

It 43

32
MCH 91-16-3-1

Some documentation into the inquest into the shooting of at least 11 Africans at a place called Ngqusza Hill in Pondoland in 1960. In fact this was a mini - Sharpeville type situation , except that in this case the Africans who were probably meeting illegally in a clearing in a forest at the bottom of this hill, were surrounded by the police who fired into them. At least one of the policeman appears to have fired recklessly with a sten gun into the fleeing crowd, and this caused a number of deaths. When I say that one of the policeman did that, that in fact was one of the findings of the magistrate. My involvement itself requires some explanation. I practiced in Capetown which was about 800 miles away. The nearest big centre to Pondoland was in fact Durban. There had been a lot of collaboration between ANC activists in Durban and ANC people in Pondoland at the time of the Pondo revolt, which was very much an indigenous revolt involving the overwhelming majority of the Pondo people. Many of them, however, worked for short or longer

longer periods in Durban and had had some liason with ANC people there. There was thus a fair amount of traffic between ANC people in Pondoland and in Durban.

The lawyer Roley Aronstein had been very active for a number of years in Natal defending people charged with offences of a political nature. He himself appears in the law reports on numerous occasions, having himself been detained, harassed, prosecuted by the police on many occasions. He was a very bold lawyer, and took a very bold and challenging line in court. He was extremely popular with his clientele, and was often cheered either out of court or outside court. He did a tremendous amount of work in Pondoland until eventually he was banned and prevented from going there. He had already participated in the early stages of this inquest, and I think he had in fact been responsible for pressing for the inquest to be held at all. Originally, the police had got out a report that some Africans had been killed in faction fighting, and if it had not been for the actions of Aronstein in pressing for an inquest it is entirely possible that the case would have been hushed up and not got into the press at all. As it was, even when the inquest was held, evidence was given under cross examination, and the matter was fairly extensively reported, but it did not make anything like the impact of Sharpeville. Aronstein requested that I come up from Capetown to carry on with the inquest - he clearly felt that it was necessary for someone with some sort of political experience or understanding should appear in a case of this kind, and I eventually flew to Durban to get instructions from him. I then went down to Lusikisiki where the inquest was held. I had an inspection at the scene of the shooting, and can still recall quite vividly the dismay of the Africans - which they barely managed to conceal - that such a young lawyer should have come to replace Mr Aronstein - somebody who was older, had a beard, and was better known to them. However, this was not the first time that I had been involved in this kind of situation, and I think that as the proceedings continued they had more confidence in me.

The scene of the shooting was a small clearing at the bottom of a fairly steep hill of about 100 feet high. The clearing was in a very densely wooded area, and would have thus been quite a good place to

have held a secret meeting. This would have been about 6 miles from the Holy Cross Mission. One of the doctors there - a woman doctor from Cambridge, a missionary - gave evidence at the trial. She was clearly extraordinarily upset at the extensive injuries caused by the disintegrated sten gun bullets. She had had to operate right through the night, and the injuries were really terrible - this came out at the hearings. The interview that I had with her at the mission was rather extraordinary. It was like being in another country - I was sitting in the stoep, a bell was rung, tea was brought out at 11 o' clock. The mission was very much under the suspicion of the authorities at that time, partly because people had gone to the mission with their injuries after the shooting, and it was felt that the mission, instead of acting as informers for the authorities or remaining neutral, was not supporting law and order in the way that it ought to have done.

The inquest was held during a lull in the Pondoland situation. There had been very powerful demonstrations by the African people. The shootings at Ngquza Hill had, I think, frightened the authorities, and they were acting at that stage with what would now be called a low profile. Although the Saracen squad that had been present at the Paarl 'riots' was in the neighbourhood, the crew were in civvies and the Saracens were hidden away - every attempt was being made, quite obviously, to keep the temperature down. At one point during the proceedings I received a message from the Chief Native Commissioner asking me whether I would see him, and he indicated to me that he would like to do everything he could to speak to the leaders of the Pondo people, to try and handle their grievances, and generally to do what he could to defuse the situation; he rather hinted that if he did not succeed in his peace keeping operations there would be a very severe crack down by the authorities. I remember speaking to Anderson Ganyile who was then one of the young leaders of the Pondo people who I think had been expelled from Fort Hare, and I can recall saying to him that the immunity that he had at that time was likely to be very short lived. This was in fact as things turned out - a little later he was kidnapped by the police, and this created quite an international incident, habeus corpus proceedings were brought, and it really developed into a famous case at the time.

The proceedings went on for at least a full week, and towards the end it became clear that there had been shooting by a policeman who had not been called upon to give evidence, and by virtue of putting on pressure we were able to get hold of his statement. It was clear that he had altered his statement, probably fraudently, and on this basis I was able to cross examine him and espose his evidence in rather dramatic fashion. I phoned through to Mr Aronstein and asked that a QC be sent down to sum up for the dependants because I felt that we had made a real breakthrough - the QC who in fact did this was called George Muller. It turned out that our tactics were appropriate, because much to our surprise the magistrate found that the policeman did behave in a reckless fashion and had been responsible for the deaths of a number of Africans. I might mention that eventually, despite the findings of the magistrate, an indemnity bill was passed to cover the shooting at Sharpeville, and this was extended to cover the shootings at Ngquza Hill; if any payments at all were made to the dependants, they were extremely small.

This was perhaps the last of the big political trials that I myself attended in 1960. Lawyers like myself who had not been detained were on the go continuously from Sharpeville onwards, and as a result I had by this time become completely exhausted, physically and emotionally.