

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

MORNING SESSION:

15th MARCH, 1977.

VOLUME 135

(Pages 6 600 - 6 642)

COMMISSION RESUMES ON 15/3/1977 AT 10 A.M. AT PRETORIA.

AARON MONTOEDI MATLHARE (still under oath):

CROSS-EXAMINATION BY MR. BIZOS (Cont.): Yesterday whilst you were in custody of a police officer you came near to Mrs Mandela outside, do you remember that? --- Yes, I passed near her.

Yes and Mrs Mandela informs me that you said to her: "Please give N'kele my fondest regards" is that correct? --- Well I did, that is correct I did ask her that.

Yes of course it is correct and N'kele is your wife? --- (10) That is right, yes.

Yes. Now that is even taking the circumstances that you find yourself in now, a friendly act. Isn't it? --- Well she had provided us with lunch she bought lunch for us for all of us.

Well that is an even more friendly act but your act, your act in saying: "Please give N'kele my fondest regards" was a friendly act, wasn't it? --- It was, as I said I have never hated Winnie Mandela.

Yes and you would have expected Mrs Mandela when she got home to walk down to your home where your wife now is to carry your message of your fondest regards, not so? --- Well, I thought she would see her on her way or perhaps yes, go down... (20)

Yes and this was something that you wanted her to do, not so, otherwise you would not have asked her to do it. --- That was said in passing.

Yes, well sometimes things that are said or done in passing represent one's innermost feelings, don't they? --- No reply.

Don't they? --- They do.

Yes, so that you didn't yesterday at lunch time, you expected Mrs Mandela to go and visit your wife at home? Not so? (30)

--- I/..

--- I didn't expect her to visit my wife, I said should she see her.

Oh, well. Well, did you think that there was going to be an accidental meeting, did you have any reason to believe that there would be an accidental meeting?

CHAIRMAN: Well, if they live in the same street then..(both speaking simultaneously). --- As one was passing to work, when my wife is passing to work

MR. BIZOS: Yes, in any event may I suggest to you, may I suggest to you that your action yesterday, your action yesterday is (10 a clear indication that what you said to His Lordship when Mrs Mandela was not here that this was a mischievous woman who had made a lot of trouble, who had misled the young people, who was busy caucusing with young students in order to mislead them, you couldn't have believed all this when you spoke to her at lunch time yesterday? --- Well at that moment, I mean that was a different situation from the situation in which we were yesterday here.

Weren't you afraid that she was going to go- to take the opportunity of going to corrupt your wife? --- Well, I (20 wasn't afraid of that.

You weren't afraid of that. Isn't the position, that whilst in detention and whilst you made this long statement running into 96 odd paragraphs, you knew that the police were interested in Mrs Mandela, didn't you? --- I didn't know that.

You didn't know that? --- No.

Was it never indicated to you that the police had an interest in Mrs Mandela? --- No police indicated that to me.

At no stage? --- At no stage.

At no stage at all. Then..well, I haven't had the benefit (30 of seeing your whole statement and I don't want to burden either

the/..

the record or my brief by having it but from the manner in which you were led, it would appear that your allegations against Mrs Mandela came very early on in your statement. Paragraph 6, My Learned Friend Dr. Yutar, page...(intervenes).

CHAIRMAN: Well, wasn't the matter being chronological as far as was possible?

MR. BIZOS: Well, except it could be but it would show an interest in Mrs Mandela even though it was in chronological order.

CHAIRMAN: Yes, what I mean by that is that..is it necessarily that he had gone out of his way? (10)

MR. BIZOS: Well..

CHAIRMAN: To bring her in at an early stage or was it...I don't know, I haven't seen the document for obvious reasons.

MR. BIZOS: But I think there must be a fairly accurate reproduction of it in the evidence. If Your Lordship looks at 4 719, paragraph 6. You see presumably the first five paragraphs dealt with your personal background and your personal particulars, doctor? --- Yes.

Yes, and how did you come to start your story with Mrs Mandela in paragraph 6, how you came to meet Mrs Mandela? --- (20) Well, I had to start my story from the beginning how I knew her and...(intervenes).

But now who told you to write about her? --- Well, I wasn't coerced or told by anybody to write, but I was...(intervenes).

Don't digress to much. --- I was...(intervenes).

CHAIRMAN: No, that is the object of your question, isn't it? Or he can think that to be the object of your question.

MR. BIZOS: Yes, well perhaps the witness is anticipating me, My Lord.

CHAIRMAN: I'm sorry, I don't want to interfere with your.. (30) cross-examination.

MR./..

MR. BIZOS: Yes.

(To witness): Now, nobody has suggested that you were coerced in any way. But what I am asking you is: Why did you think that you had to deal with Mrs Mandela in a number of paragraphs early on in your statement? --- Well, that is the way I wrote my statement how I knew her.

Why did you think that you had to deal with your association with Mrs Mandela in the early part of your statement? --- No reply.

Would you like to say anything? --- Well, I wanted to make(10 it as chronological as possible.

As chronological as possible, but now you were detained presumably because of your membership on the Black Parents' Association, not so? --- Well, I..yes, I think so.

Well, why did you think that you had been detained? --- Well, I was told by the officer that detained me, that they are detaining me under Section 6 of the Terrorism Act.

Well, there must have been a very early indication to you what it is that you had done wrong to lead this officer to detain you under Section 6 of the Terrorism Act? --- Well, later(20 on I..on gathering my thoughts I thought perhaps it is because I was a member of the BPA.

Yes, of course. Now then: What did you think the fact that you had been a medical practitioner and attending to Mrs Mandela in 1968 and 1969 had to do with that? --- Well, I suppose because she was one of the members, Executive members of the BPA.

So were others, so were others, there was Dr Buthelezi there was Dr Motlana, there was yourself, we don't have to run through all the members. Why did you choose Mrs Mandela to start(30 your narrative with unless it was suggested to you in one way or another/..

another that the police had an interest in Mrs Mandela? Or information that you had in relation to Mrs Mandela? --- Well, I wouldn't say the police..the police didn't really tell me..(intervenes).

Didn't tell you what? --- I mean I didn't write that statement starting with Mrs Mandela according to the police instructions.

No, the question was: Why did you start your narrative with Mrs Mandela in 1968 or 1969 when you were detained in 1976? --- Well, the answer I gave here is because she was (10 also one of the members of the BPA.

But now..for what purpose were you making that statement why did you think you were making that statement? --- And I had read in the paper in the early morning that she had also been detained.

Yes. Why do you think that..why do you think you were making that statement? --- Well to show the..our relationship how we started knowing each other with Mrs Mandela.

But who told you that they were interested in your relationship with Mrs Mandela, if anybody? --- Nobody told me, I (20 don't remember anybody suggesting anything to me about Mrs Mandela.

What use did you think would have been made of the statement that you were writing out? --- Well, I wouldn't comment on that.

Why not? Why don't you want to comment on your thoughts? What use did you think was going to be made of your statement? --- I didn't know what the police intended doing with my statement.

What did you think they wanted this statement for, didn't they tell you: That we want a statement about everything that (30 you know? --- They told me that/^{about} everything I know.

Everything/..

Everything that you know about what? --- About the riots and how they started and about the BPA.

That is what the police told you. And that is what the police asked you to write a statement about? --- That is right about the riots and..(intervenes).

And then you started your statement in paragraph 6 as to how you met Mrs. Mandela in 1968/69 is that correct? --- Yes.

In answer to a suggestion by the police that you should deal with your knowledge of the riots, is that it? --- No reply.

Is that it? --- Well, I was doing it chronologically. (10 I was..that is quite right.

Well, did the riots start in 1968/69? --- No. But I was referring to the BPA and I was starting with the formation up to the formation of BPA.

And what did you think that Joyce Sekhakane had to do with the riots? --- Well, that was just the mentioning of my knowledge and association with Mrs Winnie Mandela.

(A)

Weren't you told that you would be used as a witness? --- No, I wasn't told that.

~~Were you never told that you would give evidence?~~ --- No.(20

Never ever? --- I wasn't told that I would be used as a witness.

CHAIRMAN: That you would give evidence in..? Here?

MR. BIZOS: Well, never ever in any court or any..(intervenes).

--- Well, I was told I was to come and testify in front of the Commission.

When were you told that? --- Well, I can't remember the date, it is early last..the other month I think..

Was it before or after you made your statement? --- It was after I had made my statement. (30

Right. Whilst your statement was being taken, what purpose do/..

do you think..did you think it was going..to be made use of it?

--- Well, I was told that I was detained and I might probably be charged under that Act and I must..(intervenes).

Under what Act? --- The Terrorism Act.

For having done what? --- For having been a member of BPA and being responsible for part of the incidents that occurred during the riots.

Now, the suggestion that was put to you that being an executive member of the BPA made you liable for prosecution under the Terrorism Act is that correct? --- No reply. (10)

CHAIRMAN: Well, is that a question you are now putting to him.

MR. BIZOS: Yes.

CHAIRMAN: Because that is not what he said.

MR. BIZOS: Is that correct? --- That is what I was told by the police.

Yes. Now, didn't you when told that, fall into the trap that some weak men fall into of trying to find scapegoats in order to save your skin? --- I wouldn't say so.

You wouldn't say so. Did you think that you had been guilty of acts of terrorism? --- Well, I didn't think I was. (20)

Yes, of course not. You considered that what you had done in relation to the BPA was the duty of a leading citizen of Soweto. --- That is correct.

Yes. And you felt that this allegation that had been made against you was a false allegation? --- Well, I felt it was false.

I beg your pardon? --- That is quite right.

Quite right, yes. And were you in solitary confinement?

--- Yes.

And did you write this statement whilst you were in solitary confinement except on the occasions on which your interrogators/.. (30)

interrogators came to visit you? --- Well, I wrote it..whilst I was in solitary confinement and also when I was being interrogated.

When you were being interrogated. Now during the course of your interrogation did the police show a particular interest in Mrs Mandela and Dr Motlana? --- Well, I didn't notice that.

I beg your pardon? --- I didn't notice that.

You didn't notice that. Do you remember that when Dr Motlana came to your surgery he had to stop your..the woman that was helping you out, your domestic servant from giving you a pethidine injection? --- No, that is incorrect. (10

Are you sure that it is incorrect? --- I am very definite about that.

Had you had any pethidine injections before your detention? --- No.

Are you sure? --- I am very sure about that.

Well, but we do know that you were taking other drugs and you were drinking, correct? --- Well, that was confirmed yesterday in fact.

Yes. Now perhaps you being a doctor can tell us how it felt having been on drugs, drinking, all of a sudden being removed from this and being in solitary confinement? --- Well, if I may explain I hadn't been drinking for quite a long time. (20

CHAIRMAN: Before your detention? --- For over three years I have not been drinking. I started drinking..

No, I think this question relates to your detention, shortly after you had had this drinking bout, am I correct?

MR. BIZOS: That is so.

(To witness): You see, you had been drinking and you were taking drugs and you were then detained. Now..(intervenes). (30

CHAIRMAN: Well, perhaps you could just for my benefit: How long/..

I was asked about my relationship with Mrs Mandela. (19)

Yes. Was that before you started writing out your statement? --- That was before and during.

Before and during. And when..as you were writing out bit by bit, did not your interrogators interrogate you on it? --- On what?

On what you had written out? --- Well, the interrogation came after my statement had been completed.

Yes. And did they show particular interest in Mrs Mandela and Dr Motlana at that stage? --- I wouldn't say so. (10)

Were you asked questions about them at that stage after you had written out your statement? --- Well I was asked questions about Mrs Mandela.

Yes. Did you realise that your interrogators believed that the unfortunate events of the 16th of June were not spontaneous events but that they were the work of agitators?

CHAIRMAN: Well, I must now tell you that I have had numerous questions put or I have put it to witnesses to what they mean by spontaneous and I would prefer it if you could use another word because the word spontaneous..(intervenes). (20)

MR. BIZOS: I'm sorry M'Lord, I didn't know. I didn't know of this...(intervenes).

CHAIRMAN: No, no, because the word "spontaneous" normally means "unplanned", something that happens unexpectedly.

MR. BIZOS: Yes, obviously the march was planned, yes I realise the semantic difficulty. I am indebted to Your Lordship.

CHAIRMAN: I'm sorry to interrupt you.

MR. BIZOS: No, I accept that My Lord.

(To witness): Now, did it become apparent to you that your interrogators believed that the events that commenced on the 16th of June, was the direct result of work of a small group of agitators/.. (30)

agitators? --- Well, I would say it became apparent to me that they thought that this was a planned thing.

Planned by a small group of agitators. --- And students.

Yes, well..yes and students who were also the agitators.

A small group of agitators. --- Well, they didn't actually mention the word "agitators" to me.

Yes. No, but you could gauge from their questions that this was their belief that there was a small group of people responsible for the overall planning, pre-planning of these events. Correct?

--- That is correct. (10)

Now did you agree with them? --- Well, I agreed with them in respect of the students that..with respect that the students had said that they were planning to sympathise with their younger colleagues who were affected by this, this is the high school students.

Did you agree with your interrogators that the unfortunate events of the 16th of June, were preplanned? --- Yes, I did agree.

You did agree with them. Was that your view before your detention? --- That was my view before the detention, because (20) if I may explain of the incident I saw at Naledi High School.

Was it your view that the unfortunate events of the 16th of June were caused by..were preplanned and caused by the work of a small group of agitators, was that your view before your detention? --- Before..(intervenes).

CHAIRMAN: Well, I think "agitators" is a word that he objected to.

MR. BIZOS: Yes, well by a small group of planners, if you like.

--- Well, students mainly students that was..as I say it appeared in the papers that they were planning to do something. (30)

Just try and come to terms with the question properly

please/..

please. Was it your view before your detention that a small group of people were responsible for the preplanning that led to the events of the 16th of June? --- Yes.

Did you know who that small group of persons was? ---

Well, I didn't know but I..from newspaper reports it was purported to be students' movement.

The student movement. So it was your view before your detention that insofar as the preplanning of the events of the 16th was done by anyone, it was done by a group of students, correct? --- With the assistance of some other people. (10)

The assistance of some other people. Was that your view before your detention? --- That was my view in fact.

It was your view before your detention? --- That's right.

And which were the people that you believed to be responsible before your detention? --- Well, my view sir was that I usually saw, when I went to work and during the afternoon I had to come always back in the afternoon I saw students hanging around Mrs Mandela's house.

Did you believe before your detention that Mrs Mandela had influenced these students in order to do the sort of thing that led to the events of the 16th? --- Not influenced but I thought perhaps she gave them..the word I used: some motivation. (20)

When did you use that word. --- In my statement.

I am not talking about your statement, I am talking about your view before your detention. --- I never mentioned it to anybody before my detention.

You never mentioned it to anybody. No. Did you agree, did you agree that if..well, do you agree that if there was any preplanning for the sort of confrontation that there was on the 16th, the people responsible for such preplanning should have been exposed? Correct? --- Correct. (30)

If/..

Now if you believed what you now say you believed before the 16th did you do anything to expose the people responsible for this preplanning? --- No, I didn't deem it my duty to expose them.

You did not deem it your duty, you remember how you described yourself yesterday as a peaceloving, apolitical man, do you remember that? --- Yes.

Now, but you see it goes a little further, doesn't it? That if you in fact believed this before your detention, the last thing in the world that you would have wanted to do is to sit on the same committee with the person that was so responsible in your view. --- Well, as I said in my statement..(intervenes). (10

Please may I..I am sorry to interrupt you. --- Yes.

I am sorry to interrupt you. Try to give your evidence without reference to your statement unless I ask you about it. You know what I mean, but let us continue now, I don't want to.. --- Yes. Well, I mainly was in the BPA in fact I was to be in the BPA for the sake of the planning of the mass funeral.

But now the planning of the mass funeral..(intervenes). --- And I thought that my association with anybody wouldn't necessarily affect my thoughts. (20

Wasn't the planning of the mass funeral in itself a political act? --- Well, I wouldn't say it was a political act.

Well, wasn't it in order to show the collected grief of the people? --- Well, it..(intervenes).

Wasn't it to show a solidarity? --- It was to help the bereaved people.

By having a mass funeral? --- To help them bury those children. (30

Yes. I am sorry that I became waylaid, I want the answer to/..

to the previous question. Do you remember what it was?
Were you prepared to work on the same committee with a person
that you believed was responsible for the preplanning of these
events? --- Yes, I was prepared.

Why? --- As I said for the sake of the people helping
in the funeral.

No, you are not coming to terms with the question. The
question is that you believed that Mrs Mandela was responsible
for this preplanning on the evidence that you saw some young
people hanging around her house. If that was a belief honestly (10
held, how come a peaceloving, apolitical man like you, agrees
to serve on the same committee as her? --- Well, I agreed
to serve on the same committee as her.

Why, if you believed that she was responsible for this
preplanning of the unfortunate events of the 16th? --- Well,
my joining..I mean agreeing was in the helping of the people
with the burials.

Try and come to terms with the question.

CHAIRMAN: I think the question was somewhat different, wasn't
it? (20

MR. BIZOS: Yes, do you want me to repeat the question again?
--- Yes.

How come that a peaceloving, apolitical man like you, came
to serve voluntarily on a body with a person whom you believed
to be responsible for the preplanning of the unfortunate events
of the 16th of June.

CHAIRMAN: I think that question he has answered in his way,
hasn't he? Hasn't he said that he was prepared to work on that
committee because it was for the benefit of the bereaved people.

MR. BIZOS: Yes. M'Lord, that has been his answer but may I (30
just take it further with..(intervenes).

CHAIRMAN/..

CHAIRMAN: Yes, I think it is his answer perhaps that you could take further.

MR. BIZOS: But doctor, why should you be prepared to work with Mrs Mandela if your belief was that she was not there for that purpose, if you are telling us the truth, she was responsible for the preplanning. --- Well, she also wanted to help in the burial of the children.

Now..(intervenes). --- That were killed in the unfortunate event.

Now you see, you have already told us that you didn't tell (10 anybody about this belief, you didn't dissociate yourself from Mrs Mandela in any way until you came to make your statement, correct? -- Well, that is quite right, I didn't tell anybody.

Yes, now you know if you believed what you now say you believed, I am putting to you, you would have dissociated yourself completely from Mrs Mandela before your detention and not for the first time whilst you were in solitary confinement and questioned by interrogators? Have you any answer? --- I have no answer to that.

Now, you knew Dr Manas Buthelezi, the chairman, didn't (20 you? --- Yes.

Did you consider him as an upright, peaceloving man, a man that you could trust implicitly? --- Well, I had great respect..

I beg your pardon? --- I had great respect for him.

Yes and no reservations about him whatsoever. --- Not at all.

Yes and he was your chairman. --- Yes.

Now, if you had these feelings about this matter, why didn't you go to Dr Buthelezi and say now look, I have information that there is caucusing going on, there are young people hanging (30 around Mrs Mandela's house and I place a very sinister inference

on/..

on this. --- I didn't deem it necessary to go to him and tell him that.

Why not, did you require solitary confinement and the presence of interrogators in order to say it? --- Well, not necessarily.

Well, can you furnish any other explanation as to why you didn't go to Dr Buthelezi and disclose this information to him? --- I have got no other explanation.

The one occasion when there were young people in the vicinity of Mrs Mandela's house was when they were supposed to gather at your house, wasn't it? --- That is correct. (10

Can you remember more or less when that was? --- That was on a Saturday before..(intervenes).

Before the 16th? --- Yes, before the 16th.

Before the 16th. And do you remember that Aubrey Mokoena and you had arranged for these young people to come to distribute pamphlets that you had prepared, correct? --- That is correct.

And that you were not at home when they arrived, according to the report that you received subsequently, correct? --- That is correct. (20

And that the person that Mr Mokoena describes as your housekeeper is in fact your mother, is it not? --- No, I had my housekeeper.

Your housekeeper, very well. Be that as it may. And did the person in control of the house take exception to the presence of these young people at your home and chased them away? --- She telephoned me first at my surgery.

Yes? --- And told me that they were making a nuisance of themselves in the yard. (30

Yes, and? --- And I came, I drove down from my surgery and/..

