

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

CAPE TOWN.

WHOLE SESSION.

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THE COMMISSION RESUMES ON 28TH JUNE 1977.

DR YUTAR: My Lord, may I indicate the order for today. There is Mr Kama, I believe the Commission wants him recalled.

CHAIRMAN: Yes.

DR YUTAR: I propose then to lead the migrants who has to get back to work, and then there is the witness for cross-examination.

CHAIRMAN: That is your witnesses?

DR YUTAR: Yes.

CHAIRMAN: Do you mind if we interpose this witness?

(10)

DR YUTAR: My Lord, Mr Kama is in the witness box.

RECALLED:

JACKSON KAMA: DULY SWORN, STATES (THROUGH INTERPRETER)

CHAIRMAN: Mr Kama, how many shops and businesses are there in Nyanga? -- I will have to think now, My Lord. At the bus terminus there are 6 shops.

Right. -- On the south end side of the bus terminus there are 4. Towards my place there are three. The bottle store was damaged by fire and there was some business, a shop, in that building.

(20)

MR NGO: You are leaving out the dairies? -- There are two dairies, I remember.

CHAIRMAN: Are those two dairies in Third Avenue? -- One is directly opposite my shop. I don't know whether that is called Third Avenue, and there is one is Swelitsia Drive, belonging to Dluani, and Mr Damane's as well. There is another shop I did not mention, that shop is just next to the dairy, and there is a butcher shop belonging to Mr Mtosa.

Do you know, Mr Kama, whether any of the other shops had been attacked or damaged? -- I heard that an attempt was made at a certain shop, but the police were too quick

(30)

to/...

to stop the people before they could in fact do any damage to it.

Then there is the one that was damaged in the fire of the liquor shop? -- That one was damaged.

To what extent was yours damaged? -- To the extent of roundabout R300. The biggest damage was the lorry.

And you had people to guard - you had police who assisted in guarding your shop? -- Only after the shop was set alight did I get the police guard.

Were these of the riot police who assisted? -- No, (10)
these were ordinary police.

Were they Black or White? -- It was Non-Whites, Coloureds and Natives.

Do you know of the fact that your name was mentioned in a pamphlet which was apparently issued by the Comrades? -- Yes, I have knowledge about that.

And in fact the reference to you in the document was that you were seen getting out of a van and that you had on the uniform of the riot police? -- I personally never noticed that in the circular. (20)

Am I correct that it did appear in the document which was originally lodged with the Commission?

DR YUTAR: That is so.

CHAIRMAN: But you do know that your name did appear in that document? -- Yes. There were two sets of circulars, My Lord, and on each one of them my name appeared.

Do you remember did your name appear in those circulars before or after the damage to your shop? -- The first one was issued before my shop was damaged, and I saw the second one after the damage was done to my shop. (30)

Mr Kama, can you think of any reason why you personally

of/...

of all the shopkeepers were singled out to be attacked in the document and eventually the attack on your shop? -- I know of no reason.

Your house was also damaged, is that correct? -- Yes.

Was this at the same time as the attack on your shop? -- These things did not take place at one and the same time. Firstly damage was done to my lorry, and a few days thereafter to my shop and about ten days thereafter to my house.

MR NGO: Mr Kama, prior to these incidents, was there any, as far as you know any ill-feeling between you and a (10) section of the residents? -- I personally know of no ill-feeling. I don't know, maybe one had some axe to grind, or something like that, but I personally know of no reason.

And you were just carrying on your business as every other businessman would do? -- Yes.

CHAIRMAN: Have you any knowledge of the Comrades? -- I have none, but I have heard of them.

Have you seen them? Are you able to tell the Commission anything about their dress? -- I have seen groups of children which are referred to as the Comrades, and they have no (20) uniforms as such. Of course one would find one or two with school uniforms and the others in ordinary clothes.

With these groups that attacked your house, your lorry, your shop, and generally, the groups usually referred to as children. Were there only school children in those groups? -- The people responsible for the damage done to the lorry, were not school children. I was not present when the lorry was attacked but I gave evidence and I saw them in Court. They were not school children.

Have they been tried? -- Four were charged for the (30) damage done to the lorry, but one was found guilty and was sentenced/...

sentenced to - this one was sentenced to three years.

When did this happen? When was this trial? -- The case started in November last year. The case ended up in the Regional Court, Wynberg.

Now, the first attack was on the lorry, a few days later on the shop and then on your house. Did you give evidence before the damage to your house? -- I made a statement to the police. One person was brought before the Magistrate in respect of the damage done to my house.

What happened to him? -- There was not sufficient evidence (10) to prove the identity, as a result the person was acquitted.

And what about the shop? -- One person was arrested in respect of the shop, the damage done to the shop.

What happened to him? -- I understand that person was convicted, but I was not present.

Where was your lorry attacked? -- The lorry was attacked at the corner of NY 115 and NY 108 in Guguletu. I was moving at the time, surrounded by people and it was set alight.

Did it drive with its lights on? -- No, it was during the daylight. (20)

Wasn't there some stage when they required you to drive with your lights on? -- Actually, I was not there. It was not being driven by me. I was only told about this.

MR MALHERBE: Mr Kama, perhaps you can, perhaps you can't help me on this. At the last sitting of the Commission in Cape Town, I think really the evidence was given in connection with Langa, perhaps the same applies to Nyanga, that when the youths attacked or closed down, whichever way you want to look at it, the shebeens, the police did not stop them from doing so. Do you have any knowledge of that? -- I remember (30) one occasion when I happened to see a crowd of people and I was/...

was told that these were the children, attacking the shebeens, throwing stones at it, I saw some police vans in the vicinity, but I never stopped to see whether or not the police tried to stop them or not.

So you can't help us on that. -- No, I cannot help the Commission. I never stopped to see what was happening outside.

Thank you. Now, the other question I want to ask you: Do you have any idea - I take it you are a parent yourself, are you? -- Yes, I am.

Do you have any idea why the parents of Nyanga allowed (10) their children or the children at high school at any rate, to stay away from school from September to the end of December? -- No, I know of no reason.

MR NGO: Let me put it this way: Did they allow them not to go to school or would you say the parents could not stop the children? -- I think they got the permission from the parents. After all no child can do as he pleases if a parent does not want a child to do this and that.

MR MALHERBE: So your evidence then would be that the parents acquiesced or agreed or were contented that the children should (20) stay away from school? -- I am not suggesting that they got permission from their parents, but I say it is my opinion that no child can do as he pleases. They must have got the approval of the parents, and stay away.

In fact what you are saying is that if the parents had put their foot down and said "you are going back to school" the children would have had to go back to school? -- Each child has a father and mother. If the parents in all disapproved of the children's actions, the children would have gone to school. (30)

As a fact, at least as far as the high school children are concerned/..

concerned they did not go to school during the latter half of last year. So that you would have had children or young people who would normally be occupied at school and after school be occupied with homework, etc., with schoolwork and school activities, who are now completely unoccupied, if I can call it that. Do you think that that in any way contributed to the unrest in the Black townships culminating in the unfortunate events over Christmas? -- I want to tell this Commission firstly my reasons for saying that we as parents must have consented to the children's actions. I gave evidence before the Commission last week and I am again today here. I did not see any child giving evidence before this Commission last week, nor do I see any child in the surroundings here, to perhaps come and tell the Commission as to what had happened. I only see the parents. (10)

Could we just get back to my question: Do you think that the fact that there were schoolgoing children, high school going children not occupied at all with schoolwork, walking around or being round the townships with nothing to do, during the latter half of last year, in your opinion did that - could that or did that contribute to the unrest in the townships? -- I do not know. (20)

Thank you.

MR SONN: Mr Kama, you say you have got a business in that township. -- Yes.

Now prior to the unrest in that township, did you get good support from the public? -- Yes.

And would you say that today you have that same support or has that support decreased after what has happened to you? -- I think that since these disturbances I do not get the full co-operation from the location people. I will go so far (30)

as/...

as to say I actually now get the support from the migrants and not from the ordinary location people, since the riots.

Mr Kama, another question. I presume that, or according to what we hear, we all live in the same city, some of your people are very much against the homelands and some are not. Some accept them. Now, I am not going to ask you to go into the merits or demerits of a homeland, but do you think that there is a very strong feeling in your community against the concept of a homeland? -- I can express no opinion about the homeland policy as such, but before these disturbances (10) took place we have been staying together with the people from the homelands, who are the migrants and so on, inasmuch as that some of them occupied houses amongst the married people, right apart from the wellknown separated bungalows which are termed as bachelors' bungalows. They had been occupying houses amongst us and there had never been any trouble whatsoever, and the homeland police was then already there. So whether there is any ill-feeling about the homeland policy, I do not know.

So you would not say that the Comrades, that they had (20) this at the back of their minds that they perhaps did not favour the idea of separate homelands and that could also have contributed to the riots? -- I can express no opinion on this, more especially looking at the damages done in these disturbances, most of the damaged articles, structures and this and that have absolutely nothing to do with the homeland policy.

DR YUTAR: Mr Kama, I am this morning going to lead the three police officers who covered Guguletu and Nyanga over the three days 25th, 26th and 27th of December, and they (30) are going to tell the Commission that amongst them and their men/...

men there was only one Black man, a member of the riot squad, who acted as an interpreter, and that his name is Velamane. Do you know him? -- I know him, but I never saw him there that day.

Yes, alright, and that he looks like you. -- I don't know. Anyway, he is taller than myself and much darker in appearance than myself.

CHAIRMAN: Not as good-looking? -- No, he is not as good-looking as myself. (laughter) Taller and thicker than myself.

DR YUTAR: And has he got a moustache? -- He had them, (10) but I won't say he has them today.

Well, I am hoping to bring him here in order to show the Commission how he compares with you, but he is away on three months' leave in the homelands, but I have got a photograph over here. I am going to put this in as an exhibit, EXHIBIT 467. Is this the man over here? -- He is a man who just about to put a spoon in his mouth.

That is right. He is well-built like yourself, Mr Kama. -- I think so.

Has a moustache? -- Yes. (20)

And of course when he wears the riot cap and the riot uniform, he may according to Major Mouton, look like you? -- Not to a person who knows me. A person who knows me well would still clearly identify me and say this is Kama and that is so and so.

No further questions.

CHAIRMAN: Yes, thank you.

NO FURTHER QUESTIONS.

DR YUTAR: My Lord, I call first migrant, Nyambo. His full name is Mbakaxa Tom and surname is Nyambo. (30)

MBAKAXA TOM NYAMBA: DULY SWORN STATES (THROUGH INTERPRETER)

DR YUTAR: Now, you are a migrant resident at Nyanga? -- I am a man from the reserves. I carry a pass authorising me to be in the Western Cape and I stay in Nyanga.

In the single quarters? -- Yes.

And on the 25th, the 26th and the 27th of December, you took part in the riots? -- Yes.

Assisting your bachelors as some of them are known against the married - against the residents in the married quarters? -- Yes. (10)

And you shared a room with your nephew, Pakamile Joe Magasana? -- Yes.

Also a bachelor? -- Yes.

Who also with you and others took part in the fighting. -- Yes.

And he was shot dead by the police on the 27th of December 1976? -- Yes.

Covering these events you made an affidavit on the 1st of February, 1977. -- Yes.

It was read over to you this morning by an interpreter? (20) -- Yes.

And you adhere to it as being the truth? -- Yes.

Now, to save time, I am going to read it to you paragraph by paragraph and then ask one or two questions, but first of all is it true to say as has been said that the police incited the migrants to attack the residents? -- No, instead the police intervened when we did in fact clash.

And is it true to say that the police actually assisted the bachelors to attack the residents? -- All I say is that when we were engaged in a fight the police would intervene. (30)

And is it true to say that the police on occasions over those/...

those three days made signs to the migrants to come on and attack the residents? -- All I saw was that the police intervened.

And finally is it true to say that the police as reported in EXHIBIT 301, a Memorandum of the Christian Institute, alleging they got information from a responsible person, that the police had distributed pamphlets to the migrants inciting them to attack the residents? -- I never saw such pamphlets.

And is it true to say as has been reported in the weekend Argus of the 22nd of January 1977, reporting what is supposed (10) to have been said by a delegation to Brigadier ...(inaudible) that riot squad policemen were seen dropping pamphlets in the bachelors' quarters. The pamphlets were also said to encourage the migrants to arm themselves against an attack from the residents. Is that true? -- I never saw such thing.

Now with those few preliminary questions, I propose to read your statement, paragraph for paragraph. "Ek ken die oorledene, Pakamile Joe Magasana. Hy was my neef, 48 jaar oud, en woonagtig te K 112 Nyanga . Hy was 'n trekarbeider woonagtig in die enkelkwartiere te Nyanga (20) en ons het dieselfde kamer gedeel. Op Saterdag, 25 Desember om ongeveer 17h00 was ons inwoners van die enkelkwartiere aangeval deur jeugdige en volwassenes van Nyanga. Daar was baie van hulle en hulle was gewapen met klippe, kieries, skerp voorwerpe en petrolbomme. Klippe en petrolbomme was na ons geslinger. Ons was ook baie bymekaar en het terugbakei met kieries en ander voorwerpe. Ons het hulle teruggedryf. Gedurende die Saterdagdag was ons weer aangeval en ons het hulle weer teruggedryf. Geen huise was toe aan die brand gesteeek nie en ek weet nie hoeveel mense in die gevegte (30) gedood of beseer is nie." Is that true? -- Yes, that is true.

Is/...

Is that what you personally witnessed? -- Yes.

We come now to Sunday, the 26th. "Op Sondag, 26 Desember 1976 om ongeveer nege-uur was ons weer aangeval deur die inwoners van Nyanga. Verskeie van die enkelkwartiere was gedurende die oggend aan die brand gestek en sporadiese gevegte het uitgebreek tussen ons trekarbeiders en inwoners van Nyanga. Dit het feitlik die hele dag so voortgeduur. Van die inwoners van Nyanga se huise was ook aan die brand gestek deur die trekarbeiders as 'n vorm van wraakneming. Ekself het ook aan die gevegte deelgeneem en het ook gehelp (10) om die huise aan die brand te steek. Petrolbomme was gebruik om die enkelkwartiere aan die brand te steek en ons het ook van petrol gebruik gemaak om die getroude kwartiere aan die brand te steek. Verskeie mense is op die 26ste Desember gedood of beseer, maar ek kan nie die besonderhede van hulle verstrek nie." Is that true and correct? -- Yes.

"Etlike honderde Bantoes het aan die gevegte deelgeneem. Mans, vrouens en kinders." Is that right? -- Yes.

If I may ask you, what exactly did the women do? -- They also helped. (20)

In what way? -- They threw stones.

They threw stones. Did you see where the stones came from or how they were collected? -- I do not know how the stones were collected, but there was quite a lot of stones lying on the road.

We go on: "Ek weet nie wat aanleiding tot die gevegte gegee het nie, en wat die oorsaak was nie. Ons Bantoes van die enkelkwartiere het almal wit doeke om die koppe gedra sodat ons onderskei kon word van die inwoners van die lokasie, en sodoende mekaar kon identifiseer. My enkelkwartier was (30) nie afgebrand nie, maar wel andere aangrensend." Is that true?

Correct/...

-- Correct.

Now we come to the riot police. "Die onlustepolisie het by geleenthede opgetree en probeer om die twee vegtende groepe van mekaar te skei en af te keer." -- Yes.

"Hulle het ook samesprekings gevoer met leiers van die twee strydende groepe ten einde vrede te bewerkstellig, maar sodra die polisie padgegee het, het die groepe weer aanmekaar gespring. Verskeie skote is ook deur die polisie op die vegtende groepe afgevuur, wat hulle daarna uitmekaar laat spat het." And on whom did the police fire? -- Sometimes (10) the police would shoot in the air so that the two sections do not clash.

Yes, and other times? -- Sometimes people got injured as a result of the shooting.

Is it true to say that the police only shot at the residents? Or in the direction of the residents? -- It is correct that the police shot in the direction of the residents as well as on the - in the direction of the bachelors.

So they shot on both sides? -- Yes.

So it follows it is not true to say that they only shot (20) at the residents? -- I never saw that happen.

We go on: "Gedurende die Sondagnag is ons weer aangeval deur die inwoners van Nyanga, maar ons het die aanval afgeweer deur hulle terug te dryf." Is that right? -- Yes.

"Op Maandag, 27 Desember, ongeveer nege-uur, was ons weer deur die inwoners aangeval." -- Yes.

"Ons het weer geveg". -- Ja.

"Die polisie het opgetree en verskeie skote was weer afgevuur. Samesprekings was ook gevoer maar het nie veel uitwerking gehad nie." -- Yes, that is right, but the shooting (30) took place at the time when the police tried to intervene.

"Dieselfde/...

"Dieselfde dag om ongeveer nege-uur tot elf-uur, terwyl ons aan 'n geveg deelgeneem het in die omgewing tussen die enkel- en getroude kwartiere, het die polisie weer op ons gevuur". -- They shot on both sides, on our side as well as on the resident side.

"Oorledene soos vermeld het ook aan die gevegte deelgeneem." -- The deceased was not in the front line, as I would call it. We were in front fighting with the residents, and the deceased was right at the back amongst the houses. He was shot there.

(10)

"Nadat die groep uiteen gespat het, het ek gesien dat die oorledene op die grond lê. Hy was in die nek gewond." -- Ja.

Then you go on: "'n Ambulans het opgedaag en die oorledene verwyder. Hy het nog gelewe". -- No, the police van removed him from there.

Yes, and then you go on to say he was taken first to Groote Schuur hospital, then to Conradie Hospital, where you visited him and he eventually died. -- Ja.

And in due course you identified him to the authorities. -- Ja.

(20)

Is that a true and correct account of what you witnessed on those three days? -- Yes.

No further questions.

MR NGO: You say in your statement that you also used petrol-bombs, is that correct? -- Yes.

Do you know how to use a petrol-bomb? -- They used them. I was also able to use it.

Before these riots were you - did you know how to use a petrol-bomb? -- No.

When were you able to use a petrol-bomb for the first time? -- We experienced them during the course of the

(30)

trouble/...

trouble. We were told how they are made so we made them too.

Who told you how they were made? -- We talked amongst ourselves.

And? -- And were told how they are made.

Did any of the residents show you how to make them? -- No, we discussed this things amongst ourselves, we bachelors and we came to know how these things are made.

Where did you get the petrol from? -- We got them from the cars, the cars that moved about in the location during the time of the disturbances. (10)

Can you tell this Commission how a petrol-bomb is made? Is it possible? -- No, I cannot describe what ingredients are needed to make a petrol-bomb.

Thank you.

CHAIRMAN: Were your opponents always the residents? -- Yes.

Were there ever children who fought against you or set your houses alight? -- The children did the destruction of the houses by fire and were involved in the fight as well.

Do you know of any occasion when children came from Guguletu, from another area, for example from Guguletu to come and attack your houses? -- No, I have no knowledge of any children who came from another area, besides those that I saw there involved in the fight. (20)

Do you know anything about the Comrades? -- No.

MR SONN: Have you ever heard this word named while you were fighting? -- No.

MR MALHERBE: Was there any bad feeling between you and the residents before these occurrences? -- No.

Why then did you attack one another? -- I do not know.

CHAIRMAN: You are a contract worker, are you? -- No. (30)

What are you then? -- I came to the Cape long before the/...

the contract system was introduced. So I am not affected by the contract regulations at all.

The other residents (migrants?) are they mainly contract workers? -- Yes.

And do they stay for any length of time? -- Yes.

How long usually? -- Usually twelve months.

Is it true that some of them get contracts extended at the end of that period? -- Yes.

Yes, thank you.

NO FURTHER QUESTIONS.

(10)

THE COMMISSION ADJOURNS FOR TEA.

THE COMMISSION RESUMES.

NORAH BIKWANA : STILL UNDER OATH (RECALLED):

DR YUTAR: Mrs Bikwana, I hope not to keep you long. Let us try and get on as quickly as possible. To whom did you first make your statement and when? -- I made a statement first to a Mr Mpetha.

When was that? -- Roundabout March this year, I am not certain.

And where did you make that statement? -- At his place. (20)

And who all were present? -- My husband was present.

It was myself, my husband and Mr Mpetha. That is all.

Now he is the chairman of the Nyanga Residents Action Committee? -- Yes.

My Learned Friend tells me of course that this one which he led you from is a statement which you made to him. -- That is correct. I made a second statement to the attorney.

And is there any difference between the two statements?

-- No, the two statements are identical.

And did you reply to my question that you knew that (30)
Mr Mpetha was the chairman of the Nyanga Residents Action Committee?

Yes/...

-- Yes, I did.

Do you know what the purpose of that committee was? --
No, I do not know the work done by this Nyanga Residents
Action Committee.

Alright. Mrs Bikwana, I want to put it to you very
bluntly, that your statement like so many others are completely
one-sided. Do you agree?

MR ZINN: Mr Commissioner, with respect, I don't think she
can reply to that.

DISCUSSION NOT IN MICROPHONE.

(10)

DR YUTAR: Your statement is one-sided. -- I don't understand
what that means.

For example you have not got a word of praise for -
let me put it this way: You don't mention at all that the
residents and the children caused a lot of trouble there. --
I understand now.

Did you know that the children caused a lot of trouble?
-- No, I do not know that.

Did you ever hear about the Comrades? -- Yes.

Who are they? -- I do not know who they are.

(20)

Were they dressed in black track-suits? -- No, I have
never seen the Comrades, I have never seen people referred to
as Comrades, dressed in Black Track Suits. I have seen
track-suits worn by sportsmen doing some training.

Your husband is Bethwell Bikwana, is he? -- Yes.

And you have four children, you have told us. Now
I will give you the ages: 16, 14, 11 and 10. -- 16, 14, 11 and
9.

How long have you been staying in Nyanga? -- Since 1966.

And how long have you been married to Bethwell? --

(30)

We got married in 1959.

Now/..

Now, did you know that the relationship between the migrants and the residents prior to the trouble in December was a good one? -- Yes.

In fact so good that on the very day, Christmas Day, your husband was playing with some of the migrants. -- Yes.

They played this game called Karem . -- Yes.

What kind of game is that? -- They have a board and it is played by means of a stick, they push some buttons on a board.

Alright. Now, you said on the morning of the 26th (10) you heard rumours that some of the residents' houses in Nyanga had been burnt and that the migrants had been repulsed. -- Correct. No, that is not correct. I mean that I heard on the 26th that some of the houses belonging to the residents were burnt.

But that the migrants had been repulsed? -- Yes.

Did you hear perhaps that that morning the police advised the residents that the migrants wanted peace and in fact made peace? -- As a housewife who is ever inside the house, I do not know what men discussed outside. (20)

Right. And did you hear that that morning the peace had been broken by a host of youth from Guguletu? -- No, I never heard that.

Now, alright, even though you spend your time inside, and you don't know what the men discuss outside, did you ever discuss this trouble with your husband? -- Yes, I did.

And do you know that the migrants had been asked not to buy liquor or clothes for Christmas Day, only food? -- No, I never heard that.

In fact everybody in Nyanga. -- I personally never heard that. (30)

Well, you know, your husband made a statement to the

police on the 1st of February 1977 and among other things he said this: "After the first phase of the riots the scholars, that is the Comrades, started to burn shebeens."

CHAIRMAN: Is that witness going to give evidence?

DR YUTAR: I am leading this evidence, My Lord, with respect.

CHAIRMAN: Will he be a witness?

DR YUTAR: If he is prepared to come. I am leading him - My Lord, may I indicate that as a result of this memorandum issued by Reverend Russell, the police did a thorough investigation and they took this statement from many, including (10) this witness, including this man Bethwell Bikwana, and I am putting this to her.

MR NGO: Is he personally not giving evidence?

CHAIRMAN: If you put his statement to this witness, if this witness should admit it, it is one thing, but if she denies it, then(intervenes - not in microphone.)

DR YUTAR: "After the first phase of the riots, the scholars (the Comrades) started to burn shebeens." Did you know about that? -- I do not know the Comrades. I well know the school children. (20)

And did they start to burn shebeens? -- Yes.

Now, your husband says further as follows: "I know that before Christmas the Comrades told the people not to celebrate Christmas as in previous years. They should only buy food, no liquor or new clothing for their families." Did you know that? -- I do not know. There is nobody who takes liquor in my house.

Yes, but do you know of this injunction that had been issued, Christmas to be observed as a day of mourning, no liquor or new clothes to be bought, only food? Did you know (30) that? -- No.

You/...

You did not know that, alright. Now, you talk about discussions that took place between the people in the police vans and the migrants. You saw that? -- I do not know what my husband saw. I well know what I personally saw.

CHAIRMAN: Isn't this your own statement?

DR YUTAR: Yes. I don't know, perhaps the Interpreter was confused a little bit.

CHAIRMAN: This is her own statement.

DR YUTAR: I will read it to you: "During the afternoon on that day, from my house, I could see Swelitsia Drive, on the other side of which lived the migrants. I saw two riot vans, one brown and one white, go to the migrants where discussions took place between the people in the police vans and the migrants." -- Yes. (10)

You of course don't know what the discussions were about. -- Correct, I don't know.

Did you know and your husband knew that the police told the residents: "Go, disperse, and go to your houses, because we have told the migrants to go back to their quarters and to go to sleep"? -- No, I did not know that. (20)

Did you know that on that day it happened often that the police separated the sides, told them to go to their own quarters, and then as soon as the police went away, the two factions came together again? -- No, I never witnessed that.

You did not witness that. Now, where were you at the time that you say you were shot? -- I was in my yard.

Where was your husband? -- He was at the borders.

What do you mean by that? -- There alongside the road.

Was he participating in the fight? -- Everyone in the location. (30)

Including the women? -- Not women.

Well/...

Well, we had one witness early this morning, migrant, who said the women took part as well as the children. -- I don't know that.

Do you know Mr Kama? -- I know him very well. He is a businessman.

He told the Commission on Friday that the women among the residents were breaking bricks, collecting them and putting them in a bucket so that the menfolk could use them as missiles. Do you know about that? -- I saw bricks lying around there, but I don't know who brought them. (10)

Where were your children at the time that you say you were shot? -- When I got up on Sunday morning and heard that some houses had been burnt down, I took my children to Guguletu.

So they were not present when you were shot? -- No.

And you say that you were shot by a policeman who were sitting in the passenger seat of the brown van. -- Correct.

Did you report that incident of your being shot to the police? -- No.

Why not? -- My husband said he would make a statement in town. (20)

Did he? -- That is the statement you are reading.

Well, I want to tell you that in this statement your husband does talk about damage to the house, the burning of the curtains, but there is not a single word about you having been shot. -- Well, I don't know the contents of his statement. I was not there when he made it.

Yes, but I just want to tell you. When I showed the statement to my Learned Friend, he said I must read it and I have read it twice, there is not a single word about your being shot. He talks about the migrants with the white doeks, (30) he talks about the curtains being set alight. He does not say

a word about your being shot, and I give the statement to my Learned Friend to read to check on that. How is that?
-- I do not think my husband would omit that important feature.

You also say that you knew the man who came past your bedroom window and who said: "Do you know the people of this house? Why say that we should go?" Do you remember that?

-- Yes, I do.

And you mention him by name, Oswald Manquata. -- Yes.

And you then attribute to him actual violence, taking a piece of iron, trying to break down the kitchen door. -- Yes. (10)

Throwing it through the bedroom window where it fell on the bed. Then I heard him ask for a match. Is that right?

-- I heard a voice asking for matches.

Did you recognize that voice? -- A voice that is beyond the door and you are this side, you can never recognize.

Alright, but anyhow you did see Oswald Manquata? -- Clearly yes.

And clearly he is the man who threw the piece of iron into the room eventually? -- He originally used that iron which he picked up by hitting the kitchen door and eventually (20) that piece of iron was thrown through the window. So he must have done so.

Yes, you say in your statement "Twice he threw this at the kitchen door, but as the door is made of steel, it withstood the impact." -- Yes.

"He threw it through the bedroom window where it fell on the bed. Then I heard him ask for a match. " Is that right? -- Yes.

Did you report that to the police? -- No.

Now, are you sure it was Oswald Manquata? -- Yes. (30)

And you say he works with your husband at the Bantu

Affairs Administration Board. -- Yes.

And you say he was wearing a white doek at the time? --
Yes.

Your husband was there with you? -- Yes.

And he must have heard and seen what you heard and saw?
-- He was behind the kitchen door. He could see nothing from
there, but he heard what was going on.

I want to put it to you that nowhere in your husband's
statement is the name of Oswell Manquata mentioned. -- I
do not know the contents of my husband's statement. I am (10)
telling the Commission of what I personally saw.

And we are going to call Mr Oswell Manquata from whom
this statement was taken yesterday, the 27th, and he is going
to deny that he was at your house or anywhere near the scene
or at the scene of trouble. He was not there at all. -- There
can be no mistake in the identity of this man. I know him
quite a long time. I stay with him in the location.

He will say that at the time you mention he was at
Guguletu. -- He may say that but I stick to my evidence.

And do you know a man called Hermanus Nantesi. He (20)
is employed as a warden by the Nyanga Administration Board?
-- Yes, I do.

He is going to be called too and he will support what
Oswell says, that he was at Guguletu. -- I am talking of
Oswell, I am not talking about Hermanus.

No further questions.

MR ZINN: Mrs Bikwana, you have made a statement here,
the statement you made to me. Is that what you saw on that
day? -- Yes. (Interpreter: I did not convey this, the
witness says yes.) (30)

Is Mr Manquata still working at the same place as

your/...

your husband, do you know? -- Yes.

Are they in the same office, do you know? -- Yes.

They see each other every day? -- Yes.

And they have to work together, do they? -- Yes.

I see. No further questions, thank you, sir. -- Oswell used to work in Swelitsia prior to the disturbances and since these occurrences he does not work in Swelitsia but he works inside the office.

MR MALHERBE: Mrs Bikwana, do you know Miss Amelia Makhaluza?

-- Yes, I do.

(10)

Have you discussed with her what happened on the 26th of december last year? -- I left Nyanga on the 26th of December and since then I never saw a single person staying in Nyanga.

You don't stay in Nyanga any more, do you? -- I stay in Guguletu.

You don't know that this Oswell Manquata was also seen by her at her house that same afternoon? -- No, I never heard anything about that.

Now, your house is next to that of Mrs Luvuno, is that right, and Miss Eudicate Luvuno? -- Yes. (20)

Now, do you know that their house, according to Mrs Luvuno's evidence, that their house was attacked on the same afternoon as yours? -- Yes, I do.

Do you know whether that attack took place before you were shot or after you were shot or before your house was set alight or after your house was set alight? -- I know that I was shot before the attack on the houses.

So first you were shot and they attacked Mrs Luvuno's house, is that what you say? -- Yes. (30)

Did you hear any shouting or shooting from the Luvunos' house/...

house during that attack on her house? -- I heard some shooting whilst I was still inside my house. I only noticed that Luvuno's house was on fire as I went out.

Did you see any policemen outside Mrs Luvuno's house? -- From my house I cannot see Luvuno's house.

Were there any policemen - did you see any policemen enter your yard? -- No.

Thank you.

MR SONN: Mrs Bikwana, you say you have four children, have you? -- Yes. (10)

Aged 16, 14, 11 and 9? -- Yes.

Are they all attending school? -- Yes.

Would you say the 16 year old is at high school or still at primary school? -- The eldest child is in the high school.

And the one of 14? -- Two are in the high school, the 16 and 14 year old children.

The other two are at primary school? -- Yes.

Now, did your children attend school regularly before the riots in December? Did they go to school? -- Yes. (20)

And did they go to school after October? -- No children attended school then.

No children - no child in Nyanga Location attended school? -- Correct.

For what time? -- Since the beginning of these disturbances.

Thank you.

CHAIRMAN: Yes, thank you, she may go.

NO FURTHER QUESTIONS.

MR ZINN: Mr Commissioner, this is then the last witness that the Nyanga Residents Action Committee is leading. We (30) are, as the Commission was informed yesterday, then formally now/...

now withdrawing. On behalf of our clients, the Nyanga Residents Action Committee and the attorneys representing them, we should like to thank the Commission very much indeed for coming down here to hear this evidence, and we express our gratitude to the Commission. Thank you very much indeed, sir.

CHAIRMAN: I did yesterday express my thanks to the attorneys who has led the evidence when we were together.

MR ZINN: Thank you very much indeed, sir.

DR YUTAR: My Lord, I commence now with the police evidence (10) and I call Lieutenant Visser, it is EXHIBIT V in the documents before Your Lordship.

JOHANNES/...

JOHANNES FREDERICK HERMANUS VISSER: VERKLAAR ONDER EED:

DR. YUTAR: U is 'n luitenant in die Suid-Afrikaanse Polisie gestasioneer te ? -- Vredenburg.

En u was voorheen verbonde aan die Onluseenheid nr. 10, te Wingfield? -- Dit is korrek.

U was bevelvoerder van peloton nr. 3? -- Dit is korrek.
Bestaande uit hoeveel lede? -- 33 lede.

Enige Swart lede onder hulle? -- Ja, een Bantoe konstabel Velamane.

Is daar ander Swart mense wat gedien het in die onlus- (10)
eenhede? -- Nee, dit was die enigste Bantoe wat op die hele eenheid gedien het, op daardie stadium.

En waarvoor was hy gebruik? -- As tolk.

En onder watter omstandighede was hy as tolk gebruik? --
Ek het baie dikwels, veral in die Bantoegebiede, deur middel van 'n luidspreker hom gebruik om in die mense se eie taal hulle te waarsku en te vra om uiteen te gaan, onderhandel met hulle en so meer.

In watter taal - watter taal het hy gebruik? -- Xhosa.

Ken u vir mnr. Kama? -- Nee, ek het hom voorheen gesien (20)
tydens ons optrede, ek het hom nie voorheen geken nie.
Vanoggend het ek hom onthou.

Nou, u het seker gehoor daar is van verskeie kante bewerings teen die polisie gemaak van brutaliteit teenoor die bevolking van Nyanga, Guguletu en ander plekke? -- Dit is korrek.

Steek daar enige waarheid in daardie bewering?

VOORSITTER: U mag nie 'n algemene verklaring....

DR. YUTAR: Sover dit u betref? -- Nee.

Nou, ons kom - u het nou 'n verklaring gemaak, die eerste verklaring. Hy is gedateer die 14de dag van Februarie. (30)
-- Dit is korrek.

En/...