

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

CASE NO.: 18/75/254.

4th AUGUST, 1976.

In the matter of:

THE STATE

versus

S. COOPER AND EIGHT OTHERS

VOLUME 126

(Pages 7 771 - 7 876)

LUBBE RECORDINGS (PRETORIA)

THE COURT RESUMES ON THE 4th AUGUST, 1976.

ZITHULELE NYANGANA ABSALOM CINDI: still under oath:

FURTHER CROSS-EXAMINATION BY MR ATTWELL: Yesterday you will recall we were busy with the explanation of conscientisation.
-- Yes.

And we touched on it and you had set out one or two of the methods adopted by yourself and the organisation in attempting to give effect to conscientisation. Now, you had in fact touched on what one could probably categorise as a community development program. -- Yes. (10)

Do you agree with me that a community development scheme through projects are done with a view to conscientising Black people politically? -- Oh, yes.

Yes? -- Yes.

You stated as much in fact in one of the documents which you have admitted responsibility for, BPC K.1. -- That is correct.

What do you mean by conscientising the Black people politically? -- As I pointed out yesterday to you that now conscientisation involves social, political and economic (20) aspects of the community. So when you talk of conscientisation politically you talk of political education where people are being taught of their rights.

In a political sense. -- Yes.

Does the literacy program also cover that particular aspect? -- Well, literacy is more of an educational project.

To educate them to know their rights politically. -- Read and write.

And to know their rights politically. -- No, no, that is when you are dealing with a political aspect. But when (30) you are dealing with a literacy aspect, you teach them to read and/...

and write.

Do pamphlets form any part of a conscientisation program as used by BPC? -- Well, BPC did not have the opportunity to make use of pamphlets to conscientise people as such. It mainly had during my time we had produced circulars to branches which were talking mostly about the movement.

I do not think you heard the question. Do pamphlets form a part of a conscientisation program as envisaged by BPC? -- Well, they do form a part, they play a part rather.

The theatre? -- The theatre, I would not say that (10) the theatre forms a part of conscientisation.

As used by BPC. -- BPC has never used the theatre to start with.

Has BPC had drama presentations at its congresses and things? -- No, none that I can recall of.

I will come back to theatre a bit later if I may. Rallies, were they used by BPC in an effort to conscientise the Blacks? -- It never had rallies.

Did they envisage the use of rallies? -- Yes.

As an effort to conscientise people. -- Yes, they (20) were envisaged as an effort to publicise the movement.

I would like you to have a look at one document which you handed in yesterday during your evidence-in-chief, a document TTT. It purports to be the minutes of the fourth national council meeting held by your organisation at St Angus in March, 1974. Have a look at page 5 of that document. Under the heading 10 at the bottom of the page. Do you see that? 'Proposed projects in the annual program'. -- Yes.

It states there:

"Members present (this is obviously at (30)
this national executive meeting) were
encouraged/...

encouraged to speed up the drive for more membership. Through amassing a large following can we be able to effect change fast. The need to gain credibility by the masses can never be looked down upon. We have to identify with the people and to articulate their aspirations. Through this we can have the people identifying the movement with liberation. The president appealed to those present that they organise rallies, inviting every member of the community and having one member from the national executive addressing them." (10)

-- Yes.

Is this in fact the policy that you people proposed to follow? -- This was a program that was to be followed to publicise the movement.

And the aim is as set out in that particular passage.---Yes.

BPC was a serious movement, I gather, in that you people were genuine in what you stated and said in your resolutions and press releases and statements. -- That is correct. (20)

Can we take it that in all these things, especially in contentious areas, that you people intended to say and mean what in fact appears in those documents? -- Oh, yes.

As you are standing here now, on the evidence which you have heard accused No. 1 admitted having done, are you satisfied that he did all these things he admitted in the exercise of his powers or in the execution of his duties or in furthering or attempting to further the interests of BPC? -- (30)

That/...

That is rather a wide question.

Would you like me to repeat it? -- No, not necessarily repeat, but I would appeal to you to be specific.

I was specific in saying that have you heard what accused No. 1 admitted in this box having done? -- Well, what I would say that his evidence was rather lengthy, so I would not know what you mean that he admitted having done.

Everything he did not contest that he did.

BY THE COURT: That is a very wide question.

MR ATTWELL: I could perhaps put it in the negative. (10)

BY THE COURT: Put the specific points to him.

MR ATTWELL: Was there anything that No. 1 admitted having done which struck you as not being something which you would have expected him to do in the exercise of his duties within the ambit of BPC policy? -- When you say in the execution of his duties, I take it you mean when he was the public relations officer.

He was unfortunately active for a period of time long after his formal period of office. He also admitted having given out certain documents and organising certain things. You (20) heard his evidence in that respect. Was there anything that struck you as not being done in the interests of BPC or in furthering those interests?

BY THE COURT: Well you know when he was banned. -- Yes.

Or restricted. -- Yes.

Now you heard what he admitted what he did after he was restricted. -- I am afraid I will have to be reappraised there. My memory escapes me there.

MR ATTWELL: Is there nothing that struck you at the time as being inconsistent with what you would have expected him (30) to do in furthering BPC policies or being outside the ambit of

BPC/...

BPC policy. -- Well, I would say there is nothing.

Nothing. Do you consider yourself qualified to testify on the policy of BPC? -- I would say yes.

Could you tell the Court why you say yes? -- Well, why I say yes, it is because I am a member of BPC. So I make up BPC. Whatever I do as policy of BPC is my policy. So in that respect I am qualified to speak on BPC policy.

If we had to go by reports, there were members of BPC who never pitched up at meetings, who were merely card-bearing members, who did not have much to do with the movement (10) at all. How would you differ from those people? What qualifies you to be able to speak authoritatively on the policy of BPC? -- Well, you talk now about the complaint about people not attending meetings. Now you will have to know the nature of that meeting because if you talk about policy, policy is made at congress, any congress in session. So now whoever attends congress will be appraised of what the policy was adopted at that congress and he will in turn communicate it to his branch which he will be representing at the congress.

I do not know if you have quite got the gist of my (20) question. If I went along to the Mara branch and I happened to see someone attending a branch meeting there and I grabbed him and brought him to this court, would he be able to speak necessarily with the same authority on the policy of BPC in its broad aspects as you are? -- Oh, yes, he would be.

He would be? -- Yes.

Why would he be? -- Because the policy - let us now look who is BPC. He is BPC. So if he comes here he will be able to talk about the policy of BPC.

Do you consider the fact that you were an executive (30) member of BPC for a fairly lengthy time, that you had contact
with/...

with other of the accused and other senior members of the organisation, the fact that you worked in head office for a long time and the nature of your work concerned, dealing with all the documents of BPC, do you consider these facts inter alia to qualify you to speak more authoritatively on the nature and policy of BPC than an average member at a branch who might attend one meeting out of ten? -- Now you mean that now differentiates me from an ordinary member?

Yes, that was the question. Do you think that qualifies you better to speak on this particular topic or that particular topic? -- Well, I would say yes. (10)

You made a statement during your evidence-in-chief fairly early on, after you yourself had joined BPC and read the constitution and claimed to having understood what BPC was all about, that you made it your duty to get others to join BPC. Why? -- Because there was this realisation in me to be liberated from the oppressive forces of our society and immediately this realisation was aroused in me, there was this sense of feeling that I should share this realisation with others and that is what motivated me to get others to join BPC. The idea behind that being that we should collectively attend to our problems rather than be a number or a hundred voices in the wilderness. (20)

You considered it your duty to do this? -- Yes.

Was it also the policy of BPC that its members should consider it their duty to pull others into the organisation? -- Well, I mean it is a logical consequence if you join a movement, the movement is aimed at amassing as many people, a large following and it follows that it is the duty of every member to spread the gospel, as it were, to the next man. (30)

BY THE COURT: You set yourself the target to recruit one million/...

million Blacks. Now who were supposed to recruit these Blacks?
-- Well, I think the evidence, if I may just correct that slightly to the Court, is that this one million membership target was an incentive to people so that they must work hard.

Yes, I appreciate that, but my question relates to something else. Who was - you say we set ourselves the target to have a membership of one million in three years. Now, who are we? -- We refers to BPC membership in general.

MR ATTWELL: Apparently Mr Shezi was walking around in Tembisa with copies of the constitution and he was befriending his (10) old friends and telling them all about the organisation, giving them copies of the constitution and signing them up as members.
-- Yes.

Is that the sort of thing you had in mind? -- That is the sort of thing.

And did you in fact do that too? -- Well, I did that.

You did that too. Did you ever try and sign people up to SASO? -- No, I did not do that.

Tell me this particular person Mvulani that you attempted to find together with one of the security officers, what (20) did that security officer want from you? -- He wanted documents.

What sort of documents? -- Any BPC documents.

Any BPC documents. Why did you refer him to that person?
-- If I may explain this. I stayed with that person in Tembisa and then they had a family squabble between him and his wife so the house was - the family broke up. At that time I was no longer staying with him, I was staying in Soweto. So I had some of my documents which I kept, all my correspondence and documents which I had kept, at his place. So now the logical place to go to when he demanded all the documents (30) I had in my possession, was to go to Mvulani and we started
first/...

first with his wife. The wife said she burned some of the things and she said maybe some of the things could be found with Mvulani. So that is how we went on to James.

Why did she burn some of the things? -- Well, she was cleaning the house.

Merely cleaning the house? -- Yes, I mean the family being disrupted, she burned some things she considered ... (intervenes)

Did you have any documents yourself which you would not have been able to find in the BPC head office? -- Will (10) you please repeat that?

Did you yourself have any BPC documents which you would not have found in the BPC head office? -- Oh, no.

In other words, the police would merely have found a duplicate in your possession of anything they could have found in head office? -- Possibly, yes.

But they still wanted documents from you? -- Well, they wanted documents from me because if you will understand how I was arrested. I was arrested at a busstop. So there was nothing on me. So they wanted to go to my place where (20) I normally stay to search and see if they can .. (intervenes)

BY THE COURT: Counsel's point is a different one. Counsel wants to know was there anything extraordinary about the documents that you had in your possession or was it just the run of the mill type of document of that movement? -- Well, I would imagine I would have had a constitution in my possession.

Yes, but was there anything else in your possession which was really something unusual as far as BPC was concerned and it was only that one document in existence? -- You see, to answer that question, I will have to go back now to (30) the situation of my interrogation. When I was being interrogated/...

interrogated, allegations were made against me that I was supposed to be hiding documents.

I think Counsel only wants to find out about the nature of the documents that you had. -- Well, I was being interrogated about documents I had allegedly hidden. So I said no, I have got no secret documents as it were, emanating from BPC which I had hidden, I can take you to where I used to stay, you can see the documents I had. And so that is how we got on to undertake this trip to get the documents.

MR ATTWELL: So there were suggestions that there some (10)
sort of hidden store of documents which you kept the key for
or something like that? -- Something like that.

You say that was something the police questioned you about?
-- Yes.

Do you know where they came by that story? -- Oh, I did not ask them, but I gathered it was from some of the detainees at the time.

The documents that the police then did find at Mvulani's house when they eventually found him, were those documents of yours? -- No, unfortunately they were not mine. (20)

They were not your documents. Well, what was the point then in going to Mvulani if they were not going to be your documents? -- Well, it was with the hope of finding documents which I kept.

And they found none of the documents which were yours? -- Oh, no - incidentally, let me point out here, Mvulani is a BPC member also. So when they went there, they searched the place and they found those documents, whatever they found. I think it was some BPC minutes or something like that.

That is right. -- Ja, then they brought them back (30)
to - we went to Compol.

Now/...

Now were those his documents or your documents? -- Those were his documents.

How do you know they were not yours? -- Because mine were - I had my own personal - I had my room at Mvulani's place where I kept my documents, my correspondence, personal correspondence. I was hoping to find that. We did not find that.

Were they kept in a special folder or in a locked suitcase or anything like that? Your documents. -- Oh, yes, they were in a folder which was written my name on it. (10)

Was Mvulani a SASO member? -- Not that I know of.

Because you see when you pointed out that house to the police they found at Mvulani's place a number of new SASO membership cards. -- Ja, to explain that, I would say that Mvulani had a cousin who was a member of SASO who was staying with him at that time.

So it was the cousin's documents? -- So that explains the presence of those SASO documents there.

You yourself have never attempted to recruit for SASO? -- In fact I have never been a SASO member so I mean ... (20)
(intervenes)

That is not the question. Have you ever attempted to recruit for SASO? -- No, I haven't.

Had Mr Mvulani, your friend, to your knowledge? Has he ever attempted to recruit for SASO? -- Not that I can think about.

Were you a student at any time? -- Oh, yes.

Were you in fact a part-time student at Wits University? -- Ja, even at the time of my arrest I was a student.

So you qualified as a SASO member if you wanted. (30)

-- I took up membership.

BY/...

BY THE COURT: What was the direction of your study? -- It was science.

MR ATTWELL: What science? -- I was studying towards a B.Sc. degree. My courses were physics, chemistry, mathematics. So now at Wits I used to go there for the laboratory facilities. For chemistry practical. That is why I became a part-time Wits student, but I was a student with UNISA, I ~~did~~^{received} my tutorial from UNISA.

Have you abandoned your studies now? -- Well, I havent ...
(intervenes) (10)

Well, I am not talking about your detention, I am talking before your detention, had you abandoned your studies? -- No, I had not.

A full-time BPC member and executive, were you still continuing with your studies? -- Yes.

How far had you progressed? -- Well, I progressed as far as the time of my detention.

How many years of study had you passed? -- Oh, that was my first year in the B.Sc. course then.

Which year was that? -- 1974. (20)

Now you were administrative assistant from when in 1973? -- August, 1973.

How was it that you became administrative assistant of BPC? -- As I pointed out in my evidence-in-chief, I said that I was appointed by the secretary-general to be the administrative assistant to him.

That is Mr Sipho Buthelezi? -- Buthelezi.

Were you a friend of Mr Buthelezi? -- No.

How did it come about that you were appointed to be Mr Buthelezi's assistant? How did they know about you? -- (30)

Well, I was a BPC member, I am a BPC member and as I pointed out/...

out, I used to do errands for our branch during my spare time. As I pointed out, I used to sell ladies' clothing to eke out a living. So at times when I have gone to town to buy stock, I would via the offices and then he got on to establish that I was not under full-time employ as it were, like I mean, other members were employed in other companies. So he offered me the job.

So you used to frequent the offices then before you became administrative assistant? -- Yes.

Did you have any other work at that time apart from (10) selling garments for ladies' clothing? -- No, I did not have any other work at the time.

I understood from your evidence-in-chief, I might have got it wrong, that you took that particular job to supplement your earnings. Am I wrong? -- What job?

The job of selling clothing. -- Oh, it was a continuous job which I started in 1971/72 while I was still working for Franky Pile and Minnesota Mining. Now it was to supplement my income then. Then later when I had no job, it was now my source of income. (20)

It was the only source of income you had then. -- Yes.

From when? -- From the time at about late 1972.

You mean up until August, 1973, that was your only job? -- Yes.

And you were battling to eke out a living. -- Oh, yes.

But you were frequently in the BPC head office. Tell me, the Johannesburg Central Branch of BPC, where does it hold its meetings? -- Well, it used to hold its meetings at the Pharmacy House.

Head office? -- Pharmacy House. (30)

Not BPC head office? -- No.

There/...

There was no connection between the two? -- No, no connection between the two.

Were you ever a member of that Johannesburg Central Branch? -- No, I was never a member. I was a member of the Tembisa branch.

Right until the day of your arrest? -- Yes.

Where is the Bawu office in Johannesburg? -- The BAWU offices in Johannesburg are at Downing Mansions.

Is that nearby to the BPC head office? -- Downing Mansions is in Eloff Street and BPC offices are in Bekker Street. (10) It is about 8 to 10 streets away.

Did you ever go there during the course of your employment in BPC? -- Oh, yes.

Why? -- We shared the same post box number with BAWU so we used to collect our mail from BAWU offices.

Was your mail delivered to BAWU office and then you had to go there after they had sorted it out and fetch your mail? -- That is correct.

BY THE COURT: Why did you people have separate offices?

BPC and BAWU? -- Because we are separate organisations. (20)

Yes, but didn't you have a part in forming BAWU? -- No, not any that I can recall of. Actually, if I may just clarify the Court further here, BAWU was a follow-up of an organisation that had already been formed, the Salesmen and Allied Workers Union. So because of the increase in the magnitude of the trade union, it became the Black Allied because it was no longer the salesmen only. That is how it got to be BAWU. So I do not remember BPC featuring anywhere in the formation of BAWU.

MR ATTWELL: You people shared an office number or a box number and SASO and BCP also shared a box number in Johannesburg. (30)

-- Oh, well there, there were a number of offices that shared that/...

that box number. It was for Pharmacy House. All companies in that block of flats had one box number.

You have already told us that you quite often frequented the BCP office. -- I would not say quite often. I said that when I had phone calls to make, I would go to the BCP offices; that is distant phone calls.

And the SASO office was also in that building where BCP is. -- No, I went to the BCP offices then. SASO offices were not there when I went there.

Where is the SASO office in Johannesburg? -- It (10)
used to be in the same building.

But it was not when you used to go to BCP? -- No.

Where was it then? -- They had been chucked out of the building.

Chucked out of the building? -- Yes.

Where did they go? Do you know? -- No, I do not know.

Weren't you interested to find out either? -- No, I did not.

You referred in your evidence-in-chief to an incident which you said affected your attitude towards the police which apparently was an arrest, a wrongful arrest, based partly (20) on a mistake apparently that your grandmother made in her sleep or in her half-sleep. Is that correct? -- Not a mistake my grandmother made, but that of the policeman.

Didn't you tell the Court that your grandmother in her half asleep state said that that was the man the police were looking for and they then took you? -- No, no.

BY THE COURT: She said that was Absalom. -- That was Absalom.

MR ATTWELL: That is right. They asked for a certain person who happens to carry the same name as you. -- Yes.

And your grandmother said that is the man and pointed (30)
to you and they took you.

MR/...

MR PITMAN: No, that is not what he said. He is putting to the witness that the granny made a mistake. There is no question of that.

MR ATTWELL: Did I put anything to you which is wrong? -- Yes.

Well, would you correct me please? -- That it was not the mistake of my grandmother, it was the mistake of the policeman in insisting that it was me. Even when she tried to say that this is Absalom, but this one is a school-going Absalom.

Why did you talk about your grandmother being half asleep?
-- It was two in the morning. (10)

Yes, why did you mention that fact? Didn't it seem to suggest that that was the reason the police took you because she had not correctly interpreted what they wanted? -- The policeman wanted Absalom Cindi. Then she said there is Absalom Cindi. Then she realised that - by the way during the day they had come looking for Absalom Cindi and they were looking for my cousin. So she pointed out but no, this is not the Absalom Cindi you had earlier on come looking for, this is a school-going Absalom Cindi.

She did point you out in her half-sleep and the (20)
police took you. Is that right? -- Yes.

And they had been looking for an Absalom Cindi whom they had not found yet. Is that right? Is that right? They had been looking for an Absalom Cindi, they had not found him, they came along, they asked for Absalom Cindi in the night and your grandmother pointed you out, there is Absalom. -- Yes.

Is that right? -- Yes.

Right. Now, perhaps you can tell us as a result of this particular incident you said you formed a particular attitude towards the police. -- Yes. (30)

Will you tell me what that attitude is? We can forget
about/...

about the incident now. I want to know what is your attitude to the police? -- Well, the attitude is that they are impudent people who are inconsiderate. That about sums it up.

That is all. They are not agents of oppression? -- They are.

They are. Were these Black policemen? -- Yes, they were Black policemen.

Were they the extensions of the enemy into your ranks? -- Well, that is not the attitude I adopted.

That is not your attitude to the police, the Black (10) police. -- I thought you were developing it from that situation.

I am interested in your attitude to the police. I asked you, we can forget about the incident. -- That is someone's idea of the police you are putting to me.

That is right, I am asking you and I am asking for your comment on it. Are the Black policemen in your opinion, extensions of the enemy into your ranks? -- I would not put them as that, I would put them as agents of oppression.

Agents of oppression. And you say then the next morning when you spoke to a White inspector or white man in (20) authority, he let you go? -- Oh, yes, he let me go.

This particular incident had affected you profoundly. Is that right? -- Yes, that is correct.

Tell me, have you any idea how you would set about joining the ANC or PAC if you wanted to? -- Well, I never contemplated joining ANC ... (intervenes)

That is not ... -- I have no idea how to go about joining ANC or PAC.

You have no idea about how to do it? -- No.

Even if you wanted to. -- No. (30)

That is all I want to know. Tell me, accused No. 5, do you/...

you know him well? -- I know him fairly well.

You worked together for a fairly long time. -- Yes, that is correct.

Do you consider accused No. 5 to be a capable and responsible individual? -- Yes.

Is he a keen supporter dedicated to the promotion of the interests of BPC? -- Yes.

Now, you referred at one stage in your evidence-in-chief to the first annual congress of BPC and you referred to a document which you said was shown to you by I think it (10) was Mr Shezi. -- Yes.

And it did refer to a Mr Mokhehle who would be invited as a guest speaker at that congress. -- Sorry, you are missing the point there. The document which he showed me was an appeal for financial report. The document which made reference to Ntsu Mokhehle was the press statement.

Which you also saw. -- Which I said I saw the press coverage of that. Unfortunately we were supposed to submit that press cuttings. On Monday when we went back to prison, we found that our cells had been ransacked and the papers (20) and the press cuttings had been taken away by the commanding officer in prison there and we gathered from the warders there that some of the papers had been burned. So unfortunately I could not submit it, but we sent a word to the major that we would love to have that because we understand the press cuttings, some of them were safe.

What I am interested in is there was a Mr Mokhehle who was going to address your first annual congress, who was invited to address that congress. -- Yes.

Is this the man who was the leader of the Basutu Congress Party? -- Yes. (31)

Who/...

Who had been detained by the prime minister of Lesotho, Chief Leboa Jonathan. --- That is correct.

Is this the man whom BPC states in a proposed newsletter said the following:

"the changes in Southern Africa will come by force, but this is the White man's choice and when such changes come the White man will have to go or suffer ill-treatment.

The war of liberation, either open war (10)
or a guerilla war will take place in South Africa or Southern Africa."

Is that the person? -- That is the person.

It is also the person whom in the final proposed BPC newsletter is reported to have sent a message from across the border of goodwill towards BPC. -- I do not know whether it is the same.

I refer in this regard, M'Lord, to Annexure 4, page 46 at the bottom, 46 and 47, 'A message from across the border', signed by Ntsu Mokhehle of Lesotho. The man who is (20)
alleged here to send the following message, inter alia that you should -

"Organise those workers, those doctors, those peasants, those nurses and those miners, and all those on the intrinsic values and meaning of your own Blackness."

etc. Is that Mr Ntsu Mokhehle? -- The document says that.

Mr Ntsu Mokhehle of Lesotho. Is it that man? -- Oh, yes, that is the man.

You people are in fact organising these people (30)
that this gentleman is referring to here in this article, aren't
you/...

you? The workers, the doctors, the peasants, the nurses and the miners. Is that right? -- I think I will have to look at that whole document and understand it.

Are BPC organising the workers, the doctors, the peasants, the nurses and the miners and all the others on the intrinsic value and meaning of your Blackness? -- BPC may be organising miners and doctors, but not the ones Ntsu Mokhehle is referring to.

What ones are he referring to? -- I do not know.

All right, you have a look at the entire thing; it (10) is fairly short. Read it and then tell me if he is talking about other miners and doctors and nurses to what you people were? Did you read it? -- Yes.

Is he talking about other miners and workers and peasants and doctors and nurses? -- Well, if he is referring to the South African miners, he is referring to the same miners or the same Black people we would be working with in South Africa.

You said he was possibly referring to other doctors and miners and nurses and workers. Now I have given you the article to read. Is he referring to others? -- No. (20)

No. Now you in your capacity as administrative assistant, was also responsible for an invitation sent to Mr Clemens Kapuo to attend the following year's BPC congress as a speaker. Is that correct? -- Yes, that is correct.

And did you mean what you said in the letter of invitation which you sent to this particular gentleman? -- I said what?

Did you mean what you said in the letter when you sent it to that gentleman? -- When I said what?

When you said anything.

MR PITMAN: The witness should be allowed to see what (30) he said there.

BY/...

BY THE COURT: I think he must know what the question is that he was answering.

MR ATTWELL: Do you say things in letters that you do not mean?
-- I don't do that.

This was inviting a foreign head of state almost, is that not so? Akin to inviting a foreign head of state, isn't it?
-- No.

Not. -- Not a head of state.

Mr Senghor was. Is that right? -- Yes, he was.

Did you people ever ask for permission for Mr (10)
Senghor to enter this country before you sent off an invitation to him? -- Permission to enter?

Did you ever consult the authorities before inviting a foreign head of state? -- No.

No. -- I think there you are jumping the gun.

Did you ask for permission? -- What for? Permission what for?

Did you think you just invite foreign heads of state and they come in? -- Sure, you invite him and then when he accepts then now you work, you connect with the relevant (20) department for permission.

Is this what you did with your Frelimo Rally? -- I do not know about the Frelimo Rally.

You know all about the Frelimo Rally now as much as I know. Is this what was done with the Frelimo Rally? -- As much as you know?

Yes, as much as evidence has been led in this court. Was any effort made to consult the authorities about permission for getting foreign heads of state into this country?

BY THE COURT: I think there is substance in his reply. (30)
There is no point in asking for permission unless they knew
that/...

that he was coming.

MR ATTWELL: They attempted to smuggle these people in.

BY THE COURT: No, but not Senghor.

MR ATTWELL: Not Senghor, I am talking about... (The Court, Mr Attwell and the witness all speaking simultaneously)

BY THE COURT: He is responsible for Senghor, but not for the Frelimo people.

MR ATTWELL: Well, I have gone on to Frelimo now, M'Lord.

BY THE COURT: I thought you were asking about the president.

MR ATTWELL: Perhaps the witness could be given BPC. G.2 (10) which was your letter you wrote to Mr Kapuo. Is that the letter you wrote to Mr Kapuo? -- Yes.

Now, did you mean what you said in that letter? -- Yes.

Anything you would like to repudiate that you see written there? -- Nothing.

Would you have a look at the third paragraph of that letter? -- Yes, I am looking at it.

"We are inviting you as our guest speaker because of your stand against the oppressive regime of the Republic." (20)

-- Yes.

Is this man hostile to the Republic? -- No.

No. You meant what you said there. Do you know the document BPC G.1 at all? Perhaps the witness could be referred to that particular document. BPC G.1. This is a document sent also to Mr Kapuo. -- Yes.

By your secretary-general. -- Yes.

Sipho Buthelezi. -- Yes.

Through the head office, apparently on the recommendation of BPC's Johannesburg Central Branch. -- That is correct. (30)

Do you know this document? -- I think I may have seen this/...

this document.

You may have. I would like you to be a bit more specific than that if you can. From about this period you were the administrative assistant who would possibly have been concerned with sending such things out. Shortly hereafter you did send a letter to Mr Kapuo. I would like to know whether you know this letter.

MR PITMAN: The witness says possibly he knows it. With respect, he cannot say you have got to tell me whether you did or did not. He says possibly I did. That is the (10) answer.

BY THE COURT: He is just asking him to re-think.

MR ATTWELL: Has a re-think helped at all? -- Well, as I pointed out here, I may have seen this document during my time as the secretary-general when I went through the file there, the correspondence file.

Did you send this letter? Can you recall sending this letter? -- Oh, you mean while?

While you were administrative assistant. -- Administrative assistant, no, I do not recall posting this letter. (20)

Have a look at what the resolution in fact says for a minute. No. 1, noting:

"The struggle of the people of Namibia (S.W.A.) as against the white racist regime of South Africa to fragment them into Bantustans.

That the white racist regime of South Africa wants to use the Black Namibians to create the impression that they are in favour of separate development. (30)

That the valiant Namibians have succeeded

in/...

in rejecting this vile courtship with
the depraved whites.

That the stand of the Namibians is the
B.P.C. policy in its true perspective.

THEREFORE RESOLVES:

To congratulate, encourage and give our
unreserved support to the people of
Namibia, and further,

To mandate the National Executive Committee
of the Black People's Convention to (10)
communicate the contents of this resolution
to the people of Namibia."

Then they also express the wish or Mr Buthelezi expresses the
wish that he probably on behalf of BPC will have future contact
with these people. Do you go along with the sentiments in
that particular letter? -- Oh, yes, sure.

And do you accept the fact that this is in fact BPC
policy in its true perspective? -- The rejection of the
Bantustans.

".. the valiant Namibians have succeeded (20)
in rejecting this vile courtship with the
depraved whites."

Is that right? -- BPC policy in its true perspective is a
rejection of the system created platforms which are the Bantu-
stans.

Do you see anything in this letter which is not BPC
policy? -- I see nothing which is not policy here.

You go along with the sentiments expressed in this
particular letter? -- Ja.

Right. -- Unless you are worried about .. (intervenés) (30)
I am not worried about anything. -- You seem to have

a/...

a fixation about the fact that the Namibians -"the valiant Namibians have succeeded in rejecting this vile courtship with the depraved whites." Courtship here refers to the Bantustans which was being presented to the Namibians at the time and they rejected it.

You go along with the sentiments expressed here? -- Oh, sure.

Right, thank you. Could the witness perhaps be handed the minutes for the first national congress of BPC, BPC C.1. I am sorry, it is BPC C.3, my apologies. This is a (10) congress of BPC which you attended? -- Yes.

Now, this is also the congress where your resolutions were taken on dialogue, foreign investment and sport. Is that correct? -- Yes.

I would like to if we could start with the sport resolution, Resolution 24/72, it would be page 10 of Your Lordship's documents, page 8 of the document proper. Your evidence-in-chief, as I understood it, was that there was no attempt by BPC to isolate South Africa internationally and that all you people had in fact done is noted a mood in the inter- (20) national world to isolate South Africa, which you people felt was also adversely affecting the Blacks in South Africa. Is that correct? -- That is correct.

Is that the sum total of your policy in regard to international sport? -- Oh, yes.

Now what was the purpose then of sending this particular resolution to international sporting bodies? -- And national sporting bodies.

I am confining myself at the moment to international sporting bodies. What was the purpose of sending this (30) resolution to them? -- The purpose as the resolution says here, is/...

is to communicate to those people that your isolation of South Africa is affecting Black people who are not responsible for the ills for which you have now saw fit to isolate South Africa.

Was this condemnatory of their attitude? -- I would not use the word condemnatory.

What would you use? -- It is advisory.

What were you hoping they would do? The international sporting body. -- What we were hoping they would do is that they should recognise those clubs and sporting bodies (10) locally who pursue the non-racial sport policy which we support.

I suggest to you that this was one of the most effective ways to pressurise the government to force change in this country. What would you say? -- Pressurise the government, but not to force change, to effect change.

Would you agree with me? -- Yes.

So you agree with Mr Biko too. -- Oh, sure.

Were you hoping to get these foreign sporting bodies' assistance in pressurising the government? -- Well, in a (20) sense I would say yes.

Did you people ever call on these bodies to kick South Africa out of international sporting events? -- Well, we never did that.

Not? -- No.

Are you sure? -- Not that I can recall of.

Not. Would that be against your policy? -- Our policy is not that you must kick South Africa out. Policy was th at South Africa is being isolated, Blacks are affected. Now we wanted to correct that situation. The kicking would not (30) have been done by us or at our instigation. It is done by

those/...

those bodies that saw fit to initiate the move to isolate or suspend or ban South Africa from international sporting events.

So the international sporting bodies were kicking South Africa out of sport. -- They were moving towards that.

And you wanted to correct this? -- No, no, what we wanted to correct is that the kicking out will inadvertently affect the Blacks.

Did you want to stop the kicking out of South Africa? --
No. (10)

You did not want to stop it. -- It is not what we proposed to do. It was to clarify the situation to the international world, that much as we see your aim at isolating South Africa, you are in effect isolating Blacks because now you have to get the cause why they want to isolate South Africa.

I follow that, I follow that. -- And they say it is apartheid and we are saying well, if you isolate South Africa you isolate even the Blacks who are not responsible for this.

I follow that. What then were you hoping they would do? If the actions they had been taking then were adversely (20) affecting the Blacks, what were you hoping they would do, especially as a consequence of your resolution you communicated to them? -- As I pointed out, we hoped that they would recognise the non-racial sporting bodies which are in the main or in the majority made up of Black people.

You referred to FIFA, the international controlling organisation in football. -- Yes.

And I took down a note in your evidence-in-chief to the effect that FIFA had at some stage temporarily lifted the suspension that it had imposed at some stage on South (30) Africa. -- Yes.

And/...

And that this caused a hue and cry. -- Yes.

On the part of whom? -- The international community and locally as well.

So in other words, South Africa was then temporarily anyway entitled to partake once again in international football. As a result of this uplifting of the suspension. -- No, no, no. What happened there was that South Africa was going to hold the South African games was to be held some time in April, 1973. Then FIFA relaxed the suspension and said that it would allow some of the international players who were affiliated (10) to it, to come down and play in South Africa as they had been made to understand that the South African games were for the betterment of Blacks.

I see. So this would in effect allow South Africa to have participants from overseas countries playing here. Is that right? -- That was what it was going to do.

Was anything done in consequence of that uplifting of the suspension by BPC? -- My recollection is that a letter was communicated to the controlling body that actually what you are now doing, you are actually in fact supporting apartheid (20) sports because what is going to happen there at the games is something that is going to happen once in a year and thereafter the Black players will revert back to the same old type of segregated sport. So your lifting does not help to solve the situation. So FIFA then reimposed the suspension.

Was this what you were hoping for by sending off that letter? -- What?

The re-imposition of the suspension. -- Yes.

That was what you were hoping for. -- Oh, yes.

Did you ever call on anybody to ostracise South (30)
Africa from international sport? -- Well, I think you are
now/...

now referring to the minutes there. That point elucidates what I have just been talking about, about the letter that was sent.

Did you call on anybody to ostracise South Africa from international sport? -- That is the FIFA incident I am talking about.

So the answer to that question would be yes? -- Yes.

How does that tie up with your evidence that you did not call on people to isolate South Africa? -- Well.

Perhaps you would like to look at the specific thing you are referring to. This is in the BPC minutes of the (10) second national congress, where there was a report back, BPC H.1, page 146 of Your Lordship's papers. The bottom of the second page of the minutes proper. -- Yes.

You see the bottom of the page:

"MATTERS ARISING OUT OF THE N.E.C. REPORT.

1.) FIFA."

-- Yes.

"- a letter containing a Resolution and policy on sport taken in the previous Congress was sent calling for the (20) ostracization of South Africa from the International Sporting world. Subsequently a ban was imposed on South Africa."

-- Yes.

Did you call for the ostracisation of South Africa from international sport? -- No, we did not call for that.

Why did you say you did here in this document?

BY THE COURT: Does this document only refer to this particular Resolution 24 that was sent to FIFA? (30)

MR ATTWELL: Have you got His Lordship's question? -- I have got/...

got it.

BY THE COURT: You see, these were matters arising out of the resolutions - of the minutes. Would it relate to this particular resolution? -- That is 24?

Yes. -- I should think yes, it relates to that. This was compiled from a report of the national executive committee then, talking about the letter that was sent to FIFA.

MR ATTWELL: What I want to know is why did you say that? Didn't you draw up these minutes? -- I compiled them.

You compiled these minutes so this is your (10)
(intervenes) ... of the incident at that particular congress and the reports. Is that right? -- I do not follow.

This is your version of what happened at the congress. -- Not my version. I pointed out that I took notes from the recording department.

Right. -- So the recording department noted this point here about calling for the ostracisation of South Africa.

And is that right? -- That would not be right.

What is wrong with it? -- Because that letter contained this resolution which is not calling for the ostracisa- (20)
tion.

You see the letter contained the resolution and policy on sport. -- Yes.

And was sent, calling for the ostracisation of South Africa from the international sporting world. -- Yes.

And you say that is wrong? -- That is wrong, I mean, because this is the resolution and it is not calling for ostracisation.

Why did you not correct this fault in the minutes? -- Well, it is not for me to correct it.. (intervenes) (30)

BY THE COURT: .. Mr Atwell. Resolution 23 says that the Blacks must/...

must have their own sporting organisations. 24 says well, South Africa is being ostracised at the present stage. It contains a complaint that this has the effect that it penalises Black people so when they have their Black sporting organisations, they cannot participate internationally because of the ban. So they want the outside world to know that their ban must affect the South Africans with their present sport policy, but it should not affect the organisations of the Black people which they say is representative of the Black people. So that resolution was then sent and it is merely a report that (10) they sent it to FIFA.

MR ATTWELL: M'Lord, the State's contention in this whole matter of sport is that the merits of the argument of the BPC and SASO disregarded for the moment, the intention was to isolate South Africa from the international sporting world. They have claimed one after the other, the accused and other witnesses, that that was not the specific intention.

BY THE COURT: I follow the argument, but the question is you cannot base that argument on resolution 24 because it does not say that. (20)

MR ATTWELL: We are saying that that was the intention behind that and we are saying that this particular report indicates that that was the specific intention of these organisations in sending out this particular resolution with an accompanying letter and that they in fact ... (intervenes - both speaking simultaneously)

BY THE COURT: ... this resolution was sent to FIFA and the men who read this would feel that well, the Black people are complaining, they say they have been penalised.

MR ATTWELL: This report states that the letter was sent, (30) calling for the ostracisation of South Africa from

the/...

the international .. (intervenes)

BY THE COURT: Yes, well, that is what the resolution says.

The resolution says well now, South Africa's sports is not representative, but the fact that you boycott South Africa on that basis, you are now penalising the Blacks. Make it clear to all international sporting bodies that Black sportsmen and women cannot be penalised for the crimes which are being perpetrated by the monolithic White racist regime. In other words, you cannot penalise us if you really want to penalise the South African sporting bodies. (10)

MR ATTWELL: That is the evidence of this witness too, I appreciate that.

BY THE COURT: Well, that is a complaint, I mean, that is not a .. (intervenes)

MR ATTWELL: This particular witness has stated as have other accused and other witnesses, that their policy and their intention was not to isolate South Africa, but this isolation was noted and that it was harming the Blacks in this country.

BY THE COURT: Yes, he says but not to isolate the Blacks.

If they want to isolate South African sporting policy or (20) sporting teams as they are constituted at that particular stage well, they have no objection to that, but what they do object to is that the Black sportsmen and women are penalised. One cannot read more into this than is said.

MR ATTWELL: But this particular witness now says that it does not say what it says.

BY THE COURT: If it says what you say it says. You say it calls for - calling upon international bodies to ostracise South Africa without more.

MR ATTWELL: Has M'Lord got BPC H.1? (30)

BY THE COURT: Yes.

MR/...

MR ATTWELL: At the bottom of the page.

BY THE COURT: Yes, well, that is merely reporting that this was sent to FIFA. It is the policy and this is - and they were mandated to send this to the international bodies, well, that would include FIFA. Now this merely reported back what has been done in respect of this particular resolution. Now unless there is something else which shows policy apart from this resolution which supports your contention, there is nothing to support your contention.

MR ATTWELL: Very well, we shall canvass the matter a (10)
bit further in another regard as well.

THE COURT ADJOURNS FOR TEA. THE COURT RESUMES.

ZITHULELE NYANGANA ABSALOM CINDI: still under oath:

FURTHER CROSS-EXAMINATION BY MR ATTWELL: We were busy with the sports policy of BPC before the adjournment. Do you know SASO's stance on the aspect of sport and sport policy? -- Well, I am not sure that I know their stance really.

They set it out in quite a lot of detail at the 6th GSC at which GSC you were. Is that correct? -- Ja, I was at the 6th GSC. (20)

You mentioned that you even served perhaps on one of the commissions on one of the days. Which commission would that have been? -- Theology.

Theology or? -- Religion or sport.

It may have been the sport commission. Now I would like you to have a look just at the resolution which SASO adopted at that GSC. I refer to the minutes of the 6th GSC, SASO N.1. I specifically want to refer the witness to page 109 of Your Lordship's papers; page 13 of the actual document. This is part of Resolution 43/74. In the resolve part there - (30)

"to mandate the Executive to appoint

a/...

a Sport-Action Committee..."

-- I see that.

Which, if you have a look at point 2, *inter alia*, this committee was to concentrate on stopping Black teams and sportsmen from participating in the so-called multi-racial and multi-national games through any means considered fit; and thirdly, to maintain contact and co-operation with all action committees existing overseas whose main aim is to stop all tours by racist teams to and from South Africa. Do you see that? -- Yes. (10)

Do you recall this particular resolution? -- No, I do not recall this resolution being passed.

Are you aware of this resolution at all? -- Well, I read through the exhibits at the time of .. (indistinguishable)

Was this the policy of SASO? Do you know? Did they ever give effect to any of this? -- Well, I would not know whether they gave any effect to this.

Does this differ from BPC's policy on sport? -- BPC's policy on sport is that we are for non-racial sport, that is BPC's policy on sport. (20)

All I want to know is when you read that do you see any difference between this, assuming this to be SASO policy, do you see any difference between this policy of SASO in regard to sport and the policy of BPC in regard to sport? -- With reference to what specifically?

I was specifically referring you to points 2 and 3 of this action committee and what it intended to achieve inter alia. -- Well, here it talks about stopping Blacks participating in the multi-racial and multi-national games.

That is point 2, yes, through any means considered fit. -- Yes. (30)

Was/...

Was that the policy of BPC too? -- No, no, the policy of BPC was not to stop Blacks from participating in multi-national games, it was to enthuse the point that we are for non-racial sport.

All I want to know is do you say that this policy, if this is the SASO policy, BPC's policy was not the same as this? Take the points one at a time. Let us take point 2 first. -- I am trying to find a connection there between BPC and SASO. policy as it is .. (intervenes)

Maybe one does not exist, that is all I want to know. (10) from you. Does BPC have the same policy in regard to, this is obviously national sport here, as SASO does in point 2? Is that BPC's policy as well? -- Well, I mean, if we had to go for non-racial sport it will follow that we will not encourage people playing in multi-racial and multi-national games.

Yes, but encourage assumes some active act on the part of the organisation to further that. This in fact is a positive action to stop people from doing something. Do you see the difference? Do you see a difference between encouraging people to do something and to stop people from doing something? (20)

-- I mean it is ^{axiomatic} ~~idiomatic~~.

So would you say that that is BPC's policy as well? -- That is SASO's policy.

Is it also BPC's policy? -- It is not to stop, it is to encourage people to pursue non-racial sport.

Right, then you say it is not. Point 3, if that is SASO policy, is the BPC policy the same as that? -- Well, that I can agree with that.

You can agree with that. -- Yes.

I would like you to have a look at one other document (30) you handed in yesterday, it is part of the number of press cuttings/...

cuttings you handed in and I think it was an SSS series of documents and I would like you to have a look at the document B in that series. The SSS series of documents, M'Lord, the second one marked B. 'BPC denies tour pamphlet link'. Do you see that? -- I see that.

Now it states that:

"The secretary-general of the Black People's Convention"(I assume that is yourself).

-- That is correct. (10)

"yesterday said his organisation had nothing to do with the pamphlet on stopping the Lions tour of South Africa."

-- Yes.

This must have been in 1974. Is that correct? -- That is correct.

Now, did the police show you a pamphlet which had such allegations in it and then alleged that this was a BPC document? -- Could I have the allegations?

Did the police when they came to enquire about this (20) particular aspect, did they have a copy of a pamphlet in which there was a call for the Lions not to tour in South Africa? -- Yes.

Was it headed BPC? -- No, it was not.

It was not. What sort of document was it that they had? -- It was a pamphlet.

Given out by which organisation, group or individual? -- There was no name of the organisation. It was just saying: 'Stop the Lions tour'.

And what was BPC's attitude towards the Lions' tour? (30)
-- Oh, well, at the time when looking now at the policy in perspective/...

perspective, is that we were against teams coming to play with racist South Africa.

Did you do anything to give effect to that feeling of yours during or before the Lions' tour? -- No, well, we did nothing.

Nothing. -- About the Lions' tour.

Did you find yourself in agreement with the sentiments expressed in that particular pamphlet, regardless of from whom it emanated? -- No, no, no, we did not agree, I mean, I have even forgotten what it said. I was not even allowed (10) to read the whole document. I was merely asked if I could identify that document, it had 'Stop the Lions' tour' so I could not - in fact I had just dismissed that document, but I did not know it.

You see because in the proposed BPC newsletter which is Annexure 4 now to the charge-sheet, there is an article about the Lions' tour in this country. -- Yes.

I can refer Your Lordship to Annexure 4 which would be on page 66 and 67. 67 would appear in fact to come before 66. It is headed 'LIONS ON THE LOOSE . . .' Perhaps I could (20) refer you to page 67 of the indictment and ask you just to read the middle paragraph of that particular article on page 67. Would you read that to the Court? -- The one that is marked?

The one that I have marked for you there, yes. -- Witness reads:

"THE LIONS SHOULD HAVE KNOWN THAT SOUTH AFRICA COULD NOT HOLD ON TO RACIAL SPORT FOR MUCH LONGER. THE INTERNATIONAL OPPOSITION IS FAR TOO STRONG. THEY SHOULD KNOW, TOO, THAT ONLY BY REFUSING TO CONNIVE WITH (30) WHITE SOUTH AFRICA, WOULD THIS COUNTRY BE BROUGHT/...

BROUGHT TO ITS KNEES. NOTHING ELSE
WOULD WORK. NOTHING ELSE EVER DID.
THE LIONS KNOW IT ONLY TOO WELL BUT
BEING THE OPPORTUNISTS THEY ARE, THEY
TURN A DEAF EAR TO THE STRUGGLES OF
THE BLACK SPORTSMEN IN SOUTH AFRICA."

Is that BPC's policy towards the Lions' tour? -- This is
not policy, this is an article which .. (intervenes)

Yes, does it reflect BPC's policy? Do you go along with
those sentiments? -- You will have to understand what (10)
BPC policy is.

Well, you understand BPC policy and you have now read the
passage. I want you to refer to. -- Ja, but this man is just
advancing an argument.

Do you agree with that? -- Addressed to the Lions who
were touring the country then.

Do you see that he says that refusing to connive with them
will bring the country to its knees and nothing else would
help? -- I see that.

Do you go along with those sentiments? -- Well, if (20)
you want me to tie this up with policy, then I will go along
with it.

You go along with it. -- I will have to explain the policy
as it stands.

You have explained the policy for us, haven't you? -- I
doubt it. You would not be putting this to me if I had
explained the policy.

Is that in conflict with BPC policy? -- No.

It is not. You also in the course of your evidence
yesterday referred, in dealing with a particular document, (30)
to the individual Denis Brutus. Do you remember? -- I
remember/...

remember.

This was in connection with Chief Gatsha Buthelezi's apparent attack on this gentleman. You remember that? -- I remember that.

What was BPC's attitude towards Dennis Brutus? -- I do not know BPC's attitude towards Dennis Brutus.

This Dennis Brutus, is this the person who is reported to have been the initiator of the present Black boycott of the Olympic Games because of the New Zealand rugby tour of South Africa? -- That is what I gather. (10)

That is what you gather. Now you see because in the same particular article in Annexure 4 but on the previous page, 66, but also of this particular article which deals with the Lions, says:

"In this respect, it is perhaps appropriate to pay tribute to such organisations like SANROC for the magnificent role they are playing in rousing world opinion. And if there is any single individual who must be singled out for his initiative and courage, then that honour must go to Dennis Brutus who started the campaign in South Africa in the early sixties and continues with the work even up to this day. " (20)

Do you go along with those sentiments? -- Oh, yes.

You do. I see at the first national congress of BPC there was a TECON presentation in the agenda. Do you want the minutes? Do you have them? BPC C.3. Do you have those minutes? -- Yes.

Do you see on the second page of the document, page (30) 2 of Your Lordship's papers, under the heading "Second

Flenary/...

Plenary Session" there, you have at 9 p.m. a theatrical presentation by Tecon. -- Ja.

Do you remember what that presentation was? -- Unfortunately I do not remember this.

Do you remember who took part in this? -- I did not even attend it; I do not remember it.

I see, you do not know whether such a thing was held or not. -- No.

Were you there for the second plenary session at 9 o'clock that evening? Can you recall that? -- Well, I was at (10) the congress.

Was there a presentation, a theatrical presentation? -- No, I do not remember a presentation at that congress.

Did you meet accused No. 1 and accused No. 9 at that congress? Saths Cooper and Strini Moodley. -- Well, they were there, No. 1, I saw No. 1. I do not remember No. 9, I do not remember seeing him.

Was he there? You do not remember seeing him? -- I do not remember seeing him.

I see. While we are busy with this particular (20) document, you gave evidence yesterday on the resolution 2/72 (page 3 of Your Lordship's papers) concerning Shezi's accident. Do you see that? -- Yes, I see that.

Now I took down a note during your evidence that you heard about Shezi's death when you left the conference on your way home. -- I heard about it when I arrived home.

From the conference? -- Yes.

Now how is that possible if there was a resolution at the conference concerning Mr Shezi's train accident? Or was it just of his death that you had not heard of yet at the (30) congress? -- Well, I was referring to his death when I arrived

home/.....

home.

So at the congress they did not yet know that he had passed away or that he - was he still alive at the time that the congress was held? -- I am trying to think. Yes, there was an announcement about Mthuli Shezi's involvement in that accident.

Yes, I notice it does not refer to his assassination, it merely refers to his accident in quotation marks, so possibly he was still alive at that time. You stated, concerning this particular resolution, that this was a political statement (10) of belief. Do you recall having said that? -- Oh, yes, I recall having said that.

Could you perhaps just elaborate on what you meant by that? -- As I said in my evidence-in-chief, I said that my saying that this is a statement of political belief is based on what the third item of the resolving part says there, where it says:

"To make it clear that in spite of all
the forces of evil against us we will
relentlessly defend our God-given rights (20)
whatever the cost".

There I said now whoever wrote the resolution, had the image of God in his mind, had the idea that we are created in the image of God in mind, had the idea that we were human beings, we had human rights. So we believe that as humans we deserve to defend our rights.

So you wanted to encourage people to defend their rights. -- Oh, yes.

How must they defend their rights? -- Well, it is not for me to decide how, it depends on the situation where they (30) are involved in, where their rights are challenged.

Like/...

Like Shezi defended his rights. Is that the way you had in mind? -- Oh, yes.

Any other way? -- I will have to have an instance where there is a challenge, but right now BPC as it is, is defending the right of the Black people, the right of the Black people to exert themselves on the society, the right of the Black people to exert influence on the law-making machinery, on the running of the country, as the people of this country. That is what I said about defending rights.

But you do not tell them exactly how, that depends (10) on the circumstances. -- Oh, yes, as I pointed out.

This is also the congress at which your resolution concerning foreign investments was taken. Is that correct? -- Yes.

If you look at page 7 of your document (page 9 of Your Lordship's papers) Resolution 20/72. -- Yes.

This was a contentious matter. Is that correct? Foreign investments. -- A topical matter at the time.

Would you say it was a contentious matter? -- Well, I would say it was a contentious matter. (20)

Did the drafter of this resolution intend and did your congress intend to mean what is stated here? -- Yes.

It did. I notice you state in the very first thing that you note the vital role played by foreign investors in maintaining and supporting the economic system. -- That is correct.

Right. Did BPC ever call on foreign investors to withdraw from the economy? -- No, that was not BPC's stand. I think the resolution spells it out clearly here that foreign investors are being told that they are supporting an economic system that is exploiting Blacks. The system is (30) designed to exploit Blacks for job reservations through industrial/...

industrial laws and where Blacks invariably are the least paid in the employment sectors. So this resolution is challenging the foreign investors who maintain that their presence here was for the betterment of Blacks and this resolution it says, you have been here for some time but now the position and the lot of Blacks has not changed even from the time when you were not there. Your argument that you are here to improve the lot of Blacks is not true. So that is what the whole resolution says here.

So the answer is no, BPC never called on foreign (10) investors to withdraw from this economy. -- No. Beg yours?

They never called on foreign investors to withdraw from the economy. -- It was a call for them to disengage from an exploitative economic system.

And in fact to improve the lot of the Black workers whom they employed. Is that what you really wanted? -- Yes.

Why didn't you say that? Why didn't you say to them: please, foreign investors, won't you increase the wages of the Black members that you people employ? -- We were communicating a resolution to people who have held the point of (20) view that we are here to improve the lot of Blacks and we are pointing out to them that this is not true, you are not improving any Blacks. I think if you read item 5 of the noting part, rather from 4:

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

that this claim is disputed by reality of the Blacks' experience in this country."

(30)

It is put clearly there.

Quite/...

Quite right. So what they are doing is not to the benefit of you people. -- It is not.

But the call is then to disengage themselves, not to improve the conditions. -- Oh, yes, disengaging there would involve the improvement of conditions.

Why didn't you use the word 'improvement'? Why don't you improve the conditions of the Black workers in your employ? Why did you call on them to disengage themselves from the White controlled exploitative system? -- Because I am saying this is an all-embracing expression. I mean you do not (10) have to write lengthy resolutions saying improve the lot of Blacks and all those things. It is here, it is contained in that sentence. It is the development of arguments if you start from the first one, you continue, here it is a development of arguments and then a resolution serves only to give a cogent attitude towards a certain aspect as this resolution says here.

You see because once again I would like to refer you to the minutes of the next congress where there was apparently a report-back on your efforts in this regard. Have (20) you got BPC H.1 still in front of you? If you will look at page 3 of your papers (page 147 of Your Lordship's papers), just after you dealt with the apparent success you had had in the international sporting sphere, you deal under the next heading with foreign investments. You see point 2, at the top of the page? -- Yes.

You state there:

"Letters were sent to all local foreign investors calling upon them to withdraw from the South African trading society as (30) their continued presence contributed to the/...

the maintenance of the Status Quo.

Other investors had the nerve to reply justifying their presence - as they felt it was meant 'for improving the whole lot of Africans'. We still categorically condemn foreign investments."

Now there it states that letters were sent, calling on them to withdraw from the South African trading society because their continued presence contributed to the maintenance of the status quo. Do you see that? -- I see that. (10)

No call for them to improve the conditions of local Blacks in their employ, but telling them to get out. -- Well, the trading society, that is the economic system that is exploitative where it is being practised. This is what the minutes are saying here.

Is that what the minutes are saying? -- Yes, the status quo, where Blacks are underpaid.

I put it to you that that is not what the minutes are saying. It is telling them to get out of this country because their being here helps support the economic system of (20) this country which is what you noted in your resolution, the vital role they play. -- Well, I am afraid that is not the sentiment I get from here.

Was it BPC's attitude ever that they should get out of South Africa, investors? -- It was never BPC's attitude to tell foreign investors to withdraw, neither has it been BPC's policy.

Because once again if you look at the proposed BPC newsletter where they dealt with the United Nations' steps against South Africa (this is page 56 onwards of your (30) Lordship's indictment), I can perhaps refer you to the article.

It/...

It starts on page 56 and it deals with a number of measures in a narrative fashion, reporting on what the United Nations had done in respect of South Africa. If you turn over the page, you will see it deals with a number of issues and then near the bottom of the page, the author of this particular article offers his own comments and you see right at the bottom of the page (page 57) a note concerning foreign investors. Perhaps you will read for the Court's benefit the last paragraph on that page and going on to the next page. -- Witness reads:

"The United Nations has definitely come (10)
a long way along the road planning to
apartheid. What needs to be done now
is for the UN to take a more direct and
active role in running Pretoria to the
ground. The Big Brother Western
imperialist consorts of Vorster must
be brought to book for their persistent
violations of UN resolutions, immigrants
must be stopped from coming here to take
our jobs, preventing us from bargaining (20)
with employers and thus maintaining the
status quo. Investors must get the hell
out of our country. They not only
entrench apartheid, but actively aid and
abet it, above all, these foreign
investors hide behind so-called "government
policy". They even support the white
governments tragic Bantustan experiment."

Are those the sentiments of BPC? -- No, these are (30)
sentiments of an individual who is elaborating, who is
giving an interpretation of how he understands policy.

Well/...

Well, that is how some individual interpreted BPC policy. -- I would not even take it to that, I mean, this is just presenting an argument here about foreign investors.

That was the proposed BPC newsletter. -- Now you have said it.

Which on the cover of that says "This is the voice of BPC." -- Oh, yes.

You know that? -- I know that.

You dissociate yourself from those remarks? -- Well, the remarks, I can agree with the remarks, but that does not (10) make it policy because it is not BPC policy. I mean you have got to be clear now. All these documents you have been referring me to right now, they are talking on an exploratory field which is not policy, but it is someone expressing this, someone expressing the point of view that South Africa should be isolated, someone expressing the policy that foreign investors should get - rather expressing an opinion that foreign investors should get out. Well, I mean, I will go all the way with those who call for isolation, but that is not BPC policy. (20)

Do you think accused No. 5, Mr Nkomo, had a good idea of BPC policy? -- Well, you will have to ask him that.

I am asking you that. You worked with the man. Do you think he knows what BPC policy is? -- Oh, yes, sure, he knows.

He does. Perhaps you could have a look at the document he drew up on foreign investments, BPC C.8. I would like you to have a look especially at the second page of that document. You can start at the third paragraph which seems to be his summing up of foreign investments. He states the following:

"Let us come to the argument that Blacks (30) will suffer if foreign investors withdraw.

The/...

The people who hold this view do not understand what is meant. By saying foreign investors should withdraw, it is said that strings attaching companies in South Africa with their mother companies should be severed. This means that the flow of capital from Azania to foreign countries ceases and all the capital be used to improve the lot of the Black man who toils and labours instead of improving foreign standing abroad. Azania is ours and all therein belongs to the beautiful Black nation which should use it as it deems fit.

(10)

We the Black workers die and suffer for this wealth and we get nothing. How many Carletonvillers and how many Western Deep incidents should we have simply to enrich the Anglo American fraternity for the boosting of image and American standards while we live in slums? What we want is for the mines to continue working and the benefit to be enjoyed by the Black nation, that is by right entitled to be here.

(20)

On the other hand it would serve a purpose if foreign companies closed down completely and all employees lose work. This will be the time when Black people/...

(30)

people will realise that it is better to be idle than to be exploited. It will serve to re-direct Black initiative and creativity. Black creativity and initiative have been swallowed by this ugly monster called capitalism which is just a character of foreign investment."

Do you go along with these sentiments of accused No. 5 (10) concerning foreign investment? -- Well, as they appear here, I find them self-explanatory, so I go with them.

Is that BPC policy too? -- No, no, that is not BPC policy.

It is not BPC policy? -- No.

What is not BPC policy in that? Can you point to anything specific which is not BPC policy? You see, he says lower down in that second-last paragraph:

"It is evident that the involvement of foreign investors in our economy is disastrous and harmful to the Black worker. Our role as Black workers in the South African economy is to fight tooth and nail for the liberation of Blacks. Our uniting in a trade movement is solidarity for effective bargaining. If sweet talk does not change the structure, confrontation is the only solution. Let us Black workers reject in no uncertain terms the exploitation of our resources by foreigners/...

(20)

(30)

foreigners. Let foreign investors go and we, the workers, shall work for our Azania with love and dedication. Brothers and sisters, we, the workers, are the cornerstone of liberation.

The stand we take will determine the direction of liberation. Solidarity of workers is solidarity of the

nation, power to the Black people." (10)

Now, you were going to point out to something which was not BPC policy. Can you point anything which is not BPC policy there? -- Actually we will have to get BPC policy.

Can you not just point to things which are not? -- No.

And tell us why. You see, for instance, he says:

"Let foreign investors go and we, the workers, shall work for our Azania with love and dedication."

-- That is not BPC policy.

He also says if all the foreign investors get out (20)

and all the employees lose work, this is a time when the Blacks will realise it is better to be idle than to be exploited and that will serve to redirect Black initiative and creativity because the Black workers are the cornerstone of liberation. And the stand that they take will determine the direction of liberation. Is that BPC policy? -- That is not BPC policy. As I pointed out earlier on, BPC policy does not say foreign investors must pull out, must withdraw, must go. BPC says foreign investors who are already within the country, should improve the lot of their people. (30)

You see, this document is advancing an argument.

All right/...

All right, can you point me to one document where BPC said to foreign investors improve the conditions of the Black employees in your employ? -- I will just be developing this thing.

Can you point to such a document? -- This document here, the very first paragraph you referred me to, which is the third paragraph.

Yes? -- Right. I think the last sentence there says:

"Azania is ours and all therein belong
to the beautiful Black nation which (10)
should be used as it deems fit."

Right?

Is that BPC policy? -- No, no, hold on. I told you BPC policy and you are confronting me with this document which is an amplification of an individual on a topical issue as foreign investors. Now I am trying to show you here that what he is developing, what he is talking about, may be found to tally with certain aspects of BPC policy.

I want to know what does not tally with BPC policy. -- Well, we do not say foreign investors must go. This is (20) what does not tally, but he is advancing an argument here that there are those who say that if foreign investors pull out, then Blacks will suffer. Now he develops that argument that Blacks will suffer under foreign investors, it would not make any difference if foreign investors pulled out, because then that would bring out the incentive of Blacks and their creativity. He is advancing an argument, a counter-argument to the argument that they must go. Now that is not policy, he is responding to an argument. What I wanted to show you here is the last sentence of the third paragraph on (30) that page:

"What/...

"What we want is for the mines to continue working and the benefits be enjoyed by the Black nation that is by right entitled to be here."

You see, he is developing arguments here, different points of view, let me put it that way; he is supporting one, countering one; supporting one, countering one.

{ Yes, and he says the foreign investors get out and the money which goes to them will in fact stay here and will be used for the benefit of the Blacks. -- Yes. (10)

That is the argument. -- That is the argument.

We are dealing with the argument that foreign investors must get out. The views thereafter is a another matter, we are just dealing with that first aspect. -- Well, he has developed that argument that even if they do go out, then the creativity of the Blacks will be, if I may quote incorrectly, that may realise that - no, no, it would serve to redirect Black initiative and creativity. I mean he is answering you there if they get out and I am telling you getting out is not BPC policy. (20)

No, but it is Nkwenkwe Nkomo's policy. -- It is just his point of - he is advancing a point of view.

You say he is not pushing that line? He is not pushing the line that foreign investors must get out? -- Oh, no, not by any means, he is not pushing that line, he is saying if they do pull out then this would result, Blacks would have their initiative and creativity redirected.

All right, you say he is not pushing that point of view. Have a look at the first page. The third heading, 'Foreign investment', he says: (30)

"One has to admit this is a very
controversial/...

controversial issue. The controversy is brought about by the stratification of the Black community by the forces that be. The Black nation is divided on the issue of foreign investment.

One group advocates for the encouragement of foreign investment and this is the group that bases the argument on the reason that the Black nation will suffer because if foreign companies withdraw, then there will be no work and since the Black man needs to earn a living, he will surely suffer. This is the group that is capitalistic. This is the group that has become materialistic. The other group demands that foreign investors must withdraw and disengage themselves from the economy of Azania. The argument is based on the fact that foreign investment is a force that is actively involved in the exploitation of Black masses. This is the group that is realistic and has Black liberation as a priority."

(10)

(20)

Which group does he align himself with there?

BY THE COURT: What is that exhibit number?

MR ATTWELL: This is EXHIBIT BPC C.8. Now I am asking you what the opinion of Mr Nkomo is as revealed in those two paragraphs dealing with the various arguments about foreign investors. Is he pro or anti get out foreign investors? -- Well, you cannot make it out here whether he is pro or anti. He is just saying there is a group which says if foreign investors/...

(30)

investors withdraw then Blacks will suffer. Then he says there is the other group which feels that foreign investors must withdraw and disengage themselves from the economy of Azania.

You are unable to discern from this document what attitude Mr Nkomo has adopted? Do I understand you correctly? -- I think that document spells it out clearly, yes. It does not tell us what attitude he has adopted. It is telling - you have just read now the third sentence from the first paragraph:

"The Black man seems divided on the
issue of foreign investment" (10)

but he does not tell us on which side he is.

He does not tell us which side he is on.

BY THE COURT: It tells you on the last page, the penultimate paragraph:

"Let us Black workers reject in no
uncertain terms .."

I suppose 'terms' it is or is it another word? The same word is used elsewhere, but it should be 'terms' I suppose -

"the exploitation of our resources by
foreigners. Let foreign investors
go and we, the workers, shall work for
our Azania with love and dedication." (20)

Isn't this an exhortation that that should happen? -- When he says let us reject the exploitation of resources.

By foreigners. Let foreign investors go, we shall work.
-- May I have the question now?

Doesn't that suggest that he was exhorting workers to reject the exploitation of the Black man's resources by foreigners? -- Well, here he was developing an argument there.

But he gives his own approach. He says it is evident (30)
that the involvement of foreign investors in our country is
disastrous/...

disastrous and harmful to the Black workers. -- Well, I am afraid the Court will have to bear with me here. When you read the paragraph just prior to this, he is advancing that argument. I think it starts from 'We, the Black workers', it starts there where there is an argument that if at all they do pull out, this is what will happen, the creativity of the Blacks will be redirected. Now, if creativity is redirected, then those who say let them pull out, they, foreign investors must pull out and we will work for our Azania with love and dedication.

I thought - the third paragraph he comes to the (10)
argument,

"Let us come to the argument that Blacks
will suffer if foreign investors withdraw."

Then he rejects that argument. He says, we, the Black workers die and suffer for this wealth and we get nothing. How many Carletonvillers and how many Western Deep incidents should we have to enrich the Anglo American fraternity for the boosting of English and American standards while we live in slums. What we want is for the mines to continue working and the benefit be enjoyed by the Black nation that is by right. (20)
So we must work the mines, the foreign investor must get out. On the other hand it would serve a purpose if foreign companies closed down completely and all employees lose work. That is if we do not enjoy the benefits. This will be - he contrasts the continuation of the work by the Black man with the foreign companies closing down and the mines closing down. This will be the time when Black people will realise that it is better to idle than to be exploited. It will serve to redirect Black initiative and creativity. Black creativity and initiative have been swallowed by this ugly monster called (30)
capitalism which is just a character of foreign investment.

It' /...

It is evident that the involvement of foreign investors in our country is disastrous and harmful to the Black worker. And then he deals with that. He says at the end:

"Let us Black workers reject in no uncertain terms the exploitation of our resources by foreigners. Let foreign investors go and we, the workers, shall work for our Azania with love and dedication."

There he put a very clear point of view. -- Well, the (10)
point of view he is putting here is that here are foreign investors exploiting Blacks. Now what we want .. (intervenes)

He says the Blacks do not benefit, the White men, the Americans, they benefit because their standard of living goes up. The Black man, he has to die to enable the American to raise his standard of living. -- Yes, and he is saying now these foreign investors - now, I think now here there is a subtle difference now here with the companies proper and with the control of the running of the company. I think he is now advancing the argument of who should remain controlling. (20)
He is saying that the foreign investors should pull out and then the local people should then have control over
(intervenes)

No, he says: we should exploit the mines, he says, but, if we cannot exploit the mines and they withdraw foreign investment and the mines have to close down, even then it will serve a good purpose because it will show the Black man that he is being exploited. -- Excuse me?

Even if they are idle then it will show to them - it will show the purpose because then the Black initiative and (30)
creativity will have to be redirected. -- But he even shows it
in/...

in the fourth paragraph, the last sentence there. He says:

"We want for the mines to continue working."

Yes, the mines must work, in other words we must get the benefit of it, but foreign investment must not have because we live in slums and they improve their standard of living. -- He says the controlling power must pull out so that now they do not have (intervenes)

He says foreign investors must go but he says the mines must not close down. He says and even if the withdrawal (10) of foreign investment causes the mines to close down, well, that will be a good thing because then we will get the opportunity to redirect Black initiative and creativity. That is what he says. -- Well, he is talking about mines here because the majority of the foreign investors they are interested in mines. That is why he is using the mines. ^{RIO TINTO} (... some Bantu ^{IS} phrase), having its interest vested in mines. Now he is talking about those people as the controlling power who, as foreign investors, owe an allegiance to their mother countries, who always must now take out money across - he says no, that (20) should stop and how that is going to stop, it is when the control of those mines and companies remain within the country. Then the money and resources will never flow out to improve the slums - rather, pardon, to improve the standard of living in America or in England; the money will then remain to improve the lot of Blacks here.

And what does the last paragraph of the penultimate paragraph mean? -- Now here he has developed that argument from wanting the mines to remain working. Now the foreign investors, the controller, the controlling power has left, the (30) mine is remaining. Now Blacks will continue working there to improve/...

improve Azania with love and dedication.

Do you infer from that he does not want them to go? -- No, I do not think I was saying that he does not want them to go.

That is the point that Counsel was trying to make. That his approach is that they must go, they must quit the country. -- As the controlling power they must quit the country, but the concerns, the businesses must remain operating and the businesses must be in the control of the South Africans. That is what he is saying.

What will happen to the dividends? -- Well, I do (10) not know the technicalities involved there, but I would guess the foreign investors would have to sell, they would have to sell to whichever company is interested to buy the concern.

MR ATTWELL: Let me get it clear. Do you allege that accused No. 5 takes no stance himself as regards foreign investment, or does he take a stance one way or the other? -- I fail to find his stance.

You fail to find his stance. -- I find that he just develops two points of view which he says others are saying this, this is the other one. Well, let us develop this (20) other one, ^{developed to its} ~~developed~~ ~~his~~ logical conclusion, it will come to this.

You see him taking no sides in the matter, he just presents two arguments and that is that. Is that right? -- I do not know how you want me to say he takes sides.

You say he does not push any one of these two arguments himself, he just presents the two arguments and leaves it to whoever wants to read the document, to decide for themselves. He does not take sides. Is that what you are saying? -- He develops his argument that the controlling powers who are in the foreign companies, who are foreign investors, the (30) controlling powers, must pull out and leave the control of these/...

these companies to the local people.

Do you agree with me, mining is probably the chief thing upon which the economy of South Africa is based? -- Well, I should gather this.

Do you see any plea in this article that foreign investors should please stay and improve the lot of the Black employees in their employ by increasing their wages and improving conditions? Is there any call for that here? -- The call here is for .. (intervenes)

Is there any call for that here? Please improve (10) the conditions of Black workers, give us better wages and so on. -- But the document is talking about that, the improvement.

You see that? -- Ja, it is juxtaposed by saying that we are not improved. So it ipso facto means you must improve, it must be improved.

Perhaps you would have a look at another BPC document which seems to deal with foreign investment, BPC C.9, the next one. This was a document given out to the press and signed by four executive members of BPC, the public relations officer of the national executive, the secretary-general of the (20) national executive, your friend Mr Buthelezi, Dr Mokoape in his capacity as chairman of the Durban Central BPC Branch and Harry Singh as chairman of the Overport BPC Branch. Now, it also deals with Chief Gatsha Buthelezi and his pro-foreign investment in the Bantustans and then it deals with the argument about foreign investment one way and the other on the second page of that document. Have you got it? -- I have got it.

BPC C.9 the second page. Perhaps we can start with the first, second, third, fourth - the fifth paragraph, just (30) above the middle:

"Advocates/...

"Advocates for continued investment in South Africa, such as the "Bantustan leaders" claim that increased investment in the homelands will increase employment opportunities. This may be true to a limited extent, but the fact is that increased foreign investment implies an increase in frustration and exploitation. The availability of cheap labour means and entrenchment of the undesirable capitalist exploitation of Blacks. These advocates of foreign investment are inadvertently or knowingly advocating for a transference of exploitation from major centres to the so-called "border" areas. The inhumanity of this is further aggravated by the fact that some of these so-called "leaders" also support this exploitative economic system by way of dues paid to chiefs by poor people, or by entrenching their vested business interests.

(10)

(20)

Advocates of continued investment claim that if foreign investors withdrew this would result in large-scale unemployment of Blacks. Withdrawal can only mean the downfall of the Vorster regime! Black people have pledged themselves to fight for freedom whatever the cost. Black people have endured much suffering and cannot suffer beyond this. Black people in general are prepared to suffer any consequences/...

(30)

consequences if this means ultimate Black freedom. We have inherited many diseases, e.g. kwashiokor, pellagra and other undernourishment and malnutritional diseases from the exploitative and repressive capitalist economic system of South Africa."

And finally it quotes your congress's resolution calling on foreign investors to disengage from this White controlled system, exploitative system. Do you agree with me that (10) this is a call to foreign investors to get out? -- This is not a call because immediately there, the very resolution that is being quoted here, is not calling for a withdrawal. What the author of this document did, was to develop the argument again about those who say that if foreign investors withdraw, Blacks would be unemployed and those now who say that if they withdrew this would result in the downfall of the Vorster regime and he has put an exclamation mark there. Then he says that "Black people have pledged themselves to fight for freedom whatever the cost." Now, may I just point out (20) here that when he talks of the Vorster regime to my understanding is that he is talking about a collapse of the ruling party at the moment because he maintains rightly or wrongly that foreign investors, their presence in this country is as a result of the laws that are passed by the Vorster regime. Now he is advancing that argument that with all those laws, you hang around government, you know, you hide behind such issues as government policy, you are actually in fact contributing to the status quo where the Black man is through legislation kept at a subservient position. Now he (30) outlines the sufferings Black people undergo and he even quotes/...

quotes some of the laws and acts under which this - or from which, if I may put it that way, the foreign investors benefit. Now, he goes on to say that the Bantustan leaders call for foreign investors to come to operate in the border areas and experience has shown that that is where stark exploitation takes place, at these places, because from reports of research and surveys conducted, it was found that in fact most of these companies around the border areas pay the lowest wages to their employees, some of it being about R3 a week and they enjoy I think the tax concession from the government. (10)

Now this whole thing here now, this whole argument about their withdrawal can only mean the downfall of the Vorster regime, he is using that argument with that information as a background. That because of the Vorster regime they are getting those tax concessions where they can exploit Blacks.

Foreign investors work within the ambit of a legal structure existing in the country. Is this correct? -- Oh, well, I should think so.

This structure apparently is the cause of the problems here in this document. Do you agree? It complains that (20) they are obliged to work within the structure. -- Yes.

Now, will you tell the Court how will foreign investors ever improve the lot then if they are obliged to work within the structure? How can they possibly do it? -- Well, I think even Mr Vorster has made quite a number of statements where this very issue of remuneration for workers has been concerned. He has more often than not passed the buck on to the companies that it is left to them to decide what is the best for their wages. In fact these industrial acts and things like that, they merely stipulate the minimum amount to be paid, but (30) now the foreign investors, what they do is they take that

minimum/...

minimum amount to mean the maximum.

They are obliged to work within a structure, which structure Mr Vorster or whoever else is responsible for, will have to change himself. Is that right? -- What is that structure.

BY THE COURT: I do not know what we are talking about now. Are we still busy with foreign investment?

MR ATTWELL: The complaint here apparently as I see this document is that these foreign investors are obliged to work within a structure, which structure because of its very (10) nature, is designed for exploitation, etc. Now I am putting to the witness that how can the investors then ever improve the lot of the Blacks if they are obliged to work within the structure. Now the witness has said the government has passed the buck and said to the investors well, you can do what you like in your sphere. I am putting it to him that if it is in a structure which the government has laid down, how can they improve without contravening the laws, etc. And I want to put it to this witness that the only solution is if foreign investors get out because if they get out the government (20) is going to lose a lot of money and that will force the government to change its basic structure. -- No, that is not what this document is saying here.

THE COURT ADJOURNS FOR LUNCH.

THE COURT RESUMES AT 2 P.M. ON THE 4th AUGUST, 1976.

ZITHULELE NYANGANA ABSALOM CINDI: still under oath:

FURTHER CROSS-EXAMINATION BY MR ATTWELL: We were busy with the foreign investment issue and we were referring to the document BPC C.9. You have that in front of you still? -- Yes.

Will you have a look at the second page of that document, it says:

"Foreign involvement in the exploitative economic system of South Africa may be summarised as follows:" (10)

and then it sets out in 7 points, from about the bottom third of the page down to the bottom the involvement of foreign investors. As the authors of this document see it, they describe foreign investment in the following terms:

"1. Foreign investors by strengthening the economy of the fascist regime makes it possible for this minority regime to bolster its military force which is designed for the perpetual oppression of the Black people. (20)

2. Increased investment encourages the flow of immigrants attracted by the prosperity of whites in South Africa. This flow in effect means an increase in unemployment for Blacks. These immigrants occupy jobs which would otherwise be occupied by Blacks.

3. Increased technological achievements result in increased unemployment for Blacks and an efficient oppressive machinery, for Blacks have no training opportunities, and (30)

in/...

in the main are classed as "unskilled" workers by the whites.

4. Foreign companies support and promote the enforcement over Black people of some form of fictitious white law, such as the "Pass Laws".

5. Foreign businesses promote the "Bantustan" policy, which is designed for the perpetual enslavement and exploitation of the Black Nation which is decentralised into separate and warring entities. This is opposed to Black Solidarity and Black identity.

(10)

6. Increased investment in South Africa means the exploitation of Black people in the "border" areas.

7. Payment of taxes to the South African white minority govt. and their very presence in our country means the increase in economic power and military strength of whites and this assists in stamping out all opposition and Black liberation movements in South Africa.

(20)

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

and then it sets out the resolution we have dealt with. Were these the factors which were considered by your congress in passing the resolution we are busy talking about? -- Well, that is what the document claims.

(30)

You were at the congress, I am asking you were these the factors/...

factors that were considered by the congress? -- I do not remember precisely, but I would point out here that some of the sentiments expressed here I do not disagree with them.

Do you disagree with any of them?

BY THE COURT: Would this be the type of point mentioned in a commission and then the commission would report and motivate its own resolution and then the congress would be asked to adopt a resolution proposed by the commission. Would this be the type of point that the commission would recommend? Or were these points actually raised while congress was (10) considering the commission's report? -- Well, to the best of my recollection, I do not remember these points being raised specifically at the congress, but now these people may be formulating - may be advancing an argument that this resolution was passed because of these factors in mind.

How would the writer know that? How would the people who signed this press statement know that, that these were the points? -- Well, I do not know how they got to know this.

Well, you were at the congress, weren't you? -- Yes, as I pointed out, to the best of my recollection, I do not (20) remember all these points being raised at congress.

MR ATTWELL: Who of these signatories were at that congress? -- Siphon Buthelezi.

Was he there? -- That was where he was elected the secretary-general.

So he was there. -- Yes, the others I do not remember seeing them there.

Do you remember what commission Buthelezi served on at that congress? -- No, I do not know.

What commission did you serve on at the first (30) congress? -- On the liaison commission.

However/...

However, do you find anything in those seven points which is foreign to you entirely and foreign to BPC? -- Foreign to BPC in terms of?

In terms of their intention as regards foreign investment. -- Well, there is nothing strange here, I mean as I read through this document.

There are all factors which foreign investment does affect. -- Oh, yes, the factors, yes, as enumerated here.

And you appreciate that. -- Well, I agree with this.

You appreciated that at the time that congress (10) passed this resolution. -- No, about the time of passing of the resolution I am not aware of these factors being raised.

Did you appreciate these factors, whether they were raised or not? -- I do not understand you when you say ... (intervenes)

Did you realise that these were the consequences and these were the sort of things that foreign investment does affect, whether they were raised specifically in your presence or not? -- Well, the issue of exploitation of Blacks was a point that was raised. (20)

And these seven points that are set out here and how foreign investment affects taxes, the economic strength generally, the White military might and other things? -- Well, I do not remember those points being raised, but now it is a development, its points^I have come to realise when reflecting on foreign investment.

It is logical, isn't it? -- What is logical?

That is a logical thing that is stated there, that foreign investment does affect those various considerations.

-- Well, that is an observation of what happens. (30)

It is logical. Perhaps we can turn to the next congress which/...

which you did attend and perhaps the witness could be handed EXHIBIT BPC H.1, the minutes of the second national congress of BPC. You also referred to a document which you handed in yesterday, which purports to be reports of branches at this particular convention. This is EXHIBIT PPP.1 - I am sorry, it is PPP.2, that of the various branch reports. I took down a note during your evidence-in-chief that these reports, PPP.2, are the reports of all the branches that were represented at the congress. -- Yes.

All of them? -- Yes. (10)

Now I would like you to have a look at the people who attended this congress. If you look at the first page of the minutes proper, where it deals with the delegates present in the middle of the page (page 145 of EXHIBIT BPC H.1). I have gone through EXHIBIT PPP.2 and it would appear that it does contain branch reports from the 15 branches mentioned in the covering sheet. -- Yes.

I see under 'Delegates Present' in BPC H.1 that there were delegates present from a Bloemfontein branch; if you have a look at the third line of 'Delegates Present' (20) branches, there is a Moshothle from Bloemfontein. You will also see a bit lower down, the 5th line from the bottom under delegates, that there was a man from the Zwelitsha branch. In the same line there were delegates from Katlehong. In the next line delegates from Pietermaritzburg. In the next line delegates from Krugersdorp and then in the next line delegates from - the same line Durban Central and the very last line Overport. Where are the branch reports for all those branches? -- These branches, some of these branches did not have branch reports at the time, because some of them had sent their (30) convenors to the BPC congress and some of them arrived, I should/...

should think, when some of the branches had already been presented.

When you say they sent convenors, is that an indication that that particular branch did not have a sufficient number of members to form a branch proper? -- Yes, that is what I mean.

This included Durban Central I see, the wife of accused No. 1 was apparently the representative of this particular congress of Durban Central, the third bottom line there. -- Ja.

This affects the branch in which accused No. 1 was involved and apparently Dr Mokoape, accused No. 4? -- (10)
No, and then the other branch reports were not - there was Durban Central, Bloemfontein in particular, they had their own prepared minutes or rather branch reports roneod.

And where are they? -- Unfortunately they were not amongst the documents we looked for.

I ask that because your evidence was that this was a branch - these were all the branch reports that were handed in here and I see that they are not because there about 6 or 7 branches here that do not figure in the branch reports here. -- Which ones? (20)

Well, there is Bloemfontein, Zwelitsha, Katlehong, 'Maritzburg, Krugersdorp, Durban Central and Overport. -- The Katlehong incident is one of the people who arrived late there and he said that he had to come because, I mean he knew that there was a congress being held and so he had not prepared anything concrete for the congress. So that is why there is no report from that branch.

How can these people qualify under the heading 'Branches' if they do not have a sufficient number of members according to the constitution to constitute a branch? -- Well, (30)
the heading it has been branches, centres or areas, where you have/...

have now branches which are not fully-fledged, that is where convenors come from.

You see, the witness Singh said that very often, and it was a case with his branch, there were 25 members perhaps on the book, but that was just a sham. Overport was nevertheless represented, but it no more had 25 members than a slice of the moon, but that they nevertheless put down that they had 25 members so that they could go to congress too. -- That is not true.

That is not true? -- Yes... (intervenes) (10)

... here as branches all have the requisite number of 25 members in their branch? -- No, I said the title would have read 'branches, areas and/or centres'.

Yes, well, you compiled these minutes. -- Oh, yes, I am not denying that, but I am explaining to you that branches like say Bloemfontein which was not a fully-fledged branch, it had its own report already prepared and roneod and the copies already distributed. So when these were typed, well, it was to be appended to this as a separate digest to this and we could not lay our hands on it when we went through the (20) Compol documents.

So these are not all the reports presented at this particular convention, PPP.2. -- Well, minus the Bloemfontein and Durban Central branch.

Was Durban Central a fully-fledged branch? -- It was not just a convenor or centre? -- No, it was a fully-fledged branch.

How many delegates attended from each branch? -- Well, each branch is allowed three votes, so it sends three delegates.

I note that there is only one person mentioned from certain branches here. -- Ja, some of the branches (30) through other reasons, they could not send all three delegates like/...

like finances was one of the problems, financing them to attend congress. So they could only pool and club together and send one man to congress.

Did anybody have more than three? -- No, that could not be. More than three would be an alternate delegate.

Does he still carry all the status of a full delegate? -- No, he is an alternate delegate, he sits in in case one of the delegates is not in.

Because I see Johannesburg Central has four people mentioned here. -- Ja, exactly. That is one of the (10) branches that had an alternate delegate there.

Now this is also the congress at which two members from the SWAPO Youth League attended? -- Yes.

You will see their names are mentioned also under 'Observers from other organisations' there, just below that, Mr Komati and a Mr Taapopi. -- Yes.

These people were there on your express invitation, were they not? -- Yes, it was an invitation to SWAPO with a letter inviting them, sent to the secretary of SWAPO, inviting observers from their movement. (20)

Is this the letter BPC G.3? Sent by you on the 6th December, 1973. -- Yes, that is the letter.

This was a letter written to the South West African People's Organisation. -- Yes.

And you state in the second paragraph that the congress will commence on a certain date and the venue and that the theme shall be "Seize the Time" and you say this invitation is also extended to the Youth League. -- Yes.

"We are inviting you to send a representative each from both the Organisations." (30)

Is that right? -- Yes.

Do/...

Do you mean thereby one from SWAPO itself and one from the SWAPO Youth League? -- That is what would have been the position.

Now two from the SWAPO Youth League pitched up. -- Yes.

And none from SWAPO. -- None from SWAPO.

They did not send a rep. from the South West Africa People's Organisation proper. You say then in that paragraph about the costs involved, etc., and you also say in the final two sentences of that paragraph:

"Also you should to us informing us who (10)
your representatives will be. This is one
of the precautionary measures we have to
take."

-- Yes.

What precautionary measures did you have to take? --
Well, you send an invitation to people and they have to vouch
that they were invited. So they had to produce this letter.

Why did you want the SWAPO and SWAPO Youth League at
this congress? -- Well, this is one of the Black organisations
we invited to the congress. (20)

Why? -- Because we wanted to invite them to the congress.

But why do you want them there? -- Because we want them
to participate in the congress.

Why do you want SWAPO to participate? -- For their own
interest and benefit.

What benefit lies in it for them? -- I do not know. They
would have told you better what the benefit was.

You extended the invitation. What benefit does there
lie for SWAPO Youth League in what BPC is doing in South
Africa? -- They are Black people and we extended an (30)
invitation to them as Black people. It was not to SWAPO only,

for/...

for your information, it was to other organisations which could not attend.

But why did you want SWAPO there? That is what I am interested in. You saw fit to invite this particular organisation. -- We had invited one of the members of SWAPO to be a guest speaker and it is logical if you invite a member as a guest speaker, nothing stops you from inviting the organisation.

You are now referring to Mr Kapuo? -- Mr Kapuo. We never got a reply from him. So we then said we would (10) appreciate it if we have someone from SWAPO if he does not pitch up.

MR SOGGOT ADDRESSES THE COURT - asks leave to leave the Court and informs the Court that if either he or Mr Pitman is not present, the other one will be acting properly on behalf of all the accused.

MR ATTWELL: You invited the speaker, Mr Kapuo according to your letter, G.2, because of his stand against the repressive regime of the Republic. -- Yes.

Is that why you invited the other members of SWAPO (20) too? -- No, we just invited them.

Just the speaker because of his stand against the oppressive regime. Just the speaker, Mr Kapuo. -- Well, I mean as I pointed out yesterday that SWAPO is against South Africa's occupation of Namibia.

And that they would be interested in what BPC is doing here. -- Well, I do not know about them whether they are interested.

But you invited them because you thought they would be interested. -- No, we invited them because we wanted them (30) as Black people to come and address our people and to give them/...

them inspiration as Black people.

Yes, I can understand the speaker, but now you have got two other - two more representatives from that organisation also. They are not there as speakers, they are there as observers, you say. -- Ja.

And they attended. Now what must they come and observe there? -- Well, this was - I do not know how to put it - this is a follow-up to that letter and we are extending an invitation, having in mind that we have already sent an invitation to Chief Kapuo and we hear nothing forthcoming, so we (10) just said we might just as well invite members from SWAPO and either SWAPO or the Youth League.

And you advised them that they must inform you who their representatives are because this is a precautionary measure you are going to take. -- Yes.

You see, according to the minutes of this particular congress of yours, BPC H.1, you seem to have been particularly concerned about security. Will you have a look on page 2 - let us take the first page firstly, right on the 15th December at the top, do you see that? -- Yes. (20)

"The acting vice-President apologised to the house for the Congress starting late, the reason being that strict security measures had to be taken. Delegates had to be given numerical status for security reasons."

-- Yes.

What security reasons were these? -- I think a short history will help here. You see, at that time of holding of this congress about four members of the executive had (30) been banned by then and people who were now assisting in the running/...

running of the congress, people like myself and the acting president, did not know, had not the touch of the people, convenors and - you know, they had not met these people save as from seeing them on paper as listed. Now the security measures were to let someone come and have someone vouching for him. Either the president or the acting vice-president.

Did they vouch for the people who attended? -- Well, they vouched for most of the people who attended there.

Who was going to vouch for the SWAPO Youth League people that pitch up? -- They brought this letter and a letter (10) from their secretary announcing them. So that was the whole - they were, I mean, accepted on that basis.

Right, that was the first day, that was on the 15th. The next morning, if you look at the 16th, the next page of the document when you started again:

"The delegates' credentials were
again checked by the Chair ..."

Once again you seemed to have been particularly concerned about the security. -- As I pointed out when you asked me about branch reports, some of the branch members were (20) arriving at the time and they had to be subjected to the same routine of being checked, their credentials and be vouched for.

Isn't BPC an open organisation? -- It is an open organisation.

The Black People's Organisation, aren't they welcome to come and listen what is going on there? -- Unfortunately we are dealing with a congress now here.

That is right, this is the annual congress. -- Where in the main and according to the constitution, only delegates are supposed to attend and alternate delegates and invited (30) observers. We cannot just take anybody into congress.

Do/...

Do you consider yourself to have been chosen by the Black people? -- Yes, there is no doubt about that.

But only people who could be vouched for could attend this particular congress. -- I mean, it is a precautionary measure that is adopted anywhere. I cannot for once now move into any board meeting of a company. I do not have the credentials to attend a board meeting of that company. Now I mean there is nothing sinister or secret by the fact that we have to check people's credentials.

You never did anything secretly? -- Oh, no, (10)
nothing secret.

Have a look at page 5 of that document (page 149 of Your Lordship's papers). This is the next morning when certain people went off to the Shezi commemoration. -- Yes.

You, as you have told the Court, did not go. -- Yes, I did not attend that.

You served on the planning commission at this particular GSC didn't you? -- Yes.

At congress. Now you will see there, if I may take you a little way down the paragraph: (20)

"The rest of the delegates and observers adjourned from the Congress and journeyed to Thembisa to attend the "Commemoration". The Congress reconvened after the afternoon tea after the delegates and observers had returned from Thembisa. It was explained to the members that not all the points under the Planning Commission's Report could be discussed; the reason being both for strategy and security." (30)

-- Yes.

Now/...

Now what were you people on the planning commission not prepared to discuss with people you had vouched for and known observers? -- I explained when I was being led in evidence-in-chief here about this point that there was a - it was during an open session, then we went to a closed session where we now had only the delegates minus the observers. That is where the planning commission report was presented.

Was there anything in the planning commission's report that observers should not be permitted to see? -- Repeat that.

Was there anything in the planning commission's (10) report which you felt observers should not see? -- There was nothing.

There was nothing. Because I think you even handed in the commission's report at that congress. This is the GENERAL EXHIBIT PPP.1.

BY THE COURT: This is a purely procedural matter.

MR ATTWELL: I will be coming to - Your Lordship will see the gist of my questioning in one moment. Because you see the planning commission, on the 4th page of that particular document, this is their report and I have read through (20) this and I can see absolutely nothing but the most mundane down to earth ordinary organisational sort of comment in this particular report. -- So?

Now that is what I want to say. Now is there anything in this report which would warrant having a closed session and excluding observers? -- Yes, it is tradition that when the planning commission reports, it reports under closed session. I cannot go and change that tradition in one congress.

You see, you mention in your evidence-in-chief that you were subsequently asked about a possible secret (30) executive chosen at this particular congress. Do you recall your/...

your evidence in that regard? -- Yes.

Now it is very clear according to the minutes, that the actual elections and the people we see here in the minutes elected to the various posts, that clearly took place in the open. Is that correct? During a full session. -- Yes.

Even observers could attend that. -- Yes.

These were the representatives of the people chosen by the people. -- Correct.

Now the press got hold of a story, you said, about a secret executive. Which paper got hold of that story? (10)
-- It was the Rand Daily Mail.

Did they have a Black reporter at this congress? -- Yes, they had a Black reporter at the congress.

Where did he get hold of that story? -- He got hold of the story from some of the observers who were outside, who were not included in the closed session. Now, as that circular you are referring me to points out, is that he had been told that there would be no press coverage of the congress as such, but press statements would be issued from time to time and then he went out of his way and started (20) now interviewing people who were outside and saying and then he came up with that report of people being left out because they were teachers or something like that and then it was a response to his article that people were not left out during elections, they were actually left out during closed session.

Was it the SWAPO observers who spread that story to the reporter? -- Well, I do not know because he does not make mention of them in his press report.

Did you attempt to find out who the observer was who divulged this sort of scandalous nonsense to the press (30) reporter? -- I did not press that story.

No/...

No, did you try and find out which of the observers had done that? -- Well, I did not have to try and find out, I responded to that and put the corrections here through that circular letter.

Wasn't a secret executive chosen there? -- No, the executive was chosen in public.

Yes, not the executive that we see here. -- Secret executive?

Yes. -- Oh, no, none was chosen there.

On which Mr Buthelezi and Mr Mangena served. -- (10)
Come again.

On which Mr Buthelezi and Mr Mangena both served, or not?
-- What are you saying?

I am asking you.

MR PITMAN: M'Lord, with respect, I think I must object here. Your Lordship will recall in the State case properly my Learned Friend Mr Allaway was drawn up when he put some things that he was not able to substantiate. Now I do not know, I may be wrong, but I do not think this has ever been part of the State case, I do not think there has ever been any evidence to this (20) effect and it is prejudicial to make sinister suggestions that do not form any part of the State case. On that basis I object to this line of cross-examination.

MR ATTWELL: Talk about a secret executive having been chosen, this particular witness volunteered the evidence in evidence-in-chief. I am merely asking him, it is obviously only relevant to credibility and I am merely asking him, I am bound by his answers thereby. If he says there was no such thing, I am bound by that answer, I do not intend pursuing the matter any further. I am merely asking him whether there (30) was a secret executive chosen there and whether Mr Mangena and

Mr/...

Mr Buthelezi would have served on that. -- No, no, not in there. You are missing the point of that letter. The letter is saying that the executive was not chosen in secret. It is not saying there was no secret executive other than this. Your question is saying that - now you are asking about Mangena. Mangena at that time was serving sentence on Robben Island for your information.

December, 1973? -- Yes.

Did the SWAPO delegates go to the commemoration of Shezi's tombstone? -- I should think so. yes. They were (10) observers.

Yes, I am merely asking whether they went to the Shezi commemoration. -- Ja.

Are you sure? -- I would speak with some certain amount of certainty because they were ^{werent/ not} on the planning commission and the other commission which had not finished its report and they were not on that commission.

Was there anything discussed by the planning commission of which you were a part, in closed session, which you did not reveal to the delegates in your report here and (20) report-back to the full session and the observers? -- There was nothing that was not included.

Because the minutes say that various points of the planning commission could not be discussed, the reasons being for strategy and security. Now what things could not be discussed that you people in the planning commission had discussed when other people were at the Shezi commemoration? -- I do not follow that question.

Have a look at the minutes again. Have you got page 5 of your minutes (page 149). -- Ja. (30)

When the people returned from Tembisa, if you will look about/...

about two-thirds of the way down that first paragraph. -- Ja.

"The Congress reconvened ... It was explained to the members ..."

and this is not only - it says members, so that is not only the observers who had gone away, but all other members who were not on the planning commission obviously -

"It was explained to the members that not all the points under the Planning Commission's Report could be discussed; the reason being both for strategy and security." (10)

Now you were on the planning commission. What things were discussed by the planning commission and by you that you were not prepared to divulge to the full session of the house? That is what I want to know. Do you understand the question? -- I am trying to fathom what you are trying to say there.

Look, you drew up these minutes, didn't you? -- Right.

Did you draw up the minutes? -- Yes.

You state here that certain things the planning commission discussed, could not be discussed to all the members (20) for reasons of strategy and security. What did you people discuss in the planning commission that you were not prepared to divulge to the full house? That is what I want to know. -- I think the typing is a bit jarring here. I have tried to explain it quite a number of times that this report was made to the full house, but points under the planning commission could not be discussed there, hence that is why we had to go to closed session and these are the points that were discussed as appearing here.

In PPP.1? -- Yes. (30)

The final report of the planning commission. -- Yes.

That/...

That was the full and total of the planning commission's discussion. -- Yes.

But this for some reason or another you were not prepared to allow any discussion on. Is that right? -- In full session, in open house.

For strategy and security. -- Yes, strategy and security.

Because I want to refer you to Mayathula's letter, that is BPC. H.3. This is a letter that he wrote to the Black people of Namibia in his capacity as Interim President of BPC and Mapumulo Branch chairman. Do you have the letter? (10)
-- Yes.

I think you have probably read it during the course of your preparations for your case. Have a look at the third paragraph. -- Yes.

"Although we have experienced that every time we call out in protest, the racists run for their governors (guns), every time our leaders stand up to speak for us, they lock them in Robin island and every time our fathers and mothers call out and stand up (20) and say, "We want a living wage", they bring out their saracens and murder, let us now all unite and solidify ourselves and be involved in an international recognised and peaceful "TOOLS DOWN" strike all over Southern Africa, exactly, at the same time in order to cripple the racists economically. The two young and militant representatives from S.W.A.P.O. who attended the B.F.C. Congress near Pretoria are well (30) informed concerning the same issue and
that/...

that time.

In short we kindly request you to give us time to finish up our conscientisation process and then we shall do things together once and for all. If we all work hardest in conscientising all the Black people it will surely mean a 100% annihilation of the oppressors economy.

For the next Christmas we must teach our people not to spend on clothes but on

(10)

tinned foods for the DAY OF RECKONING.

Gradually tinned food must be stored away from now.

BREAKING THE CHAINS!

Mayathula."

Now he says there that :

"The two young and militant representatives from S.W.A.P.O. who attended the BPC Congress..."

had been informed of the decision and the policy to have a 'tools down' strike all over Southern Africa exactly at (20) the same time in order to cripple the racists and the people should store away food because by the next Christmas the time of which these people who had attended the congress had been informed, they would have their day of reckoning. Do you see that? -- Yes, I see that.

What do you make of that letter? -- There is no such a position as an interim president or Mapumulo Branch.

Was Mr Mayathula the interim president of BPC? -- In 1972 ... (intervenes)

Was he the interim president? -- In 1972. (30)

He was nevertheless the interim president and if BPC lasted/...

lasted until 1999, he is the interim president of BPC. -- No, no, interim, as the word says, he is an interim for that period which was from July, 1972, to December, 1973.

And he was Mapumulo branch chairman? -- The following year he took up the position of Mapumulo branch chairman.

He was Mapumulo branch chairman at the time he wrote this particular letter. -- At the time he wrote this letter.

And he was at this congress. -- He was at the congress.

And was he in the planning commission? -- No, he was not.

Did he go off to the commemoration? -- Exactly, he (10) was the priest who officiated there.

I see. So he was the man who informed these people of a desire by BPC ... -- No, no, let us be clear there.

Well, somebody informed the SWAPO people who attended the congress of this plan. -- What plan?

The plan to have an international tools down strike and cripple the economy of the country. -- Ja, but that plan was Mr Mayathula and the two SWAPO members, that is not a BPC decision.

Yes, well, according to this letter it is a BPC (20) decision. -- I cannot ^{connect} ~~collect~~ that, I cannot gather that from the words you have just been reading here.

You cannot gather that this is meant to be the BPC decision? -- No, it does not even say it there.

Do you expect BPC to have taken an official resolution at its congress to this effect? -- For a tools down?

Yes. -- I would consider that to be foolhardy because in the previous two conferences BPC had ruled this thing out.

What had it ruled out? -- Confrontation.

Confrontation or direct confrontation? -- I fail to (30) find .. (intervenes)

You/...

You do not see any difference between confrontation and direct confrontation? -- Yes.

You see, this particular document was also found, if you will remember the police evidence, in the possession of Mr Taapopi who was a man who had attended this congress. -- Yes. If I may add further to that. Incidentally, Rev. Mayathula was hosting these people at his home. Whatever they discussed there, it was their own policies. I mean, it seems to me that there was this plan which I do not get really clearly as being a BPC decision. (10)

Did BPC assist the Black Youth and Black Youth Groups? -- I cannot remember.

Did it have any policy to assist the Black Youth and the Black Youth Groups? -- I cannot remember that.

You cannot remember that? -- I cannot remember that.

But you know BPC policy. -- Yes, I know BPC policy.

Have you still got that document PPP.1 in front of you? -- Yes.

It also contains the commission on publication who advised that an advisory board be established. -- Yes. (20)

To run - it says here:

"Will assist and plan in the whole sphere of publications."

Do you see that? -- Yes.

"Editorial policy, artwork, library, resource centre, fact papers and other publications will be planned in detail by this board."

-- Yes.

You see that. Was this implemented? Was an advisory board established? -- As I pointed out in (30)

mj/...

my evidence-in-chief because the structure could not be formulated due to the nature of branches, some of them were not fully-fledged, I mean we did not have fully-fledged branches, so we did not have - we were not able to formulate this advisory board.

So it is a dead letter in fact, it never operated as such. -- No, the board was never formed.

Was never formed. -- Yes.

So it was left to people to just dish out documents as they liked. -- No, it was not incidentally. The (10) executive was responsible for policy.

Did the executive have to see documents before they went out? -- Yes.

Which members of the executive saw the documents that accused No. 1 has claimed responsibility for after his banning? Such as the information brochure at the Sharpeville commemoration meeting? -- What Sharpeville? What was the year?

The Sharpeville commemoration meeting of 1973, March, 1973, after his banning. He admits that he drew up the document which was distributed at that particular meeting. (20) -- Well, I was not on the executive during that year so I would not know which executive member - this structure was meant for 1974. I do not know what happened in 1973.

Anyway, you say it was not implemented. -- No, it was not implemented.

The BPC Symposium which was held in September, 1974, there was a document handed out there too called 'Towards Freedom Now'. -- I gather the executive member in Durban at the time.

Would he have approved of that particular one? -- He would have seeing that actually the PRO is in Durban (30) and I believe - and a publication of that nature would have come/...

come to his notice.

And BPC R.1, the document prepared by Saths Cooper and Harry Singh for distribution overseas in a fund raising attempt which was done in about March/April, 1974? -- The president should know about that.

But the evidence is that it was Cooper and Singh that drew that thing up. They roneod it and off it went to be dished out overseas. Did any executive member see that? -- I did not see it but I cannot rule out any executive member having seen it. (10)

It was never submitted to you anyway. -- No, it was not submitted to me.

BY THE COURT: This letter that was written by Mayathula on the 19th December, 1973, now assuming this sort of thing was decided at the congress and it had to be conveyed to the national convention of the Black people of Namibia, who would be conducting this sort of correspondence? The president or the secretary-general? -- That would be the secretary-general. Correspondence is the responsibility of the secretary-general.

But now do you know the purpose of this letter at (20) all? -- Well, may I just say here that I first saw this document when it was being produced during evidence here in this court, so I do not know anything about this document.

You see Singh said Mayathula was one of a sort of super executive. What do you say to that? -- Well, I would like to clarify, because there was nothing like that of a supreme command as the State led its evidence. We as the executive and we acted as an executive and had our meetings and I do not remember any instance when we had Rev. Mayathula as a member of the supreme command. The ..(indistinguishable - (30) speaking too close to the microphone) .. of the existence of

a/...

a supreme command shocks me because I mean I was in the executive and I was jointly with the other members responsible for the running of the organisation. So we were responsible for what happened in ¹⁹⁷⁴(1972) severally or jointly.

What was the position of Mayathula in September, 1974?

-- He was still a member of the Mapumulo branch, he was the chairman then.

Did he hold any executive position then? -- On the national body?

Yes. -- No, he did not hold any executive position. (10)

Well, they were very concerned about him when they had to arrange the rally. -- Well, I think the concern was that he had been invited as a speaker then. I think that was the evidence before the Court.

Was that his only interest in the rally. Where were you at that time? -- I was under a suspension order at the time.

But while you were under suspension, didn't you concern yourself at all with BPC matters? -- Oh, yes, I did, I mean I was still in the office, but now my position now at the time was at a lower level where I would receive instructions (20) from accused No. 5 who was then holding the two positions of secretary-general and national organiser. So actually I offered my assistance like the compilation of the minutes of that very same national council meeting and assisting in working towards preparing the financial books. But I mean executive matters, I was excluded from executive matters.

MR ATTWELL: The five executive posts were held by members who you say are responsible for running the organisation in its term of office? -- Yes.

Are any people outside that body allowed to run (30) the affairs of the organisation in any significant way? -- No, not/...

not at all.

Not at all. Not even Saths Cooper, accused No. 1? -- No, not even Saths Cooper. Nobody is allowed to run the movement. You have the 5 members of the executive.

Because he appears, as I have said, to have drawn up this document that went off overseas and organised other meetings. -- Ja, as I point out to you, I did not see it, but I cannot exclude the other members of the executive looking at it. As I pointed out also, in Durban it was the base for the public relations officer so any .. (inaudible - too close to (10) the microphone) .. that emanated from Durban we understood that the PRO had sanctioned that publication.

But I am talking about after his banning. -- I was not aware of it and then I came - until the evidence was led here.

Did you ever visit Saths Cooper in Durban after his banning, at his home or flat? -- I do not remember after his banning.

You do not remember. -- No, I do not remember.

Before that, before his banning? -- Well, I may have visited him. (20)

In what connection would you have visited him? -- At his flat in Durban.

Yes, in what connection did you go and see him? -- I was in Durban and I saw him.

In what connection? Just a friendly visit? -- Well, I mean, you meet him, I mean, I saw him at congress and you meet again.

Was that was the congress which was up in Johannesburg, wasn't it? -- Yes.

Now you are talking about instances in Durban when (30) you saw him there. -- Yes.

When/...

When did you see him there? In what connection? --
Early in January I saw him. I never had an appointment with
him, if I may put it that way. It was just a casual meeting
in the street in Durban.

Do you know why accused No. 5 went down to see accused
No. 1 about the drawing up of the SEMICON program? -- No, I
think that evidence was challenged, I do not know why...
(intervenes)

Did he go down there before the SEMICON? -- I do not know.

You worked with him in the office. Didn't you miss (10)
him? -- He is national organiser.

That is right. -- He is empowered to tour the country.
So I did not ask him every time. Only he used to do is to
come to me and demand money for travel.

Did the Rev. Farisani, your president, go and see accused
No. 1 about Singh's trip overseas? -- He did not tell me he
was going to see No. 1. He said he was going to see the PRO
in Durban.

It wasn't No. 1 at the time, was it? -- No, it wasn't
No. 1 - as I said Rev Cooper and the vice-president, (20)
Colin Jeffries.

When did president Farisani go overseas? -- He left in
July, 1974.

And who took his place? Who acted in his place while he
was away? -- Colin Jeffries.

You did not fill his post? -- The president?

Yes. -- No, I was the secretary-general.

Not you specifically, I mean the movement, they did not ...
-- Oh, no, the vice-president acts in the absence of the
president. (30)

Were you concerned with finding witnesses and funds for
the/...

the trial of Mangena? -- Not witnesses.

Not witnesses. -- The trial of Mangena?

Mangena's trial, yes. Did you attempt to raise people to give evidence and/or give money towards the defence of that man? -- Not that I can recall of.

Did you ever get in touch with Biko about the trial of Mangena? -- I cannot remember.

You cannot remember. May you have? -- I do not remember touching Biko during the time of Mangena's trial.

You were concerned with the trial of Motsau weren't (10) you? -- That is correct.

And you said the police at one stage or a number of times raided the offices and there was vague talk about a fraud charge or something? -- Yes.

The allegation, if I read the reports you handed in correctly, was that you were still collecting money ostensibly for the appeal of Motsau when you knew that Motsau's application for leave to appeal had been turned down. -- Ja, and I had other information to that.

Did you have information to that effect? That the (20) appeal had been turned down. -- And information that the trial judge said that he would not oppose any endeavours by the defence to lodge an appeal with the Appellate Division.

Yes, and had you heard from the Chief Justice whether that appeal had been allowed or turned down? -- It was still in the process.

Was it? -- Yes.

And that is when the police visited you? -- Well, that was about the time.

Did you ever hear what the final outcome of that (30) application for leave to appeal was? -- Yes, we heard.

What/...

What was it? -- It was turned down.

When did you hear about that? -- Long after the raids.

When? Can you remember? -- I cannot remember the date, because I went to the attorneys there and I got the advice that well, this thing had been turned down.

You cannot remember when? -- No, I cannot remember, but what I am clear about, it was after the raids.

Why did you attend the SASO formation school? -- In?

At Turfloop in September, 1974. -- Well, I was invited to attend. (10)

Invited by whom? -- By the regional secretary of SASO.

Is that Mr Phokojoe? -- Phokojoe.

In what capacity were you to attend that formation school? In your capacity as secretary-general of BPC? -- No, I was suspended at that time.

In what capacity? Just in your personal capacity? -- Yes.

Did you hear Ruben Hare's opening speech there? -- No, unfortunately.

Unfortunately you missed that. Did you hear the other report-backs of the formation school on the Sunday morning? (20) -- No, unfortunately because when they reported back I had to go out and prepare a comprehensive report of the commission where I was the scribe, so I missed the other report-backs.

Was it your commission that had the suggestion that you would require a dictatorial form of government to implement your ideology? -- Yes.

What did you mean by that? -- Well, it was an idea that was put forward by people there. If you follow the whole ^{tenor} turn of the report there, that some people, there was a question they were vacillating as it were, saying that we are talking (30) about a philosophy that was peculiar to the rural areas and we were/...

were trying to point out that no, this thing was intrinsic within the Black man's way of life.

This was Black communalism? -- Yes, that was Black communalism.

Why would anybody require a dictatorial form of government to implement the policy which you feel is natural for the Blacks anyway, that is how they basically are? -- Well, I did not move that point.

Isn't that a nonsensical sort of thing? -- You call it nonsensical? (10)

I am asking you. -- It is a point of view held by someone.

Didn't you squash it in the commission? -- No, we tried to point out that this was, there was no need for that.

That particular report of yours was it merely all loose individual feelings of individual members of the commission jotted down or was it a consensus of the entire commission's feelings? -- Well, it was a consensus.

Tell me, the BPC SEMICON isn't that in effect a BPC formation school if you like, equivalent to the SASO formation school? -- No. (20)

People were invited, papers were read, there were commissions, there were report-backs and a mandate was sought. -- Do you want to make it an equivalent?

I am asking you isn't that the sort of thing that SASO held in the form of formation schools? -- No, I would not say that. I mean a SEMICON is a SEMICON on its own, it is a seminar-conference.

BY THE COURT: What is that?

MR ATTWELL: What is a seminar-conference? -- Well, (30)
it was a brain-child of the national organiser.

BY/...

BY THE COURT: It was? -- The brain-child.

Oh, yes. -- Of the national organiser to hold a seminar-conference and as the motivation is put clearly there, it is to involve members of the Black community who would not have had - even those who are not BPC members would not have had the opportunity to attend congress now which was a BPC day. It was actually a thing for people to come and air their views.

How does it differ from a seminar? -- It was a seminar-conference as we put it.

I know, but what is the difference between the two? (10)
Or was it only a name? -- It was just a name I mean really.

MR ATTWELL: I would like you to have a look at the program that was used at that particular SEMICON, the exhibit number is BPC 0.1. This is drawn up, both on your evidence and clearly from the signature at the end of the document, by accused no. 5.
-- Yes.

In the third paragraph there it says:

"Every Black man, butcher, baker, or
candlestick maker who accepts the
challenge should attend to voice his say." (20)

-- Yes.

Right, roll up, roll up. Now, on the 31st August, the program reads, after breakfast :

"PRESENTATION OF CREDENTIALS AND
ANNOUNCEMENTS"

and the supervisor was yourself. Is that correct? -- Yes.

What credentials did you want at this particular meeting, at the seminar where you had invited every Black man, butcher, baker or candlestick maker, what credentials were you now going to check? -- You see, at the same time of the (30)
holding of this SEMICON, we were holding the national council
meeting/...

meeting. Now the credentials were to check people who were to attend the SEMICON and people who would attend the national council meeting. That is all.

There is no reference in this particular program to the national council meeting, is there? -- No, there is none here.

So the program talks about people who are attending a SEMICON and a SEMICON only and it talks about the presentation of credentials which you were going to supervise. -- Yes.

What credentials? -- As I pointed out to you.

And which people should attend the national executive (10) council meeting? -- National council and those who should be attending SEMICON. Unfortunately there is a covering letter that preceeded this.

What did that say? -- SEMICON. It explained that at the same time with the SEMICON there would be the national council meeting.

There was nothing secret or anything going on at the SEMICON. -- Oh, no.

Oh, no. -- Neither in - in neither of the two meetings was anything secret going on. (20)

Have a look at the final words of accused No. 5 on the last page in that last paragraph. -- Yes.

"Other than scribes appointed by the participants no one is allowed to take notes."

Do you see that? -- I see that.

Why is that? Why mustn't these people who have come to voice their say be allowed to take notes about what is going on? -- I do not know. Only that with scribes taking notes, why should other people take notes? (30)

Is that the only reason you can offer? -- I can offer that/...

that, and I can explain that how I heard it there.

But you were there. -- I merely took down the credentials and the minutes.

I see PET was there, People's Experimental Theatre who gave a presentation, at the bottom of the second page. -- No, it was not there.

Is the program wrong? -- No, no, the program is right, but what was supposed to take place did not take place. The program is not a reflection of what took place, it is a reflection of what is to take place. (10)

So there was no .. -- No, unfortunately they did not attend.

It seems that when TECON and these people are on the programs to appear, they do not in fact end up giving their performances. That was the position with your congress too, wasn't it? -- Yes.

I see on the last page, the third page, accused No. 5 gave a talk or speech called 'On the Warpath'. -- Yes.

What was that about? -- Again here I must say I do not remember him delivering that speech. (20)

Did he deliver a speech on the 2nd September some time after 8 o'clock, before 11? -- September?

Yes. -- Oh, no, actually SEMICON broke up in the early hours of the morning of the 2nd September.

Is Mandla Khuzwayo a member of BPC? -- Not that I know of.

Do you know the person Mandla Khuzwayo? -- Yes, I know him.

You do not know if he is a member of BPC? -- No.

Now if you do not know then he probably is not. He gave a speech called "Workers: Cornerstone of Liberation". Do you see that? -- I think it must be clarified here. He did (30) not - this is a program of what was supposed to take place; it

did/...

did not take place.

What did take place that is on this program? -- Mainly the commissions did take - all right, let me just tell you. Nkwenkwe did lay out what the whole meeting was about.

Right now let us start with that. What did he say this whole meeting was about? -- Well, the SEMICON, he explained that we are having a national council meeting and we are having a SEMICON which is .. (inaudible - speaking too close to the microphone) we who qualify to be at the national council meeting will attend the national council meeting. (10)

Did he say that through the commissions the mandates will be given? -- Well, he may have spoken about the mandates.

To who were they going to give a mandate? -- To BPC. To BPC. -- As their movement.

Right. That did take place. Did Dr Manas Buthelezi speak? -- No, he did not turn up.

He did not turn up. Did you check the people's credentials? -- Yes, I did.

Oh, yes, you did that. Good. Did Mr Hassan Howa speak? -- No, he did not turn up. (20)

Was he going to speak on sport? You do not know on what he was going to speak on? -- No, I do not know.

Mr Hassan Howa is who? -- Mr Hassan Howa.

Ja, who is he? Can you tell the Court? Is he the head of the cricket body which is against allowing certain of his members to partake in multi-national games, etc.? -- Was.

He was. -- Yes.

Carry on. Did you have tea? -- Yes, we had tea. I did not think we ... ^{Would reduce it to} (inaudible) those levels really.

Well, I am trying to find out what you people did (30) have that was ... -- I think I must point out to you. Mr Nkondo/...

Nkondo did speak.

What was his paper? -- If I remember it was education, the recontextualisation I think.

Then there is general by Nkwenkwe, after projection of an image. -- Ja.

Did h e speak? -- No.

He did not. Did Mr Harry Singh address the convention or talk about convention? -- No, I do not remember him speaking. You see we had a tight schedule, we could not live up to this program because we had business at the national council (10) meeting.

All right, carry on. Is there anything else you can pick out... -- No.

Did you have poetry by Roli Marolen? -- Ja, we had that.

Was he there at 8,30 in the middle of the page and again after PET at the bottom. -- Well, we did have him at one stage reading poetry.

What sort of poetry did he read? The sort of poems we had before Court in the BPC exhibits? -- I do not know what you mean sort of. (20)

BPC T.2 and 3, those things you had on your wall in the office, that sort of thing. -- Well, he had his own type of poetry.

Was it that sort of thing or not? -- What is the sort? How is the sort?

That particular theme. -- No, no, you cannot do that to poetry.

I cannot do that. -- You cannot say that about poetry.

Yes, after that, did Mayathula lead you in praise and worship? -- Yes, that took place. (30)

And there were commission reports. -- Yes.

And/...

And Prof. Small .. -- No, he did not turn up, he did not attend.

Did Mosioua Lekota, accused No. 3, speak on youthful aspirations? -- I do not remember.

I think this is where Bawa or Singh said there was a talk on youth by accused No. 3, or that there was a commission or something that made a report on youth. You do not remember that? -- No, there was no commission. The commission - there was not a commission on youth.

But there may have been a speech on youth by Mr (10)
Lekota. -- I do not remember that.

You do not remember. 'On the Warpath' by Nkwenkwe? -- No.
That did not take place. -- No.

Rev Cooper. -- He did not attend so I mean that explains it.

And all these other papers that are mentioned here, are these the papers of the people that we see in the program? Reaching the Masses by Nkondo; The Role of the Black man in present day society by Mr Harry Singh; Black solidarity versus Non-White Separateness by Mosiuos Lekota, Worker - student relationship by Kenneth Rachidi and Workers: (20)
the cornerstone of liberation by Mandla Khuzwayo. Any of those ring a bell? -- Well, I remember Mr Gersler Nkondo. These are not papers.

Are these the commissions? -- These are supposed to be commissions.

Did they take place? -- The worker - student relationship did take place I remember. Well, Mr Gersler Nkondo led a commission. Well, the others didn't - Harry Singh had no opportunity because he was most of the time in the national council meeting. (30)

BY THE COURT: When you say he led a commission, do you mean that/...

that he introduces the subject or what? Or is he merely chairman? -- He is merely chairman and he just guides discussions, that is all, exercises his duties of a chairman in the meeting.

MR ATTWELL: There is this question of phases in the BPC program.

BY THE COURT: Before you deal with that. In this letter to SWAPO on the 6th December, 1973, it was said by you that the theme of that particular congress was "Seize the Time". -- Yes.

But now, does that appear from the minutes? -- Well, (10) I do not see it anywhere, but I mean it not imperative that the theme of the congress should appear there.

What made you say that that is the theme if you had no intention of having that as the theme? -- No, we had that as the theme. That was decided by a national council meeting just immediately before the congress. The whole thrust of the congress would be around the theme, that is "Seize the Time".

I looked at the minutes and I could not just see how one could say that the theme is 'Seize the Time'. If you (20) look at the minutes of the congress. -- Ja, no, that was the proposed theme to be held. Actually we were supposed to have papers delivered and commissions along the line of 'Seize the Time'.

There were no such papers delivered. -- But commissions sat.

But not on 'Seize the Time'. -- Seize the Time to improve the educational standard; seize the time in reaching the masses, do that type of thing. So we had the publications commission. (30)

But on that basis every congress is 'Seize the Time'. -- Oh.

well/...

well, things just - I mean, a theme is just there ...

(intervenes)

Didn't Mayathula suggest how the time should be seized in his letter to the national convention? -- No, I do not know. Unless the Court sees anything that says he did that.

No, I am asking you, I do not know. I am just trying to find out where this comes in. --- No, it does not come in because he has got his own idea to start this. It is not a congress idea which he has here, it is not a BPC idea. I hope we will be able to clarify the Court on the issue of this (10) theme later because I think I - I suppose we might get correspondence that explains why the theme was that.

MR ATTWELL: I was referring you to the question of phases in BPC policy. The evidence we have had so far from the Defence witnesses is that there is no specific chronological order in these phases which were set out at your inaugural convention. -- Ja, I must correct you. Policy does not have those phases.

There was no chronological order. You would tackle the one and then you would go on to No. 2 and then No. 3 and then No. 4. -- Yes. There was no chronological order. (20)

You understand what I mean? -- No, I understand what you mean.

Now, perhaps you could then tell the Court what is meant in BPC P.1. Do you have BPC P.1? -- Yes.

This was written just after your unfortunate suspension by your co-accused, accused No. 5. It refers to your suspension in fact, near the bottom of the page. But Mr Nkomo says the following:

"Brothers and Sisters,

Our national congress will be held as (30)

from the 13th December, 1974 to the 16th

December/...

December 1974. You are therefore requested to start making preparations so as to be able to report on the 13th December, 1974 for registration, delimitation and orientation. Our last congress was a shamble hence it was not at all productive compared to the first national congress. It becomes imperative that we measure our progress in terms of work done towards completion of the first phase." (10)

Then he sets out the first phase. Does that suggest anything to you? -- No, it does not suggest anything other than what, I mean, phase 1 does not suggest to me a phase as evidence has been led that phase does not necessarily suggest a time period as it were.

If you look at the first phase, it is:

"Principal objective: Liberation from oppression

Immediate engagement: Interpretation of situation (20)

Organisation: (i) Three year membership drive project with one million target
(ii) Community projects

Philosophical orientation."

At the end of 1974 you would have been going on for two years, over two years already. Is that right? So your three year membership drive would almost have been over. Is that right? -- 74?

Well, you started off in mid-1972 when the phase (30) program was set out. Is that right? At the end of 1974 you/...

you had been going for two and a half years. -- On the drive for membership.

Well, on the three year membership drive which would be part of the first phase, phase 1. -- Well, you must understand that the three year membership drive is just an incentive.

He says:

"It becomes imperative that we measure our progress in terms of work done towards completion of the first phase."

This must be a thing that the congress must consider, (10)
how far they have got towards completion of the first phase.
-- That reasoning escapes me now.

Don't you follow that at all? -- No. Because I mean he took it as he saw it in the document there and that document has since been explained to the Court.

But he only refers to phase 1, he does not talk about phase 2, phase 3, phase 4, phase 5, phase 6, phase 7 or phase 8. He talks about the first phase. Had you done nothing in the other phases or what? -- In fact I never referred myself to the phases. (20)

You know about the phases? -- Well, I had opportunity to raise this with other members of BPC about the phase as it appears in the minutes of the inaugural, but there was no explanation about the phase so I mean I could not pin myself to a thing. And now we have got an explanation that well, actually phases is a misnomer there because it is actually points noted.

You had units in BPC called cells? -- No, we did not have them called cells, but I mean we referred to other areas as cells. (30)

What would you have referred to as a cell? -- Well, where

a/...

a branch is not fully-fledged we would refer to it as a cell.

Is that as is revealed in the second-last paragraph of that particular letter? -- Second last?

Second last paragraph of this letter by Nkomo:

"Branches are requested to note carefully the composition of the National Council

.... It is imperative that Chairmen

attend because they are the heads of the

branches. In the absence of the chairmen

their deputies should come and no other

(10)

person will be admitted into sessions.

In places where there are cells (group not constituting branch status) only the

confirmed convenors should attend."

-- Yes, that is the sense in which we used cells.

I think you also used it in your minutes of your fourth national council meeting where you talked about the composition of the council. -- Yes.

You remember that second resolution you people took there?

-- I remember that.

(20)

Confirmed convenors from different cells could also qualify. -- Yes.

You have already told the Court that PET did not appear at your second congress as scheduled on the agenda. -- Yes, they did not.

And also did not appear at the SEMICON as scheduled on the agenda. -- Yes.

Do you know that PET had full branch status of SASO? -- No, I did not know that.

You did not know that? -- No.

(30)

Do you know any of the people that were involved in PET? --

No/...

No. Actors?

In the executive especially, do you know any of the people? -- No, I did not know the executives of PET.

Do you know Mr Variava? -- Yes, I know him.

Apart from the time you people spent together in the dock for a short while. Did you know him before then? -- Well, I may have met him in Johannesburg.

Do you know Mr Tabu Molewa? -- Yes, I know him.

Is he a BPC member? -- He was a BPC member.

You do not know if Mr Variava was a BPC member? -- (10)
He was a BPC member.

He was. Miss Kraai, Yvonne Kraai do you know her? She was the typist at your head office, wasn't she? -- Yes.

Was she a member of PET? -- Yes.

Mr Solly Ismael, one of your ex co-accused in the old indictment? -- I do not know about him.

You do not know about him. Where was PET formed? Do you know that? -- I do not know.

Do you know it was formed at BPC head office? -- No, that I do not know. (20)

During the end of 1973. -- Well, I do not know about that.

You were at head office then? -- Yes, I was.

You were, I think you used the word 'frisked' by a policeman at a Western communal township hall one evening when your membership card was taken from you. Do you remember? -- That is correct, I remember that.

That was at a presentation of a particular piece by PET, not so? -- It was after.

You attended that presentation? -- Yes.

What was presented by PET that night? Do you remember? (30)
-- Shanti.

Shanti/...

Shanti. This is the piece by your late Mthuli Ka Shezi.

-- Yes.

The poem Black Nana, do you remember that? -- I remember it as far as it has been an exhibit here before the Court.

Do you remember it having been recited at that particular ... -- No.

You don't? -- I don't.

Were you there from the beginning? -- Yes.

But it was not recited? -- Not that I can recall of.

Now, Black drama, do you know anything about Black (10) drama? Or Black theatre, Black drama? -- I beg your pardon? I am not so much well versed there about Black drama and Black theatre.

If I said Shanti was true Black theatre, what would you say about that? -- You really have to define to me what is Black theatre.

Well, you have heard accused No. 1 and No. 9 define it far more eloquently than I can . You have heard No. 1 accused give evidence on what is Black theatre and what it aims to do and how it was used by himself and/or SASO or BPC, he (20) and accused No. 9 gave evidence in that regard. Do you know anything about it? -- I do not remember unfortunately.

The play, Shanti, was it in fact a play about, three principle characters, each one ostensibly a representative of one of the so-called Black groups in South Africa, an Indian woman, an African man and a Coloured man? -- Yes.

And they were said to be representative of the three Black population groups of this country. That was in the program, wasn't it? -- That was in the program.

Do you remember the PET newsletter at all? -- Yes, (30) I remember.

Was/...

Was that handed out at that particular...? -- No.

It was not. Did you ever read that? -- Yes, I read it.

Did you read the talk about Shanti in the PET newsletter where it explained Shanti? -- I read that.

THE COURT ADJOURNS .

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