

N. NIKOMO

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

CASE NO.: 18/72/254

5th AUGUST. 1976.

In the matter of:

THE STATE

versus

S. COOPER AND EIGHT OTHERS.

---

VOLUME 127

(Pages 7 877 - 7 947=)

LUBBE RECORDINGS (PRETORIA)

THE COURT RESUMES AT 10,15 A.M. ON THE 5th AUGUST, 1976.

ZITHULELE NYANGANA ABSALOM CINDI: still under oath:

FURTHER CROSS-EXAMINATION BY MR ATTWELL: Did <sup>THABO</sup> Tabu Molewa take part in the PET production of Shanti? -- As far as I could remember he did.

And is this <sup>THABO</sup> Tabu Molewa the same Tabu Molewa who is a Black poet, if we understand Black poet... -- Well, he writes poetry.

He writes poetry, including some of the poetry which you said you had on posters on the wall in your office. -- (10)  
Not some, only one, the one on Black consciousness.

I would like to refer you to those three poems which the State has got in as exhibits, BPC T.2, 3 and 4, because I do not think you specifically referred to them with them in front of you in your evidence-in-chief. -- Well, I was going to come to them but I mean I was stopped.

Yes, well, now you have an opportunity to deal with just one aspect of them anyway. You said two of these poems which the State had handed in, were on your wall in the form of posters. -- Yes. (20)

In the office. -- Yes.

Now could you just tell us, there are three here, 2, 3 and 4 in the BPC T. series. Which are the two which you say were on the wall in your office? -- BPC T.2, the one on Black consciousness.

The poet being Tabu Molewa, T. Molewa. -- The poet being T. Molewa.

Yes? -- The next one is 'Afrika'.

And the poet .. -- is Sizakele Ndlovu.

Ndlovu. That was the other one on the wall? -- Yes. (30)

And BPC. T.4? -- BPC T. 4 .. (intervenes)

Another/...

Another poem by Mr Molewa addressed to Siphon Buthelezi apparently or in honour of Siphon Buthelezi. -- Yes.

Now what about this poem? -- I did not see this one.

Have you never seen this poem before? -- Well, I do not remember seeing the poem before this.

It was found in the BPC head office and it has clearly been cyclo-styled by BPC. It is called 'The Final Solution'. -- Ja, I see.

It could possibly have been given out after the banning of Siphon Buthelezi or the leaving of Siphon Buthelezi of (10) the country. -- That is not correct.

Not correct? -- No.

When was it then printed? -- First of all let me correct you, it was not cyclo-styled as such. If you look at it, it is a copy - this is the original and that is a carbon copy. That is all. So there is no more suggesting of cyclo-styling, it was typed.

It was typed and a copy was also typed. For what purpose was this typed? Do you know? -- Well, I would not know what purpose it is, but I think it speaks for itself there (20) at the bottom 'To Siphon Buthelezi'.

Was it a letter to Siphon Buthelezi? -- A Poem.

It is a poem. Was BPC going to use this poem in any way? -- Not in any way.

Tell me, when were these two posters put up on the wall: in the office? -- When I was appointed the administrative assistant, I found them there on the wall.

And did you approve of the sentiments expressed in those poems? -- These two?

Yes. -- Oh, yes, sure. (30)

You did. Do you approve of the sentiments expressed in/...

in the last poem, BPC T.4? -- What sentiments do you say do I approve of here?

Is there anything you disapprove of? -- Like what?

Anything. You know what you would disapprove of. Is there anything in that poem that you disapprove of? -- I would neither approve nor disapprove anything here. It is the work of a poet.

Is this the sort of poetry that was recited at occasions when there was poetry recited at BPC meetings or gatherings? -- I would not put it at that level as to say it is the (10) sort of poetry. Whenever we talk about poetry, I mean it is what we specific - if you know of anything and what poetry was recited, you must bring the poem then we will see. I mean 'The final solution' may have not been recited at that incident. So I cannot go and compare this poem which I have in front of me and another poem which I do not know what its contents were.

Who typed this poem? Do you know? -- I do not know.

BY THE COURT: Uhuru means freedom, but now in what language does it mean freedom? -- My understanding it is in ..

Swahili. -- Swahili. (20)

And Kwacha, what does Kwacha mean? -- Kwacha is a monetary system I think in Malawi.

It is a money in Zambia. -- Ja.

MR SOGGOT: I think, if I may help Kwacha also means freedom.

MR ATTWELL: Now, we have heard that PET was down on the agenda to perform at the second BPC congress. -- Yes.

Who took the decision to invite PET to perform at that particular congress? -- I would say the executive at the time took the decision.

This includes yourself. -- I was not in the executive, (30) I was administrative assistant.

Were/...

Were you in on this decision? -- Which is a staff position.

Were you in on this decision at all? -- No, I was not in the executive.

Did you write out the invitation or have anything to do with the sending of the invitation to PET? -- No.

Not even in your capacity as administrative assistant? -- Well, I do not remember receiving instructions to write to PET.

Was PET told what particular performance to present there? -- No, PET was invited, that is according to how it (10) appears on the program, it was never told what to perform.

I think it appears that it is going to perform Shanti, doesn't it? -- Well, I will have to look at that program.

Well, can you remember off-hand? Or do you want to see the minutes? You can have a look at the minutes, BPC H.1, the very first page, do you see that? -- Ja.

Shanti. -- 9,15 p.m.

Yes. -- Shanti by PET.

So they were probably asked to perform Shanti. -- Well, this may be because that was the only play known to be (20) presented by PET at the time.

Who knew of this play, Shanti, before this particular congress? Did you know of the play Shanti before this congress? -- Yes, I knew of the play.

You did. The performance of Shanti that you attended, was that before this particular congress? The one at which you were frisked for your membershipcard? -- Yes, that was before that.

You had seen the play then before it was due to be performed at the congress. -- Yes. (30)

Did the PET players in fact present this play or exerpts from/...

from this play at the commemoration service which was held when the tombstone was unveiled? -- I did not attend the commemoration.

Do you know whether they did? -- I do not know.

Now you can give hearsay evidence because I am asking you. -- I do not know.

Do you know whether the PET people were at the congress and went there? -- Repeat your question.

Did you know whether PET people were at the congress? -- I know that they were not at the congress. (10)

No PET people were at the congress? -- No.

Was Mr Molewa not at the congress? -- Tabu Molewa was at the congress.

He was? -- As a representative of PET, but now you are asking me about the cast, the PET cast and then now you juxtapose the question were PET people not at the congress. I have to say PET people were not at the congress because we are still talking within the ambits of the cast of Shanti.

Yes, and Molewa was a member of that cast and he was in fact at the congress, although he was as a representative (20) of PET in fact. -- Ja, and in fact also he was a member of BPC at that congress.

And he went off to the commemoration service, did he? -- I should imagine so.

As an observer he would not have sat in on the planning commission's secret deliberations or closed session. -- You seem to be making insinuations about this secret, secret. It is protocol, it is procedure that the planning commission selects delegates to sit down and plan strategy that would be adopted for the year, which strategies are enunciated (30) in the resolutions there that how members should in fact particularly/...

particularly for the national executive committee should be recommended to congress and yesterday you made that insinuation about these issues being mundane and yet they were kept away from people. Now it surprises me that you, my accuser, should now see those minutes as mundane and yet you accuse me of those minutes as being terroristic. What I want to point out to you is that the planning commission sat as a commission. Then when it went to report to the full house it asked those who did not qualify to sit in committee, right, to excuse themselves and then the points that are in the planning (10) commission as it is in one of the exhibits which I submitted, then those points were discussed in that session. Then when the full house came in, the resolutions now that emanated from there were moved there now and passed. As you can see, some of the movers were not in the planning commission.

Why does it say it was explained to the members that not all the points under the planning commission's report could be discussed? It does not say explained to the observers, it says explained to the members. -- Well, observers are members of BPC. (20)

Is that how you interpret it? -- No, no, not how I interpret it, how it is meant to be.

Yesterday we started on Shanti and I put it to you that it was in fact concerned with three characters each ostensibly a representative of one of the Black population groups in the country. I think you agreed with me. Is that correct? There is an Indian character in the .. -- It is a love story.

Yes. -- It is a love story between <sup>Tabu</sup>~~Tabu~~ and Shanti.

It is between an African man who falls in love with an Indian woman and they have a Coloured friend. Is that (30) correct? -- Well, that is about the theme of the story.

But/...

But there are problems concerning the possible marriage of the Indian and the African. Is that correct? -- Problems?

Yes. They could not get married. Is that right? -- Well, that play I saw it long ago really. I do not know whether you have a copy of that play with you.

I am not going to refer in detail to the play, you need not worry, I just want the theme. -- Well, I think if my recollection serves me right, that Shanti's parents were against the marriage and even Shanti and ~~Tabu~~<sup>TABU</sup> themselves were uncertain whether to go on with the marriage. (10)

If I described the play Shanti as the true meaning of Black consciousness, the odds and evils of oppression that face the Black man today and how these can be brought to a halt, would you agree with that summary of the play? Would you like me to repeat it? -- Where do you get it from?

Would you agree with that summary of the play? -- Well, I do not know on what you base that summary.

I will read it to you again:

"In this drama Mthuli portrays the true meaning of Black consciousness, the odds and evils of oppression that face the Black man today and how these can be brought to a halt." (20)

Would you agree with that description of the play? -- I think what we must be clear about is that you do not just take one extract and put it to me and ask me to agree. It is what you have been doing the whole of yesterday, putting sentiments and when I agree with you, then you say those are in agreement with policy.

Do you refuse to answer the question? -- I am not refusing. (30)

Then/...



Then will you answer the question? -- But I am telling you, you are reading there, I do not know on what basis that man is drawing those conclusions. For all I care that man may be having a whole article about it.

All right, what if I say those are my sentiments? I am putting it to you now. -- Now what do you .. (intervenes)

I am asking for your comment on that. -- On what do you base your sentiments? You have got to - I mean have a basis, then working from the basis then I would see whether to agree with you, with your conclusions. (10)

You saw the play. Is that correct? -- I saw the play.

Right. Now, if I said to you that that play showed the true meaning of Black consciousness, the odds and evils of oppression that face the Black man today and how these can be brought to a halt, would you agree with me that that is what the play is about? -- No, that is not what I thought.

You do not agree with me. -- All I <sup>can</sup> say, that play was - did not have the <sup>Stage</sup> ~~State~~ craft that is necessary to - you know, it was not a play which, I mean was up to the standards in theatrical terms. (20)

This was a play by your ex-friend or the late friend of yours Mr Shezi, the man who had pulled you into BPC. Is that correct? -- Oh, yes.

Yes. -- Those were his ideas, I mean, but <sup>that</sup> ~~there~~ has nothing to do with his having enrolled me in BPC.

You have disagreed with the last description of the play. I want to put one more description of the play to you and I am going to ask you to comment on that.

"Shanti is an answer to the token protest  
and apologetic plays as epitomised by (30)  
Sizwe Banzi is dead and <sup>PHIRI</sup> ~~Ferry~~. Shanti  
does/...

does not merely say where are  
oppressed and ends at that. It gives  
positive direction to Blacks. Shanti  
shatters the lie that Blacks cannot  
live together as a solidified unity.  
Shanti extends the truth that all of  
us, African, Coloured and Indian,  
are being oppressed by the same  
system and our solution to the White  
problem is unity. The major characters,  
Shanti, ~~Tabu~~<sup>Tabu</sup> and Koos must not merely  
be looked upon as individuals, but  
rather representatives of Black  
community. Shanti seeks to inject the  
true feeling of solidarity, pride and  
self..(?) in all Blacks." (10)

BY THE COURT: What is the value of all that?

MR ATTWELL: As Your Lordship will probably have gathered at  
this stage .. (intervenes)

BY THE COURT: If you want that deduction to be made (20)  
that play should be put before the Court and the Court will  
then have to consider the play and then the opinion of the  
witness will be absolutely worth nothing from a legal point  
of view.

MR ATTWELL: As Your Lordship will probably have gathered at  
this stage, part of the State case is that the theatre was  
used by the Black consciousness movement, specifically SASO  
and BPC as a part of ... (intervenes)

BY THE COURT: If you want to use the play then you must prove  
the play and then you must can base your arguments on (30)  
the play, but you cannot just keep the play in the background  
and/...

and ask witnesses whether the play has that particular message. It is possible that a play can have different messages to different people.

MR ATTWELL: I am offering the witness an opportunity merely to comment on something. The theme of the play ..(intervenes)

BY THE COURT: Well, what is the value of his comment from an evidential point of view?

MR ATTWELL: I am bound obviously by his answer there once again.

BY THE COURT: But I am not bound, I can just ignore it (10) because it has got no value as far as I am concerned.

MR ATTWELL: Our argument is that this was used, that a certain message was continuously put across and that these .. (intervenes)

BY THE COURT: Then you produce the play and you say this is the play and this is the message because this character says this and that. Then I have to look at the play. But all this is just hearsay evidence.

MR ATTWELL: I was going to put the theme of the play to the witness. (20)

BY THE COURT: No, but the theme .. (intervenes)

MR ATTWELL: If he disagrees with that, it is not an exhibit before the Court, and that is going to be the end of it.

BY THE COURT: I am not bound by what he says what the theme is, because I have to see - it is secondary evidence, it is not the best evidence. I have got to see the play and see what the theme is.

MR ATTWELL: In my submission, if his evidence is that - if he agrees with me that that was the theme of the play and that it was used by SASO and BPC .. (intervenes) (30)

BY THE COURT: If you think about the play in that way then  
only/...

only you two are concerned. The Court must decide the case.

MR ATTWELL: As Your Lordship pleases. I can take the matter no further.

BY THE COURT: It is like keeping this poem in the background and asking the witness whether the poem on Black consciousness does not convey this and that message. If he says yes, well, it is secondary evidence, it is worthless, it has got no value in a court of law at all.

MR ATTWELL: As Your Lordship pleases. There has been a suggestion about a possible shadow cabinet in BPC. Do (10) you know anything about this? -- I am not aware of that suggestion.

You are not aware of it. There is no truth whatsoever in that. -- Well, I do not know. You say it is a suggestion, you do not put it in any - you do not place it in any moment in time, you just say there is a suggestion. I do not know anything about it.

Well, unfortunately it was a statement made by your Counsel, Mr Allaway, during the cross-examination of Singh that there was discussion on a shadow cabinet, but there (20) was no such thing; this was in connection with the possible supreme command. I merely want to know whether you know anything about discussions concerning a shadow cabinet in BPC. -- No, I do not know of any discussion.

You do not know. -- On that shadow cabinet and as I pointed out yesterday, I do not know of any supreme command running BPC, as alleged and as from evidence that was led here, it was running BPC in 1974, because we were in the executive in 1974.

You know nothing about it. -- There is nothing like (30) that.

BY/...

BY THE COURT: Put it this way: the BPC had policies. -- Yes.

And objectives. Now, was this left to the executive members of BPC to give effect to the policy and to try and achieve those objectives? -- Yes, congress and mandates give power to the executive to implement policy as enunciated in the constitution.

But were there not people who really were on the background but advised on how to implement policy? -- No, I would say ... (intervenes)

... the objectives of BPC. -- Well, again, if the (10) Court will bear with me. You have to look at the objectives and then look at the gravity of the objectives, then see what type of background or backroom boys or fellows you need to implement those policies in order to reach that objective.

Now let us take one, conscientisation. -- Right, conscientisation.

Now you can conscientise in a number of ways. Didn't you have a brains trust to advise how that should be achieved? -- I think that question is answered by the very sentiments, expressions that were expressed by the Court that you (20) can conscientise in a number of ways. So you do not need brains behind Black conscientisation. If we put it into context now with BPC per se, the constitution empowers the national organiser to be responsible for the conscientisation because he will be going on national tours, establishing branches, meeting people. Now these are actually the brains.

He will be creating the machinery to conscientise. But what about the man who sits in the background and he makes use of every situation to try and exploit the situation so as to use it for purposes of conscientisation? -- But who (30) is this man?

I/...

BY THE COURT: Put it this way: the BPC had policies. -- Yes.

And objectives. Now, was this left to the executive members of BPC to give effect to the policy and to try and achieve those objectives? -- Yes, congress and mandates give power to the executive to implement policy as enunciated in the constitution.

But were there not people who really were on the background but advised on how to implement policy? -- No, I would say ... (intervenes)

... the objectives of BPC. -- Well, again, if the (10) Court will bear with me. You have to look at the objectives and then look at the gravity of the objectives, then see what type of background or backroom boys or fellows you need to implement those policies in order to reach that objective.

Now let us take one, conscientisation. -- Right, conscientisation.

Now you can conscientise in a number of ways. Didn't you have a brains trust to advise how that should be achieved? -- I think that question is answered by the very sentiments, expressions that were expressed by the Court that you (20) can conscientise in a number of ways. So you do not need brains behind Black conscientisation. If we put it into context now with BPC per se, the constitution empowers the national organiser to be responsible for the conscientisation because he will be going on national tours, establishing branches, meeting people. Now these are actually the brains.

He will be creating the machinery to conscientise. But what about the man who sits in the background and he makes use of every situation to try and exploit the situation so as to use it for purposes of conscientisation? -- But who (30) is this man?

I/...

I do not know, I mean I am asking you whether BPC is not constituted in that way that there is scope for that type of individual and use was made of that type of individual. -- Well, that suggestion now seems to put BPC into a position of what it is <sup>not</sup> right now, because it is an overt people's movement. Now that idea of having someone in the background now suggests an underground movement. BPC is above board.

No, there is nothing underground about it. I mean people sitting around and trying to look for points to exploit. -- Well, I must say there I have never come across that (10) situation of people just sitting around and having points to exploit.

Take No. 4. Singh said that they consulted him with these things and he was not on the executive and yet when there was anything important to discuss they went and discussed it with him. Now how did that happen that they went and discussed things with him? -- I do not recall the evidence properly, but I would imagine he was referring to the trip overseas and I have pointed out that the president was to liaise with all members of the executive. There were two in Durban, the (20) vice-president and the PRO. And another thing, there is nothing stopping a member of the executive seeking advice from whosoever he feels is competent of advice. Like a case in point is mine. I was not versed in accounting and I had to go for someone, an accountant, to assist me with the books. I mean, there is nothing stopping me from getting such advice. Now I do not know... (intervenes)

You will now go to a person of your own choice to try and get information from him about your problem. -- Yes.

But now, didn't BPC have people to whom they would (30) go if they have problems relating to various important matters relating/...

relating to executive policy? -- No, they ...(intervenes)

Take the rally. Look at the people who were interested in the rally. Now, it was not confined to the official executive members of BPC for instance. How did No. 1 come into that? The rally, and the organisation of the rally? -- As I pointed out to the - I think if I remember No. 1's evidence correctly, is that accused No. 2 informed him .. (intervenes)

No, I do not want you to tell me what his evidence was, I heard his evidence. I am putting to you what the State's evidence is and I am asking you about that. Can you (10) throw any light on that? -- I thought the question was how he got to be involved and I was trying to explain, basing it on their evidence, because I do not know how they got involved there. I can only base it on their evidence, that he heard from No. 2. No. 2 actually told him of the move to hold a rally and then No. 2 asked No. 1 to put him across BPC executive members and at the time Harry Singh was already on the executive as the PRO when the rallies were being initiated. As I pointed out, there is no constituted body of people outside the ambits of the executive who are there (20) permanently to advise BPC. What I am saying is, any executive member is free to seek advice from anybody whom he soever deems fit.

It is coincidence, it is .... -- It is not a planned ... (both speaking simultaneously)

... an arrangement .... -- .... no, I mean, it is - I mean if I were to go to Cape Town right now, I do not know the area in Cape Town, I do not know, but I would have someone whom I can meet and say put me across people to meet. He might put me across through youth leaders, he might put me (30) across through sports leaders, I mean, that type of thing. It is/...



is not a programmed thing like that. Even for documents that emanate from the PRO's office, to our understanding the PRO has had instructions to be effected by someone who is knowledgeable, say in the printing or in the production of a newsletter or something like that. There is nothing stopping him from that, because when we come to be elected, we do not go into your background to know your qualities, your potentials, I mean, we take you for what you are, as a Black man who is committed, who is prepared to do anything for the struggle and we take it you have got that initiative to see what is (10) best for the movement. A case in point is the national organiser who had, despite the problems of us having no financial standing, he had his ... (intervenes)

He could use whatever resources were at his disposal. -- At his disposal. I mean, he had a program of a ..(inaudible) which he wanted to implement to raise funds. I do not think for once he had to go, take a trip either to Durban or Cape Town to seek advice from someone who would - it was his idea, it was sparked off by his sense of commitment into the movement because he has got a mandate to implement policy. (20)

MR ATTWELL: You were apparently mandated by the BPC people to attend the 6th SASO GSC as an observer. Is that correct?  
-- Yes.

Did you report back to the BPC executive on the SASO conference? -- I did not report to a full executive, I reported to the national organiser.

Did you tell him about what had gone on there? -- Ja.

Did you receive copies of the minutes of the SASO conference? -- No, unfortunately we were arrested before we could receive anything. We did not receive copies of (30) the minutes.

I/...

I see. Is it policy of SASO and BPC to send each other copies of their minutes of various congresses and conferences? -- No, that is not policy. Neither of the organisations - in fact there has never been any sending of minutes. What may happen is that I may attend as an observer and when I get there, there are copies of previous GSC's available there for reference as say maybe you might serve on a commission. So there will be those minutes as reference material. So I might get those copies and I might leave with them for the office. There is no policy as such of saying that SASO and BPC must exchange minutes of past congresses or GSC's. (10)

BPC is described in one document as a sort of mother body over all the other relevant Black bodies, including SASO. Do you want to be referred to the document that says that? -- Ja.

Or do you accept that as a position of fact? -- Well, I will have to look at the document.

I think it is BPC R.2, M'Lord. Do you have the document, BPC R.2? -- Yes.

Do you see that this is a document ostensibly sent out by Sipho Buthelezi in his capacity as secretary-general? -- (20) Yes.

And that at the top in the first paragraph under 'General Background', in the last paragraph of that particular heading, it says:

"Presently B.P.C. is the only political movement of Blacks, by Blacks, for Blacks in this country. It acts as a mother body of all Black Organisations i.e. South African Students Organisation, National Youth Organisation, South African Students Movement (High and Junior Secondary Schools' /... (30)

Schools' movement) Black Allied  
Workers' Union etc."

Now that is the document I had in mind. Do you go along with that description of BPC? -- Ja, I think it is quite clear here. He puts it that BPC acts as a mother body. I think, well, I do not know for all it is worth, the technicalities there, whether it says BPC is the mother body or it acts as the mother body. Because here I mean it is a political movement. Politics is taken to be all-embracing so it <sup>permeates</sup> ~~talitates(?)~~ the life-style of Black people. But now BPC would have to cater for (10) all of these, but now BPC finds itself in a situation where there are already existing organisations which are catering for students' needs, for youths' needs, for workers' needs. So it assumes that position of approving, if I may use that expression, whatever is being done by that organisation within  
(then) its ambit.

All I want to know is did BPC keep abreast of the developments which were taking place in organisations like SASO, SASM, Black Allied Workers' Union, etc.? If it was to be the mother body or act as the mother body of these organisa- (20) tions, did it keep abreast of what these other organisations were doing? -- Amongst others these and others also, because it was concerned with Black people in South Africa.

That is right. -- That is what we must be clear about. I think if you look at some of the minutes, you will see that BPC was also interested in <sup>ASSECA</sup> ~~ASEKA~~. Now BPC in its constitution has as one of its aims to implement an educational policy for Blacks but now BPC realises or recognises that there is a body already on the line of advancement on the educational sphere of Black people. So it went on to have dealings (30) with <sup>ASSECA</sup> ~~ASEKA~~. I mean, they could have made mention of them.

These/...

These are just representative students, youths, workers.

I see. Is ASEKA a Black organisation? -- Yes, it is a Black organisation.

BY THE COURT: Just to test what you are saying. Now take the South African Students Organisation. What correlation is there between BPC and SASO? -- I am afraid the Court has put it about correlation.

Well, what have you done to keep you up to date with SASO and its activities and to what extent to do you participate in those activities? -- Well, I can only talk of instances (10) where we were involved in SASO activities. I for one, particularly was involved by receiving an invitation to attend their GSC. Other than that I mean I am not aware of any other correlation or activities, joint activities as such.

You see, from the documents it would appear that SASO members are card-bearing members of BPC. That appears from one of the documents. -- Yes.

From a resolution. -- Yes.

Now, do you know anything about that? -- About the dual membership? (20)

Yes. -- Well, this is a problem that has been found by BPC mainly of having most of its members belonging to other organisations, other than SASO only. Like I think we were looking at one of the branch reports, I think the Court raised an issue there about SYC. You have your members belonging to the SYC and at the same time belonging to BPC. Now there you find the split of allegiance there where it comes to commitment to duty that may be necessary for the movement. You might find SYC has its own program to implement certain things and BPC at the same time has its program for its members. (30)  
Now that <sup>is</sup> ~~the~~ the whole area where there would be friction.

But/...

But is there overlap or is it the same operation but just extending the field of operation? For instance now BPC and SASO, it is the same operation; the one is limited to students and the other one is extended to Blacks other than students?

MR SOGGOT: I think Your Lordship is referring to SASO N.1 resolution 39, that deals with the ... (intervenes)

BY THE COURT: Yes, well, now I want clarity on that. Will you give the witness SASO N.1?

MR SOGGOT: ? This was the GSC which you attended as an (10) observer, the 6th GSC of SASO.

BY THE COURT: I think that is the resolution which refers to the problem which exists because of dual membership.

MR SOGGOT: ? Page 10.

BY THE COURT: Resolution 33. -- Not 39/74?

MR SOGGOT: ? I think the more relevant resolution here is 39/74 at the bottom of page 105 of Your Lordship's papers; page 9 of the witness's documents.

BY THE COURT: Yes, right here. Yes, it is 39. Now, tell me, what have you got to say about that resolution? It makes (20) the allegation that the GSC noting the fact that members of SASO are also card-carrier members of BPC. Is that an incorrect statement?

"that this dual membership creates a multitude of problems when it comes to the administration and implementation of activities and schemes."

-- I think the very second noting item there:

"the fact that members of SASO are also card-carrying members of BPC" (30)

I think what is not correct here that all members of Saso are also/...

also BPC card-carrying members. I think what should have been put <sup>is</sup> ~~is~~ that some of SASO members, because not all SASO members are BPC card-carrying members. It is not an overall - an automatic qualification as it were, that, when you are a SASO member you automatically become a BPC card-carrying member. You have to apply for BPC to be a member and you are not excluded because you are a student. I think the qualification for anybody to be a member of BPC is from 17 years upwards.

An age qualification. -- It is just an age thing. But what I pointed, I think the earlier question you had (10) asked was about BPC and SASO, whether there was an overlapping.

Yes. -- Well, if I put it .. (intervenes)

They are both Black conscious movements and being both Black conscious movements, didn't they have exactly the same objects? If you compare the constitutions and the objectives there is a great similarity, isn't that so? -- There is similarity in the sense that <sup>they adhere</sup> ~~their idea~~ to the philosophy of Black consciousness, yes, but the objectives will differ in the sense that the two organisations are different. One ... (intervenes) (20)

Apart from the fact that SASO .. -- Is a student organisation.

Is a student organisation, it must also look after student interests, but now as far as it deals with the wider sphere of interests of Black people, there its policies are exactly the same as BPC. -- I do not know, because now you are talking .. (intervenes)

Its work with community projects, they assist with community projects. Would you say there is collaboration or would you say that it is just SASO operating as BPC? (30) -- No, it is independent operation of each organisation.

Community/...

Community projects are not the sole or exclusive responsibility of BPC. SASO can initiate community development projects, because SASO's problems are these that the motivation of students who go to university, it is of a commercial nature, that they must go to university, get certificated, graduate and forget about their lot, that is the Black people in general. So SASO says to students you must be made to feel part of the Black community. So throw your assistance, your help, your concern back into the Black community, be involved with the Black community. That is what SASO says. (10)

Well now let us, to come back to the Prosecutor's point, BPC being the mother body. Now these bodies referred to in EXHIBIT BPC R.2, are they Black conscious movements? The South African Students Movement, the Black Allied Workers' Union, etc. -- They are some of the Black consciousness movements.

Which one is not a Black conscious movement? -- No, none of them is. What I am trying to point out is that there are others who are not enunciated here. In fact, if I may put it this way, the majority of Black organisations now, as of (20) now, are Black consciousness movements. They have been caught in the wave of Black consciousness.

Am I correct in saying that Gatsha Buthelezi is also now founding his party on Black consciousness? -- No, there that would be an incorrect submission.

But isn't there a document that was handed in that seems to suggest that? -- Yes, I would call this plagiarisation to say that.

Well, that is another matter. -- Ja, because his is tribal consciousness. You know, he wants the Zulu (30) identity to transcend the other identities of other tribes.

It/...

It is too limited to be equated to Black consciousness.

The South African Student Movement, would you say that is a Black consciousness movement? -- Yes.

And would you say that BAWU is a Black consciousness movement? -- Yes, I would say that.

How would the concept Black consciousness differ as far as the different organisations are concerned or is there no difference? -- There isn't any difference. Black consciousness is the realisation that I am a human being, I am denied my rights as a human being, therefore I must do something (10) about this.

So you have objectives. -- Yes.

Your objective is liberation. -- Yes.

Doesn't that apply to all these movements here? -- Actually it does.

Now in that respect, isn't BPC the mother body of all Black consciousness organisations? -- Well, I mean I find nothing odd about the fact that BPC can be seen as the mother body. As a political movement .. (intervenes)

No, I am not asking you whether it is odd, I am (20) asking you whether it is really the body that is spawning all these other organisations. -- No, it is not, as it can be realised that SASO came before BPC. This resolution here you are referring to even alludes to the fact:

"that it was perhaps unfortunate that SASO came before BPC to fill the vacuum created by the repressive measures launched against the Black Community by the white racist regime, thereby forcing SASO ..."

.. (intervenes) (30)

That may be so, but we are not dealing with the biological facts/...



facts, we are dealing with the facts that the one is now, has all the others under her care. -- I do not know whether the Court is having the problem of seeing BPC being the mother body and controlling the other bodies.

Having them under her wing. -- Well, BPC may be the mother body in the ethereal sense. It is not controlling these bodies, they are operating on their own independent accord. There is the philosophy, it is Black consciousness. One organisation feels we will adhere to Black consciousness which applies it; another feels we will adhere to Black consciousness, it (10) adopts it.

MR ATTWELL: But you said politics permeates everything. Is that right? -- Yes.

So in other words, while the one movement might be restricted to Black workers and another one to Black students, the BPC sphere of operation would include those and other spheres of operation. Is that right? -- Well, if I may further elaborate on that. You see, you will start now looking to the question of the workers situation. Now you will look at the job reservations, the underpayment of Black workers. (20) That is all decided in parliament. So there politics come in. Right. Now, when this organisation now starts to move <sup>for</sup> fitting the righting of the wrongs that are suffered by the Black workers, it cannot help to ignore the political <sup>Over tones</sup> overtures or undertones involved in that. So BPC at the same time also wants to alleviate the position of the Black people in general. But among the Black people there are these workers. Now BPC feels well, since we have an organisation already catering for them, we will give it the recognition it deserves and then it is left at that. That organisation will work with (30) Black workers towards alleviating the position.

There/...

There was liaison or cooperation between BPC and the other relevant Black consciousness organisations. -- The policy that was adopted was clear. It said that there would be cooperation of a research nature, with the exchange of research material.

BY THE COURT: Yes, well, that is when you have multi-racial bodies where there are other practical difficulties, but now didn't you also discuss the problem of communication in one of your commissions, that you must cooperate with these bodies where you have the same objectives, you must, if they are sort of neutral, you must try and conscientise them and (10) if they are hostile then you must try and infiltrate them and if you cannot infiltrate them, then you must confront them. -- I do not think that is BPC policy there. I think you are confusing that with SASO, when it wanted .. (intervenes)

MR SOGGOT: M'Lord, I think that in fact, if I can be of assistance, was one of the suggestions in a commission.

BY THE COURT: I say a commission, yes. -- Of SASO.

Was that ever given effect to? -- No, I cannot speak for SASO.

No, but your own policy. Didn't you also operate (20) on that basis? -- No, we didn't have that policy, I do not remember that policy of confronting and collaborating.

Infiltrating, I mean, if you have - take the Black Allied Workers' Union. Did you know the members of the executive of the Black Allied Workers' Union? -- Unfortunately I did not know them there. I only knew the secretary-general there.

Was he a BPC man or was he a SASO man? -- He was a BPC secretary-general.

As also BAWU. -- Yes.

Their secretary-general was also BPC secretary- (30) general. -- He got banned, as the BPC secretary.

I/...

I do not know whether we are at cross purposes. You see, I am testing the question of infiltration. Did BAWU have executive members who were in fact BPC members? -- No, except for the secretary-general. I pointed out earlier on in my evidence that at the time he was the secretary of BPC, he was also the secretary of the Salesmen and Allied Workers Union. If I may answer your question this way: say for instance he, was the same man, right, say I belonged to an organisation, I held a position in that organisation and then I subsequently joined BPC. I mean it is that type of situation which (10) we are faced with.

Well, I do not think that could be referred to as infiltration. -- That is what I am trying to point out that this is actually the case with most of these organisations. You find that a man comes from a teachers association, from a football association. He is already a member there, but he now sees here is a political movement. He feels obliged to join and then he joins and it is not a question of he himself being a BPC member then going into that organisation. So there is no question of infiltration whatsoever. (20)

MR ATTWELL: Are you aware of numerous joint SASO/PBC projects, for instance Sharpeville commemoration days and things like that? -- Ja, I am aware.

You are. Tell me, this particular resolution you have been referring to in the SASO minutes about dual membership and the problem that it created, Resolution 39/74. -- Yes.

When did you first come across this resolution as you see it here? -- It was communicated to us through the post that there was a resolution passed there. If I may point out: when I arrived, this resolution had already been discussed. (30)  
So I mean I could not have thrown light. Probably I would

have/...

have - I mean I would have understood the whole motivation behind this resolution.

BY THE COURT: Going back to infiltration, SASO preceeded BPC. Would you say that SASO infiltrated BPC? -- I would not put it as that. If I may just give the Court a short history of how BPC came about. Firstly we must understand that BPC was started, the need towards forming a political movement was started in Bloemfontein which has become the seat of all political movements in the country. From Bloemfontein it went to Pietermaritzburg and there the need to establish (10) a political movement was emphasized. It moved on to DOCC and finally to Pietermaritzburg where it was the launching.

Yes, you have it in the exhibits, all that. -- Yes, I am trying to point out that it was not a <sup>RARE</sup> ~~real~~ opportunity for SASO. If you look back it is from Bloemfontein it is coming in. SASO is one of the other Black organisations that were instrumental towards the formation of BPC. So SASO cannot form something .. (intervenes)

No, but you see, all the other organisations wanted to form a central cultural organisation and then SASO came (20) forward and SASO was the mover of the resolution that it should be a political organisation exclusively. -- I think the Court now is also missing the point.

That is why the SASO members walked out of that conference. -- No, at that conference from evidence we have gathered so far, is that there was a question of misinterpretation of the mandate from the Pietermaritzburg conference; the mandate was the formation of a political movement whereas the others were saying the mandate was the formation of a cultural movement and then people there were moving that no, we (30) have got so many cultural movements, we have got to have a political/...

political movement and it was not SASO; Mrs Kgwere who later became the first BFC president, was not a member of SASO and she is among those who moved for the formation of a political movement at the DOCC conference.

So you say it is a misconception of that. It is because the whole conference did not want to accept the first resolution of SASO that the SASO members walked out. So are you suggesting that the whole conference were misguided on that point? -- From my recollection .. (intervenes)

You see, it is only afterwards when they came back (10) with the second resolution that they succeeded in persuading the conference to support or adopt the second resolution. -- From my recollection of reading the minutes I do not get that impression. In fact even when the resolution was moved to form a political movement, all the people there supported that, they voted for the resolution.

Isn't Morana the man who had it noted that he was against it? -- Because he was misinterpreting the mandate.

No, but you say all of them. That is why I am just referring to the fact that Morana had his objection noted. (20) -- Well, he was the chairman, you see, and he was guiding discussion there and if the chairman starts saying the mandate is the formation of a cultural movement and people who are there also say no, the mandate is the formation of a political movement.

Yes, well, I am just sort of testing your statement. You say they all accepted that it was wrongly interpreted and that it was intended to form a political movement, but if I remember the minutes correctly, Morana had his objection noted, he did not agree with that. -- The formation? (30)

Yes. -- Of a political movement. Yes, finally when

the/...

the resolution was moved his objection was - but what I am trying to say is that it was a controversy there whether what the mandate was and he was of the idea or belief that the mandate was to form a cultural movement and the others came with the clarification that the mandate was to form a political movement. Two issues were discussed and finally it was agreed on the formation of a political movement.

Have we got the mandate in front of us? -- I do not know whether we have the mandates of that conference.

Mr Pitman handed in the documents which preceded (10) this particular conference. Does this include the mandate?  
MR ATTWELL: M'Lord, I think various points were set down. I will have to look for the actual exhibit.

THE COURT ADJOURNS FOR TEA. THE COURT RESUMES.

ZITHULELE NYANGANA ABSALOM CINDI: still under oath:

MR ATTWELL: I think the document Your Lordship and the witness must have in mind is the document, EXHIBIT LL which I hand up to the witness.

BY THE COURT: Now which is the resolution which was ambiguous and which caused the misunderstanding? -- No, no, I was (20) not referring to this Edendale. I was referring to at the DOCC.

But wasn't this resolution taken at Edendale? The one that caused the discussion at Orlando. You see, the walk-out was at Orlando, wasn't it? -- Yes, the walk-out was in Orlando.

Where was the resolution taken which led to that walk-out? The resolution about which they had this disagreement. -- I should imagine it was on that particular day because there were two resolutions there.

FURTHER CROSS-EXAMINATION BY MR ATTWELL: You see, what (30) His Lordship is referring to, with respect, is that there was

a/...

a disagreement at the DOCC conference about the mandate which had been given at the Edendale meeting. -- Yes.

Now His Lordship, I think, is referring to the mandate of the Edendale convention, what was that mandate which apparently was misinterpreted at DOCC later on. Now where does one find the mandate from the Edendale convention? -- If I may be allowed to look through this document.

MR SOGGOT: M'Lord, may I give assistance? I do not know whether this witness can really know because he did not attend this Edendale conference. The evidence which has been led (10) thus far, I do not know whether Your Lordship wishes me to express ... (intervenes)

BY THE COURT: The only reason why this witness is asked these questions is because he is the person who handed in the documents.

MR SOGGOT: No, he did not hand in .. -- No, I did not hand this in.

BY THE COURT: No, but he handed in the documents which related to meetings which ultimately gave rise to the Orlando conference. -- No, I did not. (20)

MR SOGGOT: Let me say, M'Lord, I am at a disadvantage.

BY THE COURT: I thought those were the documents which Mr Pitman originally handed in.

MR SOGGOT: No, I understand that not to be the position. What in effect the evidence says, that at Orlando and the minutes of Orlando are in BPC A.1, there was a dispute about the true nature of the mandate.

BY THE COURT: Yes, and I am trying to find out where the mandate is.

MR SOGGOT: That mandate is in LL and basically in the (30) final paragraph which is numbered A.2H. Or shall I say the/...

the penultimate paragraph appearing on pages 5 and 6 of EXHIBIT LL.

BY THE COURT: Anyway, if he cannot deal with it, then there is no point in pursuing the matter.

MR ATTWELL: You do not know about this particular mandate and you never attended the DOCC conference either, did you?  
-- I did not attend the DOCC meeting.

You did not attend the Edendale meeting which preceded the the DOCC meeting either. -- Neither. But what I was pointing out to the Court is that the need for a political (10) movement had been expressed at all these meetings from my recollection of reading of those minutes. The need for a political movement had been expressed. So I mean what I am saying is that when there was this dispute at Orlando DOCC it was based on whether we had the mandate to form a political movement and now the other organisations that were present at DOCC were saying that they had not got the mandate from their organisation to form a political movement, but they would participate as individuals and I think even Mr Morana also said the same that ASSECA had not given him the mandate (20) to participate in the formation of a political movement, but he would participate in his individual capacity.

Is this hearsay what you later heard? -- I have read.

That you have read from the documents. -- Yes.

I see. If we can just refer to BPC's running as such. If something came to your notice as a member of the executive that was being done in the name of BPC which you disapproved of, what steps would you have taken? -- Well, I would have - the executive would have to meet and look into that situation.

Did such occurrences arise at all during your term (30) of office? -- I cannot have any occurrence coming to mind immediately/...



immediately.

You heard nothing from any of the branches or in branch reports that was done by the branches or anything in the name of BPC which you disapproved of? -- No, I am afraid I cannot assist you there.

You do not recall anything of that nature? -- I cannot recall anything like that.

You say BPC is against the infiltration of other bodies and redirecting them, etc.? -- BPC has not pronounced ~~an~~ <sup>ON</sup> infiltration, what BPC has pronounced upon is to work (10) with those organisations who are in actual fact Black organisations, with a view of redirecting them and then other organisations its working with them with the view of exchanging research material.

How do you redirect an organisation? -- Well, I would imagine that would involve discussions, being involved in that organisation.

Did it come to your notice that BPC ever attempted to infiltrate any other organisation? -- I cannot recall anything like that. The only organisation I remember was ASSECA (20) where members, as I pointed out earlier on, members of the BPC executive went and attended some of ASSECA meetings.

Was that with the purpose of redirecting that organisation? -- Helping in the formulation of policy of that organisation.

Along the lines of BPC policy? -- Not along the line of BPC policy, along the line of whatever sphere that organisation is occupying be it an educational or sports organisation.

I would like to refer you to the minutes which you handed in in your evidence-in-chief which you say are minutes of branches or reports of branches. I refer Your Lordship (30) to EXHIBIT PPF.2. If the witness could perhaps be handed that document/...

document. This is a branch report presented at the second annual congress of the Black People's Convention. Do you have the document? -- Yes, I have it.

Could you perhaps have a look at I think it is the 4th page of the document, which is a report of the Cape Town branch. Do you have that? -- I have it.

It appears to only cover half of the page. -- Yes.

Now, if you will have a look at the last paragraph there:

"This Cape Town branch reported to your congress that in order to publicise and familiarise the Black people in Cape Town we have realised that although we adhere to our policy of not participating within the system, infiltrative politics does not necessarily mean contradicting what we hold dear." (10)

Now, what does that mean? -- I think here words have to be juxtaposed here. From the second line:

"We have realised that although we adhere to our policy of not participating within the system of infiltrative politics does not necessarily mean contradicting what we hold dear." (20)

Is that how you read that? -- That is how I would read this.

Would you perhaps have a look then at the Sharpeville report. I am afraid these things are not numbered, but it would appear to be the 4th last page of this document. Do you have the Sharpeville branch report? -- Ja.

Have a look down towards the bottom of the page, under 'Projects', second-last heading on that page. Do you see that? -- I see it. (30)

Have/...

Have a look under point 1:

"An attempt was made to interpret theology relevantly and situationally to our daily lives, using one Methodist Church as a platform. This was due to lack of venue, yet it helped in infiltrating the institution and getting to where the people were."

What does that mean? -- Well, that means working with the people. (10)

Infiltrating the institution? -- Yes, infiltrating means the church there.

The church? -- Yes, infiltrating means working with the people, as we use it.

So you do infiltrate. -- We work with the people.

And do you refer to that as infiltration? -- Someone may refer to that as infiltration. I have got nothing against him using that, but it is not BPC polity to infiltrate as it were, because I mean, right now, we seem to be now taking sinister motives behind the word of infiltration.... (20)  
(intervenes)

... your attention to something that is in the minutes.  
-- No, I am not disputing that it is in the minutes. But the whole thing is I do not disagree with him using that expression.

I see. You go along with what they have done there. --  
Meaning working with the people.

Tell me, Tiro's funeral in Botswana, the actual funeral, who organised that funeral? -- From what I could gather it was the family.

You sent off a eulogy of Tiro for inclusion in the (30)  
BFC newsletter and you referred the Court to it; it now forms  
part/...

part of Annexure 4, the proposed BPC newsletter. Is that right? -- That is correct.

Perhaps you could be handed that document. It is in Annexure 4. I shall give you a copy of the indictment which will probably be easier for you to follow than the loose document. It is on page 48 of Your Lordship's indictment. And you say some of the things you say in this particular tribute to Tiro were based on what you had read in the press and you handed in a press clipping. -- Yes.

Which contains an article on the last 5 minutes of (10) Tiro. -- Yes.

The document you handed in was QQQ. Perhaps the witness could be handed that as well. Have you got QQQ? -- Yes.

Now perhaps would you first just tell me in the first paragraph of your article which you sent off, you say there:

"Somewhere in S. Africa are the perpetrators of these dastardly deeds ..."

referring to the assassinations of John Dube and Brother Tiro. -- Yes. (20)

To what does the 'S. Africa' refer? -- It refers to the southern part of the African continent.

Why doesn't it refer to South Africa? -- Because Brother Dube was killed in Zambia.

Yes, we are talking about the dastardly conspirators who did these things. -- I think it explains itself. Somewhere in Southern Africa and Zambia is in Southern Africa. You cannot restrict it to South Africa.

Because I want you to have a look at the document which you said formed some of the inspiration for what you (30) stated in your article, that is this document QQQ. Have a look/...

look in the third paragraph of that particular press report, about halfway down that third paragraph:

"The parcel here,.."

"The parcel bore" I think it is -

"Swiss stamps and the mark of the international university exchange fund in Geneva."

Do you have that paragraph? -- I have got it.

"But (it says) in Gaberone it is widely believed that the bomb originated somewhere in South Africa..." (10)

not Southern Africa. -- Yes.

It goes on:

"Mr Mogoape, a friend of Mr Tiro from childhood said it must be quite obvious that it did not come from the International University Exchange Fund. We all believe it came from South Africa."

Do you see that? -- I see that.

Now this particular report it very clear 'South' (20) and not Southern Africa. Is that right? -- The report is talking about South Africa.

Right. -- This paragraph is talking about Southern Africa. Botswana is also in Southern Africa.

You told us that you got the particular - some of the allegations you made in this thing, from this report. -- Yes, but what are the allegations I made .. (intervenes - speaking simultaneously)

Specifically ... -- ... the allegations here:

"Brother Dube who was in charge of the ANC offices in Lusaka." (30)

I/...

I mean now, that is where you get your Southern Africa from.

"Both these freedom fighters were in  
exile from the land of their birth  
at the time of their assassinations.  
Somewhere in Southern Africa are the  
perpetrators of these dastardly deeds  
going unpunished."

It could not be established who killed Brother John Dube in  
Lusaka, because he was also killed by a parcel bomb. It was  
not established who killed Tiro. Now the Tiro influence (10)  
comes from this interview that they believed it came from  
South Africa, but the Dube it is unknown. South Africa,  
Lusaka and Botswana are all in Southern Africa.

Why did you then state that the parcel bomb for Dube  
originated somewhere in Southern Africa? -- No, no, I did not  
say that.

You said somewhere in South Africa are the perpetrators.  
-- I am saying the perpetrators, but I am not saying the  
parcel bomb originated there. The perpetrators.

Where is your inspiration for the allegation that (20)  
Dube's assassin is hiding in Southern Africa? -- He was killed  
in Southern Africa.

Yes. -- And I mean .. (intervenes)

Was there also some allegation that the bomb he received  
originated here? -- No.

Or that somebody else was responsible here? -- Allegations  
there it was felt that it was rival groups within Lusaka that  
was now in Southern Africa.

Which is the land of Dube's birth? -- It is South Africa.

And the land of Tiro's birth? -- South Africa. (30)

And they were both in exile from the land of their  
birth/...

birth when they were killed? -- Yes.

Which people does this article suggest would have wanted or attempted to get rid of these people? -- Their enemies.

And who are their enemies? -- Well, I would put it that this, that the enemies are their political enemies who are evil oppression and oppression. They were fighting against evil and oppression and they gained infamy with those who did not approve of what they were saying and they had to flee the country.

So the people who disapproved of what they were (10) doing, were the people in the land of their birth. Is that right? -- Oh, yes.

You see, because, when you were referring to the other poem by Langa, do you want that poem to be given to you, the BPC L.1 by Mandlenkosi Langa, also on the death of Tiro, perhaps you could be given that, BPC L.1. Do you have BPC L.1? -- Yes.

You referred to the third paragraph's opening words:

"they have finally killed ongopotse"

in your evidence-in-chief and you said the 'they have (20) killed him, is people who have killed Tiro to cause disarray amongst the Blacks. Do you recall having said that? -- Yes, I recall.

Who would that be? -- The assassin.

And who would that be? -- It is unknown, the identity of the assassin is unknown.

Who do you suggest it is? -- I would not suggest anything.

You do not suggest anybody in this article of yours? -- When I say what?

When you say what you say in that article, don't (30) you suggest who the assassin is? Or from which group he is likely/...

likely to come? -- I do not suggest that.

You do not. You say that your reference in this particular Tribute to Tiro in Annexure 4, in the bottom paragraph there:

"For every drop of blood that was shed from you, nothing short of a million pools shall be deemed a compensation."

You say that that was analogous to the position where a chief dies and certain of his closest bodyguards and things (10) are also killed to accompany his spirit to the land of the hereafter? -- That would be a correct summary.

Why did you use the word 'compensation' in that particular line? -- Instead of what word?

Why did you use the word 'compensation'? You wrote the article. -- As I explained here, you do not have to take this line, you have to develop it: "Son of the Soil", that is the 5th paragraph, the one you referred me to, the last paragraph:

"Son of the soil, your blood has been spilled to irrigate this debauched (20) and outraged land of ours. For every drop of blood that was shed from you, nothing short of a million pools shall be deemed a compensation."

I think this sentence answers you.

Why did you use the word 'compensation'? -- Will killing of his closest henchmen be a compensation? -- Yes, it would be a compensation.

In what sense? -- In the sense that we have lost a leader and the only way to express our grief, our sympathy with (30) him would be to send his retinue with him to the land of hereafter/...



hereafter. I have used compensation in that sense.

You see, you said in your evidence-in-chief that that is why you referred to 30 million pools of blood, but I think if you look carefully, you only talk about a million pools of blood. -- Will you repeat that?

I think you said in your evidence-in-chief that developing this analogy of yours, that that is why you said that nothing short of 30 million pools of blood shall be deemed a compensation and you were then questioned about the figure 30 million which you said was your figure of all (10) the Blacks in this country.

BY THE COURT: Not in that context. It is the next sentence.

MR ATTWELL: No, M'Lord, I know, but I think in respect of that particular line he did express in his evidence-in-chief that he had said 30 million pools of blood and I want to point out to him that that is not what he said in the article, but he said one million pools of blood in the article and not 30 million pools of blood as he said in his evidence-in-chief. Or do you deny that you said 30 million pools of blood in your evidence-in-chief? -- 30 million pools of blood (20) is analogous with 30 million Blacks.

Yes, but you do not say 30 million pools of blood, you say a million pools of blood.

BY THE COURT: I do not remember him saying that.

MR ATTWELL: Well, M'Lord, it is .. (intervenes)

BY THE COURT: I think I raised the question of the 30 million. I think this was in a poem where he used the words - in his article he used 30 million and I wanted to know where he got the 30 million from.

MR ATTWELL: I may have made a mistake, but I took his (30) evidence down. He did refer, when dealing with this particular article/...

article and the poem by Langa, he said that he talked of 30 million pools of blood and developing this analogy of his that this was the talking about killing of henchmen to accompany the spirit of their leader to the land hereafter. The witness denies that he said 30 million, but says he says one million, that is fair enough, but my recollection is that he said 30 million pools of blood. I want to point out to him that he did not say 30 million pools of blood. In the article he said one million pools of blood.

BY THE COURT: The 30 would be out of context, the 30 (10)  
million.

MR ATTWELL: I know, but on my recollection he said 30 million pools of blood in an effort to develop and justify this analogy that he was drawing. Now, why did you say a million pools of blood? Did the man have a million henchmen and body-guard? -- He had 30 million Blacks.

He had 30 million. Did you really want to say 30 million pools? -- Well, .. (undistinguishable) .. from the 30 million Blacks, that is how you must connect those two.

BY THE COURT: Here you say: (20)

".. thirty million Blacks shall reap  
the fruits of liberation..."

Well, you cannot reap the fruits of liberation when they have left pools of blood. -- This is an imagery which should not be viewed literally. I explained in my evidence-in-chief that is just an imagery based on that tradition.

How does this relate to what you say in the second paragraph:

"Our problems are analysed and our  
strategy is defined." (30)

You say that in connection with the address you direct to  
deceased/...

deceased:

"We are <sup>not</sup> turning a blind eye to the unpopularity you gained with the powers that might be in your propagation of the Black Truth; nor are we turning a deaf ear to arrogant allegations that the loss of your life was suffered at the hands of "rival groups". We do not need any "holier than thou " convincing about who our enemies are. Our problems are analysed and our strategies defined." (10)

Now what are you referring to there:

"Our problems are analysed and our strategies defined."

-- Well, simply there I am referring to oppression. We find ourselves in a situation where we are oppressed. Now that is our problem. Our strategy it is our need, our realisation that we are oppressed and the need to alleviate oppression. That is the problems and the strategies I am outlining there. And the enemies, it is the evil we are fighting but (20)  
.. (indistinguishable - speaking too close to the microphone)  
.. convincing us who our enemies are and that is the evil that has led to your being killed ultimately.

Is that related to the million pools which will be deemed as compensation and the 30 million Blacks are demanding your life, 30 million Blacks shall redeem your blood and 30 million Blacks shall reap the fruits of liberation from the soil that was fertilised by your blood. Has that got anything to do with the strategy as defined? -- As I said the strategy is the need to be liberated and working towards being (30)  
liberated. Now here it is just a projection based on a situation/...

situation that is figurative of Blacks reaping. Because if you look at it, Blacks will donate their blood, Blacks, at the same time will reap the fruits of liberation. It is a futuristic type of an outlook towards the situation.

MR ATTWELL: Who are the enemies that you do not need any holier than thou convincing about? -- That is the evil of oppression.

And who is guilty of oppression according to BPC? -- I do not know.

Isn't it the White racists? -- BPC puts it out (10) clearly that we live in an oppressive society. So the society is responsible for the evil we live in for the oppression. So it is our undertaking to eradicate that evil which is oppression.

BY THE COURT: But now look at the last sentence:

"Such delaying tactics are only palatable to our enemies."

Now enemies cannot mean oppression in that sense, can it? -- Well, if one looks at it in a figurative sense, that will mean evil, not <sup>unless</sup> necessarily we want to view it in a literal (20) sense. The whole thing is figurative.

Evil is a quality and enemy is a person. -- Evil can be personified. I mean this is too artistic, it is not literal that main point about it, it is not literal. So anything that is here is figurative. If one wants to understand this, one first will have to have that background. That is the main motivation, the background of a traditional African funeral. With that background then you come and read and you understand that this is figurative language used here.

"Such delaying tactics are only (30) palatable to our 'oppression'."?

-- Yes/...

-- Yes.

Is it palatable to your oppression? Is it palatable to you people, the delaying tactics? -- It is palatable to us?

Yes, you people are oppressed, because it is part of oppression, you say. -- I do not think I follow the question.

I want to find out whether it makes sense, if enemy means oppression. -- Let us take Tiro as it is put there. He is fighting against oppression, he gets killed in the process and his killing <sup>Perpetuates</sup> perpetuates oppression. So oppression thrives because of his death. This is what is being said here (10) about -

"Such delaying tactics are only palatable to our enemies."

Let us take the sentence, this act is nothing short of the retardation of the struggle to liberate Blacks. Such delaying tactics are only palatable to our enemies. That is how it should be read.

MR ATTWELL: BFC propagated the idea that there are only two groups in this country: the white group who are the oppressors and the Black group who are the oppressed. -- Yes, BFC (20) has gone on to say that the South African way of life, there are two groups, one which constitutes the problems and the other which constitutes the solution.

And the one group is the oppressors and the other group is the oppressed. -- Is the oppressed.

In dealing with the poem by Langa, BFC L.1, you also dealt with the particular piece by Langa, where he said on the second page that -

"Tiro's death will be avenged ....

by a million corpses

of the enemy."

(30)

-- Yes/...

-- Yes.

And you said that he left you to decide who the enemy was, that is the conspirators. -- No, no, I do not think I said he left it to you. I said to be able to understand it he said - I beg your pardon, the fourth paragraph where he talks about that 'blue-eyed enemy' and I explained that to me that means the assassin. Now he is putting there as the final paragraph that he will be avenged by a million pools of the enemy, the assassin.

Were there a million conspirators? -- It is not <sup>known</sup> knowing, that is the whole thing. (10)

Why do you and he use this idea of a million? -- Well, it is to express the magnitude of the <sup>loss</sup> ~~let~~ we suffered. It is just used in that sense.

Talking about this newsletter in Annexure 4, you people say that this thing would not have seen the light of day necessarily in the form in which we see it now, because the executive would have wanted to go through it first. Is that right? -- Yes.

And you were obviously happy as a member of the executive that your article was all right, 'Tribute to Tiro'. Is that right? -- I should gather so. (20)

You also referred during the course of your evidence-in-chief to an article you had written 'The System on the Attack'. Do you remember that? -- Yes.

I would like you to turn one page back in the newsletter on to page 47 of the indictment and you will see an article there, 'The System on The Attack'. -- I see that article.

Is this the article? -- No, that is not my article.

Is this merely a coincidence that it bears the same title of another article? -- Yes, my article is a circular/... (30)

circular letter. While <sup>we</sup> you try to look through the documents, ~~you~~<sup>we</sup> will bring it up to you. This is not my article.

This is not yours. I want to put it to you that if you were happy with your particular article, you would in all likelihood have been happy with this entire newsletter. -- I would not have been until I have looked at it.

Had you looked at it? -- Rather let me see.

Have you looked at it? -- I have glanced through it.

And are there things in it which you do not like, that you would not like to see the light of day? -- Well, you (10) see now, let me put it this way to you. If this came to the executive, to the notice of the executive, the executive would have put it to the PRC to outline to us where each article originates from so that we can understand the motivation behind this, whether it is an article from a BPC executive or it is an article from an ordinary person. So if a man expresses his opinion we would not have anything against his opinion.

You drew a distinction between articles which were written by members of the executive and others that may just be articles from outside? -- I think let us look at the (20) cover of this newsletter. I think it explains what is to be expected within this newsletter.

You are now referring to page 41 of the indictment. -- Yes. Now, you see if you read that sentence there at the top "Inkululeko Yesizwe is your voice and that of the BPC. Let every Black person you know read it - spread the message of the Black struggle for freedom to all Black People.

It is hoped to make "Inkululeko Yesizwe" appear at least once in two months. But this will depend on (30) you."

Directed/...

Directed to the public there.

"Should you or anyone you know of, wish to receive regular issues or act as agents for distribution, get in touch with the Secretary-General immediately. Letters, articles and contributions of any kind are welcome."

Now that answers your question now that as an executive we would have had to know from whom each article came and it would have been weighed on its merits and then been (10) sent through.

Would it have been printed under that person's name? -- I would gather so.

Would it? -- Oh, yes.

Do you see any article in this newsletter printed under the name of anybody? -- Well, quite a number. You have referred me to one by Ntsu Mokhehle, right that is a name.

Right. Yours, I notice, does not bear your name. -- It does not have my name. Well, I mean as I am saying, well, here is another one, 'Fight against Racial Discrimina- (20) tion' it has got who wrote it, it is by Sadiq Ali, it is a reprint. I mean those things would be expected in a newsletter, pointers as to show where the article originated from.

Are you quite happy about receiving articles from Mr Ntsu Mokhele? -- I do not know, I find difficulty answering that question.

Well, you said it would depend who the article came from. Now if I tell you there is an article coming from Mr Mokhele, would that draw any objection from you as an executive member of BPC? -- My who it depends was meant to show you that (30) it depends if it is from an executive member or from an ordinary member/...



member, so much that now it would explain whether the other one is elaborating in points on BPC policy or the other one is just an exploratory document and an individual ventilating his ideas. That is how I used it depends on whom it came from. So now, you cannot take any article here, put it to me and then try and tie it to BPC policy.

I am with you there. But your criterion then was the person who wrote the article rather than the subject matter of the article. Is that right? -- I do not think that is - I was pointing out to you that the type of people who were (10) supposed to contribute to this proposed newsletter, anybody could contribute, but now I .. (indistinguishable) ... to show you now because we want now to view the article on its gravity or its substance. Now I am trying to point out to you that you actually know who wrote the article before you can pass judgment on it.

You were happy with the subject matter of your particular article? -- I have no complaint about it.

I want to put it to you that it is very clear that you people are insinuating that it is the white people who (20) are responsible for the death of Tiro and that it is a white man hiding somewhere in South Africa. -- Show me a sentence which insinuates that.

That I am telling you is what I gather from the tenor of this article. -- No, I reject that out of hand because I have explained to you that you must read this in the sense that it is not a literal - it is a eulogy to a dead man and it can never really be taken in a literal sense.

MR PITMAN: The witness asked clarity from the question as to where that is referred to. I think he is entitled to (30) that clarity. He says: I would like to know what part you

say/...

say that is from.

BY THE COURT: Well, he says from the article, so it is probably the entire article. Is there any particular part?

MR ATTWELL: I have attempted in the course of my cross-examination on this particular article to point out to the witness that S. Africa is a reference to South Africa and not Southern Africa, that the enemy is .. (intervenes)

BY THE COURT: You have taken him through the passages which you rely on.

MR ATTWELL: Right. I tell you now that the S. Africa (10) there is South Africa and not Southern Africa; that the enemy against which you people are pitted and the people you expect would probably have done this would have been the White oppressors in this country who would have caused these two freedom fighters to flee from their country of their birth and that 30 ... -- Hold it.

I am telling you. And that the 30 million Black people will be deeming compensation and they will deem a million pools of blood for every one of your Blacks that is killed. -- Yes, I do not get your last formulation. What are you (20) saying there about 30 million and a million pools of blood?

That is for every one Black man that is killed your 30 million Blacks will demand a million pools of blood for that one pool of blood. -- From whom?

From the Whites, the enemy. -- No, that is not true. I wrote this article. I am telling you the million - I explained to you that the million pools of blood would be from the 30 million Blacks. You must understand this article is written with the background of a traditional African funeral of a chief or a headman who would be killed with his subjects. (30) You must understand that it is Blacks being killed, it is no White/...

White man being killed here.

Why is it compensation? -- We have lost. We must be compensated as a nation.

BY THE COURT: Let us read there on page 49, the second paragraph from "Black brother" onwards. Have you got it. Now tell me what does that paragraph mean? -- "Black brother, your liberation"?

Yes. -- And the next one?

No, that one. The paragraph, read the paragraph. -- Well, this is just a call for dedication to people to dedicate (10) themselves to the struggle.

Well, you refer to the death of these two people. Now what does this suggest about the death? You say that a thousand may die like you, in the first part of the article. Now what does this paragraph mean? -- I have just said that this means that people should involve themselves in the struggle. It is a call for dedication for people to be involved in the struggle.

What do you say why must they involve them in the struggle? -- Because it is a struggle for liberation.

No, but you are not dealing with the paragraph. (20)

-- That is what I am saying the paragraph is, that it is a call for people to be involved in the struggle.

I read much more than that in that paragraph. -- /s the Court points out to me, I mean.

"You cannot afford procrastinating your commitment as this means a loss of thousands of lives at the hands of the racist fascists."

-- Yes.

Now where do they just come in now, the racist fascists? And the loss of a thousand lives. Is there a reference/... (30)

reference to the loss of lives like that of Tiro and Dube?  
-- Yes, the reference is to Tiro that look, we have lost Tiro,  
as I pointed out earlier on, Tiro was fighting oppression, he  
was fighting racism. Now we cannot afford to .. (inaudible)  
as it were and not decide whether to commit ourselves in the  
struggle, because if we do not commit ourselves, we will always  
be having those people who will be martyrs, who will tend to  
stick out of the society and then they are the ones who are  
normally killed. Now if all the people are involved ...  
(intervenes) (10)

Well, you say - you have told - you have mentioned here  
that now the spilled blood:

"You may be the first but definitely  
not the last. We believe in one  
Destiny and that is where the Struggle  
is leading us to. Some of us like you  
may not reap the fruits of liberation  
but shall always be revered upon in  
our Martyrdom. So shall you."

Now, then you refer to - then there is this call: (20)

"Black brother your liberation depends  
on your commitment. You cannot afford  
procrastinating your commitment as this  
means a loss of thousands of lives at  
the hands of the racist fascists. This  
is a question every Black man should ask  
himself; WHERE IN THE STRUGGLE DO I  
FEATURE? Do not ponder over when to  
commence, the time is now!"

Now why suddenly are the racist fascists responsible for (30)  
the thousand lives that may be lost, if other people were  
responsible/...

responsible for the death of Dube and Tiro? -- Now the whole question is who are they? What excludes them from being the racists and the fascists.

I am asking you why in this context are they not the racists and fascists that you are referring to? -- Yes.

Because you say that you are not the first and definitely not the last. -- The Court now is reading there and then coming and asking me here.

Yes, well, you have got to read it in its context. -- Ja, exactly, but now that paragraph which you have read (10) is further ahead up there.

Yes, I know, but you are referring to the fact that Tiro was killed and you say that Dube was killed and you say they were killed by enemies and you say but they will not be the last that will be killed and then you say but you must not procrastinate because you cannot afford procrastinating your commitment as this means a loss of thousands of lives at the hands of the racist fascists. -- Yes.

Well, why won't the people who killed Tiro and Dube not be the cause of the loss of the thousands of lives? (20) Because there we have the evidence of the fact that the enemies were killing Dube and Tiro. -- If I may attempt to answer that. The expression when we say: you may be the first but definitely not the last, it is used now in the context of casualties in the struggle.

And killers. I mean they didn't just die, somebody killed them. -- Yes.

They have been killed, but they will not be the last and they will not be the first. -- But now .. (intervenes)

Then you say but now therefore we must commit (30) ourselves as we cannot procrastinate and wait because thousands of/...

of lives will be lost. Are you now talking about something quite different? -- Yes, I was just about to explain that when I use the expression 'you may be the first but definitely not the last', I am using it with this expression in mind that in every struggle there will be casualties. The casualties which is an all-embracing term, starting from ~~burnings~~<sup>burnings</sup>, killings, arrests, detentions; that is the expression.

Now who causes those casualties that you mention in the first part of this article? -- At the top of the page?

Yes. -- Well, it is oppression. (10)

Who causes the oppression? -- It is the society wherein we live. The society is oppressive.

Are you referring to the Black section of the society or the White section of the society? -- No, the society as a whole is oppressive even if you now, now that at least you have developed it to where it must come, I am telling the Black man do not ponder whether to commit yourself to the struggle, the time is to start now. Now there now I am talking about internalised oppression by the Black man on his ~~home~~<sup>own</sup>. He is part of that society, he is allowing oppressive elements (20) to subdue him by internalising oppression. So he must not stand and ponder whether should I commit myself. The time is to start now, commit yourself. You are contributing to the oppression.

Are you not here concerned with the lives that are being lost? You say because you cannot afford to lose more lives, the thousands of lives at the hands of the racist fascists. -- Yes, I am saying that, but I am not saying that we must commit ourselves so that we can kill, that is not what I am saying, which is what I am detecting to be at the back (30) of your mind. What I am saying here is we must not wait and

have/...

have other people doing things for us. You have this tendency in a society of people wanting others to be the figurehead, to initiate things, then they will follow and if they see it is good, then they will follow; if it is bad like Tiro gets killed, you would find that now they are pulling away - no, I do not think I should feature in the struggle. I am talking about that type of a situation, because now who must always be killed? If you want liberation, you must be prepared to die in the struggle. You may die from walking, trying to preach the gospel to others, you may die of tuberculosis; it (10) does not necessarily mean you die because you are killed.

MR ATTWELL: Will you give me one answer, just a yes or no now, if you can: Was it the racist fascists whom you allege in this article killed Dube and Tiro? -- No.

Will you have a look what you say there then, after dealing with this. Look at the second paragraph on page 49:

"We the living should curb this growing list of martyrs for if allowed to increase, it will be an indication of changes\*we have failed to effect; it (20) will be an indication of things we have not done. It is regrettable to note that ours has been more of a defensive rather than an offensive Struggle. We find it therefore, imperative to call upon all Blacks to rededicate themselves and shoulder the task of their own liberation. We should not allow Massacres to pile upon Massacres. We can no longer afford to take this lying on our backs. (30)

THERE HAS BEEN THE CATO MANOR KILLINGS:

THERE/...

THERE WAS THE SHARPEVILLE MURDERED:  
THERE WAS THE CARLETONVILLE MASSACRE:  
THERE WAS THE MTHULI KA SHEZI MURDER and  
NOW here is ONKGOPOTSE OA TIRO being  
bombed."

I want to put it to you that in that particular paragraph you say that Tiro, like those people, and in the same plan had been killed. The same plan is behind all these killings: the Cato Manor killings, the Sharpeville killings, the Carletonville killings, Shezi's death and now Tiro's (10) death. It is all one and the same thing. Is that right? -- No, that is not correct. I reject that out of hand.

Tell me, the Cato Manor killings - or let us take the Carletonville massacre, is this the Carletonville massacre referred to on page 57 of this document? Have a look at page 57 of Annexure 4. Do you have that? -- Yes.

"MASSACRE AT CARLETONVILLE, HARMONY,  
VIRGINIA, WELKOM, MERRIESPRUIT ....."

-- Yes.

Is this the massacre at Carletonville that you have (20) referred to there? -- I do not know this article. What would be correct would be to .. (intervenes)

Have a look at the very first line there:

"Many months have passed since the tragic  
killing of eleven Black miners at the  
western Deep Mines, Carletonville."

-- Yes.

Now you have talked about here 'there have been the Carletonville Massacres' in your article on page 49. Is that what you are referring to? -- I am referring to the (30) miners who were killed at Carletonville.

nd/...



And it is this massacre that this article apparently deals with. -- Yes, that is.

Well, have a look at the third paragraph of this article on page 57:

"Carletonville is not an isolated incident. It is part of a long designed plan of the white regime to keep us bound in chains forever."

Notice the indictment of the Whites for Carletonville. Do you see that? Do you see that? -- I can read it, but I (10) do not see the indictment of the white racists, as you have just read.

I said 'white regime', I corrected myself. -- You have got racist in mind, so that you even read racist where there is no racist.

All right, I withdraw the racist tag:

"Carletonville is not an isolated incident. It is part of a long designed plan of the white regime to keep us bound in chains forever." (20)

Do you see that? Is that BPC's message? -- No, that is not BPC's message.

Not. -- In fact, you should read on the whole thing.

I want to refer to some other documents too. Perhaps you would have a look at BPC J.2, BPC E.1 and BPC E.2. I will repeat that for my Learned Friend, BPC E.1, BPC E.2 and BPC J.2. Are these all BPC documents? -- Well, BPC E.1, my evidence is that I received this at the branch. BPC E.2 I have not seen it. BPC J.2 I have explained that this could ~~not~~ have possibly be the copy that was to be distributed at that (30) - this was a proof copy.

This/...

This is the one you in fact were concerned with the was it roneoing or typing of that? -- Roneoing; it was already typed.

They are all BPC documents nevertheless on the face of it. Have a look at BPC E.1 for a start. In your article you have referred to Tiro and I put it to you that you have equated Tiro's death with the killings at Cato Manor, Sharpeville, Carletonville and Shezi's murder. We are going to have a look what BPC has said about those various things. We deal with Sharpeville firstly. Have a look at BPC E.1, in (10) the second paragraph it says:

"'Sharpeville Day' will go down in the annals of history as one of our bitter experiences when Blacks (69) were shot dead and 200 others wounded by the officials of the racist regime in defence of racism and oppression."

Do you see that? -- I see that.

And then in the third-last paragraph it says:

"During day-time on the 21st March, in (20) particular we recommend that all Black people were Black attire or Black armbands. This should be done openly without fear of any form of intimidation. If Whites openly celebrate our defeat at Blood River on the 16th December we have all the right and obligation to observe and recall their brutality (that is the Whites') and what is an important event in the Black struggle for liberation." (30)

Do you see that? -- I see that.

If/...

If you will have a look at BPC E.2, the next document, once again someone from BPC urged people to hold meetings, or invited people to a commemorative service. It says:

"On the 21st of March (1960) our Black people were mercilessly mowed down by white men for resisting the infamy of the Settler regime ..."

Do you see that? -- I see that.

And then if you look at BPC J.2, which deals with Shezi's death .. -- That sentence is not complete. (10)

You want to complete .. -- Complete that sentence, so that you get the gist of what is said.

"On the 21st of March (1960) our Black people were mercilessly mowed down by white men for resisting the infamy of the Settler regime and yet another similar occasion our people were again shot down at Langa these are some of the incidents that shape our historical experience we mourn the loss of these heroes but our mourning is creative and positive we must continue with the struggle because they died their death is our reason to go on." (20)

Right? -- Finish it.

I have finished it. -- Finish the paragraph:

"We also wish to remember other heroes..."

"We also wish to remember other heroes whose role though different from the one sketched above was very significant in this connection we would like to pay tribute/..." (30)

tribute to leaders like Mpanza among others."

Mpanza is who? -- Mpanza was now - was a civic leader from Soweto. He was James Sofasonke Magebhula Mpanza.

Was he banned? -- He was not banned.

Was he killed? -- He was not killed, he died.

He died. Right. -- He just died a natural death.

He died a natural death. Right. Then if you will have a look at the next document, the one you yourself were associated with, 'A TRIBUTE TO THE LATE MTHULI KA SHEZI' (10) and that is another person you have referred to in your article. You say there in the first paragraph:

"The name of the late Mthuli ka Shezi, vice-President of the Black People's Convention, has gone down in the pages of the History of the Black Struggle with the rest of the Black Heroes who have fallen victims of fascism and Nazism as perpetrated by the monolithic white-racist regime of South Africa. (20)

The purpose of this short message to the Black World is not designed to mourn the violent assassination of Mthuli ka Shezi's death, but rather calls for a re-dedication and re-assertion of the Liberation Movement towards its goal. This is a pledge of Solidarity with Mthuli ka Shezi and a recognition of Mthuli's untiring efforts and dedication to the Black Struggle.

The violent assassination as inflicted by an agent of protection of white racism superiority/... (20)

superiority and oppression on our Black brother should not be regarded as being directed towards him alone, but should be regarded as a concerted assault on the entire Black Community. Who can deny that the ravages of poverty, disease and violations of all forms on the Black lives are neither situational nor are they accidental? Who can deny that the thousands of Black Children and Black Mothers and Fathers who die of starvation inculcate a deliberate attempt to extinguish from the surface of the earth, the entire Black Nation?" (10)

And it goes on in that particular vein. Now I want to ask you what is the message in all these documents and these are instances you have referred to before you dealt with your eulogy of Tiro, what is the inference? Who was responsible for all these killings and these disasters in your BPC document? -- I think the documents explain themselves. (20) You asked about the message. I will read it to you in answer to your question. BPC E.2, the message there is that :

"On the 21st of March (1960) our Black people were mercilessly mowed down by white men for resisting the infamy ....."

.. (intervenes)

BY THE COURT: Where are you reading from now? -- BPC E.1, the first paragraph.

MR ATTWELL: BPC E.2. -- The message there: (30)

"On the 21st of March (1960) our  
Black/..."

Black people were mercilessly mowed down by white men for resisting the infamy of the Settler regime and yet another similar occasion our people were again shot down at Langa these are some of the incidents that shape our historical experience we mourn the loss of these heroes but our mourning is creative and positive we must continue with the struggle because they died their death is our reason to go on." (10)

That is the message. Let us go on with the struggle, people have died.

I want to know who you suggest murdered these people. Is the message not very clear and very plain it is the White man, the racist, the fascist, the oppressor? -- No, that is the information who murdered the people and <sup>the message</sup> ~~we say it~~ is to go on with the struggle.

That is the information you ... -- The information (20) is that people were murdered. The message is go on with the struggle.

The information is that the Whites murdered them, is that not so? -- Oh, yes.

The racist fascists. -- That is the information in fact, it is based on fact and here you do not find racist regime here, you find that the infamy of the Settler regime. You seem to have racist in your mind. Every time you read racist where there is no racist.

Have a look at BFC 3.2 then if I do not see racist (30) there. -- Have you been answered on this one?

I/...

I am telling you that was the ... (intervenues) ... with all these documents. -- I say the message, the message is to continue with the struggle. That is information based on fact that people were killed, the people were killed there. It is information.

Right. -- But the message is to go on with the struggle, that is the message.

You quote these killings and then you said:

"NOW here is ONKGOPOTSE OA TIRO"

and then you say well, I do not know who killed him, but (10) we Blacks must dedicate ourselves because we cannot afford to lose thousands of Black lives. -- Again there is information, the massacre at Carletonville, but the message still here is that people must dedicate themselves to the struggle. We cannot afford to procrastinate our involvement in the struggle. That is the message.

Look at BPC L.1 again which you dealt with in your evidence-in-chief. This is the poem by Mr Langa. The second paragraph:

"the jews said (20)  
an eye for an eye  
a tooth for a tooth  
we black folks say  
ten deaths for one of our dead."

-- Yes.

Now in your evidence-in-chief the impression I got was that you felt this was a similar reference to friends of or relatives or close associates of the deceased being killed to accompany him to the land hereafter. Is that right? -- well, I said that as a Black man, he as a Black man, to me that (30) message, that verse conveys the message that now something that would/...

would be like a compensation, as I have used the expression, would be the killing of ten people for one of our dead. I pointed out that immediately when I read that, because I have got - because I am Black to start with, I have got the background in my mind of the traditional setting where a leader in the hierarchy is not allowed to be ~~made~~<sup>left</sup> alone to rest. This has been modified and developed even in the white community incidentally. We find that say if you own something, you own a car, they could go to the extent of burying you with that car. That is the type of principle involved. If you (10) are a soccer player, they would bury you with your boots. You see the principle now involved there?

Why do they say:

"we black folks say

ten deaths for one of our dead"?

Does that indicate that other Blacks may be killed to accompany this fellow on his way? -- Yes, it is talking of we Black folks. That explains it clearly there.

Ten deaths of the others for one of ours. -- No, it does not say the others. It is clearly - (20)

"we black folks say

ten deaths for one of our dead."

Are there any blue-eyed Black people that you know? -- Oh, yes.

There are?

LAUGHTER

Are there? -- I ~~was~~<sup>would</sup> invited to look at accused No. 2's <sup>TWINS</sup> bairns(?). They have got blue eyes.

Do you think it was a reference to them?

LAUGHTER

(30)

-- That is not a reference to them. I explained myself that this/...



this reference is a reference to - I explained 'blue-eyed' meaning the favourite.

BY THE COURT: Is No. 2 happy with the blue eyes? -- He would rather belong to the race... (LAUGHTER)

MR ATTWELL: Someone is going to grab arms and aim them at these blue-eyed enemies that are lurking in the bushes. -- Ja, you see, you must look at - I do not know that expression, but I think as an Englishman you should know where you take two opposites and use them.

But you see one must .. (intervenes) .. in this (10)  
document because you are Black and you understand it in the Black experience and therefore it means sending off people who are henchmen of the man because this is some Black tradition. Then all of a sudden you switch and you say well now he is talking about some White tradition where they talk about people as the blue-eyed favourites. -- What are you saying now?

That is what you are saying. -- I was just about to explain to you blue-eyed enemy, now you burst into <sup>emotional</sup> ~~national~~ speeches here. I am saying here blue-eyed enemy I have been trying to - I just went out of that expression - I have (20)  
been trying to leave it out - where you juxtapose opposites like you say sour-sweet. Now there it is the same type of - if you give to someone who has read poetry, he will be able to tell you - I mean, the expression I am trying to get out here about the blue-eyed enemy. I mean, I believe you must have read Shakespeare, he uses such expressions also where he says the beautiful death, something like that. You know, it sounds preposterous, but he is communicating it in its place. This is what I am getting here.

I want to put it to you that in this particular (30)  
poem once again the message is very clear and that is that  
White/...

OXYMERON!!

White people were responsible for the death, or a white man or a white agent or on white instruction this Tiro was murdered and that in the same vein as your article was, his death will be avenged by a million corpses of the enemy. -- I want to put it to you that that is what we will be arguing to His Lordship. -- Well, I reject that because there is no basis. You cannot even put it to me here, now you want to save it to argue. Put it to me where is this thing where it says the white man killed Tiro.

I have tried to do that for the last half an hour. (10)  
I also want to put it to you that your evidence was, when you were dealing with this particular poem, you stopped at the end of the bottom - the bottom of page 1 and you were going to deal with that when your Learned Counsel, Mr Pitman, said carry on, that is not the end of the sentence, is it and you then said that we must now kill those men who sat down and plotted. I want to put it to you that in fact

"that we must now KILL!"

is the end of the sentence and that the verb for the next page is then clearly: (20)

"those men who sat down

plotted ...

have little cause to rejoice."

-- I think I was confronted with a similar proposition by the Court.

I think you were, yes. -- I explained that even this you were to ... (indistinguishable - too close to the microphone) ... this too. Rather, if you were to connect these two you would still get the same expression that the killing refers to those people who sat and plotted. They have (30)  
no cause to rejoice because they would be killed.

Who/...

Who are the people who have been engaged in a long struggle to get rid of Tiro? -- I would not know that.

Because you see the poet says in the third paragraph:

"they have finally killed Ongopotse Tiro".

It seems to suggest that this has been a length time .... -- No, no, no, no. It really signifies termination of life, finally he died.

Is that how you interpret that? -- That is how I read it. And you read it as though there are people who have long plotted to kill Tiro. (10)

That is right. -- I do not read that.

That is right. -- It just brings, you know, the finality of death.

BY THE COURT: Doesn't it also mean that they persecuted him and now finally they have killed him? -- Well, I mean it may mean that but I mean that is the whole thing about poetry; that is another thing about poetry. It just a matter of interpretation and therefore you cannot pin it to one interpretation and be exclusive there or rather in the exclusion of the other possible interpretations. (20)

MR ATTWELL: It talks about -

"the white gods of this black land."

Who do you think they are referring to, the poet is referring to? -- I explained here .. (intervenes)

Just that one sentence, can you tell me -

"the white gods of this black land"

who are they? -- This in - viewed in this context of Tiro, I mean from my assessment, from my interpretation, I took it that it referred to the authorities, the authorities who expelled him because he spoke Black, he thought Black. (30)

You must understand poetry does not read literally like that.

So/...

So the white gods referred to is to the Turfloop authorities who expelled Tiro. -- Yes.

They have now decreed

"that every black man

who thinks black

does black

MUST DIE!!!"

-- Yes.

And that then -

"they have finally killed (Tiro)" (10)

when Tiro eventually died, they had finally killed him, so the 'they' refer back to the they at the top and that is the Turfloop authorities. -- I cannot find the connection between the two because you have juxtaposed a new verse.

Is the second 'they' somebody else? -- Oh, yes.

Now the conspirators are no longer the people at Turfloop.

-- Let us read that, the whole paragraph.

Right. -- Witness reads:

"they have finally killed ongopotse  
dismembered (20)

disembowelled

the freedom fighter of our time

blasted him into eternity

with their cowardly weapons

filled him with shrapnel

and powder in quest

for a national suicide of black people."

There he gives it clearly who those people are, are those who filled him with shrapnel and powder and not those who expelled him. (30)

I want to put it to you that the 'they' is very clearly  
a/...

a reference to the "white gods of this black land" in the first verse. You dispute that. -- I dispute that.

And you say the reference by the poet to the death being avenged by a million corpses of the enemy is a million conspirators figuratively. -- Oh, yes, the reference to the assassins who are unknown.

But your million pools of blood is a million henchmen who will accompany the poor deceased on his journey to the hereafter. -- Oh, yes.

So there is a difference there. -- I think you (10)  
must be clarified again. I drew the connection there, the similarity between the ten deaths for one of our dead, with my use of the million pools of blood, but the use of the enemy, I was clear on that point that it refers to the assassins.

Talking about this poet's reference to the death being avenged by a million corpses of the enemy, you say that is a reference, in your interpretation to the conspirators? -- To the conspirators.

And when you said in your document that a million pools of blood shall be deemed compensation, that is not the (20)  
conspirators, these are Black people in the Black tradition who will accompany the deceased in his journey to the life hereafter? -- You have summed it up correctly now.

Before we take the lunch adjournment if I may canvass one last aspect. Did you people have any particular problems as an executive with the public relations officer, Rev Cooper, the brother of accused No. 1? -- Problems?

With that particular person, yes. -- I would not say we had problems. It is just that he did not attend one or two meetings, national council meetings. (30)

You said: we were keeping a tab on the FRO concerning  
the/...

the newsletter, in your evidence-in-chief and you also handed in documents which seemed to suggest there was a dissatisfaction with some proposals of the PRO about the newsletter and you refused to grant him the things he wanted. Do you want that particular document that you referred to? -- Yes.

I will find it for you. I am referring here to GENERAL EXHIBIT RRR. This you say was a letter which you sent to Rev Cooper. Is that right? -- That is correct.

You say in the very first paragraph you regret to inform him that you are not in a position to comply with (10) some requests he had had and that there are certain irregularities which we foresee should we comply with the request. -- Oh, yes.

And then you set out various issues thereunder and in the second issue you say :

"Also the list of contacts I shall bring along after reviewing the newsletter. Though we are aware of the publications department being the responsibility of the PRO, we, the president and I, felt it would be proper if the whole executive goes through the skeleton newsletter before printing and on this note then I wish to withhold all supplies to your requirements with regard to the newsletter." (20)

-- That is correct.

So he had obviously approached you with certain requests concerning the newsletter which you did not comply with (30) and said you wanted to go through the newsletter as an executive/...

executive. -- That is not correct. The requests are summed up in this second-last paragraph.

What were the requests? -- What he had requested was that he had requested a blank cheque to pay, to meet with a <sup>BAIL</sup> bill(?) that was supposed to be paid for Sipho Buthelezi. At that time Sipho Buthelezi was on trial for contravening his banning orders, and we said that we could not send him a blank cheque because I think, if I remember correctly, the bail was about R2 500 and it was going to be, well, the issue was going to be argued for the bail to be reduced and so we told him (10) that we must first negotiate with the firm of attorneys to argue for the reduction of bail, then we can send a straight cheque and not a blank cheque as I would read to you here.

So that was the request, it was sort of for a blank cheque that he could use... -- No, if I may read it for you:

"I would like to point out here the decision arrived at by the president and I. We felt it improper to issue you with a blank cheque at this stage, as we are in a shaky financial situation. (20)

What we felt would be proper for you to do is to negotiate through the attorneys for the reduction of bail, then inform head office about the ultimate amount of the re-fixed bail."

That is the only request we could not accede to of the blank cheque.

Why do you say you point to the last sentence:

"I wish to withhold all supplies to your requirements with regards to the news-letter." (30)

What/...

What requirements with regards to the newsletter? Do you see that? -- Ja, on this note.

You tell him that in fact he, as an executive officer and PRO is responsible for the newsletter. -- Yes.

But there are certain irregularities in the top, you say there and then you also say:

"I wish to withhold all supplies to your requirements with regards to the newsletter"

and then that the whole executive will want to go through this thing. -- Yes. (10)

Now, what requests or requirements were you withholding from him? -- He wanted to <sup>Print</sup>bring the newsletter then and we said as we wanted my article, he said he was just waiting for my article and for the photos of Mthuli ka Shezi's tombstone and when he receives those he will <sup>Print</sup>bring the newsletter. Those are the things I am saying I am withholding and as I say here about the photos, I say that I shall be bringing them along, as I would like to see you about that intended project, the newsletter. (20)

He did not attend a number of national executive meetings, did he? -- Well, I would say he did not attend one because the second one due to the change of venue, he could not make it to the new venue.

Your constitution also states that if a member misses two meetings in a row he is automatically suspended ... -- Executive meetings, not national council meetings, that is a different thing that.

THE COURT ADJOURNS FOR LUNCH.

(30)

-----  
THE/...



THE COURT RESUMES AT 2 P.M. ON THE 5th AUGUST, 1976.

ZITHULELE NYANGANA / BEAION CINDE: still under oath:

MR PITMAN: M'Lord, before my Learned Friend goes on, I am instructed that accused No. 1 who had an operation some days ago, is in pain and has been haemorrhaging and so on and he cannot go on this afternoon in court. I am instructed to ask for an adjournment until tomorrow, for the doctor to see him.

MR REES OPPOSES THE APPLICATION FOR ADJOURNMENT.

FURTHER DISCUSSION IN THIS REGARD BETWEEN THE COURT AND COUNSEL. (10)

BY THE COURT: Well, it is a serious case and an important case and I think it is the type of case which should be heard in the presence of the accused concerned and I am informed that accused No. 1 has had an operation and he is not feeling well this afternoon, he wants to see a doctor. In view of the arguments put forward on behalf of accused No. 1, I think it is a reasonable request to adjourn this case, but I would like to indicate that the Court is extremely anxious that this case should be concluded expeditiously if at all possible. (20)

THE COURT ADJOURNS.

-----

**Collection Number: AD1719**

**State v S Cooper and 8 others.**

***PUBLISHER:***

*Publisher:- Historical Papers, University of the Witwatersrand*

*Location:- Johannesburg*

**©2012**

***LEGAL NOTICES:***

**Copyright Notice:** All materials on the Historical Papers website are protected by South African copyright law and may not be reproduced, distributed, transmitted, displayed, or otherwise published in any format, without the prior written permission of the copyright owner.

**Disclaimer and Terms of Use:** Provided that you maintain all copyright and other notices contained therein, you may download material (one machine readable copy and one print copy per page) for your personal and/or educational non-commercial use only.

People using these records relating to the archives of Historical Papers, The Library, University of the Witwatersrand, Johannesburg, are reminded that such records sometimes contain material which is uncorroborated, inaccurate, distorted or untrue. While these digital records are true facsimiles of paper documents and the information contained herein is obtained from sources believed to be accurate and reliable, Historical Papers, University of the Witwatersrand has not independently verified their content. Consequently, the University is not responsible for any errors or omissions and excludes any and all liability for any errors in or omissions from the information on the website or any related information on third party websites accessible from this website.

***DOCUMENT DETAILS:***

*Document ID:- AD1719-Vol127*

*Document Title:- Volume 127, Pages 7877 - 7947.*