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SOWETO AND OTHER PLACES IN SOUTH AFRICA.

CAPE TOWN

WHOLE SESSION.

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THE COMMISSION RESUMES ON 21ST JUNE 1977.

LONGMAN TONO STILL UNDER OATH:

DR YUTAR: Mr. Tono, what is your height? -- I do not know.

Out of curiosity I wanted to know why your parents gave you the name of Longman. Did they anticipate you would be a very tall man when you grow up? (Laughter) -- Well, they gave me the name, I do not know.

You are certainly taller than I am.

CHAIRMAN: Dr Yutar, aren't you pleased that the witness has not got the right to ask you questions? (Laughter) (10)

DR YUTAR: Very pleased, My Lord. Mr Tono, this man Lawrence Mtombeni, where does he stay? -- He stays nextdoor to me.

Is he still staying nextdoor to you? -- Not now. He moved away last week.

Do you know where he moved to? -- Yes.

Where? -- He is now in Guguletu.

Do you know the address? -- He gave me the address. No, this is not the Guguletu address. That is the address of his employment. (20)

Well, you know why I ask, Mr Tono. One would have thought that in the light of your story that the defence would have called upon him...(intervenes)

CHAIRMAN: Defence is not the word.

DR YUTAR: I am sorry, My Lord, yes. That the attorney who led you might have called him to support your statement. I don't see his name amongst the list of 28 witnesses given to me. However, I want to tell you this that in my search for the truth I have asked the police to go and find this man, and they found that he had moved away, but they got his address. I just wanted you to check and tell me whether it is the right address/... (30)

address, but apparently you don't know. But you have got his work address, because he ought to be able to support and corroborate what you have said? -- Yes, strongly.

Now, when did you first report to anybody what you saw on that day, the 26th of December 1976, particularly the two incidents in regard to the boy, as you called him, and your neighbour? -- I told the lawyer about it.

Was he the first person to whom you had spoken about these incidents? -- The first person to whom I reported this was one Mqakayi. (10)

When was that? -- I do not know when it was exactly, but it was roundabout the time we consulted the attorneys.

Why did you first say that the first person you reported to was the attorney? -- The lawyer is the person to whom I reported the matter.

And the date of that statement is the 10th of June 1977.

CHAIRMAN: Third.

DR YUTAR: Oh, mine is marked the 10th. Oh, I am sorry, they put the date down below. The 3rd of June. -- Yes.

Now, from the 26th of December 1976 to the 3rd of June 1977, did you keep these horrible sights that you saw locked up in your heart? -- Yes. (20)

Why did you smile when I put that question to you? -- The reason is that I am a steady man.

Steady man. Now, what you saw was something most unusual? -- I agree.

Serious allegations against the police? -- Which things I saw for the first time.

Yes. And there was a lot about the alleged cruelty of the police published in the press. -- I am not a man that reads newspapers. (30)

There/...

There was a lot of talk in Nyanga amongst the residents about the alleged cruelty of the police? -- I cannot say that, because I know nothing about it.

To such an extent that Nyanga Residents Action Committee was formed. -- I know nothing about that Committee.

And you have lived - you are an elderly man, you are 57 years. -- Yes.

You have lived a long time in Swelitsia. -- Yes.

You never heard anybody in that location complain about alleged cruelty on the part of the police? -- I don't talk (10) about hearsay stories.

Do you know Mr Oscar Mpetha? -- I do.

Have you ever spoken to him? -- I never discussed this affair with him.

Why not? -- There was no reason for me to discuss these things with him.

Do you know that he was the chairman of the Nyanga Residents Action Committee? -- I do not know that. I have already indicated to the Court that I had no idea about the formation of the Action Committee. (20)

Do you know the Reverend David Russell? -- I do.

Have you spoken to him? -- There is nobody else, other than the people I have mentioned, with whom I discussed this affair.

Did you never ever mention this matter either to Mr Mpetha or Reverend Russell? Think carefully. -- Speaking about this affair in their presence and not referring to them, is something different.

What do you mean speaking about this affair in their presence is something different? What do you mean by that? (30) -- If you happen to be present when I address somebody else,

I am not talking to you.

I understand you are not referring to me. Did you ever speak about these two incidents to anybody in the presence of either Mr Mpetha or Reverend Russell? -- I spoke to Mqakayi about these things in the presence of Reverend Russell and Mpetha.

And Mpetha. Where was this? -- It was somewhere in Nyanga.

Whereabout? -- I think, subject to correction, the discussion took place in Fouth Avenue. (10)

At whose house or at what place? -- The discussion took place is Mr Mpetha's house.

When? -- I do not remember the day now. Anyway, I came back from work.

What month? -- It was some time this year, I do not know whether it was last month or the month before last.

Or January? -- I do not think it is that long.

And I want you truthfully to tell the Commission how it came about that you went to the house of Mpetha and there in his presence and in the presence of Reverend Russell you referred to these two incidents? -- I met Mqakayi. (20)

And then? -- After I told him about these things, he suggested that we should go to Mr Mpetha's house. It is there that I repeated what I said to him earlier, now in the presence of Reverend Russell and Mr Mpetha.

How did you come to tell him about these incidents in the first place? -- The reason what that I wanted to know what steps I can take about these things that I saw and who can I consult.

Why did you want to do that? -- It was because I never liked these things that happened. (30)

Why/...

Why did you wait so long to ease your conscience and relieve your heart? -- One can take as long a time as he feels when he intends doing something.

And when did you unbar[?]e your heart? -- It was when I spoke to Mr Mqakayi.

And when was that? It is very important to know when that was? -- As I said in my evidence-in-chief that I did not know. I do not know when this was.

We are in the month of June. You spoke to the attorney on the 3rd of June. Was it May month, April? -- I do not (10) remember when it was exactly.

You can't even remember the month? -- No.

And who took you to the attorney? -- I went to consult a lawyer, accompanied by Mr Mqakayi.

Who exactly is this Mr M, I will call him, I can't pronounce his name? -- What must I now say? He is a Mr. Mqakayi.

CHAIRMAN: Well, what is his work? Is he connected with a firm of attorneys? -- I do not know what his work is.

MR BOZALEK: Sir, if I can point out, I can help the commission (20) on this point. Mr Mqakayi is one of the members of the Action Committee, who, to some extent, organised the witnesses, their consultations with the attorneys involved.

CHAIRMAN: Thank you.

DR YUTAR: Now that is very important. Did you know that this Mr M. was connected with the Nyanga Residents Action Committee? -- Up to now I do not know whether he is a member of the Nyanga Action Committee. In fact I do not know a single member, of that action committee.

Now, did he come to you or did you go to him? -- He (30) came to me.

How did he know to come to you? -- I do not know.

Because you apparently was the sole eye-witness to these two incidents.

MR BOZALEK: Sir, may I clear up another point? There is another witness who will be giving evidence on this point.

CHAIRMAN: On both these points?

MR BOZALEK: No, just on the one, on the incident outside the house. He will be the witness following the next witness.

DR YUTAR: Thank you. How did he know to come to you? -- As I say he came to me, I never asked him, how he knew about (10) this. Anyway, I told him about this thing.

And if he had not come to you, you would not have said anything? -- Perhaps I would meet a brainy man like him.

Now the Nyanga Residents Action Committee has sent a memorandum to the Secretary of this Commission on the 17th of January, 1977, recounting reports that they have received about the alleged brutality on the part of the police. Is it possible that you had spoken to him by then? -- I do not remember talking to anybody that time.

And did you mention in the presence of Mr Mpehta and (20) Reverend Russell the name of your neighbour, Lawrence Mtombeni? -- Yes, I did.

You did, and you told them he was your neighbour, living nextdoor to you? -- Yes.

Right. Now let us go briefly to the two incidents. Now, in your statement and in your evidence you first spoke about a boy. I am referring to the first incident. You then used the term 'young boy' - 'young man'. One word I am told which is used meaning young boy and young man, is that right? -- That is one and the same thing to me. (30)

Then you used a term 'little boy'. -- I do not remember.

And/....

And then my learned friend in examining you used the word 'child' and you used the word 'child' too. Now make up your mind what he is. A boy, a little boy, young man or a child? -- This person was a young boy, but grown-up enough, in other words he was not a child.

How old would you place him, more or less? -- He was not a young boy.

How old? -- I cannot estimate his age.

Now, referring to him you once said he was shot by a policeman and another place you said he fell. What happened? (10)
-- He fell after he had been shot, and he was in front of me.

Do you know, as an old resident of Swelitsia, that these youngsters, these militant youth were the cause of a lot of trouble on the day before, Christmas Day, the 25th of December and more so the next day, Sunday, the 26th? -- I heard about that.

Can you say whether this young man came from Guguletu or was he a resident of Nyanga? -- I cannot say.

And do you know what this young man did? -- All I saw is that he was running. (20)

Right. Did you know that the young men refused to listen to their parents and on Sunday morning, the 26th of December, after the police had requested, the migrants had made peace in the township, young people came from Guguletu, aroused the youth of Nyanga and started the trouble all over again? -- From where I stood I never saw that.

And we have led evidence already that these militant youths, after causing trouble, when they were repulsed by the migrants ran into houses even of strangers. -- On what day was that? (30)

On Sunday, the 26th of December. -- Which side did they run/...

run to?

To the side of the residents, and they ran into the homes of the residents, even homes of residents they did not know. That is the evidence. -- Was that before lunch?

Yes. -- No, I never saw that.

Because even in paragraph 9 of your statement you refer to a similar experience. You say: "After seeing this, I decided to walk to my house with my neighbour. We went to our houses." Sorry. "We went to our houses and they were filled with many people, many of whom were strangers fleeing (10) from the violence." -- That incident refers to what took place in the afternoon.

Well, let us go to the afternoon. Was that then the pattern of events in the afternoon? -- Yes, that is what happened in the afternoon when the migrants came along with the police.

And residents, strangers, being repulsed by the migrants, some of them took refuge in your house? -- They were running away from the migrants who were with the police and the police were shooting. (20)

Just answer my question. Strangers who were engaged in battle with the migrants, on running back to the residents took cover and shelter in the houses of strangers, including your house. -- I hear the suggestion put to me, but I do not support it.

There were strangers in your house. -- Yes.

They were fleeing from violence? -- Strangers ran into my house on Sunday afternoon.

Fleeing from violence? -- Yes.

And the same could have happened to your neighbour's house, (30) on either side? -- I will not deny that.

And/...

And of course the migrants were pursuing these militant youths who were the cause of the trouble and then took refuge in houses of strangers. -- I do not understand this question.

We go on to the next. You don't know what Lawrence Mtombeni did? -- To whom?

To anybody that afternoon? -- I do not know.

You don't know who ran into his house? -- No.

No. And did you know that the policemen the few that were there in comparison to the mob of 5 000, that they were under the command of an officer? -- I did not know that. (10)

Under the strict command of a police officer. -- No, I do not know.

And can you advance one single good reason why the police who had their hands full controlling this mob of 5 000 should go and look for more trouble and drag innocent people out of houses, so that they could be attacked by the migrants? -- That is exactly what I want to know.

Yes. -- Because I expected them to stop the fight.

And those are the people, the police, who made peace that morning, and begged the migrants on the one side and the residents on the other side to remain in their homes. -- Yes, you are correct. (20)

Now, you claim to have seen what had happened to your neighbour from the inside of your house. -- That is correct.

And my learned friend asked you, seeing that you said you stood against the door, my learned friend asked you how did you see it, seeing that you were standing against the door to prevent it being pushed open. Do you remember that? -- I remember that question put to me yesterday afternoon.

And do you remember your reply? -- Yes. (30)

What was your reply? -- I said I looked through the window.

Yes/...

Yes, that is what you said. Now I will read to you a note that the attorney has got alongside paragraph 25, obviously while he was interviewing you, this is what the note says: After the words "ran and kicked", "My wife - wife warned me each time as she looked out of the window". Which is right? -- We looked through two windows. I looked through a window from the back.

From the back? -- From the bedroom, yes, and my wife looked through a window from the dining-room.

Why did you not say that to the attorney on the first (10)
(intervenenes)

CHAIRMAN: He might have said it to the attorney. This is really just a note.

DR YUTAR: Well, why now, yesterday did you not tell the attorney when he asked you how did you know what was going on outside, why did you not say " I looked through one window and my wife looked through another window"? Why did you in fact say I looked through the window now and again? -- My wife never made a statement. I made a statement.

MR BOZALEK: My Lord, with all due respect, there are many (20)
details in the statement which were not brought out in the oral evidence yesterday. It was not my intention to lead word for word.

DR YUTAR: I am confining myself now to the evidence you gave yesterday when my learned colleague asked you how did you see what was going on outside, your reply, and I have got it here in inverted commas: "I looked through the window now and again". And my question to you is why did you not also say "and my wife also looked through another window"? -- There was no need to mention my wife at that stage. (30)

And of course you based your report on what happened outside
on/...

on what your wife told you. Part of it anyway. -- No, that is false.

You did not base anything on what your wife saw there? -- I said in my evidence and in my statement too that I saw these people. Asking my wife to find out where these people are, does not necessarily mean that she made a case about it.

I have no further questions.

MR BOZALEK: I have no re-examination.

MR MALHERBE: Mr Tono, do you have any idea, and your house (10) is situated in the middle of a block. -- It is the second door from the western side, yes.

Yes. Why would they have picked on you? Do you have any idea why they would have picked on your house and left the other houses in the vicinity undamaged? -- The other houses were damaged too.

Yes, but some - you have no idea why they picked on your house? -- The people caused the damage to my house are the people who chopped the other person.

Yes, but why, I mean, after they chopped him, why did (20) they turn to your house? -- That is what I also want to know.

Now, I think you said there were eleven people in your house, strange people? -- Some of them were strangers.

Now, the strangers, do you know where they came from? -- No, I did not.

Now, they must have been in a very excited state? -- There was a general fight and as a result, each and every one was afraid.

Right. Now, they must have talked to you and your wife and related what had happened to them? -- At what time? (30)

Well, when you got there, when you walked into the house
and/...

and you saw these strange people there. -- What chance has one to stand and ask the people in the house when he himself is being chased by the attackers?

That is right, but spontaneously I take it that they would have spoken about what the migrants were doing and generally of what was happening in the vicinity. -- I never heard what the people were talking about.

Now, could you perhaps identify any of the migrants who were attacking your neighbour and who came across and attacked your house? -- I cannot recognize a single one of them. (10)

Your children, I think you said you have four children, is that right? -- Yes, I have four children.

Are any of them at school? -- Two are working and the other two attend school.

What classes are they in? High school, secondary school? Primary school? -- One is in standard 3 and the other one is in standard 4.

Did they attend school between June and December? -- No report ever came to me to the effect that these children never went to school. (20)

You know that lots of children in the Black townships did not go to school between June and December? -- I do not remember clearly.

Did your children never discuss the fact with you that there was problems in the Black schools? -- It is possible they told me, but I do not remember.

What school do they go to? -- I do not know the name of the school. I am not certain whether it was Walter Teka School or the other.

Do you know, did they ever tell you or did they ever brag (30) about it that they had participated in closing down the shebeens?

-- I/...

I heard about the action taken by some people, but my children never told me that they were to do that.

Did you ever ask them whether they perhaps were involved in that? -- All I told them is that if on my return from work I do not find them in the house, I would give them a very severe hiding.

Now, there is one last question. Mr Tono, the evidence of the police is, the police diary - now you live near Sine Avenue, do you? That is Fourth, Sine, Fourth. You are next to Fifth and Sine is Fourth, that is the one just after Fifth, (10) is that right? -- I live near Fourth Avenue.

That is right. Now, on the 24th of December, eleven o'clock, public violence, plus-minus 150 Black youths throw stones in Sine Avenue at the police, in this Fourth Avenue at the police, and the police fired at them. Now, that is on the 24th at eleven o'clock, and the police fired shots at them. Now, I am telling you. Do you know about this? -- I was at work that day. I do not know.

You don't know that - whether it was a fairly regular thing in those days, the days we are talking about, that the (20) police vehicles - that the children and other people threw rocks and stones and fire-bombs at the police vehicles? -- I hear that for the first time now.

Right. Now I will tell you that that was at 11 o'clock on the 24th in Fourth Avenue. At twenty minutes past eleven, that is twenty minutes later, it reads, the police diary: "Public violence - Fourth Avenue, Nyanga. Plus-minus 50 Bantu youths throw stones at police vehicles, one shot fired." Now, we come to the 26th, which is the day I think you deposed to. "At one o'clock in the morning on the 26th public (30) violence, Swelitsia Avenue, Nyanga, plus-minus 100 Bantu youths/...

youths throw stones at police vehicles." Then a bit later that morning, still very early, 1.45, Mau-Mau lane, that is a bit further from you, but still: "Plus-minus 150 Bantu youths throw stones at police vehicles, three shots fired." More or less the same time, Swelitsia, Nyanga, plus-minus 100 Bantu youths throw stones at police vehicles, three shots fired. Then Matanzima Road, Avenue, Nyanga, same time, plus-minus 200 Bantu youths throw stones at police vehicles. Emms Drive, plus-minus 60 Bantu youths throw stones at the police vehicles, one shot fired. Mau-Mau Avenue, that is (10) at 2.15, plus-minus 30 Bantu youths throw stones at the police vehicles. And then roundabout the time that this happened, though it is in Guguletu, but I am mentioning it because it was ... this is in Guguletu, N Y 3, 200 youths throw petrol-bombs at the police vehicles. And later on at about 8 o'clock that night, that is after the occurrence that you talk about, Swelitsia, that is in your area, Nyanga, public violence, plus-minus 2 000 Bantu men throw stones and petrol-bombs at police. Now, it is understandable or it would appear that the police vehicles were the targets of stone- (20) throwing, and if you look at the protection, the way the windows and what not of the police vehicles are protected, one can see that that is so. Have you seen a police vehicle with the windows covered with guard wire? -- I have seen that.

Right. Now, if this was the pattern on the 24th, 25th and the 26th in your township, that rocks and stones, petrol-bombs were thrown at the police, don't you think that it is unusual that the policeman would sit on the bonnet of his car without any protection? -- Maybe he did not sit on the bonnet on the occasions and places that you have mentioned, but on (30) the occasion when I did in fact see him, he was seated on the bonnet/...

bonnet.

But he can't choose his occasion. He can't choose when people are going to throw stones at him. -- At the time the policeman fired a shot, there was nobody throwing stones. In fact it was a little bit cool.

Now, did you or did you know of any other occasions where police sat on the bonnet of vehicles? Or did anyone tell you about that? -- I never saw a policeman seated on the boot other than the occasion I have mentioned.

And no-one mentioned similar occurrences to you? -- I (10)
can't go by stories I hear.

No, that is not the answer. The question is did you hear any stories of policemen sitting on bonnets? That is the point. -- No, as far as I am concerned that is a story.

Is it a story that I am telling you or is it a story that someone else told you? -- It is a story the questioner is making.

Alright. Thank you.

CHAIRMAN: Were there many shebeens in the residential area of Nyanga? -- I am a man that works, so I have no idea (20)
about the shebeens.

You have no idea about the shebeens in your part of Nyanga, that is the part where you live? -- Yes, I know nothing about them.

I am going to put the question to you again. Do you know that they existed or exist in your part of Nyanga? -- I stay in Nyanga and I stayed in Nyanga before these occurrences began, and I did not know a single shebeen in my area.

MR MALHERBE: So it was not a problem in your area? -- I know of no trouble caused by the shebeens, in my area. (30)

CHAIRMAN: Do you know of any action or had you heard of any
action/...

action by the students against the shebeens in your area? -- I heard in the bus people talking about the destruction of the liquor, especially from the shebeens in the location, not necessarily in my area.

And in particular of the destruction of shebeens in the migrant area? -- I do not know and I have no great knowledge about all these things.

Tell me from what you heard the people say in the bus, were they satisfied with the actions of whoever it was that destroyed the liquor and the shebeens? -- I never took notice (10) as to whether or not the people were satisfied about the action taken by the children.

Was it ever mentioned to you as a reason why there was unrest in Nyanga? -- No.

Did you know that there was strong feelings between the - did you know of any strong feelings between the residents and the migrants? -- No.

Could you distinguish between migrants and residents? -- At what stage?

Well, let us say at the Christmas weekend. -- I was (20) at the bachelors' quarters on Christmas day.

What time on Christmas day were you there? -- I came back from work on Christmas day, went past the bachelors' quarters, had a chat with them and I was on my way home. I never saw any trouble.

Can you recall what the time was? -- I cannot recall what time it was.

I want to know what time you came from work that day? -- I remember I came out at 5 o'clock in the afternoon.

So this must have been approximately between 5 and 6 (30) that you were there? -- I do not know.

Surely/...

Surely you can be of some assistance to me. You came from work at 5 o'clock, what time were you there? -- I could assess the time if I was travelling with my own vehicle, but if you travel by bus you can't.

MR NGO: Where do you work? -- I work at Tygerberg.

Tygerberg Hospital? -- Hospital.

What bus do you take after five? -- After five on a Saturday we have to walk to Bellville.

To catch the bus? -- Yes.

Every Saturday? -- Yes.

(10)

So what bus do you take at Bellville, usually? -- I do not know what time I get the bus at Bellville.

CHAIRMAN: Where did the bus stop that day? -- It stopped outside, on the other side of the bridge.

MR MALHERBE: Why? -- I do not know.

MR NGO: How long do you take more or less from Tygerberg to Bellville on foot? -- Walking fast I guess it would take about half an hour. From Tygerberg to Bellville bus stop.

Assuming that you get to Bellville at half past five, getting a bus immediately. A bus takes about half an hour from Bellville to Nyanga. -- Be that as it may, I cannot say. (20)

Alright. It drops you on the outskirts of the township at 6 o'clock. How long does it take you from where the bus drops you near D.F. Malan, near Settlers Way, to your house on foot? -- I do not check my watch as I walk.

CHAIRMAN: Did you arrive home after dark? -- No.

Were the bachelors' quarters on your way from where the bus had dropped you to your house? -- Yes, I had to go through bachelors' quarters from where the bus dropped me.

And did you talk to your friends there while you were having a drink? -- I do not drink. (30)

And/...

And where you were talking to your friends there, was that near a shebeen? -- I know nothing about the shebeens. I was walking along the road only.

MR MALHERBE: How were your friends dressed? -- They had white cloths on their heads. That is all I noticed.

Did you ask them why? -- No.

CHAIRMAN: Did you know why? -- No.

MR NGO: Was it strange? -- I had no interest, took no notice about the whole thing.

MR SONN: Yes, but let us get one thing. Do these people always (10) wear their cloths on their heads? -- At times when the Africans conduct the Bantu dance they do wear white cloths on their heads. So I would not be expected to question them this time, when I found them wearing white cloths on their heads.

MR MALHERBE: But on the next day, those with white cloths you immediately identified as migrants? -- I am deaf, Mr Interpreter, please repeat this thing. Am I telling lies by saying that similarly that people chopped my friend the following day?

No, but you identified them as migrants. -- I agree. (20)
Was I telling a lie then?

No, but how did you know they were migrants? -- But I did say that the people who had these white cloths on their heads are the people who attacked my friend, and chopped him.

But they could also have been residents ready for the dance. -- Where do the axes come from then? If people prepare for a dance.

Mr Tono, just a last question. You must have been - you must have started working at Karl Bremer hospital when it opened. You must have been one of the first people there. -- (30)
I do not wish to go to Karl Bremer Hospital.

No/...

No, I am not sending you there. You worked there. You have been working for the Cape Provincial Hospital Services for 21 years, which is an admirable record. I think you can be very proud of your loyalty and you must have been a very devoted servant. Now in that time you must have made very good friends with people who work there, with your fellow-workers, with the supervisors, with the nursing sisters, perhaps with the doctors, not so? -- I do not wish to give a reply to this question.

You see, assuming for a moment that your evidence, what (10) you said, I am not saying it is not so, I am not assuming that it is so for the moment, that what you said is correct. Then something happened to you, you were witness to, on Boxing Day, which to say the least is rather unusual and most unfortunate. -- Go ahead.

And I would have imagined that having worked for, call it the Government, for 21 years and had obviously given satisfactory and very good service, that you would have had at the hospital people that you must have thought could have helped you to correct and make good what had happened to you (20) on that day. -- That is my personal business.

CHAIRMAN: I regret to inform you that it is not your personal business. We ask these questions here as a commission, you have offered yourself as a witness. I think you must answer that question. -- I see no way how I can answer this question.

Why did you not approach people at your work about the loss that you have suffered and about who you should go to and what you should do about it? -- I have my own times to do such things.

What is your actual work? -- I think my occupation is (30) reflected on these documents.

You/...

You tell me again. You tell me again, what is your occupation? -- I am a cleaner.

Have you got a supervisor?-- Many of them.

Well, is there any particular supervisor above you, who tells you which part of the building you should clean on a particular day? -- Yes, there is.

Did you ever think of approaching that cleaner and asking him, that supervisor? -- No, I never thought of approaching him.

Why not? -- Because I still have time to tell them (10)
all about it.

You still have? -- Time to tell them about this.

Well, you know it is six months already. -- I have to decide when to tell them.

MR MALHERBE: Have they ever helped you in other things at the hospital, things to do with your children, or buying things for you, or about your wife? -- No.

Not getting accommodation for you? -- No.

And you have made in the 21 years, you say, you have made no special friends or contacts with the people there that you could discuss your problems, if you had problems? -- I have (20)
people to whom I could report things of this nature.

CHAIRMAN: There at work? -- Yes.

Now the question is why did you not approach them earlier?
-- I take my time before reporting this thing to them.

To what extent was your house damaged? Could you still live in it? -- Yes, I still live in it.

Did you have a great loss, things damaged in your house?
-- I have things damaged in my house.

Do you repair that yourself, or is it still unrepaired? --
The damaged goods have not been repaired. (30)

You did not want to discuss that yet, well no, you did

not discuss that with your people at work with whom you could discuss it? -- No, I never discussed that with them.

Have you got any further questions?

MR BOZALEK: I have no further re-examination, sir.

CHAIRMAN: Thank you.

INTERPRETER: The witness says he has a question to put to this commission.

CHAIRMAN: Well, you put it and I will see if I can give you a direct answer. -- What I want to know from this Commission is this that the authorities sent the soldiers to go down (10) and do their work. Now I want to know if this Commission is satisfied that those soldiers did in fact carry out their duties properly?

That is what this Commission has to find out, although it is somewhat difficult to find it out, to find out everything when witnesses who were there when the police acted donot want to answer questions about what happened. You see, I must tell you straightaway that I find it difficult to accept that you knew as little about what was going on there as you have told the Commission. It is not only these (20) two points that you have mentioned that the Commission must investigate, and the Commission is not here to protect anybody or give anybody compensation or to send anybody to jail, the Commission is here to find out the truth. And before this Commission can arrive at the answer to the question you have put to the Commission, it is necessary that all the circumstances of the unrest during that period should be investigated. And that is why the members of the Commission have asked you questions about other things that had happened and not only about the particular things about which you have come to give (30) evidence. Because you see there were many events during that/...

that weekend, Christmas day the Sunday and Boxing day, and that night, after you had returned, that is Christmas night, there are listed quite a few cases, well, three cases in Nyanga where there was burning or attempted burning or public violence. Now that I have told you all the things that this Commission has to investigate, I am now going to ask you a question. Don't you think you should tell the Commission more about what you know or what you had seen and what you had experienced during that weekend? -- If I had anything else in my heart which I could tell this Commission, I would gladly do so, but as one who works, I had no chance (10) to see to all these things that happened in the location.

So there is nothing further you want to tell the Commission?
-- No.

Right, then you will be excused.

NO FURTHER QUESTIONS.

THE COMMISSION ADJOURNS.

THE COMMISSION RESUMES.

MR BOZALEK: Sir, my next witness is Mr George Kraqa.

GEORGE KRAQA: DULY SWORN, STATES (THROUGH INTERPRETER)

MR BOZALEK: Mr Kraqa, you are 46 years old, a married man with five children and you live at M 1005, Swelitsia, Nyanga East, is that correct? -- Correct.

You work as a labourer at Escom in Bellville? -- Yes.

And you have stayed in Nyanga for approximately 4 years?

-- Yes.

Now is it correct that on the afternoon of Sunday, the (10)
26th of December 1976, that is Boxing Day, you were standing on a large piece of open ground which is flanked by Fourth Avenue, Third Avenue and Swelitsia Drive? -- That is correct.

You were standing there together with a large number of residents? -- Yes.

Now, can you tell the Commission what happened that afternoon, what you saw? -- Whilst we stood there, we saw a number of African males who were dressed in white gowns and had white cloths on their heads as well, moving up the street, up Swelitsia Drive. (20)

Yes, carry on, please. -- I noticed that this group of men, armed with axes, sticks and many other weapons. They came through Fourth Avenue. Some of them appeared between the houses and chased us.

Yes? -- In retaliation we picked up stones, threw them at the pursuers. With that the pursuers turned back. We chased them. When we got up to Swelitsia Drive, we were told not to cross Swelitsia Drive.

Who told you that? -- It was somebody in my group, but I cannot identify that person. (30)

Did the residents cross Swelitsia Drive? -- I did not see
a/...

a single one cross Swelitsia Drive.

Yes, carry on please. -- Whilst we stood there, having been stopped and told not to cross Swelitsia Drive, I saw some police vans coming along. Some of them came up Swelitsia Drive. The others from Fourth Avenue. Some from Mau-Mau direction. We ran away. Whilst running away the police van which came from Fourth Avenue overtook us.

Where were these vans now? Where did they overtake you? -- We were standing in an open space. These vans came straight onto that open space, and chased us. As I ran away the (10) one that came from Fourth Avenue overtook us from the front. Just as I passed that van, I was shot. With that I fell down.

Whereabouts were you shot? -- I was hit on my right leg.

Is it correct that you received approximately seventeen pellet holes in your right leg? -- That is correct.

And all these pellet marks or wounds are in the back of your right leg? -- Yes.

Now, what happened after that? -- Whilst crawling, trying to creep away from the spot, I saw the men who were dressed (20) in white garments, and white cloths on their head, mixed up with the police. I did not quite know what was happening.

What were they doing when you saw them? -- The soldiers were shooting, with these men dressed in white garments assaulting the people.

Were the soldiers, as you refer to them, were they shooting at these people with white garments on? -- No, they were shooting the location people.

Did you see any houses burning? -- I saw smoke from Fifth Avenue and drew the impression that something must have (30) been burning.

Did you see who set those houses on fire? -- No.

Now, before the police arrived was there a fight in progress? -- At the time the police arrived on the spot, there was no fight in progress, because the people had run away, who were engaged in a fight.

When the police arrived did you personally see or hear any warnings to disperse? -- No.

Did you see if teargas was used? -- No teargas was used in my presence.

Did you have a good view of what was happening? -- Yes. (10)

How was that? -- Well, as I say I was crawling and looking at my attackers as well.

Did you stop from time to time as you crawled? -- Yes, to see how far my attackers were.

Can you estimate the number of police? -- I guess there was about 20 policemen.

And this piece of open ground it is about 250 yards wide in both directions. Is that correct? -- I never measured that spot. I don't know.

MR MALHERBE: Is that the piece of open land on Swelitsia Drive between Fourth and Third Avenue? (20)

MR BOZALEK: Yes, sir, that is right. In any event, it is the size of several playing fields? -- Yes.

I have no further questions, sir.

DR YUTAR: What are the ages of your children? -- The eldest is 12 years and the youngest is 6 years.

School-going? -- Four attend school.

And did any of them take part in the stoning of police vehicles the day before and on Sunday, the 26th? -- No, these are all girls. They were in the house. (30)

I have seen photo's of girls joining the boys and throwing

stones/...

stones. -- Anyway mine were in the house.

Are you a lucky parent whose children listen to you or are you one of those whose children did not listen to their parents? -- My children were about to go out when I stopped them and told them to stay in.

Did they? -- Yes, they stayed.

Sunday, you were standing with about 100 other residents on this open piece of ground? -- I do not know how many of us were there.

I am just reading from your statement. "On Sunday, the (10)
26th of December 1976 I was standing with about 100 residents on the open piece of ground in Nyanga East." What were you doing there? -- We stood there waiting for our attackers.

Waiting. Were you armed? -- Certainly, yes.

And what time of the morning was that? -- I do not know exactly, however it was after 12 o'clock.

After twelve. Did you know that that morning the police advised the residents that the migrants wanted peace and peace was in fact made? -- No, I know nothing about that.

And then according to one of the witnesses that we (20)
heard only last week, about 10.30 that morning some youngsters came from Guguletu and aroused the youth of Nyanga and started the fighting again. -- I know nothing about that.

You see, Mr Kraqa, what I find so disturbing in your statement and that of so many others, is that you always open up an account with the migrants attacking the residents, but seldom have I seen an admission that it was the residents that initiated the attack. -- I say the same. I say the migrants were the attackers.

Well, you did not know that the youth had started the (30)
trouble again. -- No, I did not know that.

You/...

You see, I accept what you say in paragraph 3, that you and the other residents did not cross the border, because you did not want to provoke the migrants in their area. But did you know it was the militant youth who did not want to listen to their elders, who did in fact provoke the migrants. -- No, I did not know that.

Did you know that that morning the youth went and ostensibly to search the single quarters for liquor, found none, and yet set the houses alight? -- I never heard a thing about that. (10)

And in the afternoon you say you saw about 20 policemen there? -- That is the estimation I have given.

Do you know that the police estimated that there were about 500 Blacks engaged in combat, 5 000 Blacks engaged in combat? -- I cannot dispute that report because I never counted how many there were.

Yes, but you must admit there were an awful lot of Africans, practically the whole township? -- I cannot deny that.

And assuming those figures, you must admit that 20 policemen were completely outnumbered by the 5 000 Blacks who were fighting amongst themselves. -- I do not know. Anyhow, the police are ever armed, and we carried no arms. (20)

But you were carrying very dangerous weapons, pangas, axes. -- You can't compare a panga with a gun.

No, and then that afternoon too did you see - we come to this. You say in your last paragraph: "I am not sure of the initial cause of the riots". -- That is the truth, I do not know the cause.

You have been staying in Nyanga for four years? -- Yes. (30)

And in those four years, take the three years preceding the/...

the last year, there was no trouble between the migrants on the one side and the residents on the other. They lived peacefully together. Isn't that so? -- I agree.

Yes. And we have evidence that what caused the trouble in your fourth year, 1976, was the fact that the migrants refused to carry out the orders of the militant youth, first of all to stay away from work and secondly to observe Christmas Day as a day of mourning. As simple as all that. -- What is the other reason, other than not going to work?

And the other one is their refusal to observe Christmas Day as a day of mourning. -- And the first one? (10)

First one not to participate in the stay-away from work drive. -- Such reports never came to my ears.

Well, if all of them, migrants and residents, lived peacefully together for three years, what in your view caused the trouble in your fourth year in Nyanga between the migrants and the residents? Why should they all of a sudden get at each other's throat? -- I do not know what the cause is. I am also eager to know what the real cause is.

Just one other thing. To whom did you first report what happened to you on this day, the 26th of December? -- The first person to whom I reported these things was a Mr Mpetha. (20)

And the second person? -- There is no second person.

And when did you report to him? -- On a Thursday.

That does not help me. What month? -- I think in December.

In December. We can check that. And Mr Mpetha of course is the chairman of the Nyanga Residents Action Committee.

CHAIRMAN: There was only one Thursday after this.

DR YUTAR: Yes, that is what I am looking up, My Lord. -- I told Mr Mpetha about these things because he personally came to my house. (30)

It was the Thursday after the riots of the 26th and 27th?

-- Yes.

That will make it the 30th of December. Have you been to his house? -- No, I say he came to my house. Anyway I could not have gone to his house, because I could not walk.

Was he accompanied by anybody? -- No, he was alone.

No further questions, My Lord.

MR BOZALEK: Is it correct that every year you have to go back to the Transkei to have your contract, your work contract renewed? -- Yes, that is correct. (10)

In that sense alone, you are similar to the migrant workers? -- Yes.

Thank you, sir.

CHAIRMAN: Do you have a house or do you live as a single bachelor? -- I do not stay with the single men at the single quarters. I have my family here.

MR MALHERBE: Just one thing. Mr Kraqa, you say that the policed arrived in two vans and they chased the residents? -- There were more than two vans.

Well, you said : "I saw two police vans coming along Fourth Avenue, that is from the direction of Mahobi Drive. These vans stopped short of Swelitsia Drive and the policemen then climbed out of them and starting chasing the residents who fled north, south and east." -- Two police vans came along Mahobi Drive and the others approached from the other direction. (20)

Now, no matter how many vans there are, the policemen who got out of the vans they chased the people who were standing there, is that right? -- Yes.

Did they chase the migrants as well as the residents or did they only chase the residents? -- I did not at any stage (30)

see/...

see the police chase the migrants, but at some stage I saw the police mixed up with the migrants. I did not know what was happening.

Now, in your statement you say: "I ran across the field towards Third Avenue, since the migrants had now attacked and were burning those houses closest to the corner of Fourth Avenue and Swelitsia Drive. I saw smoke and flames coming from them." Now, as I understood your evidence you are not sure that in fact the migrants had set fire to these houses. You were not sure who set fire to these houses, is that right? (10)
-- They must have been set alight by the migrants, because after all the migrants were near those houses.

But you did not see that. That is just a deduction you are making. -- All the other people, the residents, had run away from that area, leaving the migrants behind. In my opinion they are the people who set the houses alight.

Alright, but you did not see it though. -- I did not.

Now, just at this time that you say this occurrence, this thing occurred, Mr Koloni - do you know Mr Koloni? -- No, I do not know him. (20)

Well, he lives in the area called the Mau-Mau area. -- I do not know him.

You do not know him. Just below the open area that you were standing, there are two dairies, is that correct? -- Correct.

And Mr Koloni said that a van pulled up next to the bottom dairy, roundabout that time, and he said that migrants got out of the van and attacked people. You don't know anything about that? -- (Interpreter: I did not convey this question, the witness says: I do not know that).

Right. You see, the police in their diary of occurrences (30) do not mention either of these two incidents. Are you aware that/...

that the - do you know Mr Ndesi? -- I do.

Now, are you aware that early that morning of the 26th - Mr Ndesi said this about the very place you were standing, that open place: "A situation however developed with the migrants on one side of the road and the youth on the other, hurling abuse at each other. The youth were warned by the older residents to keep away from the border but they did not listen and stones were thrown by both sides. Eventually the migrants crossed the road and a fight started, but they were pushed back. The police were not in sight at this (10) stage. However, during this incident a migrant was killed by a youth and there appeared to be very bad feeling about this on the part of the migrants." -- I never saw that take place.

Did you hear of that taking place? -- No.

Do you know of the fact that the elder residents tried to prevail on the youth to stay away from Swelitsia Drive, which was the boundary between the two sides? -- -- I never heard a thing about that.

And you say you don't know that just after that at (20) the suggestion of the police peace was made between the migrants and the residents? -- I know nothing about that.

Had you known all about this which had happened a few hours before the incident deposed to by you, would that have influenced or would that have made you think differently, giving you another opinion as to what happened that day? -- If I had seen them I would have some ideas and conclusions about it.

Mr Ndesi deposed to all this. Mr Ndesi said all this happened. -- I cannot support him on that aspect, because (30) I have never seen these things happen.

And/...

And no-one talked about it? -- No.

Although it only happened an hour or two before you were standing on that open space? -- Anyway I say I never heard a thing about it.

Alright, thank you.

MR SONN: Are you a member of the Residents Action Committee?

-- No.

Do you know that Mr Mpetha is the chairman of that Committee? Did you know that when he came to you? -- I did not know that he is a member of the Action Committee. (10)

What do you think why did he come to you to ask you what had happened? -- I was injured in these disturbances and the injuries I sustained were caused by some people and I was at the time in front of his house, and I am well-known to him.

Well-known to him, but you did not know and don't know now that he is chairman of the Action Committee? -- No, I knew nothing about the Action Committee. I did not know that he was the chairman of the action committee.

Alright, thank you. Now, tell me, as you were standing as you say Swelitsia Drive was your boundary on that particular day, is that right? -- Yes. (20)

And the residents were on one side and the migrants on the other side? -- Correct.

Now, who came there first; the migrants, did they come there first to that line of boundary, or did the residents come there first? -- The single men came from the direction of their bungalows, walked through between houses and blocks and so on, until they came to Swelitsia Drive and they crossed this Swelitsia Drive onto our side where we stood, and there was a clash. (30)

So you were actually expecting the clash? You were standing ready/...

ready and waiting there? -- Yes, we had been waiting for them, because these things had started earlier than that time.

As you were standing there, tell me, were there any children around? -- I did not see children amongst us.

What you are saying now to me is that if people, masses of people stand there, even though the children do not know what it is all about, they would not go and see or come and see what is going on? -- I do not say that the children could not have come all by themselves. All I say is that I did not see them there. (10)

Do you know or have you heard that the children attacked these people, or at least damaged the shebeens of those people, of the migrants? Did you hear about that? At any time? -- No, I never heard a thing about that.

Did Mr Mpetha or anybody tell you that the children from Guguleto came over and joined the children in Nyanga? -- Mr Mpetha never told me that. Nobody ever told me that.

Thank you.

MR NGO: The meeting called by Chief Dumalisele, do you know anything about it? -- No, I know nothing about that. (20)

Do you know what your name is? -- Definitely.

CHAIRMAN: Are there shebeens in Nyanga? -- Yes, there are.

On the residents' side? -- Yes.

And on the bachelors' side? -- Yes.

Did you know that the shebeens on the residents' side had been attacked? -- I never heard that. The reason why I say I never heard is that I am always out with my work.

Nobody ever told you that the shebeens had been attacked in your area? -- No, I never heard of that.

Did you know that there was bad feeling at one stage between the bachelors and the residents? -- No, I never. (30)

On that day when you were standing there and you were attacked, did you then know that there was bad feelings between your group and the bachelors? -- I first realized that there was trouble when there was an actual attack on us.

Now tell me, where were you actually standing? Were you standing on the side of the street, the road? -- We stood alongside the road.

Why did you stand alongside that road? -- We were ordered not to cross that road but to wait there for the attackers, that is the migrants. (10)

When you were ordered to stand there, did you then realize that there was bad feeling between the two groups? -- Yes.

Did you ask the people standing next to you now why is there this bad feeling, why must you stand there? -- No, I did not.

You just stood there, you did not know why, you knew you were going to be attacked, you did not know why you were going to be attacked? -- There was no time to ask such things.

How long does it take you to ask that? -- I never thought(20) of asking.

Did you ever hear of the Comrades? -- Yes, I did.

Who were they? -- I do not know.

You just heard about Comrades, you don't know who they were? -- Yes.

Did you ask anybody who are the Comrades? -- No, I never.

Did you know how you were going to distinguish between your own people and the people who were coming to attack you from the other side, the so-called migrants? -- There was a clear distinction. The migrants were dressed in white garments with white cloths on their heads. (30)

Do you have any further questions?

MR BOZALEK: No further questions.

CHAIRMAN: Yes, thank you, you may go.

NO FURTHER QUESTIONS.

MR BOZALEK: That is the last witness I will lead. May I be excused?

CHAIRMAN: You may be excused. You led the four people that you had ...?

MR BOZALEK: That is correct.

(10)

JEFFREY DYANI: DULY SWORN, STATES (THROUGH INTERPRETER)

MR NUPEN: Mr Commissioner, my name is Charles Nupen and I just wish to place on record that I have taken over this witness from an attorney who is unable to be here today.

CHAIRMAN: Yes. I seem to have two statements relating to Mr Dyani.

MR NUPEN: Isn't the first statement you have got just one page?

CHAIRMAN: That is right.

MR NUPEN: That is the summary of the evidence, the second statement is a fuller statement. (20)

CHAIRMAN: Yes.

MR NUPEN: Mr Dyani, where do you live? -- E 1572, Nyanga.

Is this in Swelitsia in Nyanga? -- Yes.

Is this on Fifth Avenue, between Mahobi Drive and Swelitsia Drive? -- Yes.

Can you see Swelitsia Drive from the front of your house? -- Yes.

Is this because there is an open piece, open space in front of your house before Swelitsia Drive? -- Yes. (30)

Where are you employed? -- At Consolidated Glass Works,

in/...

in Bellville South.

Now, Mr Dyani, on Sunday, the 26th of December, at about half past four, were you standing in your front yard? -- Correct.

Could you explain to the Commission why you were there? -- Let me start the whole story from the beginning, not just from half past four. Firstly I came from work and I slept. I did night duty. On my arrival that morning from work, I noticed that there were some disturbances in the location. People were at the borders waiting for a fight. (10)

Could you just explain where this border is? -- The border referred to was Swelitsia Drive. The one group of people - people were on either side of Swelitsia drive. I was informed not to go to bed, though I did some night duty, because things were bad in the location, I might get injured, and the worst part of it, my house is not far from the bachelors' quarters. With that I went and joined the other people.

Who are these people that you joined? -- The residents of the location. (20)

Were they standing on the one side of Swelitsia Drive? -- Correct.

And the migrants were standing on the other side of Swelitsia Drive? -- Yes.

Carry on, please. -- I made enquiries as to what the whole trouble was all about. Nobody seemed to know what the cause was. I requested my people that I should go alone to the single men, because I knew most of the migrants. I went up to the migrants, unarmed, and I told them I was not fighting with them. With that they said I must come. I then went up to them and I asked them what the trouble was all about. (30)

The/...

The people I spoke to wanted to know what the trouble was, I refer to the migrants. They told me that they did not know the real cause, but some of the migrants came to them and told them that they must join them and they were to go and fight in the location. When they told me this, I suggested that we create peace, because no two factions can fight over nothing, because they don't know why are preparing for a fight and my people seemed not to know.

And then? -- With that proposal I made the migrants suggested to me that some more men must come and join me from (10) the residents' side. I then went back to the residents, put this suggestion to them, with the result that I came out back to the migrants with five other men, and I was then the sixth. We crossed over to the migrants, joined them, and there were more than ten in number. Anyway, we spoke. The decision was made that we shall all meet on a Tuesday and discuss whatever trouble there was. Further the migrants requested us six men to tell our people who were waiting on the other side of the road to go back to their houses. They further told us that they also, the migratories, would go (20) back to their bungalows and sleep, because they never slept the previous night. After we discussed these points with them, I then went back with the five men to my people, and we told our people what had been discussed between us and the migrants, and that we should go back to our houses. When we dispersed our people and told them to go back, a meeting will be held on a Tuesday, I saw the migrants also move away from where they stood back towards their bungalows. Now, after everything was over with the migrants completely gone back to their bungalows and the residents went back to their houses, (30) I alone went up to the bachelors, this time just to visit a friend/...

friend of mine. Shortly after I arrived at the bungalow where my friend lived, a certain Landrover pulled up there. Amongst the police who came there with the Landrover, there was a policeman who claimed to be an officer, and he wanted to know what the trouble was all about. One of the migrants replied to the question put by the policeman and said there is nothing actually except that the children had caused the trouble. Then this officer said that he did not want nonsense there. To that the migrants said they are not there not cause any nonsense. They had been told by their employers (10) not to cause any disturbance. Just at that moment I could not say which way this man came from. Anyhow, I saw a man there, near the policemen, and this man was not one of the bachelors, instead he was one of the residents. I heard him give some reply to the policemen. This man from the residents' side told the policemen in my presence not to take notice of the meeting held by Chief Dumalisele and his colleagues. He went further and said they were not up to making peace but were inciting the people.

CHAIRMAN: Was that the meeting held earlier in the month (20) or was that the meeting which you attended? -- Yes, I had attended that meeting.

Is this the meeting - I am sorry, I did not make myself clear. The meeting of the chief was earlier in the month? -- Yes.

Now this man said to the police "You must not take any notice of that meeting which had happened earlier"? -- Yes.

MR NUPEN: Yes? -- There was an exchange of words as a result of what that man said to the policemen, exchanged between himself and one of the migrants. (30)

Yes? -- These two men wanted to fight over what this

resident/...

resident had said about the chief .

Yes? -- At that stage this senior policeman said: "I am going to allow the police to kill these location people because they do not want to listen."

CHAIRMAN: I am going to allow the police to kill the location people? -- Yes, because they do not want to listen.

MR NUPEN: Mr Dyani, who do you mean when you say the location people? -- Well, I went to visit my friend there. I am merely repeating his words.

MR MALHERBE: I don't follow. Were you present at that conversation or did you friend relate this conversation to you? -- No, I was present. (10)

Oh, I see.

MR NUPEN: Mr Commissioner, if I may just clarify. I think Mr Dyani is merely reporting what the police officer said.

MR MALHERBE: Mr Nupen, can you fix a time here when this had taken place?

MR NUPEN: Mr Dyani, can you tell the Commission at what time approximately, about what time you went across to see your friend at the migrants' quarters? -- I went across after nine o'clock in the morning. (20)

In the morning? -- Yes.

Yes? -- I anticipated trouble because just at the time the policeman said this feelings had gone up because there were these allegations made about the chief by this location person and the migrants resented that and they wanted to assault this man physically, and I could see that there was going to be trouble. This location man kept on wanting to say something to the policeman and I anticipated trouble. I saw that the more he speaks to the policeman, the more trouble we would get. I asked that we should go back, that is myself and this man/... (30)

man, to the location, to take him away from there. Indeed I took him back to the location, away from the single quarters.

MR NGO: Just on this point. When this heated argument was on, what did this officer do, the police officer? -- The police did nothing, said nothing, but simply stood there next to the van, but some of the migrants tried to cool down the situation by telling their colleagues to forget all about what this man had said.

MR NUPEN: Yes? -- I returned back to the residents' side of the street and I went straight to my house and I told him (10) to go home. This was on a Sunday, after nine o'clock, after nine a.m.

When you said you told them to go home, are you referring to the resident that you took back from the migrants' quarters with you? -- Yes.

Can you explain to the Commission what happened after that, please? -- I got home, did this and that, thereafter I went to bed. I was just about to fall asleep when I heard a noise outside and it was said that there was a fight outside.

At about what time was this, Mr Dyani? -- This was after (20) ten o'clock in the morning.

The Sunday morning? -- Yes, Sunday morning.

Right, can you continue? -- I got up, went out. I saw people mingling about outside, I noticed that some of them had gone near the road.

CHAIRMAN: This was near Swelitsia? -- Swelitsia Drive, yes.

MR NUPEN: Yes? -- I enquired from some of the people, the residents, as to why - why they are starting trouble, because we had made peace. They did not quite know what was happening, other than just saying the fight started from (30) the other side - from one side of the location. While still

in/...

in that confused and confusion state the police arrived and dispersed the people. I also went away with the people who were dispersed by the police, went back to my house, and there was an interval of some time. Soon after the police had dispersed the people and they themselves left the place, the people gathered at the border to guard them, the border being Swelitsia Drive.

Did the residents form up on the one side of Swelitsia Drive and the migrants on the other side of Swelitsia Drive?

-- Yes.

(10)

Carry on, please. -- But I went to bed. I went to bed and in my sleep I was disturbed by screams outside and this was about 3 o'clock in the afternoon. Having been disturbed by the screams in my sleep and so on, I got up and went out and I saw two police vans outside. I noticed that the police were chasing the people back to their places of residence.

Mr Dyani, could you just explain where you saw the police vans? -- It was at the stage when they were turning at the open space which is just in front of my house.

(20)

In Swelitsia Drive? -- Yes. After these two police vans dispersed the people, chasing the others back to their homes and so on, they drove away. They drove up to the bachelors' quarters, where they pulled up. I saw the bachelors starting to run away when the police vans went up to them, but they were called back by the police. One of the migrants went up to the police van. After he had joined the police at the police van, I noticed this migrant calling the others to the police van, with the result that they, the migrants, all came back to the police van. The first man who went to the police van acted as an interpreter for the others. Thereafter

(30)

the/...

the two police vans turned and drove back to the location followed by the migrants.

Mr Dyani, I just want to clarify for the Commission in greater detail the events which you are now describing. Is this the incident that you speak of when the police vans travelled along Fifth Avenue, they crossed Swelitsia Drive took a U-turn and stopped by the hostels? -- They stopped in Fifth Avenue near the bachelors' quarters.

Can you continue? -- After talking to the migrants there, with one acting as an interpreter, these two police vans (10) made a U-turn there and drove back to the location, followed this time by a group of migrants.

Were there migrants sitting on the police vans? -- Yes, actually some of them were just hanging on the police vans.

On the sides of the police vans? -- Yes.

Continue, please. -- Just as these two police vans got to the location side of Swelitsia Drive, I noticed one policeman fire a shot at one of the men, one of the location men and this man was hit by the bullet and felled down as a result. (20)

Do you know what his name was? -- I did not know his name at the time, but I later found out, after he had dropped down, who he was.

And what was his name? -- I was told he was Michael Bota.

And where were you standing at the time that you saw this happen? -- I stood just immediately outside my front gate.

Looking onto Swelitsia Drive? -- Yes. I had stood there watching the police, because I did not know what they were really doing.

Can you continue, please? -- After that man dropped, (30) the police vans went to the houses onto my righthand side, as

I was standing there. That is where the police alighted from the vans. These people scattered. By these people I mean the police and the migrants who had accompanied the police vans, scattered themselves. Others went to my lefthand side and the others to my righthand side, to various homes. At some stage I noticed two policeman kick a door of a certain house. They kicked and kicked, the door would not open, looked through the window, wanting to go in as far as I was concerned, and fired shots, the police, inside this house.

Were windows broken at all? -- Yes. (10)

Who broke the windows? -- Broken by the police.

What did they use to break the windows? -- Window-panes were smashed by the butt of the gun and then the police - I could see that the police wanted to shoot somebody inside that house. On turning my head, because I had looked one side when I saw that thing happen, I happened to turn my head when I saw two policemen come out from the other house with a man, at No. 1594.

Mr Dyani, if I can just interrupt you there, 1594, is that a different house from the house that you saw the policemen breaking the windows and kicking the door? -- No, that house is No. 1588. (20)

The one that you saw ...? -- The one where the police broke the window-panes.

Sorry, can you continue to tell us what happened at No. 1594? -- The police came out with this Bantu man from that address, held him, through the gate and they handed him to the migrants there on the other side of the gate.

Do you know the man's name? -- I did not know his name at that stage. (30)

Did you later find out who it was? -- Yes, I was told that

his/...

his name is Tula.

Does he go by any other name? -- I knew him by that name but he has got his right name.

Is that man Lawrence Mtombeni? -- Yes, that is his proper name.

What did the migrants do with Mr Mtombeni, or Mr Tula as you call him? -- They chopped him with axes and beat him with sticks.

Did Mr Tula try to get away at all? -- He tried to break away from them and run to the house nearby his, but he could (10) not get a chance, because these men did not give him a chance, and they sat on him with sticks and axes.

And what happened to Mr Tula, do you know? -- He was also conveyed to the hospital at the time the dead bodies and injured people were being picked up.

Have you seen him recently? -- Yes, I have.

And how is he? -- His state of health is bad.

Can you explain further to the Commission what happened after you saw this incident? -- On seeing this that the police had not come there to help the people, instead they (20) had come to kill them, I thought of my children, went back to the house, took my children, hid them under the beds.

Did you at all see the police coming towards your house? -- Just at the time I was going to my house, I saw them also moving towards my house.

Did any other residents go into your house? -- Yes, eight of them ran into my house.

Where were you when you went into the house? Where did you stand? -- When they went into my house?

No, when Mr Dyani went into his house, where did he go (30) to? What room did he go to? -- I put the children under the bed/...

bed in the bedroom and I stood there in the dining-room.

And then what happened? -- And I told my son and the other children to stay in the bedroom.

And then what happened? -- My door was locked from the inside at that stage, thus immediately after I had ordered my children to stay in the bedroom, I heard stone-throwing from outside the house. The stone-throwing was done by the migrants.

Did you see the stone-throwing through the window? -- I did not see the stone-throwers at the beginning, but at the stage when I struggled with one man. I happened to have struggle with one of the migrants at the window over the curtains. (10)

Were your windows smashed? -- All the windows were smashed.

Were the windows smashed by stones being thrown? -- Yes.

After the windows were smashed, did you have the struggle with the migrant? -- Yes.

Can you explain what happened? -- He held one side of the curtain and I held the other side, and as a result of this struggle over the curtain, the whole pelmet, including now the curtains, fell down. I could see that this man wanted to throw something into the window. (20)

Did you recognize the man? -- Yes, I did.

Did you see other people in your yard? -- Yes, very many.

Who were they? -- I only recognized the man who was at the window, with whom I had a struggle over the curtains, and that was Gladstone Jim.

They very many other people in your yard, were they residents or migrants? -- They were all migrants, bachelors I should say. (30)

How do you know that? -- I distinguished them by their dress, white sheets and white doeks on their heads.

And what were they doing? -- They were busy throwing stones at my house, smashing the furniture inside.

Did Gladstone Jim say anything to you? -- He asked where my petrol-bomb was.

And what did you say? -- I told him I had none.

Mr Dyani, how do you know Gladstone Jim? -- I work with him and at some time he was at some stage my neighbour.

Did you hear anybody else say something about petrol- (10)
bombs? -- Yes, somebody there outside mentioned petrol-bombs.

What was said? -- I heard somebody say: "Here is the petrol" and I thereafter saw some liquid being thrown through the window.

Then what happened? -- Then somebody threw fire inside and the house caught alight from inside.

Did Gladstone Jim throw something inside? -- Yes, he struck a match and threw it inside.

Then what happened? -- And then the fire was caused.

And then what happened? -- After the fire was caused (20)
inside the house, the children came out of the bedroom.

Did anything happen to you son Bennett? -- Bennett came out of the bedroom bleeding. He had been shot.

Where had he been shot? -- Behind his shoulder.

Had he been shot while he was in the bedroom? -- Yes.

Did you try and assist him? -- Yes, I tried to remove the bullet by means of a pin.

Did you do anything with your windows? -- Yes, after everything was over and the people had gone, I then closed the windows by means of planks. (30)

Did anything happen to your beds in the bedroom? -- The
beds/...

beds were set alight.

My Lord, I wonder whether that is a convenient stage to stop for this afternoon?

CHAIRMAN: Will you be much longer with the witness?

MR NUPEN: Your Worship, I have covered the events that occurred on the 26th of December, and the witness will describe next what happened on the 27th of December.

CHAIRMAN: The Commission will adjourn.

THE COMMISSION ADJOURNS.