

SIMON UHETZ

89

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

CASE NO: 18/75/254

DATE: 11TH MAY 1976

THE STATE

VS

S. COOPER AND EIGHT OTHERS

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LUBBE RECORDINGS (PRETORIA)

THE COURT RESUMES ON 11.5.1976 - at 2 P.M.

MAITSHE NCHAUPE AUBREY MOKOAPE (Still under oath)

CROSS-EXAMINATION BY MR. REES (Continued): Doctor, I want to put it to you that these Sharpeville commemoration meetings were used by you and your organisations to cause and encourage and foster feelings of hostility towards the State and the Whites? --- That is incorrect.

It was also used by you to undermine support for the State and to prepare the Blacks for violent revolution against the State? --- That is incorrect. (10)

I will just analyse what was said - My Lord, may he just be handed these two documents again, SASO B.1 and BPC E.4. We have already dealt with the - identified the documents as such. Have you got a copy there? --- I have got a copy of E.4 yes. It is not the one I was using though. The one I was using has got some marks on it.

Oh, I see. Was this the one? Is that the one you had just now? Now you have got BPC B.1? --- SASO B.1, but I haven't got the correct

You want to look at Mr. Soggot's again? --- Yes, I think (20 it is better to use that one. Now if you look at SASO B.1 on page 12 of the document, have you got it? --- That is correct, I've got it.

That is page 12 at the bottom of the page, this Mr. Sewpershad describes the system and "the system of Government that is an open shame to the concept of man"? Do you see that? --- No, on my page 12 it says Drake Koka speaking.

Well, then obviously Mr. Soggot has not got the same ... --- No, it is the same but it is numbered differently. I will get the (Intervention).

But it should not be numbered differently. Because these (30 numbers/...

numbers were typed in. --- It is from page 9 on the copy I have, My Lord.

I think you better have a look at this official copy, that is the one prepared by the CSIR? --- Yes, but this last copy here, Mr. Soggot's copy is the one that I prepared together with the Security policeman, Mr. Welman. This was the final agreed upon version.

MR. SOGGOT: I think My Lord, if I remember correctly I think that is a retyped document.

BY THE COURT: Well, have you compared it with the SASO B.1, (10) Mr. Soggot?

MR. SOGGOT: That comes from the State, that document which he is reading there now. --- Mr. Welman and I sat together and we listened to the tapes and we corrected it.

MR. REES: Alright, now whatever document you are looking at, the sentiments are expressed by Mr. Sewpershadh : "To bring an end to a system of government that is an open shame to the concept of man."

Doctor, that was the purpose? --- No, it was not the purpose of the meeting to (20)

That is what he said? --- What he said was that the concept of government is an open shame to the concept of man.

"To bring an end to a system of government that is an open shame to the concept of man"?

--- Well, what he is indicating there is that Black people need to endeavour to try - to endeavour to change this system of government.

"To bring to an end a government that is an open shame to the concept of man", that is what he said? --- Well, in the context of changing this government, because apartheid is the (30
very/...

very antithesis of man living together.

In that same document at that same meeting, accused no.1 gave his poem in which he depicted the State and the Whites as- "depraved bloodthirsty beasts who are motivated by an insane fear and kill discriminately and ravishing travails"?

--- Well, I don't know, he read a poem there and he was using imagery and I am not au fait in these matters, but I don't think your interpretation is correct, I think you are taking it too literally. It is a piece of poetry. (10)

Then on the next year I suggest you continued this same theme. If one looks at BPC E.4, that is page 11 of the actual document, page 255 of the papers. You said - have you got it, page 11 of the document, it is the second last page. Have you got it? --- That is correct.

Your said : "Brothers and sisters, I think these words have been spoken by no less authority but by Reverend Bartman who felt that the White man has become subhuman, that the White man is in the way, (2 secs.) he has become a devil, that the White man has become a (20) beast and that he can only be helped by one thing, by quite quickly removing him, and then extending his hand with friendship after first of all removing him."

--- Well, first of all this passage here in particular is an attempt to paraphrase what Reverend Bartman had said. Secondly, it has many unfilled words there, words that were inaudible ...

Oh no, doctor, don't try and twist the thing here, there are two seconds missing only? --- This passage here, I have timed it, there is one minute in which there are no transcriptions, no words are audible

Is that on the record? --- It is on the tape when I listened (to it./....

to it.

Well, we are not prepared to accept your word just, doctor? Why didn't you tell your Counsel to question the witness about it? --- Well, it is written there, "at this stage a number of statements follow mostly inaudible for about one minute".

Oh, that is a different story. --- It is not a different ...

But we are talking about this passage that I have just read? --- No, no, no, it is one passage, Mr. Rees, it is one continuous passage in which I was paraphrasing what Reverend (10) Bartman has said.

Now was this the theme of what he was saying : "That the White man has become subhuman"? --- Well,

Do you agree with that? --- Well, in part but in the absence of the rest of this passage here for one minute, I think it is futile to try and make sense of the words as they stand.

Well, you are the man who can explain them, now is your opportunity, do you understand? Now first of all you said here, paraphrasing this Mr. Bartman whoever he is, that "The White man has become subhuman". Do you agree with that? --- (20) Well, Reverend Bartman had spoken there (Intervention).

Do you agree with that? --- I think you should - unless we try and put this in context we will never be able to get anywhere.

You said "The White man has become subhuman, the White man is in the way, he is a devil, the White man has become a beast, he can only be helped by one thing by quite quickly removing him. "

--- But you are reading snatches of this thing, Mr. Rees, and I am trying to point out ... (Intervention). (30)

I am not/...

I am not, doctor .. --- You are reading snatches, yes.

I am reading a piece in context. --- It is not in context because the majority of this piece is not here on the transcript.

How else did it read, how was it to be completed? --- It was to have been completed by the words that ought to have appeared there.

Well, what words ought to have appeared there? Don't you know? --- Well, I can't remember exactly what words ought to have appeared there, but Reverend Bartman was speaking on the (10) theme of the fact that evil is perpetrated on us, and that the devil is not merely a concept that is to be found in the life hereinafter, and that actually on earth here people who commit evil are in a way doing the work of the devil.

And that is the Whites? --- And - yes, but one has got to understand, it is not as if it is saying here that the Whites are the devil, are a devil, it is to say that they are on a course which is in a manner of speaking against the word of God.

They are on a par with the devil, that is what you are saying? --- They are not on a par with the devil as such, it (20) was not an attempt to personify the devil, but it was to show that the course here embarked upon is one of evil.

You see, doctor, the point I was making with you is that you here, purporting to paraphrase the words of this Reverend Bartman, was conveying the same mental picture Saths Cooper conveyed with his poem the previous year? --- No, I

Do you admit it or deny it? --- No, I deny that.

Well, the record speaks for itself. Now if you look further, if you turn back to page 246 of this - that is page 2 of BPC E.4. You see there I put it to you that you postulated (30) that/...

that each time the Blacks oppose the Whites, the Whites kills them and you claimed that the White man is never prepared to talk to the Black man? Now just look carefully at that first paragraph that starts on that page and tell the court whether I have correctly summarised what you say? Just read to the court that paragraph, let's hear it? --- "At no stage in the history of this country has the White man ever been prepared to talk to the Black man."

Yes, and the next sentence? --- "The White man is always ready to show off his grounds? when the Black man talks." (10)

Now there I was (Intervention).

And you continue .. "and this is for one reason and one reason only. The White man is afraid, they are afraid, they shiver in their trousers, every time a Black man stands up to speak the truth, they go for their guns because they are afraid of the Black people. They are afraid of the widening power of the Black people."

That is the theme you put across there, isn't that so? --- Well, the point there I was trying to make in the context of Sharpeville is that when Black people attempt to demonstrate their disenchantment with the laws of this country, there is a tendency in this society to kill them, and this is evidenced by events such as Sharpeville, events such as the 1946 strikes in the mines, the events such as Carltonville. There is no compassion in this country, there is no high regard for Black life, and I am saying Black people have always attempted to speak to White people but White people have hardly ever listened . (20)

Yes, now you see, Mr. Nengwekulu was making the exact same points as you are making now. --- I don't know if he was making those same points. (30)

Alright/...

Alright, if you look at SASO B.1, pages 22 to 25.

BY THE COURT: Before you leave that, now in my copy they show "they shiver in their cowardice", is it "trousers"?

MR. REES: My Lord, the Defence and the State - or the evidence that was led was that it was agreed that it could be "trousers"? --- I think I have got "cowardice", I remember it as being "cowardice".

I think you insisted on it being "trousers"? You insisted on it being "trousers", when we spoke ..?.., the evidence before the court? --- No, I think I thought it was "cowardice", but (10 it is again the difficulty that one experiences with this transcript here.

Well, My Lord, it is either "cowardice" or - if my memory serves me, the record will speak for itself, but as my memory serves me he was the one that insisted it was "trousers", but if he now wants "cowardice" I am not going to quibble about that. --- No, I don't think I said that.

Right, but now the point is, the point that I have just made with you at the 1972 meeting, that you will find on page - on SASO B.1, pages 22 to 25, I don't want to go through the (20 whole of Nengwekulu's evidence, we have canvassed it at some length, but I put it to you that the gist of what is said there was that the White man is the culprit who is responsible for whatever happens, that the Whites are a violent people whose set purpose is to destroy the Blacks by all available means? That is a summary of what the man said? --- My Lord, that is not a summary. A summary of what Nengwekulu was saying was that we live in an oppressive society, we live in a society that is violent.

Now just a moment, are you denying that this man said (30 that .../...

that ... --- I am not denying that that is what he said, I am saying the summary, the gist of what Nengwekulu was saying was that we live in a society that is violent, because when we deny people their human rights it is an act of violence. When we deny people the right to any living, when children die ... (Intervention).

Let us have a look, doctor, let us not go off ... --- No, no, you asked me for this, don't interrupt me when you have asked me a question, please.

Doctor, we will please look at what Nengwekulu said and (10) not what you are trying to interpolate for him? --- But you asked me what was the gist, and when I said what is the

I said to you wasn't this a summary of what Nengwekulu said. Now you are denying that. Right, now let us have a look at what Nengwekulu said. Have a look at page 23. At the top of the page, he says : "The White man is the culprit" - and your audience laughed - "continued --- I don't see that.

Have we got a number problem again? Look where Nengwekulu starts speaking. Have you got that? --- (Court intervenes). (20)

BY THE COURT: That is the wrong exhibit ... --- No, it is the correct exhibit, they are numbered differently, My Lord.

MR. REES: Look where he starts speaking. Have you got that? --- Yes, on my copy it is page 16.

Right. Then look about six lines from there. "All of us here all speak as you and I have agreed that the White man is the culprit. The White man is responsible for whatever happens."

Have you got it? --- Did you say where he starts speaking?

Well, it is very close to where he starts speaking, yes. (30

Let me/...

Let me have a look at your copy. You read what you have got there? That little ... --- Alright, I've got it at the sixth line. The sentence starts at the third line. "All of us here, all the speakers, you and I have agreed for that matter, the White man is the culprit, the White man is responsible for whatever happens."

Yes, now that is therefore that portion of what I put to you is a correct summary of what the man had said? --- It is not a summary of the speech of Nengwekulu. That is part of what he said, but it is not the gist of what Nengwekulu (10) was putting across.

We are referring to this particular part. Now you have also agreed that he said : "The White man is responsible for whatever happens." And he says - "The Whites are a violent people whose purpose is to destroy the Blacks by all available means".

Right, let us first take it, do you see this paragraph that you have been busy with? --- That is correct.

Now he carries on : "But all the same the violence of White racism, the violence of White pride, the violence (20) of Whites, all Whites, they are all white, presumptuous so-called Liberals, they are all violent, they are violent, they are violent at the moment. They are not in Sharpeville alone."

Do you see that? --- Yes, I see that.

Therefore when I say to you that this man has said that the Whites are a violent people, do you agree that is correct? --- Yes, but I think what he was saying was that in the context of this particular system to which Black people are subjected to, that this system can be said to be violent, against Black (30) people./...

people.

Doctor, your problem is you are trying now to explain away things that can't be explained away? --- No, there is no question of my trying to explain anything away, it is a question of being able to read the gist of what the man is saying.

You are now trying to place the violent and vicious attacks which you people launched against the Whites, you are trying now to represent that as being an attempt to get the coöperation of the Whites? --- I have never said anything of that nature. All I am saying is that the man was describing (10 this system as being a violent system because it subjects Black people to the things that Black people are subjected to.

You and your colleagues have been so concerned at calling people pigs and things like that, now I will suggest to you ... --- I am afraid that insinuation is incorrect. Some people may have called policemen pigs, it is a collateral term that is used for policemen, and I don't know where you get the information from that it is used against Whites.

And I want to suggest to you that what you are trying to do now is to try and persuade the court that a sow's ear is a (20 silk purse, and I suggest you are not succeeding? --- I don't know that ideom, but

Do you know what is a sow's ear? --- No, I don't.

A sow is a female pig? --- That is right.

And they have ears? --- That is right.

And you know what is a silk purse? --- No.

You don't know what is a silk purse? It is a purse that is made of silk? --- Oh, I see, that is right.

Now you are trying to persuade the court that a sow's ear is a silk purse? --- No, I am not trying to do anything of that (30 nature./...

nature, Mr. Rees, I am merely trying to understand what the man was saying in the context of the system and Black people. I think Mr. Nengwekulu says after he said he is not preaching violence, he said there that :We don't have an army and what we need is moral fortitude", and I think that is the gist of what Mr. Nengwekulu was saying on that day, was that this system is violent, it denies Black people an opportunity to self-determination, it denies Black people rights, it denies Black people the opportunity to develop. It discredits what little good there may be in Black culture, it says Black people have no culture and Mr. Nengwekulu is saying ... (10)

Doctor, ..(both speaking simultaneously) ... because there it is before His Lordship. --- Yes, but one has got to get the gist, I am afraid I cannot identify myself with your method of analysing documents, you tend to take things right out of context, as I - I don't know how you look at documents.

Well, you can see how we look at documents. --- Well, I am afraid your method of looking at documents and what people say is (20)

You see, the difference between you and I, doctor, I haven't got anything to explain away. I have got to ... --- I have nothing to explain away either.

Yes? --- I have nothing to explain away.

You see, this same man Nengwekulu, continued on page 26 where he said the Whites have got no right to be in this country? You see, I am suggesting to you ... --- Let me get this part first.

Yes. --- 20 what did you?

Well, it is page 26 of my documents. The point I am busy/... (30)

busy making with you is that you and your organisation were using the Sharpeville meetings in order to encourage racial hatred? --- That is untrue.

And in order to undermine the system of government? --- That is untrue also. That is untrue.

You must bear that in mind, that is the point I am making with you? --- That is untrue.

That is what I say is the gist of these writings? --- I disagree with that, I could concede for instance that Nengwekulu is speaking about violence, did come very close to saying Black(10) people should be violent, and that is a sentiment I would not share.

Yes, you see, I am suggesting to you, and you can deal with it, I am suggesting to you that you did share those, by your utterances you showed that you shared those sentiments? --- I did not share those utterances.

Right, now the passage I want to put to you, at the bottom of page 25 of the document you've got, apparently, it says to the effect that : "... But I tell you that the country belongs to us because of our birth. It belongs to us because (20) of rights and this people who came here, they are foreigners, foreigners who have no right to be here, they are here because of our generosity. Applause and laughter". Do you see that? --- Yes, that is another characteristic of the response which was shown towards Mr. Nengwekulu's speech.

Yes. --- People laughed at many of the sentiments that he was expressing. Because they were taken lightly. No-one really believed that Nengwekulu could be saying that the Whites have no right to be in this country.

Yes, but you said, you at the end of these things said to the people : "By your applause you have been doing your (30) duty/...

your duty here"? --- Yes, but the people were not applauding Nengwekulu alone, they were applauding all the other speakers that spoke there, and besides what I was saying, I was merely saying that by coming here you did your duty.

You see, you remember when no.1 gave evidence, he had - and in the statement he made before the magistrate, he made the point that a part of the cause of the attacks on the Indians in 1949 by the Zulus was the fact that the Indians had been depicted as foreigners in this country? --- Well, I don't know that speech of no.1's, I will have to see it, for (10) me to comment on it.

Yes, I am not asking your comment, I am pointing out to you that this is exactly the same thing that he referred to there, that you and Nengwekulu were doing here? --- No, I disagree with that.

And at the 1973 meeting, that is BPC E.4, page 5, you compare that? That would be page 249 of Your Lordship's papers. Again you - you again postulated that the White man is violent against the Black in every walk of life, and that the White man has a master plan to keep the Blacks in perpetual servitude? (20) --- Yes, I am not meaning by that

Is that what you said first of all? --- Well, I can't see the exact words of what I said

Just take your time and look at it. --- No, it is the same transcript that we are having a problem with but I can say (Intervention).

It can't be, because we did not have a problem with this transcript, it is page 249. --- I have said I had problems with this entire transcript.

But we have got your words here, doctor, you are given an (30) opportunity/...

opportunity of dealing with the words that have been proved to have been uttered by you? --- I have told you that I have a problem with this entire transcript and I cannot admit it because it is of such a - the tape of which it is made is of such a poor quality.

Doctor, you must deal with this thing on the basis that the court will accept it? It is no good avoiding the issue because you will get an opportunity now of giving any explanation you want to? --- No, but Mr. Rees, if - I can't agree with what you say these are the exact words you said, because (10) of

These are the words which you are recorded and alleged to have said? So you better deal with them? --- These words are on a transcript, this is a transcript, it is not the record. It is not the record itself.

Do you deny that you postulated that the White man is violent against the Blacks in every walk of life, and that the Whites have a masterplan to keep the Blacks in perpetual servitude? Do you admit that or deny it? --- I may have said that kind of thing and if I did the meaning was that the in- (20) stitution of the Bantustans are meant to keep Black people perpetually powerless.

But that is not what you have said. That is not what you have said, what you said and what you are trying to explain now are two different ... --- (Both speak simultaneously). Well, what else could keep in perpetual servitude mean?

Well, let us hear what you are recorded as having said. Just read to the court what you said, read that whole passage? Then we can debate it properly? Read it aloud so that His Lordship can hear? --- "As Mr. Sewpersadh has pointed out (30) very/...

very clearly the violence against Black people is not limited only to Sharpeville, and limited to Langa in 1960, nor to in 1921, not to in 1922.

The violence of White people against Black people is manifest in various ways every day of our lives. Every day of our lives the children are dying of starvation and this if this is not a manifestation of violence then what else is?"

Of White violence? --- "... of White violence, then what else is? Every day our brothers and sisters are being hauled into jail for no crimes that they have committed. Is this no a manifestation of violence? The violence of White men is manifest in hundreds of our children being sent away from schools at the beginning of every year because they cannot pay.

(10

Is this not violence against the community? Obviously this is. The White man is violent against Black people in every walk of life and Sewpersadh pointed this out very aptly when he said "There are those amongst us who are banned, there are those amongst us who are languishing in Robben Island, there are those amongst us who have been put in remote places who can hardly eke out a living. This is part of the masterplan to keep us in perpetual servitude."

(20

This is part of the masterplan...? --- "Of the White man to keep us in perpetual servitude."

Yes? --- Yes, and what I am doing there, I am referring to all these acts of injustice in this country, and I am saying this is violence. When you deny a man his human rights you are being violent against that man. When you deny a man the right to earn a living so that his children can live, you are being violent against that man. When one White child is reported to have kwashiorkor when 13,000 in that same year are reported

(30

amongst/...

amongst Blacks, that difference indicates that there is discrimination of the highest order and Black children are dying, and what I am saying there, pointing at all these various injustices of the White system against Black people, I am saying that this entire system will keep us in perpetual servitude, the highwater mark of that perpetual servitude is to be found in the Bantustans where people are divided into... (Intervention)

Doctor, you don't refer to Bantustans? --- I am talking about the entire system. (10

You don't refer to Bantustans? --- I don't have to refer to the Bantustans, I am talking about the entire...

Doctor, it is no good us talking at the same time. You are wasting your breath and I am wasting mine.

--- But if you interrupt me... (Speaking simultaneously)

...you will have to listen because you must answer the questions that I am putting to you. --- But I am...

I am asking you here whether there is any mention of Bantustans here? --- There need not be a mention of Bantustans, because Bantustans - I am talking about the system. (20

If you just listen you may save yourself a lot of problems. You see, very often you assist me by giving lots of things in addition which I can use against you in the end...--- I have no problem with that.

And the more you talk the more you play into my hands. I don't want you...---(Speaking simultaneously)
... I have no (28

problem/...

problem whatsoever with that.

Now I would suggest to you that you think a little bit more of your own interests and think of answering in point here, because I will use all these factors against you in the end when I address His Lordship. --- I have no problem with that.

Now here we are dealing with this thing, and here you say:

"This is part of a masterplan of the White man to keep us in perpetual servitude."

--- Are you suggesting that that is confining itself to the (10) examples I have made? Those are examples I just picked up off the cuff.

But what you are saying to your audience is that "The White man has a masterplan to keep the Blacks in perpetual servitude", those are the words you uttered, isn't that so? --- I think if the Bantustan policy succeeds indeed we will be in perpetual servitude.

This is part of the masterplan of the White man to keep us in perpetual servitude. Now you have set out to the people listening to you factors which you describe to them and which (20) you want to convey to their minds, is part of a masterplan to keep the Blacks in servitude? Isn't that so? --- I don't think anyone can contradict the fact, that the system and its culmination in the Bantustans is intended to keep Black people as service of White people for ever. I don't think anybody can contradict that, not even you, Mr. Rees. (LAUGHTER).

Doctor, it would be also in your interest not to start getting personal. --- No, I am not getting personal, I mean I am merely trying to

Now why do you put in not even me? --- Well, because we (30) are - /...

are - it is you who is asking me.

Are you trying to reduce this thing to a personal dispute, doctor? --- I am not trying to reduce it into a personal dispute.

Then will you please refrain from that type of remark. --- I was not trying anyway to reduce it to a personal dispute, to a personal matter, I was not trying to do that.

It does not matter, I have at no stage revealed to you what my personal thoughts are, understand that? --- Yes, but I am merely trying to point out that this ought to be common knowledge. (10)

Whether it is common knowledge or not, it is for you to state to the court, and I am trying to get before the court what your views are, and this is the opportunity you are getting? Do you understand that? --- I am trying to put across my views.

Right. Now what exactly do you mean by "Not even you, Mr. Rees"? What do you understand - what did you intend to convey? --- I am trying to convey that this ought to be common knowledge, that this system is for the interest of White people primarily, and that what happens to Black people, whatever they derive from this system they do so by way of crumbs from the master's table, that is - and I don't - I am sorry, I nearly said I don't think you can contradict me, but what I mean is that this is so common, it is so common, it is repeated by members of Parliament (Court intervenes). (20)

BY THE COURT: It is obvious that he is referring to the fact that you probably try and justify the system, Mr. Rees? --- That is what I was trying to say, My Lord.

MR. REES: Yes, in other words, as my learned junior says, you were trying to make out that all Whites are part of a problem
you/...

you have got to deal with? Isn't that so, doctor? --- Well, to the extent that Whites are within the power structure, they exercise a vote, and they have shown repetitively to exercise this vote against Black people.

And the courts are part of the system, an extension of the system? --- I have said what my attitude to the courts are.

Well, you better say it again? --- I have said that I have no adverse attitude to the court as an institution per se, but in my view this entire structure is all made to exclude Black people from the exercise of power. (10)

We are still - we are not going off the point that I started off with. I will remind you what it is, doctor.

--- Right.

Do you still know what it is? --- No, you spoke so much after you initially made your point, I have probably forgotten.

Right, again I am putting all the series of questions to you, and I am dealing with a submission which I shall make in the end, that you and your organisation were using these Sharpeville meetings in order to encourage and create hatred for the Whites, and to undermine the system of government in this country? --- No, that was not our intention. (20)

That is the point in issue here, and that is why I am referring you to these specific passages. --- That was not our intention.

Now at this same meeting, this is the one reported in BPC E.4, Harry Singh also had a contribution to make, and you will recall he said that he was - that no.1 had given him suggestions and told him what to say. Do you remember that? --- I remember that, but I remember I was charged with Mr. Harry Singh and Harry Singh never intimated that kind of thing to me (30
over the/...

over the entire period during which we appeared at the magistrate's court, which was a period of about four months or so. He never intimated that anybody had incited him to say anything of that nature.

And that both you and Harry Singh wanted to use also that court as a political platform, didn't you? --- I never wanted to use a court as a political platform.

You heard Harry Singh's evidence? --- Well, I dispute Harry Singh's evidence in that regard.

Didn't your colleagues in BPC prepare to publish your brilliant speeches? --- I do not know about that. (10)

You don't know about it? --- No.

Is this a characteristic of BPC to publish what their people say in courts, the witticisms? --- No, I don't know, as far as I know BPC has not had a publication for ...

What they intend to publish, doctor? --- Well, I don't know because I haven't been a publisher of BPC, and I don't know what was in the minds of the different people who would want to publish a BPC newspaper.

Well, let us get back then to what Harry Singh said. You had referred to the Whites having a masterplan to keep the Blacks in perpetual servitude. Harry Singh said about the Whites : "That they daily plunder and massacre and rape and brutalise and flog the Blacks to death"? --- Where is that? (20)

Have you got Harry Singh's ...? --- I have got Harry Singh's yes.

Just have a look and see if you see that passage there or not? --- Well, Harry Singh speaks continuously over three pages. I am sure you could assist me.

It is very close to the beginning. If you would look at the first page? --- Yes, that is right. (30)

It says/...

It says : "... the blundering, the massacre, the raping, and the brutality against our Black people was carried on, and it is carried on up to this very moment."

Do you see? --- Yes, I see that.

Now he also referred to the State as the "Fascist State", and "this mad White State of ours"? --- Where is that?

I am just looking for it, I will find it now. It is in the middle of page 8? --- Yes, I've got it. "I beg your pardon..".

You've got it? --- Yes.

"I beg your pardon, of this Fascist State, this mad white (10) State of ours". You see, he also refers to this : "We should have realised by now that despite the politicians here people are not isolated. This is one masterplan by the White man to subjugate us, to keep us in entire subjugation and to keep us voiceless."

Do you see that? --- Yes, it is still the same context, that I would have said that the system is so built as to keep out Black people from its power, and that is its highwater mark, the apex of the system's policy unfolding towards Bantustans, where Black people are to be divided into ethnic units, whereas (20) White people be they Greek, be they French, be they English, be they Afrikaans are all set to be one White nation, whereas Black people are being divided into ethnic units, and there is no such thing as Zulu nationalism, there is no such thing as Sotho Nationalism.

Doctor, do you want to deny the Zulu his nationalism? --- There is

Do you want to deny the Basotho is nationalism? --- The same forces that have been responsible in this country for making White people coming from different nations in Europe, (30) for /...

for making them into one nation, those same forces have been operative in the Black community to make us one nation. We feel as one, we have a common

You have not answered my question, doctor? Do you want to deny the Zulu his nationalism? --- It does not exist, it does not exist. There is no Zulu nationalism.

Do you want to deny the Zulu his national pride? --- There is no Zulu nationalism.

Doctor, just answer the question? Do you want to deny the Xhosas their national pride? --- Why should it be that Whites (10) tell us what is our national pride, it does not exist.

I am asking you, do you deny that a Lesotho national pride exists? --- Lesotho is a separate country.

Do you deny that they have a national pride? --- Well, Lesotho is a country, it can have a national pride. But in South Africa all the Black ethnic units feel as one, they have common aspirations, they have a common desire to live in South Africa, and they were born in this country and it is their country together with all those other people who have been thrown together into this melting pot which is South Africa. (20)

Do you deny that the Sotho people have a national pride? --- Lesotho people in Basotholand where they are a nation they may have a national pride, but the Sotho ethnic unit as it exists in South Africa hasn't a separate national pride in the same way as the Greek people living in this country do not have a separate national pride in the same way as the Afrikaner people do not have a separate nation in this country, in the same way as the French people do not have a national pride in this country. They all recognise themselves as one South African White nation. And yet when it comes to us they want (30) to say/...

to say we are separate entities with separate nationalities. I, Mr. Rees, I live in Durban, and I live in an area where the ethnic group is primarily Zulu, and I am not of Zulu ethnic origin, and I have not found a single difference in the way that those people treat me out there. I am just one of them and

You are drifting, you always seem to drift off the point?
--- I am not drifting off the point.

All I am talking about is you are denying these people have or are entitled to a national pride? --- Mr. Rees, what- (10)
ever you may think, whatever the White system in this country may think, those national prides do not exist.

Right, now you say none of these ethnic groups have a national or an ethnic pride? --- There isn't anything of that nature. Whatever pride there may be at ethnic level is far far outbalanced by their desire for commonness in the South African society.

Well, that may be the SASO/BPC concept but ... --- It is not a SASO/BPC concept, it is what I say here standing here as a Black man. And what White people may think is another (20)
thing.

That may be the Aubrey Mokoape concept. --- Yes, but the point is I do not see - and this I think is again tied up with this whole question of Whites saying they are experts over Blacks, experts of Bantu affairs, and experts of Zulu affairs, and experts of this, Black people do not like this. Because we are not objects of study, you know it.

Aren't you? --- We are not objects of study, to be studied by the White system.

Why not, doctor? --- Well, we are responsible for our own (30)
attitudes/...

attitudes, we will be responsible for writing our own history. I don't think that Whites can come and say that they know more what a Black man thinks.

How will people understand one another if they don't study one another? Tell me? Tell me, if a Black man does not study the White man's ways, how does he know what the White man's ways are? --- No, people don't live like that, Mr. Rees. People just live, people interact and people get to know each other, people don't undertake studies on each other, especially for the purposes of oppressing the other group. (10)

Why do you say the Whites undertake studies of the Blacks for the purpose of oppressing them? --- Because this is what the system is in this country, Black people are oppressed, and - well, let us take the Cabinet for instance, there is no department there of White Affairs

Alright, doctor ... --- There is a Department of Forestry, there is a Department of Bantu Affairs, there is a Department of Economy, as if we were something along the same level with the economy, forestry (LAUGHTER).

Doctor, since you are so clever, will you just tell His (20) Lordship what is the "Hlonica" system amongst the Zulus? --- The what?

The Hlonica system? Just tell us, what does it involve? --- The Hlonica system?

Yes? You know what it is, you know what I am referring to? --- I am afraid, Mr. Rees, I don't know what - there is no such system as a Hlonica system, Hlonica is just a word

What does it mean? --- To indicate respect and it is common in Black society that you have got to respect your elders, you have got to respect - and I think respect is a universal (30) value/...

value anyway.

Alright, how does it work amongst the Zulus, explain to His Lordship? --- How does it work?

How do they show respect? --- Well, people show respect in all sorts of forms

How does it differ from the way the Europeans show respect to one another? --- Well, I don't think there is any difference in the way that people show respect to

Is there a difference between the relationship between the males and the females of the Zulu, and the males and the females of the Indian for instance? Or don't you know? --- Well, Mr. Rees, you see, you are talking of cultural (10)

I am asking you, doctor? I am not talking about anything, I am asking you? --- There is no difference.

There is no difference? --- There is no difference.

Is there a difference in the way a White man treats a White woman and the way a Zulu treats a Black woman? Their basic approach to the matter? Tell us? --- (LAUGHTER).

Hey? --- Mr. Rees, I

Is there a difference in the way a Zulu woman is regarded? (20) And a White woman? Or don't you know? --- No, Mr. Rees, I think you are trying to dig out differences that do not exist.

I am asking you? --- There is no difference in the way people look at each other, people look at each other with respect. It may be conveyed in a different fashion amongst different sub-cultures and so on, it may be conveyed in a different fashion by the people of Pretoria, from the people of Johannesburg, whether they be Whites, all of them. But this

Just a moment ... --- But this is not a question that has anything to do with race, I wish to tell you a little bit about (30) cultures/...

cultures here. Cultures are not bound to race, cultures is a dynamic way of life of people and it changes and it accommodates... (Intervention)

Doctor, you are going so far off the point... --- I am not going off the point, because what you are trying to do here is to try to say that the culture of Black people was arrested in 1652, Black people have no...(Intervention)

You must not lay words into my mouth? --- No, that is the implication you were going to make.

Oh, I see. --- I cannot accept this, Mr. Rees, that Black people have a particular petrified culture like you can see in a paediatricians study. (10

You are very clever again. --- I am not being very clever, but I think some of the truth has to come out.

Let us just come back to the point we were dealing with. You see, again you keep opening...(speaking simultaneously)... --- Well, I - you see..

...keep putting your foot into it. --- No, I am not putting my foot into it whatsoever, My Lord, it is just that I cannot accept Mr. Rees' attempt at analysing Black people, in the first place I don't think he knows Black people... (Court intervenes) (20

BY THE COURT: No, but he has not put anything to you yet, he has just asked you a question. --- Well, he says My Lord, that - he is implying that there is different Zulu people, there is different Sotho people...

No, he is asking you... --- Different Sotho people. Well, I have told him that there are none of those things.

MR. REES: Doctor, the point that we are dealing with, if (29

you want/...

you want to understand and not to give offence, you have got to know what the custom of the people is at given moments, not so? --- Yes.

If I go to a Zulu man's kraal and I act as I would act in a White man's house, I may well give him offence? And in order to do so I must study and find out what will he believe, what must I do so as not to give him offence? --- Yes, and one of the ways of doing that, of getting to know that kind of thing is definitely not by apartheid.

Doctor, you ... --- It is not by apartheid, because if (10)
you keep him separate there and you keep yourself separate you create a social distance between the two of you and you write recitations and say this is how the Zulu behaves

How very interesting. Your initial problem was - in your written statement was that the Whites study the Blacks for the purpose of subjugating them? --- For the purpose of oppressing them, yes.

Now I am suggesting to you that the Whites may well study the Blacks for the purpose of understanding them? --- They don't do that because we see oppression, we see less and less of (20)
understanding, and more and more of oppression. And division of the people.

So is it your point or is it the whole purpose of the Whites in every time they seek contact with the Blacks, is to find ways and means of oppressing them? --- They don't seek contact. They seek separation from Blacks. Whites have enshrined in their constitutions, in their Parliament that they seek separation from Blacks. And perhaps I should point out here My Lord, that people from different cultures all over the world have lived together, come together, they have - there (30)
has been/...

has been a process of acculturation? and they have formed societies. One case in point here which I am thinking of is along the East Coast of Africa where the Arabs have stayed and settled there over 2000 years, up to about the period of the 1600's, and today those people there speak Arabic, some of them, they write in the Arabic script, they have a complete acculturation, there is no difference between the aborigines Africans who were there and the Arab man. The Swahili culture in effect is a product of acculturation. And this is what we of SASO and BPC believe and hope will ultimately happen in this country when Black and White people live together. (10)

Now again we come back to the point we were dealing with. That little digression was interesting, but if we have another look at Exhibit BPC E.4 at page 1, the first page, the second paragraph. --- Right.

You see, and I am suggesting to you that you people used this to incite hatred for the Whites and to encourage or to plant the idea among the Blacks to take action? Because here you say on page 1 : "We have come here to declare ourselves that we are prepared to lay our heads on the block. We are prepared to have our blood spilt just as the blood of our brothers spilled at Sharpeville, Langa, etc." (20)

--- In the first place may I point out that "we are prepared to have our blood"- I could not hear it in the tape, and just the point out, the gist of what I would have been trying to put across there is that we must be prepared to sacrifice and that the liberation struggle is inexplicably intertwined with the suffering of those who are participating in this.

Now you see, your friend Sewpershad carried on the same theme, /... (30)

theme, doctor? On page 247 he said, in the middle of the page .. --- Give me a page there?

It would be the third page of this document. --- Quite, I have got it.

In the middle of this page : "While we studied the names of Sharpeville fills us with sadness. It also brightens our hearts with hope for Sharpeville is a clear reminder of our oppression, that we have among the Blacks people who are prepared to die for what they believe to be right. For this reason it is vital for us to remember Sharpeville."

(10)

--- I see that.

You agree with those sentiments, don't you? --- Well, I think what Mr. Sewpersadh there is putting across is the same sentiment that we must draw inspiration from the episode of Sharpeville, we must march on along the road to freedom, we should not be deterred, we should be prepared to sacrifice. It is a theme which is a common theme by people, it is a theme that has to do with liberation of people. But it has no reference whatsoever to people doing exactly what was done at Sharpeville.

Then on page 248 he continues: "It is this spirit that has made many freedom fighters here. It is the spirit which has made so many of our comrades to be banned, but we must also bear in mind that this spirit will bring us salvation and freedom."

(20)

You see, doctor, here as with this system that you had when going to assist the scholars, assist the people in the slums, you were planting the ideas in the peoples' minds, isn't that so? --- No, that is not true. This gentleman here is merely saying that we must celebrate the indomibility of the human spirit, (30

we must/...

we must dedicate ourselves.

Yes, what he said was : "What galls us in our struggle for freedom ..", you read it, "What galls us in our struggle for freedom", carry on? --- I don't think the word there should be "galls", because otherwise it does not read well.

Well, just read it? --- "What calls us in our struggle for freedom and reputation of so many of our comrades who are behind bars today is they are in jail because of laws made by White minority and enforced by White minority."

(10)

Carry on? --- "We, the Black people, had not the slightest say in the making of those laws, and Black brothers, the slightest say in the manner those laws were administered. And we must bear in mind that unless we continue with our struggle that situation will continue."

Yes, good, continue? --- "We will forever have hundreds and thousands of our comrades going inside and suffering all sorts of other difficulties if we do not inject in them the spirit of the people of Sharpeville and the spirit of the people who are banned today."

(20)

Right, now surely that is a call to incite people to take action? --- That is very tenuous logic there, Mr. Rees. What the man is saying is that there at Sharpeville you saw the apex, the purity, of the human spirit. He is not talking about the people, he is talking about the spirit with which they dedicated themselves to the task which they wanted to accomplish.

Well, let us just analyse your statement now. Because we are getting a lot of Mokoape philosophy I see. Isn't that so? --- I hope you are not descending to the personal level?

We are getting a lot of Mokoape philosophy? --- No, I am (30
just/...

just trying to read what could be meant there.

Right, and this was intended to incite people to action, wasn't it? --- No, it was merely trying to say we should draw inspiration from what happened at Sharpeville.

Now look, at Sharpeville, these people went there. They did not go believing they were going to be shot, did they? --- No, they did not go there believing they would be shot.

They went there in a mood of confrontation? Didn't they? --- Well, I did concede this morning that if we use confrontation loosely

(10)

Yes, and this is the mood that you want to inject into the people, they must confront the authorities? --- That is not the mood that we are trying to confront.

Well, it can't be ... --- Well, let us look at it from another angle, perhaps this will help. We are trying to say to the people that we must carry on the struggle for liberation. In the meantime that know that there exists an organisation like BPC so in a way we may be saying, join us in the BPC so that we be together. Inside the BPC we have laid our guidelines as to how we wish to conduct our struggle. So there is no possibility that we can be inciting them to go in another direction.

(20)

Doctor, the only objective signs that we have of how BPC is conducting its struggle is by what its members have said and published? --- The BPC has official documents which have been produced in this court which makes clear the thinking of the BPC. Of course, one has to remember that the BPC was a young organisation and it had not yet involved very definite things on particular methods, but the guidelines had been laid. We have said that we will not seek confrontation with oppression, we will /...

we will utilise the method of bargaining, we will put pressure - these are the guidelines that have been laid, and I think the guidelines are quite clear.

Put pressure by for instance in encouraging strikes? --- No, not by encouraging strikes.

By encouraging people who are on strike to stay on strike? --- Not by doing any of that kind of thing.

Didn't that form any part of your ... --- No, it did not form any part of BPC policy whatsoever.

Now how then do you explain the action of Saths Cooper (10) when he said to strikers "We support you"? --- There you have got to see it again, you must be able to view it from the point of view of BPC being a spokesman for Black people, but ^{if} Black people are involved in a particular situation then BPC ought to identify with those Black people

To exploit the situation? --- Not to exploit the situation, BPC is of the situation, therefore it cannot exploit the situation. We are of the situation ...

Oh, you mean you are of the situation, not ... --- We are not outside the situation, as if we come and we come and exploit it, we are Black people subjected to the same grievance measures, having the same grievances, as maybe those people who go on strike or (20)

BY THE COURT: You are part of the situation? --- We are part of the situation, yet we are perhaps My Lord, shall I say, we have been fortunate in that perhaps we have a little education, we are able to articulate the interests of our people on behalf of them. That is what BPC does, so if there is a strike for instance, or if there is any situation BPC will talk about it on behalf of those Black people. (30)

MR. REES: / ...

MR. REES: Well, then BPC will get itself involved in confrontation, the confrontations they are seeking with their employers and with the State? Isn't that so? --- BPC does not go out there and involve itself in that confrontation. BPC merely tries to put into focus those people's demands.

Yes, in other words you say BPC is already part of it, it does not specially go there, but where there is a confrontation BPC is part of it automatically? Is that it? --- No, no, I think the way you are using it is not entirely correct. The point I am trying to put is (10)

Well, then tell the court how I am wrong? --- The point I am trying to put across here is that we know that Black people are involved in ever so many things, there may be a bus strike, there may be all sorts of things. There may be like now in Soweto there is a question there that the people do not want to use Afrikaans as a medium of instruction, yet the Department is ramming it down their throats. There may be the question of lack of schools

Can't you just deal with the strikes, doctor? --- No, I am trying to indicate. I think it we - perhaps you are trying to confine me to the strikes, but I am merely trying to (20)

I am interested only in the strikes. --- No, but I am trying to indicate how BPC comes to speak for the people. That is what I am trying to indicate.

BY THE COURT: Now if that is part of your conscientisation programme, are you not really helping those people to identify themselves in that situation? In other words to show how they are oppressed? --- Well, I would not say this is part of the conscientisation programme. I think this is merely the ordinary/... (30)

ordinary activities of being spokesman for the Black community. It is probably something we would do even if there were no BPC. Sometimes if you get to a little village, people who don't belong to any movement whatsoever, they tend to have a man who is their spokesman in one or other

Won't that be so only if you try and find out what their dispute is about? And then try and put their case in that dispute? Then you articulate for them. But what you were doing, didn't that amount to merely identifying - helping the people to identify themselves in that particular situation? (10) Let them know why they are in that situation and what their plight is as Black people? --- Well, I think the situations would vary, My Lord, in a particular instance where the detailed elements of that dispute were known, then you could take up those particular grievances and say them on their behalf.

Yes, but can you say that you people made a point of finding out what the details of the particular situation were? --- I know for instance that they were - I was in SASO throughout my student career, that SASO on numerous occasions inter- (20) vened on behalf of Black students at different places, at the colleges, various other places, intervening on their behalf when there is a small dispute.

I don't know whether Mr. Rees is referring to BPC or SASO at this stage. --- Well, I don't think BPC

You see, SASO I can understand, you say that it is a Students Trade Union so to speak? --- Yes.

So you would well, take to heart anything that really affects the students detrimentally as far as you can see? --- Yes.

But now we are dealing with strikes? --- Yes. (30)

How can/...

Now can you say as far as strikes are concerned, that BPC strives to really get to the root of all the trouble and try to negotiate with the employers on their behalf? --- Well, I should imagine this would be the spirit, My Lord, except that you see BPC was still a very young organisation and I think it probably spoke on behalf of the people only about twice or thrice, and in those instances I think BPC was just a year old and it perhaps did not even have the voice to be admitted into the chambers of negotiation, and perhaps by doing this BPC was trying to call attention to (10) everyone to say that we are also around, and when the negotiations do take place, our voice must be heard. You see, this is the problem

But you were not very much concerned with unity in your ranks, so if there is a strike then you people wanted to see to it that there is no disunity, that they must act as one body, they must all strike and they must all stand up for their rights, and they must not just sort of slowly seep back to their work for instance? --- Yes, this is part of it, but I think the other part of it which is more important was that in so seek- (20) ing this unity we were attempting to put ourselves in a position where we can be recognised as spokesmen.

MR. REES: You forced yourselves down the other people's throats, whether they liked it or not? --- No, it is not a question of forcing ourselves down the other people's throats. It is a question of organising so that we have a broad base and we can with authority enter the chambers of negotiation.

BY THE COURT: Now is one justified in saying that if you were a young organisation, you really obtruded yourself into a situation so that the workers can see that you people exist and (30) that/...

that you are - stand for their interests and their unity? ---
In a manner of speaking My Lord, one may say so, but we did not obtrude really because we are of the situation as I tried to point out. We attempted to speak for the workers so that the workers may see that indeed we accord their voice, so that in the future we may enter into negotiations, be it in a strike or be it on the whole question of the vote or rights for Black people.

MR. REES: Doctor, we have been on a number of byways. We are getting back again to the theme I started at 2 o'clock, (10) that is that you and your colleagues used the Sharpeville commemoration meetings in order to foster and encourage racial hatred, and in order to undermine the State and in order to prepare the Blacks mentally for violent action against the State and the Whites, that is the point we are busy with. Remember? --- I don't think that is correct, My Lord, perhaps I should point out this, we have here in this court evidence about two Sharpeville

What are you misunderstanding? I am suggesting to you ... --- No, in my disagreement I just want to point out that (20) we have evidence about two separate commemoration services, My Lord, and SASO and BPC have held many Sharpeville commemoration services here in Johannesburg and other places and so on, and I think that trying to draw a conclusion like that from these two Sharpeville commemoration services is - may be misleading.

Yes, but we are dealing at the moment just with these two? --- Yes, we are dealing with these two, but I merely wanted to pointed out that we should not get ourselves misled by the fact that we are dealing only with a limited number ... (30)

Have you/...

Have you got tapes of the others, doctor? --- Pardon?

Have you got tape recordings of the speeches made at the others? --- Myself?

Yes? --- No, I do not tape record the meetings.

BY THE COURT: Did you make speeches at the others, any of the others? --- No, I did not, but I do know that there - when this occasion is held for instance in Johannesburg, it is held in Durban, it is also held in Johannesburg it is held in the Eastern Cape, in the Western Cape and any other places.

MR. REES: Yes, but we are now dealing with those in which you (10) and your co-accused were directly involved, you see. Now because the allegation is what you and your accused were doing - now if you have a careful look at the indictment you will see you acted in consort with SASO and BPC or you acted through them, you made use of them? --- Pardon?

In the charge sheet I ^{allege} / that you acted either in consort with SASO and BPC, or you, and these colleagues of yours, made use of SASO and BPC in the furtherance of your conspiracy. But have a good look at that? --- What you mean is that we outside of SASO and BPC policy utilised those organisations for ends (20) other than those of the organisation?

No, you have a good look at the charge sheet tonight and you can discuss it with your Counsel. I am merely pointing out the alternatives in the indictment to you so that you are aware of it. Now let us get back to BPC E.4. At page - the bottom of page 5, page 249 of Your Lordship's papers, you said as follows: "The greatest tribute we can pay these people

who lost their lives at Sharpeville, Langa and in other places in this country, the greatest tribute we can pay them is to carry on relentlessly with the work (30) that/...

that they begun. To carry on without fear, because we have only but one road, and that road is total unadulterated revolution."

Then you also continued a little lower down ... --- Perhaps I should explain before we pass the point there, that there when I use the word revolution I am really talking about what we need here is total change. And I am also using the word "revolution" to indicate how we look at Black Consciousness, because it deals with every aspect of a Black man, as a revolutionary philosophy. (10)

You see, doctor, these speeches were made in a particular context, and these speeches were made in conjunction with others, that is why I have given you the opportunity of dealing with the matters - I have put these particular passages together so as to give you the opportunity of dealing with them, and that is what you should pay your attention to. --- Yes, that is the point I am trying to point out to you, there too, that I was talking about the total change that we want, fundamental change, I think that is a better phrase to use, and the fact that Black Consciousness is is a revolutionary concept, and (20) some of the speakers in this meeting had been speaking on this particular topic. And I as the chairman was paraphrasing all the time.

Then you continued: "It has been brought to my notice just now that there are agents among us for the White man" -

so this is quite clear that it had not been brought to your attention before, you see? "It has been brought to my notice

just now that there are agents among us for the White man. There are agents who have been sent here to come (30) and/...

and listen to what we say so they may submit unto their masters what our thoughts are. I wish to say I have a very short informed message for them from our ancestors who lost their lives at Sharpeville, Langa, Bulhoek and We have a short message for them. Let them go tell those who sent them that they will find us here, we are congregated here planning a strategy for our own liberation." -

You were choosing your words with some care there, weren't you?

--- No, I was just speaking of the task there, what had happened--(10)
ed was that my attention had been drawn to the fact that the Security Police were in the meeting, and what I was saying was that well, tell them we are not afraid, because there is nothing underhand we are doing here, and I think that part is

Doctor, why didn't you say "Tell them we are not afraid because there is nothing underhand we are doing"? Why didn't you use those words if that is what you meant? --- Well, My Lord, people use words differently as the words come to your mind, when you are standing on your feet, because I mean even now one could accuse me and say why didn't you use other words, (20)
but the point is

Doctor, here you are trying to tell the court that you meant to say something other than what is written here? --- No, no, it is the same thing that is written there. I am trying to tell you what the gist of what

But you do not say there "Tell them that we are not doing anything underhand", that is what one would have expected. You said : "Tell them that we are congregated here planning a strategy for our liberation"? --- Yes, but I think that is the same thing there. (30)

And then/...

And then you continue and you say : "Let them go and tell their masters that we are here and we are not afraid, let them go and tell their masters, that we are prepared to die as they did at Sharpeville.

Let them go and tell their masters" -

and then the people are so pleased with your efforts they give you loud applause. - "Let them go and tell their masters that we are prepared to jump out of the tenth floor window at John Vorster Square". - Loud applause, the brave Dr. Mokoape. Wasn't that? --- But I think what you are(10) misunderstanding this entire thing, I was merely trying to say - and this is important from my point of view, that there is nothing wrong we are doing here. We are merely talking about our liberation. So let them go and tell those people that we are congregated here. And I was merely - the concept, within the context of this Sharpeville thing, but we are prepared to suffer.

Doctor, just by the way as it were, did you have in mind here the stand of Diomedes, the Greek, at Cynopsis(?), or is it just coincidental that you seem to use the same (20) words as Diomedes did use when he communicated with the Spartans? --- I do not know Diomedes, I am sorry, I am not that much of a man of the literary world.

Well, you seem to be using the same words of the famous classical poem? --- No, I don't know it.

Anyway, you say that ... --- I was merely trying to point out there that Black people should be prepared to suffer, serve and sacrifice.

Now doctor, you see, I am suggesting to you that Harry Singh continued along the same theme? If one has a look at page 7 of(30) this/...

this document, that will be page 251, he says at about the middle of the page : "That the White man has got his cards, an eye for an eye, a tooth for a tooth. We have also learnt that little bit which that White fool has been teaching his children, when our wives, when our mothers are being raped, being kicked, we have now reached the point where we can also say an eye for an eye, and a tooth for a tooth."

That is the message you people were conveying, isn't it? --- Well, there I must say if I understand the ideom correctly, (10) an eye for an eye, a tooth for a tooth, being revenge if I understand it correctly. I think there I would not share this same sentiment as expressed by Harry Singh there. I think it tends to be close to saying that Black people should resent and that is a sentiment which I do not share and that is a sentiment that I do not know BPC to share.

Alright, let us see, what did you say after Harry Singh have finished speaking? Page 254, page 10 of the document. You said : "Thankyou, very much, Mr. Singh, I think you remarked appropriately when you said the police are (20) hardly ever going to find those people who burnt down the Indian market. The police in this country are too busy looking for Communists under every little stone. I don't think they have time to investigate the real crimes. They are too busy arresting people for passes, they are too busy evicting people from their places of abode. We who would be asking them too much, if you wanted them to investigate real crimes. With this I would like to call upon Mr. Ben Langa whom you all know as publications director (30) of/...

of SASO, who is also administrative officer of SASO." You see, --- Yes, but I did not really say anything because Harry Singh had been a speaker, so I thanked him for speaking and I picked up on one of the themes that he talked about, I did not pick on the theme of revenge, I talked about what he had said in relation to the Durban Market. Harry Singh had said the Durban Market had been burnt down and that they had not found the culprits who had burnt it down. And that there had been talk before that that the City Council wants to remove the Durban Indian Market, and everybody was surprised that the culprits had not been found after such a long time. And I was saying well, the police in this country are too busy looking for Communists under every little stone. The police are too busy arresting people for passes. And this I believe the police are burdened with this work of having to arrest people for passes. Just this year, My Lord, the year ending 1976 - 268,000 people have been arrested for passes in this country, and I think that that is a quarter million, My Lord. It is a lot of people. (10)

You are going right off the point again. --- I am not going off the point, because the passage says there that the police are too busy evicting people, arresting people for passes. They are too busy evicting people from their places of abode. We know of the incidence of Majub(,), we know of the incidence of the Bakulu tribe, we know of the incidence of George Gogh, where people have to be moved from their places, some of these places where they have been staying for generations. And all in the name of Bantustans. (20)

You may be very clever, doctor, but you see, it is not going to assist you to tell us other things. I specifically gave you/... (30)

gave you an opportunity of directing your mind to the points that Harry Singh had said, "we have now cached a point where we can also say an eye for an eye, and a tooth for a tooth." - That is the point you should pay attention to? --- Yes, but you said I picked up that theme there and I am saying that I merely thanked Harry Singh and I picked up another theme.

But doctor, what I put to you, and listen carefully to that, what I am putting to you is that the whole purpose of this meeting was to put it into the minds of the people that they should start thinking along the terms of an eye for an eye, and a tooth for a tooth? --- That was not the purpose of the meeting. (10)

Did you ever remonstrate with Harry Singh and say that he had not correctly represented BPC's views? Or that he had said something that was not in line with policy? --- No, I did not have the opportunity to remonstrate with Harry Singh. Well, first of all let me put it this way, that Harry Singh is a speaker, a platform speaker, he tends not to come across, so I might even have missed those portions, but now with having insight and when I look at this thing, I feel that(20) it is not proper for him to have said an eye for an eye, and a tooth for a tooth.

You see, the point I was making with you all along is that what he said there falls four square in line with what you and Sewpersadh and Nengwekulu have said all along? --- No, none of - all the things I said indicate that I am saying that Black people should go out for revenge. I condemn the system, sometimes I use quite hard words as in this particular - with relation to Sharpeville and with relation to how Black people live in this country, but I have never ever tried to postulate (30) that/...

that Black people should revenge.

Now let us, what exactly was Mayethula's position in this organisation? --- In BFC?

Yes? --- Mayethula sat with me on the ad hoc committee that was elected at Orlando from 1971 December, to 1972, July.

Was he/^aresponsible person? --- Well, Mr. Mayethula was a very sincere gentleman.

Would you regard him then as a responsible person? --- He unfortunately had lapses and he tended to be erratic at times.

Would you regard him as a responsible person? --- No, not(10) at all times.

When did you first find out that he was not a responsible person? --- No, I did not say he was irresponsible.

Well, when did you first find out that he was not responsible at all times? --- Well, in a manner of - the way he used to speak, Mr. Mayethula, he was quite sincere but he was - he tended sometimes to exaggerate and I think perhaps if one looks at it from perhaps a biblical point of view, or one would say a spiritual point of view, he tended sometimes to be a visionary or something like that (Court intervenes). (20)

BY THE COURT: Carried away? --- He tended to be carried away, he tended to speak as if he communicates with the Almighty sometimes.

How did you see that? --- No, that was the way he used to speak. For instance he used to say - "Well, I will get to Cape Town and say to Mr. Vorster - hell man, you've got to listen to the Black people now, it was so simplistic, one could not really believe that he meant this kind of thing, and he tended to be this kind of man. But otherwise he was a very sincere man. (30)

MR. REES:/...

MR. REES: How is it that he was elected the first interim president? --- Well, he was elected by the people there and the people thought he was called to the job and

Can you suggest why the organisers of this rally wanted him to come down on the day? Of the rally? --- Well, I don't know why they wanted him to come down on the rally, but I

Was there any necessity for him to come? --- I do know that he is a man who is - he speaks a lot, he enjoys public platforms, because he has got the disposition of wanting to speak. (10)

But do you know was there any necessity for him to come down? --- Well, I don't know, because I was not in the position, and it looks like things were in a high state of flux, so I cannot comment on that situation.

What would have made it necessary for him to come, because there was flux you say, how would that affect his coming? --- I don't know, I say I cannot comment as to why they wanted to call him or why he shouldn't have come because I do not know that situation that was obtaining there. (20)

But you did, these people came to you at 1 o'clock at what you call doctor's quarters? --- Yes, but I was not ^{in the} sitting with them when they had all these problems thinking about what to do, over the past two or three days.

When the problems were crystalised they came to you? --- They came to me at a point where a particular decision had to be taken vis-a-vis the Curries Fountain issue, and I would not have gone to whether there was Mayethula or whether there was who, we were faced with the particular situation that

Yes, but now look, you are a man who is very concerned about/... (30)

about the welfare of BPC, is that correct? --- Yes, I am concerned about the welfare of BPC.

You also knew that they had sent for Mayethula that day? --- I did not know that they had sent for Mayethula.

Well, at some stage you must have become aware of it? --- I think in a telephone conversation that I had after the rally with no.2, he told me that Mayethula was there, and I think that was the first intimation I had that Mayethula was there.

Now knowing all the circumstances as you do, what in your view was the necessity for them calling Mayethula? --- Well, (10) first of all I did not know that they had called

But you know it now? --- I did not know that they had called Mayethula.

Now just listen again, please. On the evidence we have got here, you have seen the tape recording where accused no.1 phones him and says "You have got to come down, you have got to come down"? --- Yes.

Do you recall that? --- Yes.

Now in your view knowing the set-up of SASO and BPC, what was the necessity to invite this man to come down? --- Well, (20) on the evidence it is that he was being called down to come and speak at the rally and well, I have no reason to doubt that evidence.

Why would they have wanted to call him? Did they invite you to speak at the rally? --- No, they had not invited me.

Why not? --- At the rally.

Or were you going to speak in any case? --- No, well, I had not been invited to speak at the rally and I cannot say why I was not, but in any case I am a person who is banned and restricted, so

(30)

You were/...

You were not available as it is? --- Well, as it is I was not available.

The circumstances were slightly against you? --- Yes, but I don't think that had it not been so they would automatically have invited me.

They had Harry Singh to speak? --- I did not know if Harry Singh was going to speak.

They had him available if they wanted somebody to speak? --- Well, he may have had other matters pressing upon him which would have made him (10)

They had Muntu Myeza to speak? --- I don't know if Muntu Myeza was going to speak.

I say they had him available? --- Well, Muntu Myeza was around, if that is what you mean?

And they had accused no.3, didn't they? --- Mosiuoa was also around.

Isn't he the bloke who had such a propelling spirit, who was such a good speaker, he was specially kept in ... --- No, I have never seen him on a public platform, I have never listened to him. I have just seen him there, I don't know how he speaks. (20) I have just seen him ordinarily.

Yes, but look, his colleagues described him as a propelling spirit, they wanted a man with a propelling spirit to ... --- Well, I don't know really, I have never worked with him so I would not know.

What about accused no.5? He was also available to speak? And he was even a member of the Executive, wasn't he? National Executive? --- Yes, he was a member of the National Executive, but I don't know whether accused no.5 is a public speaker. Some people are members of the Executive for the work they can put (30)

in in/...

in in the Executive, and not all members of the Executive are always public speakers.

Yes, but you see, I think this Dr. Buthelezi said what an impressive speaker this man was? --- I remember hearing Dr. Buthelezi say so, that they attended one meeting together, and that he heard no.5 speak.

No.5 is quite a lad? --- Well, Dr. Buthelezi appears to have been impressed.

Most impressed. No, you see, the point I am making with you, if you have got all these speakers available, why bring a(10) man from Maphumulu? --- No, but I don't know whether they were available, Mr. Rees. I don't know, we have not agreed that they were available. I don't know whether they were.

If they had been available would there have been any necessity for Mayethula to have come? --- If they were available ..?

Well, they were there, weren't they? --- Well, it depends if they are public speakers. Some people are just not
(Court intervenes).

BY THE COURT: They might not have been prepared? --- They might not even have been prepared, My Lord. And some people (20)

I think this is a convenient stage to adjourn.

COURT ADJOURNS.

/YC.

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