

IN THE SUPREME COURT OF SOUTH AFRICA
(TRANSVAAL PROVINCIAL DIVISION)

CASE NO.: 18/75/254

3rd AUGUST, 1976.

In the matter of:

THE STATE

versus

S. COOPER AND EIGHT OTHERS

Zithulele

VOLUME 124.

(Pages 7 685 - 7 738)

LUBBE RECORDINGS (PRETORIA)

THE COURT RESUMES ON THE 3rd AUGUST, 1976.

ZITHULELE NYANGANA ABSALOM CINDI: still under oath:

FURTHER EXAMINATION BY MR PITMAN: M'Lord, may the witness be given BPC H.1 and PPP.1. There was something I wanted to clear up in regard to the reports of the various commissions at that annual congress of which BPC H.1 are the minutes. -- Yes, actually I would like to clarify some area here because the Court was - I got the impression it was not clarified on this issued about the adoption of these reports. What I would like to point out here is that the publications commissions (10) report was adopted as can be seen from Resolution 3/73 which is appended to the minutes, BPC H.1.

Which resolution? -- Resolution 3/73, that is the one on top of, you know, the inscription, Resolution 3, the one that was moved by Nkonyane.

That is Resolution 2, isn't it? -- No, no. 3. The numbering is at the end of the resolution.

Oh, I see.

MR REES: I am not quite with the Defence. I do not quite see what Resolution 3/73 they are referring to. (20)

BY THE COURT: It is the annexure evidently to the minutes.

MR PITMAN: Page 151.

BY THE COURT: Resolution 3 deals with fund raising if I am correct.

MR PITMAN: No, it deals with the notice that .. -- The annotation resolution comes after the resolution, as you will see that one there, the one that talks about banning and imprisonment.

BY THE COURT: What resolution are you dealing with? -- 3.

It is 3 on the margin. (30)

Oh, I see, it is not page 151? -- I do not know.

MR/...

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MR PITMAN: Page 151.

BY THE COURT: That will be Resolution 2.

MR PITMAN: No, Your Lordship will see on the left-hand side a 1, then a 2, then a 3.

BY THE COURT: That is the third paragraph?

MR PITMAN: The third paragraph, yes.

BY THE COURT: The heading is Resolution 2.

MR PITMAN: That refers to the previous resolution.

BY THE COURT: Oh, I see. So Resolution 3. -- It has got on the margin an annotation 3. (10)

MR PITMAN: Would you just read the resolution please?

BY THE COURT: To establish a publications department. --

Witness reads:

"That this congress realising the dire and urgent need for the Convention to carry out its principles and aims as contained in section one of the BLACK PEOPLE'S CONVENTION constitution;

Therefore resolves;

To establish a publications department (20) whose structure shall be as that suggested in the Publications commission's report."

Now, further to that I would like to point out that there were resolutions that emanated from the report of the planning commission. Now you can see the .. (intervenes)

Let us take the planning commission. -- O.K. That is the last report.

Which resolution would that be? -- PPP.1.

Yes, but now what resolution would be concerned with that? -- That would be resolution 3 on fund raising, 4 on (30) membership assessment.

So/...

So those are matters arising from the commission? -- From the commission.

Now this was the practice that was even adopted in the previous congress when we have a separate digest of commissions' reports. Then we have a separate compilation of resolutions. Implicit in the resolutions is the adoption of the commissions' report. That is all.

MR PITMAN: Yes, thank you. Yesterday we were dealing, when we adjourned, with the branch reports and then finally the Cape Town branch report. Now, can we deal with the (10) funeral of Onkgopotse Tiro that was held in February, 1974, in Botswana? -- Ja. If I may start here: I was supposed to attend the funeral as a representative of the Black People's Convention but unfortunately the Department of Interior did not grant me permission to travel to Botswana. So what I did then, I sent a copy of a speech or a paper or an obituary which I would have delivered at the funeral.

Just before you go on to that, had you become aware of the death of Tiro through newspaper reports? -- Yes, we got the report from the newspaper reports about the death of Tiro. (20)

Would you look at this? Is this a copy of a newspaper report? -- Ja, this is a .. (intervenens)

Just one moment. M'Lord, I may say this is a newspaper report, I am not going to tender it as evidence of the facts contained in the report at all. It merely is relevant to the state of mind of this man who will identify this report. Did you see this report which appeared in the Rand Daily Mail? -- Yes, I saw this report which appeared in the Rand Daily Mail, informing us how Tiro met with his death.

Could we call that QQQ, M'Lord. Now you had seen (30) that report and you said that you were hoping to go to Botswana, but/...

but your passport was turned down. -- The application, ja. The application was turned down. So I then sent a paper that was delivered at the funeral and a copy of that paper appears in the proposed BPC newsletter. Right now it appears in the indictment as Annexure 4.

Could the witness be handed that, the indictment, Annexure 4, page 48. -- Ja, it is on page 48.

Now just looking at that page 48 which is in the middle of the page headed "Tribute to Tiro", can you identify that? -- Yes, this is a copy of the message that was sent to (10) Botswana.

Who wrote that? Do you know? -- I wrote this message.

How did it come about that you wrote that? -- Well, it happened that I was supposed to attend as a member and then - rather, beg your pardon .. (intervenes)

BY THE COURT: He has already told us he could not get permission to go so he sent this tribute by post. -- Ja. And if I may add further on to that, the PRO, that is the public relations officer of BPC, Rev. Cooper, had asked me to prepare an article on Tiro's funeral for a proposed BPC newsletter. (20) So because I did not attend the funeral, I then handed him over a copy of this which I have now seen here in this proposed BPC newsletter.

So Rev Cooper took it there? -- Rev Cooper took it from me.

Took it from you. But how did it get to Botswana? -- We had emissaries who went to Botswana, who were allowed to attend the funeral. So I handed them the message. This is a copy of the message that was read in Botswana. Now, after having read the press report and the press coverage - may I just add that this was amongst the others that were covering - that were (30) reporting on Tiro's death at the time. Now, it influenced my thinking/...

thinking at the time I was formulating the ideas into what now appears in these pages. I think the State's complaint was something about, I think in the first paragraph there, first paragraph, right under 'Tribute', where the author there says, the third sentence from the bottom:

"Somewhere in Southern Africa are the perpetrators of these dastardly deeds, going unpunished."

Now, to explain that type of sentence there, one then has to read this report as appearing in the press, that is ~~QQQ~~. (10) The third column, about the last paragraph, I should say second-last where it starts with: Mr Mogape, where it says:

"Mr Mogape, a friend of Mr Tiro's from childhood said: 'It must be quite obvious that it did not come from the International University Exchange Fund. We all believe it came from South Africa.'"

Actually I ought to add here that this whole report is an interview, the reporter Isaac Segula, had with Mr Mogomotse Mogape. I think the whole report is just explanatory as (20) to what took place there. Now that is what influenced me to write and think along those lines. Now on the document itself now, I must say that this document, as an author, as the one who wrote it, is couched in figurative language and it uses imagery. Now one has to understand the African traditional African setting of a funeral to understand the whole thing here, particularly when it is a funeral of a leader or someone in the hierarchy. If I may still explain further: the traditional African setting of a funeral. Say a king passed away, what would happen is that his subjects, his body- (30) guards, his henchmen, I mean people who were very much close to him/...

him during his lifetime were killed and buried alongside him so that they could, as his retinue into the world of beyond. So now here I have drawn that image that Tiro was a leader and he died during the course of a struggle and the only way which we could redeem his death as it were, we could feel, appease ourselves that we have given him a funeral worthy of a leader, is to have people killed, that is from Black circles, killed who were to be buried by him. The impracticability of that is obvious, so it is just the image that is being cast there, that your death deserves to have been like that. (10)

So when I talk of 30 million pools of blood here, I am referring in a theoretical sense, the 30 million pools of blood of Blacks who would have been killed with Tiro and buried with him. When I wrote this document, I did not even have any White man in mind to have him killed here, but that document is just a eulogy to Tiro and .. (inaudible) .. one will follow.

Where do you see about the 30? -- 30 stands there, I talk about that from the last paragraph on the first page where I start off with "Son of the Soil". It says there:

"Son of the soil, your blood has been (20)

spilled to irrigate this debauched and outraged land of ours. For every drop of blood that was shed from you, nothing short of a million pools shall be deemed a compensation. Thirty million Blacks are demanding your life: thirty million Blacks shall redeem your blood, and thirty million Blacks shall reap the fruits of liberation from the soil that was ferti-

lised by your blood. You may be the first (30)

but definitely not the last. We believe in

one/...

one Destiny and that is where the Struggle is leading us to. Some of us like you may not reap the fruits of liberation but shall always be revered upon in our Martyrdom. So shall you."

Now there that paragraph sums up the whole thing. As I put it, it is an imagery. There Tiro dies, his blood is spilt on the ground, it fertilises the ground. Now I am .. (indistinguishable - speaking too close to the microphone) that he died, because he died during the cause of the struggle, he will remain (10) in the history of our - in the minds of our people as being a martyr who died for the struggle and whatever the eventual outcome of the struggle indeed, we will always fall back on Tiro and say we achieved this through his death, his blood fertilised our ground. And that is ^{using} / the imagery, as you use your imagery, and I mean if you take a tree and you plant it, you fertilise it, you irrigate it, you reap the fruits. Not because - I mean rather, because of the water you give it.

Where does the figure 30 million come from? -- 30 million is a figure we arrive at when we estimate the number of (20) Blacks in South Africa. If I may explain that further, it is that there seems to be uncertainty even in the White official circles about the exact number of Blacks in this country. A typical example was recently in Soweto. I think a member of parliament said that there were about half a million people or 600 000 Blacks, while the administrative boards which govern Soweto produced the number of people in Soweto as 1,5 million, if you get my point there.

MR PITMAN: What you say in effect is that the census figures may not be correct. -- The census figures may not be (30) adequate, let me put it that way. Because I for one, as I am standing/...

standing here, I have never been counted in the census poll when it was taken. But I mean there has been - I do not know how they go about it, let me just say that.

BY THE COURT: When you say 'we', who do you include amongst we, when you say we took this figure? -- Oh, well, we in the Black community.

But now how do you know that the Black community adopts the figure of 30 million? -- I do not know how to answer that one unless - I have seen documents emanating from the Black community, estimating our numbers at 30 million. In fact (10) I think even one of the exhibits here which was produced by someone who is not so closely connected with me, uses that figure of 30 million. If I am not wrong, I think BPC L.1 the poet uses that figure. In fact a number of Black poets, if I may say, that they use that figure of 30 million whenever they express themselves, if at all they will be involved with numbers.

MR PITMAN: M'Lord, I understand from the people who are recording this that they are having difficulty hearing this particular witness. Apparently speaking too close to the microphone, if he could just perhaps push it back. (20)

-- To elaborate on that .. (intervenes)

BY THE COURT: Oh, well, it is not so important. You say it was a figure that seems to be accepted by Black people as an approximation of the number of .. -- Of the number of Blacks in the country.

MR PITMAN: Just before we go on, I omitted, perhaps chronologically I should have given this to you a moment ago. Would you just look at this letter. Would you just identify that letter? -- Yes.

What is that letter? Who is it from and who is it (30)
to? -- This is a copy of a letter that was written by me to
the/...

the PRO then, that is Rev Cooper.

Just before you go on, is that a copy or is that the original? -- This is a copy. Your problem is about the signing. I normally sign on my copy and the original.

I see. You wrote it to the PRO, Rev Cooper? -- I wrote it to the PRO, Rev Cooper, enquiring about the newsletter which he had reported to us at an executive meeting early in that year, that it was in the process of being printed.

Is this the newsletter in which this article of yours appears, 'Tribute to Tiro'? -- Subsequently I sent that (10) article - you see, initially he had asked me - yesterday I spoke about the unveiling of the tombstone. He had also asked me for an article on that. I informed him that unfortunately I had not attended the unveiling of the tombstone, but I could get him pictures of the photo of the tombstone and he could include this into the newsletter as the first item there says there:

"The photos about including ..(?)...
tombstone. I am presently negotiating
with the press people to supply us with (20)
copies of the photos before and after
destruction."

BY THE COURT: How can you have copies after destruction? --
We - copies of the destruction of the tombstone.

Oh, I see, it refers to the tombstone. -- Yes.

"I shall be bringing them along as I would
like to see you about th at intended project,
the newsletter."

Now, the significance of this letter, it is to show that we
were keeping a tab on the PRO, on the newsletter as (30)
such. So much that this proposed newsletter could not have
been/...

been a BPC baby as it is alleged by the State. If you go further down, that is after the annotation, 1, 2, 3, you have the first paragraph. Then the second paragraph.

MR PITMAN: Not too close to that microphone.

MR REES: This witness is reading or purports to be reading from a copy. He has not said when he made the copy and nor have they indicated why the original is not produced. I think that should be clarified before we proceed.

MR PITMAN: That copy that you have before you, is that ...

(intervenes) (10)

MR REES: Perhaps the witness would tell the Court about the copy without being led on the point.

MR PITMAN: That copy that you have before you, would you tell His Lordship where you found it? -- Ja, this copy I pulled it out of the cargo of documents from Compol.

Is that a document that the State handed to you? -- The State handed us over this, I mean, that cargo of documents, I pulled this out.

And have you been able to get your hands at all on the original? -- Well, I have not been able because the man (20) I had written to, was in detention.

And you yourself were in detention. -- I was in detention and when these things came out, he had already been served with banning orders, when we were supplied with these copies, he was served with the banning orders.

Is that a proper copy of the letter that you wrote? -- Yes, this is a proper copy of the letter.

Is it in fact a carbon copy? -- It is a carbon copy, it has always been kept at the office. It was confiscated when ..

(intervenes) (30)

Whose office? -- The BPC offices.

And/...

And from the BPC office it was confiscated by? --
Confiscated by the Security Police during a raid, as evidence
was led here, on the 28th I think of September last.

And the Security Branch handed that to you in effect with
all the other documents in prison, Pretoria Prison? -- Yes,
that is correct.

Yes, you may go on. -- Ja. I was going to read that
second from the bottom paragraph:

"I would like to point out here the
decision arrived at by the president and (10)
I. We felt it improper to issue you with
a blank cheque..."

I beg your pardon.

BY THE COURT: What point are you trying to make? -- No, no.
The point I was trying to make was that we were keeping a tab
on the PRO about the newsletter. You see, there was the
publications structure. Now the nature of our branches was
such that we could not really at that time immediately have
that whole structure functioning.

In other words you controlled all publications in (20)
the newsletter. -- Yes.

But you had no control over that sort of document, the
poem that was found on the seat, as you say. -- Are you
talking now about something else now? Which poem is this?

There was a poem found on a seat which is an exhibit in
the case. -- Oh, you mean we had no control over that. Oh,
sure, no, we had no control over that.

Well, are you trying to make that point?

MR PITMAN: Perhaps I can help you. Is the position that this
newsletter - or let me ask you this way: was this (30)
newsletter yet printed? Was it printed or was it being
compiled/...

compiled for approval? -- No, it was not. I am sorry, I would have read this sentence and clarify it.

BY THE COURT: Yes, all right, read it. -- Item 2 there, the second sentence:

"Though we are aware of the publications department being the responsibility of the public relations officer, we, the president and I, felt it would be proper if the whole executive goes through the skeleton newsletter before printing." (10)

That is the point I was trying to make. So the executive never saw that copy as it is now produced before the Court. So it had nothing to do with that.

That is the unprinted one. -- It was unprinted, it is just a compilation of articles.

Are you referring to Annexure 4 when you say that? -- Annexure 4.

I think the evidence is that this was never printed, it was in the process of preparation. -- Ja, and the executive had not even seen it. (20)

And your point is that the executive had not seen it. -- Even in that form in the process of preparation.

Your letter is in January and this was in August, 1974, 7 months later. -- Ja, he was collecting articles for the newsletter.

Anyway, this was the first one that you intended giving out; it never saw the light of day. -- It never saw the light of day. That was the eventual work which he could produce.
MR PITMAN: This letter, may I call that EXHIBIT RRR and hand it in. Now, before that letter, you had been analysing (30) and interpreting your article 'Tribute to Tiro'. -- Ja.

Did/...

Did you attend any commemoration service yourself in South Africa? -- Yes, I did attend a commemoration service at Regina Mundy in Soweto that was held on behalf of the late Onkgopotse Tiro.

Could the witness be handed EXHIBIT BPC L.1. -- Before I turn to this, I was still talking about the commemoration service. Apparently there were a number of commemoration services held in honour of the late Tiro. Now, the one I am talking about was held in Soweto at the Regine Mundy Cathedral, which I attended with our president, Reverend Farisani. (10) Well, he spoke at that commemoration service. Reverend Mzamane I think officiated there and Madikwe Manthata was the master of ceremonies. I think one of our witnesses spoke about this commemoration services, that was Mr Nkondo, spoke about having attended it. Now there was yet another - well, it is no longer, you know - well, we will call it commemoration for lack of a better word, but that was now arranged by the family at Dinokana. ^{KEMATSIDISO} ~~KE~~ Matsidiso is what it was called. So we attended, I attended that also. Now, to attend to this exhibit as it is supposed to emanate from a commemoration service in (20) honour of Tiro. I will just pass my comments on this exhibit. I already pointed out yesterday that it is dubious whether it is a BPC document.

MANDLENKOSI LANGA Yes, this is the one you referred to yesterday from Mandelenkosilanga. -- Yes. It is a piece of poetry which I must say I like and enjoy reading, I appreciate reading this piece of poetry.

BY THE COURT: From what point of view? -- I beg yours?

You like it from what point of view? -- Well, because it is - it epitomises creativity and Black development. (30)
The first paragraph there, he starts off by saying:

"there/...

"There can be no more words
but
the white gods of this black land
have decreed
that every black man
who thinks black
does black
MUST DIE!!!"

Now here the image I am getting is that of Tiro. We all know how Tiro was expelled from college for his speech at (10) graduation, during the graduation ceremony. Now that idea comes, when I read that, that idea comes up to me and then we know that he was expelled and if you now develop that, that because he was expelled, he subsequently met with his death. If he had not been expelled he would have been still at college continuing with his studies, I mean if you argue that way. And then he goes on to the second paragraph where he says:

"the jews said
an eye for an eye
a tooth for a tooth (20)
we black folks say
ten deaths for one of our dead."

Now, for a person like me who has written one message where I have eulogised Tiro and I have promised him 30 million pools of blood, immediately when this man speaks of ten deaths for one of our dead, I already understand what is at the back of his mind, that is here you have got the same African traditional setting, that is when you have a leader, you have - when a leader dies you kill along with him, you put to death, if I may use that, a number of his henchmen or supporters, as his (30) retinue.

But/...

But now when did that custom cease? -- The custom ceased
- well, how do you say - it is not put into use.

For how long has it not been put into use now? -- Well,
then that goes far back now. One has to go far back now into
the days of when we first had a taste of colonialism.

So did they have this sort of custom in colonial days?
-- No, no, no, you are missing the point. I am saying when
colonialism invaded us in South Africa, the custom was stopped
because with the advent of colonialism it meant the destruction
of the royalty of the Black people. So much that now we (10)
do not have the chiefs nowadays, the kings that we always had
in the days of old. And then he goes on saying:

"they have finally killed ongopotse
dismembered
disembowelled
the freedom fighter of our time
blasted him into eternity
with their cowardly weapons
filled him with shrapnel
and powder in quest (20)
for a national suicide of black people."

Here the author gives a dramatic account of how Tiro met with
his death. It is just a graphic account of how Tiro met with
his death and this type of language where about 'disembowelled,
dismembered', you know one came across it even in the press
reports at the time. In fact, the influence to the type of
writing came from the press mainly as people who went there and
got the reports from Botswana. Now to attend to this fourth
paragraph:

"to weep is a waste (30)
of glorious time

time/...

time to grab arms
and aim them at"

(intervenes)

While we are busy on this, it would probably save repetition. Now the evidence is that this verse was read out and every time the audience had to, well, speak the refrain "Must Die". Now why would you have the refrain "Must Die" at the end of this paragraph that you are dealing with? -- Oh, here, this one, this very one?

Yes. I am just taking it at random. -- I mean I (10)
am trying to look at it there.

"their cowardly weapons
filled him with shrapnel
and powder in quest
for a national suicide of black people.
MUST DIE."

If I may start by explaining that to me this, the very last sentences I have read, what they mean to me, the impression I get from there is that those who killed Tiro, they killed Tiro with the hope, because Tiro was a national figure, (20)
so they killed him with the hope that because we would not be having a leader, then there would be a situation of disarray among the Black people and you will find the author introducing there the element of a national suicide of Black people. Now there would be disarray of Black people and thereafter the Black people - they have done that because they want that we must die.

No, I do not think the refrain is 'we must die', it is just 'must die'. -- I do not know. I think it was 'we must die'. I am subject to correction there, but I thought it was (30)
'we must die'.

MR/...

MR PITMAN: May I just ask you, in this first paragraph, the first stanza of that, it says - who does it say must die in the first stanza? -- Anyone .. (intervenes)

Just read it. Who does it say must die? -- Well, it says that - let me just read from that other sentence:

"have decreed
that every black man
who thinks black
does black
MUST DIE!!!" (10)

Who is that referring to? Who must die there? -- Anyone who thinks black, who does black, any Black man who thinks black and does black he must die.

Is there any reason in that poem to think that in the subsequent stanzas it suddenly changes to Whites? -- No, I hardly find any reference to Whites there. My first impressions when I read this, actually I was just about to come to this paragraph where there seems to be contention about it referring to Whites, the one that talks about weeping.

Yes, very well, go on to that one, the fourth stanza. (20)
-- Witness reads:

"weep is a waste
of glorious time
time to grab arms
and aim them at
the blue-eyed enemy
lurking in the bushes."

I would like to point out here that my first impressions when I looked at these words 'the blue-eyed enemy' I then immediately had a mercenary in mind. I immediately had an assassin (30)
in mind who may not necessarily be White, because one talks of
the/...

the blue-eyed boy and when you talk of the blue-eyed boy, you talk of a favourite who is not likely to fail. Now here the 'blue-eyed enemy' as I said, I am thinking of mercenaries, you hire mercenaries simply for the reason that they are professionals in the art of killing, so if you hire him you know that he is not going to fail. That is the sense I get from this paragraph.

BY THE COURT: Just repeat that. I was reading this particular paragraph and I think I missed what you said. -- What I was saying here is that when I read this paragraph, the first (10) impression I got was that the author here seems to be talking about a mercenary and an assassin.

Why do you say that? -- I am saying that because here the words he has used here, he talks about 'the blue-eyed enemy' and I am saying that blue-eyed is used, as I understand it to mean like you talk of a blue-eyed boy.

A favourite. -- As a favourite.

But now where does the mercenary come in? -- To stress that definition of blue-eyed as a favourite. A favourite is not likely to fail. Now I am saying the mercenary comes (20) in here where he was hired to execute the death on Tiro and he did not fail. He was a favourite with whoever appointed him to execute the final blow that killed Tiro.

You are then saying that here the poet literally meant that this mercenary should be killed? -- Oh, yes, he ^{says} ~~sais~~

".. grab arms
and aim them at
the blue-eyed enemy
lurking in the bushes."

Then the audience must say 'must die'. -- You see, (30)
about that issue of 'must die', I cannot talk much, I cannot
commit/...

commit myself to it because I looked at the poem as it is now standing.

The poem was written for a particular purpose evidently and it was read out and the audience was involved by having to say at the end of each stanza 'must die, must die'. I am trying to find out what sense it makes, what it intended. -- Well, as I was talking about the assassin, the mercenary who has been hired, well, he must die because he killed Tiro, but what I was refuting was that it does not refer to Whites as such, that they must be the ones who die. The assassin (10) for all intents and purposes may have been Black and we do not condone any killing between Black and Black simply because we are against killing between Black and White.

MR PITMAN: As you suggest, there has been a suggestion that blue-eyed enemy means White people. What do you say about the hyphen between 'blue' and 'eyed'? -- Well, the hyphen here, I do not know if it is of any significance, but I think if you talk of 'blue-eyed' .. (intervenes)

BY THE COURT: That 'blue-eyed' doesn't that make it an adjective? -- Well, it does make it that. (20)

It makes the combination an adjective. -- Yes, that is correct, but what I am saying is that when you read it there now, you read it in an adjectival sense, that is the blue-eyed enemy and as I used blue-eyed boy, the favourite, the blue-eyed enemy. Now when you talk about blue eyes, you do not have to put a hyphen, you just put the two words 'blue eyes'.

MR PITMAN: And if you are talking about a blue-eyed boy, what is your understanding? -- Well, it normally comes in this form of expression, a blue-eyed, with a hyphen connecting the two words. (30)

Yes, go on. -- We are then now in this other stanza, the
poet/...

poet now talks about God. He goes into the category of what I may call the poet who - the poets or people rather who talk of a just war. They use God to justify their involvement in any war situation, as this paragraph says here:

"God up above
in his immaculate
white suit
and robes that
conceal our consciousness
has also decreed (10)
that we must now KILL!"

That is not the end of the sentence, is it? Have you got the second page? -- Oh, ja.

"that we must now KILL
those men who sat down
plotted
put batteries, powder and
springs and steel together
to snuff out the life of a black warrior
have little cause to rejoice." (20)

I think it explains itself here as the follow up of that, that the people who must be killed are those who sat - the assassins must be killed. And now there is mystery about who the assassins are and therefore one cannot really - I cannot find any justification for saying that this is a call to kill Whites.

BY THE COURT: Is this the correct construction of what you have read out? Isn't there an exclamation mark after 'KILL'? -- Yes, there is.

Now who has little cause to rejoice in that whole (30)
stanza? -- Oh, it is those who put batteries - 'plotted put
batteries/...

batteries, powder and springs and steel together'.

Well then that is a new sentence, a new clause. -- I do not know. Well, I may end it up there and say that well, here he talks about - he talks like those people who talk of a just war, who use God to justify their involvement in conflict.

Doesn't it mean that God has decreed that we must now kill and those who have done the mischief, they have little cause to rejoice? -- Yes. It just ties up as I have explained it.

MR PITMAN: Are there any more comments you wish to add (10) to that? -- Well, then there is the eulogy again and then an ode now, cast like an ode verse:

"we don't weep
we rejoice in that
we know that now
as it is
and in some weird
and unprecedented moment
tiro's death will be avenged
his wounds (20)
his parent's wounds
his brothers' wounds
his lover's wounds
shall be solved
by a million corpses
of the enemy."

Now here is one now who - well, he talks about 'a million corpses of the enemy' as opposed to what I have said earlier on that - well, I was talking about the million pools of blood of the Black people, the subject of Tiro as a leader. (30)

Now what is for us now to establish here, is left for us

to/...

to establish here, is who the enemy is and I think it comes out clearly who the enemy is here. It is those who killed Tiro; the assassins who plotted, who sent him the parcel bomb, that is the enemy. Now enemy has to be seen in that context here. It does not have to be dissociated from this and then connected with some other use of the word 'enemy' in another page or another paragraph or of any other document. So one cannot come and draw inferences between the enemy used here and enemy used in another document.

Having dealt with that document, go on to Mr Harry (10) Singh's trip overseas. -- Ja.

Now who is the person who is, according to the constitution, empowered to raise funds for BPC? -- According to the constitution only the national organiser is empowered to do fund raising on behalf of the Black People's Convention, but now at an executive meeting early in 1974, that is a BPC executive meeting, we decided there to pool our resources and to assist the national organiser with fund raising. The president was then at that meeting empowered to coordinate the individual efforts of the individual members of the executive. (20)

Who was the president? -- The president at that time was Reverend Tshenuwani Farisani.

Did the president tell you anything about who would raise money? -- At some stage later, after that meeting, the president informed me that we would be having someone going to fund raise on our behalf overseas.

Yes? -- And then at yet a later stage there was to be an executive meeting in Durban and unfortunately I did not attend that executive meeting, there was a service at home, so I could not attend. The president returned and reported to me (30) what transpired at the meeting, that the man had returned from overseas/...

overseas and that the PRO ... (intervenes)

MR REES: I would object to this unless a proper foundation is laid. This is merely hearsay or it may even be, this relating to him in their private capacities. If my Learned Friend wants it in, he must lay the proper foundation for its admissibility.

MR PITMAN: Did you receive some money through the post? -- The president said I should expect to receive money from the PRO in Durban.

Just tell us, did you receive money? -- Well, I received money which was supposedly from overseas which was (10) fund raised from overseas.

How much did you receive approximately? -- Well, the money was in two lots. It was approximately plus or minus R400. And the rest of the money, I do not know if I can illustrate this, but the president made me to understand that it was left with the PRO to use for the buying of the BPC machine, printing machine.

Do you know who the money came to you from? That is, who actually sent you the money? -- Overseas?

No, no. (20)

BY THE COURT: Didn't we have evidence on this already? Didn't we have evidence on this already? I think Colin Jeffries also comes in. Didn't somebody was supposed to buy the duplicating machine. -- We may have evidence, but that is one side of the story.

Yes, but what is the relevance of the other side of the story? -- The relevance of the other side of the story is that I was aware that somebody was going overseas to fund raise on behalf of BPC, and as a member of the executive, I was aware that money was received and this I did receive and as a (30) member of the executive I was aware that some of the money was being/...

being used for the buying of the printing machine. Now the evidence that was being canvassed, that is really where this evidence comes in, is that there was some nebulous supreme command which was manipulating BPC in 1974. I think that is where the relevance of my evidence comes in.

You say there was a supreme command? -- Alleged.

Alleged. Yes? -- So I am pointing out that I was aware of someone going overseas and someone having fund raised on behalf of BPC and coming with the money and I received money and I knew that part of the money which we received (10) was being used for the printing machine.

MR PITMAN: What I want to come to is this, that before anything was done, after you had received the money, what happened to you?

MR REES: He was asked another question as to who did he receive the money from. He hasn't answered that question yet. -- Ja, I received the money from the PRO, Rev Cooper, through the post.

MR PITMAN: Now, after you received the money, let us go on to the next question then, after you had received the money? (20)

BY THE COURT: Well, they bought a machine, yes, what happened further? -- Well, just to explain further is that what would have happened then just on that point of money, it was a money order, it was sent by money order. So I sent a note enquiring saying that explain further as to how you are going to utilise the rest of the money, whether it would be enough. So now, there is the PRO's reply, sent a reply that well, he will be sending a comprehensive report as to how the whole money will be used, has been used, if ever it has been utilised and so the question that I was asked was to highlight the fact (30) that unfortunately we were arrested before the executive had

met/...

met and compiled a composite executive report for congress. So that is why now the Court will be burdened with all the allegations by the State, because as I said it is one side of the story. You will not have a concrete way of us putting to the Court. So as it is there is not a composite executive report for the executive of 1974, which would have answered a lot of questions which I am trying to answer in my evidence.

MR PITMAN: You say you were arrested before you could .. -- We were arrested, yes.

Now, can we go on to deal with the raid on, there (10) was the State evidence about the raid on your national offices by the Security Police. Now, to your knowledge, where was the first raid, the earliest raid? -- The earliest raids, to my knowledge, were in 1973, it was on the ^{2nd} 2nd June, 1973. The secretary-general then, who was Siphon Buthelezi, and the national organiser, Mosibudi Mangena, were taken ~~up~~ on that day when the raids were conducted.

MR REES: Is this hearsay evidence or is he talking of his personal involvement or not?

BY THE COURT: Do you know all about this personally? (20)

MR PITMAN: Or through Siphon Buthelezi? Just explain to His Lordship. -- As BPC member, the raids were to a BPC office and Siphon Buthelezi was taken in .. (intervenes)

MR REES: That still does not show whether it is hearsay or direct knowledge.

BY THE COURT: Did you miss him at the office after that date? -- Well, we missed him.

MR PITMAN: Let us just relax a minute. Were you at the offices at all of the BPC? -- I was not .. (intervenes)

I am talking about during - not on the precise day. (30) Were you at those offices during early 1973? -- Oh, yes, I used/...

used to frequent the offices as a member of the Tembisa branch. At times I would go for whatever messages were from head office. We did not rely on the mailing system for correspondence most of the time so I would - I used to do stints between Tembisa and the office to collect the mail.

It does not seem to be disputed by the State, but was it common knowledge that Sipho Buthelezi was detained? -- Ja.

MR REES: No, my Learned Friend makes the wrong statement. I am asking him to observe the rules of evidence and if he does not know them he should buy a book and go and study (10) them.

BY THE COURT: If there are things which are really common cause why should we waste time about going into detail in order to show how he acquired his knowledge?

MR REES: It may well be relevant, I do not know. He has not taken me into his confidence of what the purpose of this evidence is. If it is merely to get before this Court matters of which this witness in fact does not know, then if there is any point in getting it before the Court, he can discuss it and we can shorten the proceedings. But all this is just wasting (20) the Court's time.

BY THE COURT: But shouldn't he be allowed to lead whatever is really common cause and won't you then indicate to him what is not common cause so that he, when he goes into detail?

MR REES: I do not even know whether these things occurred or whether they did not occur. I do not know whether it is common cause or not. I do not know .. (intervenes)

BY THE COURT: There is a lot of evidence that Sipho was restricted.

MR REES: Oh, no doubt about that. (30)

BY THE COURT: And I do not think he is in the country anymore if/...

if I remember the evidence correctly.

MR REES: He was restricted and yes, no doubt he will deal with his leaving of the country.

LAUGHTER

MR PITMAN: I want to say that my Learned Friend accuses me of not knowing the rules of evidence. All those cases where just you relate narrative to come to the point, relating earlier narrative to come to a point. However, maybe perhaps it might be better. Would it be a suitable time to adjourn.

THE COURT ADJOURNS FOR TEA. THE COURT RESUMES. (10)

ZITHULELE NYANGANA ABSALOM CINDI: still under oath:

MR PITMAN: Before we go on, I ask to raise one matter which I do in terms of my request. The position is the accused, of course, as your Lordship knows, ^{have} ~~has~~ been in prison a very long time and has been in court a very long time, they are unable to see visitors because they can see them only in jail on Tuesdays and Thursdays and of course they are in court. The practice has been up to now that during the short adjournment they used to stay in court and they were allowed to talk to people who were family in the audience among the (20) spectators. Apparently from yesterday they have to go down and they are not allowed to see visitors downstairs, so they do not see any of their family at all and they asked whether - I did speak to the new colonel about it and he mentioned that if the judge pronounced or spoke about it, it might influence him, but he had this difficulty that the policemen had to go and have their own tea in the short adjournment. Anyway, I raise the matter because it does seem that having been here a long time, it is unfortunate that they cannot ever see or talk to their family. It is the one opportunity (30) that they would be able to have if it were possible.

BY/...

BY THE COURT: Well, it is a matter in which I cannot really interfere because it is a matter which falls within the jurisdiction of the colonel who has to organise for the security here, but I can only make the request that he tries to organise his affairs so that they can be sort of left here to speak to their people.

FURTHER EXAMINATION BY MR PITMAN: Let us first go on to the time that you were administrative assistant of BPC from when to when? -- From August, 1973, I was appointed by the secretary-general then, Siphso Buthelezi. (10)

From that time did you work in the offices of BPC? -- I worked in the offices.

Now, while you were there, were there any raids by the police? -- While I was the administrative assistant, there were raids by the Security Police. They confiscated some documents and they took them away to John Vorster Square and they subsequently returned those documents. That was the first raid while I was administrative assistant. Then they raided again some time in October/November and then in that instance they took me along to John Vorster Square, (20) together with some of the documents and some of the posters. Some of the posters had poems, I think it is BPC T.2 and T.3. The one speaks about Africa, the other one speaks about Black consciousness.

Just before you go on to those, were many documents taken? -- Quite a number of documents were taken.

And were many returned? -- They were returned again.

Would you just look at these photostats of newspaper reports. Do you recall these newspaper reports? -- Ja, I recall these. Just before I deal with these, I was just (30) on that last raid in 1973. When I was taken to John Vorster Square/...

Square, I was then later charged for a pass offence in one of the offices there because John Vorster houses all the divisions of the police force. Then in 1974 when I was the secretary-general, the first raid to our offices was on the 13th May and this report I recognise it as being a coverage of the raid through our offices during that time.

Is that the report headed "New police raid of BPC Office"?
-- Yes, and I think this report also elucidates the fact - I mean the last paragraph of that report there, says here:

"The offices were last raided in August (10)
last year when Miss Nomsisi Kraai, the
typiste, was arrested and subsequently
acquitted on a charge of being in
Johannesburg illegally."

I ought to add that I was also present during that raid when they now arrested our typist, Nomsisi Kraai.

Look at the third page that says 'S.B. returns BPC goods'.
-- Yes.

Do you recall them being returned? -- Yes, I recall them being returned. This was a follow-up to this report on (20) the 14th. That is when they took these documents. Now you can see there:

"The Security Branch police who on
Monday raided the offices of the BPC
yesterday returned articles they had
confiscated during the raid."

Now to explain this other press cutting B that is, now, when I got to Compol - I beg your pardon - to John Vorster Square, I was interrogated about a certain pamphlet which was talking about the lion's tour. At that time there was a lion's (30) tour in the country.

Is/...

Is that a British rugby team? -- I should think so. And then I denied any knowledge of that document and I also as the report says here, well, I denied that that document emanates from the Black People's Convention. The document was allegedly posted from Durban and it had a Johannesburg address. Then BPC B.1 - no, rather, not B.

I think we are going to call these, if we may, SSS. Yes? -- This was also another report of another raid to the offices. Well, this time they did not take any documents during this raid on D.1. (10)

On D.1 and D.2. -- And D.2. They just came there to the offices and, well, they said things they wanted to see, my travel document and things like that and then here - well, you see, the Rand Daily Mail has two sections of its readership. It has got the Black section and the White section. So this was for the White section.

Which is this? -- It elaborates on ^{the raid.} aid(?). Now, what I want to say here is that it is surprising that some of these documents which are now before this Court, can be said to be terroristic, because during all these raids the police (20) confiscated the documents, they had a look at them and they returned them. Now I do not know what element of terrorism was introduced into the documents or was it simply because we pledged solidarity with Frelimo that now the documents tend to be terroristic. Because one of the exhibits, that is BPC T.2 and T.3 we had posters of those poems on the wall, as I pointed out they were on Black consciousness and another one was on Africa.

Let me just look at those documents.

BY THE COURT: These documents, these reports where they (30) refer to you and what you have said, do they reflect it correctly/...

correctly? -- About what I said?

These press reports, SSS. -- Yes, they reflect what I said.
MR PITMAN:

Just look at BPC T.2 and BPC T.3.

BY THE COURT: You say these you had on the wall? Of the offices or what? -- We had posters. The secretary-general then, that is Sipho Buthelezi, had asked someone to copy these onto the posters and they were on the walls together with other posters we had in the office there and there was this one on Black consciousness and the other one on Africa. Well, I will give my comments later on these documents. (10)

MR PITMAN: When you were there and the police came and raided each time, did they tell you why they were raiding? -- Well, they always came under the pretext that they were investigating a crime and then they would, you know, ransack the office as it were, take whatever documents they came across, they would take it to John Vorster Square and look at it and then return it. Well, my opinion was that there was no crime there, because since they returned the documents.

Were you ever told by them what the crime was? -- Well, one of the crimes that was alleged was that I was raising (20) funds for ^{NKOTSOELL} ~~Mobutse~~ Motsau who had been convicted then, I was raising funds for him and the charge was allegedly to be fraud and it never saw the light of day, that charge, it was just a hazy charge as it were. I think in one of the reports they highlight that issue.

Now, will you go on to deal with the 6th General Students - I am sorry, the 6th General Students Council that was held in July, 1974. Were you present at that meeting? -- Yes, I did attend that meeting as my name is reflected on the minutes there. (30)

Would you look through SASO N.1. Have you got SASO N.1 before/...

before you? -- Yes.

Are those the minutes of that meeting? -- Yes, these are the minutes of the meeting and on page 2 on top here, my name appears there under 'representatives of other organisations'.

Is that where the minutes themselves start and the next page is a 2. -- Hmm.

Yes. -- Well, it just says that I was a representative from the Black People's Convention.

How did it come about that you attended that? -- Oh, well, we had got - we had received an invitation from SASO to (10) attend and so I was mandated by the president to attend on behalf of BPC. Unfortunately due to a tight schedule at the office I did not attend the whole session of this GSC. I attended on two evenings and on the last day of the GSC there I attended the full session. And I think I may have served on a commission, either the sport or the religion commission on that day.

But otherwise were your activities in a sense nil or what were they? -- Well, my attendance was rather sporadic at this congress, if not irregular, because as I pointed (20) out, it was two evenings and only the last day did I attend the full session, the day of the election.

Now, would you go on now to deal with one of the incidents in the charge-sheet alleged - in the indictment alleged particularly against you, that is an incident in July, 1974, involving one Sipho Buthelezi and the border or so-called border incident or Botswana incident? -- Yes. Some time in July, 1974, I had left the BPC offices, rather I had left the offices of the Black People's Convention and went to the offices of the Black Community Program in Braamfontein. Well, we (30) did not have a telephone, so we normally went to the BCP offices/...

offices to make telephone calls. It was on one of those days when I had gone there to the BCP Offices in Diaconia House when I met Reverend Mayathula. He was in the company of the witness Mr Seoka. They were both at the time ~~starting to be~~ ^{Studying to be} ~~starting to be~~ ^{Priests} ~~crisp~~. When Rev. Mayathula came to us we were in the office, we were having a chat with, I think, Aubrey, because it was at his office where I normally phoned.

Who is Aubrey? -- Aubrey Mokwena. So Rev. Mayathula came to me and he informed me that Siphos was around and he was on that very night on his way to Botswana and he said that (10) Siphos said that he would love to see me. Then he said well, Siphos wanted to appraise me of the office situation as he had been my predecessor as the secretary-general. So we then drove to Soweto with Rev. Mayathula, Mr Seoka and myself and then we picked up Siphos. Well, the gentlemen, that is those I have mentioned, were keen on going to Botswana, so we did not have enough time to chat with Siphos. So I then said - I offered to go on a ride with him.

On a ride. -- On a drive, on a ride with him. So we left Rev. Mayathula at his home and we drove off to Botswana. (20) Now I ought to add here that when Rev. Mayathula said that Siphos would be leaving then for Botswana and they would be passing Zeerust, so an opportunity presented itself because I had an assignment to meet with the late Tiro's mother. During my evidence earlier I had pointed out that we had attended a family commemoration service, '~~imatsidiso~~' ^{Kematsidiso}. So there she indicated to me that she was impressed by the tombstone we had built for Mthuli Shezi. So she wanted me to bring the layout and assist her actually, let me say, in getting that thing. So when Rev. Mayathula said they would be leaving (30) for Botswana, I saw the opportunity presenting itself also that/...

that I would be touching Tiro's place. So then I drove with Siphoh, Mr Seoka for Botswana. We drove overnight and the following morning when we got to Dinokana, that is Tiro's place, unfortunately because the people did not expect me there, there was nobody at home, they had gone to another village. So then I had to wait for Seoka who had to drive Siphoh to the border. Siphoh then told Seoka that rather he wished Seoka should go to Botswana first to contact Harry there.

Harry who? -- Harry Nengwekulu and tell him that Siphoh is on his way to Botswana, he would love Harry to assist (10) him in obtaining refugee status. So then Mr Seoka drove to Botswana, he went and he came back after some time. He told us that Harry had said that he cannot be of any help to Siphoh in that regard, Siphoh should see to finish.

See? -- See to finish, I mean, he should see what he can do about that. So there is nothing he could do.

He must see to himself? -- He must see to himself. Then Siphoh went into the bush and we drove back to Johannesburg.

Now, can we deal with the National Council meeting and the SEMICON held at Hammanskraal at the end of August, (20) 1974? The document that is relative to that is BPC 0.1. While they are getting that document for you, would you just deal with the witness Bawa's evidence in regard to that? Do you recall what his evidence was? -- Ja, his evidence was that there was a Black Youth Commission at this SEMICON. Well, that is a lie, that is not a true reflection of what happened at the SEMICON as can be seen even on the program here. There is nothing suggesting a commission on Black youth.

Are you referring to page 3 of BPC 0.1? -- Ja, what actually took place there is that on page 3, on the (30) 2nd September, 1974, Mr Mosiuoa Lekota had to deliver a paper on/...

on youthful aspirations.

Who is that? -- That is accused No. 3. So during this SEMICON, the SEMICON was arranged for generally general members of BPC and members of the public. Then at the same time when the SEMICON was being held, we were holding our 6th national council meeting, 6th BPC national council meeting. So I naturally attended the national council meeting as a member of the executive and the SEMICON I attended - sections of the SEMICON I attended were only when there were reports back of the commission. (10)

Of the commission. -- And not not a single because there was not a commission on youth that reported on that day.

Did you attend any commission at all? -- No, I did not attend any commission sittings at all. There was also a paper delivered there by ^{CESSLER} Mr Gethla Nkondo. I think it was on Black education or something. So I will be dealing now with the national council meeting proper.

That national council meeting there, was that the 4th national council meeting? -- No, it was the 6th.

Would you look at this document .. (intervenues) (20)

BY THE COURT: Before you do that, what do you say about these introductory words of this particular program? -- Ja, well, ..

Who prepared this program? -- The program was prepared by the national organiser, Nkwenkwe Nkomo, who is accused No. 5.

What does the introduction mean? -- Well, I can only talk about the impressions I get here. I think he will be more in a position to explain the meaning. Here he is talking, this is the typical language ^{he} /normally uses. I think evidence before the Court is that he is a lay-preacher. So whenever he has to, as a man ^{I've worked at the} ~~of words~~ with ~~other~~ office, I have known (30) him that he has that propensity to start his documents, you know/...

know, in a Biblical sense.

Yes, well, let us see whether - what Biblical sense we get out of this. -- Let us start there:

"Time has come, time is ripe and time is NOW for the Black-man to break the chains and seize the power which he for centuries has been denied."

Now here is played on the sense of urgency and at the same time he has played on the BPC motif of breaking the chains. Right.

And - (10)

".. seize the power which he for centuries has been denied."

Now the power which the Black man has been denied is the power to be able to decide his destiny. Then he says:

"In the absence of power, the Black man lost his heritage which no doubt is his precious land, his birthright, his citizenship, his liberty and his wealth."

That sums up the meaning in short of this because now when you come now later you will read about - (20)

"This should now be regarded as the "time of trials".."

I am not so much well versed in Biblical terms, but something strikes in my mind that he might be referring to persecution of Christians during the olden days. Time .. (intervenes)

MR PITMAN: .. is the 40 days, isn't that the 40 days in the wilderness? -- Well, it may just be that.

".. through which the Almighty's chosen children had to go in order to be tested, tried, tempted and purged of unrighteousness so as to enter the promised land." (30)

BY/...

BY THE COURT: Is that 40 days in the wilderness or 40 years in the desert? -- Well, he will answer you on that, I mean the 'time of trials', he understands it better, but I mean, as I said now, there is a Biblical imagery now, he talks about our land which has been taken away, our heritage and then he juxtaposes it with the promised land in the Biblical days, the land of Canaan. So now he sees that if we have our land, then we will be able to restore all this that we have been denied: our citizenship, our liberty and our wealth. Then he talks about: (10)

"The re-awakening in the Black nation indicates that it is not possible to be liberated BUT it is INEVITABLE hence the call to seize the power."

Here the reawakening may be a reference to the current philosophy of the Black people that is Black consciousness. They have re-awoken to the fact that they must seize the power, they must decide now their destinies and he brings now the element of inevitability, that it is something inevitable that the people would get their power, they will be able to (20) decide their destiny.

"The burning issue of "THE INEVITABLE LIBERATION BY SEIZURE OF POWER" is long overdue therefore there is need to act, NOW or NEVER."

Then you see now he put that sentence. Now if you have a stereotype mind, you will really now think that it is call for action to take up arms or anything, whereas that sentence is developed by the next sentence where he says now:

"A seminar-conference will be held (30)
whereby a mandate will be sought from
the/...

the Black people. Every Black-man,
butcher, baker, or candlestick maker
who accepts the challenge should attend
to voice his say."

Now, as I pointed out, the SEMICON was meant for the general public so that we should get the thought processes that are going on at the time in the minds of the people and so there he even goes to show that everyone is invited, nobody would be discriminated against.

MR PITMAN: What is the action he actually calls for (10)
there in that last sentence? -- Last?

That last sentence you read. -- 'Every Black-man'?

Yes. -- He calls for everybody to attend.

To voice his say. -- Oh, yes, to attend and voice his say.

Now he tells us how a person was going to voice his say in the last sentence where he says:

"As the semicon is the Black people's
thing every participant will sit in a
commission. Every participant will put
forth his idea. Come in all your numbers. (20)
March in multitudes ye beautiful Blacks."

This is one of his beautiful works, you know, using - he is adroit at taking a Biblical image, juxtaposing it to the present situation. Unfortunately we never had an opportunity to lay hands on some of his documents which he had written. While on the SEMICON and the national council meeting, I would like to point out here that there was nothing sinister about the fact that now members of the public were not allowed to attend the national council meeting. It is simply that it was how it had to function that only the chairmen of (30)
branches or their deputies or confirmed convenors, including
the/...

the national executive of the time, could attend national council meetings. So therefore since Bawa was just an ordinary member, he could not be allowed to attend the national council meeting. I would like to refer the Court to minutes of the 4th national council meeting whereat we made an amendment to the structure of the national council meeting.

Those minutes you refer to, certain minutes have been passed up to you - could the top one go to the witness?

BY THE COURT: Have they not yet been handed in?

MR PITMAN: No, they haven't. You are talking about the (10) 6th national council? -- 4th.

Oh, sorry. Now are you looking at the minutes of the 4th national? -- Yes.

I think that should be TTT. -- Yes, actually I would refer the Court to the resolution on page 6.

Just before you do that. Are these the minutes of the 4th national council meeting? -- Yes, these are the minutes.

Were you present? -- I was present there, my name I think appears there.

Yes, now you want to refer to? -- I want to refer (20) to the resolution that amended the structure of the national council meeting.

Where does that appear? -- Resolution N.C.2/74 on page 6.

The reason you are referring to this is that there was State evidence in regard to this, wasn't there? -- In regard to - there was some insinuation made to the fact that Bawa did not attend the national council meeting and the SEMICON because he was excluded and some secrets were to be discussed. I mean, if you remember the whole turn of the evidence on the SEMICON there is some insinuation of sinister things having taken (30) place from the committee right up to .. (intervenes)

Behind/...

Behind closed doors, yes. -- Behind closed doors.

Yes? -- So I would like - may I read this?

Yes. -- Witness reads:

"That this council noting the lack of fully-fledged BFC branches in the Black community and that the rigid rules with regards to the constitution of the National Councils cannot be implemented because of this lack of branches;

Therefore resolves (10)

that the constitution of the National Council be amended to consist of:

1. The National Executive Committee Branch Chairmen or their deputies and confirmed convenors from the different cells and/or areas."

I moved that and accused No. 5 seconded it. Now this is the resolution that governed the structure of the national council meeting.

Just to be clear about this, this document that you (20) are now handing in, is a document that you found, is it? -- It is in one of the bound volumes.

That was presented to us initially that was not put in as exhibits. -- It was not put in as an exhibit. And if I may just - I think there may have been an issue raised about the newsletter, if the Court will bear with me. No, it was not in these minutes. Probably the 5th national council meeting, the minutes. What I am trying to point out is that ...

(intervenes)

BY THE COURT: I am not quite sure how you relate this (30)

evidence to Bawa's evidence. Bawa did say that the convention went/...

went into committee at some stage and all the people had to leave at this council meeting. How does this refute Bawa's evidence? -- Which one is the Court referring to?

The resolution which provides for the amendment of the constitution. -- The essence of Bawa's evidence, as I pointed out, is that there is nothing sinister in the fact that he was excluded from proceedings of the national council meeting.

You want to make the point that only .. -- Only these people ... (inaudible - both speaking simultaneously)

Because it is a procedural process that excluded (10) him. -- Yes. Not that there was anything sinister. I mean, if the Court remembers, there was some insinuation there was a sinister dark area about the whole trip to the SEMICON and the SEMICON as such.

MR PITMAN: Are you saying that this was passed in March, 1974?
-- Yes.

That the SEMICON and national council meeting which was held together at the same place in August, 1974, that was the one that Bawa went to. By the time he got there, you had already resolved that the national council meeting would (20) be held consisting only of the people set out in this resolution? -- Yes.

I hand in that EXHIBIT TTT. Can we now deal with the 6th national council - have you got that before you, the minutes of the 6th national council? -- Yes, I have got these.

Are those the minutes of the 6th national council meeting? Which you have before you? -- Yes, these are the minutes of the 6th national council. They were compiled by me.

On page 3 there is some yellow marking made that did not appear on those minutes at that time. Is that so? -- No. (30)

It was put on subsequently. -- It was put on subsequently.

It/...

It will be UUU. Now you were present at this meeting and you compiled the minutes. -- I compiled the minutes.

Have you some comments you would like to make on that? -- Ja, a comment I would like, love to make here is with regards to Harry Singh's evidence about Mr Mehlo Makhulu. I think we contested the fact that Mr Mehlo Makhulu had been expelled at that national council meeting. What happened is that Mr Mehlo Makhulu elected to resign from the movement.

Just before you go on, just to get it all clear, is the position that Harry Singh's evidence, the effect of his (10) evidence was that Mr Mehlo Makhulu was expelled from the organisation? -- Yes.

That is what his evidence was. -- Yes.

Now what in fact happened and then we will refer to the minutes. -- Well, what happened is that - well, it was a long drawn out issue, this Mr Mehlo Makhulu issue. The burden of complaint against him was that he had issued a press statement and he was a member of a branch, the BPC Johannesburg Central Branch. Now that was contrary to policy. Branches are not entitled or empowered to issue press statements. So when (20) Mr Mehlo Makhulu issued a press statement and it was on a contentious issue, that was foreign investments, so he was taken to task by his branch and he was suspended and that communication, that was communicated to congress whereat we were elected as - I was elected as the secretary-general. So now, the following year we took up this issue to find out actually what was the matter there, but we could not get down with Mr Mehlo Makhulu to sort the whole thing out until he showed up at the SEMICON. Then we called him in to the national council meeting so that he could answer this (30) allegation.

And/...

And this national council meeting is the one that you have the minutes of before you now. -- I have the minutes.

Yes? -- Well, when he got in, he admitted that he had violated BPC policy, that is now the policy that no branches should issue press statements and secondly he contended that he had been misquoted by the press. Then now the national council meeting then decided that well, what would be fitting then would be for you to - the movement sought ^{redress} ~~regret~~ from him and how he was going to go about it, he was going to issue another press statement countering what the press had (10) reported as being his statement. So he refused to comply with that and he said that that would tarnish his reputation. He then elected to resign and then the council meeting told him that he should submit his membership card and write a formal letter of resignation to the head office.

Do the minutes say that he elected to resign? -- Yes. I think the (b) paragraph there.

Page 3, is that so?

BY THE COURT: It is a third of the page down. -- Yes, the third page, that is - (20)

"The secretary-general (that is myself) announced the presence of Mr Makhulu *Mehlomakhulu* and the council agreed to afford him the liberty of defending himself. He admitted violating BPC policy but refused to abide by the decision of the national council with regard to the violation of policy because he felt this would be an embarrassment upon his personality. He then elected to resign from BPC and the (30) council pointed out that this then meant that/...

that the decision taken by the branch on him as reported at the last national congress would stand. Correspondence between him and the national offices was read to the council meeting and he was instructed to submit his membership card to the national offices forthwith."

MR PITMAN: I hand that document in. At this same national council meeting was anything raised by the Rev. Mayathula and Harry Singh regarding a certain circular letter? -- (10)
Yes. Rev. Mayathula produced a circular I had written to the branches. The circular was entitled 'system on the attack'. The top page of the - the top part of the third page from which I have just read, has it there:

"The circular on 'system on the attack' was to be discussed later."

Now that is the circular I am referring to.

Would you like to look at something I hand to you? --
Rev. Mayathula raised the issue about that circular I had sent, that is the 'system on the attack'. The circular was (20)
about the raids I have already spoken about, that is at the offices in May, 1974, where I was taken to John Vorster Square. Amongst other things I was assaulted and asked to append my signature to a list of names of the executive. So Rev. Mayathula made an issue that oh, well, they give you a few claps and you give them the names. So he felt I was a security risk for the movement. He said if a few claps are going to make me do that. Then also Harry Singh produced another letter I had written to the PRO. It was informing the PRO about this same raid to the offices. (30)

Will you just look at this? -- Ja, he produced that - also
he/...

he produced that letter to support Rev. Mayathula. Then the issue was discussed and well, it was held that I should be suspended from the movement. Well, I ought to add that there were other complaints against me, namely that - rather mainly that I had not carried my duties out fully, I had not presented a comprehensive financial report to that national council meeting. So it was felt that I should be suspended until congress.

And that is what happened? -- Well, that is what happened. I was suspended. (10)

Did the Rev. Mayathula make any other remarks? -- Well, he did make some remarks, one of his usual remarks, particularly which he directed to me, that well, Cindi, young man, you are not of the ilk for the office, you go to the front lines, something to that effect.

What was the reaction to that remark? -- Well, others laughed. I mean, he was - it is the normal usual type of language you find in the Black community of an elderly person when he talks to you like one thing, you do not have to show that you are feeling cold in the presence of elderly (20) people. ^{You are} I dismissed ~~it~~ with contempt - 'ibhobhodleyana elibulawa amakhaza' you know, that type of thing.

Now, can we then pass on to the regional formation school at Turfloop on the 22nd September, is that right? -- Yes.

1974. -- Yes.

Now, the witness Ledwaba gave some evidence in this connection. -- Ja, well, I agree with what Ledwaba said that I was not in his commission where he was the scribe. Also I agree with Kekana, I was not in his commission wherein he was the scribe. But now the State sought an admission from (30) us, I think it now forms part of an exhibit.

Which/...

Which you made? -- Which we made that well, I was a scribe to one of the commissions and that commission being namely the social, economic and political alternative. I think that is what the title of the commission was. Well, I took down notes there and the State as it had alleged before withdrawing the charges, that I took down notes of one of the commissions, it is in fact referring to that - to those minutes.

Would you just look at this SASO 0.1. Have you got SASO Q1.
-- Yes, I have got it.

Are your pages numbered there on the right-hand side? (10)
-- No, unfortunately not.

I think it is about page 12. -- I will look for it. Ja.

What is the heading? -- Social, Economic and Political Alternatives.

Whose writing is that? -- Well, this is my - this is in my handwriting the whole report here.

Yes, go on. -- I think the commission, this speaks for itself that well, of what transpired at the commission. Enunciated here are points that were raised by the commission, as the first sentence says here: (20)

"The commission realising that the social, economic and political aspects of our lives are intertwined, agrees to delve into the political aspect."

I think without going into too much detail on this aspect, could you just make clear the points that you make? Unless you want to go into - I mean, unless you think it is necessary to ...

-- No, well, I am just making the point that well, these minutes were taken down by me.

What you are saying is that that is the commission (30) you were at and you were scribe at that commission. -- Yes.

That/...

That is your handwriting. -- That is my handwriting.

And the commission on Bantustans which appears earlier and forms the subject matter of count 4, the one that Kekana spoke about? -- Well, that one, may I just say here that there were two commissions on Bantustans. There was this one by Kekana which forms the subject matter of count 4 which was withdrawn against us. I did not participate in that one, neither did I participate in the other one where Ledwaba was the scribe.

Yes. You are saying that you only participated (10)
in the one which is in your handwriting? -- Yes.

BY THE COURT: But were you not to write a report on Black communalism, that is the commission of No. 6? -- Could I have that question again?

Were you not requested to write a report on Black communalism, that is the commission which was I think presided over by No. 6 accused? -- Oh, he was a participant there. He was the commissioner, if I may call him that. Actually, what I was told to go and re-do was to produce this. What I had done there, I had written the report in point form. (20)
Political, having points. Then I was told that I should write this and make it as comprehensive as it is right now in a narrative form. So I went back and re-wrote this and I produced this, this is the final product.

You had to write a report on notes that you had? -- On notes.

Who gave you the notes? -- I kept the notes. There was a lady who was supposed to be the scribe and then she handed over to me to take down the notes.

So was Black communalism part of this social, (30)
economic and political alternative? -- Yes. If I may just
talk/...

talk about Black communalism. Well, there we are faced with the difficulty, well, I mean I am not faced, but one of the problems that were raised there in the commission was that most people felt that Black communalism is a philosophy that pertains to the rural areas as it were and, you know, discussion evolved around that and that can be seen here I think in one of the sentences here. In the middle of the page there, towards the lower part of it, towards the bottom there, in the last paragraph, the 4th line:

"It was stated that communalism is a (10)
phenomenon peculiar to Blacks and it
manifests itself in the urban areas in
the form of stokvels ..."

That was just to make an over-simplified example.

Stokvels? -- Stokvels, well, we did not know the exact word there.

Well, stokvel is the word they use. -- Stokvel.

But a stokvel is a beer party. -- No, no, we are not referring to the beer party. We have - you see, I contended it was a stock-fare. (20)

That is where you sell cattle. -- Now, implying that, you see what happens in the townships which is something they practice now is that mothers of the location they get together and they agree that look, this month, we work on a monthly basis, we will pool our resources, our money, then go and buy groceries for a particular family. Then the following month, you know, it goes to the next family, just like that. Those are the stock-fares we were referring to.

A stokvel as I know it is that .. -- Yes, well, there is that .. (intervenes) (30)

... they decide to have a party this week and then they
are/...

are entitled to keep all the revenue from that party and then the next time it is the other beer queen's opportunity to have the stokvel and then she is entitled to all the revenue. -- Ja, well, that is when you have introduced now the element of liquor there.

But that is a stokvel in ... -- .. (intervenes - both speaking simultaneously)

... the Zulu areas the stokvel is a place where there is just a party. -- Let me put it this way: the principle there, involved there is that you must help your neighbour. You (10) know the needs of your family or of your neighbour at that time. So you must help them to meet their needs. Therefore now you start this sharing on a rota basis as it were. Now we start at Ma Dhlamini. There is Ma Dhlamini, Ma Nkosi, Ma Gobese, Ma Ndlovu, let us take four. Now these three must contribute about R10 each a month, right, that makes R30. Then they will buy groceries with R30 for Ma Dhlamini. Then Ma Dhlamini for one month will have groceries which will cover her for the next three months when she is called upon to donate R10 towards that. Now that is the principle (20) involved. Now, it has developed. People now others introduce the element of having to sell liquor and then they drink.... (intervenes)

You also have that sort of principle in the throw-over. You take your salary and you throw it over to me this month, so then I have the benefit of your salary and my salary. Next month I throw over to you again, then you have the benefit. And you can have 4 or 5 people. So that enables you to have a little capital. -- Yes, now that is now the element of communalism, of sharing. Because you come to the plight (30) of your neighbour, your brother or whoever may be - your colleague/...

colleague, you come to his plight.

Mutual assistance. -- Mutual assistance, because he may be having furniture accounts commitments and if he cannot meet and it is even more helpful during the days of the H.P. scheme.

But stokvel, I doubt whether it is the right word because I know, we have already - we wondered where the word came from. We thought it probably came from stock fair because ^{at} stock fairs they also usually have a bit of a party after the sale. -- Well, as I point out there was even a controversy in that commission, as you can see, stock-fair was scratched out (10) and stokvels was written in, but the principle remains the same. The terminology may differ from time to time and the manner of practice how you go about the stokvel but the principle remains the same.

MR PITMAN: Now, I am going to the narrative part of your evidence. There are certain allegations against you by the State in regard to certain documents. Now some of them have already been dealt with by you, but the one I would like to draw your attention to that you have not dealt with is BPC F.1. The allegation of the State is that the whole of this (20) document constitutes a threat of violent means. I am not sure whether this should be F.1 or BPC F.1. -- Well, I had a look at that. There is an error there. The State has written it as BPC F.1. BPC F.1 is a letter by Siphso Buthelezi. That one is GENERAL F.1 which was written by me.

I think that is correct. I have it in my record as F.1.

BY THE COURT: It should be GENERAL F.1.

MR PITMAN: Let me withdraw what I said and say this: we refer to document F.1 now. Could that be handed to the accused?

BY THE COURT: Was that prepared by you? -- Yes, this (30) was prepared by me.

For/...

For what purpose? -- This was a circular letter that was sent to branches in early 1974. Initially this was a response to a press article which had said that members of the executive were elected in secret at the second annual congress. Well, now, this circular sets out to annul and eliminate that argument that there was - that the executive was elected in secret. If I may read to clarify the point there. The second paragraph:

"I wish to annul all allegations that were propounded by the ever antagonistic White press about our national executive being elected in secret and also that it is a secret executive. The truth is that the executive was elected in public during an open session at the close of congress. It was pointed out to the reporter present that there would be no press coverage of the proceedings of congress as such, but that press statements would be issued from time to time during proceedings by the PRO." (10) (20)

Then also, you see, that report had also said that BPC does not want - is not keen to have teachers as their members or hold executive positions. So I went on further down there in the same paragraph:

"I further wish to annul the allegations that they were excluded from proceedings because they were teachers. We do not accept people into the movement (that is BPC) on the basis of their academic qualifications, but only if they comply with our ideals, aspirations, goals and/..." (30)

and principles. This can be confirmed by the fact that our former president, Mrs. Kgwane and Sipho Buthelezi, were teachers until they were obliged to serve on the first BPC executive. Even among our members we have teachers."

Then now there I announced the national executive that was elected then.

As a matter of interest, Mrs Kgwane, is she the wife (10) of the new rector of the university? -- Yes. Then there I talk about... (intervenes)

MR PITMAN: Is there anything else of significance in that document? Either against you or for you? -- Well, it is not against me; it is for me all the way.

Can we then go on to BPC K.1? The State connects you with this document and it has been put that it is relevant to your alleged conspiracy against the State. -- Yes.

What is it? Is it a letter from you? -- This is a draft copy which was intended to be a blueprint for circular (20) letters for fund raising. I must say here that contrary to what the State tried to lead evidence from the bar about this being sent ~~over since~~ ^{overseas}, this was never sent over. This was just a copy of a letter, a copy which I was later to use as a blueprint for fund raising. It never saw the light of day.

Would you just look at the first page about halfway down where you say in that letter:

"They have done this through their two political organisations, viz., the African Nationalist Congress and the (30) Pan-Africanist Congress."

-- Yes/...

-- Yes.

Is that in any sense eulogising those in your view? --
No, no, not at all. Actually this is a historical account.
It is putting the movement into a historic perspective. If
I may just add here, when you talk of the Black struggle in
South Africa, you would not be talking about the Black struggle
if you excluded to make mention of the two organisations,
because they occupy a certain moment in time in the history
of our struggle. So here it is just a factual account that
people ^{expressed} ~~express~~ their aspirations through the two (10)
organisations before these organisations were banned and I
am just stating it as it was there:

"They have done this through their two
political Organisations, viz., the
African Nationalist Congress and the Pan-
Africanist Congress."

When I wrote this, I did not write this with any intention of
eulogising them, as I have told you. Here, as it stands, it
is just a question of putting them into history, into perspective
- historical perspective. (20)

Page 2. I see the bulk of page 2 is devoted to
community development schemes such as literacy, workshops,
trade unions, etc. -- Oh, yes. Now, here I am elucidating
what BPC would be doing for the year, what BPC is all about
and point out clearly there:

"Our major aim is to engage in community
development schemes through projects,
with a view to conscientising Black
people politically."

Well, I think the term 'conscientisation' has been (30)
explained to the Court.

Yes/...

Yes. Is there anything in that letter that you feel requires answering a reply in regard to the allegation of a conspiracy? Is there anything you want to answer in that letter? -- Well, I do not think there is anything here.

THE COURT ADJOURNS.

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