

MR SHUN CHETTY

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

Vol 87

CASE NO: 18/75/254

DATE: 10TH MAY 1976

THE STATE

vs

S. COOPER AND EIGHT OTHERS

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VOLUME 87

PAGES 4951 - 4997

LUBBE RECORDINGS (PRETORIA)

COURT RESUMES:

AUBREY MOKOAPE, STILL UNDER OATH:

CROSS-EXAMINATION BY MR. REES CONTINUED: Doctor, you said that if you had the vote you would be able to organise this party out of existence or out of their power position. How would you set about it, what would you tell the people to get them to vote for you or your party?

COURT: Well they must first give him the vote before he can give you that reply.

MR. REES: That is what I said, M'lord.--- Well first of all I would emphasise on the commonness of all the people in South Africa, and that we should have a uniform law governing all the people in the country, a uniform education, uniform housing facilities, land ownership facilities, I would abolish things like the Pass Laws, I would abolish all the discriminatory measures that exist in this country, and I am sure if the Nationalist Party continued with the policy that it is continuing with it would lose, because the people would vote for commonness in South Africa, I think all the people in South Africa want to live together and to share in the prosperity of the country.

You see you will have to do a lot of persuading?  
--- Well I do not think there would be much persuading because I think the Nationalist Party has discredited itself in the minds of people generally.

Now, Doctor, since when have you been practising in Natal as a doctor, or have you been practising at all, or were you doing your internship there? --- I was doing my internship at the hospital.

And / ...

And where all did you do duty, you have already told us King Edward VIII hospital? --- That is correct, in Durban.

Now where all did they use your services? --- You mean in what department was I working? I was working in the Department of Surgery.

Was that only at King Edward hospital as such? --- At King Edward Hospital.

Did you ever go and work anywhere else? --- No.

Did they ever send you anywhere else? --- Well I 10  
have worked on occasions when I was a student at hospitals.

Where all did you work?--- Charles Johnson Memorial Hospital.

Where is that? --- In Zululand.

Is that where Dr. Barker was? --- That is correct.

And where else? --- I have worked a bit at the Jane First Hospital in Middelburg.

I am just interested in Natal, where else just in Natal? --- No, I have not worked anywhere else.

Didn't they send you out to any clinics? --- No, I 20  
was not working in the clinics. The entire arrangement there is centralised.

Now when you say you were on intake what does that mean? --- Intake means ..(Court intervenes)

COURT: You admitted patients? --- We are admitting patients, the ward in which I am working is admitting patients, and therefore I worked continuously.

MR. REES: What are the main causes of people going to hospital on Saturdays and Sundays in King Edward VIII? --- On Saturdays and Sundays? 30

Yes / ...

Yes? --- Well I do not think one can give a general answer to that kind of thing, but in the department in which I was working, the department of surgery, the major cause of admissions over weekends are accidents.

Accidents, what kind of accidents? --- That is people assaulting each other, motor car accidents, that category of ..(Mr. Rees intervenes)

The point I want to get at is over the weekends there appears to be an upsurge of people attacking one another especially with knives, isn't that so? --- That is quite true. 10

And I want to suggest that people react this way and attack one another because they are highly sensitive and their feelings are easily hurt? --- Yes, but I think one has got to look at that kind of question rather deeper. Most doctors agree that the cause of that kind of thing are a poor social economic conditions in which the people live, because the people are crowded in the ghettos, they are under paid ..(Mr. Rees intervenes) 20

What is a ghetto? --- A ghetto is a township, I think the word comes from the Jewish ghettos in the last World War where the Jews were set aside as it were from the rest of the community and they had to live in this and frequently these areas were slum areas with very poor facilities. It is an area where people are set aside to live apart from the rest of the community.

Now you say the people in the townships, the point of the matter is they get together over the weekends, their feelings get hurt very quickly and they hurt one another / ... 3

another with knives and knobsticks and assegais?

--- Yes, but as I say the problem is a socio-economic one, it is not as if the people are inherently or genetically emotional, it is a question of where you put people under pressure in conditions which are not conducive to good relations.

Now you take the Msinga border areas? --- That is correct.

Well, there the people have been settling their disputes with the assegai, as far as I know the history for the last hundred years, and they are still settling it with the assegai almost every weekend, isn't that so?

--- Well I do not know about it being almost every weekend, but there I think also one has to try and look at the root causes of this thing, I do not think one can just make a statement generally like that. I mean men all over the world take to arms at some time or another, and it is not the people of Msinga who stand out, they are not unique. When people ..(Mr. Rees intervenes)

I am not trying to suggest they are unique, the point is that people when they have grievances, they settle them with violence? --- Not necessarily, when people have grievances they do not necessarily settle them by violent means, I think people settle their grievances by violent means when they think there is no alternative, when they have lost all hope of attaining redress in a normal fashion. And I think this is a characteristic of men all over the world, it has nothing to do whatsoever with race.

Now you see these fights between the Pondos and

the / ...

the Zulus on a large scale in the Harding area during the sixties, when the Zulus tried to chase the Pondos right out of the area, do you know anything about that? --- Well I am aware that there are some faction fights in the Harding area, but I am not very well acquainted with their root causes. But again there I must point out that there must be root causes and it is nothing to do with race. The English and the Afrikaners fought in this country and they fought a very tough war, and today they are living together. 10

Yes, but now the point I just want to get from you here, the root causes were I suggest to you that the Zulus said: these Pondos have got no right there, the Pondos must go over the Umzimkulu, and the Zulus are entitled to the northern part and so they chased them with assegais and killed them? --- Well I do not know what amount of information you have on that, I am not quite au fait with that kind of thing, but I would like to suggest that many of these faction fights which take place in the rural areas result from the policies of this government, where this government has reduced the amount of land that Black people have in the rural areas thereby tending to cram up these rural areas and to make people fight over the little space that they have. 20

That is the point, so when people believe that their rights are infringed, they take drastic measures to reassert their rights, not so? --- Not always, not always, I think you must be clear. We must be careful of not making generalisations, people will take up arms when they feel that there is no hope to their problems being solved. 30

Now / ...

Now dealing with these Sharpeville commemoration services, how many of these did you attend? --- Oh, I attended quite a few at the Alan Taylor residence.

Now we will talk of these in which SASO and BPC were concerned, and I just want to get a few general ideas clear. First of all basically the Sharpeville incident started off in consequence of a Pan-African Congress campaign against the party, is that correct? --- That is correct.

Now in essence the people, large numbers of people gathered and then marched to the police station, or went to the police station? --- Large numbers of people gathered at the various police stations. 10

Have you any idea of how many marched to this police station at Sharpeville? --- At Sharpeville there were about 10 000 to 15 000 people.

And have you any idea as to how large this police station was, is it a small place or is it a very big place? --- No, I do know the Sharpeville police station, it is a small place. 20

So that in fact those policemen there could not arrest and handle thousands of people? --- Well I suppose so, but I do not think the campaign really was intended to have these people arrested, as it was intended to show in a most graphic way to the government that people do not want passes.

No, but the point we are making is - the point I am making there is that so far as the policemen on the ground there are concerned, you have got a large number of people coming along to this police station and saying: 3

arrest / ...

arrest us, we are not carrying passes, that is the crux of it isn't it? --- PAUSE

And If I understand you correctly, that is clearly they were seeking confrontation with the authorities? --- Well it depends how you use the word confrontation there.

Would you like to substitute another word?

--- They were engaged in a passive campaign, against a law they did not want and they just wanted to be arrested.

Was it a demonstration? --- It was not a demonstration, I think in demonstrations people do not ask to be arrested.

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Well what are you doing then, you go to the man aren't you confronting him with a purpose then and saying: we are not carrying passes, the next move is yours, isn't that in effect what they are saying? --- Well I am prepared to concede that, it is a form of confrontation, I am prepared to concede that, yes.

Right. Now this particular form of confrontation led to the death of a large number of people on this day at Sharpeville? --- That is correct.

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And you - SASO and BPC see this as part of the struggle for liberation? --- It was without doubt part of the struggle for liberation of Black people.

Now, why do you say that? --- Well let us put it this way, SASO and BPC are by no means the first Black organisations in this country that have attempted to bring to the fore the need for human treatment for Black people. The struggle for Black people's rights began long before some of us were born..(Mr. Rees intervenes)

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No / ...



No, let us not go too far back or too far forward, just confine yourself to this particular Sharpeville attitude, why do you say that is part of the struggle for liberation? --- It is because, Mr. Rees, the entire thing is continuing ..(Mr. Rees intervenes)

I appreciate that. --- And this is just one episode out of an entire interconnected link by Black people trying to attain rights in this country where they are refused these rights.

I follow you. --- And Sharpeville happens to be one 10 which is - it sticks out because there a number of people died, it is an important historical event.

Because of the death of these people? --- An important historical event in the history of Black people.

Now these people are represented by SASO and BPC essentially as heroes who had the courage of their convictions and acted accordingly, is that right? --- They are represented as heroes in as much as all the other Black people who have been involved in the struggle for liberation are heroes, and they are heroes because they 20 attempted in their way to bring into focus the pernicious laws in this country.

I understand that, but what I am interested in is with these people there is at these Sharpeville commemoration services it is represented to the people that the Sharpeville people had the courage of their convictions, and they acted according to those convictions? --- That is correct ..(Mr. Rees intervenes)

That is the message that is contained in all Sharpeville services? --- Yes, but what is important - that 30

is / ...

is not the only message that is contained there, what is important here is that we recognise the indomitability of the human spirit, that where people are oppressed they attempt in whatever way to overcome that oppression, and in this particular case at Sharpeville, it took this form.

Now are not these commemoration services, these Sharpeville services, also aimed at acting as a reminder to the Blacks that they must be prepared, like the people in Sharpeville, to suffer and make sacrifices in furtherance of this struggle for liberation? --- Yes, one could say that one of the purposes of Sharpeville is to instil inspiration into the Black people, that the road is still long but we have to get there because we need liberation.

And in fact the ultimate aim is to bring to an end this system of government? --- To bring to an end oppression.

Of this system of government, because you say the two are so interlinked you cannot separate the system of government from the oppression? --- Well when you say system of government then you must be using it too loosely, it is not as if we do not want a government per se, nor is it as if we do not want representatives speaking for the people and all that, it is the system of government that is oppressing Black people.

That is the present system of government? --- In a manner of speaking, in a manner of speaking.

Well, you must express yourself clearly, either you want to bring it to an end or you want to change it

completely / ...

completely as you said? --- We want to change oppression, we want to eliminate oppression.

Now in the context, and I appreciate why, the Sharpeville episode was something that stems from the activities of PAC? --- That is correct.

Now as a matter of course or in general people like Nelson Mandela, Walter Sizulu, Robert Mbeke, Abram Fischer, are all described or referred to as persons who were also prepared to take risks and to pay the price in this struggle for freedom? --- Just go over those names again, because I do not think we have ever talked about Bram Fischer. 10

Right, Nelson Mandela - do you want me to name them all or one at a time? --- Please name them all.

Nelson Mandela, Walter Sizulu, Robert Mbeke, Bram Fischer ..(witness intervenes) --- Excuse me is it not Govan Mbeke?

Yes, Govan Mbeke, okay, that is enough to start with - Govan, a very dignified old gentleman, Govan Mbeke, or have you not seen him? --- No, I do not know him personally. 20

All right, those people they are referred to or described as people who were also prepared to take risks and pay the price in the struggle for freedom? --- Once again that is something that you have got to take in its context, like I said the Black struggle for liberation in this country is very old indeed ..(Mr. Rees intervenes)

No, look, I do not want ..(witness intervenes) --- It is important because it is not as if those people are singled out just like that, the Black heroes of this 3

struggle / ...

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struggle / ...

struggle begin much further back than this, people like Tembo Jabavu, the Reverend Dube, Walter Gibusane, all these are heroes of the Black struggle..(Mr. Rees intervenes)

There are also others, but I want to confine this question to these particular people? --- Yes, but I think it is important that we have it in context, these may tend to get mentioned more frequently because first of all they are contemporary, and secondly because they have been made to suffer ..(Mr. Rees intervenes)

Well the point really I want to get at is that these people are also referred to as heroes and as persons who were prepared to take the risks and pay the price in the cause of the liberation movement? --- They were heroes of the Black struggle, their methodology is something else, but they are recognised for the fact that they stood up for Black people.

Yes, these services, these Sharpeville commemoration services also are used to remind the people or the Blacks that the government subjects the Blacks to violence and aggression as a matter of course? --- They are not meant to remind Black people about that, because Black people know that more than anyone can ever remind them, Black people experience this thing first hand, but in speaking at such a function one may refer to this kind of thing.

I would just like to get this clear, you say they are not meant to remind them but you refer to this type of thing? --- They are not meant to remind them, but you speak about this thing because it is common cause.

Does it not then tend to remind Black people?

It / ...

--- It is common cause, Black people have never forgotten that they are oppressed.

I do not quite follow then, anyway you say these things are just common cause, it is not intended to remind them? --- No.

All right. Is it intended to remind Black people that the country is ruled by a cruel police force? --- It is neither intended to remind them of that but it is something that may be spoken of, but Black people know that also.

Would you say it is correct or would you support the statement that was made at such a place that Whites are generally motivated by fear in their actions towards the Blacks? --- Well, I do not think so, I think they probably are motivated by a desire to hold onto privilege.

Not fear? --- There may be an element of fear in the upper echelons of power in this country amongst Whites.

What is the privilege that the Whites want to hold onto? --- The right to decide for Black people.

That is a very doubtful privilege isn't it? --- It is a doubtful privilege indeed, but it is a privilege that the White superstructure clings to.

And would you say that at these meetings the Whites are represented as a community who are inclined to react violently to any threats or imagined threat to their security? --- No, Blacks are not reminded of that at these meetings. In the course of the event such a thing may be mentioned.

Well do you say Blacks are well aware of that?

Blacks / ...

--- Blacks are well aware of that.

Is that what you believe? --- This is what I know.

That Whites as a community are inclined to react violently to any threat to their security? --- Well really it is not a question of Whites as a community there, I think the reference would be better levelled at the police.

But the police as representing the White community? --- As representing the White superstructure, as representing the government.

And then you say the Whites approve of this, at these meetings you represent, you say the Whites or the policemen, we do something the superstructure or the Whites act or react violently, is that so? --- That is right.

If the government chooses to suppress the people violently and deny them elementary rights of humanity, do you believe that the time will come when there will be an uprising against such a government? --- Well if that government persists and persists along that course indefinitely, and if the people who are being so oppressed perceive no hope whatsoever of redress of the oppression, then it is quite a likelihood that they may erupt. But if you take for instance this government, in recent years there is a tendency to be sensitive to Black feeling.

Now, if you have a look at EXHIBIT SASO B.1, you will see all the sentiments I have just been putting to you are in fact gleaned from what was said in SASO B.1? --- Well it might not have been the major sentiments, it might be the peripheral sentiments, I don't know, we will see

Now / ...

Now, I want to refer you specifically to Nengwenkulu's speech, pages 25 to 35, I take it you have in preparing your evidence, you have read and gone through the SASO B.1 document? --- It is page?

No, the page starts at 22 but I am asking you a general question, in preparing to give evidence, preparing your case, did you go through and make a study of this document SASO B.1? --- Well I have read it.

You have read it? --- Correct.

What if anything do you want to say about Nengwenkulu's speech? --- Well I would say the gist of Nengwenkulu's speech was that we are living in an oppressive society, we live in a society in which there is little compassion..(Mr. Rees intervenes) 10

We can analyse the speeches, I just want to know what was - is there anything which is not in accordance with SASO or BPC policy or aims in there? --- PAUSE - In?

SASO or BPC's aims in Nengwenkulu's speech? --- Well I do not think he was in any way trying to expound SASO/BPC aims..(Mr. Rees intervenes) 20

No, I am not suggesting he was, but is there anything in conflict with it? --- Well I would not say that this is SASO/BPC's policy, this is not a document of policy, the man was just speaking at a meeting.

Yes, but you all were, you see did you in fact adopt or approve of what this man had said? --- I personally?

You personally? --- Well I had cause to talk to him after this.

Well that is what I want to know, what was there that / ... 30



that you had cause to talk to him about? --- Well, as I was saying a little earlier on, the gist of his talk was that we are living in an oppressive society, we live in a society where there is no compassion, where human life seems to be of little value, but that we should continue to fight for liberation and we should have moral fortitude - I think that is the phrase he used - but in his talking about this fact that we live in a violent society he came close somewhere at some places to saying we should also be violent, and he retracted that, and when I spoke to him later on he said well he did not mean that, as evidenced in his speech he retracted it, he did not actually mean that.

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What did he mean, I do not quite follow what you disputed with him about? --- I say he came close to saying that we should also be violent, but he retracted it in his talk. So I was worried as were many other people that this could be interpreted as meaning that Black people should be violent because the society is violent, but he said that was not his intention, and he did not think that is how he came through.

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Is that all that you objected to? --- Well there was also the question that Nengwenkulu came there, he had a prepared speech, but for reasons known best to him he decided not to speak from his prepared speech, he closed his prepared speech and spoke off the cuff and he spoke for hours and hours on end - well, not really hours, but he spoke for a very long time, he took more time than he had been allocated at that meeting. As you can see from the document here his speech covers a lot of pages, and it

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is / ...

is repetitive and you can see the man is just allowing his thoughts to run away with him.

You see you spoke very shortly after he did?

--- That is right.

You did not say anything there which was not in fact different - I'll rephrase that - everything that you said tended to support the views expressed by Nengwenkulu? --- I do not think so.

All right, let us look at it. You say at page 36, you start off and you say:

"We are here congregated on this historic day of the commemoration of the Sharpeville incident and other acts of violence against the Black people of South Africa".

Then you start introducing the motion in favour of BPC?

--- That is correct.

He spoke of violence, you are underlining it, are you not? --- Well the first thing I think let us correct that impression, I did not speak after Nengwenkulu.

No, I did not say you did, I said shortly after?

--- There were other speakers inbetween.

The only speakers - look, he stops on page 35?

--- That is right.

And he is greeted with loud applause, do you see that, his speech was greeted with loud applause? --- That is right, it is written here.

Then Keith Mokoape, that is your brother, he says:

"Ladies and gentlemen I wish to thank Nengwenkulu very much, and I ask Ayesha to give us a poem"

She then gives a poem, then he thanks her and then you

speak / ...

11  
speak, so you do speak after him, and you speak very shortly after him, correct? --- Well in a manner of speaking but I just want to point out that I did not speak directly after Nengwenkulu.

The record is clear, you spoke very shortly after him and you then said:

"We are here congregated on this historic day of the commemoration of the Sharpeville incident and other acts of violence against .. etcetera"

Then you start off at the bottom of that page 36 and you say:

"Brothers and sisters, most of you present here this afternoon which by your cheering and applause are doing your duty"

in other words you also are approving of the applause which his speech had reacted? --- I am afraid that is tenuous, that is rather tenuous, because a lot of people had spoken at this meeting, and there had been cheering and applause throughout this meeting for various speakers, and I was merely paraphrasing and saying : Black people you have done your duty by coming here.

Right, then you carry on and you say:

"I believe the only way and the best way by which we can pay tribute to our brothers and sisters who fell in Sharpeville, Langa .. -

well, you read it.

--- "...who fell in Sharpeville, Langa, Vanderbijl Park, our brothers and sisters who fell in the mines in 19 - PAUSE - I think it ought to be 1917 - PAUSE You think it may be 1917? --- I think so but I

may / ...

may be wrong here - anyway let us leave it as it is -

".... and sisters who were ....INAUDIBLE... in Namibia, and all those who are suffering today, the best way to pay tribute to them is by working and working towards liberation, because they were fighting for our liberation. The hands of the White man are dripping with blood, Ladies and Gentlemen, and the onus is on us to do something about it".

Just pause there a minute, now are you not just 10  
amplifying what Nengwenkulu has said? --- I am not  
amplifying ..(Mr. Rees intervenes)

"The White man's hands are dripping with blood"  
--- I am not amplifying what Nengwenkulu has said at all,  
I am merely saying on my own steam that there have been  
lots of acts of violence against Black people, and that  
Black people need to come together under the aegis of  
BPC to ..(Mr. Rees intervenes)

Well carry on with what you say there, you say 20  
"the White man's hands are dripping with blood, Ladies  
and Gentlemen, and the onus is on us, the onus is on us  
to do something about it", carry on?

"Nobody is going to come up from here (I suppose  
it was supposed to be heaven) to liberate the  
Black people, we had better pick ourselves by  
our own shoestrings, and this chance you are  
offered by the Black People's Convention to be  
able to pick yourselves up by your shoestrings.  
The Black People's Convention is a movement which  
offers a home for all Black people, a movement 30

which / ...

which knows no Coloured, which knows no African, which knows no Indian, but it only knows Black people, because as Mr. Koka has rightly pointed out united we stand, divided we fall. I therefore appeal to you, Ladies and Gentlemen, that we should mandate those who are working toward the formation of this movement, mandate them that we are with them, that we support them fully, we grant them all the necessary assistance that they may need".

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Now, just to analyse what all this means, Doctor, you see you told us earlier on how it was not your policy in your conscientisation to say to the people: you must do this, you must do that, you put the idea there, and they will themselves know they have got to now start digging the well? --- Correct.

Now here Mr. Nengwenkulu has put the idea very clearly and you have supported him by saying "the White man's hands are dripping with blood"? --- I think you are missing the point there.

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Well tell us what it is? --- Mr. Nengwenkulu was one of several speakers at this meeting, you will notice that the ceremony was opened by the Reverend Ngidi, whose speech stands out very clearly to say that the Black people want democracy..(Mr. Rees intervenes)

All right, let us just look at how they were going to bring it about, let us look at some of these speeches in their context? --- Are we still at SASO B.1?

We are still at SASO B.1, now in SASO B.1 on page 12 - first of all on page 9, Keith Mokoape says:

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"I / ...

"I wish to reiterate at the same time on the 21st March the people who in Sharpeville felt it high time that their protest be registered physically, they were gathering like us, they had gathered in such a manner as we are doing and the very very opposite measure to which we are subjected. They felt and they felt it high time, they were innocent like you and I, they were young, they were old, they were women, they were men, and they marched on the police station Sharpeville: no reference books, they said, this is the book of my oppression today, I don't have it, arrest me"

Then he continues a little lower down:

"We need the courage to do what they have done" - that is now an incitement to action, is it not? --- I say definitely not, definitely not.

"We need the courage to do what they have done"? --- What the man is trying to say here is that those Black people were fighting against oppression, and what we Black people should do is instil ourselves with the confidence to fight against oppression. There is no suggestion whatsoever that we should do exactly what they have done. I think there we will be missing the point entirely if we say that, entirely, entirely.

I said this is an incitement to action, I am not - I did not say to do exactly what they did? --- Well let us get what kind of action, the kind of action that is talked about in most of the instances would be: let us join BPC, let us join SASO. The action that we see as

bringing / ...

bringing about the result we are looking forward to, is our coming together.

Yes but now you see, the sense in which you want them to come together, this man Sewpersadh on page 12, he says: (referring to Sharpeville)

"It was an event that brought into sharpened focus the untold .. (witness intervenes)

--- Where are you reading please?

I am reading the second sentence of his speech.

"It was an event that brought into sharpened focus the untold suffering that is being inflicted on Black people of this country since the advent of the White man" -

I skip the rest and then he says -

"Cruelty of the massacre of Sharpeville is a cruel reminder that the cause of Black liberation can not emerge victorious without suffering and sacrifice on the part of the Black people"

he is stressing the fact that the Blacks have suffered and that they cannot, they cannot achieve their goal without further suffering and sacrifice, is that not so?

--- I think that is quite evident, I think any man involved in any liberation struggle will know and must know that it entails suffering and sacrifice and service and in whatever fashion that particular service may come, but it does entail - pause - because if you take for instance us, the fact that we have been arrested, we are paying the sacrifice because believing in the liberation of Black people. Some other will also. Even Gatsha Buthelezi gets harassed I think by the government, one of his

representatives / ...

representatives was travelling in the plane and was taken by the police for questioning because he had ..(Mr. Rees intervenes)

According to newspaper reports? --- That is according to newspaper reports.

Yes but you cannot go on newspaper reports, have you not learnt that yet? --- No, no, no, I do not think we can say that, the best way that you can put it is that one must read between the lines when you read newspaper stories (LAUGHTER) but you cannot dismiss newspapers altogether.

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All right, let us just get back to this point here, you see this man Sewpersadh goes on and he says at the bottom of the page:

"The people went on to take risks and braving all sorts of dangers in their efforts to bring to an end a system of government that is an open shame to the concept of man"

do you get that? --- I get the point - perhaps you could help me, my copy here hasn't got everything, you know.

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No, look there are those few dots? --- This one has got more dots.

That is right, I said it probably means "the people went on taking risks and braving all sorts of dangers in their .... to bring to an end a system of government that is an open shame to the concept of man" - and I interpolated the word "efforts" there, it cannot be anything else, that is the crux of it? --- He is making a submission here that this system of government is an open shame to the concept of man, and it is a mere submission, it is a

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submission / ...



submission that I would agree with.

I know, I know that. --- Yes.

You see the point I am busy making with you is this, clarifying with you is this, the message contained here is that the Blacks have been met with violence in their struggle, and I am suggesting to you that the net effect of this is to suggest to the Blacks exactly as you suggested with this digging of the well, you are just planting the idea in their minds, they themselves will come with the solution, you are constantly repeating to them: you are being treated with violence, you are being treated with violence, this is a vile system of government, you must get rid of this system of government, they will know where to dig the well, how to dig the well? --- I think it is a farfetched logic, it is quite farfetched, because let us start here maybe to give you a little background, first of all Mr. Sewpersadh is neither a member of SASO nor of BPC as far as I know, and secondly, I think when people are engaged in a liberation struggle it is just normal that they should refer to their history and even if people are not engaged in a liberatory struggle they still refer to their history as was pointed out by someone, the Afrikaners still refer to Dingaan's day, and they are not doing so because they want to show up the Zulus as hostile people, at least so I hope. The Israelis hold commemoration services for their people who were killed in the concentration camps, and perhaps also which is most important here with regard to us is that Black people in this country have no documented history, in fact there is a tendency in this country not to regard

Black / ...

Black people as having history. If I pick up an orthodox South African history textbook, there is very little there that is said about Black people, except where they are mentioned as marauders, stock thieves and all such things, which shows them only as being unworthy of being human beings. So what we are trying to do amongst other things is to write a history for Black people, and it is a history we cannot deny, we must write it for our posterity.

You see, I want to suggest to you that Whites are also referred to as marauders and stock thieves, but when we catch them they are put in gaol? --- Well they have referred to us as such in history textbooks which we read at school and which some of our children are reading even today, and they are supposed to answer questions saying that Black people were marauders and stock thieves.

You mean certain Black people, not all Black people, certain Black people were marauders and stock thieves. Are you suggesting that there were not marauders and stock thieves among the Blacks? --- Well but the line that one gets from reading the history books is that the Black people were primarily engaged in that kind of activity. I do not know if you have read anyone of these Bantu Education history textbooks, that is the line they give you.

I do not know, well, you say so. But you see let us get back here to what you were talking about, page 13, I am talking just about the feeling of this meeting. You see we had a little difference just now as to the naming

of / ...

of Bram Fischer - now you will recollect the question I put to you - on page 13, it is again Mr. Sewpersadh who says:

"Today a million or so Blacks of this country these people stand out as men and women who were prepared to take risks and pay the price for holding fast to their beliefs. The names of people like Nelson Mandela, Walter Sizulu, Robert Mbeke, Bram Fischer and others have enshrined themselves in our hearts for their ...INAUDIBLE.. of the police and their dedication ..INAUDIBLE..

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--- Well I see Mr. Sewpersadh is said there to have mentioned Bram Fischer, but as I said Mr. Sewpersadh is neither a member of SASO nor of BPC, and I do not think SASO/BPC had any control whatsoever over what he was saying. Of course one has to point out that this meeting also was a meeting of the SRC of the University of Natal, not a meeting of SASO.

You were using this meeting, you were using this meeting in order to further the aims of BPC, that is the use you made of it? --- Well I was not using the meeting, I think that term may be unfortunate, because I asked the chairman of the meeting who was my brother Keith Mokoape if I could not move a motion for BPC, at the time I was in the ad hoc committee for BPC, and he was SRC chairman for the University of Natal Black section, so I asked him if I could do this and he agreed. So it was not as if I was using this thing surreptitiously.

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Nobody is suggesting surreptitiously ..(witness intervenes / ...

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intervenes ) --- No, no, no, ..(Mr. Rees intervenes)

You were using it openly. --- The term can be interpreted unfortunately to mean that I was doing something which I ought not to have done.

All I am suggesting, Doctor, is that you used this, you used the meeting for your purpose, and what these people were saying was all in line with what you yourself approved of? --- No, I would not say I used this meeting, I would say I spoke at this meeting and asked for a mandate for BPC.

Yes, well we will not quibble about words, what you did is clearly reflected on the record ? --- Quite.

Now you see all these people you are referring to spoke before you did, are you quite clear on that?

--- Quite.

He continues on the bottom of page 13 -

"The happening of Sharpeville and the killing of thousands of our people serves only to drive home to us that it is the inevitable destiny of Black people in this country to be free"

--- That is correct, this is a historical necessity. I do not think there is any doubt about this.

COURT: Can the State rely on this particular Sharpeville commemoration meeting in the way you are relying on it, because BPC was not formed at that stage they just had an interim committee, and he made use of the opportunity just to draw their attention to the fact that there was this body being formed?

MR. REES: That is so, M'lord, the purpose of this is to show his knowledge and his intention, it shows his

personal / ...

personal knowledge and his intention. He used these facts and these are facts which he knew and which fitted in with his concept of what this organisation was going to be.

COURT: But at this stage they were only concerned with a commemoration meeting by the students of the university, and these people who expressed these sentiments, well there was no BPC in respect of which they could have expressed these sentiments, and any of the sentiments that he expressed at that stage, well, you cannot say they were expressed as a member of the BPC or a supporter of the BPC, he was merely calling the attention of the gathering to the fact that they should try and stand together and push this movement. 10

MR. REES: That is so, I am putting this to him in the context of his knowledge of cause and effect, and also with regard to his intention with regard to BPC, SASO was in existence, and this man Nengwenkulu was one of those who was on the ad hoc committee with him and Accused No. 1, and the submission - my learned friend reminds me he is also a named conspirator. 20

COURT: But that is before BPC really came onto the books, these might have been their individual views at the time, you cannot lace them onto BPC at this stage.

MR. REES: M'lord, both these people were also SASO members and supporters of SASO ..(Court intervenes)

COURT: Yes, but this was not a SASO meeting or SASO gathering, it was a students' meeting.

MR. REES: M'lord, the State has contended and will continue to contend that this was a SASO meeting, we have 3

not / ...

not contended that this was a student meeting..(Court intervenes)

COURT: There is a document which shows that already in 1967, I think, it was decided by the students I think -  
PAUSE --- That is correct.

To take cognisance of these days.

MR. REES: M'lord, my submission will be that this man showed his state of mind and his knowledge in the documents, and that what he was aware of what the purpose of this organisation was, they made common cause with his ideas, and when they acted as BPC followers, it is like forming a company, they stated what the purposes of this company was, and here one has the key to what their purposes for the future were, right at the beginning of BPC. It is in these circumstances that he proposes the motion for support for BPC, because "the White man's hands are dripping with blood" etcetera, that is why I am putting these matters to him in their context. Perhaps I can come back and we can recanvass that. You see, at the bottom of page 13 - and I would make the point, M'lord, that before I went through most of these points that I am putting to him now, I went through with this accused and he adopted all these sentiments already.

COURT: But he says they were his personal sentiments.

MR. REES: M'lord, may I point out to Your Lordship in this document, EXHIBIT N - I would like to show Your Lordship this, here the original document, here this matter is depicted as "heroes day 21st March 1972 - SASO centres throughout the country held commemoration services on heroes day - reflected here is the mood, the

determination / ...

determination, the compassion of Black people", and this appears to me to be the same matter we are talking about, may I just refer Your Lordship to the original.

COURT: What page are you referring to?

MR. REES: M'lord, it is the middle of the document, may I just hand it to Your Lordship, the original, and you will see clearly what is there depicted, and the Defence were at some pains to refer the Court to this document this morning. Am I correct, Doctor, that this is in fact the meeting that is referred to in that document? When Your Lordship has had a look at it, may the witness just be shown that original please? - PAUSE - The meeting that is referred to in that exhibit N, on this middle page that you have got open now, is that the same meeting that we are talking about now? --- Yes, but I would like to point out here with regard to these commemoration services at Alan Taylor residence, is that they were strictly the area of the respective SRCs, and even when they are referred like this as SASO centres throughout, one has got to remember that these SRCs were independent within SASO, and that the Alan Taylor residence always held its own commemoration services, under their own steam.

Yes but they were affiliated to SASO? --- They were affiliated to SASO, yes, but the commemoration as such was a University of Natal Black section commemoration.

Doesn't SASO in this document N claim parentage of that meeting? --- Well it merely says SASO centres throughout the country held commemoration services, you cannot say that everything that an SRC does belongs to

SASO / ...

SASO because an SRC is an independent body existing on a campus, it has got many functions, and because of that it is linked with SASO ..(Mr. Rees intervenes)

May I just see that document? You see "SASO centres throughout the country held commemoration services on heroes day - reflected here is the mood of the people". Now at that time Strini Moodley referred to the various centres, and the meeting we are talking of is the one at the bottom, right at the bottom where you said "Reverend Ngidi the officiating minister addressing the thousand plus crowd, the other speakers president of the Natal Indian Congress, Mr. Sewpersadh, Mr. Harry Nengwenkulu, permanent organiser of SASO, the chairman for the day was Mr. Keith Mokoape, president of the SRC at the University of Natal Black section". Now, he was also a member of SASO was he not? --- Yes, he was a member of SASO.

Yes - do you want to say something? --- The point I am trying to illustrate here is that an SRC exists independently. If SASO for instance says: at all SASO centres the students have passed this year, SASO rightly cannot claim credit for that type of thing because it is something that is happening in that campus, but SASO can represent it on behalf of those campuses.

You see, let us get back to page 15 of this document, on page 15, who is the speaker here? --- George Sewpersadh.

Still Sewpersadh. He says:

"This is nothing new in the history of the struggle for freedom. What is important to bear in mind

is / ...



is that violence and aggression in this country comes from the government -  
right on top, Doctor, right on top of page 15 -  
this is in fact exactly the same theme as SASO and BPC have consistently been purveying to all and sundry, is it not? --- It is common knowledge.

"This land was conquered by the White man by violence and aggression. It is ruled today not by the will of the people but by a cruel police force"

you say that is also common knowledge? --- Yes, that is common cause, that this country is not ruled by the will of the people, that is common cause.

And you continue also -

"It is true that the government has power to shape the country's policy, and to give it a right or a wrong turn, but if the government chooses to build its authority on the will of a small minority of people, the time comes when the vast masses of the people will arise and make their voices heard and their desires felt"

that is the sentiments of SASO and BPC is that not so?  
--- Well this merely expresses the fact that a minority government cannot rule forever against the wishes of all the people, and I do not think there is anything unusual that is being expressed here by Mr. Sewpersadh, he is expressing a common sentiment, a very common sentiment.

Yes, you see that sentiment was also expressed in the document which Accused No.1 and others were publishing in EXHIBIT G.1 and particularly at page 49 where they  
published / ...

published the view of Mr. Mtsu Mokehle, page 49, where he said:

"A war of liberation, either an open war or a guerrilla war will take place in S. Africa. No man can stand being oppressed and despised forever"

- exactly the same sentiments is it not? --- I do not think so at all.

Well explain to the Court why you don't think so? --- I think the sentiments that you have just quoted says a war of liberation, either an open war or a guerrilla will take place in South or Southern Africa - PAUSE - 10

Because? --- Because no man can stand oppressed and despised forever.

Now isn't this the same sentiment as this man expresses? --- I do not think there is any suggestion there at page 15 of SASO B.1 that there will be a guerrilla war or an open war.

But isn't the suggestion there that these people are being oppressed and despised throughout this document? --- No, no, no, but that is not the question, the difference arises from the fact that in this document General G.1 the sentiments expressed at page 49 are that there will be a guerrilla war or an open war, and there is no such suggestion in SASO B.1 at page 15. 20

What I am suggesting to you is that Mr. Mtsu Mokehle is taking this matter to its conclusion? --- As he sees it, but this gentleman here at page 15 of SASO B.1 does not say so.

This gentleman there is merely saying you people - 3

"you / ...

"you people are being oppressed and despised", that is the message he is carrying? --- Yes ..(Mr. Rees intervenes)

And Mr. Mtsu Mokehle says: "if people are oppressed and despised you are going to get a reaction"? --- Well he said there is going to be a war but this gentleman does not say so here, I do not think we are entitled to want to draw that conclusion.

COURT: But both forecast that which could be either good or bad? --- Pardon?

They both forecast which could be either good or bad? --- Yes, well the one gentleman at General is forecasting that there will be a guerrilla or an open war, the other gentleman says the people will rise and make their voices heard and their desires felt, and he does not tell us how he feels this is going to happen.

MR. REES: You see what this man says on top of page 16 of this document, that is your brother, Keith Mokoape:

"I believe that the limit of the oppressor to oppress depends a great deal to the extent in which the oppressed wish to be oppressed",  
could you explain that? --- Yes, let me just look at it. Yes, I think he is saying that in a situation where you have an oppressor and an oppressed, the oppressor will continue to oppress those that are oppressed if the oppressed do not make efforts to remove that oppression, if they for instance do not unite, if they for instance do not make their voices heard, to make certain that those who are oppressing them are aware that they dislike the situation. I think that the point comes out there.

Is it correct to say that of the accused before

the / ...

the Court, you are the most experienced in political matters? --- LAUGHTER - Well, I wouldn't say I know all the experience, but I am definitely quite experienced myself, I mean I am not a political neophyte (LAUGHTER)

Yes but I still want to know in comparison to the other accused, which of them is a political neophyte? --- I do not know, I do not know all the accused incidentally, I have just met some of them here in prison, I think I knew only Accused No.1, No.2, No.3, No.4, No.9.

Well, in comparison to that lot? --- I suppose one could say that I am more experienced than they are. 10

More experienced? --- I am older than they are.

I am also interested in your general attitude towards the Whites, I am interested in utterances in a similar matter which you made at the Alan Taylor house meeting on the 10th March 1971, now the speakers were - I am just reminding you, the speakers were Pat Coovalingham(?) Norman Middleton and you, and the chairman was Elliott Molaba, do you recall the occasion? --- 19 -?

1971, In March 1971 at this Alan Taylor residence? --- No I do not recall but I may have spoken at the Alan Taylor residence. 20

Will you just tell the Court whether this would be the type of sentiments which you expressed "that the Blacks are oppressed by the Whites", are those your sentiments? --- Yes, that Blacks are oppressed by Whites, that is correct.

Would you refer to the Whites as "pigs, bastards and criminals"? --- I do not remember ever making such a - PAUSE - 3

A generalisation / ...

A generalisation? --- A generalisation.

Did you say that the Whites in Europe were dying of hunger and then they came to this land and robbed us of our land? --- I do not think that ..(Mr. Rees intervenes)

Or words to that effect? --- I do not think that I ever uttered such words because I think that would be historically not correct.

Well, did you say the Whites were dying of hunger in Europe? --- Well even now ..(Mr. Rees intervenes) 10

No, then? --- Well I think Europe is prosperous, and I think at the beginning of the colonial period Europe was singularly prosperous, in fact colonialism was part of a move to export capital so that they could return more - get markets and bring in more money.

Would it be correct that you would say that Whites came to this country to rob the people of the country? ---I do not remember saying that.

What would you have said in that regard?

--- Speaking specifically of South Africa? 20

Of the Whites? --- In South Africa?

Yes I suppose so. --- PAUSE

MR. SOGGOT: M'lord, I wonder if my learned friend could explain exactly what he means, because the question which prefaced this was the question as to whether they had come to - I cannot remember - rob and plunder, and the witness has repudiated such a suggestion, now my learned friend wants further particulars, I am not quite sure what his question relates to.

MR. REES: The witness seemed to understand it. Did you 3  
understand / ...

understand it, you seemed about to answer when my learned friend interrupted?

COURT: I think Mr. Soggot is afraid that he might not be answering your question, that he could have misunderstood your question? --- I think you should repeat it.

MR. REES: You see, I wanted to know whether in regard to the question that the Whites came to this country to rob the Blacks, or that the Whites are robbing the Blacks in this country, now in that regard what would you have said, if anything, with reference to that theme? --- Well first of all I do not think I said such a thing, but what happened in this country is known historically, the White people came here to establish a halfway station and they fought wars of conquest and they conquered the land. 10

And then took from the Black man what was his?  
--- Well ..(Mr. Rees intervenes)

Are those sentiments expressed by you? --- Well it was a military conquest and a military conquest is a military conquest. 20

And it was obvious that there were students in the audience, and you referred to the Whites as "blood-suckers" and that the bursaries which the State had paid for you people was in fact your own money - did you have a State bursary or a bursary from Whites? --- Well I had a bursary from the State and I had a bursary from the Johannesburg City Council.

Yes, and did you regard it as being in fact money that belonged rightly to the Blacks, the Whites were not 30

doing / ...

doing you a favour? --- Well I do not think I ever expressed those sentiments, but in a general sense one could say education is viewed as an investment in the community, therefore those that are paying for the education of students are actually investing in the community because the students are an investment.

You expressed yourself very strongly about Blacks being referred to as Non-Whites, is that the type of thing that you indulge in? --- In what context was that?

Well you disapproved of Blacks being referred to as Non-Whites? --- Well I do not know what context you are referring to.

Well in any context do you object to Blacks being referred to as Non-Whites? --- I object to Blacks being referred to as Non-Whites.

Strongly? --- Well I object, I do not like it.

Now, you object to Indians being referred to as Indians? --- Well the Indian people identify themselves with the rest of the Black community in oppression in this country, and if they want to be referred to as Black people then they are Black people.

Do you object to them being referred to as Indians? --- I do not think I could object on their behalf.

Do you object to Coloureds being referred to as Coloureds? --- There too I do not think I could - I cannot object for every single one of them on his behalf.

Isn't it clear to you that when one wants to speak of a Coloured you have no other way of identifying him

than / ...

than to say that Coloured, if you want to speak of a white you say the White, and if I want to speak of a Black man, in fact I refer to people of your type isn't that so, that does not include the Indians and the Coloureds? --- No, no, when you refer to a Black man in our view you are referring to Coloureds, Africans and Indians, because it is a political definition really, it is a definition of all those people who feel together because they are excluded from the power structure in this country. .

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But that is now in SASO and BPC isn't that so?  
--- Of which I am one.

Yes, but what is your objection to the term Bantu, if you do have an objection to it, I do not know? You see Saths Cooper seemed to have a strong objection to the term Bantu? --- Well it has a political connotation, it is in the same class as the names Kaffir, Natives - spelt with a capital N - Non-European, Bantu, these are all names that we have been given by white people which we never said we wanted, and they have been associated with a certain status which we have been given by white people. And secondly with regard to the word Bantu perhaps I should point out here that there is no such thing as a Bantu race, it does not exist scientifically. There is no such thing as a Bantu race.

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Well nor is there a white race? --- Nor is there a white race, that is correct, it is a Caucasian race.

Nor is there a Black race? --- There is not a Black race but we have never spoken of a Black race, we speak of Black people.

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So / ...



So your objection is because these things have a political connotation? --- A political connotation, there is a compulsion about them, a coercion, and there is a certain status which we are assigned, as it were it is a pigeonhole for Bantu.

Right, now what about the pigeonhole for Blacks, isn't that also just a political connotation? --- Well, but - PAUSE -

As used by you? --- Yes, but I have pointed out that there is an element in these other names like Bantu, like Native - with a capital N - there is an element of coercion, that we are being named those things without our consent.

Well when you were born your mother gave you a name without your consent did she not? --- Yes.

And you are Aubrey amongst other things? --- Yes, but the point is that she has a right and White people do not have a right to give me a name.

Oh, I see? --- They do not have the right - because she is my mother - well I suppose the entire thing is connected with the attitude of race superiority, paternalism.

The fact of the matter is that you see this term Black as another unifying factor? --- Well in a way it is a kind of saying we do not want to be named by you people, because we for instance started calling men Whites I am sure they would not like it either.

Well if you call them Whites how can they object? --- Well they have called themselves White.

Or you call them Englishmen or you call them

Afrikaners / ...

Afrikaners? --- Yes but the point here I think, Mr. Rees, is that Whites have said that they are Whites, they have said that they are Europeans, they used to call themselves Europeans up to very lately, I think in the sixties, all the signs everywhere used to read "non-Europeans - Europeans", but they have now changed they call themselves White, and we call them White. And we feel that we ought to call ourselves Black, there is a certain significance in it to us, it has a significance of saying : we will call ourselves by the name which we think appropriate. 10

How do you suggest if I want to distinguish between a Zulu and an Indian, how do I set about it? --- I do not think there is any necessity to distinguish there.

Assuming there is? -- Assuming there is?

Yes? --- Well I would like to know for what reason there would be ..(Court intervenes)

COURT: But you yourself said the Black man's history is not documented and therefore there is a lot of misrepresentation about it. Well the Indian civilisation is very much older than the White civilisation? --- I am afraid the African civilisation is very much older than the White civilisation too. 20

Yes but you have got no documents to show that?

--- Well, M'lord - PAUSE -

You see the Indians probably have? --- If M'lord takes time to look into archaeological works that have been done these days one will find that the African civilisation is very old. In fact Africa ..(Court intervenes)

Well you are probably right if you include Egypt? 30

Of / ...

--- Of course Egypt is Africa, M'lord. (LAUGHTER)

Well the first university was in Egypt? --- Not only that, Africa is the cradle of man himself, I think the fossils that have been found here in this country show that the first man that ever lived lived in Africa, and in fact in South Africa here, the Darwin man found by Professor Raymond D'art in 1920, about 2 million years old.

There is a missing link? --- That is the point, M'lord, that it was here in Africa that man first began to be what he is today.

They found another skeleton in Spain, so one does not know, and I believe in Peru they found another one? --- Well I do not know of anyone that is older than the African fossil.

There is a very old one in Kenya isn't there?  
--- Yes.

Anyway we got nowhere with that little lot. (LAUGHTER)

MR. REES: Now we are back to the point again, at this meeting you are alleged to have said that although you are studying, you get the same degrees as the Whites once you are qualified they look upon you as second class doctors, would that be the type of sentiment harboured by you? --- Well I do not know if I said that there, but that is the truth, that although we study and get the same degrees we are regarded as second class doctors. In fact I think we are not allowed to treat White patients and things like that. I am personally paid about 70% of an equal of mine, 70% of his salary.

Now, would you claim that the Whites said they

civilised / ...

civilised you, but all they have done for you was to teach you to wear clothes and then to suck your blood - LAUGHTER - is that the type of sentiment you would have expressed? --- I do not remember ever expressing such a sentiment.

Is that the type of sentiment you harbour about the Whites? --- Just repeat that last bit of it.

That the Whites claim that they had civilised you but all that they had done was to teach you to wear clothes and then to suck your blood - or words to that effect, do not take me literally? --- Well I do not know about that sucking blood and so on, but there is always a lot of claims by White people that they are better civilised than Black people and that therefore because of that they should act in a supervisory capacity over Black people.

And it was suggested to me or I am told that you expressed yourself so strongly about this that you said it is not enough to shoot or burn the Whites, they must hang them up upside down so they can die slowly? -- I could never have expressed such a sentiment.

Not? --- I could never have expressed such a sentiment.

What are your sentiments about the Whites in this regard? --- In what regard?

Well, what are your general feelings about the Whites as a group? --- Well I have no particular feelings as to Whites as a group, but I do feel that Whites are treating us in a very shabby manner, I do feel that there is an absolute necessity for change in this country, but

in / ...

in so far as personal - individual Whites are concerned I have friends who are Whites, amongst my friends are Whites.

Well, South African Whites? --- Yes, South African Whites.

Like Dr. Turner? --- No, Dr. Turner is not a friend of mine, in fact I am not known much to Dr. Turner, I know him from a distance.

Tell me, this PAC that you belonged to, they were completely anti-White weren't they? --- I do not think that is true, PAC was not anti-White.

What were they then? --- PAC was merely against White domination, White domination.

How did they differ in that respect from ANC? --- Well they differed in method of operation, because ANC formed alliances with various groups of White bodies like the Congress of Democrats and all these, and the PAC people felt that many of these White groups are communist inspired and therefore they do not want to be associated with them.

They did not want to be associated with white groups nor did they want to be associated with Indian groups? --- They did not want to be associated with Indian groups as groups, but they were quite prepared to have Indian people as members and to have Coloured people as members, in fact they had quite a number of Coloured members of the PAC.

Nor did they want to have anything to do with Coloured groups? --- As groups, but they were not against Coloured people, they had quite a significant Coloured membership / ...

membership in the Cape.

They did not have any Coloured leadership? --- Well the PAC existed for one to two years, and I think it only had one group that was in the leadership.

I take it from your vast experience that you know and have always known that the primary function of the police is to maintain law and order? --- That is how it ought to be.

That is their function, that is their primary function? --- That is how it ought to be. 10

Yes, but do you agree with me that the primary function of the police is to maintain law and order? --- Yes, but as to whether they carry out this function properly is another matter.

Well we will come to that now. You also agree with me that if you undermine the authority - if the authority of the police is effectively undermined they will not be able to maintain law and order? --- Yes, you could say that.

It seems to me also that you would realise by now 20 that if the police - if there is a large concourse of people and it appears to the police that matters are getting out of hand, that they must take appropriate measures to control matters, isn't that so? --- Well I do not know, it depends on the circumstances..(Mr. Rees intervenes)

A policeman is not entitled to run away is he? --- He is not entitled to run away?

When he sees danger, his duty is to maintain law and order and he is there to protect the public, so he 3

cannot / ...

cannot run away, isn't that so? --- Well I am not aware of that, that a policeman cannot run away...(Mr. Rees intervenes)

I am asking your views, the policeman's job is to stand and maintain the law and order, he cannot abandon his post and run away? --- I think there are circumstances in which the police can run away.

Like when? --- When his life is in danger.

Then must he leave the people to their fate? The people whom he is supposed to be protecting? --- It will depend on various circumstances. 10

If his police station is in danger of being overrun by mobs of people, must he run away or must he stand his ground in your view? --- It depends on various circumstances.

Well, what are the circumstances? --- It depends as to whether those people who he sees there intend to run the police station down or not, it depends also on his ability to control, and his desire to control, it depends also on what post it is that he is guarding for instance, I do not think a policeman guarding a small little post can guard it at all costs, even cost of human life rather than abandon it. 2

Now if he abandoned it, if all policemen in charge of police stations abandoned their posts, what would be the effect, won't there be chaos? --- It depends on the circumstances too.

I mean you have got large mobs of people converging on police stations, and the policemen abandon their police stations, won't you have a chaotic situation in the country? --- Yes, but it is not as if the only thing they

could do was abandon the police station.

Well what would you expect them to do, they either stand their ground or they abandon if they are threatened? --- No, I do not think it is only those two alternatives, I want to imagine that policemen as peace-keeping officers are trained at crowd control.

Well, they have now told the crowd: if you come over this line you will be shot, and the crowd comes over the line, what then, what must the police then do? --- Well I do not think that the first think that police should resort to is shooting people, nor do I think if they say: do not cross this line, if you cross it they should shoot you.

Well if the police had given a firm order, a firm instruction: no further than this line, what must they do then if the people cross that line? --- It is not a question of either shooting them or abandoning ..(Mr. Rees intervenes)

Well what must they do then? --- Well police all over the world have methods of controlling crowds, they use 20 hoses, powerful water hoses, they use rubber truncheons..(Mr. Rees intervenes)

And if you have a small number of policemen and you have a very large crowd, what must the policemen do? --- There are lots of other methods that police all over the world use.

Like what? -- They use rubber bullets, sometimes if they are forced to fire, they fire into the air if the situation reaches that position where they have to fire.

Do you know that that is the most dangerous thing

you / ...



you can ever do is fire over people's heads, it just spurs them on, don't you know that? --- I don't know that, I don't think it has any basis psychologically either.

It has a basis in fact, you fire over the heads of people, they are going to storm you? --- I don't know Mr. Rees, where you get that from, but I reject that, I do not think it is correct at all.

COURT ADJOURNS

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