

MR SHUN CHETTY

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

Vol 91

CASE NO.: 18/75/254.

In the matter of:

THE STATE

vs.

S. COOPER AND EIGHT OTHERS

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VOLUME 91

PAGES 5212 - 5260.

LUBBE RECORDINGS (PRETORIA).

COURT RESUMES ON THE 13th MAY, 1976.

MAITSHENCHAPE AUBREY MOKOAPE (Still under oath)

CROSS-EXAMINATION BY MR. REES (Continued): Doctor, if I may take your mind back to the inaugural convention of BPC in July, 1972, you told us that you and accused no.1 were the conveners? --- Conference organisers.

You also told the court that you sent invitations to various people? --- That is correct.

Or organisations? --- Yes, that is correct.

Did you expect a SASO delegation to attend? --- Yes, I (10) think we did.

And who did you expect or think the members of that SASO delegation would be? Or didn't you know? --- No, we didn't know that.

You didn't know before? --- No.

Did a SASO delegation in fact attend? --- Well, people from SASO did attend but I cannot say specifically whether they were a delegation. For one Steve Biko was there, he was sitting on the planning commission.

Which other SASO members, or SASO members that could have(20) been a delegation attended? --- Mr. Moodley, that is accused no.9, he was present. I think Dr. Mamphela Ramphela was present. Mr. Pityane. Those are the names that I can remember offhand.

At the beginning of 1972 were you then a member of the Students Representative Council of the Black Section of Natal University? --- No, I wasn't.

Did you have anything to do with it? --- No, I wasn't on the SRC.

Were you ever a member of the SRC? --- Yes, I was a member(30) of the/...

of the SRC.

From when to when? --- I think I was a member of the SRC in 1969/70.

Did you have anything to do with the activities of the SRC in 1972? --- No, I was just an ordinary student.

You see, what I am interested in is in one of these documents there is reference to a Fresher Ceremony at the beginning of 1972 in which TECON participated. Do you know anything about it? --- In 1972?

Yes? Let us have a look at EXHIBIT N, ordinary N, perhaps(10) that may refresh your memory. General N, you know? I think this was the document that was produced by the Defence. Yes, it was handed in by Mr. Soggot. Now this was handed in by or through Mr. Soggot, he was appearing for you all the time. What I am interested in specifically - has Your Lordship got the copy?

BY THE COURT: Yes, thankyou.

MR. REES: Have you got the copy? --- Yes, I've got a copy.

I would like you to look at - this Exhibit N is a SASO Newsletter of March/April, 1972, and on page 8 there appears (20) an article, have you got it? --- That is right.

Under the heading "Quo Vadis, Black Student"? --- That is right.

And this article starts off : "The article printed below is written by a student from the University of Natal Black Section after poetry discussion presentation by members of TECON during Fresher week. This article appeared the following morning on the students notice board and was written anonymously. Its sincerity and ..?. honesty prompted the editor to publish this article. Below the article are printed comments (30)

of/...

of students who have read this article. Readers are prompted to respond to the pleas and statements made in this article and contrary points of view would be most welcome."

Now what I would like to know is do you know anything about that ceremony? --- Well, there is a Fresher reception ...

No, I am referring to this particular one, do you know anything about this ceremony? --- I would not say I remember.

Do you know anything about this article? --- No, I know nothing about this article. (10)

That is all I wanted to know, doctor. So you can't throw any light on it? --- I can't throw any light.

And Mr. Moodley, the editor, that is accused no.9? --- I don't know if he was the editor at the time, if it says he was.

Did you yourself ever submit anything to the SASO Newsletter for publication? --- No.

So you are not a writer, you are just a talker? --- No, I did not participate in writing articles there normally.

I just want to refer to Exhibit SASO E.1. If you refer to page 16 - have you got it? --- That is right. (20)

Now there is a reference, there is an article : "Bannings are milestones, says X Student", do you see that? --- I have got it.

And then the article continues : And it says -  
"Mrs. Sambo Moodley, wife of banned and house-arrested Mr. Strini Moodley called on all Black men in the country to become soldiers in the struggle." -

That Mrs. Sambo Moodley, is that the wife of accused no.9 that is referred to here? --- I would say that the name there, the first name, is incorrect. Well, let me say, I do not know the (30  
first/...

first name of Mrs. Moodley. I knew her as Mrs. Sam Moodley.

Let us just get the matter in its context. It says here it refers to some prior meeting and it says : "Mrs. Sambo Moodley, wife of banned and house-arrested Mr. Strini Moodley, called on all Black men in the country to become soldiers in the struggle."

--- I see that.

force  
"The fighting/for Blackness is still small. She needs more committed soldiers to take her message to the people, she said. Others who addressed Sunday's (10) meeting were Mr. Aubrey Mokoape and Mr. Jeff Bakwe."

--- I see that.

Now that is - refers to a meeting that was obviously held the previous Sunday, that is the 11th of March, 1973, in connection with the banning, inter alia, of accused no.9? --- That is correct.

Now did you and accused no.9's wife, were you amongst the people who addressed this meeting? --- I think that is correct.

Now can you remember what sentiments she expressed there at the meeting? --- I cannot remember specifically but I think(20) what she did try to put across was that the fact that these eight colleagues of ours had been banned, does not mean we should be discouraged in our efforts and that we should go on with the work.

Yes, did you have any cause to dissociate yourself with anything she said at the meeting or were you in general agreement with what she said? --- Well, I can't remember now what exactly was the things she said, but I think I would have been in general agreement with what she said. Although I don't know specifically whether there may be small portions I may (30) disagree/...

disagree with.

You see, her address is also recorded in the same document at pages 8 to 10. An address by Mrs. Sam Moodley at UNB. -

"This paper was delivered at the public meeting organised by the UNB SRC on Sunday the 11th of March, 1973. Mrs. Sam Moodley is the wife of the now banned former editor of SASO publications, Strini Moodley. She is presently working with the Black Community Programmes as a research assistant. At the beginning of 1973 she was dismissed from the teaching profession because of her involvement with SASO and the Black Consciousness Movement. She is an executive member of TECON." And she started her address by saying - "I shall begin my address by quoting this poem. Oh, Black Man, the dream of your pride is the reality, the Black soil of Africa is ours to take, to love, to nurse. To give to Africa her latent respect, to pluck from this land the marauding rapists that each day kill her beautiful children." (10)

The "marauding rapist" no doubt is a reference to the Whites, isn't it? --- (No reply).

I don't want to go through this whole speech with you. I merely want to draw your attention to it. --- Yes, except that I think she is using an image there to illustrate the denial to Black people by others ...

By the "marauding rapists"? --- Yes, but it is an image.

What image is it, doctor, you always refer to image, what image is it? --- It is an image to illustrate - I think she is attempting there to illustrate that the system tends to deprive Black people of their rights. (30)

No, doctor,/...

No, doctor, the image? The image, "marauding rapists", what is that image? --- Well, this is how I understand it, as an image. Those who are depriving others of their humanity.

In other words the Whites? --- Yes, I think she is talking about the White system.

Doctor, if you refer to somebody as a "marauding rapist", what other image does it evoke in your mind other than that of a marauding rapist? --- Well, obviously it cannot be literal there because she cannot have been meaning that Whites are partaking in the act of literal rape, I don't think that is the (10) sentiment she is trying to make.

Is the term a strong denigration and disapproval? --- It is a term of condemnation.

Now doctor, there is one item that I don't quite understand, quite know if I understand your evidence correctly. You say at your room on the 25th of September in connection with the rally there was a final decision taken, is that correct? --- That is correct.

And was everybody agreed to go along with that final decision? --- Everybody who was there, yes. (20)

Tell us, what was Mayethula's expressed attitude with regard to strikes and BPC's involvement therein? --- He never expressed any attitude to me about strikes.

What was his attitude with regard to the workers? --- He never expressed any attitude to me with regard to workers.

So you did not know what his attitude was? --- No, not in that regard.

And as a generalisation doctor, could you tell the court if you are able to bring about a collapse of this country's economy, would that hamper flexibility to maintain its police (30) force/...

force and army? --- Well, I do not know, I think circumstances there would have to be taken into consideration as to in the first place whether you can do that kind of thing and in the second place as to whether the police will not be able to deal with that particular situation you are attempting to bring about.

Assuming you - the question is if you are able to bring it about, will that affect or hamper the State in maintaining its army and police force? --- I don't think so really, because I don't see the direct connection between the army and (10) the police force and the economy.

Oh? Doctor, if the police force are prevented - the police and the army are prevented from getting vehicles and the machinery of war, will that hamper the State's ability to maintain the army and the police force? --- I think one could say so.

As I understood it, it was part of your outlook or BPC's outlook that any attempted bargaining with the Whites or as you call it, the White super structure, usually results or often results in them coming down hard on the Blacks, or coming(20) down on the Blacks with a heavy hand. Is that a correct summary of your general attitude? --- No, that is not a correct summary of the attitude there.

What would be a correct summary? --- I think the general attitude could be expressed as being when Black people come out say in the form of strikes, or in the form of demonstrations, or in the form of boycotts, the system tends to come down hard on Black people. But in so far as bargaining is concerned in the form of pressurisation, we thought that this is an area where direct confrontation with the Government(30) and the/...



and the system could be avoided.

Doctor, this formation and your creation of unity, and the formation of a Black Power bloc, does that in any way - is that in any way related to your desire to - or to strengthen your hand in as you put bargaining with the White super structure? --- I think it has that effect, because it gives our voice more weight, it gives our voice authority.

You say it now lacks the authority to bargain, or the weight to bargain? --- You mean our voice now?

Yes? --- Well, I would not put it like .... (10)

Or let us say when you started BPC? --- Well, I think when we started BPC, as I see it, from a political point of view, I think we had already embarked on this process of bringing to the fore the fact that Black people wished to have a change in the system.

Well, that is quite ... --- I think that the bargaining process by that token had already begun. And I think it is still going on all the time.

You are missing the point ... --- No, I don't think ....

You are giving me the same answer, you are giving that (20 answer every time on this point. Just listen carefully to the question. I will rephrase it. Does the creation of this unity or the Black Power bloc, is that intended to enable the Blacks to speak with a more authoritative voice? --- I said that is true, that the broader/<sup>the</sup>base of support we have the more authoritative our voice has, but I also said to you that it does not mean that we have not begun the bargaining process yet. It is not as if the bargaining process can be arrested in a point in time.

Doctor, when you say a bargaining process, you people don't talk to/...

talk to the Government, you don't want to talk to the Government? --- I think you perhaps may be understanding here what I would call the political process of bringing about pressure.

No, just a moment, you people don't want to talk to the Government, because you say that Buthelezi and these people who are talking to the Government are renegades? --- No, no. The reason we criticise the Bantustan leaders and the Bantustan institution is that we see them as complying with the system that has been created by the Government to denude Black people of power. We want Black people to speak as it were (10) with one uniform voice and not as Zulus, Coloureds, Indians and so on.

Now that is what I can't understand. How does this speaking with a uniform voice assist you to achieve your objectives? Why can't the Bantustan leaders for instance achieve the same objectives? --- They cannot achieve the same objectives because they are working in a structure that is already intended to defeat that method, to defeat the united voice of Black people.

Yes, if they are not united they are not strong enough? (20) --- If they are not united, that is obvious, we are not strong enough.

You are not strong enough? --- We are not authoritative. And we may even tend to be - we may have - even tend to disagree in our approach and in our methodology.

So that in fact before your negotiations with the Government can be effective, you have got to build up your strength, isn't that so? Isn't that plain commonsense? --- Well, in a manner of speaking, yes, but the point here is that one must realise that it is a continuing process. (30)

I quite/...

I quite appreciate that. As you are building up your strength you see the Government gives way here, they give way there? --- That is correct.

But you keep on the pressure? --- That is right.

And your pressure becomes more effective as your strength becomes greater? --- That is correct.

And that is the whole purpose of this unity and Black Power bloc? --- That is the purpose of unity generally in any process of bargaining.

Now isn't that inherent, isn't that argument inherent in (10) the decision at your first or at your initial conference when you said there should not be confrontation with the State? In other words there should not be confrontation or there should not be any clash with the State until you can speak with an authoritative voice? --- No, no, that is completely incorrect. The no confrontation is - this is something that is born out of our normal history, the fact that history has taught us that in this country this form of confrontation is not beneficial to the struggle of Black people.

But the confrontations in the past have all taken place (20) when the Blacks were not strong enough, they were not unified? --- Well, that is perhaps a point that could be disputed. I think the organisations in the past were quite big. What caused the confrontations to fail in my view was that we are dealing here with a huge nomothetic? structure of Government which has various resources to stifle any kind of confrontation of that nature.

That is right ... --- And this particular set-up has not changed from that time to now, it is still the same, the Govern- (30) ment here still has the same strength, so whatever you may

decide/...

decide to use has to take into cognisance this particular situation that exists.

Yes, doctor, that is exactly the point, you have got to take into consideration the strength of the government and your own strength? That is commonsense? --- Yes, but the point is we have got to see in which area we can operate without bringing about this unfortunate result upon us.

Oh exactly, exactly. Now PAC and ANC failed because the Government was too strong for them? ---And because the Black people can never ...

(10)

First of all just this one point, one of the reasons why they failed was the Government was too strong? --- That I think is correct.

They themselves did not have the support of all the Blacks? --- Well, as a historical point there I think that may be a point for dispute.

They did not have the support, they had not yet sufficiently organised, they did not have the active support of sufficient Blacks? --- I don't think any movement can have the support of all the Blacks.

(20)

No, but they had not been properly unified yet? --- I think there may be a point of dispute there, because I think the ANC and the PAC were very large movements, but certainly larger than BPC, and certainly larger than BPC would be in three years.

But you see, ANC - at least PAC, they did not include the Indians? Did they? --- I told you that the PAC did not accept Indians to be members as groups, but if they came as individuals they would be accepted. Similarly with the Coloureds. I think also with the Whites, I think there was a member of the ANC or PAC who was White. If I remember a Mr. Patrick Duncan I think(30)  
was a/...

was a member of the PAC.

What happened to him finally? --- I don't know.

This Mr. Drake Koka, was he a founder member of BPC? ---  
Mr. Drake Koka was a founder member of BPC.

He was the first president? Mayethula was the interim president, was Drake Koka then the first president? --- No.

What position did - was he ever president? --- No, he was not a president of BPC.

Wasn't he? --- No.

Was he a member of the Executive? --- He was a member of (10  
the ....

The National Executive? --- The National Executive, I don't remember which now, I think the first National Executive.

Wasn't he - didn't he also become or didn't he also found the BAWU, the Black Allied Workers Union? --- Well, I don't know the exact history of BAWU, but what I do know is that BAWU existed before BPC.

Wasn't this man the president of BAWU? --- No, I do not know the structure of BAWU.

Do you know that BPC made use of the BAWU office in Durban? (20  
--- Well, I don't know that. BPC had no office in Durban as far as I know but ....

But they made use of BAWU's office, that is really the point? --- Well, I do not know.

Doctor, I glean the fact that you do know from the contents of your conversation with accused no.1? Do you remember you said that you were speaking from BAWU and you said that is a silly telephone, so you must know? --- Well, the point is that there were BAWU offices there and SASO offices there, so generally members of the Black Consciousness Movement would be there (30  
some time or another. I do not know whether they have open  
house/...

house to use as offices.

But accused no.1 was the man who was to be found at BAWU? At all times? --- I do not know that. I do not know that because I did not myself go to BAWU at all times.

You see, even on this day - or at least your wife, her name is Gwen isn't it? --- Mrs. Nokoape?

Yes, is her name Gwen? --- Her first name is Gwen.

Is she generally known as Gwen? --- Well, she is known as Gwen amongst my friends.

You see, I want to suggest to you that she never took your baby to the rally, she took your baby to BAWU office and left her with Sylvia Mbandla? --- No, that is incorrect. My baby went to the rally with my wife. (10

Did you go with your wife? --- Where to?

To the rally? --- No, I did not go with my wife to the rally.

How do you know that the baby wasn't at the BAWU office? --- I know that my wife and my baby were at the rally and I know that my little child got lost in the mêlée there. (20

Doctor, do you deny that your child was at the BAWU office? --- At what time?

Do you deny that - at any time that day? --- Well, she may have been at the BAWU office at some time, but I do know that she was at the BAWU office because when I went to look for - I am sorry, she had gone to Curries Fountain, because when I went to look for the bay and found her, she herself, the little kid, told me that she had been at the rally and that she had lost her mother.

So where did you go to look for the child? At the BAWU office? --- No, I did not go to look for the child at the BAWU office. (30

Did you/...

Did you know that the child had been at the BAWU office?  
--- When? Before I went to look for the child?

At any stage, doctor? Do you know now that the child was at the BAWU office? --- I do know that at some stage, after they had gone to Curries Fountain, Sylvia Mbandla found the child and went with it I think it was to the BAWU office.

Yes, the child was in fact at the BAWU office ... --- But the child was there at the rally, this I - you can't contradict this, I know this, the child told me, the mother told me, and perhaps I should add that when my wife went to the rally (10 she was expectant, expecting my second child. So one may say my entire family went to Curries Fountain. (LAUGHTER).

BY THE COURT: Well, did you see her on the photographs that were handed in? --- The little child?

No, your wife? --- No, I did not see her. It looks like she was standing at the back or something, but she was bitten by a dog, I don't know at what stage.

MR. REES: Yes, doctor, so we are ad idem, we are in agreement, that that afternoon your child was in fact at BAWU office in the care or custody of Sylvia Mbandla? --- No, we are not (20 agreed. You are trying to make it a generalisation there. What I am saying is the kid went to - with its mother to the Curries Fountain area. During the mêlée there when the kid's mother was bitten by a dog the kid got lost.

Was it a child or a baby? The term "kid" remains one of a small goat. Carry on? --- And Sylvia Mbandla somehow managed to salvage the child from the mêlée. When my wife came to the hospital for treatment she told me that she had lost the baby. And now I was quite ....

Doctor, all that is very interesting. You told us that (30 yesterday. but the point was that child that afternoon was  
at/...

at BAWU office and you know the child was at BAWU office?

--- The child was at the rally.

BY THE COURT: Was Sylvia at the rally? --- Sylvia Mbandla was at the rally yes. She was at the rally.

MR. REES: And the child was at one stage that afternoon at the BAWU office? --- At one stage, that makes it better now.

And at one stage you say the child was at the rally? --- The child was at the Curries Fountain during the period that all these things happened there.

Because the only information I have about the child is (10 that it was at the BAWU office? --- Your information is inadequate.

Now the - where did you finally find the child? --- I finally found the child with Sylvia Mbandla.

Where? --- At accused no.1's flat.

BY THE COURT: Did you see Sylvia Mbandla on those photographs? ---I did not look for her specifically, My Lord, she may have been there. But I know the little child was telling me how she was jumping over the dogs and she had not been bitten and everybody was making a big joke about this, that she had been (20 one of those who escaped the dogs as it were.

RE-EXAMINATION BY MR. SOGGOT: Doctor, to deal briefly with that you have been cross-examined on now, you say your wife went to the rally that afternoon. How did you know she was going to the rally? --- She came to my place at work.

And was she accompanied by anybody? --- She was with the little baby.

With the little girl? ---Yes, and she said she wanted to go over there.

And then the next thing we know is that you got a report (30 about/...



about the child, the little girl? --- The next thing is that my wife came to the hospital.

Yes, and she made a report to you about the little girl? --- That is right.

And you then asked for permission and went off to go and look for her? --- I left work and went to look for her.

Where did you go and look? --- Well, first of all I went to the area of Curries Fountain, and there the place was deserted, and I went to the SASO office and I did not find her there. I went to the BAWU office ... (10)

Why did you go to the BAWU office? --- Well, because I thought that some of the people who had been at the rally might be at the BAWU office and they might give me some information, through some light as to where the child is. And I think I later went to the newspapers to report this.

You say your wife was bitten? --- My wife was bitten.

Did you see any injury on her? --- Yes, she was bitten in the stomach.

And what were the signs consistent with? --- Dog bite.

Now doctor, some other miscellaneous features. (20)

COURT ADJOURNS.

COURT RESUMES AFTER TEA BREAK.

DR. MOKOAPE (Still under oath)

RE-EXAMINATION BY MR. SOGGOT (Continued): Doctor, one point I want you to clear up, I think you were asked questions by my learned friend on conscientisation and how this as put into effect, for example in a speech by Harry Nengwekulu. Can you please indicate to what extent the process of conscientisation and speeches such as was made at the ATR? Meeting converge, if at all? --- Well, in my view the making of speeches such as that made by Nengwekulu or speeches in general at public meetings, (30)  
are not/...

are not part of the process of conscientisation as such. I think they would fall merely in the category of people standing up at public meetings to express their sentiments as to how they see oppression affecting them. But conscientisation as I tried to explain is a much more intensive kind of thing.

Doctor, you were cross-examined in regard to page 50 of the tapes. That is the conversation between accused no.2 and some other person. Do you remember that? --- Yes, I think I remember that. (10

That was the discussion between accused no.2 and Nat Serache of the Rand Daily Mail? All I want to ask you is do you want to add any comments, because during the cross-examination you were complaining that you wanted to read it in the context? --- That is at page ...?

Page 50? Is there anything which you want to add? --- No, not really, because I don't know really what the circumstances would have been when accused no.2 talked to this particular gentleman. I would say that was at the stage before a congealed idea was formulated as to what to do about this rally. (20

Now doctor, if we may pass onto another point. And that is really the Viva Frelimo rally in Durban. It was called by you people a rally, is that correct? --- Yes, it was called a rally.

When you use the word "rally" in that context, does it collate a meaning different from the word "meeting"? --- No.

Now what I want to know from you is this, prior to the banning of this rally or meeting, was there anything in the circumstances of the proposed meeting, the timing of that meeting, which suggested to you that there might be danger or (30  
trouble/...

trouble or violence of any kind, my question is classed deliberately widely? --- No, not at all, I viewed this as an ordinary meeting.

Now you had been to meetings before, we know that? --- I had been to meetings.

And generally speaking the meetings of BFC or SASO that you attended before, what were the crowds like? --- They ...

I am just interested in your experience? --- They were not conspicuous in particular, they were ordinary crowds at meetings. They would cheer when speakers speak, they would (10) laugh when jokes are made, when a point was expressed which they thought they liked they would cheer. And I have never detected a rising hostility in the group of people that were at the meetings.

As far as crowd control is concerned, or the risk of any disturbances, did that occur at all in your meetings? --- No, not that I can remember now.

Just think about it please, anything that you can remember? Any meeting you went to? First of all, whether there was any problem of crowd control? --- No, most of the meetings that I (20) attended, I never detected anything untoward. I can't remember, they may have been some incident where something happened, but I can't remember, the general picture is that the meetings were of a normal nature.

Of a normal nature? --- Yes.

Now the fact that this was to celebrate as you put it the Mocambique freedom, did that introduce any elements which in your mind could affect the psychology of the crowd? --- No, I did not think so. From my observation as I spoke to people in the township and so on about this advent of the new government(30)

in/...

in Mocambique, people were just generally happy.

And is this the township where you live or some other township? --- Well, in all the townships that I move around, in the Durban area.

In the Durban area? --- Yes.

Was there anything in the way you advertised the meeting, in the ... (Mr. Rees intervenes).

MR. REES: My Lord, I must object to this, this should have been put in examination-in-chief. It does not arise out of cross-examination. (10

MR. SOFGOT: My Lord, my learned friend has cross-examined on the creation of - the calling of the meeting or rally in circumstances where he suggested that there were elements which were provocative. Now I am asking this witness to deal with the various associated features, My Lord.

Doctor, as far as your mind is concerned, was there anything in the formulation of your pamphlets or leaflets which would have affected the psychology of the crowd? --- No, I saw the banners that had been done for the Frelimo rally in Durban, and to me they just advertised the meeting. I saw nothing (20 out of the ordinary with the advertisement of the rally in Durban.

Now you have already explained why there was a contingency plans relating to BAWU. We then had the position that by Wednesday morning in your mind, as you told His Lordship, that the conclusion is crystalised that the meeting is banned, is that right? --- That is correct.

Now once given that situation, was there any steps that you took thereafter, something which in your mind could perhaps provoke trouble or disturbance or anything like that? --- No, (30 I did/...

I did nothing which could have provoked any such thing, I personally.

I did not really mean you singly, doctor, I am talking about you and your colleagues, in particular in relation to the decision taken at Doctors' Quarters? --- No, I don't think that ...

What do you say there as to that decision and the bearing it could have had on any disturbance of or trouble of any kind? --- Well, as far as I saw it that decision was watertight in so far as security for the people there was concerned. I did (10) not anticipate around that decision that there could be any trouble, and I don't think my colleagues did either.

Now we do have it that you mentioned the words "Sharpeville" in the Doctors' Quarters, you said "We don't want another Sharpeville", or words to that effect? --- That is correct.

You told His Lordship that. In your own mind what were the possibilities which you were thinking of as to trouble which could occur if you people took no steps, for example to see that the crowds disperse properly? --- Well, I thought of the people being there and the police, and with the back- (20) ground knowledge that there tends sometimes to be trouble between Black people and police, I felt that if we did not take charge of that situation, there might be a possibility of baton charges, dogs, and all that, but I think when I used the words there Sharpeville, I was merely indicating a kind of situation where the people and the police might just find themselves in a fight.

Yes, now doctor, may I then ask you to direct your mind to BPC C.9, that is the one document which was signed in your name .... (Court intervenes). (30)

BY THE/...

BY THE COURT: Before you do that, what substance was there in the statement that the mercenaries had been phoning and that the mercenaries might interfere with the meeting? --- Well, there was this gentleman called Koekemoer, he is a gentleman who lives in Durban. He has a certain reputation as a kind of a fringe? character, he is always objecting to Black people doing this, doing that. For instance when - during the time when there was the argument in the Durban area about the removal of some of the petty apartheid things, he was the one who said that such a thing should never be (10 allowed because Black people are like this and that. He is a man who can be said to be vehemently anti-Black. But he tends not to be taken seriously because he is a regular contributor to the readers' column in the newspapers.

Yes, but now what did he have to do about the mercenaries? --- I think he had initiated the rumour that he was going to collect Whites to come and stop the rally.

Did you people believe it? --- No, Koekemoer is the kind of man that no-one really tends to take seriously.

MR. SOGGOT: Doctor, as we are on that point, did you read (20 anything in the way of an editorial in the Daily News round about that period? --- About Koekemoer?

About Koekemoer and/or the Whites and their reaction in Durban? --- Yes, I was reading the papers at that time and the papers were saying that this entire thing is being taken out of proportion, of this rally. And that the Minister is allowing himself to be hoodwinked by a fringe character such as Koekemoer, because I think it was Koekemoer who had sent a telegram to the Minister.

If Your Lordship would bear with me, I want to see if I (30) can /...

can lay my hands on the relative cutting. It had been my intention to prove this through a different witness, but may I show the witness a cutting from the Daily News of the 24th of September?

BY THE COURT: What exhibit would that be?

MR. SOGGOT: I think it is DDD, My Lord. Yes. Doctor, can you identify this at all? --- Yes, I can.

When did you read it? --- I read it on the evening of that same day, the 24th of September.

And what did you feel, what was your response to the pro-(10 positions contained in this article, in this editorial? --- Well, I agreed with the general sentiments that the Minister of Justice was then over-reacting - was being over-reactive, after being exposed to the opinion of a man such as Koekemoer.

Yes, now ... --- Especially since in the first place it had only been Koekemoer who had complained. And in the second place Koekemoer is a man of some reputation, he is known to hold rather antiquated ideas.

MR. REES: My Lord, I object to the admission of this statement here, this is an article by a biased editor of the newspaper (20 who that does not add - it is only a way that my learned friend is using of getting backdoor opinions by people who are not before the court, because if this thing is to carry any weight I would like to ask this editor a few questions about it, and how can this witness stand here and say the Minister was influenced only by Koekemoer.

MR. SOGGOT: My Lord, with respect to my learned friend, what is relevant here is this witness's state of mind, and my submission is the views of an editor who speaks for at least a section of the White community .... (Mr. Rees intervenes). (30

MR. REES:/...

MR. REES: He does not speak for anybody.

MR. SOGGOT: Or who would be taken by this witness to speak for that section is a relative fact, whether that is right or wrong it is a relevant fact in determining this man's state of mind. There is no question of this document being put in in order to prove the truth of the contents, or the truth of the judgment.

BY THE COURT: If you put it on that basis.

MR. SOGGOT: My Lord, may I proceed to another point? Doctor, BPC C.9, you remember that? --- That is correct. (10)

You told His Lordship that there are certain formulations which you don't agree with? Completely? When did you read this document and in what form did you read it? For the first time? --- Well, I saw the statement in the press in one of the weekend's papers around that time and I was here in Johannesburg, so it probably was in the Express, the Sunday Times or ....

Can you remember whether that statement was an exact copy of BPC C.9, whether it was complete or not? --- No, it was definitely not an exact copy of BPC C.9, it was a much shorter statement. (20)

Now when, if ever, before arrest did you see BPC C.9 in its unexplored? version so to speak? --- I saw it in the court here.

In the court? --- Yes.

Now you say that when you first saw this in the press you reacted to it, is that right? --- Yes.

And I think you wrote to Roy Chetty? --- That is right.

And at that stage was your knowledge of it entirely based on the newspaper article? --- It was based on the newspaper article. (30)

Can you/...



Can you remember, doctor, which newspaper it was published in? --- I think it was one of the weekend newspapers but I would not remember which.

In Johannesburg or Durban, can you remember? --- No, up country, here.

In Johannesburg? --- Yes.

BY THE COURT: He said either the Sunday Express or the Sunday Times.

MR. SOGGOT: I am sorry, My Lord, I did not hear that. --- Yes.

Now doctor, just one final point and that is this morning(10) you said to His Lordship in reply to questioning by my learned friend, that the ANC had failed because the Government was too strong? Now I just want to get clarity on your understanding of the ANC's failure and what they were trying to do? --- Well, my understanding is that the ANC and PAC failed primarily because of the methods which they adopted, which entailed the breaking of certain laws. And that this brought them into direct clashes with the Government. It was the entire thing here rests around the methodology which they tended to employ.

What were they trying to do? --- They were in trying to (20) in their way bring into focus the laws that affect Black people harshly, and they were trying to get an elimination of these laws, but in so doing they used methods which broke these laws, and I think this is the thing that brought them into face to face clashes with the Government.

Now you also said to His Lordsip that as far as you people were concerned, the idea was to keep on putting on pressure. What I want you to indicate with clarity is the relationship between this proposed putting on of pressure and the quantity of support that you had in your BPC camp? --- (30)

Well, as/...

Well, as I said I think that if we have a broader base of support our voice tends to get more authoritative, as we criticise the Government, and that one must also bear in mind that we have already begun doing this kind of thing. As I pointed out, initially with SASO, which is an older movement, lots of criticisms have been levelled at the universities, at the authorities, etc. and some of these things, like for instance the question that has been taken over and over again by SASO, that the tribal universities should not be based on ethnic divisions, things like those are beginning to be accepted at Government level. (10

That these universities should be open for everyone. And it is this kind of repeated criticisms, in the face of the present Government, already showing some sensitivity towards Black opinion.

It may be duplicating, but what are the pressures which you see being exerted or to be exerted on the Government? --- It is a question really of areas where one sees that there may be sensitivity. There is the question of the universities I spoke about. There is the question of the area of sport where already we have teams that include Black people, although of course we are not satisfied with this because we want sports to be undertaken by all people at the lowest level, without regard to colour, but although the - we think that there is on the part of the Government a sensitivity to this kind of thing. And that is why we think they have allowed certain small concessions here and there. It is a continuing process, it develops, there is debate also in the White system as such amongst the various groups and I think it carries on in that fashion. (20 (30

How do/...

How do the Bantustans figure in this? --- I see the Bantustans figuring in this in this fashion that if the Bantustan is Black people we are not in the Bantustan, against the background that the White people are seeking political modus vivendi if we may call it, that the White people would talk to the Black people about the creation of an alternative political situation other than the Bantustans.

Yes? --- And as one of the witnesses also pointed out here it is of significance to us that for instance Mr. Vorster has been active in the Rhodesian situation there, where he (10) has attempted to bring together the Black and the White sections there to speak about a solution. We feel that, that is if we can read his state of mind correctly, we think that what he desires in Rhodesia he will at some time desire for this country.

Doctor, I have no further questions that I want to put to you. Is there anything of importance that you want to add to your evidence which you have already given? --- Perhaps I would add one or two points.

Yes? --- The first point is with regard to the statements (20) and resolutions that may be found in our documents saying we will not coöperate with Whites. I think that one may not understand that position there if it is not put clearly. I think what we are trying to say here, we are trying to talk about those liberal Whites on the fringe of the White body politics who have tended in the past to involve themselves with the movements of Black people, and we view this historically, and we think that their records in the Black movements have been lamentable. They have confiscated issues when Black people might have seen them clearer. There is also the (30) question/...

question of course that we feel with the presence of these liberal Whites in our organisations, they tend to snatch the initiative from Black people in these movements and to perpetuate a sense of dependency on the Blacks as towards those Whites, and I think this entire area here where we say we will not coöperate with Whites refers to that category generally, because the main White body politics in any case has never been interested in the Black movements as such. It has only been these other Whites, some of them Liberals, some of them ideologically inspired by other ideologies and so on, but that is the point. (10

Yes? --- The second point I would like to make is that we talk here of attitudes to Blacks by Whites. These things where Blacks meet Whites, and Whites tend to treat them in a fashion that shows disrespect, are so common and these experienced personally by so many Blacks that when we stand up at meetings to express our personal sentiments, one tends to do this in a general fashion, not in a fashion that is detailed, so detailed as to be able to kindle in the Black audiences a kind of reaction, because as I tried to analyse it in my mind, the Black people have certain acute experiences personally with this kind of thing, that my standing up and saying "we are oppressed in this country" would hardly touch the sources of that man's feelings, because he himself is engaged in the process personally, and quite intimately. I can place a point which has brought this very graphically to my mind, was this very morning after His Lordship had left for tea here, one of the policemen who guard us had the temerity and audacity to refer to me as a "kaffir" right in this court, and I was completely bamboozled, and he said to me/... (20 (30

me "'n kaffir gaan my nie sê nie", I had been asking him as to why he accosted someone who was in the gallery, and he said "'n kaffir gaan my nie sê hoe moet ek my werk doen nie". And I said to him are you referring to me as a kaffir, and he adopted a threatening attitude towards me, and these are the things, they happen so continually and frequently towards Black people, that the people, they know these things. So when the speakers say "the police treat as badly", it is nothing new to them. And this is a point My Lord, which I think covers this area of the .... (10

BY THE COURT: Mr. Rees, I would like you to investigate this complaint. It should not happen in this court.

MR. REES: As Your Lordship pleases.

MR. SOGGOT: Is there anything else, doctor? --- I think that is about all.

I have no further questions, My Lord.

MR. REES: My Lord, may I just put one or two questions arising out of this from him?

FURTHER CROSS-EXAMINATION BY MR. REES: Doctor, this Mr. Koekemoer that you referred to, he was in fact a member of the (20 Durban City Council, wasn't he? He was not just an individual writing to the newspapers? --- He may have been a member of the Durban City Council in the past, but I don't think during that period he was a member of the City Council.

And this policeman - at least you say that the audience always reacted, or the audience's reactions, I would like you to tell the court about this one meeting in 1973 at the Allan Taylor Residence when somebody pointed out that there were "strangers in our midst" and a number of policemen were very seriously assaulted? You were present, weren't you? --- (30

I was /...

I was not actually present, but I do remember the incident, My Lord. There was I think some policemen in the hall who ...

In plain clothes? --- I think they were in plain clothes.

Yes? --- And they were apparently asked to leave the hall and an altercation ensued and there was some assault that took place, but .... (Intervention).

One of the policemen was even robbed of his pistol and the sender? - he had with him, the thing in which he recorded his statements? --- The point here is that political meetings or rather meetings may sometimes have an altercation (10 or so. I don't think this is unique of Black meetings, it happens in White meetings, it happens in the Parliamentary by-elections at Alberton where the Nationalist ....

We are talking about your particular meeting. Are you trying to make the point that emotions get inflamed? --- No..

At such meetings? --- No, I am not accepting that point, what I am saying is that one meeting may tend to get out of hand for one reason or another, but this is not a general thing.

RE-EXAMINATION BY MR. SOGGOT: My Lord, may I ask one question (20 arising out of that? When I say one question I mean ...

Doctor, this meeting which Mr. Rees has just referred you to, who called that meeting? --- It was an SRC meeting.

An SRC meeting? --- Yes.

And who were the people there? I mean in the house? --- Students.

My Lord, I seem to have overstepped the mark, I asked two questions. --- (LAUGHTER).

BY THE COURT: Mr. Mokoape, the open society that you people have in mind, do you consider that the White man will agree to (30 that/...

that society as a result of the bargaining that you have in mind? --- Well, I personally think so, My Lord, because I view it from the point of view that it is the natural tendency of man to want to live together. Most of society that I know of is built primarily on one pure group and even if men are allowed to interact and to live together, not hunted by laws, they tend to integrate and to engage in a process of acculturation and to live together. I think lots of societies are the result of a mixture of the groups. Even the Western European countries are themselves not pure in the sense of having been formed by single ethnic units or something of that nature. (10)

Isn't this whole Black Consciousness Movement based on the premise that the oppressor will only give as much as it suits himself? --- I don't think so, I think the Black Consciousness Movement is trying to assist a historical process which we see as one that ultimately must happen, because it is in the nature of man.

Yes well, I follow that, but you take as your starting point that the oppressor is a person that you cannot really deal with because he will only be prepared to give what suits himself? --- I don't think so, My Lord, as though it may be ... (20)

Isn't that the reason why you regard him as part of the problem? --- Although it may be mentioned in such terms in some of the documents, but I think basically a concession is made that people will tend to want to find a solution. Of course, there is also, My Lord, if I may concede to your point, there is also the question that if those who are oppressed do not bring into focus this oppression, those who oppress may continue in a straight line as if nothing is happening. (30)

That is/...

That is in the absence of any signs of dislike on the part of those that are oppressed.

Have you applied your mind to the possibility that what you are saying will eventually prove to be correct, that the oppressor will never concede his position of superiority? --- I don't think that as an absolute statement is correct, it may be said by people but I don't think it is an absolute correct statement, because society changes, My Lord. Society has always changed. Even where the ....

That may be so, but I am asking you whether you contemplated what action should be taken if you find that your supposition is correct, that the White man will never be prepared to yield any of his privileges? Or all his privileges? --- I think we begin on the premise that we will seek to use this method whereby we will continually criticise and bringing to light our dislike of the system, and that we will continue to do this kind of thing. It has no timetable, we think it must ultimately rub off onto the White man. It is a question of trying and trying and trying and trying again. (10)

Now referring to your report on the New Farm Project, I think it is Exhibit YY ... --- That is correct. (20)

Now there you mention the fact that the people already - they have a very low income and they have large families. You mentioned the average family of eight? --- I think that would be correct. I think that paper says so.

Now what have you people done in order to encourage family planning? There is nothing in the report about that? ---

I mean if you say you want to relieve the plight of your people and that is a difficulty that they have huge families and they have low incomes, now why don't you direct your minds to/... (30)



minds to the question of family planning? --- Well, My Lord, from a medical psychological point of view that is quite a complex problem because it tends to be found that societies which are on the lower rung of the economic ladder tend to have bigger families and that societies which are on the highest rung of the economic ladder tend to have smaller families. For instance, if we go to Europe today where there is ....

Well, you need not go to Europe, even South Africa, I mean if they have a low income they have a huge family, (10) if they have a high income and they can afford a huge family then have a small family? --- That is right.

Well, that is the reason why you should give your attention to it. --- Yes, but My Lord, it does seem as if the large family is an attempt by that group to outdistance the low economic levels, it seems to my mind to be connected with the instinct of survival, that if I have less to cater for myself, then I should have more children so that some of them may have the chance of survival.

Yes, so you have lesser food and you have a lower income (20) and you have more *kwasiokher* and you have starvation, and then of course you are really self-defeating if you - there is no hope of survival? --- Yes, I have applied myself to this question of family planning, My Lord, and I found it quite baffling I must say, it was tried at the hospital for instance but it does not work. The people with the lowest and the least, somehow it seems to me that in their minds subconsciously they feel they must have more children because they have the lowest chance of survival. So they must be - it is a question of trying to .... (Intervention). (30)

Well, that/...

Well, that may be so, you are an educated man and you say you are trying to help them. Now there you have a wonderful opportunity to help them. Why don't you help them? --- The problem, I don't think it is so wonderful, My Lord, because it is so complex.

Well, that is why you have got to apply yourself to it if it is a complex problem? --- Yes, but My Lord, I have not seen it in operation at the hospital for instance, I see it is not succeeding.

Is the Black man quite opposed to that sort of thing? --- (10) Well, for one thing they are consciously opposed to it in the first place, but I think there is also the subconscious element that - there too, which is related to the question of survival. But consciously when ...

But survival, if you talk about and starvation and low salaries, well then you rule survival out? --- But you see, what is imbedded in the people's subconscious is always not easy to deal with, but at the conscious level I know that people come to the hospital, have their eighth baby, and you say to them - "well, go and talk to your husband (20) now so that we should see what to do about cutting your family down", and you don't see them again, you see them next when they come to have the ninth baby. And when you talk to them they say - well, we are trying to stop, but we will come and see you, and they go back home, and you see them again when they come and have the tenth baby.

But that is not planning, that is not family planning? --- Well, it is - I mean some people for instance do one of the operations to stop future childbearing, and they do it without the consent of the - they do it at the time of childbirth, (30) but most/...

but most people have felt that this is something that you must try to speak about with the persons concerned, and when you speak about it with the persons concerned they just escape you, they never ....

Yes well, I can understand if they come to hospital just casually for treatment, one can't really sort of get them to realise the problems, but now if you are engaged in a project like the New Farm Project where you run a clinic and the people come there, and you also have literacy projects and things like that, well, why can't you run a project on family planning? --- Well, in fact I think ... (10)

It would help the Black man? --- I think there was also a family planning clinic at that same clinic, My Lord.

Did you have one? --- I think if we look at that exhibit there. I was merely trying to indicate the problem of family planning. I think it is YY, My Lord.

Yes, I've got YY, but now how do you set about it? Family planning, to get it across? --- Is it there, My Lord?

Have you got the exhibit in front of you? You see, you've got Health Education, ... --- I don't see it here, but I thought I had seen it, maybe in another report, but I do know there was some family planning there. I myself did not engage in that part of the medical sphere. If I may say my interest in the medical sphere is really in surgery, My Lord. There you don't have any problems with reducing the population, we have problems with keeping population figures and saving people from dying. (20)

If you are very handy with a knife you can also help. --- (Witness laughs).

NO FURTHER QUESTIONS. (30)

MR. SOGGOT/...

MR. SOGGOT CALLS ACCUSED NO.3:

MOSIUOA GERARD PATRICK LEKOTA d.s.s.

EXAMINATION BY MR. SOGGOT : Mr. Lekota, a brief resumé of your personal background, you were born when and where? --- August 1948, at Kroonstad.

You matriculated? --- St. Francis College, Marianhill.

When was that? --- It would have been in 1969.

And after your matriculation, what did you do? --- After that for a part of 1970 I was a parttime teacher at St. Francis College, and in about August of that year I joined the Department of Justice as a court interpreter.

As a court interpreter? --- That is right.

And when did you resign from this job? --- At the beginning of 1971.

Why did you resign? --- I was going to go ahead with my studies so I was heading for the University of the North for studies.

BY THE COURT: You were heading for? --- I was going to go to university for further studies.

MR. SOGGOT: And did you do that, did you go to Turfloop? --- (20) I went to the University of the North.

And when did you enter that? --- The beginning of 1971.

Now up to that point, up to your admission at Turfloop, had you been involved in any political activities? --- No, not at all.

I think bearing in mind the charge I can appropriately ask you why are you called Terror? --- Well, that is a football nickname really.

I think one of the witnesses said you are a good striker. What does that mean? --- Well, if you are a frontline player (30) and/...

and it is really .... (Court intervenes).

BY THE COURT: Boot for goal? --- Yes.

MR. SOGGOT: Until then had you been in any political activities? --- No, not at all.

Then as far as Turfloop is concerned, you were eventually - you became a member of the SRC, is that right? --- That is right.

When was that? --- That was in September, 1971.

And when did you become a member of SASO? --- At the beginning of 1971.

At the beginning? --- Yes.

(10

Did you join SASO or was it automatic, or what? --- Well, when we arrived at the University of the North in 1971 we had a student mass meeting at the time and the issue of the affiliation of the SRC to the South African Students Organisation was put up and it was debated and ultimately the student body resolved to affiliate to SASO en bloc and this is how I became a member of SASO. Well, I personally took a lot of interest in SASO activities.

Now prior to your affiliation what did you understand SASO to be aspiring to do? --- I don't know whether I can really talk about SASO prior to my arrival at the University of the North. I seem to recollect that I may have come across the word SASO before that but I particularly came into SASO, and I really made contact with SASO on my arrival at the University of the North. It made a very good impact on me and I have been a member ever since.

(20

I am merely interested, would you tell His Lordship your perception as an ordinary student of how SASO presented itself? What did you see its principles to be about and what its aims were? --- I don't know whether I should deal with that question, whether I should not deal with that question by taking into account/...

(30

account/...

account the background from which I came. I mean the question of what I perceived the Black experience to imply to me, or what I understood myself to be within the milieu of the Black experience and what SASO came in to be, in other words the impact that SASO had on me and which I believe would probably be an impact that SASO would have on an ordinary Black student or on an ordinary member of the Black community. But in growing up let me say, My Lord, we have seen the Black experience, a Black child probably realises that what seems to be life or the abundance of life, we see as in the South African situation, seems to be confined to the Black community. The perception of the Black child therefore is that in order to be a humanbeing or to be a humanbeing means to be like and to be like White, and therefore being White, it is only then that one is confined to enjoy what one may call the abundance of life. We see this in the milieu of Black experience. The Black child perceives - would perceive, or perhaps I perceive it myself, would perceive that the Blacks certainly is under attack if I may use that phrase. Our experience is that you know, a father is always where he just gets expelled for whether any time a White man wants to expel him. You yourself as well have been a student at boarding school, and wherever you have made contact with the White man you have probably been on the receiving side. What this kind of experience really does, it presents to you a picture in which the Black family is a unit that is harrassed, rightly or wrongly, one formulates ideas about who is harrassing the Black family. It may be that your first perception of a White man at very close range is a policeman who is about at night/...

at night is about at 4 o'clock, 5 o'clock, on the raids in the locations and so on, who happens to come in the home and everybody is woken up and so on.

Yes? --- You may yourself in the processes of your ordinary life come across unpleasant experiences which is again the White man. Say you go to a station, you come there and the clerk there wants you to call him "baas", you don't understand why you have got to call him baas, if you have been in a liberal school such as a Roman Catholic School Marian Hill or as I have been myself, you probably (10 want to say "No, I can't call you baas, because according to the teachings that I get in school, you are just an ordinary man, you are just a "meneer" or something like that, I should not be calling you baas and so on. He would probably assault you and so on. What all this amounts to is it builds a given picture in your mind, and you may in that perhaps be bitter. I think really one becomes bitter from the many experiences we come across, but when I came across - I had been through some kind of experiences of this nature, I have got experiences of mine which I can remember, I will (20 probably refer to it at a later stage, but when you come across an organisation like SASO, My Lord, which talks to you about the Black experience, and talks to you about Black life, and it inspires confidence in you, or let me say first it expresses what you yourself have probably not been able to express thus far, and you do feel expressed in it, but then this organisation says to you the solution to this problem is this, what the action will be, well okay, you have expressed my feelings, you have talked about my life, I know this is true, then what next, what are you saying, (30 because/...

because I know about all that, that is all old wood. I want to know what you want to suggest is the solution to this kind of problem, and in an organisation like SASO I found myself a lot of inspiration where the organisation said that Black man - or let me say the Black student must take the initiative in finding the solution for the common sort of Black family, the Black student must devote himself towards making Black people a better people. There are - Black Consciousness obviously became now - is the watchword within SASO. There are various commissions and projects (10) which we undertook, and I think this has been the thrust of what one can call the SASO work. Now this is the kind of impact that I had when I met SASO. I think I was a bit bitter about some of the experiences which I had had, but what happened in the process is that SASO not only expressed what I had been unhappy about, but it also said to me "You can do something about it, you can stand up, you can - look, you see those people there at the clinic for instance, they don't have food there. They sit the whole day there waiting for the doctor, you can give them some food. You can begin (20) to build a Black family, you can begin to organise it into a health unit.

Yes? --- This is the kind of impact, My Lord, I would say SASO in particular had upon me. And Black Consciousness, of course, this is the main thing about SASO.

When SASO talks about psychological liberation, what impact did that have on you? --- I probably had taken some time to understand really what the phrase psychological liberation means, but when I did understand this, it sort of was saying to me that we cannot just sit back and sort of expect (30)

manana/...



man from heaven to come down. By maybe - by beginning to take a decision, by being able to take a decision on a given issue, we are assuming? our freedom, and by being able to implement that decision which we have taken, we are exercising that freedom we've got, so the kind of thing that happened that I would have understood there, would have been that Black people even though they are let me say powerless in terms of political structures in this country, that they have leeway within those given situations where they are, they are able to do something for themselves, which not (10 necessarily the White man could do for them, which not necessarily would not happen for them even if the law allowed these things. For instance the issue of building a school in a given area, the law may well allow that, but if there is no money for instance from Parliament that can be budgetted on that specific day to start with that school, it does not mean that Black people cannot take a decision, find money and build a school for themselves.

Mr. Lekota, you became a member of the SRC you said in 1971, is that right? --- In September of 1971. (20

And that SRC I understand was eventually suspended? --- It was suspended in June of 1972.

Just for clarity, who was the president at that time? --- Dudu Brenda Mokwena(?).

And what was the reason for the suspension of the SRC? --- We were suspended, unfortunately we were never given an official account as to why we were expelled but one can draw from the experiences perhaps or the events at the time, we were expelled at the time when the student body of the University of the North went on strike subsequent to Tiro's expulsion. (30 Because the students went on strike demanding that he be/...

be re-admitted. Our feeling there was that Tiro had expressed perhaps not only his own opinions about what was happening there, but also the opinions of many of us, and we felt that it was not right for the administration to rusticate him purely because he had expressed political views if one may call them that, because I don't think they really amounted to that for that matter.

When did he express these views, can you give us very briefly the expulsion of Tiro, that episode, and its aftermath, just in order that we have a continuity of events? --- (10  
What happened is that Tiro was graduating that year. He had been the previous SRC president. In the days immediately before graduation the administration mandated the SRC to bring to the students who were graduating for them to elect somebody, one of them, who would represent them in the - during the graduation, who would sort of pass a vote of thanks on their behalf. They subsequently elected Tiro who then drew up his speech independent of us because we did not know what he was going to say and so on, it was up to him what he was going to say. (20

Yes? --- Then he delivered his speech. Subsequent to that .... (Intervention).

When would that have been that he delivered the speech? --- It would have been about April.

Of 1972? --- Of 1972.

To whom did he deliver that speech? Who heard it? --- The speech was heard by members of the staff generally of the university, the students who were graduating and members of the families of those who were graduating who were there, and some of the students who had been able to go to the graduation/... (30

graduation ceremony itself.

Well, whatever it was there was reaction to this speech which you say was Tiro's own personal ideas? --- Yes.

And he was rusticated. Is that right? --- That is right.

And then what was the next step? --- The next step was that we as the SRC Executive approached the administration because according to the conditions of the constitution of the SRC at the time, the idea was always to report any - and to inform the SRC if any student got expelled and so on.

So we enquired from the Dean what had happened there because (10 then the thing that happens is if they inform them why the man was expelled then the student body goes into - they petition a mass meeting and then say to us why was the man expelled, what does the Dean say was he expelled ....

The SRC took steps? --- We took steps to find out from the Dean as to why he was expelled.

Yes? --- We were not informed why he was expelled, we were not given any reason why he was expelled. In the meantime the students were already petitioning a mass meeting at the time, so that meeting would be held some time during the (20 course of that week, but I mean I think a day or so later. Then in that mass meeting the student body resolved to go on a sitting strike demanding from the administration that the man be re-admitted. Subsequent to that the university closed down and we were all expelled, and we were all sent home.

You were sent home? --- Yes.

Then were you re-admitted? --- We were informed that we would have to be back at the beginning of June, and when we got back at the beginning of June the entire SRC plus (30

a number/...

a number of other students were suspended or expelled. Really one was not able to say exactly what happened there because when we were told we would not be re-admitted we were not given any reasons why, we were not even written formal letters sort of.

This was now June, 1972? --- That is right.

So you then, I am talking about yourself, were not re-admitted. What did you then do? --- I would have been part of the Students Action Committee because we in the SRC then would have gone around, went around meeting parents and students. I should just mention that when the SRC was suspended en bloc students then walked out, the majority of the students then walked out of the campus, they left the campus themselves, so we went around meeting parents and students, explaining to them what had happened, we also organised parents on committees, or we sent parents committees to go out to the university and to plead our cause. Because we felt that it was a misunderstanding and this was not really warranted. I would have then proceeded onto the said GSC, subsequent to that I would have gone down to Natal. I spent some time, most of the time of the second half of 1972 at our project in Dedodo, until I think about shortly before Christmas. (10 (20

Yes? --- In 1973 I obtained employment and I worked in Pinetown for the South African Permanent Building Society.

When was that in 1973? --- That would have been in March, 1973.

And you worked there until when? --- Until the end of February, 1974, when I took office with SASO.

Then you went back to SASO and .... (Court intervenes).

BY THE COURT: Is that Durban now where you worked? ---That is/... (30

is Durban. I worked in Pinetown, it is just next to Durban, My Lord.

MR. SOGGOT: And then you got a job, after your job with the building society, you got a job with SASO? --- I think I - actually you see I had retained my membership to SASO, under - well, I should say associatemembership really, so I would have been invited to the 5th GSC in January, this was after quite a number of the associations? had been banned, and I was then elected there at that GSC as permanent organiser.

When was that? --- It was January, 1974. (10)

And where was this, was this at ..? --- It was at Hammanskraal, the St. Peters Seminary.

St. Peters Seminary, Hammanskraal? --- Yes.

And you were elected the permanent organiser? --- That is right.

How much were you paid in that job? --- R160.00 per month.

Now one thing I have not asked you, what did you study when you were at Turfloop University? --- I studied BA in Social Sciences.

Did you get through 1971? --- I got through 1971. (20)

You were in your second year when these unfortunate events put an end to your academic career? --- That is right.

Now you then became the permanent organiser of SASO in the beginning of 1974? --- That is right.

Did your work involve anything to do with publications? --- No, not at all.

Tell the court with what your job was involved and what your activities were? --- As the permanent organiser I was responsible for liaison between the Executive of SASO and the SASO branches. I would have - in pursuit of this I would have gone and visited campuses from time to time. And I would have/...

have been responsible for drawing up programmes for student involvement which would really entail a lot of community development projects and such schemes.

You in fact drew up a number of reports which figured in the SASO exhibits, is that right? --- That is right.

Now I wonder whether I could ask you to deal with one particular episode and that is the resurrection or revival, I am not sure what is the right phrase, of the SASO branch at or near Turfloop? --- My Lord, the ...

Perhaps if I may interrupt you, your description as to (10) what happened at Turfloop seems to have come to an end in June, 1972? --- That is right.

What was your understanding of what had happened to SASO and the SRC? I don't want you to give the evidence or the facts, merely your understanding of the background? Between June, 1972, and your return to Turfloop in March, 1974? --- My understanding was that SASO had been suspended on campus, I think for the year 1973, I am not very sure about this really, I think there was no SRC or the SRC was subsequently reconstituted some time, if it was the end of 1973 or the end of 1974, (20) I am not sure about this, but SASO was definitely suspended on campus.

From what time? --- From the time we were expelled from the university.

Was SASO suspended while you were still there? --- It had been suspended after I had left.

After you had left? --- Or at the time that I had left.

Alright, that gives us a <sup>vague but</sup> general picture. Now you say that there was some sort of SRC which operated, now would you tell His Lordship what you did in relation to the starting up (30) again/...

again of the SASO ...? --- I had got the mandate from the 5th GSC, I think it is Resolution 11 of 1974, I am not very certain but I think it is about that. This resolution mandated the permanent organiser to visit the University of the North, Fort Hare and the University of the Western Cape for an effort to resuscitate SASO local committees in those institutions. I then visited Turfloop in March of 1974. I met the students at the Roman Catholic Chapel off campus, this was where we resuscitated the SASO local committee.

May I interrupt you. Would you have a look at Resolu- (10)  
tion 11 of 1974. My Lord, this was in SASO H.1, it would be page - typed page 2. --- That is the resolution.

And was that resolution moved by Majeka Mohape(?). --- Yes. That is right. I moved an amendment there, unfortunately the amendment does not show in the Minutes there, but I moved an amendment there on the resolving part, it says there: "To mandate the permanent organiser to help students re-establish and/or establish SASO branches." This would have ..(inaudible). there, but I moved the amendment that would discourage central? affiliation as at the beginning of this year. Now perhaps (20) I should just elaborate a little bit on that point. The motivation there was that from my experience .... (microphone adjusted witness speaking too near microphone).

You must not speak too near it, Mr. Lekota. Yes, carry on, you were talking about your motivation? --- I was saying I was motivated to move this amendment to this resolution, because from my experience and the experience of many of us who had been members of SASO on campuses and in one way or the other had been associated with the SRC, there tended to be argument at a later stage that whatever students did would always be (30)  
ascribed/...

ascribed to SASO, even those that would not have been responsible for a thing. For instance in the case of the expulsion of Tiro, SASO had absolutely nothing to do with our sitting there, but I think there were quite a lot of unfounded allegations that SASO was involved in this, and really it was ascribed to SASO what was not - what it was not responsible for and what it did not even claim itself.

Yes, and that you say was behind that. May I just ask you this, the person called Nkwe, who was he? --- I think Nkwe was the president of the SRC of the University of the North (10 at the time of this GSC. He was president, he came to the 5th GSC. My Lord will see there at page 1 of this document H.1 that Resolution 3 of 1974 is seconded there by Nkwe. He is the guy who was the president of the student body at the University of the North. I am not very accurate about this, but if I remember well he is the guy who indicated to the GSC that students at the University of the North were keen to resuscitate the SASO local branch out there, but that it had been suspended, and he indicated also I think that his SRC was making efforts to get SASO's suspension on campus (20 removed.

Did he indicate what the attitude of the Student Body was? To that? --- Nothing in particular that I can remember, but generally students were I mean pro-SASO.

Well, I want to bring you back to the GSC, but just for the moment just to keep the continuity of your story, would you go on then to talk about this meeting which you called at a place near to Turfloop. Where was this meeting held? --- The meeting was held in the local Roman Catholic Chapel there and I addressed the students, I think there were about three (30 hundred/...



hundred to four hundred students there, and I addressed the students. Then those students who were there then decided to constitute themselves into local committees and in my presence they elected what one may call a steering committee or the SASO local executive of which accused no.6 was the chairman. I think there was another, Dai Mampane(?), Jim Mathabula ....

Well, those are the names you remember at the moment. Bearing in mind that SASO was banned on the campus, how did the formation of this branch square with the banning of SASO (10) on the campus? --- The precise thing was that we held the meeting off campus because we could not hold that meeting onto the campus and it was suspended on the campus and ....

Was this meeting - if I may just cut in - was this meeting secret or not? --- No, we advertised the meeting with the assistance of the SRC on the campus, but we told - I mean the students, that those who would be interested would go off the campus to the chapel there where in fact we would constitute SASO, because even though students would still be on campus on full-time, but when they are made to go out on (20) a SASO project or things like that, they leave the campus, because we don't always have projects on campuses and so on. So that would not at all hamper any progress on the part of our local committee.

BY THE COURT: At that stage wasn't there an off-campus SASO branch? --- No, no. I was specifically there for that purpose, My Lord. There was no such local ....

MR. SOGGOT: What you are saying is this is where the off-campus branch started? --- This is where it was formed, yes.

And you say accused no.6 became the head of this branch, (30) the/...

the president, is it? --- The chairman of the branch.

The chairman of the branch. Now subsequent to that, you submitted a report. I wonder, My Lord, it is SASO M.1, if it can be given to him. Will you have a look at page 16, on that document it says: "Report of the Permanent Organiser to the National Executive Council". I am sorry, I said it is page 16, I am probably misleading you. You have got that report where it says: "Report of the Permanent Organiser to National Executive Council". Is that your report? --- That is my report. (10

My Lord, before he proceeds to deal with it, might this be an appropriate moment?

BY THE COURT: The court will take the adjournment.

COURT ADJOURNS.

/YC.

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