

UNIVERSITY OF DURBAN–WESTVILLE

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ORAL HISTORY PROJECT

“VOICES OF RESISTANCE”

INTERVIEWEE: KADER HASSIM

INTERVIEWER: D SHONGWE

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PLACE: 7 BELMONT CRESCENT
PIETERMARITZBURG

DS: Good morning. My name is Dimakatso. On behalf of the Documentation Centre, University of Durban-Westville, we are interviewing Mr Kader Hassim at his home in Pietermaritzburg. Welcome Mr Kader, and thank you for your time. Mr Kader could you please tell us a little bit about yourself? Where you were born and when?

KH: I was born in the Northern Natal town of Dundee on the 10th of November 1934 and I make it a point of saying to people that my mother believes that I was born the 16th of December 1934. I believe my mother and not the official who wrote out my birth certificate. Now Dundee those days was about the fourth largest town in Natal. It was the centre of a farming area and the coal mines that were around Dundee. The population from what I can remember in those days, was about 5 000 and that included the usual in Natal: Whites, Africans, so-called Coloureds and Indians. Now although there was no Group Areas Act in those days, yet, group areas was a fact of life. The whites had their own area; the Indians had their own area. The Coloured people

were in a particular place in Dundee. And, of course, the Africans were in the location on the outskirts of Dundee. Now having said that, because there was no Group Areas Act, there were isolated cases where Africans lived next to Indians, Coloured people lived next to Indians, and I think, there were about one or two Indian homes among the Whites. But I think the point is that, long before the Group Areas Act was passed in 1950, group areas was a fact of life in a place like Dundee. Like I am sure in most other places in the country.

DS: So what about your parents, were they born in South Africa?

KH: No both my parents were born in India. My mother was married to my father when she was fourteen. Now my siblings and I constitute eight. Four of them were born in India, and the other four, I included, born in South Africa. We were called the Nindas, which means the little ones, as against those who were born in India.

DS: Your parents worked where?

KH: My mother was a housewife until – for always. She had no other occupation except being that of wife, mother and a housewife. And my father was a wanderer, in the sense that he left India, came to South Africa, tried to make a living and I suppose, in his mind, a fortune. At various times he did various things. He was a shop assistant, at some stage. I think he had a shop, he owned a shop at one stage, which didn't do well at all. In the end he became a dealer in second-hand furniture. He made coir mattresses and he did French polishing. And from that little business he was able to maintain

this large family, including sending money to a brother of mine who had gone to India to study medicine.

DS: So when did you start schooling?

KH: I began schooling in 1941 or '42 and I studied in Dundee. The Dundee High School, the Dundee Indian High School until the beginning of 1951 when my older brother and I went to Umzinto and completed our studies - well we wrote the matric examinations in Umzinto High.

DS: So how was the community in Umzinto?

KH: You know Umzinto is largely an Indian area. The coast is that way, by the way, except for the fancy seaside resorts. A large concentration of Indian populations. I don't recall seeing a single house or hut of an African in Umzinto. There were about half a dozen so-called Coloured families but the vast majority were Indians, very conservative. Now interestingly enough, although there were no Africans living anywhere near the Indians, yet the Indians of Umzinto and Park Rynie believed in the tikolosh. Now that is what you call accultivation. That is something that they must have picked up when their forebears worked and lived in the cane fields side-by-side with the African population. They picked that up. Ya, that is just an interesting aside.

DS: So after having written your matric what did you do then?

KH: I worked for a year in the leather industry and I was fairly active in the trade union. Now, in those days, the workers were extremely timid. They were worried because the owners of the factory were the

Dodo brothers and the workers feared very little more than Dodo's love letter. That is what they called it when you got a letter of retrenchment or dismissal. They called it a love letter. So they were conservative. Now guys like us, who had just come into the factory, we have got no families, we have got no family responsibilities and the leather industry was not going to be our life-long industry, we could afford to be militant, outspoken and so we used to do that. And the issues we took up at the factory – the main issue there was what they call the incentive scheme, where workers were given an incentive that if they produced more than a certain norm, they would get a certain amount of extra money. And we came out very strongly against that system, because it meant that the young strong workers could do it. The older ones couldn't. So their production will fall below norm and when dismissal time came they will be the first one to be dismissed. So we agitated very strongly against that. This was in 1953/1954. It ultimately ended in a massive leather worker strike in 1960, in Pietermaritzburg. The opposition to the incentive scheme, incentive system.

DS: So that is when you started to be politically active?

KH: Well I was active then. I think I need to talk about what I spoke about. You see, human beings always have a standard by which they judge activities and actions. In economics you call that *homo economicus* – the economic man who takes rational economic decisions. In Roman law you had the concept of bonus paterfamilias, the reasonable man. That was a yardstick. In other words, there is no such person.

But it was a standard worked out and they said that the bonus paterfamilias would have done so and so and so. Now in politics there is no such thing as homopoliticus. People join a political movement for all sorts of reasons. You find a person joining an organisation because a member there is a young attractive person and you want to be with that person. And so you join the organisation to be next to that person. I think in a letter that Thabata wrote to Mandela in 1948, Thabata reminds Mandela and Mandela said to him in their discussions that: "I joined the ANC because my father was a member of the ANC." Now I became political, because my brother was political. I didn't study the philosophies of Marx and Engels and all these people and then took a conscious decision to join a political organisation. Your older brother was political, he was your role model, he asked you to post letters for him. He asked you to lick envelopes, put stamps on them, address them. You started off that way. Now that together with your own life, what you face, makes you political. As a boy, for example, you happen to stray into the White section of the town for no other reason than that you are not a White you get severely beaten up by Whites. You go to the – you begin to – you face the oppressive system. You go to buy a ticket you meet a White, he is rude to you. You are on the train, the train conductor is rude to you. So at an early age, you begin to feel the whiplash of racial discrimination.

DS: Had you experienced that?

KH: Yes. I think there are very few people who wouldn't have experienced that. When I said to you a little while ago that you stray into the White section of a town and you get beaten up, I was beaten up from time to time.

DS: What year was?

KH: In the 40's, in my childhood days, my youthful days. And when we went to Umzinto to study, we travelled from Umzinto-Dundee, you have got to buy your ticket. You got rudeness there. You are on the train, the conductor is rude to you. So wherever you now begin to make contact with the Whites they are rude to you. And because of our kind of activity or the things that we did we normally came up with the so-called lower classes of the Whites.

DS: Who were the lower classes of the?

KH: Mainly Afrikaners. Remember that in the forties you had your civilised labour policy. These were your Whites who were driven out from the land and they had been starving. In fact, there is this very moving story. There was a community; it is no longer there now, just across here. They lived in the city dump; they call that place the "Sewerage Farm". Now these were your Indian Corporation workers who dealt with sewerage, who dealt with cleaning the streets, etc, etc. Now one of them was a man called Mr Sukoo, mixed parentage Indian-African, highly respected and he used to tell us how, in the thirties, Whites would come past. Now you don't go to the dump unless you want to dump rubbish, but the Whites somehow got to hear about this community, and they would go there and Mr Sukoo would tell his wife: "Give them some – roll some food in a

roti.” That is the loose bread that the Indians make. And wrap it round it and they would give it to the whites. The Whites used to come there and collect food from the poorest of the poor. So these were your poor Whites and we used to meet them in the ticket offices and the police stations, these places and they used to be extremely rude and vicious towards Black people, in general. Because of their own uncertainty, insecurity.

DS: Earlier on you spoke about your writings in matric, your teacher. Would you like to tell us more of that?

KH: Yes I wrote matric and I got what they – those days, they don’t have it anymore – it is called a school leaving certificate. Where you are half – it is like purgatory – half in hell, half in heaven, you know. Now I wrote – I failed my English, and the reason I believe I failed my English was because I wrote an essay which was, it was a political essay. Based on Richard Wright’s “Native Son”, which I had read those days. My principal used to encourage us to write these essays, unwisely, I think. He didn’t warn us that: “It is okay for you to submit it to me, but not for your examination.” That is what he should have done, he didn’t do that, and I failed my matric.

DS: So what did you do after that?

KH: I worked a year or so in the leather industry. I saved some money and then I went to Natal University in 1955.

DS: Perhaps you would like to tell us about ?...

KH: Alright, Natal University. It used to be called Natal University, Non-European section, UNNE. That

university was situated at the rear of Sastri College, the high school in Centenary Road, Durban. The university consisted of a small office, a well-furnished common room for the lecturers; an ill-furnished, flea-infested common room for the Black students. We had a library, which we used to call two-by-two, two inches by two inches – a tiny library and there was a prefab building. That was Natal University Non-European section. Sum total of it. It only became alive, say after four ‘o clock in the afternoon when the part-time students who were in the majority, mainly the Indian teachers used to come from school. And we had to wait for the classrooms of Sastri College to be evacuated before we could use them as our lecture rooms. So the activity was really from about four to seven, half past seven in the evening.

DS: So I believe Natal University was a “non-European” university?

KH: No, no, no Natal University Non-European section. The Whites had three universities for themselves. One was in Pietermaritzburg, two in Durban. The one was in city buildings, Warwick Avenue primarily commerce, law and speech and drama. And the main campus was Howard College. Now I spent eight, six years at Natal University. I went twice to Howard College. Black students were not allowed in Howard College generally. We were only allowed in the city buildings for about two years before the new university law came into effect. The new university law which brought about racial separation. In other words, Indians had to go to an

Indian university, Africans to an African, Coloured to Western Cape.

DS: What was that law? Do you still remember?

KH: Yes, it is called the University Extension Act. There was a lot of agitation against it but the government forced the law through. And that gave birth to these bush colleges, Turfloop, Western Cape, Westville, the one in Zululand – I forget the name now. Ngoya University. Ya, these were your tribal bush colleges. Fort Hare was always there as an – it was the only university that was primarily for Blacks, in the generic sense of the word – Indian, African, Coloured.

DS: So if you were from Kwa-Zulu Natal, you were also allowed to go to Fort Hare, in a sense?

KH: Yes, that is before this law came into effect. In fact many teachers, Indian teachers had gone to Fort Hare University for the science degree.

DS: What was the implication of this law for the students?

KH: Well, firstly, it just separated the students, created Berlin walls whereas in the past the students were able to mix Indian, African, Coloured together. Those few Whites would come over but after this law was passed Indians had to go to Salisbury Island, subsequently Westville University. Africans Ngoya, Turfloop, Fort Hare. It was based on tribal things, on tribal affiliations. Ngoya was for Zulu-speaking Africans. Turfloop Sotho-speaking, Fort Hare Xhosa-speaking. So it really separated the students. And they wanted it that way because the ruling class feared more than anything else the unity of the oppressed people.

DS: So that is why they made all these laws?

KH: It was part of a wider scheme of the ruling class. The Bantu Authorities Act, The Bantu Education Act. Insofar as the Africans were concerned, Verwoed and his Nationalist Party government wanted to hurl back the entire population back into tribalism. That is why these things are based on tribal lines.

DS: So I believe that during that period it wasn't easy for "non-Whites" to even register at the university. How did you manage to?

KH: No, as I said to you, I started in '55. Towards the end of my stay at university this law was passed. I think we were about the last students that completed our degrees. Maybe a year or so after, but that is it. Thereafter you could only apply to go to university which was not of your racial group by applying for an exemption. You had to give good reasons to why you are doing it.

DS: During that time how old were you?

KH: I went to university at the age of 20. I completed when I was 26.

DS: So what kind of student activity existed in?

KH: Oh there was – the university was a beehive of activity.

DS: Would you like to expand on that?

KH: Yes. For a start – what had happened was there was agitation at Fort Hare and a large number of students were expelled from Fort Hare. And they all pitched up at Natal University, and we formed a group at Natal University called the Durban Students Union. We began debating politics. And we got actively involved in politics. We called, for

example, for the boycott of the graduation ceremony. The graduation ceremony was held where it's held every year. First, the seating, accommodation Whites on the one side, Blacks: African and Coloured on the other side. Then they would call out the White graduates first and then the Black graduates subsequently. So we called for a boycott of the graduation ceremony. Initially, there was tremendous resistance from the Black students. The first time, we had about five or six people boycotting. But by 1957 we almost got a hundred percent success. And of course, the governing body of the university now began coming with compromises. They said alright can we have three blocks in the seating arrangement. One block will be Whites, one block Blacks, the other one mixed. And we said no, no, no, no it is all or nothing, all or nothing. They even threatened us that if we are going to boycott the government is going to close this university down, etc. We were not deterred. We just carried on agitating and they finally just caved in. And they opened up the graduation ceremony completely. In other words the graduates were called in alphabetical order. No longer Whites. No longer Blacks. And of course, the entire hall was totally unsegregated. We had that sort of thing. We had a regular study group going at university where we used to meet and debate matters. The political organisations were the DSU and the ANC Youth League and we used to contend on a regular basis.

DS: Were you affiliated to any of the organisations or?

KH: We were affiliated to the Non-European Unity Movement [NEUM].

DS: You spoke of “we”, who were the others?

KH: Then there was the other body called the Society of Young Africa. It was formed in 1951. This was an open political organisation of the youth. Now at Natal University, we had a fair number of members of SOYA. People like Leonard Nikani. He is late now, but he was in exile in Sweden for many, many years. Atkin Moleko, who is an attorney here in Maritzburg. Justice Poswa, who was a member of SOYA and the DSU. Don Khali was a SOYA member and there were people like myself, V.S. Rajah, Pat Naidoo. The whole lot of us were there. So we were fairly balanced on the campus. As I say we had constant debates. The place was a beehive of activity. We used to bring out a scurrilous journal called the Student – Voice of Student Letter or something. Attack all the university celebrities there. You know, the principal and the dean and the professors and all that. And then, of course, the highlight of our activity was the boycott of the golden jubilee of the Natal University, fifty years of Natal University. This was in 1960. And then Natal University wanted to have the celebration and we said: "No, for fifty years this was an apartheid university, and we are not taking part in that." Maybe there is history for you guys, interesting for you guys as well, you see. They had a very elaborate programme, got International celebrities like Edmund Hilary and all these guys to come in to address. The first item on their celebration was they got the Royal Ballet to come all the way from

England to perform in Durban at the Alhambra Theatre, and it was for Whites only. And that night, when they had that show, we placarded these people. Embarrassed them with publicity, etc. These were your so-called liberals, who were at the head. And one of the biggest culprits here was Professor Sneddon, Elizabeth Sneddon. She, part of her contribution to the golden jubilee was performance of Oedipus Rex, but that night when – you know it was raining that night and we all had our - by the way there were also I think it was just before the State of Emergency and we had to make sure that we stood in groups of nine. It shouldn't be ten and more, and we stood in clusters. And it was raining that night, and the long sleek black limousines came in, the Whites came in with their bow-ties and tailcoats, the women with the fancy gowns, and next thing we unfold our banners and our placards and things. And Elizabeth Sneddon, Professor Sneddon, she used foul language against some of the students because she was embarrassed tremendously. Of course, the students gave it back to her in kind, also. So by that time, it was my last year at university and then I left and I served articles.

DS: You served articles. Only articles?

KH: Sorry?

DS: You served articles?

KH: Articles of clerkship before one could become an attorney you had to serve your apprenticeship. It is like an apprenticeship.

DS: And how was life then after you had left the university?

KH: Well look, by this time, South Africa was heading towards a crisis. In 1960 I should mention, South Africa was heading for a crisis and Sharpeville, 21st of March, 1960. The shootout at Sharpeville was totally out of proportion to what the people were doing there. The people had just gone to – not to demonstrate. In fact they were misled by the PAC. The nonsense started with the ANC. The ANC wanted to have a pass-burning campaign. And the PAC preempted the ANC and they had theirs before. And they invited the people to go to the Sharpeville Police Station and to hand over their Passes, and the people were lead to believe that if you did that you didn't have to carry passes ever again. And the people were – there was no aggression, there was no violence. In fact, people came there, there were little children playing around. Now when you want to go and engage in battle, you don't take children with you. In fact, there were other people there with stools that were sitting there. They came there and they sat there, they thought they were going to have a long wait and they will sit there. And the police just shot. Totally out of proportion. There were other concentrations involved. Now that is when the State of Emergency was declared. The first State of Emergency in this country. And as students, we were

agitating and we then organised a group of students of about 75 to 80 students. The people were marching from Cato Manor, the Indian/ African leadership were arrested. They were all imprisoned. So people were marching from Cato Manor, that

area, to go to the prison to demand for the release of the leaders. And as students, we decided to join the march. Now we had no idea what a march of this nature is like. We had seen marches previously where middle-class typists walking sedately, you know, taking at a measured pace you walk and you give a petition of something and you walk away. So we thought it was something like that. And we then took this group of students. There were many students who were scared to go. We went, and when we got out from the university, which was in Lancers Road, near Berea Road, the place was loaded with Saracens, saracens of the armoured vehicles of the police. And police were everywhere, and we moved to where we heard a sound coming and when we got there, I got a fright of my life. There were thousands of people. Sticks and iron bars, and they were prancing and dancing. It was really a fearful sight. In retrospect, of course, you don't expect people to walk ten/twelve miles at a sedate pace. They came there, had to come a long distance. They could do it by trotting, running and things like that. So, Don Khali was with us, and he approached the leaders and said: "There are students who have come to join you," and this formed a whole, this column just parting, and allowed us to get in and we were just engulfed by the people. We walked a short distance and we heard the sound of the – we call them Sten guns. It is one of the most deceptive sounds, you know. It's like doo-doo-doo-doo-doo-doo!! That's all. Not loud or anything of that sort. But the damage those bullets can do. They shot about killed about three or

four people and the place smelled like a butcher shop. For weeks after that, I couldn't eat meat. You think of meat, you think of the smell, you see. And I saw one youth lying - he was shot in the side of his head. A huge wound and the eye had just popped out, one of the eyes popped out. We then found a wounded youth cowering in a corner and we quickly took him into, we got a car. Dr Christopher was around and we took the person to Kind Edward Hospital. In the meantime, the police barricades - I think about 10 000 people started off, about 2 000 were able to escape the barricades and get to the prison where they demanded the release of their leaders. And the prison, of course, was like a fort, bristling with arms and the people were given about three minutes to disperse otherwise they would shoot. Now it was at this point, that a young student, his name - he is late, he died recently - Rabi Bhagwandeem, Attorney Bhagwandeem. He was an articled clerk to Roley Arenstein, and had been with people quite a bit. People knew him, and he stepped forward and told the officer in charge:

"Just let me speak to the people first."

And then he spoke to this crowd. He told them:

"Look you have come here. You have done your job. The leaders know that you were here. Now please go back home in peace. Your leaders will not want you to be shot."

And they listened to him and they went off. Now he saved a massacre there. He averted a massacre. I've got no doubt about it. And for a while we didn't know what to do. Because it is a novel thing. So we went around wherever, there were police posts in

various places. If you saw wires, anywhere we either cut them or did something and then we heard that in Cato Manor there were people, Indian people who were giving tea and things to the soldiers. So we went to the homes and told them: "Don't do it. It is not a right thing to do." And things like that, you see. But ya, that was the emergency.

DS: Would I be right if I say that was your first encounter with the apartheid oppression?

KH: It was the first encounter with the State, the fascist State, yes. Because, by the way, on the question of apartheid. You see apartheid is the Nationalist Party philosophy of separateness. The Nationalist Party only got into power in 1948. But long before they got into power there was oppression in this country. In fact, apart from certain fascist laws, like the Sabotage Act and the Terrorism Act, the Nationalist Party introduced nothing new in their politics. Everything was done before, by British Imperialism in this country. All that the Nationalist Party did was they perfected it. They didn't bring anything new in. So oppression is, to my mind, a better word than apartheid. Because with apartheid, you are just limited to a certain period when the Nationalist Party came into power, in 1948. And yet oppression and exploitation existed in this country from the day the Whites came into power and they took the land of the Khoi Khoi.

DS: Can we pause just for a minute.

KH: Ya.

MACHINE SWITCHED OFF

END OF SIDE 1A

ON RESUMPTION SIDE 1B

DS: We are back. You were still telling us about the march and the shootings and all that stuff. How was life then, after all that incident?

KH: I think after the shooting at Sharpeville, there was tremendous condemnation of what took place in Sharpeville from the entire international community. That is when South Africa became known as the polecat of the International Committee of Nations. And there was massive disinvestments, at that stage. So much so that the economy got into trouble and Harry Oppenheimer, the chairman of the Anglo American empire, had to go overseas and to raise an amount of £20-million. In those days it was still pounds and shillings and pence. And the activity became very heightened, thereafter.

And also, for the first time, politics became dangerous. In other words it wasn't all glory anymore. Because in 1961, the Umkhonto we Sizwe, formed by the ANC embarked on sabotage. Sabotage, in the sense of using explosives to blow up anything they could blow up, that belonged to the State. For example, if you were walking past a post box you could throw a device in the post box and it used to explode. That was regarded as sabotage. And, at the beginning of 1963, they passed the notorious 90 Day Law, which entitled the police to arrest a person, detain that person and keep that person for at least 90 days, during which time the person had no access to family or to legal representatives. Totally in the clutches of the State. Now I say at least 90 days because they used a simple subterfuge. They detain you for 90 days. On the 90th day, they will say okay: "We are releasing

you." And they take you to the counter, and just as you want to get out, they say: "right now we re-detaining you." And the law and the courts upheld the right of the police to detain you for 90 days at a time.

DS: Which people were detained? Like who were detained, basically?

KH: The people who were engaged in sabotage or people who had information or supported sabotage. In the sense, if you, for example, provided a hiding place for a so-called saboteur, or if you stored explosive material or so on for anybody. They were the ones who were being detained under the 90-Day law. Now in 1962, General Keevy, who was the chief of the police, went over to Algeria, and we know this as a fact, he went there to learn the methods of torture because the French used torture, as routine, on Algerian revolutionaries. And Keevy went there and learnt methods of torture. And Keevy and his team obviously went and they began practising that. So torture became routine under the Sabotage Act detention, the 90-Day Law. The notorious, 90-Day Law. You had people like Baboola Saloojee, who was found dead. Now he was detained in one of the buildings, the police buildings, and they claimed that he jumped out of the window. Now it is a well-known form of torture that if the police want to frighten you, they will hold you out of a very high building and hold you by your leg and threaten to let you go. So it could very well be that that was an accident. And the person plunges to his or her death. Or they could have beaten you up very severely and you died, and then they hurled your

body over. By the way, this lady, Norma Kitson mentioned that they did that to her. But already there was literature on the French methods of torture in those days, which described this particular method. So the first person to die under detention was Baboola Saloojee, and I wish a racist, like Ngema will remember that when it comes to the contribution of the Indian people to the struggle.

DS: Okay would you like to tell us why did the ANC embark on sabotage?

KH: Alright it's better for the – actually it's better for the ANC to explain to you why they did that. I have a particular view of the ANC. I can only give you my view, which is not complimentary. Thabata refers to the zigzags of opportunism. Now, when I first got involved in politics as I said to you there is no such thing as studying all the theories before you join an organisation. You joined for sentimental reasons, you joined for and your level of politics is very low, very primitive. Now I joined at a time the Indian Congresses had embarked on the Defiance Campaign, and when we used to meet people like Billy Nair and others, we used to hug with them and debate with them. We used to ask them simple questions: “Where in the world has it worked that in a defiance campaign, you change the hearts of the ruling class. Where has it ever worked?” And we used to have these debates and very often you found that the Congress person – look those days there were strict compartments. Indian Congress, only Indians could join and become members. ANC was only for Africans. Then they had a body called the

Congress of Democrats, Whites only. In other words an African couldn't become a member of the Congress of Democrats. And then for the Coloured people there was SAGPO and then I think it was called CPC – Coloured Peoples Congress, for Coloured people only. So we used to have these arguments and when the fellow found that he couldn't answer you back he needed to beat you up, he wanted to beat you up. So we would say: "Yes, you use non-violence against the State, and here I am a comrade we are arguing, and you want to beat me up because you haven't got an answer." And we also found that in India, in particular, there's clear examples, clear trend that whenever people went on a non-violent campaign, they were forced by people like Gandhi and others not to retaliate, and then the British soldiers would come and assault people left, right and centre. And people can bear that sort of thing up to a point and then they used to lash out. Not at the British, necessarily, because the British have the guns, but you will suddenly find a Hindu-Muslim riot taking place, or some sectional riot. The beating they got from the British, they would take out on the section of the population. And that is what happened in South Africa also. The 1952 Defiance Campaign came, ground to a halt, because in PE [Port Elizabeth] there was a sister – I forget her name, a White nun, who was well-known in the townships. And this story was told to us. We knew about it, but it was told to us when we were returning from Robben Island, in 1980, by an ANC member who had served about sixteen years in prison. He knew the nun well, and he was

describing how the people had been going on defiance, and the police had been beating them up and they were angry, and there was rioting going on in the PE locations. So this sister wanted to go there and see if she could help. So the ANC people told her, the leadership said: "Sister don't go there. We don't think it is safe for you to go there." She said: "Ag, but the people know me. I am going." Apparently she was a diminutive woman, and she went, and there was this mob who had just been assaulted by the police, angry, and they saw this White sister, and they came towards her. And this guy, the ANC guy who told us the story tells us: "And this nun faces the crowd and shouts "Africa!" You know thinking that, that will save her. That mob tore her to bits, and the ANC got a shock of their lives, and they called off the Defiance Campaign. So, one always found that with this kind of defiance, where it always ends up in violence. So we used to argue with the ANC fellows and tell them. And of course they also, the moment they are in a corner, they can't answer you. They get frustrated and embarrassed and humiliated. They want to beat you up. It was a common thing. It was not something that was uncommon.

DS: Okay, earlier on, when you said you were returning from Robben Island in 1980, were you ever arrested or house- arrested before?

KH: In 1964 - I won't forget the date - 22nd of June, they placed me under house arrest, in Pietermaritzburg. The house arrest involved confining me to my flat from six in the evening until six in the morning. I had to stay indoors. Saturdays. from two until

Monday morning. If Monday happened to be a holiday. then it was Tuesday morning. And if Friday happened to be a holiday, then it started from Friday. And they allowed me no visitors.

DS: What were the circumstances that lead to your house arrest?

KH: Look, as I said in 1961/ 1962, there was a great deal of agitation in the country. The whole country was alive with people wanting to do things and the leader of the APDUSA – the Africa Peoples Democratic Union of Southern Africa, Hybi Thabata had just returned from an overseas tour. He slipped out of the country, illegally. He visited various countries in Africa and he came back. And he told us that, quite wrongly in retrospect, that Africa was ready to give us whatever assistance we wanted. And we had to mobilise people and we went around agitating and asking people to join APDUSA and various trends appeared in the organisation. Some of them were openly advocating the armed struggle. Others were not doing so, but they spoke about a nationwide organisation with a central command, so that any action taken, would be taken under a central command and not something done on a local or a regional basis. And it was at that time, that a whole lot of other things began taking place in the country. And we were out pamphleteering. For example, the Indian Council was formed, and we came out openly telling people to reject this council because firstly, it is not democracy; and secondly, it is for Indians only; thirdly, it is there to divide the oppressed people. The police would then go around taking our leaflets. We would come out and attack

the police, accuse them of being rogues and things like that, openly we would do that. Then they wanted to form the police reservists, where they wanted the Indian and Coloured people to join the police reservists. And we saw this as a method of involving Indian and Coloured people against African people and we came out against, and told the people not to go and join the police reservists. We warned them about the consequences and we warned them what the plan of the ruling class was. So we would take them on, on issue by issue. They would come and raid and steal somebody's books – not steal. They would confiscate books, we would demand return, otherwise we threatened legal action. So it was a battle going on and they regarded me as a ringleader, and they decided to impose a house arrest order on me. We were very active on a regular basis.

DS: Okay, so that is when the house arrest began?

KH: Yes, yes.

DS: And after how long were you – oh okay, can we pause just for a minute?

KH: Yes sure.

PAUSE IN INTERVIEW

DS: Yes, you were still explaining.

KH: So what happened was they served the five-year house arrest orders on me. That didn't stop one from engaging in activity. You just began doing it on an individual basis, because the laws were very, very strict. If two people met and had coffee together, now that was construed as a social gathering and you could go to prison for up to ten years for that.

Until Judges Miller and I forget the other persons name. They said:

"No, no, no for you to have a conviction you have got to find that the people pre-arranged to meet. That becomes a social gathering. But if somebody is sitting at a table and somebody else who knows them casually comes up and sits.

It is too casual. It is not a social gathering."

So that was tremendous relief for all of us. That was, by the way, the case of Jacqueline Arenstein. She fought and won that case.

DS: During this period you were already married?

KH: Yes.

DS: You had children?

KH: Yes I had. Our first child was born in March 1964. It is just a few months before the house arrest. The second child was born in 1968 during my house arrest. At the end of May 1969, when the house arrest was expiring, they re-imposed another five-year house arrest on me. So that would have taken me to 1974, and house arrest can be pretty tough. Unfortunately, I got arrested. The moment you go to Robben Island you forget about house arrest, you see, and you live a different life altogether.

DS: Why were you arrested then?

KH: What had happened was there were a number of our members who had fled the country in the sixties, returned to South Africa to do organisational work and to take people across the country. I was banned, house-arrested, the organisation itself, was pretty dormant. This was a time of fascism, nasty vicious fascism. People were cowed; intimidated yet when

these four people came, people received them. They went – they found their greatest protection in the countryside, which was a stronghold of the Unity Movement, the peasantry. And they were here for six months before the police realised that they had come here. And the police only realised that because one of our members left Zambia, and he became a traitor and informed the police. So the fellows that came, we met them. They wanted assistance, we gave it to them, but you see we were arrested under the Terrorism Act. The Terrorism Act, was from the point of view of Fascism, an improvement on the Sabotage Act. Whereas the Sabotage Act had 90 days at a time, the Terrorism Act had no time limit at all. It was indefinite detention and you were totally in the power of the police. They could do whatever they wanted to do with you. Already by that time there were a number of other people who had died in detention. One of them was Looksmart Ngudle. That is a well-known case because there was a prolonged inquest and they found marks on his feet, indicating that he had been executed, and of course, also the famous case of Haroun Imam who had forty, fifty, sixty wounds on his body. He was killed in Cape Town, and it was all under the new law, Terrorism Act, Section 6. The notorious Section 6 of the Terrorism Act. No visitors, no lawyers. They were a total law unto themselves. Now, when I was in detention the chaps from outside there they took the chance. They served a subpoena on me to appear in a certain court and the police chucked the subpoena aside, you see. Just a total disregard. A subpoena is an official

document of the court. It is signed by the lawyer. It is also signed and stamped by the registrar of the High Court and served by the sheriff of the High Court. And, of course, the police just dismissed the subpoena. You were totally under their control.

DS: So while you were detained, how were the conditions?

KH: Look, detention under the Terrorism Act is one of the most terrifying experiences a person can go through. Now Maritzburg is my town. I was known in Maritzburg. That is why they wouldn't keep me here. They took me to Greytown. But still I am an attorney, and supposed to be well-known in Maritzburg, so they treated me relatively, with kid gloves. With relative kid gloves. But they go through the whole sick game, make no mistake about it. They make you stand until you are exhausted. They use a lot of psychological torture on you. Because within days of my detention they also detained my wife. And so, you now worry about your two children. You really worry about them. You know, you start imagining, you know, the fact that both mother and father are taken away, and the children are left with relatives but strangers, in a sense. And so they used the psychological torture a great deal. But they also threaten you physically. They use obscenities, they degrade you. I mean there was a local chap here called Sergeant Naidoo. He always called me Mr Essack, Mr Essack, Mr Essack. In detention, I suddenly became Essack to him. They had been told: "You don't call him mister." So they tried to degrade you. Tried to humiliate you, strip you of your dignity. The arch

torturer was a man called Swanepoel, and he used to interrogate me. He would come very close, you know, he will even sort of start tapping you on your head, you see, and then you, of course, expect a hard hit from time to time. On one occasion, there was a member of our organisation who had turned traitor, and they kept asking me where is this man? Where is this man? I said I don't know. This guy knew a hell of a lot, and I was quite happy and they asked me where is this man. I said I don't know, and next thing this guy came flying into the room. They had flung him into the room. They had him all the time. They were just playing with me. They had him all the time. His name is Benjamin Madikwa. Now I was at a chair and Madikwa came right up to me and he assaulted me. And when I got up to defend myself, of course, they took him out from there. That, and you will find these guys coming, you will find about a dozen of them shouting at you, hurling questions and then they will come for you, physically. So they used the [threat] but they didn't – apart from that, they didn't use physical violence on me. They didn't use their fists on me. They didn't use relative torture on me. They didn't, but it wasn't pleasant. You come almost to the verge of suicide. And I reached that stage. There were times I reached that stage, in detention. It wasn't easy.

DS: Why do you think they didn't use any physical torture?

KH: As I said because it depends on, you see, it also depends on what information they want from you. If they know that there are trained saboteurs in the country who can strike at any minute then you can

be anybody; they will use physical torture on you to extract information to be able to preempt the saboteurs. But as I said to you earlier the fellows had already left the country. The police knew that so they couldn't touch them. Secondly, it was my status. I was an attorney, and well-known in Maritzburg and that I knew the law and they had to go easy with me as far as that was concerned. And the information they wanted from me was very narrow, very narrow information.

DS: So how long were you detained?

KH: I was detained 17th of February 1971 until the 16th of June 1971, when they formally charged us.

DS: What were you eventually charged with?

KH: Terrorism, four counts of terrorism. Terrorism was firstly, the conspiracy. Secondly, they claimed I raised so many thousands for them. Then they claimed that I tried to falsify reference books, pass books and fourthly, that I warned some of the fellows that had come from Zambia:

"The police are on your trail, you had better leave the country."

So I was found – I was charged for those four counts and found guilty on all four.

DS: So just to go back, were you in any way involved in an undercover, you know, like assisting people who wanted to go out of the country?

KH: No, our involvement was the rendering of assistance to fellows who had come into the country to take out people. In fact, our position was that they wanted to take out one or two people. We said: "No just leave them here. We need them in this country."

DS: So just to come back to after you had been charged and you were arrested. And where were you arrested?

KH: I was arrested in my office and they took me to Greytown. I was kept there because that is where they did the interrogation. Then they brought me back, and they shoved me in the Pietermaritzburg prison, and I was there until we were formally charged. After a while, somewhere in June I think, they brought in the Cape Town fellows who were detained and then they brought in the people from the Transkei, Pondoland, they came in just before we were charged. Say about two or three days [later] and then they us gave the charge sheets.

DS: At that time, where was your family? Were your parents still alive?

KH: No my mother passed away in '58. My father died in '45. Mt parents were long dead. My wife was in detention, and then I think people began, they were photographing my children, you know the newspapers had a field day, and I think they wanted to release her because they couldn't use her against me. The law is that husband can't give evidence against wife, vice versa. And so they couldn't use her in the trial. Then they had even arranged to have her banished from Maritzburg to get away to Cape Town. I think, in last minute, they must have been told "no that is against the law." So they left her here. So she was released before we were charged.

DS: Okay, how long did you stay on Robben Island?

KH: I was sentenced to effective eight years. In total twenty-one years, but they ran concurrently. So effective was eight years.

DS: Okay and how was life there on Robben Island?

KH: Look this is an extremely wide topic and one could fill volumes describing what took place on the Island. In some respects the island was – look, anything to get away. You see, after I was sentenced we were sent to Leeukop where we were kept, or 21 of us were kept in one cell. It was so tight that if you had to turn everybody else had to turn as well, you know, when you were sleeping. It was really sardines like thing, you see. And half of them were out in the morning, half of them in the afternoon and then the whole day just locked in. So anything after a while – we were there for about three months. And of course, Johannesburg, Pretoria that area is the worst place to be in wintertime. Very, very cold, unpleasant. And we were not clad properly, also. So we were happy to get to Robben Island and we were with the Namibians, initially. Very comradely people, very warm people, loving people, the SWAPO chaps. And there were also a number of the first ANC people charged and found guilty under the Terrorism Act: Matthew Nxobo, Lungisi and others. Patrick Matenjana, Lawrence Bokhanuka and ya, so we were together for a while. And it was pleasant away from the police. The police don't touch you. You know, I must confess that when I was detained, I was more concerned about the number of breaches I did to my banning order than the Terrorism Act because if they were to pile all those things up you'll get dozens of years

for breaking all those banning orders. So one of the things was that, on the one hand, you could communicate with people. Okay, you missed your family but you were with people. You were able to communicate on a regular basis. And that went on until the prisoners decided that now that they got two lawyers, there was my comrade Vusani. Ranja Vusani was there. I was there. They had two lawyers in their group we used to draft a petition to the prison authorities. So that task fell on me and I drafted the petition, which of course, the prison authorities regarded as treason. And I was hauled up before the prison department and sent to prison for six months isolation.

DS: Is that what you call solitary confinement isolation or is it a different thing?

KH: They haven't got the facilities for solitary confinement. We were all in single cells and we were not supposed to talk to one another, but of course, we merrily just breached that sort of restriction. We just kept on talking. And I was there for six months. Fortunately, we had access to family and they were able to get to the attorneys, lawyers and they made an application to court and they got me released from detention in the – ya, it is called solitary confinement.

DS: So were there any hardship there except being isolated from?

KH: Well look the room is eight feet by seven – seven by eight and again it is a question of half an hour out in the morning, half an hour in the afternoon and then for 23-hours you are in this room. What do you do with yourself? You can slowly start going

mad. It wasn't pleasant at all and one thing I demanded in my application was the right to work, which of course the Namibian comrades didn't understand. They thought that I was betraying them, because when they granted me the right they granted the others the right. They didn't realise that by getting out they are saving themselves from a very unpleasant mental condition. People who are there for long periods of time do suffer severe mental trauma just being alone in the solitary confinement situation. You are entitled to a Bible or a Koran and that is about it.

DS: So while you were in Robben Island were you able to meet Nelson Mandela?

KH: Yes, what happened was after the court case the new-look Red Cross came. There used to be Red Cross in the past that used to come, very docile. They were local people and nobody had any faith in them. Coincidentally, with us getting released the new-look Red Cross came. These were young intellectuals from Switzerland and they were your people who were, par excellence, good negotiators. They came in and they began negotiating for better conditions. And that has been going on – that went on for many years to come. So in prison it self, we could lead a full life. We did many things that we could never have done outside. I learnt to play the classical guitar. I learnt to read music. I learnt to skip properly. You know how the boxers skip, ya, that sort of skipping. [Terror]Lekota taught me how to skip. Yes we were with people like Nelson Mandela, Walter Sisulu, Govan Mbeki, Walter

Mqwaye, Jafta Masimoela, Bukhela – a whole number of them.

DS: Did you engage in discussions or?

KH: Yes we engaged in discussions and engaged in arguments as well. And we engaged in polemics, there were stiff polemics. And one thing I learnt in prison – you can't change anybody there. And for some reason or another people will admit things outside prison, they will concede: "Ya, my organisation is weak here, we did bad, no it was a wrong thing we did," etc. In prison there were no concessions at all. I think, something happens to you in prison where you become extremely rigid, uncompromising, you never concede on anything. And there were extremely unpleasant times that one had to go through. Especially after 1976, when there was influx, a massive influx of young people who had come into prison. Now the rule in prison, previously, was that whilst you are in prison you don't recruit from other organisations. For the sake of harmonious relationships you don't recruit, cross-organisation.

DS: Why was that rule made?

KH: For the sake of harmony between the organisations. Now you are in prison, you come and recruit one of our members; we are not going to like it. The comradeship goes, and we will try and recruit one of yours, you won't like it and it can lead to acrimony. It can lead to bitterness. And so the rule was established; you don't recruit. You can discuss.

DS: Who established that rule?

KH: The political organisations that existed when we got to the Island. Look the largest number of members

on Robben Island were the PAC, their membership was the largest. Then came the ANC, of course. With 1976, there was a massive influx of people. Now so there was this rule. Lekota is not being truthful when he says that on the Island we could recruit one another. That was the rule: no recruiting. And if anybody wanted to join your organisation you say to the person: "You wait until you are released, you can go join outside, not inside here." Now having said that, I must say that thereafter, that rule was really breached in spirit, because when we used to have debates and discussions, you did it for one purpose: to show your organisation is wrong, mine is right. That was the purpose of the debates, and now trouble began when there was this influx of young people who had come in.

DS: Okay, can we pause?

PAUSE IN INTERVIEW

END OF TAPE 1B

RESUMPTION OF INTERVIEW – TAPE 2A

DS: We are back. You were still telling us about the life on Robben Island.

KH: I was discussing the aspect of recruiting from organisations. Now that rule held formally until the influx of the young people after 1976. Now when there was that influx, the ANC then revised the rules. They then said that for the purpose of non-recruitment they recognised the following organisations:

- (1) The African National Congress;
- (2) The Pan Africanist Congress;
- (3) The African Peoples Democratic Union of

Southern Africa.

(4) AZAPO

That is all. So if people belonged to any other organisation they were entitled to recruit and other organisations linked to any of the organisations here as well. Now, most of the youngsters who came into prison, they called themselves ASAZM – Azanian Students Movement and the ANC said those are the people we are entitled to recruit and there was massive recruitment taking place. They didn't even recognise SASO for purposes of non-recruitment.

DS: They also recruited them?

KH: Well they recruited Lekota. Of course, they did it smartly in the sense that they made Lekota first resign or engage in activities that forced the BCM people, the AZAPO people to expel him. Then they recruited him, Lekota. And as the recruitment of the young people went on pretty intensely, now this in turn caused a lot of animosity and anger. They very reason for keeping that rule of non- recruitment, that is harmony was now destroyed. The AZAPO people and the ANC people began engaging in violence and there was one officer in particular, a man called Harding, Captain Harding who went out of his way to give the AZAPO chaps a hard time. What they did, one evening, was they took a number of AZAPO people and put them in a cell where the majority were ANC. And that whole night we heard screaming because the AZAPO chaps were being beaten up by the ANC fellows. That morning Harding went to the D section where quite a few of the AZAPO people were, and he opened the doors,

prison doors and the AZAPO chaps went for him. There was a fellow called Khu Nikani, a short man, but an absolutely ferocious person, and he a group of prisoners went for Harding. And in fact they hurled a spike at him. They just hit Harding on the elbow because they were now retaliating as to what he had done the night before – taken the AZAPO chaps. And in fact, they said that some of the ANC chaps wanted to climb over the fence because they were frightened. AZAPO chaps were angry and that day they called the warders to arm themselves with AK-47's and fortunately the AZAPO chaps had enough leadership sense that when the armed warders came in they were all quietly sitting. They didn't give them any excuse to shoot. And then of course Khu was charged for attempted murder and in the end they took him to Pretoria as a punitive transfer to keep him in isolation there. I don't know what happened to him since. But he was quite a character. In fact, they, at one stage, they threatened, not threatened – they sentenced him to lashes, physical strokes, the cane. And Khu said: "They can kill me. I will never let them do it to me." And we knew Khu he would die rather than take a caning. And fortunately he got an attorney to appear for him and he was acquitted. But the intensity of the recruiting is best exemplified in the case of a young person who came in with the 1976 inflow. I say '76, but actually the inflow came in 1977. '76 is when all the things took place and they began processing and sentencing them in 1977. There was a young man called M-p-u-t-l-e. He regarded himself as AZASM/BCM, and the ANC

wanted to recruit him and there was a massive tug-of-war on this youngster. And in the end, he had a total nervous breakdown and he was sent to hospital, kept in hospital but he was not – his breakdown was almost complete. Somewhere along the line, he choked in his own vomit, and he died. Direct result of this intensive recruiting that took place.

DS: So when recruiting, were they involved maybe in intimidating people?

KH: Well look recruiting only works on – that kind of recruiting works on intimidation. There is no two ways about it. What happened was if they wanted to recruit - say they recruit you. They would surround you with a certain number of people. For the next three or four days there is intensive propaganda. They call it politicisation, we call it brainwashing. Now when you go to the toilet you are accompanied to the toilet. You are not left alone for a moment for anybody to get to you. It is only when they are satisfied that you have come over completely, that you can now have a certain degree of freedom. That was the modus operandi of the recruitment. Very intense. And the rivalry was extremely intense. And, of course, the other fact that needs to be brought out is that the old prisoners, a section of the old prisoners used to engage in homosexual activities. I am talking of political prisoners.

DS: You talk of old prisoners?

KH: Ya, guys who had been there for years, say who were brought in the sixties and things. They used to engage in homosexual activities. Apart from stealing in the kitchen. You know the things you

saw on TV the other day? Ya well, in a small way that happened with political prisoners on the Island. They used to bribe the fellows. When the young fellows came in there was also a dive made to try and get young flesh as it were, for homosexual activities. So it wasn't always a place where people were there only for the cause, and noble and pure and all the rest of it. In many respects it also represented what went on in society outside. Now when this took place we called up a meeting, Bhukela and myself. We met the ANC people; Walter Sisulu and Govan Mbeki and we warned them that you see what is going on here is going to end in bloodshed if you don't put a stop to this. But they discussed the matter; they listened to us, etc. But they just went on and did what they had to do. So by the time I left Robben Island in February 1980, rumours of what was going on, on the Island had already crept out and reached society. And I think people visiting the prisoners, Nelson Mandela and others, they would ask them: "What is this going on here?" So I think, thereafter there was some degree of quietness. By that time also, I think they did complete their recruiting. I think Amos Masondo was one of the people they recruited. The other one was I think Eric Malope.

DS: He was in which organisation?

KH: Supposedly the BCM. The BCM was an umbrella organisation to which were affiliated organisations like AZAPO, AZASM, The Black Parents Association, The Black Journalist Association, Black Writers Association. It was an umbrella body.

So I think he belonged to one of the bodies, and he was part of the BCM.

DS: So while you were on Robben Island, how did your family cope through the situation outside?

KH: My wife completed her pharmacy degree while I was on the Island. I had a legal practice, which I sold my share. I had a partner. I sold my share to my partner, and my partner kept his part of the deal and whenever my family needed money he gave them the money from my share of the price of my share, ya.

DS: Would you like to name your partner?

KH: His name is Morgan Naidoo. He used to be my articled clerk. Very fair, very loyal and he still retained the name. I have got two names, just as I have got two birthdays I have got two names. It is AK Essack, Morgan Naidoo & Company. That is the name of the firm. He insists on keeping the name.

DS: So did you family visit you?

KH: My wife visited me regularly on the Island and I saw my children just after I was arrested, which was a mistake because the moment they saw me they couldn't stop crying. They saw me in prison clothes and I think that was a mistake to haul them in. And all I could show them for my dignity was a pair of very shiny shoes. You know, you have got enough time to just keep on shining your shoes, you see. And then my son came to see me. They wouldn't allow children under sixteen to come and visit you in prison. So just before my release on April 6th my eldest son came to see me. He had passed sixteen.

DS: Why they wouldn't allow children under sixteen?

KH: I think it has got something to do with their understanding of penology in the prison system. They feel that it is traumatic for children to see parents, you know, in prison. Of course, the obvious question then is why not make the environment such that the children will feel at home? But they just wouldn't allow it. Although, when Nelson Mandela's daughter came to see him from Swaziland, the one who married the prince, she came there with her children. And then they gave them a contact visit. So he saw his grandchildren there.

DS: Okay, while you were in prison, did you have a sense of optimism?

KH: Yes. You see, I was sent to prison when I was a grown man, and had been in the political movement for a long time. And you stay in the political movement for a long time because you have the optimism that things are going to work out right. You believe. We call this revolutionary optimism.

DS: Who were your role models in the struggle against the system?

KH: Well, in South Africa there were people like Mr I B Thabata. People like Dr Ghool. People like Mr L L Sizlale, Leo Sizlale. Internationally, there were people like Mao Tse Tung, Lenin, Trosky, Marx, Engels. They were also people like Dusant de Lavoche – I think that is how you pronounce it. He was the great slave leader in Haiti, who fought against the French and defeated them. He defeated French, Britain, anybody who came to Haiti was defeated by Dusant. In the end, he himself was defeated because they tricked him into going to

France. He went there thinking these are honourable people. As soon as he gets there they arrest him and they shove him in a dungeon, neglect him and then he dies. And these are heroes. Spartacus, the great slave leader. All these people are role models.

DS: So what was the hardest about life under oppression?

KH: Look, people in my position, professionals, petit bourgeois, we don't suffer from material needs. We have enough of that. So we don't feel deprivation of that. You feel the political repression, house arrest - when you got to go to a cinema and you're watching the movie and you're also watching the clock and it is quarter to six. You leave halfway, you're dying to know what happened there, you leave halfway and you've got to rush home to beat the ban. Those things. Of course, being a detainee under the Terrorism Act; extremely unpleasant.

DS: After your release how was life?

KH: One thing that happens is, you go to prison and you come out, you are never afraid of going to prison again. I must thank my imprisonment for that. The fear for prison is gone. And you come back a stronger man. I am sure if I hadn't gone to prison I would probably have died of a stroke or something. You go and you learn to take care of yourself in prison. We took good care of ourselves. The food was simple. It was wholesome. This is not a public relations exercise for the prison department. They could have given us much better food. Out of their viciousness they didn't. But what food they gave us although not palatable, it kept us going. We also engaged in physical activities. So I came back far

fitter than when I went into prison. So you come back a totally different person. You come back a stronger person in that sense.

DS: Did you manage to start over in your profession?

KH: No. What they did was whilst I was in prison, they struck me off the roll of attorneys. So when I came out of prison I had to get permission to work in my own office and I made my representation. They wanted to know whether I reformed, etc. And I said: "No, no I am not applying to be admitted as an attorney. I just want to work in that office." And they allowed me to work until 1996, when the Law Society then urged me to make an application for re-admission. They said to me they will not oppose it. And I said to them: "You didn't ask me my permission when you struck me off the roll, why are you now asking me?" I said to them: "You struck me off. You put me back." And they said it can't be done. It has never been done. I said: "You do it." And we worked something out there. I felt that theoretically, notionally, there is no reason why they can't apply for admission if they admit that they did wrong in the first place. So initially, Edwin Cameron was supposed to do my matter, and he was very keen to do it. And then of course, he became judge and then Wim Trengrove took my matter on through Legal Resources and the Law Society made an application to have me reinstated, and I was reinstated in 1996.

DS: Just to go back. How did you feel about the unbanning of all the political organisations in 1990?

KH: Look, the position is that long before 1990 the organisations had in fact unbanned themselves. And

what De Klerk did on that day, was he simply formalised it. In fact 1994, in many respects except one, is not much of an event. Because before 1994, De Klerk was already dismantling apartheid in all sorts of manner of things, he was dismantling apartheid. So when the new government came in you won't find many laws that were repealed, apartheid laws, because De Klerk had in fact done that before that. The important thing is just that people had the right to vote and they exercised their vote. The fascistic measures that were on the statute book were removed. One can today criticise the government. You can say what you want to say about them, you will not go to jail for that. There is a Constitution and there is Rule of Law. So in that sense, it is an historic occasion and there is no denying that. Insofar as the lives of the people are concerned, I can't honestly say there has been much improvement. The class that really benefited is the elite, the petit bourgeois, and they just rocketed and they have gone absolutely crazy with wealth and affluence. They don't know how to handle it. But insofar as the ordinary people are concerned, their position has not improved much. Also, remember that the government was already beginning to do things for the different sections. I am talking about Nationalist Party government. I mean you take Maritzburg for example. Do you know Maritzburg at all?

DS: A little.

KH: Alright. The old location, the Sobantu location, this was built in the forties, good solid brick houses. It is probably about a township for about say 5000

people or so and that was there for many, many years. But once the Nationalist Party began accepting the fact that you can't turn that kind of history back. You can't keep on keeping these people here as temporary sojourners to go back to the rural areas they began setting up townships. Like there is a huge township here called Imbali. This was done in the sixties. Houses there are much bigger than the little dinkie houses that they are doing now. So these things would have happened, maybe at a much slower rate, but they would have been happening all the time. Schools have been built, hospitals have been built. Edendale Hospital is here primarily for the African population and during the time of the Nats it was a premier hospital in this country. The nurses from all over South Africa would want to come and do their nursing here because of the high standard and things like that. So what I am saying is that things like water and things, it didn't start with 1994. And whilst you are talking about water. It is the one area in which the government claimed the greatest credit, yet one must concede here that all the government is doing is to pipe the water. The dams were built already, all the massive dams. I don't think there is a single dam built by the new government. They were here and all they needed to do was to pipe the water and it is eight years gone, and still millions don't have water. That is why you get this cholera epidemic where you have over a 100 000 people being infected with this terrible disease.

DS: Can I just take you back.

KH: Sorry, I am wandering, hey?

DS: Why do you think the National Party agreed on the negotiated settlement?

KH: Alright, let me put it another way to you. The Nationalist Party did not agree to a settlement out of a position of weakness vis-à-vis the ANC. In fact, just to put that in perspective. Of all the liberty movements in the world, where people engage in armed struggle, I think the ANC's performance has been the least effective. If for no other reason than the fact that they were kept in check by the Soviet Union. If one looks at the Soviet policy of spheres of influence, East Europe is a sphere of influence of the Soviet Union. America mustn't interfere. South Africa is a sphere of influence of the West; the Soviet Union must not interfere. So they had been holding back the ANC. The cadres used to go and fight in Angola and here and there, you see, but here it was least effective. So the Nationalist Party negotiated from a position of strength. The reason why they negotiated was because there was tremendous pressure from the West. Now the Nationalist Party had been promising reforms for many years and they wouldn't do it. Then in 1985, I think, P W Botha agreed okay he is going to make a major policy statement. They call it his Rubicon Speech and when he delivered that speech it was a damp squib. In between the time he made his promise and the time he delivered the speech, he had a change of mind, the Nationalist Party had a change of mind and they backed off. Now when they backed off that is when international capital now turned the screw on the ANC. For a start they refused to roll the debts

anymore. In other words: “We want our money now.” The most effective pressure on the ANC came from the international bankers and there were threats that if South African planes landed in overseas airports they would be attached to pay for the interest owed etc. So the biggest pressure came from what we call the Imperialists: Britain, America, Canada, France. Imperialism as such applied pressure on the Nats and that is why the Nats negotiated a constitution they are quite happy with. All sorts of guarantees for property, Bill of Rights, etc. So that is why they negotiated.

DS: Looking back is there anything you would have done differently?

KH: Yes, I would have probably spent more time reading, which I didn't do. I spent a lot of time loafing and arguing aimlessly, and I wish I had time to catch up on my reading.

DS: Okay, just to last comment. Like recently there is an argument that or a rumour that Terreblanche is going to be released and what would you say about that?

KH: No. I think Terreblanche needs to stay there a little longer. And he was a very arrogant man and he was going to be the Hitler of South Africa and he treated African people like dirt, like sub-humans. And he has now been given a taste of prison and he has applied for correctional supervision, etc. depending on which judge it goes to, he may get it. But I don't think he is reformed. He needs to stay a little longer. Not that it is going to reform him, at least it will curb his tongue when he gets out. He will learn at least not to express his racism. At least he will

be able to suppress it, which is, for a start, is a good thing. Because in these matters of racial attitudes and things, the first thing you deal with is behaviour. It is a far easier thing to control. Don't say "coolie." "Okay, I won't say coolie I will say Indian, and think coolie." So behaviour is Indian, you will say Indian but you won't say coolie. With time the attitude will change. Indian, Indian. No Indian, coolie. So, I think he needs to stay in there for some time so that when he gets out he will behave himself.

DS: Okay what would you say about the government's stance on blanket amnesty?

KH: No I will, I am totally against amnesty for political crimes committed, and that is why we were totally opposed to the Truth and Reconciliation Commission. We believe that the Truth and Reconciliation Commission, is in fact, a mechanism to prevent the architects and the practitioners of apartheid to escape. To escape punishment for one of the most heinous crime committed against a section of humanity. In fact we would like these people to be charged under the Nuremberg Trial atmosphere and procedure. We are against – now sorry just to round off this point. One of the things about the Truth and Reconciliation Act, is it effectively denies people the civil right to sue for damages. If the Truth and Reconciliation Act was not there, for my four months in detention, I could have sued them for many thousands of rands. The Truth and Reconciliation Acts forbids victims of apartheid from suing on the fallacy that there is provision under the act for – what is the word they

use? Compensation. Now they say that there are three things of Truth and Reconciliation. Firstly, it is a catharsis where you let out emotions, etc. Secondly, it is a recording for posterity. Thirdly, there is compensation for victims. Now, apart from tombstones and maybe a pittance here and there, there is no compensation at all. The government is not prepared to give proper compensation, which they would have been entitled to had they been able to sue under ordinary civil law. I think one of the persons asked for R3-billion to be given for the victims and the government is not going to do it. They are giving, as I say, bits and pieces. They give you a tombstone. You can't eat a tombstone, I mean. So they cheated the population. We believe that where people have committed crimes they should pay for it.

DS: In closing would you like to say anything?

KH: No, I think the important thing is that one has got to record history as it happened. Truth, more than anything else must be paramount and we must be open about it. We must be candid and say what has to be said. Even though it may offend people, a section of people. But these things, if they are to be recorded for posterity, they must be said as they happened. Thank you.

DS: Thank you again Mr Kader Hassim for your time on behalf of the Documentation Centre of the Durban – Westville.

KH: Thank you.

END OF INTERVIEW

