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VERSEYNINGS SOOS VOORHEEN.

GIDEON DANIEL PIENAAR D.V.: EXAMINED BY P.P.:

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

And have you subsequently left the Pelice Force, Colonel? -- I am new 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 36% years service.

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

Fanagale. And during your period of service with the S.A. Pelice, 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 Sath-western native locations, at Sephiatewn, at the Magistrates Court, Johannesburg.

And on those occasions, were they all large crowds of natives who gathered and required to be dispersed?

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

And he informed you of what was taking place

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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 get a message from Major van Zyl. I don't knew whether I put the call through, or he did.

And after you received this information from Major van Zyl, what was the mext move that transpired? --- I them gathered that reinforcements were necessary, and as far as I can remember I instructed two stations, Orlando, MOrekka, and prebably Beeysens also, to send reinfercements to van der Bijl Park and Verceniging.

And later on in the merning, at appreximately 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 noto

Did you leave in a radio pelice car, or was it your private pelice car? --- No, it was an ordinary pelice 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 eer 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 mement, 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

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myself, and I them left for Vereeniging - Sharpeville.

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

Direct to Sharpeville. New Colonel, I would like to erientate you, and to do that I must show you Exhibit 2 which is a photostatic copy of the serial photograph of Sharpeville. New, 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. New, on your extreme right hand side, that is the Eastern side, there is the main entrance to the location, or to the matige township. It is marked "kantore" — can you see that - top right hand corner?——I do, yes.

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

### BY COURTS

You came in past the Municipal effices?--Past the Superintendent's effices.

Municipal effices.

# P.P.

Can you recall what time it was when you arrived at the Municipal effices? — 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 Holmes and Major van Zyl.

And from the Municipal effices you have a view/

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M of the bootsteen bles would like to enter you Exhibit 2 which photograph of Shar at the tep of the have the West, on of course, just op

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na - de de Jacobs Municipal offices?-Major van 2yl.

paa . That . The Control of all break by view right up the main street of Sharpeville mative township, known as Seeiso Street?---Yes.

Were there any natives in sight of Secise Street when you arrived?--- I beg your parden? Were there any natives in sight up Seeise Street?---There were - that street was alive with natives.

New, when you may that street was alive, could you give the Court some idea of what estimate you made of the erowd? --- 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 from 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 se. 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?--- Them I decided to leave for Sharpeville Pelice Station.

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

And did the Saracen preceed shead of you?-The Saracen was shead of me.

And did you go along Seedse Street?-Yes. And I take it that you were in full police

uniform?--- I was,

And do police officers above the rank of Lieutement Colonel have any distinctive uniform, any distinetive flashes er .. ? -- They have.

What do they have? --- A blue band around the/

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Street?-There were - t

could you give the Geurrade of the crewd? ---I
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Lieutemant Celenel h tinetive flashes er. the cap and the gerget 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 COURTS

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 Seeise Street?--With a contingent that I had brought from van der Bijl Park,
Lieut. Classens and about 25 men in a truck.

And did that truck drive behind your car?---

And was it still just you and your driver in your ear?---Yes.

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

Le that where it is marked "winkele"?---

This Bas Spep.... BY COURT:

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

P.P./

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BY COURT.

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BY COURT:

Yes

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'Pelisiestasie', hie street that passes t

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.

New 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.

New where was the greatest concentration of the crewd of natives?—The greatest concentration was up against the Western gence of the Police Station.

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

Ics...?--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 erowd, did you notice whether there were any weapons being held by...?--
Tos, as I approached the Police Station, about 300 yards,

I should say - 300 yards before I entered the gate, I saw
a smallish ear in the middle of the read, stationary, being bounced and pulled about.

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

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

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whothers. .?--- We, I

around the ear.

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

Could you see whether there were any persons in the ear?--- No, I could note

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 ear 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 erientate the Court with the position of the ear 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 straightons out towards the Police Station.

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

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

And were you able to do anything to see
what was happening to the ear 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 ear?—This ear was/ around the ear.

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No. I could not, no. I b inside that Pelice Stati

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

And did the Saracen shead of you push, or forge a way through the eroud to get to the gate?---Fron that mement I became detached from the Saracon.

Was it no longer in front of you?---Well,

it was in front of me memowhere.

And was there any members of this crowd be tween your ear and the Saracen? .-- There was, yes, se from that mement I practically had to make my own way into the Pelice Station.

And how did the erowd react to your vehicle going through ... ?---Well, from the moment I passed this recking ear, I was practically in the midst of the meb and I saw them prancing about, waving sticks in the air, and giving - helding the first 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 crewd, 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 ear with sticks.

And did you gave the driver May instructions?--- I gave the driver instructions that he should speed the ear through the remaining portion of the mob. Why was that Golonel? Why did you tell him

speed up?-Because I thought I may be cut off. They were striking my our with sticks and things were becoming a bit het, and the driver then - the ear jumped forward and they were flung aside - nebedy was injured, they were flung saide by the amaguards. Some of them did jump aside, and

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to speed up?--Been were striking my ed a wit het, and the they were flung ast eatle by the audguer

then we landed inside the police yard.

Now, if your ear had been forced to a stop by the mob, for example, and they'd been able to gain excess to the ecoupants inside the ear, 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 alaght, 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 ear shot forward it had the desired effect, and you were able to get into the Police Station yard?---Yes.

New, up to that stage, what was the meed of the mee 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 COURTS

That 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

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Anywey desired effect, and your Station yard?---Yes.

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And when yo

Station, did you get out an

out of the ear and I met Capt. Theren. I asked him whether he was in charge for the moment and he told me, yese

And after this, did you have a discussion with him about the situation?---Yeso

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

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

Now, there was fixing there that days What —

I want to find out is, when the fixing broke out, by the

police, had the men already formed up or note—They had.

They had formed upo

Now, after the men had fermed up, what was the next order that you gave? -- Once I was ferming up the men - busy ferming them up, it took some time to do it, with this terrific dia, getting them to understand, I saw Col. Spengler and Sgt. Maller at the gate, and they had held of a native - I don't know whether it was a prisoner or notoce

They had held of the They had held of a native, and they were flung back into the yard, helding on to the native, and others outside, from the mob, helding on to the native, but they succeeded in getting free. At the

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

Where did they come from?—That came from the meb - from the erowd 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 themen 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 than to lead, in view of the meed of the erowd?—Well, that is the next order, if eizeumstances justified it, that would be the next order, to fire.

arrived at the Police Station, until the time that you gave them the order to load, was there any improvement in the most of the orond regarding in abstement of the heatile side that you've already testified?—There was no improvement, on the contrary, the position deteriorated.

Would it have helped at all, Calencle to address the growd at that stage when you have the order to lead? — I cannot say whether it would have helped, but the position is this, that I had so time to do any of that sort of things I was busy arranging these men, forming them up, and getting them ready to hold the erowd at bay, in other words, we were then in a defensive positions

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

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to you know whether er eded? \_\_ I expected the to order with the dual e said out est are Ly have a sebering ef

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 eaused them to be lined up. If you lack 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 limed up?---Yes, I'm quite clear new 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 meb, and I tried - my object was to get them as far away from this erowd as possible, but in the lining up they landed up about five pades 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 se close to the fence? --- Yes,

Yes, I know 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 n to be in, to be so close to this meb of 20,000 natives. I would prefer to get as far away from them as possible, 200 yards, to give you a chance to manoeuver, and if something happened, some incident happened, there is a chance to deal with it.

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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 gunst——Yese And how did they line up — whon you even—tually had them lined up, did they stand three-deep, four-deep, two-deep, oreo? ——There was a single rank with about an arm's length aparts.

And was it a straight line, or was it a straight line, or was it a straight 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 of or the straight.

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
lead, did they lead in their own time or was it?—They
went through — some of them went through the actions of
leading, but others did note of course, they were leaded,
but some had the sense to go through the actions of leading.

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

Gould you perhaps give the Court any idea of how many men you saw leading, or going through the motions of leading, 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 saybody standing in that

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cive your opinion as

vicinity would be able to see clearly that here is a line of men preparing firearms for use?---Yes, definitely. There was nobedy but pelice between that fence and the pelice, inside the yard.

Yes, and what was the next thing that took place, once the men had gone through the metions of preparing their firearms for use? --- The next thing was that - I may be leaving semething out, but I'll carry on - the next thing is, as far as I can recollect new, 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 meb bursting throught the gate following him. I then heard two shows, double shots, coming from the mob, and a heavy shower of stones fell amongst the peliee 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 them appreximately 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 shand ... ?-- I was rarely behind - I don't think I was behind themo

And when the gate was flung open and you saw the meb entering and Cel. 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

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vicinity would b asi er men preparing the was needy but p inside the yard.

tun place, once the of amiserif Tieds Tees abecate leaving semeth o I as rai as est str happened practical again at the gate les back inte the pel orligate following his ceming from the m ens the police where

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order were you goin Stage I was prepare where they were bursting through.

And you mentiomed, of course, that these three things happened simultaneously, the shower of stones, the bursting of the gate and people entering, and two dull shets from the erowe?---Yes.

Now, before you could give any order, what happened?---Then two shots rang out from the left flank, 1.0. the Southern flank of the line of pelicemen, fellowed immediately by the whole line opening fire.

I take it, Colonel, that if the line of pelicemen had their attention directed towards the gate, they sould have seen what you saw, namely, the gate bursting open?---Yes, yest

And when the firing spened, 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 men had seattered, was there any more threat, or any danger to the pelice or to the Pelice Station, once the mob had scattered?--- No. No, it coased at ones.

So, the firing had the desired effect?--

It had, yes.

And when you saw that the meb was in - the first row, I take it, that row mearest the Western gate, the first row of the natives, I take it they were the first, obviously, to realise what was happening when they turned to flee?--- That would be so, As I say those were pro - perhaps the only ones I could see, but I'm talking about split-seconds now. BY COURTS

I would suggest that you allow the Colonel

where they were bursti And yo

three things happened the bursting of the ga shets from the crewertoside the remi

happened? --- Then two 1.e. the Southern flan immediately by the who to lesvice and take

pelicemen had their a they could have seen

manth at the epen?---Yes, yest med office the 5mA

Tor area Lao the crewe?---Seme tur BOTT THERE for a second or two. adm dailed and After

more threat, or any Station, once the mel White steers on add of at once. estal, district Se.

Maria est da deber It had, yes.

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first row, I take it first row of the nat obviously, to realis to flee? -- That would - perhaps the enly split-secends now. BY COURTS

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 enwards? --- I calculate that the fire could not have lasted longer than ten seconds. I base that calculation on my own obsergation and the fact that there must have been - if it lasted any longer, there must have been many more casualties. When the erowd had scattered, there were bedies, 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 the were on the run, that is also a split-second or two after the firing started, Capt. Theren, who was close to me, and myself, jumped in front of the line and shouted "Stop", and it stopped within seconds after that

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

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

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

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

New/

sher to give his story stage. I don't a teles to it. Just ter You have already t the firing from th next? --- When this

luce erif ent that . . Luolso tant sast I that there must hav casa need evad Janilog ew eredt berettees we at teerts out gasts

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you mentioned that coming from the most

meb, or whereabouts I was standing.

- perhaps the same mid-Western side of \*THUMBY

firearm shots?---The calthre revelver.

Now, what delibre do you describe as small,

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

And what calibre firearm is issued, revolver ..? .25.

---.25, or it may even be a .32. And what calibre is issued to hie 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 peles 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 Pelice Station, would naturally be kept clean and clear of any storeign 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 Pelice Station, 2on 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?-

BY COURT:

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

Colonel? --- .25

.25.

about the fence?places, where the the poles were si

were any objects all around me wh lying around. Th would naturally objects.

how does it comp you saw lying ar the stones that

the Police Stati there were none there were a nur

BY COURT:

deb, or share

such as hammer-

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properly - some call it a temahawk ....

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

I'd like to show you Exhibit 40, which consists of 12 wood kieries, 8 iron kieries, two ares, two hanners, two knives, I 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 BOY AND EXAMINES EXHIBIT

10.)

P.P.

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

Yes, I mentiomed two umbrellas, Sir,

BY COURTS

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 things. Perhaps you can go back to the witnessbox now and the Pressecutor can proceed with his questions, You've shown the witness now Exhibit 40.

P.P.: How does the assertment, Exhibit 40, compare with the assertment that you gave orders to be collected from/

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estancianel? -- .25

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dve any instructions regs tions very seen after the ad to be offleoted, dange I'd like

committee of 12 wood kierie two hammers, two knives, 1 me chisel. New how does

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· AUSTRALIANT WORLTON

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 get 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 temahawks? Isn't that so? -

P.P.:

Yes, they are called temahawks? --- There was a new - net a brand new chepper, but practically a new chepper of that type, with a wooden handle. There were two long knives, with the blades about 12 inches. One of those knives was found on a native lying amongst the dead and wounded, who were shamming death.

Yes, we have, for safekeeping, removed that particular knife, and the witness who found it will hand it 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 those knives. Afterwards I examined the Exhibits, and I found that they were being kept in a corned of an office and I gave instructions at once that they have to be locked up in a coll.

New, 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/

ereperly - sees call be Trem the street on the weapons, but not all. dve eny instruct, what pe dequere are stang, whi ne which I have a very of type of weapon, only n cones shorter handle, but ine classed the exe. The ome BYICOURT: New how oder Khibits which you salvehi

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10.) a new - net a brand of that type, with a have satthe the hisden abou P.P. : found on a native ly were chamming death.

Yes M COURT: particular kaides, a Hoyolderens Did you see ! Pe: me by the men, and me that this knife M COUse these knives. found that they we

lesk at gave testimation bear's Lies maken not Nonette odt muche ovicell Pe: Court, Exhibit 44 that was carried

with the seesttases the

and shown to you

Just in regard to the last pertion, 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 wereimmediately removed and looked up in a coll.

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 egrtain 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 Pelice 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 tore made in the Pelice Perce, to cope with the situation?---Well, as best - as our manpower permitted.

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

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CROSS-EXAMINED BY MR.

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that trouble was starting?——Yes, he told me that he had been having skirmishes with natives in Marpeville from about shortly after 11 that night, that he had clashes with crewds of natives from 50 to about 500 strong, and that he had chased them, I don't know if he actually used batens on them or not, but anyway, that they had also fixed on the pelice, 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. Cameed gave you?---Yese

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

And you accordingly made arrangements for such redaforcements as were symbols, to be sent to the trouble spots?——Yes.

And in due course you preceded to van der

Bijl Park and you learnt of that had happened there, and you

teld us that upon your arrival the danger was already past?

---Yes.

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

that trouble was star been having skirmish whout shortly after I with cronds of nativ beands bad she tabel batons on them or a

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ffair 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 Syl? --- That is correct. None of these things had tended to lessen your anxiety, if anything, they had tended to increase it?

New, in your discussions with Major van Zyl, \_\_\_Yes did he give a description to you of the use by him of a baton 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 Pelies 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 came be quite sure of that, but -

New Colonel, when you received this information from Major van Zyl, were you left with the impression that the bates charge and the tear gas attack had been carried out at the Pelice Station?---Yes.

I believe, in fact, that whetever your impression may be, the baten charge and the tear gas were used, not at the Pelice Station, but outside the Municipal offices. I take it you didn't know of that?--- Ho, no 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 feet white referent van der been having Yes? won't whout short There had

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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 minumedratand me. I'm not suggesting to you that you made up your mind that you could not use a baton 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 baton charge had failed, and the earlier use of tear gas had failed?——You, that would — was the impression.

So that you preceded then down Seeise 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 Sarason that escerted you; was that used as an escert on the suggestion of Major van Zylf--That was.

And your convoy was then the Saracen, which I assume proceeded you?---Yes.

Your meterear, 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 meterear in that convey?—I cannot remember, I wen't say that it is impossible, but I can't member.

It may be that there was enclosed. 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 alip in, or senething like that, but I den't know of an efficial car that was in the convey.

The truck was the conventional type of troop carrier that we know?---Tos.

And the officers who were in that treep earrier, can you recollect their names today? --- You mean the/

gas charge?--Ne, I at this Station, and erowcharge or gas at the

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## BY THE COURT:

Lieutenant? --- Lieutenant Classen. 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 gan Zyl and proceeded on your way with this convoy, approximately what time clapsed before your arrival outside the gate at the Police Station? —— Pive 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 desdribed the novement of your car as it came down Seciso 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 crowl 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

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BY THE COURT:

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through which your car drove by means of a gate there, and have then there is a fence on the south side. Now, if you/positioned yourself can you say as you drove up whether you observed the density or disposition of the growd 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 growd on the western side, and they overflowed into the north and the south streets, and then straightfon 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 get 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 seathing mass of people round the fence? — Yes.

You did not see it in any pasticular 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? ——

Tes, I could see that that was certainly not a decile crowd that.

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

feece on the north side on through which your car draws there is a fence on aurealf, can you say as a the the west side, the ether the west side, the ether danse crowd on the west the police buildings, and the Police buildings, and the Police buildings, and the Police buildings, and

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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 drowd and what had actually happened to your own car, that when you emerged from your ear 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 crewd 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 some through that srowd, and you are keeping your eye on the crowd as you have just said to me. I want to know whether you did that may within three or four minutes of

your car was struck sticks? --- Yes.

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your men? -- Yes. I kept an eye on the Now Color

to that point in the having some through on the crowd as you shether you did that

getting out of your ear, i.e. keeping your eye on the erowd?

---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.

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

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

But from then onwards you were dividing your attention between the erowd 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. Be you mean from the moment that I arrived until the firing?

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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 frensy.

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

## ADJOURNS.

## COURT RESUMES:

GIDEON DANIEL PIENAAR, under his former eath, continues: CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Colonel, you have given us your description of the erowd 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 considerwhat I am putting to you? --- No, I don't see how myimpression was wrong. I have described what I saw and what I have deducted 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 all aspect of a portion of that erowd you then formed the opinion that you have just expressed in this Court in regard to this crowd as a whole. Now, what de you may to that? -- On the contrary I was heping 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 eress

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events, as you gave

eross-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 Prinslos and Colonel Spengler were already there? --- As far as I know yes.

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

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

As far as you can recollect nobedy 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? --- Hearly fifty-six.

And do you feel that that judgment that you formed that morning in regard to the erowd was a mature judgment motwithstanding 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 pistograph, and it seems to be to be Captain Britisher? --- That is so yes.

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

May it have been the ear of the other officer whom you thought possibly came in a car and not in a treep carrier?

— I could not say whose car it is.

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

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assist you - but I want to put it to you that this car came on the seens about the time that you came on the seems? I want to tellyou why I am saying that. Captain Brimmer in his evidence said that he arrived at one or a little thereafter, approximately the same time as yourself. If that is Captain Brummer he was elearly there before you, and we have had it from him that Colonel Prinslos and Colonel Spengler had already Now, having said that I want to suggest to you arrived. that looking at that crowd at about that time, as they are gathered about that gate, they do not tally with the dwserippien 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 pertrayed here. 'I see now that this is a radio ear. At what stage this was taken I cannot say. It was certainly not the mood when I arrived there.

You do consededColonel that this is not a hestile erowd? -- I am not prepared to say that.

Fou see, I suggest to you that the people leaning on the fense on the lefthand side of the phatograph, 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 waying their arms about there and pointing , frika!"

Assuming that they are doing that, I am suggesting to you that in doing that it is not necessarily an indication but of hostility. 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 unbrellas in use by members of the erowd? —— I see a few unbrellas here.

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

essist you - but I wan eross-sismination com the scene about the ti which might bave intil to tellyou why I am a tant yes t'nas I ,on evidence said that he then you a approximately the sam Spengler were already Brunner he was clearl di negrati from him that Colonel Now, hav arrived. that looking at that gathered about that that you give of the Would you comment on this erowd was at th Columnia which is

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erowd? --- You see

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would at that stage/in the hands of a hostile erowd? Would you agree with that? —— A mob like this can turn in a mement 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 umbrallas those people there are not ready for immediate combat, anymere 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 hestility? -- No.

You agree Colonel that leaning against the fence there appearate be a fair number of women or young girls, i.e. on the lefthand wide 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 samers, 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 class.

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 saything like that. If it is a sjambok he may have picked it up or taken it from me of the browd. I cannot say.

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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 sou,d be provocative, vis-a-vis a crowd? —— Yes.

New Colonel, if you look at Exhibit 46, that is a picture of the same crowds 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 ear haw a eigeretee in his mouth? —— Yes, it is what appears to be a eigerette.

Well, he appears to be in a relaxed position I suggest to yea? — 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 erowd I take it you agree is of a similar demonstrate to the one in the other photograph, not heatile?

—— Yes, it is the same as on the other photograph.

You agree it is not hestile? ——I again say that I cannot agree that they are not hestile. 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/....

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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-ear I take it? — Yes, that it is certainly not my car.

May it however be the ear of a man who accompanied you? — No, it is a radio car, and no radio car accompanied

When you teld us of the commissioned efficer who might have some 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.

New Colonel, I want to teld you we have had evidence given here by Mr. Labuschagne, who is the Location Superintendent, and we have had evidence given here by Sergeant Grobler, who was the Station Commander, and they have described the demander of the erowd, 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 senething 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 drowd? — 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 hestile crowd.

You don't think that your sudgment is at fault? \_\_\_\_ No, I don't.

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

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

Even calmly reviewing the thing new and trying to be objective? I know that it is difficult, I know 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 pretected. 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 bena 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 trong.

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/ ....

morning your judgment regard to the matter to anything else? --- That fault with my judgen calaly

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emet happened, one appeared upon your lanel Spengler, by you remember his look, as not place? — He wen up there, we men up there, and up there are upone of the upone upone of the upone upone of the upone upone upone upone upone upone upone of the upone up

nd I agreed hurriedly with him.

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

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

It would seem therefore that in approaching you,

I he was not asking your permission at least he was consulting

ith you? --- Yes.

Is it correct that he was consulting with you comes 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 knewledge that you had the last word, den't you think that you should have waid to him "No, I think this is an unwise nove Colonel Spengler, and den'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 hestile, was semething 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 night have provoked the erowd? Do you agree with that? --- It depends on the manner in which it was done actually.

No, leaving aside the manner for a mement. -- If

Ibetrum beergs I bus regard to You don't neving griven ni Jadt ared, you made a mis I that way, that too of bous rank, and he beings ar The ract to see 18 16 net? poly transfer gnines for eaw of it with you? --- Yes hat neve setes Ig it cor Lisuttiv you virtual of to spread at sois And it l neb I teneloge It respected your view e of tent it ent to new I couldnow, an den't you think the ente te an unwise tenes for bis ess noy . Brown ass est out to lavour deen saw bweed preveke the ere bwors out ale . Jon Janta ti b There word the erow

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you went up to a man and gravbed him behind the neek 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 erowd at that stage, might have introduced a note of disquiet into the erowd, because the erowd 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 erowd 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 thank.... 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 crewd, they might reasonably have entertained the idea that if their leaders things were removed unpleasant/would have befallen these leaders once they were outside the gaze of the crewd? —— Yes, they might have formed that opinion.

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

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/have amounted to that.

Anyway/....

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

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 intraction 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 understeed Colonel Spengler to get held of some of the leaders and to get some information out of them. He helds a possible 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 whatseever from acting on his own.

He would have been carrying out his normal duties.

No, I am not asking you that. What is pussling me is this. I am under the impression - I don't know whether you said it - but I will put semething to you in a mement 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 when 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 held 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.

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What were the words, as far an 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 ereate 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 know send 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 new. When I started to form the men up Colonel Spengler came to me and suggested that the leaders and inciters should be broughtly 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. New, you did say that did/....

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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 get 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 them, 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 incident out of the way, because they were a provocative element in the eroud, or towards the crowd, a dangerous element towards the eroud, who should be taken away from the eroud, 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 cortainly be within his rights to bring him in and charge him.

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/....

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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 memont 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 COURTS

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 Piennar gearriveer. Madat hy arriveer het het hy sy manne opgestel in rye van drie. Ek het toe na hom gegaan en hem meegedeel dat ek voornemens is em die leiers en die grootste agitators van die skare te prebeer verwyder, en te kyk of dit hulle nie tet bedaring sal bring en moontlik last huistee gaan nie, maarep hy geantwoord het ek meet maar aangaan met my endersoek". De you want te comment en that Colonel? —— I cannet say whether he did use these words exactly as they stand there er net, er whether it is semething to that effect.

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 seisure 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/....

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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 Spengles had the man by one arm, and I think Sergeant Muller had him also by the arm, and that some of the crowd were helding on to his back, but this was only mementarily.

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

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

When you saw this it did not strike you as semething that might well be left alone so as not to anger the erowd 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 carlier 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/....

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

Now, in regard to that incident, den't you think you should have stopped it, and said "Look, leave the man alone. Let the crowd got 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 age you disagreeing with mo? — 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 semewhat before you gave me your answer. Was that because you think there is merit in my suggestion, and that there is semething 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 semething that you can just
dimniss 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 notapher, 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 hope had it I think from Sorgeant Grebler. We did not get it from either Colonel Spengler or Sorgeant Muller, although/....

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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 balef.

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 non 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 misundersteed 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 stenes falling,

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

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

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 mon? — After the firing I saw one man with a out

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acress his face.

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

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

No weapons, implements? --- No.

Mow, you thereupen gave an order to the men to lead five rounds? --- Yes.

What is the empacity 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.

Mormally when a man leads does he lead the magazine full, or does he only lead 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 bandeleer with his rounds of ammunities in the pauches, 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? — You, he should then put five in the magazine.

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

And the one other that you were referring to, what must be do in order to put that one in the parrel? —— 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 belt.

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Nermally? — Nermally?

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the bolt.

New, when he leads 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 be then have five in reserve or four in reserve? ----

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

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

When you gave this order to lead 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? ----

So that if some of them did not do that does that mean that in a some they disobeyed your order by everleading?

— No, if they had already a full magazine they were certainly not expected to start unleading. That age 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 here than five, rather than to use the words "lead 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 lead, and I cannot disarm them by telling them to unlead again.

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

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

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Now, when he lead one time manipulate the bold one the should have one in the the the the then have five

pour left.

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When you gave this intend that if they had ten the deposity, they enough that

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So that if some they did not it some of they did not they had already not expected to start unladed are dictarted to about five initial you don't think of the dictarted to about five initial or about the about th

You don't think the property of the property of them the same than the same to have the property and I cannot disarm the same that if there are you then content to let

loud yes, as loud as I possibly could.

Did all the men go through the metions? --- No. Only a few? --- Yes.

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

This was visible you said in your evidence-impehief
to portions of the crowd? --- Well, to whoever was standing up
against that western fonce 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 havecobserved 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 whatseever.

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

New, having given this order to lead, 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 Pelice where I was standing, and two shots went off from the crowd.

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

You? -- No, I could not see that he foll down.

Did anything happen to him at all vis-a-vis the

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So that It have Yes? --- No, I

Lyon then desired to Did anything h

I am talking of that first eccasion. --- I did not erowd? follow that question.

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

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

He was flung back? --- Yes, the others were helding ente this man from the back, and they were helding him by the arms, and they were pushed in; the crowd fellowed them for a pass or so and them retired again.

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

New, 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 anybedy with him? ---No, I could only just see him stagger back and the crowd breaking in after him, and at that mement the stenes started to fall amongst us and my attention was diverted to the modimmediately in front of me.

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

Did you seeColonel Spengler going fown t 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 meb bursting in.

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

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colley that question.

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tiret eccasion? --- Ne, net

You see, I have

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presumably at the gate to get semebody from that erowd? ---I don't know what he was doing at that mement.

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

Now, the surge of this crowd that opened this gate -I don't knew whether the gate was epened, 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 then barging in.

You have no view on 1t? -- No.

New Colonel, having regard to what you have just said, do you not think, looking back on it, that in face 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 meb 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 hit I don't know, not at that mement. Shows went off from the eroud, stones rained amongst us. I must say in all sincerity that I must accept that as an indication of an attack. I don't knew on what scale.

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

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You see, you

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 those 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 ferbearance 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 semething about those 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 shotsroports, saw the volley of stones, and then the firing from the Police started? 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 eroud, Colonel Spengler staggering from the gate, and the stenes falling on us, there was a very, very brief pause before the two shots

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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, am seeing these people coming you would have shot. Will you not agree that in those 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 growd 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 themselges 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 theorise 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/as having some from a point somewhat opposite where you were standing? --- Somewhat or projectly diagonally epposite

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 erowd? --- No. CROSS-EXAMINATION BY MR. UNTERHALTER CONTINUED:

Not from the south? --- Well, there again I emnnot 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.

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HOSS-TEXASTRATION BY ME.

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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 He may be right and I may be wrong. was 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.

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 calibos 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 Was there a loud noise from from the crowd was there not? 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

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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 erowd.

But may it Colonel? May it possibly have come?

--- No, I can't say that it may have. I can't say that. I could 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 night 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 apposite me.

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

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

You did not see any weapons being thrown? --- No.

Anybody sho 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.

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alstalen? -- Oh no,
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I looked in the direction of the crowd at the time, i.e. whereve 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 areas -- Not on that grass no.

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

You recalised 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 eireumstances 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 everyone are not possible.

But at that stage orders from yourself were possible?

---Not in that long line. If semething 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? ----

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/....

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that? --- It depends on the circumstances.

judgment on my part?

Those aree the circumstances Colonel, the circumstanto us ses that you have described/and I have justbeen 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 se?

Nome 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

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 panie because of the stones coming over? —— I don't agree that it was triggered off in a moment of panie. 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.

been triggered off in a noment of panie or through a misunder-standing - 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

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

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---Yes, it was.

But whether or not that is the ease, this was not brought about by any deliberate act or signal or anything an 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 stoppedyou 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? ——/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 out short by the fact that the firing started? It was then useless for you to make up your mind to do anything about / ertering firing because the firing had already started? —— Naturally; that is obvious.

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

Codenel, there has been conflicting views given in this Court in regard to the wisdom or otherwise of the manner in which Colonel Spengler removed cortain men from the presence of the erowd. 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 erowd 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 speke 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/....

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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 been I have trying to explain, that forming up men in that terrifie din and under these circumstances is not like simply giving an order here "Fall in!". It takes you some time; you have get 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, de yeu 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? De yeu agree with that? — New I understand you Sir to refer to the eld 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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orereise of authorms should delegate the juntar, and could be sure to refer you six to refer to the Sergeant, Corporal to the Yes.

You see, I am putting it to you this way. Let us get out of the military idiem for a mement. 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 / quite

Now, if we are in agreement on the principle of it, don't you think on eals reflection today the delegation of the spacing out of the men should have been made by you to you the officers, and/should have concerned yourself with trying to do something to calm that growd, get held 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 them, 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 sensormed 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/....

tilim out to tue tes ou managing director of a managing director, which should not do the job s stamps. I am not sugg between this example a miguaderetend me. I e You agree with that, t work? --- Yes, I/egree

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et some length, be mission to His Wer of judgment en yeu

really to have judged the demeanour of that crowd. New, 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, there was no guard to that gate. New, are you able to say why that was not dene? --- No. I could not say. I den't knew 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.

New, 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 den't knew what prepertien.

New, is there anything that you can suggest as to why these peoplewere 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 ricochets may cause wounds, the men may at the start have fired low or fired ever their heads, and the crowd was milling and they could have been hit in the back that way. A number of them must

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Sergeant Grebler, that pouth, i.e. leading int tethat gate. New, a dene? --- Ne, I could r

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New, is the the sylvence peoplewere these flesing people more are several factor they are effectively are effectively, the men may for their heads, and the been hit in the

no Justines of said way have been hit whilst they were in flight. That is unaveidable.

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

— No, I cannot say that YourWorship. 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? ----

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 angrior than others? --- No, they were thinning out down the sides.

Well, they sould 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 flame were quite able, with the Saracons present there, to protect the flames.

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

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Could it be C uset unfortunate inciden all behaved crowd, but inute to provoke them, the Leannot say the look, what I perceived that some of them were

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My seventy were depleted, knew how many told that the I was told that the continuous whom was I told that then

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 nobedy 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 in that nobedy whatseever, 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 femer eath, continues: GROSS-EXAMINED BY ACCUSED NO. 3:

When you left the effices and preceded to the Pelice Station, did a Saracen preced in front of your car or did it come immediately behind your ear? — Was that now from the municipal effices to the Pelice Station?

Yes? --- The Saracen was in front.

At the stage when you entered the Police Station,

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: COURT RESUMES:

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CROSS-EXAMINED BY A

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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 knew 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 speke 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 aline, you said in your evidence-in-chief that you still had time to observe the erowd. 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 erowd/....

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--- Ne, I spread ne such rumour and I knew of nebedy that did spread such a rumour.

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

During the first eccasion 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 tone 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 maggest to you that when these stenes were first thrown there, they did not in any may frighten the Police? — Itfind it ifficult to fellow that question.

The question is willyou 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 trighten me, and that is why I gave them the order to lead.

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

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earrying 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 Wership.

BY THE WITNESS:

That is how I understand it Your Worship. PROSS-EXAMINATION BY ACCUSED NOL 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 magine them burdoning themselves with extra fire-arms when hey are already sufficiently well armed, carrying - nest of them - two fire-arms, 1.c. a payelver and a rifle.

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

Were you the only Police Officer, who was a Licutement Colonel in other words, maring the uniform which is being worn by the Licutement Colonels, or were there other deutement Colonels there at that stage at the Police Station earing the same uniform as you were wearing? — Dees he can other officers of the same rank as I?

The same rank and wearing uniform?
Y ACCUSED NO. 3:

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

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GROSS-EXAMINATION BY A

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uniform which is being worn by people of your rank? --- Not at Sharpoville, 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. fficers.

Yes, we have get evidence that Colonel Spengler and Colonel Prinches were there? --- Yes.

In civilian clothes? — Civilian yes, I was the only in uniform there.

CROSS-EXAMINATION BY ACCUSED NO. 3 CONTINUED:

I have already suggested to you that the erowd
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 some 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 came
there and address them.

I have no further questions.

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

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

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

CHOSS-REANINED BY ACCUSED NO. 39: No questions.

# RE-RIAMINED BY THE PUBLIC PROSECUTOR:

Colonel, under cross-emmination 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 the

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THE COURT:

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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 elip 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 elip 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 lead 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 acress 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 sjumbok?

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

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 eiremetances allowed of it, but when I arrived there we

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and that I had in these people, the 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 matives 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 Tewnships 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 surplied. 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 pelicy was? — Yes Your Wership. 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 more circularised to for example a station like Verceniging?
Whether that instruction or policy of the Police, do you know if/....

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

#### BY THE COURT:

BY THE COURT:

It includes Verceniging and Sharpeville? --- Yes. Your Worship.

## REALKAMINATION 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 a 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.

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 Menday the 21st March? --- Yes, Your Wership.

Now, when did the Pelice 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

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 Witnetersrand Police Division, where in fact was the biggest gathering of matives? -- Oh, here at Sharpeville and Vanderbill. 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 Verceniging.

And Vanderbijlpark? -- Yes, Your Worship.

Thank you very much Colonel, you may stand down.

WYNAMD JAKOBUS WESSELS, booking verklaar: VERHOOR DEUR DIR PURLIMES AANGLAND:

Sereant, is u 'n Speurdersereant in diens van die Suid-Afrikaanse Polisie en verbonde aan die Veiligheidstaf en gestasionser te Verseniging speurafdeling? --- Dit is kerrek,

Heeveel jaar diens het u altessam Sersant? --- Pg het 21 jaar diens in die Buid-Afrikaanse Polisie.

In hosveel juar is a now by die Veiligheidstaf? - It is sedert 1950 op die Veiligheidstaf.

In two lank is a to Verceniging as 'n Veiligheid-Staflid? -- Sedort Maart 1953.

The moon man u pligte is on alle sake in die oog to hou wat miskien die veiligheid van die Staat sal rank? --- Dit is korrek.

Het u benge gowerd van 'n politieke beweging te Sharpeville maturelledorp, van die Pan Africanist Congress? --- Ja.

Wanneer het dit eers tot u sandag gekom dat hierdie beweging was besig in Sharpeville maturellederp? \_\_\_\_\_ Dit/....

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Dit was gedurende Augustus of September 1959.

In ek neem aan dat u inligting ingewin het wie die ampsdraers was van die Pan Africanist Congresstak te Sharpeville? --- Ek het,

Nou as govolg van die inligting wat u ingewin het het u enige stappe self geneem on te bevestig dat hierdie persone wel daardie ampsdraers was? --- Ja, ok het.

Hoe het u dit gedoon? --- Ek het die ampedraore persochlik gesprock.

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

In was hulle bowns dat u is 'n lid van die Speurdiens toe u met hulle gepraat het? --- Ja, hulle was.

Met wie het u gepraat? --- Ek het met hulle Ondervoorsitter, hulle Schemearis, hulle Tessurier, en een van die Komiteelede gebraat.

In mat hot u hullo govra? --- Ik hot aan hullo govra of hullo sekero posisies beklee in die Pan Afficanist Congress.

In wet het hulle gesê een vir een? —— Ben vir een het erken. Themas Nore het aan ny erken dat hy die ViseVoorsitter is. Nichael Toole het erken aan ny dat hy die Sekretaris is. David Remodibe het aan ny erken dat hy die Tesourier is, en Emanuel Teketsi het erken dat hy 'n Komiteelië is.

Was daar not die een tak in Sharpeville van die P.A.C.? --- Bit is al tak wat aan my bekend was.

Nou, met van die Veersitter? Was daar 'n Voorsitter? -- Daar was 'n Voersitter met die man van Job Poole.

Het u met hon gepraat? — It het hon geken voor

Many/....

nt was gedurende Augustus of En ek neem san dat

te ampedraers was van die Poserpoville? -- Ek het.

Nou as gevolg van

Hoe het u dit god

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Mear het u 'n soortgelyke erkenning van hom verkry?

Nou Sersant, sal u in staat wees on die lede uit te wys as hulle vandag teenwoordig is, die Thomas More, Michael Tsolo, Ramedibe en Hamanuel Teketsi? —— Vir Thomas More en Michael Tsolo het ek geken. Die ander twee het ek met op een.....

#### DEUR DIE HOP:

Wag not so 'n bietjie. Thomas More en Michael Twolo het jy ook alreeds geken? -- Ja.

## VERHOOR DEUR DIE PUBLIERE AANKLARE VERVOLG:

Kan u daardie twee uitwys? — Ja Edelagbare. (Getuie wys beskuldigdes ars. 3 en 4 uit).

Nrs. 3 en 4 is toe uitgewys? -- Ja:

The die ander twee lede, Remodibe en Immanuel Teketsi? --- Ek sal hulle; nie meer vandag onthou nie.

Wanneer het u die mense gespreek, die vier persone?

— Dit was gedurende die end van 1959 en die begin van

Januarie 1960.

In die begin van hierdie jaar, het u enige dokumente ontvang van unr. Labumehagne? -- Ja, ek het.

In wat hot u not deardie dekumente geneak Servent?
--- Ik het die dekumente in bewering gehou.

he het enige persoon onlangs die dekumente by u kon heal? --- Esptein van der Bergh het dit by my kon heal.

Het u al die dekumente deurgegnan? --- Ja.

Ek wil u met bewysstukke 15 tot 35 toem. Herken u hulle Sersant? --- Ja.

Is dit die dekumente wat u van mur. Labuschagne entvang het? --- Dit is.

Nou, me Desember 1959, d.w.s. in die begin van Jamuarie hierdie jaar of ontrent daardie tyd, het u de besit gekom/.... pt can cod mar bot it the so

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mile Sermant? -- Ja

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het? -- Dit is.

narie hierdie jear o

gekom van enige pamflette of biljette van die P.A.C.? - Ja, ek het.

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

— Ja.

Non, kan u so wat was die cerste een wat in u besit gekon het? — Die cerste een was "The dawn has cene, 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 voorken emef dit deur die Pan Africanist Congress uitgereik is? -- Ja.

In mt is die volgende een mat u in die hande gebry het? --- Die volgende een mas "Alerting the Nation", bewysetuk mr. 48.

En wanneer het u dit entvang? --- Gedurende die begin van Maart 1960.

The die volgende een? — Die volgende een was "Pesses must go now", bewysstuk ar. 49. Dit het ook gedurende die begin van Maast 1960 in my besit gekom.

9 In was dear enige ander purflet? --- Die lanete een Malling the mation", bewysstuk mr. 5, het gedurende die 18de of 19de, die mg, van Maart 1960, onder my anning gekom.

Volgens die imligting tot u beskikking vanmar het hierdie geken Sersant? Waar was hulle versprei? ----Die penflette was....

DEUR DIE HOP: Mar. die Aanklaer, mee, ek is mie bereid om toe/.... com van enige pamflette of

Nou, ok wil u vie

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ors HOP: Mar. 610

gekom van enige pamflette of biljette van die P.A.C.? \_\_\_ Ja, ek het.

Nou, ek wil u vier pamflette toom, en drie is nume 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, han u se wat was die eerste een wat in u besit gekom het? — Die eerste een was "The dawn has come, the great awakening has started".

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

In dit wil voorkom asof dit deur die Pan Africanist Congress uitgereik is? --- Ja.

In mt is die volgende een met u in die hande gebry het? -- Die volgende een was "Alerting the Nation", bewysstuk nr. 48.

In wanneer het u dit entvang? --- Gedurende die begin van Maart 1960.

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

In was dear enige ander purflet? -- Die laaste een Malling the mation?, benyestuk mr. 5, het gedurende die 18de of 19de, die mg, van Maart 1960, onder my aandag gekom.

Volgens die inligting tot u beskikking vanmar het hierdie geken Sermant? War was halle versprei? ----Die punflotte was....

DEUR DER HOP: Mar. die Aanblaer, mee, ek is mie bereid om toe/.... holing entre navy mod

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to last dat by vir my se wear bulle versprei is nie. Hy vir my se wear hy hulle gekry het as hy wil. UR DIE PUBLIERE AANKLAER:

Ik sal daardie vraag terugtrek Bielagbare.

THOOR DEUR DIE PURLIEUE AARKLAER VERVOLGE

Het u outvangs van bulle gekry hier in Sharpeville die kantere? -- Ja.

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

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

Nou, was benyestuk ar. 5 die eerste inligting t u outvang het wat die datum van die pretes bepaal het?

In dit het u ontwang die aund van die 1840 of . Ja. m die 1940 Maart? -- Ja.

Neu, op die mand van die 18de Maart hierdie jaar ms u self in Sharpeville; naturellederp? - Ja, ek was.

In waarheen het u gegaan? - It het na die

Polisiestasie gegann. In was eniglets can u getoon dear? -- Dear was verskourde of andersins vermietig, gebrand, benyabouktes nat ann Bantoes uitgereik word ann my geteen.

Hou, sal u kyk ma bowysstukke mrs. 3 dm 4? Hoe vergelyk dit met die benysstukke wat u by die Polisiestasie gesien het? --- Ja, dit is van die vermietigde dokumente wat ok daar opgemerk het die sand.

In was did allos san a cornantis? -- Ja. Be noon son mot die bedoeling dat u sal hulle probeer samekaar 190? --- Ja.

In kon u enige een se identiteit vasstel? ---Hen, benyestuk nr. 3, kon 'n nem vasstel is uitgemaak in die Departement van Banteesake en Ontwikkeling.

PIE PUBLISHE AANKLASS!

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Arricanist Congress? --En is ek reg Se

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Het u met Lepee daar, of het u ook enige ander
besonderhede? --- Hier is ook 'n nommer hierep, wat wys dat

dit sy identiteitnommer is, ml. \$84090.

Het u miskien daardie identiteitsnommer gaan opseek
by enige plek Sersant? --- Dit is aan my verstrek deur die

To Verseniging of waar? -- To Versenigingjes.

En sover as bewysstuk 4 sambetref, 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 verbadd met die verbrande en die verniegigde boeke, het u moeilikheid verwag? --- Ek het.

Wat het u verwag sou gebeur? -- Er het verwag dat die Bantees sou op die dag daarma, of die 21ste, of moontlik zu die 21ste, na verskillende Polisiestasiës gaan en bulself oorhandig.

Starie? — Die pumilet "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 campaigh 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 435 paramenth, or 48.3.4. 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/....

a van Lepee. Isat defe u net Le Tath --- Pabedrabade my identifeitnommer CAMP INC. MESTING Het u miski enige plek Sersant? Maria State of And partement van Bantoes Te Vereenigi ers incim est berein En sover as To Istasav fietitas in in the straight to sock nie? --- Nee el bor cia ... ek neer Clette wat u in u be ilgeing wat u ingewin verbadd met die verb monthibletd verwag? at die Bantoes sou op ontlik na die 2late, m hulself corbandig. oliestestestestes de bewys ten nan da stante? --- Die penile ve been waiting for. 050, we launeh our pos Laws in this count t the Page Laws be win wage establishe month, or 68.3.4. P country. (3) We do all not be vietimised, the Government, as a

estatve setion.

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. (e) 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 earry passes again. Millions of our people are arrested under the Pass Laws, so you had better arrest us all now." (a) If you are stopped by the Police on the way and they demand passes surrender If one man is arrested for there and then for arrest. 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 gael 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 gael. (1) 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, eircular letter er 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, enerifiee and suffering. That is the spirit in which we go into action. Freedom from Pass Laws, slave mages, etc., etc., now! God save Africa and her Issued by the Mational President of the Pan peoples. Africanist Comgress, Mangaline R. Sobukwe".

Nou, howevel Polisiestasies is dear in die Verseniging gebied, die stad van Verseniging? Dit sluit nou in die Sharpeville maturelledorp. — Dear is ses Polisiestasies

Is/....

1,018.

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

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

Nou, wear het u verwag of by watter Polisiestasie het u verwag dat die skare of enige persone wat wil gaan oorgee, huself sal sanmeld? — Ek het verwag die Evaton Polisiestasie eerste.

En ok verstaan dat alles was tee 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 rondgegnen met enige van die verskillende Polisie-eenhede wat in Sharpeville maturelledorp rondbewedg het? --- Nee.

het u opgestaan en u pligte begin uitvoor? — Ik was reeds die mag, die hele mag, al uit gewees, mar ek het ongevoor sesuur, of 5.30 of sesuur v.m., weer in Sharpeville gekom.

By die Polisiestasie self of mar? --- Wee, ek

Pn het u enige tekens van onrus gesien Serment?

--- On 6.30 dae eggend van die 21ste naby die municipale
hantere van Sharpeville het ek engeveer 5,000 Banteemans,
vrouens en kinders in 'n optog opgenock.

Nou, too u hullo sion was hullo in beweging of het hullo stilgesteen? — Hullo was in beweging.

In in watter sigting het hulls beweeg? --- Halle het in die sigting van Verseniging beweeg, weg van Sharpeville af.

En die mass wat u gesien het, het hulle enige

as bessimath od Ifad each wan Lepes. es my orders, and if mithfully obeyed inc their passes at spacetistitacht to t of finder the local le Het western to mon will nove to series plan animo g grander themselves. ne etenent ver all do not have pe TO TEST OF milions of our people see had better arrest **三个一点的专工中的工作。** the Police on the **它我 雪白本区 拉达男子** ere and then for arr wow. et having a pass, you rest is town notally olice you do not inve weret u tam activation rest you all. (e) A nik tom bhacin We best, no defence, ar historic role, b y must make sure th et die bentoes son vi empeten. Nobody w COUNTY OF BU XIII'M Mational President

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En die mane

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

In was dear enige geskree of gesingery? --- Ja,

Kon u hoor wat geskree is? --- Ek het gehoor dat hulle skree "Iswe Lothuif en "Afrika! "

Wat beteken dit? --- "Iswe Lethu" beteken
"One land!"

Het dit enige spesiale betekenis ender hierdie emstandighede wanneer mense "Iswe Lethu!" of "Afrika!" skree of uiter? — Al mat ek weet is det "Iswe Lethu" is 'n slagspreuk van die Pan Africanist Congress.

En het u opgelet of daar enige persone was
wat voorgekom het as leiere? — Ja, op een stadium op die
voorpunt, wat bestman het uit Bantoevrouens en kinders, het
een Bantoepersoon met sy rug me die Polisie gestaan en aan
die Bantoe-opteg gebare gemaak, wat vir my voorgekom het asof
hy die monse roop en aan te kom.

Nou, ek wil met 'n bietjie afwyk vir 'n comblikkie Sereant. U het goed daar was Banteevrouens en kinders voor?

Was dit smaaks of het u dit verwag? --- Ek het dit vantevere met optegte in verband met paste opgemerk, dat Bantoovrouens aan die optegte deelneen. Ek mag mels Edelngbare dit was as protes teen bewysbeekies met uitgereik seu

Dit is nie verpligtend vir Denteevreuens en benysbeekies te dre nie? --- Neel

In what was hulle houding, die Banteevreuens en die kinders voor? --- Halle het geskroe en gesing, geraas, baie van hulle met babas op hulle rûens.

As dear emige meetlikhhdd met die Polisie geken het/.... espens by hulle gears of nie? -

Dis hole an was dear enige gos

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Was dit maske of het litevore met opteste in verband anteevrouens am die eptoste de

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Die ist nie? --- Ni

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Die ver halle met bebes op hul

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of a day same att all

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

Het dit vir u gelyk of dit maar not per toeval was dat die vrouensdaar aan die voorpunt was, of nie? --Nee, van ver af kon 'n mens sien daar is Bunteevreuens en kinders voor aan die opteg.

Not on torug to kon me die leier. Hee ver was u van hen af Sersant? --- Ongevoor 5 tree van hen af.

het geskree "Iswe Lethu! Afrika!" en hy het gebare met sy hand gemaak, en hy het hen engedreai en hen na my gewend, waarep hy gesê het "I am die leader! Why don't you arrest me? We are fighting!" Daar was meer gesê mar ek ken nie alles heer nie want daar was 'n hewige lawsei.

Was dit beloofd aan u gosôf --- Nee, dit was baie ombeloofd gewees.

Wat was sy hole houding toeneer u toe hy die sinnetjie vir u gest het? — Sy houding was agressie? Edelaghare.

### DEUR DIE HOP:

Herhaal dit assoblief? --- Hy was aggessief.
Dit was duidelik.

Agressiof? --- Ja Rielaghere. Dit was vir my duidelik dat hy hen voordeen as 'n leier, en dat hy die massa agter hen het.

#### VERHOOF DEUR DIE PURCHES AANKIARE VERVOLGE

In wat hot van hierdie Inntee geword? —— Ik het die Inntee weggeneem. Ik het hen aan sy am geneem en hen weggelei.

Hot u opgelet of hy enige kmartjies can hem golind hot? --- Ja, can die lapel van sy bandjie het hy twee kmartjies gohad.

Sel/....

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ettes gehad.

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

Is hy vandag hier? -- (Getuie stap eer na die benkuldigdebank).

DEUR DIE HOF:

Wag 'n bietjie. Kyk neu na halle en kem na die makrefeen tee asseblief. Jy praat nou van twee persene. Sever het jy neu neg met van een perseen gepraat. Wie was dit? -- Ja, dit was beskuldigde nr. 1 Edelagbare.

VERHOOR VERVOLG:

Neu, 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. Presecutor, the witness was talking about The evidence semebody else new. Why not clear that up? will not be easy to follow.

DEUR DIE PUBLIERE AARKGAER:

Edelaghare, hy het gest dit was beskuldigde mr. 1 wat hy arresteer het, en wie geskree het "I am die lender". Dit is wat ok aan hem gestel het.

DEUR DIE HOP:

Mar. die Annklaer, dear by die bank het hy van twee persons geprant too by nie by die mikrofeen was nie. Klaar dit met op asseblief.

ARMOOR ARMOTOR

Sersent, termyl u dear was wat het u good? Ek het mie meet gevelg nie? -- Blelagbare, ek het gest ek het deardie oggend twee persons kert as meksar gekry.

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

Deur/....

of a sou die by vandag hier

beskuldigdebank).

DEUR DIE HOF:

es, van ver at n bietjie.

Arrefoon toe asseblief. Jy

Sever het jy neu neg net van

et? -- Ja, dit was beskuld

CERHOOR VERVOLG:

Neu, by was die r

net "I am the leader. We ar

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THE COURT:

Mr. Prosecutor,

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NEUR DIE PUBLISHE AANSLASS!

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MOOR VERVOLG:

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was beskuldigde nr. 2. To the main was a

- MANAGE OF LANG.

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#### DEUR DIE HOF:

U het twee persone kort na mekaar gearresteer of wat? -- Ek het hulle weggeneen daar.

Weggeneen? --- Ja.

En die ander een is beskuldigde nr. 2? --- Ja.

#### VERHOOR DEUR DIE PUBLIEKE AANKLAER VERVOLG:

Neu, was beskuldigde nr. 2 by dieselfde greep as beskuldigde nr. 1 of by 'n ander groep? --- Wel, hy was aan die voorpunt van die optog gewees, maar nie by beskuldigte mr. 1 mie.

Het mr. 2 emige good aan sy baadjielapel gehad? --- Ja, hy het twee kmartjies aan sy lapel gehad.

In beskuldigde nr. 2, ken u vasstel watter pesisie hy beklee het teeneer die skare? --- Presies dieselfde as die cerste beskuldiges.

Voor u mr. 2 beskuldigde weggelei het was daar enige gesprek wat u met hem geveer het of hy met u? --- Nr. 2 beskuldigde het aan my gest: "What the hell are you doing hese? Ik dra nie 'n denderse pas nie!"

So el neem ann die cerste een wat u weggeneem het was beskuldide ar. 1? -- Ja.

In wat het u met hen geneak? --- Ik het hen me 'n Polisiovangua in die nabyheld geneen.

Het u hem dadelik daar en dan visenteer of nie? --

In die vangue. Neu, sal u kyk ne bewysstukke 38 on 39? --- Ja.

Ek het neg 'n bewysstuk vir u, 'n nuwe een, en me to kyk Sersant. Div is bewysstuk ar. 50. "Pen Africanist Congress Nembership Card", uitgereik blykbaar in die maan van Molife Menyake. -- Ja.

Neu/ ....

1,021

Esl u die Bartes

est? --- Et het hulle wegge beskuldigdebank).

Weggeneen? ---Ja.

In die ander een

A REALISTER DIE PUBLIERE A

Mou, was besimild

es beskuldigde nr. 1 of by

an die voorpunt van die op ANTOLOG ARBOOF

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Son, by and him het "I am the leader.

-da, hy het twee keartiis

En beskuldigde na

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TO REP. STO. RUNG mentical tele het san my ger

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Teny ned nam he the si tip as besinishe ar. 1? --- Ja.

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AMERICAN SECRETAL BOMP Het u hom dadelil

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an 39? --- Ja. Mercy from shi tod

He het neg

dearest o others a byk Sersant.

TERR Membership C

a besident discourse at ife Monyake. --- Jr

Nou, waarvandaan kom bewysstukke 38 en 39? ---Dit was aan die lapel van die eerste beskuldigde se baadjie. Van nr. 1 beskuldigde? -- Ja.

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

Nou kyk, one is nou besig met beskuldigde mr. 1, Johannes Manyake. Hy was die corste con wat u weggeneen het? -- Ja.

Neu waarvandaan kem bewysstuk nr. 50? --- Bewysstuk nr. 50 kem van Manuake af.

Manyake? - Wr. 1 beskuldigde.

Nr. 1 beskuldige? --- Ja.

Nadat u ar. l beskuldigde in die vangwa visenteer het en die dokumente by hem gekry het, het u teruggegaan en tee beskuldigee ar. 2 teruggebring? --- k het. Beskuldigde mr. 2 was dour du Bantockonstabel na die vangwa gebring.

Ik 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 HOP:

Bowysstuk 51 en?

DEUR DIE PUBLIERE AMEJAER:

Edelaghere, ek is jammer, dit is 51 en 52.

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DEUR DIE HOP:

Bowysotuk 51 is "Africa for Africans!" on bowysstuk 52 "Passes must ge!".

VERHOOR DEUR DER PURITIESE AANKLARR VERVOLG:

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

Het u hom ook visenteer? --- Ja.

Sien/..

Mou, wearvandeen k

one ean die lepel van die

Van nr. 1 beskuldt

En die bewysstuk 5

of gekry van die tweede be

Mou manyandaan ko Mou manyandaan ko Mou yan Mangake at. Manyake? --- Nr. 3

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Redet a mr. 1 beskuldigae?

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

In bewysstuk 54, deel van 'n bewysboek? --- Ja. EUR BIE HOP:

Dit is deel van 'n bewysboek, met party stukkies an die papier los en geskeur? --- Dit is reg Edelagbare. ERHOOR VERVOLG:

Dowysstuk 55 bestaan uit 5 dokumente en 5 getresseerde keeverte. Die eerste dokument is blykbaar 'n fekrif van die omsendbrief "The dawn has eeme". Dan is daar see privaat brieve in verband met "4 course in Hypnotiam". In is daar blykbaar 'n brief geadresseer aan "Dear Love". In is daar 'n P.P.R., 'n prisonierskwitansie, en twee everte. Waarvandman ken bewysstukke 53, 54 en 55? --- Dit in van beskuldigde mr. 2.

Was die bewysboek....? Use al die bewysstukke wan beskuldigde nr. 2 Sersant? --- Ja.

En was bowysstuk nr. 54, d.w.s. die bewysboekie, die toestand wat dit vandag is? --- Ja.

Het u enige verdere gesprek met beskuldigde nr. 2 voer medat u hom visenteer het? --- Ju, ek het aan hom gesê is bly om hom te ontmoet.

Ek sien. Is dit die enigste gesprek wat met hom masgevind het? -- Dit is al.

In (come wathers het a gegann? --- Ek het ma for sontre in die distrik gegann.

UR DIE HOF:

Dit is weg van Sharpeville af? --- Weg van Sharpelle af Edelagbare. Verhoor/.... gaken het? --- Daar was twee karre on 'n Saracen.

Sten u benyestuk u pesa binnekent T.I. Intu Ka benyestuk 54,

Dit is deel wan on geale wan years an geale

FOR SIE ROSE

Pewysstuk 55 bes

decemberds keeverte. Dis

decemberds van die omsendbrief

des in den blykbear 'n br

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MAN STORES

Dit is wet va.

The het u tee later deardie dag weer na Sharpeville teruggekeer in die geselskap van Kelenels Spengler en Prinsloo?

--- Dit is kerrek.

Nou, heeveel karre was toe saam met u toe u terug-

Was Kolonels Prinsles en Spengler in die een motorkar of in aparte karre? --- Ek vermoed hulle was in een har gewees.

Was u to in disselfde har as hulls of in 'n ander motor? --- Nee, ek was in 'n ander motor.

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

In watter meterkar was by in? --- Muller was in die kar by my gewees.

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

En toe u Sharpeville naturelledorp mader, aan watter kant het julie; ingeken? By die groot hek? --- One het by die suidekant ingeken in die lokasie.

In toe a Sharpeville Polisiestasie under van watter rigting af het julle gekem? —— Oms het voor diesuidekant van die Polisiestasie, wat die voorkant van die Polisiestasie is, verbygebaan.

The wil now met ears vasstel. Het u op met Zwanestruct gozy? --- Ja.

Dit wil so van oos me wes met Zwanestraat? --- yan

Nou, was dear to enige tyd 'n caruiling van bestuurders/....

VERHOOR VERVOIG: DONNEY

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Me te kerrek.

Mou, hoeveel

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M. DIR. ROX DIE WIL at va

Dan gen et stoom an

the ar rac Nous was dear

estuurders van die motorkarre? --- Ja, ek en Muller het mgemil langs die pad.

Voordat julie by ..... of wat was die doel daarvan?

— Dit was maar net dat ek vir hom kom verduidelik waar oms

an gean, en indien ek moes afklim en na een van die karre

gter gean; ek het nie geweet hoeveel voertuie agter oms is

ie.

En terwyl Sersent Muller bestuur het, waar het gesit, langs hom? — Langs hom.

En Kaptein Willers, was hy in dieselfde motorkar? - Kaptein Willess was in dieselfde kar.

So was dear not u, die bestuurder Sersent Muller, in Kaptein Willers in die kar? --- Dit is korrek, in die een oterkar.

En het julle voor gery of was daar ander voertuie por? --- Nee, ons het voor gery.

En toe die twee Kolenelle agter? -- Dit is kerrek. En ek neem aan die Saraeen het hulle gevolg? ---

Hoe last het julle by die Sharpeville Polisiestasie ekom? --- Om l. n.m. op die 21ste Maart, 1960.

Was dear enige Bantoes by Sharpeville Polisiestasie es u dear gekom het? --- Ja, dear was duisende.

In watter strate was hulle? --- In die straat am die suidekant van die Polisiestasie en aan die westekant aar one by die Polisiestasie persele ingegaan het.

Ik wil u not benysetuk 13 toon Sereant. Dit mal miskien help om uself in die Hof te erivateer. Mees julle lage die suidekant van die Polisiestasie in Swamestraat opry reordat julle regs gedraai het on by die perseel in te gaan?

In toe u dear gekom het het u opgemerk of dear enige/....

. .

VERHOOR VERVOIG:

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- Itt Voordat Julle

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T -- Nee, one bet voo

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In toe u daar g

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 HOP:

Op bewysstuk 13 kan jy nie die oostelike heining

# VERHOOR DEUR DIE PUBLIERE AANKLAER VERVOLG:

Ek wil u dan verwys na nog 'n bewysstuk, 4.1.

nr. 56. Dit is 'n lugfoto van Sharpeville Polisiestasie,

maar daar is geen skare om die Polisiestasie nie? --- Nee.

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

Moes u verby deardie stractjie my? -- Ja, one moes by deardie stractjie verbyry.

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

Dear was nie of het jy nie epselet 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 omgeveer tussen 18,000 en 20,000.

Was Swampstragt oop? Was dear plok on to my? ---Dit was baie mooilik.

Hoe het julle dourgekon? -- Die Serecons het gebruik gemaak van 'n fluit.

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

este Polisie-eenheid |

110 Polisiestesteele? --
pomisie in die kar kon

111 was maken u deerd

20 iekant van die Polisiestek

gion Sermant?

DECE DIE HOP STWYL SETE

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Attreem stad see 11

THE PARTY SEED SEE TH

det julle Hoe het jul

Het hulle v

die karre beweeg.nie.

- Ja.

Het hulle sirenes geblass? --- Dit was 'n sirene gewees.

An watter effek het dit gehad op die skare? --Hulle het padgegee. Andere het oor die straat gehardloop
on 'n mens noes met 'n spoed van ten hoogste vyf myl per uur
ry, bale stadig.

Het u opgelet mat was die houding van die skare terwyl u in die getervoortuig aan die suidekant van Zwanestraat beweeg het? — Hulle het geskree, geweldig geskree.

Maar kon u enige ander opmerkings gehoor het, behalwe die "Iswe Lethu" ene? --- Toe ons by die Polisiestasie inry het ek gehoer hulle skree "Cate Mamer!"

Weet u van Cate Manor, waar dit is? --- Ja.
Het u die koerante gelees in verband met Cate Manor?

Nou, madet u voortuig regs gedraad het en deardie enbekende street een die westekent van Seeise Street op te geen voordet julie by die westelike hek indread, was dear enige insident tussen die skare er 'n lid van die skare en die bestuurder van u meterkar, d.v.s. Sersant Muller, wat u gesien het? —-Edelagbere, dear was 'n gestemp en 'n gesteet ean die kar.

Het u opgelet mut die posisie was van Speurdersermant Muller se venster, of dit cop of tee was? --- Nee, ek het nie opgelet nie.

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

Ba/....

Carre beweeg.nie. allud tell alle moters in dis bar in In watter e to het padgegee. A n' ten ason mens net 'n gibate stad NETT TIE Het u opgel myl u in die getere office pot? --- Hulle TOTOOR TENED & enter - Ek kon hoor hulle butte die Polisie u not real Test Ton u chalwe die "Iswe Lets in not or genoor hu day is teew - maintale Het u die series elbrach viet Nous madat use fearle sinested of ellut tabroov mil nessul freeheat tuesen u nav rebruuteel 16 galess ... Please 2 14 0 15 market 4600 eage u jeh eilletee nev or Tollun tenent .sta telegge sta net hy te nieg zabnes v noli extent ton