

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

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AFTERNOON SESSION:

1st DECEMBER, 1976.

Gen Bladsye verwyder Nie.
(Gen in camera optuieris)

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MR. MALHERBE: I would just like to know, who are the executive staff? --- The principal and vice-principal.

CHAIRMAN: Thank you very much.

NO FURTHER QUESTIONS

DR. YUTAR: My Lord, the next witness is to be led by my Learned Colleague Mr. Hlungwani. May I be excused for a few minutes.

ALICIA FALEZI, sworn states:

MR. HLUNGWANI: You are a Black woman, mother of three.

You stay at Guguletu No. 64 NY.4. You wish to testify on some (10 incident you witnessed at Guguletu? --- Yes.

You have prepared a sort of a statement which I copied on the typewriter, some of the copies I gave to the Commission. Would you read what you wrote? --- I am a mother of three at Guguletu and a part-time student at I.D. Mkize High School. Two of my kids attend a primary school and I am glad to add that they attend a Catholic school because I am Catholic. I experienced a lot of difficulties when they were in the other schools. (I call them Protestant schools). I witnessed incidents which have confirmed my suspicions and that is the (20 riot squad provoked the children to stone throwing. I find it hard to believe that the police are there to protect us. My four year old daughter runs like mad at the sight of a police vehicle. At charge offices when you go there to lay a charge you are treated as a nuisance. Because of their harsh methods of dispersing a crowd I now look upon them as people to be feared. I do not think you can turn to someone you fear when you are in trouble.

Just a minute, this charge..when going to the police to lay a charge and you are treated as a nuisance, was it (30 during/..

during the riots or do you speak of some other time? ---
Every time I have gone to the charge offices, two or three
times both at Langa and Guguletu.

During or after the riots? --- No, before the riots
when I have taken them as..they treat you as if they do not
ever want to help you.

You knew them to be like that even before the riots?
--- I have known them to be like that even before the riots.

Continue. --- Because they have interfered with
some meetings in some cases, they created against themselves (10
a hostile attitude in the townships. I believe there is a
reason for each stone throwing, for each shebeen house to be
attacked, for each house to lose furniture, etc. by fire.
There is just no smoke without fire. The evidence given by
the police leads the public to believe that most of the
victims shot were shot at the back^{of}/or near NY.1 which sites
the bottle stores. NY 1 is about the main road of Guguletu
and many of these NY's lead into this main road. The 15-year
old boy who lived at NY 12 No. 64 was shot at the back of
NY 20. This is quite a distance from NY.1 (20

Just a minute. My Lord, this instance I have checked
with the evidence already led. She is referring to Harrison
Olifant DR.2787 on the 15th October, 1976. Evidence has
already been led...(speaks away from the microphone)..
but this same person was one of the two who fled. It is now
said here. "Konstabel P.J. Swartz verbonde aan die Taakmag
te Pinelands, Patrolliediens...(onhoorbaar) Guguletu tesame
met ander lede van die mag..". The relevant sentences are
that: "Swartz het die groep agtervolg. Twee Bantoemans het
van die groep weggebreek en by 'n huis ingehardloop. Konstabel (30
Swartz/..

Swartz het die twee agtervolg deur die huis nadat hulle aan die agterkant uitgehardloop het. Hulle het oor twee lae plat omheinings gespring en aangesien arrestasies nie moontlik was nie, het Konstabel Swartz drie skote met 'n haelgeweer op die twee voortvlugtendes gevuur. Albei was getref waarvan een noodlottig.", dit word nou verwys na hierdie spesifieke voorval.

CHAIRMAN: Yes.

MR. HLUNGWANI: So you could continue the next..or what do you say about it? Did you understand what I read here? (10)
It was one of those who threw stones and as they ran there were two who were shot and just one of them died, or did you see the incident or did you hear about it? --- I did not witness the incident.

You heard about it? --- I saw it in the paper and they usually say these boys are shot at the back of NY 1 which is near the bottle stores. I seem to think they put it as if everybody was under the influence, who threw stones there. This particular boy was shot about 2 NY's away from NY 1 not as the paper had put it at the back of NY 1. NY 20 is (20) not at the back of NY 1.

Oh, is it how it appeared in the paper? --- Yes, how it appeared in the paper.

Yes, I am putting you what has been put in this Commission. Continue. --- Another 11 year old boy who was shot - a boy called Bettfund Sogiba appeared in the Cape Times I can't remember the date of this Cape Times, alleged to have attempted to set a service station on fire at Ottery and his name was included in the column of deaths not by police action. The Argus of the same date listed this boy's name under (30)

the/..

the list of riot victims and also included next to the alleged arson at the service station was public violence at Phillipi. How far is Ottery from Phillipi? Could this boy have done so much in one instant? It is also rather strange to believe that such a small child could attempt arson all by himself.

CHAIRMAN: Have you checked that particular death?

MR. HLUNGWANI: Yes, I have checked. It is DR.2673. That is the incident where the deceased was shot by Mr. A.M. Thomas, who is a Traffic Inspector. And evidence has been led over this. (10)

CHAIRMAN: Can you remember where he was shot? Was he shot at Ottery or at Phillipi?

MR. HLUNGWANI: It was in Phillipi Service Station.

CHAIRMAN: Yes, and that was the evidence here, was it?

MR. HLUNGWANI: That was the evidence here. Have you got any comment to that? --- I want to say that Phillipi is very far from Ottery.

CHAIRMAN: Yes, but this Commission wasn't told that he was both at Phillipi and at Ottery, this Commission was merely told that he was shot at Phillipi. --- But the paper put it that he was shot at Ottery. (20)

Well, the Commission is really not responsible for what the paper says.

MR. HLUNGWANI: Yes, I think we had better forget about what the paper says and just concentrate on what has been said in here. You were listening to the evidence..(intervenes).

CHAIRMAN: Oh, yes. I think the next point she has already referred to that too. You say that it is strange to believe that a small child could attempt arson all by himself, you say/.. (30)

say? --- Yes.

Now, does the report indicate anything that he had done, Mr. Hlungwani, are there further particulars about it?

MR. HLUNGWANI: There were some particulars in the...(speaks away from microphone).

"Om 12.10 1976 om 15h45 te Phillipi-wyk was Phillipi Service Station aangeval deur 'n groep van 30 Bantoemans en daar was gepoog om die petrolpompe af te brand en een pomp was wel aan die brand gestek. Skade aangerig R2,000. In hierdie geval was 'n Bantoeman getref. Dit is hierdie betrokke Batwa Sikapo. Die betrokke verkeerskonstabel hierso was Aubrey Montgomery van Ottery Verkeersafdeling. Hy is die man wat geskiet...hy is voor in die bors gewond."

(10)

MR. NGO: What is the age of this..?

MR. HLUNGWANI: It is not mentioned here. The information that just came from the original list, he is 11 years old.

CHAIRMAN: Yes.

MR. HLUNGWANI: So the witness's contention is that it could not have been...it would not have been possible for him to have attempted throwing any stones. It wasn't your contention...(Mr.Hlungwani very indistinct). --- According to what I read in the paper the child had attempted to set a garage alight at Ottery and then he was shot.

Which paper is that? --- ^{Either} /the Cape Argus or the Cape Times. The Cape Times.

Yes will you just finish up what you..want to tell.. --- I want to add to this evidence just this little bit and that is Christianity is definitely rejected here in Cape

(30)

Town/..

Town. If we were Christians, true Christians, nothing of this sort would have taken place. As long as we are living in lies there will never be peace.

Now who is telling lies here, the newspaper or who?
--- I witnessed some incident I have been in a meeting. I was in a meeting on a Friday, on the 29th of October at Guguletu and whilst we were at the meeting at about 2 o'clock members of the riot squad entered this church building I couldn't hear what they were saying to us because there was too much noise, the children were afraid of them. I do not (10 know what suddenly took place, they began beating us in the meeting with the batons. We had to run away but when it was written in the paper the paper put it as if we started throwing stones from..and we ran into the church. Meanwhile they came into the building whilst we had this meeting and they started beating us but it was not published in that manner. That is what I want to say, that is what I mean by saying "the lies".

CHAIRMAN: I think there has been evidence of that incident.

MR. HLUNGWANI: Yes. (20

CHAIRMAN: Which was of further facts than a mere meeting being held.

MR. HLUNGWANI: My Lord I think I just have to refer to the evidence as it is in EXHIBIT 155 page 1 to 3...(indistinct) the details.

NO FURTHER QUESTIONS

MNR. VAN GRAAN: Die volgende getuie is mnr. A. van Heerden van die Kleurling-Ontwikkelingskorporasie Beperk.

ANDRÉ VAN HEERDEN, verklaar onder eed:

MNR. VAN GRAAN: Mnr. van Heerden u is verbonde aan die (30
Kleurling/..