

COMMISSION OF INQUIRY
INTO THE EVENTS
IN SHARPSVILLE ETC

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You say it looks like him but you can't be sure? ---I cannot be sure.

THE CHAIRMAN: Would that be facing the photograph - this person in civilian dress to the right of the person clothed in a white shirt, with white head covering?

MR. COLMAN: That is so, Sir; almost in the dead centre of the photograph.

CROSS-EXAMINATION CONTINUED: Now, just about half-way between that man, who I suggest may be Col. Spengler, and the Ford van, do you see someone in a white shirt with something white on his head? ---I do.

Did you see such a person there that day? ---
No. I have no recollecting of having seen such a person.

And do you notice the position of the saracens? ---Yes; I do.

And you see the people lined up against the fence? --- Yes.

That is the Western fence? ---Yes.

Do you see the umbrellas and coloured sunshades? - you can't see the colours, here, of course; the gay sunshades? ---Yes.

Have you any comments you wish to make before I pass on to the next photograph? ---No; I have no comments to make.

(Photograph of area to the West of Sharpeville Police Station, Exh. "O").

Now I will give you the next photograph. Is that the sort of scene in the Western part of the Police Station grounds between 1 and 1.30, Colonel? ---

I cannot possibly say. I don't know when this photograph was taken.

Do you see Col. Spengler here? I think he may be a little clearer on this photograph than on the previous one - more or less in the same position as in the last one? --- Here again I cannot be certain that this is Col. Spengler.

You can't be certain, but it looks like him? --- This time I can't even say that it looks like him.

Very well. And a little to the left of him, do you see Capt. Willers? ---I cannot make out the features here.

Well, do you notice the position of the saracens? ---Yes.

And do you see a portion of the crowd? --- Yes.

Have you any comments you wish to make? ---No.

(Scene in Western Part of Police Station grounds, Exh. "P", handed in).

Now, the next one, also between 1 and 1.30 - a section of the crowd against the Southern fence of the Police Station. Have you any comments to make? --- No.

(Section of crowd against Southern fence of Police Station, Exh. "Q", handed in).

If you look carefully, I think you will see a Policeman inside, with his back to the fence? --- It looks like a Bantu Constable.

Yes? ---Yes.

Now, would you look at Exh. "R", please,

a similar view, Colonel. Do you notice the children there, on the left? --- They seem to be children.

You would not like to put it more strongly than that; all right. And again you see the Bantu constable with his back to the fence? ---Yes.

(Scene of crowd, depicting children against the Southern fence, and Native Bantu constable, Exh. "K" handed in).

I now show you another one, some of the crowd in Swane Street between 1 and 1.30. Do you notice the umbrella? ---Yes; I notice the umbrella.

Do you notice the attitude of these people - it seems to be relaxed, does it not? ---I can't say that they seem to be relaxed.

(Crowd in Swane Street between 1 and 1.30, Exh. "B", handed in).

Now, Colonel, I just want to go back to ^{say they} when you came through the gate, immediately before shooting began. Where did they jump to; how far in did they come? --- At what stage is this?

The last rush through the gate? ---I should put it at two paces. That is when my attention was diverted.

Was that over the whole width of the gateway, or only part of the gateway? --- The whole width.

The whole width of the gateway there were people who got in two paces? ---Yes.

Or up to two paces? --- That is as far as I saw them.

And what happened to them? --- No, I can't say

what happened to them after that.

Then the shooting began? ---Yes.

The shooting began far away from there? ---
No, it was close to them when it started.

The initial two shots? ---Yes.

Were the initial two shots opposite the gate?
--- It came from close to opposite the gate.

I thought it was from the end of the line? ---
Well, that is towards the end of the line.

THE CHAIRMAN: But you said the Southern
flank - unless I am mistaken. I thought you referred
to the Southern flank? --- No, that is the Southern ...

The left flank? --- That is correct.

CROSS-EXAMINATION CONTINUED: So, as soon as
the shooting started on the left flank, these people ran
back? ---I cannot say that I saw exactly what happened
there.

But that is what you were looking at? ---No;
my attention was diverted from that by the stones
falling.

Weren't the stones falling near the centre?
--- Some were falling near me, mostly on my righthand.

So the last you saw of these people was when
they were within a pace or two of the gate? ---Inside
the gate, yes.

So they must have run out? --- Yes.

And they must have run out in time to avoid
being shot? ---Yes.

Or to avoid being shot inside? --- Quite.

Col. Spengler was probably in the way, and some of the Native constables.

Now, you told me something about the direction of the shooting, but I am not quite sure that we have it quite clear. There was shooting to the West? ---Yes.

And in what other directions was there shooting, that you saw? --- No, I could not say that they were shooting in any other direction but forward and diagonally, to the centre and right.

None of them turned round and shot towards the rear of the line? ---I did not see that.

Was there any reason to shoot at people on the North? --- I can't say that there is any particular reason, except the general reason for shooting.

Did the saracens shoot? --- No.

But there were men on the saracens, weren't there? ---I don't know if at that time there were any men on the saracens.

There were men on the saracens while you were there? ---Yes.

You did not notice whether they were still on the saracens at the time of the shooting? ---No.

I mean on top of the saracens - you understand? ---Yes.

Such men would be on what - sten guns? The men who stood on the saracens, what was their arm - a sten gun? ---I can't remember what they were armed with.

So you cannot tell me whether anybody shot from on top of the saracens? ---No.

Now I want to show you some more photographs, Colonel. Now, that is a picture taken during the shooting from the North-East, Colonel. Do you see the people running? ---Yes, I see the people running.

Do you see the men standing on one of the saracens? ---Yes; I see men standing on the saracens.

Do you see there are a number of women and some children on the photograph? ---Yes; I see that.

A number of bicycles? ---Yes.

This was during the shooting, Colonel.

(Picture taken during shooting from North-East, Exh. "T", handed in).

Now, this is a photograph taken from the same direction very shortly after the previous one; again there are women, children, bicycles and men standing on the saracens, are there not? --- That is so.

If you have any comment that you wish to offer on any of these photographs which you think will be important, please do.

(Picture taken during shooting from North-East, a little while after Exh. "T", handed in marked Exh. "U").

Now I want to show you Exh. "P" again. Look at Exh. "V". It is the same sort of photograph as the last two I have shown you, but I think it was taken just before Exh. "T". I should have put it to you before the previous two. It shows the same sort of scene, does it not? That is another picture of the people running, taken very shortly after Exh. "U", but with a different type of camera. Do you recognise the same picture there? ---Yes.

Now, look at the men on the saracens. What do they appear to you to be doing? ---No, I cannot make out.

They seem to have turned towards the crowd, don't they; or at least one of them, at any rate? --- One seems to be facing the crowd.

THE CHAIRMAN: When you say "turning towards the crowd", do you mean the people that one sees running on the photograph?

MR. COLMAN: Yes.

(Picture taken during shooting from North-East, Exh. "V", handed in).

CROSS-EXAMINATION CONTINUED: What do you think they are doing, Colonel? --- No; I cannot make out what they are doing.

The one on the left, doesn't he look to you like a man who is pointing a revolver? ---He may be pointing with his hand; I cannot make out a revolver.

Maybe; but it also could be the gesture of a man who is pointing a revolver? ---It could be, but I wouldn't say so.

Doesn't it look to you as if there is something in his hands? --- I cannot see whether he is holding anything in his hand.

What about the other man? --- One appears to be holding a sten gun. He is not firing with it, it is plain. He is not in a bent position.

Why is it plain that he is not firing? --- Because it is usual that he would be in a bent position.

Do you say he can't fire a sten gun from the attitude which this man has? --- He can, but it is not

the normal attitude.

Now I will show you another photograph. That is a picture taken more or less at the same time as the other one, from a slightly different angle. Do you see the people running again - women, bicycles? ---Yes.

What do you say the men on the saracen are doing now? --- Here I cannot make out what they are doing.

Could you make a guess? ---No.

The one on the left looks very much as if he is firing a revolver, doesn't he? --- Again, I cannot see that he has anything in his hand at all.

And the man with the sten gun, what does he seem to have done? ---Here I can't make out a sten gun.

Well, there is something that might be a sten gun. He is turned more towards the front of this picture? ---Yes; he has.

And that is how his sten gun would look if he turned a bit further from his position in the previous photograph? ---I cannot say. He may have had it slung over his shoulder.

Do you think so? ---Yes.

To me it looks as if he has it in his hands, and that he is tracking the crowd, as it were; that he has turned to follow the direction in which the crowd is running. Do you disagree? ---Yes; I can't make out anything with certainty.

(Picture taken during shooting from North East, at a slightly different angle to Exh. "V" - handed in marked Exh. "W").

Have a look at the next one, Colonel, taken from the same direction, or approximately the same direction a little later. Do you see the crowd still running, the bicycles, the women - do you see those things? ---Yes.

And what about the man with the sten gun - the man that was standing upright; does he appear to have turned yet further in the direction in which the crowd are running? ---No; I cannot make out what these men are doing there, whether they are standing on a saracen or what they are doing.

It does not appear to you that that righthand man has turned since the previous picture? ---No; I cannot say.

(Picture taken from North-East at approximately the same time, from approximately the same direction as Exh. "W", handed in, marked Exh. "X").

Now I show you the next one. There are a number of children running away in that picture, aren't there? --- There are a few children among them.

And what do you think the man on the saracen - if he is a man on the saracen - is doing now? --- I cannot say.

All right. We are without your help, there, too.

(Picture taken during shooting from the North-East, Exh. "Y", handed in).

Now I show you a few more pictures taken at later stages from the same direction. That is taken from approximately the same place, the same direction,

Have a look at the next one, Colonel, taken from the same direction, or approximately the same direction a little later. Do you see the crowd still running, the bicycles, the women - do you see those things? ---Yes.

And what about the man with the sten gun - the man that was standing upright; does he appear to have turned yet further in the direction in which the crowd are running? ---No; I cannot make out what these men are doing there, whether they are standing on a saracen or what they are doing.

It does not appear to you that that righthand man has turned since the previous picture? ---No; I cannot say.

(Picture taken from North-East at approximately the same time, from approximately the same direction as Exh. "W", handed in, marked Exh. "X").

Now I show you the next one. There are a number of children running away in that picture, aren't there? --- There are a few children among them.

And what do you think the man on the saracen - if he is a man on the saracen - is doing now? --- I cannot say.

All right. We are without your help, there, too.

(Picture taken during shooting from the North-East, Exh. "Y", handed in).

Now I show you a few more pictures taken at later stages from the same direction. That is taken from approximately the same place, the same direction,

a later photograph than the last one, while the shooting was still going on. Have you any comments to make? ---
No.

(Photograph taken from same direction as Exh. "Y", handed in marked Exh. "Z").

Then have a look at the next one, which will be "AA". That was taken just after the previous one but with the camera swung in a slightly different direction. Have you any comment to make on that? ---
No.

(Photograph taken from a slightly different direction as Exh. "Z", handed in marked Exh. "AA").

The next one. Now, I must tell you what that is. It was taken after the previous ones, during the shooting, but the camera is now pointing in a different direction. The cameraman was somewhere to the North of the Police Station buildings, and he has now flung his camera towards the East; so that what you see in the picture, here, is the Eastern end of the Police Station building. Do you follow what I mean? ---
Yes.

And do you see the people running there? ---
Yes.

What are they running away from there? ---
I don't know what they are running away from. I assume they are running from the Western side, where the shooting was taking place.

Have you knowledge of any firing directed towards people in this position? ---
No.

Were any bodies found there, afterwards? ---
Not to my knowledge.

Have you detailed knowledge of where bodies

were found? --- Only from what I could see.

You did not go round the back part of the grounds? ---No.

So you could not dispute that there were bodies there, could you? ---No.

(Photograph of Eastern end of Police Station handed in, marked Exh. "BB").

I show you "CC" now, taken immediately afterwards. The shooting is still going on. The cameraman has now swung his camera right over towards the West. Do you see that? ---Yes.

The building on the left is a clinic, I am told. I don't know whether that helps you to fix the position? --- It seems so.

(Photograph of the Western side of the Police Station, with the clinic on the lefthand side, Exh. "CC").

I show you, now, Exh. "DD". Now that comes after the previous picture, just about at the end of the shooting, and the camera is now turned in a Northerly direction; I think these people are somewhere to the North-West of the Police Station - North-West or possibly due North. Do you see that? --- Yes.

No comment? ---No.

I want you to look at "EE". Do you see the body of a woman lying on the ground? ---I see that.

That body is lying, I am told, North of the Police Station buildings, about 80 to 100 yards from the fence. Any comment? This was taken very

it is not due North ...? ---It is slightly North-East.

Now you are getting Exh. "HH". That is a picture of the same body after someone has turned it over. Do you see that? ---I see it.

Does that suggest sten gun firing to you?
--- No; I cannot see any - distinguish any wounds, here.

You can't comment on the nature of those injuries; they appear dreadful don't they? --- I cannot make out the injuries, here.

(Picture of body of woman on Exh. "GG", turned over, showing wounds, handed in marked Exh. "HH".)

Just to complete the series, Exh. "II"; there is another picture of the same body. The cameraman is now facing towards the North-West and the building that you see at the top of the picture is the back of that block of shops to the North-West of the Police Station? --- This building, what is that supposed to be?

Do you know the block of shops which lies to the North-West of the Police Station? --- The block of shops?

Yes? --- Yes; I see that.

Just one more picture, Colonel.

(Photograph showing body of Bantu woman, with block of shops to the North-West of the Police Station, handed in marked Exh. "II").

This is a picture of bodies - you will see a telegraph pole in the picture. That is a pole on the South-Western corner of the intersection of Zwane Street and the street which runs along the West of the

shortly after the shooting. It was taken by the same cameraman who had taken the other photographs. When the shooting stopped, he took this. I can't tell you the exact interval, Sir, but it was very shortly after the shooting ^{had} stopped.

(Photograph of Bantu to the North-West of the Police Station, Exh. "ED", handed in).

(Photograph showing the body of a Bantu woman lying North of the Police Station, Exh. "EE", handed in).

The next one is "FF". Do you see that one, Colonel? That is a picture of the same body that I showed you on the last picture, but it is easier, now, to see where it lies because you can see quite clearly the North-West corner of the Police Station, the one across. Do you see that? --Yes. It is about due North from the point where the firing started.

Oh, no, Colonel; I don't think so. It is North-East to the point where the firing started? --Slightly East, yes.

Slightly, you say? --Yes.

Is that how it looks to you? --Yes.

I think the evidence will be that it is far more than "slightly" east. It is a little difficult, sometimes, to fix pictures. But you saw nobody firing in that direction, did you? --No; I did not see anybody firing in this direction.

(Picture showing body of woman on Exh. "EF", and the North-East corner of the Police Station, handed in marked Exh. "FF").

I now show you Exh. "EG" - the same body; it might give you a further idea. You see, now, that

it is not due North ...? ---It is slightly North-East.

Now you are getting Exh. "HH". That is a picture of the same body after someone has turned it over. Do you see that? ---I see it.

Does that suggest sten gun firing to you?
--- No; I cannot see any - distinguish any wounds, here.

You can't comment on the nature of those injuries; they appear dreadful don't they? --- I cannot make out the injuries, here.

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Do you know the block of shops which lies to the North-West of the Police Station? --- The block of shops?

Yes? --- Yes; I see that.

Just one more picture, Colonel.

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This is a picture of bodies - you will see a telegraph pole in the picture. That is a pole on the South-Western corner of the intersection of Zwane Street and the street which runs along the West of the

Police Station; it is really on the island near that pole. Mr. Fleman will show you on Exh. "B" where it is, and then you can look at the picture to advantage. You went out to look at the bodies near the Police Station, didn't you? ---Yes.

Is that the scene you saw near the South-West corner? --- Yes.

(Photograph showing bodies of Bantu near the South-Western corner of the Police Station, handed in marked Exh. "JJ").

Have you any comment to make? ---No.

It is a most distressing picture, isn't it?

---It is.

Have the Police ever officially expressed any regret over the shootings at Sharpeville? --- No; not to my knowledge.

Now, what had happened to the crowd by the time the shooting had stopped. Was there any of the crowd left near the Police Station? ---No; they had completely disappeared.

Except for the injured or dead? ---Yes.

Now, Colonel, have you heard about the nature of the wounds, whether they were from the front or the back - the wounds found on the dead people? --- Except that which I read in the papers.

That is only from the newspapers? ---Yes.

You have gathered that - putting it to you broadly, as far as one can ascertain it looks as if at least two-thirds of these people were shot from the back, shot from behind. What does that suggest to you? ---

Well, there may be factors that can account for that. I noticed that many bullets struck the mesh wire fence. They could have been deflected.

Those are ricochets? ---Yes.

Well, then the bullet would be distorted and the surgeon doing the post mortem would see that it is a ricochet? ---I don't think necessarily; it is a thin wire mesh.

Assuming that we were to discard the ricochets; those bullets that weren't ricochets, if three-quarters of those hit people in the rear, what would that suggest to you? --- Then there is another factor. Those at the back may have at once turned and fled; the .303 bullet - I would not say how many it could wound, but it could certainly wound a number, say up to 12.

You mean one bullet can go through the bodies of twelve people? ---I would not say go through, but wound them - an arm, the body, soft tissue and that.

Well, most of the wounded should have been the people in front, shouldn't they? --- Not if those at the back had already turned.

Most of the people hit, whether they were hit in front, from the side, from behind or anywhere else, should have been the people in the front of the line, shouldn't it? --- Not necessarily.

Well, your men haven't got a technique for shooting people ...? ---Once the crowd breaks, it may break and leave ^{an} avenue where the bullet can travel through and it could wound probably a dozen.

But the people who were nearest the fence were the people most directly exposed to the firing? ---Yes.

And one would expect that most of the killed or wounded would be among them? ---Yes.

And if the majority of the bullets entered from behind, it suggests that the people were already retreating when those bullets arrived? --- That can also be possible. As I have said, the firing could not be stopped with press-button precision and therefore naturally some must have been hit in the back.

But you would not expect the majority to be hit in the back? --- As I say, there are other factors that could also account for it.

Is it not a fact that this crowd turned and ran - of course not all simultaneously, like a trained army; but broadly speaking the crowd turned and ran when the first shot on the left of the line was fired? --- No. They broke up. Some of them turned round and fled, and in other sectors they seemed to bear forward for a second or two before they, too, fled.

In which sectors did they turn and run at the very first shot? ---I could not say precisely.

Are you guessing, Colonel, or are you telling us what you saw? Are you telling his Lordship what you observed, or are you just guessing at what might have happened? ---I am saying what I observed.

Well, now, tell me what you observed? --- I have just said so; I cannot say exactly in what ...

Well, what did you observe about the people who were opposite the gate? Were they running away; when the main volley of firing broke out, were they running away

or were they pressing forward? ----I could not say what they did. I take it that they ran at once.

You did not see it? ----No.

Which section of the crowd did you see? ----
Those in front of me.

That is a little to the North of the gate?
---- Yes. Towards the North of me, yes.

You were looking directly ahead of you,
at a section towards the North of the gate? ----Yes.

And what did they do when the first shot
broke out from your line? ---- They stood.

And after a second they turned and ran? ----
After the volley started.

Not one of them started to run before the
volley started - the main volley? ----No; that I cannot
say. Everything happened in one moment.

You really can't say, can you? ---- No.

Did you discuss any of the events of that
day with any newspaper reporters? ----No. There, of
course, I was followed wherever I went, that day, and
the following day.

Yes, I know; they tried to get you to talk;
but did you talk? ----Oh, I put some of them off and
I did mention a few things to some of them.

To which journalists did you give information
about the events of that day? ---- No; I cannot say
that I gave information to anyone.

But you said you mentioned a few things? ----
What amounted to information, I don't know. ...

I am not asking you what amounted to information?

---I cannot say who I spoke to.

You have no idea? ---I spoke to most of them.

Can you not give me the name of one journalist to whom you "mentioned a few things"? ---None in particular.

THE CHAIRMAN: When was this; about what time? --- I am speaking now - I was hounded from that moment for five days on end, by the Press.

CROSS-EXAMINATION CONTINUED: Did you ever give any information of any kind, or make any observations to Mr. Harold Sacks of the Rand Daily Mail? ---I don't know. He is a personal friend of mine. I don't know that I made any special observations to him.

Well, if he is a personal friend of yours, I should imagine, Colonel, he would be favoured among the news hungry journalists, wouldn't he? You would have tried to help him in his work by giving him your first-hand account? --- Oh, no!

Did you tell Mr. Harold Sacks nothing? --- Nothing in particular.

What do you mean by "nothing in particular". Did you tell him anything? ---No; I can't recollect, having told him anything.

THE CHAIRMAN: Well, did you read anything in the newspaper that he works for on any subsequent day? --- That he worked for whom ...

THE CROSS-EXAMINATION CONTINUED: He works for the Rand Daily Mail, Colonel? ---Yes.

And I am asking you, not about what happened days later. I am asking you what happened on the day of the shooting. On the day of the shooting, did you speak to Mr. Harold Sacks of the Rand Daily Mail? ---I can

remember that just after the shooting he came up to me and he asked me for a statement. I said to him, "No, I can make no statement now".

And did you tell him anything about the arrests?

---No.

Nothing at all? ---No.

Not one word of information? --- No. I don't know. I may have spoken to him again afterwards, in a friendly way, but I can't remember.

Well, I don't care whether it was in a friendly way or an unfriendly way. I want to find out ...? ---I gave him no further information.

No further information? ---I gave him no information.

No information at all, at any time that day, or that night? ---No; I cannot recollect that I gave him any information.

If he were to say you gave him information, would you dispute it? --- I don't know/what he says that I told him.
- it depends on

And you deliberately refrained from giving him any information? --- As to any other member of the Press. I could not possibly discuss matters with the Press.

Because it would have been very unwise to make any statement? --- Yes; I could not make any statements.

And you made no exception of your friend, Harold Sacks; you made no statement to him either? --- No.

You gave him no information? --- No.

Or comment? ---No.

What about Mr. Henry Schoup, correspondent of United Press; did you speak to him that day? --- I don't know him. I don't know who he is.

Have you never heard of such a man? --- I remember having heard of a Schoup, but I could not identify him.

I want to put to you something which comes from Mr. Schoup. He says that very soon after the shooting stopped he walked into the Police Station grounds and saw you. You were with Harold Sacks, the Rand Daily Mail reporter. Were you with Harold Sacks? --- That was the time that he spoke to me.

Were you standing and talking to him? --- I could not possibly have had time then to stand talking. All I can remember is that he came up to me and asked me for a statement and I said "No, I can't; it is impossible for me to make a statement.

And did another man who might have been Mr. Schoup come up while you were talking to Harold Sacks? --- That I don't know about.

Is it possible? ---I could not have stood there carrying on a conversation with Harold Sacks at that time. My hands were too full.

THE CHAIRMAN: You say you were, as you put it, hounded by reporters, pressmen. But at the Sharpeville Police Station, are you aware of the fact that civilians were about; can you recall speaking to Harold Sacks, or being in his company? ---Yes.

At about that time, were there other civilians who you did not identify as policemen. Were they near

to you? ---I really cannot remember. They may have been.

CROSS-EXAMINATION CONTINUED: I might remind you, Colonel: This is what happened, according to Mr. Schoup. According to him, he asked you what happened, and you said "They were stoning us". Did you say that? --- That is possible.

He then asked you, "Did you give an order to fire?" and you said "No". Do you remember the conversation now? ---I cannot remember this conversation at all.

But you won't dispute that that was said? ---I must dispute that. I just had no time to waste on the Press, there.

THE CHAIRMAN: But you said that you might have said that stones were thrown - which is it that you say could have been said; both statements, or just the one that you did not give the order? ---It is possible that in passing he put a question like that to me, and I said "No" or "Yes" or something like that.

CROSS-EXAMINATION CONTINUED: So it is possible ask you did you that he did/give an order to fire, and you said no? --- Yes, that is possible.

Now, according to Mr. Schoup, you then said, "I'll show you what they did" and you showed him your car, which was standing to the West of the Police Station building. Did you do that? ---I don't remember that.

Is it possible - your car was there? ---It is possible, yes.

And you said "They stoned me"; is that possible? --- They stoned me personally, or the Police?

No; these are the words as reported by Mr. Schoup. "They stoned me". Could you have said that? --- I don't know whether I said that.

Well, they did stone you, didn't they? --- They stoned us; they did not stone me personally.

Do you think you could have said "They stoned me"? ---No.

And did you show him a mark on your car? --- Again it is possible, but I cannot recollect that.

And in showing him the mark on your car, did you say this: "If they do these things, they must learn their lesson the hard way"? ---No. I don't recollect ever having said that.

Might you have said it? ---No; I would not have said it.

If Mr. Schoup says you said it, is that untrue? ---Yes; I would say so, yes.

It must be a deliberate invention of his? --- Yes. I did not say anything of that nature.

Did you not say anything of that sort? ---No.

THE CHAIRMAN: Mr. Colman, I take it that would not have been only in relation to the damage to the car?

MR. COLMAN: Well, of course, I can only take it from the context. It seems to me to relate to the stoning and the damage to the car.

CROSS-EXAMINATION CONTINUED: Now, would you say that on that day at Sharpsville you and the Police -

I quote from standing orders - "observed the utmost forbearance that humanity combined with prudence can dictate"? --- Well, there I have already said that - I should say that I did.

You and all the others? --- I have already said that I would not have given the order to fire at that moment. I would have waited a few moments longer to see whether it was a sustained attack.

So, of course, the riflemen did not observe the forbearance that standing orders talk about, did they? They failed in forbearance? ---It depends on how they saw things.

According to things as you saw them, they failed in forbearance; and what is more, they did not wait for orders, did they? --- No; I did not give an order.

Would you say that the man who fired 57 rounds from a sten gun exercised the utmost forbearance that humanity combined with prudence can dictate? --- No; I don't see how a man could have fired 57 shots from a sten gun.

If a man did that, he was firing callously and unnecessarily? ---I would not say callously. It must be unnecessary firing.

A lack of control, a lack of forbearance?

THE CHAIRMAN: Mr. Colman, I think one must add to that - I don't know what the evidence is; I can't recall for a moment, but on your proposition, if he fired the 57 rounds into the mass of people, that is to say if he did not fire it into the ground or expend it in that way ...

CROSS-EXAMINATION CONTINUED: May I put this to the witness: Was there any reason why any man should have fired 57 rounds from a sten gun that day? --- That again I cannot answer directly. It depends on what this man - what motivated him; how he fired, where he fired.

You know of no circumstance, you saw no situation which would have required a man to have fired that number of rounds? --- Yes.

And on what you saw, a man who acted in that way - I am going to quote from another part of standing orders - did not act with "becoming humanity, caution and prudence"? --- If that is so, that he fired 57 shots, I would agree with you.

THE CHAIRMAN: Even if he fired it into the ground in front of him? ---Yes; there is that point again. It is difficult for me to answer these questions. It depends - if a man fired 57 shots - I don't know whether any man did so - into the crowd, that, I should say is ...

That is what Mr. Colman probably had in mind? --- If he had fired it into the ground and not over their heads or into the ground, that is entirely a different matter.

I seem to recall the standing orders saying one should not fire over people's heads because it might injure people further away? --- That is true.

MR. COLMAN: NO FURTHER QUESTIONS.

MR. PIENNAAR: NO CROSS-EXAMINATION.

KRUISVERHOOR DEUR MNR. LOUW: Kol. Pienaar, wat vir my nie duidelik is nie, is daar is 'n aantal offisiere gewees. Met die opstel van die linie, het

daardie offisiere by jou gebly, of wat het van hulle
geword? ---Nee; hulle was verspreid gewees. Kapt.
Theron was naaste aan my gewees.

Hulle het nie daar as 'n groep om jou gestaan
nie? ---Nee; sekerlik nie.

Hulle was versprei langs die lyn? ---Hulle
was versprei langs die lyn.

'n Ander ding wat vir my absoluut onverklar-
baar is, is dat daar hoegenaamd geen^{reëling} is wat die Polisie
het om vuur te staak, onder enige omstandighede nie;
of is dit die plig van die offisiere om hulle of op
die hoof-offisier te hou? Wat is die procedure daar?
--- Dit hang weer van elke omstandigheid af, waar en
onder watter omstandighede dit gebeur. As dit
moontlik is om bevale van die hoof te kry, dan moet
dit van hom verwag word; as dit nie meer moontlik is
nie, dan moet elke man of elke offisier sy eie diskresie
gebruik wanneer vuur moet gestaak word.

Maar sou dit die plig wees van offisiere om
hulle oog op die bevelvoerende offisiere te hou en te
kyk of hy 'n teken gee en of hy iets doen, of wat is
die posisie? --- Dit sou deel van hulle plig gewees het.

GEEN VERDERE VRAE NIE.

MR. CLAASSEN: My Lord, there is something
I would like to comment about. This, to me, my Lord,
is the most surprising thing, that after all the
witnesses have given evidence about the shooting, this
large number of photographs should now be produced at
the very last moment that this Witness is cross-examined.
Surely these should have been put to other Witnesses and
they should have been asked for their comment.

My Lord, I do not think that the Commissioner has received the memorandum of this photographer, but I would have thought that this would have been part of his memorandum, and they have not been handed in. They have been held up. It is quite clear that my learned friend must have had these for a very long time. They were not mentioned, and now they are put to this Witness and this Witness alone.

My Lord, I can, if your Lordship wishes me to start my re-examination, do so; but I certainly would want this Witness back after I have had an opportunity to study his evidence.

THE CHAIRMAN: Well, Mr. Glassen, as to some of these photographs, some of them were attached to memoranda submitted to me and I released some of those photographs in order that copies could be made. They were in my possession - I think about four. As to the rest, I don't know. I have not received any memorandum from the photographer, but I was going to raise the matter with Mr. Colman. If the re-examination is to stand over until a later date, I have no objection to that because I would possibly want to ask the Witness several questions; but I would like to do so when I have had an opportunity of going through his evidence in the record and also studying the photographs.

It may also be necessary to call some of the people who were standing on those sarcophagi, if they can be identified. It seems to be necessary - if any inferences are to be drawn; Mr. Colman, I don't know whether you agree with me. If it is at all possible, I should like to get evidence on that.

MR. COLMAN: I can't assist you by identifying them, my Lord, but if they can be traced I think it should be useful to hear what they have to say.

THE CHAIRMAN: It might be - I almost think it should be possible to trace them. But then I wanted to add to that, it became increasingly clear, during the course of your cross-examination, that the photographer who took these photographs should be in a position to give not only relevant evidence, but very important evidence.

MR. COLMAN: I am afraid I have only come into this very late, but I am instructed that reference to that photographer has been made in a discussion.

THE CHAIRMAN: And he will be available as a witness if I would want him called?

MR. COLMAN: And that he would be available as a witness. The intention is to call him.

THE CHAIRMAN: Well, Mr. Claassen, then the re-examination of this witness can stand over until a later date.

MR. CLAASSEN: My Lord, I would certainly prefer it after this photographer has been called. Your Lordship will see that ...

THE CHAIRMAN: Well, I won't arrange now when the re-examination is to take place. That can be done in consultation with the various persons who are interested in the witness' evidence. This is not a trial where somebody's case is closed at a certain stage and then one goes over to somebody else's case. I propose calling evidence until I feel that I have

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had sufficient evidence to enable me to make the findings to which my terms of reference refer.

MR. CLAASSEN: My Lord, I think the position should be made clear to my learned friends. Very often reference has been made to a particular person with a handkerchief over his head and they have not gone further than that at all. Now, it may mean the recall of a number of witnesses; one does not know what they are going to say, this person is supposed to have done. They put questions as to identity only. My Lord, I say this only for the sake of saving time.

I want to give an instance. The Native woman who is lying there on the Northern side - my learned friend has called it "terrible injuries". As far as the photograph goes, there is nothing more that I can see, than blood. Now, that woman can be identified. There is a Native with her. We have had the doctors. Her name could have been identified. We could have asked the doctors, "What injuries did she suffer from?" and it might be that she had been shot on the Western side. I am only saying this, my Lord, to indicate the difficulties that ...

THE CHAIRMAN: Mr. Claassen, I was going to ask whether there is any evidence which from the medical side relates to this particular person - whether it is possible.

MR. CLAASSEN: It could have been led, my Lord, when the doctors were here, if only the evidence now brought out had been disclosed at the proper time.

THE CHAIRMAN: Well, I think there should perhaps be a measure of consultation between the practitioners on that matter, to assist me; and in so

far as the photographer is concerned, I propose calling him. But in the circumstances there is no need for me, I take it, to take any particular steps. You will see that he is available at ...

MR. COLMAN: I am instructed, Sir, that arrangements have been made to ...

THE CHAIRMAN: I also infer that this Mr. Schoup is also available.

MR. COLMAN: Yes. The position with him is not quite as clear. We hoped, if possible, to make his evidence available.

THE CHAIRMAN: Then in regard to this almost "third man" - this person in the white shirt with the white handkerchief. Further information should be given so as to enable - if it is a matter of importance; I don't know whether any conduct, for instance, is imputed to him or whether it is suggested that he knows anything of importance.

MR. COLMAN: Sir, did I not - if I did not, it was an omission on my part. Did I not put it to Col. Spengler that that person assisted him with some of his arrests? If I did not, I omitted it, because that is my interest in this man. We believe that he assisted Col. Spengler at certain stages.

THE CHAIRMAN: That is as far as it goes?

MR. COLMAN: We do not know who he is.

There is one further matter, Sir, before you adjourn. You may recollect the application which I made yesterday and which I said I was still pressing. I don't know whether my learned friend has done anything about ascertaining whether there is any claim for privilege on the ground of public policy; I think

it would be convenient, now, to have that matter cleared up one way or another before Col. Pienaar comes back for re-examination and if the document does become available and if there is further cross-examination on it, it will save him yet a further visit to this Court.

Would you be good enough to ask my learned friend, then, to clear that matter up during the course of the next day or two?

MR. CLAASSEN: Sir I ...

THE CHAIRMAN: Mr. Claassen, I don't want to have addresses at this stage on the question. You can consider the position and make such enquiries as you think are necessary and then you can address me after that on the matter.

MR. CLAASSEN: May I say on that point, my Lord, it does not seem to me that I am called upon to find out from the authorities; if my learned friend wants that document, it is for him to subpoena somebody to bring the document along and it is then for them to make an objection if they want to. It is not I who want the document. I think he should ^{take} the proper steps to get the document.

THE CHAIRMAN: At any rate, Mr. Colman, I will deal with it.

MR. COLMAN: Thank you, Sir.

- ADJOURNED: 3.20 p.m. -
to MONDAY, 9th May, 1960
at 9.45 a.m.