

to paragraphs 1 (q), (r), (s),  
 (t), 2, 3 (a) (ii), 3 (b) (iii),  
 and 3 (b) (vi) of the Request  
 for Further and Better Particulars.  
 It is accordingly not clear whether  
 the Accused are alleged to have con-  
 spired with persons other than them-  
 selves, inter se, the named organisations,  
 their members and active supporters.

(g) The State's reply to paragraph 3 of  
 the Request for Further Particulars  
 is vague, embarrassing and unfair to  
 the Accused.

2. The charge in the First Alternative Count,  
 read with the Further Particulars and the  
 Further and Better Particulars thereto, is  
 calculated to prejudice or embarrass each  
 of the said Accused in his defence, in that:

(a) The State's reply to paragraphs 5 and  
 7 of the Request for Further Particulars  
 is vague, embarrassing and unfair to the  
 Accused.

(b) / .....



(b) It is not clear whether the replies to paragraphs 4 and 6 of the Request for Further Particulars are to be disregarded in view of the amendment to the First Alternative Count.

3. The charge in paragraph (ii) on page 5 of the Indictment, read with the Further Particulars and the Further and Better Particulars thereto, is calculated to prejudice or embarrass each of the said Accused in his defence, in that the State's reply to paragraph 10 of the Request for Further Particulars is vague, embarrassing and unfair to the Accused.

4. The charge in paragraph (iii) on page 8 of the Indictment, read with the Further Particulars and the Further and Better Particulars thereto, is calculated to prejudice or embarrass each of the said Accused in his defence, in that:

(a) the charge does not comply with the

provisions/ .....

provisions of Section 315 of Act No. 56 of 1955, and the State has not replied to the particulars requested in paragraph 11 (b) (iv) of the Request for Further and Better Particulars;

(b) the State's reply to paragraph 12 of the Request for Further Particulars is vague, embarrassing and unfair to the Accused.

5. The charge in paragraph (iv) on page 10 of the Indictment, read with the Further Particulars and Further and Better Particulars thereto, is calculated to prejudice or embarrass each of the said Accused in his defence, in that:

(a) The State has not replied to paragraph 13 of the Request for Further Particulars, nor has it replied to paragraph 12 of the Request for Further and Better Particulars.

(b) /.....

- (b) The State's reply to paragraph 15 of the Request for Particulars is vague, embarrassing and unfair to the Accused.
6. The charge in the last Alternative Count on page 11 of the Indictment, read with the Further Particulars and the Further and Better Particulars thereto, is calculated to prejudice or embarrass Accused No. 1 in his defence, in that the State's reply to paragraph 19 of the Request for Particulars is vague, embarrassing and unfair to the Accused.

DATED at PRETORIA this 25<sup>th</sup> day of APRIL, 1975.

*for* <sup>*Mam*</sup> SHUN CHETTY & COMPANY,  
Attorneys for the Accused,  
c/o V;J; Kathri,  
Asian Bazaar,  
PRETORIA;

/EO.

IN THE SUPREME COURT OF SOUTH AFRICA  
(Transvaal Provincial Division)

In the case of:

THE STATE

versus

SATHASIVAN COOPER AND TWELVE OTHERS

-----  
THE STATE'S RESPONSE TO THE APPLICATION IN  
TERMS OF SECTION 179 OF ACT NO. 56 OF 1955  
-----

1.

TAKE NOTICE THAT the State will oppose the Accused's Application of the 25th April 1975.

2.

The various Requests for Further Particulars were framed in such a manner that the State was entitled to ignore them.

3. The/...

3.

The particulars already supplied to the Accused are reasonably sufficient to inform them of the nature of the case which they have to meet.

4.

However, in order to expedite the proceedings and avoid lengthy argument but without conceding that the Accused are entitled thereto, the State attaches hereto additional further particulars dealing with the questions framed in the Notice dated 25th April 1975.

DATED at PRETORIA this the 1st day of MAY 1975.

C. Rees  
DEPUTY ATTORNEY-GENERAL

TO: Messrs. Shun Chetty & Co.,  
c/o V.I. Khatri,  
Asiatic Bazaar,  
PRETORIA.

AND TO: The Registrar of the Supreme Court,  
PRETORIA.

FURTHER PARTICULARS IN RESPONSE TO THE APPLICATION  
FOR DELIVERY OF PARTICULARS DATED 25TH APRIL 1975.

The questions put in Annexure "A" are referred to herein.

Ad (1) - (4)

The State relies on the particulars supplied on pages 1-12 of the Further Particulars read with the information supplied in Schedules A and B of the Further and Better Particulars and also on the accused persons' participation in the activities of the organisations and/or associations of persons and their attendance at its meetings. In Annexure "A" attached hereto particulars are set out of the more important meetings held by the organisations and attended by the accused persons, during the course of which the aims and objects of the organisations referred to in paragraphs 1-10 of the Main Count became apparent.

Ad (5)

The only relevance of S.A.B.T.U. (South African Black Theatre Union) is that acc. No. 9 was its President during 1972 and that T.E.C.O.N. presented the play "Requiem for Brother X" during or about December 1972 at or near Cape Town under its auspices.

Ad (6)

The allegation that the accused were office-bearers and performed duties pertaining to the organisations and associations is relevant to the allegation that each accused became a party to the conspiracy. The organisations were at all relevant times engaged in a course of conduct involving the commission of the acts alleged in paragraphs 1-10 of the Main Count.

Ad (7)/...

Ad (7)

All the organisations referred to in the Main Count namely S.A.S.O., B.P.C., P.E.T., T.E.C.O.N. and Turfloop S.R.C. are alleged to have been engaged on a course of conduct involving the commission of the acts alleged in paragraphs 1-10 of the Main Count.

Ad (8) and (9)

The main purpose of the organisations during the period alleged was to commit the acts mentioned in paragraphs 1-10 of the Main Count.

This is revealed in all the documents (copies of which have already been served on the Accused) and in the proceedings at the various meetings of the organisations as reflected in the particulars already supplied and in the organisation and participation by B.P.C. and S.A.S.O. in the rallies on 25th September 1974, and in the plays etc. produced etc. by T.E.C.O.N. and P.E.T. and in all the activities of the Accused already referred to in the Indictment and Further Particulars.

Ad (10)

- (a) - 1 (b) With regard to each Accused the State will rely on express and/or implied agreement and/or conduct.
- (b) - 1 (f) With regard to each Organisation the State will rely on express and/or implied agreement and/or conduct.
- (g) (i) - (iii) The State does not know.
- (h) The reply is mutatis mutandis the same as that given under Ad 8 above.
- (c) This/...



(c) This request is vague and embarrassing.

(d) - 3(a) + (b) The State has already stated in par. 5 of the Further and Better Particulars that:

"The State does not know precisely when or where any one of the Accused or any one of the organisations and/or associations of persons became a party to the conspiracy to commit the acts set out in paragraphs 1-10 on pages 3-4 of the Indictment"

(e) - 4(a)(i) The State has nothing to add to the particulars supplied to this and former requests.

(ii) Particulars of the Accused's attendance at conferences etc. are sufficiently set out in the previous paragraphs hereof and in the Further and Better Particulars already supplied.

(iii) It is alleged that one Harri Singh was so incited to speak at the meeting. The effect of the words were that racial hatred and enmity against the Whites and the State should always be preached.

(iv) It is alleged that H. Singh, P. Nefolovhodve, V. Mayatula, V. Nkomo and a certain Motopeng were so incited.

It is further alleged that certain quotations portraying the Whites as cruel oppressors of the Blacks were given to H. Singh by Acc. No. 1 to incorporate in his speech.

(iv)A.(a) This/...

(iv)A.(a) This is a matter for evidence.

(b) The Accused are referred to par. 7 of the Further and Better Particulars.

It is alleged that the documents referred to in Annexure 6 of the Indictment were issued in Durban by Acc. No. 1 to the people of Chatsworth and Durban in general.

(v)(a) The manner in which the Accused is alleged to have assisted in the compilation of the press-statement is a matter for evidence.

A copy of the press-statement is to be found in Vol. 3, p. 20-23 of the bound volumes of documentary exhibits.

(vi) It is alleged that this document was prepared and/or compiled and/or issued during or about March 1973.

(vii) The documents prepared for publication under the heading "Inkululeku Yesiswe" are to be found in Vol. 1, p. 10-34 of the said bound volumes of exhibits.

(viii) It is not known precisely when or where Acc. No. 1 wrote, prepared and/or participated in the writing and preparation of this document, but it is alleged that he possessed the document in Durban during or about September/October 1974.

A copy of this document is to be found in Vol. 4 p. 43-57 of the said bound volumes.

(ix) The/...

(ix) The allegations on which the State intends to rely in this regard are sufficiently set out on p. 7, par. (c) of the Further Particulars.

- 4(b)-(m) The reply hereto is mutatis mutandis the same as that furnished under Ad (8) above except insofar as indicated hereunder.

- (c)(iii) It is alleged that in consequence of Resolution No. 11/1974 adopted at the 5th G.S.C. of S.A.S.O. at Hammanskraal during or about Jan. 1974, Acc. No. 3 assisted in the establishing of an off-campus branch of S.A.S.O. at Turfloop.

The resolution may be inspected in Vol. 4 p. 77 of the said bound volumes of exhibits.

- (d)(iii) It is alleged that Acc. No. 4 participated in the issue of a statement by B.P.C. during or about July 1973, a copy of which may be inspected in Vol. 3 p. 20 of the said bound volumes of exhibits. It is further alleged that this document was issued to the Press.

- (e)(iii) It is alleged that Accused No. 5 issued and/or participated in the issue of the following documents concerning the affairs and activities of B.P.C.:-

(i) A document beginning "there is a wave that has been sweeping throughout Azania", a copy of which may be found in Vol. 4 p. 177-180 of the bound Volumes of Documentary Exhibits in possession of the Defence.

(ii) A document entitled "Foreign Investment", a copy of which may be found in Vol. 4 p. 181-182.

(iii) A/...

- (iii) A document entitled "The Dashiki Country Tour" a copy of which may be found in Vol. 4 p. 183-184.
- (iv) A document summoning a special National Council Meeting, a copy of which may be found in Vol. 4 p. 175-176.
- (v) A document entitled "Paper on Policy", a copy of which may be found in Vol. 4 p. 165-168.
- (vi) A document entitled "Press Release 10th July 1974 to the Rand Daily Mail", a copy of which may be found in Vol. 1 p. 45-46.
- (vii) A document dated the 16th September 1974, a copy of which may be found in Vol. 4 p. 169
- (viii) A letter dated 9th September 1974, a copy of which may be found in Vol. 4 p. 160-161.
- (g)(iii) The said recommendation was reduced to writing, a copy of which may be found in Vol. 2 - p. 131-152 of the said bound volumes of exhibits.
- (k)(iii) The aims and objects of B.P.C. which Acc. No. 11 is alleged to have taken an active part in the promotion of are the commission of the acts alleged in paragraphs 1-10 of the Main Count.
- (iv) It is alleged that during or about July 1974 Acc. No. 11 participated in smuggling one Sipho Buthelezi out of the Republic and into Botswana.
- (v) It/...

- (v) It is alleged that upon or about the 22nd Nov. 1973 Acc. No. 11 furthered the aims and objects of B.P.C. and/or P.E.T. as set out in paragraphs 1-10 of the Main Count, the manner in which is sufficiently set out in par. (d) on p. 10 of the Further Particulars.
- (vi) This is irrelevant to the charge.
- (m)(iii) It is alleged that Acc. No. 13 participated in the writing, preparation, compilation and/or editing of the script of the play "Black Images" during or about the period April to October 1973.
- (iv) It is alleged that he possessed a copy of the play "Black Images" on the 16th October 1973 at Lamontville, Durban.
- (g) - 11(b)(iv) The accused did incite, encourage etc. the members and/or active supporters of the organisations referred to and the public in general.
- (h) - 12(a) The State relies on a conspiracy formed during or about the period 16th Dec. 1972 to 11th July 1973 to commit any or all the acts specified in sub-paragraph 4 on p. 10 of the Indictment.
- (b) Other members or active supporters of B.P.C. who are alleged to have been parties to the said conspiracy are:

H. Nengwekulu/...

H. Nengwekulu  
B. Mafuna  
D. Chiloane  
C. Moshotle  
V. Mvulane  
D. Chetty  
P. Skeef  
V. Made  
S. Buthelezi  
T. Chiliza  
T. Molewa  
T. Farisane  
M. Mangena  
L. Koza  
C. Palweni  
S. Variava  
S. Varina  
A. Mayet  
H. Mayet  
R. Moosa  
N. Matshoba  
C. Nawa  
S. Narina  
M. Rampheli  
S. Nkabinde  
V. Kgwane  
R. Chetty  
H. Singh  
S. Moodley  
S. Carolus  
D. Nthongoa  
M. Manthata  
V. Mayatula  
D. Koka  
A. Dlamini

(j) - 13(a)(i) The commission of each of the acts alleged in paragraphs 1-10 of the Main Count had or was likely to have had any one or more or all of the results mentioned in sect. 2(2) of Act No. 83 of 1967 in the Republic or any portion thereof.

(b)-(f) The reply hereto is mutatis mutandis the same as that furnished under (a) above.

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## ANNEXURE "A"

ACCUSED NO. 1

ORGANISATION	DATE/PERIOD	PLACE	EVENT	REF. IN BOUND VOLUMES OF DOCUMENTS	
				VOL.	PAGE
S.A.S.O.	21-25/9/74	Durban	Joint S.A.S.O./ B.P.C. preparations for Rally on 25/9/74		
B.P.C.	28/5/72	Durban	Ad-Hoc Committee meeting	4	138) 139)
	8-10/7/72	Pietermaritzburg	Inaugural Convention Meeting	1	113
	16-17/12/72	Hammanskraal	First National Congress	1	114
	March 1973	Durban	Planning Sharpville Commemoration Meeting		
	March 1973	Durban	Executive Meeting		
	Mid Aug. 1974	Durban	Planning Symposium Kaje Hall		
	21-25/9/74	Durban	Joint S.A.S.O./ B.P.C. preparations for Rally		
T.E.C.O.N.	1968-69	Durban	Formation of T.E.C.O.N.		
	February 1972	Durban	Organised a Drama festival and staged the play "Requiem for Brother X"	4a	
	June-July 1972	Durban	Play reading "Requiem for Brother X" and staging of play	4a	
	14/12/72	Cape Town	Requiem for Brother X staged	4a	

ACCUSED/...



ACCUSED NO. 2

ORGANISATION	DATE/PERIOD	PLACE	EVENT	REF. IN BOUND VOLUMES OF DOCUMENTS	
				VOL.	PAGE
S.A.S.O.	14-19/1/74	Hammanskraal	Fifth G.S.C. Meeting	4	74-86
	23/2/74	Durban	Executive and Staff Meeting	4	133-137
	March 1974	Cape Town	S.A.S.O. Meeting		
	April 1974	Durban	Executive and Staff Meeting		
	May 1974	Alice	S.A.S.O. Formation School		
	30/6/74 - 7/7/74	Roodepoort	Sixth G.S.C.	2 4	54-79 90-121
	14-15/9/74	Durban	Executive and Staff Meeting		
	21-25/9/74	Durban	Preparations for Rally and holding of Rally on 25/9/74		

ACCUSED NO. 3

S.A.S.O.	February 1972	Turfloop	Addressed Mass Student Meeting	2	80-123
	2-9/7/72	Hammanskraal	Third G.S.C.	4	74-86
	14-19/1/74	Hammanskraal	Fifth G.S.C.	4	133-137
	23/2/74	Durban	Executive and Staff Meeting		
	March 1974	Mankweng	Formation of S.A.S.O. Branch		
	April 1974	Durban	Executive and Staff Meeting		
	May 1974	Alice	S.A.S.O. Formation School		
	June 1974	Mabopane	S.A.S.O. Regional Formation School		

REF. IN BOUND  
VOLUMES OF DO-  
CUMENTS

ORGANISATION	DATE/PERIOD	PLACE	EVENT	VOL.	PAGE
	30/6/74 - 7/7/74	Roodepoot	Sixth G.S.C.	2 4	54-73 90- 121
	August 1974	Turfloop	S.A.S.O. Committee Meeting		
	August 1974	Orlando	S.A.S.O. Day of Compassion		
	22/8/74	Turfloop	S.A.S.O. Day of Compassion		
	24-25/9/74	Durban	Preparation for and holding of Rallies on 25/9/74		
B.P.C.	Sept. 1974	Hammanskraal	B.P.C. Semicon		

ACCUSED NO. 4

S.A.S.O.	4-10/7/71	Durban	Second G.S.C. Meeting	4	235- 273
	July 1972	Hammanskraal	Third G.S.C.		
B.P.C.	17-19/12/71	Orlando	National Organisations Conference	1	77 C.
	28/5/72	Durban	Ad-Hoc Committee Meeting	4	138 139
	March 1973	Durban	Planning Sharpville Commemoration		
	21-25/9/74	Durban	Planning of and holding Rallies on 25/9/74		

ACCUSED/...

ACCUSED NO. 5

ORGANISATION	DATE/PERIOD	PLACE	EVENT	REF. IN BOUND VOLUMES OF DOCUMENTS	
				VOL.	PAGE
E.P.C.	March 1973	Durban	Executive Meeting		
	March 1973	Daveyton	B.P.C. Branch Meeting	4	140-152
	15-17/12/73	Hammanskraal	Second Annual National Congress	4	154-159
	16-17/3/74	Wilgerspruit	Fourth National Council Meeting		
	April 1974	Johannesburg	B.P.C. Seminar		
	Sept. 1974	Hammanskraal	National Council Meeting		
	15/9/74	Durban	Symposium Kajee Hall		
	21-25/9/74	Durban	Preparation, planning and holding of Rallies on 25/9/74		

ACCUSED NO. 6

S.A.S.O.	March 1974	Mankweng	Formation of S.A.S.O. Branch		
	March 1974	Turfloop	Take-over of Turfloop S.R.C. by S.A.S.O.		
	April 1974	Durban	S.A.S.O. Executive and Staff Meeting	2	54-75
	30/6/74 - 7/7/74	Roodepoort	Sixth G.S.C.	4	90-121
	Aug. 1974	Turfloop	S.A.S.O. Committee Meeting		
	22/8/74	Turfloop	S.A.S.O. Day of Commemoration		

REF. IN BOUND  
VOLUMES OF DO-  
CUMENTS

ORGANISATION	DATE/PERIOD	PLACE	EVENT	VOL.	PAGE
	14-15/9/74	Durban	Executive and Staff Meeting		
	18/9/74	Turfloop	S.A.S.O. Committee Meeting		
	21-22/9/74	Turfloop	Tvl. Regional Formation School	2	130-150
	23-25/9/74	Turfloop	Preparation for and Participating in Rally on 25/9/74		
B.P.C.	15/9/74	Durban	Symposium Kajee Hall		
S.R.C.	March 1974	Turfloop	Take-over of S.R.C. by S.A.S.O.		
	April - May 1974	Turfloop	Negotiations with University authorities to allow S.A.S.O. back on campus.		
B.P.C.	1974	Turfloop	Local branch meeting - Accused correspondence Secretary		
	24/9/74	Turfloop	Preparation for Rally		

ACCUSED/...

ACCUSED NO. 7

REF. IN BOUND  
VOLUMES OF DO-  
CUMENTS

ORGANISATION	DATE/PERIOD	PLACE	EVENT	VOL.	PAGE
S.A.S.O.	14-22/7/73	Hammanskraal	Fourth G.S.C.	2	153-183
	22/8/74	Turfloop	S.A.S.O. Day of Compassion	4	283-312
	18/9/74	Turfloop	S.A.S.O. Committee Meeting		
	21-22/9/74	Turfloop	Tvl. Regional Formation School	2	130-150
S.R.C.	19/9/74	Turfloop	Executive Meeting	5	48
	22/9/74	Turfloop	Executive Meeting	5	50
	24/9/74	Turfloop	Preparing Placards for Rally		
	25/9/74	Turfloop	Participating in Rally		

ACCUSED NO. 8

S.A.S.O.	2-9/7/72	Hammanskraal	Third G.S.C.	2	80-123
	30/6/74-7/7/74	Roodepoort	Sixth G.S.C.	2 4	54-90-121
	21/9/74	Turfloop	Tvl. Regional Formation School	2	130-150
	22/9/74	Johannesburg	Mass Rally against Crime		

ACCUSED/...

ACCUSED NO. 9

				REF. IN BOUND VOLUMES OF DOCUMENTS	
ORGANISATION	DATE/PERIOD	PLACE	EVENT	VOL.	PAGE
S.A.S.O.	4-10/7/71	Durban	Second G.S.C.	4	235-273
	Dec. 1971	Durban	Executive Council Meeting and Formation School		
	10/5/72	Fort Hare	S.A.S.O. Day		
	2-9/7/72	Hammanskraal	Third G.S.C.	2	80-123
	Oct./Nov. 1972	Durban	Literacy Training		
B.P.C.	14/11/72	Edendale	National Formation School towards Black Education	2	126-127
	28/5/72	Durban	Ad-Hoc Committee Meeting	4	138-139
	8-10/7/72	Pietermaritzburg	Inaugural Convention Meeting	1	113
	Dec. 1972	Hammanskraal	First National Congress		
T.E.C.O.N.	1970	Durban	Accused took over control of T.E.C.O.N.		
	June/July	Durban	Play reading "Requiem for Brother X" and staging of play	4a	
	14/12/72	Cape Town	A play "Requiem for Brother X" staged		

ACCUSED/...

ACCUSED NO. 10

ORGANISATION	DATE/PERIOD	PLACE	EVENT	REF. IN BOUND VOLUMES OF DOCUMENTS	
				VOL.	PAGE
S.A.S.O.	4-10/7/71	Durban	Second G.S.C.	4	235-273
	2-9/7/72	Hammanskraal	Third G.S.C.	2	86-123
	14-22/7/73	Hammanskraal	Fourth G.S.C.	2 4	153-183 283-312
B.P.C.	28/5/72	Durban	Ad-Hoc Committee Meeting	4	138-139
P.E.T.	September 1973	Johannesburg	Formation of P.E.T. in B.P.C. Office		
	Sept./Oct. 1973	Johannesburg	P.E.T. Newsletter issued	Annex. 9	
	14-22/7/73	Hammanskraal	Represented P.E.T. at Fourth G.S.C. of S.A.S.O.	4	287

ACCUSED NO. 11

S.A.S.O.	30/6/74 - 7/7/74	Roodepoort	Sixth G.S.C.	4	90-121
B.P.C.	Aug. 1974	Johannesburg	Day of Compassion		
	21-22/9/74	Turfloop	S.A.S.O. Formation School	2	130-150
	15-17/12/73	Hammanskraal	Second Annual National Congress	4	140-152
	March 1974	Johannesburg	Heroes Day		
	16-17/3/74	Wilgerspruit	Fourth National Council Meeting	4	154-159
	April 1974	Johannesburg	B.P.C. Seminar		

REF. IN BOUND  
VOLUMES OF DO-  
CUMENTS

ORGANISATION	DATE/PERIOD	PLACE	EVENT	VOL.	PAGE
P.E.T.	July 1974	Johannesburg	Taking Buthelezi out of Country		
	Sept. 1974	Hammanskraal	B.P.C. Semicon		
	22/11/73 - 24/11/73	Western Coloured Township	A play "Shanti"		

ACCUSED NO. 12

P.E.T.	Sept. 1973	Johannesburg	Formation of P.E.T. in B.P.C. Office		
	Sept. - Oct. 1973	Johannesburg	P.E.T. Newsletter issued	Annex. 9	

ACCUSED NO. 13

T.E.C.O.N.	Sept./Oct. 1973	Durban	Rehearsal of "Black Images" in S.A.S.O. Office	4a	
	10-16/10/73	Durban	Staging "Black Images"	4a	
S.A.S.O.	July 1973	Hammanskraal	Fourth G.S.C.		

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**Collection Number: AD1719**

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

***PUBLISHER:***

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

*Location:- Johannesburg*

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***DOCUMENT DETAILS:***

*Document ID:- AD1719-G*

*Document Title:- The request for further and better particulars*