

IN THE SUPREME COURT OF SOUTH AFRICA

(Transvaal Provincial Division)

The Attorney General of the province Transvaal, who as such prosecutes for and on behalf of the State, presents and informs the Court that:-

- (1) SATHASIVAN COOPER, an Indian male;
- (2) JUSTICE EDMUND LINDANE MYEZA, a Black male;
- (3) MOSIDUA GERARD PATRICK LEKOTA, a Black male;
- (4) MAITSHE NCHAUPE AUBREY MOKOAPE, a Black male;
- (5) NKWENKE VINCENT NKOMO, a Black male;
- (6) PANDIELANI JHUMTANI NI (M) DVHODWE, a Black male;
- (7) GILBERT KABORANE SEDIBE, a Black male;
- (8) RUBIN HARE, a Coloured male;
- (9) STRINIVASA RAJOO MOODLEY, an Indian male;
- (10) SADECQUE VARIAVA, an Indian male;
- (11) ABSOLOM ZITULELE CINDI, a Black male;
- (12) SULAYMAN AHMED ISMAIL, an Indian male; and
- (13) SIVALINGAM MOODLEY, an Indian male;

(hereinafter referred to as the accused) are guilty of the offence of participation in Terroristic Activities in contravention of Section 2(1)(a) read with sections 2(2), 2(3), 4, 5 and 8 of Act No. 83 of 1967, and read further with section 263 bis of Act No. 56 of 1955

ALTERNATIVELY

- (i) That accused numbers (1), (2), (8), (9), (10), (11), (12) and (13) are guilty of the offence of participation in terroristic activities in contravention of section 2(1)(a) read with sections 2(2), 2(3), 4, 5 and 8 of Act No. 83 of 1967, and read further with section 263 bis of Act No. 56 of 1955;

AND

- (ii) That accused number 8 is guilty of the offences of:-
 - (a) participation in terroristic activities in contravention of section 2(1)(a) read with sections 2(2), 2(3), 4, 5 and 8 of Act No. 83 of 1967, and read further with section 263 bis of Act No. 56 of 1955; and

(b) participation in terroristic activities in contravention of section 2(1)(a) read with sections 2(2), 2(3), 4, 5 and 8 of Act No. 83 of 1967;

AND

(iii) That accused numbers (1), (2), (3), (4), (5), (6) and (7) are guilty of the offence of participation in terroristic activities in contravention of section 2(1)(a) read with sections 2(2), 2(3), 4, 5 and 8 of Act No. 83 of 1967, and read further with section 263 bis of Act No. 56 of 1955;

AND

(iv) That accused numbers (1) and (4) are guilty of the offence of participation in terroristic activities in contravention of section 2(1)(a) read with sections 2(2), 2(3), 4, 5 and 8 of Act No. 83 of 1967, and read further with section 263 bis of Act No. 56 of 1955;

ALTERNATIVELY

That accused number (1) is guilty of the offence of participation in terroristic activities in contravention of section 2(1)(a) read with sections 2(2), 2(3), 4, 5 and 8 of Act No. 83 of 1967, and read further with sections 263 bis, 381(7), 381(8) and 381(9) of Act No. 56 of 1955.

MAIN COUNT

IN THAT during the period 1st December 1968 to 31st October 1974, and in the Republic, the accused, at all relevant times members and/or active supporters of the South African Students Organization (hereinafter referred to as S.A.S.O.) and/or the Black Peoples Convention (hereinafter referred to as B.P.C.) and/or the Peoples Experimental Theatre (hereinafter referred to as P.E.T.) and/or the Theatre Council of Natal (hereinafter referred to as T.E.C.D.N.) and/or the Students Representative

Council/...

Council of the University of the North (hereinafter referred to as Turfloop S.R.C.), did wrongfully, unlawfully, and with intent to endanger the maintenance of law and order in the Republic or any portion thereof, conspire with one another and/or with one or more or all of the aforesaid organizations and/or their members or active supporters and/or others, to commit one or more or all of the following acts, to wit:-

- ✓ (1) to transform the State by unconstitutional, revolutionary and/or violent means;

and/or

- ✓ (2) to condition the Bantu, Indian and Coloured population groups of the Republic (hereinafter referred to as the Blacks) for violent revolution;

and/or

- ✓ (3) to create and foster feelings of racial hatred, hostility and antipathy by the Blacks towards the White population group of the Republic (hereinafter referred to as the Whites) and/or the State;

and/or

- ✓ (4) to denigrate the Whites and to represent them as inhuman oppressors of the Blacks, and to induce, persuade and pressurize the Blacks to totally reject the White man and his way of life, and to defy him;

and/or

(5) to/...

X (5) to eulogise and encourage emulation of persons who have been convicted in the Republic of the crimes of terrorism, subversion, sabotage and of offences under the Suppression of Communism Act No. 44 of 1950;

and/or

X (6) to portray historical events in such a way as to cause, encourage or further feelings of hostility, resentment or hatred by the Blacks towards the Whites;

and/or

X (7) to make, produce, publish or distribute subversive and anti-White utterances, writings, poems, plays and/or dramas;

and/or

X (8) to organize and hold subversive and anti-White rallies and/or gatherings;

and/or

X (9) to discourage, hamper, deter or prevent foreign investment in the economy of the Republic, and to call upon foreign investors to disengage themselves from the said economy or sections of the said economy;

and/or

X (10) to discourage, hamper and/or deter foreign organization and/or Governments from recognising and/or co-operating with the Republic;

AND

the commission of such acts had or was likely to have had, in the Republic or any portion thereof, any one or more of the consequences mentioned in section 2(2) of Act No. 83 of 1967.

ALTERNATIVELY

(1) Against Accused numbers (1), (2), (8), (9), (10), (11), (12) and (13)

IN THAT upon or about the date or during the period mentioned in column 1 of schedule A attached hereto (hereinafter referred to as schedule A), and at or near the place mentioned in column 2 of schedule A, the accused mentioned in column 3 of schedule A, at all relevant times members and/or active supporters of the South African Students Organization (hereinafter referred to as S.A.S.O.) and/or the Black Peoples Convention (hereinafter referred to as B.P.C.) and/or the Peoples Experimental Theatre (hereinafter referred to as P.E.T.) and/or the Theatre Council of Natal (hereinafter referred to as T.E.C.O.N.), acting either in furtherance of the aforementioned conspiracy or on their own or in concert with one or more of the other persons and/or organizations or associations of persons referred to in the indictment, did wrongfully, unlawfully, and with intent to endanger the maintenance of law and order in the Republic or any portion thereof, commit or incite, instigate, command, aid, advise, encourage or procure various other persons to commit one or more of the following acts, to wit:-

(a) write, /...

(a) write, prepare, compile, copy, print, publish, edit, issue, distribute, disseminate, read, recite and/or sell inflammatory, provocative, anti-White, racialistic and/or subversive material referred to in column 4 of schedule A.

and/or

(b) propose, second, support and/or adopt inflammatory, provocative, anti-White, racialistic and/or subversive motions or resolutions referred to in column 4 of schedule A;

and/or

(c) stage, present, produce, and/or participate in inflammatory, provocative, anti-White, racialistic, subversive and/or revolutionary plays or dramas referred to in column 4 of schedule A;

AND

the commission of such acts had or was likely to have had, in the Republic or any portion thereof, any one or more of the consequences mentioned in section 2(2) of Act No. 83 of 1967.

AND

(ii) Against...

(11) Against Accused number (8)

THAT accused number (8) (hereinafter referred to as the accused), at all relevant times a member and/or active supporter of the South African Students Organization (hereinafter referred to as S.A.S.O.) and/or the Black Peoples Convention (hereinafter referred to as B.P.C.), acting either in furtherance of the aforementioned conspiracy or on his own or in concert with one or more of the other persons and/or organizations or associations of persons referred to in the indictment, did commit the following acts, to wit:-

(a) Upon or about the 21st September 1974, and at or near the University of the North at Turfloop, in the Republic, the accused did wrongfully, unlawfully and with intent to endanger the maintenance of law and order in the Republic or any portion thereof, incite, instigate, command, advise and/or encourage S.A.S.O. and/or its members and/or active supporters to resort to an armed struggle against the State;

AND

(b) Upon or about the 22nd September 1974, and at or near Western Coloured Township, Johannesburg, in the Republic, the accused did wrongfully, unlawfully and with intent to endanger the maintenance of law and order in the Republic or any portion thereof, incite, instigate, command, advise and/or encourage Coloured persons to attack, assault and/or kill the white persons living in the vicinity;

the commission of such acts had or was likely to have had, in the Republic or any portion thereof, any one or more of the consequences mentioned in section 2(2) of Act No. 83 of 1967.

AND

(111) Against Accused numbers (1), (2), (3), (4), (5), (6) and (7)

IN THAT during or about the period 15-25th September 1974, and at or near Durban and/or Turfloop in the Republic, accused numbers 1, 2, 3, 4, 5, 6 and 7, at all relevant times members and/or active supporters of the South African Student Organization (hereinafter referred to as S.A.S.O) and/or of Black Peoples Convention (hereinafter referred to as B.P.C.) acting either in furtherance of the aforementioned conspiracy or on their own or in concert with one or more of the other persons and/or organizations and/or associations of persons referred to in the indictment, did wrongfully, unlawfully and with intent to endanger the maintenance of law and order in the Republic or any portion thereof, commit or did incite, instigate, command, aid, advise, encourage or procure various other persons to commit one or more of the following acts to wit:

(a) organize/...

(a) organize, arrange, advertise and/or hold so-called pro-Frelimo Rallies at Durban and/or Turfloop and/or Johannesburg and/or Cape Town and/or Port Elizabeth;

and/or

(b) demonstrate and/or propagate enmity and hatred for and vilify the white population of the Republic;

and/or

(c) demonstrate and/or propagate hostility and opposition to the State;

and/or

(d) confront, assail or set at defiance the authority of the State, the Police and others established to maintain law and order;

and/or

(e) provoke the Police to use violence;

and/or

(f) advertise, make known or suggest the efficacy of an armed struggle to transform the State and/or bring about political, social, industrial and/or economic change in the Republic;

and/or

(g) to/...

(g) to condition the Black, Indian and/or Coloured population groups of the Republic for violent revolution against the State;

and

the commission of such acts had or was likely to have had, in the Republic or any portion thereof, any one or more of the consequences mentioned in section 2(2) of Act No. 03 of 1967.

AND

(iv) Against Accused numbers (1) and (4)

IN THAT upon or about the 16th-17th December 1972, and at or near Hammanskraal, in the Republic, accused numbers (1) and (4), at all relevant times members and/or active supporters of the Black Peoples Convention (hereinafter referred to as B.P.C.), did wrongfully, unlawfully, and with intent to endanger the maintenance of law and order in the Republic or any portion thereof, conspire with one another and/or with other members and/or active supporters of B.P.C. to discourage, hamper, deter and/or prevent foreign investment in the economy of the Republic;

AND

the commission of such acts had or was likely to have had in the Republic or any portion thereof, any one or more of the consequences mentioned in section 2(2) of Act No. 83 of 1967.

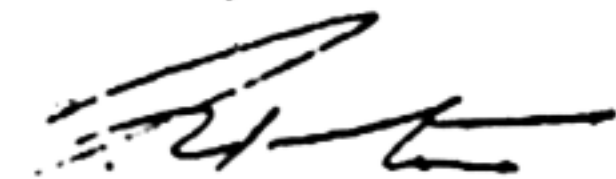
ALTERNATIVELY

In that WHEREAS one Sipho Buthelezi, at all relevant times a member of the Executive Committee of an association of persons other than a corporate body to wit the Black Peoples Convention (hereinafter referred to as B.P.C.), in carrying on the business or affairs of the said association or in furthering or endeavouring to further its interests, did, upon or about the 31st January 1973, and at or near Johannesburg, in the Republic, wrongfully, unlawfully and with intent to endanger the maintenance of law and order in the Republic or any portion thereof, write or cause to be written, letters to the persons and/or companies or organizations mentioned in schedule "B" attached hereto, and thereby did, or did attempt to, discourage, hamper, deter and/or prevent foreign investment in the economy of the Republic;

AND WHEREAS the commission of such acts had or was likely to have had, in the Republic or any portion thereof, any one or more of the consequences mentioned in section 2(2) of Act No. 83 of 1967;

AND WHEREAS accused number (1) was at all relevant times a member of the said Executive Committee;

NOW THEREFORE, by virtue of the provisions of section 381(7) of Act No. 56 of 1955, Accused number (1) is guilty of the offence of participation in terroristic activities.



P. YUTAR
ATTORNEY GENERAL

SCHEDULE "

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4
DATE	PLACE	ACCUSED	MATERIAL PRODUCED ETC.
(1) Sept. 1971	Durban	9	An article: "I write what I like" (annexure 1)
(2) Sept./Oct. 1972	Durban	9	An article: "FOCUS" (annexure 2)
(3) 7th July 1974 - 31st October 1974	Durban	8	An article: "Unity and Dedication" (annexure 3)
(4) 30th June 1974 - 6th July 1974	Rodepoort	2	Resolution No. 46/74 (annexure 4)
(5) March 1973	Johannesburg	1	A document: B.P.C. - Black Peoples Convention: "Information Brochure No. 1 1973" (annexure 5)
(6) November 1972	Johannesburg	1	Documents: Black Peoples Convention: "Brothers and Sisters of Chatsworth" (annexure 6)
(7) Sept. 1973 22 Nov. 1973 23 Nov. 1973 24 Nov. 1973 29 Nov. 1973 15 Dec. 1973	Lenasia Tembisa Orlando Western Col'd. T/ship Atteridgeville Hammanskraal	10,11,12	(a) A poem: "Black Nana Avenged! Arise!" (annexure 7) (b) A play: "Shanti" (annexure 8)
(8) Sept./Oct. 1973	Johannesburg	10,11,12	A publication: "P.E.T. NEWSLETTER VOL. 1 No. 1 sept.-oct." (annexure 9)
(9) 7 July 1972 21 Sept. 1973	Durban Lenasia	1, 9 10,12	A play: "Requiem for Brother X" (annexure 10)
(10) 8 June 1973	Cape Town	8	Document: "What a Friend we have in Vorster" (annexure 11)
(11) 10 Oct. 1973 11 Oct. 1973 12 Oct. 1973 15 Oct. 1973 16 Oct. 1973	Durban	9, 13	A drama "Black Images" (annexure 12)

SCHEDULE "B"

- (1) Frank and Mirech (Pty) Ltd.
- (2) I.B.M. South Africa.
- (3) Anglo American Corporation of S.A. Ltd.
- (4) Siemens (Pty) Ltd.
- (5) National Cash Register Comp. S.A. (Pty) Ltd.
- (6) Blackheath Motors (Pty) Ltd.
- (7) Unilever S.A. (Pty) Ltd.
- (8) Burroughs.
- (9) South African Philips (Pty) Ltd.
- (10) Kodak South Africa (Pty) Ltd.
- (11) Mobil Oil S.A. (Pty) Ltd.
- (12) Gillette South Africa Ltd.
- (13) Pepsi Cola Africa (Pty) Ltd.
- (14) Coca Cola Export Corporation, Southern Africa Area.
- (15) Reckitt and Colman Products (Pty) Ltd.