

Zanzibar /

323  
V. XVI.



ZANZIBAR PROTECTORATE

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

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

hold 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

-----  
SIXTEENTH DAY

Friday, 13th October, 1961.

-----  
[of proceedings]  
Note taken by Treasury Reporter

^  
\_\_\_\_\_

16 Day  
=====

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

Document  
AG.77

Document  
AG.76

ATTORNEY GENERAL: Before my learned Friends start their addresses, may I be permitted to put in evidence the Report of the Supervisor of Elections, June 1961, which has been referred to but I do not think put in, and the Report of the Supervisor of Elections in respect of the elections held in January 1961, which has just been published.

CHAIRMAN: Thank you.

MR. KWAW-SWANZY: The terms of reference of the Commission, Mr. Chairman, were published in the Gazette of the Zanzibar Government dated 9th September, 1961, and will be seen at page 310: "The terms of reference, as we see them, are to enquire into and report upon the civil disturbances which occurred in Zanzibar on the 1st day of June 1961 and succeeding days, including their causes and development and the steps taken to deal with them."

Mr. Chairman, the evidence before this inquiry, as far as the Afro-Shirazi Party is concerned, is that there is very little quarrel between the party we represent and the Government represented by the Attorney General as to the development of the disturbances and the steps taken to deal with them. The Afro-Shirazi Party is not for one moment to be regarded as thinking the steps taken by the Government to deal with the disturbances were inadequate, and all that I say is this: like the party itself, the Government did all it could to bring an end of the disturbances which started on 1st June, 1961.

The development, as stated by the Attorney General, on behalf of the Government, is nothing that the Afro-Shirazi Party can quarrel with. Where I think there is a difference of opinion is as to the causes of the disturbances, and this is where I may say the Zanzibar

Nationalist Party is completely out of step. Sir, if the Zanzibar Nationalist Party is to be believed, then the disturbances which started on 1st June, 1961, were planned, plotted and engineered by person or persons, party or parties unknown, or at any rate as far as they are concerned, known. But one very vital question which we must ask is that if that accusation is to be taken seriously at all, why is it that it was not made until what I may call the eleventh hour?

With your permission, I would recall the letter written to the Secretary of State by the Zanzibar Nationalist Party dated June, 1961. From the intrinsic evidence of that letter, it was not for instance proposed that the British Resident should have sight of it. The letter states from the very beginning that it proposes to go out of the normal procedure. (The Exhibit was handed to Mr. Swanzy).

(Document  
AG.60)

This is a letter which on the face of it proposes to go out of the ordinary procedure, to write a letter to the Secretary of State without the knowledge of the Administration of Zanzibar. Reading the letter through, you will see that the authors of this letter were that much in a hurry they even forgot to date the letter, and secondly they were that much in a hurry that, having decided to do the unusual, they even forgot to number the paragraphs beyond paragraph 10. It is a letter of six sheets: the paragraphs stop at No. 10 on sheet No. 3. That is the mentality of the group of persons composing what is known as the Zanzibar Nationalist Party; and all the evidence so far led is that neither the leader of the Zanzibar Nationalist Party nor the General Secretary of the Zanzibar Nationalist Party brought the matter to the notice of the authorities. They intended to write direct to the Secretary of State, and not only to write to the Secretary of State as to the course of events of the 1st June, 1961, and subsequent days, but to make a definite allegation as to what they considered to have happened.

And what is that definite allegation? That the massacre was a cold-blooded premeditated plan by the Afro-Shirazi Party, giving an indication to the Secretary of State that they had a considerable body of opinion to give to the Commission of Inquiry to be appointed. It may well be that you may consider that this is yet another instance of political behaviour of political parties, to take advantage of a political event. It may well be the case that this was made in fact and much more directed against the British Resident than against the Afro-Shirazi Party, because the British Resident is supposed to be the representative of the Colonial Office in Zanzibar, and he has to know what is happening.

If, as it does appear from the face of this, the British Resident had stated in letters something contrary to this, this was meant to report to the Secretary of State that the British Resident has not done his job, nor has the Commissioner of Police done his job, because according to the evidence produced by this Exhibit, the authorities had constantly been told what was going to happen - they knew what was going to happen - and they took no steps. But the hurried nature of this correspondence became evident when the leaders of the Zanzibar Nationalist Party gave evidence. The considerable body of evidence which they promised to give is not forthcoming, and that has been brought to our knowledge after considerable cross-examination and after considerable questioning by the Commissioners.

I think, in spite of this accusation, it can be said that the story as told by the Government that the political parties were themselves completely assured of the lack of necessity for any premeditated plan by the political parties for fermenting the situation at May 1961 and had assured the authorities that there was no trouble to be expected beyond what trouble there was in the January 1961 elections. That, Sir, I think is the true state of affairs, and that is a state

of affairs which the Afro-Shirazi Party is prepared to agree with - that at no time before 1st June was it brought to the notice of anybody that any group of persons or any party or parties were planning to make troubles in the elections of June 1961.

If we dismiss this letter as being the machinations of a political group of men, then the other causes, Sir, may be said to be as follows: as far as the Afro-Shirazi Party is concerned, they seem to be in agreement with the point that the immediate cause of the civil disturbances on the 1st June, 1961, were those immediate causes which led to the reading of the Riot Act. And what were those actions which were a factor which necessitated the reading of the Riot Act at 12.34 p.m. on the 1st June 1961 at Darajani?

Until noon on the 1st June, 1961, whatever had taken place during the elections was not unusual. These scuffles had taken place in the January elections, and the pulling of people out of the queue because of the feeling that they were going to vote twice was not unknown. The accusations that some people were impersonating had been made in the first elections of January 1961. What was unusual in June 1961 was the sudden appearance on the scene of a group of men in a pick-up - some may say in a lorry: others may say in a taxi - a group of men generally described as Manga Arabs armed with weapons, weapons which, according to the law of Zanzibar, had been banned for the 1st June 1961, because the 1st June 1961 happened to be an election day.

Sir, the evidence according to the Commissioner of Police is that at Darajani knives began to show themselves, daggers began to show themselves, swords came out. This is apparently unwittingly collaborated by the leader of the Zanzibar Nationalist Party: the evidence is that about this <sup>same</sup> time at the headquarters of the Zanzibar Nationalist Party the leader sees two men carrying swords, the first being a younger man and the second an older man. When cross-examined as to where these

swords came from he said it may well be that they were brought from different places; it may be that they took them from the Nationalist Party headquarters. Mr. Chairman, it is a very serious affair when the election laws have provided that no weapons shall show themselves near an election, and the Nationalist Party leader can say, "It may well be that these swords were found at the headquarters of the Zanzibar Nationalist Party." That is <sup>a</sup>very serious matter.

But that is not all: the treatment of the opposing factions at Darajani has been mentioned, and the evidence is that at Darajani there were groups of people apparently supporting the different political groups, one of them armed ad hoc with firewood or sticks which had been stacked in the market place for violence. The Arabs group had been armed with weapons, deadly weapons; and the evidence is that an attempt was made by the Superintendent of Police at the time to disarm those people armed with sticks but not to disarm those who were found with swords - and the reason was given that those who were armed with swords did not have any intent of offence: they were on the defence, and therefore it was not necessary to disarm them. Mr. Chairman, it is for you to decide whether this lack of duty contributed greatly to the immediate cause of the reading of the Riot Act.

The situation in Darajani was made worse by the decision of the leaders of the Zanzibar Nationalist Party to withdraw their voters, not only to withdraw but to prevent them from voting, and to concentrate them at their branches, particularly in Darajani. According to the words of the leader of the Zanzibar Nationalist Party, the purpose of this withdrawal was to give moral support. The question was put, "How do you propose to give moral support to voters on election day?" and the answer was that "if we had our people there then they would be willing to vote, in spite of the fact that other people would be lost to them."

It may well be that after the decision of 10 o'clock of that day to concentrate these people in Darajani, the situation became progressively worse, and the reason why the Riot Act was read by Kharusi at 12.34 was because of the action at Darajani and because of the exhibition of swords which was understood to be dangerous. But until the Darajani situation became worse, whatever had gone on - even the voters or agents for the Zanzibar Nationalist Party pulling people out of the queue - was not new. What was new on the 1st June was the action in Darajani which, according to the Nationalist Party, was deliberately the act of the Zanzibar Nationalist Party.

Even if we agree that the force of the disturbances on the 1st June in the township of Zanzibar itself was the immediate cause of the trouble in the vicinity of Darajani, of the opposing factions, what about the spread of these disturbances after the 1st June? After the 1st June the disturbances shifted to the countryside. Various witnesses have attempted to show the disturbances spreading to the countryside. One of them, I remember, said it was because the people in the countryside had intimated to their people, "We are being killed by a certain section of the community." Then the viewpoint of the Commissioner of Police was that when once you have a situation created as it was created on the 1st June, you have a criminal element in society which always tends to take advantage of it. There is also this evidence that the spread of the disturbances to the countryside could also be said to be the settling of old differences between various people.

There is also this evidence that in the countryside, from the time of 1957 until the June elections, the relationship between the landlords and the squatters had been particularly strained and that under the circumstances it was not inconceivable that this had an effect on people who had <sup>been</sup> evicted by people who knew that for centuries they had been there, and these people being evicted from whole shambas: it



may certainly be said to have had some cause. That evidence was given.

Then Mr. Smithyman, more emphatically, and Mr. Robertson, less so, also believed that the disturbances among the labouring classes in the township of Zanzibar also may be said to have been related, however, indirectly, to the disturbances of June, 1961. Mr. Smithyman went further to say that from his experience it would appear to him that as from 1957 there was going on in the whole of Zanzibar what he termed a social revolution; and the social revolution which Mr. Smithyman spoke about is also confirmed by Mr. Ali Muhsin in his evidence that as from the time when the Zanzibar Nationalist Party was formed he, Mr. Muhsin, and others of his colleagues, decided it was their duty to bring about political consciousness in Zanzibar.

This political consciousness in itself meant that people from that time were becoming aware of things they had never been aware of before, and this political consciousness, according to the evidence, given by Sheikh Ali Muhsin, made people take their politics more seriously than before and made people question the conduct or activities of other people. It may well be at this stage that the activities of a certain group in Zanzibar may also be said to have contributed, however indirectly, to the disturbances of June, 1961, and these subsequent events.

I am referring, Sir, to the activities of what is known here as the Arab section, as epitomised by the Arab Association. The evidence is that as from June 1954 the Arab Association, which according to the evidence has always striven for the welfare of Arab matters, decided there should be no co-operation with any Government of Zanzibar. The evidence is that this particular group was so impatient and intolerant of others that when once they decided that there should be a boycott of the Government authorities, any person - be he Arab or

non-Arab - who would go against the decision of this Arab Association was in danger of his life. In fact the evidence is that in 1955 one Arab who decided that the Arab Association should not be allowed to dictate the tempo of independence for this country, lost his life.

Mr. Chairman, the evidence, it can be said, tends to show that the Executive Committee of the Arab Association, or in fact the majority of the leaders of the Arab Association, eventually decided to bring about the Zanzibar Nationalist Party, and that the Zanzibar Nationalist Party should take the place of the Arab Association, with extreme intolerance of the position and with extreme impatience with the British for not granting independence. Thus, you see, the evidence tends to show that anybody who stood in the way either of the Arab Association or the Zanzibar Nationalist Party, did so at his own risk.

Now it appears that when a situation like that is created by a group of persons in the name of political struggle, then you are gradually building up a situation where, without the least warning, any trouble can start any time; and that is the case, according to the evidence, built up gradually by the Zanzibar Nationalist Party in order to make sure that no opposition was in the way of that particular political party in the attempt Sheikh Ali Muhsin made for the independence of Zanzibar. All sorts of ways and means were found out of eliminating opponents. One of the ways - the most important of these ways, - was to try and get the whole lot of the opposition parties to come to an alliance. When that failed the new method was to make it impossible for anybody in Zanzibar either to consider that party as a loyal party or to consider that party as a party of Zanzibaris.

In furtherance of that objective we have the establishment of the Youth's Own Union, a youth movement which, in the words of the

General Secretary of the Zanzibar Nationalist Party as well as in the words of the leader of the Zanzibar Nationalist Party, is the militant youth wing of that party. The Zanzibar Nationalist Party leader even goes further to say that the Zanzibar Nationalist Party is a militant party. Then it also goes on that if the establishment of the Youths' Own Union cannot achieve what they want to achieve, they must at least make it appear that His Highness the Sultan of Zanzibar has only one party in Zanzibar that he considers loyal, and that is the Zanzibar Nationalist Party.

To that effect, ways and means are devised of making it appear at all political meetings of the Zanzibar Nationalist Party that that is the party which is loyal to His Highness; and to that extent the playing of the political band of the political youth wing of the party when His Highness is on official tours was done. Evidence was also given that on some occasions other citizens, subjects of His Highness, considered it was too much to have to stay to give His Highness such an exhibition of the political band belonging to the political youth wing of the political party.

You may well consider that apart from all this, the constant reference to the leaders of the other party, the Afro-Shirazi Party, as a "mainlan party", the reference to the leaders as being not citizens of Zanzibar but "foreigners", was also calculated to eliminate this particular party. The evidence is that of all the sections in Zanzibar the Africans are the least educated because they are the people who have had the least opportunity for education. Sheikh Ali Muhsin admitted that the Arab section proportionately is more educated and more capable therefore of considering matters at levels at which the African section cannot consider them. And yet, Sir, after the 1957 results of the general election it became clear that the Zanzibar Nationalist Party, priding itself upon being the sole educator of

politics in Zanzibar, was hurt because it had not been elected into office, and was hurt because of six seats available in the Legislative Council they obtained none. The evidence shows (from Exhibits 50A to 50D) that the most unexpected development took place in Zanzibar.

(Documents  
50A to 50D)

This caused a question which, prior to 1957, had been quiet - the squatter question, which so far had not given any trouble to any authority in Zanzibar, began to come up, and as it came up the situation became quite clear as to what was the line taken as regards the eviction of squatters. It is in evidence that when the question of the squatters' difficulties came to the knowledge of the Afro-Shirazi Party they straight away went to the Government and said "What are you going to do to help these poor people who are being evicted, possibly through no fault of their own?" Not being satisfied with the answer given by the Government, the Afro-Shirazi Party undertook itself, out of its own funds, to buy a piece of land so that these people should have somewhere to go to.

The question was put to the leader of the Zanzibar Nationalist Party, "What did you do to help the evicted people?" and the answer given by him was that out of thousands of squatters in Zanzibar, only a few people were affected. The question was put to him as to whether any of these people were supporters of his party, and his answer was that "some of them may have been: I do not know".

Now that question, which necessitated the expenditure of funds from a political party, that situation which would necessitate the introduction of legislation, must have been a difficult one and it must have been realised by the Government in Zanzibar to be a very difficult situation; and we say it must

have contributed to the disturbances because, according to the evidence, apart from the township of Zanzibar, most of these troubles took place in places where these evictions also took place.

There is no evidence that south of this Island there were evictions and also that in the south of this Island there was anything which amounted to an unlawful assembly; but in the east of the Island it is different.

Chwaka may be said to be in the east of the Island. The trouble at Chwaka may be explained in several ways. One may be the result of what Sheikh Ali Muhsin calls the "floating squatter element" - that squatter element which had no particular continuation upon the soil - and how did that particular element come into being? That element must have been the result of these evictions in 1957. In the same way the troubles which went from the town on the 1st June to the shambas may also have been to a great extent influenced by these same floating squatter elements; having been deprived of the land for which they had been used for so many years, they were forced out and some may have gone to the town and others to other places; but the similarity of the area of evictions with the area of the troubles strongly suggests that we cannot say the squatter problem had nothing, or little to do with the disturbances of 2nd June and those disturbances subsequent to that.

One question which has been coming up all through this evidence has been that if the disturbances which started on 1st June and continued into the shambas on the 2nd June were based on political reasons, how does one account for the fact that out of 68 dead, 64 were Arab? An effort has been made to explain this. Sheikh Ali Muhsin says that he considered the troubles in the

shambas to be troubles between two foreign groups, the "mainlander African" group, and the "Manga Arab" group - the Manga Arabs being Arabs who, according to Sheikh Ali Muhsin, had neither been assimilated into the Zanzibar life, nor had become acclimatised. And from Sheikh Ali Muhsin it would appear that most of these deaths were of Manga Arabs; and the question still remains unanswered - why should it be so?

The General Secretary of the Zanzibar Nationalist Party, Abdulrahman Muhammed, says in his evidence that it is not right to say that most of these people belonged to this party. In evidence it has been said that the majority of the Zanzibar Nationalist Party are Africans and I think the percentage was between 70 and 80. If that is the case, is it not strange that if there is a fight between the two political parties, that the majority of deaths should be of people who were not interested in these two political parties? It is not known as to the politics of these people, these unfortunate people, who died, but it is known that out of the three Africans or two Africans who died, one was as a result of security action - a police officer, perhaps accidentally, shot him.

The first death recorded in these disturbances, as far as the evidence goes, is the death of an African identified as a person likely to be a supporter of the Afro-Shirazi Party. Thereafter there is only one other African who died in these disturbances. The majority are Arabs, and not only Arabs, but Manga Arabs. The description of the characteristics of this particular group known as Manga Arabs is in evidence. That description is in the report of the arbitrator who enquired into a trade dispute at the wharf area of Zanzibar. No, I beg your

Document  
AG.78

pardon, the evidence I am looking for is the dispute in 1936 - the Commission of Inquiry of 1936. I have it here, and I will put it in. The description of the Manga Arabs is taken from page 3, the second paragraph :-

"Yearly, about the middle of November, at the advent of the north-west monsoon, from time immemorial bands of Arabs in great numbers arrive in boats and dhows at Zanzibar from the coasts of Arabia. A considerable number of these come from Muscat and the coasts of Oman. They are of a wild, ungoverned nature, turbulent and prepared at all times for any mischief, being usually armed with daggers or "jambias" and possessing double-edged swords, in the use of which they are expert and to which they have immediate resort at any sign of danger."

That is the description of that particular section of the community which suffered most during the June 1961 riots. If we are to take the evidence of Sheikh Ali Muhsin seriously, it would appear the development of the disturbances in the rural areas was the result of two factions, neither of which was assimilated in the life of Zanzibar and neither of which had been acclimatised.

The case of the Afro-Shirazi Party is that this perhaps is a more reasonable assumption than to say that the spread of these disturbances in the shambas was directly political. With regard to the increase of these troubles on the 3rd June, 1961, both in the town and in the Shambas, the evidence of the Police Commissioner as well as of others may be useful, and that is to say when once you get people into a certain state because of the development of the disturbances on the 1st June, when once you get a certain situation created such as this there are people probably unconnected with any of the political parties who are likely to take advantage of a situation like that; and the increase of the tempo of the development of these disturbances

after the 1st June may be said to have been the cause of people taking advantage of this situation like that.

There is also mentioned in the evidence that in some of these areas, in the shambas, it was not unlikely to have two groups fighting, both of whom might contain a number of Arabs, that is to say people were perhaps taking the opportunity of these troubles in the shambas of settling old scores, and that the idea of a vendetta going on might not be so far-fetched as was said.

Now all we say is that the Afro-Shirazi Party realises the responsibility which has been entrusted to you, but at the same time the evidence as a whole tends to show that it cannot be said by anybody, unless he is trying to be wise after the event, that the police could have prevented what took place on the 1st June, 1961 and the days subsequent to that.

Nor can it be said unless a person is trying to be wise after the event that on 31st May the Administration to all intents and purposes was wrong in assuming that which might take place on the election day might not be different from what took place on the election day in January, 1961. The Afro-Shirazi Party also believes that it cannot be said that people gave information to the administration of definite cold-promeditated plot to massacre defenceless people, unless that person is not only trying to be wise after the event but is trying to make political capital out of the situation which everybody should deplore. That to say that the disturbances were planned, premeditated or even plotted by any person or persons, Party or Parties is to say that you believe that you had a dream which you believe in your dream you told the people concerned but which apparently happens that the dream never took place at all and that in fact if there was any discussion it must have been a dream. That is the fertile imagination of the



Zanzibar Nationalist Party leadership and further, Sir, we would say that the murders and the riots are to be deplored. We all deplore what took place but that, Sir, is not saying that we know for certain who brought it about or that we know for certain the reasons.

The leaders of the political parties themselves, being in the thick of politics, are incapable of seeing beyond political reasons. But those of the other witnesses who were not in the thick of politics are at least capable and have shown their capabilities of trying to see beyond the political arena of Zanzibar at that time and I think in this respect the evidence received from those who were not actively connected with the political parties might perhaps have greater weight than those who were in the thick of politics.

It is in this respect I believe myself, Sir, that perhaps Mr. Smithyman's evidence as to the social revolution, his evidence as to the economic situation of Zanzibar, his evidence as to the constant question of unemployment or albeit deliberately implanted into the minds of the people by the activities of the Zanzibar Nationalist Party almost fanatically believing that unless you were a Zanzibar subject you were not entitled to work. Perhaps you might consider that these also contributed to the disturbances which started on 1st June and days subsequent to that. The immediate causes may be said to be immediate actions which led to the reading of the Riot Act at 12.34 on 1st June, 1961.

MR. FRASER-MURRAY: Sir Stafford, Gentlemen: I shall try as briefly as I can to summarise the submissions which it is desired to place before the Commission, primarily as to the causes of this matter.

Now as regards causes I submit those to the Commission in two compartments, the first perhaps of lesser importance than the second.

In the first compartment I propose to deal with immediate causes of the disturbances and in the second compartment with the basic or underlying causes.

Firstly, as to the immediate causes. These I can summarise. They fall into three in my respectful submission. I submit that so far as the immediate causes of this deplorable breakdown in law and order, that the first of these were the allegations of cheating or stealing votes. I submit that it is established from the evidence beyond peradventure that this was the first immediate cause of the breakdown in law and order.

Mr. Smithyman makes the matter, in my respectful submission, clear on Day Eight, page 7, and bottom of page 6 ?-

"Q. Did they give any indication of their feelings concerning the trouble ?

A. They did say to me the reason for the trouble was resentment because of the way the elections had been won by the wrong people. They (the Afro-Shirazi Party) maintained there were many names on the list which were incorrect, i.e. deliberate double registration."

Then he goes on to deal with the allegations of the second reason about the boycotting of the three constituencies.

Sir, this is not only the one instance where this evidence emerges. Mr. Biles also dealt with it on the Fourth Day at page 75:

"Q. Would you agree with me that there appears to be a ..... not only in the report in the diary, but also evidence which you have cited that there have been such arrangements made by the A.S.P. to stop voters in certain constituencies from going to the poll ?

A. It does suggest some system, but there was no prior evidence of it before 1st June, and no evidence of it having been organised by any particular person or persons has come to light since the disturbances began."

Further on on the same page :

"Q. Would you agree that despite the fact that there is no definite evidence as to organisation to prevent voters from going to call at various polling stations, the circumstances as cited by you are clearly pointing towards the fact that there was some system ?

A. They do suggest some system."

That, of course, is going beyond the point which I am immediately making which is that it was these allegations of the stealing of votes which are even today held by the leaders of the Afro-Shirazi Party. I think Mr. Karume adheres to that position before the Commission in his evidence that in fact votes were being stolen. This is the firm belief.

In my respectful submission, this was the immediate cause of the breakdown. It is clear that the leaders believe it still today; believed it at the time, and it is clear that they had communicated their belief to their followers. Anything more likely to exacerbate the political feeling than suggestions of dishonesty of that sort against the other Party it is difficult to imagine.

I have not reviewed the whole of the evidence on this particular aspect. In my submission, it is clear beyond doubt that these allegations were being made. While I am dealing with the first of the immediate causes I should submit that these allegations of cheating are absolutely unfounded.

The Commission has heard evidence at great length from Mr. Hamilton as to the procedure adopted for the registration of voters and for ensuring that people who were not authorised to vote were not registered and for the checking of voters against the roll and the Commission will be aware, as was indeed stated by one witness, that firstly the procedure was unimpeachable and secondly was enforced very well. The Supervisors of Elections and the election officers did their jobs.

There was clear evidence from Mr. Smithyman that the allegations of cheating - I am quoting his actual words - were absolutely unfounded.

That, Sir, is my submission in regard to the first of the immediate causes.

Secondly, and deriving from this submission was the attempts by members and supporters of the Afro-Shirazi Party to act as election officials holding as they did this belief that the supporters of the Zanzibar Nationalist Party were stealing votes. It was, in my respectful submission, clearly established by the evidence brought before this Commission that supporters of the Afro-Shirazi Party determined to take the law into their own hands. This opinion was given not by witnesses who might be criticised for being partisan but by officers of the Government who were present at the scene and who saw it happening.

afro - Shirazi belief  
that they had  
been cheated. ①

attempts to  
take law into  
own hands

Day Eight, page 9, line 5, Mr. Smithyman says:

"From my experience on the 1st day, I considered the immediate cause was the action taken by the Afro-Shirazi supporters in trying to act as election officials at polling stations by checking voters outside the stations to prevent what they called 'cheating' by Nationalist supporters, i.e. preventing double voting, personation, etc."

This is the action which resulted in actual violence. This was the germ because these persons actually physically laid hands on people who were standing in the queues waiting to vote. Ordinary law-abiding citizens waiting to exercise their rights were being pulled out of the queues and dragged away on allegations which had been described as unfounded that they were not entitled to vote which even if they had had any substance at all were quite unjustifiable.

It is in this situation, in my respectful submission, that the spark which ignited this conflagration is to be found so that so far my submissions are these: you have allegations of cheating, of stealing votes which have been promulgated by the leaders of the Afro-Shirazi Party.

You have those allegations being accepted by their followers and you have action taken as a result in order to prevent what they considered to be wrong. You had people taking the law into their own hands.

This, in my respectful submission, is the situation as it emerged on the morning of 1st June and it is here that the immediate cause was to be found.

Before I go on to the third of the immediate causes perhaps I may pause to say one word about the action of the leaders of the Afro-Shirazi Party in having promulgated these allegations. I entirely agree with my learned friend, Mr. Kwaw-Swanzy, that it

was deplorable that this Commission were used as a political platform but it is impossible not to criticise responsible political leaders or leaders who ought to behave responsibly in making allegations of this sort.

In fact no cases have been brought of improper voting or impersonation of voters; there have been no charges; not a single case has emerged. Nevertheless even today you have Mr. Karumo, a responsible person, still saying to this Commission that this wholesale stealing of votes was going on. He can have no justification, in my respectful submission, for saying that.

Of course, it is said all is fair in love, war and politics. Still one ought not to make allegations of that sort as a leader without investigation and without good grounds for making them.

Sir Stafford, Gentlemen, I come to the third of my three reasons for the immediate causes. This is a delicate matter. It is always a delicate matter to criticise the Government, especially in the presence of my learned Friend. Nevertheless, it is my respectful submission that the Government must bear a share of the responsibility for these deaths and these injuries and this breakdown in law and order which occurred.

Sir Stafford, I know it is possible and indeed legitimate to advance reasons why this or that measure was not taken and no doubt these have an appearance of weight but when they are closely examined and when the overall and overriding responsibility of Government to maintain law and order is borne in mind, one cannot escape, in my respectful submission, after reading all these pages the conclusion that there was here on the part of the authorities a failure to comprehend the true character of the situation immediately before the election and a failure to take adequate measures before the election.

Firstly as to the failure properly to assess the situation. Again I agree with my learned Friend that one must not be wise after the event but still one has to admit it as a fact, surely it was excessively naive to support the contention that the course of events in the January election where violence had mercifully been avoided only just, one gathered, would repeat itself in June. This, in my respectful submission, is almost an appalling miscalculation of the situation on the part of the authorities responsible for security. It is almost as if they were clutching at a straw in order to adduce a reason for doing nothing more than had been done in January but in fact the situation was vitally different.

Prior to January the Zanzibar Nationalist Party had always met with defeat, crushing, overwhelming defeat. Before the January election they had not won a single seat.

Might I ask members of the Commission, if they have not already done so, to judge the situation, the effect after the January election and discover from that position they had reached already this position where they had very nearly won the January election, not just on one constituency, but on one vote in one constituency. This was a measure of their progress. The Zanzibar Nationalist Party had made that progress. This was a situation that no one in Zanzibar expected outside the Zanzibar Nationalist Party and their supporters, at least in January. The Government certainly did not expect this. And the Afro-Shirazi Party, in my respectful submission, did not expect this, whatever their expectations may have been. Whereas before the January election you have a situation where the Afro-Shirazi Party is in a very powerful and predominant position and is not really being strained, but immediately after that you have a situation so delicately balanced that obviously there is going to

*Very important*

be the closest test. It is perfectly obvious that in June it was going to be a close run thing. Indeed, if the trend was continuing it was obvious that the Zanzibar Nationalist Party was going to win.

This was the evidence but however that may be, whether it was obvious or not, at the very least looking at it on its very lowest, Sir Stafford, Gentlemen, it was obvious that whereas in January the Afro-Shirazi Party could have been expected by the authorities to win comfortably, in June it was going to be such a close run thing that obviously the security situation had altered and it was just shutting one's eyes to reality to suppose that what mercifully was sufficient in January was going to be sufficient in June.

Now, Sir, this is my respectful criticism of the Government. I shall say respectful because no one suggests that Government was in any respect wilful about this but still persons who sit in the seat of Government must expect to be criticised and I put forward this criticism as modestly as I can in the circumstances and submit that it is one which the Government must face.

Sir, under this heading of failure accurately to assess the security situation there is another matter. It was given in evidence that the Commissioner of Police refused to see a District Commissioner who had written to him a letter in which he stated he desired to discuss certain considerations affecting the security situation. If this is the case this is a serious allegation to make.

One realises that sometimes one transgresses unwittingly - I hope I am not doing so here and I do not want to make too much of this because naturally there are hosts of matters on which the



Commissioner of Police could be criticised, one does not want to do so. But this is one, in my respectful submission, which did seem to me to be serious. A refusal - if I am correct in my understanding - to see a District Commissioner who wanted to discuss security.

This is serious not just for its effect but for the indication of a state of mind. It lends colour, in my respectful submission, to the evidence of Sheikh Ali Muhsin, that the persons responsible in the police were out of touch, that they were not really in a close and intimate way as they ought to have been with the degree of feeling which was at large among the people.

My kind Friend has been good enough to put before me exhibit 74A which is a letter from the Senior District Commissioner dated 25th March and there is a reply which is exhibit 74B, dated 27th March.

Perhaps I ought to read the letter since I have raised the question.

(Exhibit 74A was duly read)

The Commission will see a criticism of the police in this letter which might have been responsible for the attitude of the Commissioner in his reply which I will read.

(Exhibit 74B was duly read)

One might perhaps suggest this matter had been dealt with by someone at any rate whose foot really were not on the ground.

There is the letter, Sir. It indicates, in my respectful submission, a somewhat curious attitude towards an important matter. We have not seen the letter of 22nd March. We do not know to what extent the Commissioner of Police was justified in being offended by the tactless remarks which he says it contains but even assuming it was tactless, I do submit that that is not the sort of letter one would have expected in the circumstances where a situation was approaching which everyone knows was a difficult situation.

I do not wish to resort to criticising the Commissioner of Police unnecessarily. This was a difficult situation. But one would have expected him to take every measure to have disregarded any personal feelings of offence he may have had at any criticism.

I should in fairness to the Commissioner remind the Commission that at page 16 of the Fifteenth Day, that is last Wednesday, the last day, Mr. Biles was recalled, where he says :

"I would add to that, Sir, that I did tell the Supervisor that if the Senior District Commissioner or any of the District Commissioners had any specific point in connection with the elections which he wished to discuss with Mr. Meyer I suggested they should contact Mr. Meyer."

CHAIRMAN: We have that in mind. The Commissioner also said that the witness to whom you are referring had access to him at any time and that they actually met almost every day.

MR. FRASER-MURRAY: One accepts that, of course, fully.

My submission is this: this reflects a state of mind which was perhaps more ready to take offence than to grapple with a dangerous situation regardless of personal feelings. That is a criticism which I hope will not be regarded as being unfair to the Commissioner.

Now still under my third heading of immediate causes, my submission is that the force was inadequate. The police force was inadequate numerically. It is impossible, in my respectful submission, not to be appalled at the thought of two or three or four constables only on duty at these polling stations - Gulioni, Raha Leo, Holmwood, King George VI School - with as many as 1,500, perhaps more, voters and we do not know how many more other persons, turbulent and angry, and you have two or three or four constables, no more. So one starts, in my respectful submission, from this position with the police constables

who were numerically wholly inadequate. There was, of course, in addition a mobile force but what was needed was a greater attempt to render adequate the arrangements for dealing immediately with violence. It may be five, ten or more minutes before a mobile force comes on the scene.

What you need, in my respectful submission, is people with sufficient force to go and get hold of people who are starting violence immediately.

Now the answer to this, of course, is that numerically the Zanzibar Police Force just was not strong enough; that Zanzibar economy could not stand the cost involved in having a larger force, and this is the evidence which was given by Mr. Robertson and by Mr. Biles.

The Commission will recall that Mr. Biles said that almost from his coming here as Commissioner of Police in 1956 he was demanding in his annual estimates more men and in 1957 and 1958, I think I am correct in saying, these requests were granted. In the later years, I think I am again correct in saying, 1959 and 1960, two years, these requests were not granted for reasons of economy.

CHAIRMAN: The request was not made because the Financial Secretary had informed him that the financial situation was such that no increases could be made.

MR. FRASER-MURRAY: I am very much obliged. But what do we see, Sir? We see notwithstanding the fact that today the Zanzibar economy is from all accounts and indeed from the evidence in a less healthy state than it was, for instance, in 1960, we see the police force increased. In other words, once the seriousness of the security situation is realised the police force is increased, and conversely the submission which I make to the Commission is that if the seriousness had been realised as it ought to have been, if the Commissioner had put the

possibilities before the authorities, the possibilities, then the police force would have been increased in 1959 and 1960, and it is simply no answer to say there was not enough money. It is no answer because it is not an answer today. It is not regarded by the Government itself as an answer today.

The police are part, but not all, of the criticisms as to immediate causes.

The next point under this sub-head is that two-thirds of the police force were foreigners. Two-thirds of the police force were foreigners. This was the recruiting policy of the police force during the material times. That policy, in my respectful submission, was a wholly erroneous policy. This error has been perhaps tacitly admitted by Government who have now reversed it and I understand from the evidence that now Zanzibaris only are recruited.

CHAIRMAN: Mr. Fraser-Murray, I do not wish to interrupt, but that is not my understanding of the evidence. My understanding of the evidence is not that it was a definite policy of the Government to recruit foreigners but that they were unable to attract Zanzibaris.

MR. FRASER-MURRAY: I am very much obliged, Sir Stafford, and I do apologise for inaccurately representing the evidence. I accept entirely what you said and I am very much obliged for the correction.

In my respectful submission the criticism remains necessarily modified, not a deliberate policy, certainly that cannot be supported for one moment, but a policy which resulted in the recruitment of foreigners to the extent, I am told, of as much as two-thirds. On one side at any rate the evidence was as much as two-thirds of the police force were foreigners.

We will have to check that. I have not the reference at the moment; that again can be subject to it being checked against the evidence. At any rate, whether it is two-thirds or not, it was

certainly a large proportion. And the policy has been altered with the result that today Zanzibaris are now recruited only.

You have heard the evidence of Sheikh Ali Muhsin on this question of how members of the police force were not all of Zanzibar, and necessarily found - and it is a thing anybody can find - they were caught up in a conflict of loyalties. So one finds, in my respectful submission, an explanation for the curious reluctance of some individuals of the police force to take immediate and vigorous action. The Commission will recall Sheikh Ali Muhsin's evidence of seeing two members of the police force whilst there was a near riot going on acting almost in the role of spectators.

So that a recruitment policy which resulted in a large portion of foreigners being members of the police force was, in my submission, an erroneous policy.

I have a document entitled 'Racial and Territorial Composition of the Zanzibar Police Force'. Under N.C.O.'s and constables, Section C, one sees, for instance, heading 3 and 4 - Africans, Zanzibar, 191; Africans, Tanganyikan, 194; Kenya, 170. So that is approximately one-third Zanzibaris, slightly more than one-third Zanzibaris.

That, in my respectful submission, was a mistaken policy. It is a mistaken policy to have one's police force on whom one depends for law and order composed of people whose loyalty is not to the country in which one lives. Again, I do not wish to be thought to be overstating my case. I do not wish to criticise the individual constables at all.

I criticise the policy which resulted in individual constables being in critical positions who were not the sort of persons that they ought to have been, namely that they were not Zanzibar subjects. This is the criticism which I make.

These are, in my submission, immediate causes.

Before I pass from them I feel, since I have been criticising the Government, it would be inappropriate if I did not pause for a

moment to say what must have been apparent to the Commission that there must have been many members, and there were many members, of the forces of law and order whose behaviour during these days deserves the highest commendation. One does not want to mention names because I represent one political Party and although it might not be the kiss of death it does not help if I were to mention names. But perhaps you will permit me to make that comment that it is perfectly obvious that many people, some of whom have given evidence here and others who have been named and others who have not been named, did acts of extreme bravery in the face of grave personal danger on these days.

I pass now to what, in my respectful submission, is the very important part of what I have to submit and that relates not to the immediate causes but what I submit are the basic causes of these disturbances.

Now my submission is that these disturbances were overwhelmingly racial in character. It is, in my respectful submission, clear beyond doubt from the evidence, not only on the evidence but what has happened here in this hall, that deep down there was racial animosity and this was at the bottom of it all. The Commission has heard conflicting statements on this, not the least from witnesses called by my own clients because, for instance, Sheikh Abdulrahman, the General Secretary of the Party, said in his opinion basically the thing was not racial but political. My submission is that the true position is that basically this was racial and that a racial antagonism which is perhaps dormant or latent or possibly non-existent in certain situations and perhaps was negligible in Zanzibar in the past had been exacerbated and exploited for political purposes.

Here again, I desire to the best of my ability to avoid converting myself to a speaker in a political Party against a political Party, and I do hope I am not giving that impression, because it is certainly not my intention to do so, but the evidence is clear that the Afro-Shirazi Party, and I have to name them, were exploiting race.

*The state of racial agitation*

I do not propose to go through all of the evidence on this, but I do ask the Commission to take note of the number of times in which the differences rather than the similarity between Africans and Arabs are harped upon, and the fact that a man is an Arab is emphasised; not that he is a landlord, but that he is an Arab landlord; that is the way in which the emphasis is put. How many times has this happened in the course of this inquiry? It is, in my respectful submission, riddled through and through with this, and indeed Mr. Smithyman summed it all up, in my respectful submission entirely accurately, when he said it was the only weapon they had, "they" referring to the Afro-Shirazi Party. It is on pages 17, 18 and 19 of Day Eight :-

"ATTORNEY GENERAL: Now as we are talking about race, was racialism a cause, in your estimation ?

A. I think it definitely was a cause, one of the underlying causes, which has given tension. The cry of 'Africa for the Africans' is interpreted by many as meaning for black Africans; and unfortunately some people have tried to use this for their own ends, this particular cry.

Q. And what was the method they used in the speeches ?

A. Well, in speeches they would paint the picture and refer to what was happening in Africa itself and that the same thing should happen here. They would also point to crimes which the other people had done against the African.

CHAIRMAN: In the past ?

A. Yes, in fact they were appealing straight to race, which is always a very strong emotional appeal.

ATTORNEY GENERAL: Did you read an article reporting a speech on behalf of Bibi Titi ?

A. Yes."

The Commission will remember that speech and will have formed their own opinion about it.

Then again at page 18 Mr. Smithyman says at the bottom of the page, discussing the support of the Africans in the rural areas for His Highness the Sultan :-

"Their emotional support for him is probably stronger than 'African for the Africans'. It is of longer standing and they would support a party which they thought was loyal to him. I think certainly quite a lot of people voted Nationalist Party because of that, as being the loyal Party. It is traditional in this country. I think race is somewhat a new thing in this country as far as my experience goes and from what I have read and I have spoken to people there has not been any tension between the races.

Q. One has always heard that it was a happy country; people have always seemed to get on very well together in the past ?

A. Yes, Sir. I think up until 1956, 1955 perhaps, everybody lived together happily. Each person going his own sort of way, they respected each other. They had their forms of greeting and I think everybody lived happily together and I think there are quite a lot of people who are still content to follow that system rather than the new slogan. That would be another factor. A third factor would be the fact that the Nationalist Party have a very much more efficient election machine, much more efficient than the other party."

Then he does not say that race was the only weapon they had but he does say at page 12 on the Eighth Day that it was their main weapon. He was referring to an attempt to characterize the Zanzibar Nationalist Party as a predominantly Arab party. It is in the middle of the page. At any rate it is, I submit, clear on the evidence that the leaders of the Afro-Shirazi Party were appealing to race, not only the leaders but the press.

I am not going to read some of these extracts, which are upsetting even to read now in the calm of this inquiry, but they appeal directly to emotion, directly to something which a man cannot help, because, as Sheikh Ali Muhsin said, he cannot alter his mother and father. This is the kind of argument, the most important argument, which is being put to the supporters of the Afro-Shirazi Party.



In my respectful submission it is here that the responsibility of the leaders of the Afro-Shirazi Party for what took place is greatest, because this in my submission is almost immoral. Indeed today, in an island such as Zanzibar, and indeed anywhere where there are numerous races trying to live together in harmony, it is in my respectful submission positively wicked to inflame the emotions of people by arguments based on race which was said by Mr. Smithyman to be the weapon which they used. Sir, I do not wish to take that further so far as the leaders of the Afro-Shirazi Party are concerned who must bear a heavy share of the responsibility, in my respectful submission, for pursuing this line, but I pass from them to Government.

Here again, in my submission, Government must be criticised. It was Government's duty when this was going on and before to curb racialism, and it failed to do this. It cannot be heard for one moment to say it did not know about it, and indeed it has not attempted to say that; it must have known about it; it led the evidence here through my learned friend about it. What can it say ? - that it interferes with the right of free speech? Is that the legitimate use of the right of free speech, to embark on arguments of that sort? Can it say that it is unenforceable? There is nothing unenforceable about it. Sir, it could and should have controlled it, and it should have been an offence to make electioneering speeches using racialism as an argument.

You have heard, Sir, that the Government was repeatedly asked to introduce legislation to this effect. Sheikh Ali Muhsin said, and he has not been contradicted or even challenged on this, that the Zanzibar Nationalist Party repeated this request to successive Secretaries of State and successive British Residents,

and to Sir Hilary Blood, and after Sir Hilary Blood to the British Resident and in the Legislative Council, that the introduction of racial arguments in political speeches should be made an electioneering offence, and Sir Hilary Blood had this to say at page 8 of his report, after reviewing the argument :-

"My recommendation under this head is that a careful study should be made of local legislation and administrative practice to see whether measures involving racial discrimination, if such exists, cannot now be repealed, and that consideration should be given to the suggestions made to me that racial, tribal or communal groupings should be proscribed from contesting elections as such, and that campaigning on communal grounds should be an electioneering offence."

Now, Sir, what has Government done about that ? There has been not a jot or <sup>tittle</sup> of evidence as to whether the Government even considered it.

CHAIRMAN: Yes, Sessional Paper No. 14 of 1960.

MR. FRASER-MURRAY: But, Sir, they have certainly not implemented it in the slightest degree.

CHAIRMAN: I was merely correcting your statement that there has been no evidence that it has even been considered. If you look at Sessional Paper No. 14 of 1960, you will see the whole matter is discussed.

MR. FRASER-MURRAY: I stand corrected and I apologise yet again, but my criticism is this, that nothing has been done. Here is a recommendation from a much respected Commissioner and the matter has not been acted upon. I must explain this. I certainly have not seen any copy of this Sessional Paper.

CHAIRMAN: It was tendered.

MR. FRASER-MURRAY: A number of important exhibits have been tendered without any copies being made available. I offer that not as an excuse but in explanation.

CHAIRMAN: That is because they are simply not available. On a number of occasions we have made it perfectly clear to counsel representing the parties that if they wanted any assistance they only had to let us know. The exhibits have been available for inspection ever since they were tendered. You have only been here on two occasions, so you are probably not aware of the fact that I have repeatedly said that.

MR. FRASSER-MURRAY: That is entirely my fault, Sir Stafford, and I do apologise for it. My criticism is not that it was not considered: my criticism is that this was not acted upon, and it should have been. It is perfectly obvious, in my respectful submission, that legislation is required in this country to prevent campaigning on racial lines. It is true that the Penal Code contains sections which could be used for this purpose, but in fact they are not particularly apposite, and special legislation would, in my respectful submission, undoubtedly be necessary. It was not done, and the fact that it was not done in my respectful submission is one of the basic reasons why these disturbances broke out, as a result of the absence of this legislation and as a result of any steps on the part of the Government - apart from the evidence of His Excellency the British Resident calling together the leaders - by way of law enforcement to prevent campaigning on racial lines. We know that racial speeches were made over a prolonged period, according to Sheikh Ali Muhsin right from the beginning, at any rate for many years, by the Afro-Shirazi Party. So you have engendered in the minds of unsophisticated and simple people, there is only one word for it, hate. When you have a situation such as existed on the morning of 1st June, it bursts out and you have tragedy on an appalling scale.

Now this could have been avoided and should have been avoided if the recommendations of Sir Hilary Blood had been acted upon, and if all the efforts of my clients and others to bring to the attention of the responsible authorities, successive Residents, successive Secretaries of State, had been heeded, heeded in the sense of being accepted and acted upon, and they should have been accepted because the people who were making them were people who knew what they were talking about, people who really live here and know the state of mind of the people. It is no use applying ideas which are appropriate in the United Kingdom, or which perhaps were appropriate in the United Kingdom, to Zanzibar where race can be so easily exploited.

This is my second submission with regard to the basic causes. Before I leave it I do invite the Commission to consider once again the articles in the various newspapers, which I am not going to read, particularly the articles in the newspaper Afrika Kwetu, the editor of which was Mr. Mtoro Rehani who is vice-president of the Afro-Shirazi Party.

Now my third submission is that the absence of immigration legislation was a basic factor, the absence of immigration legislation of the kind referred to by Sheikh Ali Muhsin. The need is not to exclude people from the mainland; the need is to control their immigration so as to make sure that one can control the situation, one can let in just that number of people that one is sure the economy and society of the island can absorb, and one can ensure that undesirable people, in the sense of criminal people or people who are running away from poll tax or for one reason or another want to get away from the mainland, are excluded.

Mr. Butler at a recent conservative party conference in England last week is reported to have said with reference to a somewhat similar problem which strangely even Britain is facing, that Britain cannot continue indefinitely to absorb immigrants. If that

is true of Britain with its diversified economy and its great resources, what is the position of a small island situated a few miles from the teeming African continent which has developed over the centuries a society and a culture which is certainly not African and is peculiarly its own? I say "society and culture". My submission is that within this phrase should be embraced all those things which go to make up a community, and particularly the economy, the question of work, the question of wealth and the question of agricultural resources. It is simply impossible, in my respectful submission, to allow this island with its development, with its limited agricultural resources, with its own way of life developed and cherished by the people, to allow this island to be exposed to wholesale immigration from the African continent. Nevertheless, although there has of course been immigration legislation, it was quite ineffective; it was in fact tribal in character, there was no control on immigration from foreign countries except with regard to certain tribes, and the result, looking back on it, was in some respects really quite astounding, that in one year one can have as many as 40,000 immigrants coming over into this island without any control, people without any family, people who are under-cutting local labour, people who have no immediate ties of loyalty to the community as a whole, although they may be developed, people who are much more readily attracted by cries of "Africa for the Africans". It is simply inviting trouble to allow unrestricted immigration in this way, and here again there have been repeated representations made to Government, and again not until after this election was anything done to act upon them.

In my respectful submission, these two things, the failure to have a sensible immigration policy which ensured controlled immigration and ensured that it was related to the needs and limitations of Zanzibar society, and secondly the failure to have adequate legislation on the question of racial electioneering, these two matters in my respectful submission are the dominating elements in this whole inquiry and at the root of the whole matter, the underlying

cause of the outburst of racial violence.

These are my submissions. The Commission has been very patient with me in allowing me to make two sporadic appearances, and I do apologise if I have not been as accurate as I would have liked to have been in some of my quotations. My submissions have been made and I do invite this Commission when considering the terms of their report to include in it a comment on the failure of the Government to take measures on these two matters which, had they been taken would in my respectful submission have avoided entirely what has happened. These are my submissions.

ATTORNEY GENERAL. May it please the Commission; I propose to be as brief as possible, Sir, and deal only with those matters which concern the Government. The first point I wish to deal with is the allegation by Sheikh Ali Muhsin, and he is the only person who made the allegation, that Government was warned that there would be an outbreak of violence. In my submission, Sir, the weight of evidence is entirely to the contrary. If I might refer to Mr. Robertson's evidence at page 15 on the Second Day, in answer to a question he said:-

"If I may perhaps go back just a little, Sir, a few days before 19th May a request was received from the political parties that they would like to be assured that measures were being taken to take care of security on election day and as a result, I agreed to hold a meeting at which were present representatives of all three political parties, the Commissioner of Police and other government officers. The purpose of the meeting was to discuss with those present the arrangements which were being made for holding the elections and to consult them with regard to any measures which should be taken to ensure that the elections passed off smoothly."

We have heard that an assessment was made on 29th May, and it was that the situation was quieter than it had been in January. That was the assessment two days before the election. It comes in the

evidence of Mr. Robertson at page 13 on the Second Day, where he says :-

"The position was again reviewed at the end of May. I think the exact date was 29th May, Sir, and the assessment was that the situation was quieter than it had been in January."

In the evidence of the Commissioner of Police at page 8 on the Fourth Day he said in answer to the question :-

"Q. Have you any evidence that the disturbances were planned by any party or any person - the June disturbances ?

A. As they happened, you mean ?

Q. Yes.

A. There is no evidence, and I have received no information of any plan of organised rioting, looting and murder. We did anticipate there would be the same sort of scuffling going on in June as had occurred in January ..."

and his assessment was that tension before the January election was quite a bit greater than the tension before the June election, and that evidence is given at page 6 on the Fourth Day.

On the Fifth Day Mr. Biles in his evidence at page 72 stated that he was present at a meeting on 9th May with the Civil Secretary, and he also saw various political leaders on various occasions. He said :-

"They came to my office with various complaints or suggestions about matters not necessarily connected with the elections, and if they had any complaint they usually came to see me.

Q. Did any of them give you any indication that violence would break out on the scale that it did ?

A. Not one of them gave any indication that their parties would resort to violence."

The Commission have also heard Mr. Smithyman, and his evidence indicates that everyone thought that the elections would pass off quietly. His evidence occurs on the Seventh Day, Sir, at pages 63 and 64. At the bottom of page 63 he is referring to the special elections committee :-

"The object of the committee was to try and see the elections were carried out to the satisfaction of everybody and that any difficulties were smoothed over, and during those meetings we regularly had a chance of meeting all the leaders and finding out their difficulties, as they saw them, and also the question of security.

Q. In the course of your conversations with these leaders, did they give you their assessment of the situation ?

A. Yes, on many occasions one asked them the direct question, 'Is there going to be trouble ?' - because that was the thing which was uppermost in our minds. I think invariably it was the same answer, more or less to the effect that 'we Zanzibaris are peaceful people: there won't be any trouble.' On the other hand there were certain reports that some areas of Ngambo were worse than others; they were areas in which one should keep one's eyes open."

Both the Commissioner of Police and the Civil Secretary the day before yesterday when they were recalled denied that any warning was given to them about the possibility of an outbreak of violence as stated by Sheikh Ali Muhsin, and the first time that we heard that the leaders of the ZNP felt that the dangers of violence were greater in June than in January was on the tenth day of this inquiry. Not one word of this was put to the Civil Secretary or the Commissioner of Police in cross-examination. Sheikh Ali Muhsin's explanation for this appears to be that he had only instructed his counsel on this matter two days before the eleventh day, therefore on the ninth day of the hearing though, as the Commission are aware, we have been assured by Babu that the organisation of the ZNP was far superior to any other political organisation in this Protectorate.



Not only is there the evidence of the Civil Secretary and the Commissioner of Police that no warning was given by leaders of the ZNP, we have the evidence of Mr. Abeid Karume of a meeting on the 19th at which he was present, and he denied that anyone warned the authorities of the probability of an outbreak of violence. He also denied that there was a greater possibility of disorder in the June elections than there had been in the January elections. The evidence, Sir, on this matter is on page 10 of the Fourth Day. At page 9 of the Fourteenth Day, Sir, he agreed from all the evidence that was available before the 1st June it was not possible for anyone to have foreseen the trend of events which subsequently took place.

We have had evidence that the Civil Secretary received regular reports from his intelligence committees, and none of them indicated that disturbances on a wide scale were possible. He gave that evidence at pages 49 and 50 of the Second Day.

The Commission will get an appreciation of the way in which the security situation was constantly reviewed from Mr. Smithyman's evidence at page 62 of the Seventh Day, in which he said :-

"Security was all the time in the forefront of our minds because from the background it was obvious that it could become very serious. Therefore for two or three months before the elections the District Administration did make a special target of keeping in touch, of trying to contact sources of information and thereby getting a good assessment of what the position was. And at the same time they were trying to influence the people they were meeting, to improve the situation, if you see what I mean - both ways. From all these contacts, as far as the District Administration was concerned, I think I am right in saying no one said that they were certain that there was going to be any disturbance. I do not think there was any clear-cut report to the effect that the situation in June would be any different from the situation in January."

He also spoke about the setting up of the elections committee, to which I referred a little bit earlier, of which two members from each political party were members, and this committee regularly considered the question of security.

If I might deal generally with one or two points my learned friend Mr. Fraser-Murray brought up, as far as I could see his accusation really means that the Government were guilty of not having hindsight in this matter. The authorities, he says, failed to comprehend the true situation before the election and take adequate precautions, though he did qualify that by saying - "I agree one must not be wise after the event." One of his complaints was that the Commissioner of Police apparently had his head in the clouds and also his feet, and he refused to see the District Commissioner.

Now, Sir, the facts are of course that the Commissioner of Police did not refuse to see anybody, and exhibits 74A and 74B show that the Commissioner of Police in reply to the Senior District Commissioner's letter said that the police dispositions were going to be made on a high level, that the dispositions for the January elections were made by the Commissioner of Police and approved by the British Resident, and that he himself would be reviewing the June dispositions at a date nearer the date of the June elections, and that he did not think any useful purpose would be served by the Superintendent of Police, Zanzibar, discussing these dispositions with the District Commissioner (Urban). He said at page 16 on the Fifteenth Day :-

"I would add to that, Sir, that I did tell the Supervisor that if the Senior District Commissioner or any of the District Commissioners had any specific point in connection with the elections which he wished to discuss with Mr. Meyer I suggested they should contact Mr. Meyer."

We have heard that Mr. Meyer was in immediate control of the arrangements for the police dispositions, and there was a place where he said anybody could go and see him.

CHAIRMAN: He said Mr. Smithyman saw him almost daily and had a complete right of access to him to discuss any problems.

ATTORNEY GENERAL: Yes, I do not think it was a very true criticism to say that Mr. Biles had his head in the air and failed to discuss these matters with a man with local knowledge or who had his feet on the ground.

If I may deal with another allegation by Sheikh Ali Muhsin, his allegation was that the police force was unreliable. This, in my submission, is a totally unfair allegation based on the flimsiest of flimsy evidence. It was based on this evidence, Sir; (1) two policemen did not run when the people were scuffling around; they sauntered towards the scene where they were. Those were the words. The second bit of evidence on which this allegation is based was that they had seen a photograph of a European special constable smiling and fraternising, apparently because he was smiling, with the mob, while violence was taking place. The Commission will appreciate of course that we have not seen a copy of this photograph. Sir, that is the evidence that the police force was unreliable. If the Commission will look at exhibit 9 - and I have no doubt they will look at it very often - the five volumes of the police diary, it will show how hard the police worked and how they obeyed the orders they were given; and yet we are told they were unreliable in those two small matters of sauntering and smiling in the photograph.

One of the allegations against Government was that it was an erroneous policy that the police force was two-thirds foreigners. Now, Sir, evidence has been put in in a session in camera. I submit that the evidence disclosed in those letters will show that it was not an erroneous policy, there was nothing else which the Commissioner of Police could do. You will also see in his evidence on the Fifteenth Day at the bottom of page 11, I asked Mr. Biles:-

"May I put this general question now: would it have been possible to have had a completely Zanzibarised police force prior to 1st June ?

A. Not of the size provided for in the Estimates of the territory, Sir.

Q. Had you been pursuing a steady policy of Zanzibarisation ?

A. Yes Sir.

Q. In conformity with efficiency ?

A. Yes Sir.

CHAIRMAN: I understand you to say 'consistent with what you considered would produce a reasonable degree of efficiency in the force'?

A. Yes Sir."

A further criticism of the police or of the Commissioner of Police was that he did not put sufficient police at the various polling stations. It is entirely a matter of opinion, of assessing the situation, how you dispose of the men at your disposal, and you have heard the evidence of the Commissioner of Police.

You have heard the evidence of the Commissioner of Police. I submit that if my learned friend's submission or suggestion that there should have been more Police at the various polling stations - I assume it doesn't only mean Gulioni and Raha Leo and Ngambo, he means all round the country - would merely mean a complete frittering away of the mobile force which was held to deal with the disturbances.

My learned friend, Mr. Fraser-Murray, went on to basic causes and said that the Government failed to curb racialism and submitted that there should have been a law proscribing racialism during the Elections. I refer to Sessional Paper No. 14 of 1960. I think I would be fair that the implications of Mr. Fraser-Murray's criticism of Government was that this Government did absolutely nothing about it and did not consider the matter.

MR. FRASER-MURRAY: Mr. Smithyman had said that the only weapon the A.S.P. had was racialism. I was wrong, what he said was their main weapon. My submission is, and intended to be, that the failure of the Government to introduce this legislation was a basic casue and the reasons advanced here were that the Government's preparations to meet the Emergency were inadequate and erroneous.

A.G.  
55.

ATTORNEY-GENERAL: I am much obliged. Well, there is no evidence and I invite the Commission's attention to paragraph 6, items (c) and (d) of the Report dealing with the question of racialism, and I invite the Commissioner's attention to the reply by the Secretary of State, also to the same Sessional Paper in his letter of 26th October, 1960, paragraph 15.

RHVB  
20.

Another cause of complaint against Government apparently is the absence of Immigration Legislation to control immigration into Zanzibar. Now referring to the Report of the Committee on Immigration for 1959, page 14, the Commission will observe that in the five years from 1954 to 1958 the figures of immigration and emigration are very close together, which is 4,050 more immigrants than emigrants and Mr. Fraser-Murray has mentioned in terms of horror that 40,000 people has swamped into these Islands in 1957. Well, I think it is a matter of common knowledge that that was the year of a bumper crop and the Commissioners will see that in that year 49,000 people immigrated and 46,000 people left the Island, so we did not have 40,000 people descending on us and staying here.

Now, Sir, I do not think I can assist the Commission any further in this matter. A very great volume of evidence has been

given and some 78 exhibits placed before you. I would like to conclude by thanking you and your colleagues for the very patient way you have listened to all the evidence and conducted this Inquiry and I would like to wish you all a comfortable journey home to the United Kingdom.

CHAIRMAN: I thank you, Mr. Attorney. Before we conclude, we would like to express our thanks to the members of the Bar, and to the Interpreter, who has shown the greatest degree of patience and without whose services the proceedings would have been very much prolonged.