

readily conceded it.

BY THE COURT: I take it that you want to put a question arising from it to this witness?

BY MR. BERRANGE: I put my question. I only wanted to know whether he read this.

BY THE COURT: The Prosecutor says that he doesn't see the relevance. The mere statement in itself wouldn't be relevant at all unless you are going to question the witness on that.

BY MR. BERRANGE: The relevance will emerge in due course when the Court is addressed.

BY THE COURT: When the Court is addressed?

BY MR. BERRANGE: Yes.

BY THE COURT: I don't appreciate that, Mr. Berrange. To merely put to a witness that some other witness said so-and-so would be quite improper unless you want to put questions on this.

BY MR. BERRANGE: I am quite happy if Your Worship disallows the question.

BY THE COURT: This is not a question at all. It is merely a statement.

BY MR. BERRANGE: It was a question, in my submission. I asked him whether he read it.

BY THE COURT: Yes, but that in itself would not be sufficient because then it was entirely irrelevant.

BY MR. BERRANGE: Disallow it, if Your Worship pleases. I don't mind. I won't argue the matter.

BY THE COURT: Mr. Berrange, I have indicated what my view is.

BY MR. BERRANGE: I don't know yet whether you have disallowed the question or not.

BY THE COURT: I have indicated that this is not relevant unless you want to put further questions on this.

BY MR. BERRANGE: As I say.....

BY THE COURT: Will you accept the ruling.

BY MR. BERRANGE: I accept your ruling. I say Your Worship...

BY THE COURT: Well, don't make any remarks about it. You know it is improper.

BY MR. BERRANGE: I don't know anything of the sort.

BY THE COURT: You don't know what?

BY MR. BERRANGE: I don't know anything of the sort that it is improper for me to ask Your Worship to disallow it....

BY THE COURT: It is improper for you to pass remarks on a ruling that I give.

BY MR. BERRANGE: I never passed any remarks on Your Worship's ruling. I think Your Worship is under a misapprehension or there is some misunderstanding between us.

BY THE COURT: Will you proceed then?

BY MR. BERRANGE: That is what I want to do, Sir.

This happened in November, 1952, did it Not? --
Yes.

For the purposes of the record, would you be so good as to tell His Worship when the General Elections were to be held - when they were last held? -- I can't remember.

I want it on the record, that is all. Wasn't it early in 1953? -- No, I can't remember.

Very well, I will have to get it elsewhere.

BY THE COURT: If you want that, Mr. Berrange, I think it is common cause and a fact that the Court could take judicial cognizance of and that there was a General Election in 1953. I think in May, 1953.

BY MR. BERRANGE: Well, I don't know. That is why I was asking the question.

BY P.P. I think it was April, 15th April.

BY MR. BERRANGE: Major Pohl, on the assumption that your evidence is correct as to what happened at this Square, I think it is quite apparent that shortly after the baton

charges and the shooting by the Police and the stoning of the Police that the Location must have been seething with reports and rumours of all sorts and all kinds - I think that is what one would ordinarily expect? -- Immediately after?

Yes, after this had taken place; after all, the discharge of firearms in Locations is not unknown but it is still not an everyday occurrence? -- You mean in the Location itself?

Yes? -- Well, I don't know of any particular reports..

Major Pohl, a meeting is being held in the Location - correct? -- Yes.

And shortly after that meeting has been started gun fire and baton charges and people are being killed and injured? -- That is so, yes.

Stones are being thrown - surely you would expect the Location then to start seething with rumours and with reports as to what had happened and what has happened? -- From the public?

Amongst the members - amongst the inhabitants, the public in the Location - they must have been seething with reports and rumours - not necessarily true ones? -- That particular evening there were quite a lot of reports. Natives were flocking to the Police Station itself and said their lives were in danger. We gave them shelter there....

I am not talking about that. Am I being obtuse? -- No, reports were received....

I am not talking about reports received by you? -- Oh! You mean...

In the Location itself; the Location must have been a mass of rumours and reports as to what....? -- Possibly, but I don't know of any.

But that is what you would expect surely? -- I would expect, yes, amongst themselves.

Amongst themselves, that is what I am talking about? -- Yes, quite.

And it is quite likely that the sort of reports - or shall we call it rumours - false rumours, if you like, - false rumours possibly - that must have gone through the Location like wildfire is that the Police broke up a religious meeting with gun fire and bayonets and batons? -- It is possible. I heard nothing of that sort myself.

And if that sort of report or rumour had gone through the Location, this would naturally inflame and madden the more irresponsible and unruly element in the Location, would it not? -- Yes, reports have a great affect on one.

And that would result in mob violence would it not? -- It is possible.

And this would quite likely have been the cause of the brutal murders and the arson and the rioting that took place later on? -- Well, I don't know - I couldn't answer for those who are alleged to have committed it.

No, I am asking whwther it is possible that is all? -- Well, I have said it is possible.

That is all I want to know, because, as a matter of fact, I don't know whether you saw His Lordship's judgment in the case that I have referred you to. His Lordship came to something like that conclusion.....

BY P.P. I would not like to interrupt unnecessarily, Your Worship, may we know from the witness whether he has seen that judgment that is going to be quoted to him now.

BY MR. BERRANGE: Yes, I am going to ask him. Did you either read in the press or read the judgment where His Lordship said in his judgment "It may be said that it is unlikely that anyone would stab a person who is visibly dead but in

view of the high degree of excitement of the Natives engaged in this assault" - those were the Accused - "we cannot say so-and-so-and-so-and-so." There was a great deal of excitement wasn't there? -- There was quite a lot of excitement in the Location.

And not only amongst those who were present at the time that this meeting was broken-up, dispersed, but generally? -- I should say "yes".

And that excitement - all I am suggesting to you is that excitement probably came about as a result of all sorts of rumours and reports that were floating around the Location as to what had happened - not necessarily true report and not necessarily true rumours? -- As I said, I heard nothing of them but that is possible.

And that would result in mob violence? -- Possibly.

Do you know what an 'Agent Provocateur' is? -- I do not.

Well, in order to enable me to proceed with this line, let me try and explain. You may have another word for it. An Agent Provocateur is the type of person who gets planted by persons in positions of authority to mingle with other members who are opposed to the persons in authority for the purpose of creating riot and disturbance and thereby enabling the persons in authority thereafter to intervene - do you know what I mean? -- Yes, I follow.

Now, what word would you use? -- I would call him a sort of a mischief maker. Somebody who goes out of his way to try and...

And who is planted there for the purpose of making mischief? -- Or plants himself - sort of thing...

Yes, I am talking about the man who gets placed there for the purpose of making mischief? -- Yes.

You have heard of that sort of thing haven't you?

-- Yes.

And you say that stones were thrown at the Police on that day? -- Yes.

That, of course, caused you people to charge - caused you to give your first order to carry out a baton charge? -- Yes, after we had been attacked I gave that order.

And it would have been quite possible that the stones were thrown and the crowd was incited by persons who fall into the category of being agent provocateurs - not so? -- I don't think so - not in that - they would be too careful and too frightened because they saw - they heard - they must have heard me give the order to fire on those who were stoning us. I don't think that anybody.....

I am talking of - they couldn't guess what your order was going to be could they beforehand; they couldn't guess what was working in your mind? -- But even after I had given that order...

No, I am talking about before you gave the order. Were stones thrown before you gave the order? -- Yes...

.....To charge or not? -- Yes, quite a lot of stones were thrown.

That was before you gave any order to charge? -- That is so.

I am suggesting to you that stones of that sort - it is possible - could have been thrown by agent provocateurs for all you know? -- For all I know, yes.

Yes. How many Police participated in the first baton charge? -- All of them, I should say, 40 Europeans and approximately 34 non-Europeans.

Did the European Police receive an order first of all to dismount their bayonets and insert them into their

scabbards and then take their batons...? -- No, no....

....And do a baton charge? -- No, no, they went forward as they were.

I see, so it was a bayonet charge cum baton charge? -- There was no question of bayonets; they held their rifles in their left hands and they had their batons in their right hands.

So the European members of the Force then charged with fixed bayonets - with bayonets attached to their rifles - which they held in the one hand and batons swinging in the other hand? -- That is so.

And when you first gave the order to fire, you didn't give an order to fire high? -- I ordered to fire directly at those throwing stones at us.

Yes, not high. You didn't give any order to fire high? -- No. My men were quite conversant with the requirements. I had lectured them before.

I am not interested in what your lectures were but your order was to shoot to kill? -- To kill those who were trying to kill us.

Throwing stones - but before you did that you never gave an order to fire high? -- No.

And during the course of all these disturbances, how many Police do you say were killed? -- Killed - nobody.

How many were injured? -- Three were injured.

How seriously were they injured? -- Two were struck by stones.

Where? -- I can't tell you exactly where they were struck.

How many months were they in hospital? -- They were treated at hospital.

They didn't even go into hospital? -- They went to hospital; they were treated.

They weren't detained in hospital? -- No. The one with the bullet wound in his head was detained for one night.

Of course, for all you know he may have been shot by one of his own men? -- Impossible.

It has happened before. And these men who were injured with these stones to such an extent that they had to be treated in hospital, were they injured before or after you gave the order to fire - to shoot to kill? -- One was struck before I gave the order.

So at the time you gave the order to shoot to kill, to shoot at those who were throwing stones, one man had been struck by a stone? -- As far as I remember, yes.

You don't think that an order to fire above the heads of these people might have had the desired effect of making them run away? -- No, the possibility is I would have killed innocent people.

By shooting into the air? -- By shooting into the air - or shooting over their heads. It is no good shooting straight up.

Shooting over their heads you would have killed innocent people? -- I would have killed innocent people.

How does that come about? -- The town itself - East London - it practically surrounds the Location.

I see, you would have killed innocent people outside the Location.

What is the effective range of a .303? -- It can up to 1500 - effective...

Effective range I asked? -- About 2,000 - 3,000 yards.

It is a fairly high velocity weapon? -- They are. Low trajectory? -- Fairly low, yes.

And would that effective range that you have mentioned you still think that you might have killed people if

they had fired three feet over their heads? -- Yes, if I had fired at that distance I would have killed people in the location itself.

Tell me, when you went to this meeting armed with Policemen, bayonets, rifles and your non-European Policemen, did you go there anticipating the possibility of trouble? -- Oh! yes, I anticipated that.

Did any men have automatic weapons? -- Yes, we had a Sten gun.

Did you take along any tear gas seeing that you were anticipating trouble? -- I had tear gas with me.

Did you use it? -- I didn't use it.

How many rounds were issued to each man? -- Each man usually carries his 50 rounds in his holster.

Is that what each man had that day? -- Yes, as far as I know.

Is it not obligatory to have an ammunition count in circumstances such as this? -- How do you mean? Before they go on?

Yes, and after they return from their shooting? -- It is not customary actually; each man is issued with 50 rounds.

Was any ammunition count made on this occasion? -- No, I did not.

Do you know if anybody else did? -- I don't.

Did it ever come to your notice that anybody did? -- Pardon.

Has it ever come to your notice that any ammunition count was made? -- Not to my knowledge.

Are you aware of the fact that persons who inspected this location some days afterwards found the walls of the houses riddled with bullets; found the furniture inside the houses bullet marked; found bullets even in the mattresses

lying on top of the beds - were you aware of that? -- Yes, that was not at that particular spot.

May be - but are you aware that that was what the position...? -- Whilst the Inquest was on we held an inspection in loco and I did see bullet marks but not many.

BY THE COURT: Where were these bullet marks? -- In the Location, more or less in the centre of the Location.

BY MR. BERRANGE: In the walls of the houses? -- There were a couple in the walls of the houses.

A couple - you mean two? -- Well, more than two. I should say about four or five - I noticed in the various rooms, the various places.

I am talking about the walls being riddled with bullets? -- Oh! No, there was no such thing. I saw nothing.

Bullets in the furniture? -- I saw nothing of the kind.

And bullets recovered from mattresses - will you deny that people gave evidence to that effect? -- I wouldn't deny it.

You wouldn't deny it? -- No.

And how many hundreds of rounds would you suggest were fired altogether on the occasion of these disturbances? -- Actually I don't know how many were fired whilst they were recovering the body of Mr. Foster. I was told - I heard some shots being fired then - say about ten or 12 shots were fired. At the disturbance that particular day, I think it was about 30 rounds that were fired - between 30 and 40 I should think.

Tell me, what is the rate of fire of a Sten gun? -- I am not a Sten gunner but it fires quite a number.

What would you say is the rate of fire - in 10 seconds - let us take it 5 seconds? -- In 5 seconds I suppose

it would fire 20 rounds.

Twenty rounds in five seconds? -- Yes. Twenty rounds in ten seconds.

In 10 seconds. Lastly, in regard to this Defiance Campaign, have you any idea what Organisation organised or planned it? -- No, I don't know. I wasn't dealing with that matter at all.

You have no idea? -- No.

Have you ever heard of an Organisation such as the South African Coloured People's Organisation? -- Yes, I think I have heard about that.

And you have heard about the South African Council of Trade Unions - Congress of Trade Unions? -- Yes, I have.

I take it that you will agree that both these Organisations that I have mentioned were formed after the riots took place? -- I couldn't say. I never dealt with

When did you first hear....? -- Well, I read about that in papers, I think.

When did you first hear or read of S.A.C.P.O.? -- I couldn't say. It is impossible for me to say now.

BY MR. BERRANGE: NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. SLOVO: Major Pohl, when you approached this table on which there were the two speakers, were you the only Officer approaching that table? -- No, Lieutenant Ley was there but he didn't go up with me.

BY THE COURT: Did he accompany you? -- He went with me with the men.

But who approached the table? -- I did by myself.

BY MR. SLOVO: And Lt. Ley remained behind with your men? -- He did.

So is it correct to say that you were the only officer who actually approached the table and boarded it and made the announcement? -- That is so, as far as I can remem-

ber - the only Officer, definitely.

You were in charge that afternoon? -- I was in charge.

Now, what is the local newspaper called circulating in East London? -- Daily Despatch.

According to your knowledge of it, it is not the organ of any non-European political organisations? -- Well, I wouldn't like to give an opinion on that particular paper. I think each of us have our own opinion about it.

It is the English language daily which circulates in East London? -- It is.

Now, if somebody had made the statement that just prior to the order having been given for the crowd to disperse, the speaker on the platform admitted to you that this was not a religious gathering but an ordinary political gathering, that would, in terms of your evidence, be a false statement? -- Yes, I don't remember. I can't remember anything like that.

In terms of your evidence that would be a false statement? -- No, I wouldn't say it would be a false statement. It is possible. It is five years now that these things occurred. Certain things are impressed upon my mind and others not so.

It is one of those things that would stick in your mind would it not - on the question as to why you acted as you did? -- It is impossible for me to remember that anything like that was said to me.

And as far as you are aware, nothing like that was said to you? -- No, I can't remember anything was said to me like that.

In fact, you were cross-examined at some length and over and over and over again you indicated that you asked no questions; you merely made the assertion that this

was a political gathering - you formed that opinion - and you told the people to disperse? -- Yes.

Now, at that time, immediately after this day, it has already been put to you that there was a demand for a judicial enquiry from various quarters? -- I explained I only read that....

You read it in the papers? -- I read it in the papers.

Did you also read in the papers that there was a demand for a judicial enquiry by the Leader of the Opposition, Mr. Strauss? -- It is difficult for me - I can't remember now, Sir.

You don't deny it? -- I wouldn't deny it, but I can't remember anything like that.

Now, reverting back to this incident on the platform, immediately after this demand for a judicial enquiry into the occurrences, a report was published in the press - I don't know whether you are aware of the contents of it or not- I shall put it to you - that the Minister of Justice, Mr. Swaart, said to the Press Representatives and said to the East London City Council that the Officer-in-Charge of this party of Police - presumably yourself, just prior to the order being given to "Charge", approached the Speaker and asked him what sort of gathering this was and, according to Mr. Swaart, the speaker admitted to him that this was not a religious gathering but was a purely political gathering. Now, in terms of your recollection, it follows, I take it, in terms of your recollection today, there appears to be no foundation for that statement? -- No, I know nothing about that.

And if you don't know anything about it, it is very unlikely that any other Police Officer would know anything about it - because you were the one in charge; you were

the one who approached the platform? -- Yes, I remember the Minister coming down there but I wasn't with him all the time.

You don't know where he could have got that false information from? -- I was only with the Minister whilst he went through the Location itself.

The only question I am asking you is whether as far as your memory serves you and as far as you are aware of what happened, if there is any foundation whatever in that statement? -- As I said, I don't know anything about that. I cannot answer for anybody else.

Now, when did you actually get together with your men on that day - for the first time? -- I should say it was just about 12 o'clock - just after lunch, I should say.

Just after lunch? -- Between 12 and 1 o'clock.

Were they armed at that time? -- No, I ordered them to fall in.

You ordered them to fall in? -- I ordered them to be fallen in.

Were they given their rifles? -- Yes, they were given rifles - well, they each brought their own rifle; every member is issued with a rifle.

And bayonets? -- Bayonets as well.

They were ordered to bring along their rifles and bayonets? -- Yes.

Ammunition? -- Their ammunition as well.

And their kierries? -- And they had their batons.

Batons and kierries - and this was about 12 o'clock midday? -- Just round about lunch time. I should say we left East London Barracks about 2 o'clock.

When did you receive the order to proceed from East London Barracks to the West Bank Police Station? -- To the East Bank.

To the East Bank Police Station? -- I got that from

the District Commandant, Major Prinsloo, that morning, between 8 and 9 o'clock.

Between 8 and 9 you were given orders to proceed to the East Bank Police Station with these armed men? -- Yes, to take charge of the party.

Who did you say...? -- Major Prinsloo - he happened to be ill that day, otherwise he would have been there himself.

And he gave you instructions at 9 o'clock that morning? -- As a senior man I had to take charge.

Did you discuss with Major Prinsloo the day before what steps you would take the following day in connection with these men? -- No, I didn't discuss - the only thing he told me was that they had given permission that a religious meeting could be held.

And that you were to proceed? -- And that I had to proceed.

And that instruction was given to you seven or eight hours before the proceedings started at Bantu Square? -- Yes, it was that morning. I can't confine myself to any time. It was that morning.

Before Bowen had made a report to anyone? -- Oh! Yes.

Long before? -- Well, he made the report to me at Duncan Village. I hadn't seen Bowen that morning.

And were you given any specific instructions by Col. Prinsloo as to what you should do with those men? -- No, none whatsoever. I knew my duties.

And what were your duties - you say you knew your duties? -- I knew my duties. I was fully aware of the prohibition order that had been issued.

Yes, but the only thing you were aware of that morning, I take it Col. Prinsloo told you - you were aware that morning and you were, in fact, aware the day before - that Col. Prinsloo, together with the Magistrate, had given permission to this man

who had approached them for a legal religious service to take place? -- Yes, I was aware of that.

Those are the facts that you were aware of? -- That is so.

Now you may proceed. What were you going to say? -- What I was going to say was that my instructions were that I had to proceed to Duncan Village and remain there.

For what purpose? -- Well, as a precautionary measure. I don't know whether you want me to give the fact that there were rumours that there was going to be trouble that day - that there may be trouble that day.

When did these rumours start? -- Well, that particular morning as far as I know.

Had you heard any rumours the previous day? -- We had heard quite a lot of rumours but I had no facts at all. The men were collected there by the District Commandant himself - I had no....

I am not talking about that morning now. I am talking about the days before that? -- Yes, I say, the only thing I knew was - I was confined to my office duties. The District Commandant, apparently on information that he received, he asked for extra men to be drafted to East London.

When did he ask for extra men to be drafted? -- I don't know. I only saw the men arrive.

And when did they arrive? -- They arrived a week or so before.

A week or so before? -- As far as I remember.

Was this at a stage when you knew that gatherings were going to be prohibited? -- No, I didn't know anything about it.

When, for the first time, did you hear that gatherings were going to be prohibited? -- On that particular day - the 7th, as far as I remember, the 7th November.

Did you yourself from your observations as an Officer of the Police, see any justification for the imposition of this ban on gatherings - or the imposition of a ban on gatherings in East London? -- Well, as I mentioned - I don't know whether this is the point you wish me to clear up -

I want to get from you exactly what you want to say? -- I wonder if you could just repeat that question again?

From your observations of what was going on in the locality and East London generally, did you see any justification for the imposition of a ban on meetings in that area? -- Yes, I did to a certain extent.

And I take it, therefore, that the only basis for such a conclusion on your part is that you either heard or were informed that prior to this day that trouble was going to start? -- I saw - the fact was that I had noticed the non-European section were very antagonistic towards the Europeans.

"Towards the Europeans" - now that is what I want to get from you. Was there a fear on your part that the Europeans might be attacked? -- Well, Europeans had been molested.

Yes, was there a fear on your part that Europeans were going to be attacked? -- The possibility was not

Based, I take it, on Police reports? -- Yes, I fully expected that. I fully realised the possibility.

And that was, I take it, a short time - or some time - before the ban was imposed? -- That is so, yes.

Now, who is your Superior? -- Major Prinsloo.

And who was his Superior? -- His Superior was Col. Thompson at Grahamstown. He is our Divisional.....

Do you know Major Olivier? -- Yes, I know him.

He was then Divisional C.I.D. Officer? -- He was.

Now, I take it that he too - possibly even more so than you - must have been aware of the situation in regard to the points that I have just out? -- Yes, he was actually

in contact with the District Commandant all the time.

Now, Major Pohl, a day before the riots in East London - or shortly - are you aware that Major J.J.Olivier made the following statement: Just listen to it: "There is no evidence of any organised unified movement of Natives to attack any town, village , farmhouse in the Union" and he said there was no cause whatsoever for panic and the Police believed there was no reason whatsoever for fear in this regard? -- No, I don't remember that.

Would you deny that he made such a statement? -- No, I would never deny anything....

You wouldn't deny anything...? -- Like that. I know nothing about it.

Well, I can assure you that this statement appeared in the East London Daily Despatch as having been delivered by Major J.J. Olivier at a meeting of a group of farmers in Peddie? -- Does that strike any chord? -- I happened to be at Peddie too just prior to that - I think I mentioned that. I was drafted to Peddie with a number of men - and I found things rather unsettled there to a certain extent. There were meetings being held in the hills; I saw the gatherings myself and when we got to them the persons had dispersed.

I take it that had you read this in the press at the time and had it struck you as not being correct, it was something that would have stuck in your mind. You would have taken it up...? -- No, as I say, I was not the - I wasn't the primarily responsible officer. The Divisional Commandant and the Divisional Investigating Officer were...

Major Olivier said this and you say that he was in continuous touch with the situation - possibly more so than you - you would not contradict him? -- I won't contradict him, No.

As far as the objective situation was at the time? -- I would contradict him if he said it - if he said everything was perfectly quiet in East London.

He said - if I could repeat the statement - to see whether you agree with him or not: "There is no evidence of any organised unified movement of Natives to attack any towns, village or farmhouse in the Union and there was no cause whatsoever for panic and the Police believed there is no reason whatsoever for fear? -- Yes, I would agree with him....

You would agree with him. That is all I want to know from you - whether you agree with him or not - and this was a statement made a day before the riots. I am just giving you that as a matter of information - you say you don't know. Now, what further appeared - and this might strike a chord - if the other statement hasn't struck a chord - is that at this very same meeting when Major Olivier made this statement, the following statement was made by Mr. R.Q. Davies - do you know R.Q. Davies? -- Yes, he was the Mayor of Peddie.

And he said "Trouble was more likely to be started by Europeans who were used to speaking to Natives as if they were dogs." Do you recall that statement? -- No, I can't remember that.

And I take it that he being the Mayor of Peddie and in touch with what was going on, would have a pretty good picture of the situation in his locality - would you agree? -- He would.....

Now, immediately.....? -- I would like to qualify that. I mean he is an ordinary outside layman and he does not.....

Yes, but we have already had it from you that Major Olivier would certainly know. Now immediately after the riots, you recall a stream of criticism being levelled

from all quarters. I am not talking about the African National Congress or organisations of a similar nature -but there was a stream of criticism from the official Opposition down to the East London Daily Despatch at the action of (a) The Minister of Justice abnning gatherings and (b) The behaviour of the Police. Do you recall that? -- No, I don't.

Do you recall that when gatherings were banned in East London, it was widely publicised and, in fact, a protest was issued in this connection by the East London City Council that at no stage was it consulted before this step was taken of banning gatherings - do you recall that? -- I remember something about that.

And do you remember the newspapers circulating in the vicinity - not African National Congress newspapers - stating that the root cause of the difficulty which occurred, the riots, was because of the unjustified banning on gatherings in East London? -- No, I don't remember that.

Well, if I give you a specific quotation from an editorial of the East London Daily Despatch it might, as I say, strike a chord. They said on November 10th: "But for the imposition of the ban on public meetings there would have been no trouble yesterday in Duncan Village...? -- I would like...

Just let me finish - "On the shoulders of the Minister of Justice must rest the responsibility for the aftermath" and they go on to say "We cannot speak for Port Elizabeth but so far as East London and Kingwilliamstown are concerned, there was not the slightest indication of impending trouble. It is more than passing strange that on the day when ministerial authority is given to apply the provisions of the Riotous Assemblies Act the Division Officer in Charge of the C.I.D. should state publicly that there is no evidence of any organised unified movement" and then that statement which I have already put to you is quoted. "This Officer is the one man above all others who should know what is going on." Do

you recall reading that editorial? -- No, I did not. I can explain. I read no newspaper - I got practically no news whatsoever for the following four days after that. I was confined to Duncan Village.

So you cannot deny that in fact, this was the attitude of the East London Daily Despatch? -- I can't deny that, but I never read that.

I don't recall what your answer was - I think you did admit that as far as you are aware the Local Authorities were not consulted in regard to any of the steps that were taken? -- I heard that subsequently.

You heard that? -- Yes.

Now, do you recall that there was an exchange of correspondence between Mr. Ngwentsha and the District Commandant immediately after the riots? -- I don't know. I only saw a copy of two letters, I think.

Do you recall that Mr. Ngwentsha alleged in his letters to the District Commandant that the Police did not honour their undertaking to allow a religious service to take place? -- Yes, I remember that.

Do you recall further that Mr. Ngwentsha alleged, either directly or by imputation, I haven't got the letter before me, that the Police, working together with other forces, specifically and intentionally allowed this gathering to proceed - gave specific permission for its being held - well knowing before it even started that they were going to break it up for the purpose of creating a violent situation in Duncan Village? -- I saw nothing of that nature,

Did you see that allegation being made in any of the letters? -- No, I didn't.

Now, you indicated to the Court earlier that one of the factors which influenced you in deciding that this was a political gathering and not a religious gathering was the

A.N.C. flag? -- It was, yes, a contributory...

Yes. Now you were well aware were you not that the application for this religious meeting was made by a leader of the A.N.C.? -- I was aware of that too, yes.

It was made, in fact, on behalf of the East London Branch of the African National Congress? -- That is so, yes.

So the Police were well aware the day before, were they not, that this religious meeting was, in fact, organised by the African National Congress were they not? -- It was never said - or never stipulated that it was a religious meeting - in respect of the A.N.C. It was supposed to have been an ordinary religious meeting. At least, that is how I took it.

Let me put it to you this way: I can produce - and I take it the Crown can too - copies of the letter which was subsequently written by the District Commandant to the press - or statement made to the press - in connection with the events and in the statement he made he said "Permission was granted for prayer meeting to be held by the African National Congress." He further said - Major Prinsloo - will you contradict that? -- No, I won't contradict that.

So the Police were, in fact, aware at the time when the application was made, was sought, or permission was sought, for a meeting to take place, that the meeting was to be organised, a religious meeting, under the sponsorship, at any rate, of the African National Congress? -- Yes, that is possible.

So why should it strike you, if you were aware of that fact, why should it strike you as peculiar when you come along.....? -- It was never stipulated - the letter said that they desired to hold a religious meeting....

The East London Branch of the African National Congress..?-No, I don't remember that. It was put by Ngwentsha who is a leader of the A.N.C.....

BY THE COURT: I don't think the witness conceded that he was aware that the meeting was to be organised by the A.N.C.

BY MR. SLOVO: If I may put the question to you again, Major Pohl, a report appeared emanating - purporting to emanate from Major Prinsloo - when he explained what happened on that day, containing the following: "Permission was granted for a prayer meeting to be ehld by the African National Congress"? -- No, I don't know about the African National Congress. I know that...

Major Pohl, a moment ago you admitted that that may have been the position? -- It may have been the position but I can't remember that.

I am putting it to you that it was the position? Do you deny that? -- No, I won't deny it.

Now, if that was the position,.....

BY THE COURT: I don't think your approach there is correct, Mr. Slovo. You can't accept it as a fact that this witness was aware of that and formulate a question on that supposition. That question wouldn't be proper, I think.

BY MR. SLOVO: Major Pohl, did you at the time have any idea that this prayer meeting was associated with the African National Congress? -- No, I didn't.

Are you trying to suggest to the Court? Major Pohl, that when Ngwentsha, who was then, I believe, Secretary of the East London Branch of the African National Congress, applied for permission for a prayer meeting to be held on the Square, on the Bantu Square, that you had not the slightest suspicion in your mind at the time that this prayer meeting was to be sponsored by the African National Congress? -- I thought it was a general prayer meeting - anybody was welcome...

Sponsored by whom? -- Sponsored by the leader Ngwentsha.

Sponsored in what capacity? -- As a leader of the A.N.C.

So you had the suspicion at the time - I am putting it at its lowest - you had the suspicion at the time that this prayer meeting was to be held the following day, sponsored by a man who is the Secretary of an organisation, in his capacity as secretary of that organisation - now if that is the position why should it strike you as odd or strange when you came along there and found the A.N.C. flag flying? -- Well, I have never seen the A.N.C. flag fly at any of the religious gatherings on that Square. That was the first day.

Have the A.N.C. on any previous occasion applied for permission to hold a religious gathering? -- Not to my knowledge.

Was it ever necessary for them to apply for such permission? -- No, they held their meetings there freely.

So why should it strike you as strange when this organisation which is connected with the organised - with this religious meeting - whose Secretary applied in his capacity as Secretary - to hold this religious meeting - why should it strike you as strange that there is an A.N.C. flag there? -- Well, there was a prohibition order prohibiting all meetings.

Yes, but you knew that the African National Congress Secretary in his capacity as such, was given specific permission by your Superior to hold a religious meeting? -- Well, actually, in fact there was no necessity to give him that. The prohibition order clearly said "Except religious meetings" by which I was guided.

So do you say that there was no necessity at all for him to seek permission? -- No, I don't....

But he went out of his way to come to the Police officer concerned - to go and see the Chief Magistrate - and to indicate and to inform the Police that this meeting was going to take place? -- Had I been District Commandant I would never have given any permission - I would have.....

We are not asking you, Major Pohl, as to what you would have done. We know what you did in one situation. We are not concerned with what you would have done in the other? -- Exactly, Sir. I am not answerable for what other Officers or District Commandants - or what the District Commandant said. I am answerable for what I had to do and I was simply guided by the Order the Minister had given.

And by your Superior Officer? -- Yes....

Who had informed you that he had given permission to the Secretary of the A.N.C. Branch in East London, in his capacity as Secretary, to hold a meeting at Bantu Square? -- Yes, well, that is correct. That was discussed by the Magistrate, I take it, and the District Commandant.

And you were aware of that? -- I was aware of that.

So, I want to repeat the question I put to you a moment ago, and that is why, if you were aware of those facts, did you consider it as strange that the A.N.C. flag should be flying there? -- I have explained already Sir. I have never seen a religious meeting being held with the A.N.C. flag flying.

But you have never seen the A.N.C. hold a religious meeting? -- I have seen numerous religious meetings on that Square.

Organised by the A.N.C.? -- I have seen.....

Organised by the A.N.C.? -- I do not know why they were organised by but I saw the A.N.C. men present....

Yes, we know that A.N.C. men also go to Church. I want to know from you whether you have ever on a previous occasion seen an A.N.C. prayer meeting without a flag? -- I have always seen those prayer meetings without a flag.

Have you seen an A.N.C. prayer meeting without a flag? -- No, I have never seen it.

So why should it strike you as strange because this isn't a departure from the normal as far as the A.N.C. is concerned. You come along there; you know that this has, in fact, been organised by the A.N.C. this religious meeting, why should it strike you as strange that there is an A.N.C. flag? -- I was quite satisfied that they were not only A.N.C. members there - that it was a general meeting.

There were not only A.N.C. members present? -- No.
Was that another reason? -- Yes.

Well, was the application to have a prayer meeting for A.N.C. members? -- No, not necessarily. I didn't understand it that way.

I don't understand you? -- I have already explained that I took it that this was a general prayer meeting - an ordinary general prayer meeting

Organised by the African National Congress? -- Yes.

You were aware of that? -- I was aware of that.

So why should it strike you as strange that the people who organised the prayer meeting put in the vicinity a symbol of who they are? -- I have already explained that position. I have already explained that quite clearly. I have never on previous occasions seen any A.N.C. flags flying at any religious meeting.

Have you seen other banners of the various religious groups when they have their prayer meetings in the open air, flying at previous religious gatherings? -- Yes, I have seen religious banners.

Did that strike you as peculiar? -- Not at all.

So it did not strike you as peculiar that the people who organised those other prayer meetings should have their banners there but it struck you as most peculiar that the A.N.C. who organised this particular lawful religious assembly should have its banner there - that struck you as peculiar? --

-- The A.N.C. flag, I connected it only with their political views.

Unfortunately, Major Pohl, your connection on that particular occasion cost lots of lives? -- Possibly.

BY THE COURT: I don't think that you ought to pass these comments, Mr. Slovo. It is not your function to do so.

BY MR. SLOVO: It is my function, Sir.

BY THE COURT: It is not your function...

BY MR. SLOVO: I say, with respect, that it is my function to show - just as the Crown has attempted to show - it is my function from the point of view of the Defence, to show that the murder, the looting on that occasion, the burning, the unfortunate loss of lives can be laid at the door, Sir, not of the Accused.....

BY THE COURT: I am perfectly aware of what you are trying to establish but you must refrain from making comments. It is not your function to express an opinion on the evidence.

BY MR. SLOVO: Major Pohl, I want to put it to you that the loss of life on that day - the unfortunate murder of the European Nun, Mr. Foster, the unfortunate murder of - how many Africans were killed there? -- Eight.

The eight Africans - was basically - can basically be attributed firstly to the unjustified banning on gatherings and, secondly, to what I submit was the intentional provocation by the Police in that situation? -- I say definitely, No, Sir.

You agree, I take it, that it would have been easier to either establish what I have just said - to establish that it is not true - if immediately thereafter interested parties had been given an opportunity of placing their evidence, facts, before an impartial Judicial Commission of Enquiry? -- I think everything possible was done - the holding of a proper Inquest; a very lengthy Inquest - and the investigations that followed.

Was there a Police Enquiry? -- An Inquest.

Was there a Police Enquiry? -- No, no Police Enquiry - except the Police investigations of the alleged crimes committed.

Now, as far as you are aware, did the Inquest Officer - was it his function to go into the causes of the riots; the reasons for the ban on gatherings? -- I take it he went into it very carefully....

Was it his function to do so? -- I think so.

To give a finding on whether it was justified; whether the ban on gatherings was justified or not? -- No, not that aspect of it.

Now, you did give some indication that after the first volley of shots in the Square a number of people fell - what happened to them? -- I don't know. Things were in such a turmoil and everything was upside down - after things were settled, after I withdrew my men I saw no bodies lying there.

These people who fell, you don't know why they are at all? -- I don't know who they were.

You don't know what part they played at the meeting? -- No, except as I say one man was struck as he threw a stone at a Policeman.

Was he arrested? -- No, he was shot down.

Was he killed? -- I don't know. His body was never recovered. After the proceedings his body was gone or he had got up and walked away.

And when you got onto the platform and made a statement that this is an unlawful assembly of people, was there shouting amongst the audience at that stage? -- There was quite a lot of shouting "Afrika" and the "Thumbs up".

Were there shouts at that stage when you made that announcement? -- There was, there was great confusion.

There was great confusion at the time when you

made the announcement? -- Yes.

And thereafter. What was the reaction of the crowd when you made the announcement? -- Very hostile.

Wasn't it perhaps a manifestation of their feeling of indignation that you - having banned the gathering without having made any investigations - wasn't that the shout that came from the crowd? -- No, I accepted it as an indication that they were very annoyed, my interfering in their.....

That is the point that I am putting to you, and so would you be annoyed if you were having a religious service and a Police Officer came along with 40 people armed with bayonets; you would also shout with indignation wouldn't you? -- No, I would not. A peaceful gathering would never be upset so easily.

COURT ADJOURNED.

COURT RESUMES:

Mr. Coaker hands in certificate relating to Accused No. 83.

As far as Accused No. 69 is concerned, the Accused whom we discussed this morning, he lives in Benoni. I have not been able to get any further information about him today and I am told it is unlikely that I will be able to get any before the end of the proceedings this afternoon. I ask for the matter to be mentioned again tomorrow morning.

BY P.P. Your Worship, I submit this position is very unsatisfactory. It has been reiterated time and time again that steps should be taken by these Accused to communicate with the Court and say why they cannot be present. I think in the circumstances I would be entitled to ask for a warrant for his arrest.

BY THE COURT: I don't know, Mr. Coaker, that the Court can very well refuse to have a warrant issued.

BY MR. COAKER: I didn't understand my learned friend to make

any application. I think he said that in the circumstances he might be entitled to make such an application. I think if he does make such an application there is nothing I can say to it except that if, in fact, this man is in bed, if he is ill in bed, it would be very undesirable for such a warrant to be executed.

BY THE COURT: Yes, of course I can't go into the possible consequences of this step. One can't speculate here. The Accused person if he is ill should in normal circumstances be able to communicate with the Court. Illness itself shouldn't stop him from doing so - unless, of course, he is so ill that he doesn't know how to take steps.

BY MR. COAKER: I can't address Your Worship further on the matter. I formally apply for the matter to be allowed to stand over until the Court resumes tomorrow morning.

BY THE COURT: Mr. Prosecutor, did I understand you to....

BY P.P. That was my statement. I said that in the circumstances I would be entitled - actually I do so now.

BY THE COURT: Who is the Accused?

BY MR. COAKER: Cleopas Sibanda - No. 69. I can't Your Worship, take the matter any further. There are persons amongst the Accused who know where this man lives and if Your Worship is disposed to let the matter stand over until Court resumes in the morning, I will undertake that the Defence will cause a search to be made and place itself in possession of information but if Your Worship feels that this is an occasion for a warrant I can't really take the matter any further.

BY THE COURT: When do you think you will be able to be in possession of some information?

BY MR. COAKER: Certainly not until some time after the Court adjourns this afternoon.

BY THE COURT: That will not be until tomorrow morning?

BY MR. COAKER: Presumably not until the Court assembles again in the morning. could I convey it to the Court although I could

be in possession of it by this evening.

BY THE COURT: In any case, it will take a few days before the warrant is executed.

BY MR. COAKER: I don't know, Your Worship.

BY THE COURT: In the meantime, I will grant the application of the Prosecutor. The sooner the Defence can act in this matter so much the better. If you can get information that explains the position by tomorrow then the warrant can be withdrawn again.

BY MR. COAKER: As Your Worship pleases. I hope, Sir, my learned friend will give some assurance that if the man is seriously ill he will not immediately be haled off to prison on the warrant.

BY THE COURT: I think the Police ought to use their discretion.

BY P.P. That stands to reason, Your Worship, that that will be done. I don't like my learned friend's interruption.

BY THE COURT: What is that?

BY P.P. When I said just now that it stands to reason that discretion will be used my learned friend said in such a sarcastic way "Does it" and I resent that.

BY THE COURT: Who was that?

BY P.P. Mr. Berrange.

BY MR. BERRANGE: In order to enable my learned friend, Mr. Coaker, who was dealing with this matter to reply in regard to matters that were made - I addressed my learned friend Mr. Coaker because I didn't necessarily agree with that which Counsel for the Crown was uttering and I asked Mr. Coaker "Does it". My learned friend for the Crown - Counsel for the Crown - if he desires to think that that was a sarcastic remark, then I can't help it. I am only telling the Court that this was a remark not addressed to him. If I have any remarks to address to Counsel for the Crown, I shall do so in the proper manner, and in a proper way. I hope not to have

to address any remarks to Counsel for the Crown except through the Court. I prefer to do it that way.

BY THE COURT: I think, Mr. Berrange.....

BY MR. BERRANGE: But I am not - Your Worship, please - I have been asked for an explanation. I understand that is why Your Worship called on me.

BY THE COURT: I didn't ask you to explain - but seeing that you are explaining, I want to say this:

BY MR. BERRANGE: I want to say that I haven't finished explaining...

BY THE COURT: I didn't ask you for any explanation. I think that you with your position as Senior Counsel ought to know better than this to pass such a remark....

BY MR. BERRANGE: I am entitled to make whatever remark I desire to my Junior

BY THE COURT: Then you ought to do it in such a manner that other people are not interrupted.

BY MR. BERRANGE: I did not interrupt Counsel for the Crown.

Counsel for the Crown had already resumed his seat so there was no question of any interruption and I arrogate to myself the right to talk to my Defending Counsel in this matter and I shall continue to do so.

BY THE COURT: I will say this, Mr. Berrange, that your attitude has been one of considered disrespect here. I have noticed that for some days now - to me as well as to the Prosecutor - your attitude has really been not pleasant the last few days. I don't know why it is. When the Court has resumed after an adjournment you haven't even deemed it necessary to acknowledge the entry of the Court as you have done in the past.

BY MR. BERRANGE: I resent that. I have done everything that courtesy demands from Counsel to the Court. When the Court has come in I have stood on my feet and the Court has sat down and not until the Court has sat down have I resumed my seat.

If the Court had any objection I would have taken it that that objection would have been raised then.

BY THE COURT: Mr. Berrange, I am telling you this because it has been very, very noticeable. You are making things decidedly unpleasant here and this is certainly not conducive to the proper administration of justice.

BY MR. BERRANGE: I thought we were dealing with a remark that I am supposed to have addressed to Junior Counsel.

BY THE COURT: That is one of the things that has happened here that has made it so unpleasant.

BY MR. BERRANGE: I submit that I am entitled to talk to Junior Counsel whenever I desire to do so. If the Court wants to stop me doing that then I shall take steps....

BY THE COURT: I am not stopping you but then you must do it in such a manner that you don't interfere with the proceedings

BY MR. BERRANGE: Upset Counsel for the Crown.

BY THE COURT: Please proceed.

BY MR. COAKER: Did I understand Your Worship to say that a warrant would now be issued but if an explanation were forthcoming or should be forthcoming tomorrow morning it might be withdrawn.

BY THE COURT: If If a proper explanation is forthcoming then the warrant will be withdrawn.

COURT GRANTS APPLICATION BY MR. COAKER FOR ACCUSED NO. 97 - B. TUROK TO BE ABSENT FROM COURT ON 14th AUGUST TO RECEIVE DENTAL TREATMENT.

BY MR. BERRANGE: On reflection, Sir, I wonder if I could seek guidance from you.

BY THE COURT: Yes.

BY M.R BERRANGE: Your Worship passed certain remarks in regard to what I understood were to insinuate a lack of proper decorum and behaviour on my part when the Court enters the courtroom. I don't quite know what it is that the Court desires me to do but if there is anything that

the Court requires me to do other than what I have done, I shall be very happy to be instructed in regard thereto and be very happy to carry out the Court's instructions. I am afraid I am not quite certain what it was that the Court was objecting to.

BY THE COURT: Mr. Berrange, I think that your years of service in your profession has taught you what is proper decorum and etiquette...

BY MR. BERRANGE: That is what I would have thought.

BY THE COURT: I only remarked on your distinct change of attitude over the past few years because it makes things somewhat difficult...

BY MR. BERRANGE: Over the years we have all got to change. I am wanting to know what it is that Your Worship objects to in regard to your entry into this Court-room so that I can properly comport and demean myself.

BY THE COURT: I think you are perfectly aware of your change of attitude.

BY MR. BERRANGE: Then I am very sorry, Sir, I shall just have to continue as I have been doing if the Court won't assist me.

BY THE COURT: I am not prepared to discuss this matter any further.

BY MR. BERRANGE: I regret that the Court won't assist me.

BY THE COURT: I think, Mr. Slovo, you were busy cross-examining the witness.

CARL FREDERIK POHL (Continued).

CROSS-EXAMINED BY MR. SLOVO: Major Pohl, are you aware that some time in the afternoon of the - that in the afternoon after these vents had taken place that you have described to the Court; after these events, the break-up of the meeting - Mr. Ngwentsha, whom we have already mentioned, approached the Police with an offer to go around the Location in a car with a

public address system for the purpose of calling upon everyone to remain calm - are you aware of that? -- No, it was the next morning when Ngwentsha came to me and wanted permission from me to go round with a loudspeaker and to explain certain matters to the non-Europeans.

The 'certain matters' you refer to is to ask them to remain calm? -- Well, I don't know. He told me that he would like to explain to the crowd certain matters - I can't remember what they were.

You surely must have asked what he wanted to say? -- No, I didn't want to discuss it with him at all because I had no authority on that.

I am not talking about the following day, I am talking about that same day? -- I didn't know anything about that.

You can't dispute that this was, in fact, what Ngwentsha did? -- I beg your pardon?

You can't dispute that on that same day he went to the Police and made offers to try and calm the people? -- No, I can't dispute that.

I am further informed that he was actually given permission to do so? -- I don't know.

And I am further informed that when he proceeded to do so and he was fixing the public address system onto his motor car, he was fired at by members of the Police - are you aware of that? -- I never came across him although I was out in that Location that afternoon. I certainly did not come across anything like that.

Now, you will recall, of course, that at about this time in 1952, a number of incidents occurred - I am sure we are going to hear about them here - in a place - we have already heard about them - in a place like Kimberley, Port Elizabeth and East London. You recall it was more or less at about this time....

BY THE COURT: Was that before or after the meeting.

BY MR. SLOVO: Do you know when the Port Elizabeth...? -- The Port Elizabeth rioting - or whatever it may be called - took place on the 18th October.

And Kimberley? -- I can't remember Kimberley too well. I think it was on the same day was it not? I think it was just after - or soon after.

However, it was approximately about the same time - broadly speaking? -- Round about, yes.

I am not really concerned with the precise date. I am given to understand it was the 8th November. However it doesn't matter. You recall, too, that on each of these occasions when rioting took place the first thing that occurred was that African people were killed by Police bullets....

BY THE COURT: Where was this? -- In all these centres.

BY THE WITNESS: Well, I read the papers on that subject. I can't say what happened.

BY MR. SLOVO: That is what the papers said. The papers said that on each occasion the way the disturbance started was that first African people were killed? -- No, it didn't say that. No. It only gave the occurrence that there had been rioting - they called it rioting - and that during the riots the Police used firearms.

But when you talk about burnings of cinemas, attacks on a number of Europeans - I want to put it to you that on each of these occasions when trouble occurred the first - chronologically - the first thing that happened was that Africans were killed and it was only thereafter that places were burnt? -- No, I should say that the rioting started first.

Like in East London - what you have just described the whole day? -- Yes. That is what I read in the papers. What I read in the papers was that certain rioting took place and during the course of the rioting the Police used firearms.

Yes, but I am talking now about the subsequent burnings which you have described and the isolated attacks on Europeans that always occurred after the Police had opened fire and killed a number of Africans? -- Yes.....

I am asking you whether you have any recollection from your reading of the newspapers as to whether what I am saying now is correct or not - as far as the newspaper reports were concerned? -- Well, as I say, it would appear as if rioting broke out and the Police used force to try and quell it and even after the Police had sort of stopped using fire-arms certain damage or fires were caused. That is how I read it.

I just want briefly to come back to a matter I touched on this morning. You told the Court, I think, that at 9 o'clock on the day, that is the 9th November, in East London, you assembled your men - when you assembled your men you had already had information that there might be - what words did you use? -- That there may be trouble. That is what I was given to understand by the District Commandant.

Yes, in connection with this gathering? -- No, just generally I think.

Was the gathering not mentioned? -- No, no gathering was mentioned.

Not at all? -- No.

But you knew at that stage that the gathering was going to take place? -- I understood only that there would be a religious Church meeting.

And you heard there was going to be trouble in the Location? -- Possibly there may be trouble.

Now, I take it that you in the normal course of your duties as a Police Officer where you have any reasonable fears, that crimes are going to be committed or that trouble

is going to start, your primary job is to try and prevent it rather than to act after it has already started? -- That is so.

And I take it that you and your Superior officers would always act in the spirit of that sort of approach - that is to try and prevent trouble? -- That is so.

Now, if you were aware at 9 o'clock in the morning that there may be trouble, if you were further aware that a religious gathering that was going to take place was going to take place under the auspices - if I may put it that way - I think that was the effect of your evidence - of the African National Congress - did you see fit or did your Superiors see fit at any stage during the course of that morning, to approach the organisers of that religious gathering and to indicate to them that you have heard there may be trouble -

wouldn't it be wise not to have a gathering of this nature on a Square which has always been regarded traditionally as the Congress Square? -- I took no action myself.

I know you took no action. I am asking you why you took no action? -- I didn't see any necessity for it.

Is it because - didn't you see any necessity for it possibly because you were looking for trouble? -- No, I was not looking for trouble. I am ~~the~~ last man in the world to look for trouble.

Did you take any steps, for example, to post a couple of uniformed men at the Square where you knew there was going to be a gathering of hundreds of persons? -- No, I didn't.

Before it started? -- No, I did not.

Did you give any information to any of the other persons concerned in the gathering before it started that the Police were ready armed to deal with this gathering? -- It was quite obvious to everybody, I think, that we were there

and that we were armed.

No, before we were there? -- When we came there.

Before you came there? -- Before we came - early in the morning - no, I took no action myself.

Why didn't you? -- I say it was so obvious. We came straight from East London in open trucks.

With guns? -- With guns - it was obvious that we were armed and that we were in a body.

And you think then that as a result of coming through in open trucks - did you go through the Location? -- We came from East London. We don't go actually through the Location. The Duncan Village Police Station abuts onto the Location.

And in your estimation the organisers of the meeting should have taken notice of that? -- No, not necessarily.

Then I can't understand what relevance there is in your statement that everybody knew the Police were arriving? -- Well, it was so obvious.

Let me repeat the question. The question I am asking you is if the Police, according to what you say, expected that there might be trouble, why did you, being in charge of that party - and having already stated that you usually act in such a way as to avoid trouble rather than come on the scene after it has already occurred - why did you not approach the organisers of this religious service and indicate to them that there were these rumours, false or otherwise, and there was this in the air that there might be trouble in the Location which had necessitated the sending in of armed reinforcements into the Location. Why did you not do that? -- I saw no necessity for that. I took it that a religious meeting, or gathering, would take place and under perfectly religious conditions, and that there would be

no such thing as a defiance or an attempt at defying the Order of the Minister. I never expected anything like that. It was only after I received the report about 2 o'clock from Sgt. Bowen that there was a meeting in progress.

Well, I will again put it to you, Major, that the reason why you didn't behave in what I suggest was a reasonable manner is because the Police were looking for trouble? -- No, I say No, Sir.

BY MR. SLOVO: NO FURTHER QUESTIONS.

CROSS-EXAMINED BY MR. COAKER: At 9 o'clock in the morning, Major Pohl, you were expecting trouble in the Location? -- Well, I wasn't actually expecting any...

You received instructions that that trouble was expected in the Location? -- I was instructed to proceed to the Location with some men - there may be trouble.

Yes, you were told that trouble was expected in the Location by your District Commandant, I gather? -- That is what it actually amounts to.

And you assembled an armed body of men? -- I did.

You armed them with rifles, bayonets, rifle ammunition? -- That is so.

You also had sten guns and sten gun ammunition? -- I had a sten gun, yes.

And ammunition? -- And ammunition.

And a man to operate it? -- Oh, yes.

When did you first evacuate any Europeans from the Location? -- After we discovered the murder of Dr. Quinlan.

You didn't think that it was necessary or suitable for you to take such steps in the morning before the expected trouble occurred? -- No, as I say, I didn't expect anything like that.

But you expected some trouble? -- Yes, 'trouble'

Collection: 1956 Treason Trial
Collection number: AD1812

PUBLISHER:

Publisher:- Historical Papers, The Library, University of the Witwatersrand

Location:- Johannesburg

©2011

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.