

c.c

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

CASE NO: 18/75/254

DATE: 30 APRIL 1976

THE STATE

vs

S. COOPER AND EIGHT OTHERS

VOLUME 75

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LUBBE RECORDINGS (PRETORIA)

THE COURT RESUMES ON THE 30th APRIL, 1976.

SATHASIVAN COOPER (Still under affirmation)

CROSS-EXAMINATION BY MR. REES (Continued): Mr. Cooper, we were dealing yesterday afternoon with the effect of BPC propaganda, and I put it to you that these pamphlets that were dealt with yesterday call - at least I put it to you that in the pamphlets we dealt with yesterday there is in fact a call for the spilling of blood? --- I reject that.

And I want to put it to you that that is the normal reaction you would expect when you put out claims that the White man (10) and the State are busy killing and defamating the Blacks, that they will react and say "we want the blood of these people who are doing these things to us"? --- I reject that.

I also want to suggest to you that this speech of Harry Nengwekulu as recorded in SASO B.1 was in fact - in fact gives the theme of BPC's future planning? --- I have dealt with Mr. Nengwekulu's speech in part, but there is nothing in Mr. Nengwekulu's speech which deals with BPC's planning, besides the fact that he mentions BPC.

That this is the theme of BPC's future planning? --- I (20) deny that, Your Lordship.

I want to suggest to you also - I want to ask you first that speech was made at a time when the ad hoc committee of BPC was actively working for the creation and furtherance of BPC, wasn't it? --- Well, I don't know about actively, but it was working ... (Court intervenes).

BY THE COURT: Towards a constitution then? --- Towards the formation of a Black Peoples Convention.

MR. REES: And all the persons on the ad hoc committee spoke or participated in that meeting? --- I deny that. (30)

Well, who/...

Well, who were the members - or the persons who spoke at that meeting included yourself? --- The reading of the two poems, yes.

Yes? --- Myself, Mr. Drake Noka and if anything, a meeting of what BPC is going to be, was contained in Mr. Drake Noka's speech. Mr. Harry Nengwekulu, if you can call Dr. Mokoape as speaking well, then he was a speaker.

So was that the whole ad hoc committee? --- No, that was not the whole ad hoc committee.

Who else did the ad hoc committee consist of? --- The ad (10) hoc committee consisted of various other persons, the Reverend Mayethula, Mrs. Kgware Mr. Benkhoapa - I may be incorrect on that, Mr. Steve Biko (Court intervenes).

BY THE COURT: Are you mentioning the co-opted members or are you mentioning the members elected at the meeting in December? --- Well, the members, it may be co-opted and elected.

MR. REES: Now let us just find out, who were the elected members? Who were the co-opted members? --- I was a co-opted member, I am not too certain exactly who - I know some of the elected members. (20)

I just want to get down to the particular point in issue here. At this particular meeting the following persons participated according to the speeches that were recorded: Keith Mokoape. Was he a member of the ad hoc committee? --- No.

It is SASSO B.I. The Reverend Ngidi? --- He was not on the ad hoc committee.

Jan Pillay? --- She was not on the ad hoc committee.

Wasn't she the wife of accused no.9? --- She is the wife of accused no.9.

Fekile Masibuku? --- She was not on the ad hoc committee. (30)

sempersadh?/...

Sewpersadh? --- Mr. Sewpersadh was not on the ad hoc committee.

Saths Cooper? --- I was.

Drake Koka? --- He was the convener of the ad hoc committee.

Harry Nengwekulu? --- He was on the ad hoc committee.

Aisha Rambale? --- She was not on the ad hoc committee.

Aubrey Mokoape? --- He was on the ad hoc committee.

I want to suggest that the speech of Harry Nengwekulu was the main speech of the evening? --- I think that the main speech of the - it was the afternoon - was the speech of Mr. Koka, the(10) guest speaker. The other guest speaker was Mr. Sewpersadh. I should imagine these were the main speakers and the officiating minister, I should say he was in the officiating capacity. One can hardly call that a speech as such.

You see, you always bring a minister along, I notice that, you always bring a minister along to lend some kind of colour to your proceedings, don't you? --- I reject that suggestion.

Well, don't you always bring a minister along? --- That is unfounded, there are ... (intervention)

Don't you always bring a minister along? --- There may be (20) ministers who deliver a sermon or who may speak at a meeting, but we don't always bring a minister along to add colour as it were to the proceedings.

Now look at this speeches which were delivered. Mr. Nengwekulu was the last speaker as such on that day? His speech runs from page 22 to 35 on the transcript. I must just put a series of questions and you can get it into the context. Now you see, Aisha Rambale, she just rendered some poem or piece of poetry, and then accused no.4 wound up the matter by asking for support for BPC, very broadly speaking? I will assist you, Mr. Cooper.(3)

Look, /...

Look, Keith Mokoape, he was obviously the master of ceremonies?
Do you agree? --- Yes.

Then you find Ngidi appears from page 1 to 9? --- Yes.

Then you find Miss Sam Pillay on page 10? --- Yes.

Then you find Fekile Masibuku on page 11, and then 17 and 18, 11 had a ... --- Yes.

And then 17 and 18 there seems to be a type of bloke who delivered poetry or something? This Fekile Masibuku? --- That is a woman.

She is a deliverer of poetry? --- Yes, she rendered some (10 poetry.

Yes, then you get - is it Sewpersadh, or how do you pronounce it? --- Sewpersadh.

I will try to remember. He is 12 to 15? --- Yes.

And you rendered poetry, pages 16 to 17, and page 22? --Yes.

Then Drake Hoka made a speech, page 18 to 21? --- Yes.

Then Harry Nengwekulu, page 22 to 35? --- That is correct.

Then we come to Aisha Rambale, page 35 to 36, that is another rendition of a piece of poetry or something similar? --Yes.

Then Aubrey Mokoape, page 36 to 37, he ... --- Introduces (20) (Intervention).

BPC really? --- Yes.

Now you see, the main speech of an evening is usually the last speech, isn't it? --- No, I don't think so.

You don't think so or is it so? Usually? --- Well, we have not in BPC said the main speaker for the foreign occasion would be the last speaker, it could be either the first speaker, it could be right in the middle or it could be the last speaker. There is no set procedure in respect of that.

Harry Nengwekulu made the longest speech of the evening? (3)

--- That/...

--- That is so.

And he covered a lot of subjects seriatim? --- In respect of what, Your Lordship?

Well, he covered a variety of subjects one after the other?

--- Well, as I said, he was a rambling - it was a rambling speech, Your Lordship.

We are going to canvass that, Mr. Cooper. --- Yes, and Your Lordship, I would like to point out that on page 25 when the chairman, Mr. Feith Mokoape introduces Mr. Nengwekulu

Page 25? --- Page 22.

(10)

Yes? --- He does not say it is our main speaker for the afternoon. But Your Lordship, when Your Lordship looks at page 18, there is no introduction, right at the beginning there is : "I will call upon Mr. Drake Koka, convener of the Black Peoples Convention, Mr. Drake Koka", and that is it. There is no indication that this is the main speaker or that is the main speaker. Unfortunately I think the introduction of Mr. Koka's speech does not appear.

BY THE COURT: Now Keith Mokoape, is he also known as Ben Khoapa?

--- No, no.

(20)

Well, then Keith Mokoape is not on the ad hoc committee?

--- No, Your Lordship.

And then it seems to be a meeting by the student residents and congress, of the Natal Black section? --- Let me attempt to put Your Lordship into the picture. Mr. Feith Mokoape at that time, unless I am incorrect, was the SRC president of the University of Natal, Black section, and it was in this capacity that he was welcoming people and he was the chairman of that meeting. It was an SRC function.

And it was really the function of the Natal University to(30)
assist/...

assist with the preparation of the Constitution of BPC? --- No, no, Your Lordship. There was an ad hoc committee, it happened that (Intervention).

Well, some duties were conferred on Natal University, or didn't they have to arrange the first convention or something? --- No, a meeting was held at the Natal University Black residence, Allan Taylor residence in May of 1972, the last ad hoc committee meeting that I remember, and at that meeting accused no.4, that is Dr. Mokoape, Mr. Loka and I were supposed to be the organisers of the convention, or rather accused no.4 and I (10) were the organisers in conjunction with Mr. Loka. Mr. Ben A. Khoapa, it is Khoapa, it is not Mokoapa, Mr. Keith Mokoape was the SRC president and this was an SRC meeting.

MR. REES: Mr. Cooper, would I be correct to say that the members of the ad hoc committee of BPC who attended that meeting, or who spoke at that meeting, made use of the opportunity to further the - to further support for BPC? --- I would say that that would be correct according to my recollection.

I want to suggest to you that accused no.4 put on and amplified the propaganda made by Nengwekulu. If you have a look (20) at page 36 he said after being introduced by Keith Mokoape - "Thanks, thanks, Aisha, ladies and gentlemen, we have almost come to the end of the programme for the day and I have somebody here who is coming forward with a motion, and I will ask him to read the motion for us and I will then ask somebody to second it, and ask the mover again to say something of his motion. Aubrey Mokoape" - that is accused no.4 I take it, is that so? --- That is so.

he says : "We are here congregated on this historic day of the commemoration of the Sharpeville incident and other acts of violence against the Black people of South Africa. (30

And we/...

And we resolve that we wish to express that the people of Durban be organised under the aegis of the Black Peoples Convention towards Black solidarity and Black initiative in the quest for Black liberation in our country. We invite the ad hoc committee to intensify the work in Durban and we pledge support for all this work."

Is that correct? --- That is what appears there.

Then on the next page - at least on the bottom of this page where he gets an opportunity again he says : "Most of (10)
you here present this afternoon, which by your cheering and your applause are doing your duty, I believe that the only way and best way by which we can pay tribute to our brothers and sisters who fell in Sharpeville, Langa, Vanderbijlpark, our brothers and sisters who fell in the mines in 1970, our brothers and sisters who were shot in callousness in ..(inaudible)...
Namibia, and all those who are suffering today, the best way to pay tribute to them is by working and working towards liberation, because they were fighting (20)
for our liberation. The hands of the White man are dripping with blood."

That is what he said, isn't that so? --- That appears on there.

And that I suggest to you is an amplification of what Nengwekulu has said? --- I don't think so.

Right, we will canvass that. I just want to deal with the related subject. The consequences of this type of propaganda, if one has a look at the reaction of the students at Turfloop on that day, and we look at some of these pamphlets and slogans which were paraded, I would like you to have a look. We will start with the RALLY exhibits. You see, if we choose a few (30)
at/...

at random, now have a look at RALLY B.9. There it says :

"The dignity of the Black man has been restored
in Mocambique and so shall it be here."

Is that right? --- Yes.

And that is one of the aims of BFC? --- Well, that Black
people should be restored their human dignity.

Then if you look at - have a look at BFC B.13? I am sorry,
RALLY B.13. I have BFC on my mind. - "Frelimo made them
run. Frelisa will drown them, cowards run."

Who is Frelisa? --- I don't know.

(10)

But that shows the sentiment that they want to make these
people - get the Whites right out the country, doesn't it? ---
It is talking of Mocambique here, and I don't know who Frelisa
is. If I knew who Frelisa is I would be able to

We have had evidence here Mr. Cooper, that Frelisa stands
for "Free South Africa"? --- I don't recall that.

Well, assuming it does? --- Well, assuming it does, it
says : "make them run, will drown them, cowards run".

BY THE COURT: Well, I got the impression from a report that
was read the other day that Frelisa relates to Rhodesia? (20)

MR. REES: My Lord, if my recollection is correct, I laid evi-
dence before the court, I think it was right at the beginning,
that Frelimo means "Free Mocambique" and Frelisa - this portion
is South Africa, Frelisa.

BY THE COURT: Well, my information may be incorrect, but I got
the impression from the report that it was one of the organisa-
tions in Rhodesia - well, an organisation which apparently is
non-existent at the moment. Or a movement rather, not an
organisation.

MR. REES: Yes, it may well be a similar term, but it would be (30

Zimbabwe/...

Zimbabwe, because they refer to Rhodesia with a "z", as Zimbabwe, and it would be Frelisa or something like that, and this is Frelisa.

BY THE COURT: You say you have led evidence on it?

MR. REES: Yes, My Lord, I specifically remember leading the evidence, I can't remember at what ...

BY THE COURT: Did you lead evidence where this movement was operating?

MR. REES: No, My Lord, Frelisa

BY THE COURT: It is a liberation movement but not in South Africa, not in the Republic of South Africa? (1)

MR. REES: No, My Lord. If Your Lordship will allow me just to speak from memory which might not be a hundred per cent correct. My recollection is that the only evidence which was placed before the court was that there was an explanation of what Frelimo meant, and in the context Frelisa meant - not necessarily a movement, but it meant the object of freeing South Africa.

MR. SOGGOF: My Lord, my recollection is - if I can be of assistance - that that was put by my learned friend I think to one of the Defence experts, and it was conceded that that might be (2) the intention of the writer, as it were to convert "Mo" to "Sa". Mocambique to South Africa.

MR. REES: I think it was also led right at the beginning when I was dealing with these matters, but we will look for it.

BY THE COURT: You will have to look it up because I don't have a recollection that you led evidence as to what Frelisa meant, because I can recall that I have already - I have asked the question of a witness already?

MR. REES: My Lord, so far as I can remember this Frelisa is a play on words really but it does not matter at this stage. The point is it is the sentiment which is expressed. (3)

Look at/...

Look at RALLY B.24. Would you just read what is written on that document? It bears a map of Africa and Anazia White is written, it shows Vorster getting onto a boat and on his way to India, and what are the sentiments expressed there? Take it first those on the lefthand side. --- There are the bottom it shows an arrow and it says: "Black man, your land is at stake, wake up. Come Frelisa, come SASO, Samora Machel has shown you dialogue cannot solve your problems."

Then there is a drawing of what appears to be some sort of a rifle: "This my son I give you don't be a coward.....(indistinct)(10shall thou go to the vile dust unsung, unhonoured, unwept."

And then on the righthand~~side~~ there is in inverted commas..... (intervention)

Now, just deal with this first on the lefthand side. That is a clear exhortation to violence, isn't it? --- I don't know.

Well, what else could it be, Mr. Cooper? What else could it be? --- There is nothing which says here you must go and take up the gun. There is a gun there and it says "...your land is at stake." (20

Right, it says "...dialogue won't work..." doesn't it? --- "...dialogue cannot solve your problems..."

That is suggesting how Samora Machel, it says that Samora Machel has shown that dialogue cannot solve your problems. And then it says "...this is what I give you my son. Don't be a coward..." This being a rifle or a machine-gun, whichever way you look at it. --- Well, it looks like a.....(intervention)

Now, what is this man trying to convey to the minds of the people seeing and reading it? --- This entire, it sounds to me like a piece of graffiti anyway, but the point is that it is (30 saying dialogue is not going to work and the gun is going to work/...

work. In that context.

Yes, and the message there is "...you must use the gun, you must not talk..." --- Well, there is that suggestion, but the whole tenor of the thing, I think, is in a rather cynical vein probably. There is a "ha, ha, ha" about premiers, for eternity, these are Frelimo, Vorster, there is a very obscure little doodle there of a man on a, it looks like some sort of -pause-

How long did it take Frelimo to come from obscurity to the control of the country? Ten years, wasn't it? --- I don't know. It may have been so, I don't know. (10

That is the ten years that is being referred to. Then there is something that is an, in quotation "...Vorster, when are you going to bring home the spices, etc..."

What does that mean to you, how do you interpret that? --- Well, it is going back to 1652, and when the first settlement was made at the Cape.

It is a play on the fact that the Whites are foreigners in this country, and that they must get out? --- Well, that the original intention was that it should be a halfway station and settlement took place subsequently. (20

Yes, but presently it is a play on the fact that the Whites are foreigners in this country and they should get out, isn't that so? --- Well, there is no play on any words here, on foreigners but it says that "...Vorster when are you going..." apparently Vorster promised this, well, this is what it says "...Vorster when are you going to bring home the spices and -pause-

Yes, so it is a suggestion that the Whites represented by Vorster get out of the country, isn't it? --- Well, it says here "...Vorster when are you going to bring home the spices. I have sent you to collect them..." There is a question mark, then it (30 says "...Surely when you return I am going to give you a
hiding/...

hiding on your ass..." and this is Holland. Well, this is the first time I realise what, it is probably Holland who is purporting to be saying this.

Yes, then look at the next one, RALLY B.26. "...Frelimo fought and regained our soil, our dignity. It is the story. Change the name and the story applies to you..." That is an incitement to violence, isn't it? To violent methods? --- Well, if it is borne in mind that Frelimo was fighting, but as I have said, to my recollection of the state of events, Frelimo did not fight and win, Frelimo came to power purely through change in Government in Portugal, and the handing over. (10)

Right, let us just start at the beginning. Frelimo did fight, didn't they? --- Well, that's.....(intervention)

Violently? --- Well, it is common knowledge.

Right, and Frelimo did regain what they call "our soil?" --- Well, I think that is rather a misnomer. Regain their soil it should be, ought to have been.

Yes, "...change the name and the story applies to you..." therefore adopt Frelimo methods and you can regain our soil, isn't that so? --- Well, there is that suggestion. (20)

Well, is there any other suggestion? --- It is slightly confused and our.....(intervention)

Is there any other suggestion? --- Change the name, well, change the name of what? Regain our soil, our dignity, as I said it is a misnomer, the use of the word "our."

Then look at RALLY B.27. There it is very clearly stated what their intentions are. "...we shall drive them to the sea, long live Azania..." Now, that is a sentiment that foreigners must get out? Isn't that the same sentiment if you say, somebody (30)

expressed/...

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expressed/...

expressed in Durban in 1949 about the Indians? Now here it is the Whites? --- Well, there it is "Indians don't need the vote, they need the boat". So here "we shall drive them to the sea" does not say who is "them", but -pause-

Is there any doubt that is the Whites? --- Well, as I say it is - there is room for doubt there.

Have you any doubt that this refers to the Whites? --- Well, it could mean a specific section of the Whites, or it could mean other people. I am(intervention)

Mr. Cooper, just look at this RALLY, you know the origin (10) of these documents, they were found at Turfloop on the day when your rally was being held there. --- It was not our rally.

I will canvass that point, but on the day when the SASO/BPC rally was held there? --- As I say there was not any SASO/BPC rally that I am aware of. ..(inaudible) .. any other centre, except at the one where we were, organising, the ones we were organising.

Mr. Cooper, this is the rally that was held at Turfloop on the same day as you held your ally in Durban? --- Yes. And the first that I had seen these is when they appeared in this (20) court, Your Lordship.

Therefore in that context, Mr. Cooper, who can these refer to? --- Well, Your Lordship, it can mean anybody, but the suggestion is that it must be Whites.

Must be Whites, that is the point. Right, now let us look at RALLY B.31. I must remind you that the words- it was

"Frelimo killed and won, South Africa Black" and the word "killed" was written on the banner in red. "and won" are written in red. "killed and won". How will you just tell the court what does that mean, how do you interpret it? --- (30)

Tell, what/...

Well, what it says "Frelimo killed and won," although it is incorrect there. They killed but they did not win because of their killing or fighting. South African Black, is the question mark, "are we going to kill and win or what are we going to do". That is how I read out.

We are going to kill and win or what are we going to do? isn't the message clear, Frelimo killed and won, South African Black, what are you going to do? --- What are you going to do, that is the questionmark?

Isn't this an exhortation to use violence? --- Well, it may (10) be a deprecation of violence. It is ambiguous, the question mark is ambiguous. One can't say it is. If it should be - "South African Blacks, kill and win", it could have said that, if they wanted - as I said the question is ambiguous, the question mark.

Now we will get back to analysing Mr. Nengwekulu's speech here. We have already established that he was a member of the BPC ad hoc committee, is that not so? --- Yes.

So was Keith Mokoape? --- No.

At least Aubrey Mokoape, accused no.4? --- That is correct.(20

And that after Nengwekulu had made his speech, accused no.4 called for the - proposed the resolution supporting BPC? --- That is correct.

And he also made the remark to the fact "That the hands of the Whites are dripping with blood"? --- That is what it says.

Now you say or you claim that this is just a rambling speech, the one of Nengwekulu. Is that so? --- Yes.

... the whole theme of the meeting. Let us have a look firstly then at Mr. Sewpershadh's statement on page 12. It says at the bottom of the page - "The people went on taking

risks braving all sorts of dangers in their ..?... to

bring to/...

bring to an end a system of Government that is an open shame to the concept of man."

Is that right? --- That is what it says here.

Do you agree with his sentiments? Do you agree with those sentiments? --- It is in isolation, I will have to look ...

In isolation or not, but do you agree with those sentiments, in isolation as they are? --- I may agree with them, or may not agree, it will depend on the context of what he said.

Mr. Cooper, do you agree with the statement that this is a form of Government ... --- I definitely agree with that statement. (10

.. that is an open shame to the concept of man? --- Yes.

Rightm then he says - "Thousands of our people are going to jail as they are being branded as criminals. By reports large numbers have been banned in house arrests, and have been made to go all sorts of other hardships for their attempt to create a better society in South Africa. Seventeen people have died while being detained by the police. That we affirm today and what we wish to let known to the world is that while these people have been found guilty and are being made to undergo the cruel rigor of the jail sentence. The Black people of this country, these are not criminals. Today a million or so Blacks of this country, these people stand up as men and women who are prepared to take risks and pay the price for holding fast to their beliefs." (20

Is that in accordance with BEC's sentiments, that statement? --- No, not entirely.

Well, how does it differ from BEC's sentiments? --- Well, it starts at the beginning on page 12 - "Thousands of our people/... (30

people are going to jail and they are being branded as criminals. By reports large numbers have been banned and house arrested and have been made to undergo all sorts of other hardships for their attempt to create a better society in South Africa."

That is a statement of fact. "Seventeen people have died while being detained by the police. What we affirm today and what we wish to get known to the world is that while these people have been found guilty and are being made to undergo the cruel rigor of the jail sentence, The Black people of this country"- I think that ought to be - "to the Black people of this country, these are not criminals." (10)

This is a commonly held belief that -pause-

It is also a BFC belief? --- Well, we have differed on the methods of - adopted by these persons, Your Lordship, and we touched on that yesterday. - "Today a million or so Blacks of this country, these people stand out as men and women who are prepared to take risks and pay the price for holding fast to their beliefs" - (20)

well, that is a statement of fact.

Then we come to ... --- "The names of people like Nelson Mandela, Walter Sesulu, Robert Mbegi -pause-

That is actually Robert Mbegi. --- "Bram Fischer and others have enshrined themselves in our hearts(intervention)

I am sorry, it is not Robert Mbegi, it is Govan Mbegi(?) ...

--- Well, it says Robert here.

It is Robert Mbegi, but it is a reference to Govan Mbegi.

Yes? --- "Bram Fischer and others have enshrined themselves in our hearts for their" - it says ability there, I don't know -

"of the/...

of the Police, and their dedication for freeing..."
something is missing, I don't know what the sentiments.....
(intervention)

That is as far as I want to take it.... --- "...for asso-
ciating themselves.....(intervention)

Mr. Cooper, the point he makes here is that the heroes
include these people, Nelson Mandela, Walter Sesulu, Robert
Mbegi, or Govan Mbeki, Bram Fischer, not so? --- It does not
say these are our heroes, he says "...these people will be
remebered..." that is what he says. (10)

"...have enshirened themselves in our hearts..." Surely
you don't "enshrine" a man in your heart if he is not your hero?
You would not enshrine a villain in your heart, would you?
--- Well, notoriety and famousness are on par.

Mr. Cooper, just answer the question. This does not refer
to just remembering them, "enshrine in your heart?" --- Well,
it is a conclusion that these persons are heroes and that they
are our heroes.

They are people to be looked up to? --- Well, he is making
a statement and he is a person.....(intervention) (20)

Does BPC also say that Mr. Cooper? --- We have said that
many of the true leaders of Black people have been banned,
house-arrested and incarcerated, and we have said also that we
may disagree with their views, but that these persons have
fought for liberty. That is as far as we go.

Now, I am not going to canvass this with you now, we did so
yesterday, or the day before. Have a look at page/14, this man
continues, Mr. Sewpersadh, at the bottom of the page he says:

"...Our movement has long ago passed the stage of
protest and we took constructive action striving for (30)
national freedom. Our organisations and our leaders
came/...

come into conflict with the police and the Government.
In this conflict our people and our leaders have
suffered temporary setbacks and temporary defeats."

Now who is he referring to their? --- I will have to look at the
context, actually read this.

That is this man, Sewpersalh? I think you said he was a
member of the Natal Indian Congress? --- He has been subsequently
restricted. I don't know if he is still a member.

At that stage? --- At that stage I think he was the chairman
of the Natal Indian Congress. (10)

Then there is another reference on page 15. - "This is
nothing new in the history of a struggle for freedom.

What is important to bear in mind is that violence and
aggression in this country comes from the Government."

That is also a sentiment of BFC? --- Well, that violence and
aggression in this country against Black people is the result of
White Government policy through the ages. That is the senti-
ment of BFC.

Then comes your piece of wisdom, page 16. Now let us look
at ... --- This is not my piece of wisdom, it is a piece of (20)
poetry. I think it is either by Francis Babay or Bernard Dadi.
It is French - Francophone(?) writers.

Now let us look at Hengwekulu. This speech follows on your
rendering of Dedication? That we dealt with yesterday, isn't that
so? Your rendering of Dedication is on page 22? --- Yes.

Then the next speaker as such is Hengwekulu. --- Yes.

I want to take some of the passages, look at page 23. "The
White man is the culprit, the White man is responsible
for whatever happens. It is all the same, the violence
of White racism, the violence of White pride, the violence(30)
of all/...

of 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."

Now there is nothing rambling, it is very clear, that he is referring to the Whites as violent? --- No, that is rambling, it is a clear example of rambling.

Then he said - at the bottom of the page, he refers to Christianity - "But very unfortunately it was distorted and of course it is still distorted. It was involved or it was designed in such a way that it perpetuated and God perpetuating White racism, a racism which was meant to oppress us and felt that they will destroy us. That is what we call violence of White racism." (10)

He is defining what he is talking about, isn't he? --- Well, that is just a particular section. But I don't know whether he is defining it or not. I have not looked at the entire speech up to that point.

I asked you yesterday morning to look at this speech and to tell the court where there were pieces that didn't agree with BPC's policy. You were given that opportunity? --- And as I attempted to say that it was a difficult task because I did not remember exactly what he was saying but he did make references to violence and (intervention) (20)

And then he returns to his theme on page 25, there he says - "So I choose my topic of this today to be the violence of Whites in South Africa, and of course the violence of Whites throughout the world."

That is a clear statement of what his topic is, isn't it, Mr. Cooper? --- Yes, that is what he says. (30)

And then/...

And then - "The Whites are being violent, right in Namibia, they have been killing my brothers right in Rhodesia, they have been killing my brothers and sisters, and now right in India they have been killing Pakistans. The war that has just ended it was as a result of White violence. They destroyed Pakistan, divided it according to their own wishes, and in the main colonial boundaries and of course you and I can just realise that that is the product of White violence."

Is that right? That is a very clear statement of fact and he (10) is sticking to the theme, isn't he? --- That is what he says there, Your Lordship.

That is what he says, Mr. Cooper. You didn't answer my question? That is a clear statement of ... --- Well, he said "this is my topic" and he is giving examples.

Yes, then at the bottom of the page - "I believe that when - in Sharpeville Whites were trained to perpetuate their own racism. They do it covetly but when they fail to do it covetly they become very physically violent. That is why in rioting Sharpeville they (20) destroyed our own brothers and sisters, our mothers and fathers. When they are destroying us they are not destroying humanbeings, they destroy people who are primitive, who want to take over leadership of the country. But I tell you that the country belongs to us because of our birth. It belongs to us because 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."

Now that is in fact also part of the theme of CPC that the (10) Whites/...

Whites are foreigners who came here. --- We have said that Whites - in certain statements we have said that Whites are foreigners.

So there is nothing inconsistent with what this man has said so far with BPC policy? --- Well, we have said that Black and White live together in this country and will continue to live together in this country.

Mr. Cooper, there is nothing inconsistent with what this man has said .. --- To that extent that I have pointed out.

Yes, then on page 26 he continues: "We have no right to (10)
give them ..." - and I want to point out that after he said this piece there was applause and laughter and I draw your attention to the fact that when - bear with me a moment please, Your Lordship - that when Aubrey Mokoape was dealing with his Resolution on Black Consciousness he said that : "Brothers
and sisters, most of you/^{here}present this afternoon, which by your cheering and your applause are doing your duty" - that is clearly approving of what this man was saying too, wasn't it? --- That is too obscure a conclusion for me to follow on.

Then we are back to page 26. It continues - "We have (20)
no right to give them guarantee that whatever happens in the future we would be able to protect them, and of course if they ask whether you want violent change or non-violent change, you have no moral obligation to answer such questions."

Now it firstly seems to me this man is talking common sense in the context. He says - "These are a violent people and if something happens in the future we can't undertake to guarantee that they will not receive violence". Isn't that so? --- He says here - "We have no right to give them guarantee that if (30)
anything/...

anything happened in the future we will be able to protect them. And of course if they ask you whether we want violent change or non-violent change you have got no moral obligation to answer such a question, that is what he says.

And Mr. Cooper . --- He does not say necessarily, Your Lordship, that these people are violent and they are going to reach a violent end and we are going to do something about ensuring they reach that violent end.

Mr. Cooper, the point here is quite clear, that he brings it to the attention of people that violence is one of the (10) factors that must be taken into consideration? --- Well, he is talking of

That final violent outbreak is a factor that must be viewed, not so? --- This is what he is saying, that Whites in this country have adopted violence against Black people, institutionalised violence, and he is also taking about certain examples of physical violence, and that is the theme of his whole address.

Yes, and if violence strikes the Whites, then we are not telling you we are going to work for violence or non-violence. (20) Right, then he continued : "We can't give guarantees because we are not responsible for the system. They are responsible for that which they are doing and when we react we will react in the way we think is best to solve the problem."

Have you got any comment on that? --- No, Your Lordship.

"We will determine the means to solve our problems. I am not here to determine what means you must use in order to solve your problems. Revolution or any change determines the means which have to be applied. Because (30) we are/...

we are going to apply the means which are going to solve the problems best the way we think it should be solved. So I stand here in order to say that we should be united and my theme should be Black solidarity."

Now we have got two of the platforms of BPC already, we have got the violence of the Whites and we have got Black solidarity. And we have got the people seeing the possibility of violence, not so? --- Well, he says if such a thing happens, I am in no position to give any guarantees, etc. They are responsible (10) for the system. That is what he says.

Then just look at page 27. He says at the bottom of page 27 - "As we assemble here today we must continue assembling like this as Black people, not as Non-Whites. We must come together and find a solution. A solution is just the only thing we can find because we have got no right to do anything. We have been deprived of all rights. But I think we have got only one right, that is the right to determine our future, the right to decide when to die and when to live as they did in Sharpeville." (20)

That is a very clear statement of fact, that is not a rambling statement, Mr. Cooper? It is a clear statement of intention, isn't it? --- I have said the speech was rambling.

There is nothing rambling about this? --- If you take out one point and say this is not rambling, and you take out another point out from another part of the context and say this is not rambling, you will continue to do this.

"These were great people, people who died for their convictions, people who died because they believed that the Black man is a humanbeing. A complete human-being in himself, not a negative of someone or a section (30) of this/...

of this strange people, but people who have been born in Africa. People who lived in Africa and will continue to live in Africa. They died because they believed in this. They were not talking of a sectional group of people, nor were they talking about politics of a tribal group. They were talking in terms of Black people. Right now there are people who are dying right in Robben Island because of their convictions." -

It is the same type of thing that has been perpetuated in BPC (10) literature, isn't it? And by you too? --- Well, it appears - I would not say perpetuated, I think the incidence of such a - the mentioning of for example Robben Island is rather small.

He says- "The White man is being violent right now, he is being violent ...?--- Where is that?

Just a little way further down - "because the time that we are sitting here, that we are assembling here, the White man is being violent right now and has been violent in the past. If you go to Kwa-Mashu you will find Black people are dying, Black people are dying of (20) starvation and hunger."

At the bottom of the page he continues: "And at the end we find that the land has disappeared beneath our feet and we are prepared to recover the land we have lost to these strange people."

Again the theme the Whites are strangers in this country? --- Well, Your Lordship, in the whole context he is talking of White violence and he has talked of Black children are dying of starvation of hunger, and he says that is a sign of White violence, and he continues - "right in Soweto there is crime, and of course/...

course crime is perpetuated right in Lower Houghton, crime is perpetuated in the White suburbs, because those people are being denied the chances to realise themselves, a chance to live their own lives and they have to be violent because they are being controlled by a group of Whites who are a group of people who came from overseas right in Africa to pretend that they are coming to civilise us. They are coming to Christianise us. And that the (Intervention).
Where are you reading from, yes? --- Then it comes to (10)
the sentence, Your Lordship, "and at the end we find that the land has disappeared beneath our feet and we are prepared to recover the land that we have lost to these strange people" .. - he is making a reference to the attempts that Christianising and thus civilising as it were Black people, and he says (Intervention).

Then he carries on with what the remedy must be.- "I have been saying that we have to unite. What we do when we unite, we must unite under a banner. We must be united under an ideology, united under a philosophy, and the only philosophy we can unite under which is that of Black (20) Consciousness. Someone here, Mr. Koka, spoke of Black Consciousness and of Black solidarity. I am aware of the fact that there is a Black Peoples Convention right at the moment which is going on, and there is a steering committee and an ad hoc committee which is trying to organise all people, trying to organise the Black people into one political movement." -

So his aim there was to create support for BPC? --- He makes mention of this, Your Lordship.

Isn't that his aim, Mr. Cooper? --- Well, I think he is (30)
referring/...

referring to what Mr. Koka said, and he is saying "I am aware of BPC and this is what BPC stands for".

He says clearly - "We must unite under ... --- I have already said he says "this is the topic of my speech and this is the theme of my speech", and it happens there here he mentions the BPC, what Mr. Koka has said.

"We must unite under the ideology" he says, in other words he is trying to promote the interests of BPC? --- Well, in that context.

Then we go to page 29. - "Because we cannot organise (10)
any political party right in South Africa, because we cannot vote for anything, we cannot enter into the so-called Parliament, but if the Black Peoples Convention tries to organise the people, organise the Black people, so that they could come under one banner, and I have meant to serve under this ad hoc committee, although not in my capacity as SASO's permanent organiser, but because I happen to be Black, and happen to believe that this is the only means of trying to solve the problem. So we must rally, arouse this Black Peoples Convention (20) and try to organise --- I think it should be "around"

Your Lordship.

I think it must be around. - "... around this Black Peoples Convention, and try to organise ourselves around this Black Peoples Convention, and when I am standing here I would like to extend my hand or to extend the hand of the Black Peoples Convention, not as a politician in the Black Peoples Convention, but as a Black person to the Natal Indian Congress, that is that as they participated right here in this day of commemoration, the day (30) when we/...

when we commemorate the death of our own people, we must not try to mourn over the dead, or try to regret their death, or try to apologise for their having died, because we know that they died for something very great. They died for their convictions. They died for our survival. We are here today because of their death.

We are assembled here because they died."

Now that is in fact - he reveals here that he is speaking on behalf of BPC? --- No, he does not reveal that.

He furtherances BPC? --- Well, Your Lordship, he is attempting to further BPC. He is propagating as it were BPC, but he makes it clear - "that I meant to serve under this" - which reveals if anything that he has not served under this ad hoc committee, and that is (intervention) (10)

Well, he was on the ad hoc committee, Mr. Cooper? --- Well, he said so here, "and I have meant to serve under this ad hoc committee", if you are taking the language to mean anything. And again there is another example of his rambling. He carries on using the same words, organise around the Black Peoples Convention, he mentions it so many times. This all shows that (20) this man has been rambling along.

This is just a trick of the orator to draw attention to what he is doing? --- Well, if rambling is a trick of an orator then it is something new to me.

Oh, you say this is a rambling speech? --- He is rambling, this whole thing, Your Lordship.

Yes, Mr. Cooper, but he is coming out very clearly with the sentiments in favour of BPC's approach? --- Well, he has mentioned BPC and he has spoken about what BPC is trying to do.

COURT ADJOURNS.

COURT RESUMES AFTER TEA BREAK.

SARAHASTMAN/...

SATHASIVAN COOPER (Still under affirmation)

CROSS-EXAMINATION BY MR. REES (Continued): Mr. Cooper, I want to put to you that the question of the use of violence against the Whites was pertinently brought home to you and the other members of BPC present, or potential members of BPC present, at this meeting by Nengwekulu? --- As I said Mr. Nengwekulu talked of violence and he said - I don't know whether Your Lordship will permit me to get hold of(intervention)

Mr. Cooper, you didn't listen to my question. --- And I am answering that question. (10

What are you answering? --- The question that was asked.

What was the question? --- That the use of violence was brought pertinently home to us in BPC by Mr. Nengwekulu.

Yes? --- Now on page 32, that is one example.- "I know that we might say I am preaching violence. I am not preaching violence, I only say that we must react against this violent system" (intervention)

Mr. Cooper, why don't you just answer the question? Did this man or didn't he bring pertinently to your attention the question of violence? --- Your Lordship, I am trying to ... (20 (Intervention).

Just say yes or no? --- I am trying to disabuse the court of that impression.

Alright? --- "I know that we might say I am preaching violence. I am not preaching violence, I only say that we must react against this violence. What we say is that we are not violent. Who says that Whites are not violent." He has made statements on violence, and as I said, we had cause to remonstrate with him over his rambling nature, the rambling nature of his speech, and the fact that he(intervention)

Will you please answer my question now, did he bring to (3 your/...

your attention the question of violence, or not? --- Your Lordship, as I am trying to say (intervention)

I did not ask you that, whether you remonstrated with him or not. --- I am answering that question.

Mr. Cooper, did I ask you whether or not you remonstrated with him? --- Your Lordship -pause-

Did I ask you that? --- The prosecutor did not ask me, I am answering his questions.

Then please answer my question which is, did this man bring to your attention the question of violence? Firstly? --- He (10) brought to our attention the question of violence.

Thankyou, that is what I wanted to know. Now we can get on with the question. --- Your Lordship ..(Mr. Soggot intervenes).

MR. SOGGOT: My Lord, my learned friend must give him a chance to (inaudible).

MR. REES: My Lord, he is not entitled to answer matters that arise directly out of my questions. His Counsel can take him through any matters that arise in re-examination. I asked him specifically whether or not this man pertinently raised the question of violence. As to whether they remonstrated with (20) him or not is an entirely different matter.

BY THE COURT: Do you now understand the position? You can give your answer. If you feel that it needs further elaboration, and then your Counsel will have an opportunity to re-examine you on that point, and bring out all the explanations that you want to bring out? --- Yes, but Your Lordship, I mean if I want to expand on it, how will my Counsel know that I want to expand on it? On any particular point?

Well, he will decide whether it is necessary to expand. You see, he might feel that the matter has been sufficiently (30) canvassed/...

canvassed already, that it is not necessary to ask you that.

MR. SOGGOT: My Lord, may I just - I think if the witness has given a completed answer then Counsel can decide whether it is a suitable topic for re-examination, but he is asked the question whether this was brought to their attention. The question itself to my mind is not of the clearest in this context, and the witness seems to be anxious to say something, and that is why I do feel that my learned friend should allow him to qualify his answer which obviously he wants to do. I can take it no further. (10)

BY THE COURT: Yes, but now you will have to decide whether it is necessary to - all the writings refer to the violence committed by the Whites on the Blacks. Well, then his answer covers that position. Now what else do you want, what further explanation is necessary?

MR. SOGGOT: My Lord, I am only dealing with this in relation to my learned friend's question. The witness seems to be anxious to qualify himself. He may well have insight into an aspect which I don't know about, and it is simply an ordinary principle that the witness should be allowed to give his answer, unless (20) he is clearly rambling or - and my submission is that the witness isn't doing that.

BY THE COURT: Well, I should also say this, I listened to the evidence. It is not necessary to repeat anything again to make your point, because what you have said I take note of that, and I remember it. --- Thankyou.

MR. REES: Now Mr. Cooper, I want to know from you, is this man's treatment of the matter at page 31, I am going to deal for the moment with the question of the use of the Sharpeville commemorative services. I put it to you that he is suggesting (30) there/...

there that Sharpeville commemorative services are not to be used only to mourn? Do you agree with that? --- "Where is that?"

That is a proposition I am putting to you, will you ... --- Your Lordship, the prosecutor referred me to page 31. And he says he says this here. Now if I don't have an opportunity to look at it I can't agree or disagree with that proposition?

Mr. Cooper, on page 31 he says - "We must always come together and I think if you mourn here today and live tomorrow and don't do anything, next year you will come here and continue mourning, and I wonder whether we (10) should continue mourning or should try to stop mourning and act against those who are destroying us."

Any comment on that? --- Well, this is what he says, Your Lordship, but BPC has held Sharpeville commemoration meetings to commemorate those who died in the struggle for liberation.

Yes, but now this man is going a little bit further than that, isn't he? --- Well, he is saying we carry on coming together and continuing to mourn, it is not our purpose to mourn, and he continues - "I am not saying that we should act

against them, but I believe that we must act against (20) them."

Now just a moment, Mr. Cooper, you are going off the point every time. We will be here until the day after tomorrow if you carry on like that. I want to deal with specific aspects.

Now if you look at page 32 in the bottom half of the page, there he returns to this theme where he says : "But should we come

here and mourn for them this day, should we come here to cry over their death, or should we ... --- I haven't got that, Your Lordship.

Right there where your finger is now. Perhaps a little (30) bit/...

bit lower down, have you got page 32. Have you got it? --- Yes.

"But should we come here and mourn for them this day, should we come here to cry over their death or should we come here to try to organise ourselves right here and try to prescribe a programme of action. I would be very proud if one of you would stand up and determine what we are going to do right now, and if you can do something right now. That will be the way of trying to mourn with them or to try to commemorate for those who died in Sharpeville." (10)

So he is wanting action, not just a day of mourning, this is the message he is giving. It is not just to be a day of mourning, it is to be a day of action. --- Well, he is saying that this is a day of mourning and we should not mourn here. He is saying that we must prescribe a programme of action, that is what he is saying here.

And on the next page, page 33 at the top of the page :
"Just last year Timol was killed right in Johan Vorster Square because of Whites, and you and I come here every day to try to mourn their death, and we don't do anything. I believe that if we come and mourn for these people, we shall be mourning continual mournings for the next three hundred years, and our oppression will continue without any strength. So you have to determine today right where you are sitting here, what you are going to do." (20)

This is an incitement to action, some sort of action, isn't that so? --- Well, he is saying we have come to mourn but we must consider a programme of action, and he is continuing that particular line.

Now let me come back again to page 31. The action he has (30)
in mind/...

in mind is violent action from what he says. After he had dealt with the position on page 31, he said : "We should continue mourning or should try to stop mourning and act against those who are destroying us. I am not saying that we should act against them, but I believe that we must act against them. I am not trying to say that we should kill them, but I believe that if one man tries to take your eye, you must always try to take his eye. If one man tries to take your life, you must also try to take his life, because it is the (10) only life you can live here. Never mind what we can live hereafter, but try to protect your life right here on earth."

Now that is as clear a suggestion that they should resort to violence as any, isn't it, Mr. Cooper? --- I don't know. As I said these are non-statements. "I am not saying that we should act against them, but I believe that we must act against them, I am not saying that we should kill them but I believe that if one man takes your eye you must always try to take his eye". I don't know, Your Lordship, this is the type of rambling that (20) I am talking about.

Mr. Cooper, it is a device of the orator of which you have said to the court you are also an orator ... --- I did not say that, Your Lordship.

You said you were politicizing? Isn't it? --- Well, I don't remember specifically saying that. But we were politicizing.

And here he is putting an idea into the minds of the people? --- He was speaker and everything he said is worded at the people, I mean

It was intended to evoke a reaction? --- I don't know if he wanted/...

he wanted to evoke any reaction, I can't say, he is the best one to say that.

Mr. Cooper, isn't this as it stands clearly intended to evoke a reaction of violence? --- No, this is very ambiguous. I am not saying we must do this but I believe we must do that. I am not saying you should do that, but I believe we should do this, that is the same.

That is the oldest device of you politicians, Mr. Cooper? It is the oldest device, isn't it? --- Well, I don't know about that, Your Lordship. (10)

I am not saying you must kill the people, but if a man pokes his finger in your eye, you poke your finger back? What is the suggestion? --- Well, he shouldn't take this thing lying down.

Exactly, and that is what he is saying there. Then on page 32 he continues : "I think it is high time, right time, the time is ripe that we must go, we must carry the fight towards their camp." He again says - "I am not preaching violence, I only say we must react against this violent system. But who says that we are not violent, (20) who says that the Whites are not violent, but I know that as you know, that they are always violent. The System is always violent."

Really the suggestion is you must react? --- Well, this is an indication of his rambling nature of his speech.

Yes? --- He is talking, as he said his topic is - his theme is White violence, and here he is saying "who says I am preaching this, who says I am not preaching this", and he carries on like that.

Mr. Cooper, if you look back at page 31, here he says - (30)
talks about/...

talks about fighting again. Page 31, at the bottom of the page he said : "And we have to fight Whites as a group, and we must fight them as a group."

That is why you want your big unity, to fight Whites as a group, to react to this violent system? --- Well, I have said that - I have said that the purpose of BPC is to unite Black people to fight for what we believe to be ours by right and what is being denied us. And in this context the fight is against White oppression.

Then of course there is the same theme here as has been (10) carried on throughout by BPC, and at the bottom of page 33, this one attacking the "Non-Whites". - "Non-Whites are more dangerous sometimes, more dangerous than Whites, because they are with us right here. There are many Non-Whites around. Today they are going to report to their "baas", they are going to report to their White masters what we have been planning here."

Then a little way further down he said : "But we must guard against these Non-Whites. We must try to watch them and shun them. We must try to isolate them, and if (20) possible must destroy them."

You see, that is the same sentiment as you expressed subsequently in ... --- I did not say that.

...in the middle of page 34, not the middle, the top middle. Page 34, near the top? --- Yes.

That is where he says here - "We must guard against these Non-Whites, we must try to watch them and shun them, we must try to isolate them, and if possible try to destroy them, because even my mother and my father is a stumbling block to my freedom. I have every moral right/...

right to kill her and destroy her. That is
a sign of determination."

Now. Mr. Cooper, you repeated the same sentiments in that "Before and After" and I quote: "...after we have exterminated the Uncle Tom's..." or words to that effect. Do you remember that? --- Well, I think I have dealt sufficiently with that.....(intervention)

That is the same sentiment, isn't it? It is the same sentiment? --- Well, he is talking of the undesirability of this group of people, the Non-Whites, and that they should be (10)
removed.

He talks about destroying them and you in "Before and After" also spoke about "after they have been destroyed" the same sentiment, isn't it? --- I am just saying so, and what he says here is quite clear.

Now, at the bottom of page 34:

"I think we have nothing to gain from Whites
because...(inaudible)...Whites have been violent."

Then it is clear from the context that Whites and their violence must be destroyed, as appears on page 35. And I am reading (20)
about the sixth line from the top:

"And I think that we have to fight for our freedom,
to destroy slavery and kill all White racism, or
we might remain with the human Whites but we must
kill their racism. If we happen to destroy White
racism towards, together with physical Whites, it
is just damned unfortunate, but what we want to
destroy is White racism."

That is very clear Mr. Cooper, isn't it? --- I think he has made his statement. (30)

Now, Mr. Cooper, the point I want to get clear from you is right at the beginning it was clear that your Movement could
lead/...

lead to a violent confrontation, isn't that so? --- No.

Wasn't this what this man was pertinently drawing to your attention? --- No, Your Lordship.

And the attitude of BPC was "it doesn't matter"? ---
Definitely not.

Even if Whites were killed. Did you ever repudiate this statement? --- I said, Your Lordship, that we remonstrated with Harry Nengwekulu. Do I have to go into the whole matter again?

BY THE COURT: Well, it is just to - well, you have answered sufficiently. (10)

MR. REES: Mr. Cooper, would you tell me what was the purpose of the pamphlets and fact papers that were issued, or to be issued by BPC? --- I can't talk about the "to be issued". The issued fact papers, it would depend entirely on what the circumstances were, Your Lordship.

Yes, what was their general purpose, Mr. Cooper? If you said that BPC has a policy, what was the policy? --- One doesn't distribute pamphlets or fact papers or any documents with a purpose, it would depend on how these were distributed, what circumstances they were distributed. (20)

Wasn't there ever any policy or plan with these things, Mr. Cooper? --- To my recollection, no.

Right, well then we will just see how truthful you are being with the court. Just have a look at BPC R.1. That is a document you drew up, isn't it? Mr. Cooper, look at page 117 of exhibit BPC R.1, page 36 of the actual document. Have you got it? --- Yes.

Under the heading "Pamphlets and Fact Papers", read to the court what you say there? --- "These would be periodical,

certain situational developments need to be highlighted from time to time. Our comments on such issues which (30
occurred/...

occurred together with certain programmes for action need to be constantly in the mass mind. The usefulness and effectiveness of pamphlets cannot be over-emphasised. This media plays one of the most important and vital roles in the struggle for freedom from White domination and suppression. The printing of these very relevant vehicles of communication is expensive, and until our printing works is established we will just have to bide by current prices."

You also on page 113 under phase (iv) of Publicity ... (10)

--- This is not numbered.

Well, that will be page 2. "Meetings, Pamphlets, Slogans, Songs, Newsletters, utilisation of certain platforms." ---

Page 6, yes.

So were you being quite frank with the court just now when I asked you the question? --- Yes, I believe so.

BY THE COURT: I missed that, what was the question?

MR. REES: Were you being quite frank with the court when I asked you the initial question in this series? --- (Court intervenes). (20)

BY THE COURT: I am not with you at the moment, what are you driving at? You referred him on page 113 to what?

MR. REES: No, My Lord, I asked him what role, if any, the pamphlets and fact papers played in BPC.

BY THE COURT: Oh, I see, yes. Well, you asked him whether it was set-out policy? --- That is correct.

MR. REES: That the policy was with regard to these matters, that was the question. Mr. Cooper, now whilst I am on BPC R.1 this is the document that Harry Singh took overseas with him to go and collect money? --- That is so.

Did he bring back any money? --- Yes, as he said. (30)

What/...

What did he do with the money? --- Well, it was utilised pause
Who did he hand it too? --- Your Lordship, the money was
handed over to - there was a certain amount that was handed
over to the head office of BFC.

Who did Singh hand the money over to? --- He handed it
over specifically to my brother.

Not to you? --- Well, I was then - I knew about the whole
thing.

Did he hand it over to you, Mr. Cooper? --- I was aware
that there was a cheque, I saw the cheque. He handed the money (10)
specifically over to my brother.

Were you present? --- I don't recollect whether I was present
or not, I may have been present.

What happened to the money? --- As I said an amount went up
to the head office in Johannesburg and (intervention)

How much? --- I don't recall specifically how much went.

Who sent it up to them? --- My brother.

How did he send it up? --- By post I should imagine.

By cheque or in cash or postal order or what? --- Money order
I think it was. (20)

Yes? --- If my memory is correct I think I have the stubs,
I can get hold of the stubs of the money orders.

Do you have them or can you get hold of them? --- I qualify
that, I can get hold of them.

Where can you get hold of them from? --- Your Lordship, I
would enquire from my attorney and get them from my brother if
he still has it.

BY THE COURT: You say did he actually bring a cheque from
Switzerland, or what? --- That is correct.

A Swiss cheque? --- Yes. Or Your Lordship, I can check with
the/...

the documents that we have at prison , the Compol documents, and it may be present in those.

MR. REES: Mr. Cooper, what happened to the rest of the money? --- The rest of the money was utilised towards establishing a printing works for BFC.

Will you just explain that, did you buy something? --- A machine was purchased.

Who bought it? --- Harry Singh, myself, my brother.

Who did the actual transaction of buying the machine, Mr. Cooper? --- I have just said so, Harry Singh(intervention(10)

Oh no, you have not. --- Harry Singh, myself, my brother.

Who did the talking, who did you buy it from? --- I forget who the machine was bought from.

Mr. Cooper, this is a big investment? --- Your Lordship, tjis is now two years later. I don't know who the actual company was, Your Lordship.

Where was the company? --- In Durban.

Was it a new machine or a secondhand machine? --- It was a secondhand machine.

How was the transaction conducted, by whom? --- I have just(20) said so.

No, you have not. --- It was conducted by my brother, Harry Singh and myself.

And what part did you play in the negotiations? ---I was present.

What part did you play, Mr. Cooper? --- I am interrupted. I was present when the machine was being purchased.

Have you finished now? --- Yes.

Because I don't want to interrupt you again. --- I hope not.

Who purchased it, Mr. Cooper? --- Well, those persons that(30) I mentioned./...

I mentioned.

No, you said firstly the three of you, now you say you were present. Now what part did you play in the purchase of that machine? --- I have just explained, there is nothing more to explain.

You were present? --- I have just said so.

Well, who did the talking? --- Well, I did talking, I don't recall who did the specific talking. I didn't recollect - I did not make a mental note to say I must remember who did the talking because in two years time I will be appearing on a (10) charge of terrorism.

You participated, didn't you? --- I have just said so.

You were one of the negotiators? --- Well, in that context, yes.

You were one of the negotiators, in what context? --- In purchasing the machine.

Yes, who did you negotiate with? --- Well, the person who, or the company whom we purchased it from.

What did you pay for the machine? --- I don't recall that.

Was it £100.00 or £1,000? --- I don't recall that, the (20) amount that Harry Singh came down with was just over a £1,000.

Did you pay the whole matter in full then and there? --- I don't think so.

How was it subsequently paid for? --- Well, I think the amount was - my memory does not tell me that it was not paid for in full.

Who had the control of this machine? --- Well, the machine was subsequently in the control of - well, it was in the possession of Mr. Jeffrey, Allan Jeffrey.

Who was the machine delivered to on purchase? --- On purchase?
It was/...

It was delivered to a signwriting firm.

Who? --- It was a little signwriter off Grey, I don't know the exact name of the firm.

Who were the persons? --- It was delivered to the persons whom it was made out in favour of, and it was made out in favour of Revographic.

That is what I wanted to know. Revographic. And who controlled Revographic? --- My brother was the person who controlled Revographic.

And you, what interest did you have in Revographic? --- I (10) had no interest as it were.

What did you have to do with Revographic? --- Well, I may have made out a cheque to pay for a certain purchase or not.

What do you mean, a certain purchase? --- In connection with the printing.

Yes, just tell the court what did you make out cheques for? --- I just said.

What printing was done on this machine? --- There was no printing done on the machine.

Then what are you talking about? --- It was a machine, the (20) intention was to print BFC stuff on the machine. It would have been in that connection, the printing.

Was anything ever printed for BFC? --- Lots of things were printed for BFC.

On that machine? --- Not to my recollection.

We are talking just about that machine, was that machine ever used? --- I don't recall it ever being used.

Was it intended to be used? --- It was intended to be used.

Now when Harry Singh came back from his overseas trip, who met him at the airport? --- I did meet him. (30)

You did?/...

You did? --- Yes.

You and who? --- I think it would have been his wife, his mother. I don't know whether my wife was present, she could have been.

And then you and he went to accused no.4's house? --- That was some time later, it was not that day. It was that Saturday.

What day did he arrive? --- I don't recall.

How long after he arrived did you go to accused no.4's place? --- I have just said it was that Saturday.

Mr. Cooper, how many days after he arrived was that? --- I(10) don't know on what day he arrived, but I remember it was a Saturday that we met accused no.4.

On the first occasion the two of you went to accused no.4? On the first available occasion you and Harry Singh ... --- Well, it was the Saturday.

Was that the first available occasion? --- Well, I don't know if it was the first available occasion. Because I think Harry Singh was still on leave.

Did you go with Harry Singh to any other member of BPC? --- Well, I assume so, I may have gone with Harry Singh to other (20) persons, who belong to BPC.

After his return? --- After his return from overseas?

Yes? --- I can't recall that specifically.

Let me just get this clearly, did you people trust Harry Singh sufficiently so send him overseas and entrust him with your money? --- Well, I just said so. I said so yesterday or the day before.

You had no reservations with regard to him? --- Well, there was nothing to hide.

You had no reservations with regard to Harry Singh? --- Oh, (there/...

there was this question mark and of course this type of thing is never killed.

At all? --- Well, unless it is proved to the contrary, absolutely to the contrary, and I think well, under the circumstances the question mark in this case becomes larger.

Otherwise you collaborated with him? --- Well, the things that we did, if you mean in that context.

He visited your house frequently? --- Well, he did visit my house on occasions for it may have been BPC, etc.

Did you visit his house? --- Once or twice, yes. (10)

How did it come about that your wife played such a prominent part in the rally? That is at Curries Fountain? --- I don't know what the prosecutor means by prominent part?

Mr. Cooper, we saw the photographs. She was in the lead, she danced about there ... --- I don't think that(intervention)

She had a BPC thing on and the evidence was that she shouted to the policemen to go home? How is it that she played such a prominent part? --- Well, in that context, she was a BPC person. She was present at the rally.

Yes. --- And Black people, singing where they are, that was (20) an occasion for jubilation. She was singing with the other persons that were singing.

Why - what part did accused no.4 play in the organisation of this rally? --- Does Your Lordship want the entire chronology?

What part did he play? --- As I have explained in my evidence already.

Just tell us? --- Well, the first that I know that accused no.4 came onto the scene was on the Saturday, and that was at the BAWU offices.

The rally was held on the Wednesday? --- That is so. (30)

So it/...

So it was the Saturday immediately before the rally? ---
Yes, the 21st? Yes.

Carry on? --- Then on the Saturday we were at BAWU offices and accused no.4 was concerned about he had heard about - I got the impression that he had just heard about the rally and he was concerned that there was no publicity attached to it, and if we were going to have a rally of this nature to celebrate with a people who had come to independence, there ought to be publicity, and then accused no.4 and I went along to accused no.2, together with Harry Singh and accused no.5. (10)

Right, he was concerned with publicity on the Saturday? ---
He was concerned with the lack of publicity.

Yes, and then was the publicity angle jacked up in consequence of his enquiry, or what? --- Well, I think his consternation was late, and accused no.4 - I mean accused no.2 when we went up to the SASO offices, it was impressed on him that we should have good publicity if this was to be a success, and accused no.2 did say that this is what he was going to do.

Now who all were involved in this when accused no.4 first came on the scene as far as you were concerned? It was you (20) and Harry Singh and ... --- Well, it was at the BAWU offices and there were various people in the BAWU offices.

But I am interested in who was the concerned participants. That was you, Harry Singh, accused no.4 and accused no.2? --- No, at the BAWU offices it was accused no.4, accused no.5, myself, Harry Singh, I don't know whether Bawa was there, he may have been there, that is Ahmed Bawa. Mr. Mabandla was there. I don't know whether Mr. Mbeo was there.

This Bawa, he was in fact the messenger, the runner-about? The runabout, people sent him here, there and thither, didn't he? --- I don't think that impression is entirely correct. (30)

What/...

What was he? --- If that idea was conveyed. We just utilised Bawa to carry our messages etc. I mean nobody uses anybody (intervention)

Did he do the footwork? --- Everyone in the organisation is supposed to do.

As opposed to the others doing the headwork? --- Well, I think everyone who is concerned with a movement does footwork and headwork.

Yes, anyway, so when next was accused no.4 involved? --- Well, the next I had occasion to phone him, when I had occasion to phone him on the day that the rally was scheduled for, that was the 25th.

Why did you phone him? --- Well, I had been trying to get hold of accused no.4. The persons that had gone over to Lourenco Marques at that time, Maputo, as the prosecutor has pointed out to me it is now, had not arrived, and the state of the particular rally organisation at that stage was a state of uncertainty, and it was - we were thinking at that stage of going ahead at Curries Fountain -pause-

Why did you phone him, Mr. Cooper? Or are you coming to that? --- Well, why not, he is a person - a member of BPC. (20)

What did you want from him, did you want advice or did you want him to do something? --- Well, it was in the nature of us discussing the ideas and deciding on whether this would be the proper course.

What induced you to phone him? --- As I said.

Why didn't you phone accused no.5? --- Accused no.5 to my knowledge was not there.

Why didn't you phone the president or acting president or vice/... (30)

vice-president of the organisation? --- Well, I was in contact with the vice-president.

Who was that? --- Mr. Colin Jeffrey. The president, to my knowledge he was not in the country at that time.

Who was acting in his stead? --- I don't know who was acting in his stead but I assume it was the vice-president.

Then you say you phoned accused no.4. Now what exactly did you want from him? --- I have said that there was no word from Lourenco Marques and the exact hour - our legal status as far as our rally - I am using the word "legal" very loosely, was an uncertainty, and at that stage that I had phoned him we were (10) thinking of going ahead at the Curries Fountain under the name of BAWU.

Why do you say "we" were thing, who was thinking this? --- We had the discussions at the BAWU offices, it was accused no.2, Mr. Myeza, accused no.3, Mr. Lekota, myself, Ahmed Bawa was around (intervention)

Lekota, is that accused no.5? --- Accused no.3. Mr. Mabandla, Mr. Mbeo , these are the persons who were present at the BAWU offices.

Yes? --- Well, we were thinking of going ahead at the (20) Curries Fountain under the name of BAWU and this was the original contingency plan that we (intervention)

Now still, why did you phone accused no.4 about it? --- I said, I am a founder member of BPC, accused no.4 is a founder member of BPC, and the idea was we should throw in our ideas and think about what we are going to do. It was a state of flux at this time, there was an uncertainty about our legal position as I have said.

These other people that you have mentioned that were there, which/...

which of them, if any, were members of the BPC executive? ---
None of them.

So you phoned accused no.4 because you wanted to consult
him in the matter? --- Well, in the context of(intervention)

Why did you phone Mayathula to come down? --- Well, he
had been phoned by accused no.2 to come as a speaker.

Why was he selected, was that discussed with you or not?
--- Well, he is a speaker, ..(inaudible) .. to have spoken.

Was that discussed with you by accused no.2? --- Yes.

What was the consideration, why didn't ... --- (Both speak(10,
simultaneously).. Oh no, accused no.2 told me that he phoned
Mayathula I don't remember exactly on what day he phoned
Mayathula, but I think it was the Monday.

Is the position then that he had phoned Mayathula before
he spoke to you about it? --- I was informed of this, yes.

After the phoning? --- After the phoning.

That is what I wanted to know. Right, what did he tell you,
why had he phoned Mayathula? --- Mayathula is a speaker.

Oh, is that all? --- Yes.

Or because he is a BPC man? --- That is taken for granted,(20
Mr. Mayathula is a BPC member. And we had advertised the BPC
speakers as well as the SASO speakers.

It is not clear to me, why do you phone a man from Mapumulu
instead of taking a man from Durban? You had lots of BPC
people there? --- There was no suggestion that the other people
who were available would not have been prospective speakers.

Why did you want this man from Mapumulu and not one of the
local people? --- He was a speaker and the Reverend Mayathula
spoke at meetings. I found nothing wrong with the suggestion
of his name.

You then also phoned him on that Wednesday morning? --- (30

That/...

That is correct.

Why did you phone him? --- Well, at this stage there was no word from those who had gone to L.M., and we were thinking now - this was early in the morning, I think the telephone conversation gives the time, it was at about ten, and at this stage we were thinking of an alternative venue and we were thinking of the Kajee Hall and Colin Jeffrey was attempting to secure this, and we were thinking of going ahead at the Kajee Hall. Now if we were thinking of going ahead with the rally at an alternative venue we had to be prepared (10)

Did you tell that to Mayathula? --- No, Your Lordship, I ...

Why not? --- Mr. Mayathula had been already phoned. If he had not been already phoned I would have motivated them accordingly.

But look, you are now wanting to - look, what was your purpose in phoning him? As I understand you you are saying because you changed the venue? Is that correct? Or am I misunderstanding you? --- He had been phoned - Your Lordship, a collection of all these reason.

No, but your reason for phoning him .. --- Was that he (20) had been already phoned to come down by accused no.2, that is Mr. Myeza, some time that week, and this was because he was required as a speaker. On Wednesday morning we were thinking of going ahead at an alternative venue and that was the Kajee Hall, and going ahead now would mean that we would have to be prepared with speakers and this type of thing, and the persons from Lourenco Larques had not turned up. So if we were going ahead with that plan we would have to be prepared.

You did not say to him come and speak, you said to him come down? --- That was taken for granted.

But there are so many things which appear now to be taken (30)

for/...

for granted, because they don't fit into the picture, Mr. Cooper? --- It is quite obvious that what I have been saying, and if Your Lordship considers the telephone conversation, there is nothing that is not taken for granted. It follows, there is nothing that I am attempting now to fit in as a Defence version. There is nothing to fit in as a Defence version.

Now I still don't understand, if accused no.2 had phoned Mayathula to come down, why it should be necessary for you to phone him again on Saturday morning? --- Well, we were in (10) a state of uncertainty at that stage, and we were thinking of going ahead, and I thought that I may as well phone Mayathula. At least I knew that he had been phoned by accused no.2, I

BY THE COURT: You mean Wednesday morning? --- Wednesday morning, and I wanted to find out whether he would be on his way, or whether he would be still at Kapumulu, and when I phoned him I think I managed to convince him that he ought to come over.

You were very busy that morning, Mr. Cooper, you had all kinds of problems? --- Yes, that is so. (20)

Now I still don't understand why a man who had already been phoned, you did not say anything in your discussion with him - "I am reminding you about no.2's discussion with you, are you coming"? --- Different people speak differently, I can't go and speak to Mayathula the way the prosecutor wants me to speak to him.

I don't want you to speak to ... --- That is my way of speaking, Your Lordship, the few telephone conversations that are available demonstrate my manner of speaking. And I can't say now why didn't I say this to Mayathula.

You say/...

You say that you people decided that you were not going to go on with this rally? --- At what stage, it depends.

I am asking you? --- Well, that is a wide question. I will have to take the whole matter....(Court intervenes)

BY THE COURT: You mean not decide of your own?

MR. REES: Did you decide at any stage that you were going to not continue with this rally? --- That we were not continuing with the rally?

That is right? --- Yes.

Right, when exactly did you decide that? --- Well, the first proposition was going ahead at the alternative venue..... (10
(intervention)

Mr. Cooper, I don't want to know the whole history. All I want to know from you is when did you decide.... --- Your Lordship, I am telling..... (intervention)

Please wait until I have finished speaking, Mr. Cooper. When did you decide not to go on? --- I am explaining this, and if the prosecutor will wait for me to speak, give my answer, then there will be no need for this unpleasantness.

Mr. Cooper, I asked you when did you decide not to go on? (20)
--- This is what I am answering, it was when, around 10 o'clock when we were deciding to go ahead at an alternative venue. This idea was subsequently rejected. Eventually when we met at the doctor's quarters, that is D.Q. at King Edward Hospital, a firm decision was taken.

I will repeat my question. When did you decide not to go on? --- Those were the two occasions.

When, Mr. Cooper? --- On the Wednesday the 25th.

At what time, Mr. Cooper? --- This was around lunch time at the D.Q. (30)

Had/...

Had Harry Singh and the others returned from Lourenco Marques? --- Yes.

What were the factors that were considered as to why you should not go on? --- Well, there were various factors.

I want to hear what they were? --- This was at the D.Q. There were various persons present, the persons from L.M. had arrived and (intervention)

At the D.Q.? You mean at accused no.4's rooms? --- That is what I said.

Well, please refer to it, no.4 's rooms? --- Well, I will (10) refer to it as I know it, D.Q. and I have explained so many times that D.Q. is accused no.4's flat. Now I can't give evidence the way Mr. Rees wants me to give evidence. Your Lordship, we were undesirous of continuing. At the same time the dilemma that we were faced with was how to withdraw without losing face. That is the basis of the whole ...

You are going off the point that I want from you. What were the factors that decided ... --- These were the factors.

You say the factors were undesirous, now what made - what were the factors that made you undesirous? --- We could not (20) go on, we had no desire to go on.

Why not? --- That meeting had been finally banned and we were placed in the position of now deciding on what action we were going to take.

Yes? --- And Your Lordship, there were various suggestions put forward as to what we should do.

Did anybody say - "we must go on", was anybody in favour of going on? --- Harry Singh did make a suggestion like that but it was not taken very seriously.

Was anybody else in favour of going on? --- No. (30)

Only/...

Only Harry Singh? --- Well, it was not taken seriously, he said oh, we must go on, and as I explained to Your Lordship, I was under the impression that he was slightly inebriated.

What was accused no.4's attitude? --- Accused no.4's attitude, as was the attitude of all of us, ... (intervention)

I asked you about accused no.4's attitude? --- I am answering that, Your Lordship.

Well, then say without adding on ... --- Accused no.4's attitude as was all our collective attitudes, as was the attitude of all of us, was that we can't go on, and we must (10) withdraw keeping the initiative, without losing face.

How were you going to withdraw? --- Well, it was a fact eventually now, that the rally had been banned, it had taken a long time being banned, but it was banned eventually and now we were faced with the problem. We were concerned with a few issues, and these were that the future of the movement, the good name of the movement should be preserved, should not be allowed to snowball into the mould that the press was casting us in at that time. We were being cast as a source of approbrium at that time and we were very keen and desirous of destroying (20) that particular image, and this would depend on the type of action we took and Your Lordship, we were thinking of - also the people who may turn up because of the uncertainty of the entire issue, because the meeting had - there was the intention of the banning, it had subsequently been announced that it was banned, we felt that it hadn't been banned, and now eventually on the 25th it was banned. There would be people who may turn up, and these were the two considerations - I think these were the two vital considerations. The consideration of the Movement, the image of the Movement, the future of the Movement (30) the status/...

the status of the Movement, and what would happen if people turn up.

Well, what did you decide, what were you going to do? --- Well, the eventual decision was that if a large number of people turned up, and a number was suggested of about a thousand, Your Lordship, that if a large number of people turned up, then accused no.2, that is Mr. Myeza, would attempt to disperse the people, using his discretion. He could either approach the Commanding Officer or he could do it himself, but this was the idea, that accused no.2 would disperse the people, (10 address them and get them to disperse, and(intervention)

Then what ... --- I have not finished with that, Your Lordship, and in doing so he would get in a quick political jab, which would be so instantaneous that it would be over before it began, and the whole issue would fall in place and the blame would rest squarely where it belonged, that is with the authorities.

When was this decision taken? --- On the Wednesday.

We know that now, but at what stage? At what time about? --- I said at about lunch time. Your Lordship. (2)

Was that the final decision taken at about lunch time? So after lunch time it was quite clear the intention was that BPC was not going to go on? --- Well, that the rally was not going to go on, well, it was a joint SASO/BPC affair. That the rally cannot go on and that we are not going on with the rally.

Under any circumstances? --- Under any circumstances, that was the decision taken.

I don't quite understand how it is that you people would have decided to go and seek the co-operation or the permission (3 of the/...

of the Commanding Officer of the Police there to disperse. You see, as I understood BPC and SASO's whole philosophy, it was one of no co-operation with the System? --- If.....(intervention)

And especially the Police were anathema to you. Now why would you say to this man "can I stop them?" --- The non-co-operation with the System is taken out of its context. Non-co-operation with the System is in the context of the whole Bantustan idea, etc. etc. But, Your Lordship, in this context we decided that accused No. 2 would use his discretion, and if there were Police there, as we suspected there ought to be, and there would be, then, if he was in no position to - it would depend on him - if he was in no position to just address the people and to get them to disperse, then he would have to resort to the approach of the Commanding Officer, and vice versa. It would depend on what had happened there. (10)

What was the references to Sharpeville, what use did you want to make of Sharpeville there? Or what discussion? --- There was a mention of Sharpeville and we decided, I don't know whether it was before this decision on the rally, or after, but the decision also at the D.Q. was that we would go ahead with the press conference that was already scheduled and that was going to be held that evening at - I think it was at about 7 o'clock - at the SASO offices, and one of the accused, I think it was accused No. 4, - I may be incorrect on this - suggested that accused No. 2, or the persons who were going to be at the press conference, should make it clear that we intended no confrontation, we did not want to cause any type of Sharpeville occasion. (20)

Is that the context in which you now say Sharpeville was used? Why would there have been a Sharpeville situation arise/... (30)

arise? --- Well, it would - this came of the discussion regarding the press conference, that we - it was all futuristic, it would depend on whether there was a need for accused no.2 in the first place to go and disperse people.

In fact, Mr. Cooper, you people wanted to mislead the public as to your real intentions, isn't it? --- No.

You didn't fear any Sharpeville there? --- The use of the word Sharpeville is not - I don't think restricted to just the Sharpeville occasion, Your Lordship.

You didn't want to re-enact a Sharpeville there, did you?(10) Or did you? --- This was taken out of its context. We said we did not want to create a confrontation situation. In this context the incident of Sharpeville was mentioned.

Why, Mr. Cooper? Why? What did Sharpeville have to do with it? Tell us? --- Well, Sharpeville is an incident, it is a particularly important occasion in the history of Black people in this country, in fact in the history of this country, and we were saying - and accused no.4 demonstrates this when he talks of no confrontation in his telephone call with me. And it was in this context. (20)

Mr. Cooper, I just want to digress for a moment. Would you have a look at Exhibit G.1, we have referred to this earlier on, G.1, page 42 of the document. Whose handwriting is that page 42, I think you told us but just refresh our memory? --- Yes, I said that I think it is my brother's.

Now here he has the heading - "More Charges against BPC Men", that is the second heading? --- Yes.

Now you've got Mosibudi Mangena, the national organiser of BPC, as being charged under the Terrorism Act and he is also being held at Port Elizabeth, Harry Singh, chairman of BPC, Overport Branch, and Aubrey Mokoape, founder member of (30)

BPC/...

BPC are charged with having uttered words in the form of an address or speech, with the intent to promote feelings of hostility between Bantu and Europeans, and are to appear in the Durban courts on September 10th, 1973." --- Yes.

Now was this man Mosibudi Mangena, in fact the national organiser of BPC at the time? --- Yes, I think he was the national organiser.

And you were also at that time a member of the National Executive? --- No, this was after my banning. I was not an official of BPC. (10)

Now what was Mr. Mosibudi Mangena charged with? What was it alleged, what had he done? --- Your Lordship, it was in connection with some police - two policemen who - it had something to do with recruitment for terrorism.

It was alleged that he had attempted to recruit people for terrorism? --- He said that.

And was he convicted? --- Yes.

Now could he have acted in any other capacity than as the national organiser of BPC? --- The court found otherwise, unless the issues are to be judged anew. (20)

Tell the court, what did the court find? --- The court found that if Mr. Mangena acted in this way he acted on his own and it had nothing to do with BPC.

Is that what the court found? --- Yes.

When? --- I don't know exactly when, it was ... (intervention)

Did you listen to the judgment? --- The judgment was reported

And what - give the court the gist of the court's findings?

--- I just said that he was found guilty, and it was found that he was not acting on behalf or in consort with BPC.

On whose behalf was he acting then? --- I don't know, I did/... (30)

did not ask him, I have not seen him since.

And he was one of your true leaders as well, wasn't he?

--- Well, he was a leader in BPC.

And this man, Buthelezi, Siphon Buthelezi, he went to Botswana, didn't he? --- Yes.

And I want to put it to you that Botswana is the place that has been generally used as a route of egress and ingress for people who wanted to go for training, terrorist training, and those who came back after having received training? --- I am in no position to agree to that or deny that. (10)

Could you say whether Botswana was used as such a base at all, or a transit area at all, or don't you know? --- My knowledge of Botswana is what I read in the papers, that Botswana is a country that has economic links with South Africa, and that this is their relationship with this country.

Didn't Bokwe Maphuna go to Botswana? --- Yes.

Did Harry Nengwekulu go there? --- Yes, Your Lordship.

Did Siphon Buthelezi go there? --- I have said so.

And this man Mabandla, did he go there? --- I don't know where Mr. Mabandla is, Your Lordship. (20)

Is there any sound reason why they should go there, instead of for instance to Lesotho? --- Well, I have read even recently that Mr. - the president, Sir Seretse Khama, the president of Botswana, has said that he is against this country's policies, and he will continue to harbour refugees of apartheid.

Mr. Singh told the court that Buthelezi went to set up a base? --- He is talking nonsense.

But if the refugees of apartheid are being harboured there, it does not make Mr. Singh's proposition so far-fetched, does it? --- Mr. Singh is talking nonsense in regard to that. (30)

Now /...

Now wasn't Maphuna - did you know who Maphuna is? --- Yes.

He was phoned from there, he was phoned whilst he was in Botswana, because he had connections with Frelimo, wasn't it? --- Well, he was outside the country and he may have had connections with members of the Government in Mocambique. But the telephone conversation, if I remember correctly, shows that he knows of other persons but he does not know anybody in Frelimo.

Was the question of military training ever discussed in - by BPC? --- BPC has rejected any form of violence. (10)

Perhaps you have not listened to the question again. Was it discussed? --- Your Lordship, it may have been discussed in individual circles.

Did you ever discuss it? --- I am coming to that, and it was a rejection of any form of guerrilla activity, any form of activity that the other movements have engaged themselves-in.

The question was was this ever discussed by BPC? --- I have said to the extent that it was discussed.

When was it discussed? --- Well, the rejection of confrontation with the authorities in that context was discussed (20) at the inaugural convention.

And was that the only time it was discussed? --- That was BPC, Your Lordship.

Do you remember - did you ever discuss it? --- I may have discussed this.

With who? --- With persons involved in the Movement.

How would it come about, Mr. Cooper, that you discussed it? Tell the court? --- Well, this is purely surmising here, Your Lordship. It may be that one reads of a particular case that is going on where persons of the ANC or PAC are brought before (30) the/...

the courts for guerrilla activity or sabotage or something like that, and we would have discussed this. One must discuss this.

Did you discuss this with Harry Singh? --- It would have been in that context, Your Lordship.

Did you ever discuss this with Mayathula? --- I can't say no, neither can I say yes.

Did you ever discuss it with accused no.4? --- I can't say yes or no, Your Lordship.

This that Mr. Mangena said, did you ever discuss that with anybody? --- Mr. Mangena's case?

Yes? --- Yes, we were surprised and we were shocked that this man was charged.

Who is "we"? --- BPC. I was surprised. I had occasion to discuss it with members of BPC, the persons that the prosecutor mentioned before, I may have discussed it with them.

You tell us Mr. Cooper, which persons you discussed it with? --- Well, I remember specifically discussing it with Mrs. Kgwere, who had been present at the case.

Yes, why did you discuss it with her? --- I just said she was present at the case. (20)

And what did she tell you? --- She told me that she found it highly surprising that Mr. Mangena could do this type of thing, and I discussed - I don't know if this was with Mrs. Kgwere, the unusual circumstances of Mr. Mangena's arrest and the fact that it was two policemen whom Mr. Mangena had had an argument with, called them Non-Whites, and later the Security Branch, the investigating officer pulled in Mr. Mangena, and let him go, and it was only after a time that he was arrested for terrorism. (30)

Mr. Cooper, /...

Mr. Cooper, I would like to get one point clear from you whilst you mention Mrs. Kgware's name. You issued this pamphlet, BPC D.4, you issued it, in connection with the trial, didn't you? --- Can I see which one it is? Yes.

And you say you wrote her name at the bottom? --- I was the architect of this pamphlet. I had phoned Mrs. Kgware asking her for her approval of this, and saying to her that I would issue it on her behalf as having come from her, to the particular - this was the Coronation affair I think, yes.

You see, what I want to know from you, all or the other (10) pamphlets which I have seen here, you issued in the name of Saths Cooper? Why did you want to ... --- No, that is not correct.

Why did you want this person's name at the bottom of that document? --- Well, Mrs. Kgware was the president of BPC and this was just immediately after we were elected to office on the first Executive and I was the public relations officer responsible for the preservation and projection of the name of the Movement, and Mrs. Kgware was the president of the organisation, and it would sound better coming from the (20) president of the organisation.

Mr. Cooper, I want to suggest to you why you did that. This was a lot of Zulus striking, that is why you did not write it in Saths Cooper's name? --- Mrs. Kgware as far as I am aware is not a Zulu.

Yes, but she is not an Indian? --- Well, that is so.

And the name there does not give any indication of whether she is a man or a woman? You wanted to appeal to the Black Zulus ... --- Your Lordship, there are no White Zulus as far as I am aware. (30)

You wanted /...

You wanted to appeal to (Court intervenes).

BY THE COURT: Isn't Mothlepula feminine? --- That is so, I was just trying to say that, Your Lordship.

MR. REES: You wanted to appeal to the Black Zulus and you knew they would not listen to an Indian? --- As I say I don't know who a White Zulu would be or a grey Zulu, but I reject that suggestion.

You are avoiding the point. --- I am not avoiding the point, I have explained the circumstances of this document. It did not strike me that Mrs. Kgware is a Zulu, which she is (10 not to my knowledge, and that the striking workers were Zulu. Your Lordship, we had a person here in this court and that person is not a Zulu, he came from Coronation - I mean -pause-

Why didn't you put her name for instance on this document BFC D.3? Just tell us? ---I did not think I should put her name. This was a particular message to particular strikers. And it says - "We are in support of your stand", and that is all. I don't know why I didn't use Mrs. Kgware's name, Mrs. Kgware, and say look, Mrs. Kgware, I am going to issue this pamphlet in your name, I am going to use your name. (20

Of course you didn't say that to her, of course you didn't. You just wanted to use her name? --- I phoned her, the evidence in front of this court - I think it was Captain Wessels who came into this court, he said that he is aware that Mrs. Kgware had been phoned. Unless Captain Wessels is a liar.

Yes, but he would not know why, Mr. Cooper. Mr. Wessels can't read your mind, and I am asking you to place what went on in your mind before the court? --- I have said what was in my mind. Now I can't say why I didn't phone Mrs. Kgware to (3

say /...

say - look, Mrs. Ekwere, I am going to use your name for this pamphlet here. This is a Zulu pamphlet and if I wanted that to happen I would have said - okay, Mrs. Ekwere, I am issuing another Zulu pamphlet in your name now and do you agree that I can use your name.

I see the other one was not confined to Zulus, Mr. Cooper?
--- This is a Zulu pamphlet.

It was not confined to Zulus? --- Your Lordship, this in Coronation, as I said there was a person who came here from Coronation factory, who is not a Zulu, so one can't say - (10)
this is the racial type of/ ^{stereotyping} which is common in this country, they are saying well, Zulus are in Natal, if a faction fight is somewhere it is a Zulu faction fight

What do you say is a racial type of thing? --- Of stereotyping

What are you talking about, what is being stereotyped?
--- By assuming

We are not assuming anything, Mr. Cooper, I am asking you for your explanation? --- This is what I am doing, that is is an assumption of gross - a gross assumption. (20)

Mr. Cooper, there are no assumptions being made. You are being ... --- That is an assumption, Your Lordship. One can't say (Court intervenes).

BY THE COURT: Mr. Rees is merely asking you, he is not ... --- He is suggesting it, Your Lordship, to me. He is saying Zulus were on strike, went on strike.

Yes, well, he suggested it to you so that you can ... --- But Your Lordship, I reject that suggestion. And I am saying so.

MR. REES: I am not asking you to reject, do you deny it? --- Well, I reject that suggestion. (30)

Mr. Cooper, /...

Mr. Cooper, you ... --- Because as I attempted to explain, we had a person here from Coronation, he was not a Zulu. That if anything disproves what the prosecutor is saying.

Is this the man who was beaten up? --- The person from Coronation who was here, I don't recall his evidence as being that he was beaten up.

Now I would like you to look at - let us get back for a moment to your printing machine, EPC have only one printing machine, have they? --- I can't say that, they may have had other printing machines. I can't say. (10)

How many do you know of? --- Well, this is what I am aware of.

Right, one printing machine... --- They may have had

Just a moment, how many printing machines are you aware of? --- This is the one that I was talking about.

Only one? --- That is the one I am talking about.

Now you say they may have had other machines? --- I assume that the head office must have had typewriting machines, duplicating machines.

How was this machine kept in the one place? --- As I (20) said it was in the possession of Mr. Jeffrey. It was found in the possession of Mr. Jeffrey.

Why was it removed from the place where you had taken it to? --- The Security Branch had been showing interest and we did not want what had happened previously to happen again.

What is that, what had happened previously? --- Your Lordship, previously machines had been confiscated and this resulted in the organisational drawback of the Movement. It is I think a common trick resorted to by the Security Branch. (3)

They/...

They confiscate a machine and it stays there, that is the end of the matter, until something comes out of it. There is almost no record.

Did Harry Singh know that this machine had been removed?

--- Yes, I think he was aware of it.

When would he ... --- I can't say when.

You think he was aware, you don't know? --- Well, he was aware that it was with Mr. Jeffrey.

Make up your mind, either he ... --- And I think he was aware that (intervention) (10)

Either he was aware or he wasn't aware? --- No, I think he was aware that it was moved.

Now Mr. Cooper, will you have a look at BFC R.1, page 113, or that is page 2 of the document - gee vir hom BFC R.1. --- On page ...?

On page 2 of the document as such, page 113 of His Lordship's pages. Now you dealt there with the various phases and you have got particularly phase (4) "Crisis Situational". --- Yes.

Now will you just tell the court how you interpreted those words? --- Well, BFC is a political movement, and as such(2) it involves people, and the Black people of this country are the people it is involved with. And from time to time there may occur in the Black community a particular incident or a particular occasion may arise when the BFC should be brought to the minds of the people.

So do you agree with Harry Singh's evidence on that point? Do you recollect it? --- I don't recollect what he said.

He said it was that when there is a crisis the crisis will be dealt with as and when they arise? --- Well, that is in this context, it is in the context I have been speaking about. (3)

And your/...

And your issuing of documents in connection with Chatsworth and the strikes etc. --- That was an example of this type of situation.

That is what I wanted from you. ---That is correct, Your Lordship.

Now let us turn to BFC B.1, page 30. --- Which numbering would it be on this?

I think it is page 5. You have given us already one correction, I will deal with that as we come to it, there it was resolved. ~~or the Commission~~ recommended the founding (10 of Black Trade Unions all over the country, that is paragraph (vii)? --- That is correct, yes.

Now except for the deletion of the words "e.g. the Black Allied Workers Union" on page (b), that is as this resolution stood and was accepted by - adopted and accepted by BFC, isn't it? --- To the best of my knowledge, yes.

Let us just go through that and then determine what the effect of it is. - "That BFC decided or recommends to

found Black Trade Unions all over the country."

Is that so? --- That is what the paragraph (VII) appears to (2 say, Your Lordship.

And was that in fact given effect to? --- It says "We recommend the founding of Black Trade Unions all over the country." It gives encouragement to the founding of trade unions, and the individual (intervention)

Mr. Cooper, did BFC do anything about it? --- BFC was involved with the Black Allied Workers Union and the Black Workers Project to sort out the areas of operation.

So they tried to give effect to it, to put it into operation. The recommendation? --- In that context, and there are (3 references/...

references in the first Congress Minutes.

And they say that these trade unions should belong to one umbrella union or council? --- Yes.

That is BPC's aim. "Workers should be grouped under this one body according to their job category. 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 make him attain the highest degree of self-reliance." (10)

Was that given effect to, or did BPC try to give effect to that?

--- As I said, various individual members of branches may have been involved with various trade unions, but BPC was involved that I know, specifically with attempting to delineate the areas of operation of the Black Workers Project and the Black Allied Workers Union. And this is as I said, is contained in the first Congress Minutes.

I am interested in this intensive conscientising campaign.

--- I have just (intervention)

Were you trying to be - did you try to give effect to that (20)

--- I have just said that individual members may (intervention)

Mr. Cooper, did you try to give effect to it? --- Well, I have not gone about involving myself in such an educational programme.

Did you try to put into operation this intensive conscientising campaign? --- I just said I have not been involved in an educational programme (intervention)

I didn't ask you about an educational programme. --- That is what you are talking of.

Mr. Cooper, I asked you whether or not you tried to give/... (30)

give effect to - whether you tried to apply the intensive conscientising campaign? --- I have been involved in the Black Allied Workers Union and my involvement there I have explained. Your Lordship, I can't recall, besides -pause-

Mr. Cooper, I will ask you again... --- Well, I am answering, Your Lordship, if I am not interrupted. Besides probably if one can consider the pamphlets that I issued, but I can't recall anything specific in this regard.

Did you issue the pamphlets in furtherance of, or in an attempt to participate in BFC's conscientisation campaign? (1) --- I have issued the pamphlets and I have said why I issued the pamphlets.

Did you issue those pamphlets as part of BFC's conscientisation campaign? --- The pamphlets were issued on specific occasions, concerning specific incidents.

Were they issued as part of BFC's conscientisation campaign? --- They may have been, Your Lordship, but I can't say as I am thinking now I must further the conscientisation programme and I must issue the pamphlets.

You don't know whether you issued them in furtherance of ... --- I can't honestly say that I have done this type of thing. As I said these are specific pamphlets and that the pamphlets were issued around specific circumstances. (2)

You would do anything to let the Black worker become aware of his significance in his job situation? --- Well, I think that is said in one or two of the pamphlets which I issued.

Is that what you intended to do? --- I think that is a sentiment that may be expressed in one or two pamphlets.

COURT ADJOURNS.

/YC.

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