

N. NKOMO

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

CASE NO.: 18/75/254.

23rd AUGUST, 1976.

In the matter of:

THE STATE

versus

S. COOPER AND EIGHT OTHERS.

VOLUME 145

(Pages 8 729 - 8 797)

LUBBE RECORDINGS (PRETORIA)

THE COURT RESUMES AT 10 a.m. ON THE 23rd AUGUST, 1976.

MR SOGGOT: M'Lord, I call the Reverend Farisani.

MR REES: I notice that accused No. 1 is not in his position. May he be told to go into the accused box.

BY THE COURT: What is the position with No. 1 accused? Mr Rees wants him to go back to his position in the dock.

MR PITMAN: I understand the accused is in some pain; otherwise I cannot help Your Lordship.

FURTHER DISCUSSIONS IN THIS REGARD.

BY THE COURT: If he is in pain he can sit there. (10)

TSHENUWANI SIMON FARISANI: sworn states:

EXAMINATION BY MR SOGGOT: Would you tell His Lordship how old you are? -- I am about 29.

Where were you born? -- I was born near Louis Trichardt on the 30th August, 1947.

And you did your schooling at Khutama and that is near to Louis Trichardt. Is that right? -- That is true.

And then you went to high school inter alia to the Cintumulo Secondary School and the Vendaland Training Institute? -- Yes. (20)

And you matriculated in what year? -- In 1969.

And after matriculation what did you do? -- After matriculation I went to the Lutheran Theological College where I studied through the University of South Africa.

What I want to know is what did you do in 1970? -- In 1970 I was doing my first courses in B.A.

First courses in B.A.? -- Yes.

Was that with Unisa? -- Yes.

And also you were at the Lutheran Theological Seminary? -- Yes. (30)

Would you just describe briefly the rest of your academic career/...

career? -- From when?

From 1970. -- In 1970 I did my first courses in B.A. In 1971 I continued with courses 2 and another course 1 and in 1972 I was expelled by the rector because we differed mainly on political reasons and grounds.

Did you eventually get your B.A. degree? -- Yes.

You majored in what subjects? -- In Biblical Studies and Sociology.

Now, you are yourself a pastor of the Lutheran Evangelical Lutheran Church? -- Yes. (10)

When were you ordained? -- I was ordained in February, 1975.

And after your being ordained, what work did you do? -- I was pastor of the Gertrudesburg parish and at the beginning .. (intervenes)

Gertrudesburg - G-e-r-t-r-u-d-e-s , Gertrudesburg parish. Yes? -- At the beginning of this year I was sent to Beuster parish as director.

And that is spelt B-e-u-s-t-e-r, Beuster parish, is that right? -- Yes. (20)

Is that near Sibasa in the Northern Transvaal? -- Yes.

May we now turn to your political involvement? We know that you eventually became the president of the BPC. What was your first contact with SASO and/or BPC? -- My first contact with SASO was at the Lutheran Theological College in 1970 and my first contact with BPC was in 1972.

What impression did SASO's thinking or ideas make on you? -- I immediately realised that at long last here is an organisation, a vehicle through which the feelings of the Black people could be expressed and the organisation through which the Black people could be made aware of their worth. (30)

Did/...

Did you join SASO? -- Yes.

At the Lutheran College? -- Yes.

And did you remain a member? -- Yes.

While you were a student? -- Yes.

And then thereafter, merely to get the broad lines clear, when did you apply for membership with BFC? -- It was in 1972.

And you were admitted as a member of BPC. -- Yes.

And then you were a member of what branch? -- Of the Mara branch.

Who started that branch? -- I was the convenor. (10)

You were the convenor. -- Yes.

So you got that branch going. Is that right? -- Yes.

BY THE COURT: That is in the Northern Transvaal. -- Yes.

It is a rural community, isn't it? -- It is.

MR SOGGOT: While you were in SASO, did you meet people like Steve Biko and Barney Pityana? -- Sure.

Did they have any effects on you? -- Yes.

Can you tell us what sort of effects? -- When I met them I recognised them as authentic Black leaders who had at heart the aspirations and the feelings of the Black people of South Africa. (20) Africa.

Now, were you ever an office bearer in SASO? -- Yes, I was the local secretary of the Mapumulo branch of SASO.

And was it while you were the secretary that you were expelled by the rector? -- Yes.

What were your activities in SASO? What did the people do? -- When I was in SASO, our activities were to conscientise the people. And again to be involved in our community program.

Community program. -- Ja.

Anything else? What sort of community programs did you have? -- Our literacy project and helping the community along/... (30)

along the road of development in agricultural plans.

Sipho Buthelezi, we know that he was the secretary-general of BPC at one stage. Did you ever meet him? -- Yes.

Where? -- Where?

Where? -- I met him in 1972 in Johannesburg.

And what was the effect of that meeting or what happened after that meeting? -- After that meeting I felt the need, since I was expelled from the college, of getting Mara branch to support the aspirations of men of Buthelezi's calibre.

Now, you have said you joined in 1972. Did you go (10) along to the 1972 December conference of BPC? -- Yes.

And did you also attend the December, 1973 conference?
-- Yes.

Was it at that conference that you were elected president?
-- Yes.

Again still dealing with the broad outlines, you went to Israel when was that? -- It was at the end of June, 1974.

And you returned when? -- It was late November, 1974.

What was the purpose of your visit to Israel? -- To study Hebrew in particular and the culture of the Jews as such. (20)

What was the motive behind that study? -- That is to equip ourselves with knowledge necessary for the translation of the Bible into my mother tongue.

You say 'ourselves'. You and who else? -- I had been there with brother A Mahamba and Dr Van Rooy.

Now I think this is a not inappropriate moment to ask you about BPC. May the witness be referred to the constitution, which is BPC B.2. Now you are familiar with that constitution?

-- Yes.

When did you first see it? -- I think it was in 1972. (30)

And did you approve of the declared aims and objects? --

Sure/...

Sure.

Have you ever understood BPC to have any other aims and objects other than those set out in the constitution? --
Absolutely no.

Now, would you have a look at page 1, which refers to, it says in the middle:

"We therefore resolve to found a

Political Movement;

Which would:

Articulate and aggregate the needs

(10)

of Black People in South Africa;

represent the Black People nationally
and internationally."

Now, have you people tried to do that? -- Sure.

Can you explain to us in what way did you people try and articulate? In what way would you say you articulated and aggregated the needs of Black people? -- We have whenever opportunities arose spoken to the people about their aspirations and about the need to unify ourselves and solidify our efforts so as to reach the goals which we hold dear. (20)

So in fact that is foreshadowed by section 2 which says:

"Principle and Aims:

To unite and solidify the Black People
of South Africa with a view to liberating
and emancipating them from both psycholo-
gical and physical oppression."

Is that right? -- Yes.

What is your concept of psychological oppression? -- My concept of psychological oppression is when one man is being oppressed by the other man by means of making him believe (30) that he is inferior to the man who belongs to the other race
or/...

or by instilling in him the feeling of inferiority whenever he is in the presence of the man who claims to be superior and we feel this leads to the other man thinking that he is not an equal of the other man who belongs to the other race and this we feel or we know to be psychological oppression.

Can you tell us from your experience of BPC and with the authority of being a past president, what methods BPC adopted to try and combat that psychological oppression? -- We talked to the people in the sense that they should accept the fact that they are made in the image of God like any other (10) person and that strictly on this basis there is no reason whatsoever for them to accept the lie that any other human being can be inferior to the other man, what is rooted into them and revealing to them what the real plan of God was. People realise that they were equal to any other person all over the world and again we made use of projects. These were meant to prove to the people beyond any reasonable doubt that they could as well achieve what other races could achieve on their own, if not better.

What sort of projects? -- Community development (20) projects like .. (intervenes - both speaking simultaneously)

.. Clinics and illiteracy. -- And illiteracy projects.

Now, in fact did these projects ever get off the ground with BPC? -- Some did, others of course for one or another could not succeed very well.

Well please tell His Lordship some of those that did get off the ground, that got going. -- I remember for example illiteracy projects got off the ground and some clinic projects got off the ground and we at one stage had for example the .. (indistinguishable) project. It was not a very, very (30) successful project but at least it did help.

That/...

That is the .. (indistinguishable) .. project. Now, in what way did you think these projects would help as far as psychological oppression went? -- We felt these projects would help undo the psychological damage that was caused by the system of teaching Black people to be inferior and we felt that if Blacks could read and write, they would be in a position to read on their own and to be analytical of mind on their own and to decide for themselves what is best for them and when it comes to projects we felt and realised that the Blacks should realise that at long last they could do certain things (10) on their own.

They can do things by themselves. -- Yes.

Does this link up, as far as you are concerned, with conscientisation? -- Definitely.

And you say what you have just described does it differ from conscientisation? -- Not at all.

Is that the process of conscientisation? -- Yes.

Now, you say talking to people about their aspirations and telling them that they are as good as any other man, would you tell His Lordship what about the possibility that (20) such a process of conscientisation could make people restive or impatient or perhaps tend to riot? What do you say about that? -- In fact I think it is a paradox of the South African society, especially the White people, that whenever Blacks are made aware of higher goals and aspirations of life, they would become restive and destructive in the form of rioting, whereas the Whites when they have got these higher goals, they do not riot and become restive. So there is no reason whatsoever why Blacks should riot when they are shown higher aspirations whereas the other race does not riot when they have got (30) these aspirations already. In fact I think Blacks are

entitled/...

entitled to even have higher aspirations than those of the Whites and this would not lead to rioting; it would lead to harder work and more study so that they should reach that goal. By rioting you do not reach a higher goal, you destroy things.

What would you think is the effect on people of your process of conscientisation coupled with organising them into a mass movement? -- The process of conscientisation would make our Black people realise that they are human beings 100% and nothing less and secondly, that after being conscientised we would achieve the level of unity amongst our people (10) to such an extent that we would speak with one solid voice and then the government or the White people would have no excuses whatsoever that there are pockets of Blacks here and there who do not have the same aspirations and with this unity and cohesion of purpose we would be in a position to speak with a unanimous voice and to speak with greater weight and pressure to the government and ultimately the government would find it wise to heed our requirements and requests.

To heed to your requirements and your requests. And what if the government were intransigent, when it refused (20) to heed, what do you then visualise? -- In actual fact I always called myself a die-hard optimist and I refuse to accept the proposition that there is any other human being made of flesh and blood who can be so intransigent to the extent that he may not listen to people even when he realises he is completely alone and I think the White government, after all they are people, I do not believe they are superior and I think they are just made as I am and I know that when pressure has been applied as the president of the BiC or as a pastor, if the members of the congregation say we do not like this, I (30) might resist at the beginning, but if I realise the whole

congregation/...

congregation of the whole parish say this and they are united, then I have to listen because I realise I am alone. So ultimately the government will have to listen even if they may say today they will not listen.

And is that how you propose to get your physical liberation? -- Definitely.

What is your attitude, talking about that, towards working in or out of the system? -- In actual fact I think the people who are working in the system have deceived the White people and their government for too long and this makes me (10) shudder as to the consequences of this self-delusion.

Now what people are you referring to when you say people working in the system? -- I am referring to the people whom we usually regard as puppets of the system. They are people for example who make use of the Bantustan system, which I regard as a political cul-de-sac which leads nowhere.

BY THE COURT: Why do you shudder, you say? -- Pardon?

What makes you shudder? -- It makes me shudder because I believe the Blacks who work within the system know deep in their hearts that the aspirations of their people grow (20) higher than the homelands practice for example and it makes me shudder when I realise that even amongst us Blacks there are people who for selfish reasons go to the extent of lying to the White people that we accept this structure, we accept this and this when they know in their hearts they do not do it and it makes me shudder because eventually the Black people and the people involved in the present system will realise that it is a political cul-de-sac and they will have raised the hopes of people so high whereas they never would be able to satisfy that. So we do not work within the system because we do (30) not want to mislead our people into believing that they will be

free/...

free within the structure whereas we know that this structure cannot really serve the expressions of the Black people.

But why do you shudder about it if they eventually realise that their aspirations are not as high as that of the other people? What will happen? -- I shudder because I realise that it will lead to people being frustrated and losing confidence whatsoever in the leadership in the structures and this might even eventually hurt the trust between Black and White.

What will happen then? -- I cannot say what will happen, but what I fear is that if you mislead people, let us say (10) you get into a job, you say you will get R20 per month and at the end of the month you give me R4. If I am afraid of you of course I leave the place, I will not do anything, but I will leave the job, I will no longer work with you and then this leaves us with a vacuum without any trust, a vacuum without any leader.

MR SOGGOT: The phrase, apart from - the phrase 'working within the system', apart from referring to the Bantustan structures, or structures of that kind, does it refer to anything else? -- The what? (20)

When you say we do not work within the system. -- The system at times I mean we use it here and there, you know, it is not really BPC official policy but we use it, I mean, freely, we can refer to the Whites as the system, you can refer to the government as the system, but particularly to the police as the system.

Yes, well, I want to deal with the question of non-cooperation. You are not prepared to cooperate with the Bantustan structures. Is that right? -- Yes.

Urban Bantu Councils? -- Yes, we do not want. (30)

The same, your attitude is the same. Is there any
other/...

other institution you are not prepared to cooperate with? -- Any other institution, I mean there are so many, as long as we feel this will perpetuate the philosophy of separating the people, we cannot work within. There might be many which I am not aware of.

Now, what is the BPC attitude towards legality and law? -- In actual fact the BPC is the Black people, so if you have to judge the BPC, you have to judge the actions of the Black people. The Black people are law-abiding people and BPC has gone out of its way for all these years to work within the law. (10) And that is still our position as I know it today.

What is your attitude, what is the BPC attitude towards confrontation with the ruling structure? -- I had been president of the BPC for two years and we have perpetually and relentlessly pursued the policy of avoiding confrontation with the system.

May the witness please be shown BPC B.1? This is a document which purports to be a minute of the inaugural convention meeting at Edendale. Now were you there? That is the middle of 1972. -- No.

You were not there. Could you please turn to page (20) - or if I can just ask you this question as a preliminary, have you ever seen this document before? I mean these minutes. -- Yes.

Where have you seen it before? -- I do not know, I just know this was in my possession, but I cannot remember exactly where I got it.

Are you familiar with it? -- Yes, I think I am.

Now would you turn please to page I think it would be page 13, it should be a typed 13 on top of the page, there might be a 44 there. And in the middle of the page it has got : (30)

"Report of the General Planning and

Organisation/...

Organisation Commission."

Have you got that? -- Yes.

Now, you have a look there, there is a ..(indistinguishable) 1, paragraph (c). -- Yes.

"Three-year membership project with a membership target of 1 million."

Now what is your understanding as to BPC policy in regard to that? -- In regard to the target of 1 million?

Yes. -- As I said from the word go, our program would consist of conscientisation of these people in order to (10) solidify them into a unanimous voice that should speak with weight and authority to the powers that be and this target of 1 million is not inconsistent with our policy. In actual fact, I wonder here, you know, perhaps we were not very optimistic, but I think it should have been made 30 million because our main aim is to unify and solidify our people so as to speak with one voice.

Have you people in fact got many paid-up members or subscribers? -- Pardon?

Has BPC, are there in fact many card-carrying members?(20) -- At the beginning we used to believe in card-carrying members but we realised our goal is not to get as many card collectors as possible, our aim is to conscientise our people so as to unify them into a voice which could speak with authenticity and, you know, coercion of purpose.

Would you please turn to phase 2, that is the next phase there so-called. -- Phase 2?

Yes, and then again (c):

"No confrontation shall be sought with the oppressive party." (30)

What do you say about that? -- I would say this is the epitome of/...

of the feelings of the Black People's Convention and it sort of, you see, I think this here it was supposed to make it clear that our goal is not to seek confrontation, but the liberation and freedom of our people. And this of course meant that we would not aim at doing things that would lead to confrontation, we would do things that are aimed at the liberation and the conscientisation of our people and not things that should trap us or lead us into confrontation with the system.

What do you think confrontation would lead to? -- I think confrontation would lead to a massive loss of life on (10) both sides, Blacks and Whites; it would lead to a lot of destruction of property and it would lead to feelings of mistrust and hostility between Blacks and Whites.

And what did you think would happen to your organisation? -- I felt this would of course lead to the banning of the organisation.

I want you to deal with some other aspects of BPC policy in broader outline. Black communalism, that we know figures in your constitution as one of your aims. Is that right?--Yes.

That is in BPC B.2 and it figures in paragraph 6: (20)
"To create and maintain an equitable economic system based on the principles and philosophy of Black Communalism."

What do you understand what result or effect would the application of the principles of Black communalism have, for example, to the structuring of South African society? How do you visualise it? -- If you were to ask me what would happen, for example, tomorrow if we were to apply this philosophy of Black communalism, I would say it would solve 99% of the problems that we face in South Africa and the way I look at it, is (30) that it would bring about an economic system that will be just to/...

to everybody, irrespective of colour, race and creed and this system would immediately do away with discrimination in salaries, in sharing of land, in sharing of wealth and in actual fact in all aspects of life.

Does it imply that the government or the State would own everything? -- No, definitely not.

On the question of foreign investment, could you tell us what your attitude was? -- Our attitude on foreign investment in actual fact I think cannot be divorced from our attitude to the present economic system in South Africa. The thing (10) that worries us in the BPC and the thing that worries me personally in particular is the fact that the present economic system does not benefit all the racial groups in South Africa on an equal basis. And as such we would be barbaric or highly stupid if we were to condemn foreign investors out of hand. But of course we have had enough of exploitation and we cannot for example afford to invite some more. So those who would like to come, they should be free to come. In case they would be dedicated to the profits and the progress - the profits of eliminating exploitation as we see it today, but if they (20) were to come here to increase the numbers of exploiters and sort of you know, dehumanising the Black people by giving them what .. (indistinguishable) calls, you know, dog pieces or something of that nature, definitely no normal man would accept that.

Did you have any motive to weaken the South African regime? -- Weaken?

The South African regime. -- What would we gain by that?

Well, does that mean you did not have such intentions? -- Definitely not. (30)

As far as your literature generally is concerned, did you people/...

people put out many leaflets? -- To my memory, on very few occasions.

And those leaflets which you did put out, were they not calculated to stir racial hostility against the Whites? -- No, definitely not. I think we were just putting in black and white the feelings of so many Blacks in South Africa.

Have you ever noticed that as a result of reading any BPC literature a person has become inflamed with his hostility against the Whites? -- No, not to my memory.

If we can come to something specific, it is common (10) cause that a gentleman, Harry Singh, went on a trip overseas with a view to collecting funds in the beginning of 1974. Now, the idea of a fund collecting trip overseas, where did that germinate? -- In actual fact I think it is common knowledge that BPC is not the richest people's convention in the world and as such we had our own financial problems which had to be solved one way or another through subscriptions, through donations and so on and of course these were not enough and it was felt that funds should be raised both in South Africa and where possible abroad. In South Africa for example, (20) we wrote to companies like, if I remember well, it is just a pity that the secretary-general cannot help me now, we wrote to for example Anglo American and the then organiser of - I remember he brought back letters, he read us letters of ... (intervenes - both speaking simultaneously)

I think it is common cause, Coca-Cola -- ... and all these things, some were regretting that there were helping other Black organisations already and as such they could not and then at one stage, at the beginning of 1974, I was supposed to go to Israel and I felt that perhaps I would raise (30) funds for the BPC there, but then of course it was not sure whether/...

whether I would get a passport or not. But even then I mean it was very, very doubtful. So immediately I was very, very much concerned with fund raising. I think if the men who/in the executive remember well. At Wilgerspruit I crushed people left and right for their passiveness in the fund raising effort.

What do you refer to when you say Wilgerspruit? -- Wilgerspruit is a conference centre.

And what conference are you referring to? -- It was a national council, not a conference.

A national council of the BPC? -- Yes.

(10)

And you say you crushed various and sundry people for their passivity? -- Yes, in raising funds, amongst them the secretary-general and organiser.

Yes. -- And I think it was very, very unfortunate then because I could not see the P.R.O. but then I talked this over with the national organiser, starting to raise funds within the country and I think I advised the secretary-general to do the same and at one occasion, at our first meeting, I told also the P.R.O., this was in January, but this was in person, I told him to help us raise funds in Durban because we (20) felt fund raising should be spread all over the country. And some time, I do not remember exactly when, when I was in Durban - Yes, the thing about Harry Singh.

Yes. -- when I was in Durban I met Harry Singh somewhere near the SASO offices, I think I was either with Revabalan Cooper or with Jeffrey Collins, he introduced him to me and later I met this gentleman, I met him again with Revabalan Cooper and he told me that this gentleman would be getting this list, I do not remember the amount. Then we said, oh, at long last God has come to our salvation. Then of course I enquired (30) whether the man had a passport, they said yes, he has got

a/...

a passport and he is getting the list. Then I said let us grasp upon this opportunity as soon as possible so that he should go and raise funds.

Was it your decision or an executive decision? -- The executive, as the president I am the spokesman of the convention and it was common knowledge that wherever I find offers of fund raising I should make use of this. So I used my presidential executive power to discuss this with the members of the executive individually and at long last I remember when I sanctioned the going away of what you call him again, (10) Harry Singh, when I discussed this matter with him, later some of the members did not know, later I just told them that a gentleman will be going overseas to raise funds for BPC.

Certain lists of addresses were prepared? -- Yes.

Who prepared them? -- Some of the addresses - many of the addresses we got in office when we took over power and some of the addresses I think Revabalan Cooper had because when I was there, he showed me a list. It was a long list. I cannot remember all the names, but some of the lists we already had in our office when we took office of the BPC. (20)

BY THE COURT: Who is this Cooper that you are referring to? -- Revabalan.

MR SOGGOT: That is Rev Cooper who has been referred to as the brother of No. 1. -- The P.R.O. in other words.

May he be shown BPC R.1 please? Do you know this document? -- This one?

Yes. -- Yes.

That was taken by Harry Singh, that is common cause. Did you see that before Harry Singh took it? -- What I remember is that I drafted something, a sort of a guide concerning (30) fund raising, in other words, the points that should be considered/...

considered.

Yes. -- And I either handed this to Colin or Revabalan Cooper to make a final copy because then I was supposed to go back to the front, but when I went down I was very, very busy so I asked, either Revabalan Cooper or Colin , I do not remember exactly, that they should give final form to this.

MR REES: Is this a person's surname, Colin?

MR SOGGOT: I think you are talking about Colin Jeffries? -- Colin Jeffries, yes.

He was the vice-chairman, wasn't he? -- He was the (10) vice-president.

Vice-president. -- Yes. So then of course they drafted the whole thing and I sanctioned this and said it should be given to Harry Singh either by Colin Jeffries or by Revabalan Cooper.

Did you yourself give Harry Singh any instructions about whom he should or should not see overseas? -- When I met Harry Singh, the last time I met him, I discussed with him, in actual fact I was sort of asking him to do the best he could to raise funds for the BPC, but of course there was one thing that (20) I was always aware of, that is once you are known to be a BPC member and you go about this, men of the banned organisations might be interested in you and we knew what consequences this would bring to the BPC. So I talked to him about many things and so on, amongst which of course I advised him not to get involved with ANC or PAC because one or another of the governments would know about it.

And did he accept your instructions? -- Yes, he definitely accepted it.

While we are still dealing with Harry Singh, Harry (30) Singh has suggested to His Lordship that in the BPC there were formal/...

formal and/or informal discussions among some people in favour of resorting to military training or violence. What do you say about that? -- Absolutely no.

What do you say about this suggestion which also comes from Harry Singh and that is that there was a body known as the supreme command, the function of which appears to have been to advise the BPC in the form of a secret body and that it was composed of Dr Aubrey Mokoape, Reverend Mayathula, Saths Cooper and none other than Harry Singh? Do you know anything about the existence of such a secret advisory (10) body? -- Absolutely not. I do not know what, in actual fact I think you could help me if you elaborate on this, because you made for example the name of a man like Mayathula. This is a man that I personally discussed several things with and he has been the interim president of the BPC and I felt it was good, whenever I met him, he is a theologian and we were quite interested in each other, so I would discuss, you know, with him. And a secret body behind the BPC, I do not know how he could have excluded me as president of the organisation.

BY THE COURT: What sort of a person was this Reverend (20) Mayathula would you say? -- What?

What sort of a person was he? -- Mayathula, I mean, he is a man who is dedicated to the Black struggle, but at times highly excited and, you know, he is easily excited and at times he would say, you know, he is really dedicated, he is moved, he is eager, but not the most cautious man in the world.

LAUGHTER

MR SOGGOT: He sees himself as Moses leading the oppressed out of the desert. Is that right? -- Yes.

One or two questions before I conclude. What was the (30) relationship between SASO and BPC? If you would deal with it/...

it first of all on a structural level. -- I would say there are differences and similarities between SASO and BPC. BPC is the People's Convention and I do not think I have to define the word people here, because all people know that they are people. So BPC is the people's organisation, in other words, its main part, you can call it conscientising or to put it succinctly, politicising the masses, organising them politically, making them politically aware, all on a general basis of, you know, dealing with the masses of the Black people, whereas SASO is also propagating the philosophy of (10) conscientisation, the philosophy of Black awareness and on this we definitely agree and we are moving in the same direction. But then it should always be kept in mind that SASO is a students organisation, more or less what you could call a sort of student or trade union. But again of course you find that if I may add, if a man, if a member of the BPC is not automatically a member of SASO; and if he is a member of SASO he is not automatically a member of BPC. But as you can see on my experiences, on my history, I graduated from being a SASO supporter into being a BPC man. (20)

And just in conclusion, there is in EXHIBIT PPP a report of the Mara branch to the conference. Were you instrumental in the drawing up of that report? -- I was the local secretary of the branch.

You were the local secretary. After Harry Singh came back, did he report to you? -- When Harry Singh came back, I remember I went back to Durban and I met Revabalan Cooper and then he told me that when he came back he had handed the money to Revabalan Cooper. So when I met Revabalan Cooper, we discussed about the whole matter. I think it was in the (30) direction of R1 100, I do not remember exactly, of which

I/...

I instructed... (intervenes)

Do not worry about these figures. Perhaps my Learned Friend is interested. Leave that, I do not think it really matters. On the question of the general strike, have you ever understood that on a formal or an informal level it was agreed in BPC that a general strike was to be - the method of the general strike was to be adopted as a form of struggle? -- No.

CROSS-EXAMINATION BY MR PITMAN: Were you ever told or informed in writing or anything of that nature, that you might possibly be a State witness in this case at an early (10) stage? -- Yes.

Were you - you are saying that you were told that you might be used as a State witness? -- Yes.

Were you seen by the police at some stage? -- Yes.

Roughly when was that? -- This was I would say after I came back from Israel, which would be somewhere December - in December, 1974.

In December, 1974, or thereabouts? -- Yes.

Who saw you? -- I think it was Major Strydom and another man whose name I do not remember. (20)

Was this somewhere up in the Northern Transvaal? -- Yes, it was in Louis Trichardt.

Were you questioned? -- Yes.

Was a statement taken from you? -- Yes.

CROSS-EXAMINATION BY MR REES: Before you gave evidence, did you have any interview with Mr Pitman who has just been cross-examining you? -- Yes, I had an interview.

With whom? -- With Mr Pitman.

When? -- About 2 weeks back.

And what did he want to know from you? -- He wanted (30) to know about my background, about my academic achievements, about/...

about my association with the BPC and SASO.

And did you give him a written statement? -- Yes.

And with who else did you have interviews? -- Mr Soggot.

When? -- Yesterday.

And did you go through all the evidence you gave here? -- No, some of the things are just cropping up here, some of the things we touched.

What things have just cropped up here? -- Oh, I mean questions like exactly how did you really envisage to - the method that we used to conscientise the people and the (10) things about exactly as to - for example when he says Harry Singh, when he came back, did you talk to him or did you talk to Revabalan Cooper, and then I said I talked to Revabalan Cooper.

What do you consider what is your function in coming to give evidence? -- My function?

Yes. -- In coming to give evidence I think is to help the Court and everybody to know the truth about the whole situation, the case as a whole.

What about protecting the image of BPC? -- I do not (20) think the image of BPC needs to be protected.

Why not? -- Why should it be protected? You only protect it if it is a bad organisation.

I see. You say indeed you were concerned to keep within the law. -- Oh, definitely.

Always? -- Yes.

And what was BPC's attitude when two of its members were prosecuted for inciting racial hatred? -- In actual fact I think this is a political paradox of the South African situation.

You do? -- Oh, yes, because I think instead of the (30) government concentrating on the authentic things, the real things/...

things that cause racial hostility, they go to an apostle of salvation who is only ..(inaudible) .. to the government, who is warning the government of the feelings of the people.

Who is this apostle of salvation you are referring to? -- Every Black man who is honest and ..(indistinguishable) .. to talk the truth under all circumstances even if this is not palatable to the White man. I think it is an apostle of salvation both to the Whites and Blacks because he makes Blacks aware of what they are already aware and he is the one who talks this over, in actual fact, his voice is this feeling (10) to the White people, giving them the opportunity to repent and to amend their ways.

So you want the Whites to repent and amend their ways? -- Definitely.

Which Whites? -- All White people who believe in oppressing the Black people.

Well, which are they? -- I say all White people who believe in oppressing the Black people.

Which Whites are these people? -- The Whites who do the job. (20)

Does that include Mr Fitman, Mr Soggot, does it include anybody here? -- In actual fact if you were to ask me to take a research on every individual, I would be able to answer the question. I just know in general that Whites do oppress, but you cannot refer me to individuals as if I stay with them at home and so on, but if you want me to generalise I am able to do it. All the people who vote for the evil law that we feel(?) oppressing the Black people, have to be saved, have to repent from this type of evil.

Let us get back to my question. Which members of (30) BPC were prosecuted for inciting racial hatred? -- You say which/...

which?

Yes. -- I do not know.

You do not even know? -- No. I mean now perhaps some of these brothers here you might think have been inciting racial hatred but then of course you have to be specific, you have to tell me a man did this and incited racial hatred. If you are just speaking in a vacuum then definitely I cannot answer questions in a vacuum.

Are you aware that accused No. 4, that is Dr Mokoape, was prosecuted and convicted for inciting racial hatred (10) in Durban? -- I know there was a case concerning Dr Mokoape down there, but I did not really pay particular attention to it.

Did it ever come to your notice that Harry Singh had been prosecuted for inciting racial hatred? -- Yes, I think I remember but I do not know exactly the outcome of the case. I know these cases are cropping up all over in South Africa, so there are so many, you know, it is very difficult to follow which is which.

And what effect has that on you? -- This gives me the impression that it is a very, very difficult task to (20) make Whites repent; it is an uphill battle and this of course, you know, I think I .. (indistinguishable) .. in one way or another it is very, very negative because it is on occasions when you accuse people of racial hatred that they get the opportunity of speaking to those that are in high positions, to know and explain what Blacks really feel when they can do something.

So without even finding out what the facts are, you support these people's activities. -- Definitely not. That would be highly stupid of me. That is why I ask you to (30) be specific.

All/...

All right - but I told you. -- You told me they have incited racial hatred. I would have liked you to say they told a meeting go and hate the Whites, to this to the Whites and so on; just to say somebody has incited racial hatred is not enough.

Well, the Court found them guilty. -- What the Court decided, as I say, I did not pay particular attention and there is one thing of course that I have to say. Unless Whites negotiate - for example if you express a view and you say this man is racialistic minded, this man is inciting people, (10) then you have to put the facts before me too and we discuss and explain and negotiate about it and see who is right. You cannot take it for granted because you think this way as a White man that is the right way. This is the epitome of the evil in South Africa.

What is the epitome of the evil? -- The epitome of evil, in other words, the master problem that is confusing the South African situation is that Whites think they know best what is best for the Blacks and this definitely cannot be so. God cannot afford to give to one race the monopoly of (20) knowing what is best for all others.

And do you think you know best what is good for the Blacks? -- No doubt about it. Relatively speaking compared with you, I think I should qualify.

I am not asking you to make comparisons with me. LAUGHTER. Understand? -- I follow.

I want to know from you whether you think you know best what is good for the Blacks? -- I think I do.

What about the homeland leaders? -- I think they know, but they are not prepared to tell you that they know. LAUGHTER. (30)

What about the Black policemen? -- The Black policemen; in actual/...

actual fact I think it would be a futile mistake for the system, if they ever think that White policemen are on their side.

I am talking about Black policemen. -- Hunger is - honger is die beste kok, in your mother tongue if you are Afrikaans speaking. If people are hungry, they want a way of surviving and living and you know when you are hungry, they say dying men clutch even at a straw. If this man is suffering he does not have a job, you come and say - even if you say shoot your own Black people - even if you say shoot your own child, he may do it just to collect that cheque at the (10) end of the month.

Is that your opinion of the Black policemen? -- Ah, definitely that is my opinion. I do not think they are on your side. No normal Black person .. (intervenes)

I am not interested who is on whose side, I just want to know. -- Right. It would be unnatural and abnormal completely abnormal of any normal Black man to support the present system as we know it; it is unnatural.

What about the Black administrators in the homelands? -- Whom are you referring to? Can you give me one example? (20)

Black
There are many/administrators in the homelands. --

Administrators of what?

Administrators of affairs, employees in State departments. What about them? -- Can you give me one department as an example?

Take the Black magistrates. -- I think they find themselves in a terribly awkward situation.

What is awkward about it? -- When they for example have to prosecute their own fellow Blacks for pass offences. I think that would be very awkward a situation. (30)

And what about the application of the general laws of the land/...

land? -- When it comes to the application of the general laws of the land, I think they perceive the Black people ... (indistinguishable) .. work within the system. They know that to transgress the law and to use my own coining of words, is unlawful to use - to transgress the law is unlawful, as you understand it. So I think Black people have been patient enough as they are today to work within the law but not working for the system as it stands today.

So what do you say about the Black administrators, the Blacks working for the ... -- Firstly as I have said (10) they want money for survival and if you would change into a Black man today just for one week and move around, listening to what they say in private, I think you would change your mind overnight.

What would I hear them saying? -- You would hear them saying we are grappling, helping this oppressive system simply because we want our stomachs to remain bulging and our children to be in a position to survive.

Is that what you say? -- This is what I know the Black people feel and say. (20)

Is this what you say? -- I say this is what I know the Black people feel and say.

Please answer my question. Is this what you say? -- No, this is what Black people, including myself, say.

Oh, so when you made - you told the Court in answer to Mr Pitman that you made a statement to Major Strydom. -- Yes.

Did you make that statement of your own free will? -- Oh, yes.

Did you tell him the truth? -- I told him the whole truth. The whole truth. When did you speak to Harry Singh (30) about the collection of funds? -- I do not remember the date and/...

and the month, but it was in 1974.

1974. Did you tell the police about that? -- I do not remember them asking me about it.

What time in 1974 would that have been? -- As I say I do not remember the date and the month, but it was before I went to Israel.

It was after you were elected national president? -- Yes.

We have a paragraph here in what purports to be your statement, paragraph 18:

"I can remember an executive meeting (10)
held early in January, 1974, at BPC
head office, Johannesburg, and that we
continued with this meeting at the
railway station where we slept. The
next morning Cindi and myself returned
to the office. I cannot remember any
discussion between us on our way to
the office."

-- Yes.

Who is Cindi? -- For pronunciation sake, his name is (20) Cindi.

Cindi. -- Yes. That is Zithulele.

Where is he? -- If you look just behind you, you will see a man who is called Cindi.

Is that accused No. 8? -- I have not looked into the list. That is Cindi.

He is sitting here, one of the accused. Then you say:

"The next executive meeting was held
in Durban."

-- Yes. (30)

And is that the time when you say you had the discussions with/...

with Harry Singh? -- I cannot recollect well, but I remember when I talked to him the first time it was near the SASO office, I talked to this about him and I talked to him again for the second time when I went down alone to see about the running of the branches and these other things and that.

When did you go abroad? -- It was at the end of June, 1974.

I have got here a passage:

"I do not remember discussing the raising of funds for BPC abroad or offering to get people to take letters out of the country and post them abroad appealing for funds."

Did you say that? -- Yes, I said it.

Could you explain that? -- In actual fact as I said we discussed about fund raising at the Wilgerspruit national council and the secretary-general knew his job, I knew my job and as BPC president it was up to me now to contact this man to raise funds.

Just a moment. You said to Major Strydom :

"I do not remember discussing the raising of funds for BPC abroad or offering to get people to take letters out of the country and post them abroad appealing for funds."

-- Can you give me the statement? I just want to see the context please.

Just explain that passage to me. -- Well, can I get the statement?

MR SOGGOT: M'Lord, may the witness see the statement? (30)

My Learned Friend in fact has not read the whole paragraph.

MR/...

MR REES: M'Lord, that is most definitely an untruth.

BY THE COURT: But the witness is entitled to see the statement.

MR REES: But I read the whole of paragraph 18.

BY THE COURT: That may be so, but he is entitled to it.

MR SOGGOT: I am talking about the last quotation. I am not making any remarks about my Learned Friend's honesty or anything like that. He did not read the phrase:

"The next executive meeting was held
in Durban."

-- Right, under 18 here, this is what I see and shall (10) read:

"The next executive meeting was held
in Durban. I do not remember discussing
the raising of funds for BPC abroad or
offering to get people to take letters
out of the country and post them
abroad appealing for funds.."

This means we never discussed this thing at this executive meeting, but I discussed it with members of the executive.

MR REES: What did Major Strydom want to know from you? (20)

-- He asked me about this meeting at Durban. He asked me what happened there. I told him what happened there, you see, and he asked me whether we ever at that meeting discussed this matter of raising funds or of taking any letters out. So at this executive meeting, no, we did not discuss it.

Why didn't you tell him that you had in fact sent Harry Singh out and told Harry Singh? -- As I said from the word go he never asked me about Harry Singh as far as I remember.

Why didn't you tell him that you had in fact sent a person overseas? -- In actual fact when he came to me, he asked (30) me the questions I had to answer and whatever he asked, I answered/...

answered.

Why weren't you fully frank with him and tell him yes, we sent a man overseas? -- He asked me about this particular meeting and said if you were Major Strydom you would have asked me the questions you are asking me here. It is just unfortunate that he did not ask me.

Why were you not fully frank with Major Strydom? -- I was fully frank with him on all questions that he asked me.

Why didn't you tell him what the facts were? -- He did not come to me to ask me about what are all the activities (LO) of the BPC.

He asked you about BPC's fund raising activities, didn't he? -- Why did he not ask me about fund raising, why did he not ask me when I said we raised funds with Anglo American, with Coca-Cola, why did you put special emphasis on this question where actually you do not do with the others?

I am asking you this, now please answer the question and do not ask me questions. Do you understand? -- I do understand.

Right. Now, why weren't you frank with Major Strydom and tell him that in fact you had discussed the raising of (20) funds for BPC? -- What I would ask you now to do is please if Major Strydom let him do it, may he do it please.

I am asking you now to answer the question. Why were you not frank with Major Strydom and give him this information? -- My simple answer is I answered all the questions that he put to me and the question which you put to me now, he did not put to me. So I would just be frank in a vacuum.

You see, I read to you paragraph 18, you read it yourself. It reads like this:

"The next executive meeting was held (30)
in Durban. I do not remember discussing
the/..."

the raising of funds for BPC abroad or offering to get people to take letters out of the country and post them abroad appealing for funds."

-- Yes.

What did this refer to? -- What this referred to, he asked me whether - I think he asked me whether we gave letters to people to go and send abroad but this we didn't do. What we did was send Harry Singh not to post letters, but to give these letters overseas and raise funds. (10)

Why didn't you tell Major Strydom that? -- Because he did not ask me that question.

THE COURT ADJOURNS FOR TEA. THE COURT RESUMES.

TSHENUWANI SIMON FARISANI: still under oath:

FURTHER CROSS-EXAMINATION BY MR REES: You say you are ordained as a priest? -- Yes.

And you studied theology? -- Yes, I have done biblical study, theology.

You even went to Israel in connection with biblical study?

-- Yes. (20)

Have you ever seen any authentic text or suggestion that Christ was a revolutionary who worked in collaboration with guerilla fighters? -- No, definitely not.

You say BPC is dedicated to the liberation of the Black man? -- Yes.

Is it dedicated to fight for freedom whatever the cost?

-- Depending on what is meant there.

No, I am asking you. -- Yes, I would say to struggle for liberation.

Whatever the cost? -- Yes.

(30)

Which of these accused do you know? -- I know Strini, I know/...

know Cindi, I know Sedibe not much, I know Nef, I know Nkwenkwe, I know Aubrey and I know brother Lekota, I know Myeza.

Brother Lekota, why do you call him brother? -- Just as I would call you brother.

But you did not call the others brother, why do you call him brother? -- In actual fact just to place emphasis on all the things that I have been saying starting from Strini.

You do not know accused No. 1, Saths Cooper, do you? -- I know him. Oh, I did not see him.

You know him as well. -- I know him.

(10)

Which of these people that you have mentioned are not members or office bearers of BPC? Or were not members or office bearers of BPC? -- Strini, Sedibe, Nef, Lekota and Myeza.

Would you have a look at the document EXHIBIT BPC R.1 please? Just give the Court again the history of that document, how did that document originate? What happened to it? That is BPC R.1 you have got in your possession and you are now paging through it, is that so? -- Yes. When I met Revabalan Cooper we discussed about this fund raising thing especially having in mind the trip of Harry. (20)

I want the drafting of that document, if you can come to that as soon as possible. -- Yes. I gave him some material to use in the drafting of the thing.

What did you give him? -- I gave him some points that he should use in the drafting of the document.

What did you give him? -- What?

Yes. You say you gave him some points. -- Yes.

What did you give him? Did you tell him some points or did you write down some points? -- I wrote down some points. (30)

On what? -- On paper, on a small paper.

Did/...

Did you have this with you or did you bring it down with you, the points? -- I brought it down to him.

You had the points already? -- Yes.

What were the points that you gave him? -- The historical background of the organisation and I think I had this point of home education service project.

You are now looking at the document as you are telling the Court what you gave him? -- Yes.

Can't you remember what you gave him? -- Oh, no, it was long ago, I cannot remember. (10)

You are just refreshing your memory from the document.
-- Yes.

Yes, carry on. -- And the budget and the administration and - I cannot remember all the points that I took down, but some of these things we might have discussed there.

Where were you when you discussed this with him? -- In Durban.

I know. Durban is a very big place. -- Yes.

Where in Durban? -- It was at his home.

Where is his home? -- His home is in Chatsworth. (20)

Who all were present? -- There was also brother Cooper.

Who is brother Cooper? -- The one that is sitting behind you.

Accused No. 1 in this court. -- Yes.

Yes, carry on. What part did accused No. 1 play in this?
-- We just discussed the points a little bit and then I left it over to the P.R.O. to draft the whole thing.

What did accused No. 1 have to do with it? -- It was discussing for example about the background, you see.

What? -- The background of BPC. (30)

Why did you have him present? -- When I went there he

was/...

was there because I went there to Rev and he was there.

Why did you include him in the discussions? -- He was not included, he was there as we discussed.

What do you mean he was not included, he was there? -- In other words, what you mean, I understand what you mean by saying we invited him to come.

I do not mean anything, I am asking you. Understand? -- He was there and we felt there was no reason to expel him, it was in his house and his brother stayed there, as I found him present. (10)

So it was in accused No. 1's house you had the discussions? -- Yes.

No. 1 was present. Now, do you mean he was present in the house, or he was present partaking in the discussion? -- He was present in the discussion.

Present, partaking in the discussion? -- Yes.

You were sitting round a table? -- We were just sitting on the chairs.

In what room? -- In the sittingroom.

Just the three of you or anybody else? -- It was myself, Rev, we were only three. (20)

Only three. -- Yes.

Did he take an active part in the discussions? -- Ja, he made some contributions as we discussed.

What contributions did he make? -- Especially the background of the organisation because we were new people, we did not know much about the background of the organisation.

So? -- And he had to give us information about the development of BPC and what it was doing.

And if I would suggest that not you and Rev Cooper (30) but accused No. 1 compiled this document, what would you say? --

I/...

I would neither say yes or no because we had the discussions and I left the whole thing in the hands of Revabalan Cooper to draft and then he showed me the documents, I rectified it.

Just a moment, I want to know. What do you say if I should suggest that accused No. 1 drafted this document or compiled this document? That is Saths Cooper. -- What I would think, I do not know, is that the onus of drafting the thing was on his younger brother, so whether his younger brother
(intervenes)

You do not know the position. -- I do not know. (10)

So you did not compile this document. -- No, I instructed the P.R.O. to draft it.

Would you have been happy if Saths Cooper had drafted it?
-- What is it?

Would you have been happy if accused No. 1, Saths Cooper had drafted this document? Are you now looking at it? -- Yes, I do not see who is behind it.

Carry on. -- Right. So I was happy with the document as it is. I would not mind as to who drafted it as long as I felt it was a good document that was enough. (20)

When did you first see the completed document? -- It was just before Harry Singh went overseas.

Who gave it to you? -- I got it from Harry, from Rev, I saw it, it was with Rev.

Where? -- It was in Durban.

Where in Durban? -- It was at his place, at his home.

At his home or at accused No. 1's home? -- I always knew that Rev stayed with his elder brother because that is always where I met him, I did not know of another home.

So you found this thing at the home of accused No. 1. (30)
-- I found it with Rev Cooper.

In/...

In Rev Cooper's possession. -- Yes.

And from where did he produce it? -- When I arrived there the document - in actual fact he met me near the SASO office, we went to his home. Actually when I met him he had the document already, then he said to me O.K., we will go home, then you read through it. I went home, I read through it and then I said O.K.

Did you make any correction at all? -- No, I did not make any corrections.

What was your impression, who had prepared this (10) document? -- In actual fact I thought some of the material he did not compile, he got perhaps from the previous material prepared by the executive that came before us.

Who did you believe compiled this document? -- I believed it was compiled by Revabalan Cooper.

What was accused No. 1, that is Saths Cooper's position in BPC from the time that you became its president? -- As far as I was concerned, he was not a member of the executive and I just regarded him as a fellow Black struggler.

Was he authorised to take any actions or any decisions (20) or anything on behalf of BPC? -- Not as far as I remember not at all.

Not at all. -- He was never instructed to do anything on behalf of BPC.

Did he have any authority to act on behalf of BPC? -- Definitely not.

Definitely not. And if it should be found that he was making statements, issuing documents, making arrangements in connection of BPC, what would you say to that? -- I would say that the statements that he issued and perhaps he could (30) answer himself on that as to why he did it.

I/...

I am asking you. What would you say? What would be the status of those statements and documents and utterances by him? -- I would look at them and say these are the documents written by Saths Cooper expressing what he feels or expressing what he thinks the Black people feel or what he knows they feel.

Yes? -- I would look at them as the documents written by Saths Cooper. He is expressing what he feels or putting in black and white what Blacks feel.

Did you appoint anybody to take your place while - as president of BPC while you were absent? -- Yes. (10)

Who was that? -- Actually I did - my vice-president was Colin Jeffries and automatically he would take over, but when it came to helping in the administration and so on, I took the experience of Psotetsi into consideration, Paul Psotetsi, and asked him to help specially in administration and drafting is concerned, so I would rather say there was - automatically there was Colin Jeffries, but administratively we also wanted Paul Psotetsi's services.

Where was Paul - how do you pronounce it? -- Paul Psotetsi.

Spell that second name please. -- I do not know (20) whether my spelling would be all right. It is Paul, you can spell that. Psotetsi should be P-s-o-t-e-t-s-i.

And where was his office? -- He was in Johannesburg, he was chairman I think of the Johannesburg branch and of course when he helped with the administration, he had to get to head office, that is the office of the BPC. He did not have his own special office anywhere, to my knowledge.

I would like you to have a look at BPC C.9. You see that document? -- Yes.

May I just have it for a moment please? This (30) document purports to have been issued on the 4th April, 1973 -

I/...

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I/...

I am sorry, the 4th July, although there is written in ink: "Issued 11/7/73" and it purports to be issued by - let us have a look at the names at the back and you just read them to the Court please. -- Witness reads:

"ROY CHETTY - Public Relations Officer

SIPHO BUTHELEZI - Secretary General

AUBREY MOKOAPE - Chairman, Durban Central

BPC Branch

HARRI SINGH - Chairman, Overport BPC

Branch." (10)

Will you describe these people as being influential members of BPC? -- Roy Chetty I did not know much and I think there is hardly anything that I can say about him. Sipho Buthelezi was the secretary-general of the BPC and I think this is the man who really was - I would say he was the embodiment of the aspirations of the Black people and I think an able leader.

Is that why he left the country in the dark? -- No, I think he did not leave the country because he wanted it, I think he left the country when he realised perhaps that, I mean (20) he was not treated, I mean, as if - I mean that he was not being treated by angels and he felt perhaps he should leave the country.

Did he tell you that? -- No, no, I never met him before he left. In actual fact I never met him since he was banned at our national council meeting .. (intervenes)

So whatever it is, if he left the country illegally, that is justified in your eyes. -- I would say, I mean, if I am standing here and I do not want to leave the country and somebody comes - I do not want to leave this dock, let (30) us say we took up on a very .. (intervenes)

I/...

I am not asking you about -- then I would not stay
I am just asking you did - was Buthelezi pushed across the
border or did he go of his own free will? -- What I think is
people, for example in South Africa, they do not leave it
because of their free will, it is just because they think it is
no longer safe for example to stay in the country.

Did he have reason to believe that it is no longer safe
to stay in South Africa? -- I think the banning order was too
heavy for him and I understand that some time he had to spend
in prison and you can imagine that in prison definitely (10)
is not like being in a hotel or in the President Hotel in
Johannesburg. (LAUGHTER)

Oh. Are you playing for the audience? -- No, I want to
tell you exactly what Blacks feel and if you .. (intervenes)

I am interested in Mr Buthelezi, that is all. -- Right.
So I say Buthelezi, as you know, was in prison for a long time,
he was banned.. (intervenes)

I do not know him. -- You do not know that?

No. -- That is why I am informing you about it.. (LAUGHTER)

You say he had been in prison. On what charges? (20)
-- I do not know.

But whatever it was, you say it was wrongful? -- No, I
mean what I know is that being in prison is not a nice
experience.

Oh, yes, but you do not know why he was in prison. -- No,
I do not know.

You do not know. -- I understand he had transgressed his
banning orders or something like that.

But whatever it is, you think it should not have happened
to him. -- What is it? (30)

Whatever the reason was ... -- Yes, I think so.

But/...

But you do not know what it was. -- No.

And you think his leaving the country was justified? --

Oh, I think if people would tell me exactly how - I do not know how he was treated in prison, I do not know how he felt. So if I say it was justified, I would not be telling the truth because I do not know what really happened to him. I think Sipho Buthelezi would be in a position to explain why he did leave the country.

Did you know who assisted him to get to the border? --

Definitely no.

(10)

Because there was evidence in this court that amongst others, Mayathula and accused No. 8 went with him to the border. -- No comment on that, I think I do not know anything about his leaving the country and how he did it.

Now you say the next man was Aubrey Mokoape. -- Yes.

And Harry Singh. Had you seen this document before, this press release or statement issued by the Black People's Convention to the press? -- I would not say so.

You would not say so. Now, they discuss here on the second page the foreign involvement and the exploitative (20) economic system of South Africa, may be summarised as follows. Now, it seems to me to suggest - do you see that? -- Yes.

It seems to me to suggest that - I want you to have a look first of all, these factors that they mention there, the 7 factors. Do you see them? -- Yes.

Would you say that the first national congress considered those factors in deciding on its policy with regard to foreign investments? -- I would not say no.

You would not say no? -- Yes.

In other words you say yes. -- I do not remember (30) everything that happened at that congress, so for me to say to/...

to give a general no, would be making me into lying and to say yes would make me accept thing which I am not aware of.

You see, if you look - yes, but you were at the congress.

-- Right, if you take point by point and ask me about it, perhaps that would be so much better.

Now you say on the next page they say :

"With these factors in mind, the first National Congress of BPC unanimously passed the following resolution:

That this Congress noting:

(10)

1. The vital role played by foreign investors in maintaining and supporting the economic system of South Africa,

2. That this system is designed for maximum exploitation of Black people,

3. That the riches and resources of this country belong to Blacks as their birthright,

(20)

4. That foreign investors claim that their presence in this country contributes towards the development of the Black community,

5. That this claim is disputed by the reality of the Black experience in this country;

Therefore resolves:

i. To reject the involvement of foreign investors in this exploitative economic system,

(30)

ii./...

ii. to call upon foreign investors
to disengage themselves from
this white-controlled exploitative
economic system."

Is that correct? -- Yes.

Now would it be correct, are these people correctly representing that these factors mentioned here, Nos. 1 to 7, were the factors considered at the first national congress of BPC? -- I should think so.

You think so. And the resolution is then to the (10) effect that foreign investors are called upon to disengage themselves from the white-controlled exploitative economic system. -- Yes.

I just want to revert for a moment to this BPC R.l, the document that Harry Singh took overseas with him. What happened to the copies of that document that Harry Singh did not take with him? How were they distributed? To whom? -- You mean the copies of this?

Yes. -- I do not know to whom they were distributed.

Well, how should they have been distributed? -- I do (20) not remember actually whether there was any agreement as to whether this document should be distributed.

How should they be distributed in the normal course? -- What we had in mind, we had this document and this document was given to Harry Singh to go and raise funds. I do not think we ever said it should be distributed.

Yes, but now this thing was definitely prepared in Durban.
-- Yes.

And on the evidence placed before His Lordship, a copy was found at the BPC offices in Johannesburg. -- Yes. (30)

And it appears to me at other places as well. -- Yes.

Now/...

Now, can you explain how it is that it comes to these places? -- Oh, to Johannesburg definitely it has to come there, the head office of the BPC.

Where else has it got to go? -- I do not know other places where it was found.

Well, how did you people distribute and how do the members of BPC know what is happening? -- Oh, the members of BPC know that the executive has to raise funds and this was just to implement the decision of the Black people that we should raise funds. It was not necessary to distribute this (10) amongst members because we were implementing what we were supposed to implement.

Did you believe that the withdrawal of foreign investors could lead to the downfall of the Vorster regime? -- Well, how I look at the whole thing is that .. (intervenes)

Did you believe that the withdrawal of foreign investors could lead to the downfall of the Vorster regime? -- I cannot say yes or no, what I should say, I should tell you exactly how I felt about it. What I felt about it was that the withdrawal of the exploiters would not help the cause of (20) economic exploitation of the Blacks in South Africa and ipso facto and consequently this would lead to the Whites realising that if foreigners cannot come to help us in this exploitation, they do not like what we are doing in South Africa and as such people would lead them to repent on the economic exploitation of the Black people.

What do you mean repent? You are always talking about repenting. What must the Whites repent? -- Repent is a change of attitude for the good of the people and for the individual who is repending himself. (30)

Why do you call it repent? Why do you talk about repent?

--/...

I do not quite understand what you mean by conscientising the Blacks. -- Would you like me to help you?

Why - of course, you must tell the Court, you must not not help me, you must tell the Court. -- By conscientising Blacks we mean something like this - I am not going to be intellectual, I just want to come down to mother earth. It means simply making Blacks aware of the fact that they are worth just what the White man is worth.

How do you make them aware? -- Oh, there are two ways of making them aware. One: I would call this a positive, (10) positive way of doing things.

Yes? -- You tell them, as I have said from the word go you are equal to all the people in the world. I am not referring to abilities and talents. I consider all men to be created in the image of God.

This is now what you tell them? -- Yes, I am going on.

The parson tells us that every day from his pulpit. -- Who?

The White preacher tells us all men are equal. -- If I were to tell you how many Whites attended and how much I was disappointed at the pastors, you would not definitely say (20) this.

Are you disappointed even at the White pastors? -- Oh, yes, yes, definitely.

What must they do? -- The preaching for example of this doctrine of predestination that Blacks are predestined for servitude as hewers of wood and drawers of water.

Where did you hear that preached? -- I would like - where did I hear it being preached?

Yes. -- All right, I will tell you one thing. Practical, I do not want to tell you theory. (30)

Where did you hear it preached? -- Good, I am going to tell you/...

you. I was working for a certain white pastor and I called him - the first time I went to work there, I said to him: Goeie môre, meneer. Then he immediately said to me: Nee, nie meneer nie, ek is jou baas.

Was this a white pastor? -- A white pastor for your information.

Yes, who was he? -- Who? You know, I do not want to sort of, you know, bedevil people's names, I am not a scandaliser.

Where was he? -- It was in Louis Trichardt. He said: nee, ek is baas. And once we were coming down to (10) Pretoria, Irene. On the way .. (intervenes)

Was he your employer, this man? -- Yes, and a pastor. When we passed Nylstroom, there was a small zoo there. We went there, there were baboons and I think two or one lion, and these were consuming a dead donkey. He said to me: Daar is jou broer, referring to a baboon. And I took it for a joke because I did not want to be angry unnecessarily. So I responded in kind, I said: die guerilla is ook jou broer, and he became .. (inaudible) .. (making a strange noise) to me. Whilst in Irene I was discussing with white children (20) please I want to tell you an authentic story. Once in Irene I was discussing the Bible with some young white children, boys and girls and it was at a pastors' convention. Here comes a white pastor who was sitting in a car, I was reading the Bible in Venda and translating in Afrikaans: "Die Here is ons genadig, Hy het ons lief en Hy is ons ..(inaudible) .. en al hierdie dinge." Toe kom hy en sê: wat maak julle hier, wat doen julle hier? Sê nee, ons luister na Simon hier, hy vertel ons oor die Here. Hy sê: nee, nee, dit is nie die manier waarop julle met kaffers moet gesels nie. And then (30) I realised this is the man who speaks in tongues, this is a man who/...

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who speaks about love. So that is why I say now when it comes to White pastors I think they have to be evangelised by Black ^{they} pastors. You know, that/will see the light.

You are referring to one particular pastor or two or three particular pastors, now you generalise ... -- Look here, brother. I would like to inform you (LAUGHTER) I would like to inform you on other things of which you are not aware. Perhaps it will help you and other people maybe. I have gone out of my way to talk to White pastors and to white .. (inaudible). Do you want me to give you examples? I have been (10) invited by White pastors to address them at Selom Hospital at the beginning of 1974. Their topic was the aspirant en frustrasies van die Swartes in Suid-Afrika en die implikasies daarvoor vir .. (indistinguishable). Right, so after that we had a discussion and definitely I learned what they think. Again we had a meeting at Inkwe Motel that is plus-minus 12 miles .. (intervenes)

What did they think, what did you learn? -- Oh, then I realised they are in a pitiful religious situation.

What do you mean? -- What I mean is that they feel (20) they are an elect nation predestined for being the masters and the masters of the Black man, the shapers of his destiny, you know, the promulgators of his way of life and all that sort of thing and at times I got the impression that as far as they are concerned, Blacks might be predestined for damnation. I realised this again just last year. We had a Black theology seminar at a place called Childweni Hospital. I was one of the speakers and when I left that meeting I was terribly disappointed and moved by love to carry on my experiments even further because there definitely I got (30) some converts and this encouraged me a little bit although the/...

the majority did not see the light.

Well, it appears to me you believe there is no redemption for the majority of the whites. -- I believe there is, there is if they are prepared to repent.

Yes, and if they do not, what then? -- That is left in the hands of God. I cannot conduct, argue against God and decide for God. (LAUGHTER)

But if it is in God's hands why then are you conscientising people? -- I would like to refer you to Matthew Chapter 28, verses 18 to 20: (10)

"Go ye into the world and speak to the people, teach them everything that I have taught you."

What is this Matthew you have referred me to? -- 11:28 to 30 Matthew 28, Chapter 28, verses 18 to 20. And if you want me to add to that, you read the book of Isiah, Chapter 58, then you will know what it says about oppression there.

Yes, but what does it say there? -- Has anybody got a Bible here? I would like to help a lot.

No, you are not now - I just want to know briefly (20) what it says. -- It says, I am not interested in your fasting, tearing your clothes and putting ash all over your body and do you think that is the .. (inaudible) .. that I want and the Bible goes on, when you roll in ashes and tear your clothes what about the yoke on the man you have bound(?) to you, what about the people that are not free. It is not the type of fasting that I want, the feeding of them and a hungry stomach, the clothing of a naked man and so it goes. And if you go ... (intervenes)

Speak into that microphone please. -- Right. And (30) if you go again to James Chapter 5, it speaks about the oppressor/...

oppressor and the exploiter - I wish I had a Bible here just to read it for you, it is so explicit. So this is why I believe - I do not believe there are people who are predestined for damnation. I believe Whites, if they get true and honest apostles of God, can have the chance to repent.

But now you are not addressing yourself to whites, you are addressing yourself to Blacks and you are conscientising Blacks, you are telling them you are as good, if not better, than the Whites. -- This is, if you want to know, as a pastor I have got the chance of talking to Whites and all this type of (10) thing. Can you imagine Cindi here, for example not being a pastor, coming to address the Whites in Pretoria?

No, but I am talking about BPC. BPC is addressing themselves to the Blacks. -- Who is BPC?

You tell me. -- O.K., I will do the job. BPC, all Black people who subscribe to the aspirations of Black people. They might be pastors, they might be teachers, they might be doctors, they might be lawyers and I think these people are doing their job their own way wherever they find themselves.

You say BPC is who? Say again? -- BPC is the Black (20) people of South Africa.

It cannot be the Black people of South Africa. -- It is. If you read our constitution well .. (intervenes)

You are then fighting with the homeland leaders. -- ... (inaudible) as I said from the word go, it is even amongst Blacks we find adventurers, financial adventurers and political adventurers and I am not surprised that we have got this type of people who believe for example in homelands structures and this type of thing. We understand that.

Do you think these people are not sincere? -- (30)
Definitely not.

Not/...

Not one of them? -- I would not say not one of them, the only people who can be sincere are the people who are not well-informed. If you were to take each homeland leader and say do you have any objection of being part and parcel of the whole South African situation, do you choose to be dependent, let us say the ... (inaudible - this witness is speaking terribly fast) .. we can .. (inaudible) .. in South Africa, we can become one united nation. I can assure you there will be very few objections, if any at all. And by far 99 perhaps ,95 of the Blacks would applaud that decision. (10)

How are you removing this idea of psychological oppression from the Blacks? -- As I say I was just on the point of telling you, I told you the first thing. We talk to them to make them aware that they are equal to everybody.

What do you tell them? -- We tell them, man, you see, when a White man comes to you do not just start trembling before you even listen to what he says. Stand up like a man, after all you have got a spinal chord. Listen. If he is speaking sense, congratulate him, if he is speaking nonsense, correct him immediately because he is not telling the truth. If a (20) White man comes to you and says separate development is the only way of ..(inaudible) .. the South African situation, tell him definitely that cannot be true and give him reasons. And again, this is the way of telling you, isn't it? Again we tell him do not believe the White lies that you are inferior, do not .. (intervenes)

Which Whites say that - where do you come to this idea that the Whites lie that the Black is inferior? -- Would you like me to give examples of White lies?

Tell us. -- White lie No. 1 that the Whites are (30) superior to Blacks.

who/...

Who spread this? -- In actual fact it is spread by Whites.

How do they spread it? -- For example just by allowing yourself to be called 'baas' at your home, you see, you are spreading this philosophy of inferiority. How can you be called 'baas', when we meet in the street, you say goeie mōre and when I respond, starting to say, goeie mōre my baas.

Who said that? -- All Whites, how many of you are not called 'baas' at your home?

And what about these young Whites who call their superiors baas? What about that? -- I know what baas means. (10)

What does it mean? -- Here are two White people speaking to each other: ah, meneer, hoe was dit gewees, dit was baie mooi gewees, ek het dit ten volle geniet. And now, my kaffertjie, as jy met die baas wil praat. When you talk amongst yourselves, you speak in terms of sir, sir, but when it comes to Blacks, it is master, piccaninny, boy or something of that sort.

What is a piccaninny? -- A piccaninny means some young Black person who is working perhaps in the garden, in the kitchen. I think you would need a definition from the (20) Whites because they use the word more.

What does the term piccanin mean? -- I would like the Whites to help me here.

What is a small Black boy? -- A small Black boy is a boy.

A boy? -- Yes. (LAUGHTER)

And in your own language? -- Bimukukhana. (LAUGHTER)

How many languages do you speak? -- I speak Venda, English, Afrikaans, my mother tongue.

Is Afrikaans your mother tongue? -- Almost my mother tongue. I am just being discouraged because when I speak (30) fluent Afrikaans, Afrikaners do not like it, they say hy dink hy/...

hy is 'n mens. (LAUGHTER). Also, I know Afrikaans, I know English, I know Venda, I know Northern Sotho, I can understand Tswana, I understand 45% of Zulu, I know Hebrew and I know a bit of Shangaan and I am studying German at the moment.

BY THE COURT: How long did it take you to learn Hebrew? -- It took me I think about a week or so just to be able to communicate with people, after a month or two I was just fluent in it. The teachers were good, let me say, it was not attributed to my intelligence or something of the sort, the teachers were just good. (10)

MR REES: What do you understand by the system? -- The system, as I say, it is not a word which is the official way or the official policy of BPC, it is used freely. When I say the system, I might be referring to all Whites.. (intervenes)

I want to know what BPC means when it refers to the BPC system. -- We do not have any/definition of system.

But here they talk about working outside the system-created platforms, etc. -- This I think should read government-created platforms.

What do you understand by that? -- The Bantustans, (20) the UBC and such like.

But when you gave evidence-in-chief you said the system includes the police and things like that. -- You just stopped me when I was going to add those two.

Sorry, carry on. Are you winking at somebody? -- What? Are you winking at somebody? -- Oh, at times, you know, subconsciously I just wink.

Carry on. -- Yes, what is the question?

You were telling us about the system. -- The Whites in general, the government, the police and so on. (30)

What is and so on? I want to know. -- So on means the other/...

other things which I may not remember now.

The Whites and the police? -- And the homeland structures -- no, it is the Whites, the police and the government. Mostly it is used for that. But there is no hard and fast rule that it means exactly this.

Tell me, you told Harry Singh he should steer or keep away from the ANC and PAC. What was the -- why should he stay away from ANC and PAC? -- That was my aim from the day I became the president of the BPC.

Tell us. -- Not to be involved with banned organisa- (10) tions because this would lead us into trouble.

What had happened? Why was the ANC or PAC banned? -- I understand people say they were banned, I do not know exactly, I was a young boy by the time these organisations were banned. Some people say they were banned because they propagated violence because they had confrontation with the government.

What kind of confrontation did they have? -- I do not know, I was not in their committees and I was young by then.

No, but you say you heard surely. -- Confrontation, as I said, I understand people say they were violent people (20) and they wanted confrontation, you can describe this in any way.

What do you mean by confrontation? -- Confrontation can mean two things.

Tell us. -- Confrontation can mean, I mean, when you face man, to fight with him, or it can mean what we are doing here. In dialogue we can confront one another.

Were they banned because they had dialogue? -- I think they were banned because the government did not like them.

Why didn't the government like them? -- I do not (30) know. This I will leave to the White people to explain again.

I/...

I am asking you. -- Definitely I do not know.

You do not know. -- Except what I have told you I hear people say, but I do not know what was going on in the minds of the then cabinet.

You say the Reverend Mayathula is not the most cautious man? -- Yes.

What do you mean by that? -- By cautious I mean a man who just uses any word he comes across in an excited manner without realising the full implications of what he says, sort of, you know. (10)

Tell us, tell us. Give us an example. -- Well, let us say for example, I mean if a man is to say to the people, what you are really - he is just inconsiderate you see, he is speaking, speaking, speaking.

Well, tell us. -- What shall I say really? In everything that he does. You know, it might be in speaking to his wife, speaking to his children, speaking to any other person, you know.

But I want you to explain that to me. -- In which way definitely? As I say he is my friend, I have heard him speaking to his children, I have heard him speaking to his wife, I have heard him speaking for example at congress. If he is excited: here we are, Black brothers, and on and on, and (witness shouts - not distinguishable) .. and all this type of thing, you know. (20)

You mean he is a most impressive speaker? -- Impressive - I said excited.

Well, I am asking you whether .. -- You do not impress people by the verbosity or the degree of the noise that you make. You impress the people by the facts that you put them across. (30)

Now you have told us about one way, that is the positive way/...

way of making Blacks aware. What other way is there? -- I said positive, positive, it was not just positive.

Oh, well, give us then the second positive. -- Yes, the other, negative positive if you would like me to call it negative positive, is to tell a man in our mother tongue, perhaps .. (indistinguishable) understand, we say : "u hamba lizi ... (indistinguishable - Bantu phrase)".

Now slowly translate that please. -- To say a bad word is to give room to a good one.

I do not understand that. -- Right, it means this: (10) if I say to you you are a thief, right, I always forget, you know, as a pastor please you will understand, he is only a thief ... (LAUGHTER)

BY THE COURT: Mayathula was also a pastor, wasn't he? -- Now he is a pastor.

Yes. -- But then when I knew him he was still a student, he was not a pastor. If I say to you you are a thief and this happens to be true, it is not necessarily a condemnation. I am telling you that you are a thief and if you realise that .. (indistinguishable) ... the fact that you are a thief, (20) definitely all honest and normal people would like to leave that bad way of life. So we can say to these people, the Black people you see, you are not kaffirs, you are people. Saying that in order to leave room for a good thing. That is another way which I call a negative positive. Say something negative in order to achieve a positive end.

Isn't this thing where this parson said to you: die bobbejaan is jou broer or whatever it was, wasn't that putting this negative to you in a positive way? -- Oh, that would be the grossest underestimation of the intelligence of the (30) Black man. We know in which context Whites use these words.

Well/...

Well, you tell us. -- If it were in the same context
(intervenes - speaking simultaneously)

I just want to know, was it this positive negative of yours? -- It was not. If it were when I responded in kind, he would not have become furious.

Just tell us the context of this positive negative of yours. -- Right. There are white people in South Africa.

I just want the theory of the thing without a definition or a definition without an example. -- Right. This negative positive way of conscientisation is to tell the people (10) the bad things which of course they already know; to tell them about these bad things in order to make them aware that they should leave these bad things and leave room for a better thing.

I do not understand that. -- That is the definition. There is a rotten donkey in this dock, I come and say remove this rotten donkey from the dock because I know - let us say he is a rotten donkey, I take it out and bring in an ox-cart. That is removing a bad thing in order to replace it with a good thing. That is what I mean by negative positive.

When do you have direct confrontation? --- Direct (20) confrontation?

Is there a difference between - if I say to you we are going to confront these people or I say I do not want to have a direct confrontation with them. Is there a difference? -- I think this would depend on the context really. As we are here, I am having direct confrontation with you, we are talking to each other and if, for example, say I am preaching in my own congregation, I say: beloved Blacks, you see, it is our mission to show to the White people that we are also human beings, here I am having an indirect confrontation with you, (30) because you are not present. But when you are here, this is direct/...

direct confrontation.

Do you think that the ANC tactics might have led to a destruction of life and property? -- For your information, I am not well informed on ANC and PAC because I did not even definitely want to know what they were doing.

Why not? -- I cannot really comment on the ANC and PAC.

Why were you not interested in what they had been doing? -- As I say, these are banned organisations, these are banned organisations, as you know.

Yes. -- And I wonder whether you are by implication (10) indicating that I should have been interested in the activities of banned organisations.

I do not understand you. -- You ask me why I was not interested.

Yes. -- I was not interested because they were banned.

Didn't BPC take over the role that had been played by these organisations? -- Oh, definitely not.

Isn't BPC filling a void that had been left vacant because these organisations had been banned? -- Filling a void does not necessarily mean doing what the previous organisations (20) were doing.

I have never suggested you must do what they did. I want to know. Now, didn't you then consider it as president of BPC that you should find out why these people had gone wrong, why have they been banned? -- I told you just a few minutes ago I understand they had, you know, they were violent and this is why they were banned and this is why we as BPC chose a course of non-confrontation.

Is that the reason? -- Yes.

Now can you tell me then if these people were (30) violent, is it in fact that you did not want to have anything to/...

to do with them? -- Yes, I did not want to have anything to do with them. What I read in the papers and what I hear White people saying, addressing White gatherings in Pretoria and Cape Town, I mean.

You mean what? -- What I mean is what I mean, that is they say these people were violent and .. (indistinguishable) and the main thing in the BPC policy is that we should avoid confrontation, we should avoid violence.

You should avoid direct confrontation. Isn't that so? -- Direct confrontation, then if I say yes, you would not (10) understand actually my talking to the White gatherings, as I have referred to you... (intervenes - speaking simultaneously) ... interested in asking ... -- ... confrontation to the Whites.

Is BPC not interested in seeking direct confrontation with the Whites? -- Direct confrontation in ... (indistinguishable) .. means violence.

Yes. -- But I cannot say BPC is not interested in having direct confrontation in as far as this means that BPC should have, you know, direct talks with the White people. (20)

RE-EXAMINATION BY MR SOGGOT: No questions.

BY THE COURT: How did you think that communalism is to be applied in this country? -- That is one confession that I must make from the outset.

Yes? -- And that is no economic system is perfect but we feel Black communalism which is not a new philosophy of life, but it has been a way of life of the Africans even before the Whites came here. So we felt it would be applied in the sense that people will be in a position to share the land, the wealth and the labour in the country justly, irrespective (30) of race, colour and creed.

How/...

How does one achieve all that? -- Definitely the way I have in mind is this, if for example the BPC was not hindered in its work, then it would unify the Black people, speak with one solid voice. Let us say we arrange a gathering in Pretoria here, we call all the authentic Black leaders to come and meet the White cabinet and thrash out what we have in mind, you see, and draft a constitution that would be good for the country, that would not discriminate against anybody.

Yes, but still, how do we get the property shared? I mean the property does not belong to the government, the (10) property belongs to the people. -- Then people would be in a position to share.

Yes, but how? How does one achieve your aims? -- We would like to achieve this thing through direct dialogue with the people who are involved .. (intervenes - speaking simultaneously ... talking .. to let all the people part with their property. -- What?

How much talking do you think is necessary to get people to part with their property? -- Oh, in actual fact I think it depends on how people are educated. If a man is educated (20) if you educate people, they will be prepared to understand there are many, many things which Whites are learning to accept today which they would not have accepted 5 years ago.

But you are not answering my question. How is the property to be transferred from the property owners to the not-haves, the people who do not have anything? -- Through dialogue and discussion with these people.

Do you say that by just talking to the people they will just hand out all their property? -- You talk about it, are they made of wood or stone? I mean as you are now, let (30) us take for granted you are the judge and this gives you .

a/...

a higher status, that definitely does not mean if I talk to you even if you are a judge, you cannot listen.

If I have to try a case and a man says that oh, he had a farm, but now the farm belongs to that man and then if I asked him how did you get the farm, he tells me oh, I talked to him, then I will not believe him. -- Look, it is a matter of discussion. Oh, brother Whites, look, you have given 13% to the more than 20 million Blacks in South Africa and the 87,3% you have kept for yourself. Look, this is causing starvation, look, this is greed, look, this is selfishness (10) and look, this is leading to dissatisfaction amongst the people. Can we not find a just ... (indistinguishable) .. it is not a matter that I can say we can discuss tonight and by tomorrow it will be implemented. As you discuss things and as you educate the people, they do understand. You realise it is not easy for the government for example .. (intervenes)

Are you going to talk to the 17% or are you going to talk to the government? -- What is it?

Are you going to talk to the 17% who own the property as you say or are you going to talk to the government? (20)
-- We are going to talk to all people, government, any White person anywhere.

What is the use of talking to me if I am not one of the 17% who own all the farms? -- You use your influence. Let us say you are a judge, you are intelligent enough and you understand more than ... (inaudible) .. farmer somewhere near the .. (inaudible). If you go there, if I make you understand you can go to this White man and say: hey, muna, kyk, you say man, look, I understand you are a wonderful farmer and you are producing a lot here, you see, and the Black people (30) who are working, you are giving them R20, R20, but I tell you you/..

you will be .. (indistinguishable) ... from the site of Black people if for example you .. (indistinguishable) 800 morgen, man, what about it if you distribute this and some Blacks participate in this project, you know. He will understand.

But why do you think he will be more secure if he does that? -- I think because I do not believe in the security based on guns and bowmans(?) and maritime naval powers and bullets and cannons ... (LAUGHTER)

You accused old Mayathula for being a bit verbose. (10) Now I would be glad if you would also confine yourself to the questions. -- Good.

Now, why would you think that a person would feel secure by dishing out his wealth? -- Good.. If now I am a farmer, and I pay my workers, let us say I make R5 000 a month, and I pay my workers 150, 150, 150 and give them wonderful living conditions, this made me I am secure, firstly they love me, secondly they will not steal and definitely there will be trust and confidence in one another. But if I should keep everything to myself and just give them peanuts and (20) so on every day, they come, they say but they are hungry, they are suffering from kwashiorkor, definitely they fear but they will not love me and I do not regard that as security.

But as a parson do you know so little about human nature that you really believe that the people who have the farms will just dish them out because of love from the people? -- I do not say dish out, I say they have to be educated to understand and ... (intervenes - speaking simultaneously) .. enough White people too who are prepared to help. I know there are White people who understand. If they would only be (30) prepared to tell their fellow Whites, they would make them understand/...

understand and there are enough Blacks who can help the whites understand.

And you really think that on that basis the 17% who own 83% of the land will just dish it out like that? -- Not dish out, as I say. The Whites will be educated and once they come to an understanding that here is the best form of security, then they would be willing. Which man in the world does not want to be secure? If they are made to understand
(intervenes)

You think security plays a big part in this scheme (10) that you mentioned? -- Yes, I think White people are frightened and they feel terribly insecure in what they regard as an ocean, you know, finding themselves as an island in an ocean of Black masses and therefore they do not feel secure.

Why would they be frightened if they are an island with Black masses around them? -- They are frightened because they know that what they are doing is not popular with Blacks, they know Blacks are not getting a fair share of everything that we get in South Africa and they know that the silence of (20) the Blacks does not mean acceptance of what is taking place, but it just emanates from fear.

Earlier on you mentioned about there will be a danger to life and property. Now why is property endangered if the Black man is not satisfied? -- I said they can even steal, as you know today in the factories you know, people are stealing, you know.

Yes but now, do they just steal because the factory does not belong to them or what? -- I think they steal because they are not getting a fair share of the wealth as it is (30) being produced either by the factory or by the corporation

or/...

or whatever.

Are you suggesting that the only people who steal are people who do not own anything? -- I would say most of the people will steal is because they do not have enough and because they do not own anything, but of course we must leave room for those that, you know, in our mother tongue we have got - we say '... (Bantu phrase) ...' you see. In other words, if a man is a born thief, it does not matter if he comes to a house, and he does not steal money, he does not find any money, he can just even steal this glass just to throw it in the dustbin as he goes out. (10)

Now you talk about equality and then immediately you qualify it with talent and ability. -- Yes.

Now what does your equality involve? -- As I said I believe all men are created in the image of God and on this basis and this alone, men are equal. This does not mean ipso facto that people are equally talented, are equally able, you know.

But then how can they be equal if they do not have the same talents and the ability? -- They are made of the same stuff clay and the spirit. (20)

I do not understand that. -- O.K., let me explain to you. God created man, unless you tell me you do not believe that story, but then I will stand by it because I believe it. God created man, not God created Blacks and Whites, God created man and on this alone it means that all men are equal because all are made in the image of God.

The stupid ones and the clever ones and the talented ones.
-- Definitely.

Yes, well now. . . -- They are equal.

Must you treat the talented and the stupid and the people with ability in exactly the same way? -- Definitely, (30)
with/...

with the same respect.

And so the person who has genius and ability and talent, he gains nothing by it. -- I think when God gives you a talent, it is not for your own benefit. I would not like to refer you now and again to Scripture because I will do this on Sunday.

Well, what does the Bible say about talents? -- Right. It says God has endowed people with different talents and when I have got a talent, when I am a genius, I must not think God has made me a genius in order to gain things for myself.

But what does he say how must you use your talents? (10) -- I must use it for the benefit of all the people.

Where does he say that? -- What?

Where does he say that, that you must use it for the benefit of all the people? -- If you read James 2:17, it says ... (indistinguishable)

What does he say about the talents, the man who has one talent, the one with .. -- Right, the Bible states then there are many, many talents amongst people but do not boast if you have got the talent, you must inter-change, you know, your talents with one another. In other words, God gives us (20) different talents so that there should not be a monopoly, so that you should be inter-dependent.

Is that what he said when he dealt with talents? -- Yes.

And what do you, as a religious man, what do you believe about predestination? Seeing that you mentioned it. -- Predestination is mainly the philosophy of the Dutch Reformed Church.

You do not believe in predestination? -- No.

So there is no such thing that your life is planned by God in this world? -- God helps me as I go along in life, (30) it does not mean that you must just ... (inaudible - not into the/...)

the microphone)

So anyway, there is no such thing as predestination as far as you are concerned? -- It exists in the minds of other people, they think it is there, but I do not believe in it.

So God does not determine what will happen to you tomorrow or the day after? -- I regard God as being a religious dictator, that is why he created men and put them in the Garden of Eden and he gave them the responsibility, you may do this, you may not do this, and he leaves this up to you. As far as I am concerned, God intervenes (10) here and there in the history of people, but he does not predetermine that you have to follow this path.

Why - you also say that this country must be called Azania? -- Oh, definitely.

Why do you say that? -- For your information, somebody just asked me this question last week and I just like the name, the sound is wonderful and to me it suggest change, you know, justice and all these things, and just on that basis.

Is that the only basis on which you ... -- Yes, I do not know the background of the word. (20)

So you also believe in total change? -- Yes, I believe in total change.

What does that involve as far as you are concerned? -- It means South Africa must become an egalitarian society.

Is that the only meaning of total change? -- That summarise everything.

What about values? What about things like that? -- Values definitely, you know, because of this I think there has been too much indoctrination .. (intervenes)

I am asking you what it means and then you wait every (30) time I must suggest something and you say oh, yes, it means this 1/...

I want to know what you understand by total change. -- What I understand by total change is that people must change their attitudes to one another, especially this refers to Blacks and Whites and I think the exploitative system must be replaced by the system of communalism and I think we must develop a sense of respect for one another in respect of race and so on.

So that is the sum total of what you stand for? -- Yes.

NO FURTHER QUESTIONS.

MR SOGGOT ADDRESSES THE COURT - save for the problem of proof of documents, would have involved the closing of the (10) Defence case.

MR SOGGOT FURTHER ADDRESSES THE COURT IN THIS RESPECT.

MR REES: Agrees, but reserves the right to attack the admissibility of the documents.

DISCUSSION BETWEEN THE COURT AND MR REES IN THIS REGARD.

THE COURT ADJOURNS FOR LUNCH. THE COURT RESUMES AT 2,20 P.M.

MR SOGGOT ADDRESSES THE COURT: There appears to be agreement on a number of aspects. First of all in regard to certain exhibits which have already been handed in, EXHIBIT W, EXHIBIT X and EXHIBIT AA, the State does not dispute the authenticity (20) of the relevant documents. Exhibit X also includes minutes from the Transkei Legislative Assembly, but since that was not referred to in cross-examination, there is no agreement in regard to those documents.

SASO R.1 - the bullet and the ballot - Defence contends that that is part of a larger document with the title 'The Free University Scheme'. State and the Defence agrees that the whole document which includes the portion relating to the bullet and the ballot (SASO R.1) was found at SASO offices in Johannesburg with a covering letter entitled Free University. (30) Asks permission to photostat the relevant pages and hand it to the/...

the Registrar tomorrow. It can go in as EXHIBIT SASO R.1(a). SASO R.1 as it appears in the record at the moment, namely 'The repugnant elements in Western Culture' which comprises 2 pages, was found separately by Major Stadler at SASO offices, Durban.

Dr Turner referred to a number of documents - they are referred to in EXHIBIT BB, being a whole annexure, but these documents were never put into the record because it would burden the records unnecessarily and the additional documents that he relied upon in making his assessment of SASO/BPC (10) are here in this file. The State has gone through this file and save for certain reservations regarding certain documents it is admitted that these appear to be SASO and BPC documents and the authenticity of these documents is not disputed.

The State's reservation:

There is contained in the file a report back to Reef Africans by the Honourable Mr B.J. Vorster in February, 1975. No one contends that that had anything to do with SASO or BPC although it was a document to which Dr Turner made reference.

The State wants to point out that there is another (20) document which contains a report of the DOCC conference, it is Thema Sono, the president's speech. The State wants to point out that there is one page missing there. We have no objection to that being pointed out.

Another document which purports to be the South African Black Social Workers Association. The State suggests that that has got nothing to do with SASO or BPC.

A document headed 'IDAMACA' relating to a conference of IDAMACA which SASO representatives attended. There is also a report by a SASO official, but the State's contention (30) is that prima facie this is a document which really deals with/...

with IDAMACA and not with SASO or BPC directly.

Subject to those reservations as it were, Dr Turner's reference to these documents we feel is adequately cleared by agreement and we do not have to put these documents into the record or prove them, which we could do.

MR SOGGOT CLOSES THE CASE FOR THE ACCUSED HE REPRESENTS.

MR PITMAN CLOSES THE CASE FOR THE ACCUSED HE REPRESENTS.

DISCUSSIONS ABOUT THE FUTURE PROGRESS OF THE CASE.

POSTPONED TO THE 12th OCTOBER, 1976.

(10)

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State v S Cooper and 8 others.

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