

C.C.

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

CASE NO: 18/75/254

DATE: 14TH APRIL 1976

THE STATE

vs

S. COOPER AND EIGHT OTHERS

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LUBBE RECORDINGS (PRETORIA)

COURT RESUMES:

BATHASIVAN COOPER, STILL UNDER OATH:

CROSS-EXAMINATION BY MR. REES CONTINUED: Mr. Cooper, did you have a good lunch?---- No.

What was the reason for that? ---- I did not have lunch.

Was that from choice or circumstances? ---- I should imagine both.

Is your lunch supplied by one of the hotels?
---- No.

Where do you get lunch? ---- Lunch is provided by our people.

Was it not provided today? --- It was, yes, that is why I said both by choice and by circumstances.

Was it not up to your standard? --- I did not feel like eating, that was the choice, the circumstances were that it came a little late.

I am still interested in this BPU D.3, the sentiments you expressed there, you say ..(witness intervenes)
---- I haven't got the document in front of me.

I do not think you need the document, we were dealing with your statement that these riots were started by Whites from behind the scenes, the riots, the anti-Indian riots in Durban in 1949? ---- May I have the document?

No, we are not talking about the document, you remember the incident, I am just reminding you about it, what do you want to do with the document? --- I would like to have it in front of me ..(Mr. Rees intervenes)

What do you want to do with it? --- To see what you are referring to, in what context.

You know the context. Now, tell the Court, did
anti-Indian / ...

anti-Indian propaganda in your view play any part in causing those riots? --- I think I gave some sort of insight into the political climate predating the actual event of the riots in terms of the anti-Indian group feeling that was fostered by certain White politicians and sections of the White community.

Mr. Cooper, did you understand the question? ---- I did, I think this is in the context of that..(Mr. Reed intervenes)

What did I ask you? ---- I cannot remember the exact words. 10

Please listen to what you are asked and answer in point. Did anti-Indian propaganda play any part in inducing or causing these riots, will you answer it simply yes or no? --- I am not in an authoritative position to state that this is so, neither am I in a position to say that this is not so, but I have put the Court into a position predating the actual event of the riots to my knowledge, and this is the anti-Indian political sentiment that I have referred to. 20

Did anti-Indian propaganda play any part in your view in causing or leading to these riots? ---- I think I have answered the question.

No, you have not. ---- I do not wish to answer it.

Please answer it? ---- I re-emphasise it, I have answered it.

Right. Did in your view anti-Indian propaganda play any part in causing or leading to these riots? ---- The same question, I do not wish to burden the Court an unnecessary time re-emphasising all these points with the same question and answer, and this is in the context of what I have just said. 30

Are / ...

Are you trying to evade something? --- I have answered the question.

If I should suggest that tensions were increased by general virulent anti-Indian propaganda of the Whites, what would you say to that, yes or no? --- I cannot say yes or no, but I cannot dispute that that is not so. In fact, Your Lordship, to my recollection I made a statement in the Regional Court case involving this particular document, that is BPC/D.3, from the dock, and it gives a background, probably in greater detail, I am not too certain now, but it does give a background in the light of what I have explained to Your Lordship. 10

Are you trying to avoid committing yourself to the term "propaganda?" --- It is not a question of evading the attachment to the word "propaganda" at all. It is in the context of what I did do in the Regional Court case explaining this document, putting it in its correct perspective in terms of the events specifically referred to there, that is both the Uganda-Asian issue and the 1949 riots issue. 20

We will come to that document in a moment. When you made that speech to the Magistrate, it was not under oath was it? --- As I have pointed out many times that I made this statement from the dock.

It was not under oath or under affirmation? --- That is so, I do not think anyone can make a statement under oath from the dock.

Mr. Cooper, that is not the point? --- I do not see what else is the point.

The point is you did not make that statement, either under oath or under affirmation. Did you or did you not? 30

I / ...

--- I just said no, Your Lordship.

Right. The feelings of hostility in Uganda in your view were they either roused or increased by stressing that the Indians were an alien element? --- I would say that that contributed to the climate of that time in Uganda.

And in your view did the feeling or did this outburst have any connection with the Whites or anybody else stressing that Indians were an alien element in South Africa? --- Well, now, this comes back to the pre-1949 issue of attempting to alienate different sections of the Black community from coalescing into what is their natural historical vocation in this country as a politically deprived people.

Was it stressed -- was one of the factors that led to the outburst in your view the fact that Whites had stressed that Indians were an alien element in South Africa? --- I have just attempted to answer that.

Would you say yes or no or can you not say yes or no? --- Do I have to repeat all that I have said?

COURT: Well just try and be specific on the question, did anybody try and show that the Indians were aliens in this country? --- That is so, yes.

MR. REES: Was that a factor which in your view led to this outburst? --- I would say that these were contributory circumstances.

They were contributory circumstances? --- Contributory circumstances within the periphery of the socio-political status of the respective people that we are talking about now.

How did Amin attempt to arouse anti-Asian hostility among the Ugandan Africans in your view? --- I cannot give any specific historical answer to that with any degree of certainty / ...

certainty, that was 1972 I think, it is four years now and that phase of Ugandan history is past now, the situation as I understand it at the present moment, is that there are Indians in Uganda who are citizens of that country, which was the gravamen of that whole issue involving expulsion of Ugandan Asians.

Mr. Cooper, was BPC not itself concerned in stressing that the Whites are an alien element in South Africa?

--- Your Lordship.....(Mr. Rees intervenes)

MR. REES: Were they or were they not? You have such a lot 10
of difficulty in answering a straight question. --- I have not even attempted to answer that question. I am being pre-empted from answering it. Can I get the question again, now I have lost my train of thought. Can I get that question again?

What is wrong, what do you remember of it? --- I remember many things, I remember I was born on a certain date, I remember so many things, I can remember how I walked up to this dock.....(Mr. Rees intervenes)

Do you remember the question that was put to you a 20
moment ago? --- No, I do not remember it.

Nothing at all? --- No, I do not. You will have to repeat that question.

Is there something wrong with your memory? --- Your Lordship, in the context of this bickering and quibbling, the central issue has escaped my memory.

What is the central issue? --- Whatever you were trying to get at.

We will start at the beginning again. Will that suit you? --- That is fine. 30

Did BPC ever stress that the Whites are an alien

element / ...

element in South Africa? --- Your Lordship, we in BPC have said that Whites in this country are a settler minority regime.

Did BPC stress that the Whites are an alien element?

--- Your Lordship, I have answered that in the context of what we in BPC felt regarding Whites in a political and historical context.

Did they stress that the Whites are an alien element, in any of their speeches or documents that you are aware of? --- They did say, I repeat, that Whites historically are a settler minority regime.

And an alien element? --- In that context yes.

And they did refer to the Whites as the enemy?

--- Your Lordship this is in respect of specific documents and in respect of a particular motivation in specific documents, we did not refer to Whites as the enemy in the sense that - and this is now in reference to these utterances in those documents - in the sense that Whites have politically historically, socially in this country, alienated themselves from the Blacks, they have put themselves in the position where they are the political foe of Black people in this country. 20

Mr. Cooper, did you and BPC in your propaganda refer to the Whites as the enemy?

COURT: He has answered that, and given an explanation why they said that.

MR. REES: I want to suggest to you that you are being evasive on these questions, because you want to evade the implication that you were busy, knowingly busy with propaganda to bring about hatred of the Whites? --- Your Lordship, I reject that contention absolutely. 30

Right / ...

Right, now let us look at what you said to the Magistrate, and I would refer you to EXHIBIT G.6, look at the original. M'lord, I did ask to have copies of this thing typed, as Your Lordship will see it is not always clearly legible, and I asked that some be made available to the Defence and to yourself. Does Your Lordship have it?

COURT: Not at the moment.

MR. REES: Now, I want you to look at - I think it is the fourth page where you have got from G to H. Now first of all - PAUSE - what are you checking Mr. Cooper? --- Checking the document that you have just handed me.

What are you looking for? --- Specifically I am looking for the section that I would have marked G to H in the original copy that I think was attached to this when I did refer to the Regional Court Magistrate ..(Court intervenes)

COURT: Is that forming part of the exhibits of the Court?

MR. REES: M'lord, I think that is the document that he has, the original one I tried to give to him. Is that so? --- I recall ..(Mr. Rees intervenes)

Just have a look what document that is and satisfy yourself and tell the Court what it is? --- Your Lordship, I recall that there were pages attached to this of the document BPC D.3 where I marked off section A to B, B to C, etcetera.

COURT: It cannot be BPC D.3, that is the pamphlet? --- What is the pamphlet yes, but I did mark that specific pamphlet, because it is an explanation of different sections.

Now was it one of the exhibits? --- To my recollection I think that was part of the exhibits.

Well can the witness have the EXHIBIT BPC D.3.

MR. REES: Now, that document you have before you, EXHIBIT G.6, just start at the front of that document. What is the origin / ...

origin of that document, who prepared it? --- This is the document - this is my statement from the dock.

You prepared it in writing or in typing before you made it in the dock? --- That is correct, yes.

Now look at the first page, it has a lot of handwriting pieces inserted? --- Yes.

Whose handwriting is that? --- That is my handwriting.

When did you insert that - just a moment, we will deal with it page by page, the front page is all your writing? ----- Glancing through it yes, it seems so. 10

When did you effect that ink alterations or additions? ---- I cannot recall that.

Was that before you spoke to the Magistrate or afterwards? ---- PAUSE

It is only with reference to your address in Court that I am interested in now? ---- I should think that this that if there was any writing added to it, it would have been the corrected version which I read out to the Regional Court magistrate. 20

When did you prepare that? ---- I cannot recall that.

With reference to the case, did it take you a long time? --- That I cannot recall, the case lasted from -- I was arrested on the 2nd February 1973, acquitted on the last day of August that year or early September, I cannot recall that. The statement was made some time in that period.

Just go through that document and tell the Court whether any of the writing or any of the sentiments in there are not yours, or whether they are all yours? ---- PAUSE - All the writing looks to be mine. 30

Now you see there where you deal with G to H? ---- That is / ...

is now which page?

Well let us find it, I am looking at the typed one, that was the page I gave you, page through the thing and you will find it, from G to H, a heading? ---- Are you sure you want me to page through it because you stopped me when I do? It is on the fourth page, G to H.

Will you read that paragraph? --- Certainly. There are two paragraphs, the first paragraph:

"In 1949 there were tremendous tensions between Africans and Indians arising from the very structure of the apartheid laws. These tensions were increased by the general virulent anti-Indian propaganda of the Whites." 10

Let us pause there a moment, you had difficulty just now when I asked you whether anti-Indian propaganda played part in that eruption, do you remember that? ---- Your Lordship, I do not wish to quibble with the Prosecutor, I answered ..(Mr. Rees intervenes)

Do you remember that, yes or no? --- I answered that question, I do not wish to enter into any argument over how I answered it, whether I was evasive on it, etcetera, etcetera, I do not think it serves anybody. 20

Carry on. --- WITNESS CONTINUES:

"There was the demand for the mass expulsion of Indians from South Africa and their repatriation to India - a demand similar to that of Amin in Uganda. Just as Amin stressed that Asians were an alien element in Uganda, so the Whites stressed that Indians were an alien element in South Africa".

Now just pause there a minute, would you like to add anything to what you said just now when I asked you? 30

Asked / ...

---- Asked me what?

When I asked you questions on this very subject, would you like to add anything or qualify anything -- I am just giving you an opportunity, Mr. Cooper? ---- Surprising -- yes, I ..(Mr. Rees intervenes)

What is surprising? ---- That you are giving me this opportunity ..(Mr. Rees intervenes)

What is surprising, Mr. Cooper? ---- That you are giving me this opportunity.

Have you not been given every consideration? ---- I do not think so, whenever I am attempting to answer questions you stop me before I can get to the dénouement of what I am trying to say.

Oh, haven't you had an opportunity of saying everything you want to say? --- Not quite.

Well what is there you have left out? ---- Consistently I have been interrupted.

What have you left out? ---- I cannot recall now, I left out A point or a specific fact here B, but whenever -- Your Lordship is aware that in reference to this point in issue 20 about "started by Whites from behind the scenes", since this morning the Court has been bogged with this type of quibbling, on this interpretation which I have been trying to get to but before I even attempt to begin, I have been stopped with some sort of interruption.

Have you made any attempt to answer any of the questions I have put to you to the point? --- Your Lordship I have answered every question to the best of my ability in order to facilitate the Court in these proceedings.

Have you tried to answer any question to the point? 30
---- Your Lordship, I have just answered that question.

Have / ...

Have you tried to answer every question to the point.

--- I have no answer, Your Lordship.

Yes, carry on? --- I forget where I stopped, I will have to start reading the document from the beginning:

"In 1949 there were tremendous tensions between Africans and Indians arising from the very structure of the apartheid laws. These tensions were increased by the general virulent anti-Indian propaganda of the Whites. There was the demand for the mass expulsion of Indians from South Africa and their 10 repatriation to India -- a demand similar to that of Amin in Uganda. Just as Amin stressed that Asians were an alien element in Uganda, so the Whites stressed that Indians were an alien element in South Africa. And, just as Amin attempted to arouse anti-Asian hostility among Ugandan Africans, so did Whites attempt to rouse anti-Indian hostility among Africans here. Thus the combined policies of the Whites, both those supporting the Nationalist and United Parties, were the major cause of the 20 unrest in 1949".

The next paragraph, Your Lordship ..(Mr. Rees intervenes)

Now just pause there a moment please. Isn't the effect of this that it was anti-Indian propaganda that played a part, isn't that the effect of what you said Mr. Cooper?

--- All that I have read just now, the first paragraph, under the heading from G to H, I believe to be self-explanatory, unless Your Lordship wishes me to go into any specific aspect, I think it is self-explanatory.

I am just asking you whether or not that means 30 quite clearly that anti-Indian propaganda played a part?

That / ...

--- That is so, Your Lordship, I think I have answered that a long time ago.

Yes, and also the fact that it was stressed that the Indians were an alien element? --- Amin stressed that Asians were an alien element in Uganda.

Those were the two points you were trying to make there, was it not? --- I made these points, yes. I read this out to the Regional Court Magistrate.

Yes, and just now you had some difficulty I thought, or did you not? --- I do not think so. 10

Well, the record will speak for itself. --- Fine.

Carry on? --- (WITNESS READS)

"The pamphlets attempt to show this, and also that the Africans in 1949 were misled by the overall malignant anti-Indian campaign to look upon Indians as their enemies, instead of as their brothers in the struggle. It was also a warning to Indians not to make the exploitative mistakes of the Ugandan Asians. The....." (Mr. Rees intervenes)

MR. REES: Just pause there a moment. I want to ask about this "to look upon the Indians as their enemies." Doesn't BPC frequently refer to the Whites as the enemy? --- Your Lordship, the frequency of the reference to Whites as the enemy, I think is a very small incidence. 20

Do you refer to the Whites frequently as the enemy?

--- I have answered that question.

Did you refer to the Whites frequently as the enemy?

--- Me in particular?

You in particular. --- I did, yes. In this pamphlet BPC/D.3 I think reference is made to "our common enemies, the White man." Right at the bottom. 30

And / ...

And you also referred to the Whites in most derogatory terms, not so? --- Your Lordship, that is something which is an issue I do not think - well derogatory in what sense, let us get clarification on that?

Mr. Cooper, did you refer to the Whites in derogatory terms? --- The Whites are attacked for their policies in this country.

Did you refer to them in derogatory terms, I do not want to know your motivation? --- Your Lordship, Whites are referred to in this pamphlet, they are referred to as the enemy, they are referred to in the context of Ugandan Asians, they are referred to in the context of the 1949 riots, it refers to the political attitude of Whites as displayed and practised, effected, in policy continuously against the Black population en masse.

Outside of that pamphlet did you refer to the Whites in derogatory terms? --- No, Your Lordship.

Did you ever use derogatory terms with reference to the Whites? --- I do not think - I think derogatory terms is too isolated, I mean saying to a person did you use this in isolation in abstracto, I do not think that I can honestly give a fair answer to this Court if I am faced with a statement in abstracto, I cannot.

Mr. Cooper, did you ever refer to the Whites in uncomplimentary terms? --- Well now we are getting more to the point, Your Lordship, uncomplimentary terms in the sense of what they have done in the political sphere, because this politics is not something removed, it permeates every aspect of life in this country, in South Africa, particularly as it affects Black people in this country.

Mr. Cooper, did you refer to the Whites ..(witness intervenes) / ...

intervenes) --- Your Lordship, I have been interrupted, I cannot assist Your Lordship with a fair answer to questions put to me if I am interrupted consistently, I have not finished my thoughts.

Mr. Cooper, will you please answer the questions I ask you? --- Yes, if you do not interrupt me ..Mr. Rees intervenes)

Yes ..(witness intervenes) --- I can give very fair answers to your questions.

Yes, please pay attention to what I am asking you, 10 I have been trying to be patient with you, most patient. Now, did you refer to the Whites in uncomplimentary terms? --- As I was explaining, Whites were attacked for the political stance they have persistently..(Mr. Rees intervenes)

Mr. Cooper, can't you say yes or no to that question, I am not interested in your motives, did you refer to them in uncomplimentary terms? --- Your Lordship, I think if the prosecutor requires a yes or no answer, in fairness to himself and me, he must say so then I can say yes or no, otherwise if I preface my remarks before getting to the issue 20 in question and he is going to quibble on yes or no we are not going to get anywhere.

I asked you whether or not you referred to the Whites in uncomplimentary terms, yes or no? --- Your Lordship, yes we did refer to the Whites in uncomplimentary terms, in respect of the policies they have effected and persistently maintained against Black people in the political sphere in this country since 1652.

Mr. Cooper, what were these uncomplimentary terms that you used about the Whites, I want to know the terms, if 30 you want to make another political speech wait till your Counsel asks / ...

asks you, what are the terms you used with reference to the Whites? --- Your Lordship, I think I have covered that.

COURT: I think that is too vague, Mr. Rees, the documents speak for themselves, I mean there are many things which he reckons are not to the credit of the White man and he draws attention to it. Now do you want him to refer to all those things?

MR. REES: That is what I am interested in.

COURT: Well then you will have to go through all the exhibits.

MR. REES: How do you normally refer to the Whites? --- I am willing to go through my documents, pull out all the references to Whites and give the Court an explanation into what context Whites were put.

COURT: Well I think the best thing is to try and just answer shortly, if anything has to be developed, your Counsel will re-examine you on the point and give you an opportunity to explain it. I can see your difficulty, you do not want to make an admission which is too general, you want to limit the admission to a specific circumstance, but now that does not satisfy the prosecutor, he wants to have an answer, but I think leave it to your Counsel to re-examine you if he finds it necessary to develop a point. --- Well, just to throw some light on this subject of Whites, the point is that in this country you cannot speak in any sort of meaningful terms without reference to the oppressive structures that exist in this country, one cannot speak about politics in this country without referring to Whites, one cannot speak to one another meaningfully without reference to the oppressive elements of the reality which is South Africa in terms of -- I will narrow it down to the BPC approach, that plainly there are two groups in this country, the Whites who are the oppressors in this country / ...

country, the Blacks who are the oppressed. And there we get the whole situation developing of how BPC was getting about unifying the Black masses towards effecting a peaceful solution in this country, effecting a solution in this country which would be satisfactory to the aims, the aspirations of - now, in the context BPC. (?)

Mr. Cooper can you get a peaceful solution to anything by calling the other side the enemy? ---- Your Lordship, I sincerely believe so, because it is simply defining the area of the source of grievance. For one thing I think there would be no BPC in existence in South Africa were it not for the oppressors' strictures, the oppressors' infrastructure that is presentday South Africa, there would be no reason for BPC to exist, if there was not what we sometimes refer to as a White problem.

In fact in order to achieve your unity you want to create by means of propaganda an anti-White feeling? ---- I reject that allegation, Your Lordship.

Was BPC making use of propaganda? ---- Your Lordship, BPC as a political body must of necessity make use of propaganda, propaganda is the life force of any political movement, that I think - it speaks for itself, it is so obvious. 20

And would you describe - tell the Court what are the characteristics of a dog who has rabies? ---- Your Lordship I am not a veterinarian, I cannot assist your lordship on that, I am afraid, I cannot assist your Lordship on that.

What does such a dog do, what does a mad dog do? --- Your Lordship, I have not seen a mad dog, I hope to God that I do not see such a mad dog. 30

What do you understand, since you have these fervent hopes / ...

hopes, how do you understand a mad dog to react? --- Your Lordship, I don't fancy, I don't relish the possibility of my coming into contact with some sort of rabid animal that the prosecutor is referring to.

How do you understand, what is the picture you have of this thing you don't want to get into contact with?

THE COURT: Do you have a picture of it? --- Well, Your Lordship, this will not be personal knowledge of meeting such a creature, but a mad dog is a mad dog. A rabid dog is a rabid dog.

MR. REES: Well, what is it? What are the characteristics? 10
What do you expect to find? Would it be one you go and pat?
--- I am afraid I cannot throw any insight into that. I cannot.

THE COURT: Well, let us assume that a mad dog is a mad dog.
(LAUGHTER)

MR. REES: Because I suggest you have in fact been comparing the Whites with mad dogs, have you not? --- Your Lordship, if the prosecutor can refer me to anywhere where we have said that, then I can answer that, otherwise I cannot answer that.

Now, you have compared them with something that should 20
be destroyed on sight, not so? --- Your Lordship, there again, if the prosecutor can refer me to anywhere where we say: this must be so, when you meet a White destroy him on sight. I mean if that was so, the first time I saw you I would have attempted to destroy you. (LAUGHTER)

I do not think you had the guts, Mr. Cooper. --- Well, I don't know about that. That is a matter for dispute.

You are a man who sent Harry Singh to go and put the bomb in Mrs. Meer's place, did you not? You did not go yourself. --- That is ridiculous. I have explained to Your 30
Lordship the circumstances and I deny that allegation.

Let / ...

Let us canvass that for a moment, let us canvass that, when it came to the rallies you did not go there, you let the others go, why did you not go? --- Your Lordship - PAUSE

Why didn't you go? --- I have explained the rally in its context, and the rally, it was not my idea, I was not pushing people to look, here you are, accused Nos. 1, 2 - or rather Accused 2 to 5, come here, now I am your leader, now I say we must have a Frelimo rally, this is what you must do, this is what you must do, and me, I don't say to them, but this is the intention, I am going to stay in the background in order that you can get it in the neck. 10

Why did you not go, you haven't answered the question? --- I thought that was rather obvious, I was restricted, banned.

That did not prevent you from organising a lot of things did it? --- No, of course not.

You had a big part in the organisation of this rally? --- I have so admitted.

Why did you send for Mayathula, why did you and No.2 phone Mayathula to come down? --- Your Lordship, I have explained but I will repeat it, that Mayathula, the Reverend Mayathula was phoned earlier that week, that is the week of the rally..(Mr. Rees intervenes) 20

Mr. Cooper, I asked you why, why was he phoned? --- He was phoned earlier that week by Accused No.2, and accused No.2 in that context had phoned him asking him to come down as a prospective speaker. Now I phoned him on the day of the rally, that is the 25th September, and I have explained to Your Lordship my telephone conversation, should Your Lordship wish me to go through it - (Mr. Rees intervenes) 30

No, please just tell us why did you phone the man, why did / ...

did you want him as a speaker, why did No.2 want him as a speaker, if you don't know say so? --- Your Lordship, why does anyone want a person as a speaker, because he is a speaker.

Why did you want Mayathula? --- Because we wanted him as a speaker, it is as simple as that.

Why didn't you offer to speak, or No.2 offer to speak, or anybody else, why did you want that particular man?

--- Well now, I do not know whether we can say No.2 did not offer to speak or whether he was not going to speak, there is no such suggestion, I did not offer to speak, that is out of the question.

I want to know why you selected Mayathula to come and speak at that rally? --- Well, Your Lordship, the Reverend Mayathula was the interim president of BPC between the period July 1972 up to December 1973, when BPC had its first congress, and the Reverend Mayathula was known as a BPC official, a leading light as it were in BPC, I think the term official is misleading, a leading light in BPC and the Reverend Mayathula, was a speaker, a person who spoke at meetings, what more can I say about that. He is a Reverend and a person of some sort of stature, in that he was venerable.

Why didn't the president of .. the then president of BPC himself come down to address the meeting? --- Your Lordship, the then president of BPC was the Reverend Farisani, and to my knowledge the Reverend Farisani was not in the country at that time, I may be incorrect, but I don't recall that the Reverend Farisani was in the country at that time.

Now let us deal further with your own phoning of Mayathula, why did you then phone him the next day? --- I cannot say that I did phone him the next day, but I did phone him / ...

him on the 25th September..... (Mr. Rees intervenes)

MR. REES: Just let me interrupt you. What was his response to accused no. 2's request, or whatever it was to come and speak, so far as you know? --- Well, I had the impression that the Reverend Mayathula was going to turn up.

Carry on, why then did you phone him? --- Well, as I explained to Your Lordship, at this time on Wednesday the 25th September of 1974, it was around teatime, tennish or so in the morning, we, that is those persons involved in the organisation of the rally who were present at the BAWU offices, were musing over the possibility of using the Kajee Hall as an alternative, and it was in this context that the persons who had gone over to L.M. had not returned, and if the alternative of going ahead with some sort of meeting at the Kajee Hall had to eventualise, then we would have to be prepared. We would have to have speakers and this type of thing at the Kajee Hall, and I phoned the Reverend Mayathula that morning.

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I do not understand how the possibility of going to Kajee Hall had any bearing on the necessity of phoning Mayathula. You specifically invited the man to come down, or at least very strongly urged him to come down, not so? --- Well, may I have my telephone conversation?

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No, just tell the Court. We can look at the telephone conversation just now. (Court intervenes)

THE COURT: I do not know whether you are the person, somebody phoned him and then he was trying to put it off and they said no, he must come immediately. I think it was No. 2.

MR. REES: M'lord, no, that is what I want to know from this witness. --- Well, what is correct is that accused No. 2 had phoned Mayathula early that wekk, and that day, that is the

30

25th / ...

25th September 1974, I phoned - rephoned in that context Mayathula, asking him to come down.

COURT: But were you not in a predicament because he did not come, he was trying to - he had excuses? ---- Well that appears from the telephone conversation, yes.

MR. REES: Mr. Cooper, you were in fact urging him to come down, he was not anxious to come down, is that not correct? ---- Well I do not know, if I can refer to the telephone conversation.

Well have a look at the conversation, can't you remember it? ---- I remember the conversation, I cannot remember the words. 10

What I am interested in is your intention at the time, you were trying to urge him to come down, or not? ---- I would have to look at the conversation.

No, but just tell me, you can look at the words and interpret them just now, I want to know what was your intention.

COURT: Well let him have it to refresh his memory.

MR. REES: My lord, I will let him have that, but I would like to know from him, if he is not able to say, if he cannot remember what his intention was that is something different, I want to know before he looks at that, what was his intention at the time? ---- As I have just explained the intention was to get Mayathula down so that he could be a speaker should we decide that we are going ahead now using the Rajee Hall as the alternative venue. 20

But now at that stage Mayathula was as far as you knew intending to come down in any case, was he not, or was that not the case? ---- Well I did not know what the position was with Mayathula, that is why I phoned. If I knew what the position / ... 30

position was with the Reverend Mayathula at that time, then I would never have phoned him, there would be no necessity for it.

Could the witness be shown EXHIBIT RAINY C.6 please. My Lord, I am going to refer him to pages 6 and 7 of section 1, I do not think he has anything recorded of a telephone conversation by Accused No.2 and Mayathula on this subject. Now you put through the call to Mapamulu that morning, is that correct? --- That is correct, yes.

And you used some rather strong language here over the phone ..(witness intervenes) --- If I can be referred to them? 10

Look at the seventh or eighth line from the top? --- The seventh line from the top of page 6 is a blank, there is a question mark there - Oh, shit, yes : Oh shit, what is she going to do.

Quite a favourite term of yours? --- Well, this is an expletive.

Now you then get through to Mr. Mayathula, and then you say on page 7: We are waiting for you, we are waiting for you, we are waiting for you" - I am skipping what he says. "You must come, very urgent, the movement is going to die otherwise", now you were exhorting him to come, were you not? --- Well I think the tone is quite evident from the conversation, I start, well it is Mayathula here, that is Mayathula saying ..(Mr. Rees intervenes) 20

Were you exhorting the man to come down, yes or no? --- Your Lordship, I am trying to answer that question.

"It's Mayathula here", I say: "Oh, it is Saths here". Mayathula says: "Right". I say: "We are waiting for you", he says, "Hey", I say: "we are waiting for you", "You were", I say: 30

"we are / ...

"we are waiting for you", and he says: "Yes", so the waiting for you fits in, he is obviously having some sort of difficulty in hearing, and with the "Ah", or "Were" shows his puzzlement so I have to repeat myself "we are waiting for you", "hey", "we are waiting for you", you are - we are waiting for you. Then he says "yes", then we come to: "You must come, very urgent, the movement is going to die otherwise".

Were you urging him to come down there? --- I think I am trying to get Mayathula down to Durban, I think that is obvious. 10

You were urging him to come down? --- Well, urging, yes I think that would be correct.

Carry on? --- "He says: -- do I need to re-explain that?

You need not re-explain it, read and I will ask you when I want anything clarified? --- "You must come, very urgent, the movement is go is going to die otherwise". Mayathula says: "Ja". I say: "Ja". Mayathula says: "Ah, well, ah.." I say: "Today we either make the movement or we break the movement". Mayathula says: "That is right". 20 I say: "Right". Mayathula says: "So". I say: "Do just tell them so, it is urgent, you must come, somebody has died".

Yes, so you were most insistent that this man must come, you were urging him to come? --- Well, I have just said so, yes, well, if you like, yes.

Carry on? --- Mayathula says: "That is right". I say: "Right", Mayathula says: "And, uh, well.. uh. . my buses are half past one ..(Mr. Rees intervenes)

Yes, well unless you want to point out anything else, the point that I wanted to get from you is that you phoned 30 him and you urged him to come down, you were insistent that

he / ...

he comes down? --- Well, Your Lordship, in the context of what I said that he was required as a speaker. Yes, I did urge him in that context to come down.

Now would you tell us before I forget about it, this man China, who was sent to go and observe or something, who was he? --- No, I must correct that misconception. China was not sent to go and observe or something. China, that is Dr. Joel Matsipa volunteered as he was going, he had the intention of being present at this affair. He said: Well, since I will be around, I will do this. 10

He will phone back and tell you what is happening?
--- What the size of the crowd was.

And you all knew it? --- I am not too certain what we all knew.

You knew what you have just told us, that this man was going and was going to report back. --- Well, all of us who were present that afternoon, Your Lordship, that is the afternoon of the 25th September at Dr. Mokoape's, that is accused No. 4'2 quarters, that is the King Edward Hospital.

And Mr. Allaway represented you here at the time when he cross-examined Mr. Singh? --- That is correct. 20

At that stage you did not know that the State had these tape-recordings, did you? --- No, Your Lordship, we knew.

Oh, so you knew? --- I will tell you why, Your Lordship. We heard, I know for a fact and accused No. 2. Accused No. 2 and I were detained at the Pretoria Central Prison in the same passage and we used to speak about transcription being taken down of telephones, of the movement, and specific reference was made to this period, and in this context we were speaking, I may be wrong, but I think it was of Warrant Officer Raylor who is doing this type of thing at Compol. 30

Mr. Cooper / ...

Mr. Cooper, why then, when Mr. Allaway was cross-examining Mr. Singh, at page 847 of the record, he put this to him: (reading from line 30) "I suggest to you that your reference to a man called China sitting as a sort of outpost is a figment of your imagination?" --- Yes, I remember that.

Well there was no justification for that on the facts we know now, was there? --- Your Lordship, the facts we know now, and the facts that were put before the Court incorrectly then, if Your Lordship will recall Harry Singh was insisting that we were going to cause some sort of a confrontation 10 at the Curries Fountain in the specific person of accused No. 2, that is Mr. Muntu Myeza, going up there and causing some sort of a confrontation. In this context, if I remember correctly, Harry Singh spoke of us - that is those present at the D.Q. on the afternoon of the 25th - sending Dr. Matsipa, that is China, along there as some sort of last outpost to sound a bugle call for some sort of action, sound a smoke signal, and this is how I understand this being put to that witness on that occasion.

Is that all you want to say on the subject? --- Well, 20 is there anything more that - PAUSE -

Is this all you want to say? --- Your Lordship, I was just cut off there.

Well, continue then. --- This is how I understood Mr. Allaway to put to the witness Singh at that stage that China was not sent there as an outpost to keep an eye on sizing up the situation and then reporting to accused No. 2, the buccaneer, who was going to come there and cause some sort of confrontation, last outpost, a sort of, you know, smoke signals and this type of thing. 30

It seems very dramatic, Mr. Cooper, but the point of
the / ...

the cross-examination that was being made, they were trying to discredit Mr. Singh and saying to him that there was no such a thing as China setting out and reporting back?

---- Setting out as the outpost and reporting back, yes.

Is that all you want to say on that subject? ---- Well, is there anything more you want to ask me?

Is that all you want to say? ---- I think I have explained.

Well you have had your opportunity, let us see how you use the next one. Now something was put to Mr. Singh 10 about this call of yours to Mayathula, what was your defence at that stage, can you tell the Court, before these tapes were produced? ---- I do not understand what is the defence, Mr. Allaway was representing me at that stage.

Well what was the defence, what was the defence at that stage?

COURT: About what, Mr. Rees?

MR. REES: About your phoning of Mayathula? ---- Your Lordship, the defence in this case as I understand it is what is our version as it were. Well, we, that is my fellow-accused 20 and I when we received the first charge sheet we gave responses to them, when we received the second charge sheet we did likewise and full statements were made by -- well I speak for myself specifically, I made a full statement to my Counsel explaining all my actions and by and large what I have explained to the Court up till this moment is what is contained in that statement, and there is no such thing as a defence at a particular point was this tactic, and now that I as an accused am in the box at this stage I am adopting a particular approach which deviates from that. The defence 30 as I understand it has been the same throughout the inception of / ...

of this case.

Well, we have already dealt with this China question, it is on the record, and your reply is on the record. --- Yes.

Now, let us have a look at page 840, the cross-examination of Mr. Singh. He was asked by Mr. Allaway:

"Do you know why Mayathula had come down", and he said he had come down for the rally: "Yes, out of interest, correct"?

--- I remember that.

"He was telephoned to come down"? --- Can I just get clarification, who says what there, I am not too certain there. 20

What are you not certain about? --- About who says what words.

Question: ..(Court intervenes)

COURT: Is that Singh's evidence?

MR. REES: Singh's evidence, and when I say question - answer, it will be Singh and Mr. Allaway, unless I indicate the contrary:

"Do you know why Mayathula had come down?"

Answer: He had come down for the rally.' 20

Question: Yes, out of interest, correct?

Answer: He was telephoned to come down.

Question: I suggest he had come down on his own but out of interest".

That was not correct, was it? --- If I remember ..(Mr. Rees intervenes)

That suggestion was not correct was it? --- I am trying to answer, if I remember that is not the end of that particular episode, I think it continues, I may be wrong about this, I do not want to put myself out on a limb, but 30 I think there is a conclusion to that, that is not the end

of / ...

of the whole cross-examination. Can we continue, can we finish that particular cross-examination, then if there is any necessity for me to explain to Your Lordship, I will explain, if Your Lordship thinks there is some inconsistency with instructions, if we have changed any defence version, I will gladly do that.

Mr. Cooper, I just want to know from you, "I suggest he had come down on his own bat out of interest", is that as it stands strictly correct? --- That is correct, yes, in the light of Mayathula, and him being a leading figure of BPO. 10

Is it correct in the light of the evidence you have just given a little while ago about this conversation, telephonic conversation? --- Not entirely not entirely.

Not entirely? --- Not entirely.

Right, the answer was: "Accused No.1 said he had phoned Mayathula and Mayathula was to arrive that afternoon". Then follows the question: "Well he might have phoned then but did you ever ask Mayathula whether he came only because No.1 phoned him, or because he wanted to attend the rally anyway. - I did not ask. Q. So you say there were some other thoughts - PAUSE - now that is the passage in context, unless you would like to have a further look at it? --- If I can have it in front of me I would be grateful. 20

I started reading from line 23 on page 340, and I stopped at page 341? --- I don't see any - I don't know what the prosecutor wants me to explain, Your Lordship, in respect of this.

I want to suggest to you that this is clearly, what Mr. Allaway put to this witness is clearly in conflict with your words where you unequivocally urged Mayathula to come down / ... 30

down to that rally? ---- Oh I thought the prosecutor was trying to say I did not phone Mayathula, but that is conceded I think by Counsel. Well urge, I said in the context of urging him to come down to the Kajee Hall meeting.

The point you were trying to make was that Mayathula was a nonentity?---- No, I have just said that Mayathula was the interim president of BPC, a leading light, before the prosecutor ever broached this particular aspect about my telephone conversation with the Reverend Mayathula, and what my Counsel put to the witness Singh. 30

When you were dealing with the letter that he wrote to South West Africa, you also tried to put it in the light of a nonentity did you not? ---- No, I did not, what I attempted to do ..(Court intervenes)

COURT: I think he is trying to show that he wrote as the interim president, and he was not the interim president? ---- Yes, that is entirely correct.

MR. REES: Wasn't Mr. Mayathula throughout a leading figure in BPC? ---- Your Lordship, I have said so, the Reverend Mayathula is a leading light in BPC, in the sense that I may be boosting my own ego, in the sense that I am a leading light in BPC. 20

How did it come about that you were involved in organising and arranging these rallies? ---- Your Lordship, I think I have explained my involvement, if Your Lordship wants me to go into specific details about my particular involvement.. (Mr. Rees intervenes)

How did it come about that you were involved? ---- Well, Your Lordship, I repeat that on - PAUSE -

COURT: Well I think you told us that you met No.2 and that No.2 told you that there have been these rallies? ---- That 30

is / ...

is correct, yes ..(Mr. Rees intervenes)

MR. REES: But you did not hold any office in BPC at the time? That is the point I want to get from you? --- Oh, that is definitely so, I did not hold any position in BPC, you are entirely correct.

But you were the man who was involving BPC were you not? --- I am sorry, will you repeat that?

You were the man who was involving BPC in that rally? --- Involving.

COURT: Involved. 10

MR. REES: I said who was involving, but if you prefer the past tense, who had involved, you can choose whichever verb you like. --- I see. I would like clarification on involving because there seems to be some sort of sinister imputation to that suggestion.

What would be the sinister imputation? --- Well, colloquially now if I use the term "involved", that is I am in hot water type of thing, that is what I am thinking of.

Well you tell us what your involvement in BPC - or you tell us whether or not you involved BPC in those rallies? --- Your Lordship, in the context of what I said of the colloquial usage of involve, I certainly did not do anything of the kind, but in respect of my - and what I explained to Your Lordship in respect of my discussion with Accused No.2, that is Muntu Myeza, the secretary general of BPC - SASO, I am sorry, at that time, then he, that is Accused No.2 and I, did discuss the possibility of rallies being held in the major centres which would be a joint BPC/SASO affair. 20

You did not hold office in BPC at the time? --- I have said so, no. 30

And / ...

And you were now negotiating on behalf of BPC?

--- Well, if you put it that way, yes.

Not if I put it that way, is it so or not? --- I have answered that.

Was it so or not, why do you add the words if I put it that way? --- Well in the context of involving and negotiating, you know - PAUSE -

Well were you negotiating on behalf of BPC?

COURT: Could you bind BPC with any decision that you arrived at with No.2 Accused? --- No, Your Lordship, no, I could not do that. 10

MR. REES: Did you in fact do so? --- Bind BPC? No, I did not do that.

Did you in fact act or purport to act on behalf of BPC? --- Well to the extent that I was involved in respect of BPC participation in the rally, what I did do was meet with Singh who was the public relations officer at the time, I met with him..(Court intervenes)

COURT: Well you discussed it with him and he got No.5 down, who was a BPC man? --- That is precisely so. 20

I think that is what you told us what happened? --- That is correct, yes.

MR. REES: Did you go to Singh first or did Singh come to you about the rally? --- Ah, yes, Singh, Your Lordship, I do not think I touched on this at all, Singh actually heard about the rally before I met him on that Tuesday, the 13th, I think it is, when we, that is Singh and I, drive up now to Accused No. 2. Singh had heard about the rally before, if I may put Your Lordship into the picture there..(Court intervenes)

COURT: Well he said you mentioned the rally first to him? --- That is correct and he said that I went up..(Court intervenes) 30

He / ...

He said that SASO would be involved. --- I asked him to go to accused No. 2 and I informed accused No. 2 of my rally idea, as if it - PAUSE - (i.e. what Singh said)

He said only BPC would be involved and then you spoke to No. 2 accused and when you saw him again, you said oh, no, it is a BPC/SASO rally. --- I do not know whether it is in that context, Your Lordship. I do not remember the precise evidence of Singh in that report. Singh did hear about the rally before that meeting as it were of mine with him on Tuesday the 18th September, the Tuesday week before 10 the rally. Now, I got to know about the rally from BAWU office, it was common knowledge amongst leading members that No. 2 accused, that is Mr. Muntu Myeza, had put forward a suggestion of such a rally eventualising, and this is where I heard of it for the first time. Your Lordship, this was before, it was around the second week of September, and Ahmed Bawa, who assisted in the BAWU office, that is the Black Allied Workers Union office, also knew about the rallies, and in fact it was he, that is Ahmed Bawa, if I remember correctly, who informed Harry Singh, and Harry Singh 20 subsequently asked me about whether such a thing was so, whether there was such a possibility.....(Mr. Rees intervenes)

MR. REES: Just a moment now. You are speaking now of the SASO rally being organised by accused No. 2? --- It was the conception of an idea that No. 2 had of independence celebration rallies. This is what I am talking about.

Go on. --- And on Friday the 13th I think it was, of September, Harry Singh, I think it was on that occasion that Harry Singh asked me about whether this was so or not.

What did he ask you? What did he want to know? 30
--- Well, whether there was such an idea or not.

Yes / ...

Yes, carry on? --- Well, yes, I admitted that there was such an idea.

Now where did you get the idea from that you passed on to him? --- Well my first source of information was from the BAWU office. I cannot be specific, Your Lordship, and say look, it was Mr. Lindelwe Mabandhla, or Mr. Menziwa Mbeo, or Mr. Ahmed Bawa.....(Court intervenes)

THE COURT: You heard them talking about it? --- Yes, that is correct.

MR. REES: Yes, and then? --- And then before the 14th, that is the Saturday, before the 14th September, I went up to accused No. 2 at the SASO offices and asked him, well, what do you have in mind? And he told me that he had an idea that he was going to put forward to SASO for the holding of independence celebrations, to celebrate the accession of the new independent government of Mozambique to power in that territory. 10

Well, you need not tell us all the details of what was said. Now, what was your response, and how did it come about that BPC participated? --- Well, I thought it was a good idea and as I explained just now and previously, we did discuss the possibility of similar - now accused No. 2 was speaking in specific terms of campus celebration rallies - we discussed now the possibility of similar events being held in various centres in the country which would be a joint SASO/BPC affair. Do you want details? 20

Right, and then what did you do? Well, it was the idea of accused No. 2 and you that it should be a joint BPC/SASO affair. What next did you do in connection with BPC's participation? --- Oh, yes. Well, accused No. 2 did ask me to, if I came across BPC officials, to well, caucus the idea with / ... 30

with them, and/or send anyone of them along to him.

Did you do so? --- Yes, I did do so.

Who did you send to him? Who did you caucus it with first, and who did you send? --- Well, Your Lordship, I met with Singh now on the Tuesday, and here now it is in the context of informing him of the availability of the Curries Fountain for specific dates. I recall informing Mr. Colin Jeffrey that there was such an idea.

Who and what was Colin Jeffrey? --- Your Lordship, Colin Jeffrey was vice-president of the Black People's Convention. I cannot be specific and say whether it was Colin Jeffrey's first knowledge of the rally or not, it may have been. Now, when I met with accused No. 2 on that day before the 14th September, we discussed Curries Fountain. I think I brought up, I volunteered rather to secure the Curries Fountain and I did so on the Monday. Mr. Menziwa Mbeo of the Black Allied Workers Union, Mr. Colin Jeffrey, the vice-president of BPC and I went along to the Curries Fountain where we made tentative bookings with the secretary of the Ground Association, and president Sergeant Bijou. 10 20

Now, when did you first inform accused No. 4 of these arrangements and plans? --- Your Lordship, I do not recall ever having first informed accused No. 4, but in terms of accused No. 4's involvement in the rally, he came on the scene on Saturday, the Saturday before the rally, that would have been the 21st.

Well, whatever the date is, he came in on the Saturday. Now, how did it come about that he came in? --- Well, Your Lordship, as I pointed out previously, accused No. 4 had heard about the rally idea.....(Mr. Rees intervenes) 30

MR. REES: Do you not know who he had heard from? --- No, I do not / ...

not know who he had heard from, and Accused No.4 came up to the BAMU offices, that is the Black Allied Workers Union offices on the Saturday, and I got the impression that he had just heard about the idea, and he showed some consternation in that he had not heard about this previously, there was not any publicity attached to such an organisation, and he was wondering about the feasibility of such an idea at such short notice, and it was in this situation that Singh, Accused No.5, that is Mr. Mkwenkwe Mkombe, Accused No.4 and I went along to SASO offices where it was impressed on Accused No.2 that publicity must be effective ..(Mr. Rees intervenes) 10

Excuse me, let me just interrupt you, I would just like to get this clear, you have brought in Accused No.5 here, how did he first come onto the scene with regard to this rally? ---- Well, as Your Lordship pointed out a few minutes ago, when I met Singh on the Tuesday he said he would get in touch with Accused No.5 and get him to come down, and Accused No.5 ..(Mr. Rees intervenes)

Well did you and Singh discuss the feasibility of bringing him down or - that is what I would like to know, the 20 details of how he got involved? ---- I cannot recall details, Your Lordship, of how it cropped up, but Harry Singh said he would phone Accused No.5, get him to come down, and this Accused No.5 did, he turned up on the Friday ..(Mr. Rees intervenes)

Could I just interrupt you again for a moment, look, who were the actual office-bearers of BPC who were - who participated, when I say participated, participated actively in the organisation of this rally? ---- BPC national officials, local officials? 30

Well national and local, you can tell us? ---- Oh.

He / ...

We have got Accused No.5 and we have got Harry Singh?

--- Yes, that is correct.

And Harry Singh was what, he was a public relations officer? --- Yes, on the National Executive.

And No.5, what was he? --- No.5 was the national organiser of the Black People's Convention.

Who else? --- Colin Jeffrey, vice president of BPC, there were - well, Bawa was there.

But he was just a person? --- Well, Bawa was - PAUSE -

When I say - I am talking about the office-bearers. 10

--- I cannot recall if Bawa had any office, I do not think he had any office in BPC at all, and there was Richard Maidoo, who - PAUSE -

What office did he hold? --- I don't know what office he held but I know he was at Chatsworth branch official. ---

And Yugan Naidoo, did he have anything to do with it?

--- Yes, yes, Your Lordship.

What was he? --- I do not remember at that time what official position Mr. Yugan Naidoo held in BPC, that is local affairs, but I did point out to Your Lordship in my evidence- 20 in-chief I think it was, that Yugan Naidoo was representative of the Overport branch at the Second congress of BPC held in December 1973 as the Minutes of that congress reflect, and to my knowledge at the time that I addressed the Overport branch, Your Lordship will remember this is now some time in 1972, the second half of 1972, Yugan Naidoo was an executive office-bearer of the Overport branch.

But in so far as you can recall which were the National Executive officials of BPC who were involved, was it then Singh and No.5 only, and you have mentioned the 30 other man -- PAUSE? --- Colin Jeffrey, the three of them.

Now / ...

Now this Yugan Naidoo, is that the man I saw here at the lunch break? --- Yes Yugan Naidoo was -- I do not see him here now, but he was here, yes.

Yes, and then the organisation proceeded in Durban of the actual working and organisation of this rally, who was in fact in charge of the organisation arrangements etcetera, in so far as BPC were concerned, and who in so far as SASO was concerned? --- Well, Your Lordship, as I indicated earlier the office-bearers from SASO that were directly involved at various stages were Accused No.2, Muntu Nyeza, 10 the secretary general of SASO at that time, and Accused No.3, that is Mr. Mosioua Lekota, who I think was permanent organiser of SASO at that time - yes, those are the two executive office-bearers that I remember. There was Mr. Norman Dubazane, I do not know what executive office he held in SASO if at all. There were various other SASO - well I assume they are SASO members, Your Lordship, I know they are students, I do not want to say that they are SASO members categorically, not knowing their names, knowing them by appearance only, and right now almost two years after the 20 events the specific names escape me, and their status in SASO escape me as well.

Now the BPC people? --- The BPC persons, those three executive officers that I mentioned to Your Lordship, and local BPC persons Yugan Naidoo, Richard Naidoo, Ahmed Bawa - PAUSE --

I just wanted the office-bearers of the National Executive, it was only the three, is that right? --- That is correct.

Thank you. Now, I would like to digress for a moment, we have been touching off and on on this Meer episode, and 30 now Mrs. Meer, she is a lecturer or a professor or something

at / ...

at the Natal University, is that right, or am I wrong?

--- Yes, Mrs. Meer, I do not know whether she is a professor now, but she was a lecturer, a senior lecturer I think at Natal University in sociology I think.

And this episode that led to this bomb being placed in front of her door, do I understand you correctly to say that before, as you say, Harry Singh went to place this bomb he came and reported to you, told you he intends doing something like that? --- Well, Your Lordship, he - Harry Singh, the day that the incident took place, came to me he said he wanted to do, he wanted action, yes, that is it, he wanted action and he wanted to show persons like Fatimah Meer a lesson. Well now..(Mr. Rees intervenes)

10

I do not want the detail at this stage, we can go into that later, I just want to get the facts first. He came and he told you that he had such ideas? --- Well that he wanted to do something to show persons like Fatimah Meer - she was used as an example, a lesson.

Right. Then afterwards he came back to you and told you what the lesson was he tried to teach her? --- That is correct.

20

And who was with him or accompanied him? --- Your Lordship the next day I discovered that Harry Singh had accompanied or vice versa Indrin Chetty. Indrin Chetty was a partner in my business firm, that is the record library that I have spoken to Your Lordship about, and Indrin Chetty was, I am not certain, but I think he was the equipment officer of the Theatre Council of Natal, and he told me that he had been with Harry Singh, they had gone up to the campus, and ..(Mr. Rees intervenes)

30

I do not want the detail again, I just want to know in fact / ...

fact if Harry Singh had come and told you about it? --- Yes, and you asked me who else had been involved.

Yes, I just wanted to know? --- And Indrin Chetty said ..(Mr. Rees intervenes)

No, I do not want to know what he told you at this stage, what I do want to know though is can you advance any reason why he should come and tell you that he had been involved in this affair? --- Is that Indrin Chetty now or Harry Singh?

Well Harry Singh first - we are concerned with Harry Singh really? --- Well, Harry Singh I suppose because he had informed me before that he wanted to show persons like her a point, and I replied on that point that if he did anything to Mrs. Meer, anything that resulted in some incident then it would only give more credence to Fatimah Meer and make persons like her a martyr, and this I think was exactly the opposite of his intention in respect of the student strikes at that time.

What was your reaction when he told you he had done this? --- I was shocked, I remonstrated with Harry Singh..(Mr. Rees intervenes)

Why were you shocked? --- That he could do such a stupid thing like attempting to burn down Mrs. Fatimah Meer's house, Mrs. Fatimah Meer, and I could not see why he should do this ..(Mr. Rees intervenes)

What was stupid about this? --- Well the very act itself, Your Lordship.

Well it may be stupid, but now something must be said about it, was it - assuming he had done this to do something else, that is what I want to know, why did you consider this stupid act? --- The act itself, I mean resorting to such

cowardly / ...

cowardly despicable means of going to somebody's house, attempting to burn down their house, that type of thing, I don't go with that at all.

How did you regard Mrs. Meer? ---- I have had long acquaintance with Mrs. Fatimah Meer, I got to know her for example before I knew Harry Singh..(Mr. Rees intervenes)

What I would like to know is was the shock that you felt an element because of your personal feelings towards her, did that enter into it at all? ---- That did enter into it, Your Lordship, but it was the act itself, the outrage, the despicableness the niggardly nature of the act, and the fact that he - well, Mrs. Fatimah Meer, I knew her, that also, but the very basis of it was the cowardly nature of going around and doing this type of thing.

How strongly had he been involved, Harry Singh been involved in this students' dispute? ---- Well I think I have tried to put Your Lordship into the picture of Harry Singh now trying to have some sort of cell, underground type of cell, you know, closed secret group type of thing..(Mr. Rees intervenes)

20

What I would like to know, how deeply were you involved in that student business yourself? --- In that - which one now, the underground cell business?

No, no..(witness intervenes) ---- Or the students' strikes that we are talking about.

The student strike affair that led to the bomb being placed - are we on the same wavelength? ---- Yes we are. Your Lordship, I had been a student at Salisbury Island then which was at this stage the University of Durban Westville, and I spoke at two or three student gatherings, I referred Your Lordship to the day when the ad hoc committee of the Black

30

People's / ...

People's Convention met in May 1972 at the Allan Taylor residence, and that some of us who were present at the meeting including Drake Koka and Accused No.9 went along to the Veddie Hall where a student protest meeting was being held by students of the University of Durban Westville and I addressed that meeting amongst other speakers.

COURT: In support of the students? ---- Well, Your Lordship, the students had not been on strike at all at that stage, I may be wrong on that, but I do not think the students had been on strike, the students wanted to ..(Mr. Rees intervenes) 10

MR. REES: It was a boycott really? ---- No, no, I do not think - this is what I am trying to say, that I do not think the students were on strike or boycott at that time, but the students had grievances in respect of their SRC, they could not have meetings on the campus, and they wanted some sort of a parent-student liaison body to negotiate with the Rector in respect of forming an SRC which was acceptable to them, because the university authorities had a specific constitution, a tailor-made constitution which they wanted the SRC to specifically adopt and follow the lines of. 20

Were you a member of SASO at that stage? ---- Your Lordship I have explained that I have never been a member, a card-carrying member of SASO, and I conceded that I would have been what the prosecution calls an active supporter.

Were you an active supporter of SASO at that stage? ---- Yes, that is correct, as I am an active supporter now.

Now in your speech at that stage there were some students who opposed the boycott, as in all meetings, some people are for and some are against, is that not so? --- Your Lordship, that meeting at the Veddie Hall on the day that the Allan Taylor residence ad hoc committee meeting took place, unless my memory / ... 30

memory is playing tricks with me I think that the students present were all in favour of some sort of measure being taken like a boycott. There was a dispute I think, there were about two or three individuals who felt that the boycott should start immediately, some felt that the boycott should start a few days hence, some felt that the boycott should start after exams or something like that, but they were all for the boycott if I remember correctly.

Mr. Cooper, I am told that on that day you in your speech referred to those who were not for the boycott, those who were against the boycott as "Non-Whites", would that be correct? ---- I cannot dispute that, I may have said that, I cannot say now I said this in that speech, no.

When you people refer to Non-Whites it is a derogatory term is that not so? --- Well, yes it is, yes.

And to have used that term, if you had used it, with regard to it would indicate that you had fairly strong feelings on the subject that the boycott had to go on? ---- I remember Your Lordship, that the theme of my address to the students at that time was on Mahathma Ghandi who was a non-collaborationist ..(Mr. Rees intervenes) 20

Mr. Cooper, did you have strong feelings about the boycott proceeding -- or whatever name you want to call it, boycott or strike or whatever it was? --- I should think that I was in support of the students in their stance.

And the overall intention, the overall intention, was to close the universities, or to cause a closure of the universities so that the government could be embarrassed, was that not so? ---- Well that I do not know about, you say universities or did you say university, are we talking of Durban Westville University? 30

Yes / ...

Yes, well be that then the particular university?

--- But I think the idea in issue there was that there must be action in order that the students can have an SRC based on their desires that could represent them, not on the desires of the university in the light of their constitution.

In other words the idea was to cause a closure of that university so as to force the government to comply with the students' demands? Is that not the long term or the real reason behind the whole thing? --- No, I explained the reason as I understood it, Your Lordship. 10

Now Mrs. Meer's intervention in a nutshell boiled down to encouraging the students and parents to carry on with their organisation and to come to some sort of agreement with the authorities, wasn't that the crux of her intervention? --- Your Lordship, that is so, and this was all in the light of the requirements of the Indian students of the Indian university of Durban Westville wanting specific - a specific demand met.

And what she was advocating was contrary to what you were advocating? --- Well, no, Your Lordship, I would not say that is entirely correct. 20

Well, in effect what she was advocating bore fruit, you would not have achieved your object would you? --- The object was to get an SRC based on student aspirations at the campus, not on a puppet organisation created by the authorities at the university campus.

Yes, but now the effect of what you thought Mrs. Meer's intervention was, was to thwart these aims, not so? --- That is not entirely correct, Mrs. Meer was on the parents' committee, I think it was a parents action committee, I am not too certain. They were negotiating with the Rector for the

very / ...

very same thing ..(Mr. Rees intervenes)

But for a reconciliation, not so? They were trying to effect a reconciliation, that is what they were doing? --- Well, yes, I should think that is correct.

And that is not what you wanted? --- Well, as I said they wanted an SRC, if they did not want to be on the campus they would not want or demand an SRC in the first place, and I think the reconciliation can be misleading.

The point I want to make, Mr. Cooper, is in fact that you were the man who had the reason and you were the leader 10 who had the reason to go and frighten Mrs. Meer? --- I reject that, Your Lordship.

Not Harry Singh, you? --- Your Lordship, I was able, if I had such an intention, I would have done it myself, I would not have sent Harry Singh to go and do that type of thing, why would I have the need to send Harry Singh, I could have done it myself, kept quiet about it, why should I incite as it were Harry Singh and say: look, you go and burn down Mrs. Meer's house. Why should I do that?

You are a good organiser aren't you, you suggested 20 and fell in with the suggestion that No.2 sacrifices himself on the rally did you not? --- Your Lordship, that is totally incorrect.

CASE POSTPONED TILL THE 26th APRIL 1976

COURT ADJOURNS

/VMD.

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