
MAY IT PLEASE YOU MR STATE PRESIDENT:

I, the undersigned, who was appointed Chairman and sole member of the Commission under the hand of the former State President, the late N. Diederichs, have the honour to report to you as follows:

CONTENTS.
PART A: THE COMMISSION AND THE REPORT.  PART B: THE RIOTS.  
PART C: ELEMENTS.  PART D: CONSEQUENCES.  PART E: CAUSES.  
ANNEXURES  
(iii)  
PART A.  
THE COMMISSION AND THE REPORT.  

CHAPTER I : THE COMMISSION.  
1.1 Appointment, terms of reference and constitution of the Commission.  
1.1.1 The State President was pleased to appoint this Commission on 24 June 1976. By Government Notice No. 1187, dated 2 July 1976, the appointment of the Commission was notified for general information and its terms of reference and constitution were announced. The Commission's terms of reference were:  
"To inquire into and report on the riots at Soweto and other Places in the Republic during June 1976, and the causes which gave rise thereto.  
"The Commission shall consist of the Honourable Mr Justice Petrus Malan CilliA, Judge President of the Transvaal Provincial Division of the Supreme Court of South Africa, as Chairman and sole member."
1.1.2 According to an exhibit before the Commission, several newspapers, which were subsequently supported by religious and political leaders in the community, asked for a separate public inquiry to be instituted into the riots in the Western Cape. The Government turned down this request.  
1.2 Extension and limitation of terms of reference.  
1.2.1 In terms of Government Notice No. 1862, dated 8 October 1976, the Commission's terms of reference were extended to include an inquiry into not only the riots in June 1976 but also the subsequent riots. The Commission's name was amended accordingly.  
1.2.2 The rioting really began on 16 June in Soweto. Incidents that had occurred earlier that month were part of the prelude to the riots. From Soweto the unrest soon spread throughout the country. But rioting did not stop everywhere on the same date. While it was gradually subsiding throughout the country, it would suddenly flare up again here and there. Almost two years later there were still incidents that could be traced back to the original eruption. The Commission eventually decided to confine its inquiry to events during the prelude and events between 16 June 1976 and 28 February 1977. The Commission felt that
subsequent events could not add much to the overall picture nor throw further light on the causes. To have extended the period would have created uncertainty about the Commission's visits and would have delayed its activities considerably.

1.2.3 Riots that occurred in Transkei during the period concerned will not be discussed since that territory had already become independent in October 1976. Incidents of rioting in Bophuthatswana, on the other hand, will be discussed because it was not until after the expiry of the specified period that this territory attained independence.

1.3 Recommendations.

1.3.1 The Commission is required by its terms of reference to establish the facts and the causes of the riots. These are the matters that have to be reported upon. The Commission is not required to make any recommendations. The inquiry was therefore not concerned with that aspect of the riots and their causes. For instance, evidence concerning a grievance as a cause of the rioting was checked to see whether such a grievance really existed; further investigation into the question whether such a grievance was justified was undertaken, not with a view to establishing what should be done to rectify matters, but to test the probability of the existence of such a grievance or the possibility of someone having been misled.

1.3.2 Because virtually all the evidence, including evidence relating to causes and grievances, was given in public and received wide publicity, various unsatisfactory conditions came to the notice of the Government and other authorities. Changes were made. Possibly they were already being considered and planned earlier on. Where the Commission refers to such changes, no comment is made on their effectiveness, since comment may in fact amount to recommendation, and the Commission did not carry out its inquiry with this object in view.

1.4 The Commissions Act, 1947, and the Regulations.

1.4.1 By Proclamation No. 123, dated 2 July 1976, the Commissions Act, No. 8 of 1947, and the Regulations made in the said proclamation, were declared applicable to the Commission. This Act and these Regulations are referred to further in this Report as the Commissions Act and the Regulations.

1.4.2 In terms of the provisions of the Commissions Act and the Regulations, the Commission may appoint advisers, arrange its sittings and regulate its activities, has the powers in the RSA in relation to witnesses that a Provincial Division of the Supreme Court of South Africa has in its province, and enjoys the necessary protection against interference, obstruction and insult.

1.5 Advisers.

1.5.1 Regulation 2 of the Regulations reads as follows: "The Chairman may at any time co-opt one or more persons who in his opinion have special knowledge of any matter, place or area to assist the Commission in relation thereto in an advisory capacity."

The Chairman co-opted three persons in connection with the riots in the
peninsula; they were Mr J.F. Malherbe, Mr D.R. Ngo and Mr P.M. Sonn. The Chairman appointed Mr A.B. Colenbrander adviser in connection with the riots in Natal.

1.5.2 Mr Malherbe is a practising attorney in Cape Town. From 1964 he served as an alternate member of the Council of the Law Society of the Cape of Good Hope, serving as a full member and Vice-President of the Council during 1968 and as President from 1969 to 1972. From 1970 to 1973 he served on the Executive of the Association of Law Societies in the RSA, becoming President of that body in 1972. On three occasions he was a delegate to conferences of the International Bar Association held abroad.

1.5.3 Mr Ngo was a teacher and is at present public relations officer to a Cape Town business concern. He has also held the following positions in the past: Secretary of a school board, Chairman of the Transkeian Urban Council in the Peninsula, and member of the Nyanga Advisory Board. During 1974 he headed an investigation by the Government of Transkei into employment opportunities in the Peninsula.

1.5.4 Mr Sonn is a retired school principal. For 40 years he was attached as teacher and principal to primary schools in Dordrecht, Vosburg, Queenstown and Lavistown. From 1964 to 1967 he was a member of the Education Council of the Administration of Coloured Affairs. He was Chairman of the said Council from 1968 to 1973, and also a member of the Administration's Examinations Board. Mr Sonn holds the following positions at present: Member of the Coloured Persons Representative Council; member of the Board of Management of the Ottery School of Industries for Boys; Chairman of the Committee of the Cadet Training Centre; Chairman of the Advisory Board of the Bellville Training College; and member of the Council of the University of the Western Cape.

1.5.5 From 1931 to 1976 Mr Colenbrander was employed by the Department of Native Affairs, which subsequently became Bantu Administration and Development. He worked mainly in Natal. He passed the Public Service Higher Law Examination, after which he was a Magistrate in Eshowe and in Umlazi. He was also Native Commissioner and Magistrate in the Eastern Caprivi Strip for five years; this meant that he was the chief administrative officer in the Eastern Caprivi. The last post occupied by him before his retirement was that of Director of Justice in the kwaZulu Government Service.

1.5.6 The Chairman asked the present Rector of the University of the North, Prof. W.M. Kgware, to act as adviser during the Pietersburg sitting, but other commitments made it impossible for him to accept this invitation.

1.5.7 All four the advisers had extensive knowledge of the relevant matters. They were most helpful at the sittings, where they were allowed to put questions to witnesses, and at the numerous discussions held with them about the facts and causes. They had a good understanding of the rioters’ grievances which so many witnesses spoke about. Their great experience of people, and even of riots, made them exceptional advisers.

1.6 Venues of sittings.
1.6.1 Details concerning the sittings and the proceedings appear later in this Part and in Annexure A. At this stage the Commission would mention only the following two facts. With one or two exceptions, the Commission's sittings were held in court-rooms; when held there, the Chairman, the members of the legal team and witnesses' legal representatives were attired in the official robes. This formality contributed to the court atmosphere and the decorum that prevailed at the Commission's sittings.

1.7 The Commission's officials.
1.7.1 Mr D. Jacobs, a Magistrate previously attached to the Head Office of the Department of Justice, initially acted as Secretary to the Commission. His duties were subsequently taken over by Mr E.S.J. van Graan, a State Advocate in the Attorney-General's office, who had previously been a member of the commission's legal team. Mr I.S. van Noordwyk, a Magistrate in the Magisterial Division of the Department of Justice, succeeded Mr Van Graan as Secretary. Mr L.C. Viljoen held the post of Assistant Secretary.
1.7.2 Dr P. Yutar, retired Attorney-General of the Transvaal, was the leader of the legal team who helped to collect, prepare and submit evidence to the Commission. He was assisted by Mr Van Graan before he became Secretary and by Mr A. Hlungwani, then a professional assistant in the Department of Justice and now attached to the Gazankulu Department of Justice.
1.7.3 The following officers of the Department of Justice assisted the Commission at various stages of the classification and processing of the evidence:
Mr J. Harwood, a Magistrate; Mr J.F. Kukard, a Magistrate;
Mr H. van Rensburg, a Legal Assistant;
Mr J.J. Hayman;
Mr N.H.S. Pretorius; and
Mr P.P. Muller.
1.7.4 The Department of Bantu Administration and Development appointed Mr P.N. Hansmeyer as its liaison officer with the Commission. As it was clear that the Commission's inquiry would also cover various aspects of that Department's activities, this appointment was made to facilitate liaison as well as the gathering of information. But it was not only in these respects that this appointment was singularly successful; in numerous conversations with Mr Hansmeyer, the Commission found his wide experience and thorough knowledge of the matters under consideration, as well as his open-minded approach to related problems invaluable. During his many years of service in the various Departments which had administered the affairs of the Black community, i.e. those of Native Affairs, Bantu Administration and Development, Plural Relations and Development, and Co-operation and Development, one of the posts occupied by him was that of private secretary to the Minister of Bantu Administration and Development. He subsequently became Chief Bantu Affairs Commissioner for the Northern and Eastern White Areas in the Transvaal and in the Ndebele and Swazi homelands. In Bophuthatswana, he was Secretary to the Chief Minister and to the Minister of Finance; in kwaZulu, he held the post of
1.8.1 The Department of Justice was responsible for the arrangements in connection with the Commission's appointment and also supplied the various officials of the Commission. The Commission's travelling expenses and the subsistence expenses of the Chairman and the officials were also borne by this Department. When the sittings were concluded, the Department placed spacious offices in its Head Office building at the Commission's disposal for the collation of the evidence and the preparation of the Report.

CHAPTER 2: NOTIFICATION OF THE APPOINTMENT AND FUNCTIONS.

2.1 Government Gazettes.

2.1.1 The Commission's appointment and terms of reference were published for general information in the Government Gazettes of 2 July and 8 October 1976. These notices also contained certain instructions to persons wishing to testify.

2.2 The Press.

2.2.1 The Press gave wide publicity to the Commission and its activities. Initially, the Commission's appointment and constitution also drew extensive and divergent comments from various newspapers. Newspaper editors were approached by the Secretary, in response to whose request many newspapers printed articles on the Commission's terms of reference, as well as publishing the Commission's invitation to persons and organisations to testify. The first two meetings, which were held on 3 August and 2 September 1976 in the Supreme Court building known as the Old Synagogue in Pretoria, were in fact press conferences; reporters from virtually all the big newspapers and the news agencies were present; the result was that the dates and venues of the Commission's proposed sittings were brought to the notice of many interested parties. Some of the newspapers that carried the reports and invitations were newspapers circulating almost exclusively among the Black population. The usefulness of this wide publicity is apparent from the favourable response of prospective witnesses to these announcements.

2.2.2 The sittings in the cities were well attended by reporters, who reported not only on the evidence but also on the press statements that were regularly released by the Chairman in connection with itineraries, inspections in loco and witnesses. Because the big newspapers did not have local representatives everywhere, reporters accompanied the Commission on most of its trips. Consequently, the Commission's activities received comprehensive and continuous coverage; this often meant that more witnesses came forward to testify.

2.3 Radio and television.

2.3.1 The radio news services regularly broadcast reports on the Commission and the evidence given at its sittings. Furthermore, the Chairman granted interviews to radio reporters; on these occasions, special prominence was given to the Commission's plans and its invitation to witnesses. To reach as many Blacks as
possible, the invitations to testify before the Commission were broadcast in the various Black languages.

2.3.2 Some of the evidence before the Commission was also televised, as were interviews with the Chairman, in which the emphasis fell on future plans and invitations to witnesses. Televised recordings of the Commission's visits to Soweto and the Black residential areas of the Peninsula were also broadcast.

2.4 Steps taken by the Commission itself.
2.4.1 In several instances, the Chairman and officials of the Commission personally got in touch, either telephonically or in writing, with individuals, newspapers, universities, Government departments and other organisations to obtain information in connection with the Commission's work or to collect evidence. The editors of newspapers in Johannesburg were for instance asked to send the Commission copies of their papers that carried reports on the events of the first few days of the riots in Soweto. This was readily done. The editors had no objection, either, to their reporters testifying before the Commission, provided the reporters themselves had no objections to doing so.

2.4.2 The Commission commenced its work with visits to Soweto, the East Rand, the Vaal Triangle and Atteridgeville. After inspections had been carried out, meetings were held with leaders of the community at each centre. Apart from being asked to express their views, the way in which the investigation was to be carried out was explained to them and they were also asked to testify.

CHAPTER 3 : MODUS OPERANDI.
3.1 Sittings.
3.1.1 On 13 September 1976, the Commission began hearing oral evidence in public in Pretoria, and on 30 June 1977 it held its last public sitting, which took place in Cape Town. Rioting occurred throughout the country, and the Commission, as empowered by section 2 of the Commissions Act, arranged to hold sittings at different places that would be convenient for witnesses and other persons concerned. It sometimes happened that the Commission heard evidence in more than one town or at more than one place on the same day. Annexure A details the 126 sittings held by the Commission.

3.1.2 The provisions of section 4 of the Commissions Act were complied with by hearing evidence and addresses in public. The Commission also invoked the proviso to this section empowering the Chairman to exclude from the sittings any persons whose presence at the hearing of evidence or addresses is, in his opinion, not necessary or desirable. Thus 69 witnesses testified in camera. There was also a small group of persons only a portion of whose evidence was not given in public. Depending upon the circumstances, all the evidence heard by the Commission in camera was put to the persons to whom it related.

3.1.3 In regard to 48 witnesses who testified in public, the Chairman directed that no person was to publish in any manner whatsoever their names or addresses or any information likely to reveal their identities. This order was issued by the Chairman by virtue of the powers vested in him by regulation 8 of the Regulations to do so in cases where witnesses requested such secrecy of the Commission.
Such evidence was given in public and could, subject to the limitations of the order, be published freely. Several witnesses who testified in these circumstances were subsequently cross-examined by the legal representatives of the persons to whom the evidence related.

3.1.4 Four witnesses gave their evidence in confidential and personal interviews with the Chairman; it was in the interests of their safety that it should not become known that they had testified. Their evidence related to their own affairs, but where such evidence concerned particular persons or bodies, it was put to those concerned, with the necessary precautions, before being considered by the Commission in connection with any finding.

3.1.5 In the special circumstances, the Commission does not deem it desirable to publish a full list in the Report of the witnesses or the persons with whom discussions were held. In a few cases in which witnesses’ identities were kept secret, copies of their evidence were supplied to them individually at their request through their legal representatives. In one case, a witness formally waived the protection he had been granted.

3.2 'Meetings' and discussions.

3.2.1 The Commission's visits to the Black residential areas of Soweto, the East Rand, the Vaal Triangle and the Central Transvaal at the beginning of its inquiry were followed up with meetings at which Black urban leaders were present. At these meetings, representatives of the Urban Bantu Council and the various Advisory Boards were afforded an opportunity, along with other leaders, to express their views on the riots and their causes. They were also invited to testify formally before the Commission at a later stage, and with this in view members of the legal team interviewed a number of them. The Secretary minuted their comments at these meetings, and these comments were subsequently considered by the Chairman in the preparation of this Report.

3.2.2 During these visits and meetings it was also possible to hold discussions with senior officials of the various Bantu Administration Boards. These discussions were of a general nature, as were those held with the officials who accompanied the Commission on various tours of inspection. Some of these officials subsequently testified.

3.2.3 In the Homelands, the Commission held discussions with members of the Cabinets and senior heads of departments of the various Governments. Members of the Governments of Bophuthatswana, Ciskei, Gazankulu, kwaZulu, Lebowa and Qwaqwa took part in such discussions; only in one instance was the Chief Minister not present because he was on an official visit abroad. The information furnished and the views expressed were considered in conjunction with the memoranda submitted in some cases by the Governments concerned.

3.2.4 During the sittings, the Chairman held several interviews with individuals, including language experts, educationists and job researchers, in order to obtain expert advice and information. In this regard Mr Hansmeyer, the liaison officer of the Department of Bantu Administration and Development, was particularly helpful because of his wide experience and knowledge.
3.2.5 The Chairman constantly discussed matters relating to the inquiry and the evidence with the advisers. They not only gave advice but also frequently suggested where further information might be obtained. Although they bear no responsibility for the decisions and conclusions of the Commission, the, findings relating to the evidence heard by them were submitted to and discussed with them.

3.3 Inspections in loco.

3.3.1 The Commission tried to carry out inspections in loco at all the places where, according to the evidence, rioting had occurred. This was not always possible, especially in the rural areas, because some of the places were remote and not easily accessible. Some of these visits were extensive, for instance those paid to the University of the North, the University of Zululand, the Black and Coloured residential areas of the Witwatersrand, the Vaal Triangle, Atteridgeville, Witbank, Bophuthatswana, Thaba Nchu, the Peninsula, Stellenbosch and Paarl.

3.3.2 It was also necessary to visit some places more than once. After the investigation in Soweto, further evidence concerning the outbreak of the rioting and an attack on the home of a witness necessitated a second visit; while preparing the Report, the Commission deemed it necessary to pay a third visit to this area. In Cape Town an investigation was carried out at the scenes of the rioting in the Peninsula, but after that the Christmas riots erupted in Nyanga. A second visit was then paid to this particular area only.

3.3.3 Because there had been evidence relating to grievances about transport services, the Commission and its officials one morning took an ordinary passenger train during the peak hour from Johannesburg to Naledi in Soweto and back. That same evening, also during the peak hour, journeys were also undertaken from Pretoria to Mamelodi and to Atteridgeville and back. A bus company offered to arrange for an investigation of bus services, but this could not be fitted in. However, the Commission did take note of the conditions at urban termini at peak hours.

CHAPTER 4: WITNESSES.

4.1 Securing of witnesses.

4.1.1 In terms of section 3(1) of the Commissions Act, the Commission has the power, for the purpose of obtaining evidence relating to the subject of its investigations, "... to summon witnesses, to cause an oath or affirmation to be administered to them, to examine them, and to call for the production of books, documents and objects." There was only one case in which the Commission considered summoning a person, but because of special circumstances decided not to adopt this course. All the witnesses who appeared before the Commission therefore testified voluntarily.

4.1.2 The invitations referred to in Chapter 2 undoubtedly resulted in a large number of persons, Black, Coloured and White, coming forward to testify. Where individuals were known to have been involved in incidents of rioting they were approached by the Commission and asked whether they would be prepared to testify. In only a few cases were such individuals unwilling to come or could they
not be traced. Officials of the Commission also traced witnesses, arranged consultations with them and eventually led their evidence before the Commission.

4.1.3 However, evidence was given, especially in Cape Town, that many Black, Coloured and White persons were unwilling to testify before the Commission. These unwilling persons did not come forward personally to say why they did not want to testify, but according to the others the main reasons were the following.

4.1.4 They feared their own people's vengeance or were afraid of being victimised by them. First, the case of Credo Mutwa must be mentioned. Shortly after he had testified in Pretoria, his house in Soweto was attacked by a large number of youths, who burned it down together with his furniture. He himself was seriously assaulted. Later his place of work, his "museum kraal" in Soweto, was also destroyed. There is no doubt that these acts were committed in revenge because he had testified and his testimony was not favourable to the rioters. The steps taken against Credo Mutwa were not an exception, as is evident from the examples quoted in Chapter C6 of the victimisation of witnesses in court cases by members of their own race.

4.1.5. They were afraid of victimisation by the authorities and especially by the Security Police; this was the second reason for their unwillingness to testify before the Commission. This contention seems to emanate from persons opposed to the present Government and its so-called apartheid policy. The fear that witnesses who testified against the Government would be victimised by the authorities, was mentioned by, among others, an attorney who submitted evidence. According to him, White teachers at Coloured schools had said that, if they were to testify, it would be against the authorities and that they would then be dismissed at 24 hours' notice. As regards the latter assertion, the Commission knows of no grounds on which it could be based.

4.1.6. Victimisation by the Security Police was said to consist in arrests or detentions without trial. The Commission knows of two persons who were arrested shortly after testifying before the Commission. In the first case, a reporter on The World was arrested in Johannesburg the day after giving evidence in public in Pretoria. It was found on investigation that he had been arrested for alleged acts on the day of his arrest, which had no connection with the evidence he had given. In the second case, a person who testified before the Commission in camera during the morning was arrested in the afternoon of the same day. An investigation showed that the arrest related to alleged acts committed elsewhere and also had nothing to do with the testimony. Although the Commission was satisfied by the investigations that there had been no victimisation, the police action in both cases provided ill-disposed persons with an opportunity to make propaganda, since failure to disclose the real reasons for the arrests made them look like highly probable cases of victimisation.

4.1.7 In regard to these two allegations of fear of victimisation, the Commission should mention that it is convinced that this fear does exist among Coloureds and Blacks; this is one of the reasons why the Commission invited witnesses even to testify in secret before the Chairman.
4.1.8 The third reason for certain persons' refusing to testify before the Commission is of a political nature, and the objection was expressed in various ways, such as the following: The Commission is an apartheid institution, and they want to have nothing to do with it. Coloured students allegedly said that it was a creation of the White man, and they had already turned their backs on the Whites. It would be futile to testify, because the Commission would not arrive at a valid conclusion; it would not achieve anything because its findings would not be implemented. The Commission does not know whether any right-minded persons hold such views; what it does believe is that there is no justification for such views.

4.1.9 The Commission considers that some of the evidence on the unwillingness to testify was exaggerated. When the Commission visited Cape Town on the first occasion there were so many witnesses that they had to be fitted in before the morning sessions, during the lunch-hour and after the afternoon session; it was not always possible to accommodate witnesses at public sittings. The availability of witnesses on the Nyanga riots is dealt with in Chapter B31. Furthermore, the Commission believes that persons who knew what the true state of affairs was, did not always disabuse those who were misinformed, of their misconceptions.

4.1.10 On one occasion, a newspaper report that was not entirely correct made prospective witnesses decide against testifying. This case is dealt with elsewhere, and only a brief résumé need be given here. The Commission sent a member of its legal team to trace witnesses in Pietersburg, where he ran into some difficulties. Eventually, three detainees who were awaiting trial decided to testify. The following day they happened to see a newspaper that carried a report on witnesses in Pietersburg under the heading "Students boycott Cillie inquiry." They refused to testify before the Commission, their excuse being that, as detainees, they had been unaware of the boycott.

4.1.11 A total of 12 persons in detention testified before the Commission. A Black detainee, not one of those referred to in the preceding paragraph, said that he was prepared to testify, but he eventually refused to do so at the sitting. Neither he nor the other three were subpoenaed.

4.2 Memoranda by witnesses.

4.2.1 The last paragraph of Government Notice No. 1187, in which the Commission's appointment was notified, reads as follows: "Interested persons and bodies wishing to give evidence before the Commission or to submit written representations are invited to submit a memorandum (in duplicate) not later than 31 July 1976, containing a concise summary of the representations, to the Secretary ... and to indicate whether they also wish to give oral evidence before the Commission."

On 8 October 1976, the date for the submission of memoranda was put back to 31 October 1976 by Government Notice No. 1862. The number of copies was increased to four. The new date was no longer appropriate either when the riots continued beyond that date. Finally, the Commission decided to inquire into riots up to 28 February 1977 only, and although the date for the submission of
memoranda was not extended again, the Commission nevertheless accepted memoranda received as late as April 1977 for the purposes of its inquiry.

4.2.2 These memoranda served various important purposes. They enabled a member of the legal team to go through the document, and this expedited his consultation with the witness and made it more useful. He could, for instance, put corroborative statements made by others to the witness, making detailed repetition before the Commission unnecessary. He could eliminate irrelevant evidence. Conflicting statements made by others could be put to a witness for his comments or consideration. Further questioning could fill in gaps in the memorandum. Where a witness had his own legal representative and held no consultations with a member of the legal team, such member could use the memorandum to prepare himself for the cross-examination that would otherwise have taken place at the interview. In certain cases, the member of the legal team and the legal representative consulted with the witness together. Even before the witness gave his evidence before the Commission, extracts from his statement could be put to other witnesses. This meant, inter alia, that it would not be necessary in certain cases to recall witnesses. Sometimes it also happened that an entire memorandum or part of it could be used as evidence if the author no longer wished to testify or if it was thought unnecessary for him to appear.

4.2.3 A case in which the Commission's work was held up and made more difficult because witnesses did not submit memoranda is dealt with elsewhere in this Report. This case relates to the evidence concerning the Christmas riots in Nyanga and is briefly outlined here. After the Commission had completed its work in Cape Town on 1 December, renewed rioting flared up in the Black residential areas there. Early in January 1977, an official and a policeman testified in Pretoria about what had happened. Upon its return subsequently from visits to other scenes of rioting, the Commission found a brief and somewhat obscure document from the Nyanga Residents Action Committee (NRAC), dealing with the same matters and requesting that witnesses be permitted to testify on them. While officials were still negotiating with the NRAC, a clergyman and a newspaper saw fit to interfere in the matter. Eventually the sittings began when only a few memoranda from witnesses were available; sometimes these documents were submitted only when the witnesses entered the witness-box, and there were inaccuracies in the statements. The result was that, during the hearing of evidence, the Commission had to order that certain aspects be investigated or that certain witnesses be traced. Witnesses had to be recalled to put other statements to them or to ask them to give further evidence. It also had to be established why some of the hastily prepared memoranda contained statements concerning events not mentioned by witnesses or why important parts had been left out of the memorandum.

4.2.4 The following must be pointed out in regard to memoranda: Several bodies expressed their willingness to assist in the drawing up and duplication of statements, and members of the legal team also assisted prospective witnesses in this regard. In Cape Town, witnesses stated that certain Black bodies and persons had intended to submit evidence, but that the local Bantu Affairs Administration
Board (BAAB) had informed them that the memoranda had to be taken to the Board, who would have them typed and submitted to the Commission. This aroused the suspicions of the prospective witnesses, who believed that this would land them in trouble. The witnesses' attempts to explain that the BAAB's request was a well-meant gesture to help them and that they were definitely not obliged to submit their memoranda to the BAAB apparently did not have the desired effect.

4.3 Numbers and capacities of witnesses.
4.3.1 In all, 563 persons testified before the Commission; the Chairman further held informal discussions with 44 persons. Included among the latter were members of advisory boards, the newspaper Press Union, and so forth. This discussion deals mainly with witnesses. The following table shows the number of witnesses and the places at which they appeared and testified before the Commission during its sittings. A witness did not necessarily come from the place where the sitting was held or testify only about rioting that had occurred there.

<table>
<thead>
<tr>
<th>Location</th>
<th>Witnesses</th>
</tr>
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<tbody>
<tr>
<td>Bloemfontein</td>
<td>32</td>
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<tr>
<td>Bredasdorp</td>
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<td>Caledon</td>
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<tr>
<td>Graaff-Reinet</td>
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563.
4.3.2 Of the 563 witnesses, 39 were Coloureds, 184 were Blacks and 340 were Whites. Fewer than 10% of the witnesses were women. Only 15 were juveniles, i.e. persons under the age of 18 years. The following analysis shows that these witnesses came from all strata of society. Some of the witnesses were
classified under more than one group. Most of the witnesses were people who did not make light of the events and their causes or adopt a theoretical approach to them; many of them had gone through the riots themselves, and some of them had taken part in the riots.

4.3.3 The largest group of witnesses were members of the South African Police Force. They comprised 127 Whites, Blacks and Coloureds. There were officers as well as constables among them. There were also three members of the South African Railway Police and two traffic officers. The reason for the large number of police witnesses was that evidence was given about every incident of rioting and that the police, as the keepers of the peace, knew about all these cases and had to tell the Commission about them.

4.3.4 Although the word "student", in both Afrikaans and English, was constantly associated with the riots, only one student appeared before the Commission to testify. But tertiary education was also represented by others. In addition to four university rectors and a vice-rector, 28 professors, lecturers and university and college officials testified. The figures for schools were as follows: Five school inspectors, 36 school principals and teachers, seven members of school boards and committees, and 17 scholars appeared before the Commission. Among the scholars were the 15 juveniles referred to in a preceding paragraph. The evidence from this quarter did not relate to the various incidents only but also to the education policy, its application and the problem areas, and so linked up with that given by six members of the education administration and other persons. The educational sector, to use a collective term, therefore produced 105 witnesses.

4.3.5 It was stated earlier that twelve detainees also testified. Some of them were scholars; one was a young schoolboy who had already been convicted and sentenced for his part in an incident of rioting. He was awaiting trial on another similar charge, and upon being transferred to another prison in connection with the second trial, he asked to testify in secret before the Chairman. His testimony was heard and subsequently considered in conjunction with the evidence given by other witnesses on the same matters. The Commission is not aware of any case in which a detainee, or any other witness, was subsequently prejudiced at a trial because he testified before the Commission.

4.3.6 Thirty-six Bantu Administration Board officials gave evidence concerning the riots and Board matters, and the Secretary and 19 members of the then Department of Bantu Administration and Development appeared before the Commission.

4.3.7 Twenty ministers of religion testified before the Commission. Most of them served in the parishes of their respective religious denominations; some of them concentrated on work among the Blacks. Some of them gave individual accounts of their experiences during the riots and of conditions among the Black and the Coloured groups, and also expressed their views to the Commission, while others testified in small groups on behalf of church organisations. Furthermore, 21 social workers and sociologists, including researchers and university staff, gave evidence. Testimony was given by a total of 21 researchers into matters
investigated by the Commission. There were also groups of witnesses who appeared for well-known interested organisations such as the Black Sash and the South African Institute of Race Relations; 13 witnesses belonging to the last-mentioned organisation testified before the Commission.

4.3.8 When Johannesburg newspaper editors were asked to let the Commission have reports that had appeared in their newspapers on the first few days' rioting, they were also asked whether they would have any objections if any of their reporters wanted to testify about the incidents. There were no objections. In all, 26 reporters testified; nine of them were Blacks. The evidence of the latter group was important because White reporters - indeed, all White persons except policemen - were kept out of Soweto for safety reasons during the first few days.

4.3.9 A large number of politicians told the Commission of their experiences and gave their views on the riots. Among them, there were 26 who were attached to homeland governments; 23 of them were members of Advisory Boards and Urban Bantu Councils, three were members of the Coloured Persons Representative Council, four were members of Parliament, one was a provincial councillor and three were city councillors. In addition, there were 11 witnesses who were apparently active members of political parties.

4.3.10 Twenty-six professional men gave evidence about aspects of the rioting that fell within the scope of their professions or their field of interest. Eleven of them were medical practitioners. To this group must be added a magistrate and a witchdoctor. The latter was the well-known author, Credo Mutwa, to whom there are several references in this Report.

4.3.11 The Black, White and Coloured businessmen who testified totalled 25. Two of them traded in Nyanga and gave the Commission an account of their personal experiences such as attacks, damage to property and intimidation. Others testified about the conduct of their employees.

4.3.12 According to the evidence, the Black community, especially in Soweto and Durban, had serious grievances about transport services. Six highly placed officials of the South African Railways gave evidence concerning the train services to Black residential areas, and two witnesses appeared for the Putco bus transport company and spoke about bus services.

4.3.13 Finally, a large number of individuals, only some of whom could be classified under the above-mentioned classes, came forward to tell of what they had seen and experienced and to give their views concerning the causes of the riots. Among them were housewives, labourers and residents of the large urban Black residential areas. All of them had the interests of those affected by the riots at heart.

4.4 The oath or affirmation.

4.4.1 As stated in the first paragraph of this chapter, the Commission was empowered by section 3(1) of the Commissions Act to put witnesses under oath. It is furthermore provided by regulation 6 of the Regulations that the Chairman, or any person designated by him, may administer to a witness an oath or an affirmation that he will speak the truth. Usually, these important tasks were performed by the Secretary or his deputy at sittings.
4.4.2 The practice followed was for all persons to take the oath or to make an affirmation before testifying before the Commission. The submission made by a witness that a Black person should be asked only after having made his statement to affirm by oath or otherwise that he had told the truth was not supported in other evidence nor did it persuade the Commission to depart from the general practice in the courts of law of the land.

4.4.3 Whenever a group of members of a particular body had to testify on behalf of that body, and especially if they did so in connection with a joint memorandum prepared by the members, they were all sworn in simultaneously in the prescribed manner and testified together. In this way, a witness could speak to the part of the memorandum that fell to him to deal with, while the others could comment or give supplementary evidence. This meant that all the testimony given by such a body could be recorded in sequence and that there was no need to interrupt a witness's testimony or to recall witnesses for the purpose of putting to them statements made by others. In no case did this procedure cause any confusion. For the sake of convenience, such a group of witnesses were permitted to sit at a table with the necessary documents while testifying.

4.4.4 At meetings and talks, the participants were not put under oath. Their function was not so much to testify about events but to throw light on certain aspects of the inquiry into causes.

4.4.5 Later on in this Report, reference is again made to the administering of the oath. The importance and the value of the oath are dealt with in paragraphs B31.10.3 and 6 in particular.

4.5 The leading of witnesses.

4.5.1 Prospective witnesses were classified according to their memoranda and called to testify accordingly. Each one of them was first interviewed by a member of the Commission's legal team. The advantage attached to the fact that the member had perused the witness's memorandum has already been dealt with.

4.5.2 Eventually, the members of the team led the witnesses' evidence before the Commission. Whenever it was necessary and his work permitted him to do so, Mr Jacobs, the first secretary, also interviewed witnesses and led their evidence before the Commission.

4.5.3 Regulation 9 of the Regulations reads as follows: "Any witness who appears before the Commission may be assisted by an advocate or an attorney only to the extent to which the Chairman permits it."

All applications from witnesses to be led by their own legal practitioners were granted. Consequently, 12 advocates and attorneys represented and assisted 36 witnesses before the Commission. In some cases, members of the legal team attended interviews between witnesses and their legal practitioners. This precluded immediate and ill-considered comments by witnesses if contradictions were put to them, as well as uncertain floundering in subsequent cross-examination.

4.6 Further examination.
4.6.1 Cross-examination.
The provisions relating to the cross-examination of witnesses testifying before the Commission are contained in Regulation 7 of the Regulations which reads as follows: "Any witness who appears before the Commission may only be cross-examined by a person if the Chairman permits it to be done by that person because it is in the Chairman's view necessary in the interests of the functions of the Commission."

There were few requests to cross-examine, none of which was refused.

4.6.2 In their testimony, a group of witnesses implicated two persons who were not present at the Commission's sittings in meetings at which rioting had been planned. This testimony was published, and an advocate applied on behalf of these two persons to cross-examine the witnesses. Leave was granted, and under cross-examination the witnesses amended a part of their evidence by stating that the two persons concerned were not present at the planning meetings. They did not advance any acceptable explanation for their recantation, with the result that their credibility was impaired to the extent that their evidence in this regard could not be accepted.

4.6.3 Where a witness was led by his own legal practitioner without there having been any prior discussions with the legal team, the Chairman sometimes called upon a member of the team to cross-examine the witness. One object of this was to enable the member to put certain facts to the witness of which his legal representative had probably been unaware, e.g. conflicting evidence that had already been given or was still to be given, as well as relevant evidence that he had not mentioned.

4.6.4 Re-examination.
Legal representatives leading evidence were always afforded an opportunity of re-examination. Such re-examination frequently occurred after the examination referred to in the next paragraph.

4.6.5 Examination by the Chairman and advisers. The Chairman regularly put questions to witnesses. These questions were usually put after the legal practitioners had concluded their examination; sometimes the examinations were interrupted by the Chairman with questions that were designed to obtain clarity. In Cape Town, Durban and Empangeni, the Commission's advisers heard the evidence together with the Chairman; on these occasions, they were also afforded an opportunity of putting questions to the witnesses.

4.7 Interpreters.

4.7.1 Most of the witnesses made their statements before the Commission in one or the other of the official languages. Blacks almost invariably wished to testify in their own language. Consequently, interpreters were frequently used. Official criminal court interpreters were usually placed at the disposal of the Commission.

4.7.2 Witnesses were not always satisfied with the interpreters who officiated, and disputes sometimes arose. In some cases, the dissatisfaction was so great that the Chairman, for fear of misunderstanding and inaccurate interpretation, had to have
the interpreter replaced. In such cases, the advisers and Mr P.N. Hansmeyer
advised the Commission.
4.7.3 It also happened that the language of the person putting the question was
understood so well by a witness that he would reply to the question even before
the interpreter could put it to him. In such cases, the interpreter usually translated
the reply to the Commission, adding that the particular
reply had been given before he had translated the question to the witness. In this
way, the Chairman was put on his guard and could consider whether any
misunderstanding had crept in'.
CHAPTER 5 : EVIDENCE.
5.1 The sources.
5.1.1 Records.
In the preparation of its Report, the record of its proceedings was the main source
consulted by the Commission. This transcribed record of 126 sittings, at which
563 witnesses testified, runs to some 9 000 pages. Of equal importance were the
minutes kept by the Secretary of the various discussions and meetings.
5.1.2 Exhibits.
Secondly, there were 495 documentary exhibits, including the following:
Memoranda and statements by witnesses, photographs, banners and placards with
slogans, letters, pamphlets, books and other writings. Sometimes witnesses did
not deal with all the parts of their memoranda in their evidence; depending upon
circumstances, the parts not dealt with were incorporated in the records or filed as
exhibits. It also happened that a witness whose memorandum or statement was in
the Commission's possession did not turn up to testify. Because such documents
also have some evidential value, they were lodged as exhibits. Tables and
documents, which sometimes constituted important parts of a person's testimony,
were also included among the exhibits.
5.1.3 Newspapers.
As has been mentioned, the editors of Transvaal newspapers were asked at the
commencement of the inquiry to send the Commission copies of their newspapers
that had carried reports of the first few days' rioting. This they did. At a later
stage, some of the newspapers sent the Commission bound cuttings of riot
reports. Newspapers, including foreign papers, were constantly scrutinised for
details of and comments on the riots. Other evidence could sometimes be
checked against the newspaper reports, and by studying the newspapers the
Commission was in some cases put on the track of evidence not known to it.
5.1.4 Reports of judicial inquiries and trials.
Annexure E contains a list of 178 court cases that relate to the riots and were
considered by the Commission. In some cases, the entire record of the case was
studied; in other cases, it was sufficient to study the judgment,
while in a third group the outcome, i.e. whether the accused was discharged or
convicted and sentenced, sufficed for the purposes of this Report. Full
particulars of many cases were not known, and in minor offences the names of
the accused were not always supplied to the Commission. The last-named
category includes cases in which a group had, for instance, taken part in an illegal march, had been apprehended but released or had admitted guilt and had got off with a reprimand or a suspension or postponement of sentence or with a small fine. The Commission stresses the fact that the list in Annexure E is not complete. In cases where facts concerning the riots or the actions of the parties concerned were found to be proven by the court, the Commission accepted them as such.

5.1.5 A particularly large number of records of inquests were traced and studied. In this way, evidence pertaining to persons who died in the riots was checked and Annexure F compiled.

5.1.6 Parliamentary Proceedings.
Information for the purposes of this Report was also obtained from the reports of Parliamentary proceedings. In this connection, the replies to questions were particularly useful and important.

5.1.7 Reports of earlier commissions. The Commission also studied the reports of previous commissions of inquiry that had sometimes studied relevant matters and had arrived at findings thereon. In this Report, reference is made to cases that create the impression that these riots may be regarded as a continuation of disturbances previously inquired into.

5.1.8 Treatises about riots.
During the hearing of evidence and the preparation of this Report, several books and treatises on the riots and the disturbances appeared. The Commission read some of them and considered the data and conclusions. The Commission was also able to peruse several works on riots and disturbances abroad. At the Commission's request, most of these treatises were placed at its disposal by the former Department of Information. The Commission found that a knowledge of certain matters in countries abroad made it easier to understand similar matters in this country.

5.1.9 Films and television.
Four witnesses showed the Commission films that they had made themselves of riot incidents; they also gave explanations and a commentary. The South African Broadcasting Corporation was kind enough to show the Commission all its video tapes of the riots. The showing of these tapes took almost a whole day.

5.1.10 Inspections.
The Commission obtained considerable information from the inspections that were carried out in loco in almost all the riot-torn areas. In several cases, the Commission's findings were filed of record in the form of statements and summaries by the Chairman.

5.2 Recording of evidence.
5.2.1 In terms of regulation 3 of the Regulations the manner of recording of the Commission's proceedings was determined by the Chairman. The oral evidence was recorded mechanically by Mrs E. Jansen, an operator from Lubbe Recordings (Pty) Limited, after which it was transcribed by a typist from the same company.

5.2.2 At meetings and talks, the Secretary recorded the evidence. With one exception, the interviews with homeland leaders were minuted by Mr P.N.
Hansmeyer. The Chairman personally made notes of the evidence given in secret before him by witnesses, as well as of the interview with the Chief Minister and the Minister of Justice of Gazankulu.

5.3 Classification of the evidence.
5.3.1 When all the evidence had been collected, the Commission had a very wide-ranging volume of information at its disposal. This information was contained in the transcribed oral evidence, the exhibits, the records of court cases, and other documents. Furthermore, almost every witness dealt with more than one aspect of the inquiry, and separate bits of evidence frequently related to more than one subsection. Classification of the evidence was therefore necessary before the Commission could proceed with the preparation of its Report. The system of classification that was devised after the first study of the evidence was flexible, in that new groups or classes could be added, while others could combined, left out, extended or condensed.
5.3.2 Because, under this system, all the evidence was recorded on cards and grouped, the Commission could consider together all the available facts and views relating to each separate part and so arrive at a finding.
5.3.3 This classification facilitated the preparation of the chronological Annexure D; all the riot incidents are scheduled in this annexure according to date, division, place and time. It gives a complete picture of the disturbances and riots. By rearranging the information, the Commission was able, in Part B, to discuss the incidents according to the places where they had occurred. In the same way, the classified information was used in the discussion of the elements, the consequences and the causes of the riots, and the preparation of the annexures.

5.4 Evaluation of the evidence.
5.4.1 The Commission's primary task was to establish facts; after all, its terms of reference were "to inquire into and report on the riots ...". As a judicial commission, the Commission collected the relevant evidence from the available sources, considered the reliability of such evidence and so established the true facts of the riots, as a court of law would have done. After that, the Commission went into the causes of the riots; in this connection, it was not only the opinions of witnesses that were important, but also the true facts and the logical inferences that could be drawn from them.

5.4.2 The relevance of the evidence.
The Commission deemed evidence to be relevant if any inference could be drawn from it in regard to a fact or cause that it had to investigate. If evidence could not throw any light on any such matters it was irrelevant and was excluded. For the rest, the Commission did not disregard any evidence merely because it conflicted with the views or evidence of a particular person or group of persons.
5.4.3 Conflicting and corroborative evidence. There was not a great deal of contradiction of facts in the evidence. Such contradiction as there was, related mainly to police action during the morning of 16 June in Soweto, the riots in the Peninsula, and the rioting over the Christmas week-end in Nyanga. This conflicting evidence is dealt with in Chapters 3, 30 and 31 of the next part.
Witnesses seldom differed about the existence of a condition that could be regarded as a cause of the riots; sometimes they were not in agreement about the importance or the extent of such a cause. Where there was conflicting evidence on any particular subject, the Commission usually gave its reasons for its finding. If there was no contradiction, the Commission nevertheless subjected the evidence to the usual tests, but as a rule without giving reasons for its acceptance or rejection of the evidence.

5.4.4 Testing of the evidence.

The tests to which the evidence was subjected will appear from the discussion of the riots in Soweto and the Peninsula in the later chapters referred to in the preceding paragraph. Some of these tests are mentioned here. Further to the remarks concerning corroborative evidence, the following has to be pointed out. Although the corroboration of a statement is most important, it does not necessarily mean that a corroborated statement was accepted without due consideration, just as contradiction alone did not always result in the rejection of statements. In this regard, it is important that the Commission afforded all persons implicated by witnesses in the riots or in acts of rioting, an opportunity of testing the evidence by cross-examination or of rebutting it by their own evidence.

5.4.5 This matter is discussed in paragraph B31.10.4 under the heading "Audi alteram partem". In the first place, no witness was refused an opportunity of putting his side or view of a relevant aspect of the inquiry to the Commission. The evidence received wide publicity in newspapers, and those who were interested could keep themselves informed of what was said before the Commission. Reference has already been made to evidence given without disclosure of the witness's identity or in secret. The doors were open to anyone who wished to submit his own evidence or who wished to supplement or to contradict evidence that had already been given, or who wanted to cross-examine any witness. In the preceding paragraphs, cases were mentioned in which witnesses were subsequently cross-examined, and some of the parties concerned subsequently testified at their own request.

5.4.6 In assessing any evidence, the Commission also had regard to the probability of any account, to possible inherent contradictions in it, and to its completeness. So far as witnesses themselves were concerned, their behaviour in the witness-box was considered important. This included, among other things, their frankness and their willingness to assist in the search for the truth, their evasions, and their one-sidedness, partiality and possible prejudice. Then, too, there were witnesses who tried, deliberately or unwittingly, to mislead the Commission. After considering matters such as these, the Commission decided whether evidence should be accepted or rejected.

5.4.7 Hearsay evidence.

It is necessary to indicate what value was attached to hearsay evidence, since the rule against the admission of such evidence in criminal cases was not strictly applied by the Commission. Hearsay evidence was admitted mainly in the following cases. In the first place, policemen testified on the occurrence of incidents of rioting according to reports made by other policemen at their police
stations. The lists drawn up from this evidence were checked and supplemented from direct evidence, as well as from newspaper reports on the incidents. If the Commission had insisted that evidence concerning an incident of rioting could be given only by a person who had witnessed such incident, the proceedings would have been delayed and many incidents would never have come to the Commission's notice. This information was used to give a complete picture of the riots, as in Annexure D, and was used against individuals only if it had been put to them. In the second place, some participants in the riots fled the country and gave interviews concerning the rioting, the reasons for the rioting and their part in it, to newspapers and organisations abroad. Information that was published as a result of such interviews and that came before the Commission was incorporated in this Report if proven facts permitted of this and did not contradict such information. In the third place, evidence given under oath in court cases and accepted by the courts as true appears in this Report as correct and proven facts, usually with a reference to the source.

5.4.8 Findings and conclusions.
This was the manner in which the Commission considered the evidence; the facts that were then found to be correct appear in the Report. And it was on all these proven facts that the Commission based its conclusions.

CHAPTER 6: PREPARATION OF THE REPORT.
6.1.1 Although the staff helped to arrange the evidence and information, the Chairman, as sole member of the Commission, decided as to its completeness and value. Although virtually all the matters that had to be reported upon were discussed with the advisers, the Chairman alone drew the inferences and made the findings after having considered their advice. The Chairman wrote this Report himself and bears sole responsibility for its contents. The Report was written in Afrikaans and translated into English by the Language Services Bureau of the Department of National Education. In a few instances the Commission made slight alterations to the English text provided by the Bureau.
6.1.2 In the next part (B), events preceding the riots, and the rioting in the various parts of the country, are discussed. The following annexures are to be read with the 31 chapters of Part B: Annexure D, the complete account of the incidents of rioting under discussion; Annexure B, which lists the dates on which and places where rioting took place in the Peninsula; Annexure F, in which all the deaths that occurred during the riots throughout the country are scheduled, together with the causes of death and other details; and Annexure C, in which the number of persons who were fatally injured during the riots in the Peninsula are listed.
6.1.3 Part C contains a discussion of the elements of the disturbances and riots as they appear from the evidence of the events.
6.1.4 Part D deals with the consequences of the riots. Changes in conditions that gave rise to the riots are sometimes referred to but are not evaluated.
Appended to the fifth chapter of this part is Annexure E, which is a list of court
cases that have a bearing on incidents of rioting and were studied by the Commission.

6.1.5 In Part E the Commission reports on the second part of its terms of reference, namely the inquiry into the causes of the riots. In the 34 Chapters the causes mentioned by witnesses or found by the Commission are dealt with separately. The Commission indicates which conditions it found had led to the riots.

6.1.6 To facilitate cross-reference, each paragraph in the Report has been numbered separately. For the sake of convenience, the pages of the five parts of the Report have been numbered consecutively. The various annexures have been numbered separately.

CHAPTER 7: ABBREVIATIONS AND DEFINITIONS.

7.1 List of abbreviations used in the Report. 

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>ABS</td>
<td>African Bus Service (Pretoria) Pty Ltd</td>
</tr>
<tr>
<td>AD</td>
<td>Appellate Division of the Supreme Court of South Africa</td>
</tr>
<tr>
<td>AME</td>
<td>African Methodist Episcopal Church</td>
</tr>
<tr>
<td>ANC</td>
<td>African National Congress</td>
</tr>
<tr>
<td>ASM</td>
<td>African Students' Movement</td>
</tr>
<tr>
<td>ATASA</td>
<td>African Teachers' Association of South Africa</td>
</tr>
<tr>
<td>BAAB</td>
<td>Bantu Affairs Administration Board</td>
</tr>
<tr>
<td>BASA</td>
<td>Black Academic Staff Association</td>
</tr>
<tr>
<td>BPA</td>
<td>Black Parents' Association</td>
</tr>
<tr>
<td>BPC</td>
<td>Black Peoples' Convention</td>
</tr>
<tr>
<td>CPD</td>
<td>Cape Provincial Division of the Supreme Court of South Africa</td>
</tr>
<tr>
<td>CR</td>
<td>Criminal Register</td>
</tr>
<tr>
<td>DCLD</td>
<td>Durban and Coast Local Division of the Supreme Court of South Africa</td>
</tr>
<tr>
<td>DOCC</td>
<td>Donaldson Orlando Community Centre, Soweto</td>
</tr>
<tr>
<td>DRC</td>
<td>Dutch Reformed Church</td>
</tr>
<tr>
<td>ECD</td>
<td>Eastern Cape Division of the Supreme Court of South Africa</td>
</tr>
<tr>
<td>GG</td>
<td>Registration letters of motor vehicles used by some public servants</td>
</tr>
<tr>
<td>MC</td>
<td>Magistrate's Court</td>
</tr>
<tr>
<td>MIHS</td>
<td>Morris Isaacson High School</td>
</tr>
<tr>
<td>NCD</td>
<td>Northern Cape Division of the Supreme Court of South Africa</td>
</tr>
<tr>
<td>NPD</td>
<td>Natal Provincial Division of the Supreme Court of South Africa</td>
</tr>
<tr>
<td>NRAC</td>
<td>Nyanga Residents' Action Committee</td>
</tr>
<tr>
<td>OPD</td>
<td>Orange Free State Provincial Division of the Supreme Court of South Africa</td>
</tr>
<tr>
<td>OWHS</td>
<td>Orlando West High School</td>
</tr>
<tr>
<td>PAC</td>
<td>Pan African Congress</td>
</tr>
<tr>
<td>RC</td>
<td>Regional Court</td>
</tr>
<tr>
<td>RCA</td>
<td>Register of Crime Accepted</td>
</tr>
<tr>
<td>RCI</td>
<td>Register of Crime Investigated</td>
</tr>
</tbody>
</table>
RSA - Republic of South Africa
SACP - South African Communist Party
SAIRR - South African Institute of Race Relations
SAP - South African Police
SASM - South African Student Movement
SASO - South African Student Organisation
SSRC - Soweto Students' Representative Council
TPD - Transvaal Provincial Division of the Supreme Court of South Africa
UBC - Urban Bantu Council
UWC - University of the Western Cape
WLD - Witwatersrand Local Division of the Supreme Court of South Africa
WRAB - West Rand Bantu Affairs Administration Board
YACM - Young African Christian Movement
YARM - Young African Religious Movement
ZOSO - Zoutpansberg Students' Organisation.

7.2 Certain terms used in the Report. Where the following terms appear in the Report, they have been used as indicated and with the meanings stated, unless the context indicates otherwise.

"Bantu" is used only where it appears in the names of bodies or acts.
"Black Power" has not been translated in the Afrikaans text.
"Commissions Act" means the Commissions Act, No. 8 of 1947.

"Contract labourer" is a person who comes without his family from one of the Black States or from the rural areas to work under a specific contract in an urban area for a specified period. See "Migrant".
"Comrades" is the name of a militant group of young people who operated during the riots in the Black residential areas of the Peninsula. See Chapter B31.
"Department" is the then Department of Bantu Education, now the Department of Education and Training.
"Department of Bantu Administration and Development" is the Department that subsequently became the Department of Plural Relations and is now the Department of Co-operation and Development.
"Faction fighting" is the fighting that broke out between groups of Blacks during the riots, especially between contract labourers and other residents of Soweto and Nyanga.
"Hostel" is a building with separate group residential facilities erected in a Black residential area for the accommodation of single persons, contract labourers or migrants.
"Migrant" is a contract labourer in the Black residential areas of the Peninsula, especially in Nyanga. See Chapter B31.
"Minister" means the then Minister of Bantu Education.
"Policeman" is a member of the South African Police.
"Police" has a corresponding meaning.
"Pupil" see scholar.
"Regulations" means the Regulations made by the State President under the Commissions Act, No. 8 of 1947, by Proclamation No. 123, 1976.

"Report" means this Commission's Report, except in Chapter B31 where it means the report of the Ministers' Fraternal of Langa, Guguletu and Nyanga.

"Resident" is a person other than a contract labourer, usually living with his family in a Black residential area, especially Nyanga. See Chapter B31.

"Scholar" is any person receiving tuition at a primary or secondary school. See "Student".

"Secretary" is the Secretary of the then Department of Bantu Education, except where reference is made in Part A to the Commission's Secretary.

"Shebeen" is an unlicensed illicit liquor outlet in or near a Black residential area.

"Single quarters" are the buildings in which single persons and contract labourers are housed. See also "hostel", "contract labourer" and "migrant".

"Student" is any person receiving tuition at a university, training college or other tertiary educational institution. The word "student", as commonly used during the riots for "scholar", does not include "scholar" in this Report.

"Resident" is a person other than a contract labourer, usually living with his family in a Black residential area, especially Nyanga. See Chapter B31.

"Victimisation" and "victimise" are used in regard to the unfair prejudicing of one person, because of his lawful, sometimes political, actions or attitude, by another person usually in a position of power.

"Youths" means young people of both sexes.

Where only the day and month of an incident are given, the year is 1976.

CHAPTER 8: ACKNOWLEDGEMENTS.

8.1 General.

8.1.1 First, the Chairman wishes to express his sincere thanks to the 563 witnesses who came forward voluntarily to testify before the Commission and the 44 other persons who gave advice and furnished information in discussions. The Commission is also indebted to all those who traced witnesses and brought them to the sittings, as well as to the following legal practitioners who led their clients in evidence: Advocates S. Kentridge, S.A., G. Bizos and D. Marais, and attorneys L.J. Bozalek, A.D. Dalling, A.J. Flederman, M.H. Hales, D.E. Jooste, S.K.S. Makhombeni, C. Nupen, A.C. Potash and B.M. Zinn.

8.1.2 A special word of thanks goes to the Government departments and their representatives who were prepared at all times to furnish information that was called for and to render assistance. The following Departments must be mentioned in particular: The Department of Education and Training and its predecessor, the Department of Bantu Education; the Department of Cooperation and Development and its predecessors; the Department of Justice and the former Department of Information.

8.1.3 The South African Police not only produced the largest number of witnesses but also traced many other witnesses and supplied information. Members of the Force were also responsible at all times for the safety of the Commission and its officials and for the arrangement of inspections in loco. In this connection, the
Commission cannot omit to mention the name of Col. C. van R. Mouton of Cape Town. To him and to all the other members of the Force who performed the duties mentioned the Commission expresses its thanks.

8.1.4 The Commission is also indebted to officials of the South African Railways for arranging the Commission's inspections on trains.

8.1.5 The Commission is also grateful for transport and other assistance provided by the various Bantu Affairs Administration Boards in connection with sittings and inspections. Many of their officials gave important evidence. In all cases, the Commission and its officials were received most cordially by the officials of these Boards.

8.2 The advisers.

8.2.1 The four advisers to the Commission, Mr A.B. Colenbrander, Mr J.F. Malherbe, Mr D.R. Ngo and Mr P.M. Sonn, gave the Chairman advice and active assistance at the sittings and the numerous discussions. The Chairman wishes to express his sincere thanks to them for their kind and obliging assistance.

8.3 Officials of the Commission.

8.3.1 In thanking the Commission's officials, the Chairman wishes to mention the following. Because it took such a long time to collect the evidence and to prepare the Report, only one of the officials, the assistant secretary, Mr L.C. Viljoen, was able to remain with the Commission throughout. He is sincerely thanked for his conscientious services. As will appear from preceding paragraphs, the Commission had three secretaries in succession. They were Mr D. Jacobs, Advocate E.S.J. van Graan and Mr I.S. van Noordwyk. All three of them worked with unflagging diligence, rendered outstanding services and often assisted with the work outside normal working hours. Dr P. Yutar ably led the legal team in the submission of the evidence. Mr Abel Hlungwane rendered excellent services in the collection and submission of evidence. Mr J.F. Kukard not only performed his duties in the offices, but also travelled to other cities on several occasions to institute inquiries and to obtain information. Messrs J. Harwood, J.J. Hayman, N.H.S. Pretorius, H. van Rensburg and P.P. Muller assisted a great deal in finalising the classification of the evidence. To them the Chairman expresses a special word of thanks.

8.3.2 The Chairman feels he must mention the name of Mr p.N. Hansmeyer again and thank him for all his assistance.

8.3.3 Mrs Jansen, of Lubbe Recordings (Pty) Limited, was responsible for the recording of the evidence, not only in Pretoria but at practically every other centre where evidence was given. Mrs I. Butcher typed the Report and its translated version. Both these ladies discharged their difficult tasks in a most obliging manner; for this they are cordially thanked.

8.3.4 Finally, the Commission also wishes to thank the officers of the Language Services Bureau, who undertook the translation of the Report and the Annexures.

PART B.
THE RIOTS.
CHAPTER 1: THE PRELUDE TO THE RIOTS.

1.1 Introduction.

1.1.1 On Wednesday, 16 June 1976, Soweto erupted. After that, unrest and rioting spread among the Black and Coloured communities throughout the Republic and continued for almost two years. Various facts and circumstances gave rise to the first outbreak, but its spread and continuation are not necessarily attributable to the same causes. In this review of the prevailing conditions and the events that preceded the eruption, the following matters in particular appear to have been largely and directly responsible for the disorders. They were the policy on the medium of instruction in Black secondary schools and the application of that policy, the organised resistance to its application, the official handling of that
resistance, and the failure of officials and policemen to foresee the imminent eruption in Soweto.

1.1.2 It has not been possible to discuss these matters and their components in chronological order throughout. Sometimes it was necessary to deal fully with a case in one place to bring out its importance as a contributory factor to the rioting more clearly, and sometimes it was necessary for the same reason to discuss separate facts in conjunction, although they did not take place in strict chronological order. The incidents and developments from 1 January to 15 June 1976 are given chronologically as far as possible; and from that account it is clear how the confrontation between groups and their interests eventually culminated in rioting.

1.1.3 Further reference is made to these matters and their connection with the rioting in Part E of the Report. Chapter 2 of that Part deals with the policy on the medium of instruction and its application as a cause of the rioting, Chapter 3 deals with the organisation of the resistance, and Chapter 28 deals with police action as a reason for the eruption and the continuation of the disorders. The policy on the medium of instruction and its numerous problems will now be discussed by way of introduction.

1.2 The policy on the medium of instruction in Black schools.

1.2.1 In the early fifties, the Central Government took over the education and training of Black pupils from provincial authorities and church organisations. At that stage, there was no uniformity regarding the medium of instruction in the existing schools. After a thorough investigation by both Departmental and outside experts, a policy on the medium of instruction was laid down. Under the new dispensation, the pupil's mother tongue became the medium of instruction in primary classes, i.e. up to Std VI. In secondary classes, the mother tongue was still to be used in non-examination subjects, but in the language subjects the medium of instruction was the language itself, while equal use was as far as possible to be made of Afrikaans and English in the content subjects.

1.2.2 Apart from educational considerations that were considered important in investigations and recommendations, one of the objects of the dual medium education (or triple medium education) was to give the pupil not only an academic education, but also to prepare him, so far as his ability to communicate was concerned, for the spheres of employment he was likely to enter. This policy was not welcomed on all sides. Some educationists and politicians, both White and Black, were sharply critical of this policy, while it was praised by others.

1.2.3 It soon became clear that the two official languages could not immediately be used equally as the medium of instruction because there were several parts of the country in which there were not sufficient teachers to teach half of the content subjects through the medium of Afrikaans. In Natal and the Eastern Cape, in particular, there were not enough teachers with the necessary language proficiency. The transfer of teachers, the greater accentuation of instruction in Afrikaans as a subject for students, and the in-service training of teachers in Afrikaans did not offer any final solution to the problem, which continues to this day. A system was then adopted of granting certain schools permission to depart
from the rule concerning the equal use of the official language or, as it was frequently called, the fiftyfifty rule.

1.2.4 There was already considerable discord and confusion about the basis on which permission was granted for departures or exemption from this rule. Although several reasons for departures from the rule are mentioned, it has never been official policy to grant such permission simply because the parents, the school board, the school or the pupils so desire. Initially, only the lack of teachers with the necessary language proficiency was a sufficient reason for departures from the rule. As far back as 1958, however, an indication was given, with the publication of the syllabuses for that year, that permission would also be granted in cases where there was a shortage of textbooks in the language specified for a particular subject.

1.2.5 Regional directors and other parties concerned were usually informed by Departmental circulars or directives about the application of policy, especially in regard to the medium of instruction. Permission to depart from the rule, and the reasons therefor, were frequently referred to in such circulars. Regional directors themselves also sent out circulars to inspectors, boards and schools in their areas of jurisdiction.

1.3 Departmental Circular No. 31 of 1959.

1.3.1 This directive, which deals with the medium of instruction in Black schools, was issued to regional directors and inspectors on 29 December 1959. In the first three paragraphs, there is reference to the progress made with the application of the principle of mother tongue education. The following is said in regard to the equal use of Afrikaans and English in secondary classes:

"Because of the backlog of Afrikaans and especially because of the inability of certain Bantu teachers to use this language as medium, most of the secondary schools have applied for exemption from the requirement during the last three years. This exemption has been granted in most cases.

"From 1960 exemption from the use of Afrikaans as medium will not be granted so readily; it will be expected that everything possible will be done to bring Afrikaans to its rightful position as a medium of instruction."

1.3.2 It is not clear what the author meant by the words "because of the backlog of Afrikaans...". In view of the fact that the words as used here virtually constitute a reason for exemption, the backlog cannot refer to the use of the language, nor to its adequacy, for in that case it could not be a medium of instruction. Probably these words were used in connection with a general backlog in Afrikaans in Black education and in the training of teachers.

1.3.3 This circular continues, in mandatory language, to prescribe the application of the policy on the medium of instruction in schools. It is important to note that it was left to each school to decide, in consultation with the inspector, which subjects were to be taught through the medium of Afrikaans and which in English.

1.3.4 If a school did not have teachers who were competent to teach subjects in the chosen medium of instruction, permission had to be obtained in writing from
Head Office to depart from the rule of equal use, and such applications had to be supported by the inspector and the regional director. On the subject of such a departure, the circular reads as follows: "N.B. The only acceptable motivation is a lack of teachers capable of using either of the official languages as a medium of teaching." These words were underlined in both versions of the circular but the following words which appeared elsewhere in the circular, were underlined only in the Afrikaans text: "The deciding factor will be the availability of competent teachers."

1.3.5 The following is said in regard to applications for exemption: "... the inadequate knowledge, for example of Afrikaans on the part of the pupils, will not be accepted as an excuse. If there is on the staff a teacher who, for instance, can teach agriculture through the medium of Afrikaans, then it must be taught through Afrikaans irrespective of the pupils' knowledge of this language. [The words after the word "Afrikaans" where used for the second time, were underlined in the Afrikaans circular only.] At various schools it has experimentally been proved that this can be done successfully." To the Commission the point here is not the educational aspect of the directive, but rather whether this directive could promote a goodwill towards the language, the school, the system of education or the authorities. The question arises whether a pupil who had been educated in this way would not, after 15 years or more, readily sympathise with those who alleged that Afrikaans was being forced down their throats.,

1.4 Departmental Circular No. 2 of 1960.
1.4.1 Some two weeks later, on 15 January 1960, the regional directors and inspectors were informed by this circular that the instructions contained in the previous circular were to be applied during the year in question to the Form I classes only and thereafter "progressively annually" to the higher forms. Going by the gradual application envisaged by the Department, the rule concerning equal use of the official languages as the medium of instruction would become operative in Form V from as early as 1963.

1.5 Departmental Circular No. 12 of 1962.
1.5.1 The purpose of this circular, which was issued to regional directors and inspectors under date 9 March 1962, was to make a survey of the way in which the policy on the medium of instruction was being applied. On an appended form, the inspector had to show in regard to each secondary school which subjects were being taught in English and which in Afrikaans in Forms I to IV.
1.5.2 It was again stressed that permission to depart from the rule of equal use would be granted only in cases where there were no teachers with the required language proficiency. On the form, the inspector had to state the "number and date of the Department's letter of authority to deviate from the regulations, if any." No evidence was given in regard to the result of this survey.

1.6 Departmental Circular No. 10 of 1970.
1.6.1 In this circular, dated 9 April 1970, the Secretary refers to the history of Afrikaans in the education of Black pupils and to the small part originally played
by this language. It is stressed that Black pupils should have a sound knowledge of Afrikaans as well.

1.6.2 The statement is made that, as long as a pupil is still at school, he should not be deprived of the opportunity of learning to speak both languages fluently. In this regard, the Minister is quoted as follows: "In view of the practical demands of the White employers' sector, we see it that Bantu children do not lag behind in Afrikaans, which is the most widely spoken language in South Africa. It must be our aim to equip all Bantu children equally well in Afrikaans and English."

1.6.3 In conclusion, the following injunction is given to circuit inspectors: "In cases where either Afrikaans or English is lagging behind, definite attempts must be made to eliminate lack of progress in the language concerned."

1.7 Departmental Circular No. 21 of 1970.

1.7.1 In this circular, dated 6 July 1970, regional directors and inspectors are requested to promote the equal use of Afrikaans and of English, not only as media of instruction, but also in the other activities of the school. The following is said in regard to the medium of instruction:

"Large central institutions with White personnel must, regardless of the background of their pupils, apply strictly the prescribed policy. It is added that, in the absence of teachers with the necessary language proficiency, permission may be obtained to depart from the rule.

1.8 The twelve-year educational structure.

1.8.1 The educational structure for Black pupils extended over 13 years; there were eight classes, i.e. two substandards and six standards, in primary schools, and five forms in secondary schools. In 1972 it was decided that, in three years' time, there would be a change-over to a twelve-year structure in which each of the two sections was to have six classes. The primary school was then to consist of two substandards or grades and only four standards; std VI was to disappear, while std V was to become the first class in secondary education. The secondary school was to retain its five forms. Practical considerations made it necessary for the std V class to remain physically with the primary school.

1.8.2 This change-over inevitably necessitated a change in the application of the policy on the medium of instruction. The pupil was to be taught through his mother tongue for the first six years of his school life only. As in higher secondary classes, the medium or media of instruction in std V classes would be the mother tongue in non-examination subjects, the language itself in the language subjects, and Afrikaans and English in two content subjects each.

1.8.3 In the Southern Transvaal region, the extensive application of the policy on the medium of instruction would mean the following: Whereas only 63 secondary schools originally had to apply this policy, a further 288 higher primary schools would have to do so in their std V classes after the changeover. In Soweto alone, the number of schools that would have to apply this policy would grow from 39 to 160. In this region, there were four to five higher primary schools that fed each lower secondary school. Reference is made later on (B1.11) to the steps that had
to be taken to ensure continuity in the change-over and to obviate chaos, not only in regard to questions pertaining to the medium of instruction, but in many other respects as well.

1.8.4 The modification of the policy on the medium of instruction gave many interested parties the impression that the policy itself had been amended. Although there were no grounds for such a misapprehension, it is easy to understand how it arose in the particular circumstances and gave rise to some confusion. Moreover, it was undoubtedly a situation that could be exploited for other purposes by persons whose primary concern was not necessarily the education of the Black child.

1.9 Departmental Circular No. 2 of 1973.

1.9.1 With a view to preparations for the coming change-over to the new educational structure, the Secretary sent this circular on 24 January 1973 to various groups of persons and bodies, including regional directors, circuit inspectors, school boards and committee boards and principals of junior secondary and high schools. Considering that the subject of the circular was "medium of instruction in secondary schools (and std V classes) in White areas", one is struck by the fact that it was not sent to the principals of higher primary schools as well. The first part of the circular was devoted to the policy on the medium of instruction and the way in which that policy was to be carried into effect; in the second part, opinions were sought in regard to media of instruction.

1.9.2 According to this directive, the mother tongue was to remain the medium for teaching non-examination subjects in all secondary classes. It was further laid down in mandatory terms that the medium of instruction was to be one of the following:

(a) Exclusively Afrikaans,
(b) Exclusively English,
(c) Afrikaans and English on a 50-50 basis".
If (a) or (b) were decided upon, two periods a week more were to be assigned on the weekly timetable to the language not used as medium than to the other one. This, according to the directive, would "ensure that pupils reach the required language competency in both English and Afrikaans." Unequal use of the media of instruction was apparently not envisaged.

1.9.3 The directive read as follows in regard to the decision concerning the medium of instruction to be used for the teaching of content subjects:

"In order to determine whether English, or Afrikaans or both, should be used as the medium of instruction at a particular secondary school (or Std 5 class) the criterion to be used shall be which of the two languages is dominant in the White community of the city/town/area where the school is situated." In the Afrikaans text only the words following the words "shall be" were underlined.

Except for a single reference to the language in which textbooks were written, the criterion up to that stage was still the language proficiency of the teacher.
1.9.4 It was stated explicitly that the decision concerning the medium or media of instruction for any secondary school or Std V class was to be taken by the Secretary. School boards, circuit inspectors and regional directors were, however, at liberty to make recommendations in this regard in respect of the particular schools that fell under them. This was precisely what they were asked to do in the second part of the circular.

1.9.5: School boards and committee boards, circuit inspectors and regional directors were asked for a recommendation concerning the medium of instruction in the secondary schools and Std V classes in the areas under their jurisdiction. These recommendations had to be “backed up by sound argument.” On the enclosed forms that had to be completed for each school concerned there were separate spaces for the suggestions and reasons of the boards, circuit inspectors and regional directors. They were instructed to use the language of the predominant White group in the area in which the school was situated as their most important criterion when making recommendations. Furthermore, they had to have regard to the following matters: The desirability of uniformity at feeder and recipient schools; the media of instruction used in other schools situated in the same Administration Board area within which pupils could move freely for school attendance; the desirability of single-medium schools and of pupils’ using one medium only; the advantages of the existing policy; and the fact that the language proficiency of teachers presented a temporary problem only.

1.9.6 A number of new factors that had to be considered in the determination of the medium of instruction of a school were therefore brought to the notice of interested parties by this circular. Whether these considerations related to the determination of the medium of instruction or whether they served as justification for a departure from the rule concerning the equal use of the official languages, they were so numerous as to cause confusion, which could make the policy itself ineffective through uncertainty, especially as no order of preference was indicated. It would seem that the Minister’s ruling, to which reference is made later, failed to dispel all the confusion concerning this matter.

1.9.7 The second part of this circular again made it clear that boards could make recommendations but that the final decision concerning the medium of instruction of a school rested with the Secretary. Nevertheless, within the space of a few years, certain school boards and board members were under the misapprehension that boards determined the medium of instruction in schools in their areas of jurisdiction and even that their recommendations made in reply to this circular had determined the medium. On the other hand, certain officials were under the impression that the question of the medium of instruction fell entirely outside the competence of boards and that there was no need for officials even to discuss the matter with board members. This confusion was dealt with in a Departmental circular two years later (BL.14.2).

1.9.8 The result of the opinion poll emerges from the following tables that were drawn up to show, as a percentage, what the recommendations of the schoz
boards, the regional directors and the circuit inspectors in the four provinces of the Republic had been.

<table>
<thead>
<tr>
<th>Language</th>
<th>Afrikaans</th>
<th>English</th>
<th>Both</th>
</tr>
</thead>
<tbody>
<tr>
<td>School boards</td>
<td>only</td>
<td>only</td>
<td>Both</td>
</tr>
<tr>
<td>Transvaal</td>
<td>5%</td>
<td>34%</td>
<td>61%</td>
</tr>
<tr>
<td>Orange Free State</td>
<td>5%</td>
<td>4%</td>
<td>91%</td>
</tr>
<tr>
<td>Natal</td>
<td>1%</td>
<td>59%</td>
<td>40%</td>
</tr>
<tr>
<td>Cape Province</td>
<td>7%</td>
<td>56%</td>
<td>37%</td>
</tr>
<tr>
<td>Regional directors</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transvaal</td>
<td>0,3%</td>
<td>0%</td>
<td>99,7%</td>
</tr>
<tr>
<td>Orange Free State</td>
<td>0%</td>
<td>0%</td>
<td>100%</td>
</tr>
<tr>
<td>Natal</td>
<td>0%</td>
<td>60%</td>
<td>40%</td>
</tr>
<tr>
<td>Cape Province</td>
<td>4%</td>
<td>36%</td>
<td>60%</td>
</tr>
<tr>
<td>Circuit inspectors</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transvaal</td>
<td>0%</td>
<td>13%</td>
<td>87%</td>
</tr>
<tr>
<td>Orange Free State</td>
<td>25%</td>
<td>0%</td>
<td>75%</td>
</tr>
<tr>
<td>Natal</td>
<td>0%</td>
<td>59%</td>
<td>41%</td>
</tr>
<tr>
<td>Cape Province</td>
<td>4%</td>
<td>44%</td>
<td>52%</td>
</tr>
</tbody>
</table>

There is no evidence to show that these tables were published. If they were published, they did not receive much attention, because speakers subsequently stated erroneously that the Blacks had not been asked for their opinion on the medium of instruction and that the adoption of the policy had been entirely against the wishes of the Black population group.

1.9.9 In 1973, there were 1,263,310 Black pupils in White areas. Of this number, 619,714 pupils were in the Transvaal, 235,537 in the Orange Free State, 188,638 in Natal and 219,427 in the Cape Province. Furthermore, there were 2,048,967 school-going children in the various homelands. These figures are quoted to show how the Black pupils were distributed over the Republic. The Commission considers that if the percentages in the tables were adjusted in accordance with these figures they might give a distorted picture of the situation, as there is no evidence to show that the ratio of pupil to school board or director or inspector is the same in all four provinces.

1.10 Department Circular No. 6 of 1974.

1.10.1 The result of the opinion poll was submitted to the Minister. On the strength of the recommendations made by boards, circuit inspectors and regional directors, he decided:

(a) That the status quo in the use of both official languages on a 50-50 basis for the purpose of instruction at the secondary level will be maintained”, and

(b) that Departmental approval had to he obtained for any deviation from the rule concerning the equal use of the official languages and that such approval would be dependent largely upon the availability or non-availability of teachers competent to teach a particular subject through the official language concerned.
It is significant that the "consideration" or "criterion" that had been considered the most important had to make way for one that had been described as a problem of a passing nature.

1.10.2 In the Afrikaans version of this directive the words "waar moontlik" appear before the words "op 'n 50-50 basis"; the words "wherever possible" do not appear in the English text. Paragraph (b) is practically identical in the two texts.

1.10.3 Critics have alleged that the retention of the status quo thwarted an attempt to make the unsatisfactory policy more enlightened and that it was indicative of a fundamental difference of opinion between senior officials. The Commission considers this criticism unfounded.

1.10.4 This circular, which was dated 19 April 1974, was sent to regional directors and circuit inspectors only. The latter group would undoubtedly have seen to it that school principals were informed of the contents of this circular. School boards, however, complained that they heard nothing further of their recommendations or, as some considered them to be, the choices they had made. This omission gave rise to dissatisfaction and obviously also contributed to the general misunderstanding and confusion.

1.10.5 The circular also contained the important announcement that schools that had already received approval to deviate from the rule concerning equal use need not apply again for such approval. A directive had previously been issued (B1.5.2) to the effect that all schools that had been granted written permission should be named in a report. These matters are discussed later on, together with the finding that no separate record was kept of permission that had been granted.

1.11 Regional Circular No. 2 of 1974 (Southern Transvaal).

1.11.1 Inspectors from all over the Transvaal met on 25 June 1974 and concluded after discussions that uniformity and continuity in regard to the media of instruction in the schools falling under them might obviate a great deal of confusion upon the change-over to the twelve-year structure. For this reason it was considered necessary, among other things, to use the same official language in the teaching of a particular content subject in the Std V classes of higher primary feeder schools as in the teaching of that subject in the junior secondary recipient schools. Their resolution read that in the Transvaal region, Arithmetic and Social Studies should as far as possible be taken through the medium of Afrikaans.

Such a practical consideration in the choice of the media of instruction had already been envisaged in Departmental Circular No. 2 of 1973 (B1.9.5).

1.11.2 On 29 August 1974, shortly after the Transvaal had been divided into a Northern and a Southern Region, the Regional Director of the South sent this circular to all principals in the area under his jurisdiction. Under the heading "Uniform approach in schools" it was stated that the inspectorate wanted a more uniform approach in schools and that it was consequently necessary to bring the following matters specially to the notice of principals.

1.11.3 On the subject of the policy on the medium of instruction in all secondary schools, this circular read: "In the Southern Transvaal Region English and
Afrikaans are used on a 50-50 basis." It was further stipulated that English was the medium of instruction in General Science and in the Practical Subjects in Std V and Forms I and II, Afrikaans in Mathematics and Social Studies, and the vernacular in the non-examination subjects.

1.11.4 In regard to the carrying out of the policy the following was stipulated: "These subjects will be taught from 1975 in the above-mentioned media in Std. V ... In 1976 the Secondary Schools will continue with these media." In regard to Forms III, IV and V the circular continued: "The 50-50 basis should already be in operation in Form III. Subjects which replace the subjects mentioned ... will be taught through the same medium. Schools which are not teaching on a 50-50 basis must do so from 1975."

1.11.5 One is struck by the fact that there is no reference in this circular to departures from the rule concerning equal use nor to earlier exemptions that made further applications unnecessary. In the formulation of the policy, even the words "waar moontlik", which appeared in the Afrikaans version of the Minister's decision, are omitted (Bl.10.1). In the succinct resolution passed by the inspectorate on 25 June 1974, the words "as far as possible" appear; they, too, are omitted here. By contrast, the Northern Transvaal Regional Director, in his circular of 17 October 1974 to his principals on the same subject, referred specifically to Departmental Circular No. 6 of 1974 (B1.10) and reminded his readers that it was still necessary for the instructions of that circular to be observed.

1.11.6 On being asked why he had not made any reference to possible departures, the Southern Transvaal Regional Director testified that his circular had been drafted after discussion with the circuit inspectors, who were aware of the possibility of exemptions, that his circular was intended to be supplementary to and not in substitution of Circular No. 6 of 1974, and that his circular actually dealt only with the practical implications of that directive. The Commission finds this explanation unsatisfactory and will revert to it later in B1.12.

1.11.7 The omission of references to exemption, coupled with the mandatory language used in the circular, more particularly in the examples given in the quotations in B1.11.4, gave many of the parties concerned the impression not only that departures would no longer be allowed, but also that schools that had previously obtained permission for such departures would now be obliged to apply the rule concerning the equal use of Afrikaans and English as media of instruction without exception. The fact that such inferences were not entirely unreasonable takes the sting out of the charge that they were made by malicious persons. This circular gave rise to misunderstanding and dissatisfaction in the Southern Transvaal, which resulted in a deterioration in the relations between official and parent and between official and school board. This state of affairs was aggravated by the fact that the change-over to the new structure was just about to begin.

1.11.8 Witnesses explained that the inspectorate had decided that the two subjects Mathematics (Arithmetic) and Social Studies should be taught through the medium of Afrikaans because they did not present any terminological problems,
because principals had so recommended and because they had always been the subjects that schools themselves had elected to offer through the medium of Afrikaans. There is no evidence to show that these reasons were given and explained to dissatisfied school boards.

1.11.9 Numerous other steps were taken to facilitate the change-over. According to witnesses, inspectors did much to prepare teachers to present subjects which had previously been taught through the medium of the mother tongue through the medium of the official languages in Std V. Courses were held for these teachers, and in Soweto they were taken from the schools and instructed in the new subjects which they would be called upon to-teach in the first class of the pupil's secondary education. Moreover, favourable consideration was for instance given to requests to teach subjects other than Mathematics in Afrikaans, and steps were taken to ensure that feeder schools taught subjects in the same language as their recipient schools. Finally, it should be mentioned in this regard that it was not the Department, but the Transvaal inspectorate, that decided on the medium of instruction for content subjects. The Department approved allocations as a solution at the local level, but also approved applications for amendments in appropriate cases.

1.12 Regional Circular No. 1 of 1975 (Southern Transvaal).

1.12.1 In response to enquiries about the practical application of the policy on the medium of instruction, as set forth in Circular No. 2 of 1974, and with a view to clearing up misapprehensions, this circular was sent on 8 January 1975 to circuit inspectors and the principals of schools with Std V classes and of secondary schools, as well as to school boards and committee boards. This circular began by stressing that the policy concerning the medium of instruction still applied in the form in which it had existed since 1955, the only change being that the two official languages were now to be used in Std V already as the medium of instruction instead of the mother tongue, which had been used in the past. Strictly speaking, this is the case, except that permission granted for departures from the rule of equal use sometimes created a different impression. In the circular in question, the following appears in regard to exemption: "You are referred to paragraph I of the Regional Circular No. 2 of 1974 for the practical application thereof. This should be read with Departmental Circular No. 6 of 1974."

1.12.2 As has been mentioned, the Commission considers that it is not apparent, either directly or by implication, from any part of the previous circular that the rule could be departed from if permission was obtained. So far as Soweto was concerned, the correction made in this circular did not clear up this matter because some witnesses testified that their suspicions that the policy had been changed and that Afrikaans was being forced upon them were confirmed by the fact that applications for permission were turned down. One example will be given.

1.12.3 Towards the end of December 1974, the Orlando-Diepkloof Zulu School Board applied for exemption on behalf of nine schools. The reply received from the Secretary, dated 9 April 1975, was that the applications for permission to depart from the 50-50 use of the media of instruction in the nine schools had not
been approved. No reason was given for the refusal, and it is impossible to establish whether these applications were included in the 56 cases referred to in BI.18.16. The fact of these applications having been made as early as December 1974 shows that this school board was aware, before the issue of this Regional Circular, that exemption could be applied for.

1.13.1 According to witnesses, there was a fair measure of co-operation between officials, teachers and school boards prior to and upon the introduction of the new educational structure. There was opposition as well. This centred mainly on the policy on the medium of instruction. At the instance of inspectors, the rule concerning equal use was applied more strictly, and a fairly large number of applications for exemption were turned down. This is what was said, but it is possible that the impression of stricter application and more refusals was created or strengthened by the increase in the number of applications that followed the extension of the dual medium system to higher primary schools. However, the Commission believes that there was in fact stricter application of the rule concerning equal use, but was unable to establish whether the reason for this was that some schools used English only without having obtained, or even after having been refused, exemption. The stricter application met with opposition, resistance coming from school boards as well.

1.13.2 Ninety-one delegates from school boards in Soweto, Pretoria, the East Rand, the Western Transvaal and the Vaal Triangle met in the Mpebatu Hotel, Atteridgeville, on 21 December 1974 to discuss the question of Afrikaans as a medium of instruction in Black schools. Among those present was Lieut. T.D. Mokapela, Commander of the police station in Sharpeville and Vice-Chairman of the local school board. If the meeting was correctly reported in the press, the policy and its application were not correctly understood. The differences between the two regional circulars of the Southern and the Northern Transvaal do not appear to have been understood either (B1.11.5). What is clear, however, is that there was dissatisfaction about the language question.

1.13.3 In the "Extra" edition of the Rand Daily Mail, one of the reports on the meeting appeared under the heading "Peta suggests school boycott". Parts of the speech made by Mr M. Peta, a businessman and member of the Atteridgeville school board, were quoted verbatim. One paragraph read as follows:
"We have to be militant to be understood. We have been docile for too long. If the Department says no to our demands, our children must stay away from schools next year."

1.13.4 According to another report, the meeting considered making an approach to the Supreme Court if the Department were to continue with its policy. It was finally resolved to submit a memorandum to the Department with the request that Afrikaans be no longer used as a medium of instruction in secondary classes. A deputation drew up and presented this document.

1.13.5 This meeting was referred to as the founders' meeting of an umbrella board for all school boards and committee boards in the Transvaal. If such a board was
in fact established, it did not receive official recognition, nor did it exist for long.
The first meeting was not representative of the boards in the province either.

1.13.6 At a meeting held in January 1975, the Department's reaction to the memorandum and application was reported. According to Lieut. Mokapela, there was great dissatisfaction among those present when it was learned that the Department had refused the request. A meeting of local school boards was thereupon convened in Sharpeville. Once again, this matter gave rise to dissatisfaction, and a further meeting was to be held in Sebokeng, but according to Lieut. Mokapela, this meeting was banned by the circuit inspector of Vereeniging. Things nevertheless remained calm in the Vaal Triangle.

1.13.7 According to members of the staff of the Department, good progress was made in most parts of the Southern Transvaal region with the adaptation of the requirements concerning the medium of instruction to the new structure.

Judging by certain available figures, this may well have been the case. The Tswana schools adhered to the policy rule without exception, and only one of the four school boards gave other instructions to its schools. Three of the four Venda schools applied the rule. On the East Rand, there were only five schools with Std V classes that did not use Afrikaans as the medium of instruction in two subjects.

But things were different in Soweto and in Alexandra. Some schools are alleged to have continued to depart from the rule without permission.

1.13.8 Several school boards arrogated the authority to themselves to decide on the medium of instruction that was to be used by schools in their areas of jurisdiction. In all cases, they elected to use English only, and some boards instructed their schools accordingly. The following were among these boards: The Batswana School Board, Meadowlands; the Ba-Lebowa School Board; the Alexandra School Board; and the Meadowlands, Orlando-Diepkloof and DubeMofolo-Jabavu Zulu School Boards.

1.14 Departmental Circulars Nos. 6 and 7 of 1975.

1.14.1 In view of the above-mentioned action by school boards, and with a view to obviating further confusion, two circulars were issued by the Department on 6 and 7 February 1975. In the first of these, No. 6 of 1975, it was stressed that there had not been any change in the policy concerning the medium of instruction; the only change in its application was that primary education ended in Std IV and secondary education began in Std V. Principals were requested to apply the policy strictly and, if any "serious problems" were experienced in regard to the rule concerning equal use, they were to apply to the Department for permission to deviate from that rule.

1.14.2 The next day, Departmental Circular No. 7 of 1975 was sent out to all school and committee boards, regional directors and circuit inspectors; unlike the previous circular, it was not sent to principals as well. This directive read as follows:

"1. It appears that a few School Boards somehow got the impression that they had the right to decide what medium of instruction should be used in their schools. This is entirely wrong. It is a professional
matter over which no school board has any jurisdiction.

2. The Department's policy on this matter is explained to principals of schools in Circular No. 6 of 1975, a copy of which is included. Any contradictory instructions issued by School Boards should be revoked immediately."

1.14.3 The Department was right in saying that it was not a function of a school board to prescribe the medium of instruction for its schools. In terms of the Bantu Education Act, No. 47 of 1953, (section 15) the Minister may from time to time make regulations prescribing the medium of instruction in Black Schools. In practice, this matter had always been dealt with in circulars. The powers, duties and functions of a school board are prescribed in paragraph 53 of Regulation R.429, the relevant part of which reads as follows:

"Any member of any school board shall have the right of access to any school under the control and management of such school board: Provided that such member shall not interfere in the work performed in such school or with any teacher in the performance of his professional duties."

1.14.4 The possibility of confusion has already been discussed (Bl.9.7). Lieut. Mokapela of Sharpeville testified that parents and school board members resented the statement that school boards had no say in the matter of the medium of instruction at their schools. There were signs of discontent among other groups and boards as well. Some parents considered that school boards no longer served any purpose since they had no powers with regard to the education of their children. This generalisation is indefensible. The Commission nevertheless considers that the statement regarding the authority of school boards was at times used by officials as a pretext for refusing to see board members and other individuals.

1.14.5 Only certain school boards heeded the order to revoke their instructions to schools. The Commission will now deal with the resistance and problems of three separate school boards. One of them exceeded its powers in regard to the medium of instruction, another had its chairman dismissed, and the third dismissed three of its principals.

1.15 The Batswana School Board, Meadowlands.

1.15.1 This board, known as the Tswana School Board, held a meeting on 20 January 1976 in connection with the medium of instruction in its schools. The circuit inspector attended the first part of the meeting. Three months later, detailed minutes of the meeting appeared in the Rand Daily Mail. The Commission does not wish to dwell unnecessarily on what the circuit inspector is alleged to have said, according to the minutes, about the reasons for the policy on the medium of instruction and about what would happen if it were not strictly applied, but will confine itself to the observation that communication between the circuit inspector and the assembled board members was obviously not good. He told them that, if there was any difficulty in teaching through the medium of Afrikaans, permission to depart from the rule could be applied for. The board stated that it was not opposed to the equal use of the official languages but merely wanted an
opportunity of itself choosing the medium of instruction for each subject. The circuit inspector explained that the board did not have this power; he suggested, however, that the board bring the matter to the notice of the Department in writing. At this stage, the circuit inspector left the meeting.

1.15.2 The following further entry appears in the minutes:
"The board was not happy about the statements of the circuit inspector and that to write a letter would not offer any favourable reply."
The board then resolved unanimously that the medium of instruction in its schools was to be English from Std III to Std VIII and that the principals were to be notified of this decision. In its own circular, the board informed the principals of this decision (BI.13.7).

1.15.3 Shortly after this circular had been sent out, the Regional Director dismissed two members of the board, Messrs Pele and Letlapoe. The former was Chairman of the board and the latter a member, although he was sometimes referred to as the Vice-Chairman. The Regional Director acted in terms of the regulations then in force, it being his view that these two members' continued membership of the board would not be in the interests of the Black community or of its education. No further reasons for the dismissals were given, but a close connection with the notification to the schools cannot be ruled out. There is no evidence about the part the dismissed members had had in the school board's resolution and action. The allegation that they were dismissed for allegedly having told an inspector at a school board meeting that certain pupils would fail because they were being taught through the medium of Afrikaans has no foundation. Incidentally, it may be mentioned that the board had not only exceeded its powers, but that its directive was also at variance with the rule obtaining in the then homeland, Bophuthatswana, where English was being used as a medium of instruction only from Std V onwards.

1.15.4 The first consequences of the dismissals were that the seven remaining board members tendered their resignations in protest. Scholars demonstrated for their reappointment; classes were boycotted, and there was even some stone-throwing. The Chief Minister of the homeland concerned acted on behalf of the two dismissed board members and discussed the matter at a high level with the Central Government. Meanwhile, the Department expressed its willingness to reinstate the two members if they would undertake to withdraw the circular objected to.

1.15.5 The two members were reappointed to their posts, it having appeared on closer investigation that they had not been afforded an opportunity of stating their case before their dismissal. The circular was not withdrawn, apparently because the school board was not at full strength and also because an official, clear and general statement of policy and practice was made a few months later, shortly after the outbreak of the rioting.

1.16 The Orlando-Diepkloof Zulu School Board.

1.16.1 In 1972, Mr J. Mahlangu was appointed Chairman of this school board. He resigned the post which he held at the time, apparently to devote himself full-time
to his new post of Chairman. He was particularly active in school affairs and clashed with the Department and its officials on several occasions. It was said that his period of office as Chairman was traumatic. Some of these clashes were about personal matters, but most of them related to the

policy on the medium of instruction, as he was an avowed and fierce opponent of Afrikaans as a medium of instruction in schools.

1.16.2 When the contents of Departmental Circular No. 6 of 1974 (B1.10) became known, the school board decided under his chairmanship to reject the principle of the equal use of the two official languages on the grounds that it was wrong from a pedagogical point of view to teach through the medium of two different languages. A memorandum on this matter was submitted to the Department. The following were among the further reasons for the resolution appearing in the memorandum: There were no teachers with the necessary language proficiency (a good reason for departures from the rule and for the use of English); pupils were not at home in Afrikaans (already dealt with in B1.3.5); English was the medium at universities and training colleges (in the application of the policy it was also a medium in secondary education); and school boards had not been consulted (his board participated in the opinion poll in 1973).

1.16.3 Mr Mahlangu attended the meeting of school board members in Pretoria on 21 December 1974 (B1.13.2-4). He was a member of the deputation that was to make a submission to the Department in connection with the policy. As a result of the discussions that were held in this regard with the Secretary, he applied on behalf of certain schools for leave to depart from the rule concerning equal use. This application was handed to the circuit inspector, but before receiving a reply from the Department he directed the teachers concerned to use English as the sole medium of instruction in their classes until such time as a reply to the application was received. The teachers had to undertake to do so at a meeting of parents, failing which they could look for a job elsewhere.

1.16.4 On 15 April 1975, he was dismissed as Chairman and member of the school board. This step was publicised in the press. According to some newspapers and his own statements, his dismissal was the result of the strong stand he had taken against Afrikaans as a medium of instruction. This was denied by Departmental witnesses, who put forward other reasons. Apart from personal considerations, reference was made to attacks which he regularly made at school board meetings against the Department and its officials, to his rejection of attempts to bring about a better understanding and to his ignoring of the officials and their instructions. Since Mr Mahlangu did not testify before the Commission - he was present in the hall at at least one sitting - no findings will be made in regard to the reasons for his dismissal. The Commission will go no further than to record that this school board Chairman, who was an active opponent of Afrikaans as a medium of instruction, was relieved of his post and that little co-operation was possible between him and the Department's officials during his period of office as Chairman.
1.16.5 After his dismissal, he continued to be active in his language campaign. It was even alleged that he had had a part in the school strikes, but no evidence was given in support of this statement. However, the following facts are known. His dismissal gave rise to strikes at schools that had previously fallen under him; the scholars demanded his reappointment. When the pupils of the Phefeni Junior Secondary School stayed away from classes on 17 May 1976 in protest against Afrikaans as the medium of instruction in two subjects, they also demanded that Mr Mahlangu be reappointed Chairman of the school board.

1.16.6 A week after the first riots, an article appeared in the Rand Daily Mail on Mr Mahlangu and his part in the fight against Afrikaans. This article was headed "School board man in language battle", the following paragraph being considered relevant:

"He still believes that if the department had not persisted in their moves to impose Afrikaans, the death of many would have been averted." The question whether this pointer to the cause of the riots is correct is dealt with later. It may be mentioned in passing that neither he nor the newspaper deplored the riots in the report.

1.17 The Machangana School Board.

1.17.1 This board, also known as the Tsonga School Board, had trouble with the actions of three principals in its area of jurisdiction. They were Messrs A.W.C. Tlakala of the Nghunghunyani Secondary School, J.G. Nkuzona of the Tiyani Higher Primary School, and E.F. Sono of the Mawila Higher Primary School. They had permission from the school board to be members of the urban council for the Tsonga people as well. It was subsequently alleged that they did not have the necessary permission. An accusation was also made that they had allowed their schools to be used for a reception for their homeland leaders without having obtained the necessary permission. On the other hand, it was said that the school board had for no reason refused the use of its schools for such a function and that the reception for the leaders then had to be held in the school of another ethnic group.

1.17.2 The disputes could not be resolved, and the school board requested the three principals to resign from the urban council. This request gave rise to speculation and negotiations. It was subsequently alleged that an undertaking they were said to have given, to resign from the urban council had in essence not been honoured. Finally, the school board gave them three months' notice of termination of their services on 31 March 1976. The news of this dispute and of the dismissals was spread far and wide.

1.17.3 No official reason was given for the dismissals. Homeland leaders contended that the true reason was to be sought in disputes about homeland politics. Others said that personal quarrels were the cause. A third surmise was that the reason lay in the fact that the policy concerning the medium of instruction and more particularly the rule of equal use had not been applied at the schools of these three principals. There is evidence that the secondary school had in fact been granted exemption. Although the others failed - without permission - to make equal use of the official languages as media of instruction, there is no
evidence that this should be regarded as the reason for the dismissals; as a matter of fact, this allegation was denied by the Chairman of the school board in a press interview. This is the only connection between this matter and the policy on the medium of instruction.

1.17.4 The Department was asked to revoke the dismissals. This could not be done since the school board had the sole right to appoint and dismiss teachers and had in this case acted within its competence. For this reason, the Department tried to persuade the board to revoke the dismissals; when this attempt failed, the Department began to make arrangements for the appointment of the three men at other schools. At the request of the principals, the Chief Minister of the homeland also tried to secure their reappointment to their previous posts. The pupils of the principals' schools staged protests in April, and there was even stone-throwing at some of their demonstrations (B1.20, April 1976 (a)).

1.17.5 The school board finally yielded to the Chief Minister's request and reinstated the three principals in their posts. One of the three, Mr Sono, died the day after his reinstatement as principal of his school.

1.17.6 It was alleged that the school board had decided upon the reappointments, not because the Chief Minister had requested it to do so, but because of the protest movements and the violence at the three schools, and that the idea then took root that pupils could be used as a pressure group. This idea is closely bound up with the belief that, if the demands of protesters are acceded to, a chain reaction is set up. This matter is discussed further at a later stage. It may just be mentioned here that it is not known whether these schools again resorted to protest later on; what does emerge from the evidence is that only minor disturbances occurred at only three of the 232 schools of their homeland, Gazankulu (B13). These disturbances do not appear to have been coupled with any particular demand or demands either.

1.18 Exemption.

1.18.1 Before the events in the first half of 1976 are dealt with in chronological order, it is necessary to discuss the question of exemption, or the granting of permission to depart from the rule concerning the equal use of Afrikaans and English as media of instruction. Exemption is an important and inseparable element in the application of the policy on the medium of instruction. This was frequently misunderstood, not always innocently. The misunderstanding had a significant influence on the actions of many of those who were engaged in the struggle.

1.18.2 The Minister's policy statement, in the Afrikaans version, that the status quo in the use of both official languages, wherever possible, on a 50:50 basis for the purpose of instruction at the secondary level will be maintained (B1.10.2), envisaged the possibility of exceptional circumstances that might necessitate a departure from this rule. The Department may therefore in certain cases exempt a school from the requirement that the two official languages be used equally as media of instruction. So far as the
grounds for such exemption are concerned, it must again be pointed out that the choice of a school board, of a principal, or of the parents of pupils was never at any time considered to be a sufficient ground.

1.18.3 The main ground on which departures are allowed is the lack of teachers with the necessary language proficiency to teach two content subjects through the medium of Afrikaans or English. In 1955, when the policy was first applied, and again in 1973, it was considered that this matter presented only a temporary problem in the application of the policy. But the problem is still there and remains a consideration in the proper provision of education. Other important grounds for departure are the language of the textbooks available or on order, and continuity in the medium of instruction at feeder schools and their recipient schools. Over the years other possible grounds were discussed, but the three enumerated above were the only ones to receive serious consideration.

1.18.4 The normal procedure is that the school applies in writing to the Department for exemption through its principal, or apparently through the school board as well. Exemption is granted on the recommendation of an inspector or a circuit inspector; it was repeatedly stressed that the final say rested with the Department. In practice, the recommendation of the circuit inspector is invariably accepted. To a certain extent this is understandable, for he is the Department's officer who investigated the matter on the spot. Apparently no further enquiries are made. It may not be conducive to good education and relations to place so much reliance on the inspector's or circuit inspector's findings, particularly since the school is not advised of the nature of the recommendation and is consequently unable to make further representations in reply, because human error, especially in such a difficult investigation, cannot be eliminated, and because the danger of political influence or prejudice is always present.

1.18.5 The Commission found that the final decision was not always given by the Department; there were cases - it is impossible to say how many - where the applications never reached the Department, i.e. Head Office. According to evidence, for instance, ten higher primary Southern Sotho schools applied for exemption; the applications were submitted late; the circuit inspector turned them down without forwarding them to the Department. The questions arise whether, logically, the only body that may grant exemptions is not also the only one that may refuse them, and whether, in the cases under discussion, it had not been for that body to decide whether the applications were in fact late, and, if so, whether there were circumstances which made it desirable to condone the late submission. Testimony was also received from an inspector that all applications for exemption made by secondary schools were "automatically" approved by him on the very day of their receipt; he signed the written application, handed it back to the principal and merely notified the Department that he had granted exemption. He did not say what he did in cases where he turned down applications or considered that they should not be granted. The possibility cannot be ruled out that there were other cases where applications were finalised by the inspector concerned and perhaps never came to the notice of the Department. The suspicions and fears of some principals and other parties in Soweto that
applications went no further than the circuit inspector's office, were therefore not entirely unfounded.

1.18.6 If the correct procedure is followed in connection with such an application, it is the inspector's (or circuit inspector's) duty to investigate the grounds on which the application is brought. If such grounds relate to the textbooks that are available or on order or to the medium of instruction in feeder schools or in a recipient school, the investigation is probably a simple matter. However, if the language proficiency of teachers is in question, a more involved investigation may be necessary. In such cases there are, firstly, certain special circumstances, e.g. that applications are usually made for exemption from the use of Afrikaans, that, with few exceptions, training colleges are situated in the homelands where English is used as the medium of instruction, that the question of the medium of instruction is and remains a political issue, and that a decision in the matter may be influenced by, or be criticised because of, political prejudices or misrepresentations. Following the structural change, the investigation may be concerned with the language proficiency of teachers who were trained for primary education in the mother tongue and are now called upon to teach subjects in secondary classes through the medium of the official languages. It may also be difficult to determine whether a teacher's knowledge of the subject or of the medium of instruction is deficient.

1.18.7 In coming to a decision, the inspector cannot rely on the teacher's training certificate. Unlike the one issued to White teachers, this document does not give any indication of the languages in which the holder can teach. So far as knowledge of a language is concerned, the certificate merely shows the results of the teacher's written and oral examinations in the language subjects, and these cannot in all cases be a reliable indication of the teacher's ability to use the language as a medium of instruction. Another document available to the inspector is the teacher's application form for the post he occupies. On that form he stated the languages in which he was able to teach. And it is in this regard that the Commission again encountered the type of general criticism that is seldom based on any, or any reliable, evidence, that is couched in such broad terms that it can hardly be tested and that is often, by exaggerated emphasis, put in such a way as to suit the critic's motives and views. The criticism is made that the inspector cannot always depend upon the particulars in the application form because teachers invariably say that they are able to teach in both languages, even though they are unable to do so, simply because they want the job for which they are applying.

1.18.8 The next step in the inspector's investigation is to consult the principal concerned, because he is after all the one who should know his staff's abilities and who has probably already heard them teach. The first objection raised in this connection was that the principal's evaluation would accord with the reason for his school's application. Another objection was that some principals had been influenced or threatened by their school boards, and a third objection was that the principal's reply might be based on lies told by the teachers. If these objections are generalisations, they are of little value and cannot be taken as decisive without an
investigation into the reliability of the principal and his observations. What has already been said, and is said later, in regard to general objections applies here as well.

1.18.9 It is no easy matter to establish finally from the teacher himself whether he is proficient in a language. A statement from him which is at variance with the information furnished in his application form cannot be accepted without a satisfactory explanation or further investigation. It is also difficult in a class-room to discover whether a teacher is trying to

mislead an investigating inspector into believing that he is unable to teach in a particular language. Several witnesses said that teachers made false statements that they knew Afrikaans, simply because they were afraid of victimisation by the authorities. No acceptable evidence of such victimisation was placed before the Commission, and since there were many cases of schools being granted exemption on the grounds that they lacked teachers with the necessary language proficiency, there would have been opportunities for retaliation. This latter fact also suggests that some teachers probably did not lie about their proficiency. According to witnesses, the Principal of the Orlando High School, Mr T.W. Kambule, had told them that he had been present when some other principal had assured the Regional Director that his teachers had the necessary language proficiency, while he, Mr Kambule, knew that the teachers had made their statements for fear of victimisation. Mr Kambule did not testify, his source of information was not disclosed, and it was not explained why he failed to inform the Principal and the Regional Director of the true state of affairs (B1.20 Wednesday, 26 May 1976). There was indirect evidence that the Chairman of a school board had made teachers promise at a parents' meeting that they would use only English as the medium of instruction. If they were not prepared to do so, they could look for a job elsewhere. The accuracy of this evidence could not be tested. The same goes for evidence concerning a group of teachers who had signed a statement to the effect that a school board had intimidated them into saying that they were unable to use Afrikaans as a medium of instruction, although they were able to do so. None of them testified, allegedly for fear of victimisation.

1.18.10 According to various witnesses, some of whom were scholars, schoolchildren had allegedly told how incompetent some teachers were in the use of Afrikaans as a medium of instruction; they were alleged to have entered class-rooms armed with dictionaries, or were said to be barely intelligible, or to have asked the class for the translation of an English expression into Afrikaans. The Commission considers that a pupil can hardly be a proper judge of a teacher's language proficiency. It may well be asked whether a pupil knows enough about a teacher's ability, enough about the particular subject and the language in which it is taught, enough about the preparatory work that a teacher has to do, and enough about scores of other relevant matters.

1.18.11 The excuse of the fear of victimisation by the authorities put forward on behalf of reluctant witnesses and persons who made unpopular statements, was in
no case confirmed or substantiated by any witness or deponent who testified under oath before the Commission. The statements made in this regard imply that teachers are deceitful and mendacious; parents may doubt whether the education of their children should be entrusted to such people. If these statements are devoid of truth, the persons making them should be kept out of education.

1.18.12 The objection that inspectors make their recommendations after perfunctory questioning or base their recommendations on grounds other than the outcome of a reasonable investigation, is denied by Departmental witnesses, and the Commission is of the opinion that such neglect of duty is not common. The objection must be viewed in the light of the matters that have already been dealt with in this regard. Moreover, when the Department turns down an application by a school, there is no mention in the notification to the school, according to the examples seen by the Commission and as far as could be ascertained, of the inspector's recommendation or of the reason for the refusal. This gives rise to baseless conjecture that is not always dispelled by subsequent public statements, e.g. by replies to questions in the House of Assembly.

1.18.13 A Member of Parliament asked the Minister of Bantu Education whether any school principals had applied during the previous year for exemption and, if so, how many applications there had been, how many had been refused and for what reasons. On 27 February 1976, the Deputy Minister replied that there had in fact been such applications but that he was unable to reply to the other questions because such applications were recorded in the files of the school concerned and that no separate record of applications was available. The Minister did not consider the required information of sufficient importance for him to direct his Department to undertake a time-consuming search for it. Further information of a general nature, which is not material here, was furnished, but it was also mentioned that exemption was considered in the light of the availability of teachers with the required language proficiency and the language of the textbooks supplied to the classes that were later to be attended by the pupils.

1.18.14 In the opinion poll conducted in 1973 (B1.9), there were four identical forms that had to be completed and returned in respect of each of the schools concerned. Each form had a space for the recommendations of the school board, the Circuit Inspector and the Regional Director, as well as for the Department's decision, the Secretary's signature, and the date. The Department was then to send two of these forms to the Regional Director and the Circuit Inspector, the third one had to go to the school concerned, and the fourth was to be kept by the Department. Apparently this procedure, which would have ensured that there would be a record of applications and of their results, was departed from.

1.18.15 The Commission does not wish to criticise the Department for failing to keep a record of applications, but would like to point out certain disadvantages attached to the absence of such a record. The policy on the medium of instruction is one of the particularly important aspects of education for Black pupils, and the record would have been able to show to what extent the policy was actually being applied. With a record it would also have been easier to trace cases in which only one language was being used as the medium of instruction without permission.
The keeping of a record of applications would have obviated malpractices such as the granting or refusal of applications by someone other than the Secretary.

1.18.16 An official of the Department estimated that fully 100 exemptions had been granted in one particular year. The Commission also has a Departmental document in which reference is made to 56 applications. There is no indication of when the applications were made and of the schools from which they had come. Of these applications, 21 were approved; 19 were received too late in the year to permit of a change in the medium of instruction; in nine cases, Afrikaans textbooks had already been ordered; four higher primary schools fed secondary schools with Afrikaans as the medium of instruction; and three schools had teachers capable of teaching in Afrikaans.

1.18.17 On 11 June 1976, the Deputy Minister of Bantu Affairs stated in reply to a question in the House of Assembly that five specified schools had been refused exemption because an investigation had shown that they had teachers with the necessary language proficiency. In BI. 12.3 an application on behalf of nine schools is dealt with.

1.19 Statistics.

1.19.1 For the sake of completeness, certain statistics relating to schools, teachers, pupils and the language used as the medium of instruction in 1976 are furnished. There was an unusual increase of scholars at the beginning of that year. From 1955 onwards, the total school population of some 800 000 grew to over 4 000 000. In 1974, the number of pupils in secondary schools stood at 178 959, which represented an increase of 14% on the figure for the previous year. In 1975 there were 252 515 pupils, an increase of 40%. In 1976, there was an increase of 53% to 389 066 pupils. In the Southern Transvaal Region, there were 731 schools in 1976 with 8 171 teachers and 394 752 pupils. For Soweto, the figures were 327, 4 211 and 191 693.

1.19.2 The Department drew up the following table showing the use of Afrikaans as a medium of instruction in the secondary schools in Soweto. It shows how many of these schools with certain classes did not use Afrikaans as a medium at all, mainly as a result of exemptions.

<table>
<thead>
<tr>
<th>Classes</th>
<th>Number of schools</th>
<th>No Afrikaans</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Std V</td>
<td>128</td>
<td>29</td>
<td>22,7%</td>
</tr>
<tr>
<td>Form I</td>
<td>144</td>
<td>33</td>
<td>22,9%</td>
</tr>
<tr>
<td>Form II</td>
<td>33</td>
<td>12</td>
<td>36,4%</td>
</tr>
<tr>
<td>Form III</td>
<td>33</td>
<td>18</td>
<td>54,6%</td>
</tr>
<tr>
<td>Form IV</td>
<td>9</td>
<td>9</td>
<td>100%</td>
</tr>
<tr>
<td>Form V</td>
<td>10</td>
<td>9</td>
<td>90%</td>
</tr>
</tbody>
</table>

1.20 Events in Soweto, January to June 1976.

In drawing up the catalogue of events and circumstances in the last few months before the outbreak of the riots, the Commission has made considerable use of newspaper reports. There were many reasons for this. All the newspapers devoted space to what was said and done in regard to school affairs during this period. Reporters sometimes sent in reports of incidents at schools and of interviews with
schoolchildren, teachers and community leaders. Witnesses often did not testify as fully before the Commission on the same matters.

Usually, the newspaper source is mentioned in the report, but this does not in any way mean that that was the only newspaper report or the only evidence on the matter. Some of the events that have already been recounted had a sequel during these few months. They may be mentioned again, especially because of the importance of the time at which they occurred, or to furnish more details, or to show how much publicity an incident had received.

Tuesday, 20 January 1976.
The Tswana School Board for Meadowlands held a meeting, which was attended by the local circuit inspector (B1.15.1). According to the minutes, as published in a newspaper three months later, he stated among other things that the Secretary had said that all direct taxation paid by the Black population of South Africa was sent to the various homelands for educational purposes in those homelands. The White population, i.e. the English and Afrikaans-speaking groups, paid for the education of the Black child in urban areas. It was the Secretary's duty to satisfy both these groups, and this could be done only by using the two languages on a 50-50 basis as media of instruction.

Tuesday, 10 February 1976.
Mr G.J. Thula, kwaZulu's urban representative in Soweto, sent the following telegram to his Government: "Zulus in extremely ugly mood about Mzizi transfer, Afrikaans medium, sacking of school board members and suspected manipulations of external examinations ...". There is no doubt about it that there was dissatisfaction in Soweto about the question of Afrikaans as a medium of instruction - and not only among the Zulu community. The case of the dismissed school board members has already been dealt with (B1.16). The alleged manipulation of certain examinations was not proved before the Commission.

According to Mr Thula, Mr Mzizi was a prominent member of the Zulu community and a popular inspector among teachers, parents and pupils; he was sometimes even referred to as a chief inspector. He was a close friend of Mr J. Mahlangu. In November 1975, he was transferred to Pietermaritzburg. According to Mr Thula, this transfer was due to his attitude in regard to Afrikaans. Departmental witnesses alleged that he had failed to perform his duties as a deputy inspector in Soweto satisfactorily and that there were personal objections against him. His post was abolished, and he was transferred.' The important point about this telegram is that it led to discussions between officials of the kwaZulu Government and education authorities in the Republic, where the dissatisfaction of a group of Soweto residents, whether Justified or not, was conveyed to members of the Department.

Tuesday, 17 February 1976.
- The Star carried a report to the effect that the three principals who had been dismissed by the Tsonga School Board (B1.17) had appealed to the Chief Minister of their homeland to intercede on their behalf. He had informed them
that he would discuss the matter with the Central Government, since the school board served an area outside the jurisdiction of the homeland.

Tuesday, 24 February 1976.

In Soweto, pupils at the Thomas Mofolo Secondary School started an argument with their principal about Afrikaans as a medium of instruction. The dispute became so violent that the police had to calm feelings down. According to a report in the Rand Daily Mail the following day, Form III pupils had clashed with their principal about "Afrikaans as a medium of instruction in the seven subjects they learn". This report is inaccurate in regard to the number of subjects taught through the medium of Afrikaans. According to a report that appeared some three weeks later in the same paper, a woman teacher had sided with the pupils during the dispute and confronted the principal with accusations that he had forced the pupils to learn certain subjects through the medium of Afrikaans and, without the consent of their parents, to participate in homeland politics. He is said to have denied the charges and she is alleged to have been dismissed. Such a dismissal could have been made only by the controlling school board. There is no further evidence on this subject.


The Chief Minister of Bophuthatswana met the parents of Tswana schoolchildren for the second time in a week in Soweto to listen to their objections to Afrikaans as a medium of instruction and to their views concerning the shortage of teachers competent to teach in Afrikaans. The following day, Beeld dealt with these visits and with the incidents at the Thomas Mofolo Secondary School under the heading "Taalprobleem by Swart Skole". (Language problem at Black schools). The first sentence is to the effect that the medium of instruction at certain Black schools in Soweto had become a hot potato. In an interview which he granted the same newspaper some considerable time later, the Chief Minister stated that he had raised these objections in discussions with the Deputy Minister and the Secretary. The matter would receive attention, but the school board concerned had to get in touch with the Department. It was added that this school board had then already been at loggerheads with the Department for some considerable time; this matter has already been dealt with (B1.15).

Friday, 27 February 1976.

As previously mentioned, the Deputy Minister of Bantu Education stated in reply to a question in the House of Assembly that no separate record of applications for exemption was kept (B 1.18.13).

March 1976.

(a) In the course of this month and on dates that cannot be established exactly from the evidence, there were certain incidents that deserve mention. A person who testified while in detention and who wished to remain anonymous told the Commission how he and BPC leaders had discussed the question of encouraging Black Power movements to use the so-called foisting of Afrikaans upon pupils to make the Black public "sensitive" about or "conscious" of such matters. This was to be the task of SASM in particular.
(b) The same witness also said that, in the course of the month, he attended a joint meeting of BPC and SASO members in the DOCC hall in Orlando East, at which it was decided to approach the principal of the Thomas Mofolo Secondary School in connection with a public meeting on the question of the medium of instruction. According to this witness, the principal refused to co-operate.

(c) During the month, Tebello Motapanyane delivered an address to pupils of the Naledi High School to promote SASM.

(d) According to Col. J.J. Gerber, pupils in Soweto began passive resistance against the policy concerning the medium of instruction.

Monday, 8 March 1976
According to the evidence a school board member, Mr D.E. Mkize, was dismissed by the Regional Director because of certain irregularities in connection with finances. However, this matter was dealt with in an article which appeared in Drum under the heading: "The School Board men who spoke up get the sack!"
Some other cases were also mentioned, and the subject on which the dismissed members were said to have spoken out was the use of Afrikaans as a medium of instruction.

Saturday, 13 March 1976.
A meeting of parents was held at 14h30 at the Diepkloof Junior Secondary School. This school applied the rule concerning the equal use of the media of instruction in Forms I, II and III, but had lodged an application for exemption. The Chairman at the meeting, Mr J. Mahlangu, was also Chairman of the school board. According to a newspaper report, he had instructed the teachers to use English as the sole medium of instruction, pending a reply to the application for exemption. Further details concerning this meeting are contained in the minutes, but the person who drafted them did not give evidence. Mr Mahlangu was told when the minutes were to be submitted, but he was not present, and no unconfirmed details of the minutes will therefore be incorporated in this report (B1.16.4 and 1.18.9).

Sunday, 14 March 1976.
(a) At a meeting of parents of pupils at the Donaldson Higher Primary School, Afrikaans was unanimously rejected as a medium of instruction.
(b) The Chief Minister of kwaZulu addressed a meeting in Soweto and referred to school matters. The press gave wide publicity to this meeting.

April 1976.
(a) During this month, there were demonstrations and school strikes in protest against the dismissal of three school principals by the Tsonga School Board. The schools concerned were the Nghunghunyani Secondary School and the Tiyanani and Mawila Higher Primary Schools. There was occasional stone-throwing during the disturbances (B1.17.4).

(b) Credo Mutwa, a Soweto witch-doctor and a world-renowned author, testified that pupils from the Morris Isaacson High School had told him that riots were to be expected in Soweto somewhere about June or July, and later as well. This tallied with what a Black man had said to him earlier in the year in Los Angeles in
the course of a heated argument. Because he had heard that pupils had already begun to boycott classes and that there was dissatisfaction and anger in Soweto, he reported this to the authorities.

Monday, 26 April 1976.
A deputation from the African Teachers' Association of South Africa (ATASA) had an interview with the Secretary, to whom they handed a memorandum on the question of the medium of instruction asking for the matter to be reconsidered.

Tuesday, 4 May 1976.
According to Mr M.P. Wilsnach, Director of Housing of the WRAB, there were demonstrations and school strikes in protest against the dismissal of two members of the Tswana School Board in Meadowlands (BI.15.4). These strikes lasted several weeks. By direction of his board, he wrote a letter on the above-mentioned date to the Secretary, more particularly about the occurrence of strikes at the Mawila Higher Primary School (BI.17.4). The last sentence of his letter read: "My Board regards these acts on the part of pupils as serious undermining of discipline and wishes to state categorically that no responsibility can be accepted for possible damage that may arise from these acts by parents and pupils." (Translation)

Wednesday, 12 May 1976.
(a) A woman teacher was accosted on her way to school by two youths who were intent on robbing her. She shouted for help. More than a hundred pupils from the Orlando North Secondary School rushed to her aid and set her free. They pursued and stoned the assailants, both of whom were killed. There does not seem to be any direct connection between this incident and the riots.
(b) Mr E.F. Sono, Principal of the Mawila Higher Primary School, died at his home in Soweto only one day after the Machangana School Board had decided to reinstate him and two other principals in their posts. Their dismissal and reappointment have already been dealt with (BI.17). Mr Sono's death made front-page news in The World the next day. It was stated, among other things, that he had been the Gazankulu Government's urban representative in Soweto some time previously.

Sunday, 16 May 1976.
The Principal of the Pheleni Secondary School informed the circuit inspector by telephone that his pupils were refusing to attend classes, allegedly because they were opposed to the use of Afrikaans as a medium of instruction. No application had been made on behalf of this school for permission to depart from the rule concerning the equal use of the media of instruction. The station commander of the Orlando police station knew about this boycott.

Pupils at the Orlando West School refused to attend classes. They demanded that Mathematics and Social Studies be taught through the medium of English and not of Afrikaans, and that Mr J. Mahlangu, who, according to them, had been dismissed because of his opposition to the use of Afrikaans as a medium of instruction, be reappointed Chairman of the school board. They pelted the school principal's office with stones and let the air out of the tyres of his motor car. He
did not succeed in making them return to their class-rooms. According to a report in the Rand Daily Mail, the pupils were said to have demanded an interview with a certain inspector, who allegedly refused to go to the school.

Tuesday, 18 May 1976.
Under the headlines "School strike in Deadlock" and "Students vow to keep up boycott", The World reported on 20 May that the continuation of the boycott on that Tuesday had been accompanied by violence; the pupils had taken a tape recorder from the Vice-Principal, had accused him of being a police informer, and had threatened to assault him. The Principal was obliged to accompany him home. The Principal was booed when he addressed the pupils and tried to persuade them to go back to school.

Wednesday, 19 May 1976.
(a) After several talks with the Principal and members of the staff, the pupils of the Orlando West School wrote a letter to the Regional Director setting out their grievances. The boycott continued, and when Mr P. Mkize, the Chairman of the school committee, asked the pupils to go back to school, he, too, was jeered at.
(b) A strike was called at one of the Pheleni Junior Secondary School's feeder schools. This was the Belle Higher Primary School, whose pupils refused to be given lessons through the medium of Afrikaans and asked to talk to the Chairman of the school board.

Thursday, 20 May 1976.
(a) The Rand Daily Mail carried a report on the school boycott and also published the letter from the pupils of the Orlando West School, in which they rejected Afrikaans as a medium of instruction. The report which had appeared in The World on this date has already been dealt with.
(b) The boycotts spread to three other feeder schools of the Pheleni School, namely the Thulasizwe, Emthonjeni and Khulo-Ngolwazi Higher Primary Schools. At the first-named school, where a notice of protest had appeared on the school notice-board the day before, about 300 pupils demonstrated against the use of Afrikaans as a medium of instruction and refused to go to their classrooms. According to the Rand Daily Mail, there were placards on view, some of which read: "For how long must we suffer from Afrikaans." The Principal of the school asked the demonstrators to stop their demonstration and to leave the matter to their parents. When they could not be persuaded to return to their classes, they were asked to leave the school premises so that they would not disturb others who were already in their class-rooms. They then marched up and down in the streets near the school, singing "Thulasizwe is sick and tired of Afrikaans, this language must go from this school". According to information obtained by the newspaper, these pupils were incited by pupils from the Orlando West and Belle Schools. Other information was that Thulasizwe pupils had done "particularly well" in the subjects about which the demonstration was being held.

(c) At the Belle Higher Primary School, the demonstrating pupils locked the gates to keep out teachers and pupils who wanted to go to school.

Friday, 21 May 1976.
(a) The boycotts, in which one of the daily newspapers estimated 1 600 schoolchildren to be involved, continued. In certain cases, some pupils who returned to their classes, were threatened by the strikers.

(b) The Chairman of the Zulu School Board in Orlando, accompanied by two school principals and two assistants, held discussions with the Regional Director about the boycotts and the language question. The Director explained that there was nothing that he could do about the policy, and those present agreed that, if the pupils' demands were acceded to, it "would give rise to a chain reaction, the end of which could not be foreseen". The Chairman of the school board undertook to ask the parents at a meeting of parents that was to be held the following day, to compel their children to go back to school.

Saturday, 22 May 1976.

At 14h00, about 200 parents, school board members and members of the Inkatha movement met in the Orlando West Secondary School. Mr G.J. Thula was also present. The press was barred from the meeting. There is divergent evidence about what happened. The Regional Director said that the meeting had been a failure because of the presence of members of political organisations who were not parents. According to a report in the Rand Daily Mail, however, those present had agreed, after three hours of discussions, that the schoolchildren were to return to their classes while the matter was still under consideration. An appeal was made to the scholars to return to school, and the Regional Director asked the school board to take action. The idea was apparently that the board was to talk to and negotiate with the pupils.


Most of the striking schoolchildren flouted the appeal made by their parents and the school board. About 300 pupils from the Pimville Higher Primary School stayed away from classes. A placard reading "To hell with Afrikaans. No assembly today" was affixed to the gate. Afrikaans textbooks were stacked in front of the principal's office; on the door of every class-room was painted: "Away with Afrikaans" and "We want a decent language to replace this dialect". In a report on this matter in the Rand Daily Mail, it was also said that the pupils were antagonistic towards teachers who taught subjects in Afrikaans.

Tuesday, 25 May 1976.

(a) The same report in the Rand Daily Mail, which gave details of the boycott at the Pimville School on Monday, also referred to two other matters.

(b) First, reference was made to a charge by the Southern Transvaal Regional Director, who was alleged to have said that the BPC was behind the school strikes. This was followed by a statement by the BPC, which seemed to have been made in the course of an interview. The BPC stated that the matter was not a tribal struggle but a Black national struggle. They applauded the scholars for their stand and said that the children or scholars were now being called upon to fight the battles which their parents should have fought long ago.

(c) Secondly, the report stated that, according to a week-end paper, an official of the Department had said that, if scholars insisted on rejecting Afrikaans, their
schools would be closed down and the teachers would be transferred to other schools.

(d) The Director of the SAIR, Mr F. van Wyk, held a telephone conversation with the Regional Director in Soweto about what he considered to be a lack of action on the part of the authorities, and about related matters. He was not satisfied with a reply that the question of the medium of instruction was being used for other purposes and sent the following telegram to Mr R.M. de Villiers, M.P. for Parktown, in Cape Town:

"Deeply concerned Afrikaans medium controversy Black School. Position Soweto very serious. Could you discuss matter with Minister concerned?"

(e) The next day, Mr De Villiers conveyed the contents of the telegram to Dr A.P. Treurnicht, the Deputy Minister of Bantu Education. Dr Treurnicht replied that he was not aware of any real problem but that he would look into the matter. A day or two later he sent the following note to Mr De Villiers:

"The problems in connection with the strike by pupils in Soweto are still being dealt with at a lower level, and apparently negotiations have not yet ended in deadlock. The problems have also not yet been referred to the Secretary of the Department for a decision. This may be done later.
We shall ascertain what the root causes are, but at the moment it is said that the children are striking because teachers (according to the children?) are not competent to teach subjects in Afrikaans. Perhaps it is not quite so simple." (Translation)

(f) According to the Secretary, he was aware of the scholars' actions at that stage but knew that school boards had been directed to negotiate with the pupils for their return to school; he had even been informed that some of the pupils were already back at school. The information available to the Deputy Minister was therefore that a solution was being sought at the local level and that a measure of success had already been achieved. At that stage, six schools were actually involved. At two of these, some of the pupils had gone back to school but had been threatened there. In the evening of this day, window-panes were smashed at the Belle Higher Primary School.

Wednesday, 26 May 1976.

(a) Members of the SAIR testified that Mr T.W. Kambule, Principal of the Orlando High School, had told them that an inspector had intimidated the principals and teachers of the striking schools. Apart from a denial by the inspector concerned, there is no other evidence in this regard.

(b) Mr Kambule had also told them that he had visited the Regional Director along with other principals (presumably on the 21st) and that they had told the Regional Director, in reply to a question by him, that they had teachers with the necessary language proficiency on their staffs; this he, Mr Kambule, knew to be untrue. According to him, they had given that reply because they were afraid of victimisation. There is no evidence that Mr Kambule had set the Regional Director right. There is no evidence, either, to show that they could have been afraid (B1.18.9).
(c) According to an article in Beeld under the headline "Kinders sal geskors word" (Children will be suspended), a circuit inspector had stated that the names of children who failed to return to school would be struck off the class registers and that their teachers would then have to be asked to resign. He was reported to have added that, if a pupil was absent for 10 days without a reason, his name would be struck off the register. He also said that there was incitement and that it was the duty of parents to send their children to school. Similar remarks by the same circuit inspector were reported in other newspapers. The contention made by a witness that these remarks were inflammatory is rejected.

(d) Mrs K. Thabalala, a teacher who taught Afrikaans at the Pimville Higher Primary School, was stabbed by a pupil with a screwdriver. The injury was such that she had to be treated at a nearby clinic. What preceded the assault is not known to the Commission. According to a report that appeared in the Rand Daily Mail two days later, she had been stabbed "by one of the rowdy students who have been out on strike after refusing to be taught in Afrikaans". The report went on to say that the suspected assailant made his getaway while his fellow pupils were hurling stones at the police who were trying to arrest him.

(e) During a discussion of water rates with members of the Urban Bantu Council, the Chief Director of the WRAB, Mr. J.C. de Villiers, learned from them how seriously they viewed the dispute about the medium of instruction. He then directed the Director of Housing, who was present, to make arrangements for a discussion between the members and the Regional Director. He reported to the Chairman of the WRAB that, in his view, some of the school inspectors were playing with fire next to the haystack of Soweto.

(f) The Rand Daily Mail also reported that the Regional Director's accusation that the BPC was behind the school strikes, was rejected by that organisation as an attempt to distract attention from his inability to tackle the problem.

Thursday, 27 May 1976.

Under the headline "School row 'exposes the fraud'", the Rand Daily Mail published a statement by the Department's Chief Inspector of Schools, Mr M.A.H. Engelbrecht, and comment thereon by Mr M. Kumalo, a lecturer at the University of the Witwatersrand. Mr Engelbrecht referred to five schools in Soweto where some 2 000 pupils had gone on strike and said that the boycott of classes was an administrative matter that should be investigated and resolved by the school boards concerned. The choice of a medium of instruction, on the other hand, was a professional matter on which a school board could not decide; if the investigations prompted a school board to ask for a change in the medium of instruction in a particular school, the matter would be referred to the Secretary. Mr Kumalo was critical of this classification of duties and said that the threat to close schools where strikes were in progress merely exposed the fraud inherent in Bantu education. Furthermore, he shared the view of the Black population that the policy on the medium of instruction was a political imposition on the schools, that the Blacks should be left to choose the medium of instruction for schools, and that the unrest was provoked by Government policies and not, as alleged, by Black agitators.
Friday, 28 May 1976.
During the week-end, SASM held a conference, known as the Third General Students' Council, at the St. Ansgar's Conference Centre in Roodepoort. The general theme of the discussion was: "Reconstruction towards self-determination." Lectures to which the conference-goers listened during the three days included Militancy on the campus, Black Theology, Black Consciousness and the History of the Struggle. At the suggestion of Tebello Motapanyane, the conference noted the following in regard to the "Afrikaans Strikes":
"The recent strikes by schools against the use of Afrikaans as a medium of instruction is a sign of demonstration against schools' systematized producing of 'good industrial boys' for the powers that be."
After reference had been made to the national implications of the strikes, the following resolutions were passed:

"1. To totally reject the use of Afrikaans as a medium of instruction.
2. To fully support the students who took a stand in the rejection of this dialect.
3. Also to condemn the racially separated Educational System."
Among the further resolutions that were adopted were ones concerning the rejection of independence for the Transkei, and Draconian laws.

Apart from reports on incidents and strikes at schools, general articles on the question of the medium of instruction and the riots also appeared in newspapers. The Commission will refer to only one article that appeared in Beeld. It was written by the Rev. Sam Buti, skriba (secretary) of the DRC in Africa. It was headed: "Moenie Afrikaans aan Swart skole opdwing (nie)" ("Don't force Afrikaans upon Black schools") and its theme was that there was still goodwill between the races but that it should be borne in mind that the time for dictating, or unilateral decisions, was past.

Tuesday, 1 June 1976.
(a) The pupils of the Senaoane Junior Secondary School began to boycott classes in protest against Afrikaans as a medium of instruction.
(b) Pupils from the four schools, Belle, Emthonjeni, Pimville and Thulasizwe, on the other hand, began to go back to school during the next few days. In some cases, those who went back were jeered and even pelted with stones by those who wished to continue the strikes. The police found it necessary to set up protective patrols. The statement that pupils were enticed back with the promise that teaching was being suspended in the subjects previously offered in Afrikaans, could not be substantiated.

Friday, 4 June 1976.
(a) Rioting continued unabated at the Belle Higher Primary School. The atmosphere was tense. Striking scholars locked the school gates, taunted those who had gone back to school and hurled stones at them and at the school
buildings. This stone-throwing assumed such proportions that the help of the police was called in. Col. J.A. Kleingeld, the station commander in orlanft, notified his headquarters of these incidents.

(b) In reply to questions, the Deputy Minister of Bantu Education stated it the House of Assembly that pupils from five schools had refused to attend classes but that the school boards concerned were negotiating with them. Pupils in-Std V and Form I stated that they had gone on strike because they were opposed to the application of the policy on the medium of instruction. The schools involved in these protests were the Thesane Junior Secondary School and the Belle, Thulasizwe, Emthonjeni, Khulo-Ngolwazi and Pimville Higher Primary Schools.

(c) At the same time, the Minister of Education of the Qwaqwa Government gave his reasons in the Legislative Assembly at Witsieshoek why ties should be maintained with the Afrikaans-speakers and why English should not be the on, medium of instruction in the homeland's schools. He pointed out that the Basuto's working environment was predominantly Afrikaans-speaking. In regard to the objections against Afrikaans as a medium of instruction in Soweto, he suggested that the matter be resolved by the politicians of the various population groups.

Sunday, 6 June 1976.

Parents, scholars and persons who did not have a direct connection with educational institutions met in the Naledi hall. The speakers concentrated criticism of separate development and of Afrikaans as a medium of instruction. The establishment of a Soweto Parents' Association was discussed at this meeting.

Monday, 7 June 1976.

(a) A scholar was arrested in connection with the stone-throwing that had occurred at the Belle Higher Primary School the previous Friday.

(b) The Urban Bantu Council for Soweto discussed the latest events at schools at several meetings. The gravity and danger of the situation were stressed. After Mr M.P. Wilsnach had agreed to make the necessary arrangements, the Council nominated a deputation for talks with the Regional Director, Mr W.C. Ackermann. This deputation consisted of the Chairman and the Secretary of the Council, the Chairman of the Council's Committee for Education and Health Matters, and three members. Mr Wilsnach testified that he had found it difficult to arrange the meeting because he had been given the impression that the Regional Director was unwilling to see the deputation. His efforts succeeded, however, and the meeting took place that morning. The minutes were drawn up by the Secretary to the Council and by Mr Wilsnach and were submitted to the Commission.

(c) The minutes were not available when the Regional Director testified. It is doubtful whether he ever saw this document. He was questioned about the meeting and some of the items on the agenda were put to him. He said, that it had been a lengthy discussion. He admitted some of the statements imputed to him, denied others, and commented on a few although he could not remember them.

(d) He also stated that the whole theme of the discussions had been the strikes and what should be done to end them. In this regard, certain accusations were levelled at the Department, whereupon he made it quite clear that the task had been entrusted to school boards and that they had accepted responsibility for it; the
Department consequently could do nothing about the matter. The delegates then said that the people of Soweto had waited for the school board to stop the strikes but that this had not happened, and it was for this reason that a concerned Urban Bantu Council now wanted to do something about the unrest. Furthermore, according to the minutes and the relevant evidence, the discussions were not concerned only with the settling of the trouble by school boards, but also with the powers that school boards should have in matters concerning the medium of instruction to obviate problems and the application of the policy on the medium of instruction. In the light of what follows, it may be said that the Regional Director's recollection was that only the administrative functions of school boards came under discussion, whereas the others maintained that they had also discussed so-called professional matters.

(e) According to Mr Wilsnach, the Regional Director stated more than one during the proceedings that the question of the medium of instruction was of a professional nature, that it should be dealt with by professionals only or that it could not be discussed with laymen. The Director could not remember discussing the policy on the medium of instruction or its application with the deputation. Statements such as the ones made above were, however, made by various officials of the Department during the disturbances as well as before the Commission. This labelling of the question of the medium of instruction was considered sufficient to exclude all discussions with school boards and other bodies on the policy or its application and to ignore suggestions made by laymen (B1.14.3 and 4).

(f) The Chairman of the Council is also alleged to have said that the Government should not decide on the medium of instruction, but that the parents should be able to exercise an option and that he recommended English as the medium of instruction with Afrikaans as a subject. The Regional Director's attitude was that the medium of instruction for a Black pupil in the urban areas should be determined on a 50-50 basis because his education was financed by the White population; the taxes paid by urban Blacks went to the homelands for their development. This part of the evidence falls under Mr Ackermann's general denial that the matter was discussed. According to other witnesses, other officials made similar statements on other occasions# and it is for this reason that the matter is also dealt with in Part E, Chapter 2 en also in Bl.20 - 20 January 1976.

(g) In regard to the choice of the medium of instruction, it was also mentioned here that the 50-50 principle was a question of policy that could not be departed from; parents who wished to have their children educated through the medium of English could send them to schools in the homelands. Mr Ackermann's denial is borne in mind, but these allegations, which are indicative of a "take it or leave it" attitude to policy matters, were also made by others and are dealt with in Part E, Chapter 2.

(h) According to the deputation, the Regional Director was asked whether directives and circulars which he or the Department sent to principals, school boards and committees could not also be made available to the Urban Bantu
Council's Committee for Health and Education and whether the Committee could meet him to discuss educational problems with him; these requests were refused on the grounds that the Department did not recognise the said Committee as part of the education machinery. This alleged discussion also falls under the part of the proceedings not admitted by the Regional Director. It does, however, show a lack in the Department's communication network that could have been remedied by the application of the existing legislation. This matter is dealt with in Part E, Chapter 21.

(i) In the course of the meeting, the Regional Director said that, if any concessions were made to the striking pupils, such concessions would set up a chain reaction, the end of which could not be foreseen. Other officials of the Department displayed the same attitude during the unrest. It was also said that pupils who had gone on strike in connection with the school board problems had been used as a pressure group. It does not seem as if pupils from the schools that had taken part in the strikes were ringleaders among the subsequent rioters after the school board members or school principals had been reinstated. The attitude that the demands of striking pupils should not be acceded to because that would lead to further demands, may have been responsible for the fact that the causes of the unrest were not properly investigated or that a possible injustice was not removed or that it was not realised that the calming measures were not effective (Bl.17..6).

(j) One of the Urban Bantu Council's delegates at the discussions, Mr D. Thebehali, testified that this was the most frustrating interview that he had ever had with a public servant. He made a similar remark a few days later when he reported to the Urban Council on the interview. To this he added that they had received no co-operation from the Regional Director. In this connection, Mr Ackermann says that he cannot understand the accusations as he had answered all questions and had been thanked by the Chairman of the Council for his information. Whatever the case may be, a successful interview, even without any concessions, might well have helped to soothe feelings.

Tuesday, 8 June 1976.

(a) Because he felt uneasy about the growing discontent among pupils and others in Soweto about the use of Afrikaans as a medium of instruction, the Chief Bantu Affairs Commissioner, Mr F.B. du Randt, convened a meeting of a number of interested organisations. He chaired this meeting, which was attended by, among others, Mr M.P. Wilsnach of the WRAB, Mr W.C. Ackermann, the Regional Director, and three officers of the SAP.

(b) The first point on the agenda was the coming increase in bus fares. The meeting considered that the matter had been announced and explained in such a way that the increase would not cause any trouble. It was mentioned during the discussions that certain Black leaders had asked that the pamphlets explaining the matter should not be printed in Afrikaans as well, since Afrikaans was looked upon as being synonymous with the Government and such a pamphlet would elicit resistance rather than co-operation.
(c) The Regional Director attended this meeting, although he believed that to a large extent it had really been convened to accuse the Department (or at least his Section) of having caused the strikes and then not doing anything about them. Messrs Du Randt and Wilsnach, the only other persons who had been present at the meeting who testified, did not give the Commission the impression that they were interested in flinging accusations about; on the contrary, the impression they made upon the Commission was that they had been most concerned at that stage. When the question of the medium of instruction and the strikes came up for discussion, the Regional Director pointed out that there had been trouble at the Tswana schools earlier but that the pupils had gone back to school and had apparently not known what it had all been about. Consequently, it was suspected that agitators were behind the strikes. School boards had accepted responsibility for restoring the peace. He repeated that the Department would not make any concessions because that would lead to further demands.

(d) Mr Wilsnach pointed out to the meeting that the strikes were not aimed so much at the Afrikaans language as against the "Afrikaans" Government, and that the schoolchildren were being used to force a confrontation with the White community; such a confrontation was said to be planned for August, and the school strikes were merely a prelude.

(e) Mr Du Randt testified that, in his view, the delegates had been concerned about the position, which they had regarded as explosive. However, because this matter had been deemed to be a domestic affair of the Department, no resolution had been passed. In a report which he subsequently submitted to his own Department, he stated that he had placed the question of the medium of instruction high on the agenda because reports of large-scale dissatisfaction had already appeared in the press. Mr Du Randt wrote that, when he had put the matter to the Regional Director, the latter's attitude had been: "Take it or leave it." If the Black children were not satisfied with this system they could stay away, because education was not compulsory; thousands of others were satisfied, and exemption could moreover be applied for. According to Mr Ackermann, this report did not reflect the true spirit that had prevailed at the meeting. He also said that none of those present had been able to recommend anything that should be done; in any case, he was satisfied that the officials of the Department had done everything they could.

(f) Another important item on the agenda had been the absence of police action against striking pupils. The police officers had pointed out that, since there was no compulsory school attendance for Black pupils, a strike in itself did not constitute an offence, which meant that the police were unable to act. This view was put to the Commission by police witnesses and is dealt with at several places in this report. So much for the meeting.

(g) Striking pupils at the Thulasizwe Higher Primary School deterred fellowpupils who wanted to go to school, disrupted their classes and even dragged them from their class-rooms. The principal of the school considered it necessary to summon the police. Fifteen of the ringleaders were rounded up but were released after
questioning. A colonel who had been in command testified that the questioning had actually been a reprimand.

(h) The Naledi High School, which did not apply the principle of the equal use of Afrikaans and English as media of instruction, was visited in the course of the day by two officers from the Security Police, namely Lieut.

S. Bekker and Detective Constable A. Nthane. They wanted to get in touch with a certain Enos Ngutshana, a pupil at the school. Earlier attempts to trace him either at home or at school had been unsuccessful.

(i) Their visit was in connection with a matter concerning banned pamphlets which had been referred to them from Durban. According to Brig. S.W. le Roux, Divisional Commissioner for Soweto, the action taken by the two men, who had to question Enos about a security matter, had nothing to do with the grievances of the pupils. However, according to statements made abroad by some of the leaders of the scholars, Enos had been the SASM secretary at the Naledi High School, and Tebello Motapanyane had been under the impression that the police had gone to the school to detain him in connection with the school strikes.

(j) Lieut. Bekker parked his official car near the staff room and went to tell the principal why he was there. Enos was summoned to the principal's office and told to fetch his books and accompany the police. He left but did not return. After school he was found but he refused to accompany the police. Meanwhile, Constable Nthane was being intimidated by pupils; they called him a sell-out and even threatened to kill him. He was sent to the car, and upon arrival there found that all four tyres had been deflated. After inspecting the car, Lieut. Bekker telephoned for reinforcements from the Jabulani police station. Black constables turned up as reinforcements, but were pelted with stones by the pupils, as were their vehicles. The car in which Lieut. Bekker had arrived was overturned and set alight. A witness alleged that the pupils were incited in their actions by one of the teachers, but in the absence of supporting evidence it is impossible to make a finding in this regard. One of the pupils was seen cutting the telephone wires. The commanding officer of the Jabulani police station, Maj. G.J. Viljoen, received a radio report of the stone-throwing and went to the Naledi High School, where he found that Lieut. Bekker, Constable Nthane and the school principal had been cornered in the principal's office by some 800 stone-throwing pupils. The children attacked him as well; he used tear-gas and dispersed the crowd in a baton charge and with dogs. The trapped persons were released.

Wednesday, 9 June 1976.

(a) At about eleven o'clock, Maj. Viljoen and a police photographer went to the Naledi High School to make a survey of the damage. As they approached the principal's office, the pupils came out and surrounded them. The schoolchildren adopted a menacing attitude, shouted slogans and gave the Black Power salute. The situation was very tense, and Maj. Viljoen realised that the position would deteriorate and even become dangerous if they remained much longer. He and the photographer thereupon departed. According to some reports, the two vehicles in which the policemen were travelling were pelted with stones.
(b) In an interview given abroad, T. Motapanyane said that, after these incidents, the pupils of the Naledi High School informed their teachers that they would not write the half-yearly examinations unless their demands were met. It is not clear what these demands were. Probably they related to Afrikaans as the medium of instruction; but, as previously mentioned, according to available information Afrikaans was not used as a medium of instruction at this school at all.

Thursday, 10 June 1976.
(a) Only half of the pupils at the Emthonjeni Higher Primary School started writing their half-yearly examinations, but refused to carry on when they had to write the examination in Social Studies in Afrikaans.
(b) According to a newspaper report, pupils from the Senaoane Junior Secondary School were beaten for allegedly betraying other pupils in the struggle against Afrikaans as a medium of instruction.

Friday, 11 June 1976.
(a) At the Orlando West Junior Secondary School, the pupils refused to write their half-yearly examinations in protest against Afrikaans as a medium of instruction.
(b) At the main entrance to the Morris Isaacson High School, pupils put up a placard reading: "No S.B.S allowed. Enter at the risk of your skin." This action was directed against the Security Police, and according to a witness, a teacher allegedly said that feelings were mounting against the police.
(c) Motapanyane addressed pupils at the Naledi High School on the question of the medium of instruction; he also handed out pamphlets announcing that an important meeting of SASM was to be held in the DOCC hall the next day. These pamphlets were also handed out at other schools.
(d) Dr A.M. Matlhare said in a statement to the press that an organisation under the name of Soweto Parents' Association (later to be known as the Black Parents' Association) was to be founded on 4 July and that a committee would be chosen to represent the parents of Soweto in connection with the school boycotts.
(e) On 11 June 1976, the Deputy Minister of Bantu Affairs stated in the House of Assembly in reply to a question by a member that the following five schools had applied for permission to depart from the 50-50 rule: the Thesane Junior Secondary School and the Belle, Emthonjeni, Khulo-Ngolwuzi and Pimville Higher Primary Schools. All five were named the week before as being among the six schools at which there had been strikes. Their applications were turned down because it had been found upon inspection that all the teachers concerned were capable of teaching through the medium of both official languages.
(f) A witness told the Commission that this reply tipped the scales in favour of rioting, as it showed that the door had been slammed and that there could be no further concessions. In the Urban Bantu Council, a speaker deplored the refusal for the same reason.
(g) Another question that the Minister had to reply to was whether there had recently been a protest demonstration by pupils of the Maledi High School (this should read Naledi) in Soweto; if so, what the reason for the demonstration had
been; whether the police had to be called in to stop the demonstration; if so, what methods had been used to end the demonstration; and whether persons had been injured and property had been damaged as a result of the incident. The Ministerial reply was that the Department had no knowledge of any such incident.

(h) The Commission investigated the circumstances surrounding this reply to the question in regard to the incidents and found as follows: The incidents had received a fair measure of publicity, especially because they had occurred on two successive days. In the Rand Daily Mail, they were referred to as the actions of the "demonstrating students", the first incident being referred to as a "demonstration".

(i) The S.A. Police did not advise any Section of the Department of Bantu Education of the incidents, probably because they were under the impression that the pupils' actions had nothing to do with the strikes or any other school affairs. Damage had in fact been caused to school buildings.

(j) With one exception, no official made any official report on the incidents to the Department within the first few days. There is no evidence concerning the steps taken by the principal concerned in this regard. A Black inspector read about the incidents in a newspaper and notified the Regional Director of them. The latter did not pass the information on, probably because he also did not suspect that it had anything whatever to do with the school strikes. The Department therefore had no official knowledge or written record of the incidents at the time the question was raised in the House of Assembly.

(k) The Secretary, who was in Cape Town for the Parliamentary Session, and at least one senior official, learned about the incidents, apparently after the Friday in question. In the absence of full details, no connection was seen between the incidents and the pupils' resistance to the medium of instruction.

(l) After the question had been raised, the Secretary requested his officials to collect the necessary information in connection with the matter. A report was made to him, and he in turn informed the Minister. The Minister's reply in the House of Assembly tallied with the information given to him by the Secretary.

(m) It is hardly possible that the Minister would not have received the correct and full details because the officials who had to collect the facts were unable to find out anything about the incidents; telephonic enquiries to the police or the Regional Director would surely have produced results, even if the telephone wires to the school in question had not yet been repaired. There is no evidence to show that the information had been deliberately withheld for some obscure reason. Probably no information was passed on because it was thought that the incidents had had nothing to do with the pupils' resistance. It would have been better if it had been left to the Minister to decide whether it had been a case of a "protest demonstration" and, if the incidents did not fall under that category, whether all information concerning the reason for the scholars' actions, the intervention of the police, and the injuries and damage ought to be withheld.

(n) The point here is not only the negation of an important democratic institution, but also the fact that this information, together with other incidents in the course
of that week, could have enabled the Minister, and also the Secretary, to make a correct evaluation of the situation in Soweto and its schools.

(o) The Director of the SAIR sent the following telegram to Mr R.M. de Villiers, M.P. for Parktown:

"Situation Soweto schools about Afrikaans as medium apparently deteriorating daily. Violence has already occurred and can easily be repeated. Sincerely trust Dr Treurnicht acquainted with facts." (Translation)

Mr De Villiers conveyed the contents of this telegram to Dr A.P. Treurnicht, Deputy Minister of Bantu Administration and Education, to which he received the reply that he, the Deputy Minister, was not aware of any escalation of the dispute but that he would make enquiries. He subsequently advised Mr De Villiers that he had been in touch with his officials, that he had no reason to believe that the question could not be solved, and that discussions were continuing. Mr De Villiers was under the distinct impression that the Deputy Minister did not expect any violent confrontation.

(p) Investigations have revealed that the Deputy Minister asked the Secretary to inform him fully of the situation. The Secretary testified that he knew of only nine schools at that stage where pupils had boycotted their classes because of Afrikaans as a medium of instruction, and that school boards had been directed to negotiate with pupils to discontinue their school strikes.

He was also aware that some pupils had gone back to school but that others were trying to keep them away. He was unaware of the fact that the matter had assumed greater proportions, that the strikes could spread or that the pupils could get out of hand.

(q) The Deputy Minister was therefore justified in giving Mr De Villiers the reply he gave him.

(r) It is clear from the investigation that the Secretary himself was not kept fully posted. His officials did not inform him of all the newspaper reports and articles that had appeared on the subject. He was not told about the concern shown by people in the area at two meetings; and these people were the Chief Bantu Affairs Commissioner for the area, a senior official of the WRAB and three members of the Urban Bantu Council in Soweto. Apparently, not one of his advisers could have told him that the incidents at the Naledi High School were not unconnected with the pupils' resistance, but full details of the events would have made him realise that the pupils were in such a frame of mind that they could easily resort to violence in their campaign of protest.

(s) The Commission does not wish to speculate about what might have happened if the Secretary and the Minister had been in possession of full details; but if they had had all the information they should have had, they could have evaluated the position more accurately and then steps for the prevention of a disaster would not have been excluded.

Sunday, 13 June 1976.

(a) The reaction to the Minister's statement two days before in the House of Assembly that five schools in Soweto had been refused permission to use English only as the medium of instruction, was discussed on the front page of the
Weekend World under the headlines: "Language ruling sparks uproar" and "Parents furious over decision on English." This was said to have raised a storm among parents and community leaders. The views of various Blacks were given. One of them regarded the Government's action as indoctrination, and another said that the schoolchildren's boycott of Afrikaans was a good thing but that parents should now continue the struggle. According to this report, Mr T.W. Kambule, principal of the Orlando High School, stated that if teachers in the junior high schools were to use Afrikaans of their own accord or under compulsion, the Government would be on firm ground in enforcing Afrikaans as the only medium of instruction in high schools. There was nothing in the evidence before the Commission to show that there had been any such intention, but this statement might well have given high school pupils a further reason for protesting against Afrikaans as a medium of instruction. Mr Kambule also gave his support to the strikes with these words: "Schoolchildren are doing exactly what the parents and everybody else feels about Afrikaans - only they had the courage to stand up against it". In his comment on the same page, the editor made an appeal for solidarity and said: "The system of education is a battle which we the parents must fight and not our children." The violence at Naledi was condemned.

(b) There were several meetings of SASM members and of members with other persons, frequently adults, during the week-end. The main meeting was the one that had been announced at schools and was held on Sunday in the DOCC hall in Orlando East. Witnesses put forward various reasons for the holding of this meeting, e.g. the election of a committee for SASM's Transvaal region, the involvement of other schools in the struggle waged by the Phefeni Junior Secondary School against Afrikaans as a medium of instruction, and attempts to bring the scholars' resistance to the attention of the authorities. The meeting was attended by between 300 and 400 pupils, who came from most of the higher primary and lower secondary schools in Soweto.

(c) Tsietsi Mashinini was elected Chairman of the Transvaal region and of the meeting. It was decided to stage a protest march on 16 June and to set up an action committee to plan, organise and control the march. The action committee which, according to Motapanyane, was renamed the SSRC for "strategic reasons, was to consist of two delegates from each school. It is not clear from the evidence whether the full meeting of the action committee or the SSRC was ever held, but that the committee was very active in the organisation of the resistance campaign cannot be doubted.

(d) The march was planned as follows: There were to be three streams that were to start from the Morris Isaacson High School, the Naledi High School and the Sekano-Ntoane School. Along the road, pupils from other schools were to join these streams. They were then to march past the Orlando West High School en route to the Orlando Stadium. According to some witnesses, the intention had been to march from there to the offices of the Bantu Education inspectorate in Booysens.
(e) Representatives were expected to inform their fellow-pupils about the arrangements. The demonstrators themselves had to make the placards they were to carry and were to use slogans such as "Away with Afrikaans". The wording was apparently left to individuals.

(f) At more than one of the meetings and smaller discussions, the question was raised what the demonstrators were to do if the police were to step in or to interfere. The replies were not that the demonstration which, according to leaders, had been planned to be peaceful, was to end peacefully. In some cases it was said that, if the police were to act, the scholars had to fight back with every means at their disposal, and in this connection the stone was referred to as the "African bomb". It is not always clear that violence was to be used only against violence. Interviewed abroad, Motapanyane stated: "The demonstration we planned was to be peaceful because as students we were, of course, unarmed. But we knew that the police would be violent against the students. So we said no, immediately there is violence from the police, we would have to defend ourselves and, if possible, hit back."

Monday, 14 June 1976.

(a) The Chairman of the Urban Bantu Council in Soweto convened an urgent meeting of the Council to discuss the trouble at schools in connection with the policy on the medium of instruction. At this meeting, the discussions with the Regional Director were reported on. The newspapers gave considerable publicity to this meeting and to the statements made by the speakers.

(b) A report of this meeting appeared on the front page of The World the next day under the heading "Language Row - Grim UBC warning". According to this report, Councillor Leonard Mosala had stated that, if the compulsory use of Afrikaans as a medium of instruction was continued with, it could lead to another Sharpeville. The speaker said that "very ugly scenes" or incidents could take place at Soweto's schools, because the pupils were no longer content to accept the things that they did not want; the schoolchildren felt that their parents had left them in the lurch by not supporting them in their struggle against the requirement concerning the medium of instruction, and in their dissatisfaction they were now prepared to fight. This speech was reported in the Rand Daily Mail under the headline "He warned of another Sharpeville." This report contained a review of recent events, a review that was not complete and impartial in all respects.

(c) At this meeting it was also mentioned that, in the discussions with councillors, the Regional Director had stated that there would not be any departures from the policy concerning the equal use of the media of instruction and that the schools had to accept this fact, since education was being financed by the Government. The meeting became stormy, and some councillors walked out; nevertheless, a deputation was nominated to see the Minister. It is not clear how and by whom the meeting was to be arranged, but a date, the eight of July, was mentioned.

(d) One other statement at the meeting has to be mentioned, namely that the police were to be kept away from schools because their presence made pupils aggressive. This statement must be seen in the light of such facts as that the police
had not used violence at any school in connection with the medium of instruction, that they had acted in self-defence at the Naledi High School and in the execution of their duties, and that the organisers had already taken decisions in regard to action by the police.

(e) According to SAIR witnesses, the boycott at schools was then already in its fourth week and it was quite clear that there was growing sympathy among adults in Soweto for the striking pupils and among pupils from other schools, even those who used English only as the medium of instruction.

(f) In the course of the day, there were several meetings of SASM members. Witnesses who appeared before the ConMission while they were in detention, stated that there were adults present at these meetings, one of whom was alleged to have said that feelings for the struggle had to be stirred up among pupils, because whatever was happening then in the lower classes would filter through to the higher secondary classes. The witnesses gave the names of adults, but it emerged from subsequent cross-examination that their evidence concerning the identity of these persons could not be accepted without corroboration.

Tuesday, 15 June 1976.

(a) Along with five pupil leaders, Motapanyane held a meeting at the Naledi High School at which he gave the pupils particulars concerning the protest march, its objectives, and the preparations that had to be made. They were told that Mashinini was the chairman of the action committee, that he would issue orders in regard to the demonstration, and that he would address them at the Orlando Stadium. Evidence was also given to the effect that feelings were whipped up for resistance and revolt by the display of photographs that showed Blacks being ill-treated by Whites.

(b) Tsietsi Mashinini addressed the pupils at the Morris Isaacson High School. He instructed them to come to school the next day with their placards, ready to take part in the demonstration; if the police were to attack the demonstrators, they were to defend themselves with the "African bomb" or with any other means at their disposal. Their slogan was to be "Matla Amandla".

(c) There is evidence pointing to similar meetings at other schools. The pupils were told that Motapanyane had reputedly said that, in the event of police intervention, the marchers should act as the Naledi High School pupils had done. Mashinini is alleged to have said on another occasion that schools should be burnt down in the event of police action.

(d) A meeting of the leaders also took place, and according to witnesses they were addressed on one occasion by an adult, who allegedly said that the spirit of revolt would spread throughout the land and that demonstrations and protest marches would take place everywhere. So far as the reaction to police action was concerned, it was said that there was no need for a direct fight with the police, but that the property of the State and of municipalities could be destroyed in the struggle. What was said earlier in connection with the
unconfirmed testimony of detainees applies here as well in regard to adults and even a White man's participation in the preparations.

(e) While all these arrangements were being made far and wide, the police had no knowledge of the proposed large-scale protest march. At about 16h00, Maj. G.J. Viljoen, commander of the Jabulani police station, received information that the Naledi High School pupils were going to stage a demonstration the next day. During the evening, a Black police sergeant reported to Col. J.A. Kleingeld, commander of the Orlando police station, about his son's information concerning a protest march that was to take place the next day.

This was the position on the eve of the riots.

CHAPTER 2 : DISCUSSION OF THE GENERAL DISTURBANCES :
INTRODUCTION.

2.1.1 In the previous chapter the Commission set out the events and circumstances that led to the disturbances in Soweto on 16 June. These disturbances rapidly spread to all parts of the RSA, and the Commission will now discuss the incidents and events that occurred all over the country and were connected with the disturbances or riots.

2.1.2 All the incidents during the disturbances from 16 June to 28 February 1977, throughout the country, have been recorded in Annexure D. In that Annexure they have been arranged in such a way as to show the course of the riots from hour to hour and from day to day in the various Bantu Affairs Administration Board and homeland areas. It will naturally be necessary to refer constantly to Annexure D in this discussion.

2.1.3 It will also be necessary to refer to Annexure F. This Annexure contains details of all the deaths that resulted from the disturbances, and of the judicial inquests and post mortem investigations into the various cases. It was compiled from evidence submitted to the Commission and from facts abstracted by officers of the Commission from the official documents relating to the investigations. In the introduction to the Annexure it is explained how to look up individual cases.

2.1.4 In discussing the various aspects of the events, it was more convenient not to use the order in which they appear in Annexure D, thereby limiting each of the areas to a chapter. So far as the West Rand area is concerned, for instance, only the events of 16 June in Soweto are discussed in the next chapter, events in the same township during the rest of the period in the chapter following, and the riots in other parts of the West Rand in a third. In discussing the disturbances in the Western Cape, the Peninsula and Nyanga are dealt with in separate chapters. In the case of Natal there are separate chapters for the two universities, viz. those of Zululand and Durban-Westville, Durban and environs, the rest of Zululand and the rest of Natal. As far as the then homeland, Bophuthatswana, is concerned, it was decided to discuss the events that occurred at Thaba Nchu together with those in the rest of the Orange Free State. In addition, some adjoining areas are discussed in the same chapter.

CHAPTER 3 : 16 JUNE IN SOWETO.
3.1 Introduction.
3.1.1 The exceptional tension that prevailed in Soweto during the first 14 days of June has been described in Chapter 1 of this part. Among the residents of the area and others concerned with their welfare there was a real fear that the open opposition of the pupils to Afrikaans as a medium of instruction could lead to general disturbances and violence. The pupils had already had a foretaste of protests, school boycotts, stone-throwing, arson and protective police patrols. There was an uneasy feeling that education officials were not accommodating enough and that they, as well as the police, did not fully appreciate the seriousness of the situation.

3.1.2 Without those who were worried or the officials or the police being aware of it, pupils of secondary schools and their helpers, guided and encouraged by the Action Committee, which consisted of SASM members, were making careful preparations for a concerted protest and a show of determination. The date decided on was the 16th, the day on which the mid-year examinations were to commence in high schools. Such a mass demonstration would mean that schoolchildren would march unrestrainedly through the streets of Soweto with its street urchins and lawless idlers, and that thousands would later gather at the Orlando stadium, from where they would then march together to the education offices in Johannesburg. Only the organisers knew what dimensions the demonstration would assume, and they apparently took no measures to ensure that everything would begin and pass off peacefully. According to the available evidence, they gave advice on what should be done if the police should dare to stop the marching crowds; the advice was not that they should disperse peacefully.

3.1.3 The opinion has been expressed in various quarters that the scholars responsible for the march came from schools that did not use Afrikaans as a medium of instruction at all. This contention is not as significant as it might seem at first glance, and the Commission wishes to state the following facts: The planning and execution of the demonstration was the work of high school pupils. At that time only one of the ten high schools in Soweto that had Form V classes also used Afrikaans as a medium of instruction. This does not mean, however, that the pupils of the other nine high schools were not, in their opinion, affected by the language policy. They believed that such a policy, if it were applied strictly in the junior secondary schools without being opposed, would soon also become part of the policy in high schools. It is not known what their leaders and the organisers said to them, but a statement to this effect was made by, among others, a principal, as set out in Chapter 21, Sunday 13 June 1976, (a). In the second place, participation by the senior pupils in the planning and the march itself was an expression of sympathy or of a feeling of solidarity with pupils in junior schools. In the third place, their activities were instigated by the Action Committee, which consisted of representatives of senior and junior schools, and were intended to give effect to the decision taken by SASM’s General Students Council in May 1976 that they should reject Afrikaans as a medium of instruction and should
support those pupils who had already begun to rebel against the compulsory use of Afrikaans as a medium of instruction.

3.1.4 The plans were kept remarkably secret. The 13 June meeting was announced at numerous schools, and pamphlets appealing to them to attend were distributed among the pupils. On the appointed day the meeting was held in the DOCC hall, almost within a stone's throw of a police station. Later there were meetings at five schools in various parts of Soweto and posters were prepared by pupils everywhere. Despite this, the information did not leak out to the police until Tuesday afternoon, and even then it was vague and incomplete. It was probably partly with a view to keeping the arrangements secret that the organisers made the date of the demonstration known only three days in advance, and did not apply to the authorities for the necessary permission for a march through the streets of Soweto.

3.2 The legality of marches in Soweto.

3.2.1 The police explained several times that they could not act against scholars who stayed away from classes or against people who organised so-called school boycotts, since school attendance was not compulsory for Black children. However, if the non-attendance of classes, the organising of boycotts or the discouraging of those pupils who wished to attend school, had been accompanied by any unlawful action, the police would have been obliged to intervene. So far as demonstrations were concerned, it was usual for the police not to intervene as long as pupils confined their activities to their own school grounds. When, however, marches or meetings were held in public places, the duties and the actions of the police were different.

3.2.2 No public meeting may be held in Soweto without the written permission of the WRAB. This is laid down in regulation 26(1) of Chapter 2 of the Regulations governing the Control and Supervision of an Urban Bantu Residential Area and Relevant Matters, promulgated by Government Notice No. R. 1036 dated 14 June 1968. It was customary for the WRAB to obtain the comments of the police before taking a decision on any application for permission to hold such a meeting. If leave is granted, the police must ensure that there is no disorderliness at the meeting. If the application is rejected, the police must prevent a meeting from being held despite the refusal of permission. The whole matter is therefore of vital importance to the police in Soweto, as the keepers of the peace.

3.2.3 Nobody applied for permission to hold a meeting or a march through the streets of Soweto on 16 June. In the criminal trial, S v Twala and ten others, WLD 281/78, 30 April 1979, the accused were tried on charges relating to their complicity in the march held on that day according to plan; it was common cause that permission was required for such a march but had not been applied for. The Court therefore found that the march had been illegal. That is also the Commission's finding.

3.2.4 The fact that a public march in Soweto on the 16th would be illegal, entailed various duties for the police. If they were aware of the intention of the scholars to march through the streets, it was their duty to try to prevent this. A witness
suggested that they should have stopped the pupils at the schools and sent them home. Whether the police would have been successful in such an attempt to prevent the march by thousands of pupils and at the same time to keep the peace, cannot now be established with certainty; they were unaware of the intentions and the preparations, and therefore no such attempt was made to prevent the march and keep the peace. As the march had advanced a long way by the time the police realised what was happening, it was their duty to stop the march and disperse the crowds. Depending on circumstances, they would be entitled to make use of all reasonable means to restore peace. Again, it is futile to speculate on what would have happened had the police not acted. They did act, the scholars were dispersed, and the riots broke out.

3.3 Knowledge of the planned march.

3.3.1 It was the duty of the delegates from each school to the Action Committee to inform the other pupils of the march. It is not clear how much information was to have been given to the scholars at any given moment. On Tuesday, Motapanyane, who was a leader and organiser, addressed his fellow pupils at the Naledi High School and instructed them to bring their posters to school the next day. It is possible that at that stage they still did not know that they would not be writing examinations the next day, but would be taking part in a march.

3.3.2 The only knowledge the police had in advance of the planned march was received on Tuesday afternoon and evening. At about 16h00 Major G.J. Viljoen, the commander of the Jabulani police station, received information that the pupils of the Naledi High School were going to hold a march the next day. At the same time, a Black lieutenant told the commander of the Orlando police station, Col. J.A. Kleingeld, of a rumour that scholars intended to hold a meeting at one of the high schools in Orlando the next day; more details were not available. In the course of the evening a Black sergeant telephoned information about an interview with a pupil to Col. Kleingeld. This pupil, who attended the Orlando North High School, said that five pupils of the Matsike High School had arrived at his school in a green Kombi and had said that the pupils should come to school first the next day and then march from there, that they did not want to see anybody (probably outsiders) in the streets, and that they were going to set fire to all cars that were in the streets. In this case, too, the informant could not give more details. All this information, vague and incomplete as it was, was not communicated to the Divisional Commissioner or headquarters.

3.3.3 Three reporters on The World gave evidence that they had known on Tuesday the 15th of the planned action by the pupils. An adult, who declined to give his name, informed a woman reporter by telephone on Tuesday afternoon that the pupils of three schools were going to hold a march the next day to express sympathy with the pupils who were striking as a protest against the use of Afrikaans as a medium of instruction. The three schools concerned were the Naledi, Morris Isaacson and Orlando West High Schools. (In this chapter the names of the two last-mentioned schools are abbreviated to MIHS and OWHS). A general statement on a march was made to one reporter, and another heard from
pupils at the MIHS that scholars would be marching from various schools in Soweto the next day, would meet at the Orlando stadium and would then walk to the offices of the education inspectorate in Booyens as one big crowd to air their grievances there and discuss their rejection of Afrikaans as a medium of instruction. It was only on Wednesday morning that other reporters were instructed by their news editors to go to Soweto.

3.4 Before the march.
3.4.1 As was the case at various other schools, the pupils of the Naledi High School held a meeting on the morning of the 16th. Motapanyane addressed them. When the Vice-Principal of the school also wanted to talk to them, he was chased away. In his address, Motapanyane explained to the pupils the route they would follow and announced that he would be the leader of the march. About eight o'clock the pupils left the school with their placards and set out on what could only be a collision course.

3.4.2 The route that they took and that Motapanyane had described to them was largely the same as that decided upon at the Action Committee's meeting on 13 June. Along the way, pupils of other schools would join them. Later they would assemble at the OWHS together with two big marches that would have started at the Sekano-Ntoane Secondary School and the MIHS. When the demonstrators left the latter school, a banner with the following wording was fastened to the fence of the school grounds: "We shall not use Afrikaans as a medium of instruction. The DBE (i.e. the Department of Bantu Education) is formed of ignorant fools. It happened in Angola. Why not here." As has been said, the OWHS was not their ultimate destination. Once everybody had assembled there, they would proceed to the Orlando stadium and the education offices.

3.4.3 On the strength of the information he had received the previous afternoon, Col. Kleingeld instructed all his available men at 07h45 to stand by at the police station. He later patrolled the area and then realized that he would have to get reinforcements. The Divisional Commissioner for Soweto, Brig. S.W. le Roux, testified that up to that morning he had not received any report that marches were being planned. He had a reasonable suspicion that pupils would be holding a meeting, but that would not have been anything out of the ordinary. At 07h50 he learned from his security chief that certain schoolchildren intended or were already marching to the "Orlando School". He thereupon radioed instructions to all station commanders in the area to send out patrols and find out what was happening. Shortly afterwards the Jabulani police station informed him of the attack on a school inspector. This incident is mentioned again in paragraph 3.5.4. The next reports he received said that the marches were already in progress.

3.5 The first phase of the march.
3.5.1 When the first marches left the farthest schools, groups of pupils were already waiting at other schools and in the streets to join them. Several witnesses mentioned the large groups of young people they had noticed in the streets. The marchers carried placards that had as their subject almost exclusively their opposition to Afrikaans as a medium of instruction. Not all the participants were
wearing their school uniforms, and later on it was almost impossible, in the case of those wearing ordinary clothes, to distinguish between pupils and street urchins. Adults were also noticed among the marchers. Several witnesses mentioned inciters who walked ahead of the marches; they may also have been the leaders. According to some observers the marching young people seemed belligerent and molested the public as the march went along. Others, again, declared that the demonstrators were in a good mood and cheerful. It is clear from the evidence, however, that everything did not go off so smoothly and peacefully everywhere.

3.5.2 The Commission cannot find that all the pupils who demonstrated were disorderly and rebellious. Many walked along singing or chatting, and were not guilty of misconduct. There are various circumstances and incidents, however, that show that certain marches and groups of schoolchildren taking part in them were definitely riotous. In the first place, the scholars who joined the marches along their routes did not always do so voluntarily. In one case, pupils of the MIHS forced and threatened the unwilling pupils of the Thesele Secondary School into joining them; when the Principal tried to intervene they chased him away and took the pupils along. There were other cases were principals and teachers were intimidated by the demonstrators to allow pupils to leave their classes so that they could join the marchers. The action taken against the Vice-Principal of the Naledi High School has been mentioned in paragraph 3.4.1.

3.5.3 Secondly, those taking part in the march and also those spectators who supported them often gave the Black Power salute. The scholars forced cars to stop and compelled the drivers to return the salute; they were told that if they did not do so, they and their cars would be attacked. A reporter stated that he had met a large crowd near a police station early in the morning and was greeted with the Black Power salute. Even at this early stage of the disturbances, therefore, the Black Power salute was already being used as a shibboleth and as a gesture of solidarity and of power and authority.

3.5.4 Thirdly, more serious complaints of attacks on cars were also received. At various places, scholars taking part in marches or waiting for a march stoned cars and molested the occupants. There were even reports of cars being set alight. At about 08h00 a school inspector, Mr D.B. Smit, was on his way to a meeting in Soweto in a car with a GG registration number when he found himself in the midst of about 800 pupils of the MIHS. The pupils recognised him and his car. They immediately attacked the car by kicking it and trying to overturn it. The rear window was knocked out. They jumped on to the roof and bonnet of the car. It was only by showing one youth his revolver that he succeeded in keeping him out of the car, but others grabbed Mr Smit and attempted to drag him from the vehicle. They slapped him several times. When, after the struggle, he managed to get away, stones rained on his car. He eventually reached the Jabulani police station and reported the incident.

3.5.5 Fourthly, in the criminal case S v Twala and ten others, supra, the Supreme Court also found that the marches had not been peaceful. The specific findings included the following: Demonstrators attacked the police; Tsietsi Mashinini
urged the demonstrators not to flee from the police but to stand their ground and fight; there were persons in the crowd who had containers of paraffin or petrol; during the confrontation there was an attempt by demonstrators to set a police vehicle alight. The Commission's evidence on the first-mentioned fact above, viz the attacks on the police, is dealt with in the next paragraph. So far as the last three facts are concerned, the Commission had fewer details than the Court had before it. The Commission only had a witness before it who saw Mashinini addressing the demonstrators, but could not hear what he was saying. There was no evidence on the containers of fuel. Regarding the attempt to set the vehicle alight, there was only the statement by Sergeant M.J. Hattingh in paragraph 3.6.10 that he smelled paraffin in the back of his vehicle when he drove away from the crowds at the confrontation.

3.5.6 Fifthly, police officers testified that stones had been thrown at them and their vehicles by the marchers’ even before the procession reached the OWHS. On one occasion, near the Tshabalala Garage, about 600 demonstrating scholars attacked a police vehicle. The police wanted to use tear-gas to disperse them, but the grenade did not go off. Because the situation had become so dangerous, the station commander of the Jabulani police station ordered all WRAB officials to leave the area. Similar warnings were given to all Whites in the vicinity. Soon after 9 o'clock a White female reporter was warned by the Black teachers at the Phefeni Junior Secondary School to leave the area immediately, because the march from the Naledi High School was coming. Before she left, she was threatened by pupils of the school she was at.

3.5.7 Sixthly, shortly after 11h00 a train driver reported at Dube station that Black men had thrown stones at his train between Phefeni and Phomolong. Windows were broken, but apparently no passengers were injured. After an investigation, police were placed on all trains and police protection was provided at eight stations. Stone-throwing took place not very far from the OWHS, but it was impossible to establish whether scholars were involved or whether it took place before or after the confrontation.

3.5.8 A report appeared in a Johannesburg morning newspaper on 17 June under the heading "First shots fired in White City". The reporter wrote that, shortly after 08h00, he noticed two pupils in White City with placards referring to Afrikaans and the Prime Minister. A car coming from the direction of the Jabulani police station stopped near them. The three occupants, two Whites and one Black, were dressed in civilian clothes, but the reporter said that he assumed they were policemen. One of the Whites got out and chased the pupil carrying the placard referring to the Prime Minister. When apparently he could not catch up with the pupil, he produced a pistol and fired two shots into the air and one after the fleeing pupil. Nobody was hit. No evidence was given before the Commission about this incident, nor did an investigation by the Commission bring to light any details of such an incident. After considering all the available evidence, the Commission accepts that the first shooting took place at the OWHS and in the circumstances set forth in the following paragraphs.
3.5.9 A female reporter on The World testified that a matriculant addressed the marching crowd at Phefeni station. He said that the organisers were aware of the fact that police vehicles were following the march, but that it was a peaceful demonstration and that the police should not be provoked. This stream of marchers was not far from the OWHS at that stage.

3.5.10 Closely bound up with the question of the peacefulness of the march, is the evidence before the Commission that the procession and the eruption were spontaneous. Just as the Commission found on the evidence before it, in S v Twala and ten others, supra, the Court also concluded that the march had been carefully planned. It is clear that in all the circumstances the eruption could have been foreseen and was not spontaneous. In conclusion, the Commission also wishes to add that the Court not only found that the march was illegal, but also that it was 'sedulous'; the accused were accordingly convicted of, among other things, sedition.

3.6 The confrontation.

3.6.1 When the police arrived at the OWHS, not all the participants in the marches had arrived there yet. Those pupils who were already there were moving about on the school grounds, in front of the school in Vilakazi Street and next to it on a kopje. Estimates of the size of the crowd vary from one to twelve thousand. The Commission accepts that shortly before the confrontation there were at least six thousand people, but that more were joining their ranks continually. The crowd consisted mainly of pupils in school uniform. Among those dressed otherwise were scholars, street urchins and adults. The scholars came from high and primary schools and there is no reliable estimate of which age group predominated. They were singing and shouting and waving placards. The placards bore slogans such as "Away with Afrikaans", "Afrikaans stinks", "We do not want Afrikaans in Azania", "Afrikaans is the language of the oppressors", "If we must do Afrikaans Vorster must do Zulu" and "We are fed the crumbs of ignorance with Afrikaans as a poisonous spoon". Witnesses noticed that there were people egging the crowd on. Some of the reporters also gave evidence that, when the police arrived, scholars shouted that they should leave and "taunted" them with the placards. The police say that stones were also thrown at them then.

3.6.2 Col. Kleingeld, the commander of the Orlando police station, was in command of the squad that came to grips with the marchers. His group consisted of 48 policemen, 40 of whom were Black and 8 White. Before they left the police station, revolvers, pistols, three automatic rifles, ammunition and tear-gas grenades were issued to them. Some of the Black policemen also had riot batons. The squad was transported in four police cars, three heavy vehicles and two patrol vans with dogs. The confrontation took place in Vilakazi Street in front of the OWHS.

3.6.3 Evidence on what happened immediately before and during the shooting was given by the police, newspaper reporters and a few other people who were present there. Newspaper reports were also sometimes put to the witnesses. There was conflicting evidence on almost every incident and aspect of what happened.
Because they saw the incidents from different positions, the reporters also differed from each other, especially on what measures the police had taken, the order in which they had been taken and the reactions of the scholars. An important point of difference was who was responsible for the first violence. Without commenting on all the conflicting points in the evidence, the Commission will now deal with the course of events, with special reference to the behaviour and actions of the demonstrators, the actions of the police in quelling the riots and their actions so far as warnings to the rioters and the use of tear-gas, batons, dogs and firearms to disperse the crowd are concerned.

3.6.4 In the dispersal of prohibited or riotous assemblies the police follow the guidelines laid down in sections 7 and 8 of the Riotous Assemblies Act, No. 17 of 1956. In terms of these provisions Col. Kleingeld first had to order the persons attending the gathering to disperse and to depart from the place of the gathering within a time specified by him. If they did not obey his order, he could order his men to disperse the gathering. He could allow them to use such a degree of force as would be necessary to disperse the persons assembled and be moderated and proportionate to the circumstances of the case and the object to be attained. So far as firearms and other weapons were concerned, the less dangerous weapons had to be used first before the police proceeded to employ weapons that were likely to cause serious bodily injury or even death. Such weapons, if needed, had to be used with all reasonable caution, without recklessness or negligence, and so as to produce no further injury to any person than was necessary for the attainment of the object. In considering whether the police actions that morning were in accordance with these guidelines, it was borne in mind that the marches and gatherings were illegal, and that the police were duty bound to stop the illegal action and to restore order.

3.6.5 On the way to the demonstration Col. Kleingeld and his reinforcements came upon a crowd of scholars near Uncle Tom's Hall in Khumalo Street. He got out of his vehicle to talk to them. When he approached, stones were thrown at him and he had to return to the relative safety of his vehicle. He threw two tear-gas grenades at the crowd, which moved away. Two reporters of a Sunday newspaper gave evidence on an incident that corresponds with this one in important respects, and was probably the same one. Neither was very precise in his evidence. According to one of them, the policeman in fact used a loudspeaker to order the pupils to turn back. They refused, and tear-gas was then used. The witness added to this that shots were also fired at boys who moved ahead of the crowd. He used the following words: "One White police fired shots onto the boys". His colleague testified that there were five vehicles, that the pupils were instructed to turn back but instead advanced. A White police officer then threw a tear-gas grenade at them; they scattered but re-formed into a group. The officer pulled out his revolver and fired at the crowd. There were no casualties. The Commission has already stated that it found that the first shooting took place at the OWHS, and would just add the following here: If the facts, as given by the two reporters, are correct, then the police were probably entitled to fire warning shots, and the
absence of casualties may be an indication that the police wanted to scare off the scholars. Sometimes it seems as if this incident has been confused by at least one of the witnesses with the later confrontation, which took place not far from there.

3.6.6 From Khumalo Street the police squad drove up Pela Street and later turned back in an easterly direction into Vilakazi Street. When they stopped, the crowd of scholars was directly opposite them and about 100 paces lower down the street. According to Col. Kleingeld the direction of the strong wind was then favourable for the use of tear-gas. The groups moved closer to each other, and the Colonel took up a position in front of his vehicle, raised his hands in the air and shouted at the crowd to stand still. One witness noticed a Black constable with the Colonel in front of the vehicle. Col. Kleingeld expressed the opinion that the uproar of the crowd and the stone-throwing drowned his words. He did not use a loudhailer because he did not have one. Whether a loudhailer would have made his words audible above the noise of the crowd, and whether events would have been any different if the crowd had been able to hear him, cannot be determined; nor is there any point in speculating on such questions. What can be said, however, is that a loudhailer can undoubtedly be valuable in controlling such crowds. Despite the evidence of the two reporters on what happened in Khumalo Street, the Commission finds that Col. Kleingeld, neither there nor in Vilakazi Street in front of the OWHS, gave the riotous crowd an audible and effective order to disperse and depart from the place, and that he had no loudhailer to make himself heard above the noise of the crowd.

3.6.7 The next question to be considered is whether the police tried to disperse the riotous crowd in front of the OWHS with tear-gas. A 17-year-old schoolgirl who took part in the march, gave evidence that while she was hiding in a house there she heard other schoolchildren outside talking about the troublesome presence of a smoke or gas, which was probably tear-gas. The reporters were almost equally divided on this question; some saw tear-gas and others flatly denied that it was ever used. In a report in a morning newspaper on the 17th, by a reporter who did not give evidence, mention is made of tear-gas grenades that were thrown into the crowd of singing schoolchildren and dazed and blinded some of them. Miss Sophie Tema gave evidence on this matter that corresponds with her reports in The World of the 17th and the Weekend World of the 20th. According to her, some of the pupils taunted or provoked the police by whistling and waving placards; one policeman lost his self-control (the words "lost his cool" were used) and threw a tear-gas grenade in among the children; thereupon the crowd stoned the police, and the police then used firearms. Col. Kleingeld testified as follows on the circumstances that gave rise to the use of tear-gas. After his unsuccessful attempt to talk to the crowd, the rioters continued throwing stones at the police. Some of his men were injured and he himself was hit on the leg. The front and rear windows of his vehicle were smashed and other vehicles were also damaged. He then decided to disperse the rioters with tear-gas. He threw three grenades at them and other policemen did the same. Although the Commission could not establish exactly how many grenades were used - it could
be as many as 10 - it can state that only one of the grenades that were thrown exploded. Col. Kleingeld’s evidence on the first shots to be fired follows later. The Commission finds that members of the police squad used tear-gas to disperse the crowd, but that their attempt was not successful. In this connection, the following observations must also be made: The squad had no device for throwing the grenades at the crowd. The grenades could not be thrown further by hand than a young man can throw a stone. The use of tear-gas grenades therefore entailed danger for the thrower. Why all the grenades did not explode, the Commission does not know. The fault may have lain with the quality or the age of the grenades or the skill of the throwers. Whatever the reason, the tear-gas attack failed on this occasion, and the crowd was not dispersed by it. Scholars used some of the grenades that had not exploded as missiles, and threw them back at the police. Probably the evidence to the effect that an unidentified policeman threw one or two stones at the crowd is incorrect; it was probably a policeman throwing a "dead" grenade. Instead of dispersing the young people, this inept and ineffective attack merely stiffened their resolve.

3.6.8 On the use of batons and dogs, there were also differences in the versions given by various witnesses. After considering all the submissions, the Commission accepted that both batons and dogs were used in attempts to quell the riot. According to Col. Kleingeld the crowd moved nearer and nearer to the squad and the vehicles after the unsuccessful tear-gas attack. Stones were thrown at the police, not only from the front, but from the sides as well. This was very dangerous to members of the squad. Because of the buildings on both sides of the street, there was no way for the vehicles to escape to left or to right. It was impossible to move backwards, or to the west, along Vilakazi Street, since the heavy vehicles were too big to turn around quickly and safely in the limited space in the street, and the slightest movement of a vehicle provoked heavy stoning attacks. When Col. Kleingeld realised that he had to lead his squad out of this dangerous position, and that he could only do so by getting through the crowd in front of them, he radioed for reinforcements. He also decided to gain time by carrying out a charge on the crowd using dogs and batons. Before this charge began, he considered it necessary to fire two shots with his pistol as a warning to the demonstrators storming down with stones. Nobody was injured. The use of the dogs in the charge was a failure. Two were beaten to death, and the scholars tried to burn one of the bodies. By using batons, the police succeeded in driving the crowd back, but when they returned to their vehicles, the rioters followed them. It seemed to Col. Kleingeld as if the crowd were under the impression that the police were running away. It is interesting to note that the newspaper report discussed in paragraph 3.5.8 contained the following sentences about this incident: "They (the police) moved back when the students marched towards them. Then the police formed a semi-circle and moved in with tear-gas and dogs. Students replied with stones and the police ran for shelter - at this point the police drew their guns and fired".

3.6.9 The reason why the crowd did not stop their demonstration but instead intensified it, was probably that they and their inciters were convinced that the
police were not well armed, had already taken to their heels, and could be driven from the area. According to Col. Kleingeld, the stone-throwing increased in intensity, and almost every one of his men had by then been hit. Some of the multiple injuries were so serious that hospital treatment was required. The stone-throwing attacks also caused extensive damage to the vehicles. The evidence of the police is that at that stage the squad had been surrounded. One of the reporters agreed that the police were surrounded by the crowd, but said that it had happened only after the general shooting by the police. Other reporters denied that the police were surrounded, and some contended that the terrain was such that it would have been impossible for them to be surrounded. The Commission conducted an inspection in loco and established that it would have been possible for the crowd to surround the police squad there. After consideration of all the evidence, the statement made by the police was accepted.

3.6.10 As reinforcements had not yet arrived, Col. Kleingeld decided that in the circumstances he would have to use firearms. He was afraid, however, that indiscriminate shooting by others could result in a blood-bath, and therefore did not order his men to shoot but acted himself. As has been mentioned, he had already fired two warning shots earlier. In the new circumstances he fired three more shots from his pistol in front of and over the crowd. This checked the rioters for only a moment, after which they advanced again. Thereupon several other members of the force also used their pistols or revolvers; the commanding officer is of the opinion that they acted out of desperation. Two members of the squad gave their account. One, a Black policeman, told the Commission how he had been attacked and held by a rioter; he fired a few revolver shots into the air, thus gaining an opportunity to free himself and get back to the vehicles. The other was Sergeant M.J. Hattingh, who was in command of the dogs. He did not give evidence before the Commission but made a sworn statement, which was submitted. His account fits in with the other events of the morning, but it is not used where it conflicts with the evidence of other persons who did testify before the Commission. His statement deals with the initial stone-throwing, the tear-gas attack, the charge with dogs and batons, and the fact that the crowd then again advanced on the police and the vehicles. He saw that other members of the squad had been injured, some seriously, and it was clear to him that the crowd was going to overpower them. He was hit on the leg by a stone and fell down on the ground. He heard an order to draw weapons and fire. Who gave this order he does not know; Col. Kleingeld said in evidence that he had given no such order. The sergeant stated that he heard the others firing and saw the colonel firing a number of shots towards the crowd. He got up and drew his firearm. A Black man charged at him with a brick in his left hand and a kierie in his right hand. To beat off the attack, he fired straight at the man. The attacker fell down dead. Later, he identified him at the mortuary. It was the 17-year-old Hastings Ndhlovu. The sergeant stated further that he fired five more shots at the legs of the charging crowd, but that he did not see anyone fall. Col. Kleingeld himself, after using his pistol, fired about 20 shots in a few bursts over and in front of the rioting crowd from an automatic rifle. A gap opened up in the crowd and he
ordered his men to drive their vehicles at speed through the retreating rioters. When Sergeant Hattingh reached his vehicle, he found that the keys had been removed. He ran the vehicle down the slope, but when he turned from Vilakazi Street into Moema Street, it came to a stop. The crowd immediately closed in on the vehicle and severely damaged it with stones. They tried to drag him out of the vehicle, grabbed his cap and ripped the badges from his uniform. His hand was injured by a sharp object and an attempt was made to take his firearm from him. Col. Kleingeld drove the attackers off with bursts from the automatic rifle, and the sergeant and his vehicle were removed from the danger area. When he afterwards opened the rear door of the vehicle, he noticed a strong smell of paraffin. The reinforcements arrived, and all the police groups took up a position on the other side of Khumalo Street.

3.6.11 In assessing the danger in which the members of the force found themselves when Col. Kleingeld decided to use firearms, the inferences and opinions of the police witnesses cannot be ignored. On the strength of what he had seen sergeant Hattingh came to the conclusion that the crowd was going to overpower them. The Black policeman judged it necessary to fire shots into the air to frighten off his attacker. The commanding officer regarded their situation as critical and came to the conclusion that his men's lives were in danger before deciding to use firearms to lead the squad from danger to safety. In addition to this evidence, the Commission also took the following facts into consideration: The fact that the police were greatly outnumbered by the rioters; the sustained stone-throwing attacks and serious injuries; the mood of the crowd; the activities of the inciters; the abortive attempts to disperse the crowd with tear-gas, dogs and batons; and the fact that the crowd had surrounded the squad. The Commission feels that in all these circumstances the concern of those involved was not groundless; their lives were in danger.

3.6.12 There were great differences in the evidence on the connection between the shooting and the stone-throwing. The two extreme opposites may be stated as follows: The crowd threw stones because the police fired, or the police fired because the crowd threw stones. Various witnesses took up a position between these two extremes. A number of reporters testified that they saw stones being thrown only after the first shots had been fired. Some of them admitted that they had not been able to see everything that was happening, but others firmly maintained that the crowd had been peaceful and orderly until the police fired. After considering all the evidence on the events of that morning, the Commission cannot accept that the police used firearms when everything was still calm and peaceful. According to the newspaper report quoted in paragraph 3.6.8, the police first used tear-gas and dogs; the scholars responded to this with stones, and the police then fired. Miss Sophie Tema's evidence is given in paragraph 3.6.7. According to her, a policeman threw a tear-gas grenade in among the scholars; this led to stonethrowing attacks on the part of the scholars, followed by rifle fire from the
police. This sequence of events corresponds with Col. Kleingeld's account, except that he and other witnesses also mentioned stone-throwing before teargas was tried. Miss Tema did not see this, but nor did she see the charge, although she noticed a dead dog. After evaluating all the evidence the Commission accepts the following: On their arrival the police were taunted by the crowd and stones were thrown at them. After the use of tear-gas, the stone-throwing became fiercer, and Col. Kleingeld fired two warning shots and called for reinforcements. When the police turned back after the charge, they were surrounded on all sides by the crowd and stones were thrown at them. Because their lives were in danger, Col. Kleingeld tried to ward off the crowd with rifle fire. Without his having issued any order, his men also began firing in desperation. Sergeant Hattingh shot and killed Hastings Ndhlovu, who was charging at him. When the squad drove through the crowd to safety, rioters attacked one of the vehicles and attempted to set fire to it.

3.6.13 The way in which the police fired is another aspect of the events that must be discussed. Of the three policemen who described their own shooting, only Sergeant Hattingh said that he had aimed at people; one shot was intended to prevent an attack and the other five were aimed at the legs of people who were bearing down on him. The Black constable fired into the air and Col. Kleingeld's shots were directed over, past and in front of people to frighten them and drive them off. According to reporters, the police aimed at the pupils, or fired at them or shot straight at them. Elsewhere in this Report it is pointed out that, especially in a riotous situation, anyone who was some distance from a person who was shooting, would hardly be able to say with certainty whether such a person was aiming his shots at someone or not. The Commission is of the opinion that in this respect the witnesses were overstating their certainty. This observation also applies to the evidence on how often firearms were used and how many shots were fired. If the police had fired as much and in such a way as was reported in the evidence, the list of fatalities would have been much longer. It is impossible to say how many were wounded by firearms in the course of the morning. What is certain, however, is that only two demonstrators died in the rioting of that morning, and that

both were shot by the police. One of them was Hastings Ndhlovu, whose death has been described in paragraph 3.6.10. The other was a 12-year-old schoolboy, Hector Peterson. His case is dealt with in Annexure F, under the name of Hector Pieterson. From all the details it would seem that he was killed by a bullet not intended for him. There was no evidence to corroborate a newspaper report that he was shot and killed in cold blood by one of five Black policemen in a blue car when they were trying to stop the march. His stepsister described his movements to the Commission: He was one of the many primary school pupils who were instructed at his school to join the march; when, on one occasion, he wandered away from his step-sister, he was fatally wounded. Two people gave evidence that they had seen an old man lying in the street. He had been shot and was apparently dead. Despite careful investigation the Commission could find no proof of such a case. It appears that only the two boys, Ndhlovu and Peterson, were shot and
killed that morning. Later that day, Tsietsi Mashinini addressed returning pupils at the MIHS, and announced that the police had shot and killed two scholars and wounded eleven.

3.6.14 More than one witness said that the peaceful marches would not have degenerated into riots if the police had not started shooting. Others went so far as to contend that, if the police had not intervened at all, there would have been no violence. Those who expressed such opinions did not take the following facts into account: The marches and all those participating in them were not peaceful and orderly at all times. This was an uncontrolled or badly controlled march. Even before the shooting there had been public violence, and it was very probable that violence would occur again. The march was illegal and the police were duty bound to let the crowd disperse, or to disperse them, and later, to quell the rioting. The actions of the police in putting a stop to the illegal march were not the cause of further unrest that afternoon or during the night, although they may have given rise to the violence discussed in the following paragraphs.

3.7 The actions of the scholars after the confrontation.

3.7.1 After the shooting, Col. Kleingeld and his squad, together with the reinforcements, took up a position on a stretch of open land near the spruit. From there they could keep a watch on the crowds. A big march, which had presumably started from the Naledi High School, joined the demonstrators in front of the OWHS. Together, the crowd advanced to about 500 paces from the police and halted there. They milled around. Apparently it was then decided not to march further to the Orlando Stadium. In smaller and larger groups the demonstrators then moved away from the school along the streets and between the houses. Some scholars returned to their schools. The pupils who arrived at the MIHS were addressed by Tsietsi Mashinini. Here, as has been mentioned, he announced the casualties. He also said that the pupils were not to come to school the next two days, and that they would receive further instructions on Sunday the 20th. He also assured them that he and the other leaders would see to it that Afrikaans was not introduced into the high schools as a medium of instruction.

According to Annexure D, this meeting was held at 11h10, but after due consideration of all the circumstances the Commission believes that it did not take place until 12 o'clock. The Commission realises how unwise it may be to draw conclusions on the strength of a short report of the speech, but would nevertheless point out the following: Apparently the pupils had not expected the protest march to interrupt their school attendance for longer than one day, and that is why Mashinini had to instruct them not to come to school the next two days. In the second place, his assurance may be an indication that, so far as the pupils were concerned, the protest was aimed mainly at the supposed plan to make Afrikaans a compulsory medium of instruction in secondary schools. There is no doubt, however, that the organisers had other objectives. Although the slogans on most placards dealt with Afrikaans as a subject and Afrikaans as a medium of instruction, there were
other placards and the banner at the MIHS that pointed to broader political protest. The most important aspect of the demonstration was that the organisers succeeded, through the eruption of the dispute about the medium of instruction, in involving thousands of pupils in a concerted protest against education and resistance against the authorities, and got them to take the first steps on a road which, they thought, would lead to the achievement of SASM's goal, the liberation of the Black man in the RSA.

3.7.2 But not all scholars went straight back to their schools or houses after the confrontation. Along the way many of them committed serious acts of violence. It was not possible to find out details of all the cases of violence, and the Commission will discuss only some incidents that occurred shortly after the confrontation and near the OWHS. In paragraph 3.5.7 mention was made of a stone-throwing attack on a train, but it could not be established whether this occurred before or after the shooting, or whether scholars were involved. In the cases discussed below, the victims were mostly Whites. They had duties to perform in Soweto and not all of them were aware of the warning to leave the area.

3.7.3 Four White women who had gone to deliver fresh vegetables to nursery schools in Soweto left to return to Johannesburg at about 10h45. One of them, Mrs S.A. Carruthers, gave evidence on their experiences on the return journey. They were unaware of the march and the riot, and heard no rifle shots. The route they followed passed close to the OWHS, and it was probably in Pela Street that they found themselves surrounded by a large crowd of rioting juveniles as well as adults. They and their car were immediately attacked with stones. The windows of the vehicle were broken and all four women were fairly seriously injured. The rioters rocked the car and tried to overturn it. The driver however succeeded in driving through the rioting crowd while her passengers protected her with their bodies. They eventually reached the Orlando police station and were taken to hospital for treatment.

3.7.4 Motor vehicles were waylaid and sometimes attacked. A Chinese driving a Kombi with two Black passengers, tried to escape such an attack. He ran over a young Black girl, seriously injuring her. After a while the rioters allowed him to leave. No further particulars of the injured girl were obtainable. At about the same time, stones were thrown at two White men in a lorry. They reached the Orlando bridge unscathed. Two White policemen from Meadowlands, who were not involved in quelling the riots, were engaged in an investigation at the Phfeni bottle store when rioters threw stones at them. One of them sustained minor injuries, and their car was damaged.

3.7.5 Shortly after the shooting, Mr J.H.B. Esterhuizen, a WRAB official, drove along Pela Street in a motor vehicle belonging to the Board. It is not known where he was going, nor is it clear whether the name of the Board was painted on the vehicle. Almost directly opposite the Phomolong clinic, the rioting scholars threw stones at the vehicle and one large stone shattered the windscreen. Some of these scholars were identified as pupils of the MIHS. Ten or so youths dragged Mr Esterhuizen from his car and assaulted him for
about 3 minutes. He was struck with stones and sticks, and left for dead on the ground. Three students fetched a rubbish bin from a house and emptied out hot ash onto him. This is why it was found at the inquest that an attempt had been made to burn his body. A report in a Johannesburg morning newspaper on the 17th read that they had thrown the body into the bin, and that some of them had said: "That is where he belongs". A reporter who observed this attack from nearby, soon afterwards, and not far away from there, saw a White man at the Phefeni bridge speeding away while stones were showered on his car and the windows were broken. The observer testified that he was able to establish that the stone-throwers were not scholars.

3.7.6 In the course of the morning a Black woman and a White girl went to various places in Soweto together. One was a social worker in the employ of the Department of Bantu Administration and Development, and the other was Mrs S.J. Lombard, who was at that time still a student doing practical work in connection with her social studies. They were travelling in a car with a GG registration number. They visited offices, private houses and even a school, but saw no signs of tension or unrest, and were not informed of the situation by anyone. Near the Phefeni bridge they came upon a large rioting crowd. Although they turned off and drove along side streets, they could not avoid the scholars. Rioters stopped the car and attacked it with stones. There were shouts of "Kill the White". A youth pressed a knife to the student's throat and others grabbed her handbag and wrist-watch. She was dragged from the car by her hair, and beaten, kicked and scratched. When the social worker spoke to the scholars, they assured her that they did not want to do her any injury, but wanted to kill the White woman. While the social worker was pleading with the rioters for the life of the student, their car was set alight. The social worker managed to calm them down to some extent, and the student was taken to the house of a minister nearby. There she hid behind a cupboard in a room. Not all the rioters were satisfied with this. They surrounded the house and showered stones on it. Later three of the pupils asked to speak to her. She was taken to the living-room and spoke to them there. According to her evidence in the case S v Twala and ten others, supra, they wanted to know from her why she should not also be killed like the other White people. Apparently the minister himself then arrived on the scene, and shortly afterwards the police rescued her; that was about 4 hours after their car had been stopped.

3.7.7 In Annexure D, under the time heading 11h20 on 16 June, there is a fairly detailed description of how a rioting crowd beat Dr L.M. Edelstein, the Chief Welfare Officer of WRAB, to death at the Youth Centre and trapped Mr R.E. Hobkirk, an official, in the building, and then burned the centre down. To that description the Commission wishes to add that later investigations revealed that Mr Hobkirk had not taken refuge in the Sizwe Stores. Another White man, who had been injured and whose name is not known, was rescued from those shops.
3.7.8 The last incident to be mentioned in this connection is the following: A lorry with liquor was stopped by rioters in the vicinity of Pheleni. The liquor was handed out to the bystanders and the vehicle was set alight.

3.7.9 Two questions relating to these incidents are: What gave rise to the series of violent actions, and why should Whites who were not involved have been made to suffer? Witnesses expressed the opinion that the pupils had attacked the Whites to avenge their comrades who had been shot by the police, the representatives of the White community. Three of the cases described above are relevant here. The first is the case of the man who ran over a young girl in his attempt to escape. According to the information available, the crowd wanted to assault him, but when they noticed he was not White but Chinese, they let him go free. Mrs Carruthers who, at the time of her experience, did not yet know of the shooting, was convinced that she and her friends had been attacked because they were White. The social worker asked the rioting scholars why they had decided to kill all the Whites they came across. Her version of their reply was as follows: Their object was to hold a peaceful demonstration; the police intervened, dispersed them with tear-gas and shot at them; when fellow scholars were shot and killed in front of them, they decided to pay the Whites back in the same coin. Nor should the following facts be overlooked: The demonstrators had real or imagined grievances about education matters. They were ready for violence since they were prepared to meet police opposition with violence, many had seen photographs of White ill-treatment, and their march had a potential element of violence.

There were inciters among them. The police stopped them, attacked them with tear-gas and batons, shot at them and killed two of their comrades, while they themselves were endangered. The police thwarted their plans. The Commission is of the opinion that there was no justification for their actions, but that all these factors gave rise to the eruption. The police action and the consequent fury and frustration were the immediate causes of the acts of violence. It cannot be said that police action was responsible for the later riots.

3.8 Continuation of the riots on the 16th.
3.8.1 There are various indications that street urchins and adults joined the marching scholars during the morning. Apparently not many of these outsiders were involved in the demonstration itself. In the subsequent acts of violence observers noticed more adults, and the influence of and part played by destructive tsotsis and adult criminals in the riots that afternoon should not be underestimated. They exploited the situation. Witnesses said that when general disorder prevailed and drunkenness was rife, more adults than young people took part in the looting and arson. On the other hand, in the opinion of the Commission, it would be wrong to place all the blame for the senseless destruction on adults or tsotsis. There is evidence of schoolchildren taking part in the riots, and no proof that the organisers tried at that stage to dissuade the pupils from running amok nor that they dissociated themselves and the pupils from the senseless violence.

3.8.2 Shortly after noon, riots broke out at various places and spread throughout the area. Reinforcements for the police came from surrounding areas and later
from even farther afield. An operational office was set up to co-ordinate police actions. High-ranking officers came to the area to help with counter-measures and planning. From time to time trapped people had to be rescued. Where possible, crowds were dispersed and stone-throwers were driven off, and the police made a particular effort to prevent or limit incitement, arson and looting. People were arrested and tear-gas and firearms were used. The disorders raged on and the Divisional Commissioner saw chaos when he went on an inspection flight by helicopter. Large crowds had collected everywhere, buildings and vehicles were burning and a pall of smoke hung over parts of the area.

3.8.3 To sum up, the following may be said of the destruction wrought by the rioters: There were 19 attacks on WRAB bottle stores; some stores were attacked twice or even three times. All windows were broken, doors were broken down, the liquor was destroyed and removed, and fires were started. Large quantities of liquor were distributed among the rioters. Consequently there was drunkenness on a large scale, and this does not exclude the scholars. One witness told how a group of schoolchildren hid liquor in the veld and went there to drink between looting excursions and other acts of lawlessness. But the culprits in this respect were mainly adults and tsotsis. Twelve WRAB office buildings and offices belonging to the advisory boards were attacked; some were burned down. At that stage only three schools were attacked and fires were also started at one hall and one hostel. If the reason for these incidents was the dissatisfaction of the youth with the education system and the authorities, it is not clear why the following buildings were burned down: Four clinics, two libraries, two commercial banks, one post office, three garages and four shops. This list is not complete.

3.8.4 As had been mentioned, four people died in the riots that morning; two of them were Black schoolchildren and the other two were White officials. In the riots during the afternoon and evening eleven people died, four of them under 18. It is impossible to say with any certainty how many of those who died were scholars or tsotsis. All of them died of bullet wounds, and the police were responsible for their deaths. According to the evidence before the Commission and the findings of the inquests, they died as a result of action to quell the riots; some were shot at scenes of arson and looting.

3.9 The actions of the police.
3.9.1 In considering the activities of the police on the 16th, the Commission is mindful of how easy and unfair it could be to censure action or the absence of action with hindsight. Nevertheless, clear signs of brewing unrest during the last few weeks before the 16th were ignored. There were gatherings where the impending danger was discussed and people who knew the situation expressed real fear; there were incidents of violent resistance that testified to mounting tension; there were public warnings of coming disturbances by speakers and writers. Because the police did not realise the importance of these portents, apparently no further or adequate investigation was undertaken.

This is why they were not only unaware of the disturbances to come, but also of when they would take place, so that on the day they were unprepared as regards
manpower, equipment and frame of mind. It is difficult to understand how a group of young people could spend three days preparing for a demonstration by 15 000 or more scholars at schools all over Soweto and the police receive the first, incomplete reports only on the evening before the demonstration was to take place. Information that an illegal march on such a scale was being organised would have made anyone who knew the circumstances realise that danger was threatening and would have prompted him to take the necessary measures if it was his duty to do so. The Commission is of the opinion that the police themselves were largely responsible for their ignorance of what was being planned, and therefore also for their own unpreparedness.

3.9.2 Officers learned of the intended action from two sources on Tuesday evening, but the headquarters that had to correlate all similar information heard about it only after the marches had begun. There was no plan of action for the quelling of the riots, and patrols had to be sent out to report on what was happening. The Divisional Commissioner's order to restrict the pupils to their own schools which, in the opinion of certain witnesses, could have prevented the riots or circumscribed them considerably, could not be carried out since almost all the pupils had left their school grounds by the time it was issued. Nor were there enough men to carry out such an order effectively.

3.9.3 By the time other schools had joined each of the three marches, it was realised that the number of demonstrators was so great that the available 300 to 350 members of the police force would not be enough to control the situation. When such large crowds are dispersed the smaller groups that form also have to be kept in check, because uncontrolled they are just as real a threat to peace and order as a big crowd. When the most important means for dispersing the crowd, viz. tear-gas, was used most of the grenades proved to be defective; dogs also proved useless that morning. By the time the reinforcements, the equipment and the helicopters arrived, four people had already died, many had been injured and several buildings were in flames.

3.9.4 The Commission cannot omit to mention that the small group of policemen tried to keep and restore the peace to the best of their ability. Despite the shortage of men and lack of equipment and preparation, they did not panic. They succeeded in rescuing numerous Whites from dangerous situations and in getting others to leave the danger zone. The commanding officer of a unit testified that a small group of very young schoolchildren had been removed from the street in the path of the approaching march. A reporter who had had several interviews with senior police officers in the course of the morning gained the impression that they had not expected the disturbances and were initially not sure how to deal with the threat. Several officers told him that they had certainly not wanted to use force if it could be avoided, especially since so many schoolchildren were involved in the rioting. How they checked the riots has already been dealt with. Once again, the Commission is not going to speculate on what could have happened if the march had reached the stadium and then the education offices.

3.10 Summary of findings.

3.10.1 Organisation.
The Action Committee formed on 13 June at a regional meeting of SASM members carefully planned and carried through the protest march of the 16th.

3.10.2 For a variety of reasons the police did not appreciate the seriousness of the situation and were unaware of the organisers' activities. The organising therefore proceeded unhindered by the police.

3.10.3 The organisers exploited the opposition to the policy on the medium of instruction and the resultant tension. Their task was made easier by the uncompromising application of the policy of officials and the fact that they underestimated this opposition.

3.10.4 Illegality.

The protest march was illegal since the necessary permission had not been applied for and obtained from the WRAB.

3.10.5 It is the responsibility of the police force to keep the peace and maintain law and order; it was therefore the duty of the police to prevent or stop the illegal march.

3.10.6 Various marches which had taken place before the rally and the confrontation had not been peaceful, and the participants had disturbed the peace and quiet. This behaviour, too, made it necessary for the police to intervene.

3.10.7 Early on the morning of the 16th, demonstrators began using the Black Power salute as a shibboleth and a gesture of solidarity and of power and authority.

3.10.8 Neither in their demonstration nor in their acts of violence were the participants acting spontaneously.

3.10.9 Confrontation.

When the police squad arrived in Vilakazi Street at the OWHS, the scholars waved placards and taunted members of the force. They began throwing stones at the police.

3.10.10 The commander of the squad, Col. Kleingeld, did not succeed in giving the crowd an effective order to disperse and to depart from the place. He had no loudhailer to make his voice heard above the noise of the crowd.

3.10.11 The police tried in vain to disperse the crowd with tear-gas. The squad had no device for throwing tear-gas grenades. Of some 10 grenades thrown by hand, only one exploded. Unexploded grenades were thrown back at the police by the rioters. This abortive attempt gave rise to greater dissatisfaction and resistance, and stones were thrown at the police from the front and sides.

3.10.12 The commanding officer fired two warning shots from a pistol. These were the first shots to be fired by the squad that day in quelling the disturbance.

3.10.13 Intensified stone-throwing attacks and the menacing crowd made the squad's position dangerous and the commanding officer was obliged to radio for reinforcements.

3.10.14 To gain time and reduce the threat he ordered an attack on the crowd using both dogs and batons. The dogs were eliminated by the rioters and two of them were beaten to death. The crowd was driven back with batons, but advanced again when the men returned to their vehicles.
3.10.15 The crowd surrounded the police and rained stones on them from all sides. The lives of the members of the squad were in danger.
3.10.16 In his efforts to drive the crowds away or keep them away, Col. Kleingeld fired three more shots from his pistol and 20 shots from an automatic rifle in a few short bursts. None of these shots was aimed directly at the demonstrators.
3.10.17 Various members of the squad fired in desperation, without any order having been given for them to do so.
3.10.18 When the police drove at speed through a gap in the crowd one vehicle was attacked by the rioters. Attempts were made to set it alight.
3.10.19 The police squad stopped the march, but the organisers succeeded in involving thousands of scholars in a demonstration against real and imagined grievances, thus getting them to take the first steps on a road which, they thought, would lead to the liberation of the Black man in the RSA.
3.10.20 Violence committed by demonstrators. For an hour or two after the confrontation, rioters, mainly young people, committed acts of excessive violence against Whites who were not involved in quelling the riots. Two WRAB officials, one of whom was the chief welfare officer, were beaten to death by rioters. Five women engaged in voluntary welfare work were assaulted and injured. Several car and lorry drivers were stopped and attacked. Some of them were also injured.

3.10.21 With a background of dissatisfaction about grievances, of incitement, preparation for a demonstration and lack of control, scholars were filled with fury and frustration by the police violence that ended the march. This led to acts of violence.
3.10.22 Later riots.
Widespread riots raged on throughout the afternoon and the night. Not only were buildings that were regarded as so-called symbols of oppression burned down and looted, but buildings of clinics, libraries, commercial banks and shops, which an orderly community would want to protect and preserve, were also destroyed by rioters and vandals.
3.10.23 Those who took part in this destruction were adults, lawless street urchins and schoolchildren. The organisers did not dissociate themselves and the schoolchildren from the violence and destruction.
3.10.24 Fifteen people died in the day's rioting. During the rioting that morning, the police shot and killed two scholars. Later, rioting scholars beat two White WRAB officials to death.
3.10.25 Findings on the part played by the police are contained in the following paragraphs of this chapter: 3.2.1 to 4; 3.3.2; 3.6.4 to 14; 3.7.9; 3.8.4 and 3.9.1 to 4. These findings, as well as those contained in the summary, will not be repeated.*

CHAPTER 4: SOWETO FROM 17 JUNE TO 28 FEBRUARY 1977.
4.1 The period of rioting.
4.1.1 The previous day's violence was continued on the 17th of June. Rioting was rampant. When the riots began to abate on the 18th, they had already spread to surrounding areas on the Rand. After a riot-free week-end, isolated incidents occurred on Monday the 21st, and bus services to the area were
resumed. Even the stepped-up police protection on the railways was called off. During the ensuing month, cases of arson and stone-throwing were reported, and when the schools reopened at the end of the month, there were hardly any pupils. There were incidents of rioting throughout the country.

4.1.2 A strike was planned for 4 August. There were marches, intimidation and assaults. Soon, serious rioting was again the order of the day in Soweto. Railway police protection was reintroduced, and during the strike of 23 to 26 August the rioting intensified.

4.1.3 During September the rioting was not as fierce as it had been at the outbreak of the disturbances. Demonstrations were planned for 17 September to coincide with a visit to the RSA by Dr Kissinger, the then Secretary of State of the USA.  

4.1.4 During the months of October and November the disturbances assumed a different form; acts of sabotage were committed, and other incidents of rioting occurred on a smaller scale. A campaign of intimidation was also launched before the planned strike of 1 November.

4.1.5 During the months of December, January and February the rioting in Soweto abated.

4.2 Incidents of rioting.

4.2.1 The large-scale violence with which the riots started on 16 June raged throughout that night and the following day. Incidents that came to the notice of the Commission were the following: At least 22 cases of arson, eight of damage to property by fire; 13 of stone-throwing, six more of damage to property, 18 thefts, assaults, incitement to violence, erection of road blocks, a march, a strike, and a boycott of classes. Men, women and children took part in the riots; shops and bottle stores were looted, and WRAB offices and vehicles were set on fire. While trying to prevent looting sprees, the police were attacked by rioters. About 3 000 rioters made an attack on the Naledi railway station. Some time later, about 2 000 rioters attacked the Merafe railway station. The police were fired on from a building. Tear-gas and firearms were used to disperse the attackers. Crowds gathered in streets that were barricaded off with wrecked motor vehicles, stones and large objects. Towards evening, shots were fired at the Meadowlands police station from a motor car.

4.2.2 In the thick of all the rioting, Tsietsi Mashinini addressed a group of schoolchildren and ordered them to stay away from school; he appealed to their parents to go on strike.

4.2.3 In the course of the day, 65 Blacks died in the riots. Forty-eight adults, eight youths and six children were fatally wounded by the police; three adults died as a result of other people's actions. Seven youths looted the vegetable market in Orlando West; upon being surrounded by the police, they fled into a burning building. No further details could be obtained concerning their fate.

4.2.4 The rioting abated on Friday, the 18th, and comparatively few incidents of rioting were reported. During the riots, 31 Blacks died as a result of police action, while three died from other causes. Several Black leaders attended a meeting
convened by the WRAB. The chief director of the WRAB drove through the
residential area and requested parents by loudhailer to keep their children at
home.

4.2.5 There were no incidents of rioting at the week-end. Up to 3 August, there
were several sporadic instances of arson and stone-throwing. After permission for
the holding of a mass funeral had been refused, a symbolic funeral was held on 3
July, at which Hector Peterson was interred. After discussions, it was officially
decided to reopen the schools in Soweto and Alexandra on 22 July. However, the
schools were almost empty, and principals asked the police to remove their
vehicles from the schools as they were scaring the pupils away.

4.2.6 On 1 August, a coach was set on fire in an attack on a railway station. The
next day, it was decided at an SSRC meeting to march on John Vorster Square in
Johannesburg on 4 August and to demand the release of detainees. There was to
be a strike on the same day. On 3 August, Tsietsi Mashinini told a group of pupils
to use violence, if necessary, to keep workers away from

work the next day. That night, signals on the railway line to Naledi were damaged
to such an extent that trains were brought to a halt.

4.2.7 In the early hours of 4 August, workers were intimidated and assaulted. A
large crowd of youths and adults congregated near the Noordgesicht residential
area. Members of the BPA obtained permission from the SAP to move in among
the crowd and to ask them by loudhailer to disperse. This was unavailing, and the
demonstrators demanded the release of the scholars who were being detained in
connection with the murder of Dr Edelstein. This was refused by the police. Tear-
gas and rifle fire had to be used to stop the march. Meanwhile, a group led by
Tsietsi Mashinini started fires at the homes of three Black policemen. Later that
evening, an abortive attempt was made to burn down Mrs Winnie Mandela's
home. From the next day onwards, the rioting became less fierce, although the
intimidation of workers continued.

4.2.8 A new strike was to have started on 23 August, and rioting flared up again
when workers were attacked on their way to work. In Dobsonville, the riotous
crowd swelled to 5 000. There were several fires as well. In their combating of the
riots, the police shot three persons dead, while two died as a result of acts for
which the police were not responsible. According to a witness, 75 per cent of the
workers did not turn up at work. The next day the attendance figure rose in spite
of intimidation and attacks.

4.2.9 On 24 August, faction fighting broke out between the Zulu hostel residents
and the permanent inhabitants of the area. The hostel residents are mainly contract
labourers residing in the urban areas, generally in hostels, without their families;
their sojourn is temporary and extends only over the period of their contracts. As
a rule they are not interested in strikes and in the local grievances of the other
inhabitants, their interests lying with their homes in the rural areas or in the
homelands. On this occasion youths spread a false rumour among the inmates of
the Meadowlands hostel to the effect that their fellow inmates were being
assaulted at the station on their way back from work. While they rushed to their
friends' assistance, their hostel was set on fire. They returned and pursued and
attacked the youths. A hostel resident was sprinkled with petrol, which was ignited. The police, who were trying to restore order, took him to hospital in a serious condition. The SAP

authorised a group of hostel residents to arm themselves with kerries and to escort their friends from the station to the hostel, but refused them permission to enter the residential area and to punish the culprits. They entered the area all the same, attacked inhabitants, looted houses and raped women. Eight hundred inhabitants asked for protection at a police station. Seven persons were killed in the anti-riot measures taken by the police, and six died at the hands of other persons.

4.2.10 The faction fighting continued to rage the next day. Nineteen persons died as a result of police action, while five were killed by others. On the 26th, there were still numerous incidents of assaults, looting and stonethrowing. Even outsiders tried to calm the belligerents down. There were speeches, negotiations and appeals for peace. People were arrested and dispersed by the police. Many of them were injured, and 20 were fatally wounded.

4.2.11 During the next two weeks, the rioting and fighting were not so fierce, except when one of the hostels was set on fire. According to a pamphlet distributed in the name of the SSRC, workers were to strike again on 13 September. On that day and on the next few days, there were again disturbances that consisted in the intimidation of and attacks on workers who wanted to go to work. In one case, a man was stoned to death by 50 rioters. During these three days of rioting, the police fatally wounded 18 rioters.

4.2.12 On the 16th, railway officials noticed that a large number of young people were travelling to Johannesburg. Train services were suspended for a number of hours to prevent them from massing in the city. The rioting on 17 September and succeeding days related to discussions held between the Prime Minister and Dr Kissinger, Secretary of State of the USA, in Pretoria. Arrangements were made for a mass march, like the one held on 16 June. Some of the witnesses who testified about these riots stated that over-reaction on the part of the SAP was observed, and that the anti-riot measures were disproportionate to the riots. In the light of all the evidence, the Commission considers that this version of the events is not justified.

4.2.13 On 23 September, an attempt was made to create havoc in the centre of Johannesburg. A large number of young people were taken from trains that were going to the city; about 400 Blacks were arrested in the centre of the city. Two days later, Credo Mutwa's house was set on fire by a large group of young people. He was attacked and seriously injured. All this happened three days after he had testified before the Commission; his testimony had received wide publicity.

4.2.14 Events in October may be summarised as follows. School attendance was poor, and later on the examination rooms were almost empty. After three funeral services, disturbances were caused by rioters who had attended the funerals; inflammatory pamphlets were handed out at two of these services. Not only were fires started at a number of schools, but the homes of several Black policemen
were also attacked and set on fire. Explosions occurred at the Jabulani police station, the Pelican night club, two houses, the railway line between New Canada and Mzimhlope stations and twice on the railway line between Solomondale and Dikgale stations. A charge of dynamite was also found on the railway line. The accused in the case S v Langa, WLD 431/77, was convicted of having committed acts of terrorism in connection with the first few explosions and sentenced to 25 years' imprisonment. Young people demanded that shebeens be closed out of sympathy for the victims of the riots, and when this was not done, they burned down two shebeens. On 20 October, Mrs Winnie Mandela's home was broken into and Dr Mathlare's consulting-rooms were burned down. That same day, youths burned down the museum-kraal in which Credo Mutwa exhibited works of art and objects of ethnological interest.

4.2.15 Apart from fires at schools, beer-halls and dwelling-houses, the following incidents of rioting also occurred during November. A passenger train was derailed, but a serious disaster was averted. Coaches were set on fire. A detonator was set off at a policeman's house. Dr J. Goldberg's consulting-rooms in Klipspruit were damaged by an explosion. In the case S v Seko, WLD 263/77, the accused was punished for this crime as well as for a bomb, which he subsequently exploded in the Carlton Centre, Johannesburg; he lost his hand in this explosion. There were also explosions at some dwellinghouses.

4.2.16 The rioting in Soweto abated during December, January and February. Several fires were started. The SSRC stated that pupils would not return to their schools unless all scholars in detention were released and the SAP discontinued their raids. Books were burned at several schools on 9 February.

4.3 The participants.

4.3.1 General.
Blacks of all age groups and of both sexes took part in the rioting. However, young people were particularly prominent. The following are included under the term young people, as used here: Pre-school-going children, schoolchildren, youths who had already left school and were working or were unemployed, and tsotsis. it is not always possible to distinguish between these classes. To begin with, Black children do not go to school until they are seven, and very often they are even older before they start going to school. In the second place, it is not uncommon to find children of 20 years and older at school. In exceptional cases, this could also happen in higher primary schools. At the time of the riots, such schools still had pupils in Std VI classes. Witnesses' observations are consequently not always accurate or reliable. It is also possible to be mistaken about post-school youths; the tsotsi does not always wear the clothing that is considered characteristic of his kind.

4.3.2 Children.
It was mainly during the first three days of the riots that young children were involved. Witnesses said that they had seen young children throw stones, or that they had seen them take part in the looting of liquor outlets and had sometimes seen them making off with bottles. Returns show that 22 children died in the riots. Seventeen between the ages of four and thirteen died as a result of police action.
Four of them died during incidents of stonethrowing, one during the looting of a shop, two were killed by ricocheting bullets, and one died in a general attack on the police. The circumstances in which the other nine died could not be established. Five children who were all under the age of four years died as a result of other people's actions. Four of them died when the houses in which they happened to be were set on fire, and one was run over by a bus.

4.3.3 Scholars.
The part played by scholars who acted as members of organisations is dealt with later. The average scholar's participation was not confined to the staging of demonstrations and marches, the boycotting of classes and a refusal to write examinations. After the rioting of 16 June, they soon became involved in incidents of stone-throwing, the erection of road blocks and the intimidation of workers. They took part in arson; among the places set on fire were the homes of three policemen. They also took part in looting. At the beginning of August there was another big march. Later that month and during the following month they helped to force workers to take part in planned strikes; and during Dr Kissinger's visit, there was a large-scale demonstration that was marked by taunting and accompanied by rioting.

4.3.4 After the closing of the schools on 17 June, many scholars did not go back. At the reopening on 22 July, attendance was poor. Right up to the end of the year the attendance figure was never satisfactory. It was only after the reopening of the schools on 5 January that there was a gradual improvement in the attendance. The writing of examinations was not satisfactory either, although many presented themselves for the examinations in spite of the SSRC's prohibition. But the attendance of classes and the writing of examinations by one group provoked rioting by another group. There was intimidating stonethrowing and arson. On 9 February, there was organised burning of books at several schools.

4.3.5 There was constant rioting, but it was not always possible to establish what part was played in it by scholars. It was alleged that many scholars were arrested; the chief of police in Soweto gave the assurance that no scholars under the age of 16 years were detained for political reasons. In regard to an allegation that more than 600 scholars had fled the country, it was officially stated that scholars who had left the country without travel documents would not be prosecuted if they returned within a specified time.

4.3.6 Evidence came from many parts of the country that scholars from Soweto had fomented the rioting in other places. Such reports did not come from the homelands only but also from Durban, for instance. The rioters had not only been children who went to school there, but also children from Durban who went to school in Soweto and spent their holidays at home.

4.3.7 Youths.
Youths played an important part in the riots. Not only did they take part in arson, looting, stone-throwing and intimidation, but in a few cases they were responsible for sabotage as well. On two occasions, they staged massive marches to Johannesburg. It appeared from certain evidence that youths from Soweto had
also fomented rioting in other areas. Annexure F shows that, during the rioting, 53 youths under the age of 18 years were fatally wounded by the police and that six died as a result of other people's actions.

4.3.8 Tsotsis.
It is true that tsotsis played an important part in the riots, but the Commission does not accept that they took over from the scholars at an early stage and were responsible for all the violence, thefts and looting. They were seen by witnesses during the intimidation of workers, in the attack on the Naledi railway station, and while motor-vehicle drivers were being molested. Some witnesses said that the scholars created a situation, which was then exploited by the tsotsis. There is no doubt that, with their criminal tendencies, tsotsis welcomed the opportunities for violence, theft and looting that the situation offered them. It is essential to take note of the facts in the following paragraph as well.

4.3.9 Evidence was placed before the Commission that certain organisations had set out to inculcate Black Consciousness in tsotsis as well. Proof of this is to be found in the resolutions passed at certain SASO meetings that tsotsis, scholars and teachers should be roped in to achieve their objective, namely the spreading of the philosophy of Black Consciousness throughout society. This was nothing out of the ordinary. Some overseas organisations that were bent on causing revolt, disorder and chaos had seen fit to draw in people such as the tsotsis because they had experience of crime and violence, which are related to revolt and chaos.

4.3.10 Adults.
Adult men and women took part in almost all the riots. They played a part in the large-scale violence, arson and looting that marked the beginning of the riots in Soweto, in the intimidation of workers in all the strikes, in the fierce faction fighting between the inhabitants and the hostel residents, and in most of the sporadic incidents of rioting that occurred during the eight months of disturbances. Sometimes, they assisted the youths in their efforts, e.g. by supplying them with petrol and also with intoxicating liquor. Many adults consequently died in the riots.

4.3.11 However, it is also clear that many adults did not approve of the actions of pupils and youths. Apart from individual examples, there are the attempts that were made to stop the rioting and to get the schoolchildren back to school, the fact that the strikes were never entirely successful, and the evidence of people such as Credo Mutwa.

4.3.12 Principals and teachers.
According to the available evidence, the principals and teachers of Soweto did not take an active part in the violence in Soweto. As far as could be ascertained, no teacher was convicted in any court of law of any offence connected with the riots. The police did detain and question a number of teachers. At several public meetings, principals appealed to their pupils to return to school. Principals and teachers who tried on 16 June to keep pupils away from the march were threatened with violence. It may be that afterwards teachers did not actively opposed the rioters. Without further evidence, such passive conduct cannot be construed as connivance or even as support.
4.3.13 Organisations.
In Chapter 3 of Part E, the activities of certain organisations are dealt with as causes of the riots. Only the SSRC is discussed here.

4.3.14 SSRC.
The Commission finds that SSRC was the name given later to SASM's "Action Committee". As described in Chapter B1, it was this organisation which, through its members, had organised the marches and the demonstration of 16 June. After that date, the SSRC continued to organise the disturbances in Soweto. Among the further demonstrations that were organised were the massive march of 4 August, the demonstration during the Kissinger visit, and the attempts to create havoc in the centre of Johannesburg. The SSRC was also responsible for the various strikes and for the intimidation and violence that accompanied them. Pamphlets were distributed in which everyone, including the police, were told what to do. The intimidation of workers was organised by members of the organisation. The part played by the SSRC in the school boycott is not apparent at all stages, but in its statement of 7 December it was said on what conditions the scholars would return. The organisation imposed a prohibition on the writing of examinations, which was lifted on 19 January 1977. Apparently, the SSRC also appealed to the owners of shebeens to close their shebeens out of sympathy with the victims. This appeal also appeared in an ANC pamphlet referred to in the next chapter (B5.3.5).

4.4 Anti-riot measures.
4.4.1 During the strikes, the SAP lent protection to workers who wished to go to work by escorting them to the stations and to their homes. They also detained and questioned persons or groups of persons, thus obviating disturbances. Whenever it was necessary to use violence to calm the rioters down, they used tear-gas, batons and firearms. Experience gained on the 16th June had shown that dogs were not a suitable weapon in these circumstances. Teargas was not a successful deterrent on that day either; the reasons for this, which have been given in the previous chapter, mainly had to do with the quality and the availability of the grenades. Later on, the police usually had a sufficient supply of grenades that functioned properly, and whenever circumstances permitted, tear-gas was used for the dispersal of riotous crowds. Baton charges were undertaken whenever there was a prospect of their succeeding. According to the evidence, firearms were used first to warn rioters and then only in the manner described in the preceding chapter.

4.4.2 A large number of people died in the riots. The following three tables relate to these deaths. The first table shows the date, together with the number killed and the cause of death. The second table shows whether the deceased were over or under the age of 18 years. These details have been kept apart to avoid confusion. The third table summarises the sex and race of the deceased, as well as the numbers killed through police action and as a result of private individuals' actions. 

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### WOUNDS SHOT

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### BLUNT INWOUNDS

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Deaths classified by age and cause of death.

### DATE PERSONS OVER 18 PERSONS UNDER 18 CAUSE

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<td>Police gunshot wound</td>
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<td>Explosion</td>
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Faction fighting of unknown age

1 2
Two persons of unknown age
1 21
3 2
76.06.16 76.06.17 76.06.18 1
6.08.02 6.09.07 6.09.08 6.09.09 6.09.12 6.09.13 6.09.14 6.09.15 6.09.17 6.09.21 6.09.23 76.10.01 76.10.23 76.10.24 76.10.25 76.10.26 76.10.29 76.11.08 76.11.19 76.11.22 77.01.07 77.01.09
Police gunshot wound Faction fighting Gunshot wound Police gunshot wound Faction fighting Blunt instrument Faction fighting Unknown
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Run over
Police gunshot wound Police gunshot wound Police gunshot wound Burns Faction fighting
Burns Burns Police gunshot wound
Explosion Burns of unknown age
2 3
2 1
One person
1 1 1 1 2 7 2 2
DATE PERSONS OVER 18 PERSONS UNDER 18 CAUSE

Summary by sex, race, age and cause.
Total number of deaths as a result of the riots 262
Black men killed 234
Black women killed 22
Sex unknown 2
White men killed 3
White women killed 1
Persons over the age of 18 years 199
Persons under the age of 18 years 59
Persons of unknown age 4
Persons killed through police action 208; all died as a result of gunshot wounds.
Persons killed through action by private individuals 54; they died as a result of:
gunshot wounds 4
faction fighting 28
stab wounds 5
stone-throwing 4
fire 6
explosions 2
blunt instrument 2
being run over 3
During the first four days of the rioting, 49 people died from unnatural causes unrelated to the riots.
4.4.3 The tables also show that whenever the rioting intensified, the antiriot measures taken by the police became more severe and the casualty list grew
longer. Of the 208 people who died during the riots as a result of police action in Soweto, 106 died during the first three days. As regards the other three peaks, five died between 4 and 8 August, 48 between 23 and 26 August, and 18 between 13 and 15 September. During the remainder of the period of rioting, 31 people died in this way.

4.4.4 Several witnesses sharply criticised the action taken by the police, while others praised it. According to some witnesses, the police were too severe, whereas others considered that they had not been strict enough. For the most part, the criticism was of a general nature and concerned the action in general; where specific incidents were referred to, it was not always possible to establish when and where these incidents had taken place so that further inquiries could be instituted. The general criticism of the police is dealt with elsewhere, and especially in Chapters C7 and E28. At this stage, the Commission does not wish to say more than the following. Although there is no evidence of such an incident, it is nevertheless possible that a member of the Police Force may have been overhasty in threatening circumstances or may have made an error of judgment in the heat of the struggle. There is no evidence before the Commission to show that any member of the Force was convicted by a court of criminal liability for the death of a rioter.

4.4.5 The Commission was informed that the SAP had inflicted gunshot wounds on 1,574 people. For reasons stated at various places in this Report, this figure is not accepted as correct. The same goes for the figure of 1,007 people injured in the rioting during the period 16 June to 30 August by persons other than policemen.

4.4.6 According to figures furnished by the SAP, 845 Blacks were arrested in connection with the riots in Soweto. The Commission has ascertained that, of the 269 persons arrested during October, 102 were under the age of 18 years. It is not known how many of them were scholars. The Commission does know that 60 pupils from a high school and 13 teachers were apprehended during that month and released after questioning. Rumours concerning large numbers of pupils who were detained, and of others who fled the country out of fear, could not be confirmed.

4.4.7 Railway police. Shortly after the outbreak of the riots, police protection was reinforced at eight stations in Soweto, and members of the Force were put on trains for the protection of passengers and property. The reinforcements were extended to the whole of the Witwatersrand and to Pretoria. The degree of protection varied as the rioting grew or abated in intensity. During the first two weeks, almost 1,500 members of the Force were used in this connection, and during the last week of August, armed police were put on 1,872 trains. Armed police on a special train patrolled the sections of railway lines in the Rand areas during quiet periods and removed obstructions. A number of rioters were fatally wounded during attempts at sabotage. On one occasion, the train services between
Soweto and Johannesburg were suspended for two hours to prevent youths from massing in the centre of the city.

4.4.8 Traffic police.
Traffic police assisted in putting up and manning road blocks at which motor vehicles were stopped. Whites were usually ordered not to enter Soweto, and suspects and their motor vehicles were searched. A White traffic officer was run over and killed by a driver who failed to stop at a road block, and two Black officers were attacked by rioters; their motor cycles were damaged.

4.4.9 Fire brigade.
The fire brigade sometimes found it impossible, even with police protection, to put out fires in Soweto. This was the case, for instance, when the fierce rioting raged on 17 June. Fire-hoses were sometimes slashed. Where sporadic fires broke out, the fire brigade was able to do its work.

4.4.10 WRAB.
WRAB convened a meeting with Soweto leaders for 18 June and arranged for them to meet the Minister of Bantu Administration and Development the next day. Further talks were held later. In this and in other ways members of the Board helped to combat the riots.

4.5 Certain elements of the riots.
4.5.1 A mass funeral of victims was planned for 3 July, but permission was refused. In its stead, a symbolic funeral was held at which Hector Peterson was interred. Everything passed off quietly, but violence occurred at the funerals held in October. After one of these funerals, Black men smashed up buildings and vehicles belonging to the Johannesburg City Council, causing about R80 000 damage. The house of a Black policeman was attacked later. On Saturdayi 23 October, a schoolgirl who had died of natural causes was buried. Scholars were transported by lorry, and nearly 1 000 people assembled. When the police informed the crowd that the funeral could be attended by members of the family only, rioting erupted. The police, who were pelted with stones, shot one unknown person dead and wounded another. Arrests made in connection with the attendance of this unlawful assembly came to 115. At this funeral, as on one other occasion, inflammatory pamphlets were distributed.

4.5.2 The usual weapons used by the rioters were stones, bricks and incendiary bombs. The stone was referred to as the "African bomb". Credo Mutwa and others also told about sticks, kerries and iron bars being carried by pupils. Firearms were used by the rioters on several occasions. It must be mentioned here that there are many unlicensed firearms in Soweto and that shooting incidents frequently occur. Explosives were used, particularly in acts of sabotage. All manner of large objects served as obstructions. On one occasion, old motor vehicle wrecks were rolled onto the railway line, and car tyres were piled up and set on fire.

4.5.3 During the first few days, liquor was an important factor in the rioting. Bottle stores and beer-halls were attacked, and Blacks of all age groups looted these premises and consumed some of the liquor. Although liquor was not the cause of the riots, it definitely increased the intensity of the rioting and made the
riotous crowds more destructive. The importance of liquor in the riots is discussed in Chapter C12.

4.5.4 Education.
The course of educational affairs during the riots may briefly be noted as follows:
17 June : Schools in Soweto were closed. 18 June : Soweto leaders and WRAB officials discussed the situation. 19 June : The Minister discussed the policy on the medium of instruction with the leaders and announced a meeting with the Secretary.
21 June : Soweto school principals requested the abolition of Afrikaans as a medium of instruction.
25 June : At a meeting with the Secretary, the policy was set out satisfactorily and its execution was modified.

2 July  The resolutions passed at the meeting were officially confirmed. 20 July Schools reopened, but attendance was poor. 26 July  400 school principals requested the Minister of Police to have police vehicles removed from the schools as children were frightened away by them. The dismissal of certain education officials was also requested.
1 August : At a meeting between the Urban Bantu Council and Soweto leaders, an appeal was made to scholars to return to school. Postponement of the examinations was requested.
4 August : The big demonstration was also against Afrikaans and for the abolition of Bantu Education.
6 October : It was stated that school attendance was still poor.
5 November  The Regional Director announced that pupils could write their examinations in March 1977.
27 November  School principals obtained a ruling that the schools would open early in January and that examinations could be written during the first three months.
7 December  The SSRC announced that scholars would not return until awaiting-trial scholars in detention had been released and a written undertaking had been given that the police would not undertake any further raids.
End of December : The Minister announced the gradual phasing-in of compulsory school attendance, the supply of free books, and the abolition of double sessions.
5 January  Schools reopened, but attendance was poor. A rumour was spread that the SSRC had decreed a boycott of examinations.
9 January  Soweto leaders asked pupils to return to school. 12 January  Pupils at the MIHS stated that they would not write their examinations until detained scholars had been released, compulsory school attendance and free education had been introduced, and Bantu Education had been abolished.
13 January  The pupils at the Naledi High School stated that they were going to write examinations.
19 January  The SSRC lifted its prohibition on examinations. February: At first there was confusion about the writing of examinations, but they were continued.

4.6 Causes.
4.6.1 In this chapter, the inquiry is not into the causes of the eruption of the riots but into the causes of their continuation. To begin with, and to summarise, the following may be mentioned: The organisation by the SSRC of marches, demonstrations, strikes and the release of detained scholars, were the main reasons for the continuation of the rioting.
4.6.2 Shortly after the outbreak of the rioting, the discussions took place with the Minister, and Afrikaans as a medium of instruction could no longer be a grievance or a reason for rioting. By organising matters, however, the SSRC saw to it that the schools did not fill up again and that examinations would present a new problem. This became one of the reasons why calm did not return to Soweto.
4.6.3 As previously indicated, liquor was not a cause of the outbreak or continuation of the riots, except in so far as it aggravated the violence of and prolonged certain incidents.
4.6.4 The Black Power salute was constantly in evidence. It was an indication of the form of Black Consciousness that caused polarisation and made the restoration of peace difficult.
4.6.5 The actions of the police were mentioned as a reason for the continuation of the riots. In the Commission's view this is not correct. There is no doubt that there were misrepresentations of the actions' of the police, and the rioters, in whose eyes the Police Force was a tyrannical institution, readily responded to misrepresentations.

CHAPTER 5 : WEST RAND.
5.1 The riots.
5.1.1 This chapter deals with the riots that occurred in the WRAB area, excluding Soweto, between 16 June and 1 February 1977.
5.1.2 With a few exceptions, all the riots occurred in the Black residential areas. Two incidents that were not particularly serious occurred in the Coloured areas of Lenasia and Noordgesicht. In the White residential area, the places at which disturbances occurred were the centre of Johannesburg, Yeoville, Benrose, Florida, Culembeeck, Roodepoort and Krugersdorp.
5.1.3 Late in the afternoon of 16 June, by which time the news of the riots in Soweto had probably already become known, men, women and children congregated in front of a beer-hall in Kagiso. They were addressed by agitators to constant shouting of the Black Power slogan. That evening, members of the YACM, a so-called front organisation of the PAC, met in Kagiso and decided to attack Government buildings and to incite scholars to commit acts of violence, as in Soweto. The next day, there were other turbulent elements who also committed riotous acts.
5.1.4 In Alexandra, youths began putting up barriers in the streets during the afternoon of the 17th. The following morning, violence erupted there and soon spread to the rest of the West Rand.

5.1.5 On the 17th, about 200 students from the University of the Witwatersrand marched through the streets of Johannesburg and demonstrated about the fate of Soweto. The students and members of the public came to blows, and the police had to disperse the riotous crowd with batons. These few incidents marked the beginning of the rioting in this part of the West Rand area.

5.1.6 The eruptions on 18 and 19 June were followed by a period of quiet, which lasted for almost a month. During the last two weeks of July, 13 incidents of rioting were reported at eight different points; there were seven cases of arson, five of stone-throwing, and one of sabotage. It was therefore considerably quieter than it was in Kagiso on 17 June, when there were 15 fires, four stone attacks and nine other incidents, or in Alexandra on 18 June, when there were 14 fires, three stone attacks and 21 other incidents. From 3 to 11 August, the violence was again of a high intensity, especially in Alexandra. From then onwards, there was a decline in the number of incidents which, with a few exceptions, were not as violent either. The last incident in this area was one of arson on 1 February 1977 in Alexandra.

5.2 Participants.

Blacks.

5.2.1 Children.

Young children were spotted among the rioters, and in Alexandra and Kagiso they were particularly active in the looting of beer-halls and bottle stores. Witnesses saw children of between six and 12 years who were under the influence of liquor, who were in the act of drinking, or who were running away from liquor premises with bottles.

5.2.2 Scholars.

It could not be established how many of the youths who played such a prominent part in the rioting were scholars. Scholars were particularly active in demonstrations. In marches, they carried placards protesting against the detention of fellow scholars. In one case, the fellow scholar was an 18-year-old who was being detained for attacking his father with a broken bottle; this incident had no connection with the rioting. Scholars sometimes resorted to violence and arson at schools. In one such instance, two scholars were convicted of sabotage in the case S v Morake and others, WLD 95/77.

5.2.3 Youths.

Youths were seen in many incidents of rioting. They were particularly active in raids on Government buildings and liquor outlets, the intimidation and assault of workers, and stone-throwing at buildings, motor vehicles and buses. In Alexandra, youths also played their part in the disruption of classes and examinations. In their attacks on members of the SAP, they sometimes used considerable violence, as they did on one occasion when they pelted a Black constable's motor vehicle with stones, Overturned the vehicle and assaulted the constable. In their actions, youths
frequently gave the Black Power salute and shouted the Black Power slogan. They also tried to penetrate to

the centre of Johannesburg and to go on the rampage there. A large number of youths were arrested and arraigned on charges relating to the riots. Several youths also died in the riots.

5.2.4 It was not always possible to tell tsotsis and vagrants from the youths. They were probably responsible for crimes such as housebreaking, theft and robbery, although the Commission does not consider that they were the only ones to commit such offences and to take part in looting raids. It appeared from the inquests that a large percentage of the persons killed in the rioting had been unemployed.

5.2.5 Adults.
Adults of both sexes took part in the riots. They were usually involved with pupils and youths in the general violence. Adults were the main inciters. One of them was caught in a large store in Johannesburg in the act of giving an inflammatory pamphlet to Blacks for them to read. In the judgment in his case, S v Mohamme, WLD 60/77, the Judge found this pamphlet to contain serious incitement. Scholars also said that they had been egged on by adults. There were several incidents in which adults in motor vehicles had moved among the crowds, gave the Black Power salute, shouted the slogan, and urged the people on to riotous conduct and violence. Adult strangers in motor vehicles from other districts were frequently seen before or during rioting in the area. On one occasion, a rumour did the rounds in Alexandra that reinforcements were to be sent from Soweto to infuse life into the riot movement. At times the inciters also seemed to be giving advice on how the riots were to be continued while the police were taking action to check them. The evidence shows that adult members of the PAC had gone to Kagiso to whip up members of the YACM and to discuss rebellious action with them. Several people were charged with incitement, convicted and sentenced. Apart from the above-mentioned case in the Supreme Court, there were one in the regional court and three in the magistrate's court. According to the available statistics, the majority of those who died during the riots were over the age of 18 years.

5.2.6 In regard to the adults and their view of the riots, it should be mentioned that the riotous conduct of the scholars did not meet with the approval of all the parents. On one occasion, parents in Alexandra personally caught and punished their children who had put up obstructions in the streets. There were cases where the police had handed young rioters over to their parents for a hiding.

5.2.7 Teachers.
Accusations that teachers had assisted the pupils in the commission of acts of rioting were frequently based on the teachers' poor discipline and on speculations about the political leanings of persons who had been involved in their training. As a matter of fact, there were fewer cases here of direct participation than in other
areas, and the Commission cannot find that the teachers as a group or the majority of them sided with the rioting pupils and lent them their support.

5.2.8 Whites.
The part played by Whites in the riots was confined mainly to the activities of students at the University of the Witwatersrand. Mention has already been made of their march on 17 June. Their further public actions took place on the campus of their University and related to their own institution. In the early morning of 21 July, two White women distributed pamphlets among workers in Soweto. They were arrested and released after questioning. They also testified before the Commission, and it was clear that their actions had had nothing to do with the rioting; they had merely chosen a most inopportune time and way of offering assistance.

5.2.9 Coloureds.
Fires were started at Coloured schools in Lenasia, Noordgesicht and Alexandra. Pupils may have been involved in these fires, but no evidence to that effect came to the Commission's notice. For the rest, Coloured men and women were spotted among the rioters who attacked, looted and set fire to shops in Alexandra.

5.2.10 Participants under the influence of liquor. Although there are differences of opinion concerning the effect that liquor had in the riots, it nevertheless seems that many participants had taken liquor. Reference has already been made to the drinking of liquor by children. Moreover, more than 40% of the persons who died in the riots had shown traces of alcohol in their blood. A witness pointed out that the riots became less intense after 19 February, when there were no longer any particular instances of liquor stealing and looting of bottle stores.

5.2.11 Organisations.
ANC.
An inflammatory pamphlet "The voice of the ANC (Spear of the Nation). The War is on" was distributed on a limited scale in Alexandra by unknown persons. The SAP gave evidence concerning information that a terrorist group of the ANC was in hiding in Soweto. There was nothing in the evidence to show that this group had had any direct connection with the rioting.

5.2.12 SSRC.
This group was responsible for the dissemination of pamphlets in Alexandra, especially ones relating to the strikes that had been called. Here, too, the strikes and accompanying intimidation of workers led to rioting.

5.2.13 PAC and YACM.
Mention has already been made of the activities of members of these organisations in connection with the outbreak of rioting in Kagiso. At a later stage, the YACM co-operated with the SSRC in the planning and organisation of a strike for 1 November.

5.3 Elements of the riots.
5.3.1 Action against other races.
As elsewhere, the White population group, and especially the Afrikaans-speaking section, was frequently insulted and threatened on placards. Other acts, such as
explosions in White areas and attempts to run amok in the centre of Johannesburg, taken in conjunction with the insults and threats, are not sufficient to make the Commission find that the rioters were seeking an open confrontation with the Whites and that this was an objective of the riots. This is also the Commission's view in regard to the Indian traders, whose lives were sometimes in danger. It is notable that a placard bearing the words "Indians and Coloureds go home, you are not wanted here" was displayed in Alexandra; it has already been mentioned that Coloureds took part with Blacks in the disturbances. On the other hand, there was an incident in which

Black rioters destroyed an Indian's shop and cornered him and his family in their living quarters at the back of the shop. They threatened to kill the man and his family, but the police turned up in time. Two Black men and a Black woman were killed in the rescue operation. It was also alleged that Indian and Chinese shops were the only ones to be burned down in Alexandra.

5.3.2 Black Power.
The Black Power salute and slogan were used throughout the period of rioting. Two unusual cases relating to the intimidation of policemen must be mentioned. Police guards were attacked twice in Alexandra. On one occasion the attackers shouted the slogan as they charged, and on the other occasion they invited the guard to join "Black Power".

5.3.3 Weapons.
Rioters did not use stones, sticks and incendiary bombs only. Arrested persons were found in possession of daggers, axes, knives and firearms. In Alexandra, a police vehicle was struck by a bullet during the combating of the riots.

5.3.4 Intimidation.
As in other areas, intimidation also constituted an important element of the rioting here. Youths, in particular, took part in the intimidation of pupils who wished to go to school or to write examinations. The intimidation of workers usually led to violence. Policemen and their families were subjected to this intimidation, and attacks on them and on their homes were frequent. Several policemen who had been detailed to guard premises were intimidated and attacked.

5.3.5 Pamphlets.
Several inflammatory pamphlets were distributed among the inhabitants. The SSRC's pamphlets usually dealt with strikes. Another pamphlet, which had apparently originated with the ANC, was entitled: "The voice of the ANC (Spear of the nation). The War is on". In this pamphlet, inter alia, proprietors of shebeens were ordered with threats not to sell any liquor. The destruction of shebeens was propagated (this matter is discussed in paragraph B4.2.15). The words "We are now facing the monster (SA Government)" appeared in this pamphlet. In another leaflet a strike was called for as a protest against the oppressive regime of apartheid. To conclude, it has already been mentioned that the pamphlet used by the accused in S v Mohamme (supra) had been a serious incitement.

5.4 Anti-riot measures.
5.4.1 The police were frequently successful in their attempts to quell the rioting. In more than half of the incidents the police were able to take action. In a large number of incidents - about one quarter - the rioting subsided after negotiations between the police and the leaders of demonstrations. The police also took preventive steps. Intensive patrolling discouraged the disturbers of the peace. It has been estimated that from 60% to 80% of the workers in this area went to work under police escort. Workers were also permitted to arm themselves against the intimidators. It was explained to the Commission that the use of tear-gas was ineffectual in the quelling of rioting. Where rifle fire was used, according to the evidence, this was done in cases where it had become essential and according to the instructions that have already been discussed.

5.4.2 In this area, the police shot and killed 37 persons in their combating of the riots. With a single exception, all these deaths occurred in Alexandra. On 18 June, when the riots reached a climax, 34 people died; the remainder died later on three separate days. Nine died as a result of action for which the police were not responsible.

5.4.3 The parents, not all of whom supported the pupils, sometimes punished their children themselves for their transgressions.

5.5 Causes.

5.5.1 It was only during the first few days that reference was made to the problem of Afrikaans as a medium of instruction. The general causes, and those that have already been dealt with, may be summarised as follows:

Imitation of the example set by Soweto, the organisations that led and incited the youths, the sense of solidarity engendered among the rioters by Black Power, the demands for the release of detained youths, and general dissatisfaction with Government policy at that time.

CHAPTER 6 : EAST RAND.

6.1 The riots.

6.1.1 This chapter deals with the riots in the area of the East Rand Bantu Affairs Administration Board. This area includes the following magisterial districts: Alberton, Benoni, Boksburg, Brakpan, Devon, Germiston, Heidelberg, Kempton Park, Nigel and Springs. The total Black population of the area is about 567 000.

6.1.2 The disturbances began on 17 June and ended on 8 February 1977. The first signs of rioting came on 17 June from Tembisa (Kempton Park), where scholars stayed away from their classes, staged a march and pelted bottle stores with stones, and Vosloorus (Boksburg), where a community school was set on fire. The next day there were large-scale riots at two places; these spread to Katlehong (Germiston), Thokoza (Alberton) and Daveyton (Benoni). It was not long before riots flared up in Kwa-Thema (Springs), Duduza (Nigel) and Brakpan as well. After six days of fierce rioting, the next peaks were reached during the last six days in July, the second week in August and from 11 to 24 September. The last incidents of rioting were a fire and housebreaking in Duduza on 8 February 1977.

6.1.3 It appears from the evidence that 143 incidents occurred at Black schools. Six church buildings were damaged by fire. There were disturbances at 36 bottle
stores, beer-halls and beer depots. There were 13 incidents of rioting at BAAB offices. As in other parts of the country, scholars started by boycotting classes and holding marches. In most cases this led to violence, e.g. stone-throwing, housebreaking, looting and arson. In the area, vehicles were also wrecked and set on fire, and obstructions were placed on roads and railway lines. The targets of the wreckers -and arsonists were schools, post offices, shops owned by Blacks, the homes of Indians and Blacks, BAAB offices, clinics, banks, all sorts of buildings, and vehicles.

6.1.4 The strikes in this area coincided with those that had been planned and called for the West Rand in particular. The violence and intimidation necessary for the success of the strikes occurred here as well. This also applies, but to a lesser extent, to pupils' staying away from classes and their refusal to write examinations.

6.2 Participants.

Black.

6.2.1 Children.

Young children who could not have had any conception of what it was all about, also took part in the rioting. They moved among the crowds, giving the Black Power salute. There were cases where children threw stones and started fires. In Tembisa, the pupils at two primary schools were chased from their classes by high school pupils on 11 August and told to go and do mischief. Nearly 2 000 young children ran amok in the streets.

6.2.2 Scholars.

The scholars in this area were not prepared to demonstrate peaceably. They were out to commit violence and looked for confrontation with the police. They were aggressive and provocative. Members of pupils' councils organised processions. These scholars forced pupils from other schools to join in. The accused in the case S v Rakosa and others, TPD 99/77, stated that they had used kerries and pepper to force other pupils to take part in a procession. It would seem that scholars were less active in looting than other groups were. The arrests made show that the majority of the looters were unemployed.

6.2.3 Youths.

Youths were particularly active in inciting scholars to violence. In Kwa-Thema, two youths who were inciting a group of stone-throwers were shot dead by the police. Youths also frequently committed acts of violence. During the rioting, it was difficult to tell them from vagrants and even from tsotsis. According to observers, the two last-mentioned groups were also frequently guilty of the intimidation of scholars and even went so far as to drive pupils from their classrooms and from examination rooms. They were also said to be responsible for housebreaking, theft and looting. Once again, the Commission cannot accept that they alone were responsible for this type of offence.

6.2.4 Teachers.

Several cases were reported where teachers had chased rioters and intimidators away from schools. On the other hand, it was stated in evidence that scholars had
reportedly said that teachers or even school principals had incited them to riot. The case was also mentioned of five principals who allegedly closed their schools to attend the trials of scholars charged with rioting offences. No further and definite evidence could be obtained concerning these cases. Because of the intimidation, which was also fairly general here, the Commission does not wish to make any finding in regard to these cases and would merely mention the following. During an inspection in loco held in this area in the period of the rioting, it came to the Chairman's notice that one school principal in this area had been intimidated by his own pupils and by other youths to the extent that he had given the Black Power salute at assembly every morning; if he failed to do this, the least that could happen was that the schoolchildren would not go to their classrooms.

6.2.5 Adults.
The rioters in the first incident at Vosloorus on 18 June had been mainly adults. Later on, they were joined by hundreds of scholars. This composition of the riotous crowd was exceptional and must be put down to the fact that the buses that were to transport the adults to work were either late or did not turn up at all. The older members of the community seldom took an active part in the riots. Some of the pamphlets distributed in the area were designed to involve the older generation more closely in the disturbances; these attempts were not particularly successful. However, the following case must be quoted. According to the evidence in the criminal case S v Mathole and six others, Springs TPD 644/76, two Black officials of the East Rand BAAB had with disastrous consequences incited a group of scholars to stage marches, to go on looting raids, to burn down BAAB buildings, and to refuse to write examinations in the subjects taught through the medium of Afrikaans. These officials were convicted of sabotage and sentenced to five years’ imprisonment each.

6.2.6 Agitators and strangers.
Agitation and incitement took place on a large scale on the East Rand. The agitators were youths and adults from the area, as well as strangers. Youths frequently moved among the rioters, gave war-cries and whipped the crowds up to commit acts of violence. There is evidence of people who moved among the crowds in motor vehicles and incited them, even with loudhailers, to riot. In the case S v Vilane, Germiston RC 2/474/76, evidence was given of how the leader of a particular group had urged Blacks on three days to act against the Whites. The accused in the case S v Mila Jwili, Germiston RC 478/76, had incited some 60 persons to give the Black Power salute and topelt the police and vehicles with stones. In this area, a particularly large number of motor vehicles from other districts were spotted under suspicious circumstances. The unknown passengers were particularly active among pupils at schools. Evidence to this effect was led in the case S v Mabiwa, WLD 32/77; the strangers were present when the pupils refused to write examinations and threw stones at the school building.

6.2.7 Participants and intoxicating liquor. The looters of bottle stores, who consisted of scholars, youths and adults, regularly drank some of the liquor themselves. On several occasions the police found them still on the premises and
under the influence of liquor. One witness considered that the looters' object was to get hold of liquor as soon as possible to distribute among the rioters. It was clear that rioters under the influence of liquor acted with greater violence.

6.2.8 Organisations.
Apart from a number of slogans written on school blackboards in which the word SASO appeared, there is no satisfactory evidence concerning the activities of organisations in the rioting and violence in this area. The SSRC was probably responsible for the distribution of pamphlets.

6.3 Elements of the riots.
6.3.1 Staying away from classes.
In this area, too, there were boycotts of classes and refusals to write examinations. This was accomplished through organisation, intimidation and the physical disruption of classes. One witness found it striking that so many pupils had refused to return to school after the July holidays.

6.3.2 Weapons.
During one demonstration, the pupils of the Tembisa High School were armed with stones, bricks, iron bars, knives and containers filled with fuel. Investigation revealed that paraffin was mostly used by the arsonists to set fire to buildings. Dynamite was used in an attempt to blow up a school principal's office. A homemade bomb was detonated at a beer-hall while members of the public were having a drink.

6.3.3 Strikes.
Several strikes were planned during the period in question. These strikes were usually announced in pamphlets. Sometimes additional intimidating pamphlets were distributed among the workers. A threat generally made was that the homes of strike-breakers would be burned down. According to one placard, such people would be risking their lives. At Tembisa, most of the workers went to work under strict police protection. This happened elsewhere as well. There were cases in which groups of Black men tried, at workers' places of work, to talk them into going home or tried to chase them back to their homes. Others lay in wait for and attacked workers returning home in the evening. Strikes in this area do not appear to have been successful. Appeals to bus and taxi drivers usually fell on deaf ears. Witnesses advanced the following reasons for the failure of the strikes: The protection afforded by the police, workers' loyalty towards their employers, and the distribution of anti-strike pamphlets by unknown persons. The Commission does not have much information about these pamphlets. According to the evidence, the following reply was given in these pamphlets to the question why workers should strike: "... to lose our work and our homes and our food, or to give employers reason to sack us so that other men and women can get our jobs". The authors also gave the reader advice on how to protect himself if he went to work.

6.4 Anti-riot measures.
6.4.1 According to the evidence, the police succeeded on several occasions in obviating violence by holding talks. In Some regions, force was never used to put down rioting. Usually, tear-gas was used first, and if this did not succeed in
subduing the rioters, batons were used. A police witness explained that, in cases
where the rioters were very young, the police sometimes used
sjamboks. If all these means did not bring about calm and there was no other
alternative, firearms were used.

6.4.2 Thirty-five people died in the riots, the police having been responsible for
17 of these deaths. The remainder died as a result of other people's actions. An
estimated 53 rioters were injured by the police. As in other cases, this estimate of
injuries cannot be accurate. During a baton charge in Thokoza, a stone struck the
district detective officer for Germiston, Lieut.-Col. D.J. de Villiers, on the side of
his head. He was concussed and had to receive hospital treatment. Other
policemen sustained minor injuries.

6.4.3 Together with his assistant, the Portuguese owner of a café on the Oakmoor
railway station protected the café against riotous attackers. They used their own
firearms, with which they hit four of the attackers. Two of them died on the
station, and two died during the next few days.

6.4.4 At the request of the inhabitants of Katlehong and Thokoza, a meeting was
held on 17 August. About 400 people were present, among whom were parents,
teachers, members of the Bantu Advisory Board and other leaders of the
community. Also present was the Divisional Commissioner for the East Rand,
Brig. J.B. Wiese, according to whom everyone was anxious to see the end of the
rioting. They offered the police their assistance. According to the Brigadier,
organised rioting in these two areas then virtually came to an end. There is also
evidence before the Commission concerning cases where teachers actually helped
to quell the riots.

6.5 Causes.

6.5.1 Afrikaans.
Before the riots erupted, there were no serious complaints or protests about the
use of Afrikaans as a medium of instruction. Once the riots were in progress,
several placards testified to dissatisfaction about Afrikaans as a medium of
instruction as well as a subject. One placard that was waved about in Daveyton on
21 June read: "In solidarity we reject Afrikaans". Later on, there were also
complaints that the teachers were not qualified to teach in Afrikaans and that they
used tsotsi Afrikaans.

6.5.2 Police action.
According to some witnesses, police action was the reason for the riots. If the
police were doing no more than discharging their duties, such an accusation is not
justified. No other circumstances were pointed out to the Commission.
Sometimes, it was alleged the presence of the police was the cause of the rioting.
What is to be looked for in such cases is, on the one hand, possible provocation by
the police and, on the other, how the rioters were motivated.

6.5.3 To summarise, the following causes may be mentioned: Imitation of the
example set by Soweto and the demonstration of solidarity with its people;
timidators, agitators and inciters; the release of fellow pupils from detention;
and a number of local causes such as unsatisfactory transport services, the
destruction of examination papers, dissatisfaction about arrangements at a particular school and, so far as Actonville and Wattville are concerned, possible racial friction between Blacks and Indians.

CHAPTER 7 : VAAL TRIANGLE.
7.1 The riots.
7.1.1 In the Vaal Triangle area of the Bantu Affairs Administration Board, riots occurred at eight places. In the order of the biggest to the smallest number of days on which disturbances occurred, these places are Sebokeng, Sharpeville, Evaton, Residensia, Bophelong, Boipatong, Vereeniging and Meyerton. Some 300 000 Blacks are estimated to live in the whole of the Vaal Triangle area, which extends as far as Sasolburg and Denysville.
7.1.2 The riots broke out at Residensia and Evaton on 20 June; a fire was started at each of these places. Considerable fire damage was caused at the Tshepo-Themba School in Residensia. There was a fire at Bophelong on 21 June, stone-throwing at Boipatong the next day, and four fires in Sharpeville on the 23rd. After two further incidents, there was a lull for nearly a month, until 22 July. For three weeks there were sporadic incidents of rioting until 11 August, when the riots in this area reached their highest pitch. The following incidents were reported in Sebokeng on that day: Six fires, 17 cases of stone-throwing, 10 of damage to property, as well as two assaults and two thefts. A few incidents occurred during the ensuing days. The rioting virtually ceased. There were three incidents of rioting in September, three in October, four in November, and three in December. The last incident was one of arson in Sebokeng on 5 December.
7.1.3 The most frequent riot offences in this area were arson (33 cases) and stone-throwing (41 cases). As elsewhere, the main targets of the arsonists' violence were schools, shops and Board buildings, while those of the stonethrowers were the Police Force and vehicles. The fact that intoxicating liquor did not have any particular effect on the incidence and intensity of the riots may be ascribed to the forethought of the Board's officials, who were wise enough to store the supplies of liquor where they were beyond the reach of the rioters. An indication that the riots in the Vaal Triangle area were less intense is to be found in the fact that the total extent of the riot damage, R235 657, was very small in comparison with the damage done in other areas.
7.2 Participants.
7.2.1 Children.
Observers gave evidence concerning children of not more than seven or eight years who took part in stone-throwing. Serious cases of looting and excessive drinking by children did not come to the Commission's notice.
7.2.2 Scholars.
Scholars were involved in the first incidents of rioting in this area. On 11 August, pupils at the Sevusi School refused to undergo the punishment that the principal was going to impose on them and fled to another school nearby. Stone-throwing started, and youths and tsotsis joined the rioting scholars. Those who joined the scholars were responsible for spreading the disturbance, and this was the start of
the fiercest rioting in the area. According to the evidence, scholars did not really play a big part in the violence in this area.

7.2.3 Youths.
in contrast with the scholars, youths played a leading part in the riots. This fact emerges from the example given in the preceding paragraph, as well as from the results of steps taken by the police to quell the rioting. Often, too, they joined adults in acts of violence.

7.2.4 Adults.
Together with youths, adults were the cause of many disturbances and a great deal of violence. On 23 September, two groups of inhabitants hurled stones at each other because one group wanted to stop the other from buying at a certain store. The police, who wanted to restore order, were themselves pelted with stones. On 7 November, adult spectators at a soccer stadium rioted because one of the teams that was to have played in the main match did not turn up and the organisers refused to refund the admission fees. Passenger buses and private vehicles were also pelted with stones. Finally, it should be mentioned that many of the adult inhabitants of the area, e.g. those in Sharpeville, were not prepared to take an active part in the riots; they cooperated in guarding the local schools against attacks.

7.2.5 Teachers.
In the evidence mention was made of only one single case in which a teacher was involved in the riots. He was arrested during stone-throwing at vehicles in Sebokeng. No further information is available.

7.2.6 Strangers.
Motor vehicles with foreign and false number plates brought unknown inciters, instigators and intimidators to the area. An investigation revealed that youths from Soweto had incited stone-throwers in Boipatong on 22 July.

7.3 Anti-riot measures.
7.3.1 In regard to the SAP's part in the quelling of the riots it may be said that the Police Force acted here in much the same way as in most other areas. They used every means at their disposal to subdue the rioters. They used rifle fire as well and were responsible for the deaths of three people. Two died in Sebokeng; one was shot on 11 August in a stone-throwing attack that took place while looting was in progress, and the other died a day later during an attack on the police. On 15 August, the police fired on a motor vehicle in Evaton when the driver refused to stop and sped off; a woman passenger was fatally wounded.

7.3.2 So far as members of the public are concerned, the following facts should be mentioned. During the riots, inhabitants - especially those of Sharpeville - protected schools of their own accord against attacks. Something that served to prevent rioting or to make it less intense was the safekeeping of liquor by BAAB officers. The Commission considers that the continued good relations between the inhabitants and the Board's officials were also responsible for the smaller scale of the riots in this area.
7.4 Causes.
7.4.1 Bantu Education.
Although Afrikaans as a medium of instruction and as a subject was not the real reason for dissatisfaction and the cause of the riots in the area, the position appears to have been different in regard to Bantu education. According to the Chairman of a school committee, the inhabitants objected to instruction in the mother tongue, the dual-medium policy, and the inefficiency of teachers, school boards and school committees. All these matters, it was said, gave rise to a lack of communication between pupils and the Department, to the detriment of the former. It could not be established how general this feeling of frustration was and to what extent it gave rise to rioting. To the scholars, practical considerations such as the attendance of classes and the writing of examinations were probably of greater importance.

7.4.2 Government policy.
Reasons put forward for the rioting here included dissatisfaction with Government policy, the frustration caused by the lack of improvement, and the irritation and humiliation many were caused by the application of that policy.

7.4.3 Black Power.
The regular use of the Black Power salute and slogan as a sign of authority and solidarity, and the accompanying intimidation and incitement, must be seen as one of the causes of or a contributory factor in the eruption and continuation of the riots.

7.4.4 Local grievances.
On several occasions, local grievances were the immediate cause of violence. Examples already mentioned are the evasion of punishment, the soccer match that did not take place, and the attempt to start a trade boycott. Some of the matters mentioned by witnesses were the following: Houses were broken down while the parents were not at home, leaving the children without a roof over their heads; inspectors called at houses during the night when the men were not at home; the lack of recreational facilities; and inadequate sanitary and other facilities. There were differences of opinion about some factors. On the one hand, poor housing was mentioned as a cause of the riots, while proper housing and housing facilities were mentioned as one of the very reasons why there had been less violence. The same applies to the lack of sufficient job opportunities, as against the low unemployment figure and the effective occupation of productive jobs by Blacks, and to the lack of good communication as opposed to close co-operation.

CHAPTER 8 : CENTRAL TRANSVAAL.
8.1 The riots.
8.1.1 With two exceptions, all the incidents of rioting in the Central Transvaal area of the Bantu Affairs Administration Board occurred in Atteridgeville and Mamelodi. Atteridgeville abuts the south-western boundary of Pretoria and has a population of some 77 000 Blacks; Mamelodi, which lies to the north-east of Pretoria, has a population of some 114 000.
8.1.2 The disturbances in the two areas began on 20 June, when a welfare worker's house in Mamelodi was set on fire and inflammatory placards were
displayed by riotous elements in Atteridgeville. Fierce riots raged the next day. Nineteen fires broke out in Mamelodi; there were seven incidents of stone-throwing, twelve cases of theft, two of housebreaking and four of damage to property. There was also one march, as in Atteridgeville, where the following incidents of rioting occurred: Thirteen cases of arson, five of stone-throwing, and five thefts. On 21 June, the following isolated incident also took place on a small farm to the north-west of Pretoria, near Hammanskraal.

8.1.3 A number of the inhabitants of Mabopane attacked a White farmer at Rietgat. They assaulted him, his family and his servants and robbed them of R2 800; they plundered the small-holding and set fire to the dwelling-house. They stole and slaughtered some of his small stock and poultry. The total damage was estimated at R58 000. In their attempts to corner the attackers and to rescue the victims, the police shot dead one Black man and one Black woman. Three of 11 assailants who were subsequently tried in connection with this incident in the case S v Chobe and others, TPD Witbank 3/77, were convicted of theft and given suspended sentences.

8.1.4 After 22 June, the incidence and intensity of the disturbances declined, but there were still cases of arson, stone-throwing, damage to property and the boycotting of classes by pupils, until fierce rioting again erupted in Atteridgeville on 11 September. These riots were connected with the funeral of a pupil who had died in the earlier rioting. A large number of the people who had attended this funeral ran amok. They attacked the police station in Atteridgeville, which they damaged with stones and tried to burn down. During the next six weeks there were less serious disturbances in the two residential areas, until the last incident occurred in Atteridgeville on 24 October.

8.2 Features of the riots.

8.2.1 In many respects, the riots in this area showed a large measure of correspondence with the riots in Soweto and in some other areas. This was particularly the case so far as participants were concerned, inasmuch as the actions of scholars culminated in violence after they had been joined by other youths, vagrants and adults. Later on, it no longer looked like an attempt by pupils wanting to stage a demonstration about some matter or other. In Mamelodi, adult men and women as well as youths joined up with the protesting pupils in such large numbers that on one occasion a crowd of between five and six thousand people massed together.

8.2.2 The Black Power salute and s1Qgan were used here with several objectives. They were shibboleths, signs of authority and signs of solidarity. The pupils' actions were also sometimes designed to demonstrate solidarity with the people of Soweto.

8.2.3 The targets of the arsonists and stone-throwers were, first, the buildings and other property of the local BAAB, such as offices, liquor outlets, business complexes and vehicles. Other properties that were destroyed or damaged were a hotel, a community hall, two churches, eatinghouses, shops, butcheries and a dairy. Here, too, the stone was the weapon used against the police. On one
occasion, a stone-throwing attack was carried out on a building in which the White teachers from a technical high school were cornered. It may be added here that obstructions were placed on roads and that stone-throwing attacks were made on vehicles that were forced to a halt.

8.3 The participants.

8.3.1 Children.
Considerable numbers of young children took part in the riots. There was evidence that young children were frequently active in the front line of rioting crowds and that they had deliberately been put there to hamper the police in their actions against the crowds. There is nothing to support the statement that this stratagem was tried throughout the country. In Mamelodi an eight-year-old boy was fatally wounded by a ricocheting bullet when the police opened fire on rioters.

8.3.2 Scholars.
In both these residential areas, the riots were started by scholars; it was alleged that the pupils in Atteridgeville had been intimidated by a small group of militants. According to one observer, the rioting scholars were aged 17 years or older. In paragraph 8.1.4, reference was made to the riots after the funeral of a pupil, Irene Palatse, who had died in the riots. Even before the funeral, a group of pupils had worked out plans for the disturbances that were to follow. They had collected funds for the making of placards and of incendiary bombs and had discussed their course of action against the members of the Police Force, whom they held to have been responsible for the schoolgirl's death.

8.3.3 Youths.
Youths were particularly active in the general violence and incited others to commit acts of rioting. It was not always possible to tell them from vagrants and tsotsis. Witnesses stated that the two last-named groups were prominent in the looting and the burning of bottle stores and other stores. They exploited such situations to their own advantage. But there is also evidence to the effect that scholars and youths were divided on the question of whether a particular building should be attacked, and that there was also dissension when scholars doused the flames of a fire that had been started by other rioters. There is one incident - the second last one in the rioting - that deserves mention. It occurred on 21 October, when armed and masked youths attacked the Hofmeyr High School in Atteridgeville while pupils were writing their examinations. In conclusion, it should be mentioned that several youths were arrested or were wounded or killed as a result of police action during the riots.

8.3.4 Adults.
On numerous occasions, adults joined up with scholars who had started rioting. Men and women took part in almost all the acts of violence and rioting that occurred. Almost three-quarters of the people killed in the rioting were over the age of 18 years.

8.3.5 Agitators and inciters.
Agitators were particularly active in this area, and it seemed as though they were bent on confrontation with the police. A group in a motor vehicle were seen to go from place to place, inciting people. Reference has already been made to a statement that, when the first rioting occurred, scholars had already been incited and intimidated.

8.4 Anti-riot measures.

8.4.1 As a first step in its task of quelling the rioting, the Police Force patrolled the area. Shortly after the riots began, an SAP colonel held talks with members of the Bantu Advisory Board in Atteridgeville. After these talks, a statement was issued in which it was pointed out to the scholars that they were being exploited by certain groups of people. Parents were requested to keep their children off the streets. That same evening, this statement was broadcast three times by Radio Bantu. According to the evidence, the results of this step had already become noticeable by the next day. The police also lent protection and were commended for their timely action in this regard.

8.4.2 Wherever necessary, the police also made use of tear-gas, batons and firearms. Reference has already been made to the two people who were shot dead during the attack on a farmer, his family and his property at Rietgat. During the riots, 23 people died at the hands of the police in Mamelodi, while four died in Atteridgeville. In all these cases, it was testified, the police acted strictly in accordance with the rules in the discharge of their duties. This the Commission accepts, but would nevertheless mention the following three cases. On 21 June, the proprietor of a shop in Mamelodi was shot dead by the police when he was confused with the rioters. That same day, an eight-year-old boy was killed by a ricocheting bullet. There is no evidence of any negligence on the part of the policemen by whom these two shots were fired. The third incident occurred on 15 September in Atteridgeville. A Black minister of the Baptist Church was making his way home on foot through the streets of Atteridgeville at eight o'clock in the evening. A police vehicle approached him from behind in Seeiso Street. When the vehicle had gone about 20 metres past him, he was fired upon by some of the White policemen who were standing on the vehicle. He fell flat on the ground and then sought shelter behind a tree. Further shots that were fired hit the tree. He came off unscathed. According to further information that was collected, the police had patrolled the area in vehicles that night. There was no rioting at the time and place in question. The police were unable to throw any further light on this matter and merely submitted that it was unlikely that a policeman would do anything like that. The Commission accepts the minister’s statement but must add that such aspects as confusion or a possible error of judgment could not be investigated.

8.4.3 Reference has been made in preceding paragraphs to the part played by persons other than members of the Police Force in the quelling of the riots. Foremost among these were the Bantu Advisory Board and Radio Bantu. Then, too,
there were the actions of scholars who were not in agreement with the actions of some youths.

8.5 Causes.

8.5.1 Afrikaans.
The placards carried by demonstrators mentioned Afrikaans as a reason for dissatisfaction and revolt. In most cases, the language used was indecent, and no distinction was made between Afrikaans as a medium of instruction and as a subject. One slogan concerning the language question and the riots read: "Don't shoot Afrikaans into us". According to the evidence, there were no objections to the use of Afrikaans in schools before the outbreak of the riots. Detainees were reported to have said that the trouble in Atteridgeville arose because the teachers were not competent to teach through the medium of Afrikaans, and because pupils objected to Afrikaans being forced upon them as the medium of instruction in certain subjects.

8.5.2 It may be that the objection to the entire system of Bantu education was actually greater than to Afrikaans as a medium of instruction. Scholars who had been arrested stated that this system limited the knowledge of the Black child and made him feel inferior because the White child had a better system of education.

8.5.3 Government policy.
On placards, rioters gave indications of their dissatisfaction with Government policy, against which they were demonstrating. The following were some of the inscriptions:
"Liberty and Freedom for us all"; "300 years is more than enough";
"Wake up Azania Whity is a step ahead in killing"; and
"Why slaughter young Afrika".
Such matters as discrimination and influx control were included under Government policy.

8.5.4 A number of causes or contributory factors, which were also encountered elsewhere and are not going to be discussed, were the desire to imitate Soweto's example and to demonstrate solidarity with its people, the use of Black Power as a shibboleth, a source of power and a sign of solidarity, and intimidation and incitement.

8.5.5 Lodal grievances.
Among the local grievances listed here, the following were important: Teachers would not listen to pupils' grievances, school principals would not allow representative pupils' councils, pupils could not go to a medical school after passing Std X, and teachers were unfair and had love affairs with pupils.

CHAPTER 9 ; HIGHVELD AND SOUTHERN TRANSVAAL.

9.1 Introduction.
9.1.1 The riots that occurred in the Highveld and the Southern Transvaal Bantu Affairs Administration Board Divisions are discussed together in this chapter.

9.2 The riots.
9.2.1 The first incidents of rioting in the two areas occurred in Witbank on 18 June, two days after the eruption of the rioting in Soweto. A fire broke out at a community hall. Exactly seven months later, on 18 December, the last incident of
rioting, arson at a school in Middelburg (T), occurred. There were only two incidents during June, both of which occurred in Witbank. The riots reached a peak during the third week of August. Disturbances sometimes occurred on the same day in different towns without there being any discernible connection between the incidents.

9.2.2 Twenty incidents of rioting were reported in Middelburg and five in each of three other towns, Evander, Standerton and Witbank. The other 11 towns in which disturbances took place had one or two incidents.

9.2.3 Arson was the most common riot offence here, as in many other areas. There were 39 cases of arson, 26 of which occurred at schools. Other targets were four BAAB buildings, shops, a sawmill, a church and a dwelling-house. Three motor vehicles were also set on fire. Second on the list was stonethrowing, of which there were 20 incidents. As elsewhere, the other incidents were marches, intimidation, a school boycott and a strike. The Commission wishes to cite only a few examples of the riots.

9.2.4 The violence was confined mainly to the Black residential areas. In the Middelburg area, there were four demonstrations, in the form of marches, two of which were connected with criminal trials of riot offences. These two marches therefore took place in the White residential area, but were not accompanied by any violence. After the police had dispersed the rioters, acts of violence did take place in the Black residential area.

9.2.5 The following factors point to some measure of preparation. What happened was that the rioters moved about in small groups in a particular residential area, and then struck simultaneously at different places. Pamphlets in which strikes were called and workers were intimidated were widely distributed. Placards that were displayed had the same objective. In Evander, the superintendent of the Black residential area was threatened by letter with death if house rentals were not reduced. In these documents, the authority from whom the order or the threat emanated was usually said to be Black Power and sometimes Black Consciousness organisations. The Black Power salute was also frequently given by rioters.

9.3 Participants.

9.3.1 Blacks were the only ones to take part in the riots in these areas. Scholars committed the usual offences such as stone-throwing, boycotts, marches and arson. They were often assisted by other youths in their acts of violence. There was evidence that teachers also took part in the disturbances, but the Commission does not consider any particular case of their participation to have been proved conclusively.

9.3.2 These areas also had agitators who were either drawn from the ranks of the locals or came from outside. There was evidence concerning motor vehicles that were seen under suspicious circumstances at the scene of disturbances; in one case, the passengers had switched the number plates of the vehicle, in another they had fastened a poster concerning a strike to a fence, and on a third occasion the passengers in such a vehicle had thrown stones at a bus.
9.3.3 Evidence was given that rioters were frequently under the influence of liquor. Youths were sometimes aggressive as a result of the liquor they had taken. It was stated in evidence that looters were found unconscious at liquor outlets. Many were under the influence of liquor when they were arrested.

9.4 Anti-riot measures.

9.4.1 Sometimes the police were able to keep the disturbances in check and to prevent violence without having to resort to the use of force. But where the rioting became fierce, they used firearms. Rioters were wounded, and one person died as a result of police action. The police also made arrests, and individuals were charged in connection with certain riots. There is also evidence that Black teachers sometimes acted to prevent rioting, and that they also helped to put out fires at schools.

9.5 Causes.

9.5.1 Afrikaans.

Before the first riots, there was never any mention in these areas of dissatisfaction about Afrikaans as a medium of instruction. Arrested persons later gave it as one of the causes of the riots. Witnesses stated that pupils had in fact felt unhappy about the matter earlier on. The reasons for this dissatisfaction which, in all probability, arose only after the outbreak of the disturbances, was that the teachers experienced difficulty with Afrikaans as a medium of instruction, that pupils should not have more than one medium of instruction, and that Afrikaans had been forced down their throats. It may be added here that some witnesses considered Bantu education to be an inferior system.

9.5.2 The following factors were also referred to as causes of the riots: The desire to demonstrate solidarity and sympathy with the people of Soweto; imitation of other people's actions elsewhere; the writing of examinations; and the difference between the salaries of Black and White teachers.

9.5.3 Local grievances also contributed to the commission of riot offences. These grievances included the following: Poor treatment in certain Indian shops; the Indian residential area, which was situated too close to the Black areas; the Indian monopoly in the business world and in the use of the community hall, which was the first building to be burned down. There were also objections to the BAAB and to the way in which its officials treated Blacks and applied influx control measures. There were complaints about ethnic grouping, unreasonable increases in rentals, and the lack of school buildings and sports facilities.

CHAPTER 10 : EASTERN TRANSVAAL AND KANGWANE.

10.1 The riots.

10.1.1 In comparison with other regions, this area saw very little rioting. Moreover, the riots were not of a very high intensity.

10.1.2 On 22 June, a fire broke out in a store-room at the Ngwenya Teachers' College for the Swazi population group. The fire was put out by students and lecturers. This was the first incident of rioting in the area; the last incident occurred on 23 October on the road near White River. A quarrel broke out after a soccer match, and the brawlers moved to the road, where six motor vehicles driven by Whites were hit by stones. Only one person was injured.
10.1.3 There were only three incidents in which arson was not committed. One of these has already been mentioned. Another such incident occurred when intimidatory posters were affixed to the walls of a hostel at the Thembeka High School. Some of these posters contained threats against the warden. He was told to leave the hostel, failing which he would be burned to death. Only one march was staged by pupils. Some 300 of them marched to the police station at Tonga to secure the release of a fellow scholar, but it then appeared that he was not being detained in connection with any rioting.

10.1.4 All the other incidents of rioting in this area were connected with arson. Fires were started at 17 Black schools. A beer-hall at Waterval-Boven was gutted by a fire, and considerable fire damage was done to a church near Sabie. Three sawmills and a plantation were also set on fire in circumstances described below.

10.1.5 The following facts were brought to light in the criminal case S v Malaza and others, TPD 1 A/77. In August, one of the accused, Simon Nkosi, and a group of youths and others founded a society, which he called the Black Power Society. The aims of this society were to burn down schools, plantations and sawmills. Nkosi, who was a witchdoctor, promised to protect the arsonists against the police; the arsonists were also to receive monetary remuneration for their work. Members who failed to discharge any task of incendiarism assigned to them would receive a horrible punishment; some of them were afraid that they would be put to death, and others that they would be bewitched. At the end of August, a number of them received their orders. Sawmills, sheds, buildings and plantations were burned down at Warburton and Doornkloof, Carolina, on 5 September. A sawmill at Amsterdam was gutted by a fire the next day. The damage was estimated at close to five million rand. According to statements made by the accused, the police struck before schools could be set on fire. The accused in this case were convicted. In imposing sentence, the court accepted that Nkosi had been influenced by a Black preacher. He was nevertheless' sentenced to 16 years' imprisonment, his chief accomplice to eight years, and three young men who had been led astray by him to five years' imprisonment each.

10.2 Participants.

10.2.1 Fires broke out at several schools, without the arsonists' being traced. It would nevertheless seem as though pupils had been involved in the violence committed at their own schools. It also appears that scholars were often influenced or incited by adults. In the criminal case S v Maimela and five others, Lydenburg MC 310/76, three of the youths stated that they had been bribed by a Black man into burning down a school. There were also other allegations of incitement to commit acts of rioting. At the Mkamayi Secondary School, two men who had come from Witbank by motor car addressed the pupils prior to their committing acts of arson.

10.2.2 There were several cases in which adults personally took part in acts of violence. One such example is the fighting and stone-throwing after the soccer match near White River, and another, the senior members of the Black Power Society.
10.3 Anti-riot measures.
10.3.1 According to statements made by the accused in the criminal case S v Malaza and others, (supra), the police prevented arson at schools by cracking down quickly on the members of the Black Power Society. At the one demonstration that was staged, the police apparently saw to it that no acts of violence were committed. There is nothing in the evidence to show that they were called upon to calm down the rioters anywhere else. No deaths occurred as a result of the riots in this area. It should also be mentioned that lecturers and students put out the fire at the Ngwenya Teachers' College.

10.4 Causes.
10.4.1 Afrikaans.
The only evidence that Afrikaans as a language or as a medium of instruction may have contributed to the riots comes from the slogans on two posters that were affixed to the walls of the Thembeka High School hostel in KaNgwane. These posters read:"Away with Afrikaans" and "Why should we die because of Afrikaans".

10.4.2 Local grievances.
According to other posters at the Thembeka High School, the boarders were so dissatisfied with their hostel warden that they threatened to burn him to death if he did not leave. There was no evidence concerning other local grievances.

10.4.3 Detention.
The only other cause for action on the part of pupils emerges from their attempt to secure the release of a fellow pupil by staging a march.

CHAPTER 11 : LEBOWA, NDEBELE AND NORTHERN TRANSVAAL.
11.1 Introduction.
11.1.1 The area dealt with in this chapter is the homelands of Lebowa and Ndebele, as well as the Northern Transvaal Bantu Affairs Administration Board Division. The University of the North falls in Lebowa.
11.1.2 There were two cases of rioting in the Ndebele homeland; on 25 and 26 July, two schools, one at Valschfontein and the other at Motsh, were set on fire. In the area of the Board, there were also only two incidents of arson. These occurred on 26 July and 6 September at the Lemana High School in Elim. These four incidents will not be discussed further.

11.2 The riots.
11.2.1 One is struck by the fact that, with few exceptions, all the riots in the area took place in connection with educational institutions. They occurred at the University of the North, the Mmadikoti College for Advanced Technical Education, the Setotolwane Teachers' College and some 27 schools in the area.
11.2.2 The riots began on 17 June and ended on 17 January 1977. October was the only month in which no incidents were reported, and there was only one incident in each of the last three months.
11.2.3 The first incident was a case of arson at the University of the North. This University certainly has a history of disturbances and riots. In 1970, the students stayed away from official functions held to celebrate the installation of the Chancellor and the attainment of independent academic
status by the University. The next year, there was a SASO week during which inflammatory speeches were made against everything that was White and hence unacceptable. Black Consciousness had at that stage apparently already reached its ultimate point in the polarisation between White and Black. Later in the year, the students' representative council held an art exhibition at which impermissible speeches were made. Some time afterwards, a similar speech was made by the Chairman of the students' representative council at a graduation ceremony. This incident was followed by suspensions, mass meetings, the boycotting of lectures and the closing of the University. During the same year (1973), students boycotted a Registrar's funeral service and interfered with other students who did attend. This was followed by an art week arranged by BASA, which was concluded with a closing address that was considered insulting. Towards the end of 1974, the students held a "Frelimo Rally", which was followed by rioting when the police tried to disperse them. This led to the appointment of a judicial commission of inquiry, which found that "it is clear that at least some individual members of SASO introduce SASO ideas practically everywhere and give everything a political colour, even the Black arts."

"Although some positive aspects are apparent in the aims of SASO, it is clear to the Commission that its main aim is the promotion of hatred of the Whites, the destruction of the universities for Blacks, and incitement to armed revolution.".

11.2.4 On 17 June, the students met twice, apparently with the object of discussing the events in Soweto; they decided to resort to violence. After there had been unpleasantness during the Afrikaans lectures, an attempt was made during the night to set fire to the office of the Head of the Department of Afrikaans-Nederlands. On the following day, the rioting reached a climax. Some 800 students demonstrated with dangerous weapons; lectures were not attended; there were four cases of arson; a lecturer was assaulted; stones were thrown, and property was damaged. The SAP intervened, and the University was closed. From that point onwards, the rioting spread.

11.2.5 That same day, the riots spread to the Mmadikoti College, and a few days later the first fires were started at schools in the area. Fierce rioting raged throughout the area until September. After the reopening of the University, there were five more days on which riots occurred on the campus.

11.3 Participants.

11.3.1 Only Blacks took part in these riots. There was no evidence that adults took an active part in the rioting.

11.3.2 Students from the University undoubtedly played a leading part in the violence and rioting. After the University had been closed, the students returned to their homes in the homeland, and it is thought that they were involved in many of the fires that occurred at schools in the area at that time. There is nothing in the evidence to show that students from the Training College and the Teachers' College took part in the rioting elsewhere than on their own campuses.
11.3.3 Presumably scholars were responsible for the disturbances at their schools. They were seen at incidents of stone-throwing, but the arsonists were not traced in all cases. It was alleged that scholars who lived in the cities and went to school in the homeland also took part.

11.3.4 There is no doubt that agitators egged on and incited students and scholars in these riots. Reference has already been made to SASO's activities in the past, and there is no reason to believe that these activities were not continued. Visiting students from Zululand were seen on the campus of the University. Motor cars with the registration numbers of other districts were seen at the University and at schools.

11.4 Anti-riot measures.

11.4.1 The police, who were on the scene of several riots and had to restore order, did resort to the use of batons to disperse the rioters but did not use any firearms in this area. They arrested several people. Only one male student died in the riots; he was fatally injured when he jumped from the third floor of a residence at the University. It is difficult to say whether there was less rioting in the area because the University had been closed.

11.5 Causes.

11.5.1 Before the riots, the use of Afrikaans as a medium of instruction was not mentioned as one of the grievances of students or scholars. In any event, it cannot be a grievance in a homeland. Nevertheless, a number of posters were found at the University on which slogans referring to Afrikaans appeared, but they were not about the medium of instruction. These posters also referred to Afrikaans-speakers. Some of the inscriptions were shocking, insulting and obscene. If any inference could be drawn from these posters, it would be that the authors had serious grievances against Afrikaans-speaking persons.

11.5.2 According to the evidence, the rioters at the University felt emotionally involved in the events in Soweto. There was a desire to show solidarity with the people of Soweto. The same may be said of the demonstrators at the colleges and schools. Many posters referred to the riots in Soweto.

11.5.3 Government policy, or certain aspects of it, was a major cause of dissatisfaction among students at the University and probably at the colleges as well. Some students may well have resorted to violence because they wanted to make it known to the world at large that they were against the policy of the Government.

11.5.4 The philosophy of Black Consciousness and the use of the slogan, Black Power, which was apparently not so frequent here, are important in a consideration of causes because they are bound up with a feeling of solidarity with their own people as well as hatred of the Whites. In this regard, the influence of SASO should not be underestimated.

11.5.5 If, when considering the damage done on the campus, SASO's objectives with regard to the universities for Blacks are borne in mind, the students' actions may be ascribed to their desire to destroy their University, both literally and figuratively.
CHAPTER 12 : VENDA.
12.1 Introduction.
12.1.1 At the time of the riots, Venda was a self-governing homeland. This area is situated in the far north-east of the Transvaal and had slightly more than a quarter million inhabitants at the time. A fairly large number of scholars lived in Soweto and other urban areas.

12.2 The riots.
12.2.1 The first riots in Venda occurred on Sunday, 20 June, when the Mbeu bookshop of the Gereformeerde Kerk at Sibasa was set on fire. Damage came to something like R22 000. During the next week, the arsonists struck at four schools and a church. After that, everything was quiet again until 11 July. On that day the furniture in a court room was burned to ashes. During July and August, there were a further 15 cases of arson in various parts of the homeland as it was at that time. In all these incidents, there was no largescale rioting or any confrontation with the police.

12.2.2 On 2 August, the pupils of the Mphaphuli High School, Sibasa, refused to write examinations. After discussions with the school authorities, all but 200 pupils returned to their class-rooms. These pupils began rioting, and eight of them sustained minor injuries in a baton charge by the police. It is striking that the 200 pupils all came from other places such as Soweto and Pretoria. They were expelled.

12.2.3 Four days later, as a token of sympathy with the expelled pupils, the pupils of the Tengwe High School refused to go to their class-rooms. Stones were thrown at the school building and at the principal's car. Forty-eight pupils were arrested and charged with public violence. These were the only two incidents of confrontation between the rioters and the police.

12.3 The participants.
12.3.1 From the available information, it would appear that scholars were the only participants in the rioting. There is evidence to the effect that youths who were no longer at school joined the scholars in disturbing the peace. There is no evidence to show who was responsible for the arson.

12.3.2 The Zoutpansberg Students' Organisation (ZOSO) was founded on 6 September by representatives from a training school and certain high schools. ZOSO decided that no examinations were to be written at the end of that year. Pamphlets announcing this decision were distributed, and violence was used at one school to enforce this decision. The boycott was not a success. ZOSO subsequently decided to affiliate with SASM.

12.4 Causes.
12.4.1 There is not much evidence concerning the causes of the rioting. The following was mentioned by witnesses or may be deduced from the available information: The desire to show solidarity with other rioters; the influence of such a large number of scholars from the cities; the possible influence of students who had come from the University of the North; and the desire to disrupt examinations.

CHAPTER 13 : GAZANKULU.
13.1 The riot area and the population. 13.1.1 Gazankulu, the homeland of the Shangaan-Tsonga people, is situated in the north-eastern Transvaal. The territory has an area of 675 710 ha and about a quarter of a million inhabitants; this constitutes less than half of the total population of the homeland. Gazankulu has been self-governing since 1973; in the first general election for its Legislative Assembly, 17% of the votes were cast outside the homeland.

13.2 The riots.
13.2.1 In this area there were only three incidents of rioting and they occurred at three of the 232 schools in the homeland. On 5 August books were set alight in a class-room of the Mayeke Primary School; twelve days later two doors of a workshop in the Giyani Trade School were damaged by fire; and on 18 September members of staff at the Orhovelani Secondary School put out flames in the principal's office. In all, fire damage amounted to R250. These incidents were not accompanied by any other form of disturbance.

13.3 The participants in the riots.
13.3.1 There is no indication in the evidence that anyone besides pupils had had a hand in the arson. There is also no evidence of other plotters or agitators; no arrests or criminal cases were reported.

13.4 The causes of the riots.
13.4.1 It is not clear from the evidence submitted what the motives of the arsonists were or whether the three groups were in contact with one another or with rioters from elsewhere. Discussions between the Commission and leaders in the territory revealed that in one case the fire may have been connected with the visit of sports teams from another school, and in the other two cases there appears to have been a lack of good relations and proper communication between pupils and certain teachers. By his actions, one White teacher allegedly caused such misunderstanding and resentment among the pupils that they became rebellious and might have started a fire. In this territory it is striking that, as far as can be seen, relations between Black and White are exceptionally friendly at every level.

13.5 Intimidation.
13.5.1 A large number of pupils from White areas attend schools in this homeland. More than half the boarders in four of the large hostels came from outside the territory. As in other homelands, the reason given for this is that parents would like their children to be more proficient in their mother tongue. There were cases where threats were used to try to persuade parents to remove these children from the homeland schools and send them to schools in the White areas. Even a cabinet minister received such a threat.

13.6 Soweto.
13.6.1 In Chapter B 1.17 the Commission deals with the actions of the Tsonga School Board in Soweto, which dismissed three principals and later reappointed them, and also refers to the connection between these events and the homeland, its leaders and politics. A memorandum from the Chief Minister of Gazankulu on the general causes of the riots in the country is dealt with elsewhere in this Report, together with other evidence and views on these matters.
CHAPTER 14: BOPHUTHATSWANA.
14.1 Introduction.
14.1.1 The riots discussed in this chapter occurred in the territory of the Republic of Bophuthatswana. At the time of the riots, this area was known as the self-governing Homeland of Bophuthatswana. This State's territory consists of various parts, one of which, Thaba Nchu, lies in the Orange Free State. Evidence concerning the riots that occurred there was heard in Bloemfontein, and an inquiry in loco was held at Thaba Nchu. The particular incidents are discussed in Chapter 22, along with the riots in the Southern Orange Free State.
14.1.2 The riots in the rest of the territory occurred at six places. One of these places is Mabopane West, which lies some 30 kilometres to the north-west of Pretoria. Adjoining this area is Mabopane East, a trust area administered by the Department of Co-operation and Development. For the sake of convenience, the incidents of rioting in these two areas are discussed together in this chapter.
14.2 The riots.
14.2.1 There were disturbances in Bophuthatswana as early as 2 June, when students at the Pinagare College at Taung revolted. This went on for days, and a departmental commission of inquiry was then appointed to report on the students' grievances.
14.2.2 After the outbreak of violence in Soweto, the first incidents of rioting occurred in this area, when fires were started at De Wildt and GaRankuwa on 20 June. During the next two days, there was serious rioting at Mabopane, Winterveld, Ga-Rankuwa, Hammanskraal and Montshiwa. This was followed by a period of comparative quiet, which lasted until the schools in the area reopened on 20 July. Riots broke out then and occurred almost daily into September. There were two incidents in October and none in November and December. The last incidents that came to the notice of the Commission were two cases of arson in Ga-Rankuwa on 5 January 1977.
14.2.3 The riots at Mabopane on 21 June were some of the fiercest in Bophuthatswana. Crowds of Black adults and youths hurled stones at buses, other vehicles and the police. Buses were hijacked and set on fire by rioters. The offices of two bus companies and of the Department were attacked with stones and set on fire. Four Black men were shot dead by the SAP, two of them when a bus was burnt out, one at a road block and one in the looting of a beer-hall. Several rioters were wounded and arrested. In Mabopane, there were only three further incidents of rioting, all three of arson.
14.2.4 The violence that broke out at Mabopane on 21 June spread to the adjoining Winterveld. Several buses and other vehicles, which had been stolen in Mabopane, were later found in Winterveld; most of them had been seriously damaged. A Black woman was fatally wounded by the police when she and her brother hijacked a bus; a Black girl was killed when rioters set fire to a bus. There were no further incidents of rioting in Winterveld after 21 June.
14.2.5 Compared with the events in Mabopane, the rioting at Ga-Rankuwa was of a lower intensity and spread over a longer period. The riots started with fires at the Hebron Technical School and at a post office. Scholars stayed away from
classes and threw stones at the school. They stopped and set fire to vehicles belonging to the Bophuthatswana Government. Black Power salutes were given, and window-panes were smashed by stone-throwers. On one occasion, 23 scholars were arrested. Later, the police had to use batons to disperse scholars. There were incidents of arson at schools in Ga-Rankuwa, the De Wildt area and Hebron; at one school the staff room for White teachers was set on fire. In a letter a White principal was threatened with death. The house of a Black constable was attacked with stones. During the riots, one Black man was wounded by the police and 43 people were arrested.

14.2.6 The violence at Hammanskraal and in the vicinity consisted mainly in incendiarism at schools, marches by scholars, and stone-throwing at Makapanstat, Mathibestat and Temba. The damage done at one school came to R10 000; after that, the scholars marched to another school, causing considerable damage en route. In the case S v Kotzoe and 179 others, Hammanskraal RC 1/76, 110 pupils were convicted of public violence. Almost all the rioting was connected with schools. At Eersterus, pupils assaulted the owner of a shebeen and burned down his house. Although 244 people were arrested in connection with these disturbances, the police used comparatively little force, and warning shots only were fired in isolated cases.

14.2.7 In the part of Bophuthatswana that is situated near Rustenburg, rioting also occurred, mostly while the schools were closed. Two Black men were convicted of inciting other persons to burn down a clinic at Hofontain on 5 July. The following cases deserve mention. The most serious incident of rioting occurred on 14 August, when a fire caused R30 000 damage at the Itumeleng High School at Pilanesberg. Two days later, about 300 pupils threw stones at the Morare High School, smashing nearly 500 window-panes. As a result of this incident, 15 pupils were charged in the magistrate's court. The other rioters were punished by their tribal authorities. According to witnesses, some of the pupils asked to be punished by the court rather than by the tribal authority. A school inspector and two teachers were assaulted at one school; at another school, teachers and pupils put out a fire together.

14.2.8 Serious rioting occurred in Montshiwa at Mmabatho, the capital of Bophuthatswana. First there were cases of arson and stone-throwing. On 8 August, three Black clergymen held a prayer meeting at a high school for the victims of Soweto. The head boy of the school was also called upon to speak, and inflammatory songs were sung. In the course of the evening, the pupils pelted two police vehicles with stones and set one of them on fire. A White policeman who was hit by a stone subsequently died of a heart attack in hospital. Violent rioting broke out when pupils from two other schools joined in. The House of Parliament was burned down, and well into the next day vehicles, a beer-hall, offices and other buildings were set on fire. After that, the rioting stopped, except in isolated cases.

14.3 The participants.

14.3.1 Scholars.
Except in Mabopane, it was mainly scholars who were responsible for the demonstrations and violence in Bophuthatswana, and a large number of them were arrested by the police. There were cases where members of pupils' councils incited their fellow scholars to commit acts of violence. On one occasion, a head boy read out poems on Soweto to the other pupils. A schoolgirl, who came from Soweto, urged the pupils at another school to join her group and to burn down buildings. There were only a few cases where persons taking part in the riots could be identified as non-school-going youths. There is no evidence that students had any part in the rioting. One witness did say that a student from the University of Fort Hare had shown pupils from a certain school how to make incendiary bombs.

14.3.2 Adults.
Adults were involved in the violence in Mabopane and Winterveld on 21 June. Six of them were fatally wounded by the police, and a number were injured. There were only a small number of other cases in which adults took part in the rioting.

14.3.3 Teachers.
As previously stated, teachers sometimes lent a hand in the combating of violence. Testimony to the effect that other teachers had influenced scholars and that they had not exercised discipline is not so strong that the Commission can make any finding.

14.3.4 Outsiders.
Motor cars from other places were frequently seen before or during incidents of rioting. There is strong evidence that outsiders, especially from the Witwatersrand, had a part in the violence. In one region, someone who pretended to be a musician called at schools to incite the pupils and to organise rioting. Towards the end of July, two Black men from Johannesburg turned up at the Barolong High School and asked to take two schoolgirls to the funeral of a member of their family in Johannesburg. However, the Principal found out that they were inciting the pupils to riot and he chased them away. In September, the Principal of the Sebuto High School reported to the police that Black men in motor cars were urging the pupils to stay away from school. Several witnesses were of the opinion that outsiders had been responsible for many of the incidents of rioting.

14.3.5 Intimidators and agitators.
According to witnesses, there were only isolated instances of intimidation in this area. At one school, a threat was made to the pupils that their school would be burned down if they attended classes. Scholars who were questioned sometimes said that they had been intimidated into rioting; of course, this may merely be an excuse. It was especially during discussions of the part played by outsiders that instances of agitation were mentioned.

14.4 Anti-riot measures.
14.4.1 It was not always necessary for the police to use force to preserve or to restore the peace. There were at least three occasions on which riotous scholars
dispersed at the request of the police. In the Rustenburg and Montshiwa areas, police action was confined to patrol duties. In other cases, baton charges or tear-gas or warning shots were sufficient to quell the rioting. But there were cases, for instance at the outbreak of the riots in Mabopane, Winterveld and Ga-Rankuwa, where they had to use firearms in protecting the public and property. In these cases, six people were killed and about 18 wounded. Some witnesses were critical of the police, who were said to have acted too harshly, whereas others considered that they had not been severe enough. Scholars at the Moruleng High School in Pilanesberg and the Lerothodi High School at Marikana demonstrated for the release of fellow scholars who were being detained for arson. In the first case, the police refused to release the scholars notwithstanding the fact that the magistrate at Pilanesberg had requested them to do so. In the second case, they released the scholars in order to prevent further violence.

14.4.2 There were cases in which private individuals also helped in this connection. School principals sometimes cleared up scholars’ grievances by talking to them, or persuaded them not to take part in rioting. Teachers sometimes drove off inciters or reported their presence to the police. In Ga-Rankuwa, a member of the public was assaulted when he tried to stop a march. On 21 June, labourers at the Klipgat waterworks refused to work; a magistrate addressed them and persuaded them to go back to work.

14.5 Causes.
14.5.1 Some of the causes of the riots that were mentioned by witnesses or emerged from the evidence were the same as those encountered in other areas, such as the presence of agitators, the demonstration of solidarity with Soweto and its people, the release of detainees, and the presence of strangers, especially of pupils from elsewhere.

14.5.2 So far as education is concerned, the question of Afrikaans as a medium of instruction was not of material importance. Other matters mentioned in connection with education were the shortage of properly qualified teachers and the lowering of standards as a result of this shortage, the presence of White teachers and their separate staff rooms at some schools, and the discrimination between White and Black teachers.

14.5.3 One of the causes of the riots, and more particularly of the fire that was started at the House of Parliament, was the differences of opinion concerning the attainment of independence by Bophuthatswana. Witnesses even alleged that the Opposition had supported the scholars in their actions; of this there was no proof. There was dissatisfaction among the pupils, and even among parents, because each pupil had to make a contribution to pay for the damage done to Government property by rioting scholars.

CHAPTER 15: WESTERN TRANSVAAL.

15.1 Introduction.
15.1.1 This chapter deals with the rioting in the Western Transvaal Division of the Bantu Affairs Administration Board. The rioting here was not of a particularly high intensity, and places where it occurred were sometimes in adjoining districts
although not very close together. The nature of the riots shows a large measure of correspondence with that of the riots that occurred elsewhere in the country.

15.2 The riots.
15.2.1 The riots in this area lasted for eight weeks, i.e. from 21 June to 14 August. Slightly more than 60 incidents of rioting occurred on 12 separate days in nine towns. The first incident occurred in Jouberton, a Black residential area in Klerksdorp, while the last took place in Ikageng, a Black residential area at Potchefstroom.

15.2.2 It is striking that at least one fire was started in each of the nine towns. Arson was consequently the offence that was most frequently committed during the riots, the targets being BAAB buildings, beer depots, schools, churches and a petrol storage depot. Further, there were many incidents of stone-throwing, and road blocks were set up at several places. During the riots, a magistrate's court, post offices, shops and a bioscope were also damaged. Although scholars stayed away from their classes and also disrupted examinations, only two demonstrations were reported.

15.2.3 On 4 August, several thousand Blacks prevented the workers from Khutsong in Carletonville from going to work. Buses and other vehicles were stopped. The Director of the bus services was ordered by the rioters to withdraw the buses from the residential area. Such buses as did enter the area were pelted with stones. These incidents coincided with a strike called by the SSRC in Soweto. In several areas, posters were put up urging the inhabitants to obey the calls for a strike. Some of these posters were expressly meant for teachers.

15.3 The participants.
15.3.1 Scholars and other participants. It was mainly local scholars and youths who participated in the rioting and violence. In the vicinity of Potchefstroom, the position was aggravated because the scholars who had to go to secondary schools in Soweto stayed away from their classes or were unable to go to school because their schools had been closed. They often encouraged the younger scholars in the Potchefstroom area not to go to school either, but rather to participate in the rioting. This situation also arose at Khutsong. Scholars sometimes committed acts of rioting in the company of adults.

15.3.2 Adults were involved in several incidents of violence. There is evidence to the effect that a Black man, who was a member of a school committee and of an advisory board, addressed a group of scholars near Potchefstroom and gave them to understand that he approved of their actions;

he is alleged to have advised them to get rid of their school uniforms before demonstrating. Witnesses spotted adults and loafers among the crowds.

15.3.3 As happened elsewhere in the country, strangers in cars that came from other towns were seen before or during incidents of rioting. Other agitators egged scholars on to throw stones at buildings and the police. In such cases, the Black Power salute was also given.

15.4 Anti-riot measures.
15.4.1 The police usually used tear-gas and batons in the combating of the riots. If the rioters and the persons committing acts of violence could not be brought under control in any other way, orders were given for the use of firearms. According to witnesses, firearms were used under strict supervision on such occasions, and mostly to fire warning shots only. In this Division no-one was fatally hit during the rioting.

15.4.2 The actions of rioting scholars did not always meet with the approval or receive the support of their parents. During an incident at Marikana, some parents dragged their demonstrating children away and punished them themselves. On another occasion, the inhabitants of houses in the vicinity extinguished a fire in a school at Hartbeesfontein. It was also testified that rioting was prevented because relations were so good between the Blacks and the BAAB officials in the area.

15.5 Causes.

15.5.1 Apart from local factors, the following were mentioned by witnesses as causes of the riots in this area: Solidarity and sympathy with the people in Soweto; opposition to the Government's policy and to irritating legislation; intimidation and incitement. Although no objections to Afrikaans as a subject or a medium of instruction were received before the riots, this was given on placards as a reason for the riots; witnesses regarded this as a pretext. At Klerksdorp, a witness blamed teachers for the rioting because they did not exercise control over their pupils. There was no other evidence to show that the lack of general discipline had been a cause of the riots, although it undoubtedly made it more difficult to control the rioters.

CHAPTER 16: THE UNIVERSITY OF ZULULAND.

16.1 Portents of rioting.

16.1.1 There was rioting on the campus of the University of Zululand from 16 to 18 June. The first two days were taken up with incitement and preparations, and on the third day violence and vandalism were rampant. But there had been earlier signs that the student community, or at least a part of it, was fractious and undisciplined. Some of these signs are discussed below.

16.1.2 The first incident that is relevant here took place even before most of the 1976 students were at the University. This incident occurred during a graduation ceremony in 1972, when the students became riotous. For a week, they went about waving placards with inscriptions grossly insulting to Whites, and especially Afrikaans-speakers. Shortly before the ceremony, the Chancellor and the Rector were spoken to in rude and abusive language. There were no noteworthy interruptions of lectures or damage to buildings, but the demonstrators struck motor cars with sticks and jumped about on the bonnets. They also slightly injured a few persons.

16.1.3 A few years later, there were complaints about the quality of the food in the residences. The boarders carried their plates outside, threw the food on the ground and stamped on it. Professional caterers were appointed to provide meals. To exercise better control over persons who came for meals in the dining-hall, coupons were issued, but the boarders subsequently refused to use them and burnt them. When further dissatisfaction arose, the Students' Representative Council
would not co-operate in finding out what was wrong with the food. In the end, the University was closed ten days early. In 1976, the Students' Representative Council appointed a committee to inspect the food every day. The food was often condemned and sent back without reasons being furnished.

16.1.4 Mass meetings were held so frequently that, according to the Rector, non-academic matters were having an adverse effect on students' studies. The students also adopted a very independent and militant attitude. If the University wanted to take action against an offender, his fellow-students threatened counter-measures if he should be punished. On one occasion, for instance, they announced that they would occupy the university buildings and would then take more drastic action if a certain student were expelled from the institution. The result was that disciplinary steps were seldom, if ever, taken against students.

16.1.5 An in-depth investigation undertaken officially by members of the staff after accusations had been made by outsiders, revealed that everything was not what it should be in the residences. Drinking and other irregularities were common. At the time of the disturbances, there were three shebeens in the men's residences. The authorities were apparently unaware of the true state of affairs. This points to a serious lack of communication between the students and the authorities. In the residences, discipline was not enforced by those who had to exercise authority.

16.1.6 The University Council decided to award an honorary doctorate to the Chief Minister of kwaZulu, Chief Gatsha Buthelezi, on 18 May 1976. When this became known, the Students' Representative Council notified the authorities that they were going to demonstrate against the Chief. There were great disturbances on the appointed day. Stones were hurled at the cars of the Chief and other visitors. Members of the staff were sworn at. Eventually, members of Inkatha, Chief Buthelezi's cultural organisation, dispersed the students with kerries.

16.1.7 In a letter published in a newspaper, one of the student leaders sharply attacked the Chief Minister. This act was contrary to the University regulations then in force, and the author was summoned in writing to appear before the disciplinary committee. The students threatened counter-measures, but the riots broke out before the hearing could take place. The summons was subsequently posted on the notice-board, together with inflammatory notices.

16.2 Planning of the riots.

16.2.1 During the evening of 15 June, the students were addressed by unknown persons who had come from Johannesburg. There is no evidence as to who they were or what they spoke about. There is equally little information about a similar meeting held on the 17th. There is a strong suspicion that these meetings were about general Black resistance and the riots.

16.2.2 There was intense discussion of the unrest in Soweto among the students. They had obtained their information about the events from acquaintances, from newspaper reports and from news broadcasts. It is impossible to say whether they knew that protest marches were to be held in Soweto on the 16th. However, when
newspapers were not delivered on the campus that day as usual, there was great
dissatisfaction, and it is typical of the spirit prevailing among the students that the
university authorities were immediately accused of deliberately preventing the
delivery of the papers to keep the news of the demonstrations from the students.
The students then went to buy their own papers in a neighbouring town and
posted cuttings of the reports on the riots and pictures of "police brutality" on the
notice-board.
16.2.3 In the suggestions box at the SRC office, anonymous requests were found
calling upon the Council to convene a mass meeting or a prayer-meeting to
express sympathy with the inhabitants of Soweto. There were also calls for
immediate violence.
16.2.4 A group of student leaders met in one of the residences and resolved that
the students of the University of Zululand should show their solidarity with the
scholars of Soweto and should resort to violence, because violence had been used
against the scholars in Soweto; they should also be prepared to die for their ideals.
The main resolution, however, was that they should call a prayer-meeting to get
the students together for a show of solidarity. They decided on a prayer-meeting
for the following reasons: A prayer-meeting was likely to attract more students
than a mass meeting. The Rector's approval was not required for the holding of a
prayer-meeting, and in terms of the SRC's rules it was not necessary to give 24
hours' notice of a prayer-meeting, which was required in the case of a mass
meeting. A prayer-meeting could be addressed by radicals or militants and then be
converted into a mass meeting if a student so moved.
16.2.5 While the organisers were making arrangements for the holding of the
meeting, others prepared placards on the rioting in Soweto. There were
inscriptions such as "The murderers are at it again". Some slogans were calls for
violence. During the night, the placards
were left at points on the campus where
all students could see them. Afterwards, notices of the prayer-
meeting were also placed at strategic points, together with inflammatory placards.
One of the students who was to speak began writing his speech, the theme of
which was: "The war against Afrikaans - what it means to us".
16.2.6 The organisers and agitators were SASO members almost to a man and had
control of the SRC. A meeting was held in the SRC office on the Thursday
morning. It was decided that the agitation had already stirred up and angered the
students so much that violence could break out. The prayer-meeting was then
convened for that evening. Six students, all of them SASO members and, with one
exception, also members of the SRC, were designated to address the meeting. A
theological student, who was also a member of SASO, was to open the meeting
with a prayer. Another student had to be ready to move at the right moment that
the prayer-meeting be converted into a mass meeting.
16.2.7 The plans also included a previously prepared motion for the meeting. This
motion was a strongly worded indictment of the S.A. Police and a condemnation
of the "murder" of schoolchildren and contained the following relevant
resolutions:
"(i) We condemn in the strongest terms this vile and abominable suppression by means of the gun.
(ii) (We resolve) to register our protest by any means possible."
An unknown first-year student was to put this motion, and the resolutions were to be publicised.

16.2.8 During the morning, news was received that students in Wentworth House, Durban, had gone on strike about a domestic matter, food, but that it had been decided to continue the strike out of sympathy with Soweto. The organisers conveyed this news by posting the following notice on the board: "Latest news, 17/6/76. Wentworth (UNB) has gone on strike. Soweto murders and food."
Afterwards, placards appeared linking the prayer-meeting with "Soweto murders and arrests".

16.2.9 At the prayer-meeting, the incitement to rioting went down well. Otherwise, matters did not go entirely according to plan. There was opposition, on constitutional grounds, to the conversion of the prayer-meeting into a mass meeting whose resolutions would be considered binding upon everyone present. However, a number of fiery inciting speeches and the use of the Black Power slogan changed the character of the meeting. The proposed motion was rejected and a more strongly worded one, which was put by a member of the executive committee of SASO, was adopted. Reference was made in this motion to "violence as a long-standing character of the South African situation", and the resolutions read:
"(a) To demonstrate violently by any means that this house will decide upon as from now.
(b) We boycott classes and tests as from tomorrow."

16.2.10 Some excerpts from speakers' subsequent speeches are illuminating. One speaker pointed out that the resolution implied violent protest and that there was nothing violent in marching and singing. He said: "For our protest to be felt we must burn the White houses." Another aroused his audience by saying: "Tomorrow when we demonstrate we must also kill, kill, kill the White man". The meeting was adjourned at two o'clock in the morning. The students responded to the calls for violence.

16.3 The riots.
16.3.1 They turned up at six o'clock in the morning at Freedom Square with kerries, stones and knives. When the leaders wanted to address those present after a march, they intimated that they had not come to listen to speeches but to demonstrate with violence. They suited the deed to the word. As far as they went, they left destruction in their wake, threw stones, set fire to buildings and vehicles, and seriously assaulted certain Whites.
16.3.2 To make the devastation worse, fire extinguishers were removed and road blocks were set up to make it difficult for fire-engines to reach the burning buildings. The students interfered with fire-fighters and even tied knots in fire-hoses. On at least two occasions they forced women students who appeared reluctant or unwilling to take part by threatening or intimidating them.
16.3.3 Nowhere in its investigations throughout the country did the Commission see greater devastation caused by vandalism than in the University church. Other buildings, such as the one that housed the administrative staff, were razed to the ground, but in the church there were unmistakable signs of unbridled vandalism. It is no wonder that the damage caused during the morning's violence came to more than half a million rand.

16.3.4 Some of the students began to leave the campus as early as twelve o'clock. This was partly due to the fact that the University had been officially closed. Other reasons why the violence did not last longer were that the police had removed White members of the staff from the campus in good time and had themselves avoided all confrontation with the riotous students. The devastation could have been worse if the scholars from a nearby school had not turned down the student's invitation to demonstrate with them.

16.4 Certain features of the riots.
16.4.1 Some elements of the disturbances here show a large measure of correspondence with elements observed elsewhere, e.g. the arrangement of, and incitement under the cloak of religious proceedings. Elsewhere mass meetings and demonstrations also followed innocent prayer-meetings or funerals.

16.4.2 Here, too, there were agitators from outside and from within. Inciters had little difficulty in getting dissatisfied and excited students into the mood for fighting and violence. In this connection and so far as the organisation of the riots is concerned, the part played by SASO should not be underestimated. SASO members saw to it that radical and militant speakers addressed the students; this also happened elsewhere.

16.4.3 One of the first means resorted to was the use of placards. With a few exceptions, the slogans and appeals that were used on these placards were more sophisticated than those used by pupils and other youths. The tenor was the same, however. A single example is quoted:

"One man, one matchet; One woman, one stick; One child, one stone; Victory is ours."
The word "matchet" or "machete" seems to be unknown on the sugarcane fields of Natal; it may have been confused with a match, but probably a panga was meant.

16.4.4 Here, too, it was necessary to intimidate the reluctant or unwilling ones into action or to commit them to action through a resolution at a mass meeting. As at other educational institutions, a boycott of classes left everyone free to participate in the demonstrations.

16.4.5 The facts clearly show that the violence in these riots was aimed at the White man as the Black man's oppressor. Two excerpts from speeches at the prayer-meeting and the meeting have already been quoted; here are three more:

"The White man has shown that violence is the only way";
"There is only one (avenue) that the White man has left open for us, and that is violence"; and
"It has been proved to us that violence is the only language the White man understands".
To this must be added the following facts. The four persons who were attacked and injured in the riots were all Whites. It was the houses of White officials that were damaged. With one exception, all the cars that were damaged belonged to Whites. Finally, the serious defacing and damaging of the church were put down to the fact that it had been a gift from the Afrikaans DRC.

16.4.6 However, these riots differ from others in that they cannot be said to have been caused by action against innocent demonstrators.

16.5 Causes of the riots.
16.5.1 There was a spirit of unrest and rebelliousness among the students. If they did take action, they were not punished. The Rector testified that he did not take disciplinary steps against offenders because he had been warned that such steps would make the other students take revenge. It is easy to judge after the event and from the outside, but it does seem as though the failure to crack down on offenders made them more undisciplined and unruly.
16.5.2 Another contributory cause of the riots was the fact that the students had in earlier incidents already paved the way for demonstration, resistance and even violence. It was easy to lead them on to that road again.
16.5.3 Agitators, and especially those who were members of SASO, did their work well. They seized on events in Soweto to stir up feelings. They also used the magic of Black Power in their incitement. Everything was cleverly planned. The evidence indicates that some of the ringleaders reported their success to their sympathisers in Durban that same afternoon.

CHAPTER 17 : DURBAN AND ENVIRONS.
17.1 General.
17.1.1 In this chapter, some 25 cases of rioting in and around Durban are dealt with. (The relevant incidents at the University of Durban-Westville are discussed in Chapter 18). These incidents are dealt with together, because pupils from one institution sometimes went to agitate at another institution.
17.1.2 The rioting began on Friday, 18 June. Between two and three hundred students from the King Edward Hospital's Medical School marched along Sidney Road towards the centre of Durban. They were advertising a meeting that was to be held two days later and soliciting public support for demonstrations in connection with Soweto. The disturbances went on for more than five months.
17.1.3 In between there were a number of incidents at institutions for higher education and 20 incidents at seven Black schools. The latter included nine cases of arson, six of stone-throwing, three of damage to property and three marches. None of the incidents in this area can be described as serious, and such damage as was done was of a comparatively minor nature.
17.1.4 Coloureds and Indians were involved in the first incident only. The rioters were therefore mainly Black students and pupils who operated at their institutions. There were not many adult collaborators. However, strangers intent on mischief-
making and incitement were present at some of these incidents. These different groups merit separate discussion.

17.2 Students' activities.

17.2.1 As has been mentioned, students from the Medical School staged a march. Ninety-one of the demonstrators were arrested; they signed admissions of guilt and paid fines. It is generally accepted that students who had been arrested and fined started a fire at Alan Taylor House of the Medical School early the next morning out of resentment. The damage done there amounted to Rl 500.

17.2.2 On Monday, 19 July, a group of students from the Zulu Training College, Amanzimtoti, returned by train to their institution after holidaying in Soweto. On the train, they laid plans to burn down their college buildings and to set fire to the train at Pietermaritzburg. The second plan was not carried out, but the first was. When a lecture hall and other buildings caught fire, policemen tried to put out the flames. Some students became aggressive and threw stones at them.

17.2.3 The placards used by the students during their demonstration did not differ much from those found elsewhere. They contained accusations, insults, abusive language and calls for revenge.

17.2.4 Students did not confine themselves to their own rioting but also tried to persuade and influence schoolchildren to start rioting. The students who took part in such incitement were usually SASO members. This matter is discussed again at a later stage.

17.3 Scholars' activities.

17.3.1 In view of the fact that only pupils from schools in the area took part in the rioting, it cannot be said that all youths were rebellious. To this must be added the finding, which is supported by the evidence, that scholars mostly acted on incitement by strangers.

17.3.2 There were two cases of excessive drinking of liquor by scholars who were responsible for rioting. On 30 July, policemen who were on guard duty at the Umlazi Trade School were pelted with stones by scholars who had had too much to drink. A twenty-year-old scholar was detained in connection with arson at the Isibonelo High School on 15 September. He was under the influence of liquor at the time of this incident. It should be mentioned here that there was no evidence to show that the abuse of liquor had been an important factor in any other incidents of rioting.

17.3.3 Scholars also used placards. At one school, there were the usual references to Soweto and White people, as well as to resistance to the system of education, the colour bar, the lack of equality, and the detention of Black leaders.

17.4 The actions of strangers.

17.4.1 Some of the schools had pupils who lived in Soweto or came from other parts of the Witwatersrand or the Transvaal. According to witnesses, they were leaders and inciters in rioting by scholars. There were about 100 pupils at the Ohlange High School who came from the Transvaal. It was three of them who incited the others to take part in the protest march. At the Montebello Roman Catholic School, two schoolgirls who came from elsewhere tried to persuade their
fellow scholars to abandon their studies and to start fires. There was similar
evidence about other schools in this area.

17.4.2 SASO members, all students, are also regarded as strangers who were
active among Black pupils and persuaded them to take part in the riots. In some
cases, they invited scholars to attend meetings held by students. In particular, they
urged scholars to show solidarity with Soweto.
17.4.3 Strangers did not confine themselves to incitement but sometimes rioted
themselves. On 26 July, five unknown men entered class-rooms at the Isibonelo
High School and threw school-books out of the windows.
17.5 Causes of the riots.
17.5.1 The main reason for the riots was the incitement to show solidarity with the
people of Soweto. This solidarity was often referred to in demonstrators’ placards
and pamphlets. Scholars were particularly receptive to the appeal to show
sympathy with the pupils of Soweto. This situation was exploited by agitators.
17.5.2 In the same category was the refusal to write examinations when scholars
in other parts of the country were prevented from doing so by special
circumstances. On 20 September, the typewriters at the Umlazi Trade School
were destroyed by fire so that the pupils at that school could not sit for
examinations.
17.5.3 There was only one school in this area at which local grieva
nces were a
 contributory factor in the riots. At the Montebello Roman Catholic School, the
following grievances were exploited by inciters: The quality of the food was poor;
the dormitories were dirty; personal letters were opened by the sisters; and some
of the children had been ordered to go barefoot.
17.6 Reasons for less violence.
17.6.1 As there had been comparatively little rioting in this area, the Commission
asked several witnesses what this was attributable to. The following is a summary,
first of the general and then of the local reasons that were furnished.

17.6.2 The Black population is largely homogeneous, consisting of Zulus (80%),
Xhosas (15%) and other ethnic groups (5%). The Zulu people are conservative,
cling to their traditions, and discipline their children.
Relations are good between the Zulus and Government officials.
The influence of aid centres.
The influence of the Urban Bantu Council.
Discussions between school principals, teachers and parents, arranged by
kwaZulu officers.
The scheme for leisure activities.
17.6.3 Local reasons were as follows: Teachers negotiated with scholars.
Two detainees were released upon apologising.
The police guarded schools in the area, were on the scenes of arson, and were
prepared to address and negotiate with scholars.
CHAPTER 18 : THE UNIVERSITY OF DURBAN-WESTVILLE.
18.1 Riots at the University. 18.1.1 When the first riots started in Soweto, the
students were writing examinations, and the holidays began immediately after
that. This is probably the reason why the rioting did not start then already. Inflammatory pamphlets did make their appearance on the campus shortly after the 16th of June, and a small group of political activists had already been active before the unrest started at the University.

18.1.2 On Monday, 9 August, the first disturbances occurred on the campus. There were various incidents on six days, the last of which occurred on Tuesday, 17 August. The disturbances consisted mainly in the boycotting of lectures, the holding of meetings in the cafeteria, and almost immediately afterwards, demonstrations and marches on the campus. The marchers continually sang, waved placards and gave the Black Power salute.

18.1.3 There was no violence, except after the detention of student leaders who had spoken at meetings, and even then there was so little violence that the damage came to only R32 and no one was injured.

18.2 The meetings and the speakers.

18.2.1 At one of the earliest of eight meetings the students decided to stay away from lectures indefinitely. They also undertook to collect funds for the victims of the riots.

18.2.2 Three or four students addressed several meetings. There was a marked shift of emphasis in the speeches from an originally passive expression of sympathy with the victims of the riots to an emotional incitement that could have resulted in militant action. Finally, there were appeals to fight for their brothers in Soweto and to act in such a way as to make the people of Soweto aware of the feeling of solidarity.

18.2.3 Three of the leaders were detained, and at the next meeting a pamphlet demanding their release was distributed among students. This action on the part of the authorities gave rise to the only incidents of violence. During the march, a window was broken and a motor car was slightly damaged.

18.2.4 Shortly after the detention of the leaders, four White students from the University of Natal (Durban) came to address the Indian students and to promise them moral support. Three adults, Dr M. Naicker, Mr J. Nohl and Mr Gavin Reddy, all three of whom were politically oriented, also addressed several meetings. Mr Reddy, a research officer of the SAIRR, was said in the evidence to have made a virulent attack on Government policy on one occasion when he is alleged to have said, among other things, that demonstrations were being held against everything that was White. Speakers also said at meetings that Black scholars could not be held responsible for the arson, which was the order of the day, and that students should see the example set by Soweto as worthy of emulation.

18.3 Pamphlets and placards.

18.3.1 The pamphlets distributed among the students before the outbreak of the riots and after the detention of the student leaders have already been mentioned. Like the speeches, these pamphlets were aimed at creating a feeling of solidarity among the students. Other pamphlets are referred to in paragraph 18.5.1.
18.3.2 The placards, which the students brandished in their demonstrations, contained the same message. The following examples speak for themselves: "The people need you. Identify with Soweto"; "Remember Soweto is sorrow"; "Soweto needs you"; and "Yesterday Sharpeville. Today Soweto. Tomorrow?"

18.4 Reasons for the riots.
18.4.1 The main cause of the unrest on the campus was the desire to show solidarity with Soweto and with everything the name stands for. This desire, which was fanned by writings, personal contact and addresses, was more than a mere expression of sympathy with the people of Soweto in their suffering. It was also a desire to establish a community of feelings, interests, objectives, responsibilities and actions. The Indian students took the first steps to show a readiness to identify themselves with the actions of militant Black people, regardless of differences in cultural norms and values, because they themselves were experiencing the same lack of political rights.
18.4.2 These students had no perceptible local grievances that could be exploited by agitators. What was of a local nature were the feelings that were engendered by the detention of their leaders, which gave rise to the only violence during the unrest.

18.5 Reasons for the absence of violence. 18.5.1 The fact that the unrest on the campus did not become more intense must be ascribed among other things to the steps taken by the Rector and by the university authorities. Pamphlets and notices were circulated among the students reprimanding them for their conduct and clearly stating that the Senate had decided to take strict disciplinary steps against offenders.
18.5.2 At meetings, it was fellow-students, in particular, who made urgent appeals to the rioters not to resort to violence on the campus and to conduct themselves in an orderly manner. These appeals also had the effect of restraining the demonstrators from unruliness and destructiveness.
18.5.3 Although the detention of the student leaders led to a small measure of violence, it also meant that the inciters had been removed and, because there was no one to take their places, the unrest abated.
18.5.4 The police did not interfere at any stage of the rioting and cause confrontation. They discussed solutions to the problems with the university authorities.

CHAPTER 19 : THE REST OF KWAZULU.
19.1 The course of the riots.
19.1.1 The riots at the University of Zululand have been dealt with in Chapter 16, and all the other incidents of rioting in kwazulu will be discussed in this chapter. The first of these incidents occurred at a training college in Eshowe on 19 June, and the last one at a primary school in Mapumula on 2 October. In most cases, the rioting assumed the form of arson. There were only isolated incidents of stone-throwing and boycotting of classes.
19.1.2 There were riots at two Black training colleges and fifteen Black schools, but one college and three schools each had two spells. At no other institution, building or place were there any disturbances. No damage was done in three of the 21 cases, and at some institutions the damage ran into large sums. No deaths resulted from the rioting in this area.

19.2 Participants in the riots.
19.2.1 Only Black persons, none of them adults, took part in the rioting. At two training colleges, Appelbosch and Eshowe, the action came from students; fires were started at both these institutions. For the rest, the participants were all Black pupils. A striking feature was that it was scholars from Soweto and the Wiwatersrand who mainly ran amok. They were responsible for fires at more than one school, and they were to blame for the boycotting of classes at another school. All of these incidents occurred after the winter holidays.

19.3 Causes of the riots.
19.3.1 At six schools and one training college no cause of or reason for the rioting could be found. The actions of the unruly ones can therefore only be attributed to the prevailing unrest and discontent that had been fermented in so many places.
19.3.2 At a few institutions, it appeared that the desire to show solidarity with Soweto and its people had given rise to the rioting.
19.3.3 At one training college and five schools local grievances were given as the reasons for the disturbances. Certain students at the college had started a fire because they had a personal grudge against the principal. One group of pupils was dissatisfied about the collection of funds for repairs to a class-room. A fire was started at a school after the principal had announced that classes were to begin earlier to overhaul a backlog of work. A pupil set fire to a typewriter and a duplicating machine so that the examinations could not be conducted. It was suspected that someone set fire to one of the schools so that his theft of school funds would not be detected. Finally, pupils planned a fire to mislead their parents about the reason for their expulsion from school.

CHAPTER 20 : THE REST OF NATAL.
20.1 The course of the riots.
20.1.1 All the cases of rioting that occurred in Natal and that were not dealt with in the preceding four chapters will be discussed in this chapter. Incidents that occurred between 6 July and 28 November are included. Seven schools and a technical college were involved in these riots; on three occasions, the rioting occurred in residential areas. Arson was again the main form of protest. It is necessary to deal at length with the riots at one school and with incidents at a Black hostel.
20.1.2 On 19 July, a group of Black pupils at the Vryheid High School decided to burn down the school library. One of the pupils explained to the others how to make a petrol bomb with the aid of a tennis ball. They wrote the words "Black Power" on a wall of the room in which they were working. Six days later, pupils ran amok in the dining-hall of the hostel, shouting "Black Power". Stones were also hurled onto the roof of the building. An attempt to set fire to the library with a tennis ball bomb proved abortive. The fire was then started by pouring fuel on
the books. The damage exceeded R6 000. On 30 July, pupils decided to do further damage, which they did by smashing window-panes after a film show. The following evening, the dining-hall was again the target, and 25 panes were smashed. On 6 August, they tried to burn down the hostel. The damage ran to R400. The last onslaught was made on 14 August, when the pupils set fire to mattresses and built-in cupboards.

20.1.3 At the end of October, the power supply to the hostel for single Black men in Sibongile, Dundee, broke down for 30 hours. About 200 men rushed at an official of the BAAB who went into the area at about 20h00. He fled, whereupon the rioters looted the administrative offices and the beer-hall. The police intervened. They fired at and fatally wounded one of the looters, who was making off with a cash register. During the disturbances, a Black youth fell onto an anchor; he died of his injuries. These two deaths were the only ones that occurred as a result of the riots in Natal.

20.2 Participants in the riots.
20.2.1 Black scholars were mainly responsible for the riots in this area. Some of them were at school there but came from Soweto and elsewhere. They influenced local pupils to take part in the riots. At one school, more than half of the pupils came from Soweto; the pupils demonstrated their solidarity with Soweto by rioting. There were also cases where boys forced girls to take part in the rioting. In the case of one Government school, at which rioting also broke out, 250 of the 293 pupils came from Soweto, Cape Town and the Ciskei. Most of the pupils at the Vryheid High School, where there was so much unruliness, came from Soweto, Springs, Brakpan, Heidelberg and Mamelodi. Evidence was given to the effect that one of these pupils had shortly before incited youths on the Germiston railway station to shout "Black Power" and to give the salute.

20.2.2 It is not known whether the Coloured scholars of the Raisethope Primary School were responsible for the fire at their school.

20.3 Causes of the riots.
20.3.1 In eight incidents, it was not possible to tell from the evidence what the causes of or reasons for the disturbances had been. There were indications in at least four incidents that there had been a desire to show solidarity with Soweto.

20.3.2 The following local causes or grievances were noted: Discord between prefects and pupils; the expulsion of eight scholars for misconduct; a difference between pupils and a school principal about transport to a sports meeting; and the above-mentioned breakdown in the power supply.

CHAPTER 21 : NORTHERN ORANGE FREE STATE.

21.1 General.

21.1.1 Over a period of almost five months, riots occurred in six towns in this region. The 16 incidents occurred on nine different days. Because there is no material connection between these incidents of rioting, the Commission decided to deal separately with those that occurred in each town, together with the evidence concerning the extent and causes of each case.
21.1.2 In chronological order, the rioting took place in Bethlehem, Bothaville, Parys, Welkom, Kroonstad and Vredefort.
21.2 Bethlehem.
21.2.1 During the night of 21 to 22 June, when rioting erupted throughout the country, the words "Black Power" were written on blackboards at the Tiisetsang High School. On the outer walls of the school building, the words "Khetsi jou hond" were painted in two places. This insulting remark referred to the Principal of the school. There was no further unrest at this school until a store-room was set on fire on 29 November; the damage came to R200. It appears that scholars were responsible for these inciting and destructive deeds.
21.3 Bothaville.
21.3.1 In the evening of Saturday, 3 July, a film show was held for some 300 Blacks in a school hall in the Black residential area of Bothaville. Two police reservists ascertained that the required entertainment tax had not been paid. It subsequently appeared, too, that permission had not been obtained for the use of the school hall. One of the reservists got in touch by telephone with the chief director of the BAAB concerned about the possibility of stopping the show. The director said that his Department would not do it in the prevailing circumstances but that he could not raise any objections if the police wished to act. He referred the reservist to a provincial inspector. The inspector accompanied the reservists to the school hall and stopped the film show shortly before its end. The persons attending the show were not refunded their money, which was confiscated by the inspector. The audience, consisting mainly of adults, became truculent. They walked to the BAAB offices and set fire to them as well as to a beer-hall. The damage amounted to about R35 000. The police fired some warning shots and arrested a group of rioters, who were subsequently charged. According to the available information, no charge was laid against the organisers of the film show.
21.3.2 The Commission did not hear what explanation was given by the inspector and the reservists. On the available information, it was an illadvised act to stop the film show shortly before its end, especially since feelings were running high among the Black community as a result of the riots. The Commission's finding is that the stopping of the film show shortly before its end was the direct cause of the rioting; the circumstances prevailing in the country undoubtedly had an effect on the extent and intensity of the rioting.
21.3.3 On 8 August, the front doors of the D.R. Church building and of the Methodist Church were slightly damaged by fire. The following night an attempt was made to set fire to school desks in a primary school for Black children. It was subsequently established that these fires had been started out of sympathy with the people of Soweto.
21.4 Parys.
21.4.1 On 20 July, a fire was started in a class-room at a school for Black pupils. This fire was caused by scholars. Black inhabitants extinguished the flames themselves and pointed out three possible arsonists to the police.
21.5 Welkom.
21.5.1 During the night of 9 to 10 August, a cupboard containing textbooks was set on fire at the Hloholoelo community School, and R400 damage was caused. No further relevant details were submitted to the Commission in connection with this matter.

21.6 Kroonstad.

21.6.1 About 80 pupils from the Bodibeng Secondary School congregated at the school on 24 August. They gave the Black Power salute, shouted "Power Amandla" and pelted a bus with stones. Three days later, pupils from the same school threw stones at a beer depot, the school board office, a bus and a motor car.

21.6.2 A woman teacher from this school appeared before the Supreme Court on a charge of having incited pupils to riot. The Court found that most of the 12 pupils who gave evidence for the State had departed from the statements which they had originally made to the police. The testimony given by all of them was found to be unreliable, with the result that the State was unable to prove the accused's guilt beyond all reasonable doubt. She was discharged (S v Morailane, OPD 222/76).

21.7 Vredefort.

21.7.1 On 5 November, a Black man incited the Black inhabitants to public violence. The local school for Black pupils was set on fire the following day. Two Black men were subsequently convicted of sabotage by the Circuit Court at Parys and sentenced to five years' imprisonment each (S v Motsoane and Mogorosi, OPD 33/77).

CHAPTER 22 CENTRAL ORANGE FREE STATE, SOUTHERN ORANGE FREE STATE AND THABA NCHU.

22.1 General.

22.1.1 This chapter deals with three different areas. In the first one, the Central Orange Free State, there was no rioting. In the Southern Orange Free State, all the incidents occurred in Bloemfontein. The other incidents of rioting occurred in Thaba Nchu, which was then part of the homeland and is now part of the Republic of Bophuthatswana. Before proceeding to report on the riots in these two areas separately, the Commission must point out the following.

22.1.2 No person was seriously injured or killed in the riots or as a result of the combating of the riots in these two areas. Throughout, the rioting was of a low intensity. Reasons put forward for this were that the police were prepared for rioting, that there were good relations with the Governments of the various population groups, and that the Black leaders dissociated themselves from violence. Moreover, on the whole relations between employers and employees were good.

22.1.3 Admittedly, pamphlets were distributed which, judging by their contents, had emanated from the SSRC, but there was no evidence that any organisation was involved in the rioting. The Black Power salute was frequently given by rioters, and the reason sometimes professed for some of the acts of rioting was that there was a desire to demonstrate solidarity or sympathy with Soweto and its people.
22.1.4 In both areas, the rioting started more than a month after rioting had erupted in Soweto. The rioting also coincided with the return of scholars after the winter holidays in their home towns. As was the case in other parts of the country, returning scholars, who had heard and read about the riots during their holidays and who might have seen rioting themselves, were often responsible for the disturbances at their own institutions.

22.2 Bloemfontein.
22.2.1 The disturbances in Bloemfontein started with incidents at the Marang Higher Primary School on 20 July. Pupils were dissatisfied with their examination results in those subjects that were taught through the medium of Afrikaans. A group of scholars decided at a meeting to burn down the school. When they were not satisfied with the Principal’s explanation the following day, they reaffirmed their resolve. During the next week, two fires broke out at the school. It is not clear whether the reasons for the two decisions to resort to arson were the same as the reasons for setting fire to the school. Several court cases followed these events.

22.2.2 On 20 August, trouble started at the Ihobe Higher Primary School. Scholars set fire to class-rooms; they were dissatisfied because there were pupils in primary and secondary classes at the same school. (The presence of such pupils in one school had no doubt resulted from the acceptance of the twelve-year structure for schools of the Department of Education). Five pupils were detained in connection with the fire. Other pupils left their classrooms and smashed the window-panes in the school building with stones. A policeman was slightly injured. Court cases also followed these two incidents.

22.2.3 On 23 August, five youths, two of whom were still at school, pelted a school building with stones; the police were also pelted with stones when they arrived on the scene. The last incident of rioting in Bloemfontein occurred three days later, when eight pupils set fire to equipment at their school. Court cases were a sequel to both the incidents described in this paragraph.

22.2.4 The participants.
Almost all the participants in the riots in Bloemfontein were scholars. According to the evidence, students hardly had any part in the rioting. As mentioned later, five youths, who were neither scholars nor students, were convicted of offences in connection with the rioting. Two of them had attended the meetings at the Marang Higher Primary School. One was in permanent employment, but the other was unemployed. Three youths were convicted of public violence in connection with the last incident but one in Bloemfontein. There was no evidence that any teachers or other adults had resorted to rioting.

22.2.5 Anti-riot measures.
The police acted in or investigated almost all the incidents. As a result, a large number of scholars and youths were tried in six criminal cases. Two youths, who were no longer at school, were found guilty of incitement and three of public violence. Three scholars were found guilty of sabotage, four of conspiracy to commit arson, five of arson, five of public violence, and one of malicious injury to property. Elsewhere in this chapter, reference is made to the general steps taken
by the police, teachers and leaders to calm down the rioters and to combat the rioting.

22.2.6 Causes.
In the cases where there was evidence concerning the causes of the rioting, such causes have already been mentioned. The question of the use of Afrikaans as a medium of instruction is somewhat obscure since the Minister and the Department had already clearly formulated the policy at that stage. Although the following factors did not appear to be a direct cause of the riots anywhere, witnesses said that general dissatisfaction about matters such as inadequate housing, discrimination, influx control, the actions of the BAAB and the impotence of the Bantu Councils, salaries, job reservation and the policy concerning the medium of instruction, did influence the rioters.

22.3 Thaba Nchu.
22.3.1 Rioting broke out in Thaba Nchu on 21 July and continued until 16 September. This rioting consisted mainly in riotous acts committed by students from the Strydom Training College and by scholars from the Moroka High School. First, a pupil tried to set fire to the workshops at the school by drilling a hole in a gas cylinder and setting it alight. Four days later, students started fires in a store-room and a lecture hall at their College. A scholar and a student were subsequently convicted of sabotage in criminal courts.

22.3.2 A few weeks after the first incidents, the scholars stayed away from classes and congregated on the soccer field of the school. They jeered at their teachers and set out on a march to the College. According to some of their placards, the object of the march was to demand the release of detainees. The police used dogs, among other things, to disperse the demonstrators. Stones were hurled at the police. The driver of a motor vehicle, three policemen and a number of scholars were slightly injured. A class-room was also set on fire. Three scholars who were convicted in connection with the gathering received suspended sentences.

22.3.3 At the end of August, pamphlets were distributed among the scholars. These pamphlets contained an intimidatory warning, apparently on the authority of the SSRC, not to write examinations. As the pupils had been addressed by the circuit inspector shortly before, who had asked them to continue with their examinations, these pamphlets had no effect to speak of.

22.3.4 On 12 August, a fire broke out at the College. The fire was put out by the police, who received no help from the students. They remained in their rooms. Damage running to some R150 000 was caused. The rioting in Thaba Nchu came to an end with a fire that was started in the store-room of the Goronyane Secondary School. The fire was apparently intended to frighten the teachers. This incident occurred during the night of 15 to 16 September.

22.3.5 The participants.
Students were responsible for the disturbances at the Strydom Training College, and scholars for those at the two schools. There is no definite evidence of participation by other youths, adults or outsiders.

22.3.6 Anti-riot measures.
In the foregoing discussion, mention was made of the steps taken by the police in regard to the dispersal of demonstrators, the quieting down of crowds, the extinction of fires, and the arresting of offenders. According to witnesses, there was a good relationship between the community and the SAP. The fact that the rioting never became violent was due in part to talks held with community leaders, action on the part of teachers, who discussed grievances with the pupils, and other education officials who helped to explain matters and to calm down feelings.

22.3.7 Causes.
The events in Soweto indubitably had an important effect on the students and scholars. These events gave rise not only to the demonstration of sympathy, but also to the imitation of examples; some scholars found it difficult to give reasons for their actions. Local grievances were put forward as an excuse to a lesser extent.

CHAPTER 23 QWAQWA.

23.1 The riots.
23.1.1 The riots that occurred in Qwaqwa before 16 June were triggered by local issues and, with a single exception, do not show any material connection with the later events examined here. On 18 June, the students at the Tshiya Training College decided to burn down the college buildings. Some witnesses referred to this institution as a training school and to the young people undergoing training there as scholars. Two days after taking their decision, on Sunday, 20 June, the students set fire to the laboratory. The damage was slight, but 13 students were arrested. This was the start of the rioting in Qwaqwa, which went on until 28 October.

23.1.2 During the four and a half months, there were 20 incidents of rioting. Twelve of these were fires that were started at schools and at the college. There were four incidents of stone-throwing and two of intimidation. On one occasion people were assaulted and one person was raped.

23.1.3 All the incidents of rioting brought to the Commission's notice occurred at schools. Two scholars were convicted in the criminal courts in connection with fires that were started at the Itemoheleeng School on two different dates. In one case the offence was arson and in the other sabotage.

23.1.4 There were two cases at two different schools where the schoolboys intimidated the schoolgirls into collaborating in the rioting. Eight pupils at the Makabelane High School were expelled on 20 October for their part in violence that had occurred at the school on 1 March. When the schoolgirls would not support the boys in a demonstration against this expulsion, the boys attacked them with stones. On 28 October, the schoolgirls at the Manthatisi Secondary School refused to go along with the boys in their boycott of examinations. The boys thereupon threw stones at the hostel. They assaulted the girls, one of whom was raped.

23.1.5 These were the last incidents of rioting in Qwaqwa. The damage done to property in the homeland was estimated at R27 205. The attacks by the rioters
were concentrated mainly on education buildings; a Black teacher's motor car and a Government vehicle were also damaged by fire.

23.2 The participants.

23.2.1 General.
The participants in the disturbances in Qwaqwa were mainly Black students and scholars. There is no evidence of any adults' having taken part in the rioting; there were no strikes in the homeland either.

23.2.2 Students.
Students were responsible for the first incident of rioting, the fire at the Tshiya Training College. There is no evidence of their having been involved in any other riots.

23.2.3 Scholars.
Scholars took part in all the other riots and acts of violence in the homeland. It is striking that most of the rioting occurred at schools where the majority of pupils came from the urban areas. There was hardly any rioting at the schools that had only local pupils. The scholars clashed with, the police on only a few occasions; there were no serious confrontations. on one occasion, the police chased recalcitrant scholars back to their dormitories, and on another occasion students who had pelted police guards with stones were scared off with warning shots.

23.3 Anti-riot measures.

23.3.1 The police.
Because the riots in Qwaqwa were not of a particularly serious nature, action taken by the police was not severe. As far as could be ascertained, firearms were used only in the case dealt with in the preceding paragraph. No-one was killed in the riots or in the course of the action taken to quell them. Some persons were arrested by the police, as appears from the cases S v Moeti and another, Bethlehem RAA 2/8/76, and S v Sejake, OPD 206/76.

23.3.2 Actions of adults.

There were cases in which teachers succeeded in quieting down pupils and helped to put out fires. Persons in authority contributed to the prevention of rioting by taking firm action, e.g. by closing schools before disturbances could erupt. The fact that local adults did not take part in the riots and that the inhabitants remained calm probably contributed towards the fact that there were not more riots and that those that did occur were not so violent.

23.4 Causes.

23.4.1 National policy.
Some witnesses alleged that national policy was the cause of the riots. One witness pointed out that city children were dissatisfied because education policy forced them to study in the homelands. Such children were resentful and also had a sense of involvement and sympathy with the scholars in the city and the problems they encountered there. The Commission considers that scholars who come to the homelands probably also want to do as their friends in the city do; this happened elsewhere, and even where a scholar went from one urban area to another for his education. Some members of the Cabinet believed that certain
general conditions in the country had also influenced the rioters in Qwaqwa; they mentioned factors such as the actions of loafers and agitators, in relation to the attitude of White officialdom, the polarisation between White and Black, discrimination in the economic sphere, and some irritating legal restrictions.

23.4.2 Solidarity.
The students responsible for the first incident of rioting wanted to demonstrate their sympathy with the people of Soweto. This may also have been the reason for other incidents.

23.4.3 Black Consciousness.
Slogans such as "Black is beautiful - White is complimentary" were found on school blackboards. The words "Black Power" were also found in notices to fellow pupils and in threatening letters to school principals. Although this does not indicate that Black Consciousness organisations were directly responsible for the actions of scholars, it does nevertheless show that the scholars had to a certain extent identified themselves with the concepts of Black Power and Black Consciousness.

23.4.4 Local conditions.
Witnesses pointed to certain local conditions as causes of the incidents of rioting. They mentioned dissatisfaction with school and hostel rules, the food and strict discipline. On the other hand, lack of discipline was also mentioned as a cause. In talks with the Chief Minister and his Cabinet, it was stated that the necessary communication between teacher and pupil was not always satisfactory, and that domestic problems were not always resolved promptly. The Commission considers that all these factors combined to put the young people in a frame of mind where they were ready to riot, and that in Qwaqwa there was no particular overriding cause of the unrest.

CHAPTER 24 EASTERN CAPE AND EAST LONDON.

24.1 The riots.
24.1.1 The riots in this area went on from 14 August to 24 September. There were 16 incidents at five different places. The first incident occurred in East London, when the John Bisseker Coloured High School was set on fire. The damage amounted to over R5 000. The last incident also occurred in East London, when youths started a fire at the Zozo Higher Primary school causing some R200 damage.

24.1.2 On 16 August, a fire broke out at the Alice Secondary School for Whites. The Principal's office was damaged. It is not known who was responsible for this arson or with what object it was committed. There were no other riots in which the White population, or a building for their use, was involved. Apart from the activities at the three above-mentioned schools, there were also disturbances and incidents at schools in Duncan Village, a Black residential area near East London, in Ginsberg, a Black residential area at King William's Town, and at a Coloured school in Nuwerus near Queenstown. Only one of the 16 incidents of rioting had no significant connection with a school.

24.1.3 The first incident of rioting that occurred at the Maria Louw Coloured Secondary School was one of stone-throwing; a large number of window-panes
were smashed. There were discrepancies in the evidence concerning the date on which this incident took place, probably because the police and the Departmental representatives were not informed of the incident on the same day. The Commission found that the stone-throwing took place during the night of 25 to 26 August. There was a similar discrepancy concerning the date of an incident of arson that occurred at the Forbes Grant Secondary School in Ginsberg. In this case, the Commission found that the arson was committed on 15 September. The damage amounted to R83 000.

24.1.4 During the disturbances, there were two cases in which pupils sent threatening letters to their principals. At the Nkwenkwezi High School in Ginsberg, a demand was made for the release of fellow scholars who had been detained after a demonstration. The scholars at the Maria Louw Secondary School threatened with a boycott if their examinations were not postponed.

24.2 The participants.

24.2.1 There were riots at two Coloured schools in the area in which pupils participated. This was the case at the Maria Louw Secondary School, in particular, where a riotous group called "The Matriculants" were in action. There was no evidence of Coloured teachers' or parents' having been guilty of riotous conduct.

24.2.2 Black pupils were the main participants in the riots, which were confined mainly to arson and stone-throwing. In the main, their actions were aimed at their own schools. The single exception was an incident of stonethrowing at a bus. According to a witness, the schoolchildren were led and incited by small groups from their own ranks. There was one case in which the scholars were joined by adult bystanders. Otherwise, adults had hardly any part in the riots.

24.2.3 Here, too, strangers took part in the incitement. Several motor vehicles from other areas were spotted before or during the disturbances. In the evidence, reference is made to an incident in which the pupils at a school began to riot shortly after a student who was a stranger had addressed them on the school grounds. The evidence concerning the participation of tsotsis in the disturbances is so divergent and also so trifling that the Commission will not make any finding in that regard.

24.3 Anti-riot measures.

24.3.1 No-one died in the riots or as a result of the measures taken to combat them. The part played by the police was confined mainly to the arrest, of suspects, except in the case of one demonstration when they were called in, to assist in restoring order. Two court cases followed the arrests. In the stonethrowing attack on the bus, ten Black youths were arrested but were not, eventually prosecuted. A number of pupils were arrested and charged after a fire had been started at the Maria Louw Secondary School. Five of them were, convicted of malicious injury to property and given suspended sentences of six months' imprisonment. After the incident at the Forbes Grant Secondary School in Ginsberg, a group of pupils were charged in the criminal case S v Mbekwa and others, ECD 9/77. As regards the anti-riot measures that were taken, mention
should be made of the fact that school principals acted quickly and decisively and that parents co-operated in some cases with good results.

24.4 Causes.

24.4.1 The system of government.
There was dissatisfaction with the present system of government among the scholars in this area. That they intended this to be known as one of the reasons for their riotous behaviour is apparent from placards that were carried during a procession and from pamphlets found after a fire at a school. From the evidence, the Commission cannot say that this feeling was general among the scholars, nor what amount of incitement could have engendered this feeling.

24.4.2 Solidarity.
The scholars sympathised with the people and particularly with the victims of Soweto, and wanted to show their solidarity with them. Once again, this emerges from placards; but there was also direct evidence in regard to the first incident. The Commission was not able to establish on what reports and rumours about Soweto they had based their views on the situation and events. There. This observation applies to almost every case in the country where a desire to demonstrate solidarity was present. There were few riots where this matter was not mentioned.

24.4.3 Detentions.
As in other areas, scholars from this area gave expression to their dissatisfaction about the arrest of fellow pupils and the detention of leaders. At one school, there was stone-throwing that was linked to the detention of a Coloured church leader, and at a later stage there was a demonstration that resulted in part from the arrest in Cape Town of a brother of one of the ringleaders at the school. At another school, a threatening letter was sent to the Principal in which the arrest of fellow scholars was one of the things about which dissatisfaction was expressed.

24.4.4 Organisations.
The evidence regarding organisations that were active in the riots came mainly from anonymous letters sent to the police and from vague statements about inciters who were allegedly connected with banned and other organisations. Not much importance can be attached to this.

24.4.5 Examinations.
The writing of examinations definitely affected the riots here but not in the same way as elsewhere; the disturbances were not aimed at pupils who presented themselves for the examinations. At the Maria Louw Secondary School, the pupils twice asked for the examinations not to be held. These requests were turned down by the authorities. An attempt was thereupon made to burn down the document room in which the examination papers were kept, and when this failed, an attempt was made to ruin the papers by spraying water into the room through the windows with a fire-hose. This attempt did not result in the examinations being called off either. A number of class-rooms were thereupon burned down. The pupils had to write their examinations in any case, and parents and members of the school board personally helped to guard the buildings.

24.4.6 Local grievances.
The matter dealt with in the preceding paragraph could really be called a local grievance. Other local grievances related mainly to the conduct of teachers. It was said that they were incompetent, that they took liquor to excess, and that they punished pupils unnecessarily and in unlawful ways. The use of Afrikaans as a medium of instruction was not a serious factor here; in fact, it was so negligible that it could almost be regarded as a local matter. So far as the riots were concerned, there was only one case where it was raised; this was when pupils in Duncan Village asked that the subject Agriculture be taught through the medium of English and not of Afrikaans.

CHAPTER 25 THE CISKEI.

25.1 Incidents of rioting.
25.1.1 During an investigation into unlawful acts in the Ciskei, a member of the Security Police learned early in 1976 from a member of the PAC that he, and probably his organisation as well, were expecting riots and revolution in June. Although the rioting in Soweto broke out in the middle of that month, there were no disturbances in the Ciskei until the middle of July. From the 15th of that month, there were incidents of rioting that lasted for a few days at the University of Fort Hare and at Lovedale Training College. The unrest spread and the last incident took place four months later on 15 November.
25.1.2 During these four months, there were 81 incidents of rioting; 44 of these were cases of arson and 22 of stone-throwing. Each of the other offences associated with rioting occurred once or twice only. Although the fire damage was considerable in some cases, the disturbances in the Ciskei were not very extensive. Most of the incidents, namely 37, occurred in Mdantsane. The University of Fort Hare was second on the list with 11 incidents, and Zwelitsha was third with eight. The other 25 incidents occurred in 13 different and widely separated towns.
25.1.3 The rioters directed their attacks mainly at educational institutions such as Black schools, the buildings of the University and the three training colleges, as well as the offices of the Department of Bantu Education. Several houses and a shop were also damaged. As in other parts of the country, the arsonists used petrol bombs, and the stone and the kerrie were the main weapons. No-one died in the riots.

25.2 The participants.
25.2.1 General.
It was a feature of the riots in this area that only Blacks took part in them.
25.2.2 Scholars.
Scholars were the main rioters in the Ciskei. Pupils at secondary and primary schools were responsible for 26 incidents at their schools. According to witnesses, they were usually recalcitrant and insolent, and they always seemed to be seeking confrontation with the authorities. They organised the demonstrations and were guilty of general violence and incitement. They boycotted classes and disrupted examinations. Their organised actions came to an end with the arrest of the ringleaders in October.
25.2.3 Students and other youths.
Black students were responsible for the riots at their own institution, a subject that
will be discussed later, and also played a prominent part in the rioting that
occurred in other parts of the Ciskei. They incited and intimidated scholars and
others and personally took part in acts of violence. Other Black youths were
spotted at scenes of violence, but it was not possible to establish the exact part
that they, and especially the tsotsis, played in the riots. One witness blamed most
of the violence on the tsotsis, while another said that they had not come to the fore
in the rioting until after the organised action by pupils had ended; a third witness
said that they had taken no part whatsoever in the riots and had deplored the
actions of the youths. A group of young people who called themselves the
"Leopards" disrupted school attendance and examinations by intimidating parents
and schoolchildren. Apparently the Leopards' actions were not politically inspired
or motivated.

25.2.4 Adults.
Although a number of adult Blacks were arrested in connection with the riots, it
does seem that, in general, they played a very limited part. There were incidents
of stone-throwing in which they participated, and they were also guilty of
incitement.* In the criminal case S v Potwana and 25 others, East London, RC
618/76, the scholars alleged that they had been intimidated by unknown Black
men into demonstrating. It should be mentioned here that there

were also adults among the large numbers of strangers who were spotted in the
area and who were active in the riots.

25.2.5 Agitators.
There is no doubt that agitators were active in the Ciskei. Some of them had,
come from elsewhere and were described as strangers. There were agitators and
inciters among the inhabitants themselves who stirred up trouble and spread false
rumours among the youth to foment dissatisfaction. Some of them belonged to
known militant-organisations.

25.3 Causes.
25.3.1 From the available evidence, it was impossible to point to a particular
factor as having been the only or the main cause of the riots. The Chief Minister
of the homeland, Chief Lennox Sebe, expressed the opinion that the reasons for
the dissatisfaction that gave rise to the riots were not to be sought in the actions of
agitators, because they had merely exploited the conditions; the existence of these
conditions was to be ascribed to the lack of capital to develop the homeland and
provide employment for all its people.

25.3.2 Organisations.
Although the Commission realises that the causes of dissatisfaction are of major
importance, it nevertheless considers that the actions and objectives of the
organisations should not be underestimated. The presence of agitators has already
been mentioned, and they had their ties with organisations that were stirring up
unrest throughout the country. Witnesses alleged that virtually all the persons
arrested in the Ciskei in connection with the riots were active supporters of or at
least sympathised with organisations such as SASM, SASO and BPC. The fact
that here, too, Black Power was frequently an instrument of the rioters serves to show beyond doubt that there was also a link between them and the so-called Black Power organisations. In this connection, the Chief Minister pointed out that his Government did not have sufficient funds to fight organisations such as SASO or to offer the inhabitants better conditions than the prospects held out by SASO. The following are a number of matters that may be regarded as contributory factors in or causes of the riots in the Ciskei.

25.3.3 Incitement and intimidation. These two factors have already been mentioned in the foregoing discussion. The Commission would, however, like to add the following. Scholars often put forward intimidation by older persons as the reason for their resorting to rioting and violence. This was definitely the reason why many of them stayed away from school.

25.3.4 Solidarity. As in other parts of the country, solidarity with the victims of Soweto, and hence also with rioters elsewhere, was a reason for demonstrations and riots. To students and scholars, solidarity was a major driving force in the riots; this idea was charged with emotion and often made them unbalanced.

25.3.5 Detentions. The detention of fellow pupils also moved scholars and youths to emotional and riotous behaviour. Witnesses were convinced that the death in detention of a particular person had been the cause of stone-throwing at two schools.

25.3.6 Educational matters. Bantu education was unacceptable to younger teachers and to many scholars. The conviction that this form of education was intended to turn Blacks into good slaves of the Whites was found fairly generally; persons who held this view could not always base it on facts. Opposition to Afrikaans as a subject or as the medium of instruction was apparently not a cause of the rioting in this area.

25.3.7 Influx control. This control created numerous practical problems for citizens of the Ciskei in urban areas and in the homeland. The Chief Minister feels that it does not afford the Black man any real protection and that its object, namely to prevent an influx of unemployed into the cities, can be achieved in other less irritating ways. This was one of the matters that gave rise to dissatisfaction.

25.3.8 Local grievances. There were also local grievances in the Ciskei that sometimes gave rise to riotous conduct. In one case, scholars wanted to air their grievances, but it was difficult to establish what was really worrying them. Another group was dissatisfied because rugby jerseys had not been bought with the funds that had been voted for the purpose. At one school, it was alleged that they had paid, for the hire of a bus to a sports function in East London but that they had not been taken there. At a training college the reason for the disturbances, on one occasion was that a lecturer had given one of the students a hiding.

25.4 Anti-riot measures.
25.4.1 One of the reasons why there was not excessive violence in the Ciskei was that the police were particularly helpful. At no stage did they resort to the use of firearms, and according to witnesses they acted with self-restraint. The protection given by the police to scholars who wished to do their examinations also had a calming effect on the young people. The arrest of certain ringleaders obviated rioting and violence.

25.4.2 Furthermore, the police received whole-hearted co-operation from the councillors of Mdantsane. They joined home guards in patrolling their own wards and assisted in the maintenance of order. The Ciskei Department of Education also acted firmly. It called the scholars to order, inter alia by closing the high schools.

25.4.3 Finally, the fact that few adult Blacks joined the rioters or supported them publicly also did much to keep the violence in the Ciskei within bounds.

25.5 The University of Fort Hare.

25.5.1 Prelude.
In May 1972, the students boycotted their lectures and handed a document to the Rector listing all their grievances. The boycott was terminated after negotiations, and a judicial commission of inquiry went into their grievances. These grievances were found to be without foundation, but recommendations for certain improvements were made and apparently implemented. The leaders of the boycott movement were members of SASO.

25.5.2 In July 1973 the students, under leaders who were also members of SASO, took action against one of the residence wardens. They threatened him and ordered him to leave the residence, failing which they would take drastic steps. Eventually, they attacked his house and damaged his furniture. The police were called in. The students persisted in their actions against the residence warden and refused to negotiate with the authorities. A disciplinary committee expelled 150 students. Lectures were again boycotted, and students who attended classes were assaulted. Buildings were damaged, and the police were called in once again. When the authorities ordered students either to attend lectures or to leave the University, about half the students left. This is the history of student disturbances during the few years immediately preceding the rioting in 1976.

25.5.3 Riots during July 1976.
On 15 July, a leaflet was posted on the notice-board at the University telling students to boycott their lectures. The usual idea behind such a boycott is to ensure a large turnout at a mass meeting. The unrest began. Two days later, such a meeting was held with the object of making arrangements for a prayer meeting on the campus and setting up a fund for Soweto victims. Shortly after this meeting, students tried to burn down the post office on the campus. That evening and the next day, several buildings were set on fire, such as the administration block and the Great Hall. Stones were hurled at passing vehicles, the residence and the police. The authorities closed the University, and the students were sent home.

25.5.4 A week later, the University was reopened on condition that no mass meetings would be held; should there be further disturbances, the University
would be closed for the rest of the year. That same evening, inflammatory pamphlets were again posted on the notice-board. Fires broke out on the campus, and the University was closed.

25.5.5 Several organisations and individuals made representations to the authorities for the reopening of the University. Among these organisations were the students' representative council, the Black staff association, and the Faculty of Education. The individuals included members of the Black public, the ministers of various churches, and the parents of Zwelitsha. The University Council decided to readmit the students, and on 4 October the University activities were resumed. There were no further disturbances on the campus.

25.5.6 The damage to University buildings amounted to between R25 000 and R30 000. It is suspected that some students took part in the riots elsewhere, in the Ciskei.

25.5.7 Causes.

It would seem that the old spirit of rebelliousness and the Black students' opposition to the present political system were the causes of the riots on the campus. At no stage did the students put grievances, complaints or requests to the University authorities, who were not afforded an opportunity of making changes and concessions to obviate the riots.

CHAPTER 26 PORT ELIZABETH AND CAPE MIDLANDS.

PORT ELIZABETH.

26.1 Introduction.

26.1.1 The first part of this chapter deals with the riots in Port Elizabeth and the second part with the disturbances in the Cape Midlands Division. According to the latest figures supplied to the Commission, there were over 220 000 Blacks in Port Elizabeth at the time of the riots, some 95% of whom were Xhosas. There were considerably more than 100 000 Coloureds in the city, while the White population stood about midway between that of the other two population groups.

26.1.2 The rioting in Port Elizabeth started almost two months after the outbreak of the riots in Soweto. Witnesses said that the SAP were able to make use of the experience they had gained in other parts of the country in combating the violence in this city. There is no particular reason why the riots did not start sooner in Port Elizabeth, except that there was a measure of planning behind the first disturbances of 7 August.

26.2 The riots.

26.2.1 Before 7 August, tension was building up noticeably among the Blacks in Port Elizabeth. This must be put down to the fact that they were kept informed about the riots in Soweto and in other parts of the country through the press, the radio and television. The possible presence of inciters cannot be ruled out either.

The SAP learned of plans that were afoot to use a boxing tournament, which was due to be held in the Woolfson Stadium on 7 August, as a starting-point for the rioting in Port Elizabeth. Orders were then given for this tournament to be held in the Centenary Hall in New Brighton. On the evening of the tournament,
dissatisfaction arose at the hall for various reasons. Some people who wanted to attend could not find the new venue in time; there were not enough seats, and the usual cheap tickets were not available. Notwithstanding all the precautionary measures that had been taken, rioting erupted. Motor cars, buses, the hall and the police were pelted with stones, and two police vehicles were set on fire. The damage caused during the rioting amounted to R9 000; in addition, four Black men were wounded with birdshot, and nine members of the police force sustained injuries. From there, the rioters went to the New Brighton Higher Primary School, which they set on fire. The arsonists were young men between 21 and 24 years of age. In the case S v Martinis and others, ECD 5/77, seven of them were convicted on two counts each of sabotage and sentenced to terms of imprisonment ranging from five to eight years.

26.2.2 After these first incidents, the rioting erupted. All forms of rioting became an almost daily occurrence in the Black residential areas and later in the Coloured residential areas as well. The intensity of the disorder in the latter area was considerably lower than in the first-mentioned area. On 11 August, scholars who were boycotting their classes and singing songs were dispersed. The next day, they staged a march in which they were joined by others. There was general violence., Twenty-seven cases occurred within the space of eight hours. Bottle stores, BAAB buildings, other shops, a post office, vehicles and the police were attacked in the wide-spread rioting. The police used tear-gas and rifles to quell the rioting. The rioting went on throughout the night, and 20 cases were recorded the following day. The rioting was so severe that the fire brigade could not go into the areas. In combating the rioting, the police shot and killed 26 Blacks; three died of stab wounds. Scores of people were arrested.

26.2.3 When the rioting had abated, a strike was called for 1 September. Despite large-scale intimidation, regular patrolling by the police resulted in work attendance being almost normal.

26.2.4 A visit by four students from the UWC to Dower Training College was followed by disturbances and rumours of proposed arson. Plans were also made for students to accompany high school scholars to the centre of the city, there to go on the rampage. Before these plans could be carried out, the police arrested groups of scholars. Thirty-one pupils were subsequently convicted of contraventions of the Terrorism Act in the case S v Siswane and others, ECD 6/77, and sentenced to five years’ imprisonment. The rioting again became less intense.

26.2.5 The total estimated damage resulting from the riots in Port Elizabeth was RI 423 401. The main damage was done to BAAB property, schools and private business premises. One school building was gutted and eight were partly destroyed by fire; ten were damaged. Two clinics, a post office, two beer-halls and five bottle stores were burned down. Ten shops belonging to Black businessmen were destroyed, and two were damaged and looted. One church was burned down and two were damaged by fire. The Chairman of BAAB subsequently disclosed that, at buildings under repair, villains broke down the
walls that were being built up and carried off building materials during the night; completed buildings were set on fire.

26.3 The participants.

Blacks.
26.3.1 Scholars.
Scholars played an important part in the riots, especially by staging marches and demonstrations that frequently led to violence. At an unlawful gathering, 176 pupils were arrested, while 252 scholars were arrested during a big march.* it was not always possible to distinguish between scholars and youths who had already left school. The same applies to the presence of tsotsis at disturbances. The Commission cannot accept that they were the only ones who took part in looting.

26.3.2 Adults.
Otherwise than in most other places, the first acts of rioting that occurred here were committed by adults and not by scholars. They were the ones to riot at the boxing tournament. They were also involved in stone-throwing, arson and looting. There was evidence that an adult man had on one occasion intimidated workers into striking. On another occasion, a Black man stormed into a class-room and tried to get the pupils to leave by threatening them with a panga. A large number of adults were arrested in connection with incidents of rioting, and 20 were fatally wounded.

Coloureds.
26.3.3 Scholars.
Their part in the rioting was confined almost exclusively to the boycotting of classes and the holding of demonstrations. At one unlawful demonstration, 306 pupils were arrested, and 203 at another. According to the evidence, more than 500 scholars were arrested when rioting took place in connection with the boycotting of classes and refusal to write examinations. Other youths were involved in isolated incidents only.

26.3.4 Students.
At first, students at Dower Training College gathered and demonstrated on their College grounds. Afterwards, when they demonstrated in the streets, they returned to the College on being requested by the police to do so. But sometimes they were also in direct confrontation with the police. A group of them were arrested in front of the Port Elizabeth City Hall for holding an unlawful gathering there. This incident was connected with the planned rioting together with scholars. Twenty-eight students were arrested during the rioting.

26.3.5 Teachers.
There is no evidence that any adult Coloured was involved in the rioting. However, the conduct of the teachers should be noted. Two teachers from the St Thomas High School signed an admission of guilt for having attended an unlawful gathering and paid a fine of R30 each. A third committed suicide while being detained by the Security Police. The Commission did not go into the allegations against him.
26.3.6 Agitators.
There is evidence of members of organisations such as the, BPC and SASO having been particularly active before the riots, but no specific acts were mentioned. It came to the Commission's notice that a number of Coloured leaders made inflammatory speeches, identifying themselves with the riotous behaviour of the scholars. This was done at a political meeting and at a prayer meeting. Although they were detained afterwards, these persons were not charged. The audiences presumably consisted of adults, and there is no evidence of adult Coloureds having rioted. The Commission found that these speeches were inflammatory, but not that they gave rise to rioting.

26.4 Anti-riot measures.
26.4.1 The SAP sometimes acted to prevent rioting. Despite the moving of the boxing tournament to another venue, rioting took place, probably because it had been planned in advance. It is difficult to establish whether the detention of agitators by the police obviated any rioting. The Commission considers that the police did achieve success by arresting scholars who were on the point of demonstrating. Figures of arrests are furnished in the next paragraph. There were cases where rioters complied with the requests by the police to disperse. As in other areas, use was also made of tear-gas and warning shots. But there were also cases where the police deemed it necessary to fire on the rioters. In Inquest No. 338/78, which was held in regard to the 26 persons who died as a result of police action on 18 and 19 August, it was found that the police had acted selectively, in self-defence or to protect community interests, or had acted to arrest looters and persons committing acts of violence. The witnesses who testified before the Commission about the rioting in Port Elizabeth expressed no criticism of the steps taken by the police.

26.4.2 The 2 008 persons arrested in Port Elizabeth may be classified as follows:

- Blacks above the age of 18 years
  - Males 351
  - Females 88.
- Blacks under the age of 18 years
  - Males 758
  - Females 345.
- Coloureds above the age of 18 years
  - Males 187
  - Females 90.
- Coloureds under the age of 18 years
  - Males 83
  - Females 106.

26.4.3 The police shot and killed 26 Blacks and fatally injured another who was run over by a motor vehicle. Six of this number were youths, and one was a child. According to the available evidence, 42 people were injured by the police. Here, as elsewhere in the country, it was impossible to determine the number of people injured in the rioting. No Coloureds died as a result of police action.

26.4.4 In isolated cases, private individuals took action to combat the rioting. When Black youths hurled stones at cinema-goers in New Brighton, members of the public caught two of them and handed them over to the police. On another occasion, Black workers tackled an intimidator and seriously injured him. A night-watchman at a community hall fatally wounded an intruder. There is
evidence that large numbers of Blacks of their own accord protected schools against damage and destruction, in spite of the possibility of retaliatory action.

26.4.5 The police were not responsible for the deaths of the following six persons who died in the riots. Three of them died as a result of stab wounds, one of them was shot dead as stated in the preceding paragraph, one committed suicide, and a small 18-month-old Coloured girl died when the house in which she was asleep was set on fire with petrol bombs.

26.5 Causes.
26.5.1 The immediate cause of the rioting in Port Elizabeth was the dissatisfaction about the changing of the venue of the boxing tournament on 7 August. The possibility that organising from outside also contributed to the eruption cannot be ruled out. There were also instances of agitation and incitement after the first outburst.

26.5.2 As in other areas, the following causes were also present here: The demonstration of solidarity and sympathy with the victims of Soweto; the release of detainees; political indoctrination by persons and organisations such as the BPC and SASO; political grievances and, in particular, irritating legislation.

26.5.3 In Bantu education the question of Afrikaans as a medium of instruction was not an important factor. The following matters did give rise to dissatisfaction: The use of the name "Bantu"; the view that their education was of a lower standard than that of the Whites; the training of teachers, which should not take place in the homelands only; the poor qualifications of teachers; the shortage of schools, prescribed books and stationery; and the fact that children went to school at the age of seven years and not at the age of six years.

CAPE MIDLANDS.

26.6 Introduction.
26.6.1 The rioting in this area occurred at the following five places: Grahamstown, Fort Beaufort, Uitenhage, Alexandria and Port Alfred. In the two last-mentioned places there were two and one incidents, respectively. Rioting occurred sporadically between 17 August and 28 October at these places and, with a few exceptions, was never particularly fierce.

26.7 The riots.
26.7.1 In this area, there were some 30 incidents of rioting. Fourteen of the 17 cases of arson occurred at schools. Two churches were set on fire. In Fort Beaufort, the fire brigade put out a fire at a house in the White residential area; this house was situated in a street leading to Healdtown, a Black residential area. Neither the arsonists nor the reasons for the arson are known. For the rest, the disturbances consisted in staying away from classes, marches and stone-throwing.

26.7.2 In Grahamstown, arrangements were made to stage the play "The Trial" from 24 to 26 June. The Chief Magistrate prohibited the performance. Pamphlets were distributed among the Black community in which threats were made against them if they did not strike on 18 October. Black clergymen were intimidated into announcing the strike from their pulpits during divine services. Inhabitants asked
the police for protection, police patrols were set up, and work attendance was almost normal. Six persons were subsequently charged with offences in connection with these events. At the hearing of the case S v Zotwana and others, Grahamstown RC 186/76, the charges were withdrawn against three of the accused, a Black man and a White male and a female student. These three turned State witnesses. The other three were convicted and sentenced. The only other incident to take place in Grahamstown was a march by some 50 pupils from the Nyaluza High School to the offices of the Security Police. They wanted information on scholars in detention. The police addressed them, whereupon they returned to school, and there were no incidents of violence.

26.7.3 In Fort Beaufort, there were eight cases of arson at Black schools. There were four occasions on which pupils from the Lawson School stayed away from classes and disturbances took place. On one occasion, they charged the police, who found it necessary to use tear-gas to calm them down. On another occasion, they cornered their teachers in the school and attacked a patrol vehicle; the police fired five shots at them with a shotgun. Seven of them were slightly wounded. During the period of the riots, the police arrested 23 scholars.

26.7.4 In Uitenhage, three matriculation pupils from the Coloured High School were arrested in connection with the planning of an unlawful demonstration, which nevertheless took place. According to the placards that were carried, the idea of the demonstration was to show sympathy with the people of Soweto and to ask for the release of detainees. One placard read: "We express solidarity with all oppressed people". During a march early in September, 19 Coloureds, among whom there were four scholars and two teachers, were arrested for attending an unlawful gathering. They admitted guilt and paid a fine of R40 each. It should be mentioned that White men and Coloured demonstrators came to blows when demonstrators allegedly taunted the Whites with shouts of: "Boere se moere". At a demonstration the following day, Among other things stones were thrown at a motor car driven by a White woman; there is nothing to indicate that there was any particular connection between these two incidents.

26.8 The participants.

Blacks.

26.8.1 No Black scholars were involved in the rioting in Uitenhage. Elsewhere, their actions were limited to isolated cases of stone-throwing and riotousness at schools during class boycotts and marches. In one case they threw stones at a school and injured the Principal. Mention has already been made in previous paragraphs of the one occasion on which the police fired on rioters, and of another when they persuaded scholars to go back to school.

26.8.2 The only evidence concerning the involvement of adults in the rioting relates to the planned strike in Grahamstown and the men arrested in connection with that matter.

26.8.3 Coloureds.
The scholars' part in the disturbances was confined mainly to the holding of demonstrations. Other youths also took part in demonstrations and in a stone-throwing incident. According to the evidence, a limited number of adults were
involved in the demonstrations in Uitenhage at the beginning of September. Mention has already been made of two teachers who attended an unlawful gathering in Uitenhage.

26.8.4 Whites.
Two Rhodes University students played a part in the organisation of a strike in Grahamstown. Their case has also been discussed already, and the case in which they were used as witnesses for the State has also been mentioned.

26.9 Anti-riot measures. 26.9.1 Because the rioting was of a comparatively low intensity, police action to combat it was limited, and force was necessary in only a few cases. At one school, tear-gas was used, and later shotguns were used. On 4 September, a group of Coloureds tried to release arrested persons from the police station at Uitenhage. They were dispersed by a police dog. on one occasion, the police persuaded scholars to disperse peacefully. No-one died as a result of police action, and only nine people were injured. Two policemen sustained minor injuries.

26.9.2 The police made the following arrests for offences committed during the rioting:
- Blacks above the age of 18 years: Males 13, Females none.
- Blacks under the age of 18 years: Males 10, Females 4.
- Coloureds above the age of 18 years: Males 28, Females 1.
- Coloureds under the age of 18 years: Males 14, Females none.
- Whites above the age of 18 years: Males 1, Females 1.

26.9.3 There was evidence that Black teachers had helped to extinguish fires at schools. The request by workers in Grahamstown for police protection if they should go to work during a planned strike may also have served to prevent rioting.

26.10 Causes.
26.10.1 Little direct evidence concerning the causes of the rioting in this area was placed before the Commission. From placards carried by demonstrators and one document written by a group of scholars, it is clear that events in the rest of the country also contributed to the rioting at these places. There were specific references to the children of Soweto, the demonstration of sympathy, Black solidarity and the release of detainees. There was no evidence concerning the reasons for arson.

CHAPTER 27 KAROO AND DIAMOND FIELDS.

27.1 General.
27.1.1 In this chapter, the rioting in two Administration Board areas, Karoo and Diamond Fields, is discussed separately. For the sake of convenience, the riots in Mossel Bay, George and Oudtshoorn are dealt with in the first part, followed by the riots in the remainder of the Karoo area.

27.1.2 So far as the whole region is concerned, it may be mentioned that the rioting started towards the end of August and reached a climax in September. During the ensuing months, until February 1977, there were few incidents of rioting.
27.2 Mossel Bay, George and Oudtshoorn. 27.2.1 The rioting in these three towns erupted on Thursday, 9 September. In George, inciters wrote slogans on a blackboard at the George High School and posted a list of grievances on the notice-board. In Oudtshoorn, pupils were sent home after a demonstration at a school had led to the damaging of property. In Mossel Bay, a crowd of some 2 000 youths and adults, both Coloureds and Blacks, marched to the town. Rioting followed. Stones were hurled at dwelling-houses, shops, offices and a hotel. Road blocks were put up, and the crowd swelled to 3 000. The police had to use tear-gas and firearms to quell the rioting. A private individual opened fire on the crowd with a shotgun.

27.2.2 The violent rioting continued in Mossel Bay the next day. It began with a demonstration by pupils at the Sao Brass High School. The police, who were summoned, were pelted with stones. When the pupils refused to return to their class-rooms, the school was closed. Later, some 3 000 adults and youths again moved towards the town. The police tried to dislodge them with tear-gas from the points where they had put up barriers. Finally, the police carried out a baton charge and used shotguns. At one stage, a group of policemen who were trapped in a ravine by stone-throwers could only escape danger by shooting their way out. The injured could not be removed; an ambulance driver was wounded in the stone-throwing. A hotel and the Coloured Housing Office were set on fire. Petrol bombs were also hurled at vehicles. The police fired on stone-throwers in the dense bush, wounding two men. A municipal clinic was set on fire. The damage done here amounted to over R44 000, and R190 was stolen from the safe. The rioting subsided shortly before midnight. Two persons were shot dead by the police; 22 were wounded, one of them by a private individual. There was no further rioting in Mossel Bay.

27.2.3 That same Friday, the rioting in George escalated. From three to four hundred pupils from the George High School demonstrated and ran amok in the streets. They were driven back by the police, as were the 200 pupils from the Pacaltsdorp High School who were also causing disturbances. A violent attack was launched on the Rosa Rest Hotel. The bar was looted; all the windows and doors were smashed; persistent attempts were made until long after midnight to burn down the building. Tear-gas grenades were fired at the crowd, and three Coloureds, one man and two women, were arrested. There was also rioting in Oudtshoorn. Pupils from the Mbrester Coloured School demonstrated and were joined by unemployed Coloureds. They hurled stones at the police and were eventually driven off with shotgun fire. A private individual guarded his factory, which was situated next to a Coloured residential area, throughout the night. He was pelted with stones, and he shot and killed a Coloured boy who was in the factory.

27.2.4 Saturday, 11 September, was quiet in George, but in Oudtshoorn rioters placed obstructions in the streets and hurled stones at the Coloured Training College, inter alia. They tried to burn down a clinic and a shop. There was only slight activity in Oudtshoorn the next day, but in George a clinic was burned.
down and a church and shop were stoned. There was rioting in the streets of both these towns on Monday, the 13th. Among the victims in George were one Coloured man, who was shot dead by the police, four who were wounded, three youths who were injured by the dogs that rounded them up, and one White man who was seriously wounded in a stone-throwing attack. The rioting continued at a lower key until it fizzled out in the three towns on the 19th.

27.2.5 On Monday, 6 December, when the Commission sat at Oudtshoorn to hear evidence, a fire was started in the Southern Cape Coloured Teachers' College. The damage amounted to R3 000.

27.2.6 The participants. Scholars were the main participants in the rioting. One of the accused in the criminal case S v Jansen and others, Mossel Bay RCA 91/9/76, was the head boy at the Sao Brass High School. He was sentenced to one years' imprisonment for his part in the public violence. In the case S v Erasmus and others, George RC 221/76, the head boy at the George High School was found not guilty of incitement to public violence. Evidence was given before the Commission concerning other cases in which scholars had been guilty of incitement.

27.2.7 According to one witness, the students at the Southern Cape Teachers’ College at Oudtshoorn were initially opposed to all violence. It is not known who was responsible for the stone-throwing attack on the College buildings. Some of the students at the College were charged with public violence, and in the case S v Jeggels, Oudtshoorn RC 213/76, one of them was convicted and sentenced to imprisonment, part of his sentence being suspended. Students from the UWC were spotted in Oudtshoorn and Mossel Bay before the riots; there is no evidence concerning their activities.

27.2.8 Adults - men and women - took part in the rioting and looting. In Mossel Bay, two Coloured men were shot dead by the police during the combating of the riots. Several adults were also arrested during the rioting. It would seem that they operated together with youths who were neither scholars nor students.

27.2.9 Coloured teachers took an active part in the riotous activities. Two teachers from the Sao Brass High School were tried for charges relating to the rioting. In the case S v Jansen and others, Mossel Bay RCA 91/9/76, one was discharged but another was convicted and sentenced to imprisonment on a charge of public violence. in addition, in the criminal case S v Coericius, Oudtshoorn RC 241/76, a teacher from the Mbrestler School was convicted of incitement to commit public violence and sentenced to imprisonment. Evidence was also placed before the Commission of teachers who looked on without intervening while their pupils committed acts of rioting.

27.2.10 In Mossel Bay, Black scholars acted together with Coloured scholars. Elsewhere they were not in the foreground. Black adults apparently confined themselves to the incitement of schoolchildren and youths. The Commission did not receive any evidence of Black teachers' taking part in the rioting.

27.2.11 Anti-riot measures. There were cases where adults tried to restore order, and in Mossel Bay community leaders offered to assist the police in stopping the riots. It is clear that
in many cases the violence and rioting did not meet with the approval of parents and other adults. Reference has been made in previous paragraphs to the steps taken by the police to quell the rioting.

27.2.12 Causes.

Very little evidence concerning causes was submitted to the Commission. The list of grievances, which was posted on the notice-board at the George High School, enumerated political grievances and a need to sympathise with the people of Soweto. According to the police, some rioters said that they wished to demonstrate solidarity and that they were opposed to apartheid and to being taught by White teachers. It would seem as though the Black Power salute did not play such an important part as elsewhere. According to testimony given in Mossel Bay, an important factor that may have given rise to the rioting there -i was the dissatisfaction among teachers and scholars about an old school. This school, which was situated in the White residential area, had stood empty since the White pupils had moved to a new school. The facilities at the Coloured school were inadequate, and a request by the Coloureds to use the old; school had been turned-down.

27.3 The Rest of the Karoo Region.

27.3.1 On 28 August, two Black youths broke into the BAAB offices at Noupoort’ in an attempt to set fire to the building. They were caught in the act. In the case S v Schoeman and another, Middelburg RC 88/76, which arose from this incident, one of them was sentenced to two years’ imprisonment and the other to cuts. This incident was the first to be reported in this area; it was also the only one at Noupoort. Three other incidents that were the only ones in three other towns might conveniently be mentioned here.

27.3.2 On 11 September, seven Coloured men armed with sticks stormed into a shop at Willowmore and hurled abuse at the workers for working for Whites. A day later, two scholars started a fire at a school at Knysna. They were subsequently charged in the Regional Court at George, convicted and sentenced to cuts. At Victoria West, four rooms in a school building were destroyed by fire. According to information received by the Commission, the arsonists were arrested by the police; they were scholars with a grudge against the teachers.

27.3.3 Black and Coloured scholars took part in a march staged at the Inqeba Secondary School in Graaff-Reinet on 31 August. Black Power salutes were given, and placards that were displayed bore the words "We demand Hendriks". This demand referred to the detention at that time of the Rev. H.J. Hendrickse, a member of the Coloured Persons Representative Council. Although the Black schoolchildren returned to their class-rooms at the request of the police, tear-gas was necessary to disperse the Coloured scholars. The Coloured school was closed. There was further trouble at the Inqeba School the next day. A crowd of Black scholars and adults who had congregated there hurled stones at, the police and started two fires. This school was also closed.

27.3.4 In the course of the month, there were two further incidents at Graaff-Reinet in which the Inqeba School was involved. On one occasion, class-rooms were
burned out, and in the second incident a group of riotous pupils marched to the
home of the school principal. In the middle of October, Black scholars took part
in rioting in Goedhals Square. After that, all was quiet until February 1977. On
the 13th, youths held an unlawful gathering, and on the 25th, damage of almost
R14 000 was done in a fire at a school.
27.3.5 On 9 September, a group of pupils from the Bastiaanse High School at
Beaufort West held a riotous demonstration on the school grounds and
intimidated other pupils who were doing class tests. The police were summoned,
but the rioters would not listen to them. Tear-gas and police dogs had to be used
to disperse them. Nine days later, senior scholars set fire to a class-room at their
school. Four scholars were subsequently convicted of arson and sentenced to cuts.
On 31 October, a school which had been set up in a church building was seriously
damaged by fire. According to evidence submitted to the Commission, an ex-
teacher who was dissatisfied about his dismissal had incited pupils and ex-pupils
to start the fire. He was to have been tried later together with four Blacks in
connection with this incident. Apparently he could not be traced, and the charge
against the other four was withdrawn.
27.3.6 The participants.
The following is added to what has already been said about participants in the
preceding paragraphs. It was mainly scholars, both Coloured and Black, who were
responsible for the riots in the cases under discussion. Students from the
University of Fort Hare were seen in Beaufort West before the riots, but there was
no evidence of students' having concerned themselves with affairs in these parts.
Except in the matter of the ex-teacher in Beaufort West, there was no evidence
either of teachers' having taken an active part in the rioting. Although Black
adults were accessories to arson, they were apparently not very active in the
marches and demonstrations.
27.3.7 Anti-riot measures.
On one occasion, the police persuaded a group of demonstrating Black pupils to
return to their class-rooms. But it was frequently necessary to use tear-gas and
birdshot. However, there were no fatal injuries. On several occasions,
teachers spoke to their pupils and tried to find solutions to their problems. After
reading in anonymous letters about pupils' grievances, a school principal at
Beaufort West discussed these grievances with his pupils. Parents often tried to
keep their children in check. In Graaff-Reinet, for instance, parents took their
children out of school when riots threatened. In Beaufort West, bystanders at a
burning church building that was being used as a school helped to carry the
furniture out until the fire brigade turned up.
27.3.8 Causes.
There was very little evidence dealing with the causes of the rioting at these
places. At Graaff-Reinet, the release of a detainee was demanded. Among the
rioters of Willowmore racial feeling was apparently the cause for their behaviour.
Local grievances were among the reasons given for dissatisfaction and for the
disturbances at Beaufort West.
27.4 Diamond Fields.
27.4.1 The riots.
In this area, the riots went on from 21 June to 24 October. The 20 incidents of rioting all occurred in Kimberley and environs. The first incident was an attempt to set fire to the Tidimalo Secondary School. A youth was convicted in connection with this attempt. He was also involved, along with two others, in a fire that broke out some six weeks later in the General Post Office at Kimberley. At their trial, the accused said that they had read about fires in Johannesburg in The World.

27.4.2 On 2 September, about 300 pupils from the St Boniface and the Tshireletso Secondary School walked to the SAP offices with placards, some of which read: "We want Sipho - release Sipho". Rumours had been spread earlier that Sipho, a pupil, had been injured while in detention. The District Commandant of the police and a teacher from the first-mentioned school held discussions with the leaders. They convinced them that Sipho had not sustained any injuries and that he would be charged. The pupils dispersed peacefully. Several days later, there were stone-throwing incidents and a demonstration at one of the schools in connection with this detention. Sipho was subsequently charged, but, the Commission was informed, he was released on bail and fled.

27.4.3 Later in the month, there were several marches and incidents of stonethrowing and arson. On the 17th, an incendiary bomb was thrown into the home of Mr S. Leon, a member of the Coloured Persons Representative Council. On 20 October, pupils decided that violent rioting should be started two days later, during a visit by the Prime Minister to Kimberley. On that particular day, five incendiary bombs were hurled at BAAB offices and two at a beer-hall. The last incident of rioting to take place in Kimberley was one of stonethrowing at a bus on 24 October.

27.4.4 The participants.
Black scholars were involved mainly in marches, gatherings and stone-throwing. Various incidents of rioting occurred in the Black residential area of Galeshewe, where youths were responsible for stone-throwing and arson. According to a witness, the group of youths who had decided to organise violent rioting during the Prime Minister's visit also incited other youths and scholars. There was also evidence to the effect that the riots in Galeshewe had resulted from incitement by persons from other areas, but there was no convincing proof of this. The Coloureds did not play a big part in the rioting.

27.4.5 Anti-riot measures.
Because the riots were of a low intensity, the use of force by the police to maintain and restore order was limited to a minimum. There were only a few cases in which tear-gas and batons were used, and shots were fired only twice. Twenty-seven people were arrested during the riots. The police patrolled the Black residential area regularly and warned against rioting. As previously stated, a demand for the release of a detainee was on one occasion discussed by them with a large group of demonstrating scholars who returned home peacefully. Nobody died during the riots. Parents and teachers deplored the disturbances, and
pupils were encouraged to take part in the examinations. A teacher also assisted the police on one occasion when the demonstrators were persuaded to turn back.

27.4.6 Causes.
The main factors that gave rise to the riots here were: The detention of a pupil, the demonstration of solidarity, the riots elsewhere in the country, and opposition to the Government, as symbolised by the Prime Minister. Not only could the persons responsible for the attack on Mr Leon's home not be found, but the reason for their action also remains obscure. Finally, it may be mentioned that there were undoubtedly agitators and inciters, especially in Galeshewe.

CHAPTER 28 : NORTHERN CAPE.
28.1 The riots.
28.1.1 The rioting in this area occurred in Upington. On 14 September, some 600 Coloureds threw stones at vehicles and the police on the road to Keimoes. A Coloured child and two policemen were injured. The police had to use rifles to restore order. Several people were arrested. Three days later, the pupils at the Carlton van Heerden High School refused to attend classes. While the police were dispersing the crowd on the school grounds, window-panes and school benches were smashed. Later that evening, a bus in the Black residential area, Babalello, was pelted with stones. Three policemen were slightly injured by stones.

28.2 The participants.
28.2.1 It was mainly scholars who took part in the stone-throwing. A considerable number of unemployed youths joined in the rampage. Adults who were present at these incidents did not take an active part. Some parents expressed their dissatisfaction about the youths' behaviour.

28.3 Anti-riot measures.
28.3.1 At the first incident the crowd would not obey the order to disperse given by the police by loudhailer. Some shots were fired, but no-one was injured. On the second occasion, the police used batons. During this action two rioters were slightly injured, and five policemen and one private individual sustained injuries in the stone-throwing.

28.4. Causes.
28.4.1 The rioters did not give any particular reason for their actions. Probably the cause must be sought in the desire to demonstrate sympathy or solidarity with others. Certain local grievances may well have given rise to the unrest. The scholars were dissatisfied about the locking of gates during school hours and about other arrangements at the school, the conduct of teachers, inadequate recreational and sports facilities, and inadequate housing.

CHAPTER 29 : SOUTH-WESTERN CAPE.
29.1 Introduction.
29.1.1 The South-Western Cape includes not only the regions known as the Boland and the South-Western Districts, but also parts of the Karoo. More than half a million Coloureds and more than 70 000 Blacks live in this area. Riots occurred at more than 30 towns and places in this region over a period of four months.
29.1.2 At 18 of these places, disturbances occurred on one day only, and there was often only one incident of rioting; there were other towns, too, where rioting occurred on two or three days only. But at Ceres there was rioting on six days, at Wellington on seven, at Stellenbosch and Somerset West nine, at Worcester eleven, and at Paarl thirteen.

29.2 The riots.

29.2.1 The first riots in this area occurred at Struis Bay on 7 August. The evening before, an unfamiliar motor car with a Bellville registration number was noticed in the Coloured residential area, and early the next day the primary school was gutted. Three days later, on Tuesday the 10th, class boycotts and demonstrations were organised at one of the schools in Worcester. The last incident occurred in the same town on 7 November, when stones were piled on a railway line and a derailment was prevented in the nick of time; one of the perpetrators of this crime was subsequently convicted of sabotage and sentenced to imprisonment.

29.2.2 After several incidents of rioting had occurred all over the area, the most violent riots raged during the second and third weeks of September. In Worcester, on the 13th of that month, various incidents such as demonstrations, class boycotts, stone-throwing and arson occurred at Esselen Park High School in particular. The police used tear-gas and firearms to quell these riots, wounding 17 Coloureds. Rioting also occurred at Ceres, Somerset West, Wellington and Paarl on the same day.

29.2.3 At Paarl, there were sporadic demonstrations and stone-throwing. During the night of 8 to 9 September, a factory at Bakke Industries Ltd was partly destroyed by fire, the damage amounting to half a million rand. The arsonist was subsequently convicted of sabotage in the Supreme Court and sentenced to imprisonment; this incident is also discussed elsewhere in this Report. Later during the day of the 9th, some 200 Coloured scholars, who were joined by youths, marched to the centre of the town. In the course of this day, there were no fewer than eight cases of arson and attempted arson; burning motor car tyres were rolled towards police vehicles. On 15 occasions there was widespread stone-throwing; among other things, the targets included houses in the White residential area of Denneburg. Road blocks were set up in the streets. In their combating of the riots, the police also used firearms; a Coloured girl and two Coloured women were fatally hit; 21 people with gunshot wounds were detained. On the same day, there were also riots in Grabouw, Rawsonville, Riversdale, Wellington, Worcester and Stellenbosch.

29.2.4 The rioting in Stellenbosch went on from 30 August until 29 September; there were riots on nine days. On 7 September, the pupils at the Luckhoff High School marched to the town. On this day and on the three days following, there was large-scale rioting. Stone-throwers were responsible for disturbances on 18 occasions. There were four cases of fire; a White person's residence in Union Park was set on fire. During these four days shotguns were
one of the means used by the police to subdue the riotous crowds. On the first
day, a Coloured man was shot dead by the police, and afterwards another
Coloured man who wanted to take a policeman's firearm from him was fatally
wounded. On this last day of the rioting, disturbances also occurred at Prince
Alfred Hamlet, Riversdale, Robertson, St Helena Bay, Swellendam and
Vredenburg.
29.2.5 Somerset West had as many days of rioting as Stellenbosch, but the rioting
was of a lower intensity and spread over a longer period. Five cases of arson
and three of stone-throwing were reported. The most serious rioting took place at the
Gordon High School, where marches, class boycotts, stonethrowing and arson
occurred. A group of pupils who did not take part in the examinations tried to
prevent a good 80 per cent of the pupils of the school who wanted to write the
examinations from doing so. Fighting broke out at the school. Throughout, the
measures taken by the police to combat the riots were limited to the use of tear-
gas and the arrest of rioters.
29.2.6 The Commission will not report on each one of the towns in which rioting
occurred and will give only a short summary of the events. There were more than
100 instances of stone-throwing in this area. Stone-throwing also took place in the
White residential areas in Swellendam and Robertson, and in the latter town the
crowd attacked and seriously injured a White man. Rioters threw stones at trains
at Klapmuts, Paarl, Riversdale, Buffeljachts River, Bregarivier and Bot River. The
53 cases of arson included the following: Schools in many towns; a church, a
church hall and a convent in Ceres; a church in Stellenbosch, and a church hall in
the village of Sir Lowry's Pass; BAAB buildings in Robertson; the homes of two
Whites in Stellenbosch and McGregor, and a flat in the White residential area of
Caledon; and fires in Villiersdorp and Genadendal. There were about 25 marches
and boycotts of classes, Montagu and Bredasdorp being two of the places where
this happened. As happened in other parts of the country, barricades were also put
up in the streets during the rioting to block the police or to keep enemies away.
Some of the places at which this occurred were Ashton, Malmesbury, Wolseley,
Faure and Riebeeck West. Other forms of disorder occurred to a lesser extent.

29.3 Participants.
29.3.1 Blacks did not play any part worth mentioning in the riots in this region. A
few less serious incidents occurred in Black residential areas. No evidence
concerning rioting by Whites was placed before the Commission. The part played
by them is discussed under the heading of anti-riot measures. The following
observations concerning participants apply to Coloureds only.
29.3.2 Students.
UWC students played an important part in the outbreak of rioting in this region.
They were seen shortly before the rioting in various places such as Bredasdorp,
Ceres and Paarl. In August, in Paarl, Somerset West and Worcester the police also
confiscated inflammatory pamphlets that had been prepared by them and
distributed. It was clear that pupils of the Esselen Park High School in Worcester
had been whipped up by these students. The pupils even identified themselves
with the struggle waged by the students at the UWC. There is also evidence of a
student from the Hewat Training College trying to distribute inflammatory pamphlets among the pupils at a school in Caledon; however, he was forbidden to enter the school grounds.

29.3.3 Scholars.
Through their conduct, scholars were mainly responsible for the riots in this region. The demonstrations and marches at schools such as those in Paarl, Riversdale, Somerset West, Stellenbosch and Worcester culminated in violence and in confrontations with the police. The scholars were involved in the stone-throwing, the jeering at the police, and the intimidation and incitement of other pupils. A matriculation pupil at the Esselen Park High School sent a letter to a pupil at the Gerrit du Plessis High School at Riversdale, in which he enumerated political grievances and appealed to the pupils of that school to stay away from their classes and to demonstrate. This letter was apparently sent on to pupils in Oudtshoorn, George and Mossel Bay.

29.3.4 It is noteworthy that other youths, especially vagrants joined the scholars in their marches and that violence then escalated. The latter class concentrated mainly on stone-throwing at trains, houses and the police, and on the erection of road blocks. Large numbers of youths were arrested by the police, but in examining the returns of arrests made, the Commission could not distinguish between scholars and other youths. Furthermore, adult Coloureds also frequently joined the scholars.

29.3.5 Adults.
Adults sometimes carried the pupils' demonstrations or marches further by resorting to serious violence in the form of arson and stone-throwing at the police, vehicles and buildings. In certain cases, scholars and other rioters were egged on to greater violence by adults. In Paarl, such an inciter was fatally wounded by the police, and a Coloured man was convicted in the regional court on a charge of having tried to bribe pupils at Riviersonderend into burning down their school. In Paarl, a Coloured man was convicted of assault when he tried to stop a worker from going to work.

29.3.6 Teachers.
Teachers were closely involved in the rioting in this region. One witness alleged that some teachers used pupils to bring their own grievances, for instance about salaries, to the notice of the community and that they sometimes made it difficult for principals to control pupils. The Commission may perhaps mention, that teachers' salaries were important to matriculants too. There was no evidence of any teacher's direct participation in rioting.

29.3.7 Organisations.
First, there was no evidence to show that the riots were fanned by church organisations, although it did happen that, as in other areas, students also used church institutions here, e.g. prayer meetings, to bring people together and to motivate them. Those UWC students who were so active in inciting scholars were members of SASO.

29.3.8 Strangers.
On more than one occasion motor cars bearing the registration numbers of other districts were seen in Coloured residential areas before rioting erupted. Struis Bay, Ceres and Riversdale were some of the places where this happened. In this connection, the students from the UWC may be regarded as strangers.

29.4 Anti-riot measures.
29.4.1 Whenever the police got to hear of planned riots beforehand, they tried to prevent them. In one case at Worcester, for instance, they arrested six organisers of an unlawful march, thus preventing it from taking place. In some cases, rioters were calmed down through negotiations, so that it was not necessary to use force. If recalcitrants would not listen to reason, tear-gas and batons were used, but where the rioting was particularly fierce, for instance in Malmesbury, Paarl, Riversdale and Worcester, they tried to keep the crowds in check with birdshot. Several people were wounded in such cases, and it was during this period that the police shot and killed six persons. The protection afforded by the police to workers during strikes also served to prevent rioting.

29.4.2 The conduct of the rioters did not always meet with the approval of parents and teachers, who sometimes took positive steps. Early in September, parents in Bredasdorp personally brought demonstrating pupils under control, and at Ceres parents and teachers personally put a stop, on two successive days, to marches staged by pupils. In Paarl, Somerset West and Worcester, school principals succeeded several times in difficult circumstances in calming down demonstrating pupils and getting them to return to their classrooms. Sometimes, private individuals also used firearms to put a stop to riotous acts. In Buffeljachts River, a White man fired with a shotgun on Coloureds who were attacking his motor vehicle; one person was wounded. On the same day, 11 September, a White man shot a Coloured man dead with a revolver during stone-throwing in Franschhoek.

29.4.3 When, also on 11 September, fire was opened at Montagu on a motor vehicle whose driver failed to heed a police order to stop, a passenger was fatally hit. The inquest showed that he had probably been under the influence of liquor. Generally speaking, intoxicating liquor did not play a clear or noteworthy part in the riots, nevertheless the disturbances in Swellendam soon subsided and came to an end when the bottle stores in the town were closed. At Paarl, bottle stores were also closed during the riots. At Paarl and at Stellenbosch, a number of attacks with stones were made on bottle stores, presumably to enable the rioters to get at liquor.

29.5 Causes.
29.5.1 There are indications that the causes of the riots at these Coloured schools were of a political nature. This does not mean to say that the pupils would have held these particular political views without indoctrination or that they would have rioted because of these views without intimidation and incitement. Pupils from the Esselen Park High School handed a petition to their Principal setting forth their dissatisfaction with the conditions in the country. At Stellenbosch, the pupils of the Luckhoff High School wanted to stage a march to their old school, which is now in the White residential area and can no longer be used by them.
The police stopped them. In three towns, scholars demonstrated their solidarity with Soweto by means of placards and Black Power salutes.

29.5.2 Before setting out on a march to the centre of the town, a group of pupils at Paarl were addressed by a 17-year-old schoolgirl on matters such as the differences between the salaries of White and Black teachers. It appeared that these salary differences and the presence of White teachers at Coloured schools were some of the major reasons for dissatisfaction. Elsewhere, it appeared that pupils were under the misapprehension that White teachers at Coloured schools received an allowance for the inconvenience that they had to put up with for being employed at such a school. Questioners felt that scholars did not really know much about this matter. The Commission has already pointed out that the question of teachers' salaries might well be important to matriculants.

29.5.3 Local grievances related mainly to domestic educational matters, such as sports facilities, accommodation, and too much corporal punishment. Agitators and vagrants have already been referred to.

CHAPTER 30: THE PENINSULA.

30.1 Introduction.

30.1.1 In this review of the riots in the Peninsula, details are first given of the areas where the riots occurred, together with relevant information on the composition of the population. This is followed by a discussion of the incidents and the participants. The part played by various organisations and bodies and the actions of the police are discussed. Reference is also made to strikes, demonstrations for the release of detainees, and the influence of intoxicating liquor on the continuation of the riots. In the discussion of the consequences of the riots, damage, injuries, deaths and arrests are dealt with. The Commission concludes by discussing certain causes of the riots.

30.1.2 To avoid unnecessary repetition, reference is made to Annexure D, which deals with the incidents, Annexure B, which contains a summary of the incidents, and Annexure C, which deals with deaths during the rioting in the Peninsula.

30.2 Details of the area and the population. 30.2.1 According to adjustments to the 1970 census figures, there were at the time of the unrest 587,290 Coloureds, 418,938 Whites, 146,091 Blacks and 13,956 Asians in the areas of rioting in the Peninsula. For the sake of convenience, the riots are discussed in the order in which they occurred in the residential areas of the population groups concerned. The Coloured residential areas, where the Asians also live, consist mainly of the following suburbs: Athlone, Bellville South, Bishop Lavis, Bonteheuwel, Elsie's River, Epping, Grassy Park, Hanover Park, Lansdowne, Manenberg and Philippi. Cape Town itself and its immediate environs fall in the White residential area. The vast majority of Blacks live in Guguletu, Langa and Nyanga. They are made up of Xhosas (94%) and Sotho-speaking individuals (4%); the remaining Black population groups do not number more than a thousand each. The riots in Nyanga during the Christmas week-end are dealt with in the next chapter.

30.3 The South's response to the riots in Soweto. 30.3.1 On Friday morning, 18 June, the first signs of reaction to the rioting in Soweto were observed, when signs
of breaking and entering and of arson were noticed, and Black Power slogans were written on the blackboards of classrooms at the Nassau High School in the White residential area of Mowbray. During the afternoon, students demonstrated in front of the University of Cape Town with placards, some of which read "Soweto Bleeds" and "Solidarity with Soweto". Teaching staff at the UWC announced in the press that they sided with the inhabitants of Soweto. In the course of the evening, two fires were started in the Black residential area, one of them in Langa and the other in Nyanga.

30.3.2 On Saturday, 19 June, the staff association of the UWC, to which the Coloured academic staff belong, stated to the press that the organisation stood behind the people of Soweto. The Commission was informed that two of SASO's leaders at the UWC were summoned to Johannesburg by their organisation; they returned six days later. The ANC did not sit still either; on the 21st an underground cell of the SACP began to disseminate a pamphlet headed "Death to the murderous oppressors" on behalf of the ANC, from Cape Town; this document did not reach the Black public.

30.3.3 There were two cases of stone-throwing in Langa on the 24th, and two days later an attempt was made to burn down the local post office; 50 windows in this building were smashed.

30.3.4 These incidents were followed by an ominous lull lasting a month. It was known that there had been rioting on the campuses of the Universities of Zululand and of the North during June. Students at the University of Fort Hare began rioting on 17 July. The question was when it would be the turn of the Western Cape and Durban-Westville. People were active beneath the surface. Members of SASO and officials of the BPC were in touch with one another. There were frequent meetings of students at the UWC.

30.3.5 On 29 July, the students held a mass meeting at which it was decided provisionally to boycott classes for a week. This resolution was passed to show sympathy for the loss of those who had died during the rioting in Soweto and other Black residential areas in June. That same evening, Prof. R.E. van der Ross, Rector of the UWC, was a speaker at a function at which an insurance company handed a sum of money to him for his university's development fund. According to Die Burger he said inter alia: "I wish to assure the students that so far as dissatisfaction with the present social structure is concerned, their feelings are fairly generally shared by the administration and the academic staff of the UWC. Whether we agree with the way in which they are giving expression to their feelings is another matter." (Translation) Some days later, the University staff society (personeelvereniging), an organisation to which White staff members belonged, issued a press statement dissociating members from the Rector's statement.

30.3.6 On 30 July, the previous day's resolutions were confirmed at a meeting of students. It was also decided that, if the boycott did not succeed, lectures were to be disrupted. Students wrote slogans on the walls of the university buildings affirming their solidarity. One sentence in a slogan read: "The revolution is
"coming." The words "Burn UWC" were painted in such a way on the roof of one of the buildings that they could be read from the street.

30.3.7 At a meeting held on Monday, 2 August, apparently under the auspices of the students' representative council, about a thousand students confirmed the previous decisions to boycott classes for a week. During that week, the students were to take part in a symposium on "UWK onder die soeklig" ("UWC under the spotlight"). The Rector thereupon announced that lectures were being suspended until 6 August. The symposium was not well attended, and during the first two days things followed an even tenor. However, the students adopted the attitude that, by suspending lectures, the Rector had hampered their attempted protest. On Wednesday of that week, about a thousand students staged a demonstration at which stones were thrown. Early the next morning, serious damage was caused when the buildings of the Law Faculty were set on fire. During the succeeding days, other buildings on the campus were damaged by fire.

30.3.8 Meanwhile, the students prepared a pamphlet entitled "UWC - Soweto" and had it printed. About 25 000 copies were distributed in the Peninsula and as far afield as Port Elizabeth. This pamphlet objected, first, to the type of education they were receiving at the university. The pamphlet described the suffering of their people and then went on to say that, as Black people, the Coloureds had no say over their working conditions and that the Coloured Persons Representative Council, the South African Indian Council and the Homeland Governments had not been set up for the benefit of Black people but for the benefit of those who wished to perpetuate the suffering and oppression of Black people. Black people suffered together and should stand together, it was said. The students pledged themselves to fight for their own and their people's liberation.

30.3.9 Another mass meeting was convened at the end of the week in which no lectures were given at the University. Sharp attacks were made on the Government, and the students identified themselves with all those who had been detained or banned in the course of the struggle. A few days later, a document setting forth grievances and demands was handed to the Rector. The document was concerned mainly with university affairs. Demonstrators occupied a laboratory, and the police were called in. The Rector investigated the matter and requested the police to leave the campus.

30.3.10 Four persons, three of whom were students at the UWC, started a fire at the Good Hope Primary School on 9 August. They were subsequently convicted of sabotage in connection with this and another fire and sentenced to imprisonment (S v Consalves and three others, CPD 367/76). On that date, lectures were disrupted at the university, and lecturers were intimidated. It may be mentioned that rioting broke out at the University of Durban-Westville on the same day.

30.4 The outbreak of large-scale rioting. 30.4.1 After nearly two months had passed without any incidents of rioting in the Black residential areas in the Peninsula, the pamphlet "UWC - Soweto" was distributed among Black pupils at schools in Guguletu, Langa and Nyanga on 9 and 10 August. On these dates, serious and bloody rioting broke out in these areas.
30.4.2 At each of these three places, large groups were mustered for marches, a blackboard with the words "This is a peaceful demonstration" was carried, ahead of the demonstrators from Nyanga. Later on, there were clashes with the police and incidents of stone-throwing and arson. In Guguletu, 19 scholars were arrested. By 13h30, some 5 000 people were demonstrating for the release of these scholars. The police released them, whereupon the crowd dispersed, except for a group of about 400 scholars who started throwing stones.

30.4.3 According to the police, vandalism and arson broke out on a large scale after the marches. It is striking that bottle stores were among the looters' and vandals' first targets.

30.4.4 A list of the reported incidents shows how violent and widespread the rioting was. There was a general boycott of classes, as well as four major marches, six incidents of stone-throwing, 19 Fires at which looting and robbery occurred, and 13 incidents of public violence; 22 persons died in the disorders; 21 were fatally wounded by police action, and the body of one person was found among the rubble.

30.4.5 Thursday, the 12th, saw a virtual continuation of Wednesday's rioting. The list of reported incidents in the Black residential areas contained the following: two marches, five incidents of stone-throwing, three fires, one provocation to violence, and three incidents of damage to property. Ten people died as a result of police action.

30.4.6 There were incidents of rioting in the other areas as well. Thus, for instance, there were meetings of students, demonstrations and marches at the University of Cape Town, at the UWC, and at the Training College in Bellville. Motor cars were stoned in Modderdam Road.

30.5 The further course of the riots. 30.5.1 The further rioting during August occurred mainly in the Coloured areas and was connected with the educational institutions, i.e. the university, the colleges and the schools, in particular. There were disturbances on every day of the month except one. Classes were disrupted from time to time at these institutions, scholars made arrangements for demonstrations and marches, and attempts were made to derail suburban trains. Arsonists struck 20 times, their targets being housing offices in Hanover Park and Bellville South, a women's residence at the UWC, the Community Hall in Langa, and schools. Police action consisted mainly in the use of tear-gas, baton charges and arrests. Rifles were also used; one person was fatally wounded on the 16th and three on the 25th.

30.5.2 The rioting in the Black residential areas was on a considerably smaller scale and consisted mainly of stone-throwing, some cases of arson and one or two marches. In the White residential areas, the only incident to occur during the month was the one at the University of Cape Town referred to earlier.

30.5.3 During the first eight days of September, the disturbances in Cape Town and other White areas were limited mainly to marches by Coloured and Black children to the centre of the city. With few exceptions, these demonstrations gave rise to unruly gatherings and violence. Two people died in these disorders, one as
a result of police action and another after being fatally injured by a member of the public. Further rioting consisted of stone-throwing (twelve incidents), arson (ten incidents) and one attempt to derail a train.

30.5.4 There was fierce rioting in the Coloured areas, especially during the first 17 days of this month. On the first day, one person was killed during the marches, stone-throwing and arson. On the second day, when about the same number of incidents were reported, three people died. These deaths are ascribed to police action. A climax was reached on the seventh, eighth and ninth days of the month. The number of cases of stone-throwing during marches and public violence rose from 29 on the seventh to 38 on the eighth and 46 on the ninth. The figures for arson were 10, 22 and 30. On the last day, 17 incidents of public violence were reported. No fewer than 38 people died in the riots that occurred on those days. In only one case was a member of the public responsible for a death; the other people died as a result of antiriot action by the police.

30.5.5 On the 15th, 16th and 17th of the month, the riots in the Coloured residential areas again reached a climax. This may be ascribed to the strikes that were in progress and to the steps taken against strike-breakers. On the 16th, when eight people were killed, some 80 separate incidents of rioting were reported. During the second half of this month, there was a sharp decline in the intensity and incidence of rioting in these areas.

30.5.6 In September, rioting took place on only 14 days in the Black residential areas. The worst rioting was on the 16th, when three people were killed. The other three deaths that occurred during this month were on the 9th, the 14th and the 17th.

30.5.7 On 5 October, the riots flared up again in the Black residential areas. A special feature of the new rioting was the violent campaigns launched by youths against the owners of shebeens. The campaign started on 11 October. Prior to this, beer-halls had been burned down and looted, and the explanation given for this was that the youths had destroyed the beer halls because that was where their parents spent all their money while the family went hungry. The Commission intimated that this excuse sounded far too pious and had probably been thought up afterwards. Nor did it explain why beer-hall buildings were destroyed, the liquor was usually looted, and shebeens, which were surely a greater evil, were not also destroyed. Although this campaign was launched after this remark, the Commission does not consider that the shebeens were attacked because of it. Sometimes the youths destroyed the houses in which the shebeens were being run, but usually the furniture was dragged outside and burned in the street while the house remained undamaged. All the liquor was not always destroyed either; according to witnesses, the attackers took fair quantities of liquor for themselves. In conjunction with this campaign, there was the action taken by youths against persons who drank liquor. This matter is dealt with in the next chapter, together with the rioting in Nyanga. During the last week of this month, people congregated at churches in Guguletu and Langa, and according to the evidence, the gatherings at the Methodist Church gave rise to riotous conduct. In
conclusion, it must be mentioned that two people were fatally wounded in police action in the course of this month.

30.5.8 There was no rioting in the Coloured residential areas on six days of this month. Such rioting as there was on the other days was not violent. In the White residential areas, there were incidents on two days only, when one case of arson and two of stone-throwing were reported.

30.5.9 In the first week of November, the rioting in the Coloured areas virtually came to an end, and in the White residential areas there were only three incidents. It seemed as though the rioting in the Black residential areas was also a thing of the past. On the 28th, however, there was a gathering in the Apostolic Church in NY 74, after which the youths resumed their campaign against the shebeens.

30.5.10 This action against persons who sold liquor illicitly and, later, also against all Blacks who drank liquor was particularly widespread during December. In addition, the youths also called strikes and called for a period of mourning. All these things led to large-scale disturbances, and Black residents began fighting among themselves. During the first few days, three people died as a result of police action, while three others died at the hands of members of their own race. An attempt at peace-making between the groups failed. The bloody fighting that erupted over the Christmas week-end is dealt with in the next chapter.

30.5.11 During December, there were only three incidents in the Coloured residential areas, these being one case of arson in Elsie's River and two of stone-throwing. Incidents reported in the White areas were one case of the distribution of a pamphlet in the middle of the month, stone-throwing on Christmas Eve, and two attempts on New Year's Eve to set fire to the premises of two large business concerns.

30.5.12 There were no incidents of rioting in the White and Coloured residential areas during January and February 1977. In Langa, five schools were burned down by members of the Comrades movement during the night of 10 January. The arsonists were tried, convicted and sentenced. On 11 January a bus was set alight, and on the 24th an attempt was made to burn down the house of a school principal in Nyanga. Exactly a month later a youth tried to set fire to a house in Guguletu; he was fatally wounded by the police.

30.6 Participants in the riots.

30.6.1 Although the first signs of the disturbances in the Peninsula were observed at a White school in a White residential area and the first demonstration was staged by White students, Whites played only a small part in the riots; the main participants were Coloureds and Blacks. Another notable feature is that Coloured students were responsible for inspiring and inciting other groups. The part played by academic staff and students at the UWC will be dealt with first, followed by the parts played by teachers and scholars, parents, criminals, and certain organisations and bodies.

30.6.2 A group of witnesses, who, appeared together in camera before the Commission and whose identity is not being disclosed, accused the Rector of the UWC, Prof. R.E. van der Ross, of having created a climate of unrest at the
University by his actions, of having given students the impression, by some of his statements, that their riotous activities met with approval, and of having failed, once the riots had started, to take further steps to prevent their continuation. When the Rector testified after this group, certain facts on which these accusations were based were put to him. His replies, as well as his general testimony on relevant matters, will be discussed with reference to these accusations.

30.6.3 The first accusation, which related to the creation of a climate of unrest, was that the Rector had failed to carry out the recommendations of a commission that had inquired into unrest on the campus a few years earlier. The recommendations concerned was that the disruption of classes and other normal university activities should be made punishable by law at all universities. No such legislation was brought to the notice of the Commission; the Rector was accused of having failed to take the normal, or even minimal, disciplinary steps against students and academic staff who were guilty of such conduct. The names of a professor and of two students who had allegedly overstepped the mark were mentioned. The Rector testified that it would be appropriate to take steps against the leaders of groups who disrupted classes and even to expell them. In his view, however, premature action against such persons was likely to cause further resentment and greater disturbances. Reference is made later on to steps that were in fact taken by the Rector in a matter of this nature.

30.6.4 The Commission's finding in the light of all the circumstances is that the Rector did not fail in his duty by not taking steps sooner. There is no conclusive evidence that his conduct in this regard contributed in any way to the outbreak or the continuation of the riots.

30.6.5 The second accusation against the Rector, namely that certain of his utterances may have given students reason to believe that their conduct met with approval, was based on the contents of a circular and his above-mentioned speech. During July, a confidential circular was sent to all teaching, administrative and technical staff. The witnesses stated that, although this circular was confidential, it was freely distributed on the campus; it is not known who was responsible for its distribution. Apropos of the riots in Soweto and the disturbances at other universities, the Rector discussed trouble that might arise at the UWC in this letter. The part to which the witnesses objected was the following.
"Our community has not yet had much experience of university life. The vast majority of our students are first-generation university students. It is also a community with numerous grievances and frustrations. How well-founded these grievances are is immaterial at the moment. What is important, however, is that the students have few outlets for their frustrations. The result is that they will 'avenge' themselves on that which they regard as representative of their 'oppression' and which they can get at. If one applies these arguments to the Black students of the North and of Fort Hare, one ends up with what was described earlier on in this letter; it is our prayer that that will not happen here with us as well." (Translation)
30.6.6 The speech referred to was made by the Rector on 29 July, and the relevant part of it is quoted in paragraph 30.3.5. This quotation was taken from Die Burger of the 30th; the Commission also saw the report of the speech in The Cape Times. The gist of the two reports was more or less the same, except that the latter report was shorter, was phrased somewhat differently, and did not contain the qualification that the way in which the students gave expression to their feelings did not necessarily meet with approval.

30.6.7 According to this group of witnesses, the danger inherent in the statements quoted was that students might think that their boycotting of lectures was approved of by the staff and that this could encourage those who were bent on disruption. It was even alleged that the speech had been a turning-point in the riotous activities on the campus. This contention is supported by the following words, which were written on a blackboard at the time of the disruption of lectures on the 30th: "Van der Ross gave his support in that he said he was against the social structure." If the students had already decided on unlawful action, they would have seized on anything that justified their actions, even if it was a statement by the Rector which was deliberately twisted to suit their actions. Obviously, they would not have been able to twist his words with the same ease if the Rector had at that stage not only questioned the conduct of the students and other youths but had also unequivocally and emphatically condemned it.

30.6.8 When this speech was made, the students were already holding meetings and planning their riotous demonstrations. Whatever the source of their inspiration, there is no evidence to show that the events that followed this speech were a direct sequel to the Rector's statements or that the development and continuation of the rioting on the campus had been spurred on or accelerated by his words. In view of what had then already happened or was threatening to happen or was already inevitable, it would be unfair to blame the continuation of the rioting, which had been committed by the students of their own accord or as a result of incitement, on the Rector's words in his letter or his speech or a twisted interpretation thereof.

30.6.9 In the Commission's view, these critics lost sight of the fact that the Rector had spoken and written as a leader of his community and with regard to circumstances within the ambit of his life's work. If he had failed to see the grievances and frustrations of his own community or had denied their existence or did not appreciate the effect they could have on the university community, he might have been accused of dereliction of duty and of being unfit for his high office; then he might have caused a student revolt that would have been far more violent and extensive than the events that actually took place. Anyone who warns against what might happen is not necessarily an inciter.

30.6.10 In regard to the Rector's alleged failure to prevent the continuation of the riots by taking effective steps, the group of witnesses mentioned the following facts. He did not take action against students who disrupted lectures on 9 August, who threatened members of the staff during August, who, against the rules, remained in the residences at night to conspire and to plan riots, and who took
part in an unlawful mass meeting on 7 September. These facts were not put separately to the Rector. In assessing his actions, the Commission had regard to the following: The Rector gave the Commission a clear explanation of his objections to and fear of premature action. Furthermore, he had to maintain order among inspired students who were refractory and determined to run amok. He wanted to gain their confidence and in that way control them. But to assist him he had a divided staff: One group who openly sided with the students and another who complained that he was not strict enough in dealing with the students.

Thirdly, the Commission noted the anti-riot steps that were in fact taken by him.

30.6.11 The facts show that the Rector always tried to keep in touch with his students; for instance, he addressed some of their mass meetings; he replied in writing to the memorandum setting out their demands and undertook to convey their grievances to the authorities.

30.6.12 When the students decided at the end of July to boycott lectures for a week, the Rector, after consulting members of the staff and the Chairman of the University Council, suspended all lectures for the week of the boycott. A few days later, the Senate confirmed the Rector's steps, on condition that lectures were to be resumed after the suspension without there being any extension of the academic year. The Rector conveyed his decision and these conditions to a meeting of students and warned them against interference with the normal activities of the University. Some students subsequently complained that he had deprived them of the opportunity of demonstrating their solidarity with other universities and Soweto through a boycott of lectures. It should be added here that the Rector stated in a press interview that he would act against students who persuaded others to resort to a boycott. He subsequently also told a newspaper that he would not hesitate to call in the assistance of the police if the disruption was not stopped immediately.

30.6.13 When the rioting continued, the Rector suspended the constitution of the SRC on 11 August and banned all meetings not held with his consent. He expelled a student who threatened him over the telephone. Eight other offenders were provisionally expelled the next day.

30.6.14 On 13 September the police arrived on the campus and things then quietened down. The Rector addressed the students and told them that those who wished to attend lectures could do so without interference, but that the others had to leave the campus. The Senate gave instructions that the police were to stay until the end of the term. By 20 September the situation was back to normal.

30.6.15 After considering all the evidence and allegations concerning this matter, the Commission was satisfied that the Rector was not responsible for any of the disturbances at the UWC; on the contrary, he had done everything in his power to quell the disturbances, and his actions had contributed largely to the restoration of peace on the campus.

30.6.16 As regards the part played by members of the staff in the riots, reference has first to be made to three press statements. On 18 June, four members of the academic staff at the UWC reaffirmed their sympathy with Soweto, and a few days later the Staff Association also came out on the side of the people of Soweto.
In a statement made at the end of July, members of the Staff Society dissociated themselves from the speech made by the Rector. Allegations were also made that some staff members had involved themselves with the students during the rioting, but the evidence does not justify a finding that any of them took an active part in the riots or incited the students to riot. To this must be added that a member of the teaching staff, Prof. I. Mohamed, was detained by the Security Police during the riots on 13 September. The reason for his detention is not known to the Commission.

30.6.17 On the other hand, it must be mentioned that members of the staff helped in various ways to still the unrest. They also helped to protect university property, although this sometimes exposed them to grave danger. Some staff members were even assaulted. There is also evidence that some

senior staff members of their own accord summoned a small police squad to the campus on 13 September, and that peace was restored in this way.

30.7 The part played by students in the riots. 30.7.1 The part played by the UWC students in the rioting in the Peninsula should not be underestimated. Their show of solidarity with Soweto and the objectives of Blacks in the RSA turned their institution into the ignition point of the rioting in the South. From them and their damaged campus the inspiration, the incitement and the expertise in violence spread to other educational institutions. In this way, the riots spread not only through the Peninsula but also to other towns in the southern Cape Province.

30.7.2 In 1976, there were 2,531 students at UWC, some 500 of whom were extramural students and 340 were in residence. Towards the middle of the year, differences in the ranks of the Students' Representative Council led to the breaking up of the Council and its coming under the control of a particular group. There was no co-operation between this group on the one hand and the Rector and his administrative staff on the other. Mention has already been made of the week-long suspension of lectures. This was followed by further boycotts, but the students were not of one mind in this matter. Those who did attend lectures were threatened and sometimes forcibly removed from the lecture rooms. According to the Rector, the vast majority wanted to get on with their studies, but at the same time they felt that they should be true to a vague, ill-defined aspiration that had something to do with liberty, equality and Black Consciousness. After the boycotting of lectures, the next step was rioting and violence.

30.7.3 The available evidence shows that the rioting did not start spontaneously here. It was the evil fruit of planning and incitement. From 26 July, six mass meetings and several demonstrations were held within the space of less than three weeks. The first meeting was convened to draw up a plan of action so that that campus would not be the only "Black" campus on which there had not yet been any show of solidarity with Soweto. Three days later, it was provisionally resolved not to attend lectures for a week. The following day this resolution was confirmed, and it was decided to enforce the embargo on lectures with violence. At the end of the so-called week of "soul
searching”, during which the symposium was held, it was decided that the show of solidarity was not effective enough, and according to a newspaper report the President of the Students’ Representative Council announced that the strategy for the next week should be planned. They started the first fire on their own campus on 5 August, when the Law Faculty buildings were burned down. For almost two months, there were not only boycotts and demonstrations but also arson and attempted arson, and when they rioted they did not hesitate to use stones.

30.7.4 After the Rector had divested the Students’ Representative Council of its powers, the following resolution was passed at a mass meeting: "That we maintain the existing organisation and make an ardent attempt to mobilise and organise the community so that we can broaden our front and thereby be more effective as a pressure group." It is clear that they had made earlier attempts to "mobilise and organise" the community. In this connection their main instrument had been the pamphlet "UWC - Soweto”, which had been distributed far and wide. And wherever this pamphlet went, rioting followed in its wake. For instance, rioting broke out after the pamphlet had been distributed on two successive days in Guguletu, Langa and Nyanga, Black residential areas which at that stage were comparatively quiet.

30.7.5 There is evidence of students' having encouraged scholars in some places to take part in rioting. After scholars had been addressed by students in Paarl on 8 August, they began rioting the following day, and an adult burned down a factory. At Stellenbosch, students had a hand in the planning of riots by scholars. At Worcester, the striking scholars wrote the following in a memorandum: "We identify ourselves with the students of the UWC and propose to take the following steps ... a peaceful strike without incitement, but with detailed placards ...

(Translation)

30.7.6 According to the evidence, students also took part in rioting at places other than their own campus. Among other things, one of them was arrested in a scholars’ march and according to a newspaper report students were spotted at several places of unrest. Two theological students and one law student, together with another person, were convicted in connection with arson at a primary school and a post office.

30.7.7 Apart from the persons involved in that case, eleven students stood trial in the case S v Van Wyk and ten others, Bellville RC 48/76, and two in S v Plaatjies en Stuurman, CPD 402/76. In S v Vincent and others, CPD 403/76, women students were acquitted of complicity in arson at their hostel. Furthermore, several student leaders were detained by the Security Police.

30.7.8 Finally, it has to be mentioned in regard to students at other institutions that there were disturbances at the Bellville Training College and arson at the Peninsula College for Advanced Technical Education and the Hewat Training College. The action by students at the University of Cape Town was confined to the holding of meetings and demonstrations and the distribution of pamphlets.

30.8 The part played by school principals and teachers in the riots. 30.8.1 Several persons testified on the involvement of teachers in the Peninsula in the riots. This evidence was often of a general nature and based on impressions and even
suspicions. After consideration of all the facts that had come to their notice, some witnesses expressed their views to the Commission, and in a few cases they referred to particular facts relating to teachers' participation.

30.8.2 It was generally believed that teachers merely looked on passively at what was happening, but according to an opinion poll among Coloured workers in the Peninsula, teachers played an important part in the stirring up of unrest among the youth. In this connection, the Director of Education (Coloured Affairs) testified that teachers had systematically inculcated resistance in their pupils to such an extent that children grew up with a sense of injustice. A regional representative stated in general that many teachers had incited pupils, had been sympathetic towards rioters and had connived at things that were inadmissible.

30.8.3 A detective testified in regard to the Salt River High School that two teachers at that school (one a man and the other a woman) had incited the pupils by teaching them so-called "freedom songs", arousing their sympathy with children who had been injured or shot dead, convincing them that innocent persons were being detained, encouraging them to collect money for the parents of children who had been shot dead, and telling them to use violence when confronted by the police. This witness also stated that four teachers from this school had fallen in with marching scholars in the centre of the city. Another witness had noticed that three of the teachers at the school had helped with the arrangements for one of the marches. When books and classrooms at this school were set on fire on 12 October, neither teachers nor pupils summoned the fire brigade.

30.8.4 On 3 September, two teachers at the Alexander Sinton High School were arrested. They were subsequently arraigned in separate trials and acquitted of incitement and public violence in connection with the riots. Having regard to all the evidence concerning the conduct of teachers in these and in other cases, the Commission has concluded that teachers seldom took an active part in the rioting.

30.8.5 In contrast with the example given above, mention must be made of the Spes Bona High School. The then Principal, Mr F. Sonn, testified that, except in one instance when a group of pupils were recalcitrant, there had not been a single incident of rioting or violence at his school throughout the riots. He gave the following reasons for this. The teachers showed that they shared the scholars' grievances; in this way they gained their confidence. There was a good understanding between the Principal and the staff, and they agreed about combating rioting. Strict discipline was maintained throughout. Advice was obtained from a riot-control expert. Younger teachers were told to discuss certain matters with scholars. When a small group of Std VII and VIII pupils refused to go to their classes, their parents were immediately contacted, and the difficulty was resolved after discussions with parents and pupils. This witness also considered that everything had gone so smoothly because of his position in Coloured education as President of the Cape Professional Teachers' Union and also because the pupils at his school were the children of parents in the higher income group and from the upper middle class.
30.8.6 There were other cases as well of principals who tried, each in his own way, to avoid or to curb rioting at his school. Some principals did a great deal to protect their schools during the holidays. Others collected money from parents and had damage at their schools repaired.

30.8.7 During the riots a teacher was in an awkward position. If he were to decide to give his full support to the pupils, he would without any doubt have come into conflict with the law; his conduct could also have elicited justified criticism. If he took a stand against the pupils, the unbridled vengeance of the rioters awaited him; there is evidence of teachers who were assaulted, while the homes of others were destroyed. If he decided to remain neutral and passive, which, according to witnesses, was what most teachers did, he ran the risk of having his silence and passiveness interpreted by both sides as support for the other side. Then there were teachers who realised that pupils should not be allowed to continue their violence and rioting unchecked, but who nevertheless sympathised with the young people in their alleged grievances. Such a teacher would no doubt have been better able than the pupil to formulate grievances, to give grounds for them and to arrange them in order of priority, but there would nevertheless have been common ground between teachers and pupils on such matters as discrimination, civil rights and decent treatment. If such a teacher were to tell his pupils that he shared their resentment, both the pupils and those holding contrary views might regard this statement as an incitement to rioting and violence; this is what happened with the students. If the teacher approved of their resentment, he had at the same time to disapprove of their unruliness; and if he were to take too strong a line against their actions, he might be regarded as an enemy of the pupils and what they were striving for. Fortunate, indeed, was a teacher who could succeed in dissuading his pupils from violence while retaining their confidence. Not all the teachers had the guidance and cooperation the teachers of the Spes Bona High School received.

30.9 Participation by scholars.

30.9.1 Scholars were not in all cases responsible, or solely responsible, for the rioting that occurred at their schools. The following two cases serve as examples. The first incident of rioting at a Coloured school occurred on 9 August, when the Good Hope Primary School was set on fire by three students and a young worker. When scholars in the Black areas began rioting two days later, they had in all probability been incited by the pamphlets that students had written and had distributed several days previously.

30.9.2 It was reported from one of the regions that it was not until the second week of September that primary pupils became involved in the riots, when window-panes were smashed and fires were started at primary schools. In another region, it was noticed that the younger scholars in particular were drawn into demonstrations when the police riot squad appeared on the scene. Most of the rioting occurred at the Salt River, Alexander Sinton, Bonteheuwel and Mountainview Coloured High Schools. The general pattern followed by the rioters was to refuse to go to their class-rooms, to form mobs and then to run amok. There were also prayer meetings at which incitement took place. Because
pupils went from school to school in groups and then marched together, it was
difficult to control big marches, although there was one case in which a police
officer succeeded in leading such a group of scholars back to their school. At
Black schools, pupils crowded together on the school grounds, sang songs and
then set out on a march, which frequently got out of control, especially when
other youths and adults joined the march.

30.9.3 According to the evidence, scholars frequently acted in an organised
manner. This may be attributed mainly to the fact that about nine big schools had
pupils' councils. Such "Students' Representative Councils" acted locally in the
first instance. Although the aim of the council of the Salt River High School was
to bring about better co-operation between teachers and pupils, it soon exceeded
the scope of its normal activities. The council held meetings without the
principal's consent; it conducted a poll among pupils on whether examinations
were to be written or not; and its members incited pupils to boycott classes. There
was one occasion when pupils did damage totalling R15 000 in a school while
their fellow pupils on the council were discussing the final examinations with the
principal. Eight members of the council were expelled on the strength of
information that they had been responsible for the damage, and then further
damage was done to the school building.

30.9.4 The councils not only organised the action at their own schools, but also
the joint action of all the schools. Each council deputed three members to an
umbrella body called the "Super Students' Representative Council". It could
hardly be a coincidence that the name of this body had the same initials as a
similar council in Soweto. This council resolved that classes should be disrupted
at all schools simultaneously and laid down guidelines for the

carrying out of this resolution. It seems that, through its contact with scholars at
Black schools, the council could have organised the marches to the central area of
Cape Town during the first three days of September. The council was also
responsible for the distribution of pamphlets.

30.9.5 Various documents dealing with the riots, their causes and their importance
were distributed by scholars and some were sent to the authorities. Such
documents, especially the lists of grievances, were drawn up with the assistance
of adults, some of whom were Whites. In one outstanding case, a Coloured girl
gave very able testimony on grievances before the Commission in Cape Town. It
subsequently transpired that she had not been expressing her own or local views,
but was reciting the contents of a pamphlet that had been drawn up in Soweto and
distributed from there. She had learned this pamphlet off by heart. It was later
handed in to the Commission.

30.10 The part played by parents.

30.10.1 The Commission has no evidence concerning persons who actively
participated in the riots as parents, or who incited their children to riot and run
amok. On the contrary, there were cases where parents disrupted the normal
routine at schools by insisting that their children come home because they had
heard of a proposed march or demonstration. Parents also frequently helped with
anti-riot measures by putting out fires at schools and by personally punishing their
children who had transgressed. Many of them helped to repair riot damage or contributed money for the purpose.

30.10.2 During the inquiry, the question was frequently asked why parents could not keep their children in check and maintain discipline. This problem is dealt with in Chapter E23. Reasons given in regard to Coloured and Black parents in the Peninsula may be summarised as follows:

30.10.3 Because the child was receiving a good education at school, he was intellectually better developed and equipped than his parents, who sometimes had had or still had very little contact with schools and with education; in the home the child consequently set the tone, and his parents were afraid of a confrontation with him.

30.10.4 Parents were constantly being reproached by their children and by others for not having improved the conditions against which their children were now rebelling; the sense of guilt that was engendered in this way undermined their ability to maintain discipline.

30.10.5 According to witnesses, parents were sometimes intimidated and were then afraid of restraining their children; to this may be added that the presence of skollies in the groups that took part in the rioting made children impudent, insolent and defiant towards their parents.

30.10.6 In the presence of their children, parents were addressed and treated - some witnesses say regularly - in a humiliating manner by officials, policemen and Whites, and this undermined parental authority.

30.11 Vagrants as rioters.

30.11.1 According to observers, there are more vagrants or skollies among the Coloured population than among Blacks. The Commission did not deem it necessary to go into the numbers and proportions or to examine the contention that the difference was attributable to influx control. The important fact is that large numbers of skollies took part in the rioting in the Peninsula.

30.11.2 In some cases, skollies egged youths on to violence by shouting battle cries. They joined marches and demonstrations and soon took over. Whatever the demonstrators' original objective may have been, once the skollies took over, crowds were difficult to restrain, and then destruction and looting became the main objectives.

30.11.3 Riot victims and those who combated the riots were agreed that skollies, and not scholars, wrought the greatest havoc and ran amok more than anyone else. This accords with the observation that more skollies than scholars were detained for, and charged with, violence. The list of deaths, Annexure F, shows that a number of persons were fatally wounded in the Peninsula while committing some crime or other; it is impossible to establish whether or not they were skollies.

30.11.4 It was said that skollies alone had been responsible for the riots and violence. This is incorrect. Students and scholars planned their operations themselves, and the facts do not show that rioting and disturbances broke out only because they had been joined by skollies, nor does the evidence show that skollies
were present at all acts of violence. The Commission does find, however, that violence and crime were aggravated by the participation of skollies. 30.12 The part played by the organisations SASO, BPC, ANC and SACP. 30.12.1 Shortly after the outbreak of rioting in Soweto, two SASO leaders, one of whom was a student at the UWC and the other at UNISA, were summoned by their organisation to Johannesburg. Upon their return to Cape Town, they and other SASO members got into touch with leaders of the BPC. No evidence was submitted to the Commission that proved conclusively that these two organisations had any part in the rioting in the Peninsula. However, the following report appeared in the Cape Times on 6 August: "The BPC Cape Town branch reaffirms its total solidarity with the stand of Blacks taken nationally and specifically with the courageous stand of our students at the University of the Western Cape, who believe that Blacks suffer commonly in our country." 30.12.2 The part played by the ANC and the SACP in rioting throughout the country is dealt with in Chapter E3. Reference is made here to the activities of two collaborators of the SACP who, before and during the rioting in Cape Town, were preparing and distributing pamphlets that may have influenced potential rioters. According to the findings in the case S v Jenkin and Lee, CPD 147/78, the two accused dispatched pamphlets by post and also distributed them with pamphlet bombs. These pamphlets appealed to their readers to join the freedom movement and thus to take part in an armed revolt against the Government of the RSA. In the pamphlets of February and March, readers were urged to organise. On 4 June, immediate action was called for. It seems as though the riots of 16 June surprised the authors. In their pamphlets in July and December and January 1977, they appealed for support in the freedom struggle. It is not possible to say what effect these pamphlets had on the rioting in the Peninsula.

30.13 The churches and the riots. 30.13.1 One is struck by the frequency with which rioting and violence followed the holding of a prayer-meeting or memorial service at which sympathy was shown with the parents and children of Soweto. At schools, such meetings or services frequently led to a refusal to return to the class-rooms, demonstrations, marches and, ultimately, rioting. A number of such religious or pseudo-religious meetings were held in the Peninsula. Some of these will be touched upon. 30.13.2 On the morning of 10 August, a memorial service was held at the Bellville Training College to show solidarity with Soweto. The clergyman of the Anglican Church who conducted the service did not say anything inflammatory. In the afternoon, placard-carrying students marched to the main road, where they joined students from the UWC. There were incidents of stonethrowing at passing motor cars. 30.13.3 On Tuesday evening, 24 August, the weekly youth meeting in the DRC in Bonteheuwel was attended by some 300 young people. Demonstrations had been held earlier on at three places, and there was a rumour going round that a fourteen-year-old girl had been beaten by the police. Feelings ran high, and the police were summoned. The police ordered everyone except members of the local congregation to leave the church. Only 20 to 30 persons stayed behind.
30.13.4 Several services were held in the Methodist Church in Guguletu. On one day there were two services, after each of which a large crowd marched on the regional police station. On the second occasion, serious rioting erupted. A huge crowd also congregated at the Methodist Church in Langa, and stones were thrown in the rioting that followed.

30.13.5 On 25 October, there was again a large gathering in the Methodist Church in Guguletu. After the crowd had left the church, a pamphlet was found in the building appealing to readers to come out on strike for a week. There was another large gathering the next day, and later on the police used firearms to disperse the crowd. An allegation that the police had used batons to drive the church-goers from the building was investigated. The police denied the charge. No further satisfactory evidence was found, and the Commission did not make any finding.

30.13.6 At 17h15 on 28 November, some 70 young Blacks held a meeting in the Apostolic Church in Guguletu. Afterwards, they marched to a shebeen and set all the furniture of the house alight in the street. The police were pelted with stones.

30.13.7 A memorial service held in Nyanga on Christmas Day was followed by a bloodbath that lasted for three days.

30.13.8 Some witnesses felt that, by permitting the meetings, the churches had signified their approval of the actions of those present. Except in the case of the meetings that were held at the Training College and in the DRC, there is no indication of who had called these meetings and whether the church body concerned had had any control over the identity and number of the persons who would attend. There were no allegations of inflammatory sermons by ministers. The Commission accepts that these meetings were used by others to assemble large crowds for joint action.

30.13.9 There is no direct evidence that the pamphlets and inflammatory documents that were found on church-goers and sometimes in church buildings were distributed by the church bodies. Any individual could have used a meeting as an occasion to distribute these documents or pamphlets.

30.13.10 To conclude, a number of persons who had connections with churches and theological institutions clashed with the law and were detained. Church leaders sometimes made representations to the authorities for their release and publicised these representations. In certain cases, they did not weigh and choose their words carefully, with the result that critics could say that they were making excuses for offenders' misdemeanours.

30.14 The part played by Government departments. 30.14.1 Two Government departments in particular did a great deal during the riots to restore the position to normal. Through its officials, such as school inspectors and even the Director of Education, the Department of Coloured, Rehoboth and Nama Relations remained in close touch with the schools, teachers and pupils. This made it possible to solve some problems from time to time and on the spot.
30.14.2 On 6 September, senior professional officers, headed by the Director, held consultations with the heads of secondary schools in the Peninsula. As a result of these discussions, all secondary schools in the area were closed from 7 to 10 September.

30.14.3 Arrangements were made for meetings with leaders of the community. On 9 September, the Minister himself, accompanied by senior officers, held discussions with the Divisional Commissioner of the SAP and with representatives of the Education Council for Coloured Persons, the Bellville and Wynberg regional councils, and associations of teachers and school principals. At this meeting, the causes of the riots were discussed, and the Minister and the Director were able to clear up several misconceptions, put certain problems in perspective and explain plans for the future.

30.14.4 The Department of Bantu Education directed the principals of Black secondary schools to persuade their pupils through their teachers and parents to return to normal school activities. Meetings with parents were held on 29 August at which it was decided that parents would urge their children to return to school. About a month later, a meeting was held at which those present included 43 chairmen of school boards and committees, as well as leaders of the community; in response to a request made to him at this meeting, the Regional Director addressed a meeting of 3 000 pupils. He received a list of grievances from the pupils.

30.15 Attempts by organisations and individuals to abate the rioting. 30.15.1 The Centre for Intergroup Studies, which concerns itself mainly with research into relations between groups in the country, tried to be a go-between or mediator between the authorities and the leaders of the Black and Coloured communities. Talks were held with spokesmen for the Government, the police and the two afore-mentioned departments. The Director also held discussions with Coloured and Black teachers, clergymen and leaders. Their views were conveyed to the authorities. The Director of the Centre accompanied a deputation of clergymen and teachers to the Divisional Commissioner of the SAP. The memorandum they handed over dealt with police action during the riots. The Director concedes that on that occasion he identified himself with the views and attitude of the Coloured community. This is probably the reason for the failure of his attempts to find a solution to the problems; because he took sides, he was hardly likely to bring the parties together.

30.15.2 The Cape Professional Teachers' Union, an organisation with a membership of some 8 000 teachers, tried to give the public guidance in the chaos that prevailed during the rioting. In a press statement on 20 August, the Union warned students and scholars that violence did not offer any solution to their problems and that the boycotting of classes was counterproductive. In another press statement, the Union said that the rioting could be ended only by extending rights to all South Africans, that it supported the basic grievances of the students, and that it was prepared to hold discussions with the Government. The Union subsequently took part with other education bodies in discussions with the Minister of Coloured Affairs. On 6 September, the Union criticised the police and
the pupils in a press statement for the way in which both groups had acted in the prevailing circumstances.

30.15.3 Two other organisations made separate attempts to subdue the rioting but without any appreciable success. The actions of urban representatives of homelands in December, when there was faction fighting in the Black areas, is dealt with in the next chapter.

30.16 The actions of the South African Police. 30.16.1 Riot squads of the SAP were responsible for anti-riot measures in the Peninsula, except on railway property, where the Railway Police acted. A riot squad consisted of a commanding officer with officers who had received special training in the combating of riots, terrorism and public unrest. There was an officer at the head of platoons, each of which had its own recorder who had to record every order received and every action carried out. The platoons were subdivided into sections consisting of a sergeant with local constables. The members of a platoon were issued with the prescribed weapons and quantities of ammunition. The Peninsula squad was at times assisted by two squads from Pretoria.

30.16.2 While one section of the public in the Peninsula were satisfied with the action taken by the police, another section were sharply critical of the riot squads. When the Archbishop of Cape Town and leaders of the Coloured Labour Party asked publicly for a judicial inquiry into the rioting, one of the leaders said: "There are many allegations that the police, by their actions, caused the unrest to escalate. We felt that the police misread the whole situation when they saw the students' peaceful protest as a threat to the security of the State." The Commission has the following comment to make on the last sentence: An efficient police force is expected to act at the stage when law and order are threatened and not to wait until the security of the State is endangered. In terms of section 5 of the Police Act, No. 7 of 1958, four of the important functions of the SAP are the following: The preservation of internal security; the maintenance of law and order; the investigation of offences; and the prevention of crime. The speaker also lost sight of the fact that public gatherings were prohibited and that the policeman's duties and powers, including the use of arms, in regard to such a gathering, are prescribed in sections 7 and 8 of the Riotous Assemblies Act, No. 17 of 1956.

30.16.3 By direction of the Commission, a senior officer of the SAP investigated all complaints of witnesses concerning the actions of officers of the law. These complaints related in particular to the unnecessary use of firearms, overzealous action and manhandling of scholars and other protesters. In his report on his investigation, the officer concerned, Col. C van R. Mouton, pointed out the following. Some witnesses were unwilling to talk to him and to furnish him with details of their complaints. Others testified in camera and did not wish their names to be used in the investigation. Certain complaints were based on hearsay evidence, and witnesses could not or would not divulge the names of their informants. In some cases, the information given by a witness regarding time, place and person was altogether incomplete, while in other cases it was no more than or even less than the information the police already had and that had been investigated. Then, too, there were cases where the policeman or policemen could
not be identified. Nevertheless, the colonel investigated all the cases, and his findings and report are used when the complaints are dealt with.

30.16.4 Some charges of a minor nature may be dealt with first. According to certain witnesses, the anti-riot training of the police was inadequate. The evidence does not justify such a conclusion; in any event, this training was the best that was available in the prevailing circumstances. Other witnesses contended that the constables' special uniforms were unsuitable and wrong. The Commission does not consider this to be a matter of importance which had an effect on the rioting; there is no clothing that would have met with general approval. An allegation that the police failed to act against private persons who took the law into their own hands and injured schoolchildren is inaccurate; one case in this connection was taken as far as the Supreme Court. The fourth and final complaint dealt with here is that the police protected only Whites and not Coloureds and Blacks and their property. As most of the rioting took place in Coloured and Black residential areas, policemen devoted most of their time to the protection of these two population groups and their property. Nor should it be overlooked that policemen protected workers who were willing to work during the strikes.

30.16.5 In dealing with the Coloured leader's accusations, it is necessary not only to focus the searchlight on the conduct of the police, especially at the outbreak of the riots in the Peninsula, but also to establish whether the actions of the students, scholars and other malcontents were really peaceful protest from the outset.

30.16.6 The first signs of rioting were observed on 18 June, when it was discovered that someone had tried to break into a school at Mowbray and to start a fire; Black Power slogans had been written on the blackboards. There was no evidence of police action in regard to this breaking in that could be approved or deprecated. On the afternoon of the same day, students demonstrated at the University of Cape Town. The demonstrators dispersed without resistance upon being warned by Col. Vos. The next incident in this area occurred on 12 August; this was a march by students at a time when rioting was already in progress in the other residential areas. There was no violence on the part of the students or the police at either the demonstration or the march.

30.16.7 The first incidents in the Coloured residential area occurred at the UWC. Towards the end of July, the students held several meetings in connection with protest action on the campus without interference from the police. This was also the case when lectures were disrupted on 30 July. The police were called in on the evening of 3 August, when the students protested against White staff members who wanted to proceed with lectures and when a lecturer was alleged to have been assaulted in a lecture room. A student was detained, but there is no evidence of any confrontation between police and students. The next day, students blocked the street in front of the University and demonstrated with placards. Stones were thrown at passing motor cars. The police were summoned and apparently removed the obstructions and placards, but left the campus after negotiations with the Rector. The police intimated that they avoided interference and clashes, but
that the blocking of the street and stone-throwing could not be permitted. That same night the buildings of the UWC's Law Faculty were burned down.

30.16.8 Elsewhere in the Coloured residential areas, the first incidents of rioting also occurred without any censurable action on the part of the police. There were two fires at the Hewat Training College and one at the Peninsula Technical College. Three students and a fourth person started a fire at a Coloured school; the connection between this action and any protest appears only from the discussions of the arsonists. These four incidents cannot be regarded as peaceful protests.

30.16.9 The first incidents of rioting in the Black residential areas in the Peninsula were two fires that occurred on 19 June. Five days later, while the police were investigating a complaint of stone-throwing, their vehicle was also pelted with stones, and on 26 June a post office in Langa was attacked. In none of these five cases was there any suggestion in the evidence that peaceful protest had been in progress and that the police had reacted overzealously or had acted provocatively. After six weeks of calm, students distributed inflammatory pamphlets in the area on two consecutive days, and immediately afterwards, on 11 August, violent rioting broke out. In the course of the morning, about 500 young Blacks and a number of adults marched on the Guguletu police station to demonstrate their sympathy with Soweto. The group swelled to several thousand. The demonstrators carried placards, gave the Black Power salute and sang. A blackboard with the words "This is a peaceful demonstration" was carried at the head of the demonstration. According to witnesses, delivery vans were stripped and passers-by threatened. The police warned the demonstrators that their march constituted a contravention of the law and that they should disperse. They refused to do so and merely changed direction. Tear-gas was used to disperse them, and according to the police, 19 placard bearers and rioters were detained. During the afternoon, several thousand demonstrators again marched on the police station, this time to demand the release of the 19 detainees. They were kept away from the police station with tear-gas. The 19 were released and rejoined the crowds. This did not calm down all the demonstrators. Upon being dispersed by a hail-shower, they began stoning houses and vehicles. Short pieces of metal piping were also used. Matters went from bad to worse, and by midnight all liquor outlets in Langa and Guguletu had been looted and set on fire or damaged. The police used firearms, fatally wounding a number of people.

30.16.10 The only available evidence concerning this shooting incident is that the police fired on arsonists and looters and not on demonstrators. An investigation has shown that most of those who died there were older than schoolchildren. Many had also been under the influence of liquor. Details are furnished in paragraph B30.19.2. For the sake of completeness it should be added that scholars also marched from a high school in Langa during the morning; some of the demonstrators were armed with sticks and stones. After discussions with the police, they turned back. On their way back to school, they pelted the police with stones.
30.16.11 The Commission's finding is that, whatever guise they assumed, these protests were not always peaceful or did not always remain so. Sometimes, it was probably not the scholars but their collaborators who overstepped the mark in the first instance. Where a march proceeded peacefully, trouble usually began when the marchers were stopped by the police and asked to disperse. The police were not only entitled to stop the procession but were also obliged to 'do so. There were cases where protesters had second thoughts at this stage and heeded the request to disperse. If they failed to do so, the police had to act. On one occasion, a policeman succeeded in leading the marchers away from the danger, but in other cases the severity of the action depended upon

the stubbornness of the resistance. Then tear-gas, batons, dogs and finally firearms were used. In the cases under discussion here, there is no evidence to justify the conclusion that the police had overreacted or had acted wrongly and in that way had sparked or aggravated rioting. This finding does not exclude the possibility that individual policemen sometimes acted more harshly than was necessary. It is also possible that some scholars regarded justified police action as an infringement of their right to protest.

30.16.12 Something that caused great concern among the Coloured community was the fact that the police so often entered school grounds and that their mere presence apparently evoked violence in the pupils. The Commission found that this view was held elsewhere in the country as well. Many reasons were put forward why a policeman should have such an effect on children. Schoolchildren, it was said, believed that the police always treated them harshly and were always against them. Examples were given - not always from personal experience - of police action that served to reinforce this belief in children. To the child the policeman was moreover the one who enforced oppressive legislation; he had become the symbol of the Government, the oppressor. The Commission would like to add another possible reason. This is that an officer of the law is criticised all over the world, especially by those who consider themselves to be oppressed, and that his image is constantly broken down - even in some of our own newspapers and homes. Very little is done to restore his good name. The idea skollies, tsotsis and loafers have of policemen, influences the ordinary schoolchild. There is no doubt that a policeman or an officer of the law is not looked upon by all children as their friend and protector.

30.16.13 There were several statements to the effect that the police had entered school grounds, often without being asked, and gone for innocent protesters with unnecessary violence. In his investigation, Col. Mouton could not find a single case where police had entered school grounds to quell rioting without having been requested to do so by a principal or a member of the staff. A principal who alleged that this had happened at his school would not come to testify or have his identity disclosed. His statement was then read out to the Commission at a sitting held in camera; in these circumstances the truth of his statement could not be tested. Schools were given the assurance
that the police would visit their premises only if they were requested: to do so, provided teachers undertook to control their pupils themselves and to call in the police if they were unable to do so. There were nevertheless cases of failure to summon the police although the pupils were out of control, e.g. when children at the Salt River High School caused R15 000 damage to their school on 6 October; they carried on with their destruction the next day. The police were not summoned.

30.16.14 A White woman teacher testified that pupils who had congregated at the Alexander Sinton High School were politely asked to disperse by a policeman and that they complied with his request. According to the evidence the police were not equally correct in their behaviour when they visited the same school four days later; they climbed over the fences and used harsh tactics in trying to subdue the pupils. During the inquiry it emerged that the police had consulted the school principal concerned several times in the course of the day. Pupils hurled stones from the school grounds at the police and members of the public. The woman driver of a motor car was so seriously injured by the stones that she had to undergo hospital treatment. An adult inciter was spotted among the schoolchildren. Inflammatory and unseemly slogans were later found on blackboards. The police entered the school grounds only when the school principal found that he could not bring the pupils under control and called in police help. The pupils resisted and attacked the police, among other things with a fire-hose. After considering all the available facts, the Commission found that the police action had been justified, even when tear-gas was used on the school grounds. There was some necessity for the limited use of batons.

30.16.15 It was also alleged that the police had used unnecessary force at the Trafalgar High School on 3 September. On that particular day, riots raged around and near the school. Rioters knocked a traffic officer from his motor cycle with stones. Stones were hurled at the police and the public not only from the school grounds but also from the school building. When an offender was pursued into the building, complete chaos was found there. The furniture had been overturned and everything had been drenched with hoses. Some pupils were found at a window around a dustbin full of stones. In the light of the evidence, the police again do not seem to have gone to extremes.

A witness alleged that he had been informed that the police had entered his house that day and had assaulted his sons. No eyewitness told the Commission about this incident. It could not be established whether this incident had anything to do with the rioting at the Trafalgar High School or the 25 other incidents of rioting. The Commission does not make any finding in regard to this incident.

30.16.16 Several witnesses told about malicious and even dangerous treatment of scholars by the police at places other than the school grounds. There was evidence inter alia that the police sometimes took youths to police stations, where they gave them a sound thrashing with a cane before releasing them. Although a particular police station and a certain date were singled out for such activities by one witness, the investigator could not find any signs or proof of such incidents. By way of information, and not as an excuse, he said that mothers sometimes brought
bigger boys to police stations and asked them to apply parental disciplinary measures on their behalf.  
30.16.17 One of the other incidents in which the police were alleged to have acted too harshly occurred on 16 September. This was the day on which the rioting in the Coloured residential areas reached a climax. Two other incidents took place in the second week of October. One of them is directly connected with the youths' campaign against shebeens and the use of liquor, when 100 youths stopped adults and searched them for liquor. The police dispersed them. In the next chapter, reference is made to the unlawful and sometimes disgusting methods used by the youths. Mention is made of these facts to show that the rioting was fierce and widespread on these occasions, and that rioters were recalcitrant and wanton.  
30.16.18 Another accusation against the police was that their use of firearms could not always be justified. This charge relates to joint and individual action and particularly to cases where it was said the police were too quick to shoot or an innocent bystander was hit. A finding in individual cases is possible only after consideration of all the facts surrounding each incident. If all the evidence relevant to the shooting of any person had to be collected and weighed, the Commission's task would be impossible. The same goes for investigations into cases of alleged harsh treatment. All deaths that occurred during the riots have been investigated by a magistrate, as is proper, and the findings are given in Annexure F. These findings were not disputed before the Commission.  
30.16.19 All the baton injuries and almost all the gunshot wounds referred to in paragraphs 30.22.1 to 4, in which injuries are dealt with, were caused by the police. All the persons killed by the police during the riots died as a result of gunshot wounds. Using the tabulated riot incidents as recorded in Annexure B, and the deaths recorded in Annexure C, the Commission compared the violence of the riots with the deaths according to the dates on which they occurred. This comparison and the Commission's deductions appear in paragraphs 30.21.2 to 4. The following few deductions are relevant here. The death rate was not high at the outbreak of the riots; a high death rate coincides with a large number of incidents of rioting; there was no intensification of riot activities after a large number of deaths.  
30.16.20 The Commission will now proceed to discuss a number of serious shooting incidents that were brought specifically to its notice. A mother testified that her son was walking in the street when the police emerged from the bushes and shot at him; he was not near any rioting. He was wounded in the abdomen and arm. The boy came to testify in person. He said that he was watching the police dispersing a number of stone-throwers. The rioters ran towards him, and when the police fired - presumably with birdshot - he was among them when he was hit.  
30.16.21 Another witness stated that he was near a group of people when he heard a warning that the police were in the neighbourhood. He ran away and was shot by the police, who hit him in the eye. In the investigation that was instituted,
police explained that the shot which hit the witness had been intended for a group who were starting a fire.

30.16.22 A 22-year-old Guguletu resident stated that he was on his way home after attending a bioscope show; near the police station he was fired at from a police pick-up van and hit in the leg. According to a police statement, a police station was attacked by a crowd who demanded the release of certain detainees; several shots were fired on the crowd during this incident, and the witness was probably wounded in this way.

30.16.23 A twelve-year-old Coloured girl died as a result of a gunshot wound in the head. She was Sandra Peters. Her death was the subject of an inquest. The magistrate's finding, which appears in Annexure F, was that she was killed by the SAP during stone-throwing at vehicles and the looting of a shop. According to the evidence before the Commission, she and her little brother were sent to a shop by their mother. There they saw looters breaking into the shop, but they ran away upon the arrival of the police. After the departure of the police they went closer, as did others who were at the scene. Apparently the looting began again, and when the guards, who were not spotted at first, started firing on the looters, Sandra was fatally wounded. The Commission accepts that she was not one of the looters.

30.16.24 It was not always possible to collect more detailed evidence of cases such as this one where it was alleged that the victims had not had any part in the rioting that was going on at the time. In the Peninsula as elsewhere, it happened that those who tagged along, passers-by and inquisitive individuals were wounded and even killed by the police in their anti-riot actions. The Commission's findings in this regard follow at a later stage. Inquiries into charges of deliberate assault and shooting by policemen did not produce sufficient evidence for findings.

30.16.25 The Commission heard several witnesses on the particular circumstances in which the police found themselves while trying to calm the rioters in the Peninsula. Members of the riot squads were frequently on duty for more than 18 hours at a stretch and sometimes did not have a chance to take a proper rest or even to take off their uniforms before being called out again. They were constantly subjected to provocation of the worst degree. Only one of many examples will be given. Upon being summoned to the UWC after the first public rioting, the police were requested by the Rector to leave the campus after discussions. To do so they had to drive past a crowd of students. According to a witness, they were taunted by the students, sworn at and called everything that is vile. As they drove past, their vehicle were kicked at and struck with fists and other objects. They did not stop and left the campus without retaliating.

30.16.26 In their attempts to restore peace and order, the police did not have to deal with innocent schoolchildren only; there were also those who were looking for trouble and recalcitrants who refused to obey lawful orders. The inciters popped up here, there and everywhere, and the stone-throwers were always close at hand. The police were under almost constant threat. Whether they were
patrolling, restoring order, protecting workers who refused to go on strike or arresting offenders, they never knew where the next stone was going to come from.

30.16.27 Among the crowds that had to be controlled, there were often large numbers of individuals who had never known the discipline of a parent or a teacher or regular employment. Some of them had no respect for the law and for the judicial system and for this reason were disinclined to obey lawful orders. The evidence also shows that many of the rioters had been under the influence of liquor. Although parents and other adults sometimes helped with the combating of rioting, the police could never be certain of the community's support in the maintenance of law and order; on the contrary, cold neutrality was usually the reaction of adults who were present.

30.16.28 Witnesses stressed that the police had to arrest people for committing serious crimes such as arson, grievous assault, public violence, damage to property, looting and sabotage. These offenders were not on their own but among friends. They were emboldened to resist arrest because they had seen the examples of others' conduct, they knew they could rely on assistance, and they knew they would be severely punished if they were caught.

30.16.29 On the other hand there were cases where demonstrators heeded warnings and orders, where arrests could be made without using force and where stone-throwers were dispersed; however these cases were the exceptions. Having regard to all the facts submitted, and realising that it is easy, but dangerous, to condemn after the event, the Commission has arrived at certain conclusions concerning the correctness of the actions of the police in the Peninsula.

30.16.30 The Commission finds as follows:
(i) In the execution of its duty to restrain the rioters in the Peninsula, the police force acquitted itself well of its task, in the face of exceptionally trying and dangerous circumstances.
(ii) The policy of the police force was to use only as much force as was necessary to restore order, protect lives and property and carry out arrests. Exceptions did occur in some circumstances.
(iii) The policy was to deal firmly and not harshly with rioters. In this connection it happened that certain policemen, because of their own mental make-up or because of particular circumstances, overreacted.
(iv) It was not the policy of the police force to shoot rioters indiscriminately, nor did this happen.
(v) There were exceptional cases in which one or two members of the force, through an incorrect assessment of the situation, excitement, overreaction, stress of circumstances and even fear, fired too soon.
(vi) There were also cases where policemen fired before making sure that those who were not involved would not be hit; this occurred especially where birdshot was used.
(vii) Police action was not the cause of the first riots and violence in the Peninsula.
(viii) If police action in quelling rioting caused an intensification or
continuation of violence, the rioters' disregard of lawful authority contributed largely to the intensification and continuation.
(ix) The evidence did not justify a finding of deliberate and inadmissible assaults by the police.

30.17 Strikes.
30.17.1 During the period of the rioting, Coloured and Black workers went on strike sporadically, and in the middle of September there was a large-scale strike. Information concerning the Coloured workers' part in the strike was collected and submitted to the Commission by the National Development and Management Foundation of South Africa, among others. The source of this information was talks which employers had with roughly 18 000 Coloured employees before, during and after the strike. This information, together with other evidence given before the Commission, is used in the following paragraphs.
30.17.2 It could not be established with certainty who planned and called the September strike. On 13 September, three persons were arrested in connection with the duplication of a pamphlet calling on workers to strike. It is generally accepted that this appeal did not come from any labour organisation; the idea to call a strike originated with the youth, particularly students and pupils. It has been alleged that teachers were involved in the organisation of the strikes, but proof of this could not be found.
30.17.3 The objectives of the big strike in September were never expressly stated and, as far as is known, no demands were made by the strikers. Employers never gained the impression that the strike was aimed at them or that it was caused by dissatisfaction with pay and working conditions. According to some strikers, the object was to bring the general discrimination against Coloureds to the notice of the public. The object may also have been to cause chaos.
30.17.4 There was large-scale intimidation of workers, and the success of the big strike may be ascribed to this in particular. Workers were afraid that they and their families would be made to suffer and that their houses might be burned down if the youthful rioters were to discover that they were not striking or had not gone on strike. In the Peninsula, as elsewhere in the country, there were cases where workers were forcibly prevented from going to work or were molested upon their return from work. The police promised to protect them to and from work, and employers intimated that they regarded a strike in such a serious light that absentees' wages might be withheld. This was not sufficient to get everyone to work. In this regard, it should be remembered that many workers supported the objectives of the insurgents, although they would not have gone on strike of their own accord. There was even a case where the staff rebuked a White employer because he and his organisation did not side with the Coloureds.
30.17.5 Generally speaking, the strike in the Cape Town area was successful, but not further afield. The following data relating to the position on 15 and 16 September in and around Cape Town were made available to the Commission. In the case of industries, absenteeism ranged from 40% to 80%. The railways
experienced a sharp drop in the number of Coloured and Black commuters. So far as their workers at Cape Town harbour were concerned, attendance was down to 10% in some sectors and as high as 80% in others. A circuit inspector estimated that only one half of the Black scholars turned up at school. There were hardly any students in the lecture rooms of the UWC.

30.17.6 If a strike has to rely on intimidation, violence is almost inevitable, as was the case on 15 and 16 September. On those two days of strikes, there were 70 cases of stone-throwing in the Coloured residential areas; 15 road blocks had to be removed; two attempts were made to derail trains; 10 buildings were set on fire, and there were three cases of damage to property by fire; looting and incitement to violence were also reported. On the second of these two days, eight people died in the riots. In the Black residential area, three people died during the strike. Incidents of rioting were as follows: Five cases of stone-throwing, one attempt to derail a train, six fires, and public violence on five occasions.

30.17.7 Although White employers had been advised in good time of the impending strike and could arrange their affairs accordingly, and although the strike was not aimed at them, it would nevertheless seem as though the good relations between them and Coloured employees deteriorated temporarily. Subsequent general strikes were not successful.

30.18 Demonstrations for the release of detainees. 30.18.1 Demonstrations for the release of detainees were held throughout the country. Usually the detainees whose release was being demanded were members of the local community, such as scholars who had taken part in demonstrations; requests rarely related to the detention of national leaders. Demonstrations in connection with the release of persons who were being detained were held in the Peninsula on 11 August, 10 September and 29 October.

30.18.2 Witnesses expressed the opinion that detentions had prolonged the rioting. If by this is meant that detentions gave the insurgents yet another reason for demonstrating, this view is correct. But there is no evidence to show that, after particular detentions, the insurgents had no other reason than the detentions for their demonstrations or that the rioting would have died down sooner if there had not been any detentions. Actually, the indications are that the opposite is true. During the march that took place in Black residential areas on the morning of 10 August, 19 demonstrators were detained. In the afternoon a large crowd marched on the police station and demanded their release. Upon the release of the 19 a large part of the crowd dispersed, but the group that remained behind then started some of the worst rioting experienced in the area. There is evidence that some of the 19 who were released, did not go home immediately.

30.18.3 It has also been said that detentions do not avert or prevent disturbances. Scholars will continue to demonstrate until their leaders have been released; detention consequently does not avert but contributes to disturbances. Apart from what has already been said, regard should also be had to the following: In the first place, not all detention is preventive detention. Elsewhere, there were cases where it was explained to demonstrating scholars that the detentions related to offences, whereupon the demonstrators dispersed of their own accord. In the second place,
there can be no conclusive evidence that there would have been more or fewer riots if there had not been any detentions. In the third place, history has shown that demonstrations stopped even though all detainees were not released.

30.19 The role of liquor in the riots. 30.19.1 In considering the part played by intoxicating liquor in the riots, the first question is whether it was such an important factor that it could be regarded as a cause of the riots. In this regard, one is struck by the fact that, as elsewhere, rioters in the Peninsula struck at bottle stores in particular. The Commission has already stated that it is sceptical about the explanation that these stores were attacked because scholars disapproved of their parents' drinking habits. Another reason put forward was that a bottle store could be regarded as a symbol of authority and a policy to which the demonstrators were opposed. Although the first explanation could also apply to the particularly violent campaign against the shebeens, the same cannot be said of the second. A third reason that some rioters wanted to create chaos and obtain liquor, cannot be dismissed out of hand. A local case must be mentioned here: In Hout Bay, the raising of a hotel's liquor prices was presumably the reason why the hotel building was pelted with stones.

30.19.2 The second aspect of the part played by liquor is that those rioters who attacked bottle stores also looted and drank liquor. There is evidence that scholars who wanted to destroy shebeens drank some of the liquor themselves; this also happened in cases where they removed liquor from vehicles or took it from people. These facts serve to explain in part why so many participants in the riots were under the influence of liquor. There was alcohol in the blood of the bodies of 39 of the 137 people who were killed in the riots. According to policemen, most of the rioters who were arrested were under the influence of liquor.

30.19.3 The Commission accepts that excessive use of liquor had an effect on the intensity and continuation of certain incidents of rioting.

30.20 Damage.
30.20.1 Most damage in the Peninsula was caused by fires that devastated buildings and stocks. Several estimates of damage were submitted to the Commission by those concerned. The facts and figures are given briefly.

30.20.2 In the Bellville region, the damage to buildings and stocks. of 56 Coloured schools came to R548 675, while damage at 80 schools in the Wynberg region ran to R221 644. At four business centres and two banks of the Coloured Development Corporation Ltd, damage amounting to R11, 053 was caused.

30.20.3 The damage to the Bantu Affairs Administration Board's building in the Peninsula came to R2 538 686. In addition, the Board had abnormal administrative expenditure resulting from the rioting.

30.20.4 The Cape Town City Council sustained damage totalling R47 606, while damage at the UWC came to R98 200.

30.20.5 There are no detailed records of damage to dwellings and to the occupants' furniture.

30.21 Deaths.
30.21.1 Annexure C gives the number of people who died in the riots, together with the dates and places where they were fatally injured by the police or by private individuals. From 11 August to 14 February 1977, 137 people died in the riots. The deaths in Annexure C were compared chronologically with the riots listed in Annexure B.

30.21.2 The first rioting in the Peninsula erupted just after the middle of June, while the first deaths occurred in the second week of August. Following three days of unrest in June, it was quiet in the Black residential areas until 11 August, when 21 people died. That day's rioting consisted of the boycotting of classes, four marches, 13 incidents of public violence, six of stone-throwing and 19 of arson accompanied by looting. The next day, eleven people died in riots; there were two marches, five incidents of stonethrowing, six fires, and incitement to public violence. On 13 August and during the succeeding weeks, there was no large-scale rioting, mainly arson and stone-throwing being reported.

30.21.3 In the Coloured residential areas, there was no rioting until the first week in August; one person died on the 16th, when there were five marches. This incident did not aggravate the rioting. On the 25th, there were one demonstration, four fires and seven cases of stone-throwing; three people lost their lives in the rioting. The next day, there were six demonstrations in the area, but it does not seem from the evidence as though these demonstrations and the other incidents of rioting were connected with the previous day's deaths. On the second of September, three people died and there were 13 incidents of rioting. The intensification of the riots in this area on the seventh, eighth and ninth of September has already been dealt with. On those days, the deaths numbered 4, 11 and 22. This was followed by a drop in the number of riot incidents until 16 September, when the rioting reached one of its peaks. A strike was in progress, and 78 incidents of rioting were reported. Eight people died in the riots. In the Black residential areas, where a strike was also in progress, the following occurred on the same day: Five cases of public violence, a fire, stone-throwing, and an attempt to derail a train. Three people died in this area. There were no further deaths in the Coloured residential areas.

30.21.4 The Commission has drawn the following conclusions from these details. A high death rate is not found at the outbreak of rioting. In the Black residential areas, the highest rate occurred upon a resumption of the rioting, and in the Coloured areas the rate was highest one month after the outbreak of the disturbances. Where the death rate was high, the number of incidents of rioting was also high; it cannot be said that when the rioting becomes worse the number of casualties also rises. Days with high death rates were not followed by intensified rioting. Apart from one day when a strike took place in both areas, there were no high death rates in either the Coloured or the Black residential areas on the same day.

30.21.5 Of the 137 who died in the riots, 108 were shot dead by the police. Each of these deaths formed the subject of a post-mortem examination in terms of the Anatomical Donations and Post-Mortem Examinations Act, No. 24 of 1970. This
was followed in each case by an inquest in terms of the Inquests Act, No. 58 of 1959. In no single case was a policeman found to be criminally liable.

In one case, the magistrate was able to arrive at a decision only after the submission of further evidence.

30.21.6 Rioters or members of the public killed 29 people during the riots. Five of these victims died of gunshot wounds; two of them were fatally injured in separate incidents of stone-throwing: One during an attack on a filling station and one during the looting of a shop; criminal proceedings, to which reference has already been made, were instituted in connection with the death of the fifth person. One person died of burns sustained during the riots, and the rest died from injuries inflicted with axes, kerries and other blunt instruments. The bodies of two persons could not be identified. All these cases, like the ones previously referred to, were investigated. The available details appear in Annexure F.

30.22 Injuries.

30.22.1 The following lists of the number of persons injured in riot incidents were compiled from details which the Commission received from the police, hospitals and clinics. These lists are not complete for the following reasons. Most injuries were probably not so serious as to warrant reporting to the police or treatment at a hospital or clinic. Some of the injured were no doubt treated by doctors. Hospital and clinic officers could not always establish whether injuries had been sustained during the riots. It has also been said that some of the injured avoided hospitals and clinics because they believed that the police could trace them to such institutions and detain them.

30.22.2 During the period 18 June to 28 February 1977, the following numbers of Coloureds and Blacks were injured by the police in the Peninsula, the nature of the injury being as indicated:

Men over 18 years : 27 - baton wounds, 321 - gunshot wounds.
Boys under 18 years : 83 - gunshot wounds.
Women over 18 years : 31 - gunshot wounds.
Girls under 18 years : 24 - gunshot wounds.

30.22.3 During the same period, the following number of persons were injured by rioters or other members of the public:

Coloured and Black men over 18 years : 5 gunshot wounds
Coloured and Black boys under 18 years : 2 gunshot wounds
Coloured and Black women over 18 years : 33 stab and stone wounds.
Coloured and Black girls under 18 years : 1 gunshot wound.
White men : 2 gunshot wounds
2 stab and stone wounds.
White women : 2 stone wounds.
30.22.4 Any conclusions drawn from these facts, for instance that more adults than juveniles participated in the riots, would be unreliable because the data are so incomplete.

30.23 Arrests.
30.23.1 In the Peninsula, a total of 682 persons were arrested for participating in riotous activities between 16 June and 28 February 1977. Details of these arrests were recorded and compiled shortly after the incidents in connection with which the arrested persons were detained. Cases in which arrests were only made later after police investigations had been carried out are not included. Not all of these detainees were charged in court, many of them having been released for various reasons, e.g. for lack of available evidence against them, or in cases such as the one in Guguletu, when 19 detainees were released in the hope that the riots would then abate.

30.23.2 According to the statistics, 596 Coloureds and Blacks were arrested. In the lists below, they are classified according to sex and age, the offences for which they were detained being specified.

<table>
<thead>
<tr>
<th>Coloured and Black males. Over 18 years.</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Public violence:</td>
<td>158</td>
</tr>
<tr>
<td>Arson and attempted arson:</td>
<td>61</td>
</tr>
<tr>
<td>House-breaking and theft:</td>
<td>60</td>
</tr>
<tr>
<td>Riotous behaviour:</td>
<td>16</td>
</tr>
<tr>
<td>Deliberate damage to property:</td>
<td>15</td>
</tr>
<tr>
<td>Incitement to strike:</td>
<td>12</td>
</tr>
<tr>
<td>Possession of petrol bombs:</td>
<td>10</td>
</tr>
<tr>
<td>Looting:</td>
<td>9</td>
</tr>
<tr>
<td>Attendance of prohibited gatherings:</td>
<td>7</td>
</tr>
<tr>
<td>Of fences in connection with internal security:</td>
<td>5</td>
</tr>
<tr>
<td>Possession of stolen property:</td>
<td>5</td>
</tr>
<tr>
<td>Assault and malicious injury to property:</td>
<td>4</td>
</tr>
<tr>
<td>Incitement to public violence:</td>
<td>3</td>
</tr>
<tr>
<td>Unlawful possession of petrol:</td>
<td>2</td>
</tr>
<tr>
<td>Incitement in connection with prohibited gatherings:</td>
<td>1</td>
</tr>
<tr>
<td>368.</td>
<td></td>
</tr>
</tbody>
</table>

30.23.3 Under 18 years. Public violence: 97
| Arson and attempted arson:                                     | 52        |
| Malicious injury to property:                                  | 11        |
| Attendance of prohibited gatherings:                          | 11        |
| Looting:                                                      | 10        |
| Theft:                                                        | 7         |
| Intimidation:                                                 | 1         |
| House-breaking:                                               | 1         |
| Robbery:                                                      | 1         |
| Possession of petrol bombs:                                   | 1         |
| Incitement to public violence:                                | 1         |
| 193.                                                          |           |
30.23.4 Coloured and Black women. Over 18 years.
Arson and attempted arson: 9
Public violence and incitement thereto: 8
Looting: 2
Attendance of prohibited gatherings: 2
Theft: 1
22.
30.23.5 Under 18 years. Public violence: 9
Theft: 2
Looting: 1
Attempted arson: 1
13.
30.23.6 The 86 White persons arrested were all detained before 31 October, details being as follows:
Attendance of prohibited gatherings: 77
Public violence and incitement thereto: 7
Attempted arson: 1
Offences in connection with internal security: 1
86.
30.24 Causes.
30.24.1 The Commission will confine itself here mainly to the causes that were evident from the events in the Peninsula and were considered by local witnesses to be causes. The causes of the unrest in the Black residential areas in December will be dealt with by the Commission in the next chapter, the general causes being dealt with in Part E.

30.24.2 The basic cause of the riots in these areas was undoubtedly the sense of solidarity with Soweto and its people. The attempts by Coloureds and Blacks to create and promote a community of interests, feelings and action with Blacks are to be seen in numerous incidents and situations. The evidence shows that the idea of solidarity took a strong hold of the students of the UWC and that they tried to communicate it to other restive individuals. Throughout their deliberations about their first concerted action the objective was to show their solidarity with the Black universities and the people of Soweto to the world. Their ties with SASO and their contacts with the BPC were factors that helped them to accept that they were suffering with all Blacks in the country and consequently had to fight with them. Some of the first placards used by the students contained solidarity slogans used by Black organisations, such as:
"Black consciousness means solidarity";
"As Black as tomorrow";
"The White flame is fizzling out".
The pamphlet that was prepared and distributed by students at the UWC and that contributed so much to the unleashing of rioting in this area and elsewhere also had solidarity as its theme. During demonstrations, many students gave the Black Power salute. In a press statement, the Students' Representative Council at the Hewat Training College stated: "The purpose of demonstration is to display solidarity with our fellow oppressed in this country". Finally, the identification
with Black consciousness was apparent from the memorial services and prayer-meetings that were held in sympathy with Soweto. What began as sympathy grew into solidarity.

30.24.3 Witnesses who had given a great deal of thought to the matter gave the sense of solidarity as the main cause of the riots and explained why the Coloured, who used to be closer to the White man than to the Black man, had changed to the extent that he was prepared to regard the Black man as his comrade in distress and to continue the struggle for improvement with him. Although the possibility of outside influence cannot be excluded, most of the witnesses felt that the reason for this change among this population group was discrimination because, in their view, all, or most of, their grievances were caused by discrimination.

30.24.4 A large proportion of the Coloured community hold the following view: Separate development is the main engenderer of discrimination; the policy and the legislation laying down its principles and execution bring about an unfair separation between Coloureds and Whites. The community has been caused pain and suffering by institutions such as race classification, group areas and even separate universities. This classification is humiliating; they reject not only the word "Coloured" but also the idea of a separate Coloured identity, and "Non-White" is unacceptable because it is a negative definition in the language of a dominant White group. Separate group areas have already brought suffering to many and have caused them inconvenience and loss. A student's admission to other universities is made impossible or extremely difficult, and his sense of frustration is aggravated by the paternalistic attitude of some White professors and lecturers. As a result of the unnatural separation of population groups forced upon them by the White Government, the view gained ground that the White man had rejected the Coloured as a friend and fellow citizen. The attraction felt earlier gave way to resentment, frustration and aversion. The Coloured then turned anti-White and took a closer look at the various facets of the Black man's struggle. He joined up with the Black community so as to remove his grievances and obtain his rights through concerted action.

30.24.5 Other witnesses traced a shorter course. According to them, dissatisfied Coloureds had sensed an uneasiness among Whites about the rise of the Black man and had found a new comrade-in-arms in the Black man. To this may be added that the Coloured might well have thought that the Black man was gaining the upper hand and would rule the White man; for this reason, he had joined up with the Black man.

30.24.6 There is evidence that the Coloured community were not in complete agreement about these matters. Some felt that the concept of Black Power was racist, aggressive and reactionary and could easily give rise to violence. There were also those who held that Coloureds were a separate population group with an identity of their own. What is important for the purposes of this inquiry at this stage is that these two schools of thought did exist; it is immaterial here which of the two has the greater following and whether or not the new change of attitude in the Coloureds is permanent.
30.24.7 The Commission's attention was also drawn to the fact that rioters and the students are not excluded - were frequently misinformed about matters or relied on factual inaccuracies. Sometimes they knew little or nothing about a particular matter but nevertheless believed that discrimination to their detriment was behind it. The separate causes are dealt with in Part E; suffice it to say here that the zealot does not always examine his grounds closely and frequently judges matters not on their merits but their origin.

30.25 Factors that prolonged the riots. 30.25.1 Various factors that have been mentioned in this regard have already been dealt with, such as the detention of the demonstrators' leaders and the actions of the police as a factor that contributed to the continuation of the riots.

30.25.2 It has been said that the dissemination of news concerning the riots in the area and elsewhere may have had an effect on the duration of the riots. This matter is dealt with in Chapter E29. In the next chapter, attention is drawn to the importance of the campaign against shebeens as having a bearing on the continuation of the riots.

CHAPTER 31 NYANGA.

31.1 Introduction.
31.1.1 There are various reasons why the incidents of rioting that occurred in Nyanga during December are being dealt with separately and have not been included in the previous chapter. With few exceptions, the rioting in the White and Coloured residential areas had already ended when a wave of violence burst upon the Black area, and especially upon Nyanga, on 28 November. These disorders went on for a month and ended in an almost frenzied rampage. This was a separate phase of the rioting in the Peninsula, which necessitated a second visit by the Commission to Cape Town for the hearing of evidence.

31.1.2 On the face of it, this rioting had no connection with a struggle against the authorities or any particular grievances. Instead of joint protests there was faction fighting. This started off with a campaign against shebeens and drinkers and developed into a bloody internecine conflict in which even the desire to show solidarity with kindred spirits elsewhere was forgotten. The campaign was undertaken by youths led by the Comrades group, and eventually the established residents and the migrant labourers were embroiled in fights against one another.

31.1.3 Another reason for dealing separately with the events in Nyanga is the actions of certain clergymen, who launched damaging attacks in memoranda on the police force which had to keep the rioters in check during December. One of these memoranda reached New York and was distributed world-wide by an agency of the United Nations Organisation.

31.2 The participants.
31.2.1 At the time of the riots, the vast majority of the Peninsula's 146 000 Blacks were living in the three areas of Langa, Guguletu and Nyanga. As has been mentioned, 94 per cent of them spoke Xhosa and came from Transkei and the Ciskei. There were 17 000 living in Nyanga and they could be divided into three different groups. Among the adults, there were the Residents or the permanent inhabitants, and the Migrants or single persons; then there were the young people,
who were activated by a militant group, the Comrades. Because certain bodies and individuals levelled such gross accusations against the police squads and their actions during the riots, they are dealt with in this chapter as alleged participants.

31.2.2 The Residents, a group of some 9 000 Blacks, worked in the Peninsula. They and their families were permanent residents of Nyanga. There were virtually separate residential areas and facilities for them and for the single persons. Although they could not be regarded as an organised group, they operated together in the rioting and fighting. On 5 December when there was intense rioting, they formed an organisation known as the Nyanga Residents' Action Committee (NRAC). There is no evidence that this organisation in any way fomented the rioting or took an active part therein. The NRAC handed in a memorandum and saw to it that a considerable number of residents testified before the Commission. Members of the Committee also had discussions on local affairs with the authorities from time to time.

31.2.3 As the rioting went on, and especially in December, the Residents began to side with the youths and the Comrades, whom they protected and even joined in the fighting. There were various reasons for this. The youths were their children, whose actions they as parents condoned; in certain respects, they were favourably disposed towards the aspirations of the youth; and the possibility that they yielded to intimidation cannot be ruled out either. Whenever youths were dispersed in skirmishes by Migrants, they fled to their own side of the area and sought shelter and protection in the homes of their parents. This gave rise to fighting between Migrants and Residents. In the side of the Residents the youths were not the only ones either who were aggressive and violent in their actions.

31.2.4 A striking feature was that the Residents' womenfolk also took part in the fighting, especially by fetching and carrying stones and other missiles. The police alleged that they were frequently pelted with stones in the Residents' area. Youths were probably responsible for this.

31.2.5 The Migrants are sometimes also referred to as bachelors or single persons, migrant labourers or contract workers. They constituted about a quarter of the Peninsula's Black population and nearly half of that of Nyanga. These Black men had come to the Peninsula without their families to work for industrial organisations in particular, and also other establishments. At fixed times, they would return to their families in the homelands or in the rural areas. Some of them went only once or only a few times to the employment area, whereas others were virtually in permanent employment. One of them who testified had been working for the divisional council for the past 20 years already and went home to his family for his annual leave. Another had been working in the Peninsula for 25 years and visited his family in Transkei for three months every second year.

31.2.6 The Migrants live in so-called hostels or in the single or bachelors' quarters, where semi-detached houses and buildings with single residential facilities have been provided by the local Administration Board or by their employers. The two groups are not completely separate from each other. A small number of children of Residents live with the Migrants and, according to the
evidence, vagrants as well. In the Residents’ area, on the other hand, a limited number of single quarters are occupied by Migrants. At the height of the fighting it was possible to draw a barrier line or dividing line between the residential areas of the Migrants and the Residents by prohibiting anyone from crossing two streets, Fourth Avenue and Sixth Avenue, and a third street connecting the two, Swilitzia Drive. This matter is discussed in paragraphs 31.4.7 to 9 and 31.14.9.

31.2.7 At first the Migrants did not take part in the rioting. They also refused to go on strike and did not attend the memorial service held on Christmas Day but, contrary to the Comrades’ orders, celebrated instead. The reason they themselves gave for not participating was that they had come to the Peninsula to work, to earn money and to return home with their money after their period of employment. They were adults and regarded the actions of the youths as childish, presumptuous and impudent. One of their leaders said that they had not attended the memorial service because they were not going to mourn for people whom they had not even known.

31.2.8 But the Migrants did not keep out of the fighting in December. They said that they had acted mainly in self-defence, but admitted that they had sometimes gone to fight to punish the youths. In a few of these cases the police arrived in time and persuaded them not to apply their own punitive measures. They admitted that they were armed when they went into action and that they had burned down houses in retaliation. The police said that they were generally more inclined to listen to advice, to obey orders and to abstain from violence; in their residential area, the police patrols were not attacked either, so that wherever possible the police squads drove through Migrant territory to get to trouble spots.

31.2.9 Where the Migrants did take part in fighting, they were, in the Commission's opinion, ruthless and violent. They used all manner of instruments as weapons. They were organised to a certain extent; they had leaders in the fighting and carried out orders given by means of whistles and gestures. As is apparently their custom in the homelands, they wore white head cloths and blankets or sheets during the fighting so that they could identify one another. When they were driven out of the Residents’ area by the police, they sometimes identified enemy houses for later attacks.

31.2.10 According to witnesses, the Residents and the Migrants got on well together before the riots. There were complaints at times about the relations of Migrants with female members of Resident families, but this did not lead to serious action. Fighting between the two groups was caused by the youths, especially when they fled from the Migrants and sought and found refuge in the homes of their parents, the Residents. Such homes were marked by the Migrants. After the rioting, the two groups were again on good terms with each other.

31.2.11 According to observers, the Comrades, whose name was sometimes spelt Combrades, were not an identifiable group among the protesting youth until the beginning of October. They first attracted attention when they undertook the anti-shebeen campaign. This was by no means their first or only activity. It is not known how the name of the organisation originated; its members, and their collaborators, addressed one another as "comrade". Although the group did not
wear uniforms, they did sometimes wear similar clothing, such as dark sweat suits or jackets, so that they could identify one another and make it difficult for the enemy to spot them at night.

31.2.12 The Comrades group consisted mainly of high school scholars. Initially, they met in schools but at a later stage, when the schools had been closed, they made use of church buildings. They invited other scholars to their meetings. According to witnesses, there were also students among their ranks, which were swelled by unemployed youths and street urchins. It is not clear whether all the youths who acted together were members of the organisation. Presumably, many of the young people who ran riot with them were not members of the hard core. Sometimes scholars were also intimidated into taking part in the rioting. According to the context, the word Comrades, as used further in this chapter, includes youthful collaborators, and the word youths or young people includes members of the Comrades group. It should be added, however, that some adult Residents not only shared the Comrades' sentiments and approved of their actions, but also took action openly on the side of these unruly elements.

31.2.13 In the Comrades' organisation there were sections or cells, but the Commission has no evidence concerning its constitution or of any token of membership. From five criminal cases arising from the burning down of schools it appears that the organisation had a leader, but whether he was elected and had deputy leaders is not known. The group's objectives are not fully set out anywhere, but their pamphlets do not leave the reader in any doubt about their attitude towards the White population, the Government, the police or Bantu education.

31.2.14 With the Comrades' campaign against shebeens, the Black youths emerged as an organised group in the rioting. The next step in this campaign was action against those who drank intoxicating liquor or had it in their possession. Almost all the rioting and violence followed on these activities of the Comrades.

31.2.15 The Comrades' banning of Christmas festivities was intimately bound up with these campaigns. The following appeared in the announcement of the prohibition:

"Have we time to celebrate Christmas when our brothers are bleeding and Vorster is killing more of our people.
"The order to fighters is that we must not buy Christmas clothes; no Christmas cards must be displayed; in other words, there must be no Christmas shopping at all.
"Let us think of those who died for our freedom by answering the call to join the struggle.
"No Black brother or sister may wear new Christmas clothes."

(Translation)

31.2.16 The Comrades also planned strikes in which all adult workers had to take part. In the leaflet in which a strike was called for 6 and 7 December, the
following words appeared: "If the last strike injured the economy, this one, at this time, will cripple it."

However, they did not have much success with this attempt. Their lack of success apparently made them more active in other directions, and the fact that the Migrants completely ignored their appeals meant a deterioration in the feelings between the two groups.

31.2.17 The Comrades interfered with school attendance in various ways. Pupils were intercepted on their way to school and sent back home. Sometimes, pupils were taken from their classes and sent packing. Parents were intimidated and forced to bring their children back to the city from homelands schools; if they failed to do so, their houses could be burned down or action could be taken against them and their families. A witness said that his house had been set alight for this reason.

31.2.18 They played no small part in the fighting at the Christmas week-end. It is clear from the evidence that it was their actions on Christmas Day that sparked off the fierce faction fighting. According to the police, they were extremely provocative; tear-gas and rifle fire did not deter them from stonethrowing and arson. Time and time again they returned after being dispersed and hurled stones and petrol bombs at police vehicles from behind houses. How militant they actually were is also evident from the following extracts from a pamphlet that appeared in Xhosa and Afrikaans:

"Everyone found in Guguletu wearing an overall marked C.C.C. will be killed. (C.C.C. presumably stands for the City Council of Cape Town).
"Our people's home were burnt down by those who live in the single quarters.
"We want nobody who lives in the single quarters, in the location.
"The buses will not be allowed into the location.

"We want to get at all those people who live in the single quarters.
"Also the soldiers because they kill us unlawfully." (Translation).

Presumably the young people who repeatedly tried to thwart the peace negotiations between the Residents and the Migrants were also Comrades. They also played a part in getting hold of petrol for incendiary bombs and collected stones and other fighting materials.

31.2.19 The Comrades' last action was taken at the beginning of 1977, after they had decided at a meeting to burn down five schools in the Black residential area. These five schools were set on fire on 10 January. This gave rise to five criminal cases, in which the leader and members of his organisation were convicted of arson and sentenced to imprisonment. In these court cases, a number of members of the group testified as accomplices against the arsonists.

31.2.20 It is hard to believe that there was no connection between the Comrades and the local SSRC; their actions were similar in many respects, and they had considerable influence on youths and adults. However, there is no direct evidence linking the Comrades with the SSRC or any of the major subversive organisations.
31.2.21 The SAP riot squad that had to combat the rioting in the Black residential area in December was the same one that had operated elsewhere in the Peninsula and was discussed in the previous chapter. In the mixed platoons, some of the Coloured members of the Force were used, but only one Black man served with the squad; he acted as interpreter, especially when announcements were made by loudhailer.

31.2.22 Several platoon commanders gave evidence on the part played by the SAP and especially the riot squad during the Christmas riots. They described the training of the squad, stressing that members of the squad had been trained for the task of making peace between the combatants. The commission's findings concerning this training, which are set out in the preceding chapter, apply here as well. The witnesses spoke about general aspects of police action, such as the patrolling of the area of rioting, the preservation of peace by the prevention of clashes, the calming of rioters by the available means, the arrest of offenders, the transportation of the dead and the wounded, and the extinguishing of fires. They also testified about particular incidents, and their testimony will be dealt with later in this chapter.

31.2.23 As in other similar cases, the police force in the Black residential areas was too small, especially considering that the police had a major task to perform and often had to control thousands of rioters. One of the consequences of this was that they were not always on the scene to act when incidents started. For instance, they could not constantly patrol the dividing line that had been drawn between the residential areas of the Residents and the Migrants; witnesses noticed that this line was seldom crossed when policemen were present, but that fighting became rife as soon as the patrols had left the area. Because there were so few policemen, all of them of necessity had to be on duty for long stretches at a time; one case was mentioned of a section that had been in the fighting zone for over 24 hours without a break and had to go on duty again after less than six hours' rest.

31.2.24 The police were responsible for 14 of the 37 deaths that occurred in December during the rioting in the Black residential area of the Peninsula. Of these, eight occurred in Nyanga, four as a result of bullet wounds and four as a result of shotgun wounds. In Langa, both victims died of bullet wounds, and in Guguletu two died of bullet wounds, and in Guguletu two died of bullet and two of shotgun wounds.

31.3 The course of the riots in Nyanga and Guguletu. 31.3.1 In paragraphs 30.5.9 and 10 of the previous chapter, it was stated that, after a meeting in a church building on Sunday, 28 November, the Comrades resumed their campaign against shebeens in Guguletu and Nyanga with renewed zeal. Sixty youths taking part in a march dragged the furniture from a suspected shebeen out into the street, where they set it on fire. On Monday, a large group of youths - this may have been the same group - set fire to furniture from six houses in Guguletu and one in Nyanga. One of these houses belonged to an employee of the Bureau for State Security and another to a sergeant in the Railway Police. On Tuesday, three houses and a shop came in for attack. The shopkeeper was assaulted and seriously injured; his shop was looted and his lorry was burned out; his furniture and his motor car were
destroyed on another occasion. In addition to one attack on a suspected shebeen, the rioters damaged three lorries and a bus on Wednesday, 1 December. The bus driver was also robbed of R40. Furthermore, fires were started at two schools, and patrolling police vehicles were pelted with stones on six occasions. In the latter cases the police used rifles, fatally wounding two rioters. The next two days passed without incident.

31.3.2 The only incident in Guguletu on Saturday, 4 December, was one of stone-throwing, in which the police wounded two rioters, one of whom subsequently died. But in Nyanga there was serious rioting. Fires were started and violence was committed. Fighting broke out between Residents and Migrants. The rioting lasted throughout the night; the bodies of two victims of the fighting were found the following morning. Youths searched the homes of Migrants and set fire to buildings and houses. In the course of the afternoon, they attacked a Black man and injured him so badly that he subsequently died of his wounds. Early that evening, some 2 000 belligerents took up positions facing one another. The SAP succeeded in keeping them apart and preserving the peace.

31.3.3 Some of the faction fights continued until the early hours of Monday. The Comrades had planned and called a strike for that day and the next one. The Migrants took no notice of this and went to work. The youths continued their activities and concentrated on the homes of Migrants. Before long, scores of dwellings were in flames. The news was also spread that a Migrant had lost his suitcase containing R350 in a fire. There was good reason to fear that, if returning Migrants saw all the devastation, there might be a bloodbath. For this reason, one of the leaders of the Migrants, the police and two representatives of Transkei and the Ciskei stopped them on their way home and addressed them. Blankets were also distributed to some of them who had lost everything in the fires. Feelings were calmed down and so a slaughter was prevented.

31.3.4 Although the faction fighting had come to a stop for the time being, there was still bad blood between the groups. The Residents were particularly dissatisfied about utterances of the representatives at the meeting. Apparently, derogatory remarks had been made about the youths, whom the

Residents looked upon as their children and protegés. At subsequent peace negotiations, these offensive remarks were brought up by the Residents as a serious grievance. Nor was the campaign abandoned. Two days later, 50 youths attacked and damaged a house in Guguletu; they burned furniture valued at R400 and stole R1 168 from the owner.

31.3.5 During the week-end beginning 11 December, youths forced their way into some 30 Migrant homes, drove out the inhabitants and searched for liquor. There is no evidence that any liquor was found or that any buildings were burned down. Several days later, a group of about 100 rioters attacked and looted a house. During this incident, one of the looters was shot dead by the police.

31.3.6 The Comrades announced new orders for the Christmas season. There were to be no festivities, as this was to be a period of mourning. Christmas presents were forbidden and were taken from people in the streets and on buses and trains.
The distribution and consumption of intoxicating liquor were not permitted either. According to the evidence, these orders were enforced everywhere by youths right up to Christmas Day. Everybody was ordered to attend a memorial service in the local cemetery on Christmas Day.

31.3.7 On Tuesday, 21 December, the campaign against the shebeens was continued. At noon, youths destroyed the furniture from two houses in Guguletu by fire. At one of the houses two adult men were injured by the attackers, and at the other the police, who appeared on the scene, were pelted with stones. On Wednesday afternoon, the young rioters struck again in Guguletu, where they set fire to furniture from five houses and to motor vehicles. A pregnant woman was also assaulted. At the same time, the house of a shopkeeper in Nyanga was attacked, presumably because the Comrades thought that he was conniving with the police. His shop had been set on fire earlier that month; he subsequently testified before the Commission about these and other matters. He was Mr Jackson Kama, whose case is discussed in paragraphs 31.14.7 and 8. While the police were conducting a wide-ranging search for rioters in the area the following day, some 200 young people were carrying out a search for liquor in the Migrants' residential area in Nyanga. According to Migrant leaders, they poured out the wine but kept the brandy.

The inhabitants were also ordered to attend the memorial service on Christmas Day. On Friday, three houses in Nyanga were attacked, and in addition to the furniture, two motor vehicles were set on fire. In the same area, police patrols were also pelted with stones on three occasions. This was the position in Nyanga when the Day of Peace dawned.

31.3.8 Apparently, everything was quiet on Christmas morning and during the memorial service. As they were nearing the residential area on their way from the cemetery, a group of youths came upon a motor car driven by a Migrant, which was laden with liquor. They overturned the vehicle and removed the liquor. Migrants rushed to the assistance of the driver and tackled the youths. In their turn, Residents went to protect their children, the youths. So the first faction fighting began. In one of their pamphlets, the Comrades described this incident as follows: "Students" returning from the cemetery found a Migrant's motor car that was laden with liquor. The liquor was removed. The driver called other Migrants, and an army was formed. He ordered them to attack the "students", which they duly did. A false statement was issued that the "students" had started the attack on the Migrants. At a later stage, when the Migrants had been overpowered, the police arrived and fired at the "students" and the Residents. It is not necessary to comment on this hypocritical innocence; it need only be added that there is no evidence that the police were present in the neighbourhood at the time of or shortly after this incident. This was not the only eruption on Christmas Day. Another group of young people went to the single quarters to find out why the Migrants had not attended the service. It was then that one of the leaders said that they did not mourn or grieve for dead people whom they had not even known. The youths left, but returned armed shortly afterwards. Fighting broke out, and the Migrants drove off the youths, not just to the boundary of their area, as one of
their leaders said, but right into the residential area of the Residents. Fighting broke out there as well. There is also evidence that, in other parts of the area, youths went to enforce their orders concerning festivities on adults, especially Migrants. Apparently they also destroyed shebeens. Their actions gave rise to numerous skirmishes. After these first incidents, the rioting raged virtually without interruption for more than two days and did not abate until late on Monday the 27th.

31.3.9 On Christmas Day itself there were numerous faction fights after the first eruptions; more than seven big fires were started, and considerable damage was done to property. In the fighting, one Migrant was killed by the youths or their friends fighting with them. The police were constantly engaged in quelling the rioting. Although they used tear-gas, shotguns and rifles, they did not cause any fatalities.

31.3.10 When the fighting and rioting were already in full swing, a small group of inhabitants tried to make peace in the presence of the police. This attempt failed, but the discussions were resumed some hours later. Although peace was not concluded, the commander of the police squad continued to negotiate with the parties until late that night. It is significant that the youths ran away and refused to take part in the talks. The Migrants complained that the youths were burning down their homes so that they would be without accommodation and would have to return to their homelands; also that the attacks meant that they had to stand guard and were unable to go to work. A further complaint was that the Residents had allegedly incited the Comrades to burn down the shebeens; there is no evidence of anything of this kind. The Residents, on their part, alleged that the Migrants wanted to murder their children and that they merely wanted to protect the children. They also maintained that the Migrants were the first to attack the children and to start the fighting. This view that the Migrants should bear all the blame for the fighting because they were the first to strike after the destruction of their furniture and liquor by the youths was even mentioned by witnesses and was also set forth in documents; it is so naive as not to require any comment.

31.3.11 The police sometimes succeeded in preventing clashes, even where one group was on the point of attacking another; on several occasions, would-be attackers were persuaded not to resort to violence; at other times, the police had to intervene and to disperse the belligerents. In such cases, action was usually taken against both sides. On the afternoon of the 26th, a good thousand Migrants assembled in front of their homes in order, as they put it, to punish the Comrades who had burned down their hostels; the commander of the riot squad persuaded them rather to disperse. Later on, the police came upon youths who were throwing stones at a group of Migrants; by

intervening, they prevented a fight. After one of the above-mentioned peace negotiations, fighting broke out again, and a Migrant leader testified that he and his men were prevented by the police from going to the scene of the fighting.

31.3.12 Shortly before midnight, a crowd of about 3 000 gathered on both sides of Swilitzia Drive and especially on a square on the Residents' side of it. From the
darkness, youths hurled incendiary bombs with a home-made device at the Migrant area. Several buildings were set on fire. Migrants also launched attacks and burned down several Residents' homes. The police fired on these arsonists to put an end to the destruction.

31.3.13 Boxing Day was heralded by the noise of battle and of crackling flames. Large belligerent crowds massed on both sides of the dividing line, hurling stones and petrol bombs at one another across the streets. Shortly after midnight, there were still 3 000 people on the streets. When they refused to disperse, the police fired 50 tear-gas grenades. Although the rioters moved away at first, they soon reassembled at the same places and launched attacks on one another, on one another's houses and on the police. An hour and a half later, the police again had to use tear-gas when Migrants set fire to the houses of Residents. The two groups were fighting at about 6 o'clock in the morning, while 18 houses on either side of the dividing line were ablaze; the police had to use rifle fire to put an end to the fighting. One man was fatally wounded, and another died in the fighting.

31.3.14 In the course of the day, 77 houses and hostels and about 15 motor vehicles were set on fire. There were 12 big separate fights between Migrants on the one side and Residents and Comrades on the other. Women also took part in the rioting; if they did not throw stones themselves, they fetched them for the fighting men. Youths smashed concrete water-pipes with pieces of iron to obtain missiles. Later in the day and at some distance from the scene of the fighting, the drivers of motor cars were assaulted and robbed of petrol for the making of incendiary bombs. The weapons used in the fighting were kerries, knobkerries, knives, pangas, garden forks, spades, iron bars and similar objects. A large number of the fighters were consequently injured; the 13 people who died in the fighting were not all combatants. The police were responsible for the death of a further four people who died in the rioting. The death-toll for the day therefore came to 17. The fighting took place in between buildings, and the police used a loudhailer to ask that the wounded and dead be brought to the streets so that the police might arrange for transport.

31.3.15 The police spent the entire day trying to subdue the rioters. They themselves were also exposed to danger, because many of the stone-throwing attacks were directed at them; at one time, policemen were simultaneously pelted with stones at four different places in Nyanga. The crowds taking part in the rioting were very big; by comparison, the police squads were small. Charges by the police were out of the question, and where tear-gas failed to have the desired effect, the police used ball and bullet ammunition. In such cases, shots were fired over the fighters and sometimes at them.

31.3.16 At eight in the morning, roughly 350 Migrants congregated near the sports grounds and said that they were going to punish the youths. Constable Moketse, who came from the Guguletu police station and was not a member of the riot squad, helped to dissuade them from their intentions, and they returned home. Early that afternoon, some 2 000 youths and a number of adults marched from Guguletu to Nyanga. Some of them were armed with sticks, and they said that they were on their way to help their brothers against the Migrants. The police
dispersed them with eight tear-gas grenades. They ran in between the houses. About half an hour later, an equally large group, probably the same people, massed together in the vicinity. Youths threw up burning barricades and hurled stones at the police vehicles that were brought to a halt by these barricades.

31.3.17 During the morning, a meeting was held in Swilitzia Drive at the request of the police to negotiate peace. Members of the riot squad were present at these discussions. It was decided to bury the hatchet, and the agreement was announced by the police by loudhailer. But the talks had barely ended when some 25 Comrades from Guguletu turned up in Nyanga and incited the youths to violence. They launched attacks on the Migrants, and within a short while there was violent faction fighting. The police were obliged to use tear-gas and firearms; when the fighters left the site, three bodies were left behind. A witness told how he had personally organised the peace talks; he and four fellow Residents negotiated with ten Migrants. However, the peace was broken by an outsider, who brought up the unpleasantness at the meeting held on 6 December. He went on to say that the peace was broken by Migrants who attacked Residents. It may be that this witness was one of the negotiators, but the Commission rejects his statement that he was the organiser and accepts the evidence of several other persons, including an NRAC committee member, that the police acted as intermediaries. For the same reasons, the Commission also accepts that the Comrades were responsible for the breach of the peace; it is possible that, in their pursuit of the youths who had attacked them, the Migrants had penetrated into the area of the Residents. At 3 o'clock in the afternoon, the two factions again tried to make peace. The police were present and assisted. This attempt proved abortive, and half an hour later one of the week-end's biggest and most serious faction fights began. There were 5 000 combatants; 50 dwellings were ablaze, and 13 vehicles were on fire. The riot squad had to be divided into five sections in an attempt to cover the whole area of fighting and to quell the rioting. The police had some measure of success in this, although minor fights continued or flared up again.

31.3.18 According to a reliable witness, a large number of youths went into the Migrants' residential area in the course of the afternoon. The witness could not see what they were doing there. After a while, they came running back; they were being pursued by Migrants, who chased them right into the residential area of the Residents. Residents came to protect the youths, and renewed fighting broke out. It was probably during these incidents that the following occurred. The Migrants attacked the home of Mr Luvuno in his absence. Only his wife, Deborah, and their daughter, Eudicate, with two little girls aged five and two and a half years, were at home. Eudicate fled with the two children to the backyard, where she sought refuge in the toilet. Migrants ripped open the roof of the small building and hurled a burning rag into it. When the girl and children rushed out, all three of them were struck on the head with axes. Eudicate and the youngest child, whom she carried in her arms, got away and were taken to hospital. The elder of the two little girls died there in the backyard. Witnesses said that she was thrown into the burning debris. Members of Lieut. J.H. Jordaan's platoon brought the body out
of the fighting zone. The autopsy showed her death to be due to axe injuries, and there were burns on the front of the little body.

31.3.19 Between eleven o'clock and midnight, there were still some 2 000 people fighting in Swilitzia Drive. The police tried to disperse the fighters with tear-gas and shot. Similar incidents were occurring at the same time elsewhere in Kyanga.

31.3.20 On Monday, the 27th, the fighting and rioting in the early hours of the morning were not as fierce as the previous day. Crowds of rioters were still active in the streets, and acts of public violence occurred. During the day, 22 buildings were set on fire, and six people died in seven faction fights. The police were responsible for three deaths in Nyanga and two elsewhere in the Black residential area. One of these deaths occurred in Nyanga, when the police opened fire on fighting Residents and Migrants at about six o'clock in the morning. On another occasion, when they fired on a person who was sprinkling petrol about, a two-year-old child was hit but not killed. A rumour that the youths, or the Residents, threw petrol on a Migrant and then set him alight is not substantiated by any evidence. During the fighting, two inhabitants of Nyanga, Messrs J.P. Vanqa and Z.S. Damane, were attacked in quick succession near the latter's dairy. These events are discussed in paragraphs 31.9.8 to 10 and 31.12.36 to 40 of this chapter.

31.3.21 It would seem that the faction fighting gradually subsided, while there was more rioting in which the two factions did not attack each other. It is notable that extensive rioting also occurred in Guguletu; as in Nyanga, the violence was directed mainly at the police. An exception was a case where youths stopped a motor vehicle belonging to a newspaper; they were all wearing green jackets and gave the driver the Black Power salute.

31.3.22 In the morning, a group of Residents and Migrants held abortive talks on the possible conclusion of a general peace. The police were not present at this indaba but convened a peace conference at about four o'clock in the afternoon. The police also saw to it that these discussions, which were held in Swilitzia Drive, were attended by five delegates from each of the two factions. Peace was concluded, and this outcome was announced to everyone by loudhailer. This meant the end of the faction fighting but not of the rioting. Rioters were still active, especially in Guguletu and Langa.

31.3.23 The disturbances of Tuesday, the 28th, consisted in the burning of a private vehicle in Langa and the actions of some 40 Black men in Nyanga, who were armed with kerries and molested shoppers. The next incidents of rioting occurred nearly 14 days later, when five schools in Langa were burned down; this matter has already been referred to in paragraph 31.2.19. In Langa, a house was set on fire a day later, and on 24 January petrol bombs were hurled at the house of a school principal in Nyanga. The last incident occurred when a 15-year-old Black boy was shot dead a month later at a fire.

31.4 Features of the rioting in Nyanga. 31.4.1 Introduction.
Some of the elements of the riots in Nyanga were also encountered elsewhere in the country, while others were peculiar to this area. A phenomenon that comes under the first category, for instance, is that violent rioting followed the
attendance of religious gatherings. On the other hand, there is the drawing of a dividing line through the residential area to prevent faction fighting. In between, there are phenomena such as faction fighting between adult Blacks and fighting following the destruction of shebeens. At the beginning of this chapter, reference was made to the criticism levelled at the police by clergymen; this matter is discussed later on in separate sections.

31.4.2 The use of religious institutions and establishments. It is striking that the most serious rioting in Nyanga was preceded by so-called divine services. Events in the same connection in the rest of the Peninsula are discussed in paragraphs 30.13.1 to 10 of the previous chapter. In Nyanga, some 60 youths went straight from a gathering which they had attended in a church building on Sunday, 28 November, to attack a suspected shebeen. This was followed not only by further attacks, but also the first faction fighting in the area. Within an hour of a memorial service held in the Nyanga cemetery on Christmas Day, the bloody fighting at the week-end broke out.

31.4.3 The campaign against shebeens. Initially, rioters throughout the country concentrated on the destruction of beer-halls and bottle stores belonging to administration boards. The Commission has already expressed its doubts in the previous chapter about the pious excuses that youths destroyed such places because their parents squandered their money on liquor while their children went hungry at home. Two other reasons put forward in this regard were that the abuse of liquor kept the Black man poor and that the police obtained much of their information from informers in shebeens. These may be the reasons, but they cannot serve as a justification or an excuse. The campaign against shebeens, or unlicensed drinking places, began on 11 October. An important aspect of this new action was that, for the first time, the Black youths in the Peninsula acted in an organised manner in the riots. There is no doubt that the Comrades were responsible for this campaign, and they themselves made no secret of it. In a pamphlet distributed by them, they alleged that a magistrate had authorised them to destroy such shebeens and the liquor in them. The Commission did not see this document but cannot accept that any responsible person in authority could have given this group of youths the impression that he had vested them with such powers. In connection with the responsibility for this campaign it should be added that, according to the testimony of a Migrant leader, Residents had been present when youths destroyed a shebeen in a hostel early in December. It was also alleged that the Residents had incited the youths to destroy the shebeens, but no corroborative evidence was submitted to the Commission; it is accepted that the Comrades were responsible for the local planning and execution. The Migrants' real complaint was that the Residents were aware not only of the destruction of shebeens but also of Migrant dwellings, but failed to check or punish the youths responsible for this, and if they (the Migrants) wanted to do so, the Residents protected the youths.

31.4.4 The usual course of action followed by the Comrades was to enter uninvited any house which they regarded as a shebeen and to chase out those present. They then ferreted out and destroyed all the liquori there is evidence that
they sometimes drank some of the liquor themselves. Generally, the furniture was then dragged out and set on fire in the street. In some cases houses were burned down with their entire contents. Eyewitnesses testified that the attackers spared the houses of Residents but set fire indiscriminately to houses in the Migrants' area or those controlled by Migrants. It was not possible to establish whether they followed such a rule; what is true, is that many Migrants' dwellings were set on fire, notwithstanding the fact that these dwellings were mostly semi-detached or parts of buildings and that the damage consequently assumed considerable proportions. According to the evidence, the damage caused in those cases where only the furniture was destroyed by fire, averaged R650 per house.

31.4.5 In due course the campaign was extended to the transportation and consumption of liquor. Young people stopped motor vehicles and destroyed the liquor they found in them. Train and bus passengers were searched, and people were stopped in the streets in order to destroy liquor in their possession. The next step was aimed at those who had been drinking liquor. The youths smelled people's breath to find out whether they had been drinking. If they had been drinking, their mouths were washed out with soap or else the searchers forced their fingers down the drinker's throat to make him vomit and bring up the liquor. This humiliating encroachment upon the rights of others gave rise to resentment and violence. The Comrades further ordered that there were to be no festivities during the Christmas season, which was to be a period of mourning. Their prohibition of Christmas shopping has already been mentioned; but they went even further by taking Christmas presents from people on the streets or outside shops. The final step was to order everyone to attend the memorial service on Christmas Day.

31.4.6 It was alleged that the police did not take firm action against the young people in their campaign against shebeens. This was denied by the police, who pointed out that, if they came upon or were summoned to the scene of such fires, they dispersed the rioters and that they were also generally greeted with stones. The police did not curb the youths because they did not know where they were going to strike next.

31.4.7 The setting up of a dividing line. At the outbreak of the faction fighting, the police drew an imaginary line through Nyanga to separate the residential area of the Residents from that of the Migrants as far as practicable. How this line was drawn has already been explained in paragraph 31.2.6. Members of one group were forbidden to cross this line, or certain streets, into the area of the other group. Witnesses criticised the police for setting up this dividing line and for having drawn it where they did. It appeared, however, that all this had been done in consultation with the inhabitants. This matter is dealt with further in paragraph 31.14.9.

31.4.8 The question arises how effective this line was in curbing the groups and preventing faction fighting. To begin with, it was clear that the police could not patrol this line constantly; they were not sufficient in number and they had too
many other tasks to perform. According to witnesses, the inhabitants did not cross this line in the presence of the police, but they did not observe this dividing line as soon as the police departed or the patrol had gone past. The groups did not trust each other either. They took up their positions armed on either side of the line, ostensibly to prevent the other side from crossing the line. The result was that they faced one another in a state of readiness for battle. The dividing line became a fighting line. The groups shouted at and also hurled stones and other missiles at one another. Home-made devices were used by the youths to hurl incendiary bombs across the line at the homes of Migrants. On one occasion, seven buildings were set on fire in this way. During the night of the 26th December, the dark part of a vacant lot abutting Swilitzia Drive was used as a launching site. The police fired on the arsonists in the dark; two launching devices were found the next day. During the fighting, the participants ignored the line. According to the evidence, the Comrades crossed the line to pick a fight with the Migrants, who would then drive them across the line right into the Residents' residential area. There were also instances where Migrants crossed the line on what they called punitive expeditions. Several witnesses told how Migrants followed the police across the dividing line. As will appear later, the Commission found that they were not invited across by the police. Some of their leaders stated that they crossed the line of their own accord and when the police could not stop them from doing so.

31.4.9 However, the setting up of the dividing line was not completely useless. In particular, it kept back those who did not move in groups. To some extent, it facilitated patrolling, when this could be done. When the police had to put an end to fighting, they could chase back those of the combatants who were on the wrong side of the line. In the Commission's view, the chaos would have been greater without this dividing line.

31.4.10 The fighting between Residents and Migrants. Nowhere else did the fighting among Blacks dominate the scene of rioting as much as it did in Nyanga. Although the Comrades' unlawful and presumptuous actions, particularly against the Migrants, were an important factor in the riots and the eruption of the clashes between Blacks of the same origin, the faction fighting itself may be regarded as the main feature of the riots in this Black residential area in the Peninsula. It was indeed total war, because man, woman and child took part in it and attacked or defended or took vengeance with everything at their disposal. Nothing and nobody was spared; compatriots of either sex and of all ages were injured or killed, and houses and other property were destroyed by fire. The violence of the fighting, especially of that which began on Christmas Day, is evident from the incidents and their consequences, as previously discussed, and from the examples quoted in the following paragraphs of this chapter.

31.4.11 As regards participation in the fighting, it is striking that, as witnesses, the Residents were reluctant to admit to having taken any part, except when they had to defend hearth and home. They mostly tried to suppress the fact that they had made fellow-fighters of the youths through the protective and active support they gave to the so-called children. The Migrants admitted their own participation. They testified that, when they were attacked, they not only defended themselves
but also counter-attacked and that they sometimes planned and carried out retaliatory or punitive attacks.

31.4.12 There were considerable differences of opinion concerning the causes of the fighting and who started first. The factions levelled accusations and recriminations at one another. In this regard, the attitude of the Residents was sometimes very naive. They tried to make out that the youths had had every right to act as they did in the execution of their policy, including assaults and the destruction of property, whereas any reaction on the part of the Migrants, whether defensive or retaliatory, could not be justified. The Commission has already dealt with facts that clearly show that the immediate cause of the fighting on Christmas Day was the unlawful actions of the comrades and young people. These people were also responsible for the continuation of the rioting, even after peace had been made on one occasion. There is no need to recapitulate the consequences of their actions here.

31.4.13 For weapons, the combatants used everything they could lay their hands on that could injure or kill. The "African bomb" or ordinary stone was a common weapon of attack. Petrol bombs were used in the particularly large number of fires that were started and when the dividing line was set up they were hurled across this line by means of home-made launching devices.

31.4.14 With the peace offensive of 6 December, the first series of fights between Residents and Migrants were brought to an end, but general good relations were not restored between the groups. The youths were not silenced, either, and they continued their campaign, which culminated in renewed fighting on Christmas Day. According to witnesses, several attempts were made during the following two days to make peace between the fighting groups. The inhabitants themselves were not successful. A police officer constantly negotiated with the combatants. The police arranged several talks and rendered further assistance by bringing the representatives and leaders of the factions together. They also attended these talks. Success was achieved on the 27th, and the fighting came to an end. At first, a number of witnesses did not say a word about these peace negotiations; some of them denied that there had ever been such talks or that the police had had any part in them. At a later stage, some of them admitted that they had some knowledge of or had heard about them. Apart from the policemen, several witnesses spoke of these talks and of the police action in connection with them. Among these witnesses were leaders of the Migrants, members of the NRAC and men and women from the Resident group. The NRAC memorandum mentions peacemaking, but there is no reference to it in the writings of the clergymen.

31.4.15 On the strength of sufficient and convincing evidence the Commission finds that several talks aimed at making peace were held by the inhabitants during the Christmas week-end, that police officers negotiated with the factions and arranged some of the talks between leaders of the groups, and that the police assisted in the successful peace negotiations on Monday the 27th.

31.5 The report of the Ministers' Fraternal. 31.5.1 After preliminary discussions, the Ministers' Fraternal of Langa, Guguletu and Nyanga met in the Nyanga
Methodist Church on 11 January 1977 to discuss and complete the final draft and distribution of documents dealing with the Christmas riots. This Fraternal included ministers from the following denominations: American Episcopal Church, Catholic Church, Church of the Province of South Africa, Methodist Church of South Africa, Moravian Church, Presbyterian Church of Africa and United Congregational Church of South Africa. Eight members were present at the meeting.

31.5.2 According to the minutes and the oral evidence, a draft report on violence and the part played by the riot police in Nyanga was laid before the meeting. The other two documents that were dealt with are not relevant here. The draft report was based on seven statements made to members by eyewitnesses. The eyewitnesses were not present at the meeting, and their names were not divulged. Not one of the eight members had been present at the events covered by the statements. These matters were discussed, but it is not clear whether all the members were agreed on all the aspects of the report and on its distribution. The Rev. D.P.H. Russell, the priest of the Holy Cross Church in Nyanga and a member of the Fraternal, played a major part in the drafting of the report and was also responsible for its distribution. This document appeared under the title "The Role of Riot Police in the Burnings and Killings, Nyanga, Cape Town, Christmas 1976". In this chapter, this document is referred to as the Report.

31.5.3 As the meeting had resolved, copies of the Report were sent to the Prime Minister, all Members of Parliament, the Commissioner of Police, editors of newspapers and church leaders in January 1977. It was also freely available to readers in the Western Cape, and several newspapers published extracts from and summaries of the Report. On 4 February 1977, the distribution of the Report was prohibited by notice in the Government Gazette, and three weeks later its possession was similarly prohibited. But in the course of that month, it was distributed world-wide in virtually the same form and with only a slight change of name by the Centre Against Apartheid, Department of Political and Security Council Affairs, of the United Nations Organisation. The Commission heard no evidence as to who had sent the Report to these distributors. That particular issue was not banned in this country either, probably because it did not come to the notice of the authorities concerned as being a new document.

31.5.4 By way of introduction, it is stated in the Report that, according to newspaper reports, the factions had clashed because the Migrants did not heed the call of Residents or militant youths to show sympathy during the Christmas season with the victims of the violence in Soweto. This was said to be incorrect, for in the Report, which was based on statements by eyewitnesses, the Fraternal pointed out that the clashes had in fact been instigated by the riot police.

31.5.5 According to the Fraternal, the following facts emerged from repeated and reliable eyewitness accounts:
1. It was the riot police who made possible the killings and burnings; if they had chosen, they could have prevented any serious clash.
2. The riot police, or a significant section of the force, had
encouraged and instigated certain Migrants to attack the Residents.
3. Certain Migrants were deceived into thinking that certain Residents would stop them from going to work.
4. Some Migrants were told to arm themselves to counter attacks by Residents, when no such attack was intended.
5. The riot police actually took part in the attacks by Migrants, shooting at Residents and preventing them from protecting their families and houses.
6. Some members of the riot police actually encouraged the Migrants to kill some of the Residents by pointing out the wounded on the ground.
7. Some Migrants were trained by certain people in authority in how to make and use petrol bombs.

These accusations are really assertions of what, according to the Fraternal, had actually happened. There is no insisting on an inquiry into certain incidents as there was by some leaders in newspapers. The following statement appears in the penultimate paragraph of the Report: "We publish this report so that the truth shall be known." The authors have the following to say about the assertions: "We are fully satisfied that they are true", and in the assertions themselves they use words such as "actually" and "in fact". But the assertions are made in general terms and are sometimes vague especially because of the use of the words "some", "certain" and "a significant section of them". In making these observations the Commission wishes to make it clear that what is at issue here is not charges and accusations that have to be investigated on the grounds of the statements, but rather, according to the Fraternal, evidence that has already been investigated and accepted, and a police force which they have already found guilty. Reference is made later to difficulties encountered in connection with enquiries concerning the statements, and to the lodging of complaints, which was not encouraged by the Fraternal. The Commission considers that the Report was released world-wide because its authors considered it to be a final verdict.

31.5.6 The assertions in the Report are followed by seven accounts under the following headings: - "Police shot at people fleeing from scene of violence"; "Riot police instigated group of men to kill and burn"; "Police shot at people seeking to save Mr D. of Nyanga"; "Police shot her in house and let Migrants burn it down"; "He was shot by Riot Police while trying to protect an elderly man"; "Riot Police force man to join an impi of men"; and "Riot Police let group into house to kill a man". The headings and accounts do not cover all the assertions and, according to the dates given, deal only with incidents that occurred on 26 and 27 December. The names of the eyewitnesses do not appear with their statements either. All that is given before each account is an indication of whether the witness is a man or a married woman, together with one or two letters that are not necessarily the initial or initials of the person concerned.

31.5.7 The next part of the Report deals with the question why victims and eyewitnesses did not take the guilty policemen to court. The authors give two reasons. The first is the difficulty of identification and the second the
mistrust of, and the fear of victimisation by, the police. The authors deem it unwise to advise people to take the culprits to court. They also state that they intend to protect the names of those who had spoken to them. According to the Report, the Fraternal would regard any insistence on these assertions being brought to court as a refusal to face up to the appalling implications of the eyewitness accounts. The Commission would point out that a large number of Nyanga residents testified in public and under oath before it, and that the ends of justice were defeated when the names of some of the eyewitnesses were not disclosed to a team of investigators. This latter matter is dealt with in paragraph 31.9.1 and succeeding paragraphs.

31.5.8 By way of summary, the Fraternal states that neither the Migrants nor any group of Residents had been the real initiators and instigators of the week-end violence; on the contrary, they say, the primary factor that had made the Christmas upheavals possible had been the role played by the riot police in encouraging some people to violence and allowing a condition of anarchy and death to prevail for a few terrible days. The Commission will refrain from comment on the final paragraph of the Report, in which the authors invoke their venerable offices to justify their actions.

31.6 The memorandum by the Nyanga Residents' Action Committee. 31.6.1 The NRAC submitted a short memorandum to the Commission requesting a further sitting in Cape Town to enable residents to testify on the contents of the memorandum. This document was drawn up by the Chairman, Mr 0. Mpetha, who signed it on 17 January 1977. It was a confidential document which was shown to the Commission only. According to the Chairman, he dealt with incidents he had witnessed personally and with others residents had told him about; these were incidents they had seen and would testify to. At the request sitting, Mr Mpetha was the first to testify; after all those who wanted to testify about Nyanga had been heard, he was recalled by the Commission, and certain parts and aspects of the evidence that had been given were put to him. He then gave further evidence. But there were still facts and events that had not been covered by his evidence or memorandum. The Commission's offer that further evidence could be submitted in writing was not taken up.

31.6.2 At the beginning and the end of the memorandum, reference is made to the destruction of shebeens, but it is not certain whether all the facts in this document were quoted in chronological order. It is mentioned that the "students" did not encounter any resistance to their campaign in the Residents' area, but that the Migrants, who sold liquor, did offer resistance which resulted in innocent Residents' being assaulted. According to this document, the Migrants allegedly attacked "children" who were returning from the graveyard on Christmas Day, but were driven off by the Residents. There is no reference to the youths who overturned the vehicle with liquor or who went to provoke the Migrants in their area. Much is said about the actions of the police, e.g. that they had beckoned Migrants to come nearer and had escorted them and had even fought on their side. The document contains allegations that the police had handed over wounded Residents to the Migrants to be dealt with. Where such allegations were
confirmed by witnesses under oath they are dealt with in the appropriate places. The following accusations were not supported: Migrants allegedly hacked at wounded Residents and threw them into the fire; and the police allegedly shot at victims who were trying to escape from burning houses.

31.6.3 The memorandum refers to a peace agreement concluded on the 26th, in which the police also had a hand, but which was nullified by an attack on the Residents by the Migrants. Mr Mpetha's testimony concerning the peace negotiations was not always clear. He did say that he was present when they concluded a lasting peace on the 27th.

31.6.4 The final paragraph of the memorandum reads as follows: "We are therefore agreed that though the liquor raid was initiated by the students the NYANGA unrest and the pattern it followed was not at all the work of students. We are of opinion that there is no other person than the Shebeen King to blame". In his testimony, Mr Mpetha said who this person was and that he ran a shebeen; that he hired Migrants to protect him, and that keen competition between him and the owner of another shebeen had led to fighting between their supporters, who tried to destroy the shebeens. The only corroboration of this statement was found in an affidavit made by a certain Mr Elias Ngoba. According to him, the rioting in Nyanga stemmed from competition between liquor smugglers. However, this deponent did not appear before the Commission to confirm and to explain his statement. The cause is stated somewhat differently by the Comrades in a pamphlet, in which they made the following statement: "The cause of the recent fighting has been the result of liquor. The Bachelors (Migrants) will not understand this, they are so stubborn and become aggressive when approached". In his testimony, Mr Mpetha made several references to the Comrades' campaign and even made out that it was the doing of the "children" and not the responsibility of the Residents. The Commission's views concerning this campaign are set out at several places in this chapter.

31.7 The memorandum by the Rev. D.P.H. Russell. 31.7.1 The Rev. D.P.H. Russell released a further memorandum entitled "The Riot Police and the Suppression of Truth" on the Christmas upheavals in Nyanga. This memorandum bears his name as the author. According to the heading, the memorandum had been prepared for Members of Parliament; he sent a copy to the Chairman of the Commission. Actually, this new document is merely a confirmation of the condemnations in the Report. The distribution of this document was prohibited on 22 April 1977, and possession of it on 4 May. The appeal lodged in this regard was dismissed, and the prohibition was confirmed on 9 December 1977. In this chapter, the Rev. D.P.H. Russell's document will be referred to as the Memorandum.

31.7.2 In his opening paragraph, the author states that the banning of the Report might lead some people to the conclusion that its contents gave a basically untrue picture of the events in question. He was confident, however, that any impartial investigation would fully confirm the truth of its contents. At the end of the Memorandum he said that he was not expecting riot policemen to be brought to book, nor was he pleading for any judicial inquiry; however, the facts were being
published as a matter of public concern and a deterrent to similar action on the part of the police. The Commission finds it difficult to understand the author's words, since he had shortly before refused to co-operate when an official inquiry was instituted into the allegations contained in the Report, and did not subsequently testify in person before the Commission; during the second sitting in Cape Town he was present in or outside the hall practically every day, and the Commission had invited anyone with information to testify.

31.7.3 The author of the Memorandum states that he had interviewed and rechecked the accounts of very many eyewitnesses with care and thoroughness, that he had not only spoken to a large number of Residents but had also visited Migrants in the Nyanga hostels, and that his investigations had confirmed the contents of the Report. As shown later in paragraph 31.9.3, it appeared that two of the seven eyewitnesses, "Mr S." and "Mrs B." had made their statements to the Rev. M.S. Moletsane who, in an affidavit, said inter alia that he did not know his two informants and was unable to identify them. Presumably the Rev. D. Russell could not have questioned them and checked their statements. The following must be stressed: No matter how carefully and thoroughly the Rev. D. Russell set about things, one-sided statements by unknown and unsworn informants, made before persons who did not testify before the Commission either, about the unlawful behaviour of policemen to whom the accusations were not put, cannot be accepted by the Commission as the truth, especially when the conduct complained of was denied under oath before the Commission.

31.7.4 Under the heading "Many prepared to testify", the Rev. D. Russell refers in his Memorandum to the NRAC and to Nyanga residents who wished to testify before the Commission and in fact did so at a later stage. Why these people should be prepared to testify in public, while his eyewitnesses refused to do so, is left unexplained. So far as the alleged fear of the police is concerned, a certain "Mrs R.L." was said to have told him that the police had dragged "her" husband from their home and had allowed Migrants to kill him. Two eyewitnesses to this incident were said to be so afraid that they were not even prepared to discuss the matter with him, the Rev. D. Russell. Mention is also made of a "Mrs A.H." who was alleged to have said that people were so afraid of being detained because they believed that detainees were mishandled and killed.

31.7.5 The Commission was unable to establish whether the Rev. D. Russell saw the NRAC's document, because although Mr Mpetha testified that his document was confidential and had not been shown to anyone else, the Memorandum states that it confirms the facts contained in the Report. It does contain certain allegations similar to some of those appearing in the Report. However, there is no mention in the Memorandum of the fact that the NRAC does not accuse the police of instigation, that it refers to the part played by the police in the peacemaking, and that it lays the blame for the riots on the shebeen king.

31.7.6 Six paragraphs of the Memorandum are devoted to the previously mentioned police investigations, which are dealt with at length later on. Other
paragraphs discuss the difficulty of lodging complaints and the effects of the Indemnity Act; these matters are also dealt with by the Commission later on.

31.7.7 Under the heading "Riot Police to blame for Christmas Week-end Upheavals", a brief reference is made to the anti-shebeen campaign. It is stated that this campaign met with resistance in some hostel areas during December; the tensions between certain "hostel dwellers" and Residents erupted into clashes, and these tensions were subsequently exploited (presumably by the riot police). This is followed by allegations concerning false reports of imminent attacks and proposed action against Migrants who failed to go on strike. The author states that the upheavals took place against this background of tension and rumour and expresses his conviction that the riot police could have prevented the upheavals if they had chosen to do so, but that a section of the riot police had actually instigated the violent clashes and had then taken sides with a group of Migrants.

31.7.8 The Memorandum contains nine statements made by eyewitnesses before the author. Once again there is no statement concerning events during the first 25 days of December. Two of these statements relate to residents' alleged fear of testifying in public. They have already been mentioned in paragraph 31.7.4; the names of the two informants and two persons referred to in one of the statements are not known, nor is there any mention of the dates and time of the incidents; there was also no further evidence concerning the incidents, which will not be dealt with again. Four statements dealing with police participation in the fighting are discussed later; three are dealt with briefly in the following paragraphs.

31.7.9 A statement made by "Mr M.T." to the Rev. D. Russell is set forth under the heading "Riot policeman threatens group of residents with attack". The informant personally heard a policeman abusing a group of Residents in the following terms: "You are rude; you are 'Black Power'" and, pointing to Migrants with white head-cloths, "Those people will beat you". There are no further details of this incident, only the author's comment that Residents believed at that time that a group of Migrants who wore head-cloths had been instigated by the riot police. The person with whom this conversation took place was Mr James Mhlunguza, who testified before the Commission. At 10 o'clock on the morning of the 26th, he was engaged in a conversation with a policeman at three police vehicles in Swilitzia Drive. He says that he was unaware of any peace negotiations which, according to Mr Mpetha, were in progress there at that time. It is possible that some of the occupants of the vehicles were involved in the negotiations. In the course of the conversation, the policeman pointed to a group of Migrants and said: "Those people will assault you". Asked why they would do this, the policeman replied that they, the Residents, and their children were "silly", and were "Black Powers". The witness then pointed out that they all came from the homelands and that they had grown up together and with the use of sticks. The policeman rejoined that his (the witness's) people knew nothing about fighting with sticks but were familiar only with the throwing of stones and bottles. That was the end of the conversation. Nothing took place between the groups. There is no indication that any Migrants had heard these words or that there had been any
incitement. It did not seem to the Commission that the witness had regarded this conversation as a threat. The account of this incident corresponds with other evidence that, on one occasion, the police had warned Residents after a peace agreement that they should return to their homes and should not loiter about the streets, because Migrants might think that they wanted to fight, and that would be the end of the peace. The Commission does not consider this incident to have been a threat or instigation, nor does it serve to confirm any of the statements and allegations. A trifling incident was used here to create the impression of a serious situation.

31.7.10 Two of the statements in the Memorandum are about incidents that had occurred in 1977. In a statement under the heading "Afraid of being shot by Riot Police", the eyewitness, "Mr J.W.", stated that on the evening of the 5th January two slightly drunk members of the riot force came up to talk to him outside a shop. They insulted him and tried to provoke him to fight. When one of them threatened to shoot him, he ran away and did not sleep at his own house because he was afraid to do so. The Commission will confine itself to the following remarks: The informant's name was not disclosed, and there was no other evidence concerning this incident; it is not known where all this happened; and on the day in question there were no incidents of rioting in the Black residential area of the Peninsula. The other statement that will be disposed of here appears under the heading "Boy beaten up by Riot Police and bitten by Police dog". The eighteen-year-old boy is not even identified by letters. He states that three members of the riot police picked him up one morning in February and beat him with batons. They then pushed him away and set a police dog on him. He was bitten in the hand and leg and had to spend the night in jail without medical treatment. The following day he was acquitted in court on a charge of having committed a pass offence. He produced the necessary documents to the magistrate. After his discharge, he was treated by a doctor at a clinic. During the month in question, there was only one incident of rioting in the area, when a young boy was shot dead at a fire. According to the statement, the only connection between this incident and the riots was the alleged assault on the informant by riot police. It is impossible, in the absence of sufficient information, to investigate this allegation against the police. This eyewitness did not appear before the Commission so that he could be asked why he had not shown his papers to the police or his injuries to the magistrate. It is strange that these last two statements should be quoted, since they are unconnected with the rioting during the Christmas week-end, and there are other assertions and allegations in the Report and Memorandum that are not corroborated by the statements of eyewitnesses or by other facts in the two documents. Other gaps in the Report and in the Memorandum are discussed in the following paragraphs.

31.8 Gaps in the Report and the Memorandum. 31.8.1 The Report and the Memorandum, neither singly nor jointly, give a complete picture of the Christmas rioting in Nyanga. The main reason for this incomplete account is the one-sidedness of the witnesses and of the evidence. As a consequence, the documents contain limited information concerning the beginning, the nature and the extent of
the riots, make only limited references to the part played by the Comrades in the riots, and make no mention of the efforts of the SAP to prevent disorder and to calm down the rioters.

31.8.2 The eyewitnesses and their statements. A total of 16 statements, made by 17 informants, form the basis of the assertions and findings in the two documents. Only one or two initials and no names appear with these statements. In paragraph 31.9.1 and succeeding paragraphs, reference is made to the difficulties experienced in obtaining the names of these eyewitnesses for an investigation. To judge by the contents of the statements, all 17 informants were Residents. The Rev. D. Russell wrote that he had also talked to Migrants, but it does not seem as though anyone from that group had made statements before him or before other members of the Fraternal. No statement by a policeman was incorporated in the documents. The eyewitnesses' statements, which were not made under oath and were not all recorded at the time they were made, contain very little information about prevailing conditions and other events that occurred simultaneously. It does not seem as though any other view of the facts, and improbabilities in their accounts, were put to the eyewitnesses. These eyewitnesses and the evaluation of the evidence are dealt with later in paragraphs 31.10.1 to ii.

31.8.3 Not one of the statements deals with the events of the first 25 days of December. The fact that important incidents that occurred during that period were not mentioned poses the question whether, in accepting the statements of eyewitnesses and in formulating their assertions and findings, the authors had considered the effects of the earlier faction fights and their settlement, the constant provocation by the Comrades and the destruction caused by them, and all the steps taken by the police. Nine of the statements that were used as a basis deal with events on Boxing Day, and one concerns an incident on the 27th. Two statements refer only to events in 1977. In four statements, no date is given. According to evidence before the Commission, the incident described in one of the four statements had taken place on the 27th. For the sake of completeness, the striking fact should be mentioned again that the evidence of the informants, as contained in their statements, does not cover all the assertions and allegations made by the authors.

31.8.4 Reference to the activities of the Comrades. Not nearly enough mention is made in the two documents of the part played by the Comrades in the rioting. Early on in the Report, the Fraternal states that the Press had erred in regarding the dispute between the Migrants and the militant youths about celebrations and mourning as the cause of the clashes, because the riot police were to blame. In the rest of the Report, there is no mention of the campaign against the shebeens. In the Memorandum it is stated that the campaign in December had given rise to tensions between the Migrants and the youths and that these tensions were exploited. There is no reference in the Memorandum to mourning or the prohibited festivities. Neither of the documents refers to the beginning of December, when the campaign had led to the faction fighting and the Comrades had, after the peace agreement, continued with their
destruction of shebeens and had acted with insolent pugnacity against adults who drank liquor and celebrated. No mention is made of the events of the four days preceding Christmas Day. The statements do not contain any facts that are inconsistent with the Commission's findings, as set out in paragraph 31.3.8, as to how the fighting started on Christmas Day.

31.8.5 Accounts of police action.

As regards the accusations of instigation and exploitation by the police, there is one fact that strikes one particularly, namely that the informants' statements and the documents themselves do not contain any evidence, oral or otherwise, of such action before or on Christmas Day. There is not even evidence that the police were in contact with the Migrants during the crucial period or that any concerted action had ever been discussed. Important facts that are at variance with allegations and conclusions that the police had incited and helped one group against the other were omitted. This omission is summed up on the next paragraph.

31.8.6 In paragraphs 31.3.10 to 22, the events of the Christmas week-end, when the rioting was at its worst, are summarised. Among other things, reference is made to the following events that are not referred to in the Report or the Memorandum. The police were constantly engaged in preventive action; this included the patrolling of the area and especially of the dividing line. They sometimes succeeded in dissuading large groups of belligerents from proposed attacks. Such groups that were on the move were also intercepted and dispersed. They tried to keep the inhabitants from the streets by admonishing and warning them. They intervened in clashes between factions and chased the combatants away. In such circumstances, they frequently made use of tear-gas, but sometimes they considered it necessary to fire with rifles and shotguns over and towards the combatants. Both Migrants and Residents were wounded and killed. It was, furthermore, the duty of the police to round up rioters, and to see to the removal of the dead and the wounded and, where possible, the extinguishing of fires. Regardless of the danger in which they found themselves, small groups of policemen performed these tasks in chaotic conditions, over a wide area and frequently in the presence of large belligerent crowds. None of these things is mentioned in the Report and the Memorandum. But what must possibly be regarded as the most serious omission is the fact that no mention is made in the two documents of the efforts of the police to bring about peace between the Residents and the Migrants. The Commission cannot treat this omission lightly, because the fact that such efforts were made is inconsistent with allegations that the police had incited and helped one faction against the other.

31.8.7 The Commission considers that, on the strength of a fragmentary picture, the authors of the two documents drew wrong inferences and broadcast unwarranted allegations. When the authorities had an investigation instituted into the statements on which the findings in the Report were based, the investigating team was confronted with the problem of nameless informants, as will appear
from the following paragraphs. The team were refused co-operation in important respects. Instead of co-operating, the Rev. D. Russell published a second indictment, the Memorandum.

31.9 The Police investigation of the allegations. 31.9.1 On 31 December, five prominent persons urgently requested an interview with the Divisional Commissioner of Police in the Western Cape. They were the Rev. Theo Kotze, Director of the Christian Institute, Bishop Patrick Matulengwe, Suffragan Bishop of Cape Town, Mr Robert Tobias, Chairman of the Western Cape Branch of the SAIRR, Mr Lucas Phillips, President of the Western Province African Chamber of Commerce, and Prof. Hansi Pollak, a member of the National Executive of the SAIRR. In the afternoon, they had an interview with the Deputy Commissioner, Brig. P.A. Corff. They told him that they had learned from a reliable source that the riot police had advised the Migrants in Langa to arm themselves as the Residents were getting ready to attack them on New Year's Eve; inflammatory pamphlets to the same effect had allegedly also been distributed. The deputation feared that the previous week-end's rioting would be repeated. This matter was attended to, and the Commissioner instructed two senior police officers to investigate the whole matter. These officers, neither of whom had been involved in the quelling of the riots in Nyanga, were Col. H.W. Kotze and Capt. Q. Visser. A copy of the Report was sent by the authors to the Minister of Justice and of Police, who instructed the SAP to institute the necessary investigations.

31.9.2 In regard to the rioting that was to have taken place during the New Year's week-end, it must be repeated that no rioting occurred in the Black residential area of the Peninsula during the period 30 December 1976 to 4 January 1977. The Commission has no evidence on which to base a finding as to whether this interview contributed to the calm or not. It can only be pointed out how unlikely it is that, after a week-end of violence, hazardous duty and severe criticism, the riot police would immediately proceed to stir up the Migrants and to unleash further violence and, on top of that, prove their own complicity by distributing inflammatory pamphlets. It is accepted that the five persons believed their informants and consequently considered it their duty to request the interview.

31.9.3 The two police officers charged with the investigation apparently decided to use the Report, and in particular the eyewitnesses and their statements, as the starting-points of their investigations. They accordingly asked the members of the Fraternal for the names of the eyewitnesses. In one of the three statements that he had made before his attorney and made available to the investigating team, the Rev. M.S. Moletsane testified that he had been responsible for the statements of the two eyewitnesses, "Mr S." and "Mrs B.". He explained that these two people had come to his home for food and clothing because they had lost everything in the riots. In his conversations with them, they told him about their experiences, as set forth in the Report. He confirmed that he had not asked them for their names and addresses and was therefore unable to identify them. It is not clear whether these two people called on him simultaneously. According to the statement made
by "Mr S.", members of the riot police entered his home late in the evening of 26 December and admitted that they supported the Migrants; they forced him to join an impi of Migrants and wounded him with birdshot when he escaped. There is nothing in the evidence to support such an unlikely story. The statement made by "Mrs B." is to the effect that the riot police allowed a group of men to enter her house and to beat her husband to death. As the identity of the informant could not be established, and this account could not be linked with any recorded death or judicial inquiry, further investigation was impossible. As previously explained in paragraph 31.7.3, statements such as these two have no evidential value.

31.9.4 The Rev. D. Russell admitted that the statements of "Mrs E.X." and "Mrs D.M." had been taken down by him, and that the one made by "Mr S.T." had been made before him and Bishop Matulengwe and recorded by him. However, he refused to give the names of the three informants to the investigating team. He was thereupon summoned under section 83 of the Criminal Procedure Act, No. 56 of 1955, which was then in force, to appear before a magistrate, where he would be asked to disclose the names. He again refused to do so when he appeared before the magistrate, submitting as his excuse that he had assured all three eyewitnesses that he would not reveal their identities; furthermore, he feared that if it should become known who they were they would be victimised. His reasons were considered inadequate by the magistrate, who convicted and sentenced him to three months' imprisonment. He appealed to the Supreme Court, whose verdict in the case S v Russell, 1977(4) SA 291(C), was that the said section of the Criminal Procedure Act did not cover an examination for information such as that required of him. His conviction and sentence were accordingly set aside.

31.9.5 According to her statement, "Mrs E.X." heard shouting on an unspecified date and at an unspecified hour that their houses were going to be attacked. She and her husband fled into the bushes between Nyanga and Crossroads. Her husband carried their large mattress with him. The police fired at them, but they fell down flat and were apparently not wounded. She stated furthermore that the police had helped their attackers. Even if this statement had been made under oath, a good deal of questioning would still have been necessary to test the credibility and reliability of the informant. Obvious questions to be asked would concern the date and time, the locality, other fugitives, opportunity for observation, the reason for taking the mattress along, looting and the rifle shots. The statement by "Mrs D.M." concerns a certain "Mr M.", who was shot in the stomach by the police during the afternoon of Sunday the 26th. The police beckoned to Migrants, pointed out the wounded person and allowed them to kill him with their weapons. The information concerning this victim, his initials and even the various wounds that he must have sustained were once again not sufficient to identify him among the dead persons or to link him with any of the judicial inquiries. No further evidence concerning this incident was available. This eyewitness's statement also contains general references to the
Migrants and tells how the police instigated them, and did not intervene and stop their attacks and opened the way for them to the Residents with their guns. In the absence of any confirmation, whether under oath or otherwise, this statement will not be discussed further.

31.9.6 Bishop Patrick Matulengwe identified the eyewitness "Mr S.T." to the investigating team as Elias Mgobo. He is one of the persons whose identity the Rev. D. Russell would not disclose. Mr Mgobo volunteered a statement to the two police officers, and a person whom he named as a relevant witness, Mr Jim Biyongo, also told them without any objection what he knew about the matter in question. These two persons did not testify before the Commission, but their statements concern an attack on a certain Mr Z. Damane, who did appear before the Commission. His case has already been referred to in paragraph 31.3.20 and is dealt with later in paragraphs 31.12.36 to 40.

31.9.7 The Bishop also disclosed that his informant, "Mrs G.", was a Mrs E. Gishi. She was not prepared to interview the two police officers, but did make two statements at their request before her own attorney, which were made available to them. She confirmed her statement to the Bishop before her attorney and amplified it; her account of the circumstances in which she was wounded reads as follows: On the morning of Boxing Day, several hundred Migrants armed with sticks and axes took up their positions on their side of Sixth Avenue, almost directly opposite her house. Facing them were several hundred Residents with kerries. The Migrants challenged the Residents to a fight, but apparently there was no clash, and at about 14h00 the police told the Residents to go home. As she was nearing her house, she was threatened with a rifle by a policeman, whereupon she ran to the house of a friend. About half an hour later, she heard shouts that the police and the Migrants were attacking them. They bolted the door, and when she went to draw the curtains in front of the window, she saw police and Migrants outside the house. A riot policeman shot her in the chest and arms, presumably with birdshot and through the window. Migrants began to batter down the door, and she and her two daughters hid in the toilet. When they emerged some time later, many houses were on fire. She went to hospital and later learned that her husband had been killed in front of their house. Details of her husband's death are contained and discussed in paragraph 31.12.11. In her statements to her attorney she also said the following: She saw the police, followed by Migrants, charging at them, but she could not say that the police were actually helping the Migrants in the attack. She had never heard of the police trying to stop the Migrants in their attacks on Residents' houses. The police used tear-gas at times, but she did not know for what purpose. She was not aware either of the Migrants' being influenced to attack the Residents. These few remarks did not appear in her statement in the Report. Mrs Gishi did not testify before the Commission, but her remarks concerning the actions of the police are dealt with later together with general accusations against the police. All the Commission wishes to say at this stage is that, according to the evidence, the shotgun fire was not aimed at her; it might have been part of what was being done to combat the riots.
31.9.8 According to Bishop Matulengwe, the eyewitness referred to in the Report as "Mr G.B." was a Resident named Harold Poho. In brief, his statement was as follows: At about 05h30 on Monday, the 27th, a group of men came from the direction of the Nyanga bus terminus and attacked his house. A petrol bomb that was thrown fortunately failed to explode. As they fled from their attackers, an elderly man who was with them tripped and fell. He, Poho, turned back to help him. The attackers who had hit the old man drew back, but at that moment several riot policemen arrived from behind the attackers, and one of them shot at him. He was hit in the neck and stomach. Mr Poho was subsequently prepared to make an affidavit before the investigating team. According to this statement, the Migrants attacked them and pelted them with stones. He and two friends, Messrs Mutlane and Vanqa, were armed. He was hit by a stone and struck with the flat of an axe. The three of them fled, and Mr Vanqa fell. He picked up a stone and aimed it at their attackers to frighten them off. When they fled, he saw a police vehicle stop some 50 paces from the scene. He beckoned to the police, but they fired one round of birdshot in his direction and hit him. It is not necessary to go into his statement that a clergyman then took him to a newspaper to make a statement, but it is appropriate to quote a number of his statements because they were subsequently corroborated by witnesses. Mr Poho said that the police did not turn up with the Migrants but only later, after the attacks; that he did not see the police taking part in the fighting or starting fires, or helping the Migrants. According to him, the police were talking to a group of attackers at the time he was shot, whereupon the group returned to their homes. Mr Poho's name appeared on the list of persons who were to testify before the Commission but was removed because he was apparently away on leave. He did not testify. The investigating team traced Mr J.P. Vanqa, the elderly man who had fallen, and he voluntarily made a sworn statement. He said that he and two others had driven off six attackers earlier that morning and that they were later set upon by a group of 50. They took to their heels, and when he fell he was struck a single blow with a kerrie on his arm. Mr Poho came to ward off his attackers, and while they were still all around him, he heard the shot; Poho was hit, and the Migrants fled. He added that he saw many police patrols and noticed that they were always trying to stop the combatants or to disperse them. He did not testify before the Commission either.

31.9.9 The third person who fled with Messrs Poho and Vanqa was a Resident named No~l Linda Mutlane. Mr Mutlane was called to testify about the assault on a certain Mr Damane, but was also questioned about the attack on Mr Vanqa, which had taken place shortly before. He testified before the Commission that he had not seen any policeman, neither when the six Migrants set upon them, nor when the second attack was made by the group of 50. He saw them for the first time after he and his two friends had fled. He was in front, and when he looked back he saw Mr Vanqa lying on the ground and Mr Poho standing with him with a kerrie and a stone in his hands. He saw the police and heard shots. The witness also stated that he did not at any time see the police helping the Migrants. When he arrived at his house, he saw the police talking to a crowd of attackers; they
then went to their homes. The Commission does not propose to make any finding concerning the assault on Messrs Poho and Vanqa, because there was only one witness who testified about the case and he did not furnish any particulars. Nevertheless it would be more satisfactory if the Commission were to say that, having considered all the facts, no matter how submitted, the Commission considers it highly probable that the shot that hit Mr Poho was fired to disperse those who were fighting.

31.9.10 There is no evidence of any policeman or private person having been charged as a result of the investigation. What was mentioned, was that the Attorney-General concerned decided not to prosecute anyone in connection with the case of Mr Damane. The investigation did not produce much in the way of further information for the Commission either. Not one of the seven eyewitnesses whose statements were relied upon in the Report testified before the Commission. There was no corroboration of or further information concerning the four incidents described by them. Two further statements have been discussed in the preceding paragraphs, and one is dealt with later in paragraphs 31.12.36 to 40.

31.10 Witnesses and evidence.

31.10.1 Introduction.
The Commission will deal first with a number of general rules relating to witnesses, evidence, and the sufficiency of evidence before discussing the eyewitnesses whose statements were incorporated in the Report and in the Memorandum and the witnesses who appeared before the Commission, especially in regard to the rioting in Nyanga. Some of these rules may appear simple and commonplace, but they are fundamental principles in the administration of justice and are referred to here because they were apparently lost sight of in the request that the accounts and assertions in the Report and the Memorandum be accepted, out of hand, as true and proven.

31.10.2 Oral evidence.
In court proceedings, a witness has to give his evidence viva voce. The exceptions to this rule are not relevant here. The Commission did not apply this rule strictly in every respect. Sometimes witnesses submitted memoranda to the Commission and then intimated that they did not propose to give further evidence, unless the Commission wanted them to elaborate on their facts and statements or to testify about other aspects. Where such memoranda contained only assertions or evidence that was not in dispute, they were accepted and considered as such. Similarly, undisputed newspaper reports and articles were also used as evidence. But if such documents contained accusations against persons or organisations, the allegations were disregarded and only when they had been corroborated by oral evidence and tested by examination would they be weighed against any contradiction for acceptance. This corroboration, examination and contradiction would be made orally and under oath.

31.10.3 The oath.
In a court of law, a person may testify under oath only. If he objects to taking the oath in the prescribed form, he may solemnly affirm that his evidence shall be the
truth, the whole truth and nothing but the truth. If any person about to testify does not understand the nature and import of the oath or affirmation, he may give evidence after having been admonished in a particular manner to speak the truth. This prerequisite for giving evidence shows that, in the law of evidence, the oath is still regarded as binding on a witness's conscience; together with the punishment that may be imposed for perjury it is man's attempt to secure compliance with the ninth commandment in a court of law. The Commission strictly applied these rules in regard to the oath to witnesses who came to testify.

31.10.4 Audi alteram partem.
This rule of law, "hear both sides", is a deeply rooted and important principle in the administration of justice; its application contributes towards efforts to ensure that justice is done in the trial of any accused person. This means that no person may be condemned without having been afforded an opportunity of putting his case. It is for this reason that the Commission kept its doors open to all who wished to testify. The evidence enjoyed wide publicity, and various persons, including some who were unaware that allegations would be made against them, asked for and were given an opportunity of testing and rebutting certain evidence against them. In one case, cross-examination by the legal representative was sufficient to prove the unreliability of the witnesses concerned. Where evidence in rebuttal was also submitted, the ordinary rules governing the acceptance of such evidence by a criminal court were applied; this means that it was also borne in mind that any person is innocent until the contrary has been proved. If anyone testified in secret and his testimony was therefore not published, his allegations were put to the person concerned for rebuttal before the Commission's findings were incorporated in this Report. Finally, it should be mentioned that a person cannot divest damaging evidence of its evidential value by failing to avail himself of his opportunity for rebuttal.

31.10.5 The eyewitnesses.
The informants of the Report and the Memorandum did not meet the requirements for witnesses. Some of the incidents referred to by them in their statements were described to the Commission by other witnesses; they themselves did not appear. The names of three of the seventeen eyewitnesses were disclosed to investigating officers. They consequently remain a nameless, faceless group of witnesses to the Commission. In the succeeding paragraphs, the importance of the fact that the Commission could not put them under oath, could not see and hear them, and could not examine them, is dealt with along with some other matters.

31.10.6 The fact that the Commission could not put the eyewitnesses under oath to repeat their statements is important. It is not even known whether they gave a solemn undertaking to the authors to tell the truth. This fact is of major significance considering that all the accusations made by them against the riot police were denied under oath before the Commission.

31.10.7 Witnesses who appeared before the Commission were examined by the Chairman and the advisers, and sometimes members of the legal team as well as other legal representatives were afforded an opportunity of cross-examination. Thus reliable and unreliable aspects of the evidence were exposed, and the
account given by one witness could confidently be weighed up against that given by another. The Commission does not think that a witness must first have stood up to the test of questioning by an experienced interrogator before he can be believed, but if he has done so, grave accusations made by him can be accepted with an easier mind. The Commission could not examine these eyewitnesses or have them examined.

31.10.8 The Commission consequently did not have an opportunity of seeing and hearing the reactions of these eyewitnesses when conflicting evidence was put to them, or when they were accused of possible prejudice and even of untruthfulness. A witness's reaction to an unexpected question is sometimes of major importance in the determination of his credibility. It is also of great value to see and to hear how a witness reacts when an improbability in his account is pointed out to him: Does he try to give a reasonable explanation or does he shield behind a helpless "I should like to know why myself"? The demeanour of a witness in the witness-box should not be overemphasised in evaluating his testimony, but it is nevertheless of greater value to the adjudicator to have seen and heard a witness than not to have done so.

31.10.9 The most honest witness can also make a mistake. Examination can bring this to light. For instance, if a witness did not have a good opportunity for observation or did not make full use of such opportunity as he had, he will admit this in reply to the right question if he is a truly honest witness. He can also err in his version of what he had observed. It frequently happens that witnesses unconsciously and in all honesty fill in gaps in their statements from their inferences, imagination, human prejudice or the accounts of others. Because of the possibility of errors creeping in in this way, the Commission stresses that the statements by the eyewitnesses were repeated by persons who did not put the facts in writing immediately. They did not come to testify so that the Commission could establish whether they had given a faithful rendering of the statements or whether these statements were not, for instance, unconsciously amplified from other statements they had heard. On 14 June 1977, at the commencement of the Commission's second sitting in Cape Town, the Chairman dealt briefly with the Report and the Memorandum, as well as with the statements of the eyewitnesses, and pointed out that the statements could not be used without reservation as the basis for findings. An indication was given that the Commission expected the authors, and the Rev. D. Russell in particular, to come and testify. The Commission knows that the Rev. D. Russell was present in the hall on that occasion as well as on subsequent occasions, when the authors were again invited to come and testify. The Rev. D. Russell and the other authors did not testify. So far as the eyewitnesses were concerned, it could not be ascertained whether they had discussed incidents with other Residents and had subsequently supplemented their own statements without being aware of doing so.

31.10.10 All the eyewitnesses were Residents, and their statements were undoubtedly one-sided. This does not necessarily mean that they were biased, but
they all spoke on behalf of the Residents and saw events from the viewpoint of
the Residents. As stated in paragraph 31.8.2, there was not a single statement by a
Migrant, a policeman, a Comrade or a youth in the Report and the Memorandum.
It does not seem as though other facts or a different view were put to the
witnesses. In such a case, an adjudicator of facts must be on his guard, because
one-sided witnesses can easily result in a biased finding.

31.10.11 The question why the eyewitnesses did not have recourse to the courts of
law has been discussed in paragraphs 31.5.7 and 31.7.4. The reasons put forward
in the Report and the Memorandum may briefly be summarised as follows:
Blacks have lost all confidence in the SAP and the legal system; they believe that
one policeman would not take action against another; they fear that they would be
victimised if they were to testify against a policeman; and they were in any event
unable to identify the policemen who had transgressed. The Commission
considers these difficulties and the alleged fear to have been grossly exaggerated.
As will appear from the succeeding paragraphs in particular, a large number of
Blacks in Cape Town and elsewhere testified, without fear, against the police and
not one of them could complain with justification that the police had acted against
him because of his testimony. There were cases where witnesses who testified
before the Commission and before courts of law were threatened and harmed by
their own people. The Commission is aware, however, that there is a fear of
testifying in public about the riots. It was for this reason that witnesses were
allowed to testify in secret or without disclosure of their identities. They were
sometimes advised that findings might reveal their identities or that evidence
which they gave in secret might carry less weight than other evidence given in
public. The Commission is also aware that Blacks sometimes said that they had
not laid a charge in a particular case because they did not know who the offenders
were. This may be because they are not familiar with modern methods of
investigation. It is unfortunate that the position was not properly explained to the
Blacks concerned by people who should have known better. The provisions of the
Indemnity Act, No. 13 of 1977, have a direct bearing on the importance of these
considerations. This Act came into operation on 8 May 1977.

after the publication of the Report but before the Memorandum had appeared. In
terms of this Act, no civil or criminal proceedings may be instituted against any
member of the riot police, inter alia, in regard to any steps taken by him in good
faith with intent to prevent or control internal disorder or to maintain or restore
good order or public safety or essential services, or to preserve life and property.
For all these reasons the Commission considers the fact that a witness did not
lodge a complaint against a policeman in a particular case to be unimportant in
evaluating his evidence, even though there had been occasion to complain before
the said Act came into operation.

31.10.12 Witnesses before the Commission. Thirty-nine persons testified under
oath and in public before the Commission on the Christmas riots in Nyanga.
There were 26 Residents, 20 of whom were men and six women, three Migrant
males, eight policemen, two of whom were Blacks, one White sociologist and one
White official. Two of the Resident men were also officials. The only group who
experienced the riots but who were not represented to submit all the details of the rioting to the Commission were the militant youths, led by the Comrades. Unfortunately, it was this very group which was so particularly active before and on Christmas Day and caused the tension to mount between the factions. Although they did not avail themselves of the opportunity to rebut the allegations against them, other witnesses spoke of the youths' objectives and actions and of the way in which they were defended and protected. Their testimony in a number of criminal cases was also taken into consideration. All these witnesses were not only questioned by their own legal representatives but, where possible, also by members of the legal team, the advisers and the Chairman of the Commission. They were not only questioned about their own testimony, but relevant evidence that was available was also put to them irrespective of whether it was at variance with their own testimony, and improbabilities were pointed out to them. In this way, their credibility was examined and tested. The Commission considers that a complete and true account of the events emerged from all the evidence.

31.10.13 Later on in this chapter, the allegations against and findings concerning the riot police, as contained in the Report and the Memorandum, are dealt with and an evaluation is made of the evidence concerning particular matters and incidents. What follows now is a discussion of some general respects in which the evidence did not meet the prescribed requirements or on the other hand could be accepted. To begin with, it was striking that some witnesses, especially Residents and Migrants, did not give a complete account of the events about which they testified. During discussions, the contention was put to the Commission that a Black witness tells a court or a commission only as much as he thinks the court or commission wants to hear. This contention was confirmed by well-informed people. In the Commission's view, however, Black witnesses are not an exception in this respect; in any case their accounts can be supplemented by questioning. This contention was also put differently, namely that a Black witness tells a court only as much as he thinks the court ought to know. Experience has not convinced the Commission that all Black witnesses and only Black witnesses restrict their evidence in this manner. So far as this inquiry is concerned, it is safer to assume that the majority of witnesses, Black or otherwise, were reluctant to tell the Commission anything that they considered prejudicial to their own case, and that it was for this reason that omissions were sometimes made deliberately and sometimes unconsciously in giving evidence.

31.10.14 Thus, for instance, it was not uncommon to hear a witness enumerate a series of successive events in a non-chronological order, sometimes without even mentioning the first incidents. In this connection, there are two examples relating to the events on Christmas Day. Without mentioning the memorial service, and the Comrades who went to enquire why the Migrants had not been there and who were then chased by the Migrants right back to their parents' homes, a Resident would commence his account with an attack by Migrants on youths in the Residents' area. In another case, Residents told how they had chased away Migrants who had attacked youths, without mentioning that the fighting had started when the youths overturned a Migrant's motor car and destroyed the liquor
in it. It happened fairly generally that both Migrants and Residents made out the other group to be the attackers without saying anything about their own earlier provocative actions. Lest all witnesses should be under suspicion, it must be mentioned that some Residents referred in their testimony to the youths' aggressive and provocative actions, and that Migrants admitted that they had sometimes taken up arms to go and punish the young people. Other important omissions, which were definitely not always unconscious, were the following: The protection of youths by the Residents; facts in favour of the SAP and inconsistent with certain allegations against the Force, such as their efforts to make peace, and their stopping of the fighting by the use of tear-gas, or their going in among the fighters, or their firing at or over fighters on both sides. Mention was seldom made of the fact that the police had not been present at the beginning of a fight.

31.10.15 Other less serious omissions made in accounts of personal experiences were undoubtedly deliberate. In such cases, the evidence can usually be amplified and corrected by examination. One witness began his account by saying that he had heard a commotion and had emerged from his house unarmed; he did not refer later to having armed himself. When he was subsequently questioned about this, it appeared that he had gone straight from his house to his motor car and had taken a kerrie from it. Throughout the incidents that followed, he carried this kerrie with him as a weapon. The importance of this weapon was that, without it, he would not have been regarded as a combatant. Another witness created the impression that everything was quiet when he was hit by a shot; but according to undisputed evidence, numerous fights were raging in the immediate vicinity at that particular time. Another witness stated that he was hit when he was alone in the street, but the evidence shows that some 5 000 people were engaged in fighting in that vicinity at that time. The reason for these deceptions was to rule out the possibility that the shots by which they had been hit had been fired at combatants.

31.10.16 Witnesses referred in a misleading manner to young people as children. The Commission is aware of the difficulty of differentiating in some languages between young men and young boys, and is also mindful of the fact that the witnesses used an interpreter. Nevertheless, the Commission remains under the impression that, especially when the police had taken steps against them, young men were sometimes referred to as children with the object of arousing sympathy for them, because they were supposed to be children and not blameworthy. On more than one occasion, it appeared upon examination that the "child" was already a young man who could be regarded as an adult. The following are two examples. In speaking of a certain person, Mr L. Tono called him a "little boy" and subsequently referred to him as a "child". When examined, he stated that this person was "a young boy, but grown up enough, in other words he was not a child". Finally he said: "He was not a young boy". Mr J. Dyani told the Commission about a "young boy" who was sitting on the burning roof of a house. The police ordered this "little boy" to get down. When he took too long
about it, they shot at him, and he fell into a tree next to the house. It is not clear whether he was hit or was injured in the fall. The police threatened mercilessly to shoot him again. Some other "young boy" picked up the "young boy" and carried him away. When subsequently questioned about this person's age, Mr Dyani stated: "He was between 18, 20 or 21".

31.10.17 Witnesses were also frequently evasive. Mention has already been made of the reply given by witnesses on various occasions when they were unable to account for improbabilities in their statements. Another example is that of a Resident who stated that he did not know who had caused the rioting; the Migrants had complained about the destruction of shebeens, but it was the children who had destroyed them, not the Residents. It also happened that, when a witness was asked why he had not mentioned certain important facts in his testimony, his reply would be that he had only heard about it; and it then appeared that he had used other facts in his testimony without explaining that he had not been an eyewitness but had learned about these facts from others.

31.10.18 Certain witnesses were obviously prejudiced. Thus it was usually said that the other side was the first to attack, and if their own responsibility could not be denied, it was limited to a minimum. This frequently resulted in exaggeration, e.g. allegations concerning stones being carted by motor cars, bodies that were burned, cries of jubilation over opponents who were killed, large numbers of police who were present, and numerous people who were shot dead. This was partly also the reason why facts in favour of the other side, and especially in favour of the police, were easily omitted by witnesses. Concessions were rarely made.

31.10.19 The concluding remark in the previous paragraph applies to the police witnesses as well. For instance, they would not admit that Migrants sometimes followed them when they were chasing combatants. But having considered all the evidence, the Commission believes that this did in fact happen; this does not mean that the police were aware of this and did nothing to prevent it; as a matter of fact, there is evidence concerning such an incident and of the police then firing on those following them. One of the Migrants testified that they sometimes waited just until the police were out of sight and then crossed over to the Residents' side; this, he said, they had learned from the youths and the Residents, who did the same thing. Furthermore, the police usually found it difficult to identify incidents about which inhabitants had testified. They could therefore sometimes do nothing but deny accusations in general. In regard to some of the allegations, platoon and section commanders said that the events had not taken place in their presence, and if any such thing should have happened, others would have prevented or reported it. The Commission realised that they must have felt like accused and had difficulty in hiding their indignation at certain allegations. In the light of all these remarks, the specific allegations are dealt with in the succeeding paragraphs.

31.11 Allegations against the police. 31.11.1 Introduction.

In the Report, seven accusations are formulated against the riot police, while several others are referred to in the comments; all of them are confirmed in the Memorandum. As stated in paragraph 31.5.5, the authors actually regarded these
accusations as convictions. All these allegations, together with others made by
witnesses under oath, will be dealt with by the Commission as complaints against
the police. They are considered on the basis of the sworn evidence; where
necessary, reference will also be made to eyewitnesses’ statements in the
documents. Their evidential value has already been discussed; findings are made
only on the evidence.

31.11.2 In the Report and the Memorandum, the riot police are accused of having
been responsible for the outbreak and continuation of the riots. But the riot squads
were not the only ones who operated in Nyanga during the Christmas week-end;
policemen who were stationed in that area continued with

the performance of their normal duties, such as the investigation of crime and
patrol duties; sometimes they also assisted in maintaining the peace. On the other
hand, the entire riot squad is not accused in all cases. Reference is sometimes
made to "the riot police - or a significant section of them", or to "some members
of the Riot Police" or even to "certain people in authority". The Commission will
deal with the complaints as though they were levelled against all members of the
police force who operated in Nyanga and took part in the combating of the riots.

31.11.3 The general complaints made in the documents and in the evidence
include the following: The police acted as a law unto themselves and acted
provocatively and brutally; they were the real instigators, the initiators of the
riots; having done the inciting, they allowed a condition of anarchy and death to
prevail for a few days; and they were the primary factor which made the
upheavals possible. All these complaints will be grouped together and dealt with
as follows: Incitement to violence, actual participation in the fighting; passive
attitude towards violence, and other isolated accusations.

31.11.4 Incitement.
According to the Report, the riot police - or a significant section of the force -
instigated certain Migrants to attack the Residents. In the Memorandum, a section
of the riot police are alleged actually to have instigated the violent clashes. In this
regard the Commission will confine itself to incitement by the use of
inflammatory language, verbally or in pamphlets; at a later stage, reference is
made to incitement through actions and behaviour before or during fights. There
is no evidence whatsoever concerning verbal incitement. Mr Mpetha stated that he
was unaware of any incitement, and the Migrants as well as the police denied that
any such thing had ever occurred. So far as the distribution of inflammatory
pamphlets by the police among the Migrants is concerned, there is no
 corroborative evidence either. No person testified that he had seen the distribution
or had come into possession of such a pamphlet; no such pamphlet was submitted
to the Commission. The police and the Migrants denied the existence and
distribution of the pamphlets, As stated in paragraph 31.9.1, similar charges were
made to Brig. Corff on 31 December; there was no confirmation of those
allegations either.

31.11.5 Reference to cases that may be relevant is made at three places in the
documents. The first reference appears in the NRAC’s memorandum and is to the
effect that the police told Migrants, standing near the bodies of three of their
group, that they would avenge the deaths of the victims. However, there was no
evidence to support this statement. The other two cases are referred to in
statements made by eyewitnesses. In one case, "Mr S." stated that the police had
forced him to join a Migrant impi, and in the other case "Mr M.T." heard a
policeman telling a Resident that the Migrants would beat them. These two cases
have been dealt with in paragraphs 31.9.3 and 31.7.9, respectively. The
Commission certainly cannot accept these statements as proof of incitement.

31.11.6 Finally, a number of facts and incidents must be pointed out which make
incitement by the police highly improbable. Directly contrary to such an
allegation is the action taken by the police to intercept armed groups or to
persuade them not to launch attacks. The same may be said of the peace-making
efforts of the police. Some witnesses, including Mr Mpetha, told how the police
tried to put a stop to the fighting by intervening and dispersing the fighters. Mr
Mpetha was also the one who said that the police had informed him and other
Residents at the boundary line that they would prevent the Migrants from crossing
the line, and that the Residents should then check the young people. In the light of
this evidence, and having regard to the circumstances, the Commission finds that
no policeman incited the Migrants to attack the Residents.

31.11.7 A

The riot police are accused in the Report of having told some Migrants to arm
themselves so that they would be able to counter attacks by Residents and would
also be able to hit back, whereas the Residents were in fact not planning any such
attack. The accusation made in the Memorandum is to the effect that they spread
false reports of imminent attacks by the Residents. There was no evidence of this
alleged incitement with regard to the Christmas riots in Nyanga. A Cape Town
newspaper carried reports that the police had reputedly told the Migrants that they
were to be attacked by the Residents on New Year’s Eve. In paragraph 31.9.1, an
account is given of a similar allegation by an informant in connection with Langa,
which prompted certain prominent persons to request an interview with the Head
of Police. According
to the allegation, the police also distributed inflammatory pamphlets. Neither the
informant concerned nor any other witness confirmed these allegations before the
Commission or produced any of the pamphlets. The Migrants denied the
allegations. In his denial, one of the platoon commanders outlined the training
undergone by his men and stated that he was convinced that no-one who had
undergone such training would do anything that would make his task of
preserving the peace more difficult and more dangerous. As in the previous case,
the evidence concerning the steps taken by the police in the performance of their
duties is inconsistent with the allegation. It may well be asked why the police
should draw up and distribute a document that could be used at a later stage to
prove the grossest misconduct on their part. In this case, too, there is no
corroborative evidence, but firm denials and a strong improbability that the
allegations are true. The Commission accordingly finds that the police did not
spread false rumours about attacks by the Residents and that they did not advise the Migrants to arm themselves.

31.11.8 Strikes.
The accusation in the Report concerning the strikes that occurred during the riots is that certain Migrants were deceived into thinking that certain Residents would prevent them from going to work. The Rev. D. Russell added that the Migrants went in fear of losing their desperately needed jobs. Not only is there no evidence of such a deception in the writings of the clergymen and in the evidence before the Commission, but the allegation does not fit in with the events either. The undisputed evidence shows that the Comrades and their collaborators called strikes, issued orders and enforced obedience. During the strike at the beginning of December, they set fire to 17 dwellings occupied by Migrants who did not strike and were at work. If representatives of Transkei and the Ciskei had not acted in conjunction with the police, bloody fighting would probably have erupted upon the return of the workers. These matters have been dealt with in paragraphs 31.2.16 and 31.3.3. The Migrants did not wish to take part in strikes, but the Comrades and other youths intercepted, threatened and assaulted them on their way to work. It was for this reason that the police constantly patrolled bus routes, roads and streets to ensure that Migrants could go to work in the mornings and return home at night in safety. If the police had warned the Migrants that the Comrades were going to waylay them on their way to work this would have been justified and considerate. The allegation that they were deceived into thinking that certain Residents were going to stop them is unfounded and a misrepresentation of what actually happened.

31.11.9 Training in arson.
According to the Report, petrol bombs were used in attacks, and certain people in authority trained some Migrants in the making and use of petrol bombs. As happened in other parts of the country, the arsonists in Nyanga also made use of petrol bombs. Several Residents told the Commission how Migrants had hurled such bombs at their homes, sometimes with serious consequences and sometimes not. There is evidence that Residents and their fellow fighters, the Comrades, also made use of bombs. Both sides hurled such bombs across the dividing line and set houses on fire. It was noticed that bombs from the Residents' side sometimes travelled farther than they could be thrown by hand. Home-made launching devices, which were used by Residents or Comrades, were later found in their area. Petrol bombs were not thrown at houses only; the police testified that their vehicles were frequently attacked with such bombs. They blamed the Comrades for this. When a police patrol put a crowd of about 2 000 Black men, women and children to flight at 14h00 on Boxing Day at a burning road block on the main road from Guguletu, eight petrol bombs and materials for the making of further bombs were left behind. Shortly afterwards, some 20 youths threw petrol bombs at vehicles in Swilitzia Drive; they were dispersed, and 14 petrol bombs and a launching device were found in the vicinity. There is also evidence that youths stopped vehicles and robbed them of petrol to make bombs.
31.11.10 As regards the training, the Commission assumes that the "certain people in authority" who were allegedly responsible for it is a reference to the police. A Migrant leader informed the Commission that he and his people assisted one another with the making and use of the bombs and that they had not been taught by the police. Pamphlets that were distributed in the Black and Coloured residential areas of the Peninsula described in detail how petrol bombs should be made and used. At the beginning of November, such a pamphlet was found on two youths who had set fire to a stretch of veld near Hanover Park. According to the evidence given by the police, they also confiscated such pamphlets elsewhere, but categorically denied having distributed such pamphlets or ever having given Migrants instruction on petrol bombs. The Commission could not find any proof, either in the two documents or in the evidence, of the police having been guilty of such deplorable conduct. The Commission accordingly finds that the allegation that the police taught Migrants how to make and to use petrol bombs is unfounded and must be rejected. This assertion is devoid of all truth.

31.11.11 Exploitation.
It is stated in the Report that there were tensions in the Black community and that one group had been brought to a state of mind which the riot police were able to exploit. Reference was also made to deep-seated social factors which lead some people to be exploited by others. According to the Rev. D. Russell, the anti-shebeen campaign met with resistance in some hostel areas during December; the tension between certain hostel dwellers and Residents erupted into clashes; these clashes were subsequently exploited. Nowhere are details given of this exploitation, except that it may have consisted in the alleged deception in connection with the strikes and the imminent attacks by Residents These two matters have already been dealt with. The Commission is satisfied that there was indeed great tension in the community as a result of the campaign and other actions by the Comrades, which erupted into clashes without any exploitation by the riot police.

31.12 Participation by the police in the fighting. 31.12.1 Introduction.
It is stated in both the Report and the Memorandum that the riot police assisted the Migrants in their fights against the Residents and at times took part in the fighting themselves. In connection with this general accusation of participation in fights, there were not only the statements of eyewitnesses in the two documents but also the sworn evidence of Residents, Migrants and policemen who had been in the fights. The allegations of participation by the riot police included the following: They assisted the Migrants in fights; they beckoned to Migrants to come and fight; they pointed out or handed over wounded Residents to the Migrants to be killed; they opened up the way for the Migrants with their rifles so that they could attack the Residents; and they shot at the Residents and in that way prevented them from protecting their houses and families, or even killed them. These allegations are discussed in that order.
31.12.2 Police assistance to Migrants. The general assertion that the police assisted the Migrants in their fights against the Residents is denied by the Migrants as well as the police. Asked whether the police had helped them, one of the Migrant leaders not only replied in the negative but added that the police always intervened and separated or diverted the fighting groups. Another one stated that the police had not organised them, and a third said that the police shot at them as well as at the other combatants. Assistance such as that given in the cases referred to in the preceding paragraphs is dealt with later. However, one particular allegation must be mentioned here. Mr B.D. Koloni testified that on Boxing Day he saw the police taking a number of Migrants by car to the dividing line to fight the Residents. The following improbabilities, some of which were put to him, are obvious. Why would the police ferry in ten or fifteen men when thousands were involved in the fighting; why would they take these people to the dividing line by car when they could easily have walked through their own area; why would they openly show that they were encouraging the fighting after they had been involved in peace negotiations; why would the police undertake this pointless ferrying and expose themselves needlessly to danger. The further lack of corroborative evidence and the denial by the police led the Commission to suspect that the witness had made a mistake about the day of the incident and that his account related to an incident that occurred at the same time the following day, when the police ferried some five Migrants wearing white headcloths to peace talks.

31.12.3 Beckoning.
Several witnesses told of policemen beckoning Migrants to openings for an attack, to the wounded or even to particular houses. One of the "eyewitnesses", the anonymous "Mrs p.z." referred to in the Memorandum, said that they beckoned to Migrants to come closer to attack her house and to set it on fire. As she did not testify before the commission, it was not possible to examine her statement. The Commission will refer to four cases only in this connection. The first is that of Mrs Deborah Luvuno and her daughter Eudicate, whose experiences have already been referred to in paragraph

31.3.18. The mother stated that on that Sunday afternoon she saw a large crowd of Migrants walking along Sakkiesdorp Road to Sixth Avenue. This was one of the streets that formed part of the dividing line. Three police vehicles, two small ones and one large one, approached the crowd from the rear and then drove slowly through the crowd. A policeman was sitting on the bonnet of the leading vehicle and beckoned to the Migrants to follow him. The crowd, it was said, thereupon moved more quickly. The vehicles stopped on the Residents' side of the dividing line, and the policemen got out. Residents, who were guarding their side of the line, fled; it is not clear whether the police had then already fired some shots. Police entered the Residents' area on foot, followed by Migrants. Mrs Luvuno fled to her house. Her husband was not at home, because he thought that the peace that had been concluded earlier in the day would continue. The policemen walked as far as her house and beckoned to the Migrants. The police did not enter the house themselves and were apparently not present either when the Migrants plundered...
the house, set fire to it, and launched their murderous attack on Eudicate and the two young children. The daughter confirmed the mother's account as to the beckoning, but they differed about the vehicle that was in the lead. This difference in their observation may be important, especially in regard to the purpose of the policeman's gestures. The fact that the Migrants allegedly moved more quickly is still not a satisfactory answer to the question why the police should beckon to people who were following them to come closer. There seems to be no reason, either, why the police should have singled out their house for attack without entering it themselves or staying to watch the destruction. The improbabilities referred to earlier need not be repeated. Mrs Luvuno knew one of the attackers. She gave this person's name to her husband but he apparently did not lay a charge at the police station, as he had undertaken to do.

31.12.4 Mrs Patience Mputing gave evidence concerning another incident that occurred on the same afternoon. She was in the residential area of the Residents when she noticed the police approaching across the dividing line. Migrants followed in their wake in Sixth Avenue; they were armed with axes and bayonets. The police fired some shots and she ran home with her two children. As she entered the door, she saw the police beckoning the Migrants along. She looked through the window from time to time and saw Migrants beating a man to death in front of the house next door. They then attacked her house. The house and the furniture were set alight, and she and her sister were injured. In regard to the beckoning, she explained that the Migrants were not too far behind the police nor did they pass the police. Upon being asked for the second time whether the police had not been signalling to their fellow policemen, she stated: "That I don't know. All I am saying is that I saw the police beckon and the Migrants run in the direction of the police". The possibility that the beckoning was communication between policemen is not excluded, and there is still no satisfactory answer to the question why the police would have to beckon to Migrants, who were following close on their heels, to come nearer. Mrs Mputing made a statement to Mr Nhumha of the NRAC shortly after this incident. She was unable to explain why this statement did not contain any reference to the beckoning. She identified the person who had assaulted her and subsequently even spoke to him. She testified that the Rev. D. Russell had advised her to obtain this person's name and address and then to get in touch with him again. In the event no charge was laid against her attacker, who did not enjoy the protection of the Indemnity Act. The witness knew of the peace that had been made earlier in the day with the assistance of the police and saw youths subsequently pelting Migrants with stones. Questioned about the probability of the alleged police action, she stated that it was exactly this that had surprised them, because the police had tried earlier in the day to make peace, and yet in the afternoon of the same day they came with the Migrants, urging the Migrants to attack the Residents.

31.12.5 Two cases of beckoning are mentioned in the NRAC's Memorandum. The first is alleged to have occurred late in the evening on Christmas Day, when inhabitants were guarding the boundary line in Sixth Avenue; the police had
driven the Residents back with rifle fire and then beckoned to the Migrants, who crossed the boundary, attacked the Residents and burned down their houses. The second incident is said to have taken place early in the morning of the 27th; after the Residents had beaten off an attack by the Migrants, the police arrived at the corner of Swilitzia Drive and Fourth Avenue and beckoned the Migrants to resume the attack; the police were between the two groups and fired on the Residents when they tried to defend their homes and people. Mr Mpetha testified about this case or these cases. He stated that no such incident had occurred on Christmas Day, because the police did not pursue or shoot at anyone that day. Later in his testimony, he made statements that create the impression that the beckoning did in fact take place on the 25th. He was also confused in regard to the alleged incident on the 27th, and it is difficult to establish whether he was testifying about one or two incidents. Among other things, he said that the Migrants were standing still and when the policeman swung his arm and the Migrants approached, he thought that the police had called them.

31.12.6 In their denial, the police were particularly firm about the evidence concerning a beckoning policeman on the bonnet of a motor vehicle. They stressed that members of the Force always travelled inside vehicles, save in exceptional cases when there were not sufficient vehicles to transport members back to their bases after rioting had been quelled. Commanders of the platoons stated that they themselves would not take up position on the bonnet or permit anyone else to do so when rioting was in progress or threatening. They pointed out that anyone occupying such a position during disturbances would be in great danger, because he would be an easy target for stonethrowing and other attacks, and even though the situation might appear to be calm, he could not foresee when an attack might be launched upon him from a protected spot. In view of this evidence, it is highly unlikely that policemen would have sat on the bonnet of a police vehicle and given signals in the midst of rioting, and especially on the afternoon of the 26th.

31.12.7 Police officers testified that, during their training, members of riot squads were taught to convey and receive orders and information by hand signals. Such a system is particularly necessary when one member is unable to hear another because of distance or noise. Special hand signals are learned by which a platoon or section leader can control and command his men. According to the evidence, one platoon commander never used hand signals, whereas another and some section leaders used them regularly. Lieut. Jordaan testified that, in a tumult, he would sometimes give a sharp whistle and, having drawn the attention of all his men to him, he would point the direction in which they were to go. In this way he could also prevent one section from getting into the line of fire of another. The Migrant leaders denied ever having received assistance from the police in their fights against the Residents or that the police had ever beckoned to them. At least one leader
testified that he had made use of hand signals during the fighting to convey orders to his men. There was also evidence to the effect that the Migrants had used whistles and even a bugle for this purpose.

31.12.8 There is no doubt that the police used hand signals during the riots to convey messages to others. They said that, in using these signals, they were conveying orders in connection with the combating of the riots to their fellow policemen. It is difficult to establish what the Migrants' made of these signals, except that they denied that the signals had been intended for them. According to the Residents, they were a sign to the Migrants to advance and attack. In the chaotic conditions where groups were attacking and fleeing and the police were moving about between the rioters, it must have been difficult to tell to whom anyone was beckoning. That is why the Residents sometimes stated under close questioning that they had seen the policeman beckoning and had seen the Migrants approaching. In most cases they alleged that the Migrants were following close on the heels of the police. The police denied that the Migrants had followed them, and Lieut. Jordaan testified that a group of Migrants had wanted to follow his sections on one occasion and that he had threatened to shoot at them. There is also evidence concerning cases in which the police fired on Migrants in circumstances which suggested that they were following them. The Commission nevertheless considers that fighters were shrewd enough to proceed to the attack when they thought that they would not be stopped because the police were pursuing or dispersing another group. A Migrant witness mentioned that they had learned from the youths to cross the dividing line when the police patrols had gone past and to attack as soon as the police could no longer see them. It may well be that victims construed such action as collaboration.

31.12.9 To arrive at a finding, the Commission took the following, inter alia, into consideration: The evidence that hand signals could be and were in fact used in the combating of riots; the evidence that the police had acted against Migrants who were following them; the likelihood that Migrants had nevertheless followed the advancing police when they thought that they would not be noticed; the improbability that the police would beckon to Migrants, who were near them, thus giving an indication of collusion in public; the possibility that, in the confusion, the Residents might have misinterpreted the gestures; and the firm denials of the police and the Migrants, as against the inferences drawn by the Residents. In these circumstances, the Commission finds that the police leaders gave hand signals to their men, which the Residents misinterpreted as signals to the Migrants to come closer and to attack the Residents.

31.12.10 Pointing out of victims.

According to the Report, some members of the riot police actually urged the Migrants to kill some Residents by pointing out the wounded on the ground. The Report and Memorandum contain only one statement concerning such a case; the eyewitness concerned was "Mrs D.M.", whose case has been dealt with in paragraph 31.9.5. Closely linked to this general allegation is the statement in the NRAC's memorandum that the police had dragged people from their homes and
had handed them over to Migrants, who had hacked them and thrown some of them back into the fires. Except for the testimony about the little girl who had been assaulted with Eudicate Luvuno, there is no evidence concerning wounded people who were thrown into burning houses. There were witnesses who told of houses or wounded people being pointed out for the Migrants to attack them. The case of Mrs P. Mputing was discussed in the preceding paragraphs.

31.12.11 Mrs E. Gishi who, as "Mrs G." was one of the Report's eyewitnesses and whose case was dealt with in paragraph 31.9.7, stated that, in her absence, her husband was beaten to death in front of their house on Boxing Day. As recorded in Annexure F, Jackson Gishi, presumably her husband, was killed on the 26th in faction fighting between Residents and Migrants. According to the post mortem report, he died of wounds inflicted with blunt instruments; there were no bullet or shotgun wounds on the body. A witness, Mr Alfred Ndamane, told the Commission that he and Mr Gishi, who lived opposite him, were together on the day in question; they were chased by Migrants, and Mr Gishi fled into his house, but he, the witness, remained outside to see what was happening; the police arrived on the scene, and later some Migrants as well; the police entered Mr Gishi's house, dragged him out like a dog and threw him to five Migrants; the Migrants set upon him, and the police left. The witness said he was on the point of throwing a stone at the attackers when he was hit in the arm by birdshot. Mr Gishi died, and his house and the witness's were burned down by the Migrants. The Commission has the following comments on Mr Ndamane as a witness. On the afternoon in question, the position in the area was one of complete disorder, and the witness admits that he was confused about some aspects. He testified that the Migrants who were chasing them ran past him in pursuit of Mr Gishi, and when they were 15 paces from his friend's house, they threw stones at him, burned down the two houses and beat Mr Gishi to death without molesting the witness. His testimony concerning his reason for remaining outside his house, from where he could see everything that the police and the Migrants were doing, is unsatisfactory. When MrMpetha called on him to collect evidence concerning fire damage, he forgot to tell him about the death of his neighbour and friend and about how the man had died. He stated that he had fled from the Migrants and not from the police, because he regarded the latter as his helpers; this he stated in spite of two facts, the first of which is that, according to him, the police and the Migrants were moving together, the second being that he had fled from the police the day before, when he was engaged in his own peace indaba. Because of the quality of his evidence and the denials and explanations quoted later on, the Commission cannot accept that the police would have committed such a misdeed, which is virtually tantamount to murder.

31.12.12 The second case is that of Mr Lawrance Mtombeni. A Resident, Mr Longman Tono, who was employed at the Tygerberg Hospital, told how he and his neighbour, Mr Mtombeni, fled from the police in the afternoon of Boxing Day. Both of them went to their own homes. He found his house full of people. He knew the 11 adults who were present but not the youths - the "children". A
police vehicle stopped at his gate. Two policemen got out and went to his neighbour's house. He heard them kick open the front door. There was a rifle shot and he thought that Mr Mtombeni wanted to run away but that the police had threatened him. The two policemen emerged from the house with Mr Mtombeni between them. They held him, but it was not clear whether he was then already injured. They brought him to the vehicle andbeckoned to Migrants, who came nearer. As soon as the policemen let go of Mr Mtombeni, the Migrants dealt him the first blow with an axe on the head. He fell down but struggled as far as the witness' front door. There they hit him until he stopped screaming. The Migrants then rejoined the police, who had witnessed everything, and then drove off. MrMtombeni crawled to his own house. This witness was unsatisfactory in several respects. Reference has already been made in paragraph 31.10.16 to part of his testimony. His explanation of discussions that he had held about his testimony was inadequate. Omissions and denials of well-known facts render his testimony one-sided and create the impression of bias. He did not attempt to explain improbabilities in his account. At times, he was recalcitrant in the witness-box, and the Chairman had to rebute him severely.

31.12.13 Another Resident, Mr Jeffrey Dyani, testified that he lived near Mr Mtombeni and had witnessed the particular incident. According to him, policemen and Migrants were spread all over that part of the Residents' residential area. He saw policemen kicking at Mr Mtombeni's front door and two of them entering the house. They came out with Mr Mtombeni shortly afterwards; he resisted, and they held him, dragged him out and handed him over to Migrants outside the gate. The Migrants struck him with axes and beat him with sticks. When he tried to get away, they threw him down on the ground, sat on him and beat him. The witness also stated that he had recently seen Mr Mtombeni, who was in a poor state of health. This witness frequently quibbled instead of replying to questions, and his duties as a witness had to be pointed out to him more than once. His description of a young man as a little boy is also dealt with in paragraph 31.10.16. His eldest son was injured by a rifle-shot, and when he was asked during cross-examination whether his son was not perhaps a Comrade, his replies were so evasive and he hedged and dodged so much that it was difficult not to believe that the father was afraid that his son was indeed a Comrade. As the son did not come to testify, no finding is made in this connection. In certain respects, he was also one-sided and selective. When he found questions awkward, he was quick to put forward the excuse that his reply would be hearsay evidence or that other witnesses had lied. The question arose whether these two witnesses, even though they were poor witnesses and not reliable in every respect, did not corroborate each other to the extent that their account of Mr Mtombeni's maltreatment could be accepted. The victim was traced, however, and he testified.

31.12.14 Mr Lawrence Mtombeni walked with a slight limp as a result of the assault but said that the had had recovered sufficiently to be able to do his work satisfactorily as a pharmacist's delivery messenger. He described the incident as follows. He was alone in his kitchen when his front door was
kicked open. One policeman armed with a rifle entered. Without saying a word or threatening the witness, he fired a shot from the back door at something outside. The witness thereupon grabbed hold of the barrel of the rifle and began wrestling with the policeman. He pushed him out through the door and refused to let go of the barrel of the rifle for fear of being shot. The Migrants were some 30 to 40 paces away. There were two policemen at the vehicle, which was standing about 10 paces from the house. Asked by one of the policemen what he was going to do with the witness, the first policeman said that he was taking him to the vehicle. The other one thereupon replied: "Los hom, hulle gaan hom regmaak". The policeman then gave him a shove, and he ran to another house. Before he could reach that house, the Migrants charged, overtook and beat him. He only came to hospital. To this he added that the three policemen had remained standing at the vehicle, that they did not assault him, but that they did not help him either when the Migrants attacked him.

31.12.15 The three platoon commanders who did duty in Nyanga during the Christmas week-end had no knowledge of such a case. Not one of them had seen an inhabitant being dragged from a house. If what was alleged had actually taken place, they would have got to hear about it. The reasons for their confidence are set out in paragraph 31.12.45. It was consequently not possible to examine every aspect of this particular case.

31.12.16 After considering all the evidence and the probabilities, the Commission accepted Mr Mtombeni's account. This means that the testimony of Messrs Tono and Dyani was rejected in the following respects: Not two, but only one policeman entered the house; Mr Mtombeni was not assaulted in his house; he was not dragged from his house; and the police did not hand him over to the Migrants. The Commission also believes that the police did not protect him after that. Whether they could have protected him in all the circumstances has not been fully investigated. It is not known whether the attention of the police was engaged elsewhere and whether other duties had not made any action by them impossible. Whether the words complained of were actually used, could not be established beyond doubt either. On the face of it, it would seem that the police could have given him a measure of protection; allegations in this connection are dealt with in paragraphs 31.13.5 to 10.


Mrs Patience Mputing put this allegation as follows: These people worked hand in hand in that the police walked ahead, shooting, followed by the Migrants, who destroyed the properties by setting them alight. Her evidence has been dealt with in paragraph 31.12.4. In the Report, the statement by the anonymous "Mrs D.M." reads that, instead of putting a stop to the violence, the police came in with guns and opened the way for the Migrants, instigating them to attack the Residents. Her statement is dealt with in paragraphs 31.9.4 and 5. According to the Memorandum, the anonymous eyewitnesses, "Mr and Mrs V.N.", stated that, by shooting at the Residents, the riot police opened the way for an attack. This statement was not confirmed under oath by any witness. Mrs Mputing's testimony
and the denial by the police will be dealt with in conjunction with the following matters.

31.12.18 Combined fighting. According to the Report, the riot police took an active part in the Migrants’ attacks by shooting at the Residents and preventing them from protecting their families and houses. Several witnesses testified before the Commission about this alleged fighting together, and some said that the police shot at the Residents and only at the Residents. The police, on the other hand, said that, in their final efforts to quell the rioting, they had fired over or at all rioters and combatants, irrespective of the faction to which they belonged. Two aspects of this matter are therefore whether the police did in fact fire at both groups and, if so, whether they fired at the Residents with the object of bringing about peace or of promoting the attacks by Migrants. In the discussion of this allegation, the Commission will not deal in detail with the unsworn statements of the so-called eyewitnesses, but will examine the testimony of some 20 witnesses who told the Commission about the actions of the police in this regard. However, certain general statements and observations concerning the allegation will be discussed first.

31.12.19 In support of the general statement that the police had shot at Residents only, Mr George Kraqa testified in regard to fighting together, among other things, and said that he never saw the police pursuing Migrants. As a witness he was so selective, however, that the Commission cannot accept that in his testimony he came out with everything he had experienced. Another witness stated that everyone who did not wear the distinctive Migrant head cloth was prey to the police; such an exaggerated statement cannot be accepted at its face value. Mr Oscar Mpetha expressed his surprise upon being told that the police had shot a Migrant dead on the 27th. The deceased was a certain Joe Pakamile Magasana, a cousin of the Migrant leader, Mr Tom Nyamba. This leader in turn denied all forms of fighting together. His denial was supported by two other Migrant leaders. Residents also testified about steps taken by the police against Migrants. Mr Boy Dinisile Koloni told about an incident after the peace agreement on Boxing Day, when Residents complained to policemen at two vehicles that threatening, armed Migrants were approaching their residential area. Two policemen drove off the Migrants by firing at them. There is also evidence of the police having separated fighters by firing at both sides and of their sometimes shooting at arsonists and looters. To take such action it was often necessary for the police to leave the comparative safety of their vehicles. At such times, they moved in between the houses and sometimes in among the people as well. The Commission has already mentioned the probability that the police were sometimes followed by belligerent Migrants, but the evidence does not justify the conclusion that the police and the Migrants made joint attacks. On the contrary, there is evidence of the police having chased back the Migrants at times.

31.12.20 In the previous chapter, mention was made of the necessary precautions that had to be taken to prevent innocent people from being shot in shooting incidents. In these particular circumstances the danger was even greater, because guilty individuals sought shelter among fleeing people, inquisitive people were
loath to leave the danger zone and combatants were unwilling to stop fighting; furthermore, it should be borne in mind that the use of birdshot increased the chances of being hit.

31.12.21 The Commission established the following facts in regard to the use of firearms by the police and the incidence of fatalities during the rioting on 25, 26 and 27 December. Apart from thunder flashes and tear-gas grenades, the police also fired 1 347 rounds; of these, 682 were fired with shotguns. For reasons that have been stated elsewhere and also apply here, no figure could be given for, or even an estimate be made of, the number of people who were injured with rifles or other weapons. The position is different in

regard to deaths. A total of 29 people died in the riots. Two of them died in Langa as a result of rifle fire by the police; one of them had taken part in stone-throwing, and the other in incitement; these cases are not discussed further. Of the 27 people who died in Nyanga, seven were men who were shot dead by the police while taking part in the fighting. It should be mentioned here that arson formed part of the pattern of fighting. Twenty people died in faction fighting from wounds inflicted with blunt instruments. One of them was a 35-year-old woman and another a little girl of five years. The ages of the people who died as a result of police action ranged from 20 to 58 years, while the ages of those who died in faction fighting ranged from 18 to 67 years, not counting the five-year-old. It was not possible to establish with any degree of certainty how many of the deceased were Migrants and how many were Residents. In only five cases was there evidence to show that the deceased were Migrants. There was no conclusive evidence concerning the others, except the two females. The following is an analysis of the incidents of each of the three days. On Christmas Day, one person died in the fighting, on Boxing Day 13 died in the fighting and four as a result of rifle fire by the police, and on the 27th six died in the fighting and three through police action. Finally, the seven persons killed by the police died of gunshot wounds, whereas the 20 who were killed by their compatriots died of wounds inflicted with weapons such as kerries, pieces of iron, axes and stones.

31.12.22 In the succeeding paragraphs, the Commission proposes not only to deal with the evidence concerning combined fighting, but also to touch upon the statements made by the witnesses concerned in connection with other aspects of police activities; repetitions will be avoided as far as possible. The first incident to come under discussion took place as far back as the beginning of December, when a 24-year-old Resident, Mr Merriman Zamayedewa, was wounded in the back by a shot fired from a shotgun. According to his testimony, he was walking along Third Avenue at 08h15 on the sixth on his way to work. On one side of the avenue there was a line of Migrants armed with kerries and on the other side a line of Residents. Apparently, there was already a dividing line at that time. Police vehicles turned into the avenue; the Residents fled, but the Migrants remained in their positions. The vehicles were behind the witness when he was shot. The police put him in a police vehicle and took him to an ambulance. He insisted that he was not
fleeing and that he was alone in the street. Although it seemed to him as though the two factions were on the point of tackling each other, he deemed it safer to remain in the street than to move behind one of the lines. That he was alone in the street cannot be accepted; apart from his own testimony concerning the belligerent factions, there was other evidence of fighting that took place in that area shortly after 08h00 that morning and of 36 rounds fired by the police with shotguns in an attempt to put a stop to the fighting. The witness also found it difficult to explain how he could see which policeman had shot him in the back from a motor vehicle. He professed ignorance about the riots that were raging and about the houses that had been burned down the day before near his home. According to him, he was also blissfully unaware of the youths' actions then and later. Because of his unsatisfactory evidence, the Commission concluded that he was probably hit when the police tried to put a stop to the fighting and rioting.

31.12.23 No further reference will be made to the breaking out and the course of the faction fighting on Christmas Day. Supplementary evidence concerning the events of that day was given by Messrs Norman Njokwana and George Ndesi. According to Mr Njokwana, the Migrants assaulted youths in the Residents' area at 14h00. He and others complained to the police but had to be content with the remark that it was their children. From this he did not want to conclude, as other parents did, that the police blamed the riots on the youths. He would not agree with Mr Ndesi and others, either, that the police had told them that they would keep the Migrants on one side of the dividing line, but that the Residents had to keep the youths on the other side and that the youths would not stay away from the dividing line as their parents had told them to do.

31.12.24 Mr George Ndesi was a member of the NRAC and a leader in his community. However, he was a difficult witness. He argued with the interpreter and would not talk about any other matters than those that he intended to testify about. He could not hide his impatience about questions that were awkward or related to the correctness of his views. His testimony was sometimes at variance with his statement that had been submitted to the Commission, and he was unable to explain why important parts of his testimony had not been included in that statement. Sometimes, in reply to further questions, the evidence he repeated differed so much from his earlier evidence that the two versions seemed to be contradictory. His evidence concerning the causes of the fighting and his criticism of the part played by the police was ill-considered and confused. His testimony is given and assessed in the light of these facts and statements. Mr Ndesi testified that the Residents and Migrants had lived together in peace but that the youths had stirred up trouble by destroying liquor. He heard at a meeting held at 19h00 on Christmas Day that the Migrants were going to attack them and that the police had given orders that no-one was to cross the dividing line. The Migrants and the youths hurled abuse at one another across the dividing line. The older Residents stood guard at the dividing line and stopped the youths from crossing the line. Eventually, the Migrants crossed the line, and in the ensuing fighting the youths beat a Migrant to death. This was the only death on Christmas Day. It appears that the police were not present at this fight. At about
10h00 the following morning, the police took the witness and other Residents to a peace indaba. Mr Ndesi's account of what was discussed there is far from clear and sometimes unintelligible. This is partly due to the fact that the witness and the interpreter did not get on well together. The two factions made peace, and the Residents were to keep the youths in check. The youths from Guguletu then appeared on the scene and incited the youths from Nyanga to attack the Migrants. The grown-ups tried in vain to restrain their own young people. The ensuing clashes were terminated by the police, who dispersed the combatants. Up to this point, the witness's account tallies with other acceptable evidence concerning events at and after the conclusion of peace. Mr Ndesi did not say that, and how, the fighting spread to the residential area of the Residents. He said that the Residents were ordered to return to their homes, and that when they did so, the police fired tear-gas grenades and shot at them. The police entered the residential area, followed by the Migrants, who burned down houses and attacked people. Although he conceded that it was the aim of the police to restore and to maintain peace, and that they had acted correctly in dispersing the Migrants and youths, he laid the blame for the deaths and the destruction on the riot police. He spoke of "such a lot of people" who were shot dead; this does not tally with the figures. He allegedly also saw beckoning - something to which there is no reference in his statement - and he gave evidence that the police joined in the fighting by firing at the Residents. Only if there is other reliable evidence to corroborate his, can the Commission accept that the police were not engaged in anti-riot measures but committed excesses.

31.12.25 Mr Jeffrey Dyani, a Resident whose value as a witness has already been discussed in paragraphs 31.12.12 to 16, paid a visit to his friends in the Migrants' residential area on the morning of Sunday, the 26th. A police vehicle pulled up next to them, and an officer enquired whether there was any trouble. He told the Migrants that he did not want any "nonsense" from them, to which they replied that they would not cause any rioting because their employers had told them not to disturb the peace. A Resident who was looking for trouble was removed by the witness himself. He also told how, later in the day, after peace had been made and broken, the police had launched attacks on the Residents in which the Migrants took part. He allegedly saw Migrants being driven in police vehicles; this statement is not supported by any other witness. Mr Dyani's attempts to lay a charge against a certain Gladstone Jim, who made two attacks on his house and killed a Resident in front of his door, are dealt with in paragraph 31.14.4. The Commission has already set out its objections against the acceptance of Mr Dyani's evidence.

31.12.26 A Resident, Mr Charltoa Ntshwanti, who was employed at Tygerberg Hospital, went to Sixth Avenue at 11h0O on Boxing Day. It seemed to him as though the armed Migrants on one side of the avenue and the Residents on the other side wanted to fight one another. The police turned up in vans and first spoke to the Migrants. He could not hear what was being said but drew his own conclusions. The Residents, whom the witness joined, were apparently then in the middle of the road; the police approached them, rifles in hand and ready to shoot.
Without anything being said, the Residents fled. The witness was on the point of entering a house when he was hit in the right knee by one pellet from a round of buckshot fired by a policeman. In the Commission's view, this is an example of two factions wanting to fight and being separated and dispersed by the police. There is no evidence that the police fired at him or did anything irregular.

31.12.27 A Nyanga housewife, Mrs Francina Ntsenyeho, stated that the police had spoken to Migrants at the dividing line near her house at about 12h00 on the 26th. After that, they came over to the Residents and announced that peace had been made and that everyone should go home. This she did. Quite a while later, her husband and another man came running up to the house. They were being pursued by Migrants, who pelted the house with stones. She went outside to talk with them, but they assaulted her and threw her down on the ground. When her husband came outside, they tackled him as well. Afterwards, she went to a shop to look for transport to the hospital. Migrants saw her enter the shop and demanded that she be brought out. The shopkeeper, who was afraid that they might burn down the building, dragged her outside. While she was again being assaulted, a police vehicle drove past without stopping. She heard one of the occupants say: "Maak haar dood" (Kill her). She did not know whether this remark referred to her. Details could not be obtained concerning this incident. Her testimony does not prove any collusion between the Migrants and the police. As regards the above-quoted words and the apparent refusal to help, there is no evidence concerning the stage that the assault had reached, what the police had seen, and whether one of them had spoken these words and about whom. If these words were spoken, they must be regarded as a callous remark reflecting a determination not to help. This evidence gives a good example of how fierce, merciless and brutal the faction fighting was.

31.12.28 In the course of the morning, the 64-year-old Mrs Mary Sikunana was wounded in the yard of her home in the Residents' area. She heard a rifle shot and went outside to call her grandchildren in. A police vehicle stopped in a side street outside her house, and a policeman got out with a rifle in his hand. He looked about in several directions, and as she was trying to see what he was looking at, a shot went off and struck her from the front in her leg. Another Resident came to pick her up, but she told him that he had better flee because of the danger and because the police were then firing tear-gas grenades. The Commission has the following comments to make on her evidence. According to her, everyone was indoors and the neighbourhood was quiet, but her statement that she heard a rifle shot, that the policeman glanced about in all directions, and that tear-gas was used, indicates that the fighting that had flared up again after the peace agreement was raging in her neighbourhood as well and that the police were quelling the rioting. Her testimony concerning her position and that of the policeman who was looking around was not entirely satisfactory; although she eventually stated that the man had aimed at her, parts of her description create the impression that she did not see him when he shot her. Like some other witnesses, she also denied any
knowledge of certain developments in the riot situation. These facts, coupled with
the improbability of a cold-blooded an unnecessary shooting of an elderly woman,
without any warning and in the presence of other policemen, make it difficult to
accept that she had given the Commission a correct and detailed account of the
incident. It may be said that this incident is not necessarily an example of fighting
together or of biased action against Residents.

31.12.29 Part of Mr James Mhlunguza's testimony has already been dealt with in
paragraph 31.7.9. He also told the Commission that, in the course of the afternoon
of the 26th, he was shot by the police in the leg. He was walking in Fourth
Avenue near the corner of Swilitzia Drive when two police vehicles drove past
him; a third vehicle was still behind him. He felt himself being hit from behind in
the thigh. He did not know whether he was struck by a bullet or by a buckshot
pellet. It was put to him that 22 clashes had occurred during the afternoon in that
area and that something like 5 000 people were at one stage engaged in the
fighting there. However, he maintained that there was no rioting or shooting when
he was hit. The only conclusion that the Commission can arrive at on this meagre
evidence is that he was wounded while the police were combating the riots, and
that the shot that hit him had not necessarily been aimed at him.

31.12.30 Mr Longman Tono, on whose evidence the Commission has already
commented in paragraphs 31.10.16 and 31.12.12, testified that he was standing
with Residents at the dividing line during that Sunday afternoon when the riot
police approached in a vehicle and began firing at them. They all took to their
heels. A young man who was running past him was hit and fell. There is no
further evidence concerning this young man. Mr Tono stated that the policeman
who fired at them was sitting on the bonnet of the vehicle. One of the advisers
pointed out to him that extensive rioting and fighting had taken place that
afternoon and that it was most unlikely that a policeman would make a target of
himself in such a dangerous manner. The witness insisted that the shooter was
sitting on the bonnet and that there was no danger whatever. Because of the
unsatisfactory nature of his evidence, as previously pointed
out, the Commission cannot accept that, the police opened fire without warning
and that they were not acting to quell the rioting.

31.12.31 Mrs Norah Bikwana testified that on Sunday afternoon police in two
vehicles talked to both groups separately and then left. They were barely out of
sight when the Migrants crossed the dividing line and attacked the Residents. The
Residents drove them off. The police vehicles returned, and the police opened fire
on the Residents, and on them alone, without warning. The witness was hit by a
buckshot pellet just above the ankle. She fled into her house and when she looked
out again, she saw a policeman, who was sitting on a vehicle, beckoning to the
Migrants. After that, her house was attacked by Migrants; at that stage, she did
not see any policeman at her house. She recognised one of the attackers as
Oswald Manqwatha, a Resident who was employed by the Administration Board
but had a white head cloth round his head, like those worn by the Migrants. After
the fire at her house had been extinguished, she went to the shop to get transport
to the hospital. On the way, she heard a police announcement by loudhailer.
Residents were asked to return to their homes, because if they remained on the streets the Migrants might think that they were still fighting. In evaluating her testimony, the following should be mentioned. A statement made by her husband, which differed in material respects from her own, was put to her. He was to have testified in person, but since he failed to turn up, no significance can be attached to her discomfiture in the witness-box or to the contents of his statement.

Secondly, Mr Manqwatha testified under oath that he was in Guguletu and not in Nyanga on the day in question and that he was with Mr Hermanus Mantisi; Mr Mantisi confirmed this testimony under oath. Mrs Bikwana, who was aware of the anti-shebeen campaign, testified that she knew nothing about the militant actions of the youths, or the peace and the breach of the peace, or the orders issued in connection with the celebration of Christmas and the mourning. The question of the beckoning has already been disposed of. The Commission finds that she was wounded while the police were dispersing combatants and that the announcement which she heard was an attempt on the part of the police to prevent a confrontation between members of the two groups.

31.12.32 There are serious flaws in the evidence given by Mr Mordecai Mt!la. This Resident gave evidence concerning incidents that occurred during the afternoon of the 26th, an afternoon when, by his admission, the worst rioting was raging and there was great noise and uproar. His statement concerning joint fighting and shooting reads as follows: When police vehicles arrived in Sixth Avenue from the direction of the bus terminus, armed Migrants and Residents lined both sides of the avenue facing each other. The police in the vehicles intervened and tried to subdue the commotion. It was for this reason that they ordered the Residents to go home. The Residents obeyed these orders, returned to their homes and went into their yards. From the Residents the police drove to the Migrants, whom they gave a similar warning, namely that they should go home. The Migrants did do so. The police left. Two vehicles drove along Swilitzia Drive to a new block of flats for Migrants and the others drove to Sakkiesdorp Road. The witness then saw a police vehicle drive straight to Sixth Avenue from the direction of the Migrants' area. A policeman was sitting on the bonnet of the vehicle and he beckoned to the Migrants who were behind the vehicle in their area. The policeman noticed that the witness was watching him, whereupon he aimed at him and fired a shot. The witness was not hit, but a motor car at his house was struck. He crawled into his house and locked all the doors. The Migrants thereupon attacked his house, and he hid in the toilet in his backyard while they burned his house down. He did not say that he again saw the police in the area after the shot had been fired at him. He had no satisfactory explanation for the inconsistency that the police, who were trying to restore peace, should fire on people who were obeying their orders and that they should help those who paid no heed to commit further acts of rioting. But this was not the only flaw in Mr Mt!la's testimony. It contained other improbabilities, as well as exaggerations, hypocritical denials and evasive replies. His testimony is definitely not such as to induce the Commission to amend its findings concerning policemen on bonnets and beckoning to Migrants. Other instances of police action against armed
persons who failed to obey their orders to go indoors have also already been dealt with.

31.12.33 Mr George Kraqa, who was quoted in paragraph 31.12.19, gave evidence concerning an incident in which the Residents drove the Migrants from their residential area but did not cross the dividing line. When the fighting had died down, the police arrived on the scene, drove the Residents off and fired at them. He himself was hit in the leg by shotgun pellets. It is not possible to say whether this was the same incident about which others had already testified. Although the witness would not admit this, the Commission accepts that widespread fighting between the factions was in progress at the time of this incident and that the police were acting to quell the fighting. In the above-mentioned paragraph, Mr Kraqa was criticised as a witness. The Commission cannot accept, on the basis of his evidence, that the police in this instance exceeded the limits of the reasonable suppression of riots.

31.12.34 A Resident employed by the Administration Board, Mr Norman Njokwana, was in the fighting line at the dividing line at 14h00 on the 26th when he heard a police announcement that they were all to return to their homes within five minutes. Presumably this announcement was connected with the peace agreement. According to the witness, the Residents did not budge because the Migrants did not make any move; in any case, they were suspicious of the Migrants. Police vehicles drove up to the Migrants and then came to the Residents. There were policemen on the bonnets and they beckoned to the Migrants. The Residents were fired upon, and the Migrants crossed the dividing line. The Residents ran away, and those who fell, presumably because they had been hit, were hacked at by the Migrants with axes. The police, who entered the residential area on foot, shot Residents and egged the Migrants on to burn down houses. When they had advanced as far as the ablution blocks, the police ordered the Migrants to go back, which they did. This was the testimony given by Mr Njokwana. During the examination, it was put to him that his testimony was one-sided; his bias was apparent from his replies to questions put to him by a member of the legal team, the advisers and the Chairman. Only a few examples need be given. He stated that, while they were standing guard during the night, ‘there were no clashes, only stone-throwing by Migrants; he did not accept that the youths ever did anything wrong or ever caused any trouble; he denied that the police had had anything to do with the drawing of the dividing line; and he made no mention of the part played by the police in making peace because he had only heard about it. The Commission considers that the riot police were in this case dealing with two belligerent, riotous and recalcitrant groups who would not disperse; while they were dispersing one group, the other group took its chance to take vengeance.

After they had dispersed the first group, they ordered the second group to go home. The beckoning has already been dealt with, and there is nothing in the reliable evidence to support the allegation of incitement to burn down houses. Mr Njokwana also gave evidence concerning an incident that occurred at OShOO on
the 27th. Shortly after getting up, he heard a commotion. He went outside, where he found other Residents. He saw a group of people bearing down on them. They were headed by policemen and police vehicles, followed by Migrants. The Residents ran away, and were fired upon. They fled to nearby bushes and saw that the police were making the Migrants turn back at the boundary of the residential area. The words used by the interpreter were "the Migrants were turned back by the police". There is no evidence of what the other Residents did outside their houses.

31.12.35 Mr Charlton Ntshwanti also gave evidence concerning an incident that occurred on Monday, the 27th. Early in the morning, he spotted Migrants near his house. As he was about to leave by his front door, he noticed a policeman in a vehicle, who ordered him back into his house, failing which he would be shot. He went into the house but sneaked out by the backdoor and fled to Guguletu. The police action, as described in this account, is consistent with an attempt to keep combatants apart and to make everyone remain in their houses. Mr Ntshwanti also stated in evidence that the following sentence in his statement was incorrect and that he did not know how it came to be there: "The people who refused to go into their houses were shot by the police and hacked by the Migrants." The Commission does not make any finding in regard to contents of this sentence, saying only that it might create a wrong impression for which there is no justification in any evidence given under oath. There is nothing to show, either, how it came to be in the statement, and the Commission consequently will not make any inferences in that connection either.

31.12.36 Mr Zephania Songsili Damane was attacked near his dairy on Monday morning, the 27th, immediately after Mr J.P. Vanqa had been assaulted and Mr H.Poho had been hit by a bullet. These events have already been mentioned in paragraphs 31.3.20, 31.9.6, 8 and 9 and are also referred to in the Report. They form the basis of the allegation that the police shot at Residents and prevented them from protecting their families and houses. The incident now being dealt with here appears in the Report as a statement by the eyewitness, "Mr S.T.", under the heading "Police shot at people seeking to save Mr D. of Nyanga". The relevant part of this statement reads as follows: "We were in time to see Mr D. trying to flee from a group of Migrants. As we came to save him, the Riot Squad accompanying the Migrants shot at us, and we were halted they held us back with guns pointing at us. Mr D. was dragged from the fence he was trying to climb and hacked about the head. I spoke to the Riot Squad in shock and amazement, asking why they let the man be killed like this. They never answered; instead one said 'Laat hom vrek!' Mr D. was then taken to the Hospital." During the police investigation, it was disclosed that the eyewitness was a certain Mr Elias Ngobo. He, as well as his neighbour, Mr Jim Biyongo, voluntarily made affidavits about the incident. Mr Ngobo stated the following: Mr Damane was already lying on the ground when he saw him for the first time, and Migrants were hitting him with kerries and other objects. This was taking place some 50 paces from a police vehicle. The deponent and his five or six companions were armed with kerries and were at a distance of about 50 paces on the other side of
the police vehicle. When they charged Mr Damane's attackers, three policemen who were standing behind the vehicle fired more than one shot at them, but no-one was hit. They came to a halt, and the deponent put his kerrie down on the ground and walked to the police. He asked: "You stopped us, what about the man they are killing?" The reply was: "Let him die; go away." As he was walking back, the Migrants walked away from their victim, but one of them turned back and gave him a further four or five blows. After that, the police drove off in the direction of the Migrants' area. Mr Ngobo did not see Mr Damane trying to climb the fence, but he stated that his neighbour had told him about it. However, in his affidavit the neighbour, Mr Biyongo, made no mention of the fence. This deponent had the following to say about the morning in question. He and seven other Residents armed with kerries were guarding the dividing line when about 20 Migrants charged at them. The police arrived on the scene and drove off the Migrants by firing at them. The Residents were ordered to go home; it is not clear whether they did so, because Mr Biyongo spoke about a group of Migrants who approached them half an hour later. This group went and stood at the shops, and he saw them attack Mr Damane with kerries and pangas. At that point, three police vehicles arrived on the scene; two of them stopped between the Residents and the Migrants. Mr Biyongo and his group were charging past the vehicles towards Mr Damane to help him when the police shot at them and hit some of them; they turned back and went home. The police thereupon fired on the Migrants and drove them back as far as their residential area. He did not see Mr Ngobo, who was with them, going to talk with the police.

31.12.37 Before the Commission proceeds to discuss the evidence given before it in connection with this incident, a number of important points will be stressed. First, there is nothing in the affidavit of the eyewitness or of his neighbour to show that the police had accompanied the attacking Migrants. On the contrary, the distance between the vehicles and the place where the assault took place, the arrival of the police after the attack had already started, and the taking up of a position between the fighting groups all point to the opposite. There was consequently no justification for the words "the Riot Squad accompanying the Migrants" in the statement by the eyewitness. Secondly, there is no mention in the Report of the fact that the group of Residents were armed and had to run past the police to get to the attackers. In the third place, if Mr Ngobo saw Mr Damane for the first time when he was already lying on the ground, and Mr Biyongo said that the attack on Mr Damane had already begun when the police arrived, the last sentence in the statement made by the eyewitness is not true; this reads: "Mr D. would never have been hurt and nearly killed if the police had not shot at us." The question arises whether the words quoted were not inserted, the aforementioned facts were not omitted and the untrue conclusion was not mentioned so that the impression might be created that the police and the Migrants were operating together; then the possibility of the police having fired on the Residents to prevent a bigger fight between them and the Migrants might not have been considered. Finally, the statement by Mr Biyongo is inconsistent with the existence of an unholy alliance between Migrants and the policemen. But these two deponents
and the authors of the Report did not testify before the Commission. Two other persons who made statements before the investigating team were not seen by the Commission either. They were a certain Mr Kula, who had taken the injured Mr Damane away, and a police sergeant, who denied the refusal to assist or to transport Mr Damane, as well as the words ascribed to the police. The Commission will now review the evidence given by persons who appeared before it.

31.12.38 Mr N.L. Mutlane testified about the attack on Mr Vanqa and the subsequent attack on Mr Damane. He is the witness referred to in paragraph 31.10.15; his testimony concerning the kerrie with which he was armed was misleading. His testimony was also unsatisfactory in other respects, as was his manner of testifying. His statements to the Commission, especially those relating to the Vanqa case, differed in several respects from his statement submitted by the legal representatives, and his explanations of such disparities were not always convincing. He stated that he was being chased by a group of Migrants, who suddenly switched their attack to Mr Damane. Mr Damane was already lying on the ground when he saw him for the first time. That was also the first time that he noticed the police that morning. He shouted to them to go and help Mr Damane. When they failed to do so, he went to talk to a policeman. This man indicated to him with a rifle that he should return to the Residents' area. He then wrote down the number of the police vehicle. The policeman took about five steps away from the vehicle. The witness suddenly noticed that all Mr Damane's assailants, except one, had gone; the one who had remained behind was still hitting him. The policeman fired a shot in the air above him, whereupon the assailant fled. The police drove to the injured person and allowed the witness and others to approach as well. They refused to take Mr Damane to hospital, however, and a friend, Mr Kula, arranged for transport. The following parts of his evidence are also important. He heard a policeman say to an unknown person: "Laat hom vrek"; but he did not know to whom this applied. He stuck to this testimony when a denial made under oath by the sergeant who had been at the vehicle, was put to him. He had only heard the one rifle shot and knew nothing about the helpers who were stopped or why the first assailants had left Mr Damane. He did not at any time see the police help or side with the Migrants; his criticism was that the police had not helped Mr Damane or taken him to hospital. He conceded that the police had done something to drive off the assailants, and that was by firing the shot in the air. Upon his statement being put to him, he stated that, after these incidents, the police spoke to the assailants, i.e. the Migrants, who thereupon went to their homes. From his evidence it seems that the police were constantly trying to keep the factions apart and in their own areas.

31.12.39 Mr Damane was a 56-year-old Resident and the proprietor of the Terminus Dairy near the dividing line in the Residents' area. He made statements concerning a charge laid by him against one of his assailants and also made statements during the investigation instituted into the statements made by eyewitnesses. His testimony did not always correspond with these statements.
This is not a serious objection, because the language in which some statements are couched shows that those who took them down were not very proficient. Furthermore, there was some uncertainty in his testimony concerning the time and place of the first assault, the prevailing conditions and the positions of police vehicles. On the morning in question, he was on his way to his dairy when a police vehicle drove past him and disappeared from his view. He heard rifle shots which, he thought, had been fired by the occupants of the vehicle. He also saw three Migrants, who were running a short distance behind the vehicle, beckon to their comrades. This was the reason for his seeking shelter between the buildings, but when the Migrants spotted him, he hurried to the dairy. He was apparently unlocking the front door when the first assault on him took place. He then fled in the direction of a police vehicle but was headed off by his pursuers. He next made for a church, but the Migrants again prevented him from reaching safety. Finally, he tried to climb over a six or seven-feet fence. He soon realised, however, that he would not make it, so he climbed down and faced his armed assailants. He denied that he was pulled down from the fence. He was struck down, and while he was lying on the ground, they attacked him with their weapons. He could still hear his friends who had come to remove him talking, but lost consciousness after that. He spent 15 days in hospital. He recognised one of his assailants, and subsequently pointed him out to the police. The person in question was not prosecuted, because the witness could not describe his part in the assault and because the police had received three statements that the person whom he had indentified had not been in Nyanga that morning. The witness did not hear any rifle shots during the assault, nor did he hear the words "laat hom vrek." His complaint was that the police could have protected him.

31.12.40 The Commission's findings in regard to this particular matter are as follows:
1. At 08h00 on 27 December, Mr Z.S. Damane was attacked by a number of Migrants near his dairy in Nyanga; during the latter part of this assault, a vehicle with at least three policemen in it was standing about 50 paces from the scene of the assault.
2. A group of armed Residents, who wanted to run past the vehicle to assist Mr Damane, were stopped by the police with rifles; it is not certain whether the police fired in the direction of this group nor, if shots were actually fired, whether anyone was hit.
3. The reason for this action by the police was to prevent further rioting by keeping the combatants apart in their own areas, and not to assist Migrants in their attacks on Mr Damane or anyone else.
4. In the performance of their anti-riot duties, the police fired at least one rifle shot in the direction of an assailant or the assailants of Mr Damane, putting an end to the assault.
5. Even if the riot police had let the group of Residents through, Mr Damane would still have been seriously injured, and bigger fights with serious consequences would probably have taken place.

6. There is no reliable evidence that, in all the circumstances, the riot squad neglected their duties in regard to Mr Damane's protection. This particular incident has been dealt with at length because it serves to illustrate how, upon closer examination and consideration of all the available information, a serious allegation may be found to be without foundation. It also shows the value of the statements by witnesses that had to be submitted in advance. In cases where the Commission was in possession of such statements, it was possible, inter alia, to have the relevant circumstances investigated, to fill in gaps in the evidence given, to test the credibility and reliability of witnesses, and to confront witnesses with the subsequent testimony of other deponents. The Commission will now deal with the testimony given by Migrant and police witnesses in regard to fighting together.

31.12.41 The testimony of the three Migrant leaders, Messrs Luvalo, Mvunge and Nyamba, concerning the actions of the police and their possible participation in the fighting is given and dealt with together. It must be stated at the outset that they emphatically denied any fighting together with members of the police squads, as a group or individually. According to them, there was no broad agreement or temporary collusion, nor were they assisted or given any advantage in connection with their actions against the Residents, Comrades and other youths. It has already been mentioned that they denied allegations of incitement or inspiration. With regard to police action, these leaders pointed out that the police sometimes prevented or abated rioting or put a stop to fighting by firing over the heads of rioters. Examples were also given of cases where the police singled out the Migrants in the steps taken by them to restore order by force. They were often shot at; the death of a leader's cousin testifies to this. One leader related how belligerent Migrants were once dispersed in a baton charge. There is no evidence of any other similar baton charge. When faction fighting was raging, the police separated and dispersed the combatants in various ways. One group was not favoured above another. Sometimes tear-gas, as well as shotguns and rifles, were used against all the combatants. Police on foot or in vehicles frequently intervened, and all the combatants were then dispersed, even by force of arms; but on such occasions, the police sometimes succeeded in persuading all the combatants to go home. Several examples were mentioned where Migrants had organised a so-called punitive attack, only to be intercepted and sent home by the police. These leaders moreover related how the police had initiated peace indabas between Residents and Migrants; on such occasions it was the young people who were recalcitrant and had to be ignored. One leader said that his area was being threatened by armed young people in the afternoon of the 25th; he despatched three Migrants to summon the police. Meanwhile, he had organised his people, and the fighting had already started before the police arrived. The fighting stopped when the police came on the scene, and they then made arrangements for a peace indaba. The groups dispersed peacefully.
31.12.42 Lieut. J.F.H. Visser, a commander of one of the riot platoons, gave evidence in which he confirmed the Migrant leader's account of fighting and a peace agreement, referred to in the preceding paragraph, and supplied further details. According to him, the Migrants had stated on that occasion that the youths wanted to burn down their houses so that they would not be able to work and would have to return to their homelands. The Residents had stated that they had to give protection to their children, who were being threatened by the Migrants. The youths or children refused to take part in the talks and ran away. Police patrols were continued. Shortly after 11 o'clock that evening, the youths hurled petrol bombs out of the dark with a launching device at the single quarters and set seven buildings alight. On his orders, 12 shots were fired in the direction of the arsonists, who fled. The crowds on both sides refused to disperse, and 50 tear-gas grenades were fired at them in the course of the night; several rounds of birdshot were also fired at people who were throwing stones and petrol bombs. One Migrant was killed in fighting that took place in the Residents' area. At 08h10 the next morning, the witness came upon some 350 Migrants who were on their way to punish the youths. With the assistance of a Black constable from Guguletu, this group was also sent back. They subsequently complained that the police had failed to keep their promise to ensure that the single quarters would not be burned down. In the course of the morning, fierce fighting occurred in the Migrants' area; during this fighting, houses were set on fire. After dispersing the combatants with rifle fire, the police found three mutilated bodies of Migrants on the battlefield. No sooner had a fight been ended in one place, than another broke out elsewhere. The combatants were fired upon everywhere. In the midst of the fighting, petrol was also stolen from motor cars; in such cases, the thieves were fired upon. At 13h20, the witness stopped some 2 000 youths on the road from Guguletu to Nyanga. They wanted to go to the assistance of the young people of Nyanga. After more than 25 hours of continuous duty, the witness and his platoon were relieved by Lieut. Jordaan and his squad.

31.12.43 On the way to Nyanga, Lieut. Jordaan and his platoon had to stop at a burning road block. Some 2 000 Residents, men, women and young people, hurled incendiary bombs and stones at them. It took forty-two rounds of rifle fire to disperse the attackers. The police found a considerable number of petrol bombs and materials for making bombs in the vicinity. At 15h30, fighting broke out between some 5 000 people over an area of approximately one square kilometre. In the residential areas of the two factions, an estimated 50 houses and 13 private motor cars were on fire. The witness divided his platoon into five sections, who set out to quell the rioting and to put a stop to the arson. The fighting lasted two hours, and between them the men fired a total of 430 rounds. The inhabitants were asked to take the dead and the wounded to the streets for removal by the police. At a road block stones and bombs were again hurled at the platoon vehicles. There was further fighting as well, and a further ten tear-gas grenades and 121 rifle shots were fired. The death toll was as follows: Four people were shot dead by the police, and 13 died in the faction fighting.
31.12.44 Lieut. E.S. Riley was the third platoon commander who served with his men in Nyanga during the Christmas week-end. The platoon operated mainly in Guguletu. At six o'clock in the morning of the 27th, they were in Nyanga when about 10 young people set fire to Migrants' dwellings. Shortly afterwards, Migrants crossed the dividing line and set fire to Residents' homes. This resulted in fighting, in which between 500 and 600 inhabitants tackled one another in the vicinity of Swilitzia and Emms Drives. At that stage, 18 buildings in the two residential areas were ablaze. When the commander's words and other steps taken by him failed to quieten the crowd, the men fired 94 rifle shots at the arsonists and combatants at his command. Two people died in this incident, one from a shotgun wound in his chest and the other from head injuries inflicted with axes and knives. Many people were injured. After they had all returned to their homes, a group of Migrants told Lieut. Riley that they were tired of people who could not control their children and asked him whether they could deal with the Residents. He forbade them to do this. On being questioned by the advisers, the witness stated that no-one had misunderstood his order. Lieut. Jordaan and his men also took part in quelling this fight, and his platoon fired 46 shots. A few hours later, he had to calm down some 1,000 Residents and Migrants, who were fighting in the former's residential area. 116 shots were fired at combatants and arsonists. In this incident, Joe Pakamile Magasana, the cousin of the Migrant leader, Nyamba, was fatally hit. Members of the platoon also assisted in putting out a big fire, kept up constant patrols in smaller sections and combated rioting.

While he and his men were driving 200 men away from a patrol vehicle which they had set alight with a petrol bomb at a road block, he was summoned to a big fight near the administration buildings in Sakkiesdorp Road. On arrival there, he found that the Migrants had pursued the Residents right into their area and that the factions were fighting between the houses. The police succeeded in driving the Migrants out of the area. On the 27th, the deathroll in Nyanga was nine; three were shot dead by the police, and six died in the faction fighting.

31.12.45 The three commanders made the following comments on matters relating to the allegation under discussion. The commanders and some members of the platoons had had specialised training in the handling of crowds and riots. Their first duty was to try to secure peace through discussion; if this failed, they proceeded to action. In these circumstances, they tried to separate the groups. They went in among the combatants where this was possible, and if it became necessary to do so, they resorted to force of arms. In this action, they treated everyone alike and did not favour one side above the other. They fired on Migrants, on Residents and on Comrades and other young people if they would not stop fighting or rioting. They also fired on attackers and arsonists in the dark, but emphasised that they did not shoot at innocent individuals; it was possible that people who were not involved in rioting or fighting were inadvertently hit, especially when the police used shotguns. They did not assist the Migrants in their attacks and definitely did not fire on Residents to give Migrants an advantage. It was their duty to act to protect lives and property, irrespective of who was responsible for the threat. So far as misconduct by members of the platoons was
concerned, they stated that the men had always been under their direct control, except when they had to be divided into and sent out in sections. In such cases, they acted under trained warrant officers and sergeants. The commanders did not see any unlawful conduct; if anything like that had happened in the sections, the warrant officers or sergeants would have put an immediate stop to it and would have reported it to the commanders at a later stage. They knew of no such conduct. Their testimony concerning beckoning and policemen sitting on the bonnets of motor vehicles has already been dealt with. Against the background of these facts and circumstances, the three commanders firmly denied the allegation in question, as well as all other allegations.

31.12.46 Findings.
The Commission has already given its findings concerning individual cases at the evidence in connection with them. The following are general findings concerning the allegation under discussion.

1. There was no agreement of any description between the police and the Migrants to operate together against the Residents or the Comrades.

2. The role of the police in the riots was confined to their efforts to quell the rioting, to protect lives and property, to avert clashes between Migrants on the one side and Residents and Comrades on the other, and to put a stop to fighting that was already in progress.

3. In their efforts to preserve or to secure peace, they sometimes used rifles and shotguns. Where circumstances necessitated such action, they fired over and at rioters irrespective of the group or faction to which the rioter, fighter, attacker, arsonist or stone-thrower belonged.

4. The police resorted to force of arms in order to preserve or restore peace and not to prevent Residents from defending their houses and families or to give one faction or participant an advantage over another.

5. A comparison of the number of people who died as a result of rifle fire with the number of shots fired and the sizes of riotous crowds supports the contention that rifles were used mainly to deter the rioters.

31.13 The passive attitude of the police. 31.13.1 Introduction.
The first of the seven allegations in the Report reads as follows: "It was the riot police who made possible the appalling killings and burnings of the Christmas weekend in Nyanga, and if they had chosen, they could have prevented any serious clash." In the Memorandum, this allegation is framed in somewhat broader terms. The Rev. D. Russell states that he and hundreds of those involved were convinced that the riot police could without great difficulty have prevented the Christmas week-end upheavals. In the succeeding paragraphs, the Commission will deal not only with these broad allegations, but also with the evidence that members of the police force sometimes stood by passively when Migrants were attacking Residents in their presence.

31.13.2 Prevention of clashes.
No evidence was submitted to the Commission that, instead of stabilising the peace, the riot police followed a policy of leaving belligerents to their own
devices and of not averting clashes. There is no such evidence in the Report or in the Memorandum either. What does emerge clearly from the evidence is that the police could not be on guard everywhere all the time and that fighting broke out suddenly and unexpectedly. When the riots erupted on Christmas Day, they were not present at any one of the various flash points; one of these was when the mourners were returning from the service and they came upon a vehicle with liquor, and another flash point was reached when youths went to provoke the Migrants. In the latter case, the Migrant leader concerned summoned the police when danger threatened, but the fighting had already begun before they could get there. It is notable that, after calm had been restored, the police tried to bring about a lasting peace. Witnesses told of numerous other incidents where fighting had started in the absence of the police. This tallies with the testimony of a Migrant that the young people always waited until the patrols had gone past or the police had disappeared from the scene before crossing the dividing line to attack; he added that his group later adopted the same tactics. In view of this evidence, it cannot be said that the police could have prevented the outbreak of rioting or could have averted any serious clashes; they were unable and not unwilling to take preventive measures.

31.13.3 On the other hand, there is evidence of what the riot police did do to prevent rioting and fighting. On the three days preceding the week-end, there was large-scale patrolling activity to make everyone aware of the presence of the police, and during the week-end, the area was constantly patrolled by riot platoons and the local police. That is why they were so often aware when large crowds collected and were able to take the necessary measures. Several imminent clashes were averted because the police succeeded in talking groups out of their intention to launch punitive attacks. On other occasions, the police intercepted attacking groups and prevented them by force from starting fights. Not only were the police trying to make peace throughout the period of the rioting but, as one of the platoon commanders testified, they succeeded in getting the two factions to negotiate and in getting the people back to their homes.

31.13.4 This accusation forms part of the complaint that the police failed to carry out their duty of protecting the Residents and did not take proper action against the Migrants. This is a one-sided interpretation of the events. In this connection, the following evidence should also be taken into account. On one occasion, the Migrants complained that the police were not protecting their dwellings and announced that they were going to do so themselves. On another occasion, they asked whether they could deal with the Residents themselves; this request implied that the police were not keeping the Residents in check properly. The statement made by Mr Oscar Mpetha, the Residents' leader, is of a different nature. He stated before the Commission that he was convinced that if the police had not been present at the rioting at all, the material damage would have assumed greater proportions but that there would not have been so many deaths. According to a Cape Town newspaper, some Nyanga inhabitants held similar views. Mr Mpetha did concede, however, that there were cases where the police kept large numbers
of armed Residents and Migrants apart and that no-one was injured then. The
evidence shows that each of the groups thought that the police had not given it
and its interests proper protection against the actions of the other group.
31.13.5 Protection of victims.
In regard to the second part of this discussion, namely that the police at times saw
Migrants attacking Residents and failed to go to the assistance of the victims, the
Commission wishes to begin by pointing out the following. In considering a
particular case which has to serve to substantiate an allegation, the facts of the
case must not be considered in isolation but in conjunction with all the relevant
circumstances. The circumstances that will be relevant may be summed up as
follows: To what extent were the members of the Police Force aware of the
assault; how great was the danger to the victim; were the members of the Force in
a position to assist; what were the hazards to the members; what stage or phase
had rioting or fighting, which was not static, already reached; what were the next
steps to be taken by the police to quell the rioting; and what were the steps to
which the police had
to give priority. This list is not complete. It sometimes seemed as though
witnesses and others were suggesting that there had been a diabolical plot
according to which the police ordered everyone to return to their homes, and as
soon as the Residents had done so, the police would let the Migrants through and
then look on while they attacked the Residents and their homes. No-one detailed
any such conspiracy, nor was there any evidence to justify such a suggestion. To
this may be added that there is no evidence of a policy not to help victims.
31.13.6 In the Report, three eyewitnesses refer in their statements to cases where
the police had not intervened. One statement concerns Mr Damane; his case,
which has already been dealt with at length, is discussed in the next paragraph in
relation to this allegation. The second eyewitness made her statement before a
clergyman, who could give no indication as to her identity. The Rev. D. Russell
heard the statement of the third eyewitness but refused to disclose this person's
identity so that the statement could be investigated. In the Memorandum, the Rev.
D. Russell published four relevant statements by persons whose names were never
given to the Commission. The Commission will not devote any fur-her attention
to the six statements by unidentified persons.
31.13.7 The case of Mr Z.S. Damane has been dealt with in paragraphs 31.12.36
to 40 according to the evidence available. Mr Damane stated that his only
complaint was that the police had not come to his assistance although they could
see that he was being assaulted. Not one of the members of the Police Force
involved in this incident testified. After the investigation, the Commission could
nevertheless find that the policemen who had been present there were engaged in
combating the riots, that they probably turned back the armed Residents who
wanted to help to avert further fighting, and that one of them had fired over the
head of the last assailant and had driven him off. It could not be established how
long the group had continued this attack on Mr Damane while he was lying on the
ground; nevertheless, the Commission was satisfied that it had not been proved
that the police had failed to carry out their duty of protecting Mr Damane.
31.13.8 The statements by several other witnesses concerning this matter are also referred to elsewhere in this Report. The Commission will mention a few of these cases here. The attack on Mr Lawrence Mtombeni has been discussed in paragraphs 31.12.12 to 16 and the case of Mrs Francina Ntsenyeho in paragraph 13.12.27. Mr Koloni's account of how threatening, armed Migrants were driven off by the police at his request appears in paragraph 31.12.19. Miss Amelia Makhaluza stated in evidence that policemen had been present and had done nothing when Migrants had wrecked her father's motor car and had subsequently assaulted her and her mother. Her testimony is dealt with later in paragraph 31.14.3. According to Mr Alfred Ndamane, policemen were apparently also present when his house was set on fire with a petrol bomb; his testimony was dealt with in paragraph 31.12.11.

31.13.9 The evidence given by the police in regard to this matter is, first, that the commanders did not know of any cases where a Resident or any other person had been attacked in the presence of the police without the police rendering every possible assistance that they could. Secondly, it was pointed out that one of their main tasks was to preserve peace and to protect lives and property; this they tried to do in all cases to the best of their ability and so far as circumstances permitted. They constantly tried to keep the parties apart, although they did not always succeed in doing so. Whenever they came upon clashes between groups or individuals, they acted according to the circumstances to restore peace and to protect lives and property. Finally, the leaders denied that the police ever permitted the Migrants to get past them so that they could attack the Residents and then failed to intervene.

31.13.10 The Commission finds that the riot police did not have an opportunity of averting the first and all other serious clashes during the Christmas week-end. Where they did have such an opportunity, they took action and achieved a large measure of success. The fact that the Force strove to secure peace between the groups and individuals meant that, in cases where the safety of a person or his property was being threatened in their presence, its members took the necessary steps to avert or to stop the attacks. Where, in particular cases, it appeared to an outsider or to a victim that policemen in the vicinity were failing in their duty, this was probably a superficial impression, and a careful investigation would have revealed that the apparently passive attitude was due to particular circumstances and not to dereliction of duty. The possibility cannot be excluded, however, of an error of judgment on the part of the policemen concerned, e.g. in regard to the seriousness of an attack or the steps to be taken first. The Commission finds that where members of the Police Force failed to go to the assistance of victims this was in all probability not due to dereliction of duty, improper partiality or callousness.

31.14 The laying of charges with the police. 31.14.1 The reasons why witnesses, especially the eyewitnesses referred to in the Report and the Memorandum, did not lay charges against the police and why clergymen also advised them not to do so, have already been dealt with in paragraphs 31.5.7, 31.7.4 and 31.10.11. In the
next paragraphs, the Commission will examine accusations that the police did not want to investigate Residents' complaints in connection with the riots. Witnesses stated that the police would not accept or “take” their charges and that the police made it difficult for them to make statements in connection with their charges. Mr Oscar Mpetha explained that he had advised a young woman, Miss Amelia Makhaluza, not to lay a charge with the police against her mother's murderer, because he had previously told Messrs Dyani and Luvuno to lay charges with the police in connection with their own experiences, but that both had reported to him that the police would not listen to their charges. It is necessary to quote a few cases.

31.14.2 The first case pertains to a complaint lodged with and a request addressed to the police. Mr Mpetha, as well as Messrs Njokwana and Ndamane, gave evidence about the first fights between Migrants and young people on Christmas Day as well as subsequent events. These three witnesses and other Residents regarded the first fights as attacks by the Migrants and the start of the riots. They discussed the matter and decided to complain to the police about the actions of the Migrants and to ask that the Migrants be prevented from crossing the dividing line. They first spoke to the riot police in Nyanga and then went to the police station in Guguletu. But they were sent back from there to Nyanga. They found these interviews unsatisfactory, because instead of taking immediate steps or promising to look into the matter and to take steps, the police merely used words such as "Dit is julle kinders" (It is your children). It is clear to the Commission that, with these words, the police wanted to intimate that the young people were the ones who would not observe the dividing line and were responsible for the fighting. The three witnesses did not agree with this interpretation, although one conceded that the police had advised them to keep their children in check. It was also said that the police had suggested that they would prevent the Migrants from crossing the dividing line, and the Residents were to do the same with the young people. If the police and the Residents could have succeeded in doing this, there probably would not have been any further rioting in Nyanga.

31.14.3 In the afternoon of Sunday, the 26th, the 24-year-old Amelia Makhaluza heeded the appeal by the police to go home. There, she and her mother were seriously assaulted by Migrants. Her father's car was damaged and their house was burned down. She and her mother were taken to hospital, where her mother died. Amelia identified one of their assailants as Oswald Manqwatha, a wardman employed by the Administration Board. During the assault, she appealed to him for help in vain. She did not give this person's name to her uncle, who had to go to identify her mother's body. Shortly after her discharge from the hospital and while her arm was still in plaster of Paris, a certain Mr Mqakayi discussed her injuries with her at a bus terminus and took her to Mr Mpetha. She told them about the assault and the assailant. Mr Mpetha's advice to her has already been mentioned. Notwithstanding this advice, she felt certain that these two people would convey everything to the police. When her father subsequently returned from a homeland, she also told him about the assailant. She explained to her father that Messrs
Mpetha and Mqakayi had not said that they would go to lay a charge, but that she nevertheless expected and wanted them to do so. The result was that nobody told the police who the assailant had been, and the magistrate who conducted the inquest consequently found that an unknown person had been responsible for her mother's death. As a result of a further inquiry, which the Commission caused to be instituted, Mr Oswald Manqwatha testified. He and a witness stated that they were together in Guguletu on the 27th and not in Nyanga. Mr Manqwatha was the same person whom Mrs Norah Bikwana had accused of assaulting her (paragraph 31.12.31). Miss Makhaluza stated in her testimony that she had never discussed the assault with Miss Luvuno, who lived near her and was known to her. The Commission may mention that it was not the fault of the police that no charge was preferred against Mr Oswald Manqwatha.

31.14.4 Mr Jeffrey Dyani, whose testimony has already been discussed in paragraphs 31.12.13 to 16 and 31.12.25, went to the police station in Guguletu to lay charges against the police, the Migrants and Gladstone Jim, an assailant. He wanted to go and tell everything that he had seen. He testified that one of the policemen had allegedly told him that the Migrants had been given the right to do what they did do and that they and the police could consequently not be charged. The person who made this highly improbable statement to him was not traced. The Commission's finding in regard to Mr Dyani as a witness is sufficient for the rejection of this piece of unconfirmed evidence. Mr Dyani stated that he then decided to lay a charge against Gladstone Jim only, but that he was sent from pillar to post by policemen, who refused to take down his statement, who treated him badly and who made him wait for almost two days. Two policemen, whom he named and identified before the Commission, testified. The one, Warrant Officer Tsengwe, stated that he had known the witness for 18 years already. When Mr Dyani called at the police station, he had given him advice and had explained to him that the person who would hear and investigate his complaint was at that moment engaged in another investigation elsewhere, but that Mr Dyani could wait for him in his office. The warrant officer denied that he had been uncivil. The second policeman identified by Mr Dyani was Detective Constable Felix Dlulane. He was in charge of the investigation arising from the Christmas riots. He already had 21 years' service to his credit and was well acquainted with Mr Dyani, his family and his home. At the police station Mr Dyani had told him everything about the assault on him but could not explain what Gladstone Jim's part in it had been. Constable Dlulane also testified that he and other policemen had been in the vicinity of the plaintiff's house on the day of the assault and that he had spoken with him. He was also investigating the testimony concerning the young man on the burning roof but had not made much progress, since he had gained the impression that Mr Dyani's account was based on what he had heard from other people. He added that, at the time of the conversation on 29 December, he was working on some 27 charges and statements relating to the rioting.

31.14.5 The Commission's enquiries concerning charges laid with the police in connection with offences that had a direct connection with the rioting and had
occurred in December in Nyanga and Guguletu brought the following to light. The police had taken down and investigated 65 such charges. At first, these charges were classified under the following offences. There were 51 cases of public violence, two of murder, three of attempted murder and two of assault. There were three cases of arson, three of wilful damage to property and one relating to the attendance of a prohibited gathering. Apparently not one of the persons charged was a member of the Police Force. According to the plaintiffs, extensive damage was done when the alleged offences were committed. Thus there were, inter alia, 16 houses or buildings that were burned down or otherwise damaged, the furniture from 13 houses that were burned, and 23 vehicles that were destroyed by fire or stones. In the commission of three of the alleged offences, firearms were used, and a knife was used in one case. Stones were used in 21 cases and fire in 31. Five offences related to the possession or use of petrol bombs and one to the possession of inflammatory pamphlets. The police were the plaintiffs in 15 cases. At the time of writing of this part of the Report, these investigations had already reached the following stages. Seventeen cases had been withdrawn, mainly at the request of the plaintiffs or because essential evidence was lacking. In six instances, the alleged offenders could not be traced and the cases were closed. In 17 other cases, the alleged offenders could not be traced - either, but these cases had apparently not been closed yet. One case had not yet been disposed of, 22 were awaiting the final decision of the courts, and in two cases the accused had been committed for trial.

31.14.6 The Commission's finding concerning this accusation is that at police stations, as in the riot-torn areas, there was great pressure and activity. This made the laying of charges difficult; members of the Police Force did not deliberately obstruct plaintiffs who wished to lay charges.

31.14.7 The Kama case.
It was alleged that the police had used Residents against their own people. The Commission felt that the case of Mr Jackson Kama called for investigation and should be mentioned. Mr Kama has been living in the area for 22 years and is a well-known businessman. In two of the Comrades' pamphlets, Mr Kama was attacked as being a Resident of dubious loyalty. The details of the accusation were that, in the morning of Sunday, the 26th, he had travelled with the riot police in one of their vehicles, that he had been dressed in the camouflage uniform of the riot police, that he had been in possession of a firearm in the presence of the police, and that he was a "White man's dog", i.e. that he collaborated with the enemy against the interests of the Black man. A witness, Mr Mhlunguza, stated that he had seen Mr Kama in a police vehicle that morning and that he had been clothed in such a uniform. Mr Kama was struck by three disasters. On separate occasions, his shop, his home and his lorry were set alight. The shop was attacked after the distribution of the first Comrade pamphlet. Whether the Comrades themselves had started the fires or whether the arsonists had been influenced by the pamphlets, is immaterial, but it is highly probably that the damage was connected with the attack or attacks in the pamphlets.
31.14.8 All four allegations were denied by Mr Kama. In regard to his presence in a police vehicle, Lieut. J.F.H. Visser stated that the only Black man who had travelled in the vehicle had been a Constable Velamane, who had been used for interpretations by loudhailer. There is a physical resemblance between Mr Kama and this constable, who was brought to the Commission. The police supported Mr Kama in his denials. Mr Kama stated that he sold hats or caps in his shop that looked like those worn by the police, but that he had never worn one. Regarding the possibility of collaboration with the police to the detriment of his own people he stated in his denial that, as a shopkeeper and a businessman, he was on friendly terms with both Migrants and Residents, that they all came from the same area, and that he would not do anything to their detriment. His only connection with the police was that he had gone to the police to complain about the burning down of his house and shop and that a Coloured and a Black policeman, who were not members of the riot platoons, had guarded his shop with him on Sunday, the 26th. The Commission also considers it improbable that the police would have acted so rashly on the day in question. Although Mr Kama's testimony concerning the trials of the arsonists appears to be somewhat confused and uncertain, the Commission accepts his denials.

31.14.9 The Commission has already discussed the dividing line in Nyanga in paragraphs 31.4.7 to 9. Several Residents criticised the setting up of this line. One witness stated that the police should not have set up such a dividing line, another said that the inhabitants had set it up themselves, and a third stated that he, a Migrant, had recommended it. Then there was criticism that the dividing line had been drawn in the wrong place, although one witness described it as a natural dividing line while another stated that he would have drawn it along the same streets himself. The evidence clearly shows that it was only after discussions with Residents and Migrants that the police had decided on the desirability and the drawing of this line. Another major criticism, in which an accusation is implicit, is that, after drawing the dividing line, the police did not see to it that this line was observed by the Migrants. A number of witnesses even said that the police had permitted the Migrants to cross the line so that they could attack the Residents. The police contend that they kept the belligerent groups apart to the best of their ability as circumstances permitted, which included ensuring that the dividing line was not crossed.

31.14.10 The Commission does not propose to deal with all the accusations and criticism levelled at the police. Only two more will be mentioned. The police denied that they had not cracked down promptly enough on those who destroyed shebeens; whenever they had come upon or had been summoned to such an incident, they had acted correctly; there had been frequent stone-throwing attacks on the approaching police vehicles. They also denied that their actions had been provocative rather than protective. Some points of criticism, which are not going to be dealt with, are contradictory or meaningless or even frivolous.

31.15 Findings and causes.

31.15.1 The Commission's findings concerning the causes of the riots in Nyanga during the Christmas week-end are summed up below.
31.15.2 The Comrades' actions as a cause of the riots.
1. The militant behaviour of the Comrades and the young people who were activated by them was the real and direct cause of the Christmas riots in Nyanga.

2. In the weeks before Christmas, the Comrades stepped up their anti-shebeen campaign. They forced their way into suspected shebeens, set fire to buildings and furniture, and destroyed liquor; they sometimes drank some of the intoxicating liquor themselves and robbed the shebeen owners of their money.
3. They called strikes, and they wanted to cripple the South African economy in this way; the Migrants, who did not want to take part in the strikes, had to be protected by the police against their attacks on their way to and from work.
4. They prohibited celebrations during the Christmas season and enforced this prohibition in a humiliating manner, particularly on the Migrants, who would not heed it, and took Christmas presents and bottles of liquor from people on the streets.
5. The Comrades ordered everybody to attend a memorial service in the cemetery on Christmas Day. The Migrants refused to do so.
6. The Migrants were not prepared to put up with the activities of the Comrades. This led to direct confrontation between Migrants and Comrades; when, on Christmas Day, a group of Comrades attacked a Migrant's car that was loaded with liquor and another group, armed and provocative, went to find out why the Migrants had not attended the memorial service, there was more than one eruption, and this was the beginning of the Christmas riots.
7. The Comrades and the young people were responsible on more than one occasion for the continuation of the rioting, as when they and a group from Guguletu attacked the Migrants on Boxing Day after peace had been negotiated. Furthermore, they frequently attacked the patrolling police with stones and petrol bombs and put up road blocks.
8. According to the available pamphlets, the Comrades were strongly antagonistic to the White population, the Government and Bantu education. They also seriously disrupted school attendance. These aspects of their political views did not contribute to their actions that gave rise to the rioting.
9. It is unlikely that the Comrades did not have any connections with any bigger organisation which exerted its influence to bring the achievement of its objectives closer through riots and chaos.

31.15.3 The Residents' actions as a cause of the riots. i. The Residents were also to blame for the outbreak and continuation of the rioting in that they did not check or oppose their children and other militant youths. On the contrary, when the youths clashed with the Migrants, as was inevitable, they protected the youths and in that way became embroiled in the faction fighting. They joined the youths in fights with petrol bombs and stones that were waged against the Migrants across the dividing line.
2. The Residents protected the youths because they were their children. Many of them probably also shared the children's political views while others may have yielded out of fear or because they had been intimidated.
31.15.4 The Migrants' actions as a cause of the rioting. Although the Migrants did not start the riots and the faction fighting, they did not always act entirely in self-defence. On several occasions they organised themselves for, and launched, punitive and retaliatory attacks. Like the other rioters, they sometimes acted callously and brutally. They also fought with stones and petrol bombs across the dividing line.

31.15.5 The actions of the SAP as a cause of the rioting.
1. The actions of the police who were on duty in Nyanga during the Christmas week-end were aimed at securing peace and protecting life and property.
2. The police accordingly kept Residents and Migrants apart by drawing a dividing line between the residential areas, by patrolling this dividing line and the areas of rioting, by persuading the inhabitants to remain on their side of the dividing line and to keep the peace, by keeping battle-ready and belligerent groups apart by persuasion and even by the use of force, and by arranging peace indabas.
3. The police put a stop to fighting by moving in among the combatants, dispersing them, firing tear-gas grenades and shooting at them or over their heads with shotguns and rifles, as circumstances required. The degree of force depended upon the nature of the resistance and other circumstances. As was the case elsewhere, the degree of force used also depended upon the particular person responsible for taking anti-riot action.
4. The police did their duty regardless of the personal danger their actions may have involved.
5. They discharged their duties impartially and did not deliberately favour one group above the other.
6. Throughout the week-end, police officers negotiated with members of the two factions for peace; various peace indabas were attended by representatives of the groups; the police were responsible for some of the meetings, sometimes brought the representatives together, and contributed to the success of the peace-making efforts on the 27th.

31.15.6 Accusations against the police. The Commission's findings follow below regarding the serious accusations that were made against the police in the Report of the Ministers' Fraternal of Langa, Guguletu and Nyanga entitled "Role of the South African Riot Police in Burnings and Killings in Nyanga, Cape Town, Christmas 1976" and by the Rev. D. Russell in his memorandum "The Riot Police and the Suppression of Truth". So far as the first five cases are concerned, there was no evidence before the Commission or in the two documents to support the accusations concerned.
1. The police did not use inflammatory language, either verbally or in pamphlets, to incite the inhabitants of Nyanga to riot or to commit acts of violence.
2. The police did not spread false reports concerning intended attacks by Residents and advise the Migrants to arm themselves against such attacks.
3. The police did not deceive Migrants into believing that certain Residents would stop them if they went to work during a proclaimed strike.
4. The police did not train Migrants in the making and use of petrol bombs.
5. The police were not responsible for tension between the Residents and the Migrants, and if such tension existed, the police did not exploit it.
6. The leaders of police platoons or sections sometimes used hand signals to convey orders to their men; Residents wrongly interpreted these signals as signs to Migrants to come nearer and to attack Residents.
7. The police did not point out wounded Residents on the ground or drag them from houses and let Migrants make further attacks on them. The pointing out and bringing out of the wounded was probably connected with the transportation of such cases to hospitals.
8. There was no agreement of any description between the police and the Migrants to operate together against the Residents or the Comrades.
9. Whenever circumstances necessitated the firing of shots at or over the heads of rioters, this was done irrespective of the group or faction to which the rioter, fighter, attacker, arsonist or stone-thrower belonged.
10. It is possible that people who were not involved in the fighting or rioting were hit inadvertently, especially in cases where the police used shotguns.
11. Police action, especially in cases where firearms were used, was not aimed at preventing Residents from protecting their houses or families, nor was it intended to help any faction or participant or to give it or him an advantage over another.
12. A comparison of the number of people who were shot dead and the number of shots that were fired supports the contention that rifles were used mainly to deter rioters.

13. The police did not, instead of perpetuating the peace, follow a policy of leaving belligerents to their own devices and allowing or not stopping clashes or assaults on individuals. A member of the Police Force may possibly have made an error of judgment, e.g. in regard to the seriousness of an attack or the steps to be taken first. Where a member failed to go to the assistance of the victim, such failure should be ascribed to such an error or to the particular circumstances or to inability, rather than to unwillingness, dereliction of duty, unfair partiality or callousness.
14. It frequently happened that there were no policemen present when largescale fighting broke out, with the result that such fighting could not be prevented or nipped in the bud. This is one of the reasons why the assertion that the police could have prevented the riots or any serious eruption if they had chosen to do so, is completely unjustified.
15. At the police stations, as in the riot-torn areas, there was great pressure and activity; this made the laying of charges difficult; members of the Police Force did not deliberately obstruct plaintiffs in their attempts to lay charges.

31.15.7 The Report and the Memorandum.
1. The purpose of these two documents was not to ask that the allegations and statements of a number of eyewitnesses be investigated; the authors accepted these statements, and regarded them as support for their accusations against the police; they had already found the riot police guilty of these charges.
2. In regard to five of these accusations or assertions, there was no evidence in the statements of the eyewitnesses or in the documents themselves.

3. Two of the eyewitnesses mentioned in the Report were completely unknown even to the person who took down their statements. The names of two other eyewitnesses were not disclosed. The names of three were mentioned to an investigating team. The Memorandum did not disclose the identity of any of the eyewitnesses.

4. These eyewitnesses did not testify in public, and there is no indication that they gave their evidence under oath or affirmation of the truth.

5. The witnesses all seem to have come from one group, with similar views and convictions. Their statements, as given in the two documents, are onesided. It does not seem as though any contradiction, improbability or possibility of faulty observation was put to them.

6. The authors did not afford the persons against whom the accusations were made any opportunity of stating their case.

7. Because of the fragmentary picture which they used as their basis, the clergymen drew wrong inferences in the Report and in the Memorandum and broadcast unjustified accusations world-wide, as being the truth.

31.15.8 Homelands politics.
The following matters relating to the riots and the homelands should be mentioned:

1. With few exceptions, the Migrants were citizens of the homelands who were temporarily employed and sojourning in the Peninsula. The Comrades stated in a pamphlet that the Migrants were not to come into the residential area of the permanent inhabitants; if they would not keep out of this area, they should go back to their homelands. In another pamphlet, they were ordered to leave the Peninsula before a specified time.

2. During the riots, the youths shouted on more than one occasion that the Migrants were to leave the area. The Migrants themselves said that their dwellings were burned down so that they would not have any accommodation and would have to return to their homelands.

3. One of the main reasons why the Migrants would not take part in the riots and the strikes was that they were only temporarily in the Peninsula to earn some money and take it home. The youths probably objected more to the fact that they would not take part in the riots than the fact that they came from the homelands.

4. The circumstances of the Migrants’ presence in the area did have a bearing on the relations between the fighting groups but were not a major contributory cause of the riots.

31.15.9 Solidarity with Soweto.
The period of mourning and the memorial service are indications that solidarity or sympathy with the people of Soweto was a contributory cause of or even an excuse for the riots. This matter is also referred to in the pamphlets. However, it was by no means as important a factor as it was in most of the riots in other parts.

31.15.10 Liquor.
There was no evidence that participants in the riots had been under the influence of liquor. However, the campaign against liquor and the consumption of liquor certainly did contribute to the riots.

31.15.11 Black Power.

In contrast with what happened elsewhere, there were virtually no demonstrations of Black Power in Nyanga. According to the evidence, the familiar salute and slogan were noticed only once or twice throughout the whole of December.

31.15.12 A feature of the riots in Nyanga was that there were no demonstrations against the authorities or any attempts to bring grievances to the notice of the world. It is not clear what the Comrades' objectives were. What may well be said is that they wanted to create chaos, to strengthen their own position, and to demonstrate their solidarity with the Blacks of Soweto.

PART C.
ELEMENTS.

CHAPTERS:
1. Introduction. 414
2. Participants. 414
3. Unlawful actions of rioters. 421
4. Victims. 426
5. Combating of the riots. 429
6. Intimidation. 436
7. The role of the SAP. 464
8. Violence. 478
9. The school boycott. 482
10. Strikes. 486
11. Agitation and incitement. 490
12. The role of liquor in the riots. 494
13. Attacks on liquor outlets and shebeens. 496
14. Demonstrations for the release of detainees. 500
15. Demonstrations of solidarity with Soweto. 503
16. The role of Black Power. 507
17. Pamphlets and placards. 510
18. Funerals and prayer meetings. 514
19. The role of the public. 516

CHAPTER 1: INTRODUCTION.

1.1 In this part of the Report the elements or components of the riots are discussed. Not all the components are covered in this part, and there is no particular importance or significance in the order in which they are dealt with.

1.2 As all the facts used here have already been discussed in the previous part, with a few exceptions the elements are now briefly dealt with and summed up. Some of the elements, seen from a different point of view, must also be given a place in one of the other parts, such as the "Victims", who are dealt with in more
than one of the chapters on the consequences of the riots, or "Intimidation" and "Police action", which may also be regarded as causes of the rioting.

1.3 Some of the elements correspond with the elements of unrest and riots abroad. This correspondence was taken into account by the Commission but was not considered so important as to warrant detailed analysis.

CHAPTER 2 : PARTICIPANTS.

2.1 Introduction.
2.1.1 In the first instance, the participants in the riots are classified according to race. The majority of the participants were Blacks, followed by the Coloureds, and then the Whites and the Indians. The Commission decided not to discuss the various organisations involved in the rioting here since their activities are dealt with elsewhere in this Report.
2.1.2 The race groups are further subdivided into the following classes: Children, scholars, youths, students, teachers and adults. So far as the first four classes are concerned, the broad distinctions made are that the first class consists of preschoo children, the second of all pupils attending school, the fourth of all persons receiving tertiary education and the third of young people who do not fall under the second or fourth classes. It is no easy task for an observer to place a specific person in any particular class.
2.1.3 An observers' first difficulty is the fact that Black children do not go to school until the age of 7, and that children over 7 may not even be at school yet because school attendance is not compulsory for them. At the other end of the scale, there are pupils aged 20 and older who are still at school. Moreover, scholars and students were not always dressed in the uniforms of their educational institutions, and it was sometimes difficult to distinguish youths from scholars and students. Furthermore, witnesses often referred incorrectly to scholars as students, and some Blacks, for a variety of reasons, sometimes called youths and even young men children. The Commission found, however, that the difficulty of distinguishing between different classes of young people and classifying them was not a real or insurmountable problem in the discussions.
2.1.4 Among the youths there were those who were already working, those who were not yet working and those who had become vagrants. When, in addition, members of the last-mentioned group have criminal tendencies, they are called tsoasis among the Blacks and skollies among the Coloureds. In information received from various sources, the age of 18 was considered the dividing line between youths and adults.

2.2 Blacks.
2.2.1 Children.
Children participated in the rioting, especially on the Witwatersrand, although they did not realise what it was all about. Children were often seen throwing stones or joining in the looting of a shop. Sometimes children themselves drank the liquor they had stolen from bottle stores; it follows that on these occasions they came under the influence of liquor. Children also took part in demonstrations; there is not much support for the allegation that they were placed in the forefront.
2.2.2 Scholars.
It was an important feature of the events that scholars usually began the rioting and, where riots were already in progress, played a prominent part in them. They also organised and held the demonstrations and marches. Immediately they left the school grounds, others joined them and violence followed. Apart from the demonstrations, there was the so-called boycotting of classes and examinations, accompanied by the intimidation and incitement of fellow scholars. Often they committed acts of violence of their own accord, throwing stones or looting shops. They were also responsible for many, probably most, of the cases of arson at schools and other buildings. Finally, scholars went from Soweto and other urban areas to the rural areas or the homelands and stirred up unrest and rebellion there.

2.2.3 Youths.
Youths participated in all the different kinds of riots together with the other classes, but also on their own. They were involved in sabotage, arson, looting and stone-throwing. They intimidated scholars and workers. A militant group of youths in the Peninsula, known as the Comrades, was responsible for the destruction of shebeens, attacks on contract labourers and eventually also for fierce faction fighting. When there were vagrants and tsotsis among the youths, the violence increased and there was sometimes unbridled vandalism. They also exploited situations for their own purposes. They played a leading role in the looting of shops and liquor outlets in particular and were probably responsible for many of the cases of housebreaking and theft. The Commission would like to add the following remarks about the tsotsis:

2.2.4 The actions of the tsotsis in the rioting correspond to a certain degree with those of youths with similar tendencies in the 1949 riots in Durban. According to the report on those events, such people were responsible for attacks on Indians and the damaging and looting of buildings. According to overseas reports, the Black Panther Party in the USA made use of the hardened, unemployed "school dropouts", who depend for their existence on brawling and bickering and pushing and shoving. In this country, SASO decided as long ago as 1972 to infiltrate the tsotsi community so that they could propagate their objectives there and use the tsotsis in their struggle against the authorities. Two years later such a plan was discussed at a SASO meeting. The Commission has no information about the extent to which the tsotsis acted as politically conscious rioters.

2.2.5 Students.
In the main, the students' activities in the rioting were confined to their own campuses, although some students incited and even organised scholars and youths at other places personally or by means of pamphlets. Their own organised action resulted mainly from the activities of SASO or SASO members. At the universities there were prayer meetings where inflammatory speeches were made, mass meetings and violence. In all its investigations the Commission saw the greatest destruction on the campus of the University of Zululand. In general the rioting at the training colleges was of a lower intensity than at the universities.
2.2.6 Teachers.
Allegations that teachers participated directly in riotous activities were based on unconfirmed rumours or inferred from the teachers' passive behaviour in not, for instance, controlling or opposing pupils so as to prevent riots. Usually the intimidation of teachers and their fear of retribution were disregarded. There are cases of teachers who were charged with riotous behaviour and incitement. Usually they were acquitted, often because the scholars who had to give evidence deviated from their original statements. From the evidence before the Commission and from the few cases where teachers were convicted or admitted guilt, a general inference cannot be drawn that teachers helped the scholars in the riots. On the contrary, in some cases principals and teachers made a significant contribution towards combating the riots and the violence by co-operating with the authorities or by negotiating with rebellious pupils and persuading them not to riot or boycott examinations. There were also many cases of teachers who helped to put out fires at schools.

2.2.7 Adults.
Adults took part in the rioting mainly in the urban areas. In various homeland and rural areas adults committed no riotous acts. Only in a few cases were adults responsible for incidents of rioting. Usually scholars stirred up the unrest and were then joined by youths and adults. The older generation mainly took part in stone-throwing, looting and arson. They also stirred up and incited people and often travelled from one place to another by car for this purpose. On the East Rand two officials of the BAAB incited scholars to large-scale rioting. In Soweto and Nyanga adults took part in the fierce faction fighting between contract labourers and permanent residents. Some of the bloodiest rioting in the country occurred during these fights. Subject to what was said earlier about the difficulty of classifying the participants, the Commission would mention that three quarters of the people who died during the rioting were older than 18 years. This figure applies to all races, but the majority of the people who died were Blacks. It is clear that only a small proportion of the adults approved of the actions of the scholars and youths, and there are many examples of adults' helping to combat the riots.

2.2.8 Actions of Blacks in White areas. This matter is mentioned here for the sake of convenience. In the rural areas there were several marches by Black scholars in the White residential areas. So far as the cities are concerned, there were two planned marches that did not succeed in Johannesburg, as well as isolated incidents of rioting. These included throwing stones at cars and three explosions. In Cape Town there were a few marches to the city centre that caused great confusion and a few other less serious incidents. In Port Elizabeth a big march to the city centre was planned that would have caused great chaos. The police prevented the riots by intercepting the rioters in time.

2.3 Coloureds.
2.3.1 Children.
According to the evidence available, practically no children took part in the rioting.
2.3.2 Scholars.
Scholars played an important part in the rioting. In some areas there were
demonstrations and marches by the scholars that led to violence. In the Peninsula
they were an important factor in the continuation of the unrest. They were
especially responsible for the crowds that collected as a result of the boycotting of
classes or examinations. The scholars also intimidated
fellow scholars, held meetings and participated in the general disturbances.
Probably many of their activities were organised by the Super Students'
Representative Council, also known as the SSRC.

2.3.3 Youths.
In the riots in the Peninsula, the South-Western Cape and the Karoo youths were
notably active. Apart from staging marches they erected barricades and
participated in stone-throwing and violence. When they joined the scholars, the
intensity of the rioting usually increased. Witnesses declared that they were
responsible for the serious acts of violence such as looting and arson at shops and
liquor outlets. The Commission is satisfied, however, that they were not alone in
committing serious acts of violence. The fact that several skollies were arrested at
the scene of offences such as housebreaking and theft may mean that they
exploited the disturbed situation to their own advantage.

2.3.4 Students.
The students of the UWC were the most important factor in the start and
continuation of the riots in the Peninsula and the surrounding areas. They not only
committed acts of violence on their own campus but also took part in riots
elsewhere. In addition to being actively involved in the riots themselves, they
were also responsible, through the distribution of inflammatory pamphlets and
personal contact with scholars, for riots at various places. Students of the teachers'
training colleges were also active in the riots.

2.3.5 Teachers.
As in the case of Black principals and teachers, it could not be established with
any degree of certainty what share these teachers had in the riots. The difficult
circumstances of the teachers in the Peninsula, which were dealt with in Chapter
B30, existed in the rest of the country too. In connection with the riots, one
teacher was convicted of incitement to public violence and another of public
violence, and four paid admissions of guilt for attending unlawful gatherings. One
teacher committed suicide while in detention, and it is not known whether his
detention had any connection with riotous incidents. There is evidence of teachers
who contributed a great deal towards combating the riots.

2.3.6 Adults.
The role played by adults in the riots was small. It is true that they took part in
places such as the Karoo, the South-Western Cape, Uitenhage and the West Rand,
but not on a large scale. According to the evidence and newspaper reports,
Coloured leaders in the Eastern Cape made inflammatory speeches, but it is not
known whether the rioters were influenced by these speeches. Adults were
involved in combating the disturbances.
2.3.7 Actions of Coloureds in White areas. In Cape Town massing of crowds and stone-throwing, in which Coloureds took part, occurred on four different days. The police had to use force to maintain order. There were also arson and stone-throwing in other White areas of the Peninsula. In the South-Western Cape, the Eastern Cape, the Cape Midlands and Durban there were marches and riots in White areas. Coloureds attacked the residences of Whites in Stellenbosch, Paarl, Robertson, McGregor, Caledon, Swellendam and Mossel Bay.

2.4 Whites.

2.4.1 Whites were involved in the riots at four places. In Johannesburg, students of the University of the Witwatersrand demonstrated in the streets. In Cape Town, university students demonstrated on two occasions and staged a march. In Durban, two students of the University of Natal addressed a mass meeting of the students of the University of Durban-Westville. In Grahamstown, two students of Rhodes University were charged in connection with the preparation of a pamphlet encouraging Blacks to strike. Two White academics were convicted in connection with the explosion of bombs to distribute ANC and SACP pamphlets in Cape Town.

2.5 Indians.

2.5.1 The activities of Indians in the riots were virtually limited to the University of Durban-Westville, where riots of a low intensity occurred. Two adult Indians were fatally wounded during riots in the Peninsula.

CHAPTER 3: UNLAWFUL ACTIONS OF RIOTERS.

3.1 Introduction.

3.1.1 In this chapter the Commission will deal with the offences committed by rioters during the riots. Offences that were committed at the same time, but were not connected with the riots, are not mentioned.

3.1.2 The information used was obtained from the evidence, but it is unlikely that all the offences and offenders as well as all police action and the consequences of such action were reported to the Commission. Reasons for and examples of these omissions need not be given; suffice it to say that riots occurred throughout the country during the eight and a half months concerned, that actions by a group of rioters often entailed more than one offence, that large numbers of people took part in the riots, that many were detained and tried summarily, that the court cases studied were not all the cases that actually took place, and that many rioters who were injured did not get to doctors, clinics, hospitals or the police; what the Commission can say is that, so far as possible, all fatalities were traced and are discussed in this Report.

3.1.3 The following offences are dealt with: Unlawful processions and gatherings; public violence; assault; murder; rape; malicious injury to property; housebreaking with intent to steal and theft; theft and robbery; arson; unlawful strikes; offences in terms of legislation relating to internal security, sabotage, terrorism and undesirable literature.

3.2 The first offences.

3.2.1 The processions, commonly referred to as marches, that took place in Soweto on 16 June were unlawful. In terms of Regulation 26(1) of the
Regulations Governing the Control and Supervision of Urban Bantu Residential Areas and Relevant Matters, promulgated in Government Notice No. R1036 dated 14 June 1968, no public assembly may be held in Soweto without the permission in writing of the WRAB. No permission was applied for or granted for the holding of processions and assemblies. The fact that these activities were unlawful placed an obligation on the SAP to disperse the participants and to maintain peace and order. Public violence, assaults, murders and arson arose from these processions. These offences are dealt with later.

3.3 Riotous assemblies.
3.3.1 According to the report which the Minister of Justice is required to submit to Parliament in terms of section 19 of the Riotous Assemblies Act, No. 17 of 1956, he prohibited gatherings in the Republic in terms of section 2(3) for periods which, together, extended virtually without interruption from 18 June to 31 March 1977. The few intervening days between periods on which the prohibition was not in force are of no significance here. The Minister's prohibition did not include bona fide sports gatherings and gatherings in buildings. In addition, magistrates prohibited particular gatherings at particular places in terms of section 2(1) of the Act on several occasions.
3.3.2 Despite these prohibitions, 176 organised gatherings of rioters took place according to the available evidence. Both the organisers of these gatherings and those who attended them were guilty of an offence. It was especially on such occasions that large numbers of people attending the gatherings were detained. Sometimes they were released after a short period of detention, paid admission of guilt fines or were tried expeditiously. Sentence was often postponed or provisionally suspended.
3.3.3 It was not unusual for acts of violence to take place at such gatherings. An analysis of the figures shows that there was no mention of violence at 40 of the gatherings; no violence at 59; acts of violence by rioters at 71; and violence only after the intervention of the police in 6 cases. So far as the actions of the SAP are concerned, the figures show that there was no police action in 38 cases; and no mention of such action in 44 cases; at 85 such gatherings the police did act and at a further 9 they prevented violence by negotiating with the rioters.

3.4 Public violence.
3.4.1 This common law offence is committed when a number of persons acting in concert commit fairly serious acts calculated to disturb the public peace or security or to invade the rights of other persons. In section 17 of the Riotous Assemblies Act (supra), incitement to public violence is elaborated and defined.
3.4.2 Public violence may perhaps be called the essence of the riots. Already on the morning of 16 June there was public violence in Soweto. Later, it broke out again in Soweto, and in the same way on the Witwatersrand, in Central Transvaal, the Peninsula, Port Elizabeth and other places. There were processions and demonstrations by scholars who were joined by other youths and adults, and before long stones were being thrown at buildings, vehicles and the police, and
there were arson, looting and assaults. But this is not to say that scholars and students did not resort to public violence of their own accord.

3.4.3 The fact that more cases of public violence were not reported and more people were not prosecuted for acts of violence must be attributed to the chaotic conditions that prevailed in the riot-torn areas at times, making it difficult to investigate all the cases and arrest the offenders. Nevertheless, a considerable number of prosecutions were instituted for this offence, as well as for incitement to public violence.

3.5 Assault.

3.5.1 Assault occurred frequently in the rioting. Sometimes it was so serious that the victims died. There were assaults on the first day and also later during the faction fighting in Nyanga and Soweto. Assaults were common during the strikes when workers were intimidated on their way to work or when they were returning home. Stone-throwers usually threw stones at policemen who were patrolling riot-torn areas or combating the riots, sometimes seriously injuring them. Police guards were attacked with dangerous weapons. On occasion, stone-throwing attacks on people in moving cars resulted in deaths. Rioters not only attacked members of the public and teachers with stones, but often also used weapons or their fists.

3.6 Murder.

3.6.1 Murder was also committed during the riots. On the very first day Dr L.M. Edelstein and Mr J.H.B. Esterhuizen were murdered in Soweto. Of all the people who died during the riots, 124 were not killed by the police. In many of these cases, the and of negligence, were killed and by yet been convicted circumstances indicate a lack of evidence of intent to kill. In other cases, details are not available of how people whom. There have been some prosecutions, but no one has of murder.

3.7 Rape.

3.7.1 In three cases, the evidence indicates a close link between the rioting and rapes that were committed.

3.8 Malicious injury to property.

3.8.1 The rioters used mainly stones and fire to damage property. Vehicles were regularly pelted with stones and also burned. Damage done by stones was not always reported. In the campaign against shebeens in Nyanga, furniture was often dragged out of houses and burned. Buildings such as schools, beerhalls, bottle stores and BAAB offices were not only damaged by stones and fire, but also by implements used in breaking in. The office of a school principal was damaged when water was hosed into it through the windows. On another occasion, a bomb set at an office door did not explode.

3.9 Housebreaking with intent to steal and theft.

3.9.1 This offence occurred mainly together with general violence and was committed especially at schools, shops and liquor outlets. Usually followed breaking in. Several rioters were caught or shot police while committing these offences.

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3.10 Theft and robbery.

3.10.1 Vagrants, tsotsis and skollies mainly committed this type of crime. The conditions of disorder gave them an opportunity to steal and to rob. In many cases money was stolen. In Nyanga, money and liquor was stolen from contract labourers and shebeen owners, and the same thing happened to members of the public when liquor and Christmas gifts were taken from them in the streets by the Comrades. These cases come close to robbery, e.g. when bus and lorry drivers were sometimes robbed of their vehicles and their money.

3.11 Arson.

3.11.1 There were few places in the country where rioting occurred without fires being started. Often arson was also the only form of disturbance in a given area.

3.12 Unlawful strikes.

3.12.1 All the strikes called and organised by the scholars during the riots were unlawful in terms of section 65 of the Industrial Conciliation Act, No. 28 of 1956. Apart from the fact that assault was involved, the intimidation of strike breakers by the rioters was also unlawful, since section 10 of the Riotous Assemblies Act (supra) prohibits the intimidation of or interference with persons, their relatives or dependants in relation to their employment.

3.13 Offences in terms of legislation relating to internal security, sabotage and terrorism.

3.13.1 A few people were detained in terms of the Internal Security Act, No. 44 of 1950. One person was convicted of contravening the provisions of this Act in connection with a letter written by him (S v Mothibe, 1977(3) SA 823 (AD)). The accused was not a South African citizen.

3.13.2 Sabotage is circumscribed in section 21 of the General Law Amendment Act, No. 76 of 1962. Persons were convicted in terms of this legislation in connection with bombs placed on a railway line (S v Sexwale, TPD 431/77), a bomb explosion in the centre of Johannesburg and another in Soweto (S v Seko, WLD 263/77) and the burning down of sawmills, causing damage amounting to R5 million, by members of a so-called Black Power Society (S v Malaza and others, TPD (Witbank) IA/77).

3.13.3 Two persons who exploded pamphlet bombs were convicted in terms of the Terrorism Act, No. 83 of 1967 (S v Jenkin and Lee, CPD 147/78). Another person, who incited people in a shop with the aid of an inflammatory pamphlet was also convicted in terms of this act (S v Mohamme, WLD 60/77).

3.14 Inflammatory pamphlets.

3.14.1 In the preceding paragraphs, two court cases relating to inflammatory pamphlets have been mentioned. In the case S v Russell and others, Cape Town RC 82/77, the accused were convicted of compiling, possessing and distributing pamphlets which had been declared undesirable.

CHAPTER 4 : VICTIMS.

4.1 Introduction.
4.1.1 It was inevitable that people would suffer loss, be injured and even die in the course of the rioting and the combating of riots. This could also happen to people who were not taking part in the riots, such as bystanders and passer-by. It was further inevitable that authorities and organisations would sustain losses when buildings were damaged, looted or burned down. Some of these buildings may have belonged to bodies against whom the rioters wanted to take action, such as the education authorities or the BAAB, but other buildings had nothing to do with the rioters' grievances and were really merely places where services were rendered, such as clinics or banks.
4.1.2 It was not only the rioters who caused injury or damage. The police force, in combating the riots, were also responsible for injuries and losses.

4.2 Victims of the rioters.
4.2.1 The first group of persons who may be regarded as the targets of the rioters were the members of the SAP who opposed them in the riots. There is evidence that scholars often threw stones at the police even before members of the force had taken anti-riot measures. There were such cases before 16 June, for example at the Naledi High School. The same thing happened on the first day of the riots. Police patrol vehicles were regularly pelted with stones, and rioters sometimes proceeded to attack before the police had attempted to disperse crowds. The scholars went even further. They waged a campaign of intimidation against members of the police force. Policemen were abused, intimidated, assaulted and cornered in their houses; their houses were burned down.

4.2.2 The rioting scholars acted against everyone and everything they regarded as symbols of the government. They burned down their own schools even though one of their objections to the education system was the shortage of school space. Students damaged and devastated their own universities. BAAB buildings, including beer-halls and bottle stores, were attacked everywhere. The possible reasons for the attacks on liquor outlets are discussed elsewhere. That attacks on such symbolic buildings were not always examples of unbridled or uncontrollable vandalism is clear from the decision taken by students at the University of Zululand not to burn down the post office near their campus, since their money is kept there. It is difficult to establish why Whites were attacked and two murdered on the very first day of the riots in Soweto. To the rioters, these people may have been symbols of the government. But the reason may also have been a strong, racist anti-White feeling. On many placards there were scathing slogans aimed at Whites, especially Afrikaans-speaking Whites. The Commission must mention here that there was relatively little action against Whites during all the riots. Witnesses did, however, state that arsonists in Alexandra and rioters on the East Rand attacked the houses of Indians in particular.
4.2.3 Rioters also attacked people who would not take part in the riots with them. There were the workers, especially the contract labourers, who did not want to strike and take part in the riots. Apart from the intimidation and the attacks on those who went to work during strikes, at least 48 people were killed in faction fighting by members of their own race. Shebeen owners did not want to close
their shebeens, and their shops and even their houses were burned down. Their liquor and sometimes their money were stolen. Then there were those members of the public in Nyanga who disregarded the order not to consider Christmas a festive occasion. Their Christmas gifts and liquor were taken from them and, if they had already consumed liquor, they were humiliated in public. Teachers who attempted, at the start of the disturbances, to keep their pupils out of the riots, were subjected to rough treatment.

4.2.4 Finally, there were those persons and bodies that had nothing to do with the riots. The Whites who were attacked in Soweto on the 16th have already been mentioned; all of them were people who were serving the community in Soweto in one way or another. There were six people, five of them young children, who burned to death when the houses in which they were sleeping were set alight. Many were injured, a few fatally, by stones thrown at passing cars. Human lives were endangered by bombs that exploded in houses and a restaurant and were placed in buses and on railway lines. The same danger arose when rioters tampered with train signals and placed obstructions on the railway lines. So far as the property of bodies that were not involved was concerned, there were the churches that were damaged and destroyed by fires throughout the length and breadth of the country. Clinics were attacked and burned down, shops were broken into and looted. Fires, some of them big ones, were started at sawmills, factories, banks, libraries and other buildings that were indications of development.

4.3 Victims of the police.
4.3.1 The actions of the police and their consequences are dealt with in various parts of the Report. Here it is only pointed out that, in combating the riots, the police were responsible for the death and injury of a large number of rioters. The circumstances are discussed at more appropriate places. But the police also killed and injured people who were taking no part at all in the riots. There were several cases of innocent bystanders or passers-by being hit by ricochet shots. People were also hit by bullets intended for others. A number of young children were injured and killed in this way. There was one case where a shop-owner was taken for a looter and shot dead. A clergyman was also fired upon from a patrol vehicle one evening when he had given no cause for the attack and there were no disturbances.

CHAPTER 5 : COMBATING OF THE RIOTS.
5.1 Introduction.
5.1.1 After the riots had erupted, a large number of persons and bodies took active steps to combat them, to try to restore peace, and to prevent the riots from breaking out again or spreading through the country.
5.2 The South African Police Force.
5.2.1 It was the task of the SAP to restore and maintain law and order and to protect the lives and property of everyone in the country. Throughout the Report mention is made of the role played by the police and their actions in the struggle. The purposeful efforts of the Force consisted in being present wherever
disturbances of the peace threatened and in trying to prevent them. Once riots had broken out, they had to be suppressed. When peace had been restored, it had to be maintained.

5.3 The South African Railway Police.
5.3.1 The field of operation of this force is restricted by law to railway and harbour areas. However necessary and important this restriction may be, it hampered their actions in combating the riots. The main reason for this was that riots would originate on railway property, especially on the Witwatersrand and in the Peninsula, and moving riotous crowds and individuals could easily get out of reach of the Railway Police.
5.3.2 Shortly after the riots had broken out, attempts were made to protect lives and property by placing additional police on trains, providing protection at stations, and safeguarding the railway lines with patrols and inspections. This work was continued as circumstances required. At the time of the planned strikes, passengers and property were protected against attack. When demonstrations were planned in Johannesburg and Cape Town, special arrangements were made to preserve the peace.

5.4 Traffic police.
5.4.1 Traffic officers helped in combating the disturbances mainly by regulating the traffic to and from riot-torn areas, setting up and manning road-blocks and helping to control rioters and the public where marches took place in cities and large towns.
5.4.2 The traffic police also took active steps to calm down rioters, and in Worcester and the Peninsula they had to use firearms for this purpose. During an attack on a filling station in Philippi, a traffic officer shot and killed a Black boy. On the Witwatersrand, a traffic inspector was fatally injured at a road-block by a motorist speeding away. There were several attacks on officers, and their motor cycles were also damaged. In Cape Town, the traffic police were later commended for the way in which they had controlled the crowds during demonstrations.

5.5 Fire brigades.
5.5.1 Firemen had to extinguish fires started by rioters under difficult and dangerous conditions. Sometimes the police had to protect them, and there were also occasions when conditions deteriorated to the extent that they could not enter certain areas of rioting. They were also hampered in the execution of their duties by rioters; hoses were knotted and cut, fire extinguishers were removed and roads were blocked. According to the evidence they also sometimes received assistance from members of the public. When their work was made impossible by rioters, policemen extinguished the fires.

5.6 The Department of Bantu Education.
5.6.1 Here the steps taken by the then Minister of Bantu Education have to be mentioned first. He travelled north from the parliamentary session in Cape Town and on 19 June he had discussions with a delegation from the Urban Bantu Council, Black leaders from Soweto and officials of the WRAB. The policy regarding the medium of instruction, which at that stage was thought to be the
probable cause of the riots, was discussed and explained. The Minister stated on
good grounds that there were misunderstandings about the policy. He also
mentioned that further discussions to iron out the problems would be held with
the Secretary on the 25th. On that date and four days later Black leaders discussed
the question of the medium of instruction with the Secretary and
officials of the Department. To the apparent satisfaction of all, the policy and the
way in which it would be implemented was clarified and later announced. The
decision was officially confirmed on 2 July. If Afrikaans as the medium of
instruction in Black schools had been the only cause of the riots, then, as a result
of the rapid, decisive and clear-cut action taken by the Minister shortly after the
start of the riots, there could be no reason for their continuation.

5.6.2 After this statement of policy, the Department and its officials were
concerned mainly with maintaining law and order and resuming educational
functions for the Black community. The Deputy Minister and officials of the
Department attended meetings with other bodies to discuss the restoration of
order, and decisions were carried out. Meetings were held with school boards and
principals. Officials tried to persuade parents to send their children to school. In
the Peninsula, pamphlets dealing with this matter were distributed among those
concerned. A meeting was held with leaders and 43 chairmen of school boards
and school committees. This was followed by a mass meeting of about 3,000
pupils, where their grievances were discussed.

5.7 Administration boards.

5.7.1 Administration boards throughout the country continually held discussions
with Black leaders and the authorities on measures to combat the riots. In Soweto
a stormy public meeting was held as early as 18 June. This was followed by the
discussions already mentioned. Discussions in other parts of the country dealt
with the riots, their causes and the grievances of the Black population. Apparently
considerable local success in combating the riots was achieved through this
exchange of ideas.

5.7.2 Officials of the boards also took an active part in combating the riots. Mr
J.C. de Villiers, the then chief director of the WRAB, who did so much to try to
avoid a confrontation, was also very active after the riots had broken out. Among
other things, he made personal appeals for peace to be restored from an escorted
car that drove slowly through the streets of Soweto. In several areas officials
helped the police in patrolling, setting up road-blocks and guarding buildings
belonging to the boards. There were also cases where officials helped to pacify
rioting scholars.

5.8 Black leaders.

5.8.1 Homeland leaders.

Within a few days after the start of the riots, the Chief Ministers of the
homelands of Gazankulu, Lebowa and Qwaqwa appealed to their people to
remain calm and to help to restore order so that their grievances could be properly
considered and resolved. The Chief Minister of kwaZulu visited Soweto to
negotiate with his people. Even before 16 June the Chief Minister of
Bophuthatswana made attempts to clear up problems. Other chief ministers, officials of homeland governments, and representatives of homelands in the urban areas tried to calm people down and to put an end to the disturbances. The homeland governments took anti-riot measures in their own territories.

5.8.2 Local Black leaders.

Black leaders in Soweto attended the meeting on 18 June referred to above and sent a delegation to the discussions held on 19, 25 and 29 June. Elsewhere leaders also held discussions with members of BAAB and the police, e.g. in Klerksdorp and on the East Rand. In Atteridgeville such discussions led to a statement which was broadcast three times by Radio Bantu and soon had a noticeably good effect.

5.8.3 Black organisations.

The SPA, later called the BPA, discussed the riots and how to end them at a meeting held on 16 June. Members of the BPC and SASM were present. No action was decided on. At one of its later meetings, on 1 August, the BPA appealed to scholars to return to school and to the Black community to stop the destruction of property. Tsietsi Mashinini was present and proposed that the pupils should return to their classes. It would seem that his reason for doing so was to get scholars together for a march. On 4 August between ten and fifteen thousand scholars assembled to march to John Vorster Square. With the permission of the police, the chairman and members of the BPA went to address the scholars. They were not successful in persuading the demonstrators to turn back, but they did hear what the scholars' grievances were and undertook to submit them all to the Minister of Justice.

5.8.4 Credo Mutwa.

This well-known author and witch-doctor, who is employed by the WRAB as a cultural organiser, told his superiors before 16 June of information that there would be chaos in Soweto. On the day when the riots broke out, he and another witch-doctor, one Dorcas, moved around in the riot-torn area in their traditional dress and tried to persuade scholars to stop the violence and return to school. When it became clear that his attempts had failed, he appealed to all Blacks on Radio Bantu the next day not to take part in further disturbances. His actions brought the ire of many youths down on him. On 25 September, a few days after he had given evidence before the Commission in public, his house was burned down. He was attacked and sustained fairly serious injuries to his right arm and hand. He was fortunate to escape with his life. A few weeks later a "hut museum" that he had established and maintained for the WRAB was completely destroyed.

After an interruption, he continued his work.

5.9 The Department of Coloured Relations.

5.9.1 Through its officials, such as the Director of Education and school inspectors, this Department remained in touch with schools, teachers and pupils. In this way problems were resolved locally from time to time. After consultation with principals, all Coloured secondary schools were closed for a week as a result of the threatening unrest. On one occasion, the Minister and senior officials held meetings with the divisional commissioner of police, representatives of the Education Council for Coloured Persons, regional councils and teachers' and
principals' associations. Misunderstandings could be cleared up, problems placed in perspective and future plans explained.

5.10 University authorities.
5.10.1 The actions of these authorities were dealt with in the preceding part. Most of the universities concerned had to be closed as a result of the riots and threatening riots. The Commission found that the riots at the University of Durban-Westville were of a low intensity and remained so because the authorities cautioned the students about their behaviour in pamphlets and notices and threatened to take severe disciplinary action against possible offenders.

5.11 Other public servants.
5.11.1 By mentioning only the following case here, the Commission does, not wish to detract from the importance of individual efforts made by other officials, which were not mentioned in evidence or of which the Commission was, not informed. On 21 June a magistrate addressed striking labourers at the Klipgat waterworks and persuaded them to resume their work.

5.12 Parents, teachers and scholars.
5.12.1 Many cases were mentioned in the evidence of parents, teachers and principals who took part in the combating of the riots. Sometimes they did so under difficult conditions. In some areas intimidators took strict action; many parents and teachers who did not approve of the action of the scholars and youths remained passive rather than actively opposing the rioters for fear of victimisation. But there were also many parents who fearlessly did what they considered to be their duty.

5.12.2 Parents.
There were parents who dragged their children away from the areas of rioting and punished them for their actions. One tribal authority in a homeland punished young offenders, and it was said that scholars later asked to appear before the magistrate rather than before the tribal authority. In a few cases parents calmed down their children who were taking part in processions, thus ending the demonstration. They also put out many fires, especially at schools. In cooperation with principals and teachers, they guarded schools and repaired the damaged done to schools; money for repairs was also contributed by parents.

5.12.3 Principals and teachers.
At many schools principals did preventive work by discussing grievances with pupils and eliminating their grievances, warning the pupils against violence, and informing them about the correct way to act when riots threatened. This required constant consultation with the police and officials, and teachers had to co-operate with the same object in view. Teachers persuaded pupils not to leave school, or to return to their classes and to write examinations. Teachers also chased away intimidators, and in one case teachers and pupils fought together against fellow pupils who wanted to disrupt examinations.

5.12.4 Scholars.
Apart from the actions already mentioned, pupils often helped to put-out fires. Because of the general fear and the constant threats it took a great deal of courage...
on the part of pupils in many areas to go to school and write examinations; in many cases they probably did so as a result of encouragement at home and concessions made at school.

5.13 Members of the public.
5.13.1 There were several cases, in Johannesburg, Durban and Port Elizabeth, inter alia, where members of the public apprehended rioters and handed them over to the police. People sometimes also acted against rioters in self-defence or to protect their property. On the East Rand shop-owners fired at attackers, fatally wounding some of them. On one occasion a person attacking a car was shot and killed and on another an eight-year-old boy was fatally injured when the driver of a car fired at rioting attackers.

5.13.2 In Soweto there were a few cases where Blacks protected Whites threatened by rioters, assisted them out of the danger area or hid them.

5.14 The SABC and the press.
5.14.1 The SABC made various appeals to scholars and other rioters to stop the violence and return to school. These appeals were not only included as news items in news broadcasts, but were sometimes also broadcast in the form of special appeals. The appeals were also mentioned in the newspapers and magazines read by Blacks.

CHAPTER 6: INTIMIDATION.

6.1 Introduction.
6.1.1 Intimidation was a big, possibly the biggest, driving force in the riots. Intimidators had been active even before 16 June, and during the riots they forced people at all levels of the Black community through threats or violence to take part in revolt and rioting in some way or other. This happened everywhere; wherever there was rioting, there was intimidation. Naturally, the Commission did not find that all those who took part in the riots did so because of intimidation. Many rioted from conviction, or love of violence, or because of incitement, and others were easily forced into it. The extent and the effectiveness of the intimidation appear from the following discussion of the intimidators, their methods of intimidation, the objectives of their intimidation, and their victims. The instances mentioned in the discussion are merely examples of the intimidators' general practices.

6.1.2 This chapter deals with intimidators and their operations, and not with those egged on by the intimidators or incited by other persons. It was mainly youths, mostly older scholars, who were guilty of intimidation, but students and adults also forced other persons to revolt. On one occasion, the mobs in the streets were the intimidators. There were allegations of so-called official intimidation; this will be dealt with later. Numerous methods were employed by intimidators; they threatened people at gatherings, in personal conversations, by telephone, in letters and pamphlets, and with slogans on placards, school blackboards and walls. Usually the victim was told in clear terms what he had to do or to refrain from doing. Often, the threat was of a general nature; the burning down of shebeens spoke for itself, and other shebeen owners knew what could happen to them if they failed to close their shebeens when ordered to do so by the militants.
Generally, the objects of the intimidators were to get the dupes to take part in the rioting or to cooperate or show solidarity with the rioters or to refrain from opposing them.

6.1.3 Scholars and students were not the only victims of the intimidators. Pupils’ parents, school principals and teachers were threatened with violence in regard to school matters; adults were generally intimidated with regard to co-operation, solidarity and strikes. Two groups receive special attention.

They were the members of the SAP and witnesses in criminal cases. Because it was really only after February 1977 that the intimidation of Black politicians reached its climax, the Commission did not inquire into and report on this matter.

6.2 Methods of intimidation.

6.2.1 During the riots, many a Black youth or adult who was keeping aloof probably feared that, if he did not join in, he would bring the reproach and displeasure of his friends and members of his race on himself and that he could become unwelcome in his own community. There is no doubt that intimidators exploited this fear. Usually, however, the intimidation was not so diffuse and subtle, and the dupe was given to understand, through blatant intimidation, that he and his family would be harmed and injured if certain orders were not obeyed. In these cases, the threat was conveyed in personal conversations, by telephone or in letters.

6.2.2 As a rule, the intimidation at meetings, in placards and in pamphlets was of a more general nature. The following appeared in an ANC pamphlet of March 1976: "Reject tribal politics, Bantustans, Indian Councils and all dummy institutions, smash the stooges and traitors." In this call there was, on the one hand, the intimidation of persons who were members of the said institutions and, on the other, an encouragement to readers of the pamphlet to commit acts of violence. A pamphlet issued by the Comrades contained the following threat to workers employed by the Cape Town City Council: "Almal wat in Guguletu gevind word met oorpakke aan gemerk C.C.C. sal doodgemaak word."

6.2.3 When a boycott of classes or examinations was decreed by rioters, some pupils nevertheless went to school. Not only were they pelted with stones on their way to school, but when they entered school buildings, stones were thrown on the roofs as a warning. This threat was understood by the pupils in the school. The case of shebeens has already been mentioned. As will be shown later, the homes of policemen were burned down and damaged as a warning to them and to other members of the Force not to discharge their duties as policemen. It happened that intimidators threatened to burn down the house of someone who was not a member of the Police Force and would not obey their orders, and in fact did so.

6.2.4 The Black Power salute was used from the very first day to instil fear in the drivers of motor vehicles and their passengers and to secure their cooperation. Boycotts were also sometimes announced at schools on the authority of Black Power.

6.3 Intimidation prior to 16 June.
6.3.1 The following cases of intimidation that occurred before the outbreak of the riots are cited here in chronological order. These cases related mainly to staying away from classes and the actions of the police.

6.3.2 On 19 May, a so-called boycott of classes started at the Belle Higher Primary School in Soweto. Early in June, some striking pupils decided to go back to school. Others who wanted to continue the boycott threatened those who went back and pelted them with stones. There were similar incidents at three other schools. Police patrols were instituted to obviate injuries and damage and to ensure that pupils who wished to resume their classes could do so in safety.

6.3.3 On an evening early in June, there were disturbances at a hostel at the Pinagare College at Taung in Bophuthatswana. The principal was assaulted, and his car was wrecked. The following day, there was a boycott of classes. An investigation revealed that there were strangers on the school premises. A pupil stated that he had taken part in the disturbances for fear of being killed by the strangers if he should fail to do so.

6.3.4 The incidents at the Naledi High School on 8 and 9 June are examples of attempts by scholars to intimidate the police. By throwing stones at the police, setting fire to their motor vehicle and shouting that one of the Black policemen was a "sell-out", they tried to compel the members of the Force to leave the grounds and not to interfere with what the scholars were doing.

6.3.5 On Friday, 11 June, a poster with the following inscription was put up at the entrance to the MIHS: "No S.B.'s allowed. Enter at the risk of your skin." The letters "S.B." were a reference to the Special Branch or the Security Police.

6.4 Intimidation of pupils: Participation in rioting.

6.4.1 With the first big march on 16 June in Soweto, the leaders and groups, whenever they thought it necessary to do so, forced not only the pupils from their own schools to march with them but also the reluctant scholars at other schools. According to youths and adults who testified, the three main sections of the march stopped at schools en route and forced pupils willynilly to go with them. Their behaviour towards principals and teachers in these cases is dealt with later.

6.4.2 In two criminal cases heard in the Supreme Court in Springs, this form of intimidation came up. The following facts were found to have been proven in the criminal case S v Radebe and another, WLD 228/76. On Thursday, 12 August, the two accused visited classes in the absence of the teachers and addressed the pupils. They said that everyone had to take part in a march to the police station in connection with the detention of fellow pupils. It was not said that those who refused would be assaulted, but that "stragglers would be disciplined." The Court found that, put this way, this threat constituted intimidation that was meant to ensure a full turn-out, which it succeeded in achieving.

6.4.3 In the criminal case S v Rakosa and ten others, TPD 99/77, 10 scholars and a youth were tried in the Supreme Court on a charge of sabotage. In confessions accepted by the Court as evidence, some of them stated that, on Monday, 21 June, they had forced fellow scholars with the aid of pepper and sticks to leave their class-rooms and to take part in the riots.
6.4.4 In Bophuthatswana, pupils from two high schools forced the pupils from another school to start rioting by threatening to burn down the hostel if the boarders were not permitted to join them and if they failed to take part in the riots. At another schools in the former homeland, the principal established during an investigation that his pupils had been intimidated by a similar threat into taking part in riots.

6.4.5 There are several examples of schoolboys who forced schoolgirls to go with them on the rampage. This happened at the St. Chads Bantu School, Ladysmith; in Qwaqwa, the boys hurled stones at the girls because they would not attend a protest meeting. There were also cases of men students’ forcing women students to riot. At the University of Zululand, women were forced out of their rooms early in the morning of 18 June, and during the fierce rioting a group of women who were merely looking on were threatened and forced to take part in the violence. In regard to the part played by students, there was evidence to the effect that students from Fort Hare University had forced pupils at the Mt. Arthur Girls’ School into attempting to start a fire at their school. At the University of the Western Cape, pressure was brought to bear on extramural students to ensure their co-operation in the campaign of protest.

6.4.6 On Monday, 25 October, talks were held between Black scholars and the Coloured pupils of the Salt River High School in Woodstock. It was decided at this meeting that everyone would join in the rioting; the scholars were threatened that the homes of stay-aways would be burned down. These threats apparently had the desired effect.

6.4.7 Even probationers did not escape intimidation. At the Tygerberg and Somerset Hospitals, at the Nico Malan College, and even in the streets, they were intimidated to take part in the demonstrations. Here, too, the retribution with which they were threatened if they refused to co-operate was that their parents’ homes would be burned down.

6.4.8 In Witbank, an unusual case came to light when evidence was led in the criminal case S v Malaza and others, TPD IA/77. The oldest of the accused was a witch-doctor. He had founded an association known as the Black People Society. Members were recruited among the youth. They were subsequently informed that they would be told which plantations and sawmills they had to set on fire. If they did so, they would receive a monetary reward; if they failed to do so, they would be bewitched or put to death. Partly because of their belief in the magical powers of the chairman, extensive damage was done to plantations and sawmills in the area.

6.5 Intimidation of pupils: Boycotting of classes.

6.5.1 Before the-rioting got into top gear, a campaign had been launched to persuade or to force scholars to stay away from their classes at specified times. This organised staying away from classes, which was generally known as a boycott, was started and kept going mainly through the intimidation of pupils. The menacing presence and conduct of their fellows and of others frightened pupils
who did not want to leave their classes or to stay away from school, into going home and staying there.

6.5.2 An official of the Ciskei Education Department, Mr M.M. Mvalo, was directed by his Minister to inquire, among other things, into the disturbances among the scholars in Mdantsane. He testified before the Commission that some youths with whom he had had interviews were frightened; they had told him that they were scared to go to school because they had been threatened that, if they did so, they would be assaulted on the way. At the beginning of the disturbances, this fear was prevalent throughout the country; that it was not unfounded appears from the large number of cases of violence against pupils who wished to attend classes.

6.5.3 In the Peninsula's Black residential area, for instance, young pupils on their way to school were waylaid in the streets and chased back home by the Comrades, who even entered class-rooms and chased out those present. Force was also used in doing so. More dangerous were the intimidators who threw stones at school buildings and scholars to make the boycott effective. Examples have been given in paragraph 6.3.2 of stone-throwing to enforce the boycott on pupils who subsequently wanted to go back to school. On 22 July, pupils from the Khuma Community School in Stilfontein pelted the pupils of the Noziywe School with stones in order to disrupt their classes and to promote the boycott. A dangerous incident took place at the Masebabani School in Port Elizabeth on 21 September, when a Black man stormed into the class-rooms and drove the pupils out with a panga.

6.5.4 Accounts were not always settled so violently, but the threat of physical injury to the victim or the members of his family was generally equally effective. Intimidatory threats included the burning down of parental homes, and at a school in Ktlehong the threat that Black Power would burn the school down was enough to make the pupils flee home in disorder. Very often the retributive measures were not specified, as when intimidation was conveyed in pamphlets or writings, also on walls or blackboards.

6.5.5 During the night of 17 to 18 July, pamphlets were distributed in the Black residential area of Witbank and posted on walls. Some of these read as follows: "This is the second and the last. Nobody back to school - 20 July 1976. Black Power."
"You enter this school at your own risk. By SASO members: No School Students and teachers you will be fired."
"Those who go to school will suffer."
On the East Rand the following warnings were found on Sunday, 8 August:
"Whoever goes to school will see his mother."
"Nobody is going to school tomorrow in Kwa-Thema. Black Power."
"Nobody is going to school especially Zamane."
Zamane is the name of an East Rand higher primary school.

6.6 Intimidation of pupils: Writing of examinations.

6.6.1 Throughout the country, there were pupils whose school attendance was not interrupted at all, or only slightly; they no doubt wanted to pass their examinations for promotion at the end of the year. There were other pupils who,
although they did not attend classes for long periods on end, nevertheless intended to present themselves for the annual examinations. However, certain other pupils who had other ideas made determined efforts to prevent the writing of examinations. The purpose of these actions was not always clear; the result was that many pupils were not able to reap the fruits of their studies.

6.6.2 In the case S v Mabiwa and others, WLD 32/77, the criminal court found on the grounds of evidence, which included an accused's notes, that he had probably used the following words in a speech made to fellow pupils: "Let us not write annual examinations without our desk mates. Be a selfish sell-out and have your head stoned and your home burnt to ashes." At the Moroka High School in Bophuthatswana, pamphlets were scattered on the school grounds and in classrooms the night before the examinations. These read: "Students please don't jeopardise your lives by writing examinations. Presently we are around. SSRC."

6.6.3 This type of intimidation occurred everywhere. School principals stated that many frightened pupils firmly believed that if they were to write examinations, other youths would reckon with them. This was the case even at institutions of higher education. According to reports, a large number of students at the Lovedale College in the Ciskei went home after threats had been made against their lives if they should write their final examinations. However, the authorities conducted examinations everywhere as usual. Only a few examples are given below of the intimidators' actions where pupils presented themselves for examinations.

6.6.4 The Hofmeyr High School in Atteridgeville was attacked on 21 October by masked and armed youths while the pupils were writing examinations. There was a campaign in Alexandra to disrupt examinations and to chase away the pupils participating in them. On 2 November, some 20 Black youths in Alexandra drove pupils writing examinations at the Ithute School from their class-rooms. Windows were also smashed. The same thing happened at four other schools, but at a fifth, the Bovet School, two persons were arrested in connection with such intimidatory acts. They subsequently appeared in the Supreme Court at Springs on a charge of public violence. One of them was convicted and sentenced to imprisonment. Also on the second November and not far from Alexandra, youths tried to prevent the writing of examinations at three schools in the Germiston area. At one of these institutions, the Thokoza Higher Primary School, the pupils drove off the rioters who were throwing stones on the roof of the school.

6.6.5 At a Cape high school with more than 1 000 pupils, 80 per cent of them wanted to write their examinations at the beginning of September. A group of about 160 of their fellow pupils turned up at the school to stop them from doing so. Chaos reigned for a while when the riotous element attacked pupils and teachers. The examinations were eventually continued. There were other places, too, where the intimidators did not achieve their object. At the Maria Louw Senior Secondary School, Queenstown, the pupils asked that examinations should not be held, because they had been unable to prepare themselves owing to the numerous demonstrations. This request was turned down. A second similar request was thereupon made, with the threat that the pupils would boycott the examinations. A
circuit inspector addressed the pupils, the examinations were held, and the candidates took part in them without demur. A group calling themselves "The Matriculants" then sent a circular letter to the parents stating that everyone who wrote examinations would be regarded as a traitor. The pupils carried on with the examinations while the school building was being guarded by the parents, the staff and the school committee.

6.6.6 The following is a case where intimidation was used with the same object but not against the same type of victim. Towards the end of October, examinations were conducted at the Langa High School. The caretaker at the school was threatened that the school would be blown up if the examinations were not discontinued.

6.7 The intimidation of parents.

6.7.1 The case cited in paragraph 6.6.5 is but one example of attempts to involve the parents of school-going children in the disturbances and to get them to bring pressure to bear on pupils to take part in the boycotting of classes and examinations. In October and November, large numbers of scholars returned from schools in Transkei and the homelands to their parental homes in the urban areas. Both schoolchildren and parents were intimidated in this connection. The threats usually were that the homes of the parents would be burned down or that the children would be done physical injury if they were to continue attending the schools or writing examinations there.

6.7.2 In this connection, there was the case of Mr George Ndesi, a witness before the Commission. He was a member of the NRAC. He sent his son to a school in Transkei. The father and the son were threatened, and when the boy was not taken from the school, the father's house in Nyanga was set alight.

6.7.3 This form of intimidation must surely have reached its peak in the following anonymous letter received by the mother of a pupil in Mdantsane. This letter read:

"Dear Mrs Kese
We are very sorry to tell you that, should your son go to the Transkei to write his final exams, he is in shit. That means you can lose him in a terrible way. If he is elusive enough you have other children to deal with. The only advise we are giving you is not to let him go to school. He will be betraying the nation if he goes."

6.8 The intimidation of school principals and teachers.

6.8.1 Because of the importance of education matters among the reasons for the riots and the involvement of scholars in the disturbances, school principals and teachers were often the victims of the intimidators. They were threatened in personal communications, in letters and pamphlets, and in writings on blackboards and placards. Although, by and large, the intimidation was intended to achieve a particular and immediate object, the general aim was to start or to further riots.

6.8.2 The principal was frequently the target of the rioter and the intimidator. Arsonists and stone-throwers concentrated on principals' offices. There was speculation about the reasons for this preference, e.g. that his office was the most important part of the school, that examination papers and other important
documents were kept there, or that the principal personified the authorities or the education system to the rioter. The Commission considers it highly probable that attacks were made on the principal and his office to bring the fact home to him that he was not to oppose the protest and the boycotting of classes and examinations.

6.8.3 Before the start of the march from the Naledi High School on the morning of 16 June, the vice-principal wanted to address the pupils, probably to persuade them not to take part in the demonstration. The organisers would not allow this and chased him away. Afterwards, the group that started marching from the MIHS stopped at schools along the way. One of the leaders would then enter the building and order the principal to close the school so that its pupils could join the march. They were warned that, if they should refuse, they would be beaten up. When the principal of a certain school tried to stop his pupils from leaving, the threatening attitude of the leaders made him flee in terror to his office. Similar incidents frequently occurred on other days and at other places.

6.8.4 There were also physical attacks on school principals. On 15 September, the pupils at a school in Katlehong refused to go to their classes. When they became unruly, the principal addressed them. Their reaction was to pelt him with stones so that he had to flee. Upon his return an hour and a half later, everyone had gone, pupils as well as teachers. A youth was wounded by the police when the Illinge School, Vosloorus, was broken into. A week later, the pupils wanted to know from the principal why this had been done. When they were not satisfied with his explanation, they tried to assault him. However, about 50 schoolgirls shielded him and escorted him home. For the rest, there were also several stone attacks on the homes of principals. One of these took place in Jouberton on 29 June.

6.8.5 Intimidators sometimes tried to involve principals in the rioting. The principal of a school in Kimberley was warned by telephone by an anonymous person that if he did not do something about Afrikaans at his school, he would have to take the consequences. He did nothing and later a fire was started at the school. During a tour of inspection on the East Rand, the following case was brought to the Commission's notice. The principal at one of the schools had been threatened to such an extent by his pupils with boycotts and arson that he gave the Black Power salute at every morning assembly. Should he have refused to do so, the pupils would have started disturbances by refusing to go to their respective classes.

6.8.6 Teachers were also threatened, sometimes jointly with their principal and sometimes separately. When riotous youths wanted to set fire to a policeman's house that stood on the grounds of a school, they first called on the lady principal of the school. Through intimidation, they forbade her and the women teachers from going into the office while they were burning the house and furniture. The police and the fire brigade could not be summoned because the only telephone was in the office. In a disturbance at the Pinagare College in Bophuthatswana at the beginning of June, the principal was assaulted by the pupils. During a Departmental investigation into the matter, a poster was found on the front door
of the College. This poster carried the names of the principal, two White teachers and a Tswana clerk, along with the words: "Take your things and get out. If you are not out before 8 o'clock we wont make another mistake again." While Mr Mvalo, who was mentioned earlier on, was engaged in his investigation in Mdantsane, he discovered one morning that letters had been slipped under the doors of principals' offices. In these letters, principals and teachers were threatened that, if they continued to come to school, they could expect trouble for themselves and their families and at their homes.

6.8.7 Teachers were driven from their class-rooms so that pupils could go and take part in demonstrations, and also so that arrangements could be discussed in connection with further demonstrations and disturbances. At the Salt River High School, White teachers were forced to leave the school grounds while pupils were organising a march; later, their cars were damaged, ostensibly because they had allegedly informed the police about these arrangements.

6.8.8 The following are some examples of threats that appeared on school blackboards and posters. According to the evidence in the case S v Mashinini and others, TPD 154/77, the following warning on a blackboard was addressed to two teachers at the Vlakfontein Technical High School: "Yes, Mr Spies, you do not know your days. You and Mr van Rensburg have killed our brothers, fathers, mothers and sisters. I am warning you not to come to Mamelodi again. There is a bullet waiting for you." At the Thembeka High School in KaNgwane, posters were found that referred to the hostel warden, Mr E. Shabungu, who was also known as Scandal. These posters read:

"Away with you Scandal, you are to be killed soon", and
"Mr Shabungu is waiting to burnt alive. You go from hostel or you die".

Lastly, there was a letter that was posted up at the Makabelane High School, Qwaqwa. This letter contained the following threat to the principal and teachers: "The wind of revolt is blowing everywhere in the country so be careful what you do or say".

6.9 The intimidation of adults: Collaboration.

6.9.1 Early on 16 June, rioters in Soweto began stopping motor vehicles and demanding that the driver and his passengers give the Black Power salute before letting the vehicle and its occupants through. This was a shibboleth in the true sense of the word, because if the salute was not given, the vehicle was attacked, overturned in some cases and set alight, while the occupants had to flee for their own safety. These acts occurred so shortly after the outbreak of the disturbances, and soon became so widespread, that they appeared to be a preplanned stratagem. It was not long either before the drivers of motor vehicles gave this salute when approaching a road-block or a group of rioters in the street.

6.9.2 There were cases where the people who were stopped were not only required to give the salute but also to make a monetary contribution towards the demonstrators' cause. This practice is said to have degenerated in some cases; the people were virtually robbed, and the money was not used for the purpose for which it was said to have been collected. The Commission considers that this extortion of money, which also occurred in other forms, was not a fundamental
feature of the riots and should be regarded as an exception. Nor was it the reason why motor vehicles were stopped and the Black Power salute was required to be given.

6.9.3 There are differences of opinion concerning the objects of this intimidation. The reason may have been that the rioters did not want to antagonise sympathisers by destroying their property, or that they wanted to identify their enemies among the White and Black population. The object may also have been that they wanted to enlist the co-operation of older people;

by making them give the salute, they were made part of the revolt, and a measure of solidarity was created. In this connection, the following incident is illuminating and shows that there was undoubtedly more than one reason for this intimidation.

6.9.4 The Rev. John Hartney, a minister of the DRC, Bonteheuwel, visited his congregation by car on 25 August. Youths who were pelting cars with stones did not interfere with him because, according to him, they could see that he was not White. Later on, he was stopped by a large group of youths and adults, both Coloureds and Blacks. Some of the scholars asked him to give the Black Power salute, which he did. They told him that they would not do him any harm as he was one of them and they were on the look-out for Whites.

6.10 The intimidation of adults: Shebeens.

6.10.1 On 22 November, a certain Mr Ranwedzi Nengwekhulu addressed a general meeting of the International University Exchange Fund in Geneva. After the showing of a film in which Tsietsi Mashinini also appeared, the speaker said that the South African Government had tried in vain for 50 years to root out the shebeens; now, however, no-one was selling liquor any more because the scholars had asked the sellers to stop their liquor trade. The sellers were complying with this request of their own accord and "... not because they have the power to intimidate them - there never has been any intimidation." In this connection the Commission will merely refer to conditions in Nyanga and Soweto.

6.10.2 The anti-shebeen campaign in Nyanga began on 11 October. The nature and the extent of the campaign are dealt with in paragraphs B31.4.3 to 6 and are summarised here. Youths entered houses where they suspected that such shebeens were being run and chased away those found there. People were assaulted, and in some cases robbed of their money. The youths ferreted out and destroyed all the liquor; sometimes they drank some of it themselves. After that, they usually dragged the furniture out and set it alight in the street. Sometimes they set fire to the houses and their entire contents. Such acts were intended to serve as a warning to shebeen owners to heed the Comrades' call for the closing down of the shebeens. After a comparatively quiet November, this campaign was resumed with renewed zeal and destructive-

ness about a week after the address in Geneva. These acts of intimidation reached a climax in December and contributed largely to the tension and the extremely bad feelings that led to the faction fighting and the rioting of the Christmas weekend.
6.10.3 There was a campaign against shebeens in Soweto as well. The Commission will refer to only two cases that were investigated in the case S v Langa, WLD 431/77. The Court found that the accused had been responsible, along with others, for an explosion on 7 November at House No. 863, Mpetla, and for a further explosion on the 29th at the Pelican night-club in Orlando. The judgment reads: "These two explosions were intended to make the owners of the two places of amusement afraid to continue with activities of their own choice, and to compel them to obey the call of the SSRC.” (Translation)

6.10.4 The ban on the use of liquor, especially over the Christmas season, which the youths wanted to be a period of mourning for the victims of the riots, was closely connected with the closing down of the shebeens. An account of the humiliating manner in which this ban was enforced on members of the public appears in paragraph B31.4.5. Shopkeepers were also intimidated, and a shopkeeper in Nyanga who refused to heed the Comrades' call in this connection was called a White man's dog. Because of his refusal to cooperate, his house and his shop, his car and his truck were set on fire in separate incidents. This intimidation, which was designed to compel people to go into mourning or to abstain from drinking, was also found in other parts of the country. Presumably, shopkeepers selling Christmas presents and the like to the public had to suffer for it everywhere. Thus, for instance, Black shopkeepers in Seshego, Lebowa, were threatened with violence on 5 December if they should fail to observe Christmas Day as a day of mourning for the victims of the riots.

6.11 The intimidation of adults: Politics.

6.11.1 The independence of Transkei was to have been celebrated on 16 October in Cape Town as well, and arrangements were made for such a function. There was a strong group who were not in favour of the territory's independence. A day before the celebration, the Black minister who was to have opened the proceedings with a prayer withdrew because he had been threatened that, if he were to do so, his home and his church would be burned down.

6.11.2 The case in the previous paragraph is an example of the acts of intimidation against the so-called stooges or tools of the White man who would not desist from their co-operation. The following incident is yet another example. On 4 August, the home of the chairman of the Urban Bantu Council in Soweto was attacked. Only slight damage was done to the furniture because the police drove off the attackers. The intimidation campaign against Blacks who took part in the proceedings of bodies such as the above-mentioned Council was subsequently stepped up considerably. As stated in paragraph C6.1.3, this campaign, which reached its climax after February 1977, is not dealt with in this Report.

6.12 The intimidation of adults: Isolated cases.

6.12.1 On 5 July, the township manager at Driefontein, Evander, received an anonymous letter threatening him with death and the burning down of his office and house if house rentals were not reduced within two weeks. Apparently, nothing further eventuated in this connection, except that an attack was made on the local BAAB offices five weeks later.
6.12.2 Criminals exploited the fear that was instilled in many members of the Black community by the riots. On one occasion, two men rushed at a woman who was selling chickens near a railway station. They shouted the words "Black Power". The woman took fright and fled, and they stole her chickens. Only three days after the riots had begun, two men forced a lorry in Alexandra to a halt, intimidated its driver, assaulted and robbed him, and also took his lorry. After they had abandoned the vehicle, it was pelted with stones and set on fire by a riotous crowd.

6.12.3 A Coloured witness from the Western Province testified that the reason for the attack on and damaging of his house by rioters was to be sought in his efforts to bring about better relations between Coloureds and Whites.

6.12.4 The usual sanitary services, especially in Soweto, could not be rendered because of the intimidation of the workers. This intimidation took place while the workers were doing their work. In Soweto, for instance, nine vehicles used for the removal of refuse were destroyed. In the Peninsula, the Comrades threatened employees of the Cape Town City Council with physical injury if they should enter the residential area while wearing the Council's overalls.


6.13.1 The following paragraphs deal mainly with intimidation as a means of bringing about and furthering strikes. This intimidation generally assumed the form of threats that went with the announcement of a strike, followed by assaults and stone-throwing attacks on workers on their way to and from work. In the evidence before the Commission, there are a number of general statements concerning this matter. Witnesses who were in touch with Coloured and Black workers in different parts of the country during the riots learned from many of them that they would not have gone on strike had they not been afraid of what might happen to them if they did go to work. An employer testified that he noticed a general fear among his Coloured staff of reprisals against them for continuing their work. In Bonteheuwel, people who wanted to go to work remained at home because they feared that their homes might be burned down, as threatened, if they failed to go on strike.

6.13.2 The Commission feels that this general evidence will not suffice and that it must give a number of examples as well. However, the cases in Nyanga that have been dealt with in paragraphs B31.2.16 and B31.11.8 will not be discussed again. The following two cases were not connected with any particular strikes and may be considered exceptional.

6.13.3 According to a report in a Pretoria newspaper dated 24 June, workers at the Swartkops Air Force base had to endure taunts and stone-throwing by gangs of tsotsis while on their way in the evenings to their homes in Tembisa and Atteridgeville. "Why do you go to work?" was shouted at them. At that stage, no strikes had been declared yet. Although protection was afforded by the police, it was not possible to escort each worker right up to his house, and the attacks were resumed as soon as the police turned back.
6.13.4 The 23-year-old Tom Moses had already been working for two years at a plastics factory in Dal Josafat when he was apparently contacted by students from the UWC on 8 September. He made common cause with them and put up inflammatory posters at his place of employment during the night. On these posters his fellow workers were threatened, even with death, if they did not strike. There was no strike at that time, but one was called shortly afterwards. At about 3 o'clock in the morning of the 9th, Moses set fire to the factory. In the criminal case S v Moses, CPD 404/76, the Court found that the fire had been started as a means of intimidation to cause further confusion.

6.13.5 There was a strike in Soweto early in August, and the police acted when youths tried to prevent workers from leaving the area. A scholar was shot dead. According to a civil case Mandela and Motlana v Tshabango, WLD 88 82/76, a meeting of parents was held on the 8th of that month; a group of leading and responsible parents were not prepared to put up with the intimidation and molestation of workers who refused to strike.

6.13.6 On the same day, plans were worked out in Alexandra to compel workers to take part in a strike for the next three days. Workers were to be intercepted in the morning, and those who did get to their work were to be dealt with in the evening. The strike was planned for the whole country, and on the same day a letter was distributed among parents in the Eastern Cape in which they were told that not a single person was to go to work the next day; those who did go would be risking their lives. During the next two days, there was serious violence and intimidation in Alexandra. Riotous crowds hurled stones at buses and private cars transporting workers. Road-blocks were put up, and traffic in the residential area was virtually brought to a halt. A police task force came upon 12 rioters who were in the act of intimidating and assaulting a construction company's workers at their work. They eventually had to disperse the intimidators with birdshot.

6.13.7 Scholars on the Witwatersrand organised a strike that was to last from 23 to 25 August. On the first day, workers were assaulted at stations, railway property was damaged, obstructions were placed on railway lines, and train services were disrupted so that workers could not get to their places of employment. Those who did succeed in getting to their work were assaulted on their return.

6.13.8 Another country-wide strike was fixed for the middle of September. According to pamphlets in Katlehong, the houses of workers who went to work would be burned down, and in pamphlets distributed among Black and Coloured workers in Cape Town, a warning was issued that non-striking workers would be punished. The SAP announced that they would protect the workers. Patrols were instituted to watch over families and homes. Arrangements were made everywhere for workers to go to and from work in groups. Many of them also took their own weapons along for protection. In conclusion, it may be added that returning workers in Tembisa again had to run the gauntlet of stonethrowing attacks.

6.14 Intimidation by the police.
6.14.1 Allegations of intimidation of members of the public by the SAP are dealt with in several chapters of this Report, e.g. the charge of intimidation in Nyanga in Chapter B31, and of the intimidation of court witnesses in paragraphs 6.16.3 to 5 of this chapter. The Commission does not intend recapitulating or summarising facts and findings. The next few paragraphs deal only with allegations of intimidation to obtain confessions.

6.14.2 In the Supreme Court it seldom happens that an accused who has made a confession will not contest its admissability at his trial. The same thing happened at the trials of persons charged with offences in connection with the riots. Usually, the reason advanced against the admission of the confession was also the same: The confession was not made voluntarily because the police had intimidated or threatened and even assaulted the deponent to get him to make the statement. But there are also other reasons why confessions are not admitted.

6.14.3 The accused in the criminal case S v Dhlamini and another, WLD 138/77, stated in evidence that they had made their confessions because of police assaults. The Court found that the two accused and their witnesses were mendacious and that their testimony was unreliable. Nonetheless, the Court did not admit the confessions because “it has not been proved beyond reasonable doubt that the statements were properly made.”

6.14.4 In all cases in which the police are accused of having obtained a confession by intimidation, a searching and full inquiry is instituted into the matter. This also happened in cases concerning riot offences. After considering relevant cases, the Commission came to the conclusion that no general charge of intimidation of deponents by the police was justified in these cases.

6.15 Intimidation of the police.

6.15.1 The intimidation of the SAP was an important aspect of intimidation during the riots throughout the country. In the succeeding paragraphs, the Commission deals mainly with the persistent and deliberate attempts made by demonstrators, inciters, rioters and others to intimidate the police. Matters that are considered are the extent of the intimidation, the members of the Police Force who were its victims, the planning of intimidation and the way in which it was done, and the reasons for such intimidation.

6.15.2 Although a member or members of the Bureau for State Security and of the South African Railway Police were also acted against, members of the SAP were the real victims of the intimidation. Virtually every encounter between police and demonstrators led to a confrontation, and every confrontation to stone-throwing. Time without number, policemen doing ordinary patrol work were pelted with stones. Their vehicles were frequently overturned and set alight.

6.15.3 Although White members of the Police Force did not escape intimidation completely, it became clear soon after the outbreak of the riots that the intimidators had singled out the Black members of the Force for intimidation. As the threats so often included the injuring of members and their families and the damaging of their property, it was necessary to make up task forces in some areas for the protection of Black policemen, their families and their possessions. In this connection, there was evidence in the criminal case S v Dhlamini and another,
WLD 138/77, that certain Black policemen who were investigating the murder of Dr L.M. Edelstein had to abandon their work because reports were received that their houses were going to be set on fire, and they had to go and protect their families and homes.

6.15.4 The question arises to what extent this intimidation was planned and deliberate. Where the intimidation took the form of generally deterring people from doing their duty, it had been anticipated and also planned by the organisers of the riots. According to the evidence, Tsietsi Mashinini stated, at a discussion of the first march, that if the police were to dare to head off or to attack the demonstrators, the scholars should reply with every weapon at their disposal. Reference was then made to the "African bomb", the stone that could be found everywhere.

6.15.5 The fact that the police sometimes received reports that attacks were going to be made on members of the Force or their property shows that such attacks had been decided upon and planned. In the criminal case S v Moroane and others, TPD 77.05.04, the following came to light. In making arrangements for a demonstration during the funeral of Irene Palatse in Mamelodi, some scholars suggested that the homes of the Black policemen whom they held responsible for her death should be burned down. The scholar from whom this evidence came said that he had spoken against the suggestion because his father was a constable. Apparently this plan was not proceeded with later on. In the criminal case S v Twala and 10 others, WLD 281/78, the finding was that the SSRC had arranged for a group of youths to come together so that they could go to destroy the homes of three policemen. These houses were set on fire.

6.15.6 Methods of intimidation. The threats used by the intimidators assumed different forms. They often warned the police in placards to stay away from a particular school. An example has been given earlier in this chapter. Other warnings read as follows:

"Stay away from Barolong High School".

"No police is allowed to enter here. Risk your own skin".

and

"Ons betoog. Hou die polisie weg".

6.15.7 Attacks on the homes of policemen constituted one of the most serious threats. During the period under discussion, i.e. from 16 June to 28 February 1977, there were 36 such cases. In the Eastern Province, three houses were attacked with petrol bombs on 17 and 18 September; only slight damage was done. An attempt made in June to burn down the home of a policeman in Kwa Thema caused slight damage. On 5 August, a riotous crowd attacked a complex of 17 dwellings for policemen in Tembisa with stones. Scores of window-panes were smashed. There were 13 such cases in Soweto. In all, six houses were gutted by fire. In four cases, incendiaries caused slight damage with petrol bombs, while explosives were used in another case. At one house, a fire completely destroyed the furniture. The thirteenth house was damaged by stones. Damage was done in attacks on two houses in the Western Province.
6.15.8 In a few cases, the stone-throwing attacks on houses led to attacks on the policemen themselves. Before the outbreak of the riots, two attacks on policemen who were carrying out their duties occurred at the Naledi High School. There were numerous similar attacks on policemen in and outside their vehicles.

6.15.9 On 10 August, several task forces had to go to the homes of policemen in Alexandra to escort them to their work or to safety. Rioters walked to and fro in front of their houses and shouted that, if they should leave their houses to go to work, they would be killed. It was not uncommon for a group of rioters to sing as they marched on their way to deal with a policeman. In such songs, the name of the victim, his offence, and the probable punishment were mentioned. In one case in Soweto, they chanted: "Hluni (the policeman's name) is running with Vorster".

6.15.10 Reasons for the intimidation.

There were various reasons for the intimidation of policemen. In the judgment in the case S v Twala and 10 others (supra), it was stated that, like traitors, the Black policemen were "sell-outs" in the eyes of the scholars and had to be driven from the community. In this particular case, the policemen lived in Soweto and consequently had a great deal of confidential information concerning events there. The learned judge stated: "According to the evidence it was argued, to my mind quite correctly, that the inference is irrefutable that the SSRC took the stance that successful intimidation of the Black policemen would result in the drying up of the information well". From this it follows that the intimidation had been planned.

6.15.11 Other reasons for the intimidation also mentioned before the Commission were that it disturbed the men in their work and sapped the striking power of the Police Force. It was hoped that fear would break a policeman's courage so that the rioters could expect only feeble resistance if any. When this did not happen, the intimidation was continued. Finally, many of the rioters and especially the politically oriented fomentors of the riots, believed that a blow at the police, was a blow at the authorities.

6.16 Intimidation: Witnesses in courts of law.

6.16.1 As happened during riots in other countries, the rioters in this country also made their intimidation felt in the administration of justice. Witnesses were their main target. In criminal cases relating to offences committed during the riots, it happened repeatedly that State witnesses deviated from the statements originally made by them to the police, on the strength of which the State had charged the accused and on which it had also based its case. In some cases, there were other witnesses, as well as reliable evidence, that established the guilt of the accused beyond reasonable doubt. Frequently, however, such deviations resulted in the State's not having sufficient evidence and being unable to prove its case. These deviations ranged from denials that any statement had ever been made to a pretended inability to identify the accused or to remember important facts.

6.16.2 Whenever a witness deviates in a trial from a statement previously made by him, he loses some of his reliability as a witness, especially if the reason put forward by him for such deviation is false or simply doubtful. If he had made his earlier statement under oath, he would be committing perjury for which he could
be prosecuted. This may also happen if, in his evidence, he describes his first statement as untrue, only to come back to it afterwards and to say that it was true. But irrespective of whether he is prosecuted, once he has deviated from his statement, his evidence can hardly be accepted, without reservation, as reliable.

6.16.3 Intimidation of witnesses by the police. The excuse usually put forward by witnesses for such departures was that the police had compelled them or forced them by using violence to make the statement which they subsequently described as false. Frequently these charges against the police were not investigated. The reason for this may have been that there was sufficient other evidence, or that the witnesses had proved themselves to be unreliable and that no other evidence was available. Sometimes the Court did have the matter investigated; two cases are important here.

6.16.4 In the criminal case S v Abrahams and 17 others, CPD 126/77, scholars from the Berg River High School at Wellington were tried on charges of sabotage arising from a stone-throwing attack on a White teacher's car and arson at their school. At the trial, three accomplices deviated from their statements. The learned judge had the following to say: "In all the cases it was alleged that the police had prompted them but this allegation is devoid of all truth." (Translation) And: "The court is satisfied that the reason for the deviation was not that the police prompted the witnesses concerned, but that the deviation was the result either of fear for reprisals or sympathy for the accused or possibly both." (Translation)

6.16.5 In his judgment in the case S v Langa (supra), the learned judge said the following in his evaluation of the testimony given by seven accomplices: "Furthermore the court decided that it had to approach the evidence of these witnesses with caution because they alleged that they had been coerced to make statements. The court rejects completely all allegations that any witness was coerced after coming under the supervision of Lieut. Smit, the investigating officer in this case." (Translation) No case in which a court found that a member or members of the Police Force had been responsible for an untrue statement was brought to the Commission's notice.

6.16.6 Intimidation of witnesses by members of their own race. Witnesses sometimes adduced other reasons for deviating from their statements to the police. This happened in the criminal case S v Sexwale and others, TPD 431/77. The witness, who was known as Inch, was an accomplice and was being detained at the time he gave his evidence. After his evidence in chief, which lasted three days, and on the second day of his cross-examination, he informed the Court that he had been coerced by the police to give false evidence against the accused. The presiding judge died before the conclusion of the case. The case was heard de novo. Inch was again called as a witness. He repeated his evidence in chief given at the first trial and described it as the truth. He was now not only an accomplice but, by his own admission, a liar whose evidence could hardly be accepted on its own. The Court found it significant, however, that the long and complicated evidence given by him at the first trial differed only in two minor respects from his evidence at the second trial, and that this evidence was
moreover confirmed by other witnesses in regard to so many aspects and details. Inch gave reasons for describing his evidence as false at the first trial. These reasons are dealt with separately, together with other available evidence.

6.16.7 One of the reasons given by Inch for his first volte-face was that the presence of large crowds of people in and around the court building had had an effect on him. Large numbers usually attend riot trials. In the evidence, there are examples of notices posted up at schools telling scholars to go to the court on certain days when some of their fellow pupils were being tried; in this way they could lend support to the accused. This intimidation by numbers also appears from a report sent to the Commission by a regional magistrate. He had tried five youths on a charge of public violence at a beer-hall that had been broken into and looted. He wrote: "Most of the state witnesses were Black youths. They deviated from their statements to the police. The court was full of Blacks and it was clear that the witnesses were afraid of speaking the truth; some of them said that they were afraid of the people sitting in the court." Four of the accused were discharged, and one was convicted of the theft of a polisher that belonged to the beer-hall. This article had presumably been found in his possession.

6.16.8 According to Inch, members of the public and some of the persons in the Court had given him intimidating signs; this they did by drawing a finger across their throats. He stated that his own sister had also conveyed to him by signs what vengeance he could expect if he gave any further evidence. It sometimes happens at other trials too that people in the Court try to give signs to a witness in the witness-box.

6.16.9 Inch said that he had also been unnerved by the constant singing of ANC songs outside the Court. At one stage, the trial court sat in the same building as the Commission, and the thronging of interested people and the singing of songs were seen and heard. The Commission was informed by some of its officials that the singers sometimes wove the names of witnesses into their songs, thus intimidating the witnesses. This behaviour is comparable to the use of policemen's names in the songs sung by groups on their way to burn down their houses.

6.16.10 The last reason given by Inch for his volte-face at the first trial was that he had overheard a remark by a bystander during an adjournment to the effect that he would get his deserts. The Commission learned of witnesses in other cases who had been threatened, e.g. a 17-year-old who had been threatened in the case S v Banda and eleven others, TPD 76.12.10. In that case, a witness told the court that a White man had threatened him that he would be assaulted when he arrived home. There were major deviations in his evidence as well.

6.16.11 The following two instances of reasons given by witnesses for refusing to give evidence in riot cases are apposite to this discussion of witnesses' reasons for deviating from their statements. In cases of such refusal, the Court usually establishes summarily whether the recalcitrant witness has sufficient lawful excuse for his refusal. The said two cases both occurred in the Durban Supreme Court. A witness, Elija Mqaba, stated that, if he were to testify, other members of his race would look upon him as a "sellout" and would expel him from the community for having betrayed his brothers. This excuse, as well as his statement
that he and his family would be endangered if he were to testify, were not considered adequate by the Court. In the second instance, the excuse put forward by the witness, Musa Ngcobo, that he would be killed if he were to testify, was also not considered adequate. After having been sentenced to imprisonment for his refusal, he did testify in the criminal case. It is possible that these two witnesses had

used their own people's general condemnation of State witnesses as an excuse, and that there had not really been any threats or intimidation.

6.16.12 In certain criminal cases relating to riot offences, it was found that accused persons who had been released on bail interfered with State witnesses. This happened in S v Khubo, TPD 77.02.19. Of course, such interference and subsequent departures from earlier statements can result in the ends of justice being defeated because of collusion and without there having been any intimidation.

6.16.13 Revenge and fear.

According to newspaper reports and replies to questions in the House of Assembly, several persons who had testified in criminal cases relating to the riots were subsequently killed. The Commission has no proof that they were killed because they had testified. There is also evidence that witnesses' houses were blown up and damaged. It is possible that the news of such murders and damage may have motivated witnesses to deviate from statements or to refuse to testify. Many Black witnesses were afraid of the vengeance of their own people. There is no doubt that this fear, and the intimidation, had an adverse effect on the administration of justice so far as riot offences were concerned.

6.17 Intimidation: Witnesses before the Commission.

6.17.1 This matter has been dealt with in Part A, paragraphs 4.1.3 to 7. What was said there, is summarised here with minor additions.

6.17.2 It was said that, because of threats from their own people and the fear of vengeance or victimisation, members of the public would not testify before the Commission. The attack on Credo Mutwa was particularly severe intimidation. Other persons who, in the opinion of the rioters, were opposed to their way of demonstrating or who had any connection, especially as a witness, with the authorities were regarded by the rioters as "sell-outs". Such "sell-outs" had good reason to fear the vengeance of the youthful rioters. In Middelburg (T), pamphlets with the following warning were found during a boycott of classes: "All informers are to be killed". Like anyone

testifying in a court case or making statements to the police, a witness before the Commission is no doubt an "informant".

6.17.3 According to a newspaper report, five houses were burned down in Guguletu by some 500 youths while the crowd chanted: "Revenge: Now you pay!" A police spokesman was reported as saying that the crowd had singled out for targets the homes of policemen and persons whom they thought had testified before the Commission. An investigation, in which this police spokesman could not be traced, brought the following to light. Not ine, but six, houses were
damaged by fire when the furniture was dragged out and burned; a private motor vehicle was also destroyed by fire. Not one of the inhabitants of any of the six houses was a member of the SAP or had been a witness before the Commission. Whether true or not, such a report could naturally have deterred prospective witnesses.

6.17.4 The second reason why witnesses did not want to testify was said to be that they were afraid of victimisation by the authorities and especially by the Security Police. The Commission was unable to find any evidence of such intimidation or victimisation; this matter has been dealt with elsewhere.

6.17.5 Witnesses in the Peninsula told the Commission voluntarily and openly that the police had fought against them, had assaulted them and had shot and killed members of their families and their friends. Nevertheless, not one of them stated under oath that he had been intimidated by the police or an official not to testify. Of course, it is not possible to make a finding that there was not a single case of intimidation with the aim of keeping a witness away from the Commission. The Commission is satisfied that some members of the public indeed had a fear of victimisation. However, the extent and power of this fear were exaggerated. The Commission considers it to have been so slight that it did not prevent any important fact or opinion from being placed before the Commission.

6.18 Intimidation by other persons or bodies.

6.18.1 The Commission also considered allegations that there were other intimidators as well, who were not on the side of the youthful demonstrators. The main group was probably the employers. The evidence in this regard is, inter alia, that employers told contract labourers or Migrants from Nyanga to come to work and not to take part in the riots. Other employers made it known that they were considering withholding strikers' bonuses and their pay for days on which they were on strike. Such cases cannot really be regarded as intimidation; what they were was coercion to put a stop to the rioting. Closely related to this were the reports and announcements that scholars who stayed away from their classes would not be allowed to write examinations. The Commission considers that all these cases cannot be regarded as intimidation, nor did they contribute to the continuation of the riots.

CHAPTER 7: THE ROLE OF THE SAP.

7.1 Introduction.

7.1.1 In Part B of the Report the Commission dealt with the role of the SAP in each of the areas of rioting separately. In this review of police action during the disturbances throughout the country the Commission will not repeat all the relevant facts and the reasons for its decisions and findings. Where it is considered necessary, the numbers of paragraphs in which a matter is discussed are given in brackets. Events before 16 June in Soweto are referred to only briefly in discussing the tense situation that prevailed.

7.1.2 The course of events in the first confrontation between rioters and the SAP serves as a framework for dealing with police action in the riots, and incidents or decisions about matters in other areas are dealt with within this
framework. The actions of the police in Nyanga came in for a special measure of criticism. These actions have been dealt with together with the events in that area, but are mentioned again in this chapter together with a few references to other criticism of police action.

7.2 Duties of the SAP.  
7.2.1 In section 5 of the Police Act, No. 7 of 1958, the main functions of the SAP are defined as follows:  
(a) The preservation of the internal security of the RSA.  
(b) The maintenance of law and order.  
(c) The investigation of any offence or alleged offence.  
(d) The prevention of crime.  
It was therefore clearly the responsibility of the police force to combat the riots. The SAP had special riot squads for this particular task in eighteen towns and cities.  
7.2.2 Sections 7 and 8 of the Riotous Assemblies Act, No. 17 of 1956, contains the following guidelines for the police to follow in dispersing prohibited or riotous gatherings. So far as the matters discussed here are concerned, the commander of the police squad first had to order the persons attending the prohibited riotous gathering to disperse within a time specified by him and to depart from the place of the gathering. If his order was disregarded, he could order his men to disperse the gathering. He could let them use the degree of force that might be needed to disperse the crowd and that would be moderated and proportionate to the circumstances of the case and the object to be attained. So far as firearms and other weapons were concerned, less dangerous weapons had to be used first before the police could proceed to use weapons likely to cause serious injury or even death. If such weapons became necessary, they had to be used with all reasonable caution, without recklessness or negligence, and so as to produce no further injury to any person than was necessary for the attainment of the object.  
7.2.3 Some members of the police force had had special training in dealing with riotous crowds and the combating of riots. After this training they had been placed in the special riot squads referred to above.

7.3 Conditions in Soweto.  
7.3.1 Conditions in Soweto immediately before the outbreak of rioting on 16 June and the first police action against rioters may be summarised as follows: In the few weeks before the riots there were clear signs of brewing unrest. There was violent resistance that testified to mounting tension. Militant youths led scholars in school boycotts, and there were cases of stone-throwing. Speakers and writers warned of impending disturbances; the imminent danger was discussed at meetings and people who were well informed about conditions expressed genuine fear (B3.1.1 to 4 and B3.9.1).  
7.3.2 As a result of good planning, pupils of schools throughout Soweto started with marches early on the 16th. They were to join up with one another later. These gatherings and processions were unlawful (B3.2.1 to 3, B3.10.4 and
C3.2.1). This meant that the police had to attempt to prevent the processions and, if they could not do so, had to stop the marches and disperse the crowds (B3.2.4 and B3.10.5). Even before the first confrontation between demonstrators and the police the marches were no longer peaceful (B3.5.1 to 5 and B3.10.6).

7.4 Prevention of riots.

7.4.1 The police were not aware of the big procession that was to take place. They could therefore not prevent it and in so doing prevent riots (B3.10.2). When it became known that various groups of pupils had left their schools early to march to the Orlando Stadium together in one big procession later, it was too late to restrict them to the grounds of their own schools and prevent the large gathering with its inherent threat to peace and order (B3.9.2). In any case, there were not enough policemen in Soweto to do so.

7.4.2 The start of the riots was different in most other parts of the country, since the police had been forewarned and had taken preventive measures appropriate to the circumstances. In practically all the areas where there was rioting or where disturbances threatened, patrols were set up. During the strikes that followed, police protection was provided for workers on their way to and from work; in this way rebellious elements were prevented from attacking them and causing riots. Scholars who wanted to go to school or write examinations were also sometimes given protection. Throughout the country, houses, other buildings and installations were guarded. There is also evidence that ringleaders and organisers were sometimes detained and riots prevented in this way. Arrests of inciters and participants in incidents of rioting probably prevented further incidents or reduced the number of incidents. In various areas the police were constantly in touch with principals, leaders and even scholars; problems were discussed and resolved where possible so that the reasons for the riots were eliminated. In many cases the police addressed pupils at schools. On one occasion a joint statement was issued by the police and a Bantu advisory board; this had a noticeable effect on the riots in the area concerned.

7.5 Dispersal of crowds.

7.5.1 Because crowds of pupils began gathering everywhere in Soweto, the police had the difficult task of getting the crowds off the streets. This was a problem experienced by the police in other parts of the country shortly afterwards. In Soweto it was no longer possible to divert the various processions or streams of people and the crowd at the OWHS grew bigger and bigger. The colonel who had to disperse this crowd of several thousand excited scholars had only 48 men in his squad. In the whole of Soweto only 300 to 350 members of the police force were available. The mood of the demonstrators also had to be reckoned with. When the police disperse a big crowd, it is easy for the rioters to collect again in smaller groups. These groups also had to be controlled by the police, since small groups that are uncontrolled are just as real a threat to peace and order as a big crowd (B3.9.3).

7.6 Warning to the crowd.

7.6.1 The Commission found that the commander of the squad in Soweto did not succeed in giving the crowd an effective order to disperse and depart from the
place within a specified period. He had no loudhailer with which to make his
voice heard above the noise of the crowd (B3.10.10). The crowd was so big and
the police force so small that the demonstrators would probably not have left the
place where they were gathered, after a warning.

7.6.2 Nevertheless, it often happened on the Rand and elsewhere that groups of
demonstrators dispersed peacefully at the request of the police. Sometimes it was
necessary to explain matters to such crowds before they were prepared to depart.
There were cases where they were promised, before they departed, that their
grievances would be investigated or that detainees would appear in court soon.

7.7 Warning shots.
7.7.1 On various occasions the police fired warning shots to deter rioters from
further riotous action. During the first riots in Soweto the commander of the
police squad did so twice (B3.10.12 and 16). The shots were not aimed directly at
the demonstrators. On the first occasion he used his pistol, and on the second, first
his pistol and then an automatic rifle. Later, when the police were speeding away
from the dangerous position in which they had been encircled, one of the vehicles
stalled. The commanding officer fired for a third time; his object was to deter
rioters from attacking the stationary car.
7.7.2 At various other scenes of rioting, warning shots were fired. It is not clear at
what stage of the dispersal it was usually done; probably the
commanding officer concerned decided according to local circumstances whether
the shots should be fired before or after certain other means had been used. There
is evidence that rifle fire often had the desired effect; it was reported from one
area, where there were many and fierce riots, that the rioters later disregarded
warning shots. So far as events in Nyanga are
concerned, the contention that rifles were used mainly to deter fighters and rioters,
was supported to some extent by a comparison of the number of persons shot
dead, the number of shots fired by the police and the size of the rioting crowds.

7.8 Tear-gas.
7.8.1 Where a request to disperse is not complied with or crowds cannot be
persuaded to depart, tear-gas has always provided a means of dampening the
enthusiasm of demonstrators and making them go home. The police squads in
Soweto had difficulty in reaching a position in which the wind was favourable for
the use of tear-gas and lost time in doing so. This was the position

where they were later surrounded. Their attempts to disperse the big crowd with
tear-gas were in vain. They had no device for throwing the tear-gas grenades up to
or among the rioters. The policemen moved within reach of the stone-throwers
and threw the grenades by hand. Of about ten grenades thrown only one exploded,
and some of the unexploded grenades were thrown back at the police by rioters.
This abortive attempt gave rise to further dissatisfaction and resistance among the
rioters; they intensified their stone-throwing attacks (B3.6.7 and B3.10.11).
7.8.2 The reason why so many tear-gas grenades did not explode that morning in
Soweto has not been established. Probably they were old and the stock had not
been replaced. There is evidence that tear-gas was used at many other places to
disperse crowds; there were only one or two other cases where the grenades did not explode. Tear-gas was not always effective in dispersing people.

7.9 Dogs.

7.9.1 In Soweto, police dogs were also used in efforts to disperse the crowd. No success was achieved. Probably the crowd was too big. The policemen controlling the dogs were endangered themselves and were attacked with stones. When the leads were lengthened, the rioters grabbed them and made control impossible. Two dogs were beaten to death. Later, dogs were again used at a few places. In the South-Western Cape a few scholars were injured by such dogs. Police dogs cannot be considered an important factor in the combating of the riots.

7.10 Batons.

7.10.1 The baton charge in Soweto was undertaken together with the unsuccessful attack by the police dogs and it was only partly successful. The rioters were driven back for a considerable distance but not dispersed. The police returned to their vehicles and the rioters advanced again until they had completely surrounded the police squad (B3.10.14 and 15). It is not clear why the policemen returned to their vehicles or why the vehicles did not follow them. Probably they would then have been in even greater danger since the crowd had not been dispersed. The effectiveness of a baton charge against a large and unruly crowd can therefore not be assessed on the basis of this incident.

7.10.2 Batons were used in various parts of the country. In Katlehong and Thokoza in the East Rand area the police used sjamboks instead of the dangerous batons where young children were involved. It cannot be said with certainty whether the police used sjamboks to disperse young demonstrators at other places as well.

7.11 Firearms.

7.11.1 After the commanding officer had fired warning shots for the second time in Soweto, the lives of the men in the squad were in danger. In desparation a few of the men fired without any order having been given by the commanding officer (B3.10.17). Two demonstrators were killed. One was a young scholar hit by a bullet not intended for him. The other was a seventeenyear-old demonstrator who charged at the man who fired. Another policeman gave evidence that he was grabbed by a demonstrator and managed to free himself only after firing shots into the air (B3.6.10). What follows is a summary of facts and findings from other parts of the Report concerning the SAP's use of firearms to quell the rioting.

7.11.2 Control.

The SAP tried to exercise strict control over the use of firearms by members of the force in combating the riots. In areas where incidents were numerous and of a high intensity and where the police usually acted as a unit, the general instruction was that firearms should be used only on the command of the commanding officer of the unit, usually an officer or a warrant officer. The command would be given only if the use of firearms was the only way to check the rioting or violence or to protect lives or property. During the first riots in Soweto some of the men did not obey this command because their lives were in danger and they were desperate.
7.11.3 The nature of the firearms.
Automatic weapons were used in only a few cases, and such weapons were not used to fire directly at rioters. Initially the police used ordinary rifles with ball ammunition. At the beginning of August it was decided to use birdshot in Alexandra. It is not clear when this type of ammunition began to be used in other areas. That it was generally used is clear from, for instance, the figures from Port Elizabeth, where there were four times as many shotgun discharges as rifle shots. According to the evidence, the use of birdshot has definite advantages over that of ball ammunition in controlling riots. Its range is much wider and at distances beyond some ten metres it is usually not lethal, although it may cause serious injuries. As a deterrent it has the same psychological value if not more. Various witnesses told the Commission that they were hit by a shot or shots, and on further investigation it became clear that they did not know whether they had been hit by ball ammunition or shot. The police were responsible for 14 of the 37 fatalities during the riots in the Black residential areas of the Peninsula in December; in Nyanga four people died from bullet wounds and four from shotgun wounds, in Guguletu two from bullet wounds and two from shotgun wounds and in Langa two from bullet wounds. Presumably the number of fatalities would have been higher had birdshot not been used.

7.11.4 Occurrence.
In several areas the police used no firearms in combating the riots. In other areas, only warning shots were fired and no one was fatally wounded. People were fatally wounded in eleven areas where riots occurred several times and were of a higher intensity. A comparison of the number of shots fired and the number of persons killed and wounded supports the contention that rifle fire was not always directed at the people participating in the riots. Witnesses often stubbornly maintained that police had aimed at them or at other people, while circumstances showed that it was unlikely that they would have been able to distinguish with certainty between shots aimed at people and shots aimed over or next to people.

7.11.5 Circumstances in which firearms were used. The police used firearms in various classes of cases. The following are closely linked: The first case recorded was the dispersal of the unruly crowds at the OWHS. The reason in this case was the maintenance of law and order. This particular case is also mentioned later in a different connection. A further case was the persistant and dangerous incitement of groups of people. There were also cases where human lives and property were protected. For instance, members of the public had to be protected in attacks on shops and on race groups.

7.11.6 Attempts by the police to use firearms to control faction fighting were really aimed at the protection of human lives and property. There were other cases where owners requested the police to protect their shops or buildings against arsonists and looters; mostly the arson had already started by the time the police appeared on the scene, but the looting usually took place in their presence and they acted in accordance with the circumstances of the case.
7.11.7 Where they considered it necessary, the police used firearms to arrest rioters who had committed serious offences. They did this both when the offence had been committed in their presence and when offenders were pointed out to them. The police had difficulty in pursuing offenders; when a police squad was engaged in combating fierce riots, it was not advisable for a member of the squad to pursue a fleeing offender since, if the offender fled in among the crowd or houses, the pursuing policeman could easily be cut off from his squad. This would not only endanger his life, but would also reduce the ability of his squad to take concerted action in combating the riots.

7.11.8 As has been shown, at the first confrontation policemen fired without receiving an order to do so. This matter has been dealt with more than once. It is clear that the policemen used weapons because they feared that the crowd would kill them. During the riots there were constant acts of violence against the police force. The intimidation of policemen was dealt with in the previous chapter (C6.15.1 to 11). There were continual stone-throwing attacks on police patrols, especially on squads engaged in quelling the riots.

Attacks on policemen who were on their own and on police guards at buildings and installations occurred repeatedly.

7.11.9 There were a large variety of reasons for the acts of violence against the police force. The policeman, who maintains law and order, was seen by many as a symbol of the oppressor. In the eyes of the rioters, Black policemen were traitors as well. There were large numbers of tsotsis and skollies among the rioters, and they had no respect for the law and officers of the law. The image of the policeman had been completely destroyed in certain parts of the community. Finally, there were also those among the rioters who attacked the police in revenge for police action against them earlier in the riots.

7.11.10 The question arises whether the attitude to and actions against the police could not have given rise to a similar attitude towards the rioters in some policemen and effected their actions in the riots. There is in fact evidence that the danger of the circumstances resulting from the attacks may have affected the actions of certain policemen. However, there is no proof of a general attitude or individual attitudes of hostility towards the rioters among the police.

7.11.11 Consequences of the use of firearms. The Commission heard evidence of cases where warning shots prevented riots; in contrast, there was also evidence of cases where rioters took no notice of warning shots. In various cases rifle shots fired over or at rioters meant the end of rioting. It is not possible to determine with any degree of certainty the extent to which the use of firearms prevented or put a stop to riots, especially because the intentions of the rioters concerned and the measure of their zeal or their fear of firearms could not be gauged. It is, however, clear from the evidence that riots were often stopped after shots had been fired.

7.21.12 The most serious consequences of the use of firearms were the resultant fatalities and injuries. Annexure F is a list of those who died in the riots. Every policeman was aware of the fact that every unnatural death has to be investigated by law. In the annexure referred to, the findings of
the courts conducting the inquests in all the cases are given. In no known case was it found that a policeman using a firearm during the riots was criminally responsible for the death of one of the people concerned. It is appropriate to quote one of the findings here: At such an inquest into 26 cases in Port Elizabeth the court declared that the police had acted selectively in self-defence or to protect community interests, or had acted to effect the arrest of looters and persons guilty of violence. Certain difficulties in connection with the inquests are dealt with in the above-mentioned annexure and in Chapter D2. The indemnification of policemen for steps taken by them in good faith during the riots and the relevant legislation are referred to in paragraph B31.10.11.

7.11.13 Exceptional cases.
In the chaos of the riots people were hit by accident and even killed. In one case a shop-owner was taken for a looter and shot dead. There were several cases of bystanders and passers-by being hit by shots and even killed, and of ricochet shots hitting innocent people. A few cases that cannot be explained are mentioned in the Report, such as that of the clergyman in Pretoria who was fired at. The Commission considers the cases mentioned in this paragraph to be exceptions that do not point to a line of action; some of these cases are referred to in the findings later in this chapter.

7.12 Criticism of the SAP's handling of the riots.
7.12.1 There was a good deal of criticism of the SAP's handling of the riots and the rioters. Sometimes witnesses differed diametrically in their criticism concerning the same incident or situation. One would say that the police action in a particular case had been correct whereas another would allege that their actions left much to be desired in the same case. There was criticism of general matters such as incorrect training, the wrong weapons, the wrong clothing and a wrong attitude. Where an evaluation of the criticism could make any contribution to the findings of the inquiry, the Commission has dealt with the matter in the Report. The same holds for criticism in regard to specific cases and matters.

7.12.2 The Commission will quote a few cases. A newspaper reporter gave evidence that, late at night at the beginning of the riots, he saw the bodies of rioters lying uncovered outside the Orlando police station and later saw scholars who had been arrested being compelled by the police to load the bodies into a mortuary van. This news was published and elicited severe criticism. The matter was investigated in loco by the Commission. The station building consisted of a few rooms, all of which were crammed with people detained in connection with the riots. It is true that the bodies were lying outside while the mortuary van was awaited, since the room usually used for bodies was far too small on that occasion. Some of the bodies were uncovered because there were not enough blankets to cover them all. Of the policemen who had been on duty at the station that evening, only one was still in the police force. He did not see children loading the bodies into the mortuary van and stated that the driver of the van was responsible for loading the bodies; this man could not be traced. The Commission did not obtain further evidence about this matter.
7.12.3 The same reporter was also responsible for a report that arrested scholars had been forced by a policeman that night to do exercises outside in the cold. The sergeant referred to above did not see this incident either, but explained that it had been cold and that the policeman had probably made the scholars do exercises to warm them up. After considering all the circumstances the Commission does not find this explanation far-fetched.

7.12.4 Criticism of police action in Nyanga was so severe that the Commission treated the allegations as accusations and will quote some here. The serious accusations against the police were made by the Ministers' Fraternal of Langa, Guguletu and Nyanga and by residents of Nyanga who gave evidence. All the accusations were investigated and discussed in Chapter B31. A number of findings about these accusations are first summarised here and then a short list is given of references to the paragraphs in which other accusations are discussed.

7.12.5 The facts and findings may be summed up as follows: There was no agreement between the police and the Migrants to fight together against the Residents or Comrades; nor did they do so. The police did not incite the Migrants to take part in the faction fighting against the others. The actions of the police in connection with these riots were limited to their efforts to subdue the riots, to protect life and property, to avert faction fighting and to stop fights that were already in progress. Whenever it was necessary to restore and stabilise peace, the police fired rifles and shotguns over and at rioters without regard to the group or faction to which the rioter, fighter, assaulter, arsonist or stone-thrower concerned belonged. Their object was to maintain peace and not to prevent the Residents from protecting their families and houses, nor to favour one faction over another. Police officers negotiated with the factions, took part in peace talks and assisted in the last, successful peace effort.

7.12.6 The following are some references to further findings in connection with the riots in Nyanga:
- Spreading of false reports - paragraph B31.11.7.
- Training of Migrants in the making and use of incendiary bombs paragraph B31.11.10.
- Exploitation of the tensions in Nyanga - paragraph B31.11.11.
- Summary - B31.13.10, B31.15.5 and 6.

7.13 Further findings.
7.13.1 The Soweto police did not realise the importance of the clear portents of disturbances and resistance before 16 June. They were therefore unaware of the preparations for the march, and on the 16th they were therefore unprepared as regards manpower, equipment and frame of mind for such a demonstration. The fact that they were unprepared meant that they had practically no control over the rioters and the rioting. The Commission does not wish to speculate about what would have happened had the police been prepared and had they been able to control the situation.
7.13.2 On that day, a small group of policemen tried to maintain and restore peace to the best of their ability. Despite their lack of men, equipment and preparation, they did not panic, and succeeded in stopping the march. However, they could not quell the rioting.

7.13.3 The police force acquitted itself very well in executing its duty, viz to quell the riots and control the rioters, in the face of exceptional, difficult and dangerous circumstances.

7.13.4 The SAP's policy in combating the riots was, in the first place, to prevent all outbreaks of rioting. In the second place, they tried to persuade rioters not to use violence. Where this did not succeed, the police themselves used force, but only as much as was needed to maintain or restore peace and order, to protect lives and property and to carry out arrests. Rioters were not treated roughly, but firmly. It is possible that there may have been exceptional cases where a particular policeman went too far because of his own mental make-up or because of specific circumstances. The evidence does not justify a finding that there were deliberate and impermissible assaults by members of the police force.

7.13.5 In using firearms, it was never the policy of the police force to shoot rioters indiscriminately, nor did this happen. Firearms were used in accordance with the policy mentioned above. Here, again, there may have been exceptions, where, as a result of an error of judgment, excitement, overreaction, pressure of circumstances or fear, members of the force might have been too quick to pull the trigger or might have fired before being quite sure that people who were not involved would not be hit. In these cases, as in many others, the police acted conscientiously and purposefully, sometimes under great pressure and in danger.

CHAPTER 8 : VIOLENCE.

8.1 Introduction.

8.1.1 In this chapter the Commission will deal only with acts of violence committed by those who were rioting. Acts of violence by the SAP in combating the riots were discussed in Chapter C7 and violent action by private persons in combating the riots have been referred to in Chapter C5 and elsewhere.

8.1.2 The violence that broke out in Soweto on 16 June quickly spread to surrounding areas on the Rand and then to all parts of the country. It reached the homelands in the north, the University of Zululand in the east and Port Elizabeth and the Peninsula in the south.

8.2 The nature of the violence.

8.2.1 Public violence occurred when crowds gathered and became unruly. Usually scholars staged demonstrations and marches and were joined by other youths and adults. The atmosphere was charged with emotion as a result of the reason for the march, the whipping up of the crowd or previous experience. When the crowd was then confronted by the police, violence started with attacks on the police. Often no march or demonstrating scholars were needed to make people form crowds, and often crowds became violent before the police arrived.

8.2.2 When the police dispersed large crowds, the rioters usually formed smaller groups; these small groups were out to commit violence. Often small groups gathered with the deliberate purpose of committing some act of violence or other,
such as throwing stones at buildings or cars or people. Individuals were frequently responsible for acts of violence such as arson and explosions.

8.2.3 Stone-throwing was often the beginning and only form of violence in the riots, for the "African bomb" was available almost everywhere, and people and vehicles were easy targets. But it was also easy to start a fire with a petrol bomb or to break into and loot a building. Certain groups of rioters were inclined to loot and, if the building concerned was a liquor outlet, the violence reached a high level of intensity because the looters almost always drank some of the liquor on the spot.

8.2.4 Throwing stones at the police was sometimes the first reaction of demonstrators when the riot squad or a patrol appeared on the scene. These attacks were often fierce and dangerous. But there were also deliberate attacks on other people. Examples are the violence accompanying intimidation and the attacks on Whites in Soweto. The stormy violence in battles in the faction fighting in Soweto and Nyanga made these riots some of the fiercest of all. They raged for days. In Nyanga, especially, there was a total war in which men, women and children took part; every available weapon was used to attack, to defend or to take revenge. The acts of great cruelty and violence that were committed and the fact that the fights escalated into an almost frenzied rampage are mentioned elsewhere. These fights were bigger, more cruel, bloodier and fiercer than the tribal faction fights that still often occur in this country.

8.2.5 A few months after the start of the riots there were also cases of sabotage and urban terrorism. Bombs exploded in buildings and on railway lines. Sometimes the bombs were noticed in time and defused. Some of those who took part in this form of disturbance were Blacks who had received training abroad and returned to South Africa to commit acts of violence in a struggle to overthrow the Government.

8.3 Motives.

8.3.1 The Commission makes no findings on the existence of psychological motives, on the tendencies of certain races and groups to settle disputes by violent means, or on insinuations that some of the participants, groups and races were disposed to violence. There is not sufficient evidence that these factors were causes of the riots. If there were such motives, tendencies or conditions, those who wanted to bring about chaos would have known how to exploit them; the cause would then have to be sought with those who did the exploiting. However, the Commission does wish to mention that tsotsis, skollies and vagrants in general showed a tendency towards crime and violence. Where they constituted a large proportion of a rioting group, their contempt for justice and the law and their urge to commit crime and demonstrate their power probably carried the others along to further and worse riots and violence.

8.3.2 There was general evidence that Blacks believed that negotiations were useless and the ballot box beyond their reach; that is why they wanted to force essential changes in the political dispensation by violence or even bring the Government to a fall in this way. It was said further that inhabitants who were
otherwise stable were forced to violence by dissatisfaction and frustration. There was no evidence of specific cases in which such convictions and feelings alone were responsible for acts of violence.

8.3.3 Intimidation was undoubtedly a cause of violence, both in itself and in the reaction against it. In the Report, examples are also given of one group intimidating another into taking part in riots and acts of violence. In some cases personal grievances and disputes supplied the motive for acts of violence. The force of example cannot be left out of account. Furthermore, there was the glorification of violence and of people who took violent action; because violence and acts of violence were often written and talked about without noticeable disapprobation, the misdeeds of the violent sometimes became feats worthy of emulation in the eyes of young people. Finally, there was the role played by agitators and inciters. When the first big march was organised, it was suggested that the demonstrators should meet the lawful actions of the police with violence. Agitators often incited demonstrators to violence and were often responsible for the riots becoming more turbulent and more violent.

8.4 Targets.

8.4.1 Acts of violence were committed against people of all races and classes. On the first day in Soweto there were stone-throwing attacks on the police. Later these attacks became fiercer and policemen also became the target of violent action by intimidators. There were threats that they, as "sell-outs", their families and their homes would be attacked. Examples are discussed elsewhere in the Report. The first day of the rioting was also characterised by attacks on Whites; two of these attacks were fatal, and if other victims had not been saved they would at the very least have sustained serious injuries. There were no further deliberate attacks on Whites because they were Whites. When stone-throwers concentrated on cars, the Black Power salute sometimes ensured a safe passage. Often, however, the attacks took place at night, and then cars were attacked indiscriminately; White as well as Black occupants were injured, and in a few cases the injuries were serious or even fatal.

8.4.2 Rioters committed acts of violence against those who disagreed with them. There are scores of examples. In paragraph C8.2.4 the faction fighting in Nyanga and Soweto was mentioned. In the former area there was also violent action against those who did not obey the orders of the Comrades as far as the consumption of liquor, celebrations and the attendance of a memorial service were concerned. In the same area, as in Soweto, there were acts of violence against the owners of shebeens. Shop-owners were threatened and attacked. Throughout the country, the rioters used violence to try to force workers who did not want to join in illegal strikes, to stay at home. Finally, it is reported elsewhere how violence was committed against witnesses and prospective witnesses in the law courts and before the Commission. These acts of violence were connected with an intimidation campaign, and one of the worst examples so far as the Commission's witnesses were concerned, is to be found in the attacks on Credo Mutwa.
8.4.3 All kinds of buildings were set alight and destroyed, pelted with stones or broken into and looted. It was said in evidence that rioters had destroyed buildings because they were regarded as symbols of the Government and its policy. This explanation is inadequate. It may apply to BAAB offices, liquor outlets and universities. So far as the liquor outlets were concerned, it was also alleged that they had been destroyed because parents squandered all their money there. This matter is dealt with elsewhere. It remains difficult to understand the attacks on educational institutions; they may be symbols of Government policy, but they are also symbols of knowledge and civilisation. Moreover, these buildings, like libraries, banks and clinics, were erected for the benefit of Blacks. Why they were destroyed, remains a mystery. A callous explanation of the destruction of clinics was that injured rioters could be traced there by the police; this explanation is not accepted. Nor is there an acceptable explanation for the damaging and devastation of church buildings throughout the country, unless the destruction was inspired by people who wanted chaos and saw an opponent in religion.

8.4.4 The Commission expresses the opinion elsewhere that indiscriminate attacks on buildings cannot be attributed to unbridled or uncontrollable vandalism. It was pointed out that the students in Zululand decided not to attack a post office near their campus, since their money was paid out to them there. It is also striking in this connection that the offices where pensions are paid out to Blacks in Soweto were never attacked during the riots; the payment of pensions proceeded without disruption.

8.4.5 The attacks, which were sometimes very violent, on houses and shops belonging to Blacks must be attributed to the fact that the owners were regarded as "sell-outs" or collaborators with the authorities and Whites. The reason why sawmills and plantations were burnt down in the Eastern Transvaal was probably that the members of the Black Power Society wanted to cause the White owners damage, even though it would leave their fellow Blacks unemployed; moreover, the fires there were connected with arson at schools.

8.4.6 Movable property was also damaged and destroyed by rioters. Furniture was often dragged out into the street from houses where shebeens were run and then set alight. It is estimated that the damage done in this way in Nyanga averaged R650 per house. This violent action formed part of the anti-shebeen campaign, but no explanation or excuse was even given for the stone-throwing attacks on passing cars. The last form of violence for which there was no explanation, was that which accompanied the robbing and looting of shops.

CHAPTER 9: THE SCHOOL BOYCOTT.

9.1 Introduction.

9.1.1 The refusal by pupils to attend their classes, which was known as the school boycott during the period of rioting, was one of the most important elements in the riots. It not only led later to the examination boycott, but also gave rise to riots, violence and intimidation. It has been dealt with in the discussion of almost every feature of the riots. In this chapter, therefore, only a summary of the evidence relating to the school boycott is given.
9.1.2 Even before the riots started, there were class boycotts, and by the end of May an estimated 2 000 pupils in Soweto were not attending their classes. The reason given by the scholars for their failure to attend classes was the alleged compulsory use of Afrikaans as a medium of instruction. Since school attendance was not compulsory for Black children, the police did not take steps against them. Only when violence broke out, did the police intervene.

9.2 The boycott.

9.2.1 The big march was planned for 16 June; this was the day on which the mid-year examinations were to begin in secondary schools in Soweto. Thousands of pupils left their class-rooms, voluntarily or under compulsion, to take part in the march. Apparently they expected to be back at school the next day, but the results of the march surprised everyone: The organisers and their organisations, schoolchildren and teachers, the police and officials of government bodies. Even by the beginning of 1977, school attendance was not yet back to normal and satisfactory.

9.2.2 With a few exceptions, there were school boycotts at the Black and Coloured schools in all the riot-torn areas. The scholars' action was especially effective in Soweto, on the Rand and in the Peninsula. In Soweto the schools were not closed officially for long, but the attendance figure took some time to return to 50%. When the matriculation examination began at the end of October, the examination rooms were almost empty. There was still intimidation, and pupils were even driven out of class-rooms. Attendance began to improve slowly at the beginning of 1977, and pupils sat the promotion examinations half reluctantly. In the Peninsula, where the most violent riots broke out later, Black secondary and higher primary schools were officially closed in August; they did not reopen until 5 January 1977.

9.2.3 In many other urban areas conditions were not so serious. According to the evidence, certain schools in Port Elizabeth and East London were closed for only a few days, after which the normal school calendar could be followed. It was reported that in Mamelodi, near Pretoria, pupils continued their examinations without interruption. In the rural areas, in general, things were even quieter. Sporadic cases of class and examination boycotts, which did not last long, occurred mainly at the beginning of the second semester when pupils living in urban areas, especially Soweto, returned to school from their homes.

9.3 Violence.

9.3.1 The school boycotts were accompanied by violence almost without exception. The sequence was the same almost everywhere: Demonstrations, marches, others joining in, confrontation with the police, stone-throwing and further acts of violence. This happened in the urban areas and on the platteland. In addition, the continuation of the boycotts was ensured by intimidation, which was often violent. Not only pupils, but their parents too, were intimidated. This intimidation is discussed in Chapter C6.

9.4 Reasons and objectives.

9.4.1 The school boycott started as a protest against Afrikaans as a medium of instruction. Sometimes it was referred to as the compulsory use of Afrikaans as a
medium of instruction. The way in which this primary reason for the boycott and the riots ceased to exist early on was discussed in Chapter B4. According to the evidence and placards used during demonstrations the dissatisfaction about Afrikaans as a medium of instruction turned into an objection to Afrikaans as a subject and as a language. Some of the slogans about the language were insulting and obscene. Afrikaans was also sometimes called the language of the oppressors, and the next development was hostility towards Afrikaans-speaking people. Developments did not take the same course everywhere, and towards the end of the year the SSRC announced that pupils would not return to school or write examinations before Afrikaans had been abolished as a medium of instruction. At the same time, a strong feeling was building up against the whole system of Bantu education.

9.4.2 Throughout the country, Black pupils and academics, supported by White experts, attacked the system of Bantu education. The objections began with the introduction of this form of education; it was said that the purpose had been merely to train the Black child for the labour market, and to make or to keep him a slave to the White man. There were also complaints about the quality of the education, the teachers, the buildings and the equipment. There were demands for free and compulsory education. All these matters are dealt with elsewhere in the Report; they are mentioned here only as being part of the campaign that promoted the school boycott.

9.4.3 Another reason for and object of the school boycott was for the pupils to show solidarity with Soweto in this way. One placard at a demonstration read: "In solidarity we reject Afrikaans." At another demonstration there was the following slogan: "By solidarity we shall overcome. Let's all say ... away with Black Education." In the rural areas, local grievances were mostly the reason for the failure to attend classes; where such grievances could be eliminated, pupils usually resumed their classes.

9.4.4 The examination boycott was a continuation or a consequence of the school boycott; many pupils did not prepare for the examinations during the disturbances. At one school, activities in connection with the disturbances were advanced as the reason for a request by the pupils that the examinations should be postponed, and when the request was refused, the pupils threatened an examination boycott.

9.4.5 To sum up, the Commission finds that the main reason for the school boycott was dissatisfaction with Bantu education and especially the use of Afrikaans in the schools, and that the objective was to obtain a different kind of education. Whether the dissatisfaction was spontaneous or had been fomented is not relevant here, nor whether the pupils and some adults who expressed their views on the matter had any clear idea of the system and content of the education they wanted.

9.5 Termination of the boycott.

9.5.1 In some parts of the country efforts to put a stop to the school boycott were fruitless. Black leaders and organisations requested and advised pupils on several
occasions to return to school; officials of the Department did their best to improve school attendance. The Commission is of the opinion that several utterances by officials that were represented as threats were not conducive to the success of these efforts. Early in August, one of the youth leaders was present at a meeting of a parents' association, and on that occasion he supported a request to pupils to go back to school. It was later alleged that this youth leader had wanted the pupils at the schools merely so as to arrange demonstrations. Developments showed that this was probably his motive. It was striking that the school boycott lasted longest in areas where organisations such as the SSRC were most active.

9.5.2 The question arose why parents did not apply stricter discipline and compel their children to go to school. Some parents in fact did so. However, there was no concerted action by or solidarity among the parents. In addition, circumstances made such action very difficult. In many homes both the father and the mother went out to work during the day and the influence of vagrants and pupils who were not attending school was probably stronger than parental discipline. What aggravated the problem, was that parents and pupils were threatened by intimidators. Parents feared that they and their children would not only be abused as "sell-outs", but that they would all risk losing their lives and having their property destroyed if the children returned to school.

CHAPTER 10: STRIKES.

10.1 Occurrence.

10.1.1 Strikes were one of the features of the riots. They were localised and occurred, inter alia, in Soweto and on the Witwatersrand, in the Peninsula and its environs, and in Port Elizabeth. Planned country-wide strikes failed.

10.2 Legality.

10.2.1 All the strikes that occurred during the period under discussion were unlawful in terms of section 65 of the Industrial Conciliation Act, No. 28 of 1956. The intimidation of workers that occurred in all the strikes constituted a contravention of section 10 of the Riotous Assemblies Act, No. 17 of 1956.

10.3 Calling of strikes.

10.3.1 Not one of the strikes was requested or called by workers or a workers' organisation. In all cases they were organised and announced by youthful rioters. There is vague evidence of their having been assisted by a few adults, but the youths in the SSRC and the Comrades group are really the ones who must bear responsibility for the strikes in their respective areas.

10.3.2 Members of these two organisations put up posters announcing the strikes, distributed pamphlets containing details, and spread the news further by word of mouth. They explained to workers what they would do to those who did not take part in the strike and tried to go to work. They were also the ones who made the necessary arrangements to intercept workers on their way to work.

10.4 The object of the strikes.

10.4.1 The obvious object was ultimately to paralyse the national economy and to cause the downfall of the Government in that way. Once conditions had become chaotic, the constitutional system could be changed. Whether the youths explained the objectives to the workers in this way is not known. There were
workers who were under the impression that, by striking, they could bring their grievances to the notice of the authorities and employers. One of these grievances was inadequate salaries, but apparently this was not stated explicitly anywhere. However, in some parts of the country the strikers made it clear that their actions were not aimed at their employers.

10.4.2 What is of importance to this inquiry is that the strikes were designed to involve adults in the riots and that a series of successful strikes would expose the Government's weakness to the world. Through intimidation, which was essential, the youths sometimes succeeded in getting adult support and also in starting more and more violent riots.

10.5 Enforcement of the strikes.

10.5.1 The strikes could never have succeeded without intimidation. Chapter 6 of this Part deals with the intimidation of the reluctant striker, and intimidation in places such as Soweto and Nyanga is discussed elsewhere. To sum up, the following may be stated here: Workers were warned beforehand not to go to work; on the day of the strike, they were intercepted on their way to work; bus and train services were disrupted, and car trips were made hazardous; workers were harassed at work; on their return, retribution was meted out to them for going to work.

10.5.2 The SAP mostly succeeded in protecting workers, and this soon brought the strikes to an end.

10.6 The success of the strikes.

10.6.1 The success of a strike depends upon the number of workers taking part in it and upon the concessions made by employers in response to the workers' demands. In the former respect, the strikes were only partly successful; in the latter, they were a failure.

10.6.2 Accurate figures of participation in the strikes were not available. Such figures as were obtained could not be checked by the Commission. At some industries in Cape Town, the attendance rate was as high as 60%, whereas it dropped as low as 20% at others. At the harbour, the figures varied from 80% to 10% in different sections. Details of the strike in Cape Town appear in paragraphs B30.17.1 to 7. According to reports, the attendance at places farther away from Cape Town was considerably higher. According to the available estimates made of the strikes in Soweto, there was a 40% attendance during the first strike and attendances of 25% during both the second and third strikes. There were other estimates that gave a higher attendance rate. As happened in Cape Town, attendance picked up considerably on the second day of the strike in Soweto. Eventually, workers apparently did not take any part at all in a planned country-wide strike.

10.6.3 As no demands were put to employers, the success of the strikes cannot be gauged by concessions made. As has been indicated, there were other objectives as well. In a leaflet announcing a strike, the Comrades stated: "If the last strike injured the economy, this one, at this time, will cripple it." The previous strike had not done any significant harm to the national economy, and the one that was
then announced did not paralyse the economy, nor was the country plunged into chaos. What the outside world thought of the strikes has not been dealt with; however, the world cannot have thought that the South African Government had lost control over the country's economy. It may be that the youthful rioters succeeded in obtaining limited support and co-operation in one or two areas, but even this possible support was a doubtful advantage. From every point of view the strikes were a failure.

10.7 Reasons for the failure.

10.7.1 The contract labourers were never in favour of strikes; they were in the urban areas to earn money, and only stayed at home when they were expecting their quarters to be attacked by riotous residents and youths. In many cases, employers acted firmly and let it be known that they were not going to pay their employers for days on which they were absent during a strike, or that they might withhold the annual bonuses. Another important reason for the failure of the strikes was that the police afforded effective protection to people on their way to and from work. Some workers went to work with weapons to defend themselves against attacks by the youths. They also went in groups. Workers on the East Rand found advice on how to protect themselves in anti-strike pamphlets drawn up by unknown persons and distributed among them.

10.8 Consequences of the strikes.

10.8.1 Because of the accompanying intimidation and violence, there were always fierce riots during the strikes. These riots were usually also of a much higher intensity than the others. The worst consequences of the strikes were that they gave rise to bloody faction fighting between permanent residents and migrant labourers in Nyanga and Soweto. Because the riots were so violent, the number of people who were fatally wounded in the combating of the riots was particularly high.

10.8.2 It is possible that, through the strikes, the rioters obtained limited support from adults in certain areas, but the Commission considers that, because of the failure of the strikes, a large number of adults lost faith in the youthful rioters and no longer believed them capable of bringing about their so-called liberation.

CHAPTER 11 : AGITATION AND INCITEMENT.

11.1 Introduction.

11.1.1 This chapter on agitation and incitement includes all incitory acts; the discussion ranges from the actions of a person who stirs up unrest in peaceful circumstances to those of a person who urges on rioters to further violence.

11.1.2 Public speakers as well as persons who testified before the Commission said that the riots of 16 June in Soweto had erupted spontaneously and that the rioting that occurred elsewhere after that also broke out spontaneously. There is convincing proof that this was not the case. The first disturbances were the outcome of organisation and the agitation that accompanied it. So far as the rest of the country is concerned, it may be said that there was virtually no riot-torn area from which some evidence of agitation did not come.

11.1.3 In these riots, agitation manifested itself in organisation and in intimidation, which is really only agitation under duress. Its vehicle was
pamphlets, speeches and the propagation of Black Consciousness. It took place at
divine services. The agitators were strangers who came from other cities and
towns, scholars and students, adults, and people who moved among the riotous
crowds. Agitation was concerned with action in the riots, with schools and
examination boycotts, and strikes.

11.2 Organisation.
11.2.1 The march was planned somewhat hurriedly but nevertheless thoroughly.
The pupils were told what their placards were to be about and why they were
going to march. The organisers expected that the police, in the execution of their
duties, would intercept the demonstrators because the gathering was unlawful.
Their advice to the pupils was not to disperse peacefully if such a confrontation
took place, but to resist the police with the "African bomb" and other available
weapons. This incitement to violence was augmented by the activities of inciters
in front of groups during the march. The big demonstrations that took place later
on, such as the planned march on John Vorster Square on 4 August and the
demonstration during Dr Kissinger's visit on 17 September, were also organised,
and pupils were incited into taking part by the speeches of leaders and organisers.

11.3 Intimidation.
11.3.1 On the first day, various groups of pupils were intimidated into taking part
in the march. Intimidation and all its features have already been dealt with in
Chapter C6.

11.4 Pamphlets.
11.4.1 Inflammatory pamphlets were used in many areas. The best example of
such a pamphlet is the one that was prepared by UWC students and distributed
widely) in the Black residential area in the Peninsula there were disturbances
within 48 hours of the distribution of this pamphlet. Another one that had an
exceptional impact was used by the accused in the case S v Mohamme, WLD
60/77, to inflame Blacks in a shop in the centre of Johannesburg. Strikes and other
riotous activities were often preceded by the distribution of pamphlets.

11.5 Speeches.
11.5.1 All over the country, leaders of organisations and groups addressed people
about their grievances and the riots. Sometimes they merely praised the conduct
of rioting pupils, but at other times they tried to induce their listeners to take
forceful steps to achieve their aim. Leaders and members of SASM, the Action
Committee and the SSRC addressed schoolchildren at schools and even in their
class-rooms about the reasons and arrangements for the first march, and about
related matters. In other circumstances, groups who were
ready to demonstrate or were already demonstrating were urged on to further
action by inciters.

11.6 Black Consciousness.
11.6.1 In a press interview abroad, Motapanyane said that Black Consciousness
was a useful aid in making scholars politically aware. It was clear from the
evidence before the Commission that many youths regarded Black Consciousness
and Black Power as virtually synonymous. Thus the Black Power salute and slogan became a special signal to riotous crowds to act in concert.

11.7 Divine services.

11.7.1 As will be shown later in Chapter C18, the Houses of Parliament in Bophuthatswana were burned down after a prayer meeting where inflammatory poems had been recited and freedom songs sung. It was not possible in every case to establish what had happened and had been said at these services, but rioting and violence by those who had attended, often followed prayer meetings. In the Black residential area in the Peninsula, this happened several times, and a climax was reached when bloody fighting erupted after a memorial service in Nyanga. It also emerges clearly from the evidence that agitators created and exploited religious occasions. This happened, for instance, on the campus of the University of Zululand on 17 June.

11.8 Agitators: Strangers.

11.8.1 Witnesses from the riot-torn areas repeated almost ad nauseum that strangers had been spotted in the neighbourhood either shortly before or during disturbances in those areas. The Commission is aware that this extenuating circumstance was sometimes overemphasised in the interests of local offenders. Nevertheless, the witnesses described cars with foreign and false registration plates and frequently also furnished particulars of unknown passengers. In his evidence, a youth described how a passenger in a Kombi from elsewhere had asked him in a country town to go along with him to burn down schools and teachers’ houses in Sekhukhuneland. These strangers were seen in hostels, at schools and even during the riots and violence. They not only stirred up the scholars, but also incited and led them.

11.9 Agitators: Scholars.

11.9.1 It was not only in their own areas that scholars acted as agitators. Some pupils at schools in Soweto lived in the rural areas and went home for their holidays; when the schools reopened, disturbances broke out there. Other pupils who went to school elsewhere spent their holidays at their homes in Soweto; upon their return to school, riots occurred there as well. According to witnesses, unruliness and planning of riots took place on the trains by which these pupils travelled to school. These scholars personally took part in the disturbances they started. There were cases where pupils of one school persuaded or intimidated those at another school to take part in rioting and violence. There were also cases where schoolboys persuaded schoolgirls to riot. A scholar at Worcester sent a letter to pupils at schools in other towns in which he agitated for the holding of demonstrations; his efforts were not without success.

11.10 Agitators: Students.

11.10.1 By employing their methods of incitement, students were responsible for the outbreak and continuation of riots on their own campuses and at several other places. It is already known what UWC students accomplished with their "UWC-Soweto" pamphlet in the Cape. These students were active in other parts as well and were noticed as far afield as Port Elizabeth. Other students did not confine themselves to their own campuses either. Students from the University of
Zululand were unsuccessful in their first attempt to incite pupils at a nearby school. Later on, they were seen at the University of the North, and during their holidays, students from the latter institution did their work of incitement among the schools in their home areas. It was comparatively quiet at the University of Durban-Westville; the agitation activities of students of Fort Hare University and of the various training colleges have already been discussed.

11.11 Agitators: Youths and adults.

11.11.1 According to a witness, agitators achieved success by embroiling in the disturbances university and college students who had adjustment problems or were potential academic failures. These agitators were also active among scholars, and in a number of criminal cases it appeared that adults had bribed or attempted to bribe pupils to set fire to their schools. In this connection, the peculiar Black Power Society must also be mentioned; the older members first indoctrinated the younger ones and then bribed and threatened them into burning down sawmills and schools. The inflammatory speeches, which have already been mentioned, were mostly delivered by adult leaders. Most of the strangers who came from elsewhere to agitate were youths and adults; they often moved in cars among the riotous demonstrators, inciting them to further rioting. It is clear that adults were the main agitators, that they did their work among all groups of people, that they were active at all levels of agitation, and that through their agitation they were responsible for much of the rioting and many of the disturbances.

11.12 Objects.

11.12.1 The agitation covered the whole field of rioting, but was mainly aimed at creating dissatisfaction with the political dispensation, instigating action in riots, school and examination boycotts and strikes, and creating chaos.

CHAPTER 12 : THE ROLE OF LIQUOR IN THE RIOTS.

12.1 Introduction.

12.1.1 In this chapter, the effect of the consumption of intoxicating liquor on the course of the riots is discussed. The next chapter will deal with attacks on beer-halls and shebeens. The general abuse of liquor in the Black and Coloured residential areas, and the part played by the authorities in the supply of liquor, consequently do not fall within the scope of this inquiry and discussion. In the discussion of the riots in Part B, reference was made to the consumption of liquor during the rioting, and in most cases the extent to which it occurred in each area was also summarised.

12.2 Extent of liquor consumption.

12.2.1 According to the evidence, the consumption of liquor played no part in 12 of the areas of rioting. There were a further 12 areas where liquor consumption was not extensive. In each of these areas only one or two cases were reported. At two places, liquor outlets were looted, with the resultant abuse of liquor, and in some other cases bystanders were under the influence of liquor. The University of Zululand falls under this group of areas. Before the disturbances, there was considerable abuse of liquor in the residences at the University, and at the time of
the disturbances there were three shebeens in men's residences; nevertheless, it would seem that the consumption of liquor had no appreciable effect on the riots there.

12.2.2 In the other areas of rioting, liquor was so extensively abused that it may well have had an effect on the riots. In the first place, mention must be made of a disturbing phenomenon that had no noticeable effect on the riots. At more than one place, young children aged from six to 12 years were seen under the influence of liquor. Some of them had looted liquor outlets, from which they had run with bottles to their mouths. In a number of cases, some of them were found in a stupor. In the Highveld region and in the Peninsula, a large proportion of the rioters who were arrested were under the influence of liquor. In Nyanga, the problem was not so much that liquor was being abused as that the Comrades were taking liquor away from people in the streets; sometimes this liquor was destroyed, but at other times it was also consumed. This conduct gave rise to great dissatisfaction.

12.2.3 The bodies of all the people who died in the riots were subjected to tests to determine whether there was any alcohol in their blood. Of course, it is not to say that they were under the influence of liquor if there was alcohol in their blood. The percentages in the various regions were as follows:

- Boland: 14%
- Northern Transvaal: 41%
- Eastern Province: 3%
- Soweto: 15%
- Western Province: 28%
- Witwatersrand: 43%
- The RSA: 20%.

The Commission does not think that any reliable conclusion concerning the consumption of liquor and its effect on the riots can be drawn from these figures.

12.2.4 There is evidence concerning at least one incident in which liquor was used by an agitator as a means of incitement. This, too, does not constitute sufficient evidence for a finding that there was such a practice.

12.3 Finding.

12.3.1 Although intoxicating liquor was not a direct cause of the riots, nevertheless, as will appear from the next chapter, its effect on participants was that the riots became fiercer and lasted longer; violence also escalated.

CHAPTER 13: ATTACKS ON LIQUOR OUTLETs AND SHEBEENS.

13.1 Introduction.

13.1.1 Except where the occurrence and effects of liquor consumption by participants have a direct bearing on attacks on liquor outlets and shebeens, they are not dealt with in this chapter. The term "liquor outlet" is used for all such places as beer-halls, bottle stores and beer depots, but does not include shebeens.

13.2 Attacks on liquor outlets.

13.2.1 In most of the areas of rioting, liquor outlets were among the first targets of the rioters. Shortly after rioting erupted in an area, the beerhalls and bottle stores were usually pelted with stones. The buildings were then broken into and looted.
All the rioters, young and old, went into the buildings and carried out bottles of liquor. Some of this liquor was taken home or hidden; large quantities were destroyed, and the looters also drank a great deal of it themselves. As a rule the buildings were set on fire afterwards.

13.2.2 Upon being asked by the Commission why these places were destroyed by scholars, witnesses would reply that they had done so because their fathers squandered their money there on drink while their families had to go hungry. The Commission considered this reason to be far too pious, especially since the shebeens, of which there were said to be more than 1 000 in Soweto, were not destroyed. Moreover, tsotsis were also particularly active in the destruction of liquor outlets, and such a motive could hardly be ascribed to them. Another explanation was that the fathers went there to forget their environment; a further reason was that the liquor outlets were keeping the Blacks poor. These explanations did not sound particularly convincing.

13.2.3 It is interesting to compare these motives with the report on an investigation into the problems of life in Soweto by a world-renowned research organisation. This investigation, which was carried out at the instance of one of the biggest employers in the country, was undertaken and completed during the six months preceding the outbreak of the riots. After scientific investigation and intensive questioning, 259 problems relating to the main aspects of life in Soweto were formulated. After further investigation, these problems were arranged in the order of their importance to the large number of persons questioned. In the general order, the first problem concerning the abuse of liquor appears 18th on the list and reads as follows: "Heavy drinking is fast becoming a problem amongst our children." Women placed this problem 12th on their list, while males between the ages of 16 and 24 years placed it 36th. Persons in the lowest income group assigned fourth position to this problem, while those who had had only primary education placed it 10th. These were the highest rankings by the various groups. The next problem in connection with the consumption of liquor, which was 95th on the general list, reads as follows: "Our men spend a lot on liquor in shebeens." Apparently, no distinction was made between the places where the men consumed their liquor. On the men's list, this problem was ranked 96th. Women and the above-mentioned age group placed this problem 97th and 90th, respectively; to those in the lowest income group, its position was 41st, whereas it was 75th to those with only a primary school education.

13.2.4 Witnesses stated before the Commission that the early attacks on liquor outlets had been planned beforehand; the liquor was to be obtained immediately and distributed among the participants; it would make them all more belligerent, and there would be fiercer rioting. There is no support for this evidence concerning a previously prepared plan, but there cannot be any doubt that many vagrants and tsotsis were attracted by the liquor, and that there were others who also welcomed an opportunity of getting hold of free liquor.

13.2.5 According to some observers, there was great dissatisfaction about the siting of liquor outlets, which allegedly gave rise to abuse. In an interview
overseas, Motapanyane stated, for instance: "The South African Government has built numerous bottle stores, beer-halls and shebeens next to the stations. We believe that they are there to misdirect the Black people. Most of the bottle stores are next to the stations so that when our fathers and mothers come from work, they drink and forget about their surroundings." This problem was also put to inhabitants during the above-mentioned investigation. It was formulated as follows: "Bottle stores have been conveniently placed to drain our husbands' pockets." In order of importance, this problem is ranked 98th on the general list. Men and women differ widely in their evaluation of this problem, because whereas men place it as low down as 151st, women place it 48th. Persons in the age group of 16 to 24 years, who probably played the main part in the destruction, ranked it 197th. It is probably true that there was some dissatisfaction about the beer-halls, but the Commission does not consider that this dissatisfaction was widespread or that it gave rise to the destruction. The same applies to the possibility of there having been dissatisfaction about the use to which the profits from the liquor trade was put.

13.2.6 There were probably a number of incidental causes of the attacks on the liquor outlets. These were the procurement of free liquor, vandalism, and the fact that the liquor outlets belonged to the Government and that to many they were symbols of the system of government against which they were revolting.

13.3 Attacks on shebeens.
13.3.1 The attacks on shebeens started on 11 October in Nyanga and a week or two later in Soweto. These attacks were preceded by warnings or orders by organisations such as the Comrades and the SSRC to owners to close their shebeens. The ANC also appealed in one of its pamphlets for the closing down of the shebeens. Because the owners refused to heed this appeal, their houses were attacked, the liquor was either destroyed or consumed, all money was removed, and furniture was burned in the streets. Sometimes the houses were burned down as well. This action by the youths gave rise to dissatisfaction, especially among the Migrants in Nyanga.

13.3.2 The Comrades extended their campaign and forbade the residents of Nyanga and other areas to consume liquor and to celebrate. The ways in which they robbed people and subjected them to humiliating treatment have already been described. But they went even further. They ordered everybody to attend a memorial service in Nyanga on Christmas Day. In a tense atmosphere, they attacked a Migrant's car after the service and drank and destroyed the liquor that was in it; a provocative group went to enquire of the Migrants why they were celebrating and had not attended the service. The campaign against persons who drank was continued. Fierce and bloody rioting erupted; the conduct of the Comrades was the direct cause of this rioting.

13.3.3 The Comrades gave the following reasons for the ban on shebeens. Many men were killed inside and outside the shebeens; the shebeens were responsible for turning many young men into tsotsis and beggars, while their owners were coining money; fathers squandered their wages there. There is not much support in the evidence for these three generalisations, although the third is not entirely
improbable. These reasons did not give the Comrades the right to act as they did, and their allegation that a magistrate had authorised them to act in that manner is not accepted. Nor does the Commission accept that the shebeens were destroyed because they were the places where the police obtained information from traitors.

13.4 Summary.
13.4.1 Liquor was not in itself a cause of the riots, but whenever rioters were under the influence of liquor, the rioting was usually fiercer, more violent and of longer duration. The reasons for the attacks on shebeens were not clear, and usually neither the reasons nor the attacks were the causes of the rioting. The attacks on liquor outlets and shebeens were part of the riots themselves, and the Comrades' actions in connection with shebeens, the consumption of liquor, celebrations, and the attendance of a memorial service were the direct cause of the rioting in Nyanga on Christmas Day and the days following.

CHAPTER 14 | DEMONSTRATIONS FOR THE RELEASE OF DETAINNEES.

14.1 Occurrence.
14.1.1 In general demonstrations placards appealing for the release of detainees were often displayed, but in several instances such an appeal was the only or the main object of the demonstration. This chapter is concerned mainly with demonstrations of the latter type. The specific cases are mentioned in Annexure D and elsewhere in this Report, and will be referred to here only by way of exception.
14.1.2 Because at least 10 such demonstrations were held at different places during the first two weeks of August, the question arose whether they had not been organised and co-ordinated. The Commission has no evidence of any real connection between these cases or between them and similar demonstrations at other times and places. All these incidents occurred simultaneously with a large number of other incidents of rioting, and they cannot be singled out as being the result of special organisation. Their occurrence may probably be put down to the force of example; the demonstration by thousands of scholars from Soweto on 4 August received wide publicity, and it was known that the leaders' object was to march on John Vorster Square and to demand the release of detained fellow scholars.

14.2 The detainees.
14.2.1 The detainees may be divided into two groups. First, there were those who were being detained without trial under section 6(1) of the Terrorism Act, No. 83 of 1967. Secondly, there were those who had been arrested for the suspected commission of a common law or statutory offence and were to be tried later as provided by law. The first class consisted mainly of leaders of communities or of organisations. The second class consisted mainly of scholars and other youths who were alleged to have committed some offence during and in connection with the riots.
14.2.2 There were only a few cases of demonstrations for the release of leaders. The demonstrating members of the Coloured Persons Representative Council wanted to have certain detained Coloured leaders released. Demands for the
release of these persons came from various parts of the country, but most of the requests related to the release of youths or scholars who had been held recently during rioting. At the mass demonstration on 4 August the demonstrators demanded the release of scholars who had been arrested in connection with the murder of Dr L.M. Edelstein in Soweto. In a few cases, requests were made for the release of fellow scholars who had been arrested in connection with offences unconnected with the riots.

14.3 Participants.
14.3.1 With a few exceptions, these demonstrations were staged by scholars. In one instance, the demonstrators were students, in another they were hospital staff, and in a third they were members of the Coloured Persons Representative Council. But scholars held few demonstrations and marches which were not joined by other people. The same thing happened in demonstrations in connection with detainees.

14.4 The form of the demonstrations. 14.4.1 These demonstrations usually assumed the form of a procession or march. Some demonstrators kept to the grounds of their institution or school. In such a case, the request was not addressed to the authority concerned; the demonstrators probably thought that their action would enjoy publicity and that the authorities would come to hear of it. In many cases, they marched to the police and frequently to the police station where they thought people were being detained. In such cases, there was an opportunity for discussions.

14.5 Negotiations for release of detainees. 14.5.1 In a few cases where the demonstrators were pupils, their school principals assisted them in the discussions with the police. Others negotiated without the assistance of an intermediary. For reasons that were not always disclosed, the police sometimes released the detainees. On at least two occasions, the reason was that the police wanted to preserve the peace. The pupils at one school had heard that a fellow scholar had been assaulted while in detention. The police showed him to them so that they could see he was uninjured and also explained that he was to be charged with arson. They thereupon returned to their school. In other demonstrations, an explanation of the offence and the assurance of an early trial were sufficient to make the demonstrators disperse.

14.6 Violence.
14.6.1 Like other demonstrations, demonstrations for the release of detainees frequently culminated in violence, even though placards announced that the procession was a peaceful one. This happened more especially where the procession took place in public and the request was not addressed to any particular person or authority. In some cases where the request was addressed to the police but was refused there was violence. In the case where the detainee was shown to his fellow pupils and they turned back, there was a further demonstration at the school two days later in which the release of the fellow pupil was demanded.

14.6.2 In Guguletu, an exceptionally large crowd went to the police station to ask for the release of 19 youths who had been held during earlier rioting. The 19 were
released. Extremely fierce rioting nevertheless took place, and the police noticed that some of the youths who had been released took part in the violence. This and similar incidents gave rise to the suspicion that some demonstrators were seeking a confrontation and were looking for an opportunity to commit violence. The suspicion is strengthened by cases in which some of the demonstrators taking part in a procession were armed.

14.7 Summary.
14.7.1 Youths and adults took part in demonstrations, in a number of cases solely, but more often partly, in connection with the detention of persons without trial and of persons arrested in connection with the riots. These detentions caused limited dissatisfaction among Blacks and Coloureds, which could not however be assessed, and this feeling grew with further detentions and arrests during the riots. This dissatisfaction contributed to the rioting, and as such may be said to have been one of its causes. Several demonstrations in connection with this matter ended after discussions between the demonstrators and the police. However, there were also cases where discussions and even the release of detainees did not put an end to the rioting; in one case, those who had been released immediately joined in the rioting again.

CHAPTER 15: DEMONSTRATIONS OF SOLIDARITY WITH SOWETO.
15.1 Occurrence.
15.1.1 The events of 16 June in Soweto had no sooner become known than demonstrations were held at several places in the country in token of sympathy with the people of Soweto and as a protest against the actions of the police. That same evening, the students of the University of Zululand decided to demonstrate their sympathy with Soweto by violent means. The events at this University and their connection with Soweto have been discussed in Chapter B16. While the riots were raging in Soweto the next day, some 200 students from the University of the Witwatersrand demonstrated in the streets of Johannesburg with banners on which the following words appeared, inter alia: "Listen to Soweto" and "Let Soweto decide own education." In Tembisa, the pupils at a high school held a demonstration as a token of their sympathy in connection with the deaths of those who had died the day before during the rioting in Soweto. On 18 June, students at the University of Cape Town demonstrated; the inscriptions on two of the banners displayed by them read:

"Soweto bleeds" and "Solidarity with Soweto." In Durban, the words on a placard carried by demonstrating medical students were: "Soweto is only the beginning."

15.1.2 During the following weeks and months, there was hardly a demonstration at a school, college or university in which the main reason, or one of the reasons, for the demonstration was not solidarity with Soweto. Disturbances started early on at the University of the North. The Commission found that the rebellious students felt emotionally involved in the events in Soweto; there was a desire to demonstrate solidarity with the people there. The same applied to the demonstrators at the colleges and schools in the Northern Transvaal area. Many of
the placards that were waved about in these demonstrations referred to the riots in Soweto.

15.1.3 A day of prayer was arranged on the campus of the University of Fort Hare to demonstrate solidarity with Soweto. In inflammatory pamphlets, an appeal was made to students for solidarity of action.

15.1.4 It was not until after the winter holidays that riots occurred at the University of Durban-Westville. These disturbances have been described in Chapter BIB, and only the following few findings are repeated. Initially, student speakers at meetings advocated a passive expression of sympathy with the victims of the riots, but later they resorted to emotional incitement. There were appeals to fight for their brothers in Soweto and to make them aware of the sense of solidarity among the students. Slogans on demonstrators' placards read: "The people need you. Identify with Soweto", "Remember Soweto is Sorrow" and "Soweto needs you." The Commission found that the main cause of the unrest at this University was a desire to demonstrate solidarity with Soweto and with everything that name stood for.

15.1.5 In the Peninsula, and especially at the UWC, this sense of solidarity was strong. This matter is dealt with in paragraphs B30.24.1 to 7, and only some findings in this connection are quoted here. The basic cause of the riots in the Peninsula was undoubtedly the sense of solidarity with Soweto and its people. Backed by students, attempts were made by Coloureds and Blacks to create and promote a community of interests, feelings and action with Blacks elsewhere in the country. The idea of solidarity took a strong hold on the students of this University, which they communicated to other restive elements. On 6 August, the following report appeared in the Cape Times: "The BPC Cape Town Branch reaffirms its total solidarity with the stand taken nationally and specifically with the courageous stand of our students at the University of the Western Cape, who believe that Blacks suffer commonly in our country."

15.2 Sympathy and solidarity.

15.2.1 At first, the sense of involvement manifested itself as sympathy; the demonstrators made it clear that they sympathised with Soweto and its people. But the feeling of sympathy soon developed into a sense of oneness and of solidarity with Soweto. This solidarity was really an identification with everything that Soweto symbolised. This was Black Solidarity.

15.2.2 In December 1975, the BPC had the following to say about "Black" and "Black solidarity" in a policy statement: The term Black includes all those discriminated against by law and tradition, that is, politically, economically and socially, and who truly adhere to the principles of Black Consciousness. In the existing plural society, Black solidarity is regarded as an important and integral part of Black Consciousness.

Black solidarity is the coming together of Blacks for the specific purpose of solving a particular problem by using their numbers and their blackness in building up a strong power base.

Black solidarity is the rejection of the overplayed importance of sectional, tribal and religious differences.
Black solidarity is relevant only as long as Blacks are a political and economic minority. Whereas Black Consciousness is an on-going and all-embracing philosophy, Black solidarity is merely a means to an end in working towards liberation.

The cardinal goal of Black solidarity is to bargain through a show of strength and unanimity of purpose with whomever withholds from Blacks whatever they believe to be rightfully theirs.

15.2.3 If anyone signified solidarity with Soweto, fully understanding what it meant, this amounted to acceptance of and identification with the foregoing principles and aspirations. Many members of the Black, Coloured and Indian groups consciously demonstrated solidarity with Soweto in the riots. This was also the case with students. However, the Commission believes that the majority of schoolchildren, and especially the younger ones, did not fully understand solidarity; such factors as emotional sympathy, fury about supposed police action, and the force of example were important to them.

15.3 Propagation and use.

15.3.1 The idea of solidarity was propagated by means of pamphlets, speeches and conversations; it gripped the imagination of the masses, and was reaffirmed in placards and slogans used in the riots. Probably because this feeling of unity was evident in the riots throughout the country, a well-informed Black witness told the Commission that, through the disturbances, the Black Consciousness movement had spread throughout the Transvaal, Natal, Transkei and the Cape and had swallowed up various other Black organisations.

15.3.2 The feeling of solidarity was used mainly to start riots and to give them impetus. It was seldom the only reason for a demonstration, but there were seldom demonstrations without solidarity being one of the reasons. It helped to make local grievances important enough for a demonstration. It was a means of securing concerted action for strikes, the release of detainees, and the struggle against the homelands policy, Bantu education and Afrikaans. As early as 21 June, a slogan on a placard in Daveyton read: "In solidarity we reject Afrikaans." This powerful factor was also used to bring about political unanimity in the Black man's struggle for liberation. A placard in the Western Transvaal read: "By solidarity we shall overcome. Let's all say, away with Bantustans. Away with Black Education."

15.3.3 The Commission's findings on the effect that solidarity with Soweto had on the riots appear in Chapter E34.

CHAPTER 16: THE ROLE OF BLACK POWER.

16.1 Introduction.

16.1.1 In 1975, the BPC said the following in a policy statement: "We reject the equation of Black Consciousness with Black Power. We believe that Black Power is applicable in an already open society where Blacks constitute a minority and can only impinge their wishes on the dominant groups through total harnessing of their number ..." Black Power would therefore not be of any significance in South Africa.
16.1.2 A few witnesses put their views concerning these two concepts to the Commission. Some of them described Black Power as undesirable. Organisations and leaders considered it unlikely that youthful rioters could distinguish clearly between these two concepts; they were said to have shouted Black Power, while being adherents of Black Consciousness. For the purposes of the Commission's inquiry it is not necessary to go any further into these differences. It is of greater importance to determine how the rioters used Black Power as words and as a concept in the riots.

16.1.3 At the Naledi High School, the Black Power battle-cry was shouted on 8 and 9 June, and the Black Power salute with the clenched fist was given. From that day onwards, Black Power was used throughout the country in almost every incident of rioting. It is possible that it may not have had the same meaning and force to everyone who used it, but it was constantly used and was effective. To the rioters, it was a shibboleth and a sign of authority. It was a battlecry and a spur in the rioting. Black Power inspired them. It helped them to gain sympathy, cooperation and solidarity.

16.2 Black Power as a shibboleth.

16.2.1 Before the first confrontation of demonstrators and officers of the law on 16 June, cars were stopped and their drivers were asked to give the Black Power salute. If they failed to do so, their cars were searched, attacked, overturned and destroyed while the occupants had to flee for their safety. If they did give the salute, they were permitted to proceed. It soon became customary for drivers to give the salute when approaching a road-block put up by rioters. This practice spread so rapidly to all the riot-torn areas in the country that it created the impression of having been planned in advance.

16.2.2 The following are some of the reasons given by witnesses for this practice. The main idea was said to have been to ferret out Whites and even to assault them. Support for this reason was found in the explanation given to a Coloured clergyman in the Peninsula and in the attacks made on Whites in cars on the morning of 16 June in Soweto; it also stems from a conviction that the policy pursued by the Black Consciousness organisations led to a polarisation between Black and White. A second reason was said to be that the rioters were able to identify their friends in that way, and would not antagonise them through acts of violence. Thirdly, by enforcing the Black Power salute they would give members of their own race the feeling that they were also taking part in the riots; in this way, they secured the cooperation of their own people. The Commission considers that all three these reasons were probably decisive factors to a greater or lesser extent in the various areas.

16.3 Black Power as a sign of authority.

16.3.1 In the organisation of class or examination boycotts, the instructions to pupils not to attend classes, which were written on blackboards, noticeboards, walls and placards, were signed time and again with the words "Black Power". Strikes were also called in pamphlets on the authority of "Black Power".

16.3.2 In many cases of intimidation it was said that, if certain orders were not carried out, Black Power would deal with those who had disobeyed. Cases were
mentioned of pupils being driven from class-rooms and examination halls in this way. It was not unusual for a threatening letter to contain the warning that, if the reader should fail to act as directed, he could expect a visit from Black Power.

16.4 Black Power as an inspiration and a spur. 16.4.1 At gatherings of scholars, students and other youths, the Black Power salute and cry were almost invariably seen and heard. There is evidence concerning crowds, with clenched fists raised, shouting the battle-cry Black Power almost hysterically. The consequences frequently showed that those in the crowd were spurred on in this way to riot and to commit acts of violence.

16.4.2 It happened repeatedly that the Black Power cry was given by persons who were rioting and committing violence. This happened with such regularity that the important effect on those who gave the cry and on others cannot be underestimated; there is no doubt that it incited the young people to further violence. According to witnesses and court cases, inciters succeeded in rallying rioters, who had been dispersed by the police, with the Black Power battle-cry and salute to commit further acts of rioting.

16.5 Unity through Black Power.
16.5.1 The inspiration and enthusiasm fired by the use of the Black Power idea ensured solidarity or unity. One witness stated that, at their trials, some accused, irrespective of their offences or motives, evoked sympathy among the Black public by giving the Black Power salute and cry.

16.5.2 There were many rioters, especially among the young generation, who did not understand or who misunderstood the concept of Black Power. This was evident from the ages and the utterances of some of the rioters who gave the Black Power sign or battle-cry. One of them told a witness, for instance, that it had something to do with education. Nevertheless, the use of the symbol made many Blacks ponder the political implications of the concept and gave them a measure of political awareness.

16.6 Summary.
16.6.1 Regardless of the ideological difference that there may have been to the BPC and some of the witnesses who appeared before the Commission between Black Power and Black Consciousness, there was no difference whatsoever between these two concepts to most of the young rioters. To them, it was one great concept. To them Black Power meant the solidarity of all Blacks who were conscious of their Blackness. At the cry of Black Power, all Blacks had

to unite. Black Power was the authority of all Blacks acting in concert. Black Power inspired and fired them, and they inspired and fired others with Black Power. That was the way in which they perpetrated the riots.

CHAPTER 17 : PAMPHLETS AND PLACARDS.
17.1 Introduction.
17.1.1 Pamphlets were used to make general propaganda, to spur readers on to certain action in the unrest, and to announce meetings, school boycotts and strikes. The first part of this chapter deals with the organisations, groups, and persons by whom pamphlets were issued. Reference will be made to the contents
of some leaflets. In the second part of this chapter, posters and placards are discussed. They were usually waved about in demonstrations or affixed to fences and walls. Some of the groups of slogans that appeared on posters and placards are dealt with.

PAMPHLETS.

17.2 The ANC.
17.2.1 This banned organisation repeatedly had pamphlets prepared and distributed. This also happened during the riots. Judging by the contents of these pamphlets, their authors were surprised by the outbreak of the riots; readers were subsequently asked to assist the rioters and to support strikes in particular. The main object of these pamphlets was to obtain support for the ANC in its efforts to overthrow the Government of South Africa. The Commission refer to a number of criminal cases in connection with the compilation and distribution of such pamphlets.
17.2.2 In the criminal case S v Jenkin and Lee, CPD 147/78, one of the accused admitted to having compiled, typed and duplicated 15 pamphlets for the ANC and the SACP between August 1975 and March 1978. Ten of these issues were posted to some 1 300 persons throughout the RSA. Eight groups of pamphlets were scattered in the streets or urban areas with the aid of so-called ideological bombs. One of these pamphlets was the official organ of the SACP. The others were distributed on behalf of the ANC and the National Liberation Movement, in which the ANC plays a leading role. The court found that appeals were made in these pamphlets to readers to join the liberation movement and to take part in an armed revolt against the Government of the RSA. In some pamphlets, readers were encouraged to become "Freedom Fighters" and to join the military wing of the ANC, Umkonto we Ziswe.
17.2.3 Two of the accused in the criminal case S v Rabkin and others, CPD 331/76, pleaded guilty to a charge of having had in their possession, compiled, produced, and distributed pamphlets promoting the objects of banned organisations such as the ANC and Umkonto we Ziswe, the SACP and the PAC. These pamphlets were also distributed by post and by means of pamphlet bombs.

17.3 SASM.
17.3.1 On 11 June, SASM undertook the distribution of pamphlets inviting scholars to attend a meeting to be held two days later in the DOCC Hall. The big march of 16 June was arranged at this meeting, at which the Action Committee (which was later to become the SSRC) was also formed.

17.4 The SSRC.
17.4.1 This organisation played a major part in the preparation and distribution of pamphlets. An adult who, according to the evidence, had organised strikes on the Witwatersrand, had issued some of his pamphlets in which strikes were called in the name of the SSRC; members of the organisation distributed these pamphlets. Among inhabitants and scholars they distributed other pamphlets relating to the riots.

17.5 The Comrades.
17.5.1 The Comrades, who operated mainly in the Black residential area of the Peninsula, issued various pamphlets and distributed them among scholars and inhabitants. These pamphlets related to strikes called by them, their ban on festivities during the Christmas season, threats against the Migrants, and other matters. These pamphlets are dealt with in paragraphs B31.2.15, 16 and 18.

17.6 Scholars.
17.6.1 In September, a group of scholars on the East Rand joined a number of young men in the preparation and distribution of pamphlets. The scholars prepared these documents, which the young men took to their places of employment where they reproduced large numbers of copies. The scholars undertook the distribution of the pamphlets themselves. At other places, scholars were also responsible for the compilation and distribution of pamphlets, e.g. in Durban and Queenstown.

17.7 Students.
17.7.1 The pamphlet that probably caused the most rioting and material damage was "UWC-Soweto", which was compiled and distributed by UWC students. Chapter B30 contains an account of how this pamphlet was distributed in various parts of the Cape and how disturbances broke out within two days of its being distributed in the Black residential areas of the Peninsula.
17.7.2 Pamphlets demanding the release of Indian student leaders were distributed on their campus by students at the University of Durban-Westville. The Rector thereupon directed the staff to deal severely with cases of staying away from lectures. He had a pamphlet distributed among the students cautioning them and drawing their attention to possible disciplinary measures. The students assembled in the cafeteria and sang songs from a pamphlet. It seems that a further pamphlet of an inflammatory nature was subsequently distributed among the students.

17.8 Private persons and organisations. 17.8.1 Two reports or memoranda, which are dealt with at length in Chapter B31, are merely mentioned here. The Ministers' Fraternal of Langa, Guguletu and Nyanga drew up a report on the role of the SAP in the Christmas riots in Nyanga. This report was sent to newspaper editors, among others, with the result that extracts from and summaries of it appeared in the newspapers. The distribution and possession of the report were officially prohibited; nevertheless, after minor changes had been made to it, it was distributed world-wide by the Centre Against Apartheid, Department of Political and Security Council Affairs, of the United Nations Organisation.

17.8.2 The Rev. D.P.H. Russell, a member of the said Fraternal, released a further memorandum on these particular riots. This memorandum was prepared for members of Parliament. He sent a copy to the Chairman of the Commission, although he himself did not testify. This matter is also dealt with in the case S v Russell, Cape Town RC 82/77.

17.8.3 Various anonymous pamphlets on the riots were also published. There were at least two cases of such pamphlets in the Peninsula. On the East Rand, a leaflet was handed out among workers in which they were given reasons why they should refrain from joining a proposed strike. In Johannesburg, there were two
cases where distributors of anonymous inflammatory pamphlets were caught in the act in the centre of the city and were prosecuted. In another pamphlet, which had no title, an appeal was made to its readers to join the “revolutionary people of South Africa” in a march to the centre of Johannesburg.

PLACARDS AND POSTERS.
17.9.1 The placards that were carried at all demonstrations and were sometimes affixed to fences and walls usually served to show what the demonstrators were protesting against and what their grievances were. Their purpose was also to urge others to join the demonstrations and to serve as further inspiration to those already demonstrating. This appears from the numerous slogans and sentences quoted in this Report.
17.9.2 As is evident from the large number of placards and posters, photographs of marches, and other evidence the slogans appearing on them mostly related to political questions, Afrikaans and Bantu education, the detention of persons, solidarity, and local grievances. The slogans were often in unrestrained and indecent language, and it was clear that many pamphlets had been drawn up by children. They were nevertheless signs of resentment, dissatisfaction, and rebelliousness.

CHAPTER 18 : FUNERALS AND PRAYER MEETINGS.
18.1 Introduction.
18.1.1 Community leaders and those who were out to promote rioting misused religious ceremonies to stir up feelings and to provoke a mood of rebelliousness. There have always been and still are many people who become emotionally upset and unbalanced at funerals and memorial services. They develop a strong feeling of sympathy for the members of the family and, in special cases, for the ideal for which they believe the deceased to have died. They are easily carried away and can then act irresponsibly in the belief that they are doing their duty and that their actions are justified. These are the elements that were exploited.
18.1.2 Especially during the days of tension, people were easily brought together under the pretext that they would be attending a divine service, and it was then that agitators got to work on them. It is striking how often riots immediately followed a prayer meeting and how many riot plans were laid at so-called religious gatherings.
18.2 Funerals.
18.2.1 The first shots had barely been fired in Soweto when plans were made for the holding of a mass funeral. This funeral was to have taken place on 3 July and to have been organised by the BPA, which consisted of members of the SPA and various other Black organisations. Money was collected, coffins were donated and transport was offered.
18.2.2 The Minister of Justice prohibited this mass funeral under the Riotous Assemblies Act, No. 17 of 1956. The following reasons were given for the prohibition: The object of the mass funeral was political agitation; members of organisations suspected of incitement belonged to the BPA; the organisers did not know in every case who the families and next of kin of the deceased were; and there was no proof that the next of kin wanted a mass funeral. The money that had
been collected was then divided among the families to cover the funeral expenses. The internment of Hector Peterson, the first victim of Soweto, then became a symbolic funeral.

18.2.3 There were no disturbances or violence at this symbolic funeral. This was not the case at all other funerals. On at least two occasions, inflammatory pamphlets were handed out to the people at a funeral, and serious rioting erupted. One of these funerals was that of a schoolgirl whose death had no connection whatsoever with the disturbances. A big funeral was arranged for her, and people were brought in from far and wide. All the children at her school were told to be present. When the police informed the crowd that only members of the family could attend the funeral service, there was widespread violence.

18.2.4 According to the evidence, arrangements were made beforehand to commit violence at the funeral of a schoolgirl who was shot dead during the riots in the Pretoria area. Scholars held talks on how they would act against the policemen whom they held responsible for her death, and incendiary bombs were issued to certain scholars before the service. There were extensive disturbances after this funeral.

18.3 Prayer meetings.
18.3.1 When the news of the first day's rioting in Soweto became generally known on the campus of the University of Zululand, leaders among the students began to plan riots at their university. It was decided to hold a prayer meeting the next day. This meeting was held and previously prepared inflammatory speeches and even prayers were used. At a pre-agreed stage, it was moved that the prayer meeting be converted into a mass meeting of students. There was unexpected and unplanned opposition, but by then the mood of the meeting was such that a mass meeting was held forthwith. At that meeting, resolutions were passed that led to the most unbridled violence and destruction that occurred during the riots.

18.3.2 In Nyanga, the Comrades ordered all the inhabitants of the area to attend a memorial service in the cemetery on Christmas Day. The Migrants, who did not attend, celebrated Christmas. On the way back from this service, the Comrades and their hangers-on overturned and destroyed a vehicle that contained liquor and was being driven by a Migrant; they also went to enquire why the Migrants had not attended the service. The bloody consequences of these actions have been referred to several times.

18.3.3 In Bophuthatswana, three Black clergymen held a prayer meeting for the victims of Soweto at a high school; poems were also read and inflammatory songs sung at this meeting. That night, some of the pupils, accompanied by others, went on the rampage and inter alia burned down the Houses of Parliament.

18.3.4 There are other examples of acts of violence committed after divine services. In some cases, there was nothing in the evidence to show that any inflammatory sermons or speeches had been delivered before the people who attended these services, resorted to violence. The reverse is also true. In certain cases there is nothing in the evidence to show that disturbances had followed inciting and inflammatory addresses by the leaders at divine services. In
conclusion, the following case is quoted. At a weekly religious meeting of young people in the DRC building at Bonteheuwel, the audience of some 300 young people became excited about a rumour that the police had assaulted a 14-year-old schoolgirl. The police, who had to calm them down, ordered everyone except the young members of the church to leave. Barely 30 people remained behind. It is therefore possible that youths with riotous tendencies also used religious occasions in which they had no interest to assemble crowds for acts of rioting.

CHAPTER 19 : THE ROLE OF THE PUBLIC.

19.1 Introduction.

19.1.1 In this chapter on the part played by the public in the riots, only the actions of persons who were not actively involved in riot activities are dealt with. Participants, parents and teachers, as well as their actions, are consequently excluded, and attention is given to members of the public who remained passive, who tried to reduce the detrimental consequences of the riots, who assisted with arrests, who protected lives and property, and who tried to abate the rioting.

19.2 Observers often noticed members of the public looking on passively while rioting was in progress. Such outward aloofness did not mean moral support for the rioters or for those combating the riots; their passive attitude may have stemmed from fear of the police if they were to participate or from fear of their own people if they were to oppose the rioters. Some observers thought that the general public, both Black and Coloured, were favourably disposed towards rioting scholars and were sympathetic towards their aspirations and actions, whereas others again believed that the majority of adults disapproved of the scholars' behaviour. No finding is made in this regard.

19.3 The Commission has evidence concerning students at the University of the North who sat looking on like inquisitive spectators while members of the staff helped fire-fighters to put out the fire at their own university. This did not happen everywhere. There is a good deal of evidence concerning members of the public who, either on their own or together with others, put out fires and saved property from the flames.

19.4 On several occasions, members of the public caught offenders during the riots and handed them over to the police. This happened, for instance, during protest marches in Durban and Johannesburg.

19.5 Members of the public also protected lives and property against rioters. Sometimes they used firearms; in this way people attacking shops were shot dead. This also happened during stone-throwing attacks on persons and motor vehicles, and while crimes such as housebreaking, theft and incitement to public violence were being committed. Many homes, buildings, and installations were guarded by private guards who frequently had to beat off attacks by rioters.

19.6 Lastly, members of the public appealed to scholars to stop their rioting, to return to school and to write their examinations. In several areas it took courage to do this.

PART D.
CONSEQUENCES.
CHAPTER 1: INTRODUCTION.

1.1.1 A full list has not been compiled of all the consequences of the riots. It is difficult to assess how expensive such a list would be, but it would be sizeable and its usefulness would not justify the time and effort its compilation would require. The following chapters show the efforts that went into the compilation of a full list of deaths and why all the details of arrests and damage were not traced. Even if the consequences to individuals and small groups were excluded, there would still be obstacles; for instance, it is often difficult to determine whether a particular perceptible change was in fact a consequence of the riots. This is of particular importance in the last chapter of this part. Lastly, it may be mentioned that the presence and extent of spiritual change, even as a result of such a traumatic experience as the riots, are not always perceptible.

1.1.2 In these circumstances, the Commission decided to consider only 11 direct consequences or sets of consequences of the riots. They are the deaths and injuries that occurred during the riots and the damage done to property. Numerous arrests were made during the combating of the revolt, and these were followed by a large number of criminal trials. The riots also had a direct effect on the education of the Black youth and on race relations. A chapter is devoted to the effect of the riots on Black and Coloured thinking on future action and developments in the country. During the riots, some of the youth went through a baptism of fire that may have a considerable effect on their future conduct. Finally, there is the publicity given to the riots, as well as the changes made as a result of the riots.

CHAPTER 2: DEATHS.

2.1 Introduction.

2.1.1 In this chapter, the Commission deals with the deaths that occurred as a result of the riots. What is under consideration here is the incidence of deaths and not the question whether anyone committed a punishable offence. A finding that one person caused or was responsible for the death of another does not mean that he is criminally liable for the other's death.

2.1.2 Annexure F contains a full list of the persons who died in the riots, together with particulars of each one's identity, the cause of his death and, briefly, the circumstances in which he died. An indication is also given as to whether an
identifiable person was responsible for his death. The introduction to this annexure explains how it was compiled and what information it contains.

2.2 Sources.
2.2.1 The evidence given before the Commission was the main source of information concerning the identity and particulars of each one of the deceased. Participants in the riots, policemen who were present, and newspaper reporters sometimes had certain relevant information. The SAP also submitted to the Commission the returns made by each division of the deaths in its area. The reports and records of judicial post-mortem examinations carried out under the Anatomical Donations and Post-Mortem Examinations Act, No. 24 of 1970, and of inquests held under the Inquests Act, No. 58 of 1959, were also placed at the Commission's disposal. Certain memoranda which were sent to the Commission, but on which no evidence was given, were consulted, as well as reports that appeared from time to time in the press and information published by various organisations. Enquiries were made about all these data, and the information was checked. In some areas, officials of the Commission went through all the inquest records relating to particular periods in order to trace deaths in the riots and to verify information.

2.3 Problems in connection with the checking of information.
2.3.1 The following problems were experienced, especially in connection with lists of deaths prepared by persons who did not testify before the Commission. There were several cases of persons who were reported as dead but who were still alive; some of them were seriously wounded in the riots, detained in a hospital and discharged after their recovery. Names were duplicated, not only on different lists, but sometimes also on the same list. Some persons whose names appeared on these lists had died of natural causes, while a few had committed suicide. There was a fairly long list of names of persons who had died as a result of accidents or of offences that had no connection with the riots. Lastly, there were cases in which the connection between the unnatural death and the riots could not be established. However, these lists of deaths were carefully checked all the same, so that a genuine case might not escape the Commission's notice.
2.3.2 Difficulties also arose where few or no particulars concerning a death were available. There were cases where the identity of a body could not be established because some unknown person had brought the seriously wounded person or the body to a police station, a clinic or a hospital without being able to give any information concerning identity. Sometimes after a riot the police found a body in the vicinity. The Commission's task was made all the more difficult if such a body was not later identified. Because conditions were sometimes chaotic at the place where a body was found or left, the Commission does not propose to blame anyone, on the available evidence, for failure to obtain certain information concerning bodies or to exercise better control over the situation.

2.4 Completeness.
2.4.1 In these circumstances, it is impossible to be absolutely certain that the information contained in Annexure F is complete and accurate. Nevertheless, because of the particular modus operandi followed by the officials and the
meticulousness and diligence with which they carried out this task, it would be highly exceptional if any particular riot death or deaths did not come to the Commission’s notice.

2.5 Finding.
2.5.1 Between 16 June and 28 February 1977, 575 persons died in the riots. of these, 494 were Blacks, 75 Coloureds, five Whites and one an Indian. Details of all these cases are contained in Annexure F. For the sake of convenience, two tables are subjoined. Both of them contain information about the deaths as they occurred in the 12 police divisions. The first table, in which the deaths are classified by race, shows that 451 persons died as a result of police action and that 124 died as a result of the actions of persons other than the police. The second table shows how many of the deceased were under the age of 18 years and how many were over that age. After the figures, numbers are bracketed with the letters P and A. P means that that number of persons were killed by the SAP, while A means that a person other than a policeman was responsible for the death. The ages of 10 of the deceased could not be established.

2.5.2 Table I.

<table>
<thead>
<tr>
<th>POLICE DIVISION</th>
<th>RACE</th>
<th>SAP</th>
<th>OTHER</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Boland:</td>
<td>Coloureds</td>
<td>6</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>Natal:</td>
<td>Blacks</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>Northern Cape:</td>
<td>Whites</td>
<td>-</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Northern Transvaal:</td>
<td>Blacks</td>
<td>36</td>
<td>1</td>
<td>37</td>
</tr>
<tr>
<td>East Rand:</td>
<td>Blacks</td>
<td>17</td>
<td>18</td>
<td>35</td>
</tr>
<tr>
<td>Eastern Province</td>
<td>Blacks</td>
<td>27</td>
<td>4</td>
<td>31</td>
</tr>
<tr>
<td>Coloureds</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Eastern Transvaal:</td>
<td>Blacks</td>
<td>1</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Soweto:</td>
<td>Blacks</td>
<td>208</td>
<td>50</td>
<td>258</td>
</tr>
<tr>
<td>Whites</td>
<td></td>
<td>4</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>South-Western Districts:</td>
<td>Coloureds</td>
<td>3</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>West Rand:</td>
<td>Blacks</td>
<td>7</td>
<td>2</td>
<td>9</td>
</tr>
<tr>
<td>Western Province:</td>
<td>Blacks</td>
<td>54</td>
<td>25</td>
<td>79</td>
</tr>
<tr>
<td>Coloureds</td>
<td>53</td>
<td>4</td>
<td>57</td>
<td></td>
</tr>
<tr>
<td>Indians</td>
<td>1</td>
<td>-</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>

2.5.3 Table II.

<table>
<thead>
<tr>
<th>POLICE DIVISION</th>
<th>PERSONS UNDER 18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Witwatersrand:</td>
<td>Total: 1 (P)</td>
</tr>
<tr>
<td>Boland: Natal:</td>
<td>1 (A)</td>
</tr>
<tr>
<td>PERSONS UNDER 18</td>
<td>10 (1&gt;) 9(6P, 3A) 9(7P, 2A)</td>
</tr>
</tbody>
</table>
CHAPTER 3 : INJURIES.

3.1 Introduction.
3.1.1 When large crowds become riotous and commit acts of public violence, and a police squad then tries to quell the riots, it is to be expected that many people will get hurt. A brief survey will be given here of those who inflicted injuries and those who were injured, the nature of the injuries, and the number of persons who were injured.

<table>
<thead>
<tr>
<th>RACE</th>
<th>Black</th>
<th>Coloured</th>
<th>OTHER</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6</td>
<td>1</td>
<td>9</td>
<td>124</td>
</tr>
<tr>
<td></td>
<td>27</td>
<td>26</td>
<td>7</td>
<td>575</td>
</tr>
<tr>
<td></td>
<td>194</td>
<td>105</td>
<td>36</td>
<td>431</td>
</tr>
<tr>
<td>UNKNOWN</td>
<td>9(p)</td>
<td>1(A)</td>
<td></td>
<td>109(p)</td>
</tr>
</tbody>
</table>

3.2 Injuries by the police.
3.2.1 Whenever there was extensive rioting or whenever the rioting became particularly fierce, the police used dangerous means to quell the riots. They made use of firearms, tear-gas, dogs, and batons. Many of the rioters were injured, especially when the police concentrated their anti-riot measures on individuals. The police sometimes shot at persons in order to carry out arrests, to eliminate an inciter, or to prevent an offence from being committed. Sometimes dogs or baton charges were the obvious means to disperse riotous crowds.

3.2.2 Whenever the police used these weapons in their combating of the riots, rioters were injured. But it was also possible that innocent bystanders or passers-by could be injured, especially when the police considered it necessary to use firearms; birdshot may have a much wider range than the shooter intended.

3.3 Injuries inflicted by rioters.
3.1. The rioters injured many people with stones. The police were usually the first targets, but persons not involved in the riots were often injured when stones were thrown at moving cars. The stone or "African bomb" was a popular and readily obtainable weapon of attack. The rioters also had other dangerous weapons. In the faction fighting, they used all manner of sharp and heavy objects in their attacks on one another. Knife stabbings were frequent, and certain rioters even used firearms. In exceptional cases, they injured others in fires and scalded them with boiling water. A few girls were raped.

3.3.2 Rioters and policemen were not the only ones to be injured. On 16 June, several Whites were assaulted and injured in Soweto. Later on, attacks were also made on motorists, shopkeepers, teachers, bus drivers, clerks, and officials.

3.4 Number of persons injured.
3.4.1 There are various reasons why figures relating to injuries during the riots are not complete and reliable. Some of the injured were taken to hospitals and clinics for treatment, while others were taken there by the police. It should have been possible to obtain returns from these institutions, but it appeared that they could not always distinguish between injuries sustained in the riots and those inflicted in the course of ordinary crimes. The returns did not always show the difference either. Some of the injured were treated by private doctors, from whom it should have been possible to obtain particulars, but there were many cases that went unrecorded. Many of the injured were nursed by friends or at home because their injuries were not serious or because the injured were afraid of being traced to and arrested at institutions. Doubtless there were also injured persons who did not receive any treatment.

3.4.2 The SAP informed the Commission that members of the Force had injured 2,389 persons during the riots, while a further 1,518 were injured at the same time in the riots by other persons. For the reasons previously given, these figures cannot be taken to be complete.

CHAPTER 4 : DAMAGE.
4.1 General.
4.1.1 Before the Commission proceeds to show the damage sustained by certain bodies or persons as a result of the riots, it is necessary to explain why the amounts cannot be considered to be complete and accurate. There are two reasons for this. The first is that not all persons and bodies reported their losses, and where they did do so, there were shortcomings in some of the returns. The second reason is that estimates of damage are not always accurate and exact, nor can they be.

4.1.2 All the Government and other bodies that were asked for details responded with information. Some private individuals and undertakings also reported their losses, but the Commission knows nothing about the vast majority of private individuals who sustained damage as a result of the riots, cases in point being houses that were damaged by stones or fire, cars that were smashed with stones or destroyed by fire, and shops that were looted. As
a rule, the information sent to the Commission was complete and also accurately prepared and calculated. In a few cases, a breakdown was not given of the total damage. In some cases the damage for the full duration of the period covered by the inquiry, i.e. from 16 June to 28 February 1977, was not available.

4.1.3 It is not a simple matter to make an accurate assessment of damage. It happened that figures already received by the Commission were amended after reassessment. One of the reasons for this may be that the costs of repairs and replacements were constantly rising. This meant that estimates made shortly after the damaging of the property had to be amended to give a more reliable picture of the damage.

4.2 Estimated damage.

4.2.1 Bantu Affairs Administration Boards. Everywhere the property of Administration Boards was the target of the vandals, and it is not surprising that, as a group, these 22 Boards sustained greater damage than any other group. During the riots, 114 beer-halls, 74 bottle stores and 124 Board buildings were destroyed or damaged by fire. The contents of the buildings were also destroyed. In addition, 222 Board vehicles were destroyed. The Department of Co-operation and Development listed the Administration Boards' total losses as follows:

- Physical damage to Board property: R14 262 782
- Loss of revenue: R12 417 003
- Loss of salaries: R 2 480 946
- Legal costs incurred: R 36 169
- Administrative expenses: R 154 931
- Other expenses: R 311 039

R29 662 870.

Administration Boards were also responsible for school buildings. The total number of schools damaged, and the estimated damage in five Administration Board areas in which fierce rioting raged, are tabulated below.

<table>
<thead>
<tr>
<th>Area</th>
<th>Schools damaged</th>
<th>Estimated damage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cape Midlands</td>
<td>44</td>
<td>R562 344</td>
</tr>
<tr>
<td>Central</td>
<td>24</td>
<td>R 4 700</td>
</tr>
<tr>
<td>Transvaal</td>
<td>20</td>
<td>R 16 700</td>
</tr>
<tr>
<td>East Rand</td>
<td>159</td>
<td>R 45 220</td>
</tr>
<tr>
<td>Peninsula</td>
<td></td>
<td>R203 527</td>
</tr>
<tr>
<td>West Rand</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

In the case of the Cape Midlands, the amount shown is not the estimated but the actual damage, that is to say, what it cost to repair the damage. Full particulars of the actual damage in the West Rand Board area are not available, but the indications are that the final figure will be considerably higher than the estimated figure.

It was not possible, without incurring undue expenditure, to work out the figures for Soweto as a separate area. The figures for the West Rand Administration Board, under which Soweto falls, are as follows:-

- Physical damage to Board property: R562 344
- Loss of revenue: R 4 700
- Loss of salaries: R 16 700
- Administrative expenses: R 45 220
- Other expenses: R203 527

The estimated figures in the second and figures in the first table.
### 4.2.2 Department of Education and Training

According to information supplied to the Commission, this Department's riot damage is put at a round figure of R650 000.

### 4.2.3 Department of National Education

Fires were started at three schools in the White residential area of Cape Town, and the damage sustained by this Department in connection with these fires came to roughly R850.

### 4.2.4 Homelands

In their attacks on schools and Government buildings in the homelands, rioters caused damage amounting to R632 250. The damage caused in the various areas is set out below, excluding the damage in the Moretele district of Bophuthatswana and the damage to the University of Zululand in the kwaZulu area:

<table>
<thead>
<tr>
<th>Area</th>
<th>Damage (R)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bophuthatswana</td>
<td>467 139</td>
</tr>
<tr>
<td>Ciskei</td>
<td>30 568</td>
</tr>
<tr>
<td>Gazankulu</td>
<td>250</td>
</tr>
<tr>
<td>kwaZulu</td>
<td>24 550</td>
</tr>
<tr>
<td>Lebowa</td>
<td>46 389</td>
</tr>
<tr>
<td>Ndebele</td>
<td>5 500</td>
</tr>
<tr>
<td>Qwaqwa</td>
<td>27 205</td>
</tr>
<tr>
<td>Venda</td>
<td>30 649</td>
</tr>
</tbody>
</table>

R632 250.

### 4.2.5 The SAP

Rioters damaged or destroyed four police stations and 244 police vehicles; the loss involved totalled R33 182. In addition, the SAP's operational expenses in connection with the riots came to R782 435.

### 4.2.6 South African Railways

Damage to the Railways' coaches, drivers' cabins, station buildings, sections of railway lines, and signal boxes amounted to R934 600. In connection with the protection of trains, railway lines, installations and buildings, the Railways also incurred extraordinary administrative expenditure of R160 224.

### 4.2.7 Department of Transport

The damage to official vehicles belonging to this Department amounted to R7 965.

### 4.2.8 Department of Posts and Telecommunications

From the outbreak of the riots to the end of 1976, a total of 37 post offices were damaged. With a few exceptions, these post offices were situated in Black and Coloured residential areas. One post office in the White residential area of Kalk Bay was damaged by a petrol bomb, and another in Kimberley was damaged by fire. The damages sustained by the Department amounted to R168 000.

### 4.2.9 Hospital Services

No provincial hospitals were damaged during the riots; the damage to clinics that were wrecked has already been shown under the
damage sustained by the Administration Boards. The equipment in these clinics was supplied by the Hospital Services Departments of the Provincial Administrations, who sustained damage amounting to R13,740.

4.2.10 City councils. Although the riots occurred mainly in Black and Coloured residential areas, several city councils nevertheless sustained losses as a result of damage to their vehicles and equipment. The following is quoted from a list of particulars supplied to the Commission in this connection; the list is probably incomplete:

<table>
<thead>
<tr>
<th>City</th>
<th>Damage Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alberton</td>
<td>R 10,000</td>
</tr>
<tr>
<td>Benoni</td>
<td>R 1,700</td>
</tr>
<tr>
<td>Brakpan</td>
<td>R 999</td>
</tr>
<tr>
<td>Cape Town</td>
<td>R 47,606</td>
</tr>
<tr>
<td>Germiston</td>
<td>R 1,312</td>
</tr>
<tr>
<td>Johannesburg</td>
<td>R 76,755</td>
</tr>
<tr>
<td>Krugersdorp</td>
<td>R 44,750</td>
</tr>
<tr>
<td>Nigel</td>
<td>R 14,629</td>
</tr>
<tr>
<td>Port Elizabeth</td>
<td>R 300</td>
</tr>
<tr>
<td>Pretoria</td>
<td>R 17,201</td>
</tr>
</tbody>
</table>

R215,252.

4.2.11 Department of Public Works. The damage sustained by this Department, mainly to Coloured schools and colleges, amounted to R1,587,831. This damage must be considered in conjunction with that mentioned in the next paragraph.

4.2.12 Administration of Coloured Affairs. The Administration stated that, according to the available figures, the damage done to 164 Coloured school buildings throughout the country amounted to R926,915. The loss of stocks and supplies totalled R66,615. In Wynberg, 80 schools were attacked, and in Bellville 56. The number of schools damaged in the following cities and towns appears in brackets: Worcester (6), Johannesburg (5), Port Elizabeth (5), George (4), Beaufort West (2), Kimberley (2), East London (2), Durban (1) and Upington (1).

4.2.13 Coloured Development Corporation Ltd. The damage caused to four business centres and two branches of the Spes Bona Bank Ltd in the Peninsula amounted to R110,053. These buildings were the property of Corporation companies and subsidiaries. The damage to shops, hotels and bottle stores of undertakings financed by the Corporation amounted to R69,964; these premises were situated in the Peninsula, Paarl, Stellenbosch, Mossel Bay, George and Oudtshoorn.

4.2.14 Banks.
The damage sustained by Barclays Bank and the Standard Bank is estimated at R60,000.

4.2.15 Churches.
The damage done to church buildings owned by the various denominations in the areas of rioting is estimated at approximately R254,200.

4.2.16 Private persons and undertakings. According to the evidence before the Commission, it is estimated that private persons and undertakings sustained over R10,000,000 damage in the riots. The Commission will merely point out the
nature and extent of the damage, without hazarding an estimate itself. Privately owned shops were looted and burned down throughout the country; Indian shops in the Transvaal were attacked, as were Coloured shops in the Cape and shops owned by Black businessmen in various areas. A return for the period up to the end of 1976 shows that 264 private undertakings were damaged or destroyed; of these, 43 were in Soweto and 86 in the Peninsula. Among these undertakings were 10 factories, five commercial banks, five cinema halls, four filling-stations, and several hotels. A large number of shebeens - genuine as well as suspected - were destroyed, the furniture was burned and sometimes the houses were set on fire as well. Throughout the country, the homes of policemen and of persons who did not agree with the rioters were attacked and sometimes burned down by rioters. Bus companies sustained heavy losses through stone-throwing, fires, and robbery. Up to the end of the year, 599 buses were damaged or burned out. During the same period, 764 private motor vehicles were damaged or destroyed. It would be difficult to arrive at an amount representing all this damage. Separate estimates of damage referred to in this paragraph reached the Commission only in a few cases. One of these estimates, covering the entire period of the inquiry, shows that the following damage was sustained by the bus companies of the Economic Development Corporation:Fire damage to buildings, buses and equipment R 68 710 Damage caused to buses by stone-throwing R 1 125 Loss of revenue R 3 000 Cost of increased security provided R121 060 Total: R193 895.

4.3 Conclusion.

4.3.1 At the outset, the Commission pointed out that the amounts quoted were estimates of damage, and that the sources were not complete. In the previous paragraph, it was pointed out that it was virtually impossible to determine the losses of private persons and bodies. It should also be mentioned that, in a number of cases, the amounts quoted for different bodies, e.g. the damage done to school buildings, may cover the same item or part of the same item appearing in the estimates of damage. In these circumstances, it would consequently be undesirable to add these amounts together in an attempt to determine the total amount of the riot damage.

CHAPTER 5 : ARRESTS.

5.1 Introduction.

5.1.1 There is evidence of occasions on which the police arrested large numbers of demonstrators. This happened at various places where riotous crowds refused to disperse. Sometimes, smaller groups who were creating disturbances were held. Initially the Commission thought that it would be possible to establish the number of persons arrested during the rioting throughout the country.

5.1.2 The sources of information on this matter were the police and the press. After describing an incident of rioting, police witnesses usually stated how many
people, if any, had been arrested on that particular occasion. Other witnesses were able to give the number of arrests made in only a few cases. At a later stage, the police furnished the Commission with a full list of arrests made throughout the country. The press was not a particularly good source. Where a single arrest was reported in a newspaper, this was checked, and where mention was made of the arrest of a large group, the number was usually estimated by the reporter. The press sometimes received its information concerning arrests from the police. To avoid overlapping, press information was usually used only for further enquiries. The Commission received composite lists of arrests from the SAP.

5.2 Incompleteness of the information.

5.2.1 There were various reasons why a reliable total figure could not be arrived at from the information. On the one hand, there were reasons why the figure would be too low. It happened several times that leaders and large groups of demonstrators were held, but released later without the numbers being recorded because the rioting had subsided or after the rioters had been reprimanded. There were also cases where groups of people who had been detained were released after investigation because there was not sufficient evidence concerning their participation or the identity of individuals; they might also have been released because the offence had been committed by only some of the group and because the offence was not a serious one. It is unlikely that the number of persons in such groups was recorded. This may also have happened in cases where a group of youths were released on request or for the sake of preserving the peace. In all these cases, totals may well have been given, but they may have been estimates and hence not entirely reliable.

5.2.2 It is also possible that the figure given may be too high. In the composite lists supplied by the SAP, no distinction is made between arrests for riot offences and offences not connected with the riots. This is not a criticism of the SAP, because there is no obligation to enter arrests for these two types of offences separately. All it means is that the available data relating to the number of arrests made for riot offences cannot be regarded as accurate.

5.3 Available figures.

5.3.1 Figures reported at the various divisions are not repeated. The total figures supplied by the SAP were classified according to the 20 types of offences that occurred. A number of these offences are usually encountered in riots and rarely anywhere else. There are probably others that were not committed in connection with the riots, but these are highly exceptional. Some of these figures are furnished, subject to the qualifications mentioned.

5.3.2 During the entire period, i.e. from 16 June to 28 February 1977, the following numbers of arrests were made by the police throughout the RSA for the offences stated:

<table>
<thead>
<tr>
<th>Offence</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public violence</td>
<td>3 024</td>
</tr>
<tr>
<td>Offences relating to riotous assemblies</td>
<td>1 562</td>
</tr>
<tr>
<td>Sabotage</td>
<td>283</td>
</tr>
<tr>
<td>Arson</td>
<td>818</td>
</tr>
</tbody>
</table>
5.3.3 The figures furnished by the SAP were also classified according to sex and age. The following percentages relate to the total figure and not to the figures specified in the previous paragraph. Of the males arrested throughout the country during the said period, 56 per cent were over the age of 18 years and 44 per cent under 18 years. The figures for females show that 45 per cent were over and 55 per cent under the age of 18 years.

CHAPTER 6 : CRIMINAL TRIALS.

6.1 Introduction.

6.1.1 Because of the unlawfulness of the rioters' actions, as explained in Chapter C3, the SAP arrested many persons, investigated cases and finally brought accused before the courts. This chapter deals with the court cases that followed the riots. The Commission discusses the ways in which information relating to, and details of, these criminal trials were obtained, how such details were used for the purposes of this inquiry and Report, and what happened in some cases.

6.2 Number of court cases.

6.2.1 The Commission considered it unnecessary to draw up a list of all the criminal trials held throughout the country in connection with the riots. Most of them related to minor offences and would not have been of any use in this inquiry and the preparation of this Report. To show how busy the courts were with riot cases, the Commission gives the numbers of magistrate's court cases and of accused during certain periods in three areas where rioting was violent at times.

6.2.2 Between 16 June and 31 August, the following number of accused were tried in the number of cases shown in magistrates courts on the Witwatersrand: Soweto and Dobsonville: 348 accused in 63 criminal cases.

Alexandra 154 accused in 55 criminal cases.

East Rand 426 accused in 57 criminal cases.

6.2.3 In Port Elizabeth, where riots raged later than in Soweto, large numbers of scholars were arrested at demonstrations. Between 7 August and 15 December, 95 cases, in which 2 004 accused appeared, were heard mainly by magistrates.

6.2.4 December was a month of great disturbances and fierce fighting in Nyanga. Charges and offences in Nyanga have been discussed in paragraph B31.14.5. During the said month, 66 accused stood trial in 48 criminal cases.

6.3 Obtaining of records.

6.3.1 The Commission asked to be informed of all criminal cases relating to riot offences. As regards Supreme Court cases, the judgments and sometimes also the records of the evidence were sent to the Commission after consultations with the registrars. The largest number of relevant cases were heard in magistrates' courts, and magistrates were asked to use their own discretion in reporting or forwarding cases. Usually minor cases that had no bearing on new and special aspects, or in which sentence had been suspended, were not reported. These included cases that had been dealt with summarily. A large group of demonstrating scholars were, for instance, arrested in connection with the attendance of an unlawful gathering, and their case was brought on immediately. It often happened that the whole group
would plead guilty, whereupon they were discharged after a reprimand, or else they were given suspended sentences and sent home, or otherwise their fines were paid forthwith. Such cases were not reported. Other cases that were not brought to the Commission's notice either were those in which an accused was discharged because the witnesses would not testify. Nevertheless, a fairly large number of records were received by the Commission.

6.3.2 Newspaper reports of court cases were checked to ascertain whether all important cases had in fact come to the Commission's notice. An organisation published a booklet with summaries of court cases relating to offences committed during the rioting. The source was newspaper reports. The Commission examined and checked all the cases. Some of them had no connection with the riots. The summaries were not always accurate. All the relevant cases referred to in this booklet had come to the Commission's notice and were considered.

6.3.3 Various magistrates sent reports and summaries of their cases to the Commission. These useful documents were considered in conjunction with the judgments and records of other cases. The 178 Supreme Court and magistrate's court cases checked by the Commission are scheduled in Annexure E. Only one of the cases on this list was not a criminal case; it was an application brought in the civil division of the Supreme Court.

6.4 Use of records.

6.4.1 The facts in these cases were often the same as those submitted to the Commission. Usually, the findings of the court and of the Commission corresponded; in such cases, the name of the case and the court's finding were mentioned in the discussion of the facts.

6.4.2 There were a few exceptions where the court and the Commission did not arrive at the same conclusion. The diversity of evidence, and not the evaluation of the evidence, accounted for such differences. In not one of these cases was the difference of material importance and essential to the Report. There are no findings in the Report against any particular person that are contrary to those of any court. If the Commission does use a contrary finding, the difference is mentioned.

6.4.3 There were also instances in which court cases related to facts that were not submitted to the Commission. In some of these cases, the court's findings on facts were incorporated in this Report, the source being stated.

6.5 Interference with witnesses.

6.5.1 It happened frequently throughout the country that State witnesses in riot cases were interfered with. Not only did witnesses refuse to testify, but many of them deviated from the statements they had made to the police and on which the State's case was based. All sorts of excuses were put forward for these deviations. One explanation was that the police had forced them to make a statement against the accused. In those cases where such an excuse was investigated, it was found to be devoid of all truth. However, the reasons for deviation are not always investigated as the witness is virtually useless to the State and the accused is discharged if there is no other reliable evidence against him. Nevertheless, the courts did establish the following reasons for these deviations.
6.5.2 In several cases, it was found on investigation that accused persons who had been released on bail had interfered with witnesses. It is not known whether they persuaded the witnesses or threatened them to deviate. Because of the general feeling prevalent at the time, some witnesses were probably persuaded easily.

6.5.3 The intimidation of witnesses is dealt with in paragraphs C6.16.1-13, in which the following methods are mentioned. A large number of people who are sympathetic to the accused gather outside the court and adopt a threatening attitude towards the witness upon his arrival. Sometimes they sing songs in which they mention his name and say what will happen to him if he were to testify. The people in court glare at him and sometimes draw a finger across their throats to indicate what punishment he may expect. Sometimes it is said or whispered to him that he will be dealt with. It is made clear to other witnesses that they would be "sell-outs" and would be ousted from the community.

6.5.4 If witnesses refused to testify, they were usually dealt with severely so as to guard against the idea gaining ground that it was easy to manipulate witnesses and defeat the ends of justice.

CHAPTER 7: EDUCATION.

7.1 Introduction.

7.1.1 Education was a prominent factor in the riots. In this connection, the following educational matters may be mentioned. The policy concerning the medium of instruction was one of the main reasons for the first eruption and the first thing to be rectified by the authorities. After that, the struggle was against the system of Bantu education. The majority of the rioters were scholars. They were largely responsible for the arson at their own schools. Scholars refused to attend classes and, later on, to write examinations. Students also contributed their share to the riots.

7.1.2 In this chapter, the Commission discusses the effect of the riots on education, especially with regard to the system, the scholars and the teachers.

7.2 The system of education.

7.2.1 After the problem of Afrikaans as a medium of instruction had been eliminated during the first few weeks of the riots, apparently to the satisfaction of the adults concerned, the rebels continued the struggle against the whole system of Bantu education. It had to be replaced by free and compulsory education. When it was announced that the free supply of books and compulsory education would be introduced gradually, the Comrades stated in a pamphlet that the scholars did not want improvements but a complete change; Bantu education had to be abolished and replaced by a universal system at the same level as that for White scholars. So successful was the demolition of the existing system that White and Black speakers publicly advocated the abolition of Bantu education, without saying what was wrong with it, other than its name, or what was to be put in its place.

7.2.2 Better informed people criticised the existing system because inter alia there were too few schools and facilities. The damaging and destruction of school
buildings and equipment merely aggravated the shortage and must have had an effect on the standard of education. If the system had been superseded overnight, this shortage and its effect would still have remained.

7.2.3 A report was received from the BAAB in Port Elizabeth that unknown persons were undoing the Board's repairs to schools that had been damaged and burned down and making it more difficult to carry out repairs. In several cases, building done during the day was broken down at night. The Commission mentions this case, not because it is an example of vandalism, but because it is probably also an indication of a loss of respect for education. After the literal and figurative demolition of the system of Bantu education, contempt for education as such can hardly be excluded.

7.3 Scholars.

7.3.1 Scholars were the first to riot, and they carried on with their rioting for months on end. Their school and examination boycott continued into the next year. Some of them were out of school for almost half a year. This is a backlog that will be difficult to make up. Perhaps many of them never went back to school again because they obtained work in the meantime or because they did not feel like going to school any longer and had become contemptuous of that institution. Some of them probably became vagrants and tsotsis.

7.4 Teachers.

7.4.1 During the school boycott, a large number of teachers resigned, especially in Soweto. Some of them subsequently asked to be reappointed, and some of them were re-engaged. Such resignations must have serious consequences for a system already short of competent and qualified teachers. There had always been a number of White teachers who taught at Black schools. During the riots, they were a special target in several areas. Rioters contended that they could not communicate with Black teachers, who were unqualified for their task. It was also asserted erroneously that White teachers received a special allowance for the "inconvenience" of teaching Black pupils. In one march, a placard with the following slogan was displayed: "We do not want White creatures for teachers". According to the evidence, some of these White teachers also resigned.

7.4.2 A revised salary structure for Black teachers, with concomitant increases in salary, became effective at the beginning of 1978; provision was made in the new scales for the narrowing of the gap between the salaries of Black and White teachers. The Commission cannot say that this salary adjustment resulted from the riots.

7.5 Conclusion.

7.5.1 It is probable that changes such as those mentioned in the preceding paragraph and the introduction of free and compulsory education had already been under consideration before the outbreak of the riots and that they were therefore not consequences of the riots. The Commission considers that the education of Black children suffered as a result of the riots. Time will tell whether the present measures will redress this adverse effect.

CHAPTER 8 : RACE RELATIONS.
8.1 Introduction.

8.1.1 The subject under discussion here is not poor race relations as a concomitant or contributory cause of the riots, but the effect the riots had on race relations. It is difficult to determine the state of race relations in this country. Actually, there is no satisfactory yardstick by which it can be gauged. The value of evidence concerning this subject depends upon the witnesses' field of observation, prejudices and related circumstances. To different observers, the same incident may be an indication of a different degree of relationships.

8.1.2 The available evidence shows that race relations in the rural areas sometimes differ considerably from those in urban and peri-urban areas. There was also a noticeable difference in relations between Black youths and Whites and those between Black adults and Whites.

8.2 Relations between the races prior to the riots.

8.2.1 According to some witnesses, these relations were good. Witnesses referred to co-operation and a form of communication. They spoke of different communities that did not make high demands of one another. In the rural areas, in particular, relations were described as good, and those of young people were also said to have been good until shortly before the first unrest. Such evidence frequently came from officers in the Police Force, and sometimes from officials as well.

8.2.2 Witnesses who considered that race relations were not so good described them as tense and even antagonistic, giving the actions of the police as the reason. Because, according to witnesses, the police had to carry out and apply unpopular and irritating laws, any good relations that may have existed between the community and the police deteriorated. This also gave rise to a worsening of the relationship with the White community.

8.2.3 It was said that race relations deteriorated in the same way because of the actions of officials, especially the White officials of the BAAB.

8.2.4 Other observers put the poor and deteriorating race relations down to the practice of Black Consciousness, which led to a polarisation between Black and White. In this regard, the young Blacks were influenced more than other groups of the community.

8.3 The effects of the riots.

8.3.1 Race relations probably varied from good to poor in different parts of the country and in regard to different groups of the Black community. Relations were certainly affected by the riots. The following are a few examples. Immediately after the first confrontation with the police, groups of scholars in Soweto began serious assaults on White persons; participants in one assault stated openly that they were looking for Whites to kill; and two were actually killed. Then, and subsequently, motor vehicles were stopped with the object, among other things, of dragging out and assaulting Whites. In Cape Town, rioting Coloured scholars gave this to a witness as the reason for their actions.

8.3.2 In the sphere of education, a similar deterioration was noticeable. Whereas the initial reason for dissatisfaction was the question of Afrikaans as a medium of instruction, this dissatisfaction was transferred, as described elsewhere, to
Afrikaans as a language, to Afrikaans-speaking persons, and finally to Whites. White teachers at Black schools were singled out by rioters as their targets, and many accusations against these teachers were based on racial considerations.

8.3.3 As described in Chapter B30, some Coloureds appeared to be under the impression that Whites had rejected them as friends and fellow citizens. This had given rise to a serious deterioration in the relations between Coloureds and Whites.

8.3.4 There is evidence that the views of Coloureds, as described in the previous paragraph, were shared by some Indians. It is notable that Black rioters attacked an Indian residential area on the East Rand; in Witbank, Alexandra and elsewhere, Indian shops were singled out for their attacks. It would seem, however, that no great change occurred in relations between Blacks and Indians.

8.3.5 There is considerably less evidence concerning the attitude of Whites towards Blacks during and after the riots. Such mutual attitudes to some extent determine relations between the races. What can be said about the attitude of the Whites is that, probably as a result of the riots, the White man is now more amenable to the elimination of so-called unnecessary and outmoded discrimination. Appeals are also constantly being made to the Whites to establish better relations with communities of people of colour.

8.4 Finding.

8.4.1 The Commission bases its finding on the evidence quoted here and in the next chapter. There has been marked deterioration, especially in the urban areas, in the attitude of the Black youth towards the White population group; the attitude of Black adults, if it changed to any great extent, has returned to what it was before the riots; the White man's attitude is more accommodating than it was before the riots. The Commission considers that, with the exception of the Black youth in the urban areas and some other groups, relations between the White and Black races are virtually the same as they were before the riots. On the available evidence no findings are made in regard to other race groups.

CHAPTER 9: BLACK OPINION.

9.1 Introduction.

9.1.1 The views quoted by the Commission in this chapter were expressed by Blacks shortly after the worst rioting and mainly concern future relations between Blacks and Whites. The views of two Coloured leaders are also given.

9.1.2 First to be quoted are statements that various organisations, which participated in the rioting or supported the rioters, made about the consequences of the riots; these statements are closely bound up with what was said about the younger participants’ baptism of fire, which will be dealt with in the next chapter. This is followed by the views expressed by Black leaders in their testimony before the Commission; these views are quoted in chronological order, and if they were not originally expressed in English, translations are given. The statements by the Coloured leaders have also been taken from their testimony. Finally, the Commission gives a summary without any comment.

9.2 The ANC and others.
9.2.1 In a pamphlet titled "In Defence of the African Image and Heritage", the African Nationalist Leadership of the ANC said the following in February 1977: Never before have the objective circumstances been so conducive to an armed struggle in South Africa. The revolutionary situation has passed its peak. There are lessons to be learned from the concerted action of the Blacks during the riots. All Black liberation movements are urgently requested to form a truly united front based on armed violence and to continue and to step up the struggle for national independence side by side.

9.2.2 In a document that appeared in March 1977 under the title "The only way out", the SACP stated the following among other things. Through their own experience in the latest desperate struggle, the Black people have come to realise that there is only one way out of suffering and bloodshed, and that is the revolutionary way. The Party went on to say: "The only answer to the reactionary racist, fascist violence of the Vorster regime is to organise the might of the masses directed and led by the National Liberation Movement in which armed struggle has to play a key role."

9.2.3 The following appeared in another revolutionary statement on the significance of the riots: From the revolt has emerged the rigid and inflexible confrontation between the oppressed Black masses and the White racists, a confrontation that can be ended only by bullets and blood. The riots have shown how the determination and fighting ability of Blacks have grown. Blacks, and particularly the youth, are ready and willing to continue the struggle for their liberation with arms.

9.2.4 In an interview with the official organ of the ANC, Tebello Motapanyane said that the Black youth of South African were sick and tired of the status quo. It is clear that the youth are ready for immediate action. They no longer believe in talking and talking. They believe in positive action, such as an armed struggle. They now realise better than ever before that an armed struggle in South Africa is essential.

9.3 The witnesses.
9.3.1 Chief Minister Lennox Sebe of the Ciskei testified as follows before the Commission on 26 January 1977. "Bring about meaningful change through meaningful development programmes and all the dissatisfaction will fall away. Urban dwellers will then return to their traditional homelands. My emphasis is on development because that is what will save us. If people have a means of existence you have a happy and contented people." He also said: "... it is the school-going and school-leaving youths that present the major challenge to any developing nation in today's political environment ... failure to find a successful answer to this problem will lead to the destruction of the way of life we presently enjoy in South Africa."

9.3.2 The following two passages come from the testimony given by the Chief Minister of kwaZulu, Chief Gatsha Buthelezi, on 31 January 1977. "I believe in Black Consciousness, but the democratic process must not be lost sight of. The young people used it for their own purposes." He also said the following: "I am very concerned for my country. Solution must be found. The front line presidents
are not to impose solutions. I think a convention would be a very good thing, even if we as Blacks and Whites just discuss things."

9.3.3 On 18 March 1977, Mr M.R. Rantho testified together with four of his fellow members of the South African Black Social Workers' Association. He stated: "The South African Black Social Workers' Association recognizes the government's need for peaceful change in South Africa. The great majority of South African Blacks also cherish peace ... the present living circumstances are such that they are satisfied that unless concerted effort is put into effecting change acceptable to Blacks, grave dissatisfaction will continue to prevail, offering fertile ground to further disturbances." He explained his generation's relations with Whites and the gap existing between the younger generation and Whites because of a lack of communication. He continued as follows: "This is why there is a tendency on our part still to believe in dialogue and in consultation, which the youth do not feel is necessary because of this divide that has been created."

9.3.4 Mr M.B. Kumalo, who testified on 25 March 1977, is a lecturer at the University of the Witwatersrand and was successively the principal of three schools on the East Rand. He was also a member of the Transvaal United African Teachers' Association. Two passages are quoted from his testimony. "... we condemn in the strongest terms both the police brutality and triggerhappiness on the one hand, and the wanton killing and property destruction by unbridled gangs on the other ... We appeal to the public, Black and White, to keep cool heads; to negotiate; to help solve the problems for mutual good." He condemned the Afrikaner for forcing his will on the Black man and continued by saying: "The creation and the independence of the Homelands, which we do not oppose, should not be an excuse for the denial of my birthright in my country. Internal detente and dialogue, coupled with the repeal of all discriminatory laws, is the only answer."

9.4 The opinions of Coloured leaders.
9.4.1 It is appropriate to quote a few passages from the testimony given by two Coloured leaders. Mr D.M.G. Curry, a political leader, said the following in his testimony before the Commission on 1 December: "This present crisis ... will continue in South Africa as long as the root causes remain. The police will again and again be called in to quell a situation which has been created for them by other people. Agitators in our community will only thrive if the soil is fertile for them to sow the seed on." Later he also said:

"Unless constructive steps are taken to defuse the situation, the total South African situation will move from crisis to crisis."

9.4.2 Mr F.A. Sonn, a leader in education, had the following to say in his testimony on 26 November: "As a person who does not advocate Black Power, who does not subscribe to White Power, ... I would recommend that we as South Africans should see these unfortunate events as symptoms of a system, and that it is therefore our responsibility as South African citizens to rectify this situation ... and the first thing is that the granting of full citizenship rights to all South
Africans must be given high priority. As long as people are treated like foreigners in their own country, hostility will be engendered. (Translation) In the closing paragraph of his memorandum, he said: "South Africa now appeals for magnanimous statesmanship and not for petty insistence on the best for one group at the expense of the other." (Translation)

9.5 Summary.
9.5.1 The foregoing views may be summarised as follows. The young people, or a large group of them, with their organisations, feel that the riots have prepared and inspired them; they reject negotiations with the Government and the White community and are prepared to continue their liberation struggle by force of arms. The moderate Black leaders feel that discussions may lead to peaceful change, but warn that certain changes in living conditions are essential. The two Coloured leaders ask for rapid changes in the political dispensation, but appear to think that discussions should be held.

CHAPTER 10 : THE BAPTISM OF FIRE.
10.1 Introduction.
10.1.1 This chapter deals only with the baptism of fire which the youths in particular, but also older people, received in the riots and in their action against the authorities. The previous chapter was really concerned more with what participants in the riots see as the future course of action; this chapter deals with the loss of fear of violent action, which has resulted from participation in violence.
10.1.2 During the riots in the USA in the previous decade, stress was laid on the value to a riot movement of someone who had lost his fear of violence and the reaction to it as a result of previous experience. It was said that those who went through the baptism of fire were taught by the "spontaneous" violence to lead the nation in revolt.
10.2 The riots as a baptism of fire.
10.2.1 In the interview with Motapanyane, referred to in the previous chapter, this youth leader also said that the youth had gained invaluable experience of combat in the riots. It had provided "fertile ground" for the armed struggle and for other forms of positive action against the racist regime. In reply to a further question, he stated that the youth now listened to what their leaders said. If the leaders assigned a task to them, they carried it out without hesitation. The hesitancy found among people who were afraid of arrest or similar action no longer existed. The people have become more involved. It was the experience of the struggle at home that had removed this fear; fear of the police, fear of the Government. They were becoming progressively more involved in the struggle against racism, social injustice, and exploitation.

CHAPTER 11 : PUBLICITY.
11.1 Introduction.
11.1.1 A feature of the riots was the wide publicity they were given. Newspapers published detailed reports on the riots in all parts of the country. The radio and
television services also provided wide coverage. Speeches were made about the riots, and opinions were expressed and articles written about them.

11.1.2 In this chapter, the discussion of the publicity given to the riots and to related matters is concerned only with publicity as a result of the riots; it does not deal with publicity as a cause of the riots or their continuation. Chapter E29 deals with the latter matter.

11.2 Extent of the publicity.

11.2.1 Both South African and foreign news media devoted space to the riots. The Commission did not see so many overseas reports and articles on the riots that it is able to quote extensively from them or to express a general opinion on their accuracy, what they stressed or how balanced they were.

11.2.2 The domestic reporting covered the entire field of the disturbances. In the first place, these reports covered the events, i.e. the demonstrations, the riots and the violence. When extensive rioting occurred, as in the first three days in Soweto or at the Christmas week-end in Nyanga, it was not possible to carry reports on all the incidents of rioting. Summaries sometimes appeared. From time to time, the SABC-TV telecast scenes of riots that had been filmed. In radio news services, there were regular accounts of the riots. Attention was also focused on the participants; there were the demonstrating scholars and other rioters on the one hand, and the members of the Police Force who combatted the rioting on the other.

11.2.3 Whenever information on the subject was available, there were reports about the grievances of the rioters. In some cases, the demonstrators drew up lists of their grievances and handed these to Government and press representatives. In this connection, references were made to the placards that were displayed; interviews were sometimes held with the rioters. Political implications were discussed in articles, interviews and talks, and the opinions and speeches of leaders in the various communities were published. Official statements were issued from time to time, and limited references to the riots were made in the House of Assembly; these matters were also published.

11.2.4 Expatriates often gave interviews abroad to representatives of organisations and of the news media. They were mostly youth leaders, who gave accounts on such occasions of their part in the organisation of the disturbances and the perpetration of the riots; at the same time, they commented on the motives and objectives of the rioters and on the political situation in South Africa. What was said in such interviews is sometimes quoted in the discussions in this Report.

11.2.5 It has already been mentioned that the news media gave wide coverage to the Commission's proceedings. With few exceptions, the Commission's sittings were held in public, and fairly extensive accounts of the evidence appeared in the newspapers. This meant that the facts of the riots and views on all the aspects of the rioting were placed before the reading public.

11.3 Nature of the publicity.

11.3.1 The reporting on the riots was often critical; direct and indirect attacks on the Government and its policy were made in the reports themselves and in articles. The rioters were sometimes severely criticised, and while the actions of the police were sometimes praised, they were usually strongly condemned. The
question arises whether sometimes, in the particular and dangerous circumstances, any publicity at all was desirable, and also whether the reporting and discussions were in all cases accurate, responsible, circumspect and objective. These matters are dealt with elsewhere, and the Commission will confine itself here to a few examples and observations.

11.3.2 A few witnesses drew the Commission's attention to reports that were inaccurate or gave a distorted picture of a particular situation. The Commission does not believe that it was any South African newspaper's policy to publish inaccurate reports. What did happen, was that reports were sometimes incomplete and unverified, with the result that the account was not accurate. It is difficult to determine whether, in any particular case, such inaccuracies were due to deliberate omissions or insufficient verification. A surmise based on suspicion is not sufficient for a finding in this regard. There is no doubt concerning the two examples in the next paragraph.

11.3.3 In some cases, facts and conclusions were published before all information was known or without available and easily obtainable information having been collected. Two examples of the latter type are dealt with in Chapter B30. Clergymen from Langa, Guguletu and Nyanga prepared and distributed a report and a memorandum on the Christmas riots in Nyanga. This report and memorandum were sent to newspaper editors, among others, and parts of them were published in newspapers. One of these documents was also distributed world-wide by a department of the United Nations Organisation. An investigation by the Commission revealed that the authors had not verified their information and that they had omitted or had failed to collect available information. The Commission found that the accusations against the SAP in these documents were unfounded and false.

11.3.4 There were some cases where newspapers published inflammatory speeches by leaders and eulogies of violence by rioters without expressing any disapproval.

11.4 Effect of the publicity.

11.4.1 Evidence was submitted to the Commission that scholars and other youths were influenced so much by the publicity given to demonstrations and riots that they began to riot themselves. There is no doubt that scholars and students showed great interest in reports on the riots.

11.4.2 There is evidence of cases where newspapers and reports on riots were used by organisers and others to promote rioting. In one case, the court found that inciters had incited scholars to violence by showing them newspaper reports and photographs of riots. In another case against organisers, the court found that, by making statements to the press, the SSRC had incited readers to take part in demonstrations and had used three newspaper reporters in Soweto to promote their aims.

11.4.3 The police and various other persons made use of newspapers and radio broadcasts to calm down rioters and to put an end to the riots.

11.5 Conclusion.
11.5.1 During the riots, the hearing of evidence and the preparation of this Report, several books and treatises on the riots appeared. They were based mainly on newspaper reports. The Commission read some of them that came to its notice and considered the information and conclusions.

CHAPTER 12  CHANGES.

12.1 Introduction.
12.1.1 Shortly after the riots began, a change or rectification was made in connection with Afrikaans as a medium of instruction in Black schools. Since then, a large number of changes have been made that have affected the lifestyle of the Black man. These changes applied to the Blacks in the urban areas in particular. The Commission did not try to establish whether all these changes were consequences of the riots, because it is possible that some of them were under consideration and were found to be essential even before the riots began.

12.1.2 In paragraphs A1.3.1 and 2 of the first Part, the Commission pointed out the following facts. It is not part of its terms of reference to make recommendations. Because the evidence before the Commission, including evidence regarding Black grievances, was given in public and enjoyed wide publicity, certain unsatisfactory conditions came to the notice of the Government. Changes have taken place and if the Commission were to discuss them and to point out their effectiveness, it might be tantamount to making recommendations. In all these circumstances, the Commission has decided to mention only some of the major changes without discussing them.

12.2 Examples of changes.
12.2.1 Education.
It has already been pointed out that the first change was made during the first few weeks of rioting. Various other changes have been announced, such as the introduction of compulsory school attendance and so-called free education. There have also been changes at the tertiary level.

12.2.2 Councils.
The Community Councils Act, No. 125 of 1977, has already been applied throughout the country, and Community Councils have superseded the Advisory Boards and Urban Bantu Councils. Certain functions have been taken over by these Councils from Administration Boards.

12.2.3 Housing.
Extensive changes have been made in connection with housing in urban areas. These changes affect matters such as ownership and disposal of houses; financing for the purchase or building of houses; arrangements with employers concerning assistance to employees; choice in regard to house plans; and additions to houses. Arrangements are also being made for the supply of electricity to Soweto.

12.2.4 Sport.
Changes in the sphere of sport aimed at the elimination of discrimination have been in progress for a considerable time.

12.2.5 Commerce.
The regulations restricting trade in urban Black residential areas have been amended considerably. The list of trading concerns in these areas has been increased from 26 to 67.

12.2.6 To sum up, it may be said that changes have also been made in regard to the attendance of theatres and cinemas, the use of hotels and restaurants, the sale of beer by traders, and other matters. Reference is made in the next Part to some further examples.

PART E.
CAUSES.
CHAPTERS: 1. Introduction. 555
2. The immediate cause. 556
3. Organisations. 569
4. The Black Consciousness Movement. 577
5. Political and military developments outside the RSA. 578
6. Bantu education. 581
7. The homelands system. 587
8. Influx control. 590
9. Group areas. 593
10. Ethnic grouping. 596
11. Immorality. 597
12. Bantu affairs administration boards and advisory boards. 598
13. The urban Blacks. 600
14. Discrimination. 602
15. Housing in urban areas. 604
16. Salaries. 607
17. Transport. 609
18. Trade. 612
19. Amenities. 613
20. Race relations. 615
21. Communication. 617
22. Local grievances. 619
23. Discipline. 620
24. Hatred against persons and institutions. 623
25. Agitation and incitement. 624
26. Intimidation. 625
27. The detention of persons. 626
28. Police action. 627
29. The press. 629
30. Administration of justice. 634
31. Dr Henry Kissinger. 637
32. Attacks on liquor outlets and shebeens. 638
33. Labour. 638
1.1 The terms of reference.

1.1.1 The Commission’s terms of reference were to inquire into and report on the riots "and the causes which gave rise thereto". The Commission is accordingly required to establish which conditions or facts or acts gave rise to the riots. In its inquiry, the Commission did not go too closely into the question of a direct causal connection between a possible cause and the result, and considered all those matters which, strictly according to the acceptable evidence and not according to unfounded speculation, had contributed materially to the outbreak of the riots.

1.1.2 In this part, attention is given to direct and concurrent or concomitant causes of the riots, planned and coincidental causes, and those matters that contributed to the creation of a milieu in which individuals could easily be induced by agitators or particular circumstances to rioting and violence. Some of these matters are of a political nature, while others again have their origins in the modern way of life. These are matters, in particular, that gave rise to frustration, dissatisfaction, and friction; they are also called grievances. In this part, these causes and circumstances are dealt with in the order in which they are listed in the table of contents.

1.2 Discussion of the causes.

1.2.1 Virtually all the causes that are enumerated have already been dealt with in this Report. It is for this reason that the discussions in this part are, with few exceptions, confined to a recapitulation of the findings recorded elsewhere in the Report.

1.2.2 Some of the elements of the riots that were discussed in Part C may, in certain circumstances, also be regarded as causes of disturbances. Intimidation, which was a particularly important element of the riots, can for instance also be classified as a cause if its object was to force the dupes to riot or if the intimidation was carried out by means of riots. Other examples are the detention of persons, agitation, the campaign against shebeens, and solidarity with Soweto.

1.2.3 The Commission had regard to the fact that not all grievances were necessarily causes. Some of them were so trifling and minor that they could not even be regarded as concurrent or contributory causes. Some of these were only dragged in later, while they had no connection with the riots; they were sometimes raised because there was a good opportunity for airing grievances or because they could serve as extenuating circumstances for the conduct of scholars and youths.

CHAPTER 2 ; THE IMMEDIATE CAUSE.

2.1 Introduction.

2.1.1 In paragraph Bl.1.1, the Commission stated that the following matters in particular were largely and directly responsible for the disorders that erupted in Soweto on 16 June: "... the policy on the medium of instruction in Black secondary schools and the application of that policy, the organised resistance to
its application, the official handling of that resistance, and the failure of officials and policemen to foresee the imminent eruption in Soweto”.

2.1.2 The Commission will discuss these six factors briefly because they were the combined cause of the first rioting, which subsequently spread throughout the country. As regards the policy on the medium of instruction, it is necessary to deal also with aspects of the policy and the aims of Bantu education.

2.2 The policy on the medium of instruction.

2.2.1 When the State took over Black education from the provinces and church organisations in the early fifties, the idea was to create a system of education that would meet the needs of the developing Black community. Critics of this system imputed a less laudable aim to the Government. When, in the course of the riots, Bantu education had virtually superseded Afrikaans as the reason for the rioters' dissatisfaction, there were many who described the object of this system as a deliberate attempt to train the Black pupil in such a way that he would be subservient to the White man or, put more strongly, that he would be and remain the oppressors' slave.

2.2.2 Initially, after thorough investigation and consultation, the following uniform policy regarding the medium of instruction was decided upon for Black schools. In the primary classes up to Std VI, the pupil's mother tongue was to be the medium of instruction. In the secondary classes, the mother tongue was still to be used in non-examination subjects, and language subjects would be taught in the language itself, while equal use was as far as possible to be made of Afrikaans and English in the content subjects. The object of this dual medium education was to give the pupil not only an academic education but also to prepare him, so far as his ability to communicate was concerned, for the sphere of employment he was likely to enter. This policy was praised in some quarters. It was criticised in other quarters, because, among other things, it was proof, so far as the use of Afrikaans was concerned, of the object of keeping the Black man in a state of subservience.

2.3 The application of the policy.

2.3.1 The words "waar moontlik" (wherever possible) were inserted in the statement of policy regarding the equal use of media of instruction because there were several parts of the country in which there were not sufficient teachers with the so-called required language proficiency for the strict implementation of this policy. From necessity, a system of exemptions was decided on. This meant that, if a secondary school did not have enough teachers to teach two content subjects through the medium of Afrikaans or English, the Department could be asked for exemption from this policy and for permission to have three or four content subjects taught through the medium of one of the languages. The school board had to address such an application to the Department through the inspectorate. The final decision rested with the Secretary.

2.3.2 Uncertainty, misunderstanding, and dissatisfaction arose as to the grounds for exemption. Initially, the only recognised ground was a shortage of teachers with the required language proficiency, but other grounds were mentioned officially from time to time. Thus it was said on one occasion
that, if a textbook for a certain subject was available in one language only, that subject should be taught in the language of the textbook. In 1973, school boards and committee boards, among others, were asked to recommend whether the medium of instruction at their secondary schools was to be Afrikaans only or English only, or both these languages on a fifty-fifty basis. To make a substantiated recommendation, the boards had to consider the following matters as reasons for departing from the principle of equal use: The dominant language of the White community in the town, city or area in which the school was situated; the desirability of uniformity at feeder and recipient schools; the medium of instruction in other schools in the board area within which pupils could move freely; the desirability of single-medium schools, and the advantages of the existing policy. In making their recommendations, they had to bear in mind that the language proficiency of teachers might only present a temporary problem. A year later, the Minister's decision concerning these recommendations was announced in a circular. The status quo was to be maintained; this meant that, wherever possible, the two official languages were to be used equally as media of instruction, and that the granting of exemption would depend mainly on the availability of teachers with the required language proficiency.

2.3.3 The Commission would like to make the following observations about this circular. So many possible grounds for exemption were mentioned that confusion and uncertainty were created among the boards, especially since the reason for exemption that was finally decided upon as being the main one, had to be regarded, in the making of recommendations, as a problem of a temporary nature. In spite of subsequent policy statements, the real grounds for departure from the equal use of the official languages were never satisfactorily explained to boards and parents in certain areas. To this may be added that a satisfactory test of the required language proficiency was never devised; the teachers in Soweto were not helpful in this regard, and further dissatisfaction arose.

2.3.4 A second observation in regard to this circular is that it was never sent to the boards. They had to learn from others what had been decided about their recommendations. This point is important, since the request to boards to make recommendations had given many of them the impression that they had some say in the matter of the medium of instruction in schools; some of them even thought that they could take a decision in this matter. The Department tried in vain to clear up this misunderstanding. It was stressed that the final decision rested with the Secretary, but there is evidence that on more than one occasion applications for exemption went no further than inspectors' offices. The parties concerned suspected as much. When exemption was refused, the reasons for such refusal were not given to the boards or the schools. Keeping board members and parents in the dark aggravated dissatisfaction about educational matters and created an opportunity for unfounded speculation and rumours.

2.3.5 The third observation concerning the circular is that a translation of the words "waar moontlik" did not appear in the English text. In this case this could not have created the impression that no exceptions to the policy of equal use of
the media of instruction would be allowed, but this kind of mistake was repeated subsequently. Towards the end of August 1974, the Regional Director sent a circular to all school principals in the Southern Transvaal Region on the subject of a uniform approach in schools. It was stated in mandatory language that Afrikaans and English were to be used on a 50-50 basis in that region. No mention was made of exemption, with the result that the idea arose that the policy had been changed and that departures from policy would no longer be tolerated. Subsequent directives did not rectify this matter, and scholars contended that Afrikaans was being forced down their throats.

2.3.6 Two factors that complicated the application of this policy were the considerable increase in the number of scholars and the change-over to a twelve-year educational structure. In secondary schools, in particular, the increase in the number of pupils was exceptional. In 1974, there were 14% more pupils than in the previous year. The number of 178,959 swelled to 252,515 in 1975, an increase of about 40%. In 1976 the increase was about 53%; the total was 389,046. Furthermore, this increase was unexpected and caused a lack of space and a shortage of teachers. It seems that, in the circumstances, the Department and its officials solved most of the problems caused by this increase satisfactorily. This may also be said of the problems that arose from the change-over.

2.3.7 Until 1974, Bantu education had a thirteen-year structure; there were eight primary classes and five secondary classes. A year later, the changeover to a twelve-year structure took place. Thenceforth there were to be six primary and six secondary classes. The secondary classes were to consist of the old Std V and the five forms. Standard VI was to disappear. Although Std V was the first secondary class, it was not possible for the time being to transfer it to the buildings of secondary schools. Physically, it had to remain in primary school buildings. The policy of equal use of Afrikaans and English as media of instruction applied to Std V, which was accommodated in the primary school building. In Soweto this meant that the number of schools that had to carry out this policy, even if only in one class, grew from 39 to 160. The Department and its officials deserve praise for the manner in which they ensured continuity in the change-over and prevented chaos. In the higher primary schools, where teachers now also had to teach the secondary Std V class in accordance with the policy of equal use, things did not go so smoothly everywhere.

2.4 The organised resistance to Afrikaans as a medium of instruction.
2.4.1 General.
These paragraphs are confined mainly to the actions and the organisation of scholars in Soweto. Similar activities in Kagiso are also mentioned. In other areas there was not the same degree of organisation focused on the use of Afrikaans as a medium of instruction, and the first signs of any objections to or grievances about this policy did not become evident until the disturbances broke out.

2.4.2 Although the resistance to Afrikaans as a medium of instruction was organised and carried out mainly by scholars, the role of the parents is also important. Many parents covertly supported the pupils; they were uncooperative, and some of their leaders were deliberately obstreperous and militant. But when it
was decided at a meeting of parents and others held late in May that scholars who were staying away from classes had to return to their schools, this appeal was disregarded.

2.4.3 Pupils' actions.
On 24 February, pupils at the Thomas Mofolo Secondary School started an altercation with their principal about Afrikaans as a medium of instruction. The dispute was so violent that the police had to intervene. The BPC, which had decided that SASM and other Black Consciousness organisations had to use the so-called imposition of Afrikaans as a means of making the Black public sensitive to and conscious of such matters, could not obtain the co-operation of the Principal of the Thomas Mofolo School to hold a public meeting about the question of the medium of instruction. Organising activities to promote SASM were initiated, and Motapanyane addressed the pupils of the Naledi High School on this subject.

2.4.4 The parents of pupils at the Diepkloof Junior Secondary School, at which the equal use of the media of instruction was being applied, met on 13 March to discuss an application for exemption from the use of Afrikaans. The Chairman, who was also Chairman of the school board, instructed the teachers to use English only as the medium of instruction until such time as a reply was received to this application. The next day, the use of Afrikaans as a medium of instruction was unanimously rejected at a parents' meeting of the Donaldson Higher Primary School.

2.4.5 Two higher primary school principals and a secondary school principal were dismissed by the Tswana school board. This led to demonstrations, class boycotts and even stone-throwing at the three schools concerned in April. Political motives and the policy on the medium of instruction were linked to these dismissals.

2.4.6 On 16 May, the Principal of the Phefeni Junior Secondary School advised the circuit inspector that his pupils refused to attend classes because they were opposed to Afrikaans as a medium of instruction. The next day, pupils at the Orlando West School started a boycott, threw stones at the Principal's office and deflated his car tyres. The question of the medium of instruction was one of the reasons for their conduct. This strike was continued the next day and was accompanied by violence. The Vice-Principal had to be protected against the pupils. on the third day, the pupils set out their grievances in a letter to the Regional Director but refused to return to their classes.

That same day the pupils at the Belle Higher Primary School started a boycott. The next day three other schools joined the Belle School. These four schools were feeder schools of the Phefeni Junior Secondary School. The pupils incited one another; there were marches and demonstrations in the streets, and at one school the gates were locked to keep out teachers and pupils who wanted to go to school.

2.4.7 At the end of the third week in May there were about 1 600 pupils who were not attending classes. At a parents' meeting held on 22 May, an appeal was made for scholars to return to school while their grievances were being looked into. Most of the striking schoolchildren took no notice of this appeal; on the contrary,
about 300 pupils at the Pimville Higher Primary School started a boycott. They were antagonistic towards teachers who taught subjects in Afrikaans. According to a newspaper in which the latest boycott was discussed, the BPC had stated that this matter was a Black national struggle; this organisation applauded the scholars for their stand and said that they were being called upon to fight the battles that their parents should have fought long ago. According to a newspaper report a few days later, the BPC denied any responsibility for the scholars' actions.

2.4.8 During the last week-end of May, SASM held a conference in Roodepoort. At this conference it was stated that the school boycott against the use of Afrikaans as a medium of instruction was a sign of opposition to "schools' systematized producing of 'good industrial boys' for the powers that be". It was decided to reject the use of Afrikaans as a medium of instruction, to support those scholars who had taken a stand for the rejection "of this dialect", and to condemn the racially separated educational system. It is not known which government body was the first to learn of these resolutions, when this happened, and whether information was passed on to any other authorities.

2.4.9 On 1 June, the pupils at the Senaone Junior Secondary School refused to attend classes as a protest against the use of Afrikaans as a medium of instruction. On the other hand, pupils at four other schools began to attend classes again. Some of them were jeered at and pelted with stones; the police had to protect those who had gone back to school. Pupils hurled stones at the Belle School; here, too, the police had to intervene, and the station commander at Orlando notified his headquarters. A scholar was arrested later in connection with the stone-throwing.

2.4.10 On 8 and 9 June, pupils at the Naledi High School threw stones at policemen who had come to carry out an investigation at the school. According to the police, they wanted to have a word with a pupil about certain documents that had been found at the place where he lived, but youth leaders said that this pupil was the secretary of the SASM branch at the school and had been involved in the school boycotts.

2.4.11 During the days that followed, pupils refused to write examinations, and pupils from other schools who wanted to go back to school were assaulted. Pamphlets relating to a meeting that was to be held at the DOCC Hall near the Orlando police station were also distributed by SASM members. This meeting was attended by 300 to 400 scholars. It was decided to stage a mass march of pupils from all schools on 16 June, the day on which high schools were to commence examinations. The demonstration was to be planned, organised and controlled by an action committee. The action committee was subsequently renamed the SSRC. During the next few days, all the necessary arrangements were made with schools in connection with the staging of this march, the making of placards, resistance to the police, and other matters in connection with the demonstration. Numerous meetings were held, mainly at schools. There were also discussions between the leaders of the scholars and a group of adults.

2.4.12 In February, PAC members founded a branch of the YACM, later known as the YARM, in Kagiso near Soweto. Its members were scholars and other
youths, and they were under the leadership of the PAC. During May, the leaders began to organise a revolt by scholars; they were to be joined by adults, and this revolt was to spread throughout the country. They were to begin with attacks on Government buildings on 17 June, but before they could act, the rioting in Soweto had spread to Kagiso.

2.5 The official handling of the resistance.
2.5.1 In handling the resistance, the Department's officials had to deal with riotous scholars and unco-operative parents. The schoolchildren were fired with enthusiasm and their parents had a measure of sympathy with their aspirations. Later, when the parents wanted to control their children, they no longer had any influence over them. Meanwhile, the measures taken by the officials were ineffectual.

2.5.2 To the officials, there were two distinct aspects to the trouble; one was the policy on the medium of instruction, and the other was the resistance of the pupils. They had to apply the policy, and it would seem that their application of it became more and more strict. This impression was partly due to the increase in the number of applications for exemption and the resultant increase in the number of refusals. Neither they nor the parents could change the policy itself. It was said to be a professional matter in which the policy-makers alone had the say. It therefore did not seem necessary to them to discuss the matter with parents, leaders, and educationists. Apparently the fact that school boards had been asked a few years before to make recommendations in connection with this policy was lost sight of. It must be added, however, that 61% of the school boards in the Transvaal were in favour of the equal use of Afrikaans and English as media of instruction. However, this did not mean that problems could not be discussed with them.

2.5.3 The pupils' conduct was a matter for the school boards. These boards had been directed to negotiate with the striking scholars and to see to it that classes were attended again. It is not clear how much room for manoeuvre they had in such negotiations, since concessions in regard to the policy were out of the question. A promise that grievances would be submitted to the authorities for consideration may not be enough for impatient strikers.

2.5.4 The Commission considers that the discussions at two meetings attended by the Regional Director on 7 and 8 June clearly show how officials of the Department handled the resistance to the medium of instruction policy in Soweto. At the first meeting, the Regional Director received a deputation from the Urban Bantu Council. These discussions had been arranged by the Chief Director of WRAB. He had been given the impression that the Regional Director was unwilling to meet the deputation. The second meeting was convened by the Chief Bantu Affairs Commissioner, and in addition to the Regional Director of the Department and the Chief Director of WRAB, three SAP officers were present. The Regional Director believed that the meeting had been convened to criticise him or his section for their actions in connection with the resistance. The Commission found that this was not the case.
2.5.5 At the first meeting, the Regional Director stated that the school boards had accepted responsibility for ending the boycott and that the Department could therefore do nothing about the matter. When he testified, he could no longer remember whether only the administrative functions of school boards had been discussed or whether they had also considered the so-called professional question of the medium of instruction, which was dealt with by professionals only and could not be discussed with laymen. The Commission accepts that both these matters were discussed. The Regional Director's attitude was that the policy of equal use of the media of instruction had been introduced because White taxpayers were financing Bantu education and that the taxes paid by urban Blacks went to the homelands. This justification of the policy had also been put forward previously at various other places. It was sometimes also said, as was done at the second meeting, that if Black children were not satisfied with the system, they could stay away since school attendance was not compulsory. On other occasions it was said that parents could send their children to schools in the homelands. The Commission considers it unnecessary to comment on the accuracy of these statements and their appropriateness in the circumstances, and will confine itself to the observation that such statements and a take it or leave it attitude were certainly not likely to calm feelings down.

2.5.6 The Regional Director stated at both these meetings that the pupils' demands could not be acceded to because that would set up a chain reaction, the end of which could not be foreseen. Other officials displayed the same attitude during this period before the outbreak of the riots. The danger of such an approach is that it may mean that grievances and requests are not considered on their merits.

2.5.7 The deputation from the UBC asked whether circulars from the Department could also be sent to the Council's Committee for Health and Education and whether the Committee could see him to discuss educational problems with him. The requests were refused on the grounds that the Department did not regard the Committee as a part of the education machinery.

2.5.8 The officials believed that agitators were behind all the rebelliousness and that the scholars were being used as a so-called pressure group. They did not realise that the scholars were so dissatisfied and inflamed that they could quite easily revolt.

2.5.9 This approach by the Department's officials had the following important consequences. In the first place, it closed the door on communication. There was no opportunity to explain the policy and the reasons for it. There was no exchange of ideas, and the impression was created that the Government was unapproachable and inexorable. Furthermore, they were never aware of what was going on among the unruly elements or how stubborn the resistance was. Nor were they able to establish what the objection was to the policy and the way in which it was presented. They were unable to warn the Secretary and the Minister of imminent danger and were unable, when enquiries were made, to furnish important details for replies in the House of Assembly. The problem, which was apparently of such great importance during the few weeks before the eruption, was resolved by the
Minister within a matter of days after the outbreak of the riots. Finally, it is clear that their actions in no way helped to prevent or to delay the riots.

2.6 Impotence of the officials.

2.6.2 For the reasons set out in the preceding paragraphs, and because they were not in contact with the rebellious schoolchildren, their parents and their resistance, the officials did not see the threatening danger, never gave their own Department a timely warning of the danger, and did not take any steps themselves to avert an eruption.

2.6.2 Even without such contact, there were sufficient warning signs to have put them on their guard. Time and again there was trouble with school boards who disregarded the policy. From as early as February, pupils had been causing trouble in their schools about Afrikaans as a medium of instruction. There were boycotts of classes at a number of schools. At one stage, 600 scholars refused to go to school. On another occasion the figure was put at 2,000. Romeland leaders visited Soweto in connection with the problems in education. In and outside Parliament, questions were put to the Minister about exemptions and boycotts. The officials were asked for particulars, but they informed the Secretary that the troubles were still at a very low level; according to them, it was not yet necessary to call in the Secretary's help and riots were already upon them. Early in May, the Chief Director of WRAB wrote to the Secretary that there were danger signs, and that his Board could not assume responsibility for damage that might result from the scholars' activities. And lastly, there were three important meetings. As far back as April, the African Teachers' Association of South Africa had had an interview with the Secretary on the question of the medium of instruction and had handed a memorandum to him on the matter. On 7 and 8 June the two meetings referred to above took place. Well-informed persons expressed their concern about 'the situation. The officials right next to the danger in Soweto failed to warn their Department.

2.7 Impotency of the police.

2.7.1 As has been remarked elsewhere in this Report, the Commission is mindful of the fact that it is easy and unfair to condemn with hindsight the actions, or the failure to act, of the officials and the police. It is in this light that the Commission will now deal, mainly on the basis of the findings in Chapters B1 and B3, with the SAP's inability to foresee the danger of riots.

2.7.2 The SAP said that, because school attendance was not compulsory, they could not take action merely because pupils stayed away from their classes. But there were after all several cases in which they did intervene, for example in cases of violence, public demonstrations, and stone-throwing. They instituted patrols for the protection of pupils who wanted to go to school. Some of their members were attacked on two successive days at the Naledi High School. The Force also had special sources of information, because some of its Black members lived in Soweto. It could be assumed that the Force in Soweto would have been aware of possible unrest in the area. Nevertheless,
clear signs of brewing unrest during the last few weeks before the eruption were ignored. The threatening danger was discussed at meetings, and people who knew the situation expressed their genuine fears. There were several incidents of violent resistance that testified to mounting tension, and speakers and writers sounded warnings in public of coming riots, but the police did not realise the significance of all these portents.

2.7.3 It would seem that the police did not institute further or sufficient investigations. That is why it was possible for a group of young people to make intensive preparations for at least three days for a demonstration by 15 000 or more pupils at schools throughout Soweto. The police received their first, incomplete reports of two separate marches the evening before the demonstration was due to take place. At that stage, so far as manpower, equipment and mental attitude were concerned, the police were completely unprepared for such a mass demonstration. The Commission considers that the police themselves were largely to blame for their lack of knowledge of what was being planned and for their own unpreparedness.

2.7.4 Anyone who knew the circumstances would have realised that an unlawful procession of such magnitude would be an extreme threat to the preservation of peace and order and, if it had been his duty to do so, would have taken counter-measures. The police had no plan of action to counter the day's disturbances, and patrols first had to go out to find out what was going on. The divisional commissioner's order to confine the pupils to their own school grounds could not be carried out because most of the pupils had by then already left their school grounds. Nor were there enough men to carry out this order properly.

2.7.5 The police halted the march, but were unable to control the unruly crowd. Riots broke out and spread throughout Soweto. Before long, there was rioting in many parts of the country.

2.8 Finding.

2.8.1 The Commission's finding is that the riots of 16 June in Soweto were caused by a combination of the following circumstances: The application of the policy on the medium of instruction, which gave rise to misunderstanding and dissatisfaction among the people of Soweto; the scholars' planned and organised resistance to the policy on the medium of instruction; the ineffectual official handling of the resistance; and the inability of Departmental officials and the police to foresee the imminent rioting and to take counter-measures.

CHAPTER 3 : ORGANISATIONS.

3.1 Introduction.

3.1.1 This chapter deals with the part played by various organisations in contributing to the causes of the riots or their continuation. The history, constitution and activities of these organisations or the persons belonging to them are not discussed, unless such a discussion has a bearing on an organisation's responsibility for starting or continuing the riots.

3.1.2 The only organisations discussed here are the ones on which evidence was heard that pointed to their involvement, as set out below. These organisations are
the ANC, the SACP, the PAC, the BPC, SASO, SASM, the SSRC and the Comrades.
3.2 The ANC.
3.2.1 Objective.
This organisation's main, if not its sole, objective is the eventual overthrow of the Government of the RSA by force of arms. There is nothing in the evidence to indicate that, as a body, the riotous scholars had such an objective. The ANC probably supported the scholars in their efforts because the riots would bring them a step nearer their ultimate goal. This organisation, for instance, said the following in a pamphlet distributed in March: "We must organize those around us to create internal opposition to disperse and weaken the racist forces and hasten the inevitable demise of the racist regime."

3.2.2 Participation: General.
It is difficult to determine the extent of the ANC's share in the planning, organising and waging of the violent riots or to establish what particular effect the organisation's direct action and indirect influence and incitement had. It is all the more difficult to determine and establish these things because there were so many persons who belonged to more than one of the Black organisations; the actions of a person with a dual membership cannot simply be ascribed to the one or to the other organisation. What is more, the ANC's activities take place underground, and usually no details of these activities are known. It is also possible that the ANC sometimes operated through other organisations.

3.2.3 The ranks of the ANC abroad were divided, and one group ran down the other and accused it of not supporting the rioting. Even some of the young leaders of the scholars who fled abroad differed among themselves about the extent and value of the ANC's assistance to rioters and about its influence on and leadership of an organisation such as SASM.

3.2.4 Nevertheless, the Commission has no doubt that the ANC was constantly active in the field of rioting and that its activities most decidedly had an effect on the outbreak and continuation of the riots.

3.2.5 Participation: Pamphlets.
The ANC constantly had inflammatory pamphlets prepared and distributed by its members and other persons. The purpose of these pamphlets was to recruit collaborators in the struggle against the existing order; readers were urged to join the organisation or its militant and violent wing. These pamphlets were distributed by letter or by bomb. A number of Whites were convicted in the Supreme Court of Involvement in the preparation and publication of such pamphlets (S v Jenkin and another, CPD 147/78 and S v Rabkin and others, CPD 331/76). It is evident from a pamphlet published in June that the ANC did not expect the riots on 16 June; in a subsequent pamphlet of 8 July, readers were incited to demonstrate and to hold protest meetings against "the brutal murder of our children, of our brothers and sisters in Soweto and other townships."

3.2.6 Participation: Training.
The ANC's training of selected rioters was probably its biggest contribution
- to -th--riots and-their continuation. The usual procedure was to recruit youths and then take them out of the country. They had to travel through various territories to get to Russia, where they were then trained for four months. This training included all forms of terrorist activities and especially the use of Russian weapons. The recruits also received training in political affairs, e.g. the history of other so-called liberation movements.

3.2.7 Upon their return to the RSA, they were equipped mentally and otherwise as terrorists. They could train other recruits in this country and had the weapons and knowledge of those weapons to commit sabotage and other acts of violence. Several of those who returned were tried in this country on charges of sabotage and terrorism.

3.2.8 Because they had an organisation for the transportation of recruits, the ANC could also help riot leaders and others to flee from justice. They supported such refugees abroad. A young man who knew that he could obtain protection from such an organisation, would probably have committed violence more readily in the riots.

3.2.9 Considering the support in pamphlets, the broad training, the protection, and the supply of weapons, the ANC was a good and useful ally to the youth organisations that planned and committed riots.

3.3 The SACP.

3.3.1 The ANC looked upon the SACP as its revolutionary ally in the struggle against the Government of the RSA. Several pamphlets referred to the cooperation between these two organisations and especially to the fact that they were fighting side by side in the National Liberation Movement for the armed take-over of political power in South Africa. The SACP itself also prepared and issued inflammatory pamphlets. Apart from this co-operation with the ANC and the distribution of the pamphlets, there was no evidence of active participation in the riots by the SACP as an organisation.

3.3.2 Several persons who held leadership positions in other movements were avowed communists. Whether they were members of the SACP is not known. Mashinini stated abroad that it was only there that he had first become a Marxist, although his political convictions in the RSA were already in line with those of a Marxist. It was evident from letters and documents that many Blacks had Marxist leanings and advocated the violent overthrow of the existing social order in this country.

3.4 The PAC.

3.4.1 Ex-members of the PAC who had been detained founded a religious organisation for young people; this was the YACM, which was subsequently renamed the YARM. They wanted to revive the PAC under the cloak of this organisation. Several branches were established on the Rand. In May, they began inciting members of the YARM to take part in insurrection against the Government. They planned to launch attacks on Government buildings in Kagiso on 17 June, but by the morning of that day the rioting had already spread from Soweto to Kagiso. The members of the YARM then also took part in the riots;
they set fire to buses, a shop, and a school. Later in the year, they helped the SSRC to organise a strike.

3.4.2 The PAC also recruited youths for training abroad. These young people were sent to countries in Africa and to China. There is evidence of their even having sent young girls overseas for training. The Commission has no further evidence concerning the actions of PAC members that had caused riots or their continuation.

3.5 The BPC.

3.5.1 Towards the end of 1976, in a pamphlet issued in Dar es Salaam the African Nationalist wing of the ANC lauded the BPC for spearheading the rioting in the RSA along with SASO and SASM.

3.5.2 The BPC’s greatest contribution to the outbreak of the riots lay in its efforts to make the Black youth conscious of their Blackness. This led to a striving for solidarity with other Blacks, and made them aware of their power if they stood together. At one stage, SASO asked the BPC to introduce youth programmes so that the Black youth could achieve solidarity through Black Consciousness. By so doing, this organisation helped to create a milieu in which youths listened to the agitators who were inciting them to violence.

3.5.3 In 1973, after a number of Black leaders had been restricted, the BPC issued a particularly strongly worded, statement, from which only the following sentences are quoted: "We call on all Black students in Black high schools and Black universities and the general members of the Black community to come forward and replace any member of any Black organisation, who is temporarily incapacitated by the fascist laws. Black people must be aware that the day of reckoning with the fascist is at hand."

3.5.4 There is evidence of BPC members who attended meetings, held discussions with SASO members and allegedly incited youths, especially scholars. This evidence was usually vague and sketchy. However, the Commission considers that the following two statements by the organisation show that it not only supported but also identified itself with the actions of the scholars, the adults, and the students.

3.5.5 On 25 May, the Rand Daily Mail reported on the school boycotts that were then in progress. According to the paper, the BPC had stated that the matter was not a tribal struggle but a Black national struggle. The organisation applauded the scholars for the stand they had taken, saying that the children or scholars were now being called upon to fight the battles that their parents should have fought long ago. Some days later, the same paper carried a BPC denial of responsibility for the school boycotts.

3.5.6 On 6 August, the following report appeared in the Cape Times with reference to the actions of UWC students: "The BPC Cape Town Branch reaffirms its total solidarity with the stand of Blacks nationally and specifically with the courageous stand of our students at the University of the Western Cape, who believe that Blacks suffer commonly in our country."

3.6 SASO.
3.6.1 During the sixties, dissatisfaction with the National Union of South African Students arose among Black students; they demanded a Black organisation for Black students. SASO was accordingly founded in 1969 to promote Black Consciousness. In the course of time, this organisation extended its interest to Black adults, Black youth and Black scholars, all of whom were enlisted into Black Consciousness and training.

3.6.2 SASO decided that Black education was not geared to the creative urge of Black youth and Black development, but had indoctrination and perpetual bondage as its aims; it was necessary for Blacks to formulate and to apply their own system of education. It was for this reason that they urged a "conscientization programme" for pre-school children and pupils in the primary classes. The result of all these resolutions and activities was that SASO also came into close contact with scholars. During the riots, they were very active in inciting schoolchildren at several places.

3.6.3 SASO scored its greatest success among students during the riots. Its organising activities at universities and colleges gave rise to rioting and violence. The part played by students in the riots was discussed in a previous chapter, and it may be assumed that those students were mainly members of SASO. In this sphere, its efforts at the UWC were largely responsible for Coloureds' siding with the Blacks.

3.6.4 Shortly after the outbreak of the riots in Soweto, two SASO leaders, one of whom was a student at the UWC, were summoned to Johannesburg by SASO. Upon their return, they and other SASO members got into contact with leaders of the BPC; it is not known what was discussed. Only a few other examples of the activities of students and SASO members during the riots will be quoted.

3.6.5 At several places in the South-Western Cape, UWC students who were members of SASO were active in the incitement of scholars. They were also spotted in this role in Port Elizabeth. There was evidence that this organisation was particularly active among scholars in the Ciskei. In the Durban area, too, members of SASO motivated and incited Black scholars. Among other things medical students who were members of SASO addressed scholars about the riots at kwaMashu and Umlazi in October. It was also testified that students from the University of the North, who were probably SASO members, incited schoolchildren in their home districts. It may also be mentioned here that the word "SASO" frequently appeared in slogans on placards and blackboards as if to lend authority to orders or statements.

3.6.6 In Chapter Bli, the Commission gave its reason for suspecting that SASO members had played a major part in the outbreak and continuation of the riots at the University of the North. According to the evidence, students from the University of Zululand were seen at these disturbances.

3.6.7 Members of SASO were responsible for planning, organising and conducting the riots and violence at the University of Zululand. They kept the riots going through incitement and intimidation. There is evidence that some of the leaders in the rioting of 18 June reported at the SASO offices in Durban that same afternoon on the destruction they had wrought.
3.7 SASM.
3.7.1 This organisation, its constitution, and its activities were dealt with fully in S v Twala and others, WLD 281/78, a criminal case in which several leaders of this organisation were convicted of sedition for their activities in the riots. The actions of members of SASM are also dealt with in paragraphs B1.20, Friday 28 May 1976, and E2.4.8 and 11 of the Report. The Commission merely wishes to mention the following. Members of SASM were involved in the boycott of classes in Soweto as early as April. According to a resolution passed at a national conference held at the end of May, this organisation unanimously decided to give its full support to scholars taking part in the boycotts. The SASM meeting that took place on 13 June in the DOCC Hall was held for the purpose of electing an executive for that region. At this meeting it was decided to hold a mass demonstration on 16 June.

3.7.2 As has already been mentioned in the Report, an Action Committee was elected at the meeting to organise the demonstration. This committee's name was subsequently changed to the SSRC. The SSRC was therefore a subcommittee or section of SASM, and SASM was consequently co-responsible for the rioting that broke out on 16 June.

3.8 The SSRC.
3.8.1 In the second chapter of this part, the Commission found that, together with other factors, the organisation of the resistance and the march were the immediate cause of the riots.

3.8.2 This organisation and its members were largely responsible for the fact that the riots did not abate sooner. The SSRC had organised the demonstration that took place on 4 August in Soweto; on the way to the assembly point, one of the main leaders led his group to the home of a policeman; this house was burned down, and other policemen's houses were set on fire. They were responsible for the demonstrations and riots on 17 September that coincided with Dr Kissinger's visit to the RSA. Attempts to create havoc in the centre of Johannesburg were also planned and arranged by the SSRC. Its members were also behind the various strikes and the intimidation and violence that accompanied them. It is not clear what part the SSRC played in the school and examination boycotts; it was involved in them, but could not have been in constant control of them. Statements were issued on the subject, and on one occasion the writing of examinations was prohibited. The SSRC also appealed to the owners of shebeens to close the shebeens as a mark of sympathy with the victims of Soweto. Violence resulted. Various inflammatory pamphlets were distributed by SSRC members in Soweto and on the Rand.

3.8.3 In the Peninsula, there was an organisation known as the Super Students' Representative Council or SSRC which was involved in the disturbances that took place there. The Commission has no evidence linking this organisation with the one in Soweto or with the Comrades in the Peninsula.

3.9 The Comrades.
3.9.1 This organisation consisted mainly of Black scholars from high schools in the Peninsula. It was their campaign against the shebeens, in particular, that
caused great damage and dissatisfaction. They also organised strikes and the intimidation of workers. In December, they banned the consumption of liquor, festivities and the giving of presents. They ordered all the inhabitants of Nyanga to attend a memorial service. In this way they kept the disturbances going. On Christmas Day, the militant actions of the Comrades and the young people activated by them was the real and direct cause of the Christmas riots in Nyanga. This group was also responsible for the failure of at least one attempt to bring about peace between the fighting Residents and Migrants. On 10 January 1977, the Comrades set fire to five schools.

CHAPTER 4 : THE BLACK CONSCIOUSNESS MOVEMENT.

4.1 Introduction.

4.1.1 Towards the end of 1976, a group of the ANC known as the African Nationalists published a pamphlet entitled "In Defence of the African Image and Heritage" in Dar es Salaam. They attacked other organisations that had not contributed to the riots, and stated: "Never before had the objective conditions been so ripe for the beginnings of armed struggle in S.A. Credit for the June 16 Soweto Movement must go to the Black Consciousness Movement spearheaded by the South African Students' Association (S.A.S.O.), the South African Students' Movement (S.A.S.M.), and the Black People's Convention (B.P.C.)."

4.2 Nature and objects.

4.2.1 The Black Consciousness Movement is not an organisation. It is a philosophy, virtually a religion, which is to be found in almost all Black political or community organisations. All the organisations promoting Black Consciousness are therefore collectively known as the Movement. The aim of Black Consciousness is to make every Black man proudly conscious of his Blackness. This will make for solidarity between him and other blackconscious persons. Because they will stand together as black-conscious people, they will be able to liberate themselves spiritually and in actual fact.

4.2.2 Witnesses contended that Black Consciousness was not Black Power or Swart Mag. The Commission has pointed out elsewhere that to the majority of Blacks who took part in the riots, and particularly to the schoolchildren, Black Consciousness in deed meant only Black solidarity and Black Power. The Commission also considers that the practice of Black Consciousness led to a polarisation between Black and White.

4.3 Black Consciousness as a cause.

4.3.1 In the light of what has been said in the preceding paragraph, the practice of Black Consciousness also created a mood that was useful to agitators. In Chapter 3 of this Part, the Commission referred to all the organisations that contributed to the rioting. This matter will not be discussed again.

CHAPTER 5 : POLITICAL AND MILITARY DEVELOPMENTS OUTSIDE THE RSA.

5.1 Introduction.

5.1.1 In the course of this inquiry the question arose whether developments in Southern Africa in the political and military spheres had contributed to the
outbreak of the riots. The question related more particularly to the withdrawal of Portuguese control in Angola and Mozambique, the success of socialist and communist forces in those two countries, and the international support given to so-called liberation forces, inter alia in Rhodesia and South-West Africa.

5.1.2 This problem will be dealt with in general and not as though support for the riots or incitement to disturbances had come from any particular quarter. The question is whether the Black man in the RSA did not regard the Black man who had fought for freedom in other parts of Southern Africa as an ally in the struggle against the White oppressor and whether that idea did not contribute to the outbreak of the riots.

5.2 The evidence: Pamphlets.

5.2.1 The ANC issued several pamphlets drawing readers' attention to the success achieved by liberation movements in neighbouring countries, the support received by those movements from outside, and the victories that had been gained over the common enemy, the White man. It is necessary to refer to some of these pamphlets.

5.2.2 A pamphlet issued on 10 December 1975 was titled "South Africa get out of Angola". In this pamphlet, attention is drawn to the following. In Angola, the "patriotic forces" had been victorious with the aid of Soviet Russia, Vietnam, and Cuba. The revolution in Africa had reached the borders of South Africa, and White South Africa was beginning to tremble. All the peoples in Southern Africa were fighting the same fight. They all had to unite under the banner of the ANC and march together to freedom.

5.2.3 On 8 March 1976, the ANC distributed a pamphlet under the heading: "Don't collaborate with the racist intervention in Angola". One sentence read as follows: "The African Revolution, however has gathered momentum and will not be stopped until the last vestiges of colonialism, neo-colonialism and racism have been wiped out."

5.2.4 In a pamphlet issued in March and May 1976, this organisation stated that the lesson of Angola was clear, namely that there was nothing that could stop the flames of freedom from spreading throughout Southern Africa. All Blacks were asked for their support. According to a pamphlet issued in June 1976, Frelimo and the MPLA had shown that the South African Army was not invincible.

5.2.5 To conclude, only one more paragraph is quoted from an ANC pamphlet of December 1976: "These racist murderers who slaughter unarmed children and women fled in panic when they came face to face with the armed freedom fighters of Umkhonto in Zimbabwe in 1967 and 1968. Their racist arrogance shrank when our MPLA comrades thrashed them in Angola. And now the time is coming when Umkhonto will punish the racists on our soil."

5.3 The evidence: During the riots.

5.3.1 It is not known how many of the rioters read these pamphlets. That some of the leaders were aware of their contents cannot be doubted. Among the few indications that the efforts of militant liberation organisations had influenced rioters in this country was a placard displayed on 16 June at the MIHS, which
read "It happened in Angola. Why not here". The following testimony must also be quoted.

5.3.2 Mrs Helen Suzman, M.P., testified as follows: "...(T)hose parents now find themselves in the process of being brushed aside by the far more militant younger generation. The days of patient submission are over for them. The occurrences beyond our borders in Mozambique and Angola and Rhodesia have not escaped their notice."

5.3.3 In a memorandum handed to the Minister by the Soweto Black Community Leaders on 29 June, reference is made to militant Black malcontents, and then these words follow: "According to this school of thought the only answer to this situation is to fight it out again; and lessons of events in such countries as Mozambique have not been lost on some of our people."

5.4 Finding.

5.4.1 Although political and military events in Southern Africa were not a direct cause of the riots and disturbances, they were undoubtedly a factor which, together with so many others, helped to create a state of mind in which rebelliousness could easily be stirred up.

CHAPTER 6 - BANTU EDUCATION.

6.1 Introduction.

6.1.1 In the first place, this chapter deals only with Bantu education; the Commission does not wish to add anything to what has been said in Chapter B30 about Coloured education. The concept Bantu education includes the education and training provided for the Black child in the RSA by means of the existing system. In the second place, this system is discussed only as a cause of the riots; its good and bad points are dealt with only if they have a bearing on the causes of the riots.

6.1.2 The Bantu education system was frequently put forward as the cause of great dissatisfaction and of the riots. The Commission has already shown how first Afrikaans as a medium of instruction and then Bantu education became an important subject for demonstrations. Mention has also been made of the interest taken by SASO and SASM in education, of their resolutions on this subject, and of their actions.

6.1.3 The question of Afrikaans as a medium of instruction has been discussed at several places in this Report, and in the second chapter of this part it was shown how important it was as a concomitant factor in the immediate causes of the riots. It was also stated that the problems in connection with the medium of instruction were resolved within a matter of weeks of the first riots. The Commission will now discuss other aspects of Bantu education.

6.2 Aspects of Bantu education.

6.2.1 Free and compulsory education.

One of the main objections to Bantu education was that it was not free and compulsory. In regard to the first-mentioned matter, there were objections to the amount payable together with rentals in certain areas and known as an education levy. The realization that this was a sort of tax made the matter less serious, until parents in Soweto came to hear that this tax was sent to the homelands. Some
witnesses argued that the fact that school clothing had to be bought proved that education was not free; other witnesses, on the other hand, said that this matter had been satisfactorily disposed of at many schools and that the Department had given advice in this regard. A particularly serious objection was that scholars had to buy their own books. It was often stated by way of comparison that White scholars, whose parents invariably had a much higher income than Black parents, were supplied with free books. This could undoubtedly have been a source of considerable dissatisfaction.

6.2.2 Compulsory school attendance was regarded by many as essential for a good system of education, and its absence was a major shortcoming in Bantu education. According to figures available to the Commission, the attendance percentage in the RSA was nevertheless better than that in most other countries in Africa where school attendance was compulsory. However, this is not a good enough reason why school attendance should not be compulsory, and there were grounds for this objection to the system. It was the cause of dissatisfaction.

6.2.3 According to the authorities, the cost involved in free and compulsory education was the main reason why it was not provided. As early as 1974, it was decided to supply pupils with free books and to introduce compulsory school attendance. When it was subsequently announced in 1976 that the decision regarding books and compulsory school attendance was to be carried into effect by the Comrades in the Peninsula stated that this step was not sufficient; they wanted a new system in the place of the existing one, because Bantu education was inferior. This view was held throughout the country, and in numerous demonstrations it was mentioned as a major cause of dissatisfaction and advanced as one of the reasons for the replacement of the system. The Commission will not express any opinion on the question whether an earlier announcement of the decision to make education free and compulsory, together with an explanation, would have had any effect on the malcontents and hence on the riots as well.

6.2.4 An inferior system?
A witness pointed out that developing societies were usually not satisfied with their systems of education, and that this objection was to some extent inspired by events in the rest of Africa. Developing peoples are usually impatient and want a short cut in education where there is no short cut. With regard to the reasons for inferiority, it must be mentioned in the first place that the word "Bantu" in the name of the system was sharply criticised. But a change of name alone would not have satisfied the critics.

6.2.5 Several Black leaders helped to damage the image of Bantu education. In several cases, their attacks corresponded with the statement made by a Transkei consul in the Eastern Cape. According to him, the Afrikaner had designed Bantu education to ensure that Blacks would for ever remain the White man's slaves. On the other hand this charge was denied by educationists who testified. An educationist who had had years of experience in the Eastern Cape and belonged to a religious denomination, not only contradicted this allegation but pointed out that it was impossible for teachers to face their classes if they knew that their pupils
thought that they had any part in such a diabolical plan. Another educationist expressed the view that the press had made a monster of Bantu education. In the case S v Twala and others, WLD 281/78, a renowned educationist who gave evidence for the defence stated that the Bantu education of 1976 had not been designed nor was it applied in such a way as to keep the Black man in a position of inferiority. The Commission considers that, assisted by adult politicians and leaders, the riotous youths had succeeded so well in denigrating the system of Bantu education that speakers and writers condemned it, sometimes out of hand and in unrestrained language. It was typical of this sort of attack that a suitable alternative system was not suggested.

6.2.6 Probably because of what they had heard and read elsewhere about education systems, youth leaders complained that Bantu education was irrelevant. This was supposed to mean that this education did not meet the needs of the pupil as a member of the Black community. Experts concede that any developing society is entitled to education that caters for its members in regard to language, background, traditions and needs, but not all of them believe that this means that education should also be relevant to the political aspirations of a particular group. In this regard, there is a contradiction in the criticism of the system; while one group wants its own and a relevant system, another group speaks of an integrated system for Black and White schoolchildren. Critics of the existing system often did not realise that Black experts in the field of education had been consulted and had had a hand in the drawing up of syllabuses. They were often unaware of the fact that all education departments in this country use the same core syllabuses and that all matriculation pupils throughout the country have to write examinations with the same requirements for a pass and the same requirements for admission to a university. Departmental educationists and other witnesses consistently maintained that Bantu education was not in any way of an inferior standard and content; it is possible that, because of the qualifications of teachers, its presentation to pupils is not of the same high standard as that in some other education departments in the country.

6.2.7 It was often argued that the difference between the cost of a Black child's education and that of a White child was so big as to prove indisputably that the Black child’s education was inferior. The cost used in this argument is the so-called per capita cost, or the cost per child per year to the Department concerned. These amounts are usually obtained by asking the various Ministers in the House of Assembly to supply the figures. There are various flaws in such a comparison and the inferences drawn from it. In the first place, experts pointed out that such a comparison was not a reliable way of evaluating education; in this regard, the question is how the available money was spent and not how much was spent. In the second place, the per capita cost is not made up and calculated in the same manner by the various departments. In the departments responsible for the White child's education, interest on and redemption of mortgages are included in the construction costs of school buildings; these costs are not included in the figures for Black pupils’ education by the department concerned. The same applies to the cost of school medical services. In the third place, the percentage of primary
pupils in Black schools is much higher than it is in White schools, and primary education costs much less than secondary education owing to such factors as smaller requirements as regards facilities, the less extensive training of teachers, and lower salaries. In the fourth place, because of the exceptionally rapid growth in the number of Black pupils, there are temporarily bigger classes and even double sessions at their schools; this also results in a lower expenditure per pupil. It is for these and other reasons that the per capita costs for Black and White pupils cannot be compared to show that Black education is inferior. The Commission was not required to go into the question of the availability and application of funds for Bantu education. The Commission was, however, informed that the R15 million available to the Department in 1955 had grown to R77.5 million in 1976.

6.2.8 Shortcomings in the system of education. There were undoubtedly shortages of competent teachers and of accommodation in Black schools. This led to the undesirable practice of having double sessions. The Commission does not propose to go into these circumstances; they resulted largely from the unexpected and exceptional increase in the number of pupils. According to the evidence, the Department did try to remedy the situation. Close on 1 000 White teachers were employed in Black schools to alleviate the shortage to some extent. They were appointed only if Black teachers were not available. Nevertheless they were often the target of unjustified and bitter attacks by rebellious elements. It was said that salary increases would wipe out the shortage of competent teachers. It is doubtful whether such a step alone would have sufficed. On a number of occasions, scholars demonstrated against the low salaries paid to Black teachers and against the gap that existed between the remuneration of Black and White teachers. In making these comparisons, the qualifications of teachers were not always taken into account. In the course of this inquiry it was learned that salary scales were receiving the attention of the authorities.

6.2.9 General objections. Several witnesses and leaders complained that the Black man had no say in the education of his child, and that measures were introduced without any consultation with Black parents or organisations. School boards were said to be ineffectual and powerless. These boards consist of five elected and four nominated members; there were complaints that parents and others were not always satisfied with the nominations. The complaints against school boards were not well founded. In Chapter BX, cases are discussed where school boards acted particularly independently and even exceeded their powers. In some respects these boards have considerable powers, for instance in regard to the appointment and dismissal of school principals and teachers. An example of how the Department refrained from intervening, in spite of requests for it to take action when a school board dismissed three principals, is discussed in the same chapter. Upon being told, after a misunderstanding, that they had no say about the medium of instruction in their schools, school boards almost immediately claimed that the boards were useless and had no powers. It may be
that some of these boards did not communicate well with officials and were not properly informed about their powers and duties.

6.2.10 As regards the consultation of Blacks about education, it may be mentioned that several Black educationists serve on boards of the Department. In addition, there are 109 inspectors, 338 assistant inspectors, and 12,440 school principals. Nevertheless, witnesses believed that there was not sufficient consultation, and the attitude of some officials in Soweto shortly before 16 June confirmed their belief.

6.2.11 A further complaint was that some Afrikaans prescribed books and history textbooks portrayed the Black man as inferior, even below domestic animals. Closely allied to this was the complaint about White teachers' refusing to mix with Black teachers at the same school and, for instance, having their own staff room. It must be repeated that these allegations were not always true or accurate.

6.3 Finding.

6.3.1 The Commission found that there was considerable dissatisfaction with Bantu education among the Black community, especially in Soweto. Sometimes there was good reason for this dissatisfaction, sometimes not. In some cases, parents had been misled by unfounded criticism. The young scholars were opposed to the entire system, although they did not always know why. Except for the question of the medium of instruction, compulsory school attendance and free education, Bantu education was not a cause of the riots. It was to a certain degree a cause of dissatisfaction; this dissatisfaction was to some extent stirred up and exploited by those who were bent on creating disturbances.

CHAPTER 7: THE HOMELANDS SYSTEM.

7.1 Introduction.

7.1.1 Before the Commission proceeds to a discussion of the homeland system or policy as a cause of the riots,-a brief reference must be made to the policy itself and to Black opinion on the subject.

7.2 The policy and the system.

7.2.1 The Government's policy for the homelands embraces a system of political independence, coupled with economic interdependence; and each homeland has the option of complete independence at some time in the future. About four months after the eruption of the riots the first homeland, Transkei, became independent.

7.3 Acceptance of the policy.

7.3.1 For understandable reasons, Blacks are not in complete agreement on this policy. By and large, the inhabitants of the homelands are in favour of the system, while a considerable body of the city dwellers are opposed to it. The strongest condemnation of this institution comes from organisations such as the ANC, the BPC, SASO, and SASM. To them, those who subscribe to this policy are traitors, puppets and "sell-outs". There are others whose criticism of the system is not so harsh. Their objections to it include the following. The land set aside for the homelands is inadequate for the large number of people who have to use it. The boundaries are also not defined clearly enough, and the areas have not been consolidated meaningfully. A result of the policy is that a Black man in the White
areas may not acquire ownership of any land. The urban Blacks were also not happy about the certificates of citizenship issued to them; these certificates tied them to a particular homeland and were sometimes accepted by Blacks under duress if they wished to enter into a long-term lease, if they wished to renew licences or permits, or if they wanted to go into professional practice or to trade. In the case of some people all these factors and restrictions caused uncertainty, which in turn gave rise to frustration and dissatisfaction.

7.3.2 Apart from the homelanders employed in the cities as migrant labourers, there were a large number of Blacks in the urban and the rural areas who were in favour of the policy or who accepted it in the circumstances. The following facts not only serve to show that such an attitude does exist, but they also point to the existence of ties between city dwellers and people living in the homelands. There are many parents who send their children from the cities to schools in the homelands. In one homeland, a survey showed that more than half of the schoolchildren came from outside the homeland area. On several occasions, groups in Soweto called in the assistance of homeland representatives or of homeland leaders themselves when, for instance, they were having difficulties with officials or with the Department. Although they have representatives in the cities, the homeland leaders paid personal visits to their people in Soweto and in other areas.

7.3.3 People travelling by road have no doubt already noticed how many city dwellers visit the homelands. During the Easter week-end, one bus company transports thousands of visitors who go to a certain place for religious rallies. In the course of a year, the South African Railways transports 2h million passengers to homeland areas. A survey has not only shown that there are ties with the homelands, but that these ties are considerably stronger in Pretoria than they are on the Rand. Lastly, homeland citizens living and working in the White areas regularly vote in homeland elections. The available figures for six elections show that 49% of the almost two million votes were cast in the White areas.

7.4 The homelands policy and the riots.
7.4.1 In demonstrations in various parts of the country, placards with slogans about the homelands were displayed. The public were sometimes asked to stand together against this policy. The words "Away with Bantustans" frequently appeared on placards and banners. Attacks on the homelands were often made in inflammatory pamphlets. The ANC’s leaflets sometimes appealed for the liquidation of the homeland leaders. In the Peninsula, the Comrades issued a pamphlet forbidding migrant labourers from the homelands to live in the Black area.

7.4.2 The intimidation of parents whose children went to school in a homeland sometimes led to disturbances. There was one case where a witness’s house was set on fire because he had failed to bring his son back from a homeland school.
7.4.3 When people in Black residential areas of the Peninsula wanted to celebrate the attainment of independence by Transkei, they were subjected to so much intimidation that the planned proceedings had to be called off. The migrant
labourers who came from the homelands refused to take part in strikes, and action taken against them gave rise to riots. In a certain sense it may be said that the faction fighting between migrant labourers and permanent residents in Nyanga and in Soweto also had something to do with the homelands.

7.4.4 The Houses of Parliament in Bophuthatswana were burned down by rioters. It was alleged in evidence that political leaders who were opposed to the establishment of self-governing homelands were responsible for this incendiaryism.

7.4.5 A few witnesses told the Commission that the rioters had attacked the beer-halls because they had been told that the profits derived from the beerhalls were sent to the homelands for the financing of development there.

7.5 Summary.

7.5.1 As will appear from the examples given in the preceding paragraphs, the homelands policy was not a direct cause of the riots anywhere. The differences of opinion concerning this policy sometimes led to acts which gave rise to rioting. Dissatisfaction with the policy, and the sense of frustration about certain aspects of it, contributed to a lesser extent to a general mood of resistance and revolt.

CHAPTER 8 : INFLUX CONTROL.

8.1 Object and legislation.

8.1.1 The object of influx control is both protective and preventive. In the first place, the rights and privileges of Blacks lawfully living in White areas are protected. In the second place, the residential, industrial and social chaos that would result from an uncontrolled influx into the areas that are already overcrowded is prevented.

8.1.2 In terms of the Bantu (Urban Areas) Consolidation Act, No. 25 of 1945, Blacks are not allowed to reside in White areas, except under certain circumstances and conditions. The Act provides for separate and exclusive residential areas for Blacks in the White area. Their residence in these areas, as well as the influx of other Blacks into the separate areas, is controlled by legislation and regulation.

8.2 Acceptance of the system.

8.2.1 To many Blacks influx control is a real source of dissatisfaction. To them it is a system of incomprehensible, discriminatory and hence objectionable measures; it is an integral part of the homelands policy and is used to send reluctant Blacks to homelands; its purpose is to make the Black man's sojourn in a White area as difficult as possible; and the system gives rise to great social evils.

8.2.2 Other Blacks who are also affected by this legislation consider that the scrapping of all the relevant measures would lead to overpopulation of the Black areas and to serious problems. They believe, however, that certain provisions that cause great inconvenience and dissatisfaction could be repealed without the adversely affecting the control which is essential.

8.3 Measures which cause dissatisfaction.

8.3.1 The right to remain in the separate prescribed areas is defined in section 10 of the Act. One of the effects of the provisions is that a man qualifying in terms of section 10 to reside in a prescribed area may only in exceptional circumstances
bring his wife who does not qualify in terms of the said section into any such area for longer than 72 hours. It is said that, if a man were to marry a woman who does not qualify to live with him, it may mean that husband and wife have to go to live in a homeland. It is said that young men feel that they are obliged to marry only girls already living in the same area.  

8.3.2 Another consequence of the provisions of section 10 is that, if a child of parents who are entitled to live in a prescribed area is born outside such area or does not stay in it continuously, the child may later on be prohibited from joining its parents. A further difficulty in this regard is that, if a child who is at school in a homeland turns 16 there, the authorities may issue him with a reference book, which makes him a homeland citizen. He may then have difficulty in obtaining permission to return to his parents.  

8.3.3 Social workers said that, because of these provisions, less regard is had in adoptions to the suitability of the adoptive parents and more to the child's qualification to reside with the parents. For this reason, relatives of a child that has to be adopted are sometimes excluded.  

8.3.4 In terms of certain provisions, a visitor may not remain in a prescribed area for more than 72 hours without permission which has to be obtained from the Administration Board offices. If he is apprehended, the visitor must prove that his sojourn has not yet exceeded the time limit. The limitation and the placing of the onus of proof on the visitor are probably necessary in the circumstances, but the provision remains irritating and is considered unnecessary by some critics.  

8.3.5 Witnesses pointed out the generally limiting effect of these measures on job opportunities. A person residing in one area may not freely go to another prescribed area to offer his services. It was also pointed out that, if any person loses his employment for reasons beyond his control, he has to return to his homeland, even though there is another employer immediately available.  

8.3.6 A widow who was lawfully in any area was not allowed to take over the house from her deceased husband and to occupy it with her children. This anomaly was removed in 1976.  

8.3.7 Testimony was given on behalf of the Department and the Administration Boards that all cases of the above-mentioned nature were dealt with sympathetically. Unfortunately, according to the evidence, some officials are not as sympathetic as their heads who gave evidence.  

8.3.8 Migrant labour is instituted under section 12 of the Act. The Commission does not wish to make any comment on the merits of such an institution, since it is not connected with the inquiry. Migrant labourers usually refused to take part in unlawful strikes and were attacked for refusing. In such cases, neither they nor the institution was a cause of the riots, but rather those who wanted to intimidate them by using violence. Two witnesses concluded from an investigation that, although migrant labourers did not want their wives and children to live with them, they would nevertheless welcome visits from their families.  

8.3.9 The Commission also wishes to mention reference books here. The relevant provisions are contained in the Bantu (Abolition of Passes and Coordination of
Documents) Act, No. 67 of 1952. According to the evidence, dissatisfaction among the Black community is not so much about the compulsory possession of reference books as about the abolition of the concession of exemption and about incidental matters in connection with the issue of this book and the administration of the Act. They object particularly to the taking of fingerprints when the book is issued and to the harshness of the police when arresting persons not in possession of the reference book. These matters engender rancour.

8.4 Application of the policy.
8.4.1 There was a good deal of evidence concerning the treatment meted out to Blacks in the application of these statutory provisions. There are clear signs of dissatisfaction and resentment at the superior attitude adopted by some White officials in dealing with Blacks; their impatience sometimes borders on rudeness. There is dissatisfaction about midnight raids and the humiliating treatment of the head of a household in the presence of his family. Added to this, there are complaints about the incompetence of some officials who have to assist residents.

8.4.2 The Commission was told by people in authority that they made every possible effort to prevent this type of treatment. It is accepted that they have some success in their efforts. One of them testified as follows: "Once you have seen such a group of Blacks with the hatred they harbour, you can understand why they acted as illogically and vandalistically as they did." (Translation)

8.5 Influx control as a cause of rioting.
8.5.1 Witnesses held divergent views concerning the effect of these measures on the riots. Some witnesses considered that influx control and related matters were a cause, the main cause or an underlying cause of the riots. Others again said that these measures were neither a cause nor a contributory cause. It may be added that, since the outbreak of the riots, important changes have been made in this connection.

8.5.2 The Commission found that, although influx control and related matters were not directly responsible for rioting, they were nevertheless contributory factors. There can surely not be many residents who have never come into conflict with these provisions or the persons who apply them, or who have never discussed these matters which, without doubt, caused dissatisfaction among them. An attitude of mind has been created that could make many of them resort to rioting in a particular case or, as the witness quoted above said, act illogically and vandalistically in a riot situation.

CHAPTER 9: GROUP AREAS.

9.1 Introduction.
9.1.1 The provisions of the law relating to group areas and the application of those provisions have caused great and continual dissatisfaction among the Black and Coloured communities. In the evidence, more stress was laid on the grievances and objections of the Coloureds than on those of the Blacks. The Commission will first deal briefly with all the objections of these communities together and then discuss the effect that group areas and their establishment had on the riots.
9.2 Objections to group areas.
9.2.1 The establishment of group areas often means that groups have to be resettled, and it is usually a Black or a Coloured group that has to move. Such a move entails a loss of ownership; in this connection, the urban Blacks were hardest hit because there was no other urban areas where they could become home-owners. However, the Coloureds were also resentful about this, probably because they had had to leave their homes without their consent. One of their leaders called the relevant legislation an "Act of Theft".
9.2.2 Another serious complaint was that the proclamation of group areas was often injudicious. In this regard, particular mention was made of the village of Sir Lowry's Pass. According to the evidence, there were only three White families living in this village; however, it was proclaimed White, and the entire Coloured community had to move, thus losing the convenient use of the post office, the station, the hall and other facilities. The removal of the Coloured inhabitants of Somerset West to Macassar caused great dissatisfaction. It may be added that the resettlement invariably means that the people who have been moved live farther away from their work and often have to make use of additional transport facilities.
9.2.3 It was said that the application of this policy was retarding the development and progress of communities. One witness stated that it did not solve old problems and created new ones. In this regard, special emphasis was laid on the proclamation of District Six in Cape Town. According to another witness, the Coloureds felt aggrieved about this resettlement because they were not consulted, they did not agree to it, and they were uprooted from a historical, cultural and social environment that they treasured greatly.
9.2.4 Witnesses also pointed out that spiritual ministration by the various churches was hampered by the establishment of group areas, especially in the case of Blacks. Apparently, members of these churches also felt the hampering effect of the policy.
9.2.5 It was stated in evidence that the application of the policy had estranged the Whites on the one hand from the Blacks and Coloureds on the other. This had led to lack of contact and communication. Special reference was made to sporting and cultural ties.
9.2.6 There was evidence that officials had often been helpful and accommodating in cases of resettlement. The Commission will not express an opinion on the correctness of the complaints quoted or the facts on which some of them were based. These objections, however, remain an indication of what many Blacks and Coloureds think of separate group areas and of the effect certain matters have had on them.
9.3 Group areas and the riots.
9.3.1 In Stellenbosch, Coloured pupils had to vacate their school because it fell within a White area after proclamation. Apparently this building was then fitted out for White pupils. During the riots, Coloured scholars staged a march to the school and demanded that their school be returned to them. The police stopped the march.
9.3.2 In Mossel Bay, evidence was given to the effect that the dissatisfaction among teachers and scholars about an old school which was standing empty was a major factor that gave rise to rioting. This school building, which was situated in the White residential area, was empty because the pupils had been transferred to a new school. Facilities at the local Coloured school were inadequate, and a request for the use of the old school was turned down.

9.3.3 When the accused in the case S v Consalves and others, CPD 367/76, made statements in mitigation of punishment after they had been found guilty of sabotage, one of them pointed out the frustration he had experienced when he had had to go from Pretoria to the Peninsula and the UWC to continue his studies. Another said that the separation that had been brought about between the races had strongly influenced him in his decision to take part in the riots.

9.4 Finding.
9.4.1 The Commission finds that the dissatisfaction about certain decisions in connection with group areas was a direct cause of the above-mentioned incident of rioting in Stellenbosch. It also contributed to a certain extent to the rioting in Mossel Bay.

CHAPTER 10 : ETHNIC GROUPING.
10.1 In a multiracial country such as South Africa, a great deal of attention is given to the racial composition of the population. It has long been the practice to group the inhabitants of large Black residential areas in such a way that members of the same race live together. It is thought that this ethnic grouping makes for happy and peaceful co-existence. It has the added advantage of facilitating the provision of schools for children who speak the same language as well as the use of the mother tongue in primary education. However, experts differ about the desirability of ethnic grouping.

10.2 Some experts believe that, if kept apart, race groups develop a hostility towards one another. On the other hand, it is said, mixing of the races leads to racial friction. In the urban areas, some Blacks say that they would rather not live apart. There are other Blacks who, even in the cities, want to be and to live with members of their own race. It would seem that, throughout the country, the second group is much larger than the first. It is also possible that there is antipathy to ethnic grouping because it seems to be forced on the Black population by the Whites. Some regard this grouping as part of the White man's strategy to divide and rule the Blacks.

10.3 The possibility that this matter was a cause of the rioting was investigated. The Commission could not find any evidence to show that ethnic grouping, either enforced or self-chosen, had been the direct cause of any disturbances or had given rise, together with other factors, to any riots.

CHAPTER 11 : IMMORALITY.
11.1 In terms of section 16 of the Immorality Act, No. 23 of 1957, carnal intercourse between "white persons and coloured persons" is a punishable offence. A marriage between a member of the White race and a member of one of the other "non-European" races is prohibited by the Prohibition of Mixed Marriages Act, No. 55 of 1949.

11.2 A witness attached to a child-guidance clinic testified that Black family life was being undermined by laws such as the Immorality Act. He was probably referring to section 16 of the Immorality Act. There was no further evidence to support this general statement.

11.3 No Black person or Black organisation objected in testimony before the Commission to the provisions of section 16 of the Immorality Act or to the Prohibition of Mixed Marriages Act.

11.4 The Commission consequently finds that the aforesaid statutory provisions were not a cause of or did not contribute to the riots.

CHAPTER 12: BANTU AFFAIRS ADMINISTRATION BOARDS AND ADVISORY BOARDS.

12.1 Introduction.

12.1.1 Dissatisfaction with the BAAB system and with individual boards was frequently encountered. The BAAB was an important factor in the lives of the inhabitants of Black residential areas, and it is clear that some of the boards satisfied the residents, whereas others were not popular at all. Complaints against boards are mentioned first, followed by complaints against officials who caused dissatisfaction.

12.1.2 Some of the complaints mentioned by witnesses were so vague and general as to be almost meaningless. On the other hand, there were complaints of a local nature, from which no pattern of conduct could be deduced. The Commission furthermore considers that some grievances were exaggerated and that others might have rested on a misunderstanding.

12.2 Complaints against administration boards. 12.2.1 In course of time the Black man lost the little confidence and interest he had had in the advisory boards. He turned to the BAAB, which controls so many of his daily activities and so many of his needs. Here he found a body on which he had no representation and which legislates and administers without consulting him. This is also the body that has to give effect to unpopular laws passed by higher authority. His hopes that the BAAB would react to his complaints were unfulfilled. His growing dissatisfaction with this body was fanned by newspapers and speakers who did not have a single good word for the BAAB system.

12.2.2 There were also more specific complaints, for example that services were poor and that houses were demolished in the occupiers' absence. It is the conduct of some officials that makes certain Blacks speak of the "Baasskap administration" and of the "offices of oppression".

12.3 Complaints against BAAB officials. 12.3.1 The Black man's criticism is not levelled at all officials; some of them tackled and carried out their task in earnest. Critics agree with this but say that it is the higher-ranking officials who do
excellent work; other officials are described as unsympathetic, and some of them adopt a superior attitude and talk to Blacks in a condescending manner.

12.3.2 According to witnesses, other officials are unhelpful and give the impression of wanting to make things as difficult as possible for the Black man seeking their assistance. Some of them are inefficient into the bargain and unable to do their work properly. One complaint was that names were often written down incorrectly or that Christian names and surnames were confused. An official was alleged to have refused to accept a written complaint on one occasion.

12.3.3 Impolite forms of address are often used. Several witnesses, including one White, had heard the word "kaffir" being used. This had, for instance, happened one night at a road-block; the Commission was unable to establish whether this word had been used by an official, a policeman or a police reservist. Most of these complaints were against the conduct of White officials.

12.3.4 Witnesses stated that Black officials in particular are rude and offensive towards members of their own race. Delays occur when people queue up to see an official and he shuts the door without prior notice. A complaint which was mentioned repeatedly was that inspectors of the Board carried out midnight raids, the parents sometimes being taken to the police station leaving the children alone at home.

12.3.5 A witness brought a newspaper report containing the following facts to the notice of the Commission. A young woman turned up late for an appointment and explained that she had had to breast-feed her baby. Her breasts were thereupon milked to establish whether she was really a feeding mother. Facts could not be found to corroborate this story, but it was said that the official concerned had been dismissed.

12.3.6 The extent to which some Blacks distrust the BAAB came to the Commission's notice in the following way. Witnesses were asked to send the Commission memoranda on the evidence they wanted to give. A BAAB made it known that its officials would assist the witnesses by having their statements typed and duplicated. The witnesses subsequently stated that they had not made use of the BAAB's offer because they had been afraid that pressure would be brought to bear on them to change their statements and because they believed that they would be victimised by the BAAB.

12.4 Finding.

12.4.1 There was so much dissatisfaction with administration boards that many Black residents were worked up to the point where they could easily resort to rioting.

CHAPTER 13: THE URBAN BLACKS.

13.1 Introduction.

13.1.1 During a debate on the riots in the House of Assembly, Mr R.M. Cadman, the Member of Parliament for Umhlatuzana, said the following on 17 June: "What appears to be the root cause of the violence and the problems in Soweto? All present indications point to the fault being Government policy in respect of the urban Blacks ..." The speaker referred to a further cause that has already been
dealt with in the second chapter of this part. In this chapter, attention will be given only to the policy in question as a cause of the riots.

13.1.2 With a small group of exceptions, all the matters investigated by the Commission related to urban Black men, women and children. The Commission will confine its discussion to a number of cardinal aspects of the policy in respect of these people that may have given rise to the riots. As these matters have already been dealt with elsewhere, these discussions will not be detailed. The following four matters will be covered: The Black man's share in his own government; the possible loss of South African citizenship; residential areas and ownership; and discrimination. Education and other problems will not be repeated here.

13.2 Aspects of the policy.

13.2.1 A say in the government.

There is no doubt that advisory boards and Urban Bantu Councils have not satisfied the Black man's desire and need to have a say in his own government. In administration he had no place whatsoever. The Commission gained the impression that Blacks not only want to serve on policy-making and legislative bodies, but also want to play a part in the executive and administrative functions of authoritative bodies. The fact that they did not have this say or share was a source of frustration and dissatisfaction.

13.2.2 Citizenship.

Under the homelands policy, it is considered necessary that every city dweller should ultimately have ties with his homeland. Most of the urban Blacks did not, nor did they want to, sever ties with the homelands; however, many of them objected to the acceptance of a certificate of citizenship of a homeland because this would mean loss of South African citizenship. They considered that the certificates were forced upon them and their children in various ways, and this was a source of worry, uncertainty and dissatisfaction. Coupled to this was the fact that the policy was allegedly based on the assumption that the urban Black was a temporary sojourner in South Africa. Many find this unacceptable because they wish to be permanent residents and citizens of the RSA.

13.2.3 Ownership and residential areas. The idea of the temporary sojourn of Blacks is also held to be partly responsible for the prohibition on Black ownership of land in White areas.

This matter has caused even more ill-feeling and dissatisfaction than was caused by compulsory residence in separate residential areas.

13.2.4 Discrimination.

The modern urban Black is very deeply affected by all forms of discrimination; this includes both discriminatory legislation and the so-called traditional discrimination that is applied without legislation or policy. It does not seem as though any particular distinction is made between important and unimportant discrimination and discrimination that is merely irritating.

13.3. Finding.
13.3.1 There is no case where these matters, jointly or severally, gave rise to rioting. Nonetheless, they created a mood of dissatisfaction and rebellion. In this frame of mind people easily resort to rioting, especially if there is no democratic means of redress available to them.

CHAPTER 14: DISCRIMINATION.

14.1 Introduction.
14.1.1 According to witnesses, the majority of urban Blacks, Coloureds and Indians regard apartheid and separate development as discrimination in the sense of unfair differentiation in treatment. Many see discrimination against these race groups in all separation of the races, even if nothing of the kind was ever intended. There is evidence that, in the ethnic grouping in Black residential areas, the complaint was sometimes voiced that one group was being favoured above another.

14.1.2 Because discrimination occurs or is seen in so many situations, the Commission does not propose to give and discuss details here. Reference is made only to the two groups of cases, i.e. the legislative and the so-called traditional discrimination, and to their consequences so far as the riots are concerned. Because the Commission's inquiry is concentrated on the causes of the riots, the accusation of discrimination is important here and not the grounds or justification for that accusation.

14.2 Forms of discrimination.
14.2.1 Virtually all legislation relating to the relations between races is separative and is regarded by Blacks and Coloureds as unjustified and discriminatory. This applies to such matters as the different forms of franchise and race classification. The administration of the laws relating to the latter is felt to be particularly humiliating to Blacks and Coloureds. The same is said in regard to certain practices in the issue of reference books. Many also see separate residential areas as a consequence of the unfair separation of the races and discrimination against the Blacks, Coloureds and Indians; if groups are to be moved, it is invariably one of them. These are a few of the salient examples of discrimination against which there is a strong sense of revolt.

14.2.2 As regards the traditional discrimination, the way in which so many Whites treat people of colour is of major importance. These complaints do not end with the actions of officials or of the police; dissatisfaction is also engendered by the actions of ordinary citizens in everyday situations, and in a particular case Blacks say that Whites would not be so insulting or rude if there had been no discrimination. Closely allied to this is the difference in the provision of ordinary and even of essential facilities. There was a great deal of evidence regarding salaries; this may be summed up by saying that the Black, the Coloured or the Indian is not paid the same salary as the White man for the same work. In this regard, it is also said that the State and White employers give preference to Whites when engaging staff. This list is not complete.

14.3 Manifestations during the riots.
14.3.1 The dissatisfaction about discrimination sometimes manifested itself clearly in demonstrations. In the enumeration of grievances, the gap in salaries
was referred to repeatedly. Scholars were dissatisfied about White teachers’ drawing higher salary than the other teachers in the same Black or Coloured schools. There were also allegations that White teachers used their own and separate staff rooms.

14.3.2 Placards with slogans concerning salaries and privileged White teachers were displayed on several occasions. Others, again, went to what they considered the root of discrimination, and read:
"Away with apartheid";
"To hell with apartheid";
"Apartheid must be killed";
"Apartheid is evil"; and
"No more racial domination".

14.4 Findings.
14.4.1 Discrimination, which has always been considered unjust, has engendered not only dissatisfaction but also a great hatred in many. This dissatisfaction and hatred were some of the main factors that created the milieu and the spirit of revolt referred to previously.

CHAPTER 15: HOUSING IN URBAN AREAS.
15.1 Objections in regard to housing. 15.1.1 Some of the main grievances about living conditions in urban Black residential areas concern housing. Wherever possible, the Commission visited these areas all over the country. Some areas had good and neat houses. In several large residential areas there were parts with good housing. Mostly the houses were of an average standard and type. In some places the housing was inferior, and squatter townships were usually slums. In the discussion, the Commission will confine itself to the type of the housing, the shortage of dwelling units, and the environment.

15.2 The type of the housing.
15.2.1 In the urban areas there were mainly those houses that had been built by the authorities and were being let to the residents. In some cases the tenants had built on rooms themselves. In most areas such houses were uniform and monotonous. According to witnesses, there were extensive slum areas in Johannesburg 30 years ago. It cost a great deal of money to provide all the slum dwellers with proper and habitable housing. That is why, in places such as Soweto, large numbers of houses were built that looked alike and contained only the most essential facilities. During the years that followed, this shortage was not overhauled, and in the planning and provision of housing it was not always possible to keep pace with growing and even more sophisticated needs. Witnesses said that, if residents with a higher income had been allowed to move into a better type of house in a better situated area, they would have become a more established and house-proud group. It was said that this would have meant that there would not have been any rioting in Soweto or that the rioting would not have been so extensive. Although there might have been such an effect, the Commission does not wish to subscribe to such speculation.
15.2.2 In many areas big employer firms have provided their employees with accommodation. Hostels with single and communal quarters have been erected and maintained for this purpose. The workers lived in these hostels without their families. These people usually did not take part in the rioting but were attacked by other residents for this reason. Factors that were stronger than the adequacy of the accommodation probably accounted for the residents' initially peaceful conduct. Employers sometimes also provided ordinary houses.

15.2.3 The squatters, who lived in the most inferior houses, apparently did not take part in the riots either. The reason for this is probably that they were well aware of the unlawfulness and uncertainty of their occupation.

15.3 The housing shortage.

15.3.1 In virtually all the urban areas there were complaints about a housing shortage. The Commission's attention was drawn to long waiting lists for housing. However, these lists are not a reliable yardstick of the shortage; applicants frequently applied at more than one place, duplications occurred, and the names of persons who managed to get accommodation elsewhere were not always removed from the lists. Nevertheless, the shortage is considerable. Generally, there are no vacant houses, and squatters put up their own houses illegally. The existing houses are overcrowded. Children get married and, if they are unable to find another house, move in with their parents, sometimes with families of their own. It seems as though friends and strangers often live with tenants without being traced by BAAB inspectors. The inconvenience and even the danger attached to such a state of affairs is obvious. An important factor is the discontent and frustration this sometimes gives rise to in schoolchildren.

15.3.2 The State gives lack of funds as a reason for the shortage. Housing provided by employers has not solved the problem. For various reasons, the system of home-ownership had virtually fallen into disuse during the year before the riots, so that the shortage was aggravated.

15.3.3 The Commission wishes to mention two further grievances concerning the occupation of houses. The first one that is constantly complained about is that rentals are too high, and the second is that a so-called lodger's fee has to be paid by older and working children living with their parents. The rentals are undoubtedly subeconomical, and the Commission was unable to inquire into complaints about rentals being too high or working children being assessed for rent. However, both these matters are a cause of dissatisfaction among residents.

15.4 Facilities and the environment.

15.4.1 It has already been mentioned that, in erecting houses, the Government supplied only the most essential needs. Water and other facilities were often provided on a group basis. The greater part of Soweto is without electricity. This means that there is also no street lighting, a situation that holds great dangers for pedestrians at night. In many areas, gardens at rented houses are the exception, and the condition of back-streets sometimes leaves much to be desired.

15.5 Finding.

15.5.1 There is no evidence that these conditions were direct causes of the riots. However, the Commission agrees with those witnesses who said that the
inadequacy of housing facilities and the attendant discomforts had contributed to a certain extent to the state of frustration, discontent and rebelliousness among some of the residents which could so easily lead to revolt and rioting.

CHAPTER 16 SALARIES.

16.1 Low salaries.
16.1.1 There were general complaints about the salaries of Coloureds and Blacks being too low. The Commission is aware of the fact that salaried people are hardly ever satisfied with their salaries; nevertheless, there is justification for the contention that at the time of the riots the salaries of Coloureds and Blacks were generally too low. Teachers' associations and departmental bodies pointed out that a Coloured teacher's salary was not enough to meet his needs. There was similar evidence concerning Coloureds in other occupations.
16.1.2 Witnesses said that the salaries of Blacks were also too low. In one urban area, it was said that labourers' wages were not sufficient for them to pay their rent and to buy other necessities. It was said that, with his salary, the Black man had to buy his requirements in a market where prices were fixed according to the White man's income.

16.2 Disparity in salaries.
16.2.1 The gap between the salaries of Whites and those of Coloureds and Blacks performing the same work is an indication that the lower salaries may be inadequate. Annual increments also differ, so that these gaps have widened progressively. Witnesses spoke of discriminatory wages. According to the Cape Teachers' Professional Association, the unequal salaries were "fundamentally indefensible, intrinsically humiliating and exceedingly harmful to race relations in South Africa".
16.2.2 These gaps between teachers' salaries featured as a grievance in at least three big demonstrations by scholars in the Western Cape. Certain observers regarded this as evidence of incitement by teachers. Whether teachers did in fact incite their pupils to demonstrate about these conditions is difficult to establish. What is, however, certain is that some of the senior scholars in these demonstrations were already beginning to think about their future careers and that they could easily have known of such gaps. There were also cases where White and Black teachers at the same schools were drawing different salaries; the Commission does not know whether the qualifications and experience of these teachers were always taken into account before critical remarks were made.
16.2.3 Witnesses spoke of personal experience of the gap in salaries in Black education and other professions and spheres of employment. The following table shows the different salaries of officials in a health department:

<table>
<thead>
<tr>
<th>White</th>
<th>Coloured</th>
<th>Black</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Medical Officer</td>
<td>R13 200</td>
<td>R11 250</td>
</tr>
<tr>
<td>Chief Pharmacist</td>
<td>R11 700</td>
<td>R 9 500</td>
</tr>
<tr>
<td>Head Matron</td>
<td>R 8 460</td>
<td>R 6 300</td>
</tr>
<tr>
<td>Senior Sister</td>
<td>R 5 340</td>
<td>R 4 200</td>
</tr>
</tbody>
</table>
16.2.4 Witnesses pointed out that, although Black trade unions were not illegal, they did not enjoy the necessary recognition, inter alia, under the Industrial Conciliation Act, No. 28 of 1956; consequently, they did not have the powers of White trade unions to bargain for higher salaries. Other witnesses pointed out that other methods were used for the determination of Black workers' wages and salaries. However, no-one testified that his remuneration was adequate or that differences in salaries were justified.

16.3 Finding.

16.3.1 Since salaries are such an important factor in one's existence, and these facts concerning low and differentiated salaries were so well known, they were undoubtedly a factor that engendered discontent. Witnesses were right in saying that this was a contributory factor in the rioting.

CHAPTER 17: TRANSPORT.

17.1 Introduction.

17.1.1 There was a considerable volume of evidence that the transport services in the country had a direct as well as an indirect effect on the outbreak of the riots and individual incidents of rioting. Moreover, complaints about train and bus services, as well as about the services of private taxis, are frequently seen in newspapers. It should be remembered that in the past Blacks have often attacked and thrown stones at buses. The reason for these actions was not always clear; one sometimes gained the impression that the attackers wanted to vent their dissatisfaction about a matter that was not necessarily directly connected with the particular bus or the service concerned. Chapter D4 contains details of buses that were damaged during the riots and the losses that were caused.

17.1.2 The Commission will consider only the complaints submitted by witnesses against the train and bus services and will try to establish the extent to which there were grievances that gave rise to the riots. It is also necessary to indicate briefly, where information is available, whether such complaints and grievances were well founded. The fact that transport problems are responsible for great dissatisfaction all over the world is no excuse for the same problems in this country, nor is it a reason why a finding cannot be made that they gave rise to rioting.

17.2 Train services.

17.2.1 A complaint, especially in regard to trains between Soweto and Johannesburg, was that there were not sufficient trains during peak hours and that the trains were so full that passengers had to travel on the roofs, that they hung from open doors and windows, and that they had to cling to the sides of coaches. The Commission's inquiry included interviews with high-ranking officials of the South African Railways, a study of timetables, and the undertaking of train journeys during peak hours from Johannesburg to the terminus in Soweto and back and between Pretoria, Mamelodi and Atteridgeville. This inquiry brought the following to light: On the first-mentioned route, 98 trains run during peak hours.
This means that there is a train about every two and a half minutes. The Administration is fully aware of the congestion,

and at the time of this inquiry officials were working on a scheme to make trains longer, which means that all platforms will also have to be lengthened. During trips, the Commission noticed that the train did not leave any station while there were still passengers on the platform who wanted to travel by that particular train. The train was packed to capacity, but no passengers were seen travelling on the roof or hanging out of a door or window or clinging to the sides of a coach on that or any other train. Late in the afternoon, passengers on a moving train that was comparatively empty were seen holding the doors of coaches open and standing and sitting in the doorways. There was no reason for them to court danger in this way, but they seemed to get a kick out of it.

17.2.2 There were complaints that trains were irregular and late. The notes made of the arrival and departure of all trains showed that 93% of the trains to and from Soweto arrived at their destinations on time.  
17.2.3 One complaint was that there were not sufficient ticket offices and also that long queues formed because only one ticket was issued per person. Apparently, prospective passengers do not make sufficient use of the concession to buy season tickets several days before the last day. The limitation on the number of tickets that each person may buy was probably imposed to preserve peace in the queues, even though it might make queues longer. These matters are regularly investigated.  
17.2.4 The last complaint to be dealt with is that there is not sufficient police protection on the trains and that gangs of thieves are a danger to the wages and lives of passengers, especially on Fridays and Saturdays. This menace is known to exist, and the Railway Police try to combat the thuggery. Within hours of the outbreak of the riots on 16 June, steps were taken to protect passengers, trains and stations against the violence of the rioters.

17.2.5 Several witnesses said that workers left their homes in Soweto at 4 o'clock in the morning and only arrived back home late in the evening. This was usually said as though it applied as a general rule to the majority of workers. This cannot be the case with the ordinary passengers who have to travel from Soweto to Johannesburg and back, because then the peak hours would not have lasted so long and ended so early again. Apparently, the peak hours on these trains do not differ much from the peak hours for traffic from other parts of Johannesburg. Although many workers are away from home for long periods every day, the passengers who leave first are not also the last to return.

17.2.6 Although the Commission is convinced that the complaints about the train services are exaggerated and considers that there is some incitement and stirring up of feeling against the service, the grievances do exist and undoubtedly contributed to the state of mind from which revolt could develop.

17.3 Bus services.
17.3.1 It must be mentioned at the outset that dissatisfied and riotous crowds of Blacks demonstrated against bus services in Vosloorus, in Khutsong, and at
Mabopane and Winterveld in Bophuthatswana and resorted to violence and rioting. In one case the cause was clear: The buses turned up late because of rioting. In the two last-mentioned cases, there was great general dissatisfaction about the services, and the possibility of incitement cannot be ruled out either.

17.3.2 Complaints were made to the Commission that bus drivers were extremely rude to passengers. It was alleged that they often refused to give change and assaulted passengers. It was said that they insisted on used tickets being returned to them so that they could resell them and pocket the proceeds. It was alleged by more than one witness that these Black drivers treated their fellow Blacks disgracefully and dishonestly. Some of the owners pointed out that the position regarding drivers had improved considerably because they were being better trained and because stricter discipline was being exercised.

17.3.3 Other complaints were that the buses were overloaded, that they arrived late and that they were irregular. One of the companies stated that not more than 90 passengers were allowed on a bus. Their first buses departed at 03h30 from Soweto and their peak hour began at 05h30. They also said that no passenger ever had to wait more than 20 minutes for a bus.

17.3.4 According to witnesses, passengers hated certain bus services because they had previously belonged to Blacks but had subsequently passed into White ownership. In these cases it is not unlikely that agitators were partly responsible for the stone-throwing.

17.4 Summary.
17.4.1 In the above-mentioned cases at Vosloorus and on the East Rand, at Khutsong in the Western Transvaal and in Bophuthatswana, dissatisfaction with bus services was the immediate cause of riots. Feelings against transport services and the persons responsible for them had been so bad for so long that it took very little further irritation to trigger off rioting as, for example, during strikes. This was also a situation that agitators exploited.

CHAPTER 18 : TRADE.

18.1 Residents and traders severely criticised the limited trading facilities in urban Black residential areas, and particularly in Soweto. These limitations may be broadly stated as follows. In the first place, only Black traders were allowed in these areas, and there were only about 27 types of business open to them. A trader was furthermore entitled to only one trading site, where he could go in for only one type of business. People spoke jokingly of one trader, one site, one type of business. An example given to the Commission was that garages could only sell petrol and could not undertake servicing or repairs.

18.2 Traders who established themselves in these areas often lacked capital. They could not take in Whites as partners. Expansion was virtually out of the question as the premises were small and could be used for one type of business only. For various reasons such as the limited nature of the business and the smallness of the premises, coupled with the lack of competition, prices in these areas were high.

18.3 Residents went to the White urban areas to do their shopping. Everything they needed was obtainable there, but their travelling expenses. naturally pushed
up the prices. They used the so-called "convenience shops" for absolute essentials only. According to calculations, only 30% of Soweto's purchasing power was expended in this Black area. Incidentally, it may be mentioned here that several witnesses explained to the Commission how some White dealers in the cities cheated Black buyers, especially with hirepurchase contracts.

18.4 It was generally accepted that this state of affairs was the result of a policy under which the urban Black was only a temporary sojourner in the White areas; some Blacks consequently blamed their inconvenience and dissatisfaction on the Government and the White man. Since the riots considerable changes have been made in this sphere.

18.5 There was nothing in the evidence to show that this situation was directly responsible for the riots. As a concomitant factor that gave rise to a mood of rebelliousness and turbulence, it cannot be completely disregarded, but it should not be overstressed either.

CHAPTER 19: AMENITIES.

19.1 There was evidence that the lack of certain everyday facilities for Blacks may have been one of the causes of the riots. In examining this matter, it is necessary to refer to certain facilities that have not been mentioned previously. The Commission has already referred to facilities in connection with housing, transport, trading and a number of other matters. So far as education is concerned, only sports facilities will be discussed.

19.2 Sports facilities.

19.2.1 Judging by press reports, Blacks take a very great and keen interest in sport. It is difficult to determine whether there were sufficient sports facilities for the community in Soweto, for instance. Although a great deal of evidence was given in connection with schools and education, comparatively little was said about the adequacy of sports facilities at schools. It is unlikely that those concerned would have considered the facilities provided to be adequate. Witnesses frequently said that more sports facilities would have kept the youths off the streets and out of trouble. Provided sufficient interest in these facilities could be aroused, this assertion would probably be correct and would also apply to many residential areas throughout the country. Considering their financial position, several administration boards did much towards the provision of sports facilities. Figures released from time to time in connection with participants in the various sports show that there must be a fair number of facilities. On the other hand, the three existing swimming-baths do not seem sufficient for Soweto.

19.3 Cultural amenities.

19.3.1 There is a need for more cultural amenities in certain parts. Unfortunately libraries were the targets of rioters. According to witnesses, there are large parts of the Black residential areas that are without a proper cinema. Furthermore, theatres were not always open to persons of colour, and attempts to establish an art school in Soweto failed. Credo Mutwa stated in evidence that groups of schoolchildren were brought to his "hut museum".

19.4 Shortage in White areas.
19.4.1 There is a definite shortage of refreshment and rest-room facilities for Blacks in the White areas where they work and do their shopping. The same goes for toilet facilities. The Commission will not comment on the fact that restaurants in White areas were recently opened to Blacks.

19.5 Findings.

19.5.1 It cannot be said that the rioting that broke out in Bothaville during a bioscope show was caused by a lack of facilities; rather, it was caused by the injudicious actions of officials. It is difficult to determine whether the lack of facilities in general could have given rise to rioting. The fact that the provision of facilities could have made many people happier and better citizens does not prove that the lack of facilities caused any rioting. The Commission considers that these matters by themselves were not a contributory factor in the rioting but that, in conjunction with more potent factors, they could to a small extent have contributed to dissatisfaction.

CHAPTER 20 : RACE RELATIONS.

20.1 Introduction.

20.1.1 The Commission discussed the effect of the riots on race relations in Chapter D8 and the relations between the races before the riots in paragraphs D8.2.1 to 4. In this discussion of race relations as a cause of the riots, the contents of the above-mentioned paragraphs in Chapter D8 will not be repeated.

20.1.2 The Commission will confine itself to relations between the Black and White population groups. Reference is also made in Chapter DB to the relations between these two groups and other groups. Elsewhere in the Report, it was stated more than once that the grievance before and on 16 June was against Afrikaans as a medium of instruction, but that this grievance was in due course extended to the Afrikaner and the White man. From an examination of those incidents that point to race relations or a racial feeling as the cause of the riots, it appears that from the outset action was taken against Whites because they were White.

20.2 Attacks on Whites.

20.2.1 Even before the first confrontation between demonstrators and the police, a White inspector of schools was attacked in his car. After this confrontation, four housewives who were on a goodwill visit were attacked with stones and injured. When a White female social worker was attacked, the youths said that they were looking for Whites to murder. They also beat to death two White men who had had no part in combating the riots. Several White persons were cornered and had to seek refuge and protection. A Chinese who ran over a Black girl was first detained by rioters and then released because he was not White.

20.2.2 As early as 16 June, motor vehicles were stopped if the drivers failed to give the Black Power salute. One of the reasons for doing so was to seek out Whites. Coloured scholars subsequently told one of their clergymen in the Peninsula that this was the way in which they marked down Whites.
20.2.3 In other parts of the country, homes of Whites were attacked during the riots, and there were also a number of cases where White schools were the subject of demonstrations.

20.3 Inflammatory speeches and riots. 20.3.1 On 17 June, a meeting was held at the University of Zululand with the object of inciting the students to revolt and to riot. The following was said in the inflammatory speeches that were made: "For our protest to be felt we must burn the white houses."; "Tomorrow we must demonstrate. We must also kill, kill, kill the White man"; and "It has been proved to us that violence is the only language the White man understands."

20.3.2 The next day, there were serious disturbances on the campus of this University, and witnesses pointed out that action was aimed at Whites in particular. The four people who were attacked and injured were all Whites. The homes of the White officials were damaged. Except for one vehicle, all the cars destroyed by the rioters belonged to Whites, and the church desecrated by them had been a gift from the DRC.

20.3.3 According to placards displayed during the rioting at the University of the North, the attack was aimed at the Afrikaans-speaking section. The words used were shocking and insulting.

20.4 Placards.

20.4.1 The following are the inscriptions on eight placards that were displayed during riots in various parts of the country: "Bash a Boer for Freedom"; "The White flame is fizzing out!!!" "This Africa for Africans: There is no place for your Boers"; "Van der Merwe Go home"; "Wake up Azania. Whitey is a step ahead in killing"; "White Pigs"; "Whites are callous murderers of children"; and "You White dogs go away".

20.5 Finding.

20.5.1 On the available evidence the Commission cannot find that race relations as such were a cause of the riots, but the extremely bitter hatred which some of the rioters felt for Whites, probably because they were regarded as the oppressors, was a direct and contributory cause of the riots. This hatred was sometimes fanned and exploited by agitators.

CHAPTER 21 : COMMUNICATION.

21.1 In the South African set-up, it is essential that the means of communication between the Black man and those concerned with his welfare should be used regularly and in the right way. This is no guarantee that there will not be any dissatisfaction and revolt, but if these means are not used, it is almost impossible to avert revolt.

21.2 It is no simple matter to decide whether good communications exist. A high-ranking BAAB officer testified that his Board communicated well with Black
residents by making use of Advisory Board members. A resident subsequently testified that there was no proper communication between his people and the BAAB, because the Board exchanged views only with the appointed members of the Advisory Board and not with those who had been elected.

Although disturbances did occur in the area, they were not particularly violent.

21.3 There are examples of school principals who regularly communicated with their pupils and in this way avoided their involvement in the riots. On the other hand, there was a teacher in Gazankulu who had no communication with his pupils; disturbances followed.

21.4 New transport fares were to be introduced in Soweto on 14 June. The residents were informed long beforehand of these new fares, and the matter was explained by the WRAB officials. This increase did not cause any revolt. This approach differed from the way in which education officials were at that time applying the medium of instruction policy. It was described in Chapters BI and E2 how they closed the door on communication with parents and other interested parties. The results were that they did not realise how dangerous the situation had become and that they could not inform their superiors of the gravity of the matter. The person who subsequently resolved the medium of instruction problem was not informed in time for him to do so before the riots erupted.

21.5 The Commission's earlier finding that the handling of the resistance to the application of the policy on the medium of instruction was a direct contributory cause of the riots implies that the failure to communicate properly also contributed to the riots.

CHAPTER 22: LOCAL GRIEVANCES.

22.1 Local grievances were put forward as the reasons for demonstrations throughout the country. This was particularly the case where demonstrations were organised by scholars. It sometimes seemed as though the grievances served as an excuse for their actions. Whether local grievances were always a real cause or the only cause of their actions is uncertain.

22.2 It was striking how trifling the local grievances sometimes were. Scholars demonstrated because one of their fellows had been punished or expelled; usually they did not know the reason for such punishment or expulsion. If there were boarders among the demonstrators, one of the reasons was usually that the food they were given in the hostel was of poor quality; in one particular case the complaint was that they had to go barefoot at the hostel. According to the pupils, they sometimes demonstrated because the teachers were incompetent or unfair or dishonest. Dissatisfaction with an examination timetable was also given as a reason for rioting. A local matter of a more serious nature was the detention of a fellow pupil, although there were cases where the detained pupils had been arrested for serious offences that had no connection with rioting or the aspirations of the scholars.

22.3 Local grievances were often used by pupils who were looking for a reason to demonstrate. At other times, local grievances were combined with reasons such as solidarity with Soweto. There is also evidence of inciters having used local
grievances to arouse dissatisfaction, a sense of injustice or indignation and then urging pupils to start rioting.

22.4 The Commission finds that, in exceptional cases such as the detention of fellow pupils, local circumstances may have been a direct cause of rioting. Local grievances were sometimes exaggerated by inciters into causes, but for the most part they were merely factors that contributed to the climate of revolt and resistance.

CHAPTER 23 : DISCIPLINE.

23.1 Introduction.

23.1.1 When the part played by parents in the riots was examined, the question arose why parents were unable to keep their children in check and to maintain discipline. The answer was that there was a great lack of discipline among parents, teachers, the churches, the police, and the youth themselves. Aspects of this problem have already been dealt with in other parts of this Report.

23.1.2 Before the Commission considers the slackening of discipline, it must be pointed out that many parents and other persons continued to assert their authority in regard to riotous conduct. The following may be said about parents. There is no evidence of any parent who incited or helped his child to riot. There were parents who restrained the youths, for example by taking them away from disturbances and punishing them or persuading them to disperse; in some cases, parents went to fetch their children from school if rioting was imminent; many assisted in combating the riots. On the other hand, there were parents who took no notice of their children's behaviour or even found excuses for it. The fourth class of parent was the one who did not approve of his child's conduct but was powerless to do anything about it. It was these parents who had little or no discipline over their children.

23.2 Parents.

23.2.1 Several witnesses ascribed the lack of parental discipline to the following facts. In many cases, both parents worked and were not at home during the day. They had no control over their children's activities and, because school attendance was not compulsory, they did not even know whether their children went to school regularly. Their children were out on the streets, where they came into contact with vagrants and tsotsis whose example was stronger than the parents' discipline. Other home conditions were mentioned in this regard, such as small and overcrowded houses and families without fathers. A social survey revealed that 95% of the children detained during the rioting in Soweto had no fathers at home or came from families where the father and mother had become estranged. The abuse of liquor by parents was also mentioned as a reason for lax discipline.

23.2.2 Another contributory factor was that, because of their education at school, schoolchildren were often intellectually better equipped and developed than their parents, who sometimes had had very little contact with education or schools. Such children ruled the roost at home, and their parents feared a confrontation with them.
23.2.3 Parents testified that they were constantly reproached by their children as well as by others for not long ago having changed and improved the conditions against which their children were rebelling. The ability to maintain discipline was considerably sapped by the sense of guilt so aroused.

23.2.4 There were also cases where parents were intimidated by the actions of their children and outsiders and were consequently afraid to oppose their rebellious children. As a result of their contact with vagrants, tsotsis and skollies during the riots, many children were impudent, insolent and defiant towards their parents.

23.2.5 The last of the reasons submitted by witnesses to the Commission for the lack of parental discipline was that officials, policemen and Whites often addressed and treated the father of the family, in particular, in a humiliating manner in the presence of his children. This undermined parental authority.

23.2.6 The Commission realises that some of these reasons were exaggerated, and that the effect of some situations was not as serious as witnesses made it out to be; nevertheless, it is clear that there was a real lack of discipline on the part of many parents whose children revolted. The question is to what extent this contributed to the riots.

23.3 Teachers.

23.3.1 The unwillingness or inability of teachers to discipline riotous children was noted by many witnesses. Here the inquiry is confined to the inability of teachers to assert their authority. This inability was blamed on the parents. It was said that parents often had no contact with the education of their children and with school boards, schools or teachers. They were often illiterate and had no respect for such institutions and persons. This lack of respect was communicated to the children in various ways. The teacher's image and his authority were broken down further by the parents' comments on teachers' treatment of their children.

23.3.2 There are several examples of teachers who wanted to take steps but who were deterred by rioters' intimidation. This happened on 16 June in particular. Other reasons advanced for the lack of discipline were the incompetence of some teachers and the short period of their training, so that there was sometimes very little difference in age between teachers and pupils in the higher classes. One witness alleged that teachers and schoolchildren drank together in shebeens; the Commission has no further evidence on this point.

23.4 Churches.

23.4.1 Representatives of several churches testified about their ministration to Blacks, and how it was being made more difficult by circumstances. Special mention was made of the large groups of tsotsis on whom the church and its authority made no impression. To this must be added that there were a number of church leaders who sympathised with and even openly approved of the actions of the youths who resorted to rioting and violence. Meetings to plan and organise riots were frequently held in churches and church buildings. Disturbances sometimes followed prayer-meetings conducted by clergymen. Without generalising, the Commission would nevertheless express the view that the
discipline of the Church over Black and Coloured youths has wained and that its stabilising influence on peace and good realtions is no longer effective everywhere.

23.5 The SAP.
23.5.1 When riotous youths acted in concert, they had little fear of the authority of the police. This was especially so in the urban areas. Instead of the arrival of the police having the effect of abating disturbances, it usually provoked stone-throwing attacks by the rioters. Only two reasons for this state of affairs are mentioned here. The first is that the rioters apparently felt safe because they were together in large numbers, and the second is that the image of the officer of the law had been broken down.

23.6 Self-discipline.
23.6.1 There was little self-control among the rioters. During the disturbances, there were unbridled attacks on buildings, for example in Soweto and at the University of Zululand. There were unbridled attacks on persons holding different views and on strangers, for instance in Nyanga. There was no restraint on the language used in the statement of their grievances, and. they usually displayed little will-power when inciters tried to talk them round. Many of them lacked the self-control that usually comes from a good school education.

23.7 Finding.
23.7.1 There was no case in which a lack of discipline was a direct cause of rioting, but there is no doubt that the absence of disciplinary resistance contributed in many instances to rioting and the extent of the rioting.

CHAPTER 24 : HATRED AGAINST PERSONS AND INSTITUTIONS.
24.1 On 17 June, Mr C.W. Eglin, Leader of the Progressive Reform Party, stated in the House of Assembly: "When one looks at the events, it appears that a disturbance of a major magnitude has taken place, a disturbance which commenced as a scholars’ demonstration and developed from there into a riot against authority by people blind with hatred and resentment against the symbols, against the institutions and against the persons associated with that authority. Last night it degenerated into looting, thuggery, violence and murder."

24.2 The Commission will mention only some of the symbols, institutions and persons who were attacked and have already been referred to in the Report. As symbols, buildings such as schools, liquor outlets, offices and post offices were attacked. It must be added that many buildings that could not serve as symbols or be associated with the Government were also attacked and destroyed, such as shops, private houses, commercial banks, hotels, clinics and hospitals.

24.3 So far as institutions are concerned, attacks were launched against everything connected with Bantu education, the BAAB system and Government institutions. There were also attacks on the South African Railways and on buses and buildings of bus services.

24.4 There were attacks on persons associated with the Government, such as members of the Police Force; two officials of the WRAB, Dr L.M. Edelstein and Mr J.H.B. Esterhuizen, were beaten to death, but it is not known whether their
assailants knew that they were connected with the WRAB. On the morning of the 16th, rioters attacked other persons not associated with the Government.

24.5 To conclude, the Commission gives only three findings concerning the rioters' hatred. Rioters attacked Whites out of hatred, irrespective of their positions or associations. Improper treatment by officials sometimes filled Blacks with hatred. Because of discrimination Blacks also hated others. As all the cases mentioned in this chapter have already been dealt with in the Report, the Commission does not consider it necessary to make any further findings.

CHAPTER 25 : AGITATION AND INCITEMENT.

25.1 All the discussions of agitation and incitement in the Report, and the summary of those discussions in Chapter CII, led the Commission to the following findings:

(a) There was hardly any area of rioting, in which agitation and incitement did not occur.
(b) Agitation was part of the organising of the riots by the leaders of scholars, students and the community.
(c) Agitators made use of persuasion and intimidation, of inflammatory speeches, of emotions aroused at prayer-meetings and memorial services, and of the authoritative Black Power salute and cry.
(d) The purpose of the agitation was to promote the rioting.
(e) Agitation was an important contributory and immediate cause of rioting.
(f) In regard to agitation as a factor that contributed to the rioting, the Commission quotes the statement by a witness, Credo Mutwa, who said that the agitator did not create or think up a grievance himself; he used available facts and exploited the situation.

CHAPTER 26 INTIMIDATION.

26.1.1 In Chapter C6, intimidation was described as the great and important driving force in the riots. Pupils were intimidated into rioting and boycotting classes and examinations. Their parents were intimidated into living with the rioting and not opposing the efforts of the rioters. School principals and teachers were intimidated into co-operating and not thwarting the riot plans. Other adults were intimidated to achieve solidarity, to close shebeens, and to strike. The police were intimidated in an effort to undermine their authority and to blunt their striking power. Witnesses were intimidated so as to defeat the ends of justice.

26.1.2 Nevertheless, it would be incorrect to say that intimidation was a cause of the riots. It was a powerful instrument in the hands of the planners and initiators of the riots. It was used to initiate incidents of disturbances and even rioting campaigns and to keep them going when the interest and enthusiasm of the participants flagged. In certain respects, intimidation may be likened to incitement; the two were sometimes difficult to distinguish and supplemented each other. The Commission found that, although intimidation was not a cause of the rioting, by using this powerful instrument the rebellious elements caused rioting to erupt and to continue.
26.1.3 Because of this intimidation and its extensiveness, together with the obscurity in which the motives and ultimate objectives of the intimidators remain shrouded, it cannot be said that the riots were an expression of the Black man's will or that, by rioting, he was raising his voice against oppression and for a more democratic dispensation in the RSA.

CHAPTER 27: THE DETENTION OF PERSONS.

27.1 Requests for the release of detained and arrested persons as an element of the riots were discussed in Chapter C14. Incidents in connection with demonstrations about detainees are dealt with at several other places in this Report. The Commission does not propose to repeat the facts and views on this matter here. Having considered all the evidence, the Commission has arrived at the following findings in connection with the detention of persons as a cause of the riots.

27.2(a) Among Blacks and Coloureds, the detention of persons without trial was the cause of some dissatisfaction, the extent of which was limited but could not be determined.

(b) This dissatisfaction grew with further detentions during the riots and with the arrests of persons taking part in the disturbances. In a few separate cases, this dissatisfaction was aggravated by the refusal of requests for the release of these persons.

(c) The detentions and the dissatisfaction about them were contributory causes of the riots.

(d) In certain cases, the dissatisfaction was a reason for action that prolonged the rioting.

(e) The dissatisfaction about these arrests and detentions was probably sometimes used to continue the rioting.

CHAPTER 28: POLICE ACTION.

28.1 The Commission found that the inability of the police to foresee the imminent riots in Soweto before 16 June and to take counter-measures was a concurrent circumstance that gave rise to the riots. This means that the police must bear joint responsibility for this particular incident. However, theirs was not the greatest responsibility; the Force was unprepared to prevent or deal with a contravention of the law. The direct cause still remains the organisation of an unlawful procession.

28.2 Except for what has been said in the preceding paragraph, there was no acceptable evidence that police action was responsible for the outbreak of the disturbances or for any incident of rioting.

28.3 There were cases where the steps taken by the police to abate the rioting resulted in their becoming more violent and spreading. This does not mean that the police should not have done their duty in the first place in connection with an offence. In this regard the Commission found that, if police action in connection with the quelling of rioting caused violence to intensify or to continue, then the rioters' disregard of lawful authority largely contributed to such intensification or continuation. Where the steps taken by the police in such a case constituted a discharge of their duties, the actions of the rioters amounted to an offence.
28.4 There were witnesses who contended that, if the police had not acted in Soweto, there would not have been any riots and that the police action was consequently the cause of the riots. The Commission does not wish to speculate about this, nor about what riots there might have been if the police had not done their duty. Witnesses said that the police upset scholars merely by appearing on the scene; if disturbances followed their appearance, the police were to blame. Such an argument does not hold water. The police are responsible for maintaining order and if appearing on the scene to do so, made the youths start rioting, the fault lay with the youths' state of mind.

28.5 The part played by the police in the eruption of the riots on 16 June and their continuation is dealt with in Chapter B1, in Chapter B3, the paragraphs referred to in paragraph B3.10.25 and in Chapter E2 in paragraphs E2.7.1 to E2.8.1. The police action in quelling the riots is dealt with in almost every chapter of Part B. Only two further references are given.

28.6 With reference to an accusation against the police in connection with the rioting in the Peninsula, the Commission found that the steps taken by the police were not the cause of the first riots and violence in the Peninsula. All the relevant findings are summarised in paragraph B30.16.30.

28.7 Accusations of the gravest kind were made against the police by certain clergymen in connection with the riots in Nyanga. Among other things, it was said that the police had incited one group to fight against another and had fought on their side or had assisted them in the fighting. The Commission arrived at a different finding. All the accusations are dealt with in Chapter B31, and the Commission's findings are summed up in paragraphs B31.15.5 and 6.

CHAPTER 29 : THE PRESS.

29.1 Introduction.

29.1.1 In paragraphs A4.1.10 and A4.2.3, the Commission mentioned two cases in which newspapers had made it difficult for the Commission to obtain witnesses. This difficulty was overcome and does not affect the findings. The Commission has therefore decided not to add anything to what has already been said about this subject in the Report and in the statements made at open meetings of the Commission. This decision also applies to newspaper attacks on the Commission. 29.1.2 In this chapter the Commission will confine itself to the press and to publicity as causes of the riots. Attention will be given only to publication in local newspapers and over the SABC's radio and TV services. This means that there will only be a few references to the pamphlets written by clergymen in the Peninsula about the rioting in Nyanga and distributed by them.

29.1.3 For the preparation of this chapter the Commission had the testimony of numerous witnesses concerning their observations and opinions at its disposal. Furthermore, attention was given to reports and articles in local newspapers and various memoranda that were submitted. The Commission also held valuable discussions with the executive of the Newspaper Press Union of South Africa; the matters dealt with below were discussed.

29.1.4 The following matters will be examined for any connection between them and the outbreak of the riots: The possible consequences of the publication of
news about the riots; incorrect reporting; inflammatory publications; the publication of rioters’ grievances; excessive use of the press; and the denigration of Bantu Education and the SAP.

29.2 Publication per se.

29.2.1 The Commission considers that the mere publication of reports on the riots could in itself have had consequences that were not contemplated or desired. Wide publicity was given to the riots, and it appears from the evidence that news reports on the riots were read in newspapers and heard over the radio by youths throughout the country. The following are examples of the effect of this publicity on youths.

29.2.2 Sister Electra Wild, Headmistress of the Maretso High School for Girls at Tweespruit, said that a sense of solidarity with the scholars of Soweto was engendered among her scholars by reports on the riots that appeared in newspapers and were broadcast in the news programmes of the television service. She based this view on discussions she had had with her scholars. Another witness remarked that, as the news of the riots spread, so sympathy with Soweto grew.

29.2.3 The Chairman of the Bloemfontein Urban Bantu Council, Mr D. Meletsi, said that the problem of Afrikaans as a medium of instruction cropped up in the schools in his area after this problem had already been resolved by the Minister. Scholars read about it in the newspapers and in that way obtained information about it. He was supported to some extent by a fellow councillor, who ascribed the deterioration in children's behaviour and the slackening of general discipline to the fact that children read in newspapers about the riotous behaviour of other children.

29.2.4 In the case S v Diratsile and others, Kimberley RC 221/76, which related to arson in the general post office and in a school in Kimberley, one of the accused stated that he had read in a newspaper about the incendiarism in Soweto and had subsequently asked the other accused why they did not do something similar in Kimberley. In the criminal case S v Mathole and others, WLD (Springs) 633/76, it was clerks of the East Rand Bantu Affairs Administration Board who had incited schoolchildren to riot by, inter alia, showing them newspaper reports and photographs of the riots in Soweto.

29.2.5 The commanding officer of the riot squad in the Eastern Transvaal, Col. F.A.V. van Rooyen, testified that schoolchildren detained in connection with riots at Hendrina had said that they had learned over Radio Bantu and in newspapers of the riots and had then considered burning down their own school. A fire was started in this school and violence and rioting occurred.

29.2.6 A matriculation pupil testified that newspaper reports of the events of 16 June in Soweto had shown him that schoolchildren were capable of carrying out their orders and that this had encouraged him to proceed with the riots. He also testified that he had read newspaper accounts of scholars marching to the centre of the city in Cape Town; he thereupon proposed at a meeting that a march should be organised from Soweto to the centre of Johannesburg.
29.2.7 After considering all the available evidence, the Commission concluded that the dissemination of news about the riots cannot be said to have been a direct cause of any riots or their continuation. However, the Commission is satisfied that such dissemination had influenced young people to the extent that they would listen with receptive minds to an inciter; they could even have begun to riot of their own accord as a result of some other stimulus.

29.3 Incorrect reporting.

29.3.1 Witnesses brought several instances of incorrect reporting on incidents of rioting to the Commission's notice. Following representations, some newspapers corrected the errors. It should be borne in mind that these incidents sometimes took place rapidly and over a large area. At the discussions, one editor stated that his experience of various reporters was that their versions of the same incidents sometimes differed. This happens in courts of law and also happened before the Commission. During the riots, it often happened that two newspapers carried different versions of the same incident. In the light of all this, the available evidence did not satisfy the Commission that the incorrect reporting was done deliberately or with a particular object in view or selectively. There is no evidence either that such reporting was a direct cause of rioting.

29.3.2 Another editor pointed out that a newspaper could unintentionally create the impression of giving a slanted view of the news. This is guarded against, but cannot always be entirely avoided; however, when a newspaper comments, it may not be selective. In the course of this inquiry, the Commission perused a large number of articles, especially leading articles, in most of the South African newspapers. Those that dealt with the riots were usually testified to a sense of balance, impartiality and clear insight.

29.4 Inflammatory reporting.

29.4.1 The following two examples of inflammatory reporting are both accounts of speeches. The first speech was delivered by the Transkei consul, Mr H.T. Mpunzi, and appeared in the Daily Dispatch on 26 January. This speech was previously referred to in connection with the speaker's statement that Bantu education was designed to keep the Blacks the slaves of the Whites. The following statements also appeared in this report: The urban Blacks should demand full equality with the Whites; Blacks should not commit acts of violence against one another but should stand together against their common enemy, the White oppressor; if Blacks presented their grievances, they were shot by the Whites; their leaders were detained on Robben Island, and he implied that detainees were murdered in their cells.

29.4.2 On 17 August, a report of a speech delivered by the Rev. A. Hendrickse, leader of the Labour Party, appeared in the Evening Post. The following are some of the statements that appeared in this report. The speaker could not condemn the youth for their actions because he was proud of what they had done; they had merely destroyed symbols of separate development; although he did not subscribe to violence, he told them: "Power to you." He also appealed to adults not to blame the youth if they became violent, but rather to involve themselves in politics; there
was nothing that would stand in the way of the people on the road of liberation, although some would die on that road.

29.4.3 The Commission considered both these reports to be inflammatory. There is nothing in the evidence as to what happened as a result of these speeches or of their publication. The Commission does not wish to generalise either by saying that newspapers published inflammatory speeches.

29.5 The publication of grievances.

29.5.1 Witnesses stated that the riots should not only receive objective publicity, but that newspapers should also inform their readers of the demonstrators’ complaints. Some witnesses contended, however, that these grievances were often overemphasised, while the grievances of other population groups were not made known. In regard to the first objection, it should be borne in mind that anyone who complains tends to exaggerate his complaints;

moreover, people in many parts of the country sometimes demonstrated simultaneously and they often had the same grievances. As regards the second objection, the time was probably not opportune for bringing up the grievances of any other group. The Commission however believes that too much prominence was in some cases given to the grievances of Blacks, however important they might have been.

29.5.2 It is also unfortunate that these grievances were not always investigated before being broadcast. Apparently, it is not customary for all newspapers to investigate such complaints or even to put them to those against whom they are directed. According to the evidence, parts of the reports by the clergymen in the Peninsula on the fighting in Nyanga were published in newspapers. The Commission did not see these newspaper reports. It did, however, examine the accusations in these reports and found them to be devoid of all truth.

29.6 Excessive use of the press.

29.6.1 There is no doubt that Black youths made excessive use of the press to bring their grievances, actions and aspirations to the notice of the public. In the case S v Twala and others, WLD 281/78, the court found that the SSRC had used three reporters to promote its objects in the newspapers. This happened particularly in the disturbances that occurred after 28 February 1977. But even in the case of the first riots, youths had notified reporters that they were going to demonstrate. In Cape Town, a group of pupils promised to return to school if their grievances were published in a daily paper. The Commission does not have sufficient evidence to make a finding in regard to the publication of grievances and the excessive use of the press as causes of the riots.

29.7 Denigration of certain institutions. 29.7.1 After consideration of all the evidence, most of which has already been referred to, the Commission concluded that some newspapers so persistently criticised two bodies in particular, namely Bantu education and the Police Force, that they damaged the images of the education system and of the policeman. It must be added that members of the public joined actively in
this denigration. It would be difficult to determine to what extent the
disparagement by newspapers contributed to the riots.

29.8 Findings.

29.8.1 The Commission finds that there is no evidence that any actions on the part
of the press or of individual newspapers were directly responsible for the riots.
The publicity given to the riots and related matters by the press and the radio
impressed some readers and listeners to such an extent that they were liable to
start rioting at the slightest: provocation.

CHAPTER 30: ADMINISTRATION OF JUSTICE.

30.1 Introduction.

30.1.1 In paragraph A5.1.4 mention is made of the reports of court cases used by
the Commission as a source of evidence. The importance of witnesses and their
evidence before the Commission, as well as in court cases, is discussed in Parts A
and B. The Commission deals with the intimidation of witnesses in criminal cases
in paragraphs C6.16.1 to 11, and Chapter D6 and Annexure E are devoted to
criminal cases that arose from the riots. This chapter deals with the administration
of justice as a cause of the riots.

30.1.2 There was no evidence that the administration of justice had been a direct
cause anywhere of disturbances or incidents of rioting. The next step in the
inquiry is to establish whether the administration of justice in any way contributed
to the outbreak of rioting. This could have happened if the administration of
justice had been discriminatory and unjust as between the various races. In that
case, the administration of justice would have created a sense of hopelessness,
impotence and frustration which an agitator would have been able to exploit. A
witness stated that the administration of justice was not always fair when a White
person faced a Black in court. This criticism of the administration of justice will
now be dealt with.

634

30.2 Criticism of the administration of justice. 30.2.1 A member of an Urban
Bantu Council stated that he had observed the following:
(i) When a White person murdered another White, the dispensation of
justice was excellent.
(ii) The administration of justice is even more subtle and sharper when
the crime was committed across the colour bar, for example when; a
Black was tried on a charge of having raped or murdered a White.
(iii) Justice warps and teems with flaws when a White man is charged with
the rape or murder of a Black person.
(iv) When two Blacks face each other in court in cases of rape or murder,
the administration of justice breaks down completely.
(v) The magistrate or judge does not listen to the honest and diligent
policeman, is exceptionally lenient towards the criminal, and utterly
disregards the suffering of the victim of the rape, brutal assault
or murder.
(vi) Bail is granted too readily and makes a mockery of crime, and the
criminal has a very pleasant trial.
The last two statements apparently relate to the fourth.

30.2.2 The Commission sent copies of this statement to the Chief Justice and the judges of appeal, the Judges President and other judges of all the Divisions of the Supreme Court, and a number of Chief Magistrates, for their comments. Their replies were virtually identical.

30.2.3 There was little comment on the first assertion. In regard to the next three assertions, the general view was that the colour or race of the accused and of the plaintiff made no difference to the administration of justice; as a matter of fact, every judicial officer took an oath that he would do justice equally as between all persons. The same rules and principles of law are applied in all trials, and an accused's intention and guilt must be proved beyond reasonable doubt before the court will convict him. All the evidence is considered by the court, and a policeman's statement is not rejected simply because of the race of the accused. People attending a trial may well sometimes gain the impression that an accused is treated too leniently. This may be because he has no legal representation or because the presiding officer is not impressed by the same evidence which impressed others present in court. It is not the practice, however, to treat a White accused in one way if the plaintiff is White and in a different way if the plaintiff is Black. The same may be said of the reverse case. However, there was a difference of opinion on the question of bail. The Commission was also informed that many Blacks were under a misapprehension about bail; it was said that they could not see why the guilty party who had been caught by the police should be released again.

30.2.4 Having considered all the comments and the available evidence, the Commission is satisfied that the administration of justice in this country did not create an attitude of mind in the Black population group that gave rise to rioting or that contributed to any appreciable extent to a climate of resistance and revolt.

30.3 Other matters.

30.3.1 There were cases where scholars went to court in large groups because one of their fellow pupils or someone they knew was to be tried there. Their demonstrations were sometimes riotous but, so far as the available evidence goes, always controllable. In any event, the administration of justice would not have been the cause of rioting that broke out in this way.

30.3.2 The Commission has no evidence that rebellious elements or the Black population as a whole regarded the courts as part of the oppressive government. Nor does it seem that the success intimidators had with State witnesses in causing criminal trials to miscarry had any effect on the continuation of the riots.

30.4 Finding.

30.4.1 The Commission finds that there is no evidence that the administration of justice was a direct or a contributory cause of the riots.

CHAPTER 31 DR HENRY KISSINGER.

31.1 During the last week of June, the then Prime Minister of the RSA, Mr B.J. Vorster, visited West Germany, where he held talks with the Secretary of State of the USA, Dr Henry Kissinger. One witness expressed the opinion that the riots
were planned to take place shortly before this visit so that South Africa and its Prime Minister could be shown up in a poor light. Although this suspicion became fairly general later, there was no definite evidence on the subject; on the contrary, the evidence concerning the planning and organisation of the first demonstration shows that there probably was no such ulterior motive.

31.2 The demonstrations that took place in Soweto on 17 September were planned to coincide with a visit by Dr Kissinger to Pretoria, where he was to have talks with Mr Vorster. There were serious riots; two schoolgirls were fatally wounded and five pupils were injured.

31.3 It is appropriate to mention a third matter here. Mr Vorster paid a visit to Kimberley on 22 October. Scholars decided two days before to unleash violent disturbances during this visit. In the event, only five incendiary bombs were hurled at BAAB offices and two at a beer-hall. Apparently the precautionary measures were successful in other respects.

31.4 The Commission finds that organisers were responsible for the riots in Soweto on 17 September, when Dr Henry Kissinger visited Pretoria, and also for the disturbances in Kimberley on 22 October, when Mr B.J. Vorster visited that city.

CHAPTER 32: ATTACKS ON LIQUOR OUTLETS AND SHEBEENS.

32.1 In Chapter 12 of Part C, the Commission discussed the role of liquor in the riots. The next chapter, C13, deals with attacks on liquor outlets and shebeens. The facts and evidence dealt with in these two chapters and elsewhere in this Report form the basis of the following findings:
(a) The reasons for the attacks on beer-halls, bottle stores and beer depots were obscure and were not causes of the riots.
(b) The liquor consumed by rioters in looting liquor outlets and elsewhere did not cause the riots either, but had the effect of intensifying the riots, increasing the violence, and prolonging incidents of rioting.
(c) The decision and actions of the Comrades to enforce the ban on shebeens was the cause of rioting and violence in connection with the shebeens. They themselves, and only they, committed this rioting and violence.
(d) The Comrades’ actions on Christmas Day in connection with their ban on the consumption of liquor, their ban on festivities, and their order to attend the memorial service were the direct cause of the riots and disturbances in Nyanga during the Christmas week-end.

CHAPTER 33: LABOUR.

33.1 Introduction.
33.1.1 The Commission proposes to mention only a few labour matters that may have had a connection with the riots. These are migrant labour, strikes, job reservation, and unemployment.

33.2 Migrant labour.
33.2.1 More than one witness described migrant labour as a great evil. It was the cause of conditions that gave rise to dissatisfaction. Some of the fiercest and bloodiest rioting in Soweto and Nyanga occurred during fighting between migrant labourers and permanent residents of those Black residential areas. This fighting broke out because groups of youths unlawfully called strikes in which the migrant labourers refused to take part. The disturbances began when attempts were made to prevent the migrant labourers by force from going to work or to punish them on their return. This matter was investigated, and the Commission considers that the fighting and rioting were not caused by the institution of migrant labour but by the action of youthful organisers who were bent in preventing the labourers from doing what they were entitled to do.

33.3 Strikes.
33.3.1 The strikes that were unlawfully called were enforced unlawfully and with violence; this frequently resulted in rioting. These riots were not caused by the strikes or by the labourers who went to work but by the persons who called and enforced strikes.

33.4 Job reservation.
33.4.1 Job reservation was mentioned in general as a cause of rioting, but there was no evidence that showed any connection between job reservation and the eruption or continuation of rioting.

33.5 Unemployment.
33.5.1 The only connection between unemployment and the riots was that a large number of vagrants who did not want to work took part in the riots.

CHAPTER 34 : SOLIDARITY AS A CAUSE.
34.1.1 Solidarity with Soweto as a factor in the riots has been dealt with at several places in the Report and especially in Chapter C15. The following are the Commission's findings on the matter:

34.1.2 Solidarity between rebellious elements and the people of Soweto frequently caused rioting throughout the country or contributed to its eruption or gave it momentum. Initially, this factor was the only or primary reason for rioting at other places; subsequently, it became the motive along with other matters, such as local grievances; and in virtually every demonstration, placards about the sense of solidarity were an incitement to further action.

34.1.3 Especially at the beginning of the riots, this sense of solidarity was engendered by compassion for or sympathy with the victims of Soweto. Closely allied to this were the emulation of Soweto's example and fury at alleged cruelty on the part of the police against the schoolchildren of Soweto, who were mostly considered innocent in Black circles.

34.1.4 As a cause of rioting, the sense of solidarity was frequently one of involvement with everything symbolised by the name Soweto. And this was Black solidarity. Many of the rioters fully realised that they were thus identifying themselves with the struggle for the Black man's liberation that would come with the overthrow of the existing system of government.
34.1.5 By using the idea of solidarity, concerted and uniform action was achieved in regard to such matters as strikes, school boycotts, Afrikaans as a medium of instruction, and Bantu education.

CHAPTER 35: SUMMARY.
35.1 The factors which combined to give rise to the first riots were the application of the policy on the medium of instruction in Black secondary schools, the organised resistance in Soweto to this application, the handling of this resistance, and the failure of the education officials and the police, who did not see the danger coming, to take precautionary measures.
35.2 The riots were continued by the organisers of demonstrations, boycotts and strikes, by the distributors of inflammatory pamphlets, by inciters' speeches, and by rioters who wanted to take part in the violence and looting or who wanted to bring about chaos to paralyse the Government.
35.3 Several other factors discussed in this Report were not direct causes of the eruption or continuation of the riots, but they did contribute to the rioting. Singly, their influence was not equally strong or equally farreaching; nevertheless, jointly or severally they served to create a state of mind that was receptive to the provocation to riot.