

COMMISSION OF INQUIRY INTO THE RIOTS AT  
SOWETO AND OTHER PLACES IN SOUTH AFRICA.

CAPE TOWN.

WHOLE SESSION.

14th JUNE 1977.

VOLUME 165

(Pages 8 242 - 8 297)

THE COMMISSION RESUMES ON 14 JUNE 1977.

CHAIRMAN: I should start off by saying the Commission is very pleased that it is assembled here again this morning. It is not pleased that there has been a cause for evidence to be given, but it is here in any event. As you will recall, the Commission was here until the 1st of December of last year when it concluded its evidence and then it went to other parts of the Western Province to hear further evidence until the end of the month. By the end of the month fresh riots had broken out here in Cape Town. On its arrival back in (10) Pretoria in the second week of January, the Commission heard evidence of the factual aspects of the riots over the Christmas weekend. The Commission thereupon finished its evidence in Natal and in the Eastern Cape, that is in Port Elizabeth and in East London. When it arrived back in Pretoria, it found a memorandum which had been sent by residents of Cape Town, asking for an opportunity of placing evidence before the Commission with regard to, shall I call them the Christmas Riots.

The Commission communicated by letter with these people (20) but received a letter from their attorneys and with the attorneys there had been correspondence and numerous telephone calls in connection with evidence to be placed before this Commission. Meanwhile, I regret to say, there had been a number of instances of confusion and I do not say deliberate confusion, but statements which could only have been taken to confuse the Commission's willingness to come and sit here.

The Commission found it necessary, or I found it necessary on the 21st of April to make a full statement in the open Commission with regard to more particularly an article which (30) had appeared in a newspaper of the previous day and indicated

once/...

once more that the article was written without communicating with the Commission and asking the Commission or rather without communicating with the attorneys of the prospective witnesses, that attorney's name and address and telephone number having been given to the Press, to the particular newspaper by the Commission. However, I do not want to enter into all those matters again, except that it has become necessary for me to deal with I think it is the last two paragraphs of that particular statement.

The wording of one of them is "The Anglican Priest at (10) Nyanga, the Reverend David Russell, said last night he was shocked at the Commission's insistence on statements. Last night Mr Russell said two Police officers flew up to the Transvaal to give their evidence. Does the Commission expect twenty people and their lawyers to fly up?" It is not necessary for me to refer to the apparent inability to appreciate the workings of a commission, but I find great difficulty in not calling those words arrogant. Whether they were said, I do not know, because I have not heard the person to whom they are said to belong. I said in fact I do not wish to (20) comment on it, but I assumed that it was from that person that I had received the day before a document called "The Riot Police and the Suppression of the Truth". This is a document which was sent to me under cover of a roneoed letter but signed. I was originally under the impression that it had been sent to me as the Chairman and only member of this Commission. I found out afterwards that it had also been received by at least one other judge and I do not know now whether it had been sent to me because of my - because of the fact that I am the chairman of this Commission or because of the fact that I am the (30) Judge President of the Transvaal. However, be that as it may,

this/...

this was called a memorandum prepared for Members of Parliament by the Reverend D.P.H. Russell. It contains various remarks, one of which - against one of which I have to take some exception because if this is not an effort to anticipate the findings of this Commission, it goes at least very close to it, and there are regulations which cover this particular matter. It has a heading of one of the sections which reads as follows:

"Riot Police to blame for Christmas weekend upheavals". Well, it is for this Commission to find out who was to blame and who was the cause of the riots, and again, subject to (10) hearing this particular person, it is difficult for me to say anything in particular about it.

I should indicate too that his statement was made apparently as a member of the Ministers' Fraternal of Langa, Guguletu and Nyanga. I received on the 21st of March of this year a document from the Centre against Apartheid, Department of Political and Security Council Affairs of the United Nations. It is under the heading of Notes and Documents and it appears to be Role of the South African Riot Police in Burnings and Killings in Nyanga, Cape Town, Christmas, 1976. Report by (20) the Minister's Fraternal of Langa, Guguletu and Nyanga, and it contains, apart from comment, some indication of statements which people are supposed to have made with the captions like "Police shot at people fleeing from scene of violence", "Police shot at people seeking to save Mr. D. of Nyanga". All these statements are said to have been made by people whose identity the writer does not disclose, but who he indicates by initials and all of them appearing under "Eye witness accounts".

Very much in the same manner is the document which (30) Reverend Russell had sent to me, because he too has included

in/...

in his document the statements by a number of people under the heading of "Further eye witness accounts", and the letters, the initials of these people who are the eye witnesses have been mentioned and they appear above short statements of evidence which apparently they would be able to give. Now obviously this Commission cannot base its findings on a document and on statements by people who are not identified merely because a person who has grouped together their statements says: "I have made a point of personally interviewing and rechecking the accounts of very many eye witnesses", pre- (10)  
sumably also the accounts of these people whose statements are contained in the documents. It may be that some of these witnesses cannot give evidence for one reason or another but one would expect then that the particular person who has grouped their statements together, to come forward and to inform the Commission of what has happened. I can only say that if the Commission has to arrive at its findings without the information of people who had not come here to give evidence or about whom it has not been, the Commission has not been told why they have not given evidence although they had made statements (20)  
for the report of the Ministers' Fraternal or to the Reverend Russell, it will be because the Commission does not know who made these statements.

To turn then to another matter, some difficulty arose in supplying the Commission with the statements to be made by prospective witnesses. The original attorneys who appeared for the Nyanga Residents Action Committee forwarded to the Commission three statements. It appears that other attorneys are appearing for other witnesses and all in all there are at present approximately twenty-seven witnesses who wish to (30)  
give evidence. Because of this particular position, that is  
that/...



that the legal team of the Commission had before yesterday not received all the necessary - all the statements. It will be necessary to ask for further evidence of these witnesses when they are giving evidence to identify more clearly the particular incident they speak about, the place where it occurred, the persons who are connected and if possible to identify the particular persons who were involved, because by doing that it would be, only by doing that would it eventually be possible to come to a finding as to the importance of the evidence and would it be possible to evaluate the evidence. (10)

In the circumstances it may be that some of the examinations may be longer than had been anticipated originally, but I trust that the legal team will try and be as short as possible with these particular witnesses, but naturally the Commission must receive, must have full particulars before it can come to a decision.

I then also wish to announce that because of urgent business of one of the advisers, it will not be possible to sit this morning later than quarter past twelve. In the circumstances there will not be the usual midmorning adjourn- (20)  
ment. The Commission will go on until quarter past twelve and will meet again at two o'clock.

Yes, please, you may now continue.

MR DALLING (A.D.): Commissioner, I represent three witnesses before this Commission. The first witness is available but before I call that witness, I would mention on behalf of all my colleagues here we have an application for an inspection in loco. I suggest, with respect, that such an inspection takes place after, possibly after the first witness or the first two witnesses have given evidence, because they will (30)  
sketch, apart from individual incidents, they will sketch a somewhat/...

somewhat broader picture than the others and it may be convenient for the Commission then to have an inspection after their evidence. If there are discrepancies arising from such an inspection when seen in the light of their evidence they will be available to come back to explain that.

CHAIRMAN: I wonder whether, Mr Dalling, it would not be possible for us to arrive at a particular time for having the inspection. I agree that it would be better to have the inspection after we have heard at least some evidence. I could at that stage ask the attorneys who appear for the other (10) witnesses to find out whether if we go on an inspection, we will also see places that their witnesses may be referring to and whether it is necessary, and if it is necessary to inspect those particular places. Wouldn't it be convenient to arrive at some decision now as to the inspection? What about tomorrow morning? I have not spoken to my advisers here. I don't know how they are situated.

MR DALLING: Subject to the convenience of the Commission, I have not seen any violent threats ahead, I would say that that would be convenient for all. (20)

CHAIRMAN: I think it would be more convenient to start the inspection first thing before a session starts, otherwise you break up a session.

MR DALLING: Quite so, sir.

CHAIRMAN: What is the position?

DR YUTAR: I suggest that we hear the first two witnesses, see how far we get. It might be advisable to sit tomorrow morning and rather have the inspection in the afternoon.

CHAIRMAN: Well, I must inform you that the afternoons here are somewhat longer than the afternoons we are used to at (30) the moment. Well, shall we then decide at 2 o'clock today when/...

when it would be convenient? Would that suit you?

MR DALLING: That would suit me perfectly, thank you.

CHAIRMAN: Yes?

MR DALLING: Mr Commissioner, as the first witness I would like to call Mr. Oscar Mpetha.

CHAIRMAN: Maybe I can have the number of ....(intervenes)

DR YUTAR: He is witness No. 518.

OSCAR MPETHA: DULY SWORN, STATES: (Through interpreter)

MR DALLING: Mr Mpetha, how old are you? -- 67.

Are you married? -- Yes.

(10)

And at present you don't work, is that correct? -- No, not working.

When did you last work? -- July last year.

And for whom did you work at that stage? -- Southern Paper Industries.

They are in Bellville? -- Correct.

And for how long did you work for them? -- Six years.

Now, in July last year, I understand you went away to the Transkei, is that correct? -- That is correct.

What was the purpose of your going? -- I was going to take part in the election. (20)

You were a candidate, is that correct? -- That is correct.

Now, when you returned from the Transkei, did you have some trouble in getting back? -- Yes.

Merely from a transport point of view? -- Well, my car broke down and the parts I could not find there. I had to go down to Port Elizabeth for the parts.

You arrived back late in Cape Town, is that correct? -- That is correct.

(30)

And what happened to your employment? -- I was discharged because I was not here in time.

Now/...



Now, how long have you been resident in Nyanga? -- I arrived in Nyanga the 1st of March 1950.

Are you relatively well-known in Nyanga? -- Yes, very well.

How is that so? -- I was on the Advisory Board for five years.

I see. Now, in 1959 you were banned from attending meetings, is that correct? -- That is correct.

And how long did that banning last? -- Five years.

Now, to bring you up more to the present, on the 5th of December 1976, I think it is a matter of history, there was some unrest in Nyanga, is that correct? -- That is correct. (10)

Now, in your work - well, I will anticipate - in your position as the Chairman of the Nyanga Residents Committee, have you ascertained at all a view in regard to the possible causes of this particular incident?

MR MALHERBE: How does he come to be Chairman of the Residents Committee, can you explain that?

MR DALLING: Mr Malherbe, through Mr Chairman, I am sorry, I will get to that. I am trying to do it chronologically. I will do that first. Have you come to any possible causes of the difficulties which arose from the 5th of December 1976? -- Yes, we found the cause of the unrest. It happened on the 5th of December. (20)

Would you explain to the Commission what your conclusions were in that regard? -- There were two shebeens, the one - the owner of that was a Baca and the other shebeen, the owner was one of the residents of Langa. The owner, Baca who was the owner of the one bottle store, then arranged some other Baca's to attack the resident of the other bottle store. (30)

They/...

They also burned his house and they killed him.

MR MALHERBE: What is a Baca ?

MR DALLING: If I may explain, sir, this is not strictly, according to my understanding, a tribal Baca . This is more - there is a connotation of the migrant workers single man in that.

MR MALHERBE: As you have just explained to us there were two shebeens, one then was run by a migrant single worker.

MR DALLING: Correct.

MR MALHERBE: And the other was run by some other? (10)

MR DALLING: By somebody, socalled resident. At that stage - sorry, I will lead this evidence.

MR MALHERBE: Yes.

MR DALLING: Mr Mpetha, by the 5th of December how many other shebeens were there still running? -- To my knowledge there were only the two. The others had been destroyed by the children.

Now, Mr Malherbe, I am coming to your point. Shortly after that, Mr Mpetha, was there a meeting called? -- Yes, there was a meeting called.

Now, do you know actually who called that meeting? (20)

-- I do not know the person who called the meeting, but I know the person that told me about it.

Who told you about the meeting? -- I was called to this meeting by a certain man by the name of Mr Stuurman.

Now, where was the meeting held? -- The Babies' School at Nyanga, there this meeting was held.

How many people were present? -- It could have been 50 to 60 people.

Now could you tell me, did you attend this meeting? -- Yes, I did attend that meeting. (30)

And what was the purpose of the calling of the meeting?

It/...

-- It was to make some plans to get some - to make peace there amongst the other people.

Now, at this meeting, was there a Committee elected? -- Yes, there was a committee appointed.

Could you tell the Commission please, the composition of the committee? -- On this committee there were five people appointed from the old location, and there were 5 allocated to the Mau-Mau, and there were another five appointed for Zwelitsha. It was found that at the single quarters where the single men stay there was not sufficient people there to appoint and that they had to get a meeting together to appoint their committee. (10)

Mr Commissioner, I don't know whether it is necessary for me to ask the witness to describe what the Mau-Mau section is.

CHAIRMAN: No, that is in order.

MR DALLING: Now, at this committee meeting, you say there were insufficient migrant workers there. Were they given some instructions? -- Yes. They were given instructions that they had to come together and have a meeting at the single quarters, (20) single men, and then they must appoint their committee.

Now, did you hear from them again? -- No, they did not come back.

Now, at the time was there ill-feeling between the group known as Residents and the group known as migrant workers? -- Yes, there was some disagreement between the single men and the residents of the location because the children had destroyed some of the shebeens. The single men alleged that these children were put up by the residents of the location to destroy these what they call "smuggling houses", shebeens. (30)

Would you please tell the Commission exactly what your

committee/...

committee that you formed - what it did? Sorry, before you do that, were you elected to this committee? -- Yes, I was elected to the committee.

And what position did you fill? -- I was the chairman of that committee.

And could you just give us the name of the committee, please? What did it call itself? -- Nyanga Residents' Action Committee.

I will repeat the other question again, the one before that. Did your committee prepare a memorandum, a document? (10) -- Yes, we did make a memorandum in January this year.

And is that the memorandum which was submitted to this Commission? -- Correct, that is the one.

Now, apart from that, could you please tell the Commission what your committee did? -- The committee then approached the authorities of the location as to what they should do about what is going on in the location, about the setup of the residents there.

To whom did you speak? -- Mr McClachlan, Mr Pietersen, Mr Piek. (20)

Now, during the actual unrest in December, did you have discussions at all with any other authorities? -- Yes.

With whom? -- I had some discussion with the police in the streets and on that same day I went to Guguletu. We were four in all.

Now, passing on from the activities of your committee, on Christmas Day, 1976, you were a witness to certain events that took place that day. -- Yes, I did see some events.

Now, on Christmas Day, at approximately 4 p.m., in the afternoon, where were you placed? Where were you? -- I was at No. 1673, 6th Avenue, with my son, at my son's place actually/... (30)

actually.

① | Would you please tell the Commission what you saw? --  
We heard a noise outside. When we went outside we saw that these contract boys, we call them Makuduka's, were chasing children with sticks and stones. We went out and we stopped this and these contract people then went back.

Do you know anything of the background of that particular incident? -- I do not know what the background of that was.

② | Now, later in the day there was a further meeting, is that correct? -- Yes. (10)

Who called this meeting and who was called to the meeting? -- I asked the chairman of ward No. 5 to call this meeting to find out what was the cause of this, that these single men were attacking these children.

Where was this meeting held? -- In the area of No. 16.

Were there police there? -- While this meeting was on, the police did arrive.

Did you speak to the police? -- Yes.

And could you tell me what you spoke about? Tell the Commission. -- I asked the police to intervene and stop these single men from crossing the street and to hit the children among the residents and hitting other people as well. Their reply to that, they said: "They are your children." I tried to persuade them to tell them that these people were not only hitting children, but they were taking everybody, they did not take anybody into account, they just hit whom they got across. They again replied with those words that "They are your children". I then realised that it was no use speaking to these police. I had to go to the police station. Perhaps I may get some help there, assistance there. (20) (30)

While you were talking to the police, and I am not at  
the/...



the police station yet, at the scene of this trouble, while you were talking to the police officers, to which police officers did you address yourself? -- I spoke to a policeman who appeared to be one of the authorised persons who were in charge.

Now, did you have any assistance from the police officers? -- No, from that police I did not get any assistance.

As a result of this, what did you then do? -- I was accompanied by three other men and we went to the police station.

Were these members of this committee? -- No, they were (10) residents of that area.

Do you know who they were? -- Two of them I do know.

Just say who they were? Would you say their names? -- The one was called Tchawe. The other one was the chairman of ward 5.

Do you know his name? -- No, I have forgotten his name.

Now, could you please tell the Commission what you did at the police station? -- I told the sergeant who was there on duty at the police station what these single men did by crossing over to the other residents and hitting the children (20) and the other people. That was a Black sergeant. Then that sergeant spoke to a White sergeant. Then we were told to return because the police were already there, they had arrived. Then I told this policeman that we already spoke to the police, they were there, and they did not give us satisfaction, but they said they were our children. Then this White policeman said we must return there, the policemen are there. Then we did go back. We gave up and went back.

③ Now, that evening, was there a further incident near your home? -- Yes. (30)

At approximately what time was this? -- Between 9 and

10 o'clock that evening.

Now, where were you at that time? -- I was there in front of my house.

Would you describe to the Commission please what occurred in this incident? -- As we were standing there, we had formed a guard line so that these single men could not cross. These single men did cross and they came and assaulted us. We drove them back to the single quarters, to where they came from.

At Zwelitsha Driveway, we were standing, the police arrived. They instructed us to go back to our houses. (10)

Did the people then disperse? -- Yes, they did.

(4) The next day, it was Sunday the 26th December, there was a further incident then that you know about. -- That is correct.

Where did this take place? -- The same spot where it happened the previous evening.

Now, would you describe to the Commission please what this incident comprised of? -- These single men attacked again and then we drove them back. Where we had made a boundary, which we call the Zwelitsha Drive, we stood there. Police (20) arrived and said we had to disperse there. Some did disperse, others remained. Then the police fired with teargas and everybody dispersed there and ran away. When these people dispersed, all of them running away, and when they had fired this teargas, after that the police fired their guns. I then ran and went into my house. I looked through the window. There was a person shot who was crossing at the corner in front of my house. There was a person shot who came into my gate and in my yard. And there were others that I did not see. (30)

MR MALHERBE: Mr Dalling, could your witness give you the times/...

times and the names of the streets?

MR DALLING: Certainly. Mr Mpetha, would you please give to the best of your recollection the time of this incident? -- That was in the daytime between 10 and 11, if I remember correctly.

And to the best - we have a map, fortunately, Mr Commissioner. Could you tell us the street in which this occurred please, if you can? -- It was between Zwelitsha Drive and Fourth Avenue.

What did you do after this? -- I then got hold of (10) a car and I took three injured persons, those two that were shot there, the one on the corner and the one in my yard, and another person whom I did not see how he got hurt, and I took them to hospital.

5  
Now, on Monday, the 27th of December, the day after Boxing Day, where were you? -- I was there in front of my house.

Would you tell us what did you see? -- I saw four vans, they came from the direction of Sunset and they were coming along in 3rd Avenue, they came into Zwelitsha Drive, went (20) up, entered 4th Avenue, and they towards the single quarters. They disappeared out of my sight then.

Now shortly after that, what happened? -- Shortly after they had disappeared, then these single men came there, out there. They attacked again. We drove them back across Zwelitsha Drive. We then went back towards our houses and stood in front of our houses. Where I saw the vans disappear another four vans came up there.

Do you mind stopping there for a moment. With what were the residents and the migrant workers - with what were you (30) armed? -- We all had weapons like sticks and stones on both sides.

Would/...

Would you go on then? -- The police vans then crossed Zwelitsha Drive, entered 4th Avenue. Before they got to the houses, they stopped. The police got out of these vans and they stood on the ground. The single men were there on the other side of the street near their places.

On the other side of which street? -- Zwelitsha Drive.

Could you give - I know it is difficult, an estimate of the numbers of people, of migrants? -- Single men were between 60 and 70 persons. The last policeman, seeing that they were in a line, I saw him waving with his arms. (10)

Now, could you see from where you were, could you see the migrant workers? Could you see them personally? -- Yes, I did see them.

And could the police see them? -- Yes, they were in sight.

MR MALHERBE: Again, what time was that and where are we now?

MR DALLING: Mr Mpetha, what time of day was this? -- It was in the morning.

Can you be a bit more accurate than that? -- It was before 6 o'clock. (20)

Six o'clock in the morning? -- Yes.

Early? -- It was still very early.

MR MALHERBE: That is now the morning of the 27th? -- Yes, that is the morning of the 27th.

MR DALLING: And could you sketch to the Commission exactly where the people were, the migrants, and where you were and where the police were, please? -- We had formed a line near the houses, near the yards, and the police had formed a line in 4th Avenue, towards Zwelitsha Drive, and these single men were right on the other side, where they were standing. (30)

Now, when the policemen got out of their vans, these vans/...

vans, were they - tell me what impression you got in regard to those vans? Were they the same vans as the ones that had gone in earlier or totally different vans? -- I gained the impression that they were the same vans because three of them were light blue, (as he describes then) and the other one brown.

You indicated just now that one of the policemen made a motion. What was the motion? -- I do not know why he waved his arm. When these single men were approaching us, then I thought that they were - that they had been calling (10) these single people.

Prior to the policeman beckoning, had the single men made any move from where they were standing? -- No, they did not make any move.

Now, after the policeman beckoned, did the single men move immediately or five minutes later or at what stage did they move? -- Immediately when he waved they came along. Whether hespoke I did not hear.

At this stage from where to where did the single men make their move? -- They came from the direction, crossed (20) Zwelitsha Drive and came to where the police were in 4th Avenue.

Did they move towards - towards where were they going? -- They headed for 4th Avenue, and that is the side where the residents were.

Is that where you were standing? -- They came in that direction where we were standing.

Now, what did they do? -- When they passed the church, going to 4th Avenue, they went to the houses between 4th and 5th Avenue, and they burnt those houses.

Did the police do anything at that stage? -- I did (30) not see them doing anything.

Well/...



Well, did you see them standing? -- I did see them standing.

What did you and the other residents then do? -- When we saw that these houses had been burnt, we said we must go and when we went towards these houses, the police shot at us. ( he makes the noises as the bangs went off).

Were they shooting towards the migrant workers? -- No, the police were inbetween us and the single men. They were shooting towards our direction, the residents' direction.

What did you do? -- Each man had to save himself and (10) we all ran.

Did you take shelter? -- I ran into a lavatory. I was too far from my house.

Did the police give any warning at all that you heard? -- I didn't hear the police saying anything except when we went towards these houses, then the shots were fired.

Was teargas used in this incident? -- Not on that Monday, I did not see any teargas. The last was on the Sunday.

Was a megaphone used, a loudspeaker? -- I never heard it. (20)

How long did you remain in your shelter? -- I remained there until everything was calm and I heard no noise, and then I peeped to see what was going on, and I found nothing was going on. Then I went out of my shelter and I walked away.

Subsequently did you hear anything about what had happened there? -- Yes, I heard afterwards that some people were shot.

And in fact you yourself had run from the bullets? -- Yes.

Mr Commissioner, I have completed this evidence, thank you. (30)

CHAIRMAN: Do you have any questions you wish to ask?

DR/...

DR YUTAR: I have, sir. Mr Mpetha, in deference to myself I am not going to call you an old man. You are one of the elders of the location. -- Correct.

And you have lived there a long time. -- Correct, yes.

You have been politically activated for a long time? -- That is correct.

And more than anyone else you have a good idea of what went on in the township? -- That I could not guarantee.

I am sure not. And - we have not had the advantage of having a consultation, so I am going to keep you a rather (10) long time, and if you like I will ask the Commission to allow you to be seated. -- I would like just to ask the Commission to adjourn for a short while, just to relieve myself.

CHAIRMAN: Yes, the Commission will adjourn for a short while and if the witness wants to sit down, Mr Interpreter, then arrangements can meanwhile be made for him to sit down. So the Commission will adjourn for a few moments.

THE COMMISSION ADJOURNS.

THE COMMISSION RESUMES.

OSCAR MPETHA STILL UNDER OATH: (20)

DR YUTAR: Mr Mpetha, are you more comfortable now? -- Yes.

Now, you indicated to my learned friend that you have discovered the cause of the December riots to be. -- Not all of the December riots.

Some of them. -- The 5th, the 6th and the 7th, not the Christmas weekend.

What do you think is the cause of the riots over the Christmas weekend? -- I have already indicated to this Commission that I did not know what the cause of the riots was over the Christmas weekend, but there was always this thing about the (30) single men that wanted to get hold of the parents of these children/...

children.

Now, is it not a fact that prior to December 1976 that the migrants, and I shall refer to the bachelors as the migrants on the one hand and the residents as those in the married quarters, that those two sections got on very well? -- That was before December?

Yes. -- There were small little incidents like the women, they go over to the single quarters, these women and then there were the incidents in that these single quarters were right - they were situated in the middle of the location (10) instead of on the side of it.

I accept this, but apart from minor incidents here and there and now and then the two factions got on fairly well? -- Except for minor incidents there were nothing else.

So you agree then with what Mr Botha, you know he is the Chief Bantu Commissioner, you know him? -- Yes, I know him.

He said in evidence, and I am quoting from Volume 81, page 4 054, lines 3 to 9, he says: "Ek kan my nie herinner aan gebeure wat daar wrywing was nie. Miskien 'n klein insident hier en daar, maar ek kan my nie daaraan herinner dat daar voorheen tussen die enkellopendes en die gesinsmense (20) wrywing was nie." You agree with that? -- There was nothing actually of very great importance.

What then caused the outbreak of the trouble between the two factions in December? -- As I have already stated to the Commission the incident took place between the two shebeens, the bottle stores, between the Bacas and the residents.

And only that? -- That was the beginning. That was the beginning of December.

Yes, and.... -- But there at Christmas I do not know, and these single men, the migrants, were complaining about the (30) shebeens being destroyed, and these shebeens were not destroyed

by/...

by the residents, they were destroyed by the children, and there were shebeens of the other people that were destroyed as well in other locations.

I want to put to you two reasons that had been given in evidence for the cause of the trouble in December. It had nothing to do with shebeens on the one hand or with the police on the other hand, and these are the two reasons: Firstly that the migrants refused to take part in any stay-away strikes as requested by the militant element of the residents, and secondly that the migrants refused to heed the call of (10) the same militant element to observe Christmas day as a day of mourning for the death of what they called "the comrades". -- As to the first reason, there was no call for a strike at all, not at all, and this - they give a reason that they should not have gone to work, then the riots should have taken place at the bus stops.

I am not interested where it should have taken place, I am interested in the cause why it took place. -- That is the reason they have given, which I do not know of, for the strike, and I don't know of that. (20)

And two? -- After all nobody works on a Christmas and there was no such instructions that they should not go to work as regards the mourning at Christmas time.

Well, in support of what I said I am going to quote two witnesses and also the Cape Times report. I am going to quote first from the evidence of Major Mouton, Volume 81. I give the reference, just for the purpose of the record. Volume 81, page 4 076, line 18 to 4 068 line 13, and I will read this in passages. Major Mouton says this: "Die sogenaamde enkellopende Bantoe, die kontrak-werkers uit die (30) tuislande, het tot begin Desember 1976 nie gehoor gegee om te/...

te staak nie. Dit was nou die versoek van die onlusmakers..."  
Do you agree with that? -- I expect that those people who gave him that information, that they would be brought to this Commission so that I could believe it.

And may I return the compliment and ask you to ensure that all those who will give contrary evidence will also come forward to the Commission? -- I have brought them.

Just tell me this, were there strikes before the beginning of December? -- I left there in July last year and I came back here - the 1st or the 2nd of December I returned. (10)  
The end of July I left and I came back the 2nd of December.

So you know nothing of what happened from your own experience from August to the end of November? -- No, I was busy with the elections there in Transkei.

Mr Mpetha, you speak English. Don't you think we will go much faster if we eliminate the interpreter? -- No, no, I want the interpreter.

You want the interpreter. Right. Then we will read on. I will read on from the evidence of Major Mouton. I want to put the whole passage to you. "... (onhoorbaar) (20)  
that is the migrants, het getrou gaan werk en het passief gebly teenoor die onluste. Hulle het geen deelname daarin gehad nie." -- That is a period that I have no knowledge of. From the 4th of December until the 27th of December, during that period, there was no strike.

And then he goes on, listen very carefully: "Hierdie houding het vroeg sedert September 'n oplaai van vyandigheid teenoor hulle veroorsaak, maar eers in Desember tot uitbarsting gekom." And then I will summarize the next part, and he said the reason for the riots in December was completely divorced from the alleged reason given for the strikes earlier

in/...



in the year, namely the use of Afrikaans as a language in the schools. -- That is his opinion. I have nothing to do with it.

Right. I will quote to you from the evidence now of Mr Botha, the same volume...(Chairman intervenes)

CHAIRMAN: Just before you do that. When you came back in the beginning of December, did you speak to people about what had happened when you were away? -- I did speak to some people after this incident of the Bacas fighting the other people. (10)

Well, I want to ask you whether you spoke to anybody before you became Chairman of the Action Committee? -- No, there were no other people. I arrived here on the 2nd of December, and the first incident took place on the 4th of December, in the evening.

And when were you elected? -- A week later. Then we made enquiries as to why these riots took place.

DR YUTAR: Now I will read to you what Mr Botha says, page 4 059, line 3 to line 11. Let me read the whole passage.

Do you understand Afrikaans? Mr Interpreter, then you can just summarize it. (20)  
Alright. Mr Botha says this: "Dit het algemene kennis geword dat die onlusmakers beveel het dat daar oor die Kersnaweek nie feeste moet plaasvind nie, dog dat almal oor die onlusmakers se gestorwe 'comrades' moet rou." -- There was such a talk.

There was what? -- There was such talk. I remember that.

Yes, and of course the migrants wanted to have nothing to do with it. -- It was said there must be no rejoice at Christmas, there must be a mourning. I do not know the reason why these migrants should attack. (30)

We will come to that, don't rush me. We will come to this.

I/...

I go on. I will read on: "Dit was op 27 Desember 1976 dwarsdeur die dag opvallend dat alle Nie-Blanke voertuie in Nyanga hulle ligte aangehad het. Gevolglik kan dit vermoed word dat die voertuie wat aan die brand gestek was dié lot ondergaan het omdat hulle nie die rou-opdrag gehoorsaam het nie." -- They have more knowledge than what I have.

Yet you are the chairman of Nyanga Residents' Action Committee. And here is what the Cape Times said on Tuesday, the 28th of December 1976. I will read it to you. "This time the violence was sparked off by the refusal of the tribesmen (10) to go into mourning for the Soweto dead over the Christmas period as demanded by Black youths in the Peninsula townships." -- I cannot accept that statement as correct because why mourn for the people in Soweto when there are people who died in Cape Town.

I don't follow. -- I cannot accept that statement.

You cannot? -- No, because this was asked to mourn for people who died in Cape Town, people who died at Langa and Nyanga and Guguletu, not to mourn for people at Soweto. There seems no reason to me for this. (20)

And then the Cape Times goes on in its report and says this: "But a group of militant students in nearby Guguletu..." and Guguletu we know according to the map adjoins Nyanga. -- Yes, that is right.

"But a group of militant students in nearby Guguletu were preparing to protect the township from suffering the same fate as Nyanga, claimed that it was because of the tribesmen refusal to recognise the Black Students' Union's demands that Christmas be a period of mourning that there had been trouble. The other residents listened to us, why not the Amabaca?" (30) What do you say to that? -- This is only a speculation, not a fact/...

fact.

Speculation? -- Yes.

So Major Mouton is wrong, the Chief Bantu Commissioner is wrong and the Cape Times is wrong? -- They are not the Nyanga residents. They must bring people here, I hope. I will only agree with them when they bring people here from where they got that information to say it here.

Now, I want to put to you three points that Mr Botha made about the general attitude of the migrant vis-à-vis the residents, and this is to be found on page 4 059, line 18 to (10) 4 060, line 8, just to summarize it. Perhaps I can read out. "Firstly, kontrakwerkers is hier om te werk en om te verdien ten einde hulle gesinne in die tuislande te onderhou. Hulle is nie mense wat hier kom om moeilikheid te maak nie." Do you agree with that? -- I agree with that.

Secondly he says, Mr Botha: "Ofskoon sommige van hulle ook jonk is, is kontrakbantoe volwasse mense wat inisiasie skole deurloop het en neem hulle nie van onbesnede kinders bevele nie. In die tradisionele Bantoelewe duld sodanige volwassenes geen bogtery van sodanige kinders nie." What (20) do you say to that? -- I do not know of any instructions that they would give to the contractors, but what I do know is that they would not allow these smuggling houses and shebeens, and those contract boys did not want these shebeens to be destroyed.

Now the third view given by Mr Botha is this. You know of course that Captain Dumalisele of the Transkei and a Mr Makenyani of the Ciskei, they intervened on the 6th of December in order to restore peace at the request of the police. You know about that? -- Yes.

And although peace was restored, the events of the (30) 5th and 6th December still rankled with the migrants particularly because/...

because thereafter the residents sort of teased them again and attacked them again. -- ... (inaudible) .. because I know of no attack.

Well, let us come to your statement. You refer to three incidents in your statement, in your evidence. -- Yes. And you have three complaints against the police. I will deal with each one in turn. Do you know how many incidents took place in December alone? -- Yes?

At least - how many do you think? How many incidents, clashes? -- In December? (10)

Yes. You speak of three. -- Six.

Six. I want to put it to you that there are at least 109 incidents, clashes between the migrants and the residents. Do you accept that? -- Not to my knowledge.

Not to your knowledge? -- Yes.

I want to put it to you, I will give you the details, I will give you the number now. Four took place on the 5th of December, 12 took place on the 6th of December, 5 took place on the 25th of December, 33 took place on the 26th of December and 39 took place on the 27th of December, making (20) a total of 93, and a further 16 incidents took place between the period the 8th and the 14th, making a total of 109. Does that come to you as a surprise? What is your answer, Mr Mpetha? No answer. We go on. I want to put it to you .... (Chairman intervenes)

CHAIRMAN: Before you start - are you starting another point?

DR YUTAR: Yes, My Lord.

CHAIRMAN: Then it will be convenient to adjourn at this stage.

THE COMMISSION ADJOURNS.

(30)

THE COMMISSION RESUMES.

OSCAR MPETHA STILL UNDER OATH: Mr Mpetha, we reached the stage at the adjournment where I pointed out to you you mentioned only in your statement three incidents out of a total of 109. Now I want to go one step further and those three incidents that you mentioned are all cases of attacks by migrants on residents. -- Yes.

Do you think it is a very true and correct picture you painted? -- I spoke about incidents on three days.

I repeat again, those three incidents I know took place on three days and they all concern attacks by migrants on residents. Was that a true and correct picture that you painted of the events on those three days? -- To my knowledge, yes. (10)

What about the attacks of the - by the residents on the migrants? -- I cannot remember that residents attacked the migrants.

What about the incidents where the residents attacked the police? -- No, I never saw that.

What about the incidents where the residents attacked even the Cape Times reporters? -- I saw the Cape Times reporter arrive there, but I never saw an attack on him. (20)

Well, I am going to quote from the Cape Times report and I have been told it is a very reliable paper, and this is what they say in Cape Times, the 28th of December 1976, and this is what it says: "In the early morning a Cape Times car was stopped and surrounded by a hostile mob of Black youths guarding their roads from the tribesmen with axes, knives, rocks and pick handles before being allowed to proceed through a no-man's-land of row on row of gutted, smouldering dwellings in Nyanga". -- I do not know - there in front of my place there/... (30)



there were never attacks. It may be that these migrants did attack them, but as far as I know I know of no attacks by the residents.

The Cape Times go on: "Green-jacketed militant youths shouted and threw Black Power salutes at the Cape Times car". -- Maybe on another spot, but I never saw that.

I ask you, have you painted a complete, true, accurate picture of what took place on those three days? -- I only know what happened at the spot where I was, I do not know what happened at the other places. (10)

I quote again. I want to put it to you that on the 5th of December 1976 it was the residents who started all the trouble. Do you accept that? -- I couldn't say who started this, whether it was the residents or whether it was not the residents.

Do you know a gentleman called Mr. J. Khama? He is a shopkeeper in Nyanga. -- I know him.

How long have you known him? -- A very long time.

A good man? -- I do not know him as a bad person.

Truthful man? -- I could not say. (20)

Well, let me read to you what he said as reported by the Cape Times on the 28th of December. They quote Mr J. Khama, Nyanga Shopkeeper: "He said that he was sending his children back to the Transkei. He despaired of peace in the townships" Do you understand that, or do you want it interpreted? Do you understand it or do you want it interpreted? -- Repeat the question, please?

I am quoting what the Cape Times said in the name of Mr. J. Khama. "Mr J. Khama, a Nyanga Shopkeeper, said that he was sending his children back to the Transkei, he despaired (30) of peace in the townships." I am not going to wait. I am going/...

going to go on. "I read about trouble in the newspapers about Rhodesia and Mocambique and never dreamt that it can happen here." And now the next portion, I want you to listen carefully, it is very important. "He gestured towards the ruins of Nyanga and said: Now look, people don't realise that it is the Black students behind all this. During Christmas they forced people who had been drinking to swallow washing powder. Then it was they who started the trouble on Christmas day by attacking the bachelors' quarters." -- It may be that he had seen that, but I did not. The first I saw it was in (10) the afternoon. I said in my evidence that I heard a noise and I was therewith my son and I went out.

I am going to repeat this, it is strange that you only saw incidents where the migrants attacked the residents, nothing of the reverse. My Lord, may I ask Your Lordship and the learned assessors to turn to the first page of Mr Mouton's recital of hour to hour events on page 10. I am going to quote to you now the four incidents that took place on the 5th of December. Now the first incident took place at 2 o'clock in the morning. "'n Huis aan die brand gesteeek (20) en 'n bakleiery tussen die enkelkwartierbewoners en bendes uitgebreek. Met aankoms van die polisie is 2 Bantoemans dood aangetref, beserings dui dood as gevolg van houe met stomp voorwerp. Twee Bantoevrouens ernstig beseer aangetref en na die hospitaal." That is the 1st incident on the 5th of December. The police were nowhere on the scene. I come to the second incident. On the 5th December at one o'clock. Listen very carefully. "Eenduisend Bantoe jeugdiges by enkelkwartiere te Nyanga opgedaag, persele deursoek vir drank. Toe hulle geen drank vind nie, het hulle die persele aan (30) die brand gesteeek. Die brandweer was ontbied wat vuur geblus

het/...

het. Skade R3 000,00. 9 volwasse Bantoes word aangehou." Again the police were not there. It is a nice thing to do, thousand youths to attack the single quarters and even though they found no liquor, to set it alight. Don't you think that was a gross act of provocation? Come on, let us have an answer to that? -- We investigated and found that the house of Nonsaba, the shebeen king, that was burnt down. The previous day the Bacas had burnt houses.

I confined myself to the 5th. This is a case where a thousand Black youths from the residents' quarters visited (10) the homes of the migrants, found no liquor, and then set it alight. Let us go on to the next one. Two o'clock, one hour later. "Brandstigting Nyanga. 30 tot 40 Bantoe jeugdige het 5 huise in Zwelitshaweg geplunder en aan die brand gesteeek. Die skade is ..." and if you total it up it is R3 200,00. Again first of all no police. Secondly, 5 houses of the migrants set alight. Don't you think that was also a serious act of provocation? No answer. We will go on. Now, in those three instances I have mentioned the police took no part in it whatsoever. They can't be blamed. Now I come (20) to the fourth incident where the police were present. Let us see what happened. This took place at 8.30 in the evening. "2 000 Bantoemans in twee groepe opgevorm, dit was duidelik dat hulle mekaar wou aanval. Die polisie het die posisie deurgaans in beheer gehad en as gevolg van hulle diplomatieuse optrede is skares sonder enige noemenswaardige insidente uiteen." So on that day, Mr Mpetha, in the only incident where the police were present, they were able to keep this huge crowd of 2 000 Blacks apart and prevent any incidents. What have you to say to that? -- I agree there, I did see that. (30)

And these four incidents are all incidents where the migrants/...

migrants were attacked by the residents. Now let us see what happened ....(Chairman intervenes)

CHAIRMAN: Could I just ask you this one question? You did see this fourth incident. Why didn't you tell the Commission about this? -- I did not have any much knowledge at that stage. That is why we got this Committee to examine.

DR YUTAR: I may with respect follow up His Lordship's question. In the three incidents you mentioned you were ready to attack the police and complain about them. Why not be fair and in this instance say thanks to the police for preventing (10) ugly incidents? No reply? I go on to the events of the 6th of December, and by the way, you dismissed the events on the 5th of December in these words: "On the 5th of December there was unrest in Nyanga and as a result various houses were burnt down and clashes occurred between migrant workers and permanent residents in Nyanga." Do you think that is putting the position honestly and truthfully, fairly? After what I read out to you? I have to go on. -- I had no further knowledge of that and that is why we have this committee to investigate. (20)

But you never mentioned that at all, either in the statement or in your evidence this morning. I come now to the events of the 6th of December, and I want to refer to 12 incidents that took place there, and let me summarize this for your benefit, and tell you that all 12 incidents are attacks by the residents on the migrants, and in 8 of these incidents the police were not on the scene at all. In three of the incidents it was a case of the residents attacking the police, and only one incident the police intervened. That is a summary. Let us go to the details. I quote from the (30) evidence of Mr Botha, page 4 056, line 28 to 4 057, line 24.

Listen/...

Listen very carefully to what the residents did whilst the migrants were at work. "Terwyl die kontrakbantoe op Maandag, die 6de Desember na hulle werk was brand onlusmakers 17 eenhede van die enkelkwartiere in Nyanga af. Dit is daardie skakelwonings. Dit word berig dat onder andere een kontrakbantoe R350 in 'n koffer gehad het en dit in die brand verloor". That was a shocking thing to do. How would you like your house burnt off whilst you are at work?

MR DALLING OBJECTS TO THE LAST REMARK - not in microphone.

CHAIRMAN: Yes, I think so. That last remark will be deleted (10) from the record.

DR YUTAR: As Your Lordship pleases. We go forth, and Mr Botha says then: "Vroeg die middag van 6 Desember, dit is daardie Maandag, spreek ons kaptein Dumalisele, hy is nou die konsul vir die Transkei in Nyanga, voorsitter van die Bantoesake-administrasie ook by. Kaptein Dumalisele is net soos ons bekommerd oor die bloedbad wanneer die kontrakbantoe die aand tuiskom en verwoesting van hulle besittings waarneem." And then Mr Botha goes on: "Ons het dit absoluut antisipeer dat indien daardie aand 'n paar duisend enkellopendes tuiskom (20) en die verwoesting waarneem, daar wel 'n bloedbad sou volg." And then he goes on: "Kaptein Dumalisele en Mnr Makeyani is die aand prysenswaardig suksesvol om die kontrakbantoe in bedwang te hou, dog rapporteer dat terwyl hulle die aand besig was 'numbers of local residents' op 'n afstand in uittartende houding en geskreeu volgehou het." Do you follow that? -- Captain Dumalisele called on all the residents as well as on the other inhabitants of Nyanga, and he was going to speak to them that they should not put up a fight. I never found any people fighting. There was a gathering and (30) there was nothing done to that gathering. And from there on

until/...



until the 25th there was no other attacks.

You have missed my point, and I will repeat it very briefly. In the absence of the migrants at work the residents burnt down 17 of their houses. Two Black men intervened to avert what they were sure would happen, a blood bath, when the migrants came back from work and found the damage to their property, and whilst the two Black men were successfully holding back the migrants, the residents in large numbers stood by and jeered and taunted the migrants to add insult to injury. -- What day was that? (10)

On the 6th of December. Right. I am going to go on. Very briefly I want to just mention the 12 incidents. On the 6th of December at about 5.30 in the morning when the houses of the migrants were burnt and damage to the amount of R1 500 caused, and the residents used petrol bombs on this occasion. At one hour and twenty minutes later, 6.40 seven more houses of the migrants were burnt down and the damage to each house was in the neighbourhood of R600, that is R4 200. At 7 o'clock that morning another house of the migrants is burnt down, damage R500. No police present (20) at these three incidents. On the fourth incident at 7.30 a.m. the residents attacked the police, stoned them. At 7.45, a quarter of an hour later, two more houses of the migrants were burnt, set alight with petrol bombs. At 8.10 300 youths and adults damaged two houses of the migrants, damage R1 200. And then we come to the seventh incident at 8.15, the only incident where the police intervened, and I will read it to you as it is put. "Onwettige vergadering. Op versoek van die polisie wou nie uiteen te Nyanga. Plus-minus 200 jeugdiges en volwassenes." The police were forced (30) to open fire. "Daar was twaalf gewondes, een Dantoeman onder agtien/...

agtien jaar, een Bantoevrou onder 18 jaar, 8 Bantoe mans bo 18 jaar, twee Bantoe vrouens bo 18 jaar, drie Bantoe jeugdige vir oproerige gedrag te Guguletu gearresteer." Now there was an incident, the only incident where the police were present, and the migrants were not there, and the residents were attacking the police. What do you say to that, Mr Mpetha? Did you know about that incident? -- It is possible that the police were attacked on the other side. The Committee, we were only trying to investigate and find out what happened. We came on the scene after all these things happened. We had seen the damage that had been caused when the fights had been taking place and houses being burnt down. That is why the committee was then called on. (10)

Well, it is a lot of things the committee did not find out, and strangely enough all these incidents are attacks by the residents on the migrants, or the police. I go on. 9.15, on the same day, again the police are stoned and three of the residents are arrested, for public violence. 10.25, police are again stoned by a group of 15 to 20. At 9.48 p.m. "brandstigting Panda Trading Store". Do you know that store, Panda Trading Store? Do you know that store? -- No. (20)

"Ongeveer 20 kinders tussen 12 en 16 jaar, winkelstoor aan die brand gestek asook vragmotor, skade R3 000", and the final incident 11,33, just before midnight: "Brandstigting E.M.S. Drive, 8338 enkelkwartiere, totaal verwoes, skade R2 000". You see, Mr Mpetha, I want to be quite fair to you. I pointed out now 16 incidents on the 5th and the 6th of December where the migrants were attacked by the police - by the residents, where the residents caused an awful lot of damage to the homes of the migrants and yet the migrants were stopped from resorting to revenge. I must go on, and again you/... (30)

you dismissed all those 16 incidents with the words: "As a result various homes were burnt down and clashes occurred between the migrant workers and permanent residents" giving the impression that the residents suffered as much as the migrants and that both parties were to blame. And one other thing, in your evidence today and also in your statement you make no reference to a series of 16 incidents that took place between the 8th and the 24th of December. And let us read just very briefly how Mr Botha sums up those incidents. On page 4 057, lines 25 to 29. Just four lines. "Volgens mede- (10) delings het onlusmakers oor 'n periode van die 11de tot die 14de Desember 1976 by 'n dertigtal skakelwoningen, enkelkwartiere, die kontraktantoe uitgejaag. Dit was gedurende die dag toe daar vermoedelik slegs enkele nagskofwerkers in die kwartiere was." Is that right? Do you understand what he says there, Mr Mpetha, that during that period about 30 houses were burnt during the day when the migrant workers were at work and only a few migrants who were on night shift were there. Do you think that was fair? No reply. We go on to proceed. -- I do not remember that. (20)

Now, you start in your statement and in your evidence, you say: "On Christmas day at approximately 4 p.m. (that is the afternoon)" and then you jump onto a second incident at about 8 o'clock that night. Do you understand me, Mr Mpetha? If you don't, I will repeat my question. -- Yes .

You understand. You start with an incident at 4 o'clock, Christmas day, and you jump to an incident at four hours later, 8 o'clock that night. You omit completely what caused and started the trouble that day. In your evidence as in your statement you give the impression that at 4 o'clock the migrant (30) workers attacked the residents.

MR DALLING ADDRESSES COURT, saying something about the background, not speaking in the microphone.

CHAIRMAN: In that case you can put the background to him.

DR YUTAR: Yes. Well, My Lord, it is more than a background, I want to put to you. I want to put to you what started that morning, half an hour after midnight. I quote, My Lord, from page 15 of Mr Mouton's record. Sorry, it started on Christmas day at 2.30. I will read what he says here. "Openbare geweld, 41 Papu Square, Langa." I know this is Langa. "Plus-minus 200 Bantoe jeugdige dra die huisraad (10) uit die huis, steek aan die brand, vernietig klomp bottels bier en gooi huis se vensters stukkend. Skade R150." Did you know about that incident? -- No, I did not hear about that incident. If it happened at Langa, it is very far from me, very far away from me.

Yes, it is so, I mentioned Langa. Right. Now we come to four other incidents on that day which you do not refer to at all. I am going to lead in evidence a Lieutenant Visser who was on duty in Nyanga on Christmas day, and this is what he says took place at 18h45, that is quarter to (20) seven in the evening. I am going to read what he is going to tell the gentlemen of the Commission. "Ongeveer 18h45 het 'n skare van ongeveer 1 000 Bantoes, almal kontrakarbeiders, en woonagtig in die enkelkwartiere te Nyanga, voor die enkelkwartiere langs Zwelitshaweg saamgedrom. Hulle het almal wit kopdoeke gedra. Blykbaar om hulle te onderskei van die plaaslike inwoners wat die getroude kwartiere bewoon. Hulle was gewapen met kieries, pangas, messe en enige ander gevaarlike voorwerpe waaraan mens kan dink." Now, these are the migrants who were armed, with these dangerous weapons, and obviously (30) they were going to attack the residents. Do you understand

that/...

that? -- Yes.

Right. "Ek het hulle toegesprek en hulle het beweer dat jeugdige van die getroude kwartiere hulle huise wou afbrand en dat hulle besig was om 'n teenoffensief te voer. Na versoek het hulle egter uiteen gegaan en voorvalle het nie plaasgevind nie." How does that square with the suggestion that the police were aiding the migrants to attack the residents? -- Was that on Christmas day?

Yes, 6.30. No answer. I will go on. I read now from Mouton's record, also on the 25th. -- This was not on Christmas day. (10)

You say this did not happen on Christmas day? -- When I saw the police beckoning at the migrants, it was Monday morning. It was a Monday morning when I saw the police beckoning at these migrants.

CHAIRMAN: You were asked whether you knew about this incident.

Do you know about this incident where they were asked to disperse? -- Yes. I remember seeing them on the other side during the day, but...(inaudible)

This was an incident where they were asked to disperse (20) and they did disperse. Did you see that? -- Yes.

DR YUTAR: Then, I will run through these main four quickly. Mouton says that at 23h08, eight minutes past eleven in the evening "brandstigting, Zwelitshaweg, Nyanga, 8 huise uitgebrand, juiste bedrag skade onbekend, maar meer as R1 000 skade." And now let me read to you, oh yes, I am coming back to that incident just now. Then Christmas day, 11.20 "poging tot brandstigting, Nyanga. Plus-minus 200 Bantoe jeugdige gooi petrolbomme na die enkelkwartiere te Nyanga, geen skade" and the police had to fire 8 shots. And finally on Christmas day, the fifth (30) incident, 11.40 "openbare geweld, Cola Dairy, Nyanga." Do you/...



you know that dairy, Cola Dairy? -- Yes.

"Plus-minus 100 Bantoe jeugdiges gooi klippe na die lid wat petrolbom langs pad gevind en verwyder het" and Major Mouton sums up the incidents of Christmas day in the following words at page 4 076, line 28 to 4 077 line 28. I would like you to follow me very carefully. Now we get the whole picture of Christmas day. "Die dag van die 25ste Desember 1976 het rustig verloop tot 12.40, toe 'n berig ontvang is dat Bantoe jeugdiges 'comrades' sementpype in Zwelitshalaan, Nyanga regoor die enkelkwartiere stukkend gebreek het en (10) die enkelkwartiere met die stukke begin bestook het. Terselfdertyd het hulle brand by wooneenhede nrs. 361 tot 3868 (six houses altogether) gestig waarop die inwoners en hulle makkers begin saamdrom het en 'n dreigende houding teenoor die getroude kwartiere se bewoners ingeneem het, waarheen die 'comrades' elk van hulle strooptogte teruggevlug het in waar hulle gehuisves is." That is how the trouble started, according to Major Mouton. Residents, youths, breaking up cement pipes, using it to attack the single quarters. I go on.--The incident referred to happened in 6th Avenue and not on this side. That did (20) not happen in Zwelitsha Drive, it happened in 6th Avenue. I did not hear anybody say that there was an incident at Zwelitsha Drive.

I know Zwelitsha Drive is a main road there and it is crossed by 6th Avenue, 5th Avenue, 4th Avenue, 3rd Avenue. I am just trying to tell you of an incident that started the trouble on Christmas day. That is the important point. -- That is a fight in 2nd Avenue, and not on our side.

I don't care, that can be in 10th Avenue as far as I am concerned, they were broken and used by the youths to attack (30) the single quarters. I go on. "Ek wil net vir u noem dat daar/...

daar in Nyanga - ek het die getuienis gehoor van die vorige getuie, veral op daardie punt" - that is referring to the evidence of Mr Botha - "Dit is ook die polisie se sienwyse en waarnemings, dat die 'comrades' wanneer hulle die kwartiere van die enkellopende Bantoes aangeval het, of selfs 'n enkellopende Bantoe in die straat aangeval het, dan het hulle na die getroude kwartiere gevlug in die huis in en gevolglik het dit die bewoners met hulle eie optrede vereenselwig, en dit is ons siening en afleidings volgens ons waarnemings dat by latere optrede die kontrakarbeiders hulle juis daardie (10) betrokke wonings, getroude wonings van die gesinsman bygekom het en uitgesoek het of gemerk het vir hulle optrede." Do you follow what he is saying there? The 'comrades' attacked the migrants. When they were repelled they rushed back and went into houses of the married quarters. Do you understand that? Let me read the whole thing and then I will ask you a few questions. "Ten spyte van uittarting deur die 'comrades' en selfs brandstigting en enkele moorde, kon die trekarbeiders nog geredelik in bedwang gehou word; onder sterk provokasie het hulle aan polisieversoeke tot weerhouding van vergelding (20) gehoor gegee." Does that sound as if the police are siding with the migrants? He said: "Afrikaanse polisie het met 'n sterk taakmag teen enige oortreder opgetree, ongeag van welke faksie betrokke was. Trekarbeid het geredelik gehoor gegee, maar die 'comrades' het by elke geleentheid die geringste kans tot uittarting en intimidasie benut. En beide faksies is by herhaling deur verskeie offisiere oor luidsprekers en deur bemiddeling van tolke toegespreek." Mr Mpetha, is that not so? That the police tried to keep the peace on Christmas day? The migrants listened to the police and did not stone (30) the police, whereas on the other hand the residents did not

listen/...

listen to the police and stoned the police? Now what is your comment on that? -- I myself, I spoke to the Police on Christmas and they said that they are there to stop the migrants from crossing, but we must stop the children from crossing the streets. Their reply was that they said: "It is your children". And then I had to go to the police station.

Yes well, we had all that. By the way my Learned Colleague tells me that when the police said to you they are your children, what you are trying to convey is that the police said "they are the cause of the trouble". It is the (10) fault of the children. -- To me they were conveying that we are part and parcel of the children.

I am quoting your words, the police said to you "they are your children". -- Yes.

Well, they were your children, weren't they? But were they also not the cause of the trouble that day? That is what the police meant. That is what you meant when you said they are your children. -- Possibly they mentioned that, but my point at that stage was whether it was the children who started the trouble, the position was that the trouble should be (20) stopped.

But the fact of the matter is ... -- Not to go further.

Yes. The police tried to stop it, Mr Mpetha. They tried. -- When I was talking to them I was not forced to believe they were going to stop it. As a result I went to the police station.

And you know if it was not for the police many more people would have been killed. Do you believe that? Will you accept that? -- No.

You won't? I put it again to you. -- This is my (30) own conviction that if the police weren't there, there would not/...

not have been so many people killed.

I quote from the Cape Times again, of the 28th of December, and this is what they say: "When groups of us...." "Another resident, Mr Drosa Mangesi,"do you know him? -- No.

You know, I am quoting from the Cape Times. Hundreds of people have given their names, their addresses, they were not afraid to come forward. I don't think anybody should be afraid if they tell the truth. "When groups of us tried to protect our homes, the police shot into the crowd. When we ran away leaving our dead, the Amabaca tribesmen were permitted to chase after us and set fire to our homes." That was the one version, and they go on: "But another resident said it was 'a good thing that the police were in the townships, otherwise the death toll would have been much higher'. That is the investigation conducted by a senior reporter of the Cape Times on the spot. What do you say to that? -- No, I beg to differ. On every occasion - to qualify what I now say - on every occasion when there was a clash without the police, there were no people left dead. Damage possibly could have been high, but not the death toll. (10) (20)

CHAIRMAN: Now, how many people do you think were killed during the clashes over Christmas? How many people do you say would you think were killed? -- How many?

Yes. -- I have forgotten the numbers.

Will you give me the figures?

DR YUTAR: Yes. The Cape Times here they quote 26 were killed, 24 died. Actually we led evidence in Pretoria to Major Mouton there were 36 people killed.

CHAIRMAN: 36 people killed. How many were killed by police fire? (30)

DR YUTAR: 13, My Lord.

CHAIRMAN/...

CHAIRMAN: Thirteen. What was the cause of death of the balance?

DR YUTAR: The 26 the cause of death, My Lord, was the use of choppers, stones and general injuries. A lot of fighting.

CHAIRMAN: What is your impression, the others that were killed, not by firearms, who were they killed by? -- By migrants.

Now, if the police had not been there, do you think that figure would have been higher or not? -- The figure would not be so high, as it is now.

Do you think that if the police had on the occasions (10) which have been quoted not been there to stop either the one side or the other, that the figure would have been lower or higher? -- I believe it would have been lower.

MR NGO: Very interesting. I ask the witness, why do you think the figure would have been lower? -- Because many of the residents that were killed, were killed with the assistance of the police. Otherwise there was no chance of the migrants getting into the location. I mean there was no chance of the migrant labourers getting into the location and killing people.

MR MALHERBE: My difficulty is this, Mr Mpetha. On the (20) very first occasion Dr Yutar referred you to, the 5th of December, there was a clash between the migrants and the others and when the police arrived two men were dead and two women were seriously injured, and that was on the 5th of December, right at the outset, before the police were there. So are you - do you have much ground for supporting what you are saying now, or is that just your impression? -- I agree that those people were killed by the Bacas when the people were not alert of what was taking place, but after that there was no chance of killing so many people. (30)

MR SONN: Could I ask the witness, initially you said that  
you/...



you went to the police. You went to fetch the police at the police station. Now you seem to have no confidence in what the police had done. Why did you go and fetch the police? -- You did not understand what I said. I spoke to the riot police at Nyanga, and I said that it seemed that these people were not going to help us, so I went to the police station for assistance. The people at the police station could probably speak to the people of Nyanga or will come themselves to Nyanga, a Commandant or something, or a sergeant, of a higher authority than those that had been there. That (10) was my contention.

DR YUTAR: Mr Mpetha, the second incident on Christmas day I referred to, when a thousand migrants, armed with the most dangerous weapons, were about to launch a counter-attack against the residents. Now if the police had allowed them to cross the border, what do you think would have happened? -- It is very difficult for me to speak from imagination.

I am not asking you to imagine.

CHAIRMAN: I am sorry, you are the one who started saying that if this happened, there would not have been so many (20) people killed. Now a question is put to you to do exactly the same thing you have done before. -- I will reply.

Yes. -- If those thousands had crossed, they could have been driven back as they did before, they were driven back and nobody dead.

Do you really believe that? -- Yes.

Let us be man to man, do you really believe that? That nobody would have been killed if a thousand people had crossed, armed, and gone into the places where the residents live? Just as man to man, we are not children speaking to each (30) other. -- Yes, yes.

Do/...

Do you really believe that nobody would have been killed? -- On this occasion I firmly believe, because there were also thousands of residents.

Now thousands come up against thousands, Mr Mpetha. This is easy. Thousands come up against thousands armed, and you believe they will be driven back without anybody killed? -- Not so many.

There were none killed. Nobody was killed that afternoon. -- Yes.

Yes. Now, do you want this Commission to believe (10) that none would have been killed even if they had allowed them to go in? -- I believe that even if they would get in, some would have been killed, but they would not have been so many.

None were killed in this instance. -- On both sides.

I don't care on whose side. That is not the point. None were killed in this case, and you want me to believe that the same thing would have happened and none would have been killed if the police had allowed them to go in.

MR MALHERBE: So what you are in fact saying is that if five people fight five people, with dangerous weapons, people (20) might get killed, but if thousands fight a thousand nobody will be killed. Is that what you are saying? -- No, what I mean is that people fighting on an equal basis it is different when some is at an advantage over the others.

CHAIRMAN: I regret I do not understand you. Perhaps you can make another attempt and try and explain it. -- What I mean is when people are fighting with stones and sticks, you too get people killed, but you don't get them as many as there were killed on this last occasion on Monday.

We are not talking about Monday, and you know very (30) well. -- Yes.

We/...

We are talking about the once incident, one incident we are referring to. -- What I mean is when people fight, that...(intervenes)

MR MALHERBE: When both sides - what you are saying is that if both sides are armed, then the chance of anybody getting killed is less than when one side is armed and the other side is not. Is that what you are saying? -- Yes.

Well, I mean that is a dubious proposition.

DR YUTAR: You know, you force me now to read you now another piece of evidence that I am going to get Lieutenant Visser (10) to speak on, and I am going to read to you from another incident that took place on the 25th of December at 11.10 that night, and this is what he is going to tell the Commission. "'n Skare van ongeveer 3 000 Bantoes, volwassenes en jeugdige van die getroude kwartiere te Zwelitsha en Zinglaliwe opgevorm. Ek het hulle toegesprek en verneem dat die trekarbeiders die kinders wou aanrand en dat die volwassenes teenwoordig die kinders wil beskerm. Hulle het ook beweer dat die trekarbeiders hulle huise wou afbrand." Do you follow that so far? The police are now not only speaking to the - while they were (20) talking to the residents, and they listened to both sides, and the residents said: But listen here, the migrants want to attack us, they want to burn our houses, 3 000 of them. He goes on: "Ek het hulle versoek om uiteen te gaan, maar hulle het geweier. Daar was egter geen voorval en optrede deur die polisie nie, en ons het die gebied bly patrolleer en die situasie fyn dopgehou. Die trekarbeiders het ook weer opgevorm aan die ander kant van Zwelitshaweg, ongeveer 'n duisend van hulle, en ek het voortdurend met hulle onderhandel ten einde vrede te bewerkstellig. Hulle het by die (30) geleentheid agteruit beweeg, maar dan weer opgevorm." What

do/...

do you think would have happened if the police allowed 4 000 Black people, armed with pangas, knives and the most dangerous weapons? Do you think it might have ended in a football match, a nil score to either side? Right. We go on. Now, you have made an allegation against the police that the police assisted the migrants to attack the residents. Can you name one single incident that you saw with your own eyes that that happened? -- Ja.

X | Let us hear it. -- I did see the police standing in a line and then I saw these migrants passing them, and I (10) saw the migrants burning houses. When we left to go and assist where the houses were burning, then we were shot at. That is when we ran away.

When was that? -- That was on a Monday.

The 27th December? -- The 27th.

I have not come to - I am still busy with Christmas day. I am coming to the 27th in good time. I am talking about Christmas day. -- I did not say that the police assisted the migrants before that day.

You did not say that? -- No. (20)

So on Christmas day the police acted fairly? -- The police intervened on Christmas day.

And acted fairly, I said? -- I did not see ... (inaudible) on Christmas day. They did not chase anybody and they did not shoot at anybody.

Please answer my question. It is a simple question. On Christmas day the police acted fairly. -- I did not see both sides, I was only on the one side.

Then I am not going to repeat it. I come now to Sunday, the 26th of December. I will come to Monday, the (30) 27th, in good time. This is what you say in your evidence:

"On/...

"On Sunday morning, the 26th of December, there was another attack on the residents by the migrants." -- Ja.

What are you trying to convey there, by that remark?  
-- The migrants did cross Zwelitsha Drive and came to the residents' side.

There was another attack. In other words you are linking this up with the attack that you speak of on Christmas day and now another attack by the migrants on the residents. Very innocent. -- That is so.

That is when you made your second complaint against the police. You say the police used teargas and started to shoot. -- Yes, they started off with teargas and people ran away. (10)

Is that the only incident that you saw on Sunday, the 26th? -- That is the only incident that I saw, because most of the time I was at the hospital with the people that I took there.

The whole day? -- I came back that evening.

What time did you go to the hospital? -- 12 o'clock or 1 o'clock. (20)

Did you not see any incident in the morning? In the morning, before 1 o'clock? -- That is the incident I am speaking about.

I beg yours. -- That is the incident I am speaking about.

Is that the only incident? -- That is the only one I saw. I am not alleging that there were no other incidents.

You know, in other words you speak of one incident on a day when 33 incidents took place. 33. -- I am speaking about the incident I saw.

Yes, in the morning? -- Yes. (30)

Well, I can tell you that there were 7 - 8 - 9 - I am even/...



even going to allow you that you went to hospital at 12 o'clock, I am not worrying about 1 o'clock. There were 12 incidents that morning and you only saw one. Strange, isn't it? -- It is possible that when this incident was here where I was they could have had these other incidents at different places.

And strangely enough, the one incident you saw is where - another attack by the migrants on the residents. -- Yes, at Zwelitsha, yes.

You know, on Monday morning.... -- I was not there.

Right. Well then, let us get a complete picture then (10) of what took place on Sunday, the 26th. It started 30 minutes past midnight, and according to Major Mouton "brandstigting Mau-Maulaan, Nyanga. Nege huise afgebrand, 172 en 401 tot 408, juiste skade onbekend, maar geskat dit is meer as R2 000. Polisie vind plus-minus 100 Bantoes en vuur tien skote af. Een Bantoeman, 24 jaar, gewond." Now that is an attack just after midnight on the migrants. The police found 100 residents and they fired ten shots, one only was wounded. Does that give an impression that the police were shooting to kill? Or even to injure? -- No, not that. (20)

Then, one minute later "plus-minus 3 000 nuuskieriges en oproermakers drom in die strate in Nyanga rond. Polisie gebruik 50 traangasgranate om hulle uiteen te jaag." What a dangerous situation to encounter, 3 000 Blacks, just after midnight in process. -- This happened in a different way and I did not see it.

But I am trying to put - you see, that is my complaint. I am telling you in your evidence you have not painted a full and accurate picture of what took place. You only saw an attack by the migrants on the residents, not the reverse. I (30) want to read to you now what Lieutenant Visser is going to say about/...

about a third incident that took place at 1.45, what the policeman will tell the Commission. "Om 1.45 het 'n skare van ongeveer 'n 100 in getal, volwassenes en jeugdiges te Zwelitshalaan en - forgive my mispronunciation - en Matanzimastraat en Angreylaan en klippe na die polisievoertuie gegooi . Daar kon nie veel opgetree word nie aangesien die klipgooiers agter die huise geskuil het, maar altesame twaalf rondtes is afgevuur en dit is onbekend of iemand getref is." Now what were these hundred youths and adults doing there at a quarter to two in the morning and stoning the police? -- (10) That is also far away, I did not see that.

CHAIRMAN: Which street do you live in? -- Zwelitsha Drive.

Is it a long street, a long drive? -- Running this way. Running parallel - a number of streets then - Healey Place and Matanzima ...(inaudible).

You see many of these things happened in the street you live in. -- If I am at the top of Zwelitsha I could not see in the middle of Zwelitsha. I could not see exactly what is happening there.

DR YUTAR: Mr Mpetha, I have got to curtail my questions, (20) I am not going to do all 33 incidents to you. I have just chosen half a dozen which I regarded the most important ones. I want to refer to another piece of evidence that Lieutenant Visser is going to give, and listen to this very carefully. "Om 12.40 - (this is still Sunday morning, you know) - het 'n skare van ongeveer 2 000 Bantoes van die twee faksies in 'n geveg betrokke geraak te Sidhandatoweg. 8 skote was afgevuur op die vegtendes om die geveg te beëindig. Die skare het uiteengegaan en dit is onbekend of iemand beseer of getref was." Two thousand and all the police did was to fire 8 (30) shots in order to stop you people from fighting each other.

As/...

As far as they know nobody was hit or injured. Then 1.20. I am prepared to concede that you were at hospital. Just look what he is going to say took place at 1.20. "Om 13h20 was berig ontvang dat die huurders van Guguletu besig was om na Nyanga op te ruk ten einde aan die gevegte deel te neem. Die afleiding is dat hulle die plaaslike Bantoes sou help teen die trekarbeiders. Ons het te N Y 5 Guguletu 'n skare van ongeveer 2 000 jeugdige aangetref onderweg na Nyanga. Baie van hulle was gewapen met stokke. Agt gasgranate was op hulle afgevuur en hulle het uiteengespat en tussen die huise (10) in gevlug. Terwyl ons nog in die omgewing in N Y 6 besig - beweeg het, het 'n Bantoevrou, Miriam Mapatu, klippe na die polisievoertuig van sersant Van der Merwe gegooi. Hy het haar met een skoot in die been gewond en sy was gearresteer en aangehou." Another ugly incident where the police intervened. And if the police were siding against the residents, they could have inflicted much more injuries. I come now to a piece of evidence that is going to be given by a Lieutenant Jordaan, at 2.30 that afternoon. Now listen to this very carefully, because the number now increases to 5 000. "Om 15h30 het (20) gevegte uitgebreek tussen Bantoes van die getroude en enkel kwartiere. Dit het plaasgevind oor 'n groot gebied van die volgende strate, insluitend Mohabistraat, Sindatoweg, Sineyweg, Sinlanoweg, Sidhandatoweg en Zwelitshalaan, en Angreylaan." Those are all together on the map, I looked at it this morning. "Ongeveer 5 000 Bantoes was by die gevegte betrokke. Die Bantoes van die enkelkwartiere, trekarbeiders, was uitgeken aan hulle wit kopdoeke. Ongeveer 50 huise van sowel enkel- as getroude kwartiere was op daardie stadium aan die brand, sowel as ongeveer 13 privaat motors wat in die (30) agterplaas van huise in die strate geparkeer gestaan het.

Brandstigting/...

Brandstigting en gevegte was aan die orde van die dag. Bantoes was gewapen met kieries, pangas, byle, tuinvurke, grawe en enige soort gevaarlike wapen en skerp voorwerpe. Aangesien die gebied te groot was..." well, he goes on. Five thousand.

CHAIRMAN: Did anybody of the Committee tell you about that, that such a large number of people had been involved in fighting that day, while you were away at the hospital? -- I think there will be evidence given to that effect.

Did anybody tell you about it, as chairman? -- Yes, yes, there was fighting during my absence. (10)

DR YUTAR: And the police did not take part there, and do you know how many were injured fatally on that day? Thirteen, for which the police are not responsible. Thirteen killed, and yet you told His Lordship earlier that when a thousand men came together and the police would not have been over there, nobody would have got killed. I just want to quote to you one other incident. On the same day at ten minutes past nine, and this is in your street, Zwelitshalaan: "Openbare geweld, plus-minus 2 000 Bantoemans gooi klippe en petrolbomme na die polisie. Twee Bantoemans bo 18 jaar ge- (20)

arresteer vir brandstigting. 8 gasgranate, geen beserings." There was an incident with 2 000 Black people attacking the police, stoned the police, and the police never shot a single shot and wounded nobody. Does that square with your evidence that the police was siding with the migrants against the residents? I am going to read to you now the evidence of Major Mouton, volume 81, page 4 080, line 29, to 4 081, line 19. You see, Mr Mpetha, I just want to be fair to all parties, Black and White, police and non-police. I just want to place before the Commission the complete picture. (30)

This is what Major Mouton said: "Op die 25ste en die 26ste

Desember/...



Desember loods hulle dan hulle hewigste aanval op die kontrak-  
arbeiders, wat dan ook oorgaan tot verset. Dit blyk dat die  
Comrades, geïnspireer deur ander magte konfrontasie met  
Staatsgesag en beleid asook benadeling van die landseconomie  
nastreef." Do you understand that?

CHAIRMAN: I think you better....

DR YUTAR: Oh. He is saying over there, Mr Mpetha, that  
the Comrades inspired by other forced, and he mentions the  
forces later, were seeking a confrontation with the State  
authority and to the detriment of the economy of the country. (10)

"Dit is volgens die inligting en dan die pamflette." What  
have you to say to that?

CHAIRMAN: Let us take it piecemeal. Do you think that the  
Comrades were influenced from outside? -- I have no connections  
with the Comrades. I cannot say whether they were influenced  
from outside or not.

MR MALHERBE: But there were such people as Comrades, do you  
agree with that? I was not there, I don't know. Were there  
people like that? -- Students were there, calling themselves  
Comrades. (20)

DR YUTAR: Yes, you know about them. -- Yes.

And you were chairman of this committee. Did you not  
see any of their pamphlets? Did you not see any of their  
pamphlets? -- I don't remember any pamphlets.

What was your committee doing then? -- The pamphlets  
might have come out at an earlier stage. I don't remember  
seeing any pamphlets.

Now he goes on, Major Mouton: "Dit blyk volgens inligting  
ook dat sekere Anglikaanse geestelikes en sommige lede van  
die Christelike Instituut besonder goed ingelig is oor sommige (30)  
fasette en inligting oor optrede deur onrusstokers en beplanning  
en/...



en uitvoering." It appears that according to information - do you want me to read it again? -- No, I don't know about that.

I will try to translate that.

CHAIRMAN: You don't know about that, do you? -- No, not at all.

MR NGO: Did you understand when Dr Yutar read? -- No.

Do you want him to interpret it to you? -- Yes.

DR YUTAR: "Dit blyk volgens inligting ook dat sekere Anglikaanse .... (somebody intervenes - indistinct) ... then we go on. "Ek verwys u net na die pamflette wat die onrus- (10) stokers versprei het en aan die hoof van daardie inligtings-pamflette het die sogenaamde afvaardiging 'n amptelike klag kom lê. Wat dit bevestig as sou die kontrakarbeiders by die polisie ingeskakel wees en deur hulle ook beskerm word, en ek kan net vir u sê ..." In other words, he is referring to pamphlets where the accusation is made that you are making - that you have made that the police are working hand in glove with the migrants against the residents, and Major Mouton goes on to say: "Ek kan net vir u sê dit is van alle waarheid ontbloot. Die polisie het te alle tye die samewerking gekry (20) van die kontrakarbeiders en dankbaar daarvoor dat ons gevolglik nie meer noodlottige gevalle gehad het en nie groter skade nie." En dan die laaste sin van Majoor Mouton. "Hulle het selfs nie geskroom om met verdraaide feite van die Comrades 'n amptelike klagte te loods dat die Suid-Afrikaanse Polisie die kontrakarbeiders goedgesind is." Now, we come to Monday, the 27th. Would you like to have a bit of a rest? -- No.

CHAIRMAN: Are you still going to be some time?

DR YUTAR: I will be another hour, My Lord, about an hour.

CHAIRMAN: Well, the Commission is going to adjourn in about (30) five minutes' time, so if there is anything further you wish to

put/...

put to the witness you can put that now.

DR YUTAR: I will do that. We come now to Monday, the 27th, and that is where you say: "I noticed a convoy of police vans driving to the migrant workers' quarters and about half an hour later the migrant workers attacked the residents, but were driven back." You are there suggesting that the same pattern was taking place, the migrants attacking the residents and the police working hand in glove with the migrants and that is a very serious allegation, isn't it? It is a serious allegation you are making. -- I am speaking of what I saw. (10)

Yes, and what you saw was one incident on Monday morning, the 27th, is that right? -- Yes.

Were you at hospital that day? -- No.

Oh good. Where were you? -- I was at home.

At home. Right. 39 incidents took place that day. How that you only recall one, saw one? -- No, only one in that area.

When you say that area, what do you mean? -- Zwelitsha between 5th and 3rd Avenue.

Did you stay put? You did not move? -- No. (20)

Where were you? -- I was between 3rd and 4th Avenue.

Were you patrolling the streets or what? -- Not actually the street, we were there in the midst of our houses.

So out of 39 incidents, you know 39 incidents in an awful lot for one day, the most that ever took place in one day. 39. How is it you only saw one. By strange coincidence it is again an incident where the migrants attacking the residents. -- I cannot speak of hearsay what happened that side, what happened on the other side. I am speaking of what happened between 3rd and 4th Avenue. (30)

I am asking you a simple question. On a day when there were/...

were so many incidents, 39 in number, how is it that you, an elder of the community, politically involved over a number of years, chairman of the action committee, how is it that you only witnessed one incident, and by strange coincidence it another incident where the migrants attacked the residents? -- It is because there was only one incident in that portion.

Did you know at all about the other 38 incidents? --

What ...?

MR MALHERBE: Were you perhaps afraid to go out because of the fact that something might happen to you, that you might be hurt? Is that the reason why you stayed at home? -- No, not that. Nobody could move from one area to another area. (10)

But you see if that - if that is not - if obviously one could move freely without the danger of being hurt, then perhaps Dr Yutar has a point by saying that you were the chairman of this body which wanted peace to return to your township, and one would perhaps have expected you to make some personal investigation and not rely on what other people perhaps told you. -- No, I just did not attempt it because at times the attackers were coming in the streets and then I would not go and walk through the streets. So I decided to keep this way. There are other people and members of the committee right through the location. (20)

MR SONN: So in fact you know about other incidents on that particular day? -- Yes.

MR NGO: This one incident, Mr Mpetha, which you saw, how long did it last more or less? -- I think about 15 to half an hour, including the time when the migrants first attacked and went back, then the police came and nothing happened and the migrants came in and attacked and then when we went to the migrants, we were shot at and we ran. All that I think (30)

it/...

it was nearly half an hour.

DR YUTAR: Will this be a convenient stage?

CHAIRMAN: Yes. I thought about starting somewhat earlier tomorrow morning if at all possible, but I think it would also be advisable if you could come just before half past nine so that we can discuss the possibility and the time and place of the inspection, and perhaps you would ask your colleagues to accompany you. We shall adjourn until tomorrow morning.

THE COMMISSION ADJOURNS.