

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

WHOLE SESSION:

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THE COMMISSION RESUMES ON THE 24th FEBRUARY, 1977.

ADV. KENTRIDGE: M'Lord, I have been instructed to appear before Your Lordship this morning with my learned Friend Mr Kuny on behalf of the Black Parents' Association. We are instructed by Messrs Bowman, Gilfillan and Blacklock and on behalf of that Association I wish to call a witness, Dr Manas Buthelezi who is the first chairman of that Association.

CHAIRMAN: You may lead your witness, there are not the usual restrictions on leading witnesses and that sort of matter.

MANAS BUTHELEZI: sworn states: (10)

ADV. KENTRIDGE: Where were you born? -- I was born in Natal in the district of Mahlabatini.

Where were you educated? -- I was educated both in this country and in the United States.

After your schooling, did you take a degree in South Africa? -- Yes, I took a Bachelors Degree in the University of South Africa.

And did you also study theology? -- I did study theology in the Theological Seminary, Lutheran Theological Seminary.

Where? -- In Natal. (20)

And did you then get a Masters Degree in Theology? -- I got a Masters Degree at Yale University in the United States.

And later in 1968 did you obtain the degree of Doctor of Philosophy? -- Yes, I got Doctor of Philosophy from Drew University, also in the United States.

Is that in New Jersey? -- In New Jersey.

And are you an ordained minister of religion? -- I am an ordained minister of the Lutheran Church.

And what position do you now hold in that church? -- I hold the position of Bishop of the Central Diocese of the (30) same church.

What/...

What does the Central Diocese cover? -- North-south, it covers the area from Pretoria to Vereeniging and east-west from Delmas to Klerksdorp.

In June of last year where were you living? -- I was living in Soweto.

And can you tell His Lordship the circumstances in which the Black Parents' Association was created? -- It was on the 21st June of that year that a number of organisations had representatives attending a meeting where the main item of discussion was how to help the bereaved families as they (10) prepared for the funeral. It was in that meeting where it was decided that a fund be established to help those bereaved families as well as also to try to devise other means of facilitating the performance of the tremendous responsibilities those families had to carry.

And was the Black Parents' Association founded to administer such funds? -- At that time the Black Parents' Association had a very modest aim. It was simply to help the families as they were preparing for the funerals and that is why all the facilities that we tried to organise were (20) mainly related to preparations for the funerals and helping the bereaved families.

Were you appointed to a position? -- In that inaugural meeting I was elected chairman.

If I can give the names of others, the deputy chairman was Dr Matlhare. -- That is correct.

Is he a medical doctor? -- Yes.

Then the secretaries were Mr Aubrey Mokoena and Mr B.P. Nteso. -- That is correct.

And the committee members included Dr Matlana. Is (30) he also a medical doctor? -- He is a medical doctor.

Mrs/...

Mrs W. Mandela. -- That is correct.

Mr W.B. Ngakane. -- That is correct.

And Mr Kenneth Rachidi. -- That is correct.

And did the Black Parents' Association receive donations?
-- It received donations which came first from the constituent body that had sent representatives, but beyond that also donations came.

And did the Association attempt to make arrangements for the funeral of people who had been killed in Soweto in the two incidents? -- It did by way of first trying to (10) organise money and secondly by trying to encourage the funeral undertakers to donate coffins which they did; and thirdly, it also approached the Association of Taxi Owners who were prepared to set free about 700 taxis which would be used free of charge by the bereaved families.

And was there anything arranged about the funeral? -- It became aware to us that in order to make available to the bereaved families these facilities we had organised, it was necessary that the funeral should be on one spot. We therefore tried to organise what we called a mass funeral. (20) We made an application to the local magistrate for such a funeral because at that time we were not sure whether it would be permitted.

And was it permitted? -- The application was refused.

And were individual funerals held? -- There were then individual funerals and seeing that we had pledged ourselves to help the bereaved families, we then decided to subsidise the funerals of the individual families and decided to donate an amount of about R200 to each family.

In August, 1976, the Black Parents' Association sent (30) a memorandum to this Commission offering and requesting to

give/...

give evidence on various points. -- That is correct.

And I believe that the response came about 2 weeks ago when you were invited to give evidence here. -- That is correct.

CHAIRMAN: Not the first response, surely.

MR KENTRIDGE: The first time that any date was fixed.

CHAIRMAN: That the date was fixed, yes, but you were informed that the document had been received.

MR KENTRIDGE: Oh, yes, the document was acknowledged, oh, yes. Now in that memorandum which you sent, you stated that (10) -- or the Association stated that it so required individual members of the Association would be able to give direct evidence of incidents which took place during the disturbances and that evidence could also be tendered by members about the immediate causes of the protest and about the Bantu Education policy and a number of other topics. -- That is correct.

Now at this stage the Association is not tendering any persons to give direct evidence of the incidents which took place. Can you give His Lordship the reason for that generally? -- There are a number of reasons. One of the reasons (20) is that during the time when we made the application to appear before the Commission and now the Association was severely handicapped by the detention of those of its executive. So at that time we were not even sure whether what we intended to do in the application, it would ultimately be realised and which meant therefore that there were no preparation as we had intended to do by way of helping the Commission to make its findings by recruiting people who might give evidence and the second reason is that between that time and now witnesses have appeared who have given evidence on the basis of first- (30) hand knowledge which meant to us that it was no longer necessary in/...

in view of other reasons as well, which handicapped us.

CHAIRMAN: One moment. On page 3 you refer to: 3. Summary of Evidence desired to be given on behalf of the Association:
3.1 Immediate causes of the disturbance - on the next page:
3.2 The grievances - the next page: 3.3 The socio-economic grievances and 4 The political factors. But there is nothing about the incidents.

MR KENTRIDGE: On page 3, M'Lord, in paragraph 2. If so required, individual members will be able to give direct evidence. That is what the witness has just been dealing (10) with.

CHAIRMAN: Yes, but some of the evidence which you desire to give - or rather which the Association desires to give and that is why the Association was not called upon before.

MR KENTRIDGE: I do not follow.

CHAIRMAN: All the evidence of the incidents have been dealt with throughout the country.

MR KENTRIDGE: Yes. Paragraph 2 says: If so required individual members of the Association will be able to give direct evidence. (20)

CHAIRMAN: That is right.

MR KENTRIDGE: Were you ever required to do so? -- No.

Now in general, well, you have said people have been detained. Can I give some of the names. What about Dr Matlhare? -- He is in detention.

CHAIRMAN: I may tell you that an attorney for at least one of the persons mentioned, was in touch with the Commission.

MR KENTRIDGE: I am indebted to Your Lordship.

CHAIRMAN: In connection with giving evidence on the facts.

MR KENTRIDGE: Dr Matlhare. -- He is still in detention. (30)

Mr Mokoena?-- He is still in detention.

Mrs/...

Mrs Mandela? -- Is out of detention, but is still restricted.

CHAIRMAN: Sorry, I could not hear your answer. -- She is out of detention.

MR KENTRIDGE: Mr Ngakane? -- He is out.

Was he in detention? -- He was detained for some time.

Dr Matlana? -- He is out of detention.

But was he in detention? -- He was in detention.

Mr Rashidi? -- He is still in detention.

CHAIRMAN: Did any of those give evidence before this Commission? -- I do not know. (10)

MR KENTRIDGE: Now further with regard to the question of finding people to give .. (intervenes)

CHAIRMAN: One moment. Did any of those people give evidence before this Commission?

DR YUTAR: Yes, M'Lord.

MR KENTRIDGE: May I ask who, M'Lord? I do not think we know about that. It does not really matter.

CHAIRMAN: No, no, I just have to make the order which was made at the time that their names were not to be published, (20) because they were being detained at the time and they are still. You can have their names now with the same request that they had made originally, still stands.

MR KENTRIDGE: That their names be not published?

CHAIRMAN: Be not published.

MR KENTRIDGE: Well, I would not want to do that.

CHAIRMAN: No, no, but you can have the names, if the Commission is prepared to give you the names.

DR YUTAR: Of the names mentioned by Dr Buthelezi, two of those gave evidence already, Dr Matlhare and Mr Mokoena. (30)

MR KENTRIDGE: Is Mr Mokoena still in detention? -- He is still in/...

in detention.

Does that mean, M'Lord, these two witnesses came from detention to give evidence?

CHAIRMAN: Yes, because an invitation had been made to everybody, even people in detention, to come and give evidence.

MR YUTAR: M'Lord, I also might mention that Mr Rashidi came here and after having made a statement, but I decided not to call him.

CHAIRMAN: Was his evidence not placed before the Commission?

DR YUTAR: It was not placed before the Commission. (10)

MR KENTRIDGE: With regard to the attitude of potential witnesses, I would like to ask you in general what the effect has been of certain statements made by ministers and others in this country? Have you come across any of those? -- Can you be specific?

Well, in particular the Minister of Justice, Mr Kruger, has he said anything about the causes of the Soweto disturbances? -- There have been statements in the press along the same direction - along that direction.

Well, I want to place one of them before you from (20) the newspaper the Sunday Tribune of the 8th August, where the Minister is reported in these terms:

"He said of the motives for the riots that the Afrikaans issue and the release of detainees were only the ostensible reasons for the unrest. Those involved wanted the overthrow of the system, agitators were responsible for the outbreaks this week, Black Power movements are behind the disturbances." (30)

CHAIRMAN: When was that statement?

MR/...

MR KENTRIDGE: 8th August.

CHAIRMAN: No, when was it made and where?

MR KENTRIDGE: This is an interview with the Minister published in the Tribune of the 8th August. Did you read that? -- I did.

And other statements by Mr Kruger on the causes of the riots? -- I did.

Now what was the feeling following those statements as far as you are able to understand it? -- If I just express my general impression about what such statements - the impact of such statements in the Black community, I would say that (10) it tends to make them feel that the State's officials already know what the Commission is trying to make a finding on, on the basis of evidence being given before it.

CHAIRMAN: Did you read the statement of this Commission on statements such as that and statements which had appeared in newspapers made on the 1st November of last year, which was widely published?

MR KENTRIDGE: Perhaps I can take it a bit further. I think Your Lordship misunderstood the witness.

CHAIRMAN: Well, you know these matters have all been (20) dealt with, they have been dealt with in detail every time there has been a statement.

MR KENTRIDGE: Well, may I just let the witness explain. You are not saying that the Commissioner will follow what the government says? -- No, I was merely reflecting the impression which the impact from such statements from the State officials creates in the average member of the Black community.

Well, what is that impression as you see it? -- It has been - other statements which have been made have been to the effect that what the Black community considers to be (30) the cause of the recent disturbances, the State officials say

that/...

they are not going to do anything about that, which tends to dampen their expectations.

You mean the government people have made statements that they are not going to change their policy? -- That is correct.

And as far as you know, has there been any reaction in the Black community to report to Commissions such as the Theron Commission on the Coloured people and the Snyman Commission on the University of the North? -- There may have not been any formal reaction I may just remember now, but in general people do make remarks about what the government does with the (10) positive recommendations of its Commissions, that in most cases the positive aspects are not implemented as much as the negative aspects.

How has that affected the general willingness of people to give evidence? -- I have not made any particular survey as to what the feelings of the people are with regard to that. I can only give my own impression on the basis of those facts which are .. (inaudible) .. namely public statements by State officials and what people very often say about government attitude in general. (20)

And on that basis what would you think? -- I would say that some people may not be as enthusiastic as they might have been if the situation was otherwise.

CHAIRMAN: Well, didn't they read the statements that this Commission has made about people who were trying to anticipate? Or wasn't it published in the newspapers that they read? I think it was.

MR KENTRIDGE: It was. Perhaps I haven't made this clear, speaking on behalf of .. (intervenes)

CHAIRMAN: I am afraid you haven't. (30)

MR KENTRIDGE: The point that the witness is making is that
the/...

the lack of enthusiasm does not arise certainly from anything that Your Lordship has done, but from the fact that people in high office seem to simply have made up their own minds and the fear apparently is that whatever your Lordship says, they will do simply as they please. Have I put that correctly?

-- That is correct.

Now, for example, with regard to the general statements that you have been referred to that the cause of the unrest could be attributed to agitators, for example, what is your view of that? -- I have not personally met an agitator. (10)
What I have met is the reflection of the experience of the people of some of the disabilities they had to endure. So I would say the agitator is the problems the Black man faces.

And evidence has been given on that by other persons from Soweto. -- I believe so.

Now, with regard to the original memorandum, it was said that evidence will be given by the members that the immediate cause of the student protest immediately prior to the disturbances was the policy of requiring Afrikaans as a medium of instruction in Black schools. Now can you say anything (20)
about that from your personal knowledge? -- My first exposure to this issue was on the basis of what I used to read in the newspapers about strikes in certain schools in Soweto, but one day the problem came nearer to me when my daughter came and reported that her class was on strike and was boycotting Afrikaans. So I became intimately involved, even though as a parent I was a bit frustrated because I did not know how other parents reacted to a similar situation. And secondly, I used to see my daughter struggling with her Arithmetic homework, coming to me whether I could help solve some (30)
problems which, of course, were in Afrikaans. Unfortunately I
could/...

could not, I became helpless and it was very embarrassing to me. This is therefore to say that the problem of Afrikaans as one of the problems is a true reflection of reality.

CHAIRMAN: About the time when the first - the 16th June, remember that was the day of the big march? -- That is correct.

By that time a number of schools had already gone on strike in Soweto. Is that correct? -- That is correct.

I have forgotten the number, but in some cases children had gone back to school and had left school again. Did you know of those incidents? -- I used to read about it in (10) the newspapers.

And in those cases the reasons given for the strikes were all the very same reason that you have mentioned now, namely that there was - they were compelled to take two subjects through medium Afrikaans. -- That is correct.

Was there similar trouble with the other subject which was Geology and History which is one subject? -- Was that given in Afrikaans as well?

Yes. Or wasn't that in the school that your daughter was in? -- I am merely reflecting my own experience, that (20) my daughter was taking Arithmetic in Afrikaans. I do not know about those other subjects.

You know of only that one subject, because it is not quite clear yet to me whether in all schools two subjects were being given in Afrikaans or only one or none. -- I was made to understand that it was mainly Arithmetic and Science.

Social Studies, is that the one, can you remember? -- A similar situation is concerned - that was not an issue, it was just Arithmetic where I recall my first exposure to this reality which I used to read about in the newspapers. (30)

Yes, I appreciate that.

MR/...

MR KENTRIDGE: How old was your daughter at the time? -- 13 or 14.

CHAIRMAN: And in standard? -- Five.

That was the first year that she had to take certain subjects through medium Afrikaans. Is that correct? -- That is correct, in the medium of two foreign languages, that is correct. We just came from Natal.

Yes, and she had to take English through English medium, Afrikaans through Afrikaans medium of course and then these two subjects through Afrikaans medium and the other (10) two subjects through English medium. Is that correct? -- That is correct.

What medium did she have in Natal? -- Well, as far as subjects were concerned, it was through the medium of English. Afrikaans only as a subject.

MR KENTRIDGE: Just giving your own impression as a parent in Soweto, do you believe that the school language question was a genuine cause of trouble? -- I believe that it was a genuine cause of trouble.

And do you disagree then with the statement that it (20) was simply an ostensible cause? -- I disagree, at least as far as our family situation is concerned, the language was the problem; there were no other issues.

CHAIRMAN: I do not think that the particular news item that you read of the 8th August had come to my notice. If you have a copy and you can hand it in, I would appreciate it.

MR KENTRIDGE: I do not know, we have got innumerable statements made particularly by this Minister on the causes of the unrest. I know what Your Lordship said, but he seems to be unrepentant. (30)

CHAIRMAN: Well, there were various statements made and that I know/...

know, but this particular one which appears to be very early, apart from the statements made in parliament, on the 17th.

MR KENTRIDGE: Yes, well, I do not think one can go into that. Perhaps I can collect them.

CHAIRMAN: What I really only wanted was the very first one.

MR KENTRIDGE: Well, there is the Sunday Tribune of the 8th August, there was a BBC Television interview which was re-published in the press, there was an interview in the Sunday Times with Fleur de Villiers; all these are Mr Kruger and I am going to come to another one in due course, but I (10) might as well come to it now. This again is with regard to the views of the causes here. I have got here a statement to the effect that car-loads of agitators, instigators of recent Black riots. Now did you know anything about car-loads of agitators? -- I never had the experience.

In general in Soweto at the relevant times, were you in touch with friends and families of people who had children? -- As I said earlier, in the beginning when I became exposed to this problem, I was an isolated parent, but in the course of time I met other parents who had a similar problem. (20)

And then another statement in this connection is that - this was given last December, that the evidence before this Commission so far indicates that agitators instructed, advised and counselled by anti-South African elements overseas, had been responsible for taking advantage of the genuine grievances of the Black people to commence the unrest. Did you ever have any knowledge of that? -- No.

And M'Lord, I am reading from a report in the Rand Daily Mail, I think it is the 14th December, 1976. This is the statement alleged to have been made, according to this (30) report, by Dr Percy Yutar who is in charge of leading evidence before/...

before the Cillié Commission. Were you aware of that statement when it was made? -- I was.

And what effect did that have on the general attitude to giving evidence? -- I believe the attitude was similar as that by government or state officials.

With regard to the question of the language policy and Bantu education as a cause of the disturbances, according to the press evidence had been given freely before this Commission by Black residents of Soweto to the effect that those were the genuine causes. -- That is correct. (10)

But those were not mentioned in this statement of Dr Yutar. Is that right? -- That is correct.

CHAIRMAN: I should tell you that within the first three days of the Commission starting its work and interviews, I think I listed 41 causes as being given by people.

MR KENTRIDGE: Yes, this particular article - statement of Dr Yutar that I mentioned refers only to one, namely the groups of agitators.

CHAIRMAN: What was that statement? Was it a statement made or? (20)

MR KENTRIDGE: Well, it was published and apparently not denied as far as I can make out, to the Rotary Club of Cape Town. Evidence heard so far by the Commission indicates the things I have read out that car-loads of agitators instigated the recent riots, agitators instructed by anti-South African elements overseas had been responsible for taking advantage of the genuine grievances, the riots did not arrive simultaneously, but were instigated by a group of 77 men in three cars, that is the statement.

CHAIRMAN: I think that was evidence that came before the Commission. (30)

MR KENTRIDGE: Yes, I have no doubt. The point made is that to the ordinary reader of the press, certainly the ordinary reader of the press in Soweto, this seems to be a rather selective account of the evidence.

CHAIRMAN: Who made the selection?

MR KENTRIDGE: The speaker apparently. It was not denied. I am only reporting it from the press of course.

CHAIRMAN: Is that a full report? I do not know what the speaker said, but is that supposed to be a full report of what he had said? (10)

MR KENTRIDGE: No, M'Lord, but .. (intervenes)

CHAIRMAN: Well, if it is not a full report then why is the inference drawn? I do not know what was said, I do not know whether something more was said.

MR KENTRIDGE: I am only saying that this was reported in the press and never denied or disputed by the .. (intervenes)

CHAIRMAN: But why should it be denied if it is not untrue?

MR KENTRIDGE: If it was out of context, it would be a half-truth.

CHAIRMAN: But it is not out of context. (20)

MR KENTRIDGE: I am not here to attack Dr Yutar any more than Your Lordship is here to defend him.

CHAIRMAN: How dare you say that I am trying to defend him?

MR KENTRIDGE: I said I am not here to attack him any more than it is Your Lordship's interest to defend him. We are simply trying to state what was in the newspaper and what Your Lordship says I have heard and my point remains Dr Yutar was reported in this way, it was never denied, corrected or disavowed.

CHAIRMAN: May I have the document please? (30)

MR KENTRIDGE: Yes, certainly. I withdraw nothing of what I have/...

have said because I have said nothing that needs withdrawing.

CHAIRMAN: Will you allow me a moment? I had not seen this report before now and what is published here of what had been said, all I can say is that there is evidence to that effect before the Commission.

MR KENTRIDGE: That has been accepted.

CHAIRMAN: I do not know that that is the only evidence that there was before the Commission, I am quite certain it was not. Whether it is the only evidence that Dr Yutar - whether Dr Yutar said that this is the only evidence and that is (10) what I object to, that there is an insinuation on your part that this (intervenes - both speaking simultaneously) .. I am speaking at the moment, Mr Kentridge. I am speaking now.

MR KENTRIDGE: Very well.

CHAIRMAN: And it is my privilege to speak first, and then you can reply. The insinuation as I understood it, was that he had indicated that this was the evidence and that this excluded all other evidence and therefore it was incumbent upon - I do not know upon whom - to deny that this was the only evidence. But there is no indication whatever (20) in the words that I have read here, that this was the only cause of the riots.

MR KENTRIDGE: If Your Lordship would like to play back the record, Your Lordship will find that I said clearly that this was what he was reported to have said, it is not suggested that it was the only cause, the point made was that there had been, according to this report, a selective statement.

CHAIRMAN: That is where I interfered. I said but why selective by whom? By the speaker or by the newspaper?

MR KENTRIDGE: What difference does it make? I am saying (30) that here is a report which is not denied to the effect that

Dr/...

Dr Yutar has referred only to one cause.

CHAIRMAN: There is no indication whatever that he had referred only to one cause and I think you must abide by that and I think we must leave the point.

MR KENTRIDGE: With regard to Your Lordship's statement that Your Lordship has not seen this, it was dealt with not by Your Lordship but by the Secretary of the Commission and
(intervenens)

CHAIRMAN: I have not seen this report.

MR KENTRIDGE: Yes, and all that the Secretary did is (10)
that these statements were made by Dr Yutar in his personal capacity and not on behalf of the Cillié Commission.

CHAIRMAN: Yes, but that was in connection with a statement as it appeared, I believe, in one of the Cape newspapers. The Secretary was asked about that and in fact I have nothing to say about that.

MR KENTRIDGE: Of course. As reported - as reported in the newspaper handed in, that is all I am asking you. As reported by the newspaper handed in, did the statement of Dr Yutar conduce to enthusiasm for giving evidence? -- I remember (20)
in the beginning when there was talk about a Commission, many people were enthusiastic about giving evidence, but in the course of the months I have noticed that that enthusiasm has subsided.

CHAIRMAN: In the course of which month? -- In the course of time between the time when the announcement of the constitution of the Commission was made and now. In the beginning many people who had certain knowledge of certain indicents, were prepared and willing to come forward, but from what I hear, many people tended to have a cynical attitude. (30)

Do you recall that a time was given before which it would
be/...

be necessary to inform the Commission of what a witness intended saying? The first date was the 31st July, if I am not mistaken and that was extended to the 31st October and time and again this Commission said openly that if anybody did not want to do it that way, all they had to do was to phone the Secretary and arrange to be heard. Did you know of that? -- I did. As far as I am aware, people on the whole have a high regard of Commissions, but the problem only comes when what the government does with the findings of the Commissions. There have been many important recommenda- (10) tions from Commissions, which government officials categorically say we will not do that and that frustrates people. As much as they would be willing to help whatever body is designed in order to correct certain grievances.

MR KENTRIDGE: Let us get to the second aspect in the memorandum, the Bantu education policy. Do you think that the Bantu education policy contributed to the grievances of Black students? -- I do.

In what regard? -- The Bantu education policy, unlike the former policy, assumes a place for the Black man which is (20) separate from that of other South Africans. In other words, whereas in the former policy the assumption was that one was educated for a common South African society, under Bantu education you are educated for your own place and as far as I am aware, the students during those times can see where they are expected to play roles as educated people, that is in independent homelands such as the Transkei and to many of them it is a horrifying spectre to see the place for which they are being prepared and this explains the difference in reaction between the students and their parents, because (30) whereas their parents had some imagination that perhaps the future/...

future will be different from what we experience now, the young people can see the future as personified by the independent homelands which are nothing but barren tracks of land, and this is horrifying and I believe it explains why they react in such a fashion. Secondly, the system of Bantu education has created and educated a ..(?)... in the Black community which is out of touch with other racial groups in South Africa, with the exception of lecturers in university institutions as well as the police who from time to time interact with the students and from my observations I believe (10) that this is not an adequate thing as far as exposing the average students to the totality of South Africa. It explains therefore why their attitude towards Bantu education has been so negative because they have had negative experiences and beyond that, they have not had the opportunity of experiencing the positive and the goodwill of the White man. I believe that there is some goodwill among White people, but the policy itself makes it very difficult for Black people to be in touch with that goodwill and Bantu education is one such instance of a denial of exposure to a potential goodwill. And (20) furthermore the students are aware of the inadequacies of Bantu education. Fortunately during our time the classroom is not the only medium for the communication of knowledge. The students can read newspapers and in this way become exposed to other alternatives and this explains therefore why the products of Bantu education have been so .. (inaudible) .. in their opposition towards Bantu education, because they can draw a very clear contrast between their experience of the system and what they read in the newspapers and listen on the radio and through other means of informal education. (30)

With regard to this question of contact between Black and
White/...

White, you have said at the - in paragraph 4 of the memorandum that evidence will be given that an underlying cause of the disturbances is the whole philosophy and policy of separate development. Now, can you say anything on that issue? -- On the basis of my observations and experience I would say that by definition separate development is a policy of polarisation in that you separate, you isolate racial groups and puts one in that pole and the other in that pole and eliminate the opportunity for a common experience between the various racial groups and under such circumstances it is not difficult (10) to understand why whatever is changed is suspicious, simply because one does not have the opportunity of knowing the other person. What I am driving at is that the policy of separate development creates a situation of polarisation among the races in South Africa which then leads to confrontation and suspicion simply because members of one racial group do not know what is happening in the other racial groups.

But now if you consider the position of Black youth in a place like Soweto, with what White people would they have contact? -- I am assuming that the only White people (20) they would have contact with, would be the police. That was especially the case from June onwards, who have a very limited function and role to play. They are not exposed to other categories of White people and this tends to limit the horizon of their experience and therefore makes it easy for us to understand why they act and behave the way they do.

What sort of attitude has this created to the question of what is legal and what is illegal? -- It has created a cynical attitude. Imagine a situation where a child grows in the family, taking the parents as people who are the ones (30) to instruct him about what is good and about what is bad, about/...

about correct behaviour and about wrong behaviour and then all of a sudden this child sees his parents being whisked away by the police in the middle of the night and this child is a first-hand witness as to the character of the parents and therefore it may make the child believe that what is called illegal does not have any meaning at all, because I know that my parents are good, they have always been good to me, but the government does not see them in the same manner and I feel that this is very unfortunate.

What sort of arrests are you talking about? -- I am (10) not so much thinking of arrests on the basis of offences like theft and killing people, but I am thinking of parents who have for instance been in detention since June. I know of cases where children were left alone in the family, I visited one and it was a very touching experience and I could just imagine that in the mind of this child, this is a very destructive experience about his or her attitude towards the administration of law.

How many families would be affected by arrests of this sort? -- I cannot quote the number, I would just say (20) many. But what is important is not so much the quantity, but the quality. If one looks at the names of persons who have been in detention, you will find that it is people who have been playing leadership roles in the community, people everybody know about in the community and I believe it is clear that whoever is elected chairman or president or secretary of an organisation is elected on the basis of the confidence and trust people have in him and if the administration of law and justice is such that such persons who are holding such a high position in the family, are not treated with the same (30) respect and trust the community gives to them, this is a

very/...

very unfortunate state of affairs.

Have you anything to say on the probability of improving relations between the police and the people, especially the young people in Soweto? -- I believe that there is an aspect of this matter which is beyond the means of the police themselves, assuming of course that there have been reports of what one may call the unfortunate behaviour of the police, the reports in the papers for instance, about the police breaking through the doors and treating people roughly. But apart from this, I believe that there is another dimension (10) which is important and that is the dimension that has to do with politicians and legislators. The police have to administer the laws which have been made by legislators. I would say that the basic culprit is the unacceptable laws which the police are called upon to enforce. If you think of laws like pass laws and a number of security laws which make the police to be the ones who disrupt families, who take husband from wife and wife from husband and sometimes takes parents from their children and this creates a very unhealthy situation and if I become historical a bit, there was a report of (20) an instance where both students and teachers were taken away from school. In other words, the people who were supposed to lead and guide the students, were put in the same bag with them as culprits and this is a very unfortunate thing.

I believe that in November of last year you gave an address to a conference of businessmen in the Carlton Hotel in Johannesburg, under the title of 'South Africa - what needs to be done now'. -- That is correct.

In which you dealt with this, an appeal by Brigadier Jan Visser of the police, to create a harmonious (30) relationship between the police and the community of Soweto.

Now/...

Now, what you said there is 5 pages long and I certainly do not want to read it all out, but can I hand it to you and ask you to look at page 2.

CHAIRMAN: If you want the whole read into the record as his evidence - well, typed into the record I should say, have those passages read which you think he should read and the whole can then be typed in.

MR KENTRIDGE: Well, I do not know if Your Lordship wants it typed in or whether Your Lordship would like the document. Your Lordship sees that it is 5 pages and although (10) probably a lot of it is relevant to the problems before Your Lordship.

CHAIRMAN: Well, may we have it as an exhibit?

MR KENTRIDGE: An exhibit, yes.

CHAIRMAN: EXHIBIT 305. I think then the witness can read out those portions that you think should be more emphasised, but the document then is an exhibit.

MR KENTRIDGE: Turn to page 2. You say on page 2, in the second paragraph, that you are fully behind the brigadier, if his appeal has to be understood in the context of the (20) sense that the ordinary meaning of words. Now just read on from there. -- In other words I hope that his appeal is not calculated to encourage the Black community to "turn the other cheek" and connive at what is happening and what has happened. In further qualifying my support let me also state that I hope the appeal is not for a cosmetic dressing of the scars on our body-politics, but also includes creating fundamental good relations between the police and the students. If that be the case we would be heading for some of the fundamental solutions of the problems of our country. Everybody (30) knows that the relations between the police and the Black community/...

community are bad not because the police are dedicated to the combat of crime - the Black community is also dedicated to this - but because the police being among the few Whites who can move freely in the Black community spearhead the enforcement of a myriad of unacceptable laws, some of which are designed to silence the critics of separate development and force the Black man to accept the status prescribed to him by the South African way of life. The effect of this has been to create in the mind of the Black man that in the final analysis the work of the police is to frustrate Black (10) political aspirations. Nothing more than the enforcement of security laws has served to create a negative image of the police in the mind of the Black man. As much as I should try to encourage everyone who tries to do good, I do not envy the brigadier for the difficult task he has assigned for himself. For one thing, as long as the police are placed in an invidious position of enforcing racial and discriminatory laws, no amount of well intended effort can help to change the image of the police in the Black community. The only way is to remove the laws which poison the relationship between the (20) police and the Black community.

Now then you go on to suggest some of the interim steps that should be taken if the spirit of the brigadier's appeal is to materialise. Would you just read a and b? -- a. The police must dramatically stretch a hand of friendship to the students so as to correct the belief that the police are the enemies of students and are out to get them. This can be done first through the ministerial order that no student will be arrested at school, home or cemeteries and that there will be no street collecting of students. It is only too (30) obvious that no Black leader can attend any talks with the

police while there is no assurance that he will find his children still all at home having not been picked up. b. There should be a withdrawal of all the charges against our children and a pardon of all those who have been convicted. It is a futile exercise for the older generation any way to create a situation where the majority of the younger generation will have political-criminal records. This will only serve to create an embittered younger generation with hardened attitudes. Putting political opponents in prison may of course in the short term give politicians a breather, but it does (10) community relations no good, especially if there is anything that may tempt people to believe that it is basically a case of one racial group acting against another. The history of this country from the Anglo-Boer War to the Second World War shows that political crimes do not stick even if one is convicted. When the political climate has changed prison graduates usually become national heroes. That is why a couple of men in positions of leadership in South Africa today were once political prisoners. What amazes me is that people can forget so easily the lessons of the past. (20)

CHAIRMAN: I am sorry, could you just go back, the word is not quite clear, from the bottom of page 3, 8 lines from the bottom. That is where you deal with the history of the country from the Anglo-Boer War to the Second World War, shows that political crimes do not stick even if one is convicted. -- Yes.

Is not convicted or ...? -- Is convicted.

Is convicted? -- Yes.

Is the word in between erased? -- Yes, it was meant to be erased.

That word should be out? -- It should be out. (30)

Right, so it reads: even if one is convicted. -- Yes.

MR/...

police while there is no assurance that he will find his children still all at home having not been picked up. b. There should be a withdrawal of all the charges against our children and a pardon of all those who have been convicted. It is a futile exercise for the older generation any way to create a situation where the majority of the younger generation will have political-criminal records. This will only serve to create an embittered younger generation with hardened attitudes. Putting political opponents in prison may of course in the short term give politicians a breather, but it does (10) community relations no good, especially if there is anything that may tempt people to believe that it is basically a case of one racial group acting against another. The history of this country from the Anglo-Boer War to the Second World War shows that political crimes do not stick even if one is convicted. When the political climate has changed prison graduates usually become national heroes. That is why a couple of men in positions of leadership in South Africa today were once political prisoners. What amazes me is that people can forget so easily the lessons of the past. (20)

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MR/...

context of that address, I took that as one of the fears in the White community which I labelled wrong fears, because Black Consciousness is a healthy thing, it is not something to be feared.

Well now, without going into detail, again according to press reports, a number of witnesses before this Commission, particularly police witnesses, but not entirely, appears to have regarded Black Consciousness as a cause of the unrest and to have regarded it as something which is manipulated by agitators. Now I would like you to tell the Commission (10) what your understanding is of Black Consciousness. In this connection you gave an address to the Black Sash in Durban on the 24th June, 1975, called 'Black African or Bantu'. Do you recall that? -- I do.

Well, perhaps if you have this in front of you and if the Commissioner has it, it could be dealt with more readily.

CHAIRMAN: Do you want this also in as an exhibit?

MR KENTRIDGE: Yes, M'Lord.

CHAIRMAN: It will be EXHIBIT 307.

MR KENTRIDGE: Do you have it in front of you? -- I do. (20)

You see it deals with the question of names which have been used in this country to refer to its Black inhabitants, such as 'native' and 'Bantu' or 'African' or 'Black' and at the foot of page 2 you indicate what you regard as the meaning of Black. Can you just read that paragraph called 'The meaning of "Black"' at the foot of page 2, the last line? -- The term 'Black' has always to be understood in relation to the term 'White'. According to the terminology of separate development the category of 'White', covers all White people who are classified as White in terms of the relevant Act. (30) Included in this classification are groups like the English, Afrikaners/...

Afrikaners - it should not be 'Africans' - Germans, Greeks, .. (intervenes)

CHAIRMAN: Should I make that alteration? -- Yes. English, Afrikaners, Germans, Greeks, Jews, Portugese and "honourary Whites" like Japanese, etc. All these are members of the "White nation". For many years the collective group apart from the "White nation" has been known as "non-White". Thus official signs indicating separate amenities read either "Whites only" or "Non-Whites". Those Africans, Indians and Coloureds who had become inspired by the ideals of the (10) Black Consciousness Movement, objected strongly to being known as "Non-Whites". They felt that "Non-White" suggests an attribute of "non-being" and "non-person" on the part of those known as "Non-Whites". This terminology suggests that there is only one positive pigmentation, namely, White. Therefore positive things are White and "nothings" are "Non-White". As a reaction to the suggestion that they are "nothings", who were officially called "Non-White" preferred to be called "Black". Note that the preference is in relation to "Non-White". (20)

MR KENTRIDGE: Yes, now go on to deal with Black solidarity in the next paragraph. -- There is another aspect of the meaning of "Black". This has something to do with the ideal of "Black Solidarity". Black Solidarity as an ideal, is a reaction to that aspect of the policy of separate development in terms of which the counterpart of the "White nation" as defined above, is in the form of splinter groups, like Zulu nation, Khosa nation, Tswana nation, Indian nation, Coloured nation, etc. In contrast to the Nationalist policy, the ideal of Black solidarity understands the counterpart (30) of the collective, "Whites" as the collective "Blacks". This

is/...

is a deliberate refusal by Blacks to be divided while government policy unites Whites. Therefore the context of the question of Black solidarity as African, Indian or Coloured may prefer to be called "Black".

In some of the evidence and certainly some articles on the question of Soweto, it has been suggested that the concept of Black solidarity or Black consciousness means that the people who espoused that philosophy are against the common society and want a solely Black society. -- I disagree.

How do you reconcile the idea of Black solidarity (10) with the common society? -- It is obvious that during the times we live in, no matter what we wish to have, the reality is that the Whites who are in power, who are in a position of changing laws, do not want to be one with the rest of the population of South Africa and therefore those who cannot go to parliament and propose the change of laws which separates the population, tries to start from where they are. Let us unite as Black people and set a model before the White man so that he may see that in spite of cultural differences, it is possible for people like Indians, Coloureds and Africans (20) to work together. Maybe the model would be so attractive that the Whites would join in. And it is in this sense therefore that I do not see the ideal of Black solidarity as being inconsistent with the notion of a common South African society. Powerless people are merely starting where they are, making use of the resources available to them.

THE COMMISSION ADJOURNS FOR TEA. THE COMMISSION RESUMES.

MANAS BUTHELEZI: still under oath:

CHAIRMAN: Before you proceed, I think there is one thing I should just get clear or rather clarify. I have checked (30) the position with the Secretary. No witness who has approached the/...

the Secretary or has approached me or any of the legal team, with a view to giving evidence, has not given evidence or been informed about when evidence will be given or when he may come, with some exceptions. They were instances where the witness indicated that the memorandum submitted should stand as his evidence, because he did not wish to add anything to it. One instance of a detainee which was mentioned in court this morning where I was informed that the witness had now changed his mind and no longer wanted to give evidence.

MR KENTRIGE: Is that the one Dr Yutar said he had decided (10) not to call?

CHAIRMAN: Yes, I decided not to call him.

MR KENTRIDGE: I thought Dr Yutar said he had decided.

CHAIRMAN: Well, he may have decided so too, but I decided not to call him. In that case the man had changed his mind and did not want to give evidence. Then I cannot remember any other incident. I had occasions of - there was a case in Pietersburg to which I have referred on more than one occasion during the Commission, where the witnesses also decided not to testify, but wherever a witness has wanted to testify, (20) there was every opportunity. Finally I may just add that as late as yesterday, the Secretary was approached on behalf of I think 3 people - yes, 3 people who want to give evidence and arrangements have been made for them to submit memoranda and to give evidence. I may of course say that there have been witnesses who have indicated or rather people who have indicated that they may want to come to give evidence who did not do so. In a number of the consultations that I have had, certain matters were discussed, witnesses had given an indication that they would consider whether they should give (30) evidence but nobody had in fact approached and had not had

an/...

an opportunity to testify. I think that is the only clarification I wish to give at this stage. You may proceed.

MR KENTRIDGE: On the 17th July, 1976, at the Institute of Black Studies in Johannesburg you gave a paper called "The contribution of Black Consciousness to psychological and spiritual development". At least you wrote a paper. -- That is correct.

And there you deal fully with the concept of Black consciousness. Is that right? -- That is correct.

I wonder if a copy could be placed before the witness (10) and before His Lordship.

CHAIRMAN: Do you want to put that in as an exhibit?

MR KENTRIDGE: Please, M'Lord.

CHAIRMAN: That would be EXHIBIT 308.

MR KENTRIDGE: I will not ask you to read it all out. You start off on the first page with some general comments and in the last paragraph on that page you distinguish between Black consciousness as an ideology that is a possession of philosophers who have acquired the sophistication of verbalising truth and experience and Black consciousness as a spirit, (20) mood or life-style which becomes manifest as people respond to each daily life situation. You make that distinction.-- Yes.

Now on the next page in paragraph 1 you deal with Black consciousness as a psychological awakening. Do you see that? -- Yes.

And then you divide this question of psychological awakening into two aspects. 1 is Self-affirmation and the other is Self-assertion. Would you just read that first paragraph on self-affirmation? -- Self-affirmation should not be confused with selfishness or all forms of self pursuit. This the(30) Christian faith and most other religions reject. Here on the other/...

other hand I want to focus attention on one of the most basic assumptions of human relationships. You can never relate to others in any healthy way without having first affirmed that "you are there". Self-negation pollutes human relations. Last Thursday I sat with a friend in one of the admission halls of Baragwanath Hospital. It was the maternity section. I observed how one lady clerk served and spoke to the patients she was admitting. I was shocked at the air of contempt and insensitivity she betrayed at the manner she asked for particulars from the patient who was waiting in obvious pains. (10) To me this was a psychological moment in which I tried to observe what was going on in the mind of the Black woman who was treating other Black women in this fashion. It occurred to me that a White clerk could not treat other White people in that fashion, even if it were not for the reason that White public opinion has better and more effective avenues of expression than Black public opinion. I could see that she suffered from the disease of self-hate and lack of self-acceptance which she tried to project on her charges. It was an abnormal case of self-realisation through self- (20) chastisement.

Go on. -- As Black people more and more begin to accept themselves as unconditionally and unapologetically Black, such examples will decrease. As long as a Black person thinks of himself as a "Non-White", it will never occur to him that his fellow "Non-Whites" deserve anything more than discourtesy and insensitivity. Who can waste positive attitudes on somebody who thinks of himself as a non-person, a non-White? Only angels can. One attribute of self-affirmation is that it resists and resents all negative things directed towards (30) it. It is in this respect that the emergence of Black consciousness/...

consciousness has served the interest of Black development. The slogan "Black is beautiful", sums up the philosophy of self-acceptance. It is only as this spreads in our schools, hospitals and other institutions that a sure foundation for the meaningful future of the Black man will be laid.

And then in the next paragraph you deal with self-assertion which you define as the release of the self from its inner shell in order to create a positive impact on its environment. It is a spontaneous calling of the attention of others that you are there. And then on the next page you (10) deal with Black consciousness and spiritual awakening. Would you read the first paragraph of that? -- One of the important contributions of Black consciousness has been in creating an intellectual climate which has given rise to the creation of the Black man's world view. Here I mean the creation of a system of concepts that reflect how the Black man understands himself and the world around him. It is in the area of religious thought and experience where this development has been manifested best. For many centuries Christ has been posed and interpreted as giving answers to questions (20) that have emerged from the White man's situation. Hence Christian theology has used as frames of reference categories of the White man's world view.

Yes, go on. -- When the Black man tried to raise questions that reflected his existential situations, these were dismissed as revealing the Black man's spiritual immaturity. The Black man was forced to swallow the alien dichotomy between body and spirit which western theology had inherited from Greek philosophy. This in turn gave rise to the dichotomy between the religious and secular. (30)

And you say in the Black man's traditional life there was

no/...

no such dichotomy and then will you go on to the next paragraph, starting: It is for this reason? -- It is for this reason that the Black man cannot understand why and how the western Christians can continue to call him brother in Christ in the religious sphere, but refuse to associate with him when it came to such secular, political and economic things like sharing of political power and wealth.

And then you go on to deal with Black theology in this context. According to press reports, a witness before this Commission whose views were endorsed by the Minister of (10) Justice, said that Black consciousness is Black racialism of the most extreme sort, in fact one can call it Black nazism because just as nazism taught the superiority of the White race, so does Black consciousness teach Black superiority in spirit. Do you agree with that? -- It is a confusion compounded.

What is wrong with that statement? -- Black consciousness has nothing to do with nazism. It is simply an attempt on the part of the Black man to create a positive experience out of negative-like circumstances. It is a fact that Black men are the ones who experience more than any other racial (20) group poverty, poor education and all forms of inadequacies. Black consciousness then helps the Black man that in spite of these negative experiences, you should respect yourself and affirm yourself; do not define yourself in terms of your environment which happens to be negative. Try to derive something positive from yourself, discover your potential, what you could do if the outward circumstances were not there. So unlike that witness, I see Black consciousness as something positive and creative.

The view was expressed also that Black consciousness (30) was used by agitators. Do you understand that concept? -- I

do/...

do not know who those agitators were and how they used it. That is not my impression and appraisal of the situation.

Again according to press reports which we have and which you have seen, one has had statements made such as that made by Brigadier Wiese, an East Rand police officer, to the effect that there were Red leaders, meaning communist leaders, behind the agitations or the disturbances. Did you ever have any experience of that? -- No.

And this same police officer said that the reason given for the disturbances such as dissatisfaction over Afrikaans (10) or dissatisfaction with teachers and so on, were trifling. Do you regard them as trifling reasons? -- It is not trifling reasons because it has to do with our future, with our children. It is very important.

Then there was a witness, a Colonel Swanepoel, who spoke about the Black Power philosophy, or the Black Power movement. Do you know what is meant by the Black Power movement? -- I do not know what is meant.

Has that got anything to do with what you mean by Black consciousness? -- I have observed that when people speak (20) of Black Power, it is something which is negative and therefore I cannot relate it with the Black consciousness which is something positive. However, I am aware of the fact that there is a reality known as White Power which expresses itself in the economic world, in the political world. If by power or group power you simply mean pooling together of resources, be it money or political insight or other insights, that is something positive, but what people refer to as Black Power is not what I am describing and what I am describing is related to Black consciousness. (30)

CHAIRMAN: What would you say scholars and some students meant when/...

when they carried banners during these riots, banners, placards on which the words "Black Power" and associated with "Power to the people" was written and the words "Black Power" appeared on walls and there was a sign which has been described as the Black Power sign, which was given by students and which was demanded, so the evidence goes, from other people to indicate either solidarity or to indicate that they should be free from any assault. Now can you inform the Commission what is meant by that Black Power? -- Just as an observer I would understand Black Power in this positive sense that it simply means (10) a pooling together of resources by people who had been integrated by like circumstances; that Black people, for instance, in the economic world, must join forces together and help themselves and in this way they generate power in that they release the potential in them, what is there in them so that what is in them needs expression to complete models of action. Again that is my impression, that is how I would understand a situation where I saw Black Power written.

You see, the sign, the so-called Black Power sign was given by scholars and I am saying rioters because there (20) were others at a later stage, as you know, even on the very first day of the unrest, these signs and exclamations of Black Power were given at a fairly early stage. What would you say in your view, these people meant by either the Black Power sign or the exclamation of the words Black Power or the carrying of a placard which said Black Power? -- I can only interpret that in the light of my experience of life as a Black man. For many years we never became aware of the fact that we could do things for ourselves. We saw ourselves as helpless and powerless people even in those instances (30) where we could help ourselves and again in the light of

my experience in the community in general, I would say that this is the concern of many people, young people especially that the Black man must learn to stand on his own feet; he should not only expect help to come from outside, because he has an ability, he has a power in him and I can only see that in relation to other like instances, for instance in the White community or in the history of the Afrikaans-speaking people where they also tried to generate Afrikaner Power, if I may put it that way, that expressed itself in institutions like banks and business enterprise. It was a healthy (10) thing. The same thing is happening in the Black community. When therefore people speak of Black Power, they are groping for this reality which other racial groups in South Africa have realised. The compounding factor is that those who interpret the reality in the Black community, are very often people who are not in the Black community, but who look at it from outside and in most cases they see it as threatening, simply because they have no living experience of it and this is the unfortunate thing we find ourselves in. Those who are in power, who can act and react on the basis of their (20) interpretation of a situation, happens to be people who are not in the situation themselves, but who just see things from outside, as one who comes from the Black community I say that what the Black people are trying to realise is what other racial groups have tried to realise. I am becoming very much interested in the history of the Afrikaner because we have lots and lots in common. My only regret is that the Afrikaner does not seem to understand that what is happening in the Black community is exactly what happened in his own history.

Tell me, do you think it is possible - I do not say (30) that it has happened, I am not asking you whether it has happened/...

happened, but do you think it is possible that somebody may, for his own and unknown motives and purposes, make use of this newly acquired feeling of Black consciousness and Black Power? -- We are used to that kind of observation. Very often it has been said that Black people are being used by White liberals; if not by White liberals, by agitators or by communists and this is very hurting to us because it means that we cannot make decisions on our own, we are just nothing, yes, we are Non-Whites. That is where the label Non-White applies. We cannot think - it only takes somebody from outside (10) to do it and that is why people try to create an environment like separate development in order to manipulate the Black man because he cannot make a decision on his own. So I would therefore say that it is true that some people think that way, but my general impression is that Black people do not react on the basis of influence which derives from outside their own experience. Whatever they do and say stems from their experience of life.

To put it in a nutshell, do you think that a person who acts without conscience could make use of what is a (20) good phenomenon in Black society and use it for a bad purpose or do you think it could not? -- If I may approach the question from another angle. What I find disturbing is that I never hear complaints that some people are trying to use Whites to achieve their ends. It is always other people trying to use Black people for their own ends and we are rebelling against this conception because we take it as an insult that we can be used by other people to achieve their ends and not their own ends. We will never allow anyone to manipulate us. And that is how I experience the Black community is reacting to (30) things which are in it.

While/...

While you are sensing them, a similarity in the development of the Black peoples and the Afrikaner nation, do you think it did or did not occur where that consciousness might have been misused or might have led to an over-reaction? -- I think it is the people themselves who prize highly the ideals and values they want to achieve. It follows therefore that it is the same people who are in a better position to detect who is trying to use them, much more so than people outside. There are normally here that it is people outside who are so overly concerned about other people who are (10) using us and this we are rebelling against because to us it is an insult that we cannot make our own decisions, we have always to be influenced by those coming from outside.

MR KENTRIDGE: Can I put to you one or two other things said apparently according to reports by witnesses, there was evidence by a Mr J.C. de Villiers, Chief Director of the West Rand Bantu Board, given at the beginning of October last year, in which he discussed non-violent police methods used to disperse a crowd of thousands who gathered at New Canada and attempted to march to Johannesburg on August the 4th. (20) Were you at New Canada on August the 4th? -- I was.

Now, Mr De Villiers says that he could not understand why police action was not stronger. He said bullets fired into the air just do not help anymore and he expressed the view that there should have been stronger police action. Do you think that is a helpful suggestion? -- It is not only that it is not a helpful suggestion, it is also not a helpful statement as far as race relations are concerned. Many people are still mourning the death of their children and if it is suggested that the police should have used bullets (30) instead of teargas, that is a liability as far as all the attempts/...

attempts being made to improve race relations, because it means that some people wish that our children - there should be more of our children who should have died than those who have indeed died.

CHAIRMAN: This was with reference to the 4th August. -- Yes.

There has been evidence, it may be put to you later, I do not want to go into it now, but were people killed on that day? -- I do not know on that day, but there were reports that some people were shot elsewhere.

But not there? -- No. (10)

At Canada Junction. -- I think our presence there was a saving factor.

But didn't you - well, I think the statement of the brigadier must be put to you, will be at a later stage - if I understood him correctly, he said that you and others had borrowed his loudspeaker to go in amongst the crowd. Is that correct? -- That is correct.

And that you came back after an hour or more and said that there is nothing you could do because the youths were not amenable to any persuasion on your part to stop the march. (20) -- I was chairman in that group, I did not make that statement and therefore, whoever ... (intervenes)

No, I have not given you the exact words, I have given you the implication that in fact you left before the end of whatever had happened there on that day. -- No, we were there until the students were dispersed by teargas.

Who dispersed them? -- The police dispersed them.

It was not as a result of your persuasive powers? Well, this is putting it - it is very difficult to judge of course. -- We were persuading two parties. It was the police on (30) the one hand who had guns and I think our presence there was

a/...

a positive thing. It is true that the students turned back because the police were firing teargas and chasing them with the hippos.

MR KENTRIDGE: I am indebted to Your Lordship for referring me to the evidence of Dr Matlhare which has kindly been made available to me by Your Lordship. I wonder if I could have a 10 minute adjournment to study it, because I understand that this witness and the client that I represent are referred to. I am sure I will not need more than 5 or 10 minutes.

CHAIRMAN: Yes, if you want to consult with the witness, (10) of course, you may do so. I do not know that that is the only evidence.

MR KENTRIDGE: We have also been given the evidence of Mr Mokoena, which I think Your Lordship has made available to us.

CHAIRMAN: Yes. Of course the availability of the witnesses to the - is understood by the press that the names should not be published when you put those statements. You can mention the names of course to the witness, because the witness must know, but the press is informed that the original request of these people still stand and therefore - (20) that is only for publication.

THE COMMISSION ADJOURNS. THE COMMISSION RESUMES.

MANAS BUTHELEZI: still under oath:

MR KENTRIDGE: We have been given a copy of evidence given here by Dr Matlhare who apparently came from detention under Section 6 of the Terrorism Act to give this evidence. There is only - I do not know whether you will be questioned about it by His Lordship, but all that I want to put to you is a statement by Dr Matlhare concerning the meeting at which (30) the Black Parents' Association was formed. Dr Matlhare refers to/...

to the fact that there were representatives present of the Black People's Convention and the South African Students Organisation and the South African Students Movement and he says he objected to their presence because it would give the BPA a political tinge and he says that you explained by saying that we need BPC and SASO because they would brief us on political situations and students were needed because they could give us ideas about their problem and Dr Matlhare says that he was completely overruled in this matter. Now what are the facts? -- My reaction to that is that it is a lie. (10)

I was coming for the first time in that meeting and he was acting in that inaugural meeting. However, that statement reported there, I read in the paper, where there was a report by one reporter who had interviewed him. He made that statement in the press and we felt a bit embarrassed because we had never discussed that issue and made that policy. The composition of BPA was determined by the fact that there were a number of organisations which were interested in helping the bereaved families, that was the sole criterion. It was not to get experts in politics or experts in that. It was simply (20) organisations which might have independently tried to do something for the bereaved families. But felt that it would be better if we all did it together.

CHAIRMAN: Did you read this report in a newspaper of evidence that he had given here or that somebody had given here or was this a statement that he had made earlier which appeared in the newspaper? -- It was earlier, he was quoted in the press as having said that, that we had decided - he was including himself - that we decided to invite SASO and BPC so as to have political organisations, which was not true. (30)

MR KENTRIDGE: Unless there are questions which Your Lordship wants/...

wants to ask the witness, that concludes the evidence of the witness.

CHAIRMAN: As indicated to you, I have asked Dr Yutar to put certain questions with relation to other evidence to this witness just to find out what his answer is.

MR KENTRIDGE: I am instructed to say to Your Lordship that Dr Buthelezi is happy to answer any questions from anybody. So, by all means.

CHAIRMAN: You know, the regulation is that I may allow other questions to be put, subject very strictly to my own control of the situation. (10)

MR KENTRIDGE: Well, I do not know whether Dr Yutar intends to cross-examine the witness, but if he does, the witness is prepared to answer questions, although.

CHAIRMAN: All I want to indicate is that I do not want Counsel to go so far afield that it is not of any interest to the Commission the questions that are put and I think all that is intended are questions which deal with other evidence which has been put before the Commission.

MR KENTRIDGE: Well, perhaps I had better listen. (20)

DR YUTAR: I am certainly not going to cross-examine you. In fact I want to pick your brains and take advantage of your background to help the Commission as far as possible, because we are here in an endeavour to get to the truth. I want to deal first of all with the question of witnesses who had testified. If I understood you correctly, I think you are of the opinion that there was a disenchantment amongst the Black people to come forward and give evidence on account of certain public figures who have made statements. Did I understand you correctly? -- I was making a general statement based on the observations from what one hears people saying just loosely. (30)

It/...

It was not on the basis of a scientific survey.

But do you verily believe that there was in fact a disinclination on the part of Black people to come and testify before this Commission? -- I merely am reflecting on what the remarks - sometimes people say on the basis of the strong insistence on the part of the government, it says there is no crisis, we are not in a crisis situation which means therefore that really there is no need to think seriously about what is happening and this disturbed people and dampened their enthusiasm. I was mainly referring to that. (10)

Well, I would like to give you some figures and just to show you how seriously this Commission has tackled this task. The Snyman Commission which inquired into events at the University of the North in 1975, 19 witnesses testified before that Commission, 19. The Langa Commission in 1960, that was presided over by Mr Justice Wessels if I remember rightly.

CHAIRMAN: Justice Diemont.

DR YUTAR: Justice Diemont - 75 witnesses testified there. That is an improvement, isn't it? -- Yes.

Then the Paarl riots, presided over by Mr Justice Snyman, 77 witnesses testified. Then we come to the riots in Durban presided over by Mr Justice Van der Heever, 146 witnesses testified. Would you be prepared to estimate, take a guess how many have testified before the present Commission? -- No.

Any idea? -- No.

MR KENTRIDGE: Why not just give it?

DR YUTAR: I will lead the witness as I want to.

MR KENTRIDGE: Is this a question that is coming or is this .. (intervenes)

CHAIRMAN: I think it is merely intended to show the ... (intervenes) (30)

MR/...

MR KENTRIDGE: I think it will save time if the witness does not have to guess, and the figures are simply put. We are all interested.

DR YUTAR: You are the 399th witness. It is a rather large number of witnesses, isn't it? -- Yes, but still .. (intervenes)

CHAIRMAN: There was large unrest, I suppose, you will say. -- My contention still stands. I would say there would even be more or even double that number had it been not for some other discouraging factors.

Of these 399 witnesses not one of them was subpoenaed (10) to give evidence, not one. And this figure does not take into account the number of witnesses that His Lordship interviewed when the Commission went to various places in South Africa and where large numbers came to speak to the Judge and tell the Judge of their grievances and I estimate that number at about 100 and we have still got close on 100 witnesses to lead before I conclude the evidence. All in all I think about 600 would be the correct total. Don't you think that is a large number? -- I think apart from saying that such statements do not help the Commission, the observation is (20) important from another angle, namely that Black people need to be encouraged all the time about the good faith of the White man, especially those in positions of authority and nothing should happen or be said which tries to destroy that confidence, that after all, we have made up our minds, we are not going to change. Why not have an open mind when an issue arises. That is my concern.

Will you agree that possibly some of the Black people did not come forward because they were afraid that if they testified, they would be assaulted or their houses burned (30) or damaged? -- I do know also that some of them feared to
testify/...

testify especially in connection with sensitive evidence, of fearing that they might be detained, as happened in fact that some, after having given evidence, they were detained. It might not have been as a result of giving evidence, but the general public simply have an effect created by the sequence of events.

CHAIRMAN: You are referring to certain reporters on a newspaper? -- Yes.

I think that matter I cleared up with the newspaper but of course I realise what you say is that people might (10) - the public might still think that notwithstanding what had come to light, it is possible that they may have been - but of course you know that I have informed the public at large that they could come without fear of it being known that they had to see me at all and quite a number of people had come on those conditions. -- Can I comment on that?

Yes. -- I think even that does not help. The public would prefer that all evidence given should be public because if it is private then it becomes suspicious. It is unfortunate that the circumstances are such that it is necessary to make (20) that provision.

DR YUTAR: Very briefly, what in your view are the causes of the riots? Very briefly. -- In one word, it is separate development.

Well, that is a cause that has existed for many years. -- That is correct.

Would you like to break that down into more specific causes? -- I would say that separate development is a broad policy. In these particular disturbances it narrows down to the issue of Bantu education and then Bantu education still (30) narrows down to the issue of language policy, which therefore gave/...

gave rise to all the sequence of events.

Do you include in that the question of housing, the question of transport? -- Yes, I would include all those. I did not mention those simply because I have read in the papers that many people have referred to that problem which everybody knows.

I will tell you why I ask. According to the evidence of Brigadier Le Roux - remember him? Brigadier Le Roux, he is one of the gentlemen you spoke to. He was the Divisional Commissioner of Police stationed at Soweto. -- Yes. (10)

He spoke to you on the 4th August when the children forgathered at New Canada Junction in an endeavour to march to Johannesburg. Do you remember the occasion? -- I do.

Well, this is the evidence that he gave and I am going to read it to you and this is what he said. Do you understand Afrikaans or do you want me to translate it? -- Translate it.

Well, I will do my best or perhaps I will paraphrase it then. He said that on the 4th August a large number of members of the Black Parents' Association, including Mrs Mandela, Dr Buthelezi and Dr Matlhare and two others, came to speak (20) to him and he said you had a very open, heart to heart discussion. Then he says he wanted to know what are the grievances of the children, or the students as you prefer to call them, and why can't we live together in peace - solve the problem and live in peace. And then he says this: "Hulle het natuurlik aan my verduidelik dat hulle dra geen kennis daarvan nie, hulle weet nie waaromtrent dit gaan nie." I will translate it as best I can. They explained to me that they have no knowledge and do not know what it was all about. Was that the view of your delegation? -- I do remember that (30) that question was raised. Just about 2 days before the 4th

August/...

August we had read in the papers that students had met and had decided that they would write down a memorandum of their grievances and submit that to the Black Parents' Association for transmitting to the authorities. Yet on the 4th August we had not received that memorandum, so we could not claim wisdom about what had happened until we received that. So it was against the background of those circumstances.

Yes, but you of course knew of the language difficulty for some months already because the children .. (intervenes)

CHAIRMAN: Doesn't this witness really answer the question (10) that at that stage he was waiting for the children or the students or the scholars, whatever you wish to call them, to tell him that these are their grievances and they had not told him that.

DR YUTAR: In writing. You wanted to wait until you got it in writing.

CHAIRMAN: They were going to give it to you in writing? --Yes.

Did they in the end do that? -- No, it was not in writing, it was just orally. It was not a formal memorandum.

DR YUTAR: But apart from their undertaking to put down (20) in black and white what their grievances are, you must have known surely beforehand what their grievances were. -- But the situation was that we were an official group and this official group knew that another official group was to formally present to it the grievances. Now if on the basis of our general experience we tried to explain why the students behaved the way they did, then we would confuse the issue, because we would be claiming that we have an official information which in fact we did not have.

And - but this was a very open, heart-to-heart dis- (30)
cussion, no holds barred. -- Our purpose in going to Protea
was/...

was twofold. First, we did not want bloodshed like anyone. We knew what happened on the 16th June. Secondly, we had read that the students were going to submit to us their grievances while they went back to school. We were trying by all means to avoid an incident which would frustrate this healthy development which was promising and it was for that reason that when we were asked about what the grievances were, we did not claim to know the grievances, because they were students' grievances and students had not formally given them to us. (10)

I understand. At a later stage Brigadier Le Roux asked you and your colleagues to intervene and to stop the students from their projected march. -- That is correct.

And you were given a loudspeaker to make use of it. -- It was really on our initiative, because we felt that in fact the police who were armed, in other words, who were the instruments of violence. The children did not have this and therefore we felt that we should appeal to the police not to use these destructive weapons, but use other means while they carried out their duty and then that statement was made (20) in the course of our discussion as to whether if then you come to this party why don't you try to exercise your influence on the other party as well, which we did.

Without success. -- It is because already I was one of those who were moving between the police and back to the students.

I understand. -- One of the explicit demands on the students just on that spot was that they were prepared to go back if their leaders who were in detention could be brought right there and I went and reported that, but the police (30) officer said there are no detained students, no students are in/...

in detention with the exception of about 4 who may be charged for murder.

For murder, that is right. -- And yet the students were full of the awareness that many of their colleagues had been picked up. So we were busy going back and forth.

Like a Dr Kissinger Shuttle Service. -- An unsuccessful one though. Because the students could not be ..(intervenes)

Did you tell the police that you cannot do anything? -- No, we did not. I also read about that in the press.

Is that not correct? -- It is not correct because I (10) was the spokesman of the committee. If that statement was an official statement, it should have been said by me. I did not say it.

Because according to the evidence of Brigadier Le Roux, he says this. Dr Matlhare na my teruggekom en gesê: Brigadier, ek het nou alles gedoen wat ek vir die mense kon doen, ek het nou met hulle gepraat. Die mense wil nie luister nie. Nou is dit oor, jy moet maar doen wat jy die beste dink, ek kan nie meer met die mense praat nie. Would you like me to translate it or have you the gist of it? (20)

CHAIRMAN: Well, this is not this witness who said that.

DR YUTAR: No, Dr Matlhare.

CHAIRMAN: Dr Matlhare said that he could not do anything more and it was for the police to ... -- It was his personal appraisal of the situation.

DR YUTAR: And then in fact of course, I think you and your colleagues retired from the scene. -- No, we did not retire. We were there until the hippos went about chasing students with teargas, we were there. Who knows if that did not happen, something else could have happened. (30)

I am sorry, I did not get your reply. -- I am saying that

we/...

we were there until the point when the police were chasing the students with teargas. We did not retire, we were on the spot.

Well, that is what Dr Matlhare said to the brigadier and he was a member of your delegation. -- Matlhare, yes.

Were you able to achieve anything with the children? -- Our aim was to achieve something in view of the situation. I believe that we achieved something. No shots were fired while we were there, even though somebody regretted that it was only teargas and not real bullets. And we believe that our presence there was a saving factor. (10)

Did the children disperse? -- They dispersed?

No, as a result of your intervention, did the children disperse? -- No, but in negotiations - it takes three parties for negotiations to be a success, not just the negotiator but 2 parties. The students there had a request. First the students requested that the police should not aim guns at them and then also that they should retreat, which they did. And then they asked for their leaders and that request was .. (inaudible) .. by saying that there are no students who are in detention except the four who may be charged for murder. (20)

And then we know from Brigadier Le Roux and I think you have confirmed it, eventually the students were dispersed by the use of teargas. -- That is correct.

And no shots were fired and no one was injured that particular day. -- Although I saw one falling down and vomiting as a result of teargas. I do not know what happened ultimately, but .. (intervenes)

If I may just come to your - turn to your memorandum, may I ask you what was the purpose of forming the Black Parents' Association? -- I said it earlier. It was after (30) the disturbances that a number of organisations then sent

those/...

those representatives to a meeting where a discussion was on the question how to help the bereaved families as they were preparing for funerals. As a result of that committees were set up; one for transportation - I was in that committee. Another one for liaising with other groups which might be helpful. In short the aim was to try to heal the situation by way of helping the bereaved families as they were preparing for funerals.

You see, Dr Matlhare had set up earlier, some years before he called the L.M. Disaster Fund to help the parents of (10) those children who were unfortunately killed in this bus accident in Mozambique and then he formed or the Soweto Parents' Association was formed to take over that function. Could the Soweto Parents' Association not have dealt with this very problem of helping the families of those who had unfortunately lost members of the family? -- I cannot say anything about organisations which were before -- of which I was never a member. I can only speak about this particular one, that it was formed to meet a need which apparently was not being met, otherwise there would be no point in having (20) this. It meant that there was no group which was really doing something.

Now you say in paragraph 1.2 that the Black Parents' Association represents the following and you mention quite a few, including South African Students Organisation and the South African Students Movement. Is that right? -- That is correct.

You have got your memorandum in front of you. -- I haven't got it, but I remember them.

Could you tell His Lordship why you left out the (30) Lutheran Church represented by yourself? -- No, the Lutheran Church/...

Church was not a member in that sense.

Why did you leave it out? -- It was not a member. I was not there officially, I was just invited in my private capacity.

Yes, but why didn't you draw them into the Black Parents' Association? -- No, we were not going about drawing anybody in; it is just people who came together. Nobody was drawn in. So there was no need of drawing the church in.

What about the Parents' Vigilance Association? -- I think they were represented there.

By whom? -- I think I would have to check very carefully. (10)

And you also left out the South African Council of Churches represented by Mr Ngakane. -- That is correct.

Why were they left out? -- The South African Council - at that meeting an approach was made to the Council that there should be one fund, we should work together, there should not be different funds dealing with the same community. Initially the SACC agreed that we should work together, but afterwards .. (inaudible) .. so that is the reason.

Yes, but did the South African Council of Churches (20) ever join the Black Parents' Association? -- Really there is no organisation which joined as such. It was just people who wanted to do something to help the bereaved families, who came together. It was not like an organisation which first had a constitution and then there was appeal for membership, who wants to join. We never operated like that. It was simply people who wanted to do something and the BPA was an agency for those organisations which wanted to do something about it and it was open to anyone.

As I understand it, it was like an umbrella organisa- (30) tion, taking under its wing these various organisations. -- In the/...

the sense that it was a service agency for a very defined purpose. It was not like a federal council or a conglomerate of philosophies of all the organisations, but it was only for a very defined purpose.

And that very defined purpose was to help the families of those who had lost members. -- That is correct, the victims of the disturbances.

Why did you then allow the South African Students Organisation and the South African Students Movement to join? Are they not political organisations? -- No, BPA is not (10) an ideological organisation, it was a service agency for organisations which wanted to do something concrete for the people. So the requirements - the question was not what is your political outlook, but whether you wanted to help people concretely.

I understand you perfectly that the BPA was all for a defined specific purpose to help families financially. Why then allow these two organisations which, to your knowledge, are political organisations, aren't they? -- There was no reason to forbid anyone, because the aim was not to (20) realise a certain political ideal in which case then - or for some other ideological purpose, in which case then the expectation was that the various constituent bodies would either be prevented or helped by their political outlook. It was simply anyone, any member of the community who wanted to do something for the bereaved and I am sure that the students, as the dominant factors in the disturbances, were also interested in doing something for the bereaved families. Because some of the dead were students, so they wanted to help the parents in other words. (30)

That was the defined purpose. -- Yes.

Why/...

Why did you want to expand or extend that purpose? -- How?

To get others to represent the views of Black students?

-- That never occurred.

Never? Would you read paragraph 1 of your memorandum?

Would you please? -- To represent?

Would you please read paragraph 1?

CHAIRMAN: I think if you will just read the necessary passage out.

DR YUTAR: I will read it to you. -- Yes.

The Black Parents' Association is a body which was (10)
formed on the 21st June, 1976, by a number of existing
organisations and associations and individuals for the purpose
of assisting victims and families of victims of the distur-
bances at Soweto. Then you go on: The functions of the
Association have expanded from this original purpose to
include representing the views of Black students and those
organisations which are listed below on the matter of the
disturbances at Soweto and in other areas. -- Oh, I get your
point. The question of representation started after the
Minister of Police had made a second announcement that (20)
the schools would be open, since the schools were closed and
then the schools were opened. But the dilemma of the parents
was that children were just not going to school and therefore
we called a meeting of parents to discuss as to how to
encourage children to go back to school. In that meeting a
number of resolutions were made, including making represen-
tations to the Bantu Education Department. We were asked to
do that, for that was the first task of making representation
which was thrust on our shoulders. So that is why we were
simply asked to perform certain functions. And then (30)
during the course of that week we then read in the press that
students/...

students had decided that they will write down all their grievances in compliance with our desire that they should go back to school and while they go back to school, we make representations on their behalf. So the question why is explained by these dynamics of the situation, that we were simply asked to fulfill such an .. (inaudible)

But you say here the functions of the Association, that is the Black Parents' Association have expanded from its original purpose to include representing the views of the Black students. Now the Black students are referred to, (10) the South African Students Organisation and the South African Students Movement. Did you know they were both political organisations? -- That is to represent their views on those matters where they had asked the BPA to represent them; that is on the question of submitting their grievances to the Minister. They would express their views as to why the causes - why the disturbances occurred and we would then represent these views to the authorities. So that part then should be understood in that context and in no other.

Did you know that these two organisations were (20) political? -- I do not take SASO or SASM to be political, I take them to be students' organisations as their names suggest; they are students' organisations.

You do not think they have a political tinge, these two organisations? -- I think that may be true to the extent that any member of the Black community is interested in politics, because his life is governed by politics. That is true to that extent. But essentially I think they are students' organisations.

Because that is exactly how Dr Matlhare understood (30) this and I am reading from page 4 747. He says:

"My/...

"My committee and me were completely dominated by the rest of the crowd present which numbered about 20.

I objected to the presence of the Black People's Convention, the South African Students Organisation and the South African Students Movement being amongst the midst because this would give the Black Parents' Association a political tinge. Also that this was a Parents' Association and I could not see how we could hold meetings with students present. The new chairman, Dr Manas Buthelezi, explained by saying that we need the BPC and SASO because they would brief us on political situations and that students were needed because they could give us ideas about their problems."

(10)

-- There is one word for that; it is a lie.

"And I was completely overruled in this matter and left it at that."

(20)

Don't you think that these students' organisations might have given a political tinge to the Black Parents' Association?

-- No, I was chairman and therefore I had to see to it that the defined functions of the organisation had to be carried and in fact it continued that way, to help the victims of the disturbances.

MR KENTRIDGE: M'Lord, may I record that notwithstanding what was said at the beginning, although this seems to be developing into a full-scale cross-examination, all I would like to ask is whether I would be allowed to re-examine on anything.

(30)

CHAIRMAN/...

CHAIRMAN: Oh, certainly.

MR KENTRIDGE: Because if so, I must make some notes.

CHAIRMAN: As far as I am concerned, I will give you an opportunity of presenting through this witness any other fact or position or whatever it may be.

MR KENTRIDGE: It just seems to us, the reason I ask is that Dr Yutar's cross-examination of this witness presents to the outsider a startling contrast to the manner in which he has handled witnesses from the police and the government side.

CHAIRMAN: Well, I do not know that that is a (10)
(intervenes)

MR KENTRIDGE: I will demonstrate that.

CHAIRMAN: Well, I do not know that I am going to allow any time to be wasted really by referring to the particular people who present the evidence for me.

MR KENTRIDGE: M'Lord, apart from wasting time, it may be a matter of great importance to Your Lordship as Commissioner.

CHAIRMAN: I keep a fairly close control as far as is possible on these things, because all I want, I want the evidence.

MR KENTRIDGE: Your Lordship cannot cross-examine. (20)

CHAIRMAN: No, I cannot cross-examine.

MR KENTRIDGE: Well, M'Lord, I will deal with it .. (intervenes)

CHAIRMAN: I do not know whether you meant that I should not cross-examine or that I cannot cross-examine.

MR KENTRIDGE: Your Lordship's position is such that Your Lordship can only elucidate.

THE COMMISSION ADJOURNS FOR LUNCH.

THE COMMISSION RESUMES AT 2 P.M. ON THE 24th FEBRUARY, 1977.

MANAS BUTHELEZI: still under oath:

DR YUTAR: Please be assured I am not cross-examining (30)
you. You will agree I have not had the opportunity of
consulting/...

consulting with you beforehand as I have had with members of the Bantu Affairs Board, the police, Black Sash, Progressive Party and only a day before the South African Institute of Race Relations. We have not had that opportunity, although you were asked to come a little earlier to consult with me.

MR KENTRIDGE: M'Lord, the witness did not come on my advice. I must take the responsibility.

CHAIRMAN: Yes, I was going to remark about that very fact, that in all other cases Counsel were prepared to talk to one of the members with their witnesses so that it was (10) possible to put to the witnesses certain matters which had already been dealt with and to put to them statements of other witnesses which were not in accordance with what they had said. In most cases difficulties were ruled out, but in this case I was informed that - and I may say not in the best of terms, two of the members of my staff were informed that you, you were not prepared to go to Dr Yutar.

MR KENTRIDGE: M'Lord, all I wanted to make clear was that Dr Buthelezi, in not consulting, acted on my advice.

CHAIRMAN: Yes, well, I have made it quite clear that (20) ... (intervenens)

MR KENTRIDGE: M'Lord, I would rather not say why I gave that advice, I would rather not be pressed on it, but it was my responsibility and I think enough has already been said this morning to give some.

CHAIRMAN: Yes, I think you can cut it as short as possible and just put those matters which ..

DR YUTAR: Yes. On the question of the expansion of the original purpose of the Black Parents' Association, I notice that you left out also the Soweto Principals' Union. (30) Would it not have been advisable to have included them in order

to/...

to get from, for example, Mr Mathebathe who is the principal of the Morris Isaacson High School, to get their views of the grievances of the students? -- He was there in the inaugural meeting. So they were included.

But was the Soweto Principals' Union part of the Black Parents' Association? -- This being part of and in it, was a very fluid thing in as far as our commitment was on rendering service, it was a free thing. So the line was not drawn between members and those who were not members. We were merely a big vehicle for service. (10)

Let me put it this way: the Black - the Soweto Principals' Union is not listed in your memorandum under paragraph 1.2. -- That may not be a complete list, I do not know.

Nor is the Lutheran Church listed, but on the other hand we have the Federation of African Independent Churches and the Inter-Denominational African Ministers' Association.

CHAIRMAN: I think you said that you were there and you were not there as a representative of the Lutheran Church. -- That is correct.

You were there as a parent? -- I was simply there as (20) a parent and with those other organisations maybe they were represented as such, they had been approached, but in my case I was simply there in my individual capacity.

DR YUTAR: In paragraph 2 on page 3 of your memorandum you say: If so required, individual members of the Association will be able to give direct evidence of incidents which took place during these disturbances. Would you be so kind as to ask those people to come forward? I shall lead them in evidence. -- When?

Whenever it suits them. -- But we are giving evidence (30) today.

No/...

No, but you say: If so, required individual members of the Association will be able to give direct evidence of incidents which took place during these disturbances. -- It was in relation to this occasion and as I explained earlier on in the morning, between the day when we submitted that memorandum and today, the BPA has suffered a number of handicaps, including the detention of its members, practically the whole of its executive, so that it was not in a position to help the Commission as it intended to.

CHAIRMAN: I think then you can just extend to them (10)
or inform them that if they want to come, if they think they have anything to assist the Commission, they can still do so, these particular people that you have spoken of. I do not know whether they are available or what their position is, but if ... -- We were referring to the members of the community at large in as far as the Organisation is listed here and embrace the numbers of the community. I am sure that some of them have been here already.

Some of them have been here.

DR YUTAR: Page 4, paragraph 3.1.6. Have you got it in (20)
front of you? The frustration of students as a result of official unresponsiveness to their representations, resulting in the spontaneous protest march which was the forerunner of the disturbances. May I ask you what you mean by spontaneous?
-- As far as I am aware of the situation and as far as I can interpret what happened on the 16th, I took that to be spontaneous in as far as this frustration had been building up concerning the Afrikaans question. It had been reported in the papers as well as a statement by the officials of Bantu education and it is in that light of the building up of the (30)
frustrations that what happened on the 16th may be seen as
merely/...

merely the overflowing of the pot which was already boiling and suppressed.

According to the evidence, if I remember correctly, a meeting was held on the 13th June, planning this protest march for Wednesday. Did you know about that? -- No, we were not in existence then.

We led evidence that Mashinini .. (intervenes)

CHAIRMAN: No, not the planning of the march by your organisation, by the Black Parents' Association, but by others, and it is merely as regards the word 'spontaneous' that I (10) think the question goes, as to whether it was spontaneous in the sense that it happened unplanned. I think that is the only -- There is another way of looking at the word 'spontaneous'. You can also see it in the sense of a building up and a reaching of a boiling point. The Afrikaans issue had been there over a number of months and it was just the boiling point. That is another way of looking at it and I think it is in that sense that we used the word 'spontaneous' in that it was not something which would have been surprising. It is simply because the students' grievances were not attended to.(20)

DR YUTAR: Well, you agree it was planned in advance.

CHAIRMAN: Well, I do not know that the witness can agree because he does not know about it.

DR YUTAR: Oh, you do not know of this meeting on the 13th June? -- No.

Do you know that Mashinini attended a meeting at the house of one of the persons named the night before? -- No, I do not know about that.

And we have had evidence that this language issue was merely a handy excuse in order to hold these marches and (30) all that went with it -- In the light of .. (inaudible) .. about/...

about students I would dispute that statement.

You dispute that statement. Now I just want to turn just briefly .. (intervenes)

CHAIRMAN: Just put it to you that there was also evidence that this was the major reason for the whole start of the unrest. I suppose you think that may be a bit of an over-statement too. -- I think it is nearer the truth than the other one.

DR YUTAR: Who suggested a mass funeral? -- It was suggested by the dynamics of the situation. We had the facilities (10) available and therefore we thought of the way of how to make use of those facilities. Like the many taxis and the donations from the funeral undertakers. So the committee thought that it would be good to have a mass funeral.

Who suggested it? -- The committee.

What person of the committee? -- I do not remember who spoke first, but the committee takes responsibility for what reaches the point of decision, so we all decided.

And what was the purpose of holding this mass funeral - of wanting to hold a mass funeral? -- The purpose was (20) to help the people of Soweto who had lost their children, who had been put in a position of - in carrying heavy expenses and therefore we wanted to invite other people as well to help them. It would be difficult if individual funerals were conducted for the taxis to be made available because then the taxi owners might not know whether other people would not go on with their business as usual and therefore put them in a position of disadvantage, whereas if there was one funeral, that would encourage those members of the Taxi Association who wanted to participate. The same thing applied to the (30) coffins.

CHAIRMAN/...

CHAIRMAN: I think the undertakers had said something about the coffins being supplied, I do not know, at a reduced rate or free, I do not know for the moment, in case of a mass funeral. Is that correct? -- Yes, and also some had - there was a report that at least one was prepared to donate the coffins.

DR YUTAR: Did you contemplate the possibility that a mass funeral might result in the whipping up of emotions and in causing people to give vent to their emotions in a forceful manner? -- At least not higher than they had been already (10) whipped up. Far from that - on such occasions people respect funerals, they behave differently from how they behave on other occasions.

CHAIRMAN: Wasn't the position that Credo Mutwa's house was burnt down after the funeral? -- It was not during the funeral.

Wasn't it after people coming back from the funeral? -- But it was not the mass funeral would be either in the church and as far as I read the reports it was not during the funeral.

No, but as they came back from the funeral this took place. -- It is very difficult to draw a line between (20) the holding of the funeral and the burning of the house. It might have been occasioned by some other reasons, I do not know.

The likelihood is that it had something to do with the fact that they were brought together at the funeral or don't you think so? -- But his home is very far from the cemetery.

Yes, and the people were still marching apparently all together. -- Well, according to the reports in the press I did not gather the impression that those who set his house on fire were somehow connected with the burial ceremonies that had taken place, so that one can draw the conclusion that (30) the holding of that funeral was a direct result of the burning

of the house. There might have been other reasons. They might do it on some other occasion. It so happened that it was on that particular one.

DR YUTAR: Anyway, the holding of the mass funeral was refused, the application therefor was refused or turned down by the authorities. -- That is correct.

Notwithstanding that, the Black Parents' Association went ahead and staged a big funeral on the 3rd July in connection with the death of this young boy, Hector Pietersen. -- That was not a mass funeral as it had been originally contemplated. (10)

Not as big as that, but it was fairly big. -- No, by mass funeral I think we should define the word. By mass funeral we meant a number of coffins lying in the church and having only one ceremony for such a funeral, whereas here it was just one funeral, so it was not a mass funeral.

It was called a symbolic funeral. -- Yes, it was symbolic.

Of what? -- The idea behind it was that there were many people in Soweto who wanted somehow to express their condolences to the bereaved and some of them did not have relatives, (20) so it would help just to express the general bereavement that they had for even other families that there be ones like that.

Can you recall that Mashinini at a meeting of parents, urged the parents to stay away from work on the 4th August? Were you present? -- On the 4th August?

He urged the parents at a meeting to stay away from work on the 4th August. -- As far as I remember, the 4th August was with that march at New Canada.

CHAIRMAN: That is right. No, he did not do it on the 4th August, but on a different date, that is the question. (30)
On a different occasion he said everybody must stay away from
work/...

work on the 4th August. Now, were you present at the meeting where he had said that? -- I do not remember. When was the meeting held?

DR YUTAR: It was a meeting under the auspices of the Black Parents' Association in August, 1976, at the Regina Mundi Catholic Church. Do you remember that? -- Yes.

Were you present? -- I was present.

And did Mashinini then urge parents to stay away from work? -- I do not remember that. What I do remember was the resolutions I referred to in the morning, including a very (10) strong insistence on the part of the student leaders that they should go back to school and I think I can remember his statement to the effect that if they did not go to school then they would not be students, which was to me very striking, in that the student leaders were insisting that they should go back to school. That is my recollection.

The evidence is that Mashinini urged the students to go back to school not for the purpose of furthering their education, but for the purpose of further organising them. -- He did not mention that. I think it would be inconsistent (20) with the requests that had been made to us that we should ask the Bantu Affairs Department to extend the closing date for registration as well as postpone the examinations. All that was brought in the course of that meeting.

Did you attend a CORD meeting? You know that is the Charge or Release Detainees, that was held on the 25th December, 1975? -- Where?

I take it in Soweto, I haven't got the exact place. Did you attend any such meeting? -- It would help if the place would be just. (30)

You cannot recall. -- The name of the sponsor or
the/...

the organisation might not be obvious but if it is a date and place then I can remember. I attended many meetings.

I want to deal with one last topic with you and that is - oh, yes, before we come to that: you have travelled in America, haven't you? You were educated there too, Yale University, New Jersey. Did you come into contact with the Black Power Movement? -- Black Power Movement, I do not know what that is. I did not come across with the movement, but I came across with the Americans, with people. I did not come across the movement as such, so I do not know what is (10) meant by it.

Because Credo Mutwa also went to America and he came into contact with the leaders of the Black Power Movement, but you were not so fortunate or unfortunate. -- It depends on who those are.

Oh, yes, this is the evidence of Matimba that this CORD meeting took place at the O.M.E. Church, Orlando West on the 25th December, 1975, and that you were the main speaker. He said that you spoke about the resurrection of Christ and brought it into comparison with that of the Black man of today (20) namely the struggle of the Black man. Does that ring a bell? -- That is correct.

You spoke about the struggle of the Black man at that meeting. -- Is that a quotation or?

No, it is a description. -- It is very difficult for me to say yes or no.

You cannot remember. You haven't got perhaps a copy of that speech as you have of your other speeches? -- No.

One last topic I want to discuss with you and that is the question of Bantu education. Is it or is it not inferior (30) to education of the Whites? -- Black people believe that it

is/...

is inferior.

What do you believe? -- I so believe.

And would you be so kind as to give us your reasons why you think it is inferior? -- I believe it is inferior because White people are not using it, but it is only made for us and if it was good and superior they would also have it.

Did you know that the syllabus for the matriculation examination is the same? -- As long as there is differentiation then there is a very strong reason to believe that there is differentiation because there is a difference. What is (10) the outcome of differentiation? The same thing is the truth here, that is why I believe that it is inferior.

And if the word 'Bantu' was dropped and merely referred to as 'Education' would you still say it was inferior? -- As long as it is differentiated, I would believe it is inferior.

I have no further questions, M'Lord.

MR KENTRIDGE: With regard to Bantu education, can you think of any factors which would make it inferior? For example, what about the money spent on it? -- There are a number of factors, including government expenditure on Bantu (20) education per pupil compared to that spent for Whites. Less is spent, which means that what can be produced by less spending cannot be equal in quality to that which is produced by higher spending and secondly, I was a teacher once before I became a minister, so I know from experience that there are crowded classes in the African schools, which again means that the teacher has so many children to teach that it is beyond his ability.

CHAIRMAN: In other words, do you say that the facilities are not the same? -- The facilities are not the same, so that (30) education is inferior. The line of my thought was - I said something/...

something about expenditure, about the fact that the classes are crowded and thirdly, there is also because of the shortage of teachers in some of the schools, use has to be made of unqualified teachers, which also explains the inferiority of our education.

On this question of teachers, how do you think the problem should be dealt with? -- Make the expenditure, government expenditure the same for all races, which would mean that then the teachers who are employed, should be such that they are not overloaded with work. (10)

But there are not enough teachers. -- There are not enough teachers, again I can say this from experience, because of Bantu Education. I remember when I was a student, just at the point of choosing a career, it was at a time when Bantu Education was being introduced. I felt that I did not want to become a teacher because I did not want to teach Bantu education, but somehow my brother persuaded me to do teachers training and I believe that the morale of the teachers have been lowered and affected by Bantu Education, so that teachers are not as proud of being teachers as they used to be in (20) times before Bantu Education. The solution only will be to set up that system of education which people want, not which experts think is good for us, that which we want. I am a parent, I have children and I have certain ideas about how my children should be taught. That is why we should be consulted and the government must create that education which we want. It is as simple as that. The government does not even need to spend money for research as to what would be good education. All they need to do is to consult us.

MR KENTRIDGE: With regard to the purpose of Bantu Education, when it was instituted, the Minister in charge said that/... (30)

that - he explained that Bantu Education had a particular purpose. -- Among the things he said, was that it will enable the African child to see the role and his place, the place for which he was educated. He accused of the former educational system of creating the impression that Black people will one day graze in the same pastures as other racial groups. So Bantu Education in this sense was a system that went against the aspirations of Black people and that explains why they do not want it. It has been proposed against their will.

And do you think that education with that objective (10) to fit you for your particular place in society is equivalent to real education? -- It cannot be equivalent because that place for which a child is prepared, is politically circumscribed in terms of the ideology of separate development. It is not a place which is determined by either the direction of the child's inclination, but you are told that your place is there, so you are frozen there and I believe in that sense that it cannot be an acceptable form of education. In other words, it is not enough to change the name, it is not even enough to make it compulsory, because as somebody said, now Bantu (20) Education is going to be made compulsory, which means it is worse than before it was compulsory. So as long as it is still Bantu Education, it is no good.

Now, you were asked about the South African Students Organisation and the Black People's Convention, which was put to you they were organisations which had a political character. As the chairman of the Black Parents' Association, was there any reason why you should not talk to people with political views? -- There is no reason, because I have political views too. No Black man has no political views, so that (30) would mean that you do not talk to anyone, because all of us are/...

are somehow affected by the political reality we find ourselves in.

In cross-examination you had put to you certain parts of the evidence of Dr Matlhare, but not certain parts of the evidence of a Mr Mokoena, which were perhaps equally in point. Do you know Mr Mokoena? -- I do.

He gave evidence and we find at pages 4 790 to 4 792 he gave some evidence about the meeting which created this Black Parents' Association. According to him there were representatives there of the Parents Vigilante Committee. (10) Does that accord with your recollection? -- It does, although I do not remember who, but it does.

In Mr Mokoena's version there does not seem to be any reference to the question of the BPC and SASO that I can find. Then with regard to the South African Council of Churches, Mr Mokoena deals with that at page 4 793, but perhaps I can just ask you. Was it at one time contemplated that the South African Council of Churches and the Black People's Association - Black Parents' Association would work in collaboration in administering funds for the victims? -- That is correct. (20)

And who withdrew from that? -- The South African Council of Churches withdrew because they felt that they had to do it independently of other organisations.

By the way, when one speaks of assisting the victims, apart from funerals, did you give money for any purpose other than funerals? -- We gave money to help the families of the detained, but there were occasions where the breadwinner was in detention and therefore the family suffering and therefore they qualified as victims of the disturbances.

And did you produce money for providing legal (30)
defence for people who were charged, arising out of the
disturbances/...

disturbances? -- That is correct. Especially at the time when there was a mass arrest of students round about November, many parents who were looking for their children, who did not know where they were, approached us in order to help them trace their children and usually we made use of the services of lawyers and in this way we got into this.

There is something else from Mr Mokoena's evidence at page 4 800. He said that someone called Tsitsi came to one of your committee meetings. Who was Tsitsi? Is that Tsitsi Mashinini? Is that the one? -- It might be, I do not know. (10)

Let me read what he said:

"Tsitsi came to this meeting. The chairman explained to him and his mates that the Minister had refused to meet the Black Parents' Association on the issue of students' grievances. Tsitsi thanked the BPA for their effort and asked for money. He said he wanted to counter a pamphlet which was circulating in Soweto and spreading bad propaganda about them. The chairman (that is you) replied that BPA funds were public funds and as such could not be used for that purpose." (20)

Do you recall that? -- Yes, that is correct.

Who was that Tsitsi? -- Mashinini.

Yes, I think my Learned Friend did not put that meeting to you.

CHAIRMAN: Have you any recollection about the pamphlet, (30) what the pamphlet was that he wanted to issue? -- No.

Is/...

Is there any reference in the evidence?

MR KENTRIDGE: I am afraid I have not studied the whole of the evidence. This took place on the 11th August, presumably 1976, and what I have read out appears to be the whole of what was said about that pamphlet.

CHAIRMAN: So he asked for funds to?

MR KENTRIDGE: "He said he wanted to counter a pamphlet which was circulating in Soweto and spreading bad propoganda about them."

This is Mr Mokoena's evidence. I presume 'them' would mean.. (10)

CHAIRMAN: His faction.

MR KENTRIDGE: Anyway, that is what Mr Mokoena said. Then, just as a matter of interest, at page 4 802, Mr Mokoena spoke about the Soweto Parents' Association and says that they felt they needed more support and more membership and he explains how in that way, with the additional people coming together, the BPA was formed. That Your Lordship will find at 4 802-3. Now there is just one thing about this meeting on the 1st August, which Dr Yutar had just put to you, at the - I think that is the one at the Regina Coley - is that right, or Regina Caley. According to this - according to Dr Matlhare at page 4 763 you were in the chair, this was at the Catholic Church at Moroka, you were in the chair and the purpose of the meeting was to appeal to students to return to their classes. Do you recall that? -- Yes, but could you be more accurate? It was to consult with other parents as to how to encourage students to go to school. (20)

Now, it was put to you in the beginning of the cross-examination that you are the 399th witness. M'Lord, we of course do not have the figures. I wonder if Dr Yutar could just/... (30)

just tell us how many of these witnesses were inhabitants of Soweto. Apparently not. Do you know the population of Soweto roughly?

CHAIRMAN: Obviously this included witnesses in other parts of the country as well.

MR KENTRIDGE: Yes, and I take it, police witnesses. Now also Dr Yutar put to you the number of witnesses called at a number of other Commissions. He did not mention, perhaps he can help us on this, the Sharpeville Commission, presided over by His Lordship Mr Justice Wessels. I do not know (10) whether Your Lordship has these figures.

CHAIRMAN: No, I do not know.

DR YUTAR: We tried to get those figures, but we could not.

MR KENTRIDGE: Well, if I can follow in giving you some information in that connection - well, I take it you have got no first-hand knowledge of the Sharpeville Commission, so perhaps I had better leave that. M'Lord, I have no further questions of this witness. M'Lord, as the witness has indicated, the Black Parents' Association has not actually considered for present purposes, calling any other witness. I did (20) take note of what was said about possibly finding other witnesses and obviously I will suggest that consideration be given to that, but this is the evidence we have. M'Lord, may I say something briefly on behalf of the Black Parents' Association in connection with the evidence of Dr Buthelezi.

CHAIRMAN: Can he be excused? Thank you, doctor.

NO FURTHER QUESTIONS.

MR KENTRIDGE: M'Lord, may I say on behalf of those I represent that they are well aware of the difficulties of running a Commission of this sort and we hope that nothing (30) that the witness said would be - about the way the things have been/...

been prejudged by ministers is in any sense any sort of suggestion with regard to the working of the Commission, but one of the difficulties that arises with regard to giving evidence and calling witnesses, is in relation to this very question of cross-examination. The reason I brought up the Sharpeville Commission was that, Your Lordship's problem, if I may say so, is a much more extensive and difficult one than that which faced Mr Justice Wessels who had to deal really with two particular incidents on one day only.

CHAIRMAN: And I think on the facts only. (10)

MR KENTRIDGE: Yes. But the advantage that he had, was that every witness, whether he was a police officer or whether he was an inhabitant of Sharpeville who came to give evidence, was subject to full cross-examination. One realises that it is just not possible in a Commission like this, the issues are so varied that there are not in every case issues on which cross-examination is appropriate. However, although Dr Buthelezi, as I indicated, certainly had no objection to answering questions or being cross-examined, one of the difficulties which has arisen in the consideration of the (20) attitude of the Black Parents' Association to the evidence is this: As far as one can make out from the press reports - and by this I mean the press reports in all newspapers of both languages and all political views - none of the evidence of police officers for example was subject to cross-examination. Now of course this is not a criticism of Dr Yutar. The man who leads the evidence can hardly be expected to cross-examine. The sort of questioning which one finds reported, for example in the evidence of Colonel Gerber, is that the gentleman who was leading the evidence, says to him that it was evident (30) that the police had to face violent crowds every hour of every

day/...

day, but although they were attacked and forced to shoot, they did not shoot to kill, did they, Dr Yutar asked. Well, just looking at it from the ordinary lawyers court point of view that sort of question makes one wink, but therefore, although Dr Buthelez i was glad to answer questions under cross-examination .. (intervenes)

CHAIRMAN: Perhaps could I just inform you of this fact, that in Cape Town where the question of the police action I think with differences were more acute than anywhere else. Where witnesses from all parts - all sections of the community (10) came forward, where all sorts of facts about what had happened at certain places. And if I remember rightly, there were a number of occasions on which witnesses had to be recalled or there had to be a special investigation of certain facts which had come before the Commission. The Commission had - no, there were in all cases members of the police at the disposal of the Commission to investigate certain matters which the Commission felt should be investigated.

MR KENTRIDGE: I am sure that was very helpful. The point I was making .. (intervenes) (20)

CHAIRMAN: I think it was more helpful probably than what happened in Durban, because in Durban the whole Commission was held without any cross-examination whatever.

MR KENTRIDGE: All I wanted to say, M'Lord, is that I fully understand that someone in the position of the Counsel who is leading evidence, is not in a position - you cannot cross-examine the witness you lead, it is just not possible, but what I was leading up to was this, that it may perhaps create in some minds an unhappy impression that the only sort of witnesses subject to full cross-examination by Counsel (30) paid by the State, is someone in Dr Buthelezi's position,

whereas/...

whereas other witnesses such as police officers - one can mention Colonel Swanepoel, Brigadier Wiese - whose evidence cries out for cross-examination, are not subjected to it.

Now, no private person or .. (inter venes)

CHAIRMAN: Well, I have informed you that part of that is due to the fact that you had given your decision with which I do not quarrel and .. (intervenes - both speaking simultaneously) .. he probably would not have been asked any questions if there had been a consultation beforehand where all the other facts had been put to him. (10)

MR KENTRIDGE: That would not have been a good thing either. It was valuable that these questions were asked of Dr Buthelezi, I am sure it was helpful that he was under cross-examination. The only problem is the ordinary private person or even an association like the BPA, cannot afford to put up Counsel to cross-examine people. For example Dr Matlhare had said things. I know if someone wanted to cross-examine, Your Lordship would probably allow it, but who can do it? And I know it is a very late stage, but one wonders even at this stage whether the government authorities could not (20) perhaps be induced to have Counsel briefed with public funds to cross-examine vital witnesses whose evidence has been led before Your Lordship. I put that out as what I hope will be a helpful suggestion and for the rest, on behalf of my clients I would like to thank Your Lordship for the opportunity of leading this evidence here.

THE COMMISSION ADJOURNS.
