

came from behind the students over their heads, and major Erasmus thereupon gave the command to disperse them. A tear-gas bomb was discharged and the students fled in the direction of the hostels. The Black members of the police who were on the side of the sports-field did not take part in the police action. Students returned from the hostels and again started throwing stones at the police. Tear-gas bombs were again discharged. One student ran across the sports-field and was caught by two members of the police. When they caught him, he fell. They took him to the riot-control van. Thereafter they brought another student to the riot-control van, his trousers were torn and there was blood on his trousers. They also put him in the riot-control van. The major instructed a sergeant to take him for medical treatment.

The major corroborates the evidence of major Erasmus as to what followed after that. Major Strydom saw accused No. 7 amongst the students after the first charge. He had a drum with him, which he was striking. It is common cause that in the hall and also on the sports-field students carried the banner which read: "Frelimo killed and won. S.A. Blacks".

Constable Freitag, who was stationed at Louis Trichardt, was one of the three members of the police who was in charge of a dog. He noticed the placards which the students were carrying and according to him the students gathered on the sports-field after they left the hall. When the major addressed them, they shouted and sang and gave Black Power signs. When the time that the major had

given them within which to disperse had elapsed, the male and female students separated and the male students took up a position on the embankment. Some of the male students walked across the sports-field and constable Freitag moved onto the sports-field with his patrol-dog on a leash. The leash was approximate 25 feet long. The students started throwing stones at the police and the police then charged them. The students took up position on the other side of the road and when he got to the top of the embankment with his dog, the students again started throwing stones. A student came out of the crowd, and when he was 30 paces away from the crowd and 20 paces from the constable he threw a stone three-quarters the size of a tennis ball at him. At that stage he was dodging other stones as well but this stone struck him on the cheek. The constable then moved towards this student with his dog and arrested him. In the process the dog bit him on his leg. He then took him to the riot-control van. The constable returned to the students and a stone struck him on his arm. At that stage the stone-throwing stopped and the students moved towards major Erasmus where he had discussions with student leaders.

There was some dispute between the prosecution and the defence as to when the stone-throwing was started. The case for the defence was that the stone-throwing started after the police had started to attack the students. Ledwaba seems to support this, but Kekane, who was also called as a witness by the prosecution, was extremely vague as to what happened on the sports-field.

He also adopted the attitude that he had not seen anything.

One or two of the police witnesses were unsatisfactory as to the part played by the dogs in dispersing the crowd, but on all the evidence the Court is satisfied that the evidence of the two majors can be accepted as the truth.

The Court is furthermore satisfied that the rally was in fact a SASO rally which was organized on the basis suggested by accused No. 2 at the executive committee and staff meeting held in Durban on 15th September 1974 which was attended by accused No. 6. No. 1 accused said it was to some extent a SASO affair. He said SASO is a federal body of students, and various campuses and individual members of campuses and individual students are affiliated to SASO.

At the SASO local committee when accused No. 6 informed them of the decision to hold rallies it was suggested that SASO assist the SRC in holding the rally at Turfloop. Ledwaba also says that SASO assisted in holding the rally. Accused No. 6 was present in the SRC office when banners and placards were printed. BASA, in their letter to the SRC, indicated that they regarded the banning-order imposed on the rallies, which were to be organized by SASO and BPC, as/ ^{being,} in substance, applicable to the rally which the SRC envisaged. Accused No. 6 says he was asked to get speakers and all the speakers who were on the programme to speak were SASO members. When accused No. 6 spoke to accused No. 2 over the telephone about the Turfloop rally, accused No. 2 was concerned whether the SRC was responsible

for the telephone charges. If it was an SRC function the expenses should not concern accused No. 2. Accused No. 6 was obviously taking control of the arrangements for the rally. He spoke to accused No. 2 to ask him for speakers and press-coverage. He even tried to get Frelimo speakers whom SASO and BPC were trying to get from Lourenco Marques. On his own showing he wanted press-coverage so that he as president of SASO could make a press statement after the rally. When he spoke to accused No. 3 on the telephone he said to him that he could easily inform the SRC members that they would be having him as a speaker.

When it was clear that the SASO/BPC rallies were banned, he was in difficulties with Turfloop and on the 24th September when he had his telephone conversation with accused No. 2, accused No. 2 said that it was his job to refer accused No. 6 to the report that the Minister was banning the rallies and after he had read the report to accused No. 6 about the press statement that they were going on with the rallies, accused No. 6 said: "Ja, just continue that way". When accused No. 6 said that they were not affected on the campus, accused No. 2 replied that they were, according to the Riotous Assemblies Act. After the rally, accused No. 6 evidently regarded it as his duty to report to accused No. 2 what happened to the Turfloop rally, and told him that he had not spoken as a representative of SASO but on student level. He did this because he obviously knew what the attitude of accused No. 2 was down in Durban as to the effect of the banning order according to so-called legal advice.

The defence led evidence to show that the placards only reflected the views of individual students and were in effect harmless. One certainly has to make allowances for student rhetoric and student idiosyncrasies, but if regard is had to the documentary evidence before the Court, the placards really reflected what appears in SASO and BPC literature and it is a good indication what effect such literature has on students. The pamphlets, as does the literature, reveal a strong anti-White feeling. A formation-school was held on the campus the week-end before the rally when the nature of the struggle of the Blacks was discussed. It is even possible that with the matter discussed fresh in their minds, they produced some of the placards. Accused Nos. 6 and 7 attended the formation-school, and on their own showing read some of the placards on the campus. The way the banner was carried, according to a photograph produced in Court, it is inconceivable that they did not notice placards and the banner at the rally. The defence tried to make out a case that violence broke out on the campus because the police put the dogs on the students, and that was the reason why the students had stoned several Whites including lecturers, who came onto the campus at about 5 o'clock that afternoon. Whites were seriously injured and their cars badly damaged as a result of the attacks. These people were attached to the staff of Turfloop and had come onto the campus in connection with their duties, and had nothing to do with the police. In fact, the police had at that stage left the campus and it was these attacks that brought them back onto the campus.

It is part of the strategy of SASO and BPC to denigrate the police, and the accused in their evidence, made no secret of their hostility towards the police. In fact, it is not unusual for them to refer to the police as pigs. The hostility towards the police, therefore, existed, and was not incurred by the police action. On the evidence the Court has found that the crowd did not disperse and that stone-throwing caused major Erasmus to order the dispersal of the students. If that increased the hostility of the students towards the police, it is difficult to relate that hostility to the hostility that the students showed towards the Whites who came onto the campus. That hostility was evident in the attitude and evidence of accused No. 7 in the witness-box. Moreover, that attitude caused him, as president of the SRC, to show no regard for the damage done by the students to the buildings on the campus, the injuries to the Whites or the damage to their motorcars. He also played a very negative part as president of the SRC, in whose name the rally was professed to have been held, when the police arrived at the hall. He came forward with a very feeble excuse that he could not walk through the crowd to the police. On the sports-field he also did not go to the police. I do not accept that he was so occupied in getting the female students to go to their hostels that he did not see what happened on the sports-field.

The placards clearly reflect the mood of the students and the spirit in which the rally was being held. The animosity of the students was not aroused by unreasonable conduct on the part of the police. I think it is fair to say that the placards provided some evidence of SASO and BPC policy coming to fruition.

It is now necessary to show the extent of the involvement of each accused in the activities of SASO and BPC. They were all admittedly active supporters of both SASO and BPC, and regard should be had to the fact that according to Biko, there could have been more influential people in BPC at any given time than the serving executive.

Starting with accused No. 1, he was a founder-member of BPC. He served on a BPC ad hoc committee to organize the formation of BPC, convened, attended and participated in the BPC inaugural convention in Pietermaritzburg in July 1972, and in particular took part in the discussion at this convention which resulted in the recommendation that BPC concentrate for the first three years on a membership drive and then organize a nation-wide strike of Black workers to cripple the economy. He was the public relations officer of BPC from July 1972 to March 1973, and attended the first national convention of BPC at Hammanskraal in December 1972. He was the virtual head of BPC and BAWU in Durban, and his flat was a constant meeting-place of BPC members and officials in Durban. He attended and participated in a SASO Sharpeville commemoration meeting in Durban in March 1972. He organized or assisted in organizing the Sharpeville commemoration meeting in March 1973, the symposium in Durban in September 1974, and the national 'Viva Frelimo' rallies in September 1974. He

compiled/.....

compiled and/or issued a number of BPC documents, and on his arrest, and also shortly thereafter, a number of BPC documents were found in his possession in his flat.

Accused No. 2 attended and participated in the 5th GSC at Hammanskraal in January 1974, and was national president of SASO from January till July 1974. He conducted a presidential tour of various SASO branches during March 1974. He attended a Sharpeville commemoration meeting in Durban in March 1974, a SASO formation-school in Alice in May 1974 and the 6th GSC in July 1974 in Roodepoort. He was the secretary-general of SASO from July - September 1974. He assisted in the formation of a new SASO branch at Fort Hare in May 1974, and organized or assisted in the organization of the national 'Viva-Frelimo' rallies during September 1974. He compiled and/or issued several SASO documents.

Accused No. 3 served on the SRC in Turfloop in September 1971 and participated in the 3rd and 4th GSC at Hammanskraal in July 1972 and January 1974 respectively. He was permanent organizer of SASO from January - September 1974, and participated in the Tiro memorial service in Durban early in 1974, at which the poems to which reference have already been made, were distributed. He assisted in the formation of new SASO branches at Turfloop in March 1974, and at Fort Hare in May 1974. He attended and participated in a SASO formation-school in Alice in May 1974, the 6th GSC in Roodepoort in July 1974, a SASO day of compassion at Turfloop in August 1974 and a BPC Semicon at Hammanskraal in September 1974. He organized or assisted in the organization of national 'Viva Frelimo' rallies in September 1974, compiled and/or issued a SASO document and was an active supporter of BPC.

Accused/.....

Accused No. 4 was influential on the UNB campus and served on the SRC. He attended and participated in S.A.S.O Sharpeville commemoration meetings in Durban in March 1972 and in March 1973. He was a founder-member of BPC. He was involved in the series of S.A.S.O-inspired bilateral meetings and attended and participated in a meeting at Orlando in December 1971 concerning the formation of BPC. He participated in the BPC ad hoc committee and convened the inaugural BPC convention in Pietermaritzburg in July 1972. He was the chairman of the Durban central branch of BPC. He organized or assisted in the organization of national 'Viva-Frelimo' rallies in September 1974. He compiled and/or issued several BPC documents and was an active supporter of both S.A.S.O and BPC, and gave assistance to various S.A.S.O projects. He had lots of influence in both BPC and S.A.S.O and, according to Biko, ^{was} a leading light in BPC from the beginning, and well-informed on BPC but always operated on the fringes.

Accused No. 5 was chairman of the Daveyton branch of BPC from March 1974. He attended and participated in the 2nd national convention at Hammanskraal in December 1973. He was national organizer of BPC from December 1973 to September 1974, and from September 1974 also the acting secretary-general. He organized and attended a BPC Semicon at Hammanskraal in August-September 1974 and participated in a BPC symposium in Durban in September 1974. He organized and assisted in the organization of national 'Viva-Frelimo' rallies in September 1974. He compiled and/or issued a number of BPC documents.

Accused/.....

Accused No. 6 served on the SRC at Turfloop in September 1971. He assisted in the formation of a new SASO local branch in Turfloop in March 1974, which body subsequently deposed the existing SRC at Turfloop. He participated in the 6th GSC at Roodepoort in July 1974 and was national president of SASO from July - September 1974. He attended and participated in a BPC symposium in Durban in September 1974 and a SASO formation-school at Turfloop in September 1974. He organized or assisted in the organization of national 'Viva Frelimo' rallies in September 1974 and possessed BPC and SASO documents at the time of his arrest. He was a member of BPC until the 6th GSC and thereafter a supporter.

Accused No. 8 attended the 1st national congress of BPC in December 1972 and was administrative assistant from September - December 1973. He attended and participated in the 2nd national congress of BPC at Hammanskraal in December 1973 and was secretary-general from December 1973 - September 1974. He attended the 6th GSC at Roodepoort in July 1974 and attended and participated in a BPC Semicon at Hammanskraal in September 1974 and a SASO formation-school at Turfloop in September 1974. He compiled and/or issued several BPC documents, and as secretary-general he went through all the BPC documents to apprise himself of the objective of the convention and claims that he knows BPC policy.

Accused No. 9 attended and participated in the 2nd GSC in Durban in July 1971 and was the director of SASO

publications/....

publications from July 1971 - July 1972, and as such responsible for all publications of SASO, including the compilation and distribution of reports and minutes. He went on a speech tour and visited various Black campuses. He served on the BPC ad hoc committee and attended and participated in the 3rd GSC in Hammanskraal in July 1972. From 1971 - March 1973 he was administrative assistant of SASO and assisted the secretary-general. He attended and participated in the BPC inaugural convention in Pietermaritzburg in July 1972 and was regional secretary in Natal from July 1972, and in charge of all paper-work and finance. He attended and participated in the first national congress at Hammanskraal in 1972. He attended two Sharpeville commemoration services. He wrote, compiled, issued and/or was responsible for a number of SASO documents. According to him, he carefully considered the implication of SASO policies and projects, subscribed to the aims of BPC and SASO, and dedicated himself to the furtherance and fulfilment thereof. He was an active supporter of BPC and worked closely with accused Nos. 1 and 4, Biko and Pityane.

On all this evidence the Court now has to consider whether a conspiratorial agreement has been proved to exist and whether the accused are adherents thereto. The evidence as a whole certainly establishes a common political design between SASO and BPC, the principal object of the design being the total liberation of the Black people which is to involve a total change politically, socially and economically, and a total struggle which entails a total involvement of all the Black people, and some of the other objects of the common design being :

- (a) to liberate the Black people first from psychological oppression by themselves through inferiority complex and secondly from physical oppression occurring from living in a White racist society; Black people being those who are by law or tradition, politically, economically and socially discriminated against as a group in the South African society and identifying themselves as a unit in the struggle towards the realization of their aspirations;
- (b) to articulate the interests of the Black people in this country under the banner of Black Consciousness;
- (c) to aggregate and synthesize the interests of the Black people and to translate them into all aspects of their lives - political, social, economic, educational, religious, etc.;
- (d) to negate and oppose vigorously the politics of the White system of government;
- (e) to consolidate the different sections of the Black community with an aim towards forming a power block; and
- (f) to work completely outside the system-created platforms.

The/.....

The objects of the common design were to be achieved under the banner of Black Consciousness and one of the means to be employed was conscientization. All the accused were admittedly members of either one or both of the organizations and directly involved in the capacities to which reference has already been made, in working for the achievement of these objects and were thus parties to the common enterprise or conspiratorial agreement.

This finding renders all the acts, writings and declarations of the conspirators in pursuance of the common enterprise admissible against one another as circumstantial evidence to confirm the scope of the common enterprise and the nature of the steps to carry it out. The executive act of a conspirator may in the circumstances of a particular case involve the use by the conspirator of the writings and declarations of another person.

On this basis, everything the conspirators did in working for total change and for a total struggle entailing a total involvement of the Black people and also for the conscientization of the Black people is admissible as evidence. All the documents before Court upon which the prosecution bases its case, and the holding of the rallies are therefore admissible in evidence in Court.

The case/.....

The case for the prosecution as presented in the evidence and the argument is that the accused and the organizations SASO and BPC were in pursuance of a conspiracy engaged in preparing to bring about a revolutionary change in the Republic by violent means or the threat of such means, that the methods used by the alleged conspirators were intended to cause, encourage and foster hostility between the White and other population groups and that the intention to endanger the maintenance of law and order is implicit in such activities. There was a suggestion that the accused contemplated unconstitutional means but it is not clear whether the prosecution had in mind means other than violent means or the threat of violent means. The defence admits that the accused were working for a total change of the political, economic and social system of the Republic, but contends that they, in doing so, were engaged in normal legal political activities, the purport of which was to bargain from a position of strength.

A witness, Mr. Van der Merwe, who holds a Master's degree in Political Science, was called by the prosecution to give expert evidence on the significance in a revolutionary context of certain of the documents before Court.

He considered the documents in the light of a conceptual framework devised by him and which is based on a generalization of what one could expect a group of persons to do if they wanted to bring about an armed revolution. The utility of the framework, according to

the witness, in effect is that it serves as a frame of reference or guide-line that fixes for selection the order and relevance of facts that have bearing on a violent revolution. He identified or diagnosed material in the documents that are capable of promoting aims directed at violent revolutionary change in the sense of the violent overthrow of the social and political order and expressed the view that unless considerable change is brought about in the system a violent revolution would result. He expressed himself in different ways which exposed him to criticism, but in effect said that if a group of persons took the steps set out in his framework, then, depending on the context of the situation, and unless other circumstances intervened, the probabilities are that a violent revolution would result. Because of the existence of variables and imponderables, it is not possible for him to predict that a violent revolution would inevitably result. According to him one could only through logical structuring, at most come to the conclusion that with the material in the documents a pre-revolutionary situation could be created when circumstances would be favourable for a violent revolution. It is fair to say that although he initially created the impression that one could predict violent revolution if the steps in his framework were followed, he ultimately conceded that there are so many relevant variables that it is impossible to say with any amount of certainty that a violent revolution would result. According to the framework, the steps to effect a massed

armed revolution are the following:

1. The establishment of a leadership group and the development of a unifying idea or ideology;
2. (a) pursuance of a course of action to weaken the existing political system by:
 - (i) alienation of internal support i.e. specific support and diffuse support for the three political objects, and
 - (ii) alienation of external support i.e. working for the isolation of the political system so as to deprive it of economic and military support;
- (b) the building-up of support for the revolutionary idea. This involves:
 - (i) mobilization of the masses and organizing and politicizing them into an active group or body,
 - (ii) legitimization of the revolutionary idea and the psychological preparation of the masses so as to make them receptive for the revolutionary idea,
 - (iii) the psychological preparation of the masses for violent action against the system and its supporters;
3. violent actions when circumstances are favourable.

By favourable circumstances is meant, when the system has been sufficiently weakened, support for the revolution has been sufficiently built-up, and discontent is sufficiently intense.

The witness identified in documents of the two organizations the steps envisaged under paragraphs 1 and 2 of the conceptual framework.

It is manifest from his evidence that he synthesized his framework by having regard to factors that are normally accepted as necessary for the persistence of a political system. The apparent logic of the framework seems to be that if those factors are undermined then a system-failure could be achieved and furthermore, if an element of violence is added, then a violent revolution could result. The framework is not very helpful from the point of view of the prosecution because there is nothing to suggest that revolutionaries actually organize a revolution along the lines of the framework and what is perhaps of greater importance, is that the witness in applying his framework to the documents in this case, overlooked the fact that the material on which he relies could equally lead to a mere change in the type of the political system and not necessarily to system-failure. It is quite conceivable that such considerations caused him ultimately to introduce qualifications to the evidence he initially gave. For a proper understanding of this statement, the reasoning underlying the framework, the language used in the evidence and the political issues involved, it is necessary to refer to some of the generalizations and principles which are relevant, most of which are to be deduced from the evidence of the political scientists who testified in this case.

Political life fundamentally refers to a system of political activities or behaviour. It is concerned with the actions, reactions and responses of members of society and the dynamics of human activities thus necessarily play an important part in the patterns of interaction, processes and events in political life. They are influenced by psychological and sociological factors which cannot be strictly controlled or measured and which can best be described as variable. The characteristic mode of behaviour of a political system depends upon the capacity of the system to allocate values for the society and assure their acceptance as authoritative by most of its members most of the time. It is these two major variables or sets of variables that are the essential variables. They distinguish political systems from all other types of social systems, and it is through them that a society can commit the resources and energies of its members in the settlement of differences that cannot be autonomously resolved. Once events occur, leaving it impossible for members of a system to arrive at political decisions, or if they have been taken, they are regularly rejected by large segments of the membership, no political system can function. Indeed, a system would be in a state of constant turmoil and confusion and might be on the threshold of disappearance if there were just an equal probability that the decisions and associated actions of its authorities would be accepted or rejected. In such a case there is a system-failure as opposed to system-persistence. System-persistence refers to a society and

its capacity to provide the processes through which some kind of political decisions can be made regardless for the moment of the type of authorities, regime or political community involved. According to empirical or descriptive theory, a political system consists of three parts, known as political objects:

(a) the political community. In the cross-examination and also in argument some suggestion was made by the defence that the political community of a political system only referred to the politically relevant members of a particular society, politically relevant in the sense that they participate in the political processes of the political community and that the Blacks thus did not form part of it. In the South African context, it would seem that it refers to a group of persons bound together by a political division of labour. The existence of a political system must include a plurality of political relationships through which the individual members are linked to each other and through which the political objectives of the system are pursued. As long as members are part of the same political system, they cannot escape sharing in or being linked by a common division of political labour. The extent of the sharing in the division of labour is immaterial. At the one extreme we might conceivably find a system in which each member has an explicit and highly-active role in the regulation of conflicting demands on the authoritative allocation of values. At the other end it will be enough if a person sees his role as one of complete

passivity and acceptance of the absolute authority of others over him and in such a case a member's part in the division of political labour is entirely that of owing a duty to accept his subordinate status in political life;

(b) the regime, which orders political relationships according to basic procedures and rules and can be broken up into three components, namely, values (goods and principles, such as may be incorporated in ideologies and doctrines), norms (operating rules as to how members of a system are to go about putting in demands, helping to process them into outputs and influencing their implementation; in a democracy, rules which characterize a democracy would be applied) and structures of authority;

(c) the authorities, that is to say, the occupants of the authority roles.

A political system is embedded in an environment to the influence of which it is exposed and reacts. On a somewhat broad but logical analysis those aspects of society which fall outside the boundaries of a political society can on a generalization be said to consist of all the other sub-systems of the society and constitute the environment of the political system. Environment embraces the social as well as the physical environment. Those systems external to the political system are composed of two basically different types, namely, intra-societal and extra-societal systems. That part which falls outside the boundaries of the political system, but within the same society, namely the intra-societal environment,

includes such sets of behaviour, attitudes and ideas as might be called economy, culture, social structure or personalities. In any given society, the systems other than the political system constitute a source of many influences that create and shape the conditions under which the political system itself must operate, for example, in a world of newly-emerging political system, it is not difficult to appreciate the impact that a changing economy, culture or social structure may have upon political life. Any influence they exert on the political system must derive from the fact that actions bridge the boundary between one or other of them and the political system. The extra-societal environment is external to the political system and the society of which the political system is a subsystem. It includes international political and social systems. Amongst the former are included individual political systems, the North Atlantic Treaty Organization, and the United Nations, and amongst the latter, international cultural and economic systems and social structures. They are functional components of an international society of which any single society is part, and although they are external to the political system of any particular society, they may have important consequences for the persistence or change of the political system of such a society. The term 'Change' is here used to signify the opposite of the maintenance or stability of a type of political system. When we speak of the stability or change of a type of political system ordinarily we would be referring at most

to one or another of the political objects or some combination of them. A type of political system would be a particular set of authorities, regime and political community. The notion of persistence has no reference at all to the problems of the stability or change of system types.

The two essential variables of a political system involve the ability to take in demands and support therefor as they are shaped in the environment, referred to as inputs, and to produce out of them authoritative policies, decisions and implementing actions, referred to as outputs. The outputs influence the supportive sentiments that the members express towards the system and the kinds of demands they put in. The inputs thus have the characteristic of feeding back upon the system and shaping its subsequent behaviour. A demand is an expression of opinion directed towards the authorities that an authoritative allocation with regard to a particular subject matter should or should not be made. It includes grievances and discontents relevant to a given experience.

All activities in the environment or within a system that can be expected to, or do displace a system from its current pattern of operations, may be referred to as disturbances. Stress is said to occur when there is danger that the essential variables will be pushed beyond their critical range. This means that something happens in the environment such as, the system suffers total defeat at the hands of the enemy, or, widespread disorganization

in and disaffection from the system is aroused by a severe economic crisis with the result that the authorities are consistently unable to make decisions, or if they strove to do so, the decisions are no longer accepted as binding. Under these conditions authoritative allocations of values are no longer possible and the society would collapse for want of a system of behaviour to fulfil one of its vital functions. In such a case the stress is so severe that any possibility for the persistence of the system for that society has disappeared. That is then a case of system-failure. If, however, a system does manage to keep its essential variables operating within their critical range, it can be said to persist. That is a case of system-persistence. It is to be noted that one of the characteristic properties of any system is to have the capacity to respond to and to cope with stress on its essential variables. It is usually goal-setting, self-transforming and creatively-adaptive, since it consists of human beings who are capable of anticipating, evaluating and acting constructively to prevent disturbances in the system's environment. In the light of their goals, they may seek to correct any disturbance that might be expected to occasion stress. The demands can be moulded to the purposes and desires of members of the system to the extent that knowledge, resources and inclination permit. They are able to regulate, control, direct, modify and innovate with respect to all aspects and parts of the processes involved. This is what is meant by saying that they are

able to cope constructively with stress.

Environmental disturbances may help to shape not only what members want, but the sentiments they display towards the political system as a whole, its institutions and leaders. Where changes in the economy, for example, have led to fundamental shifts in the basis of power within the social structure, the prevailing political system could not continue unchanged. The old authorities will be seen as unresponsive to the wants and needs of the new social groups with their new-found power. In time the newly emergent groups begin to lose confidence, not only in the authorities but in the old institutions themselves within the matrix of which the authorities have asserted their control. At the same time if social conditions provide some free-floating human resources that can be mobilised behind the discontented and leadership, the conditions are ripe for an assault on the old system. This illustrates the significance of support, both in actions and attitude for the persistence of a system. Fluctuations in support may stress a system in respect of the authorities, regime and political community, referred to as the political objectives. Without support for some of the authorities, at least, demands could not be processed into outputs. Most systems require some relatively stable set of authorities. Without support it would be impossible to assure some kind of stability in the rules and structures through the use of which demands are converted into outputs. Support is also vital in order to maintain minimal cohesion

within the political community of the system. Support for any of the political objectives in the long run depends upon the members being persuaded that outputs are in fact meeting their demands or that they can be expected to do so within a reasonable time. Output failure can be said to occur when members feel that outputs are not likely to do so. Support thus flows from favourable attitudes and predispositions stimulated by outputs that are perceived by means to meet their demands as they arise, or in anticipation. The specific demands help to compensate for any dissatisfactions at failing to have all demands met. Simultaneously members are capable of directing diffuse support towards the objects of the system. This forms a reservoir of favourable attitudes or goodwill that helps members to accept or tolerate outputs to which they are opposed, or the effect of which they see as damaging to their wants. It is independent of the effects of daily outputs. It consists of a reserve of support that enables a system to weather the many storms when outputs cannot be balanced off against inputs of demands. A minimum level of support for each of the three political objects has to be maintained for the persistence of the system.

Feelings of legitimacy serve as a strong basis of support for the authorities and the regime. The most stable support derives from the conviction on the part of a member that it is right and proper for him to accept and obey the authorities and to abide by the requirements of the regime. It reflects the fact that in some vague or

explicit way he sees these objects as conforming to his own moral principles, his own sense of what is right and proper in the political sphere. No system could endure, at least for very long, without the presence of some moderate belief in legitimacy. This is, however, a fact that would not be easy to demonstrate on theoretical or even empirical grounds.

From what was said above, it appears that a system no longer persists if it disappears completely and for the given society no authoritative allocations of values could be made. It points to a condition that involves more than mere change. It suggests the complete breakdown and evaporation of a political system as, for example, at moments of social catastrophe when as a result of a civil war, revolution or military defeat, the previously existing political unit has collapsed, to be replaced temporarily by independent law-abiding centres or lawless bands. For a system to persist, it must be able to change or adapt itself to fluctuating circumstances. If a system for fulfilling the basic political function of making and executing binding allocations is to continue, the members must be prepared to cope with disturbances, whatever their origin, that lead to stress. If necessary, they may even be compelled to modify the system in one or another of its major aspects. The cost of survival of some means of dealing with otherwise unresolved differences, may at times require the acceptance of change in one or all the significant aspects of a political system, depending on the circumstances.

The members must be capable of modifying their political system as circumstances dictate with respect to its scope, membership, structure and processes, goals or rules of behaviour, or they must be able to manipulate their environment so as to relieve stress.

As long as the disturbances operating on a system lead to changes in the system, they do not affect its capacity to maintain its two essential variables within their indeterminate but, in principle, determinable normal range, they will not be considered stressful. They will rather just induce changes in the state of the system. The system may change but not in any way that affects its characteristic mode of functioning as a political system. Where the disturbances can be interpreted as introducing changes in a system that are driving either of the essential variables beyond their critical range, we can designate them as stressful. If the disturbances can just be assessed as having the potential for doing so, that is, as representing a threat or pressure in that direction, they will also be noted as stressful.

The occupants of authority-roles need to be clearly distinguished from the roles themselves. The roles may endure for generations whereas the incumbents patently will change periodically. The concept authorities as used here, identifies the occupants. Generally it can be said to include members of a system who conform to the following criteria; they must be engaged in the daily affairs of the political system and must be recognised by most members of

the system as having the responsibility for these matters, and lastly, their actions must be accepted as binding most of the time by most of the members as long as they act within the limit of their roles. Demands have a built-in direction. Those who voice the demands will intend that those persons normally perceived as responsible for the day-to-day business of acting on behalf of or in the name of society, shall take the desired action. The demands may be directed towards these persons but not as a suggestion that they act in a certain way; rather, if it were thought that the current incumbents of the roles burdened with this responsibility are unlikely to be responsive to the demands, the voicers of the demands may support an overriding demand which calls for the replacement of these members. But whichever form the demands take, they are directed towards the authorities. Many a system manages to persist in the face of far-reaching and intensive conflict. Deep cleavages with respect to party preferences, candidate choice and issue determination occur, but they need not even shake its foundations, much less dislodge the system entirely from its basic structure or practices.

In our country we have democratic regime norms, and freedom of speech and assembly play an important part in our party system which is based on opposing views and consequent dispute of ideas. It may best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger. Rhetoric plays an important part and

speech is often provocative and challenging. It might strike at prejudices and preconceptions and have a profound unsettling effect as it presses for acceptance of an idea. In the case of the Blacks we must remember that ^{if} they use language which may seem to be unnecessarily strong, they have no effective voice or vote in the authoritative allocation of values and can only protest against what may be regarded by them as grievances. While freedom of speech and assembly must be regarded as fundamental in our democratic society, it does not mean that everyone with opinions or beliefs to express may address a group at any public place and at any time. They may only do so within the limits of our laws, e.g. when a person expresses views which promote feelings of hostility between Blacks and Whites as racial groups, it is only an offence if it were done at a meeting prohibited under the Riotous Assemblies Act, No. 17 of 1956, or in contravention of the Bantu Administration Act, No. 38 of 1927, i.e. with the intention of promoting racial hostility, or in contravention of the Terrorism Act, No. 83 of 1967, with the intention of endangering the maintenance of law and order. As was pointed out in the case of R. v. Bunting, 1922 E.D.L. 326 at p.332, if it were otherwise, no person, be he a politician, historian, pressman or educationalist, could discuss matters of vital interest to both Blacks and Whites without risking a prosecution. See also R. v. Sutherland, 1950(4) S.A. 66 (T) at p.71.

Considerations such as these make it virtually

impossible for political scientists to propound rigid and precise theories about the future course of events in political life. A highly qualified political scientist of the calibre of Prof. Gurr, who has done a considerable amount of research on political violence throughout the world and has written several books and monographs thereon, has only ventured to formulate theories as to the factors that influence the magnitude of political violence. He was called as a witness by the defence and is critical of Mr. Van der Merwe's conceptual framework as a means of diagnosing violent revolution. According to him it could not be used as a diagnostic test of the existence of a revolutionary group. According to him a diagnostic instrument must be based on a tested theory of the causes and the processes of whatever condition is being diagnosed.

In political science there are a great many theories about the causes and the processes of revolution, but because revolutions are such rare events, theories in respect of them cannot be definitely tested. Theories in the literature mainly serve as guides to our understanding of what has happened in particular past revolutions. There are general theories about the causes of political protest and political violence in general, but relatively few of them have been subjected to empirical tests. The few that have been tested make it impossible to make any reliable forecast about events. A diagnostic framework can also be based on a systematic observation of a number of instances where a revolutionary potential exists or existed, or on the

kinds of strategies that have been proposed by acknowledged revolutionaries.

A study of revolutionary phenomena reveals that revolutionaries usually borrow from other strategies and strategies advocated and used elsewhere, and rarely invent strategies that are wholly new.

Mr. Van der Merwe made no attempt to see whether his diagnostics permit him or anyone else to distinguish between revolutionary and non-revolutionary groups, and it would further seem that his conceptual framework has no scientific validity. He has failed to distinguish between revolutionary and other kinds of political movements and has proceeded on a generalization of what revolutionaries could do in order to organize a revolution. It must be conceded that theoretically revolutionaries could do almost anything.

The elements in the conceptual framework are not all distinctive characteristics of a revolutionary group. This applies to the establishment of a central core or nucleus group, the development of the unifying idea, the weakening of the existing system and the mobilization of the masses. All organizations, whether or not they are revolutionary, are recognized as having leaders.

There has been a diverse range of revolutionary appeals during the last century, and they vary enormously from one group to another, from one society to another. They have been so diverse that there is no empirical basis for determining what is a revolutionary and what is a non-

revolutionary unifying idea. Furthermore, a unifying idea which has violent or revolutionary consequences in some situations leads to reform in other situations. It can also lead to defensive movements or to other kinds of responses. There is nothing intrinsically revolutionary or intrinsically reformist about a unifying idea.

As far as the weakening of internal support is concerned, the literature about revolutions and social conflict generally shows that one of the conditions which precede the onset of violent conflict is an increase in stress and a consequent decline in support for the government. This in turn precedes the onset of all kinds of political protest and conflict. The decline of internal support is not distinctive of pre-revolutionary circumstances, but merely distinctive of a characteristic of situations in which conflict is likely to increase. In situations of conflict and revolution generally, the decline of support was principally due to changes in objective conditions, that is, changes in objective economic and social conditions and to changes in governmental policies or to some combination of those conditions. Documents per se and propaganda per se are not usually regarded as having an independent effect in weakening internal support.

As far as the weakening of external support is concerned, the general point is made in many theories of revolution, and in many studies of guerilla warfare, that the rebels, or would-be rebels or would-be revolutionaries attempt to seek external support especially in the form of

training, arms and military assistance if possible. Prof. Gurr in his survey of political science literature has not found any importance attributed to the reduction of external support for the political system. When the revolutionaries find themselves in a situation where the regime^{in the sense of the government} has too much external support, their typical response is to solicit similar support for their own group. The weakening of external support is not distinctively diagnostic of revolutionary activity and not commonly found in the revolutionary movements. As far as building up of support for the organization is concerned by mobilizing the masses, building up unity and organizing, these activities are characteristics of many kinds of political organizations and not unique to revolutionary movements. Many conflict groups, which include trade-unions, political parties and interest groups, engage in these kinds of activities. They do not do so for revolutionary purposes, typically they do so as a means either of defending themselves or for enhancing their capacity for bargaining with other powerful groups.

Legitimization of revolution and the psychological preparation of the masses for violence are likely to contribute to violence, but the most reliable diagnosis of whether a group is revolutionary or whether it has revolutionary intentions depends upon evidence about the concrete preparations for violence. There is a good deal of evidence about what revolutionary groups do and have done in this connection. The most immediate thing they do before going over to armed revolution, is to establish and maintain armed bands, that is, people who are equipped for armed attacks

or for carrying out terrorist attacks. In preparation for doing that they will, at an early stage in revolutionary preparation, have gotten military training for some of their members and they will have stock-piled arms and other kinds of military equipment and will have gotten information on potential targets, military installations, troop movements, public utilities which might be attacked, and so forth. At a still earlier stage, leaders will have included in their propaganda appeals to members, repeated references to revolutionary movements and revolutionary tactics that had been successful elsewhere; and at a stage even prior to this, leaders will have circulated a theory of revolutionary strategy which specifies how and why armed violence is to be used.

According to Prof. Gurr this is what one would expect to find at the embryonic stage of a movement's development, but not all the groups which take these steps, even the immediately pre-revolutionary steps, will in fact engage in armed revolutionary activity. All one can say is that they are likely to do so. According to Prof. Gurr, these are the kinds of properties on which a revolutionary diagnosis should depend and no group can be diagnosed as having revolutionary intentions, and no group can be diagnosed as posing a probable revolutionary threat unless it has at least several of these properties.

Mr. Van der Merwe confined his evidence to the significance of the documents in a revolutionary context and refrained from expressing any views about SASO and BPC.

Prof. Gurr is of the opinion that from a political science point of view, one cannot draw conclusions from the documents alone. Social scientists are not ordinarily concerned with documents per se. They are concerned rather with what those documents indicate about the organization which generates them, and the conventional social science use of documents would be to provide evidence on such questions as the history of the group, its structure, its procedures, its purposes and its appeal on the tactics that it proposes to follow. No social scientist, political scientist or sociologist would limit his research only to documents unless there were no other information available. Characteristics of organizations, especially ones that are particularly difficult to assess, like the intentions of leaders, are assessed in the light of all available information. From a social science point of view, documents are the least adequate kind of information on an organization and that is especially true with contemporary protest organizations, because in the past 15 years a kind of common language or a kind of common rhetorical language of protest has developed. One finds it among student movements, political groups, women's liberation groups and environmental groups. An extraordinarily wide range of groups use a particular kind of rhetorical protest. Because groups with very different objectives and very different circumstances are using similar kinds of language, it is incumbent on the social scientist to attend much more to evidence of what the groups actually do. The

specific kinds of actions they urge on their members are, from the social science point of view, much more indicative of the character of the group than their rhetorical documents.

In the analysis of documents for the purposes of social science, the following factors are important: namely, who originated them, what was the purpose of the originators, what media were used, how widely and by what means were they distributed and what kind of audience they reach.

Mr. Van der Merwe, in analysing the documents, did not take these factors into account.

According to Prof. Gurr political violence is a form of disturbance in the environment and refers to the collective attacks within a political community against the political regime here used in the sense of institutions of government, its actors - including competing political groups as well as incumbents -- or its policies. It consists of a set of events, a common property of which is the actual or threatened use of violence, but its explanation is not limited to that property. It subsumes revolution, ordinarily defined as fundamental socio-political change accomplished through violence. It also includes guerilla wars, coups d'etat, rebellion and riots. Political violence is in turn subsumed under "force", the use or threat of violence by any party or institution to attain ends within or outside the political order. The preparation and processes that distinguish a riot from a revolution at a general level of analysis seems to be differences of degree, not kind. A strong turmoil dimension is characterized by largely

spontaneous strife such as riots and demonstrations. It is quite distinct substantially from what can be called a revolutionary dimension, characterized by more organized and intense strife. The revolutionary dimension has two components, namely internal war, typically including civil war, guerilla war and some coups, and conspiratorial violence, typically including plots, mutinies and most coups. The principal distinction between turmoil and revolution is the degree of organization and forms of violence, a major difference between the internal war and conspiratorial violence components of the revolutionary dimension is one of scale.

General definitions of the three forms of political violence are:

- (a) turmoil: relatively spontaneous ~~an~~organized political violence with substantial popular participation, including violent political strikes, riots, political clashes and localized rebellion;
- (b) conspiratorial violence: highly organized political violence with limited participation, including organized political assassinations, small-scale terrorism, small-scale guerilla wars, coups d'etat and mutinies.
- (c) internal war: highly organized political violence with widespread popular participation, designed to overthrow the regime or dissolve the State and accompanied by extensive violence including large-scale terrorism and guerilla wars, civil wars and revolutions.

The primary causal sequence in political violence

is first the development of discontent, second the politicization of that discontent, and finally its actualization in violent action against political objects and actors.

Politicization is here used in the sense of making people aware of their political circumstances and political potentialities. Discontent arising from the perception of relative deprivation is the basic instigating condition for participants in collective violence. Relative deprivation is defined as a perceived discrepancy between men's value expectations and their value capabilities. Value expectations are the goods and conditions of life which people believe they are rightfully entitled to. Value capabilities are the goods and conditions they think they are capable of attaining or maintaining, given the social means available to them. Societal conditions that increase the average level or intensity of expectations without increasing capabilities increase the intensity of discontent.

The linked concepts of discontent and deprivation comprise most of the psychological states implicit or explicit in such theoretical notions about the causes of violence as frustration, alienation, drive and goal conflicts, exigency and strain.

Societal variables that affect the focusing of discontent on political objects include the extent of cultural and sub-cultural sanctions for overt aggression, the extent and degree of success of past political violence, the legitimacy of the political system and the kinds of responses it makes and has made to relative deprivation. Widespread discontent provides a general impetus to collective violence. The magnitude of political violence

in a system, and the forms it takes, are partly determined by the scope and intensity of politicized discontent.

Politicized discontent is a necessary condition for the resort to violence in politics. But however intense and focused the impetus to violence is, its actualization is strongly influenced by the patterns of coercive control and institutionalized support in the political community. The coercive capacities of a regime and the uses to which they are put are crucial variables, affecting the forms and extent of political violence in the short and long run. Dissidents use whatever degree of coercive capacities they acquire principally for group defence and for assaults on the regime. The degree of institutional support for dissidents and for regimes is a function of the relative proportions of a nation's population their organizers mobilize, the complexity and cohesiveness of those organizations, their resources, and the extent to which they provide regularized procedures for value attainment, conflict resolution, and channelling hostility.

It is important to emphasize an essential qualification to what was stated above. Discontent is a motivation for a variety of different kinds of action. There is thus no necessary sequence from discontent to politicization to political violence. Discontent need not be politicized and even if politicized it need not lead to political violence; it may lead to quite different kinds of activities. It is not a one-mind one-way process. Indeed, one cannot understand the acts or the processes of political violence

unless one takes into account both the psychology of the people involved and the social circumstances that structure their actions. This feature of political science makes it difficult to theorise. One can only talk in terms of variables, degree of deprivation, degree of coercive control, degree of institutional support which recognizes that these kinds of conditions vary greatly from one society to another, from one time to another within the society and from one place to another within a society.

Protest groups and revolutionary groups which are responsible for political violence, have certain common characteristics and certain distinguishing properties. The common characteristics are in respect of objectives, organization and tactics. Their objectives are to remedy grievances by changing the allocation of political power, material goods and/or status. They attempt to create a widespread organized network and they campaign to promote organization, gain support and attract members. Their distinguishing properties are in respect of demands, organization, strategy and tactics.

Revolutionary groups demand the destruction of the existing political, economic and social system and sometimes demand the escape from the political system and increased autonomy for their own group. They organize secretly with clandestine meetings, their officers and members are secret and membership is restricted to tested loyalists. They plan for the seizure of power and usually make use of sabotage, terrorist attacks and armed actions. They rarely make use of rallies, demonstrations and strikes.

Having regard to all the documents before the Court and the acts and declarations of the conspirators, the Court is satisfied that neither SASO nor BPC has the characteristics of a revolutionary group, and that it was not one of the objects of the conspiratorial agreement to bring about a revolutionary change of the political, social and economic system of the Republic by unconstitutional or violent means or by the threat of such means. It was indeed one of the objects of the conspiratorial agreement to achieve total liberation of the Black people and to bring about a total change of the political, social and economic system of the Republic.

The crucial questions which remain to be considered are whether the prosecution established that the common method and means resorted to to accomplish this object is, in the prevailing circumstances, capable of endangering the maintenance of law and order, and that the conspiratorial agreement was entered into with the intention of endangering the maintenance of law and order. There is no direct evidence of the intention of the conspirators and this question must consequently be resolved on the circumstantial evidence. It will be considered in conjunction with the first-mentioned question. In this regard the acts of the conspirators and the language used by them are relevant. Great play was made in evidence and in argument of the existential situation of the Blacks and their Black experience, and the rhetoric employed by the conspirators when any matter relating thereto was being discussed by them. All the accused and witnesses like Biko, Dr. Manas Buthelezi, Adam Small and Rev. Farisani testified to the Black experience and in the process interpreted some of the documents upon which the case for the prosecution is based.

These/.....

These witnesses are spiritually and emotionally involved with the accused in this case and furthermore it is essentially the function of the Court to interpret the documents in the context in which they were compiled and used by their authors. Prof. Gurr and Dr. Turner, a highly qualified and doubtlessly able Political Scientist from Durban, were also asked to interpret some of the documents. Prof. Gurr admittedly lacked the necessary South African background to be able to express any reliable views on the meaning of the documents and Dr. Turner again was so emotionally involved with Black student politics that he was also not able to express a reliable view on the meaning of the documents. It is apparent from his evidence that he made speeches on Black campuses in which he advocated radical change and that ⁱⁿ some instances he tended to promote student unrest. He had on occasion referred to the Whites as bourgeois capitalist pigs and to Blacks as the noble proletariat. He has also written a book "The Eye of the Needle", in which he advocates radical change in this country. He prepared himself to give evidence in this case and spoke on many issues without being led. The result was that he often argued the case for the defence instead of giving evidence. Prof. Gurr and Dr. Turner interpreted the meaning of the documents out of context and, in any event, it is the function of the Court to construe the language used in the documents.

In construing the language used in the documents, the Court takes into account that rhetoric is used by the conspirators in some cases in relation to their existential situation and Black experience.

Further factors which are relevant and which the Court must take into account, are the following: the con-
spirators/..

spirators were concerned about the political situation in South Africa. They felt that grave injustices had been done to the Blacks by the Whites; the Blacks being a numerical majority had an historical and natural right to rule the country, but that right had been usurped by the Whites who really had no business to be here at all; the Whites cling tenaciously to their political power and their privileged position and have proved themselves to be intransigent. There had been attempts, even violent attempts, by other organizations in the past to regain the alleged birthright of the Blacks, but all had been failures. The conspirators believed that the reasons for the failures were that the Blacks had not been properly motivated, that they were always divided and that the Whites succeeded in keeping them divided, that the Blacks did not realise the extent of their ^{own} misery, the extent of the crimes of the Whites, the potential power that was locked up in the Black masses, and the Utopia that could be gained by eliminating the Whites. There were always traitors who informed on any group that presented a real threat to the Whites. The Blacks were too afraid to take meaningful action. There were still too many who thought that good could be obtained from the White rulers through co-operation and dialogue, and did not see that it was morally justifiable to seek a violent solution. They were not yet prepared to sacrifice themselves for their ideals. The conspirators realised that political action was necessary of the kind devised by SASO and BPC. not to ameliorate the position of the Blacks, but to mobilize and prepare the Blacks to involve them in a total struggle for a total change. This was to be achieved under the banner of Black Consciousness by means of conscientization. The Blacks had to be made to realise the extent/.....

extent of their misery, that their present condition was a far cry from that which was theirs by right, that the source of their misery was the Whites; it was the Whites who took away their land by force, who oppressed them in every possible way, who had a master-plan to keep them in perpetual misery - even to exterminate them; it was futile to expect any good from the Whites - the Whites are incorrigible and intransigent, anything offered to the Blacks in the line of, for instance, political institutions, was in fact an effort to divide and rule, so as to keep the Blacks in perpetual servitude. There had to be a vision of the Utopia that would result from total change, without which it would be hard to convince the Blacks that they had to make sacrifices in the struggle. The Utopia envisages an open egalitarian society, organized on a basis of Black communalism.

In order to develop Black Consciousness, it was necessary to persuade the Blacks that their misery was due to the oppression and exploitation by the Whites, and was only possible because the Black masses were not politically aware of themselves and the power they could wield, if only they would unite in a struggle for liberation on the basis of their common oppression; that once the White man's yoke had been thrown off there would be no more oppression and no more exploitation, because society would be organized according to communalistic principles. Black Consciousness is by definition an attitude of mind, a way of life, the basic tenet of which is that the Blacks must reject all value systems that seek to make them foreigners of their birth and reduce their basic human dignity. Blacks must build up their own value systems, see themselves as self-defined and not defined by others.

The/.....

The concept of Black Consciousness implies the aware/ness by the Blacks of the power they wield as a group, both economically and politically; hence, group cohesion and solidarity are important facets of Black Consciousness. The practical effect of this was that appropriate language was used by the conspirators to condemn Whites as the oppressors of the Blacks, and everything associated with Whites, especially its institutions and the police. In the process language was used which caused and encouraged feelings of hostility where they did not exist, or furthered feelings of hostility where they did exist between the Blacks and the Whites as inhabitants of the Republic, as will be indicated presently. In this way, any tendency towards co-operation with or sympathy towards the Whites and the system in the sense of the institutions of government, was designed to be eliminated, and Blacks were persuaded that violence against the Whites and their system was morally justified because the Whites were inherently violent and unjust, had robbed the Blacks of their heritage by force of arms; all reasonable requests by the Blacks were cruelly suppressed by armed force - the whole system of government of Whites was based on violence; violent action by Blacks against the regime was justified, God was on the side of the oppressed, Christ himself joined an Israeli revolutionary movement and worked in close collaboration with an Israeli guerilla warfare unit against the Romans. Any person who lost his freedom or his life in the struggle of the Blacks would go down in the annals of history as a hero and a martyr.

Although it was the avowed policy to have no confrontation with the Whites, the evidence suggests that that was to be the position for the first three years while BPC

was/,,,,,

was building up its membership and worked on the conscientization of the Black people. This was the effect of the evidence of Singh and confirmed by the letter written by Mayatula. When BPC and SASO decided to continue with the holding of the rallies, despite the banning order, and a confrontation was inevitable, and indeed desired, by the organizers of the rally, Mayatula was indignant about it because he thought not that it was not the policy of BPC, but that BPC was not ready as yet for a violent confrontation. A violent confrontation was welcomed at Turfloop and in Durban, the organizers continued to hold the rally despite the fact that they knew that the police were on the scene to prevent the holding of the rally, they expected and desired a violent confrontation. The conspirators decided upon and organized the holding of the rallies to embarrass the Government and to exploit the emotions which the success of the Frelimo roused in the breasts of the Blacks.

The conspirators clearly felt hostility towards the Whites and referred to them in the documents and declarations as murderers, oppressors, exploiters, fascists, robbers, rapists and enemies in an emotional sense to communicate that hostility to the Black people. In the context of the documents the word 'massacre' is also used in that sense.

Considered in its totality, the common method or means employed to accomplish total liberation of the Black people and to bring about a total change of the political, social and economic system of the Republic is also designed to cause, encourage or further feelings of hostility between the Whites and the Blacks as inhabitants of the Republic, and thus to create amongst the Blacks a hostile power block orientated for action, more particularly political violence.

The/.....

The defence contends that the accused were merely busy with normal political activity and wanted to build a power base for effective bargaining with the Government; they envisaged change in the normal constitutional way. There is nothing in the evidence to suggest that there was any genuine desire to bargain. The Whites were represented as the persons who held all the land and who would not change. The total change contemplated by the conspirators involved a re-distribution of the wealth and land in the country, and the accused adopted the attitude that that entailed an expropriation of the wealth and land of the Whites. Moreover, BPC was formed because it was considered that "the problems and afflictions of our community needed a quick remedy."

The Court is satisfied on all the evidence that SASO and BPC were protest-groups, politically, and that the common method or means employed by them was in the prevailing circumstances capable of endangering the maintenance of law and order, and constituted participation in terroristic activities. It is further implicit in the common method and means employed that the conspirators entered into the conspiracy with the intention of endangering the maintenance of law and order. On this reasoning, accused Nos. 1, 2, 3, 4, 5, 6, 8 and 9 are guilty on Count 1.

Turning now to the remaining Counts, it is necessary to observe that although the acts alleged therein are of the kind on which the prosecution relies to establish the conspiracy and the adherence of the accused thereto in Count 1, the prosecution does not rely on the existence of the conspiracy to establish the guilt of the respective accused in the remaining Counts.

The/...

The prosecution does, however, allege that the respective accused are office-bearers, officers, members or active supporters of either SASO or BPC, as the case may be, and that is an indication to the defence that that fact is relevant to the case for the prosecution as far as the commission of the alleged acts is concerned.

The evidence of the commission of the acts and the acts themselves, must therefore be seen and construed in the light of the evidence relating to the nature and objects of these two organizations, while not forgetting that the acts in the different Counts are being charged as separate and specific acts and not as acts forming part of the conspiracy alleged in Count 1.

The remaining Counts may for the sake of brevity and clarity be formulated and reproduced as follows :

The accused concerned are guilty of the offences of participation in terroristic activities in that, whereas the accused mentioned in the first paragraph below, on or about the date or during the period mentioned in the 2nd paragraph below and at or near the place or places mentioned in the 3rd paragraph below, acting at all relevant times as mentioned in the 4th paragraph below, did wrongfully and with intent to endanger the maintenance of law and order in the Republic or any portion thereof, commit the act or acts mentioned in the 5th paragraph below, and whereas the commission of the acts in the 5th paragraph below was likely to have had, in the Republic or any portion thereof, any of the results referred to in the paragraphs of section 2(2) of the act and mentioned in the 6th paragraph below, now therefore the respective accused are guilty of the offence of participation in terroristic activities.

COUNT/.....

COUNT TWOFIRST PARAGRAPH

Accused 1, 2, 3, 4, 5, 6 and 7 acting in concert in furtherance of a common purpose with one another and with one or more of the persons listed in schedule 'B' attached to the indictment.

SECOND PARAGRAPH

Date 15th to 25th September 1974

THIRD PARAGRAPH

Place Durban and Turfloop and/or some other place to the Prosecutor unknown

FOURTH PARAGRAPH

Capacity Office-bearers, officers, members and/or active supporters of the BPC and/or SASO and/or the Students Representative Council of the University of the North, Turfloop

FIFTH PARAGRAPH

Act Organized and/or arranged for the holding of so-called "Pro-Frelimo Rallies" at the following places in the Republic, to wit, at Durban and/or Turfloop and/or Johannesburg and/or Cape Town and/or Port Elizabeth. Accused Nos. 1, 2, 3, 4 and 5 and named persons, all acting in concert in furtherance of the common purpose, held or attempted to hold a rally on the 25th September 1974 at Curries Fountain, Durban and Accused Nos. 6 and 7 and named persons, all acting in concert in furtherance of the common purpose, held a rally on the campus of the University of the North, Turfloop.

SIXTH PARAGRAPH

Result Paragraphs (a), (e), (f), (g), (i) and (j)

COUNT FIVEFIRST PARAGRAPH

accused 1.

SECOND/.....

SECOND PARAGRAPHDate September 1972THIRD PARAGRAPHPlace DurbanFOURTH PARAGRAPHCapacity Office-bearer, officer, member and/or active supporter of BPCFIFTH PARAGRAPHact Write and/or compile and/or prepare, or assist in writing and/or compiling and/or preparing pamphlets entitled "Brothers and Sisters of Chatsworth" (copies of which are attached to the indictment as annexures 2(i), (ii) and (iii)), and issue and/or distribute the pamphlets or cause them to be issued and/or distributed to members of the public in Durban and residents of Chatsworth to the Prosecutor unknown in the name or on behalf of BPCSIXTH PARAGRAPHResult Paragraph (i)COUNT SIXFIRST PARAGRAPHAccused 1SECOND PARAGRAPHDate March 1973THIRD PARAGRAPHPlace DurbanFOURTH PARAGRAPHCapacity Office-bearer, officer, member and/or active supporter of BPCFIFTH PARAGRAPHact Write and/or compile and/or prepare, or assist in writing and/or compiling and/or preparing a document entitled "Information Brochure No. 1 1973" (copy of which is attached to the indictment as annexure "3"), and issue and/or distribute the document or
cause/.....

"cause it to be issued and/or distributed to persons to the Prosecutor unknown constituting the audience at a "Sharpeville Commemoration Meeting" in Durban on 21 March 1973.

SIXTH PARAGRAPH

Result Paragraph (i)

COUNT SEVEN

FIRST PARAGRAPH

Accused 1

SECOND PARAGRAPH

Date June to August 1974

THIRD PARAGRAPH

Place Durban or some other place to the Prosecutor unknown

FOURTH PARAGRAPH

Capacity Office-bearer, officer, member and/or active supporter of BPC

FIFTH PARAGRAPH

act Write and/or compile and/or prepare a collection of documents for publication as a BPC newsletter under the title of "Inkululeko Yesizwe" (a copy of which is attached to the indictment as Annexure "4") and deliver the documents to one H. Singh for printing.

SIXTH PARAGRAPH

Result Paragraphs (e), (f), (i) and (l)

COUNT EIGHT

FIRST PARAGRAPH

accused 1

SECOND PARAGRAPH

Date 1st to 21st March 1973

THIRD PARAGRAPH

Place Durban

FOURTH/....

FOURTH PARAGRAPHCapacity

Office-bearer, officer, member and/or active supporter of BPC

FIFTH PARAGRAPHAct

Organise a "Sharpeville Commemoration Meeting" to be held on the 21st March 1973 in Durban under the auspices of BPC, and incite, instigate, advise, ~~aid~~ and encourage one H. Singh to deliver a speech thereat in which hatred for, and enmity against the Whites is propagated. Such meeting was duly held on the 21st March 1973 and H. Singh delivered a speech as aforesaid.

SIXTH PARAGRAPHResult

paragraph (i)

As far as Count 2 is concerned, the Court has in Count 1 dealt fully with the circumstances in which the two rallies came to be held, and also with the events at the rallies.

From the facts found by the Court it is manifest that accused Nos. 1, 2, 3, 4 and 5 were in general control of the routine organization and the arrangements for the holding of the rally in Durban. On the evidence they were assisted by V. Cooper, N. Dubasane, L. Mabandla, M. Mbewu, A. Bawa, R. Naidoo, Y. Naidoo, H. Singh and H. Haziz. They all performed a variety of tasks in connection with the organization and arrangements for the holding of the rally, and various combinations of them came together from time to time at the SASO offices, BAWU offices, the flat of accused No. 1, the room of accused No. 4 at the Hospital and the flat of Singh, to discuss, organize and make arrangements. Accused Nos. 1, 2, 3, 4 and 5 participated in the decision to send H. Haziz and accused No. 5 to Lourenco Marques for the purpose of obtaining members of the Frelimo organization to attend and speak at the rallies.

Accused/....

accused No. 1 was generally in control of the preparation and distribution of banners advertising the rally. He was assisted by the other accused and the persons mentioned.

accused No. 2 was generally in control of the preparation and distribution of pamphlets and made statements to the Press. He was assisted therein by the other accused. He was to be a speaker at the rally, and on the afternoon of 25th September 1974 he proceeded to Curries Fountain where he placed himself at the forefront of the crowd who had gathered there.

accused No. 3 was to hold himself available as a speaker, and accused No. 4 was the general adviser to the other accused. He assisted in advertising the rally in Durban by distributing pamphlets, erecting banners at various places and by means of announcements through a megaphone.

accused No. 5 proceeded from Johannesburg to Durban to assist in the organization of and arrangement for the rally. On 22nd September 1974, he, Singh and Haziz proceeded to Lourenco Marques to solicit members of the Frelimo organization to attend and speak at the rallies.

On 18th September accused No. 6, the national president of SASO informed the members of the SASO local committee at Turfloop, which included accused No. 7, the president of the SRC, and Ledwaba, the correspondence secretary of the SRC, that SASO had on 15th September in Durban decided to hold the rallies throughout the country. On the evidence, accused Nos. 6 and 7, through the medium of the SRC at Turfloop, were in general control of the organization and arrangements for the holding of the rally at Turfloop. Accused No. 6 performed liaison duties between the persons concerned in

Durban/.....

Durban and those at Turfloop.

Members of the SRC performed all the necessary routine functions for the holding of the rally and purchased sheets of stiff paper for banners and placards and also painted banners and placards and caused placards to be painted. Both accused Nos. 6 and 7 addressed the rally at Turfloop on 25th September 1974.

Accused Nos. 1, 4, 5 and 6 were members of BPC and accused Nos. 2, 3, 6 and 7 were members of SASO. All the accused were active supporters of SASO and all the accused, barring accused No. 7 were active supporters of BPC. The stated purpose for holding the rallies was to celebrate the accession to power of Frelimo in Mocambique after a successful revolutionary struggle, and to show solidarity with the Frelimo.

When the news came through that the SASO/BPC rallies were banned, it was thought that the Turfloop rally also fell under the ban, and steps were taken to seek legal advice. If it was an out and out SRC rally, there would have been no need for this. Indeed, BASA had no doubt that the SRC rally was also affected by the ban. It is clear from the evidence that SASO feared bannings and it was suggested at the Durban meeting on 15th September that the different regions should have exigency plans that would enable them to continue with the rallies in the event of any ban being placed on a rally organized by SASO. In Durban, no chance was taken and Curries Fountain was booked by SASO and BPC in the name of BAWU. This was in accordance with what was mentioned as a possibility at the meeting.

At Turfloop, SASO was involved in student unrest after the Tiro incident in 1972, and was consequently not

allowed/.....

allowed on the campus from the beginning of 1973. SASO had just been reinstated on the campus in September 1974 after a newly-formed off-campus branch had interested itself in the deposition of the old SRC and the election of a new SRC. The new SRC was under its influence and when SASO decided to hold rallies throughout the country, it was no doubt decided to keep a low profile at Turfloop and not again risk prohibition, and to have the rally under the guise of the SRC. Ledwaba, who found his way onto the SRC through SASO, would of course not be candid about this role of SASO and risk another prohibition of SASO on the campus.

It is quite obvious from the part played by accused No. 6, the national president of SASO in arranging with the secretary-general of SASO for speakers and press-coverage, and also in making the necessary enquiries from the general secretary about the legal position when the rallies were banned, that SASO had a real interest in the holding of the rally at Turfloop. Even after the rally, accused No. 6 reported back to the general secretary about the success of the rally, and the statement he was about to make on the rally.

The new SRC which was voted into office by SASO, was for obvious reasons a willing instrument in the hands of the local branch of SASO.

The Court is consequently satisfied that the accused acted in concert in furtherance of a common purpose with one another when they organized and arranged for the holding of the 'Viva-Frelimo' rallies at Turfloop and Durban.

The next question to be considered is whether their acts in organizing and arranging for the holding of the rallies were in the prevailing circumstances capable of endangering

the/.....

the maintenance of law and order. It is quite clear from the Press-statement issued by SASO on the 9th September 1974, that SASO considered that the Whites in South Africa were embarrassed by the success of Frelimo in Mocambique, and it was clearly the intention of SASO to embarrass the Whites and exploit the success to the advantage of SASO and BPC by organizing and arranging for the holding of the rallies. There was reaction in the Press against the holding of the rallies and threats were uttered. Because the Minister feared violence, he warned in the Press that he was going to ban the rallies. The response of accused No. 2, who was then the spokesman of both SASO and BPC, was that the rallies were going on at all costs, despite a banning - BPC and SASO couldn't care less. A press-statement to this effect appeared in several newspapers. A serious attempt was made to import members of Frelimo from Lourenco Marques to be speakers at the rallies and this was widely publicized. SASO and BPC encouraged the spreading of rumours that these speakers were smuggled into the country, and were actually in the country. When the rallies were officially banned, they realized that at Durban the authorities would either use the army or the police to prevent the rallies being held, and despite this fact, SASO and BPC decided to continue with the rallies. Both accused Nos. 1 and 2, on behalf of SASO and BPC communicated with regional secretaries to ensure that they continued with their rallies.

When accused No. 4 telephoned the SASO office and spoke to accused No. 3 at about 5 p.m., half an hour before the rally was due to start, accused No. 4 wanted to know whether they had both the police and the army at Curries Fountain. In the notes that were prepared in the room of accused No. 4 at the Hospital and found in the possession of accused No. 2 just before/....

just before he was due to have a Press-conference, reference is made to the type of violence that had been mentioned and that could have been expected from people who were opposed to the holding of the rally. The police also expected trouble and had many men on standby. Notwithstanding this real danger of violence, they were still prepared to go on with the rally. Because it was realised that S.A.S.O and B.P.C members who actively took part in the rally would be arrested, it was decided that accused No. 2, who had made the Press-statement on behalf of B.P.C and S.A.S.O, should proceed to the rally and address it and save the image of S.A.S.O and B.P.C, and risk being arrested. He in fact went to the rally and tried to take the crowd into Curries Fountain despite the fact that police were on the scene and had ordered the crowd to disperse. He changed his mind only after he had noticed dogs in the main-gate of Curries Fountain. He then took to flight. The crowd was dispersed and persons were bitten by the dogs in the process.

There were many members of the police and police-dogs at Curries Fountain and there were more than 200 regular members of the police at standby at the Samtsau Road Police Station and some more at the Berca Police Station. They were all drawn from police-stations in the Port Natal area and it was necessary to use reservists to man the police-stations from where they were taken. The reservists are not trained to do ordinary police work and merely assist in the offices at the different police-stations.

The rally was widely and effectively publicized in the Press and with pamphlets and banners, and megaphones were used at places where there were large crowds of Blacks, such as places of recreation and at bus-stops.

A crowd/....

A crowd of between 1,000 and 1,500 people collected at Curries Fountain and a nucleus of about 200 people danced, shouted and sang on the road and 'apron' in front of the gates of Curries Fountain. They shouted slogans and gave the 'Power' salute. The wife of accused No. 1 and another woman and a fat man led the singing. The video-tape shows the crowd to be emotionally charged, judging from the way they were singing and dancing. The crowd taunted the police and shouted the Colonel and the Black sergeant down when they ordered the crowd to disperse. When accused No. 2 came on to the scene he was welcomed with shouts from the crowd, he shouted back and they exchanged 'Power' salutes. They were prepared to follow him into Curries Fountain notwithstanding the order to disperse. The defiance of the authorities projected by SASO and BPC in the Press-statements was reflected in the attitude of the crowd.

The evidence satisfies the Court that the accused concerned organized and arranged for the holding of a rally in Durban, and in fact attempted to hold the rally in such a manner, in such a way and in such circumstances, that their acts involved the bringing together in front of the gates of Curries Fountain a group of persons of sufficient size and cohesiveness, and sufficiently oriented towards action, that it was capable of endangering the maintenance of law and order.

At Turfloop a formation-school was held on the 21st and 22nd September, at which, inter alia, warfare and the attitude towards freedom fighters were discussed. The point was made that leaders must act and others, the people, will follow, as was demonstrated by Frelimo. At the conclusion of the formation-school, in the hall where a play was being staged, the SRC announced that a 'Viva-Frelimo' rally would be held on
the campus/...

the campus on the 25th September. Announcements were made in the dining-halls about the rally and the students were involved by being required to paint placards and banners. The banners and placards prepared by members of the SRC and the students were put up all over the campus early in the morning before the rally. Some of the placards reflected an insulting and offensive attitude towards the Whites and others were inciting and agitational, calling for action. It was suggested in evidence and in argument that a few irresponsible students were responsible for such placards and that they did not represent the general body of students. There is evidence, however, that the Blacks, because of their oppression and Black experience are prone to be antagonistic towards the Whites and have developed a form of rhetoric in which the type of language relied upon by the prosecution to establish its case, is used. In actual fact many of the sentiments expressed in the placards appear in SASO and BPC literature. Accused Nos. 6 and 7 saw and read the placards on the campus and it is difficult to accept that they now do not remember which placards they saw. The fact that they did nothing about the placards before Court does not imply that they did not see the placards. In fact, accused No. 7 showed complete and remarkable indifference when he saw the damaged walls on which slogans were painted and heard that students had attacked members of the White staff of the University.

Accused Nos. 6 and 7 knew about the banning order and the defiant attitude adopted by SASO and BPC through accused No. 2, and also that BASA considered the rally to be affected by the ban, but nevertheless continued with the rally. At the rally, banners and placards were displayed and one banner in particular/....

particular was carried above the heads of the students; it read "Frelimo killed and won. S.a. Blacks?" This involves a statement of what Frelimo did and a question why Blacks in South Africa had not done the same thing. Photographs before Court show the banner being carried aloft during the rally and it is difficult to accept that accused Nos. 6 and 7 never saw this banner. In the hall the students sang and shouted and gave 'Power' salutes, and when Maj. Erasmus gave them 15 minutes in which to disperse, they were hostile and shouted him down and gave 'Lower' salutes.. They eventually moved on to the sports-field and there, after moving up and down the sports-field, the female students separated from the male students and moved in the direction of their respective hostels. They were then in two groups. The male students stopped on the embankment and still defied the order to disperse. When the time given to the students within which to disperse had almost elapsed, the male students started throwing stones at the police. The Major then ordered the White members of the police and the handlers of the three ~~or four~~ dogs to disperse the students. Stones struck one member of the police in the face and on the arm, and one member of the police was struck by a student in the face with the fist, and about three students were struck down by the police with rubber batons. One student was bitten in the leg by a dog and was taken away for medical attention. Thereafter the students attacked innocent White staff members of the University who had come on to the campus after the rally, with stones, damaging their motorcars and causing particularly serious bodily injury to one of them.

At about 4 p.m. that day, accused No. 6 reported to accused No. 2 on the success of the rally and gave an

exaggerated/....

exaggerated account of the number of persons injured. A large number of students attended the rally and the Court is satisfied that the accused concerned organized and arranged for the holding of the rally at Turfloop, and in fact held the rally in such a manner, in such a way and in such circumstances that their acts involved the bringing together of a group of persons, in the hall at Turfloop and on the sports-field, of sufficient size and cohesiveness and sufficiently oriented towards action that it was capable of endangering the maintenance of law and order.

These acts of the accused had and were also likely to have had at Durban and at Turfloop the result of encouraging forcible resistance to the Government on the part of all the persons who attended the rallies at Curries Fountain and on the campus at Turfloop, of causing serious bodily injury and of endangering the safety of persons attending the rallies or coming near the scene of the rallies, or persons enforcing the law by preventing the holding of the rallies and causing the people in attendance to disperse, and finally of causing, encouraging and furthering feelings of hostility between the black and white inhabitants of the Republic. There is thus a presumption that the accused concerned had the intention to endanger the maintenance of law and order when they committed the aforementioned acts which the Court has found to be capable of endangering the maintenance of law and order, unless, of course, the accused show beyond a reasonable doubt that they did not intend any of the aforementioned results. No evidence was placed before the Court and no attempt was made by the accused to discharge this onus which rests upon them.

Accused/....

Accused Nos. 1, 2, 3, 4, 5, 6 and 7 are consequently guilty on Count 2.

The remaining counts now fall to be considered. It is common cause that accused No. 1 wrote and compiled the pamphlets and the document called an information brochure referred to in counts 5 and 6 respectively, and wrote some of the documents collected for publication in a BPC newsletter under the title "Inkululeko Yesizwe" and delivered them to Singh for printing as alleged in Count 7, and organized a Sharpeville commemoration meeting to be held on the 21st March 1973 in Durban, as alleged in Count 8.

As far as the pamphlets in Count 5 are concerned, they have bearing on the reaction of inhabitants of Chatsworth when their bus-service was withdrawn, a matter to which reference has already been made in this judgment. Annexure 2(i) was written by accused No. 1 in his capacity as public relations officer of BPC, and was addressed to the Black Brothers and Sisters of Chatsworth and is to the effect that BPC applauds the way in which they have stood by their demands for equal rights, and supports them whole-heartedly in their rejection of those who represent the Government. In the process it launches an attack on the Government and the Whites, and in effect calls upon the Black people to unite. This document was read out by an attorney, one Sewpersad, at an NIC meeting.

The other two pamphlets, Annexure 2(ii) and 2(iii) were distributed on the 23rd September 1972 at a protest meeting held on an open piece of ground in Chatsworth, and on the 24th September 1972 at a meeting convened by the Chatsworth Bus Action Committee on a sports-ground in Chatsworth respectively. The first-mentioned annexure is an inciting and agitational/....

agitatory attack on the Whites, and the last-mentioned document is a call upon Blacks to stand together.

The document in Count 6 is an information brochure, specially compiled after eight S.A.S.O and BPC people had been banned, for use at a Sharpeville commemoration meeting in Durban on the 21st March 1973, to bring into focus, according to accused No. 1, another example of the attack on Black people by the system. It is an inflammatory document and was distributed at the Sharpeville commemoration meeting referred to in Count 8.

The collection of documents referred to in Count 7 were handed to Singh after he was elected public relations officer of BPC, for printing on a machine that BPC had bought. The newsletter was never printed and was consequently never published. Some of the documents were of an inflammatory nature. Accused No. 1 disputes that he incited, instigated, advised, aided or encouraged Singh to deliver a speech at the Sharpeville commemoration meeting in which hatred for and enmity against the Whites was propagated, as alleged in Count 8. Singh, in his evidence stated that he did so, and in fact Singh did deliver such a speech.

On these Counts the State has to prove that the acts committed by accused No. 1 were acts which, in the prevailing circumstances, were capable of endangering or at least of directly assisting in endangering the maintenance of law and order, to bring them within the ambit of participation in terroristic activities. No evidence, or insufficient evidence was placed before the Court for the Court to come to a conclusion on this aspect of the case.

On/.....

On Count 5 the meetings at which the documents were
and
read/distributed were concerned with the withdrawal of a bus service.

There is no evidence of the size of the meeting, or the cohesiveness of the meeting or that the people present at the meeting were in the least oriented towards action. There is thus no way of knowing whether the documents could cause a reaction on the people who attended the meetings. The mere compilation of the information brochure and the writing and preparing of the EPC newsletter are in themselves not capable of endangering, or assisting in endangering, the maintenance of law and order.

The unpublished newsletter on Count 7 was not capable of endangering or assisting in endangering the maintenance of law and order. The organizing of a Sharpeville commemoration meeting and the incitement of Singh to deliver a speech thereat in which hatred for and enmity against the Whites is propagated, in itself is not capable of endangering the maintenance of law and order. The publication of the information brochure referred to in Count 6, and the delivery of the speech by Singh at the Sharpeville commemoration meeting are capable of endangering or assisting in endangering the maintenance of law and order again only if the group of people in attendance was of sufficient size and cohesiveness and sufficiently oriented towards action, that they could have reacted thereto. There is no evidence of this before the Court.

Having come to this conclusion, the Court must find that the case is not proved against accused No. 1 on Counts 5, 6, 7 and 8 and he is consequently found not guilty and is discharged on these Counts.

The/.....

The final result is that on Count 1 accused Nos. 1, 2, 3, 4, 5, 6, 8 and 9 are found guilty.

On Count 2, accused Nos. 1, 2, 3, 4, 5, 6 and 7 are found guilty.

On Counts 3 - 13 inclusively the accused concerned are found not guilty and are discharged.

The witnesses Agmed Bawa, Jonas Losibane Ledwaba and Harri Singh, who have given evidence for the prosecution have fully answered to the satisfaction of the Court all such lawful questions as were put to them while under cross-examination and are in terms of section 254 of the Criminal Procedure Act No. 56 of 1955, absolutely freed and discharged from all liability to prosecution for the offences of which the accused before Court were charged.

(Sgd.) W. G. Boshoff

ACTING JUDGE-PRESIDENT OF THE SUPREME COURT
(TRANSVAAL)

Collection Number: AD1719

State v S Cooper and 8 others.

PUBLISHER:

Publisher:- Historical Papers, University of the Witwatersrand

Location:- Johannesburg

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DOCUMENT DETAILS:

Document ID:- AD1719-B

Document Title:- Judgment