

c.c.

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

CASE NO: 18/75/254

DATE: 14th MAY 1976

THE STATE

VS

S. COOPER AND EIGHT OTHERS

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LUBBE RECORDINGS (PRETORIA)

COURT RESUMES ON 14th MAY 1976

MOSIOUA LEKOTA, STILL UNDER OATH:

EXAMINATION BY MR. SOGGOT CONTINUED: Mr. Lekota, we had got as far as your dealing with the rally, is that correct?

--- That is right.

And your return to Durban on I think you said Monday? --- Monday, yes.

Did you participate in the leaflet distribution?

--- No.

Did you participate in putting up the posters at all? --- No.

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From your knowledge of the leaflets and the posters was there anything to suggest to you that these might go awry at this meeting? --- Certainly not, M'lord, the pamphlets and the posters were just simply inviting people to a rally, and there was no suggestion whatsoever that there would be, say, a confrontation or violence or anything of that nature.

Yes, and I think yesterday we closed with your speculating I think or guessing as to what you might have thought the Frelimo speakers would say - let me put it to you more negatively, was there any discussion as to what the Frelimo speakers would say? --- Certainly not.

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Now would you tell us what further steps were taken thereafter? --- After Monday? Or on Monday?

On Monday and the following day, I just want you very briefly to outline to His Lordship your perception of the unfolding of events? --- Well generally I think on Monday there was nothing significant that I recollect in connectinn with the arrangements, the publicity had

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been made already by that time. Then on Tuesday there were Press reports which seemed at face value to suggest that the rally was banned, but a closer look revealed that in fact it had not been banned. Pressmen came around to the SASO office in and out to ask for comment from Accused No.2 and generally from the SASO leadership and BPC. There was nothing significant really in the course of that day also.

Now, when did you understand finally that the meeting or rally had in fact been properly banned by the Minister? --- I came to understand that the rally had been banned on Wednesday morning I think, if I remember well Wednesday morning, because although I heard later on that it had also come over the radio I never heard it over the radio, I actually saw it in the papers. That was Wednesday morning.

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That was Wednesday morning. Now you landed up in the doctors' quarters meeting, is that correct? --- That is correct.

Can you tell us how you came to be there, what the discussions were which led to your going there, and the reasons why you people chose that venue? --- The position as I understood it on Wednesday when I got to the office was that the rally having been banned there would be need for the organisations to decide on the next step to be taken. I think that the earliest suggestion that I came across was that there was some suggestion, I don't know exactly where it emanated from, I heard it from Accused No. 1 and 2, because these are the guys I met at the office that morning, where they were suggesting that the best thing would be

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to take Kajee Hall as an alternative rather than go to the Curries Fountain. I think at this stage the terms of the banning were not yet clear as to exactly what the banning order contained. And then there were also..

(Court intervenes)

COURT: But how were you to get the people to Kajee Hall if the advertisements invited them to Curries Fountain?

--- Well this is the point, M'lord, I mean the whole suggestion actually fell off, I think if this would have been the position we would probably have - I am just trying to think really, we never discussed this - but I think we would probably have put a poster next to Curries Fountain to say: this meeting has since been moved to ..(Court intervenes)

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But then you would destroy the whole purpose of the Kajee Hall, because somebody must put the notices up, if SASO puts the notices up it only means that SASO is not having it at Curries Fountain but at Kajee Hall?

--- Certainly, this is the point I am making, M'lord, that the terms of the banning at that stage when this loose idea was mooted, were not clear it seems to me. It was at a later stage, I think ..(Court intervenes)

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Well isn't No.1 more correct when he says that you people were afraid that the municipality will not allow you to use Curries Fountain? -- Well, yes, certainly that was another reason, but the point is when this suggestion was made, I am trying to portray the thinking that would have been behind the suggestion that we go to the Kajee Hall, I did not discuss this ..(Court intervenes)

Well anyway that is what you think? --- That is

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what I think, M'lord.

You were considering Kajee Hall? --- Yes, I mean this is what I really think myself, because we did not sit down and say: well now, this is going to happen there and so on.

MR. SOGGOT: When was the Kajee Hall further contingency plan mooted or discussed? --- I came across it at about 11 - half past eleven when I got to the BAWU office.

On Wednesday morning? --- Yes.

And at that stage you say the terms of the banning were not clear? --- They were not clear, no, they were not clear. 10

Just to get clarity on your thinking, what sort of terms did you people contemplated could be avoided if you went to the Kajee Hall? --- Well I thought - the guys did not communicate to me what they thought of Kajee Hall - but I understood it to mean that maybe the meeting that had been specifically banned is the meeting at the Curries Fountain, that one could therefore hold the same meeting at a different place, I mean, that would just be a question of technicalities 20 I think.

Geographical evasion? --- Sort of.

Very well, and what you are saying to His Lordship is that that idea was raised and subsequently abandoned? --- That is right, it was jettisoned.

Anything else, bearing in mind my question was what discussion led to your going to the doctors' quarters? --- Yes. I think round about the same time, there arrived the people who had gone to Mozambique, and we were to get the report from these fellows as to how did they fare and so on. 30

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So we felt now, the Press people were all over, at the SASO office, they just swarmed to the office there, and even at BAWU they were now moving there all over, and we just did not have some peaceful situation. So we decided to leave and go to a different point where we could sit and discuss, and it so happened that we then decided to go down to the D.Q. My understanding of it was that we are definitely avoiding the Press so that we could get ourselves sorted out, and then when we take the next step it would have been a considered step. 10

From your understanding, did the following play any element in your deciding to go to D.Q. and that is to pick Dr. Mokoape's brains? --- Certainly not, M'lord, I did not expect to see Dr. Mokoape there.

All right, so you people went off to Dr. Mokoape's room? --- That is right.

Now, would you in brief terms please tell us your version as to what happened at the doctors' quarters? --- Now we got to the doctors' quarters, and the first thing - I am trying to think in order - was that these fellows had to tell 20 us what happened in Mozambique.

Was Dr. Mokoape there at that stage? --- No, no, he was not there. So we settled down and they told us they had failed to get the speakers..(Mr. Soggot intervenes)

Well they gave you a report, my learned friend can ask you about that. After getting a report about Lourenco Marques, what then happened? --- We then had to discuss the question of what to do next now, so then we agreed that we couldn't go on with the rally because it had been banned. I remember specifically for instance there was a specific 30

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attitude of Accused No.5 who felt that because of the reception they had got from Frelimo in L.M. he felt completely disinterested, because of the reception they had got there primarily, and anyway we were all - at least the majority of us did feel that now the point was to try and stop this rally, but in the process of pulling out of this situation we felt it was also important that we should protect the image of the organisations involved. Now, I cannot remember the specifics now of the discussions, there were quite a number of points thrown to and fro and so on, I listened to most of the discussion. I think my personal contribution that I can remember was that given the circumstances at the time probably the best thing would be that we do not even go to Curries Fountain, we do not show up at all at Curries Fountain. Now there was a very strong rejection of this idea, mainly by Accused No.4, supported by Accused No.1 - I can remember this point specifically because Accused No.4 talked about us leaving the people there and having a disorderly and uncontrolled mob that may begin to run amok so to say. So he suggested that the best thing would be to have somebody there, he specifically actually, the specific sentence he made was that we do not, we cannot afford to leave the people there not unless we want to have another Sharpeville. I think he has got some - he seems to be generally afraid of Sharpeville, I do not know what effect it had on him, but this is the point he made. Then Accused No.1 suggested that he was supporting Accused No.4, and his view also was that if the BPC or SASO for that matter did not show up at all there, did not take up some responsibility, it would paint itself in

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a very bad light in the eyes of the people. Now there is a significant feature that I remember about this meeting and this is the fact that Harry Singh was quite - if I may use this word, M'lord, militant, I mean to convey he seemed to have a very radical approach, and his attitude was that now we could not call the people there and then just leave the situation as it is, he felt that it was important for us to go on. But of course he was clouded by the arguments generally by the other people in our midst ..(Mr. Soggot intervenes)

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I did not get that word, he was what? --- He was - what I mean clouded, he was, he had the odds against him.

The odds were against him? --- That is right. So I mean when we made the general agreement, the general decision, he also fell in with us. I mean this kind of thing struck me because I had been with Harry Singh on our journey from Hammanskraal, the one I referred to in my evidence-in-chief, and my impression of him was that he was a quiet kind of fellow, certainly I cannot remember him, for instance in the discussions down to Durban I cannot remember Harry Singh making any remarks or saying anything, I remember him on another occasion also in Durban where he addressed a public meeting, and he was a very quiet sort of - I thought he was a very balanced man really, and it struck me, the fact that he seemed to be so militant. So much so that when we left the D.Q. and we were coming back, I remember asking Accused No.2 as to what kind of guy is Harry Singh now, I thought last time I saw him, I mean all the time I have known him I have always thought he is a very quiet cool guy, but this seems to strike me and so on. Accused No.1 of course

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suggested that he may well be drunk or something like that.

COURT: Well then why didn't you send Singh to Curries Fountain? --- To Curries Fountain?

Yes, seeing that he is so militant? --- No, no, our idea was not to go on with the rally, M'lord, I mean he also agreed with us, I mean when we were discussing this issue he raised his opinion, and he would obviously motivate for his opinion, but there is no question of, I mean he did not dissociate himself for instance by saying now: because you are not going on with the rally, I am going on 10 with the rally. I mean I am not trying to suggest that Singh was saying now we must take stones and grenades and go there, he was not suggesting that kind of thing, but he was suggesting that the rally should go on, and this is a view he had.

MR. SOGGOT: We have heard evidence of a suggestion that in telling the crowds to disperse there should be a political jab, can you remember who made that suggestion? --- If I remember very well, M'lord, but I cannot be accurate on this, but if I remember very well that suggestion would either 20 have been made by Accused No.4 or Harran Aziz, I am not very sure which of the two would have made the suggestion, it was just made generally, that in the process of delivering - I mean dispersing or talking to the people to disperse, Accused No.1 could easily throw a political jab and so on, our understanding being that the police would probably give the crowd a given time, say about five minutes or fifteen minutes to disperse, in which time our man on the spot would then talk to the people to leave, but I mean he could - I thought he would probably stand up and say to 30

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the people now we called you here for this kind of thing, as you are well aware, from press reports you will realise that this meeting has been banned by the government, and it is one of those things which always happens to us when we intend to do this, the government do this to us, and anyway our organisations do not intend anything perhaps untoward, and therefore we appeal to you that you just walk out peacefully and leave. Because I thought personally that the people would be allowed to go to the stadium in the first place.

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COURT: Now you said No.1 should go there and do that, you mean No.2? --- I mean Accused No.2, sorry.

MR. SOGGOT: Mr. Lekota, you people at D.Q. did you think that sending a representative like Accused No.2 to tell the people to disperse would involve any illegality? --- I certainly did not think so, M'lord, one can reflect, we have been in some public meetings and the kind of thing that happens, one may organise a meeting and later on the government may say no, it cannot stand, but the normal thing is the government doesn't just bulldoze when it says no meeting, you will find police officials come around and it is either if one was not aware of the banning then the police would say: look, we are now informing you that this meeting has been banned and you have got to disperse, and the man who is probably leading the meeting would then be given five or fifteen minutes - normally fifteen minutes I think - to say to the people: well, you have got to disperse. I personally remember in 1972 we had a meeting here, a students/parents meeting in Pretoria at Atteridgeville I think, and we could not get the venue for the meeting so we decided

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to organise it in the open air, but then we held it there, and at a later stage the police came there, and they told us that under some Act or something we were not allowed to hold a meeting of that nature without the permission of the superintendent and so on, unless we hold that meeting within given premises, so they give us 15 minutes either to finish our business and leave, or to get a different venue and go there but we could not continue. Well we managed to get accommodation somewhere else and we held the meeting. I thought this was the kind of situation that would prevail there, this is the kind of thing I anticipated, because I could only draw from experience.

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Thank you. Mr. Lekota, so that was the decision taken at doctors' quarters and you then dispersed, is that right? --- That is right.

Now what I want to ask you is this..(Court intervenes)

COURT: Now he was actually telling us what he thought, did you actually then decide that that would happen? --- Well, we decided that now Accused No.2 should go there and disperse the people.

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Yes? --- Now there is this situation about it, M'lord, because we didn't exactly know what would happen, whether the police would be there at the gate blocking the people or whether the people would be inside or outside of the stadium, I mean we said to Accused No.2 - I mean the kind of thing that would have come through to Accused No.2 as I understood it, would have been: look, you go to the stadium with the purpose of dispersing the people, it may well be

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that / ...

that when you get there there are no police for instance, the idea is you have got to tell the people when you reach there and you find the people in the stadium, you have got to tell the people to disperse. Now this is quite, I mean it is a definite thing, I mean that is a very definite thing that we decided upon. Now the next thing is whether you would come to Curries Fountain and then wait for the police to come and say: now I want to disperse this meeting, give me permission to disperse them. Or whether he would come there, maybe the police say: we are just giving you 15 minutes to disperse, and then he talks to the people to leave. I think he would either have talked to the police if they were there to allow ..(Court intervenes)

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Was it left to him to decide what to do? --- I think so, yes.

MR. SOGGOT: Mr. Lekota, now I want you to deal with it in two stages, up to the stage that you knew the meeting was banned you people were preparing for this Viva Frelimo rally, is that right? --- Yes.

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At that stage did you think that the meeting itself or the way you had prepared it could in any way lead to trouble or violence or an undermining of authority? --- Well certainly not, M'lord, we did not anticipate for instance that there would be a running amok there or a fighting or anything, we certainly did not expect anything of that nature. We only expected to see one of the normal meetings that we have had, because really I wouldn't have seen that rally as being anything significantly different from an occasion such as heroes day where we just have

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people / ...

people there publicly, we have just got speakers to address them and the next thing we disperse.

Well let me just go through some of the possibilities foreshadowed in the State Indictment so that you can deal with them formally. Did you expect that you would cause or encourage the insurrection or forcible resistance to the government? --- I think that is a very impossible suggestion, M'lord, I mean any balanced thinking human being would never really expect a rally however big it would be in Durban to really result in the possible insurrection against the government. I certainly did not see it in that light, I mean the proportions are too large that are being suggested in those sentiments. 10

Well this question might perhaps be unnecessary in the light of your reply but I put it to you, and that is did you intend to encourage an insurrection or forcible resistance? --- Certainly not, M'lord.

Then another aspect, did you expect or did you intend to encourage the achievement of any political aims including the bringing about of any social or economic change by violence or forcible means? --- Certainly not, M'lord. 20

Did you expect or intend to hamper or deter any person from assisting in the maintenance of law and order? --- Certainly not, M'lord.

And did you people intend to cause serious bodily injury or expect bodily injury to be caused? --- Certainly not, M'lord, actually we were concerned in the final analysis against such a thing taking place.

And then the question of racial hostility, did you expect / ... 30

expect that this would be furthered, or did you people intend it to be furthered? --- We did not at all have any of those intentions, M'lord, in the first place I cannot see how that kind of rally which was really just a celebration of what had happened in Mozambique could be contributing to racial hostility, we certainly did not see it in that light.

And did you expect that it would have the result or did you intend the result of embarrassing the administration of the affairs of State? --- Oh no, M'lord. 10

On that point, there is a suggestion in the tapes of Muntu Nyeza saying: we will call their bluff. I do not know whether you remember that, can you give us any evidence from your side as to their being any element of calling their bluff? --- I don't know whether I couldn't have a look at the context, I mean I just want to see it in its perspective.

I am not sure if I have the reference offhand - PAUSE

COURT: It is SASO B.1.

MR. SOGGOT: No, M'lord, it is in the telephone conversation 20  
- PAUSE - RALLY C.

COURT: Oh that is RALLY C, yes.

MR. SOGGOT: Oh, here it is, it is page 51, M'lord? --- Well, may I say this, M'lord, it is not very clear to me looking at this call as to what Accused No.2 did refer to when he said "their", I don't know exactly who he refers to. But from my understanding ..(Court intervenes)

COURT: Anyway you would not know what he meant by it? --- I mean if Counsel is asking me for my personal opinion, I think ..(Mr. Rees intervenes) 30

Mr. / ...

MR. REES: M'lord, then I object to him giving his opinion.

MR. SOGGOT: M'lord, I did not want him really to - I only referred to the phrase "calling the bluff" in order to introduce the topic, what I want to know from you is not really your interpretation of that at all, and that is whether there was an element of calling anybody's bluff in your preparation for this ..(Court intervenes)

COURT: This is surely for argument, Mr. Soggot, I mean prima facie if you read the whole thing there had not yet been an official banning, and there was some indication in the newspapers, it could be that he intended: well, they might want to put us off with all this information in the newspapers, but it is invalid until there is an official government notice, and we will call their bluff and see whether they have this official notice. So I mean there are many ways in which you can interpret that.

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MR. SOGGOT: Well I think the man who spoke those words would know, M'lord. Mr. Lekota, from another angle, we know, I think this is common cause, that Frelimo had become in effect the government of Mozambique? --- That is so.

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And I think it is common cause, I can put it directly to you, that the South African official attitude was one of cordiality towards it, is that correct?

--- Certainly, yes, M'lord.

In the light of those facts, what did you think was the likelihood or otherwise of the government banning your meeting? --- I think one of the aspects of the mood at the time was the fact that Frelimo had taken over in Mozambique had been reflecting on the Press reports of the day, had been taken in good spirit by the local government,

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and / ...



and there were certainly some reports, perhaps some statements by some members of Parliament and authorities in government who pronounced and said things like for instance: we hope we will maintain good relations with Mozambique and so on, so that in organising this rally really, personally when I reflect now, I did not really think that it would be possible for the government or that the government would decide to ban this rally, because their stated attitude in the Press was one of cordial coexistence with Mozambique. One of the views at the time when there were all kinds of objections especially by Mr. Koekemoer, was that it seemed as though individual members of the White community, especially Mr. Koekemoer was just against this, and there did not seem to be any well motivated reason why he should be against this rally. So in organising this rally, M'lord, I think one can safely say that we were almost convinced in our minds that we would go on successfully, that it would not even be banned, let me put it in those terms.

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Mr. Lekota, then you people dispersed from D.D. then I think can you tell us what happened thereafter? --- Well, M'lord, I travelled along with Harran Aziz and Accused No.1, and we went via Curries Fountain. We went over there because Accused No.1 was to see Sergeant Bijou there, I think he is the man who is responsible for Curries Fountain, who is looking after it, and I think to communicate to him also that we had decided now not to go on with the rally and so on.

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Well don't worry about the details there, you then thereafter went there? --- We then went to the SASO head / ...

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head office, M'lord.

And who did you meet there? --- Well there was Accused No.2.

When did you meet the Reverend Mayathula?

--- Well that would have been at the latest round about 5 I think, the Reverend Mayathula arrived there, and he - yes, he arrived I think with Accused No.5 and Harry Singh, I am not so sure about this, M'lord, but he arrived - when he arrived there he arrived around about the same time as these people, and well, he went in a tirade, he was quite angry about the fact that Accused No.2 who was SASO secretary general had been responsible for publicity and so on, to an issue which he felt deserved the attention of the Black People's Convention, and he actually said: why is it that Muntu is responsible for publicity and why is it not Accused No.5, the national organiser, who is doing this, because he felt that this was such an important occasion that it deserved the attention of the people's movement, of the BPC, which is a political movement.

COURT: When was that? --- This would have been on Wednesday at about 5.

But why should he be worried about a thing like that if the immediate worry was how to end the rally? --- No, I think - the Reverend Mayathula was just arriving in the Durban situation, M'lord, and I mean he was not with us at the D.Q. he just arrived at that time, now I mean the only thing I think that he had been exposed to about this rally had probably been the papers, and he had seen in the papers that Accused No.2 had been making Press statements, and this

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is the first issue he took up.

Well anyway, he took up that issue? --- Yes, because of what he had been through.

MR. SOGGOT: He took up that issue and then presumably you people replied to that? --- We informed him that this was precisely because Accused No.5 and Harry Singh who had been the P.R.O. at the time, had been up to Mozambique, but anyway the fact that Accused No.2 had been responsible for Press statements and things like that was precisely because of the arrangement that had been agreed upon. It was not as though Accused No.2 was taking things into his own control and so on.

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What was his response to this explanation? --- Well I think he took it.

Who was present at that stage? --- I would have been present, Accused No.2 would have been present, the Reverend Mayathula would have been present, Accused No.5 would have been there, Harry Singh would have been there, and Accused No.1 would have been there.

You say would have been you mean were there? --- Were there.

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Now just tell us briefly what was the rest of the discussion with Mayathula? --- There was nothing really significant that I can talk about that we discussed with the Reverend Mayathula at that time, except for the fact of informing him of the latest move to disperse the people at the rally.

And what did he think of that? --- Well certainly he was with us, he was with us.

Harry Singh suggests that Mayathula was angry

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because / ...

because you people were going on with the rally? What do you say about that? --- This is not true, the position is as I say, what the Reverend Mayathula complained about was the fact that Accused No.2 rather than an official of the Black People's Convention..PAUSE -

COURT: Organised it? --- Not organised it, was making Press statements.

MR. SOGGOT: Was in fact stealing the limelight. Well, we have got that, then another suggestion of Harry Singh's is that the Reverend Mayathula was bluffed, it was agreed to tell him that the rally would be called off? --- I remember Harry Singh talking about this, H'lord, there certainly was no situation where the Reverend Mayathula was bluffed on anything. He was there with us, we told him the truth, I don't think - we did not have any reason to hide the truth from the Reverend Mayathula, and anyway I don't think I would have accepted that kind of situation where a man who is interested in the truth, and a man I mean who is as old as the Reverend Mayathula would be bluffed by young people like that, because I would have understood that if there was anything serious happening there, then the Reverend Mayathula as a man who has got his family and things like that would be put in a very bad light. I definitely would not have aligned myself with a thing of that nature, if it would have happened. And the fact that Harry Singh suggests that I was there when this kind of thing happened, certainly there was nothing that really happened like that.

COURT: But surely something more was discussed with Mayathula, because No.1 was very keen that he should be present and he could not be there before 6 o'clock, and he was told to make

other / ...

other arrangements to see that he can be there much earlier. Now why did they want to see him so urgently, what appeared from this meeting? --- Well I haven't seen that, and may I say this to the Court, perhaps it may be surprising, but I certainly was not aware of the fact that for instance the Reverend Mayathula was coming to Durban. When I saw him there I thought he was just there really, I did not know that he had been called to come and address or to do anything at the rally there. I just saw - I mean I was not aware of anything relating to the Reverend Mayathula that was very significant. Maybe I would have been aware for instance that he was going to be there and perhaps that he was going to address the rally, if at the D.Q., the doctors' quarters, we would have sat down to say: who is going to address the rally, who is going to be doing this and so on, I would probably have been aware, but I did not know who Accused No.2 had organised to be speakers there - I certainly did not know any single man who was going to be a speaker there at the rally, but that was his job, he was mandated by SASO to handle the arrangements for the rally.

Well I follow that, but I am only interested to know what did Mayathula say when he arrived, didn't he say: well why did you want me so urgently? --- He probably would not have asked me or ..(Court intervenes)

He would have asked you people there because you were all together there I assume? --- No, no, no, as I say I was not even aware that he was coming to Durban, he would probably have asked that from Accused No.1 or Accused No.2, because they phoned him, but I certainly am not aware

that / ...

that they phoned him or raised this kind of thing in my presence, I would have been aware if he could have said: now look, why did you guys want me to come down, I would have been aware of this. I don't know maybe whether he might have asked Accused No.1 or Accused No.2 somewhere else and so on, but certainly there was nothing in so far as I was concerned that was significant about his presence there.

As far as you were concerned he just turned up at the offices there and then he was annoyed about the fact that SASO was making these statements? --- Oh yes this is what I - before for instance I saw this exhibit, M'lord, I did not even know that he had been phoned to come down and so on. And when I saw him there I thought probably he saw Press reports that there was going to be a BPC and SASO rally and so on, and as a member of the organisation he would have come out of personal interest, this is what I thought. I mean there was nothing, if I may use the word, surreptitious about the Reverend Mayathula, he was just there like anybody else who could have turned up on that specific day.

MR. SOGGOT: We know as a matter of fact that that morning, the Wednesday morning, Saths Cooper had phoned him up and said "come, come, very urgent, movement make or break" or whatever. What was the atmosphere in the office at that stage, that Wednesday morning? --- You mean when the phone call you are referring to was made?

COURT: Well what could have given rise to such a phone call, I think that is what Mr. Soggot is trying to find out, what was happening in the office at 10 o'clock in the morning

which / ...

which could have given rise to that type of phone call calling upon Mayathula to come into town urgently?

--- N'lord, I am not sure whether I can give a reply to that, in the first place I think I arrived at the offices quite late that day, and secondly ..(Court intervenes)

Well you said 10 - 10.30? --- Well somewhere around there.

Well the phone call was at 10 o'clock? --- Well maybe I was not at the BAWU office when the phone call was made. Let me say this that I don't find any reason why ..(Court intervenes)

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The question is was there any indication at the SASO offices at 10 o'clock that morning when you arrived there which justified an urgent phone call to Mayathula calling upon him to come into town urgently? --- Nothing that I can put my finger on.

MR. SOGGOT: If I may put the question, with respect, in a slightly modified form, can you think of anything which would have justified Saths Cooper making that telephone call in the terms that he .. do you remember this call? --- Well I was not there when the call was made.

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No, no, I am talking now with hindsight, you have heard evidence of it? --- I see, well I have heard evidence about the phone call.

You know what it was about? --- Well, may I ..(Court intervenes)

COURT: Well if you don't know you don't know? --- Well I don't know, if I put myself in the boots of Saths Cooper, let me think I would have phoned Mayathula on that

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Wednesday / ...

Wednesday morning, I would probably have phoned him to come down maybe to be an M.C. at the rally if I thought the rally was going to go on. Say, maybe at the Lajee Hall, like at the time there was an idea that they should ban it. But personally I cannot see why I would have had to phone him. There was nothing that was so - there was nothing particularly that I would have seen as relating to the Reverend Mayathula.

Well No.2 was the SASO man? --- Yes.

Now who was the BPC man who could have gone to that rally? --- Colin Jeffrey was there. 10

But is he a man who could make a speech? --- Well yes, he is the BPC vice-president.

Well apart from that, can he make a speech? --- Certainly yes, M'lord, he can. No I think he is quite a bright fellow. (LAUGHTER)

MR. SOGGOT: From another angle, Mr. Lekota, did you say you got to the SASO office at 10.30? --- Somewhere there.

Then for the first time did you first hear debate as to whether there should be other plans other than the BAWU plans put into operation? --- Do you mean that morning? 20

Well can you remember whether there was a debate in progress on your arrival or what? --- Well these ideas were just being loosely thrown about, not a debate particularly.

Ideas were being thrown about? --- Yes.

Now I think we have got as far as your saying that there was no question of deceiving the Reverend Mayathula.

COURT: Before you leave that, who was supposed to make a speech, assuming now the Minister did not ban the 30

meeting / ...



meeting, the advertisements said speakers BPC, SASO, Frelimo, now who were supposed to be the speakers?

--- As a starting point, M'lord, I do not remember at any time seeing any list of people who were going to speak specifically at the rally.

How can you organise a rally without speakers?

--- There were people who would have been in a position to address the rally, I mean if one takes into account the fact that I was there for instance, I could have been called upon, I could have been asked to address the rally. 10  
There was Accused No.2 himself there, there was Colin Jeffrey there - PAUSE

Yes, but if you arrange a rally, if on a Saturday you arrange a rally for Wednesday, you don't wait until Wednesday morning to get your speakers? --- I think sometimes in these things of organisation and so on, M'lord, we don't all treat things the same way, probably..(Court intervenes)

You mean you people are all good speakers they can call you at any moment? --- Not that a speaker at a rally 20  
of that nature would really need to have some kind of practice before a mirror or something like.

You know exactly what you are going to say? --- I mean if I were to go into that rally, normally in fact, M'lord, if I may really generalise on this point, normally in fact, I mean in Black society when a man has got to talk to people and so on, we don't really go down to write papers and draw, I mean you go out there and you express your opinions.

Yes I know you people speak well, but on the other hand again you have got to warn a person and say: listen 30  
here / ...

here, you have got to be there at least - so that they can call upon you if they want you to make a speech?

--- Oh yes, that I agree with, M'lord, but the thing is ..  
(Court intervenes)

But what had you done in that direction? --- I wonder whether that question could not be put to Accused No.2, M'lord, because he was the man ..LAUGHTER)

Well you don't know of any arrangements? --- Well I was not aware of everything, I certainly aligned myself with the decision to hold the rally, and I tried to assist where I could, but I was not central to that arrangement, I mean I organised other meetings like the education summit meeting and things like that, and Accused No.2 he can assist me where I ask him to assist me but he is not central to the issue, so it would be unfair to ask him..(Court intervenes)

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But should he not consult you at least if he wants to decide on a speaker? --- Well he did not consult me whether I would be prepared to talk, but I suppose he thought he could just at any moment ask me if he so desired it.

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Wasn't Mayathula annoyed that they left it to the last moment to tell him that he was a speaker? --- No, not that I know of, I don't know whether he indicated something like that to anybody else, but I know that he was quite annoyed about this fact that Accused No.2, whom he - I mean he is a small boy, about 33 or 34, and he said: you are a small boy and just a student here and you are making Press statements on behalf of the Black People's Convention, I mean this is such a big venture it needs a man of the BPC, I mean somebody who is adult so to say.

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Who / ...

Who, I mean, who would he have in mind? --- He had in mind a representative of the Black People's Convention, namely accused No. 5. I mean he specifically pointed to accused No. 5.

Didn't they tell him that he was at Lourenco Marques? --- No, he had not been aware before he arrived.

No, but when the arrangements were made and the Press statements were made? --- I mean the Reverend was at Mapuna, M'lord.

No, but why didn't you tell him? Why are you annoyed? Why are you excited? This man was in Lourenco Marques. --- They told him at that time, but I mean I don't think he knew about the rally right from the start. I really think he probably would have known about it at a later stage, because I do not think that when the idea of the rally germinated he was around there, which would probably also account for the fact that he got to be informed late. I mean I wouldn't have found any reason why to specifically go out to inform Castro that there is a rally in Durban and he must come there. I wouldn't have done that. I wouldn't have found any specific reason. 10 20

MR. SOGGOT: Now, you don't remember being invited to speak. Is that right? --- Well, actually I was invited to speak at the University of the North.

No, at the Durban rally. --- No, not at Durban.

Because in fact there is a reference to your speaking in the tapes, in one of the conversations by accused No. 2. There is one other point I want to ask you. You saw Mayathula in the SASO office. Is that right? --- That is right. 30

Did / ...

Did you come with him there, or was he brought there by people? --- Well, he came there as far as I remember. He found me at the office, and as far as I remember he arrived with, I think, accused No. 5 and Harry Singh. Or he might have been also with accused No. 1. They arrived more or less at the same time. The position with our office is that it is divided into three chambers, so people may well be in the office and you are not aware that they are in the office, because maybe they are in the other chamber of the office, or the other side of the office. But the thing is when I found these fellows, I saw them immediately after each other already in the office. I did not know when they had arrived, because I had been busy in the other office. 10

All right, if we can then proceed from that point. You people then left for the rally. Is that correct? For Curries Fountain? --- No, no, the first thing was that myself and Harry Singh drove down to Curries Fountain to see what was happening out there.

When was this, and what was the point of this expedition? --- (Mr. Rees intervenes) 20

MR. REES: To see what was happening, he said. --- Well, the idea was, as I said, to find out whether there were people at the stadium. To see what they were doing. What was happening and so on.

MR. SOGGOT: Would you then come back with information or telephone it? --- We would come back with the information.

All right, so you did that, did you? --- Yes, we did that. We went to the Curries Fountain.

What time did you get there approximately? --- I 30  
certainly / ...

certainly did not look at my watch, I don't know what time it was, it would have been definitely after 5, or perhaps I should say just shortly before or after half past five.

COURT: Well could that be, because Mayathula was at the office at 5 o'clock and you say you were there? --- We left after Castro - I mean the Reverend Mayathula arrived first, after he had been there ..(Court intervenes)

I see well then you must have left D.Q. and have gone to the SASO offices? --- Yes, we ..(Court intervenes) 10

Counsel asked you what happened, I suppose he was referring to the D.Q. meeting, you say you and Harry Singh left, from where did you leave, from the SASO offices or from ..(Mr. Soggot intervenes)

MR. SOGGOT: M'lord, I am sorry, with respect, I think my question related to what happened after the discussion with Mayathula.

COURT: Oh I see, in the SASO office? --- In the SASO office.

Then you went to Curries Fountain and you came back and reported, and that you say must have been after 5? 20  
--- Yes, it must have been after 5, M'lord.

Yes and then?

MR. SOGGOT: You came back and who did you report to? --- To the other guys, Accused No.2 - PAUSE

Just to give us some idea, how many people would you estimate there were at Curries Fountain when you looked at it? --- I am not very good at estimations, M'lord, I thought personally there would have been about 3 000 people there. There was quite a big number there, I mean, although they were scattered - this is the thing - they were scattered 30

all / ...

all over the place.

Well that seems to exceed all other estimates.

COURT: Well he said he is not good at estimation.

MR. SOGGOT: Mr. Lekota, what about Gong, or Dr. China, did you know about the arrangements for him? --- Yes I knew about him going out to the stadium, M'lord.

Well if he was going to report why were you going out, can you help us there? --- Well he had really volunteered to go out there, so when that time came and we didn't know whether he would have been able to go we decided to go out there, he didn't have an obligation sort of to be there, I mean he had just volunteered that he would be out there. 10

All right, so you came back and you reported this to the other people? --- Yes.

That would include Accused No.2, Mayathula, No.1? --- No.5, I am not so sure whether Accused No.1 was still there or whether he had already left.

Yes, anyone else that you can remember? Were there other people as well? --- Well there may have been one or two other people. 20

Yes, and then what happened? --- Then Accused No.2 Accused No.3, myself that is, Accused No.5, the Reverend Mayathula and Harry Singh proceeded to the Curries Fountain stadium.

Now how did it come about that the Reverend Mayathula came along with you people? I would like you to think carefully about this, bearing in mind the suggestion that he was to be deceived? --- Well, M'lord, the Reverend Mayathula understood that the rally was going to be called 30

off / ...

off, and I think just like myself for instance, he would have had perhaps the interest maybe to see what happens there, maybe, he would have wanted to come along with us because he understood the purpose of our visit.

Well that is what I want to know, was there any discussion at all relating to that, was he specifically invited or did he just come along, or was there any suggestion that he should stay behind? --- Well there was certainly no suggestion that he should stay behind, nor was there a direct invitation that I can remember that, well 10 now, you must come along and so on. He just decided to come along with us. There were five of us, there was a car that would take five of us, so I suppose he just used a space in the car.

Then you went along and you finally parked about how far from Curries Fountain? --- Well we parked just in front of Scala theatre, it is about - I am not so good at these estimations, M'lord, but I think if I can see one of the exhibits here ..(Mr. Soggot intervenes)

Well I think it is about a quarter of a mile from 20 Curries Fountain? --- Something like that, yes.

Then who got out of the car? --- Accused No.2 and myself got out of the car. I walked along with Accused No.2 I think until I was about something 200 yards away from the stadium, and he suggested that in fact now I must not forget that we had decided that no everybody should go there. Well he sort of reminded me actually about what we had discussed earlier on at the D.Q.

COURT: I did not catch that, he reminded you that - what 30 about everybody? --- Well he just reminded me that we were

not / ...

not to go ..(Court intervenes)

Oh that all of you should not go? --- Not all of us should go there, he was going to go there and he was going to do that, so there was no need for all of us to go there, I mean this is what we decided there because I think our feeling at the time was that if we all went there it might seem as if we really came out there to cause some trouble and so on, so if it was a question of telling the people to disperse one man could just go there and say to the people: well, this is what the position is. 10

MR. SOGGOT: So did you stay behind? --- Yes I stood there actually, well I wanted to see really what happened.

Where did you stand? --- I would say about - well I stood on the ..(Court intervenes)

COURT: He said 200 yards away more or less.

MR. SOGGOT: M'lord, I am trying to get his position in relation to - PAUSE --- I was along Winterton Walk, M'lord.

COURT: Well we have got an aerial photograph.

MR. SOGGOT: M'lord, that is all I wanted, you were in Winterton Walk, to the east or the west of the gates, on the bus stop side of the gates or the other side? --- To the east of the gate, and on the south side of the road. 20

No, that is all right. And then what happened, did Mr. Myeza, No.2, disappear into the crowd? --- Yes, he moved on there and I think when he was approaching there were some people I think who knew him, who shouted to him and so on, then he disappeared in the crowd.

When he left you was he walking in Winterton Walk? --- Yes he was walking in Winterton Walk.

Walking up towards the gates and then he disappeared / ... 30



disappeared? --- Yes, that is right.

What was the next thing of importance that happened, when did you see him again? --- Well I stood there, I would have seen him again after the dogs had attacked the people there, because I walked back to the car and I waited there for some time, then I think about a minute or so later he came up there. Well he was not quite sweating, but I think.. (Mr. Soggot intervenes)

Were you at the car at the time? --- I was at the car, yes. (LAUGHTER)

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And you say he was not quite?

COURT: He was not wet with perspiration. --- Well, but I mean what I wanted to say really was that it was apparent that he had been dashing. (LAUGHTER)

Well now, how could you see that on him? --- By the breathing of the man, and - PAUSE -

MR. SOGGOT: Did he make a report to you? --- Well I think if I remember correctly the only thing he ever said was that the police released the dogs, and I suppose I would have understood that, well, he would have had to run there was no way out.

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Is that what you remember his report to be?

--- Well I remember him to have said that.

All right, and then did he get in the car and did you people go off? --- Yes, then we got into the car and then we left.

And you went back where? --- Back to the SASO office.

And then we know there was to be a Press conference, did you go to it? --- Well yes there was to be a Press conference, in fact I forgot, M'lord, I should indicate in

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fact / ...

fact that the question of the Press conference was one of the other issues that we discussed there at the D.Q. If I remember quite well, M'lord, it seems to me that really we spent quite a lot of time, I don't know really I didn't check the time as to how long we discussed the question of the Press statement and so on, but there was quite a lot of discussion on the question of the Press and so on at the D.Q. I think we did see it as important in so far as we were going to go on to tell the people to disperse and so on, I think we did find reason for us to press - if I may use that word - to justify our action in the eyes of the people over the Press. So there was quite some discussion on this point there, and when we came back from the stadium then we went to the office, Accused No.2 I think had already phoned the Pressmen to come down there for the Press conference, and actually there were quite a number of them who were there at the time.

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(sic)

M'lord, I am going onto the tapes now, perhaps it might be an appropriate moment to take the adjournment.

COURT ADJOURNS

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COURT RESUMES:

MOSIOUA LEKOTA, STILL UNDER OATH:

EXAMINATION BY MR. SOGGOT CONTINUED: Mr. Lekota, would you please turn to page 56 of EXHIBIT RALLY C, this is a conversation between you and Accused No.6? --- That is right.

On the 24th September 1974, can you tell us what time this phone call took place, do you remember it? --- This would have come some time round about midday, M'lord.

And who phoned who? --- I am not sure about that.

Well it seems as if it is Accused No.6 phoning,

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whatever / ...

whatever it is he speaks to you and he says he is trying to contact you, and then you say:

"How's working otherwise?"

No, the working is good"

--- No, no, I think the word there, M'lord, is : how's the going.

I thought we agreed with the State that it was working? --- Well I don't think it matters really, M'lord.

Well what did you refer to? --- I was actually saying: how's life, how's things.

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Then you say: "I received a communication" - I am sorry, you don't say that, No.6 says it, what did you understand that to mean? --- I understood that to refer to a letter I think which he had been written by Accused No.2.

Relating to? --- It related to - well, my suspension, M'lord, I had been suspended some time the week before that.

Where had you been suspended and what were the circumstances of that suspension? --- I am afraid I cannot really give a thorough insight into that because I was not at the meeting, this was the meeting of the 15th, this is the meeting where in fact it was decided that SASO will hold a rally.

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This was a meeting of the 15th September of the staff and Executive of SASO? --- That is right.

Is that what you are talking about? --- That is right.

Which took place we know in Durban at the Alan Taylor residence? --- That is right.

All right, but you were not there? --- I was not.

And you are telling His Lordship that at that

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meeting / ...

meeting they suspended you as permanent organiser? --- That is right.

Were you told what the reasons for the suspension was? --- Well nothing that I can put in concrete terms. I think really the point there was ..(Mr. Soggot intervenes)

Were you formally given any reasons? ---I was not formally told: look, this is the position.

All right, so you say this communication refers to a letter written by Accused No.2? --- That is right.

To whom? --- To Accused No.6 who was then the national president of SASO.

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Relating to your suspension? --- That is right.

All right, then it goes on, would you read on please from the words "I received a communication"?

--- "Oh yes, ja .. that is right .. no, that is fine And did you pass everything onto .. yes.."

Now, what do you mean by pass everything onto?

--- Well what actually happened here, M'lord, is I was referring to a programme and some material that I had given to Accused No.6, because I was at the time organising the Black education summit conference, and I gave him some of these materials to pass onto the other people at the University of the North, some lecturers up there, amongst others Professor Mohanoe whom I had ..(Mr. Soggot intervenes)

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Is that spelt M-o-h-a-n-o-e? --- That is right. I think actually there is a Resolution in one, in the Minutes of the 6th GSC which relates to this issue that I am talking about now. Then he says: "There is this other snag with Professor Mohanoe ..um.. he said I should inform you that he won't be able to come".

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Now / ...

Now where was he supposed to come to? --- Well the summit conference was scheduled for Pietermaritzburg at the lay ecumenical centre, so he was supposed to come down there, this is where the meeting was going to be and he was going to deliver a paper there.

At the summit conference? --- At the summit conference.

All right, then he says he won't be able to come, and then No.6 says: "He says for some strategic reasons that they agreed with BASA" - BASA stands for? --- It stands 10 for the Black Academic Staff Association.

And what did you understand that to be about? --- Well I thought really what he meant here was that Professor Mohanoe had communicated to him some problems relating to BASA which led to his failure to be able to attend this meeting.

Yes, but the only thing of interest which I want from you is, has all that got anything to do with the rally? --- No, no, certainly not.

Well we will leave out further details. And then 20 on the next page there is a reference to "go to Ilkondo for an explanation", what does that relate to? --- Well that has got nothing to do with the rally still, M'lord.

All right. And then No.6 says:

"What other thing that I forgot..there is something again, man,

and then: Hello, hello"

and then he says to you, a little below the page, or rather you say to him: "Are you getting papers out there"? --- That is right, M'lord. 30

How / ...

Now I wonder, would you line by line indicate what you mean in that conversation? --- Well what I was referring to here was I was merely trying to ask Accused No.6 as to whether he was getting Press reports, whether in fact he knew what specifically was happening in Durban, whether he was getting Press reports, so he says: "yes, we are getting papers".

And you say: "So you know what is happening"  
--- Yes, because I mean I was not present with them at the meeting there so I thought well if he is getting the papers then he would be able to know what exactly is happening.

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Then he says: " You fellows.. how did you come to you fellows go to more or less publicise before we could get the rally" - what did you understand by that? --- Firstly I do not know what it mean, I was trying to find out exactly what it meant, I did not understand exactly what it meant.

Did you have any idea? --- Well I thought he probably meant now, that he was probably referring to the publicity that had been given to the rally, I thought this is probably what he was referring to because I said later on ..(Mr. Soggot intervenes)

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Which rally? --- The rally in Durban.

Mr. Lekota, I think you had better be careful and speak a little bit nearer to the microphone. Go on? --- Well I was saying that my inclination was that he probably meant - he was probably referring to the publicity, because I went on to say: "That now, the thing is, you see, for outside situations for people who are outside" - he cut me short there, I was probably going to say "one needs to

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publicise / ...

publicise these things because it is not like the position for instance where you are on a university campus, you just stand in the dining hall and you inform the students and you tell them what you are doing and so on. So I was merely telling him that - I mean I merely understood that.

Now over the page on page 58, the fifth line:

"We are going to have a rally tomorrow morning" - what did you understand by the word "we"? --- I understood him to mean the student body of the University of the North.

The student body? --- That is right. 10

Organised by whom? --- Well, at this time I was already aware that the SRC was organising this rally, I'll say, because I was phoned on Monday by one of the members of the Executive of the SRC, I think it was Rathlagane, but I am not so certain about it. I tried to look up the conversation in the tapes but I could not find it, but perhaps this conversation here may well show also that I knew already about this because they had asked me, this fellow when he phoned me, he had asked me whether I could be able to come over to Turfloop and address them on this specific occasion. 20

Now who is Rathlagane? --- He was one of the SRC people.

And they wanted you to address them? --- That is right.

And why you? --- Well they wanted a speaker.

A speaker or a propelling spirit? (LAUGHTER)

Then there is a reference to a reporter, No.6 says: "We don't want you to send us a reporter" apparently, did you know anything about that? --- I didn't know about that. 30

Then / ...

Then he goes on to say:

"Now we are not affected, we don't worry about that foolish thing" -

what did you understand that to be? --- He would probably have been referring to Press reports about the banning of the rally and things like that I think.

And what would the foolish thing be? --- I think the banning itself, I don't know.

And then a little further on you ask:

"Are you people expecting me to fly up there or what?"

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--- That is right.

Is this still in relation to this - now can you just tell us at this stage had you been approached before this conversation in regard to coming up and talking?

--- Certainly yes, as I say, M'lord, this question that I ask: "Are you people expecting me to fly up there or what" is because this fellow Rathlagane had phoned me yesterday so - I mean the previous day, so I thought now if at all if they are finally going to decide that they want me to come there, then they would obviously take into account the question of time and travelling.

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Yes, all right, and then he says: "Ja, just fly because Muntu was saying Norman should come, but I realise Norman doesn't have this propelling spirit" and you say: ja, so we need someone to propel". Then No.6 says at the bottom of the page that "I can easily inform the SRC members that we shall be having you" - I think that speaks for itself?

--- That is right, M'lord.

And then about seven lines down you say: "Look,

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you / ...



you can find out from these SRC fellows yesterday they suggested that they will take the expenses of the journey". Now what does that refer to? --- Well that refers to the conversation I had the previous day, the one in which this fellow had asked me whether I would be able to come up there.

Is this Rathlagane you are talking about? --- Yes.

I just wanted to make that tie-up. Then I want you to jump a number of lines please, and then No.6 says: "There is something I want to talk to you when you are here" - got that, that is about two-thirds of the way down the page? --- I have got that, M'lord.

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What did you understand that to refer to? --- Well I thought he was probably referring to the fact of my having been suspended and so on, and the ultimate decision of the Executive to rule that thing - that suspension as unconstitutional.

COURT: I am sorry I don't think I have got that, on what page is that now?

MR. SOGGOT: M'lord, page 59, it is approximately two-thirds of the way down the page, it starts: "In .. in fact there is something" says Accused No.6. Now you say you thought that related to your suspension? --- That is right.

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Just read on and tell us whether you are correct or whether you have any comments on that? Because he then says: "I wouldn't like to go on through the phone", and then you say: "Now the other thing is this, Hef, can .. is there no SRC member that you can find out from just round there, the Executive member"? --- That is right.

Now what were you asking about there? -- I was still

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on / ...

on the question of my going there to address the rally, because I was quite anxious to find out what the SRC had decided about this matter, because I didn't want to let them down, seeing I didn't think, well, at that time I hadn't been on the list there at Durban, so I felt I may well, if those fellows need my services, I would be in a position to go there and address them.

All right. Now I think that is all I propose to ask you in regard to your participation in that conversation, but would you please turn to page 64. There 10 is a conversation between accused No. 2 and Nat Sarachi, who is a newspaper man, I believe. I am sorry, it would be accused No. 6 on page 64. --- That is right.

No. 2 says about four lines down:

"We have stated categorically that the speakers are going to be strictly from SASO and BPC."

And then he says: "Now we need Lek here." And No. 6 says: "Oh, now there is no other man you can send." And then there is a whole discussion. --- That is right.

About it, now did you have any personal knowledge 20 of that discussion? --- Well, certainly not M'lord. I didn't know in fact what these fellows had discussed after I had gone off the phone. I was not aware of this conversation.

All right. Now, would you please turn to the other conversation which concerns you and that is on page 92.

THE COURT: But now doesn't this seem to indicate that they really wanted you to come and speak at Durban? They couldn't afford to let you go to Turfloop? --- Yes, as I said this morning, M'lord, accused No. 2 may well have decided in his mind that he was going to call upon me as one of the speakers 30 at / ...

at the rally, but I mean, what I was communicating was that he certainly did not convey this to me.

MR. SCGGOT: What you are saying is that you didn't know that you were in the back of his mind? --- I didn't know that I was in the back of his mind.

Mr. Lekota, page 92 please, now can you tell us whether that conversation took place and who phoned whom? We know that Bawa phoned? --- Yes that is right.

Or Bawa started? --- Well what actually happened here is I think Accused No.4 phoned. This would have been after Harry and I had been to the stadium, because somewhere in the conversation I tell him about what I saw and what was happening at the stadium.

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All right, now No.4 asks to speak to you and then there is the whole conversation here, I just want to refer you to your own statements, because No.4 has dealt with this, perhaps a preliminary question, you heard No.4's evidence on this tape? --- Oh yes.

He has given his version as to what was meant? --- I have heard that, M'lord.

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Is there anything that you disagree with in his evidence? --- There is nothing really that affects me that I - PAUSE -

Well, if you have a look, you say there:

"Jy sien die ding, die boys, hulle..die boys is hierso, daar is baie mense daar by hulle, daar is ook 'n army daarso" -

tell us what you meant by that? --- Well I think I was saying all our guys are here, I was at the SASO office, all our guys are here at the SASO office, and there are a lot of

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police / ...

Police there at the Curries Fountain. The word "army" there, M'lord, it means just, it refers to the numbers, I mean the contemplated meaning is that there is a big number of Police there.

And then No. 4 replies to you saying: "Moenie sê daar is baie mense, Jack" and then he says: "Ek sê ons moet net aangaan." What did you understand by that response? --- Well, where exactly is that?

Just a little bit below "army" he says "Moenie sê daar is baie mense, Jack," and then just a little bit below that, he says: "Ek sê ons moet net aangaan." --- That is right. 10

What did you understand by that response? --- Well, I understood him to mean that now we have to carry out our plans, that is we have to put our man on the spot there to take control of the situation.

And then there is a reference to "...they are just milling around." This is on page 93, please. He asks you whether they have gone in yet, and you say: "No, they are just milling around," and he repeats: "Julle moet maar net aangaan" and you give your estimate of the 3,000 people who were there. --- That is right. 20

And there is a discussion about that. Then there is a reference to Gong which I would just like you to elucidate please. Have you got that on page 24, about a third of the way down? --- Yes, I have got that.

He told you: "Don't talk to the Press." --- That is right.

And you agree with that? --- That is right.

What was the idea of not talking to the Press at 30

that / ...

that stage? --- Well at the time our feeling was that any statement, any loose statement will be grabbed upon by the Press and it may put us in a very bad light, so we had to take serious cognisance in whatever we communicated.

All right, then there is a reference to, Aubrey says: "O, ek het, het .. ou Gong, het julle dit gebel"? --- That is right.

And you said: "die wat?" --- Well what happened here, M'lord, is actually that this name Gong, I had never known China to be called Gong, so I did not understand what he was really talking about, but I caught up when he goes on below there and he says: "O, hy het julle gevertel om te sê daar is baie mense", so I understood because I said there: "Ja, hy het iemand gestuur". Actually I think somebody came from BAWU in my absence when I was at the stadium who indicated to us that he had phoned those guys to say there are people there and so on and so on.

Now, are there any other conversations that you figure in, Mr. Lekota, I think that is all? --- I think that is all, M'lord.

Then just a few unrelated points just before I sit down, you said yesterday that you would refer His Lordship to reports, in particular your reports relating to community development projects? --- That is right.

Can you deal with that now please? --- M'lord, actually there are quite a number of these reports at various times that I would refer to, but I will just take one meeting here of SASO, I think it is EXHIBIT M.1, SASO M.1.

Yes, well that figured yesterday already? --- The point I was trying to communicate to the Court yesterday

was / ...

was that our whole involvement was not always just holding heroes day, standing on platforms and talking to people. What I was trying to communicate was that the actual kind of work that we were involved in had nothing to do with racial hostility, it had nothing to do with planning for a revolution. Now I suggested that quite a number of our documents here, in fact the majority of them, will also show that our main concern and our main involvement was community development, so I just take one, this H.L, and out of this document I show reports here, one from the Executive of SASO, and one from the SASO local branches, and in the main I want to indicate to the Court that in the main our preoccupation was with community development, with projects of that nature, and this in fact is a feature that is there within the work of SASO throughout. One will find every meeting you go in, reports that come in, reports about administration and the reports about the community development schemes. But just taking an example of this here, I first refer there to the report of the secretary, it is page 1 to page 5, according to the typed numbers.

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M'lord, it would be on Your Lordship's page 129 - no, I am sorry, page 12.

COURT: The secretary's report? --- I think the next page, page 2 of the report, M'lord, somewhere there in the middle of the page it says "Projects", and this is the report of the secretary-general of SASO, and it deals there with projects: the free university scheme, field projects on the other side there, Winterveld, and it explains what all these projects have been about. "Winterveld:

"This project has stood still for some time.

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Anglo-American / ...

Anglo-American made an offer for the building of a school, but permission has not been forthcoming from the Bophuthatswana government". Oh by the way just on that point, M'lord, I recollect I think I was given some homework yesterday about the question of what will happen if these Bantustans and homelands gain independence and so on.

Yes? --- Now I must say sincerely that I have tried to look through the documents to see what will in fact happen under those hypothetical situations, that if it happened what would happen, and the only thing I could do was to try to draw from our experience, from what the organisation has been doing all along, what its behaviour has been towards these institutions. Because there is nothing in policy which focuses on that particular situation that Your Lordship referred to yesterday, but drawing from things like these where we have had for instance situations where you wanted to implement a project and that given area would be under say Bophuthatswana as in the case of Winterveld. Then what we did was to - I mean we recognised the fact of this existing, so we did not as far as I see it seek to overlook the fact that Bophuthatswana is responsible for that even though in our stated policy we reject the Bantustans, but we accepted them as a legal fact. So this is how we operated within what we considered our legal limits and rights. I mean as I see it we would not seek to - if I may use the Court phrase - we would not seek to endanger the maintenance of law and order by say for instance saying we will organise a passive resistance, direct confrontation, it may be non-violent but I mean situations of that nature

to / ...

to protest against this and so on, so we did recognise it as a fact as far as I see it. But certainly there is no indication otherwise, M'lord, of what in fact the thinking of SASO was.

Well, what interests me is whether you people directed your mind to that contingency, because you knew that the present government is working for separate development and for independent homelands? --- This is true.

So, knowing that the government is working for independent homelands, how is it that you people did not consider what should happen if, say a vast area in South Africa becomes part of homelands? --- I think, M'lord, the fact there would be that mostly on political issues there are various opinions. Our view, I mean there are lots of homeland leaders for instance, who themselves say: Look, I don't agree that this is <sup>the</sup> right solution for the country, and they say now look, let us give it a try to prove that it will not work. This is their attitude, while some say: well, perhaps there is a change for us to try it and so on. But also the point I am trying to make, M'lord, is that there are various views. Now we have also got our view amongst those other views, we have got our views, and our view was in fact add: let us give it a try and prove that it can be a failure. If it is not a waste of time, then it is a waste of money, just to take up something that already you do not believe in. 10 20

But assuming it works, how are you going to change the position so that it becomes one country again? If you just leave it as it is, then you are recognising an ethnic or a tribal, a labour reserve? --- Certainly, M'lord, I cannot / ... 30



cannot see now really - let us perhaps take a hypothetical situation, suppose today I get taken to Kwakwa and somebody gets taken to Transkei and the other gets taken to Bophuthatswana and so on, I certainly cannot see, I mean you won't recognise the fact that look I am now in the Transkei, it is just the same as with a reference book, I don't want a reference book, but that is my view, but because I hold that view I do not therefore say now look, well I threw this reference book away because I don't want it.

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Well you are not organising the people to adopt that view, you organise the people to recognise their own identity and to want their own rights? --- Certainly yes, M'lord, but the point again here, M'lord, if I may just add to this point, I think the point is perhaps taken from the level of the Black People's Convention, one may well see it in this way that given the South African situation, we know and everybody knows from history, that the question of separate development in this country has been argued from all sides. Our view is that we also express our view, we also suggest other solutions, so we realise that perhaps the only thing to do is to put pressure, to put pressure and to put pressure.

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On whom? --- On the society.

No, but assuming now that the Transkei is independent, now on whom will you put the pressure, on the White man? --- That is what makes it - when it comes to that area, M'lord, when we were outside before we came in here, shortly before, for more than a year at least, there was no independent Bantustans, so our operations had been

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within / ...

within that - if that ..(Court intervenes)

Yes but I mean isn't the government's policy clear that the intention is to give these homelands independence, and it is left to the homelands to ask for the independence, I mean the Prime Minister keeps on saying that, if the homelands ask for independence, the government is prepared to give it to them. Now the Transkei has asked for independence, and the Transkei is getting it in October? --- That is so. The problem we would be facing there, M'lord, is firstly I must say that if I tried to reflect on that issue I cannot say to Your Lordship now, look, this is the policy of SASO about this situation if it arises, I can draw from my experience with the organisation and say what perhaps is a fact. But I must perhaps take the point that Your Lordship is making to a level which I think it really belongs to, it belongs to a question of politics, we see day in and day out homeland leaders meet somewhere in Johannesburg Inn or something, they sign there that they don't want independence, they will not ask for it, they resist that. In the political world, M'lord, a lot of political groups, each and every one of them with some given interest, and they all seek to put pressure to highlight their own point of view. Let us take a situation for instance like I think a few months back or perhaps even before I got arrested, some of the homeland leaders met, quite a number of them, I think there was only one who was not there, but they signed some pact or whatever it is that they will not ask for independence. Now it is in a situation of that nature that the BPC for instance comes in also and says: now if you guys are not going / ...

going to ask for independence, then let's for goodness sake, let us not have this country wasting time arguing about this and that, BPC feels look, we must just build one society that is egalitarian and so on, but the whole thing is at the political level, M'lord, there everybody holds their views, for them it is either that they win or they lose.

Well, I understand that, but I don't think you have got my question. You see BPC has, as its objective, a collective voice for the Black people. Well, now I am 10 purposely not referring to Black Power. BPC is working for the collective voice or a representative voice, a voice that will represent all the Black people in South Africa in order, as you say, to bargain with the White man. But now the White man drops out of the bargaining as far as the Transkei is concerned by way of example, because the Transkei is becoming independent, and the same thing will probably happen in the near future to Bophuthatswana and Kwa-Zulu, when they ask for their independence. Now in the meantime you are building up a collective voice to 20 bargain with the White man. Now, how is that going to help? Have you considered that aspect? That is all I am asking, whether you have considered that aspect, that you are really not building up a collective voice to bargain with the White man in respect of the entire South Africa, because there are homelands which are developing and getting independence? --- As I said, M'lord, there is no policy. It does not seem to me that either SASO or BPC has taken policy on that particular situation. I think at the time of this organisation the prevailing situation, the background upon which these 30 decisions / ...

decisions were taken was it plays a role, partly a role in deciding on the strategies and so on. I don't think it will be possible to form the Black People's Convention in the Transkei with the same principles that it has now.

Well now all I want to know is whether you people took into account at the time when you started BPC and you formulated your policy, that you are ultimately not going to bargain with the White man in respect of quite a large area of South Africa, because those countries are becoming Black areas, independent homelands? --- That issue would not feature in the case of SASO, M'lord, in the case of BPC I do not know whether they did think along those lines or not. 10

Well now if they did not, doesn't that tend to show that they were not interested in what was happening to the country, they were really just preparing themselves to deal with the White man and the White system? --- Certainly I don't think so, M'lord, we have got for instance the Progressive Party in this country, they have always upheld the question of I think some qualified franchise and so on, the Transkei will be going independent, I think ..(Court intervenes) 20

Well I understand that, we'll always have the Progressive Party in South Africa because it won't go into the Transkei because the Transkei will be outside the system and the Progressive Party will serve no purpose in the Transkei because it only is effective as far as our Parliament in South Africa is concerned? --- Well the point I was trying to make, M'lord, was that at a political level they still hold that thing about qualified franchise, I think which 30

would / ...

would only be applicable in so far as my understanding goes, would also apply in the case of where one took Black people into account when one thought about Parliament for a common South Africa. My understanding of it has been that the Progressive Party is working for a common South Africa, so that their policy - let us say if that is the main feature of their policy, then I think it has lost meaning in the case of the Transkei for instance, when the Transkei as Your Lordship has just pointed out to me will be getting independence. Well the thing is it is a political view that is held, and I don't think a man who gets beaten on a political view has to take to violence in order to implement it, I don't think so, and lots of people get defeated on political issues and they accept it.

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The only question which is exercising my mind at the moment is why didn't you people think about it? --- Well in the case of SASO I don't think we really focused so much on that, I think the BPC would have - maybe it would have been developed as they developed, as the BPC as a movement grew, it would probably have developed strategies of how it would deal with this situation and so on. As a matter of fact they may have by now, because I don't know what they have been about now that I have not been there, they may have by now decided as to look, if this kind of situation - I mean the situation that Your Lordship is quoting to me now, they may well have decided by now, but certainly I don't know about them having taken up that issue before I came in here.

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But if your policies are only to bargain, well then

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you / ...

you are being outwitted by the government if the government is now cutting off all these homelands, because then there will be no point in bargaining with the government or the system about those countries? --- Well that may be, M'lord, I think politics is something without any rules (LAUGHTER) everybody decides what they are going to do to fox their opponent and so on. Everybody when you get beaten you take it.

Well I am just putting it to you to find out whether you people thought about it at all? --- It may well 10  
be that in fact the government is rushing for instance to give independence to the Transkei so that it can out-fox the BPC, I don't know about that, but as I say, M'lord, I think it is really a game, I mean for instance I don't think the Nationalist Party has got any obligation to satisfy in carrying out their programmes to guard the interests of the BPC, I don't think they are interested in that, they are interested in their own policies.

MR. SOGGOT: I think after that fundamental truth we can perhaps look at it from another point of view, Mr. Lekota, 20  
in your own thinking, what do you think - what are your views as to the viability of the independence of the Bantustans? --- M'lord, first of all I think the main argument - if I were to argue and say now why I personally resent the Bantustans and how I see them, I think first of all those areas, some of them I have been to, I do not think they are economically viable, and I think this is a view that is held also by a large number of the Bantustan leaders. There is very little amount of land that is given there. In fact I think one of the historical paradox' is that the African 30  
people / ...

people are said to have been nomadic, but I cannot understand how they came to stay in all these barren areas and left all the places which have a lot of grass, a lot of water, I don't know whether they were grazing their cattle on stones or what, but I cannot understand that kind of situation. Because of the areas themselves ..  
(Court intervenes)

COURT: But didn't the Zulus find the Basutos in Basutoland when there was a bit of an upheaval in this country two centuries ago, weren't the Tswanas and the Basutos settled people, they were agrarian people? --- The Basutos were definitely settled. 10

Right, now where were they settled, in Basutoland or in other areas? --- Well there are quite a number of arguments about that, M'lord. History, let me take the Standard 6 history for instance that we get taught, indicates that Moshesh had lots of fights with I think the Voortrekkers in the Free State, because he had his strip across the Caledon River, this side of the Caledon River that is now in the Free State, and there were lots of fights, I think about three wars or so that they fought over this land. Each time they fought Moshesh he ran into the mountains at Thaba Bosigo, they couldn't land there, then he said to them: well let us stop fighting, I have got my corn there, I just want to take my corn, then I can give you the place. Then they agreed, he went there and he took his corn, he had all his stores there and so on. The next thing when summer comes he goes there and he ploughs there on that land, he says it is his land, when they fight he goes back and he says: look, I have already planted now, guys, you had better 20 30

give / ...

give me a chance to reap my fields, then he comes back he reaps, the next thing they are fighting. They always fought, I think about three wars because of this, and in fact if one looks at the situation between Lesotho and the Free State, as I see it, when you read Sotho books and so on, for instance Bloemfontein is known as ..(inaudible)..that is where Moshesh is supposed to have lost his, or Moshesh's horse is supposed to have died and so on. Now, it is also known as Mangaung and the Basuto's who used to go there knew that the animals that were common there were leopards and so on. It was a dangerous area, right up to Kroonstad, and Kroonstad was called Bodibeng Ba Dikubu. They used to come out there and hunt Hippopotamus and so on and so on. And when they went out to hunt on specific occasions when they went out to hunt, they used to hunt all over that area of the Free State and so on, but they stayed in there in Thaba Bosigo in the mountains. They were hiding from attack, and it was not easy to attack them and beat them there, so they were protected. They moved into the mountains for protection, but they could not plant for instance and things like that. So they used to plant and graze their cattle outside of Lesotho and so on. This is now, M'lord, what I read from Sotho literature and things like that.

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Well, now what I read, and it may be wrong, is that Swaziland, which is probably the nicest area in the whole of Southern Africa - have you ever been to Swaziland? --- I have never been to Swaziland, M'lord, but I don't think it can beat South Africa.

Well, I am talking about agricultural land. --- I see.

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Now / ...



Now, if I understand the history correctly, Dhlamini was the chief who was in northern Zululand, he had an outpost there, and because he branched off and did not report back - I put it that way - I am not sure whether it was Chaka or Panda or Dingaan, well they sent a punitive expedition up to the Dhlaminis and then they fled into Swaziland, and that is how they came to be in that very lush agricultural country, they were really driven there by the Zulus. Firstly, are my facts right or wrong as far as you are concerned? --- I am sorry, M'lord, I am not able to provide Your Lordship with any authentic information on that. 10

Because they are all Dhlaminis in Swaziland, I suppose you know that? --- I know that.

That is correct, because they come from the chief Dhlamini who was in northern Zululand? --- Yes, but also, M'lord, there is this side to it that given a strip such as Natal for instance, the situation there with the African people seems to have been or was rather that land - the first thing you gave to anybody who came to you was a strip of land, somewhere to stay, because you could only make your living from the ground, even if you had cattle you had to have some place where you could graze them and so on, but you were not given that land, I mean, that you just take it for good. You were given that land but as a man who had joined the family. Now I just often wonder whether in fact when the White people arrived for instance in Natal, Chaka wouldn't have said to them: you can stay there and point out some area to them, probably just do this with their hand, and hell, the White people just thought: hell, 20 3

here / ...

here is just a big land that has been given to us, I mean they didn't even have to care about the angle of their hand, he just did that, so it must have been the whole area. (LAUGHTER) What would happen there, M'lord, is that because Europeans when they moved here, they had this idea of land as a marketable commodity which is unknown in African tradition, they would have taken this land and probably put in fences and so on, then I think this is probably where the wars began. Well the next thing the Zulus are asking what is this kind of thing about now, what is this preventing us from moving on our land, we have just given it to this man to stay, now he wants to say nobody can walk in there. The whole concept, the whole understanding, I don't think it was welcome, M'lord.

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Yes but now, now the government says well, it is a homeland and if you want your country, well you ask for your independence and you get it? --- Well, this is the position now in politics there, M'lord, I have my political views and they may not be very well-founded, but I also hold my views that I think the best thing would have been to stay together and to share.

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Oh, I think many Whites would also think that way, I mean a man is entitled to his views. Yes, Mr. Soggot?  
MR. SOGGOT: Mr. Lekota, just to take your own thinking, consider for a moment that all the what you consider to be not viable independent states are granted legal independence, do you understand that? --- That is right.

Whatever you may think about their physical dependence or viability, they are granted legal independence, would that in your view put an end to the need for BPC to

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make / ...

make propaganda against the Bantustans? --- May I say this, first and foremost, M'lord, I am not clear on what the BPC will do, but if I had to express my opinion on this issue, I would say ..(Court intervenes)

COURT: Well I think the answer to Mr. Joggot's question probably is that while you are agitating you probably prevent the creation of homelands, you see, but now my problem that I put to you is you must assume that unless you have really brought your movement to fruition, a lot of Bantustans may have come into existence, now you must have a policy as regards to that, if it was really your intention to bargain? --- Well the BPC was relatively a very young movement, M'lord, I think 1972, 1973, and then in 1974 it came on trial, I think it probably had about two congresses or three, so I think that gives them a very very short time, but I think an organisation really develops over a period of time. I don't think I have anything that is a very viable answer. 10

MR. JOGGOT: All right, Mr. Lekota, you do not want to talk about BPC, you are not really a BPC man, so we will leave it at that. This evidence that you are now giving arose out of your original discussion or evidence relating to SASO M.1? --- That is right. 20

Well can you deal with SASO M.1 briefly please?  
--- Well may I just go as quickly as possible over this, M'lord. I was indicating this is the report and I was indicating that the major part of this report is just on community development. This is the report of the secretary of SASO. Now it goes onto the next page to deal with Dudu, it deals with Evander(?), it deals with Rooigrond. Then it deals / ... 30

deals with publication. Well, there are other things, administration, it deals there with other Black organisations, relations, and so on. But if Your Lordship looks at this report, now this is about one, two, three pages or so, the major part of this report is merely on community development, projects, literacy, and so on and so on. Now, next to that is the report of the permanent organiser, another report presented at the same meeting, it deals there with Rooigrond, where they were planning for a resettlement, M'lord. I think I can actually refer 10  
Your Lordship to - PAUSE - there is a part that is missing here. Anyway, the point I was making is that it deals with Rooigrond there. Our intention there was to establish a Resource Centre, the situation being that the people at Rooigrond had been put there and did not have any employment, and even the cash that they had before they came there had run out and so on. They did not have a school and things like that, and our intention was really to alleviate the depression situation out there. Then there is, I think on page 4 of that same report, I deal with 20  
Winterveld there, its relation with other colleges like the Transvaal College of Education, then I deal there with heroes day, my visit to Zululand, the University of Natal, then I deal there on the last page but one, page 6 of this document itself, I deal there with projects Inanda, Dudu, Rooigrond, Winterveld, and I deal with ...(inaudible)... and the annexures are missing here. I think that is what is missing here. Anyway, the point that I am trying to make here, M'lord, is that when the president of SASO for instance came to a meeting, he would come and report there about the 30  
standing / ...

standing of the organisation in the areas that he had visited and so on. He would probably report about the community development projects that are taking place there and so on. He would talk about general administration of our regional offices and so on. When the permanent organiser came he would come there and report about mainly community development, relations with local branches and so on. When the secretary-general came he would report about the general administration of SASO, finances maybe, the community development projects that have been funded, the amount of money that has been put in those, the amount of money that will be needed, and probably motivate the membership to stand up and work hard and try to get as much money as possible to keep the work going on. And the same thing would apply in the case of our regional secretaries. For instance on page - I don't know what page this is - but it is the report of Natal region, it should be page 3 of this document itself.

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Page 23 of Your Lordship's papers. --- Now, I realised for instance - this report for instance may be a very significant report, the State complained that the regional director there in the second paragraph - at the beginning of the second paragraph, M'lord - PAUSE

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COURT: What page? --- Page 23 of Your Lordship's papers. I think, M'lord, the second paragraph there, the State complained of the fact that the Natal regional secretary talks about the fact that Ramotiba was brutally murdered. I do not see anything else that he is probably complaining about here, I think that is the only thing. But now that is one paragraph of the whole report, and this report, if

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you / ...

you will go onto the next page there is just community development projects, there is nowhere where this man says: now because Ramotiba was killed we must hate White people. He comes on the next page there, he actually says that because this man died and so on we rededicate ourselves around his death to our work. He goes onto the next page M'lord, he is dealing with the free university scheme, he explains the kind of work he has been involved in, the failures, the difficulties, the moneys involved, he deals with literacy, he deals with project clinics at Inanda, he deals there with other organisations that he may have been with and so on, and then he projects into the future. Probably this part may just give us an idea of whether he wants us to hate White people and so on, he says there, the last portion of the report, this is a projection into the future.

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MR. SOGGOT - AWAY FROM MICROPHONE --- What he says there, M'lord, is that:

"Presently there are many factors which are militating against our goals and aspirations, the question of funds needs special attention"

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Now we must try now and try to get some money, this is what he is really motivating others to do.

"In the past we have been surviving on foreign funds to the extent that we forgot to exploit local resources. I think it is time we all made efforts to raise money from within, it is my contention that Black people of this country are able to maintain Black people of this country -

I am sorry I think there is a repetition there -

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"are / ...

"are able to maintain Black organisations. This will also be in line with our goal of building up such committees. As has been mentioned above we are looking into avenues of embarking on a regional literacy training campaign. We want to have representatives of interested Black organisations to attend a one week literacy training course. As for physical projects we can only be able to do that during the vacations when students are back from school. These alternative plans I have for the near future"

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Now this is the whole tenor of this report, M'lord, the Transvaal regional report there will also talk about this is going forward, M'lord, it starts there, he talks about heroes day, he talks about Ramotiba's death - well I don't think there is anything that interests anybody there really except that Ramotiba was killed. It goes onto the next page to deal with literacy. Now, I think some of the Accused have already explained, M'lord, what this literacy is about, it deals with the free university scheme, I think also the Court has been given an explanation about that, and then he deals with the branches involved. Then also we go again now to branch level, M'lord - no, no, I am sorry, this is still a regional report, he goes on with literacy. It deals with a memorial service for Tiro, it deals with heroes day, position on campus, and then it goes on to deal with the free university scheme, inter-organisational work, Black workers' project, probing all kinds of projects that we were involved in. And certainly, M'lord, in the course of all these projects being carried out, there is nowhere where we have

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suggested / ...

suggested that we wanted to teach Black people to hate White people. Well taking a local report such as the first one I have got here, M'lord, report to the National Executive Council. Now it deals with membership, it deals with finances, then it deals in the main with community development projects because all these things are what in fact our branches are always doing, not going out to tell Black people to hate White people, not to go about and say now look we must prepare for a violent revolution or anything of that nature. The University of Zululand SASO local branch, they deal there with their own programmes, administrative programmes really in the main; SRC, heroes day, election, Constitution, cultural club and conclusion. We have again there the report of the Pretoria SASO local committee, and they talk about a ..(Court intervenes)

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COURT: Where is that, page 36?

MR. SOGGOT: Page 36, M'lord. --- They deal there with a seminar, literacy training, SASO day, project. There is nothing else other than their talking about projects in this report, M'lord, that is all really I can find here.

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Regional branch report to the National Executive Council, membership, branch sub-committees, all executive issues, community development - this is one issue, M'lord, this question of community development is one issue that is precisely what we are doing, this is just what we are about almost, because as Your Lordship can see even in the preamble of SASO - of the Constitution of SASO, one of our commitments is to establish self-reliance within the Black community. Now the question of establishing self-reliance within the Black community has got particularly nothing to do with who

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is thinking what in political circumstances and so on, it is purely a social revolution, revolutionising our community, building it up, uplifting it, and this is SASO, what we are about. Apart from the fact of psychological liberation and so on, there are quite a number of documents here like our SASO newsletters, the Constitution, various reports to various GSCs here, really each and every one of them dealing with community development. I think really community development schemes really began after the second GSC, this is where it began. 10  
At the time the SASO local branches had to formulate their own programmes at local level, as to how they were to engage themselves in community development schemes in pursuit of self-reliance. But I think the most comprehensive and perhaps revealing document about the South African Students' Organisation would be "SASO on the attack", because that document there, I think holding that document is holding SASO in one's hand, I think it explains right from the beginning everything about the organisation, it clearly says what SASO is, and if one looks at that document one can 20  
see the thrust of our work. So that perhaps I may suggest that there may have been one Kajee Hall meeting where somebody may have said unpleasant things and so on, but there you have one man saying something very unpleasant on one given day and so on, but each time we canvass people to come into SASO or to support us, we mean to say they have got to support these projects, this kind of work that we are doing, and certainly there is nothing that is negative about this work.

Mr. Lekota, if you turn on document M.1 to your 30

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own report where you talk about the decline in the organisation, page 21 - you won't have that, it is page 6 I think of your report: "conclusions" --- That is right.

"That in terms of membership and leadership our resources have waned terribly" - can you give us your comments on that? --- Well at the time, M'lord, what I was referring to here was that quite a large number of the SASO leadership got restriction orders, and quite a large number of our membership was harassed on university campuses and so on. In fact the attitude - the fact was that students - if any students identified themselves with the organisation and so on they were almost all the time certain that they would end up getting expelled and so on, even if it was just for the fact of being members of SASO. For instance I think in the case of No.2 for instance, he was a student at the University of Zululand, and in January he became the SASO president, and I think the University of Zululand just said they will expel him simply on that, nothing else. So this is the kind of thing that was happening, and as a result our membership did wane.

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Mr. Lekota, can you just give us the references to the other exhibits which you say reflect community projects without necessarily dealing with them? --- There is EXHIBIT GENERAL K.1, M'lord, this is the SASO newsletter of June 1971. There the then secretary-general of SASO - no, the then president of SASO, Barney Pityana on page 3 and 9 he talks about this community development. Then there is EXHIBIT GENERAL K.5 August 1971, again there on page 3, Barney at the time was the secretary-general, and he wrote

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an article about the second GSC, and his major complaint I think there was that GSC hadn't done much by way of proposing concrete action programme in so far as community development was involved. One would actually see, M'lord, I think in SASO A.1, where you have the Minutes of the second GSC, that that GSC had a commission which looked into community development, but that commission did not propose anything concrete, all that that commission did was to suggest - to give certain suggestions or perhaps to say community development is important, but this GSC will not undertake to give an action programme, we leave that to the local committees of SASO to evolve their own community development programmes. Then in EXHIBIT GENERAL K.2(a) - page 13 of this document itself. It seems to me in fact - the document says this paper was read at the University of Zululand on September 24th, the day of compassion.

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"SASO commemorates this day as one where all Black people reflect on an indirect act of violence committed against our people. Bus disasters, train disasters, flood disasters, all come under the indirect act of violence."

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This paper by Barney, at the time secretary-general of SASO is quite revealing on the kind of attitude that we adopted towards community development. Not only does this paper cite the ills and the abject situation of the Black families in this country, but it goes on to say on this particular day we will reflect on these things, bus disasters, what-not and what-not, but then we will take action by way of involving ourselves in community development programmes, to

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man our community and to build it up. In some cases people do not have houses to stay in, I have been to Rooigrond for instance, the people just stay in tin shacks and so on. Now we know when water comes around, there are floods and so on, those things go flying and people die and so on. Our concern there is to make sure that these people have got some kind of shelter that is reliable. And I think one can well argue that the day of compassion is really a day on which we reflect on the areas of community development which we would undertake. The other document will be SASO G.5, which is a composite executive report - FAUSE

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Is that more or less the same form of report?

--- That is right, that will be from page 40 to page 42.

Yes, anything else? --- Then there will be I think SASO H.1, those are the Minutes I think of the 5th GSC. M'lord, we will find a number of Resolutions there, 12, 13, 19, 21, all of them relating to community development projects. I have already referred to M.1, I think just to give the pages there it is SASO M.1, pages 13 to 15, page 21, 24 to 25, page 28, page 36, page 38, page 40, 42 to 43, page 44 to page 45. Now this list I took from our compiled exhibits as presented to Court, I don't know whether they really are the same.

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Does that complete the list? --- I have got just about three more left now. Then we have got EXHIBIT H.4, another composite Executive report to the 6th GSC, SASO H.4.

N for November? --- That is right, pages 65 to 70. Then I have got N.3, pages 213 to 224 and pages 225 to 234. Then I have got SASO H.1, the Resolutions there 63 and 61 of 1974.

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Does that complete your list? --- This completes the list of what I have.

Is that in relation to community programmes. While we are on the theme of lists, have you got a list of those documents which you were aware of, those Exhibits that you were aware of prior to your arrest --- Oh yes.

And would you indicate if there are any documents in respect of which you have doubts? --- Oh yes. M'lord, the documents that I certainly knew were SASO A.1, the Minutes of the July 1971 GSC..(Mr. Soggot intervenes)

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I do not think it is necessary, with respect, Mr. Lekota to describe them, would you just read in the numbering of the exhibits? --- SASO C.1, SASO D.1, SASO G.1, SASO H.1, SASO H.1, SASO H.1, SASO H.2, SASO H.4, SASO H.5, SASO P.1, SASO P.2, SASO Q.2, SASO K.1, SASO Q.1, SASO P.3, GENERAL K.2(a), I also knew BPC O.1, BPC A.1 - well that one I may or may not have known that one. In respect of the SASO newsletters, unfortunately I could not get all their numbering, but I think I can say that most of the SASO newsletters I did read, there may just be one or so.

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We know that there was a Tiro commemoration or memorial service at the Y.M.C.A. in Durban? --- That is so.

Early in 1973, is that correct? --- Early in 1974.

Sorry, did you attend that? --- I attended that, actually I was one of the speakers.

Were you involved in the organising of this at all? --- No, no, I was not involved in the organisational arrangements.

Were you already the permanent organiser? --- I was already the permanent organiser, M'lord, but I was still

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serving my term of notice with the South African Permanent Building Society, because I had been working for them before that.

Now, can you remember if any poems were recited there and if so by whom --- I remember definitely there was a poem recited there by Mandla M'kosi Langa.

And does that poem figure in any of the exhibits at all --- It is one of the exhibits, M'lord, I do not know the number.

I think it is BPC L.1 or BPC L.2, will you have a look at these please? --- PAUSE 10

Now, have you any comment? --- M'lord, BPC L.1 is the poem that would have been read by Mandla Langa.

And BPC L.2, was that read as far as you remember? --- As far as I am concerned this "Hey Black Man", this certainly did not feature at all at that meeting, I certainly would have remembered this kind of thing.

Why do you say that? --- Or at least I would have had a copy of it.

Why do you say you would have remembered it? 20  
--- Well I think it is quite significant, I mean it is not the kind of thing that I would forget easily "Hey Black man, take up the gun, kill the Whites, and clear the cloudy sky" - well I think I would have remembered this one. You see, it is "hey Black man, hey Black man" all the way, I think I would remember it, it is very peculiar, I mean it just belongs on its own.

All right, well that is what you say, were there poems on the chairs as suggested by Harry Singh? --- M'lord, I think this poem here by Mandla, I think it was tied and 30

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it was disseminated on the chairs and so on. I did not have a copy of this but I remember that when he was reading it we had to repeat after him, or he asked us at the end of every stanza to say, to pronounce that "we must die". I think - my understanding of it was that it was written with the background of the church idiom that as you come from the dust so you will go back to the dust. This is how I would have understood it, I think. Now we get this kind of thing, maybe it is because of my Catholic background, in Catholic tradition they have this thing they call Ash 10  
Wednesday, and we go to church there on that Wednesday, then they put some ash on the forehead there and then they say "as you came from dust so you will go back to dust" and so on, now I thought it was something written in those terms.

You yourself spoke at that commemoration, is that right? --- I spoke, yes.

What did you talk about? --- Well I talked about the late Ramotiba, we were students with him at the University of the North, I would have spoken about him, 20  
about what kind of man he was, about how we should relate his death and so on.

Now, you apparently were instrumental in moving two Resolutions, that is Resolution 41 and 42 of 1974, M'lord that would be SASO EXHIBIT H - I am sorry, M'lord, there is an error - M'lord, it is SASO N.1 - N for November - now just refresh your memory but do not bother to read it. You were involved with Resolution 41 and 42, is that right?  
--- That is so.

Can you just tell us briefly the circumstances 30

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associating with your moving this Resolution, and your reason and motivation in doing so? --- M'lord, I think the Resolution itself really explains itself. It is a declaration of support I think for the South African Soccer Federation, South African Rugby Union and the South African Cricket Board of Control. Now all of these bodies here, perhaps there are others also, are non-racial sports associations, and what we moved here really was to say we want non-racial sport, and of course we attack there. I think I attack there the South African government racist policies in so far as sport is concerned. I attack there the government for refusing permission to the South African Soccer Federation delegation to attend the FIFA conference which was in Munich at the time in 1974. 10

What does FIFA stand for? --- FIFA stands for the Federation of International Football Associations. And certainly I don't think it is an organisation which is hostile to South Africa. It is just a federation of football associations. And I also attack the government there, M'lord, for refusing Mr. Hassan Howa permission to go to some conference. I don't remember exactly now, but it was in the Press, to go and attend some cricket conference on behalf of the South African Cricket Board of Control. 20

COURT ADJOURNS



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