

c.c.

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

CASE NO: 18/75/254

DATE: 13 APRIL 1976

THE STATE

vs

S. COOPER AND EIGHT OTHERS

VOLUME 66

PAGES 3656 - 3731

LUBBE RECORDINGS (PRETORIA)

COURT RESUMES ON 13th APRIL 1976.

SATHASIVAN COOPER, still under oath:

EXAMINATION BY MR. SOGGOT CONTINUED: Mr. Cooper, I think we disposed of the communiqué. Would you now deal with Count 8, which deals with Harry Singh and his speech at the Sharpeville commemoration? Now I think he alleges that you gave him certain pointers to bring out the injustices, will you tell His Lordship what you know about that? --- I deny his allegations in connection with this Count. I gave him no such pointers, neither did I ask him to bring out clearly the injustices suffered by Blacks at the hands of Whites. He says that there was a shortage of speakers and that I approached him to speak at this meeting. I did no such thing. I was not responsible for the organisation of this meeting. 10

Would you have a look at BPC E.3 please. Did you prepare that document? That is the Black People's Convention advertisement for the commemoration for March 1973. --- No, I had nothing to do with this document.

Now I think the suggestion is that it contains your handwriting. Is your handwriting anywhere there? --- No, I deny that. Harry Singh says that there was a shortage of speakers. This clearly shows that there were many speakers. There is the chairman, Aubrey Mokoape, Accused No. 4, Rev. E. Bartman, C. Sewpershad, president of the N.I.C., Ben Langa, SASO official, Harry Singh, and Dr. Mamphela Ramphela. 20

Who is that Dr. Mamphela Ramphela? --- She is a member of BPC. She features quite prominently as proposer or seconder of Resolutions in the first congress, if I remember correctly.

And the Rev. Bartman? Who is he? --- Rev. Bartman 30

is / ...

is a leading Methodist, I think it is, a clergyman, and he has been at some stage the leader of the youth section of his church.

Where is his church? --- He is, it ought to be in Durban.

Is Rev. Bartman a member of BPC? --- Not that I am aware of.

Mr. Sewpershad, he is the attorney we talked about. Is he a member of BPC? --- No.

And has Mr. Sewpershad got any status in the Indian community? --- Well, Mr. Sewpershad was the president at that time of the N.I.C. and a leading attorney. 10

Good, now some minor points. In regard to the preparation of his speech, did you phone Harry Singh at work? --- No, I did not phone him in connection with this speech, asking him how he is getting on with the speech or approving of certain sections of his speech. Plainly I had nothing to do with his speech.

And still in the sequel of events, he also made a charge and he made a statement in Court which he was cross-examined on, and I think what he said at one stage was that one of the things that BPC did, was to use the Court as a platform. Now was that the policy of BPC that you know of? --- No, as far as I am aware that is not the policy of BPC. 20

Now BPC E.2, it is a document which makes a reference at the end of the first paragraph to a person called Mpanza. Do you see that? --- Yes.

Is there something in handwriting on the original document? --- No, not on this document that I have before me.

Would you just tell the Court, who was Mpanza?

--- Mpanza is.....(Mr. Soggot intervenes) 30

As / ...

As you people in EPC understood him? ---- James Sofozonke Mpanza, is a Soweto politician.

And what was he associated with, what events if any? --- Well, he was the leader of the Sofozonke Party for one in Soweto

And what did that party concern itself with? And when, just to give it a setting? ---- Well, he was at this time of the Sofozonke Party involved in the Urban Bantu Council in Soweto. He was the initiator, as far as I am aware in Soweto of the national day of prayer coinciding with Dingaan's Day.

And he died when? ---- I am not too certain, in the early sixties or early seventies.

Now in March 1973 SASO published a document "Saso on the attack", I do not think you need to look at it, I am sure you know it, did you read that document? ---- Yes I did.

Would you just tell His Lordship briefly what your relationship was with SASO if any..(Court intervenes)

COURT: Before you deal with that, I don't think I see anything about Mpanza on BPC E.2. 20

MR. SOGGOT: M'lord, it is not very clear but "we would like to pay tribute to leaders like Mpanza..", it is at the end of the first paragraph, it starts off "on the 21st of March".

COURT: Oh I see, yes, it is very indistinct. Thank you.

MR. SOGGOT: I am putting to you a double question now, the one is would you tell us briefly what your relationship was with SASO, what you had to do with it, and secondly, what your organisation, the BPC's relationship was with SASO, whether you acted in terms of any plan, whether you acted jointly or parallel, or what? ---- Well to be very brief about it, using the State's language, I would say I was an

active / ... 30

active supporter of SASO. The relationship between SASO and BPC, well SASO is older than BPC, SASO is a student organisation, BPC is a political organisation. We have basically the same aspirations and goals, that is freedom of the people in the context of their physical and psychological oppression in this country.

Are they the same organisation? --- No, they are distinct organisations.

And on the question of SASO literature, can you give His Lordship an idea of what familiarity you had with the literature over the years? --- Well ..(Mr. Soggot intervenes) 10

You have seen the SASO literature before the Court now? --- Yes.

Now can you give us in a phrase how much of that you were aware of prior to trial? --- Well, I was on the mailing list of SASO and received occasional publications as well as newsletters etcetera, and I was quite au fait with the thinking and the direction of the movement, that is SASO. 20

And most of the exhibits before Court, would you say you had seen most of them or only the minority of them or what? --- Well, I have seen quite a few of them, I cannot say whether it is a minority or the majority of them.

Now, in July of 1973, a Press statement BPC C.9 was issued, now I think Harry Singh's suggestion is that you said that you had compiled the document, C for Charlie 9? --- I deny that suggestion.

Tell us what you know about this document? --- Well I was aware that Roy Chetty who was the PRO of the BPC at that time and Harry Singh were primarily responsible for issuing / ... 30

issuing the statement, they had coalesced the views of Siphso Buthelezi on certain aspects of foreign investment which they incorporated in this document, and to my knowledge Accused No.4 for example was not involved in the compilation of this document.

Well do you say that Harry Singh was involved?

--- Yes.

How do you know that? --- Well ..(Mr. Soggot intervenes)

I only want you to give evidence on what you know directly and not by hearsay? --- I saw them preparing this document, Roy Chetty had certain drafts with him, and Harry Singh consulted him on this. In fact Roy Chetty's writing appears on the top of this document, the front page, and at the back, the last page the bottom. 10

Can you give us - this document I think evidently deals with I think Gatsha Buthelezi and Professor Brutus, can you give us the background as understood by BPC people to this document? ---- Well, Gatsha Buthelezi is what someone said a self-styled potentate, he had been overseas to America...(Mr. Rees intervenes) 20

MR. REES: I would just like to get clear whether the witness is now speaking of his own knowledge or whether he is speaking as my learned friend asked him how BPC sees things. If he is speaking on behalf of BPC, I would like to know on behalf of which members of BPC, or is he speaking - and which stage of BPC, otherwise he must speak for himself.

MR. SOGGOT: M'lord, to save time I will rephrase my question. Will you just speak for yourself please? Your understanding of the situation? ---- Yes. Gatsha Buthelezi had been overseas trying to whip up support for his ethnic Bantustan 30

and / ...

and asking investors to pour in money into his Bantustan. Overseas he had met with opposition from various sectors, and some of these sectors included South Africans.

Professor Brutus who is a professor at North-Western University in America, opposed Gatsha Buthelezi on his stand vis-à-vis involvement in the Bantustan, and I think labelled him sell-out and that type of thing. Also overseas at this time there were South Africans who were not exiles, and one of them was Mrs. Fatimah Meer, the prominent sociologist. She reportedly - this is what I get from the newspaper reports -- 10 also opposed Gatsha Buthelezi on his involvement in the Bantustan concept. Then Gatsha Buthelezi returned to South Africa, and he made a statement at the airport, I think this was the Louis Botha Airport in Durban, and he made a statement that is typical of this divide and rule scheme of things in South Africa, typical of an ethnic puppet, he attacked Professor Brutus and referred to him as a Coloured man: What does this Coloured man know about the Black liberation struggle, and who is he to put himself up as a judge of me, the great Gatsha Buthelezi, Chief, the leader 20 of the KwaZulu homeland. Now, subsequent to this outburst against the Coloured section of the Black community, certain persons defended Professor Brutus and attacked Gatsha Buthelezi for his sectional outburst. Amongst these were Mrs. Fatimah Meer and the N.I.C., Mr. Sewpershad, who was president of the N.I.C. at that time defended the right of Professor Brutus to speak his mind in respect of the principle of involvement ..(Mr. Soggot intervenes)

All right, was it in the context then of this sort of thing that this exhibit was issued? --- That is 30 correct, after - well subsequent to the N.I.C.'s statement on the / ...

the issue, Gatsha Buthelezi then began attacking Indians, and who is the N.I.C. now to tell me what to do - the same type of outburst. And then this statement came onto the scene.

Now, this second national congress of BFC was again in Hammanskraal, this time in December 1973, is that right? ---- Yes.

And I think the suggestion of Harry Singh was that you said that Durban central branch delegates would represent the Overport branch. What do you say about that? 10
---- That is incorrect, if I may have the Minutes - PAUSE -

I think it is H.1 - H for hotel? -- Yes. Where the actual Minute begins, it ought to be about the sixth page of the document, under 15th December we find delegates present - the second half of the page under "branches", Your Lordship will find that the last delegate who is named is Yugan Naidoo, and in brackets we have Overport. This clearly indicates that the Overport branch was represented, that if there was any indication of the Durban central branch representing Overport as a facade for extra voting 20 strength etcetera, this is an attempt by Harry Singh to cast me in a poor light, and Yugan Naidoo I know was a founder member of this Overport branch. When I did address the Overport branch which I referred to in my previous evidence yesterday, Yugan Naidoo I know was present, he was an executive of the branch.

Now, I think the suggestion was also made that you instructed Mayathula to caucus for certain people, I think it was Rev and Colin, is that right? --- No, that is totally incorrect, I did no such thing. It was in the context of 30 Dr. Mokoape, that is Accused No.4 and myself asking Mayathula

to / ...

to be our voice as it were at this meeting and caucus
Rev. and Colin who were subsequently elected onto the executive.
That is totally incorrect.

Now you are a younger man, I think than Harry Singh,
not so? --- That is so.

What do you say about his suggestion that you in
fact were his source of inspiration? That he frequently took
instructions or advice from you? --- Well, I do not know if I
was a source of inspiration of him, if I was a source of
inspiration bully for me, but other than that I did not 10
instruct him to do things, in the sense of he was my stooge,
he was my lackey doing things, Harry Singh was older than me
both in age and in political involvement. He has a history
of political involvement. Both his parents were deeply
involved in the Congress movement. Both my parents are
apolitical. My political interest sparked and evolved itself
when I was in high school.

By the time Harry Singh gave his address at the 1973
Sharpeville commemoration, had he made public speeches?

--- Oh, yes.....(Mr. Soggot intervenes) 20

MR. SOGGOT: From your own knowledge, how many approximately?

--- I do not know whether I covered this in connection with
the N.I.C. but he spoke often at meetings, and he spoke, I
remember clearly at, at N.I.C. meetings I am talking about, and
also he spoke at this Sharpeville commemoration meeting that
I had been to in 1971, 21st March.

And what impression did you get as to his being at ease
or ill at ease on the stage or on the platform? --- Well,
Harry Singh is quite an ebullient person. He would not be
ill equipped, as he proved to be - PAUSE - 30

Well, we have seen how articulate he is. Now I think

one / ...

one other minor little point in this chronology, EXHIBIT L.2 which was produced by Singh, where did you see that for the first time, that is the poem? --- That is "Hey Black Man"?

That is "shoot the cloud and clear the cloudy sky"?

--- Yes, the first time I saw it was on Saturday the 19th October 1974, I was under arrest, Section 6(1).

You had already been arrested? ----- That is right.

That is the only point. And -- this deals with the Further Particulars - did you have at any stage something to do with the Sharpeville commemoration, March 1974 at the 10 Y.M.C.A.? ----- No -- was this the one that was banned? No, I did not have anything to do with that.

Now I think we can now come on to Harry Singh's overseas trip, will you deal with that briefly please, how did it come about that he was chosen and why was he sent off? --- Well, Harry Singh, around the period of March 1974, approached me and said that he had leave due to him around the period April, May of that year, and it was a well known fact that BPC was in financial straits, which was leading to administrative problems, and he volunteered to utilise this 20 leave period that was due to him in the furtherance of BPC by going overseas, which was in the context of what BPC wanted. There were very few persons, in fact I do not know of many leading members of BPC who have passports, Harry Singh was one of those few fortunate individuals, and he volunteered his services as it were to go overseas on this occasion. When the president of BPC the Reverend Parisani and the national organiser at the time, that is Accused No.5, came over to Durban, I met them and I put forward Harry Singh's suggestion to them. I introduced Harry Singh to 30 them, and they seemed quite pleased with Harry Singh's volunteering / ...

volunteering to go overseas to fund-raise for BPC. And so it was that he was all set to go overseas in the name of BPC.

And did he have a list with him? Is that correct, of whom he was to see? --- I think it is BPC R.1 and R.1(a). BPC R.1 is the actual fund-raising document which was largely compiled by myself. Harry Singh assisted to a certain extent on this document just before his departure for overseas. BPC R.1(a) is the address list which Harry Singh had with him. This was a SASO address list and I would like to point out to His Lordship that Sweden, for example, is not on this address list, and wherever Harry Singh refers to Sweden, he has just concocted that out of his head. The idea was that he should touch these centres in Europe and the United States of America, mainly the United States of America. Now the problem was that his ticket did not cover the United States of America and in this context, when Harry Singh and I went along to Dr. Mokoape before his departure overseas, Harry Singh was saying goodbye to Dr. Mokoape, and Dr. Mokoape said that Harry Singh should, if he has difficulty in raising finance for the air fare to America, touch specific individuals in Geneva whom Dr. Mokoape had made the acquaintance of some time previously, and it was Harry Singh's idea that he should approach certain exiles in London whom he knew for this plane fare and in this context it was again the duo of Dadoo and Joseph. Dr. Mokoape and I told him that he should do no such thing, and he should have nothing to do with any exiled movement overseas whatsoever.

Now, what was the objection to Dr. Dadoo and Mr. Joseph? What movement are they associated with? --- If the reports that I read in the Press were correct, they are associated with the communist party and the ANC.

And / ...

And you specifically told Harry Singh to keep off them? --- Specifically, yes.

Did he accept your suggestions? --- He did.

Then to deal with his return, tell us about his return? --- Well he returned some time in May, and I met him at the airport, Dr. Mokoape was not there. He gave me a brief review of what had happened overseas, whom he had seen and he came back with an amount from the I.U.E.F. I think it is the International University Exchange Fund based in Geneva. It was a small amount of about R1 100, and he was quite enthusiastic about the response and reception he had received overseas, the immediate response was not very remunerative, but various organisations had catered for or rather would cater for BPC in their new financial year and he seemed quite happy about BPC's future prospects in this sphere. 10

How did you feel about it? --- Well I felt that it was at least some sort of start and BPC would be out of its financial stress. Now we, that is Harry Singh and I did go up to Dr. Mokoape again, and it was a Saturday afternoon around about 1 o'clock, I am not too certain about the time it was the lunch period, and Harry Singh informed Dr. Mokoape: well, I have been overseas, I am back, and we went along the three of us to the beach in Harry Singh's car, it was in the nature of a type of social occasion, we had something to eat, and Harry Singh said to Dr. Mokoape that he could not see the person or persons whom Dr. Mokoape had recommended that he should see in Geneva if he wanted air fare to America because he had been to London first. 20

Had Dr. Mokoape been overseas himself on a prior occasion? --- Yes, he had been some sort of exchange scholar. 30

And / ...

And was there any response from Dr. Mokoape? --- Well we were both I think exhilarated that at least now BPC would start moving in a firmer administrative and organisational sphere, we would not be beset by financial hurdles.

Did Dr. Mokoape not say: well, it is time now to take up arms? --- No.

Or go for military training or anything of that nature? --- No, that suggestion is ridiculous, I can never see how it could fit into the context of this type of thing and it never did.

10

Now while we are talking about this type of thing, Siphos Buthelezi, he was one of the executive members of BPC and he fled the country. Now Harry Singh suggests that you knew about his being smuggled out, did you say anything like that? ---- No, that is incorrect, the only inkling I had that Siphos Buthelezi had left the country was after he had been in Botswana and I received a report that Mr. Buthelezi was now in Botswana and he was a teacher there.

Did you make any suggestion that he had been sent there either with a view to or that he was going to make some preparations for the organisation of military training? --- That suggestion is ridiculous, for one thing Siphos Buthelezi was in the first executive, that is post 1972 December, he was a secretary general, he had been banned some time towards the second half of his term of office in 1973, and restricted, the banning order was very stringent, it was a house arrest order as well, and Siphos Buthelezi was having difficulty in getting gainful employment, frustrated in wherever he was, that was at Madadeni in Newcastle, I know this because Reverend Mayathula told me that he had received a letter and he showed me this letter saying that Siphos

20

30

Buthelezi / ...

Buthelezi, or Sipho Buthelezi saying to Mayathula.....(Mr. Rees intervenes)

MR. REES: M'lord, I object unless he can produce this letter. It is hearsay evidence.

MR. SOGGOT: Well, do you know where the letter is now?

--- No, I do not know where the letter is.

Leave that. Since Buthelezi's departure, have you or your organisation had contact with him? --- Not that I am aware of.

Was he given any instructions or were any requests addressed to him in regard to his activity in Botswana?

10

--- Not that I am aware of also.

As far as you know, has he done anything in Botswana on behalf of your organisation whether of a legal or an illegal kind? --- No, I am not aware of his having done anything in Botswana in connection with BPC at all.

Are you aware of any correspondence urging him to do something? --- No, I am not. In this context of Botswana I would like to point out that it is ridiculous to say BPC is sending somebody to go and base themselves in Botswana as a sort of recruiting agency for people, or shuttle service for people going outside the country, because Botswana is a friendly country South Africa, this type of activity they have expressly vowed themselves against, and I cannot see how that type of situation can be viable.

20

Well, that is a matter for argument. One point, Bawa. When did you meet Bawa? --- Ahmed Bawa I met towards the end of May. This was some time after Harry Singh's return from overseas. He came up to my flat and introduced himself to me and said he was a person who was actively involved in the Johannesburg central branch of BPC, and he wanted to be

30

involved / ...

involved in BPC in Durban. I then referred him to Harry Singh, the chairman of the branch where he would be eligible for membership.

Good. Now can we deal with "Inkululeko Yesizwe" Count 7, M'lord. Has Your Lordship been put in possession again of G.4? That is "Before and After" which should be marked with certain numbering?

THE COURT: No, not yet.

MR. SOGGOT: I just want to confirm that Your Lordship's copy has been marked with the relevant numbering. 10

THE COURT: It has.

MR. SOGGOT: Have you got Annexure 7 in front of you?

--- Annexure 4(a).

I am sorry, Count 7. Now would you tell us what you know about this document? In the first instance, would you tell His Lordship who, as far as you know, composed this document? --- Well, what I know of this document is that it was left at my flat by my brother.

Now who is your brother? --- My brother Revebalan Cooper, who was at that stage the public relations officer of BPC. 20

Now just on that. What is the responsibility of a public relations officer in relation to publications? --- Well, in relation to publications he is responsible for ensuring that publications are put out in the name of BPC, that the image of BPC is preserved in this regard. Now newsletters specifically, there is policy as to who must see documents of this nature, that is newsletters before they can go into print and before they can be published, and in this regard such a strong recommendation was also carried at the second congress of BPC held in 1973, December, at Hammanskraal, where 30

the / ...

the publications committee or commission quite firmly recommended that the secretary-general of EPC together with the public relations officer should for the executive approve of such documents, and this recommendation as far as I am aware was carried.

Now Rev. Cooper, that is your brother, he was the PRO until when? ---- Well, he had resigned late August early September, just before the Semi-Con I think in Hammanskraal. He had come over to me that weekend of the Semi-Con and left this document with me, I am not too certain how many pages 10 there were, and left a few of his personal correspondence in regard to his portfolio as public relations officer and certain files with me.

What was the idea of leaving it with you? ---- Well he was working night shift and he had problems with dutifully complying with his role as public relations officer, in all fairness I think he had resigned, and this resignation was just that period.

And what were you supposed to do with these objects? ---- Well he left them with me and the understanding was 20 that one of the chaps who had been up to Hammanskraal would collect them, specifically I am thinking about Colin Jeffrey who was the vice-president at that time.

Now at Hammanskraal we know that Harry Singh became the PRO? ---- Yes that is correct.

And then, what was the next thing which happened, who did you hand this document over to? ---- Well, immediately Harry Singh returned from Hammanskraal, that is the Semi-Con, I think it was the Monday or the Tuesday, he came up to me informed me with great jubilation that he was the public 50 relations officer acting until the end of the year, and told me that / ...

that there was a lot of consternation and censure about the newsletter not having got off after all this time. He informed me that the decision of the National Council was that if there was a newsletter in some stage of preparation it should be immediately sent off to head office so that the Executive could approve of it, it being our first newsletter. One should bear in mind here that this was not the first attempt, there was another attempt and this attempt I was involved in to a certain extent, that is - it is a general exhibit G.1 I think it is. 10

Well that was confiscated was it not? ---- That was confiscated.

And it never saw the light of day? ---- No, it did not.

Well let us not worry about that anymore. But whatever it is he then told you what the instructions were? --- That is correct.

And that it should be sent off? --- That is correct, I handed it over to him, this document, and he sifted through the files and took off certain documents from the files of my brother. 20

Then what I want to ask you is did you write anything - any of the material in here? ---- Well there are two sections that I contributed to, but this was contributions towards the first Inkululeko, that is G.1, 1973, and - PAUSE -

Well just show us, the material which appears in here, which of this is your authorship? ---- It is the editorial.

Is that "Challenge of the Seventies"? ---- That is correct.

That is page 43 of the indictment, I do not suppose yours is marked? --- No, it is not. And another article / ... 30

article "Towards Freedom - BPC".

That is page 45 on the indictment. And does that terminate at "Message from across the border"? ---- PAUSE

Are you with me? ---- This hasn't got the stencil for "Towards freedom".

Well perhaps just let me show you the indictment.

COURT: Well here you have the editorial, and then you have a translation of something, and then you have "Towards freedom"? ---- That is correct, but this seems to be a roneoed version. 10

MR. SOGGOT: Have you got "Towards freedom" there? --- Yes but it is a roneoed version.

Well the only thing I want to establish is does the article "Towards Freedom - The BPC" end at the point where the next article starts "Message from across the border"? ---- That is correct, yes.

And the matter which is in Zulu, did you compose that as well? --- Well the English version, but somebody translated the Zulu version. And I think there is a Sotho version as well - yes. 20

Now as far as the rest of the material is concerned did you have a hand in writing it at all? --- This particular annexure, no.

And then is that all you have got to tell us on Inkululeko, Harry Singh took it from you and was that the end of the matter? ---- Well the idea was that he was going to send it - you must bear in mind that this had now been considerably overdue and from the information I got from my brother it seemed that this matter had just - certain sections had just been rushed through and it was not printed, there 30 had been problems, and the idea was that it should be updated, sent / ...

sent up to head office for approval and ratification and thereafter printed.

Was Harry Singh going to do this? --- Yes, that fell in with his duties.

No, but what I am asking is did he give any indication as to whether he was going to comply or not?

--- Well that was - the impression I got from him was that National Council said: look, the newsletter is long overdue, make sure that you update the stuff, send it up to head office and let us get on with publishing the newsletter. 10

Now, does Annexure 4 contain your handwriting in any place? --- Is this now Count 7 - no, there is nothing here that is in my handwriting.

COURT: Have you the original there, I think the exhibit that was handed in, the stencil, shows quite a lot of it written in manuscript? --- Yes, this is what I have in front of me.

MR. SOGGOT: And the suggestion I think was made by Singh that you said that despite the decision of the National Council he should contact Allan Jeffrey and have the thing printed, what do you say about that? --- No, that is ^{sic} incorrect. 20

And did you as far as the compiling of the stencil is concerned, did you have any conversation with Harry Singh? --- No, not at all, because I did not compile any of these stencils and I could not see how such a conversation could have arose since I did not compile these at all. And if Harry Singh is correct in saying that I said: look, to hell with what National Council says you go ahead, contact Allan(sic) Jeffrey or whoever it was, everything printed here. Now this 30 was immediately after his return from the Semi-Con, it was

the / ...

the first Monday or Tuesday, the beginning of September 1974, he had enough time to roneo the stuff, get it collated and printed if that was the intention and this is what I said to him, he had enough time from that period right up to the 15th September when he was involved in the symposium, and up to then he had just under a week before he was actively involved in the preparations for the rally, sufficient time to do whatever he says I said he must do, but which he did not. He did not even, according to his testimony in this Court, hand the stuff over to somebody else, Allan Jeffrey 10 for example, saying: you go ahead and get the stuff roneoed. It was a simple matter just roneoing it.

Now as far as general EXHIBIT G.1 is concerned, I want you to look at pages 101 and 102. --- Yes, I have it.

Does that contain your handwriting? Those pages?
--- No, 101 and 102 do not.

And have a look at pages 25 and 26? --- "The N.I.C. employs double standards?"

Yes, is that in your handwriting? --- No, it is not.
And page 19? --- Is that "Black genocide in Mozambique?" 20
That is right. Is that in your handwriting? --- No, it is not.

Now one other feature of Harry Singh's evidence. He suggests, I think, that you asked him to organise as many people as members as possible to go to the national council meeting. What do you say about that? --- Well, here again it is a case of Harry Singh trying to impute responsibility to me where it does not really incriminate me at all, and this thing happened this way, that he phoned me and said that he wanted names of certain members of BPC. I remember 30

specifically / ...

specifically the names of Richard Maidoo, Reverend Mayathula, and Collin Jeffrey who had moved office at that time, he was working in an office and had shifted. Some of the persons whom he had wanted to contact because he intended going up to Hammanskraal, he wanted to hire a Combi and there were places that he needed to fill up in order that that could be a profitable venture, and it was in this context that I gave him telephone numbers that I had of those persons he requested.

Did you make any suggestions regarding the Semi-Con 10 programme? --- Oh yes, Harry Singh says that No.5 came down to Durban, came to me saying: look I need assistance for this programme, that is perfectly ridiculous, he is trying to say: look, I am not the only stooge here, No.5 also comes to No.1 and gets all sorts of advice, that is ridiculous.

You deny it, all right. --- No.5 did no such thing.

MR. REES: H'lord, he did not deny it, he merely referred to it as ridiculous? ---- I repeat I just said I did not such thing.

MR. SOGGOT: I am encouraging the witness to simply say: I deny it. Now, BPC - PAUSE -- as far as the BPC symposium 20 is concerned, held on the 15th September at the Kaje Hall, 15th September 1974, did you help in the arrangements for it at all? --- Yes, I did.

What assistance did you give? ---- Well - PAUSE --

This is not very important, can you just summarise it briefly? --- Well I assisted when certain members of BPC broached the subject with the suggestion of a title for the symposium, and we jointly discussed the different spheres which speakers could speak on, I assisted with the banners.

Who compiled BPC II for November 17? --- Can I have 30 a look at that? ---- Yes, I did the second and third pages.

You / ...

You did that? --- Yes.

And as far as this document is concerned, was this issued with or without Executive approval? --- Well, Harry Singh was on the Executive at this time, he saw it. Colin Jeffrey the vice-president of BPC was around, he saw it. In any event this was a local BPC affair. It was a specific seminar on Black Consciousness at which this was distributed. It gives a fair idea of what BPC is about.

Did you get Harry Singh to telephone No. 5 to attend this symposium? --- No, I did not.

10

BPC N.2 - N for November, will you have a look at that please? Did you write any of that? --- Yes, this is what Harry Singh says was his speech at the symposium in question. My handwriting is on the first page of the document included in the first paragraph after the words "...The old African saying goes..."

Up to? --- What is in my handwriting is the quotation which says "When the Whites came to our country, we had the land and they had the Bible. Now we have the Bible and they have the land."

20

Is that the end of your handwriting? --- That is correct.

Does your handwriting appear anywhere else on this document? --- Yes, this is what is written in pencil here, graphite, quotation by Aimé Cesairé.

Did you write that out? --- Yes, I did.

Tell us briefly the circumstances that you wrote first that quotation and then the quote from Cesairé? --- Well, a few days before the symposium, the symposium was on the 15th September 1974, Harry Singh came up to my flat and said that he wanted the exact words if I remembered them of what I put 30

down / ...

down here, this section I read out of "When the White man came here ..etcetera". He knew the gist of it he wanted to know whether I knew the exact words, I said I did, and the document, I do not remember how many pages he came to me with on that occasion, but about the first page I can be specific and say that he had a blank after the word "goes", and I filled in the quotation in my handwriting. The Cesairé quote - PAUSE --

Now when you filled that in did you hand back the document? ---- I handed back the document and he mentioned 10 to me, well, I am going to speak about sell-outs and collaborationists in that context and the true struggle in terms of BPC, and I am going to liken Gaika, the classic sell-out in South African history with Gatsha Buthelezi.

By the word sell-out you mean a traitor? --- Yes.

Yes? --- Well, I found that that was - PAUSE

And the Cesairé quotation I am not specific about, now I lent Harry Singh some time before this occasion when he came to me with this piece of paper or pieces of paper, a book by Edward Roux entitled "Time longer than rope" - a 20 South African author, and I am not too certain whether Aimé Cesairé was given to Harry Singh on that occasion whether it was in that context or whether it was specifically when Harry Singh came to me for this quotation.

COURT: Just enlighten me about Gaika, you say he was a person who betrayed somebody? ---- Well Gaika was a Xhosa chief in the early days of settlement in this country, and he collaborated to a large extent with the English in their expansionist policies in the Cape.

MR. SOGGOT: Harry Singh, is he familiar with the use of a 30 typewriter, I mean does he type? --- Oh yes, Harry Singh does / ...

does type, in fact I had his typewriter at my house when BPC R.1 was being prepared, that was the only period that the typewriter had occasion to be in my possession, there was no other occasion when the typewriter was in my possession. But I did not assist Harry Singh at all with the rest of his speech.

Now, if I may refer you to some miscellaneous points which are out of the chronology, you recited "Dedication" at a Sharpeville commemoration speech not so?

--- Yes.

10

Now at that same meeting in respect of which there is a tape before the Court, Harry Nengwekhulu also spoke?

--- Is that in 1972 now, 19th March 1972?

That is correct? --- Yes.

Now, did you hear Nengwekhulu's speech? --- I did I was present.

That I think is in SASO B.1, and what was the response of the audience to that speech? --- Well the speech was a bit of a bathos ..(Mr. Soggot intervenes)

It was a bit of a bathos you say? --- Yes.

20

An anticlimax? --- Yes, it was a rambling speech, he was making no statement really, he was saying one thing and saying the other, he was not saying anything in effect. And there were occasional bursts of laughter at what he had to say, and - well, some of us, that is, I am speaking specifically now of Accused No.4, Dr. Mokoape, Accused No.9, Strini Moodley, Mr. Steve Biko and Mr. Barney Pitsoana had occasion after the meeting to censure Harry Nengwekhulu.

What did you say to him? --- Well, it was not a prepared speech, he had notes but he was rambling on and on, 30 and we felt he was bringing us into disrepute by making

certain / ...

certain statements and making other statements, making non-statements in effect, it was a type of caricature, and we censured him for this type of thing, and the effect could have been misleading.

What do you mean by that, be a little bit more specific please: ---- Well, some places he says: I am not speaking about this, and other places he says: I am speaking about this, you know, there were so many different things that he was saying, making non-statements in effect.

And what was his response to your castigation? 10

--- Well he felt hurt naturally, he thought well, he is a great orator, but he did accede to our sentiments in that respect.

Now as far as you are concerned does his speech arouse any feelings or encourage any feelings of hostility in you? --- In me, no, it did not, in fact as I said there were moments when - I think this comes clearly across on the tapes also, people laughed when he made certain statements.

Would you say it generated any particular excitement in the audience? ---- No, as I said initially it was a bathos, 20 totally from the sublime to the ridiculous and from the ridiculous to the sublime, getting nowhere in effect.

Another point out of the chronology, I think that Harry Singh made a Press statement in regard to the Overport branch? --- Is this when the Overport branch was formed?

That is correct? ---- Yes I remember that.

Did you read it in the Press? ---- Yes I did.

Did you have any conversation with Singh about it?

---- Yes I met him after that, and congratulated him on putting forward the case of BFC so well especially in view of the 30 incipient nature of BFC, the formation of branches was just

afoot / ...

afoot at that stage.

I want to show you a copy of it -- is that it?

--- That is it, yes.

And what did he say in regard to this article?

--- Well he was pleased that the article found favour and that he was putting across the ideas of BPC as they ought to be correctly put across.

Any indications from him as to what he thought about the accuracy of this article?

MR. REES: M'lord, was this ever put to Harry Singh, if not 10 the State is entitled to know why it was not put, he could have commented on the accuracy or otherwise.

MR. SOGGOT: M'lord, Your Lordship is aware I was not acting for Harry Singh at the time, I do not think that this in fact was available at the time of his cross-examination, but perhaps - do you know, Mr. Cooper, whether this ..(witness intervenes) --- What I remember is that Counsel who was representing me at that stage, Mr. Allaway, did put to Harry Singh the circumstances surrounding this particular Press statement, and Harry Singh agreed that he did make such a 20 statement, and there is no indication that he made such a statement with tongue in cheek.

COURT: Well, what is the point of the statement?

MR. SOGGOT: M'lord, I think it is relevant to the man's own role and the reality or otherwise of the Overport branch.

MR. REES: M'lord, it seems to me if I understand this answer correctly that the contents of the statement were deliberately withheld from Harry Singh when it was put to him, because it is said he was questioned around it etcetera, and he did not say anything with tongue in cheek, the statement could have 30 been put to him and he could have been asked these questions.

M'lord / ...

--- M'lord, I think Mr. Soggot correctly put forward that this particular cutting was not available at that time. I was aware of it and I accordingly instructed Counsel on the matter.

MR. SOGGOT: M'lord, that is according to my instructions, I am afraid. May we hand in this Exhibit.

COURT: Well I think you can put it to him and if anything arises out of it, we will have to consider whether we should recall Singh.

MR. SOGGOT: No, that is perfectly so. 10

COURT: Well I am still not sure what the purpose is of using the statement.

MR. SOGGOT: M'lord, as a contemporary note which was approved by Singh at the time of what he himself said and what he himself said about the status of this branch and his involvement in it. --- Your Lordship will recall that Harry Singh said that I asked him to form this branch as a sort of facade of additional voting strength, and I think the Further Particulars allege somewhere that I encouraged him to form this branch in September, this article is the 13th August 1972. 20

COURT: Well perhaps it is a convenient stage to take the adjournment, perhaps Counsel can find the cross-examination about this document.

MR. SOGGOT: I will find it, M'lord, in the interim.

COURT ADJOURNS

COURT RESUMES:

SATHASIVAN COOPER, STILL UNDER OATH:

EXAMINATION BY MR. SOGGOT CONTINUED: M'lord, what does appear from the record is that there was cross-examination 30 of Singh on this sort of contention which he made at page 42 and / ...

and that is when he is asked:

"Will you tell the Court very briefly whether your branch was a very active branch and what happened to it? - No, my branch was not a very active branch in fact it was a defunct branch, formed merely for having voting powers at congresses. There were only a few members, we did not have the specified 25."

Now, M'lord, this newspaper article is relevant to that.

M'lord, may we beg leave to hand it in as EXHIBIT W. Mr.

Cooper, what I want you to do is indicate briefly to His Lordship, those BPC documents, without referring you to them 10

- without referring to the actual exhibits - those BPC

documents which you were aware of prior to your arrest in

this matter, and also what I want you to do is indicate to

His Lordship the ambit of their circulation, to the extent

that you know about them, for example Durban documents

whether they were only circulated in Durban, or whether they

would go elsewhere in the country. I hand to you a note

drawn up by you as an analysis of it. Can you, going through

the various exhibits tell us your knowledge and their 20

circulation?

MR. REES: M'lord, I think the witness should tell the Court

when he drew up this document, and what exactly it is, that

he is referring to now.

MR. SCGGOT: M'lord, it is his own note - M'lord, my learned

friend can cross-examine him on that as to when he drew it up.

MR. REES: M'lord, with respect, my learned friend has got

to lay the evidence before the Court in proper form, it is

not a matter of saying I can cross-examine, he has got to

say what it is, the witness has got a document in his hand, 30

he has got to say what it is and where it comes from.

Mr. / ...

MR. SOGGOT: M'lord, I have already said it is his own note.

THE COURT: When did you prepare these notes? --- I prepared them this morning.

Where did you get your information from? --- From the exhibits and my knowledge of them.

So, I mean it merely refers to the exhibits, to assist you with your reference to exhibits? --- That is correct.

MR. SOGGOT: M'lord, to save time. Can you run through it briefly please? --- Yes. BPC A.1 is the Minutes of the D.O.C.C. meeting in December 1971, I was aware of that document. 10 It ought to have been sent to participants, and office bearers subsequent to the BPC being formed. BPC A.2 I am aware of. These are the Minutes of the Alan Taylor residence ad hoc committee meeting held in May 1972. Drake Koka.....(Mr. Soggot intervenes)

MR. SOGGOT: Now you have already dealt with who that should have gone to? --- Yes. A.3 I am aware of. This is programme for the Edendale inaugural convention of BPC held in July 1972, as also is BPC A.3(a). These the invitees would be aware of and participants at the actual convention. BPC B.1 - these are 20 all BPC documents by the way - BPC B.1, the Edendale Minutes, I am aware of them. They ought to be sent to participants and delegates to the first congress where these were ratified. BPC B.2 I am aware of. That is the Constitution and this was for general examination, interested parties, branches, members. BPC C.1 I am aware of. It is a sponsorship letter. It ought to have been sent to persons on the mailing list. BPC C.2 I am aware of. It is a Press release prior to the holding of the first congress, the interim Executive would have been aware of that Press statement.

30

BPC C.3 / ...

BPC C.3, I am aware of, these are the Minutes of the first congress, participants at that congress would have been sent these as would branches which attended, and interested parties depending on the Executive and its mailing list. BPC C.4 I am aware of, these are administration Resolutions, this is a draft, and it ought to have been seen by the person who prepared the Minutes, and myself. BPC C.5 I am aware of, this is Communiqué 1 of 1973, the various agencies and persons that exhibits indicate were sent these, would have been aware of these. BPC C.6, I am not certain whether 10 I have seen this before, in all likelihood not, this is a foreign investment address list, BPC head office ought to have had a copy of this. BPC C.7, I am not aware of, these are persons named and the letters sent off regarding foreign investment. I am not aware of the actual letter. BPC C.7(a), this series consists of letters sent to various embassies, I am not aware of the actual document. BPC C.8, this is a statement or a paper by Accused No.5 on foreign investment, I am not aware of that document prior to this case. BPC C.9, this is the Gatsha Buthelezi Press statement with the four 20 signatories to it, I was aware of that document, and the Press ought to have received that.

When you say the Press, where would it have been released? ---- This would have been released in Durban, to Durban newspapers. I think the list of newspapers is listed on the back of that particular document, I think I made reference to it this morning.

Carry on? ---- BPC D.1, this is a strike Press statement, the original seems to be the one before the Court, I am not aware that it was issued to the Press, it may have 30 been issued to the Press if at all, I am not aware of that

document / ...

document. BPC D.2 this is the stevadores strike Press statement. I would have been aware of it, copies would have been kept as would all the other documents. This would have been issued to Durban newspapers. BPC D.3 this is the racial hostility pamphlet on which I was charged. A copy would have been at head office as I would have had a copy and this was distributed at two bus ranks as I explained to Your Lordship yesterday. BPC D.4 I am aware of. This is the Coronation strike pamphlet and it was distributed as I explained yesterday at one factory of Coronation. BPC E.1 I am not certain whether 10 I have seen this document at all before. This is a letter by Sipho Buthelezi as the first secretary-general to various branches regarding the commemoration of the Sharpeville occasion. BPC E.2 this is a branch circular sent by the Johannesburg central branch of BPC regarding the same event, that is Sharpeville. BPC E.3 I am aware of. This is the advert for the Kajee Hall meeting which I deal with earlier this morning. It would have been distributed in Durban for that specific Kajee Hall meeting. BPC E.5 this seems to be a fact paper, similar to the type of information brochure. It would have 20 been an U.N.B. meeting.

You mean distributed to people there? --- At the meeting, yes. BPC E.5(a) this is a fact paper also on the same lines and it seems to me that this is a Johannesburg branch affair. I am not aware of this document. BPC E.6 this is entitled "A brief review of the Black struggle in South Africa" and the person who would have been aware of this, is the writer Sipho Buthelezi and myself. I was handed this document as public relations officer. BPC E.7 I am aware of. This is a fact paper along the lines of the 30

Sharpeville / ...

Sharpeville fact papers. It would have been at an U.N.B. meeting, distributed there. BPC F.1 I am not aware of. This is a Press statement after the bannings of the first BPC/SASO officials. It would have been issued to the Press in Johannesburg. It emanates seemingly from the office of the secretary-general. BPC G.1 I am not aware of. This is a letter to Clemens Kapuwo, and the writer of the document as head office personnel and Executive office bearers, may have been aware of it and the recipient of course, that is if he received it. BPC G.2 the same applies. It is another letter to Clemens Kapuwo. BPC G.3 the same applies. I am not aware of it. The recipient would have received it if he did, it is a letter to SWAPO from head office, the G-series. BPC H.1 I am aware of. This is the congress Minutes for the second congress. Participants would have received them and branches that attended, interested persons may have received them.

10

When you say branches, would all the members of the branches have received this or merely the branch? --- No, the secretary ought to have received such a document. BPC H.2 I am aware of. This deals with basically, if my memory serves me correctly, the structure and certain aspects of policy. I received it. It was prepared by head office, I am not certain whether it was prepared by Mr. Chris Mokoditsoa, the vice-president at the time of BPC, or Mr. Sipho Buthelezi, who was the secretary-general of BPC at that time. That is now late 1972 early 1973. BPC H.3 I am not aware of. This is Mayathula's "tools down" letter. BPC J.1 I am aware of. This is a SASO document when Shezi was assassinated. It was distributed at the funeral, if I remember correctly, and it was available at SASO office. This is where I got my copy.

20

30

BPC J.2 / ...

BPC J.2, I seem to be aware of this document, and it is also dealing with Shezi, this is a BPC document and would have been distributed at the tombstone unveiling ceremony. BPC K.1 I am not aware of, this is a sponsorship letter, and it emanates from head office, it seems to be directed at a particular person or group of persons. BPC L.1 I am not aware of, this is a poem, I think it is headed "we must die" if it is correct it would have been distributed at that memorial service. BPC L.2 I am aware of, I first saw it in Compol, BPC M.1 is a Press statement, I am not aware of it, 10 it deals with the Doornkop removals. BPC N.1 I am aware of, I prepared the document, that is "Towards Freedom" now in connection with the symposium held at the Kajee Hall, it was distributed at the symposium and persons present would have received it. The national organiser was present at that meeting, and he would have kept a copy. BPC N.2, I am aware of, that is Harry Singh's speech in that form that it is before the Court. These photographs BPC N.3 and N.4 I am aware of, Harry Singh would have been aware of them as would have Accused No.5 I think, I am not too certain about Accused 20 No.5. BPC O.1 I am aware of, participants at the Semi-Con would have received such a document, it is the Semi-Con programme, Your Lordship will remember. BPC P.1 I am not aware of, this is a branch circular sent out by Accused No.5 in his new position of joint secretary and national organiser. BPC Q.1 I am aware of, this is a paper presented by the then vice-president of BPC, that is Mr. Chris Hokoditua on the 9th June 1973. It seems to have been a specific paper presented I think at a national council meeting, although I may be incorrect on that. BPC Q.2 I am not aware of, it appears to 30 be a paper at a national council meeting held on the 16th

March / ...

March 1974 by the national organiser at the time, that is Accused No.5, Mr. Nkomo. BPC R.1 I am aware of, I prepared the document in conjunction with Harry Singh, and overseas sponsors who would have been seen by Singh would have received such a document. I should imagine that besides Harry Singh and myself Mr. Farisani ought to have had a copy of this background and sponsorship motivation paper. BPC R.1(a) is the address list, this is a SASO document, and Harry Singh -- in reference to the relevant time, Harry Singh would have been aware of it and myself. BPC R.2, this is a sponsorship 10 letter by Sipho Buthelezi and the sponsors ought to have received it, and office-bearers, copies would have been sent to whoever he asked for funds. BPC S.2 I am not aware of, this seems to be a statement or statements on certain issues by Mr. Mapetla Mohapi, King William's Town, this is where Mr. Mohapi is from, and I think it was restricted to King William's Town. BPC T.1 I am aware of, that is the paper by Steve Biko on Black Consciousness, this would have been disseminated generally to whoever was interested, and if he did present the paper at a particular meeting, 20 probably to the attendants at that meeting.

May I just interrupt you, that article on Black Consciousness, does it in your opinion fairly reflect the views of the organisation on Black Consciousness? --- I should say more than fairly. The rest of the T-series of documents, that is 2, 3 and 4, I am not aware of, these are poems and they seem to have been typed out at head office, and I am not too certain who would have seen them besides the writers.

Is that it? --- That concludes it.

Now, do you speak Tamil or Gujarati? --- No, I 30 do not, except for certain salutations.

Now / ...

Now, I do not think we need to get this out, but you know that in EXHIBIT K.4(a) - K for kilo, which is a SASO newsletter, there is a reference to a Chatsworth meeting, is that right? ---- Would that be the one where the Ugandan Asians article is in?

I will just get it? ---- Yes.

Would you refer us to the page? ---- On page 4 of the document at the bottom on the left hand side, the heading is "Chatsworth Bus dispute", it continues onto page 5.

Now I do not think that you need to read it, are you aware of the contents of this article? ---- Yes I am. 10

As far as the meeting is concerned? ---- Yes.

And is it a correct reflection of your understanding of what went on? ---- Yes it is.

Thank you. Now also you wrote a document called "What is Black theatre" that was General EXHIBIT G.3(a), can you just tell us in one word what Black theatre is designed to do? ---- Is that the one that is headed "What is Black theatre" - dealing with G.3 this seems to be the text of the document, my handwriting is specifically on G.3(a) 20 but what is marked G.3(a) that I have before me is not what I am referring to, I think it is incorrectly marked G.3(a), G.3(a) ought to be where at the top in straight brackets it says "Saths Cooper" and there is a stroke, the first paragraph has been struck off, that is in my handwriting, that is correctly G.3(a).

COURT: G.3(a) is really the manuscript of G.3? ---- Well the whole series of this document.

MR. SOGGOT: What is your G.3(a) then? ---- My G.3(a) is not in my handwriting, this is not the one that I am referring 30 to, it is incorrectly marked.

Court / ...

THE COURT: Oh, it is page 70 probably. Will you look at page 70?

MR. SOGGOT: It is page 70, M'lord, that I want him to be referred to. --- The one where the first paragraph is struck off, that is the one in my handwriting. I wrote this towards the end, no, not the end, some time in December 1972. I presented it at a SABTU - that is the South African Black Theatre Union - function in Cape Town, to which I referred Your Lordship in connection with coming up from Cape Town to attend the first congress, I presented this paper there. It was a conference of the South African Black Theatre Union. Now the rest of it is the same document and G.3 was presented as the document indicates, by Siphso Buthelezi on my behalf. It says "prepared by Saths Cooper" at a particular function some time in January. 10

I think we are just interested in what Black theatre is about. Can you tell us very briefly? --- Well, - PAUSE -

As to what the intention is? --- Very, very shortly this is that Black theatre should be relevant theatre, and the task facing Black artists in South Africa. Could this G.3(a) be corrected? 20

I do not think there is any confusion at the moment. Now, Mr. Cooper, BPC F.1 - F for fox, that is the one which talks about "...there will never be another Sharpeville..." Do you remember that? --- I have that document. Yes, this is the bannings Press statement.

Now, who wrote that? --- I am not too certain who wrote this. I should imagine it came from one of the Executive office bearers at head office.

Now, how do you understand this document? Do you see it as a call for violence? --- Oh no, definitely not. 30

Well, briefly give us your view of it? --- Well, it

is / ...

is talking about bannings in the context that everybody in this country is under banning orders, and he talks specifically about the role of Vorster and his White regime in terms of the struggle in this country, and it says that Vorster is the only man who will determine the nature of the struggle and he will decide whether there will be another Vietnam or another Sharpeville in this country, or whether there will be the solution that BPC is opting for. In fact it is offering Vorster the solution and saying: we are the ones that are going to save you from such an eventuality, which of course BPC is deprecating. 10

I think just to make that a little bit clearer, what is BPC deprecating? --- The eventuality of a violent conflict in this country.

Did you have any knowledge of Sipho Buthelezi's visit to the Overport branch in 1973, or any suggestion about military training? --- No, I did not.

Did you have any discussion about guerrilla warfare with Harry Singh, about the efficacy of guerrilla warfare? ---- No, not about the efficacy of guerrilla warfare.20

Or that Accused No.4's brother was in charge of a group of guerrillas, and that you should send people to him? ---- No, not at all.

Were you a good friend of his or what, how would you define your relationship? ---- Well I would say I had a normal social relationship with Harry Singh, and our paths crossed in connection with BPC.

And was ever anything said or done in the organisation which could have given Harry Singh the impression that BPC policy would ultimately lead to violent confrontation 30 with the State? --- That is a concoction of Harry Singh's.

Now / ...

Now we had some reference to putting a bomb near Major Stadler's car, do you know anything about that?

--- Well that was in the context of Harry Singh knowing about the Security Branch visiting his flat.

Yes, what did he say? --- And he had a bug there as he attempted to burn down Mrs. Fatimah Meer's house, to do something to Major Stadler's car. I am not so certain whether it was Major Stadler's car specifically, but one of the Security Branch officer.

And did you say anything to him about this ambition of his? --- I thought it was a joke, I mean a person says: I want to bomb your car, you don't take him literally in that context, especially since I thought that Harry Singh had gotten out of his desperado life. 10

Now did you and/or Mayathula and/or Dr. Mokoape Accused No.4, contemplate a change of policy in BPC in regard to the sending out of people for training? --- No.

And as far as the supreme command is concerned, what do you say about this? --- Absolute nonsense, that type of thing only arose when we were in detention, and the Security Branch were insisting that we had some sort of a high command or supreme command just as the A.H.C. had in its day. 20

And was that discussed in the cells? --- That is correct.

And would you say that you and Mayathula and Accused No.4 and Harry Singh were regarded as - I think it was characterised at one stage as a sort of a source of wisdom or inspiration from which the BPC drank? --- Well, I cannot speak for what Harry Singh thought, but there was no such information where people would always come to us for specific advice / ... 30

advice and take this advice necessarily. I would like to point out that Reverend Mayathula, Dr. Mokoape, that is Accused No.4 and I were founder members of BPC.

Yes, but as a matter of in the reality world, did people come from various parts of the Republic to consult you people? --- Well in certain respects, yes.

Well just tell us? --- Well if there was an idea, for example there was the idea of the symposium held at Kajee Hall in September 1974, members - well they came to me and sounded out the idea and I encouraged the holding of such a symposium, and was interested in it. 10

But for what purpose did they come to Durban? --- No, these were Durban members.

But what I am saying that people make pilgrimages from any part of the Republic to consult you? --- No, not in that respect. When certain people in the movement were in Durban and around from other parts of the country, they would naturally pay a call to me.

Then I think he made the suggestion that the BPC's attitude was that Whites had to be got rid of, what do you say about that? --- Well, for one thing we recognise in BPC that Whites are a permanent part of this country, we recognise them in certain documents, in certain utterances as a settler minority regime, but we say that Whites are racists, and this we believe in, and this is in so far as identification of the area of the problem is concerned, and facing our organisational effort towards reaching some sort of solution in this country, which solution we have spelt out from time to time. 20

One other thing, what was your relationship with BAWU and did you exercise authority there? --- Well, the Black Allied / ... 30

Allied Workers' Union set up an office in Durban in 1974, I assisted in the setting up of the office, I gave certain furniture which was surplus towards the formation of the office, I assisted the staff at the office to do books of account for a certain period, and I assisted in the setting up of the banking account. When I asked individuals to do administrative chores in this respect, they complied with it.

Yes, does that define your relationship then?

--- In BAWU yes.

Were there regular Friday visits to your flat. 10
when he and Mayathula were present? --- Are you referring to Harry Singh?

Harry Singh's evidence? --- Well as far as I am concerned there was no occasion when Harry Singh and Mayathula were ever present on a Friday evening or any other evening together with - in this type of context.

I am not going to go through all the little points, was there ever an informal agreement amongst you, Dr. Mokoape, Singh that there should be a national strike? --- No.

Now I think to complete the chronology we can now 20
deal with the Durban rally. Now we wanted to refer to the tapes as well, that is EXHIBIT C? --- Can I have EXHIBIT C?

Well, we will come to that in a moment. If Lord, has this exhibit, the fifty join the Durban branch been handed in to Your Lordship, I think it was EXHIBIT WW.

COURT: Oh yes, I have got this.

MR. SOGGOT: Now, before we deal with any details or tapes, tell us in brief clear outline how the idea of having a rally germinated, and what was contemplated, and then the history from that point? --- Well I first heard about such an idea 30
during the second week of September 1974, I heard that the

idea / ...

idea emanated from Mr. Muntu Myeza, that is accused No. 2. I went along to see him at the SASO offices some time that week before the 14th September and asked him what he had in mind. He said, his formulation was that he thought SASO ought to initiate independence celebration rallies at the various campuses where it had support. I thought it a good idea and we discussed the holding of similar rallies in major centres, which would be a joint SASO/BPC affair. There were details like Durban, where there would be a problem of a venue and I volunteered to try and secure the Curries Fountain stadium for this purpose. 10

Did you secure it? --- Yes.

Did you personally go and secure it? --- Well, on Monday the 17th September I went along, together with other persons, to Curries Fountain, saw Sergeant Bijou in charge of the grounds, and.....(Mr. Soggot intervenes)

MR. SOGGOT: Well, I think just to cut the details, did you book it? --- Yes, I made a tentative confirmation.

And did you pay a deposit? --- Well, this was done on that Friday.

Who did this? --- This was done by Colin Jeffrey. 20

And did he bring back a receipt? --- He did, yes.

And in whose name was it booked? --- It was booked in the name of Black Allied Workers Union, BAWU.

I just want to show you a photostatic copy of the receipt in a moment - PAUSE - this would be EXHIBIT XX. Do you identify that as a copy of the receipt brought? --- Yes, I do.

M'lord, I have told my Learned Friend that the original receipt has got lost somewhere in my papers. I will give it to him. 30

COURT: Is that a photostatic copy?

MR. SOGGOT: Yes, it is, M'lord. Carry on, Mr. Cooper?

--- Yes, this was done on the date that is indicated on the receipt.

Now, can you at this stage indicate to us why it was booked in the name of BAWU? --- Well the organisations in question, that is BPC and SASO had experience of being banned at a particular venue, I am referring now to the banning of the Sharpeville commemoration meeting to be held some time in March 1974 at the Y.M.C.A. Beatrice Street, Durban, and 10 on this occasion the meeting was banned as a SASO/BPC affair at the venue for a specific period of time. In this context we thought of contingency plans being made so that should any situation arise we may fall back on these contingency plans.

And what was that contingency plan? --- That the Black Allied Workers Union as a sympathetic organisation would continue such a meeting in its own right.

Good, now carry on? --- Do you want the chronological involvement of me personally? 20

Just a brief idea of what happened thereafter and what preparations were made? --- Right. Well, on the Monday as I said I went along with other persons to book the Curries Fountain, on the Tuesday I met Harry Singh at Cross Street Durban where his car is normally parked, and informed him that the Curries Fountain would be available for the 25th September and the 5th October, which was the first Saturday available. In this context I would like to point out to Your Lordship that when Accused No.2, that is Muntu Myeza and I first spoke about the rally, we were thinking 30 in terms of organising Curries Fountain for the first Saturday after / ...

after the independence celebrations, that would have been the 28th September. Now this particular Saturday was not available. To get back to this particular day, that is the Tuesday, I got a lift with Harry Singh and asked him to bypass SASO offices. We met accused No. 2. I introduced accused No. 2 to Harry Singh, whom he did not know and informed accused No. 2 of the availability of the Curries Fountain for either the 25th September or the 5th October. We left. Harry Singh mentioned to me that he would phone accused No. 5 and get him to come down to Durban in order that BPC could be more directly involved in the preparation and organisation of the rally in Durban. On the Friday, the 20th September, accused No. 5, that is Nkwenkwe Nkomo, turned up in Durban, and around midday accused No. 2, that is Muntu Myeza, accused No. 3, that is Mosioua Lekota, accused No. 5, that is Nkwenkwe Nkomo, two officials of BAWU, Mrs. Lindelwa Mabandhla, the regional secretary of BAWU and Mr. Menzi Mbewu on the staff of BAWU and I met at the BAWU offices in Durban at ECM building, and discussed how we would go about organising such a rally. I typed out an application requesting permission for the usage of Curries Fountain on a BAWU letterhead, and Colin Jeffrey came in and all of us, that is inclusive now of accused No.'s 2, 3, 5, myself, Messrs. Mabandhla and Mbewu and Colin Jeffrey then discussed the idea of the rally being held in Durban. We decided that accused no. 2, Muntu Myeza, and accused No. 5, that is Nkwenkwe Nkomo, would be sole organisers, or rather sole spokesmen for SASO and BPC respectively on the rally issue. That afternoon accused No. 2, 5 and myself left for various newspapers. On the Saturday, that is the 21st September, no, before I come to the Saturday, that evening, that is the Friday evening

Nkwenkwe / ...

Nkwenkwe Mkombo, that is Accused No.5, Harry Singh and Harry Singh's wife came up to my flat, we had supper together, and the rally issue was broached. Harry Singh felt that we were being dictated to, that is BPC, were being dictated to by SASO on the date of the rally. Now we had decided that we would utilise the 25th earlier that day. He felt that the time was too short in order that a successful organisation of the rally could be effected.

May I just interrupt you, did the 25th September as a date have any significance? --- The 25th September was the 10 date that the new government took power officially in Mozambique. The next morning Harry Singh and Accused No.5 came up to my flat and I accompanied them together with my wife, we dropped my wife off at Harry Singh's flat, and proceeded to Durban. At the BAWU offices, there were various people present it being a Saturday, and I recall Ahmed Bawa being entrusted with the task of acquiring certain materials.

All right, then certain practical arrangements in the way of getting materials for posters were made, I do not think that you need spend time on that at this stage. Carry 20 on, will you tell us about further steps and will you also tell us about the pamphlets? --- Yes, I cannot recall the exact time, but it was some time in the morning after our arrival there, that is at the BAWU offices, that Accused No.4, Dr. Mokoape turned up. He had just heard of the rally idea and he was very anxious of the success of such a mission at such a short space of time, especially in view of the fact that these rallies, this specific rally in Durban was being organised on a large scale and in the name of the organisation. I felt that the time was sufficient if good publicity was 30 given effect to. Harry Singh, Accused No.4 and No.5 and I proceeded / ...

proceeded to SASO offices where we met Accused No.2 and we impressed upon him - well, the issue arose again about whether there would be sufficient time or not, and the general feeling was eventually that Accused No.2 should make sure that sufficient advertisement was gone into in respect of publicising the rally in Curries Fountain. It was then that Harry Singh suggested in view of the lateness of time, he ought to get to Lourenco Marques at that time and acquire a message from the new government, or get a speaker.

Whose idea was it, this expedition? --- It 10
emanated from Harry Singh. Well the feeling was that it was a good idea, and the arrangements for this were left to him. That afternoon Ahmed Bawa arrived at my flat around 2 o'clock and asked me to accompany him to Harry Singh's flat, I did this, and on the way Haroon Aziz pitched up, the three of us went along to Harry 's flat. At the flat Accused No.5, Harry Singh, his wife and my wife were just completing lunch, the three of us, that is Ahmed Bawa, Haroon Aziz and I had lunch also, and it was then that I first saw a pamphlet advertising the rally. If I can refer to the pamphlet - PAUSE - 20

I think it is RALLY A.4? ---- Yes, it is RALLY A.4. I felt that on my first look at it that it was too intellectual and would not result in the response we would like, that is a good turn up at such a rally. I then dictated what I thought to be a more appropriate and more efficacious pamphlet, which my wife took down. That is RALLY A.5.

Which amounts to a simple notice? --- Yes.

And the phrase "let us show solidarity with our brothers in Mozambique"? ---- That is correct, yes.

How, what was the purpose of holding this rally? 30
--- Well, it is history now that Mozambique was in a state of
hostilities / ...

hostilities and the Frelimo government was about to take office on that date officially. The idea behind the rally as far as the organisations were concerned, was to show a oneness and a solidarity with the people of Mozambique on their newly acquired independence, and celebrate with them on the cessation of hostilities in their troubled country.

Now I want to ask you about the question of violence, a celebration of the efficacy of violence, did that come into it at all? --- No, it did not.

What in fact was your understanding of the accession to power by Frelimo, how did that eventually come about. We know that they started off with violence and with guerrilla warfare, I think that can be said baldly, but how in your understanding did they enter Lourenco Marques? --- Well as has been pointed out it is a well known fact that Frelimo as an organisation was involved in an armed guerrilla struggle against the Portuguese in their country, Mozambique. It is also well known that since the 25th April of 1974, there has been a power transition in the mother country, that is Portugal, and since then the colonies, the erstwhile colonies have been accorded independence, and whilst it is true that Frelimo was fighting in the bush as it were, it was the new government of Portugal which accorded the people of Mozambique independence. 10 20

All right. Now you drafted EXHIBIT RALLY A.5, and then what happened thereafter? Have you any knowledge of the extent to which A.4 was distributed, of your own? --- As soon as I saw A.4 and passed an offhand comment on it, it was agreed by those present, Accused No.5, Harry Singh, myself, Bawa, that is Ahmed Bawa, that we should stop if circulation at all was effected of BPC A.5 - I mean RALLY A.5. 30

The / ...

The one you found objectionable was A.4? --- Yes, that is correct, A.4.

All right, now briefly what happened after that? --- Well, I returned to my flat, the men went off to - the other men went off to get a car which they were going to hire in order to get to Lourenco Marques, and that evening we began on the banners.

Well, we have heard the evidence about the banners. I think Bawa gave that, is that correct? --- I think that is substantially correct. 10

And the evidence about going around with an amplifier and loudspeaker is that in substance correct? --- Yes.

When was the first publicity in the Press, when did that first appear? --- Well, in the weekend papers of that time.

Saturday or Sunday papers? --- Sunday papers.

Good, and then what happened thereafter? --- Well, - PAUSE -

Apart from your actual preparations which we will 20 now take for granted? --- Well then getting to Tuesday the 24th, the day before the scheduled holding of the rally, I got to SASO offices that morning, and I found Accused No.2, Mr. Muntu Iyeza and Ahmed Bawa in the SASO offices, and there was a bit of consternation about what appeared in The Mercury - yes, that is the morning paper in Durban, and I looked at The Mercury, and the gist of it was that the Minister, Kruger, was making certain noises about intending to ban our proposed independence celebration rally. I did not consider this a ban, it was not formal, it was not legal, 30 it was not effective. And reporters were hounding the SASO offices / ...

offices as would be natural with such a topical news coverage, and a statement was issued concerning the status of the intention of the Minister to ban the meeting, if it can be put at its highest. That afternoon I remember Ahmed Bawa being sent off to Collin Jeffrey, the vice president of BPC at that time, to try and effect getting the Kajee Hall Durban in case of a frustration of our plans. That evening Ahmed Bawa ..(Mr. Soggot intervenes)

Now bearing in mind, just to get some lucidity here, bearing in mind your contingency plans relating to BAWU at 10 Curries Fountain, why is it that the Kajee Hall now figured in your thinking? ---- Yes, I ought to explain to Your Lordship that in this context of making contingency plans as I explained to Your Lordship just now, it was in the atmosphere of having experienced a previous banning order of our meeting at the Y.M.C.A in respect of a Sharpeville commemoration meeting. Now the venue itself was banned as it were as were the organisations at that particular venue for a specific period of time, right now I cannot remember the exact time. In this context I thought that Curries 20 Fountain as the advertised venue for such a rally in Durban would be similarly affected, and that fits in now with why Kajee Hall was trying to be secured.

Good, so the Kajee Hall project was then mooted, and what was done about it ---- Well, Ahmed Bawa went off, I do not recall any specific detail on that.

Is this now Tuesday afternoon? ---- That was Tuesday afternoon.

Carry on? --- That evening, well Ahmed Bawa pitched up at my place after hearing the news on the wireless about 30 a promulgation in the Government Gazette. Then the Wednesday morning / ...

morning I went up to the SASO offices, and - no, that is not correct, Wednesday morning I went up to the BAWU offices, that is the day of the rally, the 25th September, and there was present at BAWU Accused No.2, Ahmed Bawa and BAWU officials. Later on Accused No.3, that is Mosioua Lekota, turned up also at the offices, and we were in a state of flux, we did not know exactly where we stood and what to do.

May I interrupt you, when did news of the actual banning come through? --- Well, if the report of it is correct then it would have been, when I received it, it would have been that previous night, that is the night of the 24th over the air. 10

Over the S.A.B.C.? --- That is correct, yes.

Announcing that the ban had been imposed by the Minister? --- Imposed in terms of the Riotous Assemblies Act.

Now, I interrupted you, you were Wednesday morning in BAWU offices? --- That is correct.

And you said you were in a state of flux? --- That is right. And there was a feeling that we ought to now hold some sort of meeting at Kajee Hall because the Curries Fountain would in all probability have been banned. Because we did not see the exact text of the banning order, it was not published that morning to my recollection in the Press. Then Bawa was sent to Collin Jeffrey to effect this. Now, in this period we considered the matter, and the practical problem of moving people from Curries Fountain if they had turned up was the prime consideration in throwing overboard Kajee Hall as a venue. Then at about 11 I should imagine in the morning Haroon Aziz turned up - I omitted to mention, Your Lordship, that on the Saturday evening, Harry Singh called Accused No.5, Mr. Nkwenkwe Nkomo and myself, this was 20 30

at / ...

at my flat, into the kitchen and said to us: Look Haroon Aziz is prepared to accompany us to Lourenco Marques, do you have any objection. I did not have any objection, neither did Mr. Mkombo, and the three of them left for L.M. that evening. Now, coming back to Wednesday at about 11 o'clock Haroon Aziz turned up at the BAWU offices, and soon after that Harry Singh and Accused No.5, that is Mkwenkwe Mkombo also turned up. By then Haroon Aziz had briefly informed us of the complete failure of their mission to Lourenco Marques. Then Accused No.2, Accused No.3, Accused No.5, Haroon Aziz, 10 Harry Singh and I left - the idea was that we would return the car from whom it was hired, that was Grosvenor Car Hire on the beachfront, and then proceed probably to Harry Singh's flat.

M'lord, perhaps this might be a convenient stage to adjourn?

COURT ADJOURNS

THE COURT RESUMES AT 2 P.M. ON 13th APRIL, 1976.

SATHASIVAN COOPER: confirms:

FURTHER EXAMINATION BY MR SOGGOT: I think you got as far as a decision amongst you people to have a discussion and you said you were in a state of flux and then you were going to have a discussion. -- Is this now on the 25th in the morning?

I think you were talking about Wednesday. -- The 25th in the morning. Yes, it was in the context of the arrival back from Lourenco Marques. (10)

Carry on. -- We proceeded to the car hire firm and when the hired car was returned, Harry Singh said we will meet at D.Q. that is Doctors Quarters and I understood this to mean accused No. 4, that is Dr Mokoape's flat at Doctors Quarters at the King Edward Hospital. We proceeded to King Edward Hospital and .. (intervenes)

Did you eventually assemble there? -- We assembled there, that is now .. (intervenes)

Tell His Lordship who was present. -- Accused No. 2, accused No. 3, accused No. 4 turned up eventually, (20) accused No. 5, Harry Singh, Harran Aziz and myself. This was now lunch time, plus-minus one o'clock; I am not too certain about the time.

So when you got to Dr Mokoape's room, was he there? -- No, he was not there. We got a report from those who had been to L.M. about the complete fruitlessness of their mission and we began discussing the state of affairs up to that moment, rather at that moment.

Yes? -- We .. (intervenes)

Would you give His Lordship some insight into (30) the debate which took place and your conclusions? --

Well/...

Well, there was an uncertainty on our part at this moment. We were unable and undesirous of continuing, but on the other hand we were placed in the predicament of how to pull out of the rally without losing any initiative and without losing credibility and face, plainly losing face of the movement. Discussion revolved around this crucial issue. There were various possibilities that were thrown into this melting pot of a meeting and what came out of it was a decision that we cannot go ahead with the rally as advertised, as catered for in our contingency plan in this context of BAWU. We could not hold any meeting in short, but we were faced with the dilemma now of deciding what we were to do in the event of people actually turning up at the Curries Fountain. The decision reached after discussion on this matter was that if people turn up, we had a responsibility to the people, to the good names of the organisation - that is BPC and SASO - to ourselves as leaders in order that the responsible positions that had been entrusted to us would not be put in a bad light and in this context it was decided that should a large number of people turn up, which would result in certain problems, then accused No. 2, that is Mr. Muntu Myeza, who was publicized in the Press in the media as having been the spokesman for BPC and SASO on this issue, would go to Curries Fountain and get the people to disperse. As to how exactly he would get the people to disperse, was left largely to his discretion in that there were two ways out. One was that he could go up to the commanding officer present as we knew that Police would turn up and with the permission of the commanding officer, get the people to disperse. The other part of

10

20

30

his / ...

his discretion which he would exercise as he saw fit, would be to go up there to Curries Fountain and on his own address the people and ask them to disperse. Now in this context of addressing the people in both instances, that is with the permission of the commanding officer and without the permission of the commanding officer, we envisaged that accused No. 2 would put the facts to the crowd assembled at Curries Fountain, and that would be, if I may just put into a few words what he would probably say, he would say that: people, we are aware that.....(Mr. Rees intervenes)

10

MR. REES: I object to that. He cannot say what the man would probably have said. Either they decided what he would say, or they did not decide. If it was left to his discretion, then he is guessing now.

MR. SOGGOT: Was there any discussion as to what his speech or address to the people should be? --- Well, there was, this is what I am trying to put in my words, how I looked at what accused No. 2 would probably say to the people.

But the point is, this perception of yours flows from what? --- Well, it flows from the essential idea that he would get the people to disperse, but in doing so he would get in a political jab and in this context I was trying to elucidate for Your Lordship's benefit, what I envisaged accused No. 2 would probably say in his very short statement.

20

THE COURT: Yes, but how did you know that he would try and get in a political jab? --- Well, we said accused No. 2 would go there either with or without the permission of the people - I mean the commanding officer - address the people, tell them the rally has been banned by the

30

powers / ...

powers that be, it is not in our hands to continue with such a rally and in this context the rally cannot be held, we ask you to disperse, at the same time putting the blame for the calling off of the rally purely at the foot of the powers that be where it rightfully belonged. Putting the blame for the calling off of the rally where it belonged.

MR. SOGGOT: All right and then? --- Well, this was the tenor of what accused No. 2 would have to do should people turn up at the rally.

THE COURT: A large number? --- A large number turn up at the rally and there were certain minor details that were worked out as to the Press conference in particular. 10

MR. SOGGOT: Yes. Now, before we deal with that. What was Harry Singh's attitude during this discussion? --- Well, I think to put Your Lordship in the picture there, accused No. 5, Harry Singh and Harran Aziz were disillusioned about their mission which was totally fruitless. Accused No. 5 did give us a rundown of what had happened there, particularly relating to his escapade and he was thoroughly disillusioned with the lack of positive response from the persons he had been to see in L.M. and I recall him saying: I do not pledge any solidarity with Frelimo and he was lying down. Now Harry Singh looked to me to be slightly under the influence of alcohol and he was being slightly destructive in the sense that his was the voice which was crying out in the wilderness that look, man, we have gone to all this extent of organising something and now we are going to just let it ride. I feel we must go ahead, that is go ahead with the rally as scheduled, as advertised. He was, I think, being destructive and a bit obstreperous in that regard. 20 30

What / ...

What was the approach of accused No. 4, Dr. Mokoape?

--- Well, I should say that it is rather difficult to pinpoint specific decisions and statements which can be attributed to specific individuals, but I recall that Dr. Mokoape was concerned about what would happen if people do turn up and concerned that - and he used words to this effect - we cannot afford some type of Sharpeville and this was in the context of the extreme anxiety expressed by Dr. Mokoape, accused No. 4. The main caucus after this hurdle had been over, was the Press conference which accused No. 2 had invited members of the Press to that afternoon, rather that evening, it was scheduled for 7 p.m. to be held at the SASO offices and we discussed what would be said at the Press conference. Now, I would like to point out that accused No. 2, Mr. Muntu Myeza and Dr. Mokoape, accused No. 4, were both taking down notes of the various suggestions made as to what Accused No. 2 and the other persons, who would ^{be} present as representing the organisation at the scheduled Press conference, would say. Both of them were taking down notes and here again we were talking in the context of exposing the South African Government for its double talk and placing the blame squarely where it belonged. That is the gist of what was discussed regarding the Press conference.

THE COURT: What had you in mind with double talk? --- Well, that is a crucial point here. The South African Government, in the person, I remember firstly Dr. Hildegard Muller, the foreign minister, making what was held at that time as the speech of the decade in Parliament, in making known his government's stand to the acceptance of Frelimo as the legitimate government of Mozambique and

saying / ...

saying that his government would recognize Frelimo as the new government and would be happy to involve itself in whatever relationship was necessary regarding diplomatic, etc. channels. Now, also at this time it must be borne in mind that there was mischievous comment being made from time to time in the Press and in particular Mr. Kruger's position, the Minister of Justice's position, was tending to be very ambiguous and on the one hand he was saying we are not against Frelimo, we do not, we agree that they are the legitimate government. On the other hand he was passing certain remarks indirectly against Frelimo in the light of the rally and all these issues would be clearly brought out at the Press conference and given proper airing. Well, the meeting at the D.Q. - that is Doctor's Quarters - Dr. Mokoape's flat, ended I should imagine around 2 p.m. plus-minus and we left the way we had come, that is all those who had gone up to Doctor's Quarters.

10

MR. SOGGOT: And where did you go after that? --- I, together with accused No. 3, that is Mr. Mosioua Lekota, and Mr. Harran Aziz, went along to Curries Fountain where we were looking for the secretary. The secretary's name is Mr. Govender, Mr. Moonsammy Govender.

20

Did you find him? --- I did not find him. He had been making enquiries for me the previous day. He had been telephoning SASO and BAWU, Black Allied Workers Union, and I did not find him. Instead we found Mr. Bijoe, Sergeant Bijoe, the president of the Ground Association and

(intervention)

Did you have discussions with him? --- Yes, we had discussions with him.

30

Now / ...

Now, I think we can pass from that onto what appears to be the next episode of interest and that is your contact with Mayathula. --- Yes.

The reverend. Please tell us about that? --- Well, the Reverend Mayathula turned up at the BAWU offices in the late afternoon of Wednesday, the 25th September.

You had phoned him in the morning and asked him to come in. --- That is correct.

Yes? --- This would have been around 4.30-4.15. At the BAWU offices Mr. Mbandla, whom I referred to previously, 10 Mr. Jeffries.....(The Court intervenes)

THE COURT: I thought Mbandla was a woman. --- No, I said, I think I misled Your Lordship. I said Messrs Mbandla and.....(intervenes)

Oh, yes. Messrs Mbandla and? --- And Mbeo. That was in that context in reference to my previous evidence M-b-e-o. Mbandla is M-a-b-a-n-d-l-a. Now, in the afternoon Reverend Mayathula turned up at BAWU offices. Mr. Mbandla, Mr. Jeffries and I put him into the picture very briefly as to what had been happening. Then the Reverend Mayathula and I walked up 20 to the SASO offices and in the outer offices were accused No. 3, accused No. 5, with Harry Singh and also accused No. 5, and Harry Singh got into a short conversation with the Reverend Mayathula, referring to him as Castro and talking to him. Accused No. 3, that is Mr. Mosioua Lekota, and I proceeded into Mr. Muntu Myeza, that is accused No. 2's office and accused No. 2 was busy behind his desk. My memory is not too correct on this, but it seems that he was writing something there. Accused No. 2 informed accused No. 3, that is Mr. Mosioua Lekota, and I that he had received 30

a certain opinion about the legal status of the meeting at Currie's Fountain from a certain renowned professor in law, Barend van Niekerk from Natal University. He (that is accused No. 2) said to us that Prof. Van Niekerk's opinion was that the meeting at Currie's Fountain would be quite legitimate provided it was not addressed by any SASO or BIC member. My immediate reaction to that was look, we have made our plans, we cannot change them because of one professor's opinion and in any event, he may be wrong and we have gone into the matter, we will have to (10) stick to our plans should a large number of people turn up at Currie's Fountain.

MR SOGGOT: And what was the response to your attitude? -- Well, I got the impression that accused No. 2 was merely informing me look, I have received such an opinion and he was just throwing it over to us.

Well, whatever it is, do you say then that that opinion of Prof. Van Niekerk's did not affect your plans? -- No, it did not.

Would you carry on. Let us hear about the (20) discussion with Reverend Mayathula. -- Well, then the trio of accused No. 5, that is Mr Nkwenkwe Nkomo, the Reverend Mayathula and Harry Singh, entered that office, that is accused No. 2's office and the Reverend Mayathula, it must be pointed out, had a bee in his bonnet about the rally. He was particularly concerned about the fact that it was put out as a SASO rally whereas in actual fact it ought to have been a BPC/SASO affair and he took accused No. 2 to task for what he incorrectly believed was No. 2's responsibility in this regard. I pointed out to him (30) that it was not accused No. 2's fault that the press was putting/...

putting it out as a SASO affair but this was the normal type of reporting that the press has been doing and which we, that is BPC now, was used to. If I may just point out to His Lordship very incidentally, for example this trial, it is referred to as a SASO trial. Now ...
(intervenes)

BY THE COURT: First tell me why was he concerned about this? -- Well, the Reverend Mayathula felt that here was a public rally and SASO is a students movement, we that is BPC is a people's movement. How can it be that (10)
SASO should hold such a thing when it should be BPC which should be doing such a thing.

Was he concerned about the publicity that BPC was losing? -- That is correct, that is correct.

And just to come back to the professor's opinion that he gave, he said that the rally could go on as long as SASO members did not address it? -- That is correct, but more specifically as long as any SASO or BPC members did not address this meeting.

How would the rally go on without people address- (20)
ing it? -- Well, somebody else, I understood it to mean the rally could go on if somebody else besides a SASO member or a BPC member addressing it, but I did not bother about the specific details.

Was the professor referred to the Government Notice? -- I am totally in the dark about the exact position of Prof. Van Niekerk. This was what was reported to accused No. 3 and myself by accused No. 2.

MR SOGGON: Did No. 2 indicate where he got this opinion from? Whether this was from the horse's mouth so (30)
to speak or indirectly? -- I cannot recall now, I cannot recall/...

recall now. Well, I think I put the Reverend Hayathula at ease on this - in this respect and we informed him of our decision that the rally was banned, we could not have any type of rally; should a large number of people turn up, this and this is what accused No. 2 would do. I left... (intervenes)

BY THE COURT: Before you leave that. Now you say that if a large number of people attended then that would be the attitude and was anything said if a small number of people attended? -- Well, going back to now D.Q. that is (10) Doctors Quarters.

Yes. -- Yes, there was this position that we would be saved the bother if no people turned up.

Yes, but I am just trying to find out from you. You see, it was suggested that No. 2 was dispensable if a large number attended, but he was not dispensable if a small number of people attended. -- Oh, I see, yes, Your Lordship is now talking about what Harry Singh said in respect of accused No. 2 being some sort of a sacrificial lamb. No, that was not in that context at all. (20) There was no discussion of accused No. 2 being a sacrificial lamb we can dispense with his services, he can go ahead and cause some sort of confrontation.

Because if it was worthwhile to be arrested if there were a lot of people, it was not worthwhile to be arrested if he could not be dispensed if there were only a small number of people. -- Yes, that is a misrepresentation.

Sorry I took you off your line. -- But .. (intervenes)

You were busy with Hayathula in No. 2's office. -- Well, having put the Reverend Hayathula at ease on (30) this respect, well, to my mind, I left and Ahmed Bawa was downstairs/...

downstairs I think; the SASO office is on the first floor. Both of us left, we got a lift from a friend of mine and on the way I informed Ahmed Bawa that we could not go ahead with the rally and that accused No. 2 would get the people to disperse should a large number of people turn up. I remember specifically saying in this context that accused No. 2 would get the permission of the commanding officer and get the people to disperse. Now, I did not mention any political jab to him. The ride was short between SASO offices and the bus rank at Winterton Walk, (10) that is near Currie's Fountain, and I took a bus home and Ahmed Bawa went off to the rally.

MR SOGGOT: Now, before you go any further, what was the role which Dr China was to fulfill that afternoon? -- Oh, yes, that slipped my mind. Dr Matsipa, Dr Joel Matsipa he is colloquially known as China, came in whilst we were having our discussion at Dr Mokoape, that is accused No. 4's room and he was present when we were considering this issue of people turning up at Currie's Fountain. He informed us that he had the intention of being present (20) at Currie's Fountain and he volunteered to telephone I think it was BAWU offices or I am not too certain, but he would telephone and report whether the services of accused No. 2 would be deemed essential in respect of getting the people to disperse or not.

Now, as far as you are concerned, what was the next thing that happened that day? -- Well, that evening I heard over the wireless that the rally, there were two, at Turfloop and Currie's Fountain, had gone on and the police were forced to intervene. (30)

Yes, you got that report and then what did you do? --

Well/...

Well, I telephoned accused No. 2 because I had heard that my wife had been arrested at the rally. Later that evening after the 7 p.m. news, some time after that, a Mr. Govender, Coastal Govender - it is not the Govender that I referred to previously - turned up at my flat and he was in the company of Mrs. Mokoape, that is Dr. Mokoape's wife, and Dr. Mokoape, accused No. 4. They were rather concerned because their child had been at the rally and the child was missing.

Well, the story is that the child was found. Is that right? --- That is correct. Actually what had happened was, a little while later Dr. Mokoape's 5-year old daughter and Mrs. Mabandla (now it is Mrs. Mabandla, Cele Mabandla C-e-l-e) and accused No. 5, Nkwenkwe Nkomo, and Mr. Harry Singh turned up at my flat and there were one or two other students. I do not know whether they arrived together or not. And the problem was over because the child was found. 10

Well, subsequently there were arrests, not so, and you also were arrested? --- Yes.

When were you arrested? --- I was arrested late that night. 20

That night? --- That is correct.

Now, I want to refer to Turfloop. As far as you were concerned, who was organising the Turfloop rally? --- Well, the Turfloop rally was to a certain extent a SASO affair, but I understood that it was being organised by the SRC at Turfloop to the extent that it was a SASO affair is that SASO is a federal body of students and various campuses, individual members of campuses and individual students are affiliated to SASO. 30

Now, as far as the rally is concerned, did you people have / ...

have any intention to provoke a violent emotional reaction? Anything like that? -- No, not at all.

As far as the Whites were concerned, were any statements made in the press about White reaction? -- By us?

Well, was there any discussion either from public officers or in the press as to the White reaction? -- Well, we issued statements on the rally position, but I remember there were comments, I specifically remember there was a comment by the Daily News, an editorial. It was the main editorial if not the only editorial of the 24th (10) December, the Tuesday before the rally, which referred to - I mean 24th September, which referred to the role of Mr Kruger and they likened him to some sort of circus performer who was out for cheers and boos and I remember specific reference being made in this editorial to the fact that it was only a Mr Koekemoer who seems to be alarmed and who seems to have jumped to certain conclusions about our intentions and that this type of singular attitude was not attributable to the White community.

You were going to send No. 2 along to call off (20) the rally and I think you told His Lordship there was no suggestion of his being a sacrificial lamb. What was the attitude that you people had towards his mission as to its legality or business of arrest or anything like that? -- Well, I did not mention to Your Lordship that on the Tuesday, the 24th September accused No. 2, Jantu Hyeza, and I had a good look at the Riotous Assemblies Act and within the confines of our understanding of it we felt that the rally was not banned. Now, there was the risky aspect to accused No. 2's presence at the Currie's (30) Fountain in that his very presence would be a contravention of/...

of the Riotous Assemblies Act and he would open himself up to arrest, but the risky aspect was overshadowed by the fact that if a large number of people did turn up and there was nobody of some sort of authority as representative of the movement being present, would any sort of undue situation arise. So it was in this context.

And by the time you had made your plans at D.Q.....
(The Court intervenes)

THE COURT: What do you mean by that? An undue situation might arise if he is not present? --- Well, Your Lordship will appreciate that, should there have been a large number of people, the people may have been reluctant to disperse. 10

You mean to exercise control? --- To be there to ensure that they represented the movement and were responsible for getting the people to disperse and responsible for continuing the good image of the movement at that very crucial time.

MR. SOGGOT: I wonder, would you have a look at EXHIBIT C? The first one, I want to deal with this in the chronology. I think the first time in time would be on page 35, between yourself and Gerald Phokojoe. --- Yes. My actual conversation begins on page 37. 20

That is just below half the page. --- That is correct.

Now, I want you to deal with one thing. Oh, by the way, for the record, this is a conversation which took place on the 24th, I think. --- That is correct.

The 24th September, that is Tuesday. --- That is correct.

You say:

"These guys can't stop us with anything." 30

Could / ...

Could you tell us what you meant by that? --- Well, I was referring here to - and this is in the context of the rally not having been banned at that stage - these guys, that is the system, the Press, I am referring to as part of that system, and official noises, that is the Minister's reaction, these were threats and they cannot stop us with making idle threats. It was in that context. These guys cannot stop us with anything, they cannot stop us by intimidating us, by threatening that they were going to ban the rally.

10

And then phrases such as:

"...mobilise all the resources...

it's an act of Warfare this...

we must retaliate in a like manner..."

Tell us what you were trying to convey there? --- Well.....

(The Court intervenes)

THE COURT: First tell us who is this Gerald Phokojoe?

--- Gerald Phokojoe was at that time the regional secretary,

I think it is of SASO in the Transvaal. Now, I think this

must be placed in its context, in its broad political ambit

20

of what BPC/SASO was about. We are involved in a political

struggle in this country. Now in this context we have

identified the area of our oppression and this we have

called variously and sometimes we have called them the

enemy. Now, they are the political foe in our struggle

for liberation in this country. Now, when I refer to it

is an act of warfare this, it is in the context of well,

look, this type of thing is only expected, we must know

we must struggle for liberation and we will be the source

of attack, official attack constantly and we must

30

retaliate in a like manner. We must match them wile for wile.

Mr. Soggot / ...

MR. SOGGOT: Then would you please have a look at page 7. Now this is a conversation between yourself and Mr. , and Reverend Mayathula. Give us the setting of this conversation, why you phoned him? --- Well, this is on the 25th September, the rally day.

THE COURT: What page are you referring to?

MR. SOGGOT: Page 7, but it starts on page 6. --- Now, this is in the morning and there is a reference on page 6 to 10 o'clock on the second half of the page, when we see the first "M" "For tea. Ten o'clock tea." Now, at this time, 10 to put His Lordship in the chronological picture of the events as they unfolded on the 25th September, we were musing over the use of Kajee Hall as a possible venue and it was in this context that I phoned Reverend Mayathula. I ought to point out to His Lordship that accused No. 2, that is Muntu Myeza, did phone the Reverend Mayathula earlier that week and asked him to come down. I think it was in the context of being a possible speaker at the rally. Now at this time the persons whom we sent to L.M., who had gone to L.M., had not turned up and we were not sure about what was 20 happening in that regard. The other point is that we were musing over the use of the Kajee Hall and it was in this context that I thought I had better phone the Reverend Mayathula and get him down. Because we would now have to go on at Kajee Hall in that context and I was thinking of him as a speaker in that context.

So you wanted him down? --- That is correct.

Now have a look at page 7, and would you start with the phrase: "We are waiting for you?" --- Yes.

Then you say:

30

"You / ...

"You must come. Very urgent. The,
the movement is going to die otherwise."

Now what do you mean by that? And then you might as well
deal with this together. Then you say a little further down:

"Today we either make the movement or we
break the movement."

--- Yes, as Your Lordship will recognise, this is another
example of my figurative usage and rather liberal usage
of the English language. Now "the movement is
going to die otherwise" and "we either make the movement 10
or we break the movement" I am referring to the Press
has cast us, that is BPC and SASO, in a particular
mould at this time regarding the Viva Frelimo Rally. They
had made all sorts of insinuations about our intentions
to smuggle in Frelimo people, etc.

I forgot to ask you about that, I am sorry. It is my
fault. What do you say about that? How did you intend to
get Frelimo speakers in? --- Well, personally I did not
think that Frelimo would accede to send down a
speaker, a person, a ranking official to come down. 20

Yes, but in the event that someone came, what was
the idea? Was it smuggling or otherwise? --- Oh, no,
definitely not. It would have been a legitimate, the
normal type of affair.

Yes, all right? --- Now, in this context the movement
is going to die otherwise. We either make the movement
or we break the movement. I was pointing out that at this
moment in time we were the source of approbrium, a
national obloquy at this time and it was crucial to us
for us to come out of this in a good light, make the 30
right / ...

right decision at this crucial time because I was aware and I am still aware that the authorities that be in this country are just waiting for an excuse to ban BPC and SASO because we are an acute source of embarrassment to them and in this context I refer to the movement is going to die otherwise or we either make or break the movement.

And I think that is all that I am going to ask you about as far as that discussion is concerned. Would you turn to page 9 please? -- Yes, I have page 9.

This relates to your conversation with Dr (10)
Mokoape, accused No. 4. -- That is correct.

Now, you tell him that you are waiting for him and then the theme comes again at the bottom of the page:

"Hey man, hey man. ... it's either make
or break now."

-- Yes.

What do you say about that? -- Well, this has the same interpretation as the make or break reference that I have just explained.

Now would you just please run through the next (20)
half of the page, that is page 10. -- Page 10.

He asks:

".. what are you going to do?"

And you say:

".. we're going ahead."

Have you got that? -- Yes.

Tell us what you meant there, what you were talking about? -- I am sorry, I did not put you in as to the exact time of this conversation. This now is after my conversation with the Reverend Mayathula and before (30)
the arrival from Lourenco Marques. Now, Your Lordship
will/...

will remember I said we had thrown overboard the idea of using the Kajee Hall and now it was felt by us, accused No. 2, accused No, 3, myself, Ahmed Bawa was around, Mr. Mabandla, Mr. Mbeo, that we should fall back on our original contingency plan, that is Curries Fountain is booked in the name of the Black Allied Workers Union, BAWU, and it was in this context that I say: we are going ahead, we are going ahead. Now, I ought to point out to Your Lordship that the contingency booking in the name of BAWU was a well guarded secret in BPC/SASO circles. 10

It was known that this was what we had done. So it is in this context that I speak of going ahead, that is at the Curries Fountain under the name of BAWU and all would continue legitimately in its own right as an organisation with a meeting.

Yes, carry on. Then Dr. Mokoape said to you:

"...the point is that your newspapers have gone out to intimidate the public about coming..."

And then you say: 20

"...it'll depend on the number who'll turn up..."

--- Yes, well, here I was already feeling at this time that if no people turned up of course our problems are safe, we have no problems facing us.

Yes, carry on? --- But if people turn up, we would have to have some sort of responsible attitude to that.

Then you say you will only know at 5.30 and he says:

"...I mean you are going to start the rally?..."

--- Ja. 30

And at what stage are you going to

cancel / ...

will remember I said we had thrown overboard the idea of using the Kajee Hall and now it was felt by us, accused No. 2, accused No, 3, myself, Ahmed Bawa was around, Mr. Mabandla, Mr. Mbeo, that we should fall back on our original contingency plan, that is Curries Fountain is booked in the name of the Black Allied Workers Union, BAWU, and it was in this context that I say: we are going ahead, we are going ahead. Now, I ought to point out to Your Lordship that the contingency booking in the name of BAWU was a well guarded secret in BPC/SASO circles.

10

It was known that this was what we had done. So it is in this context that I speak of going ahead, that is at the Curries Fountain under the name of BAWU and all would continue legitimately in its own right as an organisation with a meeting.

Yes, carry on. Then Dr. Mokoape said to you:

"...the point is that your newspapers have gone out to intimidate the public about coming..."

And then you say:

20

"...it'll depend on the number who'll turn up..."

--- Yes, well, here I was already feeling at this time that if no people turned up of course our problems are safe, we have no problems facing us.

Yes, carry on? --- But if people turn up, we would have to have some sort of responsible attitude to that.

Then you say you will only know at 5.30 and he says:

"...I mean you are going to start the rally?..."

--- Ja.

30

And at what stage are you going to

cancel / ...

cancel it?

Ah, they, they'll stop it."

Tell us what that is about. -- It now dawns on me that despite the fact that we have taken the precaution of booking the Currie's Fountain in the name of the Black Allied Workers Union, BAWU, the police would be present and the SASO/BFC faces would prompt the police to stop a legitimate rally going on in the name of BAWU. At this time it strikes me that although we have booked the Currie's Fountain in the name of BAWU, the police (10) are going to see the same SASO/BFC faces there and they are not going to believe the story look, this thing is booked under BAWU, they are going to see the same BFC/SASO faces there, which faces would fit into the context of the Black consciousness movement in general, it being borne in mind that certain leading members of BAWU are members of either SASO or BFC or both.

And when this dawned on you that the police would in any event try and stop this meeting, what did you feel about that prospect? -- Well, now I felt that look, (20) we had been skipping from one to the other, that is skipping from the Kajee Hall plan to the original contingency plan of Currie's Fountain now, but this matter will have to be given very, very careful and deliberate consideration and only then can we decide what we can actually do and I say on page 12, at the middle of the page "(3)" that is myself:

"Just speak to him it's urgent because we, we're taking some we're doing some drastic things..."

Has Your Lordship got that? Page 12. (30)

MR SOGGOT: More or less in the middle of the page, If Lord.

-- The/...

-- The 13th line.

It starts with: "Just speak to him.."

-- The second line says:

".. we're doing some drastic things which
I, we can't discuss on the phone."

Now, this prompts me to use a ruse to get No. 4 because it is clear that I had been trying to get hold of No. 4 and we had missed each other somewhere along the line and I wanted accused No. 4 over because he was a founder member of BPC and we can discuss what we can do correctly (10) and responsibly if we have opinions from responsible quarters.

What I want you to deal squarely with is this: you have told us what your original plans and the two contingency plans were about, not so? -- That is correct.

Was any other thing, any other approach planned or contemplated or discussed at all? I want to know whether "drastic things" could refer to anything else. -- No, drastic things, Your Lordship will realise by now that I am given to drastic usage of the language and I (20) say, we are doing some drastic things, look, Hokoape, you must come, we must discuss this thing. You do not know what I am talking about when I say drastic, but this is the incentive for you to come over, it is a ruse on my part.

While we are talking about the word "drastic", have a look at page 13 please. -- Yes.

Where Hokoape says:

"Well ja, because nobody must put themselves in a position where they have to (30) be the recipients ah, of drastic action."

What/...

What did you understand him to mean by that? -- Well, this is in the context of, if Your Lordship will turn to the bottom of page 12, Dr Mokoape said - asked: "who's at 86?" Now this is the second last line, it is a reference to who is at 86, Beatrice Street, that is the SASO Headquarters. Now the next page I say "very few". Then he continues:

"Well ja, because nobody must put themselves in a position where they have to be the recipients ah, of drastic action." (10)

This was quite clear to me we are prone to banning orders, receiving banning orders, from time to time at any time and in this context he, and I was thinking along these lines, this is what I understood by it, would have been referring to: well, now we reached an interesting situation in this whole rally episode and the system, the White Government may react by issuing a banning order or banning orders against certain prominent officials responsible in the actual organisation of this affair, that is the rally and here I was thinking of prominent among them, (20) accused No. 2 and to a lesser extent accused No. 3, both leading SASO officials and accused No. 2 prominently involved in the organisation of the rally and I was thinking of them being recipients of banning orders and summarily being despatched to some little bit of arid ground which is - to which they have been restricted, in that context.

Then he goes on to say:

"They ought to be terminating their services today altogether."

Is that still talking about the same thing? -- Well, (30) this confirms now my impression, yes, he is talking about the/...

the same thing.

Now, we have jumped around a little bit. Would you go back please to page 10. -- Yes.

About six lines from the bottom:

".. people will only arrive there by six o'clock. .. In their big numbers. .. we'll just have to wait and see."

And then you talk about two types of statements. Just tell us what that is about. -- Well, accused No. 4, Dr Mokoape is clearly concerned about what we will have (10) to say if we have to call the rally off and in this context, stepping down, but without losing any initiative, without losing face. I cancelled the rally, do you -- have you thought about what you are going to say if you have to cancel it.

Yes, that is the one statement.

"Or a statement in case you have to go far away."

-- Yes, that is at the top of page 11. Here it is not too clear. Go far away can actually physically mean .. (20) (intervenes)

Well, what did you understand by that? -- I have to go far away, but I understood this as having reference to if people were arrested and I was thinking of accused No. 2 and 3 in this context and if people were banned and taken far away, in this context.

Then just carry on, while we are about it. -- I say here:

"Ja we've prepared quite a few ... a series." (30)

Actually this is bluff, we never prepared any such statements/...

statements in case we had to, but we were musing over possible thoughts in this conversation.

"If you have to cancel it. It is not going to be said by us. The cancelling is because it is banned.

Umm."

And then Dr. Mokoape says:

"Ah! We say, we can say we don't seek confrontation, you know, but the blame must still rest with them eh!"

10

--- Yes.

And then you say:

"No, we can't say we don't seek confer... confrontation, we don't talk about it."

Tell us about that? --- I fixed on the word confrontation. I felt that it would be totally unwise to broach such a subject, that is confrontation because just as I fixed on that particular term, the system would fix on when we mention confrontation and cast us in a bad light in respect of us seeking some sort of physical armed confrontation as it were, because confrontation is a very sensitive word. It is actually being used in a particular context for example in this case and in this context I thought it is best, it would be totally unwise to talk about confrontation. We would rather not talk about it at all.

20

And then you say:

"...whatever situation it is...if they have to cancel it...

We must blame them..."

30

There you are talking about the attribution of blame.

That / ...

That is correct.

And then Dr Mokoape refers to Sharpeville. How can you just turn to - just what is the reference to mercenaries mobilizing, just to complete that? -- Well, now, there had been a rumour that there was some sort of mercenary volunteering to I think it was some newspaper and this we put off as a scare by Koekemoer, it was a rumour.

But then the phrase is in the corrected record, I do not know if yours is corrected: (10)

"We can even go ahead and say that we heard rumours about mobilizing."

-- Well, the correction has been scratched off in my copy.

Yes, I am just reading it to you. Is that what Mokoape said? -- That is what he said, and that is my reply to it, in that context that I have just outlined to the Court.

BY THE COURT: Well, there is something written in there:

"Or that we heard rumours, we can even go ahead and say that we heard rumours about mobilizing." (20)

Have you got that? -- That is right.

MR SOGGOT: I just prompted the witness because he hasn't got it in his copy. Allright, I wonder if you can then pass on to the final conversation involving you, which I believe is on page 15. -- Yes.

There you talk to Mhlonola. Who is he and just give us the setting of this. -- Mhlonola is Mhlonola Skosana, the administrative assistant I think of BPC. He is speaking from Johannesburg and I did not start this conversation. It was accused No. 5, Mkwenkwe Mkombe, who started the/...

the conversation with Mehlolela and it was after the meeting held at D.Q., that is Doctors Quarters and before the Reverend Mayathula arrived at BAWU offices. That is the background to that particular conversation.

You say in the middle of the page:

"Mobilise the people"

there. What do you mean by mobilise? -- Well, it is utilise the resources that you have.

And then:

".. all systems go." (10)

What does that mean? -- It is the usage of language. We must have our organisation system at its peak and we must not be cut down, that type of thing. And in an attempt to inspire confidence in Mehlolela.

Is there any other comment you would like to make about this conversation, because I am going to leave it now. -- Well, I think I ought to point out that accused No. 5 started this conversation before he handed over to me and at the top those are his words there on page 15. He says to Mehlolela something to the effect: you (20) know this meeting or the rallies are banned or have been banned and Mehlolela, if my memory is correct, agrees and the conversation ends off on - sorry, with accused No. 5 saying to Mehlolela: you must keep in touch with the SASO offices. Now, I did not point out to Your Lordship that we were here in Durban. I speak now for accused No. 2, accused No. 5 and myself specifically, on the Wednesday before - I may be wrong about the time - before we leave for Dr Mokoape's quarters at the D.Q. that Johannesburg was organising a meeting and TRAYO, that is the (30) Transvaal Youth Organisation, was going to take over the organisational/...

organisational efforts put into it at that stage by the SASO and BPC people up in Johannesburg. Now, ...

(intervenes)

Why would TRAYO take it over? In the event of what?
-- Well, in the case of this banning order. Now the person who had informed accused No. 2, No. 3 and myself about this, was a man called Kuzwayo who had just come
K - u - z - w - a - y - o - who had just come down from Johannesburg with this message.

BY THE COURT: What happened to that rally in (10)
Johannesburg? Nothing? -- Well, some conversations here show that they did not succeed in effecting a booking of any venue, but subsequent to my detention I read in the press that the Magistrate of Johannesburg had to ban a TRAYO gathering - I do not know whether it was specifically referred to as a Frelimo solidarity affair or not, to be held at the Regina Munde Hall in Soweto.

THE COURT ADJOURNS.

(20)

Collection Number: AD1719

State v S Cooper and 8 others.

PUBLISHER:

Publisher:- Historical Papers, University of the Witwatersrand

Location:- Johannesburg

©2012

LEGAL NOTICES:

Copyright Notice: All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

Disclaimer and Terms of Use: Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

DOCUMENT DETAILS:

Document ID:- AD1719-Vol66

Document Title:- Volume 66, Pages 3656 - 3731.