

I would like to know from you why you criticised the witness for not having divulged information which prima facie is irrelevant as far as the case is concerned.

MR. ALLAWAY: M'lord, I am not criticising him, I asked him why he did not mention it, he may have a perfectly satisfactory explanation with respect, I am offering no criticism of the witness at this stage, that is for argument. And it would be unfair to the witness to argue at a later stage that he had not mentioned this, without giving him an opportunity of dealing with the matter. 10

COURT: But why should he have mentioned that if it is not relevant to the case? Is there something else that you think that is not relevant to the case that he should have mentioned?

MR. ALLAWAY: M'lord, I would have thought, with the greatest of respect, that anything that was said by the Reverend Maitula is a matter of great relevance to the case.

COURT: You might think so, but the State might not think so, and I might not think so.

MR. ALLAWAY: M'lord, that might be so, and we would hope 20 to persuade you at the end of the case that M'lord ought to think so.

COURT: Yes, well then proceed.

MR. ALLAWAY: Thank you, M'lord. In your evidence-in-chief you said nothing at all about the Reverend Maitula saying that he had certain ideas of his own about BPC policy and what it should be, now I merely want to ask you this, why did you not mention that? --- I have no explanation.

Did you mention that in your police statement? --- I did, yes. 30

And did the reverend gentleman give any indication whatsoever / ...

whatsoever as to what form the violent confrontation should take? --- Well he did not mention anything specific concerning the phase programme, but he did speak about his own thoughts and the division of manpower.

So he did not mention anything specifically about the form of what he called violent confrontation, correct?

--- Nothing that I can recall.

And did he say anything as to when phase 2(a), non-violent, was to start? --- Well, as far as I can recall, he said that the first phase, the phase of conscientisation - 10  
(Mr. Allaway intervenes)

1972 - 1975? --- That is right.

Did he say when the next phase was to start? --- Well he did not mention it.

Did he say when phase 2(b) was to start? --- No, I don't think so.

M'lord, I have no further questions to put to this witness, we will endeavour, with respect to deal with this Combi situation, it may be that there are certain witnesses we can see about the matter, and obviously we have no 20 instructions on that at this time. Thank you, Mr. Bawa.

CROSS-EXAMINATION BY MR. SOGGOT: Mr. Bawa, as far as this discussion in the Combi is concerned, did you come to the conclusion that if violence was considered at all by any people in BPC, it was something entirely in the future and you had no idea when? --- That is so.

And was the idea that what was discussed related to ideas which in no way involved the organisation as it stood then? --- Could you just repeat the question please?

Was your impression that these ideas of socalled BPC 30 future policy were not part of the policy of the organisation then / ...

then? --- Well, I did not know what the policy was, so I cannot really say whether this confrontation phase programme whether it was in reality BPC programme or not.

Did you consider that it might be a reality? --- It could be, yes.

And when you went out of that Combi you had that feeling in mind? --- I felt that it was BPC phase programme but I was not certain about it, I did not know whether it really was or not.

If it was part of the reality, it could be very dangerous as far as you personally were concerned? --- That is right. 10

Until then you had been in an organisation which as far as you are concerned - I am talking about your perception now - had been completely overt aboveboard? --- That is true.

Its ideology was Black Consciousness which is an almost universally recognised ideology? --- That is right.

And it is an ideology which concerns itself with people's minds not with political action, it seeks the re-structuring of the Black intellect, not so? --- That is true. 20

And hence, as you say, an interest amongst other things in art? --- That is right.

Now this is something which was not likely to bring it into confrontation with the State or the law, not so, you were not likely to be arrested for pursuing an ideology of Black Consciousness? --- In South Africa I accept that it was possible to be arrested whilst doing work in the field of Black Consciousness.

Well that was simply because it was the language of protest, and ..(witness intervenes) --- That is right. 30

You / ...



You thought that you might be punished for it? --- That is right.

Not because it was terroristic or anything like that? --- No, definitely not.

Suddenly it comes into your life that in fact you are now part of an organisation which may have - I think one can say this - terroristic objectives, not so - that follows from what you have told us? --- That is right.

This must have upset you? --- Well, it did not really upset me, because I was prepared at the time to take whatever 10 mandate ~~that came~~ from National Executive.

But it must have concerned you because then you could have been arrested under the Terrorism Act? --- Well I considered that at the time as being a sacrifice that I would have to make.

But whatever it is, that discussion, in the way you put it now, must have opened up a completely new perspective in the BPC? --- That is right.

And you are a man with a theoretical intelligence, you would want to understand this new policy which was being 20 disclosed to you? --- That is right.

You have got a curiosity and a concern here, not so? --- That is right.

Why then, in the many hours of travel, did you not say to the Reverend Maitula, you know, why is it that I am only told about this now, who decided this policy, what are the ramifications of this policy? --- Well as I said earlier, I was afraid to even talk about these things.

But you were prepared to sacrifice yourself, you cannot have it both ways? --- I was going to speak to the First 30 Accused concerning this matter, because I knew that I would be

able / ...

able to get the truth from him.

But you did not care, you were prepared to take any mandate, why not talk about it then? --- There were several people in the Combi who are not involved in the organisation and it was dangerous to talk about such things in front of them.

So that must have frightened you? --- That is right.

Well that is an emotion which you have not admitted until now, then we have it that as a result of the discussion in the Combi you were frightened? --- PAUSE 10

Not so, it is obvious from what you said? --- As I said I was frightened, I was afraid of speaking of these things.

Because it could lead you into arrest? --- Not only me I was worried more about the organisation.

Very well, one understands that.

You then went to the Semi.Con. --- That is right.

Harry Singh you have known a long time? --- Yes, about a year.

You had a closer association with him than with No.1? --- It was very close. 20

He was your confidante, you spoke about intimate details and thoughts to one another? --- Yes we did.

You respected and admired one another, not so? --- Well, I respected him, yes.

And you trusted him? --- I did, yes.

You told the Court he was a man of dedication? --- That is right.

And you did not talk to him and say: what is all this about - you nod your head, what does that mean? --- Well we had no discussion on the BPC ..(Mr. Soggot intervenes) 30

I am asking you, why did you not talk to him at the

Semi.Con. / ...

Semi.Con. any time on the way back? ---- PAUSE

Is there an answer, Mr. Bawa? ---- No.

No answer. No further questions.

CROSS-EXAMINATION BY MR. PITMAN: I am referring, Mr. Bawa, to page 170 of the record, and it says here that - on Sunday the 22nd September, is the question, and your answer is recorded as: "Yes, I went to the house of the Fifth Accused and left the car here". I suppose it is clear that is an error for First Accused?

COURT: May I just get that, Mr. Pitman, page 170 you say? 10

MR. PITMAN: Page 170 line 12. It should be First Accused and not Fifth Accused. Just one more point, do you still believe in Black Consciousness? ---- I do.

No further questions.

RE-EXAMINATION BY MR. ATTWELL: There are just one or two aspects of the cross-examination that I would like to go through once again with you quickly, Mr. Bawa, this Afro-Asian Cultural Club or League at Wits which you referred to earlier on, you said this was there and it helped to maintain contact between Wits students and BPC, did I understand you 20 correctly? ---- No, Black students at Wits and BPC.

Now you then mentioned attending a Johannesburg central branch meeting of BPC with one of the members of this club, is that correct? ---- Yes.

A Mr. Farouk Asfat ? ---- That is right.

And under cross-examination it transpired that there was a report there given by this Mr. Asfat, is that correct? ---- That is right.

Could you perhaps give some more details, and tell the Court a bit about that? ---- The report was about the poetry 30 reading that we were going to have at New Valla ? High School, and / ...



and that is about all I can remember really.

Can you remember anything Mr. Asfat said about the poetry reading that was to be held? --- The meeting had not been held yet and he was giving a report concerning the poetry reading, I think he just mentioned that the poetry reading had been planned for the future.

One other aspect which transpired in cross-examination, you mentioned an extra or another art form or another occasion - you mentioned a play I gather Beckett - 1980, under cross-examination, is that correct? --- That is right. 10

And you were asked by my learned friend, Mr. Allaway, as to who had sponsored that, and your reply I noted down here as the Black Art Studios? --- That is right.

Can you tell me who is in charge of Black Art Studios? --- I do not know who is in charge, but I am aware that the play was produced by Mr. Colin Jeffreys, he was ~~directly~~ in charge, I don't know what his actual part in the production was.

Are any of the Accused before Court now involved, to your knowledge at all in Black Art Studios? --- Not that I know of, no. 20

If we may turn now to the Sharpeville commemoration meeting in March, 1974 which you attended, my learned friend Mr. Allaway put it to you that concerning Sharpeville generally different people have different opinions about Sharpeville, express different emotions and interpretations of Sharpeville, is that correct? --- That is right.

Now, could you give the Court some idea of how many people participated in this meeting you attended in the sense that they spoke or delivered a poem or read prayers or anything in that line on that particular occasion? --- I cannot say / ... 30

say but there must have been about ten people.

Now, could you categorise the opinions or emotions conveyed in those speeches or poems or prayers or anything, in your own words? --- Well, I can only say that the people who were killed at Sharpeville were regarded by the people who were present as heroes, and in the poetry--especially there was quite a bit of anti-White literature.

How many different opinions of Sharpeville were expressed at this meeting you attended? --- As far as I can remember there was only one. 10

What kind of feeling would these speeches, poems, have aroused towards the Whites in South Africa.

MR. ALLAWAY: M'lord, is the witness speaking to his own emotions or those of other people to whom with respect he cannot speak.

COURT: I do not think you can ask him that sort of question, the Court will have to see whether the conclusion is justified.

MR. ATTWELL: I withdraw the question, M'lord.

COURT: If he produced the poem the position may be different, but if he does not produce the poem then it is all hearsay. 20

MR. ATTWELL: I withdraw the question, M'lord. To your own knowledge, Mr. Bawa, what was the relationship between Mr. Singh and Accused No.1? --- Well I cannot say what the actual relationship was except that Mr. Singh took orders from the First Accused concerning BPC.

You have told the Court that you had a close relationship with Mr. Singh, is that correct? --- Correct.

If I may turn now to the attitude of Accused No.2 upon hearing that the rally was banned on the Tuesday morning, you mentioned as I took your evidence down in cross-examination, 30 it was put to you that Accused No.2 accepted the situation?

That / ...



--- That is right.

And your answer I took down was: That was how I saw it at the time? --- That is right.

Now you used the words "at the time", could you expand on that? --- Well, I merely wanted to express that whilst this occurred this is what I saw, I mean, I had no discussion with him after this episode, I cannot really say whether he changed or not.

It was also put to you that Accused No.2 in fact said: we have made our point? --- That is right. 10

And you said: yes, and he made this clearer the day after? --- That is right.

Now, could you indicate to the Court what Accused No.2 said to you the day after, this I gather must then be the Wednesday, the day of the rally? --- That is right.

What did he say that day that made it clearer to you? --- Well he said that no matter what happened to the rally, whether it continued or not, it is quite insignificant in that our point had been made, and he mentioned that it was an important occurrence because the rally had made repercussions 20 even at Cabinet level.

At Cabinet level? --- That is right.

In the name of whom or which organisation did you book the Kajee Hall when it was decided that this would be a possible alternative venue for the rally? You were sent along to book the hall is that correct? --- I was sent to the manager, Mr. Colin Jeffreys.

Yes, now in whose name or in the name of which organisation did you book that hall? --- Well I did not book it.

You did not book the hall? --- No. 30

What did you in fact do, could we just have clarity

on that point? --- I gave Colin Jeffreys R10 which First Accused had given me, and I gave him the money and told him that he should book the hall, I cannot say under what organisation it was going to be booked like, I think it may have been booked under Black Art Studios.

You in fact did not give him any instructions? --- No.

Did Accused No.1 give you any instructions? --- Nothing that I can recall.

Now, could we perhaps just have clarity on that, Mr. Colin Jeffreys to your knowledge, what is he or who is he, 10 in respect of BPC or any other organisation? --- As far as I know, he was the vice-president of BPC.

At that time? --- That is right.

Now, my learned friend also put the question to you as to what you thought of the idea of Frelimo speakers coming to South Africa to address the rallies, and your answer: did you ever think it was feasible etcetera, and your answer appears to me to be that you thought this was dangerous? --- That is right.

Would you care to expand, in what way did you consider 20 this to be a dangerous thing? --- There were several articles in the papers concerning some Mr. Koekemoer who claimed that if Frelimo speakers were going to be there presenting speeches they would take personal action to make sure that such a thing did not happen, and there was talk of violence and things. So this was my best reason at the time for being afraid that Frelimo speakers would come down, I thought maybe there would be some confrontation.

Was there any discussion on these reports in the paper? Between yourself and anybody else, including any of the 30 Accused before Court? --- PAUSE -- We may have discussed it, I

mean / ...



mean I cannot recall.

At that stage. Did you read any statements in the Press at the time of the rally issued by BPC and/or SASO and/or any of the Accused? --- Not, no, not in the Press, as I said the article that I did read was in the Daily News, and most of it was not statements that were made by BPC and SASO, but were stories drawn up by the pressmen themselves.

Are you aware of a statement that Accused No.2 made to the Press which was in fact printed in the papers, did you read that statement at all? --- No, not that I can recall. 10

You also mentioned that there were false reports in the Press concerning the rally? --- That is right.

Could you just expand on that item ..(witness intervenes) --- What I can remember is the one concerning smuggling in of Frelimo speakers, now this was untrue like, because the speakers were going to be brought in legally as far as I knew, and it was untrue like, to say that we were smuggling in speakers.

Now if I may turn to the premises which SASO occupy in Beatrice Street for their offices, you have given to the Court a description in answer to questions as to how the office looks etcetera, is there a telephone in the SASO offices in Durban? --- There is. 20

How many? --- I can recall three.

Could you indicate to the Court where these phones are in the office? --- There is one in the general office, there is one in the office of the Second Accused, and one in the office of the Third Accused.

So do I understand you correctly, the Second Accused is the secretary general and the Third Accused in his capacity each have their own office, and then there is another telephone

in / ...



in the general office, is that correct? --- That is right.

Do they all have separate numbers or are they extensions with a switchboard? --- I am not very sure but I think they are extensions. I cannot be sure about that.

Now, if I may turn to the cross-examination by my learned friend Mr. Soggot just shortly, Mr. Soggot put it to you that the phase programme when it was detailed by the Reverend Maitula, your impression was that these ideas were not part of the policy as it then existed, is that correct? --- Well, I cannot say whether that is true or not. 10

All I want to ask you then, the conscientisation, the first phase? --- That is right.

Would you care to comment on that, was that part of BPC's programme? --- I felt at the time that that was so.

That was so? --- Yes, but I could not be sure about that.

You are not sure of that. The other point I wish to just mention briefly here is that it was put to you that Black Consciousness means the seeking of men's minds and not political action as such, can you recall such a statement being put to you? --- Yes. 20

Would you say that Black Consciousness does not involve political action? --- Well, the thing is that Black Consciousness I felt was a philosophy that had to be put across to the people, just to build up self-pride and self-reliance, I mean this has primarily to do with the mind, but .....(INAUDIBLE - WITNESS SPEAKS VERY FAST) ... this brings us into conflict with the system, so it becomes political here in this country.

Did the Black Consciousness then as far as you were concerned, did it involve in our country then - did it 30 involve political action? --- It is political action in

this / ...

this country.

It is in this country. No further questions.

COURT: Mr. Rees, I noticed certain errors in the record, I wonder if you and Mr. Allaway will not before the conclusion of the case put your heads together and try and get a correct record. For instance the transcriber here was not certain whether the banner was erected on the eastern highway, that was on page 169.

MR. ALLAWAY: M'lord, with respect, that is a good illustration, we shall certainly do that with my learned friend, M'lord, 10 we shall be reviewing the evidence over the weekend.

COURT: I also notice names, that the transcriber was not sure about names, for instance Arno Ducat, well it may not be relevant, but it may become relevant subsequently if there is such a person who plays an active part in the case.

MR. REES: M'lord, one usually finds with these running transcripts that one has this type of error, the usual practice is that all parties submit their views to Lubbe Recordings, and before any appeal or any final record they correct the record, and I will certainly give effect to Your Lordship's 20 suggestion.

COURT: So I will not now refer the witness to the errors to find out what the correct names are, you people will be able to do that?

MR. REES: I think we can do so between us, I think the one is Higginson's Highway.

FURTHER CROSS-EXAMINATION BY MR. ALLAWAY: Just one aspect, Mr. Bawa you said in re-examination that Accused No.1 as it were gave orders to Harry Singh? --- That is right.

Was Harry Singh an older or a younger person than 30  
Accused No.1? --- He was older.

So / ...

So I suggest to you that when you say gave orders, it is one thing to give an order like a Sergeant Major, but it is another thing to ask somebody to do something and then he does it? --- That is right.

Was it that from time to time Accused No.1 asked Harry Singh to do things and he did things? --- That is right.

But he was certainly a man of his own will and mind was he not? --- PAUSE

I mean he was not in the palm of Accused No.1's hand or anything of that sort? --- Not that I know of. 10

Thank you.

COURT ADJOURNS

/VMD.



JOHANNES THOMAS SEOKA, Duly Sworn States:

EXAMINATION BY MR REES: Mr. Seoka, will you tell the Court what you are?-- I am an Anglican Priest serving at Madadeni.

Where did you qualify? You must speak loudly please so that the people in the back of the Court can hear you.  
-- I qualified at Thembisa Theological College.

Where is that? -- Umtata.

Umtata. When did you qualify? -- Last year.

And what qualifications did you achieve? -- Diploma 10  
in Theology.

Diploma in Theology. Roundabout July 1974 did you have the use of a motorcar? You must please speak into the microphone so that they can hear what you say. -- Yes, I did.

You must please speak loud and clear. Who did the motorcar belong to?-- It belonged to the C.I.

Who is the C.I.? -- Christian Institute.

And with that motorcar did you and somebody go to Newcastle in Natal? -- Yes, I did.

You and who proceeded to Newcastle?-- Myself and Victor 20  
and another chap I cannot recall.

Yourself..

BY THE COURT: You will have to try and speak up, I cannot hear you very well and I doubt it whether your voice is coming through the recording system. Speak close to the microphone if you can. Now who is the gentleman that accompanied you?--Victor Mayathula and myself and the other chap.

Victor Mayathula? -- Yes.

MR REES: Is that the gentleman commonly known as the 30  
Reverend Mayathula? -- Yes.

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Victor Mayathula? -- Yes.

MR REES: Is that the gentleman commonly known as the 30  
Reverend Mayathula? -- Yes.

Myatula? Is that right? And did you pick up somebody at Newcastle? -- Yes, I did.

Who did you pick up? -- Siphobutelezi.

What was Siphobutelezi, had he ever held office in any organisation that you know of? -- Yes, I came to learn that he was General Secretary of B.P.C.

Yes, just tell the Court from then on what happened, where did you go and who were involved? -- I drove back to Soweto and stayed there over the night and it was myself, Victor and Zitolele.

10

Zitolele who? -- Cindi.

Cindi. What position if any did Zitolele Cindi, occupy? -- He was the general secretary then.

General secretary of what? -- B.P.C.

What position did Myatula occupy? -- He was just a student

Carry on. -- He was a student of theology at Makumula College.

Yes, but now I interrupted your train, you got to Soweto and from there? Where did you go? -- Then the following night we proceeded to Botswana.

20

Who all? -- It was myself, Zitolele and Siphobutelezi.

Yes, will you just tell the Court what happened when you got in the vicinity of the Botswana border? -- I left the other two gentlemen and I went over to Botswana.

Did you go on your own or were you sent with a message? -- I had a message to tell.

Who gave you the message? -- It was Siphobutelezi.

Siphobutelezi. What was the message you had to convey? -- That he was waiting outside the border.

30

For who? Who did you convey the message to? -- Harry.

Harry who?/..



Harry who? -- Harry Nengwengkulu.

Who and what was Harry Nengwengkulu? -- Nengwengkulu is a South African who stays in Botswana. I met him there.

And then, did you come back? -- Then I came back.

Across the border? -- Across the border.

Did you have a proper passport? --Yes, I did.

And then did you convey the message? Did you bring back any message? - Yes, I did.

To whom did you bring the message back? -- Sipho.

Sipho and? Who was with Sipho? --Zitulele. 10

Zitulele? -- Cindi.

What did you tell them? -- I told them that Harry said Sipho should see to himself.

Yes? --He cannot help him there.

And then what happened? -- Then myself and Cindi came back, and Sipho went.

Went where? -- He went to the bush.

He went to the bush. Zitulele Cindi , will you have a look about the Court and tell the Court whether you see him here? -- Yes. 20

Where is he? -- There (indicates)

Which one do you point? That is accused No. 8, is that right, no. 8 from this side, just count them and tell the Court how many from the side? Thank you My Lord.

CROSS-EXAMINATION BY MR PITMAN: My Lord, this matter doesn't concern my accused with respect, My Lord, I would like to reserve cross-examination, it concerns my Learned Friend Mr. Pitman.

BY THE COURT: Would you like to ask questions?

MR.SOCCOT: I have no questions. 30

CROSS-EXAMINATION BY MR PITMAN: My Lord, I would like to have time to consult my accused on this. On Count 1 there is /..

is no particular in relation to this.

MR REES: My Lord, I beg my Learned Friend's pardon, the particular appears very clearly on page 6 of the Further Particulars they asked for.

MR PITMAN: In any event, My Lord, I don't know whether my Learned Friend is objecting to my application to let the witness stand down, but I do make such...

BY THE COURT: Well I also don't appreciate the significance of the evidence at the moment. You say page 6?

MR REES: My Lord, page 6 of the further particulars, para (d) 10 page 6, the top of the page further particulars concerning accused No. 8.

BY THE COURT: You say paragraph (d)?

MR REES: Yes, paragraph (d). My Lord, the Further Particulars, page 6 paragraph under the heading of accused No. 8, paragraph (d)

BY THE COURT: Well the allegation is that he assisted smuggling somebody out of the Republic into Botswana and this evidence seems to suggest that he tried to get somebody into the Republic.

MR REES: No, My Lord, that is not the effect of the evidence. They came to the border and he went through the border and came back with a message. The man on this side had to see for himself, and then the man went into the bush.

MR PITMAN: Yes, I mean that explains it perfectly..some irony I make that observation...(laughter)

MR REES: My Lord, I would ask that the Court would give an order that this is not a bioscope. Every often there is laughter being raised here..

BY THE COURT: .. to see that order is kept.

MR PITMAN: My Lord, I am not asking for days, I merely

suggest/...

suggest that I would be properly equipped tomorrow morning say. If that is not suitable and if my Learned Friend opposes that, I would...

MR REES: My Lord, I am not opposing his application, but I am certainly not coming here tomorrow morning if I can help it.

MR PITMAN: I said tomorrow morning I would be ready My Lord, that means that when the Court resumes on Monday I would cross-examine this witness, and as I understand my Learned Friend is not opposing My Lord, so I don't know what this is all about. 10

BY THE COURT: Well then the cross-examination will be reserved until Monday.

WITNESS STANDS DOWN

MR REES: My Lord, the next witness I call is an accomplice in terms of Section 254, according to my opinion, on counts 1 and 2, the name is Harri Singh.

HARRI SINCH, Duly Sworn states:

BY THE COURT: Now, Mr. Singh, the prosecutor tells me that you are an accomplice in this case according to his opinion. 20 That means that you can be charged with the same offence as the accused. -- I understand.

In terms of the law, you are obliged to take the oath, or to make affirmation as a witness and to answer any questions, the reply to which would tend to incriminate you in respect of the present case. Do you follow that?-- Yes.

Now if you answer to the satisfaction of the Court, all lawful questions put to you, then the Court will cause a discharge to be entered on the record of the proceedings. It means that the State will not be allowed to/.. 30



to prosecute you in respect of the present offences laid against the accused. Now, answering questions to the satisfaction of the Court, it means that you must answer truthfully, do you follow that? -- Yes.

Now we are only concerned with the truth. -- Yes.

WITNESS IS SWORN IN

EXAMINATION BY MR REES: Mr. Singh, where were you born?

-- In Durban.

When? -- On the 22nd December 1945.

And what are your qualifications? -- Matric. 10

When did you matriculate? -- 1964.

Where? -- Durban.

Were you ever a member of an organisation called BPC? -- I was.

What does that stand for? -- The Black Peoples Convention.

And where were you a member? -- In Durban.

Which particular branch did you belong to? -- The Overport Branch.

Now just tell the Court what office or offices you held in this organisation? -- I was the chairman of the Overport Branch from September 1972. 20

Yes? And did you hold any other post in BPC? -- From the end of August 1974 I was the acting P.R.O.

P.R.O. stands for? -- Public Relations Officer.

I want to ask you a few names by which persons are generally known and you can tell the Court who they refer to. The first one is SATHS, if I refer to Saths, whom I speaking about? -- Sathasivan Cooper.

Is he here, have a look about the Court? -- Yes. 30

Accused No. 1. If I refer to Muntu? -- Muntu Myeza.

Who/...

Who is he? -- The second one.

Accused No. 2. If I refer to Aubrey, who is he?

-- Dr. Aubrey Mokoape.

Is he here? -- Yes, the third one, fourth I am sorry.

If I refer to LECK, who would that be? -- Leck?

Yes. -- I don't know.

If I refer to Strini? -- Strinivasa Moodley.

Is he here? -- Yes.

BY THE COURT: You will have to speak into the microphone in front of you. -- The last person.

10

Accused No. 9. Bokwe Mafuna? -- Bokwe Mafuna I know as Bokwe Mafuna.

Where is Bokwe Mafuna now? -- Botswana.

Do you know with what organisation if any, the Bokwe Mafuna was connected? -- South African Students Organisation.

I want to deal with the formation of BPC and I want to refer to you to the period May 1972 during about that period did you go to a meeting at the Allan Taylor residence? -- I did.

Can you tell the Court briefly? -- I attended a meeting at the Allan Taylor residence. This meeting was one of the first held to form Black People's Convention. At this meeting there were persons whom I knew who addressed the meeting there while I was present, D. Koka..

MR ALLAWAY: I wonder if he could go a little more slowly, it is very difficult to get a note of his evidence, could he go more slowly.

20

BY THE COURT: Just give the names slowly. What is the first name? -- Drake Koka.

Drake Koka? -- Yes.

30

Yes? -- Saths Cooper.

Sats /...

Saths, Cooper, accused No. 1. -- Yes.

Yes? -- Strini Moodley.

Is that accused No. 9? -- Yes.

Yes? -- I was also there, the Reverend Mayathula, Mrs. Cooper. There were others also present, but I cannot remember who they were.

Just give the Court very briefly what transpired.

--At this meeting Drake Koka did most of the speaking and he outlined to those present there that there was a need for such a body at BPC as for the last ten years or so after 10 the banning of the ANC and PAC there was a political void in the life of the Black people in South Africa. He said that bodies such as BPC would be readily acceptable to all groups of Black people.

MR ALLAWAY: My Lord, I cannot get a note of this evidence, I am sorry, the witness might be able to give it very quickly, but we won't be able to cross-examine him, may he go more slowly?

BY THE COURT: Just try and take it slowly. -- At this meeting Drake Koka said that there was a need for such a body, such as BPC as for the last ten years or so, there was a political void in the lives of Black people and a body like BPC would be readily acceptable by the Indian, African and Coloured communities as BPC would cater for the three races collectively and unlike previous political bodies which were formed on a racial basis, this would not be so with BPC. It was then discussed the best way to launch BPC Drake Koka then gave the task of publicity for BPC to be handled by Saths Cooper.

MR REES:

Accused No. 1? -- Accused No. 1.

When you talk about Saths Cooper, then always refer to

accused /...



accused No. 1. -- Yes.

Carry on. -- It was the task of Saths Cooper to handle all Press publications and all publicity in connection with the launching of the Black People's Convention.

BY THE COURT: This Drake Koka, what position did he occupy?

-- He was the first Secretary-General of the Black Peoples Convention.

Well now but what was he otherwise in private life?

-- In private life I don't know at that time what he was.

Yes?

MR REES: Was he Zulu, Indian? -- He was a Zulu.

Carry on. -- Shortly after this I left this meeting and I don't know what happened after that.

Good now, I would like you to have a look at the EXHIBIT BPC 2(a). If the Court will bear with me for a moment. B.P.C. A.2 I am sorry. My Lord, if the Court will bear with me for a moment, I will have copies distributed to everybody concerned. That is for the Court please. For the Defence, and for the witness. Did you subsequently, these are minutes of a meeting of the Black Peoples Convention 20 at Ad Hoc Committee dated 28th May 1972. Now would you have a look at the second page there it says "5,30 p.m. the meeting re-opens. Chairman: D. Koka. Present: All those initially present. In addition Miss B. Biko, M. Mtulu, S. Saman, I. Chetty, Mrs. S. Singh, J. Narn, H. Singh, H. Fortune, and S. Reddie." Is that right? -- That is correct.

MS  
Now H. Singh referred to there, who is that? -- That is myself.

Now in the next sentence they refer to Mayathula, Mokoape and Biko and then in this document is signed at the bottom/...

bottom by M.N.A. Mokoape. Who does that refer to? --  
Dr. Aubrey Mokoape.

Is that the accused No. 4? -- Yes.

Now all these people that are listed as being present, have a look also in the front page, that is Koka, Mayatula, Kgwane, Mokoape, Ben Khoapa, Steve Biko, S. Moodley, S. Cooper, V. Cooper, M. Ramphela, S. Variava, S. Chetty, Mr. Makatini and Mr. Mayimela. As far as your memory goes now were those people in fact present on that afternoon?

-- Yes, they were.

10

Who is the S. Moodley? -- Strini Moodley.

Is that accused No. 9? -- Yes.

And would you just in the event - did you subsequently have insight into these minutes or not? -- Do you mean did I have these minutes before this...

Yes. -- I did, these minutes I did have, they were sent to me a while after this meeting.

And insofar as the portion where you were concerned, did these minutes reflect what happened at that meeting?

That is especially the second page I am referring to.

-- As far as I can remember this is what had happened.

Now was there a subsequent meeting in about July 1972.

-- There was.

20

Where was that? -- This was at Edendale.

Where? -- At the layin medical centre in Edendale.

Now just tell the Court how you went there, did you go with somebody or did you go by yourself? -- I accompanied Saths Cooper to this meeting.

And just tell the Court briefly what transpired at that meeting? -- This was a meeting held at Lay Ecumenical 30 Centre to officially launch BPC. There were about 100 representatives/...

representatives present from different parts of South Africa. The Chairman of this meeting Mr. Drake Koka and once again he outlined the need for a body like BPC and he outlined the aims and objects of this body, after which this body was officially launched. At this conference various commissions were also formed to investigate the different...

Just bear with me a moment, I just want you first to identify a document. Would you have a look at EXHIBIT BPC A.3.

MR ALLAWAY: My Lord, I am sorry to interrupt, the accused 10 have intimated that they are not having difficulty with the witness but they can't hear my Learned Friend, Mr. Rees. He is speaking very softly to the witness.

BY THE COURT: Yes, if necessary, can you speak up a bit. So that everybody can hear.

MR REES: Yes very well, I will comply My Lord. BPC A.3. 20 What can you say about this document BPC A.3.? -- The first page of it is the invitation sent out to the people to attend this convention that was held at Edendale. And the next two pages are the programmes of what had happened at the meeting and then the history of the BPC just before this meeting.

And where were these things available? -- The first time I saw it was at a room adjoining the meeting place where duplicating was being done.

And right, will you carry on, what transpired at this meeting?

BY THE COURT: Now where is this room? -- At the Lay Ecumenical Centre, where they held this conference. 30

MR REES: Now I would just like you to tell the Court firstly, on this /...



on this page 1 of this BPC A.3, it says "Yours in the black cause, Aubrey Mokoape and Saths Cooper (Convention Organisers)." -- Yes.

Who are they? -- That is Dr. Aubrey Mokoape No. 4 and Saths Cooper No. 1.

And then the same names appear on page 3 I think it is. Actually page 2 of the next document and page 3 of the group of documents, drawn by Aubrey Mokoape and Saths Cooper (Convention Organisers). Is that still the same? -- The same people.

10

Now was Aubrey Mokoape in fact an organiser of this convention? -- He was.

Yes, just carry on very briefly what transpired? -- Commissions were set up at this conference. Some of the commissions that I could remember, the one was the administrative commission which was headed by Drake Koka. There was an Economic Commission headed by a Mr. Morane, the Internal and International Commission headed by Saths Cooper, Strini Moodley and Harry Nengwengkulu. I beg your pardon, Steve Biko.

20

Would you have a look at the document EXHIBIT BPC B1. Is that the minutes of that particular meeting? -- This is the minutes.

I just want to digress for a moment. I see on page 17 this thing is issued above the importation breaking the chain Sipho Butelezi Secretary-General. Alright, My Lord, this appears to be a different document. Well carry on then with BPC B.1. Those you say are the minutes of this particular meeting? -- These are.

Now just with reference also to this document, would you just tell the Court what transpired at this particular meeting?/...

30

meeting? -- There were other Commissions which were also formed at this meeting. There was also a planning commission which was headed by Harry Dengwengkulu. The Economic Commission reported on the importance of the Black man as a labourer in South Africa and in the economy of South Africa. It reported on ways and means in which BPC could use the Black worker to cripple the economy of the Country. I cannot remember exactly what was said but these are the brief details that I remember about this particular Commission.

Yes? -- Another Commission that I could remember was the Internal and International Commission, headed by Saths Cooper, Strini Moodley and Steve Biko. This commission reported that BPC should have nothing to do with those organisations that was sympathetic to or worked within the South African Government Policy but BPC should only work with and help those organisations that work outside Government Policy. The Planning Commission made its report after all the other commissions had made their reports and in this report the planning Commission recommended that BPC should investigate very thoroughly the formation of Trade Unions and the training of illiterate Black workers with the object of making Black workers literate and politically aware of the oppression in South Africa and once <sup>they</sup> / became politically aware BPC will be able to steer the worker in whatever way it wanted it to. This Commission also recommended that for the first three years BPC was not to seek confrontation with the authorities but rather to work hard towards a membership of one million people and a thorough conscientization programme. It was only after the three years had elapsed that BPC was then to embark on a nationwide labour strike.



These were the three commissions that I remember that presented at this Conference.

// n13

Now I would like you to refer to specific pages of this document BPC B.1. Now on the front page there is a resolution which the mover is S. Cooper. Is that accused No. 1 or some other person?-- Yes, accused No. 1.

Then I see the next one there is a Seconder for the motion and that is H. Singh. Who is that? -- That is myself.

Then on the fourth page of the document, there is a resolution of which the Mover is D.F. Mazibuko, have you got it? 10

BY THE COURT: Will you raise your voice a bit?

MR REES: I am sorry, My Lord. On the fourth page of the document there is a resolution of which the Mover is D.F. Mazibuko and the Seconder is S. Cooper, have you got it? -- Yes, I have.

Would you just read there from the words It was resolved that.. -- "It was resolved that:-

Noting that:-

1. Whites cannot in any way aid the cause of the Black man, and can only hinder and misdirect the Blacks;
2. Organisations which has a divisive influence on Black People are a danger to the Black Society;
3. Organisations operating within the system can effect no results towards Black liberation, because of the stringent control by the white government;

20

The BPC therefore resolves that:-

1. It shall not encourage in organisations which are not/...



are not representative of Blacks by BPC members.

2. It shall in no way co-operate with whites in mapping out a political direction.
3. It totally rejects participation in or co-operation with system created movements."

The BPC further resolves to concern itself with Black People as such and ignore all irrelevant organisations or the ardent leadership of such organisations."

10

When they speak of the System, who and what is the System? -- The South African Government and its authorities.

Would you refer to the next page, that is page 5 VIII. I would you to just refer the Court to that passage there. Would you read that to the Court. I am sorry VII. This is, what Commission was that the Commission on Labour, Black Man's role. Now read it if you please. ----

"VII Thus the Commission recommends:-

- (a) The founding of Black Trade Unions all over the country;
- (b) That these unions should belong to one Umbrella Union or Council e.g. the Black Allied Worker's Union.
- (c) Workers should be grouped under this one body according to their job categories.
- (d) Intensive conscientising campaign of Black workers should be undertaken through the media of general and occupational education. The motive being to let the Black worker be aware of his significance in a job situation and also to make him attain the highest degree of self-reliance./...

30

reliance.

- (e) Training Centres: Labour centres should be established all over the country.
- (f) A research worker should be engaged to collect data on labour situation in the country. He should advise on the Labour Movement and formation of Trade Unions.
- (g) The Commission approved the Edu-Ploy system in obtaining data and education of workers.
- (h) A regular workers newsletter should be established as a means of getting in touch and public education of workers. 10
- (i) N.B.: BPC should assist in the formation of the Workers Council. Black consciousness and Black Solidarity should be the underlying factors. Black Trade Unions should spend themselves in protests only but should embark on positive actions."

Is it correct, that piece as it stands? -- I don't think it is correct. 20

What should it be? -- Black Trade Unions should not spend themselves in protests only.

Then I want you to look at what appears to me to be page 13. It may not be numbered mine is numbered. It deals with Monday the 10th of July 1972. Now when you - that is Monday, the 10th of July 1972. The report of the general planning and organisation commission.

BY THE COURT: Is it the second last page of the exhibit?

Page 44 on your, I suppose your volume.

MR REES: Thank you My Lord. Will you deal with the 30

REPORT OF THE GENERAL PLANNING AND ORGANISATION COMMISSION

and /...

and just tell the Court how to interpret that and what it involves? -- The first part, the Political Direction. This was the one that I had explained just now in saying that for the first three years BPC should involve itself in a membership drive of one million and a conscientisation programme. Phase IV which is the crisis which is Situational, it is written there under Situational.

Yes, what is meant by that? -- This means that those branches of BPC should involve itself in whatever crisis arose around their neighbourhood or in their city if there weren't many branches there. 10

Could you give some examples of how this was in fact implemented? -- During the Coronation Brick and Tile Works Labour strikes, the BPC involved itself in these strikes by issuing pamphlets to the workers exorting them to carry on with their strikes and not to give in to the demands of their employees.

Now when you say BPC, who was actually involved in that? -- Saths Cooper.

Would you have a look or refer the Court to the document 20 BPC and could you illustrate your reply with reference to that document. Just wait a moment until everybody has got a copy. Is that the correct document? Will you just tell the Court how that document - would you just explain to the Court very briefly how this document came into being, its purpose and how it fits in with this report of the planning organisation committee? -- This is the pamphlet that was compiled by Saths Cooper during the height of the Coronation Brick and Tile labourstrike. I do not know the second and third pages but the first page I do know as I was present when part of was being drafted out in handwriting of 30

Saths /...



Saths Cooper.

Is this in fact his handwriting? -- It is in fact his handwriting.

And who signed the document? -- The handwriting is not signed by the name which appears here, the writing is still that of Saths Cooper.

Now what position did this person whose name appears at the bottom of it. -- This was the lady who was then president of the BPC.

Just read to the Court what BPC D.4 is. -- (Reads)

10

Now what happened with this particular document? -- This document was later translated into Zulu.

Do you know who translated it? -- I do not know who translated it.

Yes, and then, what happened?-- These pamphlets were distributed.

Do you know by who or where? -- These pamphlets I do not know, My Lord, where they were distributed.

Now how do you know they were distributed? -- Because these pamphlets when they were going in for typing into stensils, Saths Cooper told me that they were now ready for typing and that evening they were to have been distributed once they were ready. They were to be roneod.

20

Yes, just tell the Court what was this Coronation Brick and Tile strike all about? -- The Black workers at Coronation Brick and Tile were striking for higher wages and they refused to go back to work. That is as much as I know about the strike.

I would like you to refer to the document which is part of the charge of annexure 2. You will see this particular document headed BPC BLACK PEOPLES' CONVENTION Brothers and Sisters of Chatsworth. -- I do.

30

Now /..

Now what do you know about that particular document? My Lord it is annexure to the indictment 2, there is a whole series and as the witness deals with each one, he can just describe it. What is that one in your hand, it refers to Annexure 2(1). Do you know anything about the issuing or the preparation of that document? -- I haven't I don't know whose handwriting this is, but it was issued during the Chatsworth bus strike in Durban, but the signature at the bottom is that of Saths Cooper.

Do you know anything about its issue? Have a look at the complex of documents and tell the Court whether you know anything about the issue of any one of them, any one or more. -- I have knowledge of the one Annexure 2(iii). 10

Yes, just tell the Court about that one. -- This was the pamphlet that I helped distribute during the Chatsworth bus strike in Durban.

Now who was responsible for that pamphlet? -- The pamphlet was compiled by Saths Cooper, and given to a firm of printers for printing from where I collected it. 20

Yes, and just tell the court the circumstances which led to this document being drawn up? -- The Indian bus community in Durban went on a protest strike as the bus owners' licences were withdrawn, the permits were withdrawn, so that they would be forced to ride by train to and from Chatsworth.

Yes? -- And these people felt that it was a great injustice and they said that they would refuse to use the train. BPC then supported the people and printed these pamphlets in support of their stand. 30

Would you read that one out to the Court. -- (READS)

"Black Peoples' /..

"Black Peoples' Convention.

Brothers and Sisters of Chatsworth,

The BPC congratulates you on your firm and heroic stand - refusing to use the trains and demanding your right to use the buses.

We applaud the forthright and clear manner in which you reject men who have been "made" our "leaders" by those who are attempting to control our destiny from Pretoria."

Just pause a moment. Who are you referring to here as men 10 who have been made our leaders? -- Homeland Leaders and in this particular instance, the South African Indian Council Members.

Now this South African Indian Council Members, are they an elected body or an appointed body? -- They are a nominated body by the Government.

Carry on. -- "We truly admire you, Brothers and Sisters, for kicking them out at recent meetings, which were held not to demand what is rightfully ours but to 20 beg the White man and to please him. He never pleases us! Why should we always be pleasing him?

We must also beware of snakes among us who are two-tongued and who will never hesitate to SELL US OUT at every turn. - as they did when the Group Areas affected us."

Now who are the snakes among you that they are referring to? -- I don't know who that is. ✓✓

Carry on. -- "We had something before, now we have nothing but they have everything - everything which is ours by right and which has been taken from us. 30 It is time, Brothers and Sisters, that we got together as /...



as OPPRESSED people - Africans, Coloureds and Indians - who are affected by APARTHEID, GROUP AREAS, JOB RESERVATION .. the injustices are endless. Our suffering is the same. WE ARE ALL BLACK PEOPLE. And, in the eyes of the White oppressor we are "Kaffirs, Coolies, Hotnots, etc." WE must stand united when our homes are taken away, when our buses are taken away, when our children are hungry, when THEY refuse us jobs."

And the other one EXHIBIT BPC 2 - I am sorry, Annexure 20 2(ii), does that document also refer to the same transaction?


-- Yes.

Will you just read that to the Court please. ---

"Brothers and sisters of Chatsworth (Reads Annexure 2(ii))."

Then there are some words, in what language is that do you know that language? -- The first one is (inaudible).

Do you understand that? -- I understand what this particular phrase means.

Will you just read it and tell the Court what it means. 20  
--"Jhali Karo AYE DHORA WARA APNE MAL LAK HE" Very literally  
it means make haste or the White man will kill you. 

Would you look at BPC the annexure 1.

MR ALLAWAY: My Lord, the witness has read from EXHIBIT 2(ii) but he said in his evidence he wasn't able to associate himself or identify anything in relation to it. I am just wondering what relevance his evidence has with regards to this annexure.

BY THE COURT: Well what is the position Mr. Rees?

MR REES: Well My Lord, these documents are all admissible, the contents of these documents, on the face of them they are 30 produced by BPC, for and on behalf of BPC. They are relevant in /...

in terms of - I am letting this witness read it for the convenience of the Court at this stage, I am going to prove that they were found in possession of each of the accused and things like that My Lord. I will prove that also independently. I propose to prove these documents through various witnesses but I think it is for the convenience of the Court and for my Learned Friends to start seeing exactly what the State case is developing into.

MR ALLAWAY: Yes, My Lord, we would like to see that as soon as possible. Obviously if it will assist by witnesses reading documents that will be to our great assistance and we will offer no objection, subject to proof. 10

BY THE COURT: Thank you. Yes.

MR REES: Will you read the first one then please. Just take your time with that one, it seems to be in somebody's handwriting. My Lord, that is annexure 2(i). --(Reads)

Now of these documents you refer to, which if any of these were you involved in distributing? -- The one marked Annexure 2(iii).

Do you know who else were involved if any, in the distribution of that document or any other of that type of document? -- This particular document others whom I know distributed were Colin Jeffries, Rev Cooper, Indrisen Those are the people that I can remember, My Lord. 20

And how were they distributed? --They were distributed by hand.

Where? -- I was involved in the distribution at points at the bus ranks in Durban, the Victoria Street bus ranks, the bridge and the Indian Market in that complex.

About when was that? Why did you distribute at those 30 particular places? -- Because there are literally thousands of /...



of people who pass there in the afternoons and in the mornings.

Roughly when was that? -- I cannot remember the date.

MR ALLAWAY: If my Learned Friend wants to lead the witness I have no objection, if it will help.

MR REES: Now this document that was, that you have just referred to, and the previous one, that was the one referring to the Coronation Brick and Tile that is BPC D4 and this annexure 2(iii) how does that fit in with this report of the general planning and organisation committee, phase 4 10 the crisis, would you just explain that again briefly to the Court? You have done so already. -- BPC branches were to involve themselves in whatever problems affected the White man in his particular neighbourhood or that city X if there weren't many BPC branches. In helping the worker, X BPC was supposed to support whatever stand they took, more especially in boycotts and labour strikes.

Now what position did No. 1 hold at that stage? -- He was then Public Relations Officer.

Of BPC? -- Of BPC. 20

If you will bear with me for a moment please My Lord.

Now would you just turn to page 8 on this document, that would be page 39 in the volume My Lord, the BPC minutes. There is a resolution moved by one S. Moodley. Do you see it? -- Yes.

Now who is that person? -- Strini Moodley.

Accused No. 9? -- No. 9.

Now look at the last page. It says that a constitution was again discussed and amendments accepted as shown in the new constitution which was finally adopted. 30 Is that correct? -- Yes.

And /...



And then at the bottom of the page there appears the following were elected to the interim Executive committee. Would you just deal with those persons briefly and say who they are? President Mr. A. Mayatula. -- That is the person I know as the Reverend Mayatula.

Yes. -- The vice-president Mr. M. Shezi. I don't know much about him.

Yes? -- Secretary-general was Mr. Drake Koka.

Is that the gentleman who made the speeches at this Ad Hoc Committee meeting? -- That is correct. 10

Yes? -- Public Relations Officer S. Cooper who is Sathsivan Cooper.

Accused No. 1. -- That is correct. And the National Organiser A. Dlamini.

Convention participants each resolved to found at least one branch in their areas. Is that correct? -- That is correct.

Now this M. Shezi, what happened to him later? -- He was later - he is no more alive, he is dead now.

In BPC circles how was it reported how did he meet his death? -- It was reported that he was murdered by our enemies. 20

The enemies being? -- The White man.

Was there also an international commission formed at this.. -- Yes, there was. //

And under who was that? -- That was commissioned at three people, Sathsivan Cooper, Strini Moodley and Steve Biko.

And is that referred to on page 45 of the brown document, EXHIBIT BPC B.1. -- Yes. 30

Now what does it mean establish relations and no history of politics, can you explain it on that form? -- My

Lord as I explained earlier, that BPC was to only have relationships with those organisations which did not support or have sympathy with Government policy and those organisations that did not work within Government policy. B.P.C. was only to support and sympathize or help those organisations that worked outside Government policy.

The next document I would like you to refer to is the constitution that is being referred to. That would be BPC D.2. My Lord, I believe this document has already been referred to by another witness. Will you just glance through this one and tell the Court whether that appears to you to be a copy of the Constitution that was adopted on that day?

BY THE COURT: Is this the Constitution. B.P.C. A...

MR REES: B.P.C. B.2, I am sorry, My Lord. Now I would like you to treat the question, did you later formally join the BPC? -- I did.

When was that? -- On the 22nd of September 1972.

And did you also form the Overport Branch in that month? -- I did, My Lord.

Now just tell the Court whether you were assisted by anybody? -- In forming the branch I sought the assistance of Saths Cooper. Before forming the branch he came, before forming the branch he advised me as to how I should go about forming this branch. He said to me that I lived very near the Springfield Teachers Training College and that since I have friends there, I should obtain my membership from them.

I This I did and when I had a number of people gathered at my flat, Saths Cooper came home one afternoon and explained to these people exactly what BPC was about and why it was formed.

What /...



What is the Springfield Training College? -- That is the Teachers Training College for Indians.

Where?-- In Overport.

Overport Durban; So you and I know where Durban is - at least where these places are, but the Court doesn't necessarily know, but that is in Durban. Then there was the second annual congress that was held in December 1972 at Hammanskraal. Is that right? -- The 1st.

Or the first one. Did you attend that? -- I did not.

Did you subsequently receive copy of the minutes?-- 10  
I did.

Would you have a look at EXHIBIT BPC C.3. Is that a copy of the minutes of that meeting that you received? -- This is it.

Now tell the Court what was the practice of BPC in regard to the distribution of its documents and especially the minutes? -- After meetings minutes of what had happened at that particular meeting was sent to practically every branch of BPC so that members who did not attend could gauge what had happened at that particular meeting and also for showing as many people as possible that you came into contact with and explaining about BPC.

+  
20  
DR

Do you - you referred the Court just now to Mr. Shezi. Would you turn to page 3 of these minutes, that is Resolution No. 2 of 72. Do you see that? -- Yes.

Would you read that resolution to the Court. -- "That this Congress noting;

1. The circumstances surrounding the interim vice-President, Mr. Mthuli Shezi's train "accident".

Accident in inverted commas? -- Yes. 30

Yes? -- "That this was a result of his determination

to /..



to defend the dignity of his fellow Black men.

3. That this "accident" is another manifestation of even the lowest of Whites to defend white power and all its racist manifestation, therefore resolves:

- i) To express our solidarity with his gallant act of defending Black people and maintaining their dignity.
- ii) To call upon all Blacks to do likewise when their dignity and freedom is being assaulted.
- iii) To make it clear that in spite of all the forces of evil against us we will relentlessly defend our God - given rights whatever the cost."

I would just like you to explain one thing. Do you know whether any of these accused attended that particular Convention or Congress? -- The only one that I can remember that was present here was Saths Cooper at the Congress.

How did you know that he had gone to that Congress? 20

-- Before he left he came back and he told me about it.

In relation to that resolution 2 of 72 would you have a look at EXHIBIT BPC J.1. Do you recognise that document?

-- Yes, I do.

Just tell the Court where what, how it came about and what happened to this document. -- This document was sent to the various BPC branches, BPC head office in Johannesburg. I received it through the post.

Would you just read it to the Court. -- "Mr. Mthuli Shezi, Our Black martyr...(Reads)"

Now I would like you in the same regard, refer to

document/...

document BPC J.2. Is this document, on the face of it, at the bottom, issued by Byre on behalf of the Black <sup>B</sup>awu People's Convention? -- Yes, this is.

Did you ever receive a copy of this document? -- I did in the post from Head Office, B.P.C. Head Office.

And my Lord, I may mention that I propose to prove also that a copy hereof was found in possession of Accused No. 6. Would you read that document. -- "Reads B.P.C.J.2."

Can you make out who signed that document or isn't it clear? -- No, I cannot see anything.

Whose task is it normally to issue this type of thing, office bearer? -- Public Relations Officer.

What did you do with the documents that you received or what were you supposed to do with them? -- I was supposed to have shown them to my branch members and to others who I came across who were interested in BPC or I was to show them to gain their interest in joining BPC. +

Did you in fact do so or not? -- I did show this to Branch members from my branch.

20

Would you tell the Court, very briefly, whether your branch was a very active branch or what happened to it? -- No, my branch wasn't a very active branch, in fact it was a default branch formed merely for having voting powers at Congresses. There were only a few members we didn't have a specified 25, there, there were five or six members in our branch.

And why was this formed to have the voting at congresses, whose idea was that? -- This was Saths Cooper's idea.

30

Will you turn to page 9 of these minutes BPC C.3.

That /..

That was the First National Congress. Page 7 of the document itself it has got a 9, but I think we will start at page 6. Page 6 of the document that is No. 8 in the bound volume. Deal firstly with Resolution 17/72. That is the document we are busy with My Lord, BPC C.3. It is page 8 I am referring to first. Page 6 of the document itself, My Lord. Resolution 17/72 that deals basically with foreign relations. Just read that. -- (Reads BPC C.3)

Would you then go on to page 7 of the document, Resolution 20/72. That relates to foreign investors. 10  
-- (Reads)

My Lord, it is still rough - I am going onto the same subject matter in the indictment. It will probably be one of the different paragraphs in the particulars. I just would like you to carry on for continuity sake Resolution 24/72. Just deal with that please. -- (Reads page 8 of EXHIBIT BPC C.3.)

Now on the next page is the election of the Executive Committee and the one name that I am interested in is Public Relations Officer Mr. S. Cooper. Who does that 20 refer to? -- That is accused No. 1.

And the Secretary-General who is that? -- Siphon Buthelezi.

Do you know what happened to him eventually? -- He fled the country.

I am going to deal specifically with foreign investments now, referred to in Count 1. I refer to the document B.P.C. C.5. That is headed Communique I/73 and on page 3 it is issued by one Saths Cooper Public Relations Officer, it appears to be signed Saths Cooper. Is that right? -- That 30 is correct.



Is that accused No. 3? -- Accused No. 1.

If you will bear with me for a moment, My Lord. Now, would you just tell the Court briefly what you know about the issue of this document? -- This document was also sent by Head Office to the various B.P.C. branches.

Is this in effect giving effect to the resolution that you just read? -- That is correct.

Now this document deals with quite a number of resolutions and it appears that the one that is numbered 20 in the original is here No. 21, is that right? -- That is right.

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Page 3 of this document there is an R.Nengwekhulu and S. Moodley. Who is the S. Moodley? -- Accused No. 9.

And Nengwekhulu what happened to him? -- He also fled the country and is now in Botswana.

Will you have a look at the document BPC 9. At the back of this document reports to be issued by Roy Chetty, Sipho Buthelezi, Aubrey Mokoape and Harri Singh. Do you see that, and it purports to be issued to Natal Daily News Sunday Tribune, Sunday Times, Graphic, Leader, Post, It looks like Langa, Weekend World and Natal Mercury. Are all those newspapers? -- They are.

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Will you just tell the Court what, how you first became aware of this document and just give the Court details about its issue and publication. -- The first I came across this document, this statement, was when I read it in the Natal Daily News, the newspaper in Durban. The document said that it was, the statement was issued by the names which appear on the last page on this document here. The next day I saw Saths Cooper and asked him when and where, how this document was issued to the newspaper and he said to me that he had in fact compiled the document, sent it with

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another/...

①

another BPC member to the Daily News for publication and had appended our signatures to it, and this document deals with an attack on Chief Gatsha Buthelezi and Foreign Investments in South Africa.

Now Chief Gatsha Buthelezi, who or what is he? -- Leader of Kwa Zulu.

Kwa Zulu a Bantustan? -- That is so.

That is in fact the Zulu Bantustans? -- That is correct.

And then it refers to a person Professor Brutus who graduated from Robben Island. What did you people, what was the information you had about Brutus in B.P.C. circles? What if any? -- I do not know if there was anything. 10

You don't know anything about it. Will you have a look at page 2 of this document, the third paragraph from the top dealing with foreign investments, advocate for a continued investment in South Africa. Will you read that to the Court please.

BY THE COURT: On what page?

MR REES: My Lord it is page 2 of the document, it is page 20 21 of our number, in the middle of the page "Advocates for continued investment. --

"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 30 Blacks. These advocates of foreign investment are inadvertently/...



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.

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 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.

Black people at the cost of freedom can no longer afford to be misled by vague promises, which only serve to perpetuate the white status quo.

Then too, it is common knowledge that foreign investors must of necessity operate within the "laws" of the country. This means operating within repressive apartheid laws such as Job Reservation, the "Factories Act of 1941", the "Physical Planning and Resources Act of 1967," the "Bantu Labour Settlement of Disputes Act of 1953", etc. And as the British



Guardian newspaper perceptively points out: "The trouble is that the international community does not yet seriously desire to see change in South Africa."

Just pause there for a moment. Then follows a summary of the foreign involvement in the exploitative economic system of South Africa may be summarised as follows:- And lists a number of points. Paragraph 7 what does that say? Right at the bottom of that page? -- "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." 10

And then there is in essence on the next page is repeated the resolution 20 or 21 of 72. Is that correct? -- (INDistinct)

Was this produced - My Lord, I will just make this available to my Learned Friends and just refer to it. This is EXHIBIT BPC C.9. Was this the newspaper report you in fact referred to? -- That is the newspaper report. 20

Thank you. B.P.C. C.9. I say again B.P.C. C9(a). Will you have a look at document B.P.C. C 7. Do you see that group of documents. I refer to BPC C.7. What can you say about that group of documents, what are they first of all? -- These were letters sent by B.P.C. to various firms within the Republic asking them to withdraw their investments in South Africa.

Did you know about the fact that they had been sent? -- I knew that they had been sent, but I had not seen them here in South Africa. 30

Where did you see them? -- I saw them in Europe.

Who /...

Who pointed out these letters to you in Europe or copies of such letters? -- The one I saw, a copy of such a letter at the International Confederation of Free Trade Unions. This was in Belgium, Brussels Belgium. It was shown to me by a Mr. Andrew Kaljambo and he said that this was sent..

MR ALLAWAY: My Lord, we did tell the State we would make certain admissions about these documents and to him they were sent, but I don't know that the admission covered the gentleman in Belgium. In fact I know it didn't.

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MR REES: My Lord, I am leading this in addition to what they said they would admit. They were asked to admit and we will deal with that on Monday morning. The distribution in South Africa basically.

God, we will deal with the overseas matter later in more detail. My learned Friend seeks a trip to Brussels My Lord, I will take him on quite an extended tour of Europe before we are finished. My Lord, would this be a convenient stage to take the adjournment.

BY THE COURT: The Court will adjourn.

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