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COMMISSION RESUMES ON 1/12/1976.

DR. YUTAR. May it please Your Lordship. My Lord, we had hoped to finish yesterday but it seems that Cape Town doesn't want to let us go. My first witness this morning is Mr. D.M.G. Curry.

DAVID MICHAEL GEORGE CURRY, sworn states:

DR. YUTAR: Mr. Curry, you have been kind enough to come forward with a memorandum which you have prepared for submission to this Commission. Is that so? --- Yes. (10

And you have got a copy of that memorandum in front of you and will you be good enough just to read it out and on the basis as we discussed we go along. Right. --- Yes. I am a member of the Labour Party of South Africa, and hold the official position of Deputy-Leader of the party. I am a member of the Coloured Persons' Representative Council (short form C.R.C.) and represent the constituency of Pniel which includes towns like Stellenbosch, Somerset-West, Strand and Sir Lowry's Pass Village. I am also a member of the Executive of the C.R.C. and am entrusted with rural areas which includes areas (20 like Genadendal and Steinkopf.

Mr. Curry, I think at this stage I would like to incorporate what you told me just now. The Coloured population in the Republic of South Africa is just about 2.3 million souls. --- Yes.

80% of them are to be found in the Cape? --- In the Cape Province.

In the Cape Province. 20% in the rest of South Africa.

Yes.

And of the 80% in the Cape more than half is to be found (30

in/..

in the Western Cape. --- That's right.

Right. --- One half live in the Western Cape so if one takes up to Paarl, Worcester and Stellenbosch one could say that more than a million Coloured people live in this part of South Africa.

Right. Do you live at Stellenbosch? --- I live at Stellenbosch and I have been a member of the C.R.C. since 1969. I take a keen interest in politics and I have tried to view the situation objectively. The policy of the present government is one of apartheid, of separation of the different (1) races or groups in South Africa. I belong to a political party which is firmly opposed to the government's policy of separate development. The political system in terms of which the C.R.C. was created has been rejected and is unacceptable to the majority of our people. I am speaking particularly here of the Coloured people because by law we have been forced to operate politically on racial lines. This is not of our choosing and separate political development of the Coloured people has been because of a system imposed on us. Some influential people in our community expressed their total (2) rejection by refusing to become involved in the system at all. We realised that this would not give adequate proof of our rejection and were left with no other means of proving our rejection than by using the political platform created by the government.

My Lord, I am sorry - are there any copies available of the statement? I just noticed that..(intervenes).

CHAIRMAN: No, it doesn't matter.

DR. YUTAR: All right, carry on then. --- The point I just wanted to make here is this that our people have in terms of (3) the/..

the law have to register as voters under the Coloured Persons' Representative Council Act, and many of them have refused to register and many have even refused to participate by standing for elections or belonging to political parties within the system. By the creation of separate political systems, separate areas of living, separate universities, separate in nearly every form of social life the government has created a new social structure in South Africa. Since the present government came to power in 1948, a new generation has been born and our youth of today do not know white people (1) as their parents and grandparents did. I just want to stop there for a moment. It is in this context that I am giving evidence, that our young people, my children, do not know White people as I did. When I was a child we lived in the same street as Whites but the children live particularly in their own townships now. I am using the word "Black" here instead of the word non-White because we find that the word has a negative meaning. I am not a "non" of a White, I am a person and I am a South African citizen. By Black people I mean Coloureds, Indians and Africans. The policy of (2) separate development has created new forms of expression in South Africa. Black people by force of circumstances began to build something positive out of their experience in South Africa. Apartheid became the life-style of nearly all South Africans regardless of race or colour. It is in this social structure that the Black youth of today were born into and the youth especially because of their experience in separation developed the philosophy of Black Consciousness. They decided to respond on their terms how to react to the White man's policy of separation. Here again I want to stop for a (3) moment/...

moment. It is my own sole opinion that the whole philosophy of Black Consciousness started as a result of the separation particularly at university level. If one goes back in the past of South Africa, students, Black students belonged to NUSAS, the National Union of South African Students. When the universities - the separate universities were established these students formed SASO the South African Student Organisation and out of SASO came the new movement of Black People's Convention and the whole philosophy of Black Consciousness. It is as a result of this experience that this philosophy was (10 formed.

Mr. Curry, my colleague pointed out now how do you explain the creation of Black Consciousness in America where there is not in law at any rate, a system of apartheid, separate development? How would you explain that? --- Also as a result of experience in the American society.

Because there is no policy of separate development there, at least as far as their constitution is concerned. --- Yes.

I am talking of the practice. --- Yes, but the (20 point is this: There was separation in all forms of living there was separation in areas of living, what they called the Jim Crow(?) laws.

In other words they didn't practice what they preached they didn't carry out what was laid down in the constitution. --- That's right. So as a result of this experience, that this Consciousness took on a new form. Black Consciousness is not a colour definition. Many people in our community including myself have accepted the philosophy of Black Consciousness. The aim of Black Consciousness is human (3

consciousness/...

consciousness because the aim of the White man was to destroy our manhood so that we could not assume our true role as men in the South African society. We believe that the White man generally speaking believes in his heart that we are inferior. The different pay scales in government departments, in industries, in nearly every form of our economic life, proves this to us every day. I just want to speak about the next two chapters, I don't want to..it is written there, My Lord you can read it. The point I am trying to create here is this: That within the Department of Coloured Affairs the promise has been made that our people will take over this department in the long run and posts have been created. So much so that even salary scales have been created for particular posts which Whites now still occupy. (1)

The post for instance of Commissioner of Coloured Affairs has been destined to become a Coloured man's post and even the salary scale has been defined already, although a Coloured man has not assumed that post and there is a difference in salary scale here. The White Commissioner gets R16,200 a year the Coloured man, if he assumes this post, will get R13,200. (2) Now if one looks again at the titles used within the departments for instance a clerk who is White is called an Administrative Officer. The same clerk becomes a Principal Clerk, this man becomes a Coloured man. A Foreman becomes Supervisor. In the Railways a Shunter becomes a Train Compiler.

If I may say so I think a Train Compiler sounds much better than Shunter.

CHAIRMAN: But isn't that the normal change in the civil service today? To change these names? --- Yes, but the names My Lord are applied on a racial definition. (3)

Well/..

Well, what you have given there, aren't those.. for the Coloureds, aren't those the names which today apply in the Civil Service? --- No, for instance as I pointed out, the same post as Principal Clerk becomes a Senior Administrative Officer if the man is White.

But there is no longer that name in the Civil Service is there? --- Yes, those names are still used.

Yes? --- Now this creates a lot of resentment within the Department of Coloured Affairs because different fringe benefits are attached to these jobs. The rise in salary difference, increments are given for instance if a man is Coloured his increment would be R90 a year. If he is White in the same job it would be R150 a year. (10

----- You are on the point now of the disparity of salaries? --- Yes, the disparity of salaries.

Yes? --- Now coming back to Black Consciousness, many people call Black Consciousness racism. We utterly reject this because you have seen what racism has done to our country, we have become the polecat of the world so that we are isolated even in sport. We do not want to rid ourselves only of the racism, but we have been conditioned to by the policy of separation, but we also want to rescue the White man from his prison of separation in which he has become the victim of the South African situation. It is in this situation that our youth must be judged. We as their parents will never condemn them. We will stand by them because like us, they are rebelling against a system we hate in the very marrow of our bones. We will never surrender to a position of subservience in South Africa, no matter how long it takes us. I personally condemn all forms of violence whether it is perpetrated/.. (20 (3

perpetrated by the oppressed or by the oppressor. We will never condone the destruction of school buildings but we will also equally condemn a system which creates the circumstances in which violence can erupt. The White man and even the government have acted violently against our people. As an example I want to mention the Group Areas Act. Our properties which we have inherited from our parents have been taken away from us by force of legislation. We did not wilfully give off the homes and properties we possessed. I personally regard the Group Areas Act as an Act of Theft. I want to bring the Commission's attention to the intense bitterness in the.. (10

the Group Areas Act has created in the hearts of our people. The mood of our people is one of anger and frustration. Frustration because we cannot obtain what we want. Anger because we are still discriminated against because of our colour.

It is interesting to note that since 1910 more than 200 laws have been passed which seek to regulate the relationship between our racial groups. It is also a sad reflection on South Africa to see how these laws have multiplied. From 1909 to 1948 49 laws were passed in 38 years. From 1948 to 1960 53 laws (20

were passed in 12 years. From 1961 until 1971 98 laws were passed in ten years. These laws deal particularly with the means of how people should live together, the different groups in South Africa. One comes back to the Group Areas Act, up to December 1974, the following families were resettled in terms of the Group Areas Act: Whites - 1,579; Coloureds - 53,203; Indians - 29,969. These were families I am speaking about. On the 31st December, 1974, the following families still have to be resettled: Whites - 89; Coloureds - 22,369; Indians 9,532. It is therefore clear that onle 1,686 White (3

families/..

families were affected by Group Areas legislation, and a total of 75,842 Coloured families and a further total of 32,501 Indian families were affected by removals under the Act. It is for this reason that our people and especially our youth, refuse to sing the National Anthem, Die Stem van Suid-Afrika because we honestly cannot say: "Laat die erwe van ons vaders ons erwe bly". I want to stop here. On Republic day festivals, or which the children get off early on a school day, many principals in order to avoid trouble at the school rather choose to let the school day continue instead of it ending earlier. By (1) regulation by the Department, the school principal can choose whether he wants to end the school off at 12 o'clock, then some function takes place and a flag raising ceremony. If the principal wishes he can continue as an ordinary school day and no function takes place and I know of cases where the principal, in order to avoid tension in his school, has rather opted for the choice of continuing the school day, because of this opposition. It is in these circumstances of separation that our South African way of life that has given birth to this form of protest as we have seen during the past few months. I am (2) convinced that the protest will continue as long as the policy of separate development remains. If these protests were organised then the authorities are also to be blamed for creating the very climate in which the riots occurred. I mention this My Lord because at the end..the end paragraph I think I want to.. before I give my personal views of what happened at Stellenbosch I want to say this, that as one who is involved in politics, I have seen how this political consciousness has grown. We who belong to the Coloured Persons Representative Council participate in an election campaign. We have to speak to our (3) people/..

people on public platforms and/^{as} people who are elected, we have to say what our people want us to say in the form so that we can get elected to posts we want to be elected to. So people who stand for elections, have to re-echo the political desires of the people whom they represent, so the policy of separate development over the last six, seven years, particularly with the Coloured Council has increased the political consciousness of our people, especially of our youth, people have become more aware of what is happening around them. They read newspapers. Within the framework of separate development (1) as far as the C.R.C. is concerned, the Coloured woman for the first time has received the vote. If one looks at the old Cape system, the Coloured females never had the vote, so this has drawn a new social fact into politics, we have a one-man-one-vote system under this system and Coloured women can stand for election, they can participate. So this has affected the political consciousness of our people because the wife, the mother, the sister has been brought into politics, which has never been the system before 1948. So this also has increased the political..(intervenes). (2)

CHAIRMAN: Now does that mean an improvement or is that a retrograde step? Is that a step back..? --- Now, some of our people look upon the whole system of giving a one-man-one-vote..(intervenes).

No, no, on that particular point, bringing the women into politics. --- No, from a personal point of view it has been a good thing because it has brought a section of our community who have been denied participation in political life. I want to give evidence of where I was personally involved at Stellenbosch on the 7th of September. I was able to help (3)

defuse a very tense situation between the students of Luckhoff and the police on the 7th September and here I want to say - I want to preface my remarks here because the police allowed me to talk to the students. I haven't given it in detail here but what happened I was ill that weekend with a severe cold and I was in bed and then I heard a noise, this Luckhoff High School is in the same area which I live, in Idas Valley. The students came down after the school had been closed and I heard them singing freedom songs as they were making a noise down the street and I knew exactly that (1) there was going to be trouble in Stellenbosch that particular morning. I got into my car and when I came to the group I found myself between them and the riot police. I spoke to the officer in charge who allowed me to speak to the students the high school students. I led them back to the high school and then it took us about an hour through the streets of Idas Valley to calm them down and then we..I escorted one part of the group who lived in a separate township of Stellenbosch to Cloetesville and the rest of the students dispersed. I was then able to liaise between our people and the police (2) during this period. I fully understand that the police are there to provide public order, and I must state that the police handled the tense situation tactlessly - later I am speaking here particularly of the afternoon. The morning it was a different circumstance that I was able to liaise and the police did not for instance fire any teargas not a shot was fired we were able to speak to the police and that situation settled itself. At Cloetesville the afternoon in the township you must know by this time in the whole Western Province this thing was building up into tense proportions. The situation (3) worsened/..

worsened. There were reports of children throwing stones at cars on the Klapmuts Road. Now I think the Commission has visited Stellenbosch and if you know that road to Paarl this is a road that is used by motorists past the Coloured township of Cloetesville and I asked the police early in the afternoon to seal off the road so the stoning could stop. The police refused to do this at first. The police in order to quell the circumstances moved into the township of Cloetesville because people were congregating on street corners.

Had they by that time already closed the road up to Banhoek? --- No, I don't think they had closed it. (1)

When was that closed? --- I think that was closed later in the evening, I am not sure of the case of Banhoek but I was particularly involved..(intervenes).

The one over Helshoogte? --- Excuse me?

The one over Helshoogte? --- Yes, that also was closed later in the evening but I was more involved in Cloetesville that particular afternoon in the second..(intervenes).

No, I was asking whether your request came before or after that had been done, the other roads had been closed. (2)
--- No, I always..as I said I was in Cloetesville and I asked the police office to seal off the road leading past Cloetesville.

Yes? --- The police said the people should go home the people were congregating on the street corners of Cloetesville. It was my firm opinion that the more the police came to the township that day, the more the crowds came to the street corners. I also believe that the crowds in the majority were spectators more than demonstrators. Later in the afternoon the police withdrew from the township and agreed (3)

to/..

to seal off the Klapmuts road leading past Cloetesville and into Paarl and that Tuesday night peace returned to Cloetesville, but on the Wednesday, the police periodically..

DR. YUTAR: Mr. Curry, I never led the police evidence about the instance at Stellenbosch. My Learned Colleague did and I am reminded that..you walked with the procession?

--- Yes.

Now, did you make any effort then to defuse the situation? --- Yes.

In what way Mr. Curry? --- I repeatedly asked the (1) students to go home. The students wanted to march to the centre of Stellenbosch to demonstrate and I said to them that the police would not allow them because the police began to seal off the roads leading out of the township of Idas Valley. We repeatedly..then the school principal joined me and another teacher on the staff also joined me and we spoke to the students and then eventually we were able after about an hour to defuse the situation.

At what point did you join the procession? --- It (2) was by the time they had marched down Hammonds Hunt Road, past some of the university buildings.

And you remained with them and the teachers until? --- Until the group in Idas Valley dispersed, then when I came back from the school I found that a large group of students who live in Cloetesville had to go home and I and a Coloured Traffic Policeman escorted them home, to Cloetesville.

All right. Wednesday, 8th September..? --- On (3) Wednesday, 8th September, the police periodically returned to the township of Cloetesville and their continued presence aggravated the situation. I mention this point because the school/..

school had now been closed and the students were at home and some of them began to sit on the shop corners and things like that and the police wanted them to disperse, to go back to their homes. Residents of Cloetesville strongly resented the methods used by the police because people coming home from work could not feel safe when shooting by the police continued. For instance, innocent people who returned from work were caught in the cross-fire during that particular evening. On..I left Cloetesville before the next..on Wednesday the 8th before Ronald Carolissen was shot and there is also (10 a report of the shooting of Kammies Jooste... now I mention these particular names because these names never appeared on the official list. I for instance saw the body of Ronald Carolissen in the morgue the next morning.

CHAIRMAN: Were these names in the list which... - PAUSE -
Is it Ronald Carlisson. --- Carolissen, yes.

Carolissen, and full particulars of the medico-legal post-mortem examination has been placed before..the second one you say is..? --- Kammies Jooste.

DR. YUTAR: He is known as Kammies Daniel, he is also known (20 as Kammies Daniel, isn't he? --- No, I just know his name.. I asked from the family and named the person as Kammies Jooste.

CHAIRMAN: Yes, Kammies Daniels is the one that you speak of. A man of 35 years of age? --- Ja, I don't know, but his family said..they gave me the name as Jooste.

Right. Now both those cases was the post mortem report and the full evidence..or rather a description of the incidents and the evidence was all placed before this Commission.

DR. YUTAR: By the police.

CHAIRMAN: By the police. --- Yes, it is just that we could (30 not/..

not obtain the confirmation of these names and the people at the area asked me to mention this in the C.R.C. because they felt that a proper inquiry should be held publicly into the cause of these deaths.

DR. YUTAR: Well, you know Mr. Curry, every death due to causes other than natural causes, according to law either an inquest must be held, or somebody who is criminally responsible, a trial must be held. Now these two parties you mention, in both cases the full inquest was held, full details are attached here, full reports by the police, it shows you sometimes one can possibly convey misleading information just because one is not aware of the correct details. This is an example. --- No, I am very grateful for that information that has been given now. (1

And just before you go on..(intervenes).

CHAIRMAN: It was not given now, this was given during the evidence to this Commission.

DR. YUTAR: Yes, that was given on the third day of the proceedings and what is more the police evidence as to under what circumstances the shootings took place, is all here in full detail and it is public property. You can go to the Magistrate and ask for a copy of this, and you will be given it. --- Thank you very much. (:

Mr. Curry, just before you go further, I am reminded to ask you: When you were marching in the procession with the children, assisted by the police, by your teachers, you were not able to defuse the situation, but the police were able to do that. Now how were they able to succeed where you and your teacher colleagues could not? --- You see, the point that I am trying to get across with all due respect, I must disagree

with/..

with Dr. Yutar. The point is this that I feel that my presence defused the situation because the officer in charge gave instructions when we met the first time, he gave instructions to his men to get their teargas cannisters ready because they were going to disperse the students and I appealed to them that I shall speak to the students. It is with this that I marched them back to Idas Valley. I didn't join the original procession down. When I met them I was travelling in my own car but when we met the riot squad, I escorted them back to Idas Valley. It is then when they came back to the school that..where the school principal..(intervenes). (10

Yes, go on Mr. Curry. --- That the school principal and a few of the teachers came and we again went amongst the students and I felt that it is our presence then there, that helped defuse the situation and the students went home.

Yes, although here is the evidence given by the police I'll just read you this paragraph, this is by a captain of the police. He says as follows:

"Ek het die kinders in 'n luide stem versoek om vreedzaam uiteen te gaan en dat hulle onwettig saamdrom. Ek was deur die kinders uitgejou en dit was vir my duidelik hulle die polisie vyandiggesind is. Elke keer as mnr. Curry met hulle gepraat het, het hulle stilgebly en na hom geluister. Hulle het op mnr. Curry se versoek omgedraai en weer terugge-loop in Hammans Huntweg in die rigting waarvandaan hulle gekom het." (20

That is the evidence. --- Yes, you see this is..they wanted to as I said, they wanted to march back into Stellenbosch. (30

You/..

You see, the students at that particular morning they wanted to go back to their old school Luckhoff High School which has now become a White school, where they were housed before when we lived in the centre of Stellenbosch, and I told them that they would not be allowed to go, the police would not allow them into the centre of the town and they had to go home and this is where we marched them home, and after we.. as I said, I am repeating myself now, it is after we came.. we had dispersed them, that a large group of the students live in the township on the other side of Stellenbosch, on the Klapmuts Road, that we were able to escort them home, so that we made sure that no trouble came on the way. (10

And then finally this one passage in your statement you have just read out, at the bottom of page 6, the last two lines: "Residents of Cloetesville strongly resented the methods used by the police because people coming home from work could not feel safe when shooting by the police continued". Mr. Curry, you are not trying to suggest there that the police were just shooting at random innocent people coming from work? --- You see, the impression that we gained (20 and I was on the spot, particularly till late, until before 6 o'clock. I left Cloetesville particularly at that moment just before the shooting of Ronald Carolissen took place, but it became apparent that as people came from work, I saw this the Tuesday afternoon too, the police stood on that little hill near the Flats and they just shot buckshot across the road. Now in the road that people..into the township there are just two entrances, and the main one is where the police were standing, so the people had to come through with their cars, the buses, the "bakkies" the people use, had to come (30 through/..

through this one main entrance past the police and past this particular area where the confrontation between the police took place and the residents of Cloetesville.

Yes, but the police weren't shooting at the people - innocent people coming from work. --- The point is this: When they shot buckshot, they shot it across the crowds.

Yes. And they shot obviously at crowds who were not peacefully demonstrating but who were..you know, taunting them and throwing stones and all that. --- But in front of my own eyes, an old man whom I know was never involved (10 in this kind of thing, got shot, he got wounded, we had to take him to hospital.

And the police also never shot at the procession as it marched. --- No, no. At that particular morning as I said, because I could liaise with the police, the thing defused itself very very peacefully. The point I want to make is this: That one of our leading members of our Ratepayers' Association of Cloetesville, Mr. Gelderbloem went to speak to the police, the riot squad, when they were on the spot, and he when he returned, he got shot in the leg, a small wound. (20

Mr. Curry I don't want to detain you but you know this shooting by the police gives the impression that they were shooting indiscriminately. Now I want to read you from the evidence given before His Lordship and the Commissioners, it is a Colonel, Col. Wagener..

MR. MALHERBE: Mr. Curry, my impression of Mr. Gelderbloem.. or the evidence relating to Mr. Gelderbloem was that in fact he was hit in the leg by a stone and that he, if my memory serves me correctly, he said that..: "Skiet die hele lot vrek!" Are you sure that he was hit by buckshot? --- Because look (30

he/..

he returned from having spoken to the riot squad and then he..(intervenies).

He was the gentleman who complained about the fact that there was teargas in his house, is that right? --- I don't know about that.

Because the gentleman I am talking about was the one who complained about the fact that there was teargas in his house and he had in fact at an earlier stage, this same gentleman I am referring to, had accompanied or he had accompanied you in making certain representations to the police. --- Yes. (10

And then at a later stage he came back, that is the evidence if I remember correctly, before us. He came back and he remonstrated with the police that there was teargas in his house and then he got a stone at the back of his leg and his reaction was: "Skiet die hele lot vrek!" I mean so you don't agree with that evidence, or you can't confirm or deny it? --- No, I can't confirm or deny it.

I don't think it is important.

CHAIRMAN: Yes? (20

DR. YUTAR: Mr. Malherbe is quite correct with respect. This is the evidence of Col. Wagener. He testified as follows:-

"By ongeveer 20h00 toe daar weer van traanrook gebruik gemaak moes word, het een van die Kleurlingleiers, wie hom aan my voorgestel het as mnr. Gelderbloem beswaar gemaak teen die gooi van traanrook aangesien die rook deur sy huis trek tot ongerief van sy familie. Ek het sy aandag daarop gevestig dat die oproeriges met klippe en petrolbomme na voertuie gooi, en dat/.. (30

" dat ons genoodsaak is om dit te verbied.

Terwyl ons staan en praat het 'n klip uit die

donkerte mnr. Gelderbloem teen die been

getref, waarop hy omgedraai en gesê het:

'Meneer moet hulle sommer vrek skiet! '

en toe weggehardloop het.. toe weggeloop het. "

--- Yes, in due respect to the evidence being read now to me, the evidence speaks of "die donkerte". I am speaking of the incident early in the afternoon where Mr. Gelderbloem was shot and this was in broad daylight, where this particular (10 man, Mr. Hendrikse, had to be taken to hospital.

CHAIRMAN: But was Mr. Gelderbloem shot? --- Yes, this was early in the afternoon.

He was shot in the afternoon and he was struck by a stone? --- I don't know, this is the evidence I am hearing now, but I am speaking of the time when I was there. I wasn't in Cloetesville the evening. I was there during the afternoon.

DR. YUTAR: Well, I can't imagine if Mr. Gelderbloem was shot that he would then..remonstrate to the police: "Meneer moet hulle sommer so vrek skiet!". I couldn't imagine him doing (20 it, I think you must..I think if you do a little more research Mr. Curry, I think you must be mistaken. --- Yes, you see I was speaking of..I can bring witnesses for what I am saying now about the shooting..(intervenues).

Well, what does Mr. Gelderbloem himself say? --- Yes, now I wasn't present when he must have said this..(both speaking simultaneously)..you see, he must have said that, but I know I went with him that afternoon, this was in broad daylight the sun was still shining. But I can't remember Mr. Gelderbloem saying this in front of me to the officer in charge. (30

No/..

No, but did he, Mr. Gelderbloem tell you he was shot? --- No, I saw this myself because I happened to be standing on his stoep, watching this.

When he was shot? --- When he went to speak to the riot squad, he went up to them and he came back and as he came back, the riot squad fired.

And then later in the evening he tells the police: "Julle moet hulle vrek skiet!". --- I don't know, this might be another separate incident you are talking about.

All right.

(10)

CHAIRMAN: Where was he hit? --- He was hit on the leg, on the side of his leg.

DR. YUTAR: And then as far as the shooting by the police is concerned, again I must read to you the evidence that was led before the Commission:-

"Gedurende die ure 20h00 en 24h00 op dieselfde dag het groot aantalle Kleurlinge, kinders en volwassenes, klippe en petrolbomme gegooi na voertuie van die polisie wat die Cloetesville-Klapmuts-pad gepatrolleer het. Klippe en petrolbomme is ook gegooi na polisiemanne wat per voet op diens was op hierdie pad. Die gooi was op sy hewigste regoor 'n paar blokke woonstelle.." and it goes on in that line.

(20)

So the police weren't just shooting wildly. There was cause for them to shoot. --- I want to repeat my opinion as I said in my evidence, and I am looking at the situation as I was involved in it. I felt if the police had stayed out of the township when the moment was tense, and had sealed the road off early in the afternoon, I agree the situation was a very

(30)

tense/..

tense one, therefore I appealed that this particular road so that no cars could pass through, because there is a side road going from Kroonhof, which the motorists could use a way through, past Kiamandi Location. I thought that would have been the best bet and the police officer in charge gave me the solemn assurance that he was not going to seal off the road for a few children who were throwing stones.

MR. MALHERBE: I don't think..you know, it is important Mr. Curry, but I am inclined to recall or rather I recall that the evidence was that you asked the police following on what you (10 have just said, you asked the police to withdraw..(intervenes).
--- From..?

From the township. --- From within the township itself.

Yes, that is right and the police then indicated to you that they would do that, provided stone throwing and what not stopped and that you couldn't give any undertaking, no one could give any undertaking with the best will in the world at that stage, that that would be so. You don't wish to comment on that? --- No I can't comment on that. The only (20 point is this, that at that particular moment I thought the best thing to do, seeing that the reports were continuing as I said of cars being stoned, was to seal off the road early in the afternoon and the police came periodically to stop the stone throwing and I thought to defuse the whole situation it would have been the best under the circumstances to have done that.

Could I just ask you, you know I want to put certain questions to you later on. Now the stone throwing was only on the Klapmuts Road, there wasn't any stone throwing in the (30 township/..

township itself, there wasn't any disorder in the township itself, was there? --- The disorder came every time the police appeared within the township.

But..so that your impression at the time was that if the police withdrew..(intervenes). --- From the centre of the township.

From the centre of the township and they closed the Klapmuts Road, that the stone throwers would have nothing to throw at. --- That's right.

And there wouldn't be any police to disturb the peace (10 inside the township and although the thing would be tense I mean you thought you could contain it, that was your..that was your..(intervenes). --- No, the point I want to make is this: That I felt that in that tense situation, the more the police came into the townships the more the crowd came to be spectators, that is why I say here, at one stage you had more spectators than you had demonstrators and therefore I felt that to defuse that situation, which we found ourselves in a given moment, it would have been better to do things at the beginning first to solve the situation itself. (20

DR. YUTAR: Mr. Curry, you of course know my friend on the... colonel. He said that you requested him to withdraw the police. He said he would do that if you could just give him the assurance that children and the adults would stop with the stone throwing, but you couldn't give him that assurance. --- No, I could not give him that assurance but the point I want to make: I met an officer only during the afternoon who told me quite clearly that he was not going to seal off the road. So I spoke to Brigadier Grobbelaar later in the afternoon when he appeared and I spoke to him and he agreed that the (30 road/..

road must be closed and the following Wednesday morning when I went to speak to Brigadier Grobbelaar he agreed that the thought was a correct one, that the road should have been sealed off.

All right, we carry on then. Page 7. --- Now the last point here on page 7, I want to ask the Commission. Many parents came to complain to me about assaults by the police officers, both Coloured and White, of their children during the investigations, that is in the police cells in this disturbance. I would appreciate the Commission's advice as to how these (10 parents can give sworn statements to the Commission. I know the police have told us the parents can come and lay their complaints to the police themselves, but I want to say this to My Lord, that many of the people were very afraid to go to the police under those circumstances to go and lay charges against assaults to their school children.

Well Mr. Curry, I want to tell you this..(intervenes).

CHAIRMAN: All you have to do is collect such statements and send it to the Commission. --- Thank you.

Yes? --- I..(intervenes). (20

DR. YUTAR: And the Chairman says that if you also let him have duplicates of those statements you are sending to the Commission, he will personally investigate each and every one of them.

CHAIRMAN: Have you any objection to that? --- No, we will see that that is done.

DR. YUTAR: And you know in fact as we have gone along in the Commission, His Lordship has from time to time given instructions for incidents certain incidents to^{be} investigated and it has been done, that has been done. And sometimes the information (30 of/..

of the parents which they obtained from the children, is not quite correct. But anyhow, you let us have those statements.

CHAIRMAN: And in a number of cases it has been found that the prosecutions were pending, in one way or the other. You know, these things were before court already. --- Yes.

Now if parents could bring more information, so much the better, so that if you would do that, you will help the Commission and the people who want to make these statements. Yes? --- I fully understand that law and order must be maintained⁽¹⁰⁾ but I am convinced that the police misread the whole situation. Many high schools had peaceful demonstrations during the riots and the situation worsened in the areas where the police took severe action. It seemed as if the police looked upon the student protest as a sign of revolution, as a sign of the overthrow of the State when in fact the students merely wanted to show public protest. Our community was surprised at the number of police available during the riots because they said it was difficult to obtain the help of the police when they were robbed and attacked in the townships. The present crisis (20 in South Africa will continue in South Africa as long as the root causes remain. The police will again and again be called in to quell a situation which has been created for them by other people. Agitators in our community will only thrive if the soil is fertile for them to sow the seed on. Parents generally sympathise with their children. Many of us as parents felt that our children were showing the protest we should have shown. We as a community now suffer from a generation gap. Our children are not prepared to take the subservient role they accuse us of having taken. They say that we will..that they (30 will/..

will not walk the streets of South Africa, apologising for their existence.

MNR. MALHERBE: Mnr. Curry, jou kinders kan dit darem nie sê nie, met alle respek. Nee, ek dink nie dit is op u van toepassing nie, die..(albei praat tegelyk). --- Nee, ek is bly mnr. Malherbe stel die vraag vir my, want ek het 'n dogter gehad op Wes-Kaapland, dié was in haar eerste jaar, ons het selfs 'n beurs vir haar gekry, sy was in die Biblioteekkunde en weens die oproerigheid op universiteit het my dogter beslis geweier om terug te gaan. Ek het gesoebat, ek het met haar (10) gepraat, ek en my vrou en sy wou nie teruggaan nie. Sy sê aanstaande jaar vind daar weer 'n oproerigheid plaas, dan verloor sy weer 'n jaar. Sy is liewers bereid om privaat te studeer.

Nee, nee, wat ek bedoel is u kinders kan nie vir u.. kan die aanklag wat u net nou genoem het, kan hulle nie teenoor u maak nie, dat u in die strate loop en u nie u kop hoog hou nie. --- Ja, die punt wat ek wil maak. U moet weet ons is in die politiek en ons is op die Kleurlingraad. Baie van ons kinders verwerp ons omdat ons glad op hierdie Kleurlingraad selfs is. Onder die studente verwerp hulle die Kleurlingraad (20) selfs as ons wat politici is, as leiers in politieke partye.

Ja maar u weet.. ek wil nou nie weer onderbreek nie maar u weet, is dit nie werklik.. u weet baie van die goed wat u nou sê is so, en ons gesels maar nou net en ons is nie nou besig om..ek stel baie belang om met u te praat, as u nie omgee nie meneer die Voorsitter. Kyk, daar was nou onlangs in Gaborone aan die Universiteit van Botswana en Swaziland waar dieselfde wette en dieselfde diskriminasie en dieselfde goed tog nie is nie, het die studente gekom en hulle het die Minister van Opvoeding van Botswana het daar kom 'n toespraak (30)