

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

CASE NO.: 18/75/254.

20th AUGUST, 1976.

In the matter of:

THE STATE

versus

S. COOPER AND EIGHT OTHERS.

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(Pages 8 700 - 8 728)

LUBBE RECORDINGS (PRETORIA)

THE COURT RESUMES AT 2,25 P.M. ON THE 20th AUGUST, 1976.

NKWENKWE VINCENT NKOMO: still under oath:

FURTHER CROSS-EXAMINATION BY MR REES: When did you get to know, if ever, Harry Singh and accused No. 4 had been prosecuted and convicted for promoting or encouraging racial hostility? -- The first part, prosecution, I think I heard about this some time in August, 1973, when we had gone to the national council in Durban.

Yes, and the conviction? -- I think the conviction I heard very recently. I do not remember whether I was (10) aware of it until this court. In fact when we came out from detention that is when I heard it, because accused No. 4 was busy in connection with an appeal or something like that.

How is it that you did not know about this prosecution and conviction? -- I say the prosecution I knew.

Yes, how is it you did not know about the conviction? -- Well, nobody told me.

You see, this prosecution arose out of their activities at the BPC gatherings. -- But nobody told me about their conviction. (20)

I am putting it to you that the prosecution arose out of their activities at a BPC gathering. -- That is correct.

Was any attempt ever made by BPC to dissociate itself from those activities? -- Well, I do not know because I was not in the executive during that year.

Well, at any time. -- But what I recall is that, that is now when I heard of the prosecution, they were asking, they had put a request to the national executive at which the national executive forwarded it to the national council for I think, financial assistance. (30)

That is the point I am making, they assisted them financially/...

financially, they did not dissociate themselves from them. -- No, the executive or the national council decided not to assist them.

Why not? -- Well, there were numerous reasons given, I do not remember them.

What were the reasons? Was there any one because they disapproved of their action? -- Well, I do not know whether disapproval was ever mentioned, but the council decided not to assist them.

Who assisted them then? -- I do not know. (10)

Did they apply for assistance from certain churches? -- I do not know.

Don't you know at all? -- I do not know at all.

What - if I should suggest that BPC had several policies all catering for one or other aspect of the struggle for liberation, what would you say to that? -- Several policies?

Yes. -- Well, I would say no, we have debated that point for quite some time.

That BPC hasn't got several policies? -- Got different aspects that are covered by the policies. (20)

Got several policies all catering for one or other aspect of the struggle for liberation. -- Well, I remember a paper that was presented by the vice-president you had there, but we debated that issue. That is what I am saying. That is why in my subsequent paper I say it should be noted BPC has not got policies, it has a policy and now different aspects of BPC policy.

Is BPC .... -- And that very paper that you are reading from, when you start at the beginning, the writer does make mention that it must be noted that BPC hasn't - we do (30)  
not talk of policies, we talk of policy, but as it develops it  
further/...

further on, he uses policies.

I just want to know from you, does BPC believe that the struggle is total? -- That is correct, that it involves all the different aspects and institutions.

And that solution will have to be total? -- That is correct.

That capitalism is foreign to the Blacks? -- Capitalism is foreign to the Blacks.

Capitalism will have to go overboard. -- That is correct.

M'Lord, may he be given EXHIBIT J.4 please, GENERAL J.4.

Have you got the document? -- I have the document. (10)

What do you mean when you say:

"Black people do not want to be assimilated into the white society by being given representation in parliament and other minor concessions."

-- What I mean there is that Black people do not want to be assimilated. Now, when we talk of assimilation, that is being taken under the protective cover of being represented as departments as I explained here, in parliament. We want to be there. (20)

You do not want to be given representation in parliament. All Blacks cannot attend parliament. -- Of course.

So therefore the Blacks .. -- But they should be Blacks that are there and have been chosen by the Blacks to represent them.

Why didn't you say that? -- That is what I said.

You see, I suggest to you that you are just trying to explain away what you said here. -- You are incorrect.

Because you carry on and you say:

"The convention is committed to the overthrow of the racist regime." (30)

Isn't/...



Isn't that so? -- You mean the part that I cancelled?

No, you tell the Court. I do not mean anything, I am asking you. -- Well, I cancelled that part, as I explained.

Why did you write it down? -- Well, I was writing my thoughts, making a draft and I finally prepared a copy, J.4(a).

I am only talking about J.4 at the moment. Those were your thoughts at the time. -- That is correct.

And you put them down on paper. -- That is correct.

So your sentiment was that the convention is committed to the overthrow of the racist regime. -- That is correct. (10)

In fact I cancelled it for the very reason that you are asking me now because I thought people would tend to associate that with violence, the overthrow. So that is one of the reasons why I decided to cancel it.

Yes, you did not want the Security Branch on you too quickly, did you? -- The Security Branch to do what?

The Security Branch to come and investigate your activities too quickly, did you? -- They had been investigating our activities for all I remember from 1973.

Yours? -- Of course BPC's activities. (20)

I am talking of your activities. -- Oh, sure, mine, when I was still at Daveyton branch.

When did they first investigate you? -- 1973.

Who visited you? -- Some Potgieter, no, Reynolds, Percy Reynolds from Springs.

What date was that? -- Well, I do not remember the date. He did not even come once, he came over a number of times and he took documents.

Now this document, EXHIBIT J.4, what did you do with it?

-- What did I do with this J.4? (30)

Yes. -- (Pause)

Why/...

Why did you prepare it? What did you want to do with it?

-- I was correcting a report that appeared in the paper.

You wanted to send this thing to the Rand Daily Mail. --  
I sent J.4(a).

No, I am asking you about J.4. -- I was preparing a draft  
of what I wanted to send. I did not want to send J.4.

You prepared a draft? -- That is correct.

Then you finally send - what did you do with J.4? -- What  
did I do with J.4?

Yes. -- Well, I would have left it somewhere in the (10)  
office.

What office? -- BPC office.

BPC office. So this was a draft and then you send the  
document, EXHIBIT J.4(a). -- That is correct.

To the Rand Daily Mail. -- That is correct.

And did you also tell them they should publish this in the  
main issue? -- That is what I insisted on.

Why? -- Because that report had appeared in the main issue.

Had you such a good relationship with the Rand Daily Mail  
that you could dictate to them what they should do? -- (20)

Well, I was correcting something that had appeared in the main  
issue and I wanted the correction to appear in the main issue.  
I was not dictating to anyone what to do.

And you were a bit concerned with the fact that they had  
left out your speech. -- That is correct.

What was there in your speech that you were so anxious  
that people should see? -- Because there I depicted the Black  
People's Convention for what it was and then all Black people  
know that.

And what was there in brother Mothoping's speech that (30)  
you wanted? -- I did not say I wanted brother Mothoping's  
speech/...

speech there.

What did you want them to say? -- About this speech?

About brother Mothoping. -- Well, they had reported that he was national organiser of BPC which was incorrect.

What was he? -- He was just a member of the Black community.

A member of the Black community? -- That is right.

Coming from where? -- From Soweto.

And he is the man who spoke about organising the people on the train? -- That is correct.

From 5 to 35. -- That is correct. (10)

What else did he say about how were these people to be organised? -- What else did he say?

Yes. -- He said we must talk to the people wherever they are gathered.

Yes? -- That is how he said they should be organised.

Did he tell you why he wanted such young children as from 5 years old involved? -- That he wanted - he did not say he wanted that.

Well, he said you must organise them from 5 to 35. -- That is correct. (20)

Well, then did he tell you why he wanted ... -- Because those people are still helping, they will be able to carry on the work unlike himself who was at the edge of the grave.

What about those poor children who have not even started going to school yet? Or had just started going to school; 5 years old. -- What about them?

Why did he want them involved? -- Involved in being organised?

Being organised, yes. -- In fact I would have even gone further on that from the cradle the child must be taught (30) that he is a human being and he is the image of God.

I/...



I did not ask for your opinion, I asked what you said what this man was canvassing with you people, what did he tell you? -- Well, everybody is important. In other words, what he was saying, the child must know when it grows up that it is a human being.

He must be conscientised in the train from Soweto to Johannesburg. -- He did not say we must conscientise, that is a lie. He said we must organise the people, he did not say we must conscientise.

Is it correct that BPC rejects any platform that (10)  
has been created by the regime? -- / <sup>That is</sup> correct, as defined.

Collaborators are condemned for being party to the expression of the Blacks. Is that correct? -- That is correct.

And then I want to know .. (pause)

BY THE COURT: What do you mean by the expression, the position is that BPC cannot accept people because they have been failed by the White structure, therefore go to BPC as a consolation? -- This thing was in reference to Mr Sony Leon of the Labour Party had issued a statement prior to this that he has lost hope because the White government does not want to (20) cooperate and he is going to join forces with the other Blacks. Now, Mr Mothoping had spoken about that but the reports in the paper said that Mr Mothoping was saying that we are not going to accept those people. Now I clarified the position that in fact what he was saying and what we maintain that we do not want people to come to BPC simply because they say we have been failed, but they must come to BPC because they themselves realise that there is need to come to BPC.

MR REES: It says freedom comes after liberation. What does that mean? -- Well, I do not know what he would be meaning. (30)

No? -- No. But I know what I was meaning when I said that.

What/...



What do you mean when you say freedom comes after liberation?

-- I say that when we are liberated then we will be free.

Why do you say freedom comes after liberation? I do not understand. -- Well, I took liberation as a whole process. I took freedom in that sense in its limited - in a limited means of meaning things like you can be free to go anywhere you like, that is freedom, freedom of movement. But now what I am saying here, I am saying liberation, that is complete, what should I say?

BY THE COURT: Well, you said process. -- The complete (10) process and thereafter the man will be free to do as he pleases.

MR REES: Liberation from what? -- If you read that document ... (intervenes)

I am asking you. -- From the bonds of the evil that is racism.

What are the bonds of the evil? -- Of the evil?

Yes. -- Discrimination.

Yes? -- Apartheid.

Yes? -- Oppression.

Yes? Practiced by who? -- Racism. (20)

Practiced by whom? -- By the government.

And how will you be free of this after your liberation?

-- How?

How will you be free of this? How are you going to ensure that there is no discrimination, no racism, after you have obtained your freedom? -- That is right, we will hope and repeal all the laws that humanise, all the laws that discriminate.

*note  
dehumanise*

Just a moment. How do you know everybody is going to agree with you on that? -- Sure, I know. (30)

What are you going to do with all those people who disagree/...

disagree with you? -- They are in the minority.

Why do you think that? -- Because they are.

Because they are? -- That is correct.

What makes you think that? Where have you counted the people? -- Every Black person does not want discrimination and every Black person is opposed to oppression and there is a sizeable number of Whites incidentally who are opposed to discrimination. Now we add those to the already Blacks who are in the majority, it is obvious.

What do you call racism? -- The belief and practice (10)  
of race superiority.

What is that? -- That is a particular race is superior to the other race.

What about if the Blacks consider themselves superior to the other races? -- Well, very fortunately Blacks do not consider themselves superior to the other races.

All Blacks? -- We believe in equality, in equality of mankind.

All Blacks? -- That is correct.

Here you say:

(20)

"We want power in brotherhood. A concerted effort for you the power-packed output, confrontation if need be."

-- That is right.

What do you mean "confrontation if need be"? -- Well, I say if it is necessary that we must come face to face, we must do so.

I do not follow you. -- Well, confrontation means coming face to face and putting one's demand. (30)

Yes? -- That is right.

But/...

But didn't you envisage putting your demand in any case? Because that was the whole purpose of BPC. -- Now, let me explain this. When we first come with a demand, we negotiate.

Well, isn't that confrontation? -- No, I am just trying to explain the question you have asked me. We negotiate and then things develop around the negotiation table and then you come to a place where you must now confront and say no, no, no, here we are not moving, we want this.

Yes. -- That is right.

We are not moving, we want this. -- That is right. (10)

And the other side says we are also not moving, we want this. Is that now confrontation? -- That is confrontation but what is going to happen, the other side will also show we want this and we say we want this. Then we will be able to strike a means and get a compromise.

But here you are talking about confrontation if need be. -- If need be, that is right.

Then it is no longer negotiation. -- Usually when you negotiate you do not confront.

I am asking you. -- Well, when you negotiate you confront. (20)

Oh. -- But I mean initially you do not start by saying I am going for a confrontation now, you say I am going to negotiate and then you sit down and the other man puts his point across and if you do not agree with him, then you start saying no, here I want this and he says no, here I say this and from that confrontation you develop deal now which would be a compromise. That is now you put your stand, you say no, I am not moving here, I want this and he says no, I am not moving here, I want this. Then because you see you have reached (30) an impasse you say O.K. because you want this and I want this, let/...

let us together now have this, then we must decide on the new product.

How does that differ from negotiation? -- Negotiation you go there, you say well look, the position - my position is like this and your position is like that. Now what you think, I want that and the other man says well, I will give you that but you must give me that. Now we are negotiating there. But once you come to a point where the other man says no, I am not giving, the other one says no, I want that, it means we have come to a point of confrontation, where we must necessarily strike a deal. (10)

You say :

"In the early sixties the Black leaders made their stand known and were set to liberate the Black man."

-- That is correct.

Who are the leaders? -- I made mention of Mr Mandela and Mr Sobukwe in that particular document.

"These leaders are one other than Nelson Mandela, the Black prince of Azania who fought for your liberation and mine." (20)

-- That is correct.

How did he propose to fight for the liberation? -- Of the Black people.

Carry on. -- He proposed to use the ANC from a position of strength.

Yes, by what means? -- Well, I do not know his means, I was not there, I do not know.

How do you then know that he was fighting for the Blacks? -- I know he was fighting for the Blacks, but I do not know what means he was employing at that time, but I knew that later/... (30)



later on he was involved with Umkonto we Sizwe which was a sabotage group.

And isn't that the message that you are extolling here? -- No, I am just recognising the fact that those people stood for the rights of the Black people. I am not saying the methods they used we should also engage in, there is no suggestion of that.

Why do you then .. -- I am just putting a fact, a historical fact which is true.

Are you eulogising the man? -- No, that would be a (10) bad attempt at eulogising. In the Black community when we eulogise, I can give you an example here, you will realise a eulogy is something praising in fact. That is a bad attempt.

Well, is it a bad attempt at eulogising? -- It is not even eulogising.

Didn't you try to eulogise? -- I did not try.

Did you try to put him in a very good light? -- I just put the historical facts.

Did you try to put this man in a very good light? -- I put the historical facts. (20)

Please answer the question. -- I have no reason to put him in bad or good light.

Did you not try to put him in a good light? -- I put him in the historical context of what he did there.

Would you please listen to the question. Did you or did you not try to represent or put this man in a very favourable light? -- No, I did not intend putting him in any light.

All right, then let us hear what you said here. You said:  
"In the early sixties Black leaders  
now banished, imprisoned, exiled and (30)  
banned made their stand known and were

set/...

set to liberate the Black man.

Those leaders are none other than Nelson Mandela, the Black prince of Azania who fought for your liberation and mine."

-- That is correct.

Now you are putting the man on a pedestal as being a Black prince of Azania. -- He was a Black prince of Azania.

How could he have been a Black prince of Azania? -- Well, I grew up and I knew and I was told that he was a Black (10) prince of Azania, that is how he is regarded by the Black community.

Yes, therefore you are trying to put him in a very favourable light. -- No, I am just stating what the Black community says and how the Black community regards him.

"It sores his heart to see traitors leading the Black masses to destruction."

Who were the traitors? -- In that particular context I was referring to homeland leaders.

Homeland leaders? -- That is right. (20)

These are people who are negotiating with the Whites. -- No. Aren't they? -- No, they are not.

Aren't they negotiating with the Whites? -- No, they are not.

Isn't this a channel of communication between the Blacks and the Whites? -- No, it is not.

What is it? -- It is just some puppet structure.

What knowledge have you to say it is a puppet structure? -- Because it does not function, it does not do anything for the Black people.

What is a puppet structure? -- Something that one (30) manipulates at will.

Who/...

Who manipulates it? -- The government.

How? -- Just like they decide what should happen to Matanzima in the Transkei without his having have to have a say.

How did they decide that? -- They decided that every Xhosa speaking or any Xhosa who is in the Republic or anybody who speaks Xhosa in the Republic is a citizen of the Transkei.

Well, they say he is not a citizen of the Republic; that is not telling Matanzima what to do. -- But they are telling him that we are telling you, we are forcing you to accept (10) these as your people. You are not going to tell us anything, we do not want them here, they are yours. That is what they are telling Matanzima.

Well, ... -- It shows that he is being manipulated. What is he saying himself? The one minute he says I am not going to accept them, the next time he says well, what can I do, the South African government is depriving people of their citizenship, the matter is not in my hands.

And what happened in North Africa when they chased the Indians out? (20)

MR PITMAN: I couldn't hear the question, I am sorry.

MR REES: What happened in North Africa when the Indians were chased out? -- Who chased the Indians out?

Don't you know that the Indians were chased out of certain North African countries? -- What I know is that the people who did not want to belong to those countries, as you call the people who had their passports and British citizenship in their pockets, were chased out because they did not want to identify with the people of the country.

So you say any people with British passports will (30) be chased out? -- I am not saying that, I am just - you asked me/...



me what happened there and I am telling you what happened.

(LAUGHTER)

You talk of a photograph of a Bantu next to a Black son of Azania.

MR PITMAN: M'Lord, I cannot hear my Learned Friend, he is speaking in that direction very quietly. Could he speak up please?

BY THE COURT: Just repeat the question please.

MR REES: M'Lord, perhaps Mr Pitman should sit where he should sit instead of sitting there. (10)

MR PITMAN: I will come and sit there.

MR REES: The Black son of Azania, you talk about the photograph of a Bantu next to and alongside the Black son of Azania. -- That is correct.

Why do you refer to one as a Bantu and one a Black son of Azania? -- Well, because he is a leader of the Bantustan and .... (LAUGHTER) ... (inaudible)

Why do you call the other a Black son of Azania? -- Well, because he considers himself Black.

Who? -- Robert Mangalise Sobukwe. (20)

And what did Robert Mangalise Sobukwe do? -- What did he do?

Yes, to earn your praise. -- There is no praise I am dealing with here, I am just stating a fact.

I see, every time you praise a man here, you are stating a fact? -- Well, there is no praise there.

I see. While we are referring to this, Exhibit 7 we have just gone through, is that so? -- Annexure 7.

Annexure 7. You stand by what you have written there? -- Oh, sure.

Do you stand by what is written in this document, (30)

EXHIBIT C.8? EXHIBIT BPC C.8. You have gone through this document/...



document. When you wrote this document, did you mean what you said in it? -- When I wrote this document, I was putting across an argument.

Did you mean what you said there? -- That is correct, as it stands there.

For what purpose did you prepare this document? -- For a BAWU symposium.

What did you do with it? -- I delivered the paper at the BAWU symposium.

Where? -- At Johannesburg. Orlando DOCC. (10)

How many people were present? -- Quite a number of people were present.

Well, was it 20 or 30, a couple of hundred, a couple of thousand? -- Well, could be 100, 200 because the hall was almost packed.

Will you have a look at BPC M.1? Have you got the document? -- I have.

Was this document prepared by you and Zithulele Cindi, accused No. 8? -- That is correct.

What was the purpose of this paper? -- It was to (20) pledge solidarity with the people of Doornkop to condemn the inhumane action, to let the government know that we were opposed, that BPC was opposed to this kind of action and also to challenge the government into soul-searching.

If you wanted to challenge the government, why didn't you write to them directly to the prime minister or the Minister of Bantu Affairs or one of these people? -- Well, it is a matter of tactics.

Oh. -- That is right, this was one of the tactics.

Why don't you write to the people directly? -- Well, (30) I mean we choose how we want to communicate with the persons.

If/...

If I want to communicate with you, I write to you or I go and see you, I do not write to the newspapers. Why don't you write to the prime minister direct or whichever cabinet minister you want? -- Well, I am just saying it is a matter of tactics.

Tactics you want to get Black people involved, that is your whole purpose, isn't it? -- Hmm?

You want to show Black people that you are supporting them, you want Black people's support. -- And for the government to know that we are opposed to what it was doing. (10)

Yes, for the government to know here is an organisation that is recruiting people. Isn't that so? -- No, it is not so. No? -- No, it is not so.

What did you do with this? Did you in fact send it to the Rand Daily Mail? -- Yes, it was sent to the Rand Daily Mail.

Did they publish it or don't you know? -- Well, they published just a summary.

And did you mean what you wrote down here? -- Sure.

BPC O.1, we have already dealt with that, so we will skip that. BPC Q.2 if you please. Did you prepare this (20) paper on policy? -- That is correct.

This was to be presented at the national organisation of BPC on the 16th day of March, 1974. -- National council.

Just tell the Court, you tell the Court, since you have corrected me. -- Well, it is written there:

"PRESENTED BY THE NATIONAL ORGANISER  
OF THE BLACK PEOPLE'S CONVENTION,  
NKWENKWE NKOMO ON THIS 16th DAY OF  
THE MONTH OF MARCH IN THE YEAR 1974  
AT THE NATIONAL COUNCIL MEETING." (30)

Did you present this paper? -- I did.

And/...

And did you distribute copies thereof? -- Not at that meeting.

Where did you distribute it? -- Well, we subsequently roneod and sent to branches.

What is the procedure you follow with - what do you send to branches? What documents are sent to branches? As a matter of routine. -- As a matter of routine?

Yes. -- Circulars.

What circulars? -- Notifying the branches of coming national council meeting, or notifying the branches that (10) the national organiser will be in the area at such and such a time.

Do you send them any minutes of meetings? -- Sure we do.

All minutes of all executive meetings? Or what? -- Not executive meetings.

Tell the Court what minutes do you send them? -- Minutes of the national congresses, minutes of the national council meetings.

Yes, what else? -- Those are the minutes.

Yes, what else do you send to the branches as a (20) matter of routine? -- Circulars.

Yes? -- And commission reports.

Any decisions, anything on policy, etc., you send these to the people to note or don't you? -- That is correct. In fact I would say on policy this was just trying to make one compact document rather than one having to go into the constitution for this aspect into that document, so it is just - but all this is contained in the documents that branches have: constitutions, membership cards, etc.

And all the documents here before the Court that you (30) wrote or that you distributed, did you mean what you said in those/...



those documents? -- Sure I did.

RE-EXAMINATION BY MR PITMAN: In regard to minutes of meetings that my Learned Friend has been asking you about, sending to branches, was there ever any agreement, there was evidence by the State - was there ever any agreement that minutes of meetings should in fact not reflect fully what happened at the meetings?

MR REES: I object to this question. It does not arise out of my cross-examination at all.

BY THE COURT: I got the impression that ..(intervenes) (10)

MR PITMAN: That is what I thought it was about.

MR REES: I never asked him about what the contents of these things should be or whether there was any such agreement. This is a matter that my Learned Friend should have asked in his ... (intervenes)

BY THE COURT: I think you in fact I think you led the evidence on that. I know the witness did speak about it. Am I right?  
-- I think I did, yes.

MR PITMAN: I have no objection to my Learned Friend again questioning in any event, but it seemed to me that if it (20) was the State case, that he should have put it anyway. If I may just ask that question. Was there ever any agreement that the minutes should not reflect what was discussed at meetings?  
-- No, there was never such an agreement.

Was there ever an agreement that certain things should be hidden from the branches? -- No, there was never such an agreement.

You were asked by my Learned Friend why you did not write direct to the prime minister or the relevant minister involved in these cases. Is writing to newspapers or reporting to (30) newspapers, giving reports to newspapers a practise used in  
the/...



the democratic process? -- I think that is a voice where people say anything they want to say, whether it be to the government or to whatever organisation they want to hear. I mean one is not necessarily bound to write directly to the government. As I indicated earlier on that when the decision was taken on the news media one of the factors was that that would be a way of communicating ourselves.

Referring to the Sunday Tribune photostat that was shown to you of the 22nd September, 1974, you were asked by my Learned Friend if it correctly reflects all the facts and (10) what you said to them. I see it was read out that you are called a Durban Black Power leader. Have you ever been a Durban leader? -- No, I have been in the national leadership.

Have you ever been a Durban leader? -- No, I have not been a Durban leader, I have been a national leader of the Black People's Convention, not of the Black Power Movement. If I may be allowed by the Court just to clarify a point in that report, the same report.

Yes? -- There is a portion there where I say that our objectives with Frelimo is the same, that is the fight (20) against the evil of racialism. Now, if I am not mistaken, Harry Singh said that I had said that we and Frelimo are the same. But now I think that sort of explains the similarity that I have referred to, that is the objective of fighting racism.

The people you referred to in your evidence, Mr Mehlomla, Mr Mayathula or Rev. Mayathula and Psoetsi(?), were those people, do you know, detained by the State? -- Yes, they were.

Were they held in detention? -- They were held in detention. (30)

Do you know at what stage they were released?

MR/...

MR REES: Is this hearsay evidence or did he see these things?

MR PITMAN: I will ask him if he knows.

MR REES: Perhaps my Learned Friend should make it clear whether we are having hearsay or direct evidence.

BY THE COURT: He asked the witness. -- I know for once I was detained together with Mehlomola Skhosana at John Vorster Square and when we were transferred from John Vorster Square to Pretoria Local, we were transferred with Fanie Psotetsi.

MR PITMAN: Mayathula, had you seen him? -- He was arrested before I was. (10)

This Harran Aziz that you gave evidence about, the one that went with you, didn't he, to Lourenco Marques? -- That is correct.

Do you know if he was a BPC member? -- As I indicated, I did not know he was a BPC member, but I did not question his membership, but I had no knowledge that he was a BPC member.

Let me just ask you this. In regard to this tape, I think it was called 'Gesprek No. 8', that was the Saths Cooper one, accused No. 1, there is mention on that tape that - or it appears on that tape that you spoke again afterwards. (20) -- That is right, after accused No. 1 had spoken to Mehlomola as I have indicated, I spoke to him thereafter, as I indicated in my evidence-in-chief about the fund raising show and other things.

Do you know what that was about, when you spoke to him the second time? Do you know whether it concerned the question of ... (intervenues) .. -- No.

MR REES: But the witness has told the Court. My Learned Friend cannot cross-examine him and I did not challenge his version of what he said what he spoke about afterwards. And as far (30) as I can remember, the State is in substantial agreement with what/...

what he said what happened after Saths Cooper had spoken.

MR PITMAN: In the first place, I am not cross-examining him, that is the first objection my Learned Friend made. Now I am trying to understand what the second objection is. The second objection is that he is in substantial agreement. I do not even know that the witness has spoken about what he said after No. 1 accused had .. (intervenes)

BY THE COURT: He did not say anything about it.

MR REES: I think he said the same, I think it was in his evidence-in-chief , he said something to the effect - (10) words more or less the same as he has said now, that he spoke to him about some fund raising or something to this effect.

MR PITMAN: All I want to know is was there any discussion about the rally after accused No. 1 had spoken? That is all I want to know. -- No, it was just general issues.

Just arising out of some questions that were put to you both by my Learned Friend and the Court. In regard to capitalism, and the suggestion was made to you that - or the questions that were asked of you apropos your attitude or your opposition to capitalism in South Africa, is capitalism a system which (20) applies equally to Whites and Blacks? -- No, in fact in South Africa Blacks are more or less on the same social socialism really because we have the idea that the land belongs to the government and everything belongs to the government, that is now what we say in Black communalism. I am talking about how Black people live and if you want to be able to do anything, it must be sanctioned by the government. But on the other hand Whites have a free reign.

Many questions have been put to you along the line of racism practiced by Whites. The suggestion has been made (30) to you repeatedly that you are equating racism with Whites. Do  
you/...



you know whether all Whites in South Africa follow in fact the same policies? -- No, as I tried to indicate that I did not really agree with the generalisation that all Whites are racist or they practice racism.

Yes. -- Because that would not be entirely correct. I mean there must be specific incidents that I mentioned where certain Whites are known in fact to be racist. Now if I may point out here to the Court that well, normally when one listens to the Black community or when we talk normally, we tend to say "abulungu" that is White, not really referring to the (10) White people there, but referring to the government because the belief is that they have the power and they are white. So normally when we say "abulungu .. (Bantu phrase)..." that is the Whites are really hard on us. The normal thing we understand that the government really and people that are in control.

Let me come back to one point. It was put to you that Defarge was the character who started the French Revolution. Actually Defarge is a character in .. (intervenes)

MR REES: Does my Learned Friend want to give evidence?

MR PITMAN: My Learned Friend here gave evidence (20) ... (intervenes)

MR REES: Oh, no, with respect, I did not, I asked him, he introduced Defarge in evidence-in-chief.

BY THE COURT: You suggested to him that he started the Revolution.

MR REES: I asked him, no, with respect, may I just reiterate. In his evidence-in-chief, led by my Learned Friend, he said that - that he would play this part of Defarge who had led the attack on the Bastille and then I followed that up. That is all I did. I did not make any suggestions at all. (30)

BY THE COURT: Then you said oh, but he started the revolution.

MR/...



MR REES: ... (Laughter - speaking simultaneously)

MR PITMAN: ... actually I think it was Madame Defarge who watched the heads roll, she was a character who watched the heads roll at the guillotine, but Defarge was a character in 'The Tale of Two Cities' by Dickens. Anyway, it is not of great importance. I can perhaps still lead some evidence on that.

BY THE COURT: Well then we will forget about Mr Defarge. -- Well, in fact I forgot to point out that I did not say Defarge because of my knowledge of history, but because of the (10) book that I had read by Charles Dickens. That is where this character features, so I was talking to students who had also read the book at that time. Not really about historical correctness of the situation.

When you people end off your letters, you either say 'Amandla' or you say 'Power'. What would that signify? What do you intend to convey by that? -- (No reply)

When you put up your fists you also shout 'Power'. Do you intend to convey the same idea? -- By 'Power' when we raise up the fists, as I indicated, with the Black (20) ..(inaudible) is not a Black Power salute, but a sign of unity, as I tried to explain on that. We take it from the fact that when the fingers stand like this, we are divided and if pressure is applied on anyone in particular it is likely to fall off. As I think science says that when man is fully developed he has got very little or less limbs that can be prone to danger. Now when one closes the fist like this, it means that it is a unity it is in a powerful position. Whatever pressure is applied it is not likely to break it because these things are together. That is when we use this it is a (30) sign of unity. But the press normally refers to it as Black Power/...

Power and some other people say Black Power, I suppose because the Black Power movement in America used it. But when we use it, we are not using it as a Black Power sign, we are using it as a sign of unity.

But why don't you shout unity then? -- Because in unity we have power, that is our belief, but when we are united then we have the power that we need. So we say 'power'.

What sort of power? -- The power to determine our lives and be able to influence the destiny of our country.

The evidence was that you were very disappointed (10) with what happened in Lourenco Marques. Why were you so disappointed? -- Well,

Or were you not disappointed? -- Well, I was disappointed to some extent.

What was your disappointment? -- Well, in the first place when we got to Lourenco Marques, for about 2 hours or 3 hours our passage to the people we wanted to see was hampered, let me say probably deliberately, but I do not know.

Well, you might have been disappointed for those 2 hours but why when you came back were you so disappointed (20) with the treatment you received? I think that was the evidence. -- Well, the other thing was that now after we had spoken to the Minister of Information and he told us to contact the members of the military. We were not forwarded with directions as to how we should do that because when we tried to ask him how we could go about that, he said he did not know, but we must try and contact them. Then I think at some stage he suggested I write to Dar-es-Salaam. Now, this that is to me that - I felt that the whole purpose of our coming here would be useless because it appeared as if there was no cooperation. (30)

No, I did not get that impression from your evidence. Your evidence/...

evidence was that you went there, you actually got inside the palace and you saw the minister. -- That is correct.

He gave you a very sensible explanation that they have just assumed power and and they have so many things to do there that they cannot spare a person to go to South Africa. -- But now he told us to contact the militants, but he did not forward us. In other words, he told us something that we would not be able to do. He told us to contact the militants, but he did not help us, he was in a better position of getting us a member of the militants, but he did not do anything in (10) that regard. He just told us and when we tried to find out where we could get them, he told us we should write to Dar-es-Salaam. Now, I could not understand when he appeared to be helpful but .. (intervenes)

But why should you write to Dar-es-Salaam if you are in Lourenco Marques? -- Well, he told us .. (intervenes - both speaking simultaneously)

.. in Lourenco Marques. -- He told us that is where we must write to because by that time I think only the provisional government was there, but the whole of the Frelimo Might (20) had not come down. I think Samora Machel was still in Dar-es-Salaam. Well, another thing that I personally observed, I thought that he was just saying well, you have been here, well, I have listened to you, that is O.K, bye-bye. That is the impression I got, because he was not really helpful, except telling us that the government was not in a position of coming because it was still - that was understandable, but other than that he did not appear to be helpful.

And were you in the presence of Harry Singh all the time while you were out of the Republic? -- Except when I (30) was crossing the border.

Yes/...



Yes, apart from that, did he go out of your sight in Lourenco Marques? -- No, we were together, we were together. Probably sometimes when we were seated in an eating place or we moved somewhere, but for all practical purposes we were together.

Did you do anything that might call for medical attention? -- Well, I did not expect - there was - let us say on the Tuesday he acted sort of funny. I do not know whether the Court is talking about mental...LAUGHTER

No, I do not know how it affects one. -- Because (10) what I am trying to say, on Tuesday he was agitated, in fact he almost - we managed to go back to the Frelimo people, because when we tried to put the two phone calls and there was still the official red tape, he sort of lost his cool. I mean he got into some excited state.

Why? -- Well, I really do not know because I did not ask him, but I just prevailed on him that we must at least manage to see the people. Our membership cards had already been handed in, or if not, we must only try and retrieve our membership cards. (20)

Is that the only light that you can throw on his state of health? -- Oh, I know ... (LAUGHTER) Oh, I think .. (LAUGHTER) in fact .. (intervenes)

Did you require medical attention? -- I received medical attention. That was in fact ... (LAUGHTER)

Well, I think it is a serious matter. Have you forgotten all about this? -- No, that was in Swaziland.

In Swaziland? -- That was in Swaziland.

I thought that was in Lourenco Marques. -- No, it was in Swaziland. (30)

What happened in Swaziland? -- Well, we had some nice time/...

time there.

But you were going to Lourenco Marques. -- Well, we had to stop at Manzini until 2 o'clock to get petrol so during that time, well, we met some other sisters ... (LAUGHTER)

Well then why were you worried? -- Why was I worried?

Why were you worried? Was it the first time you met a sister? -- No, it was not the first time.

Then why were you worried? -- Well, I am not saying I worried, I am just saying that well we proceeded with them to Mbabane and well, we sort of lost sight of each other for (10) some time and we reconvened and proceeded on our way.

So you both were worried. -- (LAUGHTER) Well, I received medical treatment.

What do you say about the discussion about the press report in the room of No. 4 accused? -- Points were raised that would be discussed or thrashed out with the press. One of them was that we would condemn the action of the government that is, banning the rally that was meant for a celebration.

But were you paying attention to all this when they thrashed out these points? -- Well, as I indicated, I (20) dozed off, but I would wake up time and again and listen to what was happening and sometimes I would also contribute, but in general because I had made my point already, and the rally could not go on and I did not see how the rally could go on. So as for the press conference and the whole proceedings, I took them as they came, but it is not that I followed everything that was happening.

So were you in fact sleeping? -- I do not know whether the word 'sleeping' would be very correct. I slept at some time, woke up and - because I was still on the bed, and (30) listening to what was happening, probably they would ask me

a/...

a question, then as I am lying on the bed, then it comes again, in that fashion. Not that I slept throughout or I was awake throughout, because I was really tired.

Were you concentrating on what they were discussing? -- Well, I listened to what they were discussing.

Did you follow what they were saying? -- Well, I cannot claim to have followed everything that they said, but - because I remember I woke up at the stage when some Dr Muntu Krishna or something like that came in there into the room. That was a stage I woke up and from then onwards we (10) discussed that time how would the press conference be conducted and rehearsed on the previous - that time I heard everything that was being discussed, but to and fro I cannot really pin myself, but from that moment I know everything that was discussed.

NO FURTHER QUESTIONS.

THE COURT ADJOURNS.

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