

At the time of the shooting you were working in Vereeniging? — Vereeniging Milling Company.

On the 21st March, did you go to work? — No.

Did you go to the Police Station that morning? — Yes;

I did. When people were being called, yes, I went there, too.

What did you go there for? --- I heard something being said about passes.

Do you know what time you got there, how long before the shooting? --- It was - I am not sure; maybe 12.15 or 12.30, when I got there.

Where did you stand? --- I was standing opposite the clinic - in front of the clinic.

Could you see what was happening inside the Police Station? --- No. There were too many people obscuring my vision.

Were you there when the shooting started? --- Yes; I was.

Do you know why it started? --- I do not know why.

Did you see the people there doing anything? --- No.

Did you see any children doing anything? --- Before the shooting, I saw two small children. Whether these children were playing or not, I do not know. They threw stones, but the stones fell close to where they were standing in the street.

Did they throw them in the air, though? --- No; they threw the stones ahead of them.

Towards the Police Station? --- No.

In that direction? --- In that direction, of the Police, but not at the Police.

When the shooting started, did you run away? --- I did.

And were you shot? --- Yes; the left side, here, and lower down - the left of the little nipple.

Was it one bullet, or two? --- I don't know. I felt the one going in here; I don't know whether it was one,

C. MORTIMER
EVIDENCE-IN-CHIEF
CROSS-EXAMINATION

or two. ... away from the Police Station.

Do you know where it was going in, or coming out?

--- That I don't know.

Where were you when you were shot? --- Where I was standing, as I have explained - near the clinic.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. CLAASSEN: I would like to have a closer description of precisely where you stood. Did you stand up against the clinic fence? --- I was standing a little distance away from the clinic fence.

THE CHAIRMAN: Where did these stones rain? How far - could you point out here, how far? ---

THE CHAIRMAN: Were you still on the pavement, or in the tarred section of the road? --- I was on the pavement, as far from the clinic fence as from here to the end of your Lordship's desk - daardie skerp hoek (3 paces).

CROSS-EXAMINATION CONTINUED: You say you could not see inside the Police yard? --- No; I could not.

How old were these children, about, that were throwing stones? --- About four or five years.

THE CHAIRMAN: How big are children when they are four or five years old: If they stood on the table there next to you, how high would they be standing? --- About that high (3'6").

CROSS-EXAMINATION CONTINUED: How far were they away from you? --- As far as from where I am standing, to where you are (6 paces approximately).

(Distance passed - 5 paces).

And these children, were they nearer to the Police Station than you were? --- No; we were about the

THE CHAIRMAN: ... the left ...

same distance away from the Police Station.

And were they also amongst the crowd? — They were.

And you say they were throwing stones in the direction of the Police, but not at the Police; what do you mean by that? — Before the shooting, there was a little open space caused by the people who were standing there and these children, I don't know whether they were playing or not, were throwing these stones in the direction of the Police Station — I won't say at the Police, but in the direction of the Police Station.

THE CHAIRMAN: Where did these stones rain; did they rain inside the Police yard? — No, they did not get as far.

How big were these stones? — Those that one picks up next to the tarmac road.

Granite chips? — Granite chips, yes.

Was that the only stone throwing you saw? — That is all I saw.

Was this very shortly before the shooting? — Yes.

CROSS-EXAMINATION CONTINUED: Why are you telling us about these stones? — Just because I saw it.

Did anything happen as a consequence of these stones being thrown? — Nothing happened as a result of this stone throwing.

I don't suppose the Police would have seen it? — That I cannot say.

Did I understand from you you had two shots? — I do not know whether it was two shots or not. I felt it penetrating here — I did not see it; I just felt the shot.

THE CHAIRMAN: The left nipple? — The left nipple.

yes. I did not feel this one here below.

The other one, was that immediately below that one? Pull up your shirt and show us? --- There; in there and there.

About two inches immediately below the left nipple and there is another one in die midline of the body, below the elbow - a smaller one. The smaller one is towards the back; that is probably the entry wound.

MR. KENTRIDGE: According to the doctor, it is likely, but we don't know, my Lord.

CROSS-EXAMINATION CONTINUED: When the shooting started, what did you do? --- I ran away.

Were you shot before you started running? --- No; I was shot as I was running away.

THE CHAIRMAN: Did you run ducking? --- As indicated, in a sort of stooping position.

CROSS-EXAMINATION CONTINUED: In which direction were you running? --- To the big street, towards sunset.

Do you know Ivane Street? --- I had only got to Sharpeville last year, coming from Top location. I am not long there. I do not know this big street's name.

As you were standing looking at the Police, near the clinic fence, did you run to your right, or to your left? --- As I was facing them, when the firing started I turned and I ran to my left.

How far were you away from the spot where you had been standing when you were hit? --- I was about to enter the big street, Secise Street, when I was shot. The one that comes from the offices.

Do you know those shops near the Police Station?

Had you already gone past these shops? --- I was just about to pass. I had not yet passed.

THE CHAIRMAN: Would you be able to understand this photograph (Exh. "B1")? --- I think so. Er het schoemtee gehardloop. were taken in de Dordrecht? --- by the name

You have indicated a point which is on the side of the road which runs to the West of the shops in the direction of Seeise Street? --- That is so.

There is a motor car parked to the side of the road? --- I never saw a car. out, on the photo? --- When I got

No, it is on the photograph now. I felt that I was shot in my back.

CROSS-EXAMINATION CONTINUED: At the places you have indicated you were shot at that time - did you not then have your back turned towards the Police? --- That is correct. I had my back towards the Police Station at the time I was shot.

Can you explain how you were shot? --- That I cannot explain.

THE CHAIRMAN: The one is the entry wound - there are two wounds.

MR. CLAASSEN: I don't know what the position is. I just want to gather whether he can give some explanation? --- I cannot.

CROSS-EXAMINATION CONTINUED: Just pull up your shirt again? --- (Witness pulls up his shirt).

THE CHAIRMAN: Well, unless he was hit twice, it seems to be more probable that the exit was just below the left nipple.

MR. KENTRIDGE: Perhaps we can ask which hospital he was in and if necessary, we can make an enquiry.

THE CHAIRMAN: Which hospital were you in? ---
Baragwanath.

Can you remember what name they took down when
you were in the hospital? --- Name "Geelbeoi".

You were taken in as Geelbeoi? --- By the name
of Geelbeoi Mofokeng.

CROSS-EXAMINATION CONTINUED: Did you fall after
you were hit by the bullet? --- No; I did not.

Can you be sure that you were hit at that spot
that you have pointed out, on the photo? --- When I got
to the spot that I have just indicated, I felt that I was
shot in my body, here.

You felt it? --- Yes.

THE CHAIRMAN: How old are you? --- 21; but I am
not so sure about it.

- ADJOURNED: 3.45 p.m. -
to TUESDAY, 17th MAY,
1960 at 9.45 a.m.

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And he told you that he was waiting for a gentleman to speak to him? ---Yes.

When did you learn for the first time that people were going to the Police station on the 21st March? --- The week before that.

A full week? --- During the week.

Did you know that pamphlets were being distributed? --- I had heard that the pamphlets had been distributed amongst the people.

Did you read any of these pamphlets? ---No.

What did you think that they were going to the Police Station for? --- There was general talk about people who were going to go there, about the process.

Did they say that they wanted to do about the process at the Police Station? ---It was said that they were going to go to the Police Station to hear what the big boss was going to say about the process.

Did you hear that, too, during the week before

on 17th MAY, 1960 at 9.45 a.m.

PETER LENYATSO, under former oath (through Interpreter):

CROSS-EXAMINED BY MR. CLAASSEN: Peter, did you know that the people were going to the Police Station on the 21st March? --- I had heard that they were going to go there on that date.

And you also went there and you were there when the aeroplanes flew over? --- Yes.

You stood at the big gate? --- Yes.

And it was while you were standing there, that Tsolo came up to the fence? --- Yes.

And he told you that he was waiting for a gentleman to speak to him? --- Yes.

When did you learn for the first time that people were going to the Police station on the 21st March? --- The week before that.

A full week? --- During the week.

Did you know that pamphlets were being distributed? --- I had heard that the pamphlets had been distributed amongst the people.

Did you read any of these pamphlets? --- No.

What did you think that they were going to the Police Station for? --- There was general talk about people who were going to go there, about the passes.

Did they say what they wanted to do about the passes at the Police Station? --- It was said that they were going to go to the Police Station to hear what the big boss was going to say about the passes.

Did you hear that, too, during the week before

PETER LENYATSO
Cross-examination

the gathering at the Police Station? --- No. Going to the Police Station - I heard Monday morning.

What time did you hear about this person who gave his address to you at the Police Station? ---I think it was before 10 o'clock on this Monday, when Tšolo told us about that.

At the Police Station? ---Yes. not explained.

When you were on your way to the Police Station, did you then expect somebody to address you at the Police Station? ---No. --- I left after 12, I think.

So you heard that for the first time from Tšolo at the Police Station? --- I heard for the first time through Tšolo that there was going to come a big man who was going to address the gathering.

At what time did he tell you that? ---I think about ten in the morning. South-Western corner, on Juane Street?

THE CHAIRMAN: Do you remember the aeroplanes that flew over? --- I do. you stand from the fence? ---

As far as you can remember, did that take place before the aeroplanes flew over, or after they flew over?

--- I have an impression that it happened before these aeroplanes flew over. --- I just saw the bodies of

When he spoke to you, did he speak to you personally, or to the crowd as such? ---He spoke to the crowd, not to me individually. then suggested to you that

And did you see him speaking to anybody else before he spoke to the crowd? ---Yes; I saw him speaking to More. that they were going to shoot.

To any of the Europeans inside the Police yard?

---No. state surroundings? --- It was by outside that were

when he spoke to you, had you been standing there

Was this just a conversation between your cousins for some time already? --- It was quite a time that we were standing there when Tsolo told us.

Up to that time, did you see him speaking to any of the Europeans at all? ---No.

Were there Europeans? ---Yes; there were.

And did he say when he expected the big man to address the people? --- The time was not explained.

Did you personally think that you would still have to stand there, waiting a long time for this gentleman to speak? --- He left after 12, I think, and we came back after 1 o'clock again, I think.

When you came back, you did not go back to the place where you had been standing before? ---No; I did not.

Where were you walking - on the sidewalk, or on the street? --- You went to the Western corner at Zwane Street, is it not? The South-Western corner, on Zwane Street? ---Yes.

Why did you go there? --- We just felt to walk there, that's all.

And how far did you stand from the fence? --- About as far as from where I am standing here, to the wall, there.

Were you standing on the sidewalk nearest to the Police Station? --- That is correct. About ten paces. Could you see what was going on inside the Police yard? --- I just saw the bodies of the Police. I could see the upper portion of the Police bodies, from where I stood.

I understand somebody then suggested to you that the Police might shoot? ---Yes.

You did not believe that? ---No; I did not believe that they were going to shoot.

Was this discussed by the crowd in your immediate surroundings? --- It was my cousins that were with me, that spoke about that.

Was this just a conversation between your cousins and yourself? --- It was just a conversation between myself and my cousins that were with me.

Did you not hear anybody else in the crowd express an opinion about what the Police were about to do? --- No.

Did you stand there until the shooting took place? --- No. I left before the shooting took place.

In the direction of the shops? --- Yes.

Where were you when the shooting took place? --- We had just passed the corner of the fence at the Police Station. Not very far after we passed it, the shooting started.

Is that the corner towards the cafe way? --- Yes.

Where were you walking - on the sidewalk, or on the street? --- We weren't walking at the time. We were standing on the pavement.

Why did you go there? --- We just felt to walk there, that's all.

Were you standing on the sidewalk nearest to the Police Station? --- That is correct.

How far from the fence? --- As I have indicated, from here to the wall.

I think that was the distance you gave when you were standing on the South-Western corner, isn't it?

--- The distance from where I stood from the first place to the fence, is not much difference between that and the distance where I stood to the fence at the second occasion, when the shooting started.

Were you standing about the same distance away? ---

--- When I came back, I did.

You were standing about the same distance away, again? --- There was not much difference between the two distances.

Then what did you do when the shooting started? --- I ran away.

In which direction? --- Down, in the direction of the Salvation Army Church.

THE CHAIRMAN: Is that church near to the Police Station? --- It is not far from the Police Station.

CROSS-EXAMINATION CONTINUED: Let us get this clear. You were standing on the pavement of the street to the Western side of the Police Station? --- Yes.

Did you continue running in that street? --- No.

Did you turn left, or did you turn right? --- To the right.

THE CHAIRMAN: Perhaps if you look at this photograph, Exh. "B1", you might be able to explain it better? --- (Exhibit "B1" explained to Witness by Interpreter).

CROSS-EXAMINATION CONTINUED: In other words, from what you have pointed out, you turned the corner, there, and ran in an Easterly direction? --- That's correct.

THE CHAIRMAN: That is to the Salvation Army Church, which is one of the buildings immediately opposite the North-Eastern corner of the Police camp? --- That is correct.

CROSS-EXAMINATION CONTINUED: And you were not hit by any Police bullets? --- No.

As you ran down there, did you see anybody lying on the ground? --- When I came back, yes.

As you ran along there, you saw nobody lying there? --- When I came back, I did.

How long did it take you to come back? — About ten minutes.

And who did you see there? — I saw people that were down on the ground. I did not know who they were.

How many? — Those to the corner where I had been standing, although I did not count them, some two or three; maybe more.

Which corner are you talking about now; would that be the North-Eastern corner? — That is the second corner. The first one where I stood, I went away, I came back and stood again.

THE CHAIRMAN: The North-Western corner? — The North-Western corner.

Is that where you saw the people lying down? — Yes.

Up to that point, that is now from the vicinity of the Salvation Army church; from there up to the North-Western corner, did you see any wounded or dead persons? — No. I just saw those near the corner. From the Salvation Army church to the corner, I saw none on the ground, there.

CROSS-EXAMINATION CONTINUED:
/I think you told us in your examination-in-chief something about a Native woman, Maria? — I did.

What was it? — I was asked whether I could point out anyone that I knew on the photo, and this woman, Maria, was the one that I pointed out.

Where was she lying? — She was running. On the photo she was shown as she was running, not as she was dying.

Did you see any reason why the Police fired at the crowd? — I cannot say what the reason was, why

How long... ten minutes... And who... were down on the ground... How many... standing, although... maybe more... which corner... be the North-Western corner... The first one... stood again... THE CHAIRMAN... North-Western corner... In that... Yes... Up to that... the Salvation Army... North-Western corner... persons... from the Salvation Army... some on the ground... CROSS-EXAMINATION... I think you... something about... What was... set up... later, was... There was... Note the... place... All you... the...

PETER LEVATSO
Cross-examination
Re-examination
By the Chairman

the Police fired at these people.
was there no danger that they might get over the fence to the Police? Nothing that I saw could have caused these people going to the Police.
Could you see the position of the fence, from where you were standing? No. From where I was, I could not see the fence because my vision from there was obscured by the people standing along the fence.
If some of the members of the crowd would have thrown stones at the Police, would you have seen that?
---I think I would have been able to see, yes.

You did not see anything? No.
by the Police from members of the Press attached to the "Star" and other newspapers who have not yet been called.
I could ask you on Exh. "B1" just to indicate to me where you saw bodies as you came back from the Salvation Army church towards the North-eastern side. (Witness indicates).
It is a building just north of the Police station, near the North-West corner, in the vicinity of the market "B1". There seem to be two "B's", and it is the one North of the Police station; and bodies in the road, in the vicinity of the motor car, on "B1".
I don't...
NO FURTHER QUESTIONS

BY THE CHAIRMAN: At the last hearing, you identified one of the women on the photograph? That is correct.

Now, I am not quite certain what you said at the...
MR. LEVATSO: Yes, I had the information.

PETER LENYATSO
Cross-examination
Re-examination
By the Chairman

the Police fired at these people.

Was there no danger that they might get over the fence to the Police? --- Nothing that I saw could have caused these people going to the Police.

Could you see the position of the fence, from where you were standing? --- No. From where I was, I could not see the fence because my vision from there was obscured by the people standing along the fence.

If some of the members of the crowd would have thrown stones at the Police, would you have seen that? --- I think I would have been able to see, yes.

You did not see anything? --- No.

NO FURTHER QUESTIONS

RE-EXAMINED BY MR. CHAIRMAN: Peter I wonder if I could ask you on Exh. "B1" just to indicate to me where you saw bodies as you came back from the Salvation Army church towards the North-western side? --- (Witness indicates).

You point out bodies North of the Police Station, near the North-west corner; bodies in the vicinity of the mark "P" on Exh. "B1". There seem to be two "P's", and it is the one North of the Police Station; and bodies in the road, in the vicinity of the motor car, on "B1".

NO FURTHER QUESTIONS.

BY THE CHAIRMAN: At the last hearing, you identified one of the women on the photograph? --- That is correct.

Now, I am not quite certain what you said at the

PETER LENYATSO
By the Chairman.

line. Had you seen her while she was running, or did you see her before that? — I saw her standing.

Where was she standing when you saw her? —
after the shooting had ceased, she passed me and went and stood near the Salvation Army church where I was. There, who presumably might have seen something; he could clarify — or perhaps he even took more photographs.

MR. KENTRIDGE: Mr. Chairman, before tendering the next Witness, there is some photographic evidence which I would like to place before the Commission. It might be useful to do it at an earlier stage, if possible.

I have understood that statements were taken by the Police from members of the Press attached to the "Star" and other newspapers who have not yet been called. I don't know whether they are going to be called by my learned friend or not; but for what they are worth, I wish to hand in some newspaper photographs. The first set is contained in page 11 of the "Star" of Tuesday, March 22nd, 1960. It is a series of five photographs apparently taken after the shooting. The original photographs are not at the moment available. There are captions to the photographs, if I could hand them in.

Of course, if the photographer himself is being called, I suppose that would be better, but I don't know about that.

MR. CLAASSEN: My Lord, I am not aware of any statement by Press reporters or photographers of the Press that have been taken, excepting those that I have led.

MR. KENTRIDGE: Well, I had the information,

must say, Mr. Chairman, not from my learned friend
at from a Police Officer; but it would appear that
whoever took these photographs might presumably be
able to give some useful evidence. The photographs
would indicate that there was another photographer
here, who presumably might have seen something; he
would clarify details on the photographs; or perhaps
he even took more photographs.

THE CHAIRMAN: Yes, well, I think it is perhaps
best if I were to cause enquiries to be made who the
photographer was and perhaps if a short memorandum
could be obtained from him, then I shall certainly
see that he be called to give evidence, not only in
regard to the photographs but if he is able to give
other evidence which is of assistance, then that also
could be placed on record.

You don't, from your information, know the name
of the photographer?

MR. KENTRIDGE: I rather think that one of the
pressmen mentioned that a Mr. Shannon or Channon was
the photographer of the "Star".

THE CHAIRMAN: In any case, it should not
present any difficulty to find out who the photographer
was.

MR. KENTRIDGE: No. It is clear that prima
facie there might be another photographer who took a
series of photographs.

Then, there is another similar page from the
"Golden City Post" of March 27th, 1960. There are
photographs taken afterwards, including one with the
caption showing people lying in the street, dead or
wounded; and then there is a photograph of a saracen

...ing through a crowd of chanting Africans, to quote
the caption, at approximately 1 o'clock. "Minutes later,
some of these people were lying dead, while the saracen
stood by, watching for more trouble". Now, if I could
hand this to you, Sir; in this case, although we have
not seen these photographers, we did apply for and
obtained a print of one of the photographs there, which
would indicate, if the caption is correct, that this
photograph was taken at the relevant time and it would
indicate that that saracen had very little difficulty
in getting down what appears to be Zwane Street,
outside the Police Station.

Now, on that page of the "Golden City Post",
the names of the photographers are given. It would
appear, Mr. Chairman, that there may be some point
in investigating, particularly the photograph of which
I have given you a print, Sir; and perhaps those two
you would like to keep in your custody while enquiries
are being made.

THE CHAIRMAN: It says, here, Ronnie Manyosi
and Bill Calder.

MR. KENTRIDGE: Yes. You might recollect,
I asked one of the other photographers whether he knew
some of these people, Manyosi and Calder. He said he
knew of them but he did not know when they had taken
their photographs.

Mr. Chairman, there is a witness here who is
available. I have a memorandum which I would like to
hand up to you, Sir. Now, as you will see from it,
this is a person who knew about the campaign against
... was in Seeloo Street some time in the morning,
heard about some of the clashes, which he did not see
himself, and then went to the Police Station at an

ly stage and claims himself to have been, to use a central term, "handled by the Police".

There is just one point about this Witness and others who are subpoenaed for today. They are people who have never been arrested. As you will see from his memorandum, they played what might be called a fairly prominent part in some of the events. One does not know what their position will be. It may be that some sort of action might be contemplated against them if they give evidence here, not under Emergency Regulations. I discussed that with Capt. v.d. Bergh and he points out to me that his investigations aren't closed and he cannot say that a person who gives evidence here will not in any circumstances be arrested; although, as I say, they haven't been, up till now. I don't know whether there is anything one can do about that.

THE CHAIRMAN: Well, I don't think I can go further than I have in the case of other Witnesses, to indicate that in so far as their evidence is concerned, it is not the intention that any of that should be used to their disadvantage, but of course, as the Commission is concerned I can't deal with a type of case where there might be other evidence aside which implicates a person and he is arrested, detained or charged as a result of that evidence.

There is, of course, the other matter to which I referred earlier on, namely that the Witness gives evidence, and although I have requested Capt. v.d. Bergh to be present when they give evidence, merely that the Witness should feel at ease in the sense that he is not of it that there is no Policeman watching him. evidence and the name of the person who gives the

...where it is mentioned that their names should
...evidence, is published because this is all on record
...of the evidence is not given in camera.

Now, I can't say that a Police Officer who reads
...that does not use that as a guide to follow up and to
...find whether there is, in fact, evidence. That seems
...to be an obvious risk which the Witness runs, unless
...you want me to arrange that the evidence be given in
...camera and that it be not published.

MR. KENTRIDGE: I don't know whether it will be
...possible for you, Mr. Chairman, to request that although
...the evidence be published, the names be not published.

...I don't know whether the Press would co-operate in
...that.

One understands, Mr. Chairman, it would be very
...difficult for a Police Officer who read something in
...the newspaper to divorce his mind from it while
...investigating a case. One could not expect him to do
...that.

Do you remember that Monday morning, the 21st
...THE CHAIRMAN: Well, it is almost on the same
...lines as an unlawful confession being used for the
...purpose of further investigation. I don't know.

I take it that the Press would co-operate.

MR. KENTRIDGE: Yes. It may be that the Witnesses
...would feel just that little bit safer. Because, with
...respect, Mr. Chairman, it would seem to me that although
...the Witnesses can claim privilege, it would really
...defeat the object in calling them if they were to do
...that, and most of those we have found would rather
...not claim privilege; they would like to give their
...evidence to the Commission.

THE CHAIRMAN: Yes, well, I take it I can address
...the request to the Press that in the case of those

Witnesses where it is mentioned that their names should not be published, they do not publish it.

You know him? --- Yes.

And did he have other people there with him? ---

MR. KENTRIDGE: Well, the first witness of whom I have given a Memorandum to the Bench is Moses Smit and I think he is one of those, although he is willing to give evidence, where the request might be made-if his name is not published.

THE CHAIRMAN: Yes.

part of campaign was it going to be? --- He said, addressing the people, that they were not going to fight. It is just

MOSES SMIT, sworn, states (through Interpreter): (Indemnity explained).

EXAMINED BY MR. KENTRIDGE: Moses, in my view you can now speak freely? --- Yes.

You live in Sharpeville? --- I do.

Do you remember the 21st March, the day the shooting took place? --- I do.

Do you remember that Monday morning, the 21st March? Do you remember where you were? --- Yes; I do.

You know about the campaign against passes? --- I did.

That is the campaign organised by the Pan-African Congress? --- Yes.

Were you in Seelso Street on the Monday morning early? --- Yes.

And did you go along Seelso Street with a number of other people? --- That is correct.

Do you know what time this was, approximately? --- About 9 o'clock in the morning.

As you walked along there, did you meet someone called Tsole? --- Yes; I did.

ROSEBERRY
Witness in Chief

You knew him? ---Yes.

And did he have other people there with him? ---

The Sharpsville Police Station? ---Yes.

Did Tsole then address the people? ---Yes; he did.

Did he tell them about the campaign against passes?

---Yes; he did.

What did he say to them about this campaign; what part of campaign was it going to be? --- He said, addressing the people, that they were not going to fight. It is just a complaint of the Africans.

Did he say anything about reference books? ---

He had explained to the people about the complaint that they were going to have; that the Africans were not going to fight. They were merely going to complain about the passes, and also that they were not in favour of these passes.

Did he say anything about whether on that day they should carry their passes with them? ---Yes. He said that if the people that were there, should anyone be there who had a pass on his person - should leave it at home and not have it on him.

Did anyone in the crowd object to anything that Tsole said? --- There were people who objected to this, but these people were people who had not heard clearly as to what this man had been saying.

And did Tsole say what he was going to do himself? ---Yes; he did.

What was that? ---He said because these people came there with him, and he was going to be the first one who would submit to an arrest because he had not his reference book on him.

And after Tsole had spoken to the people, where
you all go? --- The whole crowd left and went to the
Police Station. Did address them.

The Sharpeville Police Station? --- Yes.

At the Police Station, did Tsole go inside the
office? --- Yes; he entered with some other leaders that
were there.

And what about you? --- I also went in.

Did you go right into the Police Station? ---
I went inside and I got inside the yard of the Police
Station. He told me that those people

And the crowd that was with you? --- They were
standing outside the yard.

About how many of them would you say there were?
At that time, I think about 1,000.

At the Police Station, did you speak to any
policemen? --- No. Tsole spoke to the Policemen.

Did you listen, though? --- He spoke to the Police
and after he spoke to the Police he came and told me
that he had been speaking to that Police about.

Can you remember what he told you about what was
said between him and the Police? --- Yes; I remember.

He told me that he had come along with the complaint of
the people who had come there with him, and he was
going to submit, also the crowd that were with him;
there, to be arrested for not having their passes or
reference books. That is what he told me he had told
the Police. the location.

And did he tell you what answer he got from the
Police? --- The answer he got was - the Policemen he
spoke to, were African Police, not Europeans. That

was the answer given to him by them, that they had to wait until 2 o'clock when a European would turn up and a European would address them.

Did you know what European it would be? — It was said, the Native Commissioner.

Do you know someone called Habbokke? — I do.

Did he come along to the Police Station at about this time? — Yes; he did.

And did he have something to tell you? — Yes.

What was that? — He told me that these people that come from the new place, they call it Putco Scheme, were being stopped by the Police, that was why they could not come through.

Could not come through where? — The Police could not come - not the people.

Did he report anything else to you about what the people had done? — He said they came, they were many, they made a noise, they wanted to fight.

That is the African people? — That is the way he told me, yes.

So, when you had had this report, did you then leave the Police Station? — Yes; I did.

With anyone else? — With a person named Gwadi.

Where did you go to? — I went to Putcoatan.

That is a part of the location up near the Municipal Offices? — That is where you enter, where you go into the location.

And on your way, did you pass people who were standing in Secise Street? — Many of them, yes.

Were they doing anything? — There were groups

and groups of them together.

Were they fighting? --- Standing, talking; not fighting.

THE CHAIRMAN: What time was this? --- About ten, or after ten.

Was that still before, or after the aeroplanes flew over? --- Before.

Then, did you get to Patsoasten? --- Yes.

And did you find some Africans there? --- Yes; I did.

Were they young, or old, or mixed? --- The majority of them were young people.

What was their mood? --- They were annoyed. They were hostile.

To whom were they hostile? --- To the Police.

Were there many of them? --- Yes; there were many of them.

Did Gwadi speak to them? --- Yes; he did.

Did they listen to him? --- They gathered to listen to what he had to say.

And what did he tell them? --- He explained to them that this pass campaign was not a campaign where they are going to fight, and if they intend fighting, they must go back to their homes. In other words, if they do not intend fighting, they must go along with him to the Police Station because they were not going to fight.

At that place, in Patsoasten, on the other side of these people, were there Police? --- Yes; there were.

Did you and Gwadi go up to the Police? --- Yes;

we did.

MOSKES SMIT
Evidence-in-Chief

To do what? — We saw that these European Police were scared to pass these people, so we went and explained to them that there was no need for them to be afraid of these people, to pass them.

Did you speak to any Policeman in particular? — The European Policeman that I spoke to, I think he was the leader of the Police, because he had one of these short sticks.

And did you tell him what you had told the people? — Not me personally. I also, but what we had told them - not me individually.

What you and Gwadi had told the people? — That is correct.

Did you tell him where the people were going to go? — We did.

Where did you say they were going? — To the in Sharpeville Police Station.

And what did this Police Officer say to that? — He said that he was not going to walk ahead with his men to these people; it would be better if we, with these people, walked ahead and they would follow on.

And is that what you did? — That is correct.

You and Gwadi went to the Police Station, and did the crowd follow you? — Yes.

Was there any trouble, then, with the crowd? — No.

Did these young men who you and Gwadi had spoken to, go along with you to the Police Station? — Yes; they did.

Did they make any trouble after that? — No trouble made by them.

MOSES SKIT
Evidence-in-Chief

And did you and this crowd of people arrive at the Police Station before the Police? --- When we got there, I don't know whether it is Zwane Street - I saw some Police get there and when looking I saw that it was some of the Police that I had seen prior to that, lower down, when I spoke to them, that they were also there.

At that stage, where were the Police at the Police Station - inside, or outside? --- Which Police are you referring to?

Those who were at the Police Station when you arrived there? --- Those who were inside the Police Station.

And where did you see the others? --- If you leave the Police Station, you go down in Zwane Street. That is where I saw the other Police.

THE CHAIRMAN: What time are you referring to, now? --- It was after 11 - I am not sure, but somewhere after 11 o'clock.
Now, let's just talk about the Police who were in the Police Station. Were they in the yard? --- Yes; they were in the Police yard.

EXAMINATION CONTINUED: Were you telling the people to get back only before the fence came over, or also afterwards? --- Before, and after.
Were they drawn up in a line at that time? --- No; they were just together.

And when you arrived, did you see, was Tsole still at the Police Station? --- Yes; he was.

And was there a man called More? --- Yes; he was also there.

Were they not hostile, such as the people you had seen in Justice Street earlier? --- Yes; they were.

What were they doing? --- All they did was speak to the gathering that was there not to lean up against the fence, because the fence was bending forward.

And did people listen to them? --- They did, but wanting to know what was being said or what was happening inside, they would move forward again and the

same thing would happen again.

Q Did you go into the Police Station grounds? —
A I did.

Q And Gwadi? — Yes; he also went in.

Q What did you and Gwadi do? — We assisted Tulo
in telling these people not to lean up against the fence,
as the fence would bend forward, because he, Tulo,
alone could not do it. The people were practically
around the Police Station so he could not go there and
we had to assist him and ...

Q Did it strike you that the people were trying to
push the fence down? — No.

Q Were they trying to get into the Police Station
grounds? — No.

THE CHAIRMAN: What time are you referring to,
now? — It was after 11 - I am not sure, but somewhere
after 11 o'clock.

EXAMINATION CONTINUED: Were you telling the
people to get back only before the aeroplanes came
over, or also afterwards? — Before, and after.

Q Was this crowd at the Police Station at any time
hostile? — They were singing and laughing.

Q Is that all? — That is all they did.

Q Were they not hostile, such as the people you
had seen in Sealse Street earlier? — No; they were
not.

Q As you were walking about along the fence inside,
did you hear anybody shout abuse at the Police or swear
at the Police? — No.

Q Did Tulo at any time go to speak to the Police

gain? ---Yes; he did.

And did he bring back any message? ---Yes; he came back with the answer that he was given.

What answer was that? --- He said that he was told by the Europeans that they haven't a goal to accommodate a large crowd like that, and that they had to wait until 10 o'clock, when this European would come and address them.

During the morning, did Police vehicles come to the Police Station with more Police? ---Yes. After 10 o'clock, yes.

Was Isolo arrested? --- Afterwards, yes.

Did you see that? --- I did.

And More? ---Yes.

Did you also at a later stage see the Police put into a line? ---I did.

After they were in line, did you see anyone else arrested? ---Yes, I did.

Was - how many? ---One.

Who did this arrest? --- It was a European who was dressed in civilian clothes.

What did he do? --- He walked straight to the gate; he opened the gate and this man was standing just outside the gate. He caught hold of the man and pulled him inside.

When he opened the gate, did the crowd come through the gate? ---No; they remained standing where they were.

How was this man who was arrested, then handled? ---He was treated roughly. So much so, that it could have caused him to be injured.

What was done to him, as far as you could see? --
They caught him by the shirt and pulled him inside - so
much so - when he was inside they then hit him with the
open hand, "klapping" him.

When that was done, did the crowd do anything? --
Some of them were laughing but most of the people shouted
this word "Afrika!" when they saw that happening.

Do you think they shouted it at the time when
this man was assaulted? --Yes. Then the word
"Afrika!" was shouted a lot just at the time when this
man was being assaulted.

After that, did anything happen to you? --Yes;
something happened to me.

What was it? -- The Policeman who caused the
other Police to line up, came to me, caught hold of me,
pulled me. He pushed me, struck me with the open
hand, caught hold of me, pushed me towards the gate,
I had had some artificial teeth in the front, here.
As a result of being pushed, I fell up against the
gate with my mouth and two artificial teeth broke.

Was this man who did this to you in uniform,
or plain clothes? --He was in uniform.

Do you remember anything about his uniform?
Whether he had a jacket or not? -- He had a Police
uniform, including the jacket, the tunic.

Do you remember anything else about how he was
dressed - in trousers, or anything like that? -- The
trousers of this man was the same as any other Police-
man's; but what I did notice, which was something out
of the ordinary, he had some stars on his shoulder.

Was the gate open, or closed at that time? --
It was open.

MOSES SAIT
Witness-in-Chief

Was the gate open, or closed at that time? —
It was open.

Were you pushed out of the gate, or did you walk out of the gate? — At the time when he caught hold of me and pushed me and I fell with my face against the gate, I intended going out at the gate; I had the intention to go out at the gate. I nearly fainted. I was a bit dazed.

As far as you can remember, then, did you go out of the gate? — Yes; I did.

When the shooting started, were you outside the gate? — I had just gone out of the gate when the shooting started.

When the shooting started, were you looking at the Police, too, or did you have your back to them? — I had my back towards them.

What did you do when the shooting started? — There were many people and these people were right up against one another and as a result of that I could not run away fast on account of the lot of people that were there.

Were the other people trying to run away, or were they not? — All of them tried to run away.

Did you fall down, or were you able to run away? — I fell down.

Why did you fall? — The people as they were the running away - there were many people and we collided with one another and as a result of that, I fell.

And when you fell, was the shooting still going on? — Yes.

So what did you do? — I tried to get up and some

Other people came and fell on top of me, and that is why I could not get up, so that is why I remained lying there where I was.

I want you to give any idea of how long the shooting lasted; do you think it lasted for less than half a minute or more than half a minute, or just half a minute? — It may go not exactly to a minute; less than a minute, I would say. Half a minute or a little more, but less than a minute.

After the shooting, did you sit up? — People were picked up or people were getting up on their own. I got up on my own and I sat.

And then, did you walk away? — I sat for a little while; I was not quite clear. I was still a bit, not actually dazed but still a bit — I sat for a while so as to come to properly.

You weren't hit by bullets? — No.

I would just like to take you back to what happened during the morning before the shooting. There has been evidence that some man brought a case of cold drinks into the Police Station grounds for the Police. Did you see that? — I saw it.

Do you know who the man was? — Yes, I do.

Who was he? — Mote.

Has he got a surname? — Mote Konahelo.

At any stage during the morning, did any of the Police come and ask you where Telo was; came looking for Telo? — Yes.

Who was it? — It was a European who was dressed in civilian clothes but with no jacket on. I do not know what his name is.

Did he have a hat on? ---No; he had a handkerchief on his head.

And did you notice anything about his trousers? --- Yes. He had his trousers folded underneath here, with his socks over his trousers.

When he asked you to tell him where Tolo was, where was Tolo at that time? --- He had left to go and look for something to eat.

And did you tell him this? --- I did.

You were - were you out in the location the night before? ---No, but I was not at home; but I was not in the location either.

Did you hear, afterwards, what had happened in the location the night before, from other people? --- Yes, I did.

What did you understand had happened? ---I had heard that some of these people had convened a meeting to be held on the football grounds, and the Police came there and chased them away.

Did you hear whether the Police had used any force against them? ---Yes; they were hitting them with sticks.

At the time of the shooting or rather just before the shooting, did you see the crowd do anything which was a reason for the Police to shoot? ---I do not know the reason why the Police fired, but where I was standing, I saw no reason at all for the Police to fire.

Did you see any stones thrown? ---No.

Did you hear, afterwards, whether any stones had been thrown. Had anyone told you that before stones had been thrown? ---No.

MOSES SMIT
EVIDENCE-IN-CHIEF
Cross-examination

Had anyone told you that stones had been thrown at the Police earlier in the morning at Putsoasten? --- That I heard, yes.

And did you hear for instance whether anyone had ever thrown stones at a Press motor car, a newspaper motor car? --- Yes; I heard.

NO FURTHER QUESTIONS.

- ADJOURNED: 11.15 a.m. -

- RESUMED: 11.40 a.m. -

MOSES SMIT, still under oath (through Interpreter):

CROSS-EXAMINED BY MR. CLAASSEN: Moses, are you a member of the P.A.C.? --- I am. I did.

I understood you to say that on the night before the 21st you were not in the location? --- That is correct. I was not in the location.

Did you assist with the organisation of this protest? --- I did.

How did you arrange to get the people together on that day, the 21st? --- The people knew what was going to happen that day, on the 21st.

Were they to have been reminded that night? --- I am not prepared to answer that.

Just tell me whenever I ask you a question, whether you are not prepared to answer it. Were some of the young men organised to assist with it? --- Assist how?

Assist in getting the people together? --- There were people to assist, but not all.

How do you mean, not all? --- What I mean is this: it was not for anyone to go into the streets and stop the

people and say "This or that has to be done".

No. That was not my question. I asked you whether some of the young men were asked to assist to get the people together that night? ---I do not understand which people you are referring to.

The people who had gathered the residents of the location - to get them together, were some of the younger men employed for that purpose? ---I cannot say; I was not there. I do not know whether that happened in my presence, but I was not there.

Were no such arrangements made before? ---I do not know. I can't say.

Did you hear from others what had been happening at Sharpeville that night? ---Yes; I did.

What had happened there, was it something that you had expected to happen? --- What happened that day, was told by people.

Did it come as a surprise to you, what had happened? --- A surprise - how?

We have had evidence, here, that groups of young men had been round in the location from early that night, and about 10 o'clock. We were told that a large number of these young men had sticks. We were told that they woke people at night and told them that they had to join them. Doors and windows were broken and these people, a lot of people joined these big crowds because they felt they were compelled to do so by the young men? At the bus stops they were stopped from going to work; where who wanted to go to work on the bicycles were stopped and forced to join the crowd. Did you hear that these things had been happening in Sharpeville

---No; it is on the other side of the hall.

that night? ---I know nothing about that.

Did you hear that it had happened? --- All I heard was that people were being assaulted by the Police.

Here again you can refuse to answer if you wish. Did your organization tell these people to wake the others up during the night and compel them to join the crowd? ---I am not prepared to answer that.

At about 9 o'clock you say you were in Seesio Street? ---Yes.

Where did you come from then? --- We were coming from a place in the location called Zenzele.

What time that morning did you get to the location? --- From where?

I understood you to say that you were not that night in the location? ---I got to the location at 6 in the morning.

Where did you go to then? --- There I heard that the majority of them were at Zenzele, and I went there, too.

THE CHAIRMAN: When you use the words "the majority of them", who are you referring to? --- I mean the majority of the gathering.

Where is this place that you have just mentioned? --- There is a place where the people do their own building, erect their own houses; that is the place called Zenzele.

Not the same as the sites and service? --- That is the place.

CROSS-EXAMINATION CONTINUED: Is that opposite the hall? ---No; it is on the other side of the hall.

Is it an open piece of ground? --- Part is open ground, before you get there.

What were the people doing there? --- I found people gathered there.

And after they had gathered, what did they do? --- Myself and Wade told the people there that we had to go to Zensels where the other people had gathered - to Putsoasten, where the other people had gathered.

Did you go? --- Yes, we joined them. We went down there.

You joined the other people who had gathered at the other place? --- No; we met them as they were coming along. We did not get to the place, actually.

What was this other place? --- Putsoasten.

It is a brickfield? --- It is a place where the dwellings are built with grey bricks.

The crowd, then, from Zensels, joined up with the crowd from Putsoasten? --- That is correct.

And then, where did you go? --- From there the whole lot of us went to the Sharpeville Police Station.

Did you address the crowd at any time? --- Someone did, not I - Tšelo.

Were you disturbed by the Police at all? --- I won't say that the Police did trouble us but they came there where we were gathered at Zensels.

Did you know who was in charge of the Police, when? --- It was Europeans and Non-European Police in pick-up vans.

Do you know Maj. van Zyl? --- I do not know the name.

And the two crowds then went together to the

Capt. Cawood? ---No.

Do you know the station Superintendent, Mr. Labuschagne? ---I know him.

Was he with these people? --- Do you mean at the time at Kenzels - no.

What did the Police do, then; did they speak to you? --- They came and they stopped for a while and they left again. Nothing was said.

Did they not ask you to disperse at all? ---No.

They did not use batons on you? ---No.

From this place, then, after these two crowds joined up, did you go to the Police Station straight-away? --- That is correct.

At what time did you get to the Police Station? --- 10 o'clock or just after 10.

That was after you had been in Secise Street? --- Yes.

Did you tell me everything, where you had been? --- By the way you are questioning me, yes.

I asked you where you went to when you came to the location, and I think you mentioned the place, Kenzels? ---I did.

That was the first place where you were with the crowd? --- That is the first place.

That was the first place - before you had been to Secise Street? --- That is so.

And now you have told me that you met a crowd there and you told this crowd to go to another place, Putsestem? --- That is so.

And the two crowds then went together to the

Police Station? --- That is so. But the two crowds
joined one another before we got to Putsoastan.

After they joined, did they go straight to the
Police Station? ---Yes.

On their way to the Police Station, did they go
along Seeiso Street? --- Where the crowds met, was in
Seeiso Street. From there they went over the open to
the Police Station; not actually with Seeiso Street.

So where the two crowds met, was in Seeiso
Street? --- That is correct.

At the other side of the location, away from
the entrance? --- In the Western side, yes.

In other words, where these two crowds met, if
you had to walk to Vereeniging from there, you would
have had to pass the Police Station on your right? ---
If you go down Seeiso Street, the Police Station would
be on your right.

In other words, let me put it to you in another
way. Where the two crowds met in Seeiso Street, the
Police Station would be - where they met, the Police
Station would be more towards Vereeniging side, towards
the entrance of the location? ---No.

Then I want you to show me on the plan, Exh. "C".
(Exh. "C" explained to Witness). Could you point out to
me where the two crowds met? --- Here, where my finger is.

I think you have pointed out a spot on the corner
of the last block of houses on the North-Western side of
the street? --- North ...

North-Eastern side; is that correct? ---Yes.

From there you say you went to the Police Station?
---Yes.

Up to that time, you had not been farther up towards the gateway in Secise Street? —No; from there we went straight to the Police Station. We did not go towards the gate in Secise Street.

THE CHAIRMAN: What time was this again? — After 10 o'clock.

CROSS-EXAMINATION CONTINUED. Now, let me get this clear. The whole morning you had not, up to 10 o'clock, then, been on this portion of Secise Street which is between this place that you have just pointed out, and the gate? — All I say is that when the crowds met, we went up to the Police Station - after the crowds had met in Secise Street.

Up to that time you had not been in Secise Street, nearer to the entrance? —No; I did not. I was not in Secise Street up to 10 o'clock, when we went up to the Police Station.

Then was it that you found that some younger men had thrown stones at the Police? —It was after we had got to the Police station.

And where were these men? — They were down in Putsoasten.

THE CHAIRMAN: Perhaps you could help me if you could just indicate again on Exh. "C" - is this now Putso Street? — Putsoasten.

Is it on this photograph that you have looked at? — I did not have a look at it. I might be able to show you. These are the schools; that is Putsoasten, this part here.

Those are the two blocks immediately to the East or North-East of the two school sites? — That would be about.

The one block lying on the one side of Seaside Street, and the other on the opposite side? — That is correct.

CROSS-EXAMINATION CONTINUED:

Why did you want to take the people from Zensels to Putscasten? — Because our leader was with the crowd at Putscasten and we were going to meet them, and that is how we met, as they were coming along.

How did you know that he was going to be at Putscasten? — I was told.

By whom? — Qwade.

When were you told that? — When I got to him at Zensels.

Did he say why you had to go to Putscasten?

— What I mean is that Qwade said we had to go there in order to meet our leader who was there at the time.

At that time, you knew that the gathering was going to take place at the Police Station? — That is so.

Why should you have taken these people away from the Police Station to meet your leader and then come back to the Police Station? — If one has invited the people to come, they cannot go to any place unless they hear from you, because it is through you they had come; they have been invited.

Yes, I quite understand; but I want to know, you were one of the leaders? — No. I did not say I was one. I said there was a leader of the crowd, but I did not say I was one.

But I am putting it to you, now, that you were the leader? — I am one of the members.

I am putting it to you, you can answer it if

you want to. From what you have already told us, is it not clear that you were one of the leaders? --- I am not one of the leaders.

Well, didn't you meet and lead the people from Zenzele, to meet Tšolo? --- The position is this, that Qwadi, shall I say, has a higher status than I have, and what he said I had to convey to the people and that is how it came about. I was not the leader.

THE CHAIRMAN: Let me put it differently: Were you one of those who had been selected to assist the leader or leaders? --- I will say that, yes.

CROSS-EXAMINATION CONTINUED: Let us find out in what order these members of the P.A.C. go. The Chairman was Tšolo? --- The leader was the chairman.

Who is the leader? --- That is Tšolo.

And the Deputy Chairman was More? --- I do not wish to answer that.

Then came two other names - yours and Qwadi's? --- That is not the position, but I am not prepared to answer that either.

Whether you acted under instructions or not, was it clear to you that if your object was to go to the Police Station and you were now taking these people from Zenzele up Seciso Street, to meet Tšolo there at Putso-asten, and then after you had met him there you would have to come all the distance back to the Police Station? --- Even if that is the position, we could not have gone to the Police Station without the leader. Tšolo was the leader and we had to meet in order to go along with him, being the leader.

Do I understand from you that you could not have

waited at the Police Station for the arrival of your leader? --- That did not enter our minds.

THE CHAIRMAN: Can you perhaps just tell me this? You had in mind going to where your leader was, in Putsoasten? --- Yes.

Judging from this photograph, Exh. "C", it seems to be mostly a built-up area? --- Yes. That is so.

All I want to know is, when you moved along Seelso Street, was it your intention to meet him at some particular spot in Putsoasten; is there an open place where people gather, or did you meet in the street, or where? --- We knew at the time that we were to meet at Putsoasten and there was no specific place mentioned as to where we were going to meet. On our way there we met them as they were coming along.

CROSS-EXAMINATION CONTINUED: You see, I will tell you why I am asking you these questions. Judging from the direction that you were walking and judging from the place where you had to meet Tolo, it looks very much as if you were on your way, rather, to Verseniging? --- That is not so.

You never had any intention to go out of the location? ---None.

CROSS-EXAMINATION CONTINUED: When you got there, did you see, or did you hear that the Police had stopped people very near to the gate of the location? ---No; I don't know that Police were stopped.

But is it not there where you met the Police and where you spoke to the Police? ---It was after we had left the Police Station that we met the Police at Putsoasten.

Whereabouts would that be; can you remember? ---

One has to pass in between, through these two blocks of

houses. Higher up there were people. It appeared that the Police were afraid to get through those people, there.

I merely wanted to know more or less where you saw these Police that you spoke to; in Putsonsten there is apparently a Post Office? ---It is deeper into the inhabitants' place, there, than the Post Office - a little further in from the Post Office.

Do you mean nearer to the school, where the school sites are? ---No; lower down to the schools.

Perhaps we are not understanding each other. When you had to go to where the Police were and when you spoke to them, did you go past the Post Office in the direction of the Administrative offices? ---No.

THE CHAIRMAN: Well, I think perhaps it would be easier if you just looked at Exh. "C"? --- (Witness indicates). The Police were there, and the people had gathered there.

You say the people that you are referring to were in Seeiso Street, immediately East of the school site and the Police were further up, in the direction of the entrance and about half-way up the block? ---Yes; about that.

CROSS-EXAMINATION CONTINUED: When you got there, did you find many people there? ---Yes; there were many people.

People were standing one side and the Police were standing on the other side? ---I will put it this way; you find a crowd of people first and if one is to go through the crowd of people, then you get to where the Police are.

Standing across the street? --- The vehicles were standing in the street but the Police shall I say

were standing on the pavements.

What time was this about? --- I am not sure; after 10, somewhere. I don't know how long after.

And at this time Tšolo was at the Police Station?

---Yes.

What were these people doing there? Tšolo had now come with the crowd of people from that very place to the Police Station? --- I do not know when he left from there, as to whether all the people followed him to the Police Station or whether some of them were left behind and how many of them were left behind.

How was this organised; didn't the people know where they had to go? --- That I don't know.

We have had evidence that these people that you found there were on their way outside to get others out of the location and they had to be driven back by the police; would you dispute that? --- I cannot admit or say that.

But do I understand that is the place where these young men had thrown the stones, according to what you had heard? --- That is so.

And Qwadi told you that? --- No; I did not say that.

Who told you that? --- Ramodibe told me that.

But you and Qwadi went there? --- Yes; we did.

So, you went up to the Police and they had quite friendly talk with the man who you thought was in charge? --- Yes; we spoke to him.

No shouting? --- No.

I am not talking about other people. I want to know when first you spoke either of these gentlemen? No; not there where we spoke to the Police.

--- I And you told the Police not to be afraid of these people; you had already spoken to them and they won't repeat what they have done in the past? --- The position is that the people that had gathered there, it appeared that the Police were afraid of these people and it was said that these people had to be told to get away from there, first. It is then that it was said that there was no need for any fear; that the people were going to go to the Police Station. It was then that the Police said these people had to go ahead and that they followed them.

Qwadi had then already spoken to the people? --- He spoke to the people first, before he went to the Police.

That is what I am putting to you. He had then already spoken to the people and told them to go to the Police Station? --- That is correct. He had already told them so.

Did you have a friendly arrangement, between you and this man in charge of the Police, that the people should go on to the Police Station and that they would follow? --- Yes.

But you made a statement to either of these three gentlemen, or to somebody else? --- I did. I made a statement.

When did you make the statement? --- Last week.

Did you speak to them before, or did they speak to you? --- I heard that there were Europeans that were taking statements down made by Non-Europeans.

I am not talking about other people. I want to know when first you spoke either of these gentlemen?

... it was Wednesday, last week.

You see, we have had some other evidence about this, about what happened then, and you are really the first man who speaks about a friendly conversation between my Ranta and the Police? --- I am listening.

I don't suppose you can tell me why that is? --- I cannot deny what someone else has said, what he is telling the Commission.

From then on you went back to the Police Station?

--- Yes.

This crowd of people that you met, then, in Seesio street, was there nobody leading them or in charge of them all? --- Are you now referring to the crowd that had met after being to the Police Station?

Yes? --- No.

Didn't you find anyone amongst that crowd who stopped the youngsters from throwing stones? --- No; I don't know.

At the Police station, did you also go over the fence or did you go through the gate, to get inside? --- I went through the gate; I did not go over the fence.

And did you move up and down, inside the fence?

--- Yes; to get the people away from the fence.

Were you there when Tsele was arrested? ---

--- Yes; I was there when he was arrested.

There was no resistance on the part of Tsele? ---

You saw More at the Police Station? --- I did.

He had been arrested? --- Yes.

There was no resistance on his part? --- I did not

— I think it was Wednesday, last week.

You see, we have had some other evidence about this, about what happened then, and you are really the first man who speaks about a friendly conversation between any Bantu and the Police? — I am listening.

I don't suppose you can tell me why that is? — I cannot deny what someone else has said, what he is telling the Commission.

From then on you went back to the Police Station?

— Yes.

This crowd of people that you met, then, in Sesise Street, was there nobody leading them or in charge of them at all? — Are you now referring to the crowd that we had met after being to the Police Station?

Yes? — No.

Didn't you find anyone amongst that crowd who stopped the youngsters from throwing stones? — No; I don't know.

At the Police station, did you also go over the fence or did you go through the gate, to get inside? — I went through the gate; I did not go over the fence.

And did you move up and down, inside the fence?

— Yes; to get the people away from the fence.

Were you there when Tsole was arrested? —

Yes; I was there when he was arrested.

There was no resistance on the part of Tsole? —

No.

You saw More at the Police Station? — I did.

He had been arrested? — Yes.

There was no resistance on his part? — I did not

see him resist.

And no assault was committed on either of these two? ---I just saw them being arrested; I did not see any assault committed on them.

Then you saw another man being arrested? ---Yes.

I understood you to say, if I remember correctly, that he was just outside the gate? --- That is correct.

They pulled him in? ---Yes.

What had he been doing? ---I don't know what this man was doing. There were people speaking to one another; there were people singing. I was standing a little distance away from there. I don't know what this man had been doing there. I was on their left.

But you saw him being assaulted? --- Yes; I did.

by him
How many were then arrested? ---One person only.

Was he dressed in uniform? --- No. He was dressed in civilian clothes.

Why - how was he assaulted? --- When he caught hold of him, he handled him roughly, so much so that he could have injured him and then he struck him with the open hand - "knap" here on the side of the face.

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

Did you notice how this Bantu that you are speaking of now, was dressed? ---I cannot explain actually how the man was dressed, this Bantu man, but all I noticed was this portion, here, where I indicate; it was a white shirt.

Was his clothing torn? ---No. I was a little distance away. I did not see that.

Did you notice whether he had a hat on? ---I took

no notice.

Are you sure that only one man arrested him? ---
That is all I saw.

Only one man struck him with the open hand? ---
There, where he was assaulted, when I saw it, there was
only one man who did it, yes.

And was he taken to the Police Building by this
man who had struck him? --- The Police was lined up and
he went through this line with the men. What happened
after he had gone through there, I don't know.

And you could not see? --- No; I could not see.

Where were you all this time? --- Where the
Police were standing in line. I was on their left.

This last man was arrested at the gate. How
far were you from the Police when they were arrested?

--- If I was standing here where I am standing now,
the Police would be between this little box and that
hair mat. (Two paces - 2 1/2 paces).

There was nothing to obscure you from the view
of the Police? --- On the side on which I was, I could
see the Police; there was nothing to obscure me.

I don't know the other side of the Police. I am talking
about the side that I was on.

You had by then been inside the fence for quite
some time? --- That is correct.

And you were moving up and down, in the presence
of the Police, holding the people back from the fence?

--- At the time that this man was being pulled about,
I was on the left side of the gate.

I understand that. I mean before he was arrested -
I had.

Immediately before you had been walking up and down?
--- That is correct. I was walking up and down, getting the people away from the fence, not to lean up against the fence.

And the Police could see what you were doing? ---
Oh, yes, they could.

And More was doing precisely the same as you were doing? ---Yes; he did.

And so was Tšolo? --- Tšolo would go and do the same, but not all the time. On occasions he would leave and go and speak to the Europeans, and then come back again.

So now you have this opposition, that the Police then arrested Tšolo and they arrested More, and they left you alone but they went to the gate and arrested a man who was outside the gate? --- That is the position.

And then, while you had been doing the same thing as the other two, they did not even later on arrest you. They allowed you to go out of the gate? --- There is something which was done to me after these men were arrested, which caused me to go out by the gate.

What was that? --- There was a European dressed in a uniform who had formed this line. He came to me, struck me, gave me a "klap" (struck with open hand); he gave me a push and I collided with the gate with my mouth. Then the shooting started.

You have told us that before. What I have difficulty in understanding is, they could have prevented you from joining the crowd; they could have arrested you, too? ---If they had wanted to, they could have.

But they did not want to arrest you? ---I don't know what they had in mind.

THE CHAIRMAN: This man who caught hold of you and caused you to bump your mouth against the gate-post, or gate, was he wanting to push you out of the Police yard? ---I don't know what this man intended doing.

I was close to the gate; the gate was open. He caught me, jerked me about, pushed me and I ...

Did you get the impression that he was trying to hold you back, in the sense of arresting you, perhaps; or did you get the impression that he was trying to rush you out of the gate, out of the Police yard? ---I did not know what this man intended to do.

- ADJOURNED: 12.45 p.m. -

- RESUMED: 2.15 p.m. -

MOSES SMIT, still under oath (through Interpreter):

CROSS-EXAMINATION BY MR. CLAASSEN CONTINUED:

I think we reached the stage where you had witnessed three arrests and where you went out through the gate? ---Yes.

You did not notice them more or less throwing stones towards the ...? ---I said at the beginning, that is correct.

No shouting or abuse? --- No abuse, no shouting.

No swearing at all at the Police? ---No swearing at the Police.

Did you hear any members of the crowd shout anything at all towards the Police? --- The only shouts I heard was at the time this man was arrested; there was only the shout of "Afrika!", that is all.

When this other man was arrested, did they shout "Afrika!" louder than before? ---Yes; they shouted loud, "Afrika!" A lot of the people held their thumbs up, other stuck their hands up, as indicated.

More than before? ---No; as they did at the beginning.

When you were in there, did you see certain vehicles coming in through the gate? ---Yes; there were vehicles going in at the gate.

What was the attitude of the people towards the people inside the vehicles? --- The only thing is that these vehicles came from behind. These people who were standing there, gave way, allowing the vehicles to pass, to go in.

Did they take no further notice of these people in the vehicles? ---I don't know. As far as I know, they just opened up for the vehicles to come in.

Was there nothing that you could notice, that they were getting a little more excited than before, when these vehicles came through? ---I saw nothing.

You did not notice them more or less throwing stones towards the ...? ---I said at the beginning, all I saw was that the people put up their thumbs and their hands, not that they did anything to these vehicles as they were entering.

You did not notice them doing that specially for those people in the vehicles to see? ---No.

So that there was nothing that you saw, that the police could have mistaken for hostility towards them? ---Not the way I saw it.

You as one of the members of the P.A.C, knew the

purpose of the gathering there at the Police Station? —
I knew it.

And the gathering at the Police Station was for
the purposes set out in your pamphlets? — Which
pamphlets?

Have you not seen any of the pamphlets sent out
by the P.A.C.? — I saw it, yes.

The last one is called "Calling the Nation" (Exh.
"D4")? — I saw that.

What did that one say; why they should go to
the Police Station? — I am not prepared to explain what
was written in there.

I will put it to you this way, and you can
refuse to answer if you like: The reasons set out
in this pamphlet are that you are to go there and
surrender yourselves for arrest? — I have said, I am
not prepared to explain what was written in that
pamphlet.

THE CHAIRMAN: Why not; I am not quite sure
that I understand your answer, in the sense that
either the pamphlet speaks for itself and you are not
prepared to explain what anybody can understand by
reading it, or that you know the explanation and you
refuse to give evidence about it? — The reason why
I said I am not prepared to answer the contents of
this pamphlet is this, I do not know how everybody
who has read the pamphlet, understood it and what it
conveyed to them; that is why.

CROSS-EXAMINATION CONTINUED: Well, Moses ...
Yes, well, I think the question that was asked
you, I don't think related to what everybody else may
have thought of the pamphlet or what its contents meant;
I want you to understand, I don't want to

... your own view about it; your own understanding -
irrespective of what Tolo may have meant or what
anybody else in the location may have thought it meant;
what you understood it to mean? --- All I can say is, ^{ask}
according to what is written in this pamphlet, I don't
see how it in fact affects me to such an extent to ^{tion?}
dictate to me or to tell me what I should do, or what
I should not do.

CROSS-EXAMINATION CONTINUED: Did you go there
with the intention of surrendering yourself for
arrest? --- Yes. ^{think that was the purpose of their}

^{staying} You asked the Police to be arrested? --- This
matter was discussed before, that we should go to the
Police and if arrests are to be effected, to submit to
the arrests, as I said before. ^{what were you awaiting}

THE CHAIRMAN: You weren't to as it were
volunteer, go to a Policeman and say "Look, I have
no reference book; I want to be arrested"? ---
We did not want to go there as one group, to go to the
Police and say "Look here, we are here to be arrested;
we haven't our reference books". We have put that to
Tolo and he is to convey that to the Police that that
is the reason that we have come there. ^{Did you think that the Police would have been}
^{prepared to arrest all the people that came to the}

Well, is it correctly put, as you understood it
in Exh. "D4", in one of the paragraphs marked "(D)":
"If you are stopped by the Police on the way and they
demand passes, surrender there and then for arrest? ---
I am not prepared to answer on that. ^{Before you went to the Police Station, did you}

CROSS-EXAMINATION CONTINUED: Well, Moses ...

THE CHAIRMAN: My question was only intended
to get information as to whether that was what you
understood. I want you to understand, I don't want to

...ring any pressure to bear upon you, I merely explain
why I ask that question? ---I am not prepared to answer
that.

CROSS-EXAMINATION CONTINUED: If you can't speak

for yourself, have you got any means of saying what the
purpose of the crowd was in going to the Police Station?
---I have already explained on many occasions that the
majority of the people went there, or rather the whole
crowd went there, in the event of their being arrested,
to submit to the arrest.

And do you think that was the purpose of their
staying at the Police Station for so many hours? ---
Yes; not only that, but to await the answer which we
were told we were going to get.

To what question or request were you awaiting
an answer? --- In regard to the passes; and if we
were to be arrested, to submit to the arrest, that's
all.

You did not go there to make a request. You
went there to be arrested? --- There was - it was said
that we have come there to be arrested.

Did you think that the Police would have been
prepared to arrest all the people that came to the
Police Station? ---No. I don't think so, because they
had said that they had no right to arrest the people
and lock them up; they had to await the person that
had to come there and address the crowd.

Before you went to the Police Station, did you
think that the Police really would have arrested
everybody that came there without a pass? ---I don't
know.

MR. KENTRIDGE: Mr. Chairman, if I may interrupt
my learned friend, it is rather difficult to know what

THE CHAIRMAN: May I just ask you this: What is your standard of education? --- Std. VIII.

And what is your work? --- Chauffeur - driver of my master's vehicle.

And you say you have passed Std. VIII? ---Yes.

Well, didn't you think about these things at all; did you ever think about it, if 5,000 or 10,000 people or whatever it is, go to Sharpeville, and submit to arrest? --- Even if I had been thinking of this or not, if we were to be arrested the Police would have arrested groups and groups like that until I got into the particular group that I was in, to be arrested.

Did you think about it; did you think what was going to happen if the Police for instance refused to arrest you? --- That I don't know.

You didn't think what to do after that? --- I did not think about that, that the Police might not want to arrest us.

Did you believe that this sort of demonstration would take place all over South Africa, in every city, town and village? ---I am not prepared to answer that. The only answer I can give your Lordship is as to what had happened in Sharpeville. That is what I have come here for.

CROSS-EXAMINATION CONTINUED: I will confine my questions to Sharpeville? ---Yes.

Did the P.A.C. have anything to do with the fact that there was no school on that day? ---I cannot answer that.

MR. KENTRIDGE: Mr. Chairman, if I may interrupt my learned friend, it is rather difficult to know what

the object is of asking whether the P.A.C. was behind this or behind that. He has given evidence about what he has seen and what he knows. I take it my learned friend can ask why children were not at school if he knows about it, but to ask what the organisation did and what it did not do, seems to defeat the very object of the assurances which your Lordship gave. It seems calculated only to scare Witnesses away rather than to attract them to this Commission. My learned friend has been consistently asking this Witness about the political views and activities. I certainly can't stop him on any legal ground, but I do commend to his attention the question of whether that is likely to help the Commission or whether it is likely to discourage Witnesses.

THE CHAIRMAN: Except, Mr. Kentridge - the Witness has been given fairly extensive safeguard, and in addition to that I think you did assure him, when he started his evidence, that he could speak freely. Notwithstanding that, you will have noted that I have not in any way attempted to persuade the Witness to answer any question which he feels he would not like to answer. I have not even enquired whether one could not perhaps say that that is not a question which is likely to show that you have committed a crime. For the rest, I don't think any exception could be taken to Mr. Classen's questions. The events of that day have to be determined on all the evidence. It is common cause that the P.A.C. was connected with it.

MR. KENTRIDGE: I don't know that it is common cause. I don't know between whom it is common, Mr. Chairman. For instance, on these questions on the

pamphlet; I don't know whether this Witness or other people admit it comes from the P.A.C. We have not been concerned to dispute it. It has nothing to do with our being here. I don't know between whom it is common cause. It may well be uncontradicted.

THE CHAIRMAN: Well, then perhaps I have been misunderstanding the position throughout, but I understood from the evidence so far that the P.A.C. was connected - I did not put it any higher. I understood that Thelo ...

MR. KENTRIDGE: That has been the evidence. It has been uncontradicted. But I don't know whether vis-a-vis P.A.C. members who happen to give evidence it is common cause or not. The point I was simply trying to make was not - as I have indicated, I think this Witness is in a position to speak freely on the events of the day; but that was on the basis that he was not going to be interrogated about the activity and Policies of the P.A.C. as such. Although he has the privilege which your Lordship is enforcing, it would seem that it is against the spirit of the assurances given for the Witness to be interrogated on what the P.A.C. was behind and what it was not behind. But I may be wrong.

THE CHAIRMAN: Well, I don't know, Mr. Kentridge; I mean, you have seen the terms of reference. Would you say that it is beyond the scope of the terms of reference to find out if it is possible, on the evidence, whether this was a spontaneous gathering, whether it was organised by the .ANC, whether it was organised by the PAC, whether it was a group of tsotsis that took matters in hand, whether it was a spontaneous outburst on that day; we can discuss

the terms of reference ...

MR. KENTRIDGE: Well, I understood from your previous ruling, Sir, that it would not - otherwise it might have been within the scope of your Lordship's Commission to enquire whether this was not a natural reaction against the pernicious policies, let us say, of the present Government. But we can't go into that. It is not a matter which this Commission can enquire into, whether the apartheid policy of the present Government would lead to this, whether people are in favour of it or against it; whether they are spontaneously against passes or not spontaneously against passes; whether it is the A.N.C. or the United Party or the Nationalist Party.

THE CHAIRMAN: Yes, well, Mr. Kentridge, questions along these lines were asked earlier on and they were dealt with; people were asked whether they were members of the P.A.A.C and they said they were not. I think the question which is asked, which I simply understood to be whether he knows whether the closing of the school was at the request or order of the P.A.C. or whether it was simply Mr. "X" or the principal. At the moment I can't see that it falls outside the events of that day.

MR. KENTRIDGE: As your Lordship pleases. I don't suggest that that ruling is incorrect. I would simply like to make a personal explanation, just a personal statement to this Witness, that my statement to him that I thought he could speak freely on all these matters, was on the understanding that he would not be interrogated about P.A.C. activities and policy. I would just like that explained to him, and as far as he is concerned, he must decide whether to answer or

not. But I would like to withdraw what appeared to be the advice which I gave him, Sir.

MR. CLAASSEN: My Lord, may I just explain the purpose of my question. The purpose of my question is a matter of credibility. We have understood from the pamphlets and other evidence that these people were going to the Police Offices to be arrested. But then we find, later on, that Witness after Witness came into the Witness box and gave evidence that this was a peaceful gathering; that there was no hostility towards the Police and that they were all awaiting an address. Now, it becomes very pertinent to this question, whether the crowd was peaceful; whether they were, in fact, waiting for an address, why there should have been a lot of children; and that is what I was leading up to when I asked this question, why, for that purpose, should there have been a lot of children.

The Witness has stated that he took part in the organisation of this. My next question was going to be to him why they as leaders, or sub-leaders, did not see to it that the children, for instance, remained at home. It all goes to a question of credibility, of what the Witness has stated in fact happened at the Police Station.

MR. KENTRIDGE: I should make it quite clear, I was not for a moment trying to contest my learned friend's right to test the credibility of any Witness. He is obviously entitled to do so. One might observe that he made little or no attempt to test the credibility of Police Witnesses, but I certainly quite understand and accept that he is entitled to test the credibility of any Witness,

whoever the Witness is called by; and I did not intend to object on that basis at all. It was not that basis at all. It was simply ^{or} a question of what the P.A.C. did and what the P.A.C. did not do.

THE CHAIRMAN: Mr. Kentridge, merely a proper your remarks that Mr. Claassen did not test the credibility of the Police Witnesses, I don't know whether that is a well-advised statement to make in the circumstances, which you know well about. You know well the discussion we had in my Chambers before this matter started, when I explained how I proposed setting about gathering evidence, how I explained the position of Mr. Claassen and how I thought, at least, it was agreed that Mr. Claassen would lead certain evidence at my request and that because you and Mr. Flewman were available here, representing the interests of your clients, you would then cross-examine the Police in relation to the incidents in which you were interested. And along those lines, I could establish how far I can rely on their evidence. In addition to that, I have had in my possession full statements of every single Police Witness, and I have consistently been able to control at least the extent to which, if any, they diverge from the statements made fairly shortly after these incidents. To that extent - I don't say that is a complete guide to credibility; Counsel will themselves know to what extent that is of assistance.

I have also suggested that it would be convenient if certain Witnesses' evidence were to be led by, for instance, you or Mr. Flewman, depending upon circumstances, on the understanding that in those circumstances Mr. Claassen will then undertake,

in relation to those Witnesses, the task which you would undertake in relation to the Police. I may have misunderstood it throughout, but that, at least, is the basis upon which I have been carrying out my duties in this Commission.

MR. KENTRIDGE: I was referring, Mr. Chairman, only to the case of Police Witnesses and Police evidence on those aspects on which we made it clear we were not interested in, such as what happened the previous night or early in the morning. I was simply commenting on the fact that as far as those Witnesses were concerned, my learned friend just seems to have accepted what they said.

CROSS-EXAMINATION CONTINUED: Moses, you were one of the people who assisted with the organisation of this gathering at the Police Station? ---I said so before.

Did you take any steps at all to see that the children did not attend this demonstration? ---Whether children attended this meeting or not, I am not prepared to answer that. That is a matter that did not concern me.

Seeing that the intention was that there should be no fighting, did you take any steps to safeguard against some of the Bantu men carrying sticks? --- The people that had trouble with the Police earlier that day, might have still felt sore about it, not the other crowd that went to the Police Station, as I have explained, why they had gone there.

Did you see, amongst the crowd, people with sticks? ---Not one; not one that I had seen.

Whatever was said, whatever you heard about This person who brought in a case of cool drinks,

ate the Police yard and placed it before the Police -
You have told us about that? ---I did. I spoke about it.

Where did that come from? ---It was conveyed by
into the Police grounds and from there it was taken
of the car and put before the Police; where it
came from, I don't know.

You don't know who paid for it? ---No; I don't
know.

You don't know who ordered the man to take it in
to the Police? ---No, I don't know.

You don't know anything about it? --- All I know
about it is that I saw it being off-loaded, that is all.
---I believed what he told us.

You don't know with what motive it was taken in?
---No; I don't know.

Did you - from what you saw, did you think it
was an act of friendship on the part of the Bantus
towards the Police? --- There were many of us there
outside, close to the fence, and regarding this, that
the man took in this cool drink to the Police, I did
not want to know anything about it. I just saw it
being taken in to them, that's all.

Are you - I won't take that any further. Now,
you were a man who knew a little bit more about what
was happening there, the intentions motives and one
thing and another. I want to ask you this: Did you
at any stage gain the impression that the Police
wanted you to go away from the Police Station? ---
I did not think about that, because I saw nothing being
done by the Police to show that that was the intention
of the Police, to get the people away from there.

Whatever was said, whatever you heard about

this story about the man who was to come there to address you, are you telling the Commissioner that you believed that the Police wanted you to stay there until 2 o'clock for the man to address you? --- I never said that I said so. I said that Tolo is the man who spoke to the Police and he came back from there and he said that it was said that we had to wait there until 2 o'clock, until this man turned up.

And you believed that? --- What he told me, I believed.

From what he told you, you actually thought that the Police wanted you to stay there until this man had arrived? --- I believed what he told us.

When the Police were ordered to fall into line, did you see that? --- I saw that.

Did you still believe that the Police wanted you to remain there for this address? --- Why they formed a line, I do not know; but I was waiting there, on what we had been told, to wait until this man would come and address us.

Well, let me put it to you this way: Tolo told you something about a man who would come and address you from somewhere else? --- That is correct.

And apparently you believed it? --- I believed it.

All right, then: When the Police were ordered to stand in line, did you think that was consistent with what Tolo had told you? --- No; I never thought that.

It never then occurred to you, "But this man might have deceived me - Tolo might have deceived me"? --- No. That never entered my mind, that he might have deceived us.

And then, did you hear an order to load? --- No.

I did not. I never said I did.

Well, did you see the Policemen loading their rifles? --- I did, yes. I saw that they were preparing the rifles.

When was this - at that moment it must have been quite clear to you that the Police were afraid of you, of the crowd? --- That I don't know.

It never occurred to you that that was an act of preparation against a possible attack by the Bantu? --- I never had a thought like that in mind.

What did you think all these Police were brought there for? --- I was not concerned as to how many Police were brought there. I was only concerned to wait there until this man would come who was going to address us, that's all.

I am not suggesting that you might have been very concerned about it; you were not. But what did you think? --- Nothing.

Sharpeville Police Station is not a place where you usually see such a lot of Policemen? --- I have not been there on many occasions. I don't know.

Are you telling the Commissioner, now, that you don't know that on that day, as far as Policemen were concerned, the Police Station was any different from any other day. Is that what you are trying to tell me? --- I cannot give any other answer except the one that I have already given. I don't ^{know} why so many Policemen came there. I do not know why.

NO FURTHER QUESTIONS.

MR. PLEWMAN: Mr. Chairman, I only have a statement to make about the question which my learned

friend partly invited me to make a statement on. I don't know whether I should make it now. I thought it better not to make it in the middle of the Witness' evidence.

I have no questions, but I have that explanation which could either be put through the Witness or I could make it. Perhaps I should wait until my learned friend has re-examined.

THE CHAIRMAN: Yes.

RE-EXAMINED BY MR. KENTRIDGE: Now, Smit, you have said that when you saw the Police with their guns and before loading their guns, it did not occur to you that they were going to shoot at the crowd? —No. I did not think that they were going to shoot.

You did not think that the loading of their guns was a substitute for the provisions of the Riotous Assemblies Act in/which, if the Police want you to disperse, they call upon you to disperse loudly three times and give you a certain time to go? —No. I did not have that in mind either because there was nothing said to the crowd to make me think about that.

MR. KENTRIDGE: My learned friend wishes to know when the statement was taken. Did any of the Police tell you to go? —No.

Did you hear any Policeman tell any section of the crowd to go? —No.

You did not think the Police were afraid of the crowd? —I had no such thought.

Did you have any reason to believe that the Police might at any moment open up indiscriminate fire on the crowd? —No. Mr. Kentridge, was with me

at the time. What sort of crowd was it; were there children

in the crowd? ---Yes; there were.

Women? ---Yes.

Did they seem to you to be fierce, hostile? ---
They were happy, as far as I could see.

I want you to think back to the time when you were first at the Police Station in the morning and also when you came there for the second time at about 10 or shortly after. If the crowd had wanted to get into the Police Station, was there anything to stop them? --- I don't think they had any idea of entering the Police premises, because when the person who came there with them, spoke to them, they listened to what he had to say.

Were the gates locked at any time? ---No gates were locked.

If any people had wanted to go in and fight the Police, was there anything to stop them? --- According to what I thought, there was nothing to prevent them from going in if they wanted to.

NO FURTHER QUESTION.

MR. PLEWMAN: My learned friend wishes to know when the statement was taken. The answer is, the statement was taken from this Witness by an unqualified lady clerk in the employ of my Attorney on Wednesday. She transcribed these shorthand notes, which were delivered to me on Thursday evening, and I saw the Witness myself yesterday for the first time and told him that as far as I was concerned the matters at Sharpeville Police Station were in issue.

My learned friend, Mr. Kentridge, was with me at the time.

MR. CLAASSEN: My Lord, I accept that. I hope my learned friend appreciates the reason why I asked the question. I just wanted to know whether a statement that he had made earlier may be in conflict with what he was saying.

THE CHAIRMAN: I think you volunteered the information that you were a member of the Pan-Africanist Congress? —I spoke, yes.

What I wanted to ask you, as far as you know, did that organisation have any substantial following in Sharpeville? — I am not prepared to answer that.

Now, there is something else that I want to ask you, if you can possibly help me, and that is, the evidence suggests that there was a plan which had certainly been in existence, or probably been in existence for some time to launch a campaign of the nature which eventually took place on the 21st March? —I am not prepared to answer what had happened before in regard to a plan that was made to have the campaign launched, as asked by your Lordship. All I am prepared to answer is what happened that day.

Well, I wanted to ask you something further, and that is, only as far as you yourself were concerned; when did you know that this particular day, the day on which the campaign would be launched, would be Monday, the 21st March? Was that on the Friday or the Saturday or the Sunday? —I am not prepared to answer what day I got to know that that was going to happen on the 21st March.

The evidence which you gave gives me the impression that certainly up to some time before the shooting, there was a general, friendly, happy mood

amongst the crowd? --- That is correct.

As far as you know, there was nothing in the mind of the people there which made them feel unhappy or was calculated to make them feel hostile to the Police? --- Not that I know of.

How long have you been in Sharpeville? --- Thirteen years.

So I take it that you know the people of Sharpeville and the Bantu in this area fairly well? --- Yes; I do.

Was that in general the relationship, at least in this area, between the Police on the one hand and the Bantu population - only one of friendliness? --- I can't answer that; I don't know.

As far as you saw, in this area, was there any reason why the people in Sharpeville or in this area, should have any feeling of hostility towards the Police in this area? --- No; I don't know of any reason.

There was no sort of long-standing trouble between the Police and the inhabitants? --- Not that I know of.

You have given evidence as to what happened shortly before the shooting took place? --- Yes.

If I understand your evidence correctly, certainly up to about twenty minutes or so before the shooting, Kolo and More and you, possibly others, moved about the Police Station grounds? --- Yes.

There was no attempt on the part of any of the Bantu or on the part of the Police to create any scene or any hostility? --- As far as the Police are concerned, I don't know. I don't know what they had in mind, what they were about to do.

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There was no attempt on the part of any of the Bantu or on the part of the Police to create any scene or any hostility? --- As far as the Police are concerned, I don't know. I don't know what they had in mind, what they were about to do.

Not what they had in their minds. It is not always easy to find out what people have in their minds? --- What I am trying to explain is this: If the Police, having done something, I would not have been able to explain to this Court as to why they did that. As far as the Non-European are concerned, I saw nothing at all. --- No; but the Police. Only in so far as you saw their conduct? --- I think I have already explained what I have seen. I don't think I can go further than that.

But what I am wanting to get from you, if you are prepared to tell me - and at the moment I can't see why you should not want to tell me. As More and Tolo moved about the Police grounds earlier on and spoke to the Police, as you have already testified, did you see any signs of, say, annoyance on the part of the Police at Tolo coming up to them and discussing matters and going back to the crowd and speaking to them again? --- Nothing at all at that time.

--- Because the impression I get is that Tolo and you and others, either of your own accord or because of the Police asked you, would go up to the crowd and get them to move back so that they won't push the fence forward? --- Nothing came from the Police side in regard to that. We saw the fence coming forward and we thought to ourselves people must stand back, and should not press the fence forward. That is what we thought ourselves.

On your evidence, Tolo spoke to constables, both the white and the non-white constables, on several occasions? --- That is so.

Tolo. That is what I am trying to get from you. As you saw them, did you see any signs of annoyance or irritation on the part of the Police because this man, Tolo, was

coming up to them or discussing matters with them, and so on; or was there still a friendly atmosphere, then, between all parties? — There was nothing out of the ordinary, assaults or anything like that.

Then the general understanding, certainly so far as you were concerned, was that you would be there and wait until 2 o'clock and wait until somebody came to address you? — That is so.

Did you understand that that information which Tsolo had carried through to you, came from the Police? — I believe so, yes.

I am not sure whether you haven't already told us, but even if you haven't, if you could just repeat it for my benefit; was that merely an inference which you drew from what Tsolo said, or did he in fact tell you, "Those Policemen have told me that we must stay until 2 o'clock so that an official can come and talk to you"? — It was conveyed to the crowd by Tsolo after he had spoken to the Police.

But Tsolo did not as far as you can remember, say "These Policemen to whom I have just been speaking, they told me that we must wait until 2 o'clock because then an official will come and talk to us"? Or did you merely think that he got the information from the Police because he had just been speaking to them? —

Do you understand the difference? — I do. The position is this, that Tsolo went to these Police and he spoke, and after he had finished speaking to them, he came over to us and said that the Police had said to him, Tsolo, that we had to wait there until 2 o'clock until this gentleman had come to address us.

When Tsolo came back to you to make that statement?

had you seen which Police he had been talking to? —
I cannot say, because when Tāolo gets to the Police they
would come there and stand around him there and then they
would speak to him. I cannot say which individually
he spoke to, or spoke to him.

What I am trying to find out, is this: On the
evidence it is clear that at a certain stage things
changed. You have told us yourself that people were now
being arrested. You had Tāolo arrested, you had More
arrested, you had a third person arrested, and you
yourself, on your evidence, were manhandled by the Police?
— That is what I said, yes.

As seen through your eyes, what do you think
happened in order to bring about this change? — That
I don't know.

If not the whole crowd, then I suppose portion of
the crowd nearest to the gate and nearest to the fence —
do you think they would have seen what was happening,
here, in the vicinity of the gate in regard to Tāolo and
More and the others? — I cannot say, because there were
tall people, there were short people, others were nearer,
others were a bit further, so I don't know.

May I just put it this way: In so far, as least,
as you were able to see and in so far as you were able to
hear, you saw nothing and heard nothing from the crowd
near the gate, in the immediate vicinity of the gate, to
indicate that their mood had changed in any way? —
Nothing that I saw.

You have told us that on occasions during the earlier
part of that morning you had, with others, gone to tell the
people to stand back from the fence? — That is correct.

What I want to ask you, I knew in those times one

does not see everything, but when all these exciting things were taking place in the vicinity of the gate, did you perhaps at any time look at the people along the fence further down, what they were doing, whether they were straining forward in order to see better what was going on? --- I only am speaking about the people that were against the fence, there. What the people further up - what their behaviour was, I could not say.

I am asking, at that time, when people were being arrested? --- At that stage, I was only looking as to what was happening, where I could see. I was not looking as to what the people were doing that were not there.

Well, then you can't tell me anything? --- That I cannot.

Did you yourself suffer any sense of annoyance when you saw these people being assaulted? --- No; not if your Lordship refers to the time when these arrests were made, and so forth. There was nothing that caused me to be annoyed.

I think you mentioned some uniformed officer who had caused this line to be formed? --- Yes.

Either getting hold of somebody - who was that person; do you know? --- I was the person who was caught hold of by this uniformed man.

You can't identify him to me at all? --- I don't know the man.

Would you be able, if you saw him again, to say "That is the man"? --- I think I would be able to.

If the evidence shows that Col. Piennar gave the order for the line to be formed - does his name mean anything to you? --- No. It means nothing to me. I don't know the name.

After - at the time when you were being thrust out of the gate, you say that is when the shooting started?

---Yes.

I am not quite clear, yet, on your evidence, whereabouts you were the last minute or two before the shooting broke out? ---If the gate is as indicated, I was on the left of the gate.

If I understood you correctly, you were inside the Police grounds? ---Yes.

Standing in a position indicated by you now? --- Yes, alongside of the gate.

For how long had you been in that vicinity? --- I can't say how long.

I am not expecting you to give it to me in exact minutes, but had you been there a relatively short time only, or had you been there for a long time? --- At that place where I was standing as described now, I was not standing there long when I was thrust out and thereafter the shooting took place.

While you were standing there, what was the position of those double gates; did you notice? --- They were open.

And were you the only one on the inside, beyond the line of the gate? --- The way I saw it, I was the only one on that side.

The others, even though the gate was open, were still on the other side of the fence? --- They were outside the fence, yes.

Was there not any tendency, because of the excitement, of these people being pushed forward through this gate that was now open? --- That I don't know.

Did you not see anything like that at all? --- I did

not see anything like that happen.

At the time when you were being handled in the way described by you, did you see this Police officer in civilian clothes? — The last I saw of this man was when he was pulling this man at the back of the line formed by the Police. That was the last I saw of him. Then this uniformed man came and caught hold of him. That was the last I saw of him.

When this change had now taken place, T̄solo and More were arrested and roughly handled. Did you

consider at all why this was happening? — I never said that T̄solo was man-handled or badly treated. I never said so.

At any rate, when they were being taken in? — No; I never thought anything.

Well, I may be mistaken. I don't know whether you yourself used the word, that you saw them being "arrested". Perhaps it may be just that in your language it is expressed in the same way. When T̄solo and More were being taken in, did you at that stage think that they are being arrested, or did you think it was exactly the same as had been happening earlier, namely that T̄solo and More were now going to talk to the Police officials again in regard to? — I at that stage thought that he was being arrested, because before that when they wanted to speak to him they called him and he would go to them and they would speak to him, without catching hold of him.

That incident did not cause you to wonder why it was that the leader was now being arrested? — Nothing surprised me, because I did not know what would happen after that.

Did you hear anything in the way of a command to shoot - either "shoot" or "shoot!" ---I have said the shooting had started? ---I did. I fell. I have not heard any such command.

And eventually, after the shooting stopped, you got up? ---Yes; I did.

What I want to know is, how long after that did you stay in the vicinity? Could you tell me anything of what happened afterwards? ---I have explained. I was in a sort of dizzy condition. I could not see clearly what was happening thereafter.

But did you go away from the scene? --- After I got up, I sat for a while. I was a bit dazed at the time.

At the time that the Police were walking about amongst the injured and the dead, were you there still? ---I was still sitting there, yes.

And by the time the first ambulance had arrived, were you still there? --- I can't say that I noticed when I came to that there were some vehicles and ambulances together. I can't say which ambulance came first, or what.

Did they press forward? ---No. You say when you were still sitting down in a state of dizziness? ---Yes.

So you weren't really able to see what was happening, whether people were helping the injured or not? --- After I had got up and I was up for a little while, I saw what was happening, then, until such time as I walked off.

There is just one thing I wanted to ask you. Can you remember, at the time when the shooting started, was anybody still holding onto you or had you by that time already been pushed against the gate? ---Not that I felt.

You weren't aware of the fact that you were being held by somebody? ---No; not when they started shooting.

MOSES SMIT
by the Chairman

Did you hear anything in the way of a command to shoot - either "Skiet!" or "Shoot!"? --- I have said I have not heard any such command.

MR. KENTRIDGE (THROUGH THE CHAIRMAN): You have said that shortly before the shooting, when the arrest was made, before you were seized, you did not see what was happening at other places? --- Yes; I said there, to the Police Station. I went back and had some food and returned again to the Police Station.

But could you see the people at any part of the fence? --- Where I was standing, if I should look to the left or look to the right, to the people that were standing next to the fence, I would be able to see. But I won't be able to see unless I turn my head to look. And did you walk past the shops along the Eastern side of the Police Station? --- Yes.

Was the fence in front of you? --- Yes.

At that part of the fence that you could see, at the time that this man was assaulted by the Police, did the crowd on the other side of the fence do anything in particular? --- Nothing that I saw. I was standing at the South-Eastern corner, there were Police outside the Police premises.

Did they press forward? --- No.

Were they in the street, not in the Police premises? --- Yes; outside. They were in James Street.

WILLIAM MOLATULE, sworn, states (through Interpreter): (Indemnity explained).

EXAMINED BY MR. PLEWMAN: William, you live in Sharpeville? --- Yes, I do.

You are in fixed employment? --- I am.

You had a job at the time of the shooting, on the 21st March? --- I was on leave, although I was in fixed employment.

For that reason you did not go to work on that day? --- Yes.

W. HOLLAND
Evidence-in-Chief

Had you heard that day whether other people were going to work or not? ---I heard nothing.

Did you on that day go to the Police Station at any time? --- Yes; during the day I did.

What time was that; was that before, or after your lunch? ---It was before I went to lunch that I went there, to the Police Station. I went back and had some food and returned again to the Police Station.

When you went back after lunch, from which side did you approach the Police Station - from the Seciso Street side, or from the Zwane Street side? --- From Seciso Street side.

And did you walk past the shops along the western side of the Police Station? ---Yes.

Did you go down the far North-East corner at any stage - the South-East corner? ---Yes; I was there.

Did you see any Police there who were not inside the Police Station, but outside? --- At the place where I was standing at the South-Eastern corner, there were Police outside the Police premises.

In the street, not in the Police premises? ---Yes; outside, in the street. They were in Zwane Street.

Did you from that point go anywhere near to the Western side again? ---No.

Where were you - did you see any vehicles arriving at the Police Station? ---Yes, I did.

Where did they go? --- They went into the Police Station.

Where were you when they went into the Police Station? --- I was at the big gate which faces on the Western side.

Q You moved there from the position you have described on the South-East and you had come round again towards the West? ---Yes.

Q Do you know how these vehicles got through the gate on the Western fence? ---Yes, I do.

Q How did they get through? --- The vehicles came from the Zwane Street side and the people gave way, allowing the vehicles to pass into the Police Station. After the vehicles had got into the Police Station, one of the members of this crowd closed the gate.

Q The person who closed the gate, was he an African?
--- He was an African.

Q After he had closed the gate, was he outside or inside the fence, as far as you could tell? ---Inside, in the yard - that is after he had closed the gate.

Q At that stage, were there armed Policemen standing about inside the Police grounds? ---Yes; they had arms and things.

Q Were they formed up in a line, or were they just standing about? ---Just standing about.

Q What did you do after that; did you stay in the same place, or move off again? --- After they went in, I went round the Eastern side and went and stood on the Southern side.

Q Did you go round into Zwane Street again, that is to the South? ---Yes.

Q So that you moved right through the crowd from the point near the Western gate, down along the Southern fence towards the Eastern corner again? --- That is correct.

Q Did you yourself actually see any of the shooting?
--- Yes, I did. I saw some of them stooping, taking aim their attitude was, what sort of mood they were in? ---

W. MOLAVILLE
Witness in Chief

They were in a happy mood.

Did you see any people there armed with weapons?
--- No; not at all.

Were there any people - few or many, it does not matter - with sticks? --- I saw people with some little kerries, but no sticks.

Is that the stick that one walks with? As opposed to the fighting stick - a walking stick? ---

No; not a fighting stick. A walking stick.

How many people do you think had that sort of walking stick? --- About two, that I have seen.

And did you see any women with umbrellas? --- Yes; I did.

Where were you standing when the shooting started? --- On the Eastern side.

So you don't know how or why it really started; you just heard the sound of the shots? --- I just heard the shots.

Are you talking about the shots from the crowd of Policemen where we know they fired, that is on the Western side of the Police Station? --- Yes.

Do you know whether there were any other Policemen who shot at that stage? --- Yes; there were others, too, who had fired.

Where were they? --- They were on the Eastern side.

Are these the Policemen you told us before, who were in the street on the Eastern side? --- Yes; those are the men that I was referring to at first.

Did you yourself actually see any of them shooting? --- Yes, I did. I saw some of them stooping, taking aim

E. MCKAY
Witness-in-Chief

at the people on the other side.

Perhaps you can demonstrate how you say these people were aiming? — Those that were in front, sort of stooped and ...

THE CHAIRMAN: Did they kneel?—On the one knee.

EXAMINATION CONTINUED: Now, with that shooting in addition to the other shooting, what did you do? —I ran away but I did not run away far.

I want to come back to these people on the East. When you say they aimed, do you know in which direction they shot? — There were some people on the Western side, in Evans Street, and they were aiming in that direction.

Was that the only direction they shot in? —No.

In what other direction did they shoot? — Also where we were standing, but we were not many, where we were standing.

Do you have in mind here the cafes - what would the direction of the shooting have been that you are now talking about, in relation to the cafe, to where the cafe is?

THE CHAIRMAN: If you looked on the photograph, would you be able to show it?

EXAMINATION CONTINUED: Have a look at Exh. "B1"? — (Witness indicates).

You indicate that you were somewhere near the houses on the right edge of the picture; that the shooting took place up Evans Street and across, as I understand it, in the direction, possibly North - North-West? — That's right.

One appreciates it is difficult to judge the length

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of time that shooting lasted, but the shooting on the North, can you form any estimate of how long that lasted?
--- From 50 to 60 seconds.

What is that? After the shooting was over, you yourself were not injured? --- No. I was not injured.

--- Did you go in the direction of the shops, from that South-Eastern point where you were? --- Yes. I proceeded in the road leading to the cafe.

Did you see any bodies in that field to the North of the Police Station? --- Yes; I saw one corpse of a girl.

Where was that lying, approximately? --- Between the cafe and the prison.

Perhaps I might again resort to Exhibit "B1"? --- (Witness indicates).

You indicate that the bodies now mentioned were lying at the point "P" immediately North of the Police building, that is the one in the middle of the field, to the North side; the other - you say you saw other bodies between the cafe and the North-West corner, and then along the West side of the Police Station? --- Yes.

My attention is directed to the fact that in asking you how long the shooting lasted, I said "shooting on the North side". I meant shooting on the West side? --- Are you now referring to the Police that were in the yard of the golf?

Yes; the Police on the West side, where most of the bodies were, between the clinic and the Police building; it is that shooting that I asked about? --- Fifty to sixty seconds.

NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. CLAASSEN: William, do I understand that you were in such a position that you could not see the shooting on the Western side? --- That is correct.

You don't know why the Police started shooting? ---I don't know why they started firing.

You did not see any of the arrests that took place there? ---No.

You did not see any stones thrown? ---No.

At the time the shooting started/^{you were} on the South-Eastern corner; is that correct? ---Yes; I was there.

And just across that intersection of Zwane Street and the other street which runs on the Eastern side of the Police Station, is that where you saw the Police? --- I don't quite follow.

Well, let me put it to you this way: Where you were standing, were the Police that were standing in Zwane Street, lower down in Zwane Street than you were? You were nearer to the Police Station? --- That is correct. The Police that were standing behind me, shall I say, in Zwane Street - I was nearer to the Police Station than they were. Where I was standing, I was standing in front of the Police, not in front of the goal, of the "trunk".

Do you say that when the general shooting started on the Western side, the Police in Zwane Street also started shooting? --- The shooting on the Western side started first, and thereafter the shooting on the Eastern side.

How long after? --- When the reports were heard of the firing on the Western side, then you could hear

the reports on the Eastern side as well.

And it is not only a question of you seeing these people bending down or crouching and aiming; you also heard the report of their rifles? --- I saw their rifles, yes.

So would you say that the first shots that were fired? But you heard them shooting? --- I was just close to them when the shooting started. I heard them shooting.

Did you hear a lot of shots fired from that side, or just a few? That is from the Police in Zwane Street? --- I cannot say, because when the shots commenced on the Western side, these on the Eastern side also commenced, and it was then just as - I can't say.

Yes, I can understand that difficulty. You also saw them shooting? --- I saw them, yes.

How many men were shooting, then? --- That I cannot say. When the shooting started, I ran away. I did not stand to see how many men were firing.

But what is the impression that you had; how many of them crouched down and aimed? --- I cannot say; four or five. There were not many of them. I mean, those that sort of stooped - about four or five.

And how many shots do you think they fired - talking about those men in Zwane Street - before you ran away? --- I cannot say. I was running away, then.

Would you say that each man could have fired off - the four or five that you saw, could have fired one shot? --- I cannot explain that, as to how many shots each of those men fired; I ran away. I cannot explain.

Did you actually wait until shots were fired before you started running? --- Yes; I did not run away before shots were fired.

But when the first shots were fired, you then ran away? ---Yes; I did.

And these men, were they aiming their firearms at Zwane Street? ---Yes; those were the men.

So would you say that the first shots that were fired by those men, were fired up Zwane Street? --- Are you now referring to those who fired on the Eastern side, that aimed at Zwane Street when they fired? ---

Yes; but you did not see any firing on the other side; you heard the firing? --- That's right. Those on the Western side, I only heard them; but those on the Eastern side, I was close to them. I saw them.

What I want to make sure is, the first shots that you heard, were they all fired up Zwane Street, from these men? ---I cannot say. When those on the other side fired, these fired here, too.

THE CHAIRMAN: "Those on the other side" being on the Western side? --- When those on the Western side started firing, these on the Eastern side fired, too.

CROSS-EXAMINATION CONTINUED: I have understood you on that point. I am quite clear on that point. When I am speaking about the firing, I am speaking only of those people who were firing from where they were standing in Zwane Street? --- Well, they also fired. Those that were there at the gaol, they were the first to start shooting. When those fired, then these here also started firing.

How far were the people standing away from the Police - and I am again referring to those Police that were in Zwane Street? --- The people in Zwane Street were a little distance away from the Police.

How far, would you say? — Where the fence is of this Courtyard on the other side, to where I am standing — just where this Courtyard ends.

THE CHAIRMAN: You say the nearest people were about this distance that you have given from the Police in Zwane Street? — Yes, I say so. (30 to 40 yards approximately).

CROSS-EXAMINATION CONTINUED: And the Police were now firing at those people that were standing there? — Yes.

Did you see any of these people fall? — No; I did not see people fall.

But then you say they were also firing to the right? — Yes.

Did you see people fall there? — There were not many of them there. I did not see anyone fall.

There were very few people on the Eastern side of the Police Station? — There were about four of us standing there.

And the Police were shooting in that direction? — Yes.

Here are a whole lot of people standing in front of them in Zwane Street; some of them shoot at them, but the others shoot at the few of you who are standing on the other side — in that direction? — That is what I say. The Police fired at the people in Zwane Street, and some of them fired in the direction where the few of us were standing, about four of us.

NO FURTHER QUESTIONS.

MR. PLEWMAN: NO RE-EXAMINATION.

MR. PLEWMAN: Sir, I should indicate, as mentioned

by my learned friend Mr. Kentridge this morning, on the subject of photographs from the "Star", that there is a photograph showing the position of the people at the point described by this Witness, which could also be something which, if I may respectfully suggest, could be dealt with in that way, by calling somebody from the "Star". It is a photograph from the "Star"; that is all I know about it, Sir. Perhaps I could show it to you (handed to the Chairman).

THE CHAIRMAN: I doubt whether this Witness would be able to make ...

MR. PLEWMAN: As your Worship pleases.

- ADJOURNED: 4.25 p.m. to -
WEDNESDAY, 18th MAY, 1960
at 9.45 a.m.