

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 Booyens.

(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 Commission 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 B1, 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 would 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 realised 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 farthestmost 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 where 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 sedition; 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 koppie. 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