

323
V. IX.

UC SOUTHERN REGIONAL LIBRARY FACILITY



E 000 052 083 3

LIBRARY SERVICE
PUBLIC AFFAIRS
MAR 18 1975
UNIVERSITY OF CALIFORNIA
LOS ANGELES

ZANZIBAR PROTECTORATE

COMMISSION OF INQUIRY INTO CIVIL DISTURBANCES
ON 1ST JUNE, 1961 AND SUCCEEDING DAYS.

held at

The Legislative Council Chamber, Zanzibar

before

SIR STAFFORD FOSTER-SUTTON, K.B.E., C.M.G., Q.C. (Chairman)

SIR VINCENT TEWSON, C.B.E., M.C.

C.A. GROSSMITH, ESQ., C.M.G., O.B.E.

Commencing on Monday, 25th September, 1961

N I N T H D A Y

Wednesday, 4th October, 1961.

of proceedings
Note taken by Treasury Reporter

APPEARANCES

For the Government:

The Attorney General (Mr. P. N. Dalton)
Mr. B.A.G. Target (Crown Counsel)
Mr. W. Dourado (Crown Counsel)

For the Zanzibar Nationalist Party and the Zanzibar and
Pemba Peoples' Party:

Mr. Fraser-Murray
Mr. S.H.M. Kanji

For the Afro-Shirazi Party:

Mr. K. S. Talati
Mr. B. E. Kwaw-Swanzy.

ON RESUMPTION

CHAIRMAN: Mr. Attorney, who can best give us information as to the mechanics and procedure of the polling on June 1st ?

ATTORNEY GENERAL: Mr. Smithyman, Sir.

CHAIRMAN : The last witness ?

ATTORNEY GENERAL : Yes, Sir. The Supervisor of Elections was a contract officer who has gone back to England.

CHAIRMAN: I rather imagined you would be calling him.

ATTORNEY GENERAL : No, he is in England.

CHAIRMAN: Was any pamphlet prepared for returning officers ?

ATTORNEY GENERAL: I think so, yes, Sir.

CHAIRMAN: It is quite an important point in the sequence of events. We require specific evidence of the mechanics.

ATTORNEY GENERAL : I think Mr. Smithyman has gone. He was the Deputy Supervisor of Elections and also acted as Supervisor at the time. He would be able to give evidence.

CHAIRMAN: He would ? In the evidence Mr. Smithyman gave yesterday he only spoke generally of what took place on polling day, because he had another duty to perform. I think we would prefer someone who was more directly concerned with the polling.

ATTORNEY GENERAL: I can call the returning officers in one or two constituencies.

CHAIRMAN: Would it be possible to call the returning officer of the polling station at Gulioni ?

ATTORNEY-GENERAL : Gulioni ? Mr. Hamilton, yes.

MR. DOURADO: You might consider the question of recalling Mr. Smithyman. Before the elections he was lecturing the presiding officers, returning officers.

CHAIRMAN: If you think so, by all means. We want the best evidence. If you think Mr. Smithyman is best able to do it I would like a statement taken from him directed to these particular points and then we will recall him.

ATTORNEY GENERAL : And Mr. Hamilton who was the returning officer for Raha Leo.

CHAIRMAN: Who could give a short statement. We would be much obliged if you would, and I am sure it would be helpful to the members of the Bar.

ATTORNEY GENERAL: I have here the racial and territorial composition of the Zanzibar Police Force.

MR. KANJI: If you please, Mr. Chairman, I will not make an ordinary address. I will start by calling my witnesses so that I will not have to repeat again at the end.

(Interpreter duly sworn.)

Mr. MZEE bin JUMA called and sworn.

Examined by MR. KANJI.

Q. Mr. Mzee bin Juma, are you an African ?

A. Yes, Sir. I am an African, a Swahili.

Q. Your birthplace is Zanzibar ?

A. I was born in Pemba.

Q. Are you a laundry man by occupation ?

A. Yes. I am a dhobi.

CHAIRMAN: Where does he work or live ?

A. I work for Seyyid Jamshid, for Mr. Rame, and anybody else.

Q. Where does he live ?

A. I live at Mbuyuni (Illustrated on map.)

MR. KANJI: You work at Mbuyuni in Zanzibar, is that correct ?

A. Yes.

Q. You remember on 1st June, 1961 ?

A. Yes.

Q. You went to hospital early in the morning ?

A. Yes.

Q. Why did you go to the hospital ?

A. I went to enquire from the Sister.

Q. Enquire what ?

A. I went to enquire from the Sister as to what time I could go and collect the patients so that they may be able to go and vote in their different constituencies.

Q. Are you a member of the Z.N.P. ?

A. Yes.

Q. What reply did you get from the Sister on your enquiry ?

A. I was told to go away and return at one o'clock after they had been treated and fed.

Q. Where did you go after you left the hospital ?

A. I went to our headquarters.

Q. Is that at Darajani ?

A. Yes.

Q. Did you then approach one Maulidi Macho Mzungu, an agent of the Nationalist candidate at Darajani ?

A. Yes.

Q. Did you ask her to supply you with a list of patients at the hospital who were members of the Z.N.P. and would vote for Z.N.P. ?

A. Yes.

Q. Did Macho ask you to accompany her to Darajani polling station so that she could give you the names ?

A. Yes.

Q. Did you go with her ?

A. Yes.

Q. Where did she ask you to wait at the time when she went to get the names of the hospital patients ?

A. At Darajani on the road leading to Mtendeni; I stood on the side of the road.

Q. Could you tell us what happened to you whilst you were standing there ?

A. As I was waiting for her because I was not allowed to go in there, I stood there and waited for her. I had my hands straight down and then I suddenly felt I was on the ground; I fell down, face downwards.

Q. What was the time of this ?

A. It was at 11 o'clock.

Q. What happened after you fell down ?

A. A group of people were over me and they were beating me down. Sort of crushing me and I lost my tooth and I had a torn lip.

Q. Do you know who were the members of the crowd who assaulted you and injured you ?

A. Yes. After getting up I recognised one.

Q. Who was this man you recognised ?

A. Juma Mohammed.

Q. Do you know to which political party he belongs ?

A. Afro-Shirazi.

Q. Do you say that he is a member of the Afro-Shirazi Party ?

A. Yes.

Q. What about the other members of the crowd ?

A. They were Afro-Shirazi

Q. Have you any reason to say that they were Afro-Shirazi Party members or supporters ?

A. Because my members would not beat me. They were members of the Afro-Shirazi; that is why they beat me.

Q. Were you then taken to the hospital ?

A. Yes, in a police car.

Q. Did the police rescue you from the place where you were beaten up ?

A. Yes.

Q. Was Juma Mohammed charged with assaulting you ?

A. Yes.

Q. And what happened ?

A. It was dismissed.

Cross-examined by Mr. Talati.

Q. At 11 o'clock outside Darajani polling station there was a big crowd ?

A. Yes.

Q. And a lot of pushing ? The crowd was moving from one side to the other ?

A. Yes.

Q. The crowd would be stationary at one time and suddenly some people would start running ?

A. I am not sure but I saw them going from one side to the other.

Q. Tear gas shells were being fired ?

A. After I was hit.

Q. Not before ?

A. No.

Q. You have already said there was a criminal case arising out of this incident ?

A. Yes.

Q. When Juma Mohammed was charged?

A. Yes.

Q. And who else ?

A. I complained against Juma Mohammed.

Q. Did you not also complain about one other person, named one other person ?

A. No. There were some witnesses mentioned him and said this man was also present.

Q. A few days after that incident did you not mention the name of Ahmed Aboud ?

A. Yes, because witnesses had mentioned him.

Q. But not you ?

A. I was told by the people. The only person I recognised was that one, one only. On account of what I was told by the witnesses.

Q. Did it not transpire at the hearing that in your statements to the police you had mentioned such more than what you said in Court ?

A. When my statement was taken by the police I was not quite myself. I had these injuries on my mouth and the tooth. How can one remember at that time ?

Q. When was your case heard ? Last month ?

A. Yes, last month.

Q. You do remember you made three statements to the police which were produced in Court ?

A. Yes.

Q. Not one of these agreed in detail with your evidence before the Court ? Yes or no.

A. No, that is not so.

Q. Did you not tell the Court that you did not tell the police officers all that was recorded by the police officers as having been said by you: did you not express surprise of these facts? You know it happened before me. Was I not defending the accused persons?

A. Yes.

Q. And I cross-examined you, did I not?

A. Yes.

Q. On this very point? And did you not express surprise to the Court that all that was stated in your statement was said to have been said by you?

A. Yes, I said so in Court.

Q. You mentioned knives, did you not?

A. Not me. My witnesses because they saw me at the time when I was being beaten.

CHAIRMAN: That is not an answer. He was asked did you mention knives.

MR. TALATI: In your police statements?

A. I did not and I denied it before the Court.

Q. Yes, you did, but the police statement recorded you as having mentioned Juma Mohammed and Aboud. Were either of them holding knives?

A. I denied it in Court. I did not make a statement about knives. I denied it in Court.

MR. TALATI: To the police you did not make these statements, you denied it but they appeared in your statements?

MR. KANJI: If my Friend is asking questions about the statements he should produce the statements.

CHAIRMAN: It is a perfectly proper cross-examination.

MR. TALATI: This cross-examination arises purely from my knowledge of the case.

It is true that you denied before the Court that you had not told the police anything about knives. But your statements to the police were signed by you, were produced in evidence, were they not ?

A. Yes.

Q. And they did contain statements to the effect that accused were both or either of them were carrying knives ?

A. Yes.

Q. You disowned these statements made to the police ?

A. Yes. I did not say. I said the witnesses said it.

Q. Your explanation to the Court was that the other prosecution witnesses in the case had seen knives and not you ?

A. That is so. I said the witnesses saw the knives and not myself.

Q. Is it not true that out of the two accused persons the Magistrate held at the end of the case for the prosecution that Ahmed bin Aboud had no case to answer ?

A. I do not know about that because when he was permitted to go away I was not there.

Q. And is it not true that upon hearing the evidence of Juma Mohammed he was acquitted ?

A. Yes, he was acquitted.

Q. Or you put in the word "dismissed" ?

A. Yes.

Q. The charges against the two accused were of rioting; secondly of going armed in public; thirdly, assembling within 100 yards of a polling station; and then fourthly, attempting wounding ?

A. I am hearing it from you because I was not there when the charges were read to them.

Q. I am not sure but were you not some sort of an official agent for a Z.N.P. candidate ?

A. No. I am in the welfare section. I take patients or sick persons.

Q. Were you not the official agent of the Z.N.P. candidate for Raha Leo?

A. No. I was given that paper to go and vote early so I could take patients here. That was the reason.

Q. You were given an official form, a prescribed form, appointing you as an agent for the Z.N.P. candidate at Raha Leo ?

A. No.

Q. Was not that document produced in Court ?

A. I handed it over to the Superintendent, C.I.D., from Kenya.

Q. And it was produced in Court at the time ?

A. I do not know.

Q. You do not remember seeing it ? Do you not remember seeing it in Court ?

A. No, I do not remember seeing it.

Q. At any rate there was some paper you said. What was it ?

A. I was given a paper so that I could be allowed to vote early and return and attend to the sick people.

Q. That is this: that the Z.N.P. wanted you to vote as early as possible so that you would be available for bringing in sick voters and doing outside jobs ?

A. Yes.

Q. So that in order to enable you to cast your vote early they made you an agent for Raha Leo ?

A. No.

MR. TALATI: What is it ?

CHAIRMAN: He told you. He said it was a paper which asked that he be permitted to vote early so that he could get away and attend to the sick people who were going to vote for the Z.N.P.

MR. TALATI: It is only the official agents who could do that. There is no provision in law for a person to request for permission to vote. Everybody had to get in the queue, except those who had official documents.

CHAIRMAN: That is what he told you.

MR. TALATI: Do you know how to read ?

A. No.

MR. TALATI: Thank you.

By the COMMISSION

CHAIRMAN: Was it well known in Darajani district that you were an active member of the Z.N.P. ?

A. Yes, Sir.

Q. The man who you recognised and you say was one of the persons who assaulted you, was he an African ?

A. Yes, Sir.

Q. A mainlander or a Zanzibari ?

A. My grandson.

Q. Is he a mainlander ?

A. He is a Zanzibar man, from Fuoni which is in the rural area.

Q. When was your first statement taken by the police ?

A. On the same day, on the 1st.

Q. When was the second statement taken ?

A. I think it was the fourth day.

Q. And the third statement ?

A. At the police headquarters when the Kenya people came.

Q. Can he give us the approximate date ?

A. No, I have forgotten, Sir.

Q. Was it a week after the 1st June or more ?

A. About a week, Sir.

Q. After the 1st June ?

A. Yes, Sir.

MR. KANJI: No re-examination, Sir.

(The witness withdrew.)

(Interpreter duly sworn)

MR. AMARSI HANSRAJ called and sworn

Examined by Mr. Kanji.

Q. Mr. Hansraj, you used to be an Indian merchant at Kitope Ndani ?

A. Yes.

Q. Did you have a small shop at Kitope Ndani ?

A. Yes.

Q. And you were a trader there from 1950 to 2nd June, 1961?

A. Yes, Sir.

Q. Am I right that in the same house in which you were carrying on business one room was occupied by a person called Abedi ?

A. Yes.

Q. And am I right that in your very close neighbourhood there was another house occupied by Nassor Soif and his family ?

A. Yes.

Q. In the house in which you were having a shop you also had a store and a room for your residential purposes ?

A. Yes.

Q. And the arrangements were as follows: there was a shop in the front, store behind it, room on the side and a verandah at the back ?

A. Yes.

ATTORNEY GENERAL: Sir, this witness is a witness, I understand, in a murder case that is going to be tried this week. I do not want any evidence given here which might possibly prejudice the trial of that case. I do not know if the Commission would take it in camera?

CHAIRMAN: We will wait and see.

ATTORNEY GENERAL: He is one of my witnesses in a murder case.

CHAIRMAN: We will wait and see what is being asked. We do not know yet. Mr. Kanji, you heard what the Attorney General has said? If you feel that you are coming to anything which might reasonably be said to be prejudicial to the trial you had better let us know.

MR. KANJI: I think all the Attorney General has in mind is that there may be intimidation.

ATTORNEY GENERAL: No. There is an accused man in one case, there are two murder cases, and nine in another, and this witness is a very important witness in the murder case. I do not know what evidence he can possibly give to this Commission which does not relate to the murder case.

MR. KANJI: I think there may be some evidence which this man can give to the Commission which will not be directly relevant to the murder case.

CHAIRMAN: We shall have to rely upon your judgment.

If you think it is likely to impinge let us know and we can take the rest in camera.

MR. KANJI: It may be better to take the evidence of this man in camera on the ground that there may be intimidation. Mr. Chairman, if this man gives his evidence before this Tribunal later on when he goes out there might be an attempt.

CHAIRMAN: That may be. If there is any danger of his saying anything which might be prejudicial to the trial I think we had better have it in camera. So, Mr. Kanji, we had better adjourn for a moment or two to clear the room, and then you can proceed.

MR. KANJI: If you please, Mr. Chairman.

CHAIRMAN: We will adjourn for a few minutes.

(The public hearing was adjourned for a short time)

MR. KANJI: It may be better to take the evidence of this man in camera on the ground that there may be intimidation. Mr. Chairman, if this man gives his evidence before this Tribunal later

MR. HUSSEIN BIN SAID called and sworn.

Examined by MR. KANJI

- Q. Is your full name Hussein bin Said?
- A. Yes.
- Q. Are you a trader?
- A. Yes.
- Q. Where do you have a shop?
- A. I have not got a shop, but I go everywhere.
- Q. Where do you live?
- A. I live at Boraste Kipande.
- Q. How long have you been living there?
- A. Since this disturbance took place.
- Q. Where were you living before?
- A. Before that I lived at Shauri Moyo.
- Q. Is that in Jangombe constituency?
- A. Yes.
- Q. Did you vote in the June election?
- A. Yes.
- Q. At which polling station were you required to vote?
- A. At the trade school.
- Q. Did you go to vote on 1st June?
- A. Yes.
- Q. Did you manage to vote?
- A. Yes.
- Q. Do you belong to any party? Are you a member of any political party?
- A. Yes.
- Q. Which party?
- A. The Nationalist Party.
- Q. What happened after you had voted at the trade school?

Q. What happened after you had voted at the trade school?

A. I was there for some time until about 2 o'clock;

Seyyid bin Ali came.

Q. Was that immediately after you had voted?

A. Some time passed, about an hour and a half.

Q. Why were you waiting there?

A. I was waiting for my companions so that we could return together.

Q. Was there a reason why you wanted to go together?

A. Yes.

Q. Could you tell us what the reason was?

A. We did not trust to go alone.

Q. Were you afraid?

A. Yes.

Q. What were you afraid of?

A. Disturbances, being assaulted or insulted or pushed about.

Q. Was that going on in that area in your recollection?

A. Yes.

Q. At what time did you go to vote?

A. I went at 10 o'clock.

Q. Am I right that before that you did hear and see disturbances?

A. Yes.

Q. You said after you had waited there for some time Seyyid bin Ali came there?

A. Yes.

Q. Who is Seyyid bin Ali?

A. He is a man from Zanzibar who is our companion.

Q. What did he tell you?

A. He said to all of us - "Whoever has voted, well and good. Whoever has not, should not. Let us all go back."

Q. Did he say where you should go?

A. He said we should go back to a branch.

Q. What branch?

A. Mwembenimba.

Q. That is a branch of the Nationalist Party?

A. Yes.

Q. Did you go there?

A. Yes, I did.

Q. Before going to the Branch office did you go anywhere else?

A. No.

Q. On the way did anything happen to you?

A. No.

Q. Did you reach the branch office safely?

A. Yes.

Q. What happened in the branch office?

A. A woman came there.

Q. Could you tell us her name?

A. A woman Jamile.

Q. Is she a member of your party?

A. Yes.

Q. What did she say?

A. She said - "I want people to go with me to collect my children because there is a disturbance now."

Q. Did anyone accompany her?

A. Yes, seven of us went.

Q. Did you get to a house?

A. Yes.

Q. Did you manage to go into the house?

A. Five people entered and two of us, myself and one Khelef remained outside.

Q. What happened to Khelef?

A. Immediately after these people had entered and closed the door we saw a crowd on the other side hitting us with stones.

Q. You told us that these people entered the house and closed the door?

A. Yes.

Q. Why did they not let you in?

A. They had no time. When they went in they hid themselves; they did not have time to come out and open the door for us.

Q. But these people were with you?

A. Yes.

Q. What happened to you after? Were you hit with stones?

A. I was hit with several stones, and I looked round and saw my companion had run away; he was not there.

Q. What happened to you?

A. I also ran.

Q. Did you manage to escape?

A. A short distance away a stone struck me on the back of the head and I fell down.

Q. Did the crowd come near you after that?

A. Yes.

Q. What did they do to you?

A. They struck me with sticks and stones and spears.

Q. Do you have any marks on your body where you were hit with spears?

A. Yes.

Q. Would you show them? (Witness indicated small scars

on chest and wrist).

Q. Was anything said by any member of the crowd whilst you were hit and were on the ground?

A. One of them said - "You are finished today; your vote which you have stolen for Ali Muhsin, you will go and vote it in the next world."

Q. Did you believe these people to be members or supporters of the ASP?

A. I was certain they were Afro-Shirazis.

Q. Did you know them?

A. No, I did not know them by sight.

Q. What happened after you had fallen down there?

A. I tried to get up. I got up and ran until I reached the branch.

Q. Was anything said by any member of the crowd whilst you were hit and were on the ground?

A. Which branch was that?

A. Mwembenimba.

Q. One of them said - "You are finished today; your vote which you have stolen for Ali Muhsin, you will go and vote it in the next world."

Q. The Nationalist Party?

A. Yes.

Q. What happened to you there?

A. My companions came and held me and carried me inside.

Q. What happened to you at the branch?

A. I was certain they were Afro-Shirazis.

A. They were busy applying spirit on my head and other parts

of the body to stop the bleeding.

Q. Did any disturbance arise at your branch office?

A. Yes.

Q. I tried to get up. I got up and ran until I reached the branch.

Q. Could you tell us what it was?

A. A crowd came up there and started stoning the place until the window broke, and that is where I happened to be.

Q. But you did really see the crowd, am I right?

A. No, I could not, I was unable to see them, I was not in

Q. What happened to you there?

A. My companions came and held me and carried me inside.

Q. What happened to you at the branch?

A. I was certain they were Afro-Shirazis.

A. They were busy applying spirit on my head and other parts

of the body to stop the bleeding.

a position to see.

Q. Did this crowd manage to get into the branch office?

A. Yes they did, they climbed up and started breaking the ceiling in order to jump down.

Q. Did anyone rescue the people at the branch office?

A. Yes, the police came.

Q. Was it then that all the people in the branch office were taken to the Ngambo police station?

A. Yes.

Cross-examined by MR. TALATI.

Q. What is your race?

A. Aghbiri.

Q. You are an Arab?

A. Yes.

Q. At what time did you leave the trade school for the station?

A. At 2 o'clock.

Q. At about the same time or soon after did you reach the Mwembenimba ZNP branch?

A. From there I did not stop; I went straight to Mwembenimba.

Q. About ten minutes?

A. Or a little less.

Q. Would you point out the Karimjee Trade School? (Indicated on map). Where is Jamile's house?

A. It is near the branch.

Q. At Mwembenimba?

A. Yes, near Mwembenimba.

By the COMMISSION.

MR. GROSSMITH: What time did you first hear that there were disturbances?

A. The night before, Sir, my son who is in the police said - "Tomorrow you must be very careful at the voting station, and immediately after you have voted you must go away; you must not remain there."

Q. At what time on 1st June did you hear that there had been disturbances?

A. When I got this information from my son the night before, I started being careful from that time.

(The witness withdrew)

MR. ALI DHIHAI called and sworn

Examined by MR. KANJI

Q. Is your full name Ali Dhihai?

A. Yes.

Q. Are you a motor vehicle driver?

A. Yes.

Q. Were you appointed agent of the ZNP candidate for the constituency of Jangombe?

A. Yes.

Q. Were you stationed at the trade school?

A. Yes.

Q. Was there a message brought to you that morning that the voters of the ZNP, whether they had voted or not, should not vote and should go away?

A. At what time?

Q. At any time.

A. Yes.

Q. Tell us at what time?

A. At 11 o'clock.

Q. Who brought the message?

A. Seyyid bin Ali

Q. Is he a member of the Nationalist Party?

A. Yes.

Q. What was his message?

A. He said to me - "Tell every Hisbu, including yourself, whether he has voted or not, to go away."

Q. What does "Hisbu" mean?

A. Zanzibar Nationalist Party.

Q. Did he say where these people should go?

A. We should go to the branch.

CHAIRMAN: Where?

A. At Mwembenimba.

MR. KANJI: Was any reason given why you should all go to Mwembenimba?

A. No.

Q. Did you then go to the Branch Office?

A. Yes.

Q. And did other people also come to the Branch?

A. Yes, all three came.

Q. So after you had got to the Branch Office of the Nationalist Party and Mwenbemimba, did you attempt to go out anywhere?

A. No, we didn't go out.

Q. Did you try to go out anywhere?

A. Yes, I did.

Q. Where did you intend to go?

A. I wanted to go to Gulioni.

Q. And you started going there?

A. Yes, I rode a bicycle and started to go there.

Q. What happened to you?

A. After having gone about 300 yards.....

Q. From the Branch Office?

A. Yes.

Q. What happened?

A. I heard someone shouting "There is a Hisbu!"

Q. Does that mean a member of the Nationalist Party?

A. Yes.

Q. Did people begin to gather after these words were shouted?

A. Yes, people started coming from different lanes with sticks after the shouting.

Q. What people were they?

A. People of the Afro-Shirazi Party.

Q. How do you know that they were A.S. people?

A. Because they were the people who intended hitting people.

CHAIRMAN: How did he know?

MR. KANJI: How did you know they were people of the A.S.P.?

A. I know that they were the people. They wanted to hit me.

Q. Would you believe that these people who were shouting were of the A.S.P. because they shouted? When you heard the people shouting "Hisbu", did you stop or did you go on?

A. I stopped and left the bicycle on the ground and ran.

Q. Now when you left the bicycle, did you see people around you?

A. Yes, I saw people surrounding me and they made a circle.

Q. Could you tell us what the shouting of the word "Hisbu" meant in the circumstances?

A. Because I had already got information that A.S. people were creating disturbances at every Polling Station. That is why I believed that they were Afro-Shirazis.

Q. Now, after you left your bicycle, what did you do?

A. I ran.

Q. And where did you go?

A. I went back to the Branch.

Q. At what time were you at the Branch?

A. I was there up to about 4.30 and before that somebody came and struck me with a stone on my head.

Q. Do you know who struck you with a stone?

A. If I saw him I would recognise him.

Q. Did anything happen to the Branch Office of the Nationalist Party?

A. After I was hit at about 4 o'clock, people came and attacked the Branch.

Q. What did they do to the Branch?

A. They stoned me at the Branch.

Q. And did anyone rescue the people at the Branch Office?

A. Yes, the Police.

Q. And were you all taken to Ngambo Police Station?

A. The three of us left at that time - Maalim Nawa, myself and Khalifa.

Q. And were the other people at the Branch Office taken to Ngambo Police Station?

A. I do not know that because we left earlier. We were the first to leave.

MR. TALATI: Are you an Arab ?

A. Yes.

Q. Did you receive orders to withdraw voters at about 11 a.m.?

A. Yes.

Q. How many persons collected at the Mwenbemimba Branch by 4.30 p.m.?

A. There were 45 people, including women.

Q. And there were surely more than 45 voters at the Trade School?

A. Yes.

Q. And didn't most of them leave for the Nationalist Headquarters at Darajani?

A. No, I don't know about that.

Q. Do you know where the other voters left for?

A. No, I don't.

Q. What were you going to Gulioni for?

A. My child is being brought up there and I wanted to go and find out how she was - how the position was there.

Q. In a house at Gulioni?

A. Yes, at a house in Gulioni.

Q. How many women were there at Mwenbemimba Branch?

A. I did not actually count, but I simply estimated that there were about 45 men and women.

Q. Were women about half the 45? Half women and half men?

A. Yes, or a little more men, perhaps.

Q. And am I right in saying that the men were not young men?

A. Some were young men, some were elderly people.

Q. The young men were about your age?

A. Yes, some about my age, some a little younger than me.

Q. What is your age?

A. 42 years.

MR. DOURADO: No questions.

CHAIRMAN: When you received the message to leave for the Polling Station, had you voted?

A. No, I did not vote. I have no vote.

Q. Why is that?

A. Because I was in Tanganyika for three years.

Q. Do you know how many branches the Z.N.P. have at Jangombe constituency?

A. Yes, three.

Q. Where are they?

A. Saatini, Mwenbemimba and Kidongo Chekundu.

Hilal Mohamed, called and sworn.

MR. KANJI: Your full name is Hilal Mohamed ?

A. Yes.

Q. Where did you reside at the time of the Election in June, 1961.

A. At Mikunguni.

Q. Are you a member of the Z.N.P?

A. Yes.

Q. Which was the Polling Station at which you had the right to vote.

A. Gulioni.

Q. Were you an agent of the Nationalist Party candidate at the Trade School?

A. Yes.

Q. At what time did you go to vote on 1st June ?

A. I arrived there at 7.45 a.m.

Q. We have heard in evidence that a piece of paper was passed through the window and handed to someone. Are you the person to whom a piece of paper was handed through the window of the Polling Station ?

A. Yes, I gave the paper.

Q. And it was returned to you ?

A. Yes.

Q. That was the appointment of an agent ?

A. Yes.

Q. What was the reason for handing the slip of paper outside the window?

A. He said "I want the agents of the A.S.P. and the Z.N.P. who have a right to vote here and who have duties at other Polling Stations."

Q. That was the Returning Officer ?

A. Yes.

Q. And was it then that you handed him your appointment form, which was a small slip of paper ?

A. Yes, that is the one I gave to him.

Q. And was that the paper which was returned to you ?

A. Yes.

Q. Now, after the form of appointment had been returned to you, what happened ?

A. The people then said that it is not fair. I had a paper for stealing a vote.

Q. Did you form any opinion as to the people who were telling you that you had stolen votes ?

A. Some I can remember, some I do not.

Q. But as a whole, did you form any opinion as to which political party these people supported ?

A. Yes.

Q. Could you tell us what your opinion was ?

A. I formed the opinion that they would certainly be people of the A.S.P.

Q. Did you know any of the people in the crowd ?

A. Yes, some. If I saw them I could recognise them.

Q. And do you know them to be members of the A.S.P.

A. Yes.

Q. Now, after the crowd started telling you that you had stolen votes, what happened to you ?

A. An askari came there and said to me "you had better leave here" and he held on to me.

Q. Was the crowd getting very excited there ?

A. When the askari held me, I was struck

Q. You were beaten ?

A. Yes.

Q. What did the policeman do after he got hold of you ?

A. Another askari came and held my left hand.

Q. Now before all this happened, did any Police Officer check with the Election Office or the Polling Station at Gulioni as to whether your version was correct or not ?

A. A European Police Officer came there.

Q. And did he ask you to hand over the form of appointment to him ?

A. Yes.

Q. Did you give it to him ?

A. I did.

Q. Did he go into the Polling Station to check?

A. He did not go in. He went to the clerk who handed back the paper to me. He went up to me.

Q. Did you hear any more about it ?

A. He first went to the clerk and then came up to me and wanted that appointment paper from me and held it. Then I said to him: "Give it back to me".

Q. Did he give it back to you ?

A. Yes.

Q. Did he give it back to you after reading it ?

A. Yes, he read it.

Q. Now you said that the other Policeman came when you were being taken away ?

A. Yes.

Q. Where were you taken ?

A. He said, "It is better for you to leave here".

Q. Where were you taken ?

A. He was taking me away and it was then that I was being taken away by the Police that the crowd came and hit me.

Q. Where were you being taken, do you know ?

A. Later I knew that they were taking me to Ngambo Police Station.

Q. While you were being taken to Ngambo Police Station, did anything unusual happen on the way ?

A. They were hitting me until I met or came across Inspector Basalam.

Q. Was this Inspector with his vehicles ?

A. Yes, he was with his vehicle, but he was on the ground.

Q. You mean he got down ?

A. Yes.

Q. And what did he do ?

A. He told the Askari to put me in the vehicle.

Q. Did they put you in the car ?

A. Yes.

Q. And what happened ?

A. He wanted to drive the vehicle.

Q. And did he manage to go away from there ?

A. No, he could not. They stood in front and they said: "He cannot leave here, because he is a thief. He must walk."

Q. Was this the same A.S.P. crowd which started hitting you at Gullioni Polling Station ?

A. Yes.

Q. What happened to you ?

. Were you pulled out of the car ?

A. Yes.

Q. Did you start walking with the Police constables to the Ngambo Police Station ?

A. Yes.

Q. Did anything else happen before you got to Ngambo Police Station ?

A. All along the way they were hitting me.

Q. What with, fists ?

A. With fists and sticks.

Q. Did anything else happen to you besides hitting you on the way.

A. They tore my clothes.

Q. Was this your condition before reaching Ngambo Police Station ?

A. Yes.

CHAIRMAN: As a result of the action of the crowd ? -

Yes, Sir.

Exhibit
RHVB 19.

MR. KANJI: Is the person in this photograph you ?

A. Yes, Sir.

Q. Were you then taken to hospital?

A. Yes.

Cross Examined by Mr. Swanzy.

Q. Are you an Arab ?

A. Yes.

Q. I did not quite catch what you did ?

A. I work in my shambas.

Q. Are you a farm labourer ?

A. I pick nuts in my shambas and also I attend to my clove crop.

Q. Now, on the 1st June, 1961, you voted, did you not?

A. I did not have time to vote. I wanted to go and vote.

Q. At what time did you get there ?

A. 7.45.

Q. And at what time were you prevented from voting ?

A. I think about 8.10, when these disturbances started.

Q. So you were there for ten minutes before the disturbances started ?

A. Yes.

Q. Now, in fact, agents have the first opportunity of voting, just as soon as the Polling Station opened ?

A. Yes, those who were connected with that station.

Q. Agents who were doing a job elsewhere had a priority to vote before anybody else ?

A. That is what he wanted and he required from us.

Q. Now, all these preliminaries took place before 8 o'clock ?

A. Yes.

Q. And there was no trouble until 8.10, according to you?

A. I had heard that Nuhu Pandu had been beaten before me.

Q. Oh ! Who is that Nuhu Pandu ? What was he doing when he was beaten ?

A. I do not know because I had not arrived there yet .

Q. And where was he beaten ?

A. There at Gulioni.

Q. That would be before 8 o'clock ?

A. Yes.

Q. 7.45 ?

A. Yes.

Q. And by 8 o'clock you were supposed to have finished voting and to be on your way to your agency work ?

A. Yes.

Q. Can you account for the reason why you stayed until 8.10 when you got into trouble ?

A. First, the clerks go in then the agents and their witnesses who are to vote in that place. That is how it was.

Q. You were agent for the Trade School, were you not ?

A. Yes.

Q. And you were supposed to be at the Trade School by 8 o'clock ?

A. Yes, to go and attend to my duties.

Q. Now I put it to you that the crowd accused you of trying to vote twice ?

A. When did I vote ?

CHAIRMAN: Will you answer the question, please ?

A. I did not want to vote twice.

MR. SWANZY: No: listen to my question. What I am telling you is this. The crowd accused you of trying to vote twice.

A. It is not true. They said this man is stealing a vote.

Q. That is what I mean. The crowd said that. -

A. Yes, they said that.

Q. Now in the January Elections you also played a part as an agent, didn't you ?

A. Yes.

Q. And you were notorious ?

A. How ?

Q. As far as some of the crowd were concerned. They knew your face, didn't they ?

A. Certainly, some would know me.

Q. Now when you said you were beaten by the crowd you were in fact in between two Police Officers, were you not ?

A. Yes.

Q. And your suggestion that the Police stood by and watched all the crowd beating you ?

A. They were not standing only, they were holding me.

Q. To enter with the crowd to beat you ?

A. Yes.

Q. Can it be the Police Officer know you very well ?

A. Know me how ?

Q. Your Election record in January.

A. I don't know.

Q. That is all.

MR. DOURADO: Did I hear you say that the Police allowed the crowd to beat you ?

A. That is how I felt because I was the assaulted person and I was being held and the people who were assaulting me they were not stopped.

Q. Did you make any complaint to any Police authority after that ?

A. I went to the Police Station.

Q. When you got there, did you make any complaint about the behaviour of the Police ?

A. Certainly, because a photograph was taken and they saw it.

Q. Have you understood my question: you are suggesting that the Police allowed the crowd to beat you up?

A. Yes, that is now I felt.

Q. You are suggesting that. Now, if that is the truth, did you make a complaint about your feelings ?

A. Yes, I did.

Q. Where ?

A. At Ngambo Police Station.

Q. What did you say there ?

A. They asked me what had happened, who hit me. I said I didn't know who hit me, but all I knew I was hit after I was held by the askaris.

Q. Did you say that the askaris allowed you to be beaten up ?

A. That I did not say. But that is how I felt.

MR. KANJI: Is it correct that you went to vote at Gulioni but the crowd didn't allow you to vote ?

A. Yes.

Q. And therefore you could not vote on the Election day?

A. Yes, I didn't.

CHAIRMAN: About what time did you reach the Police Station ?

A. I cannot exactly remember because I was feeling
I think it was between 8.30 and 8.45.

Q. Were you kept there by the Police ?

A. Yes.

Q. When were you released ?

A. They sent for a motor vehicle to take me to the hospital.

Q. And you were admitted in the hospital ?

A. No, I was not admitted.

Q. Treated ?

A. Yes, I was treated. I didn't want to be admitted.

Q. When did you leave the hospital after being treated ?

A. About 9.30, Sir.

Q. Were you walking ?

A. No.

Q. Where did you go from the hospital ?

A. I went home at Kajifichoni.

Q. Did you stay there all day ?

A. Yes.

Q. Did you feel too unwell to go out and vote after that ?

A. Yes, Sir.

CHAIRMAN: Thank you.

MR. MIHIJAE SALEH called and sworn.

Examined by MR. KANJI.

Q. Are you self-employed, and do you make caps ?

A. Yes.

Q. Are you a member of the Z.N.P. ?

A. Yes.

Q. Did you go to vote at Darajani on 1st June, 1961 ?

A. I did.

Q. What happened to you when you went to vote there ?

A. I was removed outside.

Q. You were removed outside from where ?

A. From the queue.

Q. Were there a number of people who removed you from the queue ?

A. Three people came there first, people whom I know, and then later a group followed.

Q. Who are these three people, whom you know ?

A. One is called Shabani Kheri; another one called Mgaya.

A third one is called Sudi Uledi.

Q. Do you know to which political party these people belong?

A. Afro-Shirazi.

Q. Is that the Afro-Shirazi Party ?

A. Yes.

Q. What did they do when they removed you ?

A. They started pointing at me, saying "That man has no vote".

Q. After that what happened ?

A. Then they came close to me and then I showed them my number of voting.

Q. What did they do after that ?

A. They refused completely.

Q. They did not believe when you told them that you are a voter, even after you showed them your number ?

A. They did not believe, and I even showed them my name on the list to convince them.

Q. Which list ?

A. It was posted on the wall, and I called them and I pointed it out to them.

Q. At the time you started to talk to these three people, were you in the queue or had you moved from the queue ?

A. I had come out of the queue to go and point it out to them.

Q. Why did you take the trouble to point it out to them ?

A. Because I wanted to assure them - I did not want them to create a disturbance, to trouble me.

Q. What did these three people do after you had assured them of your number ?

A. They did not agree at all.

Q. What happened to you after that ?

A. They took hold of me by force, pulled me out, at the same time hitting me.

Q. Is this the time when the crowd began to come near you ?

A. Yes.

Q. What did the crowd do to you ?

A. They held me, almost lifted me, at the same time hitting me with hands.

Q. Did they just lift you, or did they do something else besides that?

A. And pulling my legs apart.

Q. After that, did you become unconscious ?

A. When people came to help me I became unconscious. I fell down to the ground.

Q. Where did these people come from to help you ?

A. They were in the queue. They broke out from the queue and came to assist me.

Q. Do you know who these people were who were coming to assist you ?

A. Yes.

Q. Were they members of the Nationalist Party ?

A. Yes, they are my neighbours.

Q. Were you then taken to hospital ?

A. Yes.

Q. And were you treated as an out-patient there ?

A. Yes, I was treated as an outpatient.

Q. Did you try to vote again on the same day at Darajani ?

A. Yes, I did, and I was told that people were being asked to go back and they were being withdrawn.

Q. Did you then vote or not ?

A. Yes. At about 5 o'clock the Y.O.U. people came and took me to vote.

Q. When you went to the polling station at 5 o'clock, did you have any difficulty again ?

A. Yes.

Q. Would you tell us what happened then ?

A. When I wanted to go in, I was stopped.

Q. Could you say by whom you were stopped ?

A. Some women, I do not know who they were. They said that this is not for me.

Q. Were they African women ?

A. Yes.

Q. Did you form an opinion as to which political party they supported ?

A. They are Afro-Shirazi.

Q. Do you know from your own knowledge whether there were two doors, two separate doors, for male and female going to vote at Darajani ?

A. There were two doors, but the one I passed through in the morning was being used by both men and women.

Q. Was there any other door kept just for women ?

A. I do not know.

Cross-examined by MR. KWAW-SWANZY

Q. You are a Comorian, are you not ?

A. Yes.

Q. Did you report this assault to the police ?

A. Yes, I reported on the 11th June.

Q. When were you assaulted ?

A. On the 1st June.

Q. Why did you wait for so long before you reported it ?

A. I was ill.

Q. You were not too ill on that day, the 1st June, to go back and vote in the wrong queue ?

A. I do not understand.

Q. On that day, 1st June, you say after you had been assaulted you later came back to vote ?

A. Yes.

Q. My question was did you report the fact of your assault to the police, and you said you did not report till the 11th June. My question now is why did you not report on the 1st June ?

A. On that day I just pulled myself together. I went under pain and voted, and after that the pain increased. I did not go.

Q. On that day when you went to the queue the second time you said you were brought to the voting station by the Y.O.U. members, is that not so ?

A. Yes.

Q. Could they not have accompanied you to the police station to make a report ?

A. I did not ask them to take me.

Q. Since the 11th June when you made your report to the police, has there been, to your knowledge, any court case on your report?

A. No case: the people who had assaulted me had disappeared. Only one was found.

Q. Was that one taken to court ?

A. Yes.

Q. What was the result ?

A. He has been imprisoned for a year and a half.

Q. For assaulting you ?

A. Yes.

ATTORNEY GENERAL: No questions.

SIR VINCENT TEWSON: What is your age ?

A. I am about 30.

MR. KANJI: Just for the record, is the colour of your skin as black as an African ?

A. Yes.

Q. And were you born in Zanzibar ?

A. Yes.

MR. ALI RAZA NATHANI called and sworn

Examined by MR. KANJI

Q. Are you an Indian merchant in Zanzibar?

A. Yes, I am a Zanzibari: I am a merchant.

Q. Is your work in Zanzibar?

A. Yes.

Q. Are you a member of the ZNP?

A. Yes.

Q. And you take a prominent part in the activities of the ZNP, the Nationalist Party?

A. I do.

Q. On 1st June, 1961, the election day, did you take your uncle to Kikwajuni polling station?

A. Yes, I did.

Q. Did you take him in your car?

A. Yes.

Q. What is the name of your uncle?

A. Abbas Rohmtulla Nassor.

Q. Was he a voter whose polling station was Kikwajuni?

A. Yes.

Q. Where did you stop your car when you took your uncle to the polling station?

A. To just aside somewhere, a little apart from the polling station, in accordance with the regulation: I cannot go there.

Q. You cannot go near the polling station: it was just a little apart from the polling station?

A. Yes.

Q. Am I right in saying that your uncle went to the polling station: What did you do?

A. I was standing outside near my car.

Q. Did you see anyone arrive there?

A. Yes.

Q. Who was it?

A. It was Thabit Kombo.

Q. Do you know of Mr. Thabit Kombo?

A. Yes, he is the General Secretary of the Afro-Shirazi Party.

Q. How did he come - by car or walking?

A. He came by car, a black Hillman car, accompanied by three people.

Q. Were those three people Africans?

A. Yes.

Q. What did Mr. Thabit Kombo say?

A. He came out of the car and signalled "V" towards the crowd which had gathered near him.

Q. You said the crowd gathered near him. At the time when the crowd gathered near him, was he in the car or did he come out of the car?

A. Out of the car.

Q. Where did this crowd come from?

A. The crowd were sitting on the opposite side of the polling station.

Q. Was it in the form of a group, or scattered?

A. It was scattered just in a line.

Q. It was in a line, was it?

A. Just in a line they were sitting.

Q. Approximately how many people gathered round Mr. Thabit Kombo?

A. As far as I can recollect, approximately 200 were

gathered, I should think.

Q. Did they carry anything in their hands?

A. Yes, they had heavy sticks.

Q. And what transpired after that?

A. They cheered up at the signal, and then Mr. Thabit Kombo addressed the mass.

Q. What did he tell the crowd?

A. He said, "Your colleagues have already started. Why are you so idle? Whom are you looking for? Let us finish them now."

MR. KWAW-SWANZY : Sir, may I say that no suspicion of this was put during cross-examination earlier that he was going to lead to this point. It would have been better for us if my Friend had made this point.

CHAIRMAN: It would have been better: I think he might have asked them if they overheard those remarks, but that is a matter for comment.

MR. KANJI: I did ask Mr. Smithyman, Sir, to the best of my recollection.

CHAIRMAN: It was sometimes difficult to hear.

MR. KANJI: I agree, Sir, and I cannot be quite accurate, but that is my feeling.

Q. You did put a suggestion that certain things had been said, but I do not recall you putting this.

MR. KANJI: I do not recall it either, Sir. Now those remarks were spoken in Swahili ?

A. In Swahili.

Q. What meaning did you gather from those words immediately after they were said ?

A. I gathered the meaning that it was a sort of an instigation to the crowd, such as I have already experienced at the other polling stations, with beating and throwing of stones - that was instigating.

Q. You know that the polling station is in the Darajani constituency, do you ?

A. Yes.

Q. How far were you from the crowd, and particularly from Mr. Thabit Kombo, when those words were spoken ?

A. Just about less than 10 feet - his car was parked behind my car, and I was standing near my car.

Q. Does Mr. Thabit Kombo know you personally ?

A. I hope so.

Q. Do you not think it was surprising he should say those words to the crowd when you were near him and when he knew you were a fairly prominent member of the ZNP ?

A. No.

Q. Why is it not surprising ?

A. As far as I could believe, the loaders were trying to instigate the matter.

CHAIRMAN: Instigating what was happening.

MR. KINJI: Yes, the loaders of which party ?

A. The A.S.P.

Q. So you did not think it was necessary for Mr. Thabit Kombo to be cautious ?

A. No.

Q. Now immediately after you heard this, did your uncle come out of the polling station ?

A. Yes, the crowd replied, "Ready, Bwana". He went to the polling station and my uncle came out. I managed to get him away.

Q. The crowd did not in any way trouble you ?

A. No.

Q. And did you raise this matter with anyone after you left Kikwajuni ?

A. Yes.

Q. Who did you talk to about this incident ?

A. I talked to Mr. Ahmed Scif Kharusi.

Q. Could you tell us who he is ?

A. He is an executive member of ZNP.

Q. I think I omitted to ask you at what time the incident took place, at what time Mr. Thabit Kombo addressed the crowd. Can you say what time it was ?

A. As far as I recollect, I arrived at 11.40 or something like that at the polling station, and this incident took place around 12 o'clock.

Q. Why did you report the matter to Ahmed Scif and not to the police ?

A. As I say, he is a member of the Executive. He is Chairman of Welfare, and I find his wife is still on the queue there, waiting to vote.

Q. Did you report the matter to the police ?

A. I did. I did not report it immediately.

Q. When did you report it ?

A. I think I reported it some time during the third week of June.

Q. Why did you not report the matter immediately to the police?

A. I did not think it necessary because the police were aware of it.

Cross-examined by MR. TALATI

Q. You said you were a merchant ?

A. Yes.

Q. That is so ?

A. Yes.

Q. Do you have a place of business ?

A. Yes.

Q. Where ?

A. At Kiponda.

Q. In the same place in which there is a Nationalist Party branch ?

A. Yes.

Q. When did you become a member of the ZNP ?

A. About two years ago.

Q. Let us be accurate ? When was it ? You ought to remember the month at least ?

A. I think it was early 1960, if I am not mistaken.

Q. You became a member of the ZNP along with a group of Indians, did you ?

A. No.

Q. You became a member all on your own ?

A. Yes.

Q. The day you became a member, soon after that the branch office was opened, is that not so ?

A. No.

Q. Did you not become an important member of ZNP straight away ?

A. Not straight away.

Q. When did you become an important member of the ZNP ?

A. When I was elected as appointed chairman of the town original Council of ZNP.

Q. When was that ?

A. In June, 1960.

Q. In six months you became that, and when did you go to China, Mr. Nathani ?

A. Has this question got any concern ?

CHAIRMAN: Perhaps you can put it in the form of a question, Mr. Talati.

MR. TALATI: I will ask you, did you go to China ?

A. Yes.

Q. When did you go to China ?

A. In July, 1960.

Q. Before January 1960 had you ever taken any part in politics ?

A. Yes.

Q. Where, on behalf of whom ?

A. Z.N.P.

Q. Before January 1960 ?

A. Yes.

Q. What part have you taken.

A. I have been an ordinary member.

Q. Why did you not say you were an ordinary member of ZNP before January, 1960 ?

A. Because after that we had some other position with opening a branch. That is why when you asked when I was an important member I told you.

Q. Where were you a member ?

A. I was a member of Malindi Branch.

Q. My question was in the beginning "When did you become a member of Z.N.P.?" and you say January 1960. Are you prepared to change it? When did you first become a member of ZNP ?

A. From 1957.

Q. A card-carrying member ?

A. Yes.

Q. But you were not in the limelight, were you?

A. I do not fully understand. (THE QUESTION WAS REPEATED)

I was not.

Q. And in July you went to China ?

A. I said so.

Q. In a delegation consisting of how many members of ZNP ?

A. We were 10 people.

Q. What did you go there fore ?

A. A flying visit.

Q. Sight-seeing ?

A. That is so.

Q. Was there any conference ?

A. No, there was no conference.

Q. There is no reason why you should be afraid of disclosing anything, Mr. Nathani.

A. I am not afraid, Mr. Talati. I am just telling you, I have ^{been} in almost every part of the world.

CHAIRMAN: Just answer the question.

MR. TALATI: I want to ask you if your visit was in connection with politics alone. You already said you went with a delegation to China in July, 1960.

A. That is right.

Q. And you went there just for a visit ?

A. That is right.

Q. From there where did you go ?

A. We came back to Zanzibar.

- Q. You visited China only ?
- A. We went just to Moscow and China.
- Q. Please answer the questions as they are put to you. From China, where did you go ?
- A. We came back to Zanzibar.
- Q. Before reaching China, where did you go ?
- A. We passed Cairo, we passed Moscow. We were in transit two days, three days: that is nothing.
- Q. Since you came back here, what are you in the ZNP ?
- A. A member of the Executive.
- Q. On that election day, at about what time was it you mentioned you went to Kikwajuni with your uncle ?
- A. About 11.40.
- Q. Is your uncle in Zanzibar ?
- A. Yes.
- Q. And you went to the Kikwajuni polling station ?
- A. Yes.
- Q. By that time trouble had already started, as you say, in the other parts of the town ?
- A. Yes.
- Q. And you were aware of that ?
- A. Yes.
- Q. Were you also aware of the fact that important members of the ASP know you as a Nationalist member ?
- A. So.
- Q. And there Mr. Thabit Kombo, in your presence, incited the crowd to violence ?
- A. That is what I heard.
- Q. That is what happened ?
- A. I heard his voice.

Q. He was inciting the crowd to violence ?

A. That is what I said.

Q. The crowd was already armed ?

A. They had heavy sticks.

CHAIRMAN: The witness did say they had heavy sticks.

MR. TALATI: And you were only ten feet away from Mr. Thabit Kombo ?

A. That is right.

Q. And the crowd was around Thabit Kombo ?

A. Yes.

Q. how many persons were they ?

A. When I arrived there, as far as my eyes could tell me, approximately 200 people were there.

Q. And they let you off ?

A. True.

Q. They did not touch you ?

A. No.

Q. What was Mr. Thabit Kombo inciting them to do - what did you understand by his words ?

A. I took it that he was inciting the people to start stoning and beating, so that people should not go and vote: they should run away and not to vote.

Q. And did they start stoning at Kikwajuni polling station after that ?

A. I do not know.

Q. Did they do so in your presence, until the time you left ?

A. No.

Q. By the time you left, had the crowd dispersed ?

A. No.

Q. What was the crowd doing ?

A. They just went back on the line where they were as before.

Q. What was the line - where were they ?

A. They were sitting under huts, as I said on the opposite side.

Q. And they went back to sit there ?

A. Yes, outside the huts.

Q. They did not start stoning the polling station ?

A. I was only for another two minutes there.

Q. But they went near the huts and sat there ?

A. I saw them going back to sit there.

Q. You did not consider your life was in danger, was it, when Thabit Kombo said these words ?

A. No.

Q. Why did you not consider that your life was in danger ?

A. Because one thing I know when I am out on the political situation, my life is always in danger.

Q. So you were there, a martyr, ready to be killed if they thought fit ? Will you answer that question ?

A. Not that necessarily.

Q. Then what did you go for ?

A. I took my uncle to go to vote.

Q. And you were not perturbed by this inciting ?

A. I stayed two minutes. My uncle came out and I ran away.

Q. You did not run away till your uncle had returned from the polling station ?

A. They met, you see, on the door outside. Mr. Thabit was getting inside and this man was coming out, rushing. The road was open. I just loapt into the car and I took him away.

Q. You just said, "I did not worry about my life".

A. Exactly.

Q. So it did not matter about whether a group was going to kill you or assault you, or not. If they were going to assault you, you would have taken it as part of politics ?

A. Why should I ?

Q. Mr. Raza Nathani, I am putting this question to you: since you have become a member of the ZNP you are in the habit of showing off yourself as a leader - am I right ?

A. Wrong.

Q. When the rioting was going on in Zanzibar, and a number of dead bodies were being received from outlying districts, did you not go about the mortuary identifying bodies of people you had never seen in your life before ?

A. No, Sir. I identified the voters whom I knew.

Q. All the Arabs who came from shambas - their dead bodies?

A. I did. I identified the bodies I knew.

Q. And as a result of your identification, has there not been a considerable amount of confusion in the murder cases ?

A. No.

Q. No ?

A. No.

Q. Were you ever injured during these riots ? I think you must have been. I am inviting you to say so. Were you injured ?

A. I received a stroke only on my leg.

Q. A stroke by what ?

A. A heavy stick, on my right leg.

Q. Where was that ?

A. Darajani.

Q. What was the result of that ?

Q. Was it before 12 o'clock or after -- before you sent your uncle to vote ?

A. After.

Q. How did you receive a stroke on your leg ? What were you doing at Darajani ?

A. I went to ask the people of my community not to vote, not to risk their life to vote, and to come back.

Q. Where did you go to Darajani ?

A. I said Darajani.

Q. Darajani, but where ?

A. Darajani polling station.

Q. And then what happened ?

A. When sticks were coming on, I just received a stick here.

Q. Did you go for treatment for the injuries received ?

A. I did not receive any injuries ?

Q. You said you went lame for a few days.

A. Yes, that was shock only.

Q. I see. Is it part of your political "stunt", Mr. Raza Nathani, this receiving of an injury ?

A. No.

Q. It is most truly and really an injury ?

A. Yes, it was truly a shock blow on my leg.

Q. Now you said you have your offices in the same place as that in which there is a Nationalist Party Branch, is that so ?

A. Yes.

Q. Do you have a trade licence ?

A. Yes.

Q. This year ?

A. Yes.

Q. What trading licence ?

A. In the name of M. Suleiman Versi.

Q. That is the licence you have got ?

A. Yes.

Q. You are an employee of Mr. M. Suleiman Versi ?

A. I am running the business on behalf of M. Suleiman Versi.

Q. Where ?

A. Zanzibar.

Q. Where in Zanzibar - the same place as where the Branch is?

A. The same place.

Q. What business are you doing there ?

A. We sell textiles.

Q. You import textiles, which you sell wholesale ?

A. Wholesale.

Q. Do you have any piece of material in that shop ?

A. We do not keep them there: we keep them in the go-down.

Q. And what have you imported during 1961 ?

A. Khangas and textiles.

Q. And you say you deal with them for M. Suleiman Versi

Who pays the rent of this place, M. Suleiman Versi or the Zanzibar Nationalist Party ?

A. No rent is paid.

Q. By anybody ?

A. No.

Q. Not even by yourself ?

A. No.

Q. Whose property is that ?

A. My father's.

Q. Do you have M. Suleiman Versi's name, a board stating the name ?

A. If you like to see, you can.

Q. Will you answer yes or no ?

A. I told you, there is a sign board.

Q. There are plenty of political signboards outside, is that not so ?

A. No.

Q. "Zanzibar Nationalist Party Branch" - is that the only one ?

A. That only.

Q. And the initials ?

A. There is nothing like that. There is N.E.P.C.O., National Education Promoting Centre Office.

Q. You said you did not report this incident till after the third week was over ?

A. Yes.

Q. Who asked you to go to report ?

A. Nobody.

Q. Why did you go to report ?

A. I found it was my duty.

Q. You realised your duty on the third week, is that so ?

A. Yes.

Q. And to whom did you report that incident ?

A. I sent a letter.

Q. You sent a written letter, addressed to the Commissioner of Police, was it ?

A. Yes.

Q. And you were not believed, were you - am I right ?

A. How could I say so ?

Q. Has any action been taken on your report, to your knowledge ?

A. Nothing so far.

Q. Did you go and enquire why action was not taken on such an important point ?

A. I tried to check up. I was told that it is being attended. Investigations are going on.

Q. When did you last enquire from the police ?

A. Only last month I tried again.

Q. Last month was September - or do you mean August ?

A. September.

Q. What date did you enquire ?

A. I do not remember.

Q. Come on: you must remember. You cannot say ? Was it early in September ?

A. Maybe.

Q. About a month ago ?

A. Something like that.

MR. TALATI: I see. You know, do you not, that not one ZNP member has so far come up to the Commission yet - not one witness has come before the Commission to say "I saw such and such a person of the ASP leadership do this or that".

MR. KANJI: Sir, I think we did have some evidence on that point.

CHAIRMAN: No, there is no witness. You have not called a witness on this point yet, before this one.

MR. KANJI: I think my witness whose evidence was in camera did make some point about a leader.

CHAIRMAN: No, not this one. Anyway, we can check it.

MR. TALATI: We are talking about recognised leaders.

CHAIRMAN: Let us be clear, Mr. Kanji. We are fully alive to the evidence that was given, but Mr. Talati is asking about the recognised leadership of the Afro-Shirazi Party, by which he means high-level leadership and not local.

MR. KANJI: I am much obliged, Sir. The matter is clear now.

MR. TALATI: You have heard of this, have you not ? - there is not one witness who has come here so far to allege that he saw a recognised leader of ASP incite the crowd ?

A. I do not know.

CHAIRMAN: I think on such an important point as this, there is some justice in Mr. Swanzy's objection. It is a very important matter, which has not been suggested to any of the witnesses who were called by the Attorney General.

MR. KANJI: As I said before, Sir, my recollection is that I did put to at least Mr. Smithyman, and I think the record will show that.

MR. TALATI: To the best of my recollection, the question was put to Mr. Smithyman that he had heard of an incident connected with Thabit Kombo. There was that, but it was not to this extent.

CHAIRMAN: In any event, Mr. Kanji is right in saying we can verify it. The evidence has occupied quite a number of days and it is difficult to remember everything, but we can verify it one way or the other. I would not like to say definitely that you did not, but I have no recollection of it.

MR. KANJI: Nor am I saying definitely, Sir.

CHAIRMAN: But I think if it was a matter which had been put clearly, we would all remember.

MR. TALATI: You have mentioned, Mr. Raza Nathani, you saw Mr. Ahmed Scif Kharusi. You call him an Executive member of the ZNP. You saw him on the same day?

A. Yes.

Q. What time was it that you saw him?

A. I think it was just about a quarter to 12, something like that.

Q. So you went straight round from Kikwajuni to his house?

A. No, I came to the ZNP headquarters.

Q. At Darajani?

A. Yes.

Q. And from there did you go to Ahmed Scif's house?

A. He was there.

Q. And you spoke to him straight off?

A. Yes.

Q. Had you seen Ahmed Scif's wife at the polling station?

A. I saw her.

Q. Did you go anywhere near the ladies' section of the polling station?

A. No.

Q. Where did you see her?

A. I saw her outside in the queue waiting for her turn.

Q. There were a number of people waiting in the queues at Kikwajuni?

A. Which queue?

Q. In the queues.

A. Which queue are you referring to.

Q. I said queue.

A. In the queue for men there were only few, and in the ladies there were many. Which are you referring to?

Q. I said queues - in the queues. Will you answer?

A. In one queue there were many and in the other only five or six were standing.

Q. And were you not anxious - did you not feel anxious for the safety of those voters?

A. I must be.

Q. You did feel anxious?

A. Yes.

Q. So the only thing you did was you went back to Darajani and reported the incident to Ahmed Scif Kharusi?

A. Yes.

Q. Did you expect to see him there - did you expect him to be there?

A. No.

Q. Why did you go to Darajani to your Headquarters?

A. That was our Headquarters. I have to report everything there.

Q. So you thought it was best to go to Headquarters to report that incident?

A. Exactly.

Q. And you found Ahmed Scif Kharusi incidentally there?

A. Yes.

Q. So you spoke to him. Did you report this to anybody else?

A. No.

Q. Who had you gone to report to there, at the Headquarters?

A. I said I reported it to Ahmed Scif.

Q. But he was only incidentally there?

A. Yes.

Q. When you left Darajani, you went to Headquarters expecting to see whom?

A. Any member of the Executive, just to convey the message, and then go to my polling station.

Q. Do you know if Ahmed Scif made a report of this immediately to the police, or not?

A. I do not.

Q. Why did you not consider that important - not informing the police?

A. I had reported to my Executive member, and I had to go to my polling station.

Q. It was not necessary to report to the police about this incident?

A. Yes, because the police were aware of all these disturbances.

Q. Were they? You had just seen a crowd of 200 being addressed by Thabit Kombo, inciting them to violence, and you had just seen a large queue of voters, especially women voters. You went down to Darajani - correct?

A. Yes.

Q. In order to report this very incident at your Headquarters?

A. I had reported to my Executive member, and I had to go to my polling station.

Q. And you just spoke to Ahmed Seif Xharusi there, who was incidentally present - correct?

A. Yes. Yes, because the police were aware of all these disturbances.

Q. Did you not consider it necessary that the police should be informed?

A. The police were there at the polling station and were aware of these disturbances in town. You just saw a large queue of voters, especially women voters. You went down to Darajani - correct?

A. There were police constables.

Q. Where were they? In order to report this very incident at your Headquarters?

A. One was outside the gate and one was inside.

Q. That is within the polling station?

A. Yes. And you just spoke to Ahmed Seif Xharusi there, who was incidentally present - correct?

A. Yes.

Q. Did you imagine the crowd of 200 could be controlled by two police officers - did you imagine that was possible?

A. Yes. Yes, because the police were aware of all these disturbances.

Q. Were they? You had just seen a crowd of 200 being addressed by Thabit Kombo, inciting them to violence, and you had just seen a large queue of voters, especially women voters. You went down to Darajani - correct?

A. There were police constables.

A. How could I think so?

MR. TALATI: You can either say yes or no. Did you imagine at that time that the two police officers were capable of controlling this crowd?

CHAIRMAN: If it started misbehaving?

A. Well, even five people cannot sometimes be controlled by two.

MR. TALATI: All the more reason why 200 could not be controlled by two.

CHAIRMAN: Why do you not answer the question? Did you think they could? You did not, did you?

A. I did not.

MR. TALATI: Did you not think it was your duty that the police should be informed for safety reasons?

A. But I saw the police were there: they were aware of it.

Q. You say they were aware of it?

A. The disturbances had already started.

CHAIRMAN: Were they constables?

A. At the polling station, Sir, yes.

MR. TALATI: Did they hear Thabit Kombo, do you think?

A. No.

A. They did not hear Thabit Kombo addressing the crowd, but still you maintain they were aware of the incitement that Thabit Kombo had caused to this crowd? Still you maintain the police were aware of this?

A. You do not make it clear. How could the police know the thing which I myself had heard?

CHAIRMAN: But you have already told us that you abstained from reporting the matter to the police because the police were aware of the incident.

A. The incidents in town that were taking place.

Q. No, the inference that I drew myself was that they were already aware, that they had overheard the incitement. You did not intend to convey that?

A. No, how could the police know?

Q. Do not ask me a question. You did not intend to convey that meaning?

A. No.

A. And you did not think the two askaris on duty overheard the incitement?

A. No.

MR. TALATI: Do you know from time to time reports were being made to the police on the 1st, 2nd and 3rd June by Nationalist Party members of any incident that they came to know of - do you know of that?

A. I do not.

Q. Well, I may tell you that information was being given to the police. Is it not strange that this information was not given, Mr. Raza Nathani?

A. Well, I do not know whether it was given by Ahmed Soif or not.

Q. You do not know whether Ahmed Soif gave the information to the police or not? You know why I am putting so many questions to you?

A. No.

MR. TALATI: It is because let me tell you you are a liar.

CHAIRMAN: I do not think you should use a word of abuse. You can suggest that he is not speaking the truth.

MR. TALATI: I am sorry, Sir. You are not speaking the truth: that is the reason.

A. You can suggest anything.

CHAIRMAN: He disputes it.

A. You can suggest anything but you cannot accuse me.

MR. TALATI: Mr. Raza Nathani, am I right in saying you depend on politics for your living?

A. No.

Q. That is not true?

A. Not true.

Cross-examined by the ATTORNEY GENERAL

Q. This letter you wrote to the police: can you give us any idea when you wrote it - this letter reporting the incident?

CHAIRMAN: He said after the third week.

ATTORNEY GENERAL: Did you write it in long-hand, or was it typed?

A. I typed it.

Q. Have you a copy? Do you produce a copy of it?

A. I have not got it here.

Q. Can you produce a copy?

A. When I addressod a letter to the police.....

Q. Have you a copy?

A. No, Sir.

MR. KANJI: Sir, I think I can help, I have a statement which was made by this witness, and I think that was the statoment which was sent to the police.

ATTORNEY GENERAL: He said he typed a letter to the police.

CHAIRMAN: Mr. Kanji the witness has told us about a letter. He was asked, "Did you go and report it?" and he said, "I wrote a letter". He is now being asked if he has a copy of it. If you can produce a copy of the document that was sent, you can tell your learned Friend so. When was it taken? He will want to know that.

ATTORNEY GENERAL: How did you report this matter to the Commissioner of Polico? What was the form the letter took?

A. I wrote a letter, I made a statomont.

Q. You wrote a letter and made a statomont?

A. That was a statement: I made a statomont.

Q. Now did you ever send a typowritten statomont to the Commissioner of Polico? A. Yes, I said so.

Q. A signed, typowritten statomont? A. Yes.

Q. Did you take a copy of that statomont?

A. Yes, I had a copy.

Q. Where is the copy ?

A. I have not got it here with me.

Q. Where is it ?

A. It should be either in my office, or ...

Q. Can you produce it tomorrow morning ?

A. Yes.

Q. Will you produce it tomorrow morning ?

A. Yes.

CHAIRMAN: If it is here, as he says, we can look at it now.

ATTORNEY GENERAL: You say you heard the matter was under investigation. How did you hear that ? Did the police tell you the matter was under investigation ?

A. Personal contact.

Q. Personal contact with whom ?

A. With the police.

Q. Which policeman - was it a constable at the gate, or at police headquarters ? Who told you ?

A. At the Central Police Station.

Q. Who was it ?

A. I do not remember, but then I was going to Ziwani, the headquarters.

Q. Let us deal first with the Central Police Station. You say you enquired there and some police officer you cannot remember who told you this ?

A. Yes.

Q. You also went to police headquarters at Ziwani ?

A. Yes.

Q. Of whom did you make enquiries there ?

A. There is a C.I.D. inspector there.

Q. What did he say to you ?

A. He said "We are investigating the matter".

Q. And when was that ?

A. That was last month, in September.

Q. Who was the police C.I.D. inspector ?

A. I do not know him by name.

Q. And you have no written information from the police as to the progress of the investigation or that they were investigating the matter ?

A. No.

ATTORNEY GENERAL : Sir, I think I shall be able to put these questions to Mr. Wright when he is recalled.

By the COMMISSION.

CHAIRMAN: And who did you address this communication to ? when you sent the letter, did you post it yourself or have it delivered by hand ?

A. They were sent under despatch, I think, if I am not mistaken.

Q. By hand ?

A. By hand.

Q. And who did you address it to ?

A. The Police Commissioner.

Q. The Commissioner of Police ?

A. Yes, the Commissioner of Police.

Q. And when you made your enquiry, the first enquiry, you made at the Central Police Station ?

A. Yes.

Q. And the second ?

A. At Ziwani, the Police Headquarters.

ATTORNEY GENERAL: It is in the Stone Town, Sir.

CHAIRMAN: Thank you.

Q. It did not occur to you to make an enquiry of the person to whom the complaint had originally been addressed.

A. I could not get the opportunity.

Q. Now you have told us that you did not report the incident to the police until after the third week of June ?

A. Some time during the third week.

Q. Yes, we are not pinning you down to a date. Did you regard this incitement on the 1st June by one of the recognised leaders of the Afro-Shirazi Party as a serious matter ?

A. I did.

Q. Would I be wrong in assuming you regarded it as a very serious matter ?

A. No.

Q. Then why did you take upwards of three weeks to make up your mind to report it to the police ?

A. The fact is that, as was pointed out by Mr. Talati, I was occupied in the burial ceremonies for the first week, for the murdered people. I was one of the persons involved there to arrange for the burial.

Q. In the first week ?

A. In addition to that, I was taken up in the Refugee Camp as Supervisor.

Q. But it was a serious matter. Did it not occur to you that it was a matter which ought to have been drawn to the notice of the authorities very much earlier than three weeks after the event ?

A. Of course, but since I had already conveyed to my co-Executive member the message - I am not sure whether he had put it up or not: I thought he had already put it up.

Q. Did you make any enquiry ?

A. At the place ? No, Sir.

Q. Did you enquire of him ?

A. Well, he said, "I am putting it up".

Q. Afterwards did you enquire of him ?

A. Of whom ?

Q. The person to whom you reported it.

A. Yes, I did find out from him, and he said he was putting it up.

Q. When was that ?

A. That was about the first week of June.

CHAIRMAN : Mr. Kanji, have you the document you suggest is the one ?

MR. KANJI : I am not quite sure, Sir, but I think this is the document. There was a special organisation, I understand, of the ZNP, which dealt with all the complaints, and that section of the ZNP sent the Commissioner a covering letter, not with other statements but with this. I think I had better put this in at a later stage, not now.

CHAIRMAN : Very well.

ATTORNEY GENERAL : Sir, I was wondering why, if Ahmed Seif said he was going to put it up, this witness took it upon himself to do so.

CHAIRMAN : If you thought that the person on the Executive you had reported the incident to had put it up to the police, why did you write yourself three weeks later ?

A. When I checked up he said he had conveyed it on phone personally - but he did not put it in writing. Then he asked me since I was a witness and heard all these things - he asked me to put it in writing.

Q. And that was when you decided it was your duty to do so ?

A. To put in writing, my duty.

(The proceedings were adjourned until 8.30 a.m. on Thursday, 5th October, 1961.)