

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

WHOLE SESSION:

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OPEN COURT ON 24th NOVEMBER, 1976.

CHAIRMAN: Dr Yutar, before starting with the evidence, I feel that it is necessary for me to say a few words about one particular matter.

Now, at the outset, I wish to repeat what I have done before in other centres and that is to thank the press and in this case particularly the three daily newspapers in Cape Town for the space that they have devoted to the evidence before the Commission, the manner in which they have dealt with the evidence and with the functions of the Commission and (10) also their continuous requests to their readers to come forward and to testify.

On Monday a witness said that Black citizens in Cape Town were boycotting the Commission. As was their duty, the newspapers reported the statement fully. I do feel, however, that such a statement without comment by me on behalf of the Commission, might cause prospective witnesses to stay away and I may add that this has happened before in another centre. That would lead to the Commission being without evidence which may be of importance in the Commission coming to a finding. (20)

Now it is correct that there is with some people a reluctance to give evidence, but there is certainly no boycott whatever. In its five days of public sitting, this Commission has heard 37 witnesses. Evidence of a number of them have been on behalf of organisations, on behalf of institutions and a number of them have contained the evidence or embodied the evidence of other people or of other institutions; all acceptable evidence placed before the Commission. I have said that 37 people have testified. For the next 5 days there is already the number of 37 to testify. (30)

I should say too that the Secretary receives daily a
number/...

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number of telephone calls from people who wish to testify. There are also negotiations at the moment with certain individuals who have not yet come forward, but who may come forward. There are also efforts being made to have discussions with certain institutions about all these matters.

I should add that there is a fairly full memorandum by the South African Institute of Race Relations which will not be dealt with here, but will be dealt with in Pretoria where another branch of the same organisation will give evidence and the two memoranda will be dealt with together. (10)

There is also a very complete memorandum of the Cape Town City Council with which the Commission has not dealt at all yet and has not even given a particular time for further evidence.

The main reasons which were given for this supposed boycott was the fear of reprisal. So it was said, for example, that teachers were afraid that they might lose their work if they should testify. Now this Commission assures them that they need have no such fear and it hopes that everyone who hears of such a statement will do or has done, if he has (20) already heard it, his of her utmost to convince those people that they need have no such fears and that if there is any threat of that nature, all that they have to do is to inform the Commission and the necessary steps will be taken.

Those who fear reprisals of people who were intimately connected with the unrest are on a somewhat different footing and the Commission has to concede that in one case there has been most unfortunate results. It is for that reason that a number of precautions have been taken in the past and I may tell you what I want to tell you what the safeguards (30) are that the Commission has developed in this particular case.

Firstly/...

Firstly, there is the complete protection which the State offers all who are threatened. Secondly, a person who feels afraid in these circumstances may come and give his evidence, requesting that his name and identity will not be made known. That has happened in a number of cases and a number of the 37 witnesses who have already testified, have asked for that protection. Thirdly, witnesses may ask to speak in complete secrecy to me alone. Their anonymity will be respected and ensured completely. Indeed, no fewer than 10 witnesses have already made use of this form of testifying and a number (10) of prospective witnesses have applied for this particular form of protection and will be heard in such circumstances. In the course of time their evidence will be dealt with as it is necessary to deal with evidence of that nature.

By this time, when the evidence is heard, the Commission will know how to deal with it.

It has been said, I think it was said by the same witness that I have referred to, that some people will not give evidence because nothing has resulted from previous Commissions or the findings of previous Commissions. People who say (20) that must do some real searching; not only soul-searching, but also fact-searching and make certain that what they say is really true, because it may be possible that all that they have in support of their conviction is no more than that a Commission or the authorities have not done all which they themselves had wanted or desired. However, they must also consider whether it is not better for them to try once more and tell this Commission what their difficulties are instead of trying again to repeat the violence and thereby cause the agony which has been caused. (30)

It was said in this Commission that the boycott was
demonstrated/...

demonstrated by the small attendance here in the Commission. This I consider to be no more than a debating point, nevertheless I have to answer. I want to say that the attendance here in Cape Town has indeed been better than in any other part of the country and it is surprising that so many people have taken the interest and the trouble to attend the hearings of the Commission.

In my experience I should add that I have never found that the number of people attending an inquiry or for that matter a criminal trial or a civil trial, that the number (10) attending bears any relation to the sufficiency and the cogency of the evidence which is led.

I trust that prospective witnesses who come to hear of this particular statement, will find it possible to approach the Secretary in the ordinary way and they will know where to find him and will then eventually give evidence.

MR YUTAR: M'Lord, we have another very full day today and this day will dawn with the first witness appropriately called Mr East who will be lead by my Learned Colleague, Mr Hlungwani.

ARTHUR SYDNEY ANTHONY EAST: sworn states:

MR HLUNGWANI: You are an attorney. -- Yes.

Notary public and conveyancer of the Supreme Court of South Africa. -- I am.

You are also admitted as an attorney of the High Court of Rhodesia. -- Yes, I am.

You in your private time have an office such as a (10)
a Councillor of the City of Cape Town. -- Yes.

You are also a member of the Publications Board duly appointed. Will you in your kindness read the memorandum which you prepared for this Commission, starting at paragraph 2. --
My family have lived in the Cape for over a century and I submit that I am well-known and well acquainted with the needs of the community and more especially of the Coloured citizens and the Black people herein residing. 3. That my offices are situate at the corner of Church Square and Parliament Street Cape Town and that I had a good bird's eye view from the (20)
balcony of my offices which are situate on the 12th floor, in respect of incidents relating to unrest and rioting in the dramatic days of such events. The first thing that drew my attention was on the first day. I was in my offices and I heard a tremendous noise, clapping, whistling and a crescendo of noise. I walked to the balcony and looking from this 12th floor onto the precincts of Church Square, I saw a huge multitude of school children proceeding in serried ranks, marching up Bureau Street towards the direction of Adderley Street. It continued and the noise became very, very evident. I (30)
then said to a lady associate in my office, Mrs McKay, what is happening/...

happening, surely it is not a Roman holiday, where are the police to control this crowd. I then went downstairs and I proceed further. 4. That I was personally present in Adderley Street on the day of the rioting and unrest, and then and there witnessed events and the behaviour of the crowd, and of the actions of the South African Police, and was also personally present in Darling Street and at or near the Parade and did then and there see events in particular.

5. Insofar as the events were concerned in Adderley Street, my deductions and opinion relating to the behaviour of (10) the police, was as follows: (a) They were well controlled and well disciplined. The police formed up at or near the A.B.C. Branch of the Standard Bank, carrying their weapons at the 'high port'. This is what I mean by 'high port'. They advanced steadily down like that in formation, they were steady. They did not have their rifles pointing, they formed up. They marched steadily, holding their weapons like this. That is the correct formation drill.

Do you have verbal descriptions of the demonstration to be typed in the record, I mean the position? -- No, I (20) have got to illustrate that, it is something which anybody who is disciplined or those who have received military instruction will know you carry your gun at the high port or at the slope or at the ready and so on. That is difficult to describe. I think with respect, you can take judicial notice that this is a military term. They advanced steadily down Adderley Street towards the area occupied by Woolworths which is situate at the corner of Adderley and Strand Streets. When the crowds became unruly and unmanageable, the police used tear gas and I also saw a baton charge which at such time was correctly (30) ordered and objectively carried out. I did not see or witness

any/...

any act of a savage or cruel nature on the part of the police who were well disciplined and steady. I noticed the colonel of the police in uniform who was walking up and down Adderley Street with a 'walkie-talkie' and his attitude was steady and disciplined. May I just pause, if you will forgive the dramatic intervention now, it might be of great help to this Court. This does not appear on my testimony. It is my respectful submission in the light of experience and having witnessed riots overseas that the baton is the most efficacious instrument for the repellent of a crowd and for the (10) control of order. As far back as the days of George III, here is a baton used by the British to show how hard this is here and into the throat. May I show - your colleague, Lord Goddard, had a great collection. May I just show you the evolution of the baton. It shows you how cruel it is.

DR YUTAR: M'Lord, may I suggest we mark them as an exhibit and retain it. (LAUGHTER) -- As the years devolved and proceeded and cruelty gave way, in the time of William IV on .. (inaudible) you have the baton of William IV which shows the contrast to the grimness of this baton a century prior. Afrikaans (20) which is a very rich language would say hulle het dit hot agter gekry. May I exhibit this. Now, I would like to go one further. I would like you, with the greatest respect and with confidence in you in custodio judicis, to consider when in your deliberations and your recommendations, you consider that the present baton used by the South African Police is one of a small nature. I have found and I saw it in Paris that the use of a long baton by the French Police for hitting, knocking has the effect of scattering. It is more punitive than a gun which I will later exhibit to you. The baton is an instrument (30) of control which in my opinion will give relief and scatter

the/...

the enemy. The French walk with this long baton and the Americans go one better. Such is the touch quality of the American police that in a strike at Fort Dearbourne(?) many years ago the American police went into action with pick handles. When I told my friends in South Africa: nee, maar dit is wreed(?) as ons dit so doen in hierdie land ons sal dit hot agter kry. Now it shows you the land of hope and glory, the bastion of the West uses means of control that Ivor Ivanovitch and Russia who are also a cruel people, pale into insignificance. The Americans use very determined force (10) and as a member of the Board of Censors watching films, the violence which I have seen, is incredible. If we do it and these poor fellows hit, there will be allegations of police brutality that they are Nazis, men of evil, heaven knows what. Forgive my dramatism because I believe in the justice of my case and I want justice to be rendered where justice is. I think amongst the strictest enforcers of scattering crowds is what I saw in Paris. The French riot police come into action in a van. First of all they are dressed in a black uniform; black jackets, black trousers with carbines and (20) with long riot "stokke", heavy helmets with visors. Immediately you get terrified by their appearance. (LAUGHTER) The British said they look like the 'Schutzaffeln', the S.S., the Nazis. If our men wore the black uniform, immediately in our capacity as the 'muishond van die wêreld' we would get its allegations. It is awful, it is awful, but that is an aside. I pause at this juncture and ask you, in your deliberations with the Board of Commissioners, to consider whether my submission that a long baton be issued to the riot police in the future as an efficacious means of dispersal (30) is better than the R1 or even the side weapon which is used

only in extremis. Thank you. Now I continue. (b) Insofar as the incidents at or near the Parade were concerned, I noticed the following: (i) A riot car proceeded up and down Darling Street and its environs, with an officer in charge who, using a loudspeaking address in the car, used the following words: "Please, please, please clear the streets ... do not collect on the corners or on the street ... please disperse." This was repeated in Afrikaans: "Loop aan asseblief ... ons moet die strate leegmaak, ons moet die strate skoon hou." Notwithstanding such appeal, he again drove up and down (10) the street and later stated: "We are giving you 10 minutes to disperse". (ii) Notwithstanding such appeal the crowds continued to congregate at or near street corners and other areas 'to see the fun'. There were as many Whites if not more than Non-White people. They just collected 'to see the fun'. Thereafter tear gas was used and although it had the effect of at first dispersing the crowds and scattering them, they again continued to congregate and to form groups to watch the actions of the police and the rioters as if watching 'a Roman spectacle' ..(Latin quotation). I want to stop here (20) again and bring this to your judicial notice. To me it is a very strange phenomenon how the Grand Parade has been the focal point of collection in Cape Town. As Hyde Park is to London, as the Place de la Revolution is to Paris, as the Red Square is to Moscow, the Grand Parade is a centre attracting people, more particularly the Coloured people like homing pigeons coming back 'ons gaan by the Parade'. Now, significantly, in the year 1497 Francisco D'Almeida, a Portuguese viceroy of India, was slain on the Grand Parade, by Harry, the Hottentot. Five centuries later Your Lordship is asked to preside (30) and adjudicate upon violence on that very self-same centre.

It/...

It is really a curious historical throwback, very strange. The Grand Parade - and the heartache is this, that when the Coloured community lived in District Six, we could understand it. Now they came all the way from Manenberg, Hanover Park, Bonteheuwel, which is a long way, and they are poor people, to pay the transport to come all the way to the Parade. Why? Why didn't they go to the precincts of the City Hall and slay the Philistines there with whom I sat for years? They went to the parade. I could well have understood that there might have been a particeps criminis if they went into my (10) .. (inaudible - LAUGHTER). I hope you will forgive this inclusion of a little bit of levity, but in view of all your tremendous patience which I so readily appreciate and the dignity of the Commission, I think here and there a little bit of levity would not go unappreciated. Now, thereafter tear gas was used and although it had the effect of at first dispersing the crowds and scattering them, they again continued to congregate and to form groups to watch the actions of the police and rioters as if watching "a Roman spectacle".

(iii) I saw tear gas shot off in Wale Street, St George's (20) Street, Adderley Street and the Parade, and although at first having the effect of scattering the crowds, in my opinion it was not of a sufficient punitive effect to cause a complete and permanent dispersal of the crowds. You come from the fair Province of the Transvaal. The Cape is strange. You are always subject to the vagaries of the wind, the Cape Doctor, the Nor' Wester. When they fire these tear canisters, 'die wind het gewaai en die gas'ingeskort'. It has not - if you discharge a tear gas canister here now, we would be out in a minute from the unpleasantness, but it seems to me as a (30) military factor not to be punitive enough in the Cape. The

vagaries of the wind waft it away. I was gassed three times and I know how harsh it is, but it is not a constant weapon. M'Lord, will you therefore, with respect, consider in your ultimate deliberations whether the use of tear gas in the precincts and environs of the Cape Town metropolitan area is a good means and a weapon of a repellent nature. 6. I formed the impression that there were scattered individuals among the crowd who were "egging" the people on and encouraging them to defy the police, although I cannot say this with certainty as it gave a feeling of continued, renewed (10) "drumming up" of defiance. There was of course a bad skollie element involved who are notorious for their behaviour. Now this I heard a .. (witness demonstrates by making a noise) hu, hu, hu, ho, ho, ho, this is the way they egg them on, hu, hu, hu, ha, ha, ha - that means the war cry, you know, and they come forward and they taunted, hu, you know, nobody, I want to say this, I have known them, I have grown up with them and I love them, the Coloured people, as a boy, they have got a natural sense of humour. Your Lordship will know in your university days that the Cape produced a famous character, (20) Kaatjie Kekkelbek, remember that one? Ja, wat sê (inaudible - mimes - LAUGHTER) The Coloured sense of humour is good. What hurts me is to see this, that in time of violence the difference between the Kaatjie Kekkelbek of my boyhood days and that grim determined hu, hu, hu, doodmaak! It was ugly, it was very ugly. 7. I have witnessed rioting and crowd dispersal in Paris and London. I am not an expert, but I am just going to give you .. (inaudible). And insofar as the attitude of the South African Police was concerned in Adderley Street and environs on the day concerned, I (30) believe the attitude and actions of the South African Police

as therein witnessed by me, was tame as compared with the action of police of the other foreign countries concerned. This opinion has been formed by me as an actual eye witness in the specific areas concerned. I further formed the opinion that the use of tear gas as presently employed by the police is not of a sufficient punitive effect.

MR HLUNGWANI: At this point you said you would give another ... -- I will. Why I have made these remarks here, to me it is incredible - reading the press reports and the Cape Town newspapers have covered those reports with great (10) objectivity of purpose; Die Burger, the Cape Times and the Argus. I personally have read of the cruelty and brutality of the police alleged by some witnesses. I ask you with all force at my command to say the police throughout the world, not only the South African Police, are hated by the mob. In London, fascist pig; America, dirty fuzz; here we have got perhaps those of the politicians will wait for the happy day when the disciples of Carl Marx will take over then they will know what police action means. I have been to Russia before the war when I was at 'varsity, I have been to it and I (20) have seen it. Ek is 'n bietjie bang vir hulle, hulle sluit vir jou op. All this alleged conception of the Marxian ideal of the - I did not see it, I saw a grim Red dictatorship under Joe Stalin which was impressionable. I have not been able to go back since because you cannot get a visa today, but I have seen it too, so I speak with conviction of purpose at my command. Now, I am going to ask again to illustrate something. You heard a lot how the police have been shooting, killing, it is horrifying. Now, amongst other things, I am the Honorary President of the Cape Combat Club, a club devoted (30) to martial shooting following the exercises of the American

F.B.I. M'Lord, I wish you and your Commissioners to allow me, I have brought a chart used by the American F.B.I. to illustrate. I am going to show you how hard it is when you are met by a crowd, to shoot allegedly to aim here, to hit, if I may.

CHAIRMAN: Yes. The witness is about to demonstrate his point and this cannot be recorded. -- Witness demonstrates.

Now I ask Your Lordship in view of that demonstration, to draw the necessary physical inferences how hard it is to shoot in time of emergency and to aim where they had aimed (10) at a particular section of the body, they might strike the heart instead of the lower area. It is one of the hardest - that is why I said earlier that I like the baton as a means of crowd dispersal. We have in charge of the riot police Major-General Kriel and I trust that when Your Lordship forms your deliberations, you might consider my respectful submission that the long riot baton is preferable as a means for armament even against weapons.

I would like to ask you a question in this regard. We have been informed here and elsewhere that if the police (20) had had better equipment in the way of better protection for themselves, they would have been less inclined to shoot. One of the factors to be remembered with that, however, is that comparatively few policemen were actually injured, seriously injured, by stone throwing. I say that with the other. Do you think, from your experience, that a more sophisticated type of protection for the policemen, for example the visor you spoke of and a few other things, would have made them less inclined to shoot? -- I am so glad you have raised that. You have spoken what I wanted to submit to you. I submit (30) with all strength at my command it was (a) a miracle that the police/...

police, the young boys, were not gravely injured, walking with the little felt hat, you know, in the camouflage uniform, it is extraordinary to me that the police came off so lightly, so lightly. I would commend to Your Lordship that the uniform of the riot police should now be made discernable as opposed vis-à-vis to the ordinary uniform of the police. The camouflage in my opinion, is not a good means of dress. It is more efficacious for the bush or for any area. For urban work I do not think it is suitable. I think they should be placed in a uniform following the pattern of World War II, a loose (10) battle blouse with trousers with high boots, hob-nailed, with steel on the toes so that they can kick if necessary.

(LAUGHTER). You may laugh, but by jove, how often I have seen police kick in London that had saved themselves. They have got these steel protectors, but they kick and they kick for the scrotum. That has saved many a policeman. And I think they should wear a helmet, a white helmet with 'R.P. - Riot Police' or 'Geweld Polisie', anything you call it, with this visor. (a) The appearance of these men running into action, will have a psychological effect on a mob. There (20) is nothing so formidable as to see a determined-looking lot of men clad in uniform of that nature. The Japanese use it/ ^{with wire.}

At a previous hearing one of the witnesses said that they look sloppy, thuggish and so, well, that is not very nice, I would not say that. It is very hard after the event. These poor fellows - it was a very unhappy time, these riots, a most unhappy time for us. I never thought that I should see this in Cape Town and particularly in Adderley Street which is the coronary artery of the city, to see people rioting.

Cape Town! Again, this must be on the record, of this (30) I have got to make a joke. The Capetonians always think

"die/...

"die grootbase van die land". The Cape is a place of the snoek and the cod, where the Cloetes speak to the Vanderbijls and the Vanderbijls to God. (LAUGHTER). 'Who would have thought that in Cape Town you would have had such violence so savagely in the middle of Cape Town; it is unthinkable, it is unthinkable. I want to say this, that the present uniform I must respectfully ask Your Lordship to recommend to the officer in charge, that it be changed.

MR HLUNGWANI: Will you continue with the memorandum at 8. --

I further formed the impression that a certain section (10) of the crowd was in a savage mood and was "out for blood".

I further submit that the present camouflage uniform as used by the police should be changed and follow the pattern of overseas riot police and more especially that the police should use white crash helmets and should carry a shield of a reinforced perspex nature or steel or other material which could be used to defend themselves against the hurling of bricks and rocks by the assailants involved.

You have commented on that already. -- Yes, I have.

Could you.. -- The British are using it now in (20) Ulster, the French use it and I do not know about Italians, but the others do. 9. I have also witnessed riot control overseas by the use of water hoses and submit with respect that the Commission consider this issue as a means for repellent for rioting. I saw that as a boy in Cape Town. A German cruiser put into Table Bay dock. The Cape Town people were excited to see this cruiser. The German sailors turned hoses on them; they scattered like nine-pins. Now I saw this years ago in Wiesbaden in Germany that they draw up water-wagons complete with hoses and ready for pressure. The (30) moment the crowds come they turn on these hoses and the force

and/...

and velocity of that water is so severe that they scatter like nine-pins. I spoke of this once to the former Commissioner, General Joubert, a nice man, and I asked him what his opinion was. He liked it, he even wanted to go so far, if I remember rightly, to put a dye in the water by which, when the dye - when the water was shot at the assailants they could be marked and identified, but nothing came of it. It is unfortunate. I think that if they had water hoses in Adderley Street that day with the Cape Town Fire Brigade, I think it would have had a more punitive effect even than birdshot. (10) That is my opinion. I must also draw - this I am going to conclude of the causes. Paragraph 10. I must also draw the attention of the Honourable the Commissioner to the effect of the rioting on the citizens of Cape Town: (a) to many it has brought a sense of fear and to others a grim determination of reprisal. During the time of the troubles many women were terrified to go on the streets, that this Cape the Carbo de bone Esperanzia of Good Hope became the Carbo Tormentoso, the Cape of Storms, again. People would not come from Sea Point to the suburbs going along the foreshore because from the (20) bridge on the Eastern Boulevard the rioters were hurling stones, breaking the windcreens, breaking the cars; there was fear, a peculiar thing. To others, a sense of reprisal: ons wil hulle lekker teruggee. Well, nobody wins that way, nobody wins. (b) To many responsible citizens (and this I stress) it has brought a great feeling of sadness in that it was never believed or envisaged that the Coloured people or a section thereof would rise in savage rioting and that an area like Adderley Street which is the "coronary artery" of the city, should be the scene of fighting, savagery and desolation. (30) Again forgive me - when this happened, my reaction was not one of/...

of anger, not one of fear, I must go even to a Biblical phrase, I felt like David with the Rebellion of Absalom, 'Oh, my son, Absalom, my son, Absalom, why did you do it?' That was my reaction. But these boys and friends who played cricket with me at the school, Pietie and Kosie and Willempie, they should - it was sad and I pray and I say this with full force of conviction at my command that I trust that when your recommendations are sent forth to be accepted by the executive, that you will show from your findings the ways and means that peace, may God wish it, have returned to our country. (10)

I pray that the hand of the Almighty will guide you in your deliberation. 11. Whilst not attempting to prejudge the findings of the Honourable the Commission, I respectfully believe that grievances still exist on the part of a considerable section of the Coloured community in regard to their present position and especially as follows: (a) their places of residence are far removed from their areas of work, the accommodation offered by the Local Authority is of poor quality and condition without amenities and adequate police protection. Now these new townships that have gone, they were once (20) wildernesses of desolation, they were removed by the legislation in terms of the Group - and they are not good, they are poorly built, there are no amenities. They rise early in the morning, their transport charge are heavy; these people feel unhappy. They feel the injustice of being denied the right of equal pay for equal work and their standards of living. I had the honour of being the Chairman of the Cape Town Traffic Police and we employed Non-Whites and Whites and the Non-White men were first-class, as good as any and I said to them they are doing the same work, the same hazards, the same dangers, (30) betaal hulle dieselfde wat jy vir die Blanke man betaal. That

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is only fair. M'Lord, you are a distinguished lawyer, if a Black counsel goes to court as opposed to a white counsel doing the same brief, he is entitled to the same fee. That is only fair and equitable. Now there is this unfortunate thing, I do not want to draw wretched politics into it because it has always been a subject of things, but this is this: equal pay for equal work. They are still smouldering and are unhappy in their present status and they believe that they are the stepchildren of the community, 'God se stiefkinders, die hekke van manna is nou toegesluit vir ons, maar die (10) vensters van God is oop vir ons trane.' I am very sorry for them. Nevermind, they talk about skollies and that, there is a good, sound, middle-class Non-White Coloured people, they believe in our God, they believe in our culture, they speak our tongue, they are with us, they are now estranged from us. Insofar as the African people are concerned, and having served on the Native Affairs Committee of the Council, I believe that the strict enforcement of the provisions of Section 10(iv) of the Urban Areas Act of 1945 as amended, is a source of smouldering resentment, irritation and vexation. I want (20) to illustrate that. We have the present migratory system. We are not fortunate like the Transvaal or Natal that the Reserves are on your doorstep. Here we have got to get men from the Transkei 900 miles away. They come all the way to Cape Town, jy is nie gekwalifiseer nie, jy moet nou loop, man, jy moet loop. They do not know, they come here, they get a job, they get an appointment and then if they are dismissed they have got to go back all the way to the Transkei to get the permit of the 'manki' (?) to come back again. They do not understand it. Why? Ek is hier, ek is hier wetlik in (30) die gebied, waarom moet ek nou gaan? You get certain types of/...

of officials happily most of our officials are first-class, but you get the little nasty fellow: 'loop, man, jy kry die impomapela, hamba'. This must hurt a man's dignity. Then he goes back to Langa to the bachelor quarters, he smoulders, he is angry, he is sullen, he has got heartache, he cannot get a job, he has got to wait at night till he can get his food from the trial, it is not fair. Render unto Caesar what is Caesar and unto God what is Gods. I do not like Section 10(iv) but I am not a politician and I cannot argue and I have submitted memorandums that this Section 10(iv) (10) - you are in the area without permission - I tried to explain it to them and say: look, if I go to England, England will not let me in unless I have got a 'dompas' myself, I have got to have a permit to come in. It is not because you are a Black man and I am a White man, it is English do it, the Americans do it, but that 10(iv) is a very irritating thing. 12. Lastly, in view of my experience, both civic and otherwise, and having sat with, and having worked with responsible Coloured citizens, both in the City Council and elsewhere, and well knowing their background, I submit the foregoing (20) facts as stated by me are well founded, objective and bona fide in expression. So help me God. That is the conclusion of my memorandum. I will just, if I may, just quote from the Cape Times here, 20th, a very well covered article. One witness testified and said this, and I would like to read it:

"The tactics of the police did not, in my view, contain the disturbance effectively."

That I will not pronounce on, I leave to the Commission. This I do agree with:

"There also seemed to be too few police. They were very few." (30)

How/...

How those poor fellows, they were a handful, how they managed to control it, was incredible.

"They were haggard with lack of sleep."

I confirm. I want to say this and I want to say it with every vestige of strength of my command. Whatever your findings are, whatever you will say, I firmly believe that rightly or wrongly, whether the police had acted rightly or wrongly, if it was not for their actions at the time of rioting control on the unhappiness, if they had failed, there would have (10) been anarchy in Cape Town. I say it with absolute - it was ugly, it was ugly. M'Lord, you live in the gentleness of Pretoria; it was ugly. The police, rightly or wrongly, whether you find them guilty of brutality or whether you exculpate them, it was due to their intervention that this rioting stopped. Now what I am going to say again - how sad it is now that there should be this hostility on the part of a certain section to the police. When I was a boy, when you talked to the Coloured people, 'gaan roep vir die diener'. Now, isn't that nice, 'die diener', the servant of the (20) people. I want to see that again, 'ek hoop dat die diener sal weer kom, loop by die diener, hy is jou vriend, hy gaan vir jou help, die diener.'

You spoke about the conditions of the Coloured locations. As a lawyer ... -- Not locations, townships.

Townships, I am sorry. You actually get clients and you are actually used to the conditions. -- I have been there.

Of the Black people. -- I have been there. I have visited, I have been to them, I have been to Langa, Guguletu and all. There is much to be improved. I have seen the (30) hardship of their living conditions. I may live in the elegance/...

elegance of a mansion in Upper Claremont, but their conditions are not good. The Council has tried, I do not think it is because - but they always say they are short of finance, but when a man goes back home at night, he is cold, desolate, hungry, full of heartache because they are going to give him the 'impoma pela' or if he is a Coloured man, he is being discriminated - he feels resentful, his heart becomes sore. Then comes in the agitator to work him up, then comes the rioting. It is my prayer that His Lordship should bring to the notice of the 'regering' the facts that for the (10) future it should be dissipated.

What is the effect of the pass laws on the Africans? The effect of the pass laws on the feelings of the Blacks? -- They do not like pass laws, they do not like it for this reason that this - what I quoted this Section 10(iv), they do not understand it. To them they think that a pass is a means of restriction. But I have explained to them that I say to them: do not think it is aimed against you, the dompas. You know that the word 'dompas' is a 'verdomde pas'.

Yes. -- That is how it sounds, the 'verdomde pas', (20) that is interesting. I say, look, if I go to England to see my family who lives in London, the Englishman will not let me come in and work in England unless I too have got a 'dompas'; I too must get a stamp from the 'manki'. Then when I explain it they begin to understand, but I cannot be like John the Baptist in the Wilderness telling the Law to the people. There are commissioners, there are headmen, there are others that should tell them. This, they do not like it. That is all I can say.

You specifically made mention of Section 10(iv). --Yes.(30)

But what is the fact of the whole Section 10, particularly (a)/...

(a) up to (c)? -- I explained to them, they have come to me and they have put money down through the interpreter. I said I will not take your money, I cannot win your case. I 'inbunganga', I 'ilonganga', I cannot do it. I said I cannot fight the 'mutetwa'. Only God can help you and I proceeded to explain about this. I said this is it. You want me to do this, I cannot push the wall, that is the 'mutetwa', the law says that. I do not want your money, go to other lawyers. I want to help you, but I cannot. Now, this Section 10 which goes to the Genesis, the basis, the Book of Revelations (10) of the Native register, is the most contentious thing. Mr Janson, the former deputy minister, asked for suggestions how to improve Section 10. Nothing has come. I must leave that to the Honourable the Minister, the Native Commissioners, to find ways and means so that they can still have a means of influx control, but it must not hurt the dignity of the individual, it must not hurt his heart and it must be explained to him that if he is in the 'gebied sonder permissie' that is well justified. I feel if he goes away and knows that he has received justice, his heartache and his resentment will (20) also go.

Have you got experience in your consultations as a lawyer that the Black man language uses 'mutetwa' meaning 'law' or 'government'? -- Well, I do not know, I do not know what that is. I always tried 'mutetwa' meaning the law. Like the Englishman, the majesty of the law, the 'mutetwa', there is the 'mutetwa', the majesty.

They mean the government or the law, one of the two. -- Well, I only use it as the law, the government I do not - I never talk about government, I only talk about law. (30)

And when they say we are fighting with the law, they do

not really mean this law, but they mean the government. -- That I do not know, because as a lawyer and as an officer of the Supreme Court I never bring in politics. My services are available for Whites, Coloured, Black, Christian, Jew or Moslem. I do not bring in government, I go to the interpretation of the law whether it is right or wrong.

I was just asking you, it was a linguistic question as you always understand them to mean. I did not tell you merely to be politics. M'Lord, I have no further questions.

CHAIRMAN: Thank you very much. -- M'Lord, thank you, and (10) I pray that your deliberations will be rewarded. May I now, having had so much to say, again bring a spirit of levity to this Court which you will enjoy.

If you do not mind if we put the machine off.

MACHINE OFF.

NO FURTHER QUESTIONS.

DR YUTAR: In a less lighter vein, I have two important witnesses of the Department of Coloured Affairs. One I propose to lead almost immediately, it will be the whole day practically; another one I am trying to fit in this (20) afternoon, but to avoid keeping witnesses waiting unnecessarily, especially short witnesses, I am asking my Learned Friend, Mr Van Graan, to interpose at this stage a short witness.

ADV. VAN GRAAN: U Edele, die volgende getuie is mev. Fourie.

SANNA ELIZABETH FOURIE: verklaar onder eed:

ADV. VAN GRAAN: U is senior prinsipale by die Nico Malan Opleidingskollege. U het kortliks 'n memorandum opgestel. Kan u dit lees vanaf die eerste paragraaf? -- Die Senior Prinsipale en van die Personeel was bewus van 'n vergadering wat gereël was vir die aand om 20h00 op 9 September 1976 (30) deur die onderskepping van 'n pamflet. Die polisie van

Staatsveiligheid/...

Staatsveiligheid is in kennis gestel en met oorweging is dit besluit om die vergadering toe te laat. Die vergadering het in die ontspanningsaal van die kollege plaasgevind; en sover vasgestel kon word was daar geen buite persone teenwoordig nie. Dit was alleenlik verpleegsters. Die huishoudster aan diens was nie toegelaat nie, dus is dit onbekend wat bespreek was.

Op 10.9.1976: Die huishoudster het my om 05h15 geskakel en verwittig dat die kollege nog doodstil was en dat dit wel voorkom asof die verpleegsters nie gaan werk nie. Die busse wat verpleegsters om 06h30 na onderskeie hospitale (10)

vervoer, naamlik Groote Schuur Hospitaal en Conradie, was feitlik leeg. Plus-minus 300 verpleegsters het daarna met plakkaat voor die kollege vreedsaam vergader. Daar was wel verpleegsters wat die ander aangespoor het om nie op diens te gaan nie, maar dit is moeilik om name uit te sonder. Die

studente het verwag dat ek die voorste hek sal gebruik, maar ek het toegang tot 'n ander hek gehad, dus toe hulle my opmerk was ek reeds al in my kantoor. Ek spreek die verpleegsters toe en wys hulle op hul verantwoordelikheid en etiese grondslag en reël vervoer vir die wat wel aan diens wil gaan. (20)

Met oorlegpleging met die Direkteur van Hospitaaldienste en die Hoofverplegingsbeampte word daar gereël dat die res van die studente besig gehou sal word aan die kollege. Die meeste dosente aan diens was nie betrokke by enige van die geleenthede nie, dit wil sê daar was 16, dit wil sê 13 van die 16 was aan diens. Ek kan nie bevestig of die persone wat nie betrokke was nie, 'n aandeel in die studente se betogings gehad het nie. Hulle het getuig dat hulle alleenlik daar was om die studente te beheer. Die studente het plus-minus 09h00 rustig uiteen gegaan, sonder enige verdere voorvalle. Geen verdere (30)

voorvalle het plaasgevind nie en die kollege se werksaamhede

het/...

het normaal voortgegaan. Geen verpleegsters wat betrokke was is op hierdie stadium gewillig om getuienis te kom aflê nie. Ek het 'n fotostatiese afdruk van die pamflet aangeheg. Teen myself as Blanke Senior Prinsipale so ver my kennis gaan-gaan, geen noemenswaardige diskriminasie nie. Daar was net een voorval waar daar op die kennisgewingbord geskryf was: "Vote Mrs Fourie out - we want a Coloured Principal". Ek het dit afgegee en geen notisie daarvan geneem nie, alhoewel ek bewus was wie dit geskryf het. Dit het 'n tweede keer verskyn en nie weer nie. Die samewerking is hoogs (10) bevredigend in die huidige situasie.

Edele, die pamflet waarna verwys is, word ingehandig as BEWYSSTUK 184. Sou u verlang dat dit voorgelees word deur die getuie?

VOORSITTER: Ek dink dit sou goed wees. Ek weet nie wat dit alles behels nie.

ADV. VAN GRAAN: Dit het betrekking op griewe vermeld deur die studente van die kollege.

VOORSITTER: Ja, miskien kan u dit voorlees.

ADV. VAN GRAAN: Sal u dit voorlees? -- Getuie lees: (20)

"NICO MALAN TRAINING COLLEGE.

PLEASE ATTEND THE MEETING TO BE HELD AT

THE C.S.T. ROUX HALL ON THURSDAY 9th

OCTOBER SEPT 1976. OPEN TO DISCUSSIONS

AT 8 P/M SHARP.

WHY CAN'T WE ALSO FIGHT AND OVERCOME OUR

GRIEVANCES AND WHAT ARE WE WAITING FOR???

DEMANDS AS LISTED.

EQUAL PAY FOR EQUAL WORK

EQUAL RIGHTS AS FOLLOWS:-

WHY MUST OUR TRAINING COLLEGE BE GOVERNED
BY/...

(30)

BY THE WHITES E.G. OUR PRINCIPAL,
KITCHEN SUPERVISOR WHY CAN'T OUR
BLACK PEOPLE GET THOSE POSITIONS.
SURELY THEY ARE CAPABLE OF DOING
THE WORK! WHY MUST THERE ALWAYS
BE A WHITE BEHIND OUR BLACKS."

I do not know if I must explain. There are four Whites,
die senior prinsipale, the senior sjef, senior werksvoorman
en die elektrisiën. Ons is net vier Blanke personeel nog daar.

"WHY ARE WE URGED AND FORCED TO HAVE (10)
A S.C. CERTIFICATE TO DO NURSING.
WHAT STANDARD OF EDUCATIONS HAS THE
MATRONS, TUTORS AND WARD SISTERS GOT."

Die 'ward sisters' waarna verwys word, ek neem aan Bruin
mense is ook 'ward sisters'. -- Ja, Blank sowel as Nie-Blank
is saalsusters. Soos u weet, daar is nie Blanke susters in
die Nie-Blanke afdelings nie, daar is net Nie-Blanke susters
in Nie-Blanke departemente.

Het hulle dieselfde kwalifikasies en het hulle dieselfde
opleiding as wat Blanke susters sou gehad het? -- Daar (20)
is geen verskil tussen die Blank en Nie-Blanke opleiding nie,
hulle ondergaan dieselfde opleiding.

Dan kan u voortgaan. -- Getuie gaan voort:

"WHY WITH A J.C. CERTIFICATE MUST WE DO
5 YRS. IN TRAINING BEFORE BEING A NURSE.
DOES THIS APPLY TO WHITES TOO??"

Wat is u antwoord daarop? -- Die antwoord is dat dit is
dieselfde kursus, soos ek alreeds genoem het, met 'n Junior
Sertifikaat, vir Blank en Nie-Blank, moet hulle 'n 5 jaar
kursus loop. Hulle loop 'n 2 jaar kursus voor-verpleging (30)
kursus omdat die student se kursus wat die Senior Sertifikaat

volg/...

volg, Blank en Nie-Blank, is meer wetenskaplik aangelê en 'n Junior Sertifikaat, sommige studente het nie die agtergrond nie, die skool agtergrond vir die regte studente verpleegster nie. Ons vereis 'n wetenskaplike agtergrond, so die 2 jaar kursus wat die Junior Sertifikaat ontvang is 'n georiënteerde kursus tot, sal ek maar sê die regte studente kursus vir matriek omdat dit 'n meer gevorderde kursus is omdat die verpleging is meer gevorderd en daarom het ons 'n 5 jaar kursus vir Blank en Nie-Blank.

Kan u voortgaan? -- Getuie lees: (10)

"WHY MUST OUR TEAROOMS, RESTROOMS,
CHANGEROOMS HAVE KITCHEN TABLES AND
CHAIRS. CAN'T WE SHARE THE COMFORT BY
HAVE EASY CHAIRS CARPETS RADIOS HEATERS
ETC. AS THE SO CALLED WHITES."

Is die fasiliteite vir die Blanke personeel en die Nie-Blanke personeel dieselfde? -- Sover my kennis strek is dit dieselfde. Ons het 6 woonblokke ekstra by Nico Malan met 'n sitkamer met gemakstoele met hulle mat, met elkeen 'n gram-radio aan wat ek dink wat net so is wat dieselfde peil (30)
het as enige Blanke tehuis.

Kan u nou voortgaan? -- Getuie lees:

"DO AWAY WITH DEMONSTRATIONS. IF A
WHITE NURSE DOES NOT COMPLETE HER AMOUNT
OF DEMONSTRATIONS AT THE DATE OF COMPLE-
TION.
DOES HER TRAINING ALSO GET LENTHED BY
6 MONTHS."

Wat is u antwoord op daardie vraag? -- Die opleiding is prakties sowel as teoreties. Daar is 'n periode van 6 (30)
maande tussen teoretiese opleiding, 'n blok in die kollege en
prakties/...

prakties in die hospitaal. Nou gedurende die praktiese maande by die hospitale moet die student praktiese prosedure doen om haar bekwaamheid tot daardie volgende blok te toon en hulle moet dit voltooi voordat hulle in die volgende blok kom. Hulle verleng hulle eie opleiding indien hulle nie dieselfde - die verantwoordelikheid aanvaar om daardie demonstrasies te voltooi nie. Dan is dit hulle verantwoordelikheid en hulle verleng hulle eie opleiding. Dit geskied in Blank sowel as Nie-Blank. Dit is hulle verantwoordelikheid.

Kan u voortgaan. -- Getuie lees: (10)

"WHY DOES THE MATRONS REFUSE TO GIVE
OUR NURSES A TRANSFER TO ANY OTHERS
HOSPITALS. WHAT ARE YOU GOING TO DO
ABOUT OUR WAGE GAP."

Sal u sê dat dit 'n algemene administratiewe probleem in die Hospitaaldienste is? -- Ons is op die moment is in die Skiereiland twee opleidingskolleges, Sarlik Dollie by Tygerberg en Nico Malan en of hulle gaan na die een hospitaal na die ander hospitaal, dan moet hulle nog na dieselfde kollege toe kom en dit is gewoonlik die student wat sê nou maar nie (20) prakties klaar gekry nie, wat gesak het of nie gelukkig is by die een hospitaal nie, nou wil sy 'n verplasing hê na die ander hospitaal toe. Ons gee wel onder sekere omstandighede na 'n ander provinsie oorplasing, maar binne-in die Skiereiland met die twee kolleges en dieselfde werk is oorplasing tog nie die moeite werd of sal ek sê, begrip - ek kan nou nie die regte woord daarvoor vind nie.

Sal u voortgaan? -- Getuie lees:

"WHAT ARE YOU GOING TO DO ABOUT OUR
WAGE GAP. A WHITE NURSING ASSISTANT
WITH A STD. 6 CERTIFICATE EARNS R260
P.M. A STUDENT /...

(30)

P.M. A STUDENT NURSE COLOURED WITH
A STD. 10 CERTIFICATE EARNS R112 P.M.
ARE YOU SATISFIED??"

Is dit bedrae na u wete korrek? -- Nee, die bedrae is nie korrek nie. Die korrekte syfers kan ek nou nie verstrek nie, want ek is nie op so 'n hoogte nou om die regte bedrae te sê nie.

VOORSITTER: Maar is daar 'n verskil? -- Daar is definitief 'n verskil tussen die salarisse.

"WHY MUST WE ALWAYS BE THE UNDERDOGS. (10)
WHY CAN'T WE ALSO HAVE THE INTERCOM
SYSTEM IN OUR ROOMS. WHY MUST WE SHARE
A DOMITRY WITH 6 NURSES AND 1 WASHBASINS."

ADV. VAN GRAAN: Is daar voldoende fasiliteite om met mekaar te kommunikeer of met gaste te kommunikeer in die kollege? -- Die kollege beskik oor 'n intercom oor die hele kollege en het ook interne foon geriewe. So daar is intercom geriewe.

Maar daar is nie in elke slaapvertrek 'n intercom nie? -- Nee, maar dit is nie beskikbaar nie in baie inrigtings nie in slaapkamers nie. (20)

VOORSITTER: Baie van hierdie aangeleenthede wat u nou genoem het is suiwer huishoudelike aangeleenthede. -- Suiwer huishoudelike aangeleenthede.

Ja, gaan voort. -- Getuie lees:

"WHY CAN'T THE AFRICANS UNITE AND
-WORK TOGETHER IN OUR HOSPITALS AND
WHY ARE THEY UNDERPAID. IS THIS ONE
OF THE RULES OF THE S.A.N.C. CONDEMN
IT!! DO AWAY WITH THIS INJUSTICE!!
WHY CAN'T THE S.A.N.C. DO AWAY WITH (30)
THE INTREGATED COURSE?"

Wat/...

Wat is die 'integrated course'? -- Die 'integrated course' is die kursus wat van 1957 aangebied word. Dit is 'n meer intensiewe kursus, die senior sertifikaat persoon kan dit alleen doen en ons vereis 'n wetenskap vak daarin.

ADV. VAN GRAAN: Verskoon, is dit nie 1975? -- Ja, 1975, ekskuus. Dan na 3 jaar wanneer hulle die algemene verpleging eksamen afgelê het, geslaag het, kan hulle 'n verdere 6 maande direk daarna loop vir kraam. Dan wanneer hulle klaar gekwalifiseer het, is hulle ook kraam gekwalifiseerd of hulle kan psigiatrie in die laaste 6 maande en dan is die (10) opleiding 3,5 jaar.

Kan u voortgaan, net die laaste sin. -- Getuie lees:

"IS THIS A WAY OF FOOLING THE COLOURED
NURSES TO SCORE THEIR GOAL IN LIFE.

INTRODUCE THE OLD SYLLABUS."

Dit is nou die sillabus wat voor die sogenaamde 'integrated course' geldig was? -- Ja, op 'n minder wetenskaplike basis, die ou sillabus.

En dan net die laaste twee sinne. -- Getuie lees:

"WE'LL FIGHT FOR OUR RIGHTS
NOT RIOTS." (20)

Het u geen probleme ondervind nadat die memo deur u opgestel is nie by die kollege? Was daar geen ander oproerigheid nie? -- Nee, van 10 September af het ons normaalweg weer voortgegaan en was daar geen ander, hoe sal ek sê, onplesierigheid of enige teken van nie samewerking nie.

Geen verdere vrae, Edele.

MNR. SONN: Ek aanyaar dat u nie die sekerheid het omtrent die verskil in salaris nie. Kan u net vir ons sê, is dit so dat 'n Blanke met 'n Std. 6 sertifikaat, sou uiteindelik (30) meer verdien as 'n Kleurling met 'n Std. 10 sertifikaat? -- Nee,

dit/...

dit is onmoontlik.

Wel, kyk, hier sê hulle tog, hulle sê:

"A WHITE NURSING ASSISTANT WITH A STD. 6
CERTIFICATE EARNS R260 P.M. A STUDENT
NURSE COLOURED WITH A STD. 10 CERTIFICATE
EARNS R112 P.M."

-- As ek nou die salarisskale neem, dan mag daar foute insluip om die korrekte bedrae te sê, maar met die nuwe 15% nou kry 'n senior sertifikaat begin by R2 000 en iets, R2 060 wat hulle begin, maar ek praat nou onder korreksie. Ek (10) wil nou nie vir my uitlaat om bedrae te sê nie.

Verskoon tog, eintlik wat vir my onduidelik is, is die feit, ek is nou nie gefinteresseerd in die bedrag nie. -- Ja.

Eintlik die feit dat die Blanke het 'n Std. 6 sertifikaat en ek neem aan dan 5 jaar opleiding. -- Nee, die assistent verpleegster kry 'n interne opleiding binne die hospitaal, dit wil sê sy is, hoewel ons 'n geslote beroep is, het sy geen definitiewe opleiding nie. Sy is nie verbonde aan 5 jaar nie, die junior sertifikaat - u moet die begrip van assistent verpleegster en ons noem dit 'n leerling verpleegster, (20) 'n junior sertifikaat en dan die senior sertifikaat noem ons 'n student, sy kry - 'n assistent verpleegster kry nie opleiding nie, sy kry 'n interne opleiding binne die hospitaal, waar sy 'n assistent verpleegster is.

'n 'Nursing aid'? -- 'n 'Nursing aid', dit is reg.

VOORSITTER: Sy kan nie kwalifiseer normaalweg .. -- Sy kan nooit kwalifiseer nie en sy kan ook nie vordering maak nie.

MNR. SONN: Nou is my vraag, kom ons praat nou van haar as 'n 'nursing aid'. -- Ja.

Is dit enigsins moontlik dat so 'n 'nursing aid' kan (30) meer verdien as 'n gekwalifiseerde Kleurling verpleegster per maand/...

maand? -- Nee, ek dink daardie bedrag wat daar neergesit is, R260, is heeltemal uit verband uit, want as u my salaris vat met universiteitsopleiding en daardie assistent se salaris baie min, kan ek u sê. So ek dink dat daardie bedrag is heeltemal uit verband uit wat betref die opleiding, want dan staan die assistent verpleegster en die dosent feitlik gelyk. Ek praat nou in 'n Blanke verhouding. En die Nie-Blanke se salaris verskil baie min op die moment van die Blanke verpleegster se salaris. Met die verhoging in salarisse het die gaping in die verpleging afdeling baie kleiner gemaak en daardie (10) bedrag is definitief heeltemal uit verband uit.

NR NGO: Is there any communication between the staff and the authorities, committees of some sort, to iron out certain complaints or misunderstandings? -- Yes, in the college we have got our monthly meetings. Any member of the staff who is dissatisfied, they can go to our head of department here in town, they can write to the Nursing Council, they can write to the Nursing Association, they have got their own branch of Nursing Association, the branch with their monthly meeting, they can attend that. They can raise their grievances (20) there. So there is a lot of opportunity to raise their grievances.

Do you have the knowledge, have some of these points raised here been brought up at these? -- The salary, we cannot do anything, that is a State commission, we cannot do anything about the salaries. The training is exactly the same, the opportunity for a Non-White nurse is exactly the same as for the Europeans.

Now take this question here of tables and chairs. I am sure that could easily be settled. -- Well, if you visit (30) Nico Malan - have you been there?

I/...

I have not been inside unfortunately. -- If you come and visit us you will see that I do not think that the Europeans at Groote Schuur Hospital possess the same as we have at Nico Malan. The college is only from 1969, it is a modern college and it is a beautiful place, with all opportunities for Non-Whites.

So to the best of your knowledge that statement there should not be there. -- No, it should not be there.

GEEN VERDERE VRAE.

DIE KOMMISSIE VERDAAG VIR TEE. DIE KOMMISSIE HERVAT. (10)

ADV. VAN GRAAN: M'Lord, the next witness will be Miriam Gafoor. She is a 16 year old schoolgirl from Salt River High School and her guardian is here.

CHAIRMAN: What is her request?

ADV. VAN GRAAN: She indicated to me that it is not necessary for me to apply for an order not to publish her name in the press.

MIRIAM GAFOOR: sworn states:

CHAIRMAN: Mustn't the guardian be asked whether there would be any objection to the publication of her name? (20)

NO OBJECTION.

ADV. VAN GRAAN: You are a pupil of the Salt River High School. -- Yes.

And you are the president of the Action Committee at your school. -- Yes.

Can you speak a little bit louder please. What is the purpose of this Action Committee at your school? -- It is to form a better relationship between staff and students.

And was there a lack of communication between the pupils and the staff? -- Ja. (30)

And was that step a sufficient step to form the Action Committee/...

Committee? -- I will say yes.

Did your school take part in a demonstration on the 1st and 2nd September, 1976? -- Yes.

M'Lord, Colonel Visser referred to that demonstration during his evidence. The witness has drawn up a memorandum which she would like to read to the Commission. Can you start reading your memorandum? -- It is a pity I speak at a time when there is no happiness in the Black community. As I see it, the whole of South Africa has been plunged into a period of bloodshed and unrest. It is a time when all should (10) go into mourning for their dead and maimed, sons and daughters. The Cillié Commission has been set up to find the cause of the unrest. Many people, including the government, and police, have attributed to the present unrest, the agitators, communists, PAC, ANC and other subversive organisations. It is a pity that the regime cannot see that the cause for the present unrest is its whole policy and implementation of apartheid. When we were born, our fathers, struggling under the yoke of oppression, we find that our social, economic and political situation was neither our fathers' nor our (20) making. We, the youth of South Africa, reject the subservient heritage that we have been handed down - that have been handed down to us. Those who stuck up for their rights are rotting in the jails of South Africa. Our peaceful pleas have always been answered with ruthless acts of violent suppression and we, the Blacks of South Africa, live as a politically crippled community. We came, we saw, acted and reacted to the whole system of oppression and discriminatory laws. We cannot accept as our fathers did. The whole system of apartheid, Black students shall fearlessly stand and use all (30) methods of non-violence at their disposal to bring about change.

We/...

We shall oppose the economic system that gives us a non - ending state of poverty.

May I please interrupt you at this stage. What do you mean by opposing the economic system? -- I mean that we intend to support our Black community economically as long as there is no change.

You may proceed. -- The economic system that keeps us at a non-ending state of poverty. We shall not tolerate the social system of discrimination that has become an insult to our human dignity. We reject all inferior systems of (10) education with aims as to reduce us to be the slaves of White South Africa. Our whole being rebels against the whole South African existence.

May I interrupt you again. Why do you think that the system under which you study is inferior to the system under which White scholars study? -- Because it cripples us and we cannot succeed in the world community of academics.

Do you think that there is a difference in regard to the quality of the two systems? -- I will say yes, because in the B.A.D. I will say that they are taught to be sophisticated (20) and not educated.

Can you give me a more concrete example that you know of where you are aware that it is of a lesser quality? -- In 1956 there was this other commission launched and it was mentioned that there is a difference between the white student and the Black student and the education they will receive will be - the Black student's education will be inferior because of the difference that they have.

Do you think that the Black scholars have the same facilities than the White students? I am referring now (30) to sport facilities. Can you comment on that? -- I can comment on/...

on it, but not very much.

Do you Black students have the same facilities or not? --
No, not at all.

Can you explain it? -- Well, I do not see if you have seen rugby fields or soccer fields that have been given to the Blacks - Nyanga, Langa and Guguletu. It is not grass patches at it should be, but it is gravel and if you go round here to Sachs High and go and compare it to Fuzeni High or to Fezeka High or something, it is a complete difference.

Do you think that your libraries are sufficient? -- (10)
Our libraries, I do not think I can comment on that.

Can you proceed? -- The system of apartheid does not allow us to grow to full womanhood or manhood. It is reducing us to intellectual cripples and we cannot take our seat in the world community of academics.

Why not? -- Because of the inferior education we receive.

But I presume it is possible for a pupil with a - a Brown scholar with a matric certificate to attend a university. -- Brown I do not know, but I classify us all under the oppression as Blacks, so what is the Blacks problem is my problem. (20)

I will refer then to a Black scholar. Isn't it possible for a Black scholar to attend a university and undergo the same training as a White student? -- Then you must look at the financial side of the thing.

Yes, but does the financial side have anything to do with the quality of the training system? -- I will say yes, here in South Africa.

Why? -- If you have the money you are allowed and it is not always the percent of your pass that is used.

Do you think that a White matric student is better (30)
qualified than a Black matric student? -- About qualified I
will/...

will say the White student is better qualified, referring back to the inferior education we receive.

But what is so different in the training system then of a Black scholar? -- First of all, it is not always we have all the books and for B.A.D. students it costs a lot of money to keep him at school a year and the difference is that ...

(intervenes)

What is a B.A.D. student? -- Bantu Education Department.

Proceed. -- And I do not know if everybody knows that we are usually given unqualified teachers, because I have (10) gone through this year without an Afrikaans teacher.

Would you agree that that still has nothing to do with the quality of the Black training system, the fact that you do not have qualified teachers? -- It has got a lot to do with the teachers, because it depends on the teachers to really - all students are not the same, there is a difference in mental ability and some of us do need teachers to help us along and if they have an unqualified teacher who cannot help you, you are completely lost.

Can you proceed. -- It is damping(?) our creativity (20) therefore we reject the whole educational system. For years Black leaders have warned that there would be confrontation, but the authorities ignored the warnings and the writings on the wall. We, the students, came in peaceful protest and we have remained peaceful but the system taught us violence, because we were met with violence. We have no weapons to defend ourselves, we used stones and were shot down and killed like a pack of animals. We used stones in self-defence but our Black lives were of no value and we were killed. The White South African police have shot and killed hundreds (30) of my Black brothers and sisters. The casualties were minor according/...

according to .. (intervenes)

Can I please interrupt you. If I present the official number of casualties to you: in Soweto it was 176 who were killed during the period of the 16th June and the 18th August and here the number was presented as 92. Now, would you describe that as hundreds? -- Ja.

But it is only more than 200. -- That has been killed of South Africa.

Yes. -- Is that officially now?

Yes. -- Well, I have got a different explanation to (10) that.

What is your explanation? -- The people start realising that when bodies are taken to the police station, it is hard to get it back. You have to sign - because I know this personally - you have to sign that your son or daughter did partake in the unrest, whether he did or not, you have got to sign he took part in the unrest before you can take his body away and when somebody was killed on many occasions before the body could be removed by the police, the relatives or parents themselves removed the body as to not let the (20) body lie at the police station. So officially according to the police station or the police it is right, but what they did not hear is the right side of the story too.

If there is a right side to the story, is it possible for you to supply the Commission with the correct figure? -- No, it was just my duty to find the number and to hand it over.

Find the what? -- To find the number of people killed.

To hand it over to whom? -- To the person who asked me to - I do not intend to go further.

Is it possible for you to supply the Commission with (30) that number? -- The Commission, yes.

Is/...

Is it possible to do it now? -- No, because I haven't got it on me.

Can't you remember the number? -- I can remember two places which I have gone to myself.

Yes, but I am referring to the total number. -- The total number.

Shot in the Western Province. -- No, not now. I will have to first go back and do the adding up.

Is it thousands, more than thousands? -- Hundreds.

Or less than a hundred? -- More than a hundred. (10)

Can you proceed. -- Black students have no intention of taking human lives. We held protests on our school premises and the police came into the grounds to violate us. Innocent bystanders, mothers and children were beaten and killed. 11 year old Sandra Peters was killed on Klipfontein Road.

Can I interrupt you. Did you - when you took part in the demonstration on the 1st and 2nd September, were you aware that it was illegal to have a protest in public? -- No, I was aware of the fact that it was legal, because on the 31st August the gathering act bann was lifted. (20)

Can you proceed? -- 11 year old Sandra Peters was killed on Klipfontein Road going to the butcher. 41 year old Mrs Peters was killed on the stoep of her backyard on Belgravia Road. This had never been brought to the attention of the police or even to the Commission. Does one still have to ask what our grievances and bitteresses when hundreds of similar atrocities were committed. I am a student at Salt River High School facing charges of public violence and arson. I was suspended from my school along with 7 other students. I am 16 years old and have been locked up and refused to be given food and interrogated. My arrest was at 01h20 and only because/... (30)

because I was not well at the time, the police left me to come in the morning because my guardian with whom I was staying at the time pleaded with them. The rest of my friends were not so lucky. 14 to 17 year old were picked up in the middle of the night. Our teacher, Mr Gabro, whose only crime has been to protect us on our march to town, has been detained. What for none of us know. He was asked by the staff to help the students form an Action Committee so that we could voice our grievances. Mr Gabro nor we asked for that Action Committee, but the staff of Salt River High School. Miss Neren, (10) another teacher, is also in detention. All she did was write a freedom song on the board that we asked for. Mr Bosch, a parent of Leon Bosh from Salt River High School, who is also facing criminal charges of public violence and arson, Mr Bosch who told all the parents about the inefficiency of this principal, Mr Hengon(?) and the inefficiency of the school, Salt River High, as the Salt River High P.T.A. was arrested on the second occasion when the 9 accused boys and myself received bail. The case, before we received bail, the bail was refused at first. Mr Bosch is now detained at Victor (20) Verster and will stand trial on the 31st December, 1976. How can we, the Black people of South Africa, express our grievances? By peaceful marches, banners, expressing our grievances? This is not allowed. How can we make you understand that we have reached the end of the road, that frustration can no longer be endured? We have no voice. I am a student in South Africa. We must all make positive efforts to realise the myth of division on the basis of race, colour, custom and creed, must be abolished now. Let us all take positive steps in a new direction that the myth of (30) apartheid may be destroyed. For are we all not human beings and/...

and have we all not one life on earth? Many years ago Mr Vorster said he would leave it to future generations to solve the problem. I am sure the White youth, like us, would like to solve it so that we can go forward and build a new integrated South Africa where everyone can live in peace because peace is all we want and share in what is rightfully our heritage as well as the White man's. I hope I have made the students' grievances and aspirations quite clear to this Commission, and that it is not in vain. Thank you.

M'Lord, I have no questions to ask. (10)

CHAIRMAN: You have mentioned two cases of bodies which have not reached the police. Is that correct? A young girl and a woman. -- It reached the police but it had not been mentioned in the papers.

There is a Sandra Peters. -- Peters, yes.

12 years old. -- 11 years old.

And where - she was injured in Klipfontein Road near the Royco Supply Store in Athlone. Is that right? -- Yes.

Well now, there she is, she is here on the list. What was the other person? -- Mrs Peters. (20)

What was her ... -- 41.

What date? Have you got any idea? -- 1st September.

Sandra Peters is on the 5th. Was it the same day as Sandra Peters? -- No. On the 15th.

Of? -- September.

I cannot at the moment find it because the dates do not follow. What is the name? Do you know what the name is? -- Mrs Peters.

DR YUPAR: M'Lord, on page 12, the very first entry.

CHAIRMAN: Is it Phyllis Peters, a Coloured woman aged (30) 41. She was injured in Belgravia Road in Athlone. -- Yes.

Well/...

Well, her case has also been reported. What I am further interested in is the fact, you say that people take away the bodies because they do not want to have to go and ask them from the police at the mortuary. -- Because the police say - I do not know if you do know, but the police at times refused the bodies to the relatives and parents, because that is what happened to my own cousin.

It happened to? -- My cousin.

Who is your cousin? -- Dijovan Justin.

Will you please have that investigated. Of course, (10) it has been known that injured and sometimes even killed people are removed by the bystanders or other demonstrators. Do you think that this happened to any particular extent here? -- Ja, it happened to an extent.

What then happens to the body? -- They have been kept at the police station .. (intervenes)

No, no, the one that is taken away by the parents for example, or the friends, before the police get the body. -- It gets taken home and buried.

Where do you bury the body? -- I am not sure what they (20) did with the body.

Because you see the regulations and the laws govern all that sort of thing. You cannot just go and bury a body somewhere. -- You cannot, but people do what they cannot.

Well, how can you do it? Can you bury the body in a cemetery? -- I would not know, but I think you should know that people also got their own small graveyards, family graveyards.

These things are all controlled and there are numerous provisions and investigations and so forth for these things. However, that does not take it much further. Your (30) particular grievances or the grievances which you have, I would imagine/...

imagine, collected from other young scholars. -- Yes.

Did you ever put that to anybody? -- Yes.

Who did you put it to? -- To the newspapers.

To the newspapers? -- Yes.

Was it ever published? -- No, it was not published.

Did you ever think of giving it to the head of your school for example? -- He would not post it.

Pardon? -- He would not post it or take it away.

He would not pass it on? -- No.

Is he the one who was arrested? -- No, Mr Hengon. (10)

Oh, it was another one who was arrested. -- Yes.

You do not know what has happened to them since or are they still detained, that person and another one? -- No, they were released.

Were they released? -- Ja, you talk about the student and the principal that had been detained.

Yes. -- They have been released.

Are they going to be prosecuted still or not? -- No.

You still face a charge of public violence, is it? -- Yes.

Is that in connection with the unrest, with the procession or something of that nature? -- No, it was at school when a teacher's windscreen was smashed. (20)

Oh, something that happened at school? -- Ja.

This case of the syllabus, the Commission would like to know. Do you say that there is a difference in the syllabus for example of the White scholar and the Black scholar? -- Yes.

Well, when eventually you get to Std. 10 does the Black student write the same examination as the White Std. 10 student? -- No, it falls under different departments. Then it is external, then the C.A.D. is set for the Coloured and the B.A.D. for the Bantu and I do not know what it is for the Whites. (30)

Is/...

Is that for the school-leaving too or the matriculation?

-- The matriculant, ja.

MR SOMI: Do you know that if a Std. 10 student should pass an examination, the Std. 10 examination at a Coloured school, Black school or a White school and he passes with exemption, then that student whether he may be Black, Coloured or White would be accepted on that certificate to any university in South Africa? Do you know that? -- No.

Don't you know it. But wouldn't that mean, if it is so, because it is so, that is a fact, wouldn't that mean that (10) the examination must be then of necessity be the same in all -- for all three? And the syllabus must also be the same. -- I would not know.

You would not know. But you know now. -- No, I will first have to find out.

MR MALHERBE: I would not want to touch on anything that might affect any proceedings you might be involved in, but you did say that you had an inferior teacher, inferior Afrikaans teacher ... (intervenes)

CHAIRMAN: Had no Afrikaans teacher. (20)

MR MALHERBE: Had no Afrikaans teacher. -- Yes.

Now, do you object to having White teachers? -- No, not at all.

So you will not -- there was evidence before the Commission that there were placards at several Coloured schools, now I do not know whether it was your school too, I cannot remember now whether it was your school as well, they said that 'We do not want white creatures for teachers'. Do you know of that? -- No, I do not.

You do not subscribe to that? -- No. (30)

And there are in fact, if I remember correctly, there are/...

are 11 White teachers at your school. -- If I am not wrong, I think it is 14.

It could be 14. You do not object to any of them? -- Object?

To the fact that they are White. -- That they are White?

Yes. -- Well, talking on behalf of all the students, they seem to exercise a superiority complex they suffer from. Because they do pass remarks. 'I do not know why I must teach a Coloured.'

If you do that, obviously you have sympathetic (10) teachers and sympathetic to your point of view at your school. -- Yes.

Have you ever passed those remarks on to your teachers, to those teachers? -- Have we ever passed?

On these remarks, these objectionable remarks that the White teachers made? -- Yes, on two occasions, three really I did.

To your teachers? -- Yes, I spoke to them about it.

To whom? -- To the teachers, Mr Paulse, Mr Farlem and Miss Greig. (20)

And did they do anything about it? Do you know? -- No, they did not.

Why? -- I do not know.

Let us get back to this. You apart from the fact - do all the White teachers make these remarks or just some of the White teachers? -- I do not have all the White teachers for subjects.

How many White teachers do you have for subjects? -- Four.

Have any of those teachers made any of these remarks?

Any of the four who teach you? -- Two of my own teachers (30) and one of the other student's.

No/...

No, forget about the other students. What did the two that teach you, what sort of remarks did they make to you? -- Do I have to put it exactly?

Yes. -- Well, Mr Farlan said: I do not know why the fuckin' how I must teach you Coloured bastards.

What is his subject? -- Maths.

And the other teacher? Did he say that on several occasions or on one occasion? Did he say that in anger? Is that his constant attitude? -- Well, his attitude is nobody should be stupid and everybody should just be mentally (10) capable of everything. (LAUGHTER)

CHAIRMAN: Well, maths teachers have a habit, I think, of thinking that all scholars are stupid. But I think the question is, was this particular teacher constantly doing this sort of thing so as to show that he regards himself as superior to the Blacks? -- Well, he did. You know, as you say, they are a bit, you know, one of these nutty geniuses, but he will sort of tell you that what are you people trying, you know, you will never get any far because that is your way of thinking and things like that. (20)

MR SOHN: Has any of the Coloured teachers ever made remarks to you? -- Never.

Are you sure? -- Quite sure.

You have never heard even that they may have also remarked at some stage in other classes? -- No.

MR MALHERBE: Would you rather have a Black teacher at any cost or would you prefer to have a good teacher, whatever the colour? -- I would prefer a qualified teacher irrespective of race, colour or creed, whatever it is.

And you do not - to get back to my original question, (30) you do not subscribe and you do not think it is fair for the/...

the Coloured students at other schools to have placards, saying - and in fact it read over a very wide area - 'that we do not want white creatures for teachers'. -- I say it depends much on the teacher.

No, that was made as a general statement. -- Ja.

Do you subscribe to that as a general statement or not? The placards were not qualified.

CHAIRMAN: Perhaps we could put it slightly different. Would you have carried such a placard? -- Well, no, why should I if I - if the teacher is a qualified teacher and the teacher knows how to handle the students, then I would never have carried a placard like that, but if it was a certain teacher who I now really know for being 'verkramp't' then I will carry the placard with his name written next to it. (10)

LAUGHTER

MR MAHERBE: No, that is right. I am asking you as a general statement. Scholars had placards expressing their grievances and one of their grievances was 'we do not want white creatures for teachers'. Now do you subscribe to that as a general complaint or not? -- As a general complaint, I will say yes. (20)

Why? -- Because coming back to the fact that they see these teachers, these teachers have got - not all, but got this form of exercising their superiority and it puts the students out of place, it makes a sort of realise - it makes me say I am Black and not saying I am a human being.

MR NGO: This Action Committee is it only the Action Committee for that school or does it embrace Pezeka and I.D.? -- Only for that.

Only for that school. Nevertheless you have, I suppose, you have liaison between Pezeka and I.D. -- Yes. (30)

So/...

So, most of your sentiments in your memorandum are those of I.D. and Bezeka? You would say, more or less? -- I will say yes, as I said before, whatever is my Black brothers' problem is my problem.

CHAIRMAN: I think what Mr Ngo really wants to ask you is, does this reflect not only what your scholars at your school think but also what the scholars at the other two schools mentioned by him, what they think? -- That is what the scholars of the whole South Africa feel.

You think the whole of South Africa feel that? -- I (10)
do not think, I know it.

You know. -- Ja.

Well thank you very much for coming forward and I hope if anybody else should ask you whether he or she should come forward to tell the Commission what their complaints are and their grievances and why all the unpleasantness had happened, you will tell them that they ought to come. -- with pleasure.

Thank you very much.

NO FURTHER QUESTIONS.

DR. YUPAR: Edele, die volgende getuie is mnr. Theron. (20)

WILLEM THERON: verklaar onder eed:

DR. YUPAR: U is die Direkteur van Onderwys. -- Direkteur van Onderwys vir die Administrasie van Kleurlingsake.

Gestasioneer te Kaapstad. -- Kaapstad.

Hoe lank is u al in die diens van die Departement? -- Sedert Januarie 1964 toe ek as inspekteur van onderwys oorgekom het van Kaapland.

En hoe lank is u al in die onderwys altesame? -- Ek het onderwyser geword in Januarie 1938.

Dit is 28 jaar altesame. -- Ja. (30)

So u is 'n man van groot ervaring. -- Ek reken so. Op verskeie/...