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VOLUME 12

PAGES 943-1029

HOF HERVAT: 7. 11. 1960.

VERSKYnings SOOS VOORHEEN.

GIDEON DANIEL PIENAAR b.v.:

EXAMINED BY P.P.:

On the 21st of March, this year, were you a Lieutenant Colonel in the S.A. Police, stationed at Divisional Headquarters, Johannesburg?---That is correct.

And have you subsequently left the Police Force, Colonel?---I am now retired.

When did you cease your official duties as a Police officer - I just want to know with effect from when did you retire?---On the 30th of September.

And as a Police Officer, how many years service did you have?---At that time I had 36½ years service.

And do you speak any native languages, or understand it?---Well, I do understand a little - I should say Fanagale, yes.

Fanagale. And during your period of service with the S.A. Police, did you ever have any occasion to deal with native crowds or faction fights, anything like that?---On several occasions.

And where was that, Colonel?---That was at Dube, in the South-western native locations, at Sefhiatown, at the Magistrates Court, Johannesburg.

And on these occasions, were they all large crowds of natives who gathered and required to be dispersed?---Yes.

Now, at what time did you first receive information that something was wrong at Sharpeville, in Vereeniging?---It was about - I was phoned at my residence at about 3 a.m., by Capt. Gweed.

And he informed you of what was taking place at/

at Sharpeville? ---Yes.

And when did you receive the next report concerning Sharpeville? ---That was - I left for office and arrived at the office at 7 a.m., and very shortly after I arrived there, I got a message from Major van Zyl. I don't know whether I put the call through, or he did.

And after you received this information from Major van Zyl, what was the next move that transpired?---I then gathered that reinforcements were necessary, and as far as I can remember I instructed two stations, Orlando, MOrokka, and probably Booyens also, to send reinforcements to van der Bijl Park and Vereeniging.

And later on in the morning, at approximately 10 a.m., did you leave Johannesburg en route for van der Bijl Park?---I did.

And did you have a police detachment with you? ---No, I did not.

Did you leave in a radio police car, or was it your private police car?---No, it was an ordinary police car, non-radio.

And who accompanied you?---Just my driver.

Just yourself and your driver?---Yes.

And did you, first of all, go to van der Bijl Park?---I went to van der Bijl Park first.

And on your arrival at van der Bijl Park, what was the situation there like? Did it necessitate you staying there or were you free to proceed further?---No, I made the necessary inquiries there, and I found that whatever happened there up to that moment, that the danger was past, that matters had been dealt with, that there was no immediate danger there. I had a look round and satisfied myself/

myself, and I then left for Vereeniging - Sharpeville.

And when you came to Vereeniging, did you go direct to the Sharpeville Native Township, or to the local Police headquarters?—Direct to Sharpeville.

Direct to Sharpeville. Now Colonel, I would like to orientate you, and to do that I must show you Exhibit 2 which is a photostatic copy of the aerial photograph of Sharpeville. Now, to assist you, right at the top of the page is North, on your left hand you have the West, on your right hand the East, and then of course, just opposite your waistcoat buttons you have the South. Now, on your extreme right hand side, that is the Eastern side, there is the main entrance to the location, or to the native township. It is marked "kantere" - can you see that - top right hand corner?—I do, yes.

Now, when you entered Sharpeville native township, did you enter from the Eastern side, on the main entrance where it is marked 'kantere', or did you come in from some other direction? —No, that is the point that is marked 'kantere'.

BY COURT:

You came in past the Municipal offices?—
Past the Superintendent's offices.
Municipal offices.

P.P.:

Can you recall what time it was when you arrived at the Municipal offices? — That must have been about close on 12.45.

And what police officer did you find at the Municipal offices?—I found there Lieut. Col Helms and Major van Zyl.

And from the Municipal offices you have a view/

view right up the main street of Sharpeville native township, known as Secise Street?—Yes.

Were there any natives in sight of Secise Street when you arrived?—I beg your pardon?

Were there any natives in sight up Secise Street?—There were - that street was alive with natives.

Now, when you say that street was alive, could you give the Court some idea of what estimate you made of the crowd? —I could not, - there were no gatherings as such, but the street was just - there was a good deal of pedestrian traffic. They were just passing to and fro standing about.

I could perhaps put it this way, there wasn't one solid mass in one common group. There were just people standing about and walking about?—That is so.

And did you have a discussion with Major van Zyl, the District Commandant?—I did.

And after you had a discussion with him, what did you do?—Then I decided to leave for Sharpeville Police Station.

And were you given any escort - any police escort, or did you just proceed in your car?—Yes, I had to take a Saracen with me for protection.

And did the Saracen proceed ahead of you?—The Saracen was ahead of me.

And did you go along Secise Street?—Yes.

And I take it that you were in full police uniform?—I was.

And do police officers above the rank of Lieutenant Colonel have any distinctive uniform, any distinctive flashes or..?—They have.

What do they have? —A blue band around

the/

the cap and the gorget flashes, blue.

Would it be right to say that that is perhaps a layman's sign of a high-ranking officer? When you see the epaulettes and the band round the cap?—Well, it depends. I heard the public call a sergeant a Captain, and a Captain a constable, it is difficult to say that.

BY COURT:

The witness is not an expert private person, he is an expert police officer.

P.P.:

So it was just the Saracen ahead of you and your car proceeding along behind it down Secise Street?—With a contingent that I had brought from van der Bijl Park, Lieut. Claassens and about 25 men in a truck.

And did that truck drive behind your car?—/ It was behind my car.

And was it still just you and your driver in your car?—Yes.

And as you proceeded up Secise Street, were there any incidents along the way up Secise Street in which your car was involved, or ..?—When I turned from Secise Street to the Police Station...

Did you make a left hand turn out of...?— A left hand turn - I do not know the street, the name of it, but it is a street which leads directly from Secise Street to the Police Station, that is where you pass...

Is that where it is marked "winkels"?— This Bus Stop....

BY COURT:

Yes, if you look at the Police Station first, 'Polisiestatie', hieronder?—That is correct. It is that street that passes the buildings marked "winkels".

P.P./

P.P.:

And you were saying as you turned into that unknown street, were there any incidents?—Yes, then I saw - when the Police Station came in sight, I saw that it was surrounded by from 20,000 to 25,000 natives.

Now before you go on any further, if you have a look at Exhibit 13, that is an aerial photograph of the Police Station, and I take it that your vehicle eventually entered on the Western gate of the Police Station?—That is correct.

Now where was the greatest concentration of the crowd of natives?—The greatest concentration was up against the Western fence of the Police Station.

And as you were approaching...?—And not only up against the fence, but some distance away from it too.

Yes...?—But in front of the Police Station, or rather on the Western side of it, there was the greatest concentration.

And I take it that there were also a crowd of natives on the Southern side, in Zwane Street?—Yes, yes.

And as you approached this crowd, did you notice whether there were any weapons being held by...?—Yes, as I approached the Police Station, about 300 yards, I should say - 300 yards before I entered the gate, I saw a smallish car in the middle of the road, stationary, being bounced and pulled about.

Who was bouncing and pulling it about?—It was surrounded by a large crowd of natives.

And could you see what the occupants were -/ whether...?—No, I could not. There were too many natives around/

around the car.

And what impression did you gain that the crowd was doing to the car?---It was obvious that they were manhandling the car.

Could you see whether there were any persons in the car?---No, I could not.

Now, from the demeanour and the attitude of the crowd towards the car, did you have any qualms or fears about what was happening? ---Yes, it was then plain to me that this crowd was in a rough mood.

Whereabouts was that car in relation to the Western gate of the Police Station?---It was outside - a position outside this photograph, just outside.

Could you refer to the Plan, Exhibit 2, and perhaps orientate the Court with the position of the car which you saw? ---Just past the place marked "winkels", there is a semi-circular turn towards the Police Station, and it is about where that turn straightens out towards the Police Station.

So, did you have to drive past that car?---I had to go, from what I can see here, off the road onto a grassy portion on the pavement, on the side of the road, to get past.

To get past this car that was being manhandled?---Yes.

And were you able to do anything to see what was happening to the car or who the occupants were?---No, I could not, no, I had to - my object was to get inside that Police Station yard as soon as possible, and organise matters.

Was there any reason why you didn't go to the assistance of the occupants of this car?---This car was/

was surrounded and I couldn't get out of my car - once I did that, I probably would have been lost.

And did the Saracen ahead of you push, or forge a way through the crowd to get to the gate?—From that moment I became detached from the Saracen.

Was it no longer in front of you?—Well, it was in front of me somewhere.

And was there any members of this crowd between your car and the Saracen? —There was, yes, so from that moment I practically had to make my own way into the Police Station.

And how did the crowd react to your vehicle going through...?—Well, from the moment I passed this reeking car, I was practically in the midst of the mob and I saw them prancing about, waving sticks in the air, and giving - holding the fist up and shouting "Afrika". We had to make our way with difficulty up to the gate.

And were there any incidents in which your car were involved with any members of the crowd, as you made your way to the gate?—At the gate, when there were about three or four ranks to pass through, the natives refused to open up for me and started to hit my car with sticks.

And did you give the driver any instructions?—I gave the driver instructions that he should speed the car through the remaining portion of the mob.

Why was that Colonel? Why did you tell him to speed up?—Because I thought I may be cut off. They were striking my car with sticks and things were becoming a bit hot, and the driver then - the car jumped forward and they were flung aside - nobody was injured, they were flung aside by the midguards. Some of them did jump aside, and then/

then we landed inside the police yard.

Now, if your car had been forced to a stop by the mob, for example, and they'd been able to gain access to the occupants inside the car, would it have been easy or difficult for anybody to come to your assistance from out of the Police Station?—Well, that would have set things alright, and I don't know if it would have been easy for them, with that mob of 20,000 - it would certainly not have been an easy matter.

Anyway, when the car shot forward it had the desired effect, and you were able to get into the Police Station yard?—Yes.

Now, up to that stage, what was the need of the mob that you'd encountered?—They were threatening, they were threatening, and I expected anything to happen.

Was any damage done to your car, I mean any window shattered, or anything like that?—No, the only - the stick marks left no dents, but one of the marks were criss-crossed across the bonnet of the car, and one of them damaged the paint slightly.

BY COURT:

What did you say, what did what?—One blow, I could clearly see, damaged the paint slightly.

P.P.:

What colour was your car, Colonel, do you remember?—It was a dark colour.

Dark colour..?—I may be wrong, but I think it was a fawn.

Fawn? —Grey.

And when you arrived inside the Police Station, did you get out and have a look to find out who was the officer commanding the Police Station?—I get

out/

out of the car and I met Capt. Theron. I asked him whether he was in charge for the moment and he told me, yes.

And after this, did you have a discussion with him about the situation?—Yes.

And after your discussion with Capt. Theron, what did you decide to do?—I decided that the police had to be formed up immediately. I was then expecting an attack from the mob at any moment.

And did you personally give the order for them to fall in, or was that conveyed by some other officer?—I gave a general order for the men to fall in. There was a terrific din at that moment and one had to shout and wave. I gave the general order, Capt. Theron was then in front of me, for the men to fall in, and it was repeated by other officers.

And did you see your order being put into effect, in other words, did you see them starting to fall in?—Yes, I personally assisted in getting them into position.

Now, there was firing there that day. What I want to find out is, when the firing broke out, by the police, had the men already formed up or not?—They had. They had formed up.

Now, after the men had formed up, what was the next order that you gave?—Once I was forming up the men - busy forming them up, it took some time to do it, with this terrific din, getting them to understand. I saw Col. Spengler and Sgt. Muller at the gate, and they had hold of a native - I don't know whether it was a prisoner or not.

They had hold off?—They had hold of a native, and they were flung back into the yard, holding on to the native, and others outside, from the mob, holding on to the native, but they succeeded in getting free. At

the/

BY COURT:

P.P.

the same moment a few stones started to fall amongst the police where I was.

Where did they come from?—That came from the mob - from the crowd on the Western side. Things had reached a stage then where I decided to give the men the order to load. I ordered them to load with five rounds.

Now, after the men had loaded with five rounds, what was the next order that you would have given?—Well, there was then only two orders, and that was "unload", or "Fire".

And what was the next order that you expected to give after you told them to load, in view of the need of the crowd?—Well, that is the next order, if circumstances justified it, that would be the next order, to fire.

To fire. Now, from the time that you'd arrived at the Police Station, until the time that you gave them the order to load, was there any improvement in the mood of the crowd regarding an abatement of the hostile side that you've already testified?—There was no improvement, on the contrary, the position deteriorated.

Would it have helped at all, Colonel, to address the crowd at that stage when you gave the order to load?— I cannot say whether it would have helped, but the position is this, that I had no time to do any of that sort of thing. I was busy arranging these men, forming them up, and getting them ready to hold the crowd at bay, in other words, we were then in a defensive position.

And after you gave the men the order to load, do you know whether or not their firearms had already been loaded?—I expected them to have been loaded, but I gave this order with the dual purpose in mind, that it would probably have a sobering effect on the crowd, and if it did come

about/

about to it, that the men would be limited to five rounds, if it did come to fire.

Perhaps we can establish where you lined the men up, or caused them to be lined up. If you look at Exhibit 13, which is the aerial photograph, the small one, of the Police Station, how far back - I take it you had them lined up on the Western side?--Yes.

How far away from the Western fence were the men lined up?--Yes, I'm quite clear now that the Western side is the left side?

Yes?--There were three Saracens standing up against the building there, and when the men were first formed up, that, of course, was my greatest concern all the time, that we were so hemmed in and so close to the mob, and I tried - my object was to get them as far away from this crowd as possible, but in the lining up they landed up about five paces away from that fence.

From the Western fence? -- Yes. Then I moved them back to as close to the Saracens as possible, and that only brought them up to about...

Why were you concerned about the men being so close to the fence? --Yes.

Yes, I knew you were concerned, but why were you so concerned about the men being so close to the fence? Why didn't you want them - what difference did it make whether they were close to the fence or as far back as you could get them? -- Well, it was not a favourable position to be in, to be so close to this mob of 20,000 natives. I would prefer to get as far away from them as possible, 200 yards, to give you a chance to maneuver, and if something happened, some incident happened, there is a chance to deal with it.

And/

And the men that lined up, were the majority of them armed with .303 rifles? ---I would say the majority. There were some Sten guns amongst them.

There were some Sten guns?---Yes.

And how did they line up - when you eventually had them lined up, did they stand three-deep, four-deep, two-deep, etc.? ---There was a single rank with about an arm's length apart.

And was it a straight line, or was it a straggly line that they lined up in?---Well, fairly straight.

Fairly straight. And for what length of the Western side of the fence did they line up?---Well, practically the whole length etc..

Practically the whole length?---If not, they must have been very close to the whole of the fence.

Can you recall approximately how many men were lined up?---It must have been between 60 and 70.

And when the order was given for the men to load, did they load in their own time or was it?---They went through - some of them went through the actions of loading, but others did not, of course, they were loaded, but some had the sense to go through the actions of loading.

How is the rifle held when it is being loaded?---It is held at an angle of 45 degrees in front, with the butt on the hip and the belt is manipulated.

Could you perhaps give the Court any idea of how many men you saw loading, or going through the motions of loading, preparing their rifles, in other words? ---I couldn't say. I naturally couldn't see all the men, only those close to me.

Colonel, would it be - are you prepared to give your opinion as to whether anybody standing in that vicinity/

vicinity would be able to see clearly that here is a line of men preparing firearms for use?—Yes, definitely. There was nobody but police between that fence and the police, inside the yard.

Yes, and what was the next thing that took place, once the men had gone through the motions of preparing their firearms for use? — The next thing was that - I may be leaving something out, but I'll carry on - the next thing is, as far as I can recollect now, is that three things happened practically simultaneously. I saw Col. Spengler again at the gate, and I saw that he was violently flung back into the police yard, and a mob bursting through the gate following him. I then heard two shots, double shots, coming from the mob, and a heavy shower of stones fell amongst the police where I was.

Now, before you go any further with these three incidents, whereabouts were you standing in relation to the Western gate when this happened?—I was then approximately opposite the centre of that fence, and about 5 to 8 paces to the North of that gate.

And were you in front of the line of men who were drawn up, or behind them, or amongst them?—I was at times in front, and at times between them.

I see, you didn't stand...?—I was rarely behind - I don't think I was behind them.

And when the gate was flung open and you saw the mob entering and Col. Spengler flung back, what impression did you form as to what was happening? —I was then satisfied that an attack was being launched.

And were you—having been satisfied, what order were you going to give, Colonel?—Well, at that stage I was prepared to give the order to fire on the gate

where/

where they were bursting through.

And you mentioned, of course, that these three things happened simultaneously, the shower of stones, the bursting of the gate and people entering, and two dull shots from the crowd?—Yes.

Now, before you could give any order, what happened?—Then two shots rang out from the left flank, i.e. the Southern flank of the line of policemen, followed immediately by the whole line opening fire.

I take it, Colonel, that if the line of policemen had their attention directed towards the gate, they could have seen what you saw, namely, the gate bursting open?—Yes, yes.

And when the firing opened, what happened to the crowd?—Some turned at once, others still bore forward for a second or two, and then the whole mob scattered.

After the mob had scattered, was there any more threat, or any danger to the police or to the Police Station, once the mob had scattered?—No. No, it ceased at once.

So, the firing had the desired effect?—

It had, yes.

And when you saw that the mob was in - the first row, I take it, that row nearest the Western gate, the first row of the natives, I take it they were the first, obviously, to realize what was happening when they turned to flee?—That would be so. As I say these were probably - perhaps the only ones I could see, but I'm talking about split-seconds now.

BY COURT:

I would suggest that you allow the Colonel

to/

to give his story at this stage without leading at this stage. I don't say you have done it, but you're coming close to it. Just let's have it in your own words, Colonel. You have already told us of the two shots, and then about the firing from the whole line of police. What happened next? ---When this firing broke out?

Yes, from that stage onwards?---I calculate that the fire could not have lasted longer than ten seconds. I base that calculation on my own observation and the fact that there must have been - if it lasted any longer, there must have been many more casualties. When the crowd had scattered, there were bodies, dead and wounded, strewn all along the street in front of the Western side of the Police Station.

P.P.

How did the firing come to a stop, Colonel?

--- As soon as I saw that they were fleeing, that they were on the run, that is also a split-second or two after the firing started, Capt. Theron, who was close to me, and myself, jumped in front of the line and shouted "Stop", and it stopped within seconds after that.

Now, so much for the firing. Now Colonel, you mentioned that there were two shots which you heard, coming from the mob?---Yes.

Could you tell the Court which portion of the mob, or whereabouts or..?---It was somewhere opposite where I was standing.

Something on the Northern side..?---On the mid-Western side of the Station.

And can you say whether they were gunshots - firearm shots?---They sounded to me as shots from a small calibre revolver.

Now/

Now, what calibre do you describe as small,

Colonel? --- .25

.25? ---I would say that was the sound of a

.25.

And what calibre firearm is issued, revolver..?

---.25, or it may even be a .22.

And what calibre is issued to the police? ---

.38.

.38?---Yes.

Did you, after the firing, notice anything about the fence?---The fence was bent forwards. In many places, where there was a slack - pushed forward, some of the poles were slightly bent over.

And colonel, did you notice whether there were any objects lying around on the grass?---There was - all around me where I was standing on the lawn, stones were lying around. That is a lawn which, at a Police Station, would naturally be kept clean and clear of any foreign objects.

Exhibit 36, which is a number of stones, how does it compare in quality and size with the ones that you saw lying around?---These are the stones, or resembling the stones that I saw there.

Were there any other objects lying inside the Police Station, on the grass, besides the stones?---No, there were none that I noticed there, but amongst the crowd there were a number of weapons - amongst the fallen.

Amongst the fallen, you say?---Yes.

BY COURT:

A number of? ---A number of dangerous weapons, such as hammer-axes - I would like to describe that thing properly/

properly - some call it a tomahawk...

P.P.:

We'll deal with that, Colonel. Did you give any instructions regarding these...?—I gave instructions very soon after the firing that all these Exhibits had to be collected, dangerous weapons and the stones.

I'd like to show you Exhibit 40, which consists of 12 wood kieries, 8 iron kieries, two axes, two hammers, two knives, 1 bicycle pump, two umbrellas and one chisel. Now, how does Exhibit 40 compare with the Exhibits which you saw lying in the centre? —May I leave the box and examine them?

BY COURT:

Yes. (WITNESS LEAVES BOX AND EXAMINES EXHIBIT

40.)

Mr. Prosecutor, if that is Exhibit 40, you haven't mentioned the umbrella which I can see from here.

P.P.:

Yes, I mentioned two umbrellas, Sir.

BY COURT:

Isn't there a question of a stick with a bicycle chain attached to it?

P.P.:

That is another Exhibit, Sir.

BY COURT:

Well anyway, Colonel, you've had a general look at these things. Perhaps you can go back to the witness-box now and the Prosecutor can proceed with his questions. You've shown the witness now Exhibit 40.

P.P.:

How does the assertion, Exhibit 40, compare with the assertion that you gave orders to be collected

from/

from the street on the Western side? ---These are the weapons, but not all.

What portion of the weapons were...?---

There are missing, which I cannot see here, certain weapons which I have a very clear recollection of, and that is this type of weapon, only not with this long handle, it has got a shorter handle, but it has got that head at the back, the claw and the axe. There was at least about ten of them.

BY COURT:

I think these are popularly called tomahawks?

Isn't that so? -

P.P.:

Yes, they are called tomahawks? ---There was a new - not a brand new chopper, but practically a new chopper of that type, with a wooden handle. There were two long knives, with the blades about 12 inches. One of these knives was found on a native lying amongst the dead and wounded, who were shaming death.

Yes, we have, for safekeeping, removed that particular knife, and the witness who found it will hand it in. Did you see who found it? ---No, he was carried past me by the men, and one of the men held the knife and showed me that this knife was found. As I say, there were then two of these knives. Afterwards I examined the exhibits, and I found that they were being kept in a corner of an office and I gave instructions at once that they have to be locked up in a cell.

Now, do you recognize that dagger before Court, Exhibit 44? --- Yes, this is similar to the weapon that was carried past.

Similar to the weapon that was carried past and shown to you by the police constable?---Yes.

Just/

Just in regard to the last portion, Colonel, you said you saw these Exhibits lying around somewhere?--- I saw - shortly after they had been collected, I saw that they had been placed in a corner of an office and I thought it not a safe place at all, and I gave orders and I saw to it that they were immediately removed and locked up in a cell.

Now, the weapons which you've described, Colonel, as not being present, can you recall whether you saw them when the Commission of Inquiry sat, the ones that..? ---They were already missing.

They were already missing?---Yes.

P.P. NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. UNTERHALTER:

Colonel, you had received certain reports some days before the incidents of the 21st of March, the effect of these reports were that there might be trouble on that day? ---We received reports that there was going to be mass gatherings at Police Stations throughout the country, to surrender to arrests - to go there without their passbooks by their thousands, to Police Stations, and to submit themselves to arrest, or to demand arrest. But we did not know on what day this was going to happen, until not very early before the 21st.

But you did expect serious trouble?---Yes.

And I take it that arrangements were made in the Police Force, to cope with the situation?---Well, as best - as our manpower permitted.

Now, you were awakened at about 3 o'clock on the morning of the 21st, when you received this telephone message from Capt. Cawood?---Yes.

You then, of course, connected what he said with the reports that you'd had some days before? -namely, that/

that trouble was starting?---Yes, he told me that he had been having skirmishes with natives in Harpeville from about shortly after 11 that night, that he had clashes with crowds of natives from 50 to about 500 strong, and that he had chased them, I don't know if he actually used batons on them or not, but anyway, that they had also fired on the police, but that moment when he phoned me, things were in hand.

So it now seem to you that your expectations of trouble, which had resulted from the reports, were now being confirmed by the information that Capt. Cawood gave you?---Yes.

This was a matter, of course - a report that disturbed you quite seriously, I'm sure?---I beg your pardon?

This was a report, the one from Capt. Cawood, that must have disturbed you quite seriously, I'm sure?--- Yes, it did disturb me, but I was expecting the same report from many other places.

And when you got to your office at 7 o'clock you got other information which didn't make you feel any more at ease, did it? ---Yes, yes, then it seemed that trouble was going to break out here, definitely.

And you accordingly made arrangements for such reinforcements as were available, to be sent to the trouble spots?---Yes.

And in due course you proceeded to van der Bijl Park and you learnt of what had happened there, and you told us that upon your arrival the danger was already past? ---Yes.

I take it, however, that from what you were told, description had been given to you of a rather unpleasant affair/

affair there?—At van der Bijl Park?

Yes? — Yes.

There had been an unpleasant affair with crowds and the need for action by the police, and so on?—
At van der Bijl Park, yes.

And you went on to Sharpeville, and there you received a report from Major van Zyl?—That is correct.

None of these things had tended to lessen your anxiety, if anything, they had tended to increase it?
—Yes.

Now, in your discussions with Major van Zyl, did he give a description to you of the use by him of a baten charge and, if not by him, at least by his subordinates, of teargas? —Capt. van Zyl told me that the position was ugly at the Police Station, that it was surrounded by about 20,000 natives, that they had had trouble with them during the morning, that they had unsuccessfully tried baten attacks and the use of gas on them, and I believe that shots had also been fired at them - at the police. I can't be quite sure of that, but -

Now Colonel, when you received this information from Major van Zyl, were you left with the impression that the baten charge and the tear gas attack had been carried out at the Police Station?—Yes.

I believe, in fact, that whatever your impression may be, the baten charge and the tear gas were used, not at the Police Station, but outside the Municipal offices. I take it you didn't know of that?—No, no the impression I gained was that these things happened at the Police Station.

So that you then thought that here was a very grave situation indeed, one that was apparently not able/

able to be corrected either by a baten charge or a tear gas charge?—No, I thought that the position was serious at this Station, and I did not dismiss the use of a baten charge or gas at that stage.

No, you mustn't misunderstand me. I'm not suggesting to you that you made up your mind that you could not use a baten charge, or you couldn't use tear gas. All I'm suggesting to you is, that in your mind, there was now an impression of a very grave situation, because apparently an earlier baten charge had failed, and the earlier use of tear gas had failed?—Yes, that would - was the impression.

So that you proceeded then down Secise Street on your mission, not really knowing what very serious trouble you're going to run into, but knowing that it was grave?—That is right.

The Saracen that escorted you, was that used as an escort on the suggestion of Major van Zyl?—That was.

And your convey was then the Saracen, which I assume preceded you?—Yes.

Your motorcar, and then you said, I believe, a truck with 25 troops that followed you?—That is right.

Can you remember whether there was any other motorcar in that convey?—I cannot remember, I won't say that it is impossible, but I can't remember.

It may be that there was one?—Yes. I must say this, that the Press was giving us a good deal of trouble there, and I can't say that a Press car didn't slip in, or something like that, but I don't know of an official car that was in the convey.

The truck was the conventional type of troop carrier that we know?—Yes.

And the officers who were in that troop carrier, can you recollect their names today? —You mean

the/

BY THE COURT:

Lieutenant? --- Lieutenant Claassen. It is just possible that he may have had that car and that he was not in the truck, but I seem to recollect that he was in the truck and that he would not have a car; I don't think so.

Now, the time of your arrival I understood you to say outside the municipal offices in Sharpeville, would have been about a quarter to one was it? --- A quarter to twelve, or 12.45, i.e. a quarter to one.

A quarter to one? --- Yes.

And for how long did you remain in conversation with Major van Zyl before you left? --- Probably about five or ten minutes.

A very short period? --- Yes, a very short period. If I remember we still partook of some cold drinks.

And having left Major van Zyl and proceeded on your way with this convoy, approximately what time elapsed before your arrival outside the gate at the Police Station? --- Five to ten minutes.

Did you look at your watch when you got to the gate? --- No, I did not look at my watch when I got there.

You estimate the time would be round about one o'clock or a few minutes after one? --- Yes.

Now, you described the movement of your car as it came down Seeiso Street, and then turned to the left into the street that runs to the west of the Police Station? You also said that you saw this very large crowd gathered in front of the Police Station fence there? --- Yes.

Did you Colonel notice how that crowd was disposed about the three sides of that fence, because if you look at the photograph, the aerial photograph, you will see that there is

a/....

a fence on the north side, there is a fence on the west through which your car drove by means of a gate there, and then there is a fence on the south side. Now, if you ^{have} positioned yourself can you say as you drove up whether you observed the density or disposition of the crowd on the north side compared with the west side, and compared with the south side? — Well, on the west side the street was practically covered. There was a dense crowd on the western side, and they overflowed into the north and the south streets, and then straggled down towards the Police buildings, and past the Police buildings.

Would you say Colonel that because of the density of the crowd the vision you had of the crowd was limited to the area immediately adjacent to your car as you made your way towards the gate? — I should say that the best view that I had, the immediate view, was when I got within the sight of them, when I came past those shop buildings.

Is that possibly because the shop buildings are on an elevation? I don't know whether they are, but that you were looking down? — No, I don't think so, but that is when my view was less obstructed than when I came closer.

What you saw at those shops was a seething mass of people round the fence? — Yes.

You did not see it in any particular detail, you just saw this big mass of people? — Yes.

And then of course you witnessed the manhandling, as you have described it, of this motor-car? — Yes.

And this confirmed the fears that you had, formed as a result of the reports that you had received earlier? — Yes, I could see that that was certainly not a dense crowd that.

Then as you proceeded towards the gate you say that
your/....

your car was struck by certain members of the crowd using sticks? --- Yes.

And you found it a bit difficult to get through, but you put on a bit of speed and then you got into the yard? --- Yes.

Can I assume then Colonel that as a result of what you had seen in your passage through that crowd and what had actually happened to your own car, that when you emerged from your car in the Police Station grounds, you were disturbed? That is putting it very, very mildly? --- I was disturbed.

You were disturbed? --- Yes.

An ordinary member of the public, not accustomed to handling crowds such as this, would have been thoroughly alarmed and possibly very much frightened? --- Quite Sir.

Now, your immediate concern was to find out what was available to you to cope with the situation? --- Yes.

You gave that your first attention? --- Quite.

And can I assume that you continued to give that your principal attention for the next period of fifteen or twenty minutes or whatever the case may be? --- Yes.

In other words, at that stage you were not concerned to continue to survey the crowd, you were concerned to put your men in order and see that your commands were carried out? --- I was keeping the crowd under observation all the time.

In addition to giving your orders and controlling your men? --- Yes, inbetween arranging the men and assisting. I kept an eye on the crowd.

Now Colonel, I want you to take your mind back to that point in time where you are in the Police Station yard having come through that crowd, and you are keeping your eye on the crowd as you have just said to me. I want to know whether you did that say within three or four minutes of

getting out of your car, i.e. keeping your eye on the crowd?

---No, from the moment I arrived there, whenever I was actually not looking in their direction, which was seldom, I was keeping an eye on them.

You were dividing your attention then between the crowd on the one hand and the force of Police on the other? --- Quite.

And you did that from the moment you got out of the car continuously until the firing started? --- Well, until I had finished the short conversation with Captain Theron.

Well, that would have been a matter of a few minutes after you got out of the car? --- Yes.

But from then onwards you were dividing your attention between the crowd and the Police? --- Yes.

Now, as I have said to you a few moments ago, I want to bring you back to that point in time when you first looked at that crowd from your position inside the Police Station grounds. I want you to tell us this. Looking at that crowd then, what impression did you form of that crowd by and large? --- I don't quite follow you there Sir. Do you mean from the moment that I arrived until the firing?

No, you get out of your car, had a conversation with Captain Theron, and I understood you to say that from about that time you divided your attention between the crowd and the Police. Now, when you first looked at the crowd, the very first occasion that you looked towards those people beyond the fence - I am sure you looked at them several times, or many, many times in the interval that elapsed between your arrival and the shooting - but the first occasion, those couple of occasions, what impression did you have of that crowd? --- Well, that they were ready for anything. They were becoming violent/....

violent; I saw them leaning up against the fence, leaning and hanging over the fence, and I expected that fence to go at any time. They were waving sticks; not all of them, but many of them were waving sticks. They were prancing and jumping about shouting and yelling and giving their "Afrika!" sign. They were working themselves into a frenzy.

— You say that according to you they seemed like a crowd poised for action at any moment? — Quite.

COURT ADJOURNS.

COURT RESUMES:

GIDEON DANIEL PIENAAR, under his former oath, continues:

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Colonel, you have given us your description of the crowd as it appeared to you looking at it very shortly after your arrival inside the Police Station grounds? — Yes.

Colonel, I want to suggest to you that perhaps your impression was wrong? Would you care to consider what I am putting to you? — No, I don't see how my impression was wrong. I have described what I saw and what I have deduced from it.

I would like at this stage to suggest to you that you arrived at the Police Station with certain information and with certain impressions, and almost shall I say with certain preconceived ideas, and from an aspect of a portion of that crowd you then formed the opinion that you have just expressed in this Court in regard to this crowd as a whole. Now, what do you say to that? — On the contrary I was hoping that when I arrived at the Police Station I would find things much better than what I was led to believe.

You don't think Colonel that the whole sequence of events, as you gave them to me when I commenced my cross

cross-examination/...

cross-examination, contributed to create in you a state of mind which might have influenced your judgment adversely? --- No, no, I can't say that Your Worship.

When you arrived Colonel Prinsloo and Colonel Spengler were already there? --- As far as I know yes.

Captain Brümmer, was already there? --- He was there yes.

After your arrival I take it no one else came? --- No one of authority that I know of.

As far as you can recollect nobody at all? --- Quite.

The impression we have been given is that everyone was waiting for you, and yours was really the last arrival. Colonel, what is your age? --- Nearly fifty-six.

And do you feel that that judgment that you formed that morning in regard to the crowd was a mature judgment notwithstanding what I have put to you? --- That is how I feel about it yes.

Colonel, I am going to show you two photographs, Exhibits 45 and 46. Would you look at Exhibit 45 Colonel? --- Yes.

Now, there is a figure in overalls on the righthand side of the photograph, and it seems to be to be Captain Brümmer? --- That is so yes.

There is a group of Policemen around this car - I don't know if the car is yours? I wonder if you can help us? --- No, it is not my car.

May it have been the car of the other officer when you thought possibly came in a car and not in a treep carrier? --- I could not say whose car it is.

Colonel, you may not know whose car it is - I will show you another photograph in a moment, and it may perhaps assist/....

assist you - but I want to put it to you that this car came on the scene about the time that you came on the scene? I want to tell you why I am saying that. Captain Brümmer in his evidence said that he arrived at one or a little thereafter, approximately the same time as yourself. If that is Captain Brümmer he was clearly there before you, and we have had it from him that Colonel Prinsloo and Colonel Spengler had already arrived. Now, having said that I want to suggest to you that looking at that crowd at about that time, as they are gathered about that gate, they do not tally with the description that you give of the crowd as you saw it round about that time? Would you comment on what I have just said to you? --- Well, this crowd was at this gate, and it was quite different to what is portrayed here. I see now that this is a radio car. At what stage this was taken I cannot say. It was certainly not the mood when I arrived there.

You do concede Colonel that this is not a hostile crowd? --- I am not prepared to say that.

You see, I suggest to you that the people leaning on the fence on the lefthand side of the photograph, are by and large a curious group of people, and not an angry or threatening group of people? What do you say to that? --- I see them waving their arms about there and pointing "Afrika!"

Assuming that they are doing that, I am suggesting to you that in doing that it is not necessarily an indication of hostility, ^{but} from the faces as you see them generally they are not aggressive? --- That may be so.

You will observe that there are a fairly large number - I won't say a fairly large number, but there are several umbrellas in use by members of the crowd? --- I see a few umbrellas here.

Not usually a kind of equipment spread out that would/....

would at that stage ^{be} in the hands of a hostile crowd? Would you agree with that? --- A mob like this can turn in a moment from a docile to a most dangerous crowd. It depends on what happens there, the incidents; anything may upset them like a nest of bees.

That may be Colonel; we have not come to that yet. Would you agree that at the time that they are standing under open umbrellas these people there are not ready for immediate combat, any more than a group of men in a platoon would be? --- No Your Worship, I cannot say that the presence of an umbrella is a guarantee that this is of docility.

Well, you would not say that the presence of an umbrellas is an indication of hostility? --- No.

You agree Colonel that leaning against the fence there appear to be a fair number of women or young girls, i.e. on the lefthand side of the picture? --- Yes, there appears to be some women there.

There is a curious feature Colonel that perhaps you could assist us with. The Constable standing with his back to the camera, and his trousers can be seen through the mesh in the gate - do you see the man that I am referring to? --- Yes, I see the man.

He seems to be carrying what looks to me like a sjambok in his hand. Now, do you agree that that is what it seems to be? --- I agree that it looks like a sjambok, but I cannot say what it is; it may be something else.

If it were a sjambok he should not as a Policeman have been carrying such a weapon? It is not part of the standard issue of equipment to Policemen? --- No, he should not be carrying it as part of his equipment or anything like that. If it is a sjambok he may have picked it up or taken it from one of the crowd. I cannot say.

I/....

I am not suggesting this is so, but assuming that he was holding that as something that belonged to him or that he would use, you will agree that that could be provocative, vis-a-vis a crowd? --- Yes.

Now Colonel, if you look at Exhibit 46, that is a picture of the same crowd but it is now from a little bit further into the Police Station yard. Do you agree with that? --- Yes.

You will observe that the crowd at the gate have not moved into the area of the Police Station, and that the entrance in other words is completely clear? Do you agree with that? --- From the inside yes.

One of the Policemen on the lefthand side of the car has a cigarette in his mouth? --- Yes, it is what appears to be a cigarette.

Well, he appears to be in a relaxed position I suggest to you? --- Yes.

And the man next to him actually has a rather pleasant smile on his face? --- Yes, probably cracking a joke.

Similarly appearing to be relaxed? --- Yes.

And the crowd I take it you agree is of a similar demeanour to the one in the other photograph, not hostile? --- Yes, it is the same as on the other photograph.

You agree it is not hostile? --- I again say that I cannot agree that they are not hostile. I don't know what is going on in their minds, or what is going to happen at the next moment.

I am concerned with the appearances as it strikes the observer, and not with what is going on in their minds, because no one really I suppose could be accurate about that. I want to put it to you Colonel that the two Policemen whom I have described as relaxed would not in fact have been in any relaxed/....

relaxed position if there had been a gravely threatening atmosphere coming from the crowd at that moment? ---Probably not.

As far as this Policeman with what appears to be a sjambok in his hand is concerned, you notice the same object in his hand? ---Yes.

Again you are not able to say anything about the meter-car I take it? --- Yes, that it is certainly not my car.

May it however be the car of a man who accompanied you? --- No, it is a radio car, and no radio car accompanied me.

When you told us of the commissioned officer who might have come in a car and not in a troop carrier, did he not have a radio in his car? --- It may be possible.

You can't say? --- No.

Now Colonel, I want to tell you we have had evidence given here by Mr. Labuschagne, who is the Location Superintendent, and we have had evidence given here by Sergeant Grebler, who was the Station Commander, and they have described the demeanor of the crowd, not precisely at the time that I am discussing with you but in general terms, and the impression that they have left with me is that that crowd was not a violent or a dangerous crowd until something happened at the gate after your arrival. Now, what I want to ask you is until the incidents at the gate that immediately preceded the firing, would you not agree that by and large that crowd was not a dangerous crowd? --- No, no, I would not agree. I have just described to the Court what I found when I came there. That I say is a sign of a hostile crowd.

You don't think that your judgment is at fault? --- No, I don't.

Do you think Colonel that on any occasion that morning/....

morning your judgment was in any respect at fault, either in regard to the matter that I am discussing with you now or anything else? --- That is difficult for me to say. I cannot find fault with my judgment; somebody else may.

Even calmly reviewing the thing now and trying to be objective? I knew that it is difficult, I knew that human beings are fallible, I knew that it is very difficult for people to admit to error, but taking all that into account and looking back on these past months, do you feel that there is nothing that you could say was wrong with your judgment in any respect on that day? --- No, I just cannot see how I could have acted otherwise. I had a duty to perform, I had to see that these men were in readiness, that their station was protected. What else could I do to achieve that?

You see Colonel, I am asking you this possibly to indicate to you that in the flurry and excitement and indeed the danger of the whole situation, you might very well, albeit bona fides, have gone wrong? --- No, again I say I don't see how I could have acted otherwise.

And I say it because if indeed it is so you may have formed a wrong impression of the crowd at the time we are discussing? --- No, no, I cannot say that my impression was wrong.

Colonel, we understand that one of the first things that happened, one of the things among the first things that happened upon your arrival, was that you were approached by Colonel Spengler, and that he made certain suggestions to you? Do you remember his approaching you? --- Yes Your Worship.

Now, as far as you recollect the conversation, what took place? --- He simply approached me whilst I was forming the men up there, and suggested if it would not be better to bring in some of the leaders. It was just a hurried discussion and/....

and I agreed hurriedly with him.

You don't think, reviewing that matter today, that in having given your permission to Colonel Spengler you erred, you made a mistake? --- I don't think that it can be put that way, that I gave him permission. He is an officer of equal rank, and he made a suggestion and I agreed with it.

The fact is Colonel that he approached you? That is so, is it not? --- Yes.

It would seem therefore that in approaching you, if he was not asking your permission at least he was consulting with you? --- Yes.

Is it correct that he was consulting with you because you virtually were the senior man on the uniformed side in charge of the situation? --- Yes..

And it is correct that if you would have said to him "Colonel, I don't think we should do it" he would have respected your view and he would not have disobeyed you? --- I take it that is so yes.

Now, in the knowledge that you had the last word, don't you think that you should have said to him "No, I think this is an unwise move Colonel Spengler, and don't do it"? --- No, I did not consider it an unwise move.

You see I am suggesting to you Colonel, that the removal of the leaders at that stage, and according to you the crowd was hostile, was something that might be calculated to provoke the crowd to the sparking off point, rather than to calm the crowd? Do you agree with that? --- No, it might and it might not.

There was a risk nevertheless that it might have provoked the crowd? Do you agree with that? --- It depends on the manner in which it was done actually.

No, leaving aside the manner for a moment. --- If you/....

you went up to a man and grabbed him behind the neck and dragged him into the station, that would definitely be provocative.

Leaving aside the manner, which we will return to in a moment, do you not think that the absence of leaders of the crowd at that stage, might have introduced a note of disquiet into the crowd, because the crowd would not know what was being done to their leaders and what were happening to them, and would make them more restless? --- I don't know, I don't know. If the crowd sees that their leader is being taken into the station then they must assume, and they can only assume, that he is going to be parleyed with.

Is that the only assumption that you think would be open to the crowd? --- The only correct assumption, the natural assumption.

You don't think that...--- I mean if he was taken by the scruff of the neck and dragged in it would have been different.

You don't think that having regard to the general level of education of the people in that crowd, they might reasonably have entertained the idea that if their leaders were removed unpleasant ^{things} would have befallen these leaders once they were outside the gaze of the crowd? --- Yes, they might have formed that opinion.

And if they might have formed that opinion it was therefore unwise to allow them to form such an opinion? Do you agree with that? --- No, I don't say that it was unwise; something could have been gained by it.

But surely Colonel, if they might have formed such an opinion, it must be unwise to allow them to form such an opinion? Surely you will agree with that? --- No, then it is just as well to say that it was unwise to have any Police there at all, because that would ^{also} have amounted to that.

Anyway/....

Anyway you disagree with me in what I have just put to you? --- Yes.

Let me approach it for a moment along another line. You did not think perhaps when the fact of leaders was brought to your attention, that it would be wiser not to remove them, but to use them in order to mediate with the crowd? --- But that was what the intantion was if Colonel Spengler could get hold of any.

Did he say that to you? --- No, he did not say that, but it is only natural.

But I rather gathered from what you said Colonel that the purpose was to remove them as a possible source of incitement to the crowd? --- No, no, the idea was as I understood Colonel Spengler to get hold of some of the leaders and to get some information out of them. He holds a peculiar position in the Force, and one of his chief occupations is to interview these people and to get behind what is behind them.

Are you quite sure of that Colonel? --- Yes, there was nothing to stop him whatsoever from acting on his own. He would have been carrying out his normal duties.

No, I am not asking you that. What is puzzling me is this. I am under the impression - I don't know whether you said it - but I will put something to you in a moment to show you why I am under that impression - that Colonel Spengler's remarks to you were made in the context of removing trouble-makers or inciters, and not of getting people whom he could brief with a view to mediating with the crowd. Now, am I wrong in that? --- That is how I understood it, that the chief purpose was to get hold of them and get them inside.

In order to elicit their support in going out again afterwards to talk to the crowd? --- That, or if he had a good case against them, to charge them.

What/....

What were the words, as far as you recollect them? I can't expect the exact words from you today, but the general effect of Colonel Spengler's words to you as he made the suggestion? --- No, I cannot recollect what words he used; that was the gist of it.

Do you say that the effect of the words was to create in your mind the impression that he was going to seek out mediators? --- Just as I have said, that this was a hurried consultation and I was busy with the forming up of the men, and at that moment I thought that if he was there - I don't know how long he was there before me - that he probably knew some of the leaders, and he had something against them, or that he would bring them in and get to know what was behind them, and do something on his part to alleviate the position.

And also use them if necessary as a link between the Police and the crowd? Did he leave you with that impression too? --- Yes, that is also a possibility.

Did he leave you with that impression? --- Yes.

Colonel Pienaar, you gave evidence at the Commission of Inquiry before His Lordship Mr. Justice Wessels, you will remember? --- Yes Your Worship.

At page 1460 you are asked this question: "What did you do next?" and your reply is: "The next is that I saw Colonel Spengler just before, when I started to form the men up.... This I recollect now. When I started to form the men up Colonel Spengler came to me and suggested that the leaders and inciters should be brought in. Hurriedly I agreed with him, in the hope that that may have some effect on the....." The rest of the sentence is not recorded. "He suggested that the leaders and inciters should be brought in hurriedly?" --- "No, this was a hurried conversation". Apparently there was some misunderstanding between you. Now, you did say that

did/....

did you not Colonel, i.e. what I have just read to you? ---

Yes, I said that.

You can read it if you wish? You have got the gist of it? --- Yes, I accept that it is so.

You see Colonel, I want to put it to you that if that is what you said then, you certainly were not conveying that you were under the impression that Colonel Spengler was going to take these people to use them as mediators? --- I think that is exactly what that conveys.

I am putting it to you that this conveys that he was going to get leaders and inciters out of the way, because they were a provocative element in the crowd, or towards the crowd, a dangerous element towards the crowd, who should be taken away from the crowd, and not used as mediators? What do you say to that? --- Yes, as I have just said that is one of the things that is feasible. If he had a case against them it is part of his duty to mark these people, and if he had a strong case against him as an inciter or an instigator, then he would certainly be within his rights to bring him in and charge him.

Yes, but can you point to anything in what I have just read to you, that indicates an intention on Colonel Spengler's part to use these leaders as mediators between the Police and the crowd? --- I could not say that. That is one of the things that was intended naturally. There was nothing that we would have left undone in order to avoid violence.

Anyway, be that as it may, you gave your assent to Colonel Spengler's proposal and he went off? --- Yes.

Do you remember the words that you used to him when you gave him this permission? --- Probably just that it is a good idea.

You did not observe the manner in which he carried out/....

out this suggestion? — No, except for the two occasions, the two brief moments that I observed him at the gate.

Colonel, I can't ask you to say whether or not this record of what Colonel Spengler said at the Inquiry is correct. I propose with His Worship's leave to read it to you, because we do not at the moment have the typed record of what Colonel Spengler said at this trial, but I am under the impression it is very similar. Your Worship, may I do that?

BY THE COURT:

Yes, you may.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

At page 1218 of the record of evidence at the Commission of Inquiry, Colonel Spengler is reported to have said this: „Ongeveer op daardie stadium het Kolonel Pienaar gearriveer. Nadat hy arriveer het het hy sy manne egestel in rye van drie. Ek het toe na hom gegaan en hom meegedeel dat ek voernemens is om die leiers en die grootste agitators van die skare te probeer verwyder, om te kyk of dit hulle nie tot bedaring sal bring en meentlik laat huistee gaan nie, waareop hy geantwoord het ek moet maar aangaan met my ondersoek". Do you want to comment on that Colonel? — I cannot say whether he did use these words exactly as they stand there or not, or whether it is something to that effect.

Now, you ^{were} telling us that you did not observe precisely how he carried out the suggestion, except for the two incidents at the gate? — That is correct.

Now, if I understood you correctly, the first of these was concerned with the seizure of a man and some struggle between Colonel Spengler and Sergeant Muller on the one hand, and the crowd on the other? — Yes.

Is that correct? — Yes.

Did it seem to you as if the particular man in question/.,.,.

question, the subject shall I say of the debate between the parties, was he being held forcibly as far as you can remember?

--- No, all that I could see is that Colonel Spengler had the man by one arm, and I think Sergeant Muller had him also by the arm, and that some of the crowd were holding on to his back, but this was only momentarily.

Did you perhaps notice how this man was dressed? ---

No.

A red waistcoat, a straw hat perhaps? --- No, I seem to recollect that he had a coat on.

What kind of a coat? An overcoat, a raincoat? ---

No, a jacket.

Do you remember the colour perhaps? --- No.

When you saw this did it strike you as a provocative act? --- No, I can't say that it struck me as a provocative act. I don't know what was happening out there.

You see, you told us a few moments ago that the removal of people might have been a good idea, provided it was carried out in a non-provocative manner. Now, I understood you to imply from that that any use of violence upon a member of the crowd would have been unwise because it was provocative? Did I understand you correctly? --- Yes, I did not see that he was using violence on the crowd. Actually I would say that the crowd was using violence on this man. They were pulling and dragging the man.

When you saw this it did not strike you as something that might well be left alone so as not to anger the crowd further? --- No, I can't say that that is how it struck me. I don't know what was happening at the gate, or why and how....

You see Colonel, others have said in evidence earlier in this Court that it was a wise not to do anything at that stage to inflame the crowd or to put a spark to the crowd/....

crowd? Do you not agree with that? --- Yes, I agree that nothing should have been done there to instigate them.

Now, in regard to that incident, don't you think you should have stepped in, and said "Look, leave the man alone. Let the crowd get him back, leave that man alone". Do you not think that that is what you should have done? --- Yes, I don't know, I could not say that.

When you say you could not say it, does it mean you can't express an opinion or are you disagreeing with me? --- No, I don't know. Colonel Spengler had a duty to perform there and I could not see that he was exceeding the bounds of his duty or that he was doing anything wrong.

Colonel, you paused somewhat before you gave me your answer. Was that because you think there is merit in my suggestion, and that there is something in what I have said to you? --- I think I am expected to consider my answers.

No, I am not.... don't misunderstand me Colonel, I am not questioning at all your right to weigh your answer; I am only asking whether, in weighing your answer, you are not perhaps doing so because there is some merit in what I have suggested to you, and it is not something that you can just dismiss out of hand as nonsense? --- I will agree with you Sir, that there is some merit in what you say; some merit, it is not entirely devoid of any merit.

There seems to have been some conflict between various witnesses as regards this fact of a tug-of-war, if I can use that metaphor, between Colonel Spengler and Sergeant Muller on the one hand, and the crowd on the other as regards this man. Did it appear to you to have been a tug-of-war? --- You can put it that way, but it was momentarily.

We have had it I think from Sergeant Grebler. We did not get it from either Colonel Spengler or Sergeant Muller, although/....

although it was put to them explicitly. If they have denied it then I take it they are mistaken in their evidence? ---
What was put explicitly?

That there was this tug-of-war? --- Well, I have said from what I saw you can describe it as a tug-of-war, but it was very brief.

But it took place? --- Very briefly yes.

And if these two gentlemen have denied that, then they must be mistaken in their evidence? Do you agree with that? --- They may look at it another way.

Now, that was the first incident. Prior to that happening you had given no orders to your men in regard to their fire-arms? --- Yes, I did. When I gave the order to lead I warned that there must be no firing without an order.

Perhaps you have misunderstood me Colonel. This incident that I have chosen to label as a tug-of-war, did that take place before you gave your order to lead, or after you gave your order to lead? --- When that took place stones fell amongst the Police and I gave the order to lead.

This was as far as you are concerned, the first incident that prompted you to give specific instructions in regard to fire-arms? --- Yes, including the stones falling.

I mean the whole of the incident as you have described it? --- Yes.

You are quite clear as regards the stones that fell then? --- Very, very clear, because some of them fell right next to me.

Just a couple of stones? --- Yes, not many.

Small, large? --- Well, I can't say, the type of these things before us here.

Did you notice whether any of these stones struck any of your men? --- After the firing I saw one man with a cut across/....

across his face.

At the moment of these stones coming across you did not see the impact? --- No, not at that moment.

That is all that you saw, i.e. stones coming across and nothing else? --- Yes, that is all.

No weapons, implements? --- No.

Now, you thereupon gave an order to the men to lead five rounds? --- Yes.

What is the capacity of the magazine for a .303 rifle? --- Ten rounds in the magazine and one in the barrel.

Normally? --- Normally it is ten rounds in the magazine.

Normally when a man loads does he load the magazine full, or does he only load it partly? --- No, the magazine is..... Well, it depends on the order. If he gets an order to lead with five rounds he is supposed to lead five rounds.

In the ordinary case when a man say would come on duty, he would have his bandoleer with his rounds of ammunition in the pouches, and he would have his rifle, and there would be anything at all in the rifle ordinarily? --- No.

So the rifle would be empty. Upon a command to lead five rounds he would then put five in the magazine, would he? --- Yes, he should then put five in the magazine.

And then from there would he.... --- The charges are loaded with five at the time, the charges that you load the magazine with.

And the one other that you were referring to, what must he do in order to put that one in the barrel? --- In order to put one where?

In order to put the additional one that you referred to in the barrel? --- That you would have to do by manipulating the bolt.

Now/....

Now, when he loads the five does he at one and the same time manipulate the belt to put one in the barrel too?
--- He should have one in the barrel.

So that he is then in a position to fire immediately, and would he then have five in reserve or four in reserve? --- Four left.

Do you happen to know Colonel whether or not these men that were lined up had their magazines loaded before your order? --- I have an idea that they were loaded.

Do you know how many bullets they had in their magazines? --- No, I don't know how many.

When you gave this order to load five, did you intend that if they had ten in the magazine, which is apparently the capacity, they should take five out? --- Yes.

You did. Did you in fact notice whether any men opened the magazines to take out the surplus above five? --- No.

So that if some of them did not do that does that mean that in a sense they disobeyed your order by overloading? --- No, if they had already a full magazine they were certainly not expected to start unloading. That was merely an indication, unless circumstances dictated otherwise, that firing should be limited to about five initial firing.

You don't think Colonel it would have been a more effective check to have seen that there were physically not more than five, rather than to use the words "Load five", when in fact many of them had ten? --- No Sir, no. As I say I expected them to have had an order long before that to load, and I cannot disarm them by telling them to unload again.

So that if there were more than five in the magazines, were you then content to leave it at that? --- Yes.

Did you give the command in a loud voice? --- Very loud/....

loud yes, as loud as I possibly could.

Did all the men go through the motions? --- No.

Only a few? --- Yes.

Do you know how many? --- No, I could not say.

This was visible you said in your evidence-in-chief to portions of the crowd? --- Well, to whoever was standing up against that western fence and in the proximity.

It is quite obvious of course that it could not have been observed by people further back? --- It could not have been observed by the fifth, sixth and seventh lines at the back.

It may not have been observed by people who were standing in Zwane Street to the south? --- No, there were quite a number who could not have observed it.

Who could not have observed it yes. So that whatever its warning effect on the crowd is, it had a limited effect? It had a limited effect on the crowd because only a portion of the crowd saw it? --- It had no effect whatsoever.

Well, when I say an effect, an effect in the sense of having been seen and observed? --- Yes, that I agree with.

Now, having given this order to load, what was the next event? What happened thereafter? --- As far as I can recollect shortly after that I saw Colonel Spengler again at the gate, and as I have said before then the things happened practically simultaneously. I saw Colonel Spengler stagger back from the gate, and the crowd breaking in after him, and a shower of stones fell amongst the Police where I was standing, and two shots went off from the crowd.

When you saw Colonel Spengler on the first occasion, what I refer to as the tug-of-war, did he fall down on that occasion? --- On the first occasion?

Yes? --- No, I could not see that he fell down.

Did anything happen to him at all vis-a-vis the crowd/....

crowd? I am talking of that first occasion. --- I did not follow that question.

Did the crowd do anything to him at all on that first occasion? --- No, not that I could see.

You see, I have noted in your evidence-in-chief that you said that he and Muller had held of a native and they were flung back. Now, did I misunderstand you? --- Yes, that is what it amounted to.

He was flung back? --- Yes, the others were holding onto this man from the back, and they were holding him by the arms, and they were pushed in; the crowd followed them for a pace or so and then retired again.

They retired of their own motion did they? --- There were native constables at the gate and they pushed them out too.

Now, you were describing to me the second occasion. Have you any recollection of the details at all? Colonel Spengler was at the gate, and was there anybody with him? --- No, I could only just see him stagger back and the crowd breaking in after him, and at that moment the stones started to fall amongst us and my attention was diverted to the mob immediately in front of me.

Had you seen Colonel Spengler going down to the gate? I am talking of the second occasion, just before the firing? --- That he did what Sir?

Did you see Colonel Spengler going down towards the gate? --- No, no, I simply saw him stagger back from the gate.

You did not see what he was doing just before he staggered back? --- No, I simply saw that he was staggering back from the gate and the mob bursting in.

I take it that in accordance with your instructions - not your instructions, but his suggestion to you - he was presumably/....

presumably at the gate to get somebody from that crowd? ---
I don't know what he was doing at that moment.

You can't say? --- No, I can't say whether he was
carrying out the suggestions or whether he was doing something
else.

Now, the surge of this crowd that opened this gate -
I don't know whether the gate was opened, but the surge of
this crowd at the gate and the fall of Colonel Spengler at the
gate, might that have been caused by the sudden opening of the
gate and the pressure of the crowd at the back upon the crowd
in front that brought them forward? --- I cannot say. They
were very dense at the gate. I cannot say whether it was
pressure from the back or voluntarily from the front. I just
saw them barging in.

You have no view on it? --- No.

Now Colonel, having regard to what you have just
said, do you not think, looking back on it, that in fact there
was no attacking intention on the part of that crowd, but that
it was the sheer physical pressure that brought the leading
group beyond the boundary into the Police Station grounds? ---
Your Worship, we had to deal with a mob at that stage, a
violent mob in my opinion, a mob from which you could expect
any recklessness, and what actually did happen is.... I don't
know what actually happened to Colonel Spengler there, but I
saw him stagger back there. Whether he was beaten back or
hit I don't know, not at that moment. Shots went off from
the crowd, stones rained amongst us. I must say in all
sincerity that I must accept that as an indication of an attack.
I don't know on what scale.

You see, you will remember telling us a few moments
ago that this crowd apparently had moved beyond the boundary
into the Police Station grounds at the incident when there was

a/....

a tug-of-war, and then they moved back? — Yes, yes, but that was only about... just a few, i.e. on the first occasion that moved in after Colonel Spengler.

How many would you say on the first occasion? — Well, I doubt whether it was more than three.

And on the second occasion how many? — Oh, they just bubbled through the gate.

How many places did they come in? — I could not say that. As I say my attention was diverted again.

You are not able to say how far it was? — No, no, I must consider it carefully. It is difficult to say but my impression is that the last I saw of them they were about a yard or a pace and a half inside.

When you saw these people you did not immediately turn round to your men and say "Fire!"? — No, it happened in a flash.

Can I put it to you Colonel that in the exercise of your duties of forbearance in terms of the Standing Orders of the Police Force, at that stage, left entirely to yourself, you would not have given the order to fire? Do you agree with that? — No, I have already said, and I stand by it, that as I feel I would have done something about these people going through the gate, and the only thing to have done was to order a burst of fire.

Now, these men having penetrated into the grounds, you say that you heard two shots reports, saw the volley of stones, and then the firing from the Police started? That was all more or less simultaneously? Have I given a fairly accurate summary of what happened? — The three incidents that I described, i.e. the shots from the crowd, Colonel Spengler staggering from the gate, and the stones falling on us, there was a very, very brief pause before the two shots

rang/....

rang out from the left.

And looking back on it today, and being asked to review your judgment as to whether, before you heard those two shots coming from the crowd, and seeing these people coming you would have shot. Will you not agree that in these particular circumstances, had those shots not gone off, you would not have ordered fire? — Had the shots from the crowd not gone off?

In other words, had the shots from the crowd not gone off, and all the other things that followed without your order, because I understand you gave no order to fire, and the Police themselves had not shot of their own accord, do you not agree that you would not have fired? — Well Sir, I am afraid I can't theorize like that. I can't say what I would have done in certain circumstances, or say exactly what I would have done.

These two shots, you described ^{them} as having come from a point somewhat opposite where you were standing? — Somewhat or probably diagonally opposite

That is from the westerly direction? — From a westerly direction.

No shots at all that ^{you} heard from the south? — From the crowd?

Yes? — Yes.

BY THE COURT:

Two shots from the crowd? — No.

CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Not from the south? — Well, there again I cannot be positive. My impression was that they were coming from some point opposite or diagonally opposite me. I may be mistaken, and that they came a little further down towards the south, but that was my impression, that they came from either directly or diagonally opposite me.

There/....

There has been various pieces of evidence in regard to this, although not all the same. Mr. Labuschagne, the Location Superintendent, who was there at the time, has told us that as far as he is concerned they came from the south, i.e. Zwane Street side. Is it possible that he might be right or is he completely wrong? — I can't say. I can only say what my impression was. My impression may be right and his was wrong. He may be right and I may be wrong.

You did not know of the Police contingent that was stationed in Zwane Street to the south, did you? — No, not at that moment.

subsequently
Did you establish/Colonel that there was this group of Police outside in Zwane Street? — Yes, I told you.

A fairly strong group were they? — No, I really cannot say. I can't say how many there were, but there were quite a few of them.

Now, you have described the shots as being of a relatively small calibre pistol or revolver, was it? I am not sure which. — That is how it sounded.

Would it be either a pistol or a revolver? — Oh yes, quite, either of the two.

One or other? — Yes.

There was a rather deafening noise at that moment from the crowd was there not? Was there a loud noise from the crowd at that time? — Yes, quite a din.

Now, is it possible that these shots were discharged from a Police weapon? I am not saying by a Policeman, but from a Police weapon? — No, I know the sound of the report of other revolvers so well that I think I could tell you if somebody was firing out there, and that that is a .38.

Notwithstanding the fact that there was such a large/....

large crowd and such a deafening noise, that it may perhaps have dulled the reports? --- No, these shots came through clearly and up above that. All I can is that they were duller than the ordinary Police revolvers.

You are quite definite that they did not come from any arm in the possession of a Policeman within the yard? --- I have no reason to believe that it did come from a Policeman, and every reason to believe and it sounded as if it came from the crowd.

But may it Colonel? May it possibly have come? --- No, I can't say that it may have. I can't say that. I would have no justification whatsoever.

You don't think that in the confusion of everything at that particular time? --- No, from what I heard I must deny that it came from the Police. I feel that it is impossible.

You see you have admitted to some doubt as to the direction, although your impression is that it came from somewhere in the west. You have conceded it is possible that it might have come from the south? Is it possible, in the light of that, that it might still have been within the grounds and not out of the grounds? --- No, no, I heard these shots opposite me.

Now, you say there then came a volley of stones? --- Yes.

You only saw stones being thrown? --- Being thrown yes.

You did not see any weapons being thrown? --- No. Anybody who says that weapons were thrown must be mistaken? --- Oh no, I can only say what I saw.

You had a good view though of these stones coming over? --- Not such an excellent view. I was standing.... again I must point our disadvantage in being so close to the crowd.

I/....

I looked in the direction of the crowd at the time, i.e. wherever my attention was directed at the moment, and when these stones started to fall amongst us I was looking directly in front of me.

Yes, let me try and assist you. Afterwards you saw these stones on the open grass area in front of the Police station, i.e. after the firing? ---Yes.

You saw no weapons lying about on that grass area? --- Not on that grass no.

Now, you then heard this volley from the Police? --- Yes.

You realised that they were firing? You realised that you had not given an order? --- Yes.

That is quite clear. You did not expect that in those circumstances anyone other than yourself should give the order? --- No, I expected that any other officer would; if the immediate circumstances demand it it was his duty to give an order, i.e. if orders from myself to everybody are not possible.

But at that stage orders from yourself were possible? ---Not in that long line. If something happened at the very left flank there then it would not have been possible for me to order it.

Colonel, I am not talking about the left line, I am talking about the fact that you were about ten paces to the north of this gate? ---Yes.

You saw clearly what was happening at the gate? --- Yes.

Your officers saw the position in which you were stationed, and the proper thing in those circumstances was that you as the senior person would in the ordinary course have given the order before anybody else? Do you agree with that/....

that? --- It depends on the circumstances.

Those are the circumstances Colonel, the circumstances that you have described ^{to us} and I have just been putting to you. Let me put it to you another way. Are you suggesting that in those circumstances your junior officers would have taken it upon themselves to give the order before you their senior? --- It depends entirely on the circumstances.

Well Colonel, in fact they did not? Is that not so? None of your junior officers gave an order to fire? --- No.

You did not give the order to fire? --- No.

So that the fact of the firing having occurred is something that may have been due to panic; it certainly was not due to a deliberate act of judgment on your part? --- I don't follow that question again. A deliberate act of judgment on my part?

Yes, by that I mean it did not follow from anything that you had decided upon it? It was triggered off in a moment of panic because of the stones coming over? --- I don't agree that it was triggered off in a moment of panic. Some of the men say that when they heard those first shots they thought that an order was given to fire, and we cannot get away from the fact that these men were attacked.

Colonel, whether or not you agree that it may have been triggered off in a moment of panic or through a misunderstanding - I understood you to say it was a misunderstanding, through having heard those two shots - the firing commenced through..... --- I say that some of the men said that when they heard those first shots they thought that an order to fire had been given.

Which was a misunderstanding? --- It was not the case.

So it was a misunderstanding on the part of the men?

Yes/....

---Yes, it was.

But whether or not that is the case, this was not brought about by any deliberate act or signal or anything on your part? --- No Sir.

Now, I am going to put it to you Colonel that at that particular stage you were not yet in the frame of mind where you were prepared to give the order to fire? --- I can only say this, that with my maturity and experience I would probably have hesitated for a moment longer for signs of a full-scale attack, before I would give a general order to fire.

In other words, to see whether what had happened on the previous occasion when two or three men came in and went back, was repeated on this occasion with a larger number of people coming in, and perhaps going back? --- No, not that. The stones were the biggest indication that I had that they were coming for us now.

If the stones had ceased immediately, if that was just one volley, if the stones had stopped you would not have fired? You would not have ordered the firing? --- No, not only that. It depends on whether nothing else happens.

Yes, taking the whole situation? --- ^{If} Everything was peaceful and the stones stopped I would certainly not have ordered them to fire.

But anything that you would have wanted to do was forestalled and prevented by the firing going off? --- I don't follow that clearly.

Well, let me put it to you another way. Whatever you might have been making up your mind to do, that was all cut short by the fact that the firing started? It was then useless for you to make up your mind to do anything about ordering firing because the firing had already started? --- Naturally; that is obvious.

So/....

---Yes, it was.

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So/....

So what was left for you then to do was to step it?

— Yes.

And you stepped it at once? — Yes.

Colonel, there has been conflicting views given in this Court in regard to the wisdom or otherwise of the manner in which Colonel Spengler removed certain men from the presence of the crowd. I take it that as far as you are concerned you really can't express an opinion, because I understood you to say you did not witness it clearly enough? — No, I did not see enough of it.

Mr. Labuschagne has said - that was at a stage a little earlier than your arrival - that he found the crowd such that he could talk to them. He does not claim that they obeyed him, but he says that he found that they listened to him when he spoke to them. You did not think I suppose at that time that you should seek out the services of a man such as the Location Superintendent, to talk to them and try to persuade them to go home? — No Your Worship, I did not know that he was there and I think I have now fully explained to the Court the position I was in there. I had just enough time to place the Police on the defensive, to get them orderly in line.

In all Colonel, from the time of your arrival until the firing commenced I suppose a period of about half an hour to forty minutes had elapsed? — No, I arrived there some time after one, probably at five past, and this happened at half past one. That will make it actually at the longest twenty-five minutes.

Let us take it on that basis. You were in that Police Station yard for twenty-five minutes? — Yes.

You claim that within that time you did not have sufficient time to do some of the things that I have been

suggesting/....

suggesting to you? --- Yes.

Is it Colonel that you did not have the time, or is it that in the stress of the moment these things did not occur to you? --- Well, it is quite correct Your Worship, as I have ^{been} trying to explain, that forming up men in that terrific din and under these circumstances is not like simply giving an order here "Fall in!". It takes you some time; you have got to practically place every man with your hands to make him understand what you expect of him, and these men for a very good reason had to be get an arm's length apart.

Colonel, I knew that it is all very well for laymen in the calmness of the Court months afterwards to make suggestions to people who were working under stress at that time, but I nevertheless want to put it to you that in certain respects perhaps you erred. What I mean specifically is this. Do you ^{not} think that as the senior man in charge at that time you should have delegated to your junior officers the job of seeing that the men were lined up and properly spaced and so on, while you thought a little more fundamentally in regard to calming the crowd? --- No, no, I felt it my duty to take part in this myself. I thought that if I could help it would be achieved quicker, and speed was of the utmost importance.

Colonel, do you agree that generally in the exercise of authority, it is very desirable that a senior man should delegate whatever can be done satisfactorily by his junior, and confine himself to the senior functions of his office? Do you agree with that? --- Now I understand you Sir to refer to the old adage of the Captain passing it to the Sergeant, and the Sergeant to the Corporal, and the Corporal to the Constable?

Yes. --- It does not work Sir.

You/....

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You see, I am putting it to you this way. Let us get out of the military idiom for a moment. That the managing director of a business should do the job of the managing director, which is planning that business, and he should not do the job of the office boy, which is licking the stamps. I am not suggesting there is any parallel at all between this example and what happened there. Please don't misunderstand me. I only want to get the principle clear. You agree with that, that the senior man does not do junior work? — Yes, I ^{quite} agree with that.

Now, if we are in agreement on the principle of it, don't you think on calm reflection today the delegation of the spacing out of the men should have been made by you to the officers, and ^{you} should have concerned yourself with trying to do something to calm that crowd, get hold of the leaders, mediate with them, address them and what have you? — It depends Your Worship on how one looks at your responsibility and duty under specific circumstances.

Well, do you disagree with my suggestion as I have just put it to you? Do you say that it is correct for you to do what you did do then, i.e. looking back on it? — Yes, I think it was correct Sir.

You will not concede to me that perhaps it was an error of judgment on your part, to allow yourself to have been caught up in a detail rather than to have concerned yourself with the basic problem? — No, I can't agree with you there Sir, not under these specific circumstances.

You see Colonel, I have been putting this to you at some length, because in due course I shall make a submission to His Worship that these were rather serious errors of judgment on your part, and that they affect your ability

really/....

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really to have judged the demeanour of that crowd. Now, would you like to comment on that? --- I have no comment.

Colonel, we were told by the Station Commander, Sergeant Grebler, that there was no lock on the gate to the south, i.e. leading into Zwane Street, ^{and} there was no guard to that gate. --- Now, are you able to say why that was not done? --- No, I could not say. I don't know whether it was locked or not.

Are you able to say why you yourself did not check it? --- No, I cannot say; I did not know of the existence of the gate there.

In your evidence-in-chief you expressed the view that the firing only lasted ten seconds? --- Yes.

We had an expression of view from someone else - I think it was Sergeant Grebler - that it lasted twenty seconds? Is he wrong or are you wrong? --- No, it could not possibly have lasted twenty seconds.

Now, the crowd get away almost at once, in the sense that they turned and fled? --- Yes.

I am given to understand that a very large number of the wounded were wounded in the back? --- Yes, that is true.

Do you agree with that? --- Some of them were wounded yes. I don't know what proportion.

Now, is there anything that you can suggest as to why ^{if} these people were fleeing, the firing continued so that these fleeing people were actually wounded in the back? --- There are several factors that may have caused that. How far they are effective I don't know, but rifechets may cause wounds, the men may at the start have fired low or fired over their heads, and the crowd was milling and they could have been hit in the back that way. A number of them must have/....

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have been hit whilst they were in flight. That is unavoidable.

Could it be Colonel that up to the moment of the last unfortunate incident, the crowd on the whole were reasonably well-behaved crowd, but something just happened at that last minute to provoke them, and that is when the flare started?

--- No, I cannot say that YourWership. I must judge from what I saw, what I perceived. I cannot say that the remainder of that some of them were peacefully inclined or otherwise.

I observe from your evidence Colonel that you had these men facing the western side? You did not line up a group of men facing the southern side? Is that correct? --- Yes.

And I assume you did that because in fact there was no great danger to be expected from the southern side? --- Not so much as from the western side.

Which means that portions of that crowd were angrier than others? --- No, they were thinning out down the sides.

Well, they could have been thinner, but they could also have been less angry. Do you say that on the southern side they were just as angry, or less angry? --- I did not have sufficient men to line the whole of that section, right round there, and the men on the flanks were quite able, with the Saracens present there, to protect the flanks.

Is it not correct that there were in fact a Force of about 200 people in the Police Station grounds, of whom only seventy were deployed in line under your command? --- I don't know how many there were YourWership. When I came there I was told that there were about a hundred Europeans there, and my contingent that I brought was twenty-five, amongst whom was I think four or five native constables. I calculated that there must have been about 120 at the station

at/....

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at that time, and then we must not forget that the Saracen is manned by a number of I think six, plus the gunner and driver; it is eight I think, I can't be sure.

But surely Colonel in these circumstances a few of the men could have been deployed on the south? — No, the flanks were quite capable of deploying and.....

I am suggesting to you Colonel that the reason why you did not place the guard on the southern side is that in fact the crowd was not as dangerous as you have spoken to in your evidence? — No, that is not the reason.

Colonel, I take it that nobody was shot inside the station grounds at that gate where the crowd were rushing through? — I cannot be quite certain about that, whether there were not some of them who were lying inside there, speaking strictly.

You see, the evidence we have had from others is that nobody whatsoever, wounded or dead, was found beyond the boundary of the Police Station? — It is possible.

You don't dispute that? — No Sir.

CROSS-EXAMINED BY ACCUSED NO. 1: No questions.

COURT ADJOURNS.

COURT RESUMES:

GIDEON DANIEL PIENAAR, under his former oath, continues:

CROSS-EXAMINED BY ACCUSED NO. 3:

When you left the offices and proceeded to the Police Station, did a Saracen proceed in front of your car or did it come immediately behind your car? — Was that new from the municipal offices to the Police Station?

Yes? — The Saracen was in front.

At the stage when you entered the Police Station,
when/....

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when you tried to drive in at full speed, i.e. into the premises, how far was the Saracen at that stage from your car?

— No, I don't know where the Saracen was at all then.

At the stage when you instructed your driver to drive in at full speed, did you at that time still have in view the Saracen, and how far it was? — No, I could not see where the Saracen was. I was watching what was happening to myself.

Immediately you entered the premises you then formed the Police up in a line? — Quite.

From the time of your arrival until the time the firing took place you stated that that interval lasted for about twenty-five minutes, and during that interval did you not speak to anybody, i.e. to the people in fact, to the crowd?

— Yes, I spoke to many Constables in the offices.

At that stage did you not perhaps have it in mind that you should perhaps address the people who had gathered there at the Police Station? — To do what to the people?

To speak to them, to address them? — As I have explained to the Court there was no time to do that. I was busy all the time forming up these men, getting them into a proper position.

After you had formed up the men in a line, you said in your evidence-in-chief that you still had time to observe the crowd. I am now putting it to you that that was a convenient stage for you to have addressed the crowd at that stage, to have spoken to the crowd? — No, it was not a convenient time.

Did you perhaps receive a report that the people who had gathered there were waiting there for an official who was supposed to arrive there at 2 p.m. to address the crowd/....

1,005.

crowd that had gathered there, i.e. a high Police official?

--- No, I spread no such rumour and I knew of nobody that did spread such a rumour.

You have already made mention of stones being thrown inside the precincts of the Police Station. Can you say on how many occasions these stones were thrown? --- On two occasions.

During the first occasion when the stones were thrown, at that stage the Police did not fire. Were you then busy forming them up into a line? --- At which stage?

The first stage when the stones were being thrown, were you still busy forming them up into a line, or did the Police fire at that stage? --- Was it the first or the second stone throwing?

The first stone throwing? --- The first. No, the Police were practically formed up then.

Did they not fire then? --- No.

Now, I am sure you will agree with me when I suggest to you that when these stones were first thrown there, they did not in any way frighten the Police? --- It find it difficult to follow that question.

The question is will you agree with me when I say the first throwing of stones into the premises of the Police Station did not in any way frighten the Police? --- Yes, it did frighten me, and that is why I gave them the order to lead.

You have seen a photo before the Court where a Constable appears to be carrying a sjambek in his hand? --- I have seen that photograph.

I am now putting it to you that it may be that some of the Constables had their own fire-arms, which you did not see? --- Yes, that is not probably; they would not be

carrying/.....

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carrying extra arms.

BY THE COURT:

Does the accused mean that some of the Constables had private fire-arms?

BY THE INTERPRETER:

Yes, private fire-arms Your Worship.

BY THE WITNESS:

That is how I understand it Your Worship.

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

How can you say that is not probable because there it is on the photo there? You can see a Constable having an extra weapon with him. --- Yes, I don't know exactly what it is that the Constable is holding in his hand, but I can't imagine them burdening themselves with extra fire-arms when they are already sufficiently well armed, carrying - most of them - two fire-arms, i.e. a revolver and a rifle.

At the stage when you observed the crowd standing there, i.e. a dangerous crowd, I assume that you may have had some other imagination perhaps, as if you were dreaming that some things were already happening, and yet they were not happening at the stage when you observed the crowd? --- No, that is not so.

Were you the only Police Officer, who was a Lieutenant Colonel in other words, wearing the uniform which is being worn by the Lieutenant Colonels, or were there other Lieutenant Colonels there at that stage at the Police Station wearing the same uniform as you were wearing? --- Does he mean other officers of the same rank as I?

BY THE COURT:

The same rank and wearing uniform?

BY ACCUSED NO. 3:

Officers of the same rank as you and wearing the uniform/....

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uniform which is being worn by people of your rank? --- Not at Sharpeville, not at the time that I went in.

BY THE COURT:

Were you the only Police Colonel in uniform there that you know of at that time? --- At the time I was there up to the time of the shooting. There were of course C.I.D. officers.

Yes, we have got evidence that Colonel Spengler and Colonel Prinsloo were there? --- Yes.

In civilian clothes? --- Civilian yes. I was the ^{one} only in uniform there.

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

I have already suggested to you that the crowd was waiting there to be addressed by a high Police Official. I am now going to suggest to you further that should you then at that stage have come to the front and addressed the crowd, seeing that you were the only officer of your rank in uniform, the crowd would have perhaps been under the impression that you were the officer spoken of who was supposed to address them? --- I did not know of any officer that was supposed to come there and address them.

I have no further questions.

CROSS-EXAMINED BY ACCUSED NO. 4: No questions.

CROSS-EXAMINED BY ACCUSED NO. 8: No questions.

CROSS-EXAMINED BY ACCUSED NO. 38: No questions.

CROSS-EXAMINED BY ACCUSED NO. 39: No questions.

RE-EXAMINED BY THE PUBLIC PROSECUTOR:

Colonel, under cross-examination you mentioned that there were Native Constables stationed at the western gate. Do you recall saying that? --- Yes, I saw some there.

What were they there for? --- I take it that they were/....

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were there to keep the gate closed.

Now Colonel, I have a .303 rifle here. We won't use it, but is this the clip that is used containing five rounds? --- That is correct.

Now, the magazine is always in the rifle? --- It is always in the rifle yes.

And then to load the magazine is the clip inserted in the front there? --- Yes.

And then the rounds are depressed into the magazine? --- That is almost a correct military action you are describing now.

And then to load one still has to pull the bolt back and push one into the chamber? --- Yes.

Now, you mentioned that you saw one of the Constables or one man with a cut across his face? --- Yes.

Was that bleeding? --- He was bleeding but not very badly. It was a superficial cut.

Did you speak to that man? --- I asked him yes how he got hurt and he said it was a stone.

Do you know who it was Colonel? --- No, I could not say.

I take it you did not see this Constable carrying the sjambok? I mean the first time you became aware of him was on the exhibits, on the photographs? --- With the sjambok?

Yes? --- Yes, I never saw him with the sjambok.

Now, was there any reason why you did not consider a baton charge in stead of getting the men to line up with their rifles? --- Yes Your Worship, as I have tried to explain, there were many things that I could have attempted and that I had in mind a baton charge, a gas charge, warning these people, they should first have had to be warned, if the circumstances allowed of it, but when I arrived there we

were/....

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were immediately on the defensive, we had to attend to our defense now, and that left no time for these other preliminaries.

Now Colonel, you have already mentioned that you expected demonstrations at many places. Now, where did you expect on the Witwatersrand to have the greatest concentration of natives making a demonstration? --- I was expecting the worst demonstrations in the South-western native locations.

Is that in the Johannesburg area? --- Yes.

BY THE COURT:

Can you put it this way? Those are the very large locations in Johannesburg? --- That is what is known as the South-Western Native Townships Your Worship.

RE-EXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

And when you learnt that apparently there were demonstrations on a large scale at Sharpeville, what was your reaction to that news? --- Well, I was surprised. I was quite surprised. It was the last place that I expected it.

What was your attitude or the Police attitude in regard to persons who might come along in large numbers at any particular Police Station, and offer themselves for arrest saying "Well, we have not got any reference books or pass books"? Do you know what the Police policy was? --- Yes Your Worship. It was realised beforehand that if they did succeed in turning up in very large numbers, in hundreds and thousands, that particular Police Stations could not cope with the normal charging and that, and the instructions if I recollect properly, were that their names and addresses had to be taken and they had to be told to go on their way and await a summons, await further action.

Do you know whether that Police instruction was circularised to for example a station like Vereeniging? Whether that instruction or policy of the Police, do you know

if/....

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if that was circularized to all stations? --- Yes, Your Worship.
At least I am speaking for the Witwatersrand Division, in which
Vereeniging is located.

BY THE COURT:

It includes Vereeniging and Sharpeville? --- Yes,
Your Worship.

REEXAMINATION BY THE PUBLIC PROSECUTOR CONTINUED:

On your arrival at Sharpeville Police Station, did
you receive any reports as to whether there had been any
attempts by people to surrender, or were any reports of that
nature made to you by Police Officers? --- That the crowd
was there to surrender?

What I want to know is did you receive any reports
from any Police Officer perhaps to the effect that he had been
approached by members of the crowd, who wished to surrender
themselves? --- No, I received no such report.

BY THE COURT:

You touched on one little point which I would like
to clear up. The Police were aware that natives were going to
try to surrender themselves in large numbers at Police Stations
on Monday the 21st March? --- Yes, Your Worship.

Now, when did the Police become aware of the date
when they would surrender themselves? --- That I am not certain
about, but I think it was a day or perhaps two days; I think
it was only one day before this.

Either on the Sunday or on the Saturday, because
this all happened on a Monday? --- On a Monday. I think it
was on the Saturday Your Worship, but the date I don't know.

Now, speaking for your Division, i.e. the Witwaters-
rand Police Division, where in fact was the biggest gathering
of natives? --- Oh, here at Sharpeville and Vanderbijl.
Sharpeville of course the biggest.

At/....

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At Sharpeville and Vanderbijlpark, were there larger gatherings than anywhere else in the Witwatersrand Police area? — Yes, Your Worship.

And at that time how large an area did the Witwatersrand Police Division cover? — From Germiston to Krugersdorp and Vereeniging.

And Vanderbijlpark? — Yes, Your Worship.

Thank you very much Colonel, you may stand down.

WYNAND JAKOBUS WESSELS, beddig verklaar:

VERHOOR DEUR DIE PUBLIEKE AANKLAER:

Sersant, is u 'n Speurdersersant in diens van die Suid-Afrikaanse Polisie en verbonde aan die Veiligheidsstaf en gestasioneer te Vereeniging speurafdeling? — Dit is korrek.

Hoeveel jaar diens het u altesaam Sersant? — Ek het 21 jaar diens in die Suid-Afrikaanse Polisie.

En hoeveel jaar is u nou by die Veiligheidsstaf?

— Ek is sedert 1950 op die Veiligheidsstaf.

En hoe lank is u te Vereeniging as 'n Veiligheidsstaf lid? — Sedert Maart 1953.

Ek neem aan u pligte is om alle sake in die oog te hou wat miskien die veiligheid van die Staat sal raak?

— Dit is korrek.

Het u bewys geword van 'n politieke beweging te Sharpeville naturesluis, van die Pan Africanist Congress?

— Ja.

Wanneer het dit eers tot u aandag gekom dat hierdie beweging was besig in Sharpeville naturesluis? —

Dit/....

Dit was gedurende Augustus of September 1959.

En ek neem aan dat u inligting ingewin het wie die aansdraers was van die Pan Africanist Congresstak te Sharpeville? — Ek het,

9 Nou as gevolg van die inligting wat u ingewin het het u enige stappe self geneem om te bevestig dat hierdie persone wel daardie aansdraers was? — Ja, ek het.

Hee het u dit gedoen? — Ek het die aansdraers persoonlik gespreek.

Op die tydstip wat u met hulle gesels het, het u enige aanklag beoog teen hulle? — Nee.

En was hulle bewus dat u is 'n lid van die Spurdienst toe u met hulle gepraat het? — Ja, hulle was.

Met wie het u gepraat? — Ek het met hulle Ondervoersitter, hulle Sekretaris, hulle Tesourier, en een van die Komiteelids gepraat.

En wat het u hulle gevra? — Ek het aan hulle gevra of hulle sekere posisies beklee in die Pan Africanist Congress.

En wat het hulle geantwoord vir een? — Een vir een het erken. Thomas More het aan my erken dat hy die Vice-Voorsitter is. Michael Tsolo het erken aan my dat hy die Sekretaris is. David Ramodibe het aan my erken dat hy die Tesourier is, en Emmanuel Teketsi het erken dat hy 'n Komiteelid is.

Was daar net die een tak in Sharpeville van die P.A.C.? — Dit is al tak wat aan my bekend was.

Nou, wat van die Voorsitter? Was daar 'n Voorsitter? — Daar was 'n Voorsitter met die naam van Job Tsolo.

Het u met hom gepraat? — Ek het hom geken voor dit.

Maar/....

Maar het u 'n soortgelyke erkenning van hom verkry?

--- Nee.

Nou Sersant, sal u in staat wees om die lede uit te wys as hulle vandag teenwoordig is, die Thomas More, Michael Tsole, Ramodibe en Emmanuel Teketsi? --- Vir Thomas More en Michael Tsole het ek geken. Die ander twee het ek net op een.....

DEUR DIE HOF:

Wag net so 'n bietjie. Thomas More en Michael Tsole het jy ook alreeds geken? --- Ja.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Kan u daardie twee uitwys? --- Ja Edelaagbare. (Getuie wys beskuldiges mrs. 3 en 4 uit).

Mrs. 3 en 4 is toe uitgewys? --- Ja.

En die ander twee lede, Ramodibe en Emmanuel Teketsi? --- Ek sal hulle; nie meer vandag onthou nie.

Wanneer het u die nense gesprek, die vier persone? --- Dit was gedurende die end van 1959 en die begin van Januarie 1960.

En die begin van hierdie jaar, het u enige dokumente ontvang van mr. Labuschagne? --- Ja, ek het.

En wat het u met daardie dokumente gemaak Sersant? --- Ek het die dokumente in bewaring gehou.

En het enige persoon onlangs die dokumente by u kon haal? --- Kaptein van der Bergh het dit by my kon haal.

Het u al die dokumente deurgegaan? --- Ja.

Ek wil u net bewysstukke 15 tot 35 toon. Herken u hulle Sersant? --- Ja.

Is dit die dokumente wat u van mr. Labuschagne ontvang het? --- Dit is.

Nou, na Desember 1959, d.w.s. in die begin van Januarie hierdie jaar of omtrent daardie tyd, het u in besit geken/.....

gekon van enige pamflette of biljette van die P.A.C.? — Ja, ek het.

Nou, ek wil u vier pamflette teen, en drie is nuwe bewysstukke. Die eerste een is bewysstuk 47: "The dawn has come". Die tweede een is bewysstuk 48: "Alerting the nation". Die derde een is bewysstuk 49: "Passes must go". Dan wil ek u aandag ook vestig op een, bewysstuk 5: "Calling the nation". Het u soortgelyke pamflette in u besit gekry? — Ja.

Nou, kan u sê wat was die eerste een wat in u besit gekom het? — Die eerste een was "The dawn has come, the great awakening has started".

Watter bewysstuk is dit? — Bewysstuk nr. 47.

Wanneer het u dit in die hande gekry? — Dit was gedurende die end van Februarie 1960.

En dit wil voorkom asof dit deur die Pan Africanist Congress uitgereik is? — Ja.

En wat is die volgende een wat u in die hande gekry het? — Die volgende een was "Alerting the Nation", bewysstuk nr. 48.

En wanneer het u dit ontvang? — Gedurende die begin van Maart 1960.

En die volgende een? — Die volgende een was "Passes must go now", bewysstuk nr. 49. Dit het ook gedurende die begin van Maart 1960 in my besit gekom.

En was daar enige ander pamflet? — Die laaste een "Calling the nation", bewysstuk nr. 5, het gedurende die 18de of 19de, die nag, van Maart 1960, onder my saming gekom.

Volgens die inligting tot u beskikking vanwaar het hierdie gekom Sersant? Waar was hulle versprei? — Die pamflette was.....

DEUR DIE HOF: Mr. die Aanklaer, nee, ek is nie bereid om toe/.....

gekou van enige pamflette of biljette van die P.A.C.? — Ja, ek het.

Nou, ek wil u vier pamflette toon, en drie is nuwe bewysstukke. Die eerste een is bewysstuk 47: "The dawn has come". Die tweede een is bewysstuk 48: "Alerting the nation". Die derde een is bewysstuk 49: "Passes must go". Dan wil ek u aandag ook vestig op een, bewysstuk 5: "Calling the nation". Het u soortgelyke pamflette in u besit gekry? — Ja.

Nou, kan u sê wat was die eerste een wat in u besit gekom het? — Die eerste een was "The dawn has come, the great awakening has started".

Watter bewysstuk is dit? — Bewysstuk nr. 47.

Wanneer het u dit in die hande gekry? — Dit was gedurende die end van Februarie 1960.

En dit wil voorkom asof dit deur die Pan Africanist Congress uitgereik is? — Ja.

En wat is die volgende een wat u in die hande gekry het? — Die volgende een was "Alerting the Nation", bewysstuk nr. 48.

En wanneer het u dit ontvang? — Gedurende die begin van Maart 1960.

En die volgende een? — Die volgende een was "Passes must go now", bewysstuk nr. 49. Dit het ook gedurende die begin van Maart 1960 in my besit gekom.

En was daar enige ander pamflet? — Die laaste een "Calling the nation", bewysstuk nr. 5, het gedurende die 18de of 19de, die nag, van Maart 1960, onder my aandag gekom.

Volgens die inligting tot u beskikking vanwaar het hierdie gekom Servant? Waar was hulle versprei? — Die pamflette was.....

DEUR DIE HOF: Mr. die Aanklaer, nee, ek is nie bereid om toe/....

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te laat dat hy vir my sê waar hulle versprei is nie. Hy
vir my sê waar hy hulle gekry het as hy wil.

VOOR DIE PUBLIEKE AANKLAER:

Ek sal daardie vraag terugtrek Edlagbare.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Het u ontvangs van hulle gekry hier in Sharpeville
die kantore? --- Ja.

En almal gee voor dat hulle uitgereik is deur die
Africanist Congress? --- Ja.

En is ek reg Sersant dat al vier die pamflette
aandel oor die Paswette? --- Dit is korrek.

Nou, was bewysstuk nr. 5 die eerste inligting
dat u ontvang het wat die datum van die protes bepaal het?
--- Ja.

En dit het u ontvang die aand van die 18de of
van die 19de Maart? --- Ja.

Nou, op die aand van die 18de Maart hierdie jaar
was u self in Sharpeville; naturelledorp? --- Ja, ek was.

En waarheen het u gegaan? --- Ek het na die
Polisiestacie gegaan.

En was enigiets aan u getoon daar? --- Daar was
verakeurde of andersins vernietig, gebrand, bewysboekies
wat aan Bantoes uitgereik word aan my getoon.

Nou, sal u kyk na bewysstukke nrs. 3 en 4? Hoe
vergelyk dit met die bewysstukke wat u by die Polisiestacie
gesien het? --- Ja, dit is van die vernietigde dokumente wat
ek daar opgemerk het die aand.

En was dit alles aan u oorhandig? --- Ja.

Ek neem aan met die bedoeling dat u sal hulle
probeer aanneembaar lgs? --- Ja.

En kon u enige een se identiteit vasstel? ---
Een, bewysstuk nr. 3, kon 'n mens vasstel is uitgemaak in die
maand/....

naam van Leppe.

Het u net Leppe daar, of het u ook enige ander besonderhede? --- Hier is ook 'n nommer hierop, wat wys dat dit sy identiteitsnommer is, nl. 284090.

Het u miskien daardie identiteitsnommer gaan opsoek by enige plek Sersant? --- Dit is aan my verstrekk deur die Departement van Bantoesake en Ontwikkeling.

Te Vereeniging of waar? --- Te Vereenigingjê.

En sover as bewysstuk 4 aantref, u kon nie enige identiteit vasstel of geneegsame besonderhede om die identiteit op te soek nie? --- Nee.

Nou, ek neem aan dat as gevolg van hierdie vier pamflette wat u in u besit gehad het, en as gevolg van die inligting wat u ingewin het op die 18de van Maart, die aand, in verband met die verbrande en die vernietigde boeke, het u moeilikheid verwag? --- Ek het.

Wat het u verwag sou gebeur? --- Ek het verwag dat die Bantoes sou op die dag daarna, of die 21ste, of moontlik na die 21ste, na verskillende Polisiestasijs gaan en hulself oorhandig.

Wat sê bewysstuk 5 in verband met enige Polisie-stasie? --- Die pamflet "This is the call the African people have been waiting for. It has come. On Monday the 21st March, 1960, we launch our positive, decisive campaign against the Pass Laws in this country. (A) Our demands: (1) We demand that the Pass Laws be totally abolished. (2) We demand a minimum wage established by Government Legislation of £35 per month, or £8.3.4. per week, which must be paid throughout the country. (3) We demand a guarantee that the leaders will not be victimised, either by the Local Authorities or by the Government, as a result of the African people's positive action. (4) We demand a guarantee that no worker shall/....

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shall be dismissed as a result of this campaign. (b) These are my orders, and if we must win, these orders must be faithfully obeyed. In every city, town and village the men must leave their passes at home on Monday the 21st March, 1960. (c) Under the local leadership of the Pan Africanist Congress the men will move to the chosen Police Stations and there surrender themselves. The leader will tell the Police: "We all do not have passes. We will not carry passes again. Millions of our people are arrested under the Pass Laws, so you had better arrest us all now." (d) If you are stopped by the Police on the way and they demand passes surrender there and then for arrest. If one man is arrested for not having a pass, you all stop there and then tell the Police you do not have passes either. Demand that they arrest you all. (e) All men will go to gaol under the slogan "No bail, no defence, no fine!" The women will be assigned their historic role, but in the first phase of the struggle they must make sure that all men go to gaol. (f) Duration of campaign. Nobody will call this campaign off except the National President of the Pan Africanist Congress, who will do so at the meetings of the people. Do not allow any newspapers, circular letter or Government Official to mislead you. So long as the campaign is on nobody will go to work. Let us stick together, the people and their leaders. It is now time for service, sacrifice and suffering. That is the spirit in which we go into action. Freedom from Pass Laws, slave wages, etc., etc., now! God save Africa and her peoples. Issued by the National President of the Pan Africanist Congress, Mangaliso R. Sebukwe".

Nou, hoeveel Polisiestasies is daar in die Vereeniging gebied, die stad van Vereeniging? Dit sluit nou in die Sharpeville natuurlike dorp. --- Daar is ses Polisiestasies

Is/....

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Is dit nou die hele distrik van Vereeniging? ---

Die hele distrik.

En waar is die naaste Polisiestasie in verband met die grootste konsentrasie van Bantoes? --- Ek reken Sharpeville.

Nou, waar het u verwag of by watter Polisiestasie het u verwag dat die skare of enige persone wat wil gaan oorgee, hulself sal aanmeld? --- Ek het verwag die Evaton Polisiestasie eerste.

En ek verstaan dat alles was toe rustig in Sharpeville op die 19de Maart? --- Dit was.

En dan weer op die aand van die 20ste Maart was daar moeilikheid? --- Dit is so.

Het u rondgegaan met enige van die verskillende Polisie-eenhede wat in Sharpeville natureselldorp rondbeweeg het? --- Nee.

En op die oggend van die 21ste Maart, hoe laat het u opgestaan en u pligte begin uitvoer? --- Ek was reeds die nag, die hele nag, al uit gewees, maar ek het ongeveer sesuur, of 5.30 of sesuur v.m., weer in Sharpeville gekom.

By die Polisiestasie self of waar? --- Nee, ek was by ander plekke gewees.

En het u enige tekens van onrus gesien Sersant? --- Om 6.30 die oggend van die 21ste naby die munisipale kantore van Sharpeville het ek ongeveer 5,000 Bantoes, vrouens en kinders in 'n optog opgemerk.

Nou, toe u hulle sien was hulle in beweging of het hulle stilgestaan? --- Hulle was in beweging.

En in watter rigting het hulle beweeg? --- Hulle het in die rigting van Vereeniging beweeg, weg van Sharpeville af.

En die mans wat u gesien het, het hulle enige wapens/....

wapens by hulle gedra of nie? — Nee, ek het nie wapens gesien nie.

En was daar enige gekree of gesingery? — Ja, daar was gekree.

Kon u hoor wat gekree is? — Ek het gehoor dat hulle skree "Iswe Lethu!" en "Afrika!"

Wat beteken dit? — "Iswe Lethu" beteken "Ons land!"

Het dit enige spesiale betekenis onder hierdie omstandighede wanneer mense "Iswe Lethu!" of "Afrika!" skree of uiter? — Al wat ek weet is dat "Iswe Lethu" is 'n slagspreek van die Pan Africanist Congress.

En het u opgelet of daar enige persone was wat voorgekom het as leiers? — Ja, op een stadium op die voerpunt, wat bestaan het uit Bantoevreuens en kinders, het een Bantoeperseen met sy rug na die Polisie gestaan en aan die Bantoe-opteg gebare gemaak, wat vir my voorgekom het asof hy die mense roep en aan te kom.

Nou, ek wil net 'n bietjie afwyk vir 'n oomblikkie Sersant. U het gesê daar was Bantoevreuens en kinders voor? — Ja.

Was dit snaaks of het u dit verwag? — Ek het dit vantevoren met optegte in verband met paste opgemerk, dat Bantoevreuens aan die optegte deelneem. Ek mag nêrê Melagbare dit was as protes teen bewysboekies wat uitgereik sou word aan Bantoevreuens.

Dit is nie verpligtend vir Bantoevreuens en bewysboekies te dra nie? — Nee!

En wat was hulle houding, die Bantoevreuens en die kinders voor? — Hulle het gekree en gesing, geraas, baie van hulle met hahas op hulle rans.

As daar enige moeilikheid met die Polisie gekom het/....

het wie sou die eerste gewees het wat seergekry het? ---
Dit sou die vrouens en kinders gewees het.

Het dit vir u gelyk of dit maar net per teeval
was dat die vrouens daar aan die voerpunt was, of nie? ---
Nee, van ver af kon 'n mens sien daar is Bantsevrouens en
kinders voor aan die opteg.

Net om terug te kom na die leier. Hoe ver was
u van hom af Sersant? --- Ongeveer 5 tree van hom af.

En ken u heer wat hy gesê het of nie? --- Ja, hy
het geskree "Iswe Lethu! Afrika!" en hy het gebare met sy
hand gemaak, en hy het hom ongedraai en hom na my gewend,
waarep hy gesê het "I am the leader! Why don't you arrest
me? We are fighting!" Daar was meer gesê maar ek ken nie
alles heer nie want daar was 'n hewig lawaai.

Was dit belêfd aan u gesê? --- Nee, dit was baie
onbelêfd gewees.

Wat was sy hake houding teenoor u toe hy die
sinnetjie vir u gesê het? --- Sy houding was aggressief
Edelagbare.

DEUR DIE HOF:

Herhaal dit asseblief? --- Hy was aggressief.
Dit was duidelik.

Aggressief? --- Ja Edelagbare. Dit was vir my
duidelik dat hy hom voerde as 'n leier, en dat hy die massa
agter hom het.

VERHOOR DEUR DIE PUBLIEKE AANKLAAR VERVOLG:

En wat het van hierdie Bantse geword? --- Ek het
die Bantse weggehoor. Ek het hom aan sy arm geneem en hom
weggelei.

Het u opgelet of hy enige kaartjies aan hom gehad
het? --- Ja, aan die lapel van sy baadjie het hy twee
kaartjies gehad.

Sal/....

9 Sal u die Bantee kan uitwys Sersant? --- Ja, ek sal hom kan uitwys.

Is hy vandag hier? --- (Getuie stap oer na die beskuldigdebank).

DEUR DIE HOF:

Wag 'n bietjie. Kyk nou na hulle en kom na die mikrofeen toe asseblief. Jy praat nou van twee persone. Sever het jy nou nog net van een perseen gepraat. Wie was dit? --- Ja, dit was beskuldigde nr. 1 Edelagbare.

VERHOOR VERVOLG:

Nou, hy was die man wat vir u geskree het en gesê het "I am the leader. We are fighting"? --- Dit is so.

Sal u net na bewysstuk

BY THE COURT:

Mr. Prosecutor, the witness was talking about somebody else now. Why not clear that up? The evidence will not be easy to follow.

DEUR DIE PUBLIEKE AANKLAER:

Edelagbare, hy het gesê dit was beskuldigde nr. 1 wat hy arresteer het, en wie geskree het "I am die leader". Dit is wat ek aan hom gestel het.

DEUR DIE HOF:

Mnr. die Aanklaer, daar by die bank het hy van twee persone gepraat toe hy nie by die mikrofeen was nie. Klaar dit net op asseblief.

VERHOOR VERVOLG:

Sersant, terwyl u daar was wat het u gesê? Ek het nie heel gevolg nie? --- Edelagbare, ek het gesê ek het daardie oggend twee persone kerk na mekaar gekry.

En wie was die tweede perseen? --- Die tweede een was beskuldigde nr. 2.

Deur/....

DEUR DIE HOF:

U het twee persone kort na mekaar gearrester of wat? — Ek het hulle weggehoor daar.

Weggehoor? — Ja.

En die ander een is beskuldige nr. 2? — Ja.

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Neu, was beskuldige nr. 2 by dieselfde greep as beskuldige nr. 1 of by 'n ander greep? — Wel, hy was aan die voerpunt van die opteg gewees, maar nie by beskuldige nr. 1 nie.

Het nr. 2 enige goed aan sy handjies gehad?

— Ja, hy het twee kaartjies aan sy lapel gehad.

En beskuldige nr. 2, ken u vasstel watter posisie hy beklee het teenoor die skare? — Presies dieselfde as die eerste beskuldige.

Veel u nr. 2 beskuldige weggelei het was daar enige gesprek wat u met hom geveer het of hy met u? — Nr. 2 beskuldige het aan my gesê: "What the hell are you doing here? Ek dra nie 'n denderse pas nie!"

So ek neem aan die eerste een wat u weggehoor het was beskuldige nr. 1? — Ja.

En wat het u met hom gemaak? — Ek het hom na 'n Polisievangwa in die nabyliggende geneem.

Het u hom dadelik daar en dan visenteer of nie? — Ek het. In die vangwa natuurlik.

In die vangwa. Neu, sal u kyk na bewysstukke 38 en 39? — Ja.

Ek het nog 'n bewysstuk vir u, 'n nuwe een, en na te kyk Sersant. Dit is bewysstuk nr. 50. "Pan Africanist Congress Membership Card", uitgereik blykbaar in die naam van Melife Mnyake. — Ja.

Neu/.....

Nou, waarvandaan kom bewysstukke 38 en 39? ---
Dit was aan die lapel van die eerste beskuldigde se bandjie.

Van nr. 1 beskuldigde? --- Ja.

En die bewysstuk 50? --- Bewysstuk 50 het ek in
besit gekry van die tweede beskuldigde.

Nou kyk, ons is nou besig met beskuldigde nr. 1,
Johannes Manyake. Hy was die eerste een wat u weggeneem
het? --- Ja.

Nou waarvandaan kom bewysstuk nr. 50? --- Bewysstuk
nr. 50 kom van Manyake af.

Manyake? --- Nr. 1 beskuldigde.

Nr. 1 beskuldigde? --- Ja.

Nadat u nr. 1 beskuldigde in die vangwa visenteer
het en die dokumente by hom gekry het, het u teruggegaan en
te beskuldigde nr. 2 teruggebring? --- Ek het. Beskuldigde
nr. 2 was deur Sa Bantoeckenstabel na die vangwa gebring.

Ek wil u nou twee bewysstukke toon, bewysstuk
51, d.i. 'n etiket gemerk "Africa for Africans! P.A.C.",
en bewysstuk 53 is 'n etiket "Passes must go! P.A.C."

DEUR DIE HOF:

Bewysstuk 51 en?

DEUR DIE PUBLIEKE AANKLAER:

Edeleagbare, ek is janner, dit is 51 en 52.

DEUR DIE HOF:

Bewysstuk 51 is "Africa for Africans!" en
bewysstuk 52 "Passes must go!"

VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Vanwaar kom daardie twee bewysstukke? --- Dit was
aan die tweede beskuldigde, d.i. beskuldigde nr. 2, gevind
aan die lapel van sy bandjie.

Het u hom ook visenteer? --- Ja.

Sien/....

Sien u bewysstuk 53? Dit is 'n boek en daar is 'n naam binnekant T.L. Intuhampe? — Ja.

En bewysstuk 54, deel van 'n bewysboek? — Ja.

HUR DIE HOF:

Dit is deel van 'n bewysboek, met party stukkie van die papier los en geskeur? — Dit is reg Melagbare.

VERHOOR VERVOLG:

Bewysstuk 55 bestaan uit 5 dokumente en 5 geadresseerde keevertes. Die eerste dokument is blykbaar 'n skrif van die onsenbrief "The dawn has come". Dan is daar twee privaat briewe in verband met "A course in Hypnotism". Dan is daar blykbaar 'n brief geadresseer aan "Dear Love". Dan is daar 'n P.P.R., 'n prisonierskwitansie, en twee keevertes. Waarvandaan kom bewysstukke 53, 54 en 55? — Dit is van beskuldigde nr. 2.

Was die bewysboek.....? U sê al die bewysstukke is van beskuldigde nr. 2 Sersant? — Ja.

En was bewysstuk nr. 54, d.w.s. die bewysboekie, in die toestand wat dit vandag is? — Ja.

Het u enige verdere gesprek met beskuldigde nr. 2 Sersant voer nadat u hom visenteer het? — Ja, ek het aan hom gesê dat hy is bly om hom te ontmoet.

Hoekom het u daardie aanmerking gemaak? — Ek het hom gevra om te antwoord op die antwoorde baie van hom gehoor en ander aangeleenthede onderhandel met hom.

Ek sien. Is dit die enigste gesprek wat met hom gehad is? — Dit is al.

En daarna waarheen het u gegaan? — Ek het na die kantoor gegaan in die distrik gegaan.

HUR DIE HOF:

Dit is weg van Sharpeville af? — Weg van Sharpeville af Melagbare.

Verhoor/....

VERHOOR VERVOLG:

En het u toe later daardie dag weer na Sharpeville teruggekeer in die geselskap van Kolonels Spengler en Prinsloo? — Dit is korrek.

Nou, hoeveel karre was toe saam met u toe u teruggeken het? — Daar was twee karre en 'n Saracen.

Was Kolonels Prinsloo en Spengler in die een motorkar of in aparte karre? — Ek vermoed hulle was in een kar gewees.

Was u te in dieselfde kar as hulle of in 'n ander moter? — Nee, ek was in 'n ander moter.

En voordat u Sharpeville natuurelledorp bereik het, was Sersant Muller saam met die Polisie-offisiere wat saam met u gekom het? — Ja.

In watter motorkar was hy in? — Muller was in die kar by my gewees.

Nou, wie het daardie kar bestuur? — Ek het die kar bestuur.

En toe u Sharpeville natuurelledorp nader, aan watter kant het julle ingekom? By die groot hek? — Ons het by die suidekant ingekom in die lokasie.

Is dit by die erf-een diensakema afdeling? — Naby ja.

En toe u Sharpeville Polisieestasie nader van watter rigting af het julle gekom? — Ons het voor diesuidekant van die Polisieestasie, wat die voorkant van die Polisieestasie is, verbygegaan.

Ek wil nou net eers vasstel. Het u op met Zwanestraat gery? — Ja.

Dit wil ek van oes na wes met Zwanestraat? — Van oes na wes ja.

Nou, was daar te enige tyd 'n omruiling van bestuurders/....

bestuurders van die motorkarre? --- Ja, ek en Muller het
ongeruil langs die pad.

Voordat julle by of wat was die doel daarvan?

--- Dit was maar net dat ek vir hom kon verduidelik waar ons
kan gaan, en indien ek moes afklim en na een van die karre
agter gaan; ek het nie gewoet hoeveel voertuie agter ons is
nie.

En terwyl Sersant Muller bestuur het, waar het
a gesit, langs hom? --- Langs hom.

En Kaptein Willers, was hy in dieselfde motorkar?

--- Kaptein Willers was in dieselfde kar.

So was daar net u, die bestuurder Sersant Muller,

en Kaptein Willers in die kar? --- Dit is korrek, in die een
motorkar.

En het julle voor gery of was daar ander voertuie

voor? --- Nee, ons het voor gery.

En toe die twee Kolonelle agter? --- Dit is korrek.

En ek neem aan die Saracen het hulle gevolg? ---

Hoe laat het julle by die Sharpeville Polisieostasie
gekom? --- Om 1. n.m. op die 21ste Maart, 1960.

Was daar enige Bantoes by Sharpeville Polisieostasie

toe u daar gekom het? --- Ja, daar was duisende.

In watter strate was hulle? --- In die straat

aan die suidekant van die Polisieostasie en aan die westekant
waar ons by die Polisieostasie perseel ingegaan het.

Ek wil u net bewysstuk 13 Geen Sersant. Dit sal

u miskien help om uself in die Hof te oriënteer. Nee julle
sal aan die suidekant van die Polisieostasie in Zwanestraat opry
voordat julle regs gedraai het om by die perseel in te gaan?

--- Ja.

En toe u daar gekom het het u opgemerk of daar
enige/....

enige Polisie-eenheid was aan die suid-oostelike kant van die Polisiestasie? --- Nee, jy kon nie. In 'n sittende posisie in die kar kon 'n mens dit nie opmerk nie.

Kan u daardie dwarsstraatjie sien net aan die oostekant van die Polisiestasie waar dit aansluit met Zwanestraat? In bewysstuk nr. 13 kan u die oostelike heining sien Sersant?

DEUR DIE HOF:

Op bewysstuk 13 kan jy nie die oostelike heining sien nie.

VERHOOR DEUR DIE PUBLIEKE AANKLAAR VERVOLG:

Ek wil u dan verwys na nog 'n bewysstuk, d.i. nr. 56. Dit is 'n lugfoto van Sharpeville Polisiestasie, maar daar is geen skare om die Polisiestasie nie? --- Nee.

Nou, sien u die oostelike heining van die Polisiestasie? Daar is net so 'n straatjie wat daar met 'n T-aansluiting aansluit met Zwanestraat? --- Ja, ek sien dit.

Mees u verby daardie straatjie ry? --- Ja, ons moes by daardie straatjie verbyry.

Nou, het u opgelet of daar enige Polisie-eenheid of lede van die Polisie was wat 'n posisie ingesien het min of meer daar? --- Nee, ek het niks opgemerk nie.

Daar was nie of het jy nie opgelet nie? --- Ek het niks opgemerk nie.

En wat is u skatting van die skare in daardie omgewing van die Polisiestasie? --- Aan die westelike en oostelike kant gesamentlik ongeveer tussen 18,000 en 20,000.

Was Zwanestraat oop? Was daar plek om te ry? --- Dit was baie moeilik.

Hee het julle deurgekom? --- Die Saracens het gebruik gemaak van 'n fluit.

Het hulle voor die karre beweeg? --- Hulle het voor

die/....

die karre beweeg nie.

Het hulle sirenas geblaas? --- Dit was 'n sirena
gewees.

En watter effek het dit gehad op die skare? ---
Hulle het padgegee. Anders het oer die straat gehardloop
en 'n mens moes met 'n speed van ten hoogste vyf myl per uur
ry, baie stadig.

Het u opgelet wat was die houding van die skare
terwyl u in die geterveertuig aan die suidekant van Zwanestraat
beweeg het? --- Hulle het geskree, geweldig geskree.

Kon u enige spesifieke aanmerkings geheer het?
--- Ek kon hoor hulle skree "Iswe Lethu! Afrika!" Dit was
nog buite die Polisie-stasie.

Maar kon u enige ander opmerkings geheer het,
behalwe die "Iswe Lethu" ene? --- Toe ons by die Polisie-stasie
inry het ek geheer hulle skree "Cate Maner!"

Weet u van Cate Maner, waar dit is? --- Ja.

Het u die keurante gelees in verband met Cate Maner?

--- Ja.

Nou, nadat u voertuig regs gedraai het om daardie
onbekende straat aan die westekant van Seeise Straat op te
gaan voordat julle by die westelike hek indraai, was daar
enige insident tussen die skare of 'n lid van die skare en
die bestuurder van u motor, d.w.s. Sersant Muller, wat u
gesien het? --- Melagbare, daar was 'n gestamp en 'n gestoot
aan die kar.

Het u opgelet wat die posisie was van Speurder-
sersant Muller se venster, of dit oop of toe was? --- Nee, ek
het nie opgelet nie.

9 Het hy te enige tyd enige aanmerkings gemaak wat
missien u aandag getrek het? --- Nee.

En/....

